

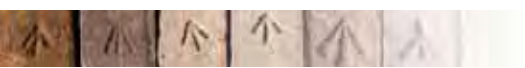
# PART 9

## SIGNATURE ON BEHALF OF THE STATE PARTY

A stylized, handwritten signature in black ink, consisting of a large, sweeping 'P' followed by a smaller 'G' and a horizontal line.

The Hon Peter Garrett AM MP  
Minister for the Environment, Heritage and the Arts  
January 2008







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The information in the nomination does not necessarily reflect the views of the experts consulted.

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## ENDNOTES

- 1 The first Governor of NSW was Governor Phillip.
- 2 Whilst First Government House was the command centre of the colony, Government House also played an important role as many governors conducted their business while staying at Parramatta. First Government House was located in Sydney Cove while Old Government House was 11 miles west at Parramatta. Both places operated simultaneously for almost the first 70 years of the penal colony. It was up to the incumbent governor to decide whether to reside in either First Government House or Old Government House, or both residences. Governor Brisbane resided permanently at Old Government House. First Government House is a publicly accessible archaeological site with no extant buildings or legible domain.
- 3 The house retains its Georgian style externally as well as its interior detailing. The original furniture includes a cabinet, sideboard and candelabra.
- 4 See State Records of NSW collections inscribed on the UNESCO Memory of the World Register (2007).
- 5 See State Records of NSW collections inscribed on the UNESCO Memory of the World Register (2007).
- 6 Some hedges have been replanted.
- 7 Convict graves were sometimes marked with timber and only very rarely with stone.
- 8 The nursery was located in Yard One between 1828-38. Following a high number of deaths and controversy about the plight of convict babies and infants, the nursery was moved to other locations for certain periods between 1838 and 1855 at Cascades. The other locations were: a small house in Liverpool Street in Hobart (1838), a factory in Dynnyrne House (1842), New Town (1852) and Brickfields (1854).
- 9 This is the same political prisoner who stayed at Darlington and is mentioned above.
- 10 It was also a place for paupers and lunatics.
- 11 The Port Arthur Collections consist primarily of the Curatorial Collection, encompassing a large variety of items of movable cultural heritage related to the Port Arthur Historic site; the Archaeological Collection which comprises thousands of artefacts; and the Port Arthur Resource Centre Collection which comprises material relating to the Port Arthur Historic Sites and the Tasman Peninsula and includes photographs, slides, plans and archaeological data and systems of access, as well as copies of primary resource material held by other repositories.
- 12 Prisoners Barracks comprised a stone ensemble which included a Cookhouse, Bake house, Washroom, Guard House and Store.
- 13 Park (2005): 35-36.
- 14 Satchell (2003): 45.
- 15 Herman (1966): 470-473.
- 16 Maxwell-Stewart & Hood (2001):10
- 17 Walsh (1967): 373-374.18 Birman (1972): 425-426; Erickson (1993): 224-227
- 19 Fremantle Prison (2007).
- 20 Australia was then known as 'New Holland'. Britain experienced a rapid expansion in crime during the 18th century. The increased incidence of crime, particularly riots and other political activities by 'the lower classes', was seen as a major threat to the society and the government. There was an ever-increasing hysteria and desperation about crime in Britain and an entrenched public perception of pandemic criminal behaviour. Bogle (1999): 23-25. The mayhem of London streets flourished with street brawls, corrupt youth, dissolution and drunkenness, and some criminals became celebrated public figures. The dense population of London became 'the wonder of the world' decried as 'the city of Babylon' or the 'Great Wen'. Rapidly expanding internal migration led to a rapid expansion of the population in London, mainly comprising the unskilled, rootless and volatile. Bogle (1999): 23. To curb crime, the British government greatly increased the number of capital offences during the 18th century which appear to be trivial by contemporary standards and not to warrant the capital sanction. In 1826, 1,203 death sentences were passed in Britain and Wales. Capital offences rose from around 50 at the end of the 16th century to more than 200 by the end of the 18th century. Examples of offences included bigamy, setting fire to coal mines, cutting hop vines, consorting with gypsies, sending threatening letters, stealing a shroud from a grave and many other minor offences. The severity of punishment of criminals was seen to be justified because of the problems of law and order in Britain. Transportation to America aimed at both deterrence and supplying indentured labour and entrepreneurship to the colonies.
- 21 The preamble to Britain's Transportation Act 1718 specified both penal and economic objectives. The penal objectives were to rid Britain of criminals, deter others from crime and to reform convicts. The economic functions were referred to in the Transportation Act of 1718 in many of His Majesty's colonies and plantations in America, there was a great want of servants, who by their labour and industry might be the means of improving and making the said colonies and plantations more useful to this nation. Nicholas (1988): 14
- 22 Between 1718 and 1775, over 50,000 convicts were transported to the British colonies in America. Transportation was abolished to America following the American War of Independence. The number of serious criminal offences had increased rapidly over recent decades due to changes in legislation. The number of capital offences rose from around 50 at the end of the 16th century to more than 200 by the end of the 18th century in Britain. Bogle (1999): 23
- 23 There was no effective prison system in Britain and the local prisons were often 'incubators of crime'.
- 24 Brooke and Brandon (2005): 17.
- 25 The first penal settlement was established at Sydney Cove which was also known as 'Botany Bay' in Australia and around the world.
- 26 Quarty in Davison, Hirst and Macintyre (1998): 157. 'New Holland' was the name of the continent when Britain first settled the country in 1788. It was known as 'New Holland' until the 1810s.
- 27 Brooke and Brandon (2005): 13.
- 28 Brooke and Brandon (2005): 13.
- 29 Brooke and Brandon (2005): 13.
- 30 Brooke and Brandon (2005): 15.
- 31 Brooke and Brandon (2005): 223.
- 32 Individual Australian convict experiences depended on numerous variables: the time they entered, the system, their behaviour, the behaviour of those in charge of them and luck.

- 33 Whilst taking various forms over different times and places, there are key features that together characterise the Australian convict system. Many of the 11 Australian convict sites stand out as a representation of a particular feature of convictism, but also demonstrate other elements.
- 34 The following section is drawn mainly from Pybus (2006).
- 35 For example, in 1824, Robert Locke was assigned to his Aboriginal wife, Maria.
- 36 Shaw (1966):102-3; Kerr (1984a):57.
- 37 Ritchie (1976): 144-64.
- 38 Erickson (ed): (1983).
- 39 Davison, Hirst and MacIntyre (1998): 679. Farming was established to the south of Perth, in the upper Swan and over the Darling Ranges to the east.
- 40 By 1827 over 60 per cent of convicts in the NSW colony were assigned, and by 1838 almost 70 per cent of convicts were privately assigned (Kent & Townsend 2002:191, 192; Shaw 1966: 257).
- 41 In NSW, this included regulations and an Assignment Board. A similar system operated in VDL under the control of the Superintendent of Convicts who administered the convict system in VDL. There was also an Assignment Board in VDL.
- 42 Brooke and Brandon (2005): 220.
- 43 Kerr (1984): 61.
- 44 Alexander (2001): 290.
- 45 Pearson (2006) the convict experience and the NHL: 27.
- 46 Kerr (1984): 61.
- 47 Some masters ill-treated convicts or did not abide by the regulations such as giving them alcohol.
- 48 Road gangs were the dominant form of convict gang work. Around 5,000 men or about 18 per cent of transported males in NSW were confined to convict gangs at some time while serving out their sentence - Laugesen (2002): 35.
- 49 Penal stations were also established at Sarah Island, Port Macquarie, Moreton Bay and Wellington.
- 50 There were few female free settlers in the colonies particularly during the early years of penal settlement.
- 51 Many female convicts were considered to be prostitutes and whores. Authorities also believed that females were far more difficult to control than male convicts.
- 52 Report of Commissioner of Inquiry into the state of the colony of New South Wales (1822) was known as the Bigge Inquiry or the Bigge Report. Select Committee on Transportation: Report from the Select Committee on Transportation (1837-38) was also known as the Molesworth Committee.
- 53 Some females were in de facto relationships and others were married prior to transportation but married again.
- 54 Elizabeth Fry's ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners, Siting, superintendence and government of female prisoners, were published in 1825. The female factories reflected some of her penal philosophies.
- 55 Daniels (1998): 110-111. The classification system drew on Fry's penal ideas for the continuous gradation of convicts and the systematic application of rewards and punishments.
- 56 Convict women at Cascades Female Factory suffered the death of approximately 900 babies. This was well in excess of the infant mortality rate of the time. This has been attributed to harsh conditions such as severe overcrowding, exposure to cold and damp and lack of food, clothing and blankets. Kippin (2006):2-6
- 57 Several riots took place at the female factories at Parramatta (1824,1833,1836), Cascades (1829,1842), Launceston (1841) and Ross (1848)
- 58 The concept of 'just punishment through certainty' was advocated by penal reformers drawing on Enlightenment principles. It generally referred to penal systems (such as classification system and regulations) that set out clearly defined practices of reward and punishment for different groups of prisoners (based on their original sentence and subsequent behaviour in the prison).
- 59 Sprod in Alexander (2001): 290. A number of factors contributed to the failure of the probation system. Economic depression in the 1840s, lack of funding and poor administration led to a greatly reduced demand for the labour of pass holders from the probation stations, there was more labour available than there was a demand for and idleness, disorder and vice, particularly a dramatic increase in homosexuality, became rife under the probation system. This led to major concerns about the viability of the convict system in the colonies and Britain.
- 60 The information was recorded in numerous registers which were constantly expanded and cross-referenced. Muster lists defined and measured the convict population.
- 61 Pybus in Frost and Maxwell-Stewart (2001): 19; Brooke and Brandon (2005): 218.
- 62 Pybus in Frost and Maxwell-Stewart (2001): 27.
- 63 Brooke and Brandon (2005): 218.
- 64 Dyster (1988): 130. Between 1810 and 1820, under Governor Macquarie's liberal rule, around one fifth of convicts who arrived in NSW were given a ticket-of-leave. Shaw (1977: 84). In the early period of WA most convicts received a ticket-of-leave when they disembarked from their ship.
- 65 Hirst (1995): 271. However, individual governors continued to issue tickets for pragmatic reasons.
- 66 Brooke and Brandon (2005): 235. Protection afforded to convicts by the NSW courts (and VDL after 1825?) against mistreatment by their masters was greater than for free domestic servants and other employees of masters in Britain who had the right to inflict corporal punishments and other cruelties.
- 67 Hirst (1995): 267-270. Convicts could also sue to protect their possessions. By contrast, in America, masters had beaten convicts. In the colonies in Australia, governments reserved the right to take convicts away from masters if they were responsible for their ill treatment. During Governor Burke's governorship (early 1830s) it was reported that masters were brought before the bench almost daily
- 68 Hirst (1995): 270; Brooke and Brandon (2005): 233-234.
- 69 Clay (2001): 114.
- 70 Old Government House was the primary residence for Governor Brisbane from 1821 to 1825. Governor Macquarie used Old Government House as a base to travel around the penal settlement during the early years of his governorship. From 1816 onwards, Governor Macquarie lived there for six months of the year. Rosen (2007). The new government house, built with convict labour, remains the current Government House in NSW today.
- 71 Enlightenment ideals included the humane treatment of criminals resulting in their reformation.
- 72 B. Manera, Hyde Park Barracks (2007)



- 73 The youngest recorded convict was John Watt aged 13 years.  
 74 Brand (1990): 178.  
 75 Brand (1990): 23; Fry (1850).  
 76 Convicts with sufficient education and the elderly were not required to attend.  
 77 Dispatch from C.J. LaTrobe, Esq., Acting Governor of Van Dieman's Land, to Earl Grey, Melbourne, Port Phillip, May 31, 1847 (British Parliamentary Papers).  
 78 To 'revive the dread of transportation' was part of Governor Darling's instructions to Bigge in undertaking his Inquiry into the effectiveness of transportation (see Appendix B).  
 79 Rosen (2007): 31. Convicts working in the road gangs were young, on average around 23 years old although many were under 20 and at least one was as young as 11 years old.  
 80 Rosen (2007): 35. Some groups of convicts or entire gangs were given 50 or 100 lashes without a hearing.  
 81 The classes included: the third class ('crime class'); second class ('probation class'); and first class ('assignable class'); 'hospital class'; and 'nursery class'.  
 82 Cascades produced 2,500 pairs of trousers and 165 blankets in a two month period in 1843.  
 83 Shaw (1966): 366-368  
 84 Daniels (1998): 103-132  
 85 Kippin (2006):2-6  
 86 Female invalids and paupers, including ex-convicts, were also housed at Cascades Female Factory during this period. In 1877, insane and invalid male convicts from Port Arthur were also sent to Cascades.  
 87 Hughes (2003): 338  
 88 Statistical returns of VDL, 1830-1840  
 89 Other above ground work undertaken by convicts included agricultural work, shoemaking, carpentry, blacksmithing and tailoring.  
 90 Colonial Authority, date unknown.  
 91 Cockatoo Island conservation management plan (2005).  
 92 Cockatoo Island conservation management plan (2005): 22.  
 93 Jeremy (1998): 19.  
 94 Brooke and Brandon (2005): 222.  
 95 Hattersley (1965): 6. Retired Governor FitzGerald stated this to the British Inquiry in 1857.  
 96 Gascoigne (2002): 143.  
 97 Hughes (2003):338  
 98 Themes that are identified in the UNESCO Global Strategy. The two thematic areas are: 'Human coexistence with the land' which includes 'movement of people', 'settlement', 'modes of subsistence' and technological innovation; and 'Human beings in society' which includes 'human interaction', 'cultural co-existence' and 'spiritual and creative expression'.  
 99 There were earlier instances of transportation.  
 100 Nicholas and Shergold (1988): 37.  
 101 Nicholas and Shergold (1988): 7.  
 102 Each of the sites represent critical elements of the convict system in Australia. Many male and female convicts experienced many or all of these systems while serving out their sentences: assignment, a road gang, a penal station, a female factory, a ticket-of-leave. Convicts moved to places of harsh punishment or greater freedom depending upon their behaviour and luck.  
 103 There are no comparable works about convictism that have survived in other places around the world, partly due to the 'convict stain' that has been prevalent in many countries. There has been a long held hostility, embarrassment and rejection of the history of convicts in many countries. In addition, many penal colonies had limited record systems. In other cases, convict records that were kept in penal colonies (such as the Andaman Islands) have since been lost or destroyed during periods of war and conflict.  
 104 Brooke and Brandon (2005): 241. The works include: indent lists; Assignment Board reports; convict registers; police reports; tickets-of-leave; applications for pardons and special privileges; pardon certificates; diaries; marriage certificates; 'family history' narratives; novels and poetry; and religious materials. Marcus Clarke's, *For the term of his natural life* (1874) is directly associated with Port Arthur and Norfolk Island. Convicts produced ballads many of which survive today.  
 105 Although the convict stain was a tradition in Australia for many years many of the records have survived. Unlike other places, Australia has recovered and maintained a large collection of works associated with convictism.  
 106 They create comprehensive layers of information about the convict era and tell stories of the minutiae of many thousands of convicts' lives and experiences in the penal colonies. The lives of individual convicts can be pieced together in minute detail through these works. Official records provide detailed information about individual convicts such as: height, weight, eye and hair colour, tattoos; skills; marital status; offspring; how long they served at individual locations; and their conduct.  
 107 The materials capture feelings of pain, suffering, hardship, disappointment and adversity along with aspirations of hope and new futures, joy and success.  
 108 Many other works are located in other places around Australia and include works that are directly associated with the Australian Convict Sites. The document part of the convict collection at Port Arthur includes only copies of the originals.  
 109 Collections of original convict records from the State Records Authority of New South Wales and the Archives Office of Tasmania.  
 110 Forster (1996): 1.  
 111 Forster (1996): 2.  
 112 The great powers also used convicts as sailors and soldiers to fight in military conflicts such as the French Revolution and the Napoleonic wars.  
 113 Broeze (1998): 26. Britain abolished slavery in 1807. See Part 3.C and Appendix C for more details regarding the role of slaves and indentured labourers in other penal colonies.  
 114 Nicholas and Shergold (1988): 37. Convicts were the main labour force used to establish a colonial and naval presence in new places such as the Straits Settlements or to create infrastructure to defend the wider empire such as building fortifications at Bermuda. Convicts were instrumental in the creation of new colonies in Australia, French Guiana, New Caledonia and part of the Straits Settlements (Singapore) and in the growth of fledgling colonies such as Bermuda. New colonies were established to enhance the defence of the home state and its supply lines (such as the Spanish and French colonies in North Africa and the Caribbean) or to extend provincial economic and political influence more widely, particularly by Britain and France.  
 115 Rand (1958): 1.

- 116 This was the era of the Industrial Revolution and as production spiralled Britain became involved in a network of international commercial and financial activities.
- 117 Rand (1958): 1. In 1783, a French midshipman who had sailed on earlier Cook's expedition (1774), advocated a penal settlement in the lucrative NSW, proclaiming its 'immense tracts of fertile land with only a few primitive natives engaged in little other than fishing. Excellent climate ... it could produce sugar, tea, coffee, silk, cotton, indigo, tobacco, and especially timber.'
- 118 Hopkins (2002): 7. Britain's maritime strength was a major source of her global power in the 18th century.
- 119 Nicholas and Shergold (1988): 43.
- 120 Nicholas and Shergold (1988): 47
- 121 Nicholas and Shergold (1988): 52.
- 122 Production included mining, agriculture, wool and wheat.
- 123 Nicholas and Shergold (1988): 52-53. Female convicts were important to the survival of the penal colonies particularly during the critical early years of penal settlement. There were few female free settlers in the colonies until the mid 1820s. In the late 1830s, the natural increase in the colonial born was approximately 20 per cent of the population in NSW. Textile production included blankets, cloth, clothing and rope which were in short supply and very important to the colonies.
- 124 In the mid 1780s, William Pitt and Lord Sydney (Home Secretary and Secretary of State for the Colonies) stated that it was timely for Britain to establish a strategic base in the Antipodes to pre-empt the activity of rival states.
- 125 Wheat was a major component of rations for convicts and a basic element of colonial cuisine.
- 126 Nicholas and Shergold (1988): 70; Bogle (1999): 45-46.
- 127 Reid (1995): 215
- 128 Hopkins (2006): 12.
- 129 Hopkins (2004): 18.
- 130 In late 1841, the British government ordered the stored grain to be sold as it interfered with free market forces.
- 131 Davidson, Hirst and MacIntyre (1998): 679. Farming was established to the south of Perth, in the upper Swan and over the Darling Ranges to the east
- 132 Shaw (1966): 355.
- 133 In the 18th and 19th centuries, the British government and the public believed that a new 'criminal class' had emerged particularly in London. Britain experienced crime waves during this period due to the impact of the Industrial Revolution, overpopulation, lack of housing and high unemployment particularly among the working class. The poor had few options other than to turn to stealing in order for themselves and their families to survive.
- 134 Brooke and Brandon (2005): 22.
- 135 This ranges from the accounts of the severity of the convict experience in Australia (e.g. Robert Hughes' *Fatal shore*) through to more positive commentaries of the convict era in NSW by Stephen Nicholas et al in *Convict workers*.
- 136 In the late 1780's, the sea voyage to Australia was considered to be a very long voyage into a relatively uncharted part of the globe. Nicholas and Shergold (1988): 47-49.
- 137 Holden (2000): 5. A 1791 philanthropic report documents how some mothers sentenced to death rejected offers of transportation for life because they could not bear to leave their children behind, even though they would eventually face the gallows. In one case, a mother declined the offer of transportation 'on account of not being permitted to take her children with her, and was taken back to Newgate in strong convulsions, and her shrieks were re-echoed through the whole gaol.'
- 138 During the early period.
- 139 In Australia, around 95 per cent of convict population did not return home. In some penal colonies, a significant proportion of convicts did return home. See Appendix C. This has been described as: 'a provisional death of the person'; 'the erased person'; 'a terminal punishment'; and 'a sort of death'. Pybus (2001): 15-31.
- 140 Gretton in Field and Millett (1998): 39, 42, 44. Created before their voyage of exile, the recurring themes bring the pain and hopelessness to the surface: 'If you wait till I return you may wait till the day of doom'; 'May we live to meet again'; 'Dear Father Mother a gift to you from me a friend whose love for you shall never end'; 'Far from my friends, far from my home, on a distant land I am to roam'; 'Dear Brother when this you see remember me when I am far away'; and 'seeing this will grieve you sore when I am on foreign shore'. Many love tokens had drawings of a sailing vessel on one side and a convict in chains on the other or scenes of family farewells.
- 141 Shore (2002): 81-102.
- 142 Atkinson (1998): 134, 258, 262; Hirst (2007). In the early years, the aim of the British government was to use transportation and exile as the primary forms of the punishment for convicts. After 1820, the government sought to create systematic harshness to more effectively deter crime.
- 143 Nicholas (1988): 112-113; Ritchie (1986): 130; Atkinson (2004): 82-85. Actual or threatened violence were used against convicts to maintain discipline and order.
- 144 See Part 2.B and criterion vi.
- 145 Pybus in Frost and Maxwell-Stewart (2001): 25-26. Records show that convicts forced to watch floggings who were horrified and revolted by the barbarism of the public spectacle; convicts who screamed out in pain and were then doubly mortified at their shame; and convicts who gave verbal abuse to the flogger but were still reduced to 'a barely human mess of battered flesh'. Convicts felt degraded by the punishment which was seen as 'stripping away every vestige of manhood'. Some reports claimed that convicts preferred to commit suicide to escape the ordeal.
- 146 Atkinson (2004) 84; Shaw (1977): 202. Examples of minor breaches included insolence or neglect of work. The frequency of its use varied each year from between one in four convicts to one in ten convicts in the 1830s, with the average sentence being 50 strokes in NSW and 33 in VDL. In 1833, an estimated 36,000 male convicts were given 323,000 lashes in NSW and VDL excluding convicts in penal settlements. In 1839, 374 convict boys received beatings, with an average of 18 strokes each. Flogging was sometimes meted out unjustly or brutally.
- 147 Brand (2003): 53. All convicts could be flogged, not just those in penal stations.
- 148 Brooke and Brandon (2005): 233. Maconochie saw the physical coercion and absence of reform principles as tantamount to slavery. Braithwaite (1999): 9. 'On balance, I read the bits and pieces of records on the frequency and severity of flogging as showing that the flogging of Australian convicts probably was more brutal than that of American slaves'. He notes that flogging in Australia was ordered in a more procedurally fair fashion; as masters had to get permission from a magistrate.
- 149 Forster (1996): 111.
- 150 Convict James Tucker, quoted in Atkinson (2004):84.

- 151 Working conditions could be severe in Australia despite the generally good material conditions and treatment of convicts.
- 152 While elements of the assignment system had similarities to slavery there were also fundamental differences between the two systems. See Appendix C.
- 153 This was not the case for skilled convict workers who generally were well treated during their assignment.
- 154 Female convicts were subject to more subtle demands on their labour, and various forms of surveillance and control compared to male convicts. Demands were made on their domestic labour at all hours of the day and night, and every aspect of their personal behaviour was under constant surveillance.
- 155 See Appendix B.
- 156 See Appendix B.
- 157 Brooke and Brandon (2005): 230; Nobbs (1991): 128.
- 158 Smith (1997): 62.
- 159 Smith (1997): 62; and Nobbs (1991): 128.
- 160 Atkinson (2004): 143.
- 161 Atkinson (2004): 144.
- 162 Brand (2003): 31. 'we saw a gang of thirty men stoop down with the overseer at their head and shoulder a log many tons in weight until they carried it to its destination. Seen at a distance they look like an enormous centipede which they are sometimes called while moving along joined together as if it were by the log itself for a backbone to which, like so many legs, they were severally attached. Self preservation compels every one to do his best to support the immense weight, which, notwithstanding, he must be strongly impressed within himself would crush him to death, whatever his efforts might be unless his companions in like manner did their part. This is considered the most severe labour on the settlement ... [it] is much dreaded by all.' Description of Port Arthur gangs in 1837.
- 163 Atkinson (2004): 143.
- 164 Brand (2003): 103; Atkinson (2004): 143.
- 165 This was the great road network comprising the Great North Road, the Great South Road and the Great Western Road.
- 166 Head shaving and cropping was the main type of punishment for female convicts until the late 1830s.
- 167 Daniels (1998): 112, 114-116; 146. In 1833 women at Parramatta Female Factory rioted after having their hair cut. Brooke and Brandon (2005): 238. Several hundred women seized and shaved the head of an overseer and then threatened to go to Sydney to shave the head of the Governor.
- 168 See Appendix B.
- 169 Severe conditions included: damp, extreme temperatures of cold and heat, inadequate food and compulsory weaning of babies at three to six months. This contributed to the high infant mortality rate of convict babies and toddlers at Cascades Female Factory. While some of the conditions were partly due to mismanagement at the factory authorities were aware of the problems. Several public inquiries investigated the high death rate at the factory but the government failed to adequately address the causes. Britain and colonial authorities were aware of this but they did not take adequate actions to address these.
- 170 Pridmore (2002): 21-24.
- 171 The carts were sometimes powered by convicts.
- 172 Brand (2003): 20.
- 173 Brooke and Brandon (2005): 236
- 174 Penal colonies that did not seek to reform convicts included: Bermuda, Puerto Rico and Cuba. Reform took place alongside the punishment of convicts – sometimes the two objectives were compatible, at other times tensions were irreconcilable.
- 175 Many of reformatory systems also contained mechanisms to discipline convicts and to punish those who misbehaved. Similarly, many of the punishment regimes (see deterrence theme above) had measures aimed at reforming convicts such as hard labour and the 'separate system'.
- 176 These included: 'tickets-of-leave', classification systems and segregated systems for convict boys and female convicts. See Part 2.B and Part 3.C.
- 177 The reformatory impetus in the colonies varied between places and time throughout the convict era in Australia.
- 178 The deployment of convicts to various forms of work had the dual purpose of punishment and reformation.
- 179 Grocott (1980): 142.
- 180 Daniels (1998): 65; 225; 229. Some lived free men of higher social status and gained access to land grants on becoming free. A small number of female convicts earned a living as self-employed seamstresses, midwives or milliners or helped husbands run small businesses.
- 181 Daniels (1998): 65; 225; 229. Examples include; Mary Haydock, a highly successful and prominent businesswoman, was held up as a symbol of what was possible for a convict to achieve in NSW. While this was not typical, there were a number of other examples such as Sarah Thornton, Mary Reibey and Maria Lord. See page 40-41 for selected convict biographies.
- 182 Grocott (1980): 166, 206-210; 227. Governors and commandants sometimes used them to count heads, make addresses and issue government orders.
- 183 Atkinson (1998): 176. Rosen (2007): 22, 38. The first minister of religion to NSW brought 4,262 religious books to the colony. Regulations were introduced to prescribe compulsory religious attendance. Grocott (1980): 75; 145, 149, 151, 168, 181, 204, 208-209. Compulsory religious instruction was widely resented by convicts who saw religion as 'an engine of government' and just another form of punishment.
- 184 Grocott (1980): 144. This included convicts sentence to convict gangs or penal stations.
- 185 Grocott (1980): 207, 214. Non-attendance could be punished by additional work or by forfeiting a day's provisions. A second offence could be punished by 'corporal chastisement'. Catholic convicts who refused to attend services in an Anglican church could be punished by flogging or imprisonment.
- 186 Brand – Boyd's report 1845: 211. Services were led by chaplains and prayers were often read by superintendents and overseers.
- 187 Denholm (1979): 11. For example, lighter labour.
- 188 Hirst (1983): 109-111; Braithwaite (1999): 9. Note: these rights varied over time and place.
- 189 Hirst (2007).
- 190 Hirst (1983): 106-132.
- 191 Hirst (1983): 106-132.
- 192 Daniels (1998): 96. This could lead to removal from their home.
- 193 Nicholas ('The care and feeding of convicts') in Nicholas (1988): 180; 186-189; 192-193. Convict rations were substantial with a very high nutritional content compared to the rations of other forced workers, the working class in 19th century Britain and modern dietary standards. Until 1819, convicts in NSW generally worked an average of 56 hours over five and a half days each week. The standard for indentured Indians, and Spanish and American slaves and free labourers in Britain was a six day working week. Working conditions for convicts were similar



- to those in British urban factories and workshops in Britain. Convicts in Australia received a higher standard of medical attention than prisoners on the Woolwich hulks and many indentured labourers. The stone and brick hospitals in NSW compared favourably to those in British Guiana, the Caribbean plantation hospitals and primitive plantation hospitals in Queensland which lacked minimal requirements of nourishing foods, bedding and clothes.
- 194 Braithwaite (1999).
- 195 Within limits, the length of a convict's sentence was now up to the convict himself. Hughes (2003): 500.
- 196 These were entered into the Commandant's ledger and were personally overseen by him.
- 197 Hughes (2003): 501.
- 198 Hobbs (1991): 72.
- 199 Hobbs (1991): 72.
- 200 Hobbs (1991): 69.
- 201 Hughes (2003): 506-507. This included magazines on engineering, craft, farming and cookbooks for brewers and bakers to teach trades. Hirst (1983).
- 202 Nobbs (1991): 69.
- 203 Hughes (2003): 507; Nobbs (1991): 67.
- 204 Hughes (2003): 510. Under Maconochie's rule, Protestant and Catholic churches were built and he gave Jewish convicts their own right to worship as well as books and other items.
- 205 Nobbs (1991): 72.
- 206 Hughes (2003): 503-504, 510. Smith (1997): 99. Maconochie dismantled the gallows, took down the gibbet, threw open locked doors and got rid of the 'double-loaded cats' used for flogging. He ceased construction of the New Gaol because the theory of its design was inconsistent with his approach. Convicts were given a public holiday to celebrate Queen Victoria's birthday. They were free to roam the island, swim in the surf, given special food (including rum with dinner), a play was performed by convicts and there were fireworks. In an important symbolic gesture, Maconochie removed large guns from the front of Government House to Flagstaff Hill during the celebrations. The guns previously formed an important part of the defence of Government House and were not returned to the residence.
- 207 Hughes (2003): 510.
- 208 See footnote under criterion (vi) for evidence of this.
- 209 Smith (1997): 35-36.
- 210 Smith (1997): 71.
- 211 Dalkin (2001): 73.
- 212 Dalkin (2001): 78. The convict was 'an exceedingly well disposed hard working ... but exceedingly penurious ... he hoarded up every thing he got and accelerated his death by not applying for aid in time lest he should lose his marks'.
- 213 Dalkin (2001): 90-91.
- 214 Ritchie (1986): 132; 160. One of Macquarie's three primary objectives was to reform and rehabilitate convicts: 'the greatest inducement that can be held out to the reformation of the manners of the inhabitants, ... Emancipation, when united with rectitude and long tried good conduct, should lead a man back to that rank in society which he had forfeited and do away, in as far as the case will admit, all retrospect of former bad conduct.' Macquarie quoted in Shaw (1966): 80. The encouragement of religion and increased discipline of convicts were his other important goals.
- 215 Ritchie (1986): 130.
- 216 Ritchie (1986): 130, 133. Convicts with life sentences had to serve only 15 years before being eligible for a ticket-of-leave or pardon and the rest of the convict population had to serve only three quarters of their 7 or 14 year sentence. Between 1810 and 1820, Macquarie gave 366 absolute pardons, 1365 pardons and 2319 tickets-of-leave. Macquarie was lenient in the application of rewards, granting around 500 exemptions which affected one in four convicts who received a ticket-of-leave or pardon. This compared to only two pardons during the governorship of Bligh (1806-1808). Between 1810 and 1822, between a quarter and a fifth of those who arrived at Port Jackson were granted a ticket-of-leave. [Shaw (1966): 84].
- 217 Ritchie (1986): 130.
- 218 Ritchie (1986): 131-133; 151; Nicholas and Shergold 'Convicts as migrations' (1988): 62. For example, five ex-convicts made up half of the first settlers selected for the Bathurst Plains in 1818 which permitted them to set up as wheat farmers on 50 acre blocks; former convict William Redfern was made an assistant surgeon; convict Francis Greenway was appointed the Colonial Architect and constructed Hyde Park Barracks, Parramatta Female Factory and St Matthews Church among many others; three ex-convicts were appointed to the magistracy in 1813 and another was appointed in 1820; James Meehan became acting surveyor; Richard Fitzgerald was made head storekeeper; George Howe became the NSW government printer and editor of the Sydney Gazette; and a large number of convicts were appointed as superintendents and overseers.
- 219 Ritchie (1986): 161.
- 220 Many free settlers resented the status of ex-convicts and lodged complaints to Britain. There was a general reformatory trend since the establishment of the colony. Macquarie drew on these existing reformatory elements and further developed and expanded them.
- 221 These settlers formed one of the colony's earliest political factions known as the 'Exclusives'. Ritchie (1986): 153. There were also concerns about the increased financial burden for Britain during this period. The British Treasury was alarmed that the government was spending more money per capita annually on maintaining convicts in the penal colonies (between 0.1 and 0.3 of the total national income of Great Britain) than it did on poor relief at home.
- 222 O'Toole (2006): 32.
- 223 Convicts with sufficient education were not required to attend school.
- 224 Hughes (2003): 586.
- 225 Winston Churchill 1910 quoted in Brodie, Croom and Davies (2002): 1.
- 226 Brooke and Brandon (2005): 35.
- 227 Brooke and Brandon (2005): 35.
- 228 Brooke and Brandon (2005): 35. These were documented by the famous penal reform, John Howard. After 1770, thousands of British prisoners were sent to prison hulks in the Thames that were equally brutalising experiences. Between August 1776 and March 1778, 176 prisoners died out of a total of 632 and another 24 escaped. In this context, prisoners were relieved to be sentenced to transportation compared to these alternatives.
- 229 Brodie, Croom and O'Davies (2002): 19. In the early 1720s, 78.9 per cent of capital sentences led to executions, whereas this had dropped to 38.1 per cent due to the increased use of transportation after the 1718 Act.
- 230 Redfield (2000): 56.
- 231 Hughes (2003): 586

- 232 At the heart of the debate were questions such as: 'did Australia's experiment prove that a penal colony was a more effective response to crime (both on penal and economic grounds) than domestic prisons?'; 'could convicts be the foundation for the development of a free and prosperous society which could then become a centre for French trade, migration and influence?'; and 'could the conditions in Australia be replicated in a later era?' Pieris (forthcoming); Gentes (2007).
- 233 Forster (1996): 2-3.
- 234 Forster (1996): 1-11
- 235 Forster (1996): 106.
- 236 Redfield (2000): 57-59, 62; Forster (1996): 2. It was argued that 'fallen citizens would moralise themselves through the toil of developing new lands.' Transportation also achieved a flourishing colony and economy in Australia which aligned with French ambitions to regain her lost empire after 1814. Proponents of transportation argued it was a more effective response to crime than domestic imprisonment, both on penal and economic grounds. Transportation could render a harsh punishment to criminals setting a terrible example to deter crime while also providing a more humane treatment to reform criminals and achieve a flourishing new colony
- 237 Forster (1996): 4.
- 238 Gentes (2007).
- 239 Forster (1996): 2-3.
- 240 There was contradictory evidence about the effectiveness of the penal colonies in Australia.
- 241 Braithwaite (1996).
- 242 Harvey (2006): 758
- 243 See Part 3.C and Appendix C.
- 244 Gascoigne (2002): 11.
- 245 Forster (1996): 2.
- 246 Gascoigne (2002): 11.
- 247 As noted above, Aboriginal people occupied and settled the continent for over 40,000 years and developed their own traditions, culture and ways of life. The Australian landscape was shaped by Aboriginal peoples in ways unseen by Europeans. Aboriginal people had developed a way of life unique to Australia over a millennium. There were no free settlers and the small indigenous population was considered to be capable of containment.
- 248 Gascoigne (2002)
- 249 Gascoigne (2002): 11.
- 250 Gascoigne (2002): 115; 122. In a dispatch to the British government in 1834, Lieutenant-Governor Arthur insisted that 'in no part of the world are the influence and teaching of the divine and the exertions of the schoolmaster so essential as in VDL.' A report to the British government in 1844 argued that the path of penal reform lay with education: 'The right to punish involves the duty to instruct' and that the state's obligation was 'to impart a sound, moral, and religious education'.
- 251 Gascoigne (2002): 12. An eminent phrenologist in the 1840s noted the similarities between the scientific improvement of agriculture and of human nature as in Maconochie's penal experiments: 'In improving human nature, as in reclaiming an agricultural soil, the more barren the ground, the higher must be the cultivation applied to it, in order to remove its sterility'. As noted above, the goals of punishment and reformation often operated alongside one another despite some inherent tensions between them.
- 252 New technologies of disciplinary punishment is a term used by Michael Foucault (see Glossary).
- 253 Key systems and features included: the 'open air panopticon' model; special systems for convict women and boys; the probation system; the Separate System; and the penal bureaucracy. See Part 2.B.
- 254 Foucault may not have had a detailed knowledge about convict developments in Australia. His *Discipline and punish; the birth of the prison* (1975) focused primarily on French institutions.
- 255 Gascoigne (2002): 135.
- 256 Brand (2003): 19.
- 257 Examples include: New Caledonia, French Guiana, Straits Settlements and Andaman Islands.
- 258 Gascoigne (2002): 135.
- 259 Gascoigne (2002): 135. Arthur's pamphlets included *Observations upon secondary punishment* and *A defence of transportation*. He advocated the rational management of convicts following the harsh findings of the Molesworth Committee and public concerns in Britain and the colony. In 1833, Arthur claimed that VDL had become 'one large penitentiary'.
- 260 Gascoigne (2002): 135.
- 261 Gascoigne (2002): 135. In 1833, Arthur reported to the Colonial Secretary that the facilities afforded by this colony for carrying classification into effect are such as never could be attained within the walls of a penitentiary'. VDL could be considered to be 'a kind of open air panopticon'. See Appendix D for a definition of the Panopticon.
- 262 Magistrates presided over this system.
- 263 Townsley (1991): 59. For the slightest infraction of the rules, a free settler could lose a convict or a convict could lose their liberty.
- 264 Atkinson (2004): 84.
- 265 Speech was not banned altogether as Arthur didn't want to destroy common social relations.
- 266 Gascoigne (2002): 135. Females were transported to other penal colonies but their numbers were significantly lower and special schemes were rare.
- 267 Townsley (1991): 59.
- 268 Maconochie's contemporaries as well as historians and penologists today saw his ideas and the Mark System as radical.
- 269 Parker (2007): 64. He was a prisoner of war for three years during the Napoleonic Wars.
- 270 Hughes (2003): 501.
- 271 Titles included *Crime and Punishment*, *The Mark System*, framed to mix Persuasion with Punishment, and *Make their Effect Improving, yet their Operation severe* (1846). Hughes (2003): 521
- 272 Gascoigne (2002): 141. Maconochie christened it the 'social system' (also known as the 'mark system') because it enabled prisoners to prepare 'for society' unlike the false environment of the 'silent system' or 'separate system' inside a penitentiary.
- 273 Nobbs (1991): 67.
- 274 Maconochie quoted in Hughes (2003): 500.
- 275 Hirst (1995): 291.
- 276 Townsley (1991): 60.
- 277 These theories also drew on Enlightenment principles. See Appendix D.

- 278 Townsley (1991): 60; Gascoigne (2002): 142; Hirst (1995): 292; and Nobbs (1991): 68. There were constant complaints that the system went too far, that convicts were given 'the air of free men'. Britain wanted discipline to be used to generate terror in order to deter crime back home. Increasing concerns about the radical nature of the Mark System led Britain to see the reformation of the criminal as a secondary goal. The British government was also alarmed at the alleged increase in the incidence of homosexuality which was considered to be one of the worst crimes. Maconochie's request for female convicts to be sent to Norfolk Island was refused by the British government and the apparent high level of homosexuality was partly due to his efforts to bring offenders to justice.
- 279 British Deputy Commissioner Miller quoted in Nobbs (1991): 71.
- 280 Gascoigne (2002): 143; Nobbs (1991): 71. Governor Gipps' reported favourably to Britain following his visit to the settlement in 1843: Norfolk Island was an ordered settlement ('good order everywhere prevailed'), the convicts were respectful and quiet and there was a decline in violence and murder. Others reported that his reform system was 'miraculous ... he succeeded in taming the hitherto tameless, making the savage gentle'. A famous case was the reform of a violent convict with a long history of being perpetually chained to a rock day and night both in Sydney and Norfolk Island, flogged repeatedly until maggots bred in his raw skin. Maconochie tasked him to tame unruly bullocks so that by taming them he could learn to tame himself. Governor Gipps observed that the convict was an upstanding and respectable individual with a post of responsibility on the island. Recidivism during Maconochie's rule was reported to be around 3 percent which was much lower than rates for the colony as a whole which was alleged to be around 35 per cent. In 1846, Maconochie tabled figures in the British House of Lords that supported his claim that the Norfolk Island crime rate was twice as high under his predecessors and successors than under his rule.
- 281 Brooke and Brandon (2005): 233.
- 282 Brodie, Croom & O'Davies (2002): 121
- 283 Hirst (1995): 292. An indeterminate sentence is a sentence not defined by a period of time.
- 284 Female convicts were transported to the Andaman Islands, French Guiana and New Caledonia.
- 285 Atkinson (1998): 160. Daniels (1998): 110-111. Elizabeth Fry was an influential British advocate of penal reform of female convicts and her ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners were outlined in *Siting, superintendence and government of female prisoners* (1825). The establishment of dedicated female factories reflected some of her penal philosophies. The classification system, introduced in NSW and VDL between the mid 1820s to mid 1830s, similarly drew on Fry's schema for the continuous gradation of prisoners and the systematic application of rewards and punishments. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Committee (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other.
- 286 Atkinson (1998): 160. Tensions persisted between differing principles of the Enlightenment and the old order, as well as competing objectives of punishment and reform in the colonies.
- 287 A segregated assignment system across NSW and VDL was also an important element of this.
- 288 Daniels (1998): 105, 112-115; Kerr (1984): 66-67. Flogging and head shaving, initially important forms of punishment for deterring crime, were abolished in order not to inhibit 'feminine virtues'.
- 289 Atkinson (1998): 134. While some females worked in the fields, the vast majority were to be assigned as domestic servants.
- 290 Hirst (1995): 274. The indeterminate sentence punished acts committed while confined at a female factory. This predated Maconochie's system.
- 291 Parramatta Female Factory has potential World Heritage significance but the site does not have adequate management arrangements in place to fulfil the technical requirements for World Heritage inscription. The site currently has low authenticity and integrity.
- 292 This was a crucial part of their institutional discipline and reform designed to destroy the 'harmful' culture at the factory. A ticket on the door of each apartment recorded the circumstances in which the female convict was confined and a weekly report of her conduct. All of the doors had peepholes for observation.
- 293 Morris and Rothman (1995).
- 294 Guile (2005): 17; Shaw (1977): 244. Arthur believed that convict boys were 'thrown upon the world totally destitute ... the agents of dextrous thieves ... but objects of great compassion.' Several thousand convict boys were transported to NSW and from the early 1830s, separate transport ships for boys sent them directly to the juvenile prison at Point Puer. The total number of convict boys transported to Australia is not recorded. Brooke and Brandon (2005): 133. Approximately 3,500 convict boys were sent to Point Puer up until its closure in 1849. The youngest was around nine years old. The average age was between 14-15 years.
- 295 Pridmore (2002): 30. Hargraves in Alexander (2005): 278.
- 296 Pridmore (2002): 29.
- 297 Some of the boys were given training for a trade such as sawyers, shoemaking, stonemasonry and boat building. The boys also grew their own vegetables at Point Puer.

- 298 Pridmore (2005): 27.
- 299 The 'separate system' was established in various forms at a number of penal stations, female factories and probation stations in Australia including at Port Arthur, Cascades and KAVHA.
- 300 Gascoigne (2002): 12.
- 301 There were many opponents of penal transportation including free settlers in Australia and proponents of a national penitentiary system in Britain. These groups were highly influential. They claimed that the colonies were 'crime and vice ridden' places and a failed penal model. These claims were widely circulated in newspapers and beyond Britain. Britain was sensitive to these claims and keen to defend its reputation as an Enlightened global power.
- 302 Brooke and Brandon (2005): 245. Some critics simply wanted to make transportation a more ferocious punishment so that the fear of it would keep criminals under control.
- 303 Competing priorities of the British and colonial governments made it difficult to introduce changes to make the convict system in Australia more severe.
- 304 Around 95 per cent of convicts continued to live in Australia on completion of their sentence and contributed greatly to the development of the nation unlike many convicts in other penal colonies. All but one returned home. Harris (2007).
- 305 A number of European states examined and copied the 'Botany Bay' model. France introduced transportation and established its first penal colonies in New Caledonia and French Guiana following studying the penal colony in NSW. This included a study mission to Sydney, extensive parliamentary debates and treatises by penal reformers including by Alexis de Tocqueville. Russia also drew on the success of Australia before transporting convicts and setting up its first penal colony at Sakhalin Island.
- 306 See Part 3.A. The large scale exile of criminals and political prisoners to new penal colonies during the 18th and 19th centuries increasingly replaced the use of execution in Britain and other parts of Europe.
- 307 Bogle (2007): 7
- 308 Hughes (2003).
- 309 Toth (2007).
- 310 Australia's 7,692,024 square kilometres is far greater in area than any other site settled and colonised by convict labour, the next largest was French Guiana (86,504 square kilometres). Examples of small islands include: Bermuda, Gibraltar, Mauritius, Cuba, Puerto Rico, the Iles du Salut in French Guiana, the Straits Settlements and New Caledonia.
- 311 At least 25,000 convicts (almost 16 per cent of the convict population) were women and thousands of convicts were aged between nine to 18 years of age, a far younger cohort than any other penal settlement. While convict women were sent to some penal colonies (such as the Andaman Islands, French Guiana, New Caledonia and Mauritius), they did not form a significant proportion of the convict population (around two to ten per cent). The exception was America, where convict women made up 17 per cent of the population. Some penal colonies received convict children but figures are not available. Convict women from the maisons centrales in France could volunteer to be transported to French Guiana or New Caledonia to serve out their prison sentences.
- 312 Unlike Australia, the three British colonies in America were first established during the 17th century well before the arrival of convicts. Also, most of the infrastructure had been completed by slaves, indentured labourers and free people prior to the arrival of convicts. In addition, convicts were sent to only three of the 13 colonies in America and Chesapeake comprised only a small part of the country.
- 313 Maxwell-Stewart (2006).
- 314 Gentes (2007).
- 315 There are no significant convict-built buildings or public works in Melaka. Melaka and Georgetown (part of Penang) were nominated for World Heritage listing in 2001. However, they were not nominated for convictism.
- 316 See Appendix C.
- 317 Turnbull (1989): 46. Convicts made their own high quality bricks for local use in Singapore, some of which were exported to Malacca. In 1867, convicts were awarded a Silver Medal for the quality of their bricks at the Agra Exhibition. St. Andrews Cathedral and Sri Mariamman Hindu Temple were built from convict bricks.
- 318 Extensive additions were added to the complex since its operation as a convent in 1858 until the present day.
- 319 The renovations were undertaken between 1996 and 1998.
- 320 Pieris (forthcoming).
- 321 This gave the chapel the shape of cross from an aerial view. In addition, a contemporary design construction named 'Quiet Places' was carried out in 2004. This involved the construction of a single-storey extension block containing a chapel, amphitheatre and visitor centre.
- 322 The Convict Establishment at Bermuda is known today as the Royal Naval Dockyard.
- 323 Harris (2007).
- 324 Prior to the transportation of convicts to Bermuda, slaves and indentured and free labourers formed the workforce at the dockyard. However, the small population at Bermuda could not supply the labour needs for the naval base. Following the emancipation of slavery in 1834, convicts took over construction work.
- 325 There is contradiction in numbers. Anderson states 'tens of thousands', Nichols states 11,373 between 1906-18 but doesn't indicate how many before then. Maxwell-Stewart states approximately 12,000. Anderson (2007) states that the administration's annual reports detail there were around 10,000 convicts in the settlement at any one time.
- 326 They also built houses for administrators.
- 327 These were convicts under the 'associate system' which was an important feature of the penal colony. Convicts worked in enclosed agricultural areas and were housed in barracks.
- 328 Anderson (2007).
- 329 Neelam (2007). This includes the addition of pathways for tourists.
- 330 Neelam (2007).
- 331 Anderson (2007).
- 332 Anderson (2007); Nichols states 1865-1897.
- 333 Bullard (2000): 93.
- 334 Bullard (2000): 93.
- 335 Convicts made an important contribution to the colonisation of New Caledonia but on a global scale it was less substantial and impressive compared to the role of convicts in the development of colonies in Australia and the building of a new nation. A small convict population complemented a labour force comprising substantial numbers of indentured labourers and free settlers in developing the small island of New Caledonia. New Caledonia comprised approximately 19,060 square kilometres compared to Australia's 7,692,024 square kilometres.



- 336 Toth (2007); Saussol (1988): 41, 44; Sénes (1993):60; There were: 350 free settlers and 250 convicts in 1864; 2,700 free settlers in 1878 and 6,000 convicts in 1875; 5,600 free settlers in 1887 compared to 9,700 convicts; and 9,600 free settlers compared to 8,850 convicts in 1891.
- 337 Australia is the only site in the world where male and female convicts played a major role in the development of a continent and a nation.
- 338 Prisoners comprised convicts as well as political prisoners who were not convicted of crimes.
- 339 Anderson (2007).
- 340 Instruments of torture included the oil mill and the crankmill.
- 341 Anderson (2007); Neelam (2007). Around one-third of convicts sent in 1858 died or were executed within the first three years. Many convicts tried to escape and 86 failed escapees were hanged in a single day in 1858. Many convicts were under the mistaken notion that there was a northern land bridge connecting the islands to the mainland.
- 342 Neelam (2007). When transportation to the penal colony was started in 1858 convicts were put to work on Ross and Chatham islands to clear the jungle. At that time, the island was an open jail and they were not kept under any kind of confinement.
- 343 Neelam (2007).
- 344 Neelam (2007).
- 345 Bogle (2007); Neelam (2007).
- 346 Anderson (2007): 5.
- 347 After their period at the Cellular Jail, convicts were moved to barracks (known as an 'associate' prison) where they were divided into 'gangs' and put to hard labour on roads or felling trees. They slept at the barracks and had relative freedom of movement.
- 348 The watchtower had an extra floor to facilitate surveillance.
- 349 Convicts were at the Cellular Jail between 1906–10 and 1932–38.
- 350 Toth (2007); Redfield (2007). There are few surviving remains of the prison camp at St Jean du Maroni, one of the primary places of detention for around 1,600 convicts. This *relégué* camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape. There are no known convict buildings at the other penal settlements at Montagne d'Argent (the first jungle camp that was used for deforestation and convict road building) and St Georges d'Oyapock. Work camps in the forest near St Laurent and Saint-Joseph were reserved for convicts guilty of disciplinary infractions such as attempting to escape or refusal to work on the mainland.
- 351 Belbenoit (1938).
- 352 Redfield (2007). This figure includes around 20,000 convicts from other parts of the French empire.
- 353 The mortality rate was around 70 to 80 per cent of the convict population. It was assumed that the severe climate and tropical diseases would 'finish off' even the most hardened criminals. The main diseases were malaria and yellow fever.
- 354 Some of the walls were partially rendered in concrete.
- 355 Toth (2007). They were showing signs of deterioration as of 2001.
- 356 Toth (2007).
- 357 Toth (2007).
- 358 The stone bench on which he sat and viewed the ocean waters also survives. Dreyfus was 'a famous Jewish military officer falsely accused and convicted of treason' (Toth (2007). Captain Dreyfus' quarters includes a surviving stone bench.
- 359 Toth (2007).
- 360 Administered by the French Government *départements d'outre-mer*.
- 361 Bullard (2000):244.
- 362 Mathur (1985): 52-55.
- 363 Bullard(2000):93.
- 364 Bullard(2000):93.
- 365 New Caledonia introduced a number of substantial measures to rehabilitate convicts predominantly the moralising influence of work and provision of concessions such as land grants. As in Australia, many of these measures aimed at reforming convicts drawing on Enlightenment principles. However, these were limited to Rousseau ideals of civilising prisoners by removing them from the evils of the metropolis and placing them in a new, idyllic wilderness. The penal colony at New Caledonia did not have as extensive a range of reformatory regimes or periods of experimentation championed by colonial rulers as Australia. The reformatory systems in Australia comprised various ideological frameworks, institutions, regimes and practices which included schooling, trade training, religious instruction and physical and psychological disciplinary systems. Macquarie and Maconochie were well before their time and contributed significantly to penal philosophies for the reformation of convicts.
- 366 Davies (2006): 130-148. Millions of persons were also exiled under the Gulag system (after 1917). This was a penal system of forced labour camps (in reality extermination camps) which primarily received political prisoners and functioned as a mechanism for repressing political opposition to the Soviet state.
- 367 No convicts were allowed to remain in Bermuda, bar one, at the end of their prison terms. Most were repatriated to Britain and some were sent on to Western Australia.
- 368 Redfield (2000): 70; 104. Even though land was cleared and trees were cut, there was no lasting agricultural presence. The single road constructed by convicts during the penal settlement at French Guiana was 24 kilometres long and took over 50 years to complete. Convict labour did little to develop colonial resources or infrastructure. Consequently, only a few convict structures were built at French Guiana.
- 369 Measures were undertaken to reform the convict population into agricultural labourers similar to those in New Caledonia there are no surviving sites that reflect this. A family migration scheme where female convicts could volunteer to be shipped to the colony was not successful. It aimed to increase the habitation and productivity of the colony. Freed convicts could marry and gain a land grant. However, less than 1.5 per cent of female convicts were transported to the colony. Toth (2007). Clair, Krakovitch and Préteux (1990: 15). In the period 1859-1914, 980 women were transported to the colony. This was approximately 1.5 per cent of the total convict population (102,100) transported during the period 1852 -1938. Figures are not available on male convicts between 1914-1938. A camp near St Laurent housed a small number of female convicts under the supervision of nuns but there are minimal remains. Toth (2007); Redfield (2007). The lasting effects of the reformatory attempts in French Guiana are minimal as most freed convicts were forced to remain in the economically underdeveloped colony and many ended up as derelicts. There are no sites that illustrate the classification scheme at the colony including convicts who were employed by free settlers or helped with the administration of the penal colony.

- 370 Anderson (2007).
- 371 Other female prisons in Russia include Kara women's prison and Sofiisk women's prison about which no further information is known.
- 372 Zedner (1995): 294-295.
- 373 Mount Pleasant Female Prison is an enclosed Doric-style building with three floors, each with 24 cells. Millbank Prison was a massive fortress-like structure with six terraces radiating outwards from an octagonal plan. Brixton was based on a polygonal plan surrounding a central octagonal watch tower that held around 800 offenders. Fulham was a five-storey building designed for around 200 female offenders and implemented a rehabilitation program drawing on Joshua Jebb's ideals.
- 374 Hooper (1954); Humphrey (1992).
- 375 Toth (2007). The centre is called the Village des Jeunes.
- 376 Hyde Park Barracks provided accommodation for immigrants until 1887 when the site was used to accommodate a variety of government offices and law courts. In 1979 the site was restored and then opened as a museum in 1984.
- 377 The Officer's Mess in the New Military Barracks at KAVHA was sympathetically rebuilt and restored following a fire in 1970.
- 378 The overlap of the Visitor Centre and the archaeological footing of the separate apartments is less than 5% - see site map.
- 379 This will be confirmed following discussion on best practice regarding climate change.
- 380 The conservation of stonework of perimeter structures is also managed under the Hyde Park Barracks conservation plan for perimeter structures (1996).
- 381 This has been the result of excess pressure from water, lack of supporting foundation rock, growth of nearby trees and vehicles driving too close to the edge.
- 382 These were undertaken between 2004-2007.
- 383 These are for section of wall opposite Hangman's Rock on Devine's Hill and for sections of wall on Finch's Line
- 384 Stabilisation works include the Separate Prison, Penitentiary, Military Barracks, Point Puer and the Dockyards area. Features such as the Penitentiary, Military Barracks precinct have been identified and itemised as projects of importance within the CIP funding submission for 2005-10.
- 385 Other works undertaken since 1991 include; Conservation of the former officer's residences on The Terrace; Conservation of the Old Hospital; Conservation and Adaptive Re-Use of New Division; Conservation of the Women's Prison and West Workshops; Excavation and Conservation of the Commissariat Store and Convict Reception; The Terrace Gardens Reconstruction Project; The Fremantle Prison Tunnels Conservation Project; The Gatehouse Façade Restoration Project.
- 386 The management plans include: Conservation management plan (2007), Fremantle Prison: a policy for its conservation (1998), Fremantle Prison heritage precinct master plan (2006).
- 387 UNESCO (2007), Case studies on Climate Change and World Heritage.
- 388 A geological formation which creates patterns in the rock surface.
- 389 All vegetation is either historic planting or reconstructed historic gardens.
- 390 Work is undertaken by staff of the management authority and the Department of Primary Industries and the Environment.
- 391 The Tasmanian Conservation and Infrastructure Department has responsibility for implementing the Collections protection plan.
- 392 The Emergency management plan is reviewed and updated regularly by the management authority Audit Committee.
- 393 This is based on previous photogram metric and photographic recording of a number of structures at the site.
- 394 Examples include the Norfolk Island Museum and the house at No 9 Quality Row (now the KAVHA Interpretive Centre).
- 395 Major events attract large numbers of visitors. Risk assessments and event plans are in place to manage large crowds and large numbers of vehicles.
- 396 The school program is supervised by teachers and National Trust guides.
- 397 Access to buildings and structures of high heritage significance in the Domain is restricted and visitor impact monitored by the Field Team and Curator. Also, events and recreational activities in the Domain are subject to specific controls and monitoring of visitor numbers to protect the landscape and heritage values.
- 398 'Colonial Rose Hill' and 'Parramatta Park Monuments and Sites.
- 399 Parramatta Park Trust regulations allow for specific activities to be controlled or excluded from the area.
- 400 In 2007, there were 6,200 visitors.
- 401 At an average of just over 500 visitors per day at current visitation levels, there are fewer people on-site than when the Prison operated with capacity for 600 inmates.
- 402 Estimated from data provided: eight properties in total.
- 403 Estimated from data provided: 50 properties in total.
- 404 Approx 2000 dockyard employees have worked on the site on a daily basis.
- 405 All land within KAVHA is subject to planning and development control under the Norfolk Island Plan (2002) and the Planning Act (2002) which binds the Norfolk Island Government and the Administration of Norfolk Island. The Norfolk Island Plan has been prepared in accordance with the provisions of the Norfolk Island Planning Act 2002.
- 406 Exceptions include: those uses or developments deemed to be prohibited by this scheme and do not comply with the provisions of clause 1.7.1. Permits are issued under Clause 4.4.
- 407 McConnell (2007): Cascades Female Factory Initial Heritage Landscape Assessment, for the Tasmanian Department of Tourism, Arts and the Environment.
- 408 An documentation inventory is provided at Part 7.
- 409 A copy of the framework is provided as supporting documentation.
- 410 An updated KAVHA conservation management plan will be finalised in mid 2008.
- 411 Funding for the management and conservation of KAVHA is allocated annually on the basis of agreed programs in accordance with the funding formula established by Memorandum of Understanding (MOU) between the Australian and Norfolk Island governments, which are the major source of revenue.
- 412 Income includes: open house inspection fees obtained from the KAVHA Research and Interpretation Centre; Cemetery Tours; sales of an interpretive film and a number of information booklets and publications.
- 413 The NSW Government funding for the site is provided through Arts NSW.
- 414 The government allocates annual funding for the site to Port Arthur.
- 415 Around 25 volunteers work at the site.

- 416 Of the 18,000 visitors to Old Government House per annum, 4,000 of these are educational tours for schools, tertiary students and others.
- 417 The Domain area of the site is permanently accessible to the public.
- 418 An additional 200,000 people pass through the courtyard of the site. The courtyard grounds are a thoroughfare for people attending the court buildings at the rear of the site, the adjacent Land Titles Building and the barracks café.
- 419 Although no official visitor figures have been collected, the best estimate is provided by the visitor book on Devine's Hill, in which just over 4000 entries from visitors were recorded during an approximately three-year period from June 2000 to February 2003.
- 420 The exhibition was a volunteer project organised by Christina Henri.
- 421 The convict trail will be located in the area around the eastern end of the plateau.
- 422 The Cascade Steering Group made up of experts from Port Arthur, Parks and Wildlife and Tourism.
- 423 Volunteer labour from the community play an important role in the operation of the site.
- 424 There are also surveys of particular elements such as electrical systems, security, pest control, mechanical systems and fire protection systems.
- 425 The use of 'tell-tales' to monitor movement inserted in floor boards is being considered as a means of measuring rates of wear.
- 426 Maintenance schedules have been in place since 1995 for Brickendon and since 2000 for Woolmers.
- 427 Monitoring initially initially took place two times per year for the first eight years of the program (1998-2006), and now every two years.
- 428 Draft National Heritage List Nomination September 2006 (an electronic copy has previously been forwarded to DEH). Limewash, Eric Martin October 2003; Conservation of Cemetery Headstones, Eric Martin October 2003; Policy on Solar Hot Water Heaters, Eric Martin April 2004; KAVHA Gutters, Eric Martin October 2003; No.10 Quality Row, Colour Scheme, Eric Martin June 2003; No.1 Quality Row Report, Eric Martin June 2003; Government House, Conservation of Interiors, Robert Ness; Government House Stable – Construction of Toilets, Eric Martin; Bounty Street Bridge – Structural Inspection Report, Shreeji Consultants June 2002; Levels of Standing Water - Swamp Creek.
- 429 Lucas and Stapleton (1996) Woolmer's conservation management plan; Clive Lucas (2007): Brickendon conservation management plan; Lyncoln and Coreny (1995): Maintenance schedule (Brickendon); Lyncoln (2000): Maintenance schedule (Woolmers); Anna Gurnhill (2005): Woolmer's interpretation plan; (Stell and Pocock (2006): Brickendon Interpretation plan.
- 430 These include: Gilfedder, F. and Assoc. (1997) Darlington, Maria Island: Heritage Vegetation Study Parks and Wildlife Service Tasmania; Godden Mackay Pty Ltd (1997) Maria Island Brickfields Precinct: Conservation Plan. Parks and Wildlife Service Tasmania; Godden Mackay Pty Ltd (1995) Darlington Precinct, Maria Island, Smith O'Brien's Cottage, the Mess Hall, the Coffee Palace: Conservation Plans Report; Godden Mackay Pty Ltd (1992) Darlington Precinct - Maria Island Conservation Plan Report prepared for Department of Construction and Department of Parks, Wildlife and Heritage; National Parks and Wildlife Service (1998) Darlington - Maria Island, Painting Program (NEGP Report); Parks and Wildlife Service Tasmania (1998) Maria Island National Park Management Plan; Parks and Wildlife Service Tasmania (1998) Maria Island National Park: Darlington Site Plan; Pearson, M. and Marshall, D. (1999) Australian Convict Sites World Heritage Nomination, report for Environment Australia & Australian & World Heritage Group; Pearson, M. and Marshall, D. (1998) Australian Convict Sites Draft World Heritage Nomination. Report for Environment Australia & Australian & World Heritage Group; Wyatt, M. (1995) Maria Island National Park public consultation program: report on submissions / consultation program undertaken by Ron Sutton Unpublished Report to Parks and Wildlife Service Tasmania.
- 431 Maria Island Commissariat Store Report on Structural Inspection 1998, Thompson & Brett, PTY LTD, Consulting Engineers identified the need for conservation and stabilisation of the Commissariat Store. Work was carried out under CIPEM between 2004-2005 (approx \$91,000). Archaeological test excavations & Recording Programme; Darlington Compound Wall Collapse Report, 1999, Kith Brook Heritage Consultants identified the need for work to be carried out to repair collapsed masonry and conduct archaeological work as well as drainage to prevent reoccurrence.
- 432 Engineering Assessment of Old Great North Road, Zone I, Divine's Hill (1990); Historical Archaeological Survey of Devine's Hill, the Old Great North Road, Wiseman's Ferry (1990); Historical Survey of Finch's Line, the Great North Road, Wiseman's Ferry (1991) (1997) Old Great North Road Devine's Hill and Clare's Bridge: Remedial Works; (1998) Photographic Record of Work to Reconstruct Stone Box Culvert, Devine's Hill near Wiseman's Ferry, NSW; (1999) Stage 1 Conservation Plan for the Great North Road for the Convict Trail Project; (1999) Old Great North Road Conservation management plan, Dharug National Park; (2000) An Archaeological Assessment of Seven Culverts on Finch's Line, Old Great North Road; (2000) An Archaeological and Conservation Assessment of the Graffiti and Timber Guardrails on the Old Great North Road, Dharug National Park, Wiseman's Ferry; (2001) Geotechnical Assessment: Culvert 35 Old Great North Road Devine's Hill and Wiseman's Ferry; (2001) Wall Stability Assessment Chainage 1617 Devine's Hill Old Great North Road; (2001) Geotechnical Assessment of Retaining Walls Old Great North Road Wiseman's Ferry; (2001) Old Great North Road: Road Carrying Capacity; (2001) Great North Road – Devine's Hill Road Pavement Stabilisation; (2001) Register of Visitors of Devine's Hill Old Great North Road; (2001) Non-Indigenous Archaeological Assessment: Culvert 14 Devine's Hill Old Great North Road; (2002) Review of Environmental Factors: Culvert 14 Restoration Old Great North Road; (2002) Review of Environmental Factors: Restoration of Retaining Wall at Chainage 1617 Old Great North Road. [Includes an archaeological assessment by Stedinger Heritage and Archaeology. ]; (2002) Conservation Works on Stone Culverts along the Old Great North Road Devine's Hill to Finch's Line (Culverts 2A1/1, 2A1/4, 2A new and 2A3/2); (2002) Excavation Report on the Reconstruction of the Retaining Wall at Chainage 1617, Old Great North Road, Dharug National Park, NSW; (2002) Excavation Report on the Reconstruction of Culvert 14, Old Great North Road, Wiseman's Ferry, Dharug National Park, NSW; (2006) Devine's Hill convict stockade: An archaeological survey, assessment and management plan, prepared for the NPWS;
- 433 Other relevant reports include: (1988) The Female Factory Historic Site, Cascades, Hobart. A survey and report to establish a Conservation Policy and Consolidation Plan for the Female Factory Walls; A report to the Department of Parks, Wildlife; and (1998) Cascade Female Prison 1998-2005 works. Parks

& Wildlife Service. In addition, several archaeological reports have provided a succinct 'picture' of the extent and condition of surviving sub surface fabric. 434 These reports include: 2006 Archaeological Excavation Yard 4 South. Cascades Female Factory. Final Report; 2002 Archaeological excavation: Yard 3 South. Trench 1 extension. Cascades Female Factory; 2002 Inventory of Historic Features Yard 1: Cascades Female Factory; 2002 Archaeological test excavation. Yard 3 South: Cascades Female Factory; 2001 Archaeological test excavation. Yard 3 North: Cascades Female Factory; 2001 Archaeological test excavation, Doors 3 and 4: Cascades Female Factory; 1997 Cascade Female Factory Third Yard Archaeological Project.

434 These reports include; Coal Mines Historic Site survey: preliminary report (1986); Coal Mines Historic Site structural & fabric report (1991); Coal Mines Historic Site access audit (2000); Tasman National Park and Reserves Management Plan (2000); Coal Mines Historic Site Archaeological Survey 1986; Coal Mines Historic Site Management Plan (1997); Masterplan: Coal Mines Historic Site CIP 2000/02 project (2001); and Coal Mines Historic Site Maintenance Schedules (1992).

435 This includes work to the Clerk of Petty Sessions residence and Superintendents Quarters in addition to a stone repair program.

436 Summary of recommended works from the most recent reports show:

Adjustment to reflect changes in the Perth building cost index (+30% from 2001 to 2006) shows:

	SHORT TERM (1 – 2 YEARS)	MEDIUM TERM (2 – 5 YEARS)	LONG TERM (5 – 10 YEARS)	TOTAL
BCA 2001	A\$770,000	A\$1,330,000	A\$690,000	A\$2,790,000
Master Plan 2003/04	A\$1,912,000	A\$1,340,000	A\$210,000	A\$3,462,000
BCA 2006	A\$790,000	A\$1,670,000	A\$445,000	A\$2,905,000

437 Other works undertaken include the re-roofing of the main cell block, the hospital, the cottages at 2, 4, 6 and 18 The Terrace and restoring the western elevation of the main cell block.

	SHORT TERM (1 – 2 YEARS)	MEDIUM TERM (2 – 5 YEARS)	LONG TERM (5 – 10 YEARS)	TOTAL
BCA 2001	A\$1,000,000	A\$1,730,000	A\$900,000	A\$3,630,000
Master Plan 2003/04	A\$2,170,000	A\$1,520,000	A\$240,000	A\$3,930,000
BCA 2006	A\$790,000	A\$1,670,000	A\$445,000	A\$2,905,000





## APPENDICES



## APPENDIX A

### GLOSSARY OF KEY TERMS

#### **Absolute pardon – see Pardons**

#### **Australia's convict system**

The penal system that operated across the three penal colonies in Australia. There was no single entity called 'Australia's convict system' as Australia was not a nation at the time. Nonetheless, the penal colonies were subject to a common penal framework of British colonial rule and colonial penal systems. Each of the colonies introduced similar penal systems to manage and control the convict population, with some exceptions. The main regimes comprised: the assignment system; convict gang system; the female factory system; the probation system; penal stations; prisons; and a system of rewards and entitlements (tickets-of-leave, pardons, legal rights, land grants and other privileges). Legal systems operated across the penal colonies which gave convicts important legal rights and protections. Penal colonies around the world introduced similar penal systems although they tended to be less formalised and not as extensive. See Part 2.B, Part 3 and Appendix B.

#### **Assignment system**

A system that allocated or 'assigned' convicts to work for colonial authorities or free settlers (known as 'private masters') in Australia's penal colonies. The aim was to reinforce the colonial economy while also providing reformative labour to convicts. Assigned male convicts worked as shepherds, stock-keepers, agricultural labourers, builders and blacksmiths while females worked mainly as domestic servants. Convicts were not generally paid a wage but received shelter and rations for their work. A convict could receive corporal punishment for misdemeanours or laziness after the case was heard by a magistrate. This did not always occur in practice. Convicts could also seek to redress mistreatment by their master. Convicts could benefit from this system in terms of gaining skills and being better fed and clothed. Assignment aimed to enhance the moral and physical well-being of convicts and transform them into industrious and valuable workers. Private masters were expected to act as good role models for convicts assigned to them. While critics claimed that the assignment system was similar to slavery, assigned convicts worked within a set of laws and rights. Several penal colonies around the world established similar schemes although they were less extensive and formalised than in Australia.

#### **Barracks**

Buildings used to house convicts and soldiers. Barracks allowed for the closer surveillance and control of convicts in the colonies.

#### **Bigge Inquiry (1819–21)**

The Bigge Inquiry was commissioned by the British government to investigate the effectiveness of the transportation system to NSW. Commissioner Bigge identified significant shortcomings in the convict system but concluded that NSW could be made a fit place for punishment. Bigge's main recommendation was that the practice of assignment be expanded in order to lower the costs of transportation to the British Government. He also recommended closer supervision of assigned convicts; establishment of central records of individual convicts and offences; restrictions on privileges based on good behaviour; and tightening of punishment at penal settlements.<sup>1</sup> Bigge's plan formed the basis of penal policy until the cessation of transportation in NSW (1840). These measures were designed to reshape NSW into a more credible penal colony, 'an objective of real terror to all classes of the community' and make transportation 'a fate to dread.'

#### **Botany Bay**

Common term used by Britain, France and Australia for the first penal colony at Sydney Cove. It was sometimes a derogatory term associated with the alleged crime, vice and 'immorality' of the colony.

#### **Burra Charter**

*The Burra Charter: An Australia ICOMOS Charter for Places of Cultural Significance* (1999) is an Australian publication that provides guidance on the conservation and management of places of cultural significance. It is based on the knowledge and experience of Australia ICOMOS members and was last updated in 2004.

#### **Cellular isolation**

Individual cells used to confine prisoners in order to control communication and contact between them.

#### **Chain gang**

A detachment of secondary offenders assigned to public labour in chains and accommodated in movable stockades. They were supervised by an overseer.

#### **Classification system**

The placing of convicts into different classes or categories, depending upon the length of the sentence and/or behaviour of the convict in the colony. The aim was to discipline, punish and accelerate reform by segregating and providing separate treatment for convicts in the different classes.



There were generally three classes but sometimes there were up to six different classes.

### **Commandant**

An officer responsible for the administration of a penal station in Australia.

### **Conditional pardon**

See Pardon

### **Convict**

A person convicted of a crime and sentenced in a judicial process to transportation to a penal colony. This does not include free persons convicted of a crime in a penal colony.

### **‘Convict boys’**

Boys and juveniles aged from around 9 years to 17 years who were transported to Australia for committing a criminal offence. The term ‘convict boys’ was widely used in Australia.

### **Convict era**

The major period of penal transportation that occurred during the 18<sup>th</sup> and 19<sup>th</sup> centuries. European powers (Britain, France, Spain, Portugal and Russia) and a small number of their colonies (Argentina and India) transported convicts to penal colonies. Most penal colonies were distant islands away from the home state. Minor episodes of transportation occurred earlier than this and some endured longer into the 20<sup>th</sup> century.

### **Convict road gang/party**

A gang of convicts assigned to building and repairing roads, generally as a form of punishment.

### **Convict structures**

Can include convict buildings, or convict ruins or convict archaeological remains built by convicts. The terms ‘convict structure’, ‘convict ruin’, ‘convict remains’ and ‘archaeological sites’ are defined in Part 1.

### **Convictism**

The transportation of convicted criminals to penal colonies and establishment of various penal systems to discipline, manage, punish and reform the convict population. Penal systems in Australia included record systems, various types of classification systems including the probation system, the assignment system, the female factory system, juvenile prisons, the convict gang system, penal stations and reward systems.

### **Crank mill**

A form of non-productive labour used as punishment. A wheel with a counting device was fitted into a box of gravel and turned using convict labour.

### **‘Doublage’ system (French Guiana and New Caledonia)**

A system which prohibited convicts in French Guiana and New Caledonia from returning to France for a temporary period or permanently. Convicts with sentences of over eight years could not return home after serving their sentence. Those with lesser sentences were compelled to remain in the penal colony for a period equal to the duration of their original sentence. The system enabled the French government to banish criminal offenders on a permanent or long term basis.

### **‘Dumb cells’ (also known as ‘punishment cells’)**

Individual cells used to incarcerate prisoners for a period of time. They were designed to keep out all light and sound, giving a prisoner the sense of being buried alive.

### **Emancipist (commonly known as an ‘ex-convict’)**

Convicts freed by absolute or condition pardon after serving all or part of their sentence.

### **Enlightenment (Age of Enlightenment)**

The humanitarian, rationalist, liberal and scientific thought of the 18<sup>th</sup> century in Europe. It was an intellectual movement that advocated a new age enlightened by reason, science and respect for humanity to replace centuries of ‘darkness and ignorance’. Enlightenment philosophers (such as Rousseau, Voltaire, Hume, Kant, Montesquieu and Jefferson) championed new ideas and approaches that led to the rise of nation states and the decline of authoritarian traditions. The state and rationality – not the church and religious and superstitious beliefs – was believed to hold the promise for the freedom and progress of humanity. Enlightenment ideas were influential in the development of rational and scientific approaches to social and political issues. During the convict era in Australia, Enlightenment ideas influenced the emergence of new systems to manage convicts on a more rational basis (such as centralised record systems and classification schemes) and the decline of corporal punishments.

### **Exile**

A person banished from their country or location of residence, usually as a result of their political or religious affiliations or for crimes or acts against the state.

### **Female factories**

A purpose-built institution for the management, discipline and reform of female convicts in Australia. A system of nine female factories were established in NSW and VDL. Female factories were multi-functional institutions that operated as: a prison; a place of punishment; a labour hiring depot; a nursery; a lying-in hospital for pregnant female convicts; a workplace; and temporary accommodation and refuge for female convicts until they were ‘married’ or assigned

as domestic servants to free settlers or colonial officers. Convict women undertook various forms of work such as spinning, weaving, rope making, sewing, producing textiles and laundering. Women and their infants were subjected to intensive surveillance and often harsh conditions including overcrowding in unhygienic conditions, early weaning of babies and cellular isolation. Female convicts sentenced to secondary punishment at the factories were placed in different classes. Well-behaved women could progress through the classes while women who breached the rules were given solitary confinement.

### Forced migration

Various forms of involuntary movement of people from their home country. The main types include slavery, indentured labour and convictism. Unlike the other types of forced migration, convictism involved a judicial process and the imposition of a sentence of transportation with a mandatory term in a penal colony as a punishment for the criminal behaviour of the person.

### Foucault (Michel)

An influential French philosopher who published several works including *Discipline and punish; the birth of the prison*. Foucault's 'history' of the prison traced the shift from the punishment of the body of prisoners under aristocratic rule to the punishment of the mind with the development of the 'scientific and rational' prison in the 17<sup>th</sup> and 18<sup>th</sup> centuries. The prison (and especially Bentham's Panopticon) symbolised the development of new instruments that controlled people without the use of force. Foucault argued for the Enlightenment's promise of scientific and rational 'progress'. It concealed nation states' use of 'micro institutions' of surveillance (such as the prison, the barracks, the school, the church) to discipline and control individuals and populations in the modern era.

### Greenway (Francis)

A prominent convict architect who constructed several prominent buildings in NSW such as Hyde Park Barracks, part of Old Government House, St James Church and Parramatta Female Factory. Francis Greenway received an early pardon by Governor Macquarie in 1819 and a land grant in recognition of his work.

### Hulk

A decommissioned sailing ship moored in a harbour or river and used as a floating prison for convicts awaiting transportation to a penal colony.

### Indentured labour

One of the three main forms of forced migration. A form of unfree contract in which a person was required to provide a period of labour in a country to which they have been shipped. This could be voluntary or arranged by a third party. Conditions experienced by indentured labourers were often akin to slavery.

### Iron collar

An iron band worn around a convict's neck as a method of punishment.

### Leg iron

An iron shackle or fetter for the leg, used as punishment and to prevent escape.

### Mark system (also known as the 'Social system')

A system pioneered by Commandant Maconochie at the penal station at Norfolk Island in the 1840s. Convicts could earn marks for good behaviour or marks could be deducted for bad behaviour. Marks earned by convicts could be used either to purchase extra food or to deduct time from their original sentence. Marks could also be earned for hard work or lost for breaches of discipline.

### Molesworth Committee (1837-38)

The British government established the Select Committee on Transportation to investigate transportation and secondary punishment in NSW and Tasmania. It was chaired by William Molesworth. The inquiry was undertaken to respond to the persistent criticisms of transportation and convict system in NSW. The committee collected evidence that allegedly demonstrated the moral corruption of the colonies and the enslaved condition of convicts. The committee concluded that transportation was generally a failure and akin to slavery: 'Transportation... is much more than exile; it is slavery as well'. The key findings were: the assignment system was not working and was open to abuse; the assignment of convicts to private masters produced unequal treatment which had nothing to do with the nature of the offender's crimes; and the convict system encouraged prostitution, the creation of a criminal class and a breakdown in law and order in the colony. The report, along with widespread protests led by organisations such as the Australasian Anti-Transportation League, saw transportation abolished to NSW.

### Muster

The routine gathering of convicts for counting to determine if they were all present. This was also a method of monitoring the convict and non-convict populations. A muster book or register recorded the names and details of convicts and provided a record of the population of a colony.

### Overseer

A person appointed to supervise and direct the work of a party of convicts. Many overseers were convicts.

### Panopticon

A model prison invented by English jurist Jeremy Bentham in the late 18<sup>th</sup> century. The architectural design aimed to provide maximum surveillance of prisoners. The prison consisted of a circular building like a glazed iron cage in which prisoners occupied cells around the circumference.



and guards watched over the whole area from a central observation place. Although the model prison was never constructed in Bentham's lifetime, elements of the design featured in prisons across the world particularly prisons using the 'separate system'.

### **Penal colony**

A colony that was established for convicts to serve out their sentence. Convicts were used to construct and populate the colony. Some penal colonies were initially settled by slaves, indentured labourers or free settlers.

### **Penal station**

An outpost of a colonial government, usually in a remote location, where convicts laboured on public works for both punishment and expansion of colonial settlement.

### **Pardons**

Includes absolute pardons and conditional pardons that were granted to convicts, generally for good behaviour. A convict who received an absolute pardon was restored to the position of a free person and was permitted to return to the home state. A conditional pardon gave convicts the same rights as free people except they could not leave the colony until their original sentence expired.

### **Penal transportation**

– see 'Transportation'

### **Penitentiary (also known as 'a prison')**

A correctional institution to punish and reform prisoners convicted of a criminal offence.

### **Pentonville model**

A model prison constructed at Pentonville in England in 1842 which drew heavily on Jeremy Bentham's Panopticon. The Pentonville model signalled the shift from physical to psychological punishment. Flogging and severe physical punishments were replaced by the rule of silent contemplation and hoods to foster a sense of 'penitence' in individual prisoners. With the exception of the chaplain and prison guards, prisoners had no contact with others thus reducing the risk of contamination of one prisoner by another. This was viewed as progressive as it removed the need for excess physical punishment as practiced extensively across Europe and America.

### **Private master**

A free settler who had assigned convicts in Australia.

### **Probation system**

A system of convict labour introduced in VDL between 1840-3 to 1844 following the abandonment of the assignment system. Convicts were classified according to the severity of their offences in order to separate individual

convicts and restrict their contamination by hardened convicts. Male convicts in all classes were subjected to successive phases of punishment commencing with a period of confinement and labour in gangs, either in a penal colony for convicts sentenced to life, or in a probation station for convicts sentenced for seven to 14 years. The reformation of convicts through labour and religious instruction was an important objective of the system. Convicts who progressed satisfactorily through several stages of decreasing severity received a probation pass and could work for free settlers. Sustained good conduct could eventually lead to a ticket-of-leave or a pardon. A similar system was introduced for female convicts in 1844 although ganging was replaced by confinement and instruction in needlework and other domestic skills.

### **Ration**

A fixed allowance of food for convicts. Withholding or increasing rations were sometimes used as a form of incentive or punishment.

### **Refractory**

Prisoners who were disobedient, refused to comply with the rules of the penal colony or committed criminal offences. Some convicts were constantly found guilty of minor misdemeanours (eg. malingering or absconding from work). They received punishments ranging from reduced rations to floggings. Convicts who committed more serious breaches or crimes (eg. trying to escape, theft or violence) were sentenced to a road gang or a penal station. Some refractory convicts spent many periods of their sentence going in and out of prisons, penal stations or road gangs.

### **Secondary punishment**

The punishment of convicts sentenced for offences committed after arrival in a penal colony or during the voyage to the colony. A convict could be sentenced to a chain gang, a prison or a penal station. The various forms of secondary punishment were often extremely harsh and intended to deter crime both in the home state and in the penal colony.

### **'Self-supporter system'**

A carefully calibrated 'self-supporter system' emerged from the very early years where convicts could rise through the ranks and eventually become colonisers. Convicts were placed into classes for a fixed period and could progress or be demoted based on their behaviour. With sustained good behaviour convicts could earn a ticket-of-leave, self-supporter status and concessions such as land.

### **'Separate system'**

The confinement of prisoners and convicts in individual cells to keep them separate from each other. Prisoners occupied and worked in a solitary cell and were not permitted to talk with anyone except wardens and chaplains.

The aim was to prevent contamination, and to promote reflection and remorse. The system originated in 1829 in the United States.

### **‘Silent system’**

Originating in 1829 in the United States, the silent system was based on a strict regime of silence within the prison. Prisoners were allowed to associate in common areas for dining, working, religious observances and exercise but always in complete silence.

### **Slavery**

A form of forced labour that made a person and their offspring the legal property of another and compelled them to perform domestic or agricultural labour or other services. The slave trade was abolished throughout the British empire in 1807 and slavery itself in 1834.

### **Stockade**

A temporary and sometimes movable structure which housed convict gangs.

### **Superintendent**

An officer in charge of a barracks or a particular station. In NSW and VDL the highest ranking convict officer in the Convict Department was the Superintendent of Convicts. In 1846 the position was re-titled Comptroller General of Convicts.

### **Ticket-of-leave**

A form of authority granted to mainly well-behaved convicts to allow them to work before the expiration of their sentence. Convicts could offer their labour for hire or be self-employed. They had to report at set intervals to local magistrates, and to inform them of any

changes in employment. The ticket contained identifying information about the convict including physical marks and characteristics and details of their criminal history. Convicts could acquire property but they could only reside within a designated area. The system operated in Australia and similar schemes existed in other penal colonies.

### **Transportation**

The removal of convicts from their country of residence to serve out their sentence in a penal colony. This usually involved a sea voyage to a distant colony. The major period of penal transportation occurred in the 18<sup>th</sup> and 19<sup>th</sup> centuries (see ‘Convict era’). The term is also used in a broader sense to include the establishment of penal colonies and convict systems to manage and control convicts. Convicts sentenced in Britain were generally given terms of 7 or 14 years or life in a penal colony.

### **Treadmill**

An instrument of punishment in prisons. It was a cylinder that was made to revolve by the action of convicts treading on boards fixed as steps on the surface of the cylinder. It was intended to be an irksome and monotonous form of discipline and punishment.

### **Van Diemen’s Land**

The original name used by Europeans for the island that is now Tasmania. Dutch explorer Abel Tasman named the land in honour of Anthony van Diemen, Governor-General of the Dutch East Indies in 1642. VDL became a penal colony in 1803.

Table A.1

CURRENT TITLE	HISTORICAL NAME	SHORTER TITLE USED IN NOMINATION
Fremantle Prison	Fremantle Convict Establishment	Fremantle Prison
Old Great North Road	Great North Road	Great North Road
Old Government House and Domain	Government House	Old Government House
Cascades Female Factory	Cascades House of Correction	Cascades
Coal Mines Historic Site	Coal Mines	Coal Mines
Cockatoo Convict Site	Cockatoo Island Convict Station	Cockatoo Island
Kingston and Arthur’s Vale Historic Site	Sydney or Kingston	KAVHA
Darlington Probation Station	Darlington Probation Station	Darlington
Brickendon–Woolmers Estate	Brickendon Estate, Woolmers Estate	Brickendon–Woolmers or Brickendon or Woolmers
Hyde Park Barracks	Hyde Park Barracks	Hyde Park Barracks
Port Arthur Historic Site	Port Arthur	Port Arthur



APPENDIX B

PENAL COLONIES IN AUSTRALIA

Diagram B.1: Australia’s convict system (1787–1868) Australian Convict Sites and key events

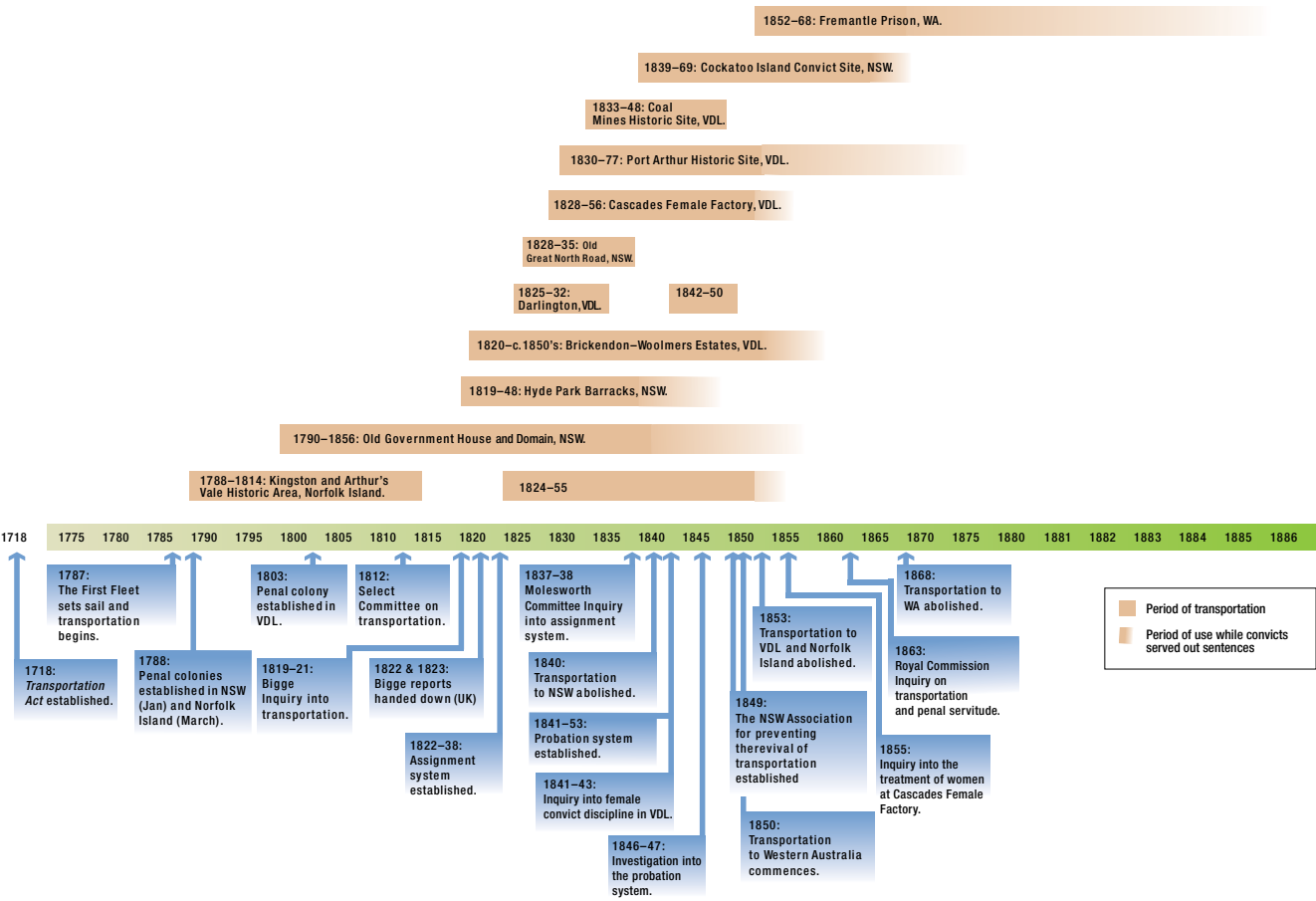
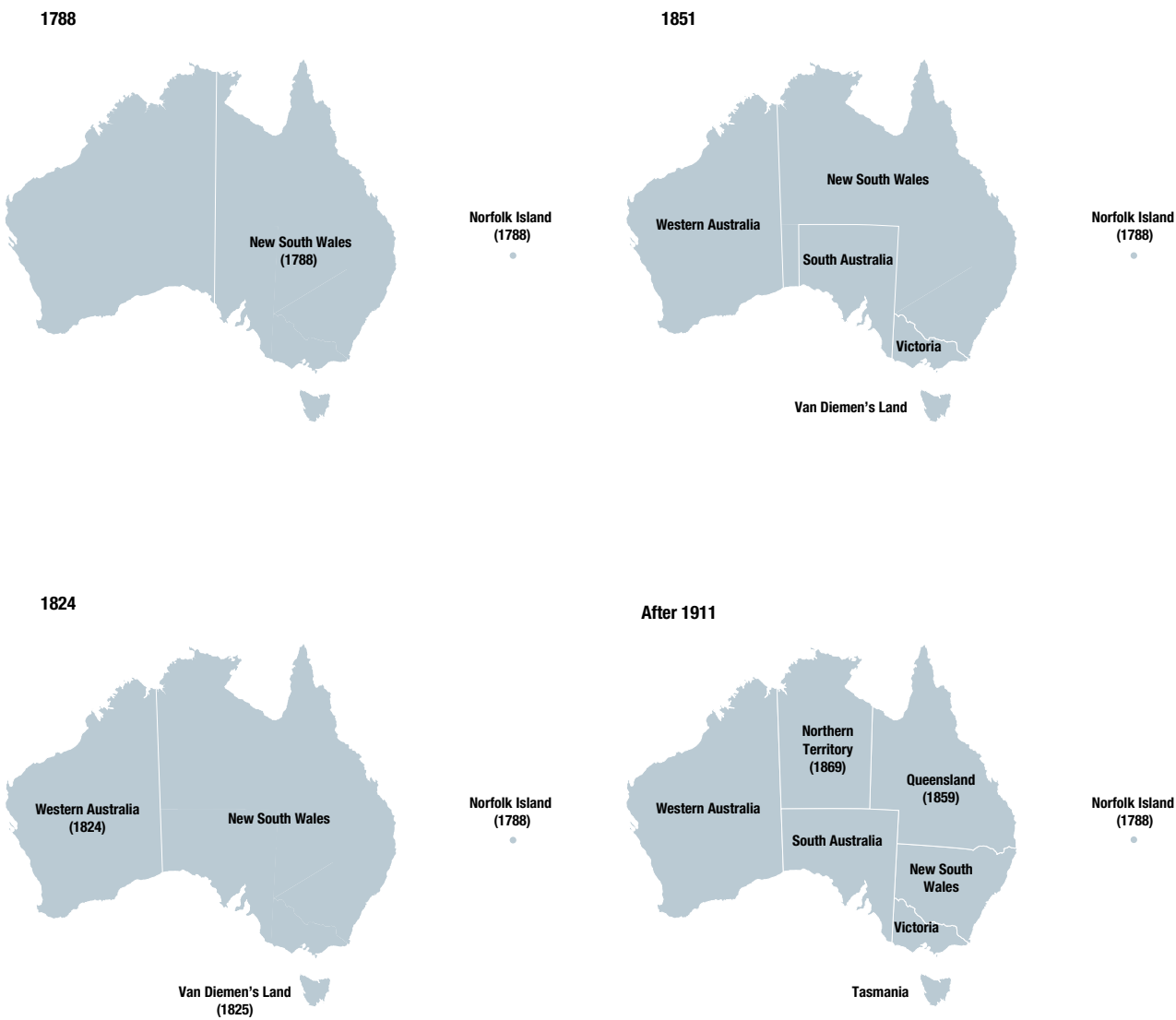




Diagram B.2: Historical borders of Australia 1788–present





## Objectives of transportation to penal colonies in Australia

Like most other European nations, Britain introduced transportation to pursue several different aims. The penal objectives of deterrence and reformation as well as the geo-political goal of colonial expansion were a constant but continuously evolving feature throughout the convict period in Australia. Sometimes each of the objectives was compatible with each other, while at other periods they were in conflict. At times, punishment, reform and colonisation efforts could be undertaken simultaneously while at other times, greater weight was given to one over the others.<sup>1</sup> Britain's goals also intersected with the economic and political aspirations of colonial authorities and free settlers which were not always compatible.

Rival interests and aims of penal transportation both within Britain and Australia resulted in tensions and compromises. The evolution of the penal system in Australia was the product of competing ideas and practices for punishing and reforming convicts. This also occurred in many other penal colonies. The British government was under constant pressure to ensure harsh punishment systems in Australia in order to deter crime in Britain. This goal often came into conflict with, and was subsumed by, the objective of building new colonies and integrating convicts into the new societies. Several governors and commandants gave convicts extended opportunities for a stake in the penal colonies and promoted their participation in developing the new society. However, convicts' rise from servitude to economic success was seen as undermining the punitive objectives of transportation. This led to claims that transportation had become 'free emigration to a better life rather than the most feared deterrent short of execution'.<sup>2</sup> In addition, the financial cost of penal systems to manage convicts was expensive for both Britain and the colonies. Penal reformers attacked the high economic cost and lobbied for the introduction of a British national penitentiary system to replace transportation.

Colonial interests were diverse and did not always align with Britain's goals. Colonial authorities and free settlers valued economic interests over the penal objectives to discipline and reform convicts.<sup>3</sup> Most private 'masters' were more interested in consolidating their agricultural enterprises and maximising profits than keeping convicts under strict control or supervising their reform.<sup>4</sup> Skilled convicts were often not charged for misconduct as employers valued their labour more highly than taking responsibility for their punishment or rehabilitation.<sup>5</sup> In VDL, many free settlers did not support the new probation system which they believed was detrimental to the colony's economic and social development.<sup>6</sup>

## Profile of Australia's convicts

Between 1787 and 1868 around 166,000 convicts were transported to Australia in a huge undertaking by the British Government. The majority were working class men, women and children who brought with them various skills, knowledge and experience. The convict population

was overwhelmingly male and young: 88.8 per cent of convicts were men; and over 80 per cent were aged 16-35; and 56 per cent aged 16-25.<sup>7</sup> A significant minority of the convict population were female (25,000). Most were of child bearing age and their presence was instrumental in the success of the colony. There were also a large number of convict juveniles, more than the national proportion in Britain.<sup>8</sup> The skills that convicts brought to the colony, the experience they gained as convicts and the prime age of convicts formed the backbone of the labour and skill that helped create what eventually became the nation of Australia.

The majority of Australia's convicts were petty criminals by today's standards and were transported for periods of seven or 14 years. More than 75 per cent were transported for theft, mainly of small items or for receiving stolen goods.<sup>9</sup> Many had been convicted of a previous offence. A small minority of convicts were transported for physical violence, murder, political activities, desertion from the army, piracy or inciting slaves to rebellion. Some of these prisoners were sentenced to life in the colonies. Political prisoners included the Scottish 'martyrs' (1794); Luddites (1812); Derbyshire rioters (1817); Cato Street conspirators and other people guilty of high treason (1819); Irish nationalists (1798; 1848 which included famous leaders like James O'Brien and Thomas Meagher; and 62 Irish nationalists sent to WA in 1868); North Americans involved in the Canada uprising (1840), Chartists (1839-42, 1848), agricultural rioters and would-be agricultural unionists (1834).<sup>10</sup> James Boyle O'Reilly, one of the Irish nationalists transported to WA, became famous in Australia and internationally for his escape efforts. Several political prisoners were sent to Darlington including William Smith-O'Brien and several Maori insurgents from New Zealand. Smith-O'Brien also spent time at Port Arthur.

Convicts were transported mainly from England, Ireland and Scotland but a small number were also sent from other places around the world, including various British outposts such as India and Canada. There were also Maoris from New Zealand, Chinese from Hong Kong and slaves from the Caribbean. The majority of convicts were unmarried (75 per cent) and without children (85 per cent).<sup>11</sup> The small proportion of dependents among the convict population was well suited to the population needs of a land of recent European settlement.<sup>12</sup> Convicts came mainly from the towns and cities. Nearly all came from the working class although there were a small number of educated and professional people.<sup>13</sup>

## Transportation to Australia

Initially only a few hundred convicts were sent to NSW each year. This was due to the large number of British prisoners pressed into service in the armed forces or into work on the docks because of the long wars between Britain and France. The end of the wars in 1815 and the onset of economic depression and increased crime in Britain led to massive increases in transported convicts to an average of 2,000 –

3,000 per year peaking to an average of 5,000 in the 1830s.<sup>14</sup> In 1820, convicts, ex-convicts and their children constituted more than 90 per cent of the population of NSW.<sup>15</sup> When transportation to NSW ceased in 1840, convicts made up one third of the population.<sup>16</sup> The composition of society changed following the large scale migration of free working people from 1831. The discovery of gold in Australia in the early 1850s resulted in a major influx of free settlers to the colonies.<sup>17</sup> Notwithstanding variations across the three colonies, convicts were increasingly out-numbered by free people that included the migration of free settlers as well as ex-convicts and their children. Around 95 per cent of convicts continued as free people in the colonies after completing their sentence.<sup>18</sup> While male and female convicts did not make up the majority of the total population of the colonies in the later phase of the convict era, convicts continued to make a major contribution to the development and expansion of the colonies.

Three penal colonies and many penal settlements were established across the continent of Australia between 1787 and 1868. The first penal colony was established at Sydney Cove in 1788. Over the coming years, colonial authorities extended penal settlements across NSW and other parts of the continent at Norfolk Island, Van Diemen's Land (VDL), Melville Island (NSW), Moreton Bay (NSW), Port Phillip (NSW) and Swan River (WA). Some important penal settlements in NSW and VDL included those at 'Coal River', Port Macquarie, Macquarie Harbour and Maria Island. The colony of NSW had jurisdiction over many of the colonies for a large part of the convict era in Australia with the exception of WA. VDL was part of NSW from 1803 until 1824 (when it became Tasmania); the southern district of Port Phillip from 1835 to 1851 (when it became Victoria); the northern two thirds of the colony from 1824 until 1859 (when it became Queensland); and Norfolk Island from 1788 until 1844 (when its administration was transferred to VDL until 1855). A number of inquiries were conducted on various aspects of transportation throughout the convict period such as: the Select Inquiry into Transportation (1812), the 'Commission of Inquiry into the State of New South Wales Colony' (Bigge Inquiry) (1819-21); the Molesworth Committee (1837-38); and the Inquiry into female convict discipline (1841-43); and Magistrates Inquiry of Cascades Female Factory (1855).

### Australia's convict system

Like penal colonies around the world, Australia introduced a variety of schemes to discipline, punish and reform the convict population. However, the penal regimes in Australia were more diverse and complex compared to other penal colonies and there were also a number of exceptional features (see Part 3). Australia was the first penal colony to introduce many of the schemes. Other penal colonies established similar but less formalised or extensive systems.

While there was no single penal framework called 'Australia's convict system', each of the penal colonies came under the colonial rule of Britain and was subject to a common

system of British penal administration. The main features of Australia's convict system were: the assignment system; the convict gang system; various classification systems including the probation system; penal stations; the female factory system; segregated prisons for juvenile convicts; hiring depots; the 'ticket-of-leave' system; and partial or absolute pardons (see Part 2.B). Most of these schemes operated across the three colonies with some exceptions.<sup>20</sup> These systems inflicted pain and suffering on convicts but also created opportunities to build new lives during and after the completion of their sentences. The treatment of convicts under these systems varied over time and place (both across the colonies and within each colony), and was often dependent on the caprice of individual governors, commandants, superintendents, overseers or 'private masters'.

For the first 20-30 years of penal settlement, convicts were not subjected to severe discipline or punishment regimes as these years were difficult and focused mainly on survival. Convicts were not confined in prisons or military barracks but were allowed to roam freely after work and on weekends. Many convicts lived in huts and were under limited supervision as it was hoped that the isolated and inaccessible location in Sydney Cove would contain them.<sup>21</sup> After 1819, convicts in government service were housed in barracks which provided greater security although some continued to live in private houses until the end of their sentence.<sup>22</sup> Even after the construction of places of confinement, the majority of convicts were assigned to work for colonial authorities or private 'masters'. Convicts who committed an offence during the voyage or after their arrival were sent to penitentiaries. By the 1820s, a highly regulated system of management was introduced for the surveillance and control of convicts (see Part 2.B). The British government was responsible for all convicts including those who worked for private 'masters'.

The substantial presence of convict women in NSW and VDL and juvenile convicts led to the development of special regimes of control. In the early years of settlement, minimal attention was given to female convicts. This changed as increasing numbers of women and girls were transported to NSW and VDL and problems arose in controlling them. The alleged rampant spread of vice and immorality became a major concern for the British government and colonial authorities and required new regimes including the establishment of a network of female factories in NSW and VDL. In addition, the large number of juvenile male convicts transported to Australia led eventually to the establishment of separate barracks and management practices for them. Convict women and boys had an important role in the foundation of the European society in Australia.

Initially, transportation was seen to have been an effective punishment and deterrent to crime in Britain. NSW was 'distant, foreign and unfathomable' and there were many reports about hunger and wretchedness.<sup>23</sup> However, transportation began to lose its reputation as a tool of terror as people in Britain heard stories about general prosperity and individual successes in the penal colony. Some criminals

in Britain were now asking to be sent to NSW.<sup>24</sup> There were increasing claims and reports that transportation was an ineffective system for inflicting severe punishment on criminals and deterring crime in Britain. Governor Macquarie's 'lenient' emancipationist policy with its strong focus on rehabilitation fuelled opposition to transportation within the colony and in Britain. The Bigge Inquiry was undertaken to examine these criticisms in the context of the goal of transportation to render a severe punishment and make it an 'object of real terror to all classes of the community'.

### Bigge Inquiry (1819–22)

The Bigge Inquiry identified significant shortcomings in the convict system but concluded that NSW could be made a fit place for punishment. Commissioner Bigge made recommendations to reshape the colony and make transportation 'a fate to dread'. The majority of convicts were to be kept out of the towns and assigned to the more prosperous free settlers who could take greater care over discipline and reformation. Other convicts were to form labour gangs to carry out land clearing and those of bad character were to be sent to new and distant settlements. Convict boys were to be kept at Carters' Barracks and taught trades to make them useful when assigned to settlers. Convicts' property was to be confiscated and held over until they were reformed, and ex-convicts were not to be given land or assistance once they became free. Accurate central records were to be kept of all offences committed in the colony. Bigge's plan formed the basis of penal policy for the next two decades before the cessation of transportation in NSW. The implementation of Bigge's recommendations included: closer supervision of assigned convicts, establishment of central records; restrictions on privileges based on good behaviour; and tightening of punishment at penal settlements. These measures were designed to make NSW a more credible penal colony, 'an objective of real terror to all classes of the community'.<sup>25</sup>

### Molesworth Committee (1837–38)

The British government established a select committee to examine the transportation system in NSW, chaired by William Molesworth. The inquiry was undertaken to respond to the persistent criticisms of transportation and convict system in NSW. These attacks were largely driven by penal reformers and free settlers who were opposed to the transportation system. Molesworth and other members of the committee had connections with, or were strongly influenced by, the opponents of transportation. The committee collected evidence that allegedly demonstrated the moral corruption of the colonies and the enslaved condition of convicts. An increase in the crime rate in NSW and high incidence of homosexuality, prostitution and drunkenness were cited as evidence of the failure of the transportation system. The abolition of slavery was also an important driving force following Britain's abolition of slavery in 1833.<sup>26</sup> Opponents of transportation used many

of the moral arguments that had been used against slavery.<sup>27</sup> While Australia's penal colonies were equated to slave societies, there were important differences between the two (see Appendix D).<sup>28</sup> Also, many advocates of the abolition of transportation were also proponents of domestic national penitentiary systems to replace the transportation system.

The committee concluded that the transportation system was a failure as it was akin to slavery: 'Transportation... is much more than exile; it is slavery as well'.<sup>29</sup> The key findings were: the assignment of convicts to private masters produced unequal treatment which had nothing to do with the nature of the offender's crimes; and convicts dragged the whole community down to their level and crime and depravity were rife in the colonies. Molesworth referred to slaves and slavery and questioned how convicts might differ from slaves.<sup>30</sup> While the final report conceded that transportation could continue so long as convicts were not assigned to private masters, it was the official public indictment and 'death knoll' of the convict system in NSW. Transportation to NSW was abolished two years after the report.

### Punishment and reformation of convicts

Convicts had a diverse range of experiences in the penal colonies in Australia, similar to many other penal colonies around the world. The fate of convicts could vary considerably over time and place, and was often dependent upon the character of individuals overseeing convicts. Well-behaved convicts could earn an early freedom, while convicts who were badly behaved or experienced bad luck could be sentenced to floggings, a road gang, a penal station or a female factory. Typically, many convicts experienced more than one aspect of Australia's convict system as they progressed upwards, slipped backwards and moved through the system until they eventually gained their freedom. At the same time, the convict system was not monolithic. Convicts were not passive pawns and many often resisted the penal system in various ways.

In the early years of penal settlement, the main goal of discipline was not punishment but to keep convicts alive and productive. After this, violence and the fear of pain through flogging and other physical punishments was an integral part of the penal system for a major part of the convict era. Unlike many other penal colonies, convicts could not be punished for misdemeanours without being sentenced by a magistrate. However, legal justice was often administered in favour of private masters and others in charge of convicts. Punishment regimes were differentiated for male and female convicts.

For many years, flogging was the main punishment used for infringements of discipline such as insolence, absconding, drunkenness and neglect of work. The lash or the threat of the lash was a daily feature of the working lives of many male convicts.<sup>31</sup> The frequency of flogging varied each year from between one in four convicts to one in ten convicts in the 1830s, with the average sentence being 50 strokes in



NSW and 33 in VDL.<sup>32</sup> In 1833, an estimated 36,000 male convicts were given 323,000 lashes in NSW and VDL not including penal settlements.<sup>33</sup> There were many reports of excessive floggings and instances where some convicts died or became seriously ill.<sup>34</sup> Norfolk Island had a notorious reputation for excessive floggings. One reported case was a convict cut to ribbons, denied bandages, his shoulders reduced to a state of decomposition with maggots crawling in his back: 'the stench of which I could not bear'.<sup>35</sup> Many convicts experienced floggings or the threat of floggings.<sup>36</sup> Convict records document the various experiences of both witnesses and victims of flogging. Many were horrified at being forced to watch the 'public spectacle' and were revolted by the barbarism of it ('the exposed backbone under a jelly of bruised flesh and congealed blood; the hunks of raw flesh and spatter of blood which flew from the flagellator's whip'). Some convicts were terrified particularly the young and vulnerable. Convicts being flogged often screamed out in pain or gave verbal abuse until they were reduced 'to a slumped, insensible, barely human mess of battered flesh'.<sup>37</sup> Flogging was sometimes likened to slavery, an outrage of people's rights like those perpetrated against African slaves.<sup>38</sup> In 1833, French philosopher Alexis de Tocqueville was highly critical of flogging and its extensive use: 'Can it be that in the nineteenth century, and in a nation in the van of civilisation, men are made to submit to treatment worthy of savage countries and barbarous times?' He denounced such a penal code 'based on blood and torture'.<sup>39</sup>

A greater range of penalties aimed at disciplining and punishing in more subtle and complex ways were introduced under Governor Darling and Lieutenant-Governor Arthur. Convict men were sentenced to chain gangs that worked on the roads or to clear land. Each man was hobbled with shackles linked with a chain to his belt. Solitary confinement was also an important form of punishment that isolated individuals for days on end.<sup>40</sup> Convicts were sentenced to several days or months and occasionally convicts were confined for up to six months.<sup>41</sup> Men, women and boys were sentenced to treadmills which could be a harrowing experience. This provided solitary confinement with hard labour and was intended to instil habits of industry and good behaviour. Some convicts were confined for up to 29 days on the treadmill.<sup>42</sup>

Execution by hanging was the most extreme form of punishment under the convict system which was generally reserved for murder, stabbing a policeman, armed robbery and political crimes.<sup>43</sup> Criminal activities were sometimes forced on convicts by the severe conditions and their treatment and some convicts allegedly committed murder as a form of suicide to escape their life of hell at some penal stations.<sup>44</sup> The next most severe punishment apart from execution was being sentenced to transportation to one or more of the penal settlements primarily Port Macquarie, Moreton Bay, Norfolk Island, Macquarie Harbour, Port Arthur; Cockatoo Island and Maria Island (Darlington). Norfolk Island was legendary for its severe punishment of convicts, and has been described as 'the Australian Alcatraz'.<sup>45</sup> Solitary confinement cells were like underground dungeons: access was by a trapdoor and ladder, no ray of light could penetrate the cells, prisoners remained in darkness and silence day and night; it was like being buried alive apart from the lowering of meals and emptying of his toilet tubs.<sup>46</sup> The gaols have been described as 'prototypes for concentration camps'.<sup>47</sup> The cells of the pentagonal gaol were extremely small (6 foot by 5 foot). For most convicts, Norfolk Island was the 'hell on earth' that colonial authorities had set out to create and some went to extreme lengths to escape from it.<sup>48</sup> In 1834, the Catholic Vicar-General to Australia reported on the high suicide rate: 'so indifferent had even life become, that murders were committed in cold blood, the murderer afterwards declaring that he had no ill-feelings against his victim, but that his sole object was to obtain his own release' (through execution).<sup>49</sup> One of the most notorious cases was the handing down of death sentences to 30 convicts for the 1834 mutiny: when 16 men had their sentence commuted to life imprisonment on Norfolk Island, they reportedly begged to be hanged instead, while the 14 men condemned to death flung their hats in the air and cheered their good fortune.<sup>50</sup>

The demands of forced labour could be physically and mentally debilitating, sometimes leading to serious injuries or death. Sentences of hard labour were often brutal experiences: convicts working as railwaymen were forced to push railway cars and trolleys or cart rocks and trees without the aid of ploughs like 'beasts of burden' under the constant threat of the whip and the treadmill.<sup>51</sup> It was alleged that

Table B.3: Migration of convicts and free settlers to Australia 1788–1860. <sup>19</sup>

PERIOD	NSW		VDL		WA	
	CONVICT	FREE	CONVICT	FREE	CONVICT	FREE
1788–1800	6,650	1,100				
1801–10	4,300	1,200	290	200		
1811–20	15,030	1,500	2,140	500		
1821–30	21,820	6,500	10,570	2,900		1,800
1831–40	31,200	40,300	19,490	11,700		1,000
1841–50	3,340	76,650	29,810	4,900	175	2,500
1851–60			6,190	77,100	5,270	5,900



the excessive harshness and starvation diets of road gangs in NSW drove some convicts to turn to bushranging.<sup>52</sup> Hard labour at Port Arthur was one of the prime reasons for making it a place of terror 'worse than death.'<sup>53</sup> At Norfolk Island, a 'system of running' operated at one time, where the strongest men were forced to work on each end of hoeing gangs and the others had to keep up or be flogged.<sup>54</sup> The widespread use of convict labour was alleged to be a brutal exploitation of Britain's underclass and another form of slavery at the time when Britain was seeking to abolish the African slave trade.<sup>55</sup>

From the 1840s there was a shift from corporal punishment to the psychological punishment and moral regeneration of convicts. This formed part of a broader global development in the punishment of crime during the 19<sup>th</sup> century. Key characteristics included new modes of surveillance and control of convicts using record systems and penal practices such as Arthur's 'open air panopticon', classification systems, cellular isolation and the 'separate system'. The 'separate system' was heralded as a way to reshape the character of convicts in the absence of distracting influences. Convicts were segregated from one another so they could not learn new criminal ways and were prohibited from communicating with one another. Each convict was confined to their own cell where they worked during the day and slept at night. The aim was to force each convict to reflect on their past and think about ways to improve on it. Port Arthur's Separate Prison established a rigid regime of discipline and silence. Orders were given by the sound of a bell or a hard clap. Convicts were let out of their cells for certain duties during the day but were still subjected to total silence. Silence was enforced during their daily exercise in a separate yard where their faces were covered by a mask with eyeholes. Convicts were also subjected to the 'separate system' at other penal stations and prisons including Norfolk Island and Fremantle Prison.

Women convicts were given a range of punishments that generally differed from those for male convicts. From 1788 to 1817, female convicts could be sentenced to flogging but it was generally used to a lesser extent than for males. However, there were exceptions. Punishments of 25–50 lashes were regularly recorded at Norfolk Island in 1791 and there were reports of excessive floggings elsewhere.<sup>56</sup> The most common physical punishments for women were hard labour such as crushing rocks, the use of heavy iron collars that were sometimes spiked, and less commonly, the stocks.<sup>57</sup> There were instances of harsh punishment such as a woman, who at the time was nursing a two month old child, was charged with being a 'profligate adulteress' after failing to prove her charges against her husband's brutal treatment. She was sentenced to walk 35 miles with a six and a quarter pound iron collar around her neck.<sup>58</sup> A punishment that was widely used and greatly feared by women was head shaving and short-cropping of their hair. Convict women experienced head shaving as a disfigurement of their person and suffered intense humiliation.<sup>59</sup> In 1833, women at Parramatta Female Factory rioted after having their hair

cut.<sup>60</sup> Several hundred women seized and shaved the head of an overseer and then threatened to go to Sydney to shave the head of the Governor.<sup>61</sup> From around the 1830s, authorities phased out head shaving because the degradation and 'defeminising' of female convicts was believed to jeopardise their reform. This saw a shift to more psychological forms of punishment such as silence and separation through a classification system and cellular isolation at female factories.

Britain and colonial authorities took inordinate efforts to monitor, discipline, punish and reform female convicts despite their small proportion of the total convict population (20 per cent). Female convicts were considered to be critical to the success of transportation primarily as mothers to populate the colonies, domestic service workers and a civilising force to protect society against threats such as homosexuality.<sup>62</sup> The most suitable regimes for managing convict women without destroying their 'feminine virtues' figured centrally in penology debates, government inquiries and reports in Britain and the colonies over many decades.<sup>63</sup> A system of female factories and segregated assignment system across NSW and VDL created an all-encompassing regime of 'disciplinary punishment' along the lines identified by Foucault (see Part 3.A). The behaviour, morals and every aspect of the lives of female convicts were subjected to intense surveillance and control to mould and transform them into suitable mothers and free citizens. These systems established far more extensive modes of surveillance and control over women compared to male convicts.<sup>64</sup> Assigned female convicts were housed under the same roof as their master, expected to work around the clock and were monitored constantly by the master.<sup>65</sup> The aim was to provide discipline to combat inappropriate behaviour (such as perceived high levels of sexual promiscuity and drunkenness) among the female population and provide them with skills in laundry and needlework. Special disciplinary and reform measures were put in place to inculcate feminine norms of behaviour while some punishments were abolished as they undermined this objective.<sup>66</sup> Flogging and head shaving, initially important punishments for deterring crime, were abolished in order not to inhibit 'feminine virtues'. Female convicts were the first to experience a number of new penal systems in Australia such as the classification system, the indeterminate sentence and cellular isolation.<sup>67</sup> The earlier introduction of these systems for female convicts reflected the importance Britain and colonial authorities attached to managing female convicts.

A range of economic, social and legal opportunities and rights were available to convicts which gave them the potential to exercise *some* power over their lives. While many penal colonies introduced several schemes to encourage the rehabilitation of convicts, the systems and opportunities for convicts in Australia were far more extensive. Various systems of rewards were established to maintain discipline and encourage diligence and good conduct. It was possible for convicts to do well in the colonies if they behaved themselves, or were able to bribe officials, or experienced good luck. Convicts were

encouraged to good service by the promise or granting of 'tickets-of-leave' or early pardons.<sup>68</sup> Many convicts gained tickets or pardons, while others went on to serve out their sentence.

Convicts in Australia had important legal rights that were not available to prisoners or convicts awaiting transportation in Britain or convicts in some other penal colonies. Male and female convicts could also own property and sue to protect these possessions.<sup>69</sup> During their confinement in a prison or while in assignment to private 'masters' or government service, convicts could not be given extra punishments without a court order.<sup>70</sup> Also, colonial authorities reserved the right to take convicts away from masters who ill-treated them.<sup>71</sup> Convicts had the right to petition the governor on all matters concerning their detention and release.<sup>72</sup> They had the right to bring charges against their masters or overseers.<sup>73</sup> Protection afforded to convicts by the courts against mistreatment by their masters was greater than for free domestic servants and other employees of masters in Britain who had the right to inflict corporal punishments and other cruelties.<sup>74</sup> Convicts were able to gain pardons and obtain an early release from their sentence. Also, convicts could lodge petitions to gain permission to marry or for spouses and children to emigrate to the colony.<sup>75</sup> Corruption was rife in the colonial administration and some convicts could bribe officials to falsify records or gain favours such as avoiding floggings, reducing their sentence terms or getting a good job. Petty corruption was a mechanism which helped to integrate convicts into the penal system and prevent them from organising revolts.<sup>76</sup>

A 'ticket-of-leave' system in Australia was an important way that convicts could escape bondage. The system allowed well-behaved convicts to serve part of their sentence and then earn a 'ticket-of-leave'. It provided an incentive for convicts to be diligent and well-behaved but it also functioned as a threat as they could end back in assignment or a government gang for misdemeanours.<sup>77</sup> A ticket allowed convicts to work for themselves until the end of their sentence, but they could be recalled to bond labour if they offended again. In the early days, tickets were given to convicts who had a chance of supporting themselves by wages, business or landowning often on first arrival in the colony. They were also given to convicts who performed special functions or brought offenders to justice. From 1812, Britain required tickets to be granted to convicts on the basis of good behaviour and clear signs of reform.<sup>78</sup> In the early 1830s, tickets were given to encourage the capture of convict bushrangers in NSW.<sup>79</sup> Many ticket-of-leave convicts gained useful employment and some set up their own farms, business or trade.

Many thousands of male criminal offenders were transplanted into an exceptional setting in the Australian colonies where there were greater opportunities for gaining an honest livelihood than in their homeland. The economic climate and the chance to make a fresh start encouraged convicts to abstain from crime. Some convicts developed a

materialist outlook and acquisitive values, and invested in livestock, dogs, guns and other possessions.<sup>80</sup> In an economy where skills were scarce and in high demand, skilled male convict workers were often assigned to 'government' service where they had a degree of job autonomy and independence.<sup>81</sup> They also had a measure of greater power because authorities were dependent on skilled craftsmen as well as their co-operation to train apprentices.<sup>82</sup> Many skilled male convicts did well out of the penal colonies.<sup>83</sup>

The majority of convicts were able to build better lives for themselves and their families than the lives they left behind in their homeland. Convicts were paid a wage and until 1822 they could finish their work by early afternoon and could take on extra work and get paid for it.<sup>84</sup> The practice of employing convicts as overseers was common in penal settlements as there were not enough free settlers or ex-convicts to take on this role. Literate and skilled convicts could secure important jobs such as: managing other convicts; members of the mounted police force with access to firearms and a horse; clerks for the colonial authorities tending 'the springs of government'; clerks for magistrates; or working for a newspaper. Convicts and ex-convicts were the mainstay of the police force in NSW and in VDL for the whole period of transportation.<sup>85</sup> A small number of convicts worked as teachers for the first schools in NSW, VDL and Norfolk Island until around 1809.<sup>86</sup> From around 1810, convict stockmen sent to the frontier in NSW were able to carve out an independent form of existence in the bush, living off rations sent from headquarters and from food they killed for themselves. Convict shepherds were scattered throughout the country, living away from their masters under only intermittent surveillance.<sup>87</sup> Some convicts were able to learn new skills unknown in Britain and their 'horses gave them control of the country and control of themselves'.<sup>88</sup> They became masters of their own work, of their time and of the land they travelled, and if they managed well, penal discipline did not affect their lives.<sup>89</sup> Some convicts, such as wealthy convicts, gained responsible government jobs and ticket-of-leave holders were granted land sometimes in remote areas. Many professional and skilled convicts had considerable liberty and freedom of movement.

There were also many individual convict success stories including by unskilled male convicts. Illiterate unskilled labourer Simeon Lore was transported to NSW in 1791 and 11 years later built a four-storey stone mansion. Several ex-convicts established fortunes, names and dynasties in NSW and VDL and were entrenched by the early 1820s. Many literate, skilled or wealthy convicts went into land speculation.<sup>90</sup> Convicts also worked as assistants for officers who had trading enterprises and on gaining freedom some used their new skills to set up businesses.<sup>91</sup> A small number of convicts became writers (such as William Smith O'Brien and John Mitchel) or artists.<sup>92</sup> Convicts transported to VDL in the first few decades had a greater chance of economic success than those transported later when economic conditions were less favourable.<sup>93</sup>

Economic and social opportunities for convict women were generally greater compared with free women in Britain, even though these were substantially more limited compared to male convicts in Australia.<sup>94</sup> Although convict women had much more limited opportunities compared to male convicts, they shared some of their economic and social benefits that flowed from male convicts' privileged position in the labour market. Opportunities for upward mobility in the labour market were a possibility for some convict women, mainly through marriage or prostitution. In the early years of penal settlement, female convicts could work for themselves and earn money after hours. During the first penal settlement on Norfolk Island, convict women were given land to work full-time to encourage their economic independence on the same terms as men.<sup>95</sup> Women on Norfolk Island could receive land and other assistance as individuals, with partners or in groups with male convicts. Elsewhere, a small proportion of female convicts married officers and were able to gain land grants once they became free.<sup>96</sup> Convict women were sometimes able to earn extra money after hours during their confinement at a female factory. A small number of female convicts were successful in various occupations: self-employed women such as those who sewed or washed clothes or worked as milliners, seamstresses, bonnet and stay makers or nurses and midwives; women who established businesses such as those selling tea, sugar, prints etc; and women who helped husbands run small businesses.<sup>97</sup> Some of these women became very successful, one of the most prominent being businesswoman Mary Haydock. She became a symbol of what was possible for a convict to achieve in NSW.<sup>98</sup> It was often through marriages that convict women were able to develop entrepreneurial skills and attain economic and social success.<sup>99</sup> Some of these opportunities were short lived or declined during periods when female convicts were subjected to greater controls.

For most convict women, opportunities to gain a better life were through marriage or a de facto relationship. Several convict women were able to live economically independent lives through marriage or de facto relationships, particularly during the early years of settlement. Due to the unusual features of early penal settlements, relationships between people of different social statuses were common and led to several advantageous marriages.<sup>100</sup> Some convict women lived with or married officers, while many others were assigned to convict husbands and gained security and freedom.<sup>101</sup> Their lives often resembled those of free women.<sup>102</sup> Convict women assigned to their husbands could seek greater protection from the authorities than free women. They could lodge complaints against their husband's behaviour and could be removed if there was mistreatment.<sup>103</sup> At times, particularly during the early settlement years, convict women had greater independence and more liberating lifestyles that were not limited to standards for women in Britain. Convicts' letters to family members back home have recurring themes about the colonies being bountiful places of opportunity.<sup>104</sup>

There were a number of success stories and substantial rights that were given to ex-convicts. Colonial authorities wanted ex-convicts to be good role models for the convict population and they were often encouraged to become economically independent and responsible citizens. These independent 'emancipists' would become independent, set examples to others and in turn employ convicts who could then work on farms.<sup>105</sup> Ex-convicts could be given considerable civil liberties which provided a powerful stimulus to reform. Governor Phillip granted farming land to convicts he pardoned.<sup>106</sup> Many ex-convicts were able to obtain a 30 acre farm, providing them with a living (albeit a precarious livelihood).<sup>107</sup> The first ex-convict to receive a grant of land was James Ruse at Parramatta in 1791. Within 20 years, some ex-convict merchants and bankers had become the richest people in the NSW colony and there was also a petit bourgeois of other ex-convicts who had become successful shopkeepers, publicans and tradesmen.<sup>108</sup> A number of male convicts and a small number of female convicts became wealthy landowners and business people. Ex-convict women seldom became landowners or were given land grants but they did run small shops, became butchers and bakers, or established prosperous farming enterprises.<sup>109</sup> Approximately 25 years after the founding of NSW, around half of private masters were ex-convicts.<sup>110</sup> Ex-convicts could serve as jurors in criminal trials in NSW from 1832.<sup>111</sup> A small number of ex-convicts became wealthy and formed a class of high social and economic standing. Richard Dry, transported to VDL in 1787, is an exceptional example. Dry was given a grant of 500 acres in 1818 and by 1827 he was working 12,000 acres with 4,000 cattle and 7,000 sheep.<sup>112</sup> One ex-convict set up a business that sold 'convict shipping' to Britain (shipping convicts to the colonies). Examples of successful women are outlined above.

The extent to which opportunities and legal rights were translated into reality varied considerably. While stories of convict fortunes were widely circulated (mainly as a way of criticising the leniency of the transportation system), relatively few convicts or ex-convicts achieved any measure of wealth.<sup>113</sup> In general, convicts and ex-convicts were the most economically and socially deprived members of society, and more harshly treated in the judicial system than persons without a criminal record.<sup>114</sup> By the 1830s, employment opportunities for ex-convicts contracted considerably due to the greater availability of free labour and immigrants with capital.<sup>115</sup> Convicts experienced less favourable treatment at some penal settlements and during the rule of particular governors. Norfolk Island, Macquarie Harbour and Port Arthur penal settlements were notorious for the harsh conditions and treatment of convicts. Practices for dealing with convicts varied from one court bench to another and one master to another. There were many disincentives for convicts to make complaints against their masters. For example, it was quite common for convicts to be flogged for making 'trifling and frivolous charges' against their masters.<sup>116</sup> If charges were proven, convicts could still be penalised.<sup>117</sup> The penalties which masters received for



proven charges were relatively innocuous such as small fines.<sup>118</sup> Also, masters could make convict's lives miserable following complaints being made against them.<sup>119</sup> For example, they could be subject to greater abuse by their masters, have their rations reduced or be given less privileges. In addition, most convicts had limited money to be able to bribe officials or gain favours.

### Convict resistance

Overall Australia's convict system was effective in preventing large scale convict revolts and in creating a docile convict population.<sup>120</sup> Well-behaved convicts were offered various opportunities while breaches of rules brought a raft of punishments. A small number of insurrections took place across the colonies (such as Castle Hill in 1804 and 1834; and Norfolk Island in 1834 and 1846) but these were an exception to the generally submissive and compliant convict population.<sup>121</sup> The Norfolk Island insurrections were due to the peculiar circumstances of exceptionally harsh and repressive regimes at the penal settlement. Several riots took place at female factories (Parramatta in 1827, 1833 and 1836; Cascades in 1829 and 1842; Launceston in 1841; and Ross in 1848).<sup>122</sup> There were also pockets of resistance against private masters on agricultural properties such as convict 'mutinies' or attacks on masters.<sup>123</sup>

Male and female convicts resisted the penal system in multiple ways that were largely passive and non-violent. The main form of resistance by male convicts was malingering, trafficking goods, engaging in 'black market' activities and occasionally protest writings.<sup>124</sup> The most widespread form of resistance was malingering in various ways to avoid hard work. Some male convicts produced writings that protested against their treatment (such as essays and poems) and a few of these made it into print.<sup>125</sup> Female convicts also rebelled against colonial authorities. Individual acts of rebelliousness was common in female factories, and women sometimes grouped together to confront authorities.<sup>126</sup> Some examples are: setting alight the shingles at Cascades Female Factory (1832); seizing the matron at Parramatta Female Factory and cropping her hair (1831); a mass display of disobedience at a church service in Hobart by over 300 women who pulled up their clothing and smacked their bare bottoms.<sup>127</sup> Smuggling, trafficking and trading in goods was also a significant part of the social and economic life of the factory and undermined authority.<sup>128</sup> Assigned male and female convicts also challenged authority by manipulating the system to their own advantage or damaging property.<sup>129</sup> In addition, male and female convicts resisted the system by trying to make demands to reduce their hours of work and improve their rations and living conditions.<sup>130</sup>

A relatively small number of convicts absconded by various means, escaping to the remote bush, becoming bushrangers, living with Aboriginal communities or fleeing to the sea. Some escapes were successful, others were caught and some convicts died of starvation or other causes during the attempt. Crews on some American whaling ships had no sympathy for Australia's convict system and allowed

some convicts to stow away.<sup>131</sup> In 1876, six convicts transported for their involvement in the Irish nationalist movement (1868) escaped from Fremantle Prison on board an American whaling ship. Going inland was especially dangerous as convicts had to try to survive in inhospitable conditions such as ferocious heat, hostile Aborigines, unknown wildlife and lack of food and water.<sup>132</sup> There were episodes of convict ingenuity in seeking to escape: one convict dressed up as a kangaroo but surrendered as he was about to be shot.<sup>133</sup> One notorious case was the escape of Mary and William Bryant by sea to Timor in 1791. Her husband, daughter and son died after this but Mary was eventually given an unconditional pardon in London, following pressure from the writer James Boswell.<sup>134</sup> Several women escaped from female factories (eg. 1825 from Cascades Female Factory and 1829 from Parramatta Female Factory).<sup>135</sup> Between the 1840s and 1851, around one in every 100 convicts disappeared from all parts of VDL.<sup>136</sup> Some convicts were enticed by rumours in Sydney that China was just over the horizon and ended up lost and starving in the bush following their attempted escapes.<sup>137</sup> Convict bushrangers during the 1830s became a serious problem particularly in VDL.<sup>138</sup> They often elicited public sympathy as unfortunates driven by ill-treatment and desperation to the bush and to a life of crime. Other convicts could experience the taste of freedom and rebellion.<sup>139</sup>

### Opposition to transportation

*'I question whether the world ever saw anything under the name of punishment bearing the least resemblance to it.'*<sup>140</sup> Bentham in 1802

*The penal colonies in Australia were 'most thoroughly depraved, as respects both the character and degree of their vicious propensities' ... 'a state of morality worse than that of any other community in the world.'*<sup>141</sup> Molesworth in 1837

From the outset, the introduction of the transportation system in Britain generated intense opposition by various groups who were influential in contributing to its eventual abolition. Debates raged in Britain and the Australian colonies about the transportation system's capacity to deter crime or reform criminals. The severity of some punishments and places contrasted with attempts at innovative reform. Enlightenment ideals were an important influence on these debates and new penal practices.

A new penology 'movement' advocating penitentiaries emerged in Britain, Europe and America from the late 18<sup>th</sup> century, presenting a major challenge to the transportation system (see Appendix D). Penal reformers advocated the establishment of a national penitentiary system in Britain as the most effective and enlightened system for deterring crime and punishing and rehabilitating criminals. Australia's penal colonies, like many other penal colonies around the world, were condemned by different groups either as excessively severe or too lenient. For some groups, the penal system in Australia and particularly the assignment system



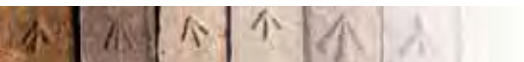


was not an effective system for punishing and reforming criminals. It was irrational, inhumane and akin to slavery. Britain was vulnerable to these arguments particularly following the abolition of slavery.

For other groups, Australia's convict system was excessively lenient and amounted to a reward that did not deter crime. Transportation was not successful in inflicting either an adequate punishment or reformation of the convict population. Crime and 'immorality' (particularly petty crimes, prostitution, homosexuality and drunkenness) were allegedly widespread across the vice ridden colonies. In the post Enlightenment period, the British government was concerned to protect her reputation as an enlightened power. These arguments were put forward mainly by penal reformers in order to advocate the alternative – the establishment of a national penitentiary system across Britain. Free settlers in Australia also played a role both as supporters and critics of the transportation system.<sup>142</sup> Some argued that the influx of large scale migration of free settlers to the colonies from the 1830s onwards (including following the gold rush period) reduced the demand for convict labour. Other groups opposed transportation for its alleged links with increased crime and vice, and some free settlers were especially resentful of opportunities given to ex-convicts. Some influential free settlers critical of transportation lobbied the British government and other groups in Britain to abolish transportation to Australia.

### **Abolition of transportation**

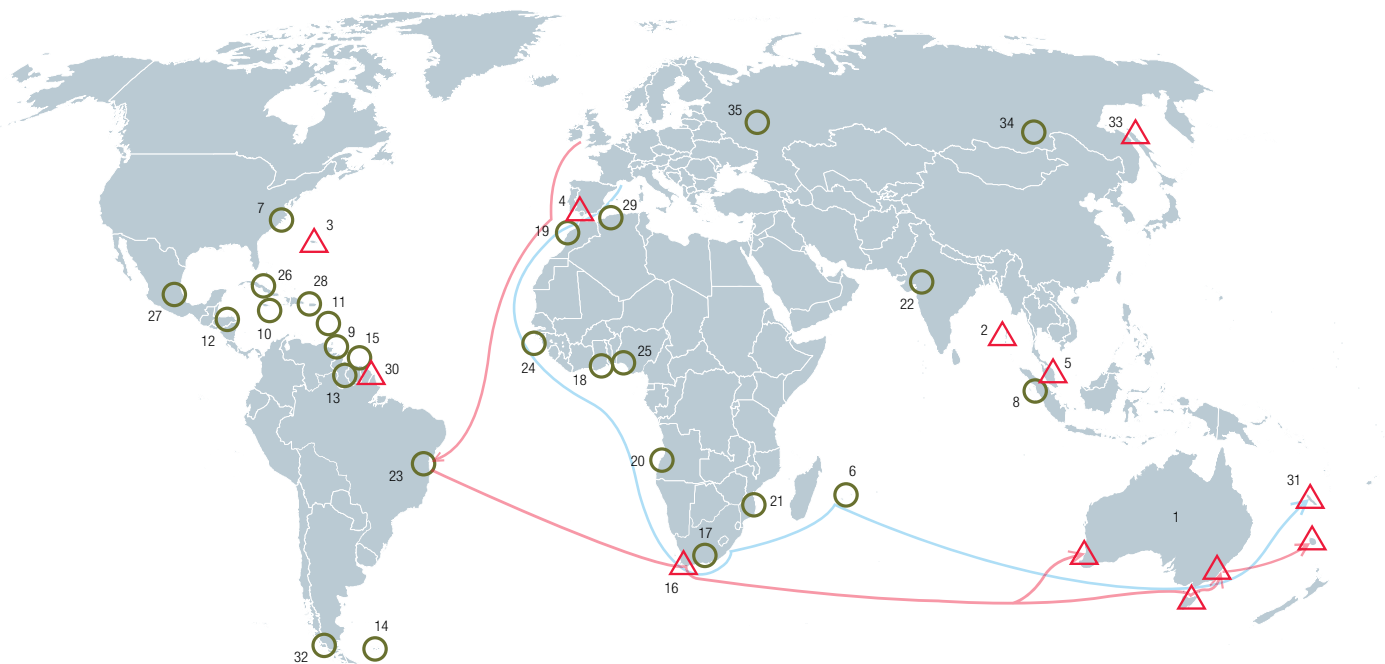
Numerous inquiries into the effectiveness of transportation and Australia's convict system were undertaken in Britain and Australia. Following the recommendation of the Molesworth Commission, transportation was abolished to NSW in 1840. The penal colony of VDL continued until 1852, to be replaced by the penal settlement in WA from 1850 until 1867. The last convicts arrived in 1868 in WA, marking the end of transportation to Australia. Remnants of the convict system remained in the colonies for several decades and convicts continued to serve out their sentences and contribute to the development of the colonies. Several penal stations and convict systems continued to function, and the impact of convicts on the colonies was still felt for many generations.



APPENDIX C

OVERVIEW OF SELECTED PENAL COLONIES AND CONVICT SITES

Diagram C.1: Selected convict sites of the world, c1600-1938



- Britain:**

  - 1. Australia 1788-1868
  - 2. Andaman Islands 1858-1910, 1932-38 \*
  - 3. Bermuda 1824-63 \*
  - 4. Gibraltar 1842-75 \* \*
  - 5. Straits Settlements 1790-1860 \*
  - 6. Mauritius 1600s-1800s \* \*
7. North America 1718-1755 \*

  - 8. Benkulen 1790s \* \*
  - 9. Barbados 1627-1790s
  - 10. Jamaica 1600s \*
  - 11. St Kitts and Nevis 1600s
  - 12. British Honduras c.1600s \*
  - 13. British Guiana 1800s
  - 14. Falkland Islands 1826-31 \*
  - 15. Trinidad and Tobago 1600s \*
- Netherlands:**

  - 16. Robben Island 1806-46 \* \*
  - 17. Cape of Good Hope 1600s-1700s \* \*

**Portugal:**

  - 18. Ghana c.1500 \* \*
  - 19. Morocco c.1500s \* \*
  - 20. Angola c.1700s-1800s \*
  - 21. Mozambique c.1500s \*
  - 22. India c.1500s \*
23. Brazil c.1700s-1800s \*

**Spain:**

  - 24. Cape Verde Islands c.1500s \*
  - 25. Sao Tomé and Príncipe c.1500s \*
  - 26. Cuba c.1700s-1800s \* \*
  - 27. Mexico c.1700s-1800s \*
  - 28. Puerto Rico c.1700s-1800s \*
- France:**

  - 29. Algeria 1700s \* \*
  - 30. French Guiana 1852-1938 \*
  - 31. New Caledonia 1864-97 \*

**Argentina:**

  - 32. Tierra del Fuego 1880s-1900s
- Russia:**

  - 33. Sakhalin Island \* 1869-1905
  - 34. Kara Valley \* 1850s
  - 35. Trans-Siberian Railway \* 1891-1916

Sources: Anderson, Maxwell-Stewart & Bogle (2006/2007)

△ Major convict site – including where there was a purpose built penal settlement

○ Minor convict site – including where convicts were used for labour

No star: Convict only sites

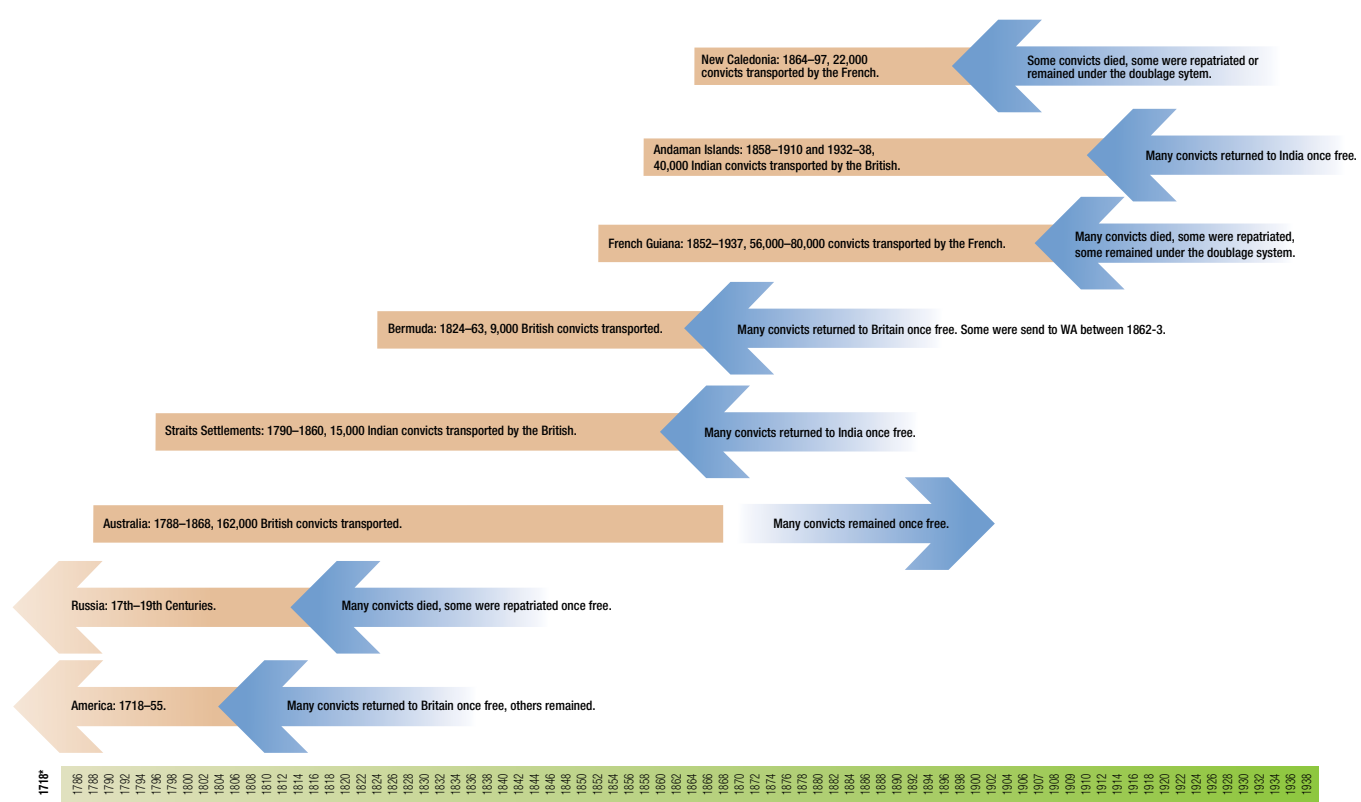
\* Includes other forms of forced migration such as slavery, indentured labour or exiled peoples

■ Places where convictism occurred under more than one colonial power

— Representative route of convict ships from Britain and Ireland to NSW, VDL, WA, and Norfolk Island 1787-1868

— Representative route of convict ships from France to New Caledonia 1863-97

Diagram C.2: Convict sites profiled in Appendix C: Overview of convict sites profiled in Part 3.C.



\*Convictism predated 1718 but the number of convicts and the size of the colonies were small scale. See Appendix C.

## OVERVIEW OF SELECTED PENAL COLONIES AND CONVICT SITES

This paper provides an analysis of the convict systems and sites in the major penal colonies during the 18<sup>th</sup> and 19<sup>th</sup> centuries. It is based on extensive research undertaken in 2006 and 2007 drawing on historical studies, heritage list records, websites, reports commissioned for this nomination and correspondence with experts in the relevant countries. These sources are cited at the end of this paper.

### GLOBAL CONTEXT OF FORCED MIGRATION

An unprecedented forced migration of peoples occurred around the world during the 18<sup>th</sup> and 19<sup>th</sup> centuries in the wake of European expansion and the globalisation of the world economy. There were three main types of forced migration: slavery, indentured labour and convictism. Improvements in navigation, ship building, cartography and provisions made it possible to move large numbers of people against their will over long distances.<sup>1</sup> Up until 1800, around two thirds of the people moving east and west out of the 'Old World' were coerced as slaves, serfs, convicts or military recruits.<sup>2</sup> In the Atlantic, the dominant migratory regime for most of the period after 1500 was the slave trade from Africa. An estimated 9–11 million Africans were taken as slaves to the Americas and Europe between 1500 and 1900.<sup>3</sup> Convicts and prisoners of war were sent overseas in much smaller numbers than slaves (around one convict to 40 slaves).<sup>4</sup>

Large-scale and systematic coerced migration began with European expansion and generally ended when free and contract migrants became more willing to replace slaves or prisoners. Coerced migrants often accelerated the development of the places to which they were sent and sometimes paved the way for free migrants. This connection between coerced migration, development and the subsequent mass inflow of free migrants 'was the clearest of all in Australia'.<sup>5</sup> The main movements of people included: the African slave trade to North and South America, the Caribbean, Europe, the Middle East and the Persian Gulf; the slave trade via the Atlantic and Indian oceans from Africa; the Trans-Saharan slave trade; indentured labourers from South and East Asia; the migration of indentured servants from Britain to North America and the Caribbean; the large-scale mobilisation of 'unfree' migrant labour within colonial Africa and South Asia; and the transportation of convicts from Britain, France, Spain, India, Mexico, Portugal and Russia to various parts of the globe. The transportation of convicts to Australia is recorded as the largest movement of people under convictism.<sup>6</sup> Australia is listed as one of the

most significant involuntary migration movements in the period 1500 to 1900 – a list comprising 13 forced migration movements (*Atlas of international migration*, 1993).<sup>7</sup>

There were significant interactions and linkages between the various systems of forced migration. The forced migration of convicts to penal colonies had a significant impact on global developments in the punishment of crime from the 'early modern' to the 'modern' period. In contrast to systems of slavery and indentured labour, penal transportation was a new mechanism for punishing crime in the world. Prisoners convicted of criminal offences were transported to penal colonies as a new form of punishment that lasted for several centuries. Penal transportation had an important influence on the political, economic and military development of many European nation states and empires during this period. It played an important role in the colonisation process as convicts formed the vanguard to settle and develop new and existing colonies around the globe. Sometimes convict labour was instrumental in replacing enslaved peoples following the abolition of slavery. Penal transportation is an important part of world history, the subjugation of one part of humankind by another. It inflicted immense suffering on the lives of several million convicts, ex-convicts and their families. Yet penal transportation also ushered in an era of enlightenment and hope for the criminal elements of humanity. Unlike the phenomenon of slavery, convictism was associated with the uplifting elements of human history. Transportation offered unprecedented opportunities for prisoners to build new lives free of crime for themselves and their descendants in a new colony. This was not the case for most slaves.

The phenomenon of convictism had important similarities to and differences from slavery and indentured labour. Each of the forced labour systems had distinctive aspects. Slaves were sold to a master, became the property of the master and did not receive a wage. Convicts were transported to penal colonies where they were managed and controlled by colonial authorities. The home state retained overall responsibility for convicts. Indentured labourers were contracted to undertake work in colonies where they received a wage. In practice, the treatment and experiences of these workers were sometimes similar. At their most extreme forms: regimes for convicts could inflict suffering similar to that experienced by slaves; the treatment of indentured workers could be as harsh as that of convicts; and slaves could sometimes be treated humanely by their masters.



## CONVICTISM

The transportation of convicts formed part of the international and intercontinental flow of forced migration. Prior to the introduction of transportation, criminal offenders and political prisoners were imprisoned or executed in the home state. The major flow of peoples under transportation systems in the pre-modern and modern eras included: prisoners from colonial India to Mauritius, Sumatra, the Straits Settlements and the Andaman Islands; British prisoners to North America, Australia, Gibraltar and Bermuda; French prisoners to Algeria, French Guiana and New Caledonia; Russian prisoners to Sakhalin Island; Spanish and Portuguese prisoners to Africa; and Spanish prisoners to Puerto Rico and Havana.<sup>8</sup> The first episode of transportation occurred with the establishment of the penal colony of Barbados in 1627 and the last penal colonies to close were the Andaman Islands and French Guiana in 1939.

Cities, institutions and communities were created through the toil and hardship of convicts. Convicts dominated and moulded new landscapes, building harbours, fortifications, courthouses, churches, governor's residences and offices, barracks and prisons. Convict labour in most countries generally supplemented or replaced slave or indentured labour in undertaking these works, with the exception of Australia. Female convicts were transported to several penal colonies with the aim of populating and civilising the penal colony – Australia was the only penal colony where this was successful. The general experience of transportation for convicts was a life of exile, harsh living and working conditions and subjection to a range of punishments including deprivations, physical punishments, psychological punishments and sometimes death. Labour for men was especially harsh; they often took the place of machinery and animals. They literally became 'beasts of burden'.<sup>9</sup> Typically, military forces instituted a rough system of order and justice over the convict population with the exception of Australia. But there were also more enlightening experiences with opportunities for convicts to build new lives. Australia and New Caledonia are the most prominent examples of this.

The phenomenon of convictism had several common elements. These include: the use of transportation to expand the political, economic and social spheres of influence of the home state; the use of transportation to punish criminal offenders and deter crime in the home state; and the use of transportation to reform and rehabilitate the criminal elements of humanity. Convicts were transported to distant penal colonies and systems were established in most colonies to punish, discipline and reform convicts. The history of the transportation of prisoners to penal colonies around the world is outlined in detail below and at Part 3.C.

British transportation to Australia is widely considered to be representative of global convictism as well as several exceptional features that were not present in other penal colonies. Australia was the only instance of penal transportation where the efforts of convicts led to the European foundation of a continent and a nation.

Australia had all of the key elements of convictism and the most complex and diverse suite of penal regimes to manage, punish and reform convicts. The establishment of remarkable penal systems was largely due to the peculiar conditions in Australia such as the need to control a large convict population across an enormous continent. The convict systems included: bureaucratic regimes of surveillance (a centralised record system; surveillance systems; Assignment Board; magistrates' records); corporal punishment (such as flogging and treadmills); the separate system and other psychological regimes to punish the mind; the convict gang system; the assignment system; the system of female factories; special regimes for convict boys; the probation system; various classification systems; reformatory measures such as trade training, religious instruction and the 'mark system'; and a system of entitlements and rewards (including 'tickets-of-leave'; conditional and absolute pardons; land grants and other concessions; and a system of legal rights for convicts). These are outlined in Part 2.B and Part 3.A. Australia's extensive convict systems established a blueprint for other colonies. Other penal colonies had some schemes with similar features but none had such a comprehensive and formal suite of systems to manage, punish or control convicts as in Australia. Female convicts made an important contribution to the empire building process in Australia and the success of the penal colonies. By contrast, female convicts comprised a very small minority of the convict population and played a minor role in most other penal colonies (typically around 1 to 3 per cent; less than 20 per cent in America; and less than 10 per cent in Andaman Islands).

Many convict sites have not survived around the world in large part due to the long standing tradition of the 'convict stain'.<sup>10</sup> The convict origins of all colonies have been a source of humiliation and denial for both free settlers and ex-convicts for many decades (and sometimes centuries) following the abolition of transportation. The stigma associated with the convict legacy and efforts to ignore or remove all traces of the 'stain' have been a common feature of all penal colonies. However, the response of communities and governments to their convict past has varied considerably across countries. For some, the convict stain has endured until today while in other countries there has been an increasing recognition and acceptance of their convict history. The consequences of the rejection of a country's convict roots range from total destruction of many convict buildings through to abandonment and gradual disintegration of convict remains. There are few surviving convict structures or remains in the world today partly due to the enduring resentment and hostility to this period of convict history. Over recent years, there has been increasing recognition and acceptance of the convict past leading to some governments taking measures to preserve and protect surviving convict remains. The convict stain was prevalent in Australia until the 1970s to 1980s. Since then, communities and governments have taken measures to preserve and protect their convict heritage. Australia is unusual today in having such a large number of surviving

convict remains. More than 3,000 convict structures and ruins survive around Australia. A large number of the sites are listed on local and state heritage registers. Many community groups around Australia are involved in wide ranging activities to recover Australia's convict history including records, fabric and genealogies.

## SELECTED PENAL COLONIES

### RUSSIAN PENAL COLONIES

Approximately one million civil and political prisoners, ethnic minorities and 'unruly' persons were transported to labour camps in Siberia and the Russian Far East between the late 16<sup>th</sup> century and 1917. The forced removal and imprisonment of prisoners (convicts and exiles) did not have many of the features that were typical of global convictism. The vast majority of the prisoner population was not transported to new penal colonies (outside the state of Russia). Also, approximately half were not conventional prisoners as they did not commit a crime and were not charged or sentenced for a criminal offence. Rather, they comprised homeless, mentally ill or physically disfigured persons and others considered to be disruptive elements of Russian society. Many thousands of Russians were banished to Siberia under orders from landowners or village assemblies. Significantly, all prisoners were banished to places within the existing Russian state and separate penal colonies were not established with the exception of Sakhalin Island. Most Russian prisoners were sent to Siberia and the Russian Far East. Small numbers were also sent to Byelorussia, the Ukraine and other remote places in Russia. Unlike most other penal colonies, systems were only occasionally established to manage, control or reform the prisoner population in Russia and Sakhalin Island. Most prisoners transported to Siberia were not managed by the government following their arrival but were placed in existing peasant communities to commence a new life. Nevertheless, Russian prisoners were subjected to *some* of the features that were typical of convictism. Prisoners experienced: a long and arduous journey comparable to the voyage to Australia and New Caledonia; exile; harsh labour; and punishment. Some prisoners were also used to establish new settlements in remote parts of Russia.<sup>11</sup>

Russia used sparsely populated areas in Siberia and the Russian Far East as penal colonies for prisoners from the 17<sup>th</sup> to the 19<sup>th</sup> century. Under the 'katorga' system (first established in the 17<sup>th</sup> century), prisoners were transported to remote camps in vast remote areas. The main aims were to remove criminals from the metropole at the lowest expense to the government and provide cheap labour to colonise these areas. Between 1754 and 1885 nearly 1.2 million prisoners and 'undesirables' were transported within Russia and to Sakhalin Island. Convicts and dissidents were subject to hard labour in mines, smelting works and salt pan factories. They were sometimes housed in barracks within guarded encampments in mainland Russia. Prisoners were delineated from the free population by head shaving,

branding and different clothing. Unlike most penal colonies in other parts of the world, Russia did not establish special systems to manage, control or reform prisoners. At various times and places, schemes were set up to discipline, punish and reform prisoners but this involved only a minority of prisoners.

Several significant convict sites have survived that represent the development of infrastructure by convict labour. These include the Trans-Siberian railway (1891) and the Kara Valley Gold Mines (Transbaikalia, 1850s) (see Part 3.C). In addition, some 19<sup>th</sup> century buildings in Irkutsk and Nerchinsk were built by convicts. Little information is available about these sites.<sup>12</sup> There are no known sites that represent prisons, convict barracks, reformatory schemes or other penal systems. After the Russian Revolution (1917), the katorga system was transformed into Gulag labour camps which were not an example of convictism.

Convicts were fundamental to the establishment of the agricultural colony at Sakhalin Island including the development of mining and timber industries. An estimated 30,000 to 40,000 Russian convicts were transported to Sakhalin Island between 1869–1905 to establish a permanent agricultural settlement.<sup>13</sup> Convicts were subjected to a long and arduous sea journey, exile without hope of return, and harsh labour and punishment. They undertook hard labour in logging camps, coal mining and road construction. After completing part of their term of hard labour in coal mines at a prison in Alexandrovsk, convicts were settled around the mines to raise corn to support themselves and provide for the penal colony. Despite official rhetoric, rehabilitation was not practised at the colony. Reports from Russian planners and state councillors from the late 1860s identified the flourishing colony of NSW as a blueprint for establishing a penal colony at Sakhalin Island to further Russia's imperial ambitions.<sup>14</sup> There are no known surviving convict sites at Sakhalin Island although there may be remains of some buildings, roads or mines from the convict era.

### BRITISH PENAL COLONIES

Britain's penal transportation history commenced in the 17<sup>th</sup> century as prisoners were sent from Britain as forced labour to the American and West Indian colonies. Between 1614 and 1775, more than 50,000 convicts were dispatched from the British Isles to colonies in North America, providing a substantial part of the early European population<sup>15</sup>. Following the American War of Independence, transportation was abolished and did not recommence until 1787 with the transportation of convicts to Australia. Transportation to Australia continued for more than 80 years until it was abolished in 1868. Convicts and ex-convicts continued to contribute to the development of the colonies for many decades after the cessation of transportation. Smaller scale episodes of British transportation included the shipment of British prisoners to the Straits Settlements and Bermuda and Indian prisoners to the Andaman Islands.

## America (1718–75)

The transportation of male and female convicts to America was on a large scale, with around 50,000 convicts transported by the British government between 1718 and 1775.<sup>17</sup> Approximately 20 per cent of the convict population were women.<sup>16</sup> The vast majority of the convicts were sent to the colonies of Virginia, Maryland and Pennsylvania with much smaller numbers sent to other colonies. The aim of transportation was to deter crime and provide convict labour for plantations in the British colonies in America.

The transportation system was not typical of the forced migration of convicts to penal colonies around the world. There was virtually no administrative machinery and no penal institutions were established to administer, punish or reform convicts in the new colonies. From the outset, the British government relinquished all responsibility for convicts in America. British authorities made per capita payments to shipping merchants to transport convicts to America and on arrival, convicts were sold in lots to individual masters. Most convicts worked as field hands in rural work, mainly on large plantations alongside slaves and indentured labourers. The British government took no financial responsibility for convicts and played no role in their management or punishment. Individual masters had primary responsibility for convicts under their charge, although colonial authorities set up some mechanisms to deal with misdemeanours by convicts or mistreatment by masters.

The treatment of convicts in the American colonies was often more akin to slavery and indentured labour than convictism. Overall, convicts were not seen as criminals under punishment but as exiles to be exploited for their labour. The British government paid shipping merchants an initial fee (between £3 and £5) and the merchants also gained the proceeds of the sale of the convict's labour. Once convicts arrived in America, the merchant's agents sold them like slaves, sometimes on the ship, sometimes on a wholesale basis, and sometimes after being moved around like goods for sale. The typical price range for convicts was £8 to £20. All convicts were sold for seven year terms of service regardless of their original transportation sentence. Convicts' labour was sold to cover the price of transportation, not to match the sentence imposed in Britain. Masters owned property in their convict servants' labour and therefore, convicts did not receive any wages for their labour. They were not allowed to marry or own land during their term of service. Convicts were often under the tight control of their master who could enforce discipline through whipping and the use of chains. In general, there was no official penal administrative apparatus to manage convicts, and no close surveillance or special discipline of convicts in the American colonies. At times, convicts could petition the courts for relief against excessive punishment or withholding of food and clothing. A significant number of convicts escaped and returned to Britain.

Unlike many other penal colonies, convicts did not make a major contribution to the development of the colonies in America. The colonies in America were first established during the 17<sup>th</sup> century well before the arrival of convicts. Most of the infrastructure was built by slaves, indentured labourers and free people before and after the arrival of convicts. Over 90 per cent of convicts transported to America were sent to only three (Maryland, Pennsylvania and Virginia) of the 13 colonies.<sup>17</sup> Convicts were sold to plantation owners and others who were in need of labour. Convicts were unpopular in the colonies and shipping merchants sometimes disguised convicts as indentured servants. Small numbers of convicts were also sent from Britain to other British colonies in North America (now sites in Canada and the West Indies), before and after this period. Little is known about these places.

## Andaman Islands (1858–1910; 1932–38)

Around 40,000 convicts were transported from India to the Andaman Islands over a 58 year period (1858–1910 and 1932–38).<sup>18</sup> The primary objective of transportation was to punish criminals and deter crime in India. Consolidation of India and empire-building were also important geopolitical objectives. A large proportion of the convict population in the second penal period (1932–38) were political prisoners from the nationalist protest movement in India which threatened the economic and political stability of Britain's colonial enterprise. Convict labour was used for empire building through development of the new colony, resulting in a well-fortified and provisioned British outpost in the middle of the Bay of Bengal. The islands provided a sheltered port for ships and a place from which to control busy shipping lanes. Male convicts were used to clear jungles, undertake agricultural work and construct infrastructure such as roads, churches and convict barracks. Throughout the convict era, there were several government inquiries and public debates about the effectiveness of transportation to the colony.<sup>19</sup> The main penal settlements are situated at Port Blair and Viper Island. Ross Island was the Administrative Headquarters for the penal colony.

The penal colony was renowned as a place of harsh punishment to deter crime and nationalist protest in India and remove the threat this posed to the economic stability of Britain as a colonising nation.<sup>20</sup> Convicts were initially incarcerated for a minimum period of six to 12 months. They were then sent to barracks and forced to undertake hard labour in chain gangs. Convicts were subjected to severe punishments such as flogging, solitary confinement and instruments of torture such as oil mill and non-productive labour (eg. a crankmill). The death rate was high. Around a third of the first transportees sent in 1858 died or were executed within the first three years.<sup>21</sup> Many convicts tried to escape and 86 escapees were hanged in a single day in 1858.<sup>22</sup> Convict labour had an enormous impact on the development of the island as a colonial outpost. Convicts were used to clear jungles and construct the necessary



infrastructure for settlement including bungalows for administrators, prisoners' barracks, a penitentiary, roads and churches. Notwithstanding the important role of convicts in the development of infrastructure at the Andaman Islands, the scale of works was not as great as in Australia.

The Andaman Islands was a significant penal colony for the rehabilitation of convicts. From the very beginning, the whole penal settlement was based on the classification of convicts.<sup>23</sup> A carefully calibrated 'self-supporter system' emerged from the very early years where convicts could rise through the ranks and eventually become colonisers. Convicts were placed in classes for a fixed period and could progress or be demoted based on their behaviour.<sup>24</sup> With sustained good behaviour convicts could earn 'self-supporter' status (similar to a 'ticket-of-leave') and concessions such as land. Other important reformatory measures included the convict family migration scheme, where a convict could apply for his family to move from the mainland and the transportation of female convicts (on a voluntary basis) to encourage marriage and habitation of the island.<sup>25</sup> These schemes operated only periodically during the convict era and were not successful. Female convicts were often ill-treated and forced into prostitution by their partners or through necessity.<sup>26</sup> They made a small contribution to the colonisation process.

### Major convict sites

Several significant sites at the Andaman Islands are an important demonstration of the forced migration of convicts and represent key aspects of convictism. The most notable convict sites at the Andaman Islands include: the Cellular Jail (Port Blair, 1910–43); South Point Barracks (Port Blair, c.1858); the Viper Island Jail (Viper Island, 1867–1947); Administrative Headquarters (Ross Island, 1858–1942); the Presbyterian Church (Ross Island, 1860s); and the Cemetery (Ross Island, 1860s).

#### *Major convict sites at Port Blair*

The Cellular Jail is a significant convict site that represents the harsh punishment of convicts. The prison developed a reputation as a torture machine. It was used for the solitary confinement of all transported convicts for periods of approximately six months during which they were subjected to severe discipline regimes. The main purpose of the Cellular Jail was not to incarcerate convicts but to remove political prisoners involved in the nationalist freedom struggle. After a period at the Cellular Jail, convicts were moved to barracks (known as an 'associate prison') where they were divided into 'gangs' and put to hard labour on roads or felling trees. They slept at the barracks and had relative freedom of movement. The 'associate prison' was an important phase of the convict era at the Andaman Islands but there are no surviving convict sites that illustrate it.

The Cellular Jail is an outstanding convict landmark and example of Bentham's panopticon design. Along with Fremantle Prison, it is one of the largest convict prisons

in the world. Originally, the Cellular Jail was a massive three-storey structure, with seven wings radiating from a central watchtower with 698 back-to-back cells. Each wing spanned out from a central fulcrum with a belltower. This central tower had an extra floor to facilitate surveillance and had only one gate for entry and exit. A guard merely had to walk around a circle to get a clear unobstructed view of the verandas which faced the cells and from which he was protected by iron grilles. At night, an additional guard patrolled the verandas and conferred regularly with the central guard at the watchtower. Convicts however could neither see the guard nor communicate with other prisoners as each wing faced the rear of another.<sup>27</sup>

The Cellular Jail was substantially destroyed in an earthquake (1941) and an invasion during the second world war. Only three of the original wings of the Benthamite design survive today. Fremantle Prison is reputed to be the only large panopticon design convict prison that has survived virtually intact in the world. Significantly, the Cellular Jail did not open until almost 50 years after the establishment of the penal colony. Only a very small number of convicts (approximately 500–700) were incarcerated there for around 10 years (1906–10 and 1932–38). By contrast, Fremantle Prison held around 10,000 convicts between 1855 and 1886, and a small number up until 1906. The New Gaol at KAVHA can also be compared to the Cellular Jail for its panopticon design although there are minimal remains of the prison at this site (see Part 3.A).

South Point Barracks housed female convicts who worked during the day on tasks such as cleaning and grinding wheat at work sheds. The barracks is a simple two-storey timber structure with tin roofing. However, the surviving structure has been modified, partitioned, repaired and encroached upon following closure of the penal colony. It is currently used as government accommodation and has been altered since the convict era.<sup>28</sup> Women comprised around 5 to 10 per cent of the total convict population in the Andaman Islands for a period of around 20 years. The shortage of women led to rampant prostitution and 'unnatural crime' in the colony. Convict women were encouraged to contract marriage with a male convict in order to sanctify relationships. However, efforts to create a sizeable female convict population at the colony were unsuccessful. Unlike Australia, women were not subjected to different institutionalised systems compared to men and did not play a critical role in the penal colony. A nearby female factory (where female convicts laboured and were housed while awaiting a marriage to be arranged) does not survive today.

#### *Major convict sites at Viper Island*

Viper Island Jail is a significant site that was used to confine male convicts between 1867 and 1910.<sup>29</sup> Convicts were subjected to severe work for the first six months. Hard labour in a chain gang was a most dreaded punishment. The jail became an important place for the secondary punishment of convicts, after it was superseded by the



Cellular Jail in 1910. The small prison could hold up to 200 convicts and originally comprised a two-storeyed building with solitary cells, lock-ups, stocks and whipping stands.<sup>30</sup> Today, the gallows of the prison is the only remaining standing structure and has recently been restored.<sup>31</sup> Stocks, whipping stands and chain gangs were housed here although now only the plinths and dilapidated walls remain of the many other original prison buildings.<sup>32</sup> Now overgrown with vegetation, well laid out roads lead to the summit where the Superintendent's house once stood. An overgrown sunken garden indicates the site and three ponds and several wells can still be seen.<sup>33</sup>

### *Major convict site at Ross Island*

The main convict site at Ross Island is the Administrative Headquarters (1858–1942). Ross Island was the main administrative centre for the Andaman Islands. The headquarters was built by convicts in 1858 and comprised a suite of buildings. Today, it includes the ruins of: the Chief Commissioner's House; the Administrative Office; Military Barracks; Presbyterian Church; and Cemetery. The plinth of the original brick Chief Commissioner's House is all that remains.<sup>34</sup> While neglected for a long time, some of the buildings have recently been restored and pathways have been added for tourist purposes. The Presbyterian Church was originally an elegant stone building with Burma teak interiors and etched Italian glass windows. The church has survived as a roofless ruin in a poor condition. The Cemetery was a graveyard for British military officers and their families. It contains 18 graves from the 1862–71 period. The wall of the cemetery has recently been restored. There are no remains of convict graves unlike other penal colonies (eg New Caledonia and Australia).

### *Other important convict sites*

Several other sites in the Andaman Islands illustrate the important role of convicts in expanding the geo-political influence of Britain. These include: the European Infantry Barracks (Ross Island); the Cellular Building (Viper Island); the Andaman Club (Aberdeen on the mainland); Forrest Barracks (Haddo on the mainland); and Labour Barracks (Haddo). The European Infantry Barracks is a substantial brick building situated on the highest point of the island facing eastwards. Parts of the barracks are restored and in use by the navy. The Cellular Building comprises the ruins of the brick building and remnants of individual cells. The building may have been the site of the male prison. The remains include a long hall with iron roof supports and small arched doorways. The Andaman Club was used by prison officials and other officers from Port Blair during the convict era. The building is one-storey with a series of sloping roofs and a skylight. Today it is used for hosting meetings and exhibitions. The Forrest Barracks was used to house 'ticket-of-leave' convicts and convict labour gangs. It is a large two-storey timber building with a sloping roof. The Labour Barracks is a large wooden two-storey structure. Convict labour gangs were housed in the barracks. The

building now accommodates families of the Andaman Labour Force.

### **Summary**

The Andaman Islands sites are significant examples of the use of transportation to expand Britain's geo-political influence and to deter crime. The convict sites illustrate the role of male and female convicts in establishing a new colony off the coast of India. The banishment of political dissidents from the nationalist protest movement also helped to consolidate the British colony of India. However, the surviving convict fabric is far less extensive than in Australia and its significance is not as great in relation to this aspect of convictism. The empire building aspect was small in scale in terms of the number of convicts transported to a small group of islands in contrast to Russia, Australia and America. Transportation to the Andaman Islands was not used to curb the geo-political ambitions of other major powers. Female convicts played a more marginal role in the colonisation process at the Andaman Islands unlike female convicts in Australia's penal colonies. In addition, the sites illustrate minor elements of the reformatory impulse in the colony and are not as notable as those in other penal colonies such as Australia and New Caledonia.

Only a small number of sites have survived at the Andaman Islands. With the exception of the Cellular Jail, the remaining convict sites are mainly in ruins and have limited protection and conservation. Most of the other substantial penal buildings have not survived including barracks under the 'associate system'.<sup>35</sup> The ruins are overgrown and do not compare to the extensive and well conserved convict remains in Australia or New Caledonia. The prison at Viper Island is in a poor state of conservation.<sup>36</sup> There are no remaining sites that demonstrate important aspects of the forced migration of convicts such as the classification system which was an important feature of the penal colony or other reformatory efforts or the role of female convicts. While the Cellular Jail is a public museum and a National Memorial, it is not fully protected under government legislation or other measures.

### **Straits Settlements (1790–1860)**

Approximately 20,000 Indian convicts were transported between 1790 and 1860 to the Straits Settlements (Singapore, Penang and Malacca).<sup>37</sup> Convicts made important contributions to the colonisation of the colony undertaking many large projects such as quarrying stone, hunting tigers, felling timber, clearing swamps, jungles and forestlands for colonial expansion and reclamation, making bricks and public works. Convicts built a significant number of government offices, churches, houses, barracks, roads and bridges.<sup>38</sup> By 1841, the Straits were known as 'the Sydney convict settlements of British India'.<sup>39</sup>

The penal colonies in the Straits Settlements have been described as the Enlightenment and Benthamite models for the world.<sup>40</sup> A system of punishment and 'moral reformation

through labour' was central to the administrative ideals for the penal colony and was structured through a formal system of progressive classes.<sup>41</sup> The colonies also had severe punishment regimes including a segregated penal system for convicts from different racial or religious backgrounds. Convicts could be released following sustained good behaviour or be returned to a chain gang for bad behaviour. The majority of convicts were not confined in prisons but were allowed to live among the free population. Well-behaved convicts were made supervisors of other convicts who were put to work in labour gangs. Convicts made their own bricks at the Straits Settlements for local use and some were exported to Malacca. In 1867, convicts were awarded a Silver Medal for the quality of their bricks at the Agra Exhibition. St Andrew's Cathedral and Sri Mariamman Hindu Temple were built from convict-made bricks. Convicts were also employed in administrative offices and as police and firemen. In some cases convicts were housed in prison buildings overnight. The majority of convicts remained in the settlement on completion of their sentences.

Some convicts were also subjected to harsh punishment regimes. In the early years convicts were tattooed on the forehead and worked in fetters.<sup>42</sup> Refractory convicts were given various forms of punishment including incarceration in prison and flogging. Although the classification system went through multiple changes, at every stage a chain gang was present as a deterrent. A segregated penal system where convicts were given differential punishment and treatment on the basis of their race was introduced to the Straits Settlements during the 1860s and included incarceration in separate prisons. Prisons in Singapore and Penang held 700 convicts at any one time.

### Major convict sites

Convict sites at the Straits Settlements are an important representation of the forced migration of convicts, particularly the use of convict labour for the construction of infrastructure in the colony. Convict labour often supplemented the labour of free workers and indentured labourers. The most notable convict-built places include 'Istana' Government House (Singapore, 1869), St Andrew's Cathedral (Singapore, 1862), St George's Church (Penang, 1818), and Government House (Penang, 1790).<sup>43</sup>

### Major convict sites in Singapore

Government House (Singapore) including its grounds and auxiliary residences was built by convict labour to house Singapore's first colonial governor. Today it is known as Istana. Originally, it was an impressive neo-Palladian style building dominated by a central three-storey 28 metre high tower block with two-storey side wings featuring Ionic, Doric and Corinthian orders and colonnades. The grounds include a burial place of convicts who were transferred from the Bencoolen penal settlement to Singapore between 1825 and 1828. Government House was extensively damaged during an invasion (1942) leaving the grounds in ruins. Government House was renovated substantially between

1996 and 1998. This included additions and other changes such as modern conveniences. St Andrew's Cathedral is a Neo-Gothic style building that was constructed solely by convicts using high quality convict-built bricks. The north and south transepts were later added after the convict era giving an aerial view of the church as the shape of a cross.

### Major convict sites in Malaysia

Government House (Penang) is a substantial two-storey brick mansion that housed the Governor's Office and Council Chambers. The house survives in highly original condition although there have been extensive additions to the complex during its operation as a convent from 1858 until the present day. St George's Church is a brick structure in the Georgian Palladium style with huge Grecian columns at the front entrance and a solid plastered stone base. The original structure underwent considerable changes and restoration work in 1864 and in 1948 such as a new gabled roof to replace the flat roof damaged during the second world war.

### Other important convict sites in Singapore and Malaysia

Other important but less significant sites demonstrate the role of convict labour at the penal colony. These include: Fort Cornwallis (Penang, 1786, 1804, 1810); Horsburgh Lighthouse (Singapore, 1851); Empress Place Building (Singapore, 1827–67) and Sri Mariamman Hindu Temple (1843).

Fort Cornwallis was rebuilt with bricks and stones by convict labour between 1804 and 1810. The fort's walls, roughly three metres high, are laid out in star-like formation. Some of the original structures inside the fort remain including prison cells (which were also once used as barracks), a munitions storage area and a chapel. There is also a harbour light which was used to signal incoming ships. The fort was originally surrounded by a moat but this was filled in during the 1920s. Today, it is a privately managed historical site which includes an open-air amphitheatre and a gallery. In 1977, the Malaysian Government listed the fort under the *Antiquities Act 1976* to ensure its conservation and preservation. Substantial restoration work was undertaken in 2001.

Horsburgh Lighthouse has massive stone block walls which were quarried and shaped by convicts and free workers at Pulau Ubin over 40 kilometres away. The lighthouse has seven levels and is 35 metres tall. It is in use today. While numerous roads and bridges were built by convicts (eg North and South Bridge Roads in Singapore) they have not survived in their original state.<sup>44</sup> There are no significant convict-built buildings or public works at Malacca.<sup>45</sup> Empress Place Building was the colonial offices during the convict era. It was constructed over several phases from 1827 with the use of some convict labour for a short period (1864–67). The building was used for administration during the convict period and later became a court house

and chamber for parliament. New wings were added to the building in 1903, 1911 and 1920. One new wing houses the Asian Civilizations Museum today. The building is laid out symmetrically along a central axis and has a Neo-Palladian exterior and pitched clay tile roofs. Sri Mariamman Hindu Temple is a brick and plaster structure that was built using convict labour and plaster craftsmen from Madras. The bricks were made by convicts.<sup>46</sup>

### Summary

The Straits Settlements convict sites are a good representation of the contribution of convicts to the construction of infrastructure, an important part of the story of the forced migration of convicts. Many of the sites are impressive structures, particularly St Andrew's Cathedral and Government House (Istana). However, some have been extensively renovated over time and some structures were only partially built using convict labour. There are no tangible remains that illustrate other aspects of punishment and reform. With the exception of penal records and photographs, there are few personal artefacts associated with convicts and no personal histories exist. Only one of the convict sites, St Andrew's Cathedral, has a plaque clearly stating its convict history. Consequently these sites are located at the periphery of the collective cultural memory of Singaporeans or Malaysians.<sup>47</sup>

### Bermuda (1824–63)

Between 1824 and 1863, around 9,000 convicts were transported to Bermuda providing the major labour force for the Bermuda Dockyard (known as the Convict Establishment Dockyard) and new fortifications at other parts of the island. The major objective of transportation was empire building. Bermuda was initially settled by free settlers, slaves and indentured labourers from the 17<sup>th</sup> century. The convict settlement was relatively small in terms of size, numbers sent and public works undertaken. In the early 1840s, the penal colony was expanded to take the pressure off VDL which experienced difficulty in absorbing the large number of convicts directed to the colony following the abolition of transportation to NSW.<sup>48</sup> Convicts were housed mainly in hulks and were later billeted at a purpose-built prison on nearby Boaz Island.<sup>49</sup> Systems of punishment and reformation were not established at the colony and female convicts were not transported to Bermuda. Convicts were not allowed to remain in Bermuda at the end of their prison terms. Most were repatriated to Britain and some were sent on to WA.<sup>50</sup>

Convicts helped to transform Bermuda into the 'Gibraltar of the West' which was critical to the economic development of the colony. Prior to transportation, slaves and indentured labourers and free settlers were instrumental in the development of public works.<sup>51</sup> The small population at Bermuda could not supply the labour needs for the naval base and other infrastructure development before the arrival of convicts. Following the cessation of slavery (1834),

convicts took over construction work at the base and other sites. Convict labour constructed all of the major stone buildings at the dockyard over four decades, working in daily teams of around 300–400 convicts. The naval base created the lynchpin for strategic imperial arrangements in the Western North Atlantic and Caribbean seas to contain the navy of the new United States of America. Convicts also helped to construct other fortifications in Bermuda including Alexandra Battery, Fort Albert, Fort St Catherine, Pembroke Parish, Fort Victoria and Fort Cunningham.

### Major convict sites

The outstanding structures of the Convict Establishment Dockyard are: the Commissioner's House (1820s); the Casemate Barracks (1840s); and the Great Eastern Storehouse (1850s) with its two towers. Other significant buildings are the Mast Stores, breakwaters, docks, boat slip, warehouses and officers' houses of the Victualling Yard. All of the buildings are constructed from Bermuda limestone that was quarried from the dockyard throughout the convict period. The dockyards are extensive comprising intact convict-built fortifications and buildings over an area of approximately 7.2 hectares. All major buildings come under the legislative protection of the Bermuda government and the Bermuda Maritime Museum.

### Other important convict sites

Other fortification sites were partially constructed by convicts between the 1840s and 1850s. These include: Alexandra Battery; Fort Albert; Fort St Catherine (rebuilt 1840s); parts of Pembroke Parish including some features at Admiralty House; and Convict Bathing Houses. Stone quarried from the Convict Establishment Dockyard was used by convicts in architectural detail such as doorways and embrasure linings in these forts and buildings. The Convict Bathing Houses were small circular buildings constructed of stone and located on the coastline. A single door allowed convicts to enter the building and go down a flight of stairs into the seawater. The convicts bathed in a 'cell' without the need for a guard to prevent their escape by swimming away from the shore.

### Summary

The Convict Establishment Dockyard is a significant example of the use of transportation to expand the geo-political spheres of influence of France. The dockyard is an outstanding intact ensemble. However, it does not represent the other major elements of convictism: the use of transportation to punish and deter crime; and the rehabilitation of convicts. These were not major objectives of transportation to Bermuda. Convicts were subjected to forced labour. However, there were not special regimes to discipline, punish or reform convicts, unlike most penal colonies around the world.



## French penal colonies

The punishment of criminal offenders was a major social issue in France during the 18<sup>th</sup> and 19<sup>th</sup> centuries. An apparent escalation of crime and recidivism was a major concern for the French government, penal reformers and the community. From the early 19<sup>th</sup> century, Parliament examined the respective merits of establishing either a transportation system or a national prison system in France to deter crime. Following extensive investigation of the penal colony of NSW, France decided to transport convicts to two new colonies in New Caledonia and French Guiana in an effort to replicate Australia's success. Other important objectives of transportation were to expand the French empire using convict labour and to transform convicts into agricultural colonists.

Similar to many penal colonies around the world, the emphasis on the various objectives of transportation and the penal colonies at New Caledonia and French Guiana shifted throughout the convict era. The most effective way to punish and reform criminals was debated extensively in France. Penal transportation and the effectiveness of penal colonies were subject to several inquiries which resulted in new laws and systems.<sup>52</sup> Throughout the period, there were shifting ideas and practices, many of which were contradictory to each other. Nevertheless, the overall driving force of transportation and penal systems in the colonies was to: remove and punish criminals to deter crime in France; use criminals in the hard work of forging the colonial empire; and rehabilitate criminals through hard agricultural work and moral re-socialisation in agrarian colonies away from the habitual degeneration of urban life.

Various classification systems were established in New Caledonia and French Guiana to discipline, punish and reform convicts. Convicts were categorised into different groups on the basis of their original sentence or their behaviour in the colonies.<sup>53</sup> Far-reaching schemes were introduced in French Guiana and New Caledonia to rehabilitate convicts. Nevertheless, the colonies did not have as extensive a range of reformatory regimes or periods of experimentation championed by colonial rulers as in Australia (such as under Governor Macquarie or Commandant Maconochie). Drawing on Enlightenment principles, the main aim was to use labour as a moralising influence for convicts. Reform measures were largely confined to ideals that drew on the ideas of French philosopher Jacques Rousseau: criminals were to be civilised by removing them from the evils of the French metropole and placing them in a new, idyllic wilderness.

One system introduced three classes at French Guiana and New Caledonia comprising *deportés*, *transportées* and *relégués*. *Deportés* ('first class') were political prisoners convicted of espionage or conspiracy. *Transportées* ('second class') were common law prisoners sentenced to hard labour under the 'doublage' system. Doublage required convicts

to serve a sentence equal in length to that served in France. *Relégués* (third class) were habitual criminals convicted of many crimes within a period of 10 years in France. *Librés* were convicts who had served out their sentences. The aim of the doublage system was to maximise the use of convicts as labourers to serve France in developing the colony. Convicts were further categorised into three groups according to their skills and behaviour: 'first class' convicts were allowed to speak and worked in the homes of officials as servants or gardeners; 'second class' convicts were those who had mechanical skills or aptitude and were deemed suitable for rehabilitation; and 'third class' convicts cut down jungles in silence with a ball and chain. Convicts generally started in the third class and then could progress through the other classes before being granted a 'ticket-of-leave'.<sup>54</sup> They had to serve at least two years in second class. To move to the first class required the Governor's approval on the basis of their behaviour.

A number of concession schemes also operated in the colonies. The most ambitious scheme comprised land grants, free supplies of food and clothing and hospital care.<sup>55</sup> Convicts were placed on parcels of land before their sentences were fully served and well-behaved convicts received provisional concessions, with promises that grants would become permanent on completion of their sentence. They were entitled to free supplies, clothing, hospital care and a cash indemnity for their family. However, the land scheme operated for only five years (1884–89).<sup>56</sup> Following this, harsher punishment schemes to invigorate the deterrence objective of transportation were introduced in 1889–91.

The severity of the punishment of convicts varied throughout the convict period. Until 1880, convicts could be subjected to floggings or other physical punishments. Convicts were marched every day in military style units to outlying areas to undertake jungle clearing, road building and agricultural cultivation and returned to camp at the end of the day. Incurable convicts could be placed in solitary confinement in dungeons where they were kept in isolation cells in complete silence sometimes for periods of several weeks to months. A new disciplinary regime was introduced for non-corporal punishments for recalcitrant convicts in 1880. This included: a reduction in rations; incarceration for insubordination or being drunk; solitary confinement for escape attempts or violence against guards; and successive sentences to hard labour for repeat offences.<sup>57</sup> From 1885, *relégués* were required to carry a passport containing personal details for identification purposes as well as a history of their whole life before and after arrival in the colony.<sup>58</sup> Convicts were given solitary confinement for escape attempts, violent behaviour and refusal to comply with the regime of disciplinary labour. They were not allowed to speak or have any written materials so they could reflect on their behaviour and circumstances.



## New Caledonia (1864–97)

Over 22,000 French convicts were transported to a small penal colony at New Caledonia between 1864 and 1897.<sup>59</sup> The sea journey from France to the penal colony was the longest journey in terms of distance (16,754 kilometres) travelled in the history of convictism. Transportation was an important tool for deterring crime and ‘cleansing’ Paris of ‘revolutionaries’ who were seen as a great threat to the ruling elites. Approximately 4,500 political prisoners known as ‘Communards’ involved in the Paris Uprising (1871) were transported to New Caledonia. The penal colony had many similarities to others including the delicate balance between the competing punitive and regenerative goals and regimes. Like Australia, opposing groups made allegations that the penal colony was either a paradise with many indulgences for convicts or a brutalising place for French citizens.

Convicts were transported to four main penal settlements at Île Nou, Presqu’ Île Ducos, Île des Pins and Îlot Brun and played an important role in the colonisation of New Caledonia. Nouméa, Bourail and Pilou were other important penal centres located on the mainland. The French government and colonial authorities saw convicts as future colonists and implemented measures to support this role. Convicts were used to build roads, clear land, dredge swamps and do a variety of tasks for colonial authorities and free settlers. Paradoxically, the French government had a vision that Communards would act as ‘emissaries’ for the expansion of French civilisation into the south-western Pacific. The colonisation of New Caledonia and the rehabilitation of convicts were able to draw on Australia’s experience and models.

### Major convict sites

There are many outstanding structures and remains from the convict era at New Caledonia which are a significant representation of many of the key aspects of global convictism. The most notable convict-built sites include: Camp Est (1864), Commandant’s House (1883) and Île Nou Main Prison (1868) at Île Nou; Saint Joseph’s Cathedral (1887), Water Reservoir (1877) and the Administration Building (1880) at Nouméa; Fort Térémba (1877–97) and a Concession Building (1870) at Bourail; and Ouro Prison Complex (1870s) and Communards Cemetery (1871) at Île des Pins.<sup>60</sup> The Commandant’s House, Saint Joseph’s Cathedral and the Water Reservoir are significant examples of convict-built infrastructure and the important role of convict labour in the development of the colony. Camp Est, Ouro Prison Complex and Île Nou Main Prison illustrate the use of transportation to deter crime in France. The Concession Building, Fort Térémba and the Communards Cemetery demonstrate various measures to reform convicts.

### Major convict sites at Nouméa

Nouméa was the centre of penal administration and the primary place of detention for convicts transported to New Caledonia. Saint Joseph’s Cathedral is a Gothic style

building with two 25 metre square towers made of stone and timber. It took 10 years to complete the construction of the church by a team of convicts. The site is in excellent condition. The Administration Building is a significant representation of the convict story at New Caledonia. It was an important centre for the administration of the penal colony. The Administration Building is a Colonial Georgian style, two-storeyed brick building around 27 metres long. The Water Reservoir is a large convict-built stone and brick structure with a pointed arch access. Water was diverted from the nearby Yahoué River to supply the penal settlement.

### Major convict sites at Île Nou

The main sites at Île Nou are: Camp Est; Commandant’s House; and Île Nou Main Prison. Camp Est, five kilometres away from Nouméa on Île Nou, comprised a prison, chapel, workshops and hospice. Today it continues to operate as a general prison. The site is classified as a ‘Historic Monument’ although some of the penitentiary buildings were demolished in 1930. Île Nou Main Prison comprises extensive structures and remains including the Prison Dock, Prison Dock Office, Commandant’s House, Overseers’ Lodgings and Prison Bakery. The bakery is a rectangular structure measuring 38 metres by nine metres with four ovens and a large storeroom. Convicts baked bread which was supplied to the penal station on Île Nou. It is the oldest convict building at New Caledonia (1868).

### Major convict sites at Bourail

Fort Térémba is an extensive complex built by convicts with specialist skills such as masons and brick makers. It is an important demonstration of the rehabilitation of convicts. Convicts were taught some skills, undertook skilled work and crafts and could attend church. The site housed around 200 convicts at any one time between 1877 and 1897, as well as colonial authorities. Fort Térémba originally comprised a brick barracks for overseers, a brick prison, a timber and straw barracks for convicts, a telegraph post, a brick water tank, a chapel, a school and various workshops including a bakery, brickyard and lime oven. A brick wall enclosed several of the buildings. The fort became a prison in 1885. The overseers’ barracks is in good condition. While many of the other buildings and structures are in ruins, a number of them have undergone extensive renovations over several years (1984 and 1996–2000). The wall of the fort was substantially reconstructed in 1989. Another important site that represents the reform of convicts is the Concession Building. This was a place where convicts with an agricultural concession (those granted land) could go to receive other concessions such as free clothing and shelter. It is a large rectangular building approximately 20 metres by eight metres made of brick.

### Major convict sites at Île des Pins

Île des Pins was the primary settlement for Communards (convicted for political crimes during the Paris rebellion,

1871). Ouro Prison Complex was used to incarcerate over 2,000 Communards. It comprises a suite of prison buildings including cellular blocks and water tower. The buildings are in a poor condition except for the water tower which has been restored. The French government aimed to reform Communards and transform them into 'the emissaries of civilisation' on New Caledonia. There were various communes where Communards were free to live and work but there are no surviving remains apart from Ouro Prison Complex and the Communards Cemetery. The cemetery contains 188 unmarked graves and illustrates informal burial rights for convicts to commemorate the death of their fellow convicts.

### Other important convict sites

There are a large number of other important but less significant sites at New Caledonia. Selected examples include: the Copper Mines (Pilou); St Joseph Sisters Building/Hospital (Île des Pins); Chapel (Néméara near Bourail, 1878); Central Territory Hospital (Nouméa, 1854); and Ndu Cove (Île Nou). The Copper Mines comprises the ruins of a convict labour complex. The buildings include a large brick convict dormitory, the remains of the Director's House and a solitary prison block. The Chapel was a former agricultural building and farm school for the children of concession holders (ex-convicts). Penal administrators set up the school in an area where ex-convicts had settled. Boys were taught farming initially by agricultural teachers and later by priests. It was originally a large rectangular building. Later modifications included changes to the windows and the addition of buttresses and a steeple to give the appearance of a chapel. It was restored in 1993. The Central Territory Hospital, originally known as Fort Constantine, was a substantial three-storey building constructed by convicts. It was later converted into a maritime hospital (1860), a military hospital (1870) and a colonial hospital (1898). It retains its function as a hospital today. St Joseph Sisters Building/Hospital is a ruined two-storey building that may have once been the St Joseph Sisters convent or a prison hospital. Ndu Cove contains the ruins of a prison complex comprising a stone-built chapel, gaol, refectory and water tower.

### Summary

The convict sites at New Caledonia illustrate all of the key elements of the forced migration of convicts. However, the scale and nature of the penal colony was substantially smaller than other penal colonies. Penal transportation was significantly smaller in terms of the number of convicts and the land mass of the colony than other penal colonies such as Russia, French Guiana, America or Australia. New Caledonia was established more than 143 years and 70 years after the first transportation of convicts to America and Australia respectively. Australia's well-established and extensive convict systems provided a blueprint for New Caledonia. Overall, the state of conservation of the sites is generally good and there are minimal management systems in place to protect them into the future.

While the sites illustrate the role of convicts in furthering France's colonial ambitions, New Caledonia was a relatively small group of islands. Its geo-political influence was not as important as transportation to America, Australia or Russia. The contribution of convicts was not as significant as the contribution of British convicts to the development of penal colonies across Australia or infrastructure development in Russia.<sup>61</sup> Free settlers played a major role in the establishment and expansion of New Caledonia. Free settlers were the first to establish the colony (1853–63) and, unlike free settlers in Australia, made up a substantial proportion of the population throughout the convict period.<sup>62</sup> Female convicts comprised less than 3 percent of the total convict population and played a limited role.<sup>63</sup> The scale of colonisation in Australia was far greater than in New Caledonia in terms of numbers, the use of convict labour, the scale of infrastructure and expansion into the frontiers of the region. Penal transportation to Australia was a major phenomenon that contributed to the European development of a continent that eventually became a nation. This was not the case in New Caledonia. While there are important sites that capture the reform of convicts, the reformatory measures were not as extensive as in Australia.

### French Guiana (1852–1938)

Between 70,000 and 80,000 French convicts were transported to French Guiana between 1852 and 1938 with a total of some 100,000 from throughout the French empire.<sup>64</sup> Convict labour was used for the construction of roads, forestry and agriculture. The penal establishment on the island was reputed to be 'the most notorious prison colony the civilised world has ever known' and 'a plague on the face of civilisation'.<sup>65</sup> There was a high mortality rate at the colony which at times was more than 80 per cent of the convict population.<sup>66</sup> The vast majority of convicts died in the hostile environment including from severe climate, rampant diseases such as malaria and yellow fever, escape attempts and brutal treatment.<sup>67</sup> Route No. 1 along the coast was the most terrible of the road works, where 'each metre was said to cost the life of one convict'.<sup>68</sup>

While measures were undertaken to transform the convict population into agricultural labourers and establish convict families, these were largely unsuccessful. Some convicts were employed by free settlers and others helped with the administration of the penal settlement. Transportation contributed little to the expansion of the colony, partly due to the high mortality rates. Under the *doublage* system, emancipated convicts were required to remain in the colony for set periods (sometimes for life). Also, most freed convicts were unable to earn their passage home in the economically underdeveloped community. Consequently, many ended up as derelicts in the colony, mainly at Cayenne and St Laurent.

Convicts were transported to five main penal settlements at Île Saint-Joseph, St Laurent du Maroni, Île Royale, Île du Diable (Devil's Island) and St Jean du Maroni. Île Saint-Joseph was a small island that was used solely for solitary

confinement. Île St Laurent was the primary place of detention for convicts and a significant complex at the centre of penitentiary administration during its later operation. For the majority of the convict era, Île Royale was a place of detention for the most dangerous prisoners. Île du Diable became the primary site of detention for political prisoners.

### **Major convict sites**

Convict sites at French Guiana are a compelling expression of the use of forced migration to deter crime in France. Sites include: St Laurent du Maroni Transportation Camp (1858–1946); Île Saint-Joseph Prison (1859–1946); Île Royale Prison Camp (Île Royale, 1884); and Île du Diable Convict Camp (known as Devil's Island, 1852–1946).<sup>69</sup>

#### ***Major convict sites at St Laurent du Maroni***

St Laurent was the primary place of detention for convicts and a significant complex at the centre of penitentiary administration during its later operation. St Laurent du Maroni Transportation Camp is an enormous convict-built prison complex with a capacity to confine up to 2,500 convicts. The penitentiary is a single-storey building constructed of bricks with some walls that are partially rendered in concrete. The building is approximately 6.1 to 7.6 metres high. Sixteen barracks included long wooden planks, each with up to 80 men bolted to an iron bar by their feet. These are still extant however in a ruined state.<sup>70</sup> The camp contains the Quartier Disciplinaire compound which was the condemned men's block and an adjoining yard where the guillotine stood. The buildings in the camp are in a reasonable condition but in need of management and protection. The penitentiary is currently being renovated for tourism purposes although it is not known if this is in accordance with original plans. There are few remains of the camp near St Laurent that housed a small number of convict women who were under the supervision of nuns.

#### ***Major convict sites at Île Saint-Joseph***

Île Saint-Joseph was a small island that was used solely for solitary confinement. Around 400 convicts served time in solitary confinement for lengthy periods ranging from six months to five years. Île Saint-Joseph Prison comprised 52 cells, two dungeons (cachots) and an infirmary. The convict remains on the island include ruins of the solitary cells with a surrounding wall and entrance gate. The site is overgrown with large vines and other foliage.

#### ***Major convict sites at Île Royale***

Île Royale Prison Camp was the detention camp for the most dangerous convicts in the colony. The camp comprised a prison with 58 cells and eight dungeons, administration buildings, Guard House, Guards' Quarters, Guards' Mess Hall and the Lighthouse. The Lighthouse was used as a semaphore tower to communicate with the mainland and islands. Many of the original buildings remain but most are in a poor state of conservation. The Guard House and

Lighthouse are overgrown with foliage. Several buildings were recovered during recent restoration work. The Guards' Quarters have been completely renovated and are used for overnight accommodation. The Guards' Mess Hall has been completely refurbished and now houses a small hotel. Today the site is used as a rehabilitation and medical centre.<sup>71</sup>

#### ***Major convict sites at Île du Diable***

Île du Diable (known in English as Devil's Island) Convict Camp was the primary site of detention for political prisoners and was also a leper colony. The barracks for political prisoners, a convict cemetery and quarters for Captain Alfred Dreyfus (a famous political prisoner) have survived.<sup>72</sup> The remains of the guards' quarters are in various states of disrepair.<sup>73</sup> In the early 1990s renovations were undertaken on Captain Dreyfus's quarters.<sup>74</sup> The island is largely inaccessible to the public.

### **Other important convict sites**

There are several other sites at French Guiana but these are not as substantial. Examples include: Île Royale Chapel; St Laurent du Maroni Medical Centre ('dispensaire'); and St Jean du Maroni Prison Complex. Île Royale Chapel, located in Île Royale penal settlement, may have been used by convicts. It is a single-storey red brick building with a portico. St Laurent du Maroni Medical Centre was a medical building in the penal settlement. It is a three-storey timber building. There are few surviving remains of the prison camp at St Jean du Maroni, one of the primary places of detention at French Guiana for around 1,600 convicts.<sup>75</sup> This relégué camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape.<sup>76</sup> Work camps in the forest near St Laurent and Saint-Joseph (such as the Montagne d'Argent and St Georges d'Oyapock camps) were reserved for convicts guilty of disciplinary infractions such as escape or refusal to work on the mainland.<sup>77</sup> There are no known convict buildings at Montagne d'Argent or St Georges d'Oyapock.

### **Summary**

The French Guiana sites are an outstanding testimony to the severe treatment of convicts to deter crime in France. However, French Guiana is not a notable illustration of the other key elements of convictism (the use of transportation to expand the geo-political influence of France, and to reform convicts). There are no surviving sites that represent these elements. In addition, the sites are in a generally poor condition with minimal management systems.



## Spanish penal colonies

### The Caribbean

Spanish convicts were transported to Cuba and Puerto Rico during the 17<sup>th</sup> and 18<sup>th</sup> centuries and played an important role in the strategic defence of the region. The rebuilding and improvement of Spanish coastal forts, harbour walls and dockyards was vital to the protection of the Spanish empire. The ready supply of low cost labour was provided by the transportation of Spanish convicts from the Americas and Europe.<sup>78</sup> Fortification and repair of existing defences in the colonies were important both militarily and economically for Spain. However, a great deal of the public works in the colonies was built by slaves prior to the arrival of convicts. Convict labour was used for reconstruction work on fortifications at Havana and San Juan. The fortifications at Havana and San Juan were essential to Spain's control over America. They were also potential targets for an attack on Spanish shipping in the Caribbean which could threaten the security of Veracruz and Mexico.

There are several important sites that demonstrate the use of transportation to expand the geo-political aims of Spain. Sites that illustrate the important role of convict labour at San Juan in Puerto Rico include: forts at San Felipe del Morro (El Morro) and San Christobal; the Governor's Residence (La Fortaleza); and a city wall around the colony. In 1765, a plan to repair and reconstruct the forts of El Morro and San Christobal into powerful strongholds was implemented using convict labour from Spain, Cuba and Venezuela.<sup>79</sup> El Morro is a massive triangular masonry fort (around three hectares) on the northwest end of San Juan Island and is protected by a moat. Built prior to the convict era, the fort is mainly made of sandstone with brick vaults and a sand and earth filled core. The tower of the fort was enlarged and strengthened by convicts in the 1790s. The parapets were thickened and redesigned in order to hold twice as many cannons. San Christobal is a defensive complex (around 1.5 hectares) built mainly of sandstone blocks by slaves and other non-convict workers. Convicts constructed an extensive chain of small forts that functioned as outposts to the eastern and land approaches to San Juan. Convict labour was used to clear and level the surrounds of the fort to permit access to the guns, as well as for substantial repair and maintenance work. The Governor's Residence was originally a fort that was converted into the home of the island's administrator. It has an eclectic architectural style. The main building was constructed around a large central courtyard and bordered by thick bayside towers. Convicts built a substantial neoclassical facade at the front of the building. Today it continues to be the palatial residence of the government. Approximately 4.5 kilometres of convict-built city walls surround San Christobal, El Morro and most of the entire city of San Juan.<sup>80</sup> All of these sites reflect the efforts not only of convicts, but also of slaves and other workers. These World Heritage sites have all undergone substantial remodelling and additions including during the

convict era. Today, these structures are tourist attractions and are in excellent condition.

Convicts provided the labour for the construction, maintenance and repair of forts and a port and arsenal at Havana in Cuba. The defensive structures of Castillo del Principe and the Battery of Santa Clara were completed by convict-labour in 1780–90. Other workers were used to commence these structures. Castillo del Principe is a stone-bastioned redoubt west of Havana.<sup>81</sup> The Battery of Santa Clara is a small but powerful seacoast battery of stone and earth, about 2.4 kilometres west of Havana harbour. Convicts worked in gangs on pontoons and barges (used to dredge the harbour) and in excavation work for construction projects around the port area.<sup>82</sup> Havana harbour was dredged by slaves and convicts in 1747 to clear it of debris and silt. Convicts worked at a shipyard built by non-convict labour near the harbour. They worked in small mixed groups with free labourers, slaves and military personnel on ship construction and repairs, clearing channels, sawing timber and carpentry and stone masonry for new buildings.<sup>83</sup> Convicts were a small proportion of the shipyard workforce. Convicts also cut and transported the timber that was needed in the shipyard and to move heavy equipment around the docks and arsenal. In addition, a steady supply of convicts was required to move the chain pumps that prevented the dry docks from flooding. Convicts were also involved in the construction and maintenance of street paving, a water supply system and new buildings for the government.

Old Havana and its Fortifications (Havana) was inscribed on the *World Heritage List* for its shipbuilding and architectural heritage which displays an interesting mix of Baroque and neoclassical monuments. La Fortaleza and San Juan National Historic Site (Puerto Rico) was inscribed on the *World Heritage List* for its outstanding European military architecture adapted to defensive harbour sites on the American continent. These sites were not inscribed for the forced migration of convicts.

Cuba and Puerto Rico are important for their convict sites but they are not as significant as several other sites around the world. Unlike French Guiana, New Caledonia and Australia, the sites do not demonstrate other important elements of convictism such as the use of penal transportation to deter crime and reform the criminal elements of society. In contrast to Australia, extensive public works had already been undertaken by slaves and indentured labour prior to the influx of convict labour. The Caribbean sites reflect the important role of slaves, convicts and indentured labourers in the development of infrastructure in the colonies.



Table C.3: International experts consulted around the world

EXPERT	COUNTRY OF RESIDENCE	PROFESSION/POSITION	COUNTRIES CONSULTED
Mr Francis Xavier Neelam	India	Local historian	Andaman Islands
Dr Edward Harris	Bermuda	Bermuda Maritime Museum	Bermuda
Professor Peter Redfield	United States of America	University of North Carolina	New Caledonia and French Guiana
Dr Andrew Gentes	Australia	University of Queensland	Russia
Dr Anoma Pieris	Australia	University of Melbourne	Straits Settlements – Singapore, Penang and Malacca
Professor Stephen Toth	United States of America	Arizona State University	New Caledonia and French Guiana
Dr Clare Anderson	United Kingdom	University of Warwick	South-East Asia
Dr Hamish Maxwell-Stewart	Australia	University of Tasmania	All - particularly New Caledonia, the Andaman Islands and Russia
Dr Michael Pearson	Australia	Heritage consultant	All
Dr Michael Bogle	Australia	Heritage consultant	All
Mr Yvan Marcou	France	Former Director of Tourism, French Guiana	French Guiana
Mr Duncan Marshall	Australia	Heritage consultant	New Caledonia

NOTE: Information about convict sites and the history of penal colonies sometimes varies or is inconsistent between the sources and experts listed above.

Convict sites may be known and referred to by names other than those in this document.

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## APPENDIX D

### KEY PENOLOGY DEVELOPMENTS IN THE 18TH AND 19TH CENTURIES

The economic, social and political circumstances of the 18<sup>th</sup> and 19<sup>th</sup> centuries led to an escalation of crime rates in Europe and Britain. The impact of the Industrial Revolution, massive population increases and the rapid expansion of cities, unemployment and poverty led many fathers, mothers and children to commit petty crimes. Many offenders committed one crime after another, mainly petty theft of food, clothing and small items. Vagrancy, drunkenness and promiscuous behaviour became widespread. Rebellious political activities to overthrow ruling elites who had amassed power and property and had failed to address the plight of the 'lower classes' also increased. This led to major concerns about the rise of a 'criminal class', and the breakdown of the social and political order. One of the main responses by political leaders was to introduce laws that significantly increased the number of crimes that constituted serious penalties such as execution. Capital offences rose from around 50 at the end of the 16<sup>th</sup> century to more than 200 by the end of the 18<sup>th</sup> century.<sup>1</sup> This increasing statutes of 'serious crime' and advancements in the collection of statistics led to escalating public fears about the outbreak of crime waves and the moral degeneration of society. The need to deter crime was the major driving force for penal reformers advocating the transportation system or the national penitentiary system. Another major development was the impact of Enlightenment ideas. Conventional punishment systems were outdated, ineffective and inhumane. Penal reformers advocated new models for both punishing and rehabilitating criminal offenders.

The 18<sup>th</sup> and 19<sup>th</sup> centuries saw the development of penal transportation systems and national penitentiary systems to punish and reform criminals. The two systems had a symbiotic relationship with one another. Advocates of the respective systems argued 'their' system was distinctively different and guaranteed to be the most effective regime for deterring crime and fostering human 'progress'. Penal reformers for each system argued that their system (ie penal transportation or national penitentiary system) were based on Enlightenment principles. Both systems were underpinned by rational regimes (such as the classification and management of prisoners according to their original criminal offence and/or their behaviour during their incarceration) that would promote deterrence and rehabilitation. The establishment and evolution of penal colonies in Europe on the one hand, and the rise of the national penitentiary system in America (based on the 'silent system' and the 'separate system') each had an impact on the other. Penal colonies and convict systems were closely

associated with penitentiary developments. Regimes for managing convicts drew on various elements of the rise of the modern prison – both the ideas and practices – such as the Panopticon, the separate system, the silent system and the segregation of different categories of prisoners (eg female and male prisoners; first offenders and incorrigible prisoners). At the same time, the alleged failure of penal transportation amidst the allegations of increased recidivism, immorality and linkages to slavery had a major impact on the cessation of transportation in the world.

#### Punishment systems in Europe and America

##### Britain

From the 16<sup>th</sup> to the early 18<sup>th</sup> century, petty offenders were often housed in workhouses or private prisons run mainly by private contractors and charitable institutions. The early prisons were generally not purpose-built structures and were typically inhumane places of confinement. They were dark, overcrowded and filthy places where prisoners were herded together indiscriminately. There was no separation of prisoners: men and women, young and old, sane and insane or convicted and unconvicted were all incarcerated together. Alcohol was freely available and corruption was rife between prisoners and prison staff. There was minimal effort to reform or rehabilitate prisoners through formal religious worship or instruction. First offenders and incorrigible prisoners were confined in the same rooms or yards and subjected to the same treatment. This was typical of English prisons such as Newgate Prison.

Agitation for the more humane treatment of criminal offenders increased gradually during the 18<sup>th</sup> century and was strongly influenced by Enlightenment philosophers. John Howard, a humanitarian reformer, drew attention to the plight suffered by the majority of Britain's prisoners. This was a time of great change in terms of prison architecture and penal discipline. A 1776 publication by Jonas Hanway first debated the importance of religious contemplation and advocated the provision of separate stalls in a designated prisoners' chapel. The idea of absolute solitude had been put forward by Bishop Joseph Butler as early as 1740 and, coupled with Hanway's religious ideology, came to represent the early philosophy of what came to be known as the 'separate system'. The works of Cesare Beccaria, William Blackstone and William Eden were also influential. Their ideas contributed to the development of new penal models based on a greater range of corporal punishments to discipline and rehabilitate prisoners.

The death penalty could thereby be avoided for all but the worst crimes and irredeemable criminals. Bentham's Panopticon was first proposed in 1791 as a model prison that could be built across England for a national penitentiary system. The architectural design would provide for the rational management of the prison population and ensure maximum surveillance of all prisoners. Although the original Panopticon was never built, elements of the Benthamite design and ideals were incorporated into prisons and penal systems throughout the world. Bentham provided advice on incorporating elements of his Panopticon into future prison designs in Britain and elsewhere.

The transportation of small numbers of prisoners and 'undesirables' to penal colonies was used to rid society of criminals before the 18<sup>th</sup> century. British and Portuguese prisoners were banished to colonies in Africa, the West Indies and other distant locations in the early 17<sup>th</sup> century. From the early 1700s, penal transportation was trialled as an experimental model by Britain. The process of transporting convicted felons to the American colonies commenced in 1718 and continued until the outbreak of the American War of Independence. The preamble to Britain's *Transportation Act 1718* made it clear that transportation was to be a severe punishment and deterrent to crime. By the late 1700s, the transportation system became the major rival to the national penitentiary model. However, transportation to America ceased following the American War of Independence and Britain had to find a new way to deal with her large population of criminals. As a temporary measure, criminals were held in hulks of old naval ships moored in the Thames while undertaking public works on the river.

The British government was pressured to resume transportation to a new destination or to establish a new national penitentiary system by various penal reformers and the public. For some, transportation was an ideal system that would rid the country of hardened offenders, detach them from malign influences and instil the habit of work. Others, such as penal reformer Jeremy Bentham, condemned transportation and advocated new model prisons across Britain. Despite the passage of legislation for the establishment of a national penitentiary system in England, the British government decided to resume transportation and established a new colony in NSW in 1787. In terms of numbers sent, this was to be the largest worldwide migration between 1787 and 1868. The transport and detention was initially thought of as a helpful side effect of the actual punishment (a term of several years' hard labour), but the new idea was formed of a punishment that could be served over a period of time before the prisoner was released. From the 18<sup>th</sup> and 19<sup>th</sup> centuries, penal transportation became one of the dominant models of punishment for 'serious crimes' in Britain. The primary motivating influences for the rise and spread of the transportation system included: geo-political ambitions which were advanced by using convicts to build or expand colonies across the globe; the punishment of an increasing population of criminal offenders to deter crime in

the home state; and the reform of the criminal elements of society.

Running parallel with Britain's transportation system was the introduction of widespread reforms of penal discipline within prisons in Britain. Despite strong support for Bentham's ideas and model prison and the *Penitentiary Act 1779*, the Panopticon was never built. In 1787, Britain introduced transportation to Australia and was subsequently preoccupied with the war with France (1793–1815). Nevertheless, penal reformers continued to lobby the government for changes to the punishment of prisoners and the operation of prisons in Britain. In 1816 the first national prison was established at Millbank following the recommendations of the 1810 Select Committee of the House of Commons.

Millbank Prison was an important experiment in penal punishment and discipline. Millbank was developed using a radial design planned by William Williams and drew on elements of Bentham's Panopticon. The design incorporated cellular confinement for 860 prisoners. An important aim of the new prison was to promote reformation through religious instruction and labour. This early modern prison was used as the collection point for criminals awaiting transportation. Male and female convicts sentenced to transportation in Britain were sent to Millbank Prison. They were incarcerated for a period of three months under the close inspection of prison wardens. At the end of this period, wardens would report to the Home Secretary and recommend the place of transportation based on the prisoner's behaviour during their incarceration. Millbank Prison came to represent the rise of the modern prison in Britain. It was a successful experiment which was followed by a building program of new prisons across England by the end of the 19<sup>th</sup> century. The abolition of capital punishment for many criminal offences contributed to the rapid increase in prisoner numbers. This was another pressure for a national penitentiary system. It was not until the mid to late 1800s that a full national penitentiary system was established in Britain.

In the 1820s and 1830s, measures were taken to radically reform the management of the prisoner population within Britain. The *Gaol Act 1823* set a new direction for prisons in Britain including: the segregation of male and female prisoners; classification of prisoners into five distinct divisions according to the class of the offence; accommodation of prisoners in separate cells during the night; and organising prisoners to work, worship and exercise together during the day. Despite official rhetoric, the existing prison architecture was ill-suited to the reforms and uniform discipline or management schemes were not introduced into prisons until the 1830s. This led to a re-evaluation of prison discipline and architecture. In the early 1830s, Britain conducted inquiries into new developments in prison administration in America. The report of the Select Committee of the House of Commons (1832) recommended solitary confinement in conjunction



with hard labour, similar to the 'silent system' practised at Auburn Prison in New York (see below). In the early 1830s, William Crawford was sent to America to examine the state prisons.<sup>2</sup> Contrary to the findings of the 1832 inquiry, he advocated the implementation of a modified version of the 'Cherry Hill model' as practised at the Eastern State Penitentiary (see below). Crawford proposed a 'separate system' model that also incorporated some elements of the 'silent system': all prisoners were to have individual cells to sleep in at night; some classes of prisoners continued to be confined during the day, with or without work; and some prisoners worked in communal areas in enforced silence. Prisoners sentenced to complete isolation were given short periods of exercise, religious worship and regular visits from the chaplain and prison wardens. Crawford believed that communication between prisoners was a corruptive influence on new or petty criminals.

The *Prisons Act 1835* implemented most of Crawford's modified 'separate system' which was adopted in prisons across Britain.<sup>3</sup> This had a significant impact on the design of prison architecture in Britain. Construction centred on the prevention of communication between prisoners and provision of adequate facilities such as lighting, heating, ventilation and toilet facilities. The radial designs of John Haviland and Joshua Jebb had an important influence in the plans of model prisons prepared by the Home District Inspectors.<sup>4</sup> The prisons were entered by a simple gatehouse into a courtyard framed by the governor and chaplain's accommodation. Three to five wings radiated from a central tower, each with two or three galleried storeys. A chapel with separate stalls and groups of exercise yards were also incorporated in the design, which was enclosed by a perimeter wall. Crawford and Reverend Whitworth Russell were avid supporters of this system with minor amendments for use in British prisons.<sup>5</sup>

Jebb, Crawford and Russell developed the design and construction of the Model Prison at Pentonville (London, 1842) which became a working example of the 'separate system' for adoption across England.<sup>6</sup> Prisoners worked, slept and ate in strict solitary confinement. Their only relief was attending the chapel or exercising in yards wearing masks of brown cloth over their faces.<sup>7</sup> A selection of adult male prisoners sentenced to transportation spent the first 18 months of their sentences at Pentonville before being transported to a penal colony. Psychological disturbances caused by the regime at Pentonville were commonly documented.<sup>8</sup> Nonetheless, the 'separate system' was widely practised throughout English prisons. Pentonville generally marks the beginning of the national penitentiary system in Britain which was not completed until the late 1800s.<sup>9</sup> Pentonville also became the architectural and theoretical model for prisons across many European countries and the British empire (including at penal colonies) in the 19<sup>th</sup> century.<sup>10</sup> Proponents of a national penitentiary system used arguments about the 'crime and vice ridden' penal colony of NSW to further their cause. Negative reports about

the poor state of several other British penal colonies also had an impact on Britain's global reputation. Despite the self-interest of penal reformers, their claims about the failure of transportation had an impact on the rise of the national penitentiary system in Britain.

Detached radial designs for prisons in England often incorporated the Benthamite ideal of constant surveillance. From around the turn of the century it was employed in most large-scale prison buildings. It consisted of three or four radial wings surrounding a central circular watchtower, sometimes containing the governor's accommodation or the chapel. The prisoners on each wing generally had their own exercise yards.

## Europe

Prison developments in Europe evolved almost contemporaneously with British refinements. The forced migration of criminals to distant colonies formed part of a global debate about the punishment and reformation of criminals during and after the Age of Enlightenment. There was a close interrelationship between the phenomenon of convictism and penal reform movements in Europe advocating the establishment of national penitentiary systems based on rational Enlightenment principles.

From the late 16<sup>th</sup> to mid 19<sup>th</sup> centuries was a time of great change in penal discipline across Western Europe. State courts utilised a wide range of punishments during this period from aggravated death penalty such as breaking on the wheel, mutilation, whipping, branding, shaming punishments such as exposure on the scaffold or pillory, banishments, fines and minor sanction such as warnings.<sup>11</sup> These were considered critical to lowering the rate of crime. Penalties for crime were generally physical; however, whilst some forms of punishment have been more prominent at different times, a range of sanctions has commonly existed. The types of punishment which held the greatest interest in the popular sphere were public execution at a scaffold or some other public spot and, secondly, punishment involving bondage and labour, which can be taken as an indication of the direction criminal justice would follow in the future. During the 16<sup>th</sup> century, public execution was a visible and theatrical method of exhibiting social control. In some countries the execution followed an elaborate ceremony in which the offender, dressed in a symbolic shift, sought penitence in church, and made public atonement before the crowd. Shortly thereafter, England and other European countries—Italy, Germany, and the Netherlands, for example—began imprisoning debtors and minor criminals, especially delinquents. This use gradually changed by the 18<sup>th</sup> century in favour of imprisonment in penal institutions and the use of penal transportation. Houses of correction began to be used in France and the Netherlands where the workforce was generally drawn from the criminal or welfare classes.<sup>12</sup> The open infliction of capital punishment declined with changing attitudes towards privatisation and attitudes



towards the body. Like Britain, the separate system in America came to be the predominant model for European prison discipline.

### America

After the American War of Independence, America established a penitentiary system to punish criminal offenders rather than a transportation system. During the 1820s, two radical new systems of penal incarceration based on the use of silence were developed almost concurrently. Both the 'separate system' and the 'silent system' aimed to reduce interaction between minor and incorrigible criminal offenders. The 'separate system' introduced the complete isolation of prisoners and the 'silent system' imposed absolute silence within the prison. This was part of the shift away from the conventional punishment of the body and its replacement by punishment of the mind. The 'silent system' emerged as the dominant system in America during the 1820s. The Auburn system (named for the Auburn Prison in New York where it was first practised in 1823 based on the penal ideology of John Cray) advocated productive group labour during the day and solitary confinement at night, with silence at all times enforced by strict corporal punishment. The cost of prisoner's upkeep was partially offset by their labour. The regime did not require a specific architectural design.

The 'separate system' was first practised at the Eastern State Penitentiary (Cherry Hill in Philadelphia) from 1829.<sup>13</sup> The central rotunda with seven radiating wings containing isolation cells was purpose-built by John Haviland in 1822 to ensure complete separation of prisoners. The radial plan was designed to maximise surveillance from a central hall. While all the prison blocks are visible to the prison staff positioned at the centre, individual cells cannot be seen. Prisoners worked, slept and ate in their cells. Their solitary confinement and non-laborious work (eg oakum (rope) picking, weaving, sail making) were intended to induce rehabilitation through penitence and religious contemplation. With the exception of the chaplain and prison guards, prisoners had no contact with people thus reducing the risk of contamination of one prisoner by another. This was viewed as progressive as it removed the need for excessive physical punishment as practised extensively across Europe and America, most notably with the 'silent system'. The 'separate system' operated until around the 1880s.

## KEY PENAL REFORMERS

### Cesare Beccaria (1738–94)

Cesare Beccaria was an influential penal reformer who published *On crimes and punishment* in 1764. He supported the use of punishments which were selective and proportional to the offence in order to reduce crime. Punishments should affect the mind rather than the body and he opposed torture and capital punishment. Corporal punishment was to be permitted for assaults. The deterrent

value derived from the certainty that the criminal would suffer a psychological punishment as well as a physical one. Beccaria influenced other writers such as William Blackstone (*Commentaries on the laws of England*, 1765–69) and William Eden (*Principles of criminal law*, 1772).

### John Howard (1726–90)

John Howard was a philanthropist and influential penal reformer who was instrumental in obtaining the passage of two penal reform acts (1774, 1779) that improved the conditions in prisons in England. During his travels through Europe (1756) at the beginning of the Seven Years' War, he was briefly imprisoned in France, giving him his first experience of prison conditions. As the High Sheriff of Bedfordshire (1773–c.1775), he was responsible for the welfare of prisoners at the county gaol. Shocked at the conditions in the prison, Howard went on to compile reports on the management and condition of prisons across England. Prisons at this time were run by local individuals and groups, and were not managed or funded centrally by the government. Howard was critical of the widespread practice of unsalaried gaolers who demanded payment of 'discharge fees' before any prisoner would be released. His work was instrumental to the abolition of discharge fees under the *Discharged Prisoners Act 1774* and the improvement of prison conditions under the *Health of Prisoners Act 1774*. His many reports contained guidelines which were designed to enhance the mental and physical health of all prisoners through improved hygiene and ventilation.

By 1775, Howard began the collection of evidence on the condition of European prisons. In 1777, he published *The state of the prisons* which systematically detailed records of prisons in Europe and made comprehensive recommendations for improvements. He made recommendations on: the architecture and location of prison buildings; the engagement of salaried gaolers and clergymen to reduce corruption; expansion of religious worship; the segregation of male and female prisoners; and the separation of prisoners in individual cells. Howard continued to tour prisons in Britain and Europe to collect information and monitor progress of prison systems. He travelled over 67,000 kilometres visiting prisons as far away as Moscow, Constantinople, Lisbon and Malta. In 1778 Howard's views were scrutinised during a House of Commons inquiry into conditions on prison 'hulks'. In 1779, prison legislation was passed to establish new reformatory prisons and Howard was later appointed Commissioner of one of the prisons.<sup>14</sup>

### Jeremy Bentham (1748–1832)

Jeremy Bentham was an influential philosopher and theorist of British legal reform who founded the doctrine of utilitarianism. He trained as a lawyer and spent most of his life critiquing the existing law and strongly advocating legal and social reforms. He first gained attention as a critic of leading legal theorist Sir William Blackstone's 'rule of

law'. Bentham claimed that all laws, ancient and modern, should be evaluated according to the single ethical principle of 'utility'. A law was good or bad depending upon whether or not it increased the general happiness of the population. For Bentham the most compelling instance of social good deriving from an age preoccupied with crime and social disorder was the order and rationality of prison discipline.

From 1785 to 1788, Bentham travelled to Russia to visit his brother where he first developed the idea of the 'model prison'. Upon his return to England, he published his most famous work, *Introduction to the principles of morals* (1789), which has been widely regarded as the founding document of British utilitarianism. By 1791–94, Bentham was actively campaigning for the construction of his 'Panopticon'. The Panopticon was a model prison where all prisoners were subject to solitary confinement and observable by (unseen) guards at all times. Surveillance was conducted unseen from a central watchtower within a circular floor plan. The prisoner could never know when he was being watched and this uncertainty in itself would prove to be a crucial instrument of discipline and improved behaviour. Bentham described the Panopticon as 'a new mode of obtaining power of mind over mind, in a quantity hitherto without example.'<sup>15</sup> Bentham advocated the establishment of the model prisons based on rational principles to replace the hulks and irrational individual prisons run by private individuals, and transportation. His ideas for punishing and reforming prisoners in the Panopticon model prison drew on Enlightenment ideals.

Bentham was a prominent opponent of the transportation system and was a fierce critic of the NSW penal colony. He argued transportation was an inherently inferior model of punishment for serious crimes and that NSW was a failure, a crime and vice ridden colony. His *Panopticon versus New South Wales* (1802) argued that transportation was costly, uncertain in the punishment it inflicted, unlikely to reform because those employing convicts were interested only in profit, and unable to deter because punishment took place at a distance. He claimed that convicts were under the charge of other convicts and the colony was awash with rum and crime: 'I question whether the world ever saw anything under the name of punishment bearing the least resemblance to it.'<sup>16</sup> Bentham and other penal reformers argued that the assignment of convicts to private masters constituted slavery: private masters controlled and profited from bond labour, succumbing to all the vices of slave owners; the relationship between masters and convict servants was immoral and this led to the corruption of convict society.<sup>17</sup> Transportation was seen to be capricious and unfair, particularly the unequal punishment of convicts at the hands of colonial settlers. Reformers claimed that punishment and reform could only be properly controlled and slavery avoided if convicts remained solely in the hands of government. Britain was the only country in the world that had abolished slavery (1833) and for penal reformers, it was imperative that the government immediately abolish transportation in Australia.

The continued transportation of convicts to NSW in the first decades of the 19<sup>th</sup> century threatened Bentham's plans to build the Panopticon. He believed that if his model prison could be built it would demonstrate the superiority of a penitentiary system over alternative schemes of convict management such as transportation. Despite repeated attempts to persuade the British government to abandon the NSW penal colony, his Panopticon project came to nothing. Neither the government's acceptance of Bentham's theoretical arguments or support for his model prison was sufficient to prompt it to condemn transportation as the most efficient model of penal discipline. Nonetheless, the ideology of surveillance and control (known as 'Benthamite surveillance') came to influence integral architectural and philosophical aspects of the 'separate system' of the 1830s radial prisons across the British empire. Lieutenant-Governor Arthur also used similar arguments to Bentham to advocate the merits of transportation and his alternative model (known as the 'Open-air Panopticon'). Arthur's model was to create a rational penitentiary environment within his penal colony. See Part 3.A.

### Alexis de Tocqueville (1805–59)

Alexis de Tocqueville was a prominent French penal philosopher, social scientist and lawyer. After obtaining a law degree, he was appointed auditor-magistrate at the court of Versailles. There, he met Gustave de Beaumont, a prosecutor substitute, who collaborated with him on various literary works. Both were sent to America to study the penitentiary system. The two men reported their findings on the penitentiary system in the United States and its application in France in 1832. It was one of the earliest and most profound studies of American life, which examined the legislative and administrative systems and the influence of social and political institutions on the habits and manners of the people. Back in France, de Tocqueville became a lawyer, and then published his master-work, *Democracy in America* (1835–40). He was an influential opponent of the system of penal transportation and argued that it was akin to slavery. Overall, he supported the penitentiary system in America. His writings on prisons and transportation figured prominently in debates in France about whether to introduce transportation.<sup>18</sup> De Tocqueville wrote about the 'failings' of British transportation and the penal colonies in Australia.

Table D.1: Prisons associated with key penology developments during the 18<sup>th</sup> and 19<sup>th</sup> centuries.

PRISON	SEPARATE SYSTEM	SILENT SYSTEM	SEGREGATION OF PRISONERS: FEMALE, MALES, JUVENILES	TRANSPORTED CONVICTS SPENT A PERIOD IN PRISONS IN HOME STATE
<b>BRITAIN</b>				
Brixton Prison (1850s)			✓	✓
Millbank Prison (1850s)	✓	✓ Some elements of the 'silent system'	✓	✓
Dartmoor Prison (c.1850s)	✓			
Pentonville Prison (1842)	✓	✓ Some elements of the 'silent system'		✓
Parkhurst Prison (1838)			✓	✓
Fulham (1850s)			✓	
Glasgow City Bridewell (1802)	✓			
Petworth House of Correction (late 18th C)	✓			
Coldbath Fields Prison (1794)		✓		
Leeds Prison (1847)	✓			
Manchester Prison (1869)	✓			
<b>FRANCE</b>				
La Colonie Agricole de Mettray (1840)	✓		✓	
La Petite Roquette Children's Prison (1830)	✓		✓	
<b>AMERICA</b>				
Mount Pleasant State Prison (1828)	✓	✓		
Auburn Prison (c.1820)		✓ Does not survive today		
Eastern State Penitentiary (1829)	✓			

## APPENDIX E TESTIMONIALS

### **Dr Edward Cecil Harris**

#### **Executive Director, Bermuda Maritime Museum**

It is an outstanding statement that addresses the issues of relevance to UNESCO for such heritage sites, as well as being a considerable historical treatise on convictism in Australia, with all the worldwide parallels and comparisons woven in. I cannot add anything more of value to this statement, which I believe is a completely compelling thesis of justification for this application for World Heritage Site status.

### **Dr John Hirst**

#### **School of Historical and European Studies, La Trobe University**

Convicts have often been transported as a labour force; only once have they been used to found a new society. Convict Australia was a strange late flowering of the ancient regime in crime and punishment. Australia contains relics of the society that convicts built and of the institutions in which they were housed as the new thinking in penology became dominant.

### **Professor John Braithwaite**

#### **Research School of Social Sciences, Australian National University**

There are few more terrifying spaces on earth than the huge prison block at Fremantle. There, children of the twenty-first century can imagine the darkness and cruelty this building contained before electricity in the nineteenth century. Likewise they imagine the darkness and danger of the convict coal mines. Yet they also wonder how those gnarled hands cut by stone, backs scarred by the lash, came out into the bright light to build a beautiful society. Tasmania proved genetic theories of crime wrong by building a very low crime society in the nineteenth century from mostly criminal genetic stock. Their ghosts are palpable in the beauty of Port Arthur as are the ghosts of Bentham and Foucault in the architectural remains of their panoptic vision of discipline. Macquarie in Sydney, Macconachie on Norfolk Island said explicitly that they wanted to restore the convicts, forbears of contemporary reintegrative and restorative justice. That reintegrative form of justice laid the foundation for an egalitarian, free society, and for contemporary thinking on how to reinvent justice restoratively.

### **Dr Clare Anderson**

#### **Department of Sociology, University of Warwick**

The *Australian Convict Sites* nominated for World Heritage status are outstanding representations of a unique historical process: the colonization of an entire continent through the transportation of convict labour. Moreover, they express Australia's enormous significance in the development of ideologies of punishment, reform, and rehabilitation. As such, they are unparalleled globally in their nature and extent.

### **Professor Joy Damousi**

#### **School of Historical Studies, University of Melbourne**

The Australian Heritage Sites captures an extraordinary series of historical events that have made a profound and enduring impact on the development of several societies across the world. Collectively, these sites offer a rare insight into the diversity and complexity of the convict system during the nineteenth century; they provide a rare opportunity to examine the philosophy and practice of theories of criminality and incarceration as they were implemented. Most significantly, however, these Australian sites point to the only example in the world where convict transportation was intended not only to punish offenders but aimed to create an entirely new society through the reformation of transported convicts.

### **Dr Hamish Maxwell-Stewart**

#### **School of History and Classics, University of Tasmania**

Convict transportation was part of a wider global movement of unfree workers which helped to shape the modern world. While sites associated with slavery and indentured labour are represented on the *World Heritage List*, there is no current listing for places associated with the forced movement of convict labour. This timely nomination will rectify this anomaly. Australia, the continent colonised by convicts, is the outstanding example of penal transportation and sites that bore witness to that process are without parallel.

### **Dr Heather Shore**

#### **School of Cultural Studies, Leeds Metropolitan University**

The *Australian Convict Sites* nomination is an extremely important step in preserving both the historical heritage of Australia as well as that of the many thousands of British working-class people who were transported to the colonies. As an historian of crime I am extremely impressed by this nomination, and feel that the preservation of these sites has implications in a number of areas, such as culture and education. Culturally, the sites preserve the important spatial dimension of the convict experience. Educationally, they provide an experience for young people and researchers to understand and contextualise the convict experience. This is an excellent nomination document and fully deserving of UNESCO World Heritage status.

### **Professor Stephen Toth**

#### **Department of Language, Culture and History, Arizona State University**

The convict sites discussed in this nomination are vitally important representations of Australia's convict past. Their haunting remains are a stark reminder of a bygone era in which punishment and permanent exile were intertwined with colonial ambition. No other attempt at penal colonisation approached the scale and scope of that seen in Australia, and these locales are richly deserving of the UNESCO World Heritage status.



## APPENDICES ENDNOTES

### Appendix A endnotes

- 1 The majority of convicts were to be kept out of the towns and assigned to the more prosperous free settlers who could give greater attention to their discipline and reform. The minority of badly behaviour convicts were sent to be sent to labour gangs to carry out land clearing. Recalcitrant convicts were to be sent to new and distant penal settlements. Convict boys were to be kept at Carters' Barracks (Sydney) and taught trades to make them useful when assigned to free settlers. Convict's property was to be confiscated until they were reformed and they were not to be given land or assistance once they became free. Central records were to be kept of offences committed in the colony.

### Appendix B endnotes

- 1 The convict era in Australia was characterised by frequent shifts in direction between the goals of punishment and reform. The British Government and colonial authorities often pursued different objectives or sought to give greater weight to some over others. Harsh punishment regimes were needed in order to deter crime in Britain but at other times, Britain was sensitive to allegations that it was responsible for slavery in a new guise and setting up a new colony ridden with crime and vice. Colonial authorities were frequently driven by local needs to build a new society where it was important to reform convicts and integrate them into the new order. While the goals of punishment and reformation were often in conflict, there were also synergies between them. Severe punishment regimes, such as hard labour and the Model Prison system, had the twin aim of punishing and reforming convicts. Similarly, strategies aimed at reforming convicts, such as compulsory religious instruction and the probation system were seen and experienced by convicts as tools to further discipline and punish them. These contradictions and complexities were an important feature of the convict system in Australia and of many penal colonies in other parts of the world.
- 2 Davis in Alexander (2005): 432.
- 3 Colonial authorities were dependent on many free settlers and enlisting their support for the penal system was often difficult.
- 4 Brooke and Brandon (2005): 246. The large number of convicts who were shepherds got away with very little being required of them.
- 5 Maxwell-Stewart in Alexander (2005): 417.
- 6 The pursuit of the new system during periods of economic depression created major tensions in the colony.
- 7 Nicholas and Shergold (1988): 44.
- 8 Shaw (1966): 152.
- 9 Shaw (1966): 153.
- 10 Shaw (1966): 152 167; and Erickson(1983): 114..
- 11 Nicholas and Shergold (1988): 59.
- 12 Nicholas and Shergold (1988): 48-51.
- 13 Nicholas and Shergold (1988): 43-48; Hirst: 265.
- 14 Hirst (1995): 266.
- 15 Ritchie (1986): 160.
- 16 Hirst (1995): 266.
- 17 Gold was first discovered in 1851 and resulted in the 'gold rush' where there was a massive increase in the migration of free settlers to Australia. In 1852, 370,000 immigrants arrived in Australia and the economy of the nation boomed. The total population trebled from 430,000 in 1851 to 1.7 million in 1871.
- 18 Nicholas and Shergold (1988): 58.
- 19 Vamplew (2007): 4.
- 20 Exceptions included: the probation system (VDL only), the female factory system (NSW and VDL), segregated prisons for juvenile convicts (NSW and VDL) and hiring depots (WA only).
- 21 Kerr (1984): 60.
- 22 Nicholas ('The care and feeding of convicts') in Nicholas (1988): 189.
- 23 Hirst (1995): 275.
- 24 Hirst (1995): 275.
- 25 Hirst (1995): 485.
- 26 Brooke and Brandon (2005): 246.
- 27 Brooke and Brandon (2005): 246.
- 28 Nicholas 'The convict labour market' in Nicholas and Shergold (1988): 112; Alexander (2001): 290. While there are significant linkages between convictism and slavery (as well as indentured labour), there were also important differences. Under slavery, the whole product of the labour belonged to the master who distributed part of it for the maintenance of the slave. By contrast, private masters under the assignment system did not have property rights over convicts, as all ownership rights were vested in the government. Assignment was a commodity exchange where private employers paid a quasi-wage (a mix of maintenance in kind and money) for convicts allocated by the state controlled labour market. Convicts were also convicted of crimes and were serving out their sentences under the assignment system. For almost half a century, the assignment system worked relatively effectively both as a means of punishment as well as providing avenues for the reformation of the convict through industry and with the assistance of private masters (notwithstanding variations and inconsistencies in its application particularly private masters' treatment of convicts: either too harsh and therefore appearing to be too like slavery, or too lenient and enjoying better conditions than free workers back home and subject to little criticism).
- 29 'Nicholas 'The convict labour market' in Nicholas and Shergold (1988): 111.
- 30 Hirst (1995): 288.
- 31 Nicholas 'The care and feeding of convicts' in Nicholas (1988): 180.
- 32 Atkinson (2004): 84.
- 33 Shaw (1966): 202.
- 34 Rude (1978): 178-179.
- 35 Brooke and Brandon (2005): 231. There were also said to be 75 convicts in irons, without clothes in small prison with hardly any air to breathe.
- 36 The threat of floggings was also used as a deterrent.
- 37 Pybus in Frost and Maxwell-Stewart (2001): 25-26.

- 38 Brooke and Brandon (2005): 233. Maconochie saw the physical coercion and absence of reform principles as tantamount to slavery.
- 39 Forster (1996): 111.
- 40 Atkinson (2004): 83.
- 41 Atkinson (2004): 83.
- 42 Rude (1978): 178.
- 43 Rude (1978): 176.
- 44 O'Connor in Frost and Maxwell-Stewart (2001): 148-151; Hughes: (2003).
- 45 Brooke and Brandon (2005): 230.
- 46 Nobbs (1991): 128.
- 47 Nobbs (1991): 128.
- 48 Some convicts allegedly went to extreme efforts to escape their plight including committing murder in order to be sent to Sydney for their trial. Some hoped to escape a death sentence while others hoped to escape during the journey.
- 49 Brooke and Brandon (2005): 231.
- 50 Brooke and Brandon (2005): 230-231.
- 51 Pybus in Frost and Maxwell-Stewart (2001): 23; Atkinson (2004): 143-144.
- 52 The *Monitor* quoted in Hirst (1983): 179.
- 53 Atkinson (2004): 143-144. Port Arthur railwaymen were described as 'terribly jaded, running down with sweat, and I saw one of them continually trying to shift his irons from a galled spot on his ankle.'
- 54 Atkinson (2004): 147.
- 55 Pybus in Frost and Maxwell-Stewart (2001): 25.
- 56 Daniels (1998): 105.
- 57 Daniels (1998): 105.
- 58 Daniels (1998): 106.
- 59 Daniels (1998): 112, 114-116.
- 60 Daniels (1998): 146.
- 61 Brooke and Brandon (2005): 238.
- 62 Female convicts were not transported to WA for several reasons: the experience of convict women in NSW and VDL showed that there were significant problems in trying to control females (they were seen as a potential threat to penal colonies and required considerable measures and efforts to control them). Also, the major objective for WA was to build economic infrastructure and this required male convicts.
- 63 Atkinson (1998): 160. Daniels (1998): 110-111. Elizabeth Fry was an influential British advocate of penal reform of female convicts and her ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners were outlined in *Siting, superintendence and government of female prisoners* (1825). The establishment of dedicated female factories reflected some of her penal philosophies. The classification system, introduced in NSW and VDL between the mid 1820s to mid 1830s, similarly drew on Fry's schema for the continuous gradation of prisoners and the systematic application of rewards and punishments. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other.
- 64 Atkinson (1998): 134. While some females worked in the fields, the vast majority were to be assigned as domestic servants.
- 65 Under the assignment system, women were largely confined to work as domestic servants or marriage partners despite the high demand for labour to build infrastructure and agricultural industries.
- 66 Daniels (1998): Kerr (1984): 66-67.
- 67 Hirst: 274. The indeterminate sentence punished acts committed while confined at a female factory. This predated Maconochie's system.
- 68 Hirst (1995): 266
- 69 Hirst (1995): 267
- 70 Hirst (1995): 270
- 71 Hirst (1995): 270
- 72 Hirst (1995): 270
- 73 Hirst (1995): 267; Sturma (1983): 19. During the early 1830s, it was reported that masters were brought before the bench almost daily.
- 74 Brooke and Brandon (2005): 235.
- 75 Brooke and Brandon (2005): 233-234.
- 76 Atkinson (2004): 79
- 77 Dyster (1988): 130.
- 78 Hirst (1995): 271; Shaw (1977): 84. However, individual governors continued to be pragmatic in their approach to tickets-of-leave. Between 1810 and 1820, under Macquarie's liberal rule, around one fifth of convicts who arrived in NSW were given a ticket-of-leave.
- 79 This violated the policy of granting indulgences only to the well-behaved as many of these convicts were more like their captive bushrangers and not the sober, industrious and honest servants envisaged in the ticket-of-leave rules.
- 80 Sturma (1983): 111.
- 81 Nicholas and Shergold (A labour aristocracy in chains) (1988): 106-107.

- 82 Nicholas and Shergold (*A labour aristocracy in chains*) (1988): 107.
- 83 Nicholas and Shergold (*A labour aristocracy in chains*) (1988): 106-107. NSW was described as a 'labour aristocracy': physically separated from the bulk of convicts, skilled workers worked together, joined trade and craft institutions (eg. benefit societies, trade unions and mechanics institutes), developed a group solidarity with an elite identity and values and earned substantial sums through private employment outside their hours of enforced servitude.
- 84 Hirst (1995): 268-69
- 85 Hirst (1995): 66; Alexander (2003): 279. Until 1840, police in Sydney and the constabulary in the country districts were recruited largely from ticket-of-leave convicts and ex-convicts. In the mid 1840s, convicts and ticket-of-leave holders made up about half of the special Border Police. In 1835 there were 453 policemen who were mostly convicts in VDL.
- 86 Fabian and Loh (1989): 30.
- 87 Hirst (1995): 272
- 88 Atkinson (2004): 68
- 89 Atkinson (2004): 69
- 90 Denholm (1979): 11.
- 91 Hirst (1995): 268
- 92 Roe in Alexander (2005): 427.
- 93 Maxwell-Stewart in Alexander (2003): 418.
- 94 Daniels (1998): 224, 225 and 228. It is important to note that the typical experience of convict women was that their labour was in low demand and opportunities were severely constrained. Most convict women were in a more vulnerable position in the labour market, confined to domestic service and work related to domestic tasks such as laundry work and dairy making. Most women did not have experience of business before being transported. Also, marriage was not always a safe haven for women.
- 95 Daniels (1998): 226.
- 96 Ryan quoted in Daniels (1998): 65.
- 97 Daniels (1998): 225-228.
- 98 Daniels (1998): 225. While this was not typical, there were a number of other examples such as Sarah Thornton, Maria Lord.
- 99 Daniels (1998): 225.
- 100 Daniels (1998): 65, 229.
- 101 Ryan quoted in Daniels (1998): 65. Daniels (1998): 229.
- 102 Convict women married to officers gained access to land grants on becoming free.
- 103 Daniels (1998): 96.
- 104 Daniels (1998): 214. They claimed that they were better off in the colonies than they would have been back home; wages were high, the food was good; and 'Australia' was a fine, wholesome and plentiful place. While letters were written mainly by literate male convicts some illiterate convicts saved money to get a scribe.
- 105 Brooke and Brandon (2005): 220.
- 106 Dyster in Nicholas (1988): 128.
- 107 Hirst (1995): 268
- 108 Hirst (1995): 268; Brooke and Brandon (2005): 234.
- 109 Daniels (1998): 227.
- 110 Hirst (1995): 268.
- 111 Sturma (1983): 14.
- 112 Brooke and Brandon (2005): 221.
- 113 Sturma (1983): 111.
- 114 Sturma (1983): 108; 113.
- 115 Sturma (1983): 111.
- 116 Sturma (1983) 19.
- 117 Sturma (1983) 19.
- 118 Sturma (1983) 19.
- 119 Sturma (1983) 19.
- 120 Atkinson (2004) 78-79.
- 121 Atkinson (2004): 112. The 1834 insurrection at Norfolk Island resulted in 54 men being tried and 13 executions of convicts.
- 122 Daniels (1998): 145-150.
- 123 Atkinson (2004): 84-85, 112; Sturma (1983): 15; Hammond 2003 BA thesis. There were 'convict mutinies' on private estates such as Claggan in VDL and Castle Forbes in the Hunter Valley, NSW in 1833. Six assigned convicts absconded from the Hunter Valley estate of James Mudie after robbing his house and attempting to kill his partner John Larnach. In 1834, a group of convict servants (three males and one female) murdered their master. In 1830, one convict from Bathurst went from station to station collecting other angry convicts to 'take the settlement' using the war-cry 'Death or liberty! At one stage, up to 130 convicts had joined in but most broke away and it was easily quashed by the military.
- 124 Maxwell-Stewart in Alexander (2005): 417.
- 125 Roe in Alexander (2005): 426.
- 126 Daniels (1998): 143, 153.
- 127 Daniels (1998): 143, 146; 149.
- 128 Daniels (1998): 137.
- 129 Daniels (1998): 143.
- 130 Atkinson (2004) 82. In the 1830s, convicts made various demands to have wheat included in their rations and convicts' right to wheat was eventually successful. Some of the riots in the female factories were related to demands for food.
- 131 Brooke and Brandon (2005): 239.
- 132 Brooke and Brandon (2005): 239.
- 133 Brooke and Brandon (2005): 239
- 134 Brooke and Brandon (2005): 239-240.
- 135 Daniels (1998): 135.
- 136 Frost and Maxwell-Stewart 'At large with the run-aways' (2001): 203-204.
- 137 Brooke and Brandon (2005): 240.
- 138 Sturma (1983): 101.
- 139 Sturma (1983): 101. Atkinson (2004) 84. Brooke and Brandon (2005): 240-241. In 1836, two convict bushrangers declared that they would round up and flog 'all the Gentlemen', catching at least one man and giving him 30 lashes'. Young Jack Donahoe turned bushranger three years after being transported. He became so notorious that a special patrol was formed to hunt down his gang. He escaped several times but members of his gang were hung and he was later killed in an ambush in 1830 aged 23. Michael Howe and Matthew Brady with their gang of 28 men often attacked landowners who ill-treated convicts. They also raided military garrisons and settlements on the 'outskirts' of Hobart. In 1824, Brady and 13 other convicts escaped from Macquarie Harbour in a whaleboat, robbed travellers and outlying settlers.
- 140 Hirst (1995): 274.
- 141 Sturma (1983): 1.

- 142 Some free settlers wanted to retain convict workers in the colonies while others wanted to rid their new society of all convicts. Some also had ambitions for political independence from Britain and wanted to put an end to the despotism of the autocratic, bureaucratic state of the convict system. The convict era in Australia was characterised by frequent shifts in direction between the goals of punishment and reform. The British Government and colonial authorities often pursued different objectives or sought to give greater weight to some over others. Harsh punishment regimes were needed in order to deter crime in Britain but at other times, Britain was sensitive to allegations that it was responsible for slavery in a new guise and setting up a new colony ridden with crime and vice. Colonial authorities were frequently driven by local needs to build a new society where it was important to reform convicts and integrate them into the new order. While the goals of punishment and reformation were often in conflict, there were also synergies between them. Severe punishment regimes, such as hard labour and the Model Prison system, had the twin aim of punishing and reforming convicts. Similarly, strategies aimed at reforming convicts, such as compulsory religious instruction and the probation system were seen and experienced by convicts as tools to further discipline and punish them. These contradictions and complexities were an important feature of the convict system in Australia and of many penal colonies in other parts of the world.

## Appendix C endnotes

- 1 Segal (1993): 54; Eltis (2002): 5. Before the 16<sup>th</sup> century, most migration was fundamentally voluntary although there were some coercive elements.
- 2 Eltis (2002): 7.
- 3 Segal (1993): 54.
- 4 Eltis (2002): 8.
- 5 Eltis (2002): 11.
- 6 Russia and Siberia is sometimes defined as transportation or convictism and sometimes not a type of convictism. See Nicholas and Shergold. Many people exiled to remote places within the state of Russia were not typical of the phenomenon of convictism.
- 7 Segal (1993): 12.
- 8 The 1780s to the late 19<sup>th</sup> century was the most significant period for the mass migration of indentured labourers and convicts from Britain, Ireland, Canada, India, France, Russia, Spain and Mexico to many parts of the globe. Criminals provided much of the vanguard for the 18<sup>th</sup> and 19<sup>th</sup> century European colonisation of Oceania, Asia and South America. After 1820, a quarter of a million convicts were shipped across the world's oceans to colonise Australia, New Caledonia, Singapore and French Guiana, and to meet labour demands in Gibraltar, Bermuda, Penang, Malacca and Mauritius. This figure does not include the transportation of Russian convicts to Sakhalin Island.
- 9 Bogle (1999): 6, 51.
- 10 Maxwell-Stewart (2007): Reynolds (1969)
- 11 Gentes (2007) At various times and places, schemes were set up but this involved only a minority of exiles. Davies (2006). Millions of persons were also exiled under the Gulag system (after 1917). This was a penal system of forced labour camps (in reality extermination camps) which primarily received political prisoners and functioned as a mechanism for repressing political opposition to the Soviet state.
- 12 Gentes (2007)
- 13 Prisoners comprised convicts as well as political prisoners who were not convicted of crimes.
- 14 Gentes (2007)
- 15 A very small number of convicts were transported to America during the 17<sup>th</sup> century. However, the vast majority were transported after the Transportation Act 1718
- 16 Forster in Eltis (2002): 264.
- 17 Ekirch (1987): 114.
- 18 Anderson (2007) states that the administration's annual reports detail there were around 10,000 convicts in the settlement at any one time.
- 19 Yang (2003): 7, 11-12. Examples include: 1801 Inquiry; Committee on Prison-Discipline (1838); and the Norman Report (1874).
- 20 Anderson (2007).
- 21 Anderson (2007).
- 22 Neelam (2007). Many convicts tried to escape under the mistaken notion that there was a northern land bridge connecting the islands to the mainland.
- 23 Mathur (1985): 52-55.
- 24 Sen (2000): 1-2.
- 25 Neelam (2007). The shortage of women contributed to rampant prostitution and homosexuality in the colony. The transportation of female convicts to the colony was one of the measures to tackle this problem. The other measure was to allow convicts to bring their families from the mainland once they became self-supporters. Both measures were unsuccessful.
- 26 Vaidik (2006): 226.
- 27 Mathur (1985): 77.
- 28 Neelam (2007).
- 29 When transportation to the penal colony was started in 1858 convicts were put to work on Ross and Chatham islands to clear the jungle. The island was an open jail and they were not kept under any kind of confinement.
- 30 Neelam (2007).
- 31 Neelam (2007).
- 32 Bogle (2007); Neelam (2007)
- 33 Neelam (2007).
- 34 Neelam (2007).
- 35 Anderson (2006;2007):5
- 36 Anderson (2006; 2007): 5.
- 37 Singapore, Penang and Malacca were known as the 'Straits Settlements' from 1823.
- 38 Cornelius-Takahama (2004)
- 39 Turnbull (1989): 46.
- 40 Turnbull (1989): 46.
- 41 Pieris (forthcoming). The least advantageous category was of 41/hard labourers, typically assigned to the 5<sup>th</sup>, 4<sup>th</sup> and 3<sup>rd</sup> classes. They worked in gangs on roads and infrastructure works and were supervised by convict peons. Women and invalids in the 6<sup>th</sup> class made brooms and ropes and were employed on lime kilns. Skilled labour, drawn from the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> classes, was organized into an artificer corps in May 1853. Artisans numbered 113 from a total of more than 2000 convicts and were trained by skilled European workmen.
- 42 Anderson (2007).



- 43 There are no significant convict-built buildings or public works in Malacca.
- 44 Roads built by convicts have been overlaid by bitumen while convict built bridges have undergone substantial redevelopment.
- 45 Malacca forms part of Georgetown which was nominated for World Heritage listing in 2001. However, it has not been nominated for convictism and there are no known convict remains.
- 46 Pearson (2006):48.
- 47 Pieris (2007)
- 48 The expansion of Gibraltar penal colony was also designed to help relieve the pressures at VDL.
- 49 Hulks were floating hostels created in old warships of the Royal Navy capable of housing up to 1,500 prisoners.
- 50 Harris (2007).
- 51 Prior to the transportation of convicts to Bermuda, slaves and indentured and free labourers formed the workforce at the dockyard.
- 52 Toth (1999): 64-71. Examples include: Parliamentary Commission (France, 1880); French ministry investigation (1884); and Dislere Commission which abolished land concessions and marked 'the end of the humanitarian decade'.
- 53 Toth (2006): 43.
- 54 Several penal colonies introduce schemes that were similar to Australia's 'ticket-of-leave'. The schemes often had different titles and were generally not as formalised.
- 55 The term 'ticket-of-leave' was sometimes used.
- 56 Toth (1999): 61-71.
- 57 Toth (1999): 65.
- 58 Toth (2006): 44.
- 59 Anderson (2007); Nicholas (1988) states 1865-1897.
- 60 Bogle (2007).
- 61 Convicts made an important contribution to the colonisation of New Caledonia but on a global scale it was less substantial and impressive compared to the role of convicts in the development of colonies in Australia and the building of a new nation. A small convict population complemented a labour force comprising substantial numbers of indentured labourers and free settlers in developing the small island of New Caledonia. New Caledonia comprised comprising approximately 19,060 square kilometres compared to Australia's 7,692,024 square kilometres.
- 62 Toth (2007); Saussol (1988): 41, 44; Sénes (1993):60; There were: 350 free settlers and 250 convicts in 1864; 2,700 free settlers in 1878 and 6,000 convicts in 1875; 5,600 free settlers in 1887 compared to 9,700 convicts; and 9,600 free settlers compared to 8,850 convicts in 1891.
- 63 Australia is the only site in the world where male and female convicts played a major role in the development of a continent and a nation.
- 64 Redfield (2007). French Guiana is sometimes referred to as 'Devil's Island'.
- 65 Belbenoir (1938).
- 66 Toth (2003): 315.
- 67 It was assumed that the severe climate and tropical diseases would 'finish off' even the most hardened criminals.
- 68 Forster in Eltis (2002): 287.
- 69 Toth June (2007); Redfield June (2007) There are few surviving of the prison camp at St Jean du Maroni, one of the primary places of detention for around 1,600 convicts. This relégué camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape. There are no known convict buildings at the other penal settlements at Montagne d'Argent (the first jungle camp that was used for deforestation and convict road building) and St Georges d'Oyapock. Work camps in the forest near St Laurent and Saint-Joseph were reserved for convicts guilty of disciplinary infractions such as attempting to escape or refusal to work on the mainland.
- 70 Toth (2007); although they were showing significant signs of deterioration as of 2001.
- 71 Toth report (2007).
- 72 The stone bench on which he sat and viewed the ocean waters also survives. Dreyfus was 'a famous Jewish military officer falsely accused and convicted of treason' (Toth 2007 report). Captain Dreyfus' quarters includes a surviving stone bench.
- 73 Toth (June 2007).
- 74 Administered by the French Government départements d'outre-mer.
- 75 Redfield (2007); Toth (2007).
- 76 Redfield (2007).
- 77 Redfield (2007). The first jungle camp that was used for deforestation and convict road building.
- 78 Pike (1983): 136.
- 79 Pike (1983): 25.
- 80 The wall surrounded the whole city except for the east side where a section has been demolished and were constructed 1630-1650 and 1760-1780 to strengthen and enclose the city.
- 81 A redoubt is a defensive structure whereby arrows could be fired on two sides. It is generally attached to the main fort, although it can be a 'stand alone' structure.
- 82 Pike (1983): 146.
- 83 Jennings (1948): 10, 13

## Appendix D endnotes

- 1 Bogle (1999): 23.
- 2 William Crawford, of the Society for the Improvement of Prison Discipline (SIPD), had been a secretary of a society which investigated juvenile delinquency in London.
- 3 Brodie, Croom & O'Davies (2002): 88. This followed the In 1835, a Select Committee of the House of Lords conducted an inquiry into prison discipline and found 'Entire Separation, except during the Hours of Labour and of Religious Worship and Instruction, is absolutely necessary for preventing Contamination, and for securing a proper System of Prison Discipline'.
- 4 Joshua Jebb, a Captain in the Royal Engineers, was appointed Surveyor-General of prisons in 1837, in order to provide the Home Office with a technical adviser on prison architecture.
- 5 A former Chaplain of Millbank Prison. Crawford and Russell produced refinements and amendments to the system and associated design in their second (1837), third (1838) and fourth (1839) reports to the Home Office.

- 6 Crawford and Russell proposed this in the 1838 report, in association with Jebb. Pentonville became a working model of the 'separate system' that could be inspected by borough and country magistrates. Two Acts of Parliament were passed allowing for the building of Pentonville prison for the detention of convicts sentenced to imprisonment or awaiting transportation. The construction of five radiating wings around a central watchtower began in 1840 and the first inmates were received in 1842.
- 7 The wedge-shaped exercise yards were arranged in oval or circular blocks around a central observation section. In daily religious instruction, prisoners sat in individual high sided stalls, their heads visible to the chaplain but completely preventing any contact with other prisoners.
- 8 Brodie, Croom and O'Davies (2002): 96.
- 9 The building program of prisons across England was not completed until the late 1800s.
- 10 Morris and Rothman (1998): 181. Pentonville-type prisons were built in Holland, Belgium, Spain, Switzerland, Scandinavia, Austria, Hungary and Portugal in the latter half of the 19th century.
- 11 Spierenburg (1995): 46.
- 12 O'Toole (2006): 9.
- 13 It was also known as the Cherry Hill model.
- 14 Encarta. online The name of the prison is not specified.
- 15 Bozovic (1995): 29-95.
- 16 Hirst (1995): 274.
- 17 Hirst (1995): 286.
- 18 Forster (1996): 4.