

SOME ASPECTS OF THE HISTORY OF

TRANSPORTATION and IMMIGRATION

in

VAN DIEMEN'S LAND

1824-1855

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by

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CHAPTER I
THE COLONIAL OFFICE

An Introduction

This chapter has no claim to deal exhaustively with the several influences on British colonial policy during the period 1824-55, nor to analyse minutely the machinery designed to administer that policy. It seemed necessary, however, to consider in a general sense some of the factors determining British policy before passing to a particular study of its application in transportation and immigration to Van Diemen's Land.

I

Trends in British Colonial Policy

First, it is important to remember the comparative disinterest with which colonies were regarded in England during most of the period of this study. The American Revolution, and Adam Smith's doctrines of free trade had delivered decisive blows to the old colonial theory, to the concept of an empire accumulated for its commercial value, based on monopoly and secured by political dominion. Adam Smith pointed to the defection and loss of the

American colonies as the necessary consequence of this mistaken idea. His doctrines of free trade did not, of course, immediately gain the day; the Corn Laws were not repealed until 1846. But the loss of the thirteen colonies exploded the mercantilist concept of empire, and for a time no positive theory replaced it. The political economists of the English classical school, the followers of Bentham and James Mill, saw colonies as burdens on their mother country. The eventual loss of those Britain already held seemed to them inevitable, and to engage in further colonization would be a mere waste of capital better used at home.

The British public regarded colonies with supreme indifference. Wakefield's ideas of systematic colonization aroused interest and enthusiasm among some young politicians, mainly radicals, but his theory was by no means of general interest. Debates in the Houses of Parliament on issues of great significance to the colonies were generally poorly attended. In 1846 when unhappy Van Diemen's Land's plea for redress of her many wrongs was put before the Commons, one member called the attention of the Speaker to the lack of a quorum⁽¹⁾. It was race day at Epsom.

The prophet of the new Imperialism, Edward Gibbon Wakefield, was debarred from active public life for an early crime for which he had served a sentence in Newgate. Around him, however, gathered a small group, mainly politicians and civil servants who have since

(1) Hansard, Third Series, Vol.86, pp.1288. 26/5/1846.

become known as the Colonial Reformers. The most distinguished of his associates were, perhaps, Sir William Molesworth, who actively advocated Wakefield's doctrines in the House of Commons, and a fellow member, the eloquent Charles Buller.

What then were the doctrines put forward by the Colonial Reformers? This is not the place for an exhaustive presentation of the theories of systematic colonization to which whole books have been devoted by competent historians. Those theories were devised at a time when England was beset by economic problems as a result of the dislocation of the Napoleonic Wars and of that long and painful process of economic change known as the Industrial Revolution. The unemployment and pauperization of large numbers of the English labouring class had already gained wide acceptance for the theories of Malthus that the population of England was excessive and might be profitably drained off. Wakefield saw the causes of contemporary economic problems in an excessive population and the lack of an adequate field for capital investment. On the other hand, the colonies, especially those in Australasia, urgently needed labour, and their abundance of unsettled land would supply a practically unlimited field for capital investment. Wakefield's solution to the economic ills of both colony and mother country was a revision of the system of disposal of colonial land. It must no longer be freely and indiscriminately granted away, but sold at a price "sufficient" to keep up an adequate and continuous supply of labour by preventing labourers from becoming land owners too easily

and too soon. The fund accumulated could best be used to help relieve the mother country by the emigration of her surplus population.

Wakefield's theory was not in all respect original. Sale of colonial lands had been suggested before, and assisted emigration schemes to Canada were afoot in the twenties. However, Wakefield developed a complete economic, political and social theory of colonization and to that extent his work was original. He argued that by a process of systematic colonization the colonies would become extensions of the old society of the mother country, societies of free Englishmen, from whom it would be impossible for long to withhold self-government. The Colonial Reformers maintained that the grant of self-government to the colonies would be quite consistent with Imperial unity. Wakefield and Charles Buller accompanied Lord Durham to Canada in 1838 and assisted him in the writing of his famous Report.

This small group, however enthusiastic and knowledgeable in colonial affairs, was not entrusted with the direction of British colonial policy. That lay in the hands of the Colonial Office, which came in for the bitter criticism of these colonial enthusiasts. Wakefield called it a bureaucratic institution in a free country and claimed that the system of colonial administration developed by the Colonial Office denied to colonists the fundamental rights of Englishmen. Buller mocked the whole colonial department, the undersized permanent official of the black hat and brief-case who was "Mr. Mother-Country", the true controller of England's imperial destiny, even the

dusty green baize on the tables in the waiting-rooms or the "sighing-rooms", where disgruntled widows claiming pensions, deposed governors, recalled judges, ruined merchants, petitioners of all descriptions waited and sighed together. But this was the institution which Wakefield and his followers had to sway if they were to give any new direction to, or inspire any fresh enthusiasm in British colonial policy.

They were fortunate in converting to their cause the young Viscount Howick, later Earl Grey, then Under-Secretary of State for the Colonies. It was through his influence with his chief, Lord Goderich, that the first concrete success for systematic colonization was achieved. In 1831 the system of granting colonial lands was abolished in Australian colonies. Henceforth lands were to be sold at a minimum upset price of 5/- an acre. A scheme of assisted emigration from the proceeds of the land sales was also introduced.

The systematic colonists did not rest there. Wakefield was not content with the price fixed by the 1831 regulations. His representations influenced a Select Committee which, in 1836, recommended that the price should be raised, and that the system of sale be embodied in an Act of Parliament. Their report also advised that all land and emigration arrangements should be placed under a central Land Board. In 1840 Russell appointed such a Board; colonization was becoming more systematic. In 1842 Stanley introduced and carried an Act giving Parliament the power to alter colonial land laws. The foundation of

South Australia was an experiment directly inspired by Wakefield's system; so too was the colonization of New Zealand.

Wakefield's plan had presupposed the existence of a labour shortage and large areas of unalienated land in the Australian colonies. It was therefore complicated in its application to Van Diemen's Land, for much of the best land in that small island had been granted before the 1831 regulations. The price fixed by the Waste Lands Act of 1842⁽¹⁾ proved far too high. Transported convicts provided a cheap labour force and apart from the need for some more skilled artisans and young women servants, the supply from that source was adequate until the gold discoveries attracted large numbers of the labouring class to the mainland.⁽²⁾ Free men could not compete with convicts in the labour market. Frequently new immigrants to Van Diemen's Land complained of the low wage level and the difficulty in finding employment, and even before gold was discovered in Victoria, the new mainland settlements attracted free labour from the island. Convict transportation obviously operated against the smooth working of systematic colonization, and for that reason was strongly opposed by the Wakefield school. For the purpose of this study, the influence of the Colonial Reformers on transportation policy is of special importance. Sir William Molesworth was the chairman of a Select Committee on Transportation in 1837 which numbered among its members Charles Buller, Lord Howick and many others interested in

(1) Act 5 and 6 Vic. C.36.

(2) The labour shortage in 1839-41 was the result of a temporary boom.

colonial reform. He wrote the Report, as a direct result of which transportation to New South Wales was abolished in 1840. Van Diemen's Land, as will be shown, fared differently, but when opposition developed in the colony itself, the colonists were sure of the ready and able support of the Colonial Reformers. In June 1847, Lord John Russell remarked in Parliament that, "We are bound when we are planting provinces, perhaps what may in future times be empires, to endeavour that they should not be merely seats of malefactors and convicts, but communities fitted to set an example of virtue and happiness, and not to make plantations, as Lord Bacon says, of the scum of the land".⁽¹⁾ In the words of W. P. Morrell, "Systematic thinking about Empire settlement was sure to discredit the practice of convict transportation".⁽²⁾

The teachings of Gibbon Wakefield and the Durham Report were the significant positive influences on British colonial policy after 1830, although the Colonial Office by no means enthusiastically or promptly adopted them as general imperial policy. In 1831 both Russell and Stanley declared that responsible government in the colonies was outside the range of possibility. Eight years later, the Durham Report recommended the grant of responsible government to Canada and Russell persuaded Cabinet to accept the report. Durham and some of his followers were certainly enlightened, but indifference and distrust towards such relaxation of imperial authority were still prevalent

(1) Hansard Third Series, Vol.93, p.357.

(2) In Chap.I "Colonial Policy of Peel and Russell Administration".

both in and out of Parliament. Only in the late forties, when Russell was Prime Minister, did the Colonial Office under Earl Grey adopt as a general policy the principle of self-government for colonies fitted to receive the grant. Perhaps the revolutions in Europe did disturb the quiet of Downing Street despotism, as a contemporary Hobart newspaper alleged, but it was not until 1855 that responsible government was granted to the Australian colonies.

II

Machinery of Control

Responsibility for the conduct of British colonial policy lay with one of the Crown's most important advisers, the Principal Secretary of State for War and the Colonies. These two departments were combined under one minister during most of the period of this study, until 1854. Changing governments brought a variety of personalities to direct colonial affairs, and during the period 1827-1835 as many as eight different ministers held the office. In such circumstances, the permanent officials of the Colonial Office were bound to exert influence in the affairs of British colonies. Their part in colonial affairs aroused the wrath of Wakefield and the colonial reformers. The Colonial Office was a "bureaucratic institution" because "irresponsible officials" exercised despotic power over colonial destinies. Sir James Stephen, also known as "King Stephen" or

"Mr. Over-Secretary Stephen", who was the Permanent Under-Secretary for the Colonies from 1836 to 1847, was blamed for many errors, real or supposed. Yet without the practical experience and administrative knowledge of such men as Stephen, any continuity of informed colonial policy would have been impossible. The responsible ministers were not always qualified for their position by either knowledge of, or ability and interest in colonial affairs. Goderich, for example, was "amiable but ineffective", Sir George Murray was first and foremost a soldier, while Glenelg was simply dilatory and incompetent. It is probable that, when an indecisive or uninterested man was made ministerially responsible for colonial affairs, the advice of the permanent heads exercised considerable influence, but it is hard to imagine any official, even Stephen, dictating to Lord Stanley. Wakefield himself admitted the diligence of the staff of the Colonial Office. They worked hard and long on the affairs of England's colonies.

The Secretary of State was responsible for his conduct of colonial policy to both his colleagues in Cabinet and to Parliament. Glenelg's inefficiency embarrassed the government and provoked one of Molesworth's greatest speeches on colonial affairs when, in 1838, he reviewed the condition of the empire while moving a want of confidence in Glenelg's colonial administration.⁽¹⁾ Although nothing came of the motion, Cabinet saw fit to replace Glenelg. Criticism in Parliament came most frequently from members influenced by the teachings of

(1) Hansard Parliamentary Debates Vol.41. P.475. 6/3/1838.

Wakefield, and a Secretary of State had also to give some consideration to the opinion of the taxpayers. The four Lieutenant-Governors of Van Diemen's Land whose terms comprise this period made frequent requests for additional troops but the British public were more interested in the reduction of expensive military establishments. The dispatches from the Colonial Office contain repeated injunctions to economy. Treasury, Parliament and Press were alike interested in the subject of colonial expenditure. Cobden attacked all such expense and even Molesworth, the enthusiast, advised economy. The end of the Napoleonic Wars had ushered in a period of retrenchment. During the ministry of Sir Robert Peel (1841-6) when Stanley was at the Colonial Office, the drive for economy was at its height, and was clearly reflected in financial policy towards Van Diemen's Land.

The Lieutenant-Governor, appointed by the Colonial Office as the Crown's representative in the colony, received his instructions from the dispatches of the Secretary of State, and in reply reported the condition of the colony, the measures adopted by his administration and their effect. The dispatch bags had twelve thousand miles to travel, and the journey to or from England took four or five months. If a governor awaited permission to execute certain measures, it meant considerable delay when perhaps the urgency of the situation required immediate action. Secretaries of State usually understood this; but as W. A. Townsley observed, the degree of interference of the Colonial Office in the executive acts within the colony depended

upon the relations between the home and colonial authorities.⁽¹⁾

As a consequence of their penal character, Van Diemen's Land, and until 1840, New South Wales, occupied a special position among British colonies. Because British convicts were transported thence, these colonies were intimately associated with English domestic policy and formed an essential part of the British penal system. This fact had two effects on the colonies. First, it gave them a dual character. Van Diemen's Land was a colony in the ordinary mercantilist sense, a place for the settlement of free Englishmen and the investment of British capital. But it was also a penitentiary. As Stanley put it: "In a colonial locality, under the direction of colonial officers, and in immediate contact with institutions framed for colonial purposes, exists a great convict establishment, supported by British, not colonial funds, and with a view to objects chiefly, if not exclusively, imperial".⁽²⁾

Secondly, their penal character made necessary certain adjustments in the machinery for the control of these colonies. The Home Office, since Van Diemen's Land came within its jurisdiction in an important aspect, had to be consulted in colonial matters connected with convicts and their discipline. It is interesting that until November 1842, when Stanley despatched the details of the Probation System, no general body of detailed instructions on convict discipline

(1) "Struggle for Self-Government in Tasmania",
Chap.I, p.21.

(2) James Stephen, Colonial Office, to L. M. Phillips,
Home Office, 5/1/1843.

had ever been sent to Van Diemen's Land. The system condemned by the Select Committee of the House of Commons in 1838 had been essentially "Governor Arthur's Convict System". Stanley attributed the neglect implied to the home authorities to the fact that responsibility for convict matters had been divided between the Colonial and Home Offices. "The province thus divided between two ministers of the Crown appears to have been regarded as not properly belonging to either of them". The Secretary of State for the Colonies had not felt competent to issue instructions on a penal question, and the Secretary of State for the Home Office had been unable to instruct an official whom he had not appointed and with whom he did not correspond. Stanley determined to remedy the situation. At his direction, in January 1843, Stephen wrote to the Under Secretary of the Home Office with Stanley's suggestions "as to the general principles and rules to be observed in the management of convicts." In brief, he concluded that it was desirable that the final responsibility for superintending and enforcing the system of convict management should lie with the Secretary of State for the Colonies, who would always inform and consult with the Home Office. He felt that the convict administration resulting from the divided responsibility had left too much discretion with the local colonial authorities. Consistency was impossible in the succession of one governor by another, and the colonial advantage was "bound to influence the mind of an officer to whom the colonial welfare was the constant and primary object of his public policy". (1)

(1) Stephen to Phillips 5/1/1843 and reply 6/1/1843.

Graham approved of Stanley's suggestions, and after 1843 final responsibility for convict discipline in Van Diemen's Land lay with the Colonial Office. There was as much inter-departmental correspondence as before. Dispatches on subjects connected with convicts were still forwarded for comment to the Home Office and that department continued to select convicts for transportation, to arrange with the Admiralty their conveyance, and to mitigate their sentences.

The Home Office did not at any period have so direct a share in controlling policy in Van Diemen's Land as did the Lords Commissioners of His Majesty's Treasury. The Treasury had its own representative in the colony, the Deputy Commissary-General, who, although working under the general supervision of the Lieutenant-Governor, took his instructions from the Treasury Lords and corresponded directly with them. Decisions in matters of financial policy rested with the Treasury, but the Colonial Office was kept fully informed and was able to make recommendations.

It was by Lord Stanley's recommendation in the correspondence with the Home Office, alluded to above, that the methods of preparing the estimates for convict services in Van Diemen's Land was brought under review. Since 1827, the two branches of colonial expenditure, civil and imperial,⁽¹⁾ had been kept separate. The colonial revenue disbursed the civil expenditure, and the imperial was met by the British Treasury, through the Commissariat Chest of the colony. The last was described by Stanley "a fertile source of wasteful expenditure", which

(1) "Imperial" expenditure - that on account of convicts and the military.

required a system of checks on its use. The Commissariat estimate had been prepared by the Deputy Commissary General on individual estimates provided by the heads of the various colonial departments through the Colonial Secretary. It was then forwarded to the Lieutenant-Governor for an approval which Stanley designated as mere ceremony and then on to the Lords of the Treasury. There it was used as a basis for the Imperial estimates for convict services to be presented to Parliament. Stanley deprecated the fact that there was no previous communication with the Secretary of State for the Colonies, and suggested that in future the colonial estimate be prepared in the colony by a Committee of Officers for Reviewing Convict Expenditure, consisting of the Colonial Secretary, the Comptroller General of Convicts, and the Deputy Commissary-General. On such a committee both colonial and imperial interests would be represented, and their estimate, together with their individual comments, were to be forwarded both to the Colonial Office and to the Treasury. The minister responsible for colonial affairs was to prepare the estimate for convict services in Van Diemen's Land for presentation to Parliament. The Treasury agreed.⁽¹⁾ It seems that Stanley was moved not only by the need for economy in colonial expenditure, but also by a desire to put the final decision on the affairs of Van Diemen's Land into the hands of the Secretary of State for the Colonies.

Although the main interest of the heads of the Treasury was in regulating Commissariat expenditure in Van Diemen's Land,⁽²⁾ they

(1) Trevelyan, Treasury to Stephen, Colonial Office, 23/1/1843.

(2) Each item was open to their careful enquiry. Even a new carpet in the office of the Comptroller-General did not escape their comment.

also laid down minute regulations governing the methods of expenditure from the Colonial Treasury, and prescribed the manner of accounting. The colonial accounts were sent for review by the Colonial Auditor to the Commissioners of Audit in Somerset House.

In January 1840, Lord John Russell, then Secretary of State for War and the Colonies, instituted the Colonial Land and Emigration Commission, sometimes known as the Land Board. Its appointment was a triumph for the Wakefield school, not simply because its members, J. F. Elliott, Colonel Torrens and E. E. Villiers, were its enthusiastic supporters, but because it was a step towards more systematic colonization. The creation of such a body had been recommended by the Select Committee of the House of Commons on the Disposal of Crown Lands in 1836. Then Wakefield had used the opportunity to emphasise the lack of adequate machinery to develop a uniform land and emigration policy for the empire. An Agent-General for Emigration had been appointed in 1837, but Wakefield was not satisfied. By the institution of the Commission in 1840, colonial land and immigration policies were in future to be viewed together as two parts of a single problem of colonization, and considered as affecting the empire as a whole.

The duties of the Commissioners were to supervise the conduct of emigration, to act as agents for the sale of colonial Crown lands, and to advise the Secretary of State for the Colonies upon land and immigration systems in the colonies. They were required to make annual reports to Parliament. The Secretary of State, although still directing

lines of policy, acted in matters relating to land and colonial immigration on the advice of the Commission. He referred to them the relevant dispatches from colonial governors and based his replies on their comments. Their conduct of emigration is the aspect of their activities most significant to this study, and will be more fully developed in the following chapters. The Lieutenant- Governor of Van Diemen's Land could recommend new immigration schemes but the Colonial Land and Emigration Commission virtually decided on their suitability. Regulations devised by them governed the eligibility of applicants for all assisted passages, whether assisted from the funds of the colonial government or by private persons or bodies. They supervised all assisted emigration and alone were responsible for the conduct of "Government" immigration. Their notices invited applications, their agents interviewed applicants, they made the selection and arranged for conveyance. Their regulations governed the accommodation, provisioning and superintendence of emigrants during the voyage. The Secretary of State referred all complaints from the colonial authorities for their investigation and explanation .

In considering British colonial policy in matters relating to land and immigration, it must be remembered that the institution of the Colonial Land and Emigration Commission recognised the view that both were imperial questions. Colonial lands were regarded as held in trust not simply for the profit of the colonists but for the benefit of British people collectively. Emigration could not be considered simply from the point of view of the needs of the individual colony. This

explains the attitude of the Colonial Office to Bounty schemes devised by the colonies. As Madgwick pointed out, Russell and Stanley did not want any system to operate unchecked which destroyed the symmetry of general policy.⁽¹⁾ The Commission provided the machinery which was to administer this general policy for the whole empire.

III

Personalities of the Colonial Office

The influence of personality on British colonial policy is not easy to assess and perhaps for that reason too often overlooked. It would be dangerous for the student to interpret any particular measure devised in the Colonial Office merely in the light of the personal characteristics of the minister responsible for the colonial affairs or of one of the permanent officials. Just as routine and custom play an important part in administration, so too certain traditions affect policy, however strong the personality of the initiator. It can, however, be of great assistance in a study of this kind to have some knowledge of the background and the ideas of the men concerned in directing colonial policy. The personal factor, though incalculable, is a powerful influence. The application of colonial policy in the colony itself was similarly affected by the characteristics

(1) In "Immigration into Eastern Australia 1788-1851", Chapter IX.

of the Lieutenant-Governor, but since this chapter has so far dealt exclusively with the British rather than the colonial angle, this section will comment only on some personalities at the Colonial Office, leaving those of the colonial authorities to observation in the following chapters.

By no means did all the eighteen Secretaries of State for Colonies in this period decisively influence the conduct of colonial affairs. They were often neither well informed on colonial questions, nor clear as to the principles by which to guide their policy. They solved problems as best they could as they arose, with greater or lesser reliance on the advice of the permanent official. During the years 1825-55 no less than seven held office each for less than a year and such discontinuity made the emergence of any distinctive and individual policy difficult. During the same period only three ministers directed colonial affairs, each for more than three consecutive years, and it is notable that two of these, Stanley (1841-1845) and Grey (1846-1852) were of a personality strong enough to be of some consequence in the conduct of British policy in Van Diemen's Land.

For an estimate of the characters of the Secretaries of State, the student must necessarily rely most on the opinions of their biographers, the historians, and their contemporaries. However, the official dispatches to Van Diemen's Land at times also illuminate the personalities of their writers. Many dispatches are merely official communications, some clearer than others, and exclude rigidly the personal touch. On the other hand, the pen of Lord Stanley is

unmistakeable, for the "intense vitality" attributed to him by the writer in the Dictionary of National Biography animates every page.

As some of the dispatches reflect the personalities of the writers, so too some bear witness to the personal relations between Lieutenant-Governor and his home authority. There is a remarkable contrast between the tone of the correspondence of George Arthur with the Colonial Office, or of that of William Denison with Lord Grey, and that of the dispatches passing between Franklin and Wilmot in the colony and Lord Stanley in England. Arthur never hesitated, if necessary, to declare the inapplicability of his instructions or to point out an error to the Colonial Office, yet his relations with that office remained tranquil. Denison could count on a sympathetic hearing from Grey, but both Franklin and Wilmot were uneasy in their communications with the arrogant Stanley. Arthur governed Van Diemen's Land for twelve years and left the colony with the praises of the Colonial Office. Denison departed to become Governor of the larger colony of New South Wales at a critical period in its history. Franklin and Wilmot were both recalled, and the English authorities took no trouble to disguise their opinion of their incompetence. The justice of this opinion cannot be discussed here, but apart from other considerations, in their defence it must be remembered that Arthur and Denison were more fortunate in their home authorities. Some ministers, either through a consciousness of their own ignorance or from a quality of liberal statesmanship, were willing to concede that the local authority, the man on the spot, was better qualified than they to judge the applicability to the colony of

measures devised at home. Others, notably Lord Stanley, were more authoritarian in outlook, and in consequence unwise policies were sometimes foisted upon the colonies despite the remonstrances of the local administration and of the free colonists themselves.

Ministers changed rapidly in the early period of this study.⁽¹⁾ William Huskisson, Lord Stanley (then Whig), Thomas Spring Rice and Lord Aberdeen were each not more than a year in office. Spring Rice was, apart from his brief interlude at the Colonial Office, Secretary to the Treasury for four years (1830-34), and it is interesting that it was during his period of colonial administration that the decision to charge the colonial revenues with the expenditure of police and gaols was made and applied to Van Diemen's Land and New South Wales. Sir George Murray and Lord Goderich directed colonial affairs for longer periods. The first was inexperienced, the second ineffectual, and no doubt the influence of the permanent officials increased. The regulations for land sales introduced in 1831 during Goderich's administration, were generally known as Lord Howick's regulations, being associated more with the name of the Under-Secretary than with that of his superior.

While Arthur governed Van Diemen's Land there was no strong personality at the Colonial Office to find fault with his conduct of administration. He was fortunate in his acquaintance with R. W. Hay, who supervised that section of the Colonial Office devoted to the affairs of Van Diemen's Land.⁽²⁾ In addition to his official communications

(1) See Appendix "A" for list of Secretaries of State for Colonies during the period 1824-1855.

(2) R. W. Hay was the first Permanent Under-Secretary appointed in the Colonial Office. He was head of the permanent staff from 1825-1836, when he was succeeded by James Stephen.

with Hay, Arthur kept up a semi-private correspondence in which he felt himself freer to express himself than in the former or in his dispatches to the Secretary of State. Hay's replies reveal his high opinion of Arthur's capacity, and it is more than probable that he was an able advocate in the Colonial Office both for Arthur personally and for his administration of Van Diemen's Land. Hay's influence on colonial policy was attacked by Roebuck in the Commons during a debate on 2nd April 1835 on the affairs of Lower Canada. Roebuck claimed that the Colonial Office was "confided to the management of R. W. Hay, a clerk in that office", and "no matter who was Secretary, whether Lord Goderich, Lord Stanley, or Mr. Spring-Rice, the whole of the Colonial Department was managed by Mr. Hay, and no justice could be expected so long as that person ruled the fate of the colonies".⁽¹⁾ Gladstone, then Aberdeen's Under-Secretary, defended Hay against Roebuck's "extraordinary and unwarrantable assertions", and questioned his knowledge of the "interior concerns of the Colonial Office". It seems, however, that Arthur had an ally of some influence.

The charge of being the real power in the Colonial Office was more frequently levelled at James Stephen, who was from 1836 until 1847 permanent head of the Office. He had been associated with colonial affairs since 1813, when, as a private legal practitioner, he had agreed to act as counsel for the Colonial Office. It was Stephen who inspired Buller's portrait of Mr. Mother Country, who, from a back room, controlled

(1) Hansard Parliamentary Debates, Third Series, Vol.27, p.653, 2/4/1835.

the destinies of millions of the Crown's subjects. Another permanent official, Henry Taylor, also testified to Stephen's influence, in tribute rather than in accusation. He considered that for twenty-five years, more than any other man, Stephen had virtually governed Britain's colonial empire. A devoted family man, retiring in his habits and intensely humanitarian, Stephen was no sinister figure plotting behind the scenes to gain power. This was Wakefield's judgment of him, but Stephen had little respect for Wakefield, either the man or his theories which he described, in one of his minutes, as "Ignorance taking the airs of philosophy". In Stephen's view it was not for government to promote or hasten colonization, but it should be left to develop slowly and naturally to maturity in colonial self-government. He believed that the possession of colonies brought responsibilities which should be properly discharged before new acquisitions were made. As a general rule, he trusted in the judgment of the men on the spot and in colonial opinion. His energy and ability in affairs won the respect of strong and weak Secretaries of State alike. The "opinion of Mr. Stephen" weighed heavily in the conduct of colonial affairs.

From 1835 to 1839 Glenelg was at the Colonial Office. His conduct of its affairs disgusted not only the Colonial Reformers, but also his colleagues Lord John Russell and Earl Grey, who both threatened resignation from the Cabinet if he were retained in that position. Molesworth pointed out, in his speech censuring Glenelg, that the enquiry of 1837-8 into transportation and the conditions in the penal colonies, was made not at the instigation of Glenelg but that of Lord John Russell.

Molesworth deplored the fact that Glenelg had taken no action to implement the report of the Select Committee on the Disposal of Crown Lands in 1836, either in bringing in an imperial statute regulating colonial lands systems, or in the institution of a Land Board. Not only in matters which concerned the Australian colonies had Glenelg been at fault. His maladministration of Canadian affairs was the chief charge against him. William IV himself expressed the opinion that this minister was "vacillating and incompetent".

After 1839, more interesting personalities held office as Secretary of State for Colonies. In that year, the Whig statesman Lord John Russell was appointed to the Colonial Office. A true liberal, Russell believed that the colonies should have to endure as little interference as possible from the Colonial Office in their affairs and that they should be made fit to govern themselves. He was Prime Minister in 1850 when the Australian Colonies Government Bill was passed. Transportation was his main concern during his colonial administration and he based his policy on the recommendations of the Molesworth Report. The Colonial Reformers were pleased by his appointment of Colonial Land and Emigration Commissioners in 1840 to conduct a uniform policy for the empire. While Russell was at the Colonial Office, there was a new and liberal spirit in the relations between the mother country and her colonies. A generous and sympathetic personality, he did not play the autocrat either to the colonies or to their governors. His dispatches to Franklin were always courteous.

The Secretary of State in Peel's administration (1841-6), Lord Stanley, later Earl of Derby, was a Tory of the old school. He

believed that the principle of protection was the basis of the whole colonial system. Possession of empire meant commercial advantage and power and glory to the mother country. Stanley understood none of the new ideas which were to transform the British Empire. He was not a far-sighted statesman, nor did he concern himself, like Grey, with the elucidation of principles of colonial management. Volatile in temperament, politics shared his interests with sport and the classics. He enjoyed the excitement and rivalry of debate more than the dull routine of administration. But he was by no means incompetent and applied himself to his administrative duties, as to everything else, in bursts of energy. Haughty and aloof, Stanley never mixed well with his social inferiors. He had little sympathy with Wilmot in Van Diemen's Land, who was concerned in trying to make the "Stanley system" of convict discipline work. He expected his subordinate to carry out his instructions and would not modify them. Such was the personality of the man who was to guide Van Diemen's Land through a particularly significant and difficult period of her history. Stanley would not listen sympathetically to suggestions and explanations from Van Diemen's Land, and directed his policy not to remedying the depressed condition of the colony, but to saving the British Treasury as much expense as possible. A minister who constantly placed the advantage of the home government before the welfare of Van Diemen's Land would not fail to incur the displeasure of the colonial press. The Hobart Town Courier printed an article "Pencilling of Politicians" which described "that faithless political

friend, the apostate Whig, the jealous, unstable and universally disliked public man, Lord Stanley".⁽¹⁾

For the last six months of Peel's government, William Ewart Gladstone was responsible for the conduct of colonial affairs. Though more advanced in his views than his predecessor, for he denied that protection was the basis of the imperial connection, and firmly believed in the principle of colonial self-government, Gladstone's brief period of administration saw no decisive changes in the direction of British colonial policy.

However, in June 1846, the critics of the Colonial Office predicted a new era in British colonial policy. The office of Secretary of State for the Colonies in Lord John Russell's government went to Earl Grey. The son of the Reform Bill Premier, and the brother-in-law of Lord Durham, he was the first convinced Reformer to be made responsible for the conduct of colonial affairs. Grey entered his office with the intention of basing his policy on the principles of free trade and representative institutions. He had been a supporter of free trade since 1827, but had never followed Cobden and Bright in condemning protection and the possession of colonies at the same time. The colonies held advantages for the mother country other than economic ones. Representative institutions should be extended to colonies fit to receive them, while those incapable of governing themselves should benefit by a just and enlightened administration.

Grey had for many years been interested and active in colonial

(1) Hobart Town Courier 30/6/1846.

reform. He was one of Wakefield's earliest and most influential converts to systematic colonization, and had acted as the link between the Reformers and the Whigs. In his father's government he had served as an Under-Secretary of State for the Colonies under Lord Goderich (1830-1833), and since then on various select committees on colonial affairs. Some of his associates accompanied him to the Colonial Office. Benjamin Hawes, a free trader interested in colonial reform, became his Under-Secretary. Charles Buller was given a sinecure, on the understanding that his opinion would be consulted.

But in spite of Grey's reforming zeal his administration was not a success. His anti-democratic instincts made him hesitate to grant responsible government. The popular demonstrations of the Anti-transportation League seemed to him to be animated by the same dangerous democratic spirit which had in 1848 made battlefields of the capitals of Europe. The Colonial Reformers soon disowned him. Grey, for his part, still believed in Wakefield, but as a responsible minister he found it not always possible to apply his theories.

In Australia, Grey's policy was particularly open to criticism. He failed to abolish transportation to Van Diemen's Land, despite the urgent petitions of the colonists, and contented himself with a reform of the system. In his defence it must be remembered that, as a responsible minister, Grey had to consider the general opinion of Parliament, which was long against abolition. From Van Diemen's Land, Denison repeatedly emphasised the dangers of cessation to the labour position, especially after the gold discoveries on the mainland attracted

a great part of the colony's labouring population to the diggings.

Grey seriously under-estimated the strength and sincerity of the anti-transportationist feeling. His dispatches are remarkable for their clear exposition of principles and reasoned argument, but when convinced of his case, Grey neither understood nor was influenced by opposition. Strong-minded, independent and dogmatic, he was never an amenable colleague in Cabinet. In administrative capacity, Taylor placed him first of the thirteen Secretaries of State under whom he had served. He thought him hard-working, public-spirited and liberal in his treatment of his subordinates. Grey's relations with Denison were certainly sympathetic, but to the Van Diemen's Land colonists the reforming Whig Secretary of State became the autocrat of Downing Street.

CHAPTER II
CONVICT AND CAPITALIST

The task of devising and administering a colonial policy for Van Diemen's Land was dictated by one all-important consideration. The colony remained from the time of its first establishment until 1853 a receptacle for British convicts sentenced in courts of law to transportation beyond the seas. The history of the first fifty years of Van Diemen's Land is dominated by the development and increasing intensity of one particular problem, that of reconciling the character of the colony as a gaol for the outcasts of the old world with its character as a land of opportunity for the pioneers of the new world. The free settlers brought with them from the old country not merely their goods and chattels but their traditions of an Englishman's right to freedom of speech, of the press, to trial by jury. Such ideas did not easily find a place in the structure designed to control a large convict population. Within this small island, two communities lived side by side, the free and the bond, and each made demands on the consideration of the Colonial Office. Where, then, was emphasis to be placed? On the efficient and economical working of the transportation system, or on the prosperity and development of the colony?

Lord Bathurst, the Secretary of State for War and the Colonies from 1812 until 1827, was quite clear on this point. In his comprehensive

instructions to Commissioner Bigge, he observed that the causes which led to the formation of the Australian settlements were "peculiar". This being so, "these settlements cannot be administered with the usual reference to those general principles of colonial policy, which are applicable to other foreign possessions of His Majesty. Not having been established with any view to territorial and commercial advantages, they must chiefly be considered as receptacles for convicts. So long as they continue destined by the Legislature of the country to these purposes, their growth as colonies must be a secondary consideration, and the leading duty of those to whom their administration is entrusted will be to keep up in them such a system of just discipline as may render Transportation an object of serious apprehension".⁽¹⁾

Since the days of the first Stuart king, transportation had been a part of the British scheme of punishments for offenders against the laws of the realm. By 1824, however, it was considered by many, including Lord Bathurst, to be open to serious criticism. What were the ends which transportation were intended to achieve in the British scheme of secondary punishments? In speeches and dispatches on this subject reference is often made to three great objects; the first, that transportation should deter the potential offender from the commission of crime, the second, that it should punish the offender, and the third, that it should assist in the latter's reformation. In the period of George Arthur's administration (1824-1836), it was the first of these

(1) H.R.A. Series I, Vol.X. ^{p.4} / Bathurst to
J. T. Bigge 6/1/1819.

that was most frequently put forward by the home authorities, and only as the social conscience of the nineteenth century England developed was strong emphasis placed on the third.

In April 1817, Bathurst expressed to Lord Sidmouth, Home Secretary, his belief that "Transportation to New South Wales is no longer either an object of apprehension in England or a means of reformation in the settlement itself".⁽¹⁾ It was on his suggestion that a special commissioner, J. T. Bigge, was appointed to investigate the condition of the penal colonies. The initiation of such a general enquiry marked the growing appreciation in the Colonial Office of the existence and steady growth of a free community in these settlements. There was, however, no question of discontinuing the transportation of convicts to the Australian settlements. The first object of Bigge's enquiry was to "ascertain what alteration in the existing system of the colony can render it available to the purpose of its original institution". Bigge was reminded that transportation to New South Wales was intended as a severe punishment. "Mere expatriation is not in these days an object of considerable terror ... It is the situation of the convicts in the place to which they shall have been assigned, the strict discipline, the unremitting labour, the severe but not unwholesome privations to which they are condemned, and above all the strong feeling impressed upon this country that such is the unavoidable fate of the unhappy men on whom the sentence has been passed that can alone make

(1) H.R.A. Series I, Vol.X, p.807 (Note 5).
Bathurst to Sidmouth 23/4/1817.

transportation permanently formidable".⁽¹⁾ Reports were abroad of the prosperity of the emancipist in New South Wales, of convicts who some few years after their transportation for some "heinous" crime were leading lives of ease and luxury in the colonies. If such reports were true, the lot of the convict transported would certainly not deter potential offenders. Agitation on these grounds recurred frequently in the British Parliament and press until well into the thirties.

Bigge was in the Australian settlements from September 1819 until February 1821. He presented Bathurst with the first of his three reports in May 1822. As a direct result, Parliament passed the Act 4 Geo. IV c. 96 "for the better Administration of Justice in New South Wales and Van Diemen's Land and the more effectual government thereof". New South Wales was to have a Legislative Council and the creation of civil and criminal courts in both colonies was authorized. Provision was also made for the separation at some future date of Van Diemen's Land from the parent colony, in recognition of the progress of the colony.

In the years 1821-24, Sir Robert Peel at the Home Office, anxious to reconcile law with practice, had undertaken the revision of the confused penal statutes of Britain. Of the series of acts he piloted through the Commons, the most significant to this study was the Transportation Act 5 Geo. IV. c.84, since it formed the legal basis of the assignment system of convict management in the penal colonies by

(1) H.R.A. Series I, Vol.X, p.4. Bathurst to Bigge 6/1/1819.

conferring upon the governor a "property in the services" of the transported convicts. This Act gave statutory recognition to a practice which had developed in the early days of the New South Wales settlement. Settlers received the advantage of the gratuitous labour of convicts, in return for which they relieved the Commissariat of the expense of their maintenance, accommodation and supervision. The government of the new colony had not the means to feed, employ or superintend all the convicts landed on its shores, and was as willing to assign the services of the convicts to the settlers as the latter were to receive them. Not all convicts were assigned on their arrival. Some, particularly mechanics, were retained to be employed on public works, others to act as overseers and constables. The majority began their career in the colony as the servant, agricultural or domestic, of a free settler, even if later they were returned to the government for punishment. Assignment, originally simply a practical arrangement developed to meet the needs of settlers and of the government, came to form the basis of the convict system in the Australian colonies until finally abolished in 1840 on the recommendation of the Select Committee on Transportation, 1837-8. In Van Diemen's Land it was established as a definite system of convict management by Lieutenant-Governor Sorell (1817-1824). His successor, George Arthur, saw in assignment the only possibility of reconciling the free settlers to the legal and political disabilities they suffered by their residence in a penal colony, since it linked their economic interest to transportation.

At the time of Arthur's appointment to administer the affairs of Van Diemen's land, it was the avowed intention of the British

Government that transportation should be made a more effective and rigorous punishment. Therefore, apparently, the Colonial Office selected Arthur who, as Superintendent of British Honduras, had gained a reputation as a disciplinarian and an administrator of great determination. Bigge had praised warmly the ability of Colonel Sorell, but was forced to report the truth of rumours concerning the irregularity of that officer's domestic life. In a convict colony, the moral example set by the head of the administration was a matter of some importance. Arthur was a man of stern and unbending morality. Any such irregularity in his establishment was unthinkable.

What was the state of convict discipline in Van Diemen's Land at the time of Arthur's arrival? The report of Commissioner Bigge, who was in the colony between February and May, 1820, described the most serious faults in the existing system. The classification of convicts was inadequate. The convict ships brought out a variety of offenders. Some were petty criminals, while others had been guilty of serious crimes for which the death sentence had been commuted to transportation for life. In the penal colony these convicts mingled indiscriminately and their behaviour tended to sink to the level of the worst. The inadequacy of accommodation aggravated the difficulties of classification. Bigge criticized severely the tendency for convicts to be congregated in towns instead of being dispersed through the countryside. They wore no distinctive dress, were able to acquire money and thus obtain "spiritous liquors." Too often were tickets-of-leave, which enabled convicts to work on their own account, granted indiscriminately,

instead of being the reward of a lengthy period of good conduct. Convicts acted as overseers and constables in positions of authority over their fellows.

Lieutenant-Governor Sorell fully recognised the justice of these criticisms. Before leaving the colony he furnished his successor with a report on the general condition of the colony, with some acute observations on the difficulties and the essentials of convict management. He had "always had in view a classification, but circumstances prevented". Although he agreed with Bigge that assemblages of convicts were adverse to reformation, he pointed out the difficulty in avoiding them in the construction of public works. The lack of accommodation, other than the penitentiary⁽¹⁾ and the female factory, made it impossible to superintend the convicts at night. The mechanics were never confined, except in cases of misconduct; Government labourers with families lived in shared houses. Sorell particularly emphasized the difficulty of maintaining a rigid discipline in a new colony where settlers needed the labour of convicts to pioneer the country. "The penal discipline of the convicts and the application and concession of their services to the settlers, are, in the early struggles and difficulties of a new colony, in a continual state of collision". He admitted that he was "obliged to yield points of discipline to the necessity of giving the new settlers servants to enable them to go on their land". The settler could not afford to be too hard a taskmaster

(1) The penitentiary had accommodation for only 240 convicts.

to his assigned convicts since he found it "quite impossible to get anything done by coercion alone.... For his own peace and comfort and for forwarding his work, his only course was to operate on the good properties, where he finds any, of his servants". (1)

Sorell was in no way to blame for the deficiencies in convict management in 1824. He simply did not have at his disposal the means to enforce any "system of restraint coercion and privation... without incurring dangers of another kind by exposing the settlers to injury..." As Arthur himself remarked, the prisoners were kept passive by a system of extreme indulgence "which, I am sure, the comprehensive mind of Colonel Sorell would never have suffered to exist, had he not been cramped in all his measures and unable to follow the dictates of his own judgment". (2)

II

How far was Arthur able to follow the dictates of his judgment? In the introductory chapter it was remarked that the system condemned by the Molesworth Report was essentially the creation of Governor Arthur. Lord Stanley, in his correspondence with the Home

(1) Sorell to Arthur 22/5/1824.

(2) Arthur to Bathurst 23/3/1827.

Office in January, 1843, complained that in convict affairs too much had been left to the discretion of the local authorities. A study of the dispatches bears out his observation of lack of detailed instructions from England on convict management. The succeeding Secretaries of State were content to allow Arthur to develop his convict system with little interference. Thus British transportation policy in the years 1824-1839 is best studied not from the positive aspect of the direction given from the Colonial Office, but from the negative aspect of Colonial Office co-operation in Arthur's reforms of convict discipline. The official dispatches from England expressed the general desire of His Majesty's Government that transportation should be an effective punishment and left the initiation of the necessary measures to the Lieutenant-Governor. It would be wrong to conclude that the Colonial Office approval of these measures was automatic, for, as will be shown, there was at least one limiting factor in its co-operation, the desire for economy.

Lord Bathurst was Secretary of State for the first three years (1824-1827) of this study. His interest in, and suggestions for convict management, far exceeded those of his immediate successors. In his period of colonial administration, the Bigge enquiry was still a recent event. It had been initiated by Bathurst who based his recommendations on the findings of the Commission.

Both in discussions at the Colonial Office before his departure for Van Diemen's Land, and in the official dispatches he received after his arrival, Arthur was informed of the necessity for

transportation to become a more severe punishment. "It appears very essential to the ends of justice that no practicable means should be neglected of keeping up in the minds of criminals that salutary apprehension of transportation which originally existed when New South Wales and Van Diemen's Land were first selected as places of banishment for offenders, but which it is to be feared, has been scarcely felt at all by many of these who have been sent out there for their crimes at a later period".⁽¹⁾ Arthur's attention was drawn to the expediency of imposing greater restrictions on the convicts than had hitherto been adopted. The convict must be debarred from all the privileges which he would enjoy if free, and kept from the indulgences which money might obtain. No convict was to possess money or property. Any money he might have on arrival was to be deposited in a Savings Bank as Bigge had recommended.⁽²⁾ Bathurst urged the importance of convincing the convict that the eventual resumption of his civil rights was dependent on the propriety of his conduct. In the following month he gave further instructions.⁽³⁾ Arthur was to lose no time in tackling the problem of convict accommodation. It was "essential for immediate measures to be taken for remedying the evils which might arise from the want of places of safe custody for the convicts who may be sent to the settlement, or for

(1) Bathurst to Arthur No.7, 31/3/1826.

(2) Arthur had anticipated this order. See his No.5, 28/1/1837.

(3) Bathurst to Arthur No.14, 23/4/1826.

their reception in lodgings at night, whatever may be the cost of obtaining these desirable objects." He wished to be informed what laws Arthur proposed to enact to put a stop to the immoderate use of spirits, "as well as the nature of the restraints which you have in contemplation to impose upon the settlers in control of their assigned servants, in order that I might at once signify His Majesty's approbation of them and thereby is saved the delay of a future reference had they appeared objectionable". Six months later, Bathurst wrote that it was essential that convicts should be assigned in the country rather than in the towns. He reiterated that there was not enough apprehension of transportation, and directed Arthur to send the regulations he had framed. (1)

Before Arthur could concentrate on devising such regulations, he had to face an immediate problem arising from the laxity in convict discipline which he had inherited from Sorell. This was the menace from bushrangers to the lives and property of the settlers. It was no easy task either to organize resistance or to conduct an offensive against these roving bands of desperate escaped convicts. Disgruntled assigned servants and emancipists were often willing to assist their rebellion against law and order by giving food and information. Arthur complained repeatedly in his dispatches of an inadequate number of troops. The garrison left by Sorell consisted of 230 men of the 3rd Regiment; surely a garrison of 500 would not be too large for

(1) Bathurst to Arthur No.44, 26/9/1826.

a colony with a convict population of 6,000?⁽¹⁾ In September 1825, Arthur reported that crime was increasing with the growth in the convict population and pointed out the advantage of stationing small military parties at strategic points in the island.⁽²⁾ The settlers were gallant and energetic in their resistance. Arthur relied to a large extent on their services and on a special field force of well conducted convicts attracted by the promise of various indulgences. Two companies of the 57th Regiment on their way to Sydney were detained to meet the critical situation, and in January 1826, Governor Darling, on Bathurst's orders, sent down from New South Wales the first of two extra detachments of the 40th, then garrisoning Van Diemen's Land. It was Arthur's ambition to have an entire regiment under his command, not merely to meet with the particular danger from the bushrangers, but to demonstrate by their presence the strength of established authority, and thus assist in the creation of a spirit of subordination among the convict population. Bathurst received the suggestion coldly, and suggested that success against the bushrangers must have considerably lessened the need for additional troops. The home authorities were rarely co-operative in matters involving the increase of military establishments abroad.

Bushrangers were one of Arthur's problems; another was Robert Lathrop Murray. His criticisms of government measures under

(1) Arthur to Bathurst 15/8/1824.

(2) Arthur to Bathurst No.18, 14/9/1825.

the pen name of "Colonist" in Andrew Bent's newspaper the "Hobart Town Gazette", that "licentious press", were, in Arthur's view, just as serious a rebellion against his authority as the depredations of the outlaws. Arthur considered the freedom of the press a premature concession to the penal colony, and he opened his campaign against it in 1825 by prosecuting Bent for libel. In his annual report for 1825, he described the year as having been one of "continued anxiety", arising from "Faction and Drought". By the former he referred to both press and bushrangers. He admitted that he could not yet say that "the wise and salutary system so often inculcated by His Majesty's Government to be observed in the treatment of convicts has been introduced to any extent." The most he had been able to do had been to prevent matters from growing any worse.⁽¹⁾

Nine months after the date of this dispatch, the foundations of Arthur's convict system had been laid. In March 1827, he sent the regulations established for the safety and good conduct of the convicts, and expressed the hope that these would be given publicity in England to remove the "dangerous misconceptions" as to the state of those transported. Arthur had already brought his regulations under the consideration of his Executive Council, whose verdict was "that the whole form a system of discipline well calculated to keep the convict population in due submission and prevent as much as possible, the commission of crime". A general improvement in the

(1) Arthur to Bathurst 21/6/1826.

condition of the convicts was reported and the country stated to be in a general state of tranquillity.⁽¹⁾

The most pressing need in introducing a more efficient convict system, recognised by both Bigge and Sorell, was the provision of adequate accommodation for convicts not in the service of settlers. When Arthur arrived, the colony had no buildings where convicts could safely be lodged, except for one small penitentiary, a watchhouse, and a few huts used by the Government boat crews. Bathurst, as early as August 1823, recognised the need to remedy this situation. He sent Sorell a letter from Elizabeth Fry, in which she gave her views on the proper treatment of female convicts, and provided a plan for a female factory. Arthur replied that at present the jail and the factory were on the same ground, and that both were in a "ruinous state" and "altogether insecure".⁽²⁾ In July 1825, he warned Bathurst that until buildings could be erected to replace this inadequate and ramshackle accommodation, "transportation to this colony will be no punishment". By March 1827 Arthur was able to report progress in the construction of the new penitentiary authorised by Bathurst in April 1826.

In the March dispatch Arthur described the principles he had adopted in his control of convicts as "moderate indulgence and coercive labour". First, the prisoner was assigned to a settler,

(1) Arthur to Bathurst No.17, 23/3/1827.

(2) Arthur to Bathurst 16/8/1824.

and it was hoped that good treatment would induce him to reform. After a certain period of good conduct, proportioned to the length of his sentence, ⁽¹⁾ he could be granted a ticket-of-leave, but Arthur insisted that it would be as a favour, not a right. The ticket-of-leave holder could work on his own account and acquire property, and his rights were secured under Peel's Transportation Act of 1824, but he was restricted to an area, required to attend musters, and was liable to forfeit his ticket for misconduct. The next step up the ladder to freedom was the award of a conditional pardon on the recommendation of the Lieutenant-Governor to the Secretary of State. It involved no personal restriction beyond the obligation to remain in the colony. The holder of a conditional pardon was liable to reduction to convict status on the commission of an offence. The assigned servant could also descend the ladder. For misconduct in his master's service the magistrate could impose punishments varying with the seriousness of the offence. Flagrant or repeated misconduct would eventually lead the convict to Macquarie Harbour, the bottom of the scale, and, as Arthur assured Bathurst, "in every sense of the word, a place of most severe punishment". This was the basis of Arthur's system of rewards and punishments, perfected through the years of his government.

Arthur set about the task of classifying the convicts in the hands of the government. ⁽²⁾ He announced that in future the Prisoners'

(1) 7 years, 14 years or life.

(2) All convicts who were not assigned or holding indulgences.

Barracks, hitherto only a penitentiary, would accommodate convicts in government service. The men were classified into seven groups, according to the varying degrees of privilege and punishment awarded them. The sixth class was removed to Maria Island penal settlement and the last class was made up of those desperate men sent to Macquarie Harbour. (1)

The management of convicts working on public works was also laid down by regulation. Their hours of labour were carefully defined, and provision made for appeal against injustice from their superintendents. Absconding from these parties had become far less frequent since Arthur had stationed field police in the interior. In April 1826 the chain gang had been established and in August was regulated into the system. The sentence to a chain gang, which laboured under military guard, was a most dreaded and effectual punishment and Major Kirkwood, Engineer in the Road Department, believed its establishment had caused a change of attitude in the convicts assigned to public works. Before Arthur's time many convicts had preferred government labour to the service of settlers, but Arthur repeatedly insisted that it was now considered a greater punishment than assignment.

The employment of convicts, generally ticket-of-leave men, as overseers and constables had been condemned by Bigge, and Arthur early recommended that non-commissioned officers should be used as military overseers, and that a better class of superintendents be

(1) Government Notice of 9/8/1826.

provided. Motives of economy long delayed reform in this aspect of convict management. Educated convicts were for some time employed in government offices, but agitation in England about specific cases of fraudulent practices finally induced the authorities to recommend the discontinuance of the practice. Arthur put an end to the practice of assigning other convicts to these clerks.

Macquarie Harbour was at the time of Arthur's arrival the only penal settlement in the colony and received convicts who had been colonially convicted of flagrant offences and sometimes the worst of the fresh arrivals. Arthur had been informed by Bathurst that he had the power to distribute all new arrivals as he thought fit, but accommodation at this settlement was limited to about 250. For many years, until 1821, Van Diemen's Land had been a penal settlement for the worst convicts of New South Wales, so that there were many convicts eligible for confinement at Macquarie Harbour. Early in 1825 Arthur formed a new penal settlement at Maria Island, off the East Coast, to which he could send convicts for colonial offences of a less serious nature than would merit sentence to Macquarie Harbour. Bathurst gave his approval to the measure, and observed that the "establishment of the penal settlements upon a better footing will conduce more than any other object to that desirable object".⁽¹⁾ Thus encouraged, Arthur made further plans. Although the remoteness and bleakness of Macquarie Harbour made transportation there so much dreaded by convicts, Arthur observed

(1) "That desirable object" - of enforcing stricter discipline. Bathurst to Arthur No.14, 23/4/1826.

that it had many disadvantages as a penal settlement. Escape by sea was always a possibility, the voyage from Hobart was long and arduous, and the cost of supplying the settlement thus heavy. In September 1826 he suggested the formation of a settlement on King Island in Bass Straits, and in October of the following year sent home a survey and Report on the island by a Mr. Barnard, adding his own comments on the impossibility of escape. The scheme was shelved, however, by the Secretary of State, Murray, on the grounds that there was no safe anchorage for ships. Arthur's next proposal, to establish a station for secondary punishment at Port Arthur on Tasman's Peninsular, was more favourably received. The Lieutenant-Governor went to some pains to point out that the expense could be kept down, since the settlement could combine its penal character with that of a sawing establishment, a necessity for public works.⁽¹⁾

Although the convicts assigned to the settlers were not so directly under the superintendence of the government, their condition and discipline early received the careful attention of Arthur. "The moral improvement and discipline of the convicts is by Your Lordship's instructions considered a main point in the administration of these colonies. In both these particulars much must depend on the co-operation of the settlers amongst whom so large a body of the convicts are dispersed; but in place of raising the character of their servants, their habits almost universally encourage these dissipated propensities. This with the better class of settlers arises partly

(1) Arthur to Bathurst 3/3/1831.

from the dread generally entertained of the convicts, partly from the desire to prevail with them to work on any terms...." The lower class of settlers shared a "universal propensity to excessive drunkenness", and corrupted rather than reclaimed their servants. The only course was "to strengthen the hand of the more respectable and improve the character of the inferior class of settlers". He closed the dispatch with some comments on the necessity for religious observance.⁽¹⁾

In August 1825 Arthur reported the existence of a practice subversive to convict discipline, the "compact of thirds" between some masters and their assigned servants. Under this system a settler allowed his servant to graze livestock on his property, in return for a return of one third of the increase. Thus the settler acquired additional property to quote in his schedule when applying for an extension to his grant, and the convict had the opportunity to secrete stolen stock. Bathurst advised an immediate prohibition,⁽²⁾ and Arthur issued a Government Order to that effect.⁽³⁾

The condition of the assigned servant was bound to vary according to the circumstances and character of his master, but Arthur attempted by regulations to correct the more obvious inequalities. In December 1826 he reported the introduction of rules for the clothing and rationing of convicts. In future each prisoner was

(1) Arthur to Bathurst 15/8/1824.

(2) Bathurst to Arthur 5/3/1826.

(3) Government Order 30/9/1826.

to be issued with a suit of slops on assignment to avoid the necessity of keeping accounts with the settlers at broken periods for replacement in their servants' clothing. The settler was instructed to provide a certain scale of rations to his convicts, and was forbidden to pay them in money or property for liberal rations were to be sufficient return for the convicts' industry. The efficacy of this official veto was questionable.

Until the institution of the Assignment Board in 1832 it was Arthur's "most anxious duty" to select from numerous applications the best masters for the convicts. A Government Notice⁽¹⁾ prescribed the form in which these applications were to be made. The settler was required to give information on the extent of his property, his stock, the number of men, free and bond, already in his service. He had to state how many servants he had in the previous six months returned to government hands, and how many had absconded from his service. In January 1827 a Government Notice required an annual report from the master of assigned convicts on their conduct. Arthur also expressed the hope that masters would stimulate their convicts to good conduct, and that the prisoners themselves would be influenced favourably by the knowledge that such reports were being made. Any rumours of irregularity in the conduct of the masters of convict servants were discreetly investigated. It was "impossible to expect reformation among transported felons if the families to whom they were assigned be themselves immoral and vicious".⁽²⁾

(1) Government Notice of 28/12/1826.

(2) Arthur to Murray 17/8/1830.

Assignment placed considerable power in the hands of the governor of a colony where settlers were eager for their share of the supply of cheap forced labour. Arthur twice in this period displayed his anxiety that his powers in respect of assignment should be placed beyond question by clarification by law. When acknowledging receipt of Peel's Transportation Act, he pointed out that it had always been an established regulation that the settlers should not re-assign or otherwise dispose of their servants. It seemed to him that the eighth section of the Act had legalised such a practice, and he requested Hay to put the matter to Lord Bathurst.⁽¹⁾ Bathurst wrote that the complaint had been put before Peel, who had explained that the colonial government was competent to make any regulations on that subject, notwithstanding the provisions of the Act, provided that the settler was apprised of the conditions on which he accepted the convicts' services. Peel said that his Act neither precluded nor was intended to preclude the local government from making any regulations for the assignment of the services of convicts, or from modifying that assignment in such a manner as justice and good policy may require.⁽²⁾ Two years later Arthur became anxious about his power to revoke an assignment in the event of the master's mismanagement of his trust. In deciding on the "Jane New Case", the complicated and fascinating details of which cannot be entered into here, the judges in New South Wales gave their

(1) Arthur to Hay 4/6/1826.

(2) Bathurst to Arthur 20/2/1827 Encl.

opinion that the governor could revoke assignment only for the purpose of granting the convict a ticket of leave. Arthur strongly disagreed with this interpretation, and asked that the matter should be put beyond dispute.⁽¹⁾ Once more the Colonial Office reassured him as to his rights.⁽²⁾

It was through his police system that Arthur was enabled to watch over the settlers in relation to assigned servants. In March 1827, he reported new arrangements for the police of the colony, "in view of the home instructions for a stricter surveillance of the prisoner population".⁽³⁾ Under the old system, the magistrates, by whose summary jurisdiction convicts were tried, had been selected from among the respectable settlers and exercised functions similar to those of a contemporary justice of the peace in England. They had received for their services an allowance of rations, and convict servants. These were now withdrawn and Arthur introduced a more efficient system of stipendiary magistrates, whose duty was to see that all the rules and orders of convict discipline were observed, to receive the settlers' applications for servants and to forward them with comments to the Principal Superintendent of Convicts, and to act as Commissioners of the Court of Requests. From their reports to the Chief Police Magistrate, the Colonial Secretary drew up his returns of the state of crime in the colony. Arthur proposed that

(1) Arthur to Murray 7/8/1829.

(2) Murray to Arthur 7/3/1830.

(3) Arthur to Bathurst No.15, 16/3/1827.

the salaries of these officers should be paid from the Commissariat, "as their duties as Police Magistrates almost entirely result from the state of the colony in its character as a penal settlement". This was an interesting comment in view of later developments. In August the Secretary of State sent the British Government's approval of the measure, observing that it would entail no real increase of expense to the Commissariat since rations were being withdrawn from the magistrates. He warned Arthur, however, against incurring any further expense on this head, "exceeding that which belonged to the former system".⁽¹⁾

The rank and file of the police service, the constabulary, was made up of ticket-of-leave men. Such service was one of the rewards held out for good conduct, "an inducement to reform". The Lieutenant-Governor well understood the saying "set a thief to catch a thief". In the heat of the bushranging campaign the employment of convicts as field police had created distrust and suspicion among the convicts,⁽²⁾ and Arthur, encouraged by the success of this measure, made it an integral part of his system. These "renegade" convicts were hated and feared by their former associates.

Arthur was convinced that the purpose of transportation hinged on the efficiency of the police. The stipendiary magistrates were Arthur's watchdogs. On the complaints of masters and overseers,

(1) Goderich to Arthur No.22, 20/8/1827.

(2) Arthur to Bathurst 24/3/1827, forwarding Annual Report for 1826.

they tried and sentenced all convict offenders, perhaps to a whipping, the treadmill or the triangle, or perhaps to a term in a penal settlement. It was their duty to visit the road parties to hear the complaints of both the superintendents and the men. They observed the settlers' management of their servants, and by their reports to the Chief Police Magistrate, Arthur was kept informed of any misconduct in the assignment system. The police became the pivot around which Arthur's system for the control of convicts and settlers in a penal colony revolved. In May 1828 he was happy to report on the energy which infused the police, and added that "whilst a more accurate surveillance has been introduced over the prisoner population, the Police has extended its enquiries into the proceedings and management of the free settlers, the improvement of their grants of land, the control of the prisoner servants etc." (1)

III

This chapter has so far dealt with the condition and management of only one element in the population. The convicts in 1824 numbered 5,938 (of which 601 were female) of a total population of

(1) Arthur to Huskisson 14/5/1828, forwarding Annual Report for 1827.

12,653. This free population of just over 6,000 had trebled in the period of Sorell's administration. Much of this increase was due to the influx after 1821 of "respectable settlers" bearing letters of recommendation from the home authorities to the Lieutenant-Governor. The Hobart Town Gazette of 27th June 1822 gives the numbers of arrivals and applicants for land grants since July 1821 as four or five hundred, not including the families of settlers. The progress and social and economic development of Van Diemen's Land was recognized in the provision made in the 1823 Act for the eventual separation of the colony from New South Wales. The free community was conscious of its own advance. In April 1824, 102 "Landholders, Merchants and other Free Inhabitants" of the colony addressed a memorial to the King. "The large acquisition of respectable population, of capital and of operative skill leads them to contemplate a higher state of society within themselves. We most humbly submit to Your Majesty that the true interests of this colony, its agricultural, pastoral and commercial prosperity, can be rightly understood protected and encouraged only by the observation, protection and solicitude of a resident Government, acting by wise counsels and not subject to the control or dependent on the authority of the local government of New South Wales." Arthur was equally anxious for the contemplated separation, and through his period of government in semi-dependence on New South Wales was impatient of the delays involved by reference to Sydney. His main anxiety was to have the weight of legislative and executive authority behind his

measures, Two months before the grant of independence, he wrote to Horton at the Colonial Office, "The convicts have too much liberty, and great evils result from it: but if my hands are strengthened, I hope to make transportation a punishment which at present it certainly is not".⁽¹⁾ In March 1827 Arthur reported "great changes" in the state of convict discipline since the grant of independence. Not till then had the authority of the local government been firmly established.⁽²⁾

In the preceding pages reference has been made to the free settlers as hunters of bushrangers, or in their role as masters of assigned servants. It was as the latter that Governor Arthur chiefly regarded them. A thorough-going realist, he faced the fact that Van Diemen's Land was a penal colony, and seemed during his administration likely to remain so. This was the proposition on which he based his government. The settlers would certainly suffer some legal and political disabilities from residence in a penal colony. Arthur opposed unsuccessfully a free press and the grant of trial by jury. The colonial Acts of 1829 and 1830 on the Harbours of Convicts, which empowered the apprehension of persons on suspicion of being illegally at large, were encroachments on an Englishman's personal liberty. To understand Arthur's view, it is better to quote his own words to Hay: "In exacting many of the wholesome restrictions on the prisoners it is frequently necessary to trench upon that

(1) Arthur to Horton 14/9/1825. H.R.A. Series III, Vol. IV, p.369; sending his convict regulations.

(2) Arthur to Bathurst No.17, 23/3/1827.

unrestricted liberty which is claimed by the free population. Just laws and regulations, however, are only felt as severe by those who offend them; but however reluctant to acknowledge it, the whole island must be considered in the light of a gaol, and the Free Inhabitants, whether Emigrants or prisoners free by servitude, or emancipation, should be looked on as Visitors and liable to submit to the Rules established for the general peace and order of the community...". (1) Arthur calculated that careful attention to the material welfare of the colonists should compensate for the restrictions on their liberty. To tie firmly the economic interests of the settlers to the system of transportation seemed to him the only possible solution to the problem of Van Diemen's Land's dual character as a colony of free men and a penitentiary.

The emphasis which Arthur placed on the penal character of the colony decided his attitude towards immigration. Through the practice of assignment, the free settlers played a vital part in the scheme of convict discipline. They were the overseers of half the bond population. They must then, as far as possible, be men fitted for such a task, eminently respectable immigrants of some capital, and if possible with qualifications for or experience in the discipline of men.

Throughout the period of this study, the British government in considering land and emigration policy in relation to Van Diemen's Land had to take into account the existence of a large supply of

(1) Arthur to Hay 23/3/1827.

cheap forced labour. Particularly, however, in the years 1824-1831, immigration was the servant and dependant of transportation. The regulations for the disposal of crown land, the most important inducement to settlement, were intended to attract not the labouring class but settlers of sufficient capital to develop the natural resources of the colony and to take convicts off the lists of the Government Stores. Land policy all through the 1820's discriminated against the poorer immigrant. The size of a land grant was proportioned to the amount of capital of the applicant. In the early twenties the applicants brought with them letters of recommendation from the Colonial Office. The emigration of persons who might at any time become a burden of the British Treasury was actively discouraged. In any case the cost of the voyage to Australia was generally beyond the reach of such emigrants without the assistance from the Government or some private charity. In the 1820's there was an ever-increasing tide of emigration from Britain, owing to the change in economic conditions, but the poorer emigrants left for North America. The cost of a passage to Canada in 1825 was about one eighth of that to Sydney.

The close relationship between the land question and the convicts is clearly demonstrated in the land regulations. Until 1825, grant was the only method of land disposal. Governor Brisbane in 1822 proposed that for every hundred acres of land granted, the settler should be required to maintain and employ one convict. Bathurst disagreed with this policy, although recognizing its value

as an economy to the British Commissariat.⁽¹⁾ Bigge had considered such a clause unequal in operation, owing to the disparity in the types of land and in the pursuits of settlers. Both he and Sorell advised that to give encouragement to agriculture would be a far more enlightened and wise policy, since a prosperous settler would willingly take convicts off the Government's hands.⁽²⁾

On 1st January 1825, Bathurst despatched to Governor Arthur his new regulations for land disposal as supplied to immigrants proceeding to the Australian colonies. Although the Colonial Office was as yet far from following a systematic land policy, the authorities were concerned at the past indiscriminate alienation of land in large grants to settlers who, even if they had the means, often had no intention of cultivating it. Land speculation or "jobbery" was rife, especially in New South Wales, Arthur cast doubts on the actual financial status of the settlers: "I have already given Your Lordship to understand that the great mass of settlers who have emigrated to this Colony are necessitous persons; many, indeed have made a great show of capital on their schedules for the purpose of obtaining land, but they are in reality, possessed of little means".⁽³⁾ Such settlers were not desirable colonists either in the view of Arthur or of the Colonial Office.

Bathurst drew up his land regulations with the intention of

(1) Bathurst to Brisbane No.21, 30/5/1823.

(2) Sorell to Horton 19/11/1824 (in England), H.R.A. Series III, Vol. IV, p.570.

(3) Arthur to Bathurst 21/6/1826 forwarding Annual Report for 1825.

making it more difficult to obtain land, and in this respect foreshadowed Wakefield. For the first time the principle of sale was introduced as an alternative to grant in the disposal of Australian crown lands. Grants were restricted in size to between 320 and 2,560 acres. Another clause laid it down that the grantee must prove before the expiration of seven years that he had spent on his land half its estimated value at the time of the grant. Quit rent, an annual rental payable after the first seven years, was fixed at 5 per cent. For lands acquired both by grant and sale, settlers were to be allowed remissions for the employment of convicts calculated at £16 per annum per convict. A grantee was entitled to receive one fifth of the sum he saved the government in this way as a redemption of his quit rent.

Arthur did not receive the new regulations with marked enthusiasm. He remarked first that the extent of New South Wales and the greater proportion of disposable convicts there appeared to "render the same system inapplicable to Van Diemen's Land". The cultivation clause was "hopeless in enforcement", and the 5 per cent quit rent too heavy a charge. He particularly opposed the redemption of quit rent for the employment of convicts, since in Van Diemen's Land the demand for labour exceeded the supply of convicts, and no such bonus was necessary. He prophesied an "extraordinary result" from the partial operation of this measure; "that whereas the assignment of any number of convicts is a great favour, and received as such, the settler will have on this arrangement the additional obligation conferred upon him of being absolved from the charge of

a portion of his quit rent for accepting a favour at the hands of Government".⁽¹⁾ Bathurst did not receive this criticism well, but Arthur detailed his objections in a dispatch of January 1827. He foresaw "vexatious litigation in trying to settle accounts with the settlers". The settlers would be anxious to obtain convicts for the sake of this bonus on their employment, without having the means or intention of disciplining them.⁽²⁾ Hay informed Arthur, in a letter of the following April, that, as a result of the representations of Governor Darling in New South Wales, some important modifications on the original instructions on land disposal were being considered.⁽³⁾ Finally, the new regulations issued by the Colonial Office in that year cancelled the offending clause. Arthur admitted to Huskisson, the new Secretary of State, that he had awaited the result of Darling's representations before taking any actions on the quit rent instructions, so he was "able to proceed with the new instructions without refuting anything".⁽⁴⁾ The correspondence on this question is interesting in its demonstration of Lieutenant-Governor Arthur's readiness to express disagreement with the Colonial Office, and his marked inclination towards following the dictates of his own judgment.

Although the regulations no longer so specifically associated the disposal of lands with the assignment of convicts, they continued

(1) Arthur to Bathurst No.11, 10/8/1825.

(2) Arthur to Bathurst 7/1/1827.

(3) Hay to Arthur 18/4/1827.

(4) Arthur to Huskisson 18/4/1828.

to be directed towards the encouragement of settlers with sufficient capital to develop their lands and employ convict servants. Arthur's Land Board Regulations of 1828 instructed that £500 capital was required for each square mile granted. The system of disposing of public lands by auction met with little response in Van Diemen's Land. Arthur favoured the grants system, since the government thereby exercised a more direct control over the disposal of lands in the colony.

In 1825, Bathurst informed Governor Arthur that His Majesty's Government had sanctioned the formation of the Van Diemen's Land Company, and explained the terms of its formation. The latter were mainly concerned with the guarantee of the expenditure of the Company's capital on the lands granted, but one was specifically concerned with a scheme of emigration. "Another mode of employing the capital of the Company will consist in defraying the expenses of persons proposing to settle upon the Company's estates, in which are, of course, included all charges of freight, outfit and other expenses incidental to the removal of emigrants and to the settling of them on arrival". The redemption of quit rent for the employment of convicts was included in the conditions of grant. "If the local government should be able and willing to supply the company with a number of convict labourers, not exceeding the number of free labourers employed by them on their grant, the company will accept and maintain them. If within fifteen years from the date of the grant it shall be made to

appear that the Company have saved to His Majesty's Government by the maintenance of the convicts the sum of £25,000 sterling, then all land contained in such grant will be forever exonerated from all future quit rents".⁽¹⁾ Arthur remarked that such a provision was the result of the mistaken idea that the government had a superfluous number of convicts on its hands, and pointed out that he had as many as 800 applications from anxious settlers awaiting labour at the time when the Company's agent, Edward Curr, arrived in the Colony.⁽²⁾ It was clear that the Company's labour needs were not to be satisfied from this source. In April 1827, the directors proposed to the Colonial Office a new arrangement whereby the Company would import free emigrant labourers under an indenture system, and, in return for their shipment costs, receive an abatement in quit rent. Hay, in reply, reported that Goderich agreed to the system and that the abatement would be calculated at the rate of £16 per each male adult, and £20 for each female adult whom the Company disembarked in Van Diemen's Land.⁽³⁾ He was careful to refer to the principle that "settlers were not encouraged to proceed to the Australian colonies unless possessed of sufficient capital to prevent their becoming a burden on the colony hereafter." In August Goderich informed Arthur that the labourers had left in the "Caroline".⁽⁴⁾

(1) Bathurst to Arthur No.5, 2/6/1825.

(2) Arthur to Bathurst No.51, 14/11/1826.

(3) Hay to Arthur 23/5/1827.

(4) Goderich to Arthur 3/8/1827.

Arthur's attitude to this scheme does not appear to have been favourable. He pointed out that "all the respectable free settlers would be most thankfully included" in such an arrangement and that, unless they were so, he could not go on giving such indulgences to the Company without causing dissatisfaction.⁽¹⁾ The Colonial Office reassured him, however, that this was not intended as an unlimited indulgence.⁽²⁾

It must be noted that this assisted emigration to Van Diemen's Land was not a Government measure, and did not involve the Colonial Office in any responsibilities, administrative or financial. The reception which was given the proposal of Governor Darling that the home authorities should select and send out to New South Wales certain classes of artisans demonstrates the unwillingness of the Colonial Office actively to direct an emigration. Bathurst informed the Governor that it would be impossible to prevent persons other than of the required description from taking advantage of the offer, "not to mention the heavy expense which would result from the measure, if the encouragement for the emigration of this class of persons was to be given any extent".⁽³⁾ This was four years before the new departures of 1831.

A type of emigration to Van Diemen's Land encouraged by the Colonial Office and strongly approved by the Lieutenant Governor was that of military and naval settlers. In 1826 the Colonial Office initiated a policy of affording concessions in the land grant regulations

(1) Arthur to Huskisson 10/4/1828.

(2) Murray to Arthur 14/8/1828.

(3) Darling to Bathurst 1/9/1826 and
Bathurst to Darling 1/3/1827.

to induce pensioned officers to proceed as settlers to the Australian colonies. Remissions in quit rent and other modifications in the regulations were offered to military officers above the rank of captain, particularly those on half pay and of over 10 years' standing. The obligation to cultivate a certain proportion of the grant remained, and the officer was required to guarantee at least seven years' residence on his land.⁽¹⁾ The advantages were extended in May 1827 to officers of all ranks on half pay who might wish to become settlers.⁽²⁾ In August an Admiralty Circular offered the same inducements to all half pay officers of the Royal Navy.⁽³⁾ No assistance was granted towards defraying the passages of these settlers, and the area of land in their grants was proportioned to the amount of capital they could expend on it, as in the case of ordinary settlers. The modifications in the land regulations were no more than inducements to settlers of the respectable class who possessed capital sufficient to develop their lands and employ their convicts. Such additions to the propertied class in the colony were welcomed by Arthur, who considered their experience in the discipline and management of men an undoubted advantage for their role as masters of assigned servants. He also described non-commissioned officers as a "useful class of immigrants", and suggested that their settlement should be encouraged.⁽⁴⁾

The official statistics show that the free population of the

(1) General Order of Horse Guards 5/6/1826.

(2) General Order of Horse Guards 16/5/1827.

(3) Admiralty Circular 11/8/1827.

(4) Arthur to Hay 1/1/1831.

colony increased from 6,000 in 1824 to 13,000 in 1830. These figures are not very helpful in attempting a calculation of the arrivals in the colony during those years, for most of the increase must be ascribed to births and to the emancipation of convicts, or to the expiration of their sentences. The number of land grants in one year is perhaps some guide to the number of arrivals in the preceding year, and Lieutenant-Governor Arthur usually made some remarks on immigration in his annual reports. In 1825, Arthur made 279 land grants, more than in any other of these seven years. The following year saw a marked decrease in the number of immigrants. This was ascribed by the Lieutenant-Governor to the effects of the depression in England. Although the Colony's population had increased by a thousand since 1823, half of this was by the arrival of convicts, and the rest largely natural. In his annual report for 1827⁽¹⁾ Arthur calculated that the births and new arrivals accounted for approximately 500 of the total increase in the Colony's population since 1826. Only 83 land grants were made in that year. The rate of immigration appears to increase in 1828 and 1829. 190 land grants were made in 1828 and 215 in 1829.

IV

It has already been remarked that the question of expense was a significant factor in determining the attitude of the Colonial

(1) Arthur to Huskisson 14/5/1828.

Office to various proposals. In the early period of Arthur's administration, an important change was made in the way the colony was financed. The Government of Van Diemen's Land relied on two streams of supply, the one derived from local and inland revenue, and the other from the British Treasury. The two funds, local and imperial, were not applied in the early years to their own specific purposes. The colonial revenue was not expended for purely colonial purposes, nor was the British Treasury responsible only for convict and military expenditure. The Colonial Office applied to Parliament for grants for the civil as well as the convict services of Van Diemen's Land.

Commissioner Bigge had been required to investigate the sources of the local revenue and the possibility of its increase. The home authorities had hopes that the penal colonies might prosper sufficiently to make a significant contribution to the expenses entailed upon the mother country in the transport, maintenance and disposal of her convicts. In 1826, Under-Secretary Horton, moving the Colonial Civil Estimates for New South Wales in the Commons remarked that he anticipated that the charge of convicts would have to be paid by Britain only for a few more years. "There was a great demand for their services among the settlers, and some arrangement might be entered into with them for defraying the expense which was now charged upon this country".(1)

Arthur in 1825 was not optimistic about his colony's revenue. "As long as Van Diemen's Land continues as a penal colony, so long I

(1) Hansard Parliamentary Debates, Volume 15,
p.1409, 17/3/1826.

apprehend will it be incapable of defraying its total expenditure, as there are constant and heavy expenses flowing from that very source." He proposed a distinction in expenditure for local and penal purposes, that the police fund (the colonial current stock of cash) should be applied to the construction of colonial public works and that buildings for the convicts and the military should be charged upon the Commissary. "This suggestion embraces the proposition that whereas it seems reasonable that the mother country should defray the expenditure of the miserable outcasts from whom she is relieved, yet when transportation ceases all expenditure should cease likewise".⁽¹⁾

In April 1826, Bathurst informed Arthur of new arrangements for the colony's revenue and expenditure. No longer were officers of the civil establishment to be paid from the parliamentary grants. The colonial revenue was in future to disburse the civil establishment and other colonial services, and the surplus was to be paid into the Military Chest to help defray the expenses of the convicts. All expenses incidental to the management, superintendence and control of convicts would be transferred from the Colonial Fund to the British Treasury.⁽²⁾ Arthur was somewhat apprehensive of this measure. He observed to Hay that the arguments of the emancipist agitators were based on the payment of the salaries of public officers from colonial revenue.⁽³⁾ The discontinuance of the parliamentary grant for the civil establishment had

(1) Arthur to Bathurst 3/7/1825.

(2) Bathurst to Arthur No.14, 23/4/1826.

(3) Arthur to Hay 23/3/1827.

given them a strong argument: "Your governor is little more than a gaoler on an extensive scale, and your judge is only trying again the prisoners transported from Newgate; surely nothing, therefore, could be more reasonable than that Parliament should defray the expense of your labours". In officially acknowledging his new instructions Arthur observed that there were difficulties in such a separation. "Every transaction in the colony is so interwoven with its convict character". The report of the Committee of Enquiry he had appointed to classify expenditure under the two distinct heads, colonial and imperial, accompanied his dispatch.⁽¹⁾

In England, a change had taken place in the Secretariat. Goderich replaced Bathurst, and wrote that the government was still determined to do away entirely with the estimate submitted to Parliament for part of the colony's civil establishment. The colonial funds were to be relieved from expenses "which being more or less connected with convicts" fell with more propriety upon home funds. In future the Treasury would provide expenses for medical, naval and police establishments, and for the penal establishments. Colonial funds were to meet the judicial expenses. This dispatch closed with a significant postscript. "You will observe that the foregoing statement of the charge to be thrown upon the colonial funds is founded upon the existing estimated amount of that revenue, but as the growing prosperity of the colony may augment its receipts, you must be prepared to expect that

(1) Arthur to Bathurst 22/5/1827.

some portion at least of the convict expenses (particularly those of a mixed character, such as the Police) will eventually become chargeable upon the local Treasury". (1)

The assignment system of convict management was of obvious economic value since it saved the British Treasury the expenses of providing accommodation, rations, means of employment and superintendence for approximately half of the convict population. This was the reason for the anxiety of the British Government, frequently expressed, that Arthur should assign as many convicts as possible. In 1825 the Lieutenant-Governor explained the large number of convicts employed on public works by reminding Bathurst that the convicts being sent until some years before from New South Wales were either unfit for assignment, or, if assigned, were forthwith returned for punishment. (2)

Bathurst, in January 1827, wrote that he fully realised this, but had reason to believe that more were being employed on Van Diemen's Land Government works than ought to be. (3) It seems that the British Government had a suspicion that the colony was gaining an unfair advantage from the presence of the convict population. The Secretary of State enclosed a copy of his dispatch to Brisbane in New South Wales, referring to the "important distinction between the punishment of the convict for the offence which he has committed and the employment of the labour of the convict for the benefit of the colony". The first

(1) Goderich to Arthur No.10, 31/7/1827.

(2) Arthur to Bathurst 3/7/1825.

(3) Bathurst to Arthur 10/1/1827.

was the "primary object", not the second. In March Bathurst was forthright and mentioned economy.⁽¹⁾ He required detailed reports of the number of convicts employed on the public works of the colony in the last five years, and of how they were employed. Arthur was also to forward a return of the applications he received for assigned servants and of the manner in which he dealt with them. These were instructions "with a view to obtaining more accurate information for enabling His Majesty's Government to devise means of diminishing the enormous expense of the convict establishment". In December the Lieutenant-Governor sent the required returns. The observations in the accompanying dispatch amounted almost to a defence for his system. Every prisoner not absolutely required for the necessities of the public service was assigned on first arrival but "Your Lordship must not entertain the delusive idea that these men are by this means permanently disposed of". By acts of violence they were returned to Government. Arthur claimed that he could not reassign them, for this would defeat the end of punishment, to suppress crime. Thus his only course was to employ them in such a way that their clothing and rations were not a total loss, on works which would benefit the colony and encourage settlement. The number of prisoners on Government hands was always fluctuating and sometimes convicts were assigned as many as two or three times. The tone of this dispatch was definitely one of discouragement. The Lieutenant-Governor wrote: "There is, in penal

(1) Bathurst to Arthur No.21, 25/3/1827.

colonies, but a choice of difficulties!" He referred to fluctuations of a new colony, when settlers were first buoyant, then despondent. "They sometimes think they can maintain an army upon their farms".⁽¹⁾

The home authorities did not let the matter rest there, although it was not till December 1830 that Hay wrote to inform Arthur of the decision of the British Government to introduce a new system for the construction of public works. In future their construction should, "as far as circumstances would permit" be placed in the hands of private enterprise under a contract system. Hay admitted that it was the Treasury's idea "to simplify accounts and reduce expenditure". He enclosed a letter he had received from John Montague, the Colonial Secretary of Van Diemen's Land, then in England, which detailed all advantages of the contract system. The construction would be superior and more expeditious. It would remove the temptation of the government to embark upon "dispensable" public works. There would be less waste of stone, and the colony would be saved the responsibility of the care of materials. Above all, the government would no longer have to maintain and supervise the convict labourers, for they would be assigned to the contractors. The only workmen remaining on government hands would be those under sentence of hard labour on the roads, in or out of chains. Hay pointed out that this would ensure that convicts preferred private service, "there being much reason to apprehend from all the information that the Secretary of State has been able to obtain

(1) Arthur to Goderich 1/12/1827.

upon the subject that the ordinary employment is courted, rather than dreaded by them".⁽¹⁾

Arthur was immediately and consistently opposed to the establishment of the contract system. In his view, assignment to contractors would have an adverse effect upon convict discipline. Nevertheless the arguments of the forceful Lieutenant-Governor could not dislodge the conviction of the home authorities that construction by contract labour was economical and therefore preferable.

How far can it be said that the desire for economy limited the co-operation of the Colonial Office with its representatives in Van Diemen's Land? It seems that the Colonial Office did recognise the fact new efficiency could not be introduced into transportation without expenditure. Goderich, in directing the separation of colonial and imperial expenditure, assured Arthur that he was not urging immediate retrenchment and that the home authorities realised that the reforms introduced into the various departments in the first year of the Lieutenant-Governor's administration meant a necessary increase of expenditure. Nevertheless, Arthur was made conscious of the need to keep expenditure down as much as possible. In proposing a new measure he was careful to point out wherever possible that it would mean a saving in another direction. The importance of the police establishment, his particular pride and joy, was reiterated forcibly as a protection from any possible questions from the Colonial Office. He

(1) Hay to Arthur 14/12/1830.

warned the Home Government that, for transportation to be real and effective, they must be prepared for a "police establishment perfect in all its parts, and for respectable characters as superintendents and overseers".⁽¹⁾ Although Arthur succeeded in supporting his police reforms, the second of his two "essentials" remained denied to him. In the early years of his government the British Government dispatched to the Australian colonies three Veteran Companies, one of which was destined for Van Diemen's Land. These old soldiers were to be used as overseers for the convicts, and also to assist in the campaigns against the aborigines. The experiment was a failure. The lawless habits of the veterans made them more nuisance than assistance to the government, and Arthur was given permission to disband the Company. He had to rely mainly on the services of the convicts in superintending their fellows, a policy clearly based on the desire for economy.

Arthur was never backward in pointing out the errors in the instructions of the Colonial Office. These were often the result of a tendency to imagine that the two Australian penal colonies shared the same circumstances and needs. More than once the home authorities issued instructions to Van Diemen's Land to meet a situation reported by the Governor of New South Wales. In 1829, the Secretary of State suggested that, as he believed there was a difficulty in assigning females, a settler should be obliged to accept one female convict for every two or three males assigned to his service.⁽²⁾ Arthur denied

(1) Arthur to Bathurst 22/5/1827.

(2) Murray to Arthur 21/7/1829.

that he experienced any such difficulty, and gave his opinion that the suggested measure would be injurious. He was strongly against any form of forced assignment. It was hard enough as it was to make transportation a severe punishment; it would be impossible if the great incentive to the settler's co-operation, his desire for the convict's labour, was thus removed.⁽¹⁾ The instructions were withdrawn.⁽²⁾

The home authorities were for some time anxious about the situation of the educated convicts. In May 1826, Hay wrote to Arthur, enclosing a prolific correspondence between officials of the Home and Colonial Offices, and others interested in penal matters, suggesting that such convicts should either be punished under a penitentiary system at home or in a nearby island, or kept in the colony strictly separate from other convicts. The anxiety of the home authorities had been awakened by the emancipist movement in New South Wales, and the correspondence took it for granted that the presence of educated convicts in Van Diemen's Land was causing the government great inconvenience. The "gentlemen convicts" were considered a dangerous influence over their fellows, and, through the press, over the colonists generally. Arthur's reply dispelled the idea that there was in Van Diemen's Land any emancipist danger. In that colony, the line between the respectable and the other elements of the population was clearly drawn. Certainly he had not entertained, and never would entertain, an

(1) Arthur to Murray 25/11/1829.

(2) Murray to Arthur 26/8/1830.

emancipist at his table! He was opposed to the penitentiary idea, and observed that it would entail far more expense than improvement in the existing system in the colony. The matter was considered by the Executive Council, whose members agreed with Arthur that the impression in England as to the probable influence of the "gentlemen convicts" was erroneous. The Colonial Treasurer made an exception in the case of "one most wicked dangerous man of Satanic superiority, R. L. Murray". Educated convicts continued to be sent to Van Diemen's Land.

Arthur was quick to answer any criticism of his system. The Colonial Office on no occasion expressed dissatisfaction with his conduct of affairs, but it was evident at times that the efficacy of transportation as a punishment remained in doubt. Arthur, who zealously devoted his labours towards that end, was inclined to receive any such suggestion as an implied criticism and more than once asked for more definite instructions from home. In the question of the treatment of the gentlemen convicts, he referred to the "advantages of the adoption of a more definite policy". He refuted the suggestion that public works labour was "courted rather than dreaded" by the convicts, describing the situation of a convict so employed as one of "extreme hardship".⁽¹⁾ He declared himself to be "under the difficulty of not entirely possessing the mind of His Majesty's Government on the subject of convict discipline". After reading the discussions on transportation in Parliament in June 1830 when it was put forward that

(1) Arthur to Under-Secretary Howick 18/2/1834.

transportation was no punishment, Arthur immediately addressed Hay on the subject. He described the statement that convicts were under no restraint after working hours as "remote from the truth, and denied that there was one single instance in the colony of convicts riding about in affluence on horses". One member of Parliament had alleged that this was a common sight. "Transportation", wrote Arthur, "is now and has been in this colony for the past four years, a most severe punishment, indeed and if His Majesty's Government sees occasion for it, punishment may in various ways be increased". All he needed were "clear, well-defined instructions from home on the exact course they would have pursued".⁽¹⁾ These were not forthcoming. The year 1831 brought definite instructions, but on the subject of land sales and immigration, and they were not welcomed by the Lieutenant-Governor of Van Diemen's Land, who saw in them the first blow to his concept of a penal colony.

(1) Arthur to Hay 2/1/1831.

CHAPTER III

FREE LABOUR FOR A PENAL COLONY

The Secretary of State, Lord Goderich, addressed in January 1831 to Lieutenant-Governor Arthur dispatches which marked significant departures in policy in relation to the Australian colonies. In the introductory chapter, reference was made to Edward Gibbon Wakefield and his theory of systematic colonization. The January dispatches with instructions for the disposal of crown lands and suggestions for the encouragement of free immigration resulted directly from the influence of Wakefield's teaching upon Lord Howick, then Under-Secretary for Colonies and for that reason the reformer's most important early convert.

Certain facts as to the Wakefield theory itself must be reiterated before studying the history of the first attempts at systematic colonization in Van Diemen's Land, and estimating their success. Wakefield held that colonial policy must be directed to the benefit of both mother country and colony. The vast lands of the Australian colonies provided a much needed field for the employment of British capital. They were a valuable Crown asset, and must no longer be freely and indiscriminately granted but sold. They must, moreover, be sold at a price which would prevent labourers from becoming

landowners too easily and too soon. Here was the most difficult and nebulous part of the Wakefield theory. The price must be "sufficient" to prevent labourers from becoming themselves competitors in the labour market, causing a shortage of labour and a rise in its cost. Wakefield claimed that Australia urgently needed a supply of labour to develop its resources, while at home in England the unemployment and distress of the working classes indicated clearly a redundancy of population. Therefore the transfer of working population to the Australian colonies would be of mutual benefit to mother country and colonies. In his early writings, Wakefield did not insist on the use of the fund derived from land sales to promote such an immigration, but as his ideas crystallized it became an established part of the theory of systematic colonization.

The regulations for the disposal of Crown land concern us here only insofar as they are closely linked with immigration. They were so linked even before Wakefield identified the two questions as part of the one scheme of colonization. A free grant was the chief inducement offered to immigrants to the Australian colonies in the period 1824-31; it was calculated to appeal to a certain class of immigrant, the respectable capitalist. Goderich claimed that those land regulations had been founded on an "erroneous view of the true interests of both colony and mother country". They had been intended to "promote the extension of cultivation and the emigration of persons of capital". The first object, wrote the Secretary of State, no longer appeared as desirable as was thought, for producers claimed

there was not enough demand for their produce. As for the second object, "considering emigration as a means of relieving the mother country, it is clear that no such relief can possible be afforded by the mere removal of capitalists, that it is the emigration of the unemployed British labourers which would be of real and essential service, while I think it also appears that this would be the most useful class of emigrants as regards the colony, from the extreme difficulty which is now complained of, of obtaining labourers". The present needs were first to check the wholesale alienation of Crown land to encourage the formation of a class of labourers for hire, for thus a market would be provided and industries improved, and agriculturalists would be enabled to apply "the great principle of the division of labour". The teachings of Gibbon Wakefield were thus clearly expressed in a despatch, undoubtedly prepared by his disciple Lord Howick, if signed by Goderich.⁽¹⁾

Under the new Regulations, lands were in future to be sold at a minimum price of 5/- an acre. All grants were to be suspended, except to those to whom positive promises had been made. In February Goderich sent out to Van Diemen's Land the Colonial Office Circular advertising the new land regulations, and referred again to the absolute necessity of checking the facility in acquiring land, and the dispersion of settlement.⁽²⁾

(1) Goderich to Arthur 28/1/1831.

(2) Goderich to Arthur 14/2/1831 enclosing Colonial Office Circular 20/1/1831.

I

What was Arthur's reaction to this new system of lands disposal? In July, he acknowledged the receipt of his instructions.⁽¹⁾ He drew the attention of the Secretary of State to the fact that Van Diemen's Land was largely a mountainous and pastoral colony, with a disproportionate amount of cultivable soil. The "natural sheep-beats" made a scattered population inevitable. So much for the Wakefield bogey, dispersion. Most land fit for cultivation had already been granted, and 5/- an acre was a high price in a colony where the rate of interest was 15%, five times that current in England. Perhaps he could submit a scheme on the same principle but better suited to the sheep farmer and the circumstances of the colony? Before Arthur had prepared this, he received the Colonial Office Circular with its printed instructions to intending settlers, and had to acknowledge that it was clearly his duty to put his instructions into effect.⁽²⁾ He would submit cases of settlers who had genuine claims for special consideration. Some had emigrated when the old terms had been in force and others had spent money on their present grants in the hope of acquiring more land.

In fact, Arthur clung to the old grants system as long as

(1) Arthur to Goderich No.42, 9/7/1831.

(2) Arthur to Goderich No.59, 27/10/1831.

possible, for its abolition meant an end to the inducement offered to his favourite immigrant, the respectable capitalist. Also, as Goderich had clearly pointed out,⁽¹⁾ it made an end to Arthur's cherished discretionary power in refusing individuals the right to acquire land. Statistics of lands sold and granted in the early years of the new sales system are enlightening. In 1831, 217,447 acres were granted, while only 23,866 acres were sold.⁽²⁾ In 1832, 24,180 acres were granted to persons, "under promises given before the arrival of the new instructions", or who "were otherwise enabled to show good cause why their applications should not be included under the general restriction".⁽³⁾ In the same year 75,952 acres were sold, and Arthur pointed out that only three lots had been sold to new immigrants, or bought by imported capital. Since the new regulations, Arthur found that settlers preferred to enter industry in towns rather than to follow agricultural pursuits.

As has been remarked in the preceding chapter, Arthur had decided views on what type of settlers were the most valuable additions to the colonial population, and he held firmly to his opinion that the grants system was the best means of attracting them to Van Diemen's Land.⁽⁴⁾ The Colonial Office in 1831, however, had new ideas on immigration. As Goderich wrote, the removal of respectable capitalists

(1) Goderich to Arthur 14/2/1831.

(2) Arthur to Goderich No.51, 10/10/1832, enclosing Annual Report for 1831.

(3) Arthur to Goderich No.46, 18/8/1833, enclosing Annual Report for 1832.

(4) Arthur to Spring-Rice No.37, 14/5/1835.

was of no assistance to the distressed districts of the mother country, while the parishes of South England were heavily burdened by the maintenance of unemployed agricultural labourers. The Secretary of State was careful to point out that these labourers could more cheaply emigrate to North America, as many had done, but he believed that the Australian colonies could benefit from their labour. Arthur was requested to consider with his Executive Council the proposition of helping the English parishes remove their unemployed to the colonies.⁽¹⁾

Arthur's response to the suggestion was fairly favourable. He did not omit to express the opinion that the colony owed its present "extraordinary advancement" to the "former policy of attracting emigrant capitalists to Van Diemen's Land and to the benefits of convict labour", but he commended the plan of encouraging family emigration as a "great and philanthropic measure", for "while England is relieved of a burden, this colony will receive the greatest blessing His Majesty's Government can confer upon it". However, he anticipated opposition and certain difficulties.⁽²⁾

Arthur appointed a Committee of seven public officers of his Executive Council to consider the subjects and suggestions made in Goderich's immigration dispatch.⁽³⁾ Certain facts emerge clearly from their report and the discussion of that report in the Executive

(1) Goderich to Arthur No.11, 29/1/1831, dated the day after that announcing the new land sales policy.

(2) Arthur to Goderich No.42, 9/7/1831.

(3) Colonial Secretary's Memorandum of 9/6/1831. The Committee reported on 4/7/1831.

Council.⁽¹⁾ Arthur's advisers were agreed that labour was scarce and dear, and that therefore an immigration of efficient labourers, particularly mechanics, would be welcome. They placed the number which could safely be imported as amounting to approximately 1,200 families. But it was clear that they were far from confident that desirable immigrants would be sent. The colonists were firmly opposed to the idea of an immigration scheme managed by the English parishes, which might welcome the scheme as a heaven-sent opportunity to get rid of their worst elements to the penal colony of Van Diemen's Land. Was Great Britain to export her paupers as well as her criminals? Once in the colony, such immigrants, unfit for and unwilling to labour, would prove just such a burden as they had been in the mother country.

Goderich met this argument by pointing out that the colonists were "far from practical observation of the Poor Laws".⁽²⁾ He claimed that to be a pauper in the contemporary English economic situation implied no stigma, since wages were so low that men could not maintain a family without parochial relief. He urged that the worst types would not go, but preferred living on charity in England, while the best disliked the humiliation of receiving assistance from the parish, and would be anxious to emigrate to independence and a new future. This argument did not fully convince the colonials. The dispatches from the Colonial Office on the immigration schemes, the

(1) Executive Council Minutes 9/7/1831.

(2) Goderich to Arthur No.56, 27/1/1832.

reports and the correspondence of the Emigration Commission were animated by an enthusiasm for the proposals and their objects which is often lacking in the corresponding papers from Van Diemen's Land. How far the colonists were justified in their lack of confidence must be decided after reviewing the history of the scheme.

One of Goderich's suggestions was that settlers might advance sums to assist immigrants to pay their passages, thereby providing themselves with servants. An official notice was placed in the Hobart Town Gazette, ⁽¹⁾ inviting the applications of settlers who would be willing to take the immigrants. After a month, only three or four settlers had made even written enquiries on the subject although the Immigration Committee had unanimously testified to the labour shortage.

The colonists had grounds already for suspecting the benefit of an immigration sponsored by the home government, in the behaviour of the Chelsea Pensioners in Van Diemen's Land. A War Office Memorandum in 1831 had introduced a plan by which these old soldiers were enabled to commute their pensions to take passages to the Australian colonies, and there receive free grants of 100 acres. ⁽²⁾ Several brigs, bringing some of these men and their families, had already arrived by July 1832, when the immigration scheme was being discussed. Others were on the way. A local newspaper noted that several of their grants had been sold to various purchasers, while others were still being "hawked about". ⁽³⁾

(1) Hobart Town Gazette 11/6/1831.

(2) War Office Memorandum 1/3/1831.

(3) Hobart Town Courier 21/4/1832.

A Committee which considered the subject reported unfavourably of this immigration, and referred to the number of robberies committed by the pensioners.⁽¹⁾ Arthur claimed that the experiment had been tried and had "entirely failed". "They are, for the most part, persons of broken constitutions, averse to labour, and prone to the most degrading dissipation".⁽²⁾ Press comment in the colony agreed with this judgment.

The settlers had another reason for diffidence in responding to the Gazette Notice of June 1832. They had not been fortunate in their own experience of privately importing labour. Some had paid the passages of men, with or without their families, entering into a contract with them which fixed a certain rate of wages for a certain period of service. In short, they had attempted the indenture system. Most masters had been sadly disillusioned by the conduct of these servants.⁽³⁾ Arthur explained that few settlers would be induced to advance money in the prospect of receiving servants in such a way, and earnestly recommended that immigration be purely a government measure, with immigrants indented not to individual settlers, but to the local government, and obliged to make regular payments from their wages to reimburse the colony for their passage money.

A dispatch from Goderich casting doubt on the probability of the continuance of a supply of convict labour aroused more enthusiasm

- (1) Executive Council report 4/5/1832, forwarded by Arthur in his No.30, 22/5/1833.
- (2) Arthur to Goderich No.30, 22/5/1833.
- (3) It should be stated that in some cases the men had equal cause to complain of their masters.

among the colonists for assisted immigration. "The prosperity, nay, almost the very existence of the colony is now dependent upon the continuance of the present system of transportation, and, as it is a subject of serious doubt whether that system accomplishes the object for which it is intended, namely, the repression of crime in this country, whether it can therefore be expected permanently to be continued, and as it is at all events evident that the number of labourers thus furnished is daily becoming more inadequate to the needs of the colony, no time should be lost in measures to supply the deficiency".⁽¹⁾ The settlers of Van Diemen's Land agreed wholeheartedly. A report of the Immigration Committee after the reception of this dispatch urged the importance of free immigration "if transportation is not to continue much longer!"⁽²⁾

II

Finance posed the greatest problem. This was the main theme of discussion and dissension between home and colonial governments. Goderich originally suggested three possible sources, advances from settlers, a tax on convict labour and the proceeds from land sales.

Arthur and his council were firmly opposed to the first

(1) Goderich to Arthur No.56, 27/1/1832.

(2) Arthur to Goderich No.39, 31/7/1832, enclosing Immigration Committee report of 29/7/1832.

suggestion of settlers' advances, on the grounds that it would mean a drain of capital from the colony and check the development of trade and industry. Would it not be preferable for settlers to send their remittances in wheat to be sold in the English market at the same price as that grown there? To export wheat would encourage colonial agriculture and trade with the mother country, if the British government could persuade the English farmer to make an exception to the restrictions on the import of foreign corn.⁽¹⁾ Goderich dismissed this early proposal of a kind of Imperial Preference. He argued that the colony would not in fact be exporting so much capital. Half the money paid over by settlers to the masters of immigrant ships would find its way back to the colonial coffers by the purchase of provisions for the return voyage.⁽²⁾ Arthur replied that usually masters had enough stores for their return, and that they would buy any needs in Sydney where prices were lower than in Van Diemen's Land.⁽³⁾

The second suggestion of an imposition of a tax⁽⁴⁾ on the employment of assigned servants had originated in the report of a Commission to enquire into the Colonial Revenue and Expenditure, which was chiefly concerned with the need to reduce the cost of the Imperial Establishment. In November 1831, Goderich wrote "I am strongly convinced that that portion of the labour of the convicts, which if

(1) Arthur to Goderich No.42, 9/7/1831.

(2) Goderich to Arthur No.56, 27/1/1832.

(3) Arthur to Goderich No.39, 31/7/1832.

(4) An annual charge of 10/-d. per convict employed.

they were free would be received by themselves, should belong to the public. As the great scarcity of labourers in the colony makes the assignment of a convict not less advantageous to a settler than a donation of money, it is on every account desirable that the executive government should not give away gratuitously that which is of so muchh value".⁽¹⁾ Arthur promptly championed the interests of the assignees. Many convicts learnt their trades slowly. By the time the settler had trained them, they were granted a ticket of leave and removed from assigned service. Some were diseased, even idiotic! One tenth of assigned convicts were useless servants. Arthur later corrected this estimate to $\frac{3}{10}$ ths. Such a tax would be unwise, for many settlers would give up "the daily trouble, expense and disappointment" entailed in the employment of such servants, and return them to government to be fed, clothed and supervised. It would also be unequal in operation, falling most heavily upon the more respectable element in the community, the settlers who employed the most servants and who had proved themselves the best masters.⁽²⁾ Goderich "could not admit any degree of respectability entitles a settler to receive a great pecuniary advantage from the public". He suggested that the tax need not be uniform. The government could hire out the services of the convicts to the highest bidder, and thus tax only the more efficient labour, or the tax might be fixed according to the qualifications of the master. Arthur and the Committee were glad to hear that the charge was not to be "indiscriminate", and it was agreed that it should not

(1) Goderich to Arthur 3/11/1831.

(2) Arthur to Goderich No.42, 9/7/1831.

only produce a good revenue but would be "a fine on those profiting more than others" from convict labour. The Committee's report repeated the arguments against a general tax.⁽¹⁾

Arthur favoured a tax on the earnings of the ticket of leave man, entitled to work on his own account, although under the surveillance of the police of his district. These men had plenty of money for such "unnecessary indulgences" as alcoholic spirits. Goderich considered a third of their surplus earnings a reasonable charge.⁽²⁾ The third fund suggested by Goderich to meet immigration costs was that derived from land sales, although a large sum was not to be expected from this source for some time. Arthur was not optimistic at first, but wrote later, "My main dependence for carrying emigration effectually forward rests upon the product of the Territorial Revenue".⁽³⁾

The Lieutenant-Governor put forward his own proposal for financing an immigration scheme. His main concern in all the discussion was to keep specie in the colony, and if possible to introduce fresh capital. "Whatever aid this colony gives, sending its limited capital out of the territory must by all means be steadily and systematically avoided - or we are ruined".⁽⁴⁾ In July, 1832, he wrote that he agreed

(1) Arthur to Goderich No.39, 31/7/1832, forwarding Immigration Committee Report.

(2) Goderich to Arthur No.56, 27/1/1837, "Surplus", i.e. money left to the ticket holder after he had paid for his maintenance.

(3) Arthur to Goderich No.29, 28/6/1832.

(4) Arthur to Goderich No.29, 28/6/1832.

to the tax on the labour of convict mechanics and on ticket of leave men, but "whilst labour is importing, the utmost care must be taken that the colony be not dispossessed of the means of employing it." (1)

Arthur's suggestion hinged on the revenue due from lands. He had been given permission to transfer over £12,000 from this source to the colonial banking establishment to be appropriated to immigration. Money was also due to government on mortgage on account of land sales, subject to 5% interest according to the old terms of sale. Could not a loan of £12,000 be raised in England from debentures, and repaid with interest from these mortgage sales? The plan was not sanctioned. Goderich believed that "Government interference in such matters is not advantageous". The situation would "remedy itself in due course". Land revenue and the convict tax must provide the funds. (2)

Arthur did not impose the tax, and put forward the financial condition of the colony as his justification. The exchange rate between New South Wales and Van Diemen's Land had altered. Once the younger colony had provided New South Wales with much wheat and potatoes. Favourable harvests on the mainland had now made it possible for New South Wales farmers to market their salt beef, cheese and butter in Van Diemen's Land at lower prices than the colony's native produce. This had deducted from the circulating medium, and to impose the tax would aggravate the distress. (3) There was a further difficulty. New

(1) Arthur to Goderich No.39, 31/7/1832.

(2) Goderich to Arthur No.121, 23/3/1833.

(3) Arthur to Spring-Rice No.48, 24/8/1833. Delay sanctioned in Spring-Rice to Arthur 9/11/1834.

South Wales judges interpreted a clause in a new Transportation Act as forbidding ticket of leave men to possess property, to sue or be sued. The point needed clarification before the government could tax their earnings. In January 1834, Arthur wrote that, since this matter had been settled, the impost could be exacted, but he thought it better to demand what was due on lands rather than charge for convict mechanics. He suggested that the Treasury might demand that the proceeds of a convict tax should assist in meeting convict expenditure.⁽¹⁾ He may well have cherished such a suspicion.

It was therefore the land revenue that finally paid for assisted immigration. Arthur did not give up his debenture scheme easily. He pressed it on the attention of the Secretary of State once more, but without success.⁽²⁾ The proposal of remissions in wheat was raised again in the same dispatch, but Spring-Rice, now at the Colonial Office, briefly remarked that "there was no prospect of adopting the plan".⁽³⁾

III

The home government did not wait until financial details of an immigration scheme were settled before going ahead with its

(1) Arthur to Stanley 24/1/1834.

(2) Arthur to Stanley No.48, 24/8/1833.

(3) Spring-Rice to Arthur 9/11/1834.

organization. By the new departures of 1831, the Colonial Office was henceforth to take a definite interest in the emigration of members of the English working class to the colonies. An authority other than the Secretary of State but working under him was needed to be responsible for the implementation of the new policy. In June 1831, Goderich appointed a Commission for Emigration. Among its members were Lord Howick and R. W. Hay, Arthur's favourite correspondent at the Colonial Office. A Circular issued by this Commission advertised the interest of government in immigration, and made it clear that intending emigrants could not expect financial assistance from the home government. If enough money were raised "by individuals or parochial and other subscriptions", the Commission undertook the management and expenditure of such funds. Officers would be provided at ports of embarkation in England, and of entry in the Colonies, to offer guidance and advice. The Colonial Office also published an information booklet, giving the price of passages to the Australian colonies, the rate of wages and the market prices at Sydney.

This circular stated that the chief object of the Commission was to assist the manual labouring class, agriculturalists, artisans and mechanics. The members also favoured the assisted immigration of young single women, which should help relieve a very real problem in the colonies, the disproportion of the sexes. In Van Diemen's Land in 1830, the total number of males was 18,228, while that of females was only a third of that figure, 6,276. The transportation system was mainly responsible, for there were nearly 9,000 male convicts and

less than 1,500 females. Women were needed if population were to keep pace with the rising prosperity of the colony, and Goderich wrote that many girls suitable for domestic service on farms were "exportable" from England.

It will be simpler to consider the arrangements for the two classes of immigration, general and female, separately. By September 1831, the Emigration Commission had received many applications from manual labourers, but few from men with any money towards the passage. The Commission suggested that the men be advanced money by the government which would give preference to mechanics in allotting the available funds. These loans were to be repaid by the immigrants from wages in the colony. Private indenture arrangements may have failed, but the government could secure repayment more easily. The proposed tax on convict labour might cover any loss.⁽¹⁾ The Treasury agreed to sanction advances to mechanics to assist with passage money on this condition, but if the convict tax fund proved insufficient, the general funds of the colony must meet the deficiency. There was clearly to be no encroachment on British funds.

Howick at the Colonial Office and Stewart at the Treasury worked out the complicated arrangements for the advances. £20,000 of the funds of New South Wales and Van Diemen's Land should assist the passages of about 1,000 families to those colonies. The Emigration Commission would issue promissory notes to immigrants, to be exchanged on arrival against a bond for an amount payable at a later date.

(1) Goderich to Arthur 2/11/1831 enclosing Emigration Commission report of 24/9/1831.

Orders for payment would be sent to the Port Officer at the customs in the United Kingdom port of embarkation. When the immigrant had reached this port and signed the promissory note, the orders for payment were to be handed over to the master of the ship to be presented to the Colonial Government on delivery of his passengers. The promissory notes sent to the colony should provide the local authorities with evidence of a claim against the immigrant.⁽¹⁾ Arthur found no fault with these arrangements. His opposition to the convict tax has been noted but he was optimistic about the recovery of the debts, and under these arrangements the scheme came into operation.

Plans were at the same time made for female immigration. In July 1831, Howick wrote to Stewart proposing that land revenue be used to encourage women to emigrate to Van Diemen's Land. The suggestion was given general approval, but the Treasury wanted more details. Half the cost was to be met by private subscription before departure. The Emigration Commission considered £10,000 might safely be spent from the land revenue of the Australian colonies in exporting young women, two-thirds to go to Sydney and one-third to Van Diemen's Land. This sum should pay half the passages of 1,200. The Treasury agreed.⁽²⁾

Arthur was informed that he must prepare to receive the women, find them employment, and pay out £8 per head. In November, Goderich sent out the regulations devised by the Commission. Young women between the ages of fifteen and thirty, if travelling with a family, and

(1) Goderich to Arthur 20/12/1831 enclosing Treasury correspondence.

(2) Goderich to Arthur 4/10/1831, enclosing correspondence of Emigration Commission and the Treasury.

eighteen and thirty if alone, would receive in England orders for £8 payable in the colony.⁽¹⁾

Women servants were badly needed in Van Diemen's Land and many men capable of outside work were engaged in household tasks. Arthur, however, was an excellent administrator and quick to foresee practical difficulties. It would not be easy to assess the characters of female applicants, nor to supervise them during the long journey to the colony. How far did the first experiment justify his fears?

The "Princess Royal", carrying the first shipload of assisted women immigrants, approached the south of the island towards the end of August 1832. Bad weather forced the ship to run for shelter into Frederick Henry Bay, and as the violent gale continued, the captain ran her ashore. This was a dramatic opening to the colonial career of the two hundred young women on board, the "Royal Princesses" as they were dubbed in the colony. Arthur accompanied the party which supervised the removal of the passengers from the ship into smaller vessels. They arrived in small groups in Hobart Town and were lodged in the Female Orphan School. As Goderich had suggested, ⁽²⁾ a Ladies Committee had been formed, and had already met "to consider the best means of facilitating the comfortable settlement of the females, expected daily to arrive, under the special protection of the Secretary of State for Colonies."⁽³⁾ These ladies found more difficulty in

(1) Goderich to Arthur 2/11/1831 enclosing Report of Emigration Commission 10/10/1831.

(2) Goderich to Arthur 10/2/1832.

(3) Arthur to Goderich No.43, 8/9/1832 enclosing Ladies Committee Report.

their charitable task than they might reasonably have expected. Situations were found within five weeks for about 140 women, but 26 had withdrawn themselves from government protection to undertake either "disreputable services or a vicious course". Thirteen had been altogether expelled. They were, indeed, as demonstrated by a study of the dossier⁽¹⁾ prepared by the Ladies Committee, a "heterogenous collection".⁽²⁾

Arthur had urged the necessity for adequate precautions against the "temptations of the voyage". "Steady married men" should be appointed as masters of immigrant vessels. There could not be "too much precaution to prevent the demoralisation of women of the lower classes".⁽³⁾ The details of the voyage did not support Goderich's assurance of the care taken in preparations. The officers of the ship were "drunken and insubordinate". The behaviour of the surgeon was such that Arthur could not go into the subject in an official dispatch. The women were indiscriminately mixed and respectable milliners and dressmakers were berthed beside "vicious and irreclaimable females" or "abandoned creatures". There was a total want of prescribed regulations for the management of the women during the voyage and no one person was finally responsible for them. The surgeon shared his wine and spirits with the passengers.⁽⁴⁾

(1) Arthur to Goderich No.52, 12/10/1832, enclosing Ladies Committee Report and dossier.

(2) Arthur to Goderich No.43, 8/9/1832. See also Arthur to Hay 9/10/1832.

(3) Arthur to Goderich No.13, 11/2/1832.

(4) Arthur to Goderich No.43, 8/9/1832.

Some impression has already been given of the success of the selection of the "Princess Royal" immigrants. Who, then, was responsible for this? Ultimately, of course, the Colonial Office, but that office could not undertake to conduct the routine interviews of applicants. T. F. Elliott of the Emigration Commission was busy with correspondence with the colonies, with institutions and shipping agents. The actual task of choosing the shipload was given to a Committee "associated for charitable purposes", of which William Fry was Secretary. This Committee approached various charitable institutions. When the Magdalen Society withdrew from the scheme,⁽¹⁾ and more numbers were needed, London parish workhouses and casual applicants made up the deficiency. Finally of the 200 women, 84 came from charitable institutions, 22 from parish workhouses and schools and the rest were casual applicants.

William Fry presented his case to Hay at the Colonial Office. He admitted that those not from any institution were the respectable element, but insisted that the characters of the rest had been carefully considered. The ladies of the institutions had taken pains to send the best selection. Berths had been changed to prevent the indiscriminate mixture of classes. "Lack of time" was the reason for the poor choice of surgeon. Fry's only really constructive suggestion was that it had been a mistake to charter a private ship interested in profit and not in the comfort of the immigrants.

Arthur was naturally disappointed by the first experiment.

(1) Goderich to Arthur No.127, 29/3/1833 enclosing letter of W. Fry to Hay 3/3/1833.

He observed that if a respectable class could not be sent it would be better to solve the shortage of females in the colony by transporting young women convicts on their first conviction.⁽¹⁾ A year later, he admitted that things had not turned out as badly as he expected. Even the "Royal Princesses" had proved a beneficial addition to the colony.⁽²⁾

Meanwhile, small groups of families were arriving under the scheme of advances to mechanics. The "Strathfieldsay" in June 1833 brought 150 mechanics with their families. Jobs were not so easy to find nor as well paid as they had hoped, and they were generally dissatisfied with their reception. Arthur explained that it was mid-winter, that the colonial labour market could not absorb them all at once.⁽³⁾ The immigrants felt deceived in their hopes and wronged by a false impression of the demand for and the price of labour. They formed an association of Journeymen Mechanics, an early trade union in the colony, and refused to work except on certain terms. They claimed that there was nothing but starvation before them and would not consider going into the interior. Arthur remarked that it was "unexpedient" to encourage such immigration. He referred to "Irish townspeople" with their excited feelings.⁽⁴⁾

The mechanics were undoubtedly in distress without shelter and food. Arthur put the matter to the Executive Council, suggesting

(1) Arthur to Hay 25/7/1832.

(2) Arthur to Hay 5/10/1833.

(3) Arthur to Goderich No.38, 5/7/1833.

(4) Arthur to Goderich No.38, 5/7/1833.

they be issued with essential rations. The Council agreed and proposed that Arthur suggest to the home government that the covenant with shipowners include a clause allowing immigrants to stay on board and get food until they found jobs, provided that it was for not more than eight or ten days. Arthur complied, but was informed that the idea, though good, was impracticable.⁽¹⁾

When reporting the case of the "Strathfieldsay" mechanics, Arthur went into some detail on the subject of assisted immigration, so far as it had been tried in Van Diemen's Land. A deputation of Chelsea Pensioners had just waited upon him, with a petition for the restoration of their pension. They requested relief, and that others should be warned against following their example in emigrating to the colony. Their appearance, Arthur wrote, was sad and dejected. Perhaps their pensions might be restored to them, but they were decidedly not good immigrants. Stanley replied that no more facilities would be offered to their immigration, but their pensions could not be restored.⁽²⁾

The difficulties experienced by the mechanics in finding employment in the colony led Arthur to consider the benefit of such immigration. Early in July he requested a report from his Immigration Committee, posing various questions for their consideration. Had the immigration, so far as tried, had beneficial results? Did the colony need more mechanics, or were labourers more acceptable? What effect

(1) Stanley to Arthur 23/12/1833.

(2) In the period of both Franklin's and Wilmot's governorship, further publicity was given to the claims of these pensioners.

had the new arrivals on the price of labour? Were the immigrants suitable and had their emigration been of benefit to themselves? The report of this Committee with the evidence taken from various Hobart tradesmen was forwarded by Arthur in his July dispatch.

These officials, like Arthur, considered assisted immigration in relation to convict discipline. Their report opened: "This is a penal settlement - the grand object of the local government must be the discipline of the convicts. Whatever militates against this must be impolitic and inadvisable. An excess of free labour, and the influx in great numbers of labourers of dissipated and idle habits would be equally mischievous". An influx of free labourers would reduce labour's price and cause difficulty in assigning convicts. If they were idle and dissolute, the discipline of the bond population would suffer. In the opinion of the Committee, the Chelsea Pensioners and some of the "Strathfieldsay" mechanics were in this category. The colonial labour market could not absorb as many as 150 mechanics immediately and no more should be imported for a time. Mechanics wages were down 5/- a week. The tradesmen (master builders, carpenters, masons, brassfounder, cabinet makers etc.), held varying opinions of the effect of the new arrivals on the labour market. One thought wages would fall; another stated that the combination of workmen would cause a rise. Their evidence generally pointed to the fact that the gradual importation of good workmen would benefit the colony. The concern of these witnesses was with efficiency. Arthur and the Committee placed more emphasis on the respectability of the immigrants.

Better classes were needed "to give a tone to society and correct the effects of the former habits of the lower orders". (1)

The colony was not impressed with the new arrivals, who were equally disillusioned on first arrival. They had imagined there would be competition for their services but found they were regarded even with "some aversion". Arthur observed that it took "patience and character" to get jobs in Van Diemen's Land, as in England. (2) Two months later he reported that the immigrants by the "Strathfieldsay" and the "Thomas" (3) had proved better than he first thought and were behaving "very creditably". Their early behaviour might perhaps be ascribed to reaction after the confinement of a long voyage. Modern schemes of assisted immigration have shown that the first period of adjustment is always difficult, presenting much the same problems to immigrant and government as did these early experiments.

IV

After the case of the "Princess Royal", William Fry and his Committee made no more selections for the Emigration Commission. Early

(1) Arthur to Goderich No.38, 5/7/1833.

(2) Arthur to Stanley No.48, 24/8/1833.

(3) A ship which arrived in August 1833 with a party of immigrants.

in 1832, T. F. Elliott of that office met Edward Forster, the chairman of a society for the Refuge for the Destitute. He was impressed by that gentleman's character and by his ideas on emigration, and came to place such confidence in him that he announced in June 1832 that Foster's society would direct all future shiploads of women. From 1832-36 a sub-committee of the society, known as the Emigration Committee, organised emigration to the Australian colonies yet had no official status. Its work was purely voluntary. In practice much of the work of selection fell to ship-owners and to the Committee's agent, Mr. John Marshall. Not all assisted immigrants travelled in Emigration Commission ships. Independent private agents or brokers organised passages for parties, but the immigrants were expected to pass Commission regulations for character etc. before being eligible for their assistance. The charitable institutions of England were packed with unemployed women, and welcomed the chance to settle their inmates elsewhere. Humanitarian societies worked to send some of what seemed a "surplus" population overseas, and companies interested in their own profits offered their services in obtaining passages for the emigrants.

In August 1833 Lord Stanley, Secretary of State for Colonies for his brief first period of office, announced the suspension of assistance since he calculated that funds available were exhausted. A Colonial Office Circular of April 1833 had closed applications till the following year. In all 422 families (1,571 persons, including 310 single females) and 200 females by the "Princess Royal" had been

exported to Van Diemen's Land under the Commission arrangements and £15,500 had been spent.⁽¹⁾ Stanley assured Arthur that the Emigration Commission would make great efforts to control the selection of any future immigrants. There had been "not enough check on deception". Ship-owners, more interested in the numbers than the qualifications of their immigrant passengers, had been left too much freedom. A government agent had been appointed at Liverpool to investigate the character and circumstances of all applicants as a check against mis-statements in the written applications of both ship-owners and immigrants.⁽²⁾ In December,⁽³⁾ Stanley reported that he hoped to appoint such agents at all ports of embarkation in the United Kingdom and by March 1834 they were stationed at Liverpool, Cork, Dublin, Limerick, Belfast, Bristol and Greenock. In March 1833, Hay requested the first of a future series of regular returns of the numbers of annual immigrant arrivals and sums paid out to them.

Stanley was anxious for a clearer picture of the financial circumstances of the colony with respect to immigration and for further information on wage conditions in the colony. Wages were reported as 15% lower than in 1831 but wheat and meat had risen in price.⁽⁴⁾ With the help of his Colonial Secretary, the Lieutenant-Governor went thoroughly into the question of available funds. He placed the total

(1) Stanley to Arthur 21/8/1833.

(2) Stanley to Arthur 21/8/1833.

(3) Stanley to Arthur 23/12/1833.

(4) Arthur to Stanley 24/1/1834. In a letter to Hay 30/1/34, Arthur explained the increased price of meat by the value of the fleece in England.

at £20,000, but, with a generous allowance for contingencies, suggested a fixed annual revenue of £10,000 might be relied on for immigration purposes.

Meanwhile in England plans were well advanced for the dispatch of more young women to Van Diemen's Land. Stanley had calculated that the colony could afford a shipload of 200 to 250 immigrants. The total cost of sending one immigrant was then £17 or £18. Of this sum, the colonial government would provide £12, half paid over in England, and half in the colony. The woman was to contribute the rest herself, but if she had no money, the English authorities would accept a promissory note, and send this note to Arthur for collection.⁽¹⁾ These women were to leave England in the "Strathfieldsay" at the beginning of May 1834.⁽²⁾

Stanley planned to continue general immigration to Van Diemen's Land in 1834 until £3,000 had been spent. Assistance would be offered to married agricultural labourers instead of mechanics. Arthur appealed to the home authorities to proceed cautiously, since householders in the colony were then less anxious to increase their establishments. Provisions were expensive and the fluctuation of price presented a real problem when there was such a long time lag between the departure and arrival of the immigrants. He warned Hay that immigration would be unpopular with the settlers as long as there were destitute paupers in the colony, but women servants were always acceptable.⁽³⁾

(1) Stanley to Arthur 12/2/1834.

(2) " " " 25/3/1834.

(3) Arthur to Hay 10/7/1834.

Nevertheless, a month later, Arthur had to complain of more unsuitable female immigrants.⁽¹⁾ The ship "Vestal" brought out women selected and financed by the Corporation of the Poor in Bristol. They were not a "useful class", and a report of the Chief Police Magistrate condemned the immoral conduct of the surgeon and master of the vessel. The women by the "Strathfieldsay" selected by the Emigration Committee were considered more satisfactory. The ship arrived in August with 286 passengers, of whom 245 were under government contract. The immigrants were lodged in a house specially rented for their accommodation, and ably superintended by a Mr. Everett.⁽²⁾ Two-thirds found jobs within a week of landing, and in five weeks all were established. The voyage had not been so satisfactory. The Surgeon Superintendent and the Matron produced complaints of each other on arrival, and the Captain was stated to have a violent temper. However, the Ladies Committee reported favourably on the selection, and the immigration was judged successful.⁽³⁾

A second ship, the "Sarah", was sent out in 1834, and brought women immigrants whom Arthur described as the "most satisfactory importation so far". They had done much to "redeem the character of government immigration" in the opinion of the colonists. Over 30 of the women were engaged immediately on landing, and applications were still being received after all had gone. The Ladies remarked that the

(1) Arthur to Lefevre 12/8/1834.

(2) This gentleman was employed again in the same capacity, and in 1836 his appointment became permanent.

(3) Arthur to Stanley 26/9/1834.

"Sarah" women were generally sober and industrious "servants of all work", while the earlier female immigrants had been generally servants of no work, drunken and idle and seldom remaining in their jobs. The report urged that no more young girls of 14 - 16 years should be sent, for despite anxiety and care many "deviated from the paths of virtue".⁽¹⁾

On the journey to the colony, a Mr. Logan had been responsible for the conduct of the women, and he furnished Arthur with a copy of the regulations he established on board. The women attended religious worship daily, and received instruction in spelling and reading. At bedtime, they were given tests in knowledge of the bible. A nightly watch was kept to prevent any communication with the crew. Both Logan and Arthur commented on the beneficial effect of the admixture of some respectable married men among the passengers, and recommended that the practice be continued.

Spring-Rice had mentioned the appearance in the English press of letters from women complaining of their reception in New South Wales and their accommodation. Arthur was quick to praise the arrangements of the Ladies Committee.⁽²⁾ A spacious house, good food and clean bedding were provided, and Mr. Everett conducted this establishment with efficiency and great kindness. Women from former vessels may not have received an encouraging welcome from the community, but this was caused by their exceedingly bad behaviour. Since the "Sarah" shipment, the governor was more decided in his preference for the

(1) Arthur to Spring-Rice 26/2/1835 and 25/5/1835 enclosing Ladies Committee Report.

(2) Mrs. Arthur was a member of this Committee.

immigration of women and suggested that another vessel might well carry passengers for Launceston.⁽¹⁾ Another class recommended by Arthur as needed in the colony were masons and carpenters, whose wages had risen over the last two or three years.⁽²⁾ No other tradesmen or labourers were wanted "in the existing state of the demand of the settlers for convict servants". To support these statements, returns were sent home showing the average wages, and price of provisions for the last half of 1834. The demand for labour for men in twenty-one trades was specified. In all 475 men were needed, ranging from 96 brickmakers to one bellows maker.⁽³⁾

At the end of 1834, Edward Forster presented to the Colonial Office the Emigration Committee's report describing its success in selecting a generally industrious and virtuous type of immigrant. Confidence in receiving government assistance was said to be growing despite the unfortunate press statements. The Committee put forward several suggestions. First, passages should be entirely free to single women between the ages of 15 and 30, as the idea of the debt gave many "a peculiar feeling and apprehension". Secondly, it would be advisable to prepare a house in the colony to receive them,⁽⁴⁾ and to appoint a Superintendent of Emigration in each colony to observe the labour market, the disposal of immigrants and to send home returns. The

(1) Arthur to Stanley No.80, 19/12/1834.

(2) Arthur to Hay 28/1/1835.

(3) Arthur to Hay 1/4/1835.

(4) Arthur had already made this provision.

maximum number by each ship might well be placed at 150 to assist in quick disposal on arrival. Finally, it was proposed that each shipment include a few solid married agricultural families.

The Colonial Office agreed to convert the bounty to women to a free passage, and to lessen the numbers by one ship to about 200, but colonial superintendents of immigration were not considered necessary. Hay expressed the gratitude of the Colonial Office for the worthy services of the Committee, and authorized them to continue their management of female immigration. Five ships would be sent to the Australian colonies in 1835. Two of these would leave for Van Diemen's Land in July and October, and the first was to disembark passengers at Launceston.⁽¹⁾ The governor of New South Wales had suggested the appointment of a special officer in England to scrutinise all applications for loans and bounties. Aberdeen wrote that J. D. Pinnock had been chosen for this duty at a salary of £200 per annum, half of which would be met from Van Diemen's Land revenue. In the same dispatch he agreed to Arthur's annual allowance of £10,000 for immigration.⁽²⁾

Dispatches from Van Diemen's Land on immigration and all relevant returns were forwarded by the Colonial Office for the information of the Emigration Committee. Forster praised Arthur's arrangements for the reception of immigrants, and noted his remarks

(1) Aberdeen to Arthur No.8, 17/2/1835 and 3/4/1835.

(2) Aberdeen to Arthur No.8, 17/2/1835.

on the need for efficient superintendence on the voyage. The Committee decided to dispense with divided authority, and to concentrate the entire moral and physical care and control of immigrants in the hands of a specially selected Surgeon-Superintendent. Four sub-matrons, chosen among passengers, would report any complaints to a Head-Matron, who might if necessary refer them to the Surgeon-Superintendent, "whose authority and decision shall govern the entire economy of the ship during the voyage".

Glenelg announced the final break with the system of loans to immigrants in June. The £20 to mechanics and labourers became an unconditional grant. Arthur was authorized to remit any claims for repayment still outstanding. "His Majesty's Government has been led to consider the benefits of still further encouragement to the emigration of young married mechanics and agricultural labourers with families".⁽¹⁾ The introduction of such a class may have been beneficial for New South Wales, but Arthur had already observed that his penal colony did not need such an importation. He wrote again. Young women and efficient building mechanics were wanted, but no labourers were welcome, since they would displace assigned convicts and increase the expense to government. Free labour was more expensive to settlers, but it was generally more efficient. To import such labour now "would interfere with the great national object of transportation, the efficiency of which is of such extensive importance as to overpower every minor consideration".⁽²⁾

(1) Glenelg to Arthur 6/6/1835.

(2) Arthur to Glenelg No.84, 15/10/1835.

In November 1835, the "Charles Kerr" arrived in Launceston with 156 young women immigrants. The journey was more contented than than of any previous shipload, and the 229 passengers actually prepared a petition of gratitude to the ship's captain, Hayford Arnold, for their pleasant voyage. By the 3rd December, the Launceston Ladies Committee reported that only four women remained unemployed. They seemed satisfied with the behaviour of the women. Arthur observed that Launceston might absorb another shipload.⁽¹⁾ In February, the Launceston Ladies were still receiving applications for servants, but were more critical. Some women were not at first willing to go into the country. Others must have provided false testimonials, for they could not otherwise have passed the selection committee. Captain Arnold, in his written remarks, agreed with this judgment. He generally favoured the admixture of married men, but some had behaved badly. Arthur disapproved of the practice of admitting male passengers, totally unconnected and strangers to all.⁽²⁾

The "Boadicea" carrying 265 passengers arrived in Hobart early in 1836.⁽³⁾ During the journey, the emigrants had addressed a petition to the Superintendent demanding more rations and declaring that those they received were "unfit for the human species". A Committee which boarded the vessel on its arrival, investigated the claim. They found the food sufficient, apart from the beef allowance. The accommodation of the women was satisfactory, but not that of the

(1) Arthur to Glenelg 26/12/1835.

(2) Arthur to Glenelg No.26, 18/2/1836.

(3) Arthur to Glenelg No.27, 19/2/1836.

men. Two male passengers had behaved "turbulently".⁽¹⁾ Arthur complained of the selection, and the Board agreed that many "improper persons" had been granted assistance to emigrate. There were 14 girls from the Cork Foundling Hospital, and 34 from a similar institution in Dublin. Many of these were obvious sufferers from chronic opthalmia, and, according to the Ladies Committee, had been nearly blind for some years; some girls were affected by scrofula. Over 30 of the females were too young, many being between the ages of 11 and 13. In behaviour they were a "credit to their institutions", but it was "cruelty and inexpediency" to send them to the colony.⁽²⁾ Some months after the "Boadicea's" arrival, Everett was still caring for 38 children at the reception house. They were "docile and intelligent" but useless as immigrants and unqualified as servants. None would escape "total ruin" unless the government continued to look after them.

The "Boadicea" importation was not then entirely satisfactory, although the women found employment fairly easily. While visiting the north of the island in February, Arthur heard many complaints about the behaviour of some of the "Charles Kerr" women. He wrote to Hay that he would have to address the Secretary of State strongly on this subject. The blame, he wrote, must rest somewhere.⁽³⁾ The surgeon

(1) Arthur to Glenelg 19/2/1836 enclosing Report of Board dated 8/2/1836.

(2) Arthur to Glenelg 20/4/1836 enclosing Report of Ladies Committee.

(3) Arthur to Hay 26/2/1836, private.

of the "Charles Kerr" had bitterly criticized the proceedings of John Marshall, the agent of the Emigration Committee. Arthur thought no time should be lost in investigating his charges.

The colonial reports on the two ships were sent to the Emigration Committee for their remarks. Dr. Thompson, the "Boadicea" surgeon, had complained that most of the difficulties of provisioning and accommodation were a result of a last minute increase in the number of immigrants. In August, the Emigration Committee made their report refuting many of the complaints. Forster described the Committee as "harassed ... by misrepresentations, both at home and in the colonies".⁽¹⁾

It seems that the members of the Committee were often deceived not only, as they thought, in the misrepresentations of applicants, but also in the trust they placed in their agent, Marshall, whose personality dominates the history of this immigration. There is no basis whatever for believing that the gentlemen of the Committee had anything but the best motives and intentions in their despatch of emigrants. They frequently gave instances of their anxiety to satisfy the requirements of the colonies and to improve their arrangements. The Surgeon-Superintendent of the "Charles Kerr" had been carefully instructed as to his duties and his relations with the captain and officers. He must see to the cleanliness of the immigrants, and ensure they had pleasant recreation on the poop. His charges were not to be treated like convicts, but special pains must be taken to keep the crew

(1) Glenelg to Arthur 19/9/1836 - enclosure.

and the women apart. In September, before the "Boadicea's" departure, the Committee decided that the master and the officers must sign bonds of good conduct towards immigrants. As a reward for keeping these, they would receive certain gratuities. The duties of Surgeon and Superintendent were combined to prevent altercation on the ship. Arrangements were made to lend the women sums of money for clothes needed for the voyage. Various religions and bible societies provided literature, and schools were established on board. (1)

The Committee insisted that care was taken in the selection of ships and immigrants. These duties were carried out by the agent, Marshall, in whom they had perfect confidence. Marshall explained the system of selection before the Select Committee on Transportation which sat from 1837-38. Applicants living in London were interviewed personally and references checked. Country applicants were required to send a testimonial of good moral conduct from a minister or some other unexceptionable person. Marshall travelled about the United Kingdom interviewing applicants and sending reports back to the Committee in London. He claimed that he did not actually select the immigrants but merely passed on the correspondence to the Committee. Edward Forster, who also gave evidence at the Select Committee supported this statement. However, it is clear from the evidence of both Marshall and H. W. Parker, another gentleman active in the Committee, that the judgment of the agent was largely relied upon.

Marshall received no salary for his duties as agent to the

(1) Glenelg to Arthur 30/1/1836 enclosing Report of Emigration Committee for 1835.

Committee. This was made possible by the fact that he was also a shipowner and contractor on his own account. He received £16 for each female immigrant he secured, £10 at sailing and £6 from the colonial government, and admitted that the more emigrants a ship carried, the greater was his personal profit. The defect of the system lay in this combination of duties in the one man. Parker agreed with this judgment, but explained that before Marshall's appointment there had been so many abuses by shipowners and provision merchants that a contractor was needed.

Dissatisfaction with the assisted immigration into New South Wales had led Governor Bourke to appoint a Legislative Council Committee on the question in May 1835. Their report in August recommended that exclusively female immigration should cease and single women travel to the colony only under a family's protection, and that two agents be appointed by the colony to personally select immigrants and accompany them to New South Wales. These men were to have the full confidence of the colonists, and an intimate knowledge of their requirements. It was suggested that a bounty system should work beside the government scheme.

The services of the Emigration Committee and Marshall had already been re-engaged for 1836. Two ships were to sail for Van Diemen's Land, one to Launceston in April and the other to Hobart in September. Some married couples were to be mixed with the female passengers and the bounty to heads of families was increased from £20 to £30.

The "Amelia Thompson" arrived in Launceston in August with approximately 200 passengers.⁽¹⁾ 140 were young single women, and 29 married couples received the bounty. The Commandant at Launceston reported favourably of this immigration. All but 10 of the young women had respectable employment within eight days of landing. Some were too young for service, but the Ladies Committee agreed to look after them.

The departure of the "William Metcalfe" for Hobart was postponed until October.⁽²⁾ Correspondence from New South Wales had strengthened the disillusionment of the Emigration Committee with the system of female immigration. Married couples with families were considered the desirable immigrants.⁽³⁾ The applicability to Van Diemen's Land of the arrangements devised to meet the needs of New South Wales will be discussed in a later chapter. The new system was partially tried in the "William Metcalfe", which arrived in Hobart in January 1837, by which time Sir John Franklin had replaced George Arthur as governor. The 110 single women on board easily found situations, but the married emigrants suffered severely. They could not find work and many were sick. The Surgeon-Superintendent, James Evans, criticized the provision of food and clothing on board. He described some of the married passengers as "broken down and dissipated,

(1) Arthur to Glenelg 9/9/1836.

(2) Glenelg to Franklin No.27, 19/9/1836, enclosing Emigration Committee resolution of 18/8/1836.

(3) Glenelg to Franklin No.27, 19/9/1836.

with large families". Some agricultural labourers boasted that they had never been without parish relief. The assisted immigrants included vagrants, poachers and ex-prisoners. Five of the women were the wives of convicts in Van Diemen's Land. Evans openly stated his belief that the parochial authorities, anxious to be rid of a burden, encouraged unsuitable emigration. He emphasized the dangers of "indiscriminate admission" of applicants.⁽¹⁾

It should be clear from this discussion that the conduct of assisted emigration to Van Diemen's Land between 1831 and 1836 was open to very severe criticism. Selection was often careless and many times the journey to the colony was marred by bad accommodation, poor provisioning and sordid incidents. But these were, after all, the first experiments of the government in managing the transfer from one side of the world to the other of large numbers of citizens who were "free agents", not convicts under special restraint. The "human factor" enters into the question. In studying the subject, one must take into account exasperated parish officials, deceitful hussies, lazy vagabonds, shrewd contractors, easygoing superintendents, drunken officers and vicious sailors.

The most obvious question, "Was the immigration, generally speaking, a success?", is the most difficult to answer. Badly behaved immigrants made a great impression on the public mind and the "Royal Princesses" were not easily forgotten. There were not only moral judgments to make. There seemed no excuse for the dispatch of young

(1) Franklin to Glenelg 12/4/1837 enclosing
Evans to Colonial Secretary 17/3/1837.

children and girls nearly blind. Yet even those who appeared most unsuitable at first were after a time absorbed into the community and, in their children, contributed to the growth of the colony. We read little of the satisfactory immigrants. Complaints are, after all, more interesting than praise, and are considered worthier of report in an official dispatch.

There were three different points of view to be reconciled in the one scheme. First, that of the British Government. Crime in Great Britain was increasing, and it was generally agreed that this was caused by poverty. There did not seem to be in England enough jobs to feed a growing population and the statistics of crime and unemployment gave weight to the theory of Malthus that there were too many people in Great Britain. The arguments of Wakefield for systematic colonization suited the situation. It was satisfactory for the British Government to be able to combine the disposal of some unemployed, who were after all both potential lawbreakers and a burden on the parishes, with colonization on the "right principles".

The colonists considered the question differently. The assignment system provided them with cheap, unskilled labour. They wanted female domestic servants and skilled artisans, but not an influx of paupers who would not or could not work. The settlers provided the land revenue, which financed the assisted immigration and therefore claimed the right to have it spent on the importation of immigrants suited to their needs. It was remarkable how much more enthusiastically the assistance to immigrants was discussed in the

colony when any doubt was cast upon the continuance of the transportation system, with its supply of cheap labour.

The attitude of Governor Arthur was decided by his reliance on assignment as the basis of the system of convict discipline. He had always to consider the labour market. If the colony imported too much free labour, there would be difficulty in assigning convicts other than the healthier and more industrious element. While convicts were dispersed as assigned servants among the local population, it was essential that men well qualified to control them should emigrate to the colony. In May 1835,⁽¹⁾ he wrote that "the immigration of respectable persons from Great Britain has almost ceased, in consequence of the discontinuance of granting of lands, a measure which has undoubtedly checked the development of the resources of the colony and frustrated the hopes of many desirable settlers - in consequence of which, the demand for convicts is not so great, neither is the power of selecting the best assignees so extensive as it would have been, had the old regulations continued to be in force". More than once Arthur suggested modifications in the land regulations to encourage the emigration of small capitalists, that yeomen should be allowed to lease land for 5 years, and on proof of their industrious and energetic management, receive it in grant at the end of that period.⁽²⁾ Later, he suggested that a hundred acres be granted for £100 capital, with

(1) Arthur to Spring-Rice No.37, 14/5/1835 with Annual Report for 1834.

(2) Arthur to Stanley 5/10/1833.

a limit at 640 acres. (1) The Colonial Office would not consider
reviving the grants system, for by 1836 land sales and the assisted
emigration of the poorer classes were established policy.

(1) Arthur to Spring-Rice 15/10/1834.

CHAPTER IV

FROM ONE SELECT COMMITTEE TO ANOTHER

(Transportation 1832-37)

I

The first eight years (1824-32) of the governorship of George Arthur had been devoted chiefly to the development of a system of convict discipline. This system and the administrative machinery involved were essentially the creation of "the man on the spot". Arthur was informed of the ends which transportation was intended to accomplish - the deterrence of potential criminals, the punishment and the reformation of the offender - and was left to devise his convict system, with an occasional admonition to see that transportation was a dreaded, but not too expensive means of punishment.

In the early 1830's there was a strong public opinion in England that, as a deterrent to crime, transportation had failed. The depression which followed the end of the Napoleonic Wars had made its mark upon statistics of crime in England and Ireland. Ricks were burnt and machines broken in the rural districts while in the big towns robberies and pickpocketing were increasing. Articles appeared in the English press calling for an investigation into secondary punishments.

Letters were quoted, purporting to come from criminals transported to New South Wales and Van Diemen's Land who were living in comfort and affluence. It was believed that in the prisons, criminals regarded transportation beyond the seas as no punishment, but a boon. One magistrate⁽¹⁾ gave evidence to this effect before a Parliamentary Committee. On the other hand, James Backhouse and George W. Walker, two benevolent Quaker gentlemen who visited the Australian colonies in 1831-32 had shared the general impression that transportation's only disadvantage was the exile it involved, and expressed their surprise in their report that it was in fact no joyous life, but a severe punishment.

In the years 1830-31 the problem of secondary punishments was frequently under discussion in both the Commons and the Lords. In the latter, Richard Whately, the witty Archbishop of Dublin, took every opportunity to urge the failure of transportation and the benefit of a penitentiary system of punishment. There was no disputing the facts that crime was increasing, that the gaols of England were overflowing. A Select Committee of the House of Commons was appointed to enquire "into the best mode of giving efficiency to Secondary Punishments" and during the sessions of 1831 and 1832 was busily engaged in taking evidence from a large number of witnesses. Most of these were officers associated with prison, hulk and penitentiary management. A few, including Edward Macarthur, T. P. Macqueen, and James Bushby,

(1) T. Potter Macqueen before Select Committee on Secondary Punishments 1831-32.

were either settlers in New South Wales or men with property interests in that colony. As Arthur pointed out,⁽¹⁾ not one was a competent eye-witness of the efficiency of transportation in Van Diemen's Land. He remarked that few individuals with talent and observation who were resident in that colony had returned home. It was almost impossible to conduct such an inquiry from a distance of 16,000 miles. The prison hulks were no distance from London, and yet conflicting evidence as to their management made it difficult for the Committee to judge their efficiency.

The Select Committee had the impression that convicts in the penal colonies were not only given ample food and shelter, but also received wages for their labour. If this were generally believed, it was no wonder that there was a suspicion that some unhappy and starving agricultural labourers might commit crimes in the hope of transportation to a land where maintenance and employment were assured. T. P. Macqueen gave evidence that he considered the condition of an assigned convict far superior to that of a Bedfordshire labourer and that one labourer known to him had received reports to that effect from a former countryman, transported to New South Wales.

Arthur's remarks⁽²⁾ on the condition of the assigned convict have been much quoted: "Deprived of liberty, exposed to the caprice of the family to whose services he may happen to be assigned, and subject to the most summary laws, the condition of the convict in no

(1) Arthur to Stanley No.6, 8/2/1833.

(2) " " " " "

aspect differs from that of a slave except that his master cannot apply corporal punishment by his own hands or those of his overseer, and has a property in him for a limited period only". These words were read again some years later by the Molesworth Committee of 1837-38 and treated as an admission of the barbarism of the assignment system. Arthur had written them in answer to the charge that the assigned convict was the object of envy to every unemployed farm labourer and pickpocket in England.⁽¹⁾

In many cases, as Arthur indignantly observed, the Select Committee seemed to imagine that there had been no change since the days of the Bigge Commission. Since then, convicts had been classified into groups⁽²⁾ - 1. ticket of leave holders, 2. assigned servants, 3. those employed in public works, 4. those on public works in chains, 5. those confined in penal settlements, 6. those in chains in penal settlements. At one time, perhaps, the ticket of leave had been awarded too easily and too soon but now it was granted only after 4, 6 or 8 years of servitude, according to the length of sentence and after a careful investigation of the convict's character and record. The recommendation of the Select Committee in that respect had been long anticipated.⁽³⁾

Three official dispatches⁽⁴⁾ and one letter to Hay⁽⁵⁾ went

(1) cf. A.G.L. Shaw in Historical Studies No.21, page 17.

(2) Arthur to Stanley No.10, 27/2/1833.

(3) The Act of 2nd and 3rd year William IV c.62 limited the power of the colonial governor to grant partial or temporary remissions of sentence.

(4) Arthur to Stanley Nos.6, 8 and 10 of February 1833.

(5) Arthur to Hay 9/2/1833.

to England on the subject of the findings of the new Committee. Arthur gave his explanations for the "misapprehensions" and "mis-statements" in England. Macquarie, in New South Wales, had followed the "benevolent but imprudent policy" of encouraging the advancement and prosperity of emancipists. Again, in the early days of that settlement, there had been little material for punishment or for following a policy of coercion. Reports had gone to England of the easy life of the transported felon. This was not the case in Van Diemen's Land, unaffected by Macquarie's policy, and in fact hardly a colony at all until after the Napoleonic Wars. Respectable emigrants had come out in the twenties; land was limited, subdivision more minute. There was not the room for the confusion of New South Wales settlement. In the younger colony, settler and convict were more under the eye of government.

The reports of convicts of a happy life in the penal colonies could also be explained.⁽¹⁾ The very misery of a man's situation might make him lie through bravado. Some were anxious to have their families join them and consequently painted a false picture of their conditions. However, much of the misconception of a convict's life could be ascribed to the fact that gentlemen convicts, or "specials", as they were sometimes called, had never been treated as they should.⁽²⁾ Educated convicts had been employed, through necessity and economy, as clerks or writers. In this situation, their lives were not so very different

(1) Arthur to Stanley No.6, 8/2/1833.

(2) Arthur to Stanley No.8, 15/2/1833.

from those of free men. Arthur did not approve of what he called the "halfcaste". There must be no third element in the population to bridge the great gulf between the free and the bond.

The findings of the Select Committee had favoured the "penitentiary" system of secondary punishment. This was most earnestly advocated by Whately, Archbishop of Dublin, both in speeches in the Lords, and in writings. In 1832 he published a Note on Secondary Punishments, to which Arthur replied in a letter in Defence of Transportation. A regular "pamphlet war" developed, as A.G.L. Shaw has remarked.⁽¹⁾ Arthur wrote, "my arguments, as I am aware, are feebly put into comparison with the nervous style of Dr. Whately, but as His Lordship has all the talent on his side, I have all the experience on mine".⁽²⁾ Whately observed that Arthur's defence of transportation demonstrated the "triumph of hope over experience".⁽³⁾ Transportation had been tried and proved a mischievous failure. The only course was to "demolish the whole structure" or at least subject it to the searching investigation of a Commission. Arthur claimed that Whately's "caricature of conditions" in the penal colonies had discouraged the immigration of a respectable class of settlers. He treated with ridicule Whately's alternative suggestion of transporting convicts to Ireland to drain the bogs, but his recital of the advantages of penitentiaries needed more thoughtful refutation.

What were Arthur's arguments against penitentiaries? First,

(1) Article in Historical Studies No.21.

(2) Arthur to Goderich 1/7/1833.

(3) Whately's letter answering Arthur's Defence dated 25/1/1834.

he was particularly impressed by the contaminating influence of convicts over each other. He referred many times to first offenders serving their "apprenticeship in crime" in the hulks and prisons of England. Surely it was better to separate them completely from their old environment, transport them to a "new country" where "vicious minds" might be given a new direction? In Van Diemen's Land, the majority of convicts were dispersed and established in the households of settlers. This fulfilled Bentham's notion that a gaoler should have a financial interest in the reform of his charges. Arthur put his faith in assignment as the best means of achieving the reformation of offenders. There were many opportunities in a settler's home for the development of habits of industry and sobriety, yet it was not in the master's interest to indulge his servant or allow ill conduct, for his family might well suffer for his laxity. There was then far more hope of reform in Van Diemen's Land than in penitentiaries, "nurseries of crime", in England. The penitentiary system had been tried in America. Crime had not shown any signs of decreasing, nor did confinement produce a healthy, reflective state of mind, conducive to reform.

Secondly, this form of punishment was less likely to be dreaded than transportation. Prisoners of the Crown received adequate food and shelter in penitentiaries. However severe their labour, they would be the object of envy to the starving and unemployed of England. How much better to remove these well nourished convicts from the wistful gaze of the underfed!

The argument used by Arthur which was likely to have the most

weight with the home authorities was that of economy. Penitentiaries would involve a vast expenditure. Van Diemen's Land was already established as a penal colony and the machinery and material of convict discipline were at hand. To perfect the existing system of transportation would require some additional expenditure, but far less than the cost of the new experiment in secondary punishment. If penitentiaries proved a failure, what a loss would be involved - money wasted, and the country filled with a criminal population.

II

At no time did the Lieutenant-Governor claim that transportation was as yet perfected; "though I have endeavoured to defend it against erroneous statements, I am most willing to concede it may be beneficially modified".⁽¹⁾

The modification most emphasized by Arthur was that men sentenced to transportation should be immediately sent to the colony, not detained for a long period in the hulks.⁽²⁾ This applied most particularly to first convictions. Although to transport men and women on first conviction might seem to the British government an expensive policy, Arthur argued that it would in fact save money. As

(1) Arthur to Stanley No.6, 8/2/1833.

(2) Arthur to Hay 9/2/1833; Arthur to Stanley No.10, 27/2/1833; Arthur to Goderich 1/7/1833.

the Select Committee and most witnesses admitted, convicts who had been led to commit crime through privations and want were contaminated in the hulks by close association with others "steeped in guilt". After their punishment, they too entered into a life of crime which would prove far more expensive to the country than the cost of their immediate conveyance to a penal colony. It was a "benefit to the country and a mercy to the convict"⁽¹⁾ to transport them immediately. Arthur had urged this course even before reading the Report on Secondary Punishments. When sending home the report of Backhouse and Walker, he remarked that to try the experiment would have the additional advantage of meeting the views of the Government with respect to encouraging the emigration of the lower classes to the Australian colonies.⁽²⁾ Hay wrote in March 1833 that the Home Office had been informed of Arthur's recommendation. Lord Melbourne had been giving more transportation orders and would try to dispatch more on first conviction.⁽³⁾

Arthur opposed the seven year sentence to transportation. Most of these convicts were petty thieves who had served most of their sentence before being sent to the colony. There was little hope for their discipline and regeneration in one or two years. Either they should be transported at once, or the sentence to transportation for

(1) Arthur to Hay 9/2/1833.

(2) Arthur to Hay 25/7/1832.

(3) Hay to Arthur 21/3/1833.

seven years be abolished. ⁽¹⁾ As a result of these representations, the Home Office gave orders that seven year men should be sent abroad as quickly as possible. ⁽²⁾ Arthur also urged that the sentence of transportation should involve, in practice as in law, the absolute forfeiture of all property and certain other civil disabilities. Even after the expiration of his sentence a convict should be deprived of the right to serve on juries, or to be tried by them, except on capital charges. ⁽³⁾ Arthur was aware that by Statute law, the expiration of a sentence restored a convict to his rights, but if transportation were not dreaded, might not this be changed? This suggestion was not adopted.

In the early years of the thirties, the proper regulation of the penal settlements engaged the attention of both home and colonial governments. Goderich agreed to Arthur's suggestion of a new penal station on Tasman's Peninsula and requested his views on penal stations generally. ⁽⁴⁾ The whole system on which they were conducted and the expense they occasioned needed revision. How could they be placed on a "less objectionable footing?"

Arthur was much impressed with the advantages of Tasman's Peninsula. He reported his decision to close the Maria Island settlement, and later suggested that Macquarie Harbour also be abandoned and only the new settlement retained. ⁽⁵⁾ A Committee of the Executive

(1) Arthur's dispatches of 14/2/1834, 19/12/1834 and 26/1/1835.

(2) Glenelg to Arthur 5/9/1835.

(3) Arthur to Stanley 4/4/1834.

(4) Goderich to Arthur 25/10/1831 and 3/11/1831.

(5) Arthur to Goderich 16/2/1832 and 10/10/1832.

Council appointed in November 1832 to report on the subject, agreed that there was no objection to giving up Macquarie Harbour provided the new settlement was made equally secure. Arthur was convinced that one good and well equipped station was preferable to two of medium efficiency. After receiving the Select Committee report, he devoted a dispatch in reply to the advantages of concentration on the "natural penitentiary" of Tasman's Peninsula. To provide accommodation for as many as 3,500 convicts at Port Arthur would cost only £8,000, considerably less than to build a penitentiary in England. Here too might lie the solution to the problem of the gentlemen convicts. If they were sent on arrival to hard labour at Port Arthur, reports of their easy treatment would cease. There they would not walk about in the clothing of gentlemen, and they would know nothing of official news. Their degradation would not excite commiseration, nor would their condition tend to diminish the respect of the lower for the higher classes of society.⁽¹⁾ Stanley left the question to Arthur's "judgment and discretion", but did not want a fixed and inviolable rule that all "specials" be sent to Port Arthur, for gentlemen convicts should not have to undergo a more serious punishment than the lower rank in similar circumstances.⁽²⁾ This was a difficult point. In Arthur's view an educated criminal was guiltier than a labourer, his fall from grace a greater sin.

It occurred to the governor that conditions in Van Diemen's Land might well receive some advertisement in England. An essay on

(1) Arthur to Goderich No.10, 15/2/1833.

(2) Stanley to Arthur No.41, 7/2/1834.

Prison Discipline written by James Ross for the Hobart Town Almanack of 1833 could be circulated in England.. Publication in England of the regulations of the Port Arthur settlement might correct misconceptions and inspire potential offenders with dread.⁽¹⁾ On many occasions, Arthur explained to the home authorities that if transportation were to be a deterrent punishment a system of coercive discipline must be followed and that this would cost more money. More free superintendents were needed on the roads and in the penal settlements to replace convict overseers. The practice of employing convict clerks must cease. A new gaol was needed at Hobart, a gaol at Oatlands and efficient lock-ups along the roads would increase control and help to prevent absconding. The medical department needed more doctors, and there was not adequate provision for religious instruction of the convicts.⁽²⁾

The sanction of the home government to these measures was given slowly, although not until Denison's administration of the colony (1847-55) was adequate and efficient superintendence provided. Arthur had constantly to reiterate the need for more troops. As discipline became more severe, the need of an adequate military force became more urgent. The convict population was increasing, the desire to escape increased with the degree of coercion. In January, 1834, the Lieutenant-Governor was particularly anxious. The 63rd Regiment had left for India; only the 21st remained, and a detachment had been

(1) Arthur to Stanley 7/2/1834 reporting final abandonment of Macquarie Harbour.

(2) Arthur to Goderich No.10, 27/2/1833;
Arthur to Hay 30/1/1834;
Arthur to Stanley No.11, 4/2/1834.

detailed to the Swan River settlement. Bourke was able to spare a few troops from New South Wales but In April Arthur reported that he had requested they be returned. Arthur realised that the British Government was trying to spare the taxpayer, but it was after all equally in the taxpayer's interest that transportation be an efficient punishment.⁽¹⁾ Although Aberdeen promised to leave four regiments available for New South Wales and Van Diemen's Land, the position did not improve for a few years. In December, the military force was the same as years before, but the number of convicts had doubled. A year later Arthur wrote to Glenelg that there were less troops than in 1832, yet convict discipline was more severe and must be maintained.⁽²⁾

III

In spite of Arthur's representations in 1833 that transportation was indeed a punishment, and that the Select Committee had been deceived by erroneous statements, the home government was not really convinced. Backhouse and Walker had written an able report of the gloominess and privations of Macquarie Harbour. Lord Stanley studied

- (1) Arthur to Stanley No.8, 24/1/1834;
Arthur to Hay 30/1/1834;
Arthur to Stanley No.14, 4/3/1834;
Arthur to Stanley No.21, 4/4/1834.

- (2) Arthur to Stanley No.80, 19/12/1834;
Arthur to Glenelg 15/10/1835.

this, but observed that the life of a few unfortunates there was not a sufficient deterrent to crime. He firmly declared that penalties in Van Diemen's Land were not rigorous enough and sent to Arthur proposals for increasing the severity of transportation.⁽¹⁾ Hardened criminals were to be sent immediately to confinement in the penal settlements at Norfolk Island and Macquarie Harbour. Others were to be treated as before, although Stanley commented that, but for the expense it would involve, he could not see why all convicts should not be put to labour on the public works and receive assignment as a reward for good conduct. The governor's power of mitigating sentences was henceforth to be limited. The worst criminals, sent on arrival to penal settlements, would remain there for seven years and then labour for five years in a chain gang on public works before assignment. Convicts sentenced to transportation and chain gang labour must remain in that situation for seven years. Those under sentence for seven or fourteen years were not to have any mitigation until a third of their sentence had elapsed. The governor would be informed of the different classes of offenders. Magistrates in England were to note the magnitude of the crime and the degree of guilt.

Arthur agreed that labour in chains should be made an integral part of the transportation system, but suggested that seven years of such punishment might prove too long. Hope must not be extinguished. The colony needed more troops, more police and adequate places of confinement if a system of coercion was to be adopted.⁽²⁾ In

(1) Stanley to Arthur 26/8/1833.

(2) Arthur to Stanley No.11, 4/2/1834.

a letter to Hay, Arthur reported that Stanley's new regulations had caused some excitement in the colony.⁽¹⁾ The Press commented on them very severely. A system of coercive discipline added to the dangers of living in a penal colony, for convicts were more likely driven to desperate attempts at escape. Settlers were naturally anxious that their lives and property might be adequately protected. Although Arthur declared his agreement with the views of Stanley, he was well aware of the justice of the settlers' claim.⁽²⁾ Two convict ships, the "Southworth" and the "Moffat", brought a number of men to the colony of the second class in the Stanley classification, i.e. men sentenced to transportation who were to serve seven years in a chain gang. The 16 men by the "Southworth" caused no outcry, but Arthur reported that the "Moffat" group showed "sullenness and ill-feeling".⁽³⁾ The Chief Justice in the colony had a suspicion that the whole proceeding was illegal, and requested the opinion of the Attorney-General. Arthur, in the meantime, sent the men off to Port Arthur out of the public eye. The question posed was whether the circumstances of a man being in Van Diemen's Land under an English sentence of transportation vested the local government with the power of working him in irons under or in fulfilment of that sentence. It was certainly quite legal for a colonially convicted man to be sentenced to a chain

(1) Arthur to Hay 30/1/1834.

(2) Arthur to Stanley 24/1/1834 and No.14, 4/3/1834.

(3) Arthur to Stanley 27/5/1834.

gang. Arthur asked Stanley to reconsider the question.⁽¹⁾ Press articles in the colony were becoming violent.

In England, there was a change of government in December. Lord Aberdeen at the Colonial Office and Goulburn at the Home Office finished the enquiry into the legality of the Stanley instructions. The Crown Law officers agreed with the colonial lawyers that the Secretary of State had no authority to give such an order.⁽²⁾ A confidential dispatch of the same date informed Arthur that the government had no power to alter the sentence of the courts. A general impression of the convict's character might be sent, but that was all. It was not Arthur's ultimate responsibility if the matter caused any outbreak or serious agitation in the colony. The men were to be released from chains. Arthur was able to assure the authorities that he did not anticipate any unpleasantness, for the convicts received their relief as a boon, not a right.⁽³⁾

The case of the "Southworth" and "Moffat" convicts nullified most of the Stanley regulations for the increase of severity in convict discipline. Aberdeen was more disposed to leave the question to Governor Arthur. The government looked to his "unremitting exertions" to "keep up that state of discipline which may tend more effectually

(1) Arthur to Hay 10/7/1834.

(2) Aberdeen to Arthur 21/2/1835.

(3) Arthur to Glenelg No.70, 17/9/1835.

to the reformation of the convict, and at the same time to operate by the force of warning in preventing crime in this country".⁽¹⁾

The governor proceeded cautiously to "tighten the reins of discipline".⁽²⁾ The settlement at Tasman's Peninsula was carefully regulated, Government Orders urged careful attention to discipline upon the masters of assigned servants and the police force was augmented and its vigilance increased. The particular attention of the government was, however, directed to discipline on the roads. The lack of adequate military escorts had caused a considerable increase in absconding from road parties. Lock-ups were needed and the number of overseers was inadequate. The Chief Police Magistrate brought this to the notice of the government in October 1833. Arthur put the problem to the Executive Council. He observed that expense must be avoided, and the evil met by a new disposition of the police force. The committee advised a general increase in superintendence and guard, the building of lock-ups and recommended that "punishment"⁽³⁾ men be kept strictly apart from those whom the government had been unable to assign. Arthur went carefully into the classification of men engaged in road works, and reported that their regulations were as severe as possible, without inducing apathy or desperation in the prisoners. After a tour of the island, in 1834, the governor reported that he was

(1) Aberdeen to Arthur No.28, 7/4/1835.

(2) Arthur to Stanley 19/12/1834.

(3) Convicts who had been sentenced for further offences in the colony.

well pleased with the discipline of the road parties.⁽¹⁾ The great majority of prisoners employed on the roads were men colonially sentenced to hard labour either in or out of chains. Arthur had encouraged the substitution of this punishment for flagellation as a preferable mode of discipline. The punishment men were maintained at the cost of the Home Government, and the colony had the benefit of their labour. When the need for increased supervision on the roads became pressing, the Legislative Council had "cheerfully" voted money from colonial funds to pay the salaries of free overseers.⁽²⁾

The opinions of the Lieutenant-Governor and the home authorities had diverged clearly over the employment of one branch of the convict population, those men engaged under the Engineer's Department in the construction of public works. The home government were strongly impressed that convicts did not regard employment in public works with any apprehension, and dispatches from England hinted that too many convicts, whose maintenance and superintendence was being paid for out of Imperial funds, were unnecessarily retained by the colonial government on works to the colonial benefit. It was urged that only punishment men should remain on government hands and the rest should be assigned. Public works should be constructed by the contract system. Convict mechanics and labourers were to be assigned to colonial contractors who would tender for each separate piece of work.

In vain Arthur mentioned his intention to charge the colonial

(1) Arthur to Hay 10/7/1834.

(2) See Arthur to Glenelg 4/5/1836.

treasury with the expenses of those convicts employed in the Engineering and Roads Departments executing works purely colonial.⁽¹⁾ He reported the exorbitant tenders he had received for two public works from contractors, and urged that the system should not be adopted until there were more free mechanics in Van Diemen's Land. Instead he suggested a compromise arrangement by which the colonial government was responsible for the charge and maintenance of all convicts employed on colonial works,⁽²⁾ which would be carefully separated from those of a convict and military nature. A Board in the colony was busy in January 1833 in preparing a report on the question.

In Arthur's view the contract system was a "false economy",⁽³⁾ and he indignantly asserted that employment in public works was indeed a situation of hardship. The contract system was, he wrote, opposed to both discipline and public economy.⁽⁴⁾ Contractors, anxious to complete their work, would indulge their convict mechanics, not discipline them. The governor did not bandy words: "... in carrying forward a great measure such as transportation, on a grand scale, it seems to me, with deference to the Committee, to be not economy, but extravagance in the extreme to resort to any measure which has for its object, the apparent direct saving of a few pounds, whilst the

(1) Arthur to Goderich No.44, 9/7/1831.

(2) Arthur to Howick 18/2/1832.

(3) Arthur to Hay 12/12/1832.

(4) Arthur to Stanley No.6, 8/2/1833.

effect of it actually involves a far larger indirect expenditure, destroying the very end, and counteracting the very results which transportation is destined to accomplish".⁽¹⁾

Stanley was not to be moved, although he realised that the contract system could only be adopted gradually. He detailed its advantages. Private trade in the colony would be extended, works completed at a cheaper rate, many expensive permanent establishments connected with the superintendence and direction of workmen would be reduced. It would prevent the accumulation of quantities of public stores liable to pilfering, and would restrain the colonial government from undertaking dispensable public works.⁽²⁾

Arthur did not give up the cause. In March 1834 he reported that there were still not enough free skilled workmen in the colony for the complete adoption of the contract system. He compared the price of labour under the two systems. - A free labourer cost a contractor from 6/- to 8/- a day, while a convict cost the government from 1/- to 2/-. There were, he insisted, great economic arguments against the contract system. Another compromise was suggested. The government should call for tenders for the supply of materials not to be obtained from the penal settlement at Port Arthur, but the labour should be supplied and supervised by the convict establishment. Arthur closed the dispatch with the hope that he was not offending by

(1) Arthur to Stanley No.10, 27/2/1833.

(2) Stanley to Arthur 21/9/1833.

his earnestness, and tactfully assured Stanley that whatever the final decision, he would carry it out as zealously as if he had suggested it himself. (1)

Spring-Rice was in office when the time came to reply to this proposal. He agreed to the adoption of an "intermediate course for the present", approved the arrangements Arthur suggested, and expressed his confidence that Arthur would resort to public competition whenever it was practicable. (2)

IV

There is no doubt that it was the expense of the Convict Department which first roused the interest of the home government in the public works convicts. Hay, in first informing Arthur of the decision to adopt the contract system, had stated that it was a Treasury idea to simplify accounts and reduce expenditure. The Lieutenant-Governor may have succeeded in establishing the colonial case against the complete adoption of the contract system, but he failed to overcome the determination of the home government to save the Imperial Treasury in another way, by transferring to the Colonial Revenues the charges

(1) Arthur to Stanley 10/3/1834.

(2) Spring-Rice to Arthur No.33, 17/11/1834.

for police and gaols in Van Diemen's Land. This decision proved momentous in the history of the colony.

As a result of the representations of the Deputy Commissary General in New South Wales, the Lords of the Treasury decided to establish an Ordnance Department in that colony, with a branch in Van Diemen's Land. This department was to be responsible for the custody, maintenance and repair of all those public buildings in the colony, which belonged to the Military and Convict Establishments. "As a preliminary to the adoption of such a scheme", wrote Spring-Rice, "the Lords of the Treasury have thought it right to charge the Colonial Revenues with that part of the expenditure from which they were relieved in the year 1827, and which at present is defrayed by the mother country". Arthur was instructed to take measures for providing out of Colonial Revenue from and after July 1st, 1835, the charges for the Police Establishment, for gaols, and for a certain part of the colonial marine. This expense was estimated at about £12,000 a year. The Commissariat would continue to meet the charges immediately connected with the custody and superintendence of convicts, including the penal settlements, the medical departments etc. (1)

Arthur had explanations for the increased expenditure of the convict department. From January to December 1832 the total military and convict expenditure in Van Diemen's Land was £90,932; from January 1833 to March 1834 it was £146,948. The new system of land sales

(1) Returns studied by Select Committee on Transportation 1837-8.

received much of the blame. There were fewer respectable settlers taking up new lands, and requiring unskilled convict labour. Instead settlers were now more critical of the abilities of convicts assigned to them. There was increased free competition in the labour market as a result of the arrival of assisted immigrants of the lower classes and more convicts were left on the hands of government for maintenance and superintendence. The increase in the severity of convict discipline had made essential the extension of the police force. Flagellation had been largely replaced by labour on the roads, which was a punishment more expensive to government. After 1832, the more abandoned convicts were treated more harshly, being detained in the penal settlement or working on the roads in chains.⁽¹⁾ All this meant increased government expenditure. Arthur recommended two solutions to this problem. He was convinced that concentration on transportation as the only British scheme of secondary punishment and a return to the grant system of land disposal would save the British Treasury. But the home government had decided that the colonists must contribute towards the cost of the convict establishment. How was this news likely to be received in the colony?

In 1834, the free population of Van Diemen's Land numbered 21,000. The island was prosperous, pastoral interests were flourishing, and the settlers were generally satisfied with their material welfare. Yet as was inevitable in a community of British settlers, there was a

(1) Arthur to Stanley 15/10/1834.

feeling of unrest against the autocratic mode of government. In July 1834, Arthur wrote home that the "flame for free institutions" was spreading through the colony.⁽¹⁾ The next month a public meeting petitioned for the grant of a Legislative Assembly.⁽²⁾ It was argued that the colony had developed and prospered, that the time had arrived for representative institutions. Another public meeting in February 1835 prayed His Majesty to remove from the colony the degradation of its penal character. This, Arthur explained, was a direct result of the increasing severity of convict discipline.⁽³⁾ Legislation by representation, and transportation could not exist side by side, he wrote.⁽⁴⁾ The former would undermine and finally annihilate the convict system. Arthur argued that the free settlers came to Van Diemen's Land in full knowledge that it was a penal colony. They could not complain about measures which were designed to punish culprits and to keep settlers secure,⁽⁵⁾ nor could they reasonably expect full British rights. Great Britain had made the colony to fulfil the purposes of a penitentiary and the settlers must abide cheerfully by the rules and customs of the prison.⁽⁶⁾

The way to secure this cheerful acceptance of civil disability

- (1) Arthur to Hay 10/7/1834.
- (2) Arthur to Spring-Rice No.62, 24/10/1834, and No.70, 18/11/1834.
- (3) Arthur to Spring-Rice No.30, 20/4/1835.
- (4) Arthur to Hay 10/7/1834.
- (5) Arthur to Goderich 1/7/1833.
- (6) Arthur to Stanley No.21, 4/4/1834.

was clear to Arthur. The economic interests of the free settlers must be firmly linked to the continuance of transportation, and they must have no "just cause of complaint" in the protection of their lives and property.⁽¹⁾ The assignment system was the link between colonists and the convict establishment. That establishment also provided a market for the produce of the farms of the settlers. In short, while transportation benefited the settlers' pockets, they would not be too insistent upon their British rights.

The news that the home government intended to use colonial revenues for police and gaols came as a blow to Arthur's policy. He wrote that the settlers' present acquiescence in the convict system was based on self-interest. They would prefer free labour if there were enough in the colony to bring the rate of wages to a natural level. The most likely cause for excitement in the colony was the apprehension by the colonists that the revenue of the island was to be expended ultimately on the maintenance of convicts sent to the island, with a view to British, not colonial interests.⁽²⁾ Here was a clear statement of the attitude which the free colonists did in fact adopt, and which finally hastened the abolition of transportation.

Arthur pointed out the value of the settlers' co-operation in transportation, not only in their role as masters of assigned servants,⁽³⁾ but in their contribution to public revenues. More than

(1) Arthur to Spring-Rice No.30, 20/4/1835.

(2) Arthur to Spring-Rice No.31, 21/4/1835.

(3) Arthur estimated that an assigned convict cost the government £4 a year and an unassigned convict £14.

half the duties of some Civil Departments, which were maintained by colonial funds, were connected with convict matters. The Colonial Office had recognized that the land revenue of the colony was best invested in immigration. Howick in his correspondence to the Treasury in 1831 referred to "the impolicy of applying to the ordinary expenses of the colony that portion of the territorial revenue which arises from the sale of land. The funds derived from this source should be looked upon, not as forming part of the income of the colony and available for the purpose of meeting its annual expenditure, but as capital which should not be permanently sunk, but invested so as to produce a profitable return". Arthur pointed out that even an assurance of the inviolability of the land revenue would not be such a great boon to Van Diemen's Land as it might to New South Wales where there were vast areas of land to be taken up. He urged that instead of "arbitrary transfers to departments which would have no existence but for convict discipline", colonial revenues should defray part of the maintenance of public works gangs. The contribution would not then seem "a sort of tribute exacted by the mother country, but as an aid in the erection of works, which may be considered as almost purely colonial".⁽¹⁾

The decision of the home government stood. The Treasury did not consider Arthur's arguments sufficient to cause a revocation of their instructions.⁽²⁾ In Van Diemen's Land, the estimates for 1835

(1) Arthur to Spring-Rice No.31, 21/4/1835.

(2) Glenelg to Arthur 29/2/1836.

were already passed; nor was the new policy adopted in the 1836 estimates. Arthur explained that he feared popular feeling and instead arranged that the increased superintendence and discipline on the roads should be paid from colonial funds.⁽¹⁾ In April 1835, Arthur had described the populace "as being interested in an elective franchise" and in getting rid of convicts.⁽²⁾ He declared that the public meetings were mainly attended by the restless tradespeople with nothing to lose by the abolition of transportation. "The settlers, as a body, pay no attention to public meetings. Their flocks and herds and the daily accumulation of wealth occupy their almost undivided attention".⁽³⁾ This comment, later published in the colony, infuriated Arthur's opponents.

Arthur delayed as long as he could in transferring the police and gaols charges to colonial revenues. When it appeared that it was a fixed resolution, he proceeded to introduce the new arrangement into the 1837 estimates. The governor was about to leave the colony, but remarked that it was not fair to leave it to his successor to initiate an unpopular measure.⁽⁴⁾

The Legislative Council was disturbed by the new development, and the estimates passed only by one vote.⁽⁵⁾ One member, T.G. Gregson,

(1) Arthur to Glenelg No.93, 20/9/1836.

(2) Arthur to Hay 25/4/1835.

(3) Arthur's Annual Report for 1834 in Arthur to Spring-Rice No.37, 14/5/1835.

(4) Arthur to Glenelg No.93, 20/9/1836.

(5) Legislative Council Minutes of 9/8/1836.

recorded his entire dissent and protest in the Minutes. He described the charge as "unprecedented in the annals of expenditure in any nation or colony in the world". The colony was already burdened with a disproportionate judicial establishment. The Land Fund was only a temporary and limited source of revenue, and the British Government had pledged its use to improve the moral character of the colony, which now was "doomed for ever to be a gaol to Great Britain and would never rank among British Colonies". The seven members who voted for the passing of the Estimates wished it recorded that their agreement in the new departure for the year created no precedent.

V

In 1833, Arthur had complained that there was no one present at the Select Committee of Secondary Punishments of 1831-2 to give first hand evidence on the State of convict discipline in Van Diemen's Land. The report of that Committee was, in his opinion, based on misconceptions and "erroneous statements". On his return to England, Arthur was called upon to give evidence before another such Committee, ordered on the 7th April 1837 by the House of Commons to be appointed "to enquire into the system of Transportation, its efficacy as a punishment, its influence on the moral state of society in the penal

colonies, and how far it is susceptible of improvement". The appointment of this Committee indicated two facts. First, it was clear that Arthur had not convinced the home authorities by his vigorous defence of transportation nor had he impressed public opinion in England that it was a satisfactory system of secondary punishment. Secondly, it demonstrated the influence of Wakefield and his school of systematic colonizers, who clamoured for a complete revision of colonial policy. The Chairman of the Select Committee of 1837 was Sir William Molesworth, a young and enthusiastic disciple of Gibbon Wakefield. On the Committee, associated with men eminent in penal and colonial matters, such as Sir Robert Peel, Lord John Russell, and Sir George Grey,⁽¹⁾ sat Charles Buller and Lord Howick, both ardent Colonial Reformers.

Sessions began on the 14th April. Reports and returns from the colonies were called for and tabled, correspondence between the Colonial and Home Offices, and dispatches from the penal colonies on matters connected with transportation read, and many witnesses were questioned. Peter Murdoch, a settler from Van Diemen's Land, Captain Cheyne of the Roads Department, and on 28th and 30th June, George Arthur, gave evidence. On the 14th July, the Committee reported that its work was not complete, that the evidence showed the "urgent necessity for further and serious investigation", and requested reappointment for the 1838 session. It was not until August 1838 that the Molesworth Report was finally presented.

This report placed great reliance on the views of Captain

(1) Under-Secretary for Colonial Affairs.

Alexander Maconochie, the Private Secretary to the new Governor of Van Diemen's Land, Sir John Franklin. The embarrassment which these opinions caused Franklin in the colony is best discussed in the following chapter; the opinions themselves must be taken in their relation to the Molesworth Report.

Before proceeding to Van Diemen's Land, Maconochie accepted a commission from the Society for the Improvement of Prison Discipline to report on the operation of the penal system in that colony. It was a private commission, and totally unconnected with his role as private secretary to the governor. The Colonial Office knew of the arrangement, and it was agreed that Maconochie's report should be sent first to Sir George Grey, the Under-Secretary for Colonial Affairs, to be handed on to the Prison Discipline Society. Among the papers for Sir George Grey, and unknown to Franklin, in whose dispatch bag they were sent, was a letter to the Home Secretary, Lord John Russell, on the system of convict discipline and its effects in Van Diemen's Land. Maconochie's enclosure for the head of the Home Office, as Mrs. Fitzpatrick observed⁽¹⁾ "converted his private report into a public document". The papers were tabled for the Molesworth Committee and published by the English press.

In Maconochie's view, the great aim of any system of secondary punishment was the reformation of the offender. The assignment system had failed utterly to achieve this. It was unequal in its

(1) In "Sir John Franklin in Tasmania",
Chapter VI, p.157.

operation as a punishment and corrupted all who were associated in it. He wrote of the colonists as hard, cruel slavemasters, encouraged by their position of authority to become overbearing, suspicious and headstrong. Van Diemen's Land was depicted as a colony where crime and vice, particularly drunkenness, were rampant. The sole principle in its convict discipline was "cold, hard, unwearied coercion". The punishments, flagellation and the chain gang, were barbarous in the extreme. Maconochie described himself as a solitary abolitionist amidst a host of slave owners and drivers. It was the "slavery" of the assignment system which he wished to abolish, not transportation, for he approved of this method of secondary punishment. The scheme which he recommended to replace assignment was to be based on moral persuasion, not coercion, and the length of a man's sentence determined by the extent of his reformation. Instead of being dispersed among the settlers, convicts should be kept well apart from the free population. Maconochie suggested that they be arranged into groups of six or eight, each group forming a kind of social unit. Their industry and conduct would be rewarded or punished by the grant or loss of marks and their total number of marks would decide the advance of the whole party towards freedom. This marks system would encourage each man's sense of responsibility to his group, and fit him for his position in the larger society of citizenship on obtaining his freedom. It is clear that many of Maconochie's ideas on secondary punishment had been conceived before he set foot in Van Diemen's Land. His observations on society in the penal colony and his sweeping denunciation of the assignment system

were coloured by his conviction that reformation was the primary object, and that this could be achieved only by a system resembling his own marks scheme. Certainly he laid his finger on the innate faults of assignment, but he erred in blaming it for all the imperfections of a penal society.

After noting the history and nature of transportation, the Report of the Select Committee considered the amount of punishment it involved. The condition of the various sections of the convict population, the field labourers, the domestic servants and the mechanics, was discussed. The Committee concluded that the "condition of the transported convict is a mere lottery". It ranged "between extremes of comfort and misery", and as a punishment it was therefore unequal in its operation. The punishments actually inflicted belonged to a "barbarous age". These, and life in the penal settlements, drove wicked men to desperation.

The Report considered next the amount of apprehension with which the prospect of transportation was regarded in Great Britain. The important question was, it stated, not the amount of pain inflicted but the amount believed to be inflicted. Convicts appeared generally surprised on their arrival at the quantity of suffering the sentence involved; they could not then have been influenced by any feeling of dread. In any case, the uncertainty of the punishment destroyed its effect. A convict's fate was a gamble, and a criminal was willing to take a chance.

As a means of reformation, transportation had proved a failure. What hope was there of reformation in a system which was based on

compulsory labour? Arthur had emphasized to the Committee his belief in the reforming value of the assignment system, but the Report stated that his own facts, the statements of his Attorney-General and Maconochie, "Secretary to Sir John Franklin", contradicted him. Those who were not assigned were contaminated by their association with each other, as in the prisons and hulks of England.

The influence of Maconochie's observations is clear, when the Report turned to the consideration of the effect of transportation on the moral state of society in the penal colonies. It referred to his "conclusions as to the progressive deterioration of the free and convict population in the colony". Captain Cheyne had seconded Maconochie's judgment of "dissolute depraved masters" of assigned servants. Statistical returns and "the opinions of the best informed witnesses" left no doubt of "the moral corruption of the free by the criminal portion of the community".⁽¹⁾ Transportation "may relieve Great Britain and Ireland from a portion of their burthen of crime, though from the little apprehension which transportation produces, that fact may be doubted. On the other hand, it only transfers and aggravates the burthen upon portions of the British dominions, which like New South Wales and Van Diemen's Land are least able to bear it".

The economic effects of the system on the colonies remained to be considered. In this, the Committee based its judgment on New South Wales, where the labour supplied by convict transportation was

(1) Statistical returns of criminal offences and of the disproportion of the sexes.

proving most inadequate to the demand. The Report stated that the penal colonies urgently needed free labour and that it was bad policy to discredit emigration by associating with it the idea of degradation and punishment. "Your Committee however must remark that the continuance of transportation to the Australian colonies would be inconsistent with the policy of encouraging emigration there, for transportation has a tendency to counteract the moral benefits of emigration, while on the other hand, emigration tends to deprive transportation of its terrors". There was, plainly stated, the attitude of the systematic colonizers to the question. The Report also discussed the price of land, and advised that 5/- an acre was not sufficient. A rise in price to at least £1 an acre would counteract dispersion of settlement.

After all this criticism, the Committee had to make some constructive suggestions. What system should replace transportation? The two systems practised in America, the "separate" system in penitentiaries and the "silent" system on the road, had as punishments much to commend them, but they were very expensive. Maconochie's suggestion deserved careful consideration. Certainly, secondary punishment should be based on confinement and hard labour, but the Marks system was an experiment which deserved a trial, to mitigate the evils arising from the close association of offenders. Penitentiaries must be built in England. Until that time the long sentence convicts would still be sent abroad, but not mingle with the free population, and not to New South Wales. They should go to Tasman's Peninsula or Norfolk Island. Convicts punished in England should be furnished with

the means to emigrate after the expiration of their sentences, and those in the colonies should be obliged to leave the colony of their punishment to start a new life elsewhere. This idea of encouraging emigration after punishment had been strongly advocated by the fervent anti-transportationist, Whately.

The two main recommendations of the Molesworth report were, finally, the complete cessation of transportation to New South Wales and to the settled districts of Van Diemen's Land, and the total abolition of the assignment system, which was to be replaced by a system based on confinement with hard labour.

Since so much has been said of Arthur's adherence to the assignment system, and his defence of transportation, it seems necessary to make some remark on his role as witness before the Molesworth Committee. He has been accused of changing his opinions to fit the prevailing mood of the government. This is not quite a fair judgment. In his evidence he gave his opinion that assignment produced a better prospect of reformation than any punishment he knew, "and that the benefit of transportation would be much lessened if it were abolished". He admitted the system had its faults, that it would perhaps be better if some descriptions of convicts were not assigned, and he suggested the same improvements as he had urged in successive dispatches, immediate transportation, increased free superintendence etc. It is more just to say, from the tone of his evidence, that though his opinions had not changed, he did not urge them with the same force and

vigour as he had in the past. He was more passive in his role as witness than might have been expected from the adversary of Archbishop Whately.

There was no doubt that the tide was against transportation. The selection of the Committee's chairman had almost prejudged the issue; the report was essentially the Molesworth Report. It testified to two trends in English contemporary social and economic thought. The first was the humanitarian movement. More emphasis was being placed on the reformation of the offender, which had been the pre-occupation of Maconochie. England's awakening social conscience was demonstrated in the new interest in the conditions of prisons and workhouses, and later realised in the reform of the penal code and the poor laws. During the Parliamentary Session of 1835, a Committee of the Lords had sat to enquire into the state of Gaols and Houses of Correction in England and Wales. The second movement, the influence of which is clearly seen in the Molesworth report, was that for the reform of British colonial policy. Wakefield's school regarded transportation as an evil kind of emigration. It interfered with the processes of systematic colonization, and must therefore be abolished. It is strange to remember when reading the Report of 1838, which was, after all, a sweeping condemnation of the system, that transportation to Van Diemen's Land continued for another fourteen years.

CHAPTER V

THE CHANGE IN CONVICT MANAGEMENT

While the Select Committee in London deliberated on transportation and its effects on the penal colonies, Sir John Franklin was becoming acquainted at first hand with the state of Van Diemen's Land, which he was to govern through a critical period in its history.

One of the most important decisions to be made in his first year of office concerned immigration. In September 1836 Glenelg sent out new regulations for the grant of assistance to emigrants to the Australian colonies. The system of exclusive female immigration was abandoned, as the Governor of New South Wales and his Legislative Council had recommended. Instead, the funds would promote the emigration of respectable mechanics and agricultural labourers with their wives and families. New South Wales had proposed that a scale of bounties be granted which would include a bounty to young single women travelling under the protection of a family. Bourke had already sent two surgeons to England to select and accompany the emigrants to the colony.

The end of 1836 brought changes in the machinery in England for the superintendence of emigration. In December, Forster's

Committee made their final report.⁽¹⁾ Several considerations induced them to think "that the continuation of their services might be expediently dispensed with". The dispatch of young women without the protection of families was generally unpopular; the Bounty Scheme of New South Wales would nullify their selection duties; the Select Committee on Crown Lands (1836) had made certain recommendations which would, if effected, absorb their functions.

Wakefield had used this Select Committee as an opportunity to plead the cause of systematic colonization. He wanted machinery in London to develop a uniform land and emigration policy for the Empire. The Report had recommended the establishment of a Central Board in London with sub-agencies in the colonies to sell waste lands and devote the net proceeds to assisted immigration.

Glenelg, at the Colonial Office, would not go as far as this, but he admitted the need for more systematic and comprehensive provision for the regulation of emigration and the application of the land fund to that purpose. This was too important a duty to be entrusted any longer to a "gratuitous and desultory agency" but should be the care of a responsible, paid officer of the Government instructed by and reporting to the Secretary of State. He proposed to appoint an Agent-General who would handle correspondence from the colonies on emigration, instruct and receive reports from the eleven subordinate agents at the ports, and be responsible for the proper conveyance of the immigrants to the colony.⁽²⁾

(1) Dated 6/12/1836. Report included in Papers tabled before Select Committee on Transportation 1837-1838.

(2) Glenelg to Franklin 16/4/1837 enclosing Stephen to Spearman 9/1/1837.

It was decided that two thirds of the fund available for immigration be devoted to granting free passages to emigrants selected by government agents, and one third to the Bounty Scheme of the New South Wales colonists to assist immigrants chosen by their two surgeons.⁽¹⁾ Complaints from New South Wales had been the main inducement to give up the female immigration scheme. The encouragement to the new class of immigrant was to meet the urgent labour demand in that expanding colony, but it was intended to apply the new arrangements also to Van Diemen's Land.

Franklin discussed the new proposals with his Executive Council. They agreed that the island neither needed nor could afford such an immigration.⁽²⁾ The land fund held no such promise as that of New South Wales. Settlers in Van Diemen's Land did not wish to provide living quarters for married men with families, and there were no villages in the interior to accommodate them as there were in the older colony. Moreover, the new mainland settlements at Port Phillip and Spencer Gulf were attracting immigrants by the high prices paid for labour. Thirty immigrants assisted to Launceston had recently embarked for Spencer Gulf. The colony could not waste money importing labour for another settlement, nor could it afford its own agency. Franklin and his council agreed that the immigration of young women should continue. The colony could absorb about three hundred a year, but to obviate the objections of large importations, it was suggested that

(1) Printed Notice of Colonial Office 20/10/1837
enclosed in Glenelg to Franklin 8/11/1837.

(2) Franklin to Glenelg 12/4/1837.

the women could travel in parties of twenty or thirty in small regular trading vessels known to have dependable commanders.

When this dispatch arrived in England, T. F. Elliott of the Colonial Office had already been appointed Agent-General for Emigration. He diverted a shipload of Highlanders from the Hebrides to New South Wales, but the "Bussorah Merchant" had sailed from Cork for Van Diemen's Land. The ship arrived in December and went immediately into quarantine in North West Bay till the end of January. Measles and smallpox had caused the deaths of 58 children and 4 women had died as a result of fatigue and anxiety; there were 10 deaths before the ship crossed the line. The ship had been delayed for 23 days in Cork, and Franklin implied that the medical examination there must have been inadequate.⁽¹⁾ Elliott promised to announce that in future the Surgeon General would insist on the vaccination of immigrants before embarkation. Franklin complained of the excessive number of young families on board. The Agent-General explained that he had to select from those available, although he agreed that couples with too many small children were not the best immigrants.⁽²⁾

The "Bussorah Merchant" convinced Franklin that general immigration was not desirable.⁽³⁾ He again proposed small importations of young women, but Elliott saw too many obstacles. The master of a trader was too busy to give adequate attention to immigrants. Female

(1) Franklin to Glenelg 23/3/1838.

(2) Glenelg to Franklin 16/6/1838 with enclosures.

(3) Franklin to Glenelg No.27, 4/4/1838.

immigration had been very unpopular under the management of the Emigration Committee, and it was difficult to find young women of an unexceptionable type who were willing to leave England without the protection of a family. The only way to import young women was within a larger scheme. If Van Diemen's Land could not afford this, she must do without.⁽¹⁾ Franklin suggested that the matter be discussed with his Colonial Secretary, then in England, but no arrangement was reached. After the arrival of the "Bussorah Merchant" assisted immigration ceased for several years. There was no urgent demand for any labour but that of domestic servants. A government notice of 19th April 1837 invited suggestions on the subject of immigration but was read with indifference. The convict labour supply was adequate for the needs of Van Diemen's Land, and colonization by transportation had temporarily defeated systematic colonization.

II

The day after the sessions of the Molesworth Committee began, the Under-Secretary at the Home Department wrote to James Stephen at the Colonial Office. This letter makes it clear that Lord John Russell, then ministerial head of the Home Department, envisaged changes in the

(1) Glenelg to Franklin No.4, 11/1/1839, enclosing Elliott to Stephen 3/1/1839.

transportation system long before the presentation of the 1838 Report. He wished to diminish the number of convicts sent to the Australian colonies; the assignment system seemed objectionable; it would be preferable that every male convict transported should be subjected to a certain period of hard labour in public works. Would Glenelg investigate the possibilities and concert with him on the matter?

Glenelg wrote privately and confidentially to Franklin.⁽¹⁾ There was a strong possibility that the system of assignment would be discontinued. How might it be replaced? What means existed in the colony for prison discipline? How many convicts could be employed profitably on public works in the colony? The settlers would have to be induced to look to free immigration to supply their labour needs.

Free immigration was all very well for New South Wales. That colony could afford it but, as Franklin pointed out, the Land Fund of Van Diemen's Land was "regrettably inconsiderable".⁽²⁾ Immigrants were more attracted to the wider and richer pastures of the new mainland settlements, and would leave the island. Certainly the employment of convicts in opening up unexplored country for settlement would encourage new sales and swell the land revenues, but the financial result of this employment would never adequately compensate the expense of the maintenance and supervision of the men engaged in it. The

(1) Glenelg to Franklin 30/5/37. Private, enclosing Phillips to Stephen 15/4/1837 and reply 29/4/1837.

(2) Franklin to Glenelg (separate) 9/12/1837.

diversity in the conditions of New South Wales and Van Diemen's Land demanded "a corresponding diversity in their penal and immigration policies". This remark had no effect, evidently, upon the Colonial Office. Glenelg observed⁽¹⁾ that the governor of New South Wales had published a notice in November⁽²⁾ advertising the intention to discontinue assignment and pointing out the need to look to free immigration. It was "desirable" that Franklin should follow this example.

What was the attitude of this new governor to the assignment system as perfected by his predecessor, George Arthur? The mission of Maconochie, who arrived in the colony with a list of questions prepared by the Prison Discipline Society, and the knowledge that a Select Committee was sitting in London thrust the question of convict management before the public eye. In October 1837 Franklin sent home Maconochie's reports, and the remarks of members of his Executive Council upon these opinions. The main cause of dissension was the value of the assignment system. Some saw it as "a species of domestic slavery", an unequal punishment which corrupted both master and servant; others considered it the best school for moderate punishment and reform. The governor could not feel himself justified to advise the total abolition of the existing system, but he did recommend four distinct modifications.⁽³⁾ First, that all convicts on arrival should be worked

(1) Glenelg to Franklin 30/6/1838.

(2) Government Notice N.S.W. 18/11/1837.

(3) Franklin to Glenelg No.103, 7/10/1837.

in gangs, kept separate from the "punishment gangs". No convict should be assigned until he had spent time in such a gang. Secondly, assignment for purposes of luxury and domestic service should cease. This regulation was to correct the inequality of situation between the domestic servant and the field labourer. Thirdly, all assigned servants should wear a distinctive badge. The fourth recommendation was based on the suggestion of Matthew Forster, the Chief Police Magistrate. There should be two grades of tickets of leave. A convict in the lower grade would receive a certain wage rate below the current level, but was free to choose his own place of residence and service within a district appointed, not undertaking any business on his own account. A convict in the upper grade might own property, receive full wages, choose his own residence, and undertake any trade except hotel-keeping, but was not to become a master of assigned servants. Franklin decided to take no steps to implement these suggestions until he heard from the Secretary of State.⁽¹⁾ The machinery of convict discipline as it existed continued in its work. The task of preparing and dispatching returns required by the Select Committee was added to Franklin's duties.

In September 1838, English newspapers arrived in the colony. In them was published Maconochie's letter to Lord John Russell, sent in the packet addressed to Sir George Grey. Sir John was astounded and dismayed, since there was nothing to show that he did not share the views of his secretary. A month later more English papers arrived, this time publishing Franklin's own October dispatch and the reports and minutes

(1) See Franklin to Glenelg No.132, 27/10/1838.

which accompanied the Maconochie papers. The colonists were infuriated by Maconochie's description of their characters and of their treatment of the assigned convicts. At public meetings in various districts excited settlers denounced the man who had falsely maligned them and blackened the reputation of their home. Columns appeared daily in the press, discussing the merits of the views on assignment expressed in the various reports.

In England, Glenelg had noticed the irregularity of the proceeding. Franklin was requested to suggest to Captain Maconochie "that any future communications of this nature should be transmitted to this department in the ordinary way through the Lieutenant-Governor".⁽¹⁾ Meanwhile that gentleman had lost his job. His employer had viewed his conduct "with extreme displeasure".⁽²⁾ The case which Maconochie presented to the home authorities was based on his own great experience and interest in penal questions. "Other papers exhibit details - I examined principles". He admitted that his method of procedure had been improper but, "My situation has been peculiar, my motive good, and I am sanguine in thinking that I have rendered good service".⁽³⁾ Maconochie's relations with the home government did not suffer and he was later chosen to try his own experiment in penal discipline at Norfolk Island.

The English Press also brought Franklin his first news of the Molesworth Report. His first reaction was to "express my serious

(1) Glenelg to Franklin 28/8/1838.

(2) and (3) Maconochie to Glenelg 4/10/1838.

apprehension that the Committee is not aware of the many if not insuperable, difficulties which will in practice present themselves if effect be given in all ports to their recommendations".⁽¹⁾ He wrote to Gipps in New South Wales asking if he had received any official news from home.⁽²⁾ He could hardly believe that the Ministry would act on the "vague and, as I think, impracticable" suggestions of the Committee. Two dispatches to Glenelg expressed his own views of the Report.⁽³⁾

Franklin compared his own situation with that of Governor Arthur in 1833. Like his predecessor he referred to "grave misconceptions" and "imperfect evidence", and felt it his duty to inform the government more correctly. Punishment could never be really equal in operation, because of the infinite diversity in human nature. The inequality of the assignment system was corrected by his ban on domestic assignment. The Committee erred in its description of the general conduct of assigned servants, and had evidently not noticed that the returns of criminal offences in Van Diemen's Land 1829-1835 had shown a gratifying decrease in proportion to the population. Convict discipline was more efficient in Van Diemen's Land than New South Wales not, as was implied, because the settlers there were more willing to endure encroachments on their civil liberties, but because the island was limited in area, and the police force had applied the principle of

(1) Franklin to Glenelg No.19, 2/2/1839.

(2) Franklin to Gipps 5/2/1839.

(3) Franklin to Glenelg No.30, 15/2/1839, and No.51, 11/3/1839.

concentration. The Committee's remarks on the economic effect of transportation hardly applied to this colony, which could not afford free immigration. Even if transportation to Van Diemen's Land were abolished, provision would have to be made for the convicts already in the colony. This and the outlay for the recommended penitentiary system would mean a double expense. Moreover, Franklin expressed his opinion that Great Britain would be giving up the best method of disposing of her criminals if she adopted the penitentiary plan. Such confinement encouraged no habit of reflection, induced no feeling of remorse. There was a remarkable degree of security in the colony while its moral aspect was far from warranting a material modification in the existing system.

The Lieutenant-Governor was eager to disclaim any participation in the views of Maconochie. He agreed that Maconochie's scheme was based on the right principles in emphasizing the social relationship, but he had not adhered to them. The parties of six would never succeed. They would engender suspicion and anxiety, "every man looking for the mote in his neighbour's eye". Maconochie remained in the colony, and forwarded to England his pamphlet on "General Views regarding the Social System of Convict Management". Franklin remarked briefly, "Human nature must be constituted in a manner very different from what it is before the system proposed by Captain Maconochie can be worked".⁽¹⁾

At the end of 1838, Franklin received the consent of the home government to the four modifications he had proposed for the system

(1) Franklin to Glenelg No.89, 28/5/1839.

of convict discipline. They were to be adopted immediately, "whatever the future changes in transportation".⁽¹⁾ The new regulations were announced in a Government Notice of 17th January 1839, but their actual commencement was postponed, for the settlers were depending on their assigned labour. Franklin set the 1st July as the date after which the newly arriving convicts would be placed in gangs, and on which assignment for purposes of luxury or domestic service would cease.⁽²⁾

Each gang was to consist of about 300 men, superintended by an army officer on half pay with overseers under him, and with a clergyman to look after the spiritual welfare of the men. The visiting magistrate would inspect the book in which was noted the conduct of the men. After a certain period of good conduct, proportioned to the length of the sentence, a man might enter private, but not domestic service. The Home Department found Franklin's periods too lenient, and considered they should be not less than one to two years for the shorter sentence, one and a half to three for a fourteen year man and two to four years for those sentenced for life.⁽³⁾

Franklin planned to occupy these gangs in clearing and cultivating Crown Lands. There was a great demand in 1839 for Van Diemen's Land grain, as a result of bad mainland droughts. The island,

(1) Glenelg to Franklin 6/7/1838.

(2) Franklin to Glenelg No.31, 15/2/1839, enclosing Government Notice No.16.

(3) Normanby to Franklin 23/8/1839.

wrote its governor, might easily become "the granary of the sister settlement", if it had enough labour. The prosperity of the colony was involved in the continuance of transportation.⁽¹⁾

A public meeting of free colonists in Launceston on the 27th March 1839 addressed a memorial to Franklin, requesting the suspension of the January regulations. They claimed that there would be too many field labourers and the towns would be filled with ticket of leave men, unused to town life and with high wages in their pockets. The governor's reply reminded the colonists that the most advantageous distribution of convict labour could only be a secondary consideration to the British objects of preventing crime and reforming the criminal.⁽²⁾ The home authorities congratulated him on pointing out the distinction between the ends of punishment and those of colonization.⁽³⁾

The same public meeting resolved that a public remonstrance be offered against carrying into effect the recommendation of the Select Committee that transportation be discontinued. A Committee prepared and circulated a petition to the Queen, praying Her Majesty's Government not to sanction the abolition of transportation, coupled with the system of assignment. The petition detailed the advantages of transportation as a secondary punishment and protested against the mis-representation of the character of the free colonists. They admitted they had

(1) Franklin to Glenelg No.76, 14/5/1839.

(2) Franklin to Glenelg No.91, 31/5/1839, enclosing petition and reply.

(3) Russell to Franklin 24/10/1839.

benefited from the system and did not want to see "their property shaken to its very foundation" by a change which would effect the labour supply.

At the Home Office Lord John Russell had reached his decision (1) as to the course to be pursued in secondary punishments. His observations amounted to an agreement with the findings of the Molesworth Committee, that transportation was then an unequal and uncertain punishment with a negative effect in Great Britain and a positively injurious effect on the colonies. He decided that the number of convicts transported would be considerably diminished by the retention of the seven year men in the hulks under an improved system of management. 3,500 could be accommodated in English hulks and 1,000 in Bermuda. English penitentiaries would take 250 more and a new separate prison was to be built with accommodation for 500. This would leave approximately 2,000 men to be transported. The governors of the Australian colonies should be warned to prepare for the immediate diminution in numbers, and the approaching discontinuance of the assignment system. Norfolk Island was to be prepared to receive convicts from the United Kingdom, and an officer appointed for their superintendence. The future treatment of convicts in the United Kingdom was to be guided by the recommendations of the Molesworth Report, i.e. a period of confinement followed by labour on public works.

Normanby, the Secretary of State for Colonies, sent this information to Gipps in New South Wales, but did not communicate it

(1) Russell to Glenelg 2/1/1839.

directly to Sir John Franklin.⁽¹⁾ He merely sent five days later a copy of the papers to New South Wales. These included a separate dispatch on the question of the officer to be appointed at Norfolk Island. The home authorities favoured Maconochie, but left the matter to the discretion of Gipps, who would communicate with Franklin. The appointment was offered to the ex-Private Secretary, who in great elation left for Sydney for discussions with the governor. He wanted Tasman's Peninsula or King Island, not Norfolk Island, as the place allotted for his experiment, but Gipps stated that he could not go against the positive instructions of the home authorities. Franklin became very anxious when he heard that Maconochie actually wanted King Island or the Peninsula separated from Van Diemen's Land jurisdiction and handed over to New South Wales. He wrote home on the subject,⁽²⁾ and was assured that the government had no such intention. Maconochie's system would be tried in Norfolk Island on convicts transported directly from Great Britain.⁽³⁾

Sir William Molesworth was not satisfied by the government's policy of diminishing the number of convicts transported. In May 1840, he argued the substance of his 1838 Report before the Commons.⁽⁴⁾ He

- (1) Normanby to Gipps 11/5/1839 enclosing F. Maule to Sir George Grey 30/1/1839.
- (2) Franklin to Normanby No.8, 7/1/1840.
- (3) Russell to Franklin No.108, 6/7/1840.
- (4) Hansard, Third Series, Vol.53, p.1236, etc. seq. Commons 5/3/1840.

moved the abolition of transportation and the adoption of the penitentiary system as soon as was practicable. Charles Buller spoke on the question from a different angle. He claimed that at a certain stage in the development of a colony, it was no longer practicable to make it penal. New South Wales had reached this stage. Molesworth would not divide the House on his motion, but was content to have it recorded in the rolls. Lord John Russell defended his proceedings to almost empty benches. He praised the "enlightened principles" of Molesworth, but remarked that he placed too much emphasis on reformation. If his plan were followed, England would be deluged with unemployed ex-convicts. (1)

Russell was at this time preparing the Order in Council of June 23rd 1840, which exempted New South Wales from the places to which convicts might be transported. Franklin was sent a copy in July. Transportation to New South Wales was abolished. Convicts were to be sent from Norfolk Island to Van Diemen's Land shortly before the expiration of their term. In that colony, they would be subjected to whatever system of discipline was finally resolved upon, but assignment would "in no shape" be revived. Russell observed that the separate system of imprisonment had many advantages. (2)

These somewhat vague observations were of not much help to Franklin in his plans for the introduction of a new system of convict management. The separate system could not be worked without large

(1) Hansard, Third Series, Vol. 53, p. 1279, et seq. Commons 5/3/1840. Only 30 members were present.

(2) Russell to Franklin No. 108, 6/7/1840. Lord John Russell replaced Normanby as Secretary of State for Colonial Affairs at the end of August 1839.

buildings, but the home government had given no instructions for these to be erected. If transportation was to continue and the number of men on the roads and in the interior to increase, more troops were needed. In 1835, a regiment had been added to the Australian station, and Bourke had replaced the companies Arthur had unwillingly sent to Swan River. In April,⁽¹⁾ Franklin complained that the number of convicts had increased but he had to send away two companies to the same settlement. The Van Diemen's Land companies were reinforced, but even in November the colony was three companies of infantry short of the force which had been stationed there up to May 1839.⁽²⁾ There was "a total absence" of properly qualified superintendents and overseers for the gangs.⁽³⁾ Franklin suggested that a number of these should accompany the shiploads of convicts. The probation gangs needed religious instruction when so much emphasis was being placed on reformation. What was to be done with the convicts when they had finished their term in the gangs? Were they to receive a ticket of leave at once? The Lieutenant-Governor was much against too rapid a transition to freedom. If the conditions of the ticket of leave and the periods after which convicts were eligible were to be changed, then statutory provision would have to be made. A Board had been appointed to consider this, and reported in September 1839.

(1) Franklin to Russell No.44, 3/4/1840.

(2) Franklin to Russell No.157, 18/11/1840.

(3) Franklin to Normanby No.7, 6/1/1840.

Franklin was also worried by one point in the new plans for Norfolk Island. Were the convicts sent on from there to Van Diemen's Land to include those men colonially convicted in Van Diemen's Land and sent to Norfolk Island under the old system? These were desperate criminals, and it would be dangerous to restore them to their old haunts and associates.⁽¹⁾ Russell's response was not altogether satisfactory. He assured the governor that he had meant that the convicts from United Kingdom would be sent from Norfolk Island to Van Diemen's Land, but he could not make any special provision for the disposal of those already there.⁽²⁾ The matter was not settled. Gipps had to dispose of the old convicts at Norfolk Island to leave the way clear for the new experiment and wanted Franklin to take them off his hands. Franklin made his objections to the Colonial Office⁽³⁾ which, after consultation with the Home Office, agreed that these men should not be sent to Van Diemen's Land.⁽⁴⁾ Yet this did happen, for when New South Wales convicts were later sent down to the colony, Franklin complained that many of them were doubly convicted, and some came originally from Van Diemen's Land.⁽⁵⁾ Their criminal careers had evidently taken them from Van Diemen's Land to Norfolk Island, thence to New South Wales, and finally back to Van Diemen's Land again.

(1) Franklin to Russell 23/11/1840, separate.

(2) Russell to Franklin No.211, 14/5/1841.

(3) Franklin to Russell No.96, 22/5/1841.

(4) Stanley to Franklin No.23, 30/11/1841.

(5) Franklin to Stanley No.116, 20/10/1842.

The home authorities had yet to arrange for the system of management in both Norfolk Island and Van Diemen's Land. Maconochie sent home, through Governor Gipps, a stream of memoranda on the system of social management he was to try in Norfolk Island, and these were sent by the Home Department for the comment of the Governor of Parkhurst Prison and also Her Majesty's Inspectors of Prisons. In framing the instructions for Franklin in Van Diemen's Land, Lord John Russell consulted John Montagu, the Colonial Secretary, then on a visit to the mother country. Montagu did not have a high opinion of Maconochie's schemes. He referred to his "peculiarly indulgent notions of crime" and his "unabated disregard of that grand requirement of society, the punishment of the offenders".⁽¹⁾ He was glad to hear that the system pursued in Van Diemen's Land was to be in no way connected with the Maconochie experiment. Russell sent Montagu a draft of the instructions he proposed to give Franklin. He wished convicts to work their way back to society, to be gradually subjected to its temptations. Montagu proposed a scheme by which a ticket of leave convict passed through six successive stages towards freedom.⁽²⁾ This plan found favour with Russell and Montagu's letters on the subject were enclosed with the dispatch sent to Van Diemen's Land.⁽³⁾

In September 1840 Russell addressed the first specific

(1) John Montagu to R. V. Smith 12/8/1840.

(2) " " " " " 31/8/1840.

(3) Russell to Franklin No.137, 10/9/1840.

instructions to Franklin on the change in the system of convict management.⁽¹⁾ They agreed with the Maconochie principle in regulating a gradual transition from bondage to freedom, but Russell placed his emphasis not on reform but deterrence. "The object to be first sought in punishment is the example to Society". "By aiming at reform almost exclusively", the penalty of the law would cease to be a punishment to evil doers. Franklin was informed that Tasman's Peninsula, Norfolk Island and Bermuda were the places in which confinement abroad was to take place. He was to take immediate measures to receive a greater number in the Peninsula. The first stage of the ticket of leave was to keep convicts in employment on public works, in improving Crown property for sale. The subsequent stages should see the gradual removal of restrictions on wage level, choice of employment and residence etc. until in the final stage of the ticket when the convict was required only to report annually to the Police Magistrate of his district.

Franklin was occupied in the early months of 1841 with the problems of introducing the new system. In January, he reported the difficulties of establishing gangs in really unsettled districts.⁽²⁾ They must be accessible and buildings were needed. He had decided to put a large gang at Macquarie Harbour, so that the old buildings of that settlement could be used. Some days later he visited the Port

(1) Russell to Franklin No.137, 10/9/1840.

(2) Franklin to Russell No.7, 12/1/1841.

Arthur settlement, under the command of Captain O'Hara Booth, and fixed a site for the convicts to arrive from England. There was not much hope of wholly establishing the separate system with any speed, but he intended to begin with the boy convicts at Pt. Puer and the probation gangs.⁽¹⁾ In March, the Executive Council discussed the practicability of the new system. Their remarks show them as not optimistic unless the home government were willing to outlay a considerable amount of money in providing buildings, free superintendence, and religious instruction.

Tasman's Peninsula had been named by Russell. He overlooked the existence of the penal station there for colonially convicted men. Franklin sent convicts by the "British Sovereign" to the station prepared for them at Port Arthur, but was opposed to making this a permanent arrangement. He asked the home authorities to consider Forestier's Peninsula, which had all the advantages of Tasman's Peninsula, without its past associations.⁽²⁾ The term "Port Arthur man" was dreaded in the colony and a colonial sentence to transportation there would lose its force if convicts were placed there on arrival from England.

In consultation with Montagu, returned from England, and the members of the Executive Council, Franklin proceeded to introduce the "Probation System". The colony was informed by a Government Notice at the end of May and by the 1st July the Standing Orders for

(1) Franklin to Russell No.14, 19/1/1841.

(2) Franklin to Russell No.68, 15/4/1841.

the Regulation of the Probation System of Convict Labour were ready. (1) The Chief Police Magistrate was appointed provisionally as the Director of the system. It was the intention of the government to keep separate in official details the old convicts under the assignment system and the new probation men. A Registrar was appointed to keep the records of the latter. General remarks preceded the regulations in the pamphlet of Standing Orders. It was to be a system of "rigorous and uncompromising discipline, tempered with judicious advice and moral and religious instruction". The great object was to "influence the mind and make punishment certain and equal in its effects". The Superintendent of a gang and his assistants were to see to its internal discipline and management, while overseers supervised the labour of the convicts. The gang of 250-300 men would be divided into three classes. The first class was to be confined separately, the second accommodated in huts for 10, and the third in huts for 20. The visiting magistrates would watch over the whole and their chief duty was to see that the spirit of the instructions was being carried out.

By April 1842, a considerable number of convicts had completed their terms in the first stage of the probation system, and Franklin reported progress. Although it was too soon to note any effects on character, discipline was good. He urged again the need for certain measures involving expenditure. Military men would make the best superintendents and overseers. The spiritual needs of the gangs were not catered for adequately. Franklin referred to "the decision and munificence with which Her Majesty's Government resolved to incur an

immense outlay by abolishing assignment in order to avoid its abuses and to introduce a more reformatory process of prison discipline". He had received no positive instructions from home as to what should be done with the convicts after their period in the probation gangs, other than that they were to be kept in public employment, but assumed a discretionary power in his arrangements. ⁽¹⁾

Meanwhile, in England, a most significant change had taken place in the treatment of the seven year men. Russell, when at the Home Office, had arranged for this class to be confined in the hulks. On 23rd March 1841 Mahon moved a resolution in the Commons "that in the opinion of this House, the large increase in the number of convicts to be permanently confined in the hulks of Great Britain, although sentenced to transportation, in pursuance of the minute of the Secretary of State for the Home Department is highly inexpedient". Mahon pointed out that in 1837, of 3,663 convicts transported, 2,166 were seven year men. England was thus expected to house and absorb after imprisonment 2,000 more convicts annually. Russell defended his policy with the argument of the Colonial Reformers. "I do not think you can justify in the eyes of the world establishing colonies, the great mass of the population of which shall consist of the refuse and the worst of your own country". The authorities were agreed, however, that the hulks system was objectionable, and Mahon's resolution was passed with 49 members in favour and 28 dissenting. ⁽²⁾

(1) Franklin to Stanley No.41, 1/4/1842.

(2) Hansard Parliamentary Debates, Third Series, Vol.57, pages 522 et seq.

This reversal in policy was of great importance to Van Diemen's Land. When the change in convict management was planned, it had been intended that the number of the transported should be diminished. New South Wales no longer received convicts, and Norfolk Island could hold only a limited number. By July 1841, that number had been reached.⁽¹⁾ Van Diemen's Land now had to receive the short sentence men. Stanley⁽²⁾ told Franklin in November that he must be prepared for the arrival of 3,000 convicts, 1,000 more than had landed in 1841.⁽³⁾ Between April and the end of July 1842, six convict ships arrived in the colony.⁽⁴⁾

As well as these men transported from the United Kingdom, Van Diemen's Land was to receive convicts from the neighbouring colonies. In October 1841, Franklin reported that, with the large accessions of prisoners, the colonists were beginning to feel that their security was endangered. The military force was totally inadequate and the number of convicts expected to arrive from New South Wales alone nearly equalled the number of troops at Franklin's disposal.⁽⁵⁾ His policy had been to station small detachments of the regiment at various points,

(1) Russell to Franklin No.281, 6/8/1841, enclosing Stephen to Phillips 7/7/1841.

(2) Stanley was then in his second period at the Colonial Office, but this time as a member of a Conservative Ministry.

(3) Stanley to Franklin 8/11/1841.

(4) Franklin to Stanley 22/7/1842. Convict records show that in fact 7 ships arrived during these months.

(5) Franklin to Russell No.143, 12/10/1841.

but the increase in the number of probation gangs made extra stations necessary. When Franklin detained a small number of troops who called in at Hobart on the way to join Headquarters in Sydney, he was "strongly cautioned" by Stanley for this irregular proceeding. Not till May 1842 did the authorities finally agree to Franklin's request for a military garrison of 1,500 to 1,600 men. ⁽¹⁾

The type of convict arriving from New South Wales gave the Lieutenant-Governor further cause for anxiety. ⁽²⁾ He sent home returns which showed that, of the 133 men sent down to the island between the beginning of 1842 and the end of January 1843, 90 were doubly convicted felons and 29 had been in possession of fire arms at the time of their crime. ⁽³⁾ Port Arthur was the only settlement for them in Van Diemen's Land, and Franklin warned the home authorities that the military and civil establishment there would have to be greatly increased if such criminals were to be sent.

Franklin had not expected such a rapid influx of convicts, and was left without adequate means to execute a new system of convict management. He had repeatedly to request that the Ordnance Department be kept supplied with enough stock of clothing and stores to cater for the greatly increased number of convicts on government hands. ⁽⁴⁾ There

(1) Stanley to Franklin 4/5/1842.

(2) Franklin to Stanley No.116, 20/10/1842.

(3) Franklin to Stanley No.28, 16/2/1843.

(4) Franklin to Russell No.68, 15/4/1841.

were not enough superintendents, overseers or ministers to look after the gangs. The combination of the duties of Chief Police Magistrate and Director of the Probation System proved a most unsatisfactory arrangement, and at the end of September, Franklin on his own initiative created a separate Department of Convict Discipline under Joseph Milligan as Inspector.

By the end of December 1842, 8,719 probation men had arrived in Van Diemen's Land. The Lieutenant-Governor was understandably disheartened. There were "seven thousand lawless men" in about 25 gangs, some 100 miles apart. The men who had served their terms of probationary labour showed no signs of reformation, and were in fact "disposed to mutiny". Rumours were prevalent that the Probation System meant comparative liberty after a short and not very severe ordeal. Franklin had done his best to develop the general policy expressed in Russell's dispatches in the face of the pessimism of his Executive Council and of the opposition of those settlers whose interests had been better served by the assignment system. The first attempt at a probation system required extensive and complicated machinery of coercion and supervision. Franklin, writing to Lord Stanley, referred to it as "Your Lordship's predecessor's scheme" and detailed a plan for one to replace it.⁽¹⁾

Stanley was not a minister to express general ideas and permit a colonial governor to develop a scheme. Too much had been in

(1) Franklin to Stanley No.123, 17/11/1842.

the past left to the man on the spot, too often was that man influenced by considerations of the colonial advantage.⁽¹⁾ Details interested Stanley. He disliked any hint of a governor using discretionary power. In one instance, Franklin had granted pardons to certain convicts who had performed a special service in the colony. The wording in the Government Gazette was "to be issued immediately to" etc. Stanley called for an explanation of this.⁽²⁾ The proceeding had been perfectly regular, for the recommendations had been sent home as usual for approval in September, and it was a general practice for convicts to enter upon privileges provisionally until the final authority of the Crown was received. In May 1842 Stanley wrote rather sharply about the returns of appointments and alterations of salaries etc. in the Convict Department.⁽³⁾ Franklin had not supplied enough information about the changes; there were certain "irregularities" in his mode of making appointments. The unwitting governor had then just finished making many small alterations in the staffing and the salaries of minor Convict Department officials. Clerks had been added to the clothing branch, free men replaced convict writers in the Registry of the Probation Department and at Port Arthur. In the attempt to attract a responsible type of man, the salaries of the superintendents

(1) See Chapter I - "The Machinery of Control".

(2) Stanley to Franklin No.169, 2/11/1842, and Franklin to Stanley No. 53, 12/5/1843.

(3) Stanley to Franklin 28/5/1842.

of road parties and storekeepers at Road Stations had been increased.⁽¹⁾

In the same month as Franklin sent home the details of the new Department of Convict Discipline,⁽²⁾ Stanley prepared and sent off two dispatches with regulations for the future management of the convict population.⁽³⁾ The first of these prescribed in great detail the stages through which a convict was to pass towards freedom. The first would be undergone in Norfolk Island, which was to be detached from New South Wales and handed over to the jurisdiction of Van Diemen's Land. This island would hold men with sentences for life or for periods over fifteen years. The next three stages, the Probation Gang, the Probation Pass and the Ticket of Leave, would be accomplished in Van Diemen's Land. Stanley described minutely the classifications within the various stages, gave details of the minimum period of time which the convict must spend in each and of exactly what rights he would enjoy, and quite definitely prescribed the power of the colonial governor to alter the conditions of a convict. Franklin was informed that a Comptroller-General of Convicts would be sent from England, and paid by the Treasury, to superintend the affairs of the Convict Department with particular reference to the employment of the 8,000 or so men in probation gangs, scattered over the unsettled districts of the colony. The Comptroller-General would submit his regulations for the sanction of the governor, and communicate with him directly, not

(1) Franklin to Stanley No.3, 3/1/1843, and No.6, 6/1/1843.

(2) Franklin to Stanley No.123, 17/11/1842.

(3) Stanley to Franklin Nos.175 and 176, 25/11/1842.

through the usual channel of the Colonial Secretary. Annual reports were to be furnished by the head of the Convict Department to the Secretary of State.

Stanley's second dispatch dealt with the vexed question of the discipline of the female convicts. The problem of their management in conditions of poor accommodation and supervision had been exercising the mind of the governor, who appointed a Board in 1842 to investigate their position. The practice of assignment had not been abolished for this section of the convict population, mainly because no authority knew what to do with them. Stanley proposed that each woman on arrival should spend at least six months in a penitentiary and then pass through the stages of probation pass holder and ticket of leave holder which he had prescribed for male convicts.

The regulations which Stanley established for the varying conditions of convict, from the gang man to the ticket of leave holder, must be given in more detail in the next chapter. Franklin received the November dispatches in April. In August, he was replaced by his successor, Eardley-Wilmot, to whom the problems of implementing the Stanley System fell.⁽¹⁾ Franklin rightly anticipated the difficulties, when he wrote that he would not worry "if the local government were endowed with sufficient discretionary power, but I must respectfully submit my opinion, that without such discretionary power delegated to the governor, no plan committed to his execution from home, however

(1) The reasons for the recall of Franklin do not concern this study.

wisely conceived and skilfully elaborated, can meet with the success which will be expected from it. The calculations of the most perfect theory, formed at a distance from the scene of operation, will be overturned by the contact of stubborn facts, and the exigencies of times, circumstances and accidents".⁽¹⁾

III

Much has been said of the value of assignment to the free settlers of Van Diemen's Land. Governor Arthur had been opposed to any extensive scheme of immigration which might lessen the dependence of the colonists on convict labour. The cessation of assisted immigration in 1837 had recognized the adequacy of that supply to the needs of the colony. How then, did the settlers react to the abolition of assignment?

The year 1839 had been a prosperous one for the colony, mainly because of the large exports of grain, sheep and cattle to the settlements of the mainland. Unfortunately, Van Diemen's Land also exported some of her labour supply, who were attracted by the high wages paid in the new settlements. Assignment for luxury and domestic service ceased half way through 1839, and assignment in the towns was

(1) Franklin to Stanley No.64, 4/6/1843.

to end a year later. The newly arriving convicts were placed in the probation gangs for one to four years, and not until this period had elapsed were they available for private service. In March 1840, the "Colonial Times" declared it time to "take the bull by the horns". The land revenue was being misapplied, the authorities had turned their backs on "the nursery of the staff of life in this hemisphere". The article proposed district meetings on the free labour question, and the establishment of a Central Committee to prepare a protest against the cessation of assignment.⁽¹⁾ On the 29th April, leading colonists addressed a large public meeting in Hobart on the labour question, the misapplication of the Land Fund, and the "infamous calumnies" circulated in England on the vice and immorality of the penal colonies.⁽²⁾ Among the series of resolutions passed was the proposal to petition Franklin to suspend the new regulations until enough free immigrants had been imported. This petition referred to the "pressing necessity" for labour. The "crops would have rotted had not the Lieutenant-Governor allowed some of the road party prisoners to help with the harvest". The consequences of the proposed changes were "vague, unknown and uncertain and may eventually prove far more vicious and disastrous" than the effects of the assignment system.⁽³⁾

Franklin, although sympathetic to the demand for labour,

(1) Colonial Times 31/3/1840.

(2) Press report of meeting enclosed in Franklin to Russell No.66, 22/5/1840.

(3) Franklin to Russell No.66, 22/5/1840, enclosing petition, reply and Government Notice.

could not suspend the regulations nor grant the consistent requests to break up the probation gangs to help the settlers in their emergency. He made plans immediately for the resumption of free immigration. A Government Notice offered bounties for the importation of immigrant labourers and their families, granting £40 to married couples aged under 35, £19 to men, aged from 18 to 35, and single women, aged from 17 to 35, with allowances for children depending upon age. The colonists must notify their intention to bring out servants, enter into an agreement to maintain them for a period of not less than three years, and send home the description of their labour needs to their private agents in England. The immigrants might choose their own vessels, but would be assisted to embark by the government agent at their port of embarkation.⁽¹⁾

The Agent General for Emigration had been appointed by Glenelg, who had not been willing to fully implement the suggestions of the 1836 Select Committee on Crown Lands. In February 1839 Lord John Russell took over the Colonial Office, and was sufficiently "advanced" in his views to appoint at the end of the year a central authority to control land and emigration policy.⁽²⁾ To this Colonial Land and Emigration Commission, sometimes referred to as the Land Board, the Van Diemen's Land Bounty Scheme was forwarded by the Colonial Office.

Bounty schemes were not popular with the English authorities and recent experience in New South Wales did not commend this system

(1) Government Notice dated 14/5/1840
enclosed in No.66 of 22/5/1840.

(2) Instructions to Colonial Land & Emigration
Commissioners, January 1840.

of immigration. Ship owners and speculators had gained a footing, and the colonists quarrelled with their agents. The Commissioners considered that the proposals from Van Diemen's Land did not take into account "the evils incident upon private irresponsible management of emigration"⁽¹⁾. They objected firmly to the agreement binding employer and immigrant, and this part of the system was disallowed.⁽²⁾ The Colonial Office gave the Commissioners the right to approve the choice of vessel and authority over the private agents. These modifications were sent back to the colony, with the news that Her Majesty's Government would not continue the Bounty System beyond the existing engagements.⁽³⁾ Franklin had observed that £10,000 might be spent under the Government System then operating in New South Wales beside the Bounty Scheme of that colony. The Land Board planned to go ahead with this as soon as the colonial authorities confirmed the wish for the expenditure. Russell also stated categorically that any revival of assignment could not be considered.

The settlers hastened to make use of the Bounty plan. By September 1841, 145 agents had been named, and orders placed for over 1,400 emigrants.⁽⁴⁾ The first bounty immigrants arrived in Van Diemen's Land in June 1841. In that month, Franklin appointed an

(1) Russell to Franklin No.176, 24/2/1841, enclosing Report of Commissioners 5/1/1841.

(2) Commission Circular to Agents 6/4/1841.

(3) Russell to Franklin No.176, 24/2/1841.

(4) Government Notice of 22/2/1842 (Hobart Town Gazette)

Immigration Agent.⁽¹⁾ This officer boarded the vessels bringing immigrants, mustered them, enquired into their travelling conditions and inspected their testimonials. The immigrants on arrival were housed in special quarters and their descriptions (occupation etc.) published in the Government Gazette. The settlers were certainly anxious to receive them, and were somewhat impatient by the time the first ships arrived. The "Colonial Times" was sarcastic. It referred to the "debt of gratitude" owed to Sir John Franklin in "having first prevented free immigration and then clinched the woes of the colony by stopping assignment". George Arthur would never have done it - he would have "braved the Downing Street Autocrat!"

The boom of 1839-40 did not last. Wool and wheat fell in price and settlers were dissatisfied with their profits. Investments made in the optimism of the preceding years proved disastrous for some, and 1841 saw so many insolvencies that a Legislative Council Committee investigated the question. The onset of depression diminished considerably the actual demand for labour, but the enthusiasm for free immigration increased. It was believed that settlers were making no improvements and creating no employment because their profits were too low. Their profits were too low because the wages of labour were too high. The solution was to import enough free labour to bring wages to a reasonable level.⁽²⁾

When Franklin received the news that the Bounty System was

(1) J. A. Davies was appointed on 21/6/1841. (Hobart Town Gazette).

(2) Legislative Council Report on Immigration 1841.

eventually to be disallowed, he asked the Legislative Council to appoint a Committee on Immigration to report under several heads.⁽¹⁾ Members were to investigate the rate of wages, the classes of labour most required, the number that should be sent for in the next two years. What sums were they prepared to vote? What measures did they consider best calculated to encourage useful immigrants and ensure their protection on the voyage?

The Report of the Committee adhered to the colonial preference for a bounty system, with contracts between employer and immigrant. "The Government, it appears to the members, may safely assist, but never conduct, immigration". Under a bounty system, supply and demand regulated each other. Contracts encouraged immigrants by the assurance they gave of immediate employment. The colony was most in need of "thoroughbred farming men" and women servants. The Council was willing to set aside the large sum of £60,000, the balance of the Land Fund swollen in the two past years of prosperity, for immigration purposes. £14,000 might be devoted to the government general immigration⁽²⁾ and £10,000 to the bounties for the importation of 500 young women. The rest was already pledged to the bounty immigrants under order. Franklin, sending the Council report home, warned that the colony could not absorb a "large and indiscriminate influx"; the bounty system ensured

(1) Minute to Legislative Council 10/9/1841.

(2) Under the Land Board arrangements.

a gradual absorption. Wage levels were high but, out of justice to the immigrants, they must not drop too far.⁽¹⁾

It was not long before it was obvious that the colony was committed to a policy of encouraging immigration which it could not afford. The year 1842 brought large numbers of convicts.⁽²⁾ This meant increased expenditure in most government departments, while the Land Revenue dropped alarmingly. In April Franklin observed that the influx of short-sentence convicts might well cause him to revise his opinions on immigration.⁽³⁾ Towards the end of the year, convicts who had served their terms in the probation gangs were released for private employment on very low wages and the depression was deepening.

The list of immigrants at the Campbell Street quarters, which was published in the Government Gazette, demonstrates the rate of disposal. Bounty immigrants entered employment without much difficulty, for they arrived in smaller numbers, and in reply to specific orders. In July 1842 the "Orleana" brought the first shipload of government immigrants, 266 in all, including families. Within a month, none remained at the government quarters. It must be remembered that some of these left on their own account, or were dismissed after refusing employment of which the Immigration Agent approved. Later in the year the arrivals under the general system were not so easily

(1) Franklin to Stanley No.166, 3/12/1841.

(2) 4,839 convicts.

(3) Franklin to Stanley No.41, 1/4/1842.

disposed of. Immigrants by the "Sir Charles Napier", which arrived at the end of November 1842, were not all employed for eight weeks. The "King William" at the end of January brought 22 women servants and 46 men with families amounting to 105 women and children. All were disposed of by the third week in March.

The bounty system did not operate undisturbed by friction between home and colonial governments. The colony had to suffer some interference from the central authority, and like New South Wales was involved in some difficulties with the private agents. In May 1842 the Land Board suggested to Stanley that all parties, including bounty agents, engaged in the selection of emigrants should regulate their choice so as to achieve some equality in the numbers of the numbers of the sexes.⁽¹⁾ The colony had been quite indifferent on this point. The direction was issued, but some Bounty Agents explained that it could only be accomplished by including a number of extra single women on their shipments, and they were given permission to do so.⁽²⁾ Two ships, "Royal Saxon" and "Royal Sovereign" brought young women to the colony for whom no Bounty Orders existed. Stanley ordered the payment of the sums, and Franklin was obliged to obey.⁽³⁾

There was further difficulty concerning the shipment by the "Royal Saxon".⁽⁴⁾ A Mr. Dowling acted as agent for many northern

(1) Stanley to Franklin No.137, 2/8/1842, enclosing Land Board to Stephen 6/5/1842.

(2) Stephen to Land Board 18/5/1842 enclosed in No.137.

(3) Stanley to Franklin No.137, 2/8/1842, and No.148, 1/9/1842.

(4) "Royal Saxon" arrived in the colony in November, 1842.

colonists, and the ship brought a number of immigrants whose orders had been entrusted to him. Dowling, however, sold his agency in these cases to a Mr. Towns who arrived with the immigrants and demanded the bounties. Franklin claimed that this was "mercantile speculation" and a clear departure from the principles of the system. Towns brought immigrants of a valid class, but not of the description specified on the orders. They were Irish tailors, not ploughmen. Franklin held that Dowling had deceived both the settlers and the Land Board, and believing that Towns had deliberately made false statements, refused to pay him the bounties. The Executive Council discussed the matter and advised the governor to refer the whole question home.⁽¹⁾

The colonial government took the attitude that it was responsible under the regulations to none but the original applicants. These colonists could apply for bounties when the bona fide servants for whom they had advanced money arrived in the colony. The ship "Agostina" brought immigrants for whom no settlers had applied. The ship owners, represented by two Launceston merchants, claimed that they had received permission from the Land Board to bring out carefully selected immigrants, and that they had been led to believe they would receive bounties. Franklin refused payment.⁽²⁾ Lord Stanley considered that his action involved a "great hardship" on the importers. Dowling

(1) Franklin to Stanley No.19, 8/2/1843, enclosing Executive Council Minutes December 1842 and 12/1/1843.

(2) Franklin to Stanley 3/7/1843.

had not deceived the Board. He had sent large numbers of immigrants and could not cope with every detail. His signature preserved his connection with the proceedings. The fact that the settlers had repudiated some of the immigrants had nothing to do with the question, for the Land Board had cancelled any definite contracts and used the names of settlers merely as a guide to the description of immigrants required. The colonial government was to take immediate steps to pay the claims of the ship owners, with interest. As for the charge of "mercantile speculation", Stanley wrote curtly: "I cannot understand on what other motive the government of Van Diemen's Land could expect parties to act". The practical question was not the motives of the parties, but the satisfactory execution of their task.⁽¹⁾

The British Government, in short, supported the agents and shippers, as long as they adhered to "the spirit" of the regulations. The bounty system was to end when obligations were fulfilled. The state of the Van Diemen's Land economy and the Land Revenues made the continuance of any scheme of assisted immigration impossible.

In February 1843, Franklin wrote twice on the discouraging conditions of the Land Fund. He explained that at the time of the Legislative Council Committee Report "the prospects of the colony were of a much more cheering nature than they now are; the general depression which had then for some time produced the most disastrous effects on the other Australian colonies had not yet succeeded in

(1) Stanley to Wilmot No.194, 8/5/1844.

paralysing the energies of our settlers." (1) A fortnight later he sent home the Blue Book, and reported his "decided conviction" that little revenue could be expected from land sales for years to come. The Australian Land Act of 5 and 6 Victoria c.36 had raised the minimum price of land to £1; the average price of waste land in Van Diemen's Land had for some years been not over 9/-. The inference was clear. "The immediate discontinuance of immigration at the expense of the Public Revenue, is, of course, I respectfully submit to Your Lordship, under these circumstances, indispensable". (2)

IV

One connection between the history of transportation and immigration in these years from the time of the Molesworth Committee and the announcement of the Stanley Probation System is clear enough. Assigned convicts provided the labour force in 1837, and Franklin recommended the cessation of general immigration. In 1840, the effects of the abolition of assignment in the towns was beginning to be felt; the colony called for cheap labour.

The two questions were also closely associated, in the

(1) Franklin to Stanley No.19, 8/2/1843.

(2) " " " No.30, 23/2/1843.

condition of the colonial revenue and expenditure. The charge on the colonial revenues for police and gaols proved just as unpopular as Arthur had predicted. Each year saw a struggle in the Legislative Council over this part of the estimates. Resolutions were passed that the British Government should bear two-thirds of the charge. Franklin agreed with the principle which guided this opposition, and warned the Secretary of State that the police and gaols estimate would never pass the Council but for the votes of the official members. When sending home the 1841 estimates he suggested that an end be put to "this annual struggle" by appropriating each year a fixed amount of the Land Fund in aid of the local revenue, leaving the balance of the fund to immigration solely.⁽¹⁾

The colonists resented the application of the land revenue to the ordinary purposes of government, particularly when these included meeting an expenditure which concerned the penal character of the colony and should be more properly drawn from British funds. At the April public meeting on the labour question in 1840, the misapplication of the land revenue was the most heartfelt grievance. Cries of "Shame" greeted an announcement that £140,000 from this source had been spent on salaries and improvements. In the eyes of the colonists that fund had been pledged to import the "necessary quantum of free labour". Lord Stanley responded coldly to Franklin's solution to the problem. It was not "Her Majesty's Government's intention" in the first instance for all the land revenue to be under

(1) Franklin to Russell 15/10/1840.

the control of the Legislative Council, only "the unappropriated balance at the end of each year after paying out emigration charges and anything else thought proper to throw on it".⁽¹⁾ The home authorities had decided that 25% of the land revenue should for the present be used for police and gaols. Stanley recommended the suggestion made by Russell to Governor Gipps, that he should provide for efficient police in the interior by local assessment rather than by diverting the land fund. The proposal that the expense of the discipline and confinement of convicts be met by the proceeds of taxation was not likely to commend itself to the free colonists.

In 1842, four unofficial members of the Legislative Council entered a strongly worded protest in the minutes, describing the charge for police and gaols as "impolitic and unjust". Franklin reviewed the situation early in 1843.⁽²⁾ The colonial revenues had been charged with the cost of police and gaols on the understanding that they should receive what was left in the Land Fund after the costs of immigration had been paid. This was a "quasi-agreement". Since no revenue was now to be anticipated from land, the police charge should "revert to the Commissariat Chest, or be otherwise provided for so as to relieve the colonial revenue". The great influx of convicts and the gang system lent force to the argument "that the police of the territory should be maintained at the expense of the Home Government and not at that of this young colony, whose interests are made

(1) Stanley to Franklin 31/8/1841.

(2) Franklin to Stanley No.30, 23/2/1843.

sufficiently subservient to those of Great Britain by the mere fact of its having been rendered the almost sole depository of British felons". Franklin's sense of justice was obviously outraged. He estimated that the expenditure for 1843 would exceed income by £17,904! The colony was heading for debt unless the mother country took on herself "a large proportion of the expenses occasioned by the transportation of convicts to this colony, for it is undeniable that almost every public department is much more extensive than it would be were this not a penal colony".⁽¹⁾

The Home Government ignored these representations. A provision in the Australian Lands Act 5 and 6 Victoria c.36 placed the disposal of proceeds from land on a fixed basis, half to be available for emigration, the rest reserved to the discretion of the Crown. Since the proceeds from land were negligible in 1843, and destined to diminish, it was little comfort to be assured that half the fund be devoted to immigration.

Not only had the settlers lost the advantage of the gratuitous labour of convicts, but the colonial government was expected to pay for their services in public works. Before the new probation system had been introduced Glenelg wrote to Franklin, "I think it right to inform you that as the convicts are removed to the colony and in a great measure sustained there by the expense of this kingdom, it is right that whatever advantage may arise from their labour should

(1) Franklin to Stanley No.30, 23/2/1843.

accrue to the British rather than to the Colonial Treasury".⁽¹⁾

The change in convict management did not alter this view - far from it, as the history of the next three years will show. Even before Stanley sent off his November regulations, he had made a definite ruling on the payment for work performed for the colonial government by convict labour.⁽²⁾ Colonial revenues should meet the full expense of the maintenance of convicts employed and the charge for the materials used, but the Commissariat would defray the cost of their supervision, their clothing, and the wear and tear on tools. The labour of the convicts undergoing penal discipline in the settlements and on the roads was assured to the colony free of charge.

Governor Arthur had emphasized the vital importance of linking the material interests of the free settlers with the continuance of transportation and with the system of convict discipline. The free grant had been an attractive inducement to settle. This had been abandoned in 1831 for disposal of land by sale, and after 1842 (by which time all the best land was alienated), by sale at the prohibitive price of £1 per acre. The assignment system had ensured a supply of cheap labour, but this was now abolished. Convicts continued to arrive, and colonial revenues were expected to assist materially in the expense of their control. Around this charge, and the misapplication of the land revenue, political dissatisfaction was

(1) Glenelg to Franklin 2/12/1836.

(2) Stanley to Franklin No.144, 23/8/1842.

centred. Arthur had stifled the first colonial cries for free institutions. His successor was less of a realist, but more sympathetic to the colonial attitude. It seemed to the colonists that their interests were disregarded by the Home Government. The time was fast approaching when they would seriously question whether economic advantages were a sufficient compensation for the disabilities of residence in a penal colony.

CHAPTER VI

A COLONY IN DISTRESS

The system of convict management elaborated in the Stanley regulations of November 1842 did not differ in principle from the Probation System already established in the colony. Russell, in September 1840, had directed that all convicts arriving in Van Diemen's Land from the United Kingdom should be kept at hard labour in probation gangs for certain periods, and then gradually restored to freedom through successive stages. This remained the basis of the Probation System, but where his predecessors had expressed general lines of policy, Lord Stanley supplied details of the exact condition of a convict in each stage of discipline.

The first stage, detention in the penal settlement of Norfolk Island, applied only to the long sentence men from the United Kingdom⁽¹⁾ and such men, guilty of serious colonial offences, as the governor thought fit to transport there. There the convict should be confined with hard labour for from two to four years, before passing into the next stages in Van Diemen's Land. The Superintendent of Norfolk Island, Captain Maconochie, who had been experimenting with the "social system"

(1) All life sentences and the "more aggravated" cases of not less than 15 years sentence.

of convict management, was to be replaced and the jurisdiction of the settlement transferred from New South Wales to Van Diemen's Land.

Other convicts, guilty of lesser offences and under shorter sentences, would come direct from a preliminary confinement at home to the probation gangs in the unsettled districts of the colony, to be kept at labour for periods of from one to two years. Each gang, of from 250 to 300 men, was to be accommodated in huts. Overseers should watch over labour, and religious instructors over the moral condition of the men. All gangs, their regulations, their employment and conduct were under the general superintendence of the new head of the Convict Department, the Comptroller-General of Convicts.

As each man served his full term in probationary labour and secured a certificate of good conduct, he entered the third stage and became a pass-holder, allowed to enter private service for wages. Pass-holders were divided into three classes, according to the restrictions placed on living conditions and the disposal of their wages. All convicts in this stage were under the direct supervision of district magistrates and not liable for civil suit or action. If a pass-holder could find no private employment, he returned to the service of government without wages, and work was to be found for him in road making or in performing agricultural labour for private benefit in jobbing parties hired out by the Comptroller-General. Finding employment for an increasing number of pass-holders was the major problem in convict management in the next three years.

After holding the probationary pass for some time and after

at least half the original sentence had elapsed, a convict became eligible, if well-conducted, to a ticket of leave which was really a revocable pardon. Misconduct would prolong the convict's stay in any of the successive stages. Finally, as an act of grace and favour, Her Majesty the Queen might grant a Conditional or an Absolute Pardon. These were then the five stages of discipline - confinement in Norfolk Island, probationary labour in gangs, the probation pass, the ticket of leave and the pardon. The abolition of assignment had not previously affected the system of female convict management. In the factories at Hobart Town and Launceston women awaiting assignment were confined with those returned for punishment or to bear children, and the lack of accommodation and efficient superintendence had prevented any adequate classification. The November regulations directed the immediate cessation of assignment of women. The same system of gradual relaxation of control was to be applied to them as to the men, but in place of probationary labour in gangs, the women were to be kept employed in a new penitentiary, adequately staffed by female attendants, for six months before becoming eligible for private service as pass-holders. The British Government was prepared to meet the increased expenditure involved. Considerations of expense were "overridden by the need to adopt a system recommended by motives of justice and humanity".⁽¹⁾

Assignment had been condemned for its uncertainty and inequality as a punishment; so far, the Stanley system was directed

(1) Stanley to Franklin No.176, 25/11/1842.

to secure efficient punishment. Periods spent in each stage were carefully prescribed, and so was the power of the local authority to mitigate or alter the condition of the transported convict. But what of that other great object in secondary punishments, the reformation of the offender? The November regulations laid it down that each convict must receive a systematic course of religious and moral instruction . For this purpose religious instructors would be sent from England to be attached to the gangs and to work as a group within the Convict Department.

The new system aimed then at reform as well as punishment, but there was always that important limiting factor, expenditure. Stanley's interest in economy induced him to suggest to the Treasury a new procedure in the preparation of estimates for convict services in Van Diemen's Land. ⁽¹⁾ In his second dispatch to Eardley Wilmot, the new Lieutenant-Governor of Van Diemen's Land, he wrote: "It is my earnest hope that it will be in your power to effect a considerable reduction of the charge hitherto thrown on the British Treasury for the maintenance of convicts in Van Diemen's Land. I found this hope partly on the prospect of a better revised and corrected estimate, and partly on the conviction I entertain that, with such a command of labour and with such means of employing it, in producing all the first necessities of life, you will find it possible to make the convicts contribute very largely to their own subsistence. This is the first

(1) See Chapter I.

and most essential object to which their labour should be directed".⁽¹⁾ Later in the year, Wilmot was sent a copy of the Treasury directions to the Commissariat Officer. "One of the principal objects contemplated by Lord Stanley and their Lordships' Board" (i.e., the Treasury) was "a more careful preliminary and preventive control over all branches of convict expenditure". Convict labour should be made available for growing food, and when applied for the benefit of individuals, or of the colony in constructing public works, its value should be directed to relieve the Imperial Treasury.⁽²⁾ Wilmot was warned not to spend money on convict services without the previous sanction of the British Government. Stanley had resented Franklin's unauthorized staff arrangements in creating the office of Inspector of Convict Discipline, and in increasing the salaries of minor members of the convict department. "A habit has, of late, prevailed on the part of the local government of Van Diemen's Land of arranging plans involving large expenditure and of giving orders for their execution without informing the Home Government until months after such works have been in progress".⁽³⁾ Nor must Wilmot follow the example of his predecessor and "consider himself at liberty to throw parts of the expense for colonial objects on convict funds on the plea that they may at some time conduce to better security and the prevention of

(1) Stanley to Wilmot No. 2, 24/4/1843.

(2) " " " No.87, 5/9/1843 Encl.

(3) " " " No.34, 23/6/1843.

irregularity on the part of the convicts".⁽¹⁾ Stanley referred to the allotment of the expense of the water police in Franklin's estimates for 1843.

One of the great advantages of the assignment system to the British Government had been the relief it had afforded to the Commissariat Chest in the maintenance and supervision of a large proportion of the convict population by the free settlers. The home authorities, anxious to perfect secondary punishments for the sake of both the nation and the offenders, had now pledged England to a new system entailing the maintenance of large numbers of convicts for long periods at the expense of the government. Lord Stanley was conscious of the merits of the old system - he later expressed the view that perhaps it had been rather hastily abandoned⁽²⁾ - and he was determined that in probationism, everything possible should be done to relieve the Imperial Treasury. Before any judgment of Wilmot's administration is made, it is as well to remember that on taking office he was clearly informed of the limits of his discretionary power. In matters of finance and convict management, the sanction of Her Majesty's Government was the prerequisite to any proceedings by the colonial authority.

(1) Stanley to Wilmot No.40, 10/9/1843.

(2) Debate in Lords 2/3/1846. Hansard, Third Series, Volume 84, Page 480.

I

A Hobart newspaper warned the new Lieutenant-Governor that Franklin had left him a "legacy of difficulties and disasters".⁽¹⁾ Certainly he was immediately confronted with difficulties; disasters came later.

The most immediate cause for anxiety was the condition of the colonial revenue. The Land Fund, so promising at the end of 1840, was non-existent and customs revenue was alarmingly low. The colony was committed to conclude the payment of large sums for the immigration of the last three years, and the expenditure in all departments of government was rising steadily. In February, Franklin had appealed for the resumption of the costs of police and gaols by the mother country. Wilmot received the response. Stanley and the Treasury had reached a decision. "I, therefore, feel it my duty to state most distinctly that you must dismiss from your mind all expectation that Her Majesty's Government will consent to any such arrangement. Considering the extent to which convict labour in Van Diemen's Land is made available for colonial purposes, Her Majesty's Government cannot admit that it is unfair to throw on the colony the expense of the police or agree to increase by such an addition the heavy expenditure already

(1) Hobart Town Courier 18/8/1843.

defrayed by this country on account of convict services". Wilmot must practice rigid economy in the public service.⁽¹⁾

Six weeks before receiving this, Wilmot had addressed two dispatches home on financial matters.⁽²⁾ He anticipated success for the Stanley regulations of convict management, but "under the pecuniary embarrassments of this colony," he did not think the expectation of convict labour paying its own expense would be fulfilled. Three days later he sent home a Report of a Committee on the Finances of the colony. The Convict Department put a great charge on the colony, since the costs of the police and the Judiciary were three times what they would be were Van Diemen's Land not a penal settlement. It was urged that either the British Government relax the pecuniary regulations regarding convict labour or bear a greater proportion of the burdens met by the colony. The answer to this second suggestion was received not long after in Stanley's categorical refusal to help with the cost of police and gaols. What of the first? Around "the pecuniary regulations regarding convict labour" centred much of Wilmot's difficulties, and to fully understand this somewhat complicated question it is as well to go back some years to the first introduction of the Probation System.⁽³⁾

The change in convict management had established large gangs

(1) Stanley to Wilmot No.95, 22/9/1843.

(2) Wilmot to Stanley No.34, 2/12/1843, and No.36, 5/12/1843.

(3) 3/5/1841. See Wilmot to Stanley No.133, 2/9/1846, for his summary of this history.

of men at labour in the hands of the government. When Wilmot arrived in the colony there were 25 in all, 6 of these in Tasman's Peninsula. Franklin had realized the necessity to make some distinction in the object of their employment, to decide whether it was for discipline only, or if it was likely to benefit the colony. On the advice of his Executive Council, he directed that where the gangs were working for purposes of discipline only, their superintendence and tools should be paid from convict funds. In the following month, it was arranged that where the employment was profitable to the colony, colonial funds should provide a certain number of overseers to each station. This allowance was made to all the gangs, except those at Tasman's Peninsula, even though at least three in the interior were kept employed for purposes of discipline only. In January 1843, Franklin received Stanley's regulations of August 1842 in which he directed that individual settlers receiving convict labour should pay the Commissariat at the rate then awarded to free labour in the colony, and the colonial government should pay for the employment of the men on works benefiting the colony at a rate proportioned to the full expense of their maintenance and tools. The colonial government was charged 6d. a day for each working man. The cost of convicts labouring for private benefit was set at 2/2d. a day for an unskilled labourer, and 4/6d. for a mechanic.

In April, the November regulations arrived. Stanley ordered the employment of the gangs in the unsettled districts of the colony, and the Comptroller-General, the ex-Chief Police Magistrate, Matthew

Forster, began to move them and consider their employment. He suggested that they be employed in making roads, draining, fencing and clearing land for sale along the main line from Hobart to Launceston.⁽¹⁾ Stanley rather sharply noted that Wilmot and Forster seemed to be considering only the colonial advantage. "Such is not the view of Her Majesty's Government. The primary object to be kept in sight in the employment of convicts is the raising by them of the produce necessary for their subsistence and the consequent diminution of the charge entailed upon the mother country. The benefit to accrue from the labour to Van Diemen's Land, important as I acknowledge it to be, is still but a secondary and subordinate consideration."⁽²⁾

Forster withdrew the gangs into the unsettled districts with no reference to the colonial convenience. Some roads which needed only a few more weeks of work were left abandoned and useless. In the financial embarrassment of the colony the new 6d. a day rate for public works made their continuation doubtful. In the past the colony had paid about £3,800 a year in superintendence, but Van Diemen's Land could not afford the £12,000 to £14,000 expenditure on public works under the new regulations. In December, Wilmot wrote that public works would have to be suspended although there were already unemployed convicts on government hands. Nine hundred awaited hire, and in 1844 there would be double the number of pass-holders seeking employment.

(1) Wilmot to Stanley No.11, 5/10/1843, enclosing Colonial Government Report.

(2) Stanley to Wilmot No.168, 26/3/1844.

If public works ceased, more convicts would be thrown on the Commissariat. Surely an annual sum of £4,000 would be a fair equivalent for convict labour to the colonial benefit?⁽¹⁾ Wilmot cut down the public works programme and awaited Stanley's decision.

The colonial revenue for 1843 had been over-estimated, and the expenditure for the year under-estimated. So acute was the financial embarrassment of the colony that in spite of a policy of severe retrenchment Wilmot was obliged to borrow from the Commissariat Chest in order to meet the ordinary expenses of government. In the early months of 1844, a series of dispatches reported these loans - £5,000 in February, £15,000 in March, another £15,000 in May. Wilmot's Finance Minute to the Legislative Council in July informed the colony that £39,000 had been borrowed. £5,000 had gone to meet the expenses of the former immigration. The charge for police, gaols and judiciary was "greatly disproportionate to our population and revenue", and this was caused by "the presence of the convict population in the colony".⁽²⁾ The Council members were only too conscious of this fact, and with their opposition was coupled a resentment that the colony had now to pay for the benefit of convict labour. References to "Downing Street despotism" in the Press became more frequent. Wilmot, explaining the loans to Stanley described the condition of the Land Revenue. In 1840 and 1841, this source provided £122,514; in 1842 and 1843, only £46,900.⁽³⁾ Rigid economy in the public service did not meet the

(1) Wilmot to Stanley No.34, 2/12/1843.

(2) Minute dated 23/7/1844, Legislative Council Papers and Proceedings.

(3) Wilmot to Stanley No.113, 25/5/1844.

case. The colonial government was obliged to fall into debt.

The depressed condition of the island's economy brought with it the problem of unemployment. Franklin had remarked the falling off in the demand for labour in 1843. This continued through 1844, while the supply increased as men emerged from the probation gangs to become pass-holders and more convicts obtained the ticket of leave or the conditional pardon. The November regulations had proposed that pass-holders unable to find private service be employed in jobbing parties in making roads and performing agricultural labour for settlers. The demand was simply not there. Wilmot reported that on the advice of the Comptroller-General he had found employment for numbers of them in the colonial public service as bakers, cooks, barracks constables and watchmen in various departments. This may have seemed a clear departure from his instructions, but Wilmot hoped their principle had not been sacrificed. "It must be the first object of the home government to give them practicable and profitable employment". The pass-holders in hiring gangs, congregated in the depots, were little better off than they had been in the probation stage, and this destroyed the convict's incentive to progress through the stages to freedom.⁽¹⁾ Stanley agreed to the measure as one of necessity not choice in a time of depression.⁽²⁾

Nearly every dispatch from Wilmot on convict matters in 1844 was devoted to the urgent unemployment problem. Towards the end of

(1) Wilmot to Stanley No. 67, 8/3/1844.

(2) Stanley to Wilmot No.289, 31/8/1844.

the year, two petitions from free mechanics, requesting alteration of the system of hiring pass-holders on wages were sent home. (1) The convicts were by no means the only labourers unemployed. Wilmot expressed his confidence in the Stanley regulations but observed that the pass-holder system would work only when there was a demand for their labour. These men were able to fall back on the government for maintenance, but convicts in the later stages of discipline and free labourers were on their own resources. At all costs, the development of a "thieving population" must be avoided.

Wilmot and the Comptroller-General, Matthew Forster, both made suggestions for the increase of the demand for labour. One solution was to encourage the agricultural interests of the colony. Wheat growing was a "low and losing adventure", whereas the value of wool was rising. Consequently settlers had lost interest in cultivating land, and this lessened their demand for labourers. Cultivated lands with a house and buildings were actually selling at less than the government price for waste lands, which had stopped selling at all. If only England would supply a market for Van Diemen's Land wheat by letting it in duty free, the colony would be restored to health, and be able to not only ^{to} defray "its own expenses, but to assist materially the expenditure of British funds". (2) Despite this glowing

(1) Wilmot to Stanley No.191, 4/9/1844, and 8/10/1844, and enclosures.

(2) Wilmot to Stanley 20/5/1844, No.118, 29/5/1844, and 14/7/1844.

recommendation, the British Government again rejected the idea of imperial preference for Van Diemen's Land.⁽¹⁾

Wilmot suggested encouragement to the immigration of potential employers by remissions in the purchase money of land. The money paid out by immigrants for the passage to the colony and in providing an outfit (farming implements, seeds etc.) might be taken from the price of his land. Thus, estimating these expenses at £200, the new settler might obtain 500 acres at £1 an acre for £300.⁽²⁾ The proposal was ignored, but it is interesting that Wilmot should support Arthur's idea that the desirable immigrants in a penal colony were the employers of labour.

Means of making the employment of pass-holders more attractive to settlers were considered. The Comptroller-General believed that employers were bothered by the regulations on the disposal of pass-holders' wages, of which part had to be placed in the Savings Bank. The pass-holder could not save much out of £9 a year. Forster and Wilmot suggested ways of easing the congestion at hiring depots. The seven-year men, always a troublesome class, might serve a longer term in the probation gangs. If the third class pass-holder were given the same rights as a ticket of leave man in assignment days, convict funds would no longer be responsible for his maintenance, and as a ticket of leave man the convict would find employment more easily than as a pass-holder. Stanley gave no orders for such departures from

(1) Stanley to Wilmot No.353, 30/11/1844.

(2) Wilmot to Stanley No.118, 29/5/1844.

his cherished regulations, and each year approximately 6,000 probation men became pass-holders. At the end of 1844, 2,700 male and 743 female pass-holders were unable to find jobs and Forster expected 1,000 more to be unemployed when harvesting was over. (1)

Each year, approximately 2,500 convicts were thrown on their own resources, i.e. received a ticket of leave or a conditional pardon. (2) Wilmot proposed a scheme of locating numbers of these men near the townships on small allotments at a nominal rental for from five to seven years. At the end of that period, the well deserving might either hold the land on a long lease at a fair rental, or pay a fixed sum at once, with a small annual quit rent. This suggestion received more attention from Stanley. A special qualifying Act of 8 and 9 Vic. c.95 exempted Van Diemen's Land from certain provisions of the Waste Lands Act (5 and 6 Vic. c.36). This ~~Repeat~~ allowed the local government "to appropriate lands on the allotment system for the support of pardoned convicts who might otherwise remain burdensome on the Commissariat". (3) Although the measure provided the necessary authority, the last clause shows a misconception of the situation of a pardoned convict, who had no claim on the Commissariat.

The conditional pardon originally confined the holder to the colony of Van Diemen's Land. The Comptroller-General recommended that

(1) Wilmot to Stanley No.310 enclosing Colonial Government Report of 27/1/1845.

(2) As above.

(3) Stephen to Trevelyan 27/11/1845 in papers printed and tabled in February 1846.

the scope of the pardon be widened to include the other Australian colonies, thereby providing an outlet for those unable to find employment in the island colony. Wilmot was not hopeful, for Gipps in New South Wales was opposed to the idea, but he put forward the suggestion in successive dispatches. Stanley authorized the proposed extension in February 1845.⁽¹⁾ He observed that he could not understand why Wilmot had not adopted that means of relieving the labour market long before. This was an unreasonable attitude from a Secretary of State so insistent upon the sanction of Her Majesty's Government.

II

Finding employment in a depression for the large influx⁽²⁾ of convicts was the greatest problem in implementing the November regulations, but others soon presented themselves. Lord Stanley had prophesied that there would be "difficulties of no ordinary kind" for Wilmot to encounter in "what related to the critical subject of the religious instruction of the convicts". He was early proved justified in this expectation. The Bishop of Tasmania, Francis Nixon, claimed the right of appointment and removal of Church of England religious instructors in the Convict Department. Stanley had directed Wilmot

(1) Stanley to Wilmot 5/2/1845.

(2) 13,800 arrived in 1842, 1843, 1844.

that this power rested with the government. Religious instructors were sent out from England. The Lieutenant-Governor had the right to dismiss them, on the recommendation of the Comptroller-General and, in the case of a Church of England man, after communication with the Bishop. In correspondence with the Archdeacon of London, Stanley maintained that "persons holding public employment at the pleasure of the Crown should be liable to be suspended at the direction and responsibility of the governor".

Bishop Nixon asserted his authority in his own way. A number of laymen had been sent out for service as instructors, in the expectation of ordination by the Bishop on arrival. Stanley and Wilmot recognised the desirability of their being in holy orders. The Bishop refused to ordain them and insisted on his authority over ordained members of the clergy, in or out of the Convict Department. When this control was disputed, he would take no interest in religious instructors, would not recognise them as members of his Church and forbade the colonial clergy to accept any assistance from them.⁽¹⁾ As a compromise measure, Archdeacon Marriott, a man "possessing the mind and confidence" of the Bishop, was appointed Superintendent of Religious Instructors, but Nixon was not appeased. Marriott had "the authority to exercise, temporarily, such spiritual supervision over convict chaplains as I may myself possess from the very nature of my office,

(1) Wilmot to Stanley 3/11/1845 encl.

of which I cannot be deprived by the mere wish of any laymen whatever".⁽¹⁾ The official dispute was aggravated and complicated by personal animosities. The strained relations between himself and the Bishop were a source of anxiety to Wilmot throughout his administration, and no doubt impeded the efficient working of religious instruction in the Convict Department. Stanley continued to support Wilmot in his right of dismissal, reminding him, however, that he must defer to the "spiritual authority of the Bishop".⁽²⁾ His dispatches betrayed, however, some impatience at the prolongation of the dispute.

Arrangements had to be made for the new method of managing female convicts. Early in 1844, Wilmot reported that he had selected a site at Oyster Cove on the D'Entrecasteaux Channel for the new female penitentiary.⁽³⁾ In England, plans and estimates for the construction were being prepared and the future staff appointed, but since it would take time to build the penitentiary, interim arrangements for the accommodation of women convicts arriving in Van Diemen's Land were considered by Stanley and the Home Department. They decided that a convict ship, the "Anson", would be fitted up with various compartments and used for this purpose.⁽⁴⁾ Early in 1844, the "Anson" and its future staff, led by the Superintendent, Dr. Bowden, and his wife,

(1) Wilmot to Stanley 12/3/1846 encl.

(2) Stanley to Wilmot. Confidential 30/6/1845.

(3) Wilmot to Stanley 13/1/1844.

(4) Stanley to Wilmot No.79, 18/8/1843.

arrived in the colony.⁽¹⁾ In this ship, women convicts arriving in Van Diemen's Land for the next few years passed their probation period. Mrs. Bowden as Matron devoted herself to employing the women and arrangements were made for their education. Wilmot and Forster made little reference to the progress of the new experiment. Dr. Bowden's report at the end of 1845 was forwarded without remark, except that the ship was rather inaccessible for settlers applying for servants. This consideration induced Wilmot to reject the Oyster Cove site for the new penitentiary, and to propose instead alterations to either the Cascades Punishment Station or to the Browne's River Male Hiring Depot. He made no judgment on the moral effects of the new system of female discipline, and the home authorities were resentful. Wilmot did not realise the importance of "one of the most interesting experiments connected with transportation".⁽²⁾

Although the 29th September 1844 was the date for the official annexation of Norfolk Island to Van Diemen's Land, Wilmot was from the beginning of his administration involved in the application of the November regulations to that settlement. Copies of the correspondence between the Colonial Office and Governor Gipps were sent to him, and Gipps forwarded his instructions to the new Superintendent of the island for Wilmot's comment.

Stanley's regulations stated that Norfolk Island should confine the long sentence men from the United Kingdom and such other

(1) Wilmot to Stanley No.41, 9/2/1844.

(2) Gladstone to Wilmot No.47, 20/2/1846.

convicts transported for colonial offences as the governments of Van Diemen's Land and New South Wales saw fit to send there. Gipps, wishing to avoid mingling his worst doubly convicted felons with the convicts fresh from England, suggested that he send these down from New South Wales to Port Arthur. He intended to send the best of his colonially convicted men to Norfolk Island.⁽¹⁾ Wilmot was alarmed by these proposals. If Van Diemen's Land were to receive the worst New South Wales convicts, there would be endless expense and dissatisfaction in the colony, and bushranging would be revived.⁽²⁾ He suggested that the long sentence man from England be sent to Port Arthur, and that Norfolk Island be kept for the doubly and trebly convicted already at Port Arthur and Norfolk Island and those sent in future from Van Diemen's Land and New South Wales.⁽³⁾ Stanley observed that this proposal involved a complete departure from the November regulations, "yet scarcely any argument or explanation was put forward". A later dispatch from Wilmot made a "brief explanation" but Stanley could reach no decision on the information supplied. It was inconvenient if Wilmot would "submit questions in so incomplete and unsatisfactory a manner". It caused confusion and delay when Van Diemen's Land was so far away.⁽⁴⁾ The point over which the two

(1) Gipps to Stanley Nos.151 and 152, 20/7/1844.

(2) Wilmot to Stanley 30/11/1844, 2/12/1844, 2/9/1845.

(3) Wilmot to Stanley 21/9/1844.

(4) Stanley to Wilmot 6/3/1845 and 7/5/1845.

colonial governors disagreed was settled when Stanley explained to Gipps that he intended the worst convicts of all classes to be sent to Norfolk Island.⁽¹⁾

The experiment in the social system of convict management conducted by Maconochie in Norfolk Island was not regarded by Lord Stanley as a success. There was evidence of dissolute idleness and of trafficking in transferable rewards. He particularly emphasized the "great and indefinite expense of the experiment". Maconochie was "pledged to his own course of proceeding", and in June 1843 his successor, Major Childs, left England to take up his duties.⁽²⁾

Stanley intended that the discipline of Norfolk Island should be severe. The men were to be kept at hard unremitting labour, the nature and amount of correction and indulgences would be carefully prescribed and care taken for the spiritual welfare of the prisoners. There must be economy with efficiency. A number of superintendents and overseers were sent from England to work under Childs.

The new Superintendent, or Civil Commandant as he was later called, came to a settlement which had for some years known a peculiar system of management, and to authority over officers and constables accustomed to that system. Within the settlement were confined new convicts and the very worst of the "old hands". The immediate task was to dispose of the 1,200 convicts already on the island. Nearly

(1) Stanley to Wilmot No.30, 10/9/1844 encl.

(2) Stanley to Gipps 29/4/1843.

all were transported to Van Diemen's Land, where Wilmot was obliged to disperse most of them over the probation gangs. 790 arrived in Van Diemen's Land in 1844, 123 in 1845, over 100 in 1846. The fact that the "old hands" could only be gradually removed was responsible for many of the difficulties in Norfolk Island. These men contaminated the new arrivals by their insubordinate spirit, their propensity to unnatural crime, and their tales of the good old days under Captain Maconochie.

In the years 1844 and 1845, 1,489 convicts arrived in the island, 1,093 from United Kingdom, 259 from Van Diemen's Land and 137 from New South Wales, and there was nothing like adequate accommodation for them. Childs was left very much to his own devices. There was no regular communication with Van Diemen's Land, and although Forster and Wilmot pleaded the need for a special steam vessel, Stanley gave no authorization for its construction. In October 1845, Childs sent down his report to the Comptroller-General. It was not an encouraging document. "As a penal settlement, nothing could be more incomplete in almost every respect but the solitary instance of its remote situation". The gaol was a "mere apology of a place of security for desperate offenders". The Commandant referred to his early difficulties when the approaching transfer from New South Wales to Van Diemen's Land jurisdiction left him without definite instructions from either government. Returns of the amount of crime on the island demonstrated the evil effects of associating new convicts with those of many years standing. Wilmot sent the report

home in December, supporting the case against this association and urging the need for a new penitentiary built on the Separate System.⁽¹⁾

In May 1846, Mr. Stewart, the visiting magistrate, arrived in Norfolk Island, and his report on return to Van Diemen's Land was more than disturbing.⁽²⁾ There was a painful degree of disorganization in the settlement, which was without standing orders. Many of the warders were corrupt. No attempt had been made at classification, although the lack of buildings made this difficult. Prisoners were insubordinate and in possession of knives. No effort had been made to check unnatural crime and there was evidence of odious atrocities. Everywhere was disorder and the conduct and language of indecency. Champ, the new Comptroller-General, judged Childs totally unfit for his position, since his weakness and lack of energy had allowed too much power to fall to his Chief Clerk.

On the advice of his Executive Council, Wilmot suspended Major Childs and decided to send the Police Magistrate of Hobart, Mr. Price, to take over the island. In making his report to England, Wilmot referred to four dispatches in which he had urged the need for some means of communication with the settlement. Stewart considered Norfolk Island to be on the verge of mutiny, and urged the Commandant to increase the severity of his discipline. A month after Stewart's departure, Childs took a decisive step. On the night of 30th June all tins and knives were taken from prisoners. This was the signal

(1) Wilmot to Stanley No.232, 19/12/1845 encl.

(2) Wilmot to Gladstone 6/7/1846 encls.

for an outbreak. The men rushed their guards and recovered their knives. In the uproar four constables were murdered, and order was restored only four days later with the arrival of Burgess, the Chief Police Magistrate, and a detachment of troops.

The mutiny at Norfolk Island closed the administration of Major Childs. His suspension put him under no moral imputation, but he was not the man to contend successfully with the remains of the relaxed Maconochie system, with inadequate accommodation and the mixed classes of offenders. As the Stipendiary Magistrate on the island observed, a new order of things had been grafted on a "notoriously lax and fatal system". Old officers and prisoners remained, and the laws of the island were not severe enough to maintain a system of coercion. Perhaps if Wilmot had argued more forcefully his proposal to make Port Arthur the place of reception for long sentence men from England, Stanley may have adapted his November regulations, but there is no certainty of this. The blame for the tragic failure must be evenly apportioned on the actual circumstances of the settlement, on the association there of old and new convicts under the November regulations, on the personality of the Commandant, and on the tendency of Wilmot to set the affairs of Norfolk Island to one side.

III

Any failure on the part of the Lieutenant-Governor with respect to Norfolk Island after that settlement came under his

jurisdiction is best explained by the progress of affairs within the colony.

The year 1845 began badly for the government with the reception of a dispatch from Stanley which put an end to any hopes of relieving the local revenue of heavy charges for the employment of convicts in works to the colonial benefit. The Colonial Office attitude to Wilmot's proposal of £4,000 as an annual equivalent for the advantages of this employment was finally and definitely stated. Such an arrangement was quite unacceptable. "If the free inhabitants cannot purchase the labour which we have to sell at a price which it is worth our while to accept, it remains for us to consider whether some other advantageous employment of it cannot be found". Such employment had already been recommended in the raising of food and production of articles by the convicts to assist in their own maintenance. The colonists had no claim to be supplied with labour free or cheaply "unless the British Treasury interests allow it", and they did not. "To whatever extent the free settlers are willing and able to employ the convicts as servants in the later stages of their punishment, to that extent it is an arrangement of mutual advantage".

The Report of the Finance Committee sent home by Wilmot in December 1843 had declared that the expenses of colonial departments were increased by the presence of the convict population. This applied particularly to the judiciary. Stanley thought the calculations vague and the grounds inadmissible. If the principle were admitted that the

expenses of local establishments could be analysed to distinguish local and British responsibility, there would be no prospect of maintaining a just economy in the public expenditure. "It must ever be borne in mind that Van Diemen's Land was a penal settlement before it was a colony. The access of free settlers to the island has been in many ways of great value, and has much facilitated the execution of the system of transportation. But still, the primary great object in occupying Van Diemen's Land having been the establishment of a penal settlement there, it is not to be admitted that the free colonists are entitled to regard the convicts as intruders, or to claim any indemnity for the inconvenience with which their presence may be attended".⁽¹⁾ Here was the Imperial point of view, and Lieutenant-Governor Wilmot was obliged to stand by it in the face of the opposition of an indignant colony.

When this dispatch reached Wilmot, he had already heard of Stanley's "decided disapprobation" of the policy of borrowing from the Commissariat Chest.⁽²⁾ The Commissariat was ordered to prevent any further unauthorized loans. Other means must be found to equalize colonial revenue and expenditure. At an extraordinary session of the Legislative Council in February, Wilmot moved the increase of customs duties and the repression of illicit distillation. Despite opposition within the Council and a string of protests and petitions from groups

(1) Stanley to Wilmot No.289, 31/8/1844.

(2) " " " 18/7/1844.

in the community, the measure was passed. It was agreed that another loan should be obtained - £25,000 from the Commercial Bank.

In the early months of 1845 Forster and Wilmot were busy devising means of employing convicts on works to the immediate or prospective benefit of the Imperial Treasury. Gangs were moved from the interior to coastal stations for the cultivation of wheat. In January 1845, 2,700 male and 743 female pass-holders were awaiting hire, and 6,000 more were expected to obtain the Probation Pass during the year. Measures were considered to meet this problem. The proposal that pass-holders be employed in an irrigation scheme financed by local rates aroused much opposition among the settlers.

Wilmot again attempted to explain the deficiency of the revenue to Stanley. The colony had assumed the charge for police and gaols in return for the land revenue. The condition remained, but the consideration had not continued.⁽¹⁾ The Secretary of State was deaf to this argument and did not consider it a satisfactory explanation of the Commissariat loans. In one dispatch Wilmot estimated the rise in the costs of police and gaols.⁽²⁾ Stanley found a fault in the addition, and remarked that for much of the time Van Diemen's Land had the benefit of a large revenue from land sales.⁽³⁾

Before the July session of the Legislative Council, the Lieutenant-Governor turned for guidance and support to his Executive

(1) Wilmot to Stanley No. 78, 25/6/1845.

(2) " " " No.164, 22/7/1844.

(3) Stanley to Wilmot No.421, 21/4/1845.

Council, but they were not forthcoming. When the July session opened, the unofficial members harped constantly on the general charge on colonial revenue as a result of the penal character of the colony, and on the exorbitant cost of police and gaols. Wilmot was obliged to withdraw the estimates, and to adjourn the Council till October.

Resistance was not confined to the unofficial members of the Legislative Council. The number of colonists opposed to the continuation of transportation under any system was not yet negligible, but dissatisfaction with British policy to a colony beset by financial and economic problems had developed rapidly in the past three years. It seemed that the home authorities were influenced only by considerations of the Imperial advantage and had no concern for the welfare of Van Diemen's Land and its free settlers. The colonial press was outspoken and sarcastic in criticism of government measures, and Stanley's probation system received most of the blame for the distress. Public meetings were eloquently addressed by the more enthusiastic of the government's opponents. A small group of men outside the Legislative Council were energetic in expressing the grievances of the free settlers. They prepared a petition to the Crown, published it in the newspapers in May, and eagerly sought the signatures of as many persons as possible. When Wilmot sent this document to England in August, 1788 colonists had signed.⁽¹⁾

Lord Stanley had emphasized that Van Diemen's Land was primarily a penal settlement, that settlers had emigrated with that

(1) Wilmot to Stanley No.110, 1/8/1845 encl.

knowledge and must therefore endure any "inconvenience" resulting from the presence of the convict population. The petition refuted this argument. Van Diemen's Land had been a colony as well as a gaol when the settlers emigrated. The Colonial Office had in fact induced them to settle by the promise of free grants. There had been no hint then that the island was to become the "sole receptacle" for the transported convicts of the United Kingdom. Between January 1841 and October 1844, nearly 14,000 males and 2,500 females had been transported to the small colony, where the numbers of police and military were inadequate for their control. As well as the charge for police and gaols, colonial revenues had to meet the inordinate expenses of the judiciary. Witnesses' expenses in the eighteen months before June 1844 had amounted to £2,447, and of this sum £2,208 was for witnesses at the trials of convicts. The Legislative Council, the members of which were all Crown nominees, had increased taxation to defray these charges in the face of opposition expressed in many petitions. The colonists were thus obliged to suffer taxation without representation. The colony was in debt and not more than £2,000 was estimated to accrue from the Land Fund in 1845.

The petition went on to describe the "frightful effects" of the present system of convict discipline. The last few years had seen an alarming increase in crime. The moral condition of the colony was so steadily deteriorating that the free settlers were conscious of a total lack of security. Free labourers in large numbers were unemployed

and might be expected to leave the island, thus lessening the proportion of free inhabitants. The distress caused by the "violent commercial convulsions" of the Australian colonies had been aggravated in Van Diemen's Land by the transportation system. Certainly the large Commissariat expenditure had assisted the settlers in the times of depression, but this consideration could not be put in competition with "interests of a higher nature", nor could the settlers "allow it for a moment to weigh against the moral evils this system produces!" The petitioners prayed that the number of convicts in the island be reduced to that of 1840; that transportation should cease till then, while measures were taken for the adequate protection of the free inhabitants and better means found for the convicts' moral and social improvement; that the colony be relieved from every expense occasioned by convicts not in the employment of settlers, and that arrangements be made for the gradual and total abolition of transportation to Van Diemen's Land. (1)

The Lieutenant-Governor had been asked to support the plea of the petition, and to guarantee the statements in it as neither erroneous nor exaggerated. This he declined to do. The remarks with which he accompanied the petition show that he considered it a much prejudiced statement of the case. It ignored the advantages which the colony had in the past obtained from transportation and blamed the Probation System for distress which had largely been the result of

(1) Wilmot to Stanley No.110, 1/8/1845, enclosing petition.

optimistic speculations in 1839 and 1840. Wilmot refused to agree that the colony had deteriorated morally and that there was any lack of security. He observed that the "vast majority of colonists" eminent for their "character intelligence and property" had not signed.⁽¹⁾ It was a petition from a small class of the inhabitants. Many of the petitioners were men who had systematically opposed the local government, some were disappointed and ready to ascribe their difficulties to any cause, others were willing to sign anything, "a few" were conscientious. When Robert Pitcairn, an eminent solicitor and one of the leading spirits of the petition, wrote to Stanley claiming that in six months 1,500 persons had emigrated from the colony, Wilmot questioned the correctness of his estimate, and observed to Stanley that the majority of the departures had been emancipists, either collected by agents from the other colonies, or idle and vagrant characters.⁽²⁾

In the weeks intervening between the end of the July session of the Legislative Council and the opening in October, the resistance of the unofficial members to the government policy hardened. Wilmot had to contend against the tactics of an organized opposition party, and his efforts to carry through the new estimates were obstructed by motions to discuss the convict charge on the colonial revenues, by amendments and by bitter attacks on the Probation System. Finally

(1) Wilmot to Gladstone No.118, 10/8/1846. He claimed that of 1,005 Hobart petitioners, 363 were emancipists, 19 convicts and 20 dead men.

(2) Wilmot to Stanley No.115, 7/8/1845 encl.

before the third and final reading of the Bill, six of the eight unofficial members left the Council room and their resignations followed in the next few days.⁽¹⁾ Lieutenant-Governor Wilmot was faced by a political crisis.

The resignation of the "Patriotic Six", as these members were known by their supporters, marked the culmination of the colonial resistance. Their action, enthusiastically acclaimed by some, was criticized by many as being injudicious and encouraging faction in the colonial politics, but it definitely expressed the general opposition of the free settlers of Van Diemen's Land to a colonial policy dictated simply by considerations of the Imperial advantage. The Lieutenant-Governor was able to replace the six empty places, but the former occupants remained politically active. Perhaps unwittingly, they had launched the significant campaign for representative government for Van Diemen's Land. This had been discussed in Arthur's day, but it was not until economic depression and Stanley's financial policy forced Wilmot into unpopular measures that the dream became a definite goal. A petition to the Crown was handed to Wilmot in February 1846. Three thousand colonists had signed the prayer for an elective assembly.

IV

As part of the change in the system of secondary punishments after the Molesworth enquiry, it had been decided that selected short

(1) Legislative Council V. & P. 31/10/1845 and Hobart Town Courier 1/11/1845.

term convicts should go to the new reformatory prisons at Parkhurst and Pentonville, and then be sent to Van Diemen's Land, either to the probation gangs, or to hold a pass or a ticket of leave according to their merits.

Parkhurst was established in 1838 for juvenile offenders under special prison discipline; the boys received religious and moral instruction, and were taught agriculture and trades. The Home Office was impressed by the advantages of their leaving England at the end of their term. The prison authorities classified the boys into various groups and decided in conference with the Colonial Office which colonies should receive them. Some would be sent to Pt. Puer in Van Diemen's Land, others leave as "apprentices" or emigrants for Port Phillip and New Zealand.

In May 1843, the Government decided to send to Van Diemen's Land a group of Parkhurst boys of all classes. The "Mandarin" arrived in October with 8 ordinary convicts for Pt. Puer, 17 probation pass-holders, 22 apprentices and 11 emigrants. They seemed at first remarkable for their "gentle expressions" and ability to sing hymns "affectingly", but it soon appeared that the last three classes considered any restraint on their freedom of movement and action a breach of promises given when they left Parkhurst. It took the authorities three months to dispose of the boys in private employment, and Wilmot judged it a "very interesting, but I regret to add, unsuccessful experiment in immigration".⁽¹⁾

(1) Wilmot to Stanley No.187, 30/8/1844.

When Pentonville Prison was opened, placards were placed in the separate cells assuring the convicts that when sent abroad they should receive employment and wages. The lack of demand for labour in the Australian colonies had caused the Home and Colonial Offices to reconsider the position, but it was decided that certainly the better class of Pentonvillians should go to Port Phillip as "exiles" with free pardons, not to return until their sentences had expired. ⁽¹⁾ Wilmot was instructed to prepare to receive a certain number of Pentonvillians who should have a ticket of leave or a pass on arrival.

In February 1845 the ship "Sir George Seymour" brought the men to the colony. Ninety-one ticket of leave men and 78 pass-holders were disembarked, and the Superintendent, Dr. Hampton, departed with 170 exiles for Geelong where there was a good demand for their labour. The hopes of the home authorities and the expectations of the men themselves were soon disappointed by the severe unemployment in Van Diemen's Land. Hampton, on his return, found "their previous expectations a mockery, their present prospects worse than slavery, and their future moral ruin and contamination almost a certainty". His report, sent home by Wilmot in May, made it clear that the colony was no place to rehabilitate to society men who had been confined in Pentonville under the separate system. ⁽²⁾

(1) Stanley to Wilmot. Separate 27/7/1844.

(2) Wilmot to Stanley 14/5/1845 enclosing Hampton Report.

In his separate dispatch on the Pentonville Plan in July 1844 Stanley had written: "Her Majesty's Government consider it indispensable that within the Australian colonies receptacles should be found for the reception of all convicts and exiles who might be sent from this country in execution of judicial sentences". A dispatch which he drafted in September 1845 shows that Wilmot's frequent emphasis on the redundant supply of labour in his colony had at last convinced the Secretary of State that the pressure on the labour market must be relieved. Alarming rumours of the fate of the Pentonvillians confirmed this impression.

The extension of the scope of the Conditional Pardon to include the other Australian colonies was one measure of relief. For some time, the home authorities, particularly the Inspectors of Prison Discipline, considered a development of the Exile idea, so that all prisoners should be confined first in an exclusively penal settlement and then, after this seclusion with preliminary training and instruction, be spread over the Australian colonies with conditional pardons. After some months of discussion between the Home and Colonial Offices, a completely different plan emerged. Stanley's draft dispatch of September invited Wilmot's comment on a proposal to form a settlement for emancipated convicts in North Australia, 100 miles north of Moreton Bay. The liberated convicts in Van Diemen's Land might be transported there, and their numbers increased by exiles who had served their prison sentences in the United Kingdom. The plan was sent to

the Treasury in November with assurances of economical and moderate government, and in February 1846 received the sanction of the Lords Commissioners.

Not long before his retirement from the Peel administration,⁽¹⁾ Lord Stanley addressed the Treasury on the subject of the charges for police and gaols.⁽²⁾ He explained that the land revenue of Van Diemen's Land had diminished, and the cost of police and gaols had risen since. Van Diemen's Land and Norfolk Island were the only receptacles for transported convicts. This fact had deterred the immigration of respectable capitalists, and the charges amounted to 20/- to every free settler in the colony. The Treasury consent was given to the payment annually of £24,000 from the Commissariat for police and gaols, on the condition that the proceeds of the Land Fund should revert to the Commissariat Chest. The Treasury Lords refused to accept any responsibility for the financial embarrassment of the past years. These had been due to "laxity of system" and "profuse expenditure", encouraged by the large land fund of previous years. The Lieutenant-Governor had quite disregarded the necessity of keeping to authorized expenditure. Too much had been spent under "contingencies" and in meeting unforeseen expenses which were unprovided for in the estimates, and which Wilmot had therefore no legitimate authority to incur. Gladstone, the new Secretary of State for Colonies wrote to

(1) In December 1845. He was replaced by W. E. Gladstone.

(2) Stephen to Trevelyan 27/11/1845. Papers ordered to be printed and tabled before the House in February 1846.

inform Wilmot of the decision and drew his attention to the Treasury reprimand.⁽¹⁾ The Lieutenant-Governor pointed out that the supplementary votes from 1836-1843 came to £124,204, and had always been regarded as much authorized government expenditure as that appearing in the estimates.⁽²⁾

The petition of the 1,788 inhabitants of Van Diemen's Land against the oppressive financial and the transportation policies of the British Government achieved more success than the dispatches of Wilmot. "We are free British subjects and entitled to the protection of the British constitution - we will not submit to oppression where we can resist and repel it". This appeal, supported by the lengthy list of grievances, found a receptive audience just as the replacement of the Tory Government by the Whigs under Lord John Russell was being contemplated in Britain. The "Morning Chronicle" of the 31st December 1845 wrote: "Lord Stanley has grossly mismanaged nearly all our colonies. The change of ministry will no doubt be accompanied by a reform of the Colonial Office".⁽³⁾ The next day's paper recommended the petition to readers, although observing that the petitioners had chosen to ignore their advantages from convict labour. "The Times" was more partisan. The treatment of Van Diemen's Land was "one of the

(1) Gladstone to Wilmot No.64, 14/3/1846.

(2) Wilmot to Gladstone No.124, 24/8/1846.

(3) Quoted in "Hobart Town Courier" 27/5/1846.

most flagrant breaches of public faith that even the annals of our colonial administration can afford".⁽¹⁾

In the House of Commons, a Mr. Ewart gave notice on the 5th February of a motion "That it is expedient that the present system of making Van Diemen's Land a general receptacle for convicts should cease. That it is expedient that transportation should be no longer maintained as a punishment but be continued only as a support to the previous punishment of imprisonment". On the 23rd, Sir James Graham managed to secure a postponement of the motion. There were certain papers pertaining to the subject which should be printed and laid before the House.⁽²⁾

These papers included Stanley's draft dispatch on the North Australia plan, in which he expressed his disappointment that Wilmot had not supplied him with more general information on the defects and errors of the Probation System. He had received only five reports from the Comptroller-General and seventeen dispatches from Wilmot on matters connected with the transportation system. Forster had supplied statistical details; the question of employment had been "almost the single theme of your own dispatches". The correspondence on the decision on police and gaols was also printed in an effort to show that the Colonial Office had taken some steps to relieve Van Diemen's Land. Wilmot's comments on the "erroneous and exaggerated statements"

(1) "Times" 20/1/1846. Quoted in "Hobart Town Courier" 10/6/1846.

(2) Ewart put his motion on 26/5/1846, but only 27 members were present, and the House was counted out. (Hansard, Third Series, Vol. 86, page 1288). On 20/7/1846, he again addressed the Commons on the condition of Van Diemen's Land, and Sir George Grey assured the House that the matter was engaging "the serious and earnest attention" of the Government. (Vol. 87, P. 1347)

in the petition naturally appeared. All these printed papers were immediately dispatched to Van Diemen's Land by a Mr. McLachlan, and were published in the colonial press before the unfortunate governor knew of either their existence or content. He was humiliated by the reprimands of Stanley and the Treasury before colonists roused to fury by his seeming inability to appreciate their wrongs and by his failure to support their claims to redress. Gladstone regretted the delay in sending the documents, but "was not aware that the publication before transmission will make any practical difference".⁽¹⁾ At the time he acknowledged this, Wilmot was in despair. The colony had turned against him. He was "calumniated here and in England. If I did not feel it, I would not be a man".⁽²⁾

Rumours of the prevalence of unnatural crime in the probation gangs were assiduously fanned by the anti-probationists. Early in 1846, Robert Pitcairn was writing excited letters on the subject to England. Wilmot was accused of hiding terrible facts from the home authorities, of intentional misrepresentation in fact. A newspaper article, signed by Cato (one of the ex-members of the Council) referred to the inefficiency and corruption of the administration and its "tyrannical duplicity".⁽³⁾

Wilmot, soon after arrival, had sent a confidential dispatch on the subject of this evil, which he confessed he did not know how to

(1) Gladstone to Wilmot No.51, 25/2/1846.

(2) Wilmot to Gladstone No.100, 10/7/1846.

(3) Wilmot to Stanley No.53, 6/3/1846 encl.

diminish.⁽¹⁾ Stanley made little reference to the subject, other than in connection with Norfolk Island, where he urged separate sleeping berths, lamps by night, and the watchful supervision of night warders. Late in 1845, the subject was brought to the Government's notice, and not long before his death, Forster, the Comptroller-General, ordered remedial measures in the Coal Mines on Tasman's Peninsula. Medical officers in the Convict Department were called upon to make reports, and most agreed that unnatural vice did exist, although they differed in their estimation of its prevalence.⁽²⁾ All recommended lamps, overseers and separation, which makes it appear that these remedies had not been efficiently tried. Wilmot claimed that since November 1843 he had taken all possible precautions against the offence, but the large assemblages of men made its complete prevention impossible. The new Comptroller-General, Champ, blamed the dispersion of the Norfolk Island convicts through the probation gangs for much of the mischief. His report for January-June 1846 listed 45 men sent to Van Diemen's Land for the crime in the past year and observed that the November regulations made no reference to separation within the huts. Both Champ and Wilmot claimed that the prevalence of the crime was much exaggerated, and that the reports of the medical officers supported their opinion.

The charge of duplicity on the part of the governor was certainly unjust. Not only did the opponents of transportation

(1) Wilmot to Stanley. Confidential 2/11/1843.

(2) Wilmot to Stanley 17/3/1846 enclosing medical reports.

emphasize the crime as a weapon against the Probation System, but the opponents of Wilmot used the subject as a lever against him. Champ heard that the subject had earlier been brought to the notice of Bishop Nixon, who made no report to the colonial authorities. The Chaplain of St. George's Church, the Rev. Mr. Fry, referred to early complaints from the chaplain at the Coal Mines, but these did not reach Wilmot or the Comptroller-General.⁽¹⁾ Wilmot informed Gladstone that Bishop Nixon had visited Tasman's Peninsula shortly before his departure for England, and although Wilmot had asked him for any information as to the result of his enquiry there, Nixon furnished him with no report. In England, Nixon's representations on the prevalence of unnatural crime and on the moral character of the Lieutenant-Governor had a very important bearing on Gladstone's assessment of Wilmot's administration.

Stanley in his draft dispatch had reproached Wilmot for the deficiency of his reports. Gladstone agreed with his predecessor. He wanted reports on the "higher and more momentous aspects" of the general question of convict discipline, on the moral and physical health of the convict population, their "culture" and improvement in religious knowledge, their regard for temperance and decency. Wilmot was ordered to prepare such a general report immediately, with the help of the clergy and of the civil and military officers of the colony.⁽²⁾

(1) Wilmot to Gladstone No.138, 4/9/1846.

(2) Gladstone to Wilmot No.53, 28/2/1846.

Two months later, Gladstone recalled the Lieutenant-Governor.⁽¹⁾ Accounts of the "most revolting excesses" in the probation gangs had reached England. These stories must have some foundation, yet Wilmot had made no reference to such a formidable state of affairs. He seemed not even conscious of the moral condition of the convicts and had failed to probe "the inner world of their mental, moral and spiritual state". Briefly, he had "altogether failed in a principal portion of your duty, namely the active care of the moral interests involved in a system of convict discipline". Wilmot was not blamed for the financial and political circumstances of the colony, nor judged deficient in his ordinary executive duties. A private dispatch which accompanied the official recall informed him that imputations had, however, been cast on his private moral character. Not many months after receiving these papers, Wilmot died in the colony which he had administered for three critical years of its history.

The new era for the colonies, hailed by the "Atlas"⁽²⁾ in England at the beginning of the new Whig administration had dawned too late for Eardley Wilmot. His name has been cleared of the moral stigma. How far was the judgment of his public administration justified? It is true that his dispatches made little comment on the

(1) Gladstone to Wilmot No.104, 30/4/1846.

(2) The "Hobart Town Courier" of 15/8/1846 quotes "Atlas" of 7/3/1846.

general aspects of convict discipline. He made no judgment as to how far the Probation System had succeeded in fulfilling the desired objects of punishment and reformation. Only the difficulties involved in the Bishop's refusal to ordain religious instructors seems to have brought the question of the "moral education" of convicts to the particular notice of the Lieutenant-Governor.

As an administrator, Wilmot certainly lacked the ability and forcefulness of Arthur. Stanley's condemnation of him was more sweeping. Before there was any thought of recalling him, the Secretary of State described him to Peel as a "muddle brained blockhead".⁽¹⁾ Yet Arthur, after all, had administered a system which was very much his own creation, adapted to suit colonial circumstances as well as the needs and demands of the British Government, while the November regulations were devised in England by an aristocratic and overbearing Secretary of State, who expected much of and gave little to his subordinate in the colony. Wilmot, unlike Arthur, was not intimately concerned with the everyday administration of the Convict Department. This was the affair of the Comptroller-General, an office held for most of the period by Matthew Forster, removed from the office of Director of the Probation Department by Franklin with some imputation of lack of energy, and reinstated on the express order of Lord Stanley as head of the new Convict Department.⁽²⁾ According to John West,

(1) Chapter 16, page 389, in W. P. Morrell "Colonial Policy of Peel and Russell", quoted from Peel papers.

(2) Stanley to Franklin. Private 23/3/1843.

Forster never had any belief in the system which he had to administer.⁽¹⁾ His reports consisted of a mass of statistical returns with desultory comments.

Wilmot admitted that he was obsessed by two problems, the want of employment and the lack of revenue.⁽²⁾ Just at the time when the colonial labour market had contracted in depression, Van Diemen's Land was swamped by a convict labour supply. The probation gangs had to be employed in some way that would not seem too beneficial to the colony in case the deficient colonial revenues should have to pay for them. Pass-holders available for private service were congregated in depots in much the same condition as they had been in the gangs. Although the demand for labour was improving throughout 1845⁽³⁾ and 1846, nevertheless 3,268 convicts remained at hiring depots in December 1845, and 3,086 in June 1846. The Colonial Office attitude that the "primary object" of the employment of convicts was the relief of the Commissariat, and Stanley's restrictive regulations on convict employment in colonial public works left Wilmot to face a desperate situation. In December 1845, the Deputy Commissary-General inspected the crowded hiring depots and probation stations. He wrote to the Treasury that either less convicts should be sent or the stringent

(1) Vol.ii, page 305 History of Tasmania.

(2) Wilmot to Gladstone No.100, 10/7/1846.

(3) There were 1,152 more convicts in private service in July 1845 than at the beginning of the year.

regulations for their employment should be modified.⁽¹⁾ Nevertheless a month before receiving his recall, Wilmot was obliged to address a long dispatch to Gladstone on the subject of a Commissariat claim for £32,672 for convict employment in works to colonial benefit in the period from 1/4/1843 - 31/3/1846. The labourers had been employed in the interior only for purposes of discipline; the remission of these charges would be "an act of justice".⁽²⁾

Wilmot observed that "too much economy" had been the mistake of the Commissariat, which remembered Stanley's injunction as to the primary object of convict employment, yet had not "either in extent or with sufficient dispatch furnished the buildings required".⁽³⁾ Earl Grey, discussing the history of transportation in the second volume of his work on his own colonial policy, thought it "only just to Wilmot to say that he had not enough means". Stanley had given instructions on religious teaching for convicts, but none for the immediate erection of suitable prisons for their reception, and he did not provide enough able and efficient officers. It was a mistake to sacrifice to economy. The financial policy of the Stanley administration was the spur to the colonial movements for representative institutions and the abolition of transportation. Loyal to his home authorities,

- (1) Wilmot to Stanley No.18, 23/1/1846, enclosing Colonial Government Report and letter of Maclean to Treasury 6/1/1846.
- (2) Wilmot to Gladstone No.133, 2/9/1846.
- (3) Wilmot to Gladstone No.128, 29/8/1846, enclosing Colonial Government Report for January-June 1846.

Wilmot first faced ridicule and hatred in the colony, and finally suffered the humiliation of recall. Gladstone had unintentionally made Wilmot the scapegoat for the mistakes of his predecessor in the Colonial Office.

Lord Stanley attempted to defend his policy in the House of Lords in March 1846, when the petition of the Van Diemen's Land colonists for redress was being discussed.⁽¹⁾ He came to office at a time when only Van Diemen's Land and Norfolk Island were available to receive transported convicts, and when the hulk system of secondary punishment had been recently condemned. The convicts which might in the past have been sent to New South Wales had to go somewhere.⁽²⁾ This had inflicted considerable social and financial evil in Van Diemen's Land, but the petitioners were exaggerating when they spoke of being swamped by the influx, and much of their embarrassment was due to "land speculations and enormous usury" followed by a period of insolvency and depression. The condition of New South Wales had improved, and it was to be hoped that Van Diemen's Land would soon recover. What could "we do with the sweepings of our gaols in this country" if they could not be sent to Van Diemen's Land? The settlers had enjoyed many benefits from convict labour, and many had received land grants on terms including the employment of convicts. They must have been fully aware it was a penal settlement. "Notwithstanding

(1) Hansard, Third Series, Vol.84, p.480: The Marquess of Lansdowne presented the petition.

(2) Earl Grey noted that 19,878 males were transported to Van Diemen's Land from 1829-1840 (annual average of 1,658) and 17,637 from 1841-1845 (annual average of 3,527).

what has been stated, Van Diemen's Land was and always has been a penal colony from the commencement, and I see no reason why it should not continue to be a penal colony".

Stanley's defence of his policy in Van Diemen's Land failed to convince the English press; it could hardly be expected to appeal to the colonists. An increasing number of settlers were finding reasons why the island should not continue to be a penal colony, and looked with hope to the Liberal administration of the government of Lord John Russell. (1)

(1) Russell formed his Whig government in June 1846. The projected change of Ministry in December 1845 had not taken place, and Sir Robert Peel remained in office for a further six months.

CHAPTER VII

TOWARDS ABOLITION

Even before the Whigs came to office, it had been decided in England that steps should be taken to remedy the situation in Van Diemen's Land. The reports of C. J. Latrobe, sent from Port Phillip to administer the colony until the arrival of Wilmot's successor, confirmed the unofficial accounts of disorganization and immorality in the probation gangs. Gladstone realised that an improvement in convict management there could not be accomplished while convicts continued to pour into the colony. He wrote to Governor Fitzroy in NewSouth Wales suggesting the possibility of renewing transportation to that colony by a "modified and carefully regulated introduction of convict labourers". This was simply a proposal for the consideration of Fitzroy and the Legislative Council, and Gladstone promised to take no steps without the approval of the colony.⁽¹⁾ In the meantime, Van Diemen's Land needed relief and Gladstone was anxious that at least two-thirds of the annual stream of males transported should be diverted elsewhere for the next two years.⁽²⁾ He intended to increase the

(1) Gladstone to Fitzroy. Private and Confidential 30/4/1846.

(2) James Stephen, Colonial Office, to L. M. Phillips, Home Office, 13/5/1846.

number of convicts employed on public works in England, Gibraltar and Bermuda, and hoped that the Cape of Good Hope could use a small number in such employment.

The Secretary of State for Colonies in Russell's Whig government was Earl Grey, who as Viscount Howick had established a reputation as a colonial reformer. He was prepared to consider how representative institutions might be extended to Van Diemen's Land, and the colonists expected a sympathetic hearing for their grievances from such a minister.

Before discussing Grey's transportation arrangements, it will be of some assistance to note the disposal of convicts sentenced to transportation in the years 1842-1845. Pentonville, the separate prison, was opened in 1843 and to it were sent adult males,⁽¹⁾ of whom a number subsequently reached Port Phillip as exiles or Van Diemen's Land as pass-holders or ticket of leave men. Parkhurst received selected juvenile offenders, and the remainder were sent to Point Puer in Tasman's Peninsula. The hulks had been generally condemned, and it was hoped that they might be gradually abandoned except to confine invalids and others unfit for transportation.⁽²⁾ An Act of Parliament had placed Millbank on a new footing as a depot to receive convicts after sentence before disposal to Pentonville, public works or to the penal colonies. In the three years, Gibraltar and Bermuda

(1) 497, 240 and 283 men were sent to Pentonville in 1843, 1844 and 1845.

(2) Wilmot frequently complained of the number of lunatics and invalids sent to Van Diemen's Land.

absorbed less than 1,500 convicts. Van Diemen's Land and Norfolk Island together received the remainder.⁽¹⁾

Grey's first dispatch to the new Lieutenant-Governor of Van Diemen's Land, Sir William Denison, announced that transportation to that colony would cease for two years. The probation system was judged a complete failure, and although Grey found the "inexperience and want of zeal" of the colony's administration partly responsible for this, he admitted that economy on the part of the United Kingdom had "unforeseen and injurious" results. The reduction in the number of transports would do much to ease the situation, but the fact remained that suitable employment had to be found for the convicts already in the colony.⁽²⁾

Stanley had directed that the primary object of convict employment was the raising of their own food. The colony could use their labour in the public works on a specified rate of payment, and also in clearing land for sale. A special Act had repealed the Waste Lands Act for Van Diemen's Land to enable the local government to employ convicts in improving remote parts. These lands might later be sold to benefit the Treasury in compensation for the maintenance of the men while they were so employed. This qualifying Act⁽³⁾ also allowed the local government to appropriate lands on the allotment system for

(1) See figures showing disposal from Millbank in letter Sir George Grey to Earl Grey 20/1/1847. Printed papers of the Commons.

(2) Grey to Denison No.1, 30/9/1846.

(3) Act 8 and 9, Vic.c.95.

pardoned convicts. Grey combined these two projects into a scheme of his own. He proposed that convicts might in future be employed in preparing villages for the occupation of labourers. Convicts with passes and tickets of leave should have the chance to become tenants of small allotments in these villages at a small rental and raise their own food. The men were also to be available for making roads and preparing houses and lands for sale to emigrant capitalists. The lands thus improved would bring a remunerative price to government, and part of the proceeds could be devoted to the introduction of free labour to remove the taint of convictism. The convicts, when they were able to contribute half the cost, should be allowed to send for their wives and families, and the community in the village would provide a market for the settlers.⁽¹⁾ It was rather an Utopian scheme - "in short, a complete society would be formed in which all human wants would be supplied by human labour" - but less likely to be objectionable to the settlers than the employment of gangs in raising wheat to compete in the Commissariat market.

The erection of villages, clearing and fencing land was to be the first means of convict employment. The second was to use them in works to the colonial benefit. Grey recognised the impolicy and injustice of the claim made by the Commissariat for the work of certain probation gangs. In a letter to the Treasury, Stephen wrote, "Lord Grey considers it a very small return for the evils inflicted upon

(1) Grey to Denison No.1, 30/9/1846.

the colony, that it should have, thus free of charge, any advantage which it can derive from convict labour". The Treasury agreed to remit the charge for works up to 31/3/1847 but, in doing so, emphasised the great financial benefit of the Commissariat market to the colony, and the large British expenditure there.⁽¹⁾ The Stanley regulations for payment had made the construction of public works too expensive for the Colonial Treasury, and had caused considerable ill-feeling. Grey, informing Denison of the Treasury's agreement, said the claim was to be limited to the cost of superintendence and tools, and this was the basis of the new arrangement.⁽²⁾ The Treasury approved of Denison's suggestion that for the employment of probationers on colonial works, the colony should pay for the necessary buildings and tools, and for the cost of superintendence of both discipline and labour, while the Commissariat defrayed the charge for food, religious instruction, medical and magisterial visitation. For pass-holders under punishment in such employment, the colony paid only for tools and the superintendence of their labour.⁽³⁾

Grey had shown his willingness to remove this cause of colonial complaint. He was also prepared to meet the need for the buildings and superintendents so inadequately provided under the probation system. Convicts were to erect buildings with separated

(1) Stephen to Trevelyan 15/2/1847 and reply 31/3/1847.

(2) Grey to Denison No.104, 26/4/1847.

(3) Grey to Denison No.119, 31/7/1850, approving suggestion in Denison to Grey No.142, 27/9/1849.

night accommodation for 1,000 men. J. S. Hampton, the future Comptroller-General, who escorted Pentonvillians to the Australian colonies, was asked for his opinion on the number of superintendents needed. He placed the desirable proportion of overseers to convicts at 1 to 27. In Wilmot's day it had been 1 to 70. Grey informed Denison that the future proportion would be 1 overseer to 25-30 convicts, and that non-commissioned officers of the Sappers and Miners and of the Artillery would be used to fill subordinate positions in this branch of the convict service.

Were these concessions and reforms likely to reconcile the discontented colonists to the transportation system? Denison asked Grey to postpone definite legislation on transportation until he prepared a report on the subject.⁽¹⁾ In March, two months after his arrival in the colony, he sent out a circular to a number of colonists, including all magistrates except those in government pay or holy orders. This circular posed three questions. Should transportation altogether cease? If to continue in limited numbers, how limited? What suggestions, in this case, for alteration in the hiring regulations? Denison prepared a table of the answers received, and of these 2 approved of the system as it was, 58 entirely disapproved of transportation, and 6 disapproved only if the present system continued.

On the 6th May 1847, a large public meeting in Hobart adopted a petition to the British Government for the abolition of transportation,

(1) Denison to Grey, January 1847.

the grant of an elected assembly, the introduction of 12,000 free immigrants at the expense of the British Treasury, and the restoration of the Land Fund to colonial control. It asked that the probation gangs be disbanded and that the wives and families of convicts be sent out to join their men folk. All were then to be transferred to North Australia as the free immigrants arrived to replace them in the labouring population. The petitioners claimed that 12,000 free persons had been driven from the colony since 1841, and that even since Gladstone had promised the suspension of transportation, a number of convicts had arrived from England, and 400 had been landed from Norfolk Island in the last two months. It was claimed that the Commissariat was making £3,000 a year by selling coal from the mines to the colonists, and was saving £24,470 annually in raising wheat and sheep on lands which belonged to the colony.

Denison had attempted to separate the two questions of the abolition of transportation and the grant of representative institutions by assuring the settlers that the enquiry in his circular had nothing to do with "other matters of public interest". The petitioners stated that this was "erroneous, for the transportation question is inseparable from all our moral and political relations, from free emigration, from the price of labour, from our taxation and its expenditure, from the security of life and property, from the amount of crime, from the harassing duties thrown on colonists as jurymen, from the expenses of the police and the judicial establishment, from the restoration of the Land Fund, and lastly, by the declaration of the

Colonial Office itself, it is inseparable from our claim to representative government".⁽¹⁾

Further public meetings in May and June, meetings of mechanics, of the London Agency Association,⁽²⁾ all condemned transportation and demanded representative government and the restoration of the Land Fund. At these meetings voices were occasionally raised in disagreement, but they were generally refused a hearing. After the big May meeting, 390 colonists signed a protest to this effect, but they were seriously outnumbered by the anti-transportationists.

Fresh enthusiasm was injected into these colonists by the news that the convict establishment in New South Wales was to be broken up and all convicts on the hands of government would be sent to Van Diemen's Land.⁽³⁾ Of these convicts, 83 were lunatics for whom the New Norfolk establishment had no room, and 152 were punishment men. Denison suggested that the Comptroller-General Hampton call in at Sydney on his way to visit Norfolk Island to discuss the proposed transfer with the New South Wales authorities.⁽⁴⁾ He sent home to England a petition from 4,392 inhabitants of Van Diemen's Land protesting against the reception of the "dregs of convictism" in a colony already holding 18,000 convict labourers as well as 10,000 convicts on

(1) Denison to Grey No.163, 2/12/1847 encl.

(2) Members of this Association subscribed for the support of an agent in London to watch over the colonial cause and to report developments.

(3) Grey to Denison No.108, 4/5/1847.

(4) Denison to Grey No.183, 31/12/1847.

government hands. Transportation to New South Wales had ceased in 1840, and convicts who had not managed to acquire a ticket of leave by 1847 must have been serious cases. In January 1848, a similar petition from the north of the island was sent home.⁽¹⁾ Two months later, Hampton reported the result of his talks in Sydney and put forward a plan which relieved Van Diemen's Land of the problem.⁽²⁾ To this Lord Grey agreed, explaining that he had thought the few New South Wales convicts⁽³⁾ would have been lost in the mass. In acknowledging the petitions, he expressed his pleasure in dispensing with a measure "so unacceptable to the colonists".⁽⁴⁾

The problem of Norfolk Island needed attention in these early days of Denison's government. The last reports of Wilmot and those of Latrobe had convinced the home authorities of the need to abandon that settlement, and Denison had been instructed accordingly. He began to prepare for the reception of all the Norfolk Islanders, except 460 colonially convicted men. Price, the new Commandant of the settlement, was a fierce disciplinarian and set about establishing the rule of coercion in the island. Denison soon considered the retention of the settlement as a place of ulterior punishment. He informed Grey that Norfolk Island under such a Commandant, with better

(1) Denison to Grey No.184, 31/12/1847, and No.25, 23/1/1848, enclosing petitions.

(2) Denison to Grey No.73, 16/3/1848.

(3) 368 Convicts in all.

(4) Grey to Denison No.198, 22/12/1848, and No.202, 23/12/1848.

buildings, a good clergyman and employment in a task work system, could be made an effective penal settlement.⁽¹⁾ An ulterior place of banishment was vitally necessary in a convict system. The British Government, formerly strongly in favour of abandoning the island, was influenced by Denison's arguments, and Norfolk Island was retained.⁽²⁾

The task of reforming convict management in the colony was made much simpler for the new governor by an easing in the employment situation. When he arrived in January 1847, the number of pass-holders awaiting hire had dropped to 1,600 and nearly all convicts with conditional pardons had left for the mainland.⁽³⁾ In August, Denison reported that there was much less unemployment as there was an annual emigration of 5,603 to Port Phillip and South Australia. The total convict population numbered 30,701, of whom 6,643 were probationers, 14,871 pass-holders and 9,197 ticket of leave men.⁽⁴⁾ In October 1846, there had been 39 probation stations, and nearly 12,000 convicts maintained by the government. At the end of 1847, 10,000 were on government hands⁽⁵⁾ but a year later 5,000 and only 21 stations.⁽⁶⁾ The surplus labour supply was drained off to the mainland,

(1) Denison to Grey No.72, 15/3/1848.

(2) Grey to Denison No.194, 4/12/1849.

(3) Denison to Grey January 1847, on arrival.

(4) " " " No.83, 10/7/1847.

(5) " " " No.174, 5/12/1847, enclosing
Colonial Government Report.

(6) " " " No.22, 5/2/1849, enclosing
Colonial Government Report.

there were fewer pass-holders awaiting hire, and a smaller number of convicts to emerge from the probation gangs.

Considerations of the colony's labour supply decided the views of Denison on the transportation question. The demand for labour was growing and the supply decreasing. If wages rose in the colony, the settlers would not be able to compete in the market with the other colonies. Van Diemen's Land was in debt; over £1,000,000 had been advanced by the banks. Port Phillip and the colony together absorbed 4,000 labourers annually, and if transportation ceased the Land Funds of both settlements could never afford such an importation of free assisted immigrants. Transportation must therefore continue.

Denison was quick to realise the fact, so often emphasized by George Arthur, that the material interests of the settlers must be served if they were to be reconciled to the continuance of a convict system. Transportation had too often been considered from one point of view. Stanley's policy had made it appear that the interests of the mother country and the colony were opposed, when in fact the system could be made to benefit both parties. Denison did not favour compulsory labour in England, since it carried with it the evils of congregation and contamination. To transfer the convicts after this treatment would perpetuate the faults of probationism, while the colonists might justly claim that they suffered all the disadvantages and none of the advantages of transportation. The exile system, moreover, sacrificed the first principle of punishment. The best plan, in Denison's opinion, was to send out convicts as pass-holders for hire

or for government employment. In the colony they could be controlled, and later joined by wives and families. Such were the views of the Lieutenant-Governor after six months in the colony,⁽¹⁾ and they were little changed by the developments of the following years.

The decision of the British Government to stop transportation to Van Diemen's Land for two years had been an interim arrangement. Some definite policy had to be adopted for the future, and the Home Office and the Colonial Office together considered the question of secondary punishments. Sir George Grey, then Home Secretary, wrote to his relative at the head of the Colonial Office, requesting him to inform Denison that it was not the "immediate intention" of the British Government that transportation to that colony be resumed after the two years' cessation. He proposed that in future all convicts should undergo a limited period of not more than eighteen months in separate confinement, followed by compulsory labour in Gibraltar, Bermuda or the United Kingdom. These two stages were to be followed by banishment for the rest of the convicts' sentence, by exile to the colonies. The Home Office was undertaking prison improvements. Pentonville accommodated 500 prisoners, and a new prison on the Pentonville model was to be built in Ireland. The convict would receive religious and moral instruction in prison and later in the public works, where his industry would be encouraged by a task work system. Exile would rescue him from the temptations of his old life and associates,

(1) Denison to Grey No.83, 10/7/1847, enclosing Colonial Government Report.

and make possible a fresh start in a new country where his labour was needed. Transportation of women convicts was to continue. Juvenile offenders would go to Parkhurst, or after a short imprisonment to a penal school to be established near London, from there either to be sent abroad with conditional pardons or to enter charitable institutions to await freedom.⁽¹⁾

Earl Grey agreed with these proposals, and in February 1847 addressed a dispatch of great significance to Van Diemen's Land. He explained that the British Government proposed to adopt the exile system. "I have to inform you", he wrote, "that it is not the intention of Her Majesty's Government that transportation should be resumed at the expiration of the two years for which it has already been decided that it should be discontinued."⁽²⁾

Denison received this news in August, and made the decision public. Only six weeks before he had described the colonial need for a supply of convict labour and the value of the Commissariat market, and had advocated the dispatch of pass-holders. He realised now that it was not "possible or desirable" to carry out these suggestions, and prepared to meet the difficulties involved in cessation. He wrote, "The feelings of a large portion of the community are so fully enlisted in the opposition which has been raised to the convict system here, that any attempt to revive the system would be looked upon by them as

(1) Sir George Grey to Earl Grey 20/1/1847.

(2) Grey to Denison No.54, 5/2/1847.

a breach of faith, and would cause, I have no doubt, feelings of hostility which would be very embarrassing to government".⁽¹⁾

The petition which had been drawn up at the large May meeting in Hobart was sent home in December with 5,000 signatures. Denison enclosed with it a protest from 390 people who had been refused a hearing at the meeting.⁽²⁾ Although the Lieutenant-Governor admitted that he was "bound to inform your Lordship that I believe the feelings of the great majority of the community to be in favour of the cessation of transportation", he took care to allow no exaggerated statements from the anti-transportationists to pass without refutation. Six of the petitioners addressed a letter to Earl Grey in October proposing a plan for the immediate solution of the convict problem. They were not satisfied with the fact that no more convicts would be sent, but wished to rid the colony of those already there. All convicts in the colony, except those colonially convicted, should be given conditional pardons, and shipped over Bass Strait to Port Phillip to be joined by their wives and families. This was to be the solution to all Van Diemen's Land problems. The free population would cease to emigrate, the government would no longer compete in the market with the private settler, and all the expenses connected with the convict system would cease within three months.

Denison went carefully through this long letter, noting every practical objection, every mis-statement, and every assumption that

(1) Denison to Grey No.101, 20/8/1847.

(2) Denison to Grey No.163, 2/12/1847 with enclosures.

was not proven.⁽¹⁾ He had been accused of doing nothing to make convict labour available for the repair of colonial roads which had fallen into decay. In answer, he enclosed returns showing that in the one month of July, 1,170 men had been so employed. In August, a notice from the Convict Department offered the service of gangs at a very small sum, with the cost of superintendence of tools and with quarters provided, to private and public bodies for the repair and construction of colonial works. The letter claimed that the Deputy Commissary General was making large sums for the Treasury from the coal mines and from wheat growing. Denison enclosed that officer's refutation of this charge, which ended on a plaintive note. "I can only say that I would be happy if my official connection with the Convict Department ceased to-morrow, as it has only entailed upon me a world of responsibility, labour and trouble, without those compensating advantages to the government I had at one time hoped to have seen realised in a financial point of view from the value of the labour and produce of the numerous body of convicts to the colony". The Commissariat had bought produce worth £90,744 in the year 1845-46, and sold produce for £957. In 1846-47, sales brought £1,745 and purchases had cost the Treasury £81,964.

(1) Denison to Grey No.173, 4/12/1847, enclosing letter from Robert Pitcairn, Joseph Allport, Thomas Gregson and three others, dated 22/10/1847.

II

Meanwhile, in England, Grey was obliged to reconsider the decision not to resume transportation to Van Diemen's Land. Since the abolition of assignment in 1840, successive ideas for convict management in the colony had been put forward by the home authorities. Probationism had been introduced by Lord John Russell. By the November regulations it had become the "Stanley system", but when it appeared to be unsuccessful, two more proposals were put forward. Stanley suggested a scheme of agricultural establishments in the colony, and repealed his own Waste Lands Act in preparation, and the idea for an establishment for emancipated convicts was formulated and discussed in England. Gladstone adopted the plan for such a settlement and instructed the new Governor of New South Wales, Fitzroy, on the subject. When Lord Grey came to office, it had been decided that the transportation of male convicts would cease for two years at least, and the necessity for an outlet for conditionally pardoned men no longer seemed pressing. By September, 1846, the plan was abandoned, and Grey was formulating his Tasmanian Village scheme. Next it was decided that transportation would continue only as a system of compulsory banishment after the punishment period had been spent at home and in public works.

Lord Grey himself explained the exile plan in the Lords, ⁽¹⁾

(1) On the 5th March 1847, in moving the second reading of the Custody of Offenders Bill, Hansard, Third Series, Volume 90, p.898 et seq.

and Sir George Grey and Charles Buller communicated it to the Commons. It was not received with very much enthusiasm. Lord Stanley considered that the government was "hastily adopting summary and extensive changes". He admitted that "nothing could have been more unfortunate than the adopting of the new system, and nothing could have been more difficult than the state of affairs the local government had to contend against in consequence", but he defended transportation as a system of secondary punishment. Even the opponents of transportation did not favour Grey's proposals. Sir William Molesworth observed that compulsory exile was not very different from transportation. Expatriation should be made voluntary, as Whately had suggested. The former Home Secretary, Sir James Graham, was very pessimistic about the effect that long terms of imprisonment at home would have upon English public opinion. The authorities might be forced to relax the penal code too much. In the Lords, Brougham was strongly opposed to the exile plan. It seemed to him absurd to think that in 1847 the British Government should resort to the old obsolete Scotch law of banishment. On his motion, the House decided to appoint a Select Committee, to enquire into Secondary Punishments. Evidence collected by the Committee, including a report from the judges, was generally opposed to the abolition of transportation as a punishment. It would remove one of the most effective deterrents to crime, while there was a strong impression from the colonies that the exiles already sent out needed more restraints. The Select Committee finally reported in favour of the retention of transportation, and Grey acted accordingly.

He decided that in future convicts should be transported to Van Diemen's Land with a ticket of leave, thus providing the colonial government with a means of restraint which was lacking in the management of exiles. Seven year convicts were to be sent to the colony after a preliminary period of separate confinement. Others would undergo separate confinement, labour on the public works under the task work system, by which time half the sentence should be expired before they were sent to Van Diemen's Land with a ticket of leave. In the colony, the Lieutenant-Governor would assign them to certain districts, distributing them according to the demand for labour, as far as possible not in the large towns. The ticket man was required to repay the cost of his conveyance to the colony to the government from his earnings. In the dispatch which informed Denison of the new system, Grey detailed its advantages. The transition from restraint to freedom would not be so sudden and the need to repay passages would stimulate industry. The colony would be relieved of the difficulties consequent on a withdrawal of the labour supply, and have the benefit of the fact that the convicts sent out in the future would have had some industrial training at home. (1)

Grey was prepared to make concessions to Van Diemen's Land for the continuance of transportation. The Land Fund would be restored to the colony. All the money received from the ticket men would be spent in the encouragement of free immigration. Well-behaved convicts

(1) Grey to Denison No.66, 27/4/1848.

would have the opportunity to apply for the dispatch of their wives and families, if half the money were provided. Grey intended to ask for a grant from Parliament for that year to send free emigrants to the colony. He trusted that this provision and the efforts of the clergy would guard against the moral deterioration of the colony.

The news of this change in British policy was received with consternation in Van Diemen's Land, where Grey's dispatch of February 1847 was considered a definite pledge that transportation would not continue. In October, the Legislative Council unanimously adopted resolutions expressing regret at the new proposal, which would be injurious to the colony, detrimental to the convicts, and "productive of no advantage at all to the mother country".⁽¹⁾ In December, Denison sent home a petition of protest from tradesmen and other inhabitants of Launceston, asking that transportation should forever cease, that a Legislative Council be at once established, and that the benefit of free emigration be extended to the colony.⁽²⁾ These three demands were reiterated in many petitions in the next two years. Two large meetings were held in December, one of free mechanics and the working classes, the other of the London Agency Association in Launceston. This Association sent petitions home to their London agent, Mr. Jackson, for presentation. Richard Dry, one of the "Patriotic Six" and Henry Dowling were enthusiastic and energetic as secretaries.

(1) Denison to Grey No.228, 17/11/1848, enclosing Legislative Council resolutions.

(2) Denison to Grey No.233, 8/12/1848 encl.

At the Launceston meeting, a mechanic, Mr. Thomas Young, pointed out that Denison had been consistent in sending for more convicts while so great a number was needed for private service. None could petition for abolition who every day induced the government to send for convicts by constantly employing them. As Denison observed, the scruples of the colonists did not affect the hiring of pass-holders, for the demand for their labour increased daily. Young suggested the formation of a League, of which members should pledge non-employment of convicts. Such a League was created at a second public meeting in Launceston on the 27th January 1849, where the matter of the pledge caused noisy and confused discussion. Young had hit upon the weakness in the anti-transportation case, for his proposal meant sacrifices which few were prepared to make for the cause. The Anti-Transportation League was not at first a significant force in colonial resistance. Denison described it as a "paltry attempt to trim between principle and expediency."⁽¹⁾

The more moderate of the anti-transportationists expressed their resentment at the resumption of a system which sent a stream of convicts to Van Diemen's Land exclusively. The rabid opponents of the system were not chary of their tactics or the expressions used in their campaign. Robert Pitcairn and John Gaunt had followed an astute policy against Wilmot in deferring the delivery of letters to pass through him to the Secretary of State until just before the departure

(1) Denison to Grey No.28, 11/2/1849.

of a boat to England, so that charges in them could not be immediately refuted. Denison had reason to believe that these two men, and James Aikenhead, the editor of a Launceston paper, were writing directly to England. He suspected that a series of such letters was being written by one man, though under different signatures.⁽¹⁾ Personal remarks were made about the Lieutenant-Governor in this correspondence, but Grey refused to consider exaggerated statements, observing that he made allowances for an "excited state of mind". He praised Denison for his "dignified and temperate" manner of disposing of them.⁽²⁾

The views of the Lieutenant-Governor on transportation were bound to involve him in unpopularity. He continued to judge the question on the colony's need for a labour supply. There was no doubt that large numbers of the working class were leaving for the mainland. In the six months from September 1847 till March 1848, departures from the colony numbered 2,399, of whom 1,400 were persons who had always been free. 1,700 had gone to Port Phillip. Approximately the same number left during the following nine month including nearly 2,000 for Port Phillip, where wages were so attractive.⁽³⁾ The anti-transportationists argued that the convict system was responsible for this emigration. A memorial from 1,271 working mechanics claimed

(1) Denison to Grey No.218, 1/11/1848.

(2) Grey to Denison No.59, 28/4/1849.

(3) Denison to Grey No.123, 27/6/1848, and No.22, 5/2/49, enclosing returns.

that undue competition of the convict population was driving out the free. If the supply of convict labour ceased, Van Diemen's Land would retain its free working population.⁽¹⁾

Denison emphasized that the interests of all the Australian colonies were bound together in this matter. The first suggestion which he put forward to solve the emigration problem was to reduce the mainland wage level by an influx of British immigrants into New South Wales. The decision of the Legislative Council of that colony to accept Gladstone's suggestion of a renewal of transportation caused him to revise his views. New South Wales was to receive convicts on certain conditions, of which the principal was that the British Treasury should finance the immigration of an equal number of free persons. Such an influx of both convict and free labour on the mainland would reduce the wage level and solve Van Diemen's Land's emigration problem. Denison believed that the ill effects of convictism would be neutralized if convicts were distributed over all the colonies.⁽²⁾

Immigration to Van Diemen's Land, both assisted and unassisted, had come to a virtual standstill in the unhappy years of Wilmot's administration. When Denison arrived, the colony was still in debt for the immigration schemes of the 1840-43 period, and in the following years of depression and unemployment, assistance to immigrants was not

(1) Denison to Grey No.124, 1/7/1848 encl.

(2) Denison to Grey No. 22, 5/2/1849.

to be contemplated. The interest of the colonists revived when they had hopes for the cessation of transportation. The May petition of 1847 had requested 12,000 immigrants at Treasury expense. The Land Fund had reverted to the Commissariat in the 1846 arrangements by which the Treasury contributed towards the cost of police and gaols. A petition from the colony in June asked for a retrospective contribution towards these charges for 1836-1846, and proposed the expenditure of the money in the introduction of free immigrants. In the same month a second petition requested the use of the Land Fund for the same purpose.⁽¹⁾ Denison supported the claim for the restoration of the Land Fund to the colony⁽²⁾ but observed that there was no point in introducing labourers who would simply use the island as a stepping stone to the more attractive prospects of the mainland. When the Land Fund was handed back to the colony in 1848, Grey contemplated the use of part of it for immigration, but he was assured by Denison that the time to consider such assistance would be when the price of labour in the colonies was levelled.⁽³⁾

When it was decided that transportation should continue to Van Diemen's Land, and possibly be renewed to New South Wales, Grey applied successfully to Parliament for a grant of £30,000 from the British Treasury to be spent in sending free immigrants to penal

(1) Denison to Grey Nos.82 and 83 of 7/7/1847.

(2) The Land Fund was eventually restored to the colony when the Ticket of Leave System was introduced. (See page 263).

(3) Denison to Grey No.195, 28/9/1848.

colonies. The grant was to demonstrate the goodwill of the British Government and the "great object to use the money as best calculated to supply the largest number possible of the type of immigrant best fitted to the colonial needs".⁽¹⁾

Part of this money was to be used for the introduction of the wives and families of convicts. The system had been tried before, in New South Wales, but practical difficulties stopped its operation in 1842. Early in 1847, the Home Office agreed to resume the practice, and it was extended to include Van Diemen's Land where it worked well. Convicts with conditional pardons or tickets of leave applied to the governor for the dispatch of their families. Under the 1848 system, the men were required to contribute only half of the passage money. It was arranged that the government could lend them this money, or that friends and parishes in England might provide the funds. This immigration was of value to the colony, for it settled many "compulsory immigrants" into a new life, to bring up their families as Tasmanians.

In Van Diemen's Land, part of the Parliamentary Grant was to be used to defray the passages of the families of military pensioners, sent out as guards on convict ships, to settle on arrival. Grey wished to "attach them to the soil" in communities outside the towns where they might maintain *esprit de corps* for their twelve days of compulsory annual military service. Convicts were to prepare garden allotments and homes for the pensioners. The Land Fund should meet this cost, at

£15 per head.⁽¹⁾ Although the men had their pensions, they needed outside employment, and Denison had great difficulty in finding land and jobs for them. By December 1850, 334 had arrived, and 222 were still unemployed.⁽²⁾ The Land Fund was burdened by the £60,000 debt to the Commissariat incurred by Wilmot's government, and despite Denison's request for remission and protests from the Legislative Council, the Treasury insisted on repayment.⁽³⁾ The land revenue could therefore not afford such an ambitious village scheme, and Denison, anxious to avoid buying land for the pensioners, was obliged to settle them at distances. The War Office objected that his arrangements hampered military organization,⁽⁴⁾ and the men complained of the distances they had to travel to military service. Finally permission was given for those pensioners who could not settle satisfactorily to move on to New Zealand where the same scheme had worked well.

It was, as Denison had observed, useless to assist labourers to Van Diemen's Land while wages were more attractive on the mainland. The home authorities contemplated another type of immigration. "Under the peculiar circumstances of Van Diemen's Land", it appeared desirable to encourage the immigration of a "superior class" of settlers. In August 1849, the Colonial Land and Emigration Commissioners issued a

(1) Grey to Denison No.198, 13/12/1849.

(2) Denison to Grey No.280, 13/12/1850.

(3) Grey to Denison No.130, 4/8/1849.

(4) Grey to Denison No.144, 21/7/1851 encl.

circular offering assistance towards the passage and settlement of small capitalists in the island colony. Money in sums of £100 could be deposited with the Commissioners for the purchase of land, and the depositor was entitled to nominate for free passages to the value of that amount. The applicant and nominees were required to show means to maintain themselves. Their land would be prepared, accommodation built for their arrival, and after two years' residence, the government would hand over the title to the land.⁽¹⁾

Although Denison fully agreed with Arthur that the desirable immigrant to a penal colony was the respectable small capitalist, he saw difficulties in this plan. It was unfair to other settlers, and moreover the new arrival would find land for sale already cleared, nearer the market and better suited to the inexperienced colonial farmer than freshly cleared bush tracts. Denison's counter proposal was significant, for it entailed a return to the issue of free grants.⁽²⁾ Grey, who had been chiefly responsible for the adoption of the land sales regulations of 1831 was not prepared to sanction any such departure from the general lines of colonial policy.⁽³⁾ Only eight applications under the August notice had been received when the objections of Denison caused its withdrawal, and although he made

(1) Grey to Denison No.26, 15/12/1850 encl.

(2) Denison to Grey 29/4/1850 and confidential dispatch of 2/5/1850.

(3) Grey to Denison No.167, 5/11/1850.

further requests for concessions to capitalists,⁽¹⁾ the unwillingness of the Colonial Office to resort to free grants in any form closed the question.

III

No assessment has yet been made of the working of the Ticket System under which the transportation of male convicts to Van Diemen's Land was resumed in 1848.

Lord Grey observed in his first dispatch to Denison that the views of Maconochie on convict management did not sufficiently emphasize the deterrent value of punishment. This was its primary and legitimate object. Denison agreed with this judgment. He believed in discipline, and in prompt and efficient punishment. He had been responsible for management of convicts as an officer of the Royal Engineers supervising men from the hulks who were employed in English dockyards. This experience led him to disillusion grandiose hopes of reformation. A moral change could only be expected from religious instruction working on the minds of men "peculiarly constituted", but their habits might be improved, their industry encouraged and a fear of offending against the law inculcated.

The replacement of the Exile by the Ticket System had been

(1) Denison to Grey No.50, 26/3/1851.

induced partly by a desire to place more restrictions on the liberty of convicts sent to the colony and to ensure a more gradual transition from public works discipline to the comparative freedom of the conditional pardon. Denison was convinced that the restrictions on the freedom of the ticket of leave men were not severe enough for their proper management and for effective punishment. In his first acknowledgment of the new scheme, he made this point, and suggested that a convict should arrive in Van Diemen's Land as a pass-holder, assigned or apprenticed to the same master for the entire period of his compulsory service.⁽¹⁾

Grey was not prepared to "deviate from the general line of policy adopted by Her Majesty's Government in this difficult question".⁽²⁾ His Ticket System went into operation, and Denison reported progress a year later. The conduct of the old convict population had improved, but that of the new Ticket men was far from satisfactory. Denison requested that convicts be transported after their separate confinement to spend the compulsory labour period in the colony. Van Diemen's Land had the means of employment and discipline to hand. Maintenance and supervision cost less in the colony than in the mother country. The colony needed the labour of the convict, but in England it competed with that of the free man.⁽³⁾

At this stage, Grey would not consider this proposal, and gave explanations for the poor conduct of the Ticket men. Few of

(1) Denison to Grey No.195, 28/9/1848.

(2) Grey to Denison No.39, 17/4/1849.

(3) Denison to Grey No.142, 27/9/1849.

these convicts had actually passed through the first two stages of their punishment. It took time for the new system of punishment in England to come into operation, but the men sent in future would be ready for their colonial service. Grey hoped to incorporate the advantages of assignment in the new arrangements. Denison had praised this old system of convict management as giving permanency to the arrangement between master and servant, but Grey was more impressed by the aspects of slavery and inequality of punishment which had been emphasized by the Report of 1837. He directed that Ticket convicts should be hired in rural districts, not towns. Unhired men were to be employed at the expense of the land revenue in such works as roads, bridges, irrigation schemes and the construction of villages. Such employment would eventually increase the demand for labour in the colony. (1)

The regulations which Denison issued in November 1850 for the hiring of the "Probationary Ticket of Leave Holders" (2) displeased the Secretary of State, who considered that they had virtually re-established the assignment system in all the parts which were most open to objection. One clause of these regulations stated that a convict could terminate his engagement only on the authority of the Lieutenant-Governor. A Ticket man was to be hired for periods from $1\frac{1}{2}$ to 5 years according to the length of his sentence. This was to

(1) Grey to Denison No.114, 25/7/1850.

(2) Denison to Grey No.253, 3/12/1850 encl.

discourage the "migratory habits" of convicts, and would induce the settler to train his servant. Grey ordered a return to hiring for periods of twelve months as laid down in his original April dispatch. Denison's regulations would stop the healthy competition for the convicts' services. Grey also disallowed a regulation lengthening the period before which a convict became eligible for the conditional pardon, and would not accept Denison's argument that the land revenue, already burdened by repayment of the debt to the Commissariat and the settlement of the military pensioners, could not afford to finance the employment proposed for the Ticket man who was not hired. The "natural demand" for labour should absorb most of the men. ⁽¹⁾

In England, the attempt to introduce a system of separate confinement followed by a period of compulsory service presented many problems to the Home Office. Denison, in commenting on a report of Colonel Jebb, the Surveyor-General of Her Majesty's Prisons, observed that there did not appear to be sufficient means in England to carry out the existing system of secondary punishments. ⁽²⁾ There was separate accommodation in prisons for only 2,892 convicts. In the second stage of punishment, only 3,690 could be housed, and this included accommodation for 1,700 in the hulks, which had impressed Denison most unfavourably. Room was needed to accommodate over 11,500 convicts including the seven year men.

Denison put forward a plan to relieve the congestion in

(1) Grey to Denison No.156, 4/7/1851.

(2) Denison to Grey No.200, 12/9/1850.

England.⁽¹⁾ Men with sentences under 10 years should be transported after a year of separate treatment to undergo their period of compulsory labour in the colony. He proposed the revival of the pass-holder stage before the grant of the ticket. As a pass-holder, the convict would enter the service of a settler on a fixed rate of wages. After some years of experiencing the difficulties of introducing the new system in England, Grey favoured Denison's scheme as a practical improvement. He detailed the final arrangements.⁽²⁾ The best conducted men of all sentences were to receive tickets of leave immediately on arrival in Van Diemen's Land. Of the remainder, the men with shorter sentences would enter private service as pass-holders, and the long sentence men would spend their period of compulsory labour in the colonial public works. A few "incorrigibles" were to be sent to Norfolk Island which Grey had agreed to retain as an ultra-penal settlement.⁽³⁾

Denison remained dissatisfied with the Ticket System, for he believed that many of the men sent out were still unready for the amount of freedom conveyed by the grant of a ticket. He applied this criticism particularly to the Irish convicts, whom he judged untrained and unfit for any labour more skilled than the breaking of stones. The home authorities had been forced to transport these men, for the tragic years of famine in Ireland greatly increased the number of

(1) Denison to Grey No.200, 12/9/1850.

(2) Grey to Denison No.60, 11/4/1851.

(3) " " " No.194, 4/12/1849.

sentences. In June 1849, there were 3,495 male convicts in Ireland, but Irish prisons could hold only 1,863. The average number of sentences to transportation in Ireland in the years from 1843 to 1845 had been 673; in 1848, the sentence had been passed on 2,698.⁽¹⁾ These men were not desperate offenders, for they had committed crimes from want, but they were not trained to industrious labour. It was arranged that those who had not been trained at home should pass their compulsory labour period in the colony.⁽²⁾

In one criticism of the Ticket System, Denison was consistently overruled by Lord Grey. It had been laid down that the men should repay to the government the cost of their conveyance to the colony. Grey suggested that the conditional pardon be withheld until the convict had produced a certain sum proportioned to the length of his sentence. Denison did not think that repayment could be enforced as a general rule. It would increase stealing, and took no account of the varying circumstances of the men. Grey made the employer responsible for repayment by docking the amount from the man's wages, but the Lieutenant-Governor observed that this would be as difficult to enforce as Stanley's regulations for the disposal of the wages of pass-holders. He fixed a proportion of the wages as the sum to be repaid,⁽³⁾ but Grey objected that this removed a valuable

(1) Grey to Denison No.197, 12/12/1849 enclosing Redington to Waddington 27/6/1849.

(2) Grey to Denison No.137, 27/8/1850.

(3) In Hiring Regulations of November 1850.

inducement to labour. He fixed the sum at £5 a year.⁽¹⁾ As Denison had prophesied, the regulation proved ineffective. In July 1850, of 966 men, only 1 had paid.⁽²⁾ When the responsibility was transferred to the employer, only 44 of 448 settlers complied. Denison wrote that in trying to enforce the rule, the government was bringing "unnecessary obloquy on itself" and was involved in endless correspondence and a multiplicity of accounts.⁽³⁾ These remarks convinced a new Secretary of State, Pakington, who gave permission for the regulation to lapse.⁽⁴⁾

Although Grey had been dogmatic in this matter, he appreciated the energetic practical qualities of his subordinate and respected his opinion. Unlike Lord Stanley, he was content to leave most of the details of convict management to the colonial authorities. Each acknowledgment of Denison's dispatches enclosing the reports of the Comptroller-General of Convicts carried some words of praise and appreciation to both officers. In the relations between Grey and Denison, there was a harmony which provides a welcome relief from the acrimony of the preceding years.

(1) Grey to Denison No.114, 25/7/1850.

(2) Denison to Grey No.171, 27/7/1850.

(3) " " " No.140, 3/10/1850.

(4) Pakington to Denison No.58, 1/7/1852.

IV

The development of the details of the new convict system was of little interest to the colonists of Van Diemen's Land. Their attention was centred on a wider issue, the continuation or abolition of the entire system. The Liberal administration which had appeared so promising to the settlers was not fulfilling their expectations. The delay in the promised grant of representative government was not understood in Van Diemen's Land. Nothing had been achieved in 1848, and it took Grey "longer to draft and pilot a bill than he had anticipated".⁽¹⁾

The years of the Irish famine (1846-1847) and the abolition of the death penalty for all crimes except murder, treason and wounding with intent, were responsible for a large increase in the number of sentences to transportation in 1848. Grey, faced with the problem of disposing of these convicts, acted hastily. By an Order in Council of September 1848, New South Wales was included in the list of places for the reception of convicts and a shipload was immediately sent off to that colony. It was too late in the year to apply to Parliament for the grant towards free immigration to New South Wales offered to the colony as a condition for the renewal of transportation. The New South Wales colonists bitterly resented the action of their

(1) Grey to Denison No.59, 28/4/1849.

Council in agreeing to receive more convicts on any terms, and both Sydney and Melbourne were in great excitement. Port Phillip had received 1,700 exiles since 1844. Recent shipments had been unsatisfactory and the settlers there flatly refused to accept convicts. In Sydney, a general election replaced the Council, and although the convicts by the "Hashemy" found employers in the acute labour shortage, it was clear that New South Wales would not accept transportation.

Grey's anxious search for an outlet for the numbers awaiting transportation led him to make another error of judgment. He sent a shipload of Irish convicts to the Cape of Good Hope. The reaction of that colony to the news was violent and the governor was plied with memorials and petitions. When the "Neptune" arrived in September 1849, the government departments which supplied the ship were boycotted.

The "Neptune" affair had a far reaching effect on the transportation question in the Australian colonies, where the resistance of the Cape colonists was hailed as a proclamation of the right of colonies to decide their destiny. Transportation had become an imperial issue. Only the settlers of Western Australia agreed to receive convicts.

The example of the Cape of Good Hope inspired new enthusiasm in anti-transportationists in New South Wales and Van Diemen's Land.

(1) Grey to Denison No.204, 17/12/1849.

In August 1850, a large public meeting in Launceston denounced the faithlessness of British ministers. One speaker described the Colonial Office as "a very rotten affair", and the House of Commons as "not much better". The Whigs were all Liberty, Equality and Fraternity while trying for the ministry, but once in office, they repudiated all their promises. Grey had stated in Parliament that the colonists were less averse to convicts than they had been in 1846.⁽¹⁾ The meeting indignantly denied this assertion. Twelve large petitions since 1845 had been ignored; resistance must go further. Speakers urged the audience to pledge the non-employment of convicts.⁽²⁾

Launceston had led the way. In Hobart, a meeting in the following month resolved to form an Anti-Transportation Association to co-operate with that in the north, and a committee which included Pitcairn and Allport was chosen to frame the non-employment pledge. The energetic campaigners⁽³⁾ in Launceston grasped at the opportunity presented by the awakened interest on the mainland to widen the Anti-Transportation organization. The secretary of the Launceston Association wrote to his counterpart in Sydney to suggest a combined Australian petition, which should go to London in January 1851 with

(1) Grey in the Lords 12/4/1850. Hansard, Third Series, Vol.110, p.206.

(2) Denison to Grey No.218, 4/10/1850, enclosing Press reports of meeting.

(3) The Rev'd Mr. John West, the historian of Tasmania, was prominent in the movement.

at least 20,000 signatures. The Sydney Association approached committees in Adelaide and Melbourne. Thus the Australasian League was created as an expression of the unity of the eastern colonies in opposition to the continuance of transportation to Van Diemen's Land. Throughout 1850 and the next few years, the Anti-Transportation Associations sent protests to Denison as each convict ship unloaded its cargo. Such placards were displayed in the streets as, "The ship 'Nile' is in the Harbour. Remember the League", and quoted below was Denison's dispatch remarking that any attempt to renew transportation would be regarded as a breach of faith.⁽¹⁾

Denison maintained his opinion in favour of transportation in the face of the most violently expressed opposition. He and the officers of the Convict Department were accused of having personal motives for defending continuance. Denison would not agree that cessation would bring moral benefit to the colony. "In fact it is my deliberate opinion that while many and great evils attach to the system of transportation in the abstract, yet in regard to these colonies, it would be in their present circumstances most injurious in every way to discontinue it, that while the material prosperity of this colony, which is dependent altogether upon the possession of an adequate amount of labour, will be very much enhanced by a supply of even convict labour, the moral evils thus created are not of a character so remarkable or so excessive in amount as to make it imperative upon the government to put an end to it".⁽²⁾

(1) Denison to Grey No.225, 14/10/1850, forwarding a copy of this placard.

(2) Denison to Grey 2/5/1850. Confidential.

To the Lieutenant-Governor, and others who shared his views, the discovery of gold on the mainland, first in New South Wales and then in Victoria, made the continuance of the convict labour supply even more imperative. The rush from Van Diemen's Land to the goldfields began immediately, and induced some men of moderate views to fear the results of cessation. Denison's claim that a "large and increasing minority"⁽¹⁾ shared his opinions was to some extent justified. At the end of 1852, he forwarded several petitions and letters requesting the temporary continuance of transportation, since the goldfields could provide a great market for the colonial produce. One such petition was signed by 458 landed proprietors and merchants, but the tide was against them.⁽²⁾

Denison had little respect for the agitators in the anti-transportation movement, and attached little importance to the Australasian League.⁽³⁾ He observed that 128 of the subscribers employed 183 male and 41 female pass-holders, while the number of ticket men working for them could not be estimated since no returns were kept. Seven ships, arriving before July 1851, brought 1,985 male convicts; of the 1,689 available for hire, 1,389 found jobs. Three ships brought 619 women eligible for private service, and 474 had been employed.⁽⁴⁾ So much for the non-employment pledge. The colonists were still willing to employ convict labour.

(1) Denison to Grey No.179, 30/8/1852.

(2) " " " No.229, 2/11/1852 encl.

(3) See Denison to Grey No.30, 4/2/1853.

(4) Denison to Grey 14/7/1851. Confidential.

The Lieutenant-Governor correctly diagnosed self-interest as the "great and prominent motive" which had roused the colonial opposition to transportation. In Arthur's day, the system had benefited their material interests, but probationism and the suffering of the early forties convinced many that it did so no more. Certainly the advantages of the Commissariat expenditure in the colony remained, but it could now be argued that this was obtained at too high a price. The evils of the Probation System dignified the anti-transportation movement to the status of a moral crusade. Denison wrote that the cry had been taken up by "political partisans",⁽¹⁾ but he did not see that these men, violent and exaggerated though some of their actions may have been, were expressing a deep and abiding sense of the right of the colony of Van Diemen's Land to come of age. When Arthur left the colony, the free population numbered nearly 25,000. At the census of 1851, the number approached 50,000, of whom over half had always been free men and women. The British Government could not long ignore the expressed wishes of the majority in a colony with such a large free population.

The news of the passing of the Constitution Act, granting a form of representative government, arrived in the colony at the beginning of 1851. The draft of the League's petition to the Queen was then in the process of being approved by the Anti-Transportation Associations in the other colonies. It described the appalling results of the convict system, which impaired the capabilities of the Australian colonies. Not only Van Diemen's Land was concerned; the "stream of

(1) Denison to Grey 2/5/1850. Confidential.

infamy" poured into that island was later diverted to the mainland. The petition referred to revolting injustice, and appealed to the "eternal principles" of the right of the weak against the strong. During the year, conferences of representatives from the Anti-Transportation Associations were held in Melbourne, Sydney and Adelaide. In August, Denison wrote of "itinerant agitators" visiting the mainland for the chief purpose of raising a fund to pay them and their other agents! (1) This was his description of what the Leaguers regarded as noble service for the great cause.

The elections for the newly constituted Legislative Council were held at the end of October. The campaigns of the candidates centred around the transportation issue, and their views on that question decided their fate. The result of the elections was a triumphant victory for the opponents of transportation. Excited scenes and demonstrations greeted the declaration of the polls. The newspapers, which had for years fought out the rights and wrongs of convictism, printed proclamations of joy and appeals for moderation.

Early in the opening session of the Council, resolutions were passed, protesting that the "pledge" of the British Government to end transportation had been "deliberately and systematically violated in every particular". It was "our duty as colonists and as British subjects to exert all the power with which the Council is vested, to oppose, and, if possible, defeat, any measure suggesting or contemplating the introduction of criminals into this country at any time and in any

(1) Denison to Grey No.115, 21/8/1851.

circumstances". In April and September, addresses were presented to Denison and resolutions were passed. The Lieutenant-Governor was steadfast and open in his opinion that cessation would mean ruin. He lost the support of two official members of Council, one the Colonial Secretary, but his judicious handling of the difficult situation created increased his personal prestige in the eyes of all but his most violent opponents.

In England, friends in and out of Parliament pleaded the colonial cause. Sir William Molesworth and Lord Lyttleton described the degraded condition of Van Diemen's Land. Molesworth spoke most eloquently to the Commons on May 20th, 1851. The government would have either to discontinue transportation or repeal the free constitution of the colony. It was "insane" to grant free institutions and yet continue to send convicts. The conduct of the ministry had been "faithless and vacillating"; there was serious danger of losing the Australian colonies, "the priceless jewel in the diadem of our colonial empire".⁽¹⁾ Robert Lowe, in "The Times" pleaded the rights of the colonists of Van Diemen's Land. Grey had to answer the criticism of Lyttleton and Whateley in the Lords. He produced returns compiled in the Colonial Office to show that 48,000 persons were living in real or comparative freedom in the Australian colonies who, if retained at home, would have been a serious danger to the community. In their new environment, the conduct of the majority was good.⁽²⁾ Like

(1) Hansard, Third Series, Volume 116, p.1168.

(2) " " " " " p. 740.

See also Grey's speech in the Lords 12/4/1850.
Hansard, Vol.110, p.206.

Denison, Grey considered the discovery of gold on the mainland a further argument for continuance, but the Anti-Transportation League more effectively urged the opposite view. How could offenders be deterred by transportation to a place only a short distance from rich goldfields?

Grey left office early in February 1852. The Secretary of State in the ministry of the Earl of Derby was Sir John Pakington. He received addresses urging cessation from the Legislative Councils of the Australian colonies. The memorial of a committee of Australian colonists in London prophesied the forcible separation of the colonies from the mother country if the policy continued. Colonel Jebb, the Surveyor-General of Prisons, was consulted, and reported that a change in the system of secondary punishments might be possible. The gold discoveries had altered the situation. The deterrent value of transportation was lost.

In December 1852, Pakington wrote to inform Denison of the decision to end transportation. Much attention had been given to the subject in the past in its relation to secondary punishments, while in recent years continued representations and remonstrances had put the colonial side of the question. There had been "a general expression of repugnance in Van Diemen's Land and the adjacent colonies" and the British Government felt it a duty to comply with their wishes. "It would appear a solecism to convey offenders at the public expense, with the intention at no distant time of setting them free, to the immediate vicinity of those very goldfields which thousands of honest

labourers are in vain striving to reach". Pakington hoped, in conclusion, that the colonists would recognise in this decision the desire of the British Government "to consult their wishes and to strengthen their loyalty to the Crown and attachment to the British Empire".⁽¹⁾ The fall of the Derby Ministry brought no change in this decision. Two months after the dispatch of Pakington, the new Secretary of State, the Duke of Newcastle, confirmed his action.⁽²⁾

V

It is strange to reflect that transportation was abolished by the ministry of the Earl of Derby, who, as Lord Stanley, had been bitterly reviled in Van Diemen's Land, while Lord Grey, a liberal and sympathetic minister, had persisted in the system.

Anti-transportationists constantly recalled Grey's pledge of February 1847 that transportation would not be resumed. How did he justify his continuance of the system? In his second volume of his "Colonial Policy of Lord John Russell's Administration", Grey remarked that he used an "unguarded expression" in that dispatch. The statement that it was not the government's intention to resume transportation meant, in its context, under the existing system. Denison had announced

(1) Pakington to Denison No.137, 14/12/1852.

(2) Newcastle to Denison No. 32, 22/2/1853.

to the colony, "in terms more positive than his instructions were intended to warrant", that no more convicts were to be sent, but this could not commit the government. It was "manifestly beyond the power of any minister to make any such promise as claimed". Both he and Sir George Grey⁽¹⁾ had expressly recognized the necessity for having their measures sanctioned by Parliament..

Parliament was many times open to the charge of indifference to colonial questions. Transportation, however, was part of the scheme of punishments, and members were concerned and interested in all matters of law, its administration and its execution. Public opinion and opinion in Parliament were in fact responsible for the abandonment of the Exile plan, which would have distributed ex-convicts over the colonies instead of concentrating men who had not yet served their sentence in one small island.

Grey attempted to relieve Van Diemen's Land by seeking other outlets for the convicts. He followed up Gladstone's overture to New South Wales, but with no success. The settlement in the West agreed to accept them, but could not absorb many. The prospect of receiving one shipload of Irish agrarian offenders put the Cape of Good Hope in turmoil. Van Diemen's Land was thus condemned to continue as the main receptacle for transported convicts, and the Secretary of State was obliged to meet resistance by asserting the "right" of Great Britain to export her offenders to the island. Although Grey's policy was

(1) Secretary of State for the Home Department
in 1847.

criticized in Parliament during the last two years of his administration, there was justice in his claim that a majority of members favoured the continuance of the system at the time he left office. The unanimity of the colonies in supporting the cause of Van Diemen's Land had a great effect, and the gold discoveries induced many waverers to oppose the policy. Grey may at first have been obliged to carry on transportation to Van Diemen's Land, but he identified himself with the policy of maintaining it. It was not so difficult for Pakington to break with the past.

Many of the grievances of Van Diemen's Land in 1845 had been redressed. Economy was no longer allowed to cramp convict management. Buildings and superintendents were supplied, the Stanley regulations for convicts on colonial public works had been cancelled and the Commissariat contributed generously to the upkeep of a body of missionary chaplains whose duties were largely among the prisoner population. The number of the probation gangs was being gradually reduced, their discipline improved, and the tendency to unnatural vice checked. The British Government had further shown concern for the moral interests of the colony by appropriating a grant for free immigration to remove the taint of convictism.

Grey was not willing to grant all the financial demands of the colonists. To a Legislative Council request for further contributions from British funds for the upkeep of certain colonial departments, he replied, "I am obliged to call to recollection the fact that the colony was established as a penal settlement, that the inhabitants went

there with full knowledge of this fact, and of their own choice, and therefore they are hardly entitled to represent its penal character as an intolerable grievance, or to claim on that account contributions which have no parallel in any other settlement".⁽¹⁾ His dispatches referred to the advantages the colony derived from the supply of cheap convict labour and Commissariat expenditure. Transportation had in many respects been a source of wealth to the settlers. Van Diemen's Land might justly claim that the mother country should exercise her right with consideration for the welfare and interests of the colonists, and with the least possible expense to the colony, but not that the interests of the settlers should overrule the interests of empire.⁽²⁾

Grey would not concede that Van Diemen's Land was injured in her moral condition by the continuance of transportation under the reformed system. "Real public opinion" could not be judged from newspapers and the clamour of the League. Denison's dispatches and other reports affirmed the orderliness of society. Denison belittled the League, and Grey observed "strong symptoms of the artificial character of the agitation of the Australasian League".⁽³⁾ The events in Europe in 1848 had deepened the Liberal statesman's distrust of democracy, and some of the Leaguers appeared to be rabble-rousers.

Not all the colonists subscribed to the exaggerations and violence of which the League was at times guilty, but nevertheless

(1) Grey to Denison No.90, 30/5/1849.

(2) " " " No.115, 26/7/1850.

(3) "Colonial Policy of Lord John Russell's Administration". Grey's defence of transportation policy in letter to Russell dated 30/10/1852.

real public opinion was in favour of abolition. The settlers would not recognise the argument that the colony had originally been a penal settlement. It did not follow that it should remain one. By the encouragement offered to free settlement and the grant of the Legislative Council, the British Government had recognised that the island was also a colony. In 1824, the free population numbered 6,000. By 1851, this number had increased to 50,000, and the colonists had won their right to free institutions. A community that was ready for self-government was capable and entitled to decide its willingness to receive convicts. The advantages of transportation had been many times emphasized, not least by the latest representative of British authority, but the opinion of the majority was opposed to the system. The free labouring population resented the competition of convicts, and although this class provided a large and receptive audience for the abolitionists, the movement was led and organized by more educated and prosperous members of the community. Economic arguments were advanced on either side, but the fact that the fervour of opposition was maintained at a time when cessation would seriously increase the labour difficulties of the colonists showed clearly that to them greater than economic interests were at stake. Anti-transportationism owed its real strength to the fact that the settlers considered themselves degraded by a policy which made Van Diemen's Land a gaol for the outcasts of the Old World. England was their mother country to which they owed loyal allegiance, but this small island was their home with a future which should be unshadowed by convictism.

CHAPTER VIII

THE SEARCH FOR A LABOUR SUPPLY

The discovery of gold on the Australian mainland in 1851 had far-reaching consequences for the island colony of Van Diemen's Land. Its effect on the transportation issue has been noted in the preceding chapter. To the anti-transportationists, the lure of the goldfields was an argument to support their case. Grey and Denison, however, had observed the tremendous reaction which that lure would have upon the labour market of Van Diemen's Land. Here was the island's opportunity at last to fulfil those hopes, expressed by both Arthur and Franklin and by the settlers themselves before the opening of the rich mainland pastures, that Van Diemen's Land might provide the food supply of the settlements across the straits. The diggings would attract large numbers of labourers who would abandon their former occupations, and the population of these diggings would have to be fed. What a market this would provide for the produce of the island! At the same time, however, the goldfields would tempt members of the colony's own working population, the enterprising and the reckless alike. How essential, then, to maintain a labour supply to the colony by the continuance of transportation!

A brief survey of labour supply and demand in Van Diemen's Land in the years 1847-1851 will be of assistance in considering the

effects of the gold discoveries and the cessation of transportation on the colonial labour market.

When Denison arrived in 1847, Van Diemen's Land was emerging from the acute economic depression of the preceding years. The problem of unemployment had been largely responsible for the failure of the Probation System for the supply of convict labour had far exceeded the demands of the settlers. As the economy of the colony recovered and the increasing activity of industry and agriculture was reflected in the demand of the settlers for servants, the number of pass-holders awaiting hire at the government depots gradually diminished. In December 1846, this class numbered 2,025, but three years later, only 618. In January 1848, 8,442 convicts were maintained by government; in January 1851, 2,583.⁽¹⁾ These figures might well give a false impression of the increase of the colony's working population. In fact, large numbers of labourers were attracted by the high wages of the mainland and left the island. Denison calculated that, despite the absorption of nearly 2,000 convicts into private service in 1848, the working population in that year had decreased by 202 as a result of this emigration.⁽²⁾ Departures from Hobart and Launceston in the first six months of 1850 numbered 2,559; of this number 1,124 were bound for Port Phillip, 640 for the goldfields of California, 233 for Sydney and 185 for Adelaide. A large majority (1,537) of these

(1) For these figures see Comptroller-General's Returns with his half-yearly reports.

(2) Denison to Grey No.142, 27/9/1849.

emigrants had always been free, 544 were free by servitude and 209 held conditional pardons. The rate of this emigration decided Denison's attitude to the British offer of free immigration to penal colonies. Little of the Treasury grant of £30,000 was used for the benefit of Van Diemen's Land before 1851. These funds assisted wives and families of convicts to the colony, but these immigrants arrived in comparatively small numbers, 184 in 1849 and 278 in 1850. Denison's dispatches showed no interest in an immigration of free labourers in these years. At the beginning of 1851, some months before the gold discoveries, he estimated that the labour market could absorb 2,000 annually, but any greater number would cause serious inconvenience.⁽¹⁾

Denison was anxious to encourage the immigration of small capitalists, a class which would actually increase the demand for labour. The first notice⁽²⁾ issued by the Emigration Commissioners to implement that policy had been withdrawn after various objections from Van Diemen's Land, but in response to Denison's insistent requests for inducements to such immigrants, another notice was issued in April 1851.⁽³⁾ Any person depositing a sum of not less than £200 with the Commissioners would receive a remission certificate of double that amount to be available for eighteen months from its date at the government land sales in Van Diemen's Land. The applicant was also

(1) Denison to Grey No.26, 14/2/1851.

(2) Notice of August 1849. See preceding chapter.

(3) Grey to Denison No.148, 25/7/1851, enclosing April Notice.

entitled to free passages to the colony for himself, his family and servants, to the value of two-thirds of his deposit. In 1853, 33 persons arrived in the colony under these regulations.

In 1847, emigration to the mainland settlements under the auspices of the Colonial Land and Emigration Commission had been renewed and a steady stream of immigrants arrived in New South Wales. In that colony, a scheme enabled members of the working classes to nominate and deposit sums towards the emigration of friends and relatives in the mother country. These regulations were advertised in Van Diemen's Land in 1848,⁽¹⁾ but they met with little response. Denison explained this by the differing circumstances of the two colonies. In Van Diemen's Land the supply of convicts was then adequate to the demand for labour.

Denison entirely approved of the immigration of young women, even at a time when he discouraged the introduction of free labourers. There was always a demand for the services of female domestics. Grey, anxious to correct the disproportion of the sexes in Van Diemen's Land, had intended that part of the Treasury grant of 1849 should be used to assist female immigration, but the Commission did not begin to send out these women till 1851, when two shiploads of women were selected. The "Beulah" and "Calcutta" left England in May and July, each carrying approximately 170 Irish women, mainly from Institutions and Unions, and a few married couples. The girls, despite a lack of

(1) Government Notice No.54, 22/4/1848.

training, found jobs easily, and Denison praised their "exemplary conduct" and willingness to learn their future occupations.⁽¹⁾ After sending out these ships, the Commissioners suspended immigration until news arrived of the colonial reaction.

I

Meanwhile, gold had been discovered in New South Wales and then Victoria, and the process of emigration from Van Diemen's Land across the straits was greatly accelerated. Between September 1851 and January 1852, 3,747 men and 429 women left for Victoria. In January, Denison wrote home, urging the expediency of using all the Parliamentary grant for emigration to the Australian colonies to send free labour to Van Diemen's Land. The £30,000 might supply 1,200 men and their families for the colony's working population, even if they remained only a short time before being attracted to the diggings. On the day of this dispatch,⁽²⁾ the new Legislative Council appointed a Select Committee to enquire into the state of the labour market in connection with the "extensive emigration to the goldfields". The report was brought up and discussed in Council on the 17th March. It recommended the formation of a Board to receive applications from

(1) Denison to Grey No.160, 1/11/1851, and No.14, 19/1/1852.

(2) Denison to Grey No.13, 16/1/1852.

settlers willing to deposit half the cost of the passage of labourers to the colony. The Land Fund was to supply the rest of the sum. The report recommended further an address to Denison requesting that £20,000 secured on debentures on the Land Fund be devoted to this purpose. Discussion in Council degenerated into an argument concerning the non-attendance of members on committees. The report was allowed to lie on the table and no action was taken.

In April, Denison reported that not one male convict available for hire remained, and that the demand increased daily. The day after 207 convicts by the "Aboukir" had been classified for hire, they had all found employers. Between January and April 1852, 9,000 people had left the colony. The prices of provisions had risen steadily in the last year. Bacon had increased in price by 176%, firewood, mutton and bread by 100%, and butter and beef by over 70%. Denison requested permission to use part of the Land Fund for immigration in addition to the expenditure of the British grant.⁽¹⁾ He suggested that a large proportion of the immigrants should be married men with families, since there was more hope of this class remaining in the colony.

In his address to the Council at the beginning of the second session of 1852, Denison recommended immigration to the consideration of the members. At the end of June, a Select Committee was appointed to enquire into the subject and its report was discussed, referred back and reconsidered in Council during August and September. The Lieutenant-

(1) Denison to Grey No.76, 5/4/1852,
and No.108, 5/5/1852.

Governor had meanwhile again represented the urgency of the labour position to his home authorities. Over 10,000 men, a third of the total male population by the 1851 census, had left the colony. Of the convicts arriving from March until the beginning of August, the 1,741 eligible for hire had all been engaged, 1,399 during the first week. The spring rains would tempt more men to the great "lottery" of the goldfields.⁽¹⁾ The Report of the Select Committee provided returns showing that the wages of most labourers had increased by approximately 2/- a day. There had been a marked rise in the retail prices of provisions. The Committee members believed that from 2,000 to 3,000 men and women could find jobs without any marked reduction in the wages level. Such a number might be annually absorbed into the working population.⁽²⁾

How was this extensive immigration to be achieved? The Select Committee proposed first that £12,500 be appropriated from the General Revenue of the colony to import male adult labourers and mechanics under a Bounty system. Employers would receive indentured immigrants on providing half the cost of their introduction, reckoned at £15 per head. Applicants were to hand over to the Immigration Agent the sum of £3/15/-, and a promissory note for the same amount, payable on delivery of the immigrant, and in return would receive an Emigration Ticket, to be forwarded to a friend or agent in the United

(1) Denison to Pakington No.179, 30/8/1852, forwarding Colonial Government Report for January-June 1852.

(2) Select Committee Report forwarded in Denison to Pakington No.199, 5/10/1852.

Kingdom who would make the selection. The presentation of this ticket at the office of the Commissioners would entitle the holder to a passage to the colony. The immigrant was to sign an agreement selling out the term of service and wages paid by his employer, and also a promissory note for £7/10/-. This was not payable while he remained in that service, and the debt to the employer diminished by one-third for every such year.

Secondly, the Report recommended that all the available balance of the Land Fund be devoted to the importation of females of good character and of married men with families. This fund would also defray the passages of the wives and families of the men introduced under the Bounty system.

Much of the Report was devoted to a consideration of the funds available for immigration. The Act 8 and 9 Victoria c.95 had exempted Van Diemen's Land from the Waste Lands Act of 1842, under which half the proceeds of land sales was reserved for immigration purposes. Grey had directed in 1850 that the Land Fund should be regarded as capital to be invested in "objects of permanent public benefit".⁽¹⁾ The Select Committee regarded the introduction of free immigrants to correct the "moral evils" of transportation as such an object. The Report referred to the "deep injustice" of diverting the Land Fund in the years 1837-1845 from its original purpose of improving the colony. Surely the colony could now claim an immigration at the

(1) Grey to Denison No.116, 27/7/1850.

cost of the British Treasury? Grey, negotiating with Fitzroy for a renewal of transportation to New South Wales, had offered that colony free immigrants equal to the number of convicts sent.⁽¹⁾ From 1847 - June 1852, Van Diemen's Land had received nothing like an equal number of immigrants, and little of the British grant had been appropriated for the penal colony.

On the 24th September, an address to Denison was moved in the Council, asking him to request the expenditure of the balance of the British grant.⁽²⁾ Five days later, the report of the Select Committee was adopted. Denison was requested to place £12,500 on the 1852 and 1853 estimates to finance the Bounty system, and to appropriate the Land Fund balance and borrow £50,000 by debentures on that fund for the other immigration.

The Select Committee discussed immigration as an alternative to transportation, and closed the Report with a prayer for abolition of the system. Denison considered that immigration must be ancillary to transportation, and that Van Diemen's Land needed the 2,000 - 3,000 free immigrants in addition to at least the same number of convicts. By elaborate calculations he demonstrated that the demand for labour had gradually increased in the period 1847-1851, and yet one-third of the total male population had left the colony since March 1851.⁽³⁾

(1) Grey to Fitzroy No.213, 3/9/1847.

(2) Denison had already written home to this effect in his dispatches No.13, 16/1/1852, No.76, 5/4/1852 and No.199, 5/10/1852.

(3) Denison to Pakington No.199, 5/10/1852.

The Lieutenant-Governor agreed with the measures recommended by his council for financing the immigration, although he insisted that he must refer the proposal to anticipate the Land Fund to the Secretary of State. The Bounty scheme under the regulations devised by the Select Committee was advertised in the colony by a Government Notice in October 1852.⁽¹⁾ The public was not at first quick to respond; by January 1853, only 39 applications had been received.⁽²⁾ Yet all, including the Immigration Agent, testified to an acute shortage of labour, particularly that of young women. The Legislative Council considered the subject in March and resolved that few had taken advantage of the scheme because it was limited to males and their families. The Bounty system should be extended to include single women. After this recommendation was put into effect, applications came in more steadily. By the beginning of July, 309 had been received, and two months later, nearly 800.⁽³⁾

The urgent demand for the labour of young women led the Immigration Agent, Mr. Loch, to consider the subject of female immigration very seriously in his half-yearly report for July - December 1852. Two more ships despatched by the Colonial Land and Emigration Commissioners arrived in the colony in December 1852 and January 1853. Denison's favourable report of the "Beulah" and "Calcutta" had led

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- (1) Denison to Pakington No.223, 30/10/1852, enclosing Gazette Notice No.110, 22/10/1852.
 - (2) Report of Immigration Agent for July-December 1852. Legislative Council Papers.
 - (3) Governor's Message No.4 to Legislative Council 12/7/1853, and Denison to Pakington No.195, 15/9/1853.

Pakington to authorize the Commissioners to resume Van Diemen's Land immigration. The "Australasia" brought a mixed body of immigrants (married couples, single men and women), 220 in all, including 56 of the families of convicts. The immigrants by the "Louisa" were mainly young women. In both these ships, the female immigrants were largely drawn from Irish Unions and Institutions, regarded by the Commissioners as the chief source of supply. Loch reported that the colonists would greatly prefer English and Scotch women, since the Irish were not methodical, but ignorant and of a "peculiar temperament". They were, moreover, Catholics and most of the Van Diemen's Land householders were Protestant. Some of the "Louisa" females had a dubious past, but Loch admitted that the moral character of the Irish Union women was generally satisfactory. ⁽¹⁾

How might the colony hope to receive women from other parts of the United Kingdom? In some cases it had been reported that many acceptable young women were deterred from emigrating by the lack of money to provide themselves with an outfit. Loch suggested that the colonial government might in such cases supply extra funds. "Upon the payment or non-payment of the expenses by the colony appears to me to chiefly depend the question (i.e. of finding suitable immigrants), provided that suitable means are adopted to prevent the perversion of the colonial funds into a means of relieving public establishments and ratepayers, to effect which perversion it is to be apprehended that

(1) Denison to Newcastle No.66, 1/4/1853, enclosing Loch's Report.

much influence and many interests are exerted". The Immigration Agent clearly shared the colonists' distrust of an immigration managed by the home authorities.

In his report, Loch went into great detail as to how the arrangements for female immigration might be improved. He commented on the selection of surgeons and matrons in the recent shiploads, and discussed the accommodation on shipboard. A regular service of four vessels, each bringing the women with a small number of well selected families in shiploads of 200, was proposed. A contribution from the colony towards the outfit of the young women might be expected to attract good immigrants.

Loch favoured the suggestion of the master of the convict ship "Lady Montague", who claimed that in his native islands, the Shetlands, many immigrants of excellent character and qualifications might be found. Captain Cheyne undertook to bring 400 Shetlanders out to Van Diemen's Land if his ship could go to the islands to collect them. The Legislative Council requested Denison to supply approximately £5,500 from the Land Fund to obtain 300 women from this source, and to ask the Commission to pay for the cost of the extra journey to the islands.⁽¹⁾

The Commissioners were not impressed by the proposals of the Immigration Agent. As they observed, his main object had been to deprecate the selection from the Irish Unions and to urge a higher class of immigrant from other parts of the United Kingdom and to

(1) Denison to Newcastle No.68, 4/4/1853,
enclosing Legislative Council resolutions.

advocate the Shetland scheme. It was exceedingly unlikely that young Englishwomen of a better class would be willing to emigrate to a colony where wages were lower than on the mainland of Australia even under his proposed improved arrangements for ship accommodation. However, they promised to remember the objections to the large proportion of Catholic immigrants, which was explained by the "large redundance of females" in Ireland since so many Irishmen had emigrated to America.

The experience of the Commissioners in the Shetlands did not bear out the remarks of Captain Cheyne; "irresponsible opinions on such a subject are liable to prove erroneous when tested". Applications had been received from these islands in 1849, but many from immigrants who were either too old or had too many young children. A permanent agent had since been appointed there and offers had been made to help outfit the islanders from a small fund in the hands of the Commission. Few applications had been received. The Commissioners could not obtain the use of the "Lady Montague", and could not under any circumstances advise sending emigrants from such a remote part at public expense. Denison had not recommended Loch's suggestion of colonial contributions to outfit immigrants; The Commissioners observed that an offer of peculiar inducements to emigrate to Van Diemen's Land would mean that immigrants would simply travel to the mainland colonies via that island.

In closing his report, Loch emphasized that he meant "no disrespect" to the arrangements and intentions of the Commissioners.

The Commissioners pointed out that they had been spending British funds in the recent emigration, and that Van Diemen's Land could not expect imperial interests to be altogether overlooked. It was certainly their duty to ensure that the immigrants were of good character, but they had also to consider the class whose emigration would best relieve the mother country. The imperial authorities, after many years of colonial complaints, particularly from New South Wales, clearly believed that colonial opinion was formed without any realization of their difficulties in conducting immigration. (1)

The urgency of the labour situation in Van Diemen's Land induced the colonial government to consider other measures of relief. Denison had received information that a Society for Highland Emigration had been formed at home with an impressive membership of many peers of the realm, bankers and members of Parliament. The object was to promote emigration from the Highlands and the Scottish Isles to relieve the distress caused by over-population, the failure of the potato crop, the suppression of illicit distillation, and the decline in the kelp and herring industries. Members were to advance money for the payment of deposits, outfits and part of the passage money. The emigration was to proceed according to the rules established by the Emigration Commissioners. (2) Denison requested that £3,000 of the colonial funds

(1) Newcastle to Denison No.159, 31/10/1853, enclosing Colonial Land and Emigration Commissioners' Report 17/10/1853.

(2) Trevelyan to Denison 20/7/1852.

in the hands of the Commission be transferred to the use of this society,⁽¹⁾ and at the beginning of 1854, a ship, "Sir Allan McNab" landed a large number of Highlanders in the colony. Certain difficulties attended this immigration. The Highland Society demanded repayment of their advances of £19/19/- per each statute adult, and Denison, who had considered their money as a contribution and not a loan, had little chance of securing repayment. The colonial funds finally contributed £5 a head in the nature of a bounty.⁽²⁾

The Bounty scheme of October 1852 could not be expected to supply the colonial labour market for some time, nor could other government measures secure an immediate return. The demand for labour was urgent, and steps were taken to relieve the situation from a source near at hand, Victoria. Early in 1853, representations were made to Denison that many emigrants landed in Melbourne would be willing to cross the straits to secure regular and certain employment. A Government Notice was issued informing settlers that the colonial government would employ an agent in Melbourne to hire servants for them. The government would pay the agent and defray the cost of their passage, but the applicants for labour should pay £1 for each man, and 10/- for each woman servant thus obtained.⁽³⁾ The Victorian Colonial Secretary assured Van Diemen's Land of his co-operation, and in March, a Mr. Carte was appointed to the agency. The colony's hopes from this

(1) Denison to Pakington No.15, 10/1/1853.

(2) Denison to Newcastle No.73, 14/5/1854.

(3) Government Notice No.32, 22/2/1853.

source of supply were not immediately realised. Wages in the island were not high enough to tempt immigrants, who also objected to the agreement binding them to the service of a particular employer. It was arranged that this be replaced by an engagement to take service in the island for a certain period, and by the end of June, 41 men and 9 women had crossed the straits to find employment in Van Diemen's Land. The agency of Carte was found to be unnecessary and a mercantile firm in Melbourne conducted the business on a commission basis of 10/- a head. The Land Revenue financed this immigration to the amount of £8,000, and the original idea of payments by employers was never implemented. In the last half of 1853, 515 men and 156 women arrived under the system. Loch commented that they were a useful addition to the population, although generally of an inferior class. In 1854, 1,400 arrived. Many were in poor physical condition, and at the Immigration Depot their habits were "filthy and irregular".⁽¹⁾ At the end of the year, the sudden influx of United Kingdom immigrants put an end to the scheme.

In the early months of 1853, Denison revived the disused regulations enabling members of the working class to nominate and make deposits for their friends and relatives in England. Three Government Notices established the amount of the deposits.⁽²⁾ In May, the final arrangements fixed the sums at £5 for persons from 14 - 50 years of

(1) Denison to Newcastle No.48, 10/3/1853, and No.139, 20/6/1853, enclosing Immigration Agent's Reports for 1853 and 1854.

(2) Government Notices No.34, 21/3/1853, No.39, 4/4/1853, and No.56, 4/5/1853.

age, £8 for those over 50, and £2 for children under 14. By the end of the month, 55 nominations had been received.

II

The news that transportation was abolished arrived in Van Diemen's Land in the middle of 1853. The colony could expect no further supply of labour from that source. Newcastle, confirming Pakington's announcement of the intention to abolish transportation, expressed his confidence in Denison's "zeal and discretion in endeavouring to introduce the new order of things successfully, and in promoting all such measures as are necessary to modify the temporary inconvenience which must necessarily attend any such great alteration in the social condition of a people". (1)

The most urgent necessity in that "temporary inconvenience" was to replace the former steady influx of convicts into the working population of Van Diemen's Land. Denison and the Legislative Council turned their earnest attention to this problem in the last half of 1853. Two questions had to be answered. First, how many immigrants would be needed, and secondly, what funds were available to finance the immigration? Denison studied the number of convicts and immigrants absorbed in the past six years. He calculated the average number in

(1) Newcastle to Denison No.32, 22/2/1853.

1847-51 at 3,594, while in 1852, since the gold discoveries, 3,465 convicts and 144 free persons had found employment, and 1,200 more had been applied for. It seemed that at least 5,000 might be annually employed, and funds must be found to introduce 6,000 free persons, including families. Placing the cost at £19 a head, the amount needed would be £114,000. (1)

The first source of supply to be considered was the Land Fund, of which a balance of £20,000 was available. There was another means of raising money from that source. The colonial government's Land Regulations of November 1851 had granted to any person eligible to lease Crown land the pre-emptive right to that land at the upset price of £1 an acre. Lessees might buy immediately or within ten years, paying a rental of $2\frac{1}{2}\%$ in the meantime. By June 1853, over a million acres would be bought and paid for. The government could obtain £40,000 a year by issuing debentures, even if all purchasers decided to wait for the ten years. The rental would cover the interest on the loans. Denison obtained the agreement of the Legislative Council to this proposal. (2)

The Land Revenue could thus provide £60,000 in all. The employers of labour were expected to provide a further sum of £20,000 by their contributions under the Bounty system. (3) Denison and the

(1) Denison to Newcastle No.138, 18/6/1853.

(2) Denison's Message to Legislative Council No.4, 12/7/1853, and Council's Report on this. Paper 42, Legislative Council Papers 1853.

(3) Denison to Pakington No.138, 18/6/1853.

Council hoped British funds would also assist in financing the immigration. The Colonial Land and Emigration Commissioners had been directed to send two ships every three years, bringing approximately 1,900 immigrants to the colony each year.⁽¹⁾ Denison suggested that Treasury funds meet this expense, since Britain might justifiably help relieve the colony from the pressing difficulties caused by the cessation of transportation. The Legislative Council not only voted the immediate expenditure of £25,000 from the Land Fund to import wives and families of Bounty immigrants, but were willing to contribute £25,000 from the General Revenue for the Bounty system. Denison, sending home his report on the proposals and measures of the Council, remarked that the urgency of the situation justified the trial of any scheme which had any prospect of supplying the colonial needs.⁽²⁾

In the midst of all this discussion, a dispatch arrived from Newcastle with news which completely upset the colonial arrangements for immigration. The Bounty scheme of October 1852 was disallowed. On the advice of the Emigration Commissioners, the Secretary of State announced "with reluctance" that he was unable to sanction it, and observed that it was not the home authorities who had caused this dilemma. He hoped that this experience would "prevent you from again adopting, without any previous communication with the Secretary of State, an extensive and complicated plan which could only be executed in this country and which has been so imperfectly considered as to render

(1) Pakington to Denison No.119, 26/11/1852.

(2) Denison to Newcastle No.195, 15/9/1853, with enclosures.

inevitable the non-performance of a large mass of expectations created by the colonial government". The report of the Commissioners criticized the plan severely. It would mean the desertion of families in England, for the Land Fund could finance the immigration of no more than a third of these. The parishes would most certainly complain. The regulations had underestimated the cost of sending out an immigrant. The last ship to Van Diemen's Land cost £20 a head, and since then, one to Sydney, £23. The Commissioners would have no control over the selection of the immigrants as regarded their physical and moral qualities, and no responsibility for the ship's discipline. They concluded their report with a recommendation that the colonial authorities should study the Indenture scheme devised for New South Wales, since a uniform scheme operated for all Australian colonies would be preferable.⁽¹⁾

The hopes of Denison and the Legislative Council for further immigration at the expense of the British Treasury were soon to be dashed. A month later, Denison was informed that the claim could not be admitted. The circumstances of the offer to New South Wales of free immigrants in numbers equal to the convicts were entirely different. Van Diemen's Land had not claimed the expenditure of the Parliamentary grant until early in 1852, when the money had already been used for those colonies most needing free immigration at the time. The Commissioners had sent 1,300 immigrants to Van Diemen's Land since the gold discoveries had changed the circumstances of the colony. It was impossible to admit the claim for a retrospective grant. Newcastle

(1) Newcastle to Denison No.63, 4/5/1853, enclosing Emigration Commissioners' report.

regretted that there were no means at his command to send more emigrants to the colony at the expense of British funds.⁽¹⁾ The colonial authorities were very reluctant to abandon their Bounty system. Denison handed over the dispatches from England for the consideration of the Legislative Council, and a Select Committee was appointed on September 20th to reconsider immigration in the light of the new development. It reported ten days later, deploring Newcastle's decision, and claiming the Bounty system as that offering the greatest facilities for the introduction of a valuable class of servant. However, as the Commission recommended, consideration was given to Fitzroy's Indenture scheme.

Under these regulations, immigrants were required to contribute to the cost of their passages by paying a certain amount on deposit in England, and most of the remaining expense from their wages in the colony. A scale of the two sums payable by immigrants of various classes had been drawn up, so that the deposits and advances varied according to the occupation, marital status and age group of the immigrant. The wives and children under 14 obtained free passages and preference was given to families with the smallest number of young children. Immigrants were required to indent themselves to particular employers for certain periods but could obtain release from their engagements by repaying the advances and giving three months' notice. In New South Wales, an Indenture Act had been passed to make the

(1) Newcastle to Denison No.86, 11/6/1853.

contracts between employers and their servants valid. The Van Diemen's Land Council agreed to devote £62,000 of the colonial funds in the hands of the Commission to immigration under this system, but reserved another £10,000 for a new Bounty system, by which each resident in the colony introducing an immigrant received a government bonus of £10. Denison reported these decisions to the Colonial Office in October. He was "still hopeful" of the old scheme, but thought it desirable to begin any scheme to bring in labour "in the manner most likely to afford the greatest amount of relief in the shortest time".⁽¹⁾

Neither the Lieutenant-Governor nor the Council displayed any great enthusiasm for the Indenture system. The Attorney-General was directed to draft a bill like that passed in New South Wales, but before it had reached its second reading in Council, Denison had received a copy of an Emigration Commission Report of July 1853 on the New South Wales Act stating that it was inadvisable to carry out the scheme. The grounds for this recommendation were of a temporary nature, but Denison understood it to mean permanent discontinuance. He proceeded no further with the introduction of the legislation and planned another scheme of immigration. The Commissioners, however, resumed the Indenture system in February 1854, and dispatched to Van Diemen's Land eight ships with over 2,000 passengers under these regulations. Seven of these ships landed 1,967 immigrants in the second half of 1854, and 176 arrived in Launceston early in 1855.

The colonial authorities in Van Diemen's Land established a

(1) Denison to Newcastle No.214, 10/10/1853 with enclosures.

new Bounty system in January 1854. This was at first intended to replace the former proposal of £10 bounties to employers, and to work beside the Indenture scheme, but when it appeared that the latter no longer met with the approval of the home authorities, Denison obtained the authority of the Council to spend £10,000 in paying the passages of Bounty immigrants.

The regulations of January 1854 merit consideration, for it was under this system that the majority of immigrants landed in the colony in 1854 and 1855 was imported.⁽¹⁾ On the payment of deposits of £3 for every single immigrant, and of £5 for a family, applicants for labour received from the Immigration Agent Bounty Tickets, which were transferable to the masters of ships. The applicant made his own arrangements for the selection of the immigrants, and sent the Ticket to an agent or friend who had been asked to act for him. Immigrants were required to enter into an engagement on the back of the Ticket that they would not leave the colony for four years unless they repaid the importer one quarter of the passage money for each year of the engagement unfulfilled. These Tickets were handed over to the ships' masters as passage money, and then presented on arrival in the colony to the Immigration Agent, who certified the arrival of the immigrant on the back. Thus marked, the Tickets were payable on presentation to the Colonial Treasury. Members of the working class might obtain Tickets for their friends and relations in the mother country by satisfying the Immigration Agent that they were emigrating to labour in the colony.

(1) Government Notice No.11, 23/1/1854.

Blank Bounty Tickets could also be sent to agents and committees in the United Kingdom or elsewhere to provide passages for emigrants selected by them. These agents filled in the names, and emigrants were obliged to sign a promissory note on the back to repay the Immigration Agent in the colony the £3 or £5 deposit.⁽¹⁾

The Colonial Land and Emigration Commissioners pointed out objections to the scheme, but it was not arrested. The tone of their report was not altogether amiable. "But as the Local Government of Van Diemen's Land appears anxious that the details of Emigration to that colony should be carried out only in obedience to the rules prescribed by themselves, it will probably assist them in framing such rules to offer for their consideration the results of our experience during the extensive emigration of the past seven years". They found the regulations vague and undefined. The term "Family" could cover the importation of a large number of small children. The Bounty Tickets might be hawked about England. Nothing had been said about the age and character of the immigrant or his capacity to labour. Persons quite unsuited to colonial life could take advantage of the working class' relatives and friends provision. It was dangerous to issue Blank Tickets to Committees and their agents in England since such agencies had no practical responsibility to the colony. The experience of the Commissioners would not lead them to trust "selectors, primarily concerned with the advantage of the emigrant, and only secondarily with that of the colony".⁽²⁾

(1) Denison to Newcastle No.66, 3/5/1854, and enclosures.

(2) Sir George Grey to Denison No.51, 22/9/1854 enclosing Report of Commissioners dated 31/8/1854.

Denison argued these points, but his fundamental answer to the Commissioners was simple. Immigration schemes must be considered not absolutely, but relatively. The colony did not pretend that the Bounty system was perfect, but in comparing it with others (e.g. the New South Wales plan), both he and the Immigration Agent agreed that the Regulations brought out emigrants of a better description, and, moreover, their importation cost less per adult.⁽¹⁾

How did the Indenture system fare in Van Diemen's Land? Two thousand such immigrants were landed towards the end of 1854, but despite the great demand for labour, the Immigration Agent had difficulty in disposing of them. The sudden influx of such large numbers partly accounted for this, but there were other reasons. Employers in the colony did not like the regulations. They knew nothing of the qualifications of the immigrants, yet were expected to pay half the debt to the colony. Even when the government reduced the amount of deposits required from employers, there was still dissatisfaction. A large proportion of the arrivals were Irish and there were many families with young children. Young women by the "Caroline Middleton" caused Loch much anxiety by their refusal to sign their four year engagements. The public would not employ them without such a written agreement. It seemed that the girls might remain indefinitely at the Depot on the Old Wharf, and only when Loch threatened to hire them out to any employer at any wages would they give in. The Indenture system had been devised in New South Wales, and was based on the idea that the

(1) Denison to Sir George Grey No.93, 30/12/1854,
enclosing Loch's Report.

gold discoveries had removed any necessity to hold out inducements to emigration. The immigrants were therefore expected to provide much of their passage money and to bind themselves to service. The regulations simply did not suit Van Diemen's Land and could not be carried out.⁽¹⁾

The Commissioners would not accept the blame for the failure of the Indenture scheme. It had originated in New South Wales, not in their office. They had merely recommended it to the attention of the Van Diemen's Land authorities, and had been authorized to spend £62,000 under those regulations. Every care had been devoted to the selection of the immigrants, but the field was limited. The Commissioners had ensured their proper accommodation on the voyage. They prophesied that the colony's Bounty system would provide even more families with young children. Russell, again Secretary of State for Colonies, forwarded these remarks in a dispatch intended to close the controversy. "The great object to be looked for is the public good".⁽²⁾ He felt sure that Denison's successor, Fox Young, would provide "calm and impartial accounts" of the working of all kinds of immigration. The Commissioners dispatched no more immigrants to Van Diemen's Land under the Indenture system. The colony's own Bounty Regulations provided the immigrants for 1855.

(1) Denison to Sir George Grey No.93, 30/12/1854, enclosing Loch's report.

(2) Russell to Young No.43, 2/7/1855, enclosing Report of Commissioners.

III

The Emigration Commissioners were not optimistic of the results of the Bounty Regulations of January 1854. How far were they justified in their attitude? How did the scheme actually work?

A scheme of immigration by Bounty had one great advantage in that the supply of labour was thus regulated to the demand. Employers were given a simple method of supplying their own labour needs. As Denison pointed out, the January regulations were free of many of the Commissioners' objections to the plan of October 1852, for they called for no action on the part of either the colonial or the imperial government outside the colony. Apart from issuing Bounty Tickets and paying out the Bounties on demand, the government remained in the background. The colonists and their agents managed the immigration themselves, and saved the government the expense of official establishments and agencies in England.

The regulations proved popular with the settlers from the beginning. By the end of 1854, nearly 2,000 deposits had been made for Tickets, 778 Family and 1,194 Single. The system of Blank Tickets was used to a lesser degree. Two Welsh agents were issued with 100 Family and 200 Single Tickets, an agent in the United Kingdom with 50 Family and 100 Single, and a German society, The Weavers' Emigration Society, with 12 Family Tickets. Only 96 immigrants arrived under the

regulations in 1854, but in 1855 more than 5,000 reached the colony and approximately 900 Tickets were issued. Many applications were received under the provision for friends and relatives of the working classes and of 696 applications made in July-December 1854, 408 were of this type. The Immigration Agent considered the immigrants thus obtained extremely valuable additions to the working population. The fears of the Commissioners were not justified by experience for few proved to be unqualified for labour. The great majority of the Bounty immigrants of 1854-55 came from England and Scotland; 2,029 were English, 1,764 Scottish, 858 German, and 721 Irish. The proportion of Roman Catholic arrivals in these years was consequently small. In the last six months of 1854, when there was a large influx of indented immigrants, more than half the 2,452 arrivals were Irish and Catholic. Most of the settlers preferred English and Scottish servants.⁽¹⁾

Soon after the advertisement of the January regulations, three Immigration Societies opened subscription lists in Hobart and Launceston. The Hobart Town Immigration Society provided its members with an agency in the United Kingdom. Two Launceston societies went further, and applied for Tickets. The object of the St. Andrew's Immigration Society was to encourage the immigration of Scottish labourers and their families. The sums subscribed were to be regarded as loans to immigrants repayable a certain time after their arrival in Van Diemen's Land. Each subscriber was able to send in a list of his own labour needs, to be

(1) See Reports of Immigration Agent for 1854 and 1855 in Legislative Council Papers and Proceedings.

acted upon by the Committee's agent in England. The Launceston Immigration Aid Society made similar arrangements. The Immigration Agent praised the type of immigrant selected by the two agents, Mr. Bonney and the Rev'd Mr. Drake. In 1854, the St. Andrew's Society applied for 100 Family and 300 Single Tickets and the other Launceston society for 60 Family and 40 Single. The majority of Tickets was issued to individual employers.

To simplify arrangements for the importers, the colonial government reached an agreement with the agents of J. Baines and Co. of Liverpool, owners of the "Black Ball Line" of Australian packets, who undertook to carry Bounty Immigrants to the colony at the cost of £22 for each adult. Baines advertised in the United Kingdom that holders of Tickets could obtain passages in their ships by presenting them at their Liverpool or London offices. These Tickets after endorsement by the ship's captain on delivery of the immigrants were payable to the shipping company. This arrangement was very satisfactory for the government, for it obviated the necessity of sending funds to England for the payment of the passages of their labourers.

Some difficulties were encountered in the execution of the system. As the Commissioners had prophesied, immigrants with too many young children were introduced by the Family Tickets. Not enough women were imported. Perhaps the most serious problem was caused by the numerous departures for the mainland colonies, particularly Victoria, which offered more exciting possibilities and higher wages than Van Diemen's Land. Tasmania actually suffered a net loss by emigration in the next two decades, while the mainland colonies received large additions

to their population. Regulations could not prevent this exodus, but some means had to be found to enforce the repayment of the amounts due to the employers for the passage money of servants who left for Victoria before completing their terms of service. Finally the Customs officers at the ports agreed to send the Immigration Agent lists of departures to be checked for emigrants avoiding their financial obligations. The Assisted Emigrants Act of 1854, passed to validate contracts between employers and indented servants, was amended to enforce repayment by the imposition of penalties up to £20 on defaulters.

The Legislative Council appointed a Select Committee on Immigration at the end of July 1855. Its main concern was with finance since the importations of 1854 and 1855 had cost the government the large sum of £46,000 by the end of June. The general revenue of the colony met the charge, assisted as far as possible from the Land Fund, but the cost was "too high to exist with due regard for other claims on the revenue". The Council agreed to the Committee's recommendation that £100,000 be raised by debentures on the General Revenue, and early in 1856, an Act for the appointment of a Board of Five Commissioners to issue the debentures and manage immigration received the consent of the governor.

It was clear from the report of the Select Committee, the discussion of the Council in November, from the press, and from the governor's own observations, ⁽¹⁾ that Van Diemen's Land was satisfied

(1) Governor's Address to Council 17/7/1855.
Legislative Council Papers and Proceedings.

with the Bounty system. Modifications were made in the amount of the deposits required from employers. Consideration was given to the number and type of immigrants needed, but not to any real departure from the regulations. It is noticeable that since assisted immigration commenced in 1831, any arrangements devised in the colony were for immigration under a Bounty system. Schemes whereby employers introduced their own labour and received financial assistance from the colonial government were put forward in the boom years of 1839 and 1840, and again after the gold discoveries, in October 1852, November 1853 and January 1854. Why was this preference so marked?

The general feeling of settlers was opposed to immigration conducted by government. They preferred private enterprise with government interference limited to financial assistance. Under Bounty arrangements, the employers could furnish their agents with an account of their exact requirements. The likelihood of receiving servants of a suitable class seemed far greater than under a general government system. Many colonists had friends in the United Kingdom who knew of worthy families who would emigrate to serve an employer recommended to them. There was security in such an arrangement. Although some agents selected immigrants who proved unsatisfactory in the colony, such failures were outnumbered by the successful importations.

The colonists were convinced that, when immigration was conducted by an imperial authority, more attention was given to choosing the best emigrants from the United Kingdom than to providing the best immigrant for the colony. Consideration of the advantage of the mother

country influenced selection. Arrivals during the first years of assisted immigration had been severely criticized in Van Diemen's Land. Some immigrants appeared to be rejects from parishes, women who were unlikely to raise either the moral tone or the birthrate of the colonial community. Others had been diseased or ill qualified for labour. The appointment of the Colonial Land and Emigration Commissioners was responsible for many practical reforms. By the passing of the Passenger Acts⁽¹⁾ conditions on emigrant ships, the arrangements for their provisioning, hygiene and accommodation, had been greatly improved. The Commissioners had shown evidence of anxiety to supply a good type of immigrant and complaints from the colony were certainly less frequent than in the days when Forster's Committee had made the selection. However, it was to be expected that British interests would be reflected in the activities of the Commission. During these years, the Home Government was concerned at the serious problem of over-population in Ireland, and large numbers of Irish immigrants reached Van Diemen's Land. The Commissioners explained that in the years from 1852 to 1855, three times as many applications were received from Ireland as from other parts of the United Kingdom.⁽²⁾ Irish immigrants were not popular with the colonists, who considered that a more satisfactory class could be imported under their own Bounty arrangements.

As in the more fiercely disputed issue of transportation, the

(1) 12 and 13 Vic. c.33 and 15 and 16 Vic. c.44.

(2) Russell to Young No.47, 19/7/1855, enclosing Report of Commissioners.

settlers denied that the imperial interest could outweigh that of the colony. The preference for an immigration system under local regulations was a further demonstration that the Van Diemen's Land colonists were eager to manage their own affairs. The grant of responsible government in 1855 handed the Land Revenue, regarded by the Wakefield School as the chief support of assisted immigration, to the disposal of the local legislature. The Colonial Land and Emigration Commissioners had many times reminded the colonial authorities of their long experience in facing the difficulties of conducting emigration, and of the knowledge they had gained. The Colonial Office knew more of the art of government than the legislature of Van Diemen's Land, yet it was time for the colonists to learn for themselves, overcome their difficulties and acquire their own experience.

CONCLUSION

In size, population and the extent of its resources, Van Diemen's Land was not a significant part of the British Empire in the nineteenth century, when the overseas possessions of the Crown included the wide territories to the north of the independent American colonies, the rich West Indian islands, Bermuda, India, Ceylon, Cape Colony and West Africa. As part of the British scheme of secondary punishments, however, the small island had a special position among the colonies. Van Diemen's Land had been established as a receptacle for the transported offenders of Great Britain, and was more immediately associated with domestic policy than overseas territories acquired for commercial or territorial advantages. As a result, the interests of the colony were long regarded in England as a secondary consideration to the advantages of transportation as a system of secondary punishment. As long as transportation was believed to be the most effective method of decreasing crime in Great Britain, the Government continued to send convicts to Van Diemen's Land. During the later period of the preceding study, a Secretary of State, liberal in outlook and with a genuine concern for colonial welfare, persisted in that policy in the face of vigorous resistance from the colony.

In England, the most ardent campaigners for the abolition of transportation were the colonial reformers, who condemned the system

as a means of colonization. A number of men interested in penal questions had grave doubts of the efficacy of transportation as a secondary punishment, and the marked increase in crime in Great Britain during the first half of the nineteenth century gave weight to their criticism. Both the colonial enthusiasts and the penal reformers emphasized the evil effects of transportation upon the penal settlements, but a majority in Parliament was more impressed by the difficulties which would arise from a change in Britain's method of disposing of her criminal population. The alternative to transportation, most ably supported by Richard Whately, was a penitentiary system, but this was generally regarded as a costly experiment. Not until the forties was a serious attempt made to extend prison facilities in Great Britain, and even then the authorities were impressed by the dangers of retaining at home a large number of liberated prisoners unable to find employment. The example of the behaviour of the "forcats" in France was not encouraging. Although it was frequently conceded that transportation was not a completely satisfactory system of secondary punishment and by no means fulfilled the hopes of the humanitarians for moral regeneration, it was argued that the best, and incidentally the cheapest, means of disposing of criminals was to transport them to a penal colony.

Lord John Russell was in advance of general opinion in his efforts to implement the Molesworth Report. The abolition of transportation to New South Wales was secured, but his attempt to diminish the number of convicts sent to Van Diemen's Land failed as a result of the

motion of Lord Mahon in 1841. Mahon admitted that the system of transportation needed revision, but not in such a way as to increase the number of convicts confined in England. The success of his arguments in the Commons condemned Van Diemen's Land to the large influx which swamped the colony during the period of Wilmot's administration. Six years later, when the Probation System was acknowledged as a failure and productive of the most alarming results in the condition of Van Diemen's Land, the general conviction that transportation was the most effective deterrent to crime caused the abandonment of the Exile plan, which had been devised by Grey and the Home Office partly as a means of relieving the colony. The increase in the attractions of the Australian colonies as a result of the gold discoveries effectively dislodged this conviction, but only then did the policy of continuing transportation to Van Diemen's Land lose the support of a majority in Parliament.

Although the British Government was for so long unwilling to make any radical alteration in the scheme of secondary punishments, doubts as to the efficacy of transportation as a means of deterring, punishing and reforming criminals were responsible for the first change in the system of convict management in Van Diemen's Land. The modifications of Lord John Russell in transportation policy in the period immediately following the Molesworth Report were not the result of any demand from Van Diemen's Land for revision of the system. The change to Probationism, although originally dictated by the highest motives, and intended to correct the unfortunate effects of assignment on the

colonial society described by the Select Committee of 1837-1838, was in fact an unwelcome development in the colony. Of the succeeding systems of convict management in Van Diemen's Land, there is no doubt that assignment was best suited to the interests of the free settlers. Originally merely an arrangement for the accommodation and maintenance of prisoners in a new settlement, the system was essentially a colonial development. The regulations laid down in Government Notices in the Hobart Town Gazette were devised by Lieutenant-Governor Arthur to meet the intentions of the British Government in transporting offenders, but with due regard for their practical effect on the free settlers.

The rules for the Probation System, on the other hand, were made in England and represented the first attempt of the home government to introduce a reformatory principle in the management of transported convicts. Probationism, as it finally emerged in the regulations of Lord Stanley, proved a total failure as a system of convict discipline, and was acknowledged as such by the home authorities. However, if the British Government judged schemes of convict management largely on their effectiveness for penal purposes, the Van Diemen's Land settler was more concerned by the effect of the convict regulations on his land, his labour and his way of life. The Probation System was largely responsible for the rapid development of colonial resistance to the continuance of transportation.

The comparative cheapness of transportation as a means of disposing of criminal offenders was one of the most telling arguments

in its favour with the British authorities. It proved difficult for the Government to reconcile its anxiety for economy in expenditure with its concern to improve transportation as a secondary punishment. During the period of Arthur's administration, there was a general impression in England that transportation was failing to deter offenders because convicts in the colony had too much freedom. The efforts of the Lieutenant-Governor to make transportation a more severe punishment caused an immediate rise in the cost of the convict establishment in the colony. As the augmented police force exercised a closer supervision over the conduct of the assigned servants, the number of men sentenced for colonial offences to punishment on the roads or in the penal settlements increased. While a series of dispatches from England urged the necessity for transportation to be a dreaded punishment, Arthur was at the same time instructed to assign away as many prisoners as possible in order to reduce the charge on the Commissariat for convict maintenance and supervision. The two objects, economy and efficiency of punishment, were simply not compatible. It was not until Grey instituted his reforms in convict management after 1848 that the Commissariat provided adequately for buildings and overseers for the convict population. The parsimony of the Treasury in this respect did not involve the local government in serious difficulties while the assignment system placed the responsibility for housing and supervising the large majority of the convicts on the free settlers, but it proved fatal to the chances of successfully administering the Probation System.

Arthur and Denison both emphasized the importance of reconciling

the interests of the colony and the mother country in the direction and administration of transportation policy. The conflict between those interests is most clearly seen in the question of the employment of the convict population. Even in the days of the assignment system, when individual settlers were freely allowed the advantage of the convict labour on their land, the question of convict employment on the public works of the colony led to some disagreement between the home and colonial governments. Arthur failed to dispel the suspicion of the Treasury that convicts eligible for assignment were being deliberately retained on works to the colonial benefit. He was many times urged to introduce the contract system in the construction of public works, a measure which he consistently opposed as prejudicial to the discipline of the men. The Treasury was at that time anxious that as few convicts as possible should be on the hands of the government. The decision of the home authorities to reform transportation by introducing the probation system of convict management greatly increased the number of convicts on the charge of the Commissariat. Although the Government declared its willingness to face the financial consequences of the abolition of assignment, care was taken in devising the regulations for the disposal and employment of the probation men that the Commissariat chest should have every possible benefit from their labour. Both the colonists individually and the colony were in future to be charged for the employment of convicts. What Stanley and the officials of the Treasury completely failed to understand was that this economic advantage had in the past compensated the free settlers

for the disabilities of residence in a penal settlement. The new regulations for the employment of convicts on the public works were deeply resented by the Van Diemen's Land settlers, and in fact proved of little benefit to the Commissariat. The depressed condition of the finances of the colony virtually put a stop to public works construction and the unemployed probationers remained a charge on British funds. The colonial complaints were heeded by Lord Grey, who restored the advantages of convict labour on the public works, but Stanley's persistence in the policy had convinced the settlers that Downing Street had little regard for their interests.

The anxiety of the home authorities to reduce the cost of transportation was reflected not only in the provision of the practical means for convict discipline and the regulations for convict employment, but also in the instructions for the disposal of colonial revenues. The policy of the Treasury was determined by the conviction that the colonists of Van Diemen's Land received great financial benefit from the presence of the convicts in the colony, and might therefore be expected to contribute to the cost of their upkeep. The settlers, on the other hand, resented the application of colonial revenues on the maintenance of convicts sent to the colony with a view to British, not colonial, interests. Although even before 1836 the existence of the convict establishment in Van Diemen's Land augmented expenditure in a number of civil departments, the transfer of the charge of police and gaols to the Colonial Treasury at that date made it plain to the settlers that colonial revenues were to be applied to imperial purposes.

Arthur had warned the home authorities that the contribution would be regarded as "a sort of tribute" in the colony, and feelings of resentment deepened when the influx of Probation men increased the expenditure of these departments in a period of depression and falling revenues. Dissatisfaction was centred on the disposal of the Land Revenue, which the colonists regarded as pledged to expenditure to the colonial benefit, particularly to the introduction of free immigrants. During the period when the Colonial Treasury disbursed the charges for police and gaols, a large proportion of the proceeds of the land sales went to meet the ordinary expenses of government. In the Commons, the supporters of Wakefield attacked the Government for the "mis-application" of the proceeds of land sales, but the representative of the Colonial Office denied that any undertaking to devote the Land Fund entirely to immigration had been given.⁽¹⁾ Two years later, the Australian Waste Lands Act established the rule that half this revenue should be used for immigration, but this provision had no effect on Van Diemen's Land. The Act, which raised the price of land to £1 an acre, proved inoperable in the colony where land sales had virtually ceased, and was finally repealed in 1845. In the same year, the Treasury finally agreed to resume the charge for police and gaols, but ordered that the balance of the Land Fund, after meeting the usual expenses of survey etc., be paid into the Commissariat Chest. Grey restored the Land Revenue to the colony in 1848, but none of his concessions could erase from the minds

(1) Hansard, Third Series, Vol.53, p.1279 et seq., 5/3/1840. Labouchere had been Parliamentary Under-Secretary at the time of the transfer of police and gaols.

of the Van Diemen's Land settlers the effects of British policy during the critical years of Stanley's administration of colonial affairs. After 1847, the condition of the colony gradually improved, but neither reforms in convict management nor the forceful arguments of Governor Denison could prevail against the growing conviction that the interests of Van Diemen's Land would be best served by the total abolition of the system of transportation.

In no aspect of the development of the colony is the decisive influence of its penal character more clearly illustrated than in the history of immigration. Two facts dominate that history. First, transportation provided Van Diemen's Land with a labour supply, and secondly, the mainland settlements after 1837 offered more attractive prospects for the working class. In the light of these considerations, the history of immigration in the colony can best be reviewed in three periods. From 1824 to 1837 the assignment system provided the settlers with cheap labour very largely sufficient for their needs, but supplemented by importations of free immigrants from Great Britain. For ten years after 1837, except for a brief revival of interest in free immigrants as a result of the expansion of the mainland settlements and the proposed abolition of assignment, the colony could neither afford nor absorb an accession to the labouring class. Finally, the movement for the abolition of transportation was closely associated with a demand for free immigration and, after abolition had been achieved, the demand increased as the gold discoveries on the mainland drained off the supply of labour.

The home authorities, in attempting to justify policies which opposed the interests of the free settlers, frequently observed that the growth of Van Diemen's Land as a colony was incidental, that the colonists had come to the settlement of their own volition and in full knowledge of the fact that it was primarily a receptacle for transported offenders. This observation would seem to suggest that the British Government had taken no interest in the free settlement of Van Diemen's Land. In fact, when the Australian colonies were opened to free settlement after 1821, the system for the disposal of Crown Land had offered encouragement to a particular class of settler. The land grants system was intended to appeal to respectable emigrants with sufficient capital to improve their holdings and to employ convict labour, thereby reducing the charge on the Commissariat for maintenance and supervision of the prisoner population. Arthur regarded capitalists as the desirable immigrants for a colony where a labour force was already at hand, and after the introduction of land sales in 1831, blamed many of the troubles of the local administration, not least the difficulty in assigning convicts, to the abandonment of a policy which attracted their settlement. By offering assistance from the colonial funds for the immigration of free labourers to the Australian settlements, the Colonial Office was adopting a policy which, if persisted in, would ultimately have made the continuance of transportation an impossibility. As Arthur pointed out, the Van Diemen's Land settlers would have infinitely preferred free labour if a sufficient supply could be obtained to lower the level of wages. Forced labour was cheap, but not efficient. It was, however,

not the intention of the British Government to supplant the convict labour supply, but to supplement it, and at the same time dispose of some of the surplus working population of the mother country. The settlers welcomed the proposal to send out women convicts and skilled tradesmen, but were from the beginning suspicious that the colony was to become a repository for the paupers as well as the criminals of Great Britain. Their fears were justified to some extent by the character of the early importations. The women found jobs easily enough, if they were in fact interested in earning a living by their labour, and the large majority fulfilled the object of their immigration by marrying the convicts. The labourers were not so easily settled. The assigned servants of the settlers provided all the unskilled labour which the colony needed, and comparatively few of the new arrivals proved to have qualifications to compensate employers for the disadvantage of paying out wages. Towards the end of this period, the new settlers of the Port Phillip district were offering high wages to all descriptions of labour, and a number of free working men, assisted to emigrate by the revenues of Van Diemen's Land, drifted across the straits to better opportunities than a penal settlement could provide. The Land Revenue of Van Diemen's Land could not afford to import immigrants for another settlement.

After 1837 it was no longer possible for the British Government to pursue the same land and immigration policy in Van Diemen's Land and New South Wales. In the first place, the proceeds of land sales in a small mountainous island, where a large part of the arable land had been

alienated by the large grants in the early days of settlement, could not be expected to keep pace with the Land Fund of the rapidly expanding mainland settlements. Secondly, in New South Wales that rapid expansion, and the cessation of transportation, created an urgent and continuous demand for labour. In Van Diemen's Land, convict labour was adequate, for some time more than adequate, to demand. For a short period, the development of the mainland settlements stimulated an interest in free immigration in the colonists of Van Diemen's Land, who had high hopes of the island becoming "the granary of the sister settlements". The news of the proposed abolition of assignment, and uncertainty as to the continuance of transportation, made the replacement of the convict labour supply a vital issue to the settlers, who demanded that the Land Revenue be again applied to its rightful purpose. In the period after assignment had been abolished and before the cessation of transportation in New South Wales had increased the influx of convicts into Van Diemen's Land, arrangements were made to import large numbers of free labourers, and the expenses of this immigration proved a serious charge on colonial revenues when the short boom was followed by a period of depression. After 1843, it was clear that there was no room for free labour in Van Diemen's Land. The charge that the Probation System was driving the free population from the colony was justified, although the rate of this emigration was exaggerated by the protesting colonists. Petitions from those free working mechanics who did not cross the straits described the misery of their condition in a colony swamped by convict labour. The events of these years demonstrated beyond doubt that

transportation and systematic colonization could not be reconciled.

The initiative in the policy of encouraging free immigration to Van Diemen's Land had originally come from the home authorities, and it was only when the continuance of the system was a matter of doubt that the settlers demonstrated any great anxiety for a supply of free labour. The colonial demand for free immigration after 1846 was closely associated with the development of the anti-transportation movement. Demands for the abolition of transportation were naturally accompanied by requests for the immigration of free labour to replace the supply from the convict source. The colonists argued that they could justly expect this immigration to be financed by the British Treasury, since British policy in the Probation System had so injured the colony. Grey, in negotiating for a renewal of transportation to New South Wales, admitted the principle that British funds should be used to send to penal colonies free immigrants equal in number to the convicts, and he obtained a grant from Parliament in 1849. In fact, little of this money was spent on immigration to Van Diemen's Land. Under the regulations of the Ticket of Leave System, the condition of the labour market had improved, but not sufficiently to absorb both free and convict labour. Even before gold was discovered on the mainland, large numbers of the working population of Van Diemen's Land crossed the straits, and Denison and the home authorities agreed that it was useless to import immigrants who would immediately leave the colony. By the time that the gold discoveries had caused an acute labour shortage

in the island colony, the British grant had been used to the benefit of the other Australian settlements, and Grey refused to admit the claims of the colonists for contributions from British funds to their immigration schemes. He explained that public funds could only be expended to the public benefit. Since he was convinced that there was no longer an excessive population in Great Britain, an emigration financed by the British Treasury could not be justified. The colonists, however, could remember well the expenditure of the colonial funds to the benefit of imperial interest in transportation, and regarded Grey's refusal as another instance of the fact that the British Government pursued policies dictated by purely selfish considerations.

Ever since the first experiments in assisted immigration, the settlers of Van Diemen's Land were concerned that the Land Revenue, which they regarded as most particularly their own, should be expended in such a way as to improve the colony. This consideration decided their preference for Bounty schemes, since they seemed more likely than the Government system to obtain the desirable immigrant for the colony. The Colonial Office, on the other hand, looked on the disposal of the Australian waste lands and their revenues as matters for a central imperial control. The Crown lands were assets held in trust for the benefit of the empire as a whole, and immigration financed by the proceeds of the sale of these lands was best administered by the experienced Land and Emigration Commissioners under a uniform system of regulations devised with regard for the interests of colony and empire.

The claim of the New South Wales colonists after 1830 for control

of the colony's Land Fund was the central issue in their relations with the Colonial Office. In Van Diemen's Land, political dissatisfaction arose largely from the British policy in transportation, which also involved the finances of the colony, and on which its immigration was entirely dependent. The growth of the free population of Van Diemen's Land made representative government necessary and inevitable, but until Lord Grey took office, the presence of convicts seemed to the home authorities to preclude any possibility of extending representative institutions to the colony. Autocratic government was believed to be the only way to control a mixed community. This was bound to be resented in the colony as the wealth and numbers of the free settlers increased, and there were murmurs of discontent, well suppressed by the strong-minded Governor Arthur, even when the economic advantages of transportation largely compensated the colonists for their political disabilities. Franklin was a more liberal governor, and opposition to autocratic rule increased while he was in the colony. As the economic advantages of transportation diminished and the policy of Stanley's administration forced the local government into financial embarrassment, the demand for representative institutions became insistent. To a great extent, this feeling for democracy was as R. M. Hartwell observed, ⁽¹⁾ "due to the living conditions of a frontier society which produced independent Australian Britons", but the transportation issue provided the settlers with a focal point for their discontent. The British Government continued

(1) Australia - A Social and Political History,
Chapter II, p.54.

to send convicts to Van Diemen's Land for two years after the passage of the Australian Colonies Government Act had granted representative government. By their united resistance to the right of the mother country to force transportation on Van Diemen's Land, the Australian colonists made it plain that they would not be satisfied with just a share in their government. Grey's Act of 1850 had given the colonial legislative councils the power to amend their constitutions, but he had not intended that matters of "imperial concern", particularly the disposal of waste lands, should pass out of the control of the Colonial Office. It soon became obvious that the colonists would no longer accept the direction of any part of their domestic affairs by a Government at a distance of sixteen thousand miles. The home authorities yielded and the Australian colonies had won full self-government. In 1855, as the colony of Tasmania, the former penal settlement of Van Diemen's Land entered upon a new phase in its history.

APPENDIX "A"SECRETARIES OF STATE FOR WAR AND COLONIES
1824-1855LIVERPOOL Ministry (Tory)June 1812 - Apl. 1827

Earl Bathurst

June 1812 - Apl. 1827

CANNING Ministry (Liberal Tory)Apl. 1827 - Sept. 1827F. J. Robinson
(Viscount Goderich)

Apl. 1827 - Sept. 1827

GODERICH Ministry (Liberal Tory)Sept. 1827 - Dec. 1827

W. Huskisson

Sept. 1827 - Dec. 1827

WELLINGTON - PEEL Ministry (Tory)Jan. 1828 - Nov. 1830

1. W. Huskisson
2. Sir George Murray

Jan. 1828 - May 1828

May 1828 - Nov. 1830

GREY Ministry (Whig)Nov. 1830 - July 1834

1. Viscount Goderich
2. E. G. Stanley
3. T. Spring Rice

Nov. 1830 - May 1833

May 1833 - June 1834

June 1834 - July 1834

MELBOURNE's First Ministry (Whig)July 1834 - Nov. 1834

T. Spring Rice

July 1834 - Nov. 1834

PEEL's First Ministry (Conservative)Dec. 1834 - Apl. 1835

Earl of Aberdeen

Dec. 1834 - Apl. 1835

APPENDIX "A" (Cont'd)

<u>MELBOURNE's Second Ministry (Whig)</u>	<u>Apl. 1835 - Sept. 1841</u>
1. Lord Glenelg (C. Grant)	Apl. 1835 - Feb. 1839
2. Marquis of Normanby	Feb. 1839 - Sept. 1839
3. Lord John Russell	Sept. 1839 - Sept. 1841
 <u>PEEL's Second Ministry (Conservative)</u>	 <u>Sept. 1841 - July 1846</u>
1. Viscount Stanley	Sept. 1841 - Dec. 1845
2. W. E. Gladstone	Dec. 1845 - July 1846
 <u>RUSSELL's First Ministry (Whig)</u>	 <u>July 1846 - Feb. 1852</u>
Earl Grey	July 1846 - Feb. 1852
 <u>DERBY's First Ministry (Conservative)</u>	 <u>Feb. 1852 - Dec. 1852</u>
Sir John Pakington	Feb. 1852 - Dec. 1852
 <u>ABERDEEN's First Ministry (Peelites and Whigs)</u>	 <u>Dec. 1852 - Feb. 1855</u>
1. Duke of Newcastle (Remained Secretary of State for War; the new Cabinet rank of Secretary of State for the Colonies was then created.)	Dec. 1852 - June 1854
2. Sir George Grey	June 1854 - Feb. 1855
 <u>PALMERSTON's First Ministry (Whig)</u>	 <u>Feb. 1855 - Feb. 1858</u>
1. Sidney Herbert	Feb. 1855
2. Lord John Russell	Feb. 1855 - July 1855
3. Sir William Molesworth	July 1855 - Oct. 1855
4. H. Labouchere	Oct. 1855 - Feb. 1858

APPENDIX "B"1824-1836

GENERAL NOTE on Appendices B - E: Unless otherwise noted, the figures in these statistics are based on Statistics of Tasmania 1804-1854 (H. M. Hull).

1. CONVICTS ARRIVING IN VAN DIEMEN'S LAND

<u>Year</u>	<u>Males</u>	<u>Females</u>	<u>Total</u>
1825	719	-	719
1826	519	-	519
1827	874	-	874
1828	1050	-	1050
1829	996	298	1294
1830	1969	120	2089
1831	1951	350	2301
1832	1097	152	1249
1833	2643	351	2994
1834	1380	160	1540
1835	2060	321	2381
1836	2030	326	2356
			<u>19366</u>

2. LAND GRANTS (1824-1831)

1824	72	grants of	43,420	acres
1825	279	" "	111,939	"
1826	109	" "	60,270	"
1827	83	" "	77,186	"
1828	190	" "	164,777	"
1829	215	" "	207,620	"
1830	156	" "	108,009	"
1831	238	" "	205,807	"

APPENDIX "B" (Cont'd)3. LAND REVENUE (1828-1837)

1828	£ 2,418
1829	£ 5,845
1830	£ 3,160
1831	£ 2,088
1832	£13,446
1833	£ 7,138
1834	£ 2,915
1835	£15,319
1836	£32,965
1837	£34,900

4. IMMIGRANTS ARRIVING 1829-1835. ⁽¹⁾

<u>Year</u>	<u>Unassisted</u>				<u>Assisted</u>			
	<u>M.</u>	<u>F.</u>	<u>Ch.</u>	<u>Total</u>	<u>M.</u>	<u>F.</u>	<u>Ch.</u>	<u>Total</u>
1829	375	143	125	641				
1830	195	122	146	463				
1831	428	156	112	696				
1832	637	596	355	1588	85	313	155	553
1833	682	481	400	1563	168	307	307	782
1834	592	269	315	1176	3	251	2	256
1835	28	61	66	155	30	315	105	450

5. RETURNS OF POPULATION OF VAN DIEMEN'S LAND

<u>Year</u>	<u>Convict Population</u>			<u>Total Population</u>		
	<u>M.</u>	<u>F.</u>	<u>Total</u>	<u>M.</u>	<u>F.</u>	<u>Total</u>
1825	5467	471	5938	11149	3363	14512
1832	11062	1644	12706	21260	7819	29079
1836	15590	2071	17661	31239	12656	43895

(1) These figures have been taken from Arthur's returns forwarded in annual dispatches to the Colonial Office.

APPENDIX "C"1837-18451. CONVICTS ARRIVING IN VAN DIEMEN'S LAND

<u>Year</u>	<u>M</u>	<u>F</u>	<u>Total</u>
1837	1183	113	1296
1838	2166	284	2450
1839	1376	302	1678
1840	1181	184	1365 ⁶⁷⁸⁹
1841	2682	626	3308
1842	4819	681	5500
1843	3048	684	3732
1844	3959	644	4603
1845	2263	607	2870
1846	786	340	1126 ²¹¹³⁹
			27928

2. ASSISTED IMMIGRANTS ARRIVING 1841-1843. ⁽¹⁾

<u>Year</u>	<u>Bounty System</u>	<u>General System</u>	<u>Total Number</u>
1841	87 to Hobart 102 " Launceston	-	<u>189</u>
1842	60 " Hobart 561 " Launceston	710 to Hobart ⁽²⁾ 25 " Launceston ⁽³⁾	<u>1356</u>
1843	14 " Hobart 142 " Launceston	169 " Hobart ⁽⁴⁾	<u>325</u>

(1) These figures are compiled from the Hobart Town Gazette for these years.

(2) By ships "Appolline", "Orleana", "Sir Charles Napier".

(3) By ships "Adelaide" and "Derwent".

(4) By ship "King William".

APPENDIX "C" (Cont'd)3. POPULATION AT THE CENSUS OF 1842.

<u>CONVICTS</u>			<u>Description</u>	
<u>Males</u>	<u>Females</u>	<u>Ticket of Leave</u>	<u>Government Service</u>	<u>Private Service</u>
17,362	2,700	3,468	10,807	3,705

Total Number - 20,332

<u>FREE</u>			<u>Description</u>	
<u>Males</u>	<u>Females</u>	<u>Born in Van Diemen's Land</u>	<u>Emigrated Free</u>	<u>Freed</u>
21,972	15,116	12,764	14,492	9,872

Total Number - 37,088TOTAL POPULATION - 58,902.4. POLICE AND GAOLS COSTS, LAND FUND SURPLUS, EXPENDITURE ON IMMIGRATION - 1836-1845.

<u>Year</u>	<u>Police and Gaols (1)</u> <u>£</u>	<u>Land Fund Surplus (1)</u> <u>£</u>	<u>Expenditure on Immigration (2)</u> <u>£</u>
1836	22,154	18,851	9,063
1837	36,809	30,316	4,586
1838	43,789	9,737	2,531
1839	35,838	29,721	-
1840	36,665	52,906	-
1841	35,826	47,276	3,656
1842	37,365	- 1,508 (loss)	15,140
1843	40,278	10,049	7,674
1844	42,652	3,515	2,242
1845	<u>46,778</u>	<u>6,460</u>	<u>1,855</u>
<u>TOTAL</u>	<u>£ 378,154</u>	<u>£207,323</u>	<u>£46,747</u>

(1) Wilmot to Gladstone No.125, 25/8/1846, Encl.

(2) Denison to Grey No.106, 29/7/1851, Encl.

APPENDIX "D"1847-18511. CONVICTS ARRIVING IN VAN DIEMEN'S LAND. ⁽¹⁾

<u>Year</u>	<u>Males</u>	<u>Females</u>	<u>Total</u>
1847	645	624	1269
1848	925	509	1460
1849	982	865	1932
1850	2581	825	3455
1851	1496	658	2154
1852	1774	797	2571
1853	1095	385	1480
			<u>14321</u>

2. POPULATION OF VAN DIEMEN'S LAND, 1847 and 1851.

	<u>CONVICTS</u>			<u>FREE</u> (<u>Adults Only</u>)			<u>TOTAL</u>
	<u>Males</u>	<u>Females</u>	<u>Total</u>	<u>Males</u>	<u>Females</u>	<u>Total</u> (inc. children)	
<u>1847</u>	20687	3501	24188	25361	18331	43692	67880
<u>1851</u>	13062	4037	17099	21008	11959	52088	69187

3. EMIGRATION BEFORE GOLD DISCOVERIES(a) 1847 - June 1849 ⁽²⁾

1847	3908	(2217 ex-convicts)
1848	3799	(1399 " ")
Jan.-June 1849	2020	(682 " ")

(b) 1849	3617	(1113 " ")
1850	4612	(1516 " ")
1851	7463	(2713 " ")

25419 2640

(1) Compiled from reports of Comptroller-General for these years.

(2) Denison to Grey No.142, 27/9/1849, Encl.

APPENDIX "D" (Cont'd)4. PASSHOLDERS AWAITING HIRE AT GOVERNMENT DEPOTS. (1)

December	1845	3268
"	1846	2025
"	1847	1194
"	1848	1091
"	1849	618
"	1850	883
"	1851	38

(1). Denison to Grey No.30, 9/2/1852, Encl."

APPENDIX "E"1851-18551. EMIGRATION AFTER GOLD DISCOVERIES
September 1851 - September 1852. (1)

<u>Dates</u>	<u>Departures</u>	<u>Departures to Victoria</u>
Sept. 1851 - Jan. 1852	4875	3747 Males, 429 Females
Jan. 1852 - March 1852	7327	7084
April 1852	2041	1938 + 43 children
Jan. - August 1852	14832	13841 + 465 "
Sept. 1852	3564	3454 + 71 "

50064

2. ARRIVALS AND DEPARTURES 1851 - 1855

<u>Year</u>	<u>Arrivals</u>	<u>Departures</u>	
1851	3930	7463	(including 2713 ex-convicts)
1852	12632	21920	(" 7357 ")
1853	14977	12684	(" 3096 ")
1854	9524	11280	(" 1624 ")
1855	10887	7055	(" 402 ")
	<u>57950</u>	<u>60402</u>	<u>15192</u>

(1) Denison to Grey No.13, 16/1/1852, encl.,
 " " " No.108, 5/5/1852 " and
 " " " No.199, 5/10/1852 " .

APPENDIX "E" (Cont'd)3. ARRIVALS OF ASSISTED IMMIGRANTS, JULY 1852 - DECEMBER 1855. ⁽¹⁾

Noting system under which imported.

Abbreviations:-

- C.L.E.C. - Colonial Land & Emigration Commission Regulations.
 V. - From Victoria.
 L.R. - Land Regulations of April 1851.
 Bty 1852 - Bounty Regulations of October 1852.
 Bty 1854 - " " " January 1854.
 Ind. - New South Wales Indenture System.
 E.F.R. - Emigrants' Friends and Relatives. Government
 Notice of 4/5/1853.
 F.P. - Free passage granted by British Government.

<u>Date</u>	<u>Number</u>	<u>System</u>
July - Dec. 1852	220	C.L.E.C.
Jan. - June 1853	613	504 C.L.E.C., 91 V., 6 L.R., 12 F.P.
July - Dec. 1853	951	345 C.L.E.C., 579 V., 27 L.R.
Jan. - June 1854	898	302 C.L.E.C., 576 V., 20 Bty 1852.
July - Dec. 1854	3274	179 E.F.R., 822 V., 1967 Ind., 210 Bty 1852 and 96 Bty 1854.
Jan. - June 1855	2883	176 Ind., 2707 Bty 1854.
July - Dec. 1855	2586	7 Ind., 2579 Bty 1854.
	<hr/> 11425 <hr/>	1371 C.L.E.C., 2068 V., 33 L.R., 12 F.P., 230 Bty 1852, 179 E.F.R., 2150 Ind., 5382 Bty 1854.

(1) These figures are compiled from the reports of the Immigration Agent for these years. See Legislative Council Papers and Proceedings.

APPENDIX "F"LIST OF SOURCE MATERIALPRIMARY SOURCES(a) Printed

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 Legislative Council (Van Diemen's Land) Papers and Proceedings.
 Statistics of Tasmania (H. M. Hull) 1804-1854.
 Inter-departmental correspondence of Colonial Office, Home
 Department and Treasury - ordered to be printed.

Press - Hobart Town Gazette, Hobart Town Courier, Hobart Town
 Advertiser, Colonial Times, Cornwall Chronicle,
 Launceston Examiner and Tasmanian Government Gazette.

(b) Manuscript

Inward dispatches from the Secretary of State for the Colonies
 enclosing correspondence and reports of the Home Department,
 Treasury and Colonial Land and Emigration Commission.

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