

## **Western Australia: The Merging of Penal Spheres, 1850-1868**

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Convict transportation was an extensive system which many European countries and their colonies used as a form of punishment for convicted criminals. Over centuries the British transportation process was heavily influenced by developments within theories of punishment and the needs of its Empire.<sup>[i]</sup> Though Britain's strategic requirements tended to be centred on its sphere of influence, other motivations for transporting convicts were often more complex and ranged from the removal of unwanted criminals, to the use of convict labour and the expansion of the scope of power and control. This essay examines the global integration of convicts transported to Western Australia during the nineteenth century, highlighting the numerous systems of networks, through which beliefs, ideas and people moved. The main focus of this study is drawn from the vast numbers of convicts that were sent to the colony from within the British Empire, including those from Bermuda, India and Singapore. Exploration of these convict spheres will enable a much wider insight into the scale of forced human migration, allowing us to understand transportation within a wider global framework.

### **The British Transportation System**

The transportation of convicts during the mid-nineteenth century marked the final stages of the British system as strategic settlements gradually replaced larger penal colonies. This reduction in scale was a compromise by the British following the recommendations of the Molesworth committee to abolish the practice in 1837. Despite, the controversial nature of the system, convict labour continued to be used during this phase in the fortification of colonies holding strong geographical positions, such as Bermuda and Gibraltar. New penal settlements were also established in the Andaman and Nicobar Islands to safeguard British interests and aid in the removal of politically influential prisoners from India. In Western Australia, convictism was introduced as a way to ease the crippling labour shortages that threatened the fledgling colony's survival. Despite these varying motivations for the use of transportation, the same administrative considerations were shared and applied widely. As a result, convict settlements during this period exhibit striking similarities to each other and closely mirror the mechanisms of control that were used in Britain.

### **Western Australia's Convict System**

The founding of Western Australia in 1829 as a colony for free men and women aroused significant interest within the British Empire. Yet, despite the initial enthusiasm, accounts from the first settlers spoke of their despair at the colony's barren and hostile conditions.<sup>[ii]</sup> These difficulties were further exacerbated by the severe lack of labour, which hindered any real progress, even as the settlement entered its second decade.<sup>[iii]</sup> By 1840, the absence of outside markets, combined with the colony's inability to attract willing migrants ensured that the hope of future prosperity was dependent on the British government providing a regular source of labour and capital.

As a result, the colony actively began to promote itself as a suitable location for convicts from 1845. Though there were several factors involved in Britain's decision to introduce convicts to

Western Australia, one of the most significant was the rapid advancement that colonies – such as New South Wales and Van Diemen’s Land – had achieved as a result of the labour obtained through transportation.<sup>[iv]</sup> Consequently, the introduction of convicts to the colony appears to have had three main aims: first, to overcome the shortage and expense of free workers by making labour more readily available; second, to increase the supply of capital, while also generating income for the free settlers and; third, to ensure the building of public infrastructure within the colony.<sup>[v]</sup> On 1 May 1849 an Order-in-Council announced the decision to transport “felons and other offenders” from the United Kingdom to Western Australia.<sup>[vi]</sup> To alleviate the moral and social risks, the colonial government attempted to impose a number of conditions regarding the nature of the convicts and the number of migrants who were expected to accompany them. By March 1850, 75 convicts along with a further 200 passengers, mainly pensioner guards and their families, sailed from England.<sup>[vii]</sup> Between 1850 and 1868 around 9,700 convicts were transported to Western Australia, significantly altering the makeup of the colony’s population. In addition, 1,191 pensioner guards, 817 women, 1,469 children and an unknown number of imperial administrators accompanied the convicts.<sup>[viii]</sup> To bolster the colony’s population and preserve the equality of sexes a further 4,168 migrants were assisted with their passage to the colony.<sup>[ix]</sup>

Historical works regarding those transported to Western Australia are relatively few, while the connections which occurred between the differing convict spheres have received even less attention despite their influence. By viewing transportation within a more inclusive structure we are able to see the intricate networks that were created between the penal settlements. On a global scale, criminals were frequently transferred between penal colonies. Examination of the transportation process to Western Australia reveals that 36 of the 44 convict ships sent to the colony sailed directly from England; the remaining 8 transferred convicts from penal colonies within the British Empire. The connections established as a result of these interactions had a visible impact on the development of the settlements, as both the administrators, and the convicts conveyed specific ideas and approaches concerning punishment in an attempt to conform to British customs.

### **Merging of Convict Spheres**

From 1824-63, more than 9,000 convicts were transported to Bermuda following the emphasis, which the war of 1812 placed on the island’s importance. Although slaves were initially used to build the islands fortified naval depot, from 1824 convict labour was seen as a more sustainable alternative. Under strict supervision the British convicts worked in difficult and often treacherous conditions building a dockyard that was capable of maintaining Royal Navy warships. Convict settlements during this period were carefully created and maintained for a combination of economic and social reasons that were largely rooted in the use of convict labour, with the swift abolition of penal status to a settlement once convict labour had fulfilled its purpose highlights.<sup>[x]</sup> Although penal servitude within Britain had become much more cost effective, it was ultimately the completion of Bermuda’s dockyard that led to the disposal of its remaining convicts in 1863.<sup>[xi]</sup> As a result two convict spheres were brought together with the welcome transfer of 192 convicted men from Bermuda to Western Australia.<sup>[xii]</sup> The transportation of convicts from Bermuda to Western Australia centres the importance of inter-colonial transportation as a method the British employed to meet colonial needs, while at the same time ensuring the number of undesirables re-entering British society were kept to a minimum.

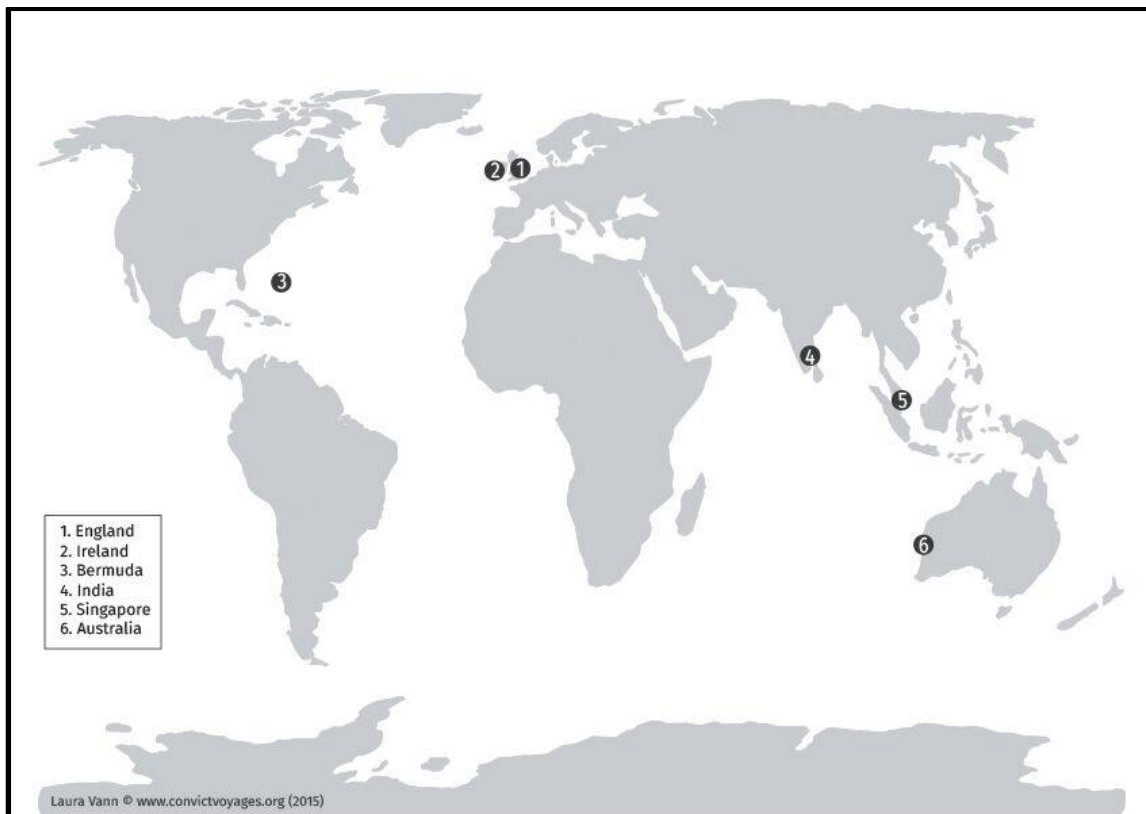
## **Geographical Connections of Western Australia's Convict System**

### ***Conflicting Connections***

One of the most significant aspects that emerged as a result of the communication between British colonies was the link between penal transportation and the political economy of colonial expansion. Just as Britain relied on regular correspondence with governors and other officials to ensure the governance of its colonies, the internal authority of a colony similarly relied on intricate networks to further its control. Having witnessed the advantages of convict labour, colonial officials in Western Australia were quick to convey their knowledge of the system in an attempt to encourage settlers to abandon any previous prejudices. This enabled the colonists to overcome their initial objections, as they learnt to associate convictism with material benefit rather than a sense of shame. At the same time the settlers constructed their own networks of communication, most notably newspapers, in an attempt to defend themselves from the disapproving comments of their sister colonies.<sup>[xiii]</sup> Therefore, although many of these connections were established as a method of exerting imperial control their influences were varied and wide-ranging, often empowering settlers with the information to shape their own convict systems. For Western Australia this enabled the colonists to prioritise their needs before those of Britain, rejecting any requests they felt were unbeneficial to the growth of the colony.<sup>[xiv]</sup>

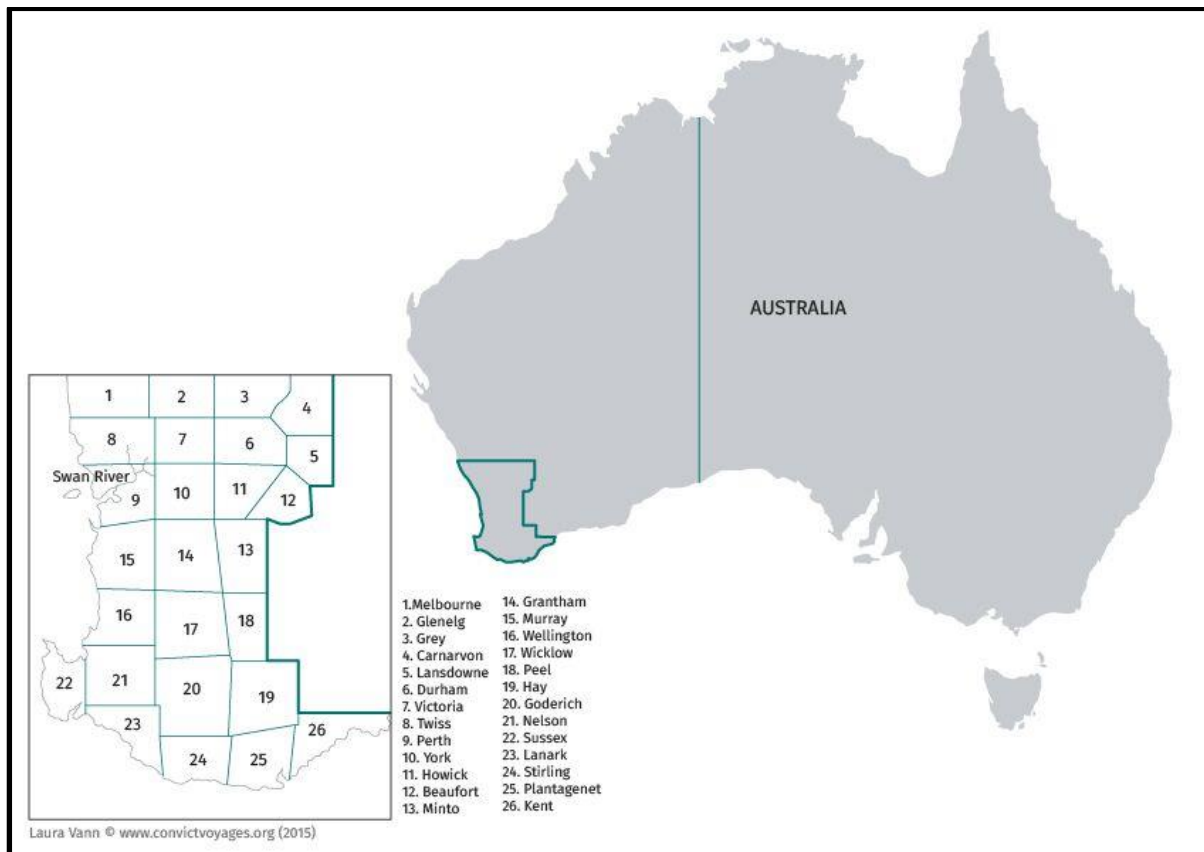
### ***Inclusive and Exclusive Networks***

In addition to those transported from England and Bermuda, Western Australia also received a significant number of men from India and Singapore. These were usually soldiers who had been sentenced for mutiny, desertion and other military crimes. Convicts born in India of South Asian or Eurasian parentage were transported to one of the East India Company's penal settlements in Southeast Asia, but British born "white" convicts sentenced to transportation by the criminal and military courts of India were shipped to penal colonies reserved solely for British convicts.<sup>[xv]</sup> British-born convicts from places within the empire, such as Mauritius, India, and Hong Kong, who were often soldiers, were initially sent to the Cape of Good Hope or Van Diemen's Land. These destinations were the most convenient in terms of reducing the threat that large numbers of military convicts posed and existing communication arrangements.<sup>[xvi]</sup> However, following increasing resistance from the Cape of Good Hope, Western Australia was appointed as the new location for European offenders sentenced by courts martial in 1853.<sup>[xvii]</sup> As well as broadening the geographical networks of Western Australia this act also encouraged the colony to incorporate similar policies of inclusion and exclusion.



Differentiations in the incarceration of Western Australia's native and British-born convicts arose during the 1830s, however policies regarding their segregation were exacerbated further as connections between colonial governments increased. These networks supplied colonial officials with a vast quantity of information from which they could draw their understandings of imperial practice, bringing Western Australia into the larger framework of empire. Brief comparisons of the colonies offer insight into some of the more widely used techniques including the isolation of homegrown convicts and the faithful reproduction of British disciplinary policies.

In contrast to the colony's treatment of native convictism, correspondence with the home government reveals the genuine concern that arose from Britain's refusal to recognise the rank and status of its military convicts. Despite being convicted of serious crimes, despatches from the governor's office convey colonial unease over the association of transported soldiers "with every description of character." [xviii] Reports requesting the separate incarceration of these men communicated the daily degradations, which officials felt would eventually render them "indifferent in respect to their future conduct." [xix] Closer examination of the soldiers also reveal that many were of Irish descent, suggesting that despite their time in the British military, officials assumed their loyalties remained firmly with Ireland. Though the British authorities intended this form of transportation to be a practice of social division and shame, their treatment exposes the differing assumptions that were made by the colonies in respect to those they perceived as honourable.



Evidence of genuine Irish alienation can be found in the final shipment of convicts sent to Western Australia in 1868. Sixty-two men belonging to the Fenian movement, a secret organisation against British rule, were amongst the convicts transported directly from Ireland in an attempt to curtail their growing influence.<sup>[xx]</sup> Despite, having physically removed the prisoners from their criminalising associations, the transfer simply led to increased networks and routes of circulation, producing new spaces in which cultural identities could emerge. This underlines the importance of connectivity within convictism and expanding our understanding of geographical boundaries.

## Conclusion

Despite the varying array of networks that were created during the nineteenth century, each played an important contribution to the spread of experience, ideas and information. The identification and investigation into the different spheres of influence on Western Australia has barely begun, yet it is now clear that the penal colony did not develop in isolation; the fate of the operation and its convicts hinged on a relationship that was based on the multiple and intertwining networks that encompassed the British Empire.

## Notes

[i] Sean. Winter, "The Global Versus the Local: Modelling the British system of convict transportation after 1830", in M. Beaudry, T. Parno (eds), *Archaeologies of Mobility and Movement* (New York: Springer, 2013), 133-

134. <http://books.google.co.uk/books?id=bXxEAAAQBAJ&lpg=PA148&dq=history%20of%20convict%20transporttion&pg=PR4#v=onepage&q=history%20of%20convict%20transportation&f=false>

- [ii] "Swan River," The Sydney Gazette and New South Wales Advertiser (26 November 1829) (NSW: 1803-1844), 3, Trove, <http://nla.gov.au/nla.news-article2193945>
- [iii] Robert. Montgomery. Martin, *The British Colonies: Their history, extent, condition and resources, Africa and the West Indies, Vol. 4* (London: The London Printing and Publishing Company, 1850), 736-744. <http://books.google.co.uk/books?id=JdtQAAAcAAJ&dq=bibliogroup%3A%22The%20British%20Colonies%3A%20Their%20History%2C%20Extent%2C%20Condition%20and%20Resources.%20Africa%20and%20the%20West%20Indies%22&pg=PP1#v=onepage&q&f=false>. For a first-hand account of the conditions in the colony see Peter. Cowan (ed.), *A Faithful Picture, the letters of Eliza and Thomas Brown at York in the Swan River Colony 1841-1852* (Fremantle: Fremantle Arts Centre Press, 1977)
- [iv] 1847 (534) Second report from the Select Committee of the House of Lords appointed to inquire into the execution of the criminal law, especially respecting juvenile offenders and transportation. Session 1847, House of Commons Parliamentary Papers Online, 425.
- [v] Martin. Gibbs, "The Archaeology of the Convict System in Western Australia," *Australasian Historical Archaeology* 19 (2001): 72. [http://www.ashadocs.org/aha/19/19\\_04\\_Gibbs.pdf](http://www.ashadocs.org/aha/19/19_04_Gibbs.pdf)
- [vi] 1849 [1022] [1121], Convict Discipline and Transportation. Further correspondence on the subject of convict discipline and transportation, House of Commons Parliamentary Papers Online, 251.
- [vii] "List of Convicts per 'Scindian'," The Perth Gazette and Independent Journal of Politics and News (Friday 26 July 1850) (WA: 1848-1864) Trove, 4. <http://nla.gov.au/nla.news-article3171775>
- [viii] Geoffrey. Bolton, "Who were the Pensioners", in Charles.T. Stannage (ed.), *Convictism in Western Australia: Studies in Western Australian History, IV* (University of Western Australia: Nedlands, 1981) 84. [http://researchrepository.murdoch.edu.au/16505/1/who\\_were\\_the\\_pensioners.pdf](http://researchrepository.murdoch.edu.au/16505/1/who_were_the_pensioners.pdf)
- [ix] Ian. Vanden Driesen, *Essays on Immigration Policy and Population in Western Australia 1850-1901* (University of Western Australia: Nedlands, 1986), 67.
- [x] Charles. Gibson, *Life Among Convicts, Vol II* (London: Hurst and Blackett Publishers, 1863), 187. <http://books.google.co.uk/books?id=UH8BAAAQAQAJ&dq=convict%20deaths%20in%20bermuda%201863&pg=PA187#v=onepage&q=western%20australia&f=false>, Hansard's Parliamentary Debates. Third Series, 23 February 1863, 862. <http://books.google.co.uk/books?id=Ht1bAAAQAQAJ&dq=bermuda%20convicts&pg=RA1-PA862#v=onepage&q=bermuda%20convicts&f=false>
- [xi] HCPP, 1863 (3224), Further Papers on the subject of Convict Discipline and Transportation, 55-58.
- [xii] TNA, CO.37/183, Transference of Convicts to Western Australia, 20/11/1862, 510.
- [xiii] Trove, "Convicts Prevention Act," *South Australian Register* (Adelaide, SA: 1839-1900) [11 Aug 1858 - CONVICTS PREVENTION ACT](http://nla.gov.au/nla.news-article11858).
- [xiv] TNA, CO.18/50, Fitzgerald to Grey, Western Australia rejects request to receive exiles and ticket-of-leave men without imperial funding, 3/3/1849.

[xv] Clare, Anderson, *Subaltern lives* (Cambridge: Cambridge University Press, 2012), 56. <http://books.google.co.uk/books?id=ijUgAwAAQBAJ&lpg=PP1&dq=subaltern%20lives&pg=PA56#v=onepage&q=subaltern%20lives&f=false>

[xvi] HCPP, 1850 (1138), Governor Smith to Earl Grey, Despatches relative to the reception of Convicts at the Cape of Good Hope, 12/6/1849, 151.

[xvii] HCPP, 1854 (1795), Duke of Newcastle to Governor Fitzroy, Convict Discipline and Transportation, Mutiny Act, 8/11/1854, 110.

[xviii] HCPP, 1861, (2796) Australian Colonies, Convict Discipline and Transportation, Further correspondence on the subject of Convict Discipline and Transportation, 2; also see HCPP 1860 (2701) Australian colonies, Convict Discipline and Transportation, Further correspondence on the subject of Convict Discipline and Transportation (In continuation of papers presented 1859), 99.

[xix] HCPP, 1861, (2796) Australian Colonies, Convict Discipline and Transportation, Further correspondence on the subject of Convict Discipline and Transportation, 2

[xx] Sean. McConville, *Irish Political Prisoners, 1848-1922: Theatres of War* (London: Routledge, 2003), 202.

### Further Reading

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