

THE ORIGIN AND CHARACTER OF THE CONVICTS TRANSPORTED
TO NEW SOUTH WALES AND VAN DIEMEN'S LAND 1787 - 1852

by

L.L. Robson

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This Thesis begins by outlining briefly the history of transportation of convicts from Britain, and legal procedures leading to transportation. Some historians' views of the convict settlers of Australia are then presented, the methodology of sampling described and a summary view of the number of men and women transported given.

Part A of the Thesis concerns the males, examines the number of variables in the enquiry and presents them in tabular form, with some explanation, as the basis of the survey. Variations from this overall view are shown in the cases of the English and Irish-trying men and London felons. Reasons for any differences are suggested. In Chapter III a number of grouped urban and rural counties are analysed and it is explained how and why convicts from certain parts of Britain differed from the overall pattern.

The offences for which the convicts were transported are then analysed, and attention is drawn to the principal forms of theft which accounted for so many convicts making the voyage to Australia. In particular it is noted how men transported for "other larcenies" tended to be young offenders from the cities of Britain. From the circumstances of their apprehension and information gleaned from reports of trials and statements made in Van Diemen's Land, a picture is painted of the origin and character of the convicts, and attention drawn to national differences between English and Irish.

Part B is devoted to a description of the female convicts, and from the circumstances of trials and other particulars it is concluded that, particularly in the early years of transportation to Australia, they were an indifferent group of settlers.

Part C concerns the convicts in Australia. Records of Van Diemen's Land prisoners permit a comprehensive study of convicts' lives whilst they were in the hands of the local Administration but data of a different nature in New South Wales enables analysis and speculation of what part the convicts played in society. Extent of marriage of both male and female convicts is discussed. It is concluded that few prisoners in the period able to be reviewed can be said to have done materially well in New South Wales.

The conclusion of the Thesis sums up the findings of the enquiry by emphasising the age structure of the sample, number of former offences and occupations. It also emphasises the different character of the English and Irish convicts and finally discusses the reasons for the commission of crime leading to transportation.

Notes on Citation and Abbreviation

Reference books cited a first time are described by name of author, complete title, place of publication and date of edition consulted. Subsequent references are by surname of author and shortened title of the work. Ibid. means that the immediately preceding reference work is being again cited. Passim means that references from the work in question are scattered.

Convicts' names are cited in footnotes, with the name of the ship by which the prisoner was transported, the last two figures of the date of its departure (1787-1852) in brackets after the ship's name, and the name of the court and date of conviction. Names of certain British counties and courts are abbreviated (see below). An asterisk (*) after the name of a ship denotes that the convict in question was directed to Van Diemen's Land. All other convicts were sent to New South Wales.

A major difficulty arose in the citation of convicts because of the many sources from which information was gleaned because six pieces of information might come from as many sources, each of them difficult to cite adequately without pages of the text becoming bewildering lines of figures, abbreviations and explanation. Appendix 4 and the Introduction to the Bibliography have been devoted to a discussion of the records.

Irish indents and associated documents seldom listed the name of the court as Assizes or Quarter Sessions, the name of the county only being noted. Footnotes follow this.

In some few instances the records made it impossible to establish the names of certain ships transporting convicts because the Registers did not make it clear which prisoners were on which ships. In these cases, names of all the ships - usually two or three - are given. For the sake of brevity, the large number of ships in the Third Fleet have been abbreviated when it was impossible to find which particular transport carried a certain convict.

Abbreviations and meaning of certain proper nouns are as follows:

Adm. :	Admiralty Papers.
Australia :	New South Wales and Van Diemen's Land.
Britain :	England and Wales, Scotland, Ireland and the isles in the British seas.
C.J. :	Court of Justiciary (Scotland).
C.M. :	Court Martial.
England :	England and Wales.
G.Q.S. :	General Quarter Sessions.
Governor Arthur :	properly Lieutenant-Governor of Van Diemen's Land 1824-36.
Overseas :	any territories outside Britain and the present Commonwealth of Australia.
C.C.C. :	Central Criminal Court.
C.O. :	Colonial Office.
C.S.O. :	Colonial Secretary's Office.
G.O. :	Governor's Office.
G.S. :	General Session.
H.O. :	Home Office.
<u>H.R.A.</u> :	<u>Historical Records of Australia.</u> The Series number is cited first, then the volume number, then the page number, and then the date.
H.M.S.O. :	Her Majesty's Stationery Office.
<u>H.T.G.</u> :	<u>The Hobart Town Gazette.</u>
H.T.Q.S. :	Hobart Town Quarter Sessions.

- H.T.S.C. : Hobart Town Supreme Court.
- L.G.D. : London Gaol Delivery.
- L.Q.S. : Launceston (Van Diemen's Land) Quarter Sessions.
- L.S.C. : Launceston (Van Diemen's Land) Supreme Court.
- M.G.D. : Middlesex Gaol Delivery.
- O.B.S.P. : Old Bailey Sessions Papers.
- O.E.D. : Oxford English Dictionary.
- O.S.C. : Oatlands (Van Diemen's Land) Supreme Court.
- O.T.G.D. : Oyer, Terminer and Gaol Delivery.
- P.P. : (British) Parliamentary Papers. The year of printing of the Paper is first cited, then the number of the Paper (in brackets), then the volume number in Roman numerals and then the page number. If the name of a witness is not noted, then the reference is from the general Report of the Committee.
- Q.S. : Quarter Sessions.
- S.G. : The Sydney Gazette.
- S.P. : Session of Peace.
- T.S.A. : Tasmanian State Archives, Hobart.

Introduction and Methodology

A convenient starting-point for this brief survey of the history of transportation is an Act of the English Parliament in 1717 (4 George I, c. 2). This Act, which noted the great want of servants, provided for the transportation to America of persons convicted of certain felonies. Thus was a new legal punishment created, for prior to the passage through parliament of this legislation, convict transportation had been tied closely to the granting of pardons by Royal Prerogative.

By banishment people had been sent out of England by this means from early times, to be reinstated through the Crown's pardon. Such persons were recorded at Dover in the Middle Ages attempting to reach the Continent, crying, "A passage for the love of God and King!" to free subjects.⁽¹⁾ Transportation was sanctioned in a form by Act of Parliament in 1579 (39 Elizabeth c. 4) by "An Acte for the Punishment of Rogues, Vagabonds and Sturdy Beggars", and formed part of the basis of the Poor Law. In the early seventeenth century undesirables were sent to the galleys, John Knox for example serving at the oars for a time, as did St. Vincent de Paul, but with the coming of galleons and ships which could do without oarsmen, transportation of this sort ceased, though the object of punishment and service to the aggrieved state was accomplished after the American War of Independence by housing criminals on hulks anchored in ports of the Kingdom.

A number of Acts of Parliament in the course of the eighteenth century, "guided by no principle whatever...and utterly destitute of any sort of uniformity"⁽²⁾ made transportation to America common under the provisions of the corner-stone act of 1717. Calculations have been made

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1. George Ives, A History of Penal Methods : criminals, witches, lunatics (London, 1914), p.101, note; hereafter cited as Ives, History of Penal Methods.
 2. J.F. Stephen, A History of the Criminal Law of England, 3 vols. (London, 1883), vol. 1, p.480; hereafter cited as Stephen, History of the Criminal Law.

concerning the total number of persons transported and it appears that certainly 30,000 felons were despatched from Britain during the eighteenth century⁽³⁾. Transportation ceased when the American war commenced and though the Home government endeavoured to resume transportation after the hostilities stopped, it appears that no more than one ship-load of prisoners was landed in the United States. An Act of 1776 (16 George III c. 43) had provided that men sentenced to transportation should be retained on hulks in the Thames pending their being put on ships for the Americas.

The second important Act of Parliament concerning transportation was that of 1779 (19 George III c. 74) by which the courts were enabled to order transportation to any place beyond the seas since "the Punishment of Felons, and other Offenders, by Transportation to his Majesty's Colonies and Plantations in America, is attended with many Difficulties", and five years later it was enacted (24 George III, Sess. 2, c. 56) that the Crown could appoint places to which felons might be sent. It was under the provisions of these pieces of legislation that convicts were first sent to Australia⁽⁴⁾.

Who were the prospective convicts? It would be commonplace to remark that to qualify for transportation, a man must have been convicted by due process of law, but one or two men claimed in New South Wales that they had been transported from Ireland at the turn of the century without a trial. Because of the troubled state of the country at that time, this need not be doubted but noticed only as a curious,

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3. A.E. Smith, Colonists in Bondage : White Servitude and Convict Labor in America 1607-1776 (Williamsburg, Va., 1947), chapter V; hereafter cited as Smith, Colonists in Bondage.
 4. Such a short discussion of transportation does less than justice to the subject, but for further and more detailed accounts, see also William Holdsworth, History of the English Law, 14 vols., (London 1932-52), vol. XI, pp.570-5; hereafter cited as Holdsworth, History of English Law; Leon Radzinowicz, A History of the English Criminal Law and its Administration from 1750, 3 vols., (London, 1948-56), vol. I, pp.105-10; hereafter cited as Radzinowicz, History of English Criminal Law; Eris O'Brien, The Foundation of Australia (1786-1800) : a study in English Criminal practice and penal colonization in the eighteenth century (Sydney, 1950), Part I; hereafter cited as O'Brien, Foundation of Australia.

belated and very unusual form of banishment. Not a punishment by summary magisterial jurisdiction, transportation was awarded by courts of Quarter Sessions and Assizes, though a handful of men were transported by courts martial and a few by special Commissions, such as that established after the 1830 agrarian outrages in southern England. But by and large, only the Assizes and Quarter Sessions transported convicts to Australia. It is beyond the purpose of a brief introductory note such as this to examine closely the workings of the criminal law, the function and efficiency of the police and procedures in court, but generally speaking, although the law and its administration was changed, most convicts sent out to New South Wales and Van Diemen's Land were convicted under procedures which did not differ in a fundamental way from those of to-day.

Allowing for some changes in the law and efficiency of the police, then, a prospective Australian settler would appear in the following circumstances : a man going from his business in London towards home along the Strand paused to look into a shop. A moment or two later, he missed his watch, looked around and pursued a youth whom he thought had purloined it, or else called the attention of a constable or neighbours to him. Upon being caught, the youth was taken before a magistrate and formally charged at the wish of the injured party. If the magistrate considered there was enough evidence, he would be detained for trial at the Old Bailey. Otherwise, the culprit might be convicted summarily by the Justice sitting alone to a period in the House of Correction. If the prisoner's case was to be tried at the Old Bailey, he would be cast into gaol to await trial. Whether he should appear before the superior court depended on the circumstances of the theft, whether the magistrate or police recognised the offender as one who had been before them previously and, fundamentally, on the willingness of the

prosecutor to carry the case forward. When tried, and if proved guilty, the pickpocket might be awarded a prison sentence or might be sentenced to transportation, or might be sentenced to death which was subsequently and usually commuted to transportation. The prisoner was then despatched to a hulk, at Sheerness, from where he might or might not make the journey out to Australia. What evidence there is suggests that former offences and character played a large part in the decision whether or not to transport to a penal colony. (See pp. 51, 84). There is ample evidence that imprisonment during most of the transportation period appeared calculated only to acquaint offenders with other criminals and other ways of committing depredations.

If it were decided to transport this convict, he was put on board a vessel for Australia along with about 200 other men. Men and women were placed together on convict ships to Australia for the last time in 1815, though the practice had been rare after 1805.

The law changed during the transportation period. Did this have any effect on the origin of the convicts? To answer this, the course of reform must be examined, especially reform in laws concerning larceny which was by far the most common offence for which men were transported.

Statute laws passed in the eighteenth century were guided by little principle other than the personal views of the particular Member of Parliament who had suffered at the hands of criminal depredators and therefore wished to deter and punish by awarding a heavy penalty for a repetition of the offence. There were hundreds of offences for which a man might be sentenced to death or have that punishment commuted to transportation, and the letter of the law was extremely severe. Reformers of the law had little notice taken of

them till well into the nineteenth century, and certainly till the end of the struggle with France. In 1818, a Parliamentary Committee of Enquiry was established, largely as a result of work by Mackintosh and Buxton, and earlier Sir S. Romilly. This Committee recommended three steps: the repeal of obsolete statutes, reduction of punishment of certain types of larceny to transportation or sentences of imprisonment, and punishment by transportation for forgery. Such was the opposition in Parliament that very little reform was accomplished. The Peel reforms, though principally a consolidation of the statutes scattered in such extraordinary carelessness across the Statute Book, did include alleviation of felony's punishment to seven years transportation or a gaol sentence, as well as abolition of the distinction between grand and petty larceny, and abolition of capital punishment for certain forms of larceny.

After Peel's time, his acts were progressively revised, Lord Auckland succeeding in abolishing the death penalty for coinage offences in 1832, and William Ewart repealing capital punishment for animal stealing and for stealing in a dwelling-house to the value of £5, in the same year. The following year, changes were made in punishments for housebreaking and housebreaking with larceny, capital punishment being replaced by transportation⁽⁵⁾. In short, the letter of the law came closer to the manner of its administration. A mere recital of transportable offences, as will be shown, gives a false picture of the crimes for which men were sent out to Australia.

What was the effect of these and subsequent changes on transportation to Australia? Very little. All these changes meant was that men who previously ran a risk of being hanged were now transported, and that men who were before likely to be transported, might escape with gaol

5. Radzinowicz, History of English Criminal Law, vol. 1, sections 17-18.

sentences. The important thing to emphasise is that the types of offences for which men were transported altered scarcely at all. This could be summed up by saying that a man found guilty of stealing money in (say) 1790, might be hanged, though he would probably be transported for life, whereas the same man in (say) 1840 would be awarded seven years transportation, or perhaps a period in gaol.

Such judgements as have been made by historians on the origin and character of the convicts transported to Australia show sharp disagreement, although the popular image of a man transported for life because he stole a loaf of bread to help feed his starving family, has fairly wide currency. Three appraisals of the convicts illustrate the different interpretations and approaches.

Professor G.A. Wood defends the convict pioneers, and echoes the Hammonds passionate championship of the village Hampden torn his from native heath by harsh landed-class legislation for trivial crimes committed from economic necessity, flung across the world, and now sleeping on the shores of Botany Bay, happily for that settlement. He declares that convicts were sent to New South Wales by the aristocracy because the convict disturbed the upper class, and he asks dramatically whether the bishops and politicians who sent these men out to Australia were any better than their victims. Indeed, Wood decides that the criminals stayed in England and that "innocent and manly" convicts laid the foundations of the Australian democracy⁽⁶⁾.

Wood places great stress on the victimisation of the convicts, and it is against this point that A.G.L. Shaw inveighed in 1953. He counts up the well-known shipments of political convicts and reaches a total fewer than 1,000 out of 150,000. The political offenders were therefore relatively few in number, remarks Shaw, and in any case

6. G.A. Wood, "Convicts", Royal Australian Historical Society, Journal and Proceedings, vol. 8 part 4, 1922. See also note 1, Chapter 1.

seldom remained in the land of their exile. He concludes that convicts were mostly thieves from the slums of the cities and were "habitually addicted to pilfering".⁽⁷⁾

Professor C.M.H. Clark provides the nearest approach to an objective statistical analysis of the characteristics of the men and women who arrived during the transportation years. Dissatisfied with previous generalisations, Professor Clark emphasises the dangers of regarding the dramatic highlight as representative of the whole convict system, and takes as a sample of the convict settlers various New South Wales shiploads between 1813 and 1840, using the particulars given in the indents. From this tabulation, he makes some broad conclusions (a) theft was the principal crime for which convicts were transported; (b) the felony came almost entirely from the working classes; (c) there was a low percentage of agricultural labourers and a high percentage of town workers; (d) there were very few Scots; (e) young men and women predominated. After 1826 the writer says, between a quarter and a third were second offenders⁽⁸⁾.

All three opinions above point to one method of answering the question of the origin of the prisoners transported to Australia, and that method is the use of a sampling technique, a novel instrument in historical research which must therefore be described in some detail.

It is clear that the quantitative truth of the origin of the convicts could be established by listing all the prisoners ever put on ships for Australia and then counting them up. Assuming that the particulars were recorded, it could be stated then that a certain proportion were old men, a certain proportion murderers, and so on.

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7. Article by A.G.L. Shaw, The Sydney Morning Herald, 29.6.53; see also his "The British Criminal and Transportation", Tasmanian Historical Research Association, Papers and Proceedings, vol. 2, no. 2, March 1953.
 8. M. Clark, "The Origins of the Convicts Transported to Eastern Australia 1787-1852", Historical Studies, Australia and New Zealand, vol. 7, nos. 26-7, May and November, 1956.

Such a task of recording would present great practical difficulties on the one hand and would be extremely tedious and laborious on the other, and therefore some sort of sample of the whole needs to be drawn, that sample to be selected objectively. Such a statistical sample is not a specific that can conclusively prove or disprove anything, but it can enable probabilities to be adduced. Distrust of statistical analysis of observable data is a feeling expressed by the saying that "statistics can prove anything". This feeling has no logical basis and demonstrates only an ignorance of statistical methods. Such analysis employed as an instrument to extract the data available on a sample of the convict intake to the Australian colonies is, providing the sample chosen is a random one, necessarily objective because nothing but chance has chosen the units to be discussed and analysed. In an attempt to discover the truth of the origins of the convicts, then, intuitive reasoning cannot be defended when objective methods are at hand. Historians have tended either to come into possession of an hypothesis and find cases to "prove" its validity, or else inspected the material, picked out what suited their purpose and then concluded that the pieces examined were representative of the whole. The latter technique may result in partly-true conclusions and the first may stimulate rewarding speculations. But this is not enough in the case of the men and women transported to the Australian colonies, and it is not enough if only because there exists adequate material and a valid methodology to come to a more satisfactory conclusion. In any case, it may be argued with some strength that nearly all our knowledge derived by induction and analogy is fundamentally the result of an assessment of probabilities⁽⁹⁾. When confronted with data on over 150,000 convicts, it is difficult to know what other instrument than

9. Pierre Simon, Marquis de Laplace, A Philosophical Essay on Probabilities, trans. Truscott and Emory (New York, 1951, p.1).

statistical analysis can be used to answer sensibly the question of who were the convicts.

A sample of the sort suggested must be taken from all the men and women transported, and not from a list which excludes some. Such omissions will very likely result in conclusions being biased, the degree of bias becoming more grave according to the numbers omitted from the original "population". Such exclusion would be not of much importance if it could be proved very small, but there is always a reason for certain units not appearing in the records from which sampling is conducted and that reason may be an important one. It is conceivable, for example, in the case of the convicts, that the researcher would assume that shipping lists or indentures transmitted to the colonies included the names of all prisoners leaving Britain, whereas it may be that the Irish convicts were not represented at all in those registers. Again, it may be possible to be sure that all felons sent out from England and Ireland are accounted for but to be unaware that some came from such places as India and Mauritius directly to Australia, in which case a unique group landed on colonial soil has been omitted. The higher the degree of omission, the more likely it is that the investigator will come to a conclusion that is only partly true, though it is possible that he will by chance secure a representative sample from an incomplete "population". If the people left off his sampling list are large in number, this is unlikely.

Australia is possibly the only nation in the world for which there exists a comprehensive record of a large proportion of the people arriving from the time of first European settlement and, because New South Wales and Van Diemen's Land were administered virtually as gaols in the first years of their settlement, it is not surprising that dossiers of one sort or another formed a large proportion of records and that convict

administration occupied much of the attention of the early governors⁽¹⁰⁾.

It has been stressed that to be effective sampling demands some such "population" lists which are complete. The principal documents are in the Public Record Office, London, among the Home Office papers⁽¹¹⁾. These records, which are the Transportation Registers, list the name of the convict, place and date of conviction, and period for which transported, and are apparently complete except in the case of the felons on the First Fleet which left England in 1787. Fortunately there is in the Home Office records a list of prisoners on that fleet⁽¹²⁾. Although it has been claimed that this is not complete, the numbers alleged to be missing are no more than 20⁽¹³⁾.

The completeness of these registers was checked in several ways. The main one was through the despatches of the various governors of the colonies, the chief executives noting the arrival of convict vessels and the numbers on board them. These records, allowing for deaths on the way out⁽¹⁴⁾, agree with the Home Office lists very closely in some of the early years, and exactly in the great majority of cases. Secondly, examination of the Blue Books disclosed a high degree of agreement, and thirdly, a publication lists all convict vessels from Britain with the details of numbers⁽¹⁵⁾.

10. For the nature of the documents transmitted, see Appendix 4.

11. H.O. 11. Most relevant documents have been micro-filmed.

12. H.O. 10/6 and 10/7.

13. Watkin Tench (ed. L.F. Fitzhardinge), Sydney's First Four Years (Sydney, 1961), note 4, pp. 83-4; hereafter cited as Tench, Sydney's First Four Years.

14. It must be stressed that the sample was of convicts leaving Britain.

15. Charles Bateson, The Convict Ships (Glasgow, 1959), appendices 1-6; hereafter cited as Bateson, The Convict Ships. Numbers embarked prior to 1800 are incorporated in the text. See also O'Brien, Foundation of Australia, p.287.

This list agrees also very closely with the Home Office documents.

It is unfortunate for the purposes of this enquiry into the origins of the convicts that the Transportation Registers do not include those vessels departing from Ireland, and it is doubly unfortunate that during the uprising of 1922 the insurgents destroyed a quantity of records, among them the convict records for the period prior to 1837. However, names of convicts and some particulars were despatched to the colonies, usually but not always with the ship in question, and nearly all reached Australia, though sometimes very late. There are lists of one sort and another for all the ships leaving Ireland except one to New South Wales, the Friendship (99)⁽¹⁶⁾. A partly-complete list of men on this ship was compiled from later musters for the purpose of sampling.

Thus there are two sets of records which account for nearly all the convict ships viz. H.O. 11 and the indentures and associated papers transmitted. On the basis of these it was possible to secure a "population" which included or made allowance for all convicts despatched from Britain to Australia. For all convicts there was available name, place and date of trial and period for which transported. From other sources in Australia it was possible to add to this framework, in many cases,⁽¹⁷⁾ other details such as offence, age, religion, marital status, native place, occupation, former offences and, in some cases, qualitative comments by gaol, hulk or ship officials. These factors form the variables in this analysis.

Over and above the ships from England and Ireland there were a number of prisoners brought to Australia from British

16. Figures in brackets after the name of a ship refer to the year of departure. Australian records refer to ships by date of arrival.

17. For how many, see chapter I.

overseas possessions, or men convicted by courts martial while serving abroad. Some of these men came in small numbers on merchant vessels and do not appear on the records so far mentioned⁽¹⁸⁾. Documents transmitted with them, and other sources of information, are intricate, in the case of New South Wales but in Van Diemen's Land a consolidated register of all arrivals was kept. Sampling was conducted from this.

Criterion for admission to the sampling list was a prisoner's presence on board a ship when it left the port of origin. These ports included all those outside the present-day boundaries of the Commonwealth of Australia. Men transported within Australia e.g. from South Australia to Van Diemen's Land, were omitted, because if they arrived free, then they were outside the frame of reference of the sample, and if they had arrived bond, then they had already been on an original transport which had been sampled. Thus men pardoned at the last minute or taken off the convict vessels for health reasons or any other reason, were omitted. Convicts who died on the way to Australia, or were on board vessels that were captured or sunk or otherwise prevented from reaching their destination, were still included in the sample "population" : having left the port of origin they were presumed to be part of the convict numbers destined for the Antipodes. That they should not get there was not the intention of the Home government.

In order to simplify sampling, a systematic sample of every 20th convict was undertaken. This form of sampling is different from a random sample in that the latter is tantamount to putting the numbers 1 to 150,000 (or whatever the total "population" is) into a container and then drawing

18. Some soldiers and native inhabitants of British possessions were shipped from their place of trial to England and sent on with convicts tried at home.

out 1/20 of them as in a lottery, it having been decided that five per cent of the total was enough to be able to handle and analyse. However, because such random sampling supposes that the units are all numbered consecutively and because the prisoners were not so identified in a running series, it was decided to take every 20th convict from a total list based on H.O. 11 and the indentures and associated documents.

It might be supposed that selecting every 20th unit from a total of about 150,000 could not help but be tantamount to a random sample, but this will not be so if there is throughout a regularity about the data. In the present case, H.O. 11 and the other sources of convicts' names were so organised that each ship, or groups of ships in a few cases in the eighteenth century, had a section to itself, convicts being enumerated not in alphabetical order but in order of county of conviction. Thus men convicted in Bedfordshire were followed by those from Berkshire and so on through to Scottish prisoners, who were listed last, and to any court martial cases which completed the register of names. If it could be shown that there was a regular number from each county and that each ship carried the same number of prisoners, then systematic sampling could conceivably be unsatisfactory in that it might select in a biased way, though such bias in the case here discussed is unlikely because of the large numbers involved. In fact, the numbers of each ship varied and the numbers convicted in the counties were also different. Therefore, by selecting a random starting number between one and 20, sampling could be carried forward with the assurance that it was equivalent to a random sample.

The data was recorded on a punched card especially designed for the purpose⁽¹⁹⁾. When it seemed that sources of relevant

19. See envelope inside back cover for the punched card used in the survey.

information were all known, sampling began with the First Fleet and proceeded through to the last vessel to leave for Van Diemen's Land, the St. Vincent (52). From various sources, the variables of the survey were completed as far as possible, and then coded on to the punched cards which were then counted and totals drawn up for the categories distinguished. Since the sampling technique is essentially a quantitative one at this level, an instrument to point out profitable avenues of research, such a method of recording data is satisfactory. It is possible and desirable to supplement the raw data with qualitative material, and little of this was allowed to go unnoticed. It must be stressed that such quantitative research and construction of the framework of the origin of the convicts on such a basis, together with tabulation of its results, may be regarded as adequate in some circumstances, but not as a rule in historical work.

One of the difficulties in writing this account of the origin of the convicts arises from the use of sampling technique. This methodology, unusual in an historical framework, has its own specialised terminology, and thus the reader accustomed to historical narration and analysis could find himself not only baffled but misled. Every effort has been made to overcome this difficulty and Appendix I has been devoted to a discussion and explanation of the statistical technique employed, and especially to how and why the term "significant" is used throughout this survey.

But it will first be of value to set the scene for the survey by presenting a summary view of the number of convicts transported and period of time during which they were despatched to Australia. Convicts sent out to the two colonies

did not arrive in a perfectly regular stream. New South Wales was the only place to which prisoners were sent until 1803, when a shipload brought to Port Phillip in H.M.S. Calcutta (03) was transferred to the Derwent in Van Diemen's Land. Transportation to the mother colony ceased in 1840, though a few military prisoners were landed there until 1842, and the last convict vessel from Britain for Van Diemen's Land left in 1852. How many convicts were sent to Australia?

The 1812 Committee on Transportation printed in its Report a total of convicts landed in New South Wales from 1795 to 1810⁽²⁰⁾ and the 1837 Committee on Transportation also listed totals⁽²¹⁾. Bateson's The Convict Ships gives an evidently exhaustive list of numbers of felons sent to Australia and these three sources, together with the sample totals, are set out in Table O.i. (Because the sample was a consecutive one of five per cent, it is permissible to multiply sample totals by 20 and arrive at a figure very close to the true one if the original sample population was complete).

The 1821 figures are not complete enough to be of much use and it will be observed that the 1837 figures appear very much astray from 1814 onwards when compared with Bateson's figures and those of the sample, which agree closely. The 1837 figures are probably incorrect because of omission of the Irish, not noted on the Transportation Registers.

Adding them in results in the following totals:

	Bateson			Sample		
	Males	Females	TOTAL	Males	Females	TOTAL
1810-19	11,650	1,934	13,584	10,900	1,920	12,820
1820-29	19,608	2,348	21,956	19,280	2,500	21,780
1830-39	26,714	4,947	31,661	27,460	5,000	32,460

20. P.P., Report of the Select Committee on Transportation 1812 (341) II, p.689.

21. P.P., Report of the Select Committee on Transportation 1837-8 (669) XXII, p.376.

1837 Committee

Males	Females	TOTAL
11,612	1,896	13,508
19,200	2,814	22,014
24,163	4,474	28,637

Allowing for the omission of the last three years of transportation, we can see that the three sources agree fairly closely. Internal discrepancies are to be explained by conflicting totals on some ships, the division of convicts between New South Wales and Van Diemen's Land before 1825 and by inclusion in the sample of small numbers of military and colonial convicts who did not arrive on regular convict vessels.

Two official Returns will be used to compare the number of convicts sent to Van Diemen's Land to the sample total. One is printed in the Report of the 1837 Committee, and the other is a Return of 1851⁽²²⁾. These totals, together with the computed totals from Bateson's book, are in Table O.ii.

TABLE O.i

Number of Convicts Transported to N.S.W. according to grouped years of departure

(a)

	<u>1812 Committee</u>			<u>1837 Committee</u>		
	Males	Females	TOTAL	Males	Females	TOTAL
1787-89				1,178	345	1,523
1790-94				2,471	399	2,870
1795-99	1,629	388	2,017	915	251	1,166
1800-04	1,412	407	1,819	1,743	450	2,193
1805-09	1,100	724	1,824	864	502	1,366
1810-14	539	140	679 ^(a)	2,300	737	3,037
1815-19				6,252	579	6,831
1820-24				5,023	549	5,572
1825-29				6,857	925	7,782
1830-34				9,994	1,357	11,351
1835-39				5,909	697	6,606 ^(b)
				<u>43,506</u>	<u>6,791</u>	<u>50,297</u>

(22) ibid.; P.P., Return of Convicts who Arrived in Van Diemen's Land 1.1.23-31.12.50. 1851 (684) XLVI, p.3, p.14.

(b)

	<u>Bateson</u>			<u>Sample</u>		
	Males	Females	TOTAL	Males	Females	TOTAL
1787-89	593	417	1,010	700	320	1,020
1790-94	3,891	526	4,417	4,020	600	4,620
1795-99	1,244	418	1,662	1,300	400	1,700
1800-04	1,844	452	2,296	2,100	640	2,740
1805-09	1,123	611	1,734	1,120	640	1,760
1810-14	3,131	891	4,022	2,800	920	3,720
1815-19	8,519	1,043	9,562	8,100	1,000	9,100
1820-24	8,196	684	8,880	8,400	680	9,080
1825-29	11,412	1,664	13,076	10,880	1,820	12,700
1830-34	14,888	2,351	17,239	14,600	2,380	16,980
1835-39	11,826	2,596	14,422	12,860	2,620	15,480
1840-42	1,221	463	1,684	1,100	440	1,540
	<u>67,888</u>	<u>12,116</u>	<u>80,004</u>	<u>67,980</u>	<u>12,460</u>	<u>80,440</u>

(a) en route

(b) 1835-37 only

TABLE O.ii

Number of Convicts Transported to V.D.L. according to grouped years of departure

(a)

	<u>1837 Committee</u>			<u>1851 Return</u>		
	Males	Females	TOTAL	Males	Females	TOTAL
1803						
1805-09						
1810-14						
1815-19	1,460		1,460 ^(a)			
1820-24	4,478	256	4,734	1,596	167	1,763 ^(c)
1825-29	4,244	734	4,978	4,066	736	4,802
1830-34	9,184	1,269	10,453	8,832	1,185	9,017
1835-39	5,419	715	6,134 ^(b)	8,955	1,315	10,270
1840-44				16,067	2,999	19,066
1845-49				6,884	2,607	9,491
1850-52				2,087	807	2,894

(b)

	<u>Bateson</u>			<u>Sample</u>		
	Males	Females	TOTAL	Males	Females	TOTAL
1803	307		307	260		260
1805-09						
1810-14	200		200	200		200
1815-19	1,110		1,110	2,140		2,140
1820-24	4,048	419	4,467	4,480	480	4,960
1825-29	4,334	921	5,255	4,220	820	5,040
1830-34	9,191	1,267	10,458	9,200	1,220	10,420
1835-39	8,677	1,334	10,011	8,200	1,320	9,520
1840-44	14,116	2,957	17,073	14,780	2,980	17,760
1845-49	4,783	3,423	8,206	4,900	3,420	8,320
1850-52	6,133	2,246	8,379	6,260	2,260	8,520
	<u>52,899</u>	<u>12,567</u>	<u>65,466</u>	<u>54,640</u>	<u>12,500</u>	<u>67,140</u>

(a) 1817-19 only

(c) 1823-4 only

(b) 1835-37 only

(d) only. Arrived July-Dec. 1850: 1,413 males, 198 females = 1,611.

Again it will be seen that the official returns are of little use for comparative purposes, though there do not appear the serious differences which exist in the case of New South Wales totals. Bateson's totals and the sample agree closely. The discrepancy in the period 1815-19 and 1820-24 can be explained by the division of convicts between the two colonies. Men who were sent on directly to Van Diemen's Land from Sydney after arriving from Britain were sampled as Van Diemen's Land convicts, though not sent straight to that colony.

But the main conclusion from these Tables is that, according to the exhaustive work done by Bateson on the number of convicts, the sample totals are not seriously astray unless it is held that the official Returns are correct. They are demonstrably false in the case of the eighteenth century⁽²³⁾ and there seems no doubt that the ones cited were also incorrect later on.

According to the sample, then, the total number of convicts sent to both colonies was 122,620 males and 24,960 females. To this total of 147,580 should be added some other prisoners if we wish to compute the grand total of felons sent to all the colonies of Australia at all times. Thus, by the addition of 9,680 men sent to West Australia, 1,100 sent to New South Wales as "exiles" in 1849, and 4,580 despatched directly to Norfolk Island, Port Phillip and Moreton Bay, the final total of convicts reached is that of 164,800, of which only 24,960 were women.

Other estimates of the total number of convicts were made. For instance, Henry Melville in 1851 put the true number as "47,092 males and 7,491 females" transported to

23. For a discussion of the totals up to 1800, see O'Brien, Foundation of Australia, Appendix B, p. 279 ff.

Australia in the years from 1788 to 1843 and Alexander Marjoribanks remarked that "about 100,000" prisoners had been transported from 1788 to 1840. Another writer, Braim, computed the total number of males sent to New South Wales as 51,082 and females 8,706 during the transportation era, and Mundy claimed that "not less than 60,000 had been introduced and diffused through these colonies"⁽²⁴⁾. Other writers give various grand totals, some wildly inaccurate, or calculate totals per year, but in most cases it is impossible to know whether the writer is referring to all convicts sent to Australia, all convicts sent to New South Wales alone or Van Diemen's Land alone, or whether women are included in the totals. No evidence has been found that a careful official calculation of all convicts sent was ever made.

24. Henry Melville, The Present State of Australia, including New South Wales, Western Australia, South Australia, Victoria and New Zealand, with practical hints on emigration : to which are added the land regulations and description of the aborigines and their habits. (London, 1851), p. 87; hereafter cited as Melville, Present State of Australia.

Alexander Marjoribanks, Travels in New South Wales (London, 1847), pp.109-10; hereafter cited as Marjoribanks, Travels.

T.H. Braim, A History of New South Wales, 2 vols. (London, 1846), vol. II, pp.121-2; hereafter cited as Braim, History of N.S.W.

G.C. Mundy, Our Antipodes, or Residence and Rambles in the Australian Colonies (London, 1855), p.44; hereafter cited as Mundy, Our Antipodes.

CONTENTS

PART A

The Male Convicts in Britain

CHAPTER I

The Framework of the Enquiry

"The village Hampdens of that generation sleep by the shores of Botany Bay"⁽¹⁾

"Idiots, madmen and cripples, with boys, ignorant clerks and weakly idle pickpockets, constitute a considerable proportion of every importation of convicts".⁽²⁾

.....

Attention will be directed for the most part to the place of origin of the felons and to the offences for which they were transported, but a general outline of the characteristics of the convicts will be presented first. This will serve as a basis from which to judge subsequent variations.

Total numbers have been discussed together with the years of arrival and it must now be stressed that figures cited will be those of the sample total, and not complete totals.

From where did the convicts come? The answer to this is, in the great majority of cases from England and Ireland, though some ships brought such people as Indians and inhabitants of Mauritius and the West Indies. On the basis of the country of trial it is possible to estimate the nationality of the convicts.

TABLE I.i.

<u>Male Sample : Countries of Trial</u>	
<u>Country of Trial</u>	<u>Total</u>
England	4,331
Ireland	1,355
Scotland	275
Overseas	140
No response	30
	<u>6,131</u>

This Table is not enough to permit a highly accurate picture of the countries of birth to be drawn, because all convicts were not tried in the country they were born in. A number of Irish-born were convicted in England, so great

1. J.L. & B. Hammond, The Village Labourer 1760-1832 : a study in the government of England before the Reform Bill (London, 1913), p. 239; hereafter cited as Hammond, The Village Labourer.

2. T.S.A., Arthur to Murray 10.2.29, G.O. 10 no. 3566.

was the population movement, seasonal and permanent, across the Irish sea. One way of discovering this is to notice the entries of the convict records and associated documents under "Native Place".

TABLE I. ii

Male Sample : Native Place

<u>Native Place</u>	<u>Total</u>
England	3,462
Ireland	1,389
Scotland	247
Overseas	63
No response	<u>970</u>
	<u>6,131</u>

There is no certain way of knowing the native place when it is not recorded, but in some cases the cause of non-response was not the lack of an entry, but inability to find which county it was in. Probably the name of the village or town was recorded incorrectly. Another difficulty was that names of some towns, especially those in England, occurred in more than one county. In both these events the data was regarded as non-response. In the case of New South Wales, nearly all non-response occurred in the period before 1810, after which date the records were more comprehensive than before, and it seemed reasonable to assume that the relatively few convicts transported in this period were not a-typical. In the case of Van Diemen's Land, nearly all non-response was before 1840 and because scarcely any Irish arrived before 1840 (only 15 in the sample), it appeared reasonable to allot 90 per cent of these prisoners native places in England. In short, there is no serious evidence of a-typicality.

To sum up: whether nationality is derived from country of trial or country of birth, irrespective of how long the convict had been away from his native home, the majority of convicts were English but some Irish-born were tried in England. Why New South Wales received three-quarters of all Irishmen who were transported is a question that will be discussed at a later point. (See Appendix 5).

So far the numbers of convicts coming to Australia and their nationalities have been determined. Why were they sent out? Table I.iii supplies at least a solid basis for speculation and at most a final answer in terms of offences.

TABLE I.iii

Male Sample : Offences

<u>Type of Offence</u>	<u>Total</u>
<u>1. Offences of a public nature</u>	
(a) Coining. Uttering	121
(b) Ribbonism. Whiteboys. Combination	37
(c) Riot	31
(d) Treason. Sediton	17
(e) Perjury	14
(f) Sacrilege	11
(g) Bigamy	10
(h) Smuggling	4
	<u>245</u>
<u>2. Offences against the person</u>	
(a) Murder. Manslaughter	81
(b) Assault (other than specified)	80
(c) Rape	25
(d) Other sexual offences	3
	<u>189</u>
<u>3. Offences against property</u>	
(a) Larceny (other than specified)	2,117
(b) Burglary. Housebreaking	907
(c) Theft of animal or fowl (not poaching)	813
(d) Robbery (so designated)	402
(e) Theft of wearing apparel	379
(f) Receiving	97
(g) Robbery with violence	68
(h) Wilful destruction	49
(i) Stealing by a trick	41
(j) Forgery	35
(k) Embezzlement	34
(l) Poaching	23
	<u>4,965</u>

Table I.iii cont'd.

4. <u>Military offences</u>	
(a) Insubordination. Breach of Articles of War	155
	<u>155</u>
5. <u>Other offences</u>	
(a) Theft, habit and repute; theft and former conviction	94
(b) Vagrancy. Appearing armed. Kidnapping	53
(c) Threatening letter. Compelling to quit	12
	<u>159</u>
6. <u>No response</u>	418
	<u>418</u>
	<u>6,131</u>

This Table indicates that a large proportion of convict men were transported for the various forms of theft, and especially that designated "other larcenies", that is, such forms of theft as pocket-picking, stealing in a dwelling-house, and "larceny" with no other explanation of the circumstances (3).

Most of the offences need no explanation and will be discussed in detail in later chapters. However, a few call for comment. For instance, "Ribbonism" and "Whiteboyism" were names given to those offences committed through membership of the Ribbon-men and Whiteboys, proscribed Irish organisations pledged to prevention of eviction of tenants. Transmission of threatening letters or the posting of threatening notices was another Irish offence caused by the struggle to hold or gain a piece of land in the face of a great deal of sub-letting and eviction. Here is an example of a threatening notice:

Ther is one fomily in this town that has not taken mornig by my last notise, but this is to let them now that if the works any more in that land of Armstrongs, or sets potatoes any more, or buys hay, or has any dalings in any one way with him or his, let them look up at ther last starting post - Tomy Downshire.

(3) In the whole sample, 232 men were transported for "larceny".

The "last starting post" was a sketch on the notice of the gallows with a body hanging⁽⁴⁾.

"Compelling to quit" was another Irish offence caused sometimes by feuds dating back years but generally by the pressure on arable land. "Theft, habit and repute" was an offence causing the transportation of a number of men tried in Scotland, in particular. "Appearing armed" was also an Irish offence linked with "compelling to quit" and "assaulting habitations". The sequence of events was the transmission of a threatening letter or notice, and if this did not succeed in intimidating the party concerned, the other persons would appear armed, compel the offending tenant to quit by threats and finally, if necessary, knock his house down.

The list of offences shows that to consider poaching as a common direct cause of transportation is a sheer absurdity.

TABLE I. iv.

Male Sample : The Periods of Transportation

<u>Period of transportation</u>	<u>Total</u>
7 years	3,141
10 years	441
14 years	711
15 years	147
Other	25
Life	1,632
No response	<u>34</u>
	6,131

The periods of transportation set out above will be passed over till some meaningful associations between offence and sentence is pointed out. Those transported for "other" periods of time to Australia included one individual sent out for five years. The remaining persons were sentenced to such periods as 20 years, 21 years and 17 years.

(4) P.P., Report on the Occupation of Land in Ireland 1845
(657)XXI, p. 864: evidence of William Armstrong.

TABLE I. v.Male Sample : Age structure

<u>Age group</u>	<u>Total</u>
10-14	76
15-19	1,117
20-24	1,934
25-29	1,085
30-34	554
35-39	328
40-44	211
45-49	119
50-54	77
55-59	38
60-64	22
65-69	3
70-74	4
No response	563
	<u>6,131</u>

Age of the convicts in the sample, coupled with the data on marital status, paints in a further part of the picture being presented. Far from being "old lags", the convicts were numerically dominated by men in their early 20's, and half were under 25 years of age. Mean age of the sampled prisoners was 25.9 years assuming the non-respondents not a-typical.

The relative youth of the felons leads to the speculation that single men would predominate. This is borne out by the sample.

TABLE I. vi.Male Sample : Marital Status

<u>Marital status</u>	<u>Total</u>
Married	1,072
Widower	109
Single	3,056
No response	1,894
	<u>6,131</u>

Although non-response in Table I. vi. amounts to no less than 31 per cent of the total, there can be no doubt, in view of the data on age, that most convicts were unmarried. Extent of non-response warrants comment because some of it was due, not to lack of information, but to too much in the case of some Van Diemen's Land men. For instance, reports sent out with the transports sometimes listed a man as married, whereas the prisoner denied this by saying, perhaps, that he had lived with a young woman who had come to see him at the gaol, or that a sister saw him and that he never was married. In other cases it is likely clerical errors exist. Some convicts divulged details of the names of wife and children to the examining officials at the Derwent, together with corroborative details, but the official list noted the subject of the report as single.

TABLE I. vii.

Male Sample : Occupations

<u>Occupation</u>	<u>Total</u>
Agricultural worker	1,239
Labourer. Boy	1,154
Transport and communications	594
Metal manufacture and allied trades	323
Textile worker	295
Personal service	240
Worker in wood, cane or cork	213
Tanner. Shoemaker	207
Defence personnel	194
Worker in building or contracting	156
Maker of textile goods, not boots	129
Maker of food, drink or tobacco	105
Commercial or financial	98
Brickmaker	93
Butcher	81
Mining and quarrying operations	78
Painter or decorator	61
Clerk	58
Worker in paper. Printer	53
Professional and technical	24
Miller. Shipwright	19
Warehouseman. Packer	12
Fisherman	9
Entertainer	6
Other	85
No response	605
	<u>6,131</u>

One of the chief categories to illustrate the origin of the prisoners was that of occupation but so various were the trades on the convict documents that any convention adopted was bound to be unsatisfactory. A standard reference was used to compile the above Table. Though this classification of occupations was a modern one⁽⁵⁾, it was necessary to use a sophisticated break-down of occupations because convicts' records were often precise and because the census categories used in the nineteenth century were too generalized.

The two most prominent categories, those of labourers and farm workers need little comment : entries on the records were such as to be unambiguous, although it is worthwhile noting the comment of one Surgeon-Superintendent on the question of occupations. Towards the end of his first voyage out, he asked a man to make out a list of trades but the scribe reported that when he asked for their trades, the convicts answered only that they were thieves, whereupon the Surgeon's helper asked whether he should put them all down as labourers⁽⁶⁾. Although the list of occupations in Table I, vii, conformed closely to that used in the United Kingdom for the 1951 census, a few fresh sections were made up by consolidation, "other workers" being made to include such employments as "factory boy", "flax dresser", "harness cleaner" and "drover". If a record noted two occupations, such as "weaver and labourer", the first-mentioned was used in allotting the category.

(5) H.M.S.O., Classification of Occupations 1950 (London, 1956).

(6) P.M. Cunningham, Two Years in New South Wales; comprising sketches of the actual state of society in that colony; of its peculiar advantages to emigrants; of its topography, natural history, etc., 2 vols., (London, 1828), vol.II, p.234; hereafter cited as Cunningham, Two Years in N.S.W.

TABLE I. viii.Male Sample : Religion

<u>Religion</u>	<u>Total</u>
Protestant	2,487
Roman Catholic	1,183
Other	18
No response	2,443
	<u>6,131</u>

The number of convicts whose records gave no information about religion makes it impossible to read much into Table I. viii, and because it would be surprising to find that any more than a tiny proportion of Irish-tried men were Protestants, this Table could be regarded as irrelevant because the place of trial of almost every convict in the sample was known. Assuming the non-respondents typical, the sample gives 32 per cent Roman Catholics, 27 per cent Irish-born and 22 per cent Irish-tried. These findings are consistent with Irish-born having been tried in England and Scotland and overseas.

At a later point, the question of whether convicts were confirmed persistent offenders will be looked into, and one variable in this enquiry which must be the key-stone of any such speculation is the entry collected under the heading of "previous offences". In the context of this work, the word "offence" does not mean only conviction but also includes periods in gaol where it appears from the records that such incarceration implied conviction.

TABLE I. ix.Male Sample : Former Offences

<u>Former offences</u>	<u>Total</u>
0	1,360
1	1,355
2	434
3	176
4+	153
No response	2,653
	<u>6,131</u>

As will be observed, the level of non-response is so high as to make any conclusion a cautious one. There are a number of complex points to be discussed if it is wished to distribute the non-respondents and arrive at the approximately true number of sample convicts who had been before in the hands of the police. The first question to ask is what is known of the non-respondents? In the case of men sent to New South Wales, non-response occurs only before 1826, when former offences were not noted, and in the case of Van Diemen's Land former offences were not invariably recorded before 1840. There is no reason to believe the non-respondents atypical, but if all were never before punished, then the total of all the sample before in the hands of the police was still 33 per cent. If all non-respondents were before punished, then the figure over-all is 78 per cent. That is to say, the number of men formerly punished by public justice must vary, in the sample, between 33 per cent and 78 per cent. The true figure is probably close to 60 per cent.

.....

These findings are the bare bones of this enquiry. Salient points are that convicts in the sample were predominantly English and nearly all transported after 1815. Offences for which they were sent out of the country were mainly forms of larceny, and the sample shows without much doubt that men transported for overtly political offences formed but a tiny proportion of the whole. One half of the number of male convicts was transported for seven years, the minimum period, and one quarter for life. Convicts were by no means elderly, but young adults in the prime of life in 75 per cent of cases. That being so, it was not surprising that well over half were single men. They were overwhelmingly of the labouring classes with only a

sprinkling of what might be called "gentlemen" convicts. Religion followed nationality very closely and two thirds of the number of felons were, there is reason to believe, of the Protestant religion. It would be reasonable to conclude that at least half and possibly two thirds of the convicts had former convictions.

CHAPTER II

The Places of Trial : England and Ireland; London

"A number of slang phrases current in St. Giles's Greek bid fair to become legitimized in the dictionary of this colony... The London mode of pronunciation has been duly ingrafted on the colloquial dialect of our Currency youths...this is accounted for by the number of individuals from London and its vicinity, who speak in this manner..."(1)

.....

The proportion of convicts from the various parts of Britain and from overseas has been shown, but the essential points again are these : 75 per cent of the male prisoners were tried in England and 22 per cent in Ireland, and although it cannot be said with certainty, 27 per cent of the men in the sample were evidently born in Ireland. The Irish were, generally speaking, one fifth of the total number of convicts arriving per decade.

Are there any profound differences in the quantitative characteristics of the two national groups, nationality being reckoned by country of trial? The first factor to be considered will be age. Unfortunately non-response prevents no more than a cautious conclusion because 563 of the sample total of 6,131 persons (nine per cent) did not have their ages recorded. If it ^{is} assumed that these people were not atypical in age distribution, the mean age of the Irish-tried is 27 years and that of the English 25.5 years. The Irish then were a trifle older but both English and Irish ships contained young men⁽²⁾.

When the marital status of the English and Irish is compared, no statistical test can be applied with confidence because of the high degree of non-response, but the Table in Appendix (8^f) suggests that, in the same way as the Irish were probably older than the English, they included also more married men than expected from the over-all figure.

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1. Cunningham, Two Years in N.S.W., vol. 11, pp. 52-53.
 2. For the Tables relevant to this Chapter see Appendix 8.

The difference is statistically highly significant if the unknown element is distributed proportionately to the known.

The extent of non-response in former offences also is too high for confident statistical tests to determine whether either nationality included a significantly high or low proportion of men who had never been before in trouble with the law before they were convicted and transported. Nevertheless, the proportion of Irish never before taken up by the police is very high when their relationship to the total number of convicts is considered. A test on the previous assumption, that the non-respondents are little different from the point of view of former offences from the respondents, shows that indeed the Irish included significantly more men never before offenders to a remarkably high degree of significance.

The number of Scots transported was relatively small (275 out of a total sample number of 6,131) and in most discussion and analysis of the origin of the convicts they take a minor place. However, the men tried in Scottish courts varied very significantly from the expected figure of earlier offenders because they included so many men specifically transported for a current offence after a preceding one e.g. "larceny after previous conviction". At least one observer in Australia noticed this difference between the national groups, stating that Scottish convicts were considered the worst and the English the best in Van Diemen's Land and New South Wales because the English laws were more severe for minor crimes. "A man is banished from Scotland for a great crime, from England for a small one, and from Ireland, morally speaking, for no crime at all"⁽³⁾.

3. Marjoribanks, Travels in N.S.W., pp. 140, 154.

Periods of transportation of English and Irish also point to the truth of this conclusion, for it will be shown later that a man's record played an important part in determining his transportation. Statistical tests show that there was a highly significant difference in the number of Irish transported for the minimum period, from the figure expected : substantially more Irish were sent out to Australia for seven years than might have been expected if both national groups had been treated alike. Conversely, a very significant number of English prisoners were transported for life.⁽⁴⁾

Were there any marked differences between the two groups in respect of occupation? The Table in Appendix 8⁽⁴⁾ sets out the facts. The Irish again vary significantly from the figures expected on the hypothesis that trades would be distributed proportionately, because there were more unskilled workers such as labourers and farm labourers, to a very high degree of significance, and in the same marked way fewer metal and textile workers. Such a finding could have been confidently expected from even a sketchy knowledge of Ireland's economy during the transportation era, though what is apparent is not always what is real.

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4. Until 1837, it appears that seven years, 14 years and life were the only periods from which men were transported. Then for the first time the period of 15 years transportation was introduced, and the sentence of 10 years transportation awarded also for the first time, as well as, very occasionally, such periods as 17 years and 21 years. The other noteworthy change that happened was the drastic reduction in the number of men transported for life after 1843 : for the remaining nine years of transportation to eastern Australia, only 12 men out of a sample total of 685 were transported for that period. In the years to 1833 the proportion of male felons sent to Australia each year for life, varied between 30 per cent and 70 per cent, and it was only by about 1834 that this proportion decreased to 20 per cent. Subsequently the percentage of such punishments remained at about that figure until the end of transportation to New South Wales. But from that time, Van Diemen's Land became the penal colony not for long-term offenders, but predominantly for the seven and 10 year men. A significantly large proportion of men convicted by courts martial were sent to Australia for 14 years. It appears that 14 years transportation was a standard punishment for army offenders.

Although the place of birth of 16 per cent of the sample was unknown, it is possible to note whether many men were convicted in counties other than those in which they were born. The Table in Appendix 8(g) shows that no less than 31.5 per cent of all the men here examined were tried outside their counties of birth, and if the non-respondents are regarded as typical, then that figure is increased to 37 per cent. Whether these men were the vagrant or mendicant class, or whether they were on the move for better work, will be considered in a subsequent analysis of particular counties. Difference of the Irish is again noticeable, for they included a smaller number of wanderers than anticipated, to a very high level of significance. It seems that the Irish-born convicts, when they did move from their home counties, left Ireland altogether and if they stayed, moved only a short distance from their counties of birth when they travelled. It must be stressed that the people examined in this survey do not necessarily reflect general population movements within Britain.

To sum up : the Irish differed from the general picture of the convicts in the preceding chapter. They were older than expected, included more married men, very likely had been less in trouble with the police before, almost certainly were sent out to Australia for shorter periods than the English, were nearly all Roman Catholics, included a relatively high proportion of unskilled workers, and had not moved from their home counties as much as might have been anticipated from the general outline of the origin of the prisoners⁽⁵⁾.

A difficulty now arises. In order to consider the counties of trial, rather than the countries, it is absurd to analyse each one. An obvious solution is grouping, though

5. For differences between the offences committed by Irish and English convicts, see the chapters on individual offences.

TABLE II. i.

Male Sample : Counties of Trial

<u>County</u>	<u>Total</u>	<u>County</u>	<u>Total</u>
London	1,062	Hereford	37
Lancs.	414	*Westmeath	37
*Dublin	286	*Roscommon	36
Yorks.	241	*Kilkenny	36
Warwicks.	185	Northumberland	33
Surrey	176	Beds.	31
Glos.	167	Bucks.	31
Kent	151	*Kerry	31
*Cork	151	*Cavan	29
Overseas	140	*Clare	29
Somerset	132	Dorset	28
Staffs.	129	*Mayo	28
Essex	117	*Queen's	27
Cheshire	108	Durham	26
Norfolk	107	*Down	25
*Tipperary	104	+Perth	25
Hants.	92	*Longford	23
+Midlothian	90	Cornwall	22
+Lanarks.	89	*Armagh	22
Wilts.	87	*Kildare	20
*Limerick	84	*Tyrone	20
Sussex	81	+Aberdeen	17
Worcs.	80	*Wexford	16
Devon	78	*Wicklow	15
Wales (incl. Monmouth)	77	Hunts.	15
Lincs.	71	*Carlow	15
Suffolk	71	*Louth	15
Leics.	66	*Sligo	15
Notts.	66	+Ayr	15
*Antrim	60	+Dumfries	13
Derbys.	58	+Other Scottish	
Herts.	53	counties	13
*Galway	53	*Londonderry	12
Berks.	49	*Monaghan	12
Northants.	47	*Fermanagh	11
Salop	46	Cumberland	10
*King's	45	*Donegal	10
Cambs.	42	*Leitrim	9
*Meath	41	+Inverness	7
Oxford	39	+Stirling	6
*Waterford	38	Westmoreland	5
		No response	30
			<u>6,131</u>

Summary : Tried in England 4,331
Tried in Ireland 1,355
Tried in Scotland 275
Tried overseas 140
No response 30
6,131

* denotes an Irish county

+ denotes a Scottish county

The capital tried a lesser proportion of the felons sent out to Australia as time went on, the number falling from a very significant 27 per cent of the male convicts despatched to New South Wales and Van Diemen's Land to the end of 1809, to 17 per cent (the over-all figure) by 1852. Other main county of trial to show a similar decrease was Surrey. The sample shows that London, with Surrey and Kent alone of the Home Counties, sent 36 per cent of the male convicts to Australia up to 1809, and 23 per cent of all prisoners had been sentenced in the courts of those three counties when transportation stopped in 1852. Londoners in particular therefore must demand consideration in the establishment of Australia. Certainly one Governor supplied some evidence that confirms the findings of the sample, because in 1801 Governor King was pleading for mechanics and artificers to be sent out to him instead of ship-loads of convicts largely composed of Londoners who, in addition to being pickpockets, were incapable of honest labour unless they were absolutely driven⁽⁶⁾.

The importance of the London-trying men assumes a different aspect, then, in the establishment of Australia than is at once apparent from the general figures of the sample representing county of trial. And because the records note the native place of the convicts, it is possible to say whether the London-trying felons included significantly more or less strangers to the metropolis than might be supposed from the general figure of one third.

Non-response concerning native place is 204 out of 1,062 persons but it seems reasonable to conclude that also in London as well as in the country in general, about one third of the convicts were born outside the county of trial: the sample showed that 252 were born in other parts of England, 43 in Ireland, 18 overseas and six in Scotland.

(6) H.R.A. I iii 330, King to Portland, 14.11.01.

Birthplace of 204 was unknown. A total of 540 men were born in London. It would be unnecessarily tedious to list the names and numbers that are relevant but most of the provincials came from the Home Counties, though one or two at least appeared from most of the counties of England. The men born elsewhere than London showed no distinctive characteristics in terms of the variables of this survey.

The areas approximating to three present-day Postal Districts, those of E.C. 1, E.1 and W.C. 2, contained the native places of nearly half the men transported to Van Diemen's Land who gave enough information to allot their birth-places with confidence. Unfortunately for the purposes of this enquiry, records of the men sent out to New South Wales do not go into the details of the records of the island colony, listing simply "London" as native place rather than "Tottenham Court Road" (say). Nevertheless, a wealth of descriptive evidence confirms the statistical indications of this enquiry that indeed the majority of London-transported men lived in the closely-settled areas surrounding the City of London, and not in Middlesex. Of the 489 men in the sample who were sent out to Van Diemen's Land from London, 224 could be allotted a native place narrower than that of "London". Only 14 of this group gave districts out of what is now central London. These included Isleworth, Pinner, Brentford, Barnet, Enfield and Hounslow. There is no reason to believe that the men sent out to New South Wales did not spring from the same areas as did the Van Diemen's Land group.

Londoners were drawn heavily from the Stepney and Poplar districts, the areas north of the city around Clerkenwell, and the locality of St. Giles's, north of the Strand and centred upon Seven Dials. On the south bank, a lesser number were living in Bermondsey, and in the north again another smaller group in the vicinity of Marylebone. This belt around the City was the poorest part of London

both in the eighteenth and the nineteenth century⁽⁷⁾.

A gold-mine to the researcher into the life and times of the labouring classes in mid-nineteenth century London and earlier is the work of Henry Mayhew, who recorded with relevance for the purposes of this survey, a walk he took with a police officer through the present-day district of W.C.2, and his comments will be noted on one of the main areas of London which probably contributed convicts to Australia. The writer went first to Seven Dials and noticed at once a man who had just returned from penal servitude; then entering a beershop in the neighbourhood of St. Giles's, near the Seven Dials, he saw a group of coiners, one of whom had been convicted and one of whom had been given 10 years penal servitude for coining and uttering.

The observer also heard from a Mr. Hunt, inspector of Lodging-houses in the district, about the history of St. Giles's⁽⁸⁾ 20 years before, at the height of transportation, before the disreputable streets were removed to make way for New Oxford Street. His informant described for Mayhew the "Rookery of St. Giles's" which was "an endless intricacy" of courts and yards, many of the houses inhabited by thieves, prostitutes and "cadgers"⁽⁹⁾. Another prominent land-mark was a large and dirty building called Rats' Castle which housed thieves, prostitutes and boys who lived by plunder. When it was removed in 1845, there was found the foundations of a hospital built by Matilda, Queen of Henry I, in the 12th century.

It was here that criminals were traditionally allowed a bowl

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7. Mary Dorothy George, London Life in the Eighteenth Century (London, 1925), ch. II passim and p. 105; hereafter cited as M.D. George, London Life in the Eighteenth Century.
 8. St. Giles is, appropriately enough, the patron saint of beggars.
 9. One who goes about begging or getting his living by questionable means - O.E.D.

of ale on their last journey up to Tyburn⁽¹⁰⁾. But even when the Rookery was largely broken up, often 12 to 30 people lived in one room in this area. In one apartment in 1851 38 men, women and children were found lying on the floor⁽¹¹⁾.

Another part of London which was the home of potential unsolicited Australian settlers was the district now designated E.1 by the Post Office. It was in the stews of this district, in Spitalfields, that Mayhew came upon one of the most dangerous thieves' dens he had ever seen. Here he observed amusing themselves 30 to 40 burglars, pickpockets and thieves' associates. They were around a wooden enclosure, watching their dogs killing rats. The rookery in Spitalfields had, 20 years before, contained 800 thieves, vagabonds, beggars and prostitutes⁽¹²⁾.

The rich Hogarthian picture that Mayhew paints of the district cannot be reproduced here, but he did note that not all lodging-houses were low, and that in the neighbourhood there existed respectable houses side by side with the most unsavoury.

He cites one instance of criminal activity that bears upon the subject of transportation, though it was possibly not typical of the life of the district : a man and his wife were both thieves, and had six children who all started off in life by being sent out to steal each morning. The eldest son married a girl whose father was transported. They both got their living by theft and were often in custody. At last

10. Did Swift have this in mind when he wrote of Clever Tom Clinch, Going to be Hanged 1727?

As Clever Tom Clinch, while the rabble was bawling,
Rode stately through Holborn to die in his calling,
He stopt at the George for a bottle of sack,
And promised to pay for it when he came back...

11. Henry Mayhew, London Labour and the London Poor, 3 vols. and an "extra" vol. (London, 1862-64), "extra" volume, pp.294-301; hereafter cited as Mayhew, London Labour.

12. ibid., pp. 311-316.

the man was sentenced to penal servitude, leaving his wife with three young children, after which she was frequently in custody for robbing drunken men. She ^{had} had an illegitimate child since her husband left. Her eldest daughter was taken to the Refuge Aid Society, the second son repeatedly in custody for uttering base coin (he was finally transported). Another daughter married a man who was also transported. She too was gaoled and delivered of twins while in Newgate. Upon being reprieved she was apprehended shop lifting and again imprisoned.

Other secondary material confirms the statistical analysis of the places of origin of the London-trying convicts. For instance, Stephen Lushington gave evidence in 1819 to a Parliamentary Committee on the subject.. This witness, one of the Committee for the Refuge of the Destitute since 1805, and a member of the Prison Discipline Society, said he knew of the existence of gangs of London thieves at Paddington, Covent Garden, Gray's Inn Lane and in Spitalfields, where there were several bands devoted to the commission of crime. One such group of criminals met at "The Virginia Planter" inn at Spitalfields (13).

This was probably a "flash" house, or a house that harboured criminals, of the sort described in Oliver Twist at Snow Hill (14). There were many of these in the metropolis and one, "The Brown Bear" was directly across the street from Bow Street police office. All had some exit from the rear for pursued criminals. Another, "The Red Lion Tavern", ^{was near the Fleet} Ditch. Sometimes known as Jonathan Wild's house, "The Red Lion" was where a sailor was robbed and flung naked into the

13. ibid., p.313, P.P., Report from the Select Committee on the State of Gaols 1819 (575) VII pp. 162-164 evidence of Stephen Lushington.

14. Charles Dickens, Oliver Twist, ch. XXVI.

Fleet, for which offence two men were transported. Human bones were found in the cellar. There was a secret door to the next house⁽¹⁵⁾.

James Hardy Vaux, who was twice transported to New South Wales, found the attraction of a "flash" house, "The Butcher's Arms", in Clare Market, so strong that he could not resist going there for the evening when he knew full well that his description was known and the police out after him. He was arrested on the premises⁽¹⁶⁾.

That criminals lived in the areas shown up by the sample also receives confirmation from the evidence given before a committee by the Keeper of Newgate Gaol. He stated that the largest number of offenders were from the east of London outside the City because of the attraction of the "flash" houses in Smithfield, Whitechapel and Shoreditch⁽¹⁷⁾. Another witness agreed that the worst thieves came from the East End⁽¹⁸⁾.

It is impossible to cite all the native places given in convict records, but some examples will serve to show more precisely where these offenders were born. Among addresses given by a batch of prisoners were : 34 Chapel Street; St. George's-in-the-East; Whitecross Street [near the City Road]; Old Street [near the City Road]; 28 or 29 Long Field, Poplar, near "The Three Tuns" Public House; Tottenham Court Road; 20 Caroline Place; Marlborough Road, Chelsea; Bethnal Green; Westminster; Brookes Market, Holborn; Whitechapel; Gray's Inn Lane.

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15. Radzinowicz, History of English Criminal Law, vol. 2, pp. 297-306.
 16. James Hardy Vaux, Memoirs of James Hardy Vaux, a swindler and thief, now transported to New South Wales for the second time, and for life (London, 1830) p. 250; hereafter cited as Vaux, Memoirs.
 17. P.P., Report from the Select Committee on the Police of the Metropolis 1828 (533) VI, pp. 54-55 : evidence of John Wontner, Keeper of Newgate Gaol.
 18. ibid., p.63 : evidence of John Rawlinson, J.P. at Marylebone.

Forty-three at least of the 1,062 men tried in London were Irish-born and it is reasonable to suppose that some Irishmen were among those who gave no information about their native place. Mayhew's unique guide to the low life of London devotes space to the Irish and he noted that the parts of London most heavily populated with the Irish were near Brook Street, Ratcliffe Cross [near the London Docks], down both sides of the Commercial Road, and in Rosemary Lane⁽¹⁹⁾. He writes an evocative account of the scene in one of the courts that branched off Rosemary Lane, describing the shawl-clad women with their luxuriant hair smoking clay pipes, one so short that its owner's nose reached over the bowl, the unexpected neatness of some of the rooms and the lazy appearance of the men who though apparently idle would perform great feats of exertion which the English were almost unfitted for⁽²⁰⁾.

Did the age of the Londoners vary significantly from the figure for ^{the} whole sample? An answer is hampered because 10 per cent of the London men did not have their ages recorded, but assuming that the non-respondents were typical, mean age of the felons convicted by metropolitan courts was not quite 24 years (23.9). Mean age of the whole sample was almost 26 years (25.9), so at first sight the age of the Londoners did not vary much from that expected. Yet there is one difference deserving of remark - the proportion of prisoners aged 19 years or under, because the numbers are highly significant in that they include a great many more

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19. Properly Royal Mint Street. Rosemary Lane was as unsuitable a popular name as Petticoat Lane for Middlesex Street was appropriate.
20. Mayhew, London Labour, vol. 1, pp. 108-124.

than anticipated. In fact, these youthful convicts appear to have made up between 27 per cent and 30 per cent of the London-tried men, whereas the figure for the whole sample lies between 20 per cent and 22 per cent (the higher figure in each case assuming proportionate distribution of non-response).

Because so many of the convicts tried in the capital were relatively young, it is necessary to dwell further on the descriptive evidence about the character of these lads. It is difficult to believe that other urban or industrialised areas would not conform in some ways to the impression left on the reader of Mayhew and the Parliamentary Papers devoted to juvenile criminals.

There is on record an extraordinary description of a meeting of young thieves, who included a "cadger" who was six years of age and several who were 10. It was possible to tell how long each boy had been out of gaol by noting the length of his hair and style of hair-cut. The meeting was like feeding time at a menagerie.

At one moment a lad would imitate the bray of a jack-ass, and immediately the whole hundred and fifty would fall to braying. Then some ragged urchin would crow like a cock, whereupon the place would echo again with a hundred and fifty cock-crows...

Eighty-six of the lads at this curious meeting admitted to having been in prison up to 29 times, and when this latter individual announced the number of his incarcerations, the whole body of the meeting rose to look, some chalking on their hats the number of times they had been in prison. The adventures of Jack Sheppard and Dick Turpin, together with The Newgate Calendar and

Lives of the Robbers and Pirates, formed their chief reading⁽²¹⁾ and after a policeman present was asked to leave by the chairman, they applauded heartily, hissed, groaned and cried "throw him over!"⁽²²⁾

Active dislike of the police by the costermongers in particular was noticeable in London and fighting was considered to be a vital part of a lad's education, he who had the biggest muscles being an object of admiration. To serve out a policeman was regarded as the bravest of brave acts and one youth followed a policeman for six months in order to get revenge. Finally he saw the policeman in a brawling crowd outside a public house, whereupon he ran in and kicked him savagely, crying, "No you b---, I've got you at last". He was given 12 months imprisonment though his prosecutor was injured for life, and the lad was warmly applauded by all the court where he lived.⁽²³⁾

Some of the thieves at the meeting were induced to speak of their lives. Some had been flogged in prison but the general feeling was that it hardened the criminal. Many had seen executions but thought nothing of them and picked pockets under the very gallows. It is not surprising that in New South Wales crowds came to view a criminal's dissected body, and that none betrayed any sense of horror or revulsion.⁽²⁴⁾

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21. An anonymous book entitled Sinks of London Laid Open : a Pocket Guide for the Uninitiated (London, 1844), notes that in London thieves' kitchens, conversation centred upon such works.
22. Mayhew, London Labour, vol. 1, p. 466 ff.
23. ibid., p. 16.
24. George Barrington, A Sequel to Barrington's Voyage to New South Wales, comprising an interesting narrative of the Transactions and Behaviour of the Convicts; The Progress of the Colony; an official register of the crimes, trials, sentences and executions that have taken place : A Topographical, Physical, and Moral Account of the Country, Manners, Customs &c of the Natives, - as likewise authentic anecdotes of the most Distinguished Characters, and Notorious Convicts that have been Transported to the Settlement at New South Wales (London, 1801), p. 83; hereafter cited as Barrington, Sequel.

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 23. ibid., p. 16.
 24. George Barrington, A Sequel to Barrington's Voyage to New South Wales, comprising an interesting narrative of the Transactions and Behaviour of the Convicts; The Progress of the Colony; an official register of the crimes, trials, sentences and executions that have taken place : A Topographical, Physical, and Moral Account of the Country, Manners, Customs &c of the Natives, - as likewise authentic anecdotes of the most Distinguished Characters, and Notorious Convicts that have been Transported to the Settlement at New South Wales (London, 1801), p. 83; hereafter cited as Barrington, Sequel.

Many of the juvenile criminals lived in St. Giles's, Seven Dials, Drury Lane, Marylebone, Clerkenwell, Saffron Hill, Chick Lane, Shoreditch, Spitalfields, Bethnal Green, Whitechapel, Ratcliffe Highway, Kent Street and at the back of the Mint, in the Borough, said one observer whose society had visited 800 individual boys in prison to find what it could of their lives. (25) Other evidence exists that there were not less than 6,000 juveniles practicing crime in 1819 (26) and that there were 8,000 criminals under 17 years of age in the capital. (27) Some of these boys were later discovered to be organized into gangs under a "captain", (28)

Parts of London during the transportation period were positively dangerous for respectable inhabitants. "The Thatched House" in Field Lane, notorious for its receivers of stolen property, was a centre of vice in 1817 and the beadle of St. Andrew's reported that he followed a man there to arrest him. He stirred up a hornet's nest at the "The Thatched House" for 20 or 30 men tried to rescue the man he had taken prisoner. The beadle was compelled to get more assistance. On Sunday mornings at Saffron Hill were to be found 300 to 500 people on the streets, most of them drunk. The Irish were especially prone to intoxication. On one occasion three subscriptions were taken up for the wake

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25. P.P., Second Report from the Committee on the State of Police in the Metropolis 1817 (484) VII. p.429: evidence of William Crauford (sic), secretary of a society enquiring into juvenile delinquency.
 26. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, p.158 : evidence of Samuel Hoare, Junior.
 27. ibid., p. 162 : evidence of Stephen Lushington, member of the Committee for Refuge of the Destitute, and a member of the Prison Discipline Society.
 28. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VIII, p. 250 : evidence of M--- M---, a convicted prisoner.

of a girl who had perished in the work-house, but all three were spent on drink, until at last the parish had to bury the corpse after seven days, by which time six other inmates had succumbed. ~~The~~ Receiving houses in Field Lane, or "Hell Houses", were numerous, One had a sort of half door opening inwards, through which thieves running to escape arrest tossed their booty. An information had been laid in one case and the woman in charge and her maid had been transported. (29)

So powerless were the authorities in the unsavoury parish of St. Giles's that, so it was reported in 1817, when on one occasion a malefactor was chased there, the pursuers were obliged to go away and leave the thief because his companions appeared and "they set us defiance". (30) And St. Luke's, deposed an apothecary who had lived in Whitecross Street for 22 years, was little better : on Sundays persons passing down the street before eleven o'clock had to walk in the middle of the thoroughfare on their way to church and be liable to insult. Irish inhabitants of this district were to be found drunk as early as 5 a.m. on a Sunday. (31)

Gambling in the streets was also general in some districts of London, and a witness before a Committee of Parliament related that a boy then in the hulks or else on the way out to Botany Bay, had bet as high as £1. ~~These~~

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29. P.P., Second Report from the Committee on the State of the Police in the Metropolis 1817 (484) VII, pp. 349-357 : evidence of John Barnely, beadle of St. Andrews Parish.
30. ibid., p. 363 : evidence of Thomas Goodwin, constable at St. Giles's.
31. ibid., pp. 377-381 : evidence of John Smith.

youths assembled at "flash" houses, divided into gangs and selected their captain. One party had split up £400 in plunder in one night. (32)

No writer or commentator observed with satisfaction the appalling plight of children in London where, in the 1840s, it was held that 4,000 between the ages of 8 and 14 rose every morning with no idea of how they were to get food for the day, or where they were to lay their heads at night. (33)

The infamous George Barrington, pickpocket extraordinaire, was transported to Australia and he affected to be shocked at the behaviour of his fellows on their way from prison to the transport which was to carry them to Australia : "Many were scarce a degree above brute creation, intoxicated with liquor, and shocking the ears of those they passed with blasphemy, oaths and songs, the most offensive to modesty..." (34)

That some criminal enterprises carried on in London were of an organised character was noted by a colonial observer who commented upon convicts arriving in 1832 that several had belonged to such gangs. Members were distinguished by marks. They trained pick-pockets and defrayed the expenses of defending any of their number on trial. (35) In 1820, J.T. Bigge, the Commissioner of Enquiry in New South Wales, felt compelled to report on the London convicts being landed on Australian soil.

It is generally observed, that the convicts from London are found to be more seriously affected by scurvy, debility and peumonic diseases than those of more robust habits, and who have been accustomed to agricultural pursuits; and it is equally observable, that the moral habits of the first of these classes of convicts are more depraved, and that they

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32. ibid., p. 429 : evidence of William Crauford (sic.).
33. Marjoribanks, Travels in N.S.W., p. 149.
34. George Barrington, A Voyage to Botany Bay, with a Description of the Country, manners, Customs, religion & of the Natives (London, [1793] p. 20; hereafter cited as Barrington, Voyage to Botany Bay).
35. James Backhouse, A Narrative of a Visit to the Australian Colonies (London, 1834), p. 20; hereafter cited as Backhouse, Narrative.

are consequently less easily controlled than those from the country.⁽³⁶⁾

This description of the background of London youths is not irrelevant, for when the metropolitan criminals transported and the question of former offences are considered, it appears that the men sent to Australia by London courts who had been before punished varied between 33 per cent and 60 per cent. (The lower figure presumes all non-respondents were never before convicted, and the higher figure presumes that the non-respondents were a typical selection and would include about the same proportion of earlier offenders as the known men). At least half the men tried in London had evidently been before taken into custody by the police. This was more than expected and very significant.

Former punishments of Londoners, undisputably the worst of the convicts sent out to Australia⁽³⁷⁾, were mainly for forms of larceny, but the most telling fact was the periods spent in gaols, which in some cases did not classify their inmates, so that the innocent and the guilty, those convicted and those waiting to be tried, the insane and the depraved, were thrown willy-nilly in together. An earlier estimate of the effect of imprisonment was still relevant, prisons "inclose wretches for the commission of one crime, and return them, if alive, fitted for the perpetration of thousands".⁽³⁸⁾ This reflection received ample confirmation. Youths while in gaol were instructed how to commit crimes more cleverly⁽³⁹⁾ and one lad was taken up three times between the ages of nine and 12. He had been member of a gang which had become much reduced through its members being transported.⁽⁴⁰⁾

36. P.P., Report of the Commissioner of Inquiry into the State of the colony of New South Wales. 1822 (448) XX, p. 551.

37. Cunningham, Two Years in N.S.W., vol. 2, p. 253.

38. ^{Holdsworth,} History of the English Law, 14 vols. vol. XI, p. 568 citing Oliver Goldsmith, The Vicar of Wakefield, Ch. 27 For relevance of this judgement in the nineteenth century, see S. and B. Webb, The English Prisons under Local Government (London, 1922).

39. P.P., Report from the Select Committee on the state of the Gaols 1819 (575) VII, p. 159 : evidence of Samuel Hoare, junior.

40. ibid., p. 168 : evidence of Rawlinson Barclay.

Prisons had vicious effects, especially on those who had never been in one before. Boys in one exercise yard formed a circle with one of their number going around to pick the pockets of the rest to see who was most dexterous. (41) A London apprentice boy who had been gaoled stated that gaol was no use to him nor to any one else as a reformatory - he had committed an offence on the very day he was released. (42) But in the conditions of the time, there was little else he could do : persons gaoled unhappily had nothing to do but return to their former dissolute lives. (43) It was scarcely possible more effectively to vitiate and corrupt than to confine youths in London gaols. (44)

Some previous offences will show the forms of theft for which youths were being thrown into gaol and then transported to Australia : 14 days for a till, one month for pocket-picking, three months for a till; seven times for theft; two months for suspicion of stealing a sovereign; three months for assault; three months for being charged with opening a cupboard; one month for theft, six weeks for garden robbery; before for a handkerchief; six months for a sovereign; two months for a handkerchief; one month on suspicion of pocket-picking, two months for same. (45)

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41. ibid., p. 171 : evidence of William Crawford.
 42. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p. 246 ff. : evidence of M--- M---, a convicted prisoner.
 43. P.P., Report from the Select Committee on the Police of the Metropolis 1828 (533) VI, pp. 48-51 : evidence of H.M. Dyer, magistrate at Marlborough Street.
 44. P.P., Second Report from the Committee on the State of the Police of the Metropolis 1817 (484) VII p. 430 : evidence of William Crawford.
 45. Joseph Johnson per Egyptian (39)*, C.C.C., 26.11.38; Henry Butcher per Pyramus (38)*, C.C.C. 26.2.38; George Roffey per Coromandel (38)*, C.C.C. 1.1.38; George Thomas per Lord William Bentinck (38)*, Mdx.Q.S. 16.5.37; David Holt per Gilmore (38)* C.C.C., 2.4.38; John Glynn per Royal Sovereign (37)*, C.C.C., 4.7.36; George Phillips per Frances Charlotte (37)* C.C.C., 13.6.36; Thomas Watson per David Lyon (30)*, M.G.D., 16.7.29; Henry Barnard per Isabella (33)*, Mdx. (Westminster) S. of P., 24.11.31; Frederick Strike per Waterloo (34)*, Mdx. S. of P., 4.9.34.

Types of former offence and character had a bearing on those who were selected from the hulks to be transported to Australia, for some men "transported" by the courts never left England at all. For instance, J.H. Vaux was convicted with a confederate named Bromley and when they met again, Vaux was informed that his former companion had served his seven years on boards the hulks at Portsmouth. (46)

In 1812, transportees were selected when the hulks were full from all males under 50 years of age who were sentenced to transportation for life or 14 years, and the number completed from the unruly or those convicted of the worst crimes among the seven years men. (47) At 1833 the position was much the same, the men of the worst character being sent first and those previously convicted for serious offences. The main criterion was previous conviction and bad character. However since 1833, it appeared that all those on the hulks should be transported. (48) So certainly till 1833, convicts from England were selected for Australia.

Occupation or trade of the convicts was another variable in the survey. Twelve per cent of the Londoners did not have their trades stated on the records, but this figure is not too high to discourage comparisons completely. Main trades of the London men were:

Labourer. Boy	184
Transport and communi- cation	154
Personal service	71
Boot maker etc.	55
Building worker	52
Worker in wood	44
All other trades	370
No response	132
	<u>1,062</u>

46. Vaux, Memoirs, p.195; P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, pp.299-300: evidence of J.H. Capper.
47. P.P., Report of the Select Committee on Transportation 1812 (341) II, pp. 9-10. The summary is based on the evidence of J.H. Capper. He said also that in selecting convicts, reference was not made to their probable utility within the colony but "to their crimes only". (See Appendix to the Report, p.77).
48. P.P., Second Report from the Select Committee into Gaols and Houses of Correction 1835 (439) XI, pp.670-671 : evidence of Samuel Owen, overseer of Fortitude hulk.

How do these figures compare with the overall total? Briefly, the number of labourers did not vary significantly, there were significantly more transport workers, personal servants, such persons as boot-makers and building workers; about the expected number of workers in wood; but significantly less metal and textile workers.

Little that would not be commonplace can be added in explanation of the great numbers among London convicts of labourers and boys, but workers in transport and communications demand some explanation. Most usual occupations under this head were errand boys and stable hands, with a few carters and sailors. Men engaged in personal service were mainly servants, though there were some chimney sweeps and barbers, as well as those offering "errand boy" as their calling. A prisoner who gave evidence to a Parliamentary Committee at the end of the transportation era, said that most young thieves in the metropolis were errand boys, not led into a life of crime by poverty but more by mischief and parental carelessness⁽⁴⁹⁾. One such lad spoken to in Van Diemen's Land was errand boy to a common-councilman of London and he waited at a neighbouring public-house. This inn was a resort of thieves and loose women with whom he became acquainted, the upshot being that he robbed his master's premises and was transported.⁽⁵⁰⁾

There are three other variables to be considered - period of transportation, marital status and religion. The offences will be examined separately. Tests showed that there were no significant variations from the anticipated figure for any of the periods of transportation except that of seven years, for which period of time the London prisoners were sentenced more than expected.

49. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p. 427 : evidence of M--- M---, a convicted prisoner.

50. Backhouse, Narrative, p. 276.

Analysis of data for marital status was complicated by the extent of non-response, 38 per cent of the convicts in question having recorded no data on conjugal condition and 31 per cent of all convicts in the sample. There was, presuming non-response typical, a highly significant difference in the case of married men plus widowers, the London prisoners numbering considerably less than expected. This conclusion receives support from the age structure of the Londoners, because they were younger men than expected and therefore would in all likelihood include fewer married men than the overall sample indicated. But this conclusion is tentative, because of the non-response, though data on marital status points in the same direction as data on age.

Data on religion were also incomplete, but there were fewer Roman Catholics tried in London than expected. This is obvious when it is known that nearly all Roman Catholics were Irish.

With the exception of types of offences, the origin of that group of men tried in London has been outlined, and an attempt ^{made} to give a general view of origin and background before they were cast into prison and transported to Australia. The main points are : men tried in London formed over a quarter of all male prisoners sent to New South Wales and Van Diemen's Land up to 1809, but this proportion fell away later on with the result that 17 per cent of all convicts analysed were tried in the metropolis and transported during the period of this enquiry. Between a quarter and a third of these men were born outside London, but evidence from the sample, together with descriptive evidence and accounts of the trials, suggests most strongly that the closely-settled areas around the City of London such as St. Giles's and Spitalfields were the places where lived the "classe dangereuse" and where Hogarth's "Gin Lane" appears a true picture of the background of a sizable number of Australia's early settlers.

Another conclusion is that the London-tried felons were significantly younger than expected: nearly one third of them were aged 19 years and under. There is much descriptive evidence supporting this finding and the Lieutenant-Governor of Van Diemen's Land in 1821 recognised that prisoners from the London and Middlesex gaols were very young.⁽⁵¹⁾ There is reason to believe from the evidence of those competent to judge that these youthful convicts were persistent criminals, if not habitual ones, and that they lived hand-to-mouth street-Arab existences. Convicts from London seemed to have been innured to crime by their environment, the doubtful efficiency of the police and the general atmosphere of brutality in which the labouring classes lived, an atmosphere unknown to the middle and upper classes of the late eighteenth and early nineteenth century :

In St. James's they keep up their spirits with wine,
 In St. Giles's they're drunk on 'blue ruin' by nine...
 In St. James's fraternity goeth ahead,
 In St. Giles's they fraternize ten in a bed...
 In St. James's they sleep on down pillow and snore,
 In St. Giles's the same, but it's down on the floor... (52)

Former convictions were the rule rather than the exception, but the extent of earlier punishment cannot be set down with complete accuracy from the sample. Other variables in the survey, together with descriptive evidence, leave little doubt that once a person had seen the inside of a gaol, to say nothing of the hulks, he was set for a criminal career. It was impossible for any but the most degraded criminals to be housed in gaols as constituted in the 1830s without injury to their morals.⁽⁵³⁾

The hulks through which Australian convicts passed were colleges dedicated to the spread of criminal intelligence. In the 1830s, on these derelict vessels convicts were permitted

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51. H.R.A., III iv 26, Sorell to Gouburn, 8.8.21.
 52. John Ashton, Modern Street Ballads, (London, 1888), pp. 399-402.
 53. P.P., Report of the Select Committee on Secondary Punishments 1831-32 (547) VII, p. 563.

to fight, gamble, play musical instruments and sing "flash" songs. It was reckoned "a pretty jolly life".⁽⁵⁴⁾

Evidence leads to the conclusion that it was the greatest trouble-makers who were taken from the hulks and sent out to Australia.

Unskilled workers formed the vast majority of the London men, and there were very few prisoners who could be said to be professional people. The greater part of those convicted in London and here examined, were single men who gave their religion as Protestant.

54. ibid., pp. 570-572. For an account of the hulks, see W. Branch Johnson, The English Prison Hulks (London, 1957).

The Places of Trial : Urban and Rural Counties

"Aged 12. He has had no education : has a mother who encourages the vices of her son, and subsists by his depredations. She turns him out into the street every morning, and chastises him severely when he returns in the evening without some article of value".⁽¹⁾

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Secondary evidence gleaned from descriptive works and from Parliamentary Papers leads to the conclusion that the conditions of life in London, and the character of the felony transported from there to Australia, were repeated in Lancashire, Dublin, Yorkshire, Warwickshire, and Surrey, counties which with London transported 39 per cent of male convicts. As this enquiry is grounded on a sample, a statistical analysis of convicts transported from the five counties concerned should show whether their prisoners conform to the pattern of the overall sample, or whether they vary from it in the way that the London men did. It is necessary to present a concentrate of facts to see whether the basic outline in Chapter I gives a true description of the main counties of trial.

Age structure of the five counties confirms the hypothesis that most of them resembled London in the age of men convicted to transportation in their courts and sent out to Australia, because Lancashire, Dublin and Warwickshire all sent out to Australia significantly more prisoners aged 19 years or less than expected, though in the cases of Yorkshire and Surrey there was no significant variation from the anticipated figure, which was that 22 per cent of the convicts would be under 20. Analysis of marital status was hampered by the high level of non-response, and only in Lancashire was there a significant difference from the expected proportion of single men, that

1. P.P., Second Report from the Committee on the State of the Police of the Metropolis 1817 (484) VII, p. 439 :
one of a series of case studies of criminals.

county transporting more. That convicts from urban areas tended to be young men, receives support from the fact that relatively large numbers of prisoners aged under 20 came also from such counties as Cork, Staffordshire, Lanarkshire and Gloucestershire (including Bristol), though the difference from expected figures was statistically insignificant.

Irish prisoners were generally older than the English, so those Irish who were tried in counties other than Dublin and Cork must have been considerably older than the average. Every way the analysis of age and county of trial is regarded, evidence appears of the prevalence of juvenile criminals in towns. For instance, the Inspector of the Irish Prisons remarked that "many" boys aged between 13 and 16 were transported from Dublin and Cork,⁽²⁾ and an official of Worcester Gaol commented on the incorrigible nature of some Birmingham Boys; indeed, this was the case "with the Birmingham people in general". They were ill-behaved and those re-committed came from Dudley, Stourbridge and Birmingham.⁽³⁾ The Chairman of the Warwickshire Quarter Sessions in 1828 also spoke out on the character of the people who appeared before him. Imprisonment had a most unfortunate effect on boys, he considered; he had known them committed again on the very day he had discharged them, when they became impertinent, thanked him if he transported them, and sometimes used improper language to the Bench. Crime in Warwickshire was crime in Birmingham: 90 per cent of the prisoners were from Birmingham and more than half were boys. Only five per cent stole through distress, the rest pilfered "in a trumpery way".⁽⁴⁾

What was the extent of former offences among the convicts transported from the five counties under consideration?

2. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, p.218 : evidence of Rev. Forster Archer.
3. ibid., pp. 385-386 : evidence of William Davis, an official at Worcester gaol.
4. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1828 (545) VI, pp. 444-449 : evidence of Sir John Eardley Wilmot.

Though data were incomplete, Lancashire, Yorkshire and Warwickshire showed significantly higher numbers of previous offenders than anticipated. Dublin and Surrey were not significantly different from the overall figure for all convicts. Among other counties which sent relatively large numbers of previous offenders were again Staffordshire and Gloucestershire, as well as Somerset, Midlothian and Lanarkshire.

Analysis of religion showed that of 414 men in the sample tried in Lancashire, 63 at least were Roman Catholics, and possibly 99 if the non-respondents are taken into account. Numbers of Irish account for this relatively large number and another relatively large number of Protestants tried in Dublin is explicable in terms of country of birth also, because most of the Dublin Protestants were English soldiers court-martialled in the Irish capital.

It can also be discovered whether or not the convicts included the proportion of men born outside the county that the complete sample indicated i.e. 37 per cent. A significantly large number of men were born outside the county of trial in Yorkshire (chi-squared = 4.39) and Surrey, the latter figure being very significant indeed, and a significantly large number tried in Warwickshire and Surrey (chi-squared = 4.49 and 7.09 respectively) were born outside the country altogether. Similarly, a remarkably significant number of men were born outside Lancashire. This is not surprising when the number of Irish-born in Lancashire is considered because in the mid-1830s the city of Manchester was believed to be one-fifth Irish, and the 1841 census listed the number of Irish in the county as 105,916, of whom 34,000 were in Manchester and 49,639 in Liverpool. (5)

5. J. Clapham, An Economic History of Modern Britain, 3 vols., (London, 1926-52), vol. 1, The Early Railway Age, p. 61; hereafter cited as Clapham, Economic History; Arthur Redford, Labour Migration in Britain 1800-1850 (Manchester, 1926) p.134.

Tests of other main counties showed that there was no striking correlation between county of trial and proportion of men born outside that county, but rather that the overall figure of about a third of prisoners born outside the county of their trial appears regularly. Irish counties tended clearly to try more native-born men than expected.

There remain three other factors to round out this analysis of five large counties viz. sentence, year of departure and trade. How far is the general picture presented in Chapter I a true guide to these variables in the context of the counties sending most convicts to Australia?

Extent to which the courts punished severely is associated with type of offence. Nevertheless, there may be associations between sentence and county of trial which will support future conclusions and limit speculation to fruitful channels. The most usual sentence was that of seven years, and only in the case of Dublin did the proportion of men transported for that period vary significantly, the number being much greater to a high level of significance. This agrees with an earlier finding that there was a positive association between Irish prisoners and the minimum period of transportation. Life sentences varied much more generally, the maximum period of transportation being awarded significantly less than expected in Lancashire, Dublin and Surrey. It would be true to say that some counties not yet examined can be expected to have sent out more men for life than would appear from earlier analysis.

The proportion of transported London men declined significantly over the years. Because the period of this enquiry covers the years of the Industrial Revolution, did the north of England increase its share of Australian prisoners? This occurred in Lancashire, that county sending seven per cent of all males in the sample to Australia, but at 1809 the figure was only three per cent and at 1819, still only four per cent, significantly smaller proportions than expected.

Yorkshire's complement also increased significantly, but that of Dublin and Surrey followed the London pattern. Warwickshire's numbers did not vary significantly.

Labourers, both common and agricultural, textile workers and men engaged in personal service, were the main trades favoured by prisoners. The 414 Lancashire men in the sample were dominated by four trades : labourers (80), textile workers (73), transport workers (45), and farm labourers (41). Textile workers were greater in number to a highly significant degree and farm labourers significantly less, as might be expected from such a county as Lancashire. In Dublin, occupations were on the same pattern as Lancashire, transport workers and personal servants being significantly large in number, with farm labourers significantly low. Labourers, however, predominated in number. In Yorkshire, labourers and farm labourers were main trades but textile and metal workers appeared significantly large in number. In Warwickshire, largest single category of occupation was that of metal worker, which showed a high degree of significance. Labourers' numbers were within expected limits, but farm labourers were significantly less. In Surrey, farm labourers were numerically greatest, then labourers, transport workers and workers in wood, such as carpenters. This latter group, though significantly high, was numerically small.

It can therefore be concluded that the overall sample of convicts, though refined in some directions, particularly in respect of age and former offences, fundamentally holds true. What were the conditions of life from which the convicts of these five counties were plucked?

There is a famous description of the living conditions of the poor in Manchester in 1844⁽⁶⁾ and although there is not enough information to say so with certainty, who will

6. Frederick Engels, The Condition of the Working Class in England, trans. W.O. Henderson and W.H. Chaloner (Oxford, 1958), pp. 53 ff.; hereafter cited as Engels, Condition of the Working Class.

doubt that the convicts despatched to Australia included in their ranks many men from the factory towns so dramatically described by Engels? Among the horrors of life in "little Ireland" in Manchester was the practice of drinking illicitly-distilled whisky in houses crammed with Irish on Saturday nights. Such was the quality of this liquor that gangs of men spilled mad drunk from these dens, armed with weapons such as pokers, and patrolled the streets, looking for others to assault, especially Irish from other than their own provinces⁽⁷⁾. Brawls and sprees were repeated throughout the factory towns, and although it is impossible to say whether the men from Lancashire were of the lowest class inhabiting the cellars of that city (there were reckoned to be 20,000 such wretched cellar dwellings⁽⁸⁾ in 1832, numbers of previous convictions and type of offence committed, together with occupation and age, suggest strongly that the convicts were, as in London, recruited heavily from the poorest areas. It must not be considered that all English, or all the convicts, were typified by the state of some factory workers in the large towns, but there need be little doubt that descriptions of working-class areas are most relevant to discussion of the background from which came many involuntary Australian settlers.

The number of convicts transported from the Irish capital has already been computed and there is also reason to believe that most of these men were living in the working-class areas of that city, the poorest districts of which were among the worst in the world.⁽⁹⁾ At the time of the Union, Dublin had a larger population than any of the cities

7. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, pp. 93-94 : evidence of William Davies, Superintendent of the Manchester Watch.

8. Clapham, Economic History, vol. 1, p. 40.

9. Engels, Condition of the Working Class, p. 40.

of England with the exception of London,⁽¹⁰⁾ so the large number of convicts from the city is not surprising, for Dublin appeared no exception to the general picture of over-crowded, insanitary and rapidly-growing towns that is commonplace. Even such an admirer of the eighteenth century as Constantia Maxwell cannot make her picture of the life of the poor in Dublin very attractive, pointing out the lack of government action to alleviate distress so characteristic of the period.⁽¹¹⁾ Voluntary associations there were in plenty, but the picture of Dublin in the years up to the Great Famine is a similar one to that of London or Manchester, Birmingham or Bristol. In the latter case, a typical occurrence was the withdrawal of respectable inhabitants from certain parishes such as St. James's, these areas being left to fester with the poorest and lowest people.⁽¹²⁾

The growth of slums harbouring a "classe dangereuse" was typical of the cities of this period. It was the case in Scotland. Although few records give the particular part of Glasgow and Edinburgh in which convicts lived, the few that do note prisoners as living in the poorest quarters. Both cities contained areas that were mediaeval in character, and the Irish and Highlanders driven from the north, existed in wynds and closes of Glasgow, housing the very lowest of unskilled labourers and criminals.⁽¹³⁾ In these sordid and squalid surroundings were people for whom theft and prostitution were the principal sources of income.⁽¹⁴⁾

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10. Constantia Maxwell, Dublin Under the Georges 1714 - 1830 (London, 1946), p. 115; hereafter cited as Maxwell, Dublin under the Georges.
 11. ibid., ch. IV, passim.
 12. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p. 98 : evidence of Miss M. Carpenter, an author and visitor to poor families for 17 years.
 13. Clapham, Economic History, vol. 1, p. 38.
 14. Engels, Condition of the Working Class, p. 46, citing Symons' report to the Royal Commission on Handloom Weavers.

There is no need here to rehearse accounts of the fate of the farm labourer during the grim years after the end of the Napoleonic War, but the impression must not be left that all convicts were town and city dwellers. Examination will therefore be made of English and Irish rural counties, to restore the balance and to see whether these counties differ from the pattern laid down. The English counties of Dorset, Wiltshire, Bedfordshire and Cambridgeshire will be treated as one first of all. Their convicts number, however, only four per cent of the total number of male convicts.

As for age, there were significantly fewer men under 20 from these rural counties (chi-squared = 4.85). Marital status conformed to the overall sample, for although men from the country tended to include more married and less single men than expected, the difference was insignificant. Extent of previous offences was as expected i.e. about one third of these men had been before in trouble. However, fewer were sentenced to seven years (chi-square = 4.78) and more to life (chi-squared = 4.83). Both varied significantly from the expected figure. Nearly half of the group were farm labourers (83 out of 189) and the frequency of this occupation was very significant indeed.

The proportion of men from the four counties who had been born outside the county of trial did not vary significantly from the overall figure. It is impossible to say whether such outsiders were part of a mendicant and shiftless class without examining closely what details there are of the trials of these men, together with their statements, and it is seldom that such interesting data are available to the researcher. Nevertheless, there is some secondary material available concerning the country offender, and though emphasis laid on poaching as an immediate cause of transportation has been misplaced, there is no doubt that

rural crime was not exercising the minds of witnesses before committees of enquiry for nothing. It is not the business of this enquiry to dwell on the laws of settlement, the effect of Speenhamland methods of relief on the poor and the state of the agricultural labourer in detail, because the relatively few rural prisoners transported does not permit or justify such a step. However, some impression of the life of the farm-worker should be given on a high level of generality.

That the conditions of life of the rural worker deteriorated in the years after 1815 appears certain, though historians take up different positions in discussion of a subject on which not enough detailed information is available and on which it is difficult to come to conclusions without the topic becoming loaded with value judgements, particularly political ones. Not all parishes were filled with poverty-stricken labourers dying of starvation and demoralised to an extreme point, but there were some where only the devil looked after the hindmost. Before 1830, in some districts with a "surplus" population, wages or relief was sufficient only to sustain life. And if unemployment existed, there followed law-breaking by men who idled away the day and made the roads dangerous at night. (15)

Causes of offences for which men were transported to Australia can only be understood in relation to specific crimes. There is however no little evidence that the condition of some rural workers during the period was grave. Crime was caused by the low rate of wages and want of employment, it was said, together with the vicious system of supporting numbers of young men from the poor rate, (16) and the population was tragically increased by early marriages to avoid the charge of bastardy, or to receive a better allowance from the parish. (17)

15. W. Hasbach, A History of the English Agricultural Labourer, trans. Ruth Kenyon (London, 1908), p. 208

16. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-27 (534) VI, p. 8.

17. ibid., p. 8.

But the degradation of the farm labourer was not typical of all English counties. In Cumberland, for instance, no wages were paid out of the poor rates in 1826 and the rate of wages was higher than in almost any other rural county. There had been no increase of crime among the agricultural labourers in 1827, though some indulged themselves in poaching through love of sport.⁽¹⁸⁾ Rather it was in the southern counties that the rural workers' plight grew so desperate that machines were broken and arson committed in the 1830s. The point to be borne in mind in speculating about rural offences leading to transportation is that they were like the enclosures of the sixteenth and seventeenth centuries - it was their concentration not their extent that mattered. In one of these southern counties, degradation of the labourers reached a point where, before 1824, all the unemployed were lined up on Monday mornings and the farmers bid for their services.⁽¹⁹⁾ Such was one result of paying wages out of the poor-rate.

As to criminal acts, many arose from the fact that no matter how hard they worked, men could not maintain their families without relief from the parish. The worker then sunk to poaching and was gaoled because unable to pay the fine, whereupon he grew holder and stole poultry, becoming a confirmed criminal and depredator in the course of time. Counties suffering most were Suffolk, Sussex, Bedfordshire, Dorset and Wiltshire where the paying of wages out of the poor-rate had gone furthest. Norfolk, Huntingdonshire and Devonshire were also affected.⁽²⁰⁾

But it was not clear to everyone that men were being driven to crime through economic necessity. In Essex, it was held, the idle and the dissolute were the ones who lived by theft, but that stern steps had resulted in their going to work.⁽²¹⁾ The Constabulary Force Commissioners, after hearing

18. *ibid.*, pp. 58-65 : evidence of Sir James Graham, M.P. and Cumberland Magistrate.

19. *P.P.*, Report from the Select Committee on Labourers' Wages 1824 (392) VI p. 438-9 : evidence of Rev. Phillip Hunt, Bedford Magistrate.

20. *ibid.*, pp. 404-405, p. 435.

21. *P.P.*, Report of the Constabulary Force Commissioners 1839 (169) XIX, p. 146 : evidence of the Rev. George Hall, vicar of Tenbury.

a great deal of evidence on the subject of rural crime in 1839, concluded that in scarcely any cases was crime caused by want or destitution. "The notion that any considerable proportion of the crimes against property are caused by blameless poverty or destitution we find disproved at every step." (22)

Even in the rural counties about one-third of the convicts had been born outside the county of trial and there is some evidence to suggest that these men were not law-abiding and preyed upon the countryside. It was declared flatly that a large proportion of rural and provincial crime was committed by migrant depredators or by men only loosely connected with the particular neighbourhood. (23) In Herefordshire, the countryside was infested with vagrants (24) and it was considered in 1839 that

the most prominent body of delinquents in the rural districts, are vagrants, and these vagrants appear to consist of two classes; first, the habitual depredators, housebreakers, horse stealers, and common thieves; secondly, of vagrants, properly so called, who seek alms as mendicants. Besides these classes who travel from fair to fair, and from town to town, in quest of dishonest gains, there are numerous classes who make incursions from the provincial towns upon the adjacent rural districts. (25)

An example of this is to be seen in a Return from Knutsford (Cheshire) House of Correction in 1837, for of 94 convicted persons there, 20 were from Lancashire, four from Staffordshire, four from Yorkshire, seven from other English counties and nine from Ireland. (26)

The Commissioners whose Report reveals such a wealth of evidence from those in a position to know the truth about the nature and extent of crime in the country could find no proof that any but very occasional offences were

22. ibid., p. 73

23. ibid., p. 147

24. ibid., p. 148

25. ibid., p. 19

26. ibid., p. 22

committed through want⁽²⁷⁾, and the existence of a substantial number of men possibly professional marauders away from their counties of birth is certainly shown by the sample. But although the immediate cause of an offence may not have been want, there can be no doubt that degradation of the rural workers in some areas could do little but create a climate of encouragement to criminal activity, whether the cause be want or the break-up of a society. An atmosphere of lawlessness was created through the demoralisation springing from methods of relief adopted in the southern counties of England in particular. As well, the system of police changed only slowly and well behind necessity, with the result that the creation of a competent force in one county drove the shiftless into another, the habits of vagrancy receiving considerable impulse from the operation of the new police in provincial towns, upon the principal of the Metropolitan Police.⁽²⁸⁾

To sum up : the country convicts in the sample were punished more severely than the overall sample indicated, they appeared slightly older than expected though still the great majority were under 30 years of age, they included approximately a third of men who were born outside the county of their trial, and the number of farm labourers was significantly great. As well, descriptive evidence suggests that although the method of paying relief from the poor-rates was degrading, no large proportion of convicts from the country committed offences leading to transportation through immediate want. Examination of the offences will enable a further refinement of this general picture of the rural convict.

Conditions of life in some examples of English and Irish urban areas, and English rural areas, have been examined, and though there have been some significant divergences from

27. ibid., p. 73

28. ibid., p. 22

the overall sample, in general those characteristics have held true for the representative counties selected to test them against. Whether the overall sample gives a correct impression of the sorts of offences committed in those areas, remains to be seen, but before this is resolved, there is one further group of counties of trial to be regarded.

These are the Irish rural counties and for the purposes of this survey, five of them have been selected : Tyrone, Meath, Galway, Kerry and Kilkenny. Number of men in the sample tried in these counties totalled only 181 out of a grand total of 6,131 (three per cent), and was 13 per cent of the Irish-tried convicts.

It is apparent that the clear tendency of the Irish convict to have been older than anticipated, is reinforced in no uncertain way, because these five counties transported prisoners who included significantly fewer men aged under 20 than expected (chi-squared = 8.39). Numbers under 30 years differed also in a highly significant way from the overall sample, and although the number of men aged 40 and over was not significantly higher, there was a tendency in this direction. The number of married and widowers was different to a highly significant degree, the five counties convicting more than might have been expected, (chi-squared = 9.48). Thus findings on age and marital status point in the same direction.

In number of former offences, too, the Irish here isolated differed in a highly significant way from the hypothetical figure of the overall sample, for the number of men without earlier convictions was far higher than expected. As numbers of earlier offenders varied decidedly from the complete sample on which the enquiry is grounded, so did the number of men sent out to Australia for seven years, they being significantly greater in number (chi-squared = 4.02). Again, more men tried in the five counties had been born in them than anticipated i.e. Irish convicts did not include the relatively high proportion of men on the move or who had left their

native places, that the large sample indicated. The difference was very significant.

What of the trades of the Irish countrymen? All sorts of evidence emphasises the rural nature of Ireland, and both labourers and farm labourers appeared in very significantly large numbers.

In short, the characteristics of the Irish country convicts probably differed more sharply from the overall picture than any other group so far looked at. Why?

The sorry story of Ireland during the period, as well as before and after, can only be touched on here : the offences for which the Irish came to Australia will afford a better and more fruitful opportunity of filling in the background. This is not to say the Irish convicts were all innocent victims of Ireland's troubles, but especially if the Dublin prisoners, and to some extent the men from Cork, are discounted, then the Irish rural convict has more claim than most prisoners to the title of "village Hampden".

The regard in which English town criminals were held by witnesses who should have known what they were talking about has been noticed, and on all hands there is evidence of the quite dissimilar character of the Irish. One observer thought transported Irish considered themselves well-off and that they were more to be pitied than blamed, being merely simple peasants transported on most minor charges. He also noticed a difference between the English and Irish on the transports. The Irish were always anxious to oblige and were civil, whereas the English had none of these characteristics. The English had to be driven to everything and considered work as degrading, whereas the Irish were always anxious to please and appeared determined to work hard and make the best of their new lives. (29)

29. Cunningham, Two Years in N.S.W., vol. 2, pp. 237-239.

No one who had read the report of the Devon Commission can contemplate the state of Ireland before the Famine with equanimity and without a sense of foreboding, and not agree with the grave judgement that it was impossible to describe adequately the wretched state of the Irish peasantry. The Report notes that

In many districts their only food is the potato, their only beverage water, that their cabins are seldom a protection against the weather, that a bed or a blanket is a rare luxury, and nearly in all, their pig and manure heap constitute their only property. (30)+

That the Irish were not so innured to crime as the English or Scots receives support from other sources and observers. Bigge thought that they arrived usually in Australia in a very healthy state, and leaves a strong impression of a bewilderment among the Irish which ill fits confirmed criminals - they were more obedient en route, the Commissioner recorded, and the separation from their native country made a deep impression upon their minds. (31)

Whether Ireland was over-populated or not before the Famine is a question which cannot be simply answered, but marriage was at an early age and families large. "Vive la pomme de terre!" wrote Arthur Young and Disraeli calculated that on arable land, the population density was greater than that of China. (32) In 1841, there were over eight million inhabitants of Ireland. Undoubtedly there were areas of the country where the birth-rate and the system of "farming", if it can be so dignified with the name, combined with history to make the life of the peasantry one of misery. Though the Devon Commission's conclusions were not utterly pessimistic, yet the general picture is of a potentially rich farming country going to waste through the

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30. P.P., Report from Her Majesty's Commissioners of Inquiry into the Occupation of Land in Ireland 1845 (605) XIX, p. 35.
31. P.P. Report of the Commissioner of Inquiry into the State of the Colony of New South Wales. 1822 (448) XX, p.551.
32. Cecil Woodham-Smith, The Great Hunger: Ireland 1845-9 (London, 1962), pp. 30-31; hereafter cited as Woodham-Smith, The Great Hunger.

crazy sub-letting and con-acre systems. The result was at the same time tragic and comic. For instance, such was the paucity of farm buildings that farmers were driven to thatch their cattle with straw. (33)

It is easy to blame the absentee land-lords for Ireland's plight, and ignore the not inconsiderable number of land-lords whose actions it is difficult to fault. But they sinned, rather by omission than commission, and must take a large part of the blame for the horrors of the Famine caused by failure of the potato crop and the unrealistic policy of the English government. Two factors dominated Irish rural life in the period.

The first was an increase of over 100 per cent in the population from 1770 to 1841, without industrialisation, and the second was the obsession of the Irish peasant to secure and hang on to a piece of land, even if it were only as big as a postage stamp. The land-lords and larger farmers were at fault in that they permitted sub-letting on the scale they did. One estate, it was said consisted of 10,966 acres and "supported" 10,129 individuals. (34) This sort of economy was so delicately balanced that any shortage of food was bound to create even more misery than that experienced by families living from hand to mouth in single room cabins in a country where in a normal year, over one million persons were in a state of beggary. Conditions were worse than anywhere else in Europe (35) and Gladstone was unhappily correct when he spoke of Ireland as "Ireland, Ireland that cloud in the West, that coming storm!" (36)

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33. George O'Brien, The Economic History of Ireland from the Union to the Famine (London, 1921), p. 32, citing Curwen's Observations; hereafter cited as O'Brien, Economic History of Ireland.
34. T.W. Freeman, Pre-Famine Ireland (Manchester, 1957), p. 16 See the maps on pp. 18-19 for the density of population.
35. Woodham-Smith, The Great Hunger, p. 24,
36. ibid., p. 40.

And when people lived literally on water and potatoes and were uneducated, it needed little to blow an always smouldering fire into flames of violence. The smell of peat and gun-smoke seemed to hang over a country in which incipient warfare existed between Irish and English, Roman Catholic and Protestant, land-lord and tenant, tenant and sub-tenant, and sub-tenant and sub-sub-tenant, not to mention feuds between families that had been going on so long that no one remembered why they had started. There was a nightmare violence in Ireland that was unfortunately no dream and to which the population had become accustomed. The condition of the peasantry, then, was miserable in the extreme. "The people had an alarmed and unsettled aspect and... seemed to labour under some strong and insatiable want that rendered them almost reckless".⁽³⁷⁾ As will be shown, the offences of the Irish convicts reflect the state of the society from which they sprang.

This chapter selected three groups of convicts and examined them in terms of origin and character and background. The conclusion is that the general account of the origin of the pioneer settlers of Australia given earlier holds true for English rural and urban offenders but that Irish prisoners from the country differed significantly in a number of ways. However, they were relatively few in number. (See Table II.i). It is more important to dwell upon the origin of the city and urban dwellers and there appears no evidence to suppose these prisoners to be, as a rule, objects of admiration. Both statistical and descriptive evidence stresses their idle and criminal character, an impression confirmed from Australia in 1822 when complaints were made of a batch of newly arrived convicts from London, Yorkshire, Manchester, Birmingham and Glasgow, "a class of men noted for their early depravity and dissipated habits".⁽³⁸⁾

37. James Carty, Ireland from Grattan's Parliament to the Great Famine 1783 - 1850 (Dublin, 1949), pp. 158 - 160, citing William Carleton, The Black Prophet.

38. H.R.A., I x 618, Brisbane to Bathurst, 4.2.22.

CHAPTER IV

The Offences : "Other Larcenies"

"How will he stand in the Newgate Calendar? P'raps not be there at all. Oh, my eye, my eye, wot a blow it is!"
 "Ha! ha! cried Fagin, "...see what a pride they take in their profession, my dear. Ain't it beautiful?"⁽¹⁾

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The criminal offences grouped as "other larcenies" in the survey demand major attention : the offence caused transportation of 37 per cent of the sample. The first question to be asked and answered concerns the place of trial of this group of men. The Table in Appendix 9(d) shows that of the men transported for "other larcenies", 83 per cent were tried in England, a larger number than expected to a highly significant level. In fact, 29 per cent of all convicts were thieves tried in England.

Among the English prisoners transported for "other larcenies", London stands prominent with the highly significant total of 613 out of a grand total of 6,131. Lancashire's total was also significantly high as was that of Surrey. Numbers transported from Dublin, Yorkshire and Warwickshire were within the expected limits. These results show that there was an association between the types of offence under discussion, and London, Lancashire and Surrey that was unlikely to be due to chance. It has also been shown that these counties were associated with juvenile offenders formerly convicted more often than expected, so that a very generalised level, it could be held that these cities and urban areas appeared to sentence to transportation young, formerly convicted offenders for "other larcenies". To show the type of offences leading to transportation, a number of London cases will be sketched.

First, convicts stole objects left where thieving hands could remove them. One prisoner, for instance, was sent out to Australia for seven years for stealing lead, and another man on the First Fleet was banished from the country for the

1. Charles Dickens, Oliver Twist, ch. XLVI.

theft of manufactured lining. Other offences included the purloining of two and a half bushells of coals from a barge at Puddle Dock, theft of linen, papers from the Navy Office, and muslin.⁽²⁾ Through the Old Bailey Sessions Papers very often a verbatim account of London trials is available, and this last-mentioned case, that of the theft of muslin, was reported in detail. It transpired that the prisoner's wife was also involved, or so it was suspected. However, a charge against her the previous Sessions had not been successful and now her husband was indicted. The prisoner at the bar, a weaver, was evidently feeling bitterness towards the officers who had lodged him in custody, for he threw himself about, and stated during his trial that "if it was not for the bloody Nosers we should not get half the swags we did", and further observed to a witness, "you are a bloody villain, for the sake of a pound or two, these fellows would swear any man's life away". He was transported for seven years and behaved in a most insolent manner when being removed from the court.⁽³⁾

A further case was that of a man whose trade was buying and selling old clothes, and his sentence of execution was commuted to life transportation for stealing over the value of 40/-. The dangerous character of some parts of the metropolis in Georgian times has been mentioned earlier and was graphically illustrated here, for during the trial it was stated that the prisoner had resisted arrest at George Street, an area in which the apprehender found himself surrounded by "a parcel of girls", one of whom was flourishing a knife.

They nevertheless failed to rescue the struggling prisoner.⁽⁴⁾

2. Joseph Wright per Scarborough (87), M.G.D., 26.5.84; O.B.S.P.
Jacob Bellett per Scarborough (87), M.G.D., 12.1.85; O.B.S.P.
James Cartland per Active (91), L.G.D. 24.2.90; O.B.S.P.
John Tucker per Neptune/Surprize/Scarborough (90), M.G.D.
20.10.89; O.B.S.P.
Thomas Robson per Fortune (06), M.G.D., 15.2.04; O.B.S.P.
3. Charles Peeler per Admiral Gambier (08), M.G.D., 15.9.06;
O.B.S.P., A "noser" was a police informer or paid spy.
4. Levy Lyon per Ann. (09), M.G.D., 13.7.08, O.B.S.P.

Other articles stolen included two blankets, a watch, money, 50 lbs. of sugar from a cart in Friday Street, and money from a till. The case of the man who rifled the till is of some interest because it was one of those rare occasions when a prisoner pleaded a reason for his offence, claiming in this case that he stole "through distress" and that "it was made up among them [the police officers]". His appeal for mercy was no use to him and he received sentence of transportation for seven years. (5)

Another London convict stole four gallons of rum valued at £3, and a man transported in 1801 apparently took advantage of his position in the City, for he stated that he was inn-porter to the Lord Mayor of London at the Mansion House. He was sent to New South Wales for stealing 150 lbs. of iron from the roof of those premises. Another man stole a tub with 100 oysters in it. The oyster-stealer was another individual who nearly escaped arrest through the intervention of a gang of girls, this time in Bailey's Court near Cable Street [running east from Royal Mint Street]. And one convict was transported for actually stealing from the Mint, he related. Upon arrival in Van Diemen's Land he disclosed that he had been employed at the Mint with his father cleaning sovereigns. He stole 47 of the objects of his work. (6)

There is little evidence from the trial reports, and from an assessment of the objects stolen, that contradicts previous evidence of the character of the London thief. This conclusion was also reached by one of the few historians who has examined the London trials objectively. (7) Admittedly not all the trials followed up can be here cited, but though an observer's comment that most convicts were useless in Australia, especially the London pick-pocket who was a

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5. James Cameron per Glatton (02), M.G.D., 17.9.00; O.B.S.P.
 6. John Webb per Canada (01), M.G.D., 2.12.95; O.B.S.P.,
Joseph Willoughby per Nile/Minorca/Canada (01), L.G.D.,
26.2.97; O.B.S.P. James Bowing per Lord Sidmouth (18), M.G.D.,
17.6.18; O.B.S.P. William Pearce per Commodore Hayes (23)*,
M.G.D. 15.1.23.
 7. Michael Roe, New South Wales under Governor King, M.A.
Thesis (Melbourne University, 1955).

"worthless, good-for-nothing blackguard"⁽⁸⁾, may not be completely true, extenuating circumstances were few and far between so far as can be gathered.

Secondly, stealing from the person was a common form of theft among the London men transported. One was noted as having been "most daring", but he claimed that this Hulk Report was understandable because he was repeatedly punished and behaved badly in order to get away⁽⁹⁾. Such an admission was most unusual, although it had been reported on and off during the years of transportation that convicts tried to get sent to Australia. Life transportation was awarded to another man for stealing a watch from the person at Purim Fair in Duke's Place.⁽¹⁰⁾ The mischief allegedly caused by thieves congregating at fairs to ply their trade had been mentioned by a prisoner inspector in 1852, and he had drawn attention in particular to Hammersmith Fair, though he joined with many people in attributing most blame for current crime to the low lodging-houses⁽¹¹⁾.

A case of pocket-picking noted in the sample was one in 1818. This was a curious one in that the prisoner, who was transported for stealing, with a companion, a handkerchief from a gentleman, told the court that "the officer said he would get us transported right or wrong"⁽¹²⁾. The details of this case appear almost identical to those which caused

8. William Henry Breton, Excursions in New South Wales, Western Australia and Van Dieman's [sic] Land during the years 1830, 1831, 1832, and 1833. (London, (1834), p.279; hereafter cited as Breton, Excursions.

9. John Andrew per Medina (25)*, M.G.D., 15.7.24.

10. John Harris (2) per General Stewart (18), L.G.D. 1.4.18; O.B.S.P.

11. P.P., Report from the Select Committee on Criminal and Destitute Juveniles, 1852 (in 515), VII, pp. 20-21 : evidence of Capt. W.J. Williams, Inspector of Prisons for the Home District.

It is interesting to note that concerning another great fair, Donnybrook Fair, held about a mile from Dublin, Irish writers prided themselves on the fact that there were very few swindlers and picpockets ever present, though this could be due to the fact that no one had much money. It was related that there were more marriages celebrated in Dublin the week after the Fair than in any two months of the year: Maxwell, Dublin under the Georges, p. 146.

12. A.J. Avery per Baring (19), L.G.D., 9.9.18; O.B.S.P.

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12. A.J. Avery per Baring (19), L.G.D., 9.9.18; O.B.S.P.

the transportation of the notorious James Hardy Vaux⁽¹³⁾, and making allowances for Vaux's show of unrighteous indignation in his account, the London of his day is recognisable. Theft of handkerchiefs by pickpockets was not uncommon. A case in point was the abstraction of a silk handkerchief valued at 2/6, the prosecutor stating that the offence occurred on Fish Street Hill, and was "dexterously done".⁽¹⁴⁾

Though there is at least one piece of evidence showing that handkerchiefs were worn as neckerchiefs by thieves, (see p.79) descriptive accounts suggest that the articles were more generally sold to "fences" or receivers of stolen property. In one of his novels evoking the atmosphere of London, Dickens describes a street leading to Saffron Hill. In its shops were great bundles of second-hand handkerchiefs for sale. The street was "the emporium of petty larceny".⁽¹⁵⁾

One of the criminal classes, interviewed in mid-nineteenth century, reflected on his career and noted that "the best handkerchiefs then bought 4/- in Field-lane",⁽¹⁶⁾ and another of Mayhew's informants told him that when he came first to the metropolis, he had no "fence", or "pals" for a time, and sold the handkerchiefs he stole to Jews in the streets, mainly in Field Lane, for 1/6. Sometimes he got 3/6 for the best handkerchiefs, "those that have the pretty-looking flowers on them".⁽¹⁷⁾

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13. Vaux, Memoirs, chapters 12-13. There is no reason to doubt Vaux except when he is talking about himself. His description of London and its underworld has the ring of authenticity.
 14. Benjamin Edmondson per Royal Admiral (92), L.G.D., 14.9.91; O.B.S.P.
 15. Dickens, Oliver Twist, ch. XXVI.
 16. Mayhew, London Labour, vol. 3, p. 396.
 17. ibid., p. 392

Thirdly, articles were stolen and then pawned. One convict was a lodger, but later sent his victim a letter with the pawn duplicates enclosed, and promised to pay for the stolen articles. Notwithstanding, he was cast for death but subsequently had his sentence commuted.⁽¹⁸⁾ Another convict also stole from his lodgings. He was transported with his wife who was also engaged in the enterprise.⁽¹⁹⁾

But divisions of types of "other larcenies" is somewhat unrealistic, for it is not always clear what the purpose of the theft was. For instance, a bed was stolen by a man transported in 1828. He felt obliged to tell the police in Hobart Town that his wife and child were with his father, a retired coach master, at Prospect Place, New Kent Road, and that he had a cabriolet of his own which stood in ranks.⁽²⁰⁾ And a man transported for stealing a ring intimated upon arrival in the Derwent that he had misbehaved on the passage out: "I am one of those who wanted to rise and stab the officers of the ship; Webb was the one who proposed".⁽²¹⁾

Offences, then, were many and various and a recital of too many would be wearisome. A list includes stealing a parcel out of a cart, a cheese, a gold watch, two nets, and 18 pennies from a cap. Another prisoner stated that he stole blankets from an undertaker in Shoreditch. "I got seven years for a watch before and spent six at Sheerness. I was out 12 months and now am again transported."⁽²²⁾ Other things stolen were calico, a cotton bed valence during a fire, three beds and carpets, shoe-buckles, pewter dishes from Dicey Quay, 10 quartern loaves of bread, a cask and two gallons of peppermint from a cart in Fenchurch Street, a

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18. John Mason per Isabella (18), M.G.D., 17.9.17; O.B.S.P.
 19. John Hindle alias Thorpe per Lord Auckland (44)*, C.C.C., 6.5.44.
 20. William Guion per William Miles (28)*, L.G.D., 6.12.27.
 21. James Dennis per Coromandel (38)*, C.C.C., 14.5.38.
 22. William Player per Phoenix (24)*, M.G.D., 10.9.23.

looking-glass, sugar tongs, a Cheshire Cheese, candlesticks, and three half-guineas and 39 half-crowns valued at 39/-.

This last case was an instance of stolen articles being deliberately undervalued to enable the prisoner to escape sentence of death. The clerk of the arraigns at the Old Bailey, a man with 35 years experience, said in 1819 that prosecutors for the offence of stealing in a dwelling house to the amount of upwards of 40/-, and privately stealing in shops over 5/-, generally undervalued the property lest the prisoner be capitally convicted. The juries of London, mainly tradesmen and shopkeepers, sought every opportunity to reduce the value of articles stolen in a dwelling-house to below 40/-.⁽²³⁾ This practice occurred as early as the end of the seventeenth century and the action of juries meant that many capital statutes virtually ceased to exist in practice, though they were, in all their savagery, on the statute book.⁽²⁴⁾

A few more instances of offences must suffice. In 1791 a prisoner was sent to New South Wales for stealing 11 silk handkerchiefs from a shop and detected by a sharp-eyed officer of a patrol who saw him wearing one, untrimmed, around his neck. A boy, known as "One-Ey'd Gunner", stole three beds and carpets and another Londoner was one of the many who stole money. According to the account of his trial, this he did by asking a little girl in the street for change of half a guinea and when she gave him the money, running away without giving up his coin (if he had one). Although we must wonder what to think of a boy transported on the Second Fleet for seven years for stealing 28 yards

23. P.P., Report from the Select Committee on Criminal Laws 1819 (585) VIII, p. 22 : evidence of Thomas Shelton.

24. Radzinowicz, History of the English Criminal Law, vol. 1, pp. 94-5. There is no doubt that the criminal law was not nearly as severe as it appeared on paper. On this, see in particular O'Brien, Foundation of Australia, Part I, and Radzinowicz, History of the English Criminal Law, vol. I, p. 83 ff. : "Application of Capital Statutes by the Courts".

of woollen stuff, and who told the Court that his father had been scalded to death and that his mother was in the work-house, (25) the reader of the Old Bailey Sessions Papers is driven to the conclusion that there was nothing particularly noble about the convicts sent out to Australia from London. Very few and far between were any suggestions of victimisation. Examination of the many records and particularly the admissions leaves the reader with a very strong impression of nimble minds and impertinence. Noting that juvenile thieves took fruit from nursery gardens in London as if they had a right to it, a police magistrate's remark underlines that made above : the boys in the town were "much sharper and readier". (26)

It has already been noticed how alike were London and Lancashire in some respects, and the variable of "other larcenies" was no exception. Types of objects stolen included : 100 yards of stuff valued at £5, a spying glass, a pencil case and 5/1, 10 lbs. of sugar, wet linen from a field, 16 lbs. of lead fixed to a roof, and watches.

As in Lancashire and London, so in Dublin. Here there was the same variety of objects purloined : brass cocks, sacks, money, lead, a trunk, hay, potatoes, leather, bacon, furniture, a watch, lead piping, candlesticks and spectacles. The Dublin men sent out to Van Diemen's Land did not in general enlarge upon the nature of their offences in any way useful for the present purpose, though a man transported for taking £10 that did not belong to him, explained that "I was prosecuted by Edward O'Neill, my cousin; I took it from his house at night; he was a hatter and I his apprentice, and after having left him I stole it from the till". (27) Though only one other man in the group added anything to the statement of offence

25. Joseph Audery or Andery per Pitt (91), L.G.D., 16.2.91; O.B.S.P., Richard Richardson per Active (91), L.G.D., 8.12.90; O.B.S.P., Thomas Winstan per Neptune (90), M.G.D., 12.12.87; O.B.S.P., Thomas Rogers per Neptune/Surprize/Scarborough (90), M.G.D., 25.6.88; O.B.S.P.

26. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VIII, p. 86 : evidence of Thomas Payner.

("I have lived 12 months by stealing")⁽²⁸⁾ there is no evidence to suggest that the character of the offences in Dublin was not similar to those perpetrated in other urban areas of Britain.

In a largely descriptive way, cases of "other larcenies" from the cities, and from London in particular, have been inspected. But what of rural and semi-rural England? An unusual provincial case, in that it was later incorporated in a book, was that of a man tried in Northamptonshire for stealing 35 sovereigns from a stable, and the account of his apprehension by an officer of the famous Bow Street police affords a unique chance to get the view of an officer of the law. Goddard, the officer in question, had been called in to investigate the robbery and, as he could obtain no clue, went to Weedon Fair, where he heard that potential culprits, such as poachers, idlers, thimble-riggers and horse-stealers, would be present. At the fair, a friend of Goddard's saw two brothers challenging anyone to toss for a sovereign, and his suspicions were aroused, for he knew that these two individuals had until that day been poverty-stricken. Goddard followed up the brothers and arrested one of them when he found a jenny and ten sovereigns in his possession. They were subsequently found guilty of the robbery and transported. Both men were sent out to Van Diemen's Land, and one of the brothers admitted when he got to the Derwent that the robbery had indeed been committed by them.⁽²⁹⁾

To conclude discussion of "other larcenies" from the point of view of county of trial, a number of other provincial

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27. Thomas Armstrong per North Briton (42)*, Mayo, 20.6.42.
 28. William Johnston per Richard Webb (41)*, Antrim, 26.6.41.
 29. Samuel and James Clare per Gilmore (38)*, Northants. Q.S., 19.10.37; Henry Goddard, Memoirs of a Bow Street Runner (London, 1956), pp. 138-42.

cases from all over the Kingdom will be considered. It is clear that, with the exception of theft from the person - typically an urban offence needing a crowd of people for successful execution - men were transported for taking much the same type of objects as before mentioned, though there was a greater proportion of "country" objects stolen e.g. a bullock hide, meat, beef, a quart pot, mutton, a plough, sacks, wool, butter, wheat, herrings, a plough share, whips, harness and two trusses of grain.

One countryman convict in the sample, aged 65, was tried at Kent Quarter Sessions in 1832 and transported for stealing three sheep skins. He had been twice imprisoned before, said his Gaol Report, and for some years had lived chiefly by pilfering. The prisoner did not quite put it like that: "I have lived by buying rabbit skins, travelling about Kent; I have followed that trade for the last 20 years; before that I was at sea". A newspaper report of his trial stated that he was convicted for stealing the sheep skins, the property of Robert Lake, at Thanington, and "having been twice before convicted of felony, the prisoner was sentenced to seven years transportation".⁽³⁰⁾

In a few cases, observations on the character and disposition of the prisoners are extant, but in general they say little. However, the character of a man transported for stealing cloth was thought to deserve comment: "A very bad character; belonged to a gang of cloth stealers. His brother seven years last Assizes".⁽³¹⁾ Another man, transported for the theft of hay in Herefordshire in 1834, was considered "idle and disorderly"⁽³²⁾, and a third case was written up

30. John Avery per Moffatt (34)*, Kent Q.S., 6.4.32; The Kent Herald, 12.4.32.

31. Charles Redman per John (27), Glos. Assizes, 9.4.27; Adm. 6/420, no. 2345.

32. William Bray per Henry Tanner (34), Hereford Q.S., 30.12.33; Adm. 6/421, no. 672.

in some detail. The man referred to was transported for stealing copper money.

Whitehead's real name it is believed is George Almond, he answers the description of a person of that name and the following account of him has been furnished by Mr. Wild, a constable at Sheffield - "He is a very bad character; in 1817 he was tried at Rotherham for uttering base coin; he was tried and convicted once after that and imprisoned again. Tried in October 1820 and transported for seven years and returned back to Sheffield. We have missed him about three weeks". Stedman of Leviathan hulk believes him to be Almond and had been on board that vessel. His conduct during his imprisonment has been very bad, so much so that it was found necessary to place him in irons to prevent a violent attempt to escape. Since his conviction he has declared his intention to escape within six months after he is delivered on board the Hulk. (33)

These sort of remarks cannot be held to be typical, but Cunningham, an experienced Surgeon-Superintendent on convict vessels, stated "and I soon discovered, before the end of the voyage, that no juries had ever made fewer mistakes!" (34)

This leads to consideration of earlier offences and the number of times the men sent out to Australia for "other larcenies" had been before lodged in gaols or fined. The Table in Appendix 9^(b) shows that certainly 43 per cent of the men transported for the offence under review had been before in the hands of the police, and most likely 72 per cent. This figure is very significantly high. It would be idle to list comprehensively the types of former offences but "three months for a waistcoat" or some such object, or a similar period in prison for fighting, or "a row" or simply "before in prison" typifies the former offences of the men transported for "other larcenies".

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33. George Whitehead per Bussorah Merchant (28) Derby (Borough) Q.S., 1.3.28; Adm. 6/420, no. 2893.
 34. Cunningham, Two Years in N.S.W., vol. 2, p. 248.

Cunningham's comment about the juries not making mistakes is very likely true. For instance, a voice of criminal enterprise, that of J.H. Vaux, said that officers of the courts recognised an old face and let the judge know.⁽³⁵⁾ Vaux was speaking of the Old Bailey, and there would be less chance of being known in London than in the country where Justices must have recognised some of the men brought before them. Certainly some gaol officials knew a good deal about their prisoners, which gives some ground for laying more than a little importance on the Gaol Reports. The prisoners, said the governor of one gaol, were local inhabitants usually, and their character and disposition easily discovered.⁽³⁶⁾ In Dublin, boys when brought up for trial the second time, were transported;⁽³⁷⁾ in London, said the man who should have known better than most, it was not so much the offence, as the record, that brought malefactors to Australia⁽³⁸⁾, and in Warwickshire, a second offence brought transportation.⁽³⁹⁾ In another important county of trial, that of Yorkshire, the third time young felons came forward they were transported at Leeds,⁽⁴⁰⁾ and in Manchester, said one magistrate, he transported prisoners when housebreakers secured plunder, even if it was their first offence.⁽⁴¹⁾

In short, therefore, there is evidence that transportation was not a sentence passed lightly or for the first offence, unless it was a serious one. This section is closed with an extract from Mayhew's amazing mine of criminal lore and life. Here is the case of man transported for

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35. Vaux, Memoirs, p. 218
 36. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII. p. 323 : evidence of John Orridge, Governor of Bury St. Edmund's Gaol.
 37. ibid., p. 218 : evidence of the Rev. Forster Archer, Inspector of the Irish prisons.
 38. ibid., p. 284 : evidence of Francis Const. Chairman of Mdx. Q.S.
 39. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1828 (545) VI p. 463 : evidence of William Payne, High Constable of Birmingham.
 40. ibid., p. 484 : evidence of Francis Maude, Barrister, near Wakefield, Yorks.
 41. ibid., p. 494 : evidence of James Norris, magistrate, Manchester.

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larceny and it gives an authentic story. He was wild and disobedient, he told Mayhew, and committed his first offence at 13 years of age when he robbed his mother. Then he went to Canterbury, fell in with thieves and prostitutes and travelled up to London where he became acquainted with a gang of thieves in Ratcliffe Highway. He became an expert at picking pockets under the tuition of a group of boys, and then branched out into housebreaking. After stealing jewellery worth £2,000 in 1848, he was apprehended, tried and sentenced to transportation for life. "I returned from one of the penal settlements about a year ago and have since led an honest life".⁽⁴²⁾

Age of the men transported for "other larcenies" will be considered. Did they vary in a significant way from the proportions expected from the overall age structure of the sample?

Now 69 per cent of the total number of men transported to New South Wales and Van Diemen's Land were aged under 30 (and 75 per cent if non-respondents were typical), but if "other larcenies" is considered alone, the Table in Appendix 9^(f) shows that no less than 76 per cent (and 78 per cent if non-respondents are distributed) were under 30. Similarly, consideration of the very young convicts i.e. those under 19, shows that those transported for commission of "other larcenies" included a large number of youths. The number of prisoners aged 14 years and under showed that the offence here under review accounted for a large number of them, numbers under 20 being very significant. Thus it can be asserted that a positive association exists between youth and "other larcenies" as well as between youth and the urban areas.

42. Mayhew, London Labour, "extra" vol., pp. 376-7.

A good deal of attention must be given to the young criminal and accounts of him, for although the mean age of the convicts was in the mid-twenties, who will doubt that a substantial number of them, especially the town thieves, had been engaged in law-breaking for years? In the year 1834, for instance, the Metropolitan Police in estimating that there were in the capital over 5,000 common thieves, and 1,000 "habitual depredators" tried annually, stated that thieves operated with impunity for six years on the average before they were finally caught. (43)

Boys aged under 15 were transported for such offences as stealing a saw, money, bread, a necklace, eight lbs. of pork, knives and forks, two caps, a pistol and a book, kettles, and a watch. One lad, a bootmaker's boy of the ripe age of 12, was convicted at Staffordshire in 1833 for stealing money (44) and a boy aged 14 received seven years transportation in a Dublin court in 1826 for stealing shoes. He was an errand boy by trade and before convicted three times. (45) Other 11 year old convicts included one tried in London in 1839 for theft who had been before imprisoned for two months for stealing sugar. He was tried with another boy of the same age who said, "It was getting over a wall and taking two pairs of shoes etc." (46) Another prisoner who was 11 years old was transported after having been tried at the Old Bailey for stealing three silver spoons in Upper Thames Street. He had been before in the House of Correction for seven days for

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43. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, pp. 13-4.
44. John Halfpenny per Lord Lyndoch (33), Staffs. Q.S., 5.1.31. He was 4ft. 2 ins. in height.
45. Charles Kenny per Countess Harcourt (27), Dublin, 22.9.26.
46. George Welch per Hindostan (40)*, C.C.C., 25.11.39.

stealing a watch.⁽⁴⁷⁾ And a 12 year old was transported from Bristol for pocket-picking, and had been before gaoled for one month and flogged for stealing a pistol.⁽⁴⁸⁾

Youngest convict in the sample was an Irish boy convicted of stealing money. He was an errand boy, aged 10⁽⁴⁹⁾. In 1837, two children of nine and 11 years were sentenced to 10 years transportation; and one of eight years, two of nine, eight of 10, four of 11, and 19 of 12 years, to transportation for seven years.⁽⁵⁰⁾

Nevertheless, it is clear that it was unusual to permit transportation of youths under 15. The officer in charge of a special hulk for boys stated that they were only transported when they reached 15 years.⁽⁵¹⁾ And it should not be forgotten that a few ships contained lads only, so the picture is not so horrifying as it appears. Yet it is fundamentally a gloomy one, reflecting that brutality associated with the eighteenth and early nineteenth century. One may admire a Gainsborough but recognise the truth of Hogarth's "Gin Lane".

To round off this section on the youthful convict, here is an interview Mayhew had with a young pickpocket.

He wore a ragged, dirty, and very thin great coat, of some dark jean or linen, under which another thin coat, so arranged that what appeared rents - and, indeed, were rents, but designedly made - in the outer garments, were slits through which the hand readily reached the pockets of the inner garment, and could there deposit any booty.

"I have been in prison three times in the Compter, three times in Brixton, three times in the Old Horse (Bridewell), once in the steel, and once in Maidstone - thirteen times in all...

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47. Frederick John Slough per Elphinstone (42)*, C.C.C., 28.4.41.
 48. James Harris per Runnymede (39)*, Bristol (City) Q.S., 5.4.39.
 49. Sylvester Carthy per Westmoreland (38), Carlow, 20.3.38.
 50. "Journal of the Statistical Society of London", vol. 1 (1839), p. 236.
 51. P.P., Second Report from the Select Committee into Gaols and Houses of Correction 1835 (439) XI, p. 674 : evidence of Mr. Steadman.

Every time I came out harder than I went in. I saw Manning and his wife hung... I did 4/6 at the hanging - two handkerchiefs and a purse with 2/- in it... I've lived a great deal in lodging houses, and knows the ways of them. They are very bad places for a boy to be in".

He answered readily as to my enquiry, as to what he thought would become of him? "Transportation. If a boy has great luck he may carry on for eight years...but transportation is what he's sure to come to in the end." (52)

That young thieves were generally the most troublesome to the authorities in Britain and Australia there seems little doubt. A witness before the 1837 Committee on Transportation noted that some boys were as young as 12 and that many of them had been tried three or four times and put in prison innumerable. (53) Particularly in London were young thieves a plague : one observer thought they were all connected with loose women and that most had been in gaol. His society had followed up 2,000 cases of juvenile delinquents, and in all but two or three hundred cases had those boys been confined. They were addicted to pilfering of every description. (54) Another witness agreed with this : the boys were principally "on the cross". (55)

And in 1819 a thoughtful observer considered that London juvenile offenders fell into three classes (a) those not in gangs but in service; (b) pickpockets and those who stole from shop-windows and doors, frequented coffee-houses and formed gangs with boys their own age; (c) desperate characters who advanced from the other classes and committed burglaries and highway robberies. The witness then cited some case histories, including one in class (a) whose two friends had

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52. Mayhew, London Labour, vol. 1, pp. 456-8. Compare the description of the pickpocket Jack Dawkins in Oliver Twist, ch. VIII. Coldbath Fields House of Correction was known as 'the Bastille' or 'the Steel' to the criminal classes.
53. P.P. Report of the Select Committee on Transportation 1837 (518) XXII, p. 188 : evidence of T. Galloway, a surgeon-superintendent on convict ships.
54. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, pp. 164-7 : evidence of Stephen Lushington.
55. ibid., p. 168 : evidence of Rawlinson Barclay.

suffered transportation. All thieved under the gallows at executions, "particularly just at the time when the culprit was turned off". "If a malefactor died with firmness, they would speak of him as a good fellow".⁽⁵⁶⁾ Some of the boys were certainly organised for the commission of crime. The Inspector of Prisons for the Home District thought them so organised that some would only pick the pockets of men, others steal provisions only, and others yet again join in this division of labour by restricting themselves to rifling tills or "drawing the damper, as it is called in the manufacturing districts".⁽⁵⁷⁾

Some few men in the sample were not youths but over 50 years of age. Their numbers were significantly fewer than expected, underlining the conclusion that the men transported for "other larcenies" were a relatively young group. Cases of older men transported included that of a man aged 60 who was sent to Australia for stealing three paint pots⁽⁵⁸⁾, and another man of the same age who had been before imprisoned seven times, including one month for the curious offence of being concealed in an oven.⁽⁵⁹⁾ One of the oldest men in the sample was aged 70 and tried at Leicester in 1838. A woolcomber, he was transported for stealing sugar and wool. The Surgeon-Superintendent, rather unusually, had a good word for him: "A well-disposed old man". An account of his trial stated that he was convicted of stealing 100 lbs. of wool and a cask of gin, and that there had been several other cases against the prisoner who had been before convicted in 1815.⁽⁶⁰⁾

56. ibid., p. 171 : evidence of William Crawford.

57. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, pp. 20-1 : evidence of Capt. W.J. Williams.

58. Samuel Bratt per Asia (35)*, M.G.D., 27.7.35.

59. Peter Tassiker per Eden (42)*, Lancs. (Salford) G.S., 6.12.41.

60. William Sandlant per Augusta Jessie (38)*, Leics. Q.S., 2.7.38; The Leicester Chronicle, 6.7.38.

Because of the age structure of the men transported for "other larcenies" it could confidently be expected that the proportion of single men in the category would be high. This was the case. Assuming non-respondents typical, 77 per cent of the convicts transported for "other larcenies" were single men. This was higher than the expected 72 per cent and very significant.

It has been shown that married men transported tended to originate in Ireland and rural England. Were their offences more "rural" in character? Inspection of "other larcenies" cases bears this out in general, but again cases are most diverse. Two examples must suffice. The first was that of a man transported in 1835 for stealing a gun, an iron key and a lantern. The nature of this theft becomes more meaningful in the light of the Gaol Report : "He was for several years an honest industrious farm labourer but could not desist from night poaching".⁽⁶¹⁾ The second married convict's offence was quite different. Charged with larceny in a dwelling-house, he admitted to stealing £1,000 in money and jewellery from a Viscountess T. Daghay of 95 Piccadilly, with whom he once lived. He claimed he was taken to the house by a young man whose name was unknown to the prisoner. This mysterious stranger had, according to the convict, been in the service of Don Pedro in Portugal. The Surgeon's Report noted that he was employed as a teacher on board the vessel.⁽⁶²⁾

Occupations which accounted for the men transported are in Appendix 9(^g). Now it is known that "other larcenies" was significantly associated with urban and industrial areas, so were trades of the cities similarly associated with "other larcenies"? The answer is that transport workers appear greater in number to a highly significant degree,

61. James Marginson per Norfolk (35)*, Yorks. (E.R.) Q.S., 30.6.34.

62. Henry Hinks per Arab (34)*, M.G.D., 17.10.33.

metal workers significantly greater, but farm workers less to a highly significant extent. Other categories of occupation were within the expected range of variation. Workers in transport and communications included such callings as messenger boy⁽⁶³⁾ and stable hand. Offences committed by this group included the theft of a handkerchief, a box and 3/6, two quires of emery paper, a watch key and chain, and 16 lbs. of lead fixed to a building. Other cases were those of a seaman transported for pocket-picking, a stable boy for larceny, a waterman for stealing a watch from the person, an errand boy for pocket-picking, a groom for stealing forks, a carter for larceny, a stable-man for lead, a stable-boy for butter from a shop, and a waterman for larceny.

There is nothing to be gained from instancing further occupations, as the types of things stolen have already been listed in some profusion. Some of the numerically minor occupations were unusual. In these categories were prisoners engaged in commercial and financial affairs, and technical occupations. Clerks were also prisoners who formed a distinctive group. All these categories of occupation totalled 32 men (three per cent) of the total transported for "other larcenies", two-thirds of the number being men following commercial and financial occupations. These callings were not as skilled as might appear, however, for under this head were noticed a hawker transported for larceny (undefined), a fishmonger for the theft of handkerchiefs, a pedlar for larceny from the person, as well as a fish-boy, a huxter, and a hawker. But "other larcenies" was also the cause of transportation of a linen draper, a ship and insurance broker, a grocer, and a jeweller. Two men could be called professional

63. Probably the most famous messenger boy to be transported was John (Jack) Donahue per Ann and Amelia (24). The record of his occupation seems to have been overlooked by his biographer John Meredith in The Wild Colonial Boy (Sydney, 1960). 'The Wild Colonial Boy' was transported for "intent to commit felony".

or technical men, one being a surgeon and the other an architect and draughtsman, the latter transported for life for stealing jewellery.

Concerning the clerks, among the educated convicts whose placement in the colonies was such a vexed question to the convict administration on the spot, there is little information in most cases, convict documents noting simply "clerk". There was an attorney's clerk, however, two merchant's clerks, and a clerk in the Customs House. One of these individuals, convicted of thieving watches, was tattooed with an optimistic "J'ai bonne esperence" (sic).⁽⁶⁴⁾

Two other variables remain for discussion, one of them being the period for which these people were transported. Is there any evidence from the sample that the group was dealt with more severely than expected? Statistical evidence yielded by the Table in Appendix 9(^k) denies this hypothesis, because the numbers transported for the minimum period of seven years are high. The 14 year men and those transported for life are, conversely, fewer in number than anticipated. All differences were very significant.

Because this enquiry spans the lengthy period of 1787 to 1852, it must also be asked whether the proportion of "other larceny" cases was transported in a steady stream throughout the history of transportation. A difficulty arises because of non-response in the period up to 1805, from which time the offence in nearly every case is known. However, if respondents typify the non-respondents, the proportion of "other larceny" cases was high until the 1820s to a very significant degree. Thereafter the numbers do not vary significantly from the expected figures.

64. Henry King per Lady Feversham (30), M.G.D., 10.9.29.

Unfortunately the large number of men transported for unknown offences before 1805 does not enable much speculation on these results. The large number of men evidently transported for "other larcenies" is not surprising when the numbers of London-^dtried men sent out in these years is recalled. Appendix 9(^d) sets out the facts of the matter.

Main findings of the survey into the origins of the men transported for "other larcenies" will be reiterated. In number, they formed one third of all male convicts in the sample and the English-^dtried formed a high proportion of them (83 per cent). Main counties of trial were London, Lancashire, Dublin, Yorkshire, Surrey and Warwickshire. Objects stolen were many and various and analysis of the cases led to the conclusion that there was a high proportion of single men among the prisoners. They were young, too, and appeared to be prone to theft from the person. The prisoners had been formerly punished more than expected, and there is evidence that when prisoners were selected for transportation, Australia received those considered to be the biggest nuisances and those with the ^{worst} characters. Once a youth was on the loose in London, and probably any of the large cities, such was the prevalence of "flash" houses and other incitements to misconduct such as receivers of stolen property, that there was a strong temptation to sink to a life of crime. These men were overwhelmingly of the industrial classes and errand boys and such personal callings bulked large among their number. Members of the group were transported for the minimum seven year sentence in relatively large numbers no doubt because of the petty nature of many offences. "Other larcenies" accounted for the transportation of a particularly large proportion (30%) of convicts up to the 1820s.

CHAPTER V

The Offences: Burglary and Housebreaking, Animal Theft, Robbery, Theft of Wearing Apparel

"What did you do for a living?" "They used to put me in at the windows to open doors, sir".⁽¹⁾

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(a) Housebreaking and burglary. These offences caused the transportation of 16 per cent of the men sent out to Australia as convicts. Main counties of trial were London, Lancashire, Yorkshire, Warwickshire and Somerset. Numbers of English and Scots were relatively high, numbers of Irish relatively low, and the differences were highly significant. (For relevant Tables, see Appendix 9).

Circumstances surrounding these offences can be gathered from a descriptive account of some of them. Among London cases noticed were those of a man transported for burglary from a counting-house, burglary "through the greatest distress" but with no details of the nature of the distress, and a case in 1817 of a man who broke into a dwelling by luring the lady of the house away on a wild goose chase. He said that her husband had been admitted to hospital because of an accident.⁽²⁾

In Somerset, a farm labourer convicted of burglary said when he arrived in Van Diemen's Land that he had broken into a baker's shop and stolen 400 pence in coppers, that he had two months in prison at Ilchester for assault, that he kept the wool packs for a farmer, and that his wife and five children were on the parish. Another Somerset man tried in 1846 for burglary said he took silver plate valued at £11 and was prosecuted by a Mr. Lear, at Ditchett. A newspaper report of his trial stated that he had been indicted with another man for entering the house of Robert Lees (sic)

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1. Backhouse, Narrative, p. 199. A young convict was being questioned.
 2. Solomon Banks per Batavia (17), L.G.D., 21.5.17; O.B.S.P.
William Dickens per Morley (18), M.G.D., 18.2.18; O.B.S.P.
Thomas Chandler per Morley (18), M.G.D., 3.12.17; O.B.S.P.

in Ditchett and stealing a large quantity of plate, some of which he sold the next morning, arranging to sell more the following week. The prisoners were arrested and found with the plate secreted on them. Former convictions were proved against both men. (3)

Another man from Somerset said that "cheese etc." was stolen, but that he knew nothing about it and that his brother-in-law was on board with him. (The brother-in-law supported this man's story). The man concerned, Thomas Speed, was, according to The Taunton Courier, indicted with John Dustin and Richard Stacey for burglary in the house of Mary Searle, and Dustin (with a former conviction against him) sentenced to 15 years transportation, the others to 10 years each.

Among witnesses called in the case was Mary Searle, a shopkeeper, who said she had been awakened by smoke at 5 a.m. When the fire was put out by the neighbours, she went to the kitchen where she missed bacon, lard, money from the till, handkerchiefs, six lbs. of tobacco and some cigars. A man named Brigstock then told the court that he saw a large hole in the bank of a field and found concealed in it some tobacco. He replaced the tobacco and kept watch. He then saw Stacey take out the bag of tobacco and put it under his smock. The witness followed him and found the bag in the house of Speed's mother and Stacey in one of the bedrooms. Dustin and Speed entered the house and ran away when the tobacco was found. (4)

Was Speed innocent? Perhaps, but lest it be thought that justice often miscarried, his was one of the very very few cases in which the convict concerned protested that he

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3. William Webb per Bengal Merchant (28)*, Somerset Assizes, 5.4.27. Benjamin Ashford per Pestonjee Bomanjee (46)*, Somerset Assizes, 31.3.46; The Sherborne, Dorchester and Taunton Journal, 9.4.46.
 4. Thomas Speed per Somerset (41)*, Somerset Assizes, 3.4.41; The Taunton Courier, 14.4.41.

was innocent. But since there are no statements made upon arrival in New South Wales, there could be others. There is no way of knowing.

Among some other cases of burglary and housebreaking were those of breaking and entering and stealing a pair of stays, and burglary from a barge. This case was that of Londoner tried in 1801 and it was revealed that the barge had been used to get to the window of a dwelling house backing on to the Thames. A ladder had been leaned from the vessel up against the wall of the house to a window. Another London case concerned a sailor charged with burglary and theft. When pursued he tried to disguise himself by turning his trousers and jacket inside out. Tried in 1830, another convict had been sentenced to transportation before but because his record noted previous conviction as 12 months, he was probably kept on a hulk. Charged with burglary, this man was tattooed with "Nancy Lovely, yes my dear", an anchor and some obscene marks, and "Agnes Griffin EE". Ware-house breaking and stealing 50 lbs. of worsted yarn brought transportation to another prisoner. A bricklayer ("tolerable") from Yorkshire, this man was noted as being from near Wakefield and connected with a gang of thieves there, of whom several had been recently transported for poaching.⁽⁵⁾

Scotland convicted and sentenced to transportation a significantly large number of men for burglary and house-breaking. Of the 81 tried in Scotland, 55 were convicted in Glasgow and Edinburgh. One man stated that he stole

5. William Allman per Earl Cornwallis (00), M.G.D. 15.1.00; O.B.S.P. James Everitt alias Everard per Coromandel/Experiment (03/04), L.G.D., 28.10.01; O.B.S.P. Robert Dean per Albemarle (91), M.G.D., 24.2.90; O.B.S.P. John Adams per Lady Harewood (30), Bristol Q.S., 19.4.30. Thomas Armitage per Lord Lyndoch (33), Yorks. (W.R.) Q.S., 18.10.32; Adm. 6/421, no. 2538.

a watch and committed a burglary while an escapee from gaol for two days. A labouring boy aged 16 said he had been prosecuted by a Mr. White, near Edinburgh, and that he had been apprenticed to a glass manufacturer. His Gaol Report noted that he was an old offender but had behaved well in refusing to take an oath of secrecy in a plan to escape, but had not given information. He had been before imprisoned in Edinburgh and had once tried to escape. (6)

The few Irish transported for the offence under review made away with such items as kitchen utensils, meal and bacon, money, and so on. Theft of meal was a peculiarly Irish offence. At any rate, only Irish in the sample were recorded as taking it. A piece of descriptive evidence mentions a case where, because of high prices of provisions, people gathered on the quay at Limerick and broke open a sloop laden with meal, and afterwards broke several windows in the town and forced open several shops from which they took some. (7) It was also noted that men would sometimes break into country-houses, steal money and plate, drink all the wine and steal the horses. The occupants of the house were tied up and sometimes firearms were used. (8) Selected in the sample was Martin Cash, a bushranger of Van Diemen's Land transported to New South Wales in the first instance. He was, according to the indent particulars, transported for housebreaking, but in his autobiography, Cash claims this was not so - in a moment of jealousy he fired a gun at a man through the window, while the other was making love to Cash's girl-friend. (9)

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6. John Flynn per Marion (43)*, Edinburgh C.J., 26.7.43. James Reid alias John Terry per Phoenix (24)*, Edinburgh C.J., 4.11.23.
 7. Maxwell, Country and Town in Ireland, pp. 263-264, citing "The Hibernian Magazine" of April, 1791.
 8. Ibid. pp. 48-49.
 9. Martin Cash per Marquis of Huntley (27), Wexford, 13.3.27. The Adventures of Martin Cash, comprising a faithful account of his exploits, while a bush ranger under arms in Tasmania, in company with Kavanagh and Jones, in the year 1843, edited by James Lester Burke (Hobart Town, 1870), p. 10.

A soldier was among those sent out to Australia for house-breaking. Handed over to the civil power for trial, he had taken £3.10.0. He said the offence occurred at a toll-box and that he was tried with two other soldiers. He had been in the 88th Regiment three years and received 150 lashes for selling his kit.⁽¹⁰⁾

Men in the category under discussion arrived regularly during the years of transportation, forming about one sixth of the each year's intake and they were punished by long sentences of transportation. The number of men transported for life was nearly twice the normal figure for all convicts, and showed a high degree of significance. Nearly half the burglars and housebreakers were sent out for life, and 202 out of the 907 were aged under 20 years. This was a significantly large number of young men.

Some of the very young were not regarded highly by those who noticed them. One was "a reputed thief" and a published report of the trial stated that he was 13 years old and tried with two other boys, aged 15 and 13, for stealing a gold brooch and other articles.⁽¹¹⁾ Another boy was "a notorious thief" whose parents resided in the Gorbals and who had been last working at herding cows and sheep⁽¹²⁾ and a third had been in prison for running away from the work-house.⁽¹³⁾ All were 14 years old.

Another 14 year old tried in 1826 in Essex was convicted with three other youths who had broken into a house; one named Eley was 16, and two named Kidd were 15 and 17. All were charged with taking clothes in the daylight from

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10. Thomas McGaverin alias McGoverin alias McGavan per William Jardine (44)*, Stirling C.J., 25.4.44.
 11. William Newton per Pyramus (38)*, Kent Q.S., 19.10.38; The Kent Herald, 25.10.38.
 12. David Harley per Asia IV (27)*, Aberdeen C.J., 15.4.22.
 13. John Booth per Hindustan (40)*, Flint Q.S., 9.4.40.

James Wakefield's house. Eley and the two Kidd boys had both been convicted before and all had sentence of death passed upon them. The prisoner in the sample had his sentence commuted to life transportation. On board the transport, he was in trouble again, receiving 24 stripes with the birch for striking another boy.⁽¹⁴⁾

Burglars and housebreakers were liable to have been convicted before to the same extent as the overall sample, and it was noted by the governor of one London prison that, in his opinion, three-quarters of the housebreakers who passed through his hands were returned transports.⁽¹⁵⁾

Here finally are two case studies of burglars. In the first one, Mayhew was at first inclined to disbelieve the man he was interviewing when he spoke of the feats he had performed, but the burglar took off his shoes and socks and then showed Mayhew how agile he was at shinning up and down water-pipes. Born in St. Giles's of Irish parents, this man said that two of his sisters had been sentenced to transportation, and another only just been released from prison. At the age of 10, he was sent out into the streets to get his living by selling oranges, and was soon in bad company and playing pitch and toss. Often remaining out all night, sleeping under the dark arches of the Adelphi with other boys, he learnt pocket-picking, was convicted and received six months in prison. When he came out he took to shop lifting but was again imprisoned. After this he cohabited with a prostitute, "a fair girl, about five feet three inches in height, inclined to be stout", and engaged with two other persons in an attempt to break into a counting-house. He was sent to prison again

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14. Thomas Dyster per Asia IV (27)*, Essex Sp. Session of G.D., 9.12.26; The Colchester Gazette, 23.12.26.
15. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, p. 218: evidence of Mr. Chesterton, Governor of Coldbath Fields prison.

when a policeman saw his shadow on the roof and gave the alarm. The burglar then went to live in Shoreditch and succeeded in a burglary but soon spent his money on theatres and gambling.

Other enterprises followed. In one a ceiling was entered from above, a folded umbrella very ingeniously being thrust down through a hole made by a knife and then opened to hold the falling wood and plaster, and in another he was injured jumping from a window. Expenses while he was laid up were paid by his "pals". A confederate was then taken and transported for life, and another friend transported for seven years. Finally Mayhew's informant, after garrotting a soldier whom he and a companion had befriended by pretending to take the Queen's shilling and enlist, was transported for seven years for pocket-picking. Returning from transportation, he then burgled the house of a surgeon by befriending a girl who was in service next door. He had been in prison seven times, this man told Mayhew.⁽¹⁶⁾

The second case study concerns a man transported at the end of the period, in 1852. He was apparently apprehended because a girl who had been living with him turned informer. Police stated during this man's trial that nothing was known of the thieves who took a watch and other articles valued at £30 from a house at Westbourne Terrace, until a girl named Murphy who had been living with the prisoner Cordon, came to them and said that Cordon, with two other men on trial, gave her only a few trifling articles of jewellery, though the men divided a large sum of money. The remainder of Miss Murphy's evidence and that of the police "proved that the prisoners belonged to as desperate and successful a gang as there is in the Metropolis". Cordon had been before in gaol for felony and was transported for seven years, the other two receiving

16. Mayhew, London Labour, "extra" volume, p. 349 ff.

12 months hard labour each.⁽¹⁷⁾

Origin of the convicts transported for burglary and housebreaking is as follows : they made up about one sixth of all the convicts and most of them (81 per cent) were tried in England. One third of those tried in the Kingdom were convicted in London, Lancashire and Yorkshire. There were few Irish and a relatively large number of Scots. Nearly half these men were transported for life, and thus the offence was punished severely by transportation. Occupations were the main ones tabulated earlier and though the number of men engaged in personal service was high and very significant, burglars and housebreakers were mainly labouring class people. Age was a little different to the overall pattern and former offences as expected.

(b) Animal theft. Fourteen per cent of convicts were sent to Australia for stealing an animal, and there was a highly significant number of Irish; conversely the numbers of English were very small. (See Appendix 9 for the relevant tables). Animal thieves came from the rural parts of Britain more significantly than the overall sample suggested, those counties transporting a significantly large number of animal thieves being Cork, Essex, Norfolk, Tipperary and Worcestershire, and those which transported a significantly small number were London and Yorkshire. Lancashire and Dublin were conspicuous by their absence.

The proportion of animal thieves who were away from their native counties was about as expected i.e. one third, and there is no statistical evidence to show that men who stole animals included any fewer or any more wanderers than the overall sample showed. However, London illustrates the falsity of this conclusion in a particular case, for of the 38 Londoners

17. Thomas Gordon or Cordon or Condon per Equestrian (52)*, C.C.C., 26.11.49; The Times, 1.12.49.

in the group, the relatively large number of 25 had been born outside the metropolis. Among them was a ploughman and shepherd perfect from Holbeach, Lincolnshire, sent to Australia for horse stealing, a groom from Allington, Kent, for horse-stealing also, a clerk from Hull for horse-stealing ("it was a horse and a chaise cart"), and a butcher from Tattenham (?), Norfolk, for sheep-stealing. (18)

The prisoner concerned in this last-mentioned case said upon arrival that he had stolen 15 sheep, that his prosecutor had been a man named Mayville(?), that a boy named Beardsmore was on board, tried with him, and also that Archibald Pretty was on board for the same offence. The boy stated that his master took the sheep from near Leatherhead, Surrey, and employed Beardsmore to drive them. Beardsmore was noted as having been in trouble with the law twice before.

Extensive evidence was given in court that the men in the dock had stolen the sheep from a farm at Ashstead, in Surrey, and the Governor of Ilford Gaol told the court that one of his officers had intercepted a letter from one of the prisoners, written in blood from a cut finger. This letter read, "Dear Father and Mother", and begged for three or four persons to come forward at the trial and swear an alibi. Witnesses gave some of the sheep-stealers a good character but both Wilson and Beardsmore were transported for 15 years. The judge declared that there was no doubt of their guilt and that it was necessary to make a severe example.

In another case a London man, born in Hampshire, was transported for seven years for stealing two sows. He was arrested when unable to give a good account for how he came to be driving pigs down Tottenham Court Road towards St. Giles's

18. George Gibson per Anson (43)*, C.C.C., 28.11.42.
 John Crittle per Surrey (42)*, C.C.C., 29.11.41.
 John Hutchinson per Maria Soames (44)*, C.C.C., 5.2.44.
 Charles Edward Wilson per Isabella (42)*, C.C.C., 25.10.41;
The Times, 28.10.41.

at three o'clock in the morning.⁽¹⁹⁾ Another prisoner, a labourer from Hampshire, was transported for stealing two live geese, and pleaded distress.⁽²⁰⁾

This offence was characterised by men who stole domestic animals such as horses and sheep, but included also were men who had taken pigs, cows and barn-yard poultry. A handful of men purloined other animals e.g. a greyhound and a game cock. As the case of the sheep-stealers Wilson and Beardsmore suggests, marauders from towns stole animals from the country-side. There were, besides the classes who travelled from fair to fair and from town to town in search of plunder, many persons who made incursions from provincial towns into the country. A Report goes on to say that in the country the more serious offences were committed by migrants, though in Worcestershire (one of the main counties sending out animal thieves to Australia), the sheep-stealer was usually a local labourer. Nevertheless, there was reason to believe, it was held, that horse and cattle thefts were committed by strangers.⁽²¹⁾

Occasionally there are signs that men were stealing animals with some provocation. One prisoner, a Monmouthshire coal-miner, stole sheep and said that "1,300 men were out of employment for three months; I did it through distress";⁽²²⁾ a Somerset shepherd protested that another man committed the sheep theft for which he was found guilty;⁽²³⁾ and a soldier tried in London in 1801 was charged with stealing a ewe valued at 21/- and killing it with intent. He was overheard saying of the person from whom he stole the

19. John Davis per General Stewart (18), M.G.D., 1.4.18; O.B.S.P.

20. William Holden or Holder per Glory (18), M.G.D., 2.7.17; O.B.S.P.

21. James Kennedy per William Jardine (37), Queen's Co., 10.7.37. James Bramwell per Asia (37), N'land (Newcastle-on-Tyne) Q.S., 18.5.36. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, pp. 19-21.

22. John Teysum per Moffatt (42)*, Monmouth (Usk) G.Q.S., 3.1.42.

23. James Humphries per John Barry (34)*, Somerset Assizes, 28.3.33.

animal, "You are rich and I am poor, when this is gone I'll come for more". (24)

But there is no evidence that men had such immediate excuses for breaking the law, though very often it is impossible to attribute motive. Little is known, for instance, of a man transported in 1790 for abstracting six hens valued at half-a-crown, nor of a man transported early in the history of Australia for stealing a ewe valued at 10/- and killing it with intent. (25) Yet what cases are available for study in detail show that in England anyway the "village Hampden" is not easily identified. For instance, a man aged 21 was charged with having stolen a wether belonging to William Chambers, and it was alleged that the sheep was stolen at an inn near Leeds from a flock of 60 on the way to Manchester. The son of the prosecutor gave evidence that he saw the skin of the animal and its head in Mr. Lawton's butcher's shop in Leeds. Lawton stated that on the night in question the prisoner had come into his shop and told him that he was in the services of a person, and that a coach had run over and broken the leg of one of the sheep. Would the butcher dispose of it? The prisoner then fetched the sheep on his back and received 37/- for it and a receipt. He was apprehended the following morning by a policeman and Lawton in Kirkgate. He tried to escape but was caught. When told of the charge, he replied, "It's all right". He was transported for life. His Gaol Report stated that he was idle and profligate and lived by plunder and that he had been before in prison. The prisoner said upon arrival at the Derwent that he had served

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24. Thomas Pevett per Perseus/Coromandel (02), M.G.D., 14.1.01; O.B.S.P. The sentence was printed as prose but is probably a rhyme.
25. Edward Millioner per Active (91), Mdx. (W'minster) G.D. 3.1.90; O.B.S.P. Charles Davis per Hillsborough (98), Mdx. (W'minster) G.D., 12.7.97; O.B.S.P.

three months in gaol "for leeches(?); discharged for a shirt". (26)

What form did animal stealing take in Ireland? The theft of pigs and horned cattle was by far the most common offence, and only in rare cases was any other sort of animal taken. The men sent to Van Diemen's Land did not give any other information about the circumstances of these thefts, other than the name of the prosecutor, though one man charged with stealing a cow stated this offence and then said he had bought the cow. (27) There is no evidence that Irish were silent because some could speak only Irish, though one man in the sample, sent out for stealing four lambs and four ewes, was not able to speak English. (28)

Most of the descriptive evidence about Ireland concerns the incidence of agrarian outrages and bloodshed following transmission of threatening letters and the activities of the Whiteboys and scarcely any attention is paid to animal theft though one person in 1819 said that sheep stealing was prevalent, though he did give any reason for it, simply saying that his estate was almost laid waste and that people were afraid to put their sheep there at all, they were stolen so fast. (29)

Such were the circumstances of animal theft. With what gravity was it viewed by the law? The number of men transported for life was great and the incidence of life transportation highly significant. Indeed, the offences was punishable by execution until 1832.

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26. John Sowden per John Barry (34)*, Yorks. Assizes, 13.7.33; The York Chronicle, 18.7.33.
 27. Thomas Reilly per Cadet (44)*, Leitrim, 10.1.44.
 28. Michael Tierney per Emily (44)*, Galway, 17.6.44.
 29. P.P., Report from the Select Committee on Criminal Laws 1819 (585) VIII, pp. 95-96 : evidence of Richard Martin, M.P.

Among the other variables is that of age, and there were relatively many men over 40 transported for animal stealing. The figure was very significant.

Associated with age was marital status, and the number of married men was highly significant too, in that there were more than expected. It would be true to say that the findings on marital status and age agree that men transported for animal theft were older than the average convict.

Had the prisoner been often in the hands of the police? No, the number of this group who had not been before in trouble was far higher than what the overall sample indicated was the norm and was highly significant.

Occupations were principally those of labourer and farm labourer and show a highly significant number of rural workers; there were many more than the overall sample indicated there would be.

The men who stole animals diverged from the overall sample in some particular ways; the most noticeable of these was the relatively large number of Irish transported for the offence and the significantly large numbers from English rural counties. Animal thieves were also severely punished, it has been shown, because the incidence of life transportation was very high. As well, the men were older than expected, included more married men, and had not been punished by public justice as much as the overall sample indicated. It was also clear that the number of farm labourers was significantly high.

Men who stole animals baffle easy description as much as any other group of people, though the sample points to the conclusion that animal thieves were not so innured to crime as were some other groups of offenders. This is partly explained by the numbers of Irish among the animal thieves, a conclusion substantiated by the Lord-Lieutenant of Ireland in 1850:

It is to be observed also, that his Excellency would wish to call the attention of Earl Grey particularly to the fact that the general character of the Irish convicts differs widely from that of the English. Their crimes for the most part are not the result of habitual profligacy and vicious contamination. They are not hardened offenders...nor are they usually found associated in gangs under experienced leaders for the commission of great and well-planned crimes. The offences of the Irish convicts are usually thefts to which they are often driven by distress... (30)

There is evidence that some English rural offenders stole because of want, but the question of motive must remain a mystery in most cases, and whether necessity to steal was real or fancied, urgent or not, is unknown. The men transported to Australia, it must be emphasised, did not typify all individuals convicted throughout Britain, so what is true for some particular sort of crime may not be true for Australian convicts, since they did not consist of a representative sample of all wrong-doers throughout Britain.

One piece of evidence stated that if a sheep was stolen, it was salted and buried with a large stone over it, (31) but some people were convinced that gangs operated also as well as the labourer desperately putting by some salted meat for the winter. The High Constable of Cheshire spoke of several such lawless bands around Broxton including one, the Tattenhall gang, which had been depleted by transportation. Some were bred in the hills as thieves, and trained their children to be the same, and many were transported from around Frodsham, where there was a very bad set of men. (32) In Norfolk, about three miles from Norwich, three of the most notorious poachers and thieves of that city stole 50 ducks, and were transported for seven years for it. Among them, they had been in prison 20 times. (33) In Cambridge, fowl-stealing

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30. P.P., Further Correspondence on the Subject of Convict Discipline 1850 (1153) XLV, p. 103 : sub-enclosure in Enclosure 3 in no. 7.
31. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, pp. 118-120 : evidence of a prisoner at Frodsham, Eddisbury Hundred.
32. ibid., pp. 118-120 : evidence of Mr. Hill, High Constable of Chester.
33. ibid., pp. 143 : evidence of Rev. J. Barton, rector of Blofield, Norfolk.

was a common offence, the birds being sold in the open market or to the cooks of the University colleges. (34)

But men scarcely stole horses for immediate food or to salt down and bury under the ground. A man transported in 1791 was charged with the theft of horses and it was shown at the trial that not only had he taken two mares valued at £40, but the coach they were drawing as well, (35) and a person on the First Fleet was transported for stealing a gelding. (36)

There is evidence of how horse stealing was done. One method was mentioned in 1826 when it was noted that vagabonds were prevailed upon by professional thieves to lead horses out of paddocks to where the thieves waited. The instrument of the theft then received the sum of 20/-. (37) That horse stealing was big business received confirmation from another observer in 1828. The offence had increased, he said, and the animals were disposed of through horse dealers. There were regular depots for the reception of stolen horses, and a man then in Newgate under sentence of transportation had been concerned in several hundred such thefts. (38)

This was confirmed by Mayhew, who remarked that horse stealing was generally confined to the rural districts and that the thieves were called "horse coupers". They travelled the country and when they saw a good horse loitered about the neighbourhood until they got the chance to steal it. The animals were then trimmed up and altered in appearance as

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34. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-27 (557) VI, p. 25 : evidence of Francis Pym, Junior, a magistrate of Cambridge.
35. Robert Jones per Albemarle (91), M.G.D., 16.2.91; O.B.S.P.
36. John Ruffler per Scarborough (87), M.G.D., 23.2.85; O.B.S.P.
37. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-27 (557) VI, pp. 44-5 : evidence of John Orridge, Governor of the Gaol and House of Correction at Bury St. Edmunds, Suffolk.
38. ibid. 1828 (545) VI, pp. 443-444 : evidence of Sir Thomas Baring, M.P.

much as possible before being sold at Smithfield. Some horses were stolen by Londoners who often frequented the Old Kent Road, and were dressed as grooms or stablemen.⁽³⁹⁾

(c) Robbery. This offence was treated separately in the survey on the grounds that the word implied a certain amount of violence in an offence, whereas theft suggested stealth and not putting the victim in fear. "Highway robbery" did not according to the sample account for the transportation of mounted highwaymen to Australia. Nevertheless, explanation of some offences shows that "robbery" may not have been used as strictly as this interpretation suggests, and that "other larcenies" would have been the correct category for this enquiry. "Assault and robbery" is treated in this enquiry as a separate offence.

Seven per cent of men in the sample were transported for robbery. Of the 402 in the sample, 264 were tried in England, 115 in Ireland, 16 in Scotland and seven abroad. Such figures reveal that the number of Irish was higher than expected to a highly significant level. As well, the group included significantly more men transported for life than the overall sample suggested would be the case. But in other respects, such as age and extent of prior offences, the group did not differ greatly from the overall sample.

Individual offences give an idea of the origin and character of these men. One, for example, transported for life for highway robbery, was noted as "a vicious bad fellow" by the compiler of his Gaol Report; he was aged 22, his father and mother were dead and he admitted to having been in gaol for two months for breaking windows.⁽⁴⁰⁾

39. Mayhew, London Labour, "extra" vol., p. 325.

40. Joseph Lacey per Asia V (27)* York Assizes, 24.3.27.

Another prisoner was of quite different background and was the only one in the sample transported for bank robbery. He was a grocer and convicted of taking money from the Maidstone Bank in Kent. He disclosed to the interrogators at Hobart Town that he had stolen £500, and that his master had been concerned with him in this offence.⁽⁴¹⁾

The trial of this man was reported in detail in the Press and excited the greatest interest at Maidstone. The indictment was for stealing a bag containing £500 on 11 October 1839. The jury first heard how Mr. Mercer (apparently the bank manager) had written up to London for the delivery of £1,500 in gold and £500 in silver, which was sent in a box by coach to Maidstone. Mercer became suspicious next morning that £500 was missing, and found he was correct. He could discover no clue either in London or Maidstone. He subsequently dismissed the prisoner, but for another reason altogether. There followed a great deal more evidence and the jury returned a verdict of guilty within a few minutes.

The report of this trial is not adequate for the reader to understand the circumstances properly, and there are sly references to women, including one named Donna Maria, and veiled allusions to "electors" that suggest there was much more to this case than meets the eye. It appears the prisoner was guilty, but it is not clear what happened to the £500 or who his master was. The prisoner is also a puzzling figure for he appeared to be following several occupations at once.

Another case illustrates a quite different form of robbery. The prisoner declared that:

41. William Stevenson, junior, per Westmoreland (41)*, Kent Q.S., 15.3.41; The Kent Herald, 183.41.

It was Mr. Floyd of Effington; he was knocked on the head; Thomas Laskin and William Maunder are on board; each received 15 years; George Dawton, a soldier in the Rifles, committed the assault and absconded.

A Press report of the trial noted the names of the participants and included a 25 year old woman who was apparently a confederate of the group. There was no mention of a George Dawton. (42)

Another example of robbery was that of a Lancashire man who took "4/6 from Mr. Nelton at Thomas Street, Manchester, at the riots", and a prisoner convicted of robbing in company with others stated that 17 sovereigns were taken from their victim; "we pushed him down". A London man was charged with robbing the Post Office though another record stated that it was the embezzlement of money which came into his possession as a letter carrier. (43)

Because the Irish group was significantly larger than expected, types of offences for which members of the group were transported will be noted. Again it is that "robbery" could be read in some cases as "larceny" e.g. one man convicted of robbery said that he had stolen 250 eggs. A prisoner from Londonderry announced his offence was stealing £3-10-0, which he said he had won at thimble rigging, the loser protesting that he had been robbed. A report on this prisoner stated that he had lived for four or five years by thimble-rigging. Another Irishman was charged with highway robbery and announced that he had taken a pair of shoes and a hat, and had knocked the man down. The man had been rather drunk. And another Irishman, transported for highway robbery, stated that "It was rioting. There was

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42. George Webb per Earl Grey (42)*, Devon Assizes, 21.7.42; Devonport Telegraph and Plymouth Chronicle, 30.7.42.
43. Thomas Tinan per John Renwick (42)*, Lancs. Sp. Assizes, 10.10.42. Henry Hope per Tortoise (41)*, Staffs, Assizes, 10.3.41. Joseph Webb per Waterloo (33), Surrey S. P. and G.D. 19.12.32; Adm. 6/421, No. 26421.

a fight and I had another man's hat; prosecutor Mr. Dearby
Kilkenny". (44)

Inspection of the Irish cases revealed that although deep analysis is impossible without examination of individual trials, there was an element of factionalism in some instances. But such feuds usually manifested themselves in the form of simple assault rather than robbery.

(d) Theft of wearing apparel. Seven per cent of the sample stole wearing apparel. Countries of trial were England (295), Ireland (73) and Scotland (11). Number of English was significantly high. Counties of trial were dominated by four : London (70), Lancashire (45), Dublin (30) and Yorkshire (26). Apart from London, these counties transported more men than expected to a highly significant degree. Number of farm labourers was low to a highly significant extent. There were significantly more single men and men aged under 30; former offenders were more than expected in highly significant numbers.

In short, this group of prisoners included young and persistent criminals many of whom received seven years transportation, for the extent of minimum sentences was highly significant. All these findings fit "other larcenies" as well.

Here are some cases. A man tried in 1827 explained that he had stolen a coat from his father-in-law and that he had been in the watch-house several times before, (45) and another person tried in 1845 and convicted for making off with a box of clothes said that he had been 10 months in the

44. Thomas Rorke per Hyderabad (49)*, Longford, 7.7.47. James Kelly (2) per Kinnear (42)*, Londonderry, 17.3.42. Robert McAllister per Prince Regent (41)*, Co. Antrim, 6.3.41. William Campion per Ratcliffe (45)*, Co. Kilkenny, 17.1.44.

45. James Purcell per Lady Harewood (29)*, M.G.D., 12.7.27.

Metropolitan Police Force and had been imprisoned for three months for the theft of a constable's staff.⁽⁴⁶⁾ A man transported in 1844 stole two dozen pairs of stockings, had been in trouble before ("four months for shoes, three months for clothes, one month for a handkerchief, two others I don't recollect") and remarked that his sister Elizabeth had gone to Australia four years before.⁽⁴⁷⁾

It has been noticed that the group had been in the hands of the police more often than not. An example was a Yorkshire man who had been put in gaol for three months for stealing a watch, three months for leaving his master, three weeks for stealing clothes, and three months for vagrancy. As well, he had been given 19 lashes at the hulk for being absent without leave, and on the way to the colony made himself conspicuous in stealing the wine on board.⁽⁴⁸⁾

A felon transported from Nottingham in 1832 for purloining a pair of breeches had been gaoled for six months and two months respectively for stealing from a garden, six months again for the theft of bacon, and two months yet again for stealing rabbits.⁽⁴⁹⁾ A third case of a man often in previous trouble was that of an individual convicted by Perth Court of Justiciary for stealing a pair of boots and a coat. He had been summarily convicted 14 times, his Gaol Report noted, though he himself admitted that he had been punished 20 times for drunkenness and disorderliness, and had been in prison for nine months for stealing boots.⁽⁵⁰⁾

Other cases included that of a man transported in 1833 who had been before transported for seven years of which he had served five at Bermuda, another was noted as an old offender

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46. David Henry Donney per Marion (45)*, C.C.C., 3.3.45.
 47. Reuben Winstanley per Sir Robert Peel (44)*, Lancs. (Salford) G.S., 26.2.44.
 48. Luke Marshall per John Renwick (42)* Yorks. (Wakefield) Q.S., 5.1.42.
 49. Matthew Doncaster per England (32)*, Nottingham (Town) Q.S., 4.1.32.
 50. James McCallum per Pestonjee Bomanjee (45)*, Perth C.J., 25.4.45.

and transported for taking a pair of shoes,⁽⁵¹⁾ and a third was the only man in the sample who was noted as a resurrection man : "an idle, disorderly, drunken vagabond; has supported himself by theft and stealing dead bodies". The subject of this notice had been convicted twice before but perished on the way out to New South Wales.⁽⁵²⁾

An aspect of the group was its youth. For instance, a prisoner of 15 was transported for the theft of a coat from his mother; he had been away among thieves for three years, he said.⁽⁵³⁾ Another boy of the same age, tried in Preston, stated that velveteen trousers were stolen from a pawnbroker; "my father was robbed and murdered before I was born".⁽⁵⁴⁾ Some prisoners were younger. An Irish lad aged 12, an errand boy tried in Wexford, was sent out for stealing a cloak. His father was on board for the same offence, his brother on another transport and his mother convicted of the same crime.⁽⁵⁵⁾

Another 14 year old involuntary settler of Australia was sentenced for stealing a pair of shoes at Ipswich in 1842. A report of his trial disclosed that he was convicted of stealing a pair of children's shoes from a cart and then sending them to a pawnbroker to be pledged in the name of Smith. He had been twice before convicted of felony, and had been in prison about seven times. He was transported for seven years with a recommendation that he be sent to the Penitentiary where the Recorder hoped that he would be made an honest man, his respectable friends

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51. James Smith alias Robertson per Lloyds (33), Stirling C.J., 15.4.33. Charles Dufton or Dafton per Bussorah Merchant (28), Yorks. (Leeds) Q.S., 8.1.27.
52. George Barker per Susan (34), Yorks. (W.R.) Q.S., 23.10.33; Adm. 6/421, No. 484.
53. Charles Downes per Elphinstone (35)*, C.C.C., 6.4.35.
54. John Holt per Asiatic (43)*, Lancs. (Preston) G.S., 19.10.42.
55. Denis Finn, junior, per St. Vincent (36), Wexford, 7.6.36.

having asked that, if convicted, the prisoner be sent there to effect his reformation, "all means to that end having failed at home". A report on this lad noted that he was "connected with the most depraved thieves".⁽⁵⁶⁾

Married men transported for stealing articles of clothing included an individual who stole an apron and was noted as having been before gaoled for desertion from the army. He denied this : "I never joined the Regiment. I was drunk".⁽⁵⁷⁾

Occupations of the group followed the pattern of the overall sample i.e. there was a predominance of labourers, farm labourers and transport workers, though it is a fact that the number of rural workers was significantly less than expected. As in "other larcenies", indications are that these men were town dwellers. Men employed in the manufacture of wearing apparel numbered 16 in the group and were significantly large in number. With only one exception they were tailors.

One trade which was unusual for a convict was that of grocer. This man, charged with stealing clothes, said his father-in-law was a tailor at Tilsit in Prussia and a note on his record stated that his previous character had been good according to certificates that he had. A newspaper noted briefly that a Prussian was tried for burglary at Ramsgate, and the report followed two others describing theft of wearing apparel from the landlord of the "Star" public house in Sandwich.⁽⁵⁸⁾

What evidence there is about this group of convicts fortifies the theory that they were of the same background as those transported for "other larcenies", and there is no reason to suppose that many of these men stole apparel to clothe themselves.

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56. William Button per Asiatic (43)*, Suffolk (Ipswich) G.Q.S., 10.6.42; The Ipswich Journal, 18.6.42.
 57. Benjamin Fitton per Lady Nugent (36)*, Lancs. Q.S. 26.10.35.
 58. Carl Leopold Saurien per Southworth (33)*, Kent (Sandwich) S.P.G.D., 29.8.33; The Kentish Chronicle, 5.9.33.

CHAPTER VI

The Offences : Offences of a public nature, assaults on the person, assault and robbery

"Eviction" was prevented from depopulating the whole country only by the widespread fear of the "Whiteboys".⁽¹⁾

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Offences analysed so far in this enquiry into the origin and character of the convicts amount to 77 per cent of the total. The remainder will be treated descriptively because the numbers are now small. Left for discussion are a varied batch of criminals including 248 of the sample (four per cent) transported for offences of a public nature and 186 men (three per cent) for assaults on the person. As well, 68 men ^{were} transported for assault and robbery.

(a) Offences of a public nature. Half the men distinguished were sent out to Australian penal colonies for coining or for passing counterfeit money. Palpable "political" offenders are few in number, though some "miscellaneous" offences by Irishmen could be regarded as political in character.⁽²⁾

Coiners and offenders associated with coining consisted of 77 men in the sample tried in England, 28 in Ireland and 15 in Scotland. In London alone 24 men were tried for such offences as "forged notes" and "uttering counterfeit coin". One man transported for having in his possession a mould for making coins said upon arrival that it was for creating half-crowns and shillings.⁽³⁾ A few variations on the theme were noted e.g. one man received 14 years for forgery or coining of bank tokens,⁽⁴⁾ another for possessing counterfeit stamp dies was transported from Ireland for seven years,⁽⁵⁾ and another Irishman was sent to Australia for vending cards with a forged stamp.⁽⁶⁾

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1. O'Brien, Economic History of Ireland, p. 55.
 2. See Appendix 9.
 3. Joseph Crighton per Triton (42)*, Lancs. Assizes, 24.3.32.
 4. Stephen Evans per Morley (16), Warwicks. Assizes, 12.8.16.
 5. Jophet White per Surrey (16), Dublin City, ?.12.15.
 6. Patrick Smith per Chapman (17), Dublin City, 17.2.16.

As practiced in London, making money engaged two people, usually a man and woman together. One such couple were arrested in 1845, though their bull-dog hampered the police severely by holding one officer by the trousers for 25 minutes. Four galvanic batteries in full play and 500 counterfeit coins were found, and the coiner received 15 years transportation. Passing such coin was effected by offering a shopkeeper a good coin first, getting back the coin by pretending to have change, discovering there was no change, and then passing the false coin. (7)

Coiners were usually transported for 14 years, not life or seven years, the large number of 54 of the 120 men receiving that sentence. Although coiners were transported throughout the history of transportation, 51 of the sample were embarked during the years 1815-24, and no less than 16 in the single year of 1820. That this finding was no fluke in the sampling is confirmed up to a point by figures of convictions for such offences in England, the numbers each year leaping from 52 in 1813 and 59 in 1815, to 227 in 1818, 193 in 1819 and 352 in 1820. (8) Occupations of these men included a relatively large number of unusual ones for felons. Among them was an attorney's clerk, a shop-keeper and land surveyor, a merchant's clerk and travelling agent, a barber, a hawker, a Captain of Marines, a land surveyor and draughtsman, an attorney, and a cattle dealer. (9)

The shop-keeper who doubled as land-surveyor was tried with two other men for having made and counterfeited 20 pieces of coin resembling shillings. A report of the trial

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7. Mayhew, London Labour, "extra" vol., pp. 377-79.
 8. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, p. 10.
 9. Samuel Dell per Neptune (20), M.G.D., 15.9.19.
 Patrick Fallon per Mary Anne (35), Lancs. Assizes, 8.3.34.
 William White per St. Vincent (36), Roscommon, 23.2.36.
 Samuel Dickson per William Jardine (37), Kildare, 6.7.37.
 Jonathan Webster per Atlas (19), Surrey Assizes, 29.3.19.
 John Davison per Earl Spencer (13), Oxford Q.S., 18.1.13.
 William Parr per Fortune (12), Kent Assizes, 6.8.12.
 Jophet White per Surrey (16), Dublin, ?.12.15.
 John Mowat per Mermaid (29), Aberdeen C.J., 10.9.29.

noted that John Healy, in the employ of the police, engaged a man named Sowerby to detect coiners, and introduced him to a woman who guided him to a house at Oak Place, Liverpool, where the prisoners were casting shillings from a plaster of paris mould. He spoke with them and then informed the police who took the coiners into custody. Sowerby admitted in court that he was employed to entrap people to make coins in order to procure their conviction. The jury found the three men guilty and the judge, declaring them to be common pests of society no longer fit to stay in England, ordered their transportation for life.⁽¹⁰⁾

That forging was very frequent in Lancashire was noted in 1819 and was put down to the fact that there were no provincial notes circulated there. Mayhew thought that such forgeries of Bank of England notes emanated from Birmingham and were uttered usually by pretended horse dealers and travellers.⁽¹¹⁾ But as so often in this survey, London was conspicuous as the one place which convicted more men than any other country. One person who was in an excellent position to judge the character of coiners remarked that the same persons came up to trial over and over again for forgery and disposal of forged bank notes, and that sometimes a whole family appeared in the dock, one after the other, for forgery of money or for coining.⁽¹²⁾

The remainder of the group of men tried for offences of a public nature was dominated by Irishmen transported for what have been termed riots, routs and affrays, or

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10. The Lancaster Gazette, 15.3.34.
 11. P.P., Report from the Select Committee on Criminal Laws 1819 (585) VIII p. 28 : evidence of David Evans, vice-chairman of County Palatine of Lancaster. Mayhew, London Labour, "extra" volume, pp. 380-81.
 12. P.P., Report from the Select Committee on Criminal Laws 1819 (585) VIII, p. 27 : evidence of Thomas Shelton, clerk of the arraigns of Oyer and Terminer and Gaol Delivery at the Old Bailey for 35 years.

"political" offences because they struck directly at the structure of the body politic, and suggested a conspiracy against the government. Such persons were on the Minerva (99), after the 1798 uprising, others convicted in 1817 for administering unlawful oaths and a batch came in the 1820s for offences under the Insurrection Act. Two men in the sample were, for instance, noted as transported under the Act for being absent from their residence.⁽¹³⁾ In the 1830s a few more were landed in Australia for having been White Boys and for administering oaths.

One man in the sample was transported for Ribbonism,⁽¹⁴⁾ an offence which was connected with the White Boys who terrorised different parts of Ireland, attacking houses and people to prevent new tenants replacing old ones, and in general resisting evictions by the land-lords and their agents. One man, however, was transported for persuading other people to attack the police barracks and he said that he was tried with two other men. One of them said that he did not know what he was transported for but that a policeman was killed, and a third man said that they were sent out for attacking the police with Smith O'Brien. These men were therefore

13. Patrick Crehan per Prince Regent (24), Tipperary 23.5(?).23; Patrick Green per Asia (24), Limerick, 12.8.23. P.P., Return of Persons committed 1.1.23 - 1.2.24 in each county of Ireland 1824,⁽¹⁷⁴⁾ XXII, pp.236 and 246.

14. Patrick McDonald per Richard Webb (41)*, Cavan, 23.7.41. Another convict, Francis McCann per North Briton (43)*, Longford, 6.7.42, was not on the sample but made the following statement about the Ribbon Men :

Ribbon sects are illegal combinations, sworn to obey their chief, to take the arms of the Protestants and turn them out of the country. County delegates travel all over Ireland giving the Ribbon men new signs and making appointments to meet at certain times. They also travel through England and Scotland. The members of the Society choose their delegates by a polling. They assemble once every quarter. The oldest delegate is appointed chairman and has the general superintendence of the delegates. Parish masters are under the delegates and under the parish masters are Guardians who have the power to dismiss delegates. Each Guardian is over 12 men. One parish master is over them and one delegate over all the parishes in the country.

probably concerned in the insurrection in Kilkenny, Waterford and Tipperary in 1848 which was led by O'Brien, for some time an Irish Member of the House of Commons. He was later tried for high treason, found guilty and exiled to Van Diemen's Land. (15)

Some Irish were transported for riot before mid-century. Two convicts for instance were sent to New South Wales in 1817 for being riotous and disorderly persons, and others in the 1820s for such offences as attacking Shanagolden Post Office, robbing yeomen of their arms, seizing arms, and insurrection and firing at the King's troops. Others were transported in the 1830s for assaulting habitations. (16)

Remarks were made earlier about the Irish background with land hopelessly sub-divided so that people became obsessed with hanging on to a few miserable acres from which they grubbed a living, existing at a level scarcely above that of their pigs, in an atmosphere of violence. Ancient feuds served as an outlet for a desperate kind of pugnacity, and it was small wonder that the White Boys thrived. All conditions favoured them. They had existed since the mid-eighteenth century under a wide variety of names, such as Peep-o'-Day-Boys, Thrashers, Righters, Carders, Caravats, Rockites, Ribbonmen, the Lady Clares, the Terry Alts, and Blackfeet, and in Co. Clare almost the whole peasantry was

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15. Edward Tobin per Hyderabad (50)*, Waterford, 13.7.50. See Denis Gwynn, Young Ireland and 1848 (Cork, 1941), and William C. Townshend, Modern State Trials; revised and illustrated with essays and notes, 2 vols. (London, 1850), vol. 1, pp. 469-532: "The Trial of William Smith O'Brien for High Treason".
16. James Purcell per Guildford (17), Co. Cork, ? .4.17.
 John Gleeson per Pilot (17), Co. Tipperary ? .6.16.
 Patrick Corbett per Mangles (22), Co. Limerick, Spring 1822
 John Devnish per Asia (24), Mullingar, 13.3.24.
 Thomas Moyland per Prince Regent (24), Limerick, 29.7.23.
 John Granger per Mangles (22), Co. Cork Special Commission 1821.

in a White Boy association in 1830⁽¹⁷⁾. But although poverty, high rents and ejections were all too evident, it was not unknown for comparatively well-off Irish to live in squalor rather than reveal their assets and thus have their rents raised.⁽¹⁸⁾

Reasons for assaults on houses and for riots, were given in 1846. One was to intimidate a labourer from working for a man who had taken land, and in another instance an unoccupied house belonging to a person named Hassett was set on fire, because he was going to prosecute for a previous offence.⁽¹⁹⁾ Tipperary in particular was the scene of riot, said an observer, and the only reason he could advance was that throughout all the ages that county had been remarkable for the lawlessness of its peasantry.⁽²⁰⁾

English rioters, on the other hand, were all tried between 1830 and 1832 during the agricultural disturbances.⁽²¹⁾ Included in the group was one man who, although charged with rioting and therefore included in this group, admitted to

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17. P.P., Report from the Select Committee on the State of Ireland 1831-2 (677) XVI, pp.11-13 : evidence of Matthew Barrington, Crown Solicitor of Munster Circuit. Cunningham, Two Years in N.S.W., vol. 2, p. 241, asked the Irish convicts on a transport who would be their captain on the voyage out to Australia and "one of them exclaimed in a laughing good-humoured Irish way, "Och, your honour, we have got a captain already - that is Captain Rock, as he sits there, and a very good captain he is!" Cunningham notes that this name was given to many individuals in Ireland.
 18. Maxwell, Ireland under the Georges, p. 139 f. Wakefield wrote in 1812 of having visited a farmer who lived in miserable conditions. "I asked him why he did not get a better house. His reply was that "he should break his shins going upstairs". This man was relatively wealthy : ibid.
 19. P.P., A Return of all Aggravated Assaults in Ireland 31.12.45 to the latest time (28.5.46) 1846 (369) XXXV, p. 181 ff. P.P., Abstracts of the Police Reports of Some of the Principle Outrages in the Counties of Tipperary, Limerick, Clare, Leitrim and Roscommon in 1845 (1846) (217) XXXV, p. 321.
 20. P.P., Report on Occupation of Land in Ireland 1845 (657) XXI, pp.911-12 : evidence of Lt.Col. William Miller, Deputy Inspector-General of the Constabulary of Ireland.
 21. For an account of these incidents, see J.L. and B. Hammond, The Village Labourer.

machine-breaking.⁽²²⁾ He was one of a shipload of men sent to Van Diemen's Land for, in general, destruction of machinery in Wiltshire and the adjacent counties. Other men of the neighbourhood were sent out for rioting and in one case for assembling in the town of Blandford and beginning to pull down the house and premises of George Moore.⁽²³⁾

Among men tried in Scotland for rioting was a man born in Ireland but tried in Jedburgh,⁽²⁴⁾ and another convict, who was a blacksmith's striker, said upon arrival that he was sent out for mobbing and rioting but that he was not there. An account of the trial noted that he was brought ^{with} up four other men. They pleaded not guilty and after a long trial, the convict in the sample was found guilty as libelled. One of his companions was also selected in the sample and supplied the clue as to the nature of the riots, saying that it was "chartist rioting. I was coming from work to my dinner at the time."⁽²⁵⁾

A few more men will be considered in the context of direct offences against the state. Seventeen in the sample were sent out to Australia for treason or sedition. Ten of them were Irish; a typical charge was that of being a seditious and disorderly person.⁽²⁶⁾ They were probably taken up under the Insurrection Act. It is recorded that in Co. Limerick a man found playing cards at an improper

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22. Henry Dicketts per Eliza (31)*, Wilts. Sp. G.D., 27.12.30.
 23. Richard Bleathman per Circassian (32)*, Dorset Assizes, 10.3.32. The Dorchester Chronicle, 22.3.32.
 24. Barney Hourigan per Fairlie (52)* Jedburgh C.J., 5.10.49.
 25. James Campbell per Lady Kennaway (51)*, Glasgow C.J., 5.5.48. Thomas Walker per William Jardine (50)*, Glasgow C.J., 8.5.48. The Scotsman, 6, 10.5.48.
 26. John Moroney per Guildford (15), Co. Tipperary, ? .10.15.

hour in a neighbour's house was sentenced to seven years transportation under the sweeping powers of the Act. He was subsequently released after representations were made to the government on his behalf. (27)

Another offence was that of bigamy, for which 12 men in the sample were transported. One of these made a practice of marrying and he observed in his statement that not one of his wives came against him at his trial. He had four wives, three alive, and had married first at the age of 17. (28) A unique case was that of a man tried in 1842, for he was the only one in the sample who was a clergyman. He stated that he had believed his former wife dead, and re-married after 18 years. (29) Another Londoner, a coach painter aged 33, represented himself as single and won the affection of Sarah Turner who had saved £100 while in service. After having been married to her for a month, the prisoner absconded with all his bride's property. He had, it was submitted in evidence, paid his passage on board a vessel bound for America when arrested. (30)

Some men were transported for perjury. They were all Irish. One said that he swore he saw someone making pikes, and the other swore that a woman burnt a house down. (31)

Three men in the sample were sent out to Australia for smuggling, and three for aiding prisoners. Among the last was a man whose harbouring of a felon earned him 10 years transportation. He said that he had rescued a man charged.

27. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, p. 185 : evidence of T. Spring Rice.

28. William Gale per Henry Porcher (36)*, Suffolk Q.S., 12.4.36.

29. Stephen Aldhouse per John Renwick (42)*, C.C.C., 22.8.42.

30. John Major Hallett per Pestonjee Bomanjee (52)*, C.C.C., 20.8.49. The Times, 27.8.49.

31. Patrick Donohue per Ratcliffe (45)*, Co. Kilkenny, 15.3.45. Patrick Hughes per Emily (44)*, Mayo 17.10.43.

with pocket-picking.⁽³²⁾ Another prisoner was transported for taking instruments into Cambridge Gaol to help two inmates escape. The man was employed by the keeper of the gaol, where he had earlier been a prisoner, to work in the garden, and had given the two prisoners material with which to make keys.⁽³³⁾

Eleven men committed sacrilege. One of them broke into the parish church of Condover, Salop, and stole two silver flagons, two silver cups and one silver plate valued at £30. The vicar found the chest in which the articles were kept had been forced open with an iron palisade, part of the fence of the burial yard. The prisoner had been seen enquiring for work on the morning preceding the robbery and had attended evening service that day. About 12 months after the robbery the prisoner offered part of the plate for sale to a watchmaker of Bridgnorth whose suspicions were aroused by the prisoner saying he could bring enough to make it up to 12 lbs.⁽³⁴⁾

(b) Assaults on the person. Various sorts of assault caused the despatch to Australia of 186 men of the sample. Of these, 81 were convicted of murder or manslaughter, 25 for rape and 80 for other forms of assault. As well, 68 men transported for assault and robbery and three men for bestiality will be here considered.

A surprisingly high proportion of men were tried in Ireland, no less than 106 of the 186. Numbers of Irish increase if account is taken not of place of trial but place of birth. For instance, an Irish-born soldier was tried in Lower Canada for murder; he stated the following unattractive phrases: "It was Mary Moore; she was a rambling woman

32. William Pocock per Nile (50)*, C.C.C., 15.12.45.

33. Richard Shead per Lord William Bentinck (32), Cambs. Assizes, 19.7.31. The Cambridge Chronicle and Journal, 22.7.31.

34. Thomas Chetwode per Lady Harewood (30), Salop Assizes, 7.8.30 The Salopian Journal and Courier of Wales, 11.8.30.

and used to live at my house sometimes; I was drunk, I don't know what happened, it was with a pair of scissors". The Gaol report noted that "he indulges in liquor which excites him to a phrenzy". (35)

Another Irishman, tried in Scotland, spoke at some length of the offence which landed him in Van Diemen's Land. (It was remarkable that almost without exception the men sent to Australia for murder or manslaughter felt obliged to go into details in their confessions). This man said that

John Green was the murdered man; two men killed him and I was part concerned. Death was commuted to life transportation. Dennis Doolen and Pat Riddon were hanged. He was struck on the head with a poker and some iron. The murder was devised in my house; I took no means to prevent its accomplishment; our intention was to beat him till he was sufficiently bruised to go to hospital.

The substantial truth of the admissions made in Van Diemen's Land was demonstrated in this case because a report of the affair exists in a newspaper, under the heading of "The Bishopbridge Murder". This stated that the prisoners were charged with having on 10 December 1840, on a bridge over the Edinburgh-Glasgow railway line, near Bishopsbridge, assaulted John Green, a ganger, with an iron poker, bar or rod, felled him to the ground, and jumped on him and kicked him repeatedly.

Evidence was given by the men's landlady that the poker was missing and that the night before the murder, James Hickie took up the poker and put it to his forehead, saying that that was the place to give a man a blow. Evidence was also given that Hickie was 15 yards away when the beating was done. The jury recommended Hickie to mercy but the other two were hanged. (36)

Irish transported for murder and manslaughter were tried

35. Michael O'Grady per Layton (41)*, Lower Canada C.M., 10.9.40.

36. James Hickie per Barossa (41)*, Edinburgh C.J., 23.4.41. The Scotsman, 28.4.41 and 19.5.41.

in rural Ireland for the most part, and especially in the west. For instance, a man from Tipperary transported in 1841 confessed to manslaughter and stated that his brother was on board and that their victim was beaten when he applied twice for the rent. His brother remarked that they had neglected to give the rent-collector his money.⁽³⁷⁾ Other cases included those in which Irishmen stated :

It was Cornelius Cameron. I know nothing about it.

He was struck on the head with a stone.

I struck him on the head five times and broke his skull. I did not intend to kill him. My brother Daniel escaped.

John Baring was killed through family affairs. He was struck on the head with a stone and died the next day.

It was a riot between two factions... We were coming from a fair. He was struck with a stone.⁽³⁸⁾

There is no reason to suppose that the Irish transported to New South Wales for murder and manslaughter differed greatly in the circumstances surrounding offences. Chief motives for offences of violence in Ireland were family quarrels and vendettas against tenants who replaced the old ones. As the Chief Executive of Ireland remarked, such crimes of violence were almost always connected with the possession of land, which was regarded as the first necessity of life, or with local feuds.⁽³⁹⁾

In 1828, the Governor of King's Co. spoke of the causes of quarrels. The first were quarrels between

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37. James Dwyer per Richard Webb (41)*, Tipperary, 29.7.41.
 38. James Hughes per Lord Auckland (46)*, Mayo, 16.3.46.
 Peter Meehan per Cadet (44)*, Clonmell, 4.3.43.
 Owen Courtenay per British Sovereign (40)*, Cork, 17.8.40.
 Thomas Fahy per Ratcliffe (45)*, Mayo, 7.3.45.
 William Punch per Ratcliffe (45)*, Limerick, 30.8.45.
 39. P.P., Further Correspondence on the subject of Convict Discipline and Transportation 1850 (1153) XLV, p. 103, sub-enclosure in Enclosure 3 in no. 7 : letter from the Lord Lieutenant of Ireland.

factions, and he spoke of two great parties among the lower orders in the county. The Darrags and Cummins, he remarked, attacked each other all the time, at fairs, funerals, markets and such gatherings, without any preceding quarrel. Their weapons were stones and loaded sticks about two feet long with a lump of lead at one end. These weapons were carried concealed in coat sleeves. But the most usual weapon was stones with which they were extremely accurate. They gave cruel blows with these and if a man fell, his head was pounded with more stones till he appeared dead or senseless.

The second cause of violence arose when a man gave information to the police and the third cause was giving evidence in a court case against another. The offended parties then laid in wait and attacked: it was generally when the victim was returning from a fair or market. "If he recovers, in their phrase, he is never the same man again."

The fourth cause of outrage and bloodshed arose when land was taken, a tenant evicted, or a labourer dismissed. The manner of vengeance was much the same as in the former cases. (40)

In 1844, the Devon Commissioners found that conditions had not altered for the better and they spoke of the long history, especially in Tipperary, of lawless violence, usually acts of revenge. If a man were removed from land which he had neglected or misused he was looked upon in certain districts as an injured man and his friends wreaked terrible vengeance.

...at times a large numerical proportion of the neighbourhood look with indifference upon the most atrocious acts of violence, and by screening the criminal, abet and encourage the crime. Murders are perpetrated at noonday on a public highway, and whilst the assassin coolly retires, the people look on, and evince no horror at the bloody deed. (41)

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40. P.P., The 17th Report of the Commissioners Appointed to Inquire into Courts in Ireland 1828 (144) XII, pp. 207-209 : evidence of the Earl of Rosse, Governor of King's Co.
41. P.P., Report on Occupation of Land in Ireland 1845 (605) XIX, p. 42.

Circumstances of homicide leading to transportation from England were different. For instance, a man tried at Gloucester in 1841, said that he and another person were firing pistols in turn at a candle, trying to snuff it out with a ball. His pistol had burst and the swivel struck his friend in the right jaw, as a result of which he died. (42)

However, another Gloucestershire case differed. The prisoner had this to say in explanation :

It was Constable Charles Pearce of Bristol. I was rescuing a man he had in custody for apples; he lived three weeks. He struck my son on the head with his staff and me on the arm. I did not strike him with any weapon. I then closed and we fell down. My son is on board.

His son's version was "A police constable was hit with a fist of stones. It was my brother whom the constable had in charge, having seen him in the garden". A newspaper report noted that apples had been stolen from an orchard by the son and that Pearce, a night-watchman, was attacked by the elder prisoner and another man, stones in hand. Many witnesses were called and several gave the prisoners a good character but all were transported for life for manslaughter. (43)

Some more examples of the English prisoners' accounts of their offences further illustrate their nature :

I and another young man went into a public house to drink and fell in with some more; one challenged me to fight; we went into the fields. The man who died struck the young man who was with me and I returned it. I struck the man with my fist and he died five days after. My father was entirely innocent of it. He came up and I had struck him.

I was drunk in a public house with a young woman, she aggravated me and I struck her with my fist; she staggered across the room, fell against a sofa and died in half an hour afterwards.

It was through a quarrel between me and my wife; when another man interfered I struck him with my fist and he fell down dead.

Simon Levi was out shooting with me; I had a quarrel with someone else and in firing at him I shot Levi. I was drunk at the time.

42. William Weyman per Somerset (41)*, Glos. Assizes, 4.8.41.

43. John Thomas (2) per Isabella (42)*, Glos Assizes, 31.3.41. The Gloucestershire Chronicle, 3.4.41.

I met a man on the road as I was going home from work; he was drunk and was found dead next morning. The man who had been working with me swore that I struck him with my fist.

I was going to strike one of the children; [my wife] prevented me and I struck her over the head(?) with a plank.

My mother was living with me; I struck her because she wanted to go to my niece; I did not intend to hurt her, I merely wished to prevent her...she was 85 and had been very ill.

In a Press report of the trial of this last man, who had, his Gaol Report noted, a certificate signed by 125 persons as to his character, it appeared that the deceased, an old woman of 84, had left the house of the prisoner, and gone to live with her grand-daughter. The prisoner, on the evening of the day when the offence occurred, came to the house, and attempted to take her back to his house by force and for that purpose took her up in his arms. She resisted and they struggled on the floor. The neighbours interceded and he left. The old lady was much agitated and was unable to sit upright, and after two days in that state she died. The prisoners' employers, called in exculpation, gave him an excellent character for sobriety, steadiness and peaceful behaviour.

The jury unanimously returned that the panel was guilty of culpable homicide but strongly recommended him for mercy. The judge thereupon sentenced him to life transportation, r remarking that he could not understand why the jury had recommended mercy. (44)

Other forms of assault ^{accounted} for 80 men in the sample and again the Irish formed a disproportionately large element. Charges were for such offences as assault, cutting and wounding and malicious assault. The Irish made such

44. William Hadfield per Norfolk (35)*, Lancs. Q.S., 9.8.34. John Stokes per John Barry (34)*, Staffs. Assizes, 23.7.33. William Bray the younger per George III (34)*, Devon Assizes, 20.3.34. Thomas Nicolle per Pestonjee Bomanjee (46)*, Jersey Court Royal, 20.3.36. William Johnson per Isabella (33)*, Herts. G.D., 29.11.32. George Bromfield per Canton (39)*, Southampton Assizes, 10.7.39. Thomas Breckenridge per Eden (36)*, Edinburgh C.J., 18.3.36. The Scotsman, 19.3.36.

statements as these :

Assaulting Dr. Hobbs with a stick...

Firing at Pat Ryan; he was shot in the belly with a pistol at Co. Tipperary.

Throwing a stone at William Fogherty, for spite.

Assaulting the police with firearms; they were ejecting a tenant and we resisted.

Grievous assault on a girl. She was a bad girl. She was struck with a stone. I was drunk.

Aggravated assault on Neil McNee and James McNee. I owed them money and there was a dispute about it. I knocked them down with a spade. They struck me first.

I did not commit the offence, but was suspected, being at enmity with him.

Assaulting a man about some land. (45)

There is evidence that suggests jealousy and spite as well as land troubles were behind Irish offences, but secondary sources leave no doubt that eviction and replacement of tenants was the cause of such bloodshed as a rule. Before the Devon Commissioners, an inhabitant of Co. Tipperary gave evidence that two men he knew had been transported for firing at and wounding a man who had been placed on another's land. This man was then murdered on his way to Mass, and when the priest ran out, some of the country people murmured against him and the witness heard some openly declare that it was a pity they did not shoot the priest himself. This was "a general feeling" among the common people. The witness then summed up the atmosphere of one part of Ireland with the following telling words :

When turned out of the land, they get demoralised, and frantic, and savage, and wild; and they go idle about, and congregate together, and meet at wakes, and combine, and then such a person's destruction is determined on; and they prosper by degrees, two or three times, and any man who considers ^{himself} aggrieved will

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45. John Hogan (2) per Tory (46)*, Tipperary, 1.8.45.
 Michael Healy per Ratcliffe (45)*, Tipperary, 20.3.45.
 John Fogerty per Egyptian (40)*, Tipperary, 2.7.40.
 Michael Kiernan per Lord Auckland (46)*, Westmeath, 22.1.46.
 Geoffrey Bourke per Elizabeth and Henry (45)*, Tipperary, 16.7.44. Thomas Richardson per Ratcliffe (45)*, Tyrone, 11.1.45. Maurice Drury per Orator (43)*, Kerry, 13.3.43.
 William Hogan per Hyderabad (49)*, 25.3.48, Tipperary.

join them, and they will meet in the town, and speak of such a person, and say, it is a pity not to do so and so to him, and they will watch him till they have revenge on some party. I recollect a summer or two ago, I could scarce go to my door that I did not hear of one person or the other being shot. I have met a quantity of them, all armed, in the open day, when I was going to take a walk - they never said anything to me; they will never attack any one for money, but for this revenge about the ground...touch the farm, and turn them out, and they get frantic and wild, - the mind gets changed, and there is sure some misfortune to follow from that. (46)

Why the peasants sometimes became "frantic and wild" was suggested by a farmer in Co. Cork who owned, he said, 35 (Irish) acres of land. He said that arrears of rent was recovered by taking cattle. Landlords also seized corn and even cabbages growing in the garden, and the witness swore on his oath that the very beds had been taken from tenants and saddles from off the horses. Tenants were stripped bare of everything but their clothes. (47)

But cases of English criminals were again different. The following explanations show how :

Wounding a gamekeeper whilst poaching.

Tried with my brother William for shooting and wounding a gamekeeper. I was poaching at the time.

Cutting and wounding French, a farmer's son.

He never was shot at; a man with me had a gun. Bennet and a lot more attacked us with sticks.

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46. P.P., Report on the Occupation of Land in Ireland 1845 (616) XX, pp. 631-637: evidence of John Kennedy, shopkeeper, Nenagh, Co. Tipperary.
47. ibid., (616) XX, pp. 974-5 : evidence of Charles McCarthy, farmer, Co. Cork. A most notorious eviction was that of the village of Ballinglass, where the inhabitants were not in arrears with their rent and had in fact reclaimed 400 acres of bog. A detachment of infantry at the instigation of a Mrs. Gerrard carried out the eviction. "... the people were officially called on to give up possession, and the houses were then demolished - roofs torn off, walls thrown down. The scene was frightful; women running wailing with pieces of their property and clinging to door-posts from which they had to be forcibly torn; men cursing, children screaming with fright. That night the people slept in the ruins; next day they were driven out, the foundations of the houses were torn up and razed, and no neighbour was allowed to take them in". - Woodham-Smith, The Great Hunger, pp. 71-72.

I cut my wife's throat because she cohabited with other men.

Poaching, shooting two pheasants and assaulting Samuel Stucklin, gamekeeper to Sir Walter Wigmore.

Stabbing a man in the side in a street row.

Maliciously wounding John Lucas in a street row.

Shooting with intent to kill; prosecutor Lord Kensington; I was shot in the head and my hand was cut.

Cutting and wounding William Jolly with a hoe.

Cutting and wounding a police constable in the "Farm House" Inn at Lambeth; I had been there two hours before the row commenced, and was in bed when apprehended.

The last-mentioned case, that of the man who was in bed when taken, was reported and it appears that his statement was accurate. The account of the trial noted that this man, John McPhane (sic), Richard Popham and William Donoghue were charged with cutting and wounding P.C. Whatmow.

The constable said in evidence that when about 10 yards from the door of a beer-shop called the "Farmhouse", he was struck a violent blow by Popham. The prisoner then tried to get to the beer-shop and inflicted more blows on Whatmow. During the struggle, McPhane came out of the beer-shop and struck Whatmow who was forced to let go of Popham. When trying to deal with McPhane, Whatmow was kicked several times by Donoghue who also came out of the "Farm House".

Donoghue was secured in the tap-room of the inn and ^{McPhane}~~Donoghue~~ found in bed at his lodgings. He at once said, "I knew I should be nailed for this, but I shall only be fined, and if it should be £5 or even £10, I shall pay it".

The judge remarked that the prisoners had committed a very serious and aggravated assault. The fact of their carrying such dangerous weapons as that produced (Popham's "life preserver") was a circumstance of considerable aggravation. Donoghue was acquitted and a sentence of 15

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years transportation passed on the other two. (48)

The next sub-section in this category of men sent to Australia for assaults on the person is that of the offence of rape. There were 25 instances in the sample of this, of which 10 were Irish. Some statements were :

Assault with intent to ravish; prosecutrix Sarah Burley, 19 years, Doncaster.

Assault to ravish; a child 8 years old. I was in liquor at the time.

Rape; on Bridget O'Donnell (?), 25 years old, on a fair night; prosecutrix at Tipperary.

Rape; on Mary Carey, aged 20, on the road.

One man was transported from overseas for this offence. He was a soldier tried by a civil court and sentenced to life transportation for carnally knowing a girl under the age of eight years. (49)

(c) Assault and robbery. The motive implicit in this offence is robbery and not assault as such. Of the sample convicts, 68 were transported for robbery with violence, and 50 were tried in England of which 16 were London men. One took advantage of his victim when he was hustled by a mob outside Somerset House, (50) and another man was

48. Thomas Howey per Equestrian (52)*, Newcastle-on-Tyne Assizes, 22.2.49. Samuel Page younger per Lord Lyndoch (40)*, Norfolk Assizes, 6.4.39. James Drewett per Lady Kennaway ex Norfolk (34), Dorset Assizes, 14.3.34. Titus Blacker per Lord Lyndoch (36)*, Yorks. Assizes, 18.7.35. Thomas Pilbearn per John Brewer (41)*, Kent Assizes, 26.7.41. Thomas Ellis per Sir George Seymour (44)*, Denbigh Q.S., 3.1.43. Samuel Smith per Equestrian (52)*, Beaumaris Assizes, 22.3.49. William Harris (1) per Aboukir (51)*, Glos. Assizes, 7.8.49. Edward Baker per Asia V (27)*, Norfolk Assizes, 24.3.27. John Darwood per Layton (39)*, Kent Q.S., 15.10.38. John McShane per John Brewer (41)*, C.C.C., 14.6.41. The Times, 19.6.41.
49. Henry Shelton per Lady Kennaway (51)*, Yorks. Assizes, 9.12.48. William Grindaly per Lord Lyndoch (36)*, Edinburgh C.J., 13.7.35. Michael Meara per Lord Dalhousie (52)*, Limerick, 16.3.48. William Linneen per Nevarino (42)*, Waterford, 28.2.42. William Haines per Alibi (51)*, Bombay, 25.3.50.
50. John Rowland per Pitt (91), M.G.D., 13.4.91.

transported for assault with a pistol with intent to rob. This man was alleged to have said, "Your money or your life, you buggerer, or I will blow your bloody brains out". But his prospective victim attacked the prisoner, who was presenting a pistol at him. There was a scuffle in which the robber got the worst of it, pleading finally, "For God's sake give me a good licking and let me go". He was transported for seven years. (51)

Some other instances brought forth the following statements :

I used violence. I took his hat and handkerchief.

Stealing two half-crowns; they were won from a man with thimbles. He wanted them back and I assaulted him.

Prosecutrix Miss Ovendale, Tapsfield. It was nearly dark; I used abusive language and stole her reticule containing 30/-.

A Press report of the last-mentioned case noted that the prisoner, a 22 year old shoe-maker, was charged with assaulting Susanna Holingdale (sic) and Harriet Faulkner. Susanna Holingdale was seized, shaken and knocked down and then gave the prisoner her purse and some silver, with £1, as she had no watch. P.C. Puddeford said the prisoner was the son of respectable parents at Westerham. He had known him for 11 years, he had not always borne a good character and had been in custody. (52)

What conclusions can be drawn from the assault cases noted in the chapter? One conclusion is that there appeared at once a distinct difference between the English and Irish, the latter's offences appearing as a by-product of the land troubles very often, the former rather as results of sometimes drunken brawls. Yet the proportion of the total number of

51. William Parish per Alexander (87), M.G.D., 20.10.84.

52. James Bolton per Layton (41)*, Wigan Q.S., 25.1.41.
Patrick Batten per Tory (46)*, Fermanagh, 20.10.45.
The Maidstone Gazette, 23.3.41.
Frederick Wood per Barossa (41)*, Maidstone Q.S., 15.3.41.

convicts transported for assaults on the person was small, so too much weight should not be attached to their importance overall. Whether such assaults reflected innate viciousness is a question to which there can be no certain answer, but there is no evidence that murderers who committed cold-blooded crimes were not hanged. The cases brought to light by the sample did not apparently include any of premeditated murder.

As to what have been termed "offences of a public nature" in this analysis, it is clear that coining and counterfeiting predominated, and that there is little that need be said of men apprehended manufacturing coin of the realm, and though there is no evidence of men protesting that they did not know they were passing false coins, perhaps some were innocent.

Of Irish political offences, much could be said, but the numbers do not warrant this. And the same applies to the English transported for rioting. Perhaps there were "village Hampdens" here but they were uncommon individuals in the ranks of the prisoners sent to Australia.⁽⁵³⁾

53. Accounts of other numerically minor offences will be found in Appendix 2.

CHAPTER VII

The Women Convicts

"It is a melancholy fact, but not the less true, that far the greater proportion are utterly irreclaimable, being the most worthless and abandoned of human beings".⁽¹⁾

.....

The total number of female convicts sent to Australia was approximately 24,960. (There were 1,248 in the sample). Thus 15 per cent of the prisoners despatched to the penal colonies of Australia were women. Such a percentage lends itself to a descriptive account rather than a statistical one. Therefore the variables examined in the survey will be inspected one by one, with main attention paid to place of trial and offence for which transported.

Did female convicts land on Australian soil throughout the whole period of transportation to New South Wales and Van Diemen's Land? This is so. There were women on the First Fleet and women were transported until the year 1852, when the Duchess of Northumberland left England on 11 November of that year. As in the case of the male prisoners, the 1830s was the single decade during which most left Britain, and in the 20 years between 1830 and 1849, 58 per cent of all women convicts left for Australia.⁽²⁾

Counties in which these women were tried are set out in Table VII.i. (over). Number of Irish women is increased markedly when native place is regarded as criterion of nationality. The figure for English is then reduced to 43 per cent, the Irish increased to 47 per cent and the Scots remains the same at nine per cent. Why were these Irish in England?

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1. Breton, Excursions, pp. 210-1.
 2. For the relevant Tables, see Appendices 10 and 11.

It would be a commonplace observation to indicate the effects of the Great Famine and wholesale migration from a prostrate Ireland, but there had been Irish "colonies" in England for centuries. Nevertheless, periodic Irish famines undoubtedly increased the population movement. As one Irish woman commented, "Distress and want, and hunger and poverty - nothing else - druv us to this counthry. It was the will of God - glory be to His holy and blessed name! to fail the taties. To be sure, I couldn't dig one out of the ground not fit to ate!"⁽³⁾

Had these women convicts generally moved very far from their birth-places? Nearly every second woman (46 per cent) had been tried in a county outside that in which she had been born. Number of Irish born ~~outside~~ⁱⁿ the county in which they were tried was significantly ~~less~~^{greater} than expected to a very high degree indeed. That is to say, when the Irish prisoners moved, they went to England or Scotland, but otherwise remained in their home counties, whereas a general movement on the part of the English prisoners up and down the Kingdom appeared in half the cases. Irish women tried in England totalled 14 per cent of the women sent out to Australia from there, and were convicted mainly in London (23) and Lancashire (19), those two counties accounting for two-thirds of the Irish tried in England. Table VII.i showed that 10 counties tried 54 per cent of the total number of women, and with the exception of Limerick, all these counties were predominantly urban in character throughout the main period of transportation. Nevertheless, there is a considerable "tail" of rural areas, principally Irish, but it must be stressed that women tried in London numbered 50 out of the 130 in the sample transported up to 1809. This is a highly significant

3. Mayhew, London Labour, vol. 3, p. 424.

TABLE VII.i.

Female Sample : Counties of Trial

London	257	*Roscommon	8
Lancs.	99	*Kildare	8
*Dublin	88	*Fermanagh	8
*Cork	54	Lincs.	7
+Lanarks.	44	*Kilkenny	7
Yorks.	30	Wilts.	6
+Midlothian	29	Sussex	6
Warwicks.	25	*Waterford	6
Glos.	25	Cornwall	6
*Limerick	25	*Carlow	6
Cheshire	21	Essex	5
Devon	21	Leics.	5
Surrey	24	Suffolk	5
*Galway	20	Derbys.	5
Somerset	19	Hereford	5
*Antrim	17	*Westmeath	5
*Roscommon	17	*Queen's	5
*Tipperary	16	*Longford	5
*Down	16	*Londonderry	5
*Tyrone	16	Cumberland	5
+Perth	15	*Donegal	5
Kent	14	Cambs.	4
Worcs.	14	Durham	4
Staffs.	13	*Louth	4
Wales (inc. Monmouth)	13	+Stirling	4
*Armagh	13	Herts.	3
Norfolk	11	*Leitrim	3
Notts.	11	Berks.	2
*Mayo	11	Northants.	2
Hants.	10	Dorset	2
Northumberland	10	*Sligo	2
*Kerry	10	+Ayr	2
*Clare	10	+Other Scottish	2
*Wexford	10	+Inverness	2
*Wicklow	10	*King's	1
*Monaghan	10	Beds.	1
*Meath	9	Hunts.	1
*Cavan	9	+Dumfries	1
+Aberdeen	9	Overseas	-
*Other Irish	9	Bucks.	-
Salop	8	Westmoreland	-
Oxford	8	No response	2
			<u>1,248</u>

Summary : Tried in England 707
Tried in Ireland 431
Tried in Scotland 108
No response 2
1,248

* denotes an Irish County
+ denotes a Scottish County

Note: The category "other Irish" consists of those women who were drowned when the Neva (35) was shipwrecked. The particular counties of trial are unknown.

number when it is compared with the 21 per cent of London women transported to Australia all told. In the formative years of New South Wales therefore, nearly every third convict woman in the colony had been tried in London.

The English capital must, as in the case of the male convicts, be considered closely in any analysis of the place of residence of the female convicts, and although the records do not note native place in the majority of cases more than "London", it would be surprising to learn that these prisoners were not inhabitants of the same crime-nourished districts around the City as were the men. Some of the spots mentioned were Somer's Town, Gray's Inn Lane, Bishopsgate, and Clerkenwell. One woman "tried with a young man whom I do not know" stated that she had been born in the Aldgate Workhouse.⁽⁴⁾ The same comment made when the male convicts were considered applies here too : it must not be thought that every inhabitant of these areas was a criminal, but it was from these districts that the London convicts came. Accounts of the trial of London women strengthen this hypothesis.

Details of age structure show that the women were relatively young. Their mean age was 27 years. As for marital status, 66 per cent were single and 34 per cent married or widowed, assuming that the 25 per cent non-response was not atypical. There was no significant difference between English and Irish. Now, 11 per cent of the women prisoners were down as widows but this figure probably reflects lying, because comments made in Van Diemen's Land included often such statements of suspiciously convenient deaths of partners as "my husband died six months since", "I have heard that my husband is dead", or "my husband died since I was convicted". No doubt some women were forced into crime by the death of the bread-winner, but some, on admission, had never been

4. Eliza Glasgow per Edward (34), M.G.D., 20.2.34.

married in law but had lived with various men. Their hesitancy in giving marital status, or their denials of what was on the indentures, was presumably caused by a desire to get married in Australia. A writer stated that they would go to great lengths to convince the authorities on the spot that they were single or widowed, trying to secure admission to the widows' list by having forged letters posted in England purporting to notice the death of a husband.⁽⁵⁾ One woman could not make up her mind what her conjugal condition was: she stated she was a widow and then said her husband was alive. "I don't think this woman stated the truth" was the official memorandum.⁽⁶⁾

A looseness of morality was learnt early in life by children living in the poor areas of London. Mayhew was much struck by what he termed the "extraordinary licentiousness" of some of the London semi-criminal classes which began in the poor lodging-houses frequented by boys and girls, who rapidly formed attachments in these places of childish profligacy. One of the writer's interviews was with a young prostitute who spoke of coming up to London, falling in with three Irish girls and four men and going haymaking with them: "I had a fortnight of haymaking. I had a mate at haymaking and in a few days he ruined me. He told the master that I belonged to him. He did not say I was his wife. They don't call us their wives".⁽⁷⁾

As to period of transportation, the great majority of the women (74 per cent) were transported for the period of seven years and only eight per cent for life. Number of English sent out for these two periods varied very significantly from the expected figures in that there were less

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5. James Bonwick, Curious Facts of Old Colonial Days (London, 1870), p. 283; hereafter cited as Bonwick, Curious Facts.
 6. Mary Smith per Sovereign (27)*, M.G.D., 7.12.26.
 7. Mayhew, London Labour, vol. 1, p. 535 and vol. 3., p. 413.

English transported for seven years and more for life.

Even assuming that each of the 442 women whose records gave no data on previous offences was free of former offences, the lowest estimate based on the sample is 41 per cent. This figure is almost certainly under-stated, and distribution of non-respondents means that 63 per cent of the female convicts had been before recorded as offenders against the law. It can also be shown that the English women differed in this respect, the English including more previously convicted women to a highly significant degree, Irish did not differ significantly though there was a strong trend showing less incidence of former offences than anticipated. Scottish women varied from the norm in the same way as did the English: Of those 70 women in the sample who had been punished before four times or more, nearly half were Scots. If then it were decided to take number of previous convictions as criterion of criminality, the sample shows that the Scottish women were the most abandoned, followed by the English and then the Irish-tried.

In Scotland, the women convicted by the Glasgow Court of Justiciary appear as the worst of a bad lot. The very extensive implications of the number of females formerly convicted or punished must depend to some extent on the type of previous offence, and these were not all petty. For instance : four months for clothes, six days for a shawl and eight days for being disorderly; 60 days three times for theft, three times for quarrelling; 60 days for a gown, 60 days (twice) for bottles, nine months for a muslin gown; 60 days for being drunk; 20 or 30 times for drunkenness; 60 days for a shirt, eight months for a shirt, six months for a glass, six months for a watch. (8)

8. Rosie Ford per Rajah (41)* Glasgow C.J., 9.9.40.
 Grace Davie per Nautilus (38)*, Edinburgh C.J., 19.2.38.
 Elizabeth Wilkieson per Woodbridge (43)*, Aberdeen C.J.,
 27.4.43. Betty McGuire per Margaret (43)*, Glasgow C.J.,
 19.9.42. Elizabeth Semple per Elizabeth and Henry (46)*,
 Glasgow C.J., 28.4.46.

In England, the previous offences were similar, typically being for the theft of clothes, as well as for drunkenness, vagrancy, "leaving her place", and being "disorderly" or involved in "rows". There is no indication that offences had been before committed deliberately, but one of Mayhew's many interviews with the criminal fringe bears upon this point, for in the course of recounting the story of her life, a 16 year old prostitute stated that she had designedly committed offences to get into gaol and thus escape for a while the degrading conditions of her lodging house where boys and girls were living promiscuously together.⁽⁹⁾

In Ireland, the previous offences were, to cite a few : five times for money; six months for a piece of check, seven months for a basket; one week for potatoes; three months for plaid, three months for muslin; six months for £57 from a man.⁽¹⁰⁾ Of those women who were recorded as having been before punished, one third were from the three counties of London, Lancashire and Dublin. Non-response is too high for much stress upon the fact that both London and Lancashire figures were high to a very significant degree.

There is a further factor of profound significance recorded in the case of some of the women who were made to come to Australia, because they were noted as being "on the town" at the time of their apprehension. Sometimes the phrase was not used and convicts after convict is noted as a prostitute, with other remarks by the authorities as to her character and disposition. Observations by doubtless exasperated officials who, in cases on board ship had perhaps never had to deal with fallen women en masse, should not be regarded as anything but

9. Mayhew, London Labour, vol. 1, pp. 458-460.

10. Elizabeth Mc(?)Laughlin per Mexborough (41)*, Down, 23.12.40.
 Mary Johnson per Mexborough (41)*, Dublin City, 23.11.40.
 Mary Irvine per Waverley (42)* Fermanagh, 15.7.42.
 Ann Neill per Phoebe (44)*, Wexford, 16.1.44.
 Mary Ann Alfred per Phoebe (44)*, Antrim, 8.1.44.

subjective judgements. Nevertheless, it is seldom that secondary sources have anything but criticism of the female convicts and their standard of morals. One Surgeon-Superintendent went so far as to favour concubinage of women with the sailors because he considered the women then became accustomed to personal attachment, a condition unknown to them before. He recognised his charges as prostitutes and persistent petty criminals, noting that he had a woman nearly 70 years of age who had spent 40 years of her life in prisons. She became so well known that she was often trusted with the warrant for her own commital.⁽¹¹⁾

Tales of the misbehaviour of women convicts abound in contemporary and later accounts of Australia. One officer was in three instances while on the way out obliged to gag some of his women for continually using violent and abusive language⁽¹²⁾ and at the Parramatta Female Factory hundreds of women described as the most abandoned in the empire threw everything over the walls of the prison yard. Females were seldom sent out to Australia while there was the hope of reforming them in Britain.⁽¹³⁾ At the Factory, "the atmosphere was polluted with the fumes of tobacco smoked by the women, and the walls echoed with the shrieks of passion, the peals of foolish laughter, and oaths of common converse."⁽¹⁴⁾ And at Hobart Town Factory, when the Rev. Bedford tried to address the prisoners, they drew up their gowns, and, in unison, smacked their buttocks.⁽¹⁵⁾ Witnesses in 1837 made such statements as, "You can have no conception of their depravity of character. If you apply, for instance, for a

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11. Cunningham, Two Years in N.S.W., vol. 2, pp. 261-275.
 12. Backhouse, Narrative, p. 492.
 13. Therry, Reminiscences, pp. 217-219.
 14. Bonwick, Curious Facts, p. 281.
 15. Kathleen Fitzpatrick, Sir John Franklin in Tasmania 1837-1843 (Melbourne, 1949). pp. 80-81.

dairywoman or a housemaid, perhaps you will have a lady sent to you that has been walking the lobby of the theatres... I consider them all prostitutes".⁽¹⁶⁾ Another witness noted that, far from feeling keenly their lowly state, "they land in silks, satins, parasols and everything they can afford"⁽¹⁷⁾; another observer concluded that they were as bad as it was possible for human beings to be.⁽¹⁸⁾ And Commissioner Bigge came to the conclusion that as soon as they were accustomed to the sea voyage, they looked forward to a fresh life and were certainly not depressed at leaving Britain.⁽¹⁹⁾

More such comments could be quoted showing up the women in a very poor light, and it would be a surprise if the unanimous verdict of so many people was seriously far from the mark. But did these observations really apply to all or most women? Is it not more likely that observers generalised from a few notorious cases? The sample should permit some conclusions on these points, and it must be confessed that the comments by gaolers and other officials which are scattered across the convict records do in fact contain some damning estimates. Women falling under notice were commented upon in such terms as these :

Punished five times on board; constantly trying to form an intimacy with one of the crew.

Very very bad indeed.

Troublesome, hankering after the sailors.

Free with the crew.

Has led a most abandoned life these last four years, tramping the country with different men. Her husband of the present, a capitol convict, the worst character the gaoler ever knew.

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16. P.P., Report from the Select Committee on Transportation 1837 (518) XIX, p. 42 : evidence of James Mudie.
 17. ibid. p. 68 : evidence of E.A. Slade.
 18. Breton, Excursions, p.148.
 19. P.P., Report of the Commissioner of Inquiry into the State of the Colony of New South Wales 1822 (448) XX, p. 553.

The woman on whom this judgement was passed, convicted by Berkshire Assizes, explained that "Edward Brown was tried with me...he broke out of gaol and has been convicted and likely he will be sent here; Brown seduced me from him."

Some other comments were :

Artful and deceitful.

In the Institution of the Guardian Society; one of Clancy Mullins and Norman's Gang of She-Devils; often and often in irons in the coalhold.

She got her living in a bad way.

An immoral prostitute from an early age.

Drunken, dissipated and of bad disposition. Kept a disorderly house at Leeds harbouring numbers of males and females for improper connexion.

Four years on the town, off and on.

Impudent, vicious, sullen and violent temper. (20)

Now when it has been noted that certain women were prostitutes, there is a case for quantitatively determining how common this was. Assuming therefore that the prisoners were not lying when they admitted to being "on the town", and that the Gaol Reports were correct, a count of such women revealed that 161 of the 1,248 in the sample could be so described i.e. 13 per cent. However, it must be strongly emphasised that only the females sent to Van Diemen's Land have recorded this information. It is possible that all the worst females were sent to Van Diemen's Land, but up to the early 1820s New South Wales received all women, and after 1840 the southern colony received all convicted females.

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20. Jemima Wilson per Lloyds (45)*, C.C.C., 12.5.45.
 Catherine Ward per Waverley (47)*, Carlow, 1.1.47.
 Mary Collett per New Grove (34)*, Somerset Assizes, 9.8.34.
 Mary Bromley per Royal Admiral (42)*, Surrey Q.S., 21.3.42.
 Sarah Warman per Henry (24)*, Berks. Assizes, 1.3.24.
 Ellen Sullivan per Lloyds (45)*, Surrey Assizes, 25.3.44.
 Eliza Hillary per Providence (25)*, M.G.D., 7.4.24.
 Elizabeth Rowley per Persian (27)*, Chester Q.S., 17.10.26.
 Sarah Bree per Eliza (29)*, Cambs. (Isle of Ely) Q.S.,
 15.7.29. Christiana Hawkhead per Arab (35)*, Yorks. (Leeds)
 Q.S., 26.10.35. Elizabeth Slater (1) per Rajah (41)*,
 Lancs. (Liverpool) Q.S., 20.7.40. Maria Johnson per Mermaid
 (28)*, M.G.D., 13.9.27.

These two facts suggest that probably at least one convict out of every five was a prostitute; statements made by the women themselves were typified by "on the town six years", "on the town", and as one prisoner described her situation with some modesty, "I have latterly been on the town".⁽²¹⁾

Of the women, then, who were noted as being "on the town", 105 were tried in England, 38 in Ireland and 18 in Scotland. A half of the English came from Lancashire (31) and London (26), and the great majority of the remainder from the counties of Yorkshire, Warwickshire, Gloucestershire, Staffordshire, Kent, Cheshire and Surrey. It was estimated that there were in mid-nineteenth century 80,000 prostitutes in London alone⁽²²⁾, but extent of prostitution is notoriously difficult to even estimate. One woman of this company, whose desire to make a fresh start may have been gratified, was spoken to and recalled her downfall. She described her life in London where she stayed in the neighbourhood of the Seven Dials. She remarked that she never picked pockets as did the other girls because she was not quick enough with her hands. She expressed a wish to go to Australia where she was sure she could behave herself and get rid of her swearing.⁽²³⁾

It seems from other evidence that conditions in London had not altered greatly from the eighteenth century, when the path of country girls coming to the Metropolis had been fraught with danger. The amazing number of women servants wanting places had been noticed and frequently girls from the provinces were met by procuresses, "delusive snares...laid daily by the agents of Hell for the ruin of innocence".⁽²⁴⁾ The very

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21. Elizabeth Martin per Harmony (28)*, M.G.D., 29.5.28.
 22. Mayhew, London Labour, "extra" vol., p. 213.
 23. ibid., vol. 3, pp. 412-414.
 24. George, London Life in the Eighteenth Century, pp. 112-113.

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 24. George, London Life in the Eighteenth Century, pp. 112-113.

large number of prostitutes in relation to all those transported was remarkable in Lancashire, one third of the women tried there being described as "on the town". Most admitted to having been in that situation for four years and upwards.

In Ireland the counties of trial of the prostitutes did not demonstrate the same tendency of one or two areas only to be dominant. Of the 38 cases in the sample, main counties of trial were Dublin (6), Cork (5), Down (5), Antrim (3) and Kildare (3). Incidence was however widespread because most Irish counties were represented. It was noticeable that most of the group claimed to have been on the streets for short periods. In Scotland, Glasgow- and Edinburgh-tried women made up most of the prostitutes transported and noted as such. Most had been "on the town" for lengthy periods of up to 15 years.

It is difficult to know whether shortage of employment or carelessness on the parts of parents, or both, caused these women to become prostitutes. One considered that cruel parents and mistresses caused girls to be ruined.⁽²⁵⁾

Table VII.ii shows that a few sorts of crime accounted for most of those sent to Australia, and the finding means that 52 per cent of the sample was transported for "other larcenies". Most of these people were tried in England (389) whereas 159 were tried in Ireland and 30 in Scotland. Number of English was much greater than expected and was highly significant, but the number of Irish was less than anticipated to a highly significant degree. Three main counties of trial were London (158), Lancashire (64) and Dublin (39).

25. Mayhew, London Labour, vol. 1, pp. 458-460.

Conjecture about who the convicts were can be limited by a description of larcenies committed in London. Full accounts of the London trials are not always available, but some of the articles stolen included work-bags and money from the prisoner's master; money from the person; and articles from a house. In the last case the prisoner, transported in 1795, entered a house at Spitalfields, snatched up salt-holders and valuables and then ran for it. A 19 year old was transported for seven years in 1808 for stealing money at Dyot Street at 3.30 p.m., and in the trial at the Old Bailey it was stated that the prisoner, a black girl, had made it difficult for the prosecutor to give her in charge because she was strong and bit his wrist, cut his head, tore his shirt and blacked one of his eyes. Another case of a woman transported from London was that of a female of 19 who stole a watch from the pocket of a drunk sailor in the street, and a woman transported in 1789 stole from the person by luring her victim into bed with her and then making away with his money. A third case was that of a woman who purloined a counterpane. Her unique defence was that "the devil possessed me". Stealing from a drunken man caused the transportation of another woman tried in London who relieved the man of his watch and money while he was vomiting. Other women stole articles and pawned them and a bar-maid sent out to New South Wales in 1795 stole money and pins together with 169 half-pennies from an inn at Grub Street. (26)

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26. Ann Brady per Lady Juliana (89), M.G.D., 25.6.88; O.B.S.P.
 Elizabeth Starenaugh per Speedy (99), M.G.D. 4.7.98; O.B.S.P.
 Esther Spencer per Indispensable (95)*, M.G.D., 17.9.94;
 O.B.S.P. Elizabeth Mandeville per Eolus (08), M.G.D., 6.4.08;
 O.B.S.P. Mary Fincham per Friendship (17), M.G.D., 15.1.17;
 O.B.S.P. Mary Arnold per Lady Juliana (89) 12.12.87, M.G.D.,
 O.B.S.P. Mary Preston per Canada (10), M.G.D., 20.9.09;
 O.B.S.P. Charlotte Smith per Nile/Minorca/Alexander (01),
 L.G.D., 17.9.80; O.B.S.P. Eleanor Holman per Indispensable
 (95), L.G.D., 20.5.95; O.B.S.P.

TABLE VII.iiFemale Sample : Offences

1. <u>Offences of a public nature</u>		
(a)	Coining and uttering	23
(b)	Perjury	2
(c)	All other	-
		<u>25</u>
2. <u>Offences against the person</u>		
(a)	Murder, Manslaughter	10
(b)	Assault (other than specified)	4
(c)	Aiding and abetting rape	1
		<u>15</u>
3. <u>Offences against property</u>		
(a)	Larceny (other than specified)	587
(b)	Theft of wearing apparel	199
(c)	Robbery (so designated)	67
(d)	Receiving	52
(e)	Theft of an animal	46
(f)	Burglary or housebreaking	40
(g)	Arson. Wilful destruction	27
(h)	Robbery with violence	14
(i)	Forgery	5
(j)	Stealing by a trick	3
(k)	Embezzlement	2
		<u>1,042</u>
4. <u>Other offences</u>		
(a)	Theft, habit and repute	39
(b)	Vagrancy	17
		<u>56</u>
5. No response		<u>110</u>
		<u>110</u>
		<u>1,248</u>

And so the list could be prolonged and include details of a woman who stole three carpets and was then pursued into the unsavoury St. Giles's Rockery. That some of these London women were living by doubtful means is quite certain from the trial accounts. For instance, one was charged with stealing a watch and money. This, the prosecutor alleged, had occurred during the night, he having gone to bed with the prisoner. He had missed her about 4 or 5 a.m. and also missed his money

and watch, despite the fact that he had put them securely into his trousers and placed the trousers under his pillow. (27)

In another case, a woman stole a pair of sheets and four lbs. of roast beef. She had tried to get the sheets out of the house from where they were stolen by pinning them around her body under her gown. One prisoner who perhaps had a pressing need to thief, was charged with stealing valuables in a dwelling house. She had been discharged from St. Clement's work-house and begged a lodging with the woman whom she later robbed. The beadle stated that she was a pauper. Transported in 1790, a convict woman was convicted of stealing with another woman a basket and some beans. This, said the prosecutor, had occurred in Covent Garden; the prisoners had spoken in Irish but he understood them. A woman charged with stealing a watch valued at 30/- was transported for seven years. The theft had occurred in the following way: the prosecutor had been in liquor and spent the night with the prisoner who took the opportunity to rifle his pockets while he was sleeping off his passion. (28)

There is an account of the women sent out to Australia in the Lady Juliana (89) and it is instructive to compare the conclusion of the observer with the picture outlined of the London women who formed such a substantial proportion of early Australian female inhabitants, and with that of Ralph Clark on the First Fleet who considered that when the women convicts were transferred from the Friendship to make room for some sheep taken on at the Cape, the sheep would prove more agreeable company than the women. (29)

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27. Mary Chambers per Isabella (18), M.G.D., 17.9.17, O.B.S.P.
Ann Baker per Brittania (98), M.G.D., 22.6.96; O.B.S.P.
28. Elizabeth Joiner per Speke (08), M.G.D., 8.4.07; O.B.S.P.
Elizabeth Taylor per Experiment (04), M.G.D., 20.4.03; O.B.S.P.
Mary Butler per Neptune (90), M.G.D., 9.9.89; O.B.S.P.
Elizabeth Burkett per Indispensable (95), M.G.D., 1.8.95; O.B.S.P.
29. Tench, Sydney's First Four Years, pp.90-1, note 9.

The women on the Lady Juliana were not made up of many very bad characters, remarked the writer, the great proportion being street-walkers. Among the females the presence was noted of a Mrs. Barnsley, a sharper and shop-lifter whose family had been swindlers and highwaymen for a century, a Mrs. Davis who had swindled people of great quantities of goods under false names, and a Mary Williams, who was transported for receiving stolen goods. She and eight other women had been supported in Newgate by Lord George Gordon.

Another convict mentioned was in the sample, and the writer described in an affecting piece of prose how her people had come to visit the unhappy girl who had fainted on the spot as her sorrowful parents wept at her fate. She recovered and told her parents that she had been ruined shortly after her arrival in the metropolis by a villain who had not protected her. She was then forced upon the streets and taken up as a disorderly girl and transported.

This woman was tried in London and her trial reported. She was sent out to Australia not for being disorderly, but for stealing, with her sister, a coat valued at 20/-. It was not clear why she had left home, nor whether she was quite the innocent and unfortunate victim of her weakness that the observer on the transport suggested. (30)

Throughout the survey, convicts have been permitted to speak for themselves whenever it seemed that their statements added meaning and depth. A laundress sent out to Australia for pocket-picking in London is not recorded as speaking for herself, but as the next best thing, her tattoos can be quoted. (It was unusual but not at all unknown for women to be tattooed). On her person was

William Jessie when this you see
Remember me and bear me in your mind
Let all the world say what they will
Speak of me as you find.

30. John Nicol, The Life and Adventures of John Nicol, Mariner (New York, 1936) (first published in Edinburgh, 1822), pp. 116-128; hereafter cited as Nicol, Life.

On her left arm was evidence, however, of another attachment ("Alfred Whitfield I love to the heart"), and she admitted to having been "on the town" four years. (31)

Though the cases cited can be considered representative of the women transported from London, the subject cannot be left with the impression remaining that all London prisoners were prostitutes or thieves. There were doubtless some cases, not reported ~~in~~ reported inadequately, of females committing offences through immediate want and in pitiful circumstances. Yet after the researcher has read hundreds of cases of women who left for Australia, he is left with an impression of an indifferent class of females, living in the squalid parts of London such as St. Giles's, where in 1817 a constable apprehended more than 40 women of ill-fame within 20 minutes. This man spoke of a house owned by a clerk of the Bedford Chapel in Charlotte Street. There had been a robbery at this brothel, and a gentleman had been left naked and the girl concerned stopped with his clothes in her arms. Four men had also been concerned, and one was transported for seven years. (32)

What of the second to largest county of trial, Lancashire? Offences earning transportation to Australia were very similar to the "other larcenies" perpetrated in London, and in Dublin it was the same. In that city were tried 25 per cent of the Irish women transported for "other larcenies", and it would be tedious to go through lists of cases and objects stolen when there is every reason to believe them identical with those outlined for London.

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31. Mary Ann Brennan per Elizabeth and Henry (48)*, C.C.C. 20.9.47.
32. P.P., Second Report of the Select Committee on the State of the Police of the Metropolis 1817 (484) VII, pp.360-362 : evidence of Samuel Furzman, Constable of St. Giles's and St. George's.

Some provincial offences should be looked at too. For example, a Sussex housemaid was transported for larceny in 1843 and stated that it was highway robbery on a man, that £16 had been taken and that a man named Taylor, with whom she had lived for 12 months, had received 15 years transportation for the same offence. She had been three years on the town. Secondly, a house servant from Oxford was transported for stealing money and noted as having been before convicted of a felony; she stated that she had received seven weeks for stealing a pair of stockings. Third, a woman from Herefordshire transported in 1790 was convicted of stealing ribbon in a shop, and an Oxford-tried prisoner was transported for stealing money on its way through the Post Office.

In rural Ireland, among cases noticed was that of a woman transported for larceny from Co. Mayo (she took £2.17.6 from a man); pocket-picking ("30/- from the person in Co. Fermanagh, 2 years on the town"); money; and shop-lifting. (33)

In Scotland, most of the group were tried at Glasgow for larceny from the person; a few were convicted for stealing blankets. From the point of view of earlier offences, the women transported for "other larcenies" had been punished before more than expected, but the difference between observed and expected frequencies was statistically insignificant.

The other chief form of larceny singled out in this survey was that of theft of wearing apparel, for which 18 per cent of the sample were transported. In England, most of these offenders were tried in London and Lancashire. Articles stolen by the English and Scots included two muslin

33. Sarah Allen per Emma Eugenia (43)*, Sussex Assizes. 20.3.43.
 Charlotte Watts per Frances Charlotte (32)*, Oxford Q.S.,
 2.7.32. Elizabeth Mayo per Neptune (90), Hereford Assizes,
 20.3.88. Ann Gardner per Lloyds (45)*, Oxford Assizes,
 5.3.45. Honor Mugan per Tasmania (45)*, Mayo, 27.6.45.
 Mary Reilly per Waverley (47)*, Fermanagh, 24.10.46.
 Mary O'Neill per Isabella (40)*, Cavan, 13.7.39.
 Abigail Mahoney per Lady Rowena (26), Cork, 9.8.25.

aprons valued at 10/-, clothes "from a jerry shop in Blackburn", wearing apparel "from two children in the street", a cloak "from a man", a handkerchief and a bed quilt "from Mrs. Talbot in the Market Place at Edinburgh", and a shawl.⁽³⁴⁾ There were also a number of thefts from clothes-lines.

A few other cases looked up were those of a woman who, charged with stealing wearing apparel in a dwelling house, had stripped a fellow lodger's room. Another case was that of a female convict who stole the clothes from a man who was asleep with her and became so drunk the following day that she told a law officer of her exploit. A third woman stole some clothes from a house and then pawned them. She was found to have 71 pawn duplicates in her possession.⁽³⁵⁾

Articles taken by Irish women included a bonnet, a cloak, boys' dresses, a gown and a shift, and a shawl.⁽³⁶⁾

There is not space here to go into details of all other offences, but "robbery" (so described) was the cause of transportation of a number of females sent to New South Wales or Van Diemen's Land for "man robbery". This offence was similar to some of those cited above under other headings, in that the woman concerned, a prostitute as a rule, took her victim to a bed room and when he was asleep, made off with his watch and money, or whatever valuables she could lay her hands on.

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34. Ann Clapton per Lady Juliana (89), L.G.D., 10.12.88; O.B.S.P.
 Bridget Madden per Gilbert Henderson (39)*, Lancs. Q.S.
 16.10.39. Jane Holbrook per Navarino (40)*, Surrey Q.S.,
 6.7.40. Sarah Ann Traill per New Grove (34)*, M.G.D.,
 15.5.34. Mary Ann Smith per Nautilus (38)*, Northants.
 Q.S., 28.12.37. Jane Dixon per Competitor (28), M.G.D.,
 10.4.28.
35. Maria Nodes per Indispensable (09), M.G.D., 11.1.09; O.B.S.P.
 Agnes Davison per Lady Shore (97), M.G.D., 22.6.96; O.B.S.P.
 Catherine Forbes per Glatton (03), L.G.D., 20.5.01; O.B.S.P.
36. Ann Ralph per Brothers (26), Dublin, 2.10.25.
 Catherine Byrne per Asia (29), Queen's, 23.3.29.
 Margaret Machall per Kinnear (48)*, Dublin, 7.4.48.
 Anne Thompson (2) per Earl Grey (49)*, Tipperary, 25.1.49.
 Sarah Marten per Elizabeth (27)*, Armagh, 13.7.26.

Those transported for a current offence and a previous one (or repute) had among their number a large proportion of Scots. One of these can be quoted as an example of them. She was tried at Edinburgh in 1835 for theft, habit, repute and previous conviction. She was a house servant aged 64 and a note on her record stated that she had been transported for 14 years in 1826, but subsequently pardoned. The woman herself said that she had been transported about 13 years before, had been sentenced to seven years in gaol for receiving, that her daughter had been transported for seven years, and that she was a widow with four children. A report of her trial stated that she pleaded guilty to a charge of theft, for the first of which in 1826 sentence of transportation was awarded, but afterwards remitted by the Crown. In awarding punishment, it was remarked from the Bench that finding the prisoner utterly irreclaimable, the only sentence the court could propose was that of transportation beyond the seas for life, which was accordingly pronounced. (37)

Some of the remaining crimes diverge sharply from the norm of the overall sample. An example of this was that 39 of the 46 women in the sample transported for stealing an animal were tried in Ireland and nearly all of them transported in the 1830s and 1840s. All but eight were convicted outside Dublin, and most had no previous offences recorded. Animals stolen were the same sorts of domestic animals that the male convicts took.

Some specific cases were the theft of a horse by a Norfolk woman whose husband was transported and the theft of a sheep by a woman from Co. Clare whose two nephews were also transported. Another Irish woman from Fermanagh was sent

37. Margaret McLeod or Fleming per Westmoreland (36)*, Edinburgh C.J., 14.12.35.
The Scotsman, 16.12.35.

to Australia with her sister for stealing a horse, another from Cork convicted of taking a goat that was not hers, a Galway prisoner transported for theft of a cow, and a woman from Kilkenny for stealing two fowls ("I had seven years for a book, for which four years and discharged; 12 months and two months for fowls".)(38)

Another offence which showed a difference from the bulk of crimes, in that well over half the culprits were Irish, was that of wilful destruction. Of 27 women in the sample, 19 were Irish sent to Australia for arson. This incendiarism was mainly the burning down of houses, though some hay-stacks were also set on fire. There were a few English arson cases. Charges were typified in England by that of a London woman who was convicted of maliciously setting fire to a house.

A long account of the trial was in the newspapers, and it appeared that the prisoner had been the creature of another woman who offered her money to set a house alight so that the insurance could be claimed. The attempt was bungled and the London Insurance Company prosecuted both women. The evil genius of the affair had, ironically enough, promised to take the other to Australia with her if the money was forthcoming. As it was, both came to Australia but in circumstances different from those they hoped for.(39)

A number of other offences can only be touched upon. Receiving, for instance, was in general the reception of stolen wearing apparel. One woman charged with this had received a trunk which contained valuables and goods valued

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38. Sophia Youngs per Sarah and Elizabeth (37), Norfolk Q.S., 25.10.36. Mary McMahon per Margaret (37), Clare, 5.7.36. Isabella Johnston per Lord Auckland (48)*, Fermanagh, 2.3.48. Ellen Becket per Kinnear (48)*, Co. Cork, 14.3.48. Mary Clogherty per Kinnear (48)*, Galway, 12.4.48. Bridget Lawlor or McGarry per Earl Grey (49)*, Kilkenny, 31.3.49.
39. Mary Jane Fitzgerald per St. Vincent (49)*, C.C.C., 23.10.48. The Times, 31.10.48.

at £1,000. Another stated that she had received a dress and a shawl and that her husband James was tried and convicted with her. (40)

As examples of human behaviour, some other crimes are interesting, though they do not typify the sort of person sent to the penal colonies in Australia. In this category were assaults on the person. These were few in number, though one woman was transported for cutting and maiming a man, (41) and five women were transported for infanticide. All were transported for life and all were unmarried. Convicted of stabbing a man named Le Crennion, a woman was transported from St. Helier in the Channel Islands. She was said to be the keeper of a brothel. A further case of a violent offence was that of a woman also transported for stabbing: "A man named Crawley took some liberties; I was tipsy and stabbed him in the side". And a woman charged with throwing burning liquid over a person announced that "I threw vitriol over George Day. I did this in a passion. He struck me first." One Dublin woman was convicted and transported for being an accessory to rape. (42)

With that, offences of the convict women must be left. Not commented upon or described are hundreds of cases that are curious, pathetic, dull and vicious. Some cases were not recorded and others so sketchily that it would be impossible to establish the circumstances. It is seldom however that women protested their innocence or that accounts of trials suggest they were blameless, and there is no reason to suppose that justice often miscarried.

Almost all the women were listed as domestic servants,

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40. Mary Hayes per Glatton (02), M.G.D., 20.5.01; O.B.S.P. Mary Barr per Aurora (51)*, Nether Knutsford Q.S., 12.8.50.
41. Ann Killick per Sydney Cove (07), Southampton Assizes, 4.3.06; H.O. 26.
42. Maria Le Noble alias Mary Ann per Elizabeth and Henry (46)* St. Helier's, Jersey, 21.4.46. Ann Sinner alias Ruffey alias Hedges per Asia (47)*, C.C.C., 26.10.46. Elizabeth Cleveland per Rajah (41)*, C.C.C., 17.8.40. Catherine McCormack or Nowland per Asia (29), Dublin, 10.1.29.

though there were a number of street-walkers who probably had no other source of income than the oldest profession, but who may have acted as domestic servants as a side-line. Form of occupation listed on the records was generally that of housemaid, kitchen-maid or cook. As well, there were nurse-maids, laundresses, cooks and servants of all work. A few women were more skilled. For instance, there were bonnet-makers, needle-women and sempstresses, cap-makers, stay-makers and boot-closers. One woman recorded as a domestic servant warned the interrogators at Hobart Town that "I have never been brought up to housework". She was a prostitute. (43)

Among callings for which only a tiny proportion was transported were those of pottery girl, born in Burslem, a factory girl from Liverpool who did not say what sort of factory it was she worked in, but did announce that she had been "on the town nine months"; and a silk weaver from Spitalfields, noted as "an unfortunate girl, on the town four years". (44)

There were three governesses in the sample. One was a nursery governess transported for abstracting silver spoons from a dwelling-house, but she said, giving the lie to her apparently high civil condition, that she had been before sentenced to seven years which had been mitigated to 12 months by Lord Palmerston. Another governess was sent out of the country for forging a cheque. A married woman with a child, she said that her husband George was a clerk at Bread Street, Cheapside, on £160 a year. The third woman

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43. Phillis Perry per Lady of the Lake (29)*, Worcs. Q.S., 2.4.29.
44. Elizabeth Rowley per Persia (27)*, Chester Q.S., 17.10.26. Margaret Martin per Sir Robert Seppings (52)*, Liverpool Assizes, 22.3.51. Ann Edwards per Providence (25)*, M.G.D., 15.9.25.

of this unusual occupation was sent to Australia for pledging a shawl. She was competent to teach, it was stated, drawing, music, singing, fancy needle-work and French. Her father was a colonel in the Dragoons, she observed, her brother Gustavus a Lieut.-Colonel in the American service, another a Lieutenant in the navy, and a third brother, Edward, on an East India man. If all this were true, she was apparently the black sheep of the family, for she admitted having been imprisoned before for two years for forging a bill, and serving 11 months of that sentence. (45)

Apart from those people listed above, a count of all convicts whose occupations was noted showed that there were four silk weavers, three women who worked in cotton factories, two from factories whose nature was not specified, and a frame worker, a huckster, a victualler and a nailor. In addition, one woman's calling was down simply as "hard work", another's as "none" and one as "gipsy".

The picture presented of the women convicted and transported to Australia is not an attractive one. But though secondary and primary sources agree on the bad character of these females, it would not do to conclude with the impression that all were prostitutes. Doubtless there were many circumstances that are not, and can now never, be known. Yet the concentration of women convicts tried in the cities does suggest, with the accounts of the trials and the sort of things stolen, that many of them were no better than they should have been. This was recognised very early in the history of New South Wales, in the prologue to a play :

45. Susan Whitburn per St. Vincent (49)*, Southampton Assizes, 10.7.49. Sarah Slow per Westmoreland (36)*, C.C.C., 13.6.36. Hannah Augusta Hipsley per Tasmanian (44)*, C.C.C., 13.9.43.

Macbeth a harvest of applause will reap,
For some of us, I fear, have murdered sleep;
His lady, too, with grace will sleep and talk,
Our females have been used at night to walk. (46)

PART II

The Curious in the Court

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46. Bonwick, Curious Facts, p.114, citing apology for acting the "Ranger" in 1796.

THE CONVICTS IN AUSTRALIA

The first convict ship, the *First Fleet*, arrived in Australia in 1788. The convicts were sent to Australia as punishment for crimes committed in England. The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*.

The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*. The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*. The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*.

PART C

The Convicts in Australia

The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*. The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*. The convicts were sent to Australia in the following order: the *First Fleet*, the *Second Fleet*, the *Third Fleet*, and the *Fourth Fleet*.

The Convicts in Australia, p. 1.

London, The Heritage Press, 1950, 1951, 1952, 1953, 1954.

CHAPTER VIII

The Male Convicts in Australia : (a) Van Diemen's Land

"Two posts standant, one beam crossant,
 One rope pendant, one knave on the end on't"
 - suggested coat of arms for Van Diemen's
 Land. (1)

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Deaths by disease on board the transports, by over-crowding and through wilful neglect by ships' masters, were very heavy in only a few cases. The Second Fleet of 1790 set out with 939 men of whom 256 were recorded as dying on their way to Sydney. There was also heavy mortality aboard the Hillsborough (98) which lost 95 of 300 men through typhoid fever, on the Royal Admiral (2)(00), 43 men out of 300, and on the Atlas (1)(01), 63 out of 151. But overall, 1.8 per cent of the convicts were lost (2,241 men), and of these 283 were lost in the shipwreck of the George III (34)* and the Waterloo (42)*. (2)

It would therefore be true to say that mortality was, in the light of popular belief about general appalling conditions on convict ships, extremely low indeed and there is no foundation to a charge of inhumanity resulting in death on convict ships. No doubt some prisoners were brought to a premature end by the conditions in which they travelled to the colonies, but the notorious Second Fleet was not typical.

Throughout this enquiry so far, no distinctions have been drawn between the men who were despatched to New South Wales and those sent to Van Diemen's Land; all have been regarded as going to Australia. But there were some differences in the origin of the New South Wales and Van Diemen's Land convicts, and the most remarkable of these is that of

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1. The Launceston Examiner, 1.5.52.
 2. Bateson, The Convict Ships, pp. 111, 150, 152, 166, 236, 265.

nationality. In the years before 1840, when transportation to New South Wales ceased and was stepped up in the southern colony, there were scarcely any Irish sent to Van Diemen's Land at all. Of the 32,480 convicts sent to the island colony during the period up to 1840, only 400 were despatched from Ireland.⁽³⁾ This should be compared with the figures for New South Wales, that colony having sent to it 20,480 Irish out of a total number of 67,980 convicts. (For speculation about the reasons for this, see Appendix 5).

Were there any differences between New South Wales and Van Diemen's Land men other than that of nationality? One self-evident difference lies in the years of departure, because Van Diemen's Land was not settled until 1803, 15 years after Phillip had sailed into Port Jackson. Van Diemen's Land was an out-station of New South Wales until 1825, when the two colonies were separated for administrative purposes, though prisoners were sent directly to the island from Britain in 1803, 1812 and in greater frequency from 1818. Nevertheless, the island was little more than a place of secondary punishment for New South Wales prisoners until the administration of Lieut.-Governor Sorell (1817-24) when, with an increase in the number of respectable settlers, the demand was heard for assigned servants.⁽⁴⁾

Another variable in the survey was that of former offences. Was there any difference in the number of earlier offenders sent to the two colonies? There was a marked difference and the number of previously punished men sent to Van Diemen's Land was much greater than expected to a highly significant degree. Certainly non-response is high indeed, but it seems possible that the more persistent offenders were

3. per Minerva (18)* and Castle Forbes (19)*.

4. See Appendix 6 for Tables relevant to this Chapter.

despatched to Van Diemen's Land. And as the Irish were less likely to have been previous offenders, a policy that had determined to make Van Diemen's Land a "sink", would therefore keep out the Irish. Whether there was such a policy is unknown.

It is the object now to follow the careers of some convicts in Australia, so that an assessment can be made of what sort of discipline the prisoners were subjected to, and what became of them. Because of lack of documentation in New South Wales records, the task is difficult there and conclusions must be drawn from descriptive evidence and from analogies with Van Diemen's Land, where there is still in existence a unique set of records. These records are the Conduct Registers⁽⁵⁾ and because they are available to the researcher, the story of the convicts in Van Diemen's Land will be dealt with first, and then an attempt made to follow up the convict in the Mother Colony.

(a) Van Diemen's Land. Certain conclusions can be drawn from the records of convicts' conduct. For instance, what was the frequency and nature of offences and punishment? What proportion of prisoners remained under supervision to the end of their days? What numbers were freed, and when? But first of all, to understand the life of the convicts involves a brief description of the convict system.

There were two systems of discipline in force during the transportation era. The years from the establishment of European settlement to 1840 were the Assignment period,⁽⁶⁾ and the 12 subsequent years, the Probation period.⁽⁷⁾

5. See Bibliography.

6. For an account of this under Gov. Arthur, see W.D. Forsyth, Governor Arthur's Convict System, Van Diemen's Land 1824-36 : a study in colonization (London, 1935).

7. See J. Syme, Nine Years in Van Diemen's Land, Comprising an account of its discovery, possession, settlement, progress, population, value of land herds, flocks &c.; an essay on prison discipline; and the results of the working of the probation system; with anecdotes of bushrangers (Perth, 1848); John West, History of Tasmania, 2 vols., (Launceston, 1852); J.V. Barry, Alexander Maconochie of Norfolk Island : a pioneer of penal reform (Melbourne, 1958); A.G.L. Shaw, "The Origins of the Probation System in Van Diemen's Land", Historical Studies, Australia and New Zealand, vol. 6, no. 21, November, 1953.

The former system, as its name implies, envisaged convicts upon arrival being assigned to either government or free settlers. Colonists sent in to the central administration their requests for labourers, or carpenters, or whatever sort of tradesman they needed, and according to certain conditions their wishes were granted as far as the supply permitted. The master was in a position to charge any of his servants with insubordination or misconduct or bring other charges against them. Though he could not punish the convict himself, the master could and did send the man to the nearest magistrate where the case was heard and punishment decided upon. As for men assigned to government, their position was much the same, except that their master was the overseer of the moment. Grave offences were tried before Quarter Sessions or the Supreme Court, first established in Van Diemen's Land in 1824. The New South Wales Court had made a circuit before that date, but one of the great grievances of the Van Diemen's Land settlers before separation from New South Wales was that they were obliged, at great trouble and expense, to take cases to Sydney for trial. Minor cases were heard by local magistrates, however, from the earliest days.

The Probation System was instituted in 1840 and replaced the method of assignment. This system of convict discipline saw convicts being settled at a number of Probation Stations throughout the island. Upon arrival, men were marched to these stations where they advanced through different stages of Probation according to their behaviour. Men were permitted more freedom upon progressive good conduct and could work for settlers. What sort of discipline were the convicts under?

Two extremes of convicts' life in Van Diemen's Land will be examined first, and set the bounds of the enquiry. On the one hand there were the men who were never punished by colonial authorities, and on the other those prisoners who

committed offences serious enough for them to be hanged.

Approximately 240 of the sample of 2,732 males sent to Van Diemen's Land were never punished and were in the hands of the administration until freed. Thus it would be true to say that about 10 per cent of the sample had a clean sheet in the colony. May any conclusions be drawn about the character of these men never punished, or to the circumstances surrounding their careers? One striking point is that very many more of them were transported during the Probation period than before, although approximately the same number of men were sent to the colony during the two periods distinguished. There could be a number of reasons for the change in frequency of punishment, and indeed it is conceivable that the convict administration did not change greatly but that it was the character of the prisoners which changed. Large numbers of Irish came, not before offenders and not innured to crime to the extent of the London pickpocket, and no doubt these men were less likely to offend than were the more hardened city convicts. But at least one piece of descriptive evidence suggests that the Probation system was not administered as severely as it might have been and thus punishments were handed out less frequently with the result that the Probationers' records indicate not a change in the sort of person being sent out, but in the system of discipline.

A more important point is that the convicts were not continually under the eye of a master, and in addition, that flogging was rarely used after 1840, and thus men were less likely to become hardened to and careless of punishment. Finally, the prevalence of seven year sentences after the late 1830s meant that relatively more men obtained Tickets of leave than before, because the seven year man came up for consideration as a Ticket of Leave holder much sooner than did the "lifer" who had to serve eight years of his sentence

before being considered for the indulgence. (8)

There is another aspect of this group of men never punished while in Van Diemen's Land. This is that the Irish element formed a higher proportion than their overall numbers indicated they would, thus lending some weight to the hypothesis that convicts tried in Ireland were perhaps less criminal than the English. This does not imply a causal relation but should be regarded as an interesting association only. It is also clear from the sample that the group who had clean sheets in Van Diemen's Land contained more married men than expected. When the counties of trial were examined, it was found that both London and Lancashire were represented in the group less than expected. That is to say, men from these areas appeared to live up to their bad reputations.

What does all this add up to? It means that there are indications that men who, in Britain, appeared to have committed offences in circumstances of distress and upheaval of society, were not punished in Van Diemen's Land. However, the factors of shorter sentences, and a Probation system which was aimed at encouraging reformation through classification of prisoners, makes it quite impossible to establish the point. All that can be said is that the man who came to Van Diemen's Land after 1840 was less likely to be punished in any way than the man who arrived in the years before.

The second group of prisoners were those who were convicted before the superior courts, and about 10 per cent of convicts were convicted by Quarter Sessions or Supreme Court.

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8. In 1841, seven year men could be indulged with a Ticket of Leave after four years, 14 year men after six years, and men sent out for life, after eight years - T.S.A., C.S.O. 16/1/8, 30.6.41, memorandum by Matthew Forster.

Of all male convicts transported, slightly less than one per cent were hanged, and it is to this small group that attention will be first directed.

Most of the 18 men in the sample who were executed, were hanged for murder, though one was executed for cutting out a vessel, the Young Lachlan in 1821,⁽⁹⁾ and another for breaking and entering. Tried in Lancashire in 1822, this prisoner was aged 19 when transported for stealing caps(?), and noted as being born in Sligo, Ireland. He was a seaman. His record to the time of trial in Van Diemen's Land included being punished for insubordination and rioting (25 lashes), absence without leave (admonition and hard labour), neglect of duty (admonition), an attack on another person (25 lashes) and malingering (labour in chains). These offences occurred during five years.⁽¹⁰⁾

The Supreme Court which tried this prisoner had sat for nearly two years from July, 1825, and during that time 700 prisoners had been brought before it. The day on which the convict in the sample was found guilty, the judge, "much affected", passed sentence of death upon 18 men. The Hobart Town Gazette reported the hanging of the group and gave its readers a description of the scene and previous careers of the condemned men that must stand as a grim monument to the foundation of Van Diemen's Land. Its reporter wrote that when the prisoners were un-ironed to have their arms pinioned for the gibbett, he had never before seen men apparently so resigned to death. The sample convict's turn came to be hanged:

9. Samuel O'Hara per Minerva (17)*, Carrickfergus, ? .7.17; H.T.S.C., 25.1.21.

10. Martin Higgins per Commodore Hayes (23)*, Lancs. Q.S., 4.11.22; H.T.S.C. 1.3.27.

Martin Higgins, a short thick man aged 26...had the rope next put about his neck. This man had been a servant about Pitt Water. On the night previous to his execution he sent for a little boy in the Penitentiary, named Riley, purposely that he might take warning by his miserable end... "Do not do", said he, "as they do in the Penitentiary. There are many that I should have sent for, but I wanted you to see the situation I am in".

The Gazette's prose was lucid and among the lines written describing the scene as the prisoners spent their last few minutes of life were:

He had screwed up his courage, as it were, to the last, to meet the rage of the short and stormy passage he was about to take...

His father is now in the Prisoners' Barracks, a prisoner for life, for returning from transportation... His family and connections were numerous and most have been either executed or transported, having been long the dread of Yorkshire, noted as Snowden Dunhill's gang... As his father left the cell, the prisoner laid his head against the wall and wept bitterly...

He was remarkably fervent and sung the hymn on the scaffold with great loudness...

Henry Oakley, aged 24, was the last... He was lamentably insensible to the awfulness of his situation. (11)

A second case of a man who ended his days upon the scaffold was that of a person tried in Gloucester in 1827 at the age of 15 for stealing from the person. He said upon arrival in the colony that he was "a natural child" and that he had been in gaol twice before. His record before the offence which caused his execution was singularly good, he having been in trouble only once for misconduct, for which he was admonished. After serving three years of his seven year transportation sentence thus satisfactorily, he was charged with rape on a nine year old child and found guilty, the judge advising him to look upon his life in this world as closed. Though the prisoner pleaded his innocence

11. H.T.G., 23.6.27, 7.7.27.

of the charge, the Governor could find no extenuating circumstance and "at 20 minutes past nine he was launched into eternity".⁽¹²⁾

The third case illustrating the end of some of the convicts was that of a man transported in 1852 for stealing a watch, a key and some money, at Preston. He had his Ticket of Leave when charged with assault and robbery on James Rowland at Hobart Town in 1856. Rowland gave evidence that he went into Wright's public house in Macquarie Street, Hobart Town, and there changed a £10 note. He observed the prisoner and when he went back to his ship, on which he was second mate, Rowland had reached within 30 yards of Constitution Dock when he was seized from behind by his neckcloth and half strangled. He saw that his assailant was the man in the public house and as soon as he could speak, asked him why he had been attacked. "He then struck me on the forehead and I became senseless".

Rowland was able to reach ship and later recognised the prisoner on board a little craft named the River Chief in the Derwent. The police then apprehended the prisoner and his wife.

The convict concerned made no defence at all and the Judge, stating that robbery and violence stalked the land, passed sentence of death. The prisoner's wife, who was in the court, uttered shrieks and had to be removed.⁽¹³⁾

Something also needs to be said about the men who were found guilty of serious offences but who escaped the death penalty for such offences as cutting and wounding, stealing money, burglary, and so on. A few cases will show the types

12. John Somers per Bengal Merchant (28)*, Glos. Assizes, 30.8.27; H.T.S.C., 19.11.31; The Hobart Town Courier, 3.12.31 and 24.12.31.

13. John O'Neill per Earl St. Vincent (52)*, Preston 21.2.50; H.T.S.C., 3.9.56; The Tasmanian Daily News, 4.9.56.

of offence considered serious enough to be brought before the superior courts.

One was that of a man transported in 1826 for stealing ducks. He had six offences recorded against his name during five years, including being discovered at an inn playing bag-atelle, for which he was ordered to leave the district. In general, he had not committed offences of a serious nature, at one point with superb indifference "hunting the kangaroo in Dulverton Parish on Saturday and Sunday last and publicly announcing his determination to abscond from Mr. Notman's road party". For this resolution he was ordered to labour in chains. However, in 1829 he was convicted of theft and had his sentence extended for three years. Two years later he was found guilty of stealing a pig and sentenced to 14 years in gaol. The case was reported at length.

It transpired that the prisoner was concerned in the pig-theft by implication, for some fellow-prisoners had crossed the Derwent one Saturday night in a boat from their road party camp, and killed and brought back some one else's pig. The animal was then, according to a convict who informed on his companions, scalded and its entrails buried. Evidence was given about the use of the boat and boot-marks near it identical with the pattern on one of the convict's boots. No reasons was advanced for the theft though it can be presumed that the prisoners stole it for extra food.⁽¹⁴⁾

A second case not only documents in some small way the fate of the 10 per cent of convicts who were punished by superior courts, but also gives an insight into the activities of men under the convict system. This particular felon was convicted at Somerset Assizes in 1838 to 14 years transportation for stealing a mare. He had been in prison twice before

14. Samuel Turner per Earl St. Vincent (26)*, Sussex Sp. Session of G.D., 20.12.24; H.T.Q.S., 10.10.31; The Colonial Times, 19.10.31.

(seven months for a felony and 14 days for apple stealing) and was a farm labourer aged 19. In Van Diemen's Land he was before the magistrates 30 times in 12 years, before being indicted on a charge of robbery under arms. His earlier offences had ranged from taking eggs out of a nest belonging to the government to attempting an unnatural crime by enticing.

The offence which landed him before the Supreme Court occurred on 29 June 1845 when, with another runaway, he stopped people on the road, robbed one of his watch and money and marched them at gun-point into "The Wheatsheaf Inn" on the Richmond Road, kept by James Evans. All the residents but one were bailed up, and that one escaped and went for reinforcements. These were brought and the two bushrangers captured after shots had been fired. The two men were found guilty without hesitation by the jury, the prisoners pleading that they had used no violence and that they had been tipsy. The death sentence was commuted to transportation to Norfolk Island. How long the men had been outlaws, or why they absconded, was not stated, but in a third case, some details were given. (15)

This third case shows what the convict system could accomplish when its victim refused to knuckle under. The man concerned was transported from London for 14 years for larceny from the person in 1825, but stated that he had committed highway robbery by stealing a book from a child. He was born in St. Giles's, London, and been before gaoled for a month for stealing a handkerchief. He had been flogged on the way out to Van Diemen's Land, the first of a number of such punishments. He was 14 years old and heavily tattooed. This convict was therefore recognisable

15. William Coles per Gilmore (38)*, Somerset Assizes, 31.3.38; H.T.S.C., 22.7.45; The Hobart Town Courier, 26.7.45.

as a familiar type of city prisoner.

During this man's term in Van Diemen's Land, he was punished no less than 70 different times, receiving a total of 420 lashes, including 100 for attempting to abscond in 1844. This was one of the rare instances of a man being flogged during the Probation era. After such offences as bathing and thereby endangering himself (solitary confinement) and throwing stones at his overseer (30 lashes) at Port Arthur, where there was a separate station at Point Puer for boy convicts such as he, he was convicted in 1847 of robbery under arms on Edward Dumaresq, and sent for eight years to Norfolk Island, having six months of that sentence remitted for his exertions in saving the captain and others in the Waterwitch from drowning. He arrived back from Norfolk Island and was sent straight to Port Arthur to work in chains. From the settlement he absconded in 1855 and remained at large until the end of the year as a bushranger with £100 reward on his head. The trial resulting from his capture was reported, and gives a chance to hear a convict speak for himself.

This man was charged with another prisoner named Flaherty for assault and robbery on Thomas Watson, the Chief District Constable of Great Swanport, on the road to Bicheno. According to Watson's evidence, Flaherty had said, "This is the fellow who on Sunday last had a party out after us, and I'll blow his bloody brains out". His companion dissuaded him however and the witness Watson was marched off the road into the bush, where two men were tied up to a peppermint gum. Watson was secured to the same tree and had his watch and money removed.

The prisoner then mounted Watson's horse and rode out on to the road and robbed a passer-by of bread, cheese and gin, breaking his gun doing it and repairing the weapon with a kangaroo snare. After drinking some of the gin he rode out again and brought in another traveller named

Carpenter and tied him up too, and shortly afterwards bailed up yet another traveller on the road.

The two bushrangers then set off with Watson and one of the others on horseback along the road until they met a Dr. Storey and a Mrs. Cotton in a gig. Just as they met, another party approached but when he went up to them, the convict concerned was bucked off Watson's mare, Flaherty threatening to shoot Watson if he tried to interfere with the fallen man, who then got up. The captives were now in a large majority and, according to Watson's evidence, he diverted Flaherty's attention whereupon all non-bushrangers rushed the other convict and his companion and secured them. The jury found the prisoners guilty but brought in a strong recommendation for mercy because of the humanity shown by the prisoners.

Before the judge passed sentence, the prisoner spoke for some time. He outlined his career in the colony and said that the punishment he had undergone since first setting foot on the island was indescribable. His life as a bushranger had been a fearful one and he attributed his crimes since to an undeserved sentence of life transportation, part of which was spent at Port Arthur. He claimed he had been an innocent man. His reason for turning bushranger he put down to the fact that he was refused a Ticket of Leave and treated unkindly by his master. He denied being a companion of Whelan (a well-known bushranger).

The judge then remarked favourably upon the prisoner's intelligence and determination of character, whereupon the prisoner twice interrupted him and swore that he would never again disobey regulations. He was then sentenced to five years penal servitude to Port Arthur but kept his word so well that he had only one subsequent offence recorded against him, receiving a Ticket of Leave in 1857 and his Conditional Pardon the following year. His only lapse was a fine for

drunkenness a few weeks before his Pardon was due. This premature celebration did not prevent him receiving the indulgence, and his record, as far as the Convict Department was concerned, ended. At that time, he would have been 27 years old, half his life having been spent under supervision. (16)

So far, then, two extremes of careers in Van Diemen's Land have been looked at : those who were never in trouble and those who were in trouble so serious that some were hanged and others severely punished. But there still remains that vast rump of 80% of prisoners whose careers fall between these two extremes, some of them admonished once or twice for slight offences and others suffering many punishments short of re-transportation to a penal settlement. Drunkenness and absence without leave were the most common offences, together with others which were regarded as "misconduct". Some of these were as follows :

Found rambling in the bush with two free women.

Sending a bribe to the overseer to exempt him from wheeling barrows.

Disturbing the family at a late hour and refusing to put out the light.

Absent without leave from the Brickfields and found smoking in Mr. Spode's kitchen. (Mr. Spode was Superintendent of Convicts)

An attack on the person and stating that if he were returned to Mr. S. Lord's service, he might look out.

Neglect of duty and going to bed in the middle of the day.

Suspicion of placing gunpowder in a chimney of a blacksmith's forge with an intention of blowing it up.

Hooting and shouting at Mr. D.C. Watkins when sent down on duty. (17)

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16. William Driscoll per Norfolk (35)*, Mdx. S.P., 17.6.33; H.T.S.C., 7.4.47; The Hobart Town Advertiser, 23.1.56.
17. Thomas Rishton per Lord William Bentinck (32)*, Lancs. Q.S., 9.1.32. Thomas Roberts per Circassian (32)*, Bristol (City) Q.S., 17.10.31. Edward Looker per Eliza (31)*, Wilts. Sp. G.D., 27.12.30. William Dowsett per Surrey (29)*, Bucks. Assizes, 7.3.29. John Skerratt per Surrey (29)*, Staffs. Assizes, 12.3.29. James Edwards per Thames (29)*, Essex Assizes, 9.3.29. John Clark per Bengal Merchant (28)*, M.G.D., 13.9.27. Hugh Tonner or McNeil per John Barry (34)*, Glasgow C.J., 20.9.33.

And so the list of offences could be extended for a long time, offences which give a fascinating picture of life among the convict rank and file in Van Diemen's Land. But though such a list might be entertaining, it would not indicate the general picture of the convict system. Admittedly any such picture will be at a high level of generalisation, but a calculation of the average number of punishments and how many times convicts were in fact punished severely by being sent to Port Arthur or one of the other penal settlements, will more closely give a fair and objective estimate of the convict system than any number of curious offences or second-hand opinions.

How often were the convicts punished? During the whole period, five offences was the average number committed by male convicts. In the Assignment period, this figure was six, and in the Probation period, four. This is consistent with the former finding that punishment appeared less severe after 1840 in that flogging was all but abolished. However, it must be remembered that the proportion of "lifers" decreased greatly in the latter period, so that men were not so long under discipline, and therefore ^{there} was far less chance of them building up a record. Nevertheless, there was a more liberal spirit abroad concerning the treatment of convicts. Imprisonment and fines were among the common punishments for misconduct, and men could also be sent to penal settlement where they were isolated from the remainder of the convicts.

Of the horrors of the penal settlements, so much is popularly known that the layman may consider that all convicts underwent the life described in Marcus Clarke's well-known novel. (18) It will therefore be worthwhile to determine the extent of re-transportation to a penal settlement, and the

18. Marcus Clarke, For the Term of His Natural Life

comprehensive nature of the records permits this. A count of the men in the sample showed that 10 per cent of all the convicts were sent to Port Arthur or one of the other places of secondary punishment, such as Macquarie Harbour, the period varying from a week or so to several years.

Though one traveller noted that many educated convicts were sent to Port Arthur upon arrival, because they were considered to have abused their advantages more than the uneducated,⁽¹⁹⁾ there was no apparent general rule governing the despatch of men to the penal settlements. At least, the records admit of no such clear-cut interpretation, though it is clear that men tried before superior courts ^{were} always likely to be transported to Port Arthur. The records however do not always state where the prisoner concerned was to spend his incarceration. Presuming that all men convicted by Quarter Sessions or Supreme Court were sent to a penal settlement as a matter of course, the total number of men would be no more than 15 per cent of all convicts transported, since half the men sent to penal settlements were sentenced there by superior courts. But the best way to demonstrate in what circumstances men were sent to a penal settlement will be to inspect briefly some particular cases.

The first penal settlement for secondary offences in Van Diemen's Land was that at Macquarie Harbour, which was established in 1821 by Lieut.-Governor Sorell, acting under Macquarie's earlier instructions.⁽²⁰⁾ To this rain-soaked, isolated settlement men were sent for such offences as making a copper tea-kettle, wilful destruction, and attempting an unnatural crime, for which the man concerned was ordered to be given 100 lashes. During his term at Macquarie Harbour, this man received a total of 386 lashes for misconduct,

19. Backhouse, Narrative, p.167. In 1841, the criteria for admission to Port Arthur were "those who have been once or often convicted before the Supreme Court or Quarter Sessions; those who have been sentenced thither by the magistrates for being notoriously bad characters, and unfit for assignment or to remain in the settled districts". See T.S.A., C.S.O. 16/1/8, 30.6.41, extract from the Parliamentary Paper On Prison Discipline, 1838.

20. H.R.A., III iv 43, Sorell To Goulburn, 13.12.21.

neglect of duty, theft, and illegal possession. A third man was sentenced to the settlement for making false representations to a hut-keeper. He had been before punished 28 times, and been given 400 lashes for such offences as leaving the hospital, he being a patient, and raising scandalous and false reports prejudicial to the character of the overseer. He had also been twice convicted by a superior court for theft. At the age of 27 he died at Macquarie Harbour in 1831, when it was being broken up in favour of Port Arthur, having been 11 years in Van Diemen's Land. (21)

From the sample evidence, it appears that heavy punishments were far more common in the early days of the colony, and that persistent offenders were liable to be sent off to Macquarie Harbour. Before 1825, some New South Wales prisoners were sent to Van Diemen's Land for second offences and found their way to this place of secondary punishment.

Port Arthur was designated a penal settlement in 1830, and it was to this spot in Tasman's Peninsula that the vast majority of men sentenced to such places were sent. A case was that of a prisoner convicted by the Supreme Court in 1844 for burglary. He was ordered to be transported for 15 years, of which three were to be spent at Port Arthur. It was not unknown for sentences of transportation to be pronounced upon transportees, who would then be sent off to Port Arthur or Norfolk Island. Another convict for stealing was convicted by the Quarter Sessions at New Norfolk and sent to a penal settlement for four years, and a third offender sent there for three years for breaking and entering. (22)

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21. Thomas Rigby per Caledonia (22)*, Staffs. Assizes, 14.3.22. Joseph Wright per Guildford (20)*, Essex Assizes, 4.3.20. James Robinson per Castle Forbes (19)*, City of Dublin, 17.8.19.
22. Elias Goulder per Emperor Alexander (33)*, Surrey S. of P., 15.10.32; H.T.S.C., 22.10.44; The Hobart Town Courier 29.10.44. William Clarke or Wilson per Arab (34)*, Suffolk (Bury St. Edmunds) Assizes, 31.7.33; New Norfolk Quarter Sessions, 8.10.53. John Vessey per Lady Raffles (40)*, York (A.W.R.) Q.S., 6.7.40; H.T.S.C., 20.7.41.

On the other hand, some men were directed to Tasman's Peninsula other than by superior courts. For instance, one prisoner was sent there, for absconding, to labour in chains after eight previous offences for misconduct, drunkenness and neglect of duty as a police constable, and another for misconduct after six earlier offences including that of selling water for the General Station at Waterloo Point.⁽²³⁾ At Port Arthur itself, the records of the sample convicts show that solitary confinement was a favourite punishment.

There is no point in extending the list of offences for which men were sent to the two above-mentioned stations and to Norfolk Island. When a man was convicted on a serious charge before superior courts, then he could be transported to a penal settlement, and could also be thus disposed of summarily if he had been persistently in trouble before and the magistrate considered a spell of severe discipline was deserved.

The subject of the penal settlements cannot be left without mention of the incidence of unnatural crime which aroused so much comment and apprehension. The sample convicts' records occasionally note punishments for such offences as homosexual acts, but they were very rarely recorded. However, to what extent homosexuality was practiced among the Port Arthur and Norfolk Island men, cannot be known because although the records mention it very seldom, they account only for men apprehended. It is worthy of note that the botanist Allan Cunningham firmly denied the prevalence of unnatural offences at Norfolk Island before 1830 and said that reports of this had been put about by The Monitor, "a most scurrilous paper".⁽²⁴⁾

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23. Titus Blacker per Lord Lyndoch (36)*, Yorks. Assizes, 18.7.35.
Alfred Stallard per Bardaster (35)*, Somerset Q.S. 23.3.35.
24. P.P., Report from the Select Committee on Secondary Punishments 1831-32 (547) VII, p. 594 : evidence of Allan Cunningham, botanist.

The sample leads to the belief that though a not inconsiderable number of men were sent to penal settlements, this sort of punishment for offences was not common. What then were the principal punishments? There is no doubt that gaol sentences and labour in road gangs, together with flagellation in the years prior to 1840 were most favoured. It would be commonplace to point out that a quick flogging was by far the most economical form of punishment from the point of view of masters in the Assignment period. Indeed, the difference between the periods of Assignment and Probation is marked from the point of view of flogging, for in the period to 1840, a count of the sample disclosed that 38 per cent of all prisoners were flogged at least once, but that in the period of Probation, this figure was only four per cent. (25)

It is clear from the offences brought to light in the enquiry that the convict servant was at the mercy of master or overseer, and that a fancied insolent look or observation from a prisoner could be regarded as misconduct and punished as such. (26) Some of the offences for which convicts were brought before magistrates were scarcely serious. What is to be made of a man who was placed in gaol for 14 days for stating in the presence of the work-gang that he was glad the potato crop had failed, of another who was given six months hard labour for being in his master's garden with a female servant sitting in his lap, and insolence to his mistress, and of a third who was placed in gaol for seven days for refusing to tell his name when driving a cart on which no name was painted. (27)

25. Byrne, Twelve Years Wandering in the British Colonies, vol. 2, pp. 58-9, noted that "since the suppression of the Assignment System, flogging has been abolished, and the male convicts are punished either by solitary confinement, working on the roads, or transportation to the penal settlements..."

26. Backhouse, Narrative, p. liv, Appendix F (note).

27. Alfred Watkins per Rodney (50)*, Clerkenwell G.S., 9.5.48.
Henry Alexander per Rodney (51)*, Birmingham Q.S., 17.4.47.
Michael Conean per Blenheim (51)*, Galway, 16.7.49.

Apart from flogging, gaol sentences were the most usual form of punishment but the best way of illustrating both punishment and offence will be to turn now specifically to the types of offences. "Misconduct" of various sorts was the usual form of offence and what evidence there is in the records does not indicate very much in the way of heavy punishment for trifling offences. Nevertheless, some petty offences were punished viciously on occasion, particularly in the 1820s. For example, in 1825 a prisoner was given 25 lashes for giving a signal to a fellow prisoner that the superintendent was approaching when the fellow prisoner was improperly employed and in 1822 another man was awarded 25 lashes and sent to Macquarie Harbour for imitating an order. The offence of selling water earned another man 25 lashes in the same period, though in 1832 a prisoner was merely admonished for inducing the labourers to leave the harvest field, and another put to work on the tread-wheel for leaving his work and saying that he had not enough meat. (28)

Some offences show flashes of defiance and spirit. Two men in the sample were, for instance, punished for an offence against the office of the Governor, one being admonished for using the Lieut.-Governor's name in a disrespectful manner, and another gaoled for not saluting the Lieut.-Governor when passing. Other instances showing independence included one in which perhaps a boundary dispute was involved, because a man was charged with being absent without leave and pulling down the fence of a paddock at New Town and turning in two horses to graze, for which determination the man concerned was sentenced to hard labour. Another convict was given a sentence of two years hard labour in chains when he

28. Benjamin Horton per Dromedary (19)*, Lincs. (Parts of Lindsay) Q.S., 27.4.19.
 John Callicott per Countess of Harcourt (21)*, M.G.D., 6.12.20.
 John Naylor per Richmond (21)*, Nottingham Assizes, 9.8.21.

left the district without a pass, obtained boots and shoes in the name of Mr. Horne, circulated reports that he had sheep in Mr. Horne's flock and committed other acts of gross misconduct and fraud. And another was not intimidated by the forces of justice, being sent to labour in chains for insolence in the police office and using threatening gestures to the District Constable, while another's feelings towards his officers were such that he was ordered 100 lashes for throwing a brickbat at the Assistant Superintendent and striking him. A prisoner was also aggrieved enough to throw a sickle at the overseer, for which action he was placed in solitary confinement, and a lad at Point Puer was punished by being placed into solitary confinement for throwing a stone at the school door during lessons. (29)

Some encouragement was given to convicts to make a good name for themselves in the eyes of the government when they were appointed to the police force as district constables. But according to the sample, they were usually dismissed for misdemeanours, though there is no way of being sure that all convicts made constables were invariably noted in the records. One man for instance was only a month in the police before being dismissed because of his suspicious conduct when he was disarmed by bushrangers. It was considered that he knew these men and had cooperated with them. (30)

A second policeman was gaoled for obtaining the reward twice for apprehending a runaway, and later for suspected sheep-stealing; another for lying down drunk on the road with his musket alongside him was sentenced to hard labour, and a

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29. John Wilks per Equestrian (44)*, Glos. Q.S., 17.10.43.
 Joseph McGill per Barossa (41)*, Glasgow C.J., 9.9.40.
 James Barnes per Bangalore (50)*, Knutsford, 17.2.45.
 Thomas McCormick per Castle Forbes (19)*, Co. Dublin,
 8.7.19. William Withers per Earl St. Vincent (26)*,
 Wilts. Assizes, 16.7.25. Bernard Leonard per Shamrock
 (45)*, Bangalore C.M., 28.7.45. Richard Jones per
Gilmore (38)*, Monmouth Assizes, 28.3.38. James McInally
 per Blenheim (37)*, Glasgow C.J., 4.1.37.
30. Thomas Chalkley per Marmion (27)*, Kent Assizes, 25.7.27.

third was dismissed the force for taking a female prisoner to the penitentiary in a state of intoxication and being intoxicated himself. This same individual had previously been sent to Port Arthur for having in his possession three Flash Bills of £500, and a knife with a saw in it. (31)

Other prisoners entrusted with posts of responsibility were punished for permitting prisoners to get drunk and being incapable of proceeding to Launceston, allowing a female prisoner ordered to be placed in the stocks to conceal her person with a large shawl, and misconduct as watchman in not reporting singing which was going on in the cells during the night by prisoners awaiting trial, by which means they made their escape. One prisoner was made government flogger, but forfeited his salary because of drunkenness. (32)

Praiseworthy acts by prisoners were rewarded. One policeman, for instance, was favourably under notice for his good conduct in apprehending a desperate runaway, though not presumably for taking away another man's wife, for which assiduity he was transferred to another part of the island. Another prisoner was very handsomely rewarded for his exertions in apprehending Benjamin Ball, a desperate bush-ranger, for he was not only given 100 sovereigns, but a Free Pardon as well. Yet another prisoner demonstrated that though the life of a convict was in general a hard one, yet the system was not as vicious as it could have been. This man was promised a Ticket of Leave for his zeal and meritorious conduct in protecting his master's flocks from wild dogs, and the further

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31. John Attiwell per Recovery (37)*, Brecon Assizes, 22.3.37.
 Thomas Cass per John (33)*, Warwicks Assizes, 30.3.33.
 George Phillips per Lord Lyndoch (36)*, Bristol Q.S., 14.1.36.
32. Thomas Twinning per Lady East (24)*, Worcs. Q.S., 4.2.23.
 Thomas Savage per Earl St. Vincent (26)*, Southampton Assizes, 28.2.25. William Smith (4) per Emily (42)*, Staffs. Q.S., 29.6.41.

indulgence of a Conditional Pardon was promised at no distant period provided his conduct continued equally praiseworthy. And for preventing his mistress's house from being robbed, another man in the sample was awarded his Ticket of Leave. (33)

Some offences can only be described as curious. Among these were the cases of a man who, for carelessly driving his goat-cart, was compelled to break stones on four Saturday afternoons, of another who defended his breach of the regulations by stating that his master had called him a "damned lying scoundrel", and of another who was given 36 lashes for the offence of secreting two pounds of canary seed at Government House. Another man, the Government House gardener, was noted with favour for giving up a gold seal he found in the government garden, but then blotted his copy-book by taking milk from the government cow, for which he was sentenced to a term of hard labour. (34)

Other offences included making a fire in the bush and exciting a strong suspicion that piece of a goat lost by Mr. Boyd was being cooked there, biting off portion of another man's nose, and being found in the chimney of his master's bedroom between nine and 10 p.m. A sense of humour was exhibited by two convicts : one had his probation period extended for having the temerity to laugh in the ranks, and the other was admonished for cutting a broad arrow upon another man's hair. (35)

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33. Edmund Morgan per Lord Lyndoch (36)*, Glos. Q.S., 20.10.35.
 Henry Agnew per Manlius (28)*, Perth C.J., 10.4.28.
 John William Grundell per Red Rover (30)* M.G.D., 16.9.30.
 James Eyre per Layton (39)*, Yorks. Assizes, 9.3.39.
34. Stephen Lund per Mangles (35)*, Lancs. (Liverpool) Q.S., 12.1.35.
 George Downing per Stakesby (33)*, Suffolk Q.S., 6.3.33.
 William Young per Eden (36)*, Northumberland Assizes, 16.3.36.
 James Askins per Coromandel (38)*, Lancs. Assizes, 9.8.37.
35. Thomas Rooms per Gilmore (43)*, Leics. Q.S., 25.2.42.
 Edward Duggan per Elphinstone (42)*, C.C.C., 14.6.41.
 Samuel Miller per Bardaster (35)*, C.C.C., 2.3.35.
 George Fletcher per Tortoise (41)*, Yorks. (W.R.) Q.S., 22.3.41.
 William Davis (2) per Mandarin (40)*, C.C.C., 4.2.39.

Here are some other offences which give an idea of the sorts of offences recorded and reflect the life of the prisoner in Van Diemen's Land :

Refusing work and singing obscene songs in the lock-up during prayers.

Drunk and insulting the passers-by.

Conniving at the baker having bread in the oven improperly after the batch was drawn out.

Throwing a stone or missile during Divine Service and thereby creating a disturbance.

Improperly placing government trousers in the bake-house.

Leaving his work and running after the coach.

Skulking from his labour under pretence of being sick.

Enforcing his master's cart down a steep hill with 100 bushells of oats on it and thereby killing one bullock and injuring another.

Applying his master's horse and cart to his own advantage and working half price.

Attempting to defraud Mr. Barclay by tendering him a Corronation (sic) Medal for a shilling.

Sleeping in Divine Service. (36)

Another aspect of the enquiry can now be touched upon, and that is, how many men were freed? Certainly 80 per cent were recorded as emancipated or free by servitude by approximately 1860. As well, three per cent successfully absconded, and 12 per cent were not recorded as having been freed. Whether these men got away from the island or whether the note of their fate was omitted from their records through clerical error, is unknown, but certainly very few men

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36. John McGuinness per Orator (43)*, Dublin City, 19.7.43.
 Patrick Keady (2) per Blenheim (51)*, Galway, ?1.49.
 Henry Kent per John Brewer (41)*, C.C.C., 14.6.41.
 John Philpotts per Westmoreland (41)*, Kent Q.S., 20.10.40.
 Alfred Upcott per David Clarke (41)*, Somerset Q.S.,
 23.3.40. John Brown per Layton (39)*, Lincs. Assizes,
 9.3.39. Francis McGhee per Mangles (35)*, Portsmouth C.M.,
 28.7.34. George Rome per Lord Lyndoch (36)*, C.C.C.,
 15.6.35. Joseph Tracey per Lord Lyndoch (36)*, Warwicks.
 Assizes, 26.3.35. William Russell per William Metcalfe
 (34)*, Cambs. (Ely) G.D., 28.3.34. William Howitt per
Mangles (35)*, Surrey Q.S., 23.3.35.

remained in the hands of the colonial authorities by 1860.

At the outside, 15 per cent absconded and were never caught, but it is probable that this figure is much less. Van Diemen's Land proved a good gaol and unless a fleeing prisoner managed to escape in a boat leaving from an isolated part of the coast, he was likely to be found when police searched departing vessels. Search of a vessel in 1851, when temptation to escape to Port Phillip would have been great indeed, was described when the vessel left the northern port of George Town, though the observer reflected that police vigilance had lately been at fault, a female prisoner having got away packed and labelled in a pretended case of stuffed birds. Indeed, every ship from Van Diemen's Land to the mainland took freed and "filterers".

There is no way of knowing how many Van Diemen's Land convicts thus absconded, though Governor Arthur noted that drastic steps had been taken during his term of office to find the stowaway; vessels had even been fumigated if the absconder could not be got at otherwise for prisoners had placed themselves in casks, under packages and suffered excruciating pain to escape. (37)

Those convicts who died in state institutions were few in number, according to the sample, for no more than one per cent are so recorded. These "imperial paupers" can be illustrated by a few cases, to show the fag-end of the convict system. One case was that of a man tried at the age of 18 in Cheshire for stealing three rabbits. Before in prison twice, he was a labourer and transported in 1845 for seven

37. A document in the National Library, Canberra - "Van Diemen's Land Runaways" - suggests that the number of absconders gazetted was much less than 15 per cent of the men transported. G.C. Mundy, Our Antipodes or Residence and Rambles in the Australasian Colonies, (London, 1855), pp. 537-538. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, p. 312 : evidence of Sir George Arthur.

years. He became free by servitude in the colony in 1852 having been imprisoned twice for breaches of the regulations. He reappeared on the registers in 1861 when he was sentenced to hard labour in Launceston for idleness and then in 1876 sent to gaol again for the same reason. He appeared to lead an itinerant life in the colony and his record closed with the notice of his death in Launceston Gaol in 1886. (38)

Some other prisoners, freed in mid-century, died at Depots for invalids in 1880 and 1887, and one convict appeared on the books for the last time in 1890, when he was recorded as dying at Hobart, having been for many years in business in Elizabeth Street. He was of course free by servitude at this time. Another man was admitted to an invalid depot as late as 1892 from Latrobe, when he was 70. His death was not noted. He had been freed in 1851 and was presumably thrown upon the state. (39)

Yet another old man who re-appeared on the records after a lapse of many years had been transported as early as 1823. Free by servitude at 1830, he was subsequently sent to gaol for 14 years in 1837 for stealing money from the person, and conditionally pardoned in 1847. This man's career is worth noting in detail, for his life spanned much of the transportation era. Convicted when 22 by Hereford Assizes for stealing five handkerchiefs, he had been born in Bristol and was a shoemaker. His first recorded offence, 16 months after the arrival of his ship and when he was employed on the Public Works, was 50 lashes for misconduct. Between that time and 1837, he was punished 10 times, receiving a total

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38. Thomas Smith per Pestonjee Bomanjee (45)*, Cheshire (Knutsford) Q.S., 1.1.45.
39. Thomas Billingham per Arab (34)*, M.G.D., 17.10.33.
 James Graham per Coringa Packet (45)*, Fort St. George C.M., 19.10.44.
 John Wilson (1) per Tortoise (41)*, Herts. Assizes; The Hobart Town Mercury, 30.5.90.

of 120 lashes. For 30 years after 1847, his record was silent until in 1877 at Campbell Town he was sentenced to hard labour for being idle. A year later came the same punishment for the same offence, and a year later the identical thing happened at Longford, when he was 78 years old. Nothing is noted of his death. Perhaps he perished in the bush; one man, an absconder from Port Arthur in 1866, was supposed to be living in a hollow log and subsisting on native game.⁽⁴⁰⁾

The final years of such old men who had drunk deeply at the bitter springs of "the system" can only be described as solitary and poor as they wandered the island, to end their days in gaol or government home, or in unknown circumstances.

Now in order to stress the typical case, some instances can be examined which reflect the careers of most convicts much more closely than do the extremes cited above from time to time.

One such run of the mill case was that of a labourer transported in 1833. Tried by Cambridgeshire Quarter Sessions in the Isle of Ely, he was convicted of stealing goods from a carrier's wagon. He had been born at Ely and stated his offence as that of robbing a stage waggon. He added that he had before been in gaol for six months for receiving and that his wife was at his native place. He was 20, and the Surgeon-Superintendent noted that on the way out he had participated or connived in theft. For his first offence in the colony, that of being improperly in company with a woman at Perth, he was awarded 50 lashes but thereafter for four offences of misconduct, absence without leave, drunkenness and being without a pass, he was admonished on each occasion. He received a Ticket of Leave in 1838

40. William Fowler per Sir Godfrey Webster (23), Hereford Assizes, 24.3.23.

T.S.A., Acc. no. 2/286, memo from commandant at Port Arthur, 24.11.66, re William Irving per David Malcolm (45)*.

and was freed in 1840, at the age of 27. Nothing further was noted of his career.⁽⁴¹⁾

Another case that was typical in the number of times the offender was before magistrates in Van Diemen's Land was that of an Irishman tried in Co. Meath in 1841 for larceny. He state that he had stolen harness and had been formerly convicted and sentenced to three months gaol for the theft of a horse's blinkers. He was 27, married, and his trade was that of a mason ("very indifferent"). His period of transportation was seven years. He was punished five times in the colony for misconduct, absence without leave, receiving and theft. He was admonished once for being absent without leave, but his other punishments were hard labour, solitary confinement and cancellation of his Ticket of Leave which was awarded in 1847. No details of his being released to freedom were noted.⁽⁴²⁾

A final case typifying the career of convicts in the colony was that of a man tried by Devonshire Assizes in 1837 for burglary. He was single, aged 22, and a gardener. He had been before in prison. His four offences in the colony were those of being absent without leave three times between 1838 and 1842, for which he was gaoled, and admonished on two occasions, and for which he had his period of probation extended on the third; and drunk once. For the last offence he was given a sentence of hard labour. He received his Ticket of Leave in 1843 and a Conditional Pardon in 1848.⁽⁴³⁾

How does the preceding description of the life of convicts in Van Diemen's Land square with accounts from other sources? There are not many which reflect anything other

41. Thomas Ankin per Emperor Alexander (33)*, Cambs. (Isle of Ely) Q.S., 17.10.32.

42. Andrew Carr or Brady or Patrick Byrnes per Susan (42)*, Meath, 28.12.41.

43. William Potter per Elphinstone (37)*, Devon Assizes, 16.3.37.

than the dramatic highlight, for the writers were men of higher education than most.⁽⁴⁴⁾ Such men, clerks for example, were placed where their talents could be of use to their masters, and so there is not much to be said for talking about Australia's first novelist, the Van Diemen's Land convict Henry Savery, for instance, if it is wished to inspect the convict rank and file and not the outstanding example of what a convict's life was not. It is not surprising, in view of the magnitude of his work, that Henry Mayhew interviewed a returned transport. What is more surprising is that this man spoke of his life in Van Diemen's Land at some length, and because this was an account from someone who would surely have remained inarticulate had he not met Mayhew, and because it has the ring of authenticity, it will be quoted at length.

This man's background is typical of the city convict. He told Mayhew that he was a Londoner and as a youth fond of a roving life and of the company of women. He ran away from home and got acquainted with eight other boys at Bartlemy Fair, all of whom were finally sent to Van Diemen's Land except one who was transported to Sydney. The interviewee picked pockets in Fleet Street for a living and had a young woman companion, also despatched to Van Diemen's Land. He then started passing bad notes, with a "mate" who was also transported; although such uttering was a capital offence the gallows had no terror for people in his way of life.

He then went out into the country with another thief on a gambling enterprise, throwing dice for prizes marked on a table. They used loaded dice for this. Between races, where they operated their gambling and made a lot of money,

44. See for instance a convict's account of his life in The Cornwall Chronicle, 25.9.44.

they engaged in highway robbery.

Upon his return to London, this man was caught passing bad money to a person who did the same thing himself, and was tried at the Old Bailey. He was transported for 14 years to Van Diemen's Land in the Sir Godfrey Webster (23)* and was sent up to Launceston where he got a very bad master. He then worked in a government potato field, in the charcoal-works and the Marine Department. He incurred several punishments - once 25 lashes because, as he said, a bag of flour burst and he picked up some in a cap.

The cats the convicts were then flogged with were each six feet long, made out of the log-line of a ship of 500 tons burden; nine over-end knots were in each tail, and nine tails whipped at each end with wax-end. With this we had half-minute lashes; a quick lashing would have meant certain death... When I was first flogged, there was inquiry among my fellow-convicts, as to 'How did D--- (meaning me) stand it - did he sing? The answer was, 'He was like a pebble'; that is, I never once said 'oh' or gave out any expression of the pain I suffered. I took my flogging like a stone. If I had sung, some of the convicts would have given me lush with a locust in it (laudanum hocusing), and when I was asleep would have given me a crack on the head that would have laid me straight. That first flogging made me ripe. I said to myself, 'I can take it like a bullock'. I could have taken the flogger's life at the same time, I felt such revenge. Flogging always gives me that feeling... In all I had 875 lashes at my different punishments... Seven years before my time was up I took to the bush. I could stand it no longer, of course not. (45)

According to Mayhew, this man absconded finally and there is no reason to doubt his story, though it must be questioned if he did in fact receive the extraordinary number of lashes he said he did.

During the Assignment period at least, it has been shown that the general picture of life for the convict in Van Diemen's Land was a dark one, though not, there is reason to believe from the enquiry, as dark as it could have been.

45. Mayhew, London Labour, vol. 3, pp. 397-8.

But in the island there existed one of the most amazing communities on the face of the nineteenth century earth, importing some of the worst criminals of Britain with which to increase the numbers of a society built on the rum traffic, to such an extent that under one of the early governors it was said that the whole colony was drunk together for weeks on end.⁽⁴⁶⁾ In a colony that can only be described as savage, it is not surprising to learn that "near Perth we passed a gibbet, lately erected; on which the body of a prisoner who committed murder near the spot, was suspended, with a view of deterring from the crime". Within the space of 50 years, there was packed into Van Diemen's Land so many hair-raising and terrible events that it appeared to later observers that the convict era had passed at some distant and barbaric time.

Though there is no direct evidence of smouldering warfare between convict and master, a painstaking observer noted that the idea that convicts were the aggrieved parties was impressed industriously upon newcomers in the penitentiary.⁽⁴⁷⁾ There can be no easy answer to the question of why convicts committed the offences they did in Van Diemen's Land, but though some were blind hitting out of desperate men driven to near madness by an inflexible system of discipline in the penal settlements, most offences were not of a vicious character. The most fruitful parallel would be with an army and its administration.

Absconding was common and there were reasons for this about which only speculation is possible. A very few men complained of bad food, and one observer thought the lack of adequate rations was a cause for men taking to the bush.⁽⁴⁸⁾

46. Bonwick, Curious Facts, p.274.

47. Backhouse, Narrative, p. liii, Appendix F, p.476.

48. ibid., p. xliii, Appendix E, "State of the Chain Gangs".

But the general answer, apart from cases of men goaded into offences, lies in the character and origins of many of the convicts as well as the character of masters and overseers. Prisoners from the towns had been accustomed to a St. Giles-like existence in which the most important features were idleness, a battle of wits with those robbed and a lack of any sort of supervision. It is revealing to note, particularly among youthful convicts, the reaction to penal discipline. They appeared unable to comprehend a system which ruthlessly enforced regulations.

How far transportation succeeded in reforming convicts cannot be known, nor can anything but a general estimate be made as to how it deterred potential law-breakers in Britain. It could be argued that, in the early days of Van Diemen's Land, any reformation would have been in spite of the administration rather than because of it when blatant profligacy and drunkenness pervaded all society.⁽⁴⁹⁾ Yet Backhouse, who was not uncritical of the convict system, felt compelled to state that great numbers of prisoners who had been brought up in vice and idleness, improved in the colony in assigned service, and that cases of spectacular reformation had occurred.⁽⁵⁰⁾ The findings of this enquiry do not destroy such a comment. That is to say, there was no evidence that convicts sunk into constant breaches of the law and regulations, though certainly some few did. But, assuming that prisoners were in need of reformation, nothing is known of their careers once they were out of the hands of the administration and so it cannot be definitely assumed that

49. Backhouse, Narrative, p. lxi, Appendix F.

50. ibid., p. liii, Appendix F.

these men did not backslide. But the sample shows that sobriety was not a characteristic of the convict and the landlord of "The Black Bull" inn at Hobart Town noted that prisoners spent more money in public houses than house-owners or mechanics. Where a man who was not a prisoner spent a shilling, the prisoner spent ten shillings. Where they got the money was a mystery. (51)

The most profound factor in preventing reformation and perhaps driving men to persistent offence, was use of the cat-o'-nine-tails. Its advantages of cheapness and speed of punishment were obvious, and it was a means of enforcing discipline in the armed forces in the eighteenth century. Imported by the naval governors, flogging was used by them as naturally as on ship-board in the Royal Navy. It would be difficult to find a more effective means of hardening the heart of the convict than flogging him. Degrading to all concerned, it was, said one authority, feared until its first use, after which "a decided deterioration of character set in". The placing of men into chain gangs also increased desperation of character in the same way, as indeed did their sentences to penal settlements such as Port Arthur. (52)

But when all is said and done, the proportion of men severely punished in Van Diemen's Land was not large; Governor Arthur indeed, was fully persuaded that in the colony a great majority of masters took pains with their assigned servants, admonished them and advised them. Nevertheless, he thought that one quarter of the Van Diemen's Land convicts were irreclaimable and relapsed into crime very easily. (53) The sample indicates that Arthur's figure was too high for the whole period of transportation.

51. H.R.A., III v 650, Arthur to Bathurst, 23.3.27.

52. Backhouse, Narrative, p. lix, Appendix F.

53. P.P., Report of the Select Committee on Transportation 1837 (518) XIX p. 284 : evidence of Sir George Arthur.

CHAPTER IX

The Male Convicts in Australia : (b) N.S.W.

"Twenty-five lashes under my surveillance had the same effect as 1,000 under any other person's hand..."⁽¹⁾

"The parents of a great proportion of the wealthy land holders, and stock proprietors⁽²⁾ of New South Wales, were, on one side, at least, convicts".

.....

In Van Diemen's Land there were post-arrival records for almost every convict who reached the island. In New South Wales there are now available no comprehensive records of conduct, though such records were almost certainly kept, and details of emancipation were not consistently recorded on the registers which consolidate indent details. It is therefore necessary to fall back on the musters and the 1828 census for material on which to further the analysis of how convicts fared in New South Wales, and base the necessary speculation of whether assigned men were treated similarly in the mother colony to those in Van Diemen's Land, on secondary sources and the few scattered documents that exist.

Early New South Wales was heavily populated with convicts. Did many leave? Did many prisoners die on the way out or soon ~~on~~ after landing? If all convicts transported were on strength at 1806 when a muster⁽³⁾ was held, then the 167 men in the sample should have been mentioned. However, mortality was high in the year years of transportation, and although this fact need not be precisely reflected in the sample, 10 per cent of the men would probably have died on the way out to

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1. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, 61 : evidence of E.A. Slade, officer in charge of the Prisoners' Barracks, Sydney.
 2. Byrne, Twelve Years Wanderings in the British Colonies, vol. 1, p. 229.
 3. H.O. ~~40/36~~ and 10/37.

New South Wales in the period up to 1806. There can be no certainty about extent of death in the colony. What then was the position at 1806? Assuming that men positively identified at subsequent musters but not at 1806 were omitted by error at the earliest muster, 81 of the 167 men were not recorded at 1806, nor at any subsequent point in time up to 1828.

This is a greater loss than be accounted for through death en route or in the colony, assuming 10 per cent mortality in both cases, for it still leaves 30 per cent unaccounted for. A cause of the surprisingly few men on hand in 1806 could be that some had left the colony or escaped, but there are no reliable estimates of departure in the early years, though there are a number of opinions by those on the spot. A convict author said that passages were procured to Europe with the greatest of ease yet frequently convicts secreted themselves on board ships⁽⁴⁾. Another convict writer noted that when a ship was searched at Sydney, 27 prisoners were found to have stowed away and the same observer related that when he returned to London, he met a number of ex-convicts who had resumed the way of life which got them sent to Australia⁽⁵⁾.

Felons escaped not only to Europe, for some went into the South Seas⁽⁶⁾ and spread far and wide, others were in New Zealand and others yet again arrived in India and drew

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4. Barrington, Sequel, p.20.
 5. Vaux, Memoirs, p. 194.
 6. Byrne, Twelve Years Wanderings in the British Colonies, vol. 2, pp. 45-6. See also John Earnshaw, Thomas Muir, Scottish Martyr : Some Account of his Exile to New South Wales, his Adventurous Escape in 1796 across the Pacific to California, and thence, by way of New Spain, to France (Cremorne, N.S.W., 1959), Appendix 3.

attention to themselves⁽⁷⁾. It was recognised by officialdom that prisoners were leaving the colony when freed, for in 1797 Governor Hunter noted that American ships touching at Sydney were taking away emancipists and convicts free by servitude⁽⁸⁾. And a sailor who composed his memoirs remembered meeting a ship which had an escaped convict on board her⁽⁹⁾.

But at every step the investigation is hampered by lack of any record of a comprehensive and precise nature, though useless adjectives such as "many" are not lacking. For instance, a colonist in 1819 said that "many" convicts returned to New South Wales a second time after having gone back to England; there were a "great many" desertions from the colony⁽¹⁰⁾. Some desertions did not succeed, no doubt, and men were lost in the bush or at sea and never heard of again. How many perished in the attempt to reach China, or some fabled settlement to the north of Sydney, on foot, is unknown although it was reported that at least 50 skeletons were found along the route⁽¹¹⁾.

Which of the reasons above explain the disappearance of half the sample is a moot point, though probably all played a part. It is perhaps important that 49 of the 81 missing men were transported on the Second and Third fleets where mortality on the way out was high, and probably high in New South Wales as well, for 486 sick were landed from the Second Fleet and according to one source, of 122 Irish who arrived in 1791, only 50 were alive the following year⁽¹²⁾.

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7. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, p. 27 : evidence of Sir F. Forbes, Chief Justice of N.S.W.
 8. H.R.A. I ii 25, Hunter to Portland, 20.6.97.
 9. Nicol, Life and Adventures, p.134.
 10. P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, p. 14, 26 : evidence of Alexander Riley.
 11. Bonwick, Curious Facts, p. 116.
 12. G.W. Rusden, History of Australia, 3 vols. (London, 1884) vol. I, p. 143. Bateson, The Convict Ships, p.113. See also Cunningham, Two Years in N.S.W., vol. 1, pp. 203-4.

If this sort of mortality occurred very often, then the population of convicts must have added up to considerably less than that which left Britain. Death as a result of ill-treatment on the voyage, the starvation time in early New South Wales, and successful attempts to leave what must have been a most unattractive colony for the London thief probably accounted for most of the missing convicts at 1806, though an incomplete muster and misspelt surnames in the muster may have helped.

An Assignment system of convict management was adopted in New South Wales and used throughout the period of transportation. The general character need not be again mentioned, because it was basically the same as that adopted in Van Diemen's Land later. From the standpoint of this enquiry, what differences between New South Wales and Van Diemen's Land were there? The most noticeable one in terms of convicts' careers was the part played in the growth of New South Wales by its emancipated convicts, for the Mother Colony was for a longer and earlier period dominated by a convict population which had time to become free and active in money-making before the extensive free immigration began. Relatively few Van Diemen's Land convicts became much more than small farmers. Van Diemen's Land had no equivalent to Simeon Lord or Samuel Terry, because this pair were in Australia and freed at a time when opportunities for money-making were great and the scope of opportunity wider.

Without the comprehensive records of conduct such as were kept in Van Diemen's Land, there is little that can be done to assess the nature of convict discipline in New South Wales. Source material for an objective study is pitifully meagre, limited as it is to a few documents and a lot of rumour and description. The documents must come first.

One of these is a Deposition Book used by the Hunter River Bench in 1831 and 1832⁽¹³⁾. In this book are noted the details of cases brought before the magistrates and dealt with summarily. There is nothing in it to suggest that forms of offences and punishments in that area of New South Wales were any different from those in Van Diemen's Land, except that the ordering of floggings appeared more general. But perhaps the Bench was severe at the Hunter River. Two convicts in the sample made their appearance before the Bench.

One of them (an assigned servant of T.P. McQueen's) was charged with leaving his station without orders. Tried before Francis Little, Esq., the prisoner heard his overseer give evidence that he had driven sheep to another station without orders. He admitted this and said that hunger drove him to leave his master because the beef was so bad he could not eat it. The overseer had refused to change it. The overseer then produced a specimen of the meat which the Bench pronounced to be perfectly good. The prisoner had his Ticket of Leave put back for 18 months⁽¹⁴⁾.

Another convict, assigned to D. McIntyre, was charged with disobedience of orders. The overseer told the Bench that his master had told him not to let the men leave off reaping for breakfast till nine o'clock. The prisoner and four other men had left and when asked where they were going, had replied, "To breakfast. The prisoner then said he would see me buggered first before he would stop till nine o'clock". The prisoner admitted using the language but said it was not addressed to the overseer. He was ordered 50 lashes.⁽¹⁵⁾

13. National Library, Canberra, M.S. 67.

14. William Watkins per Mangles (24), Berks. Assizes, 1.3.24.

15. John Jones per Eliza (19), M.G.D., 21.4.19.

A third man in the sample tried at the Hunter River was charged with being drunk and abstracting spirits from a cask under his charge. His master was H. Dangar, and the overseer gave evidence that he started three men, the prisoner one of them, from Noelsfield to Dartbrook with a dray. They were instructed to get a keg of brandy. They had done this and then come on as far as Col. Dumaresq's fence where one of the men was accidentally killed. The overseer saw that a dray had passed over him. The bullocks had been turned loose, the harness lost and there was a deficiency of spirits.

The gardener at Col. Dumaresq's stated that he had heard a noise and seen the prisoner on the ground, another sitting on a log and a third man singing to them. They all appeared drunk. The bullocks had been tied up and there was a keg of brandy on the ground between the shafts.

The prisoner said that they had been detained at the place from where they picked up the brandy and had to stay the night at Col. Dumaresq's. The bullocks had been brought in in the morning. When the accident occurred, he had been so bewildered that he had cast the bullocks loose without the harness on them, from which cause it was lost. He was ordered 50 lashes by the bench⁽¹⁶⁾, and the prisoner identified as the man singing was also sentenced to receive 50 lashes⁽¹⁷⁾.

These charges and punishments are typical of the 150 cases in this Deposition Book, and though the cases were tried before one Bench only in the whole colony, is it likely that other magistrates were hearing dissimilar charges and awarding dissimilar punishments? That charges and punishments were much like those documented in Van Diemen's Land, there is proof in the shape of the records of the men transported to

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16. Ralph or Ralfe Rolands (or Rawlins) per Adrian (30), M.G.D., 14.1.30.
 17. Stephen Doyle per Blenheim (34), Tipperary, 18.3.34.

Van Diemen's Land after having been freed in New South Wales. Such men are noted in the Van Diemen's Land conduct registers with the offence causing their transportation to the island after 1840, and a record of conduct headed, typically, with "police history from Sydney". These records of careers are very similar to the Van Diemen's Land ones.

There is also another piece of evidence that the Assignment system was administered and breaches of regulations punished in the same way, in the two colonies, for in Historical Records of Australia there appears, for the year 1825, some of the offences and punishments : stealing a pair of shoes (25 lashes), suspicion of stealing two snuffers and sugar tongs (25 lashes), neglect of duty (150 lashes), absent without leave and telling a falsity against his overseer (150 lashes).⁽¹⁸⁾ These few offences and punishments cannot be regarded as typical, but there is every reason to believe that the only difference between New South Wales and Van Diemen's Land administrations of the Assignment system, was that the New South Wales records have disappeared.

Now in the case of analysis of convict careers in Van Diemen's Land, prisoners were analysed in three groups : those who were never punished, those who were punished a few times, and those who were punished by long terms of gaol or by execution. But such analysis is impossible for New South Wales because of the different sort of records available; suppose however, the systems of assignment the same and further suppose the same three groups can be distinguished. Of those who were never punished, nothing is known, and of those who were punished a few times only, also next to nothing is known in ^aquantitative

18. H.R.A., I xi 765, 803-6, Brisbane and others to Bathurst, 11.8.25.

sense. However, of the men tried by superior courts, a little is known because some of them were sent to Norfolk Island and then to Van Diemen's Land, and had their records transmitted with them. Of the numbers of such men over-all, and of the number who were hanged, there is no reliable evidence.

A different approach must be made in New South Wales and will note first the careers of those few men whose records survive because they were serious offenders; second, the careers of those men who did well in New South Wales; third, the extent of marriage. Finally, a few apparently typical lives of convicts will be scrutinised and an estimate made of the effect of the convict system on New South Wales. First, then, those men who committed offences serious enough for them to be tried before the Supreme Court will receive attention.

One of these individuals had come out in 1818, and he had been tried at the age of 27 by Somerset Assizes for larceny in a dwelling-house. He was awarded life transportation for stealing a gold and silver watch-chain, seal and key from a person named A. Rich, and sentence of death was commuted. This man arrived in New South Wales on 31 December 1818 and in 1821 was noted as employed by the government at Emu Plains. By 1828 he had received the indulgence of a ticket of leave and was a watchmaker at Parramatta. (His trade upon arrival was that of watch-finisher). Then, according to his police history, in February 1831 he was sentenced to three months labour in an ironed gang for embezzlement, his only offence noted in New South Wales. Some time between that date and 1838 he evidently gave up watch-making, because in 1838 he was a constable and indicted for shooting at William Henry Peacock.

According to Peacock, he (Peacock) was overseer to a Mrs. Morris at the Vale of Clwydd and he was going to her

station with two drays when he camped outside a public house at Penrith on the night of 15th June 1838. The prisoner was a constable who, with some men under escort, had stopped at the same spot. During the night he came, very drunk, to the prosecutor's camp and said he must put Peacock's men on the chain. When told by Peacock that he would do well to look after the ones he already had, the prisoner told him that he was a magistrate as well as a policeman and could put them all on the chain if he wanted to. Under this delusion of grandeur, he put a pistol to Peacock's head, stepped back and fired at him. The pistol was loaded with slugs which did Peacock no great harm. The prisoner was found guilty and sentenced to death. This was commuted and he arrived at Norfolk Island on 5th November of that year, where he was in trouble twice: for malingering he was admonished and for attending the hospital under false pretences he was ordered to stay in gaol till the Sunday morning. It was seven years later that he left the island and was transferred to Van Diemen's Land, where no offences were recorded and he received a ticket of leave in 1846 and a Conditional Pardon four years later. By this time he would have been 59 years old. What became of him then is not known⁽¹⁹⁾.

Another example of a man who cannot be said to have succeeded in his new colonial life was an individual transported in 1825. He was tried by Surrey Quarter Sessions for fraud and sentenced to seven years transportation. He gave his calling as a sailor in the Royal Navy. His career in New South Wales included 11 offences, eight of them for absconding. He was also given 50 lashes in 1830 for attempting to obtain money under false pretences. In 1832 he was free by servitude, but what he did after that for 11 years is

19. James King per General Stewart (18), Somerset Assizes, 28.3.18; The Sydney Herald, 8.8.38; The Taunton Courier, 2.4.18.

not documented. In 1843 he was in Melbourne, before the Supreme Court for larceny. He was transported for seven years, of which two were to be passed at Norfolk Island. He arrived there in 1844 for detention and had no offences noted against his name. Transferred to Van Diemen's Land, he was granted a ticket of leave in 1846, but a year later died in the Bothwell district.⁽²⁰⁾

A final example of a convict who, by being sent to Van Diemen's Land, affords a glimpse of convict life in New South Wales, was a man tried in London for housebreaking in 1833. His career in New South Wales is not well documented, but in 1838 he received 12 months in an ironed gang for the theft of some shingles. He must then have escaped, because 12 months later he was charged with five other convicts for stealing a gun and other articles from the dwelling house of Henry Allen, at Piper's Creek, Port Macquarie, putting him in fear and tying his hands and striking him. At the trial it was stated that the prisoners were runaways, and that when they robbed Allen, he struck at one of them with a poker. He was then beaten and tied by his hands to a bed-post. The convict was given 15 years transportation for this, and sent to Norfolk Island. Two pieces of information are recorded of his life at the settlement there: he was, in 1840, admonished for having a stolen shirt, and five years later, recommended for praiseworthy conduct in saving the life of a fellow prisoner, who attempted to drown himself in the sea. Transferred to Van Diemen's Land, he committed no offences for which he was punished, received a ticket of leave in 1847, and a conditional pardon in 1850. His record closed.⁽²¹⁾

Other men sent to Norfolk Island and then to Van Diemen's Land were nearly all bushrangers, and appear to

20. Thomas Galloway per Marquis of Hastings (25), Surrey Q.S., 11.1.25.

21. Robert Taylor per Waterloo (33), M.G.D., 3.1.33.
The Sydney Herald 13.11.39.

have little to recommend them, though all were not typified by a gang of five who successively raped a mother of 15 children. Four were hanged and the final one saved from the gallows by the evidence of the woman who said he had restrained his fellows and thus saved her life.⁽²²⁾

That the discipline on Norfolk Island was severe in the extreme, there is secondary evidence, but the records are not full enough to permit a test of the truth of the horrifying pictures painted of that penal settlement. In the sample, there is evidence of the death by execution of four men only, two at Sydney and two at Norfolk Island, and though such statements that when the trials were over at Norfolk Island, men were hung up like tassels on a blind⁽²³⁾ should not be taken literally, there is unfortunately no way consistent with the objectivity of the sampling technique to prove or disprove such statements.

So much then for the men who were punished severely. Of the numbers of those who were not punished at all, or who suffered little at the hands of the magistrates, not even a guess can be made. However, by using other data, a statistical analysis can be made of the men who evidently did well in the colony. There were not many of them but their importance to Australia was great. Such people will therefore set the other extreme of colonial careers.⁽²⁴⁾

In the sample there was only one person who, it is definitely known, did extremely well indeed in his new home. This man arrived on the First Fleet and was tried in Wiltshire in 1786 for killing sheep. He was trained as a shipwright and in 1798 began ship-building at the mouth of the Tank Stream,

22. Joseph Jackson per John (27), M.G.D., 22.6.26; The Sydney Herald, 7.2.40.

23. Melville, The Present State of Australia, p.159.

24. For the musters used in the following convict careers, see Appendix, p. civ.

being the first private shipbuilder in Australia. He was associated with Henry Kable and Simeon Lord, two prominent emancipists, in whaling and sealing ventures, and in 1813 he acquired a license for an inn. In 1824 he established a distillery, and returned to England in 1844 where he died. His brother came out to New South Wales in 1808 with him, and also engaged in sealing and merchant enterprises. He married a currency lass in about 1803 and had seven children evidently. His wife died in 1825 and he is documented three years later as a distiller at Botany. (25)

What sort of yard-stick can be used to single out apparent success stories? Such is the nature of the records that there is only one possible in the circumstances, and that is to note men who were, at some point, land-holders or merchants, or who held some position in the colony which denoted a position other than that of labourer. Unhappily, it is impossible to go further than the 1828 census, and to permit men who were going up in the world a chance to be recorded there, the period must be limited even more to that ending at about 1821. The principal difficulty in such analysis lies in the interpretation of "landholder", because except for the 1806 muster, there is no comprehensive record of what areas of land were held. The census does list extent of holdings.

Of the men in the sample transported up to 1821, 145 of the 903 (16 per cent) can be said to have become something more than labourers. Included in this 16 per cent are such persons as brewers, carpenters, tinsmiths, tailors, and harness-makers, as well as those who held land or were merchants. Not much can be claimed for this part of the analysis, founded on a somewhat arbitrary criterion of "success", but it tries to answer the question of what became

25. James Underwood per Charlotte (87), Wilts. (New Sarum), 11.3.86; article in The Australian Encyclopaedia (Sydney, 1958), 10 vols., vol. 9, p.72.

of the convicts by systematic means. It is noteworthy that of the 121 men on strength at 1810 (210 less 89 non-respondents), the figure for those who had done well to the extent of becoming landholders or merchants or of practicing a trade, was 50 per cent (65 out of 121).

Such are the figures. What of the individual cases illustrating the figures? One example of a minor success story was a man who arrived on the Second Fleet in 1790. He was tried in Warwickshire, at Coventry, on 3 April 1789, but his offence is unknown. He was transported for 14 years at the age of 22. In 1800 he was recorded as holding 25 acres of land, and to have one child, and in 1819 he was "emancipated" and a landholder, which was again noted in 1825. Then in 1828 there is more information: he apparently retained his land, noted as 310 acres, at Wilberforce, had married a currency lass who was 27 years old (he was 60), and had three children. Whether he had married twice is unknown.

There are other scattered references to the career of this emancipist, though they unfortunately give few grounds for speculation. In 1808, for instance, a man of his name was one of the signatories to an address to William Paterson, upon his arrival from Van Diemen's Land after the rebellion which overthrew Bligh, and the next year he is mentioned as purchasing two cattle. Then in 1822 at Windsor he signed a memorial, with many of the colony's landholders and merchants, protesting against the system of dollar payments, and finally as late as 1836, there is a reference to his appointment to a sub-committee for Pitt Town, Wilberforce and Portland Head devoted to opposing a system of National Schools.⁽²⁶⁾

26. Paul Bushell per Surprize (90), Warwicks. (Coventry) Assizes, 3.4.89; H.R.A., I vi 574, 30.6.08; I vii 113, 8.6.09; I x 741 ff., 2.9.22; I xviii 473, 8.8.36.

There is every indication that this convict had joined the ranks of the men with a stake in the country.

Another convict who was, there is evidence for supposing, materially successful in New South Wales was sent out in 1791 for 14 years on the ill-fated Third Fleet. Like the preceding prisoner, he was tried in Warwickshire for an unknown offence. In 1806 he had 100 acres of land, in 1821 he was mustered as a landholder at Parramatta and in 1825 as a landholder at Baulkham Hills. He had six children. Then in 1828, he was a farmer at Seven Hills with 1,210 acres of land. He was noted in the census as married to a woman who had come out free in 1790, he being 60 years of age and his wife 65. References elsewhere than in the musters and 1828 census supply a clue to his start in the colony, for in 1797 he was granted 30 acres of land at Toongabbe. He was a wool-grower at Parramatta in 1810 and in 1821 Macquarie records that he was granted 300 acres at Bathurst on 31 January 1818. In 1825, he was noted as having three sons, the eldest of whom was 27, and it was perhaps one of these who at Parramatta in 1847 was a councillor there, and, a little earlier, a tenderer for the Government Domain at Parramatta. (27)

There is admittedly not very much in the above references from which to estimate the course of this man's life, though he was probably married about 1800, when he got his start with the 30 acres of land at Toongabbe. And there is also not a little guesswork involved because of lack of positive identification of the subject. It is interesting to note how important was age at conviction for men such as he, because had he been much older than 21, no doubt his energy in bettering himself would not have been as great.

27. John Pye per Britannia (91), Warwicks. Assizes, 23.3.90; H.R.N.S.W., vol.7 p.395; H.R.A., I ii 456, 6.2.00; I x 564, 24.11.21; I xxiv 724-5, 21.1.46.

A third convict who apparently flourished in his new enforced home was a Somerset man who was transported in 1796 for life. In 1806 he was a baker but four years later had been granted a liquor licence in Pitt Row, Sydney. His premises were then put on the market in 1811: "an excellent weather-boarded and brick-nogged Dwelling" including a bakery, granary and well "... every convenience fit for the brewing and bakery line." This was at 34 Pitt Street. By 1819 he was noted as a brewer, and at the same time there was a petition from this man praying for renewal of his licence at 34 Pitt Street. A year later he was appealing to Justice Wylde to support his application for extension of his business. He noted that he had spent £1600 on his brewery and was about to go to England for the purchase of hops and utensils for the founding of a porter brewery. He died in January, 1826 and had clearly demonstrated that emancipists could make money in New South Wales. (28)

Many more case studies could be cited which pose more questions than can be answered from the documents. For example, one convict was transported in 1812 for "forged bank notes, etc." and was tried in Kent. In 1819 he was a ticket of leave draughtsman, and two years later a dealer in Sydney. What is interesting about this man is the fact that a person of his name was in 1817 minerologist under Oxley on his exploring expedition. That the two persons were the same cannot be known for certain, but the convict's trade on the records was that of land surveyor and draughtsman and he was therefore a likely person to have gone with Oxley. He was

28. Nathaniel Lawrence per Ganges (96), Somerset Assizes, 11.8.92; Mitchell Library, Wentworth Papers, A.764, pp.113, 149-50 and John Webster "The Early Breweries of Australia", typescript (1931) Q 991/W; S.G. 6.4.11.

I owe certain of the above references to Mr. G.P. Walsh, Geography Department, A.N.U.

granted £50 for his exertions on the expedition and in 1823 was living in George Street. He left the colony in January 1824 with an Absolute Pardon.⁽²⁹⁾ It could be that this man was one of the convicts who returned to England comparatively wealthy (he was a dealer in Sydney in 1821) and who helped destroy the picture of New South Wales as a place where unhappy prisoners sighed in perpetual bondage.

Another example of enterprise was that of a man transported in 1815 for stealing a coat. He was, according to the records, a notorious character, aged 21 and tried at Gloucester Assizes. In 1821 he was a householder in Sydney, and free by servitude, and seven years later a butcher in Cambridge Street owning four horses and 110 head of cattle.⁽³⁰⁾ Another shadowy figure was sentenced in 1814 for life transportation for burglary. He was a baker aged 29. By 1819 he was a servant to Dr. Bromley and two years later evidently a merchant and trader in Pitt Street, owning 1,856 acres of land and married to a convict woman who arrived in 1816.⁽³¹⁾ And an Irishman tried in 1824 in Dublin for false pretences was a goldsmith and jeweller. He changed his occupation in New South Wales for that of journalism, was in 1825 a government servant of Robert Howe's, editor of The Sydney Gazette, in 1828 was a reporter and finally became editor.⁽³²⁾

These cases appear some of the successes. There were not a great many of them, when it is considered how many

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29. William Parr per Fortune (12), Kent Assizes, 6.8.12; H.R.A., I ix 484 and 829, 5.9.17, 19.8.18.
30. John Jobbins per Fanny (15), Glos. Assizes, 5.4.15; The Gloucester Journal, 17.4.15.
31. Thomas (Henry) Hart per Ocean (15), M.G.D., 14.9.14.
32. Edward O'Shaughnessy per Asia (24), City of Dublin, 12.7.24; James Mudie, The Felony of New South Wales, being a faithful picture of the real romance of life in Botany Bay, with anecdotes of Botany Bay society, and a plan of Sydney (London, 1837), ch. VII.

convicts were transported, but because the search had to cease early in the history of the colony, the fate of the convicts in New South Wales is still shrouded in mystery. What of the vast number of convicts not covered? What happened to them? It has been seen that about half the convicts listed as ever being in the colony up to the early 1820s appeared to settle to a trade, usually the one listed in the documents as their calling at home. Very likely they formed the great majority of convicts who neither did very well or very badly. Here are a few examples.

One was on the First Fleet, for instance, and tried in 1784 in Wiltshire for highway robbery. In 1791 he was noted as a weaver by trade and had been granted 40 acres of land at Prospect. He was still in the colony at 1811 and 10 years later at Parramatta as a sawyer with three children. He finally appears again as a sawyer in 1825 at Windsor, but after that he is not noticed again, so presumably he was dead or had left the colony. (33)

A second man came out in 1791 and had been tried in London for stealing during a fire, receiving seven years transportation. In 1806 he was free by servitude and employed by a person listed as S. Williamson, in 1811 still in the colony and in 1819 down in the muster as a landholder. Two years later however he was noted as being blind and living at Windsor, and in 1825 as a pauper and blind at the same spot. No mention was made of him in 1828. (34)

A third case was that of a prisoner transported in 1806 for an unknown offence, by Gloucester (City) Assizes. He was a labourer and shoemaker aged 24. By 1825 he was conditionally pardoned and a landholder at Windsor, and three years later he

33. John Silverthorn per Alexander (87), Wilts. (New Sarum), 6.3.84; Tench, Sydney's First Four Years, p.250; H.R.A., I i 280, 18.7.91; I iv 103, 9.5.03.

34. Paul Bailey per Active (91), L.G.D., 7.7.90.

had reverted to his original trade as well, for he was then a shoemaker at Pitt Town, with 40 acres of land, and was married to a convict woman who had arrived in 1801. They had two children. (35)

Another instance of a man who took up his trade in New South Wales was that of an individual transported in 1813 for stealing in a dwelling house. He was sentenced to seven years transportation and tried in London. He was a joiner aged 23. Six years after his arrival, he was government carpenter and two years later, noted as a Sydney carpenter, with four children. Then in 1828 he was a builder, living in Cambridge Street. There were five children listed but no wife. (36)

There is little to be gained from listing additional cases, for the data do not permit much fruitful speculation. For instance, a butcher, 21 years old, was transported in 1816 for highway robbery in London. In 1819 he was in the colony, in 1821 a government servant to H. Gasking, Sydney, and in 1828 he had his ticket of leave and was a labourer to Thomas Huxley at Lower Portland Head. (37) Whether this man remained a family retainer to the end of his days, worked up and down the country, went to sea or set up in business, there is no way of knowing except through hitting upon some further documentary evidence. Neither is there any way of knowing what ultimately became of a man transported for assault and robbery in 1818. He was a stable-boy aged 21 and sent out for life. A government labourer in 1819, he was not noticed in 1828, but in 1837 was at Penrith, with a Ticket of Leave. (38)

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35. David Roberts per Fortune/Alexander (06), Glos. (City) Assizes, 27.7.03.
36. James Goff per Earl Spencer (13), M.G.D., 13.5.12.
37. William Chapman per Morley (16), M.G.D., 29.5.16.
38. Jonathan Cooper per Tottenham (18), M.G.D., 2.7.17.

Enough has been written to show how much and how little can be gleaned from the records. The verdict must be heavily in favour of too little, though at least a few points have been established. One is, that of the men who can be followed through to 1821 or thereabouts, about half did evidently establish themselves as landholders and, more often, as tradesmen. It was this emancipist class which would presumably be the backbone of emancipist agitation and who felt that they had a stake in the country and had contributed something to its advancement.

Another factor which can be quantitatively estimated concerns marriage of convicts. It would be foolish to affirm that every convict who married is so noted in some of the documents consulted, but there are enough so recorded to ask and partly answer the questions, how many convicts married in New South Wales, and whom did they marry? Now after 1828, there does not exist any full list of the inhabitants of the colony, and thus it is necessary to close the gates of the enquiry at 1821 or thereabouts, for many convicts after that date would not have served long enough to get married.

To 1821, 903 men in the sample had been transported, of whom it is known from the 1828 census and from occasional "married's" in earlier musters that 83 had definitely married. This is equivalent to nine per cent. How many other convicts were married and not so recorded is not known, and therefore the figure of nine per cent must be regarded as a minimum figure only. It ignores cohabitation.

The civil condition of the women who married these convicts is as follows:

Convict women	45
Women born in the colony	16
Unknown origins	15
Came free	7
	<u>83</u>

It must be stressed that so exiguous is the information on which this table is based, that little speculation is possible from it. However, one factor noticeable was the

age discrepancy between husbands and wives in the case of women born in the colony. The men were much older as a rule, and where it was possible to make a comparison, this difference in age ranged between 17 and 33 years. The great difference in ages of convict~~s~~ males and currency lasses they married is explicable because during the period almost a generation difference would exist; men would be in some cases marrying daughters of their near contemporaries, the women of their own generation being missing.

The opposite applied when men married convict women, because in about half the cases where comparisons were possible, the women were older than their male partners. Why should this be? Presumably when the relatively few native born girls were married, the prospective husband had to make do with what he could get.

There is some indication from the sample cases that women who came free, and married convicts, may have been the wives of those men, though the success of men who were married to women who came free perhaps indicates that they had money to start with. But the numbers are small.

The data do not permit much estimate of family size of convict marriages. However, what information there is yields the following: those women who had come free by 1821 and married convicts had three children each up to 1828; those who had no civil condition noted had also had three; the women who were convicts had only one child each.⁽³⁹⁾

In conclusion, it can be said that not a few convicts did establish themselves in New South Wales and without a doubt contributed to the economic welfare and development of the colony. By such men are meant the bakers and bootmakers and small farmers who epitomised the emancipist class far more than did the great landholders such as Samuel Terry.

39. Convict women had 58 children, women of unknown origin 35, currency, 33.

There are few examples of men having land early in their careers and then losing it. Once a man was granted or gained a piece of land it was rare indeed that he was not still a landholder in 1821 or 1828. However, the large number of men who do not appear on the records and who may have left by 1806, could have sold up land they held or lost it through the rum traffic. It was notorious that small farmers got themselves hopelessly into debt and were compelled to sell out to men with wiser and stronger heads. One observer remarked that the emancipists exhausted the ground because they knew little of farming, and that it then fell into the hands of the rum traffickers through mortgage: this was the history of probably three quarters of the small emancipist class.⁽⁴⁰⁾ It may have been, but the evidence of the sample suggests that this was an exaggeration, at least up to 1828 though the sample is not enough for this to be asserted too strongly. That convicts did not, by and large, do badly is well attested to.

The sort of punishment awarded, especially that of flogging and confining men in irons, was calculated to harden convicts, and there is plenty of evidence of the extent of crime and loose morals in New South Wales during the transportation era. It is not the business of this enquiry to pass judgements on the rights and wrongs of actions, but a word should be said as to whether the convict system in New South Wales was successful in any way in reforming convicts and preventing them or discouraging them from again breaking the law.

In the case of Van Diemen's Land observers considered that at least some convicts were improved by transportation, and in New South Wales there were those who thought likewise, though there were also individuals who chose to emphasise the

40. Cunningham, Two Years in N.S.W., vol.2, p.180.

worst aspects of what was certainly a most extraordinary society. One apparently perceptive observer was inclined to look on the bright side and he noted with approval for example that two incorrigible Dublin thieves had been compelled to work and finally came to take a pride in it.⁽⁴¹⁾ Another person thought also that many convicts became reformed and "really good men", particularly those sent out for base crimes; and those men transported for political offences did especially well. Even town thieves became industrious though they knew nothing when they landed except how to commit crimes. They soon mastered agricultural work, though the system would have been improved if the inexperienced criminals had been separated from the hardened.⁽⁴²⁾ Such separation was carried to its logical extreme in the establishment of penal settlements for incorrigibles.

One factor which must have hampered reformation and a return to a more normal sort of life for the prisoners, was the great discrepancy in the number of men and women transported. Those proportions being what they were, it was inevitable that a substantial number of men were compelled to remain bachelors, whether they cared for that state or not. It was this difference in the numbers of men and women that led to an archetype picture of an old ex-convict working all his life as a retainer for a landed proprietor, or as a bullock driver or shearer or itinerant worker. The sample substantiates such an image and one writer added a colourful note when he spoke of such convicts' huts being, in his experience, commonly full of parrots, possums and dogs.⁽⁴³⁾ That the ex-convict and convict developed habits of loneliness through his work as a shepherd as well as because he did not marry, is

41. ibid., p.289.

42. Therry, Reminiscences, pp.24-6.

43. Breton, Excursions, pp.277-8.

reflected implicitly in another comment that old convicts made the best bullock drivers because of their knowledge of the country and their rough habits.⁽⁴⁴⁾

Not all writers had a good word for the emancipist and the state of Australian society. Pitt Town was seen as a settlement of 700 people many of whom had been convicts who were notorious for their drunkenness, profligacy and neglect of worship, and in Campbell and Appin were many "low Irish".⁽⁴⁵⁾ It was not surprising that standards of conduct in New South Wales were not always high, for, as in Van Diemen's Land, the scenes before the eyes of the population were not calculated to edify.

When a man was sentenced to receive 100 lashes at the cart's tail in early New South Wales and when there existed stocks which could accommodate eight or 10 people at a time, and ticket of leave police had a pecuniary interest in the number of arrests they made, when "bloody" was the common adjective and when it was said that under Governor King the colony consisted of those who sold rum and those who drank it,⁽⁴⁶⁾ and when the whole of society appeared in a state of constant motion to and from the courts, it would not do to apply civilized standards of conduct to such a community. There is no reason to suppose the consumption of beer and spirits was low; indeed, drinking among the lower classes was thought to be carried on to an extent little known anywhere in the world. The Rocks, in Sydney, were well-known as the antipodean St. Giles's, but the latter district was thought a paradise in comparison with the Rocks.⁽⁴⁷⁾

44. Byrne, Twelve Years Wandering in the British Colonies, vol.1, p.215.

45. Backhouse, Narrative, p.341, 420-1.

46. Vaux, Memoirs, p.280; Marjoribanks, Travels in N.S.W., pp.55-8, 73.

47. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, p.64: evidence of E.A. Slade. See also Breton, Excursions, p.269.

And so the opinions of contemporaries could be extended and their value found difficult to assess. But the picture of the impingement of the convict system on its subjects, both bond and free, cannot be thus left in the air. There is still a profoundly dark picture, recognised by enlightened observers of the time. The system, as was seen in Van Diemen's Land, was not as bad as it might have been, but it was bad enough, though for the man who had enough intelligence to see that little would be gained by him if he persisted in breaking regulations when he could struggle along without doing so, the system was not hell on earth. Nevertheless, it was far from heaven for those unfortunate enough to suffer at the hands of vicious overseers or masters.

Yet what did James Underwood, Samuel Terry or Simeon Lord think of the convict system? Presumably those individuals were shrewd enough to secure emancipation or work out their time quietly, by agreeing with their masters and then taking advantage of a small colony which needed the services they worked up. But all during the period convicts were aware of the existence, sometimes as masters, of ex-convicts who had succeeded in money-making more than they could have imagined in their wildest dreams. The presence in the society of successful emancipists, plus Macquarie's policy of encouragement, must have been most favourable to the convict. When he went off the rails, therefore, either he was driven to abscond or hit back in some way, through a bad master, or else he forgot the future prospects available and acted upon impulse. Either these, or he was basically a stupid man or so innured to crime that he scarcely knew how to refrain from it. Records do not enable these speculations to be tested with positive evidence, and it is known that after Bigge's recommendations, the prisoner's lot became a harder one.

But New South Wales did present an opportunity for a fresh start, because all convicts, whether good bad or indifferent, had been through the courts, in gaol and convicted of breaking

the law. Their prospects in Britain were not bright. But there must be balanced against this side of the story the heavy fact that many men were in virtual slavery. For the young man, clearly the opportunities were greater, because he would be relatively young when emancipated. But in the case of the older man, more set in his ways, and with a family in Britain, doubtless transportation could be an agonising punishment, especially if that man were not an habitual law-breaker. Shortly, convicts could have made the best of a bad job; and for a very few it must have been the worst job, because as late as 1839 two men were recorded as having murdered another in an ironed gang in order to be brought to Sydney, and there tried and hanged.⁽⁴⁸⁾

48. Byrne, Twelve Years Wandering in the British Colonies, vol.1, pp.245-51. See also Backhouse, Narrative, p. cxxviii, Appendix O, for an account of ironed gangs.

CHAPTER X

Female Convicts in Australia

"The wild buoyancy of their dispositions being bridled by the severe restraints imposed upon them, they were like wanton colts loosened from the stall when they landed, and... broke out into all manner of extravagancies."⁽¹⁾

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In terms of total sample numbers, there was scarcely any difference between the women sent to New South Wales and Van Diemen's Land, 623 being directed to the former colony and 625 to the latter.⁽²⁾ Most of the Van Diemen's Land people were transported after 1840 and until that year, the island had had transported to it only 192 of the sample total, not quite a third of the numbers sent to the mother colony. Until transportation to New South Wales stopped, no woman tried in Ireland had been sent directly to Van Diemen's Land, compared with 252 of the sample sent to Sydney Cove. Concentration of Irish women was therefore even more marked in New South Wales than that of the men to the year 1840. After 1840, 179 of the Irish women in the sample were sent to Van Diemen's Land.

Another feature of the countries of trial was the large number of Scots women sent to Van Diemen's Land. Of those 83 Scots women out of 108 in the sample who were sent there, 26 went before 1840. Scots women were more likely to have been tried and convicted before transportation was resorted to, and it could therefore be that the island colony was selected for the worst convicts. There is no documentary proof of this, but there is another piece of evidence that lends weight to the theory that Van Diemen's Land was determined upon as a penal colony for the worst offenders in the early 1820s, and that is the very large number of women who were former

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1. Cunningham, Two Years in N.S.W., vol.2, p.275.
 2. See Appendices 7 and 10 for Tables relevant to this chapter.

offenders sent to the island, compared with the numbers despatched to New South Wales.

Another variable in the survey was that of period of transportation. Here non-response was negligible, and it appears that women transported for seven years included a large number sent to New South Wales, though this was also the case with 14 year prisoners and those transported for life. Figures were very significant. Because so many of the Van Diemen's Land women were transported after 1840, those sentenced for 10 years appear in very significant numbers, the period of transportation for 10 years being introduced relatively late in the period.

From the point of view of offences committed by these women, non-response prevents too firm conclusions but it appears that "other larcenies" was the main offence of convicts sent to both colonies. Robbery (so designated) was an offence which sent a significantly large number of women to New South Wales, but this was possibly due to 21 Irish women in the sample who were sent to that colony for the offence in question. The large number of Van Diemen's Land women transported for theft, habit and repute may be explained by the fact that this was a charge for which Scottish women were sent out of the country.

Summing up the differences in the origin of the women transported to the two colonies, then, means stressing one particular point: the sample leads to the belief that the worst characters among those selected for transportation to Australia were sent to Van Diemen's Land. Other points to be borne in mind were the relatively large number of Irish sent to New South Wales and the fact that no Irish women were despatched to Van Diemen's Land before 1840.

(a) Van Diemen's Land. Records of offences committed in Van Diemen's Land by female prisoners were kept in a similar way to those of the men and the same pattern of analysis will be here followed. Among these are whether the convicts were

emancipated or freed finally, whether many committed offences for which they were convicted at Quarter Sessions or Supreme Court, whether many of them were married in the colony, and what types of offences they committed and with what frequency.

Certainly 430 of the 625 women (69 per cent) were in Van Diemen's Land until freed, and in all likelihood this figure was about 75 per cent, assuming that about half the prisoners not noted as having finally received Certificates of Freedom still stayed on after they were married for the few years remaining of their sentence.

About 27 per cent of the women in the sample were recorded as having married, but there can be no way of knowing whether all women who married whilst in the hands of the Convict Department were recorded. The nature of the records is such that large-scale omissions would be unlikely. And of course it is not known how many women were married after they were freed.

The next point to be established is also measurable. It was noticed earlier that a certain number of convicts confessed to prostitution, and descriptive evidence suggests that female prisoners transported from the British cities in particular were accustomed to loose living. One record kept in Van Diemen's Land bears upon this point, for when women were delivered of children, they were taken from employment to a laying-in hospital. The name of the child and date of its birth were recorded on their dossiers so that it is possible, assuming the records complete, to note a piece of unique information.

Seventy-one women in the sample (11 per cent) were recorded as having illegitimate children. This figure was in one respect higher because the total of 625 included those who died on the way to the colony or in the hands of the Convict Department or who absconded. Some of these women had

more than one child, and the 70 women had 81 infants. One had three.⁽³⁾ Thirteen of the 71 women were recorded as subsequently marrying.

On the average, women committed between four and five punishable offences each, these ranging from no offences at all, to one woman who was punished 80 times.⁽⁴⁾ But a considerable number of women had no offences recorded: including those few who died on the way out, they numbered 22 per cent. Of these 139 persons, 52 were Irish.

At the other extreme were those prisoners who were convicted before the Quarter Sessions or Supreme Court. A count showed that 25 (four per cent) of the sample were thus dealt with, and that no women in the sample were hanged. Only eight of the group were convicted after 1840, a critical date in the transportation story in Van Diemen's Land. One of the offences tried in the Supreme Court was that of assault and robbery, for which a woman received 15 years transportation. The charge was proved against an Irish woman transported in 1841 at the age of 19 for larceny of clothes. She was tried in Co. Down and had been before imprisoned for two months in Ireland for the same type of theft, and had been "on the town" three months. In 1851, this woman was tried at Launceston, with her husband, for assaulting a man and robbing him of £1, four half-crowns and 4/-.

In his evidence, the prosecutor stated that he was met in the street by the prisoner who invited him to her home. He accompanied her there, and then sent out for some drink. He later went to a public house with the prisoner and changed some money, after which the couple went back to the house. When he was leaving, she thrust her hand into his trouser pocket, tore out his money and gave it to her husband who had

3. Rosanna McLachan per Gilbert Henderson (39)^x, Glasgow C.J., 24.9.39.

4. Margaret Stevens alias McCarty per Jane (33)^x, M.G.D., 18.10.32.

arrived on the scene. The witness was then struck on the head with a ginger beer bottle held by the woman, kicked by both parties and dragged out of the house. The prisoners were found guilty and the death sentence recorded.

This woman, her record showed, had been before magistrates 50 times, mainly for absence without leave, for being drunk and other forms of misconduct. In September 1854, three years after her conviction for assault and robbery, she was gazetted for absconding from the custody of a police constable while proceeding to the Cascade Female Factory. According to her record, she was granted a Ticket of Leave seven years after the conviction at Launceston on the assault charge, but this was revoked in 1862 when she was listed as absent without leave. Nothing further of her career is thereafter noted, and presumably she got clean away. She had before absconded 13 times, for which she was sentenced to solitary confinement, had her sentence of transportation extended, and committed to imprisonment with hard labour.⁽⁵⁾

Other prisoners before the Supreme Court were given life imprisonment for theft,⁽⁶⁾ 12 months gaol for assault and robbery,⁽⁷⁾ two years in prison at Oatlands with hard labour for stealing two pairs of stockings,⁽⁸⁾ and two years in the House of Correction in Launceston for perjury.

This last case was of a woman who committed more offences than any other in the sample. She was tried by Middlesex Gaol Delivery in 1832 for stealing a gown and a cake of soap. Noted as having been in trouble before, she admitted to having served one month for shop-lifting. She was a house-

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5. Elizabeth Fagan or Gibbs per Mexborough (41)^x, Down, 4.1.41; L.S.C., 8.7.51; The Launceston Examiner 9.7.51; Nat. Library, "Van Diemen's Land Runaways".
 6. Rosanna McLachan per Gilbert Henderson (39)^x, Glasgow C.J., 24.9.39; H.T.S.C., 20.4.47.
 7. Agnes Hutton per Maria (38)^x, Glasgow C.J., 9.1.38; O.S.C., 27.9.48.
 8. Alice Hughes per Platina (37)^x, Lancs. Assizes, 27.2.37; O.S.C., 30.3.53.

servant aged 31, and born in Somerset. Although noted on the indent as married, she was one of those who denied the truth of this, stating that her husband had died while she was in Newgate. She was transported for life, and her subsequent career indicates that perhaps this severe sentence was passed in the knowledge that she was a chronic case. As late as 1871 she was indicted at Launceston for perjury in the course of an inquest into the death of Rheuben Morrell, who was killed by a loaded dray passing over him. The defendant had said that on the night of the accident, she had left the "Eagle's Return" at the same time as the deceased man and Thomas Rumpff, that she had walked by herself to a shepherd's hut, the men bringing on their teams behind, and that she had had no conversation with them nor had she ridden in a dray with them.

The Attorney-General stated that in fact she did leave with them, Morrell being quite drunk, Rumpff not so intoxicated and the defendant sober. They had stopped at Mrs. Hogg's house and when the defendant was refused a night's lodging, she had left with the men. Morrell had had an empty dray drawn by three horses, Rumpff a four-horse wagon loaded with bark. The defendant had ridden with Morrell in his dray. Rumpff gave evidence that this was so, and jury found her guilty of perjury as charged.

This woman started committing offences eight days after the ship on which she was transported arrived in the colony, receiving a sentence of solitary confinement for drunkenness. Thereafter her offences were committed with a dreary and monotonous regularity, being mainly for drunkenness, absenteeism and misconduct of other kinds. She was granted a ticket of leave in 1852 which was revoked again after eight months. Marriage in 1838 had no apparent effect on her criminal career, and the last entry on her record was the two year sentence for perjury, at which time she would have been 69 years old. Her offences included those of "being drunk

and indecently exposing her person in holding connexion with a soldier" and "absent without leave and throwing water on the watch-house keeper". She had been conditionally pardoned in 1858, perhaps as a gesture of despair on the part of the administration. Her end is not recorded.⁽⁹⁾

Another of the four per cent of women felons who appeared before superior courts was one transported in 1830 for 14 years. In 1849 she was convicted of illegally pledging at Hobart Town. She had pleaded distress on an earlier occasion because her husband was "very bad", and a subscription was taken up for her. She had been fined 1/- but now had to go to prison for one month with hard labour.⁽¹⁰⁾

Other females convicted before the Quarter Sessions included one who had been before convicted 20 times for misconduct and other offences. She had been transported to Newcastle for two years in 1821 for theft, placed in the stocks for neglect of duty, sent to the Female Factory for being found in a disorderly house, and to the same place with her two illegitimate children for living in adultery with a settler at the Lower Clyde. As well, she had been apprehended absent without leave, drunk in the bush with a free man, for which she was gaoled. For not seeing her children at Orphan School she was put in a solitary cell and last appears on the records in 1835, when she was sentenced to seven years imprisonment for theft. A Free Certificate was gained in 1843.⁽¹¹⁾

A third woman had her sentence of transportation extended for three years for stealing a bottle of wine in 1836. She had been punished four times before, including hard labour for

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9. Margaret Stevens alias McCarty per Jane (33)^x, M.G.D., 18.10.32; L.S.C., 28.3.71; The Launceston Examiner, 1.4.71; Nat. Library, "Van Diemen's Land Runaways".
 10. Ann Knott alias Carrington per America (30)^x, Surrey Q.S., 25.10.30; H.T.Q.S., 2.7.49; The Hobart Town Advertiser, 3.7.49 - case of Mary Purdy.
 11. Catherine Burns per Morley (20)^x, Southampton Assizes, 28.2.20; H.T.Q.S., 11.7.35.

indecent conduct and imprisonment for three months for concealing a police constable in her bedroom. She was originally transported from London for stealing a shirt from a shop.⁽¹²⁾

Other offences punished by superior courts were those of stealing wine, a table cloth, and frames and prints.⁽¹³⁾ Punishments were generally gaol sentences for periods of from 12 months to seven years.

Incidental to the above cases it appears that some women were leading sexually immoral lives in Van Diemen's Land. Was this generally true for all the convict women? Did very many women take up, or continue, loose living? An answer to these questions is possible by using the records a little arbitrarily, because some offences leave little doubt as to the sort of life the women concerned were leading. This is not to say that because a female was once apprehended in a disorderly house, she was a prostitute during all her time in the colony. But in context with other listed offences, it is possible to come to some conclusion on this point.

Seventy-four of the sample total of 625 were punished for such forms of misconduct. Particularly before 1840 were these offences frequent; there is unlikely to be a simple reason for this but some factors are the severe and efficient administration of Arthur, the arrival of Irish (often apparently not habitual offenders) only after 1840, and to judge from the records, a generally less severe administration by the Convict Department and magistrates during the Probation period. Perhaps an even more telling factor was the

12. Ann Herwick per America (30)^x, M.G.D., 16.9.30; H.T.Q.S., 27.8.36.

13. Eliza Hillary per Providence (25)^x, M.G.D., 7.4.24; H.T.Q.S., 22.3.32. Ann Anderson per Providence (21)^x Mdx.Q.S., 23.10.20; L.Q.S., ? .7.37(?). Elizabeth Sherwin per Lord Sidmouth (22)^x, Leics. (Borough) S.P., 12.4.22; H.T.Q.S., 27.5.46.

type of woman sent to Van Diemen's Land before 1840, because the worst convicts were almost certainly singled out for transportation to the southern colony. Scottish women were sent in relatively large numbers to Hobart Town, and they seem to have been a more abandoned set of women than either English or Irish prisoners.

It is noteworthy that those women who were charged with sexual offences committed, on the average, 16 offences each, compared with about five over-all. Wording of the charges was sometimes in the form "drunk and found in a disorderly house", but more often was "misconduct in being found in bed with a man". Some women were so apprehended more than once.

Some examples of types of offences regarded in this survey as a reflection of immoral living were: "misconduct in being in a brothel with her mistress's child (nine months hard labour); "being a common prostitute" (hard labour), "encouraging her master's daughter, a child under 11, to have sexual connexion with a man" (hard labour), "absent without leave and found in a brothel" (hard labour), "living in a brothel, the worst in Hobart Town" (hard labour), "getting out of her room and sleeping with her master's men in the barn" (hard labour), "found in a brothel in bed with a man" (hard labour), "found in the yard of an inn in an indecent posture for an improper purpose", "misconduct in having two men and two women in bed with her" (hard labour), "in bed with a man in a brothel in Goulburn Street" (hard labour), "disorderly conduct in having a police constable secreted in her house between 9 and 10 last night, her husband being in gaol and she being intoxicated". (14)

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14. Margaret McKie per Aurora (51)^x, Newcastle-on-Tyne Q.S., 26.2.51. Honora Kissane per Maria (49)^x, Kerry Co., ? .10.48. Agnes Lyall per Tory (48)^x, Perth C.J., 6.10.47. Sarah Millican per Elizabeth and Henry (46)^x, Ipswich Q.S., 29.7.46. Margaret Stutely per Navarino (40)^x, Berks. (Abingdon) Q.S., 22.4.40. Elizabeth Semple per Elizabeth and Henry (46)^x, Glasgow C.J., 28.4.46. Sarah Rose per Tasmanian (44)^x, C.C.C., 8.4.44. Alice Moore per Emma Eugenia (43)^x, Lancs. (Liverpool) Q.S., 24.7.43. Mary Byrne alias Mary Ann Mooney per Hope (42)^x, Dublin City, 6.10.41. Marion Paterson per Hector (35)^x, Glasgow C.J., 21.4.35. Ann Bowen alias Bowden per Hydery (32)^x, Staffs. Q.S., 19.10.31.

And so the evidence of indiscriminate love-making could be extended until life among the ranks of the convict women in Van Diemen's Land appeared as a constant game of cat and mouse with the police, women being apprehended with men under their beds as well as in them, and the police sometimes unconcerned about which side they were on.

That some convicts were depraved there appears little doubt, though the subject cannot be left without attention being drawn to the substantial number of women who were never before a magistrate at all, a figure of one in five. Yet the fact remains that the average female prisoner was punished about five times, usually for some form of misconduct such as being absent without leave, or for drunkenness. These forms of misconduct were most varied. One woman got gaoled for contracting marriage without permission, another for damaging the furniture in her husband's house whilst under the influence of liquor and threatening to run a knife through him, and a third was sent off to the Female Factory for repeatedly wearing her mistress's clothes, disobedience of orders and flatly refusing to continue in her service. Other offences were throwing letters over the wall, drunkenness while on the way to receive a Ticket of Leave, refusing to attend court and sending an insolent message, repeated insolence and threatening to split open her mistress's head and further declaring that she would commit any enormity to get sent to the Female Factory, drunk and disorderly when in charge of a little child, concealing a policeman in her bedroom, wearing a chemise belonging to her mistress and also a gown belonging to her fellow servant, inciting the prisoners to insubordination and threatening to run one through

with a knife; and refusing to be sworn in a case. (15)

Other reflections of life in Van Diemen's Land appeared in such offences as coming to a man's house and enticing away his servants, being found in the street in men's clothes, found lying beastly drunk in the street, refusing to proceed when en route, placing her mistress's child in the hands of a common prostitute to nurse, on a man's premises to incite a quarrel between him and his wife, attempting to introduce provisions and pipes and tobacco into the watch-house, conveying bread from one prisoner to another in exchange for a petticoat, concealing herself to avoid going to chapel, found in an inn with a male prisoner and improperly administering to him ale with snuff in it for the purpose of stupefying him, wearing an apron with the number inside and challenging another woman to fight, cutting up and converting two government petticoats into one, using diabolical and threatening language, and secreting spirits and exciting bushrangers against her mistress upon

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15. Sarah Todd alias Wilson per Duke of Northumberland (52)*
Lancs. Assizes, 16.2.52.
Elizabeth Griffiths per Aurora (51)*, Swansea Assizes,
2.3.50.
Sarah Forward per Sir Charles Forbes (26)*, M.G.D.,
6.4.26.
Susanna Corfield per Mary (23)*, Bristol (City) Q.S.,
15.7.22.
Elizabeth Ryder per Mermaid (28)*, M.G.D., 12.7.27.
Ellen Robins per Eliza (29)*, Mdx. (Westminster) Q.S.,
3.9.29.
Elizabeth Smith per Mermaid (28)*, M.G.D., 25.10.27.
Catherine Rion per Mellish (30)*, M.G.D., 3.12.29.
Ann Herwick per America (30)*, M.G.D., 16.9.30.
Fanny Jarvis per Westmoreland (36)*, Staffs. Assizes,
29.6.36.

the occasion of her master being robbed.⁽¹⁶⁾

Punishment for these and other such offences was principally that of a sentence in the Factory, though prior to Governor Arthur's administration, an iron collar (with a long prong on each side) was placed around the neck of convict women who had misbehaved. This gave them the appearance of horned cattle.⁽¹⁷⁾ In the case of women, there was a much more restricted range of punishments available than for men, and although the records of conduct do not notice punishments other than gaol sentences for the most part, sometimes sophistications were worked up. One of these was cutting off all the hair on the head of the offender. Hard labour normally meant working at wash-tubs.

Any generalization about the behaviour of the female convicts is at once to some extent untrue because nothing is known of their activities outside the comprehension of the Convict Department. And a recital of offences does presumably emphasise misbehaviour. To balance the findings of the enquiry, a few more particular cases of women who conformed to the mean number of offences will be examined.

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16. Margaret Fitzgerald per Hector (35)^x, Surrey Q.S., 27.3.35.
 Sarah Slow per Westmoreland (36)^x, C.C.C., 13.6.36.
 Ellen Marlin per Atwick (37)^x, Chester Assizes, 5.8.37.
 Sarah Askins alias Jones alias Amelia Debney per Royal Admiral (42)^x, C.C.C., 31.1.42.
 Ann Perry per Garland Grove (42)^x, Bath (Borough) Q.S., 14.6.42.
 Mary Ann Johnson (2) per Woodbridge (43)^x, C.C.C., 30.1.43.
 Alice Moore per Emma Eugenia (43)^x, Lancs. (Liverpool) Q.S., 24.7.43.
 Mary Ault per Lloyds (45)^x, Staffs. Q.S., 11.3.45.
 Mary Ann Wood or Herring per Tory (45)^x, Surrey Assizes, 31.7.44.
 Anne Mallon per Tasmanian (45)^x, Antrim, 28.10.44.
 Catherine Glinn per Lord Auckland (48)^x, Donegal, 24.7.48.
 Ellen Casey or Johanna Blundell per John Calvin (48)^x, W.meath, 29.6.47
 Elizabeth Symon per St.Vincent (49)^x, (Scotland), 28.9.48.
 Margaret Knaggs per Early Grey (49)^x, Dublin City, 11.12.48.
17. Bonwick, Curious Facts, p.280, citing "the autobiography of Goodridge, a runaway sailor".

The first is that of a Scots woman transported in 1852 for theft. A housemaid aged 18, native place Glasgow, she was single and stated that her crime was housebreaking. She was noted as having been punished twice before for theft and she admitted to having been gaoled for two months for stealing trousers. Her ship arrived in the Derwent on 8 July 1852, 15 months after her trial, having taken four months on the way out. Her offences recorded in Van Diemen's Land were three in number; once she was gaoled for three months for misconduct, three months after her arrival, and twice the following year she was gaoled again for attempting to abscond. No more offences followed and 14 months later she was permitted a Ticket of Leave. Her petition to marry a convict was granted after another two months and three weeks later she was married, being conditionally pardoned in September, 1856.⁽¹⁸⁾

The second case is that of an Irish woman aged 23 and transported for theft of a child's frock at Dublin City. She was born in Co.Kildare and noted as having been often before in trouble. She confessed to "25 times for drunkenness" and to having been on the town four years. She was a housemaid and unmarried. Tried at Dublin City in October 1848, she left Ireland in April the following year and arrived in Van Diemen's Land on 23 July 1849, sentenced to a seven year term of transportation. Four months later she was gaoled for misconduct and six months later again imprisoned for being found in a disorderly house. Another six months later, in December 1850, she was sentenced to hard labour for drunkenness, and then within two years given the same punishment three times for three attempts to abscond. No more offences were recorded against her name and she was, in November 1855,

18. Mary Crighton per Sir Robert Seppings (52)^x, Glasgow C.J., 30.9.51.

awarded her Free Certificate in Hobart Town, and no more details of her life were noted.⁽¹⁹⁾

A third woman in the sample was sentenced to seven years transportation in July 1846 for stealing wearing apparel. Tried by Ipswich Quarter Sessions, her native place was Bury St. Edmunds. She had been sentenced before to three months gaol for stealing a sheet. A needle-woman and dress-maker, she was married with one child and her husband Thomas was, she said, in Ipswich. She committed, and was punished for, only one offence in the colony when she was gaoled for being absent without leave and found in a brothel. She was recorded as having drowned in September 1849, though no mention was made how it happened.⁽²⁰⁾

So more and more cases could be listed, all unfortunately posing more questions than can be answered, for of the circumstances of the many misdemeanours recorded, nothing is known, and of the reaction of these women to their conviction and transportation, there is only descriptive evidence, the general accuracy of which there is no way of checking. There is also no way of knowing the motive of the many offences set down in the records but it would be foolish to suppose, in the light of the offences and the origin of these women in Britain, that they were so ill-treated that in Van Diemen's Land they succumbed to the bottle and the brothel. There is only too much evidence that some of them (precisely how many is not known) permitted conviction and transportation across the world to interfere but little with their chosen way of life, and it can be understood that the ladies of Van Diemen's Land found an endless subject of conversation in the conduct of their female servants.

(b) New South Wales. Of the offences committed by

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19. Maria Farrell or Henry per Maria (49)^x, Dublin City, ? .10.48.
20. Sarah Millican per Elizabeth and Henry (46)^x, Ipswich Q.S., 29.7.46.

convict women in New South Wales, nothing is known from documentary sources that can be used statistically and objectively. As in the case of the male convicts, records available add little in the way of information over and above that already analysed. One thing that can be determined however is how many of the 623 women in the sample who left for New South Wales, reached their destination.

This cannot be calculated with accuracy in the early years, but a total of 434 women lost their lives on the way out, including 251 drowned in two shipwrecks. The Amphitrite (33) went ashore on the coast of France and the whole complement of 101 female convicts was drowned. The Neva (35) was an Irish vessel with 150 women on board and she was wrecked on King Island, in Bass Strait, on 13 May 1835 and 145 of her 151 convicts perished.⁽²¹⁾ All the females lost amount to 3.5 per cent of those transported, and if those women drowned in the shipwrecks are deducted, the mortality rate of the women sent out to New South Wales is reduced to 1.5 per cent. One ship was lost not through shipwreck, but because it was seized by the military guard in 1797 and sailed off to a South American port. This was the Lady Shore (97) which had on board two male and 66 female convicts. They were never heard of again.⁽²²⁾

What happened to the women in the sample once they reached Port Jackson is a question that is answerable, in theory, from an inspection of the muster records, though there is no way of proving how accurate they were. How many of the sample were on strength at 1806⁽²³⁾, 18 years after the First Fleet's arrival? There were 107 women in the sample who, had all been alive and in the colony, should have been

21. Bateson, The Convict Ships, pp.226-32.

22. ibid., pp.134-9

23. H.O. 10/36 and 10/37; see Appendix 4 ("The Records") and bibliography for details of other musters and the 1828 Census.

mentioned in that muster. Now a count of the true number transported up to 1806 shows that 75 women died en route theoretically, so that four sample convicts were lost. And allowing for the Lady Shore, it would be expected that 100 women in the sample were in New South Wales in 1806, assuming no deaths. There were 63 women of the 100 listed, of whom one was down as "dead". This means that 37 per cent of the women were missing.

It is unlikely that mortality was quite as severe as this. The population of early New South Wales was not an unhealthy one in terms of diseases, though the severities of the "starvation time" were severe. Some deaths can certainly be assumed, especially as a result of the 1791 Fleet's voyage, and natural deaths must have accounted for some women in the sample. It is perhaps important that of the non-respondents at 1806 all but eight arrived before 1793.

Two other possibilities remain. One is that these missing women were married and recorded under husband's name, and the other is that they had left the colony. The first possibility is almost certainly not true, because all other musters note women under their maiden names and only in 1828 was there a change in the way of recording convict women. How many left the colony is unknown, though the evidence cited in the section dealing with male convicts applies with equal validity to the women, except that there would have been no demand for them to work their passages home in the way the men did. The subject cannot be resolved with satisfaction and remains a matter for speculation.

Before selecting some particular convicts and making general conclusions about the fate of the women prisoners, it will be as well to look briefly at the other musters because either "wastage" in the early years was very high or the 1806 muster grossly inaccurate. Non-response between 1787 and 1806 was, as noted, 37 per cent, but between 1806 and 1811 it was 10 per cent and 60 per cent of all women

transported were in the colony at 1819. However, of those transported between 1811 and 1819, 85 per cent were on strength at 1819; and of those transported between 1806 and 1819, 79 per cent were on strength at 1819. This suggests that it was only during the first six or seven years of the colony's existence that women were lost trace of. After that time, the number of missing persons is small enough to be attributable to death, escapes and perhaps clerical errors in the musters. In 1825 46 per cent of the women transported were on strength.

What can be concluded from the above figures? It seems that, first, there was relatively heavy loss of women to the colony in the years up to 1806 and certainly to 1793 - whether mainly through deaths or escapes or legal departures it is difficult to say. Secondly, after the beginning of the nineteenth century, these losses were reduced and most female felons stayed in the colony. But the figure for 1825 is suspiciously low, though by this time mortality would be making its presence felt because women who came at, say, 1800 would by 1825 have been over 50 years old. Nevertheless, the 1825 muster was probably incomplete. It must be stressed again that inaccurate recording of names or inadvertent recording of married names could lead to qualifications of the above conclusions.

Some indications therefore exist that the number of convict women in early New South Wales was not nearly so great as might have been gathered from the figures of those who left Britain. It is also possible, from the sample, to answer the question, how many convict women married? Up to 1819, 214 convicts in the sample had been transported, and of these, 74 were listed as married or having been married (35 per cent) by 1825. From 1793 (after which date non-response is not too serious a problem) to 1819, 175 women had been transported, and of these 67 were recorded as having married (38 per cent).

These figures must be considered low when the disproportion of the sexes in New South Wales is remembered, and a better test would be to take a period when there is no reason to suppose the records imperfect and establish the marriage rate there. One such period would be 1811 to 1816. If the women who arrived during this period are noted at 1819 and 1821, when they had been in the colony from two to four years, some idea should be gained of how general marriage was.

In this period, 59 women were sent out and at 1819 and 1821, 25 of them (42 per cent) were married. Of the 59, one had died on the way out, and two were in Van Diemen's Land, with their marital status unnoticed. Of the remaining 21 of the 59, six were noted as servants, five as single, six in the Female Factory, two at Newcastle, three "living in Sydney", and nine were not noticed at all. By 1825, 14 more of the group transported 1811-16 were married, and so the figure of marriages goes up to 66 per cent.

Another group considered was the number of women transported in the period 1801-6. There were 38 women in the sample transported during those years and 20 of them were subsequently recorded as married (53 per cent). Of the remainder, two were servants, one dead, one "ticket of leave", one "at Sydney" and one "at Newcastle", and 12 not recorded.

All in all, it is impossible to conclude much from the analysis. There are no grounds for supposing that convict women transported in the period up to 1825 were universally married, and though it appears that about 60 per cent were, this must be regarded as a cautious estimate only. But it seems fair to conclude that marriage rates were not as high as might confidently have been expected in a population so numerically dominated by males.

Whom did the convict women marry? Of the 258 transported up to 1825, 108 (42 per cent) were noted as having married by 1828, but some of these are recorded as "widows" only, and

others do not specify the civil condition of the husband. However, 48 of these women were noted as being married to convicts, five were married to men who came free, and the records of 55 do not supply enough details for a conclusion. The finding suggests that convict married convict when they did take partners, but there are too many doubtful factors - and non-response is far too high - for anything more than tentative conclusions.

Few of the men whom the convict women married appeared as well-to-do, though one was a jeweller⁽²⁴⁾ and another noted in 1828 as a landholder with 79 acres at Wilberforce.⁽²⁵⁾ Other women were married at the date of the first census to such men as boot-makers, policemen and small farmers, but in no case was there a convict woman married to a landed proprietor. Whether any in the sample later married well is unknown.

Particular cases illustrate the progress of convicts in New South Wales, tho' information is exiguous. For instance, a woman transported on the First Fleet was tried in London in 1786 for stealing three and a half guineas. She appeared to be a prostitute, to judge from the trial report. In 1806, she was not mustered but at 1811 appeared "in the colony" and at 1819 as a midwife. In 1825 she was married at Parramatta and in 1828 she was aged 73 and married to an individual who is noted as coming out free per Alexander (87). This man was 75 years old and a householder at Parramatta. In 1825, he was listed as a landholder. No children of the marriage were noted and if the woman in question married between 1819 and 1825, as appears the case, then probably there were no children. But since both were on the First

24. Mary Mullett per Indispensable (95), Southampton (Portsmouth) Assizes, 29.7.94, uxor James Austin per Minerva (99).

25. Mary Page per Experiment (04), Worcs. Assizes, 5.3.03, uxor John Lyons per Atlas (02).

Fleet, it is possible they had married early and that this was omitted from the records. (26)

A second case was of a woman convicted and sentenced to 14 years transportation by Middlesex Gaol Delivery in 1792 for receiving wearing apparel. She was noted as born in London and married. She would have been 48 years of age, if her age in the 1828 census was accurately recorded. She was evidently transported under her married name. The facts as they stand are that she was noted as married in 1806, as a housekeeper in 1819, as employed by her husband in 1821 and as simply married to him at 1825 and 1828. This man evidently came down in the world, because he was a landholder in 1821, an inn-keeper at Richmond in 1825 and a labourer in 1828, holding two acres of ground. There is no record of her or her husband receiving a land grant. (27)

A third case is that of a woman transported for seven years in 1801 for stealing ear-rings. She was servant to a London jeweller and aged 20. She had a Ticket of Leave in 1806 and was living with the man to whom she was later married. In 1811 she was "in the colony", in 1819 a housekeeper and in 1825, married. At 1828 she was aged 44 and her husband was a waterman, aged 73. The couple lived at Cambridge Street, Sydney, and had three children, aged between 14 and 22 years. It is interesting to note the 30 year discrepancy in ages. (28)

A fourth case is that of an Irish woman transported in 1818 for having forged notes in her possession. She was a housekeeper aged 36 and tried in Co. Meath. At 1819 she was

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26. Sarah Burdo per Lady Penryhn (87), M.G.D., 25.10.86, uxor Isaac Archer per Alexander (87), "came free".
27. Mary Randall per Bellona (92)^x, M.G.D., 23.5.92, uxor Paul Randall per Admiral Barrington (91).
28. Susannah Williams per Nile (01), M.G.D., 14.1.01, uxor Thomas Sparks per Neptune (90).

single and living at Sydney, but at 1821 she was married to a man living at Parramatta. He was a stone-mason and had been conditionally pardoned after being transported for life in 1800. Then at 1828 the couple was still at Parramatta, the husband holding 12 acres of land. No children of the marriage were noted. Though there is no apparent difference between the ages of these people, it is noticeable that they were relatively old when they married and that the husband had been in the colony for 20 years before marrying. (29)

A final case noticed was a woman tried in Devon in 1815 and sentenced to 14 years for stealing in a dwelling-house. Her occupation was that of a needle-worker and she was aged 21. In 1819, she had evidently misbehaved because she was in the public factory at Parramatta, but two years later was married to a surgeon at Windsor who had arrived as a prisoner the same year. By 1828, the surgeon was free by servitude and held 720 acres of land at Patrick's Plains. There were four children, but no wife was listed. Presumably she had died or run away from her husband and the colony. It is possible that this marriage was a Parramatta Factory one; it is recorded that men came to the Factory to select a wife, and this woman's marriage followed speedily from her incarceration. Ages of this couple at marriage would have been about 34 for the man and 26 for the woman. (30)

And so more cases could be cited, but there are enough to show the bare outline of facts on which the researcher

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29. Anne Griffith or Griffin per Elizabeth (18), Meath, ? .8.17, uxor John Norris per Royal Admiral (00).
30. Jane Meredith per Mary Anne (15), Devon Assizes, 20.3.15, uxor T. Parment or Parmeter or Parmeton per Fanny (15).

generalises. There are not enough data for the sample to be used very profitably or surely to answer questions about marriage rates and birth-rates of convict women. Two impressions emerge. One is that marriage was by no means universal among the convict women of early New South Wales and that when it did occur, there was likely to be a wide discrepancy between the ages of the parties, or if not, it was likely that they were relatively old when married. It appears that the male convict, if desiring to marry, would be more likely to marry a native-born girl, for he must have known that convict women would not all make the ideal wife. Female convicts, especially those from London, were not the sort of women to attract men into marriage.

CHAPTER XICONCLUSION

"I think that many of those who have been sent out have been driven to commit the offence...through want."(1)

"Drunkenness is the sole procuring cause of transportation in the case of a large proportion of the prison population of these colonies."(2)

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This survey of the origin and character of the convicts has been grounded on a sample of the men and women transported to New South Wales and Van Diemen's Land. That sample led to certain conclusions concerning the characteristics of the prisoners. It has been held that approximately two-thirds of them were tried in England and one third in Ireland. The numbers tried in Scotland and abroad were relatively small. Though the data on place of birth were not complete enough for a firm conclusion, it showed that the figures were not profoundly altered if nationality was reckoned by country of birth.

The male convicts were transported in relatively small numbers up to 1815 but thereafter the annual contingents sent out to Australia increased sharply, reaching a maximum figure in the 1830s. The men transported for life formed approximately a quarter of these convicts. It was however far more common for a felon to receive a seven-year sentence, and every second convict was transported for that minimum period, the number of men sentenced to less than seven years being infinitesimal. Nor was the typical prisoner an "old lag", because the sample showed that the mean age of the prisoners was approximately 25 years. In other words, the convicts were young men by and large and thus it was to be

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1. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, p.294: evidence of Sir George Arthur.
 2. J.D. Lang, Transportation and Colonisation (London, 1837), p.77.

expected that the sample showed well over 50 per cent were single.

Another variable selected in the enquiry was that of former offences, and although many men had no data recorded, it was concluded that certainly half and probably two-thirds or thereabouts had been formerly punished by public justice, generally for forms of larceny.

It would be commonplace to point out the different economic and social backgrounds of England and Ireland during the transportation era, and the enquiry indicated that the Irish differed from the over-all picture of the convicts: they were older than the average felon, included more married men, had not been in trouble with the police so often, were often sent out to Australia for shorter periods of transportation than the English and included in their ranks many more unskilled men than the over-all sample would have led us to believe. But all convict ships, whether from England or Ireland, included men who had, for some reasons, moved from their place of birth. In fact, one man in every three had been tried elsewhere than in the county of his upbringing.

In the same way as the Irish differed from the general run of convicts, so did the English men tried in rural counties, for they included a relatively large number of men transported for life, were slightly older than expected from the over-all sample (though still nearly all under 30), and were mostly agricultural workers. Irish tried outside Dublin and Cork differed more sharply still from the general pattern, for they were older and included more married men. In number of former offences there was a difference too, because the Irish country convict was as likely as not never to have been formerly punished for breaches of the law. Again, it was shown that seven year sentences were common and that it was likely the men concerned, farm labourers as a rule, had not been born in their native county.

But the enquiry indicated that although certain rural convicts differed from the characteristics of the over-all sample, the urban prisoner was nearer to the typical felon sent to Australia. Here it was shown that men from the cities, and especially from London, demanded most attention in the survey. The London-trying men were particularly prominent in the early years of settlement, forming over 25 per cent of the men sent out up to 1809. Also, the urban prisoners included a large number of very young men who had been offenders prior to transportation.

Evidence from the sample indicated that not only were the urban prisoners typically younger than expected, but that the great majority were transported for forms of larceny, though not all by any means for offences which would carry only a small fine today. The offence designated "other larcenies" accounted for approximately one-third of all male prisoners, the great majority of whom were people tried in London, Lancashire, Yorkshire, Surrey and Warwickshire. They were relatively young, included many persons transported for pocket-picking, and were particularly prominent in the early years of transportation up to the 1820s. They sprang almost entirely from the industrial classes.

Other main offences were burglary and housebreaking, animal theft, robbery, and theft of wearing apparel. The burglars and housebreakers differed little from the over-all sample's characteristics and the men transported for the theft of apparel appeared very similar to those sent to Australia for "other larcenies". Men transported for animal theft however included a relatively large number of Irish and English rural convicts, and these were punished severely by life sentences of transportation. They tended to be older than the over-all sample would have led us to believe, and had among them a large number of men who had not been before in trouble with the police. Men transported for robbery did not differ in any profound way from the over-all

sample, but did include more Irish than expected.

There were a number of other numerically minor offences analysed, among them offences of a public nature. Here it was shown that men transported for coining predominated and that many arrived around the year 1820. Other offenders included a disproportionately large number of Irish transported for riots, routs and affrays. Assaults on the person accounted for a large number of Irish transportees too and it was shown how the conditions of life in Ireland led to such offences being committed.

Though the turbulence of Irish rural life during the transportation period is well-documented and well-known, the background of the urban offender, whether from Dublin or the City of Cork, or from the English cities, is more relevant to a general discussion of the origin and character of the convicts. An inadequate police-force, slums and overcrowding gave rise, there is reason to believe, to city conditions nourishing a large criminal fringe of depredators. Though not all were confirmed criminals, the sample and descriptive evidence left little doubt that convicts sent to Australia from the cities included many persistent offenders who were thieves from an early age.

Women convicts were 15 per cent of the total number of prisoners transported to New South Wales and Van Diemen's Land in the period covered by this analysis and the evidence of the sample was that they were also relatively young (though a little older than the men) and had been in trouble with the law in the majority of cases before being transported. Also owing to a city background, they included probably at least 20 per cent who were prostitutes. Accounts of their trials confirmed that many were "on the town" when taken up. Nearly all were domestic servants and transported for forms of larceny. One in every three had been tried in Ireland, and rather more had been born there. Approximately ten per cent were tried in Scotland, principally for larceny

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and a former conviction.

The female prisoners had little to recommend them and in the early years especially they included many Londoners who had led dissolute lives in an Hogarthian capital. The Irish women appeared to be the best of a bad lot. Careers of the women convicts in Australia confirmed the impression that although not surrendering themselves to abandonment completely, they yet were an indifferent group of settlers. Marriage does not appear to have been as high as the discrepancy between the sexes in Australia suggested it would be. However, the records do not permit much speculation although in Van Diemen's Land their careers did not demonstrate that they were irreclaimable.

Nor could the lives of the convict men be followed as closely as might have been desired, but in Van Diemen's Land they were punished, on the average, five times each. One in ten ~~were~~^{was} convicted for serious offences before the superior courts of the colony and another ten per cent appeared never to have been punished at all. There is no reason to suppose the figures for New South Wales were much different though this cannot be shown except by analogy. In the mother colony, the analysis showed that certainly in the years up to the departure of Governor Macquarie, freed convicts settled to trades in many cases. However, again the data ~~does~~ not permit a close analysis. Spectacular success stories were few.

Anyone who is bold enough to generalise about why 150,000 people committed crimes is asking for trouble, though generalisations grounded on secondary sources are most likely to be even more dangerous. The great object of drawing the sample was to base speculation firmly on facts, to set the record straight and to reduce levels of generality as much as possible. This has been done and the complex question remains of why the convicts sent to Australia committed the offences they did.

It is tempting to stray into the field of psychiatry when considering why a certain felon committed the offence which landed him finally on Australian soil, though by a recital of the circumstances of the crime, enough could be shown in some cases to let the facts speak for themselves. There is no true general delinquency or criminal activity - each case is a different one and the motives are different in some respect. And though a man may say why he committed a certain offence, is he telling the truth and does he in fact know why he stole a certain article or assaulted someone, or whatever it was he did? These are deep waters and even if one wished to analyse particular cases in such a comprehensive way, the information is not available. The person is long dead and cannot be cross-examined or interviewed.

What must be borne in mind, therefore, are the characteristics of the majority of the offenders sent to Australia, their age and place of trial and occupation, their former offences. Then an examination can be made of the opinions of criminal law reformers and welfare workers and police, and from these sources and from the prisoners' statements, some common ground may be found. The gentlemen who gave evidence to Parliamentary Committees were of many kinds, and though generally amateurs they were not overnight experts. The views of experienced magistrates, clerks of courts and philanthropists have been quoted throughout this survey from Reports of Parliamentary Committees, members of which turned to these people for the expert opinion they sought.

The sample remains immutable, so let speculation be grounded firmly on it in asking the question, why did the convicts transported to Australia commit crimes? The possible approaches to a most complex problem are many. Perhaps the most logical one is to ask, what crimes were committed?

The crime for which most men were transported was "other larcenies", and there were certain features of this offence which gave a good idea of the sort of person committing it and

being transported to Australia. These features or characteristics of the offenders were three in number: they were youthful, came typically from London, Birmingham, Manchester, Dublin and Liverpool, and had been formerly punished. The questions now become more explicit. What is known of the conditions of life in those cities? They were not all the same, but it is submitted that they had in common that overcrowding, inadequate police force, exploding population and professional body of criminals that was remarked upon by so many observers. Indeed, these characteristics of large cities still exist. It is likely therefore that comments made specifically about London criminals apply with almost equal relevance to the other cities mentioned.

Extent of former offences suggested that these offenders were not new-comers to crime, but there was no common reason for their misbehaviour given by independent observers. For example, one person interested in the welfare of the destitute of the London streets, and in prison discipline, said that the reason for young men taking up a life of crime universally given by them was the influence of bad company, the evil effect of their connection with loose women, and of distress.⁽³⁾ And a witness before a Parliamentary Committee spoke of boys lodging in the open air under the green stalls in Covent Garden because they dared not go home without money.⁽⁴⁾ Another opinion was that they had generally lost one parent⁽⁵⁾ and therefore lacked that firm home control and affection

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3. P.P., Report of the Select Committee on the State of the Gaols 1819 (575) VII, p.164: evidence of Stephen Lushington.
 4. P.P., Report from the Select Committee on the Police of the Metropolis 1828 (533) VI, p.39: evidence of Sir Richard Birnie, chief Magistrate at Bow Street.
 5. P.P., Report of the Select Committee on the State of the Gaols 1819 (575) VII, p.171: evidence of William Crawford.

without which the tendency to roam the streets and get in trouble was always present.

Apart from poor upbringing (for whatever reason) and distress, there were other factors upon which comment was passed. Among these was the problem of unspeakable gaols which had no possible reformatory effect in most cases, and the question of the administration of the criminal law itself, and its practice of condoning a kind of perjury when prosecutors and witnesses were permitted to undervalue stolen goods.

But let the convicts transported for larceny speak for themselves. A man sentenced to seven years transportation ascribed the ruin of youths in London to flash houses, low lodging-places, free concerts and penny rooms. Another blamed his downfall on the fact that he was not favoured with God-fearing parents, and another said he found himself on a convict vessel bound for Australia because after having been apprenticed, he joined wicked companions. A fourth convict, born in a village in Warwickshire, lost both parents, joined a band of musicians and after being gaoled for six months for theft, was finally transported for seven years. And a Welsh prisoner was, he remarked, brought into contact with people who drank too much. Another blamed unemployment for his present unfortunate position.⁽⁶⁾

And so the explanations continue. Backhouse, remarking to a convict that he had found his way to Van Diemen's Land through the door of a public house, was answered by a fervent, "You say right"; and the same observer of convicts in Australia was told by another prisoner that though he had

6. P.P., Second Report from the Select Committee into Gaols and Houses of Correction 1835 (439) XI, p.581: evidence of John Pike, sentenced to seven years transportation. B.C.A. Browning, The Convict Ship and England's Exiles (London, 1847), p. 69, 96, 106, 119-120, 124.

respectable parents, intemperance had led him to join a gang of thieves in Tothill Fields. Another prisoner also blamed his fate on drink: when in Van Diemen's Land, he still thirsted for it, and sold his shirt for liquor and even parted with the skin off his back for it, being several times flogged for drunkenness.⁽⁷⁾

Among these various opinions, there is some common ground which fits the cases cited in preceding chapters, and apparent disagreement among observers can be resolved when the point in the career of the criminal they saw is noted. It should also be remembered that only the individuals who were transported and not all those convicted, concern this enquiry.

The views of a few convicts on why they got transported cannot end the question. Not enough spoke for one thing and for another, the attributing of motive is extremely difficult. Yet there is here emphasis on bad company, temptation and drink. Was not distress, unemployment and poverty the root cause of men getting into trouble with the law? Not according to one prisoner, who said that many prisoners came from Birmingham because of drinking and bad habits caused when wages were paid in a public house, or the wages of several paid together so that they had to visit a public house for change.⁽⁸⁾ And not according to many witnesses before Committees. There was a surprising unanimity about this. Poverty was a very much smaller cause of crime than usually supposed, declared a court recorder with 30 years experience in Birmingham. Scarcely one prisoner in eight, said the governor of Newgate Gaol, committed offences through pressure of want, and the chief magistrate of Bow Street declared that

7. Backhouse, Narrative, p.23.
ibid., pp. 161 ff.
ibid., pp. 492-3.

8. ibid., p.67.

depraved characters caused more crime than want of employment.⁽⁹⁾ If for argument's sake the word of these three is accepted, was there any reason on which agreement appeared?

There does indeed appear a certain amount of agreement though it is tempting to laugh at nineteenth century ideas that offences were caused through "moral destitution", and point out the Calvinist implications of this judgement, especially when the persons advancing it speak of idleness and lack of training.⁽¹⁰⁾ Yet there is something to be said for this view and for understanding what early nineteenth century commentators meant by it. In point of fact, the offenders were "morally destitute", and evidently seldom thieved because of immediate want. But it is the causes of the destitution that interest, because the term, although a useful one, really only implies that persons committed crimes either through original sin or because they were not trained properly. This is hard to disagree with, assuming that the number of mentally unbalanced people among the convicts were few in number (it was very rare that men appeared insane).

If by "lack of training" it is meant that young persons were turned out on the streets of cities when very young by careless and thoughtless parents, or were turned out by criminals to steal, or were being spoilt by indulgent parents, then it could be expected that such people would be regarded as "morally destitute".

That such juveniles were tempted and fell, the secretary

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9. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p.44: evidence of M.D. Hill, recorder of Birmingham.
P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, p.73: evidence of Governor of Newgate Prison.
P.P., Report of the Select Committee on the Police of the Metropolis 1828 (533) VI, p.38: evidence of Sir R. Birnie.
10. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p. 44 ff.: evidence of M.D. Hill, Recorder of Birmingham.

of a society concerned with delinquency found to be the case. Members of his society visited 800 boys in prison and found the causes of their embarking on a life of thieving to be (a) improper conduct of parents, (b) the want of education, (c) the want of suitable employment, (d) violation of the Sabbath, (e) gambling in the public streets.⁽¹¹⁾

As regards the juvenile prisoners who formed such a proportion of those transported for "other larcenies", this point of "improper conduct of parents" seems a fair one. If the persons are ignored who, through some unexplained reason, suddenly committed an offence though brought up well, there can be no doubt that parental control and example must have been most important in keeping children out of the courts.

Let it be presumed that parental control was lacking or non-existent. Of course, the child concerned could grow up, however roughly, without committing crimes. This could be due to innate revulsion at committing breaches of the law, or through lack of bad examples, or through lack of temptation. The latter two were super-abundant in the towns and cities of Britain during the height of the transportation era. The question now comes down to why parents should have neglected their children.

As a partial answer, the Recorder of Birmingham gave evidence in 1852 to a Parliamentary Committee in which he listed the following classes of children as liable to crime: (a) the children of criminals, (b) illegitimate children, (c) orphans, (d) children of the very poor.⁽¹²⁾ This list is a very interesting one, for all these classes of juveniles

11. P.P., Second Report from the Committee on the State of the Police of the Metropolis 1817 (484) VII, p.429:
evidence of William Crawford.

12. P.P., Report from the Select Committee on Criminal and Destitute Juveniles 1852 (in 515) VII, p. 44 ff.:
evidence of M.D. Hill, Recorder of Birmingham.

could likely have committed offences through lack of parental control, one of the very important reasons for the commission of offences against the law. What proportion of "other larcenies" was committed by convicts because of lack of parental control or through its non-existence, there is no way of finding out. But the evidence is overwhelming that there existed a professional class of thieves who taught children, not always their own but waifs and strays, how to pick pockets. Oliver Twist is only partly a work of fiction there is too much reason to believe.

This brings up another class of neglected child - the illegitimates and orphans. Again, it is not known how many thieves were of this description, but there must have been some brought up by foster-parents who did not take much interest in them.

Finally, to what extent were "children of the very poor" liable to be sent to Australia from the cities for thieving? This raises the whole question of poverty as a source of crime, and although it has been seen that witnesses decried the effect of poverty, the subject must be looked into more closely. Before this is done, the other three main causes of crime can be set down viz. the want of education, violation of the Sabbath and gambling in the public streets. The latter two are rather manifestations of neglect by parents or guardians, and should properly be regarded not as fundamental causes of crime. As to want of education, this is a big question. There is a correlation between degree of education and criminal activity, and in the early nineteenth century it seems fair to say that compulsory education would have been effective in keeping children off the streets. However, by want of education, one suspects that the witness meant moral education, to be imparted at home or by some organisation.

The "want of suitable employment" and "children of the very poor" were two phrases which can be here treated as one.

Those who said that poverty was a cause of transportation were both right and wrong, because there is a difference between the immediate and fundamental causes of an offence. For instance, there are plenty of examples of pocket picking and the theft of all sorts of objects, for which it is impossible that want was the immediate cause. No one steals a barrel, which turns out to have oysters in it, because he is hungry, and this is what the observers of the day remarked. However, the person could have stolen the barrel with the object of getting money by selling it, and there is a strong case to be made out that though theft was not for immediate gain, the aim was to sell the stolen object and use the money to keep body and soul together, and then to have a good time.

Once the youthful thief had started leading a double life by thieving part time while he was an apprentice, or fell in with gangs of thieves and committed offences professionally, there were plenty of opportunities for him to continue. Among these were the want of an effective police force till Peel's police in 1829 in London, the vicious system of rewards which led police officers to overlook minor depredations, the prevalence of receivers of stolen property, the number of "flash" houses which studded London around the City, and the existence of cheap lodging-houses which harboured at least semi-criminal if not fully-criminal people. As persons who had been in prison said, these lodging-houses were calculated only to encourage immorality and crime, especially among the young.

Why were people poor and miserable? Some chose to be so. The youth who ran away from a good position because he wanted adventure in London did not do so because his parents were necessarily poverty-stricken. The fact of the matter is that there is not enough known about the sample convicts to give a firm answer to the question, why did they commit "other larcenies". Carelessness on the part of parents and poverty have been advanced as two causes which could lead the

potential convict to a position where he would steal. These were the necessary conditions for most of the convicts to find their way to Australia.

It was not however so much individual poverty that bred an atmosphere of lawlessness, as its concentration. Together with crowded conditions and the other factors mentioned, such as inadequate policing of the law, poverty may be regarded as a cause of crime which led to transportation. There is little doubt that only the few adventure-minded youths chose to live in the way they did in St. Giles's lodging-houses. For the rest, they were victims of the time. As a police magistrate said at the end of the eighteenth century, the increase in crime "may fairly be attributed to the demand for labour being much less than the supply, and from the greater number of depraved characters...periodically discharged".⁽¹³⁾ It is noticeable that such an experienced magistrate as Patrick Colquhoun felt unable to explain crime in terms of one cause only.

The explanations of why convicts committed larceny apply with almost equal relevance to other forms of crime such as housebreaking and burglary. There is a difference however in that the burglar would probably act with more premeditation; he would be a more determined man than the pickpocket who acted on impulse and purloined a tempting watch. That such offences reflected a more serious hurt to the community than did petty larceny is recognised in the severity of the punishment. Why did men commit burglaries or break into houses in daylight?

Some convicts spoke out about this, and there is no reason to suppose that initial parental carelessness or

13. P.P., Report from the Select Committee on Criminal Laws 1819 (585) VIII, p.67: evidence of Patrick Colquhoun, 40 years a magistrate.

individual misfortune did not start the felon on the road to transportation. There could be a strong case made out that chance alone, i.e. the sort of person he first encountered, directed the potential Australian convict to burglary or housebreaking; crime was, at least in London, highly specialised. There was a certain inevitability about the law-breaker's progress once he started and tasted the sweets of easy money.

In the cases of "other larcenies" and housebreaking and burglary, some attempt has been made to show why these crimes were committed by the convicts who were sent to Australia, but human motive is not easily or conveniently analysed. Ideally, each individual case should be analysed, a motive allotted, cases and motives counted, and a conclusion drawn. But the records seldom hint at motive; it is a subjective judgement usually. Nevertheless, the quantitative findings of the sample emphasise that want was not the immediate cause of conviction and transportation, though it played a part in creating the necessary conditions for commission of crimes to become a possibility.

Respecting the two offences which caused most convicts to be transported, then, it appears that parental indifference and poverty were at the root of reasons for transportation. The parent innured to a semi-criminal existence himself, or who was unable to look after his children because he had to work very long hours to earn enough to live, probably neglected his children because of poverty. Yet this charitable explanation does not fit all convicts. There is evidence that some at least were no more or less than "wasters".

It will not be necessary to speculate very much about why the two offences under review were committed in the country. Some indications have been given earlier of the conditions of agricultural workers, and there is firmer ground for supposing that poverty was a much more direct cause

of criminal acts. Especially in the case of Ireland did this appear so. In England too some convicts committed offences as an indirect result of the agricultural distress in the period after the struggle with Napoleon had ended. For instance, one youthful prisoner said that he committed a theft because his father, an agricultural labourer with 10 children, had no money, and an observer thought that the increase in crime was due to distress among the farm workers, together with "vicious habits" created by poaching, which was in turn stimulated by the great increase in game. In some parishes unemployment was so widespread that in the late 1820s single men were not employed at all by farmers.⁽¹⁴⁾ Another person, a farmer who owned 500 acres of land at Guildford, said in 1836 that crime had increased to his knowledge in the country because there was more unemployment, and because men given relief were "all thrown together into gravel pits and stone pits" to work, and thus were enabled to murmur and plot mischief.⁽¹⁵⁾

But not all country convicts were victims of the hard times. Approximately one third of all the prisoners in the sample had been born outside the county in which they were tried and though there is no information from the lips of the convicts themselves as to why they were on the move, descriptive evidence shows that some of them were not travelling because they were compelled to do so in order to earn a living: one convict admitted to the surgeon-superintendent that "I was what might be called a travelling thief".⁽¹⁶⁾

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14. P.P., First Report from the Select Committee into Gaols and Houses of Correction 1835 (438) XI, pp.336-7.
P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-7 (534) VI, p.31:
 evidence of Rev. Dr. Hunt, a Bedford magistrate.
15. P.P., First Report from the Select Committee on Agriculture 1836 (79) VIII Part 1, p.155: evidence of G. Smallpiece.
16. Browning, The Convict Ship, p.55.

And a similar person made a detailed statement of his life which is most relevant here, pertaining as it does to men who were transported.

This man began his statement by remarking that if he spoke in the cant of his brotherhood, the listener would be no more able to understand him than if he spoke a foreign language. He then, without hesitation, listed all the fairs and "statties" (fairs held by statute where servants were hired) which he followed up and down the country. He had started in Manchester with two other young men who had each received a transportation sentence for theft, and who "had been at it for eight or nine years" (i.e. had been thieving). He had then proceeded to Leek Fair with a young man from Kidderminster, who was subsequently transported for stealing a piece of cloth. Two other accomplices were later transported for stealing wet linen, and another yet again for pocket picking at Leicester cheese fair. This thief then went on to York "statties", remarking that most thieves worked in what he called "mobs". There was on hand at York, he said, that most important person in the world of law-breakers, a "fence" or receiver of stolen property. This man went about the country with his wife ("since transported") and a horse and cart, and had been seen in three different disguises in one day at Boston. Most travelling thieves, disclosed this man, assumed the countryman's dress - green smock-coats for Wiltshire, Somerset and Gloucestershire; blue and drab for Nottinghamshire and the Midland counties; and whites and drabs in Staffordshire and Lincolnshire. "Jerry-shops" were started up by thieves for the accommodation of their friends, he asserted. Such proprietors were sometimes transported, including one at Chester, "who had gone 16 or 17 years, and used to boast that the ship was never made, nor the wood grown to make one that would carry him over the water

'lagged' (ironed)".⁽¹⁷⁾

But there is no way of knowing how many of the convicts in the sample were travelling thieves, though they existed. For instance, in Northumberland at the end of the 1830s of 2,168 prisoners tried by jury or magistrates, 261 were stated to be strangers to the town, or trampers travelling the country. Twenty-five per cent of the total number committed to trial were strangers, and 10 per cent of the men summarily convicted.⁽¹⁸⁾

Other sorts of offences need not be commented upon at length. Earlier conclusions were directed towards Irish agrarian offences and it was shown that a climate of lawlessness and rural distress made the Irish convict from the country rather a different sort of person than his town brother. Nevertheless, doubtless the Irish countryside had its quota of men for whom crime would have been attractive, famine or no famine, evictions or no evictions. But evidence suggests that the Irish countryman sent to Australia was not innured to crime in the same way as the city thief.

Of offences against the person, little also can be said. These men explained their actions in a good deal of detail. In the case of the Irish, once again land troubles and local family feuds were prominent as a cause of assaults, and it is difficult to have much sympathy with convicts who beat people almost to death, no matter what the provocation, and despite the fact that there was no evidence of malice aforethought.

There were so few political offenders that they are scarcely worth troubling about among the mass of convicts, but their motives were clear in most cases.

Running through all the above discussion of reasons why

17. P.P., Report of the Constabulary Force Commissioners 1839 (169) XIX, pp.23-9.

18. "Journal of the Statistical Society of London", 1839, pp. 324-6.

men committed offences is an intriguing question, and that is, how many convicts tried to get transported? If it can be proved that this number was substantial, then some conclusions must fall to the ground because the main-spring of a criminal act must be of importance.

Accounts of this aspect of the enquiry into the origins and character of the convicts are contradictory. Although there were a few statements made by Van Diemen's Land men that they had tried to get to Australia, such admissions number no more than five. Typical of these few was the statement of a man transported for stealing a parcel out of a cart and who was noted as having been before transported. This he denied: "I said that to get transported."⁽¹⁹⁾ But statements by convicts are available for Van Diemen's Land only, and there is of course no reason for a convict to admit that he wished to be transported. What evidence is there by those who should have known that there was a wish for transportation?

In 1812 evidence was given that it was necessary for the safety of the hulks to remove those who had been guilty of the most atrocious crimes. Because the same man said in 1819 that only about one third of those on the hulks would undergo the full extent of transportation to Australia⁽²⁰⁾, it appears that the convict determined upon transportation would have to commit an offence for which he would not be hanged, and behave in such a way on the hulks that his superiors would be glad to be rid of him. All in all, courting transportation must have been a risky business and the man concerned would have to misbehave even to get to some of the

19. Robert Jones per Governor Ready (27)^x, M.G.D., 7.10.26.

20. P.P., Report of the Select Committee on Transportation 1812 (341) II, p.649: evidence of J.H. Capper.
P.P., Report from the Select Committee on the State of the Gaols 1819 (575) VII, pp.299-300: evidence of J.H. Capper.

hulks, for it is noteworthy that in 1822 it was said that the hulks were receptacles for the worst characters.⁽²¹⁾

Hulk officials, questioned in 1835, said that convicts had a general wish for transportation, and a boy aged 10 announced that he would like to go to Australia although he had heard that they used to work in chains and "that those who had good characters were sold to Masters". Another person, a chaplain at Millbank Penitentiary, said he found some men anxious to be off because they conceived they would get into good positions and get good masters. The Governor of Newgate Gaol declared that men did not dread transportation and that 19 out of 20 were glad to go, and a prisoner sentenced to seven years transportation said that in his experience his fellows did not fear transportation except for two men who had been out before. Some country offenders, as well as those in the towns, were not deterred by transportation said one Bedfordshire magistrate: letters from men in New South Wales as prisoners made the people at home very careless about transportation, and the witness saw one letter from a Bedford man sent to Australia who was now the owner of a large estate.⁽²²⁾

But contrary views were held by the Keeper of Newgate. He said that persons sentenced to transportation dreaded it, and used every means in their power to stay in the country, and behaved well for that purpose. An Australian resident

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21. H.R.A., I x 618, Brisbane to Bathurst, 4.2.22 (encl.)
22. P.P., Second Report from the Select Committee into Gaols and Houses of Correction 1835 (439) XI, p.673: evidence of Samuel Owen.
ibid., pp.676-7: evidence of Samuel Ogilby, a prisoner
ibid., First Report, 1835 (438) XI, p.61: evidence of Rev. W. Russell.
ibid., p.306: evidence of W.W.Cope.
ibid., Second Report, p.508: evidence of Thomas Dexter, sentenced to seven years transportation.
P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-7 (557) VI, p.41: evidence of Rev. Dr. Hunt.

thought otherwise yet again; he was in no doubt that men committed offences to get sent out, fancying it was an easy life. Governor Arthur contradicted him. He did not think any convict got himself deliberately transported: "if it had operated to any extent I must have heard of it".⁽²³⁾

And so the difference in views goes on, and there is no way of proving the matter one way or the other. Obviously all these commentators could speak only from their own experience, which might have been extensive or limited. It would be more rewarding to regard the subject as one concerning the two groups of convicts distinguished in earlier chapters viz. English and Irish. There are grounds for supposing that the Irish would fear transportation more than the English, being not so accustomed to crime by and large and probably more attached to their families, for it has been shown that the Irish were older than the English and included more married men. The Lord-Lieutenant of Ireland summed up the differences between English and Irish convicts when he commented that transportation had been viewed with the greatest terror by the Irish, and the severance of home ties, except where starvation was the alternative to transportation, had been regarded with more fear than any term of imprisonment.⁽²⁴⁾

But a neat division between the two nationalities oversimplifies the case. Who can doubt that the Dublin thief thought differently of transportation than the married man

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23. P.P., Report from the Select Committee on the Police of the Metropolis 1828 (533) VI, p.53: evidence of John Wontner, Keeper of Newgate Prison.
P.P., Report from the Select Committee on Secondary Punishments 1831-2 (547) VII, p.592: evidence of Lt.-Col. Henry Gillman, commandant of an Australian penal settlement.
P.P., Report of the Select Committee on Transportation 1837 (518) XIX, p.294: evidence of Sir George Arthur.
24. P.P., Further Correspondence on the subject of convict discipline 1850 (1153) XLV, p.103: sub-enclosure in Encl. 3 in No.7.

with a family in Co. Sligo transported for a fight concerning a piece of land, or that the man of Kent transported for machine-breaking did not look upon his fate rather differently than a 15 year old pickpocket from London previously in trouble more times than he could remember? There is little evidence that men tried to be transported, and what a prisoner said to his fellow-prisoners after he was in gaol is not a very safe guide to his actions and thoughts before apprehension. The town thief was probably not deterred by transportation, but when he was caught and transported, he made the best of his fate. Wakefield records hearing transported men in Newgate looking forward to going out to Botany Bay⁽²⁵⁾ but this was when they were not in a position to do anything else.

The man who committed an offence through need or in desperation, and who had not been imprisoned before would be the man to dread transportation when awaiting his trial, not the man whose life consisted of constant risk of such a fate. As was pronounced in 1837, the London thieves did not worry about transportation, but the agricultural workers entertained a vague and ignorant horror of it.⁽²⁶⁾

Evidence of offences committed in Van Diemen's Land also bears upon the question of the character of the convicts. That evidence did not demonstrate that convicts were vicious criminals incapable of reformation or unable to cease their criminal activity. There is no evidence in the enquiry that Australia received an element of the British population which was incapable of work or intelligent activity.

Finally, a factor of profound importance in assessing the convict system must be remembered. That is, that given a

25. E.G. Wakefield, Facts Relating to the Punishment of Death in the Metropolis (London, 1832), pp. 190, 195.

26. P.P., Report from the Select Committee on Transportation 1837-8 (669) XXII, p.20.

ship-load of men who gave every indication in their home land of being desperate men, or persistent criminals at least, the change in their circumstances when transported must have been of tremendous importance. Being uprooted from old haunts and companions, good or bad, shipped around the world, and set down as a shepherd on a sheep station, must have been a salutary shock to all convicts. There is evidence, at least in Van Diemen's Land, that this shock-treatment was not unsuccessful and that despite bad masters and the stresses and strains of life in a penal colony, the 25 year old convict, though addicted to the bottle more than his free fellows, nevertheless was presented with a golden opportunity to make a fresh start. It could be done and it was done. Backsliders and vicious criminals there were, but the abundance of hard work, the relative abundance of food and the lack of temptations "up country" all tended to favour redemption. That he probably remained a bachelor and eked out his last days in a Home, or lived in a humpy doing odd jobs, or remained a jealous and crotchety old retainer to a landed family, was not altogether his fault, but a factor explained by the demographic history of Australia. Given the severity of transportation, and a bad master, it must still be asked of the convict, what would have become of him in Britain had he stayed after being in prison? Would he have spent his life in and out of gaol or would he have emigrated? Or would he have died in the work-house?

At the beginning of this survey two views of the convicts were quoted. One said they were "village Hampdens" and the other said that they were "ne'er-do-wells from the city slums". If the Hampdens are placed at one end of a scale and the ne'er-do-wells at the other, the answer to the question must lie in the middle, but rather favouring the ne'er-do-wells.

APPENDICES

APPENDIX I

Sampling and Statistics

To explain fully the use of tests of statistical significance would take too much space, but briefly, when comparing the observed and expected frequency of variables, a Null Hypothesis is postulated. This hypothesis assumes that any divergence between observed and expected frequencies may be attributed to chance. When the Chi-squared test of significance demonstrates that the probability of a difference from the anticipated frequency could occur by chance only once in 20 times, that difference is termed significant at the five per cent level i.e. it is considered that there may be an association between the variables other than that due to chance. When the test shows that chance could account for the difference between expected and observed frequencies once in 100 times, or more, that difference is termed highly significant at the one per cent level. The word "significant" is used throughout in this specialised way.

Consider the following example. Say there were 3,000 English convicts in the sample and 1,000 Irish, making a total of 4,000 men altogether. The men who stole animals are being investigated and it is desired to know whether the Irish were more likely to be convicted and transported for this than expected. There were 400 such men all-told transported for stealing animals, and 200 were English and 200 Irish, making a total of 400 animal thieves. This figure of 200 is the observed frequency of Irish, but the expected frequency in this case is clearly 100 Irish and 300 English, if the men transported for stealing animals were distributed proportionately, as would be expected if there were no relationship between nationality and animal thieves among the convicts. Having ascertained the observed frequency, we have to ask: what is the probability of such a difference from the expected frequency arising by chance? To discover this, the Null Hypothesis is postulated i.e. there is no (null) difference between the two sets of figures that cannot be explained away by chance alone; that is to say, there is nothing intrinsic about "Irishness" among the prisoners that made them more prone to steal animals than the English, though it certainly appears from the figures of the sample that the number of Irish is much high^{er} than expected, thus demonstrating the probability of an association between the variables of nationality and animal theft. The Chi-squared test shows that the probability of such a difference between observed and expected frequencies could arise by chance only once in some thousands of times. It is possible to be on fairly firm ground therefore to conclude that some other factor or factors apart from chance are involved in the association between men tried in Ireland and those who stole animals. Such a result would be expressed by stating that the Irish who stole animals were more than expected to a highly significant level.

Thus observed frequencies would, as they approached nearer to the "perfect" relationship of 100 Irish and 300 English, be attributable less and less to chance. Where is the line between chance and other relationships drawn? Throughout, the chance of one in 20 and one in 100 have been adopted as sign-posts that causal relationships appear likely, but there is nothing magical about these points.

But an association that is significant in the statistical sense may not be significant in the ordinary meaning of the word. For instance, there could appear a relationship between a man's height and the number of his previous offences. Unless there could be found other evidence that made such an apparently nonsensical association worth considering, we should be justified in discarding

it. Common-sense and knowledge of the subject must come first in assessments. The statistical technique described should be viewed as pointing to lines of investigation.

Reference is made throughout to non-response. The term means that the convict or convicts in question did not have certain data recorded. It is clear that providing non-response is not too high, it will not affect very much a test of significance, particularly if the value of Chi-squared is very high and the result very significant. If, however, non-response is high, it will vitiate tests of significance, for it must be allowed that all the non-respondents fall into one category and are not distributed proportionately. It is generally (and particularly in an enquiry of this character) more reasonable than not to assume non-response proportionately distributed, and this assumption has been usually followed because there appeared no reason to suppose anything else. However, where the number of non-respondents was high, this has been pointed out. Tests of significance conducted in these circumstances should be regarded as general indications only.⁽¹⁾

Totals which are statistically significant have been asterisked in the Appendix Tables. Values of Chi-squared greater than 10.8 (a probability of one in a thousand) have not been entered in the tables. Only two-way tests (i.e. tests with one degree of freedom) were conducted throughout. In these circumstances, the five per cent level of significance is 3.841 and the one per cent level 6.635. A few Chi-squared values have been included in the text because it was inconvenient to place them in the tables without ambiguity.

The magnitude of the variables selected for analysis was unknown before the sample was conducted, and therefore there was no way of knowing what sample size to draw. Five per cent of the total number of convicts was chosen because it was the largest considered possible in the time permitted for the survey.

1. For the theory of sampling see Frank Yates, Sampling Methods for Censuses and Surveys (London, 1949); P.H. Karmel, Applied Statistics for Economists : a course in statistical methods (Melbourne, 1957); M.J. Moroney, Facts from Figures (London, 1958).

APPENDIX 2

Some Numerically Minor Offences

(a) The first group of these crimes are forms of theft. One was receiving for which 97 men in the total sample were transported, 23 of whom were tried in Ireland. Most cases brought to notice nothing remarkable although a number of Van Diemen's Land convicts admitted to theft and not to receiving. The nature of the offences was typified by reception of two stolen guns, a gold ring, eight sovereigns "stolen from a sailor", a hinge from a gate, three boxes of plate glass, shirts, and plate valued at £50.⁽¹⁾ The types of offences resembled closely those described under the heading of "other larcenies". A reported case makes this clearer, for the prisoner was in fact charged with theft of 41 yards of doeskin.

This case was tried in London and according to police evidence the prisoner, who kept a second-hand clothes shop in Field Lane and was well known to the police, was seen coming along Holborn Hill, carrying a bag. When he was accosted, he said that the bag contained trousering stuff which he had bought an hour before from a stranger in Oxford Street. He then tried to bribe the officers, upon which they took him into custody. At this, the prisoner called out to a man to come and help him, but the man refused, being known to both policemen. The prisoner then broke free and fled down Farringdon Street, the officers chasing him. When he was caught, he commenced to attack one officer and poked him in the eye with an umbrella. The property was identified as of a very peculiar pattern of which there were only two other samples in London. This had been placed at the door of a shop in Oxford Street.

Judah Solomons then gave evidence supporting the prisoner, saying that he too had been offered a piece of similar stuff. Fifteen witnesses gave the prisoner a character, but it appeared that only one of them knew where he lived. The jury was out four and a half hours and then returned a verdict of guilty of receiving, the second count in the indictment. Passing of sentence was postponed because the police intended to tell of the prisoner's career, and they recounted that his premises were open at all hours of the night and that thieves were calling continually. The house was the resort of thieves and returned transports, said Inspector Brennan. The prisoner was transported for 10 years. Indent details noted that he was 35, married with five children ("wife Catherine at Holborn"), born in Spitalfields, and following the calling of dealer. He said he was transported for receiving doeskins, and prosecuted by Harvey and Bartum, Holborn. (In the account of the trial, the property was said to be owned by Joseph Bartram and others).⁽²⁾

Another case of receiving was that of a man transported in 1807. Tried in London, he was a tobacconist and "head borough" of St. Luke's. He was transported for receiving 130 yards of printed cotton.⁽³⁾

So slight are the numbers involved that embezzlement (34 men),

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1. George Morgan per Maria Soames (50)*, Plymouth Q.S., 10.4.48.
John Phillips (2) per David Clark (41)*, Somerset Assizes, 2.4.40.
Henry Kennedy per Palmyra (46)*, Kent (St. Augustine's) Q.S., 6.1.46.
Daniel Downey per Hyderabad (49)*, Antrim, 6.4.47.
George Kimbley per Rodney (51)*, C.C.C., 18.12.48.
James Breslin per Navarino (42)*, Fermanagh, 24.6.42.
Christopher Tyndall per Constant (43)*, Dublin, 6.2.43.
 2. Joshua Simmons per Earl St. Vincent (52)*, C.C.C., 20.8.49;
The Times, 24-25.8.49.
 3. Robert Cable per Duke of Portland (07), M.G.D., 30.10.05; O.B.S.P.

forgery (35) and stealing by a trick or fraud (41) will be inspected together. In what way did these men find themselves on convict ships? One individual, a brewer who was employed as a schoolmaster on the way out, said his offence was forging a Bill of Exchange on Sampson Hanbury, a brewer, for £405. He had forged the signature only to have this discovered by the bankers. It is a coincidence that this man's offence was recorded in a Return reproduced in Parliamentary Papers. This record confirms the truth of his statement, recording that he was "committed from the Mansion House, charged with forgery and uttering a Bill of Exchange for £405, dated 13.9.32, and purporting to be drawn by Miss Mary Ann Bloom, of Walsingham, upon and accepted by Mr. Coke, of Holkham, Norfolk, and indorsed by Mr. Sampson Hanbury, all whose names were forged." (4)

Another London man, tried in 1840, convicted of forging and uttering a Bill for £25, blamed his fate on the pernicious influence of bad company, and added that his father was an "East India Company owner". A third forger said that "It was uttering forged cheques, signed L. Stanhope, second son of the Earl of Harrington. My mother lives on her means." (5)

Among the more unusual occupations for convicts to own to, there was a gentleman's servant. Convicted of forgery, he said with no other explanation, "I was A.W.L. and hearing that I was inquired for, I absconded." There was also a master mariner transported for forging a bill of lading, and a bookbinder explained that, "It was forging a false entry in a ledger for the order of some marble paper; prosecutor John Wright; I was his traveller...I did it for the commission of £2.15.0. My salary was £150 p.a." (6)

Three surgeons were transported for forgery. One of them said that his offence was "forgery on my trustee, the Clerk of the Peace for Dorset", and another was transported for 10 years for delivering an order of £30 knowing it to be forged. This last-mentioned case was an interesting one. The prisoner claimed to have a Diploma when he arrived in Australia, but a note on his record stated that the Home authorities believed certificates he had concerning his former position were false. To further confuse the issue of civil status, the prisoner stated that he was on leave from his Regiment when taken up, that he was commissioned a Captain in the 41st and 16th Regiments, and further that his wife Catherine was now with her father Sir Thomas Neane at Blackheath, and that his brother was with (or identical with, the entry is ambiguous) Sir William Henry Gordoin, in the 17th Lancers. There were other facts of his career however that this man did not divulge to the colonial interrogators.

A Press account of his trial had him a married man with three children, and with having represented himself as single, then gaining the affection of Thomas Wright's daughter whilst in Scarborough. He then presented himself to Wright as the husband of his daughter, whom he had deceived into believing she was married to him by special licence, and as being in the army with agents residing in Pall Mall. He then obtained £30 from Wright by forging an order. The prisoner told the court that he pleaded guilty to the

4. Robert Spencer per Isabella (33)*, L.G.D., 14.2.33.

P.P., Statements on Criminal Law 1837 (195) XVIII, p. 129

5. Thomas Heucher per Lord Lyndoch (40)*, C.C.C., 3.2.40.
George Haig per Woodford (28)*, L.G.D., 13.9.27.

6. Robert Abercromby McKay per Lady Kennaway (34)*, Aberdeen C.J., 30.4.34.
Constatine Asquith per Oriental Queen (52)*, C.C.C., 2.7.49
Thomas Moore per Equestrian (44)*, C.C.C., 23.10.43.

charge, and appealed for the sentence of death to be passed upon him, as everybody he held dear now wished him dead. He was not gratified with the object of his desire but transported for 10 years. (7)

One prisoner was noted as a cotton manufacturer, and Gaol Reports noted that he had been in an extensive line of business and was regarded highly by all his acquaintances. He did not elaborate on his offence. Another forger said "it was £600 on five Bills.... I was carrying on for two years." (8)

A few cases of embezzlement included that of a man on the first vessel to take convicts to Van Diemen's Land. He was an attorney's clerk convicted of embezzling £400. Other cases were those of a felon who stated that his offence was embezzling £11.10.0 which had been paid to him for cattle; another said that he had embezzled £27 while a clerk of the county court at Deal, and a third man said that he dishonestly obtained £28 from the Midland Railway Company. The most spectacular case, in terms of money involved, was that of a man tried in India. He was a clerk and said that the cause of his transportation was embezzlement of £40,000. He had, it was noted, been Captain and Paymaster in the 15th Regiment for seven years. (9)

A handful of convicts was transported for stealing by a trick or by fraud. For example, a clerk in London stated that he had delivered letters and received the postage as postman. An Irishman obtained enlistment money by improperly enlisting for a second time, and another man secured the sum of 7/6 when a person gave him that for repairing his watch, whereupon the prisoner spent it instead of giving it to the watch repairer. (10) Among other offences were those of "fraudently obtaining subsistence as a deserter", personating a seaman to gain prize money, and obtaining a barrel of salt petre by false pretences. A man transported in 1791 for seven years gained possession of 12 brass cocks by pretending that they were for his master, and another Londoner earned an income by pretending to women that he had enough influence at the Home Office to secure pardons for husbands who were lodged in gaol. He conducted his own defence very ably. (11)

This group of convicts were probably cleverer than any other. They included a large number of clerks and literate and skilled men who could be expected to fill unusual roles indeed for convicts in Australia, but they also included no small number of con-men.

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7. Robert Lews per Lord William Bentinck (32)*, M.G.D., 5.1.32.
William Hay Gibson per Equestrian (52)*, Durham Assizes, 27.2.49;
The Durham Advertiser, 2.3.49.
 8. John Armistead per Morley (22)*, Yorks. Assizes, 9.3.22.
Edward Cooney per Layton (39)*, C.C.C., 22.10.38.
 9. Jeremiah Emblin per Calcutta (03)*, L.G.D., 14.7.02.
Edward Hayes per North Briton (42)*, King's Co., 24.6.42.
Robert Turner per Aboukir (51)*, Deal Q.S., 30.3.49.
Richard Green per William Jardine (50)*, Derby Q.S., 27.6.48.
Henry Routh per Tenasserim (44)*, Bombay (?), 20.8.43.
 10. Thomas Littler per Stakesby (33)*, Mdx. S.P., 11.2.33.
James Burns (1) per Orator (43)*, Longford, 1.3.43.
John King per Berossa (44)*, Nottinham (Town) Assizes, 15.3.44.
 11. William Kinsila per Blenheim (39), Kildare, 27.3.39.
John Coin per General Hewart (13), Kent Assizes, 15.3.13.
Thomas Egan per Glory (18), L.G.D., 17.9.17.
William Henry Wimpery per Third Fleet (91), L.G.D., 14.4.90; O.B.S.P.
Jordan Wain per Royal Admiral (92), L.G.D., 7.12.91; O.B.S.P.

(b) Now considered will be offences loosely grouped as attacks on property, other than those already surveyed. These remaining offences are the criminal acts of wilful destruction and poaching.

Forty-nine men in the sample total of 6,131 were transported for wilful destruction and 13 of them were tried in Ireland. It is to the English convicts that most attention should therefore be directed. No less than 20 were sent out in the single year of 1831 for machine-breaking. Of these men, little need be said here for they have attracted some attention on the one hand, and on the other because they were so few in number when it is remembered how many men there were transported. Counties of trial of these men were Buckinghamshire, Hampshire, Huntingdonshire, Wiltshire, Sussex, Norfolk, Gloucestershire, Kent and Berkshire. One man was a late-comer in the field, arriving in 1833 from Cambridgeshire for machine-breaking. The men themselves added little to the charge in way of explanation upon arrival in Van Diemen's Land. Nearly all were farm workers, though there was a wheel-wright, a carpenter, two grooms and a tanner. Some men admitted to earlier offences, one having received "one day for stolen wood", and another three months and one month (twice) in gaol for poaching, and one month for trespassing. (12)

Fourteen of the remainder of this batch of prisoners were put on ships for Australia because they committed arson. Some of them had set fire to stacks of hay. For instance, a man tried in London in 1847 (the only man transported for arson to be tried in the Metropolis) claimed that the stack of hay was valued at £200 but that he was drunk at the time of the blaze. (13)

Others were convicted of arson in Dorset, where a stack of wheat was burnt, and in Somerset, where three stacks of wheat were similarly destroyed. Hay was also burnt in Essex and in Cork. Further fires were started deliberately in Nottinghamshire, Cambridgeshire, Longford, Waterford, Cork, Limerick and Edinburgh. (14) Though no reason was given by any of the men in the sample for their activities, it would not be rash to suggest that some were caused by agricultural distress and a feeling of revenge on the part of those suffering through low wages or unemployment, though some fires could have been the result of quarrels about other matters. In Ireland in 1846, for instance, the following were some of the supposed causes of incendiary fires: having dispossessed some tenants, having sold con-acre potatoes, a dispute about land, and having raised the price of potatoes. (15)

A few convicts killed animals or maimed them. The only case of hamstringing was that of an Irishman charged with houghing sheep. His brother and father were on board the convict vessel for the same offence. (16) Men who were indicted for killing animals generally declared that they had stolen, not killed, the livestock concerned, usually sheep, though in one case a man was transported for killing a horse. (17) Of the nine in the sample concerned, four were Irish and five English.

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12. See Hammond, The Village Labourer, chapter XI, for an account. James Kidman per Aurora (33), Cambs. Q.S., 12.4.33.
John Whitebread per Eliza (31)*, Southampton S.G.D., 18.12.30.
James House per Eliza (31)*, Wilts. S.G.D., 27.12.30.
13. John Hobbs per Earl St. Vincent (52)*, C.C.C., 10.5.47.
14. Joseph Way per Pestonjee Bonanje (46)*, Dorset Assizes, 13.3.46.
John Old per Argyle (31)*, Somerset Assizes, 14.8.30.
John Clegg per Nile (50)*, Chelmsford Assizes, 8.3.47.
Timothy Cummins per Hyderabad (49)*, Cork, 4.8.47.
15. P.P., A Return of all Aggravated Assaults in Ireland 1846 (369) XXXV, p. 181ff.
16. Martin Donohue per Portland (33), Galway Summer Assizes, 1832.
17. Edward Cassidy per Hercules (30), Fermanagh, 23.3.30.

The vindictive offence of maiming cattle was noted in one piece of descriptive evidence. A filly about one and a half years old was maliciously injured, so as to render it useless, by some person or persons unknown. The owner had been attacked about 12 months previously by an armed party, in consequence of decrees which he had obtained. At the time of the attack on his horse, he held such decrees against persons in the neighbourhood, and this was reckoned to be the cause of the outrage. (18)

Two men demolished houses. Both were Irish, one being charged with wrecking, destroying and plundering a house in 1816 and the other with "knocking down a house". (19) Some men were transported for attacking houses and doubtless these two cases were of men whose assaults on other people's dwellings had been successful.

Two other convicts were tried and transported for cutting down trees, one man for scuttling a vessel and another for destroying stocking-frames in 1812. A newspaper report of the last-mentioned case noted that such was the interest excited in the fate of the persons accused of rioting and frame-breaking that the court and avenues were crowded to suffocation on each day of the trial. The convict concerned was charged at Sutton in Ashfield with two others for breaking frames. No age was noted but his two companions were 16 and 17 years old. (20) They had presumably taken part in the Luddite riots, brought on by unemployment and starvation.

Only 23 men in the sample were transported specifically for poaching. Offences included being found armed at night with intent to kill game, a report on this case noting that the man concerned was a notorious poacher convicted of a very aggravated assault circumstanced by the death of a keeper. (21) Prisoners made such statements as "it was night poaching armed, prosecutor Lord Walsingham". One person was transported for seven years for hunting and wounding fallow deer. A man from Northamptonshire sent to Australia for night poaching, had his trial reported briefly in a newspaper, which stated that he was charged with entering an enclosure at Thorpe Achurch in pursuit of game and assaulting the keeper, whom he shot at, injuring his hand. The convict concerned was aged 27, married with two children, and a carpenter and joiner by trade. He had been before in trouble and said it was for "buying a stolen gun". (22)

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18. P.P., Abstracts of the Police Reports of some of the Principal Outrages in the Counties of Tipperary, Limerick, Clare, Leitrim and Roscommon in 1845 1846 (217), p. 324, XXXV.
19. John Dwyer per Surrey (16), Tipperary, ? .1.16.
Edward Purcell per Hyderabad (49)*, King's Co., 28.2.48.
20. Pat Downey per Luz St. Ann (00) (date and place of trial unknown).
Richard Wait per Marquis of Hastings (25), Wilts. Assizes, 8.3.23.
Edward Bourke per Regalia (26), Donegal, 1.8.25.
George Green per Indefatigable (12)*, Notts. Assizes, 13.3.12;
The Nottingham Journal, 21.3.12.
21. James Scholes per Eliza (28), Yorks. Assizes, 22.3.28; Adm. 6/420, no. 2966.
22. Robert Wood per Woodford (26)*, Staffs. Q.S., 11.1.26.
James Carter per Bardaster (35)*, Norfolk Assizes, 28.3.35.
William Smith per Theresa (45)*, Northants. Assizes, 4.3.44;
The Northampton Herald, 9.3.44.
John Butler per Lloyds (33), Beds. Assizes, 2.3.33, was a poacher who with four other men from Bedfordshire was ordered directly to Norfolk Island by order of the Secretary of State.

Concerning poaching and rural offences in general, there is a good deal of descriptive evidence in Parliamentary Papers. However, poaching was the immediate cause of transportation of only a tiny proportion of convicts, though some of the men sent out to Australia for assault of some kind were transported for assault whilst in the act of poaching. There is also cause to suppose, from inspection of former offences, that some of the sample had been formerly punished for poaching. The extent of poaching in Britain is not the business of this enquiry, but the sample shows that poachers were evidently armed and determined men. Earlier convictions for poaching doubtless landed some men in prison, and in the opinion of one magistrate, it thus led to the commission of thefts because the men became acquainted with dissolute characters. He added that pursuing game at night rendered a poacher triable by jury and liable to transportation.⁽²³⁾ Another person considered that men poached for the love of it, and that they were generally single men, but another Hampshire magistrate stated he believed persons were driven to crime by distress and that the offence was committed for the purpose of selling the game.⁽²⁴⁾ It appears that men sent to Australia for poaching were not shooting at keepers because they poached for the love of doing it.

(c) There is, finally, in this analysis of criminal offences, a number of miscellaneous charges. The numbers concerned are small. Nature of these offences will become clear upon analysis, and it will be best to describe these crimes in certain main groupings.

Vagrancy or being disorderly or idle was a charge which brought about the transportation of 20 Irishmen only. They included one who admitted to having been four or five times in prison for being insane from drink, and who had indications of insanity.⁽²⁵⁾ Convict records gave no indication of how a vagrant was defined in Ireland.

Nine of the sample, again all Irish, were transported for "fire-arms" (with no other explanation) and one for making pike-heads.⁽²⁶⁾ Presumably these men, most of whom came to New South Wales in the 1830s, were either found illegally in possession of guns or were trying to obtain them. Appearing armed, for instance, was an agrarian offence in one case "to intimidate his employer to let the land to the former tenants", and a case of "being in arms" was reported as follows: as a man named Ryan was driving cows from Newport to a farm belonging to Mr. Cornelius Hogan, he was met by a person armed with a blunderbuss, who cautioned him not to come there again with strange cattle, and to tell his master not in future to send cattle to Tiermoyle, but to give the neighbours preference.⁽²⁷⁾

23. P.P., Report from the Select Committee on Criminal Commitments and Convictions 1826-7 (534) VI, p. 39 : evidence of the Rev. Dr. Hunt, a Bedford magistrate.

24. ibid., pp. 58-65 : evidence of Sir James Graham, Cumberland magistrate.
ibid., pp. 56-8 : evidence of Sir Thomas Baring.

25. James Buckley per Prince Regent (41)*, Armagh, 13.3.41.

26. William Keally per Luz St. Ann (00) (place and date of trial unknown)

27. P.P., A Return of all aggravated Assaults in Ireland 1846 (369) XXXV, p. 181 ff.
P.P., Abstracts of Police Reports of some of the Principal Outrages in the Counties of Tipperary, Limerick, Clare, Leitrim and Roscommon in 1845 1846 (217) XXXV, p. 322.

The offence of sending or posting threatening letters and compelling to quit appeared associated with rural Ireland, although three Englishmen and a Scot were among the 12 men in the sample convicted of those offences. Some of these men gave an indication of their offences when they arrived in Van Diemen's Land. For example, one man was charged with posting a threatening notice and added that he had also been detected assaulting a habitation and shooting outside the house.⁽²⁸⁾ Another Irish citizen said that his threatening notice had been sent to direct Thomas Stone to quit his house; and although an English convict did not divulge what he had threatened to do, because he was tried in Wiltshire in 1830 and transported with a shipload of agricultural rioters, it is likely that his offence was that of blackmail. Another Irishman, charged with compelling to quit and transported for it, said upon arrival that "it was with firearms compelling Hoolan to leave his premises; I was tried with Michael McGrath on board". McGrath's statement added nothing.⁽²⁹⁾

A number of examples of threatening letters are recorded in other sources. The circumstances of one were as follows : a shot was fired through the door of a man's dairy, and a notice left in the yard threatening him with violence unless he discharged his dairy-maid, and acted in a kinder manner to his neighbours. The dairy-maid was a stranger to the district and, contrary to former practice, sent quantities of milk for sale to Nenagh, instead of selling it at home. This was the supposed cause of the outrage.⁽³⁰⁾

A bloodcurdling piece of evidence was given by one landed proprietor about threatening messages in 1844. A local man, he said, had improved his property by calling in an agricultural expert on drainage. He had three leases which had 50 sub-tenants. The expert, named Powell, then received a threatening letter mentioning that he would require police protection and that a collection had been taken up to send his assassin to America, "and if you don't take my advice mister Powell, your daughter will cry salt tears and if you don't take my advice be God you will be killed". He was. Men came to his house, dragged him out and shot him dead in front of his daughter.⁽³¹⁾ Another witness speaking of agrarian unrest said that gangs of four to eight men attacked houses, that threatening notices were sent by one person but that the outrages which followed showed confederacy. He cited the following notice, tied to a gate in Co. Dublin :

We rite these few lines to warn you of the sword that does continue to tremble over you, for the takeing too acres of land that was in possession of a widow; and if you take land that was forceably taken, mark what will follow : land taken against a tenants will must remain by with the landlord or be commons for 14 years. Moll Doyle's sons awoke from their slumber.

A further type of threat illustrating the state of parts of Ireland during the period was that to a Roman Catholic who was in treaty for land held by a Protestant in Co. Tyrone. This message mentioned that

28. Anthony Ryan per Waverley (41)*, Limerick, 3.3.41.

29. Cornelius Carty per Navarino (42)*, Nenagh, 28.7.42.
Dennis Kilmartin per Samuel Boddingtons (45)*, Limerick, 26.7.45.

30. P.P., Abstracts of Police Reports 1846 (217) XXXV, p. 327.

31. P.P., Report on the Occupation of Land in Ireland 1845 (606) XIX pp. 402-6 : evidence of William C. Quinn, landed proprietor and ecclesiastical commissioner.

if the recipient took the house in question, "the hammer and the sledge will be your fate...flames will be your bed...and you yourself will be hammered to death...No surrender. God save the Queen."(32)

Closely connected with the seizure of arms was appearing armed at night. For instance, a man charged with this was sent out of the country for, he said, housebreaking and stealing meal and oats, and another Irishman was transported for appearing armed and for unlawful assembly. (33) The predominance of Irish in the categories of offences examined underlines the disturbed state of their country. It was truly said that the history of the Irish land question was the history of a war. (34)

A handful of men were sent to Australia for abduction and one for kidnapping. He was English. No reason was given for the abductions, though in one case noticed, that of a 60 year old Irishman from Co. Roscommon, six men were concerned in the enterprise. (35) Other evidence explains that in remote parts of Ireland abduction was not unknown until well into the nineteenth century. Girls, and sometimes middle-aged women, would be fixed upon by some enterprising fellow who with the aid of friends would drag the woman concerned out of bed at night, throw her on to a horse and carry her far away where a so-called marriage would be performed. (36)

Nine of the sample were transported for being at large under sentence or for returning from transportation. A sentence of transportation did not necessarily mean that a man was sent out of the country, and this was illustrated in the statement made by one of these men :

I was tried for burglary in 1822 and received life; I escaped from the Bellerophon at Sheerness after two or three months. Once since for stealing paint for which I received three months in the House of Correction, and while under sentence I was identified as a Return Convict from the Bellerophon.

A second case was, however, of a man who had returned from the penal colonies. He successfully decamped, and so did a third man. (37)

Two men were transported for piracy. Both were tried at the same time in St. Kitts, in the West Indies. Although the charge was piracy, it was not piracy on the high seas, for according to one man they had robbed a wreck. (38)

32. ibid., (657) XXI, pp. 911-3 : evidence of Lt.-Col. W. Miller, Deputy Inspector-General of the Constabulary of Ireland.

33. Peter Healy per Blenheim (51)*, Roscommon, ?.7.48.
Francis Reynolds per Lord Auckland (46)*, Leitrim, 6.3.46.

34. James Carty, Ireland from Grattan's Parliament to the Great Famine, p. xxvi.

35. Edward Murray per Forth (34), Roscommon, 10.7.34.

36. Maxwell, Country and Town in Ireland, p. 22.

37. Charles Yeates per Lady Harewood (29)*, M.G.D., 4.12.28.
William Ludlow per Lady East (24)*, M.G.D., 3.12.23.
James Maher per Burrell (30)*, Devon Assizes, 17.3.30.

38. Richard Howlett per Elphinstone (36)*, St. Christopher, 24.8.35.

The offence of theft, habit and repute caused the transportation of 94 men out of the total male sample. Of them, 28 were tried in Scotland and 66 in England. Nearly half the numbers of English were convicted in London. Charges were typified by "theft and being by repute and habit a thief". A man convicted of larceny and former conviction said that he had stolen a cart and that the prosecutor had come to the hulk and tried to get him off. All members of the group had been convicted once before and some four times and more. One prisoner said that he had been imprisoned for one month for fighting, one month for being a disorderly apprentice, one month for throwing at a policeman, and three months for robbery. One man had been concerned in 29 felonies, it was noted. (39)

(d) The final group of offenders distinguished in the survey was that transported for military offences. Principal places of trial were, of 152 men concerned, England (32), India and Burma (30), North America (30), Ireland (23), and the Mediterranean (including three men court-martialled in France) (14). Other places were the West Indies, Scotland, Mauritius, the Cape of Good Hope and New Zealand. A feature of the group was the relatively high proportion of Irish-born men, and a second noticeable fact was the large number of men transported for 14 years, evidently a set term of transportation for court-martialled men. Soldiers tried in North America were convicted in Upper and Lower Canada and especially in New Brunswick and Nova Scotia; in the Indian theatre the main places of trial were Dinapore, Fort St. George, Bombay, Trichinopoly, and a number of other outposts of Empire; in the West Indies at Demerary, Barbadoes and Jamaica; and in the Mediterranean at Thomar in Portugal, Malta and Gibraltar.

Offences were usually those of desertion and insubordination such as might be covered by "drunk and assaulting the guard". A man court-martialled in Quebec was charged with disobedience and mutinous conduct and admitted to striking his sergeant. Another was tried for mutiny and stated that his offence was drawing a bayonet on his sergeant. This man had previously had 200 lashes for mutiny. (40)

Further statements of charge and admission were :

Disobedience and mutinous conduct when before the courtmartial for disobedience.

Desertion and making away with my clothes.

Maliciously wounding a corporal with a ginger beer bottle

Drunk on parade and striking a superior officer.

Desertion because my brother William of the same Regiment did not agree with me; I was absent two months. (41)

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39. Abraham Samuels per Susan (37)*, C.C.C., 8.5.37.
 Charles Plunkett per Anson (43)*, Staffs. Q.S., 5.4.43.
 Thomas Coulson per Lady Kennaway ex Norfolk (34)*, N'land Assizes, 26.2.34.
40. John Haydon per Cressy (43)*, London (Canada) C.M., 11.9.41.
 Terence O'Neill per Eden (36)*, Nova Scotia (Halifax) C.M., 7.12.35.
41. Bernard Leonard per Shamrock (45)*, Bangalore C.M., 28.7.35.
 Robert Ferries per Phantom (46)*, Kussowlee C.M., 4.7.45.
 William Clemson per Gaillardon (38)*, Cawnpore C.M., 6.11.37.
 James Healy per Royal Saxon (50)*, Trichinopoly, 20.5.50.
 Jonathan Middleton per Triton (42)*, Barbadoes C.M., 24.9.41.

Another case noticed was of a soldier tried at King William's Town at the Cape of Good Hope for insubordination. He explained that the cause of his punishment was "breaking my rifle and insubordinate conduct; we were out on the border of the Caffres and had no rations for 14 days".⁽⁴²⁾ Those transported for offences committed in Britain did not vary greatly in respect of charges, a man transported for striking a non-commissioned officer saying that he struck the officer because he (the prisoner) was being taken drunk to the barracks.⁽⁴³⁾

These military offenders had previously been in trouble more than any other group of offenders. Desertion was often the former offence, and many of them were branded with the letter "D". This mark had been burnt into the left arm. Former offences had often been severely punished, according to the records, for not only had some of these men been burnt, but flogged as well. One had received 250 lashes for striking a sergeant and another a punishment of 150 lashes for insolence. Yet another soldier stated that he had been flogged with 500 lashes for desertion: "this time I was absent seven months"; and a man transported in 1831 for mutiny observed that he had received more than 700 lashes. Two final cases were those of an Irish soldier who had previously been flogged with 250 lashes, and another prisoner who had been incarcerated six months, 18 months, three months, and who had received 1,100 lashes.⁽⁴⁴⁾

42. Charles Simfield per Jane (47)*, King William's Town, 9.2.47.

43. John Parkes per Layton (41)*, Woolwich C.M., 29.9.40.

44. Francis McGhee per Mangles (35)*, Portsmouth C.M., 28.7.34.
 Seinty Travers per Bardaster (35)*, Portsmouth C.M., 6.8.35.
 Thomas Redford per Moffatt (34)*, Hull Citadel C.M., 5.6.33.
 Denis Daniel per Larkins (31)*, Chatham C.M., 12.11.30.
 William Rourke per Roslin Castle (32), Glasgow C.M., 16.12.31.
 John Elliott per Mary VI (36), Nowilah Agra C.M., 22.5.35.

APPENDIX 3

Some Convict Trials in Britain

In this Appendix accounts of British trials are given and the circumstances and particulars compared with the details on indents and associated documents. The accuracy of the indents is thus verified to some extent. For documentation concerning the records, see Appendix 4.

- (1) Emma Pennington per Anna Maria (51)*, C.C.C., 7.7.51.

Indent : housemaid, aged 20, single, transported for arson, prosecuted by Wood.

The Times, 14.7.51 : aged 19, indicted for setting fire to dwelling-house of Charles Wood. In Wood's service for six weeks prior to the fire. Smoke seen in evening when Pennington in sole charge of house. Man saw smoke and came in through window to put out fire. Pennington did not let in the man who put out fire when he knocked, refused to help and told police lower part of house insured. Suggested motive ~~revenge~~ because master rebuked her for permitting her brother in when family absent. Found guilty at once. Transported for seven years because "if a sentence of imprisonment only were passed on her, it was not probable she would ever have an opportunity of doing any good in this country". If behaved well, she might begin life afresh.

- (2) Catherine Brown per Palambam (31), Dublin, 17.4.30.

Indent : dairymaid, aged 21, single, native place Drogheda, transported for stealing a cow.

The Dublin Morning Post, 20.4.30 : Catherine Browne (sic) indicted for stealing cow and heifer in parish of Lusk, property of John Freeman. He deposed that lived in Kennets Town in Lusk and lost cattle from a pasture on which he saw them the night before. Later saw them in pound at Lusk. Patrick Baker, cattle dealer, deposed he bought two cattle from Browne. Prisoner pursued and apprehended in Drogheda. Immediately found guilty by jury.

- (3) Charles Peele per Admiral Gambier (08), M.G.D., 15.9.06.

Indent : aged 21, transported for stealing muslin.

The Times, 26.9.06: "apparently a mild simple youth, genteely dressed in black was next put to the Bar, upon an indictment for stealing on 5th September 50 pieces of muslin, and 58 pieces of cambric muslin handkerchiefs with various other articles of Manchester goods, the property of Messrs. John and Henry Eccles, Manchester warehousemen, Cheapside. Police officers found the goods concealed under a bed at the prisoner's home".

Prisoner very refractory and abusive, flung himself about. "Bl--t your eyes, if it was not for the L---y noses (sic) (vigilant informers) you would not get half as many swaggs (parcels of stolen goods) as you do." Said he was brought there to be sold like a bullock, cried out that he would take any man's life for a pound or two. Fellow-lodger Anne Blakewell gave evidence of meeting Peele coming in with a large blue box on his head and box seemed heavy. Prisoner produced no evidence even to character - said box contained gingerbread nuts which he had been selling at Bartholomew Fair. He was wholly ignorant of the parcel or how it came there. Jury found prisoner guilty. Prisoner was a well-known offender and had been tried before in the same place for felony. "Prisoner retired in the same insolent and outrageous manner."

- (4) Charles Thompson per Marquis of Huntley (26), M.G.D., 27.10.25.

Indent : apothecary and/or surgeon, aged 27, single, transported for stealing a gold seal etc.

The Times, 28.10.25 : indicted for stealing a watch-chain, seals and snuff box belonging to Joseph Birch who went with prisoner to a public house in Clare Market where gin and water caused him to fall asleep. When he awakened found prisoner and his (Birch's) property gone. Prisoner pawned the property. Guilty.

- (5) Charles Redman per John (27), Glos. Assizes, 9.4.27.

Indent : burglary and stealing cloth, a weaver or clothier, aged 27, "a very bad character; belonged to a gang of cloth stealers. His brother seven years last Assizes" (Adm. 6/420, no. 2345).

The Gloucester Journal, 14.4.27 : prisoner pleaded guilty to burglary and robbery in house of William Lamb, of Leonard Stanley, and also to another for stealing several ends of woollen cloth from mill of R.S. Davies and Co. of Stonehouse. Sentence of death recorded.

- (6) Thomas Tailby per Royal Admiral (92), Leics. Assizes, 28.7.90.

Indent : aged 23, transported for grand larceny.

The Leicester Journal, 6.8.90 : prisoner found guilty of stealing several articles from house of George Chaplain of Newton-Linford; sentenced to seven years transportation.

- (7) William Keightley per Sir William Bensley (16), Leics. Q.S., 23.4.16.

Indent : stocking weaver, aged 33, transported for larceny.

The Leicester Journal, 26.4.16: prisoner, alias Baggerley, and J. Draper for stealing a piece of worsted cord were transported for seven years.

- (8) Samuel Onions per Minerva (21), Norfolk (Norwich) Q.S., 15.5.21.

Indent : a nailor, aged 18, transported for larceny.

Norwich and Norfolk Chronicle, 19.5.21 : with three others severally convicted of stealing on 24 January £4 worth of silver, a double nankeen purse containing a £10 and 19 one pound notes and about £5 worth of silver, the property of Simon Peck of St. Michael's Coslany.

- (9) John Middleton per Aurora (33), Norfolk Assizes, 6.3.33.

Indent : farm servant and shepherd, aged 36, married with three children, transported for stealing wood, in prison previously for two years.

Norwich and Norfolk Chronicle and Norwich Mercury, 16.3.33 : prisoner charged with stealing two pieces of oak from Barton of Hilgay. Two former convictions against the prisoner were proved and he received seven years transportation.

- (10) William Bishop per Heroine (33), Oxford (City) Q.S. and G.D., 31.12.32.

Indent : college footman, aged 28, widower, transported for stealing money, no former offences.

Jackson's Oxford Journal, 5.1.33 : indicted with two other prisoners for stealing from Daniel Elson eight sovereigns, four half crowns, 10 shillings and a purse. Elson and Bishop called at an Oxford public house where Bishop saw what Elson had in his purse when paying. At another public house Elson's purse was taken from his pocket by Bishop who, when joined by the two other prisoners, refused to give it up. Elson then became very drunk (and probably drugged) and remembered no more. Elson was seen by three witnesses to be roughly and riotously man-handled, and Bishop seen with seven and a half sovereigns in his possession was heard to say, "I robbed the man and no-one else and I'll take my 14 years for it like a man". They were apprehended by a constable. The jury retired one hour and found Bishop and another guilty.

- (11) Thomas King per Asia (33), L.G.D., 6.9.32.

Indent : errand or kitchen boy, aged 16, transported for pocket-picking, before twice in prison (Adm. 6/421, no. 2405).

The Times, 17.9.32 : transported for seven years with many others by the Recorder in the New Court. Several of the prisoners then said, "Thank your Lordship, we are much obliged to you".

- (12) Robert Thomas Capps per Bussorah Merchant (28), L.G.D., 27.10.25.

Indent : ship and insurance broker, aged 30, married with two children, transported for stealing spoons, no former offences.

The Times, 21.9.27 : convicted of stealing two spoons, one at Baker's Coffee House, Pall-mall, and the other at George and Vulture, Cornhill. Appeared from witnesses called on his behalf that within a month of the time prisoner committed these felonies, he had borne an excellent character in his business as a ship agent and insurance broker.

- (13) William Gibson Whitfield per Baring (15), Northumberland (Newcastle on Tyne) Assizes, N'land Assizes, 11.8.14.

Indent : merchant's clerk, aged 21, transported for stealing in a dwelling house.

The Newcastle Advertiser, 16.8.14 : charged with stealing in a dwelling-house belonging to John Davidson, Esq., promissory notes to the value of £140.

- (14) John Whittle per Canada (19), Derby G.D., 18.7.18.

Indent : pedlar, aged 64, transported for pocket-picking.

The Derby Mercury, 21.7.18 : convicted with John Salmon for stealing from person of John Blakemore in parish of Elvaston £55 in banker's promissory notes.

- (15) Joseph Phillips per Burrell (30), Cornwall Assizes, 25.3.30.

Indent : farm boy, aged 14, transported for stealing bread, no former offences.

The Truro Royal Cornwall Gazette, 13.4.30 : aged 33 years (sic) tried with Francis Denman aged 14 for breaking into dwelling-house of John Harris in parish of St. Allen near Truro on morning of 22 January. Prisoners were inmates of Kenwyn workhouse at Truro, entered a window of the house to take a loaf of bread and two pieces of pork, pursued and taken with part of bread in their possession. Governor of workhouse gave both a bad character. Death recorded. Judge told prisoners that if lives spared would be transported for life.

- (16) Edward Lack per Larkins (17), Cambs. (Ely) S.P.O.T.G.D., 10.2.17.

Indent : carpenter and joiner, aged 43, transported for larceny.

The Cambridge Chronicle and Journal, 14.2.17 : indicted for having stolen on 27 December a quantity of carpenter's tools, property of Thomas Wallis of Witchford. Wallis, suspicious, pursued Lack to "Carpenter's Arms" where saw his tools. Told by landlord that tools belonged to prisoner who bought them that morning at Witchford. Wallis identified the saw found in prisoner's tool-box as his property.

- (17) Charles White the younger per Susan (34), Derby Assizes, 20.3.33.

Indent : cotton spinner, aged 28, single, transported for shop-lifting, no previous offences (father tried at same time).

The Derby Mercury, 30.3.33 : prisoner, aged 27, and White the elder, aged 66, charged with stealing from dwelling-house of John Whitham at Ashbourne, brushes, a book, a paper bag, flint, glass-stopped bottles, sugar candy, peppermint lozenges, bees wax etc. etc. and latter with receiving stolen goods. Both transported for seven years.

- (18) Jane Morley per William Bryan (33)*, York Assizes, 2.3.33.

Indent : cook, aged 19, transported for stealing money. "She resided from infancy in the North of England but lately removed to Oldham and after getting into a respectable situation there, she robbed her employer to a large amount."

The York Chronicle and Courant, 7.3.33 : charged with feloniously stealing one guinea, 90 sovereigns and other monies to a great amount from Robert Kenworthy, Saddleworth. Pleaded guilty.

- (19) William Newton per Pyramus (38), Kent Quarter Sessions, 19.10.38.

Indent : transported for burglary-housebreaking, 14 years old, "a reputed thief".

The Kent Herald and Kentish Chronicle, 25.10.38 : aged 13 and charged with two others (15 and 13 years) with stealing on 17 September a gold brooch and other articles belonging to William Pullin at Bapchild. Seven years transportation each.

- (20) John Vickers alias Edwards or Vigors per Asia (35)*, Chester Q.S., 29.6.35.

Indent : seaman/labourer, aged 21, stealing shoes and jacket, before in prison for six months for theft of watch.

The Chester Chronicle and Cheshire and North Wales Advertiser, 3.7.35 : convicted of stealing pair of shoes and some magazines. Sentenced to 14 years transportation; awarded to "accomplished and confirmed villain" and to two boys, aged 16 and 14, several times convicted of felony.

- (21) George Webb per Earl Grey (42)*, Devon Assizes, 21.7.42.

Indent : bread and biscuit maker, aged 22, transported for highway robbery with violence on "Mr Floyd of Effington; he was knocked on the head; Laskin and Maunder received 15 years; George Dawton, a soldier, committed the assault and absconded".

The Devonport Telegraph and Plymouth Chronicle, 24.7.42 : aged 22 years. Found guilty, with W. Maunder (30), Thomas Laskey (24) and Elizabeth Oxenham (25) of assaulting Floyd of Alphington. All 15 years transportation. (No mention of a George Dawton).

APPENDIX 4

The Records

This Appendix discusses the nature of the records transmitted with the convicts to Australia. From these documents and the statements of the prisoners themselves were formed the consolidated registers held in the Tasmanian State Archives and the Mitchell Library, Sydney. The following notes do no more than seek to show that these records are as accurate as the administration of the day could make them.

A document of the first importance transmitted with the convicts was the indenture which made over the labour and services of the prisoners to the ship's master and then to the Governor. This was not despatched with the First Fleet :

The masters of the transports having left with the agents the bonds and whatever papers they have received that related to the convicts, I have no account of the time which the convicts, are sentenced, or the dates of their convictions...⁽¹⁾

Two years later Phillip again asked "that the necessary instructions may be sent out respecting those convicts who say their terms of transportation are expired" and he repeated that request later in the same year.⁽²⁾ The transport Kitty (92) however, had on board a list of convicts which included their occupations, and Indispensable (95) also had transmitted with it a list of convicts on board specifying their names, ages, crimes and sentences.⁽³⁾

Upon Governor Hunter complaining of the careless way in which lists of convicts were sent from Ireland, Portland gave directions that

an account of all the convicts who have been or shall be sent from that kingdom shall be regularly made out, together with the terms of their transportation and the assignment of their services.⁽⁴⁾

These required lists were forwarded in H.M.S. Buffalo which arrived at Sydney in 1799.⁽⁵⁾ But the next year Hunter complained again concerning the records sent out and announced that

we continue ignorant of those [crimes] of every other convict sent to this country, because the particular crimes are never inserted in the list sent with them. We, therefore, can not so well judge of the character as we ought...⁽⁶⁾

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1. H.R.A., I i 57, Phillip to Nepean, 9.7.88.
 2. ibid., I i 171, Phillip to Nepean, 15.4.90; I i 187, Phillip to Nepean, 10.7.90.
 3. ibid., I i 335, Dundas to Phillip, 10.2.92; I i 545-6, Portland to Hunter, 30.10.95.
 4. ibid., I ii 9, Portland to Hunter, 2.3.97.
 5. ibid., I ii 707, note 20.
 6. ibid., I ii 190-1, Hunter to King, 20.4.00.

Two years later the Lord Lieutenant of Ireland caused to be sent "accurate lists...of all convicts sent previous to the sailing of Friendship."(7)

Occupations of the convicts per Calcutta (03)*were sent however, together with names. These convicts had been especially selected with a view to their usefulness in the new settlement at Port Phillip and subsequently Van Diemen's Land. To this point, then, it appears that name, age, date of trial and period of transportation was the only consistent information transmitted after the confusion of the first years, except in the case of the Irish where, after a very bad start, the documents appear more complete and included offences for which prisoners were transported.(8)

The best account of what information was sent out with the convicts is an observation by J.T. Bigge at the end of Macquarie's administration. He said that the muster of convicts at the end of their voyage was "of a very detailed nature", resulting in the colonial authorities at Sydney or Hobart Town knowing the name, time and place of conviction, sentence, native place, age and trade. The answers volunteered by the convicts were "compared and corrected if necessary by the description in the Indent and in the lists transmitted from the hulks". These Hulk Lists were probably identical with the Registers preserved among the Admiralty Papers. Bigge noted that such musters had been taken by Secretary Campbell since 1810.(9)

Therefore some time before or during 1810 Hulk Lists were transmitted and a detailed account of prisoners noted. It has not been possible to discover when such information was first noted, but internal evidence suggests that it was only with the coming of Macquarie that much more than name, place and date of trial, and period of transportation of convicts was noted in registers. It is possible that the four pieces of information came out as the indenture, and that supplementary data was gathered from the Hulk List and from questioning the prisoners themselves. Offences for which prisoners were transported were listed on New South Wales records for the first time in 1826, though such data may have been collected and subsequently destroyed. It is not impossible that Governor Macquarie made it a policy not to note a man's offence on the records. However, this must remain a matter for speculation because it is unknown what records have been destroyed. Certainly some have been.

Bigge was not satisfied with the data being sent out, for he recommended that further particulars be added to the Hulk Lists, especially number of prior convictions,(10) but the main point to be noticed is that Bigge gave no indication that important particulars were being incorrectly recorded, though he cast doubts on whether the convicts told the truth about their marital status and therefore recommended that such data be added to the Hulk List.(11) Presumably the information in these lists was determined from the Gaol Report and any other questions the prisoners answered on the hulks.

7. ibid., I iii 569, Hobart to King (encl), 29.8.02.

8. ibid., I iv 10, note 9.

See Mitchell Library Acc. No. 4/4558 (Irish documents). See also introduction to Bibliography this Thesis.

9. P.P., Report of the Commissioner of Inquiry into the State of the Colony of New South Wales 1822 (448) XX, pp. 555-6.
Adm. 6/420-2.

10. P.P., Report of the Commissioner of Inquiry into the State of the Colony of New South Wales 1822 (448) XX, p. 698.

11. ibid., p. 647.

The position was regularised in 1825, for by an Act of the preceding year (5 George IV c. 84) it was laid down that the Sheriff or Gaoler should deliver to the contractor concerning felons

a Certificate specifying concisely the Description of his or her Crime, his or Age, whether married or unmarried, his or her Trade or Profession, and an account of his or her Behaviour in Prison before and after Trial, and the Gaoler's Observations on his or her Temper or Disposition, and such Information concerning his or her Connexions and former Course^(of) Life as may have come to the Gaoler's Knowledge...⁽¹²⁾

This Act was a milestone in the administration of convict affairs in Australia and especially in New South Wales (Van Diemen's Land records were consistently better organised and kept) and it was no doubt due to Bigge's recommendations, together with the erection of Van Diemen's Land into a separate government in 1825, that Brisbane was able to speak in that year :

Alphabetical references are compiling from the quarterly returns of fines and punishments, transmitted to the Secretary's office, which, when accomplished, will be an index to the moral history of the Colony. Thus...means will be afforded of pursuing the history, conduct and condition of a convict in his various situations in the Colony from his arrival to his emancipation or death...⁽¹³⁾

A similar series of registers was compiled in Van Diemen's Land, for a Memorial by a convict named Edward Cook discloses that this man compiled the first registers in May 1827. This was done, he said, under the superintendence of Josiah Spode, the Superintendent of Convicts and he wrote up the careers of 12,305 felons in what Cook called "a new set of Black Books". These were the Conduct Registers, for the hand-writing of the writer and the first entries in the Registers is the same.⁽¹⁴⁾

Thus the position in 1827 was as follows : from data drawn from the indents and associated documents, and from information gained from the convicts by interrogation, their names and details of offences and so on were entered in the "Black Books" or Conduct Registers. It is not known how long such registers were kept up in New South Wales, but these volumes are no longer available, though they are in the case of Van Diemen's Land. Over and above this information, the criminal careers of convicts were entered in the registers.

That the procedure of recording information was thorough may be gathered from Arthur's evidence before the Committee on Transportation in 1837. As the Derwent, he stated, the Surgeon-Superintendent of the transport presented to the authorities on the spot Hulk Lists and his own comments on the prisoners. These were placed in the hands of the muster-master who, armed with this information, usually gathered more particulars :

12. Statutes at Large, 4-5 George IV, 1823-4, p. 785.

13. H.R.A., I xi 574, Brisbane to Bathurst, 14.5.25.

14. T.S.A... C.S.O. 1/431/9687 (1829).

The man perceives at once that the officer who is examining him knows something of his history, and not being quite conscious of how much of it is known, he reveals, I should think, generally a very fair statement of his past life, apprehensive of being detected in stating what is untrue. (15)

Other records concerning convicts in Australia were kept, but the variables in this enquiry were determined from the records discussed, the musters (see Introduction to Bibliography) and certain records held in the Public Record Office, London.

Mention was made in the Introduction of the Home Office papers accessioned as H.O. 11 (the Transportation Registers) and it was noted that they include, for England only, certain particulars of convicts but not the offences. Such data exist at H.O. 26 and 27, however, which note offences and sometimes other information for London men from 1791 and for provincial offenders from 1805. Before these dates, and in isolated cases later, it was possible to discover offences only through a press report of the trial or through the Assize records.

15. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, pp. 281-2 : evidence of Sir George Arthur, Governor of Van Diemen's Land 1824-36.

APPENDIX 5

The Destination of the Irish Convicts

(See Ch. VIII)

The most remarkable difference in the origin of the men transported to New South Wales and Van Diemen's Land was in nationality : in the years to 1840, only 300 Irish were sent directly to Van Diemen's Land from Britain.

Why should New South Wales have received nearly all the Irish to the end of the Assignment System and why should the southern colony have stopped receiving them after only 300 had arrived? The decision to send Irish to Sydney only had far-reaching social and political implications and though it was noted by some writers, there is no reason at once apparent for what must surely have been a policy decision. The evidence of Alexander McCleay, New South Wales Colonial Secretary, bears upon the question and implies that he knew nothing of the reason in 1838 :

It is well-known that all convicts transported from Ireland are, without exception, sent direct to this Colony, and that since Van Diemen's Land was made a separate government, no Irish convicts have been transferred from hence to that Island, as was before the practice. (1)

That New South Wales alone was favoured for reception of the Irish did not escape the attention of another observer, J.D. Lang, who confirmed that the Irish went to New South Wales, and who went on to note that no less than one third of the total population of the colony of New South Wales in 1837 was composed of Irish Roman Catholics of whom "Nineteen-twentieths" were convicts or emancipated convicts. (2)

Lang gave no reasons for the direction of Irish to New South Wales but 20 years after transportation had stopped, and the Irish were being poured into Van Diemen's Land, one writer did venture an opinion :

By an arrangement, the reason of which has never been satisfactorily explained, nearly all convicts transported from Ireland were sent to the penal settlement of New South Wales - none, or at most very few, to that of Tasmania. It has been alleged that this arose by accident; by others from a design of forming the smaller island of Tasmania into a Protestant colony. (3)

Yet another view had it that all was due to the machinations of Governor Arthur :

Probably owing to the influence which Sir George Arthur possessed in Downing Street, a very large proportion of the best inland and agricultural labourers, have been forwarded to Hobart Town, while Irish offenders and London pickpockets have constituted the aggregate of the number sent to Sydney. (4)

-
1. Legislative Council of New South Wales, Votes and Proceedings, Committee on Immigration, 1838, p. 177.
 2. J.D. Lang, Transportation and Colonization; or, The Causes of the Comparative Failure of the Transportation System in the Australian Colonies : with Suggestions for ensuring its future Efficiency in Subserviency to Extensive Colonization (London, 1837), pp. iv-v.
 3. R. Therry, Reminiscences, p. 146.
 4. T.P. McQueen, Australia as she is and as she may be (London, 1841), p. 17.

In 1837, Arthur himself recorded evidence about transportation and, when questioned on this subject, answered that the colony of destination of the convicts was adjusted in England, and added that it was regulated as far as he knew in the office of the Secretary of State for the Home Department.⁽⁵⁾ Arthur's answer could of course be regarded as evasive, but if there was any truth in the charge that he succeeded in keeping the Irish out of his colony, another governor apparently knew nothing of it, for Darling observed :

I have understood...that no convicts of either Sex are ever sent from Ireland to Van Diemen's Land. I have not been informed of the reasons, but unless it is one of importance, I would beg to suggest that this Colony may be relieved of a portion of the Irish convicts, particularly of the women sent here.⁽⁶⁾

The answer he received advances knowledge very little : "The statement...respecting the alleged practice of sending all Irish convicts to New South Wales, shall be communicated to Mr. Secretary Peel..."⁽⁷⁾ and evidently Peel did not take any effective action, for no change in policy occurred until only Van Diemen's Land and Norfolk Island remained as penal colonies on the eastern seaboard of Australia.

One reason for the preference for New South Wales is suggested by the date of the last shipment of Irish sent to Van Diemen's Land during the Assignment Period viz. 1819. Bigge's enquiry into the state of the colonies began about this time and it could be that he recommended that Irish be no longer despatched to the southern colony. But no such recommendation has been discovered. And the allegation that Arthur was at the bottom of the decision may have some truth in it, since in 1837 he was defending himself and his 12 year administration in Van Diemen's Land, and may have thought that admission of manipulation before he left England for the colony might tell against him.

Or perhaps the matter was decided upon almost accidentally, a series of Irish ships sent to New South Wales convincing someone in Britain that it would be best, for the purposes of administration, to continue sending the Irish to New South Wales. Whatever the reason, the fact remains that it is intriguing to speculate on the course of the history of New South Wales and Tasmania if Irish had been sent to Van Diemen's Land as well as New South Wales in the period up to 1840.

5. P.P., Report of the Select Committee on Transportation 1837 (518) XIX, pp. 283, 292 : evidence of Sir George Arthur.

6. H.R.A., I xiv 653, Darling to Murray, 18.2.29.

7. ibid., I xv 273, Murray to Darling, 6.12.29.

APPENDIX 6 (a)*

Number of male convicts sent to N.S.W. and V.D.L. classified according to grouped years of departure

<u>Years</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
1780s	35	-	35
1790s	266	-	266
1800s	161	13	174
1810s	545	117	662
1820s	964	435	1,399
1830s	1,373	867	2,240
1840s	55	987	1,042
1850s	-	313	313
	<u>3,399</u>	<u>2,732</u>	<u>6,131</u>

APPENDIX 6 (b)

Number of male convicts sent to N.S.W. and V.D.L. classified according former offences

<u>Former offences</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
None	1,190	170	1,360
1+	587	1,531*	2,118
N.R.	1,622	1,031	2,653
	<u>3,399</u>	<u>2,732</u>	<u>6,131</u>

APPENDIX 6 (c)

Number of male convicts sent to N.S.W. and V.D.L. classified according to period of transportation

<u>Period of transportation</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
7 years	1,771	1,370	3,141
10 years	53	388	441
14 years	395	316	711
15 years	23	124	147
Other	6	19	25
Life	1,117	515	1,632
No response	34	-	34
	<u>3,399</u>	<u>2,732</u>	<u>6,131</u>

* Totals in all Tables in the appendices are those of the sample. Figures marked with an asterisk (*) are statistically significant. For explanations of the convention adopted, see Appendix 1. The abbreviation N.R. stands for "no response".

APPENDIX 6 (d)

Number of male convicts sent to N.S.W. and V.D.L. classified
according to offence

<u>Offence</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
<u>Offences against property</u>			
Larceny (other)	1,052	1,065	2,117
Burglary/hbrkg.	460	447	907
Animal theft	488	325	813
Robbery	297	105	402
Theft of wearing apparel	161	218	379
Receiving stolen goods	58	39	97
Robbery with violence	32	36	68
Wilful destruction	19	30	49
Stealing by a trick, fraud	21	20	41
Forgery	15	20	35
Embezzlement	19	15	34
Poaching	12	11	23
<u>Offences of a public nature</u>			
Coining, uttering	78	43	121
Ribbonism etc.	36	1	37
Riot	14	17	31
Treason	14	3	17
Perjury	5	9	14
Sacrilege	4	7	11
Bigamy	5	5	10
Smuggling	2	2	4
<u>Offences against the person</u>			
Murder, manslaughter	48	33	81
Assault (other)	42	38	80
Rape	17	8	25
Other sexual offences	1	2	3
<u>Military offences</u>			
	70	85	155
<u>Other offences</u>			
Theft, habit and repute	2	92	94
Vagrancy, etc.	42	11	53
Threatening letter etc.	6	6	12
<u>No response</u>			
	<u>379</u>	<u>39</u>	<u>418</u>
	3,399	2,732	6,131

APPENDIX 6 (e)

Number of male convicts sent to N.S.W. and V.D.L. classified according to country of trial

<u>Country of trial</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
England	2,181	2,150	4,331
Ireland	1,024	331	1,355
Scotland	100	175	275
Overseas	64	76	140
No response	30	-	30
	<u>3,399</u>	<u>2,732</u>	<u>6,131</u>

APPENDIX 7 (a)

Number of female convicts sent to N.S.W. and V.D.L. classified according to grouped years of departure

<u>Years</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
1780s	16	-	16
1790s	50	-	50
1800s	64	-	64
1810s	96	-	96
1820s	125	65	190
1830s	250	126	376
1840s	22	321	343
1850s	-	113	113
	<u>623</u>	<u>625</u>	<u>1,248</u>

APPENDIX 7 (b)

Number of female convicts sent to N.S.W. and V.D.L. classified according to former offences

<u>Former offences</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
None	217	64	281
1+	116	409	525
N.R.	<u>290</u>	<u>152</u>	<u>442</u>
	<u>623</u>	<u>625</u>	<u>1,248</u>

APPENDIX 7 (c)

Number of female convicts sent to N.S.W. and V.D.L. classified according to period of transportation

<u>Period of transportation</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
7 years	489*	436	925
10 years	5	97	102
14 years	65*(a)	41	106
15 years	4	15	19
Life	58*	36	94
N.R.	<u>2</u>	<u>-</u>	<u>2</u>
	<u>623</u>	<u>625</u>	<u>1,248</u>

APPENDIX 7 (d)

Number of female convicts sent to N.S.W. and V.D.L. classified according to offence

<u>Offence</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
Larceny (other)	299	288	587
Theft of wearing apparel	76	123	199
Robbery	44*	23	67

(cont.)

(a) Chi-squared = 5.94

APPENDIX 7 (d) (continued)

Receiving stolen goods	24	28	52
Theft of an animal	17	29	46
Theft, habit and repute	-	39	39
All other offences	63	85	148
No response	100	10	110
	<u>623</u>	<u>625</u>	<u>1,248</u>

APPENDIX 7 (e)

Number of female convicts sent to N.S.W. and V.D.L. classified according to country of trial

<u>Country of trial</u>	<u>to N.S.W.</u>	<u>to V.D.L.</u>	<u>TOTAL</u>
England	344	363	707
Ireland	252	179	431
Scotland	25	83	108
No response	2	-	2
	<u>623</u>	<u>625</u>	<u>1,248</u>

(a) Chi-squared = 5.75

(b) Chi-squared = 8.25

Figures significant and trends are for 1950-54 period.

APPENDIX 8 (a)

Number of male convicts tried in various counties classified
according to grouped years of departure

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
1787-9	9	1	-	3	1	1	2
1790-9	82	7	16	8	7	12	8
1800-9	38*	7*	10	3	4	9*(a)	3
1810-9	142	35*	46	17*(b)	26	24	22
1820-9	236	95	79	50	43	52	35
1830-9	374	160	88	96	62	68	68
1840-9	143	92	40	49	30	9	20
1850-2	38	17	7	15	12	1	9
	<u>1,062</u>	<u>414</u>	<u>286</u>	<u>241</u>	<u>185</u>	<u>176</u>	<u>167</u>

	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Chesh.
1787-9	1	-	-	-	-	2	-
1790-9	9	3	-	6	3	6	-
1800-9	7	2	2	3	2	5	2
1810-9	18	20	15	10	10	10	12
1820-9	30	45	9	28	25	24	22
1830-9	55	46	58	53	50	52	48
1840-9	26	23	51	30	29	14	19
1850-2	5	12	5	2	10	4	5
	<u>151</u>	<u>151</u>	<u>140</u>	<u>132</u>	<u>129</u>	<u>117</u>	<u>108</u>

	Norfolk	Tipperary	Hants.	M'lothian	Lanarks.	Wilts.	Limk.
1787-9	-	-	1	-	-	2	-
1790-9	5	2	5	-	-	5	-
1800-9	2	4	5	1	-	4	5
1810-9	7	9	10	5	5	5	6
1820-9	30	24	18	16	20	17	21
1830-9	45	36	30	40	28	39	23
1840-9	15	22	14	16	22	15	18
1850-2	3	7	9	12	12	-	11
	<u>107</u>	<u>104</u>	<u>92</u>	<u>90</u>	<u>89</u>	<u>87</u>	<u>84</u>

	Sussex	Worcs.	Devon	Wales	Lincs.	Suffolk	Leics.
1787-9	-	1	4	-	-	-	-
1790-9	4	4	5	5	1	2	4
1800-09	2	1	3	3	-	-	-
1810-19	10	7	8	11	5	7	12
1820-9	19	20	16	14	13	21	12
1830-9	33	29	26	24	28	34	19
1840-9	13	15	12	11	20	5	15
1850-2	-	3	4	9	4	2	4
	<u>81</u>	<u>80</u>	<u>78</u>	<u>77</u>	<u>71</u>	<u>71</u>	<u>66</u>

(a) Chi-squared = 5.79.

(b) Chi-squared = 4.99

Figures significant are totals to the asterisked point.

	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
1787-9	-	-	-	-	-	1	-
1790-9	2	3	2	1	1	1	3
1800-9	2	-	2	1	-	-	2
1810-9	9	7	8	3	5	4	5
1820-9	19	13	18	7	8	15	12
1830-9	25	21	19	26	17	24	16
1840-9	8	14	7	11	11	4	6
1850-2	1	2	2	4	11	-	3
	<hr/> 66	<hr/> 60	<hr/> 58	<hr/> 53	<hr/> 53	<hr/> 49	<hr/> 47

	Salop	King's	Cambs.	Meath	Oxford	Waterford	Hereford
1787-9	-	-	-	-	-	-	-
1790-9	1	-	3	2	1	-	1
1800-9	1	1	2	1	-	-	1
1810-9	4	4	3	6	6	6	7
1820-9	13	9	8	13	6	12	12
1830-9	18	15	20	12	16	9	11
1840-9	7	9	4	5	9	6	4
1850-2	2	7	2	2	1	5	1
	<hr/> 46	<hr/> 45	<hr/> 42	<hr/> 41	<hr/> 39	<hr/> 38	<hr/> 37

	W.meath	Roscommon	Kilkenny	N'land	Beds.	Bucks.	Kerry
1787-9	-	-	-	-	-	-	-
1790-9	-	2	1	1	2	2	-
1800-9	2	7	-	-	1	1	2
1810-9	3	2	3	3	2	7	1
1820-9	9	9	11	7	9	6	10
1830-9	11	8	13	13	12	9	10
1840-9	10	5	7	6	4	6	5
1850-2	2	3	1	3	1	-	3
	<hr/> 37	<hr/> 36	<hr/> 36	<hr/> 33	<hr/> 31	<hr/> 31	<hr/> 31

	Cavan	Clare	Dorset	Mayo	Queen's	Durham	Down
1787-9	-	-	1	-	-	1	-
1790-9	1	-	1	2	-	1	-
1800-9	-	-	1	2	1	-	1
1810-9	1	-	2	2	1	-	2
1820-9	9	5	4	7	9	2	11
1830-9	10	15	10	6	14	12	5
1840-9	7	3	9	8	2	7	6
1850-2	1	6	1	1	-	3	-
	<hr/> 29	<hr/> 29	<hr/> 29	<hr/> 28	<hr/> 27	<hr/> 26	<hr/> 25

	Perth	Longford	Cornwall	Armagh	Kildare	Tyrone	Aberdn.
1787-9	-	-	2	-	-	-	-
1790-9	-	2	2	-	1	1	-
1800-9	-	-	-	1	2	2	-
1810-9	1	2	3	3	3	4	2
1820-9	4	5	1	7	7	3	6
1830-9	15	8	9	5	6	4	5
1840-9	4	6	5	5	-	4	4
1850-2	1	-	-	1	1	2	-
	<u>25</u>	<u>23</u>	<u>22</u>	<u>22</u>	<u>20</u>	<u>20</u>	<u>17</u>

	Wexford	Wicklow	Hunts	Carlow	Louth	Sligo	Ayr
1787-9	-	-	-	-	-	-	-
1790-9	1	1	1	-	2	-	-
1800-9	2	2	-	2	1	1	1
1810-9	1	1	-	3	1	2	-
1820-9	6	5	2	5	4	5	1
1830-9	4	4	8	3	4	4	4
1840-9	1	1	1	1	3	1	6
1850-2	1	1	3	1	-	2	3
	<u>16</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

	Dumfries	Other Scots.	L'derry	Monaghan	Fermanagh	C'land	Donegal
1787-9	-	-	-	-	-	-	-
1790-9	-	-	-	1	-	-	2
1800-9	-	-	1	-	-	-	-
1810-9	2	-	1	4	1	3	3
1820-9	2	2	4	3	1	-	3
1830-9	7	7	4	3	4	4	-
1840-9	1	1	2	1	5	2	2
1850-2	1	3	-	-	-	1	-
	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>

	Leitrim	Inverness	Stirling	W'land	No response	TOTAL
1787-9	-	-	-	-	2	35
1790-9	1	-	-	-	6	266
1800-9	-	-	-	-	1	174
1810-9	-	1	-	1	-	662
1820-9	4	3	1	3	6	1,400
1830-9	1	2	2	1	15	2,242
1840-9	2	1	2	-	-	1,039
1850-2	1	-	1	-	-	313
	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

	English	Irish	Scottish	Overseas	N.R.	TOTAL
1787-9	33	-	-	-	2	35
1790-9	213	45	2	-	6	266
1800-9	116	52	3	2	1	174
1810-9	478	153	16	15	-	662
1820-9	964	366	55	9	6	1,400
1830-9	1,646	413	110	58	15	2,242
1840-9	697	235	56	51	-	1,039
1850-2	184	91	33	5	-	313
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

APPENDIX 8 (b)

Number of male convicts tried in various counties classified
according to former offences

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
None	209	50	62	39	22	27	25
1+	318*	233*	96	114*	92*	63	63
N.R.	535	131	128	88	71	86	79
	<hr/> 1,062	<hr/> 414	<hr/> 286	<hr/> 241	<hr/> 185	<hr/> 176	<hr/> 167
	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Chesh.
None	31	47	15	21	20	23	21
1+	48	33	43	63	62	51	49
N.R.	72	71	82	48	47	43	38
	<hr/> 151	<hr/> 151	<hr/> 140	<hr/> 132	<hr/> 129	<hr/> 117	<hr/> 108
	Norfolk	Tipperary	Hants.	M'lothian	Lanarks.	Wilts.	Limk.
None	27	45	14	11	13	16	31
1+	34	14	32	53	56	30	14
N.R.	46	45	46	26	20	41	39
	<hr/> 107	<hr/> 104	<hr/> 92	<hr/> 90	<hr/> 89	<hr/> 87	<hr/> 84
	Sussex	Worcs.	Devon	Wales	Lincs.	Suffolk	Leics.
None	13	19	8	20	15	11	12
1+	28	30	28	12	28	30	23
N.R.	40	31	42	45	28	30	31
	<hr/> 81	<hr/> 80	<hr/> 78	<hr/> 77	<hr/> 71	<hr/> 71	<hr/> 66
	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
None	14	23	10	12	27	14	10
1+	26	20	19	23	9	15	13
N.R.	26	17	29	18	17	20	24
	<hr/> 66	<hr/> 60	<hr/> 58	<hr/> 53	<hr/> 53	<hr/> 49	<hr/> 47
	Salop	King's	Cambs.	Meath	Oxford	Waterford	Hereford
None	8	25	8	17	10	18	12
1+	19	6	13	3	15	7	10
N.R.	19	14	21	21	14	13	15
	<hr/> 46	<hr/> 45	<hr/> 42	<hr/> 41	<hr/> 39	<hr/> 38	<hr/> 37
	W.meath	Roscommon	Kilky.	N'land	Beds.	Bucks.	Kerry
None	21	14	18	5	11	7	13
1+	5	1	6	15	11	8	4
N.R.	11	21	12	13	9	16	14
	<hr/> 37	<hr/> 36	<hr/> 36	<hr/> 33	<hr/> 31	<hr/> 31	<hr/> 31
	Cavan	Clare	Dorset	Mayo	Queen's	Durham	Down
None	11	18	3	10	17	4	11
1+	5	1	12	2	1	16	4
N.R.	13	10	14	16	9	6	10
	<hr/> 29	<hr/> 29	<hr/> 29	<hr/> 28	<hr/> 27	<hr/> 26	<hr/> 25

	Perth	Longford	Cornwall	Armagh	Kildare	Tyrone	Aberdeen
None	5	14	4	9	8	8	3
1+	15	3	9	2	2	3	7
N.R.	5	6	9	11	10	9	7
	<u>25</u>	<u>23</u>	<u>22</u>	<u>22</u>	<u>20</u>	<u>20</u>	<u>17</u>

	Wexford	Wicklow	Hunts.	Carlow	Louth	Sligo	Ayr
None	7	7	4	6	6	7	4
1+	2	1	6	2	1	1	9
N.R.	7	7	5	7	8	7	2
	<u>16</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

	Dumfries	Other Scots.	Londonderry	Monaghan	Fermanagh	C'land
None	4	2	6	4	5	4
1+	4	7	1	1	3	3
N.R.	5	4	5	7	3	3
	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>11</u>	<u>10</u>

	Donegal	Leitrim	Inverness	Stirling	W'land	N.R.	TOTAL
None	2	1	2	-	-	-	1,360
1+	-	-	1	4	1	1	2,118
N.R.	8	8	4	2	4	29	2,653
	<u>10</u>	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

	English	Irish	Scottish	Overseas	N.R.	TOTAL
None	783	518*	44	15	-	1,360
1+	1,665	253	156*	43	1	2,118
No response	1,883	584	75	82	29	2,653
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

APPENDIX 8 (c)

Number of male convicts tried in various counties classified
according to period of transportation

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
7 years	575* ^(a)	213	224*	126	88	87	87
10 years	78	50	7	22	14	6	9
14 years	106	74	6	31	25	22	21
15 years	19	15	-	9	8	2	1
Other	1	-	-	1	-	-	-
Life	283	62*	45*	52	50	59* ^(b)	46
	1,062	414	286 (c)	241	185	176	167

	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Chesh.
7 years	58	114	48	36	70	41	59
10 years	10	3	7	23	8	6	2
14 years	23	4	42	19	14	24	17
15 years	6	-	-	6	5	5	3
Other	1	-	4	-	1	1	2
Life	53	30	37	48	31	40	25
	151	151	140(d)	132	129	117	108

	Norfolk	Tipperary	Hants.	M'lothn.	Lanarks.	Wilts.	Limk.
7 years	38	57	41	38	49	42	59
10 years	7	6	9	11	8	4	4
14 years	17	2	15	27	26	9	1
15 years	2	1	2	-	-	5	1
Other	-	-	-	1	-	1	1
Life	43	37	25	13	6	26	18
	107	104(e)	92	90	89	87	84

	Sussex	Worce.	Devon	Wales	Lincs.	Suffolk	Leics.
7 years	24	37	40	25	28	31	29
10 years	7	6	6	12	7	3	3
14 years	13	8	11	8	11	10	6
15 years	5	4	3	3	5	1	2
Other	-	-	-	-	1	-	1
Life	32	25	18	29	19	26	25
	81	80	78	77	71	71	66

	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
7 years	36	44	31	22	29	22	22
10 years	2	2	4	7	8	-	2
14 years	7	-	9	5	-	6	3
15 years	1	4	2	2	1	1	2
Other	1	-	-	-	-	1	1
Life	19	10	12	17	15	19	17
	66	60	58	53	53	49	47

(a) Chi-squared = 9.78
 (b) Chi-squared = 4.38
 (c) Includes four non-respondents

(d) Includes two non-respondents.
 (e) Includes one non-respondent.

	Salop	King's	Cambs.	Meath	Oxford	Waterfd.	Hereford
7 years	18	26	21	22	12	25	12
10 years	2	8	-	2	2	1	4
14 years	5	2	7	1	4	3	3
15 years	1	-	1	1	4	1	1
Other	-	-	-	-	1	-	-
Life	20	9	13	15	16	8	17
	46	45	42	41	39	38	37

	W.meath	Roscommon	Kilky.	N'land	Beds.	Bucks.	Kerry
7 years	25	17	23	14	11	7	24
10 years	3	1	1	4	2	4	2
14 years	2	2	1	4	4	5	-
15 years	1	1	-	-	2	-	-
Other	-	-	-	1	-	-	-
Life	6	15	10	10	12	15	5
	37	36	36(a)	33	31	31	31

	Cavan	Clare	Dorset	Mayo	Queen's	Durham	Down
7 years	17	19	8	16	19	13	17
10 years	3	2	5	1	-	6	1
14 years	2	-	-	-	-	3	1
15 years	-	-	4	-	-	-	-
Other	-	-	1	-	-	-	-
Life	7	7	11	11	8	4	6
	29	29(b)	29	28	27	26	25

	Perth	Longford	Cornwall	Armagh	Kildare	Tyrone	Aberdn.
7 years	13	16	9	14	12	10	6
10 years	1	-	4	3	-	1	-
14 years	9	-	2	-	-	2	8
15 years	-	1	1	-	-	1	-
Other	-	-	-	-	-	-	-
Life	2	6	6	5	8	6	3
	25	23	22	22	20	20	17

	Wexford	Wicklow	Hunts.	Carlow	Louth	Sligo	Ayr
7 years	8	8	5	8	11	9	9
10 years	1	-	4	1	1	-	2
14 years	-	-	1	1	1	-	2
15 years	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
Life	7	7	5	5	2	6	2
	16	15	15	15	15	15	15

	Dumfries	Other Scots.	L'derry	Monaghan	Fermanagh	C'land	Donegal
7 years	8	11	7	8	7	4	7
10 years	-	-	-	-	2	1	-
14 years	2	2	1	-	1	3	-
15 years	-	-	1	-	-	-	-
Other	-	-	-	-	-	-	-
Life	2	-	3	4	1	2	3
	13(c)	13	12	12	11	10	10

(a), (b) and (c) : include one non-respondent each.

	Leitrim	Inverness	Stirling	Westmoreland	N.R.	TOTAL
7 years	5	4	2	2	2	3,141
10 years	2	-	1	-	-	441
14 years	-	3	1	-	1	711
15 years	-	-	-	-	-	147
Other	-	-	-	-	-	25
Life	2	-	2	3	3	1,632
No response	-	-	-	-	24	34
	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

	English	Irish	Scottish	Overseas	N.R.	TOTAL
7 years	2,044	907*	140	48	2	3,141
10 years	345	66	23	7	-	441
14 years	555	33	80	42	1	711
15 years	133	14	-	-	-	147
Other	19	1	1	4	-	25
Life	1,235*	327	30	37	3	1,632
No response	-	7	1	2	24	34
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

APPENDIX 8 (d)

Number of male convicts tried in various counties classified
according to occupation

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey
Agricultural	37	41*	23*	40	20*	28
Labourer. Boy	184	80	47	37	37	34
Transport	154*(a)	45	43*(b)	23	11	23
Metal	41*(a)	20	11	26*	43*	4
Textile	24*	73*	14	30*	7	1
Personal	71*	11	23*	5	5	7
Wood, cane & cork	44	11	9	9	8	13*(c)
Tanner. Shoemaker	55*	9	20	7	10	10
Defence	27	2	16	3	1	1
Building	52*	11	7	8	1	6
Maker textile goods	32*	11	6	4	3	6
Food, drink	29	9	2	4	3	2
Commercial	38	6	6	2	2	2
Brickmaker	19	9	1	7	-	1
Butcher	22	9	1	2	3	2
Mining	1	4	2	7	-	-
Painter	16	5	7	-	3	3
Clerk	27	2	5	-	-	3
Printer	28	3	2	1	1	4
Professional	6	1	2	1	-	-
Miller. Shipwright	2	1	-	2	-	1
Warehouseman	2	4	-	-	2	-
Fisherman	3	1	-	-	-	-
Entertainer	1	1	-	-	-	1
Other	17	18	4	3	6	1
No response	130	27	35	20	19	23
	1,062	414	286	241	185	176

(a) Chi-squared = 5.07 (b) Chi-squared = 10.35 (c) Chi-squared = 6.21.

	Glos.	Kent	Cork	O'seas	Somerset	Staffs.
Agricultural	27	33	44	3	43	20
Labourer. Boy	32	28	38	1	21	13
Transport	16	23	13	4	10	9
Metal	11	5	6	-	4	26
Textile	5	3	3	1	2	5
Personal	6	6	9	2	5	1
Wood, cane & cork	11	8	1	-	7	4
Tanner. Shoemaker	5	7	3	-	3	2
Defence	-	1	6	106	1	-
Building	5	1	1	1	4	3
Maker textile goods	6	3	4	-	3	2
Food, drink	3	3	3	-	3	1
Commercial	3	2	1	-	1	-
Brickmaker	4	2	1	-	4	12
Butcher	4	2	-	-	-	3
Mining	4	1	3	-	5	13
Painter	3	1	3	-	1	3
Clerk	-	2	2	-	-	-
Printer	-	2	-	-	-	1
Professional	-	2	2	1	-	-
Miller, shipwright	-	1	-	-	1	1
Warehouseman	-	1	-	-	-	1
Fisherman	1	-	-	-	-	-
Entertainer	-	-	-	-	1	-
Other	2	2	-	-	-	1
No response	19	12	8	21	13	8
	167	151	151	140	132	129

	Essex	Chesh.	Norfolk	Tipp.	Hants.	M'lothn.
Agricultural	47	20	49	47	27	5
Labourer. Boy	27	19	17	37	14	18
Transport	6	13	3	4	10	9
Metal	2	5	7	-	1	9
Textile	2	12	4	1	-	1
Personal	3	1	2	3	3	6
Wood, cane & cork	2	4	2	2	5	4
Tanner. Shoemaker	5	3	3	-	3	7
Defence	-	1	-	1	5	2
Building	3	3	3	-	-	-
Maker textile goods	1	1	-	3	2	3
Food, drink	3	2	2	1	2	4
Commercial	2	1	1	-	3	3
Brickmaker	5	3	1	-	1	-
Butcher	-	1	1	-	1	3
Mining	-	3	-	-	1	2
Painter	-	1	1	-	1	3
Clerk	1	-	-	-	-	-
Printer	-	1	-	-	2	1
Professional	-	1	1	-	-	1
Miller. Shipwright	1	-	-	-	-	-
Warehouseman	-	1	-	-	-	-
Fisherman	-	-	1	-	-	-
Entertainer	-	-	-	-	-	-
Other	-	3	1	-	1	1
No response	7	9	8	5	10	7
	117	108	107	104	92	90

	Lanarks.	Wilts.	Limk.	Sussex	Worcs.	Devon
Agricultural	5	33	32	26	21	12
Labourer. Boy	23	13	23	14	9	12
Transport	5	4	7	9	8	6
Metal	8	-	2	4	14	4
Textile	18	4	-	-	2	3
Personal	3	2	4	5	2	6
Wood, cane & cork	3	3	3	4	2	2
Tanner. Shoemaker	5	-	1	1	2	4
Defence	2	-	-	-	-	-
Building	2	3	-	4	2	5
Maker textile goods	3	1	3	1	2	3
Food, drink	-	4	1	2	-	1
Commercial	1	3	1	1	-	1
Brickmaker	1	-	-	2	1	-
Butcher	-	3	-	1	1	-
Mining	2	-	-	-	3	-
Painter	2	-	-	-	3	-
Clerk	-	-	1	1	-	1
Printer	1	-	-	-	-	1
Professional	1	-	-	-	-	-
Miller. Shipwright	-	-	-	-	1	1
Warehouseman	-	-	-	-	-	-
Fisherman	-	-	-	2	-	-
Entertainer	-	1	-	-	-	-
Other	2	3	1	1	2	-
No response	3	10	5	3	6	16
	89	87	84	81	80	78

	Wales	Lincs.	Suffolk	Leics.	Notts.	Antrim
Agricultural	12	27	31	9	8	12
Labourer. Boy	23	9	10	12	14	14
Transport	5	7	6	3	8	7
Metal	5	4	3	5	4	2
Textile	2	2	1	13	8	2
Personal	4	2	2	2	4	4
Wood, cane & cork	3	1	2	2	1	4
Tanner, shoemaker	2	3	2	3	2	4
Defence	2	1	-	-	-	1
Building	-	1	3	1	2	1
Maker textile goods	-	1	1	3	3	1
Food, drink	-	-	-	-	-	2
Commercial	1	-	1	-	-	-
Brickmaker	-	1	1	3	3	-
Butcher	1	5	-	3	1	-
Mining	6	1	-	-	-	1
Painter	-	-	-	-	-	1
Clerk	1	-	1	-	-	-
Printer	-	-	-	-	1	-
Professional	1	-	-	-	-	-
Miller. Shipwright	-	-	1	-	-	-
Warehouseman	-	1	-	-	-	-
Fisherman	-	-	-	-	-	-
Entertainer	-	-	-	-	-	-
Other	-	1	1	-	2	1
No response	9	4	5	7	5	3
	77	71	71	66	66	60

	Derbys.	Herts.	Galway	Berks.	Northants.	Salop
Agricultural	10	29	17	20	11	14
Labourer, Boy	5	8	25	4	5	7
Transport	1	3	1	6	6	-
Metal	9	-	-	3	-	4
Textile	8	-	1	1	5	3
Personal	2	2	1	2	1	-
Wood, cane & cork	1	-	2	3	4	2
Tanner. Shoemaker	1	-	1	-	1	1
Defence	-	-	-	-	-	-
Building	2	3	-	1	3	2
Maker textile goods	-	2	-	-	1	-
Food, drink	3	2	-	1	2	-
Commercial	1	1	-	-	-	1
Brickmaker	3	-	-	1	-	2
Butcher	1	-	-	-	2	1
Mining	2	-	-	-	-	1
Painter	1	-	-	1	-	-
Clerk	-	-	-	-	-	1
Printer	-	-	-	-	-	-
Professional	-	-	-	-	-	-
Miller. Shipwright	-	1	2	-	-	-
Warehouseman		Nil				
Fisherman			Nil			
Entertainer					Nil	
Other	1	-	-	1	-	1
No response	1	-	3	1	-	1
	58	53	53	49	47	46

	King's	Cambs.	Meath	Oxford	Waterfd.	Herefd.
Agricultural	26	19	17	16	11	14
Labourer. Boy	12	10	12	8	11	4
Transport	2	-	1	4	5	2
Metal	-	-	-	-	-	2
Textile	-	-	2	-	1	1
Personal	1	1	-	3	2	3
Wood, cane & cork	1	2	2	-	-	2
Tanner. Shoemaker	1	1	-	-	1	2
Defence	-	-	-	1	1	-
Building	-	2	1	1	-	-
Maker textile goods	-	-	-	-	-	-
Food, drink	-	1	-	1	-	-
Commercial	-	-	-	-	-	1
Brickmaker	-	1	-	-	-	-
Butcher	-	1	-	1	2	-
Mining	-	-	-	-	-	3
Painter	-	-	-	-	1	-
Clerk	-	-	-	-	-	-
Printer	-	-	-	-	1	-
Professional	-	-	-	-	-	-
Miller. Shipwright	-	-	1	-	-	-
Warehouseman	-	-	-	-	-	-
Fisherman	-	-	-	-	1	-
Entertainer	-	-	-	-	-	-
Other	-	1	-	1	-	-
No response	2	3	5	3	1	3
	45	42	41	39	38	37

	W.meath	Roscommon	Kilky.	N'land	Beds.	Bucks.
Agricultural	13	14	10	3	19	11
Labourer. Boy	11	6	12	7	2	6
Transport	2	-	3	6	3	3
Metal	-	-	1	1	2	1
Textile	1	-	1	-	1	-
Personal	1	-	-	1	-	-
Wood, cane & cork	-	-	2	2	-	4
Tanner. Shoemaker	-	-	1	-	1	-
Defence	3	-	2	-	-	-
Building	-	1	-	-	-	-
Maker textile goods	2	-	1	1	-	-
Food, drink	1	-	-	-	-	-
Commercial	1	-	1	-	-	-
Brickmaker	-	-	-	1	-	-
Butcher	-	-	-	-	-	-
Mining	-	-	-	6	-	-
Painter	-	-	-	-	-	-
Clerk	-	3	-	1	-	-
Printer	-	-	-	-	-	2
Professional	-	-	-	1	-	-
Miller. Shipwright		Nil				
Warehouseman			Nil			
Fisherman				Nil		
Entertainer				Nil		
Other	1	-	-	1	-	-
No response	1	12	2	2	3	4
	37	36	36	33	31	31

	Kerry	Cavan	Clare	Dorset	Mayo	Queen's
Agricultural	13	8	15	12	12	12
Labourer. Boy	10	9	11	2	7	8
Transport	2	2	1	2	1	1
Metal	-	-	-	3	-	1
Textile	-	1	-	-	-	-
Personal	-	1	-	-	-	1
Wood, cane & cork	-	-	1	1	-	-
Tanner. Shoemaker	1	1	1	2	1	-
Defence	-	1	-	1	1	-
Building	-	1	-	-	-	-
Maker textile goods	1	-	-	-	1	-
Food, drink	-	-	-	-	-	-
Commercial	-	1	-	1	-	1
Brickmaker	-	-	-	1	-	-
Butcher	1	-	-	-	-	-
Mining	-	-	-	-	-	-
Painter	-	-	-	-	-	1
Clerk	-	-	-	-	-	-
Printer	-	-	-	-	-	-
Professional	-	1	-	-	1	-
Miller. Shipwright	-	-	-	-	-	1
Warehouseman	-	-	-	-	-	-
Fisherman	-	-	-	-	-	-
Entertainer	-	-	-	-	1	-
Other	-	-	-	1	-	-
No response	3	3	-	3	3	1
	31	29	29	29	28	27

	Durham	Down	Perth	Longford	C'wall	Armagh
Agricultural	2	6	2	7	7	6
Labourer. Boy	7	6	5	7	2	3
Transport	6	2	2	1	2	3
Metal	1	2	3	1	-	-
Textile	1	1	5	-	-	5
Personal	-	1	-	1	-	-
Wood, cane & cork	2	-	2	1	-	-
Tanner. Shoemaker	-	4	-	-	-	-
Defence	-	1	-	1	-	-
Building	1	-	-	-	2	-
Maker textile goods	-	1	-	-	1	-
Food, drink	1	-	2	-	1	1
Commercial	-	-	-	2	-	-
Brickmaker	-	-	-	-	-	-
Butcher	-	-	-	-	-	-
Mining	1	-	1	-	1	-
Painter	-	-	-	-	1	-
Clerk	1	-	1	-	-	1
Printer	-	-	-	-	-	-
Professional	1	-	-	-	-	-
Miller. Shipwright		Nil				
Warehouseman			Nil			
Fisherman				Nil		
Entertainer					Nil	
Other						
No response	2	1	2	2	5	3
	26	25	25	23	22	22

Kildare Tyrone Aberdeen Wexford Wicklow Hunts.

Agricultural	9	4	4	5	4	5
Labourer. Boy	2	7	3	4	5	3
Transport	2	2	1	-	2	-
Metal	-	-	1	1	-	3
Textile	-	2	-	-	-	-
Personal	1	-	1	1	1	-
Wood, cane & cork	-	-	1	-	-	-
Tanner. Shoemaker	-	-	-	-	-	1
Defence	-	-	-	-	-	-
Building	-	-	-	-	1	1
Maker textile goods	-	1	1	1	-	-
Food, drink	2	-	-	-	-	1
Commercial	-	-	1	1	-	1
Brickmaker	-	-	-	-	-	-
Butcher	-	-	-	-	1	-
Mining	-	1	-	-	-	-
Painter	-	-	-	-	-	-
Clerk	-	-	1	-	-	-
Printer	Nil	-	-	-	-	-
Professional	-	Nil	-	-	-	-
Miller. Shipwright	-	-	Nil	-	-	-
Warehouseman	-	-	-	Nil	-	-
Fisherman	-	-	-	Nil	-	-
Entertainer	-	-	-	-	Nil	-
Other	1	-	1	-	-	-
No response	3	3	2	3	1	-
	20	20	17	16	15	15

	Carlow	Louth	Sligo	Ayr	Dumfries	Other Scots.
Agricultural	3	5	7	4	3	4
Labourer. Boy	3	1	5	2	2	2
Transport	6	1	-	1	1	3
Metal	-	-	-	-	2	-
Textile	-	1	-	1	1	2
Personal	-	1	1	-	1	-
Wood, cane & cork	-	1	1	-	-	-
Tanner. Shoemaker	-	-	-	1	-	-
Defence	-	-	-	-	-	-
Building	1	-	-	-	-	-
Maker textile goods	-	1	-	-	-	-
Food, drink	-	-	-	-	-	-
Commercial	-	-	-	1	-	1
Brickmaker	-	-	-	1	-	-
Butcher	-	1	-	-	-	-
Mining	-	-	-	3	-	-
Painter	-	-	-	-	-	-
Clerk	-	-	-	-	1	-
Printer	-	-	-	1	-	-
Professional	-	-	-	-	-	-
Miller. Shipwright	-	-	-	-	1	-
Warehouseman	-	Nil	-	-	-	-
Fisherman	-	-	-	Nil	-	-
Entertainer	-	-	-	-	Nil	-
Other	-	-	-	-	1	-
No response	2	3	1	-	-	1
	15	15	15	15	13	13

L'derry M'han F'nagh C'land Donegal Leitrim

Agricultural	4	3	2	3	2	4
Labourer. Boy	3	5	7	1	2	3
Transport	1	2	-	2	-	-
Metal	1	1	-	2	1	-
Textile	1	1	-	1	1	-
Personal	-	-	-	-	-	-
Wood, cane & cork	1	-	-	-	-	-
Tanner, shoemaker	-	-	-	-	1	1
Defence	-	-	-	-	-	-
Building	-	-	-	-	-	-
Maker textile goods	-	-	-	-	1	-
Food, drink	-	-	-	-	-	-
Commercial	-	-	-	-	-	-
Brickmaker	-	-	-	1	-	-
Butcher	-	-	1	-	-	-
Mining	-	-	-	-	-	-
Painter	-	-	1	-	-	-
Professional	Nil	-	-	-	-	-
Miller. Shipwright	-	Nil	-	-	-	-
Warehouseman	-	-	Nil	-	-	-
Fisherman	-	-	-	Nil	-	-
Entertainer	-	-	-	-	Nil	-
Other	-	-	-	-	-	Nil
No response	1	-	-	-	2	1
	<hr/> 12	<hr/> 12	<hr/> 11	<hr/> 10	<hr/> 10	<hr/> 9

	Inverness	Stirling	Wland.	N.R.	TOTAL
Agricultural	3	1	2	-	1,239
Labourer. Boy	-	1	1	-	1,154
Transport	-	2	1	-	594
Metal	1	-	-	-	323
Textile	1	1	1	-	295
Personal	-	-	-	-	240
Wood, cane & cork	1	-	-	-	213
Tanner, shoemaker	-	1	-	-	207
Defence	-	-	-	3	194
Building	-	-	-	-	156
Maker textile goods	1	-	-	-	129
Food, drink	Nil	-	-	-	105
Commercial	-	Nil	-	-	98
Brickmaker	-	Nil	-	-	93
Butcher	-	-	Nil	-	81
Mining	-	-	Nil	-	78
Painter	-	-	-	Nil	61
Clerk	-	-	-	Nil	58
Printer	Nil	-	-	-	53
Professional	-	Nil	-	-	24
Miller. Shipwright	-	Nil	-	-	19
Warehouseman	-	-	Nil	-	12
Fisherman	-	-	Nil	-	9
Entertainer	-	-	-	Nil	6
Other	-	-	-	Nil	85
No response	-	-	-	27	605
	<hr/> 7	<hr/> 6	<hr/> 5	<hr/> 30	<hr/> <u>6,131</u>

Summary

	English	Irish	Scottish	O'seas	N.R.	TOTAL
Agricultural	808	397*	31	3	-	1,239
Labourer. Boy	741	356*	56	1	-	1,154
Transport	449	117	24	4	-	594
Metal	269	30*	24	-	-	323
Textile	225	39*	30	1	-	295
Personal	170	57	11	2	-	240
Wood, cane & cork	171	31	11	-	-	213
Tanner. Shoemaker	151	42	14	-	-	207
Defence	47	34	4	106	3	194
Building	139	14	2	1	-	156
Maker textile goods	94	27	8	-	-	129
Food, drink	86	13	6	-	-	105
Commercial	76	15	7	-	-	98
Brickmaker	89	2	2	-	-	93
Butcher	71	7	3	-	-	81
Mining	63	7	8	-	-	78
Painter	42	14	5	-	-	61
Clerk	43	12	3	-	-	58
Printer	47	3	3	-	-	53
Professional	15	6	2	1	-	24
Miller. Shipwright	14	4	1	-	-	19
Warehouseman	12	-	-	-	-	12
Fisherman	8	1	-	-	-	9
Entertainer	5	1	-	-	-	6
Other	72	8	5	-	-	85
No response	424	118	15	21	27	605
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

APPENDIX 8 (e)

Number of male convicts tried in various counties classified
according to grouped ages

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
10-14	18	7	14	1	4	2	2
15-19	269*	97*	78*	34	47*(a)	35	31
20-24	381	130	97	82	59	52	58
25-29	139	70	36	49	29	27	34
30-34	65	38	23	27	16	14	6
35-39	34	20	10	8	10	8	9
40-44	27	9	7	4	3	5	3
45-49	11	11	3	8	-	7	3
50-54	9	5	6	1	-	2	1
55-59	2	2	-	2	2	-	3
60-64	2	2	1	-	-	-	-
65-69	1	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	104	23	11	25	15	24	17
	1,062	414	286	241	185	176	167

	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Chesh.
10-14	1	2	-	1	2	2	1
15-19	15	36	2	29	19	19	21
20-24	50	40	14	51	46	39	28
25-29	29	32	30	17	25	23	22
30-34	19	13	12	10	12	7	9
35-39	7	12	9	9	7	3	5
40-44	7	5	4	2	6	9	5
45-49	3	2	2	2	1	2	5
50-54	2	-	1	1	2	-	4
55-59	-	3	-	1	-	1	1
60-64	-	3	-	-	-	-	2
65-69	1	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	17	3	66	9	9	12	5
	151	151	140	132	129	117	108

(a) Chi-squared = 8.0

	Norfolk	Tipp.	Hants.	M'lothn.	Lanarks.	Wilts.	Limk.
10-14	-	-	-	-	1	-	-
15-19	10	9	11	24	32	15	13
20-24	33	42	26	30	26	26	22
25-29	26	22	20	10	16	19	18
30-34	16	10	12	5	-	7	16
35-39	8	8	5	6	5	4	3
40-44	7	8	1	2	1	3	2
45-49	1	2	-	2	-	1	2
50-54	1	2	1	1	1	-	4
55-59	-	-	2	-	3	-	-
60-64	-	1	-	-	1	-	-
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	2
N.R.	5	-	14	10	3	12	2
	107	104	92	90	89	87	84

	Sussex	Worcs.	Devon	Wales	Lincs.	Suffolk	Leics.
10-14	-	2	-	1	1	1	1
15-19	17	15	7	6	5	13	12
20-24	27	26	22	22	26	18	21
25-29	14	14	18	19	13	8	13
30-34	5	7	6	9	6	13	1
35-39	5	4	3	4	9	3	5
40-44	3	-	-	3	1	3	3
45-49	4	4	1	1	2	1	2
50-54	2	-	3	-	1	1	-
55-59	-	1	-	2	2	2	-
60-64	-	-	2	1	-	-	1
65-69	-	-	-	-	-	1	-
70+	-	-	-	-	-	-	1
N.R.	4	7	16	9	5	7	6
	81	80	78	77	71	71	66

	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
10-14	1	1	-	-	-	-	-
15-19	18	19	7	4	7	4	6
20-24	15	15	17	20	20	21	18
25-29	10	6	10	9	10	14	13
30-34	9	9	9	5	7	3	1
35-39	4	3	2	5	3	1	3
40-44	4	1	2	5	4	-	3
45-49	1	2	1	-	-	1	-
50-54	-	2	1	3	-	-	-
55-59	1	-	-	-	-	-	-
60-64	-	-	1	-	-	-	-
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	3	2	8	2	2	5	3
	<u>66</u>	<u>60</u>	<u>58</u>	<u>53</u>	<u>53</u>	<u>49</u>	<u>47</u>

	Salop	King's	Cambs.	Meath	Oxford	Waterford	Hereford
10-14	-	1	1	-	-	-	-
15-19	6	3	2	3	6	8	4
20-24	11	11	16	10	10	7	11
25-29	4	11	9	13	14	12	7
30-34	7	4	3	4	5	5	3
35-39	2	8	3	3	1	2	4
40-44	2	4	2	3	-	1	2
45-49	3	-	1	2	-	2	1
50-54	1	-	1	-	-	1	1
55-59	2	-	1	-	-	-	-
60-64	-	1	-	-	-	-	-
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	8	2	3	3	3	-	4
	<u>46</u>	<u>45</u>	<u>42</u>	<u>41</u>	<u>39</u>	<u>38</u>	<u>37</u>

	Wmeath	Roscommon	Kilky.	N'land	Beds.	Bucks.	Kerry
10-14	-	-	-	-	-	-	-
15-19	2	3	5	11	4	5	1
20-24	14	7	7	7	12	10	9
25-29	13	3	11	4	3	5	5
30-34	3	2	3	2	2	3	3
35-39	4	8	2	1	2	3	3
40-44	1	2	1	3	3	2	5
45-49	-	1	3	2	2	-	1
50-54	-	2	1	-	-	-	2
55-59	-	-	-	-	-	-	1
60-64	-	-	-	-	-	-	1
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	-	8	3	3	3	3	-
	37	36	36	33	31	31	31

	Cavan	Clare	Dorset	Mayo	Queen's	Durham	Down
10-14	-	-	-	-	-	2	-
15-19	2	3	3	2	4	3	6
20-24	6	10	7	5	9	10	12
25-29	7	6	7	8	7	3	2
30-34	5	6	4	8	2	2	2
35-39	1	-	3	3	-	2	2
40-44	4	4	-	1	1	2	1
45-49	-	-	2	-	1	-	-
50-54	-	-	1	1	2	-	-
55-59	-	-	-	-	-	-	-
60-64	1	-	-	-	-	-	-
65-69	-	-	-	-	-	-	-
70+	1	-	-	-	-	-	-
N.R.	2	-	2	-	1	2	-
	29	29	29	28	27	26	25

	Dumfries	Other Scots.	L'derry	Monaghan	F'nagh	C'land	Donegal
10-14	-	-	-	-	-	1	-
15-19	2	3	2	-	2	-	-
20-24	6	3	2	6	3	4	5
25-29	2	5	1	3	1	3	1
30-34	2	-	1	1	2	1	1
35-39	-	1	3	1	3	-	1
40-44	-	-	3	-	-	-	-
45-49	-	-	-	-	-	-	-
50-54		Nil					
55-59			Nil				
60-64	-	-	-	-	-	-	1
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	1	1	-	1	-	1	1
	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>

	Leitrim	Inverness	Stirling	W'land	N.R.	TOTAL
10-14	-	-	-	-	-	76
15-19	1	2	-	-	-	1,117
20-24	2	2	3	1	-	1,934
25-29	-	1	-	1	1	1,085
30-34	2	-	1	2	2	554
35-39	1	1	2	-	-	328
40-44	-	1	-	-	-	211
45-49	1	-	-	-	-	119
50-54	-	-	-	-	-	77
55-59	2	-	-	1	-	38
60-64		Nil				22
65-69			Nil			3
70+				Nil		4
N.R.	-	-	-	-	27	563
	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

	English	Irish	Scottish	Overseas	N.R.	TOTAL
10-14	53	20	3	-	-	76
15-19	813	226	76	2	-	1,117
20-24	1,427	406	87	14	-	1,934
25-29	747	262	45	30	1	1,085
30-34	369	162	9	12	2	554
35-39	208	94	17	9	-	328
40-44	135	66	6	4	-	211
45-49	86	25	6	2	-	119
50-54	45	27	4	1	-	77
55-59	29	6	3	-	-	38
60-64	11	9	2	-	-	22
65-69	3	-	-	-	-	3
70+	1	3	-	-	-	4
N.R.	404	49	17	66	27	563
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

APPENDIX 8 (f)

Number of male convicts tried in various counties classified
according to marital status

(In this Appendix, "married" includes widowers)

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
Married	137* ^(a)	81	31	58	30	24	30
Single	532	239*	139	129	98	81	81
N.R.	393	94	116	54	57	71	56
	<u>1,062</u>	<u>414</u>	<u>286</u>	<u>241</u>	<u>185</u>	<u>176</u>	<u>167</u>

	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Cheshire
Married	25	29	11	28	23	22	34
Single	78	70	74	72	77	61	53
N.R.	48	52	55	32	29	34	21
	<u>151</u>	<u>151</u>	<u>140</u>	<u>132</u>	<u>129</u>	<u>117</u>	<u>108</u>

	Norfolk	Tipp.	Hants.	M'lothn.	Lanarks.	Wilts.	Limk.
Married	35	27	19	18	14	19	23
Single	45	49	43	56	61	44	34
N.R.	27	28	30	16	14	24	27
	<u>107</u>	<u>104</u>	<u>92</u>	<u>90</u>	<u>89</u>	<u>87</u>	<u>84</u>

	Sussex	Worcs.	Devon	Wales	Lincs.	Suffolk	Leics.
Married	18	15	15	15	21	18	12
Single	40	39	35	33	36	35	34
No resp.	23	26	28	29	14	18	20
	<u>81</u>	<u>80</u>	<u>78</u>	<u>77</u>	<u>71</u>	<u>71</u>	<u>66</u>

	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
Married	16	12	18	11	12	2	9
Single	27	33	20	33	32	34	21
N.R.	23	15	20	9	9	13	17
	<u>66</u>	<u>60</u>	<u>58</u>	<u>53</u>	<u>53</u>	<u>49</u>	<u>47</u>

	Salop	King's	Cambs.	Meath	Oxford	Waterfd.	Herefd.
Married	10	15	10	13	9	8	8
Single	22	21	19	12	18	20	17
N.R.	14	9	13	16	12	10	12
	<u>46</u>	<u>45</u>	<u>42</u>	<u>41</u>	<u>39</u>	<u>38</u>	<u>37</u>

(a) Chi-squared = 9.23.

	W.meath	Roscommon	Kilky.	N'land	Beds.	Bucks.	Kerry
Married	9	11	9	3	10	4	14
Single	21	7	17	20	15	13	9
N.R.	7	18	10	10	6	14	8
	<u>37</u>	<u>36</u>	<u>36</u>	<u>33</u>	<u>31</u>	<u>31</u>	<u>31</u>

	Cavan	Clare	Dorset	Mayo	Queen's	Durham	Down
Married	12	8	8	7	2	7	5
Single	10	17	12	11	18	17	11
N.R.	7	4	9	10	7	2	9
	<u>29</u>	<u>29</u>	<u>29</u>	<u>28</u>	<u>27</u>	<u>26</u>	<u>25</u>

	Perth	Longfd.	C'wall	Armagh	Kildare	Tyrone	Aberdn.
Married	7	7	5	10	2	3	3
Single	13	11	7	4	9	9	9
N.R.	5	5	10	8	9	8	5
	<u>25</u>	<u>23</u>	<u>22</u>	<u>22</u>	<u>20</u>	<u>20</u>	<u>17</u>

	Wexfd.	Wicklow	Hunts.	Carlow	Louth	Sligo	Ayr
Married	2	2	2	3	4	5	5
Single	7	7	12	5	5	6	9
N.R.	7	6	1	7	6	4	1
	<u>16</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

	Dumfries	Other Scots	L'derry	Monaghan	F'nagh	C'land	Donegal
Married	4	1	3	-	6	3	2
Single	7	10	5	6	4	4	2
N.R.	2	2	4	6	1	3	6
	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>

	Leitrim	Inverness	Stirling	W'land	N.R.	TOTAL
Married	2	2	1	1	2	1,181
Single	2	3	5	-	-	3,056
N.R.	5	2	-	4	28	1,894
	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

	English	Irish	Scottish	O'seas	N.R.	TOTAL
Married	815	298 ^(a)	55	11	2	1,181
Single	2,196	613	173	74	-	3,056
N.R.	1,320	444	47	55	28	1,894
	<u>4,331</u>	<u>1,355</u>	<u>275</u>	<u>140</u>	<u>30</u>	<u>6,131</u>

(a) Chi-squared = 8.31

APPENDIX 8 (g)

Number of male convicts tried in various counties classified
according to native place

	London	Lancs.	Dublin	Yorks.	Warws.	Surrey	Glos.
Born in county of trial	540	252	146	148	110	41	102
Born in England	252	64	12	47	51	94	34
Born in Ireland	43	40	84	11	3	2	3
Born in Scotland	6	6	2	3	-	-	1
Born overseas	18	6	1	-	1	-	-
No response	203	46	41	32	20	39	27
	1,062	414	286	241	185	176	167

	Kent	Cork	O'seas	Somerset	Staffs.	Essex	Chesh.
Born in county of trial	65	110	15	67	63	73	51
Born in England	53	2	29	41	43	28	33
Born in Ireland	9	25	27	1	2	2	8
Born in Scotland	1	2	4	1	1	-	1
Born overseas	1	-	-	-	-	2	2
No response	22	12	65	22	20	12	13
	151	151	140	132	129	117	108

	Norfolk	Tipp.	Hants.	M'lothn.	Lanarks.	Wilts.	Limk.
Born in county of trial	72	77	46	47	42	45	62
Born in England	19	1	18	2	3	23	1
Born in Ireland	1	19	1	4	17	-	16
Born in Scotland	-	-	-	23	19	-	-
Born overseas	-	-	2	-	2	1	-
No response	15	7	25	14	6	18	5
	107	104	92	90	89	87	84

	Worcs.	Sussex	Devon	Wales	Lincs.	Suffolk	Leics.
Born in county of trial	32	47	29	23	32	46	40
Born in England	32	25	19	38	23	14	16
Born in Ireland	-	1	3	3	4	-	-
Born in Scotland	-	-	1	1	-	-	1
Born overseas	2	1	1	-	-	1	-
No response	14	7	25	12	12	10	9
	80	81	78	77	71	71	66

	Notts.	Antrim	Derbys.	Herts.	Galway	Berks.	Northants.
Born in county of trial	37	34	24	33	38	23	21
Born in England	22	1	24	10	1	15	15
Born in Ireland	1	19	-	3	8	1	1
Born in Scotland	-	1	-	1	-	-	-
Born overseas	-	-	-	-	1	1	1
No response	6	5	10	6	5	9	9
	66	60	58	53	53	49	47

Other

	Dumfries	Scots	L'derry	M'han	F'nagh	C'land	Donegal
Born in county of trial	4	10	5	7	6	7	7
Born in England	-	1	-	-	-	-	-
Born in Ireland	2	-	6	5	5	2	1
Born in Scotland	4	1	-	-	-	-	-
Born overseas	-	-	-	-	-	-	-
No response	3	1	1	-	-	1	2
	<u>13</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>10</u>

	Leitrim	Inverness	Stirling	W'land	N.R.	TOTAL
Born in county of trial	6	1	3	1	-	3,230
Born in England	-	-	-	2	-	1,220
Born in Ireland	2	-	-	2	2	546
Born in Scotland	-	3	3	-	-	117
Born overseas	-	1	-	-	-	48
No response	1	2	-	-	28	970
	<u>9</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>30</u>	<u>6,131</u>

Summary

(a) Tried in England

Born in county of trial	2,242
Born in England (except above)	1,158
Born in Ireland	151
Born in Scotland	27
Born overseas	43
No response	710
	<u>4,331</u>

(b) Tried in Ireland

Born in county of trial	843*
Born in Ireland (except above)	339
Born in England	26
Born in Scotland	7
Born overseas	2
No response	138
	<u>1,355</u>

(c) Tried in Scotland

Born in county of trial	130
Born in Scotland (except above)	79
Born in England	7
Born in Ireland	27
Born overseas	3
No response	29
	<u>275</u>

(d) Tried overseas

Born overseas	15
Born in England	29
Born in Ireland	27
Born in Scotland	4
No response	65
	<u>140</u>

(e) No response

No response	28
Born in England	-
Born in Ireland	2
Born in Scotland	-
Born overseas	-
	<u>30</u>

TOTALS

Born in county of trial	3,230
Born in country of trial (except above)	1,576
Born outside country of trial	353
No response	972
	<u>6,131</u>

APPENDIX 9 (a)⁽¹⁾Number of male convicts transported for various offences
classified by grouped years of departureOffences against property

	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel	Receiving
1787-9	6	5	4	1	2	-
1790-9	56	16	13	3	12	1
1800-9	24	24	13	4	5	5
1810-9	259*(a)	96	84	42	6	15
1820-9	533	219	213	123	65	12
1830-9	806	338	294	166	186	43
1840-9	348	153	139	45	90	16
1850-2	85	56	53	18	13	5
	2,117	907	813	402	379	97

	Robbery with violence	Wilful destruction	Fraud	Forgery	Embezzmnt.	Poaching
1787-9	3	1	-	-	-	-
1790-9	5	-	2	-	-	-
1800-9	2	1	-	-	2	-
1810-9	4	3	4	4	1	1
1820-9	11	6	5	6	7	7
1830-9	24	26	20	13	14	13
1840-9	18	5	8	8	7	1
1850-2	1	7	2	4	3	1
	68	49	41	35	34	23

Offences of a public nature

	Coining	Ribbonism	Riot	Treason	Perjury
1787-9	-	-	-	-	-
1790-9	-	5	-	-	-
1800-9	3	-	-	1	-
1810-9	34	3	2	7	2
1820-9	40	18	8	4	5
1830-9	26	10	10	2	2
1840-9	13	1	7	3	4
1850-2	5	-	4	-	1
	121	37	31	17	14

(1) Types of offences are abbreviated in this appendix. For a fuller description of them, see Chapter I.

(a) Chi-squared = 10.56

	Sacrilege	Bigamy	Smuggling
1787-9	-	-	-
1790-9	-	-	-
1800-9	-	-	-
1810-9	-	1	-
1820-9	4	3	1
1830-9	4	3	2
1840-9	2	2	1
1850-2	1	1	-
	<u>11</u>	<u>10</u>	<u>4</u>

Offences against the person

	Murder	Assault (other)	Rape	Other sexual offences
1787-9	-	-	-	1
1790-9	-	-	-	-
1800-9	2	-	2	-
1810-9	3	2	1	1
1820-9	13	5	4	-
1830-9	41	42	13	-
1840-9	21	25	2	2
1850-2	1	6	3	-
	<u>81</u>	<u>80</u>	<u>25</u>	<u>3</u>

	<u>Military Offences</u>	<u>Other offences</u>			<u>N.R.</u>	<u>TOTAL</u>
		Theft, repute	Vagrancy	Threatening letter		
1787-9	-	-	1	-	12	35
1790-9	-	-	-	-	153	266
1800-9	4	-	1	-	81	174
1810-9	13	1	11	-	62	662
1820-9	12	1	21	1	53	1,400
1830-9	62	18	14	6	44	2,242
1840-9	55	43	3	5	12	1,039
1850-2	9	31	2	-	1	313
	<u>155</u>	<u>94</u>	<u>53</u>	<u>12</u>	<u>418</u>	<u>6,131</u>

APPENDIX 9 (b)Number of male convicts transported for various offences
classified by former offencesOffences against property

	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel	Receiving
None	355	190	297*	163	66	33
1+	920*	334	191	106	233*	26
N.R.	842	383	325	133	80	38
	<u>2,117</u>	<u>907</u>	<u>813</u>	<u>402</u>	<u>379</u>	<u>97</u>

	Robbery with violence	Wilful destruction	Fraud	Forgery	Embezzmnt.	Poaching
None	11	18	10	15	15	6
1+	24	7	16	3	7	7
N.R.	33	24	15	17	12	10
	<u>68</u>	<u>49</u>	<u>41</u>	<u>35</u>	<u>34</u>	<u>23</u>

Offences of a public nature

	Coining	Ribbonism	Riot	Treason	Perjury
None	28	8	9	3	2
1+	22	1	2	-	5
N.R.	71	28	20	14	7
	<u>121</u>	<u>37</u>	<u>31</u>	<u>17</u>	<u>14</u>

	Sacrilege	Bigamy	Smuggling
None	2	4	2
1+	4	-	-
N.R.	5	6	2
	<u>11</u>	<u>10</u>	<u>4</u>

Offences against the person

	Murder	Assault (other)	Rape	Other sexual offences	<u>Military Offences</u>
None	40	38	10	1	10
1+	16	13	4	-	71
N.R.	25	29	11	2	74
	<u>81</u>	<u>80</u>	<u>25</u>	<u>3</u>	<u>155</u>

	<u>Other offences</u>			<u>No response</u>	TOTAL
	Theft, repute	Vagrancy	Threatening letter		
None	-	16	5	3	1,360
1+	89	7	1	9	2,118
N.R.	5	30	6	406	2,653
	<u>94</u>	<u>53</u>	<u>12</u>	<u>418</u>	<u>6,131</u>

APPENDIX 9 (c)

Number of male convicts transported for various offences
classified according to period of transportation

Offences against property

	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel	Receiving
7 years	1,481*	195	326	128	302	41
10 years	137	107	87	29	19	7
14 years	205*	118	58	50	58	43
15 years	18	40	28	22	1	-
Other	7	7	2	-	3	-
Life	268*	439*	312*	173*	20	6
	2,117(a)	907(b)	813	402	379	97

	Robbery with violence	Wilful destruction	Fraud	Forgery	Embezzt.	Poaching
7 years	19	17	37	12	17	15
10 years	4	3	-	3	1	-
14 years	11	8	1	2	14	4
15 years	12	2	-	2	-	1
Other	-	-	1	-	-	1
Life	22	19	2	16	2	2
	68	49	41	35	34	23

Offences of a public nature

	Coining	Ribbonism	Riot	Treason	Perjury
7 years	25	15	13	7	10
10 years	6	-	2	-	2
14 years	56	-	3	-	1
15 years	3	-	-	-	-
Other	-	-	-	-	-
Life	31	21	13	10	1
	121	37(c)	31	17	14

	Sacrilege	Bigamy	Smuggling
7 years	3	8	3
10 years	1	-	-
14 years	2	2	-
15 years	-	-	-
Other	-	-	-
Life	5	-	1
	11	10	4

(a), (b) and (c) : include one non-respondent each.

	<u>Offences against the person</u>				<u>Military</u>
	Murder	Assault (other)	Rape	Other sexual offences	<u>Offences</u>
7 years	21	45	3	-	67
10 years	1	4	1	-	2
14 years	4	4	2	-	54
15 years	2	8	1	1	-
Other	-	-	-	-	4
Life	53	19	18	2	28
	<u>81</u>	<u>80</u>	<u>25</u>	<u>3</u>	<u>155</u>

	<u>Other offences</u>			<u>No response</u>	<u>TOTAL</u>
	Theft, repute	Vagrancy	Threatening letter		
7 years	61	34	10	226	3,141
10 years	21	1	-	3	441
14 years	5	-	-	30	711
15 years	4	-	-	2	147
Other	-	-	-	-	25
Life	3	18	2	126	1,632
No resp.	-	-	-	31	34
	<u>94</u>	<u>53</u>	<u>12</u>	<u>418</u>	<u>6,131</u>

APPENDIX 9 (d)

Number of male convicts transported for various offences
classified according to county of trial

	London	Lancs.	Dublin	Yorks.	Warws.
<u>Offences against property</u>					
Larceny (other)	613*	196	111	82	67
Burglary/hbrkg.	105	53	23	51	40
Animal theft	38*	16	18	21*(a)	17
Robbery	49	25	24	20	12
Theft of apparel	43	31*	26*	14*(b)	13
Receiving	16	10	4	2	1
Robbery with violence	16	7	3	5	2
Wilful destruction	1	-	-	-	-
Fraud	11	3	4	2	-
Forgery	10	1	2	1	4
Embezzlement	14	1	2	1	-
Poaching	-	1	-	1	-
<u>Offences of a public nature</u>					
Coining, uttering	24	21	5	-	8
Ribbonism	-	-	-	-	-
Riot	-	1	-	-	-
Treason	-	-	-	1	-
Perjury	2	-	-	-	-
Sacrilege	-	1	-	2	1
Bigamy	3	1	-	-	-
Smuggling	1	-	-	-	-
<u>Offences against the person</u>					
Murder	3	4	1	-	-
Assault (other)	5	3	1	2	1
Rape	1	-	1	1	-
Other sexual offences	-	-	-	2	-
<u>Military offences</u>					
	22	5	15	2	-
<u>Other offences</u>					
Theft, habit	30	2	-	8	6
Vagrancy	3	-	2	1	-
Threatening letter	-	-	-	-	-
<u>No response</u>					
	25	20	39	10	12
	1,062	414	286	241	185

(a) Chi-squared = 4.56

(b) Chi-squared = 9.18

Surrey Glos. Kent Cork O'seas Somerset

Offences against property

Larceny (other)	76*	72	36	41	7	39
Burglary/hbrkg.	26	37	32	8	4	40
Animal theft	16	18	21	37*	1	21
Robbery	14	7	10	8	7	8
Theft of apparel	13	6	15	11	-	8
Receiving	4	2	5	1	1	1
Robbery with violence	-	3	3	1	-	2
Wilful destruction	-	3	1	1	-	1
Fraud	2	-	2	1	-	-
Forgery	1	-	1	1	-	-
Embezzlement	1	-	2	-	1	-
Poaching	1	1	1	-	-	-

Offences of a public nature

Coining, uttering	4	1	7	3	-	-
Ribbonism	-	-	-	6	-	-
Riot	-	1	-	3	-	-
Treason	-	-	-	-	5	-
Perjury	-	-	1	-	-	-
Sacrilege	1	-	-	-	-	-
Bigamy	1	-	-	-	-	-
Smuggling	-	-	1	-	-	-

Offences against the person

Murder	-	3	1	5	3	1
Assault (other)	-	1	1	3	1	1
Rape	-	1	-	-	1	-
Other sexual offences	-	-	-	-	-	-

Military offences

	-	-	-	4	91	-
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Other offences

Theft, habit	-	2	-	-	-	-
Vagrancy	1	-	1	9	2	-
Threatening letter	-	-	-	-	-	-

No response

	15	9	10	8	16	9
	176	167	151	151	140	132

Staffs. Essex Chesh. Norfolk Tipp. Hants.

Offences against property

Larceny (other)	13	23	40	26	7	22
Burglary/hbrkg.	26	24	15	25	3	14
Animal theft	21	38*	11	26*	22*(a)	18
Robbery	11	10	10	4	8	6
Theft of apparel	13	7	13	3	3	5
Receiving	2	2	4	5	1	1
Robbery with violence	2	3	1	1	2	2
Wilful destruction	-	1	-	1	1	5
Fraud	-	-	4	-	1	1
Forgery	-	1	1	-	-	-
Embezzlement	1	1	-	-	-	-
Poaching	4	-	-	1	-	2

Offences of a public nature

Coining, uttering	3	-	-	3	3	-
Ribbonism	-	-	-	-	5	-
Riot	-	-	-	-	2	-
Treason	-	-	-	-	2	-
Perjury	-	-	-	-	1	-
Sacrilege	2	-	-	-	-	-
Bigamy	-	Nil	-	-	-	-
Smuggling	-	-	Nil	-	-	-

Offences against the person

Murder	1	-	1	-	15	2
Assault (other)	-	-	1	2	11	-
Rape	-	2	2	2	-	-
Other sexual offences	-	-	-	1	-	-

Military offences

	-	-	-	-	-	5
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Other offences

Theft, habit	4	-	4	-	-	-
Vagrancy	-	-	-	-	6	-
Threatening letter	-	1	-	1	1	-

No response

	1	4	1	6	10	9
	129	117	108	107	104	92

(a) Chi-squared = 4.71

M'lothn. Lanarks. Wilts. Link. Sussex

Offences against property

Larceny (other)	19	19	22	9	29
Burglary/hbrkg.	27	26	16	2	18
Animal theft	2	2	11	16	14
Robbery	5	5	8	5	6
Theft of apparel	1	6	6	6	3
Receiving	-	1	2	5	2
Robbery with violence	4	-	-	1	2
Wilful destruction	1	-	5	1	1
Fraud	1	1	-	1	-
Forgery	1	1	-	-	-
Embezzlement	-	-	1	1	1
Poaching	-	-	1	-	1

Offences of a public nature

Coining, uttering	3	6	1	1	1
Ribbonism	-	-	-	7	-
Riot	-	4	2	7	-
Treason	-	-	-	2	-
Perjury	-	-	-	1	-
Sacrilege	-	-	1	-	-
Bigamy		Nil			
Smuggling			Nil		

Offences against the person

Murder	3	1	-	3	-
Assault (other)	3	1	-	1	-
Rape	1	-	-	2	-
Other sexual offences	-	-	-	-	-

Military offences

	2	2	-	-	-
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Other offences

Theft, habit	12	10	1	-	1
Vagrancy	-	-	-	3	1
Threatening letter	-	-	1	3	-

No response

	5	4	9	7	1
	90	89	87	84	81

Worcs. Devon Wales Lincs. Suffolk Leics.

Offences against property

Larceny (other)	26	35	17	29	16	28
Burglary/hbrkg.	16	13	23	15	16	9
Animal theft	21*	7	12	13	22	13
Robbery	7	4	6	3	4	5
Theft of apparel	4	3	1	4	3	-
Receiving	-	1	-	1	3	1
Robbery with violence	-	-	-	-	-	-
Wilful destruction	-	-	1	1	-	-
Fraud	1	1	-	-	-	-
Forgery	-	-	1	1	-	-
Embezzlement	-	-	-	1	1	1
Poaching	1	-	1	-	1	-

Offences of a public nature

Coining, uttering	-	1	1	1	1	1
Ribbonism	Nil					
Riot		Nil				
Treason			Nil			
Perjury				Nil		
Sacrilege	-	-	1	-	-	-
Bigamy	-	-	-	-	-	1
Smuggling	-	-	-	-	1	-

Offences against the person

Murder	-	1	-	-	-	-
Assault (other)	-	-	3	-	-	2
Rape		Nil				
Other sexual offences			Nil			

Military offences

- - - - -

Other offences

Theft, habit	-	-	1	-	1	-
Vagrancy	-	2	-	-	-	-
Threatening letter	-	-	-	-	-	-

No response

4	10	9	2	2	5
80	78	77	71	71	66

Notts. Antrim Derbys. Herts. Galway Berks.

Offences against property

Larceny (other)	27	15	26	14	8	15
Burglary/hbrkg.	9	5	12	7	5	9
Animal theft	5	11	6	14	15	12
Robbery	7	8	2	3	6	1
Theft of apparel	7	3	2	3	-	4
Receiving	2	3	-	2	1	-
Robbery with violence	-	1	-	-	1	-
Wilful destruction	2	-	-	1	3	4
Fraud	1	-	-	-	-	-
Forgery	-	1	-	-	-	-
Embezzlement	-	-	1	-	-	-
Poaching	-	-	2	1	-	1

Offences of a public nature

Coining, uttering	-	2	-	2	-	1
Ribbonism	-	1	-	-	3	-
Riot	-	-	-	-	-	-
Treason	-	-	1	-	1	-
Perjury	-	1	-	-	-	-
Sacrilege		Nil				
Bigamy			Nil			
Smuggling				Nil		

Offences against the person

Murder	-	1	-	1	6	-
Assault (other)	-	1	-	-	2	-
Rape	1	1	-	-	-	-
Other sexual offences	-	-	-	-	-	-

Military offences

	-	-	-	-	-	-
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Other offences

Theft, habit	-	-	-	2	-	-
Vagrancy	-	2	-	-	-	-
Threatening letter	-	-	-	-	-	-

No response

	5	4	6	3	2	2
	<u>66</u>	<u>60</u>	<u>58</u>	<u>53</u>	<u>53</u>	<u>49</u>

Northants. Salop King's Cambs. Meath Oxford

Offences against property

Larceny (other)	17	10	5	16	5	11
Burglary/hbrkg.	7	10	2	4	5	14
Animal theft	10	12	12	7	13	4
Robbery	6	1	8	1	8	4
Theft of apparel	-	3	-	4	1	2
Receiving	-	-	2	2	-	-
Robbery with violence	-	-	-	1	-	-
Wilful destruction	-	1	1	3	-	-
Fraud	-	1	-	-	-	-
Forgery	-	-	-	-	-	1
Embezzlement	1	-	1	-	-	-
Poaching	1	-	-	-	-	-

Offences of a public nature

Coining, uttering	-	-	-	1	1	1
Ribbonism	Nil					
Riot		Nil				
Treason			Nil			
Perjury	-	-	-	1	-	-
Sacrilege	-	2	-	-	-	-
Bigamy	-	-	1	1	-	-
Smuggling	-	-	-	-	-	-

Offences against the person

Murder	1	1	1	-	1	1
Assault (other)	-	-	7	-	-	-
Rape	-	-	1	-	-	-
Other sexual offences	-	-	-	-	-	-

Military offences

	-	-	-	-	-	-
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Other offences

Theft, habit	-	-	-	-	-	-
Vagrancy	-	-	1	-	-	-
Threatening letter	-	-	-	-	-	-

No response

	4	5	3	7	1	1
	47	46	45	42	41	39

Waterfd. Herefd. W.meath Rosc. Kilky. N'land

Offences against property

Larceny (other)	10	12	8	3	6	15
Burglary/hbrkg.	-	12	3	5	-	8
Animal theft	10	11	11	8	6	5
Robbery	4	-	-	-	4	1
Theft of apparel	1	1	-	-	1	1
Receiving	1	-	-	1	1	-
Robbery with violence	1	-	-	-	-	-
Wilful destruction	1	-	-	1	-	-
Fraud	-	-	-	-	-	-
Forgery	-	-	1	-	-	-
Embezzlement		Nil				
Poaching			Nil			

Offences of a public nature

Coining, uttering	-	-	-	1	-	-
Ribbonism	-	-	-	1	2	-
Riot	1	-	2	3	-	-
Treason	-	-	-	3	1	-
Perjury	1	-	-	1	1	-
Sacrilege		Nil				
Bigamy			Nil			
Smuggling				Nil		

Offences against the person

Murder	-	-	1	1	3	1
Assault (other)	-	-	2	-	4	1
Rape	1	-	1	-	-	-
Other sexual offences	-	-	-	-	-	-

Military offences

	1	-	2	-	1	-
--	---	---	---	---	---	---

Other offences

Theft, habit	-	1	-	-	-	-
Vagrancy	3	-	-	4	2	-
Threatening letter	-	-	2	-	-	-

No response

	3	-	4	4	4	1
	38	37	37	36	36	33

	Beds.	Bucks.	Kerry	Cavan	Clare	Dorset
<u>Offences against property</u>						
Larceny (other)	9	7	8	7	5	10
Burglary/hbrkg.	5	6	-	1	3	3
Animal theft	7	9	15	9	9	7
Robbery	3	3	-	1	2	-
Theft of apparel	1	-	-	1	2	1
Receiving	-	-	-	-	-	-
Robbery with violence	1	-	-	-	-	-
Wilful destruction	-	1	-	-	1	1
Fraud		Nil				
Forgery			Nil			
Embezzlement	-	-	-	1	-	-
Poaching	1	-	-	-	-	-
<u>Offences of a public nature</u>						
Coining, uttering	-	-	-	-	-	-
Ribbonism	-	-	1	1	2	-
Riot	-	-	-	-	1	1
Treason	-	-	-	-	-	-
Perjury	-	-	1	-	-	-
Sacrilege	-	-	-	-	-	-
Bigamy	-	1	-	-	-	-
Smuggling	-	-	-	-	-	-
<u>Offences against the person</u>						
Murder	-	-	-	-	2	-
Assault (other)	-	-	1	2	2	2
Rape	-	-	1	-	-	-
Other sexual offences	-	-	-	-	-	-
<u>Military offences</u>						
	-	-	-	-	-	-
<u>Other offences</u>						
Theft, habit	1	-	-	-	-	-
Vagrancy		Nil				
Threatening letter			Nil			
<u>No response</u>						
	3	4	4	6	-	4
	31	31	31	29	29	29

Mayo Queen's Durham Down Perth Longfd.

Offences against property

Larceny (other)	2	8	13	7	8	5
Burglary/hbrkg.	2	2	4	-	5	-
Animal theft	8	5	-	9	-	3
Robbery	-	1	2	3	1	4
Theft of apparel	2	2	-	2	3	-
Receiving		Nil				
Robbery with violence			Nil			
Wilful destruction	-	-	-	-	-	1
Fraud	-	-	-	-	-	1
Forgery	-	-	1	-	1	-
Embezzlement		Nil				
Poaching			Nil			

Offences of a public nature

Coining, uttering	-	-	-	1	1	1
Ribbonism	3	2	-	-	-	-
Riot	-	1	-	-	-	1
Treason	1	-	-	-	-	-
Perjury	1	-	1	-	-	-
Sacrilege		Nil				
Bigamy			Nil			
Smuggling				Nil		

Offences against the person

Murder	4	2	1	-	-	-
Assault (other)	1	2	-	-	1	1
Rape	1	-	1	-	-	-
Other sexual offences	-	-	-	-	-	-

Military offences

- - - - -

Other offences

Theft, habit	-	-	1	-	3	-
Vagrancy	-	1	-	-	-	1
Threatening letter	-	-	-	-	-	1

No response

3	1	2	3	2	4
28	27	26	25	25	23

C'wall Armagh Kildare Tyrone Aberdn. Wexfd.

Offences against property

Larceny (other)	5	5	-	3	3	2
Burglary/hbrkg.	4	4	-	2	5	2
Animal theft	7	3	7	7	3	4
Robbery	-	2	7	-	-	1
Theft of apparel	2	1	1	1	-	-
Receiving	1	-	-	1	-	1
Robbery with violence	-	-	-	-	-	1
Wilful destruction	-	-	-	-	-	-
Fraud	-	-	1	-	-	-
Forgery	1	-	-	-	1	-
Embezzlement		Nil				
Poaching			Nil			

Offences of a public nature

Coining, uttering	-	-	1	1	3	-
Ribbonism		Nil				
Riot			Nil			
Treason				Nil		
Perjury	-	1	-	-	-	-
Sacrilege	-	-	-	-	-	-
Bigamy	-	1	-	-	-	-
Smuggling	-	-	-	-	-	1

Offences against the person

Murder	-	1	-	1	-	-
Assault (other)	-	1	-	1	-	-
Rape		Nil				
Other sexual offences			Nil			

Military offences

	-	-	-	-	-	-
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Other offences

Theft, habit	-	-	-	-	2	-
Vagrancy	-	1	-	-	-	-
Threatening letter	-	-	-	-	-	-

No response

	2	1	3	3	-	4
	22	22	20	20	17	16

Wicklow Hunts. Carlow Louth Sligo Ayr

Offences against property

Larceny (other)	2	4	4	1	3	1
Burglary/hbrkg.	1	3	2	1	2	7
Animal theft	5	2	3	2	4	2
Robbery	1	1	2	4	1	1
Theft of apparel	1	2	-	2	-	-
Receiving	1	-	-	-	-	-
Robbery with violence	-	-	-	-	-	1
Wilful destruction	-	1	-	-	-	-
Fraud		Nil				
Forgery			Nil			
Embezzlement				Nil		
Poaching					Nil	

Offences of a public nature

Coining, uttering	-	-	-	1	-	1
Ribbonism	-	-	-	-	2	-
Riot		Nil				
Treason			Nil			
Perjury				Nil		
Sacrilege					Nil	
Bigamy						Nil
Smuggling						

Offences against the person

Murder	-	1	-	-	1	-
Assault (other)	-	1	-	1	-	-
Rape	1	-	-	-	-	-
Other sexual offences	-	-	-	-	-	-

Military offences

	-	-	-	-	-	-
--	---	---	---	---	---	---

Other offences

Theft, habit	-	-	-	-	-	1
Vagrancy	-	-	2	-	1	-
Threatening letter	-	-	-	-	-	1

No response

	3	-	2	3	1	-
	15	15	15	15	15	15

Other
Dumfries Scots. L'derry M'han F'nagh C'land

Offences against property

Larceny (other)	5	4	3	-	2	7
Burglary/hbrkg.	3	3	1	2	-	2
Animal theft	-	1	1	4	3	1
Robbery	2	1	1	1	1	-
Theft of apparel	-	-	-	1	1	-
Receiving		Nil				
Robbery with violence			Nil			
Wilful destruction	-	-	-	-	1	-
Fraud	-	-	-	-	1	-
Forgery	1	-	-	-	-	-
Embezzlement	-	Nil				
Poaching			Nil			

Offences of a public nature

Coining, uttering	-	-	1	-	1	-
Ribbonism	-	-	-	-	-	-
Riot	-	1	-	-	-	-
Treason		Nil				
Perjury			Nil			
Sacrilege			Nil			
Bigamy				Nil		
Smuggling					Nil	

Offences against the person

Murder	-	-	-	-	-	-
Assault (other)	-	2	-	2	-	-
Rape	-	-	-	-	1	-
Other sexual offences	-	-	-	-	-	-

Military offences

	-	-	-	-	-	-
--	---	---	---	---	---	---

Other offences

Theft, habit	-	-	-	-	-	-
Vagrancy	-	-	2	-	-	-
Threatening letter	-	-	-	1	-	-

No response

	2	1	3	1	-	-
	13	13	12	12	11	10

N.
D'gal L'trim I'ness Stirling W'land R. TOTAL

Offences against property

Larceny (other)	-	1	1	2	2	-	2,117
Burglary/hbrkg.	2	1	2	1	1	-	907
Animal theft	3	4	1	-	-	-	813
Robbery	-	-	1	-	-	-	402
Theft of apparel	-	-	-	1	1	-	379
Receiving	-	-	-	-	-	-	97
Robbery with violence	-	-	-	1	-	-	68
Wilful destruction	1	-	-	-	-	-	49
Fraud		Nil					41
Forgery			Nil				35
Embezzlement				Nil			34
Poaching					Nil		23

Offences of a public nature

Coining, uttering	-	-	-	1	-	-	121
Ribbonism	1	-	-	-	-	-	37
Riot		Nil					31
Treason			Nil				17
Perjury				Nil			14
Sacrilege					Nil		11
Bigamy						Nil	10
Smuggling						Nil	4

Offences against the person

Murder	-	-	1	-	-	-	81
Assault (other)	-	-	-	-	-	-	80
Rape	-	-	1	-	-	-	25
Other sexual offences	-	-	-	-	-	-	3

Military offences

	-	-	-	-	-	3	155
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Other offences

Theft, habit	-	-	-	-	-	-	94
Vagrancy	-	1	-	-	1	-	53
Threatening letter	-	-	-	-	-	-	12

No response

	3	2	-	-	-	27	418
	10	9	7	6	5	30	<u>6,131</u>

Summary

	English	Irish	Scots.	O'seas	N.R.	TOTAL
<u>Offences against property</u>						
Larceny (other)	1,752	296	62	7	-	2,117
Burglary/hbrkg.	734*	90*	79*	4	-	907
Animal theft	514*	287*(a)	11	1	-	813
Robbery	264	115*	16	7	-	402
Theft of apparel	294*(b)	74	11	-	-	379
Receiving	72	23	1	1	-	97
Robbery with violence	51	11	6	-	-	68
Wilful destruction	35	13	1	-	-	49
Fraud	29	10	2	-	-	41
Forgery	25	5	5	-	-	35
Embezzlement	28	5	-	1	-	34
Poaching	23	-	-	-	-	23
<u>Offences of a public nature</u>						
Coining, uttering	83	23	15	-	-	121
Ribbonism	-	37	-	-	-	37
Riot	5	21	5	-	-	31
Treason	2	10	-	5	-	17
Perjury	5	9	-	-	-	14
Sacrilege	11	-	-	-	-	11
Bigamy	8	2	-	-	-	10
Smuggling	3	1	-	-	-	4
<u>Offences against the person</u>						
Murder	24	49	5	3	-	81
Assault (other)	26	46	7	1	-	80
Rape	12	10	2	1	-	25
Other sexual offences	3	-	-	-	-	3
<u>Military offences</u>						
	34	23	4	91	3	155
<u>Other offences</u>						
Theft, habit	66	-	28	-	-	94
Vagrancy	10	41	-	2	-	53
Threatening letter	3	8	1	-	-	12
<u>No response</u>						
	215	146	14	16	27	418
	4,331	1,355	275	140	30	<u>6,131</u>

(a) Chi-squared = 10.44

(b) Chi-squared = 9.5

APPENDIX 9 (e)

Number of male convicts transported for various offences
classified according to occupation

	<u>Offences against property</u>				
	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel (a)
Agricultural	274*	193	378	70	51*
Labourer. Boy	435	192	156	70	83
Transport	287*	90	49	59	41
Metal	139*	57	29	24	30
Textile	121	48	21	28	23
Personal	98	53*	15	22	15
Wood, cane & cork	99	26	25	14	13
Tanner. Shoemaker	92	24	10	12	24
Defence	7	3	-	-	7
Building	75	28	9	13	7
Maker textile goods	52	22	6	11	16
Food, drink	41	23	8	7	7
Commercial	40	9	12	9	5
Brickmaker	42	13	6	7	10
Butcher	27	6	22	6	4
Mining	19	23	12	9	6
Painter	26	9	4	8	5
Clerk	18	7	5	1	1
Printer	30	6	2	1	5
Professional	4	3	2	-	1
Miller. Shipwright	9	3	4	-	-
Warehouseman	7	2	-	2	-
Fisherman	5	1	2	1	-
Entertainer	1	-	1	1	-
Other	36	17	5	9	6
No response	133	49	30	18	19
	<u>2,117</u>	<u>907</u>	<u>813</u>	<u>402</u>	<u>379</u>

	Robbery		Wilful	
	Receiving	with violence	destruction	Fraud
Agricultural	20	14	24	3
Labourer. Boy	18	10	8	6
Transport	8	6	3	4
Metal	2	3	-	1
Textile	5	3	1	3
Personal	7	2	1	4
Wood, cane & cork	3	3	3	1
Tanner. Shoemaker	5	3	1	2
Defence	2	-	-	1
Building	1	-	-	-
Maker textile goods	4	2	1	3
Food, drink	3	2	-	1
Commercial	5	1	1	1
Brickmaker	2	3	1	1
Butcher	1	4	-	1
Mining	-	2	-	-
Painter	1	-	1	-
Clerk	-	-	-	1
Printer	1	1	-	1
Professional	1	1	-	1
Miller. Shipwright	-	-	-	1
Warehouseman	-	-	-	-
Fisherman		Nil		
Entertainer		Nil		
Other	2	-	-	-
No response	6	8	4	4
	<u>97</u>	<u>68</u>	<u>49</u>	<u>41</u>

(a) Chi-squared = 10.56

Offences of public nature

	Forgery	Embezzt.	Poaching	Coining	Ribbonism
Agricultural	2	4	6	19	25
Labourer. Boy	3	3	2	21	6
Transport	1	2	-	8	1
Metal	2	-	1	7	-
Textile	-	1	-	17	1
Personal	2	2	-	5	-
Wood, cane & cork	3	1	2	4	1
Tanner. Shoemaker	-	1	-	10	2
Defence	-	1	-	1	-
Building	1	-	-	7	-
Maker textile goods	1	-	-	-	-
Food, drink	1	1	-	2	-
Commercial	3	5	-	3	-
Brickmaker	-	-	-	-	-
Butcher	-	1	-	4	-
Mining	-	1	-	1	-
Painter	-	-	-	-	-
Clerk	8	7	-	4	-
Printer	2	1	-	-	-
Professional	4	-	-	3	1
Miller. Shipwright	-	-	-	1	-
Warehouseman		Nil			
Fisherman			Nil		
Entertainer				Nil	
Other	-	2	-	-	-
No response	2	1	2	4	-
	<u>35</u>	<u>34</u>	<u>23</u>	<u>121</u>	<u>37</u>

Riot Treason Perjury Sacrilege Bigamy Smuggling

Agricultural	17	3	5	2	2	1
Labourer. Boy	5	8	3	1	-	-
Transport	1	-	1	-	2	-
Metal	3	-	-	3	-	-
Textile	1	1	-	2	2	-
Personal	-	-	-	1	-	1
Wood, cane & cork	-	-	-	-	1	-
Tanner. Shoemaker	-	-	-	-	-	-
Defence	-	1	-	-	-	-
Building	2	-	-	-	-	-
Maker textile goods	1	-	-	1	-	-
Food, drink	-	-	-	-	-	-
Commercial		Nil				
Brickmaker			Nil			
Butcher	-	-	1	-	-	-
Mining	-	-	-	-	-	1
Painter	-	-	1	-	-	-
Clerk	1	-	-	1	1	-
Printer	-	-	1	-	-	-
Professional	-	-	-	-	1	-
Miller. Shipwright		Nil				
Warehouseman			Nil			
Fisherman				Nil		
Entertainer	-	-	-	-	1	-
Other	-	-	-	-	-	1
No response	-	4	2	-	-	1
	<u>31</u>	<u>17</u>	<u>14</u>	<u>11</u>	<u>10</u>	<u>4</u>

	<u>Offences against the person</u>				<u>Military offences</u>
	<u>Assault</u>		<u>Other sex</u>		
	<u>Murder (other)</u>	<u>Rape</u>	<u>offences</u>		
Agricultural	36	35	7	3	-
Labourer. Boy	18	15	8	-	-
Transport	1	1	-	-	1
Metal	3	7	1	-	-
Textile	3	6	2	-	-
Personal	1	-	-	-	-
Wood, cane & cork	-	3	1	-	-
Tanner. Shoemaker	-	3	-	-	-
Defence	4	2	1	-	154
Building	-	1	1	-	-
Maker textile goods	1	2	1	-	-
Food, drink	2	1	-	-	-
Commercial	-	1	-	-	-
Brickmaker	1	-	1	-	-
Butcher	1	1	-	-	-
Mining	3	-	-	-	-
Painter	-	-	-	-	-
Clerk	1	-	-	-	-
Printer	-	-	-	-	-
Professional	1	1	-	-	-
Miller. Shipwright		Nil			
Warehouseman			Nil		
Fisherman				Nil	
Entertainer	-	1	1	-	-
Other	-	-	1	-	-
No response	5	-	-	-	-
	81	80	25	3	155

	<u>Other offences</u>			<u>No Response</u>	<u>TOTAL</u>
	<u>Theft, repute</u>	<u>Vagrancy</u>	<u>Threatening letter</u>		
Agricultural	6	6	6	7	1,239
Labourer. Boy	28	13	3	39	1,154
Transport	5	8	1	14	594
Metal	7	-	-	4	323
Textile	3	-	-	3	295
Personal	3	2	-	6	240
Wood, cane & cork	7	-	-	3	213
Tanner. Shoemaker	8	2	2	6	207
Defence	-	-	-	10	194
Building	6	1	-	4	156
Maker textile goods	4	1	-	1	129
Food, drink	4	-	-	1	105
Commercial	1	-	-	2	98
Brickmaker	3	-	-	3	93
Butcher	1	-	-	1	81
Mining	2	-	-	-	78
Painter	1	2	-	2	61
Clerk	1	-	-	1	58
Printer	-	1	-	1	53
Professional	-	-	-	-	24
Miller. Shipwright	-	-	-	1	19
Warehouseman	-	-	-	-	12
Fisherman	-	-	-	-	9
Entertainer	-	-	-	-	6
Other	2	-	-	5	85
No response	2	7	-	304	605
	94	53	12	418	<u>6,131</u>

APPENDIX 9 (f)

Number of male convicts transported for various offences
classified according to grouped ages

<u>Offences against property</u>						
	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel	Receiving
10-14	49*	8	-	2	12	-
15-19	553*	194*(a)	67	65	122	8
20-24	685	346	248	167	129	21
25-29	321	192	151	84	50*(c)	14
30-34	172	58	112	36	24	15
35-39	96	34	66	15	12	9
40-44	60	19	61	8	4	9
45-49	34	10	29	2	4	7
50-54	15*	2	20	5	2	3
55-59	10	5	11	-	1	3
60-64	9	-	5	-	1	1
65-69	1	-	2	-	-	-
70+	1	-	1*(b)	-	-	-
N.R.	111	39	40	18	18	7
	2,117	907	813	402	379	97

	Robbery with violence	Wilful destruction	Fraud	Forgery	Embezzt.	Poaching
10-14	-	-	-	-	-	-
15-19	11	4	2	1	2	1
20-24	30	15	12	10	10	7
25-29	11	13	13	6	4	7
30-34	3	6	6	5	5	3
35-39	5	4	2	3	5	3
40-44	-	3	1	3	4	-
45-49	-	-	1	5	2	-
50-54	-	-	1	-	-	-
55-59	-	-	-	-	-	-
60-64	-	1	-	-	-	-
65-69	-	-	-	-	-	-
70+	-	-	-	-	-	-
N.R.	8	3	3	2	2	2
	68	49	41	35	34	23

(a) Chi-squared = 5.65 (for ages under 20).

(b) Ages over 40.

(c) Ages under 30.

Offences of a public nature

	Coining	Ribbonism	Riot	Treason	Perjury	Sacrilege	Bigamy	Smuggling
10-14	-	-	-	-	-	-	-	-
15-19	6	-	3	1	-	1	-	-
20-24	27	12	11	3	3	3	-	-
25-29	24	11	11	3	4	4	4	2
30-34	14	10	3	1	1	2	1	-
35-39	13	3	3	-	3	-	3	2
40-44	7	1	-	3	-	-	1	-
45-49	8	-	-	1	1	1	-	-
50-54	13	-	-	2	1	-	-	-
55-59	4	-	-	-	-	-	-	-
60-64		Nil						
65-69			Nil					
70+	1	-	-	-	-	-	-	-
N.R.	4	-	-	3	1	-	1	-
	<u>121</u>	<u>37</u>	<u>31</u>	<u>17</u>	<u>14</u>	<u>11</u>	<u>10</u>	<u>4</u>

	<u>Offences against the person</u>				<u>Military</u>
	Murder (other)	Assault (other)	Rape	Other sex offences	offences

10-14	-	-	-	-	-
15-19	5	4	2	-	1
20-24	24	20	10	-	24
25-29	21	25	7	-	33
30-34	12	10	2	1	15
35-39	5	6	2	1	10
40-44	3	4	1	1	1
45-49	5	3	-	-	1
50-54	2	3	-	-	-
55-59	1	1	-	-	-
60-64	1	1	-	-	-
65-69	-	-	-	-	-
70+	-	-	-	-	-
N.R.	2	3	1	-	70
	<u>81</u>	<u>80</u>	<u>25</u>	<u>3</u>	<u>155</u>

	<u>Other offences</u>			<u>No response</u>	TOTAL
	Theft, habit	Vagrancy	Threatening letter		
10-14	1	-	-	4	76
15-19	30	7	1	26	1,117
20-24	37	17	3	60	1,934
25-29	14	10	4	42	1,085
30-34	4	7	3	23	554
35-39	2	2	-	19	328
40-44	2	2	1	12	211
45-49	1	1	-	3	119
50-54	1	-	-	7	77
55-59	-	-	-	2	38
60-64	1	2	-	-	22
65-69	-	-	-	-	3
70+	-	-	-	1	4
No response	1	5	-	219	563
	<u>94</u>	<u>53</u>	<u>12</u>	<u>418</u>	<u>6,131</u>

APPENDIX 9 (g)

Number of male convicts transported for various offences
classified according to marital status

(In this appendix, "married" includes widowers)

Offences against property

	Larceny (other)	Burglary/ hbrkg.	Animal theft	Robbery	Theft of apparel	Receiving
Married	345	125	284*	65	51	44
Single	1,145*	542	342	247	285*	29
N.R.	627	240	187	90	43	24
	<u>2,117</u>	<u>907</u>	<u>813</u>	<u>402</u>	<u>379</u>	<u>97</u>

	Robbery with violence	Wilful destruction	Fraud	Forgery	Embezzt.	Poaching
Married	15	17	14	17	15	12
Single	33	23	17	12	13	8
N.R.	20	9	10	6	6	3
	<u>68</u>	<u>49</u>	<u>41</u>	<u>35</u>	<u>34</u>	<u>23</u>

Offences of a public nature

	Coining	Ribbonism	Riot	Treason	Perjury	Sacrilege	Bigamy
Married	29	4	10	3	5	3	8
Single	30	9	13	2	5	5	-
N.R.	62	24	8	12	4	3	2
	<u>121</u>	<u>37</u>	<u>31</u>	<u>17</u>	<u>14</u>	<u>11</u>	<u>10</u>

Offences against the person

	Smuggling	Murder	Assault (other)	Rape	Other sex offences
Married	3	34	33	3	1
Single	-	39	43	16	2
N.R.	1	8	4	6	-
	<u>4</u>	<u>81</u>	<u>80</u>	<u>25</u>	<u>3</u>

	<u>Military Offences</u>	<u>Other offences</u>			<u>No Response</u>	TOTAL
		Theft, habit	Vagrancy	Threatening letter		
Married	12	12	11	4	2	1,181
Single	86	76	19	7	8	3,056
N.R.	57	6	23	1	408	1,894
	<u>155</u>	<u>94</u>	<u>53</u>	<u>12</u>	<u>418</u>	<u>6,131</u>

APPENDIX 10 (a)

Number of female convicts tried in various counties classified according to grouped years of departure

	London	Lancs.	Dublin	Cork	Lanarks.	Yorks.	M'lothn.	Warwicks.	
1787-9	12	1	-	-	-	-	-	-	
1790-9	18	1	7	2	-	1	-	1	
1800-9	20*	(a) 5	6	-	1	3	-	2	
1810-9	29	9	16	3	2	2	1	3	
1820-9	50	10	16	11	4	3	3	2	
1830-9	77	31	20	14	14	10	15	3	
1840-9	41	34	16	15	16	8	7	11	
1850-2	10	8	7	9	7	3	3	3	
	<u>257</u>	<u>99</u>	<u>88</u>	<u>54</u>	<u>44</u>	<u>30</u>	<u>29</u>	<u>25</u>	
	Glos.	Limk.	Surrey	Chesh.	Devon	Galway	Somerset	Antrim	
1787-9	-	-	-	-	-	-	1	-	
1790-9	4	-	2	-	-	-	1	-	
1800-9	1	1	1	1	-	-	3	-	
1810-9	2	1	2	2	2	1	2	1	
1820-9	4	3	6	4	3	1	1	3	
1830-9	8	14	8	5	7	4	8	3	
1840-9	5	5	5	7	7	9	3	10	
1850-2	1	1	-	2	2	5	-	-	
	<u>25</u>	<u>25</u>	<u>24</u>	<u>21</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>19</u>	
	Tippy.	Down	Tyrone	Other Eng.	Other Irish	Other Scots.	N.R.	TOTAL	
1787-9	-	-	-	-	-	-	2	16	
1790-9	-	-	-	8	4	1	-	50	
1800-9	-	-	-	17	3	-	-	64	
1810-9	-	-	-	11	7	-	-	96	
1820-9	3	4	1	31	25	2	-	190	
1830-9	5	2	5	62	54	7	-	376	
1840-9	5	9	7	44	63	16	-	343	
1850-2	3	1	3	13	23	9	-	113	
	<u>16</u>	<u>16</u>	<u>16</u>	<u>186</u>	<u>179</u>	<u>35</u>	<u>2</u>	<u>1,248</u>	

(a) 1787-1809

Summary

	English	Irish	Scottish	No response	TOTAL
1787-9	14	-	-	2	16
1790-9	36	13	1	-	50
1800-9	53	10	1	-	64
1810-9	64	29	3	-	96
1820-9	114	67	9	-	190
1830-9	219	121	36	-	376
1840-9	165	139	39	-	343
1850-2	42	52	19	-	113
	<u>707</u>	<u>431</u>	<u>108</u>	<u>2</u>	<u>1,248</u>

APPENDIX 10 (b)Number of female convicts tried in various counties classified according to former offences

	London	Lancs.	Dublin	Cork	Lanarks.	Yorks.	M'lothn
None	49	13	10	23	4	3	1
1+	71*	61*	41	21	31	16	22
N.R.	137	25	37	10	9	11	6
	<u>257</u>	<u>99</u>	<u>88</u>	<u>54</u>	<u>44</u>	<u>30</u>	<u>29</u>

	Warws.	Glos.	Link.	Surrey	Cheshire	Devon	Galway
None	2	3	20	4	1	4	6
1+	14	11	2	11	11	12	11
N.R.	9	11	3	9	9	5	3
	<u>25</u>	<u>25</u>	<u>25</u>	<u>24</u>	<u>21</u>	<u>21</u>	<u>20</u>

	Somerset	Antrim	Tipperary	Down	Tyrone
None	3	2	9	5	8
1+	7	12	6	7	5
N.R.	9	3	1	4	3
	<u>19</u>	<u>17</u>	<u>16</u>	<u>16</u>	<u>16</u>

	Other Eng.	Other Irish	Other Scottish	N.R.	TOTAL
None	39	71	1	-	281
1+	68	60	25	-	525
N.R.	79	48	9	2	442
	<u>186</u>	<u>179</u>	<u>35</u>	<u>2</u>	<u>1,248</u>

Summary

	English	Irish	Scottish	No response	TOTAL
None	121	154	6	-	281
1+	382*	165	78	-	525
N.R.	204	112	24	2	442
	<u>707</u>	<u>431</u>	<u>108</u>	<u>2</u>	<u>1,248</u>

APPENDIX 10 (c)

Number of female convicts tried in various counties classified according to periods of transportation

	London	Lancs.	Dublin	Cork	Lanarks.	Yorks.	M'lothn.	Warws.
7 years	181	62	83	47	27	20	22	20
10 years	13	23	-	5	5	3	-	1
14 years	30	11	2	-	11	4	5	1
15 years	4	-	-	-	-	1	-	-
Life	29	3	3	2	1	2	2	3
	257	99	88	54	44	30	29	25

	Glos.	Limk.	Surrey	Cheshire	Devon	Galway	Somerset	Antrim
7 years	15	22	12	17	12	17	12	15
10 years	2	-	3	1	3	2	3	2
14 years	3	-	2	1	4	1	4	-
15 years	-	2	-	1	-	-	-	-
Life	5	1	7	1	2	-	-	-
	25	25	24	21	21	20	19	17

	Tipp.	Down	Tyrone	Other Eng.	Other Irish	Other Scottish	N.R.	TOTAL
7 years	14	15	13	115	152	32	-	925
10 years	-	1	1	22	11	1	-	102
14 years	1	-	1	20	4	1	-	106
15 years	1	-	-	6	4	-	-	19
Life	-	-	1	23	8	1	-	94
N.R.	-	-	-	-	-	-	2	2
	16	16	16	186	179	35	2	<u>1,248</u>

Summary

	English	Irish	Scottish	N.R.	TOTAL
7 years	466*	378	81	-	925
10 years	74	22	6	-	102
14 years	80	9	17	-	106
15 years	12	7	-	-	19
Life	75*	15	4	-	94
N.R.	-	-	-	2	2
	707	431	108	2	<u>1,248</u>

APPENDIX 10 (d)Number of female convicts tried in various counties classified
according to grouped ages

	London	Lancs.	Dublin	Cork	Lanarks.	Yorks.	M'lothn.	Warwicks.
10-14	1	1	-	1	1	-	-	-
15-19	48	17	12	3	11	2	3	6
20-24	61	35	21	26	16	9	9	8
25-29	44	21	22	8	4	5	6	2
30-34	32	6	11	5	3	4	3	1
35-39	17	5	4	3	2	-	4	1
40-44	8	2	7	3	2	1	1	1
45-49	7	1	1	2	-	3	-	-
50-54	3	-	3	1	-	-	-	1
55-59	1	-	-	-	-	-	-	-
60-64	-	-	1	1	-	-	1	-
65-69	-	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-	-
N.R.	35	11	6	1	5	6	2	5
	<u>257</u>	<u>99</u>	<u>88</u>	<u>54</u>	<u>44</u>	<u>30</u>	<u>29</u>	<u>25</u>

	Glos.	Limk.	Surrey	Cheshire	Devon	Galway	Somerset
10-14	-	-	-	-	-	-	-
15-19	5	3	5	2	2	3	5
20-24	6	11	8	3	8	10	1
25-29	4	5	3	3	5	5	1
30-34	-	-	1	3	2	-	3
35-39	2	1	-	3	-	1	1
40-44	2	2	1	2	-	-	-
45-49	-	1	1	1	-	1	2
50-54	-	-	1	1	2	-	-
55-59	1	-	-	-	-	-	-
60-64	-	1	-	-	-	-	-
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	5	1	4	3	2	-	5
	<u>25</u>	<u>25</u>	<u>24</u>	<u>21</u>	<u>21</u>	<u>20</u>	<u>19</u>

	Antrim	Tipp.	Down	Tyrone	Other Eng.	Other Irish	Other Scots	N.R.	TOTAL
10-14	-	-	-	1	-	-	-	-	5
15-19	3	-	2	2	26	21	3	-	184
20-24	7	9	8	4	39	52	4	-	355
25-29	5	4	3	2	32	35	9	-	227
30-34	1	2	-	1	17	24	6	-	125
35-39	-	-	1	1	15	9	6	-	76
40-44	-	-	-	1	9	9	1	-	54
45-49	-	-	1	1	8	4	1	-	35
50-54	-	1	-	3	1	3	1	-	21
55-59	-	-	-	-	2	-	-	-	4
60-64	-	-	1	-	-	1	-	-	6
65-69	-	-	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-	-	-
N.R.	1	-	-	-	37	21	4	2	156
	<u>17</u>	<u>16</u>	<u>16</u>	<u>16</u>	<u>186</u>	<u>179</u>	<u>35</u>	<u>2</u>	<u>1,248</u>

Summary

	English	Irish	Scottish	N.R.	TOTAL
10-14	2	2	1	-	5
15-19	118	49	17	-	184
20-24	178	148	29	-	355
25-29	119	89	19	-	227
30-34	69	44	12	-	125
35-39	44	20	12	-	76
40-44	28	22	4	-	54
45-49	23	11	1	-	35
50-54	9	11	1	-	21
55-59	4	-	-	-	4
60-64	-	5	1	-	6
65-69	-	-	-	-	-
70+	-	-	-	-	-
N.R.	113	30	11	2	156
	<u>707</u>	<u>431</u>	<u>108</u>	<u>2</u>	<u>1,248</u>

APPENDIX 10 (e)Number of female convicts tried in various counties classified
according to marital status

(In this appendix, "married" includes widows)

	London	Lancs.	Dublin	Cork	Lanarks.	Yorks.	M'lothn.	Warws.
Married	55	29	20	12	7	8	10	1
Single	110	49	33	36	32	16	16	15
N.R.	92	21	35	6	5	6	3	9
	<u>257</u>	<u>99</u>	<u>88</u>	<u>54</u>	<u>44</u>	<u>30</u>	<u>29</u>	<u>25</u>

	Glos.	Limk.	Surrey	Cheshire	Devon	Galway	Somerset	Antrim
Married	3	6	6	11	8	5	7	2
Single	14	17	12	6	9	14	5	14
N.R.	8	2	6	4	4	1	7	1
	<u>25</u>	<u>25</u>	<u>24</u>	<u>21</u>	<u>21</u>	<u>20</u>	<u>19</u>	<u>17</u>

	Tipp.	Down	Tyrone	Other Eng.	Other Irish	Other Scottish	N.R.	TOTAL
Married	5	3	8	51	51	13	-	321
Single	11	11	7	92	89	16	-	624
N.R.	-	2	1	46	36	6	2	303
	<u>16</u>	<u>16</u>	<u>16</u>	<u>189</u>	<u>176</u>	<u>35</u>	<u>2</u>	<u>1,248</u>

Summary

	English	Irish	Scottish	No response	TOTAL
Married	176	115	30	-	321
Single	328	232	64	-	624
N.R.	203	84	14	2	303
	<u>707</u>	<u>431</u>	<u>108</u>	<u>2</u>	<u>1,248</u>

APPENDIX 10 (f)

Number of female convicts tried in various counties classified
according to native place

London Lancs. Dublin Cork Lanarks. Yorks. M'lothn.

Born in county of trial	79	40	30	39	19	14	13
Born in England	50	14	1	-	1	2	-
Born in Ireland	23	19	29	9	6	3	1
Born in Scotland	4	2	-	-	7	-	8
Born overseas	2	-	-	-	-	-	-
No response	99	24	28	6	11	11	7
	<u>257</u>	<u>99</u>	<u>88</u>	<u>54</u>	<u>44</u>	<u>30</u>	<u>29</u>

Warwicks. Glos. Linck. Surrey Chesh. Devon Galway

Born in county of trial	9	6	14	1	3	7	16
Born in England	8	8	-	13	9	5	-
Born in Ireland	2	3	9	3	2	2	3
Born in Scotland	-	-	-	-	-	-	-
Born overseas	-	-	-	-	1	-	-
No response	6	8	2	7	6	7	1
	<u>25</u>	<u>25</u>	<u>25</u>	<u>24</u>	<u>21</u>	<u>21</u>	<u>20</u>

Somerset Antrim Tipperary Down Tyrone

Born in county of trial	7	12	7	8	6
Born in England	4	-	-	1	-
Born in Ireland	1	5	9	6	7
Born in Scotland	-	-	-	-	-
Born overseas	-	-	-	-	-
No response	7	-	-	1	3
	<u>19</u>	<u>17</u>	<u>16</u>	<u>16</u>	<u>16</u>

Other Eng. Other Irish Other Scottish N.R. TOTAL

Born in county of trial	67	86	12	-	495
Born in England	46	1	-	-	163
Born in Ireland	8	58	2	-	210
Born in Scotland	3	-	16	-	40
Born overseas	3	-	-	-	6
N.R.	59	34	5	2	334
	<u>186</u>	<u>179</u>	<u>35</u>	<u>2</u>	<u>1,248</u>

Summary(a) Tried in England

Born in county of trial	233
Born in England (except above)	159
Born in Ireland	66
Born in Scotland	9
Born overseas	6
No response	<u>234</u>
	<u>707</u>

(b) Tried in Ireland

Born in county of trial	218
Born in Ireland (except above)	135
Born in England	3
Born in Scotland	1
Born overseas	-
No response	<u>75</u>
	<u>431</u>

(c) Tried in Scotland

Born in county of trial	44
Born in Scotland (except above)	31
Born in England	1
Born in Ireland	9
Born overseas	-
No response	<u>23</u>
	<u>108</u>

(d) Tried overseas

NIL

(e) No response

No response	2
Born in England	-
Born in Ireland	-
Born in Scotland	-
Born overseas	-
	<u>2</u>

(f) TOTALS

Born in county of trial	495
Born in country of trial (except above)	325
Born outside country of trial	94
No response	<u>334</u>
	<u>1,248</u>

APPENDIX 11 (a)

Number of female convicts transported for various offences
classified according to grouped years of departure

1787-9 1790-9 1800-9 1810-9 1820-9

Offences against property

Larceny (other)	8	15	19	57	93
Theft of apparel	3	4	3	4	28
Robbery	-	-	-	2	20
Receiving	-	1	1	4	3
Animal theft	-	-	-	2	6
Burglary/housebreaking	-	1	7	2	7
Wilful destruction	-	-	-	-	1
Robbery with violence	-	1	1	1	1
Forgery	-	-	-	-	1
Stealing by a trick	-	-	-	1	1
Embezzlement	-	-	-	-	-

Other offences

Theft, habit	-	-	-	-	-
Vagrancy	-	-	-	3	2

Offences of a public nature

Coining, uttering	-	-	4	5	10
Perjury	-	-	-	-	-

Offences against the person

Murder	-	-	-	-	2
Assault (other)	-	-	1	-	-
Aiding and abetting rape	-	-	-	-	1

No response

	5	28	28	15	14
	<u>16</u>	<u>50</u>	<u>64</u>	<u>96</u>	<u>190</u>

	1830-9	1840-9	1850-2	TOTAL
<u>Offences against property</u>				
Larceny (other)	203	156	36	587
Theft of apparel	59	87	11	199
Robbery	32	10	3	67
Receiving	20	16	7	52
Animal theft	11	13	14	46
Burglary/housebreaking	8	10	5	40
Wilful destruction	1	12	13	27
Robbery with violence	-	4	6	14
Forgery	2	2	-	5
Stealing by a trick	-	1	-	3
Embezzlement	1	1	-	2
 <u>Other offences</u>				
Theft, habit	13	12	14	39
Vagrancy	6	4	2	17
 <u>Offences of a public nature</u>				
Coining, uttering	2	2	-	23
Perjury	1	1	-	2
 <u>Offences against the person</u>				
Murder	1	6	1	10
Assault (other)	-	2	1	4
Aiding and abetting rape	-	-	-	1
 <u>No response</u>				
	17	3	-	110
	<u>377</u>	<u>342</u>	<u>113</u>	<u>1,248</u>

APPENDIX 11 (b)Number of female convicts transported for various offences
classified according to former offencesOffences against property

	Larceny (other)	Theft of apparel	Robbery	Receiving	Animal theft	Burglary/ housebreaking
None	125	42	31	18	19	9
1+	272	116	19	21	21	11
N.R.	190	41	17	13	6	20
	<u>587</u>	<u>199</u>	<u>67</u>	<u>52</u>	<u>46</u>	<u>40</u>

	Wilful destruction	Robbery with violence	Forgery	Stealing by a trick	Embezzlement
None	12	2	2	-	1
1+	8	6	-	1	-
N.R.	7	6	3	2	1
	<u>27</u>	<u>14</u>	<u>5</u>	<u>3</u>	<u>2</u>

Other offencesOffences of a public nature

	Theft, habit	Vagrancy	Coining, uttering	Perjury
None	-	8	2	-
1+	38	4	4	1
N.R.	1	5	17	1
	<u>39</u>	<u>17</u>	<u>23</u>	<u>2</u>

Offences against the personNo response TOTAL

	Murder	Assault (other)	Aiding rape	No response	TOTAL
None	8	1	1	-	281
1+	2	-	-	1	525
N.R.	-	3	-	109	442
	<u>10</u>	<u>4</u>	<u>1</u>	<u>110</u>	<u>1,248</u>

APPENDIX 11 (c)

Number of female convicts transported for various offences
classified according to counties of trial

London Lancs. Dublin Cork Lanarks. Yorks.

Offences against property

Larceny (other)	158	64	39	16	8	18
Theft of apparel	38	14	16	15	6	3
Robbery	14	3	2	5	3	-
Receiving	7	4	4	1	-	1
Animal theft	-	1	1	5	-	-
Burglary/hbrkg.	6	-	-	3	9	-
Wilful destruction	2	-	-	3	-	1
Robbery with violence	3	1	-	-	3	1
Forgery	2	-	-	-	-	1
Stealing by a trick	-	-	-	-	-	-
Embezzlement	-	-	-	1	-	-

Other offences

Theft, habit	3	2	-	-	12	2
Vagrancy	1	-	2	2	-	-

Offences of a public nature

Coining, uttering	10	1	2	-	-	-
Perjury	-	1	-	-	-	-

Offences against the person

Murder	1	-	-	-	1	-
Assault (other)	1	-	-	-	-	-
Aiding and abetting rape	-	-	1	-	-	-

No response

	11	8	21	3	2	3
	257	99	88	54	44	30

M'lothn. Warws. Glos. Limk. Surrey Chesh.

Offences against property

Larceny (other)	10	14	16	9	13	10
Theft of apparel	1	3	1	6	5	6
Robbery	4	1	1	1	2	-
Receiving	-	2	2	2	-	3
Animal theft	-	-	-	5	-	-
Burglary/hbrkg.	1	1	1	1	1	2
Wilful destruction	-	-	-	-	-	-
Robbery with violence	2	-	-	-	-	-
Forgery	Nil					
Stealing by a trick		Nil				
Embezzlement	1	-	-	-	-	-

Other offences

Theft, habit	9	1	-	-	-	-
Vagrancy	-	-	-	-	-	-

M'lothn. Wars. Glos. Limk. Surrey Chesh.

Offences of a public nature

Coining, uttering	1	1	-	-	-	-
Perjury	-	-	-	-	-	-

Offences against the person

Murder	Nil					
Assault	Nil					
Aiding and abetting rape	Nil					

No response

-	2	4	1	3	-
29	25	25	25	24	21

Devon Galway Somerset Antrim Tipp. Down

Offences against property

Larceny (other)	12	8	10	8	5	6
Theft of apparel	3	4	1	5	5	5
Robbery	1	-	-	2	-	1
Receiving	-	-	4	-	-	-
Animal theft	1	3	-	-	2	1
Burglary/hbrkg.	1	-	-	-	-	-
Wilful destruction	-	3	-	-	3	-
Robbery with violence	-	-	-	1	-	-
Forgery	Nil					
Stealing by a trick	Nil					
Embezzlement	Nil					

Other offences

Theft, habit	2	-	-	-	-	-
Vagrancy	-	-	-	-	-	3

Offences of a public nature

Coining, uttering	-	1	-	-	-	-
Perjury	-	-	-	-	-	-

Offences against the person

Murder	-	-	-	-	1	-
Assault (other)	-	1	-	-	-	-
Aiding and abetting rape	-	-	-	-	-	-

No response

1	-	4	1	-	-
21	20	19	17	16	16

	Other Tyrone	Other Eng.	Other Irish	Other Scots.	N.R.	TOTAL
<u>Offences against property</u>						
Larceny (other)	8	83	60	12	-	587
Theft of apparel	3	25	27	7	-	199
Robbery	-	12	13	2	-	67
Receiving	-	11	11	-	-	52
Animal theft	1	4	21	1	-	46
Burglary/hbrkg.	1	9	1	3	-	40
Wilful destruction	-	4	10	1	-	27
Robbery with violence	-	2	1	-	-	14
Forgery	-	1	1	-	-	5
Stealing by a trick	-	3	-	-	-	3
Embezzlement	-	-	-	-	-	2
<u>Other offences</u>						
Theft, habit	-	3	-	5	-	39
Vagrancy	1	2	6	-	-	17
<u>Offences of a public nature</u>						
Coining, uttering	-	1	4	2	-	23
Perjury	-	1	-	-	-	2
<u>Offences against the person</u>						
Murder	2	3	2	-	-	10
Assault (other)	-	2	-	-	-	4
Aiding and abetting rape	-	-	-	-	-	1
<u>No response</u>						
	-	20	22	2	2	110
	16	186	179	35	2	<u>1,248</u>

Summary

	English	Irish	Scottish	N.R.	TOTAL
<u>Offences against property</u>					
Larceny (other)	398*	159*	30	-	587
Theft of apparel	99	86	14	-	199
Robbery	34	24	9	-	67
Receiving	34	18	-	-	52
Animal theft	6	39	1	-	46
Burglary/hbrkg.	21	6	13	-	40
Wilful destruction	7	19	1	-	27
Robbery with violence	7	2	5	-	14
Forgery	4	1	-	-	5
Stealing by a trick	3	-	-	-	3
Embezzlement	-	1	1	-	2
<u>Other offences</u>					
Theft, habit	13	-	26	-	39
Vagrancy	3	14	-	-	17
<u>Offences of a public nature</u>					
Coining, uttering	13	7	3	-	23
Perjury	2	-	-	-	2
<u>Offences against the person</u>					
Murder	4	5	1	-	10
Assault (other)	3	1	-	-	4
Aiding and abetting rape	-	1	-	-	1
<u>No response</u>					
	56	48	4	2	110
	707	431	108	2	<u>1,248</u>

APPENDIX 11 (d)

Number of female convicts transported for various offences
classified according to grouped ages

Offences against property

	Larceny (other)	Theft of apparel	Robbery	Receiving	Animal theft	Burglary	Wilful destruction
10-14	2	2	-	-	-	-	-
15-19	95	39	12	3	2	7	5
20-24	166	71	28	7	11	13	13
25-29	115	31	12	10	11	4	7
30-34	68	17	6	4	7	6	1
35-39	44	9	5	7	1	1	-
40-44	15	12	2	9	5	1	-
45-49	14	5	-	6	2	1	-
50-54	9	5	-	3	2	1	-
55-59	2	-	-	-	1	-	-
60-64	3	1	-	-	1	-	-
65-69	-	-	-	-	-	-	-
70+	-	-	-	-	-	-	-
N.R.	54	7	2	3	3	6	1
	<u>587</u>	<u>199</u>	<u>67</u>	<u>52</u>	<u>46</u>	<u>40</u>	<u>27</u>

	Robbery with violence	Forgery	Stealing by a trick	Embezzlement	Other offences Theft, habit Vagrancy	
10-14	-	-	-	-	1	-
15-19	6	-	-	-	4	2
20-24	1	-	1	1	14	5
25-29	2	2	1	1	9	5
30-34	1	3	1	-	4	-
35-39	-	-	-	-	2	1
40-44	1	-	-	-	2	2
45-49	-	-	-	-	1	1
50-54		Nil				
55-59			Nil			
60-64	-	-	-	-	1	-
65-69	-	-	-	-	-	-
70+	-	-	-	-	-	-
N.R.	3	-	-	-	1	1
	<u>14</u>	<u>5</u>	<u>3</u>	<u>2</u>	<u>39</u>	<u>17</u>

	<u>Offences of a public nature</u>		<u>Offences against the person</u>		
	Coining, uttering	Perjury	Murder	Assault (other)	Aiding rape
10-14	-	-	-	-	-
15-19	5	1	-	-	-
20-24	7	1	3	2	1
25-29	1	-	5	1	-
30-34	2	-	1	-	-
35-39	3	-	1	-	-
40-44	-	-	-	-	-
45-49	1	-	-	-	-
50-54	-	-	-	-	-
55-59	-	-	-	1	-
60-64		Nil			
65-69			Nil		
70+			Nil		
N.R.	4	-	-	-	-
	<u>23</u>	<u>2</u>	<u>10</u>	<u>4</u>	<u>1</u>

	<u>No response</u>	<u>TOTAL</u>
10-14	-	5
15-19	3	184
20-24	10	355
25-29	10	227
30-34	4	125
35-39	2	76
40-44	5	54
45-49	4	35
50-54	1	21
55-59	-	4
60-64	-	6
65-69	-	-
70+	-	-
N.R.	71	156
	<u>110</u>	<u>1,248</u>

APPENDIX 11 (e)Number of female convicts transported for various offences
classified according to marital statusOffences against property

	Larceny (other)	Theft of apparel	Robbery	Receiving	Animal theft	Burglary/ hbrkg.
Married	158	54	16	28	18	7
Single	297	128	46	18	24	25
N.R.	132	17	5	6	4	8
	<u>587</u>	<u>199</u>	<u>67</u>	<u>52</u>	<u>46</u>	<u>40</u>

	Wilful destruction	Robbery with violence	Forgery	Stealing by a trick	Embezzlement
Married	7	1	3	1	-
Single	20	9	1	1	2
N.R.	-	4	1	1	-
	<u>27</u>	<u>14</u>	<u>5</u>	<u>3</u>	<u>2</u>

Other offencesOffences of a public nature

	Theft, habit	Vagrancy	Coining, uttering	Perjury
Married	12	2	5	-
Single	27	11	4	2
N.R.	-	4	14	-
	<u>39</u>	<u>17</u>	<u>23</u>	<u>2</u>

Offences against the personNo responseTOTAL

	Murder	Assault (other)	Aiding rape	No response	TOTAL
Married	3	3	1	2	321
Single	7	-	-	2	624
N.R.	-	1	-	106	303
	<u>10</u>	<u>4</u>	<u>1</u>	<u>110</u>	<u>1,248</u>

APPENDIX 11 (f)Number of female convicts transported for various offences
classified according to period of transportationOffences against property

	Larceny (other)	Theft of apparel	Robbery	Receiving	Animal theft	Burglary/ housebreaking
7 years	462	172	40	30	29	19
10 years	47	13	4	4	10	7
14 years	37	11	8	17	-	4
15 years	2	-	1	1	2	1
Life	39	3	14	-	5	9
	<u>587</u>	<u>199</u>	<u>67</u>	<u>52</u>	<u>46</u>	<u>40</u>

	Wilful destruction	Robbery with violence	Forgery	Stealing by a trick	Embezzlement
7 years	11	7	1	3	1
10 years	5	3	1	-	-
14 years	-	2	2	-	1
15 years	9	2	-	-	-
Life	2	-	1	-	-
	<u>27</u>	<u>14</u>	<u>5</u>	<u>3</u>	<u>2</u>

Other offencesOffences of a public nature

	Theft, habit	Vagrancy	Coining, uttering	Perjury
7 years	31	17	8	2
10 years	5	-	1	-
14 years	2	-	13	-
15 years	-	-	-	-
Life	1	-	1	-
	<u>39</u>	<u>17</u>	<u>23</u>	<u>2</u>

Offences against the personNo responseTOTAL

	Murder	Assault (other)	Aiding rape	No response	TOTAL
7 years	1	2	-	89	925
10 years	1	-	-	1	102
14 years	2	-	-	7	106
15 years	-	1	-	-	19
Life	6	1	1	11	94
N.R.	-	-	-	2	2
	<u>10</u>	<u>4</u>	<u>1</u>	<u>110</u>	<u>1,248</u>

Select Bibliography

Introduction

(i) The convict records consolidated as "Convict Indents" in the Mitchell Library vary from little more than lists of convicts' names in the early years to much fuller descriptions after 1825. From that point not only are offences for which prisoners were transported included, but also a physical description together with number of former offences, native place, occupation and the like.* Another set of records, on parchment, includes details of Irish prisoners transported from c. 1821 to 1838. These records list offences and other information such as occupation. A third series consists of miscellaneous documents in boxes. These include details of some ships that arrived in the eighteenth century and of others designated in this survey as "military and colonial" i.e. ships which brought prisoners from places other than Britain. It was these, together with a list of ships and numbers in the unpublished Appendix to Bigge's Reports which were used for sampling the early military and colonial prisoners. Also in the Mitchell Library are volumes of documents which concern convicts sent to Van Diemen's Land from Britain. Data varies but often covers such information as age and occupation. The period is c. 1824 to 1840.

(ii) Convict records in the Tasmanian State Archives are organised differently from those in Sydney. The most important series is the Conduct Registers, in alphabetic-chronological order to 1840. Thereafter a separate volume is devoted to each ship. Indent details after 1840 are similar to those in Sydney, though not as comprehensive to that date. However, the Van Diemen's Land records include throughout not only the offence for which the prisoners were transported but their statements upon arrival, as well as details of offences committed during their period as convicts in the colony. Separate volumes are devoted to male and female prisoners. There is also a number of associated documents.

(iii) The New South Wales musters and the Census of 1828 vary a good deal in the nature of the data recorded. The 1806 muster, for instance, gives names of prisoners in alphabetical order (but by first letter of surname only) and ship by which they arrived, together with varying other information such as current civil condition, by whom employed and in what capacity. There is appended a list of landholders, organised according to area of land held. The 1811 muster lists prisoners in no recognisable order and in most cases limits "remarks" to "in the Colony". Subsequent musters vary in information recorded and in accuracy of alphabetical order. Though some musters may appear at first sight to be in strictly alphabetical order, it is never safe to assume this. In short, information given in the musters generally increased but it would mislead to generalise on such a varied batch of records. The 1825 muster lists women by their maiden names but the 1828 Census does not. This Census is a particularly valuable record because it notes extent of land held, age of subject, civil condition and current employment, number of livestock held, place of domicile and so on. Even here however it is not unusual to find annoying blanks in the record.

* One volume is missing in the Mitchell Library series. Details of the persons and ships concerned are to be found in the Colonial Officer Papers at C.O. 207/2. This record appears a muster roll, was taken hurriedly evidently and is mutilated. Some of the pages have been removed and replaced out of order.

(iv) The Van Diemen's Land musters are not so comprehensive. Though they include some information of current employment and civil condition, there appears to be extant no such valuable records of prisoner's whereabouts and position in society as there are for New South Wales.

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Manuscript sources held in the Public Record Office, London, were examined on microfilm held at the National Library, Canberra. Material marked with an asterisk (*) and held in Britain was examined there by research assistants in London and Edinburgh. British newspapers were also examined in London. British Parliamentary Papers and New South Wales newspapers are held in the National Library, Canberra, and the Van Diemen's Land newspapers in the State Archives, Hobart. The Old Bailey Sessions Papers were consulted in the Mitchell Library, Sydney. Printed sources in the Select Bibliography are those cited in footnotes.

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Insubordination _____
Misconduct _____
A.W.L. _____
Drunk _____
Absconding _____
Neglect of duty _____
Receiving _____
Housebreaking, burglary _____
Theft of money _____
Theft of property _____
False pretences _____
Attacks on person _____
Idleness _____
Language _____
Other _____
Remarks :

PUNISHMENTS

1. Hard Labour
2. Gaol
3. Solitary
4. Labour in chains
5. Admonition
6. Fine
7. Ext. sentence
8. Ext. probation
9. Lashes
10. Transportation
11. Other

TOTAL :

BFHV 8590
R63
1963

