Work, Sexuality and Resistance;
The Convict Women of Van Diemen's Land, 1820-1839.

Kirsty M. Reid

A Thesis Submitted for the
Degree of Doctor of Philosophy (Ph. D).

University of Edinburgh
July 1995
I confirm that this thesis is entirely my own work
and has been composed by me.

Kirsty M. Reid.
Abstract

This thesis is a study of 3804 female convicts transported to the British penal colony of Van Diemen's Land between January 1820 and December 1839. Research has involved extensive use of the convict transportation, colonial office, convict department and colonial court records, of colonial newspapers, almanacks and the diaries and accounts produced by colonists.

The thesis begins with a critical overview of the historical literature on crime and the 'criminal class', and then proceeds to examine historical accounts of the female convicts. The existing literature is dominated by a series of starkly oppositional images of convict women: as 'hardened criminal'; 'damned whore'; 'poor victim'; and 'moral wife'. It is argued that these have produced a falsely polarised historiographical debate which has become an obstacle to further research. A number of key historical assumptions about the colonial experience of the convict women have, in particular, remained untested and unchallenged.

Chapters 2 to 4 focus on the pre-transportation experience of the women. The relationships between crime, class, gender, poverty and social order in early nineteenth-century Britain are examined. The existing literature assumes erroneously that the 'criminal' represents the antithesis of the 'worker'. A composite picture of the convict women as criminal workers is presented by examining the links between occupation, poverty, crime and prostitution in early nineteenth-century Britain. Chapter 2 uses convict indent and appropriation list data to examine the crimes and criminal records of the women. Chapter 3 analyses the relationship between crime, gender and social order in the nineteenth century. Contemporaries perceived crime as a potent source of social disorder and a threat to work-discipline. Female crime was further regarded as a threat to the gender order. The woman criminal was perceived as a deviant against her gender. The chapter asks to what extent proletarian women were able to use crime and prostitution to acquire the material means to subvert dominant-class ideologies of gender. An evaluation of the 'human capital' of the women is conducted in chapter 4. Female convicts were a highly valuable source of 'human capital' for the colony. Their multiple skills and evident work experience conflicts both with their criminal-class image and with the contemporary notion that 'skill' was masculine.

Chapters 5-7 focus on the experience of convict women in Van Diemen's Land. The structure of the female convict labour market is examined. These chapters argue that, contrary to the historical consensus, colonial demand for female convict labour was high, and frequently outstripped supply. On the basis of this, chapter 7 argues that female convict workers were far from powerless. They manipulated the value of their labour-power and bargained successfully within the workplace for improved conditions of work and leisure.
Mary Witherington
Convicted of larceny, Middlesex, July 3 1828.
Sentenced to 14 years transportation.
Arrived Van Diemen’s Land per Harmony, January 14 1829.

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List of Abbreviations

A.O.T  Archives Office of Tasmania
Con  Convict Department
C.O.  Colonial Office
C.S.O  Colonial Secretary's Office
G.O.  Governor's Office
H.O.  Home Office
P.R.O  Public Record Office, London
M.L.  Mitchell Library, Sydney, N.S.W.
T.P.  Tasmanian Papers in the Mitchell Library
L.C.  Lower Court Records, Van Diemen's Land
S.C.  Supreme Court Records, Van Diemen's Land
N.S.W.  New South Wales
V.D.L.  Van Diemen's Land

N.B. Each convict is referenced as follows:

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<th>Name</th>
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<td>Ann</td>
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<td>Nautilus</td>
<td>no. 313H</td>
<td>A.O.T., Con 40</td>
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ix
Female Convict Transports
arriving Van Diemen's Land, 1820-1839.

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<th>Date of Arrival</th>
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<td>Lord Wellington*</td>
<td>Ireland</td>
<td>18</td>
</tr>
<tr>
<td>December 18 1821</td>
<td>Providence</td>
<td>England</td>
<td>54</td>
</tr>
<tr>
<td>May 2 1822</td>
<td>Mary Anne</td>
<td>England</td>
<td>47</td>
</tr>
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<td>England</td>
<td>54</td>
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<td>Mary</td>
<td>England</td>
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<tr>
<td>April 15 1824</td>
<td>Brothers</td>
<td>England</td>
<td>51</td>
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<tr>
<td>February 8 1825</td>
<td>Henry</td>
<td>England</td>
<td>79</td>
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<td>November 23 1825</td>
<td>Midas</td>
<td>England</td>
<td>52</td>
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<td>Providence</td>
<td>England</td>
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<td>Sir Charles Forbes</td>
<td>England</td>
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<td>August 1827</td>
<td>Persian</td>
<td>England</td>
<td>60</td>
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<td>England</td>
<td>81</td>
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<td>June 27 1828</td>
<td>Mermaid</td>
<td>England</td>
<td>99</td>
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<td>England</td>
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<td>Lady of the Lake</td>
<td>England</td>
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<td>February 24 1830</td>
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<td>England</td>
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<td>Jane</td>
<td>England</td>
<td>112</td>
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<td>William Bryan</td>
<td>England</td>
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<td>September 4 1834</td>
<td>Edward</td>
<td>England</td>
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<td>Currency Lass</td>
<td>N.S.W.</td>
<td>4</td>
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<td>N.S.W.</td>
<td>2</td>
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<td>New Grove</td>
<td>England</td>
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<td>May 12 1835</td>
<td>Neva**</td>
<td>Ireland</td>
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<td>October 20 1835</td>
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<td>April 27 1836</td>
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<tr>
<td>November 9 1836</td>
<td>Siren</td>
<td>N.S.W.</td>
<td>1</td>
</tr>
</tbody>
</table>
* The women on these transports were disembarked at Sydney, N.S.W. Those destined for V.D.L. were then sent on. The Morley was the first female convict transport to sail directly to Hobart.

** The Neva sailed from Ireland for N.S.W. but was shipwrecked off King Island, in the Bass Strait. 145 women died, the 6 survivors remained in V.D.L.

Preface

This thesis owes a special debt to the enthusiasm, encouragement and rigorous intellectual advice which I have received throughout from my two supervisors: Dr Ian Duffield of the Department of History, University of Edinburgh and Dr Stana Nenadic, Department of Economic and Social History, University of Edinburgh. I owe them not only my great thanks, but also apologies for keeping them on tenderhooks (with all those doubts about finishing) for far too long! I hope the end product does them justice.

My research trip to Australia during 1991-92 was made possible by a travel grant from the Northcote Fund, for which I am very grateful. The time I spent there was both fruitful and enjoyable, and this was due in no small part to the advice, assistance and friendship I received throughout. Thanks are due to Professor Michael Roe, Dr Michael Bennett and Dr Richard Davis, all of the Department of History, University of Tasmania for making me welcome in their department. I owe a particular debt of thanks to all the staff in the Archives Office of Tasmania who provided me with invaluable advice and a mountain of help in unearthing the source materials upon which this thesis is based. I am grateful to Associate Professor John Perkins of the Department of Economic History, University of New South Wales and to Dr Deborah Oxley, then of the University of Melbourne, now a Research Fellow at the School of Economics, University of New South Wales for the constructive and friendly discussions we shared over lunch in both Melbourne and Sydney. Special thanks are due to Michael Bulmer, William Bulmer, Heather Shipp, Fiona and Russell Wilson, all of whom made my time in Australia so memorable. My trip was made particularly special by the great friendship, kindness and generosity of Joan and Basil Yule.

Since my return to Edinburgh, many colleagues and friends have both tolerated and supported me. Thanks for this go to Paul Bailey, Crispin Bates and Paul Nugent (who could have made me much more coffee), all of the Department of History, University of Edinburgh, and to Dr Hamish Maxwell-Stewart, of the Wellcome Research Unit in the History of Science and Medicine, University of Glasgow, who, amongst others things, helped with maps. Particular thanks go to my friend and fellow postgraduate, Tina Picton-Phillipps, Department of History, University of Edinburgh, for providing me with an invaluable mixture of intellectual advice and a patient ear for my all too frequent writing-up panics. Halima Amer, Ian Hood, Pat Lavery and Amanda Smith also deserve much thanks for putting up with my endless moaning and providing me
with reassurance and support. I am also grateful to Rhona Dodds who was always on hand with easy to understand solutions to all my computing worries. Thanks also to my comrades in the Socialist Workers' Party and the International Socialists' Organisation (Australia). Ian Hood, in particular, has kept me from the worst excesses of postgraduate navel gazing by repeatedly reminding me that historians only interpret the world in various ways, the point, however, is to change it.

My parents, Bill and Esther Reid, have been a constant tower of strength. They have, at each and every stage of my education, provided me with financial, intellectual and emotional support, and much more besides. I owe them both an enormous debt.

Last, but certainly not least, my love and thanks go to Andrew Anderson whose contributions have, in so many untold ways, helped me reach this point. Without him, the end product would have been much the poorer. This thesis is for him, with love.
Reproduced by kind permission of Hamish Maxwell-Stewart.
Introduction
Van Diemen's Land, established as a penal colony in 1803, retained its penal function for half a century. Its penal history has three distinct periods. The earliest, up to 1820, witnessed slow, tenuous economic and social development. The colony was as yet an administrative outpost of Sydney. From 1820, wholesale transformation began. By the early 1820s the foundations of economic take-off had been laid, and the colonial economy began to flourish. Economic development fuelled free immigration, paving the way for major changes in colonial administrative, social, political and legal structures. In particular, independence from New South Wales, granted in 1825, brought autonomous political, financial and administrative status, and the colony's own Supreme Court. This was indisputably the era of George Arthur, Lieutenant-Governor from 1824 to 1836. Arthur's reorganisation and fine tuning of the convict assignment system created greater regularity in convict administration and discipline, enhancing state control over convicts and free colonists alike. The second period ended in 1839 with the imminent abolition of transportation to New South Wales. As a result of abolition, the inflow of convicts to Van Diemen's Land surged. A totally distinct method of convict management and discipline, the probation system, now replaced Arthur's system.

Over the course of the 1820s and 1830s, 3804 women were transported to Van Diemen's Land, the majority from Britain itself, a small proportion from Ireland and various colonies. They are the focus of this thesis. Unlike most working-class women of the early nineteenth century, the female convicts are an extremely well-documented group. A rich source of archival material exists with which to reconstruct both their pre-transportation and colonial experiences.


3 Arthur's input to the assignment system was significant. His involvement has led at least one biographer to describe the assignment system as 'Arthur's convict system'. See W. D. Forsyth, Governor Arthur's Convict Assignment System. Van Diemen's Land, 1824-1836. A Study in Colonisation (Sydney University Press, Sydney, 1935, reprint 1970).


5 Forty-seven women, just over one percent, died en-route.
The initial body of records compiled were the ship indents. These are census-like documents which normally contain the following minimum details on each woman: name; place and date of trial; sentence; offence; previous offences if any; gaol reports; trades and skills; age; religion; literacy; place of birth; and marital status. Many of the women transported to Van Diemen's Land in this period were also questioned on arrival about prostitution. Indents therefore often record if a woman had been 'on the town' and, if so, for how long. Finally, on many ships, a verbatim statement of offence was taken from each woman and recorded either on the indent or on her colonial conduct register. These statements vary from the laconic to the detailed.

Indents were supplemented by a wide range of other sources, including description, assignment and appropriation lists, and by colonial conduct registers, court records and musters. Description lists, mainly a record of the physical characteristics of each woman, sometimes included occupational and birthplace information. Assignment and appropriation lists were compiled on arrival in the colony to assist the distribution of each woman to a colonial employer. They expanded on the indent occupational data by providing a detailed list of skills. Appropriation lists and colonial musters are an invaluable source of data regarding the employment rates of assigned female convicts in Van Diemen's Land. From 1824, Conduct Registers, a record of every convict's colonial conduct was maintained, detailing misdemeanours, criminal offences and punishments. With the colonial court records, these records permit an extensive examination of the colonial conduct of female convicts. These sources are supplemented by a range of qualitative descriptions contained in colonial diaries, newspapers, almanacks, and other published accounts of Van Diemen's Land. Combined, this wide range of source material allows the reconstruction of individual narratives for each female convict, plus a wider quantitative study of their general characteristics.

Historians have produced a series of historical accounts of the convicts, male and female, transported to Australia in the eighteenth and nineteenth centuries. Many have used some of the afore-mentioned sources, particularly in studies of the convicts

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Indent information varies, however: while some from the early 1820s are sketchy, later indents contain more extensive information than that listed above. In the case of the last female convict ship of the period, for instance, the Hindostan, which arrived in September 1839, the indents also give the name of the prosecutor; sometimes his/her relationship to the offender; details of last employers; and background information on each woman's family. See: A.O.T., Con 15/9.
transported to New South Wales. This project is not an attempt to replicate those studies for Van Diemen's Land. Rather it seeks both to ask new questions of old data and to use new sources in order to challenge a series of well-established assumptions about female convicts. Ultimately, therefore, it aims to propose a new way of thinking about convict women.

With this aim in mind, the thesis begins with a critical overview of the existing literature on crime, the 'criminal class' and the Australian transportees. Revisionary histories of crime have, in recent decades, substantially undermined the concept of a 'criminal class'. This literature is examined and the continuing opposition of numerous influential Australian historians to its conclusions probed. Female members of the 'criminal class' were defined in the early nineteenth century by their sexuality rather than their criminality. Contemporaries imagined the female transportees as immoral prostitutes; 'damned whores'. The influence of this image on historical studies of the convict women is examined. The historiography of Australia's convict women is dominated by a range of starkly oppositional images. The women have been variously represented as 'damned whore', 'poor victim' and 'moral wife'. Chapter one examines the origins of these images and argues that each of them is seriously flawed. Historical writing about convict women is falsely polarised and this has become an obstacle to further research. A number of key assumptions about convict women have remained untested and unchallenged, particularly the belief that convict women were systematically undervalued, and thus greatly abused, in colonial society.

Chapters two to four examine the pre-transportation experience of the convict women. The complex links between the worlds of crime and work, order and disorder are examined. The existing literature assumes erroneously that the 'criminal' represents the antithesis of the 'worker'. This is challenged by studying the links between occupation, work-discipline, gender, poverty, crime and prostitution in early nineteenth-century Britain. A composite picture of the women as criminal workers is presented. Chapter two uses indent and appropriation list data to examine the crimes and criminal records of the women. Links between poverty, class, gender and crime are thoroughly examined. Chapter three analyses the relationship between crime, gender and social order in the early nineteenth century. The impact of dominant-class

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ideologies of gender on the treatment of the female criminal are discussed. The chapter asks to what extent working-class women were able to use crime and prostitution to acquire the material means to subvert these ideologies. Chapter four provides a detailed analysis of the occupational data available on the convict women in order to evaluate their trades, skills and work experience. It asks whether the convict women were a valuable 'human capital' resource for the colony. The findings on occupation are contrasted against contemporary notions of the 'criminal class' as a non-labouring class. Contemporary and historical notions of skill as a male property are also examined.

Chapters five to seven focus on the colonial experience of the convict women. The assumption that convict women were devalued in the colony is repeatedly questioned. Using appropriation list and colonial muster data, chapter five analyses the level of demand for female convicts as workers in Van Diemen's Land. The changing nature of that demand is discussed. Chapter six considers the shape of the colonial economy and evaluates the contribution made by convict women. It questions the prevailing historical interpretation that claims female convicts were distributed as colonial prostitutes not workers. Combined, chapters five and six present a wide range of evidence which indicates that convict women workers were a much sought after colonial commodity. On the basis of this, chapter seven addresses the well-established notion that convict women were systematically abused in the colonies. The evidence from colonial conduct and court records suggests that convict women workers were in fact a relatively powerful group. The wide range of tactics that they employed in the colonial workplace to ensure improved conditions are studied and the success of female convict workplace resistance is evaluated.

While the sheer wealth of archival material available has provided innumerable benefits, it has also presented the thesis with problems, although of the most welcome type. The search for sources on every area of the project opened the door, each time, on a host of materials. Research paths led in all directions, many went deeper into the colony itself, while others, by raising links with the study of working-class women in early nineteenth-century Britain, beckoned a return voyage. The temptation to follow each of these paths was great but necessarily prevented by the need for clear boundaries in any study and by time and length regulations guiding doctoral theses. Thus, while the study contained herein remains relatively wide-ranging, it has been repeatedly necessary to narrow its focus. For this reason, the thesis makes limited reference to subjects such as punishment and reformation in the colony; resistance
within the Female Houses of Correction; the experience of Ticket-of-Leave women; and to patterns of convict marriage. Many of these subjects demand separate major studies. No pretensions are made that this thesis represents anything like the 'last word' on the subject of convict women; the variety and complexity of the problems needing to be addressed and the very richness of the archival records ensures this.
Chapter One.
Convict Women and Historical Mythologies.
A Transforming Environment: The 'criminal class' in Australian mythology.

Over the last two decades, social historians have produced a wealth of literature on crime in nineteenth-century Britain.¹ This literature comprehensively rejects the notion that crime was, in any sense, the work of a 'criminal class'. Successive historians have concluded that those convicted of criminal offences were not in the main 'professional' offenders. In contrast to the assertions of the 'criminal class' analysis, these historians argue that criminal offenders were indistinguishable by their physical appearances, mental abilities, occupations and lifestyles from the working class in general. Emsley, for instance, argues that the 'criminal class' is a spurious concept, and sees "no clear distinction...between a dishonest criminal class and a poor but honest working class".² Rudé likewise, states; "crime in early nineteenth-century London...fails to correspond with...the lurid picture of Dickens or Mayhew."³

Several major conclusions have been made by these historians. Firstly, most offenders were neither habitual nor professional criminals subsisting wholly or mainly on the proceeds of their criminal activities. Secondly, most crimes were petty thefts and were opportunistic rather than planned. Thirdly, factors, such as wage and price levels, unemployment and poverty, directly and centrally affected crime levels. While it is not claimed that every crime was a response to poverty, nor that there was any simple causal relationship between unemployment, poverty and crime, economic hardship has been identified as a major motive.

These conclusions have belatedly informed some approaches to the history of the convicts transported to Britain's Australian penal colonies. The most significant instance came with the publication in 1988 of a highly revisionary work on early Australian colonial history: Stephen Nicholas (ed.) Convict Workers: Reinterpreting Australia's Past,⁴ which shared the conviction that the concept of a 'criminal class'

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³ George Rudé, Criminal and Victim, p. 24.
should be rejected. On the basis of a statistical sample of data on 19,711 convicts transported to New South Wales between 1817 and 1840, it concluded;

"the convicts transported to Australia were ordinary British and Irish working-class men and women. They were not professional and habitual criminals, recruited from a distinct class and trained to crime from the cradle...not only were those transported to New South Wales not part of a criminal class, the fact is that there existed no such class in Victorian Britain from which to select the transportees".\(^5\)

Although these findings clearly concur with the wider literature on crime, their rejection of the 'criminal class' approach has been attacked by some Australian historians. In a series of extremely hostile reviews, a number of historians have refused to concede the demise of an earlier historiography based on criminal-class accounts. Among these hostile reviewers are some major historians of Australia, including Ralph Shlomowitz, Portia Robinson and John Hirst; the latter two having produced books on the convict period.\(^6\)

The continuing tenacity of the criminal-class account amongst this group of Australian historians is not due to any lack of knowledge of the more recent British literature on the history of crime. Rather, it reflects the influence, pervasive if unstated in their works, of an Australian nationalist tradition. This tradition asserts that the Australian environment was a powerful transforming force which remoulded Britain's 'social refuse'. Manifestations of this nationalist tradition can be found from the early nineteenth century onwards in the form of a series of positive evaluations of the first generation of native-born white Australians. In direct contrast to the negative accounts of the penal colonies which circulated in Britain, colonial proto-nationalists deployed a positive image of the colonies. This was based on a characterisation of native-born whites as hard-working, honest, sober and moral: the exact opposite of the negative attributes conferred upon their 'criminal-class' parents. This generational transformation was remarked upon, for instance, by the emigrant writer Alexander Harris, who believed that "from convict blood...has sprung much more than the

\(^5\) S. Nicholas & P. Shergold, 'Unshackling the Past', in S. Nicholas (ed.) Convict Workers, pp. 7-8.
average of the strength and beauty of the colony." On the basis of this 'strength' and 'beauty', proto-nationalists predicted a positive future for the Australian colonies. John Dunmore Lang, an eminent early nationalist, for instance, had,

"no fears whatever for the morals even of a convict colony, in the second, and still less in the third and fourth generation...The colonies of New South Wales and Van Diemen's Land...are destined...to take a high place, both in morals and in everything else, in the great family of nations".8

By the early nineteenth century, therefore, some influential colonists, while accepting the concept of the 'criminal class', had rejected the idea that criminality was either permanent or hereditary. The origins of Australian nationalism lay in the belief that criminality could be removed by the right environmental and social conditions, and the qualities with which the native-born were endowed were held up as conclusive evidence of this.9 These beliefs were early influential; filtering through into official accounts of the colonies by the 1820s. Commissioner Bigge, for instance, described the native-born in glowing terms;

"(they) afford a remarkable exception to the moral and physical character of their parents: they are generally tall in person, and slender in their limbs, of fair complexion and small features. They are capable of undergoing more fatigue, and are less exhausted by labour than native Europeans; they are active in their habits...they neither inherit the vices nor feelings of their parents".10

This image of the white native-born was to find its ultimate expression in the late nineteenth-century Australian nationalist belief in the coming Australian man, type or race. The tall, bronzed bushman emblematic of this nationalist discourse was believed to be the direct product of an evolutionary interaction between the best attributes of the Anglo-Saxon race and the positive influences of the Australian social and natural

8 John Dunmore Lang cited in ibid, p. 27.
environment. The belief that Australia had the power to re-mould Britain's social refuse into worthy 'Australians' therefore served to draw a dividing line between Britain and Australia, allowing an Australian nationalist identity to emerge, which, while drawing heavily on a sense of being 'Anglo-Saxon' was also separate and distinct from being 'British'. The 'criminal class' therefore provided an indispensable antecedent for the nationalist emblem of the new Australian man, and thereby crucially underpinned a central strand of the emergent nationalist tradition.

The influence of this nationalist tradition on the historiography of the convict period is immediately apparent from a reading of Robinson's work on female convicts, *The Women of Botany Bay*. Her work is clearly infused with this nationalist alchemy. In an adaptation of the darkened convict to golden bushman myth, Robinson's female convicts are metamorphosed from criminals of the 'darkest complexion' into 'good' wives and mothers by colonial conditions. She writes, for example, of the convict women from London;

"The nature of their crimes, with the background of immorality, the apparent lack of any standards of decency or honesty, their very poverty and destitution, all supported the assumption that the women transported to the penal colony were the worst of London's criminals. It was only in New South Wales itself that it was apparent that few of these women continued their previous lifestyles, fewer fulfilled the expectations of British or colonial officials, and only a minority would justify the opinions of their gaolers in London that they were totally irreclaimable. Their British reputation was undeniable as 'criminals of the darkest complexion' and, solely on an analysis of their offences and trials, the opinions of respectable commentators would be justified. What was lacking was any appreciation or recognition that...most of these London women merged into colonial society as the working and family women of Botany Bay".11

Robinson believes that the majority of convict women were able to change for the better in the colonies because they chose to take advantage of economic and marital opportunities. She makes no attempt, however, to explain the process by which members of the 'criminal class', with their immoral and work-shy characteristics, were

able to acquire the necessary social and/or labour skills which would have enabled them to take such advantage of colonial opportunities. Her work is therefore clearly and thoroughly imbued by the assumption of the nationalist tradition: that the Australian environment was a catalyst for human moral and social transformation.

That nationalism has been so deeply and thoroughly entwined with the established historiography of the convict period may explain why Convict Workers provoked levels of hostility uncharacteristic of most academic debates. Convict Workers' conclusion that the convict transportees were not members of a 'criminal class' provides a major revision in the historiography of the early colonial period. By doing so it has mounted, intentionally or not, a direct assault on the roots of a nationalist mythology. The strength of this invented tradition accounts in great part for the continuing trenchant defence of the 'criminal class' interpretation.

The popularity of this interpretation amongst the critics of Convict Workers has been largely based on their adherence to, and reassertion of, an historiography associated with an earlier generation of Australian historians, and in particular, with the work of Manning Clark, Lloyd Robson and A.G.L. Shaw. The continued influence of criminal-class accounts therefore rests, in no small measure, on the interpretations of the convicts produced by these historians in the 1950s and 1960s. Their work was fundamentally influenced by their reading of Henry Mayhew's mid nineteenth-century accounts of the labouring poor; an influence strengthened by the republication of Mayhew's major work London Labour and the London Poor, in the 1950s. The 'criminal class' as perceived by Mayhew, was a distinct social group, its

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12 The iconoclastic nature of the attack mounted by Convict Workers on this generation of historians was in itself partially responsible for the hostile nature of many of the reviews. For, while the established historiography was an affirmation of the nationalist tradition, Clark, Robson and Shaw, today viewed as the 'grand old men' of Australian history, were both creators of, and characters in, that mythology. Convict Workers defies the conventions of this mythology, and, its editorial tone reveals an evident lack of respect. Some of those who have defended the criminal-class interpretation have therefore done so both out of loyalty to this earlier generation of historians, and in an attempt to defend their work from an impending wave of major revision.

13 Mayhew himself was by no means fully convinced of the existence of the 'criminal class', and found it difficult to establish clear or firm boundaries between it and the poorest sections of the working class. See E.P. Thompson & Eileen Yeo (eds.) The Unknown Mayhew: Selections from the Morning Chronicle, 1849-50 (Merlin Press, London, 1971). More recently Barrie Dyster, a contributor to Convict Workers, has discussed this issue with reference to the transportees, see; B. Dyster, 'Transported Workers: the case of Mayhew Versus Mayhew', Labour History, Volume 60 (May 1991), pp. 84-92.

members defined by common mental and behavioural characteristics: laziness, slyness and mental decrepitude among them. They were rootless individuals: the vagrants and wanderers of nineteenth-century society, uncivilised nomadic tribes of the urban slums.15

This was the image of the convicts which Clark, Robson and Shaw resurrected. Their work, revisionary in its time, rejected a widely accepted interpretation of the Australian transportees as the poverty-stricken victims of a harsh, unjust and class-biased legal system, which had endured since G.A. Wood had published his article 'Convicts' in 1922.16 This account of the convicts was itself derived from an Australian nationalist tradition which in the later nineteenth century had sought to differentiate between Britain and Australia on the basis that the former was a class-ridden society and the latter a class free society, or 'paradise for workers'. Wood's depiction of the convicts as victims of this system enabled post-transportation Australians to come to terms, through the mechanism of nationalism, with a history which until at least the end of the nineteenth century had been characterised by a shame-induced silence. The first breaks in this silence had only come in the last quarter of the nineteenth century with the publication of fictional narrative accounts of the penal colonies, dominated by tales of British inhumanity and brutality, and epitomised by Marcus Clarke's For the Term of His Natural Life.17 The historical account of convicts produced by Wood was therefore derivative of these earlier narrative and nationalist approaches.

In contrast to Wood, however, the revisionists of the 1950s and 1960s saw the transported convicts as part of a 'criminal class'. For Clark, the convicts were "dregs of humanity", people characterised by mental imbecility, low cunning, and laziness. He explicitly rejected Wood's belief that many convicts were driven to crime by economic necessity, arguing instead that;

"the convicts who came to Australia were, in the main, not men and women pushed into crime by some

15 This image of the transportees as members of a criminal class composed of nomadic tribes was reasserted by two historians of the Australian convicts as recently as the late 1970s; M.B. Schedvin & C.B. Schedvin, 'The Nomadic Tribes of Urban Britain: A Prelude to Botany Bay', Historical Studies, Volume 18 (April 1978-October 1979), pp. 254-276.
17 Marcus Clarke, For the Term of his Natural Life (First published 1870; reprint Australian Print Group, Hobart, 1988).
temporary economic or social crisis, but men and women who were permanent outcasts of society, who had run the risk of avoiding the deterrents society used for such types and who scorned all attempts at their regeneration."\(^\text{18}\)

Clark conceded that there were exceptions to this general pattern, accepting that poverty in some cases motivated crime. Nevertheless, his overall image of the convicts as professional, hardened offenders of the 'criminal class' remained dominant on the grounds that those who were motivated by poverty, notably those tried in Ireland and those from rural Britain, were always in the minority.

Shaw also rejected Wood's idea that crime was largely the result of poverty, writing,

"Overall crime in the country, as in the city, may have been increased by poverty, low wages and distress, but this was certainly not its only cause. That a third of those transported from rural counties were not born in the county where they were tried suggests that many were "wanderers", and that much crime was the work of vagabonds...".\(^\text{19}\)

Like Clark, Shaw accepted that poverty sometimes led to crime. Again, however, his overall depiction of the convicts was unaltered by this. He believed that criminals so motivated were not normally transported. Finally, Robson concluded that the transportees were "morally destitute, and...seldom thieves because of immediate want".\(^\text{20}\)

Although less convinced that there was not a causal link between poverty and crime, his ultimate emphasis still rested on the side of the 'criminal class';

"The convicts were neither simply 'village Hampdens' nor merely 'ne-er-do-wells' from the city slums.' But if the Hampdens are placed on one side of a scale and the ne-er-do-wells on the other, the scale must tip toward the ne-er-do-wells".\(^\text{21}\)

\(^\text{19}\) A.G.L. Shaw, Convicts and the Colonies: A Study of Penal Transportation from Great Britain & Ireland to Australia and other parts of the British Empire (Faber & Faber, London, 1966), pp. 159-160.
\(^\text{21}\) ibid, pp. 157-158.
Central to these revised accounts of the transported convicts was the assertion that they had an inbred antipathy to work. "Criminals" Clark wrote, "are one section of the working class for whom crime is an occupation", and Shaw concurred with Mayhew's belief that their crimes "arose from the temptation of obtaining property with 'less labour than by regular industry'". This corresponded with the central assumptions of the 'criminal class' analysis: that criminals had an innate aversion to labour, had rarely or never been engaged in paid employment, and lived wholly or largely from the proceeds of their criminal activities, seeing crime as an easy, attractive and profitable alternative to labour. Mayhew's dividing line was between those who would work, those who could not work and those who would not work: one reminiscent of that drawn by the Poor Law legislation of the 1830s between the 'deserving' and 'undeserving' poor. Such notions of a criminal class or anti-social residuum were by no means unique either to Mayhew or the nineteenth century. Fielding's attempts, for instance, to define the criminal pre-dated Mayhew's investigations by a century and were similarly based on a division between those who would and those who would not work. An unwillingness to work, and the resultant long-term unfamiliarity with the world of work had, therefore, long been seen as the fundamental dividing line between the 'criminal class' and the labouring or working class.

Convict Workers determinedly set out to challenge the 'criminal class' image of the convicts produced by Clark, Robson and Shaw. In the process it produced an account of the transportees consistent with the developing historiography of crime in Britain. By conducting a statistical analysis of the indent data on thousands of convicts and comparing their findings with information from the English and Irish censuses, the contributors to Convict Workers were able to show that the convicts were representative of the working class of the period. On the basis of statistical findings

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24 The 'criminal class' also has an obvious modern equivalent in the 'underclass'. For Charles Murray, right-wing ideologue of underclass theory, the underclass; "does not refer to degree of poverty, but to a type of poverty...poor people who didn't lack just money" but "were defined by their behaviour...homes littered and unkempt...(and by) men...unable to hold a job...". C. Murray, 'Underclass', in C. Murray et al (eds.) The Emerging British Underclass (Institute of Economic Affairs, London, 1990), p. 1. Murray cites illegitimacy, welfare dependency and unwillingness to work as key components of the 'underclass'. Echoing Mayhew, Murray notes; "the habitual criminal is the classic member of the underclass. He lives off mainstream society without participating in it." ibid, p. 13.
on features such as the literacy, mobility, occupation, skills and trades of the transportees, an interpretation of the convicts as workers was grounded. These records also suggested that the majority of convicts, far from being habitual offenders, were first offenders.

The weight of recent historical studies, both of crime in nineteenth-century Britain and of the social origins of the convict transportees, could therefore be assumed to have dealt the idea of a 'criminal class' a serious, if not fatal, blow. The repeated conclusion of historical studies has been that crime was not the product of a substratum or class of professional criminals, but in the main was carried out by members of the working class. There appears to be little or no evidence to substantiate claims for the existence of any 'criminal class'.

The various hostile reviews of Convict Workers therefore run counter to a strong tide of historical opinion which is fully weighted against Mayhewian interpretations of crime. Against this, however, some historians of early Australia continue to argue that the convicts were drawn from a 'criminal class'. As a result, criminal-class accounts, which appear so curiously out-dated to British historians of crime, continue to have an impact on the field of early colonial Australian social history. A recent example of this is a work on the early Australian state by Alistair Davidson, himself a hostile reviewer of Convict Workers.25 Although, Davidson's The Invisible State was not published until 1991, three years after Convict Workers, it contains no attempt to address the questions posed by Convict Workers' refutation of the 'criminal class'.26 Instead, Davidson poses an interpretation of the early Australian colonies in which he argues for a Mayhewian understanding of the convicts, the majority of whom, he states, "were habitual deviants from social norms...".27 Dismissing numerous academic interpretations of crime in the nineteenth century, as the product of a "fashionable" whim which has led some "to deny these descriptions as culture-bound and biased",

26 In his review of Convict Workers Davidson does briefly consider whether its findings should alter his interpretation. His one minor concession was to argue that the finding that most convicts were first-time offenders "could be resolved in my text by simply deleting the adjective habitual and leaving the substance as it stood", ibid, p. 480. This suggests that Davidson fails to grasp the basic characteristics of the 'criminal class'. The question of habituality was no side-issue, but lay at the heart of its definition. The low rates of recidivism amongst the transportees therefore centrally undermines the criminal-class concept.
he asserts that "Mayhew's accounts are still the most satisfactory". Davidson's convicts were "nomadic groups": individuals characterised by a lack of social attachments, which,

"meant that the sense of social place was absent except in a negative sense...Such alienation meant that it was difficult for them to develop a teleological rationality and without the latter it was difficult to see the advantage of a steady job".

This understanding of the convicts has naturally had a major impact on Davidson's interpretation of the early Australian state and the nature of early colonial society. He writes, for instance, that "the propensities of the convicts meant regular checking to see that they were learning constant work habits and settling down into orderly sexual relations..." and argues that the first task of government was "to control the chaos of movement and transience and disorder by literally pinning down all members of that society; sorting and classifying them so that they could be identified".

Davidson's book confirms that the notion of a 'criminal class' continues to influence historical accounts of early Australia. The continued strength of the traditional interpretation rests, however, on a number of tenuous points, which have formed the basis of several of the hostile reviews of Convict Workers. Most important among these is the assertion that Convict Workers wrongly argues that recent historiographical work on crime confirms its findings on the social origins of the transportees. Reviews by Shlomowitz and Hirst have both accused Convict Workers of failing to represent the work of historians such as Rudé, Jones, and Philips whom, they quite correctly point out, do not deny the existence of professional criminals. The existence of such criminals does not in any sense refute Convict Workers' rejection of the 'criminal class', however, for neither Rudé, Jones nor Philips intended that this point should in any way alter their main conclusion; that the 'criminal class' is a spurious analytical concept and was historically non-existent. The emphasis placed on the point by Shlomowitz and Hirst therefore distorts the overall interpretation of crime offered by these historians.

28 ibid, pp. 31-33.
29 ibid, p. 32.
30 ibid, pp. 35-36.
Far from viewing professional or habitual criminals as the dominant or characteristic offenders, Jones, Rudé, and Philips all stress that these individuals were a tiny minority, not, in any sense, representative, and further that these offenders did not form a distinct class. Their conclusions are worth reiterating in full. Philips, for instance, concludes his study with a categorical rejection of the 'criminal class' explanation:

"Were most crimes committed by a professional 'criminal class'? The evidence...suggests that this was not the case. Perhaps 10 percent of offences...were committed by professional burglars, professional pickpockets, experienced thieves. But the great majority...seem to have been committed by people who were not full-time criminals, who worked at jobs normally, but also stole articles on some occasions...The overall impression...is of small amounts of property taken by poor men and women...".32

Rudé was no less convinced of this analysis;

"...even in London, with all its reputation as a centre of professional crime and 'dangerous districts', the case for the existence of a definable 'criminal class' has not been made. There were, no doubt, a minority of hardened criminals and isolated gangs of 'professionals'...but, properly speaking, they were not in sufficient numbers to constitute a 'criminal class'...In the rural counties we should probably exclude the professionals...while the evidence of a 'criminal class' would be so unlikely as hardly to justify closer investigation".33

The conclusions of these historians therefore fully support the findings of Convict Workers, while seriously undermining the argument of Shlomowitz and Hirst. There is further no evidence to suggest that the Australian transportees were disproportionately selected from among the small minority of professional criminals. Moreover, even had they been, a criminal-class interpretation would still be unjustified for professional criminals never constituted a class.

33 George Rudé, Criminal and Victim, p. 125.
Defence of the criminal-class interpretation now mainly rests on the belief that the convicts transported to Van Diemen's Land more closely fitted the Mayhewian image than those who went to New South Wales. Convict Workers' findings on rates of recidivism have thus been accepted by some critics on the grounds that a significant proportion of convicts were sent to Van Diemen's Land - over 65,000 compared with 80,000 to New South Wales - and that these convicts were overwhelmingly hardened, habitual criminals. This claim rests on the argument that Van Diemen's Land was selected both as a place of secondary transportation from New South Wales and as the destination for Britain's worst criminals. The low number of convicts transported from Ireland to the colony before the 1840s is one point cited in support of this. The Irish have consistently been approached with greater understanding and sympathy, producing a romanticised image of their origins and crimes. In addition, it is argued that a higher proportion of convicts tried in Scotland, believed to be the worst offenders with the longest criminal records, were transported to the colony.

A wide range of historians have shared the belief that Van Diemen's Land received the most criminal of the transportees. Robson suggested that it seemed "likely that the more persistent offenders were deliberately shipped to the southern colony". While, more recently, Oxley, has asserted that Van Diemen's Land was the "destination selected specifically for recidivists". Van Diemen's Land's reputation largely rests on the fact that it was apparently initially established as a site of secondary transportation for the worst convicts and repeat offenders sent to New South Wales. If this was, however, indeed the colony's initial purpose, and this is by no means clearly

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34 This romanticised image is examined by Bob Reece in 'Irish Convicts and Australian Historians', in Bob Reece (ed.) Irish Convicts. The Origins of Convicts transported to Australia (Department of Modern History, University College Dublin, 1989), pp. 1-24.
35 Lloyd Robson, The Convict Settlers of Australia, p. 91.
37 An alternative case can be advanced that convicts were sent to Van Diemen's Land as a pioneer workforce to establish a new frontier of settlement. Early official encouragement of free immigration and the system of land grants suggests that the government had much more in mind than a site of secondary punishment. Other examples of convicts establishing new settlements exist. In 1790, for instance, a party of convicts was sent from New South Wales to Norfolk Island. Governor Philip's belief, albeit mistaken, that Norfolk Island would provide a profitable source of flax and timber influenced this decision. See R. Nobbs, Norfolk Island and its first settlement, 1788-1814 (Library of Australian History, Sydney, 1988). In 1826 a party of twenty convicts and twenty soldiers were sent to found a settlement at King George Sound, Western Australia; see Pamela Statham, 'Western Australia becomes British', in Pamela Statham (ed.) The Origins of Australia's Capital Cities (Cambridge University Press, Cambridge, 1989), pp. 121-123. Convicts were also used to settle Melville Island; Hazel Marshall, 'Convict Pioneers and the Failure of the Management System on Melville Island, 1824-29', The Push from the Bush, Volume 29 (1991), pp. 29-46.
established, then it was a role which it played for a limited period of time.\textsuperscript{38} By at least the early 1820s Van Diemen's Land was using New South Wales in exactly the same way: women convicts re-offending in the colony were sent either to the Female House of Correction near Sydney or to the penal settlement at Newcastle, New South Wales.\textsuperscript{39}

There is little evidence of any large inflow of female convicts from New South Wales to Van Diemen's Land. In the 1820s only eleven female convicts were transferred to Van Diemen's Land from New South Wales. Of these at least eight came either to join a husband or as servant to a settler moving to the southern colony. The flow did not rise significantly in the following decade: over the course of the 1830s just thirty-six female convicts were sent to Van Diemen's Land from New South Wales. Only seventeen of this group were transported there by the courts in Sydney, and of these a number were colonially born, not re-transported recidivists.\textsuperscript{40} The evidence that the character of Van Diemen's Land was greatly affected by importations of the worst convicts from New South Wales therefore appears tenuous on the basis of information on the female convicts. A detailed study of Van Diemen's Land's male convicts is outwith the boundaries of this study. It is worth noting, however, that a recent study of Van Diemen's Land has found little to support the idea that the colony's male convicts were a particularly bad lot.\textsuperscript{41}

\textsuperscript{38} One historian has recently concluded on this issue; "It has been suggested that Van Diemen's Land was used as a dumping ground for the very worst of convicts in these early years. For the women at least, the evidence is inconclusive." Phillip Tardif, Notorious Strumpets and Dangerous Girls: Convict Women in Van Diemen's Land, 1803-1829 (Angus & Robertson, New South Wales, 1990), p. 1773.

\textsuperscript{39} Examples include: Mary Ryan, who, in 1820, was "sent to Newcastle for the remainder of her original sentence", for stealing four rings from her mistress, and Elizabeth Evans, sentenced, in 1821, to two years hard labour at the Parramatta Factory, New South Wales, for stealing a piece of Irish linen. Mary Ryan per Canada, no. 9R, P. Tardif, Notorious Strumpets and Dangerous Girls (hereafter \textit{N.S.D.G.}), ref. 314. Elizabeth Evans per Morley, no. 6E, \textit{N.S.D.G.}, ref. 553. In 1820 alone, at least six women were sent to the Female House of Correction in New South Wales. They were: Ann Bates per Janus, no. 19B, \textit{N.S.D.G.}, ref. 470; Elizabeth Bush per Janus, no. 18B, \textit{N.S.D.G.}, ref. 472; Mary Green per Janus, no. 12G, \textit{N.S.D.G.}, ref. 495; Elizabeth Lovett per Janus, no. 9L, \textit{N.S.D.G.}, ref. 510; Mary Ryan per Janus, no. 13R, \textit{N.S.D.G.}, ref. 526; Sophia Stratford per Janus, no. 20S, \textit{N.S.D.G.}, ref. 532.

\textsuperscript{40} \textit{N.S.D.G.}, pp. 521-523; 715-716; 787-790; 1123-1124; 1220-1221; 1471-1472. 'Conduct registers of female convicts arriving in the period of the assignment system, 1803-1843', A.O.T., CON 40; 'Convict ship lists, New South Wales to Van Diemen's Land', M.L., T.P. 10; 'Miscellaneous papers on convicts transported from other colonies', M.L., T.P. 143.

Was the colony selected as a destination for those considered to be the worst criminals by the courts in Britain? There is no hard evidence that any such process of selection ever took place or that there were legal mechanisms built into the system of trial and punishment to ensure such a result. Ultimately, of course, the argument that the 'criminal class' remains a relevant concept because of the nature of the convicts transported to Van Diemen's Land can only be resolved by an examination of the convicts who went there. Partly for this reason, an examination of the social origins, criminal histories and class backgrounds of the women transported to Van Diemen's Land will be carried out in chapters two to four.

The female convict as 'whore'.

Male convicts lie at the heart of the historiographical debate on Australian transportees and the 'criminal class'. This is a reflection of nineteenth-century debates; the 'criminal class' was primarily defined as male. When commentators turned their gaze to the female criminal they were rarely concerned with the innate characteristics said to define members of the 'criminal class'; rather they were fixated by an image of morally degenerate women, whose criminal acts were of concern primarily as violations of 'natural' female gender roles. The 'criminal class' was therefore a profoundly gendered concept: while the male criminal had innate features such as an aversion to labour, low cunning, mental imbecility, and laziness, the female criminal was a drunken, debauched and morally degenerate 'prostitute', her membership of the 'criminal class' secured less by criminal conviction than by depraved and wanton sexual behaviour. The definition of the female criminal in the early nineteenth century was therefore increasingly synonymous with that of the 'prostitute': criminal conviction was believed to be proof positive of female sexual immorality. Hence, Australia's female transportees were seen as 'damned whores'.

Successive Parliamentary Committees on Transportation denounced the female transportees on moral grounds; in 1812 the Select Committee labelled convict women as "of the most abandoned description...likely to whet and to encourage the vices of the men..."; in the early 1820s, Commissioner Bigge found them to be "disordered, unruly and licentious..."; and in 1838 it was reported to the Molesworth Committee

42 'Report from the Select Committee on Transportation', Parliamentary Papers, Volume II (1812), p. 12
that the female convicts were "all of them with scarcely an exception, drunken and abandoned prostitutes". Colonial officials likewise perceived moral degradation to be a central characteristic of the female convict. According to Reverend Ullathorne, for instance, the female convict was "acknowledged to be far worse and far more difficult of reformation than the men...her general character is immodesty, drunkenness and the most horrible language". While, Governor Hunter complained,

"the convict women...to the disgrace of their sex, are far worse than the men, and are generally found at the bottom of every infamous transaction committed in this colony...they have grown disorderly beyond all suffering".

These characterisations of the women long dominated the accounts of historians, who accepted them at face-value, and incorporated them wholesale into their work. According to Robson, for instance, female convicts were so morally unattractive that even their male counterparts were likely to reject them;

"The male convict, if desiring to marry, was more likely to marry a native-born girl, for he must have known that a convict woman was unlikely to make a satisfactory partner. Female convicts, especially those from London, were not the sort of women to attract men into marriage".

Although Robson concluded from his statistical analysis that only 13 percent of the female convicts had 'been on the town' prior to their transportation, he chose to ignore or downplay such findings, concluding his discussion on prostitution with the remark; "not all London prisoners were prostitutes or thieves...Yet one is left with the impression of an indifferent class of women". Shaw also clung tenaciously to a negative view of the moral state of female convicts. He wrote;

"Though how many....were prostitutes will never be known almost all contemporaries regarded them as

46 Governor Hunter to Portland, July 3 1799, cited in Miriam Dixson, The Real Matilda, p. 124.
48 ibid, p. 80.
particularly 'abandoned' and even if these contemporaries exaggerated the picture they presented is a singularly unattractive one".49

In effect, Robson and Shaw saw what they wanted to see: the female convict as an abandoned, sexually debauched woman. Their morally bleak representations were straightforward reproductions of Mayhew's belief that sexual immorality was a central hallmark of the women of the 'criminal class'. Likewise, Davidson, who believes that "the mainly transient and certainly unhallowed, sexual relations noted by Mayhew were...evident in the convicts from the outset".50

Historians of early colonial Australia have, however, with the exception of Davidson, long moved on from the jaded image of the female convict as 'damned whore'. Over the last two decades, two alternative schools of thought have developed: the first, based on a feminist analysis, depicts the female convicts as coerced prostitutes, victims of a harsh colonial system; the second, linked to the development of family history in Australia over the 1970s and 1980s, stresses an image of female convicts as family women; the colonial wife and mother.

The Female Convict as Victim.

The initial break with the nineteenth-century image of the female convict as 'damned whore' came with the rise of the modern women's movement and the emergence of a substantial and influential Australian feminist tradition. Two feminist writers in particular, Miriam Dixson and Anne Summers, searching for the roots of the modern oppression of Australian women, sought to write feminist histories of women in Australia, and in the process offered reinterpretations of the history of the female transportees.51

While there were certainly significant differences between the two works, they shared a core assumption: that women in Australia had since the beginning of the colonial period been the victims of a particularly brutal system of patriarchal oppression. For Dixson, convict men were the direct instruments of that oppression, transferring their own frustration and anger onto their female counterparts, as the only group in the social structure over whom they could exercise any degree of power. Dixson

therefore saw the convict women as "...the victims of victims...a kind of universal outcast group for most classes in penal society...", and she concluded,

"a surprising range of people, men and women, in that 'broken, cold and unnatural form of society' appear to have wreaked an unknowing psychic and physical revenge on convict women. Defined as outcast, the women became outcast".52

For Summers, convict women were similarly victims, but their oppression was systemic in origin. Prostitution, according to Summers, was an integral feature of the transportation system itself, and was perpetuated by colonial penal policies and economic and social conditions. Summers argued that for women the system comprised;

"transportation plus enforced whoredom...women were transported solely to serve as sexual commodities and the British government acted as imperial whoremaster".53

The alleged ultra-subordination of female convicts has been repeatedly attributed to the demographic imbalance of males over females in the white colonial population.54 The idea that there was a causal link between the unbalanced sex ratio and the ill-treatment of female convicts was first mooted by Dixson.55 What was initially mere conjecture has, however, since been raised to the level of a theory. Tardif, for example, citing only Dixson as evidence, has recently reiterated this point, arguing that;

"...in societies in which there is an unbalanced sex ratio, prostitution becomes widespread, leading inevitably to a contempt for, and ill-treatment of women in general".56

53 Anne Summers, Damned Whores and God's Police, p. 270.
54 The ratio of males to females in Van Diemen's Land in the 1820s and 1830s ranged from 3.4 males to every female in 1821, through to 2.2 males to every female in 1842. The convict population was much more gender-skewed; with 10.4 males to every female in 1821 and 6.5 males to every female in 1842. Katrina Alford, Production or Reproduction? An Economic History of Women in Australia, 1788-1850 (Oxford University Press, Melbourne, 1984), p. 15.
56 Phillip Tardif, Notorious Strumpets and Dangerous Girls, p. 21.
Although this assumption is as yet untested, it continues to permeate much of the historical work on early colonial women. Both Alford and Oxley, for instance, have argued, that the experience of the female convicts provides a negation of the basic laws of supply and demand.\textsuperscript{57} Oxley, for example, observed that the convict women were:

"so few, they were valued less - a violation of the classic law of supply and demand determining price. They were used, abused, undervalued and ridiculed."\textsuperscript{58}

Despite its influence, there is no clearly-established factual basis for the idea that white women, convict or free, in early colonial society suffered an exceptionally harsh degree of oppression, or that this was the product of the colonial sex imbalance. Furthermore, when the contours of this argument are thoroughly examined a host of problems emerge. In particular, both the sources from which historians have drawn evidence of gender oppression, and the assumption that prostitution can automatically be linked to a low social status for women, are extremely problematic.

Historians have mainly used official reports to sustain the argument that the early Australian colonies were inordinately harsh and abusive places for women because of the population imbalance. Some contemporary accounts did perceive lower-class colonial women to be highly vulnerable to abuse and attributed this to the demographic imbalance. Feminist historians have, however, over-relied on this type of evidence and treated it unproblematically. Summers, for example, reiterated, in unreconstructed form, an official account which argued that female convict servants, particularly those assigned to isolated rural areas, were generally surrounded and harassed by hordes of hostile men, and were, as a result, forced to defend themselves by cohabiting with one, solely in order to find a protector.\textsuperscript{59} Summers used accounts like this to sustain her argument that female convicts were victims of daily oppression and abuse. She argues, for instance, solely on the basis of this account, that;

"As a distinct minority in a barbaric environment the women had little option but to accede to being assigned to male settlers, guards and other convicts...The best a

\textsuperscript{57} Katrina Alford, \textit{Production or Reproduction?} p. 20.  
\textsuperscript{58} Deborah Oxley, 'Female Convicts', in S. Nicholas (ed.) \textit{Convict Workers}, p. 95.  
woman could do was to find a man and live with him, thus gaining herself some kind of protection from uninvited sexual abuse".60

Contemporary accounts which stressed the vulnerability of women in colonial society were, however, profoundly shaped by the assumption that women outside the 'natural' protective sphere of the family would inevitably be exposed to abuse. This belief certainly shaped other aspects of colonial policy towards the female convicts: Governor Macquarie's decision to build a high stone wall around the Female House of Correction at Parramatta, New South Wales, was, for instance, partly conditioned by his belief that single women required protection from the hostile male environment of the colony. Such policies and opinions were formulated by an administration which actively sought to encourage the marriage of convict women and the establishment of stable colonial families. Opinion and policy were in turn deeply influenced by gendered and class-biased expectations about both the role and place of women in society. Evidence from official sources ought therefore to be treated sceptically, for it reveals at least as much about the gendered expectations of officialdom as it does about the daily experiences of the convict women.

The female convicts were undoubtedly "abused, undervalued and ridiculed" by official reports. These were characterised by an intense degree of vitriol, and repeatedly attacked the behaviour and morality of the women. Such vilification was, however, by no means unique to convict women in the Australian colonies. Working-class women in general were the targets of a harshly critical eye in this period. Further, derogatory accounts by colonial officials and respected free settlers do not prove that female convicts were generally "abused, undervalued and ridiculed". Imbued with the language of class-hatred, these sources reveal the attitudes of colonial officials and middle-class colonists, but are of limited assistance in reconstructing the gender relationships which shaped the colonial working class, convict and free. They do not, therefore, provide an unproblematic source of evidence by which to reconstruct the daily experiences of female convicts. Moreover, the scorn and disdain which officials poured on the convict women may in fact be evidence of something very different to the feminist scenario of unmitigated abuse and oppression. It is possible that colonial officials wrote so disparagingly of the female convicts because they found them to be "worse than the men", "disorderly beyond all suffering": unrepentant, recalcitrant, refractory and independent.

60 ibid, p. 24.
A second tenet of the feminist historiography is the argument that prostitution lowered the status of, and produced widespread contempt for, colonial women. This, however, is based on two questionable assumptions: firstly, that convict women were coerced into prostitution in the penal colonies; secondly, that prostitutes were inevitably treated as outcasts, in turn producing a generally low opinion of colonial women. There is evidence which suggests that, far from coercion, colonial women became involved in prostitution because it was a relatively lucrative activity. The employer of Jane Torr, a female convict in Van Diemen's Land, noted, for instance, at an enquiry into her involvement in prostitution that "she always had a great deal of money, and was continually getting new clothes...".61 This type of evidence has prompted one historian, studying prostitution in Van Diemen's Land in the convict period, to conclude;

"While some convict women achieved social mobility, even wealth, through marriage, others achieved what passed for affluence by prostitution, always a possible source of income in a community with a large excess of men, with garrisons in the major cities and a trading economy that attracted many vessels to the ports of Hobart and Launceston".62

Colonial prostitution may therefore indeed have been linked to the demographic imbalance. It may, however, have worked in favour of women rather than against them; their limited availability greatly enhancing the bargaining power of prostitutes.63 Further, a more complete understanding of the structure of colonial prostitution requires greater knowledge of the level of demand for female labour, convict and free, in the colonial economy.

62 ibid, p. 40.
63 This should not be over-stated. There was certainly a downside to prostitution. It would appear, for instance, that, as in Britain, the highest levels of remuneration from prostitution were mainly on offer to younger women. The older, destitute women who were regularly arrested by the colonial police on the streets of Hobart and Launceston and charged with offences relating to prostitution bear witness to the fact that older women struggled to survive. Nevertheless, even with an acknowledgement of the downside, it remains the case that many of the women engaged in colonial prostitution do not appear to fit the conventionally bleak historical picture of impoverished and coerced victims.
The assumption that prostitution led inevitably to widespread contempt for colonial women is flawed. There is little evidence which suggests that prostitutes in Britain in this period were ostracised from working-class communities. Walkowitz, for instance, argues that prostitutes were viewed as a normal part of many working-class communities, and that it was not until the later nineteenth century that "prostitutes were "rendered...social outcasts", when repressive legislation "drove a wedge between prostitutes and the poor working-class community...". Other historians concur with these conclusions. Mahood, for instance, argues that prostitution in early nineteenth-century Scotland "can be distinguished from later periods because brothels were informally tolerated by the poor working-class community." While Finnegans study of prostitution in York concludes that "amongst the poor...there could have been few individuals without a neighbour, an acquaintance or even a relative who had not at some time accepted or contemplated prostitution as an alternative to destitution or the workhouse".

Those historians who argue that prostitution diminished the status of colonial women have generalised from the views of the colonial middle class. The existence of alternative discourses on sexuality suggests that it is highly improbable that the denigration of the prostitute easily or rapidly transcended social class; it was much more likely to have been a contested process. A more accurate understanding of the status of lower-class women in colonial society can only be achieved when the women involved are, as Walkowitz recommends;

"measured against the standards of their own social class, whose norms were often distinct, if not fully autonomous from the values of the dominant culture".

The feminist historiography provides little conceptual space within which convict women could resist abuse or even perhaps mount a counter-offensive of their own. Female convicts are represented as powerless, passive victims. This formulation clearly informs Summers view of the colonial period as one in which;

"most convict women had to put up with abduction, rape, and beatings, not just as isolated incidents which could be brushed away as aberrations, but as part of their everyday lives".68

Summers' reduction of convict women to victims was both a product of her belief that women rarely, under any circumstances, fight back, and was characteristic of an approach which marred much early feminist theory and history. For Summers, women in general, react to abuse "passively, uncomplainingly" and "with little expectation of redress".69

Dixson detected a greater variety in the responses of convict women to colonial oppression, believing that some resisted. Nevertheless, in common with Summers, the passive victim predominated in Dixson's account. While some women resisted, Dixson argued that many others reacted with what she describes as "intropunitive" aggression. Their anger was transformed into self-hate and self-contempt, producing "broken, passive, 'well-adjusted' women who directed violence inwards upon themselves".70

The early feminist historiography therefore tended to see the female convicts as passive onlookers of their fate, rarely able to formulate their own responses and reactions to colonial society, thus severely limiting their ability to take decisions that shaped their lives. This characterisation of the female convict was the product of a search for the roots of the modern oppression of Australian women. The feminist historians sought to explain a belief common to the Australian feminist movement that modern Australia is an exceptionally sexist society. Explanations for this were sought in the Australian past. Dixson, for instance, attributed modern oppression to the fact that,

"Our founding mothers, the convict women, had a deeply-crippled self vision...of no little importance in accounting for the diminished self-vision as well as the low social profile of Australian women to this very day".71

69 ibid, p. 23.
70 Miriam Dixson, The Real Matilda, p. 126.
71 ibid, p. 127.
The image of the convict woman as passive victim has, however, faded in more recent feminist histories. Katrina Alford’s economic history, for instance, although stressing the overall social and economic constraints on women, revealed that variety and diversity characterised both the conditions of their lives, and their responses to colonial circumstances. This pushed the passive victim from the centre of the feminist account. More recently still, Deborah Oxley has been concerned to establish that convict women exercised some degree of choice and control over their lives.

These recent historiographical developments are symbolised by the title of a recent work on Australian gender history: *Gender Relations in Australia: Domination and Negotiation*. The editors, Kay Saunders and Raymond Evans, explicitly reject the idea of women as passive victims. Rather they argue that gender inequality was only established and maintained through a process of domination and negotiation between the sexes. This was, according to their interpretation, a process characterised by,

"the interactive processes of (imperfect) male control and coercion and the female attempts to bargain against the logic of that control for increased privileges and resources...".

The development of family history in Australia has prompted other historians, some of them feminist, likewise to question the passive victim image. Marriage and the family have been identified as areas which provided convict women with some freedom to manoeuvre. Marian Aveling’s work on marriage, for instance, reveals that some convict women adopted an instrumentalist approach, marrying in order to take advantage of the freedoms associated with the institution. Another feminist historian, Patricia Grimshaw, in a direct reply to the early feminist historiography, argued that Dixson had exaggerated women’s subordination in the early colonies because she failed to consider or analyse familial relations. For Grimshaw, the

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72 Katrina Alford, *Production or Reproduction*?
pivotal economic role of the family in early colonial society, and within it the significant productive role played by women, produced a powerful force mediating against total female subordination. As a result, she argues, colonial society was "modestly supportive of notions of sexual egalitarianism".77

Despite these recent adaptations of feminist historiography, mainstream feminist accounts still emphasise oppression and abuse. While feminist historians believe that female convicts fought back, that resistance has been conceptualised as purely reactive or defensive. Conceding that female convicts may have exercised agency, feminist historians still place strict limitations on its efficacy on the grounds that convict women were the most subordinate element in a harshly oppressive social system. Evans and Saunders, for instance, state that early colonial women did not,

"meekly acquiesce to the prerogatives of male gendered control...convict women intelligently negotiating for improvement, even within the constraints of their individual hobbles...".78 (emphasis added)

Aveling likewise sees female convict resistance as 'hobbled', and has recently qualified her image of convict women creatively using marriage to gain a degree of freedom;

"women could choose between serving the government and serving a convict 'husband'...it remains a moot point whether convict women themselves actually did the choosing, or whether it was done for them by men...Women's degree of choice clearly occurred within rather limited parameters".79

This retreat from the emphasis of her earlier interpretation is confirmed by her assertion in another recent article;

"no revision can overturn Summers' understanding of women convicts as a 'colonised sex', brought to

78 Kay Saunders & Raymond Evans (eds.) Gender Relations in Australia, p. 102.
79 Marian Aveling, 'Bending the Bars: Convict Women and the State', in Kay Saunders & Raymond Evans (eds.) Gender Relations in Australia, pp. 150-151.
Historians therefore continue to write the history of convict women within the framework of a colonial society assumed to be characterised by deep gender inequalities and harsh sexual oppression. While feminist historiography has developed and adapted, it therefore continues to evade re-evaluation of the central point of the original feminist interpretation: that early colonial society was profoundly gender-oppressive and that convict women were its chief victims. Few, if any, attempts are therefore made to define the nature of the 'hobbles' or 'limited parameters' which it is argued so curbed the attempts of female convicts to make their own history.

Female Convicts as 'Good' Wives and Mothers.

An alternative and conflicting school of thought to the feminist historiography has emerged over the course of the last decade, mainly identified with the work of Portia Robinson. Robinson's *The Women of Botany Bay* was one of the few major works on female convicts to be published in the 1980s. It is the product of a concerted attempt on Robinson's part to remould the historical image of the female convict as a colonial wife and mother. Although she rejects the traditional image of the convict women as 'damned whores', at least after their arrival in Australia, her main target is the feminist historiography of female convicts as colonial victims. Mounting a direct challenge to feminist accounts she argues;

"The women of Botany Bay did not hold themselves 'in low esteem', nor were they the exploited cast-off mistresses and whores, the passive 'victims' of a male-dominated society".\textsuperscript{81}

Robinson's convict women are, in contrast, found both able and willing to take advantage of a colonial situation laden with opportunity. The family, Robinson argues, provided the arena for the most significant contribution of the convict women to colonial society - as the moral family women of Botany Bay. In contrast to the women who became colonial prostitutes, Robinson asserts that the influence of the family women was long-term and positive:

\textsuperscript{80} Marian Aveling, 'Imagining New South Wales as a Gendered Society, 1783-1821', *Australian Historical Studies*, Volume 25, no. 98 (1992), p. 3.

Women who married or formed de facto relationships were a far greater part of this new society, far more influential in shaping its nature and characteristics... It was the family women who were most influential in determining the characteristics of the 'respectable' Women of Botany Bay".82

In order to refashion the convict women as moral family women, Robinson first had to tackle the older stereotype of demoralised prostitute. She dealt with this in two ways. Firstly, drawing on a pathbreaking article by Michael Sturma, she argued that the 'prostitute' stereotype was partly the product of a clash between the expectations of the colonial middle class and customs, such as common law marriage, which were common to the convict women as lower-class British women. Sturma had pointed out that there was an official proscription of any form of sexual relationship outwith the confines of formal marriage, and that, as a result, any woman engaging in non-marital sexual relations was viewed as a prostitute.83 Robinson illustrates this with numerous examples of long-term common-law relationships between convict women and colonial men, relationships which although they often resulted in secure and stable colonial families, were still viewed by colonial officials with moral hostility.

More crucial, however, to Robinson's analysis is her second explanation of the 'damned whores' stereotype. She argues that the stereotype was not a figment of the official imagination but had real origins in the characters and behaviour of a refractory minority. The behaviour of this group contrasted sharply and unfavourably with the majority of the female convicts. On these grounds, Robinson argued that,

"colonial women received the reputation for being 'a vile pack of baggage, a wanton lot', and little or no attention was paid to those women who, despite their convict background, remained in the colony unnoticed by officials, leading lives of outward respectability. Their influence on the establishment of a pattern of family life in Australia has been completely overshadowed by the notorious behaviour of the worst of their 'sisters'".84

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82 ibid, p. 214.
This explanation of the 'damned whores' image of the convict women has been relatively influential, informing some other recent works on female convicts. Aveling, for instance, accepts its counter positioning of 'whore' with 'wife'; a fact obvious from her recent observation that "Historians have long been beguiled by the refractory prostitute, and are only now beginning to imagine the loyal wife. Both existed...".85 Another historian of convict women, Monica Perrott, exactly mirrors Robinson's argument, stating:

"The claim that all female convicts were depraved, sexually abandoned women appears to have been based on the reputation of a small number of troublesome debauched women who came to the notice of the colonial officials".86

This counterpoising of 'loyal' wife to 'refractory' prostitute is the product of a belief that the 'damned whores' stereotype can be resolved by contrasting it with accounts of convict women as 'good' wives and mothers. A flawed dualism operates here: the 'loyal' wife in no sense negates the 'prostitute'. Further, both are extremely problematic categories with no meaning outwith the profoundly moralistic discourse from which they are derived. As morally-defined categories they only exist in abstract symbiosis. The image of the 'damned whore' does not therefore disappear when counterpoised against an image of moral wives and mothers; rather it continues to dominate the historiography.

Robinson also draws on the same moral agenda from which the 'damned whore' stereotype originally arose. She therefore sees the adoption of marriage and the family by convict women as an unquestionable good, and the 'prostitute' as an unquestionable bad. The criteria which she deploys to morally evaluate the female convicts is an exact replica of that used by nineteenth-century commentators. The only difference between the two approaches is quantitative: while contemporaries believed the overwhelming majority of the convict women were immoral prostitutes and that, at most, only a minority were redeemable, Robinson believes that there was a 'troublesome' minority, while the majority deserve historical rehabilitation as 'moral' women. This approach provides no framework with which to interpret the behaviour and activities of this 'minority' other than to condemn and dismiss them as undesirable.

85 Marian Aveling, 'Bending the Bars: Convict Women and the State', p. 156.
deviants. Ultimately therefore nothing of substance separates this from the traditional image of 'damned whores'. There is then an unbroken thematic circle between the moralistic denunciations of nineteenth-century contemporaries, the work of traditionalist historians like Clark, Robson and Shaw,\textsuperscript{87} and the recent re-interpretation produced by Portia Robinson.

\textsuperscript{87} Some still call these three scholars 'the new revisionists' - a rather misleading title in view of when they published (the 1950s and 1960s) and the long subsequent hegemony of their work. Even today, a substantial school regards their work as 'definitive'. 
Chapter Two

"Nothing but want has brought me here":¹
Crime, Class and Gender in the early nineteenth century.

Cleaning up their act: convicts, historians and the criminal-class debate.

A central result of the historiographical debate over the class origins of the Australian transportees has been a tendency for the literature to swing between two directly contrasting images of the convicts, as members of the 'criminal class' or as ordinary workers. The latter interpretation, made by S. Nicholas (ed.) Convict Workers: Reinterpreting Australia's Past is here regarded as the more convincing, despite the fact that numerous Australian scholars reject the book's findings in this respect. While the direction of this study is informed by the general conclusions of Convict Workers concerning the class origins of the convicts, aspects of that interpretation require serious re-evaluation. Convict Workers presents a highly sanitised historical account: its convicts are far too clean-cut, a direct product of its authors' desire to refute the criminal-class image.

A necessary, and invaluable, part of that refutation required an examination of the convicts' human capital. This led, however, to a strong tendency to focus on 'positive' areas of analysis such as the measuring of literacy rates and the classification of skills. Findings in such areas substantiated the revisionary case that convicts were members of the working class whose transportation provided the colonies with a valuable labour force. It is, however, not the convicts, but the working class from which they were drawn that Convict Workers misrepresents. One cause of that misrepresentation is Convict Workers' almost exclusive focus on its statistical findings. It treats a series of measurable data as all the pieces necessary to reconstruct the historical figure of the convict. The convict is presented as a known category through the analysis of computed data on skill, trade, literacy, height, age, and physical health. Any understanding that human beings tend to defy, or at the very least actively contradict, mere statistical abstraction is absent. The quantitative method which Convict Workers deploys, though invaluable, is therefore far from sufficient. People are much more than abstract composites of the demographic facts and figures relevant to their history.

Convict Workers argues convincingly that the convicts were drawn from the ranks of the working class. Most had work experience, accumulated occupational skills and were well-acquainted (although not necessarily compliant) with the discipline and regularity required by the labour-process. Alone, however, the deployment of

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statistics provides a one-dimensional image of convict workers as straightforward conveyors of accumulated human capital. A volume of contradictory data does not find its way through the quantitative method with such ease, if at all. As a result, *Convict Workers* contains little sense of the actual lived experience of the convicts as workers drawn from a society in which they were repeatedly pushed to the margins by poverty and unemployment; in which some individuals resisted or rejected the deference so integral to the class structure; and in which some chose to live outwith or temporarily subvert the strict moral rules dictated by the Evangelical gender order.

In this world, a convict might rate fairly high in the human capital stakes yet have a lived experience in which (s)he had moved in and out of employment, had committed criminal acts on a fairly regular basis, belonged to gangs, brawled in the streets, rioted and been at times drunken, disorderly, turbulent, indisciplined and singularly lacking in deferential subservience. Acknowledging that convicts were drawn from such a world should not lead historians back into the camp of the 'criminal class'; rather it locates the convicts more firmly in the struggles, tensions, conflicts and contradictions which characterised the working class in early nineteenth-century Britain.

The point can best be illustrated by a few of the numerous examples of convicts who fail to easily fit into any sharply defined statistical compartment. Elizabeth North, for instance, transported in 1826, was 26 years old, could read but not write, was a servant of all work and a straw platter. Married, her husband John was a brickmaker. Born in London, she was sentenced to life at Bedford Assizes in 1825, having been convicted of larceny from the person. According to both her gaol report and her own statement she had no previous convictions. These are the readily quantifiable facts about North. On these grounds alone then she clearly fits the interpretation posed by *Convict Workers*. These facts do not, however, tell the whole story. In North's own words, she had "last got my living by stealing", and she was known to the local authorities as "a prostitute of the worst description...in the habit for a long time of frequenting fairs for the purpose of plundering the unwary".3 Mary MacDonald, transported in 1829, also illustrates the point. MacDonald was 37 years old when, on conviction for stealing a brasspan, she was sentenced to transportation for 7 years. A laundress, originally from Sligo, Ireland, she was tried in York. She had one previous conviction. As with North these are the type of facts which can be readily quantified. Just as revealing, yet impossible to quantify, however, is the information contained in

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Macdonald's gaol report that she had "been tramping about the town and neighbourhood of Sheffield with her husband and children for years... (and was)... a drunken, turbulent, disorderly woman". A third example is that of three women transported from Staffordshire: Hannah Coupland, Charlotte Holland and Sarah Wilkinson. They register on any statistical breakdown as industrial workers with a degree of skill: the first was a silk thrower, the second a potter, and the third a pottery girl and lathe-turner. They also belonged, however, to a Staffordshire criminal gang known as the Pottery Gang of Thieves. Although Coupland, Holland and Wilkinson had some experience of the world of work, their behaviour was neither restricted by it, nor were they strictly confined to it. Holland's statement that she had last been "out of place living in a bad way" makes this point adequately. Like North, although Holland had no previous convictions, she was known to the authorities as "an old offender and... notoriously bad character".

What should an historical analysis make of these women? They fail to fit easily into either interpretation. Some details point clearly to their working class origins, while others might be used to reinforce the criminal-class interpretation. In fact, women like Elizabeth North and Charlotte Holland simply illustrate that the worlds of work and crime, discipline and indiscipline, deference and defiance were not distinct, but complementary components of the diverse nature and experience of working-class communities. For this same reason, although nineteenth-century commentators strove to impose clear-cut boundaries between the 'virtuous' poor, the working class, the 'dangerous class' and the 'criminal class', they found in practice that the project was elusive. It makes little sense then for historians to struggle to impose similar clear-cut boundaries. The fluidity of the working-class world from which the convicts were drawn means that there is as much space in it for evidence suggesting the commonly criminal, disorderly, drunken and disruptive, as there is for evidence that convicts were men and women who had had the opportunity to acquire occupational skills and habits of work and discipline. Historians do not need to clean up the convicts in order to make them fit a working-class mould. Appreciating the contradictions and complexities of the society from which they came develops and enriches an understanding of their lives prior to transportation. It also throws light upon the colonial struggle between employers and convicts concerning the extraction of

4 Mary McDonald per Harmony, no. 100D, N.S.D.G., ref. 1545.
productive labour. Human capital, after all, has to be converted from potential to actual value before it can take effective form. The lived experience of many of the convicts prior to transportation was one factor which enhanced their ability to turn that process of conversion into a constant struggle.

Women's work, poverty and crime in early nineteenth-century Britain.

"I think that a great many of those who have been sent out have been driven to commit the offence for which they have been sent out through want".6

The exact link between poverty and crime continues to be a hotly contested, ideologically-riven issue. Social commentators most closely aligned to the criminal-class interpretation, or its modern counterpart of underclass, generally dismiss or seriously underplay any perceived link between economic factors and crime. Even when discourses on crime are most waylaid by ideology, however, it has been impossible to entirely conceal the correlation between poverty and crime. Colquhoun, Fielding and Mayhew never denied that the 'criminal class' experienced deep levels of poverty; but sought to make sense of it by arguing that crime was not the product of poverty, but poverty the product of crime. Today, despite the British government's commitment to underclass theory, a recent Home Office report concludes;

"...the last two decades of British economic history are in effect written into the history of recorded crime...with each peak and trough in the economy...accurately mirrored by a trough and peak in the growth of crime".7

Thus, despite the ideological posturing which characterises discourses of crime, the issue of poverty is never far beneath the surface.

Social historians of eighteenth- and nineteenth-century crime have been little swayed by underclass representations of contemporary crime. Instead, they have reached the opposite consensus that poverty stimulated crime. The older historiography,

profoundly influenced by Mayhewian interpretations, has been decisively rejected.\textsuperscript{8} Poverty has been identified as a major motivation for crime in eighteenth- and nineteenth-century Britain. Beattie, for instance, states;

"crimes against property in the eighteenth century arose primarily from problems of employment, wages and prices; they increased when men found themselves squeezed by rising prices or lower wages, or lack of work and declined when they were squeezed no longer".\textsuperscript{9}

Other historians have established similar correlations. Rudé's examination of early nineteenth-century London assize courts found that many prisoners "pled poverty as the prime cause of their crime".\textsuperscript{10} Gatrell and Hadden's study of crime statistics for nineteenth-century Britain established a clear inverse correlation between economic conditions and crime levels.\textsuperscript{11} Philips identified a relationship between economic depression and crime in the early nineteenth-century Black Country; "the greatest increases in committals to trials", he wrote, "coincided with periods of economic unrest".\textsuperscript{12} The records of the Van Diemen's Land female convicts similarly reveal poverty's central role in motivating crime. Female convicts were economically vulnerable on a range of counts: as workers; as mothers; as single women, widows and deserted wives; and as migrants. Their vulnerability was fundamentally underpinned by their marginal location within the British labour market.

Women's work in Britain was transformed in the period from the second half of the eighteenth century onwards. Under the pressures of industrialisation, the economic unit of the household or family, formerly the location and rationale for most forms of female labour, disintegrated. It was replaced by much fuller dependence on wage-labour. Historians have long been divided as to whether these changes benefited women workers. Berg, however, has recently argued that this debate between the so-


called 'optimists' and 'pessimists' is fruitless, because the Industrial Revolution had a contradictory, uneven impact on women workers. She contrasts groups of female workers whose employment opportunities expanded and who earned relatively high wages, with other sections of the female labour force for whom industrialisation brought unemployment, lower wages and immiseration. Change adversely affected some women workers while benefiting others.

This provides an important analytical hint for the study of the female convicts' class position. In particular, it questions the argument posed by Convict Workers that the convicts were broadly representative of the British and Irish working class of the period. Analysis of female convict occupations suggests this was not strictly true. The information on occupations and trades does confirm that the women were drawn from the working class, but, far from being broadly representative of that class, they were predominantly from its poorest, most marginal sections.

The female convicts were from limited employment sectors: domestic service; laundrywork; the clothing, needle and shoe trades, and agricultural work predominated. While these accounted for a significant proportion of total female employment, they were sectors characterised by extremes of unemployment, poverty and destitution. By contrast, few women transported were drawn from trades with a degree of job security or relatively good wages. Thus, any list of the occupations of the female convicts is as revealing of what it omits as what it includes.

Berg identifies regional areas of expansion, such as the metal industries and potteries in northern England and the Midlands, and lacemaking, strawplaiting and silk spinning in parts of southern England. Female workers in these sectors received wages which, in relation to the local wage for a male labourer, provided a relatively high income. Lace making, for instance, provided Devonshire women with "considerable earnings" as late as the 1840s. The income of female strawplatters in the industry's centres of Bedfordshire, Buckinghamshire and Hertfordshire provided a degree of financial

14 For a full breakdown of female convict occupations, see chapter four, pp. 128-129.
15 Maxine Berg, 'What difference did women's work make to the Industrial Revolution?', p. 32.
independence. Such groups are, however, difficult to find among the female transportees: just one lacemaker, two strawplatters, four pottery workers, and ten silk-weavers were transported to Van Diemen's Land in the period under study.

A significant proportion (15%) of the women were tried (table 2.1) in Lancashire, Lanarkshire and Ayrshire, yet there were was only one female mill-worker among them. Young, single female mill-workers were far from prosperous but achieved relative affluence. The outward manifestations of this - their independence from family constraints, their dress, and leisure activities - drew increasing official censure. In the Black Country, female domestic workers' earnings in the metal trades was "such as to render (them) perfectly independent" to the extent that "they often enter beer shops, call for their pints and smoke their pipes like men". Only four female metalworkers were transported in these two decades, all nail makers, transported in the late 1820s to early 1830s when the handmade nail-trade faced severe competition from machine-manufacture. In Ayrshire and Lanarkshire, the expansion of tambouring, or flowering muslin-work, produced wage rates which, at 7 to 10 shillings a week, topped all other female wages locally, creating a competitive regional female labour market which lifted wage-rates for female farm and mill-workers. Tambouring "employed tens of thousands of female outworkers" in the early nineteenth century. Yet, just two tambour workers and one needlewoman skilled at flowering muslin were transported to Van Diemen's Land in the 1820s and 1830s.

Most Van Diemen's Land female convicts had worked in domestic service prior to transportation. Domestic servants faced much instability, marginality and poverty, despite wage rates that were not, comparatively speaking, ultra-low. Long-term job

21 ibid, p. 242.
22 McBride places the average servant wage at around £12 per annum. Theresa McBride, The Domestic Revolution: The Modernisation of Household Service in England and France 1820-1920
security was rare, and unemployment commonly repeated. Migration to cities, especially London, created vastly overstocked urban domestic service labour markets. Ensuing unemployment was intensified by seasonal fluctuations in demand: employment of domestic servants reached its London optimum during the 'season', only to decline when employers left the city for country residences in the summer and autumn. The consequent insecurity was the major factor in the economic distress observed amongst servants. Poor Law records provide evidence: Pinchbeck, for example, noted that many London parishes gave evidence to the 1834 Poor Law Report that female household servants were the group most subject to distress. Clear evidence of this can be found amongst the transported servants. Rosina Smith, for example, house- and laundrymaid, transported for stealing a watch, "was last out of place seeking for a situation." Elizabeth Smith, cook, was likewise "out of place", and Mary Leary, servant of all work, was both pregnant and "out of place" when convicted of stealing a gown that she had been given to wash.

Domestic servants' job insecurity and vulnerability was exacerbated by other factors, making it particularly hard to survive in certain circumstances and points in the lifecycle. Age was one such factor. Many employers showed a marked preference for servants under forty-five years old. Women over this age who had neither moved up the service hierarchy nor accumulated savings faced bleak futures. Such a future is likely to have faced Mary Sullivan, convicted in 1838: at 46 years old she was still a mere housemaid and probably faced increasing difficulties in finding or maintaining employment with each successive year. Originally from Ireland, her only living relatives, five sisters, were out of reach in County Cork. With no nearby kin to provide support and assistance, she had harsh long-term prospects. The alternatives to employment as a live-in servant for women of her age were charring and washing, both entailing hard physical labour, long hours and low, precarious earnings. Against this background, Sullivan's conviction and transportation for stealing a pair of boots was hardly a surprising event.

(Croom Helm, London, 1976), p. 62. Many servants were, however, recruited directly from the workhouse and, as Higgs points out, they were often paid next to nothing. McBride's figures, based on household manuals, while useful, are therefore not representative of the entire range of wages paid to domestics. Edward Higgs, Domestic Servants and Household in Rochdale 1851-1871 (Garland, New York, 1986), pp. 77-81.

23 Ivy Pinchbeck, Women Workers and the Industrial Revolution, p. 3.
24 Rosina Smith per Mermaid, no. 127S, N.S.D.G., ref. 1403.
25 Elizabeth Smith per Mermaid, no. 132S, N.S.D.G., ref. 1400.
26 Mary Leary per Mermaid, no. 71L, N.S.D.G., ref. 1375.
28 Mary Sullivan per Hindostan, no. 374S, A.O.T., Con 15/9.
Pregnancy, like age, increased servants' vulnerability. Illegitimate pregnancies were common and generally disastrous for them. Detection normally led to dismissal without references. If the pregnancy remained undetected the servant then had to hide the birth, risking prosecution for concealment or infanticide. Servants dismissed for pregnancy faced long-term unemployment, both because they lacked references and because few were willing to employ a live-in servant accompanied by a child. In comparison to the low-paid, insecure options of washing and charring, prostitution and crime could be more viable, even attractive, alternatives. Indeed, awareness of their limited options led some pregnant servants to steal before they left their employers, a rational economic decision in the circumstances. Elizabeth Bacon, transported in 1833, was one such woman. A housemaid, dismissed as a result of her illegitimate pregnancy, she left with her master's silver spoons, an investment for the period of financial uncertainty which lay ahead of her.

Other domestics chafed at the constrictions imposed by employers, leading to conflict, dismissal and unemployment. Harsh conditions and long hours were often combined with bad accommodation and poor diet. Additionally, employers were increasingly intervening in their servants' personal lives in this period. These attempts to impose a middle-class code of femininity and morality on female servants coincided with a growing emphasis on work-place discipline and regularity. Combined, these developments intensified the feelings of servitude and degradation often associated with domestic work. For some, this made the job unbearable. When open conflict arose it led to dismissal. There is evidence of such conflict in the employment-histories of the convicts. Thomasina Coombe, a nurse, had two convictions prior to transportation, both for running away from service. Houseservant Eliza Glasgow had served a seven week prison sentence for "running away from my master". Jane Skinner, farmservant, was transported as a result of her conflict with her employers.

30 Her master's son may have been responsible for Bacon's pregnancy and dismissal. She pleaded that the spoons had been "given to me by my master's son to help provide for the child". Elizabeth Bacon per Frances Charlotte, no. 246B, M.L., T.P. 4.
32 Thomasina Coombe per Edward, no. 244C, A.O.T., Con 40. Eliza Glasgow per Edward, no. 146G, A.O.T., Con 40.
Skinner was convicted of "burning my master's house. I was tipsy at the time, my mistress had a quarrel with me".33

The other occupational areas from which the female convicts were drawn were similarly characterised by marginality and poverty. This is clear, for instance, of laundrywork, which provided many women with an important, traditional safety-net. Married women commonly took in washing to maintain the family when husbands were unemployed.34 Laundrywork provided a source of income too for widows and single women with children to support. It was therefore often an occupation of last resort, providing partial respite but never escape, from unemployment and poverty. The work tended to be dominated by older women and the female transportees conform to this. Of the twenty who had worked as washerwomen, half were over thirty years old, compared with just 28 percent of the convicts overall, and many were married or widowed. Mary Ann Watson was fairly representative. A forty-one year old widow, she took in washing in order to maintain herself and her child.35 Earnings from laundry-work were low and often determined on a piece-rate basis. Continuing good health and physical strength were therefore vital for the long hours and hard labour required to make a living. Many laundryworkers survived financially only by combining washing with other work. Mary Bows, for instance, single and forty-three years old, relied on a combination of charring and washing to maintain herself.36 Sarah Mills, a needlewoman and washerwoman, contributed to family income through laundrywork but also by "making and selling cushions in the market-place in Norwich".37 Even with other sources of income, however, many laundryworkers struggled to survive. Stealing or pawning items of laundry was an obvious way out of hardship and one which some transported laundryworkers had resorted to. Catherine Jenions had "got her living nine years at washing". She was eventually transported for stealing a gown, after four previous convictions, three for pawning clothes.38 Ann Spencer, laundrymaid, was transported because she had "pledged some cloaths (sic) which I had to wash...": it was her first offence and she stated in her defence; "want brought me to this".39

33 Jane Skinner per New Grove, no. 269S, A.O.T., Con 40.
36 Mary Bows per Eliza, no. 163B, A.O.T., M.M. 33/2.
37 Sarah Mills per Borneo, no. 76M, N.S.D.G., ref. 1468.
38 Catherine Jenions per Persian, no. 40J, N.S.D.G., ref. 1195.
39 Ann Spencer per Persian, no. 110S, N.S.D.G., ref. 1222.
Rising female employment in the clothing, needle and shoe trades in the early nineteenth century was linked to the expanding 'dishonourable' or sweated sector. Cheap, non-apprenticed labour was used as a wedge to break traditional craft controls, introducing severe competition which drove down wage rates throughout the trades. Few of the growing numbers of women workers employed in these trades were therefore able to maintain themselves, let alone family dependants. The sweated garment and shoe trades were expanding in response to rising demand for cheap, ready-made clothing in the post-1815 period. Growing numbers of women workers were drawn into the trades, the majority into the 'dishonourable' sector. The detrimental results also affected women in the 'honourable' sectors who had served apprenticeships in trades like dressmaking and millinery in 'respectable' West End London houses. They too suffered extensive pauperisation. Hence, as is predictable, women from both 'honourable' and dishonourable' sectors were amongst the female transportees.

The living standards of women in these trades appalled many contemporaries. Mayhew, for instance, found it difficult to describe the desperate situation of slop clothing workers in London. He was;

"unprepared for the amount of suffering...I could not have believed that there were human beings toiling so long and gaining so little, and starving so silently...".40

Historians still accept Mayhew's image. Alexander, for example, concludes; "...almost unmitigated destitution...appears to have been the fate of practically all needlewomen...".41 Casual prostitution and theft offered these workers supplementary income. Indeed, philanthropists concerned about the rising numbers of prostitutes in London identified the distressed needlewoman as one main source. Mary Jones, transported for larceny in 1827, was one slop needlewoman who had been 'on the town'; Belinda Gardener, a time-served dress-, stay- and corset-maker, 'on the town' for twelve months prior to conviction, a second.42 These are the type of women Pinchbeck referred to when she described the bleak conditions of female labour in the

42 Mary Jones per Sir Charles Forbes, no. 39J, N.S.D.G., ref. 1143. Belinda Gardener per Mellish, no. 94G, A.O.T., M.M. 33/2.
London trades, and the ways in which casual work and unemployment led, almost inevitably, to crime, prostitution, starvation or suicide. The connections were as obvious to Ann Heath, dress- and staymaker, transported for larceny in 1838; "nothing but want has brought me here", she observed on arrival at Hobart.

Agricultural work, by the early nineteenth century, was also often characterised by extremely low living standards and had in many areas long been associated with parish relief. This situation worsened after 1815. Agricultural depression, combined with the impact of Poor Law reforms, left many female farmworkers with below subsistence wages and facing increasing seasonal fluctuations in employment. The most adverse conditions were in south-east England, further north, alternative industrial employment ensured steadier employment and better wage-rates. In south-east England female agricultural employment was hit by an overall decline in the range of tasks in which females were employed; increasing difficulty in obtaining employment outside spring; and a long-term decline in wage-rates. These changes coincided with the demise of many of the rural domestic industries through which women had previously contributed to family income. Increasing numbers of female agricultural workers became destitute and dependent on parish relief. The case of Elizabeth Lee, transported in 1828 for picking pockets, provides an individual illustration of the poverty linking agricultural work with parish relief, which ultimately in her case led to crime. Previously employed at "outdoor farm work", she stated that immediately prior to conviction, she had been "on the parish picking stones".

The occupational profile of the female transportees therefore confirms their economic marginality prior to conviction. Some convicts explicitly linked poverty to their crime, citing unemployment and distress as causal factors. Joannah Jeffrey transported for stealing a watch stated that she had committed the crime "in gross necessity". Sarah Litchfield, cook and houseservant, transported for stealing silver spoons from her master claimed; "distress drove me to it". Jane Dearnally, weaver, transported for stealing clothes, cited the poor state of employment; "trade very bad which brought me here", she explained. Overall, poverty was a common factor in the lives of many

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43 Ivy Pinchbeck, Women Workers and the Industrial Revolution, p. 3.
44 Ann Heath per Nautilus, no. 313H, A.O.T, Con 40.
46 Elizabeth Lee per Borneo, no. 77L, N.S.D.G., ref. 1455.
47 Joannah Jeffrey per Hindostan, no. 167J, A.O.T., Con 15/9.
49 Jane Dearnally per Persian, no. 73D, N.S.D.G. ref. 1186.
of the women. The occupational profile of the female convicts predicated that poverty. A number of additional, important, factors compounded it. Family dislocation through marital breakdowns, widowhood and migration, had contributed substantially to the women's poverty and vulnerability.

The absence of kin (1): gender, marital status and poverty.

If the economic position of working-class women in this period was generally poor, that for single women and those separated from family and kin was immeasurably worse. Wage rates were, by the early nineteenth century, increasingly structured on the premise that a woman's income was secondary and subsidiary, a supplement to the 'family wage' of the male 'breadwinner'. The reality for many, even those with husbands or fathers in regular employment, was far from this idealised 'norm'. The result for single women was a greatly magnified level of poverty, intensified when there were young children to maintain.

Poor Relief records reveal something of these extreme difficulties. Large numbers of single women, widows, unmarried mothers and deserted wives were maintained on the parish, causing increasing concern to Poor Law authorities seeking to cut rates. As a result, throughout the eighteenth and early nineteenth centuries cost-cutting exercises targeted single women. As Hill notes:

"Allowances for women, particularly after 1795, suffered...In some areas...a single woman who was able-bodied and not infirm was eligible for no allowance at all".

The cutbacks were not solely financial in motive. Built into poor law policy, as into wage rates, was the assumption that a woman's natural place was in the family. The

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52 Ivy Pinchbeck, Women Workers and the Industrial Revolution, p. 2, p. 80. Pinchbeck's records refer to England. The Scottish situation was, however, little different: an 1820 Church of Scotland report revealed that twice as many women as men received parish relief. Rosalind Mitchison, Who were the poor in Scotland, 1690-1830?", in Mitchison & Roebuck, (eds.) Economy and Society in Scotland and Ireland, p. 145.
Poor Law Amendment Act of 1834 thus "took for granted the universality of the stable two-parent family...and the primacy of the family as a source of welfare".\textsuperscript{54} Single women were caught in a poverty trap formed by meagre wage rates and inadequate poor relief. Those who turned to the parish faced disheartening problems. Relief rates for single women were lower than equivalent male rates. Widows and deserted wives faced removal to their husband's parish of birth. Some deserted wives were denied relief because their husbands were expected to support them. Unmarried mothers, although they remained eligible for relief after 1834, lost their long-standing right to sue the father for maintenance under the provisions of the new Bastardy Clauses.\textsuperscript{55} Additionally, deserted wives and unmarried mothers were less likely to be granted outdoor relief and, under some workhouse regimes, the latter also lost the limited privileges available to other inmates and were set to labour at the most onerous tasks.\textsuperscript{56}

Single women predominated amongst the convicts.\textsuperscript{57} 71 percent were unmarried or widowed.\textsuperscript{58} Additionally, over a quarter of the married women were living apart from

\textsuperscript{56} Pat Thane, 'Women and the Poor Law', pp. 29-32.
\textsuperscript{57} It has been suggested that this data is unreliable because convict women lied about marital status. No evidence supporting this has, however, been forthcoming. Additionally, historians disagree as to how the women lied. Donnachie suggests many married women "deliberately lied...abandoning husbands at home knowing that this would enhance their marriage prospects in the colony", I. Donnachie, "'Utterly Irreclaimable': Scottish convict women and Australia, 1787-1852", \textit{Journal of Regional & Local Studies}, Volume 8, no. 2 (1988), p. 2. While Atkinson asserts: "convict women were thought to be better married than single...a belief widely held even in the Mother Country, so much so that women on board the convict ships advised each other to say on arrival that they were already married, whether they were so or not", A. Atkinson, 'Convicts and Courtship', in P. Grimshaw, C. McConville & E. McEwen (eds.) \textit{Families in Colonial Australia} (George Allen & Unwin, Sydney, 1985), p. 21. Some Van Diemen's Land convict women were certainly concerned to establish their single status against accounts, such as gaol reports, which stated they were married. Susan Reynolds, for example, was adamant that she was single, stating: "I never was married, no-one but my brother visited me in gaol”. Susan Reynolds per \textit{Mary} (1831), no. 96R, A.O.T., Con 40. Reports based on 'habit and repute' were also disputed. Mary Parry, for example, stated she "never was married" but had "lived with a young man...for near seven years" by whom she had had one child. Mary Parry per \textit{Edward}, no. 115P, A.O.T., Con 40. This evidence, however, only indicates that the women were concerned to accurately establish their marital status. There is evidence that some lied about marital status once in the colony, going to some lengths to fraudulently establish that they were single or widowed. This was done, however, when a colonial marriage was prevented by a previous marriage, and therefore did not affect the accuracy of indent records which were compiled before arrival in the colony. Overall, there is little evidence that female convicts lied systematically on their arrival about their marital status. Further, analysis of the age profile of the convict women, and comparison with female age at first marriage in Britain for this period, suggests the data was reasonably accurate. Mean age for single convict women on arrival was 22.5 years; almost a year under the mean age at first marriage for British women in this period, which Gillis estimates to be
their husbands when convicted: 13.4 percent had separated from husbands; while 15.2 percent had had a husband transported. Almost one in five of the remaining husbands were soldiers or sailors. Occupations which frequently entailed marital separations, leaving their wives acutely vulnerable to poverty.

Numerous female convicts had suffered marital breakdown. Many marriages had broken down so irredeemably that the husband's whereabouts were no longer known. In some cases the wife could only speculate whether he was still alive. Hannah Miller's case was characteristic. She stated that she had been "separated from my husband fifteen years...", and had not "heard from him in all that time". Separations were often long-distance: Margaret Worth's husband had deserted her for America; Ann Lloyd's was in Denmark; and Mary Cunningham's in the West Indies. Some husbands had left to seek or follow employment: Mary McDonald or Cameron's husband had gone to establish himself as a planter in Demarara, and Elizabeth Wilson's husband was working in an iron-foundry in Paris. It would be misleading, however, to represent the women simply as the victims of marital breakdown. Many had in fact initiated the separation. Thus, Ann Durgess stated that her "husband James, (was) a labourer, 'a beggar'...", and she had "left him three years ago". Other convict women had left on discovering their husband was already married. Ann Jones left her husband, the father of her three children, when she discovered "he was married when I married him...I lived with him seven years when his former wife came...".


58 Information on marital status was entered for 88% of the female convicts.

59 Information on husbands was provided by 66% of the married women.

60 Information on occupations of husbands was provided by 383 (39.4%) of the married women.


64 Mary McDonald or Cameron per *Harmony*, no. 100D, *N.S.D.G.*, ref. 1544. Elizabeth Wilson per *Hector*, no. 281W, A.O.T., Con 40.

65 Ann Durgess per *Westmoreland*, no. 203D, A.O.T., Con 40.

66 Ann Jones per *Arab*, no. 136J, A.O.T., Con 40.
Regardless of the cause, the results of marital breakdown were similar: long-distance, long-term, in many cases effectively permanent, separations, left these women economically vulnerable. A few women deliberately engineered their transportation in order to follow a convicted husband and avoid the effects of permanent separation. Elizabeth Leonard, sentenced initially to a short imprisonment in the House of Correction, had "insulted the judge on purpose" in order to be transported and thereby re-join her husband Jeremiah. Bridget Dart, transported six years after her husband, had first "tried to come out free but could not get leave", then "committed this offence in order to come out to my husband". Ironically, her records noted that "after her sentence an order was issued for her coming out as a free woman".

The precarious position of unmarried women was compounded by having illegitimate children. Unfortunately, because of the unsystematic recording of family details, accurate estimation of the proportion of convicts with illegitimate children is impossible. Women with illegitimate children do appear, however, to have been fairly regularly transported. Poverty and illegitimacy were often closely bound, and the poor relief position of unmarried mothers further deteriorated after 1834. Despite the gross inadequacies of poor relief, many unmarried mothers depended on it, including some convicts. Catherine Easthope, for example, a Shropshire farm servant transported in 1828, had two illegitimate children maintained on the parish. Not all unmarried convict mothers were, however, alone, unsupported, and on the parish. Some had long-term, common-law relationships with their children's fathers. Margaret Hodgson, for example, had "lived with James Smith nine years" and had had three children by him. The difficulties which these women faced were often similar to those faced by married mothers. Eliza Waterman, transported in 1832, had lived five years with her son's father until he was transported in 1827. Mary Ann Robinson had separated from her child's father five years before her transportation, after living with him two years.

Persistent economic vulnerability meant that the ability of women workers to maintain themselves was a finely balanced affair. Sudden changes in circumstance could detrimentally shift this balance. Widowhood, for example, Anderson points out;

67 Elizabeth Leonard per Nautilus, no. 179L, A.O.T, Con 40.
68 Bridget Dart per Sir Charles Forbes, no. 67D, N.S.D.G., ref. 1121.
69 Catherine Easthope per Mermaid, no. 28E, N.S.D.G., ref. 1347.
70 Margaret Hodgson per Nautilus, no. 315H, A.O.T., Con 40.
71 Eliza Waterman per Hydery, no. 199W, A.O.T., Con 40.
72 Mary Ann Robinson per Hydery, no. 110R, A.O.T., Con 40.
"raised critical problems...For women, particularly those with children, the removal of the principal wage-earner could rapidly throw the already impoverished family into the most grinding poverty".73

This applies equally to those separated from husbands, those whose husbands became unemployed, and to many unmarried women on the birth of a child. In such circumstances, prostitution and crime provided some with a vital fall-back. This was by no means new to this period; Beattie documents similar links in the eighteenth century. He notes, for instance, that the incidence of crime by single women and widows rose even more sharply than among other groups in periods of economic distress.74 The preponderance of separated wives, widows, single women and unmarried mothers among the transportees therefore corresponds with a more general, long-term feature of female crime.

![Chart 2.1: Marital status of women convicts who had been 'on the town' compared with the overall group of women convicts arriving V.D.L., 1820-1839.](chart.png)

Links between shifting family circumstances, deteriorating family income, crime and prostitution emerge in accounts given by some Van Diemen's Land female convicts.

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Ann Allender, her daughter Elizabeth and son-in-law William were all transported for housebreaking. William, a millwright and engineer, was "out of work at the time" of the offence. The loss of his wage was doubly felt. Both Ann, a 57 year old widow, and Elizabeth, were mainly dependent on William for support. A sudden shift in family circumstances also preceded Elizabeth Broadway's conviction. She was pregnant with her third child when, during a family fight, her brother-in-law "killed my husband with a rake". The poverty of unexpected widowhood led Broadway "into the poorhouse to lye in". While there she stole a parish blanket valued at five shillings, and was consequently sentenced to seven years transportation.

The vulnerability of single women is also illustrated by the high proportion of single women amongst the convicts who had been 'on the town' prior to conviction. 862 (22.7%) of the female convicts revealed that they had been 'on the town'; 87 percent

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75 Ann Allender, no. 42A; Elizabeth Allender, no. 41A: both per Persian, N.S.D.G., refs. 1175-1176.
76 Elizabeth Broadway per Mermaid, no. 130B, N.S.D.G., ref. 1322.
77 The exact figure is likely to have been higher. 3254 of those transported were asked on arrival in V.D.L. about previous prostitution. Several shiploads, 503 women, were not questioned regarding prostitution. No information exists for the 47 women who died en route. The 862 known prostitutes therefore make up 26.5% of those quizzed on the subject. Robson's figure of 13 percent therefore under-estimates the numbers of prostitutes; Lloyd Robson, The Convict Settlers of Australia (Melbourne University Press, Carlton, Victoria, 1965), p. 77. No such records regarding prostitution exist for the women transported to New South Wales.
of this group were single and a further 3 percent widowed. Chart 2.1 details these differences. Additionally, many of the married women who had been 'on the town' were separated from their husbands: 33 percent of married prostitutes compared to 28 percent of the married women overall. Widows were under-represented amongst the prostitutes; the youthful age-profile (chart 2.2) of the prostitutes may partly explain this.

Sudden shifts in circumstance could rapidly lead some women to prostitution for support. Maria Randall, for example, had been twelve months 'on the town' when arrested; her husband had left her twelve months before.78 Ellen Fairley, was also twelve months 'on the town' and twelve months apart from her husband; Ann Morby's husband had "run away" eight years before and she had been eight years 'on the town'; Sarah Wilkinson, seven days apart from her husband, had been seven days 'on the town'; Sarah Smith was widowed two years and two years 'on the town'; and Jane Jones, widowed two and a half years, had been two and a half years 'on the town'.79

The absence of kin (2): migration, family dispersal and poverty.

The family provided a crucial source of working-class welfare in the early nineteenth century; "kin", Anderson states, "were the major source of assistance".80 Many female convicts were, however, out of reach of this source. Migration, both their own and that of other family members, had separated and dispersed them throughout Britain, Ireland and further afield. A majority of the women were migrants prior to conviction: 55 percent of the English-, Welsh- and Scots-born women were tried outside their native county or shire.81 Chart 2.3 details this data. These figures do not include intra-county migrations. 98 percent of the Irish-born women were tried outside Ireland, reflecting the fact that convicts were not transported directly from Ireland to Van Diemen's Land in this period.

78 Maria Randall per Hector, no. 144R, A.O.T., Con 40.
81 The birth-place of 878 women (23.1%) is not known. Additionally, 71 birth-places (1.9%) were not traced. The figure given here is therefore based on data for 2855 women. National breakdowns are: 58.8% of Scottish-born women were migrants; 53.3% of Welsh-born women; and 44.7% of English-born women. London had a distinctive pattern with only 14.5% of London-born women tried outside the city.
Migration, according to the traditional historiography, was integral to the criminal's make-up; indicating a feckless, footloose, undependable and therefore intrinsically criminal nature. Shaw, for example, believed the high numbers of migrants among the convicts indicated that "many were 'wanderers' and...much crime...the work of vagabonds".82 Schedvin and Schedvin, for whom the transportees were "the nomadic tribes of urban Britain", also argued that migration was motivated by criminal intentions.83 More recently, Davidson has argued that the convicts represented a "chaos of movement...transience and disorder".84

The pre-transportation lifestyles of some female convicts fit these interpretations. Some women had travelled regularly and, at least partly, for criminal purposes. Ann Burn, for example, had allegedly "gone about the country hawking stolen goods and passing base coin for many years".85 Mary Wells was "connected with (a) ...Gang

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85 Ann Burn per Nautilus, no. 405B, A.O.T., C.S.O. 5/140/3376.
who travel from fair to fair, and races".86 Elizabeth Russell and Jane Robson were reputedly "connected with a gang of thieves who travel the country attending races and fairs".87 It is, however, improbable that most pre-transportation migration had been criminally motivated.

Chart 2.4: Proportion of V.D.L. female convicts, 1820-1839, born and tried in nine British cities.

Note: The figures for women tried in Liverpool, Chester, York, Newcastle & Leeds are underestimations. Many places of trial were simply cited as Lancashire, Yorkshire, Cheshire or Northumberland and the records did not specify exact place of trial. For this reason, no comparison can be calculated for Manchester, Preston or Sheffield.

Source: A.O.T.: Con 15; Con 18; Con 27; Con 40; M.M. 33; C.S.O. 1; C.S.O. 5. M.L.: T.P. 4, D4, 10, 11, 21-30, 34, 143 & 206. N.S.D.G. pp. 345-844; 1472-1614.

This impression is confirmed when the convict migrants are placed against a general analysis of migration patterns. Migration was an integral feature of the British labour market in this period, and the growth of cities was one central result. The convicts fit this pattern of rural-urban migration; as chart 2.4 details, cities, particularly London, accounted for more places of trial than of birth. Moreover, chart 2.4 underestimates the proportion of immigrants tried in each city, because, with the exception of London, significant numbers of city-born women were not tried in their native-city. To give an example, 29 percent of native-born Glaswegians were tried elsewhere, reflecting the process of in- and out-migration. 71 percent of women tried in Glasgow

86 Mary Wells per Arab, no. 290W, A.O.T., Con 40.
87 Elizabeth Russel no. 48R & Jane Robson, no. 49R; both per Henry, A.O.T, Con. 40.
were thus immigrants. The convict women were part of a general shift of labour from the countryside to the city.

Rather than chaotic transience, the women followed well-established migration routes determined by labour-market demand. London's position as place of trial for a third of the women (table 2.1) illustrates its well-documented pull on women workers. This attraction was regional, national and international: London-tried women came from 79 counties throughout the United Kingdom and Ireland, and from 17 other countries ranging from France through to the United States, Jamaica, Cuba and the Cape of Good Hope. London exerted a great pull on its regional labour market: 30 percent of female convict migrants to London had migrated to the city from south and south-eastern England. This suggests awareness of better employment prospects and higher wages in the city. Many others had travelled much greater distances, placing families and birthplace communities far out of reach. 13 percent were from south-western and western England; eleven percent from the Midlands and northern England; 33 percent were Irish; and 6 percent from Scotland and Wales. These long-distance movements reflect the predominance of domestic servants among the convicts; an occupational group whose "marked venturesomeness" has been well-documented by historians.

Similar patterns can be observed in other cities and counties. Migrants tried in Lancashire, for example, came from 45 different counties in the United Kingdom, and 5 women from abroad. While 15 percent were from neighbouring counties, others were from further afield: 32 percent from Ireland, 7 percent from south and east England, and 3 percent from Scotland and south Wales. Cheshire, Staffordshire, Warwickshire and Yorkshire, all counties transporting many convict migrants, similarly reveal a mixture of short and long-distance migrations.

Farmservants, however, did not fit the prevailing pattern of long-distance migration to urban destinations. Their migrations were mainly rural-rural and they had usually travelled less far, often only between neighbouring counties. Farmservants tried in Devon, for example, were either mainly local or from neighbouring counties: 58 percent were from Devon and 16 percent from Cornwall. Those transported from...
Gloucester, Somerset, Norfolk, Worcestershire, Shropshire, Lincolnshire and Staffordshire reveal a similar pattern. A significant difference is, however, evident amongst those transported from Lancashire, Cheshire and Yorkshire, where conditions and wages for female workers in agriculture were relatively good. Only 18 percent of farm servants transported from Lancashire were from there or neighbouring Cheshire. Most of the farm servants had responded to local labour market attractions; the practice of annual contracts and hiring fairs engendering high regional levels of mobility. Some, however, had migrated longer distances presumably hoping to maximise their opportunities and incomes.

Rather than suggesting criminal vagrancy, the data indicates that many women had migrated in search of more gainful employment: domestic servants to urban labour markets and agricultural workers in line with rural economic structures. Recent work by historians supports the conclusion that pre-transportation migration was labour-
market oriented. One study found that the most literate and skilled convicts were disproportionately migrants, concluding, on these grounds, that convict migrants had "heeded labour market signals and maximised their investments in human capital by migrating".91 Oxley's New South Wales study supports this point for women; noting that female convict migrants were also part of "a talented flow of labour".92

Migration, however, was a risk which significantly reduced ability to cope with a host of problems such as unemployment, illness, old-age, widowhood or the birth of a child. These experiences often had to be negotiated without the support of immediate family, wider kin or community. Although some migrated in family groups, detailed information provided by the *Hindostan* convicts indicates that family disaggregation was the more common pattern. Ellen Jones, for example, a widow from Limerick, was tried in Liverpool, but her mother remained in Limerick and her two sisters had emigrated to America. Mary Thompson, tried in Liverpool, had left her husband, two sisters and four brothers in Newry. Mary Ann Dillon, also tried in Liverpool, was originally from Dublin. She had two brothers in America and two sisters whose whereabouts she was unaware of.93 These examples are characteristic of a general pattern of family dislocation. The loss of family support was compounded by the loss of the other main source of welfare, Poor Relief, which the Settlement Laws denied migrants.

Some women undoubtedly drew on their respective migrant communities for assistance. Historians have identified distinct migrant communities in nineteenth-century British cities which provided mutual assistance and support for those from the same village, town, county or country. Anderson's study of Lancashire, for example, established that kin and community were crucial, providing migrants with welfare, child care, advice in gaining employment and general assistance.94 Other studies have discovered geographically distinct Irish communities.95 Finnegan's study of York reveals "Irish ghettos" in the poorest districts containing a community with clear

93 Ellen Jones, no. 175I; Mary Thompson, no. 153T; Mary Ann Dillon, no. 254D: all per *Hindostan*, A.O.T., Con 15/9.
"concern for its own". While such communities provided important sources of mutual support, their ability to provide material assistance in times of crisis was, however, limited by common poverty.

**Life on the Margins: Crime, prostitution and poverty.**

| Table 2.2: Criminal convictions of female convicts arriving V.D.L., 1820-1839. |
|---------------------------------|-----------------|-----------------|
| 1. Crimes against property      | No.       | %     |
| Larceny/theft                   | 1958      | 51.5  |
| Larceny from the person         | 761       | 20    |
| Receiving                       | 179       | 4.7   |
| Larceny in a dwelling house     | 158       | 4.2   |
| Burglary & housebreaking        | 149       | 3.9   |
| Larceny by a servant            | 88        | 2.3   |
| Larceny from a shop             | 85        | 2.2   |
| Robbery                         | 67        | 1.8   |
| Highway robbery                 | 39        | 1     |
| Fraud & Falsehood               | 33        | 0.9   |
| Arson                           | 12        | 0.3   |
| Other                           | 16        | 0.4   |
| **Total**                       | **3545**  | **93.2** |

| 2. Crimes against the person    | No.       | %     |
| Murder & attempted murder      | 18        | 0.5   |
| Cutting & stabbing with intent  | 9         | 0.2   |
| Assault                         | 10        | 0.3   |
| Accessory to rape               | 1         | 0.03  |
| **Total**                       | **38**    | **1** |

| 3. Crimes against the currency  | No. | % |
| Uttering base coin              | 92  | 2.4 |
| Forged notes in possession      | 49  | 1.3 |
| Coining                         | 16  | 0.4 |
| Forgery                         | 5   | 0.1 |
| Having moulds in possession     | 3   | 0.08|
| **Total**                       | **165**| **4.30** |

| 4. Other                        | No. | % |
| Bigamy                          | 2   | 0.05|
| Perjury                         | 5   | 0.1 |
| Vagrancy                        | 3   | 0.08|
| Being an incorrigible rogue     | 1   | 0.03|
| Aiding the escape of a prisoner | 1   | 0.03|
| **Total**                       | **12**| **0.30** |

| 5. Overall                      | No. | % |
| Crimes against property         | 3545| 93.2|
| Crimes against the person       | 38  | 1   |
| Crimes against the currency     | 165 | 4.3 |
| Other crimes                    | 12  | 0.3 |
| Not entered                     | 44  | 1.2 |
| **Total**                       | **3804**| **100** |


Studies of crime in eighteenth- and early nineteenth-century Britain have stressed its casual, opportunistic nature, a conclusion which again undermines the criminal-class interpretation. Individuals did not typically commit crimes as part of a planned, persistently criminal lifestyle, but sporadically when need and opportunity arose. The case-details of the female transportees broadly fit this picture. Many were women living on the margins who sought, through crime, to bridge the gap between 'legitimate' income and survival. The relationship between poverty and crime was, however, complex. Larceny, in particular, was also shaped by factors such as

consumer demand, social emulation and class resentment. Crime did not simply satisfy immediate need but also, in some cases, individual desire.

Details of 3753 of the female convicts' transportation crimes are known. The overwhelming majority were against property: 88 percent were a variety of larceny. Beyond this, small groups were transported for receiving and for coining and forgery; a smaller group again for crimes of violence; and a handful of women for offences such as arson, bigamy, perjury, and vagrancy. Table 2.2 provides a complete list.

1. Crimes against Property

<table>
<thead>
<tr>
<th>Chart 2.5: Types of items stolen and received by convict women arriving in V.D.L., 1820-1839.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Item</td>
</tr>
<tr>
<td>Tools</td>
</tr>
<tr>
<td>Children</td>
</tr>
<tr>
<td>Furniture</td>
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<tr>
<td>Animals</td>
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<tr>
<td>Jewellery</td>
</tr>
<tr>
<td>Silver plate</td>
</tr>
<tr>
<td>Misc. items</td>
</tr>
<tr>
<td>Food &amp; Alcohol</td>
</tr>
<tr>
<td>Household items</td>
</tr>
<tr>
<td>Bedding</td>
</tr>
<tr>
<td>Cloth</td>
</tr>
<tr>
<td>Watch</td>
</tr>
<tr>
<td>Clothing &amp; footwear</td>
</tr>
<tr>
<td>Money</td>
</tr>
</tbody>
</table>


A wide variety of items had been stolen, from numerous types of locations. Chart 2.5 details the main types of goods stolen. Money and clothing were the most common. Money had specific advantages: it was difficult to trace, did not have to be sold or pawned and could be used immediately. Amounts stolen varied from a few pence to tens of pounds. Just over two-thirds of those who had stolen money had taken £10 sterling or under, and a quarter had stolen monies to the value of 20 shillings or less (chart 2.6). Some had stolen extremely small sums: Ann Bird was transported for stealing sixpence; Rachel Foreman for eleven pence; Mary Webb for fifteen pence;
and Catherine Blakeney for eighteen pence.\textsuperscript{98} The majority had, however, acquired far from petty cash, and, at the far end of the scale, 1.4 percent had taken £200 sterling or more. Sarah Wilkinson achieved the largest recorded haul; £450 sterling from a "dwelling house of ill-fame".\textsuperscript{99} Few women workers in this period earned more than 10 shillings a week; 84 percent of the convicts transported for the theft of money had taken this amount or more. Even if this had to last some time, the contrast with levels of 'legitimate' income was therefore still significant.

The range of motives for the theft of clothes illustrates the complexities of crime and the dangers of equating theft solely with poverty and physical need. Clothing was readily available and relatively easy to steal and dispose of. It could, if desired, be translated into money, for a ready market in second-hand clothes existed through dealers and pawnshops.\textsuperscript{100} Clothes were also, however, stolen for personal use, and were bound up with social status, servant vails, with fashion and with consumer

\textbf{Chart 2.6: Amounts taken by V.D.L. female convicts, 1820-1839, who had stolen money.}

![Chart 2.6: Amounts taken by V.D.L. female convicts, 1820-1839, who had stolen money.](chart.png)


\textsuperscript{99} Sarah Wilkinson per \textit{Persian}, no. 95W, \textit{N.S.D.G.}, ref. 1230.

\textsuperscript{100} This market is discussed by Beverley Lemire in 'The theft of clothes and popular consumerism in early modern England', \textit{Journal of Social History}, Volume 24, no. 2 (1990-91), pp. 255-276.
Their theft was therefore motivated by basic need; the desire to be fashionable; the desire to emulate social peers; the desire to subvert of dress codes which were class status-symbols; and by master-servant conflicts over wages, vails and deference.

All types of clothing had been stolen, from stays and stockings to shawls, shirts, gowns, trousers and overcoats, and from single items to whole outfits. Clothing was taken from numerous locations: from the person; shops; laundry baskets; drying hedges; lodgings; brothels; employers; family members; workhouses; and dead bodies. Mary Hines stole a child's dress from Cripplegate Parish; Margaret Crossland stole boots from a market stand; Ann Collins or McDonald stripped a child in the street; Catherine Campbell was convicted of "obtaining wearing apparel from young girls...under the pretence of telling their fortune"; and Louisa Goslin or Vaughan of "stealing grave clothes from dead bodies".

Laundry was an easy and common target. Sometimes, as illustrated earlier, it was stolen by laundrywomen. Opportunities to steal laundry were, however, wide; many, not in the trade, had taken laundry from laundries, baskets and drying areas. Lucy Temple stole a washtub filled with clothes, Maria Needham made off with eight wet shirts, while Catherine Tochill took "a washing of clothes from a bleach field". Servants sometimes took advantage of their easy access to employers' wardrobes. Isabella Bowers stole four gowns from her mistress; Mary Phillips, a pair of white silk stockings from her master; Phoebe Allen her employer's silk gown; and Catherine Mullins a chemise, shirt and waistcoat from her master.

Those who left employment, workhouses or Magdalen Homes wearing the clothes that they had been issued with were also liable to prosecution for theft. Sarah

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101 Lemire argues that theft enabled the labouring classes to keep up with fashion, and that criminals were therefore tied "to the respectable consumer impulse", ibid, p. 258.
102 Mary Hines per Nautilus, no. 314H, A.O.T., Con 40. Margaret Crossland per Borneo, no. 120C, N.S.D.G., ref. 1431. Ann Collins or McDonald per Hector, no. 281C, A.O.T., Con 40. Catherine Campbell per Harmony, no. 131C, N.S.D.G., ref. 1501. Louisa Goslin or Vaughan per Mary (1831), no. 111G, A.O.T., Con 40.
103 Lucy Temple per Arab, no. 122T, A.O.T., Con 40. Maria Needham per Mary (1831), no. 35N, A.O.T., Con 40. Catherine Tochill per Lady of the Lake, no. 56T, N.S.D.G., ref. 1658.
105 Mahood notes that women who ran from the Edinburgh and Glasgow Magdalen Homes in this period were commonly prosecuted for the theft of their uniforms; their street clothes having been removed on arrival. Linda Mahood, 'The Wages of Sin: Women, Work and Sexuality in the
Hooker and Mary Ann Wood were convicted of theft from the Guardian Society after they had together "ran from the asylum", each taking with them a gown, petticoat and other clothes.\textsuperscript{106} The theft of clothes was a common activity amongst prostitutes who decoyed customers into alleys or houses and then stripped them of their clothes and other property, or rifled their pockets and made off with their clothes while they slept. It was not unusual for women to take advantage of such favourable circumstances by leaving the man practically naked. Elizabeth Crowe, for example, two years 'on the town', was transported for stealing a coat, waistcoat and pair of trousers.\textsuperscript{107}

It is impossible to estimate the value of stolen clothes from transportation records so rarely was this entered in them. Circumstantial evidence suggests, however, that many had not stolen solely, or even perhaps primarily, to satisfy basic need. Some, for instance, had stolen numerous items, often of similar type, making it likely they were intended for the pawnshop or second-hand dealer. Sarah Ashfield stole eighteen handkerchiefs; Ellen Williams eleven pairs of stockings; Susannah Whitelock four pairs of clogs; Jane Keith "three cotton gowns, three shawls and other items of clothing"; and Jane Allen six bonnets.\textsuperscript{108} Re-sale or pawning would have generated a significant financial windfall from such thefts, even although the value would have been heavily discounted by dealers and pawnbrokers.

Other types of goods had also often been stolen in sizeable quantities. Cloth, some of it high quality and value, was regularly taken in large amounts. Catherine Regan had stolen seventy-six yards of cotton; Ann Lugg sixty yards of crimson silk, twenty-five yards of muslin, three yards of nankeen and a gown; and Mary Hart and Catherine Flannagan had together stolen forty yards of lace.\textsuperscript{109} The assumption must be that such large amounts of cloth were generally destined for sale,

\textsuperscript{106} Sarah Hooker per Providence (1826), no. 91H, N.S.D.G., ref. 1052. Mary Ann Wood per Providence (1826) no. 87W; N.S.D.G., ref. 1099.
\textsuperscript{107} Elizabeth Crowe per Arab, no 301C, A.O.T., Con 40.
\textsuperscript{109} Catherine Regan per Mary (1831), no. 97R, A.O.T., Con 40. Ann Lugg per Henry, no. 39L, N.S.D.G., ref. 913. Mary Hart per Mary Anne, no. 51H, N.S.D.G., ref. 666. Catherine Flannagan per Mary Anne, no 28F, N.S.D.G., ref. 660.
not personal use. Likewise, some women had stolen food with an eye as much, or more, to re-sale value as immediate nourishment. Catherine Clark, for example, had stolen, amongst other items, five cheeses and a quantity of tea and sugar; Ann Merrifield a hundred and fifty apples; Elizabeth Lunds nineteen pounds weight of sugar; Mary Anderson ten pounds weight of bacon; and Matilda Turner and Elizabeth Harris a chest of coffee and chocolate.\textsuperscript{110} Black markets in meat and other foods meant that a reasonable cash return could be readily made from such thefts.\textsuperscript{111}

Watches were generally stolen on their own, with some money, or with a handkerchief. As stolen watches were often gold, their value even as a single item was, however, significant. Those who stole jewellery, again generally taken in smaller quantities, revealed a marked preference for quality, mostly gold, items. Even those who had stolen a single item could therefore again have expected reasonable profit. Hannah Barry, for example, had stolen a diamond pin; Mary Ann Wheeler and Ann Day had each stolen three gold rings; and Hannah Armstrong, 24 sovereigns and a box of jewels.\textsuperscript{112}

Of course, some examples differ substantially from this picture: numerous larcenies were clearly undertaken to ease immediate distress. These were thefts which targeted petty items, of little value, which best suited immediate consumption or personal use. Margaret McKenzie had stolen a loaf of bread; Eliza Clements, half a pound of cheapside; Margaret Scandling 10 pence worth of butter; Ann Cordwell some workhouse sheets; Jean Munro a few pieces of yarn and wool; and Jean Cummings some rags.\textsuperscript{113} There were many women like these whose loot amounted to very little.


Nevertheless, the evidence does reveal that many other thefts were far from petty and would have brought significant material gain beyond immediate subsistence needs.114

This conflicts with historical interpretations which stress the predominantly petty nature of thefts in this period.115 Of particular relevance here is Oxley's argument that few women transported to New South Wales had made significant gains from their thefts. The women studied here differ in this respect from their New South Wales counterparts, perhaps reinforcing the contention that the Van Diemen's Land transportees were more hardened and professional. An alternative explanation is, however, more persuasive. The transportees in general were convicted of more serious offences than those sentenced to punishment in Britain; general analysis regarding the predominantly petty nature of theft may therefore only partially fit. Oxley, moreover, downplays the value of items stolen by the convict women in her study. She over-emphasises items of low-value in comparison to more lucrative goods, by stressing cases in which a single item had been stolen, such as the ubiquitous loaf of bread. Further, she argues that almost two-thirds of thefts involved goods "more appropriate to immediate consumption than resale", yet curiously includes in this items of potentially good resale value, such as clothing.116

Historians have stressed the predominantly petty nature of theft by transported convicts in order to support the argument that the 'criminal class' was a spurious concept. The predominance of petty theft implies that only a very few were able to live directly from the profits of crime. The criminal-class view has particularly influenced Australian historical interpretations of the transportees, which explains Oxley's revisionary emphasis on petty theft. Establishing that numerous convicts had stolen significant amounts of property does not, however, concede any conceptual ground to the criminal-class position. As chapter four will reveal, their occupations, skills and employment histories firmly place the convicts, with minimal exceptions, in

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114 Current research based on Court of Justiciary criminal precognitions suggests that the colonial transportation records understated the amount of items stolen. Thus, where a single or small number of stolen items was entered on the transportation record, the precognition sometimes reveals a longer lists of goods. See the forthcoming Ph. D thesis by Maureen Young, Department of Economic & Social History, University of Edinburgh. This may have been the product of administrative brevity; transportation records often read, for instance, "theft of a watch & c."

115 Emsley estimates, for example, that small-scale thefts accounted for between 50 and 75% of crimes committed in England between 1750 and 1900, Clive Emsley, Crime and Society in England, p. 27.

116 Deborah Oxley, 'Convict Maids', pp. 70-72.
the working class. Moreover, few could depend on crime, because even when its profits were substantial, they were intermittent and uncertain.

A broader analytical problem is also at issue here; the relationship between poverty and the profits sought through crime. Some historians have sought to distinguish between crimes directly motivated by poverty, and those committed by the labouring poor for less pressing reasons. Rudé distinguishes between 'survival' and 'acquisitive' crime; a distinction which he defines by "matters of scale and matters of underlying purpose". To Rudé, Margaret McKenzie's theft of a loaf of bread would presumably be 'survival crime' but Hannah Armstrong's haul of 24 sovereigns and a box of jewels 'acquisitive'. This categorisation is, however, marred. Historians can rarely discern exact individual motives for theft. It is therefore impossible to apply Rudé's neat duality. John Rule believes, for instance, that rural property crimes may have been committed "by labourers not so much as a direct result of their poverty but rather as an expression of their resentment against that condition." Servants' thefts from employers often involved a combination of need, acquisitiveness and conflict, contradicting neat compartmentalisation. Problems also arise over the categorisation of thefts by prostitutes. Rudé himself points out that many prostitutes stole in order to secure their asking rate, a practice which he believes distinguished them among women tried in London "as the champions of what they believed to be their rights".

A fundamental problem is the assumption that poverty solely motivated petty thefts which targeted readily consumable items of little value. This implies sympathy with those who only stole from desperation what was immediately and really needed. It wrongly assumes, however, that poverty left the labouring poor interested in satisfying only limited, short-term needs. The theft of multiple items or those of greater value may reveal a desire to plan further ahead, but does not necessarily imply 'acquisition' rather than 'survival'. The decision to steal involved a weighing up of negative sanctions against positive benefits; the risk of detection and calculation of the severity of potential punishment versus potential material gain. Such risk-evaluation could reveal greater incentives for substantial rather than petty theft, particularly

117 George Rudé, Criminal and Victim, p. 78.
118 John Rule, 'The Manifold Causes of rural crime: sheep-stealing in England, c.1740-1840', in John Rule (ed.) Outside the Law: Studies in Crime and Order 1650-1850 (Exeter Papers in Economic History, University of Exeter, 1982), p. 105. Rule argues that sheep-stealing sometimes involved both 'survival', 'acquisitive', and class-conflict. A message posted to a Bedfordshire farmer's gate after the theft of sheep illustrates. It read; "Sir, your mutton's very good, And we are very poor, When we have eaten all this up, We'll then come back and fetch some more", ibid, p. 119.
119 George Rudé, Criminal and Victim, pp. 56-57.
when punishment differentials are limited. Furthermore, it is misleading to represent the poverty-crime relationship as direct, undertaken solely to satisfy an immediate and easily discernible need. Poverty produced desire for more than just basic items; crime provided a method of acquiring some of the items constantly on display in the consumer society of the early nineteenth century. This was acquisition, certainly, but a mode of acquisition structured by poverty.

<table>
<thead>
<tr>
<th>From:</th>
<th>No.</th>
<th>%</th>
<th>From:</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>1107</td>
<td>57</td>
<td>Workhouse/Magdalen</td>
<td>5</td>
<td>0.25</td>
</tr>
<tr>
<td>House</td>
<td>353</td>
<td>18.2</td>
<td>Public House</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Employer</td>
<td>194</td>
<td>10</td>
<td>Cart/Stage wagon</td>
<td>3</td>
<td>0.2</td>
</tr>
<tr>
<td>Shop</td>
<td>175</td>
<td>9</td>
<td>Dead bodies</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Lodgings</td>
<td>52</td>
<td>2.7</td>
<td>Warehouse</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Family members</td>
<td>22</td>
<td>1.1</td>
<td>Laundry</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Bleaching green</td>
<td>8</td>
<td>0.4</td>
<td>Misc.</td>
<td>5</td>
<td>0.25</td>
</tr>
<tr>
<td>Lockfast places</td>
<td>8</td>
<td>0.4</td>
<td>Total</td>
<td>1942</td>
<td>100</td>
</tr>
</tbody>
</table>


Temptation and opportunity were also crucial factors. Many of the larcenies appear opportunistic responses to circumstances which fortuitously came the women's way. Some reflected little else. Mary Ashley, convicted of "robbing a dead body", stated she had "removed the clothes of a person who died of the cholera from that house to the next yard". Sophia Gunyon, transported for stealing £85 from the public-house where she worked, claimed she had "found" the money "on the floor as I was cleaning". Elizabeth Lee stole "from the person of a man who lay with me one night". Many other larcenies were similarly opportunistic, including offences against passing strangers and fellow lodgers; from hedges, fences and carts. The opportunity to steal, the type of theft and goods targeted, were all largely determined by daily lifestyle. The Van Diemen's Land transportation records provide details of crime-locations for 59 percent of the larcenies (table 2.3). The most common sites for

120 Mary Ashley per New Grove, no. 88A, A.O.T., Con 40.
121 Sophia Gunyon per Mermaid, no. 74G, N.S.D.G., ref. 1355.
122 Elizabeth Lee per Borneo, no. 77L, N.S.D.G., ref. 1455.
larcenies were: the street, i.e. theft from the person; dwelling-houses; workplaces; shops; and lodgings.

Women who were 'on the town' prior to transportation (chart 2.7) were much more likely to steal from the person; 80 percent of them were convicted of larceny, compared to 57 percent of the women overall. Pocket-picking and highway robbery were characteristic offences, often from customers, providing prostitutes with supplementary earnings. The frequency of this type of theft was one reason why contemporary commentators presumed prostitutes to be generally criminal. Indeed, thefts by prostitutes from customers were regarded as a major form of female crime.123

<table>
<thead>
<tr>
<th>Chart 2.7: Types of items stolen by V.D.L. female convicts who had been prostitutes in the U.K.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Item</td>
</tr>
<tr>
<td>Tools</td>
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<tr>
<td>Children</td>
</tr>
<tr>
<td>Furniture</td>
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<tr>
<td>Animals</td>
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<tr>
<td>Jewellery</td>
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<td>Silver plate</td>
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<td>Misc</td>
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<td>Food</td>
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<td>Household</td>
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<td>Bedding</td>
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<td>Cloth</td>
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<tr>
<td>Watch</td>
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<tr>
<td>Clothing</td>
</tr>
<tr>
<td>Money</td>
</tr>
</tbody>
</table>

The types of items stolen also varied by occupation and lifestyle. Women 'on the town' (chart 2.7) disproportionately stole money and watches. One-third of prostitutes were transported for the theft of money, compared to one-fifth of the women overall. 14 percent of the prostitutes were transported for the theft of a watch compared to 8 percent overall. Other occupational differences affected the types of items stolen (charts 2.8 to 2.11). Farm and dairyworkers disproportionately

123 See, for example, William Logan An Exposure from Personal Observation of Female Prostitution (Gallie & Fleckfield, Glasgow, 1843), p. 23.
accounted for thefts of milk, butter and cheese, and were five times more likely to have stolen animals than the female convicts in general. Cooks and farmservants were twice as likely to have stolen food; accounting for 42 percent of cases. Cooks also accounted for seven out of the nine instances in which alcohol was stolen. An eighth involved a chambermaid at a tavern.¹²⁴ Cooks also favoured readily accessible household items, accounting for 42 percent of stolen cutlery and table linen. Laundrywomen were slightly more likely than the women in general to steal clothing and cloth and twice as likely to steal bedding. They also stole general household items and articles of silver plate, reflecting their access to households through their work and their ability to conceal stolen goods in laundry bundles or baskets.

Although only 10 percent (table 2.3) of the women appear to have stolen from their employer this is likely to be an underestimation. Information on the convict-prosecutor relationship suggests a much higher incidence. Unfortunately, details concerning the prosecutor were only recorded in 142 cases, preventing firm conclusions. Additionally, such details as exist under-represent the incidence of stranger-larceny. In 85 percent of cases where the prosecutor-convict relationship was recorded, however, the prosecutor was also the employer. This hints that the incidence of larceny from employers may have been substantially greater than 10 percent. This assumption is supported by historical studies. Beattie states that the level of theft from employers by servants in eighteenth-century England was very high.¹²⁵ Rudé identifies servant-larceny as one of the most characteristic forms of crime in early nineteenth-century London.¹²⁶

The case-details of numerous of the women reveal a strong correlation between occupation and theft. Catherine Barnes, for example, who had stolen two yards of linen, was a dress and bonnetmaker; Mary James, cook and houseservant, had stolen a collection of silver spoons, knives and forks; and Jane Halton, convicted of the theft of twenty-four yards of cloth, two dresses and twelve pairs of stockings, was a dressmaker.¹²⁷ Such examples further support the contention that the real incidence of servant theft was higher than the transportation records reveal. Resolution of this

¹²⁴ Sarah Orill or Johnston per Lady of the Lake, no. 62J, N.S.D.G., ref. 1616.
¹²⁶ George Rudé, Criminal and Victim, p. 33.
question through mass use of United Kingdom criminal records would require a separate major study.

Chart 2.8: Types of items stolen by laundryworkers among the female convicts transported to V.D.L., 1820-1839.

<table>
<thead>
<tr>
<th>Type of Item</th>
<th>Laundryworkers</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jewellery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver plate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cloth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Money</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Chart 2.9: Types of items stolen by clothing trade workers among the women convicts transported to V.D.L., 1820-1839.

<table>
<thead>
<tr>
<th>Type of Item</th>
<th>Clothing trades</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jewellery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver plate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cloth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Money</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chart 2.10: Types of items stolen by cooks among the women convicts transported to V.D.L., 1820-1839.


Chart 2.11: Types of items stolen by farmworkers among the women convicts transported to V.D.L., 1820-1839.

Workplace theft was motivated and structured by several factors. Constant temptation and opportunity through ease of access created conditions conducive to servant theft. Such larcenies were sometimes bound up with employer-servant conflict: struggles over wages and conditions; the subversion of deference; and in the case of outworkers, like the dressmakers and needlewomen, with control over raw materials and the work-process. Servant and employer perceptions of theft differed substantially. Some servants saw their predations as temporary unauthorised loans to secure pawnshop credit. Mary Jones, cook and houseservant, thus saw her offence rather differently to her master and prosecutor. She was, she stated, guilty not of stealing but of "pledging my master's plate". Jane McPherson, housekeeper, likewise believed she was simply guilty of "pledging articles belonging to my employer". Eliza Jones, milliner, convicted of stealing 24 strawbonnets from her employer, stated that she had pawned the straw. Short-term pledging of employer's property was a common practice, reflecting the "ill-defined borderline" between legal and illegal pawning. Those transported for such offences were therefore perhaps those unlucky enough to have more inflexible or vigilant employers.

The grey area between legal and illegal activities was further extended by the growing disjuncture between what servants perceived as perquisites or vails, employers as theft. In the early nineteenth century, as stricter controls were imposed over household budgets, employers of domestics attempted to suppress traditional wage-supplements, such as vails. Confusion and conflict therefore muddied the waters dividing perks and servant-theft. Pilfering, as a result, was not necessarily regarded by the servant as straightforwardly criminal. Harriet Vaughan, nurse and needlewoman, clearly regarded access to her employer's food as her 'right' to supplement her own diet, and pass on to others. Transported for theft, Vaughan stated that she was guilty of "giving victuals away belonging to my mistress".

129 Mary Jones per Arab, no. 131J, M.L., T.P. 28; A.O.T., Con 40.
130 Jane McPherson per New Grove, no. 131P, A.O.T., Con 40; C.S.O. 1/790/16926.
131 Eliza Jones per Harmony, no. 58J, N.S.D.G., ref. 1536, A.O.T., Con 40.
133 Harriet Vaughan per Edward, no. 9V, A.O.T.: Con 40, Con 27/1.
The issue of servant embezzlement was also confused by the imprecise line between legality and illegality. Persistent petty thefts by servants who controlled the household budget or pantry contents were commonplace, and were often regarded by the servant as a legitimate income supplement. Housekeepers for example, were responsible for producing inventories of pantry contents; their scope for supplementing income was therefore considerable. Housekeeper Susannah Webb may therefore have been 'on the make' for some time before she was discovered and transported for stealing her master's tea and sugar. Ordering 'extra' from shops or salesmen was also a common method of supplementing wages. This throws light upon Mary Ann Carpenter's transportation for "obtaining by false pretences on my mistress' name" and Mary Ann Hall's conviction for "obtaining goods (cigars and tobacco) on my master's name". These types of activities were variously perceived by servants: some stole to supplement an otherwise poor diet; others regarded pilfering as fair game, an unacknowledged 'bonus' or 'right'; and yet others as a way of settling a score. The rewards were therefore often more than material, bringing, on occasion, the additional pleasure of "beating the system".

A wide range of items were stolen by employees. Clothes and money were, however, the most frequent targets; accounting for 57 percent of servant-larcenies. Money provided a direct, immediate means of supplementing wages. Motives for stealing clothes were, however, more complex. Hand-me downs had long been viewed as a vail to which many domestics felt entitled. Additionally, growing employer attempts to have servants dress in plain, 'suitable' attire, a problem eventually resolved by the adoption of uniforms, invested clothing with great significance. Since the eighteenth century commentators had expressed the fear that class distinctions were being threatened by the easier availability of ready-made clothing, and sought to maintain dress differences as highly-visible symbols of class, status and wealth. The concern that a mistress and her servant could not be told apart was repeatedly and particularly expressed. Servant theft of clothes was therefore a complex and conflict-ridden issue; involving not merely loss of property, but the rejection of deference and the subversion of class distinctions.

134 Susannah Webb or Bishop per Arab, no. 301W, A.O.T.: Con 40, T.P. 28.
2. Crimes against the person.

Just 38 women (1%) were transported for crimes against the person: 1 for accessory to rape, 10 for assault, 9 for stabbing, cutting or wounding, and 18 for attempted murder or murder. This reflects the relatively low incidence of violent crime and murder observed by several historians. Rudé notes that "crimes of violence were the exception rather than the rule"; his breakdown of Old Bailey trials revealing that murder and manslaughter accounted for 0.5 percent of cases in the 1820s and 1.5 percent in the 1830s. Philip's study uncovered just eight murder convictions in the Black Country between 1835 and 1860. Few women were therefore transported for the offence of murder because it was a comparatively rare crime. This was further accentuated because some, of course, were executed rather than transported, and because murder was predominantly a male rather than female offence.

Murder was, and is, an offence disproportionately committed within the family or neighbourhood. This characteristic, over several centuries, has been particularly pronounced in murders by women. Beattie states that in the eighteenth century; "most...women indicted for murder or manslaughter were accused of killing someone within their own domestic circle or...neighbourhood". A twentieth-century study has led criminologist Carol Smart similarly to conclude; "women...appear to murder their husbands, lovers and other relatives...(and) commit homicides most frequently within the...family". Historical and contemporary studies alike therefore indicate that women's murder victims tend to be family members, friends or neighbours, and their motives familial or community disputes.

Those transported for violent offences were no exception. Elizabeth McDonald or McPherson attempted a murder whose roots lay in prolonged familial strife. Sentenced to life for stabbing her husband, McDonald revealed that she had been "half a dozen times in custody before for quarrelling with my husband". Their marital conflict had very likely been intensified by his recent discharge from the army and permanent return home. Two women were convicted of the murder of child family

138 Sarah Elam was sentenced to life for being an accessory to the rape of a parish apprentice; her associate was executed. Sarah Elam per Jane, no. 39E, A.O.T., Con 40.
139 George Rudé, Criminal and Victim, p. 10 & p. 29.
143 Elizabeth McDonald or McPherson per Lady of the Lake, no. 105D, N.S.D.G., ref. 1626.
members.\textsuperscript{144} Hannah Heath, widowed mother of four, was transported for "giving my
daughter's chance child some vitriol"; a crime which she claimed "I had nothing to do
with".\textsuperscript{145} Elizabeth Dale, a widow, brought her second child with her to the colony.
The murdered child had been, at age five, her eldest. Dale, perhaps by way of
explanation, simply stated that "the father of it was dead".\textsuperscript{146}

Family members were also intimately involved in the case of Mary Braid or Morison,
convicted, with her brother, of incest and murder. The victim's identity is unclear from
transportation records, but was possibly the child of their incestuous relationship. The
family intrigues went further; Braid stating that her sister had been "the instigation of
my prosecution through malice".\textsuperscript{147} In two cases, jealous conflicts occurred
over a husband or lover. Mary Horn's motives for murder were clear; the victim was "a
woman who took to my husband. I hit her with a stick".\textsuperscript{148} Mary Sherrington had
unsuccessfully attempted; "to poison Mary Byers...when she was after John
Harrison...It was arsenic in the pudding, the young woman did not take it". John
Harrison, she stated, was "the father of my children".\textsuperscript{149}

Other convictions resulted from fights and brawls. Few of these were premeditated,
and several were clearly accidental. Mary Ann Dean, for instance, stabbed Solomon
Wheeler "in the course of a quarrel with him", while Elizabeth Jones or Nowlands
killed Charles Miller during "a drunken affray".\textsuperscript{150} Other cases were the result of self-
defence. Thus Maria, a slave from Honduras (now Belize), transported for the murder
of William Mair, explained; "I was beat by him and he got a knife. We scuffled
together and the knife entered his body and killed him".\textsuperscript{151} Catherine Liston was
convicted of "stabbing a man who wanted to ase (sic) me. I would not let him do
it".\textsuperscript{152}

\textsuperscript{144} A third case of attempted child murder involved a woman transported from Barbados in 1836;
recorded simply as 'Mary Jane'. She assaulted the child by "throwing it down and hitting it with a
piece of wood". Her relationship to the child is unclear. Her occupation of nursemaid suggests,
however, that she may have assaulted an employer's child. Her lack of surname suggests she
may have been a slave up to emancipation in 1834. Mary Jane per Atwick, no. 154J, A.O.T., Con 40.
\textsuperscript{145} Hannah Heath per Majestic, no. 331H, A.O.T., Con 40.
\textsuperscript{146} Elizabeth Dale per Eliza, no. 107D, A.O.T., M.M. 33/2.
\textsuperscript{147} Mary Braid or Morison per Hector, no. 322B, A.O.T., Con 40.
\textsuperscript{148} Mary Horn per Henry, no. 77H, N.S.D.G., ref. 898.
\textsuperscript{149} Mary Sherrington per Hindostan, no. 385S, A.O.T., Con 15/9.
\textsuperscript{150} Mary Ann Dean per Majestic, no. 245D, A.O.T., Con 40. Elizabeth Jones or Nowlands per Siren,
no. 116J, A.O.T., Con 40.
\textsuperscript{151} Maria, a slave, per Borneo, no. 81M, N.S.D.G., ref. 1467.
\textsuperscript{152} Catherine Liston per Lady of the Lake, no. 91L, N.S.D.G., ref. 1623.
Many of the women transported for crimes of violence had used direct force: using knives, sticks, soldering irons and any other weapon which came to hand. This conflicts with the belief that women tend to murder indirectly and by stealth. Poison, allegedly "for many centuries the most typical form of female homicide", was used just four times.¹⁵³ Likewise, only one woman attempted murder by throwing sulphuric acid; again supposedly a common method of murder by women in this period.¹⁵⁴ Criminologists have stressed the non-confrontational nature of murder by modern women. Smart states that women tend to "use less physical strength... (and) are far less likely to beat a victim to death", and argues that most women murder when, through sleep, illness or alcohol, the victim is unable to mount a defence.¹⁵⁵ The evidence from the transportation records, by contrast, suggests that women in the past were less hesitant about the use of direct physical force. This concurs with Beattie's belief that the image of the secretive, non-confrontational female murderer fails to characterise many eighteenth-century women who killed by "main force".¹⁵⁶ A shift in female methods of assault and murder may then have taken place over the last two centuries, perhaps linked to wider structural changes in women's lives. Beattie links the use of main force to the physical strength required by many forms of eighteenth-century female labour. This factor perhaps also partially accounts for the use of direct force by the transportees.

Actual physical strength may, however, only partly explain these changes. The transformation of women's own perceptions of their strength, a change intimately linked with the transformation of gender roles, may have been equally important. Increasing stress was being placed on 'natural', 'feminine' attributes of fragility, gentleness and physical weakness in this period.¹⁵⁷ The continued use of direct force by some working-class women may reflect the relative weakness of gender socialisation outwith the context of the middle-class family;¹⁵⁸ divorced as it was from the lived experience of proletarian women. This perhaps explains the physical violence

with which some of the convicts responded to abuse. The case of Sarah Gunter, transported, with her husband and brother, for "maliciously cutting" another man, illustrates this point. Although beginning as a pub-brawl, in contrast to the belief that such conflicts were generally male affairs, it was not started by the men. They only became involved after Gunter had "first smashed his face for using impudent language to me". She had used a soldering iron for the purpose.

The "worst offenders"? Female convicts, recidivism and the 'criminal class'.

Many historians have asserted that the Van Diemen's Land convicts were the worst of the transportees; that the colony was the destination for the most hardened and recidivist. Indeed, it was on these grounds that some historians of the criminal-class school have attempted to rationalise Convict Workers' findings that the majority of New South Wales transportees had no prior conviction. Davidson, for instance, argues, that this finding does not undermine the criminal-class interpretation because the most criminal were sent to Van Diemen's Land. Rates of recidivism for the Van Diemen's Land convicts ought therefore to be much higher than for those sent to New South Wales. Examination reveals, however, that the search for the 'criminal class' will not be any more fruitful in Van Diemen's Land.

Prior conviction data derives from two sources: the gaol report which accompanied each convict and the personal statement made by each individual on arrival. These sources appear reasonably accurate; in most cases they tallied, indicating that few convicts understated their criminal record. When the sources did differ it was commonly because the convict listed a higher number of prior convictions than the gaol report. Thus, while Ann McDonald or Frowie revealed that she had four convictions prior to transportation, her gaol report recorded just three. In all such cases where discrepancies exist the higher number of prior convictions has been used.

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162 Ann McDonald or Frowie per Hydery, no. 147D, A.O.T., Con 18/24, Con 40.
Contrary to their criminal-class image, a majority of the women, 52.7 percent, had no prior criminal conviction. Additionally, many with a criminal record do not appear to have been persistently criminal: 27.8 percent had just one prior criminal conviction; a further 9.8 percent had accumulated only two (Chart 2.12). At what point should an individual be regarded as an habitual offender and thus allegedly a member of the 'criminal class'? Davidson sets a low dividing line; defining as habitual all those with at least two prior convictions. By his standard, 80.5 percent of the women cannot be regarded as habitual and therefore by definition members of the 'criminal class'. Very few women indeed therefore justify the stress placed on the habitual criminality of the Van Diemen's Land convicts. This is particularly significant because, in depicting the colony as the destination for the worst convicts, the criminality of the women has been much remarked upon. Robson pointed, for instance, to "the relatively large number of women who were former offenders" as evidence that Van Diemen's Land "was fixed upon as a penal colony for the worst offenders". The criminal records of the women transported in the 1820s and 1830s fail to substantiate this conclusion.

Chart 2.12: Number of criminal convictions accumulated by V.D.L. convict women prior to transportation, 1820-1839.

![Chart 2.12: Number of criminal convictions accumulated by V.D.L. convict women prior to transportation, 1820-1839.](chart.png)

Note: 'Frequent' denotes all those who stated they had been frequently or many times in gaol but who did not provide an exact number of prior convictions.


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163 Information on prior conviction was available for 3369 (89%) of the women.
164 Alastair Davidson, 'Convict Workers - a review', p. 480.
165 Lloyd Robson, The Convict Settlers of Australia, p. 130.
The Van Diemen's Land women were not persistently or habitually criminal, a defining characteristic of the notional 'criminal class'. Comparison with their New South Wales counterparts does, however, indicate that a greater proportion of convicts with prior convictions were transported to Van Diemen's Land. 52.7 percent of the women had no prior convictions in comparison with 63.4 percent of women sent to New South Wales. This might tend to suggest that Van Diemen's Land was indeed selected for the worst criminals. The difference is, however, mainly, if not wholly, accounted for by differences in places of trial and regional disparities in sentencing practice.

Chart 2.13: Comparison of the overall number of criminal convictions accumulated prior to transportation by all women convicts arriving in V.D.L. 1820-1839, with those accumulated by women convicts tried in Scotland, arriving in V.D.L. 1820-1839.

From 1820 to 1840, convicts tried in Ireland were not transported to the colony. Consequently, New South Wales received the greatest number of Irish-tried convicts: 40 percent of its female convicts had been tried in Ireland by comparison with 1.8 percent (table 2.1) of those transported to Van Diemen's Land 1820-1839. By comparison, greater numbers of convicts tried in Scotland were sent to the latter colony.

166 Deborah Oxley, 'Convict Maids', p. 81. Nicholas & Shergold's data reveals that overall 61 percent of N.S.W. convicts had no prior conviction, S. Nicholas & P. Shergold, 'Convicts as Migrants', in S. Nicholas (ed.) Convict Workers, p. 46.

167 New South Wales figures are from Lloyd Robson, The Convict Settlers of Australia, p. 213.
colony: 14.5 percent of the women compared with 4 percent to New South Wales.\textsuperscript{168} While the Irish courts tended to transport first-offenders, Scottish courts were more reluctant to do so.\textsuperscript{169} Convicts tried in Scotland consequently had the highest rates of recidivism. Just 22.4 percent of female convicts tried in Scotland (chart 2.13) had no prior conviction, while a substantial proportion had accumulated several convictions. Overall, 29.5 percent of women tried in Scotland, compared to 8.5 percent overall, had three or more prior convictions. National differences in sentencing and recidivism patterns account for the greater number of repeat offenders sent to Van Diemen's Land.

It remains unclear whether the decision not to transport offenders from Ireland to Van Diemen's Land and to transport greater numbers from Scotland in their place, was the product of a policy of selective transportation. Historians have unearthed no evidence which indicates that Van Diemen's Land was intended to disproportionately receive recidivists. Why convicts tried in Ireland were not transported to the colony remains unexplained. John Williams' study of transportation from Ireland failed to reach a conclusion on the matter, noting only that the colonial Governors themselves "appear to have had no idea why the Irish only went to New South Wales".\textsuperscript{170} Nevertheless, he did doubt that it reflected a distinct government policy, arguing;

"it is unlikely that such a policy could have been carried out without colonial knowledge or without the establishing of some criteria for selection and the setting up of administrative machinery. (Governor) Arthur certainly had no knowledge of such a policy".\textsuperscript{171}

The case for arguing that the 'worst' convicts were selected for transportation can, therefore, at best, only be tentatively mooted. A conclusive answer requires research on British government policy, court practices, sentencing patterns and the mechanisms of transportation. What is clear, however, is that even if Van Diemen's Land was selected to receive the 'worst' convicts, then they were not all that 'bad'. Robson asserted that the Scottish women transported to Van Diemen's Land were

\textsuperscript{168} ibid, p. 213.
\textsuperscript{169} I. Donnachie, "Utterly Irreclaimable": Scottish Convict Women and Australia', p. 11.
\textsuperscript{170} John Williams, 'Irish Convicts and Van Diemen's Land', unpublished M.A. Dissertation, University of Tasmania (1972), p. 163.
\textsuperscript{171} ibid, p. 169.
"indubitably the worst prisoners".\(^{172}\) Even so, a quarter of these "worst prisoners" had no criminal record, and a further 27.5 percent just one prior conviction.

### Table 2.4: Prior convictions of female convicts arriving V.D.L., 1820-1839.

<table>
<thead>
<tr>
<th>1. Crimes against property</th>
<th>Type</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny</td>
<td>1432</td>
<td>58.1</td>
<td></td>
</tr>
<tr>
<td>Pledging</td>
<td>82</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Receiving</td>
<td>38</td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>Suspicion of felony</td>
<td>20</td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Attempted felony</td>
<td>3</td>
<td>0.12</td>
<td></td>
</tr>
<tr>
<td>Fraud &amp; Falsehood</td>
<td>6</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>Arson</td>
<td>1</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td>Embezzling</td>
<td>1</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td>Trespass</td>
<td>1</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td>Smuggling</td>
<td>1</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1585</strong></td>
<td><strong>64.2</strong></td>
<td></td>
</tr>
</tbody>
</table>

| 2. Crimes against the person | Assault | 93 | 3.8 |
| 3. Crimes against the currency | Coining & forgery | 75 | 3 |
| 4. Work related offences | Leaving work/refusing to work | 18 | 0.7 |
|                           | Abuse & Insolence  | 9  | 0.4 |
|                           | Machine breaking   | 1  | 0.04 |
| **Total**                 | **28**            | **1.1** |     |

<table>
<thead>
<tr>
<th>5. Public Order Offences</th>
<th>Type</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disorderly or riotous conduct</td>
<td>227</td>
<td>9.2</td>
<td></td>
</tr>
<tr>
<td>Drunkenness</td>
<td>180</td>
<td>7.3</td>
<td></td>
</tr>
<tr>
<td>Vagrancy</td>
<td>173</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Quarrelling &amp; fighting</td>
<td>40</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>Streetwalking</td>
<td>7</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Keeping a bawdy/disorderly house</td>
<td>6</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>Breaking windows</td>
<td>7</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Being in bad company</td>
<td>8</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Out after hours</td>
<td>5</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>653</strong></td>
<td><strong>26.4</strong></td>
<td></td>
</tr>
</tbody>
</table>

| 6. Other                  | Bastardy       | 7   | 0.3 |
|                          | Breach of trust| 4   | 0.16|
|                          | Perjury        | 1   | 0.04|
|                          | Soliciting charity | 2 | 0.08|
|                          | Distilling     | 2   | 0.08|
|                          | Confined by my father | 1 | 0.04|
|                          | Debt           | 1   | 0.04|
|                          | Disturbing bees| 1   | 0.04|
|                          | Non payment of fines | 1 | 0.04|
|                          | Keeping an apple stall | 1 | 0.04|
|                          | Neglect of family | 1 | 0.04|
|                          | Running away from home | 9 | 0.4 |
| **Total**                 | **31**         | **1.3** |     |


A substantial proportion of the prior convictions were, furthermore, 'criminal' only in a loose sense. 'Public order offences', such as drunkenness and vagrancy; 'work-related offences', including deserting employers, insolence and machine-breaking; plus a miscellany of offences ranging from bastardy to disturbing bees, accounted for 29 percent of prior convictions (table 2.4). Many women had several, sometimes numerous, convictions for offences such as drunkenness or disorderly conduct. Helen Curte, for example, had six prior convictions, all for drunkenness.\(^{173}\) Mary Davies estimated that she had been convicted "twelve times at least for disorderly conduct";

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\(^{172}\) Lloyd Robson, *The Convict Settlers of Australia*, p. 130.

\(^{173}\) Helen Curte per Atwick, no. 340C, A.O.T., Con 40.
Ann Marney had five prior convictions each for being in a row; and while Ellen Baldock had just two convictions for theft, she had been convicted of disorderly conduct seventeen times.\footnote{Mary Davies per Hector, no. 195D, A.O.T., Con 40. Ann Marney per Platina, no. 259M, A.O.T., Con 40. Ellen Baldock per Hector, no. 326B, A.O.T., Con 40.}

The women's records were thus not straightforwardly 'criminal', but a mixed bag of offences. Martha Summerworth's case is illustrative; transported for "stealing a pair of shoes from...York Common workhouse", she had been "several times in prison". She was, according to her gaol report; "an old offender, (of) very drunken, disorderly habits" and had been "often committed to this prison under the Vagrant Act".\footnote{Martha Summerworth per Nautilus, no. 354S, A.O.T., Con 40.} This type of criminal record far from proves that the women were 'criminal class'. Offences associated with vagrancy and public order were the product of a wider attempt to 'clean up' the streets; the focus of which was the working class. Armed with discretionary legislation such as the 1824 Vagrancy Act, which particularly targeted proletarian women, the new police were empowered to criminalise much of the noise, tumult and indiscipline which characterised urban working-class communities. Convictions for 'crimes' such as vagrancy, drunkenness and disorderly conduct were therefore the product of a wide-ranging reform effort aimed at controlling and suppressing numerous forms of proletarian leisure. As Radzinowicz argues, the "demand (was) for order, authority and discipline";\footnote{Leon Radzinowicz, A History of English Criminal Law and its Administration from 1750, Volume 4 (Stevens, London, 1968), p. 42.} the vagrant a "challenge and offence to the ethos of the period...a walking advertisement of the advantages of idleness".\footnote{Leon Radzinowicz & Roger Hood, A History of English Criminal Law, Volume 5 (Stevens, London, 1986), pp. 342-343.}

Undeniably, however, prior 'criminal' convictions, for offences such as larceny, receiving and coining, were to the fore, accounting for 71 percent of the convictions which made up the women's criminal records. Many had several such prior convictions. Agnes Calder had been convicted seven times for theft before transportation; Janet McKechnie three times for receiving; and Flora Niven twice for coining.\footnote{Agnes Calder per Arab, no. 299C, A.O.T., Con 40. Janet McKechnie per Nautilus, 126K, A.O.T., Con 40. Flora Niven per Nautilus, 65N, A.O.T., Con 40.} A number were persistent offenders; crime their regular habit and a frequent income-source. For many others, however, crime was irregularly undertaken, and only periodically supplemented 'legitimate' sources of income.
While some individuals survived in the short-term on crime and prostitution, it is unlikely that the income from either activity was consistent enough to permanently maintain more than a few. Prostitution was a temporary, transitional activity (chart 2.14): 179 43 percent of the women 'on the town' prior to transportation had been prostitutes for less than eighteen months; a further 28 percent for a period of between eighteen months and three years. The net income from prostitution was also generally insubstantial. Acton, for instance, recorded the going rate for mid nineteenth-century London as a shilling. 180 Combined these factors support the contention that prostitution failed to provide most women with a permanent and sufficient source of income. Likewise, while the income derived from crime may sometimes have been substantial, it was also sporadic, unpredictable and undependable. For all but a very few, crime therefore also failed to provide a permanent, viable means of survival. The evidence, discussed in chapter four, regarding occupation, skill and training supports

179 Logan noted; "medical men...are agreed that five or six years is the average course of females who lead a life of prostitution", and that the majority became prostitutes between the ages of 14 and 22 years old, William Logan, *An Exposure from Personal Observation*, p. 27. Finnegan estimates that most York prostitutes in the nineteenth century were aged between 15-25 years old, and that few survived as prostitutes beyond five years. Frances Finnegan, *Poverty and Prostitution. A Study of Victorian Prostitutes in York* (Cambridge University Press, Cambridge, 1979), p. 76 & p. 83.
these conclusions: rather than being full-time, 'professional' criminals and prostitutes, most of the women had clearly spent considerable amounts of time in work. Finally, even the minority of women who were 'professional' criminals, were not part of any 'criminal class', for historians, as chapter one observed, have conclusively established that no such class existed.
Chapter Three
"...a Devil incarnate":¹
Crime, Gender and Social Order in the early nineteenth century.

¹ Description of Sarah Fenton per Mary Anne, no. 27F, by James Hall, ship-surgeon, P. Tardif, Notorious Strumpets and Dangerous Girls: Convict Women in Van Diemen's Land, 1803-1829 (Angus & Robertson, N.S.W., 1990), ref. 659, (Hereafter N.S.D.G.).
Crime and prostitution in early nineteenth-century Britain were clearly important as poverty management strategies. It would be erroneous, however, simply to represent the convict as a one-dimensional victim, worn down and pushed into crime by poverty. Crime was a much more complex activity, multifariously motivated and evoking a multi-faceted dominant-class response. Although this response crystallised around the image and discourse of a deviant and separate social sub-stratum, the 'criminal class', what was really at issue was the control and discipline of the working class. A profound unease about proletarian disorder and social instability lay at the heart of nineteenth-century discourses of crime. In part, this unease reflected the recognition that criminal activities enhanced the ability of sections of the labouring poor to negotiate with the world of work-discipline. The implications for proletarian women went much further, however, than the question of work-discipline alone. The stability of the early nineteenth-century social order depended on a reconstruction of gender roles which systematically ascribed a privatised and dependent existence for women. Income from crime and prostitution allowed some women to acquire, at least temporarily, an independence from marital, family and workplace constraints and so actively contravene dominant-class ideologies of femininity and domesticity. A locus of fear about the stability of the class and gender order therefore informed contemporary discourses of female criminality and shaped the application of policy towards the female offender. Rather than being part of a separate criminal sub-stratum, the women so targeted were perceived to be socially threatening precisely because of their location in a wider working-class world.

"To live without working is a crime":2 Crime, class and social order.

"contempt for the existing social order is most conspicuous in its extreme form - offences against the law...Society is in a state of visible dissolution...social war is under full headway...it may very well surprise us that the bourgeoisie remains so quiet and composed in the face of the rapidly gathering storm-clouds...without fear...of a universal outburst of that which manifests itself symptomatically from day to day in the form of crime...".3

Historians have generally rejected Engels' idea that crime was either a form of social protest or symptomatic of the impending class war. Rudé, for instance, dismisses the idea that property crime was generally linked to social protest; "crimes committed for survival...", he argues, "do not betoken a class war...".\(^4\) Historians argue that property crime did not reflect class conflict because it was so rarely committed by the poor upon the rich; but by "working-class people against other working-class people".\(^5\) The notion that the criminal law was a tool for elite control\(^6\) has also been significantly revised in recent years. The courtroom, as Beattie establishes, did not "range the rich on one side and the poor on the other".\(^7\) The law did not solely act as, nor was it perceived simply to be, an instrument of class control. Rather, it "was important as ideology"; the law had a "multi-use right" which meant that different social groups were willing to turn to it in the belief that it would protect their rights and property.\(^8\) Crime cannot, therefore, simply be equated with social or class conflict, nor can the criminal law be represented solely as a mechanism for elite control. The relationships between crime, law, class and social order were more complex than this analysis suggests. It remains the case, however, that both crime and the law were integral to social (dis)order and class (in)discipline in the eighteenth and early nineteenth centuries.

While the labouring classes regularly used the law, popular attitudes to crime and the law were complex; there was no straightforward acceptance or consensus. Peter King asserts, for instance, of eighteenth-century Britain, that "it would be dangerous to conclude...that plebeian groups generally accepted the 'legitimacy of the criminal law'".\(^9\) There is much which indicates that proletarian attitudes to the law in the early nineteenth century likewise did not simply replicate those of the élite. Complex and changing popular understandings of crime existed. They can be glimpsed in popular attitudes to juries and justice; community sanctions for certain crimes; resistance to

\(^9\) ibid, pp. 33-34.
the new police;10 and the popular market for criminal narratives in which the criminal was an heroic figure.11 These speak of a wide and shifting range of popular conceptions of crime and the law which undermines any notion of consensus or dominant-class hegemony.

Dominant-class perceptions of crime and the criminal were profoundly shaped by a growing conviction that the 'criminal' "like the vagrant and the able-bodied pauper (was) lacking in a proper sense of the value of work and time".12 A complex relationship was identified between 'idleness', work and time-discipline, and social conflict. As Linebaugh's study of eighteenth-century London reveals, crime was intimately bound up with the 'problem' of work-discipline. Links between 'idleness' and criminality were frequently remarked in eighteenth- and early nineteenth-century Britain. Their association was central to the reconstruction of time; it was the devil who found work for idle hands. 'Idleness' was a habit acquired in the tavern and through the company of 'loose women', and was a sure first step to criminality. Hogarth's 'Idle Prentice' thus began his path to the gallows with small acts of disobedience and defiance, followed by indulgence in a multitude of sins including

11 Philip Rawlings warns against any simplified notion that the mass market for criminal biographies indicated the existence of a "literature of resistance". He asserts that it is problematic to assume the existence of a totally independent plebeian culture which was "commonly in opposition to a separate culture of the ruling class". The labouring class, as Rawlings points out, did not control the printing or distribution processes. Neither did it form the core readership for criminal biographies, which appears to have been mainly middle class. Rawlings, however, also rejects the notion that this form of popular literature was simply pure propaganda, arguing instead that it was an "important site on which the struggle for hegemony (took) place". Criminal biographies were, as a result, shot through with contradiction, with the result that their interpretation and meaning could vary substantially both between different social groups and over time. Philip Rawlings, Drunks, Whores and Idle Apprentices. Criminal Biographies of the Eighteenth Century (Routledge, London, 1992), pp. 4-16. Thus the biographies could, in some ways and contexts, operate as a "literature of resistance". This is clear, for instance, with Jack Sheppard's narrative. Linebaugh observes that, well into the nineteenth century, Sheppard's name "cut deep into the landscape of popular consciousness...Among English sailors anyone with the surname of 'Sheppard' was automatically called 'Jack'... Within the Manchester proletariat of the 1840s his name was more widely known than that of the Queen herself." Sheppard, Linebaugh states, belongs "to an 'other history' of histories, pantomime and song. The oral history of Sheppard has maintained his memory within human contexts where books were scarce and working-class resources for an independent historiography...non-existent...that memory was kept in contexts of social struggle...and raises questions about the relationship between 'criminality' and the working-class movement." Peter Linebaugh, The London Hanged. Crime and Civil Society in the Eighteenth Century (Penguin, London, 1991), pp. 7-41.
gambling, drinking and the keeping of company with prostitutes.\textsuperscript{13} Contemporary concern about 'idleness' mirrored concern about work-discipline and class deference; "idleness' meant the refusal of discipline, subordination or obedience''.\textsuperscript{14}

The concept of 'idleness' remained central to the understanding of crime in early nineteenth-century society. Colquhoun's treatises on crime identified it as the heart of the problem; "idleness", he wrote, was "a never failing road to criminality".\textsuperscript{15} Colquhoun's influence was substantial; his work on the police had gone through seven English editions by 1810 alone.\textsuperscript{16} The belief that 'idleness' and crime were inextricably linked also shaped the regimes of punishment adopted in a range of carceral institutions, from bridewells and houses of correction, to gaols and workhouses.\textsuperscript{17} The 'criminal poor' was set to relentlessly repetitive physical tasks designed to instil work-discipline and thus to "grind men good".\textsuperscript{18} Hard labour and rigorous time-keeping formed the basis of the punishment regimes designed for the nineteenth-century penitentiary,\textsuperscript{19} and "were meant to instil into the prisoner a proper sense of the work ethic and of time thrift".\textsuperscript{20}

The perceived relationship between crime, 'idleness' and social disorder took on a new significance in the period of wage-labour. Crime potentially provided the material means by which to escape or soften wage-discipline; the capacity to be idle, to reject or mediate this discipline was greatly enhanced when alternatives or supplements to the wage were available. Crime provided some with the opportunity, albeit limited, to modify the wage relationship and thus soften the efficacy of;

\textsuperscript{13} The plot which Hogarth depicted in the 'Idle Prentice' series was, Rawlings argues, "typical" of the eighteenth-century criminal narrative in which "the hard-working apprentice from a poor but honest background who through contact with 'bad' company - usually a woman described as a 'whore' - becomes a criminal". Numerous eighteenth-century apprentice conduct books also warned of these dangers. Philip Rawlings, \textit{Drunks, Whores and Idle Apprentices}, p. 19.

\textsuperscript{14} Peter Linebaugh, \textit{The London Hanged}, p. 14.


\textsuperscript{16} \textit{Ibid}, p. 53.


\textsuperscript{20} David Philips, 'Crime, Law and Punishment in the Industrial Revolution', p. 175.
"the greatest social control...available to capitalism...the fact that in order to live and reproduce the worker must perpetually resell his or her labour power".21

Theft thus distorted the wage-relationship in favour of the worker. Walkowitz attributes a similar role to prostitution, arguing that it provided women with "an alternative to proletarianisation, one that released them from an oppressive work regime and afforded them ready access to money and social independence".22 Both activities created a temporary breathing space for working-class women, a buffer from the full force of work-discipline. While criminal actions themselves may only rarely have mirrored class contours, crime, class conflict and social order were therefore nevertheless inextricably linked.

For the middle and ruling classes, crime was also a potent symbol of the social disorder they identified with industrialisation and urbanisation. Their discourses of crime became increasingly entangled with discourses of class and social disorder; thus the labouring poor, the 'criminal class', the mob and the 'dangerous class' were merged into one. Engels was far from unique in equating crime with class conflict; commentators from the other end of the political spectrum also linked the two. The Tory Sheriff of Lanarkshire, for instance, expressed his fear of a society in which;

"...destitution, profligacy, sensuality and crime advance with unheard-of-rapidity in the manufacturing districts, and the dangerous classes there massed together combine every three or four years in some general strike or alarming insurrection, which while it lasts, excites universal terror".23

The associations drawn between crime and social disorder were shaped by two interlinking concerns: the desire to quell the threat of the mob, and thus social conflict, revolt and revolution; and the need to instil greater order, regularity and discipline into the workforce. Fear of overt class conflict and concern to overcome the 'idleness' and indiscipline of the labouring poor were therefore central components

of the discourse on crime. The measures designed to combat crime were to a great extent shaped by these two concerns. Concern with crime, vagrancy and 'idleness' were far from new, but a sea-change occurred in the early nineteenth century. The élite began systematically to develop and enhance its powers of surveillance and regulation, and so to institute "a new ideology of order".24 The noise, disorder, drunkenness, petty crime and sexual 'immorality' which the dominant class identified with urban working-class areas and with popular leisure forms were regarded as specific targets for control; for "any areas where the poor teemed" were perceived as "havens for the dangerous classes".25

Crime provided a potent metaphor for working-class indiscipline. Concern regarding rising levels of crime26 was evoked to justify and rationalise measures such as the new police forces, whose purpose and remit was, however, much wider than simply a more efficient apprehension of the thief. The extension of summary legislation and the new police forces were designed as weapons "of surveillance and control over the working class and their normal leisure pursuits...", and were thus intended as "an important way of disciplining the new urban workforce".27 The new police were therefore deployed as part of an attempt to introduce and maintain "order and decorum in all public spaces" and to impose "new standards of urban discipline" designed to combat "the anarchy of Hogarthian London".28 The attempt to establish "order and decorum" went much further than the assault on crime per se. At its heart it involved bids both to criminalise and reform those popular culture and leisure forms which conflicted with the desired aims of bourgeois order, regularity and discipline.

The disavowal and repression of popular leisure forms and public disorder was motivated by a complex of factors. In part, it reflected the interests of the "new breed of employers" whose "rational pursuit of profit called for the elimination of...atavistic habits".29 The suppression of 'traditional' holidays and festivities, for instance, reflected the need to inculcate the labouring poor with new values of time and work-

26 Recent research indicates rising crime statistics in the early nineteenth century were the product of "greater police and prosecution activity rather than the increased commission of offences", David Philips, 'Crime, Law and Punishment in the Industrial Revolution', p. 158.
27 ibid, p.169.
discipline. The noisy and rowdy crowds which accompanied proletarian leisure forms were also, however, viewed as immediate and pressing threats to the social order. Suppression of popular leisure forms therefore also reflected a growing dominant-class emphasis on the need to control the streets. The perceived threat to social order which motivated these measures was far from imaginary; in some cities the streets became "important area(s) of social class antagonisms. Respectable passers-by complained of insults and of being forced off pavements by a recognisable social type, 'street-corner' types". Popular fêtes and carnivals were likewise not uncommonly accompanied by riots and other forms of protest which expressed the depth of class hostility and conflict and so reinforced élite unease.

The élite's response in the face of a seemingly impending social anarchy was profoundly shaped by the conviction that these forms of social disorder and conflict were intimately connected with proletarian criminality and immorality. The disciplinary methods adopted focused on attempts to establish a new moral order, reflecting the belief that "a commonly affirmed array of values and 'morals'...was the

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31 Anthony Delves, 'Popular Recreation and Social Conflict in Derby, 1800-1850', in Eileen Yeo & Stephen Yeo (eds.) Popular Culture and Class Conflict, p. 98.

32 Guy Fawkes celebrations in the south of England, for example, changed. As local élites withdrew from active participation, the festivities became increasingly politicised. Storch reports that in small southern towns effigies of prominent locals were increasingly being ridiculed and burned by the early nineteenth century. In Bethnal Green in 1833 the police were the target of the celebrations, and in the 1860s Fifth of November celebrations sparked off food-price riots in Oxford and Devon. Robert Storch, 'Please to Remember the Fifth of November: Conflict, Solidarity and Public Order in Southern England, 1815-1900', in Robert Storch (ed.) Popular Culture and Custom in Nineteenth-Century England (Croom Helm, London, 1982), pp. 71-99.

33 The image of the fair, for instance, drew upon a nexus of anxieties regarding social order, criminality and immorality, as the following newspaper report illustrates. "For a whole week...the streets have been crowded, the...public houses crammed, the pickpockets, sharpers, and showmen filled...if a foreigner had chanced to pass near the cattle market, he would have seen a sight which all stories of English virtue and morality would have fallen upon his ears in vain. Crowds of men and women...drunk, surging up and down in the streets, gurgling around the entrance of the beer-shops; pickpockets...unfortunate women...children struggling through the crowded booths...witnesses to all the disgusting immorality, the ribald jesting, the cursing and profanity...and other nameless things, in which these fairs and feats abound", The Leeds Mercury, July 16 1863, cited in Robert Storch, 'The Problem of Working-Class Leisure. Some Roots of Middle-Class Moral Reform in the Industrial North: 1825-1850', in A. P. Donajgrodzki (ed.) Social Control in Nineteenth-Century Britain (Croom Helm, London, 1977), p. 144. Hugh Cunningham observes that the law and the police were used to suppress the metropolitan fairs in the early nineteenth century precisely because they were perceived to be "a nursery of crime and a hotbed of vice". Hugh Cunningham, 'The Metropolitan Fairs: A Case Study in the Social Control of Leisure', in ibid, p. 163.
only solid and durable platform of social discipline there could be". The reconstitution of the working-class family, and within it the construction of a tightly prescribed female gender role, lay at the heart of this strategy of moral regulation and discipline. Working-class women, particularly those involved in such visible forms of 'disorder' as crime and prostitution, were therefore caught in the eye of the storm.

"Fond of exciting uproar and mutiny": Crime, Gender and Social Order.

While crime challenged class order, the criminal actions of women additionally conflicted with the gender roles which underpinned that order. The 'damned whores' image of the female transportees derived from this; formed between dominant-class discourses of class, gender, sexuality and criminality. Gender and sexuality were increasingly bound up with the language of class by the eighteenth and nineteenth centuries. Middle-class identity had, in particular, been "refracted through a gendered lens". The moral, religious and gender codes of Evangelicalism reconstructed femininity as the moral force in society. Woman was re-defined as 'naturally' moral, pure and asexual; an 'Angel in the House' or "desexualised Madonna". Woman as Eve was thus replaced by the Evangelical conception of women as the guardians of morality, the moral protectors of hearth and family. From this premise, middle-class identity was forged against oppositional images of the aristocracy as decadent and morally lax, and of the working class as sexually licentious, utterly demoralised and indisciplined.

Sexual and moral deviance were believed fundamentally to threaten the social order. The 'Society for the Suppression of Vice', for instance, was established in the belief that there was a causal link between illicit sexual behaviour and social unrest. This equation of immorality with instability and revolution was translated into a sexualisation of, as occasion demanded, the working class, the 'dangerous class', the 'criminal class', and the 'mob'. Fear of social breakdown focused on the urban poor,

35 Description of Sarah Fenton per Mary Anne, no. 27F, by James Hall, ship-surgeon, N.S.D.G., ref. 659.
who were imagined as "rootless denizens...of illicit, uncontrolled desire...".39 The 'mob', as Trudgill points out, was "invested with a largely imaginary sexual rampancy that made it a threat to civilised decency".40

In the face of this threat, the family was perceived to be a crucial source of morality and so social stability; "an indispensible instrument of political control and economic regulation for the subjugation of the urban proletariat".41 An ordered society was thought to be composed of a multitude of ordered homes. Women were idealised as the central agents of that domestic order, as "the pivot of the family".42 A systematic and concerted attempt to re-define, restrict and so remould the behaviour and lifestyle of the working-class woman was therefore required.

A double-edged deployment of 'nature' provided the central rationale for this project. Woman was deemed to be, by 'nature', domestic, moral, maternal, and family-oriented. By virtue of their class and gender, proletarian women were also, however, attributed a lowly position in the evolutionary hierarchy, at a point where they were closer to 'nature', thereby unleashing a host of associations between woman and the animal or 'savage'.43 This potential for 'savagery' made the presence of women outside the family environment a social threat and thus their control and discipline a pressing imperative. The call to 'nature' meant, as Mendus and Rendall observe, that; "to free women from their passivity was now constructed as socially dangerous...a threatening and morally damaging unleashing of animal instincts of the most base sort...".44 'Nature' proved to be a powerful rationale for the moral scrutiny and regulation which was now increasingly turned upon those groups of working-class women whose lifestyles subverted "the philosophy of the Victorians, their deification of the home".45 The campaigns to restrict the employment of women in factories, mills and mines

39 Thomas Laqueur, 'Sex and Desire in the Industrial Revolution', in Patrick O'Brien & Ronald Quinault (eds.) The Industrial Revolution and British Society, p. 103.
coalesced, for example, around the belief that the employment of women outside the domestic sphere "disturbs the order of nature". 'Nature' in turn dictated the idealised construction of the working-class man. The concepts of the 'male breadwinner' and 'family wage' developed in tandem to the growing emphasis upon the 'natural' domesticity of working-class women.

Like the female worker, the woman convicted of a criminal offence also defied 'nature'. By her actions, she had negated all that was deemed 'natural' and worthy in femininity. Criminal conviction was therefore perceived as conclusive evidence of immorality and debauchery. The criminal woman was, like Acton's prostitute, "a woman with half the woman gone, and that half containing all that elevates her nature leaving her a mere instrument of impurity...a social pest carrying contamination and foulness to every quarter". Criminal women directly subverted the moral and gender codes of nineteenth-century society, and their depiction as immoral and wanton, as prostitute and 'damned whore', needs to be read in the context of the ideological battle to redefine and secure the gender order. The female criminal was a deliberately constructed deviant 'other'. Her image was not simply a product of the discourse on criminality, which linked crime with a socially deviant underworld, but more specifically, of the overlap between that discourse and those on gender and sexuality. The female transportees were consequently perceived, not so much as socially deviant like their male counterparts, than as sexually and morally deviant. The distinction between the labels 'female criminal' and 'prostitute' were ideologically blurred; the product of a sexualisation of female criminality.

Evolving concepts of gender and the theorisation of female crime profoundly shaped contemporary images of the female convicts. James Hall, Surgeon-Superintendent of the female convict transport Mary Anne which arrived at Hobart in 1822 thus divided the women in his charge into satisfactory and unsatisfactory characters on the basis of their sexual and moral reputations. He measured their behaviour against the contemporary idealised image of the female gender as inherently passive, gentle, fragile and moral. Those "worthy of high favour" were therefore women like Eleanor

Johnston, who was "of retired habits, cleanly, very moral and at all times well behaved", or "excellent" women like Jemima Champion who was "of great sensibility, very timid, easily agitated and very susceptible to anxiety of mind". By contrast, those women whom Hall deemed unsatisfactory, clearly offended contemporary definitions of femininity. Hannah Reading was therefore denounced as a "dirty reprobate and vile prostitute; a very abandoned girl". Sarah Fenton was, in Hall's opinion, "as desperate and depraved a character as ever has been transported; capable of doing murder, turbulent, reprobate; never easy but in mischief; fond of exciting uproar and mutiny...a Devil incarnate". Rachel Chamberlin was "a confirmed thief and vile prostitute, a sly woman, hypocrite, blasphemer, drunkard, revengeful, reprobate, refractory, insolent", and Sarah Fletcher a "dangerous woman to man. Under a fair face and simplicity of manners lie a lustful heart, a lying tongue and great hypocrisy...Prostitute." Their drunkenness, depravity and 'vile' natures reflected outspoken, active, assertive and thus thoroughly unfeminine characters. Their failure to reflect the weaknesses of body and mind which were deemed so 'natural' to femininity clearly informed and structured Hall's vilification.

Characteristically for the period, such vilification was repeatedly and symbolically expressed through reference to prostitution. By the early nineteenth century, prostitution was an increasingly prescriptive rather than descriptive term; a potent symbol of female deviance and moral disorder which was applied to any woman who subverted dominant notions of femininity. The representation of the female transportees as 'whores' was therefore linked to a more general construction of deviant women as 'Magdalenes'. A discourse was created in which the 'prostitute' was given "a far wider cultural significance...(and was) used as a threat to all women who dared to defy established class and gender roles...". The term 'prostitute' was;

49 Eleanor Johnston per Mary Anne, no. 16J, N.S.D.G., ref. 672. Jemima Champion per Mary Anne, no. 46C, N.S.D.G., ref. 655.
50 Hannah Reading per Mary Anne, no. 29R, N.S.D.G., ref. 679.
51 Sarah Fenton per Mary Anne, no. 27F, N.S.D.G., ref. 659.
52 Rachel Chamberlin per Mary Anne, no. 45C, N.S.D.G., ref. 654. Sarah Fletcher per Mary Anne, no. 26F, N.S.D.G., ref. 661.
53 Bateson describes James Hall as a "zealous" individual". Charles Bateson, The Convict Ships 1788-1868 (A.H. & A.W. Reed, Sydney, 1974), p. 225. Hall was, however, apparently "in the habit of kissing some of the young women after punishing them if they were sorry for their offence", Annette Salt, These Outcast Women. The Parramatta Female Factory, 1821-1848 (Hale & Ironmonger, Sydney, 1984), p. 76.
"...an historical construction...not fixed or internally coherent; it was accommodating and flexible and could define any woman who transgressed the bourgeois code of morality. The prostitute was understood in terms of her difference from the norm of respectable femininity...Prostitution stood as a metaphor for immorality in general; it represented a nexus of anxieties relating to class, nation and empire".55

The nineteenth-century construction of the female criminal as a 'Magdalen' figure drew on an older tradition which linked lax morality and overt sexualities with criminality. Concerns over the stability of the class and gender order had long been deeply intertwined with concern over crime. 'Lewd', 'immoral' women were identified as a major motive for crime: condemned male criminals warned the crowds at executions of the dangers of such women, accounts of which were reproduced in pamphlet-form and sold widely after the event.56 A woman played a decisive role in the most famous eighteenth-century criminal narrative. Jack Sheppard's association with Edgeware Bess (Elizabeth Lyon) was alleged to have "laid the Foundation of his ruin...this she Lyon...a main loadstone in attracting of him up to the Fatal Tree".57 This representation of Edgeware Bess as a figure of moral temptation and trouble was a standard literary device of the eighteenth-century criminal biography.58 Sexual liaisons with immoral women were depicted as a fundamental cause of a host of bad habits in men, ranging from 'idleness' to a lack of discipline and deference through to crime. Women, most commonly characterised as 'whores', therefore figure frequently in these narratives as powerful criminal influences, their power a source of evil because it was derived "from their independence of any relationship of subordination to men".59 "The world of crime", Rawlings concludes, was therefore most commonly

56 One condemned man, for example, attributed his plight to "the Association of lewd Women, who drove him to unlawful Courses, in order to support the Extravagances of these daughters of plunder", cited in Clive Emsley, Crime and Society in England, p. 215.
57 From The History of the Remarkable Life of John Sheppard (1724), reproduced in Philip Rawlings, Drunks, Whores and Idle Apprentices, p. 49.
58 ibid, pp. 19-23.
59 ibid, p. 22. This literary convention continued to be deployed in the nineteenth century. The biography of Jack Bushman (Thomas Brooks), a convict transported to Moreton Bay penal station in Queensland, linked the start of his voyage away from "the joys of honesty" with his second marriage to a woman whose morals and fidelity were in doubt, and to whom he was attracted by "a feeling I cannot now describe. There was no love." His first wife, portrayed as innocent, moral and good, "a lass I loved", had used her influence to help him honestly endure times of hunger and hard work. Jack Bushman, Passages from the life of a 'Lifer' (First published in The Moreton Bay Courier, April 1859, reprint Department of History, University of Edinburgh, 1995), pp. 18-19.
represented in the eighteenth-century criminal narrative as "a world-turned-upside-down".60

Although the transition to the nineteenth-century depiction of the criminal woman as 'whore' was eased by this older tradition, it also represented a decisive break. The 'prostitute' image was much more systematic, replacing religious with 'intellectual' and 'scientific' explanations. Moreover, where previously the female criminal had only tangentially threatened social order, her nineteenth-century counterpart challenged it head on. By violating her gender role she threatened social stability. The 'prostitute' was immediately recognisable as a major source of social pollution. The all-encompassing threat posed by criminal women was thus mirrored in the elevation of prostitution to the status of the 'Great Social Evil'.

The belief that criminal women had first and foremost transgressed the gender order was a central component of the nineteenth-century theorisation of crime. The development of criminology was profoundly influenced by the belief that the criminal woman represented a fundamental perversion of the 'natural' woman. Lombroso's influential criminological study of women thus concluded:

"The female criminal is...a monster. Her normal sister is kept in the paths of virtue by many causes, such as maternity, piety, and weakness...when these counter influences fail, and...a woman commits a crime...her wickedness must have been enormous before it could triumph over so many obstacles".61

The roots of this criminological conception of women were forged in the period of convict transportation. The conception of the criminal woman as 'unnatural' was structured by the needs of a gendered class order which these women threatened. A minority in particular, through public disorder, rejection of deference, sexual freedoms and blatant independence constantly and visibly transgressed the prescribed female role.

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60 Philip Rawlings, Drunks, Whores and Idle Apprentices, p. 22.
The transition in image from 'witch' or 'temptress' to 'prostitute' has a visual record. From the mid-eighteenth century onwards, explicitly sexual images of criminal women began to dominate the depiction of female crime. Such sexual references and images had been largely absent from woodcuts and drawings of female criminals prior to this. Moll Cut Purse, a famous early modern female criminal, was depicted as masculine and regularly drawn in men's clothing. In this woodcut from the mid-seventeenth century her sexual identity is therefore obscured by masculine physical characteristics, male clothing and the dagger at her side. Cut Purse is also surrounded by several symbols of witchcraft. Other drawings of female criminals likewise depicted them as hard and 'masculine' in visage, but not as overtly sexual characters.
From the mid-eighteenth century onwards, sexual images and overtones become more regularly deployed in visual representations, of criminal women, but also working-class women in general. Motifs representing the sexual and moral degradation of working-class women repeatedly recur; a favoured one was exposure of the woman's breasts. The drunken, semi-clad woman at the centre of Hogarth's 'Gin Lane' is characteristic of these images of proletarian women as debauched and repulsive.
Plate 3.3: Farewell to Black-Eyed Sue and Sweet Poll of Plymouth. Anon, c. 1790s.

The comparisons between the female character in 'Gin Lane' and those drawn by this Georgian satirist depicting women from the 'criminal class' bidding farewell to their partners as they are embarked for transportation to Australia are striking. The repeated exposure of female breasts in these works symbolises both the ready sexual availability of working-class women, their 'prostitute' status, and the ever-present threat of moral pollution. The breast was a potent symbol of moral pollution; fear that vice could be imbibed at the breast led many middle-class families to spurn the use of wet-nurses.
Plate 3.4: 'Deceitful kisses & pretty plunderers', John Collet, 1781.

Images of the prostitute robbing her client were perennial. This was partly a reflection of fact, but also symbolised the growing association between female crime and sexual immorality. The image of moral deviance was strengthened by the inclusion of other well-known 'signs' of female immorality, such as the fineries and fancy clothes which adorn the women in this and the following plate.
Plate 3.5: 'A fool and his money are soon parted'. Isaac Cruikshank, 1793.
From "Vilest Prostitutes" to "Faithful Wives": Reconstructing the Female Criminal.

Botany Bay is designed "to convert the most hardened villains, the most daring robbers, into honest and peaceable citizens, or industrious agriculturists: then to operate the like revolution in the vilest prostitutes; to change them by infallible means to faithful wives and excellent mothers".62

The construction of the female criminal as a deviant against her gender transformed strategies of penal reformation.63 From the early nineteenth century onwards, conceptions of female crime and punishment were designed less to deter crime, than to control, remould and reform 'unnatural' women. Henceforth, the female criminal was only to be able to secure redemption by accepting the prescribed codes of domesticity and femininity.

Throughout the early modern period, there had been little gender differentiation in regimes of punishment.64 Criminals had, roughly speaking, faced the same array of punitive sanctions regardless of their sex; banishment, the stocks, the whip, the branding iron and the scaffold were the staple diet faced by the male and female offender alike.65 The route to redemption was, moreover, the same for all criminals, again regardless of sex. This situation changed substantially from the late eighteenth century onwards as the punishment and reformation of convicts became an increasingly gendered process. Perceived as an unnatural perversion, modern

64 As both Beattie and Spierenburg have shown, there were some differences in the application of punishments to male and female offenders. Beattie suggests that prevailing notions of chivalry made the courts "reluctant to subject women to the full rigour of the law". J. M. Beattie, Crime and the Courts in England, 1660-1800, pp. 436-439. Pieter Spierenburg comes to a similar conclusion in The Spectacle of Suffering. Executions and the Evolution of Repression: from a Pre-Industrial Metropolis to the European Experience (Cambridge University Press, Cambridge, 1984), pp. 165-169. The systematic development of gendered regimes of punishment and concepts of reformation was, however, a nineteenth-century development.
65 There were some punishments devised specifically for women, see, Ann D. Smith Women in Prison. A Study in Penal Methods (Stevens, London, 1962), pp. 55-65.
reformatory regimes increasingly sought to instil in the woman criminal those absent 'feminine' qualities of morality and domesticity.

Magdalen Homes were among the first institutions to mark this change. Their regimes were based on a diet of domestic, moral and religious education and were carefully structured around the notion of the Home as a substitute family. Inmates were 'encouraged' to break all links with previous acquaintances, including their family, as a dependence on the institutional 'family' was carefully fostered.66 Male directors provided the 'father' figure, matrons the 'mother' and the daily routine was "designed to mirror that of an efficiently run home".67 The aim of Magdalen Homes was to reform 'fallen' women by transforming them either into dutiful working-class wives or "competent and submissive servants".68 This model, first adopted in Britain in the late eighteenth century, proved influential and enduring.

By the first decades of the nineteenth century, there was a growing emphasis on the need to apply different strategies of reformation to female criminals. Policy and treatment were shaped by a number of beliefs regarding gender differences. Firstly, the woman criminal was judged to have 'fallen' further than her male counterpart, making her redemption harder to achieve.69 Secondly, women were thought to be more malleable than men and thus more likely to be reformed through the power of positive individual example, ideally provided by more 'virtuous', more 'feminine' women.70 Thirdly, certain forms of punishment were increasingly perceived as unsuitable for women prisoners. Gendered assumptions regarding the physical weakness of women led, for instance, to an increasing unwillingness to inflict corporal punishment.71 Additionally, the allegedly weaker mental state of woman, her greater

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68 ibid, p. 38.
70 ibid, pp. 122-124.
71 Public flogging of women was banned in 1817, and private flogging in 1820. Private flogging continued to be inflicted upon male prisoners until 1862. V. A. C. Gatrell, *The Hanging Tree. Execution and the English People, 1770-1868* (Oxford University Press, Oxford, 1994), p. 338. Other forms of physical punishment were also phased out for female prisoners. The burning of female offenders was, for instance, abolished in 1790. Hanging was also increasingly rarely inflicted upon women. Gatrell estimates that women accounted for just 92 of the 1,232 individuals who suffered at Tyburn, 1703-1792, and just 4 of the 59 people executed in London, 1827-1830. ibid, pp. 7-8. Dominant notions of femininity as frail and vulnerable were increasingly deployed in the early nineteenth century to incite opinion against the harsh penal code. Gatrell details, for example, how
'excitability', was believed to make her a less suitable candidate for long-term solitary confinement. These considerations influenced penal policy towards women and variously shaped the new female reformatories built in Britain from the 1820s onwards. The most profound and overriding influence, however, was the belief that the woman criminal required domestic and moral training in order to be reshaped, and so reformed, into a 'natural' woman. At the heart of the reformatory regime for women were the basic elements of feminisation already in place in Magdalen Homes. The female criminal was to be inculcated with 'appropriate' domestic and moral attributes through a training-process which was to be aided and abetted by a regime deliberately constructed to resemble the paternalistic family.

Policies promoting such 'feminising' models were increasingly influential in Britain from the early nineteenth century onwards. The 1823 Prisons Act, for instance, formally established the principle that staff employed in female prisons or wings should, whenever possible, be women. The purpose of this was two-fold. Firstly, it incorporated the idea that female criminals were particularly susceptible to individual influence. It was therefore considered highly desirable to provide them with positive female role models; a "respectable woman (who) might fulfil...a consistent example of propriety and virtue". Secondly, the emphasis on female staff reflected the desire to

the "plight of wronged women" was evoked as a tactic to mobilise support for reforming the criminal law, ibid, pp. 339-370.

73 Comparatively little historical research regarding the development of women's prisons in nineteenth-century Britain has yet been carried out. By contrast, the female reformatory movement in the United States has attracted considerable attention from historians. Histories of individual institutions have proved particularly valuable in establishing the profoundly gendered nature of the female reformatory project. Brenzel's study of the Lancaster reform school for girls, established in Massachusetts in the mid-1850s, reveals that the institution was organised around "steadfast efforts to train girls for the world of domesticity". Barbara Brenzel, Domestication as Reform: A Study of the Socialisation of Wayward Girls, 1856-1905, Harvard Educational Review, Volume 50 (1980), p. 197. Like the early nineteenth-century Magdalen Home, the girls confined at Lancaster were encouraged to regard the institution as a 'surrogate family' and were placed in "home-like cottages" under the "firm but loving guidance of a supervising adult". There are striking similarities between this model and that used at the Western House of Refuge, at Albion, New York. Women confined there received intensive training in domestic skills which aimed to reform them into "dutiful daughters, wives or servants". Nicole Hahn Rafter, Chastizing the Unchaste: Social Control Functions of a Women's Reformatory, 1894-1913', in Stanley Cohen & Andrew Scull (eds.) Social Control and the State: Historical and Comparative Essays (Martin Robertson, Oxford, 1983), p. 291. Architecturally, the institution was designed to provide a central administration building surrounded by small residential units, known as "cottages". Small groups of inmates lived in each 'cottage', where they were supposed to "operate as a family unit" under the guidance of a "mature, respectable matron". Links with the 'outside' were broken, and family ties deliberately disrupted, again in order to encourage the women to depend on the "surrogate family" of the institution.

74 Lucia Zedner, Women, Crime and Custody, p. 120.
mould female prisons into 'feminine institutions' which were run along lines of female "sympathy, compassion, caring and kindness". These 'feminine institutions' were not, however, designed as communities of sisters, but deliberately structured to resemble relations between mother and child. The role of the matron was therefore that of maternal figure; the ideal role-model envisaged for the female criminal was that of the 'moral' woman performing her 'natural' familial role.

The type of work provided for women in the new prisons was also directed towards their domestication. Elizabeth Fry, for instance, introduced needlework, laundrywork and patchwork for the women prisoners confined in Newgate. Revealingly, one early observer likened the results of Fry's work to a transformation from "hell upon earth...to a well-regulated family". The female prison regimes established in London in the 1850s also focused on the domestic. Women served the latter stage of their sentence at the Fulham Refuge, where they were subjected to a "distinctly feminine" regime and provided with training in a range of domestic subjects from baking,

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75 ibid, p. 121.
76 Modern criminological studies suggest little has changed in this respect in the internal regimes of female prisons since the early nineteenth century. Carlen's 1980s study of H.M.P. Cornton Vale, in Scotland revealed, for instance, that female warders still considered their role to be that of maternal role-model. Officers expressed two telling opinions about inmates: that the women were "just like bairns"; and that they were unwomanly. The following description of an inmate, a married mother of four, aged in her mid-forties, reveals the way in which these two images were knitted together in the minds of officers; "she's not like a woman, is she?...Ye canna say she's a woman. She's loveable enough - more like a bairn, but she's never a woman". By reducing inmates to a child-like status, a community of adults was thus transformed into a powerfully structured familial hierarchy. Within this hierarchy, inmates were attributed no sense of adult responsibility. They were, for instance, repeatedly told to wash and bath themselves, and to change their under-clothes. Similar instructions, Carlen notes, were not issued in male prisons. Pat Carlen, Women's Imprisonment. A Study in Social Control (Routledge & Kegan Paul, London, 1983), pp. 89-115.
78 Studies of modern prisons for women reveal the continuing and pervasive influence of familial models designed to domesticate, and thus reform, the female offender. Prison regimes are still structured to reflect the belief that female prisoners are "disturbed women needing training in domesticity, motherhood and conventional behaviour patterns". Josie O'Dwyer, Judi Wilson & Pat Carlen, 'Women's Imprisonment in England, Wales and Scotland: Recurring Issues' in Pat Carlen & Anne Worrall (eds.) Gender, Crime and Justice, p. 179. They therefore continue to place "major emphasis...upon the teaching of traditional 'women's subjects' such as home economics, child-care and other domestic skills", Elaine Genders & Elaine Player, Women in Prison: The Treatment, the Control and the Experience', in ibid, p. 163. Many, moreover, continue to be designed around the familial model; wings in female prisons are commonly referred to as "houses" and communal wards as "sitting-rooms", ibid, p. 163.
79 Female prisoners tended to serve a smaller proportion of their original sentence than their male counterparts. Entry into the refuge was, however, made a condition of this early 'release' and women could be kept there "for an indeterminate period until they were judged reformed". Martin J. Wiener, Reconstructing the Criminal. Culture, Law and Policy in England 1830-1914 (Cambridge University Press, Cambridge, 1990), p. 130.
cleaning and cooking to laundering. The institution differed radically from the tightly structured, militaristic and disciplined regimes which characterised male penitentiaries. Fulham was, by contrast to these institutions, organised around the belief that women required "softening...civilising and enlightening influences".

Gendered considerations had a similarly profound impact upon the female convict experience in the Australian penal colonies. At the heart of the reformatory system adopted in Van Diemen's Land was the notion that the female convict required domestication. To this effect, administrators developed a set of reformatory strategies and models which satisfied a specifically colonial set of considerations. The woman convict was to be 'softened' and 'feminised' by the experience of assignment. In assigned service she was to be a daily witness to the positive example of her 'moral' mistress, the colonial counterpart of the matron, upon whose conduct it was hoped she might begin to model herself. The second strand of this reformatory project was the colonial encouragement of convict marriage, an institution which was perceived directly to complement and reinforce the domesticating experience of assignment. Colonial officials expressed no doubts that the female convict's path to reformation was through marriage and motherhood.

The rationale for the development of separate strategies of reformation for male and female offenders in this period was simple. Female crime and prostitution was regarded as a very real threat to the gendered social order of the nineteenth century. As the final section of this chapter will establish, those anxieties about the 'immoral' and 'disorderly' behaviour of some groups of working-class women were far from groundless.

"Daring, bold, impudent girl(s)": Crime and the material basis of female 'disorder'.

Dominant-class ideologies of gender had to compete with a multiplicity of discourses regarding gender, morality and sexuality in the nineteenth century. Attempts to reconstruct working-class femininity and masculinity, far from being automatically or rapidly achieved, were therefore part of a persistent process of class contestation. Alternative discourses of gender and sexuality were in part sustained by the continuing presence of groups of working-class women outwith the domestic sphere.

81 ibid, p. 182.
82 Description of convict Frances Phillips per Henry, no. 35P, N.S.D.G., ref. 925.
In Glasgow and Edinburgh, for instance, street prostitutes were part of a viable and highly visible sub-culture of sexuality and morality, signs of which included the multiplication and easy availability of broadsheets promoting their attractions and wares. Such publications, Mahood argues, were "very much part of the street culture of Scottish towns", a street culture which revealed:

"the existence of another discourse on public morality; not one of the new specialisms but a 'popular' view, which challenged those contemporaries who wanted strict moral reform...and demonstrated that a familiarity and openness on the subject of sex was an integral part of both working-class and middle-class culture".83

The independence of this 'street culture' like other forms of popular culture was limited. Its continued existence was, nevertheless, a source of profound consternation to many dominant-class observers. Thus in the metropolis, just as in Glasgow and Edinburgh, the street prostitute was regarded as one of the last "vibrant echo(es) of a London that the new police, the government and all respectable elements...were dedicated to destroy".84

While attempts to suppress and so destroy these alternative discourses and cultures of gender and sexuality focused on prostitution, their remit was much more extensive. The category 'prostitute' was after all a prescriptive classification covering all forms of public and 'disorderly' female conduct. The presence of working-class women on the streets, in beer shops and public houses, and at fairs and carnivals, whether they were engaged in prostitution and crime or not, was a potent source of élite unease. They were all, with rare exception, regarded as part of an unruly and immoral "Amazonian army" whom "the devil keeps in constant field service".85 Every aspect of their behaviour - from their dress and language to the noise that surrounded them, through to their indulgence in 'vices' such as smoking and drinking - stimulated increased anxiety. The "brazen impudence" of the working-class woman who was "dressed in the utmost blaze of finery" and who behaved like the "loudest of the loud",86 symbolised an aggressive physicality and blatant female sexuality that defied

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84 Robert Storch, 'Police Control of Street Prostitution', p. 50.
86 William Acton, Prostitution, pp. 62-63.
bourgeois confidence in the 'natural' gender order. These women offered, as has been said of their New York contemporaries, "an alternative understanding of womanhood that rejected the sentimentality, privatism and asexuality of the dominant culture".87 For this reason, the public appearances, behaviour and activities of proletarian women attracted both an increasingly intense moral scrutiny and a series of attempts at repression and regulation.

The central legislative component of this repressive strategy was the 1824 Vagrancy Act, which provided for the arrest and detention of any person whose public behaviour was regarded as "loose, idle and disorderly" and who "failed to give a good account of themselves".88 Although the wording of this act, like that of subsequent summary legislation such as the Metropolitan Police Act (1839), was not gender specific, in practice the behaviour of poor working-class women was disproportionately targeted. As a result, the number of women brought before the courts and confined in local gaols, Magdalen Homes and Houses of Correction for public order offences and petty crime soared in the early nineteenth century.89 Those amongst the convict women who had prior convictions for public order offences such as vagrancy, disorderly conduct, drunkenness and street walking had therefore been caught up in a much wider struggle over the right to define and regulate 'appropriate' female behaviour.

Modern criminological studies suggest that women who become involved in crime are to some extent, whether consciously or not, rejecting narrowly defined gender roles. Pat Carlen, for instance, reports that many women convicted of criminal offences in twentieth-century Britain display "disdain and active dislike for the constricting social roles that have been systematically ascribed to women through the ages".90 A similar "disdain and dislike" can be discerned in some of the female convicts' narratives. Crime and prostitution had evidently delivered space for some women in early nineteenth-century Britain from the constraints of family, class and gender.91 However

88 Susan Edwards, Female Sexuality and the Law, p. 56.
89 Martin J. Wiener, Reconstructing the Criminal, p. 129.
91 The evidence appears to support Walkowitz's contention that prostitution in the nineteenth century produced a "strong female subculture", that the women involved "banded together and adopted an outward appearance and more affluent style of life that distinguished them from other working-class women", Judith Walkowitz, Prostitution and Victorian Society, pp. 25-26.
relative this independence was in practice, it suggests that the world of crime and prostitution was very much still a "world turned upside down" in this period. A main source of the concern regarding female crime and prostitution in the nineteenth century was therefore the independence from family constraints and gender discipline which many of the women involved in such activities appeared to enjoy.

If reformers aimed to confine working-class women to a subordinate role within a familial environment where they would be individually regulated and disciplined by a family patriarch, whether he be father, husband or employer, then crime and prostitution clearly provided some with a viable escape route. Convict Jane Lewis reported, for instance, that she had "run away from home with a young man, George Brammer, three years ago"; Eleanor Jones that she had run away "nearly a week" before she "got into bad company and was taken"; Mary Jones that she had run away from her family some six weeks prior to her arrest; and Mary Thomas that she had left home after "a quarrel with my parents" and had then "lived with a man" with whom she travelled and "went reaping". The statements of other convict women likewise reveal a geographical mobility and social independence at odds with family and gender constraints. Mary Smith, for instance, had been "travelling with Thomas Burch...hawking" for some time before they were both convicted and transported; Elizabeth Smith reported that she had "lived with my father and mother till I took to rambling about the country two years ago"; and Isabella Chapman that she had been "travelling about the country" with her mother for the past three years. In some instances, parents and other family members appear to have turned to the criminal law in an attempt to re-institute lost authority over a 'disorderly' daughter. Thus, Mary Slattery, transported for the theft of silver spoons from an inn-keeper, reported that she had been convicted "at the instance and upon the petition of my father, my

92 Although many of the convict women clearly enjoyed a level of independence and freedom which was increasingly unavailable to women in nineteenth-century Britain, it needs to be stressed that this was relative. Its long-term viability was severely circumscribed by the poverty and hardship which, as chapter two established, was perhaps the central factor of the lifestyles of women of the labouring poor. These problems were reinforced by the growing pressure to conform to prescribed gender roles. 'Choice' therefore operated within very limited parameters indeed. For this reason, I find Walkowitz's notion of a distinct 'subculture' useful but problematic.

93 Philip Rawlings, Drunks, Whores and Idle Apprentices, p. 22.

94 Jane Lewis per Borneo, no. 76L, N.S.D.G., ref. 1457. Eleanor Jones per Borneo, no. 57J, N.S.D.G., ref. 1447. Mary Jones per Borneo, no. 55J, N.S.D.G., ref. 1448. Mary Thomas per Brothers, no. 28T, N.S.D.G., ref. 858.

conduct has been very bad and was paining my father...and he was obliged to adopt that way of removing me".96

In many cases the independence which some of the women enjoyed from family and gender constraints appears to have stimulated a greater degree of official attention and vilification than their criminal actions. Ann Lee was denounced in her gaol report, which made no reference at all to her criminal activities, as "the very worst character" specifically because "she had left her husband and cohabited with another man".97 Sarah Warman's gaol report, which likewise made no reference to her criminal offences, was concerned to establish her reputation as "the worst character the gaoler ever knew" on the basis of the information that she "has led a most abandoned life these last four years tramping the country with different men".98 The report on Charlotte Girling also focused on the gaoler's estimation of her moral character. She had, he reported, "been separated from her husband for some time" and had "been travelling about the country selling small wares (and) cohabiting with a young man". On these grounds alone, for Girling had no previous criminal record, he ventured the opinion that she had been "living a good deal, no doubt by depredation".99 Other character reports were chiefly concerned with the issue of bastardy. Helen Ross, for instance, was reported to be an "indifferent character" with "several illegitimate children", while Frances Stephenson, who had been "once imprisoned for a bastard" was judged to be "lewd and disorderly".100 Gaolers were far from the only officials who made qualitative assessments of individual convict women based on their sexual and 'moral' histories. Thus Surgeon-Superintendent James Hall's low estimation of Elizabeth Smith was based on her failure, as a wife and mother, to perform her 'natural' familial role. "She has been gay, vain and thoughtless", he reported, "left her husband and family, and cohabited with a bad man". He was not, however, without hope of her eventual reformation. Indeed, Hall detected some very favourable signs of change in Elizabeth Smith's character over the course of the voyage to Van Diemen's Land, noting that she "now seems repentant, desirous of leading a virtuous life and of being restored to her husband".101 Any possibility of redemption was, in Hall's eyes,

96 Mary Slattery per Neva, no. 283S, A.O.T., Con 40.
97 Ann Lee per Eliza, no. 95L, A.O.T., Con 40.
98 Sarah Warman per Henry, no. 61W, N.S.D.G., ref. 941.
99 Charlotte Girling per Lady of the Lake, no. 84G, N.S.D.G., ref. 1606.
100 Helen Ross per Nautilus, no. 187R, A.O.T., Con 40. Frances Stephenson per Lady of the Lake, no. 149S, N.S.D.G., ref. 149.
101 Elizabeth Smith per Mary Anne, no. 51S, N.S.D.G., ref. 684. Hall's optimism that Elizabeth Smith had begun to reform under his supervision appears to have been largely groundless. While under assignment in Van Diemen's Land she was twice punished for absconding and once for being
therefore based, not on a disavowal of her past criminal actions, but on Elizabeth Smith's willingness to 'reform' as a woman and as a wife.102

It is clear that theft and prostitution provided an important source of the income required to sustain such female independence. Many of the women were described in their gaol reports as "travelling thieves".103 Some were members of criminal partnerships and gangs which travelled the country. Mary Ann Magee, for instance, reportedly "attended races and fairs, accompanied by a man, and supported herself by robbing inns and dwelling houses and picking pockets".104 

Amy Bradshaw, Ruth Price and Elizabeth North, tried and convicted together at Bedford Assizes in July 1825 for stealing from the person, were allegedly "prostitute(s) of the worst description...in the habit for a long time of frequenting fairs for the purpose of plundering the unwary".105 Elizabeth Russell, transported for life for inciting two others to commit highway robbery, was reputedly "connected with a gang of thieves who travel the country attending races and fairs".106 Other convict women who were connected with gangs and groups were clearly at the heart of a 'disorderly' urban subculture which likewise partly relied for its survival on the proceeds of crime and prostitution. Elizabeth Wilson and Elizabeth Blakeborough, for instance, described as "prostitutes from Leeds", were said to be "connected with the worst characters from that place"; Mary Smith "belonged to a gang of London thieves"; Mary Stannaway was "connected with Birmingham thieves"; Sarah Broadhead, described as a "common prostitute", was said to be "connected with a gang of street robbers at Wakefield"; and Sarah Marsh

drunk. In 1827 she absconded from an employer for a third time and it appears that she was never apprehended. She was therefore one of a very small number of convicts who escaped permanently from the colony.

102 Studies reveal that family circumstances are crucial factors in determining the outcome of criminal cases involving women in twentieth-century society. Carlen, for instance, observes that in modern Britain; "women who go to prison are sentenced not according to...their crimes, but primarily according to the court's assessment of them as wives, mothers, and daughters...women's prisons are currently filled with women, who, in one way or another, have been adjudged as being beyond the control of the conventional (but idealised) nuclear family". Pat Carlen, _Women Crime and Poverty_, p. 10. Other criminological studies support this conclusion, establishing, for example, that both single mothers, and divorced or separated wives, are treated differently by the courts. Both groups are more likely to be referred for psychiatric reports and to receive harsher sentences than others convicted of similar offences. Frances Heidensohn, _Women and Crime_, p. 44.

103 They included, for example: Mary Ann Wilson per *Platina*, no. 329W, A.O.T., Con 40; Mary Fears per *Edward*, no. 116F, A.O.T., Con 40; Ann Warner per *Edward*, no. 261W, A.O.T., Con 40; Eleanor Wood per *Edward*, no. 262W, A.O.T., Con 40.

104 Mary Ann Magee per William Bryan, no. 192M, A.O.T., Con 40.


and Sarah Evans were both connected with the same group of "Wolverhampton thieves".107 The economic difficulties which many single working-class women faced in this period made 'illegitimate' sources of income such as crime and prostitution vital to the maintenance of some freedom and independence.

Some groups operated in specific locales over an extended period of time and involved significant numbers of women in criminal and disorderly activities thereby provoking an almost continuous level of official concern. Perhaps the best example is that of the so-called 'Pottery Gang of Thieves' which operated in Staffordshire between the mid-1820s and early 1830s, if not for longer. Concern regarding the disorderly activities of a group of 'criminal' women and 'prostitutes' in some areas of Staffordshire first appears in the Van Diemen's Land transportation records in the early 1820s. Hannah Burton and Ann Gee, transported per the Mary in 1823, were said to be "very desperate characters" who were "connected with a daring gang of thieves, several of whom have been transported".108 By 1825 official anxiety appears to have coalesced around the activities of a specific group, the 'Pottery Gang'. Between 1825 and 1834 at least ten of the women transported from Staffordshire to Van Diemen's Land were identified as gang members by their gaol reports.109 It is improbable that they were its only members. Indeed, their transportation in one's and two's over a nine year period suggests that they were drawn from a larger group which was able to survive despite the loss of some individuals.110


110 The cases of Charlotte Holland and Elizabeth Mills provide evidence that there was some continuity in membership. Both Pottery Gang members, the two were tried together in October 1825 on a charge of man-robbery. While Elizabeth Mills was acquitted of the offence, Charlotte Holland was transported per the Providence. It was a further three and a half years before Elizabeth Mills, still a member of the Pottery Gang, was sentenced to transportation on a separate charge. Charlotte Holland per Providence (1826), no. 94H, N.S.D.G., ref. 1051. Elizabeth Mills per Harmony, no. 90M, N.S.D.G., ref. 1562.
Detailed knowledge of the Pottery Gang awaits study of the Staffordshire records. The particulars of the ten women transported provide some tantalising suggestions, however, as to the group's composition and activities. They were all young, nine of the ten were under 21 years old, and they were, with just one exception, single women. At least eight had been born in Staffordshire, several in local centres of the pottery industry. The gang's relationship to the Potteries went beyond mere birthplace and criminal connections; at least five of the women were also trained, and had at some point been employed, as potters. In addition to their involvement in crime, six of the women had been 'on the town' prior to their transportation. They were convicted of various offences, all against property, ranging from man-robery and picking pockets through to shoplifting, burglary and housebreaking. Only one of the women, Prudence Clare who was convicted with her husband, was tried with a male associate, thus raising the possibility that the Pottery Gang had a mainly, or perhaps even exclusively, female membership.

The activities of those convict women who operated, and sometimes also travelled, in pairs, groups and gangs speak of a freedom of association and sexuality and an independence of lifestyle which women were increasingly being denied in early nineteenth-century Britain. In a period characterised by an acute conflict over gender roles it is therefore not difficult to imagine why women like the Pottery Gang members gave such cause for concern. Their actions were regarded as public disavowals of a dominant class discourse of gender and sexuality and they were, as a result, felt to be at the heart of an unruly, 'immoral' and disorderly popular culture. There was indeed good reason to doubt the gender and class deference of convict women like Sarah Cooper "a common prostitute" who "frequented fairs" and who was insolent to the judge when sentence of transportation was passed; of Mary Haig an "idle, drunken and dissipated" woman who allegedly supported herself through theft and prostitution; of Mary Scott, "an infamous character...connected with a notorious gang of thieves"; and all those others whose "idle", "drunken", "indifferent", "infamous", "disorderly", "lewd", "profligate", "base", "abominable" and "artful" habits so horrified contemporary observers. These were the outwardly visible and

111 The repeated references made in the gaol reports and other sources on the convict women to such sites of class contestation as popular fairs and fêtes supports the contention previously outlined that concerns regarding crime and prostitution were just one part of a wider nexus of dominant-class anxieties about public disorder and popular dissension.

112 Sarah Cooper per Arab, no. 296C, A.O.T., Con 40. Mary Haig per Arab, no. 269H, A.O.T., Con 40. Mary Scott per Lady of the Lake, no. 152S, N.S.D.G., ref. 1651.
all too public manifestations of an alternative definition of 'femininity' which was directly at odds with the domesticated, 'moral' and asexual existence posed by a dominant-class code of gender and sexuality. This was an alternative way of living which, to a very great extent, depended on the continued availability of such supplementary sources of income as crime and prostitution.

Sarah Fenton lived up to the 'expectations' of Surgeon-Superintendent James Hall. Arriving in Van Diemen's Land on the *Mary Anne* in 1822, she had, within a month, become one of just a handful of women ever sent to the colony's notorious penal station at Macquarie Harbour. On her subsequent return to Hobart Town, Fenton was twice convicted of larceny and several times punished for misconduct, drunkenness, insolence and disorderly conduct. Her last recorded colonial offence was committed in 1847, just after she had finally received her conditional pardon, and a full quarter of a century after her initial sentence of transportation for seven years had been passed.113 Like others among the convict women, Fenton clearly continued to be "never easy but in mischief"; applying lessons learnt at home, she continued to challenge the class and gender constraints of colonial society and to successfully evade the reformatory techniques of the convict system.

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113 Sarah Fenton per *Mary Anne*, no. 27F, *N.S.D.G.*, ref. 659.
Chapter Four
"to turn their hands to everything":¹
Transportation and the multi-skilled woman worker.

Convict women were assigned as workers to the homes and farms of Van Diemen's Land's free settlers, thus providing a source of unfree labour. In a colony lacking other significant sources of women workers, convicts largely constituted the female labour force, plus the main reproductive resource. They ensured, through their children, future generations of labour, independent of fluctuations in free immigration. Although the period of transportation was set by the court, generally to terms of seven years, fourteen years or life, the majority of convicts remained in the colony permanently, unable to acquire unconditional pardons and/or the price of passages home. The women therefore continued to provide a labour force and a supply of wives and mothers long after their sentences expired. On first sight then, female convicts were a potentially invaluable productive and reproductive colonial resource.

Their dominant and enduring image has, nevertheless, been bleakly negative. Contemporaries represented them as sexually immoral, drunken, lazy, unskilled, worthless, often uncontrollable and thus an intolerable burden on colonial resources. Many historians share these negative assumptions, treating contemporary complaints as unproblematic truths. In fact, their accuracy can be tested. Unlike most working-class women in this period, the convicts left an extensive historical record. Detailed sources, in the form of the comprehensive personal and criminal records compiled by the colonial Convict Department, allow the female convicts' calibre or human capital to be evaluated.

**Van Diemen's Land's Female Convicts: a human capital resource?**

Female transportation provided Van Diemen's Land with a constantly replenishing supply of predominantly young women. Two-thirds of the women were under thirty years old on arrival, a further seventeen percent between thirty and thirty-nine years. Few women from either extreme of the age spectrum were transported: only thirteen

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2 The most recent example of this can be found in Hirst's review of *Convict Workers*. He rejects its conclusion that female convicts were skilled women workers on the grounds that most colonial employers said they were worthless servants. J. B. Hirst, 'Convicts and Crime', *Overland*, no. 113 (December 1988), p. 83. As will be seen in chapters five & six of this thesis, in the period studied, there was generally a brisk demand for these 'worthless servants' by those who so denigrated them.


were under fourteen years old and just eleven were over the age of sixty. As chart 4.1 details, the large majority of women transported to the colony in this period, seventy-seven percent, were aged between fifteen and thirty-five years old. This age distribution was not unusual but reflected the general age profile of the Australian convicts, male and female, transported to both eastern penal colonies.5

This pattern of age-distribution was the product of two factors: firstly, crime appears to have been largely committed by the young; secondly, government policy proposed an upper age limit for the selection of convicts for transportation. A sentence to transportation by no means necessarily resulted in transportation but could be served by imprisonment in Britain.6 Those sentenced to transportation underwent a selection procedure in which physical health and age were major considerations. Government policy in the case of women convicts was "to send, without any exception, all females whose state of health will admit of it, and whose age does not exceed forty-five years".7

Youth made the female convicts a particularly valuable export, for it meant that the majority were transported during the most productive, and reproductive, years of their lives. The convicts were comparable in terms of their age-distribution with other historical unfree labour forces and free migrant populations. Like the female convicts, for instance, the majority of female indentured servants migrating to colonial North

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5 The convicts transported to New South Wales were marginally younger than the Van Diemen's Land women studied here. 81.6% of female convicts transported to New South Wales, were between 16 and 35 years old, compared to 77% of the group studied here. Deborah Oxley, 'Convict Maids', unpublished Ph. D Thesis (University of New South Wales, 1991), p. 286. 80% of the male convicts studied by Nicholas & Shergold were in the same age group. S. Nicholas & P. Shergold, 'Convicts as Migrants', in S. Nicholas (ed.) Convict Workers, p. 47.

6 Historians have yet to thoroughly examine this selection process. Noel Butlin recently observed that the proportion of convicts actually transported "fluctuated quite wildly" in relation to indictment and conviction rates. According to Butlin, "the decision to transport (as distinct from judgements of transportation) was centralised", and took a wide range of factors into consideration, including: budgetary considerations; the ability to deploy shipping; changing notions of incarceration and reform; and the availability of gaol accommodation. N. G. Butlin, Forming A Colonial Economy. Australia 1810-1850 (Cambridge University Press, Cambridge, 1994), pp. 16-18. To what extent other factors like the criminal record and occupational background of each individual were significant remains, as yet, unexplored. Character reports undoubtedly played a part. Gaol reports were provided on each female convict and some recommended a sentence of transportation. Convict Mary Cook was, for example, "recommended to be sent out of the country". Mary Cook per Hydery, no. 193C, A.O.T., Con 40.

7 'Report of the Select Committee on Transportation, 1812', Parliamentary Papers Volume II (1812), pp. 581-582.
America were aged over ten and under forty years old. Likewise, the average Jamaican slave woman was in her early twenties: a product of the fact that most women slaves were imported when they were between fifteen and twenty-five years old. Government, both in Britain and the Australian colonies, was not blind to the advantages of youth. Female emigration schemes to the Australian colonies, which began in earnest in the early 1830s, were specifically designed to attract and financially assist single women between fifteen and thirty years old.

Chart 4.1: Age distribution of female convicts arriving Van Diemen's Land, 1820-1839.

![Age distribution chart](chart.png)

Note: 'NE' denotes those for whom no age data was entered.

Female emigrants outside this age range presented the colonies with difficulties. Despite colonial demand for female servants no employment could be found for a group of girls, aged between eleven and thirteen years old, who were sent to Van Diemen's Land on the emigrant ship *Boadicea* in 1835. The colonial government was consequently forced to meet the expense of maintaining them. The very young and the elderly among the female convicts presented the colonial government with similar

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burdens of welfare. A number of the female convicts who were under fifteen years old on arrival were designated as 'girls', and, instead of being assigned, were sent to the colonial Orphan School. Welfare provision had likewise to be made for elderly female convicts in the Female House of Correction or colonial hospital when they became too infirm to work. The colony therefore clearly benefited from the fact that few very young or very old female convicts were transported.

Transportation was much more successful than free emigration in providing colonial labour at its optimum productive and reproductive age. Despite government attempts to attract young emigrants, the assisted emigration scheme was unable to deliver a population as youthful as the convicts. As Nicholas and Shergold observe, a greater concentration of convicts in the most productive age-range of sixteen to thirty-five years was achieved than amongst either assisted or unassisted free migrants to the Australian colonies. In this respect, transportation, judged against the government's own criteria for the optimum emigrant age-range, was a highly successful strategy.

The majority of female convicts were therefore within the age-range preferred by government. Their potential utility as colonial workers is, however, another matter. Did they bring the right occupational skills, knowledge and experience to make them useful colonial workers? Assisted emigration schemes again provide significant clues, for statements of government policy detail the types of female workers and skills sought by colonial employers in this period. They therefore provide a valuable

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11 Convict Robina Forest, for example, aged sixty when transported, was considered "too old for assignment" on her arrival by the convict department in Van Diemen's Land. She was consequently ordered to be detained in the Female House of Correction at Hobart. Robina Forest per Hector, no. 128F, M.L., T.P. 34.

12 The problem with both the younger female convicts and assisted emigrants may not have been their age as such, but their resulting lack of training, skill and work experience. An article in the colonial press described the young female emigrants per the Boadicea as being "so young and helpless for common purpose" that they required to be taken into the care of the colonial state. The same article proceeded, however, to suggest that they were potentially useful servants if an employer was prepared to spend time supervising and training them. Bent's News, February 20 1836. Significantly, the colonial state did not regard girls from this age-group to be generally unsuitable for labour, and colonial employers were not unwilling to employ them. Three-quarters of the girls apprenticed from the Female Orphan School in Hobart between 1835 and 1850 were aged 15 years old or under. These young women, many of them the children of convict women, had, however, received a training in domestic service during their years in the institution. A.O.T., S.W.D. 28/1.

13 Nicholas & Shergold conclude that at most 60% of the New South Wales assisted migrants of the 1830s were aged between 16 and 35 years old compared with 80% of the convicts. S. Nicholas & P. Shergold, 'Convicts as Migrants', in S. Nicholas (ed.) Convict Workers, p. 49.

measuring stick against which to evaluate the potential utility of the occupations and skills of the female convicts.

**Convicts as habitual liars: evaluating the reliability of the occupational data.**

Before the information on convict occupations can be evaluated and analysed, its reliability must, however, be scrutinised. Its accuracy has long been questioned by some historians who have argued that the convicts were habitual liars, asserting, as a corollary of the criminal-class interpretation, that convicts made up their occupational details. Despite extensive testing of the occupational data by Convict Workers, this argument has not been resolved. Indeed, in at least one of the critical reviews, Shlomowitz specifically argued that Convict Workers was flawed because it had:

"not heeded the warnings of other scholars that information on occupation, the number of previous offences, and the nature of the offence in the indents should not be taken at face-value".\(^\text{15}\)

In fact, Convict Workers had taken the arguments about occupational data validity seriously, by running a series of quantitative and comparative tests, all with positive findings. These include: a comparison between convict occupation and literacy rates; an examination of the relationship between occupation and type of crime;\(^\text{16}\) and a comparison between occupation and county of trial.\(^\text{17}\)

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\(^{15}\) Ralph Shlomowitz, 'Convict Workers: a review article.' Australian Economic History Review, Volume XXX, no. 2 (September 1990), p. 83.

\(^{16}\) This led Nicholas and Shergold to conclude that "a significant proportion of crime was related to the worker's employment", S. Nicholas & P. Shergold, 'Convicts as Workers', in S. Nicholas (ed.) Convict Workers, p. 65. As was revealed in chapter two, a correlation between occupation and crime can also be discerned in the case of the Van Diemen's Land female convicts. See chapter two, pp. 71-75.

\(^{17}\) A similar comparison between occupations and place of trial or native-place for the Van Diemen's Land female convicts is only possible for the limited number with regionally-specific trades. Even this limited number, however, clearly illustrate the point made by Convict Workers. Of the six female potters transported to Van Diemen's Land in this period, for instance, all were born in Staffordshire, centre of the pottery industry, and all but one were tried there. Three out of the four female nailors were tried in Worcestershire, the third in Yorkshire. Eight of the twelve silk-weavers, -winders and -throwers were tried in London, and seven of them had been born in the city: at least two of them in Spitalfields itself and a further four in the neighbouring parishes of Shoreditch, Bethnal Green and Whitechapel. This evidence, albeit limited, therefore concurs with Nicholas and Shergold's conclusion that "the regional distribution of jobs accords with knowledge of the British economy in the first half of the nineteenth century", S. Nicholas & P. Shergold, 'Convicts as Workers', in S. Nicholas (ed.) Convict Workers, p. 64.
Critics of Convict Workers have been largely silent regarding these tests. Shlomowitz, for example, makes little attempt to tackle them, instead attempting to revitalise old doubts by asserting that:

"The danger regarding the occupational data...is well illustrated by Portia Robinson's example relating to females who gave their occupation as domestic service, but were convicted of highway robbery, burglary, or breaking and entering, all crimes which involved prolonged absence from any place of regular employment, suggesting that if they were servants then they were not employed at the time of their arrest for professional crimes".18

Women convicted of such offences, in fact, illustrate nothing of the sort. Firstly, highway robbery, was rarely of the romanticised Dick Turpin variety; rather, it more commonly involved stealing from the person or picking pockets. It was not therefore an activity which generally required "prolonged absence from...regular employment". Secondly, closer analysis of the records of women convicted of burglary or housebreaking reveals that a proportion had been committed by servants on their employers. Three examples, all of women transported on just one ship, the Westmoreland, will suffice to make the point: Janet Forrest, transported for "theft by housebreaking", had stolen items of haberdashery from her master; Christian Henderson, also convicted of "theft by housebreaking", had stolen from her master; and Johanna Conway, convicted of "larceny in a dwelling house" had stolen clothes from her mistress.19 Employment was therefore not only compatible with burglary and housebreaking but sometimes created the conditions and opportunity for the crime. Finally, unemployment was a constant feature of domestic service in this period: to be out of work at the time of committing a crime does not imply that the occupational data is laden with falsehood, rather it reflects the job insecurity faced by most servants.

The sheer wealth of recorded data on occupation, skills, training and past employment strongly suggests that historians can have reasonable confidence in its accuracy and reliability. If the convicts were indeed usually lying, then many went to great lengths

18 Ralph Shlomowitz, 'Convict Workers: a review article', p. 83.
19 Janet Forrest, no. 144F, Christian Henderson, no. 286H & Johanna Conway, no. 308C: all per Westmoreland, A.O.T., Con 40.
to fabricate complex pasts when a single, straightforward lie would have sufficed.20 Frances Crew, for example, replied to questions regarding her working ability by stating that she was a housemaid and worsted spinner, who could "cook a plain dinner, wash and get up plain linen".21 Hannah Owen replied that she was a housemaid and laundymaid, who could "cook a little, and knit stockings".22 What motives would have inspired these women to compose lies of this type? What possible gains could a woman like Jane Clayworth have sought to make by informing the clerk that she was a cook and laundymaid who could prepare fish and make pastry and soups, or Ann Lutham, by claiming to be a cook and housemaid, who had worked for "seven years with J. Bell, winemerchant, and three years with Lord Duprain"?23 Brief exposure to work would have exposed the worthlessness of these detailed claims, if they were mendacious. These examples are not extraordinary: most female convicts provided similarly detailed responses to the clerk's questions.

Significantly, colonial contemporaries quite evidently believed the data to be reasonably accurate. The sole purpose of gathering and recording such details was to provide the colonial authorities with reliable information on every convict as a basis for labour allocation. The convict department clearly trusted this information. It used the details on occupations, trades and skills to compile appropriation lists and thereby determine the assignment of each convict. If the details on past employment, skills and trades were indeed systematically fabricated by the convicts, then they pulled off a massive fraud; one which would have undermined the entire structure of the convict department's administration of convict labour. There is no evidence of fraud on such a scale. On the contrary, the information on convict occupations was clearly viewed as reliable. The impression of the Bigge Report, for example, was that the questioning of newly arrived convicts was "of a very detailed nature...(and that) correctness and particularity (were) of great importance".24 Likewise, Lieutenant-Governor Arthur,

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20 A similar level of detail characterised the occupational data provided by the convict women transported to New South Wales. This led Oxley to observe; "...it is hard to understand what nefarious gains a woman might hope to make by claiming that she was a 'housemaid', a 'laundress', a straw bonnet-maker', or indeed an 'ostrich feather dresser...", Deborah Oxley, 'Convict Maids', pp. 53-54.
22 Hannah Owen per Lady of the Lake, no. 90, M.L., T.P. 28. 
24 'Report of the Commissioner of Inquiry into the State of the Colony of New South Wales', Parliamentary Papers, Volume XX (1822), pp. 13-14. (This report is known as the Bigge Report, and also covers Van Diemen's Land which in 1822 was not independent of New South Wales).
after twelve years in the colony, had no serious doubts about the accuracy of the statement given by convicts on their arrival;

"The man perceives at once that the officer who is examining him does know something of his history; and not being quite conscious how much is known, he reveals...generally a very fair statement of his past life, apprehensive of being detected in stating what is untrue".25

The information gained from convicts underpinned the assignment system: its accuracy ensured that appropriation lists were efficient mechanisms of labour distribution, used to determine place of employment in the colony. The few female convict workers who were returned from assignment on the grounds that they were "useless" suggests that the information used to determine assignment was generally accurate.26 Most female convicts servants were evidently able to perform the tasks for which they were employed.

Historians who reject the occupational data as inaccurate, have not consistently rejected all other information gleaned from the same sources. In fact, they have accepted most of the information as reliable: Clark, Robson, and Shaw, for instance, were not plagued by doubt about data-reliability when it came to details on subjects as wide-ranging as crimes, place of birth, or prostitution. More recently, Robinson has exhibited no unease about using the range of convict data, including that on occupations, to reconstruct individual narratives of female convicts, only finding fault when, as in Convict Workers, a quantitative method is applied.27 Historians of the

26 Employers wishing to return an assigned convict servant to the Crown had to go through their district police office. Police records reveal that female convict servants were rarely returned on the grounds that they were unsuitable. Just 72 (5.4%) of the 1344 assigned female convicts arraigned before the police magistrates in this period were brought to court because their employers wished to return them on the grounds that they were unable to perform the tasks set them. Moreover, in a substantial proportion of these cases (53%) the woman concerned had not been deemed 'useless' because of a lack of skill or occupational experience. A significant group (17%) were returned because of illness or pregnancy. Others because they were deemed "bad characters" or were thought to have "formed bad connexions (sic)" in the district. This evidence indicates that the methods used to classify and allocate female convict labour in Van Diemen's Land in this period were highly successful. A.O.T.: L.C. 53, 83, 247, 346, 362 & 375. M.L.: T.P. 227, 262, 268, 270-273, 290, 291, 323, 325, 326, 334 & 338.
27 Robinson's most recent major study is based upon information from the convict records, which she uses throughout to construct the narratives of numerous individual women. Portia Robinson, The Women of Botany Bay (The Macquarie Library, Sydney, 1988). For her critical review of Convict
criminal-class school therefore only object to the use of the data on trades, skills, literacy and criminal record - and not even then invariably. It seems no coincidence that this is the data which substantiates the argument that the convicts were drawn from the working class. Continued attempts to cast doubt upon its quality and reliability appear to be last-ditch defences of the criminal-class interpretation: conceding the alternative, that the data is reasonably reliable, would spell final defeat for that view.

**Women, work and 'skill' in the early nineteenth century.**

Women workers in this period commonly had varied work experience, and tended to be skilled at a range of diverse tasks. This was not new; Bridget Hill notes that eighteenth-century women workers generally worked at a range of occupations or tasks. This characteristic survived into the nineteenth century when women moved back and forth between occupations at different points in the life-cycle and in response to factors like seasonal fluctuations in trades, migration, unemployment and poverty. Boundaries between female occupations were, as a result, often indeterminate. Many women workers in this period therefore defy straightforward occupational categorisation.

The occupational data on the Van Diemen's Land female convicts reflects this multidimensional characteristic of women's work. Occupational information is available on 3088 (81.2%) of the female transportees included in this study. Of this group, 41 percent stated a second occupation, 3.7 percent a third, and 0.3 percent a fourth: accounting overall for 4460 trades or occupations. Elizabeth Parker, for example, was a plain cook, housemaid and dairymaid; Margaret Cuthbert a houseservant, nurse and shoebinder; and Sarah Anderson a plain cook, houseservant, needlewoman and hat-

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29 There were no trades or occupations entered for 716 of the convict women. In 11% of these cases the records no longer exist; a further 11% were dead, sick or infirm on arrival; 10% had skills listed against their names but no occupational title; and 8 convicts, just over 1%, were in their teens and were simply described as 'girl'. Just under half, 348 women, (49%) for whom no details of trade or occupation were recorded had arrived in the years 1820-1825, when the process of data collection and compilation was much more piecemeal than it became in Arthur's era. This group of 348 convicts accounted for 64% of all the women transported in these years, reflecting the unsystematic nature of record-keeping in these years.
Table 4.1 provides a complete list of the 4460 trade or occupational labels recorded for these 3088 women.

<table>
<thead>
<tr>
<th>A. Domestic Servants</th>
<th>%</th>
<th>B: Farm &amp; Dairy workers</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housemaid/servant</td>
<td>1536 34.4</td>
<td>Farm servant</td>
<td>234 5.2</td>
</tr>
<tr>
<td>Cook</td>
<td>651 15</td>
<td>Dairywoman/maid</td>
<td>122 2.7</td>
</tr>
<tr>
<td>Laundress</td>
<td>292 6.9</td>
<td>Country servant</td>
<td>34 0.8</td>
</tr>
<tr>
<td>Nurse</td>
<td>291 6.5</td>
<td>Milkwoman</td>
<td>4 0.9</td>
</tr>
<tr>
<td>Servant-of-all-work</td>
<td>280 6.3</td>
<td>Farmhouse-servant</td>
<td>2 0.05</td>
</tr>
<tr>
<td>Servant</td>
<td>134 3</td>
<td>Labourer</td>
<td>1 0.02</td>
</tr>
<tr>
<td>Housekeeper</td>
<td>59 1.3</td>
<td>Total</td>
<td>397 9</td>
</tr>
<tr>
<td>Kitchennmaid</td>
<td>45 1</td>
<td>Total</td>
<td>3088 100</td>
</tr>
<tr>
<td>Housewoman</td>
<td>24 0.5</td>
<td>Total occupations</td>
<td>3463 78</td>
</tr>
<tr>
<td>Lady's Maid</td>
<td>23 0.5</td>
<td>B:Farm &amp; Dairy workers</td>
<td>397 9</td>
</tr>
<tr>
<td>Washwoman</td>
<td>20 0.4</td>
<td>Total occupations</td>
<td>3463 78</td>
</tr>
<tr>
<td>Children's maid/nurse</td>
<td>15 0.3</td>
<td>B:Farm &amp; Dairy workers</td>
<td>397 9</td>
</tr>
<tr>
<td>Housekeeper</td>
<td>11 0.2</td>
<td>Total occupations</td>
<td>3463 78</td>
</tr>
<tr>
<td>Charwoman</td>
<td>6 0.1</td>
<td>B:Farm &amp; Dairy workers</td>
<td>397 9</td>
</tr>
<tr>
<td>Chambermaid</td>
<td>4 0.9</td>
<td>Total occupations</td>
<td>3463 78</td>
</tr>
<tr>
<td>Midwife</td>
<td>3 0.07</td>
<td>B:Farm &amp; Dairy workers</td>
<td>397 9</td>
</tr>
<tr>
<td>Governess</td>
<td>2 0.05</td>
<td>Total occupations</td>
<td>3463 78</td>
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<td>Ironer</td>
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<td>B:Farm &amp; Dairy workers</td>
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<tr>
<td>Total</td>
<td>3463 78</td>
<td>Total occupations</td>
<td>3463 78</td>
</tr>
</tbody>
</table>


78 percent of all recorded female convict occupations were domestic. These ranged in status from housemaid and kitchenmaid up to professional cook, governess and lady's maid. Housemaids/servants were most numerous: predominant not just amongst the domestic servants but overall; accounting for one-third of stated occupations. Cooks, laundresses, nursemaids and servants of all work were also common. Domestic service aside, two other groups of women workers were substantially represented: the first of these, farm servants and dairyworkers, accounted for 9 percent of recorded occupations; while the second, with 11 percent of recorded occupations, was composed of women drawn from the clothing, needle and shoe trades. Finally, a small group, 2 percent, were drawn from a variety of miscellaneous trades: some, like the potters, nailors, weavers and spinners, from domestic or workshop industries; others

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from the professional and service sectors, including several schoolmistresses, a matron, two publicans, a shopwoman, a victualler and two confectioners.

How useful, given their occupational backgrounds, were female convicts as colonial workers? Government policy regarding assisted female emigration clearly indicates the type of female worker most sought in the colony. Government financial assistance, in the form of the emigration bounty, was aimed at women trained in general domestic and farm service;

"Preference was to be given to those women qualified to act as servants in agricultural districts...To the colonists the ideal female immigrant was a single woman between the ages of eighteen and thirty, trained in domestic service and preferably with a knowledge of farm life".31

The regulations guiding assisted emigration therefore provide an accurate insight into the type of female worker most required in the colony. Colonial female labour needs were further spelt out in the mid-1830s by R.W. Hay, Secretary to the Colonial Department. According to Hay, Van Diemen's Land required women who could be employed as,

"general servants...capable of cooking and washing and household work; good cooks and nursery maids capable of washing, ironing and needlework...".32

Assisted female emigration was thus skewed towards the recruitment of general domestic and farming servants: women able to perform a range of tasks in the household and/or around the farm. Convict transportation therefore appears to have provided the type of female labour most in demand. The female convicts were extremely well-suited to meet the needs of the colonial labour market: the general- and houseservants, cooks, nurserymaids, laundryworkers, needlewomen and other women workers sought after by emigration schemes were supplied aplenty by

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transportation. The average female convict would, shorn of her criminal record, have made an ideal candidate for emigration.

It is therefore clear that transportation provided the colony with a highly suitable and useful supply of female labour. This conclusion is further strengthened by a more extensive examination of the female convict's occupational abilities and skills. Such an examination is possible because detailed information on skill is available for a third, 1244, of the female convicts under study. The records for Ann Davies, for example, elaborated on the fact that she was a countryservant by adding that she could milk, brew, wash and bake. Those for Ann Brown or Hood, a plain cook and houseservant, added that she could wash, iron and work at her needle; for Jane Weaver, a dairywoman, that she could make cheese and butter, bake, brew and wash; and for Mary Campbell McKillop, a plain cook, that she could milk, make butter and cheese, spin with the hand wheel and work at herring nets. These few examples give some indication of the degree of variation in abilities and skills displayed by the female convicts. This variation is not particularly surprising given the multi-occupational nature of female work in this period.

Before any general conclusions can be drawn from this data it is, however, necessary to ask why two-thirds of the female convicts did not have detailed information regarding skills recorded. In the case of two ships, the Hydery and the Jane, the relevant records simply no longer exist. Additionally, only partial records for the convict women per the America survive. This accounts for the lack of information on 297 women, but still leaves 60 percent of the female convicts unaccounted for. One possible scenario is that those women who had their skills recorded were exceptional; the skilled minority. Very little, however, in fact points to that conclusion. Rather, it seems that the limited nature of information on skills was the result of unsystematic recording. The quality of female convict occupational and skill

33 Prospective assisted emigrants were required to have a good moral character. Character testimonials were required from the minister and two householders of each applicant's local parish. A. J. Hammerton, "Without Natural Protectors': Female Immigration to Australia', p. 542.
35 Neither the appropriation list nor the indent of the female convict ship Hydery, 1832, survive. Details of the women transported on this ship have been pieced together from the Conduct Registers, A.O.T., Con 40, and from Description Lists, A.O.T., Con 18/24. The surviving indent for the Jane, 1833, is truncated, M.L., T.P. D4. Only the appropriation list for the Mary (1831) survives and this, unusually, does not include any relevant data on this matter, A.O.T., M.M. 33/6.
36 M.L., T.P. 11.
data recorded by the Convict Department improved substantially over the course of this period. No skill details at all were recorded for convict women arriving on transports between 1820 and 1825. The limited nature of these earlier occupational records matched the relatively unsophisticated labour needs of colonial employers. Prior to the mid 1820s most employers simply sought a female convict servant-of-all-work. The records improved as the demand for female convict labour in Van Diemen's Land diversified.

Another variable affecting the consistency of skill data appears to have been the muster-clerk himself. Unlike other forms of information, such as age or occupation, female convict skills were not recorded as a matter of course. Records therefore varied widely between ships suggesting that muster-clerks did not regard the recording of female convict skill details to be an essential part of their brief. This would explain both the complete absence of these records for some ships, and the wide variations that existed between the records of remaining ships. Only 10 percent of women transported on the Harmony, for example, had details on skill recorded, compared to 70 percent of those per the Sir Charles Forbes. Such variations exist although there were no discernible differences between the women transported on different ships. This reinforces the supposition that the main variable was the process of data-collection itself.

Overall, therefore, there is little reason to conclude that the absence of skill details for the majority of the women reflected their unskilled status. Rather, it was the product of the convict department's neglect to compile systematic records on the subject. There is therefore little reason to assume that the third of women for whom skill details were recorded were in any way exceptional. For this reason, both the variation in type and the distribution of skills amongst this sub-sample can be taken as a general guide to the skills with which female convict labour provided the colony.

The most frequently recorded skills were those associated with laundrywork, needlework, dairywork and cooking. Overall, however, a wide range of skills were recorded:

37 They are in order of date of arrival: Janus 1820, Providence 1821, Mary Anne 1822, Lord Sidmouth 1823, Mary 1823, Brothers 1824, Henry 1825 & Midas 1825.
38 See chapter 6, pp. 194-196.
39 There were no skill details recorded for the convict women per the Mary (1831). Likewise, no such details were recorded for women transported from New South Wales and other colonies. M.L., T.P. 10 & T.P. 143. A.O.T., Con 40.
recorded: ranging from reaping and shearing through to baking, brewing, knitting and child care. A complete list of the recorded skills for this group of 1244 women convicts is provided in table 4.2. The information on skill and occupational ability adds substance to the argument that most female convicts were of high potential value as colonial workers. Their occupational expertise made them ideally suited to the demands of the colonial labour market. Transportation supplied the colony with women workers able to perform the range of domestic tasks sought through the assisted emigration scheme: 83 percent of female convicts in the sub-sample were able to wash, get up linen or do laundrywork; 55 percent could also iron; and 13 percent were able to work at the needle.

A substantial group combined a number of such skills and could therefore be considered multi-skilled. The majority of women in the sub-sample specified at least two skills: 48 percent had two skills recorded; 22 percent between three and four; and a small, but significant group, 3 percent, up to five, six and seven separate skills. This distribution of skills across the group further reveals that the majority of women in the sub-sample were multi-skilled, highly adaptable and potentially very useful workers.

| Table 4.2: Skills of 1244 female convicts arriving V.D.L., 1820-1839. |
|------------------------|------------------------|
| Type                  | Number                | Type                      | Number |
| Wash                  | 941                    | General farmwork          | 6      |
| Iron                  | 684                    | Housework                 | 4      |
| Milk                  | 243                    | Pleat                     | 3      |
| Make Butter           | 159                    | Embroidery                | 3      |
| Needlework            | 158                    | Wait at table             | 3      |
| Cook                  | 125                    | Shear                     | 2      |
| Make Cheese           | 81                     | Truss poultry             | 2      |
| Get up linen          | 54                     | Get up baby's linen       | 2      |
| General service       | 25                     | Churn                     | 1      |
| Bake                  | 24                     | Harvest                   | 1      |
| Get up fine linen     | 24                     | Plait straw               | 1      |
| Child-care            | 16                     | Work at herring nets      | 1      |
| Reap                  | 12                     | Mangle                    | 1      |
| Dairywork             | 11                     | Make shirts               | 1      |
| Laundrywork           | 8                      | Spin                      | 1      |
| Knit                  | 8                      | Card                      | 1      |
| Brew                  | 7                      | Pottery work              | 1      |


The types of skill recorded were also significant. A significant proportion of those with skills recorded had some knowledge of farm labour: 20 percent could milk; 19
percent could make butter and cheese, and 3 percent were able to reap, shear or harvest. More significantly, around 7 percent of those with farming skills were women with household service occupations. Margaret Thorne or Clowes, a cook and housemaid, for example, could wash, iron, milk, and make butter and cheese. These women were therefore able to combine household labour with farmwork: an optimal mix of occupational abilities according to female emigration criteria. The supply of this valuable type of female worker was further enlarged by the 10 percent of women who combined a farming occupation with household skills such as washing, ironing, cooking, baking and needlework. A sizeable proportion of the farmservants and dairyworkers in the sub-sample were able to perform a variety of household tasks: 56 percent could wash, 20 percent could iron, 8 percent cook, 4 percent bake and 1 percent do needlework. Marion MacAdam, for example, was a farmservant who could wash, iron, reap, spin, milk, make butter and cook plain meals. Finally, in addition to these two groups, 2.5 percent of female convicts combined farming and domestic service occupations: Elizabeth Parker, for example, was a cook, housemaid and dairymaid; Margaret Brown, a farmservant and kitchenmaid. Overall, around 20 percent of the female convicts for whom full occupational and skill details were recorded were therefore able to perform both farming and household labour. One female convict in five from this sub-sample therefore conformed to the ideal type of woman worker sought by colonial employers - the woman worker "trained in domestic service and...with a knowledge of farm life". Their high degree of occupational utility presumably made such women amongst the most valuable of female colonial workers. This might explain the enthusiasm with which The Colonial Times welcomed the female convict ship Lady of the Lake. It is probable that this reflected the fact that as many as 40 percent of its convicts were women workers who had a combined experience and knowledge of both farming and domestic labour. The newspaper's confidence that many were "likely to make good servants" therefore appears well-founded.

Although a substantial range of evidence reveals that female convicts were skilled, potentially useful colonial workers, this conclusion conflicts with the dominant perception of the women as unskilled and hence unemployable. This apparently stark

41 Margaret Thorne or Clowes per Frances Charlotte, no. 89T, M.L., T.P. 4. & T.P. 26.
42 Marion MacAdam per Lady of the Lake, no. 54A, M.L., T.P. 28.
44 R. B. Madgwick, Immigration into Eastern Australia, p. 95.
45 The Colonial Times, November 13 1829.
contrast can, however, be relatively easily resolved. The low evaluation of female convict labour was, and is, deeply subjective; profoundly shaped by three factors. The first, equally affecting male convicts, was the fact that the 'criminal' was represented to be the antithesis of the 'worker'. This meant that it was almost unimaginable that a convict either could or would perform productive or skilled labour. The second, solely shaping perceptions of female convicts, was the assumption that 'skill' was masculine. Any evaluation of the skills, or human capital, of the female convicts is complicated by the fact that skill was a controversial, profoundly gendered concept by this period. 'Skill' did not simply, or even necessarily, denote learned ability but operated as a barrier of exclusivity limiting the number of workers entering a trade. 'Skill' was therefore a status increasingly associated with apprenticed workers organised in craft guilds or unions: associations whose primary purpose was to exclude, and thereby define, the unskilled. More specifically, growing restrictions on women workers meant increasingly that "skill was...a male 'property'". This conception of 'skill' has shaped both contemporary and historical evaluations of the female convicts as workers. In particular, by assuming that skilled workers were exclusively male and apprenticed, some historians have missed the occupational abilities, expertise and knowledge of the female convicts, and have failed to appreciate the degree of training, or investment in human capital, necessarily undertaken.

This has been yet further compounded by a third factor: the general denigration or dismissal of the value of 'women's work' or household labour. The assumption which underlies this dismissal is that domestic labour is 'non-productive'; producing neither use nor exchange values. Yet this view of household labour as non-productive is both false - few would now argue that household labour has no economic function or value - and ahistorical. The structure of the colonial economy dictated a consistently productive role for female labour. This had much more in common with...

47 Hirst, for example, has recently dismissed Convict Workers' claim that the female convicts were skilled, arguing that "the attempt to show that female convicts were also skilled is much less convincing - 77% of them were in the vague, general category 'domestic servant'". J. B. Hirst. Convicts and Crime', p. 82. In fact, 36 different female occupations were recorded in Convict Workers, and while many of these fell into the category of domestic service, most, like 'nursemaid', laundrymaid' or 'cook', were specifically defined occupations and not at all vague or general. D. Oxley, 'Female Convicts', in S. Nicholas (ed.) Convict Workers, p. 92. Hirst's opposition appears therefore to be based on an inability to recognise the skill content of many forms of domestic or household labour.
48 The value and economic function of household labour in the colony is discussed more fully in chapter six, pp. 222-228.
the old-world, 'pre-industrial' functions of female labour than with the emerging role of women in the nineteenth-century British home. In the eighteenth-century rural household, for instance, women's domestic labour made a significant contribution to the self-sufficiency and survival of the family. This contribution was made in multiple ways: sowing, weeding, hoeing, harvesting, cultivating vegetables, cooking, baking, brewing, spinning and weaving, making and mending clothing and caring for children were all tasks undertaken by women. Rural women workers were therefore trained to "dip your hand in everything". The isolation of many colonial rural households necessitated a similar level of self-sufficiency; something which could only be secured through the participation of convict women workers and their productive application of domestic and rural skills. A female convict who could bake bread, make or mend clothes, do the laundry, milk, make butter and cheese, and prepare meals was an extremely useful servant. In the form of the multi-skilled female convict worker, the colonial employer gained several servants rolled into one. Colonial households and farms depended on the activities of women workers for survival and continued smooth-running; female household and farmyard labour was directly and indirectly productive.

The colonial urban economy likewise required a variety of female labour skills. This sector was increasingly based on import-substitution by the 1820s and 1830s; a process secured through small workshops and family-based retail outlets. The economic growth of Hobart, in particular, "depended on import substitution... (which) began with local production of basic foodstuffs and spread to semi-manufactured and manufactured goods". Female labour was undoubtedly involved in the preparation of basic items like foodstuffs, beverages, cloth, clothing and footwear for the local market. The divisions between 'non-productive' household labour and labour producing directly for the market were often indiscernible and faint in the small, generally home-based, workshops and enterprises which dominated the urban economy. These urban colonial employers required workers with a mixture of skills and the ability to diversify and adapt to shifting priorities and tasks; a requirement which female convicts, because they were multi-skilled, were particularly well-suited to meet.

52 See chapter 6, pp. 204-205; 225-226.
The occupational skills which the women had acquired prior to transportation therefore had immediate, practical and valuable applications in the colony. The apparently everyday nature of those skills should not distract historians from their high degree of utility in colonial households, workshops and farms. Unfortunately, both their 'everyday' nature and their association with female labour has blinded many historians to the seemingly obvious: firstly, that female convict occupational abilities were useful skills; secondly, that the women were therefore potentially valuable colonial workers; and thirdly, and directly at odds with their criminal-class depiction, that their skills were the product of a substantial investment in human capital.

Female convict occupational and skill data undermines a central tenet of the criminal-class interpretation. To acquire such occupational expertise the women required a significant level of training and/or a hands-on experience of work: both non-starters for the lazy, work-shy individuals said to inhabit the world of the 'criminal class'. The occupational data therefore clearly underscores the fact that convicts were drawn from the working class and had a knowledge and experience of the world of work prior to their transportation; a point difficult for the traditionalist historiography to accept or incorporate. One attempt to circumvent this problem has been made by Hirst, who questions the actual degree of training and experience accumulated by convicts. Hirst specifically argues that the conclusions of Convict Workers regarding the skills of convicts are flawed because they "do not bother much with how complete convicts' training was...". He therefore shies away from the older argument that convicts lied outright about occupational abilities and expertise, suggesting instead that the occupational data was more the product of creative exaggeration than fact.

It is impossible to evaluate the degree of occupational training and experience undertaken by each and every convict prior to transportation. Qualitative evidence does, however, exist, and this firmly indicates that, contrary to Hirst's argument, many of the women were adequately or well trained at their respective occupations and had extensive work-experience. This evidence is worth examining for a number of related reasons. Firstly, it directly undermines Hirst's suggestion that convicts were not as skilled as they claimed; secondly, it reveals an investment in human capital at odds with traditionalist expectations of the convict; and thirdly, it further substantiates the

53 The relationship between female convict skills and the structure of the colonial economy is dealt with in detail in chapters five & six.
54 J. B. Hirst. 'Convicts and Crime', p. 82.
argument that many of the female convict occupational abilities required training and experience and can be considered skills.

Some occupations required formal training in the form of apprenticeships. Dressmakers, milliners and tailors seeking employment in the 'honourable' sectors of their trades, for example, were required to undergo a two to five year apprenticeship. Other trades from embroidery and tambouring to straw-hat making and book-binding likewise required formal training. Some female convicts had clearly served their apprenticeship: Sarah Willis, for example, was a "good milliner" who had "served her time"; Belinda Gardener had trained as a dress-, stay- and corset maker, serving "her time with Miss Underwood of London"; and Mary Ann Smith, was an apprenticed needlewoman and dressmaker, who had for "eight years in London (been) mistress of my own business".55 Others had undergone a less formal training within the family home, learning the trade of a father, mother or husband: Agnes Murray, for example, an upholsterer for 23 years, had worked alongside her husband, George Read, an upholsterer in Dumfries; Helen Stewart, a shoeinder, had worked for her father, a shoemaker and -binder in Aberdeen; and Aphalia George, a dressmaker, stated that she had been "four years in the business of dressmaker with my mother".56

The clear boundaries and distinctions which many of the women themselves drew around their degree of training and levels of ability further reveals the extent to which skills were the product of training and experience. Among the needlewoman and dressmakers, for instance, were those trained only to do slop work. Margaret Wall, for example, described herself as a "sempstress trained at slop clothing", and Mary Jones as a "slop needlewoman".57 Others specified the type or range of work they were able to do: Mary Seal, a dressmaker and nurse, stated she could "cut out child's clothes and do plain work",58 while Janet Gardener described herself as a "Scotch dressmaker".59 Likewise, while some needlewomen stated that they could only do 'plain work', others were able to do 'fancywork', and many dressmakers and milliners drew a distinction between the ability to 'cut out' or 'not cut out'.

55 Sarah Willis, no. 150W, Belinda Gardener, no. 94G, & Mary Ann Smith, no. 171S; all per Mellish, A.O.T., M.M. 33/2.
58 Mary Seal per Majestic, no. 369S, M.L., T.P. 30.
59 Janet Gardener per Mellish, no. 95G, A.O.T., M.M. 33/6.
Although other groups amongst the female convicts had not undergone formal training, they had clearly accumulated a level of skill and occupational knowledge. Those who could spin, card and weave various types of materials were one such group. A second were those who could perform tasks associated with farming or dairy work. Relevant skills were often the product of periods of lengthy training and work experience. Live-in farm servants commonly received instruction in a wide range of tasks from the farmer's wife, acquiring skills at a range of domestic tasks and, in some cases, butter and cheese-making. Some of those trained at farm or dairy work provided clear details both of their prior experience and the extent of their abilities: Mary Ann Farley, for instance, had "milked nine cows" in her previous employment; Caroline Lucy or Johnson, "could milk ten cows of a morning"; and Ellen Tarrant, a farmer's widow had also normally "milked ten cows". Some had clearly accumulated a wealth of invaluable experience over long periods of employment. Mary Welsh stated she had "lived in farm service all my life"; Sarah Burton, that she had "kept a farm herself"; Mary Moran that she was "used to farmwork for ten years"; and Helen McIntosh or Moffat, that she had been "fifteen years in charge of one farmhouse".

Skills which were associated with general household tasks were commonly accumulated by women in the course of daily life rather than through any formal training or apprenticeship. Abilities such as cooking a plain meal, working at the needle, and washing and ironing were clearly amongst these. Their everyday nature

61 The manufacture of cheese for the market was a highly skilled and specialised task, which required knowledge of scientific procedures: "cheese making demanded attention to minute details in a seemingly endless process. Many operations required determining proper temperature and time, measurements literally incalculable without modern instruments. The correct temperature for milk at the time of adding the rennet was, appropriately enough, "milk-warm", and only the experienced hand showed sufficient sensitivity. The rennet itself constituted a uniquely mysterious substance whose properties were not fully understood even in the late nineteenth century. Produced from the extract of the stomach of a calf according to as many methods as there were cheeses, rennet made possible the chemical reaction enabling curd to form from the milk and cream...Under such constraints, a seemingly mysterious matriarchal authority prevailed, and techniques often derived from several generations of women", Deborah Valenze, "The Art of Women and the Business of Men: Women's Work and the Dairy Industry c.1740-1840", Past & Present, Volume 130 (1991), pp. 153-154. Although this authority was being challenged by the early nineteenth century by the introduction of 'modern' techniques and the increasing number of men being employed as dairy managers, the role and expertise of women continued to be important.
62 Mary Ann Farley per Lady of the Lake, no. 71F, N.S.D.G., ref. 1603. Ellen Tarrant per Persian, no. 40T, N.S.D.G., ref. 1226. Caroline Lucy or Johnson per Mellish, no. 97L, A.O.T., M.M. 33/2.
63 Mary Welsh per Sir Charles Forbes, no. 92W, N.S.D.G., ref. 1170. Sarah Burton per Sir Charles Forbes, no. 108B, N.S.D.G., ref. 1113. Mary Moran per Persian, no. 56M, N.S.D.G., ref. 1205. Helen McIntosh or Moffat per Borneo, no. 361, N.S.D.G., ref. 1461.
should not, however, obscure the learning process involved nor the level of ability required. The women were clearly aware of their different levels of ability, or skill differentials. Some aspects of laundrywork, for instance, were clearly more skilled than others. Ironing, usually its highest paid form, was "very skilled work, requiring careful handling of delicate materials and intricate fashions...".64 This explains why the female convicts, even those who worked as laundresses, often specified whether they could or could not iron, thereby clearly delineating it as a separate and distinct skill. Mary Devine, for example, was a laundrymaid yet stated she could "not iron well"; Margaret Cavanagh, despite being a laundress, could not iron at all; while, by comparison, Julia Ann Cox, a servant-of-all-work, stated that she was a "good ironer".65 Ironing was therefore one laundry skill which even those who were laundresses did not take for granted. Others included the ability to pleat: Elizabeth Law, for instance, "could iron and fine pleat"; Margaret Lawrence could "small pleat"; Elizabeth Payne could "iron and small plete"; and Margaret Taylor could wash well but could not pleat.66 General distinctions were also drawn by the women between those who could "wash and iron plain", those who could "get up plain linen" and those who could "get up fine linen". Margaret Murray and Mary Haywood both stated, for example, that they were "competent in fine linen and clear starches".67 Such differences often concealed years of experience and employment at different types of laundrywork. Elizabeth Baxter thus described herself as a "thorough laundress," an appellation which she had gained from working at the job "all her life".68 Women like Mary Kirkland, who had been employed as a laundress by Governor Campbell of Gibraltar, and Catherine Parsons, under laundrymaid for the Dowager Lady Neave, had presumably acquired different skills and knowledge - specifically the ability to work with fine materials - to those like Mary Wilson, a laundrymaid who had learnt her trade in Millbank Penitentiary.69

65 Mary Devine, no. 87D, Margaret Cavanagh, no. 108C, Julia Ann Cox, no. 114C: all per Mermaid, M.L., T.P. 23.
67 Margaret Murray, no. 276M, Mary Haywood, no. 316H: both per Nautilus, A.O.T., C.S.O. 5/140/3376.
68 Elizabeth Baxter per Mellish, no. 181B, A.O.T., M.M. 33/6.
69 Mary Kirkland, no. 56K, Catherine Parsons, no. 64P: both per Harmony, M.L., T.P. 25. Mary Wilson per Eliza, no. 145W, A.O.T., M.M. 33/2.
Cooking, like laundrywork, was a blanket category concealing a range of degrees of training, expertise and skill within what was an everyday, household task. Some of those differences were reflected in the different types of cook found among the women convicts: cooks came under a number of titles - nine in all - ranging from plain cook and under-cook to small family cook, pastry cook, and professional or professed cook. There was clearly a world of difference between a woman like Sarah Phillips, a farm servant, who stated she could "cook a plain dinner", and Elizabeth King, a "professed cook" who had "served in Lord Charlemont's family". Professional cooks required a knowledge of a wide range of culinary skills. Mary Burke, for example, a "complete cook", was trained to prepare "jellies, fish, pastry, and cook by steam". Other professional cooks stated variously that they "understood pickles and preserves", could make soup, bake, dress and cook fish, and prepare poultry and fowls. These culinary skills and the status of professional cook were acquired over lengthy periods of informal training and experience. Cooks began their informal apprenticeships as kitchenmaids and gradually worked their way up through the occupational hierarchy of domestic service. Eliza Brinkley had worked for eight years in the household of Sir William Scott - four years as a nursemaid and four years as a kitchenmaid - before she eventually gained a position as cook in another household at £25 per annum. Margaret Warren, who described herself as a "best cook", had years of training and experience behind her: she had served "five years under a man cook at Lady Prothero's, and five other places as cook". The lengthy process of accumulating the skills and experience required of a professional cook is reflected in the age difference between the kitchenmaid and the cook. A generational gap divided them: whereas half the kitchenmaids transported were under twenty years old, half those described as professional, professed or complete cooks were over the age of forty years. This age gap reflected years of training, knowledge and work; the evidence of which clearly denies any attempt to categorise these women as members of a 'criminal class'.

The records also suggest that many female convicts, again contrary to their criminal-class image, had worked for substantial periods of their lives, some maintaining long periods of constant employment in the same service. A selection of the examples that exist illustrates this point: Catherine Mullins had been "five years a kitchenmaid";

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71 Mary Burke per Atwick, no. 391B, M.L., T.P. 29.
73 Margaret Warren per Mellish, no. 153W, A.O.T., M.M. 33/2.
Mary Barret, a housemaid and dairymaid, had "lived in one service nine years and eight months"; Catherine Williams, a cook, had been "five years with Mr Nelson, Bloomsbury Square"; while Elizabeth Lenham had been "three years a laundrymaid".\(^74\) Caroline Hopper stated that she had "lived in service all her life", and that she had been "housemaid to General Lloyd for nine months."\(^75\) Mary Dunn had been a "laundress four years, and a cook fourteen months"; Sarah McGill had been a farm servant for ten years, and Rebecca Mullins a laundress for nine years.\(^76\) Ann Ford, had been "six years as a servant in one family"; Ann Taylor and Hannah Newbrook had both been five years in their last service; while Mary Ann Denham had "always lived in service".\(^77\) Janet Phillip, had been "chambermaid for three years to the Earl Herald"; Sarah Barnes, a plain cook and housemaid, had "worked for Major Newton four years"; Mary Cliffe had "worked for seven and a half years as a cook"; Hannah Payne had "worked as a cook for four years with the Marquis of Bute"; and Hannah Herbert had been a "housekeeper for nine years".\(^78\) It was not just among domestic servants that such evidence of relatively lengthy and constant periods of employment could be found. Amongst the dressmakers there were women with different degrees of experience, ranging from those like Mary Ann Bacon, who had "served two years" in the trade and Anna Scott, with three years experience, through to those like Catherine Fitzallen with six years experience, and to Mary Ann Smith, "eight years in the business", or Margaret Crossland with fifteen years experience.\(^79\)

To conclude then, the evidence regarding training and experience confirms that the female convicts had accumulated a wealth of skills and occupational abilities prior to transportation as a result of a process of training, either formal or informal, and, in addition, often lengthy periods in employment. This reveals that, contrary to their criminal-class image, convict women had a detailed knowledge of the world of work and many had made a substantial investment in human capital. The detailed statements

\(^{74}\) Catherine Mullins, no. 59M, Mary Barret, no. 117B, Catherine Williams, no. 97W, Elizabeth Lenham, no. 60L: all per Persian, M.L., T.P. 21.
\(^{75}\) Caroline Hopper per Persian, no. 105H, M.L., T.P. 21.
\(^{76}\) Mary Dunn, no. 77D, Sarah McGill, no. 71G, Rebecca Mullins, no. 65M: all per Sovereign, M.L., T.P. 21.
\(^{77}\) Ann Ford, no. 54F, Mary Ann Denham, no. 69D: both per Sir Charles Forbes, M.L., T.P. 21. Ann Taylor, no. 63T, Hannah Newbrook, no. 29N: both per Eliza, A.O.T., M.M. 33/2.
regarding both training and past employers, and the manner in which the women clearly delineated the limits of their individual abilities, confirms that the occupational data was reliable and not a figment of the convict imagination. Far from exaggerating their degree of training or experience, female convicts were in fact extremely specific about what they could and, significantly, what they could not do. This information further reveals that what at first-sight may seem to be everyday, unskilled forms of labour, such as laundry and cooking, in fact required training and/or work-experience and used skills which had sometimes been accumulated over the course of a lifetime. The image of women’s domestic or household labour as unskilled is therefore purely subjective - based on a series of biases and assumptions about women.

The experience of work and investment in human capital which the women had evidently made prior to transportation did not simply provide the colony with a useful source of labour. Their skills and abilities represented a resource base which was not restricted in its utility to the working lives of the convict women in the service of their employers, but carried with it the capacity to train future generations. Much of that training would necessarily take place within the context of colonial families: household and rural skills passed down to the next generation of female labour. The colonial state clearly recognised this potential, and in some cases took formal steps to ensure a passing down of skills. The assignment of female convicts with specific skills to the state-run orphan schools is one indication of this. Christian Stewart or Ranken, for example, a tambour worker, brought with her the ability and materials to train others; "having blocks and everything with her to teach children the art of tambouring".80 Transported to the colony in 1829, she was immediately assigned to the Female Orphan School in Hobart.

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80 Christian Stewart or Ranken per Lady of the Lake, no. 154S, M.L., T.P. 28.
Chapter Five
"Hast thou obtained a servant for me?"¹
Convict women and the demand for colonial labour.

Accounts of early Australian economic development have conventionally dismissed convict labour, adhering to a criminal-class interpretation. Lazy, unskilled, and reared only to crime, convicts have been represented as unproductive, the penal colonies as dumping grounds for Britain's social refuse. This dismal picture is intensified by the depiction of the convict system as an inefficient mechanism for the distribution of colonial labour. According to this view, early colonial Australia was, against the odds, successful despite the convicts. Such accounts, however, are now under concerted attack. The first major assault came with the general historiographical rejection by British historians of the concept of a 'criminal class'. A second front was opened when, contradicting earlier accounts, Convict Workers described the convict labour system as rational, well organised and designed to assign convicts, on the basis of detailed information about their skills and occupational experience, into appropriate areas of the colonial economy.

This re-interpretation concurs with the more general history of transportation. The connection between transportation and labour long predated the Australian penal colonies, and has had a much wider geographical context. British transportation policy, from its earliest days, had a clear economic function. The first Parliamentary Act sanctioning transportation provided for sentencing either to hard labour in the galleys or to the hulks, where criminals were employed dredging and building harbours. The Act of 1718 specifically linked transportation with the shortage of labour in the American colonies. Transportation was therefore from its inception, designed not merely to punish but also to ensure a labour supply which could enhance Britain's colonial and domestic wealth.

The trade in convicts between Britain and its American and Caribbean colonies flourished in the eighteenth century. The unfree labour of convicts supplemented

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5 Wilfrid Oldham, Britain's Convicts to the Colonies, pp. 11-31.
African slave labour and other forms of white bonded labour in the New World. Transportation to the Americas was very clearly a trade in labour. The courts sentenced convicts to seven or fourteen years transportation, sold the rights to their labour to a contractor, who then shipped and re-sold them into colonial servitude. This process changed when transportation to Australia began and it has, consequently, perhaps appeared to be less obviously economic. In the Australian penal colonies, although governors were empowered to assign convict labour to private settlers, the state retained all its rights in the convict, and no financial transactions were involved.

The belief that convicts were simply social refuse dumped on the early Australian colonies is challenged by the history of transportation to the Americas. Although some sections of American, as of Australian, colonial society were vocally opposed to transportation, the market in convict labour was buoyant. Settlers paid up to £25 sterling a head for a skilled male convict, and £10 sterling for other male convicts. The notion that female convicts were a particular burden, the lowest form of 'social refuse' to be 'dumped', is also undermined. American colonists were willing to pay £8 sterling for a female convict servant.

By the time this trade in convict labour ended the labour and skills of tens of thousands of convicts had been deployed in Britain's colonies in the New World. After the American Revolution, the major destination for Britain's convicts became Australia. Convicts, however, also laboured in Bermuda and Gibraltar and continued to provide an important source of labour in British dockyards. Convicts from Britain's colonies in India, Burma and Ceylon (Sri Lanka) were transported to Mauritius and Singapore and the British Straits Settlements in the nineteenth century. Their labour was used to build colonial infrastructures. Convicts therefore continued to provide a

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7 Wilfrid Oldham, Britain's Convicts to the Colonies, p. 28.

8 ibid, p. 28. Ekrich sets the price for female felons at between £7 and £10 sterling. A. Roger Ekrich, Bound for America, pp. 89-90. The evidence on this matter is, however, contradictory. Thus, in some periods there appears to have been next to no demand for female convict servants in the American colonies. Ekrich argues that demand was limited because 'merchants feared women would be difficult to market in the colonies since they were considered less suitable for skilled or heavy labour and liable to become pregnant', ibid, pp. 89-90. According to Beattie, London jails, in the late seventeenth century, were filled with women whose sentences had been commuted from death to transportation but for whom there was no demand in the colonies. Some of these women had, consequently, to be released. J. M. Beattie, Crime and the Courts in England, 1660-1800 (Clarendon Press, Oxford, 1986), pp. 481-482.
readily available coerced workforce and were used widely by the British state at home and abroad. Nor was the use of convicts as unfree labour a uniquely British scheme. Other European states including France, Russia, Spain, Portugal and Germany all made extensive use of convict labour. The historical evidence thus overwhelmingly indicates that transportation was simultaneously a penal and forced labour migration policy. The image of the Australian colonies as dumping grounds for Britain's social refuse cuts against the grain of a much wider historical literature on unfree labour, within which criminal transportation so neatly fits.

This re-interpretation has been immeasurably strengthened by Convict Workers' wholesale rejection of the notion that the convict labour system was inefficient and ruled by coercion. The colonial state, they conclude, "was an efficient agent for the allocation of convict labour", distributing male convicts, on arrival, between the public and private sectors. This distribution was not arbitrary. Convicts with suitable skills were retained in the public sector. Those from the transport and construction trades were, for example, channelled into infrastructural work. Professional and clerical convicts were retained to staff the colonial bureaucracy.

The remaining convicts were assigned to private employers. Nicholas has established that in New South Wales this was again a rationally structured process; employers broadly received convict workers with suitable skills. Maxwell-Stewart's study of male convict assignment in Van Diemen's Land has reached similar conclusions. He reveals that a high proportion of unskilled male convicts were assigned to rural

10 Nicholas and Shergold have since been rightly criticised for downplaying the use of coercion. Historians have pointed to the levels of physical coercion applied to convicts in colonial penal stations, and suggested that these stations, while geographically separate, were integral to the maintenance of discipline throughout the convict system. See: Raymond Evans & William Thorpe, 'Power, Punishment and Penal Labour: Convict Workers and Moreton Bay', Australian Historical Studies, Volume 25, no. 98 (April 1992), pp. 90-111; Tamsin O'Connor, 'Power and Punishment: The Limits of Resistance. The Moreton Bay Penal Settlement 1824-1842', unpublished B.A. Dissertation, University of Queensland (1994); Hamish Maxwell-Stewart, 'Through the Gates of Hell. Natural Life at Macquarie Harbour', unpublished paper presented at the British Australian Studies Association Conference, Representing Convicts, Edinburgh, March 18-19 1995.
11 S. Nicholas & P. Shergold, 'Unshackling the Past', in S. Nicholas (ed.) Convict Workers, p. 11.
13 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', pp. 72-76.
14 S. Nicholas, 'The Convict Labour Market', in S. Nicholas (ed.) Convict Workers, pp. 111-126
labour. They were set to physically exacting but relatively unskilled agricultural tasks, thus lessening the impact of colonial occupational restructuring.15 Skilled convicts such as blacksmiths, carpenters, tailors and shoemakers were assigned to both the urban manufacturing and artisanal sectors, and to the rural sector where their labour, particularly on isolated pastoral properties, was at a premium.16

Considerable care was taken to assign convicts appropriately. One file from the Colonial Secretary’s papers neatly illustrates this. In October 1831, Samuel Wintle, proprietor of a Hobart shoemaking establishment, complained to the Colonial Secretary that John Baker, a convict tanner and currier, had been removed from his service under punishment for a colonial offence. Wintle enclosed a full list of his male convict workers and their respective occupations. This list, reproduced in table 5.1, testifies to the rational colonial distribution of male convict labour.

<table>
<thead>
<tr>
<th>Table 5.1: Convicts assigned to Samuel Wintle, shoemaker, 1831.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samuel Garrett</td>
</tr>
<tr>
<td>Peter Greasley</td>
</tr>
<tr>
<td>Charles Hunt</td>
</tr>
<tr>
<td>George Sandford</td>
</tr>
<tr>
<td>Thomas Tomlin</td>
</tr>
<tr>
<td>D. Butler</td>
</tr>
<tr>
<td>W. Harrell</td>
</tr>
<tr>
<td>Stephen Ball</td>
</tr>
<tr>
<td>Richard Hague</td>
</tr>
<tr>
<td>W. Wilson</td>
</tr>
<tr>
<td>(John Baker)</td>
</tr>
</tbody>
</table>


As a result, Baker was returned to Wintle’s service; the colonial secretary evidently considered his punishment as secondary to Wintle’s labour requirements. The convict system had clearly provided this tradesman with a suitable workforce to run his business. The structure of Wintle’s labour force could only have been the product of an efficient labour distribution mechanism. Assignment was clearly no ‘lottery’. Overall, therefore, a substantial case favours viewing the convicts as a reasonably efficiently deployed unfree labour force.

16 ibid, pp. 77-81.
"Rather as prostitutes than servants": the sexualisation of female convict labour.

Despite its wide-reaching implications, revisionary work on the Australian convict system has not been wholesale. Although male convicts have been increasingly conceptualised as valuable and productive colonial workers, female convict historiography has remained dominated by moral, sexual and reproductive concerns. Analysis of female convict labour, in particular, is at best incidental to, at worst absent from, the historical literature.

At the heart of the early nineteenth-century denigration of female convict labour lay a narrow conception of gender roles. Women were defined mainly in relation to approved marital and familial structures. Commentators were therefore often blind to the contribution of colonial women, convict and free, outside these areas. Discussion about female convict labour focused on gender, moral and sexual issues; female immorality, sexual promiscuity and prostitution dominating the agenda. Some commentators asserted that convict women were employed for their sexual services. The assignment system allegedly distributed female convicts "indiscriminately" and settlers allegedly received them "rather as prostitutes than as servants."

The colonial employment of convict women, according to this view, only achieved the spread of vice. Fear regarding this perceived threat to the colonial moral fabric was pervasive. Convict women were imagined as useless, lazy and immoral through the interweaving of contemporary discourses on crime, class, gender and sexuality. In the minds of colonial critics, the women saw colonial employment only as an opportunity to indulge in immorality. Moral contamination of colonial families was therefore both the aim and sole product of their labour. A convict servant threatened her mistress with moral contamination, taught the daughters of the house vice, and enticed the men of the house into sinful debauchery. The following domestic scenario was painted by Robert Crooke, colonial chaplain in Van Diemen's Land;

"Young men who had been at home accustomed to family prayers and the decencies of well ordered households, found themselves on being introduced into

18 ibid, p. 48.
the families of settlers placed in brothels, each home containing its quota of cyprians, open, avowed prostitutes, who were so exceedingly accommodating as to require neither wooing or solicitation, and a young man who did not happen to be a second Joseph generally was aroused by a tap at his window at midnight and found a most accommodating female...prepared to sink into his arms".19

Crooke also described a purportedly real incident in which a settler's daughters, 'instructed' by their female convict servant, indulged in sexual relations with male convicts. This type of narrative, allegedly "the bitter experience of more than one family", confirmed for Crooke the belief that convict women were "vicious, abandoned women (who) always endeavour to bring virtuous females down to their own level".20

The link between assignment and prostitution was drawn by various Parliamentary Reports on transportation. Echoing the 1812 Select Committee, the Molesworth Report asserted that female convict assignment was essentially a system of prostitution. The female convicts were described as being "with scarcely an exception, drunken and abandoned prostitutes" and assignment as a system which only rendered "them still more profligate".21 It was the Committee's firm contention that their assignment "rather tends to turn them into prostitutes".22 A key component of its condemnation was that assignment both worked against the moral reformation of convict women and tempted their employers into vice-ridden practices.

These opinions were repeatedly deployed in the service of the abolition of transportation, mirroring the stress on sexual abuse and immorality in abolitionist accounts of slavery.23 This low opinion of female convict labour was, however, far from unanimous. Other more positive accounts were expressed even within the

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20 ibid, p. 6.
23 See Barbara Bush, Slave Women in Caribbean Society, 1650-1838 (Heinemann, Kingston, 1990), pp. 11-22, on European images of slave women. Many campaigners from the movement for the abolition of slavery, including Molesworth himself, were later influential in the campaign against convict transportation.
Parliamentary Reports. Arthur's testimony to the Moleworth Committee, for example, explicitly denied that female assignment was tantamount to prostitution.\(^{24}\) He again dissented when asked whether women convicts were not "very bad servants indeed?".\(^{25}\) Ultimately the Moleworth Committee ignored Arthur, privileging negative evaluations of female assignment.

Negative representations of female convict labour have proved most enduring. The traditionalist historiography uncritically received and reproduced the negative statements regarding convict women. Neither Clark, Robson nor Shaw saw any need to question their sources. They found the representations realistic, confirming, as they did, their own preconceived opinions that the women were undesirable, immoral prostitutes. Just as the Moleworth Committee before them, they ignored positive accounts of the women in favour of those which stressed prostitution and immorality. The adverse contemporary accounts were repeatedly reproduced in these historical studies and consequently formed the basic framework of historiographical reference for female convicts. Early nineteenth-century opinion was thus transformed into historical 'fact'.

Despite a series of revisionary works, historians have remained largely captive to this framework. The initial wave of revision, led by feminist historical enquiry, stressed the victimhood of convict women, and so accepted the contemporary label, 'damned whores'. Dixson attributed this lowly status, in large part, to the limited economic role of convict women in early colonial society. According to Dixson, there was;

"no tenable case for suggesting that convict women...were regarded as anything other than of trivial economic importance...Women were clustered into low-status, demeaning occupations...the English elite thought of convict women...as a kind of sexual servicing outcast group".\(^{26}\)

Dixson did question this impression of economic irrelevance, arguing that women in all societies play a central economic role because "they produce, and often sustain, the

\(^{24}\) George Arthur, 'Minutes of Evidence taken before the Select Committee on Transportation', Parliamentary Papers, Volume XIX (1837), p. 312.
\(^{25}\) ibid, p. 312.
direct producers". This was, however, relegated to a short footnote. Her prime concern lay firmly elsewhere with the search for female victimhood at the hands of patriarchy. Summers' victim analysis was also formed by her belief that colonial economic conditions denied convict women options for survival other than unremunerative, demeaning colonial prostitution. This was a central linchpin of her case. For Summers, the women performed little productive labour, and were transported "primarily as objects of sexual gratification".

Over the last fifteen years, historical attention has shifted to a growing interest in colonial reproductive and familial relations, yielding a proliferating literature on the colonial family. This focus has, however, obstructed other areas of inquiry and limited how historians have understood the convict women. Female convict assigned labour has, in particular, been sidelined; female assigned servants are rarely mentioned as workers, and have never been studied as such in-depth. Passing reference has occurred to female assignment, but mainly in order to allege that sexual abuse was systematic. No attempt to test such assertions by examining the supply and demand structure of the female convict labour market has been made.

Interest in the colonial family has unbalanced and distorted interpretations of colonial power structures. Marian Aveling's model illustrates this problem. It depicts the penal

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27 ibid, p. 122.
30 Alford argues, for example, that lack of demand for female convict labour left them vulnerable to "sexual abuse or enforced whoredom", Katrina Alford, Production or Reproduction? An Economic History of Women in Australia, 1788-1850 (Oxford, University Press, Melbourne, 1984), p. 168. Daniels believes that "convict servants seem to have been seen as women whose sexual services had been acquired along with their domestic labour", Kay Daniels, So Much Hard Work. Women and Prostitution in Australian History (Fontana/Collins, Sydney, 1984), p. 38.
colonies as profoundly patriarchal societies where convict women were subjected to two sites of control: state and husband. Colonies as profoundly patriarchal societies where convict women were subjected to two sites of control: state and husband.31 Colonial employers find no place in her model. In the same article she asserts that "there is no reason to suppose that the women...expected anything more in their lives than cohabitation or marriage".32 Elsewhere she concludes;

"no revision can overturn Summers' understanding of women convicts as a 'colonised sex', brought to Australia for the reproductive purposes (whether licit or illicit) of men they were expected to obey".33

Aveling is not alone. In a recent historical study of Australian gender relations Saunders and Evans have likewise located colonial women, convict and free, firmly within the domestic sphere. They argue that both penal colonies;

"were formed in accordance with a patriarchal paradigm which allowed men to monopolise the public sphere and rule at home, while casting most women into the proscribed roles of repetitive producers, unpaid child-rearers and houseworkers...".34

Like Aveling, Saunders and Evans perceive a dual power structure in colonial society. This, they argue, was organised around a colonial gender order which the state, allegedly, had great powers to "construct and direct". The colonial state passed on some of its disciplinary power over convict women to their husbands, thereby reinforcing "the construction of a specifically domestic confinement for women", and ensuring that "a patriarchal public order...(was) guaranteed by the establishment of a patriarchal private one".35

The emphasis on the family also dominates the economic histories. Alford's Production or Reproduction?, a major economic history of early colonial women, focuses on reproduction. Alford repeatedly reiterates the argument that female convicts were "extremely underemployed and poorly valued".36 Like Dixson, she

31 Marian Aveling, 'Bending the Bars: Convict Women and the State', in Saunders & Evans (eds.) Gender Relations in Australia, p. 147.
32 ibid, p.151.
33 Marian Aveling, 'Imagining New South Wales as a Gendered Society, 1783-1821', Australian Historical Studies, Volume 25, no. 98 (April 1992), p. 3.
34 Kay Saunders & Raymond Evans (eds.) Gender Relations in Australia, p. 100.
35 ibid, p. 100.
36 Katrina Alford, Production or Reproduction?, p. 3; pp. 77-79; p. 80.
attributes this to a colonial economic structure which principally demanded male labour. Colonial women, according to Alford, were sought "primarily as wives and mothers" and their "lives were increasingly defined by...the family". This led ultimately to a "reduction of most colonial women to a basically sexual and reproductive role...".37

Alford does not ignore women's labour outside the reproductive sphere. She establishes, for instance, that economic imperatives often forced colonial working-class women to labour outside the family, and provides details of this work.38 She also attributes an important and diverse economic role to rural women, and elsewhere has further developed this area of study.39 Although noting a high demand for female labour in colonial domestic and farm service, she argues, however, that this excluded convicts. Colonial employers, according to Alford, attached little economic value to female convicts and were largely unwilling to employ them; thus, despite high colonial demand for female labour, convict women remained largely unemployed and so dependent on government welfare.40 Further, despite her analysis of the position and role of free women in the colonial economies, Alford ultimately concludes that "the principal function of women was reproduction".41

Perrott's economic history of women in New South Wales initially redresses this balance, arguing that convict women brought useful skills and that their labour was in demand.42 Nevertheless, she gives most credence to the conventional account. Contradicting her own evidence, Perrott states that convict women "were considered a burden" because there "was little useful work available for them".43 Her account is ultimately family-centred, concluding that marriage "provided the convict women with their greatest economic opportunities".44 Robinson clearly identifies the problem which besets the historiography, observing that "the very real contribution of women, as single women, as working women, and as family women, has been overwhelmingly

37 ibid, p. 44.
38 ibid, pp. 187-192.
40 Katrina Alford, Production or Reproduction?, p. 79.
41 ibid, p. 54.
42 Monica Perrott, A Tolerable Good Success: Economic Opportunities for Women in New South Wales, 1788-1830 (Hale & Ironmonger, Sydney, 1983), p. 22
43 ibid, p. 32.
44 ibid, p. 39.
overshadowed by the concentration on their sexual roles in the colony".45 She nevertheless fails adequately to heed her own warning. Stressing their contribution as colonial wives and mothers, she argues that the labour of convict women outside the family "was often unnecessary, unsuitable and even unwanted...".46 Robinson does highlight the economic role of successful female ex-convict colonial entrepreneurs. Although the retrieval of such success stories has its value in correcting the excesses of the 'victimhood' school, these women were, however, wholly unrepresentative of the thousands transported.

The continuing historiographical primacy given to sexuality, whether as prostitution or as family-based reproduction, reflects a failure to go beyond the agenda set by early nineteenth-century observers. Historians, because of their focus on sexuality, have portrayed female convict transportation as a totally distinct system, designed not to deliver unfree female labour to the colonies, but prostitutes, mistresses, wives and mothers. The penal and labour factors which shaped male convict transportation are minimised in the literature on female transportees.

Convict Workers, despite its revisionary thrust, has not challenged this historical conception. It reproduces, untested, the consensus that convict women had severely limited colonial economic utility. Although providing no serious evaluation of convict women's colonial experience,47 Nicholas and Shergold make a number of claims about the nature, utility and deployment of female convict labour. They argue that "female convicts were undervalued and underemployed" and their skills consequently "squandered".48 They then go further, asserting that "Australia was fortunate that an overwhelming proportion of the convict inflow were men", because;

"Had convict females accounted for 30 percent to 40 percent of the inflow...the level of agricultural output and the provision of infrastructure would have been lower, and economic growth and development slower".49

46 ibid, p. 175.
47 Deborah Oxley, 'Female Convicts' in S. Nicholas (ed.) Convict Workers, pp. 85-97, is the only chapter on convict women, and is not a study of their colonial experience.
48 S. Nicholas & P. Shergold, 'Unshackling the Past', in S. Nicholas (ed.) Convict Workers, p. 10.
49 S. Nicholas & P. Shergold, 'Convicts as Migrants', in ibid, p. 52.
Female convicts, Nicholas and Shergold argue, were "imperfect substitutes for men in the physical occupations",50 and were unable to perform the hard physical tasks required by the early colonial economy. This, they argue, was not simply due to the greater physical strength of men, but also because the "patriarchal society of emerging capitalism" did not allow women to work.51

Convict Workers offers a seriously flawed interpretation of the history of gender and work in an attempt to revamp the dated argument that convict women were a colonial burden. Its analysis invites two immediate responses. Firstly, it is mistaken to assume that ideas about appropriate gender roles simply mirror reality. Women continued to work in the British economy throughout the nineteenth century despite the ideology of domesticity. The occupational records of convict women are indicative, confirming that they had worked in the "patriarchal society of emerging capitalism" prior to transportation. It is difficult to discern why Nicholas and Shergold should assume it was different in the penal colonies.

Nicholas and Shergold's perceptions both of female physical ability, and of contemporary opinion concerning women performing hard physical tasks, is ahistorical and misleading. The lived experience of working-class women in this period contradicts the picture which they paint. Throughout the late eighteenth and early nineteenth centuries women "performed the heaviest kinds of agricultural labour", served as "assistants to masons and bricklayers, as labourers in brickyards and foundries" and "as load carriers to and from markets".52 Richards' examination of women's work in Britain in the period thus concludes that "it was normal for women to share in the heaviest manual work".53

Women still worked in mining in many areas of Britain throughout this period.54 Female tasks like laundering and dairying required long hours of heavy labour,55 and

50 ibid, p. 52.
51 ibid, p. 52.
54 Angela John, By the Sweat of their Brow: Women Workers in Victorian Coal Mines (Croom Helm, London, 1980).
55 See Patricia Malcomson, English Laundresses. A Social History 1850-1930 (University of Illinois Press, Chicago, 1986). Bridget Hill describes dairying as an occupation which "involved long hours and the lifting of heavy weights, especially in the making of cheese. In large dairies in Cheshire...cheeses could weigh up to 100 lbs well into the nineteenth-century cheese making was..."
domestic service was by no means an easier alternative. As Angela John observes, "the work of a domestic servant...might be more demanding than some of the sorting jobs performed by Lancashire pit-brow women". Categorisation of work as physically demanding or physically light was not necessarily determined by the actual work-process itself but by the gender of the worker. Dyster, studying domestic servants in early New South Wales, points out that "the classification of a job as women's work had little...to do with the strength and stamina required". Convict women, as working-class women, would not have found heavy physical labour unusual.

Nicholas and Shergold also fail to provide any evidence which suggests that colonial contemporaries regarded women as unfit for hard physical labour. In fact, evidence exists which indicates that contemporaries did not see convict women this way. Female convicts confined in the Female House of Correction in New South Wales were "employed in breaking stones for macadamising the streets"; hardly a genteel, non-physical task. At Moreton Bay female convicts were worked in chain gangs. Misconduct by convict women in New South Wales was frequently punished by a sentence to the treadwheel.

performed almost universally by women". Bridget Hill, Women, Work and Sexual Politics in Eighteenth-Century England (Basil Blackwell, Oxford, 1989), pp. 31-32. Pinckbeck's analysis supports this, recording that "the work of the dairywomen was without question the most arduous of all women's labours in the agricultural sphere". Ivy Pinckbeck, Women Workers and the Industrial Revolution, p. 12.

57 Barrie Dyster, Servant and Master: Building and Running the Grand Houses of Sydney 1788-1850 (New South Wales University Press, Kensington, New South Wales, 1989), p. 148. Any notion that domestic service did not require physical strength is dispelled by Dyster's description of the work performed by female servants in colonial Sydney: "Female cooks, kitchen-hands and scullery maids shifted large weights. Housemaids carried hot water and firewood to all levels of the house, and moved furniture and multiple mattresses as a matter of course. Laundry workers...filled tubs with water from buckets...stirred and scrubbed and squeezed the clothes and bedding, and carried the sodden items from point to point; they starched and ironed, the latter in particular a task that involved fire, water and heavy implements...Working women developed sturdy arms and sore backs", ibid, p. 148.

60 Dixson cites a contemporary account of female convicts being punished on the treadwheel which noted; "the chief effect was a very horrible pain in the loins, the forerunner of greatly intensified menstruation...Dr Good told of one woman, pregnant for two months, who was put on the wheel and thrown into a miscarriage", Miriam Dixson, The Real Matilda, p. 142.
Other evidence suggests that free female workers were likewise thought capable of hard physical labour in the colonies. Richards, citing the reports of a Port Adelaide immigration officer from the mid-nineteenth century, describes how;

"When...Irish girls arrived as assisted immigrants in Adelaide, South Australia, in 1855, their prospective employers had to be told, expressly, that *these girls should be treated as men*, because they were used to doing all the tasks of a male agricultural labourer*.61 (emphasis added)

The same was said to be true of women emigrating from rural areas of Scotland. Colonial perceptions of the physical ability of proletarian women, convict and free, were clearly more complex than Nicholas and Shergold, and many other historians, assume.

Naturally, gender ideologies did affect the structure and deployment of female convict labour. The types of occupational skills acquired by the women prior to transportation, the areas of the colonial economy into which they were consequently deployed, and evaluations of their labour were all gender-defined. Gender ideologies were not so consistently and uniformly applied, however, that convict women were largely excluded from colonial labour. The constant interplay of conflicting ideas and perceptions, combined with the perennial distance between ideology and reality, makes the history of women's work much more complex and contradictory than *Convict Workers* allows for.

**Female Convicts and Colonial (Un)employment.**

Historical studies have consistently asserted that the convict women faced large-scale colonial unemployment. There are problems with such accounts. They are based almost entirely on official statements and reports; the various Governors of New South Wales are a particularly frequent source. Officials did complain about the burden which unemployed convict women placed on colonial finances. These accounts were profoundly shaped, however, by contemporary dominant-class perceptions of the women as unskilled and work-shy. They therefore require to be

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approached critically, particularly as historians have, as yet, examined few other records to test the claims.\footnote{Perrott is the exception. She examined the demand for female labour in New South Wales in the convict period by studying newspaper advertisements. This led her to conclude that there was significant colonial demand for women workers. Monica Perrott, \textit{A Tolerable Good Success}, p. 51.}

Belief in high female convict colonial unemployment is largely based on contemporary accounts of New South Wales, which historians have used to generalise about both penal colonies. Half the convict women transported to Australia went to Van Diemen's Land. Generalisation based largely on the possible case of New South Wales is therefore unhelpful. This study analyses the substantial body of primary source material which exists in order to ascertain levels of female convict employment in Van Diemen's Land.

The Appropriation Lists record where each female convict was sent on arrival. They detail whether a woman was assigned, and if so, the name and sometimes the residence of her colonial employer. The evidence from extant lists reveals that the...
overwhelming majority of female convicts were assigned on arrival in the colony. Chart 5.1 details female convict appropriation rates for the period between the arrival of the transport *Henry* in February 1825 and the *Hindostan* in September 1839.63

Colonial demand for newly arrived women convicts was generally high, with employment rates concentrated in the seventy to mid-nineties percent range. (The two points at which appropriation rates declined significantly, in 1828-29 and in 1834, are discussed later). These rates suggest that colonial demand for female convict labour was very different from that hitherto claimed.

### Table 5.2: Distribution of convict women from three transports.

<table>
<thead>
<tr>
<th>Status</th>
<th>Arab</th>
<th>Westmoreland</th>
<th>Atwick</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assigned</td>
<td>118</td>
<td>163</td>
<td>122</td>
</tr>
<tr>
<td>Sick</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Cripple</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Old &amp; infirm</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Vacant/Child in arms</td>
<td>5</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Unassigned</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Died on board</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Pregnant</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Total per ship</td>
<td>131</td>
<td>183</td>
<td>136</td>
</tr>
</tbody>
</table>


Moreover, the rates detailed in chart 5.1 actually underestimate demand for female convict labour. They measure the employment of female convicts against the total number of women convicts on each ship. Many who remained unemployed did so, however, through such factors as ill-health, pregnancy or child-care responsibilities, not because of a lack of colonial demand for their labour. The actual take-up rate for available incoming female convict labour was therefore even higher. Distribution records for the transports *Arab*, *Westmoreland* and *Nautilus*, detailed in table 5.2, illustrate this point.

The appropriation data thus contradicts the conventional picture of large numbers of unemployable convict women dependent on state welfare. Further, demand was not limited to newly-arrived female convict servants. Colonial muster data reveals the

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63 This does not include the following ships: *Midas, Borneo, America, Hydery* and *Jane*. There are no extant appropriation or distribution details for these ships. There were, in addition, no appropriation lists compiled for female convicts arriving in V.D.L. before 1825.
colonial distribution of female convicts at several points between 1823 and 1835 (chart 5.2). Significantly, it indicates a consistently high rate of female assignment. On average, just under three-quarters of the women eligible for assignment at each muster were employed. This is, even by present day standards, a high female labour participation rate. The majority of those remaining were in a House of Correction. Most were so confined, however, not because of a flat demand for female convict labour but to undergo punishment for colonial misconduct. At the 1832 muster, there were therefore just 18 women awaiting assignment out of the 284 confined in the Houses of Correction. The muster data therefore clearly establishes that at least three out of four assignable women were colonially employed. The House of Correction data suggests this figure substantially understates the demand for female convict labour.

Chart 5.2: Distribution of female convicts at the 1823, 1832, 1833 and 1835 V.D.L musters.

Source: P.R.O.: H.O. 10/44, 45, 48 & 50.

64 There is one other surviving colonial muster for the period, taken at the end of 1820. However, the large numbers of women either not recorded at all or simply recorded as 'whereabouts unknown' makes it an inaccurate indicator of assignment rates. 'Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1820', P.R.O., H.O. 10/44.

65 Women who were listed as an invalid or in hospital, plus those who were dead or listed as missing from the muster have been excluded from this calculation on the basis that they were unavailable for assigned service. Women who had moved beyond the assignment stage of their sentence, i.e. those who were married, free-by-servitude, pardoned or holding a ticket-of-leave, have likewise been excluded.


67 'State of the Female Houses of Correction', Hobart Town Gazette, November 30 1832 & December 7 1832.
The period each woman served in assignment was partly determined by her sentence of transportation. 63 percent of women transported to Van Diemen’s Land in this period had seven year sentences; 21 percent ten or fourteen year sentences; and 15 percent life sentences. A convict became eligible for a ticket-of-leave, a form of supervised parole, after a set period of time; then at a later stage was pardoned or became free-by-servitude. Regulations recommended that convicts first serve minimum periods in assigned service. For female convicts, these periods were set at two years for a seven year sentence; three years for a fourteen year sentence; and four years for those sentenced to life. Colonial conduct was an important variable. Good behaviour could be rewarded by an early ticket, misconduct could result in tickets being delayed or removed. For some women, assigned service was cut short by colonial marriage. Colonial regulations dictated that single and widowed female convicts were eligible to marry once they had served a minimum of 12 months in assignment without colonial offence. Marriage therefore provided some women with an early exit from the assignment system.

Prior to Arthur’s period, control of female convicts had been somewhat ad hoc and chaotic. Significant numbers of women arriving in the early 1820s had married and gained de facto freedom within months. This explains the high proportion (45.4%) of female convicts listed as married (chart 5.2) at the 1823 muster. The greater order and regularity which Arthur imposed impeded these early exits from assignment. Increasing numbers of women were, henceforward, assigned on arrival. Most remained assigned for substantial periods. As a result, for most women convicts

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68 Appropriation Lists of Female Convict Ships; Indents of Female Convict Ships; Conduct Registers of Female Convicts arriving in the period of the Assignment System. A.O.T.: Con 15; Con 18; Con 27; Con 40; M.M. 33; C.S.O. 1; C.S.O. 5. M.L.: T.P. 4, D4, 10, 11, 21-30, 34, 143 & 206. N.S.D.G., pp. 345-844; 1472-1614.
69 A ticket-of-leave convict had to have means of support; in the case of women either a husband or a wage income. She had to live within a designated household and in a set police district in the colony and was compelled to report regularly for muster.
70 There were two forms of pardon - the conditional and the unconditional. The former granted partial freedom and could be revoked if the convict committed a colonial offence. It also placed restrictions on geographic movement; commonly granted for all countries except Great Britain and Ireland. A convict became eligible for a conditional pardon after holding a ticket-of-leave for one year in the case of seven year convicts; two years for fourteen year convicts; and three years for life convicts.
71 N.S.D.G., p. 33. Male convicts were required to serve longer minimum periods: 4 years for a 7 year sentence; 6 years for a 14 year sentence; and 8 years for a life sentence. W. D. Forsyth, Governor Arthur’s Convict System. Van Diemen’s Land 1824-1836. A Study in Colonisation (Sydney University Press, Sydney, 1935; reprint 1970), p. 77.
72 Government Order, Hobart Town Gazette, September 26 1829.
transported after the early 1820s, it was the assignment system, not colonial marriage and the family, which shaped their lives during their period under sentence.

A high rate of female convict employment was maintained throughout the assignable stage of sentences, diminishing only as increasing numbers became eligible for tickets-of-leave or left the system to get married. Chart 5.3 details rates of assignment for female convicts at each successive year after their arrival. These rates firmly suggest that female assignment from the mid-1820s onwards was an ordered, well-regulated process. Rates of female assignment remained high, between 60 and 70 percent, in the first two years of sentences. Assignment significantly fell-off as women became eligible for tickets-of-leave. The proportion in assignment fell substantially, to just below 60 percent, when those serving seven year sentences became eligible for a ticket. It fell again after three, and after four years, likewise corresponding with ticket-of-leave regulations. This step by step decline indicates that the length of time spent in assignment was determined by the convict system.

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<th>Chart 5.3: Rates of female assignment at yearly intervals after arrival in V.D.L., 1824-1835.</th>
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The largest single fall in the numbers assigned, from 43 percent to 26 percent, came after five to six years in the colony. By then, most women had a ticket-of-leave, or had, through other routes such as marriage, quitted the assignment system. The one in four women who remained in assignment beyond six years only gradually became free of the system; almost half remained assigned for a further two to three years.
A minority therefore remained in the assignment system for a lengthy period. At the 1835 Muster, for instance, 12 percent of those women who had arrived in 1827, were, after eight years in the colony, still in assigned service. A full decade after their arrival, 18 (13.7%) of the 131 women who had arrived in 1825, remained assigned. Their length of stay in the assignment system had largely been dictated by their primary sentences: 12 were lifers, and a further 5 had been sentenced to fourteen years. Colonial conduct appears also to have been a factor; between these 18 women had accumulated seventy convictions for misconduct; 3 had moreover been colonially re-convicted and sentenced to additional terms of transportation.73

The early 1820s, the changing colonial economy and the transformation of demand.

Although the convict system's parameters determined the period spent in assignment, wider market forces determined rates of female assignment. The efficient operation of assignment was fundamentally determined by supply and demand in the female convict labour market. A fundamental shift in this market began from the mid 1820s, roughly coinciding with Arthur's reorganisation of the assignment system, but shaped by other changes in colonial conditions. From the mid 1820s onwards, colonial demand for female assigned servants was generally greater than supply. Female convicts were advantaged by these labour market conditions.

The turning point came between 1822 and 1823. Female convicts transported prior to this date had a substantially different colonial experience; most spent minimal periods in assignment. At the 1820 Muster, just 45 percent of the women who had arrived that year were in assigned service. After three years fewer than one in four of them were assigned.74 Just over two years after their arrival, only 24 percent of the female convicts transported per the Providence in 1821 were still assigned. Eighteen months after the Mary Anne arrived in 1822, three out of four of the women were no longer assigned. Chart 5.4 details the annual rates of assignment among female convicts transported to the colony between January 1820 and December 1822. The fact that rates of assignment for women transported after 1822 (chart 5.3) took from six to

73 Colonial sentences to transportation were predominantly served in the colony in this period. Until the early 1820s those sentenced to transportation were sent to the penal settlement at Newcastle, New South Wales or to Macquarie Harbour, Van Diemen's Land. Thereafter female convicts colonially convicted simply re-entered the assignment system at the conclusion of their original sentence.

74 'List of Female Convicts in Van Diemen's Land, October & November 1823', P.R.O., H.O. 10/45.
seven years to fall this far, suggests limited demand for female convict assigned labour before 1823. Rather than undergoing assignment, many of those transported in the early 1820s were married during the early period of their sentence. Indeed, within two to three years, almost 60 percent had become colonial wives. Again this distinguishes the pre-1823 women from the later-arrivals, only a small minority of whom married within three years. Chart 5.5 details these differences.

Chart 5.4: Comparison of annual rates of assignment amongst female convicts arriving in V.D.L. 1820-1822 with those arriving 1823-1835.

The trade in convict brides was brisk in this early period; some married within weeks of arrival. Ann Horan, for example, married Richard Wilson of Launceston, a free settler, just days after she arrived in the colony in 1820; Mary Ford married John Coffee six weeks after arrival; and Eleanor Toomey married William Copperweight within her first four weeks in the colony.75 They were by no means exceptional; 19 percent of female convicts who arrived in Van Diemen's Land between 1820 and 1822 and who married within three years did so within three months of arrival.76 On marriage, these women became convicts in name only; rather than the assignment system, they saw out their sentences with husbands in colonial family homes.

75 Ann Horan per Lord Wellington (N.S.W.); Princess Charlotte (V.D.L.), no. 40H, N.S.D.G., ref. 457. Mary Ford per Lord Wellington (N.S.W.); Princess Charlotte (V.D.L.), no. 22F, N.S.D.G., ref. 452. Eleanor Toomey per Janus (N.S.W.); Princess Charlotte (V.D.L.); no. 11T, N.S.D.G., ref. 533.
76 N.S.D.G., pp. 345-567.
By 1823, however, a shift was underway. Thus, 52 percent of the women who arrived that year were assigned when the muster was conducted in October and November.77 Of those remaining, and recorded on the muster, 6 percent were in hospital and 11

77 'List of Female Convicts in Van Diemen's Land, October & November 1823', P.R.O., H.O. 10/45.
percent were imprisoned, but only 5 percent were colonially married. These changes intensified subsequently.78 By early 1825, demand for female labour was such that, days after women convicts arrived per the Henry, Lieutenant-Governor Arthur was able to report that; "with the exception of one very infirm, sickly old woman...and three having infants, they have all been assigned to the settlers".79 In addition, fewer women arriving in 1824 and 1825 married during the first phase of their sentence (chart 5.6); only 2 percent within the first year.80

By the second half of the 1820s, this shift from marriage to assignment was firmly established; 80 percent of those arriving 1826-1827 were thus immediately assigned. Demand for female convict labour grew steadily, and, consequently, the majority of women transported between 1824 and 1839 passed a substantial part of their sentence in the assignment system, completely transforming the nature of the female convict system. This was based on both a shift in the relationship between the demand and supply of female convict labour and on the changing structure of that demand. It is significant that the transformation in the female convict system began prior to Lieutenant-Governor Arthur's installation in 1824. While Arthur may be credited with reforming and streamlining the system in line with the Bigge Commission's recommendations,81 it is clear that wider colonial changes were just as important. Growing demand for female assigned servants coincided with the onset of substantial colonial economic growth and increasing social class differentiation.

Economic growth from the 1820s fundamentally transformed Van Diemen's Land. Hartwell's classic economic history of the colony describes this period as a "success story".82 The white population grew almost eight-fold between 1820 and 1840, from 5,500 to over 45,000.83 By 1838, 649,000 acres of crown land had been alienated; 88

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78 There are no relevant appropriation or assignment details for the 100 female convicts per the Brothers, 1824 and Midas, 1825. Conduct register data reveal, however, that 48 percent of these women committed at least one colonial offence in assigned service within their first year in the colony. It is therefore likely that substantially over half these women were in assigned service at some point during their first year in Van Diemen's Land. N.S.D.G., pp. 668-714; pp. 790-844.
80 N.S.D.G., pp. 668-844.
81 W. D. Forsyth, Governor Arthur's Convict System, p. 45.
percent of them in the years since 1820.\textsuperscript{84} 100,000 acres were in cultivation by 1838.\textsuperscript{85} The huge increase in the number of sheep in the colony, from 200,000 in 1820 to 1.25 million by 1838, indicates the crucial economic importance of pastoralism.\textsuperscript{86} Expanding flocks were accompanied by a growing emphasis on better husbandry in order to produce the fine merino wool in high demand in European markets. The annual value of exports grew from £14,500 in 1824 to £320,000 by 1835, and imports in the same period from £62,000 to £584,000.\textsuperscript{87} Economic transformation was based on several factors: a sharp rise in the numbers of free emigrants arriving in the colony; the enlarged domestic market; the development of import-substitution colonial manufacturing; rising agricultural exports; and, by the late 1820s and early 1830s, the rapid growth of pastoralism and establishment of wool as a staple export.

Increasing free emigration to the colony wrought substantial change. From the late 1810s onwards, emigrants were increasingly 'men of capital'. An 1822 emigrant guide noted the "recent influx of respectable free settlers with considerable property".\textsuperscript{88} Thenceforward, their numbers swelled. In the first fifteen to twenty years of colonial settlement just over 700 colonists had come free; in the 1820s alone 3,500 free emigrants arrived.\textsuperscript{89} The squeeze which affected the British gentry post-1815 was an increasingly powerful 'push' to emigrate. As a result, growing numbers of the lesser gentry sought new futures in the colonies; a substantial proportion in Australia.\textsuperscript{90} The story of the Henty family is representative: originally "substantial Sussex farmers",\textsuperscript{91} they emigrated to the colony to escape the post-war recession and thus maintain their social status. They quickly became established as a major pastoral, banking and mercantile family in northern Van Diemen's Land.\textsuperscript{92}

\textsuperscript{86} \textit{ibid}, p. 148.
\textsuperscript{87} \textit{ibid}, p. 133.
\textsuperscript{89} R. M. Hartwell, \textit{The Economic Development of Van Diemen's Land}, p. 69.
\textsuperscript{91} \textit{ibid}, p. 318.
Emigrants of means were also attracted to the colony by a range of 'pull' factors. They sought the land grants that the Bigge Commission had recommended be allocated only to applicants with capital of £500 sterling or more.93 Growing colonial prosperity was a further incentive. Emigrants were encouraged by news of this prosperity in the numerous emigration guides published from the early 1820s onwards. These extolled the colony's virtues and promised good returns for emigrants with capital to invest.94 Cheap, readily available convict labour was a further incentive. The Bigge Commission again favoured the substantial landholder in this respect, recommending him as the preferred convict master.95

Some free emigrants accumulated great wealth through colonial pastoralism and agriculture. Two major export trades, one in wheat to New South Wales, the other in wool to Europe, became firmly established. The profitable development of the wool trade stimulated a transition from carcass production to wool production in both penal colonies, providing them with a staple export for the European market. From 1820, when the first merino sheep was imported into Van Diemen's Land, wool became an increasingly important and valuable commodity. The British market for wool was extensive and the financial rewards great. An increasing proportion of the best colonial land was allocated to pastoralism and the wool trade became a major source of colonial sterling earnings. Cheap labour, free land and the fortunes made through pastoralism transformed some emigrants into a powerful landed elite by the 1830s. They included individuals like Thomas Anstey, who arrived in 1823 with £8000, and who had, by 1836, acquired a 20,000 acre estate, been appointed a Justice of the Peace, and become firmly entrenched in the colonial pastoral elite.96

Agriculture was also a significant factor in colonial development. Wheat and flour exports to New South Wales, and later to the other Australian colonies, were Van Diemen's Land's second major export. As a result, in the 1820s, the colony became known as the 'granary of Australia'. A wide variety of other agricultural and horticultural products also found ready export markets, including potatoes, barley, hops and apples. Bacon and salt pork were exported in growing quantities to New South Wales and India. Fruit cultivation was developed in the hope of capturing new markets, and fruit preserves were made for export to India. In addition, a wide range of grains, vegetables and fruits were grown both for subsistence purposes and for the domestic market.97

Considerable expansion in the industrial and manufacturing sectors took place, particularly by the late 1820s. Most of this growth centred on the two main towns of Hobart and Launceston. Artisanal and domestic manufacturing were significant contributors to colonial wealth from an early period; their growth based on colonial import-substitution. Rimmer’s study thus places their development at the heart of colonial economic growth, concluding that "rapid economic growth depended on import substitution...".98 Much of this industry was small-scale and based on the growth of domestic handicrafts, a sector which produced its own goods and processed and finished semi-manufactured imports. Manufacturing concentrated on the production of consumer goods for the domestic market, including: processed food; clothing; furniture; hardware; leather goods; pottery; soap; and candles. By the later 1820s a number of blacksmith and metal-working workshops were producing agricultural implements and tools, such as ploughs. On a larger scale, colonial industrial activities included the building of several steam-, wind- and water-powered mills after 1820; the establishment of several large distilleries and breweries; the development of brass and iron foundries and engineering firms; coal mining; and shipbuilding.99 The success of the latter industry created important spin-offs through the growth of subsidiary industries like sail and cordage making, block making, cooperage and timber working.100

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97 The wide range of agricultural and horticultural produce grown in the colony in this period is discussed in Sharon Morgan, *Land Settlement in Early Tasmania*, pp. 75-107.
Economic development was mirrored by the development of a colonial financial sector. A number of colonial banks, insurance and large-scale trading companies were established in the period. As a result, Hobart and Launceston became substantial colonial financial centres. Between 1824 and 1840, eight colonial banks were formed.101 Emigrants and their capital again played a significant role in these developments. John Dunn, for example, who arrived in the colony in 1821 with capital valued at over £2000, was a founding director of the Derwent Bank. In the later 1820s he established the Hobart-based Commercial Bank.102 The Henty family played a similar key role in the north of the colony, including their part in the consolidation of the Cornwall Bank and the establishment of the Bank of Australasia.103 The growth of colonial financial structures was such that intermittently during this period "Hobart challenged Sydney as the commercial centre of Australia".104 In the mid-1830s, Launceston in turn challenged Hobart's primacy as a result of the expansion of trade between northern Van Diemen's Land and the new settlements in South Australia and the Port Phillip District.105

The transformation in social structure which these economic developments wrought stimulated an increased demand for female assigned servants. The growth and diversification of Hobart and Launceston created various sources of urban demand for female labour. Skilled tradeswomen such as milliners, dressmakers, tailoresses and shoemakers were sought by colonial manufacturers. Confectioners, victuallers, servants and cooks were required to work in the eating-houses, hotels and inns which multiplied in this period, both in the towns and the main rural districts. The growth of Hobart as the colony's administrative, mercantile and financial centre created a wealthy and substantial middle class.106 Their growing wealth was reflected in the creation of middle-class suburbs like Newtown, and by the proliferation of spacious two-storey colonial villas.107 Servants were increasingly demanded to staff these homes. Combined, these factors explain the high numbers of female convicts assigned within Hobart in the 1820s and 1830s.

107 ibid, p. 109.
The nature and extent of rural demand for female convict labour also changed, reflecting the transformation of class structure in the colonial countryside. Land grant policy during the first period of colonial settlement had created rural communities largely composed of small-holding, subsistence farmers. The majority (74.2%) of those recorded on the 1819 colonial muster thus had holdings of less than 100 acres. The predominance of smallholders was a product both of economic constraints and colonial policy. Since the first settlement at Botany Bay, the colonial administration had favoured the creation of an independent smallholding colonial yeomanry.

As a result, in 1820, substantial landowners were few and far between; part of a wealthy but very small colonial élite. Members of this élite, because of the scale of their operations and the size of their capital resources, were able virtually to monopolise both the domestic and export markets in wheat and meat which opened up in the mid to late 1810s. A recent study identifies Edward Lord, reckoned to be the "richest man" in the colony in 1820, as a member of this "privileged group at the intersection of the cereal, livestock and merchant sections of the economy (which) amassed colonial fortunes".

The experience of most landholders in these years was very different to that of Edward Lord. The typical producer was the small-landholder who relied mainly, if not exclusively, on the exploitation of family labour; a class which had "distinct parallels with the peasantry". These proprietors were increasingly unable to make ends meet after the mid-1810s. Their limited access to the regulated Commissariat market after 1813, the lower prices paid for agricultural produce on the open market, and their limited capital resources made it virtually impossible for smallholders to take advantage of the commercialisation of colonial agriculture. Instead, many slid into

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109 Sharon Morgan, Land Settlement in Early Tasmania, p. 7.
111 Hamish Maxwell-Stewart, 'The bushrangers and the convict system', p. 166.
112 ibid, p. 166.
113 In 1813 Governor Macquarie limited the amount of produce purchased by the Commissariat Store in Van Diemen's Land. Commissariat contracts, and thus the higher prices the store paid, were essentially monopolised by a handful of large landholding/mercantile concerns. Smaller landholders from 1813 onwards were thus forced onto the open market where their produce sold at rates
subsistence farming and debt, at which point their land was bought up by wealthy merchant/proprietors. By the early 1820s the small farming class was, as a result, in serious decline.

The social landscape of the colonial countryside was thus increasingly dominated by the large, heavily capitalised, landholder. While many small scale proprietors were transformed into rural proletarians, the social base of the rural elite was extended and consolidated. From a thin social stratum, a powerful, wealthy, rural ruling class emerged. Their ranks were swollen by the 'men of capital' who arrived from the 1820s onwards and their social position ensured by Bigge's capital criteria. The changing nature of land grants over this period illustrates the story; in the period to 1820, the majority of land grants (68%) had been under 100 acres; between 1823 and 1834 grants of 100 acres or less accounted for 2.6 percent of land grants. The majority of land grants (68.5%) between 1823 and 1834 were of 1000 acres or more.114

The changing social composition of one colonial district, Deloraine, is characteristic of the wider social changes in the countryside in these years. A recent study notes that Arthur granted 44,000 acres of land in Deloraine district to a total of just 22 men. By the 1830s "a small number of colonists controlled most of the privately owned land" in Deloraine district.115 This pattern was repeated everywhere as a new social hierarchy both transformed the class base of the older districts, and then extended rapidly beyond the limited frontiers of 1820.116 One estimate suggests that there were "two hundred and fifty gentry estates in Van Diemen's Land" by the 1830s,117 and that a "deep gulf of status, property and power separating the workforce from the rulers" was created in the colonial countryside in these years.118

This revolution in social structure stimulated the increasing demand for female convict labour after 1822 while transforming its nature. In the family-based 'peasant' households of the early colony, female convict workers had been sought as a cheap

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114 ibid, p. 180.
118 ibid, p. 53.
supplement to family labour. Typical employers of female convict labour prior to 1823 were small landholders like Charles Antonio. In 1819, Antonio owned a hundred acres at Pittwater, mainly pasture, but also cultivating small acreages of wheat, potato and beans. Convict Mary Doolan, assigned to Antonio at the 1820 Muster, was most probably employed to supplement his family labour. Other typical employers included Francis Barnes, widower with four children and a fifty acre grant in 1819 which was given over to wheat, barley, potatoes and livestock; and John Keelan, a bachelor, who employed three convict servants in 1820, including Catherine Green, and cultivated wheat, beans and potatoes and depastured a few cows on his eighty acres. Green was still assigned to John Keelan in late 1823, and married him in June 1830. Their marriage reflects the minimal social distance between small landholders and their convict servants. Female convicts labouring on such properties commonly worked alongside the smallholder's wife. It is therefore unlikely that Catherine Green's marriage substantially changed her labouring roles.

Many female convicts married into this small-landholding class during the first period of colonial settlement, thus both providing and reproducing a colonial family labour supply. The pattern of small-scale settlement therefore explains the demand for female convicts as wives prior to the early 1820s. The small landholder appears frequently among the men who married convict women. The social background of emancipist William Richardson was typical; having purchased 50 acres of colonial land at Muddy Plains in 1822, he proceeded to build a house, stockyard, barn and pig sties and to run several hundred sheep. Three years later, he married convict Elizabeth Winrow, who, in addition to her own labour, provided him with a labour force of five sons and three daughters. Richard Kemp, who married convict Mary Deal in 1823, again

119 Charles Antonio; 'Land and Stock Muster, Van Diemen's Land, 1819', in Irene Schaffer (ed.) Land Musters, Stock Returns and Lists, p. 130.
120 Mary Doolan per Canada, no. 24D, 'Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1820', P.R.O., H.O. 10/44.
121 Francis Barnes; 'Land and Stock Muster, Van Diemen's Land, 1819', in Irene Schaffer (ed.) Land Musters, Stock Returns and Lists, p. 130. Priscilla Bailey per Morley, no. 39B, Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1820', P.R.O., H.O. 10/44.
124 Richardson, an ex-soldier, was transported on the Calcutta; the first transport to sail to the colony from Britain in 1803. See Marjorie Tipping, Convicts Unbound. The Story of the Calcutta Convicts and their settlement in Australia (Viking O'Neill, Victoria, 1988), p. 305 for his full biography.
125 ibid, p. 305. Elizabeth Winrow per Mary (1823), no. 49W, N.S.D.G., ref. 811W.
came from the small-landholding class, running sheep on his 30 acre grant at Pittwater. Like the Richardsons, Kemp and Deal went on to have a substantial family together.\textsuperscript{126} Female convicts were therefore sought as marriage partners for much more than their sexual services. At least as important was their productive and reproductive labour. Throughout the nineteenth-century Australian colonies, this labour was crucial to the survival of the small colonial farm.\textsuperscript{127} There is no reason why the labour of convict wives on small properties in early colonial Van Diemen's Land should have been less important.

Demand for female convict labour after the early 1820s came, however, from a very different quarter. The colonial musters reveal that by the early 1830s the small landholder had been replaced as the characteristic master of female convicts by employers from the colonial elite and the middling-sized 'respectable' rural gentry. Production was no longer based on the intensive use of a family labour force supplemented by convicts. The close social contact at work and leisure which had sometimes led to inter-marriage had therefore been brought to an end. It was replaced by a systematic use of large convict labour forces, operated around a rigid division of labour and kept at a firm social distance from employers and their families. Typical of these employers was George Carr Clark with nine female convicts assigned to his household at the 1832 muster; Major Donald McLeod with six female convict servants in 1832; and Thomas Anstey with six females assigned to him at the 1835 muster.\textsuperscript{128} All three were eminent among the colonial élite.

Other female convicts were assigned to the rural middle class, of whom colonial families like the Merediths and the Cottons were typical. The Merediths emigrated to the colony in 1821, and by the 1830s were farming 2000 acres at Great Swan Port.\textsuperscript{129}

\textsuperscript{126} Biography of Richard Kemp per Calcutta, Marjorie Tipping, Convicts Unbound, pp. 286-287. Mary Deal per Janus, no. 16D, N.S.D.G., ref. 481.
\textsuperscript{128} 'Nominal Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1832', P.R.O., H.O. 10/48. Nominal Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1835', P.R.O., H.O. 10/50.
\textsuperscript{129} Sharon Morgan, 'George and Mary Meredith: the role of the colonial wife', Tasmanian Historical Research Association, Papers & Proceedings, Volume 36, no. 3 (September 1989), pp. 125-129.
They had three female convicts assigned to them in December 1832.130 Mary Meredith was responsible for the management of the farm during her husband's frequent business trips to Hobart. Unlike the smallholder's wives who had worked and socialised alongside their female convict servants in the early period, Meredith's role was, however, strictly delineated by middle-class sensibilities. George Meredith, while relying on his wife's daily management of their farm in his absence, wrote regularly to remind her to observe the 'respectability' which her social status demanded.131 Of similar background and status were Francis and Anna Maria Cotton, middle-class Quakers who settled on their property Kelvedon in the late 1820s.132 The Cottons had just one female assigned servant at the 1832 muster but by 1835, with the family grown to nine children, they employed three female convict servants.133 Like Meredith, Anna Maria Cotton 'kept her eye' on the female servants while they worked. Her attitude to them was "kind but firm", but she never considered them as equals, nor mixed with them as such.134

The Female Convict Labour Market, 1823-1839.

As the colonial economy developed, female labour became a much sought after commodity. Indeed, evidence suggests that supply was frequently unable to satisfy demand. Colonial commentators regularly complained of the shortage of female convict servants and the consequent high wages which free female labour commanded. The colonial government and private individuals alike sought to resolve these problems by increasing female labour supply, primarily through assisted emigration. Nevertheless, labour market conditions continued to favour women workers throughout most of this period, despite the efforts of the colonial state.

From the late 1820s female convict transportation to the colony steadily increased, despite fluctuations in annual arrivals (chart 5.7). Overall numbers of female convicts under sentence in the colony therefore grew steadily and substantially. Chart 5.8 details the growth in female convict population, which was matched by substantial free population growth (chart 5.9). Demand for female convict labour expanded

130 'Nominal Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1832', P.R.O., H.O. 10/48.
131 Sharon Morgan, 'George and Mary Meredith', p. 126.
133 'Nominal Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1832', P.R.O., H.O. 10/48. 'Nominal Return of Women Convicts, Van Diemen's Land for the year ending December 31 1835', P.R.O., H.O. 10/50.
alongside supply; and the former quickly outstripped the latter. Despite the increasing numbers transported to the colony, female convict appropriation rates therefore generally remained high.

Chart 5.7: Number of female convicts arriving annually in V.D.L., 1820-1839.

![Chart 5.7]


Chart 5.8: Total number of female convicts under sentence in V.D.L., 1824 to 1840.

![Chart 5.8]

Source: Statistical Returns of Van Diemen's Land 1824 to 1839 (William Gore Elliston, Hobart, 1839).
By the second half of the 1820s, rapid economic and population growth had stimulated a level of demand for convict labour which far outstripped supply. As early as 1825, Arthur expressed concern that the limited labour supply was creating a situation in which convicts who had become free-by-servitude were able "from the want of labour in the colony...to obtain very high wages". The following year he reported that a large number of applications by settlers for convict servants could not be met from existing supply. Arthur noted that there were some 800 outstanding applications from settlers who were "most anxious and pressing to obtain" convict servants. He linked this demand for labour to the rapid agricultural expansion which occurred during 1826 and to the doubling of colonial trade. In 1828, he reported that applications for convict servants the previous year had been over twice those assigned. In 1829, the "prosperous state of agriculture" created a situation in which, according to Arthur's estimate, the assignment system could "dispose of at least two thousand convicts in the coming year". There is nothing in these reports

135 Despatch from Lieutenant-Governor Arthur to the Secretary of State, July 3 1835, A.O.T., G.O. 25/2.
136 Despatch from Lieutenant-Governor Arthur to Lord Bathurst, November 14 1826, A.O.T., G.O. 25/2.
137 ibid.
139 Letter from Lieutenant-Governor Arthur to the Under-Secretary of State, August 17 1829, A.O.T., G.O. 26/3.
which suggests that Arthur was exclusively concerned by a shortage of male labour. Rather, the reports suggest a general shortage of labour. This is supported both by persistent colonial newspaper complaints concerning the shortage of female labour and by the high rates of female convict appropriation and assignment.

What of the low female convict appropriation rates (chart 5.1) for the period June 1828 to January 1829, affecting the women per the transports Harmony and Mermaid? This evidence appears to indicate that colonial demand for female labour was less than its supply during these months. If this was so, it is curious that the Mermaid convicts were detained at Arthur's orders, motivated by his concern at the female labour shortage. At Hobart, en-route for New South Wales, Arthur ordered the Mermaid's women to be detained in his colony. He justified this by the high demand for female convict servants and his belief that "at least half the women could be assigned immediately". This underestimated the level of demand; 64 percent of the women were, in fact, immediately assigned. Arthur's decision was warmly welcomed by the colonial press. The Tasmanian noted that the women "are very much wanted, as this colony is more deficient in female servants than our elder sister".

It is therefore unclear, why the appropriation rate for the Mermaid convicts was so low. Probably, this windfall supply necessitated a wait while settlers' applications were received, processed and approved. In the case of the Harmony, the evidence suggests that a sizeable proportion of the women were unsuitable for immediate assignment either because they were accompanied by infants or because they were sick or convalescent on arrival.

Whatever impeded the early assignment of these women it was not a long-term lack of demand for female labour. Within months the convict department could not satisfy demand for female convict servants. By mid-1829, it had to compile a waiting list of settlers' applications for female convict servants. Many such applications were eventually met but not until the arrival of the Lady of the Lake in November 1829.

140 Despatch from Lieutenant-Governor Arthur to the Secretary of State, July 1 1828, A.O.T., C.O. 280/17.
141 'Appropriation list of female convicts per the Mermaid', M.L., T.P. 23.
142 The Tasmanian, July 4 1828.
144 'List of approved applications for female servants but which have not been supplied since July last', Principal Superintendent of Convicts Office, November 5 1829, M.L., T.P. 28.
of the 79 women aboard this transport were immediately assigned.\textsuperscript{145} The problems caused by the limited female labour supply did not, however, disappear. In mid-November, \textit{The Colonial Times} reported that, although all the \textit{Lady of the Lake} convicts had been assigned, many applicants had not received a servant. Over 200 applications had been made for servants from this transport.\textsuperscript{146} Around a year later, when the \textit{Mellish} arrived, the Principal Superintendent of Convicts again reported that there was "more names down than there are servants to give".\textsuperscript{147}

Throughout most of the 1830s, the supply of female convict labour was generally insufficient. The colonial press persistently bemoaned this. In 1831 \textit{The Launceston Independent} noted; "the greatest hindrance to the comfort of a family in this colony is found in the difficulty...of procuring...female assigned servants". "Bad as many of them undoubtedly are", the article continued, "we are still glad to get them, and consider it a great oversight of the home government that they send us out so comparatively very few".\textsuperscript{148} The colonial press persistently complained about the numbers confined in the Female Houses of Correction, and so "prevented from being serviceable".\textsuperscript{149} Some even advocated the radical solution of setting all convict women free "the instant they tread the shores of Van Diemen's Land".\textsuperscript{150} Similar complaints were expressed in the south of the colony. \textit{The Hobart Town Courier} welcomed the nursery facilities provided in the new House of Correction at Hobart on the grounds that convict mothers previously confined with their infants might now be free for service.\textsuperscript{151} In 1834, \textit{The True Colonist} observed that "the want of female servants" was much felt in the colony.\textsuperscript{152} On the arrival of the \textit{Platina} in 1837, \textit{The Tasmanian} reported;

"so numerous are the applications for female servants, that not one-third...can be complied with. No less than three hundred and eighty applications have been

\textsuperscript{145} \textit{ibid.}
\textsuperscript{146} \textit{The Colonial Times}, November 13 1829.
\textsuperscript{147} 'Appropriation of Female Convicts per the Mellish, September 23 1830', A.O.T., C.S.O. 1/476/10612.
\textsuperscript{148} \textit{The Launceston Independent}, May 25 1831.
\textsuperscript{149} \textit{The Launceston Independent}, May 25 1831. In 1831, for example, \textit{The Tasmanian} complained that it was "abominable" that "with the greatest possible want of female servants prevailing all over the Colony, there are upwards of Two Hundred women shut up unassignable..." (original emphasis) in order to undergo a punishment in the Female Houses of Correction. \textit{The Tasmanian}, May 6 1831.
\textsuperscript{150} \textit{The Launceston Independent}, July 14 1832. \textit{The Launceston Independent}, October 25 1834.
\textsuperscript{151} \textit{The Hobart Town Courier}, January 31 1829.
\textsuperscript{152} \textit{The True Colonist}, August 12 1834.
received and there are only one hundred and eight females on board the Platina".  

There was just one brief period during the 1830s when this situation was reversed. This affected the female convicts per the Edward; only 46 percent (chart 5.1) were assigned on arrival, a rate resulting from several factors. An unusually large number of the Edward's women were, through illness, infirmity, pregnancy, age, or because they were accompanied by young children, unfit for immediate assignment. 28 women fall into this category. Even when these women are excluded from the calculations, however, the rate of appropriation only rises to 57 percent.

A lack of demand for male convict labour was a feature of these years. In late 1833, the Assignment Board reported that it was having great difficulty in finding employment for a large number of convict men. In 1834, Arthur's report on colonial crime figures noted that the unusually high rate of crime that year had been caused by "a much larger importation than before of both free and convict labour, producing a temporary glut". This problem was resolved by 1835 when Arthur commented, "the new appears to have been absorbed into the old population; the supply and demand of labour have adjusted themselves".

A similar temporary glut on the labour market appears to have affected the Edward women. Within days of their arrival one colonial newspaper reported that there were insufficient applications for their services. Immediately prior to the Edward's arrival, however, the True Colonist noted a "great want" of female servants, which it attributed to the "great length of time since any female convict ship arrived". The Edward was the only female convict ship of 1834 and also the first for ten months. Imminent arrival of an estimated 200 women per the Edward was reported by the True Colonist on August 12th 1834, in an article which expressed the hope that "most will be assigned on arrival". Yet, on arrival, just 70 of the 150 convict women

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153 *The Tasmanian and Austral-Asiatic Review*, October 27 1837.
154 "List of sick on board the convict ship Edward", September 4 1834, A.O.T., C.S.O. 1/764/16104.
155 "List of Female Convicts per the Edward who have children", September 15 1834, A.O.T., C.S.O. 1.764/16104.
156 Letter from the Assignment Board to Lieutenant-Governor Arthur, October 10 1833, A.O.T., C.S.O. 1/611/13942.
158 *ibid*, pp. 1-2.
159 *The Colonial Times*, September 9 1834.
159 *The True Colonist*, August 12 1834.
160 *The True Colonist*, August 12 1834.
aboard were assigned. In the interim, on August 19th, a female emigrant ship, the *Strathfieldsay*, had arrived. Within a week over two-thirds of its 250 assisted female emigrants had found employment.\textsuperscript{161} Some colonial employers who had previously requested convict servants seized this opportunity. *The True Colonist* noted that some female emigrants had been "distributed amongst those settlers who had previously applied for servants".\textsuperscript{162}

**Chart 5.10: Annual arrivals of women workers, convict and assisted free emigrants, in V.D.L., 1820-1839.**

This "glut" in the female labour market was very temporary. Over the following two years, the greatly increased number of female workers arriving in the colony (chart 5.10) were easily absorbed by the colonial labour market. High female convict appropriation rates were once again a characteristic of these years. The several hundred free female workers who arrived also quickly obtained employment and many commanded relatively high wages. In early 1836 female wage-rates in the colony ranged between £12 and £30 sterling per annum.\textsuperscript{163} The employer's position in the female labour market had deteriorated since 1833, when *The True Colonist* complained that the wages paid to free female workers were, at £12 per annum, "too

\textsuperscript{161} The Colonial Times, February 2 1836.

\textsuperscript{162} The True Colonist, February 19 1835.

\textsuperscript{163} Bent's News, March 19 1836.
much". High colonial demand for female labour was, moreover, sustained throughout 1835 despite a major economic depression. The colony was hit by a "general stagnation of all kinds of commerce" in 1835 and 1836; so serious that a third of Hobart businesses closed.

A "beneficial importation": the female labour market and assisted emigration.

Assisted emigration brought 1300 additional women to the colony between 1832 and 1837. These emigrants were sought first and foremost as a source of colonial labour. This demand explains both participation in the female emigration scheme and persistent colonial demands that it continue, despite British opposition. Alford, however, rejects this conclusion, arguing that the scheme was not a response to a shortage of female labour. She claims that female emigrants were sought not as labour, but as wives and mothers. Further, she argues that colonists supported the scheme, not because of a general lack of female labour, but in order to replace convicts with free females. Colonial employers, she asserts, were;

"particularly averse to taking on female convicts and ex-convicts in periods of large-scale female immigration, when free women were preferred over convict women...".

The fact that female convict appropriation rates remained consistently high throughout the period of assisted female emigration to V.D.L. substantially undermines this argument (chart 5.1). Further, the available evidence suggests that the employment opportunities and relatively high wages obtained by free female emigrants, were more, not less, likely to be offered to ex-convict women. Some colonists preferred to employ ex-convict women, and especially ticket-of-leave women. George Carr Clark's advertisement for female domestic servants thus read;

164 The True Colonist, October 29 1833.
166 The Launceston Independent, February 25 1832.
168 Katrina Alford, Production or Reproduction?, p. 110.
169 ibid, p. 77.
"To Free and Ticket-of-Leave Women. Cook and Housemaid wanted at Ellinthorpe Hall, Women holding Tickets-of-Leave would be preferred".\(^{170}\)

John Price, the colony's Chief Police Magistrate, shared Carr Clark's preference, asserting that "few good houseservants ever come out free whereas good servants are often transported".\(^{171}\) In his view, ticket-of-leave women were more useful workers. They had acquired a "general knowledge of Colonial Service". Loath to lose the relative freedoms of their ticket, they were also, in his opinion, easier to discipline.\(^{172}\)

Contemporaries did welcome the female emigrants believing they might marry and thus contribute to colonial population growth and the reformation of colonial morality. This was a fairly common theme in newspaper articles on female emigration. *The Colonial Times*, welcoming the first emigrant ship, the *Princess Royal*, expressed the hope that;

"many young men who before spent all their spare hours in drinking and debauchery...will now marry, and by dispersing throughout the colony, bring the waste lands into cultivation".\(^{173}\)

A substantial range of evidence indicates, however, that the emigration scheme was primarily designed to increase the female labour supply. Domestic and farm servants were particularly targeted by its selection procedures.\(^{174}\) On arrival female emigrants were treated as a labour supply. A reception committee was appointed to find the women suitable colonial employment. While the colonial press perceived the women to promise double benefits as workers and wives, the emphasis was, however, on the demand for female labour. In 1834 *The Launceston Independent* reported that it was "the intention of the English government to send four hundred free females to be employed by settlers as servants" (emphasis added). It then bemoaned the fact that it would "be impossible to keep them in their service even if indentured, as they will all within twelve months be able to marry".\(^{175}\) Other newspapers complained that some

\(^{170}\) *The Launceston Advertiser*, January 3 1833.

\(^{171}\) 'Report and Evidence of a Committee enquiring into female convict discipline, 1841-1843', A.O.T., C.S.O. 22/50, p. 175.

\(^{172}\) ibid, pp. 175-177.

\(^{173}\) *The Colonial Times*, September 11 1832.


\(^{175}\) *The Launceston Independent*, February 25 1832.
emigrants were unsuited to colonial labour requirements. *The True Colonist* thus advocated more emigration of "farmer and other servants who have no objection to the country", asserting that "good, healthy country girls are sure to obtain situations...".\(^{176}\)

Much colonial demand for female emigrants came from northern settlers. This related to the northern economic boom stimulated by the settlement of South Australia. Northern settlers also felt at a long-term disadvantage in the female convict labour market. Hobart residents had consistently claimed a disproportionate number of female convict servants. Launceston residents thus complained bitterly when Hobart was again selected as the port of arrival for the female emigrant ships.\(^{177}\) Northern labour needs were, however, recognised and greater numbers of female convicts were sent to Launceston in the late 1830s (chart 5.11). The number of female convicts sent north still fluctuated, however, and despite an overall increase, complaints about limited supply continued. James Henty lobbied the home government, while in Britain on business in the mid-1830s, to send a female emigrant ship direct to Launceston. Henty also responded to the ongoing criticisms of the assisted emigrant scheme in the British press. In a letter to *The Times* he defended the scheme by pointing out that a supply of industrious females was crucial to the colony.\(^{178}\) The pressure from northern residents eventually paid off. In 1835-1836 two emigrant ships arrived at Launceston, supplying northern employers with over 300 assisted female emigrants. Even after their arrival, however, a colonial newspaper reported that "...another cargo could be provided for".\(^{179}\) Clearly, the emigrants were valued in northern Van Diemen's Land as an additional female labour supply.

Despite the increasing numbers of women workers sent north in the late 1830s, employers continued to face problems, especially the high cost of female labour indicating continuing shortage of supply. Launceston newspapers tried to tempt female workers to the north by advertising the higher wages on offer. In 1834, *The Launceston Independent* promised Hobart washerwomen and seamstresses that, as a result of "the high prices paid here for needlework and washing", they could have

\(^{176}\) *The True Colonist*, February 16 1835. The same point was expressed the following year in an article in *Bent's News* which complained that so few of the female emigrants were "serviceable, hard-working country girls such as an agricultural community like this infant colony really requires", *Bent's News*, February 20 1836.

\(^{177}\) See, for example; *The Cornwall Chronicle*, February 21 1835; *The Cornwall Chronicle*, August 19 1835; *The Launceston Advertiser*, October 24 1833.


\(^{179}\) *Bent's News*, October 15 1836.
"fair expectations towards a good living, if any of them should be inclined to migrate hither".180 Little improvement resulted. In late 1838, wages paid to female servants, cooks, dairywomen, dressmakers and milliners were still far higher in Launceston than Hobart. Female cooks earned between £30 and £40 per annum in Launceston in 1838, but just £15 per annum in Hobart. Dairywomen in Launceston earned an average £25 per annum in 1838. The equivalent rate in Hobart was £15.181 Launceston female wages also compare favourably with male wage-rates in the north: Launceston ploughmen earned £25 per annum in 1838; shepherds an average £30 per annum.182

Chart 5.11: Regional distribution of female convict labour on arrival in V.D.L., 1826-1839.

Alford suggests that settlers preferred female emigrants servants because of the perceived greater immorality of the convict women.183 The colonial image of both groups was, however, profoundly negative. Colonial newspapers repeatedly represented both emigrants and convicts as "vicious", "depraved" and "infamous" women.184 The workhouse and Magdalen Home background of the female emigrants

180 The Launceston Independent, February 22 1834.
182 ‘Statistics for 1838’, A.O.T., C.S.O. 5/178. These rates of earnings compare favourably with Alford's estimation that "average wage rates for colonial women were approximately one-half of those paid to colonial men", Katrina Alford, Production or Reproduction?, p. 211.
183 Katrina Alford, Production or Reproduction?, p. 167.
184 See for example: The Colonial Times, September 18 1832; The True Colonist, February 16 1835; The Colonial Times, February 6 1836; Bent's News, March 19 1836.
was repeatedly referred to. *The Colonial Times* described the emigrants as "outcasts of society....dregs of the lowest quarters of the metropolis".\(^{185}\) Significantly, the negative image of both sets of women matched that of servants in Britain in this period. The middle class, in the colony and at home, shared a common fear that their servants threatened them with moral pollution.\(^{186}\) Negative colonial images were rooted in a more general dominant-class discourse regarding proletarian women. Both the concepts and language used to impute the immorality of female convicts were extended with great ease to female emigrants. It therefore seems unlikely that colonial employers preferred the emigrant servant, on 'moral' grounds, to the convict.

If the desired aim of the assisted female emigration scheme was to replace female convict workers with free women then it failed. Transportation proved to be much more effective. The assisted female emigration scheme quickly ran into problems and was wound up in 1836, despite colonial protests. Throughout its short life, the scheme faced repeated difficulties in recruiting sufficient numbers of suitably skilled women workers.\(^{187}\) Convict assignment also had distinct advantages for colonial employers because it was a coercive labour system. Convicts, unlike assisted emigrants, therefore had no alternative to employment during their first period in the colony. Emigrants, by contrast, were immediately free to marry, establish common law relationships or to work as colonial prostitutes. Assignment's coercive nature also ensured that female convict workers were more evenly geographically distributed. The attractions of town life ensured that few female emigrants sought employment outside Hobart and Launceston.\(^{188}\) The emigration scheme therefore failed to resolve the acute shortage of rural female labour. As a result, at the end of the 1830s, female wage-rates in a number of rural districts were still amongst the highest in the colony.\(^{189}\) Assignment's coercive nature meant that where free female workers would not go, their convict counterparts could, in principle, be sent.\(^{190}\)

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185 *The Colonial Times*, September 4 1832.
187 A. J. Hammerton, "Without Natural Protectors": Female Immigration to Australia", p. 548; p. 554.
188 *The True Colonist*, February 16 1835.
189 In 1837-1838 cooks, dairywomen and milliners in Morven district earned £30 per annum, while the district's strawplatters, tailors and straw-hat makers earned £45 per annum. Relatively high colonial female wage rates were also available in Richmond district, 'Statistics for 1838', A.O.T., C.S.O. 5/178.
190 Female convicts preferred assignment in Hobart and Launceston. Indeed, some assigned outside the towns absconded from the service or committed some other misconduct in order to be re-assigned. See chapter 7, p. 267.
Female convict servants were empowered by their limited supply in the colony. Colonial employers recognised the source of this power, and sought to limit it by increasing the female labour supply via assisted female emigration. Their importation was regarded as a means to establish discipline in the female labour market. On the arrival of the first female emigrants one colonial newspaper therefore expressed the hope that female convict assigned servants convicted of misconduct would now be properly punished by longer periods of detention in the House of Correction.\(^{191}\) The scheme failed. After assisted female emigration ended, Arthur was still advocating the same solution. The problem of female convict indiscipline would only be resolved, he argued, when "a great many more (women) were sent out...There are too few females in the colony, and...those that are there are liable to great temptations".\(^{192}\) Despite the increased supply of female labour, female convict workers still held most of the cards in their hands at the end of the 1830s.

Van Diemen's Land had specific features explaining the sustained high demand for female convict labour in the colony in the period studied. Nevertheless, the findings of this chapter may have wider implications. Perhaps it is time for historians of female convict labour in New South Wales to re-scrutinise the evidence, discard untenable assumptions and open their minds to the possibility that convict women were in reality much more important in the colonial workforce than hitherto supposed.\(^{193}\)

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\(^{191}\) *The Colonial Times*, September 11 1832.

\(^{192}\) George Arthur, 'Minutes of Evidence taken before the Select Committee on Transportation', *Parliamentary Papers*, Volume XIX (1837), p. 312.

\(^{193}\) A useful starting point might be to explore the implications of Alford's finding that 71 percent of female convicts were assigned at the 1828 N.S.W. census, Katrina Alford, *Production or Reproduction?*, p. 166.
Chapter Six
"The female servant is come...":¹
Convict women, the colonial economy and social reproduction.

"When a ship bearing women anchored...its upper deck became a slave-market, as randy colonists came swarming over the bulwarks, grinning and ogling and chumming up to the captain with a bottle of rum, while the female convicts - washed for the occasion and dressed in the remnants of their English finery - were mustered before them, trying as hard as they could 'to set themselves off to the best advantage'. Military officers got the first pick, then non-commissioned officers, then privates, and lastly such ex-convicts as seemed 'respectable' enough to...keep a female servant'.

Robert Hughes' imaginative description of the reception which female convicts received on arrival in the Australian penal colonies is lurid, sensationalist and racy. It, nevertheless, merely exaggerates the prevailing historical consensus. Female convict assignment has been repeatedly represented as a form of state-run prostitution. According to Summers, for example, the convict women were "distributed...almost as part of the daily rations". Central to such images is the allegation that convict women were selected by settlers on the basis of their sexual attributes, not for their skills and labour. "Appearance", Alford asserts, "was considered the primary factor in selecting women, previous occupation for the men". Others share this conviction. Salt states that the "women were usually selected for their sexual attractions"; Perrott that they "were in demand both for their labour and their favours"; and Oxley that their colonial distribution was "within certain limits...a case of help yourself". Nicholas and Shergold, apparently under such influences, concluded that female convict skills were "squandered", thus denying New South Wales the "full potential of (this) valuable

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3 There is some historical basis for these accounts. Female convicts disembarked at Hobart in 1830 were, for example, met by "a jeering mob". The Colonial Times, March 5 1830. They were not, however, as Hughes' narrative implies, assigned to this mob.


6 Annette Salt, These Outcast Women. The Parramatta Female Factory 1821-1848 (Hale & Ironmonger, Sydney, 1984), p. 36.


productive resource". Female convicts in Van Diemen's Land, as the high rates of appropriation and assignment examined in chapter five revealed, were far from a "squandered" resource. However, while the female convict distribution system remains cloaked in sexual imagery, the high rate of demand for their services will continue to be misconstrued.

Thorough examination of the mechanics of the female assignment system reveals the criteria by which the women were 'matched' to their colonial employers. This allows the prostitution thesis to be conclusively tested. More importantly, such an examination indicates the efficiency of the female convict labour market. The test of any labour market, Nicholas argues, is the extent to which "it matched the 'right' workers to the 'right' jobs". His claim that female convict skills were systematically "squandered" in the penal colonies demands to be put to this test. Examination of the female convict distribution system will also establish the main sources of colonial demand for their labour. Identification of their main employers enables the key areas of female convict labour participation to be plotted upon a map of the colonial economy. The belief that female convicts were a burden, making a negligible contribution to colonial economic development, can therefore also be evaluated.

"A System of Universal Profligacy"? The Distribution of Female Convict Labour.

Hughes' account of the arrival and distribution of female convicts diverges sharply from that of several contemporary officials. According to Josiah Spode, the colony's Principal Superintendent of Convicts, when a female convict ship arrived at Hobart;

"I immediately go on board and ascertain what has been the previous line of life of each woman, their characters from their own mouths, which I compare with the Gaol and ship reports, their offences, and (then) appropriate and assign them...".

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10 S. Nicholas, 'The Convict Labour Market', in ibid, p. 120.
This mirrors other official accounts. Commissioner Bigge stated that during the ship-
board muster;

"Each convict is asked his name, the time and place of
his trial, his sentence, native-place, age, trade and
occupation, and the answers are compared and
corrected (if necessary) by the description in the indent
and in the lists transmitted from the hulks".  

These "official enquiries respecting the convicts", Bigge explained, "are made with the
sole view of ascertaining their competence for employment". According to Bigge,
female convicts were dealt with in much the same way. In Van Diemen's Land, the
occupational information so collected was recorded on a convict appropriation list.
Studies of the male assignment system in the colony have established that these were
the cornerstone of the convict distribution system. Their data provided the state
with all the necessary details to allocate efficiently different types of male convict
labour to appropriate employment. The central purpose of the ship-board musters and
appropriation lists was therefore to increase the efficiency of the male convict labour
distribution process.

Spode's presence on the Van Diemen's Land female convict ships, the mustering of
each convict woman on arrival, and the compilation of female convict appropriation
lists are therefore highly revealing. If the colonial state indeed ran the female
assignment system as a virtual prostitution racket, then this exercise had no
discernible purpose. As the excerpt in table 6.1 illustrates, by no stretch of the

13 'Report of the Commissioner of Inquiry into the State of the Colony of New South Wales',
14 ibid, p. 17.
15 ibid, p. 14.
16 Hamish Maxwell-Stewart provides a detailed account of appropriation and assignment process for
V.D.L. male convicts, in 'The Bushrangers and the Convict System of Van Diemen's Land, 1803-
17 Various guidelines designed to prevent female convicts being assigned to certain categories of
settlers on moral grounds further indicate that the system was not driven by sexual imperatives.
Those excluded from receiving a female convict servant included: single men; publicans; ex-
convicts; and individuals who were married or related to a convict under sentence. A.O.T., C.S.O.
1/577/13104. Settlers who infringed government regulations could also be turned down, as could any
applicant considered to be of dubious moral character. The state hoped assignment would encourage
female convicts to reform, and was therefore concerned that they be assigned only to 'suitable' moral
characters. To this effect, Arthur instituted a rigorous system of checks and guidelines, evoking a
great deal of hostility from settlers, some of whom accused him of running an authoritarian and
inquisitorial state. Although the word of female convict servants was generally distrusted,
accusations of employers' immoral behaviour were thoroughly investigated. Employers whose moral
character was called into question had to go to great lengths to clear their name, including
imagination, could the female convict appropriation lists be considered a guide to sexual attractiveness.

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<th>Name</th>
<th>Trade</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams, Catherine</td>
<td>Plain cook, Houseservant, wash &amp; plain iron</td>
<td>Mr Hobbs</td>
</tr>
<tr>
<td>Archer, Elizabeth</td>
<td>Plain cook, Housemaid, wash, iron and work at her needle</td>
<td>George Hull</td>
</tr>
<tr>
<td>Axford, Mary Ann</td>
<td>Housemaid, wash &amp; iron</td>
<td>C. Wright</td>
</tr>
<tr>
<td>Ashton, Ann</td>
<td>Housemaid, wash, iron and work at her needle</td>
<td>Mrs Swan</td>
</tr>
<tr>
<td>Allister Mc, Mary An</td>
<td></td>
<td>Mrs Jack</td>
</tr>
<tr>
<td>Adams, Elizabeth</td>
<td>Dairywoman, wash &amp; iron</td>
<td>Lieut. Griffiths</td>
</tr>
<tr>
<td>Armstrong, Mary</td>
<td>Houseservant, Farmservant, milk, make butter, &amp; wash</td>
<td>Mrs Clarke</td>
</tr>
<tr>
<td>Alexander, Margaret</td>
<td>Housegirl, Nursemaid</td>
<td>Mr Darley</td>
</tr>
<tr>
<td>Brown, Mary</td>
<td>Plain Cook, Houseservant, wash &amp; iron</td>
<td>Captain King</td>
</tr>
<tr>
<td>Brickell, Sarah</td>
<td>Tailoress</td>
<td>Mrs Dyer</td>
</tr>
<tr>
<td>Barnard, Mary Ann</td>
<td>Housemaid, wash &amp; plain iron</td>
<td>Mrs Lowes</td>
</tr>
<tr>
<td>Bruce, Hannah</td>
<td>Staymaker, Needlewoman</td>
<td>Mr O’Gage</td>
</tr>
</tbody>
</table>


Contrary to Hughes’ image, the shipboard muster of female convicts appears to have been a formal, structured affair. The main product of each muster was an appropriation list, and an examination of these indicates that they were, like the male lists, thoroughly labour-oriented. Their central purpose was the detailed recording of female convict trades and skills. As a result, appropriation lists recorded more skills per convict than indents.18 The indent entry for Ann Griffiths, for example, simply recorded that she was a dairywoman, but the appropriation list also noted that she could wash, iron, brew and bake.19 Margaret Thorne’s indent revealed that she was a cook who could wash and iron; the appropriation list additionally recorded her as a housemaid who could milk and make butter and cheese.20 A more general comparison between indent and appropriation list data confirms that each shipboard muster was directed at the accumulation of female convict occupational data. While the indent for the transport Frances Charlotte recorded 129 occupations and 22 skills between the 95 convict women on board, the appropriation list for the same women recorded 133 occupations and 132 skills.21 The type of questions asked during ship-board musters becomes self-evident. Female convicts were systematically quizzed regarding their potential for colonial employment.

18 This was also the case with male convict appropriation lists. Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 72.
20 Margaret Thorne or Clowes per Frances Charlotte, no. 89T, M.L., T.P. 4, T.P. 26.
The colonial state carefully compiled this occupational data in response to colonial demand. Far from being "a case of help yourself", distribution of female convicts to settlers was well organised to satisfy the labour needs of prospective colonial employers. The nature of colonial demand for assigned female labour profoundly influenced the methods of classification and distribution adopted by the state. The appropriation lists' structure and content therefore changed over time, responding to the shifting structure of colonial demand.

Detailed female convict appropriation lists, such as the one illustrated in table 6.1, were an administrative innovation of the mid-1820s. Their creation and development from then onwards marked the take-off of colonial demand for assigned female convicts. Their changing structure and content further indicates that labour market demand also underwent a qualitative transformation in these years. In the early 1820s, record structure and content were compatible with a labour market dominated by demand for general forms of female labour. While employers applied simply for female 'help' in the form of a servant-of-all-work, the state was able to distribute convict women without knowledge or regard to their specific occupational abilities. From the mid-1820s onwards, however, as demand became increasingly 'specialised', these methods of classification and distribution became inadequate. To satisfy the growing number of colonial employers who specified the type of female convict worker they sought, the Convict Department required a much more detailed knowledge of each woman's occupations and skills.

These shifts thus account for the significant changes in female convict records compiled before and after the mid-1820s. Female convicts arriving at Hobart in the early 1820s faced limited scrutiny regarding their occupational backgrounds and skills. Indeed, 64 percent of the women arriving between 1820 and 1825 had no occupational details whatsoever recorded.22 The records compiled were piecemeal and sketchy, providing occupational and skill data substantially poorer in quality than in the subsequent period. A minority (36%) of the women had any occupation recorded; only a very small group (8.3%) had a second listed; and none had more than two. Moreover, over a third (38%) of the women whose occupations were listed, were described baldly as 'servant'. This category of female worker, by comparison, accounted for just 0.2 percent of those with occupations recorded, 1826-1839.

22 N.S.D.G., pp. 345-844.
Finally, just 9 of the 1820-1825 women had any supplementary details on skill recorded, providing between them a meagre total of 10 listed skills. Record compilation pre-1826 therefore contrasts sharply with later, much more systematic, efforts by the colonial state to construct detailed occupational profiles of convict women. Chart 6.1 illustrates these changes in practice.

Chart 6.1: Comparison of the number of occupations recorded per convict woman arriving V.D.L., 1820-1825, with those arriving V.D.L., 1826-1839.

Not only the content of the records changed. New terminology and methods of classification were also adopted. The early records provided a rough-and-ready picture of each woman’s abilities. Most women transported in 1820 per the Morley were, for example, classified under such catch-all categories as "general service", "houseservice" and "farmservice". No attempt was made to classify these women by precise occupation. The nature of labour market demand in this early period did not require it. By contrast, 93 percent of the convict women transported to Van Diemen's Land between 1826 and 1839 had at least one occupation recorded.23 A substantial proportion of this group (45.6%) had two occupations listed. The quality of the skill data collected in this second period also improved immeasurably: 45 percent of those with occupational records, 1826-1839, had supplementary information noted regarding their specific skills.

23 This figure excludes 158 women: those who died en-route; those who were taken to the hospital ill on arrival and were therefore not present during the muster; and those whose records are no longer extant.
Broad designations such as 'general service' or 'farm service' were replaced after 1825 by more narrowly defined occupational titles like 'nurserymaid', 'kitchenmaid', 'laundrymaid' and 'dairymaid'. This greater emphasis upon occupational classification, and the accompanying change in nomenclature, was necessitated by the growing demand for female convict workers with 'specialised' functions and skills. This came from three main quarters: from the expanding, increasingly wealthy colonial dominant class, whose households and lifestyles demanded growing retinues of convict servants with complementary functions and skills; from employers in the developing manufacturing sector who required assigned convict tradeswomen such as dressmakers, tailoresses and shoemakers; and from colonial farmers who required female convict labour to assist in various areas of agricultural and dairy production. The detailed data gathered during ship-board musters from the mid-1820s was primarily designed to help the state meet the needs of these three groups of prospective employers.

Some of the shifting trends in labour market demand can be discerned from an examination of colonial muster data. This reveals the sheer dominance of the single-servant household in the colony throughout the early 1820s (chart 6.2). In December 1820, 95 percent of assigned female convicts were the only woman assigned to their household.²⁵ By 1823, although this proportion had dropped significantly, the single-servant household²⁶ was, at 79 percent, still dominant.²⁷ This accounts both for the

²⁴ Pinchbeck records a similar shift in the classification of farm service occupations in Britain between 1750 and 1850, a change which she attributes to the emergence of a capitalist farming class. She argues that: "as a result of these social changes a more expensive class of servants became general. Hitherto women servants on the farm had often been 'maids of all work', and the more specialised branches of domestic work had either been done by the mistress herself or under her direct supervision. A better class of servant was necessary if the mistress was to be relieved of all responsibility, and on a far greater number of farms, therefore, we now begin to hear of a cook, laundrymaid, nursemaid and sewing maid". Ivy Pinchbeck, Women Workers and the Industrial Revolution, 1750-1850 (First published George Routledge, London, 1930; reprint Virago, London, 1981), p. 36.

²⁵ 'Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1820', P.R.O., H.O. 10/44.

²⁶ I use the term 'single-servant household' to refer to households with only one assigned female convict servant. There is no way to assess the number of households who employed free or ticket-of-leave domestic servants alongside assigned convicts. Until the 1830s there were, however, very few free emigrant servants in the colony. In addition, the relatively high wages commanded by free and ticket-of-leave servants meant that they were predominantly employed by the colonial middle and ruling class. These households were also those more likely to have more than one female convict assigned to them, and so they are not included in the figures cited here for single-servant households. The figures provided by the musters are therefore a useful, if rough, guide to the proportion of single-servant households in the colony over this period.
limited attention paid to female convict occupational details before 1825 and for their broad classification into loosely-defined service categories. With only one female servant in the home, most colonial employers typically sought women workers who could "turn their hands to everything". It was, therefore, generally sufficient at first for the colonial state to distribute convict women to employers on a simple first-come, first-served basis. This appears to have been exactly what occurred. Thus the last seven individuals to seek a female convict servant from the Lord Sidmouth in 1823 were the only unsuccessful applicants.


The single-servant household, although declining in importance, continued to dominate throughout the period under study. Many settlers correspondingly continued to apply for a general female servant. The two extant application lists for the post-1825 period reveal that a majority of prospective employers simply requested the assignment of "a woman", "a female" or "a servant". Such requests accounted for

27 'List of Female Convicts in Van Diemen's Land, October & November 1823', P.R.O., H.O. 10/45.
29 'List of Applications for Female Convicts per the Lord Sidmouth, 1823', A.O.T., C.S.O. 1/295/7160.
30 'Nominal Return of Women Convicts, Van Diemen's Land, for the year ending December 31 1832', P.R.O., H.O. 10/48. 'Nominal Return of Women Convicts, Van Diemen's Land for the year ending December 31 1835', P.R.O., H.O. 10/50.
90 percent of the applications for female convict servants from the Providence (1826), and for 80 percent from the Lady of the Lake (1829). The strong continuity of demand for the general servant is evident.

However, these documents also provide important pointers to the changing nature of the labour market. A growing minority of settlers were submitting requests for specific types of servant by the later 1820s. Of thirty applicants on the Providence list, just three defined the type of female servant they required: Major Donald McLeod requested a cook and a washerwoman; Henry Jellicoe a cook; and Thomas Lascelles a nurserymaid. By 1829, however, one in every five applicants submitted specific requests, ranging from cooks and dairywomen to laundresses, needlewomen and nurserymaids. Analysis of the social background of these applicants, the majority of whom were from the colonial élite, confirms that this shift directly marked the rise and expansion of the colonial dominant class. They included such eminent colonial figures as: Major Donald McLeod, powerful pastoralist; George Frankland, retired Surveyor-General; Edward Dumaresq, public servant and substantial landowner; Jocelyn Thomas, the Colonial Treasurer; and Mrs Anthony Fenn Kemp, wife of the wealthy merchant and landowner. By the early 1830s, their households, like those of their class, were maintained by retinues of servants. These employers relied upon the assignment system to provide convict servants with specifically defined functions and complementary skills. It was partly in response to this demand from influential persons that the state began to develop a more complex system of female convict labour allocation.

Many applicants from the Providence and Lady of the Lake lists successfully sought specific types of female workers. In response to his request for a woman to work in his children's nursery, Thomas Lascelles had nursemaid Mary Bayliss assigned to

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32 Major Donald McLeod was granted 4000 acres in 1827. Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 126.
34 Kemp accumulated several thousand acres of land in Van Diemen's Land over the 1820s, was a substantial merchant and shipping agent, and a founding director of the Van Diemen's Land Bank. ibid, Volume 2, I-Z, pp. 39-40.
him. Jocelyn Thomas' application in 1829 for a needlewoman resulted in the assignment of Mary Ann Newsome, a dressmaker and needlewoman skilled at embroidery work. James Wood's request for a cook was satisfied by the assignment of Ann Oliver, cook and kitchenmaid. Both of Mrs Kemp's applications, for a nurserymaid and a dressmaker, were met. Eleanor Language, nursemaid and Ann Goodier, dressmaker, were assigned in response. While not every applicant was this successful, it is clear that a concerted attempt was made to assign 'suitable' women to employers on the basis of occupational histories and skills. Even when an applicant failed to obtain a female convict directly matching his/her request, the woman assigned generally had usefully applicable skills. Edward Dumaresq's application for a nurserymaid, laundress and cook was unsuccessful, but the two women assigned to him were not useless for his purposes. Sarah Wilkinson, a pottery-girl and lathe-turner, stated that she was also able to work as a housemaid and nurse; Marion Campbell, a farm servant, could wash and iron.

The efficiency of the female convict distribution system can be evaluated by examining the composition of the convict domestic staffs assigned to multi-servant households. To operate efficiently these larger households required balanced workforces; a carefully constructed division of domestic labour. Colonial musters, by providing a list of all the female convicts assigned to any given employer at the time the muster was taken, offer useful snapshots of the structure of these domestic labour forces. Table 6.2 details the range of female convict servants assigned to four substantial colonial households at the 1832 and 1835 musters. The employers selected are representative of the three social groups whose households were increasingly multi-servant in this period: George Carr Clark of Ellinthorpe Hall was a pre-eminent member of the wealthy landed elite; George Arthur and John Burnett were top

35 Mary Bayliss per Providence (1826), no. 100B, N.S.D.G., ref. 1003.
36 Mary Ann Newsome per Lady of the Lake, no. 27N, N.S.D.G., ref. 1641.
37 Ann Oliver per Lady of the Lake, no. 70, N.S.D.G., ref. 1642.
38 Eleanor Language per Lady of the Lake, no. 88L, N.S.D.G., ref. 1621. Ann Goodier per Lady of the Lake, no. 86G, N.S.D.G., ref. 1607G.
39 Sarah Wilkinson per Lady of the Lake, no. 133W, N.S.D.G., ref. 1667. Marion Campbell per Lady of the Lake, no. 138C, N.S.D.G., ref. 1596.
40 George Carr Clark emigrated in 1822. By the late 1820s he owned property in Hobart valued at £5684. A 4000 acre grant formed the basis of his Ellinthorpe Hall estate. It was from there that his wife Hannah ran the most fashionable of the colony's girls' school. D. Pike (ed.) Australian Dictionary of Biography, Volume 1, pp. 224-225.
government officials; and the Watchorns, merchants and traders, were well-established in the upper ranks of the Hobart middle class.

Table 6.2: Female Convict Workforce in Four Multi-servant Households, V.D.L., 1832 & 1835

<table>
<thead>
<tr>
<th>1. George Carr Clark, Landowner, 1832</th>
<th>2. John Burnett, Colonial Secretary, 1832</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Ann Mallam professed cook &amp; needlewoman</td>
<td>Sarah Moseley cook &amp; upper nursemaid</td>
</tr>
<tr>
<td>Catherine Williams cook</td>
<td>Sarah Price housemaid &amp; Laundress</td>
</tr>
<tr>
<td>Elizabeth McLain dressmaker</td>
<td>Mary Ann Smith dressmaker</td>
</tr>
<tr>
<td>Susannah Thompson laundress &amp; cook</td>
<td>Sarah Batts cook &amp; needlewoman</td>
</tr>
<tr>
<td>Sarah Siley housemaid &amp; needlewoman</td>
<td>Catherine Mack housemaid</td>
</tr>
<tr>
<td>Mary Tranter servant of all work</td>
<td>Catherine Haddy plain cook &amp; laundress</td>
</tr>
<tr>
<td>Mary Woodcock housekeeper</td>
<td>Sarah Brown cook &amp; housemaid</td>
</tr>
<tr>
<td>Alice Lunt servant</td>
<td>Mary Revett servant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan Adams professed cook</td>
<td>Alice Nankeville cook &amp; housemaid</td>
</tr>
<tr>
<td>Lydia Hart head laundress</td>
<td>Mary Ann Frears plain cook &amp; housemaid</td>
</tr>
<tr>
<td>Catherine Steger plain cook &amp; laundressmaid</td>
<td>Ann Davis plain cook &amp; housemaid</td>
</tr>
<tr>
<td>Ellen Gordon laundressmaid</td>
<td>Elizabeth Hore nursemaid &amp; housemaid</td>
</tr>
<tr>
<td>Mary Bleeze housekeeper</td>
<td>Mary Mears dressmaker &amp; staymaker</td>
</tr>
<tr>
<td>Mary Harper servant</td>
<td>Elizabeth Clarke can wash iron &amp; cook</td>
</tr>
</tbody>
</table>

Each household reveals structured, well-organised domestic labour-forces. Assignment had provided a good range of female servants, with complementary functions and skills. Male convict butlers, valets, coachmen and grooms were also assigned to such households. The range of servants employed in the households of the colonial élite resembles that in contemporary British households of similar social standing. Many, somewhat less elevated, professional and middle-class colonial householders had also been assigned a convict domestic staff of a size and structure comparable to their British counterparts. Josiah Spode, Principal Superintendent of Convicts, employed four female convict assigned servants at the time of the 1832 Muster: Mary Burke, a servant-of-all-work; Elizabeth Graham, cook, pastry cook and housekeeper; Hannah Newbrook, a farmservant who could milk, make butter and cheese, and wash and iron; and Susannah Travel a plain cook, housemaid and needlewoman. Gamaliel Butler, colonial lawyer, banker and investor, had three

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41 Of course, it could be said that if the Governor could not get the domestic servants he wanted, nobody could!

42 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 79.

43 Mary Burke per Borneo, no. 140B, M.L., T.P. 23. Elizabeth Graham per America, no. 102G, M.L., T.P. 11. Hannah Newbrook per Eliza, no. 29N, A.O.T., M.M. 33/2. Susannah Travel per America, no. 76T, M.L., T.P. 11. Although a public servant, Spode was also a substantial landowner in the colony which might account for the assignment of Hannah Newbrook.

44 Butler and his wife arrived in Van Diemen's Land in 1824. He practised law in the Supreme Court, became a Director of the Bank of Van Diemen's Land and was later associated with the
female convict servants assigned to his service in 1835: Lydia Galbert, plain cook and servant-of-all-work, who could wash, iron and do plain needlework; Elizabeth Rouse, a plain cook and houseservant; and Elizabeth Bedford a housemaid. The balanced service structure of these wealthier colonial households contradicts the view that female convicts distribution was ad hoc or disorganised. Rather, the evidence indicates well-structured allocation providing dominant-class employers with the varied retinues of domestic servants their social position demanded.

The attention which the assignment system paid to the domestic labour needs of elite employers did not end there. Appropriation list data indicate that female convict labour was distributed so as to ensure the highest ranking domestic servants such as professional cooks and lady's maids were almost exclusively assigned to the top colonial households. Spode personally ensured that the best servants, the "most respectable" women amongst each batch of convicts, were assigned to "gentlemen's families". This selection policy appears to have been based upon an evaluation of the occupational status and skills of each woman as well as her past employment history. Both factors appear, for example, to have influenced the decision to assign Marianne Galey to Government House. Galey, a professed cook, had been employed in that capacity in Britain by Lord Townsend and the Reverend Davis of Ainsley Hall. Other women assigned to the kitchens of Government House had similar histories. Ann Lutham, assigned to Governor Arthur's service in 1826, was a cook with seven years experience in the service of John Bell, a winemerchant, and three years with Lord Duprain. Elizabeth King, assigned to Governor Franklin in 1839 had previously served as a "cook in Lord Charlemont's family". Numerous other top-ranking colonial households were allocated women from amongst this select minority of highly trained convict cooks. Eliza Knight, for example, a professed cook, was assigned to Mrs George Frankland, wife of the Surveyor-General; Sarah Griffiths, a cook trained to prepare fish, pastry and soups, was assigned to Justice Montagu; and Emma Cousins, a cook who could prepare soups and pastry and dress poultry and

fish, was allocated to William Bedford, colonial chaplain.\textsuperscript{50} Ann Day, a housekeeper and professed cook, assigned at different times to Reverend Bedford and Alfred Stephens, the Attorney-General, was likewise clearly well-suited to her colonial appointments.\textsuperscript{51} A soldier's wife, Day stated she had for some considerable time prior to her transportation; "been in the service of the Officers of the Depot at Maidstone, superintending dinners and other entertainments". Such women combined specialist knowledge of the wide range of culinary skills required in large, top-ranking households with valuable practical experience of running such establishments. Many were undoubtedly an invaluable asset in the kitchens of these colonial households. Their accumulated skills and experience contributed substantially to the success of the balls, dinner parties and other élite social functions which increasingly dominated the colonial social calendar by the late 1820s.

Other high-ranking, skilled domestic workers were likewise virtually monopolised by the colonial élite. Women skilled at fine laundrywork were one such group. Margaret Murray and Mary Haywood, both laundrymaids "competent in fine linen and clear starches" were respectively assigned to Mr Gregory, the colonial Treasurer, and Lady Franklin, the Governor's wife.\textsuperscript{52} Elizabeth Baxter, a "thorough laundress" was assigned to the Colonial Secretary's household.\textsuperscript{53} Elizabeth Payne, a washerwoman who could do "fine plete" work and Ann Hadfield a "perfect laundress" skilled at fine linen were both allocated to Government House.\textsuperscript{54} The small number of lady's maids transported were also predominantly assigned to top-ranking households. Ann Sutton was allocated to Mrs J.T. Gellibrand, wife of the colonial law counsellor;\textsuperscript{55} Mary Hale to George Frankland's household; and Mary Hinchcliffe to Mrs John Burnett, wife of the Colonial Secretary.\textsuperscript{56} The domestic staffs of such households were further supplemented by convict women with an occupational background in the clothing trades. In a personal application of this policy, Spode assigned several dressmakers to

\textsuperscript{52} Margaret Murray, no. 276M, Mary Haywood, no. 316H: both per Nautilus, A.O.T., C.S.O. 5/140/3376.
\textsuperscript{53} Elizabeth Baxter per Mellish, no. 181B, A.O.T., M.M. 33/6.
\textsuperscript{55} Gellibrand was Attorney-General, 1823-1826. He was suspended by Arthur as a result of a conflict between them. He then practised as a barrister and became editor of The Tasmanian. D. Pike (ed.) Australian Dictionary of Biography, Volume 1, pp. 437-438.
the service of his wife in the 1830s. Other dominant-class colonial households maintained a personal wardrobe staff. Amongst those assigned to Government House over the years were Sarah Clarke, needlewoman and lace embroider; Elizabeth Sweetingham, shoecloser, dress- and staymaker; Lydia Hart, strawbonnet-maker; and Mary Watts, dress- and bonnetmaker.\(^57\) Private households reveal a similar pattern of skilled female labour allocation. In 1835, John Dunn, colonial banker and merchant, had Jane Craig, dressmaker, and Mary Braid, sempstress, assigned to his household from the transport *Hector*.\(^58\) There they joined Emma Jones, a dressmaker assigned to Dunn since 1832.\(^59\) His household staff was supplemented fairly regularly by women with similar skills. Belinda Gardener, a dress, stay- and corsetmaker was, for example, assigned to Dunn in 1830, and Ellen Warburton, a dressmaker in 1836.\(^60\) There was nothing unusual about the domestic service allocation of these women. Similarly trained women were repeatedly assigned to householders like George Carr Clark, George Frankland, John Burnett, Thomas Archer and other colonists of similar social standing. As a result, very few of the top-ranking households were without a female convict trained in dressmaking or millinery at either the 1832 or 1835 colonial musters.

From cooks to dressmakers the state evidently took considerable care to allocate suitably trained and experienced women to the households of the colonial dominant class. Lady Franklin's belief that female convicts were so distributed that; "the best of the prisoners are reserved for the best masters or mistresses...those who are in the most respectable classes of society...(and) the refuse fall to the lot of the lower ranks",\(^61\) was therefore clearly fully justified. Indeed, convict women with specialised skills and experience were systematically allocated to these "respectable classes".

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\(^58\) Jane Craig, no. 282C; Mary Braid or Morrison, no. 322B: both per *Hector*, M.L., T.P. 34. Dunn emigrated in 1821. The family arrived with goods and capital valued at £2000. Dunn traded in Hobart, was a founding director of the Derwent Bank and established the Commercial Bank in 1829. In 1832 the Commercial Bank became a joint stock company and Dunn was appointed managing-director. By the 1830s he owned considerable city and rural property. His estate was valued at £116,000 on his death. The family's numerous dressmakers might be accounted for by the fact that Dunn had several daughters. D. Pike (ed.) *Australian Dictionary of Biography*, Volume 1, pp. 338-339.

\(^59\) Emma Jones per *Hydery*, no. 91J, P.R.O., H.O. 10/48, H.O. 10/50.

\(^60\) Belinda Gardener per *Mellish*, no. 94G, A.O.T., M.M. 33/6.

Suitably skilled female convict labour was also deployed in the increasingly important manufacturing and service sectors of the colonial economy. Although there are no extant systematic sources with which empirically to test this contention, a range of individual case-studies support it. In December 1837, for instance, a colonial newspaper reported the recent arrival in the colony of a Madame Bush, milliner and dressmaker. Her business in Hobart had "already been patronised by many Ladies". A busy order book demanded labour and Madame Bush did not have to wait long. When the Atwick arrived the following month, convict Catherine McBrayne, dressmaker and flowerer, was immediately assigned to Bush. She was followed in 1839 by Eliza Morris, staymaker and needlewoman.

Table 6.3: Female convicts assigned to 4 Hobart manufacturers.

<table>
<thead>
<tr>
<th>Assigned to Thos. Presnell, Tailor:</th>
<th>Assigned to Mr J. Johnson, Tailor:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>1826</td>
<td>Mary Ann Pray</td>
</tr>
<tr>
<td>1830</td>
<td>Jean MacDonald</td>
</tr>
<tr>
<td>1832</td>
<td>Sarah Moss</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Assigned to T. Lightfoot, Tailor:</th>
<th>Assigned to Charles Flegg, Shoemaker:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>1833</td>
<td>Ann Wood</td>
</tr>
<tr>
<td>1834</td>
<td>Maria Smith</td>
</tr>
<tr>
<td>1835</td>
<td>Catherine McKay</td>
</tr>
<tr>
<td>1835</td>
<td>Elizabeth Piper</td>
</tr>
</tbody>
</table>


These assignments were not fortuitous coincidences. Other examples suggest a general pattern of the allocation of female convict tradeswomen to colonial clothing manufacturers. Mrs Downer, proprietor of a Hobart dressmaking business had convict needlewoman Ellen Sullivan assigned to her in 1835. Jane Prior, strawbonnet-maker was assigned to Mrs Gee who ran a straw, Tuscan, and Leghorn bonnet-making business in Murray Street, Hobart. Several of the major tailoring and

63 Catherine McBrayne or McKenna per *Atwick*, no. 397B, M.L., T.P. 29.
shoemaking establishments in Hobart, including firms like Thomas Presnell's and 'Lightfoot and Lyons', received a succession of suitably trained female convict workers. Table 6.3 details a number of these assignments. Although not exhaustive, it indicates examples culled from appropriation lists and musters. Such cases further undermine the notion that convict women were assigned on the basis of sexual attractiveness.

An examination of the allocation of women to the service and retail sectors of the colonial economy reinforces the argument that the assignment system successfully maximised the utilisation of female convict skills by matching trained workers with appropriate employers. General merchants, traders, licensed victuallers and hotel proprietors were high on the list of those who received appropriately trained female convict labour. Retail outlets in Hobart, in particular, received numerous women, some of whose occupations and skills made them potentially very useful servants. John Swan, who owned a draper's shop in Elizabeth Street was, for example, allocated convict Sarah Anderson, hat-trimmer and needlewoman.67 Needlewoman Amelia Fletcher was assigned to Thomas Boot, general dealer and linen-draper.68 Anthony Fenn Kemp, a major employer of female convict labour was allocated a number of women with highly applicable skills. Amongst other business interests, Kemp operated as a major general dealer and merchant from his premises in Hobart. Amongst the assigned female convicts employed by the Kemps over the course of this period were five dressmakers and a needlewoman. Martha Dearman a buttonmaker and Mary Ann Smith a shopwoman were amongst others allocated.69 While many of the female convict nurserymaids, houseservants and cooks assigned to the Kemps over this period probably worked exclusively in their household, it is likely that women like Dearman and Smith were wholly or predominantly employed in Kemp's business.

Some of the many eating-shops and licensed victuallers established in this period were also allocated women with applicable skills. Patience Merchant, a pastry cook, was assigned on her arrival to James Wilson, confectioner and baker, of Collins Street, Hobart.70 Female convicts listed as plain cooks were distributed to Mr Broadribb, licensed victualler of Collins Street, Hobart; Henry Leigh, boarding house-keeper; and

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67 Sarah Anderson per Majestic, no. 113A, M.L., T.P. 30.
68 Amelia Fletcher per Nautilus, no. 158F, A.O.T., C.S.O. 5/140/3376.
70 Patience Merchant per Hector, no. 223M, M.L., T.P. 34.
James Wood, licensed victualler, amongst others. Ann Bridger, proprietor of the 'Bush Inn' at New Norfolk, an upmarket establishment providing entertainment and accommodation for such eminent guests as Governor Franklin was a substantial employer of female convict labour. She was assigned female convict houseservants, servants-of-all-work, plain cooks and kitchenmaids on a fairly regular basis. The Mawle family, hotel proprietors at Bagdad, north of Hobart, received a similar range of female convict labour over the 1830s.

Female convict household labour was also allocated to some of the growing number of private schools. Reverend Claibourne regarded convict labour as essential to the success of his newly established Boy's Grammar School at Norfolk Plains. In 1829, he informed the Colonial Secretary that he was experiencing "great inconvenience from the want of proper servants", and requested three male convicts to work his gardens and a female convict household servant. Some schools required a larger female workforce than this. Miss Bamber's "Establishment for Young Ladies" in Davey Street, Hobart received three female convict servants in September 1830: Mary Ann Smith, dressmaker; Hannah Welch, houseservant and needlewoman; and Charlotte Singleton, a plain cook, housemaid and needlewoman. The most fashionable girls' school in the colony, run by Hannah Carr Clark at Ellinthorpe Hall, was assigned a similar sized contingent of female convict labour in 1834: Susan Bisset, lady's nurse; Charlotte Biddlecombe, needlewoman and houseservant; and Jane Baxter, plain cook. Their respective skills and abilities neatly complemented one another, making them a useful group of workers in a large household and ladies' school.

Appropriation list data indicate that the convict department also attended to the labour needs of agricultural employers. One indication is that women with farming and dairying skills were, as chart 6.3 details, disproportionately assigned to settlers in rural districts of Van Diemen's Land.

73 A.O.T., C.S.O. 1/383/8679.
74 Mary Ann Smith, no. 171S; Hannah Welch, no. 148W; Charlotte Singleton, no. 172S: all per Mellish, A.O.T., M.M. 33/6.
75 Susan Bisset, no. 285B; Charlotte Biddlecombe, no. 286B; Jane Baxter, no. 295B: all per Edward, A.O.T., Con 27/1.
Chart 6.3: Overall Proportion of Convict Women assigned to rural areas of the colony on arrival, compared with the proportion of convict women with farming trades assigned to rural areas of the colony on arrival, V.D.L., 1833-1839.76

<table>
<thead>
<tr>
<th>Ship</th>
<th>Overall</th>
<th>Women with Farming Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
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<tr>
<td>C</td>
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<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td></td>
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</tr>
<tr>
<td>F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G</td>
<td></td>
<td></td>
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<tr>
<td>H</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Source: A.O.T.: Con 15; Con 18; Con 27; Con 40; M.M. 33; C.S.O. 1; C.S.O. 5. M.L.: T.P. 4, D4, 10, 11, 21-30, 34, 143 & 206. N.S.D.G., pp. 345-844; 1472-1614.

Beneficiaries of this policy included settlers like George Meredith, who kept a select dairy herd on his farm at Great Swan Port. Among the women assigned to Meredith over the years were dairymaid Phillis Cook, farmservant Mary Wilkinson, who could milk and make butter, and dairywoman Ann Dury.77 George Burn, a farmer in the Coal River district received Mary Scott, a farmservant, who could milk and make cheese in response to his application in 1829 for a dairywoman.78 Burn had several other women with dairying skills assigned to his service in subsequent years, including: Norah Hayes a countryservant who could milk; Ann Edwards a dairymaid;

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76 Rural areas are here defined as all those outwith the vicinities of Hobart and Launceston. Settlements like Richmond, Campbell town and Perth were townships, providing market and administrative centres for their respective rural district. The urban/rural distinction used here is to some extent false. A considerable amount of farming went on in and around Hobart and Launceston throughout the period. It is likely therefore that some of the farmservants and dairyworkers assigned within Hobart and Launceston were using their skills.


78 'List of Approved Applications for Female Convict Servants', M.L., T.P. 28. Mary Scott per Lady of the Lake, no. 1528, N.S.D.G., ref. 1651.
who could make butter and cheese; Lucy Clements a farmservant who could milk and make butter; and Maria Middleton, a dairywoman.\textsuperscript{79} James Gordon of Pitt Water also fared well from the rural distribution of convict women with dairying skills. An early entrepreneur in the highly profitable colonial dairy industry he evidently owed much of his success to female convict labour.\textsuperscript{80} At least six of the female convicts assigned to Gordon on their arrival in the colony were, as table 6.4 details, skilled at dairy work.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1826</td>
<td>Margaret Hill</td>
<td>Dairymaid</td>
</tr>
<tr>
<td>1827</td>
<td>Hannah Norman</td>
<td>Farmservant Make butter and cheese</td>
</tr>
<tr>
<td>1829</td>
<td>Mary Ann Marshall</td>
<td>Farmservant Milk</td>
</tr>
<tr>
<td>1830</td>
<td>Jean McGregor</td>
<td>Farmservant Milk, churn &amp; make butter</td>
</tr>
<tr>
<td>1833</td>
<td>Sarah Jones</td>
<td>Farmservant Milk, make butter &amp; cheese</td>
</tr>
<tr>
<td>1835</td>
<td>Maria Randall</td>
<td>Farmservant Milk, make butter &amp; cheese</td>
</tr>
</tbody>
</table>

Table 6.4: Female Convicts Assigned to James Gordon, Dairyfarmer

Settlers like Thomas Lascelles of New Norfolk, William Kearney "the Squire of Richmond" and Silas Gatehouse of Pitt Water were among the many other colonial farmers and landholders who were allocated female convict farm labour.\textsuperscript{81}

Finally, the occupations and skills of some convict women resulted in their assignment to the colonial state. The selection of convict women for public sector employment in the colonial hospitals, convict nurseries and orphan schools was far from arbitrary. Ann Martin's case is indicative. On her arrival in Van Diemen's Land in 1833, the Principal Superintendent of Convicts recommended that Martin should;


\textsuperscript{81} Godwin describes Lascelles as the owner of "a very extensive grazing farm". ibid, p. 12. Kearney was the son of Catherine Kearney, the first successful dairyfarmer in the colony. A "prosperous land owner", William owned several estates in the colony by the late 1820s. His main estate, Laburnum Park, was in Richmond district. John Rowland Skemp, Letters to Anne (Melbourne University Press, Carlton, Victoria, 1956), pp. 25-27. Gatehouse farmed in Sorell District and at Grindstone Bay, and was one of the largest landholders in the colony by 1821. D. Pike (ed.) Australian Dictionary of Biography, Volume 1, pp. 428-429.
"be reserved for the use of the Female House of Correction as Midwife and Headnurse, she being in possession of a satisfactory testimonial of her having acted in that capacity in England".82

Other women with nursing skills were assigned to work in the colony's hospitals. Sarah Rafferty, a sick nurse, and Ludlow Tedder, a hospital nurse were both assigned to work in the hospital ward at the Female House of Correction.83 Many women sent to the state-run Orphan Schools likewise had occupational backgrounds which made them well suited to their colonial assignments: Ann Pike was a school mistress; Jean Ritchie a children's maid; Elizabeth Shingler a midwife; and Jane McPherson had been the Matron of a Foundling School.84

Convict tradeswomen were also allocated to the Orphan School. In early 1830, for example, Eliza Jones who could "plait and manufacture bonnets" and Eleanor Jones who could plait, were both transferred from the Female House of Correction to the Orphan School in response to a request for female convicts to make straw-bonnets for the children.85 A third of the eighteen strong female workforce at the School in 1835 were convict needlewomen and tailoresses.86 These women presumably fulfilled a dual function: making and mending the children's clothing and, as the allocation of tambour worker Christian Stewart to the institution in 1829 indicated, also training a new generation of female labour.87 A substantial convict labour force composed both of domestic servants and of tradeswomen was therefore responsible for the daily maintenance and training of the several hundred children being reared in the Orphan Schools at any given time.

The assignment of female convict labour was clearly far from the "giant lottery" of traditional historical accounts. The image of an ad hoc, disorganised female convict

85 Eliza Jones per Harmony, no. 58J; Eleanor Jones per Borneo, no. 57J: A.O.T., C.S.O. 1/365/8341.
86 P.R.O., H.O. 10/50.
87 Christian Stewart or Ranken per Lady of the Lake, no. 154S, M.L., T.P. 28. See chapter four, p. 143.
system driven by masculine sexual desire is at odds with the evidence. The detailed recording of convict occupational data reveals a growing concern with the efficiency of female skill allocation, with the state developing more complex mechanisms of allocation as demand for assigned female labour expanded and diversified from the mid-1820s. These mechanisms generally delivered - employers normally received female convict workers suited to their needs. By thus maximising the efficiency of the female convict labour market the state in Van Diemen's Land ensured that their many skills were not "squandered".

The Economic Value of Female Convict Labour.

Historians of early Australia are almost unanimous that female convict labour made a negligible contribution to colonial economic development.88 Some, indeed, have gone so far as to suggest that the women were an economic burden.89 This low evaluation presents an immediate conundrum: why, if their labour was of such limited value, were these workers in such demand in Van Diemen's Land? Only a small minority of employers had the financial means to maintain non-productive servants for purely status reasons. The costs of convict labour to the employer were significant.90 The colonial government set minimum food and clothing rations which every employer of assigned convict labour had to provide. Many provided extras over and above this ration as an incentive to work.91 Widespread colonial demand for female convict servants suggests, therefore, that settlers regarded their labour as essential and valuable.

90 The annual rationing cost for a convict worker in Van Diemen's Land was estimated at £22. 15s in 1837. It was claimed, however, that most employers provided convicts with more than the ration - increasing their costs by a further 25%, on average. Dr Turnbull, Van Diemen's Land, 'Minutes of Evidence taken before the Select Committee on Transportation', Parliamentary Papers, XIX (1837), p. 267.
91 The Cottons, for example, gave their convicts 'gifts' of money, food, tobacco and clothing. Anna Maria Cotton ordered 'merino turnovers for the necks' of her convict maids and silk handkerchiefs for the men. The women were also given money to spend on bonnets, ribbons and lace. Frances Cotton, 'Home Life in Van Diemen's Land', Tasmanian Historical Research Association, Papers & Proceedings, Volume 21, no. 4 (December 1974), p. 178.
Table 6.5: Rations for Female Assigned Servants, V.D.L.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Item</td>
<td></td>
<td>Item</td>
<td></td>
</tr>
<tr>
<td>Flour</td>
<td>8lbs, 8 oz</td>
<td>1 cotton gown</td>
<td>10sh</td>
</tr>
<tr>
<td>Meat</td>
<td>5lbs, 4 oz</td>
<td>2 bed gowns/jackets</td>
<td>10sh</td>
</tr>
<tr>
<td>Tea</td>
<td>3 oz</td>
<td>3 shifts</td>
<td>15sh</td>
</tr>
<tr>
<td>Sugar</td>
<td>1 lb</td>
<td>2 flannel petticoats</td>
<td>£1.8sh</td>
</tr>
<tr>
<td>Salt</td>
<td>1.5 oz</td>
<td>2 stuff petticoats</td>
<td>17sh</td>
</tr>
<tr>
<td>Soup</td>
<td>4 oz</td>
<td>3 pairs shoes</td>
<td>£1.2sh.6d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 calico caps</td>
<td>4sh.6d.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 pairs stockings</td>
<td>12sh.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 neck handkerchiefs</td>
<td>6sh.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 check aprons</td>
<td>6sh.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 bonnet</td>
<td>7sh.6d.</td>
</tr>
<tr>
<td><strong>Total cost of clothing:</strong></td>
<td></td>
<td><strong>£6.18sh.6d.</strong></td>
<td></td>
</tr>
</tbody>
</table>


Historians who dismiss the utility of female convict labour have based their case on two flawed assumptions: that the women laboured solely within the home, and that this domestic labour was non-essential and non-productive. This type of account is deeply problematic. It relies upon a narrow conception of the 'economic' sphere in which only those forms of labour which unequivocally create 'exchange values' are regarded as 'productive'. Women's work within the non-market household sphere is consequently regarded as 'non-productive'. The belief that domestic labour fails to create 'value' underpins the assumption that female convict labour was marginal to colonial economic development.

A re-evaluation of the colonial economic contribution of convict women's labour is long overdue. The received interpretation is open to attack on two fronts. Firstly, as the preceding outline of the female convict labour market revealed, significant numbers of convict women were, contrary to previous assumptions, assigned to valorised 'productive' sectors of the colonial economy. Their labour was, in other words, engaged in the creation of 'exchange values' for the market. Secondly, female convict household labour was by no means a 'non-essential' luxury, but a critical factor in colonial economic development. A rich revisionary literature on the value and function of domestic labour supports this contention.92

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92 See, for example: Bonnie Fox (ed.) Hidden in the Household. Women's Domestic Labour Under Capitalism (The Women's Press, Ontario, 1980); Susan Himmelweit, 'Domestic Labour' in John
The notion that convict women were, when employed at all, assigned solely within the colonial household, is based on the belief that the structure of the colonial economy demanded a largely male workforce. Thus Dixson argues that the low status colonial women suffered was attributable to the demand for male labour in the key industries of whaling, sealing and pastoralism.\(^93\) The colonial economy has been repeatedly represented as a 'man's world'. This draws in part upon the image of the Australian bush as harsh and uninviting, demanding heavy, physical, and therefore male, forms of labour. Thus, Nicholas and Shergold assert that the predominantly male sex profile of the convict workforce transported to New South Wales was uniquely suited to colonial requirements. They stress the need for tasks such as "road building, land clearing, ploughing, sawing, stonecutting and hauling" in early colonial Australia, and, on this basis, they contend that demand was overwhelmingly for physical, and therefore, by extension, male labour.\(^94\) While these activities, and the industries which Dixson lists, were undoubtedly of real importance to colonial economic development, there were, however, many other areas of importance which do not so readily fit this masculine 'physical' image.

Convict Women and Colonial Manufacturing.

Colonial manufacturing is a case in hand. The economic growth of Van Diemen's Land, and of Hobart in particular, included, even required, development of a significant colonial manufacturing sector.\(^95\) Import substitution was central to this. As a result of this sector's development and diversification settlers' consumer needs were increasingly met within the colony itself. By the 1820s, a growing urban workforce was producing a wide variety of household consumer items ranging from earthenware pots to food, beverages, soap, candles, tools, footwear and clothes. This was reflected

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\(^94\) S. Nicholas and P. Shergold, 'Convicts as Migrants', p. 52.

in both Hobart and Launceston by a proliferation of shops, including specialist retail outlets. Although the colony's main income from trade continued to come from the pastoral and agricultural sectors, earnings from exports of manufactured goods increased in importance in this period. Female convict tradeswomen assigned to colonial manufacturers clearly contributed to these developments.

Some private attempts to establish larger-scale units of production in the colony were also made in this period, including several aborted schemes for cloth manufactories. In 1828, for example, The Tasmanian reported that "two young gentlemen" had begun a "coarse woollen manufactory on a moderate scale" in Hobart. The absence of further reports suggests its life-span was short. At least one colonial entrepreneur regarded female convict labour as an advantageous asset to such a scheme. In 1827, George Walker applied for convict weavers and spinners for a planned woollen manufactory in George Town, a joint venture with the colonial government. He applied for authority to employ the women in the George Town House of Correction to spin yarn. Governor Arthur agreed but cautioned the Commandant at Launceston not to employ all of the women in Walker's service. Various arguments ensued about such details as the price to be paid to Government for each skein of yarn produced. There is little evidence indicating that Walker's manufactory was successful. Wool was being spun in the George Town Female House of Correction in 1827, but entirely under state auspices.

Large-scale, state-run manufacturing ventures had more success than private ones. The Female Houses of Correction doubled throughout their history as places of punishment and production. They offered potential economies of scale and facilities for labour supervision of which the colonial government sought to make productive use. As early as 1810 it was reported that women convicts in the colonial gaol were engaged in preparing flax, hemp and wool, which they then manufactured into coarse linen, canvas and blankets. This material might, Oxley observed on his visit to the colony, potentially be used both for convict clothing and to provide sails for colonial vessels. The manufactory was, however, in Oxley's opinion, deeply inefficient; "the

97 The Tasmanian, April 4 1828.
98 A.O.T., C.S.O. 1/118/2955.
articles", he noted, "could be purchased at 100 percent cheaper in the market". Attempts to use the Female House of Correction as a productive unit nevertheless continued. In the early 1820s, women confined at Hobart were employed washing, mangling, doing needlework and spinning flax. A worsted spinning yard was in use in 1825, and the yarn produced was made into stockings by a group of inmates assigned to knit. The House of Correction at George Town was used for similar purposes - when it was closed down in 1829 a range of tools and machinery for spinning wool and manufacturing cloth were transferred to Hobart.

The productive potential of the Houses of Correction increased greatly when new buildings were opened in Hobart in 1829 and Launceston in 1832. These contained more space and included specially designated working yards and cells. Over the course of the 1830s female inmates in both institutions were engaged in productive activities, including making slop clothing for convicts; knitting stockings; spinning and weaving flax, hemp and wool; picking oakum and horsehair; needlework; and laundrywork. The dual function of the institution periodically caused conflict between punitive and productive considerations. In 1832, for example, Arthur twice refused permission for a mangle to be provided for the laundryworkers in the Hobart institution. While this would have increased their output it would have diminished their labour, which, Arthur considered, would not be "conducive to the operation of the place as a punishment". A similar conflict of interests emerged when Arthur ordered the spinners to be taken off a system of task-work introduced to increase their efficiency.

The Female Houses of Correction were far from successful as productive units. Chief among the problems was the women's resistance to attempts to impose more efficient work regimes, adopting tactics from rioting to striking to wetting yarn with intent to defraud the task system. Other problems, including periodic lack of supplies and

101 ibid, p. 221.
103 A.O.T., C.S.O. 1/162/3883.
104 A.O.T., C.S.O. 1/19/340.
108 On October 2 1823, for example, at least 19 of the 43 convict women confined in the Hobart House of Correction were punished for "wetting the yarn spun by (them) with intent to defraud by increasing its weight and thus make (their) work less". They were: Ellen Stewart per Friendship (1818), no. 11S; Ann Donavan per Maria (1818), no. 27D; Mary Williams per Maria (1818), no. 15W; Margaret Morgan per Elizabeth (1818), no. 27M; Ann Diggons per Lord Wellington, no. 29D;
gross overcrowding, affecting both institutions, exacerbated the situation. Consequently, the women frequently appear to have done very little work of any kind. They, nevertheless, worked intensively at certain periods. In 1829, for example, Assistant Surgeon Bryant complained that the women employed at spinning in the House of Correction were practically barefoot because the "constant motion which this operation requires" destroyed their shoes.\textsuperscript{109} Returns of labour from the House of Correction, such as the one detailed in table 6.6, confirm that, while full efficiency was regularly thwarted, the women were, nevertheless, commonly engaged in productive labour.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|c|}
\hline
\textbf{Table 6.6: Return of Labour performed at the Female House of Correction, Hobart, January 1 1843 to February 28 1843.} & & & \\
\hline
\textbf{Spinning} & Picked & Carded & Spun & Yarn Peeled \\
1428lbs & 1351.8lbs & 1351.8lbs & 1351.8lbs \\
\hline
\textbf{Blankets} & Woven & Scoured & Mattéd & Roughed \\
165 & 110 & 110 & 110 \\
\hline
\textbf{Clothing (manufactured)} & Trousers & Waistcoats \\
2500 pairs & 100 \\
\hline
\textbf{Washing} & Blankets & Rugs & Sheets \\
2338 & 636 & 1171 \\
\hline
\textbf{Hammocks} & Bedding & Clothing \\
630 & 372 & 1445 \\
\hline
\textbf{Oakum} & Picked & Picked \\
1428lbs & 200lbs \\
\hline
\end{tabular}
\end{table}

Source: A.O.T., C.S.O. 22/50.

The spinning workshops at the Hobart Female House of Correction were linked, for a period, to a larger, highly productive, state-run manufacturing venture. The yarn

Catherine Grady per Lord Wellington, no. 21G; Sarah Collins per Janus, no. 9C; Mary Ann Davis per Janus, no. 17D; Lydia Hines per Providence (1821), no. 47H; Mary Ann Kelly per Providence (1821), no. 30K; Maria Smith per Providence (1821), no. 49S; Mary Taylor per Providence (1821), no. 19T; Elizabeth Boucher per Mary Anne, no. 60B; Elizabeth Pascoe per Mary Anne, no. 15P; Mary Robinson per Mary Anne, no. 28R; Janet or Jesse Anderson per Lord Sidmouth, no. 20A; Hannah Bell per Lord Sidmouth, no. 63B; Isabella Hills per Lord Sidmouth, no. 54H; and Deborah Saunders per Lord Sidmouth, no. 61S. A.O.T., Con 40; P.R.O., H.O. 10/44. Other protests occurred with relative frequency throughout the period. In December 1828, for example, convict women confined with their infants in the nursery yards of the Hobart House of Correction staged a strike. A.O.T., C.S.O. 1/358/8215. There were also a number of riots in both the Hobart and Launceston institutions. For details on some of these, see: A.O.T: C.S.O. 1/1/6; C.S.O. 1/365/8341; C.S.O. 5/109/2456; C.S.O. 22/50.

\textsuperscript{109} A.O.T., C.S.O. 1/365/8341.
produced by the women was, from 1825-1832, shipped to the penal settlement at Maria Island, off the east coast of the colony. There, the yarn was made into cloth by male convicts in the settlement's large woollen mill, and then into prison clothes and blankets.\textsuperscript{110} The colonial government made an estimated £2000 per annum in revenue from this cloth factory and the contribution which female convicts made to this was taken seriously.\textsuperscript{111} In 1829, Joseph Haigh, an overseer at the Maria Island factory, travelled to Hobart to train the women in the House of Correction. He left optimistic that the women could produce the 300lbs of yarn a week required to keep the looms on Maria Island busy.\textsuperscript{112} The penal station at Maria Island was closed in 1832 but attempts to set the women confined in the House of Correction to productive activities continued. With this in mind, a number of additions were made to the Hobart building: a blanket manufactory and water-powered Fulling Mill were established alongside the institution, and, in the late 1830s, a weaving shed was opened.\textsuperscript{113}

**Convict Women and Colonial Agricultural Production**

Colonial agriculture has been repeatedly and particularly represented as an overwhelmingly male sector. Their absence from the subsequent historical record of rural development would, however, have surprised many colonial women, convict and free. Some women owned and ran farms in Van Diemen's Land.\textsuperscript{114} Mary Meredith, for example, managed the family farm at Great Swan Port, on an isolated part of the east coast, during her husband's frequent business trips to Hobart.\textsuperscript{115} Others were responsible for the development and expansion of important sectors of the colonial agricultural economy. A woman, Catherine Kearney, laid the foundation of the colonial dairy industry.\textsuperscript{116} If these women were exceptional, the numerous wives and


\textsuperscript{111} ibid, p. 173.

\textsuperscript{112} A.O.T., C.S.O. 1/365/8341.

\textsuperscript{113} A.O.T., C.S.O. 1/752/16175.


\textsuperscript{115} Sharon Morgan, 'George and Mary Meredith: The Role of the Colonial Wife', *Tasmanian Historical Records Association, Papers & Proceedings*, Volume 36, no. 3 (September 1989), pp. 125-129.

\textsuperscript{116} Catherine Kearney, a widow, arrived in Van Diemen's Land from Norfolk Island in 1807. By the early 1820s she had cornered the Hobart dairy market, establishing herself as the "dairywoman of Hobart Town" in a period when milk, butter and cheese were extremely scarce in the colony. John Rowland Skemp, *Letters to Anne*, pp. 19-23.
daughters who contributed daily to the success of family farms in the colony were not.\textsuperscript{117}

The activities of free women in the agricultural sector indicate that, despite emerging ideologies of gender, there was no uniform exclusion of colonial women from outdoor rural labour. It is, therefore, highly unlikely that colonial employers regarded female convicts, already supposed 'degraded' by virtue of their criminality, as unfit for agricultural labour on the grounds of their sex. The structure of the agricultural sector was, moreover, conducive to the employment of female labour. The colony's farming sector, far from being solely pastoral, was diversified. Many activities undertaken on colonial farms were, following British practices, suited to female employment.\textsuperscript{118}

Rates of female employment in nineteenth-century agriculture tended to be determined as much by practical considerations as ideological constraints. The availability of male labour was a critical factor. Thus, female farm and field workers continued to be employed in large numbers in north-east England despite increasing ideological disavowal of the practice. The fact that Van Diemen's Land suffered from a shortage of male agricultural labour in Van Diemen's Land throughout the period under study,\textsuperscript{119} therefore increased the incentive for colonial farmers to employ female convicts. Finally, the relatively low technological level of the colonial agricultural sector - particularly the prolonged use of the hoe and the sickle - created conditions which further facilitated the use of female farm labour.

\textsuperscript{117} Sharon Morgan, \textit{Land Settlement in Early Tasmania}, pp. 27-30.


\textsuperscript{119} Male convict labour was particularly in demand at harvest, and many colonial farmers were therefore forced to depend on an uncertain system whereby the state temporarily 'loaned' them male convict workers with appropriate rural skills from the punishment gangs. Anne McKay, 'The Assignment System of Convict Labour in Van Diemen's land, 1824-1842', unpublished M.A. Dissertation, University of Tasmania (1958), p. 177. The shortage of male farm labour in the colony pushed up their wage rates throughout this period. This affected employers of convict labour who found it necessary to pay wages either in cash or in the form of extra rations. R.M. Hartwell, \textit{The Economic Development of Van Diemen's Land, 1820-1850} (Melbourne University Press, Carlton Victoria, 1954), p. 89. George Hobler's experience of convict harvesters in Van Diemen's Land is illustrative. His diary entry for January 29 1827 records: "Tate and Smith the two men from the chain gang came to assist, found them good reapers but not disposed to work without extra pay so agreed to give them 7sh. per acre for all they cut". George Hobler Diaries, M.L., C. 422.
Although wool production dominated from the 1820s onwards, and brought substantial profits for those involved, the colony's second major export trade was in wheat and flour. In addition, an increasingly wide range of vegetables and fruits were cultivated for the market, both domestic and export, as market gardening became established. A growing number of settlers established specialist gardens and orchards from the 1820s onwards, producing items from apples to medicinal herbs. Encouraged by the success of these farms and assisted by a growing number of agricultural and horticultural societies, settlers introduced numerous varieties of fruit and vegetable. Colonial farmers were therefore experimenting with an ever-greater range of crops in this period. The various attempts made to cultivate hops in the 1820s were even sponsored by the colonial state. Hops became an important colonial crop whose success by the late 1820s stimulated the local brewing industry. Hop farmers traditionally employed female harvest labour in Britain and evidence suggests that this was also the case in the colony, where women were engaged at picking and tying bundles of the crop. Finally, an enlarged domestic market, particularly in Hobart, provided a lucrative outlet for the sale of such 'everyday' products as meat, milk, butter cheese and eggs. In response, a growing number of settlers began to maintain poultry and pig yards, and to establish and improve dairy herds.

Many of these production sectors were not only conducive to the use of female labour, but were commonly the preserve of colonial women. Van Diemen's Land's women were normally responsible for the transportation and sale of produce such as eggs, butter, cheese, fruit and vegetables in the various district markets. In Britain, the dairy, pig and poultry yards and the garden were all areas traditionally managed and maintained by women. The colony's female convict workers were therefore much more likely to have the requisite skills and experience for these activities than their...

120 Sharon Morgan, Land Settlement in Early Tasmania, pp. 82-87. One of the most important of these farmers, George Weston Gunning, was assigned several female convict farmworkers in the period. By the late 1820s, Gunning had established a substantial fruit farm and was also experimenting with hops, a highly successful crop in the colony by the end of the decade. D. Pike (ed.) Australian Dictionary of Biography, Volume 1, pp. 102-103. Godwin, Emigrant's Guide to Van Diemen's Land, p. 11.
121 Sharon Morgan, Land Settlement in Early Tasmania, pp. 84-85.
male counterparts. Dairying, although gradually shifting to a male workforce, remained in the hands of women in Britain throughout the early nineteenth century. Colonists who sought to establish and develop dairy farms in this period were therefore particularly reliant on female knowledge and expertise. The regular assignment of convict dairywomen to employers like James Gordon, George Burn and George Meredith confirms that female convicts with appropriate skills were deployed in this area of colonial production. Other settlers well-known for their success in producing butter, cream and cheese likewise received female convict dairyworkers. They included John Young, a farmer in the River Ouse district, who was marketing substantial quantities of butter by the mid-1830s, of such high quality that it was "acknowledged to be the finest flavoured in the colony". Young's success was no doubt due in considerable part to the expert knowledge of female convict workers like Margaret McKay, a farm servant who could milk, make butter and cheese, and who was assigned to Young's service during this period. Neither was the participation of convict women in this sector of the colonial economy confined to assignees. Thus in 1829, David Lane, the husband of convict Hannah Whitely, petitioned Arthur for her release from the House of Correction where she was serving a 28 day sentence for "being drunk and found after hours in a house of ill-fame". Lane insisted that her return to his farm was of the utmost urgency because, he explained, "she has the charge and management of a Herd of milking cattle belonging to your petitioner at Pittwater...and your petitioner will suffer great loss and injury if his said wife is taken from him for the said space of one month".

The sheer diversity of the agricultural sector in Van Diemen's Land undercuts any image of colonial farming as solely reliant on (male) "muscle power". There were multiple tasks suited to women workers. There was, for instance, nothing about the nature of sowing, reaping, weeding, pruning, stone gathering, turnip and potato hoeing, feeding stock, gardening or fruit picking which precluded the employment of


126 *Bent's News*, April 2 1836.

127 Margaret McKay per *Mellish*, no. 120K, P.R.O., H.O. 10/50.


129 S. Nicholas & P. Shergold, 'Convicts as Migrants', in S. Nicholas (ed.) *Convict Workers*, p. 52.

130 James Gordon's farm illustrates the diversified character of the colonial agricultural sector and the considerable scope which existed for colonial farmers to use female labour. In addition to his substantial dairying interests, Gordon also marketed substantial amounts of cured bacon, grew wheat, peas, and potatoes, and due to the success of his extensive apple orchard produced large quantities of cider by 1830. Sharon Morgan, *Land Settlement in Early Tasmania*, p. 105. D. Pike (ed.) *Australian Dictionary of Biography*, Volume 2, pp. 458-459.
women. Some of these activities were central to the financial survival of colonial farms. Kitchen gardens, for example, provided a source of food that was often crucial to household subsistence. "Prudent colonists" in Van Diemen's Land consequently "lost no time in beginning their gardens". Indeed, so important was the colonial garden that one emigration guide advised new settlers to turn their first attention to establishing one.

The two "muscle power" tasks which Nicholas and Shergold cite - land clearance and ploughing - to account for the disproportionate demand for male labour in rural work, are also themselves problematic. Land clearance was certainly a fundamental early task of colonial farmers. By its nature, however, it was neither a continual, nor after the initial stages of settlement a central, farming activity. Ploughs were not generally used in Van Diemen's Land until well into the assignment period. There was a shortage of workshops manufacturing agricultural machinery in the colony. This problem, combined with the fact that tree stumps and roots were commonly left in the ground when land was cleared, meant that the plough was only available to, and suitable for, a minority of the colony's farmers. Until the 1830s most ground in Van Diemen's Land was therefore broken up by the hoe, a task which female convict farmworkers were not only capable of doing, but one which women commonly performed in Britain. The gradual transition from the hoe to the plough over the course of the 1830s may have marked a shift from female to male convict farm labour in grain production.

Finally, the relatively low technological level of agriculture in Van Diemen's Land throughout this period combined with the shortage of male labour also facilitated the employment of female labour at harvest. The colony was criticised for its "slovenly

131 Sharon Morgan, *Land Settlement in Early Tasmania*, p. 91.
133 S. Nicholas & P. Shergold, 'Convicts as Migrants', in S. Nicholas (ed.) *Convict Workers*, p. 52.
134 It is, however, by no means certain that female convict workers were not employed at this task. Convict women at Moreton Bay were employed in clearing and breaking up land for cultivation. Tamsin O'Connor, 'Power and Punishment: The Limits of Resistance. The Moreton Bay Penal Settlement, 1824-1842', unpublished B.A. (Hons.) dissertation, University of Queensland (1994), p. 109.
136 Boserup argues that the "advent of the plough usually entails a radical shift in sex roles in agriculture; men take over the ploughing even in regions where the hoeing had formerly been women's work". Esther Boserup, *Women's Role in Economic Development* (George Allen & Unwin, London, 1970), p. 33.
mode of tillage" as late as the 1840s. The good quality land and resulting high yields meant that many settlers felt little compulsion to improve their farming methods. Farm machinery only became more common in the 1830s as farmers attempted to circumvent labour shortages. Mechanical threshers and reaping machines were gradually introduced. Tools and farm machinery remained difficult to obtain in the colony; emigration guides continued to recommend that prospective settlers bring them from Britain. Harvesting, throughout the 1820s and into the 1830s, was, as a result, predominantly done by sickle. The scythe was used, but less frequently. Sickles were commonly used by women in Britain, and female workers using them were extremely efficient harvesters. One contemporary British observer recorded:

"with a sickle a women is as efficient a worker as a man; indeed, what is called a maiden ridge of three young women, will beat a bull-ridge of three men, at reaping any sort of corn, on any given day".

Female convict farmworkers were, therefore, again at least as likely as the men to have the necessary skills and experience to be a useful part of the colonial harvest labour force. Even as colonial harvesting techniques became more sophisticated, their labour remained useful. Although cutting was a predominantly male task in

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138 ibid, pp. 129-130.
139 Sharon Morgan, Land Settlement in Early Tasmania, p. 79.
143 Alan Atkinson argues that women were rarely involved in harvesting in New South Wales in this period despite the use of the sickle. Farmers in the colony, he notes, believed that the sickle "was too hard to handle and too dangerous for a woman" and so were unwilling to employ female labour although this policy reduced their labour pool. Alan Atkinson, Camden. Farm and Village Life in Early New South Wales (Oxford University Press, Melbourne, 1984), pp. 88-89. There is evidence, however, that women were employed as harvesters in New South Wales. James Tucker's fictional convict Ralph Rashleigh, for example, describes how in many parts of New South Wales in this period it was "far more common to meet a young woman...who could reap her acre of wheat a day than one who could make a shirt". Tucker had himself been a convict in New South Wales. James Tucker, Ralph Rashleigh (First published 1845; reprint The Folio Society, London, 1977), p. 130. (My thanks to Tina Picton-Phillipps for this reference).
144 Female convicts with these skills may indeed have been able to maintain themselves during periods of absence by obtaining paid farm work. Catherine Fitzgerald absconded from her assigned employer in December 1827. She was eventually apprehended by Constable Ayton in mid-January.
those areas of Britain where the scythe was used, women were still employed to gather and bind, and continued to do so with the advent of harvest machinery. It seems highly likely, therefore, especially against the background of continuing male labour shortages, that colonial farmers continued to use their available female convict farmworkers during harvesting, even on the small number of farms where scythes were used, and despite the gradual transition in the 1830s from sickles and scythes to machinery.

**Convict Women, Production and Reproduction.**

"...the determining factor in history is, in the first instance, the production and reproduction of immediate life...On the one side, the production of the means of subsistence, of food, clothing and shelter...; on the other side, the production of human beings themselves...".145

"A mode of production can only be adequately conceived at the level of its production over time, its continuous production, that is, its reproduction".146

Despite the variety evident in female convict colonial work patterns, the majority of convict women were undoubtedly assigned everyday, mundane domestic chores within colonial households. Like other groups of household workers, there is little historical record of this work. There are, however, ways to piece together accounts of their labour. Complaints regarding the shortage of female labour in the colony are useful. *The True Colonist*, for example, detailed the tasks which, due to the shortage of female labour, were currently undertaken in some households by men;

"Scarcely a family do we go into, but we hear bitter complaints of the want of female servants, and see nothing but men for cooks, men cleaning and scouring the house, men nursing children, men washing, and not infrequently men making beds".147

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1828, "reaping in a field on the farm of John Levingstone at Glenorchy". Catherine Fitzgerald per Sir Charles Forbes, no. 56F, N.S.D.G., ref. 1130.

145 Frederick Engels, *The Origin of the Family, Private Property and the State*. (First published Zurich, 1884; reprint Foreign Languages Press, Peking, 1978), p.4


147 *The True Colonist*, February 16 1835.
Settlers' diaries and letters provide another useful source. Ellen Viveash provided a detailed description of the tasks she expected done. "The female servant is come", she wrote to her mother in England, and;

"I am agreeably surprised with what I have yet seen...She is an excellent washer and not slow. Her washing will earn her keep and cloaths...She says she can cook in a plain way...sew in a plain way and does not dislike working on the whole".148

Viveash evidently required a maid-of-all-work. Other employers undoubtedly made similar demands. Elizabeth Fenton, for instance, required two convict servants to clean the house and furniture and generally make ready the family's new home in Macquarie Street, Hobart.149 At other times she sought convict nursemaids to care for her young child and employed a convict to cook.150

Colonial court records provide an unexpected but useful indication of some of the household work performed by female convict workers. Employers bringing an assigned servant before a magistrate sometimes detailed the work the woman had refused, or in some way failed, to do. Sarah Marsh was ordered to bring the tea things in; Ann Isabella Hall to prepare breakfast; Elizabeth Pritchard to wash her employer's children; Mary Ann Woodcock to "pull some turnips" from the garden; Eliza Toybin to cut some meat; Wilhelmina Lauder to clean out a room; Sarah Wilson to light a fire; and Mary Ann Mullins to do the laundry.151 Other women had been ordered to clean windows, do needlework, nurse or watch the children, clear tables, and make beds.

The colonial household was a site of strenuous, intense labour. Female convict servants were in demand because the tasks involved in daily household reproduction were commonly beyond mere family resources. This varied according to the location

150 ibid, p. 355, 371 & 386.
of the household; its economic function; and its number of dependants. Many rural households were required, through isolation, to operate almost as self-sufficient units. Female convict servants were therefore needed to assist with the household production of a diverse range of everyday articles. Food was generally grown, pickled, cured, preserved and cooked within the household itself. Elizabeth Fenton was dismayed, on her arrival at the family farm at Fenton Forest, to find that fresh dairy products were unavailable locally and that even the family's bread would have to be daily prepared at home.\textsuperscript{152} Ellen Viveash, facing similar problems, struggled to make the family's own butter and, despite some limited success, she was forced to concede; "we now make only about half enough...for what we could consume".\textsuperscript{153}

A wide range of other items from cloth, clothes and candles to soap, beer and footwear were domestically manufactured.\textsuperscript{154} As a result, there was a substantial demand from rural settlers in both penal colonies for convict labour with manufacturing abilities and skills.\textsuperscript{155} This accounts for the assignment of convict tradeswomen such as dressmakers, needlewomen and shoemakers to the rural sector in Van Diemen's Land. Their assignment also reveals the multiple links which existed between the reproductive and productive spheres of the colonial economy. In many rural households the line between these two spheres was invisible.

A similar overlap between production and reproduction can be identified in the many urban colonial households which doubled as family homes and as manufacturing/retail outlets. These types of households figure frequently in the assignment and appropriation records suggesting that their economic structure demanded a substantial amount of domestic help. As seen, female convict servants were regularly assigned to employers like Anthony Fenn Kemp, Ann Bridger and Theophilus Lightfoot. It is unlikely that there was a firm division between the domestic and economic activities of such households. Thus, convicts assigned to Ann Bridger clearly performed a dual function by cleaning, cooking and maintaining a household which was both family home and hotel. The same observations apply to convict women assigned to employers running private schools which operated from family homes.

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\textsuperscript{152}Elizabeth Fenton, \textit{The Journal of Mrs Fenton}, p. 386.
\textsuperscript{153} Letter from Ellen Viveash to her mother, dated May 4 1834, in Pamela Statham (ed.) \textit{The Tanner Letters}, p. 83.
\textsuperscript{154} Frances Cotton, 'Home Life in Van Diemen's Land', pp. 178-180.
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Although indicative, the evidence here is not conclusive. Was Catherine McKay, for example, a nurse and needlewoman assigned to Lightfoot the tailor, employed exclusively in his home; or did her skills and labour also contribute to the success of his business? It is impossible to be certain. Studies of nineteenth-century Britain are, nevertheless, suggestive. Higgs, for instance, notes that middle-class homes in mid-Victorian Rochdale which functioned as manufacturing units and retailing outlets employed larger domestic workforces than those which were simply family residences. He finds it unlikely that "these domestic servants (were) rigorously segregated from the productive activities of such households". Even in those colonial households where such a rigorous segregation was observed it is evident that the domestic labour of the female convict servants contributed indirectly to the success of the business by freeing up other household members for market activity. The case of the Mawle family, hotel proprietors at Bagdad is illustrative. Their application for a convict household servant was denied in 1838 as a regulation forbade assignment of female convicts to publicans. They appealed on the grounds that a convict woman servant would not be employed in the business but was required to work in the house because Mrs Mawle found it "difficult to carry on such an establishment (and) give the attention due to her children and a host of other things". Such evidence supports Butlin's contention that the "domestic service employment" of female convicts allowed other colonial women to "engage in market workplace activity".

Much female convict household labour was absorbed in child care, a service high in employers' priorities. Reference was frequently made to this in applications for assigned female labour. James Luckman urgently required help around the house because he had "one infant not yet walking" and a "wife...(who was) heavily pregnant". James Fenton had a young child and a "wife far advanced in pregnancy"; Richard Troy's wife was "quite exhausted" from the care of their five children; and Neils Bastian required "female assistance" to help with the care of his

156 Catherine McKay per Hector, no. 100K, M.L., T.P. 34.
159 Noel Butlin, Forming a Colonial Economy, p. 42.
162 A.O.T., C.S.O. 1/164/3933.
nine children. Female convict servants sometimes provided long-term family care. Charlotte Biddlecombe, for instance, was recommended for a pardon by Mr Bethune, her colonial employer, after a long period of service caring for his children, "the whole of whom", he reported, "she has nursed". Care of the colony's children was an increasingly important task for there was a "profound increase in the number of children per reproductive woman" in both colonies in the first period of settlement. Convict women also provided the labour necessary to maintain institutional child care, as their allocation to the Orphan Schools and convict nurseries indicates. In state institutions and households alike female convict labour was thus deployed in the interests of long-term colonial development, for children were regarded as an invaluable future colonial asset. The colonial press returned repeatedly to the subject of motherhood and sought to encourage the creation and care of a "rising generation pari passu with the wants of the Colony".

Female convict household labour was also absorbed in the daily reproduction of other convict workers. The cooking, cleaning, mending and washing which the women undertook helped to sustain the convict workforce assigned to their employer's household or estate. Sarah Jones, for example, was ordered by her master to "get the men's supper" at the end of the working day, and Jane Beavens spent part of each day "cooking the men's dinner". The often substantial number of workers assigned to wealthier households meant that these tasks were often heavy. Maintenance of the Cotton household required the preparation of daily meals for between fifteen and twenty. Without this the convict labour force would have been less productive, requiring time to attend personally to such tasks. The work performed by female convicts therefore created the conditions for "improved factor allocation" in the colonial labour market. Such household labour facilitated the colonial economic sphere at one remove by ensuring replenished and productive convict workers.

164 Charlotte Biddlecombe per Edward, no. 286B. Letter from Lieutenant-Governor Franklin to the Secretary of State, December 26 1839, despatch no. 89, A.O.T., G.O. 25/8.
165 Noel Butlin, Forming a Colonial Economy, p. 42.
166 This labour also increased the supply of female convicts available for assignment. The Colonial Times welcomed the opening of a nursery ward in the Female House of Correction in 1829 because this facility left the mother "at liberty to go to service". The Colonial Times, January 1 1829.
167 The Colonial Times, August 7 1832. For other examples, see: The Colonial Times, January 12 1827; The Launceston Advertiser, November 30 1829; The Tasmanian, November 12 1830.
170 Noel Butlin, Forming a Colonial Economy, p. 25.
The importance of this labour increased in some households at certain times of the year. Harvest marked a period of intensified activity in rural households. Convict household servants allowed the agricultural convict workforce to concentrate on harvest work. Their domestic labour contributed to more than the basic replenishment of harvest workers. Colonial employers increased the output of their convict labour force in various ways. Cash rewards to harvesters were quite common. Provision of better quality food and drink than the regulated ration was also, however, of great importance. Thus, the Cottons furnished their harvesters with home-made "sugar-beer"; and George Hobler rewarded his with "a haunch of mutton roasted and baked pudding washed down with an abundance of strong grog". Female convicts who could brew, bake and cook were therefore engaged in preparing some of the incentives and rewards which lay at the heart of convict labour management practices.

Female convict labour also fulfilled a reproductive function at an institutional level. The clothing and blankets manufactured in the House of Correction were, for example, issued to the convict workforce. In addition, many of the women confined to the House of Correction were engaged in laundrywork, some for male convict workers employed in the state sector. The clothing and bedding of those assigned to the public works barracks were washed regularly by convict women at the Hobart institution. Washing was also done weekly for the Marine Department, the Military Barracks, the Orphan Schools and the Colonial Hospitals. Women assigned as nurses, washerwomen and cooks to the various colonial hospitals also contributed to the daily care of sick convicts and thus to the refurbishment of the labour force. Their patients were predominantly other convicts, whose future colonial productivity was dependent on the renewal of their health.

Finally, female convict labour was also absorbed in the social reproduction of the colonial dominant class. The large convict domestic staffs assigned to elite households were not primarily there as status symbols, although they may incidentally have served as such. Female convict servants were required to perform the necessary daily labour required for household and class reproduction. The sheer physical size of these households combined with the special requirements of elite social life produced a burden of domestic labour which demanded the attentions of a host of servants. The

172 George Hobler Diaries, March 2 1827, M.L., C. 422.
increasingly grand households and complex lifestyles of the colonial elite were not simply crude displays of colonial wealth but highly visible symbols of class status which served a crucial social function. As such, they were integral to the elite's attempt to construct and legitimate an ideology of class rule in the colony.

The consolidation and expansion of the colonial dominant class was grounded in the rapid economic development of Van Diemen's Land from the early 1820s onwards. Real incomes doubled in the colony between 1825 and 1840.174 For a significant minority of settlers, the dividends of emigration were great: personal accumulation of wealth on a grand scale. The increasingly conspicuous consumption of the colonial elite was both a reflection and a potent reminder of their growing wealth, status and power.

The construction of a new type of colonial home was central to this. Throughout the first two decades of settlement, most colonial dwellings had remained rudimentary and primitive, often little more than simple wooden slab huts. From the early 1820s onwards, a growing number of settlers began to build permanent, two-storey homes, some of them from stone, with increasing attention to design, style, materials, space and location. A distinct colonial architectural style emerged. The face of Hobart was transformed with around a hundred new houses per year constructed in the town between 1820 and 1841.175 Class differentiation within the town became increasingly defined and demarcated by the style and location of a residence. Areas such as Newtown and Battery Point and becoming increasingly synonymous with wealth and status. The streets of such areas were lined by substantial town houses like Stowell, the Hobart residence of Gamaliel Butler, purchased at a cost of £6000 in the 1830s; Dynnyrne House, where the family of Lieutenant Robert Murray, wealthy newspaper proprietor, resided when not at their country estate in Deloraine;176 and Boavista, the "elegant new architectural villa" built for Colonial Surgeon Scott in the 1830s with "castellated bow-windows...and a Byronic mosque".177 Hobart developed over the course of this period into a prosperous colonial capital where "the elite lived in spacious houses, staffed by servants and surrounded by beautiful gardens...").178

175 ibid, p. 106.
A similar process, on an even grander scale, occurred in rural Van Diemen's Land. Imposing country homes were built by those who had secured great pastoral and agricultural fortunes in this period. Some pre-eminent families even built a number of such homes: Panshanger, Woolmers and Brickendon built by the Archers in the 1830s were amongst the "finest colonial houses in Tasmania".179 The "deep gulf of status, property and power" manifesting itself in rural Van Diemen's Land in this period was reflected in the "solid Classical and Georgian homesteads...proclaim(ing) style and confidence" which settlers like the Archers built.180 The Anstey's of Anstey Park, the Carr Clark's of Ellinthorpe Hall, and the McLeod's of Talisker and Claggan were names which likewise conjured up images of great colonial wealth and power.

The élite also marked itself off by the development of separate and distinct patterns of leisure. Government House provided the main venue for colonial balls and dinner parties prior to the 1820s. This was a role it continued to play and on an increasingly grand scale. In 1838, for example, Governor and Lady Franklin issued over a thousand invitations to a ball at Government House to mark the Queen's birthday.181 Elite socialising rapidly developed independently of Government House, however. From the mid-1810s onwards, wealthy settlers like Edward and Maria Lord hosted large, prestigious functions. By the late 1820s, élite social life was intensifying. Balls, dinners, hunting-parties, dances, and elaborate picnics were thrown by an increasing circle of wealthy settlers. In 1836, Jane Williams, married daughter of the Reid's of Ratho, wealthy settlers in the Upper Clyde district, recorded her weekend visit to Woolmers, one of the Archer family homes. She spent an evening watching "a splendid Harp and dancing a Quadrille in the evening with the young ladies...".182 The following morning all concerned "went up to the Cricket Ground where...the gigs and carriages made a gay display".183 Social visiting and the entertaining of frequent house

179 Joseph and Thomas Archer built up great family wealth over the 1820s and 1830s from pastoralism. Joseph imported one of the earliest flocks of merino sheep to the colony in 1820. By the early 1830s he had colonial property to the value of £32,000. Thomas, a state official, owned some 6000 acres of land as early as the mid-1820s. D. Pike (ed.) Australian Dictionary of Biography, Volume 1, pp. 24-26.
183 ibid, p. 31.
guests also became common. The journal of Annie Baxter Dawbin, a member of the northern colonial élite, thus reads like a veritable Who's Who for the Launceston district: with recurrent visits to her home from such prosperous and powerful names as Youl, Archer, Henty, Dry and McLeod.184

Hobart was very much the hub of this social calendar. By the 1820s the town was increasingly characterised by flamboyance and prosperity: a "scene of gaiety and fashion".185 Ellen Viveash was astounded by the conspicuous displays of wealth and status she witnessed there in the early 1830s. "I never saw anything like the Hobart Town extravagance", she wrote to her mother, "one lady walking in the morning with satin shoes! Carriages kept by everyone...".186 Invited to dinner at Government House in 1834, she commented; "I was obliged to have a new dress for the occasion, a pretty silk...".187 One source of the growing demand for female convict milliners and dressmakers is therefore self-evident.

The construction of these elaborate élite lifestyles was integral to the development of an ideology of class rule. Imposing houses, fine clothes and grand social occasions allowed the colonial dominant class to establish and consolidate the fine dividing lines of class and status. They impressed upon the colonial working class, convict, emancipist and free, a critical awareness of the strength and class unity of social distance. Such lifestyles were part and parcel of the creation of a deferential colonial society. These displays of wealth were therefore crucial to the psychology of colonial class rule. The conspicuous "extravagance", upon which even some wealthy colonists commented, also indicates the self-consciousness with which some members of the colonial dominant class displayed their status. Many wealthy settlers had no 'noble' heritage upon which to ground their social pretensions, and a few, like Robert Murray and Maria Lord, were indeed ex-convicts. The consequent fragility of the colonial class structure therefore lent itself at times to crude and self-obsessive exhibitions of wealth and status.188

186 Letter from Ellen Viveash to her mother, dated January 20 1834, in Pamela Statham (ed.) The Tanner Letters, p. 75.
187 ibid, p. 72.
188 Connell and Irving note that wealthy settlers were insulted if 'Esquire' was left off the address of a letter, and that they had "a prickly sense of their own status as gentlemen...maintained by a ceremonious code of interaction...and a constant display of deference from social inferiors...". R. W. Connell & T. H. Irving, Class Structure in Australian History, p. 51.
The labour of the numerous female convicts assigned to dominant-class households underpinned the ideological development of the colonial dominant class. Without domestic servants the everyday operation of these homes would have faltered, the grand social occasions have been impossible. The colonial élite sought to model itself upon the English gentry.\textsuperscript{189} Repeated comparisons were thus drawn between Van Diemen's Land and England. Elizabeth Fenton, for example, perceived an "indefinable English air" about Hobart as she arrived at the Derwent, "every mile most distinctly marks the progress of civilisation", she observed.\textsuperscript{190} On her visit to Woolmers in 1836, Jane Williams remarked:

"the people here are very gay looking...they dress in great style and their houses are so large and so handsomely furnished that really it does not seem as if we were in this country".\textsuperscript{191}

One of the great ironies of colonial society was that the labour of "degraded" convict women was so integral to this gentrified anglicisation of the élite, and to the ideology of colonial class rule which it was so anxious to promote.

Assigned female convicts whether employed in or out of the colonial household performed necessary and valuable labour in the colony. Without their contribution colonial development would have been significantly slower. The value of their labour combined with the inadequacy of its supply created favourable labour market conditions for convict women in Van Diemen's Land. This accounts, in particular, for the willingness of many employers to overlook tactically the 'misconduct' of female assigned servants, to give them extra rations when demanded and to provide them with free leisure time. Those who, alternatively, took errant female convict servants before the police magistrates for punishment often faced lengthy waiting periods until replacements became available. Abundant evidence suggests that this hit the pockets as well as the convenience of many colonial households and indicates a real restraint.

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\textsuperscript{190} Elizabeth Fenton, \textit{The Journal of Mrs Fenton}, p. 341.

on the ability of colonial employers to exercise authority over convict women workers.
Chapter 7
"a continual warfare...":
Female Convicts and Workplace Power.

1 Josiah Spode, Principal Superintendent of Convicts, August 30 1837; description of relations between assigned female servants and colonial employers, A.O.T., C.S.O. 5/134/3210, p. 255.
Few historians of early colonial Australia would now support Manning Clark's proposition that "not a single man or woman from the ranks of the convicts (rose) up and damn(ed) the system under which they suffered". In recent years, the received interpretation of convict protest as a "sterile tragedy" has been substantially challenged and revised. By systematically questioning a series of dominant assumptions regarding the convicts' social origins and the mechanisms of colonial class rule, and by reconsidering what constituted 'damning' the system, historians have begun to uncover a rich record of protest.

The belief that convicts failed to take systematic action to shape their conditions was founded initially on the contention that they were 'criminal class' in social origin. According to Clark, even the political transportees failed to stimulate a tradition of colonial radicalism or revolt because their influence was swamped by the mass of convicts, those "dregs of humanity". In McQueen's opinion, convicts were endowed with a mixture of "lumpen-proletarian" and "petty-bourgeois" characteristics. Consequently, they pursued the same ideology of "individual acquisitiveness" as their colonial rulers. Acts of treachery between convicts were, therefore, in his estimation, more typical than solidarity. Until the late 1970s these interpretations dominated the historiography. More recently, partly encouraged by the revisionary rejection of the 'criminal class', historians have re-examined the subject of convict protest.

This re-evaluation was stimulated by, and in turn contributed to, a new understanding of the mechanisms of colonial class rule. Earlier accounts explained the relative stability of colonial class structure and the infrequency of convict revolts by stressing effective coercion; order maintained by the lash. More recent studies, however, have revealed that colonial society was characterised by a much greater degree of ideological sophistication than this over-emphasis upon brute force implied. Atkinson

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has argued that a moral economy existed within which convicts had significant 'rights'. Acts of convict protest were therefore not normally designed to overthrow society but to assert and defend those rights through negotiation. Rather than "terror" forming "the nexus between master and servant", convicts and their employers were;

"engaged in a dialogue which proceeded from common experience and comparable interests...This dialogue was structured by an emergent, fragile and inconsistent set of assumptions about rights, rights depending on convention (and particular promises) and on the written rules of the assignment system".

Nichol's study of the role of ideology supported this conclusion. The relative stability of the convict colonies relied, he argued, upon a "paternalistic world-view" which combined an "ideology of duty irrespective of station or rank" with the notion of "a reciprocity of advantages between governors and governed". Convicts, in other words, were encouraged through a system of incentives and punishments to believe that they had "something to lose" by rebelling. Nichol agreed with Atkinson that outright rejections of the system were rare because convicts were encouraged to express dissatisfaction through "forms which symbolised (their) tacit acknowledgement of the hierarchical ordering of society".

Emphasis upon physical coercion also diminished as historians became increasingly aware that terror alone had a limited ability to extract productive labour from unfree workers. New historical studies revealed that the convict management system, like others dependent upon bonded labour, relied upon a mixture of positive and negative sanctions, 'carrot' and 'stick', to encourage and coerce the unfree to work. A wide variety of incentives were therefore necessary to complement the penal state's array of punitive sanctions. Convicts were encouraged to work by such inducements as extra

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10 Alan Atkinson, 'Four Patterns of Convict Protest', p. 43.
12 *ibid*, p. 13.
13 *ibid*, p. 13.
14 Theoretical work on similar issues in plantation slavery provided the analytical concepts deployed, especially, Stefano Fenoaltea, 'Slavery and Supervision in Comparative Perspective: A Model', *Journal of Economic History*, Volume 44, no. 3 (1984), pp. 635-638.
rations, free time and profit-sharing deals, and by the promise of an early remission of sentence.\textsuperscript{15} The convict system was not, however, as some have implied, simply benign.\textsuperscript{16} For it to work, positive sanctions had to be used alongside a panoply of negative sanctions, such as solitary confinement, chain and punishment gangs, the lash and secondary transportation.\textsuperscript{17} Labour was "elicited from convicts through an appropriate mix of positive and negative incentives".\textsuperscript{18}

This mixture created both space and restraint within the convict system. The mechanisms of power encouraged convict workers to bargain for improved conditions while also discouraging them from going too far. An inbuilt flexibility provided both the superordinate and subordinate with significant room to manoeuvre, and so tended to discourage more confrontational protest.\textsuperscript{19} It was only at the most inflexible points

\begin{itemize}
  \item \textsuperscript{16} Hirst and Nicholas have both been criticised on this point. Neal disputes Hirst's argument that the existence of convict 'rights' meant that the colonies were, from the outset, 'free' societies; David Neal, \textit{Free Society, Penal Colony, Slave Society, Prison?}, \textit{Historical Studies}, Volume 22, no. 89 (October 1987), pp. 497-518. For Hirst's reply, see J. B. Hirst, 'Or None of the Above?', \textit{ibid}, pp. 519-524.
  \item \textsuperscript{17} Evans and Thorpe have taken issue with Nicholas' overly benign representation of convict society. Their study of the Moreton Bay penal settlement offers a much needed corrective by pointing out that "the secondary punishment centres, far from being peripheral...were to become virtually the sine qua non of the official pattern of social control considered necessary to make assigned, coerced labour obedient, productive and profitable". Repeat lashings, they observe, were a common feature of these settlements. Convicts banished to such stations "served as a potent warning to any convict who transgressed authority". Raymond Evans & William Thorpe, 'Power, Punishment and Penal Labour: Convict Workers and Moreton Bay', \textit{Australian Historical Studies}, Volume 25, no. 98 (April 1992), pp. 90-111.
  \item \textsuperscript{18} Most of these punishments were only applied to male convicts. V.D.L. female convicts were not worked in punishment gangs, and, from the mid-1810s, were not flogged. Only a handful were transported to V.D.L. penal stations. These differences were a product of the colonial state's adherence to the ideology of femininity. The effect on female convicts was double-edged. On the one hand, convict women were judged more harshly. On the other, they were subject to much less severe penalties. This strengthened the hand of female convict workers for, as \textit{The Colonial Times} observed, there was "no adequate means of punishment for the refractory young ladies who may be entrusted to your service. This they know- and upon this they presume accordingly". \textit{The Colonial Times}, February 18 1840. Similar complaints appeared repeatedly in the colonial press throughout the period. See, for example: \textit{The Launceston Advertiser}, June 26 1832; \textit{The Tasmanian}, August 23 1833; \textit{Bent's News}, October 15 1836; \textit{Bent's News}, March 19 1836.
  \item \textsuperscript{20} Similar stability was achieved in those slave colonies where paternalism was successfully combined with positive sanctions. Thus methods of slave protest in Barbados changed from armed revolts to labour bargaining in the eighteenth century partly because the planter class was increasingly willing to supplement previously coercive methods of labour extraction with incentives and inducements. Negative sanctions - the power of the planter class to crush armed slave rebellions - were also, however, important. Hilary Beckles and Karl Watson, 'Social Protest and Labour
in the system that convict discontent tended to manifest itself more explosively. Convicts sentenced to sites such as punishment gangs and penal stations, which relied on greater levels of coercion, were therefore more likely than assigned workers to voice their outright opposition to the system.21

Awareness that the complexities of the system made outright rejections of authority an inappropriate strategy for most convicts encouraged historians to focus on more prosaic forms of struggle. An increasingly detailed knowledge of the everyday methods of protest and resistance deployed by convicts has consequently emerged. Methods ranged from petitioning the state through to refusing to work; malingering; shirking; pilfering; and neglecting duties. These tactics were commonly used by convicts to bargain for improved working conditions. Only when these channels of protest failed did some resort to more 'extreme' methods such as absconding; bushranging; issuing threats; assaulting superordinates; and sabotaging crops, machinery and livestock.

Female convicts, however, have been present only around the fringes of these studies. Like their slave counterparts, convict women have been largely "invisible" in many of the accounts of resistance. Their absence is all the more curious, for both groups of women were considered more troublesome, and therefore harder to control, than their male counterparts.24

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21 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 204.


Contemporaries were all but unanimous that female convicts were the most difficult to control and discipline. The press made repeated reference to this problem. "There is a class of servants in the Colony", The Colonial Times observed, "the management of which produces more trouble...than any other class";

"We refer to the Female Prisoners of the Crown whose tricks, manoeuvres and misconduct have baffled the exertions of every person appointed to control and correct them".

Bent's News likewise described the "annoyance" suffered by families at the hands of female convicts, asserting that it was "ten times more than that with male servants, and enough to make the people half-distracted". These opinions were partly shaped by the influence of contemporary gender ideologies which held that the criminal woman had 'fallen' further than her male counterpart. Few of those who gave evidence before the Select Committees needed much persuading that convict women were thoroughly recalcitrant and unmanageable. Even those who gave more measured opinions were, however, convinced that the women were exceptionally difficult to control. Arthur, for example, informed the Molesworth Committee that female convicts were "worse, in every respect to manage than male convicts". The internal documents of the colonial government expressed similar views. According to Principal Superintendent Spode, numerous difficulties had to be faced "in bringing Prison discipline to bear" upon female convicts because of "the utter impossibility of the women continuing for such long periods...in domestic service without committing offences", "They all feel that they are working under compulsion", Spode explained, "which renders it almost a continual warfare between their employers and themselves".

25 See, for example: The Launceston Advertiser, January 25 1832; The Tasmanian, August 23 1833; Bent's News, March 19 1836; The Tasmanian July 19 1839.
26 The Colonial Times, February 18 1840.
27 Bent's News, October 15 1836.
28 See chapter 1, pp. 21-22.
31 ibid, p. 255.
Despite such contemporary opinion, the notion that female convicts substantially challenged the conditions under which they laboured has been all but absent from historical studies. Feminist scholars have repeatedly reproduced the image of passive victim. While this has faded in more recent feminist accounts, the notion that the abuse of female convicts in assignment was rife still prevails. Robinson and Perrott, on the other hand, have pushed any evidence of female 'misconduct' to the margins of their accounts, dismissing it as the recalcitrant behaviour of an irredeemable, deviant and unrepresentative minority. Their studies draw on a long tradition in which convict women have been perceived essentially as sexual actors and judged on 'moral' grounds. Lloyd Robson thus turned a very different gaze upon the conduct records of male and female convicts in Van Diemen's Land. Where he perceived "flashes of defiance and spirit" and evidence of individuals who "refused to knuckle under" in the male records, he found "abandonment", "immoral living" and "indiscriminate lovemaking" in the female records. "Life among the ranks of the convict women...", he concluded, was "a constant game of cat and mouse with the police, (with) women being apprehended with men under their beds as well as in them...". A range of historical accounts have sexualised, and thereby peripheralised, female convict 'recalcitrance'.

These accounts are heavily influenced by contemporary imagery. The penal state sought to remould female convicts into colonial wives and mothers, and so posed their reformation in profoundly gendered terms. Any action which contravened ideologies of gender was therefore perceived as evidence of a failure of 'femininity'. Contemporaries represented 'recalcitrant' convict women as the absolute antithesis of 'normal' womanhood. "Woman...is the noblest animal to which God has given existence...", one newspaper asserted, thus, "never was there one naturally bad". Those who proved to be 'troublesome' servants were therefore vilified in terms which expressed their failure as women. They were "wretches in human form"; "gorgons"; "furious termagants"; "hyenas"; "she-tigers"; "abominable Saturnalia"; and "Amazonian chieftains". Their actions and behaviour were rendered "vile" and

32 See chapter one, pp. 23-32.
33 See chapter one, pp. 32-35.
36 ibid, p. 135.
37 The Tasmanian, May 6 1831.
38 The Tasmanian, August 23 1833; The Tasmanian Weekly Dispatch, May 7 1839; The Colonial Times, March 10 1840.
"fiendish" by an ideology of gender which asserted that; "of all the plagues on the earth, or under the earth, an unruly woman is the worst!".39 The actions of convict women were persistently portrayed as sexual. This reinforced the notion that the female offender was primarily a deviant from the 'natural' and moral gender order. Their behaviour was "profligate", "dissolute" and "lost to all sense of shame or feeling".40 They were "insolent and rebellious hussies" whose "wild and disorderly propensities", "ungovernable depravity" and "fiendish fondness for sin" drove them to "treat everything like virtue or propriety with derision".41

This sexualisation was complemented by a portrayal of the female convict as a naughty child; the women were referred to as "nymphs". The House of Correction women were spoken of in the press as "our Factory Nymphs", and the institution itself as a "playground" for "Pretty Misses".42 The natural corollary of this image was to adopt a tone of condescension and a level, albeit limited, of paternal forbearance. In 1834, for example, The Colonial Times, reporting a riot by 200 women over the quality of the food rations issued in the Hobart House of Correction, presented the incident indulgently as a "little revolution".43 A later riot of similar size and considerable ferocity was passed off as a "grand spectacel (sic)" or "theatrical entertainment".44 Although the nymph image appears to conflict with that of Amazon, there was, in practice, no such contradiction. Both representations served the purposes of a dominant class anxious to control and contain convict women in the interests of the social order. While the latter image fed the constant vilification of the women, reflecting the fear of disorder which their actions engendered, the former was indicative of a concerted attempt to downplay their importance as colonial actors.

Only occasionally were the actions of convict women portrayed as a rational reaction to their colonial conditions. Sections of the press sometimes blamed colonial employers for the misconduct of female convict servants. In 1831, for example, The Tasmanian accused lower-class colonial mistresses of so mistreating female convict servants that they drove them to commit offences.45 Implicit in this condemnation was the rarely expressed notion that some female convicts charged with misconduct were

39 The Tasmanian, August 23 1833.
40 The Colonial Times, June 16 1826. The Colonial Times, October 13 1826.
41 The Colonial Times, January 30 1829; The Colonist, March 11 1834; The Colonial Times, May 7 1839; The Colonial Times, February 18 1840; The Colonial Times, March 10 1840.
42 The Colonial Times, July 6 1827; The Cornwall Press, March 17 1829.
43 The Colonial Times, December 9 1834.
44 The Tasmanian, May 7 1839.
45 The Tasmanian, May 6 1831.
rebelling against their working conditions. The persistent associations between female assignment and prostitution have, however, so thoroughly sexualised historical understandings of the employer-female convict relationship that historians have been blinded to this. Consequently, they too have found it difficult to imagine convict women as rebellious workers. This has been further compounded by the assumption that female convict labour was systematically undervalued in the colonies. It has been asserted that convict women suffered an inordinate level of oppression and were thus largely unable to fight back. Byrne's recent study of the New South Wales' courts reveals the way in which these dual notions concerning assignment continue to shape historical interpretations of female convict protest. According to Byrne, convict women were arraigned before the courts as the result of;

"an area of tension different to that which produced the appearance of male servants: the identity of the female servant was bound up with incarceration...and the value of sexuality".

The female convict servant, she concludes, "was owned by the employer and could not bargain over her labour". This type of analysis is deeply flawed. It assumes that because domestic service tends to isolate and atomise workers, servants rarely protest. The workplace agency of servants varies, however, and depends crucially on local labour market conditions. The persistently high level of demand for female labour in Van Diemen's Land created conditions conducive to workplace protest. A

46 Connell and Irving argue, for example, that the "signs of resistance and organisation" which appeared in the convict colonies were largely "confined to men", because the "isolation and close surveillance" which women workers faced as domestic servants prohibited such developments. R. W. Connell & T. H. Irving, Class Structure in Australian History, pp. 56-57.
47 Paula Byrne, Criminal Law and Colonial Subject, p. 51.
48 ibid, pp. 50-51.
49 Even in difficult labour market conditions domestic servants resisted employers. In nineteenth-century Britain, for example, some, as the transportation records reveal, used tactics such as theft and arson. See Theresa McBride, The Domestic Revolution: The Modernisation of Household Service in England and France, 1820-1920 (Croom Helm, London, 1976), pp. 99-108. Domestic servants in Atlanta organised and took strike action in the early 1880s. See David Katzman, Seven Days a Week. Women and Domestic Service in Industrializing America (Oxford University Press, New York, 1978), pp. 195-197. Workplace power was greatly increased when there was a high level of demand for servants. In late nineteenth-century Hamburg, for example, servants expressed dissatisfaction by changing jobs; the result was servant "turnover (on) unprecedented levels". Katharina Schlegel, Mistress and Servant in Nineteenth-Century Hamburg: Employer/Employee Relationships in Domestic Service, 1880-1914', History Workshop Journal, Volume 15 (Spring 1983), p. 75. Female convicts in V.D.L. exhibited a similar ability to up and leave despite the constraints of the assignment system. Moreover, unlike free servants the convict was not restrained by the fear of unemployment.
volume of evidence from the police court records directly contradicts the dominant historical consensus regarding the workplace oppression of assigned female convicts.

To "influence their employer's quietude": the tactics and aims of day-to-day resistance.

### Table 7.1: Charges laid against 1344 assigned female convicts brought before the V.D.L Police Courts, 1820-1839.

<table>
<thead>
<tr>
<th>Offence</th>
<th>No.</th>
<th>%</th>
<th>Offence</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absent without leave</td>
<td>323</td>
<td>17</td>
<td>Dispute with fellow servants</td>
<td>12</td>
<td>0.6</td>
</tr>
<tr>
<td>Drunk/Drunk &amp; disorderly</td>
<td>313</td>
<td>16</td>
<td>Insubordination</td>
<td>11</td>
<td>0.6</td>
</tr>
<tr>
<td>Insolence &amp; impertinence</td>
<td>224</td>
<td>12</td>
<td>Defamation of character</td>
<td>7</td>
<td>0.4</td>
</tr>
<tr>
<td>Absconding</td>
<td>139</td>
<td>7.3</td>
<td>Immoral conduct</td>
<td>7</td>
<td>0.4</td>
</tr>
<tr>
<td>Disobedience of orders</td>
<td>132</td>
<td>6.9</td>
<td>Overstaying her pass</td>
<td>7</td>
<td>0.4</td>
</tr>
<tr>
<td>Neglect of duty</td>
<td>109</td>
<td>5.7</td>
<td>Leaving/threatening to leave service</td>
<td>5</td>
<td>0.3</td>
</tr>
<tr>
<td>Disorderly conduct</td>
<td>82</td>
<td>4.3</td>
<td>Wilful damage of property</td>
<td>5</td>
<td>0.3</td>
</tr>
<tr>
<td>Misconduct</td>
<td>56</td>
<td>2.9</td>
<td>Feigning illness</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Felony</td>
<td>73</td>
<td>3.8</td>
<td>Idleness</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Sexual misconduct</td>
<td>40</td>
<td>2.1</td>
<td>Threatening her employer</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Using profane/obscene language</td>
<td>27</td>
<td>1.4</td>
<td>Violent &amp; outrageous conduct</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Refusing to work</td>
<td>26</td>
<td>1.4</td>
<td>Refusing to go to her service</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Verbally abusing her employers</td>
<td>26</td>
<td>1.4</td>
<td>Arson</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Out after hours</td>
<td>25</td>
<td>1.3</td>
<td>Other</td>
<td>10</td>
<td>0.5</td>
</tr>
<tr>
<td>Assault</td>
<td>20</td>
<td>1.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refusing to return to her service</td>
<td>19</td>
<td>1</td>
<td>Returned - no charge</td>
<td>171</td>
<td>8.9</td>
</tr>
<tr>
<td>Returned to Govt. pregnant</td>
<td>14</td>
<td>0.7</td>
<td>NE</td>
<td>9</td>
<td>0.5</td>
</tr>
</tbody>
</table>


A striking feature of the charges laid against female convict servants is the relative infrequency with which 'extreme' behaviour manifested itself. Insubordination, threatened and actual assault and the wilful destruction of property account for just 2.5 percent of the charges laid against assigned females. Female convicts rarely

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50 The remainder of the chapter draws upon material from the Van Diemen's Land police court records. A substantial body of these records survive and details were collected upon every case which involved a female accused. The extant records are, however, not intact. The 1344 assigned convict women studied here were therefore not the only assigned females arraigned before the police magistrates in this period, but only those for whom the relevant records survive. No attempt is therefore made within the chapter to estimate the frequency with which female convicts appeared before the colonial courts. For a full list of the extant police court records, providing details of the periods and police districts covered, see the bibliography, pp. 279-280 & p. 282.

51 Bent's News March 19 1836.

52 Insubordination was a separate category of offence in the Van Diemen's Land courts. Similar charges such as disobedience of orders or insolence clearly involved insubordinate behaviour. However, the legal charge of insubordination covered the most serious offences of this type and commonly carried heavier penalties.
expressed outright opposition to the assignment system. By contrast, relatively petty forms of misconduct such as insolence, impertinence, neglect of duty, feigning illness, disobedience of orders, drunkenness and absence from work were well to the fore. This might be taken as support for the conventional image of female convicts as 'naughty' and 'refractory' children. Convict women, as Daniels observes, have traditionally been "portrayed as disobedient rather than rebellious".53 Such forms of behaviour are, however, common to workers in unfree societies, and historians have increasingly recognised them to be part of "a dense pattern of day-to-day resistance".54

Day-to-day forms of resistance were particularly potent weapons when deployed by domestic workers who could, if they chose, frustrate family stability by constantly disrupting household routine. Domestic slaves, through a constant barrage of "impudence, 'uppityness'...sauciness and subtle disrespect" were able, Fox-Genovese observes, to make "the lives of privileged mistresses an unending war of nerves".55 Female convict servants were similarly well positioned to inflict daily aggravation upon employers. A catalogue of petty acts ranging from carelessness and neglect to insolence and inefficiency were commonly more than "enough to make the people half-distracted".56 Elizabeth Fenton wrote bitterly in her diary of the daily frustrations which assigned females inflicted upon her. Her experience began when, on arrival in Hobart, she sent two women on to prepare the family's Macquarie Street home. Upon checking, Fenton discovered that;

"though I had sent two servants every day for a week, who were supposed to be cleaning the house and furniture, it became very evident, even to my unpractised eye, that their exertions had only extended to lighting fires to dress their dinners and keep them comfortable at their game of cards".57

Fenton's problems continued. Her diary complained amongst other things of the "direful necessity of having to lock everything up yourself" and of the need to

55 ibid, p. 309.
56 Bent's News, October 15 1836.
supervise even the "smallest duty".58 Other settlers faced similar problems. The Cottons endured "a constant stream of convict servants". Francis Cotton considered some of them to be too "giddy" and sought replacements who were "less of the lady" and who might therefore wash, iron and scrub as requested.59 Jane Williams, in letters home, repeatedly asked her mother for news of the convict servants' conduct. "You never tell me how you are Mama" she wrote while in India in 1831, "are you plagued with your women servants as much as ever?".60 These complaints echo those made by employers in court. Peter Harrison, for example, was eventually forced to bring convict servants Margaret McDonald and Sarah Martin before a magistrate. "Whenever I am from home", Harrison reported, "I receive some complaint of their misconduct during my absence".61 Others spoke of how their female convict servant "put the house completely in confusion"; was "in the continual habit of absenting herself"; was "very noisy and quarrelsome"; "repeatedly insolent"; and would "not do anything she was ordered to do".62 Employers evidently had good reason to empathise with Elizabeth Fenton when she complained; "the perpetual encroachment of the servants upon my time is indescribable".63

The actions of female convict servants were, however, designed to do much more than simply annoy. Day-to-day forms of resistance functioned as expressions of resentment against the psychological conditions of assignment; a way of letting off steam. They were also intended to force employers to give ground on a range of substantive issues. They permitted the convict to challenge the deference implicit in household relations and to negotiate a range of material 'rights' relating, amongst other things, to food and clothing rations, workloads, control of the work process, and the 'right' to free time and unsupervised leisure. Assigned female convict resistance was primarily designed to set the conditions and define the limits of their labour.

61 Margaret McDonald per Mary (1831), no. 136D, Sarah Martin per William Bryan, no. 188M: April 6 1836, M.L., T.P. 290.
The ration functioned as the convict basic 'wage'. Convict workers were therefore concerned to assert their 'right' to that wage and to ensure that the quality and type of provisions issued matched their interpretation of the regulations. Male convicts, for example, refused to accept kangaroo meat in lieu of the regulation mutton or beef, although they had no objection to kangaroo meat additional to specified rations. Female convicts likewise regarded inadequate rations as legitimate grounds for protest. Rosina Savilin, for example, pled guilty of insolence and abuse but pled "bad provisions" in her defence; Jane Tinner absconded from her service on the grounds that she "never could get anything to put on"; Sarah Jones refused to prepare supper because she was without shoes; and Mary Fearns warned her master that "she would not stop if I did not allow her more than 2 ounces of tea per week". Elizabeth Brown used the issue of inadequate rations in an attempt to publicly attack her master's character. He reported that she "refused to do any work yesterday and stood at the gate calling at every person that went past". Brown claimed she did this because "she had no food". The ration was set according to the official regulations of the assignment system. This type of protest therefore reflected the willingness of convicts, male and female, to bargain "for the restoration of their established rights".

The ration was central to the employer's ability to extract productive labour from the convict. Many 'bought' the co-operation of convict servants by issuing extras. The prevalence of this practice was widely acknowledged. Arthur observed that "respectable settlers" commonly exceeded regulation rations by issuing assigned convicts with "as much food as (they) could possibly make use of...plus a little indulgence in tea or sugar and tobacco for good conduct". Such indulgences had a dual function. By rewarding the convict when s/he worked they operated as an informal positive sanction. By threatening to withdraw them, however, the employer could also use such extras as a disciplinary or negative sanction.

64 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 119.
65 ibid, p. 119.
By developing a notion of customary right, convicts, for their part, rapidly came to consider such supplements as an integral part of their ration. In opposition to this, colonial employers struggled "to keep up the idea that convicts had no rights to such things".70 They were, however, far from successful, for, as Atkinson observes;

"rights do not exist only in the minds of those with the power to concede them; they evolve within a system of unequal relationships, and they depend on the dynamics of the system..." 71

The development of a code of customary right undermined the effectiveness of the ration both as incentive and as disciplinary sanction. This problem did not simply affect those employers in the habit of issuing extra rations. As they moved from assignment to assignment, convicts accumulated consciousness of a variety of 'rights' which could be used to test the resolve of each new employer. Catherine Owen's first move in her new service was to inform her employers that she was "accustomed to smoke" and that "unless she was allowed to smoke she would not stop".72 Shortly after Margaret Brown arrived in her service she demanded a glass of rum before she would begin work in the morning. When her master informed her that he "never gave female servants spirits", Brown retorted that "she would see (him) damned before she would do any more work in the house".73

To their dismay, many employers also found that extra rations were far from sufficient to secure obedience.74 Margaret Watson left her work without permission, got drunk and proceeded to the Police Office to make a "frivolous charge" against her master. All this, he reported, was despite the fact that she was; "not rationed but has as much as she wishes of good provisions. There is always mutton, beef and pork in the house and likewise butter".75 Despite extra rations, convict discontent often failed to evaporate. Indeed, in many cases, having secured their basic subsistence, convicts simply set their sights on other prizes. "Adequate rations", as in the case of slaves,

70 Alan Atkinson, 'Four Patterns of Convict Protest', p. 34.
71 Ibid, p. 35.
72 Catherine Owen per Lady of the Lake, October 11 1837, A.O.T., L.C. 83/2.
73 Margaret Brown per Edward, no. 300B, March 14 1838, A.O.T., L.C. 375/2.
74 One colonial newspaper thus complained bitterly that employers continued to be greatly annoyed by female convict servants even when the servant received good food and cash wages. Bent's News, October 15 1836.
75 Margaret Watson per Hector, no. 286W, March 11 1837, M.L., T.P. 290.
could have the "reverse effect" from that desired by employers, for a "reasonably fed workforce" was free to "pay attention to the other necessities of life".76

Female convict workers battled both to set the length of their working day and to limit their workloads. Contrary to Byrne's belief that assigned females were "incarcerated" in their employer's homes and at their constant beck and call, convict women exhibited well-developed notions of their own time and their employer's time. Mary Ann Jubb refused to clean out a room because, she explained in court, her mistress had set her the task "after my day's work was done".77 Other women were likewise motivated to act by the sense that customary 'rights' regarding the length of the working day were being infringed. Ann Hall thus responded angrily to her master's order to start work early. Ordered to prepare breakfast "sooner than usual", Hall "refused, was impudent and began to knock things about the kitchen".78 When her master's child was sent to wake the servants early, Mary Ann Pitt threatened to "box his ears if he called her" because, she declared, "she would not get up for anyone sooner than her regular time".79

The burden of work was also a contested issue. Workloads were limited by convict women through surreptitious means such as feigning illness, shirking and going slow. Margaret Wood attempted to avoid work altogether by staying in bed under the pretext of illness; an attempt which failed when her Master called the Doctor in.80 Others sought to set the pace and determine the timing of their work. Elizabeth Wales informed her mistress that she would prepare the evening meal "when she chose"; and Mary Ann Mullin that she would do the laundry "when she pleased".81 Elizabeth Jones simply slowed down, gradually performing fewer and fewer tasks until she failed to do even the minimum required of her. The day before she was finally brought to court, her master reported; "all the prisoner did...was to clean out one room and make a bed".82

78 Ann Isabella Hall per America, no. 167H, April 8 1834, M.L., T.P. 227.
80 Margaret Wood per William Bryan, no. 239W, December 17 1833, M.L., T.P. 326.
82 Elizabeth Jones per Siren, no. 116J, February 2 1839, M.L., T.P. 334.
Convict women also bargained openly in an attempt to limit workloads. Mary MacDonald threatened to withdraw her labour entirely if acceptable boundaries were not set. She absconded in order to complain at the police office that, despite being "a hardworking woman", she was "not able to do the work". She was, she stated, only "willing to go back if they keep the children away from me at night". Her bid was unsuccessful. As a general rule, however, the threatened or actual withdrawal of labour, did generally sway employers. Thus, when Martha Bellamy left her service because she felt the work was too heavy, her master persuaded her to return by promising to employ additional help.

Amongst the wide range of issues which engendered workplace conflict two recur with greatest frequency: the 'right' to a substantial degree of control over the work-process and the 'right' of access to unsupervised leisure. Convict women staked their 'right' to a degree of control and autonomy over their work in numerous ways. Some ignored or refused to accept orders unless they were issued by the actual individual to whom they had been assigned. Convicts were legally assigned either to the master or the mistress of a house. Many women were clear as to who held the rights to their labour and sought to manipulate that knowledge. When George Lucas found Sarah Wilson, his wife's assigned servant, "sitting idle in the kitchen" he ordered her to light a fire. Wilson refused, having just declared that she had "nothing to do until she (her mistress) comes home". Ann Green refused to recognise her master's right to reprimand her, telling him to "go about his business, for her Mistress had tongue enough for her". The general principle which inspired such conflicts was perhaps best expressed by Elizabeth Picket's statement in court. "If I am to remain here", Picket declared of her service, "I will not have as many mistresses and masters".

Many employers found to their cost that attempts to supervise assigned females were counter-productive; the price paid was an increased level of household tension. Many women retorted immediately with verbal abuse and insolence. Captain Crear thus complained that whenever fault was found with Mary Redding's work; "she gives the most insolent answers...(and) this language she repeats sometimes ten times in the week"; while Mr Jarritt reported that he could not speak to Mary Morrison "without

83 Mary MacDonald per Harmony, no. 91D, May 17 1832, M.L., T.P. 323.
84 Martha Bellamy per Sovereign, no. 121B, N.S.D.G., ref. 1240.
87 Elizabeth Picket per Hydery, no. 90P, July 22 1833, M.L., T.P. 325.
getting an insolent answer".88 Attempts at supervision or criticism could also produce a deterioration in the quality of the work performed. Thomas Archer, an eminent and powerful colonist, criticised Eleanor Wilson for putting insufficient starch on his shirts. Henceforth, he reported, she; "put so much starch on that the shirts are just like pasteboard and the sleeves are stuck together so tightly that I could not get my hands in". "No one on the Island", Wilson then informed Archer, "should make her work".89

Female convicts also significantly limited their level of workplace supervision by literally forcing employers to keep their distance. Some established proprietary 'rights' to certain rooms within the household, declaring them out of bounds to employers. The kitchen figured most frequently in such battles over household space.90 Maria Wright, for example, established her own space within the household by creating such an atmosphere of intimidation that her mistress was "afraid to go into the kitchen".91 Sidwell Sixspeach's "great violence of temper and...great insolence" likewise so "alarmed" her mistress, that Mrs Watson was fearful of being "alone in the kitchen" with her. She had good cause for anxiety: Sixspeach threatened that "if anyone provoked her she would throw a knife at them".92 In this way, convicts successfully contested the allocation of household space, securing an important independent domain for themselves. This placed significant constraints on the employer's ability to oversee household work. Women who controlled the kitchen also greatly enhanced their opportunities for refreshment and leisure. Access to the pantry allowed household supplies of tea, alcohol and food to be easily raided. Regular contact with the outside world could also be maintained through the kitchen door, allowing both female convicts and their visitors to come and go with relative ease.93

90 Female convicts also contested their 'right' to do as they chose in their sleeping quarters, entertaining male friends there and attempting to keep employers out. Twice in two days, for example, Janet Alexander barricaded herself in her bedroom while allowing "a man named Burton" to come and go via her window. Janet Alexander per Nautilus, no. 111A, June 8 1839, M.L., T.P. 334.
91 Maria Wright per Jane, no. 227W, February 21 1837, A.O.T., L.C. 362/3.
93 Female convicts made ready use of these advantages. Mary Witherington (p. iv), for example, courted convict Daniel Herbert in her master's kitchen and "improperly made tea" for him. Several months later they applied for permission to marry. Mary Witherington per Harmony, no. 126W, Daniel Herbert per Asia (3), no. 810H: N.S.D.G., ref. 1588. Convicts Ann Willis and Francis Stanley used their master's kitchen for a more intimate purpose, and were charged with "indecently exposing their persons" after they were discovered together. Ann Willis per New Grove, no. 266W, Francis Stanley per Waterloo, no. 1988S, July 1 1836, A.O.T., L.C. 362/3. The importance of the kitchen as
Many women convicts made control of the work process a condition of service. Some therefore left their employment at the first sign of employer supervision or criticism. Thus, when her mistress found "fault with (her) respecting some washing she had not completed", Mary Harnett declared that "the place did not suit her" and immediately quit the premises.94 Rosina Sweeney had just arrived in her service when she likewise informed her master that "she would not work, that she would have stayed a few days but as I had reprimanded her she would not stop".95 Others, not quite so quick to leave, first attempted to negotiate for greater control over their work. Many bargained with their labour; offering a 'reasonable' level of service in return for a work environment relatively free of supervision. They therefore expressed a willingness to work if conditions were met. Significantly, some of those who subsequently left their service because these concessions were not forthcoming expressed a clear sense of grievance. Jane Fagerty, for example, was indignant that, despite her best efforts, "she could give no satisfaction".96 Elizabeth Picket was similarly discontented: "she could not tell how it was that she could not give satisfaction", she declared, "and she would have another place".97

The demand for independence at work was accompanied by, and at times related to, a demand for independence at leisure. Female convicts not only sought to ensure that 'free time' was allocated them, in contradistinction to 'work-time', but also to assert their 'right' to determine their use of leisure time. Convict women inflicted a range of penalties upon employers who resisted their demands for independent leisure. In particular, numerous women simply took time when it was not granted by employers, and many perceived this as their 'right'. Margaret Shaw, for example, pled guilty to absence but regarded the fact that her "mistress would not give me leave" as a

an independent space for work and leisure was enough to motivate some convicts to take resolute action to establish or maintain their control. When Elizabeth Walker was chastised for permitting a man to be in the kitchen, she defiantly informed Mrs Houghton, her mistress, that "she would not prevent it", and then refused to work again in the Houghton's service. Elizabeth Walker per America, no. 165W, February 29 1836, A.O.T., L.C. 362/3. Sometimes in colonial dwellings the kitchen was in a separate block at the back of the house. Control of such kitchens by convict servants would have given them an especially high degree of work-space freedom.

94 Mary Harnett per Atwick, no. 298H, April 3 1839, M.L., T.P. 326.
95 Rosina Sweeney per Nautilus, no. 351, May 1 1839, M.L., T.P. 326. Sweeney was sentenced to seven days solitary on bread and water but ordered to be returned to her service. Her master's 'victory' was, however, short-lived. The day after she returned from punishment he was forced to bring her before the magistrate again, this time for drunkenness. On this occasion Sweeney was returned to Government for re-assignment as she desired. May 9 1839, M.L., T.P. 326.
96 Jane Fagerty per Mellish, no. 79F, August 8 1833, M.L., T.P. 325.
97 Elizabeth Picket per Hydery, no. 90P, January 22 1833, M.L., T.P. 323.
sufficient justification. Absenteeism accounted for almost one in four (24.3%) of the charges laid against assigned female convicts in the police courts. (Table 7.1) This high incidence reflects the fact that female convicts took advantage of almost every conceivable opportunity to secure their free time. The following selection of examples illustrates the point: Mary Ann Whitlock, sent on an errand that ought to have taken her no more than fifteen minutes, returned some two hours later drunk and "very insolent"; Elizabeth Winn was sent to Church and stayed out overnight; Rachel Leach was given leave "to go out for a hour" but did not return for four days; and Elizabeth Winterflood "absented herself twice...by escaping through a window" of her master's house.

While absenteeism was motivated by numerous factors, the demand for leisure was central. District Constable Simmons claimed that, in Hobart, absent female convicts were generally tracked down to "public-houses, sly-grog shops and brothels". According to Henry Walton, also a Hobart District Constable, female convicts generally left their work in order to "fall in with a shipmate who leads them away to a public house to get a dram and then...to a disorderly house". Alcohol and absenteeism were certainly closely related: 44 percent of female absentees returned drunk or were found drinking. Shipmates Phoebe Allen and Sarah Wilkinson were typical: reported absent from their employers, they were discovered, "with liquor before them", in the skittle room of a Launceston public house together with an absent male convict. Other sites of attraction included card games, dances, "disorderly" and "lewd" houses, theatres and the races. Elizabeth Hore, reported...

98 Margaret Shaw per America, no. 182S, June 24 1834, M.L., T.P. 227.
99 Absence without leave accounted for 17 percent of charges and absconding for 7.3 percent.
102 Statement of Constable Walton, Hobart, ibid, p. 220.
104 "Disorderly houses" or brothels flourished throughout the colony. Their location was made known to female convicts through their own information networks. The women in the House of Correction (or Female Factory) were at the hub of this information service. According to Mary Haigh, for instance, women learned "in the Factory at what houses they can obtain liquor on the sly and those houses at which shelter is to be obtained when they abscond". Mary Haigh per Arab, no. 269H, 'Report and Evidence of a Committee enquiring into Female Convict Discipline', A.O.T., C.S.O. 22/50, pp. 313-314. Grace Heinbury made a similar claim: "all the disorderly houses that will receive absconded women are well known in the Factory", she stated, "and women are directed to them (while) in the Factory". Grace Heinbury per Atwick, no. 305H, ibid, p. 272. Convict women...
"absent from her master's premises", was found at a dance; Margaret Peebles with a party of individuals "drinking...fiddling and dancing" in a dwelling-house; Mary Keoghan with a sailor in the bedroom of a "very disorderly house"; and Mary Culley at Launceston racecourse. Sexual and romantic interests were powerful motives for absence. Margaret Lowrie, for example, regularly absented herself in order to visit Charles Fitzhughes, her long-standing partner. Numerous other women were apprehended in bed with men. Some of these absentees simply sought casual sexual

made active use of this information; "disorderly and "bawdy" houses were thus a common and popular destination for female absentees. Although the going rate for prostitution varied, circumstantial evidence suggests it was generally relatively high: Rebecca Gentles claimed, for example, that she had been offered £2 sterling by an employer to allow him "to be intimate with her". Rebecca Gentles per Hector, no. 164G, February 16 1839, A.O.T., L.C. 347. Rebecca Barton charged a fellow servant 10 shillings. Rebecca Barton per Northampton (1814), no. 61B, December 29 1826, A.O.T., L.C. 347. Mary Roach stated that a man offered a fellow convict servant two dollars "to go to bed with her". Mary Roach per Persian, no. 59R, August 5 1830, A.O.T., L.C. 347. The frequency with which "disorderly" houses attracted female absentees suggests that these relatively good rates were more generally available. Contrary to the conventional historical image of colonial prostitution as coerced and unremitting, prostitution therefore appears to have provided female convicts with significant material means. This enabled them, amongst other things, to make the most of their absences from work and thus clearly contributed to their ability to maintain independent leisure. In addition, women sent to the House of Correction for punishment for such absences fed their earnings from prostitution into the informal economy which flourished in these institutions, trading for privileges which substantially lessened the severity of their punishment. See, 'Report and Evidence of a Committee Enquiring into Female Convict Discipline, 1841-1843', A.O.T., C.S.O. 22/50.


106 Margaret Lowrie per Sovereign, no. 62L, June 25 1833, M.L., T.P. 325; N.S.D.G., ref. 1276. Margaret Lowrie's master barred her from meeting Fitzhughes because he considered their relationship to be "very improper". Like other women in this situation, Lowrie therefore only achieved the freedom of movement and association necessary to establish and sustain her relationship through absenteeism. Such relationships were important not least because they raised the possibility of marriage and an early release from assignment. Motives were, however, far from solely instrumentalist. Lowrie thus continued to meet Fitzhughes 18 months after their petition to marry had been denied.

107 Ann Powell, for example, had been missing several days when Constable Stewart found her in bed with Thomas Brown. Ann Powell per Brothers, no. 28P, July 21 1830, A.O.T., L.C. 347. Esther Boulton was found in bed with Thomas Saunders, in a hut on her master's farm. Esther Boulton per Hydery, no. 227B, September 27 1836, A.O.T., L.C. 362/3. For other examples, see: Jane Griffith per Henry, no. 47G, December 26 1827, A.O.T., L.C. 347; Maria Price per Henry, no. 38P, May 23 1826, A.O.T., L.C. 347; & Margaret Wall per Mermaid, no. 108W, December 16 1829, A.O.T., L.C. 347. In many cases, absent convict women apprehended in bed with men were discovered in a 'disorderly house'. Not all of these women were, however, involved in prostitution. Many of the 'disorderly houses' in the colony clearly had a dual function, operating both as brothels and as houses of assignation where female convicts arranged to meet partners.
liaisons, others were involved in longer term arrangements, some of which culminated in marriage.\(^\text{108}\)

On rural properties where public and "disorderly" houses were out of easy reach, the male workers' quarters was the most popular destination for female absentees. Many employers, despite close surveillance and threats of discipline, found it impossible to prevent this association between their convict workers. Sarah Elam's master complained that, despite his best efforts; "I cannot keep her from the men's hut"; Catherine Lindsay's employer likewise found it "impossible to keep her out of the men's hut"; and Mary Ann Pitt repeatedly defied her employer by going into the workshop adjoining the house and informed him that "no-one would prevent her" from doing so.\(^\text{109}\) Wherever the men's quarters were situated they exerted a significant 'pull' on female convict workers.\(^\text{110}\) Convicts therefore transformed sites such as huts, stables, barns and other outhouses into forums for their entertainment allowing co-workers to come together to smoke, drink alcohol and tea, swap stories, play cards and have sex.\(^\text{111}\)

These unplanned absences caused considerable disruption to household routines. Many women left during the working day and without completing their set tasks. Elizabeth Jones, for instance, defied her master's orders and visited the male workers' quarters twice in three days. She left "her work undone" and her master reported that although he "sent for her...she did not come back".\(^\text{112}\) Others went just when they were most urgently needed. Ann Saunders and Ann Frances Clifton deserted their master's premises just before their mistress was due to give birth, leaving him to cope

\(^{108}\) Some couples persisted in the face of harsh penalties, continuing to meet despite the associated risks. James Burton harboured Rosina Savilin from the constables at least three times in just six weeks. Burton, a free man, consequently accumulated fines of £90 sterling. Savilin was sentenced to six months imprisonment and had her sentence extended by twelve months. Rosina Savilin per \textit{Frances Charlotte}, no. 213S, October 10 1834, A.O.T., L.C. 347.


\(^{110}\) The persistence of these attempts by male and female convicts to socialise together calls into question Dixson's contention that male and female convict workers had antagonistic interests, and in particular her claim that female convicts were the "victims of victims". Miriam Dixson, \textit{The Real Matilda. Woman and Identity in Australia 1788 to 1975} (Penguin, Victoria, 1976), p. 123. The evidence studied here suggests male and female convict workers were as much in league with one another as against one another.

\(^{111}\) Elizabeth Winterflood's master reported, for example, that he twice "discovered (her) in the barn with one of my prisoner servants". Elizabeth Winterflood per \textit{Arab}, no. 299W, December 26 1837, A.O.T., L.C. 83/2.

alone with a heavily pregnant wife and "six little children".\textsuperscript{113} With the minimum of effort, an absent convict servant could substantially inconvenience her employer. The aggravation was often further increased because many employers spent time tracking down absentees. Mr Ford had twice in one day to go to his men's hut in order to take Sarah Elam back to work.\textsuperscript{114} Absenteeism was often persistent; convict servants sent back to service only to disappear again. It was also not uncommon for co-workers to abscond together or one after the other. George Carr Clark lost four of his convict workers in this way in under a fortnight: Mary Ann Scace went absent without leave on May 30th 1837, followed by Frances Martin, Anna Maria Turner and William McPhernon on June 12th.\textsuperscript{115} Carr Clark's difficulties were faced by employers throughout the colony.

Absenteeism was not the only tactic convict women used to ensure access to leisure. Many of those who were denied free-time retaliated by socialising on their employer's premises. This disrupted the household and caused employers considerable concern. Female convicts who became drunk on the premises, for instance, commonly did so in their employer's time and at their expense. Alcohol was one of the four main types of items pilfered by female convicts from colonial employers,\textsuperscript{116} and was generally

\textsuperscript{113} Anne Saunders per Eliza, no. 157S, Ann Frances Clifton per Mermaid, no. 112C, April 19 1833, M.L., T.P. 253.
\textsuperscript{114} Sarah Elam per Jane, no. 39E, July 12 1836, M.L., T.P. 290.
\textsuperscript{115} Mary Ann Scace per America, no. 188S, May 31 1837, M.L., T.P. 290. Frances Martin per Edward, no. 196M, Anna Maria Turner per New Grove, no. 109T, William McPhernon per Southworth, no. 668P.: June 21 1837, M.L., T.P. 290. Martin, Turner and McPhernon were absent from June 12th-20th.
\textsuperscript{116} The other three being, in order of importance, cloth, clothing and money. Combined these four items accounted for 77 percent of the thefts committed by female convict servants on their employers. Jewellery accounted for a further 9 percent. Felonies accounted for just 3.8 percent of the charges brought against female convict servants in the police courts. Employers were the target of these thefts in two-thirds of these cases. Felony charges were more likely to be brought before a criminal court. Thus, 89% of assigned females brought before Quarter Sessions were charged with larceny, embezzlement or obtaining under false pretences, and 40.5% of those appearing before the Supreme Court were indicted on larceny charges. V.D.L. Quarter Session records are available from 1824 to 1839, although there are some minor gaps. The prosecutor was the woman's employer in 51% and 64% of these cases respectively. The records of the V.D.L. Supreme Court, which was established in 1824, are intact for the period 1824-1839: A.O.T.: L.C. 582/1; A.B. 294; L.C. 219; L.C. 440; L.C. 216; L.C. 367/1; L.C. 256/1; S.C. 32/2; S.C. 41/1-41/5. M.L., T.P. 186; T.P. 220; T.P. 228. The extent of pilfering by convict servants was greater than the court records suggest. Many colonial employers turned a blind eye to these "depredations", preferring, as Arthur observed, to "submit to peculation rather than incur the additional expense of prosecuting their servants". George Arthur, 'Minutes of Evidence taken before the Select Committee on Transportation', Parliamentary Papers, Volume XIX (1837), p. 293. Charges of larceny were often only brought when a convict was arraigned on another charge. It was, for example, not until Captain Crear brought Mary Redding to court for insolence and neglect of duty that he alleged that she had for
consumed on-site. Not only were drunken servants incapable of work, they were also commonly insolent, noisy and disruptive. When Mary James got drunk, for example, she refused to obey orders and "used very abusive language", calling her Mistress a "drunken Irish bitch". Incidents of this type had the potential to escalate, thus entirely undermining household order. Many women, not content to drink alone, supplied co-workers with alcohol. Elizabeth Doyle stole her employer's gin and distributed it between the other servants, encouraging them to get drunk with her.

The deferential relationship which employers carefully fostered with convict servants was undermined when a drunken servant spoke her mind, particularly if she did so publicly. Witnessed by the other workers, Mary Burke humiliated her master's Aunt. William Moore, convict overseer to Mr Aitkin, reported that he had "overheard the prisoner abusing Miss Aitkin... (she) was in tears and she begged of me to protect her from the violence of the prisoner who was abusing her and calling her names". Moreover, although physical assaults on employers were relatively rare, drunken servants were more likely to become threatening. Maria Morris, for example, was drunk when she threatened "to cleave her mistress down". Such incidents not only humiliated employers, but were forcible reminders of the servant's potential to do harm.

Convicts regarded their access to free time as a 'right' earned by labour. Elizabeth Picket's attitude is indicative: although she had been repeatedly ordered not to leave the house, her employers reported that she continued to go out "almost every evening

some time been taking tea from his caddy. Mary Redding per Jane, no. 128R, June 13 1834, M.L., T.P. 254.
117 Indeed, many such thefts were only detected because the woman was discovered drunk. Thomas Packer's suspicions were, for example, first alerted because he overheard convict servant, Jane Roy, "speaking very loud". On investigation he discovered that she was drunk and had fraudulently obtained a jug of his ale from the housekeeper by telling her that it was required in the parlour. Jane Roy per Arab, no. 156R, February 14 1837, A.O.T., L.C. 362/3. Much of the evidence confirms Backhouse and Walker's contention that female convicts who stole from employers did so "to gratify their propensities for smoking and drinking". James Backhouse & George Washington Walker, 'Remarks upon the Discipline of the Penitentiary for Females', March 31 1832, A.O.T., M. 697, p. 195.
119 Elizabeth Doyle per Providence (1826), no. 61D, January 16 1837, A.O.T., L.C. 362/3.
120 Employers faced the same problem when absentees returned home drunk. Jane McBeath disturbed the household when she returned late at night and drunk. Her master reported that when he confronted her she was "very abusive and made use of gross language". Jane McBeath per Harmony, no. 152B, April 26 1834, M.L., T.P. 227.
121 Mary Burke per Borneo, no. 140B, June 3 1833, M.L., T.P. 254.
122 Maria Morris per Lady of the Lake, no. 98M, N.S.D.G., ref. 1638.
after she brings the tea in". Charged with absence, Picket stated in her defence: "I have done my best since I have been here (in service) and I will not be kept a prisoner as I have been".123 Eliza Murray assumed that her lengthy period of service gave her a legitimate claim for time off: "she had been in the service of Captain Vicary fourteen months", she explained in court, "and asked leave to go out for one hour which was refused".124 Rachel Leach and Elizabeth Winn openly used their labour to bargain for free-time, informing their master that they would not work "unless they had leave to go out".125 Convict women also sought freedom of association; the 'right' to spend time with companions of their own choosing. The paternalistic pretensions of employers frequently encouraged them, however, to deny such desires. The employer-convict servant relationship was idealised as reformatory. Mistresses, in particular, were held to play a key role in the moral education and welfare of their female assigned servants.126 Intervention in a servant's personal life was therefore justified on the ground that the convict required 'improvement'. This attitude was fostered and supported both by government and the courts. Convicts were encouraged to submit to their employer's 'guiding hand' by Convict Department policy which required every petition to marry to include the employer's written approval, while those who stepped out of line and defied employer bans on free association were harshly dealt with by colonial magistrates. Convicts nevertheless resisted such infringements upon their personal liberty and sought to bargain for the 'right' to converse and socialise with whom they chose.

Employers struggled, often unsuccessfully, to prevent this. Some sought to cut all lines of communication between their convict servants and the world beyond the household. Dr Brock was thus extremely anxious to prevent Ann Heath, his convict

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123 Elizabeth Picket per Hydery, no. 90P, July 22 1833, M.L., T.P. 325.
125 Rachael Leach per Jane, no. 125L; Elizabeth Winn per Lord Wellington, no. 32W: March 3 1834, M.L., T.P. 227.
126 Repeated reference was made to the importance of the role performed by 'moral' mistresses in reforming convict women in both the colonial press and Convict Department reports. John Price, for example, informed the Committee of Enquiry into Female Convict Discipline that he favoured the continuation of female assignment because "...the prisoner has the example of virtuous women and has habits of cleanliness and industry enforced which are not now. The prisoner...mingles with the children and forms an attachment...which very much softens her disposition". The Committee concurred with his views and supported the retention of the assignment system for women after 1839. John Price, Chief Police Magistrate, Report and Evidence of a Committee Enquiring into Female Convict Discipline, 1841-1843', A.O.T., C.S.O. 22/50, pp. 187-189. See also The Tasmanian, August 30 1833; Bent's News, March 19 1836.
servant, from standing outside his house talking to a man in the street, and threatened to call a constable if he found her "out again". Mr Walker intercepted his female convict servant's letters. Jane Jones was consequently charged with "disorderly conduct" because Walker discovered that she had been "writing...to other person's men servants in order to induce them to come to the farm for improper purposes". Others took steps to break up relationships they considered "improper". George Thompson reported that he had "tried to stop" the "improper connection" which he believed to exist between Mary Ann Woodcock and John Beckett, both convicts assigned to his service. When his own efforts failed, he arraigned them both before a magistrate who effected their separation by ordering that Beckett be re-assigned "to the extreme north of the Island".

Convicts resisted attempts to control their leisure time and social contacts. Absenteeism provided one method of securing independent leisure time: out of sight of employers, convicts were also, temporarily, out of their control. Convict women also maintained relationships by smuggling their chosen companions into their employer's house. Sarah Lawrence, for example, secretly admitted Charles Bayley into her master's house at three o'clock in the morning. Others let friends and partners enter through windows after dark, or concealed them in hideaways throughout the household until a convenient time to meet arose.

Many convicts openly rejected their employer's attempts to control their personal lives. Ann Clifford defiantly informed her master that she "would speak to anyone she chose". The general principle asserted by convicts in such conflicts was summed up by Charles Brown, who, when his mistress told him to stop talking while he worked, retorted that he "would speak when and where he thought proper", and asked her "if she wished to clock his lips". Convicts vigorously resisted employer attempts to lay claim to anything beyond their labour. Many moreover disputed even that claim by making it plain that the continued availability of their labour was dependent on

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129 Mary Ann Woodcock per Mary (1831), no. 190W; John Beckett per Earl St. Vincent: August 26 1835, A.O.T., L.C. 83/1.
130 Sarah Lawrence per New Grove, no. 144L, January 3 1838, A.O.T., L.C. 83/2.
131 Hannah Wilson, for example, was punished for concealing fellow convict worker Miles Flinn under her bed. Hannah Wilson per Morley, no. 31W, September 5 1835, M.L., T.P. 290. Barbara Kerr hid Samuel Turner in her bedroom chimney. Barbara Kerr per Borneo, no. 53K, December 31 1830, A.O.T., L.C. 347.
133 Charles Brown, February 27 1839, A.O.T., L.C. 347.
employer concessions. Jane Hendon therefore asserted her 'right' to free association by withdrawing the one 'right' her employer was able to lay claim to. She refused to remain in his service, her master reported, "on account of my having refused to allow a man of the name of Sutton to visit her".134

The numerous penalties which convicts imposed upon those who failed to respond to their demands for independent leisure time encouraged most employers to compromise. In return for work, some therefore issued convict servants with passes, allowing them to go out without interference from the police.135 Many others simply turned a blind eye to servant absenteeism, if it did not overly interfere with work.136 The result of this compromise over leisure was, as convict Bridget Monaghan explained, that "there are a good many places...(where) women...can go in and out when they like and have men to see them...".137 The authorities were well aware that employers compromised with their workers in this way over free time and leisure. As Constable Brice noted; "there are persons who do not care what their servants do if they have done a little work for them".138

Of such importance was the 'right' to free time and independent leisure that female convict workers regarded it as the central test of whether a service was 'good' or 'bad'. According to Mary Haigh; "services where women are well kept and clothed but overseen are considered bad situations, and those in which women are allowed to do as they please are held to be good ones".139 Women resisted assignment to these 'bad' services by committing offences in order to be returned to the House of Correction. "I have run away from various causes", one woman explained, "(but) I generally absconded because I was refused leave out".140 "They would sooner be in the

135 Although this decreased the incidence of unexpected absences, it was far from trouble-free. Many convicts simply overstayed their pass.
136 Mary Haigh, for example, recalled an assignment where she had been able to "do as I liked. I was allowed to drink, go to the Public House and might remain out all night if I pleased...". Mary Haigh per Arab, no. 269H, Report and Evidence of a Committee Enquiring into Female Convict Discipline, 1841-1843, A.O.T., C.S.O., 22/50, p. 309.
137 Bridget Monaghan per Sovereign, no. 66M, ibid, p. 299.
139 Mary Haigh per Arab, no. 269H, ibid, p. 313. Convict Department officials made similar claims. John Hutchison, Superintendent of the Hobart Female House of Correction, agreed that convict women considered services to be good "merely because of the licence they allow to their servants", ibid, p. 117. According to Constable Walton, female convicts considered a good place to be "when they get a Master or Mistress who will let them do as they please", statement of Constable Walton, ibid, p. 221.
140 Grace Heinbury per Atwick, no. 305H, ibid, p. 267.
Factory", Bridget Monaghan stated of her fellow female convicts, "unless they can get to a place where they have plenty of liberty".  

Detailed examination of the Van Diemen's Land police court records establishes beyond doubt that assigned female convicts took action to shape the conditions of their labour. They brought their employers to the negotiating table over a range of substantive workplace issues. These negotiations were so important that convict women made their continued access to them a fundamental condition of their labour. It was then, above all, their 'right' to workplace negotiations which female convicts took action to establish and defend. Few were willing to remain in their service once these had broken down. Convict reaction to the use of the courts is indicative. Employers who threatened, or resorted to, the power of the magistrates were regarded by convict women as having placed themselves beyond the boundaries of household negotiations. They had destroyed the consensus between convict worker and employer. Many women responded to this breakdown by permanently withdrawing their labour.  

Employer intransigence on the issue of workplace negotiations was, however, relatively rare. They more commonly shared their convict workers' dislike of courtroom negotiations. This has conventionally been interpreted as a sign of the strength of colonial paternalism. Workplace negotiations, historians argue, were

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141 Bridget Monaghan per Sovereign, no. 66M, ibid, p. 299.
142 Some refused to return to service after punishment. On being released from the punishment cells Catherine Johnson, for example, went to the Police Office and "expressed her determination not to go back to her service". She was persuaded to return, but had "not been gone an hour before she presented herself at the Police Office" again, this time declaring that "she would undergo any punishment rather than remain" in her service. Catherine Johnson per Mermaid, no. 48J, February 1833, M.L., T.P. 323. Although other women went back their subsequent misconduct was designed to ensure the termination of their assignment. Sophia Fitzpatrick's master reported that, since she had returned from punishment, she had "done nothing but insult my wife". The final straw was Fitzpatrick's language which was "so gross" that her employers felt unable to retain her in their service. Sophia Fitzpatrick per Harmony, no. 67F, December 30 1834, M.L., T.P. 254.
encouraged by colonial employers because they provided them with an ideal opportunity to exhibit paternalistic benevolence.\textsuperscript{144} To be effective, however, paternalism requires the superordinate to wield a relatively unchallenged power. Yet, in their workplace confrontations with female convicts, colonial employers repeatedly appear surprisingly powerless. Many endured persistent misconduct by female convict servants over considerable periods of time.\textsuperscript{145} They did so because the balance of workplace power repeatedly favoured the female convict worker. At the bargaining table, it was convict women, not employers, who steered the negotiations. Most of the 'indulgences' which female convicts enjoyed were therefore extracted from, rather than 'bestowed' by, employers.

**Sources of Workplace Power: Convict Women, the Labour Market and the Threat to Quit.**

Convict women drew their workplace power primarily from the conditions of the Van Diemen's Land labour market. The limited supply of female labour placed considerable constraints upon the ability of colonial employers to control and discipline convict women servants. Employers forced to bring their female assignees before a magistrate on a charge of misconduct paid a high penalty. Given the persistent shortage of female labour in the colony, convict women detained for punishment were extremely hard to replace. As a result, colonial employers were of the opinion that; "it really is a matter of doubt, when a (female) servant is sentenced to be confined...for a breach of behaviour, whether it is the servant or her mistress that is punished".\textsuperscript{146} Before an employer took a female convict to court, it was wise to weigh up any potential disciplinary benefits against the difficulties caused by the consequent loss of labour. Anxious to avoid this self-inflicted punishment, many employers were dissuaded from using the courts, and postponed taking female convicts before magistrates for as long as possible. The courts were therefore a measure of last resort, commonly taken only when informal sanctions failed to curb the servant's repeated misconduct. Consequently, magistrates frequently heard from

\textsuperscript{144} See, for example, Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', pp. 127-128.

\textsuperscript{145} For four months Janet McLean's employers, for example, tolerated her "constantly insolent" behaviour; Jane Hendon's master suffered two months of almost continual disruption to his household; and Elizabeth Doyle's employers postponed taking action against her for weeks despite her repeated and audacious thefts of their property. Janet McLean per Nautilus, no. 181L, February 12 1839, M.L., T.P. 326. Jane Hendon per New Grove, no. 247H, June 23 1838, M.L., T.P. 326. Elizabeth Doyle per Providence (1826), January 16 1837, A.O.T., L.C. 362/3.

\textsuperscript{146} The Launceston Independent, May 25 1831.
employers of the persistent, but unpunished, misconduct of the woman in the dock. Margaret McCormack, for example, had been absent without leave seven times before her master took any formal action.147

Employer reluctance to use the courts strengthened the workplace position of female convicts. The more remote the threat of discipline, the more employers relied on positive sanctions to extract productive labour. In practice, female convicts were therefore able to conduct their workplace negotiations, to a considerable extent, as if they were 'free' workers. In particular, convict women repeatedly expressed their dissatisfaction by quitting their service and seeking re-assignment and improved conditions elsewhere. Female convict workers therefore not only bargained over their conditions of labour, but used their labour-power as their chief negotiating weapon.

A high rate of servant turnover characterised the female assignment system in Van Diemen's Land in this period. As chart 7.1 details, little more than a third (36.4%) of women remained in the service to which they were assigned on arrival for more than 2 months. Although levelling off, this decline continued; within 9 months of arrival almost 80 percent of women had left their initial assignment. Two-thirds of these women, moreover, reflecting the high rate of colonial demand for female labour, were re-assigned at least once during the interim period. Convict women continued to change their place of service at frequent intervals throughout their time in the assignment system; 60 percent of women assigned at both the 1832 and 1835 musters changed employer at least once in this three year period.148

On first sight, this rapid turnover appears to have been employer initiated. 'Unsuitable' or 'recalcitrant' women were returned to the Crown, commonly via the courts, by their employers. Maxwell-Stewart's proposition that employers of male convicts used the courts as a "firing mechanism" appears therefore to apply to convict women.149 The reluctance of employers to take any steps that might lead to the loss of female labour indicates, however, that this "firing mechanism" was not the employer's preferred option. Indeed, the removal of an assigned female convict from service for punishment was, at best, a phryric victory for the colonial employer. Far from being a demonstration of employer power, it more commonly reflected loss of control. Much

147 Margaret McCormack per Mermaid, no. 107C, August 19 1834, M.L., T.P. 227.
148 P.R.O., H.O. 10/48 & 50. The figure may be an under-estimate. It is impossible to calculate what proportion of these women had been assigned elsewhere between 1832 and 1835 but returned to their 1832 employer by the 1835 muster.
149 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 122.
of the evidence suggests that female convict servants regularly and deliberately forced their employer's hand; escalating workplace conflict until the employer was left with little choice but to turn to the courts. Everyday forms of resistance functioned, in such circumstances, as the female convict's effective notice to quit. Although 'dismissal' proceedings were in formal terms employer-instigated, convict women therefore played proactive roles. The courts were much more than a "firing mechanism" for use by employers; convict women also made the courts work for them, as a labour exchange.

Chart 7.1: Proportion of Female Convict Servants Remaining in the Service to which they were Assigned on Arrival in V.D.L, 1829-1835, measured at periodic intervals.

These figures are based on appropriation list and colonial muster data for convict women from the following transports: Lady of the Lake; Mellish; Eliza; Mary (1831); Frances Charlotte (1833); Edward; New Grove; William Bryan; and Hector. Appropriation list data for convict women arriving prior to 1829 was not used because the time-lapse between assignment and the 1832 and 1835 musters was too great to allow meaningful analysis. After serving 36-48 months, an ever-increasing number of women left the assignment system. The absence of muster data after December 1835 prevented analysis of the assignment-turnover of female convict servants arriving 1836-1839.


The press persistently attributed the problem of servant turnover to the activities of convict women.150 "The greatest hindrance to the comfort of a family in this colony",

150 See, for example: The Tasmanian, March 21 1828; The Tasmanian, April 26 1828; The Launceston Independent, May 25 1831; The True Colonist, March 11 1834; Bent's News, February 27 1836; The Colonial Times, March 13 1838; The Colonial Times, June 19 1838; The Colonial Times, July 9 1839; The Tasmanian, July 19 1839.
The Launceston Independent declared, "is found in the difficulty first of procuring and then of keeping female assigned servants...". The workplace scenario which the newspapers painted was one in which assigned females repeatedly ran rings round their employers, thereby frustrating their attempts to prevent them leaving their service. The Colonial Times, for example, complained;

"every family is annoyed, whenever they have occasion to reprove these refractory ladies, with the saucy manner in which they utter a retort, as follows: "Send me in; I would rather be in the Factory, than with you"...".

Similar grievances were echoed throughout the period by the other colonial newspapers. Thus The Tasmanian was indignant at the ability of female convict servants to "tell us to our face to send them to the Factory, (that) they would rather be there idle than work elsewhere"; The True Colonist reported that there "were numerous daily instances" of female convict servants "telling their mistresses, if they do not like their situations...to return them to the Factory"; and Bent's News bemoaned the fact that it was generally impossible to keep "the best female (convict) servants...if they do not like their situations".

The techniques used by female convict servants to secure a change of service were also detailed by the press. Once again, the scenario which such reports most commonly depicted was one in which employers were relatively powerless. Women intent on changing their situations, Bent's News reported, thus achieved their aim by deliberately "abus(ing) their indulgences" until it became impossible for their employer to continue to resist taking formal action. A range of similar accounts detailed the ways in which employers were regularly outwitted, and outpaced, by their female convict servants. A successful and common strategy, The Tasmanian reported, was for the woman to abscond, go on a "spree" for several days, and then voluntarily turn herself in to the Police Office. The employer, hearing that she was in custody, "hasten(ed) thither", but arrived too late to prevent her pleading guilty to misconduct and thereby securing her desired return to Government.

151 The Launceston Independent, May 25 1831.
152 The Colonial Times, June 19 1838.
154 Bent's News, February 27 1836.
155 The Tasmanian, July 19 1839.
records will reveal, such accounts were neither fictional nor exaggerated. While the specifics of each case varied, the generalities of such storylines were immediately recognisable to employers throughout the colony.

Female convict workers goaded their employers to take them to court and scornfully derided them when they threatened such action. On being reprimanded, Margaret Wilson informed her mistress that "if (she) did not want her (she) might send her in".\(^{156}\) Sarah Jones' response was similar; rebuked for failing to finish her work, Jones "called out in an insolent tune...you had better send me away".\(^{157}\) Many women called their employer's bluff when threats of punishment were issued. Thus, when George Harrison threatened to call a constable to take convict servant Elizabeth Baker into custody if she did not stop her insolence, Baker's response was to put down her work, go to her room, and pack her belongings.\(^{158}\) Employers often had little intention of following through on threats of dismissal. The aim of convict women in such circumstances was therefore either to force the employer to retract the threat and acknowledge defeat, or to push the employer into a situation where the only way to save face was to proceed and suffer the penalties. Catherine Johnson scored a notable victory over her mistress in this way by forcing her to carry out her threat of court action. Once this threat had been issued, Johnson deliberately escalated the conflict between them, causing Mrs Thomas to follow a highly disadvantageous course of action, the end result of which was a humiliating public climb-down. Forced to take Johnson to court, Mrs Thomas was then required to "urgently intercede" with the magistrate on her behalf, urging him to impose no higher punishment than a reprimand in order to secure Johnson's return to her service.\(^{159}\)

Many women responded to the threat of punishment in this way because they sought to hasten their re-assignment. A new service was, for example, Catherine Johnson's repeatedly declared aim. Unperturbed by the prospect of punishment because it raised the prospect of dismissal, many convict women urged their employers to proceed with their threats. Thus, George Hobler reported that when he threatened to take Mary Ann Ody to the Police Office, she replied "I might do so, (and) the sooner the better"; Sidwell Sixspeak shrugged off the same threat by declaring that her mistress should

\(^{156}\) Margaret Wilson per Edward, no. 256W, October 5 1838, M.L., T.P. 326. Wilson's indifference to being "sent in" was repeated in court, where her conduct was "very improper...in laughing".

\(^{157}\) Sarah Jones per Mary (1823), no. 22J, April 6 1836, A.O.T., L.C. 362/3.


\(^{159}\) Catherine Johnson per Mermaid, no. 48J, January 3 1832, M.L., T.P. 323. February 18 1833, M.L., T.P. 323.
"do so for she had been long enough with her"; and so keen was Rachael Holmes to leave her assignment that she followed her master to Launceston because, she reported, "he said he was going to take me to the Police Office". The threat of dismissal was clearly an ineffective disciplinary weapon against female convicts in Van Diemen's Land. While the colony's female labour market remained under-stocked, dismissal simply opened the door to re-assignment, and the potential of improved conditions elsewhere. The advantages of this far outweighed the penalties; thus convict women were undeterred even although a period of punishment normally preceded re-assignment.

High demand for female labour created considerable space within the assignment system for convict women to discard employers and allowed pressure to be placed on employers to deliver concessions. Aware of this, some women used the threat repeatedly. Anne Smith's employer complained; she "will not do anything she is ordered to do and is continually threatening to leave my service". This continued over a period of several months. Others were not interested in bargaining, but intended to act on such threats. Thus Mary Ann Keef, after announcing her "determination to leave her service", went immediately to her room in order "to pack her things".

Those who sought re-assignment were variously motivated. Many walked out on employers because their conditions of assignment failed to measure up to their demands and expectations. Anne Smith walked out because, as she declared, she "did not like her situation"; Mary Kimsley because "her place (was) a horrid, bad one"; and Mary Harnett because her "place did not suit her". The circumstances which led to such declarations varied from woman to woman and from service to service. Mary Lambert considered her service unsuitable because her employers prevented her from

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161 Labour market conditions shaped female convict responses to punishment. High demand for female labour encouraged the early release and re-assignment of women from punishment. The press made reference to this informal policy. The Tasmanian, August 23 1833, complained that "instead of being rigorously confined in the Crime Class for six months", women sentenced to be punished "will very frequently be assigned in less than the same number of weeks". This policy was used most frequently during periods when female labour was particularly scarce. See, The True Colonist, March 15 1833.

162 Anne Smith per Hydery, no. 223S, February 6 1834, M.L., T.P. 227.

163 Mary Ann Keef per Harmony, no. 54K, January 23 1834, M.L., T.P. 227.

talking to a visitor who had come with news of her children confined in the Hobart Orphan School. Incensed by their actions, she stormed through the house, declaring that "her place would not suit her if she could not see proper who came to give her an account of her children" and "she would thank her (mistress) to turn her in". Lambert issued this demand repeatedly for several days, then took matters into her own hands by absconding. Other women, as has been shown, were motivated to quit their service because, amongst other things, they considered the rations to be insufficient, the workloads too heavy, their time for leisure too limited, or their employers to be generally too inflexible and unyielding in workplace negotiations.

An outright declaration of intent was not necessary to secure a return to government. Convict women commonly achieved the same end simply by raising the temperature of workplace conflict until the employer was no longer able to tolerate it. This strategy was often more successful; magistrates regularly sent women who had openly sought re-assignment back to their employer after punishment. Mary Kimsley, for example, was ordered to be returned to her service after undergoing 14 days solitary confinement because she had demanded re-assignment. She eventually achieved her aim by different tactics; six weeks later she was returned to Government because of repeated drunkenness, insolence and refusals to work. According to Mary Haigh, women advised each group of new-arrivals to deal with 'bad' assignments in this way. "On my arrival in the colony", she reported;

"I was sent to the Factory with the rest of the women to await my assignment...A Prisoner Turnkey attended to us...She had been some time in the country and allowed women from the other yards to come in and traffick with us...The women with whom we trafficked told us the "ways" of the colony and how to manage if we got into bad places, telling us that we must be insolent, disorderly or must run away".

Grace Heinbury detailed the reasons and methods she had used to escape from several successive assignments. Sent "to a place where a shipmate lived whom I did not like", Heinbury ensured that she was returned to Government by telling "my mistress I could not do 'Housework'". She "ran away" from two other services because of poor

165 Mary Lambert per Providence (1821), no. 23L, July 22 1833, M.L., T.P. 325.
166 Mary Kimsley per Lady of the Lake, June 5 1834, July 15 1834, July 16 1834, M.L., T.P. 227
rations and "ill-treatment", and absconded "at the end of three days" in a fourth service because she "had a very cross mistress".\textsuperscript{168} Employers were aware that convict women escalated workplace conflict in order to obtain a new assignment. Thus, Lady Franklin explained that convict women, "when they wish to change their place of servitude...are known to commit offences on purpose to be sent back to it (Female House of Correction) preparatory to their re-assignment elsewhere".\textsuperscript{169}

Convict women also left their services, regardless of the conditions, if they considered the geographical location undesirable. Assignments within Hobart or Launceston were greatly preferred. Women assigned to rural districts therefore intended their misconduct to secure them a trip to town for punishment. Once there, the chances of re-assignment to a more favourable location increased. Thus, Mary McGoverin refused to work because, she declared, she "wanted to go to Launceston" and threatened to "make a bolt of it altogether" if her master did not return her.\textsuperscript{170} Margaret McDonald's persistent misconduct in service was, her master reported, motivated by "her desire to get to Hobart Town".\textsuperscript{171} The level of discontent amongst those seeking re-assignment outside the rural districts of the colony was considerable. Indeed, John Price, Chief Police Magistrate, was of the opinion that "many women ordered to the Interior only commit offences for the purpose of being brought down to Hobart Town".\textsuperscript{172} The sheer scale of the problem, combined with the high level of demand for female labour in Hobart and Launceston, made it difficult for the colonial state to contain. Although some women failed, it is probable that others secured that much sought-after urban assignment.

Convict women evidently perceived it to be their 'right' to pick and choose their own employment, and thus rejected assignment to services which failed to meet their criteria of a 'good' place. "Many...will avow that they would rather be in the Factory",

\textsuperscript{168} Grace Heinbury per Atwick, no. 305H, ibid, pp. 261-266.
\textsuperscript{169} Lady Jane Franklin cited in Katrina Alford, \textit{Production or Reproduction? An Economic History of Women in Australia, 1788-1850} (Oxford University Press, Melbourne, 1984), p. 167. Historians have argued that female convicts preferred the House of Correction because it provided an asylum from the oppressive conditions of colonial society. See, for example, Anne Summers, \textit{Damned Whores and God's Police. The Colonization of Women in Australia} (Penguin, Ringwood, Victoria, 1975, reprint 1990), p. 283. The evidence presented here suggests, however, that the attraction was not the House of Correction as such but the prospect of a new employer. The role these institutions played as labour-bureaux was therefore a more significant factor than their role as refuge.
\textsuperscript{170} Mary McGoverin per New Grove, no. 154G, October 30 1837, A.O.T., L.C. 83/2.
\textsuperscript{171} Margaret McDonald per \textit{Mary} (1831), no. 136D, April 6 1836, M.L., T.P. 290.
The Colonial Times reported of assigned female servants, "than in this or that place...". A chief purpose of the information network which flourished in the colony's Female Houses of Correction was therefore to advise women as to the 'good' and 'bad' places of service in Van Diemen's Land, and to suggest suitable tactics to deal with the latter. This system of advice appears to have been highly efficient. John Price feared, for example, that "the internal arrangements of every house in Hobart Town are known to all the women in the Factory, and women are prejudiced against places before leaving the House of Correction". One effect of this was to ensure that employers who acquired a 'bad' reputation found it extremely difficult to retain assigned females for any length of time. "There are places", the Superintendent of the Hobart House of Correction reported, "in which even the best conducted women will not remain...". This presumption of choice by female convicts was directly at odds with the coercive nature of assignment. By exchanging employers when they chose, convict women exhibited their ability to defy the formal restrictions of the system.

A host of everyday tactics of resistance, combined with their ability to up and leave an unsatisfactory employer, allowed convict women to bargain for good rates of return on their labour-power. They derived this power chiefly from the condition of the female labour market; they traded, in other words, on the high market value of their labour-power. The court records, however, provide no more than glimpses of this power. Those who appeared in court were, by definition, either the least successful negotiators or those who had the most obdurate employers. The women who wielded the greatest workplace power were, by contrast, absent from the records, for they were able to push their employers to accept favourable out-of-court settlements. The aim of female convict resistance was to negotiate the best possible rate of return on their labour-power; women capable of successfully driving the hardest bargains.

173 The Colonial Times, March 13 1838.
175 An employer who suffered from this problem was Dr Dermer. Reverend John Hutchinson reported that women in the House of Correction, "generally object going to the service of that gentlemen more than to any other service in the colony". Reverend John Hutchinson, February 7 1837, A.O.T., C.S.O. 1/895/19025. Spode informed Arthur that "females soon get liberated from that service", Dermer "keeps them always but very short periods...". Josiah Spode, May 11 1837, A.O.T., C.S.O. 1/895/19025. Employers had not only to take steps to retain the services of their present female convicts but were therefore also constrained by the fear that future labour supplies would dry up if reports of ill-treatment circulated.
Therefore tended to be willing to stay put in a service once these conditions had been secured. Such women not only had little reason to force a court appearance, but their employers were least willing to risk losing them to punishment.

The most successful workplace negotiators were differentiated by age, occupational diversity, skill and experience of local labour conditions from those who appeared before the colonial courts. Women aged in their teens and early 20s were disproportionately arraigned before the police magistrates. They accounted for 47 percent of convict women overall; but for 55 percent of those brought before the courts; and for 61 percent of those who appeared repeatedly in court.\footnote{The category of regular appearers includes all those who appeared in court three times or more in the records examined for this study.} Chart 7.2 details these differences. Older women were evidently more able to bring workplace confrontations to a favourable conclusion. This suggests that employers valued their services more and were therefore more willing to make the concessions necessary to keep them in their service.

### Chart 7.2: Age distribution of female convicts brought before the V.D.L. Police Courts, 1820-1839, compared with the overall age distribution of female convicts arriving, V.D.L., 1820-1839.

![Age distribution chart](chart.png)

The nature of women's work and occupational training in this period accounts for much of this difference. Women in the early nineteenth century accumulated their skills and occupational knowledge over the course of their lifetimes. Older convict women therefore had greater occupational skill, experience and diversity than their younger counterparts. Thus, only 38 percent of the court appearers had 2 to 3 occupations, compared with 45 percent of all convict women arriving in Van Diemen's Land in this period. This group also possessed a much narrower range of skills than convict women overall; the skills of the court appearers divided into 11 as opposed to 34 different categories. Furthermore, the court appearers were disproportionately skilled at general tasks like washing, childcare, and plain cooking, but had acquired fewer specialised skills such as ironing and cheese-making.

These differences also revealed themselves in the occupational profile of the women who appeared in court. Thus, houseservants, nursemaids and kitchenmaids accounted for 53.4 percent of convict women arraigned before the police magistrates, but for 48 percent of convict women overall. This trend was, once again, further pronounced amongst women who appeared regularly in court. Female convicts such as professional cooks, lady's maids, needlewomen, farmservants and dairyworkers, whose skills commanded a high premium in the colony, were, by contrast, less likely to end up before the courts.

The bargaining power of convict women workers was therefore based on their skills and occupational experience. While much of this was gained prior to transportation,

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178 Age itself may have been a factor, not so much because the women became more 'sensible' or less volatile with age, as because older women had greater experience of managing workplace conflicts successfully and were therefore more prudent tacticians.
179 There was, for example, a generational gap between the convict kitchenmaids and the professional cooks, see chapter four, p. 141. There was just one professional cook among the convict women who appeared in court.
180 Sometimes the disparities were weak; thus, 39% of the court appearers listed washing as a skill compared with 36% of convict women overall. The figures for childcare were respectively 3.1% and 0.6%; and for plain cooking, 6.2% and 4.8%.
181 3.1% of convict women overall were skilled at cheese making compared with 2.1% of the regular court appearers. 26% of convict women overall were able to iron compared with 19.6% of the regular court appearers.
182 These three occupational groups accounted for 52 percent of the court appearers overall.
183 Farmservants and dairyworkers, for example, accounted for 9% of convict women overall; for 7.2% of the court appearers; and 6.1% of the regular court appearers. Needlewomen accounted for 5.3% of convict women overall; 4.6 percent of court appearers; and 2.2% of regular court appearers.
184 0.3 percent of convict women overall were professional cooks. Only one was arraigned before a police magistrate, accounting for 0.06% of the court appearers.
the 'human capital' value of female convict workers did not remain fixed after their arrival in Van Diemen's Land. As they gained experience of colonial conditions, convict women adapted their existing skills and acquired new ones. It was for this reason, John Price argued, that colonial employers preferred ticket-of-leave to free female domestic servants. Having been in Van Diemen's Land some time the former, Price observed, had acquired a valuable "general knowledge of Colonial Service, and so are able to turn their hands to everything and are...far more useful...".  

This growing utility meant that the longer a convict woman had been in the colony the more able she was to negotiate a favourable workplace deal. Assigned female convicts were therefore disproportionately arraigned before the police magistrates during their first three years in the colony. Thereafter, however, court appearances declined in frequency. The turnover rate amongst assigned female convicts also levelled off over time. Thus, women who had been in the colony for two years or less in 1832 accounted for 88.5 percent of those who changed their assignment between 1832 and 1835. Just 55 percent of women assigned at the 1832 muster were, by contrast, at this stage of their sentence.

Combined, the data on age, skill-range, occupational diversity and colonial experience provides compelling evidence that the workplace power of convict women was based on the value of their labour-power as a colonial commodity. The women who met with greatest success were those whose skills and occupational abilities were most highly valued in the market-place. The ability of female convict workers to trade on their labour, experience and skills contradicted the very basis of assignment as an unfree labour system. The shortage of female labour in Van Diemen's Land therefore had a profound impact. It empowered convict women to push their conditions of labour ever closer to those of 'free' workers.

The importance of day-to-day forms of resistance has been much debated by historians of unfree labour. Some have found its methods wanting on the grounds

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186 Over two-thirds (68.5%) of assigned females arraigned before the police magistrates had been in the colony for 36 months or under. Data from the 1832 and 1835 colonial musters reveals that, on average, 64% of convict women in assignment in these years had been in the colony for three years or less. This trend was particularly pronounced amongst the regular court appearers, 80% of whom had been in Van Diemen's Land for 36 months or less at the time of their committals for colonial offences.
that, in order to bargain with the system, the worker was first required to acknowledge it. While this debate has mainly focused on New World slavery, its influence has been discernible in the historiography of convict resistance.\textsuperscript{188} Thus, Maxwell-Stewart concludes that while the resistance of convict workers was important it should not be over-estimated, because;

"...ultimately (it) served to strengthen those invisible ideological shackles which bound the prisoner within a system of naked exploitation".\textsuperscript{189}

Everyday forms of resistance were, however, favoured by convict women workers because they were effective. Unlike methods of outright opposition to the system, such as arson or assault, these tactics were expressions of the workplace power of assigned female workers. Those who resorted to outright rejections of the system were, by contrast, displaying their relative powerlessness. They were commonly women for whom other, more subtle, channels of resistance had been closed off. They therefore made their "declarations of open war, with their mortal risks", only after "a protracted struggle on different terrain".\textsuperscript{190} Most were clearly driven to these extremes. Convicts James Twist, Thomas McDermott and Mary Lynch, for example, were reacting to a catalogue of abuse at the hands of their master, Phillip Gould Hogan. They alleged, and witnesses supported them, that over a prolonged period Hogan had repeatedly abused and assaulted them, threatened them with a gun and promised to "cut off their heads". Their response, when it finally came, was solely to seek retribution. Together, they dragged Hogan from his cart, destroyed the vehicle, assaulted Hogan and then restrained him while Mary Lynch aimed several blows to his head. All three were charged with "threatening the life of their master", "assaulting and beating him", and with "wantonly and maliciously destroying their master's

\textsuperscript{188} O'Connor has rightly criticised Atkinson on this point. Atkinson, she observes, "demands strict criteria before a challenge to authority can be deemed an assertion of a general principle and therefore a protest". He insists that "convicts show some alternative ideas about society", and thus in effect asks them "to turn two worlds upside down". Tamsin O'Connor, 'Power and Punishment: The Limits of Resistance', pp. 15-18.
\textsuperscript{189} Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System', p. 231. He makes a similar point when he argues that "by accepting the indulgences bestowed", convicts "acquiesced in a system of management which stressed the deferential relationship between the unfree and a master class", \textit{ibid}, p. 127.
property". Such explosions of anger left the convict open to state retribution and produced few discernible long-term benefits.

Convict women rarely rejected the assignment system outright. If this was a 'concession' to the power of the colonial state, it was one which brought them innumerable tactical benefits. Recognition that their power was workplace-based allowed the women to manoeuvre within the system, and thus to subvert its meaning at every turn. Female convict workers transformed the assignment system by substantially constraining its coercive element. Far from strengthening their "ideological shackles", convict women were able to undermine the entire premise of the system. They exercised their 'right' to choice, whether it be over the employer they worked for or the food they ate, and were able to establish that 'right' as a fundamental condition of their labour.

Female convict resistance was based on a rational weighing up of their power versus the power of the colonial state. Like New World slaves, convict women "accepted what could not be avoided", but, "simultaneously fought for...(their) moral and physical survival". "Accommodation and resistance", as Genovese observes of slave workers, "developed as two forms of a single process". The success of female convict workers was evident in their daily ability to determine their conditions of labour and leisure. Thus, the women consistently frustrated the reformatory efforts of the colonial state, and continued throughout to conduct themselves "in the heedless, careless, unruly manner in which they do delight...". Convict women, in other words, exercised considerable workplace power and control over their everyday lived experience.

191 James Twist, no. 81T, Thomas McDermott, no. 44D, Mary Lynch per Morley, no. 20L, November 4 1820, A.O.T., L.C. 247/1.
192 Maxwell-Stewart's comment is akin to suggesting that 'free' workers who strike over wages simply legitimise and strengthen the ideological power of employers.
194 The Colonial Times, January 29 1839.
Conclusion
This thesis began by critically evaluating and rejecting various representations of the convict women which have hitherto dominated the historiography. It has become clear throughout the course of the study that each of these is inadequate and conceptually flawed. The convict woman was neither 'hardened criminal'; 'damned whore'; 'powerless victim'; nor 'moral wife'. None of these images does justice to the complexities of the convict women nor to the diversities of their pre-transportation and colonial experiences. Each representation is, moreover, a constructed image, and as such, reveals much more about the agendas and assumptions of those who manufactured them, than about the women themselves.

The image makers have produced a series of one-dimensional characters; a range of cardboard cut-outs which all claim to be the convict woman. There are, however, no such fast and easy conclusions. Ultimately, of course, every exercise in history is an exercise in representation. Nevertheless, the sheer richness of the source material relating to the female transportees should act as sufficient safeguard against the production of any one, thinly constructed, image. It is more than possible, in other words, for historians to put 'some meat on the bones', and to produce a whole series of convict women, each of whom valorises the wide range of different experiences undergone.

The women's ability, both in Britain and the colony, to negotiate with the worlds of work and gender discipline, and to subvert dominant-class ideologies of femininity and domesticity, has been a main recurring theme throughout this thesis. Examination of the pre-transportation experiences of the women provided a multitude of insights into the ability of proletarian women in early nineteenth-century Britain to manoeuvre, resist, defy and subvert. Female convicts, contrary to the criminal-class image, emerged, on examination, as women with a clear experience of the world of work. They shared a common lived experience with other working-class women of the period, the majority of whom were involved in an endless struggle to make ends meet. Against this backdrop, many convict women turned to crime and prostitution as poverty management strategies.

The records speak of much more, however, than just poverty and oppression. Amongst the transportees, there were many women for whom crime and prostitution had offered a range of benefits, women who had secured from these activities a relative independence and freedom of movement at odds with contemporary ideals of womanhood. Female convicts, in other words, acquired the material means from
crime and prostitution to subvert dominant-class ideologies of femininity and sexuality and thus to prolong a partially independent working-class culture of gender. The imposition of new gender roles in nineteenth-century society was a much contested process. For some working-class women the means to adopt positions of resistance in the front-lines of this battle were obtained through crime and prostitution. Partly for this reason, the 'female criminal' and the 'prostitute' merged in the bourgeois imagination, and came to represent much of what they feared and detested in the urban labouring poor of the early nineteenth-century.

Similar agendas pre-occupied the colonial dominant class. They sought both to reconstruct the convict woman into the colonial wife and mother and to extract productive labour from her during her period in the assignment system. Again, however, these projects were contested. Assigned female convicts, empowered by the high demand for their labour in Van Diemen's Land and influenced by their pre-transportation experiences of resistance, forced both colonial state and employers to constantly negotiate and compromise. The records reveal that assigned convict women in Van Diemen's Land could not have been further from the passive victims of Australian feminist historiography. The presence, in large numbers, of freed and ticket-of-leave women on the streets and in the public houses and brothels of Hobart and Launceston testifies to the tenacity of a disorderly female culture in the colony. While the colony continued to be affected by a shortage of women, the material and lifestyle gains which women made from this culture were significant. There were then few incentives for convict women to 'reform', and relatively few were remade by their period in assignment into the image of ideal, subordinate-class, womanhood propagated by the colonial dominant class.

It is not the intention of this thesis to replace the old images of convict women with yet another new one; the convict woman as empowered resister. The reins of power were never in female convict hands, neither in Britain nor the colony. The power to try, to transport, to assign, to punish and to pardon was, throughout the period, effectively monopolised and utilised by the dominant class, in Britain and the colony. Female convicts did not fundamentally challenge this power, they simply found ways to circumvent and subvert it. Convict women, in other words, "made history, if not in circumstances of their own choosing".
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