

## 2. *The British Invasion of Australia. Convicts: Exile and Dislocation*

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On January the 26<sup>th</sup> 1788 eleven British ships under the command of Captain Arthur Phillip, first Governor of the new colony, anchored on the east coast of Australia at Sydney Cove and raised the British Flag.<sup>i</sup> Known as the *First Fleet* the ships sailed from England on the 13<sup>th</sup> of May 1787. All told, the First Fleet carried 1,500 people comprised of convicts, crew and guards. As Bateson points out:

The returns of the prisoners are contradictory, but the best evidence indicates that the six convict ships sailed with 568 male and 191 female prisoners – a total of 759 convicts (...) (Bateson 1985: 97).

The route followed by the First Fleet can be seen on the map below:<sup>ii</sup>



Following the direction of the prevailing trade winds and ocean currents, the route took the First Fleet from England to the Canary Islands, then southwards across the Atlantic to Rio de Janeiro to take on supplies,<sup>iii</sup> then south-eastward following the westerly winds across the Atlantic to the Cape and finally from there across the Indian and Southern Oceans to their final destination.<sup>iv</sup> Robert Hughes gives a good idea of how many of those on board must have felt as they departed from the Cape: “Before them stretched the awesome, lonely void of the Indian and Southern Oceans, and beyond that lay nothing they could imagine” (1987: 82). While at the Cape, the Fleet had become something of a Noah’s Ark, taking on board livestock to sustain the new colony, seeds and plants. If, as they left the Cape, ahead “lay nothing they could imagine”, similarly they knew nothing about what the soil in the new colony would sustain, the climate,

rainfall averages, nor even how exactly the indigenous peoples might react to their presence. It would be fair to say that sending the First Fleet out to New South Wales was a calculated risk; that the colony survived and progressed is due almost entirely to the arrival of the Second Fleet in June 1790. The arrival of these ships saved the colony from starvation and certain death. From then onwards, as ships came out on a regular basis with convict labour and supplies on board, the colony flourished and the gradual exploration and settlement of the continent began.<sup>v</sup>

The reasons that led the British to invade Australia were simple. The prisons in Britain had become unbearably overcrowded, a situation worsened by the refusal of America to take any more convicts after the American War of Independence in 1783. Crime rates were rising across the nation while large numbers of people were moving away from rural areas to the increasingly industrialised cities where unemployment ran high as machines replaced man power. An estimated one million people in Britain were below the bread line in 1788.

Britain had looked at other geographical areas with regard to establishing penal colonies such as the west coast of Africa. This option was deemed unviable as the waters were extremely dangerous along the coast; Britain had no proper foothold in the area and it was concluded that the risk of escape was high. Early contact had revealed that the indigenous populations on the coast of West Africa could indeed be bellicose. This was not a good scenario for a penal colony! On the other hand, the Indigenous Peoples of Australia had barely been seen, and descriptions of those that had were deemed to be of a more friendly nature. There has long been a debate, known to some as “The Botany Bay Debate”, that Australia was also chosen by the British with regard to the possibility of acquiring flax and timber, because of the need to protect the trade routes to China, and in order to consolidate Cook’s possession of the continent for Britain. Whatever the debate, there is no doubt that the need to relocate the burgeoning convict population was the reason which prevailed over others.

The British had long been experts in transporting human cargo. Transportation of felons to America had begun in the seventeenth century and although the total number of those transported is not known, it is estimated to be in the region of fifty thousand. Similarly Britain had played a large lucrative role in the slave trade, abolished in 1807, though slavery itself remained legal until the Slavery Abolition Act of 1833. It seems ironic that while abolishing the slave trade and slavery, the British continued to transport convicts to Australia for some time after 1833. Convicts were of course judicially not slaves and transportation continued until the 1850s. The reason why transportation finally came to an end was due in part to activism in England against it and the government’s and colonial authorities’ belief that the continued arrival of convicts would have a long-lasting detrimental effect on the new colonial society. A further side to transportation of convicts by the British is that of inter-colonial transportation such as that to the Andaman Islands, which began as a result of the Indian rebellion in 1857. A study of inter-colonial transportation within the British Empire reveals that the practice of transporting felons, dissidents and so forth to other places in the empire was widely practiced.

The invasion of Australia by the British, both convict and free, has tragic dimensions to it pertinent to the title of this book. On the one hand there were the convicts who were

forcibly removed, uprooted and exiled from their homeland and, on the other, their presence in Australia, together with that of the free migrants, brought about the displacement of the Indigenous peoples of Australia. Worse than that, in time the Indigenous peoples were to find themselves exiled from their homeland and embroiled in a cultural dislocation, brought about by British and colonial intervention against their peoples, the evidence of which remains only too strongly with us today. Genocide went hand in hand with the policy of eugenics which in turn led to the forced removal of half-caste children from their families, bringing about an exile upon exile. Indigenous peoples were exiled from their lands and taken into missions and then their children, often the product of rape, though also of long/short standing relationships with the white man, were dragged away from their mothers and taken thousands of miles away to be “educated”, thereby becoming doubly exiled from their familial roots. The stories that emerge from what has become known as “The Stolen Generation” are harrowing.

When I was about twelve or thirteen years old I was taken to Moola Bulla. That's where I lost my Aboriginal ways. The Police came one day from Halls Creek when they were going on patrol to Lansdowne and found me, a half-caste child. The manager ... took me down to Fitzroy Crossing to wait for the mail truck from Derby to take me to Moola Bulla. When [the manager's wife] told my people, mum and dad, that they were taking me to Fitzroy Crossing for a trip, they told her `you make sure you bring her back'. They did not know that I would never see them again (HREOC Report 1997 quoted by Kimberley Land Council submission 345 on page 66, chapter 7).

The systematic attempt to wipe out the Indigenous peoples of Australia by whatever means was doomed to failure given the tenacity, courage and underestimated strength of the people themselves. It has often been said that Australia was built on the backs of convict slave labour. Now, we are more enlightened as to who was treated like a slave on their own land:

When anybody come to pick up a worker they used to line us up and they'd make you flex your muscles. If you were big and strong they'd pick you - like a slave market. I was sent out at 11. I worked there for seven and a half years, never got paid anything, all that time. We used to bring the cattle in ... we didn't get nothing. So I had to join the army to survive (HREOC Report April 1997. Confidential evidence 549, Northern Territory: man removed in the 1930s, chapter 7).

In 1997 the HREOC report of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Bringing them Home* underlined the far reaching damage done by the policy of taking Aboriginal half-caste children away from their families.

Grief and loss are the predominant themes of this report. Tenacity and survival are also acknowledged. It is no ordinary report. Much of its subject matter is so personal and intimate that ordinarily it would not be discussed. These matters have only been discussed with the Inquiry with great difficulty and much personal distress. The suffering and the courage of those who have told their stories inspire sensitivity and respect.

The histories we trace are complex and pervasive. Most significantly the actions of the past resonate in the present and will continue to do so in the future. The laws, policies and practices which separated Indigenous children from their families have contributed directly to the alienation of Indigenous societies today.

For individuals, their removal as children and the abuse they experienced at the hands of the authorities or their delegates have permanently scarred their lives. The harm continues in later generations, affecting their children and grandchildren (HREOC Report April 1997, chapter 1).

It is difficult to write about the convicts without actually making reference to a whole nation who were deemed less than animals and held prisoners on their own land, with their sovereignty unrecognised by the invader. Exile, double exile, internal exile, there seems to be no name within the paradigms and terminologies of the dislocated, exiled, dispossessed that we use today, for the kind of treatment meted out to the Indigenous peoples of Australia. The same is true of First Nation peoples in all countries invaded by Western Empires; one thinks of North America, Canada and South America. What shocks here is that in the case of the Indigenous peoples of Australia abuse was going on under our noses in the twentieth century and still has not been truly remedied in the present. As the Report *Bringing them Home* points out “The harm continues in later generations, affecting their children and grandchildren”.

As far as the convicts were concerned, once they had served their sentence, they were free to join society, become small landholders, retailers, labourers, carpenters, domestics and a few even founded wealthy family dynasties. No such possibility was open to the Indigenous owners of “Terra Nullius”, a term used by the British to occupy Australia and establish their sovereignty over it.<sup>vi</sup> They were to remain the “dying race”, an epithet of convenience, and when they did not become extinct they then became “the Aboriginal problem”, but by then the convicts were part of a history that Australia preferred to skeletonise in the cupboard. In recent decades, however, it has become fashionable to have a convict ancestor or, even better two, as it denotes the “Old”, the “First” Australians, as opposed to those who arrived much later.

Exactly who were the convicts, their origins, their crimes? An estimated 160,000 felons were transported from 1788 to 1850 to Van Diemen’s Land (today, Tasmania) and New South Wales, and to Western Australia between 1850 and 1868. According to the Australian Government’s Culture Portal:

While the vast majority of the convicts to Australia were English and Welsh (70%), Irish (24%) or Scottish (5%), the convict population had a multicultural flavour. Some convicts had been sent from various British outposts such as India and Canada. There were also Maoris from New Zealand, Chinese from Hong Kong and slaves from the Caribbean.<sup>vii</sup>

The above paragraph is problematic for various reasons. Firstly, the categorizing of English and Welsh as a single group. The Welsh were and are culturally distinct from the English and the Culture Portal paradoxically makes that clear: “By 1852, about 1,800 of the convicts had been sentenced in Wales. Many *who were sent there could only speak Welsh*, so as well as being exiled to a strange country they were unable to

speak with most of their fellow convicts” (italics mine). The effect of strategically placing the English and the Welsh together is to give an even greater predominance of the “Anglo” in the convict history of Australia. The statistical separation of the Irish and the Scots from the English /Welsh conjunction is what gave rise to the term Anglo-Celt both with regard to the settling of America and Australia. The semantic placement of Anglo before the hyphenated Celt enables and strengthens the ideology that deems the Celt to be a subcategory of the Anglo. However the use of the uncomfortably politically loaded Anglo-Celtic is, slowly, going out of usage. Given the bloody history of British dominion in Ireland and earlier in Scotland and Wales it would be preferable to see the term fall into total disuse.

Secondly, the quotation from the Culture Portal points out that “the convict population had a multicultural flavour”, mentioning convicts from India and Canada, Maoris from New Zealand, Chinese from Hong Kong and slaves from the Caribbean. While this is true, it by no means reveals the extent of the “multicultural flavour” of the convict population. To begin with, a quick perusal of the Old Bailey Proceedings reveals the number of foreigners who were tried in London alone.<sup>viii</sup> To the convenience of the British authorities convicts of foreign origin, tried within the judicial system anywhere within the British Empire, were statistically just British. Even though the convicts’ trial papers and arrival papers in Australia stated a place of origin which could go from Iceland to India, Holland to Goa, France to Canada, Spain to Turkey and so the list widens and broadens the more one investigates, they were all just categorised as British and that was the end of the story.

One might well ask how did a Spaniard get himself transported to Australia? There are several reasons that can help explain the situation. The individual in question might have been residing in England and was found guilty of a crime. He may have been a member of the Spanish Army under British command during the Peninsular Wars, and having committed an offence or deserted was then court-martialled and sentenced. He might have been a sailor in port in Bombay, or any other port within the empire, committed a misdemeanour and transported. Similarly one finds women with English, Irish or Scottish family names who declare their birth places to be Spain, sometimes specifying a birth place name, or themselves to be Spanish. How they get into the picture is less clear. Maybe they were camp followers during the Napoleonic Wars, lived with/ married a Spanish soldier then returned to England. Presuming one has a place of birth rather than country for the person, it is not always easy to trace their origins in Spain as birth registrations were not centralised until much later and many parish records were destroyed during the Carlist Wars and the Spanish Civil War. The multicultural nature of the convict population is thus higher than the 1% accredited by the Culture Portal.<sup>ix</sup> There is an increasing amount of research being done in the area of the non-British convicts and within a few years there will probably be very reliable statistics on exactly how many foreign convicts were among the numbers that arrived in Australia.

The Old Bailey Session Papers web portal gives a listing of general categories of crimes tried at the London court: “Breaking the Peace, Damage to Property, Deception, Killing, Offences Against the King (Queen), Sexual Offences, Theft, Theft with Violence.”<sup>x</sup> Although there were a number of political prisoners particularly from Ireland and French-speaking Canada, the vast majority of felonies committed by the convicts were

petty; theft, pick-pocketing, uttering false coin, prostitution with robbery<sup>xi</sup> etc. More serious offences included: highway robbery, murder, arson, libel and a number of others. A significant number of soldiers were transported for crimes such as mutiny, desertion and insubordination. People sent for trial outside London had their cases brought before the quarterly assizes held across the nation in every county. Once sentenced to transportation the prisoners were conveyed to the nearest port from which convicts were shipped out. Prisons had become so overcrowded that a number of hulks or “floating prisons” lay at anchor on the Thames. The conditions both in metropolitan, rural gaols and on the hulks were dire. They were overcrowded; the conditions insanitary, food was poor and contagious diseases were easily passed on in such conditions. Before the prisoners were embarked on the vessel that would take them to Australia they were examined by the prison doctor in order to try and prevent prisoners boarding with a contagious disease. The prison doctor wrote his medical report, in which he also noted the conduct of the convict while in prison. On boarding the transport the naval surgeon superintendent, who would be in charge of the convicts with regard to both health and conduct throughout the voyage, would again examine each prisoner. Quite frequently, a convict became sick while the ship was docked awaiting sailing orders or another batch of prisoners to arrive and if the surgeon deemed it necessary the patient would be returned to the prison hospital on land or on a hulk.

Sentences passed across the country varied from seven years transportation to transportation for life. Those transported for life could not, under any circumstance whatsoever, return to Britain on pain of death. Very few convicts returned at all, the reason being that they would have to pay for their ticket or it is more probable that the majority felt that Australia offered them opportunities they were unlikely to have if they returned home.

On arrival in Australia each convict was registered, asked his/her place of origin, religion, whether they could read and write, their previous job and they were also physically inspected for any outstanding marks which could be used to indentify them should they escape. The first convicts built the infrastructure for the penal colony in Botany Bay and later for other settlements and penal stations. Once the colonial project was underway there was a need for labour both within the colonial system, such as clerks, and for domestic and rural labour in outer areas where the land was being opened up by free settlers. Thus female convicts who had been house maids, dairy women etc were assigned to households both within the growing urban areas and the rural. The same went for the male convicts. A man who had experience as a baker, carpenter, shepherd and so forth would be assigned to do similar work for his master/mistress. The assignment system was pragmatic, serving to enable Britain to expand within Australia relatively quickly. The system while effective was not ideal, but then what convict system ever has been! Many convicts were abused by their masters/mistresses, but they did have the right to have their complaint heard and if the master/mistress was found guilty of not giving them their proper rations and clothing, for which the colonial government was paying, or for meting out physical punishment, not giving them sufficient rest hours and so forth, the convict could be reassigned and the master/mistress could loose the right to have convicts assigned to them.

Recalcitrant convicts together with those considered to be highly dangerous could find themselves serving their sentences in harsh penal stations such as Port Arthur, in

Tasmania, Norfolk Island and others. Port Arthur, built by convict labourers and turned into a prison complex, became infamous as a place of hard conditions and punishment.<sup>xii</sup>

Many women arrived in the colony with their children, or some of them, others gave birth during the voyage and others shortly after arrival. Women were sent to what were known as the “Female Factories”, basically prisons, where they awaited assignment if they had not been assigned direct from the transport, awaited their lying in or served out a colonial conviction. While in the “Factory” the women worked laundering, sewing, carding and spinning.<sup>xiii</sup> Women with children or who had given birth on the voyage or while assigned *were* re/assigned and the children taken into orphanages. Women who gave birth stayed with their children until they were weaned; the babies were then kept in the nurseries and, if they survived, at the age of two they went to the orphanages. If the mother had regained her freedom she could claim her children back to live with her, the problem being, of course, that she be able to actually house and feed them. Convicts could ask for permission to marry while still under sentence, but again sustaining a family was not easy, even once free. As a result we find any number of children born to ex-convicts on application forms to (re)enter the orphanage in their district. Some children seem to have gone in and out of care any number of times during their childhood.

As a result of transportation countless numbers of families were separated. There were basically three attitudes on the part of the convicts and families to this traumatic state. On the one hand there were those families who attempted to reunite via the system which allowed for an individual under sentence or a relative in England to petition that the rest of the family be sent out to Australia to join the ex/convict. On the other hand, there were those who arrived in Australia having left a spouse and family at home that declared themselves single on arrival. It was not unusual for a convict to reinvent a new identity for him/herself, thereby establishing a complete break with the past. Some reinvented their identities once free, using aliases, creating an individual history which had little to do with the one they had prior to transportation. Others remarried in the colony regardless of declaring their marital status on arrival. The colonial authorities were not going to delve into paper work to find out if one or other of the couple was already married. This would only become known if the spouse of the bigamist suddenly surfaced in the colony or somebody who knew the individual’s past marital status in question reported him/her in to the authorities. In the last instance there were those who did none of the above, they neither remarried, nor tried to relocate their families and maintained their original identity.

One of the most interesting factors regarding female transportation is that of the children who were transported with their mothers. These children were not under conviction and yet suffered the trial of the voyage and on arrival, if of an age, were separated from their mothers and put into the orphanages. Once a convict mother had acquired her ticket of leave, she could claim her children back from the orphanage if she had the means by which to support them. Many children were claimed by their mothers, others remained in the orphanages until they were apprenticed out to learn a trade or to work. At this stage the young person was no longer in the care of the state and would have to make their own way in the world. Why a mother might decide not to claim her children once free, even if she had the means to support them, remains enclosed within

the personal history of each woman and rarely comes to light when attempting to reconstruct a convict biography.

One thing that has to be remembered, however, is that once on the convict transport and afterwards in Australia the convicts had access to medical treatment and to a regular diet, something which would not be the case in their place of origin or even necessarily in the overcrowded gaols in England. The following extract from Surgeon Superintendent Edward Caldwell's journal is an example of the kind of medical treatment on board given to children on the convict ships while at sea:

Mary Kewlys Infant December 24<sup>th</sup> 1823 Aerophia. This infant was brought on board extremely emaciated, and seemed to have suffered from a want of nourishment, and want of proper nursing; its mother being indolent, and without much milk. The infant was placed under the care of the Hospital woman, and every attention paid to it; but its constitution was past amendment.<sup>xiv</sup>

Often one finds surgeons like Edward Caldwell: W.S.B. Jones's kindness and sympathy come to light when he relates how Emma Williams, suffering from Phthisis gave birth to a premature five month baby which died, and the care he took to try and build Emma back to strength:

She was kept alive for a longer period by kind, soothing treatment, and fed by every thing she might fancy from the Cuddy table.<sup>xv</sup> I had anticipated that disease would have subsided after her confinements, as it often happens in many similar cases, but in this instance it was quite the reverse.<sup>xvi</sup>

If we compare the daily diet of a convict while in transport and afterwards with what they would have been getting at home there is no doubt that there was a good chance of improvement in their physical condition. A study of dietary intake at the place of origin and then within the convict transport system would probably reveal that the intake of protein, fresh vegetables and so forth was increased when in Australia. Another study which would be very revealing would be a comparison of (ex)convict longevity in comparison with the population at their place of origin. That Australia was a success as a young colony thanks to the work and toil of convicts is undoubted, but there is also a need to recognise that they did have certain benefits over their compatriots in the same social class left behind, either free or in prison. If convicts abode by the rules they had a very good chance of making new lives for themselves, something unthinkable in England given both the stigma of having being in gaol and the very hierarchical nature of English society. If upward mobility for an ex-convict was well nigh impossible in England, in Australia it became a definite possibility.

As the colony grew and free migrants began to come in increasing numbers, the transportation of convicts was revised; indeed many people felt that, like slavery, abolished in 1833, it was a systematic, cruel form of deportation which should be done away with. As a result:

Transportation to the colony of New South Wales was officially abolished on 1 October 1850, and in 1853 the order to abolish transportation to Van Diemen's Land was formally announced.



South Australia, and the Northern Territory of South Australia, never accepted convicts directly from England, but still had many ex-convicts from the other States. After they had been given limited freedom, many convicts were allowed to travel as far as New Zealand to make a fresh start, even if they were not allowed to return home to England.

At the time, there was also a great deal of pressure to abolish transportation. Given that only a small percentage of the convict population was locked up, many believed that transportation to Australia was an inappropriate punishment - that it did not deliver 'a just measure of pain'. This, combined with the employment needs of Australia's thriving population, ensured the abolition of convict transportation.<sup>xvii</sup>

For many decades after transportation ceased many descendants of convicts chose to keep their backgrounds secret. Skeletons in cupboards abounded by the thousands. Part of the attempt to whitewash convict history was the renaming of Van Diemen's Land<sup>xviii</sup> as Tasmania after the Dutch explorer who was the first European to see its part of its southern coast. Today, however, it is both fashionable and a reason for pride to be able to count yourself as a descendent from those "First Non-Indigenous Australians" convicts or first free settlers.<sup>xix</sup> The revisioning of history has led to any amount of research into convict history both by scholars and family historians. Convict sites across Australia were given the status of UNESCO World Heritage in August 2010 with the following citation:

The property includes a selection of 11 penal sites, among the thousands established by the British Empire on Australian soil in the 18th and 19th centuries. The sites are located on the fertile coastal (*sic*) strip, where the expanding colonial settlements of which the convict sites were central part, led to large-scale disruption and conflict and with the aboriginal peoples. This was mainly around Sydney and in Tasmania, as well as on Norfolk Island and in Fremantle. They housed tens of thousands of men, women and children condemned by British justice to transportation to the convict colonies. Each of the sites had a specific purpose, in terms both of punitive imprisonment and of rehabilitation through forced labour to help build the colony. The property presents the best surviving examples of large-scale convict transportation and the colonial expansion of European powers through the presence and labour of convicts.<sup>xx</sup>

The UNESCO page shows a picture of Port Arthur in Tasmania and in a more detailed brief states the following:

### **Outstanding Universal Value**

#### Brief synthesis

The property consists of eleven complementary sites. It constitutes an outstanding and large-scale example of the forced migration of convicts, who were condemned to transportation to distant colonies of the British Empire; the same method was also used by other colonial states.

The sites illustrate the different types of convict settlement organized to serve the colonial development project by means of buildings, ports, infrastructure, the extraction of resources, etc. They illustrate the living conditions of the convicts, who were condemned to transportation far from their homes, deprived of freedom, and subjected to forced labour.

This transportation and associated forced labour was implemented on a large scale, both for criminals and for people convicted for relatively minor offences, as well as for expressing certain opinions or being political opponents. The penalty of transportation to Australia also applied to women and children from the age of nine. The convict stations are testimony to a legal form of punishment that dominated in the 18th and 19th centuries in the large European colonial states, at the same time as and after the abolition of slavery.

The property shows the various forms that the convict settlements took, closely reflecting the discussions and beliefs about the punishment of crime in 18th and 19th century Europe, both in terms of its exemplarity and the harshness of the punishment used as a deterrent, and of the aim of social rehabilitation through labour and discipline. They influenced the emergence of a penal model in Europe and America.

Within the colonial system established in Australia, the convict settlements simultaneously led to the Aboriginal population being forced back into the less fertile hinterland, and to the creation of a significant source of population of European origin.<sup>xxi</sup>

The listing of convict sites as UNESCO World Heritage was a necessary outcome if the sites were to be preserved in the state they are in. Prior to this, in 2007, all the documents pertaining to the convicts and generated by the British Imperial/colonial system had become UNESCO Memory of the World with the following citation:

The forced emigration to the continent of Australia of some 165,000 people in the 180 years between 1788-1868 represents the beginning of the modern age of globalisation by government agency. Transportation transformed forever the lives of these mostly British and Irish convicts, and in turn largely destroyed the way of life of Australia's Indigenous people. The convicts' lives were minutely documented by a dedicated bureaucracy, generating a rare body of records of 19th century working class people, from their British roots to their Australian fates. These records contain information relating to all aspects of convicts' lives, including physical appearance, literacy level, trade or calling, crime and sentence, behaviour in incarceration, further punishment, pardon, ticket of leave and marriage. The forensic details about individual convicts have enabled historians to build a picture of the human capital which shaped the economy, demography and culture of early colonial Australia.<sup>xxii</sup>

The confluence of both convict documentation and archaeological sites secures the convict history for all time. The fundamental part of the European history of the invasion and colonisation of Australia, and the role of the convicts in the first fifty years of colonisation will be protected and available for future generations to see and study

and, above all, the names of individual convicts might be forgotten but their memory has now been sealed as part of the collective memory of Australia with all its negative and positive attributes.

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<http://portal.unesco.org/ci/en/ev.php->

[URL\\_ID=22624&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=22624&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<http://whc.unesco.org/en/newproperties>

*JOURNAL OF HER MAJESTY'S HIRED CONVICT SHIP 'AURORA'* Mr. W.S.B. Jones – Surgeon Between the 26th day of March, 1851 and 18th day of August, 1851.

<http://www.femalefactory.com.au/FFRG/pdfs/Aurora1851SR.pdf> Accessed 15th May 2010 Transcription courtesy of Port Arthur Historic Site for Female Factory Research Group.

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The Proceedings of the Old Bailey, London's Criminal Court 1674-1913

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Human Rights and Equal Opportunity Commission Report *Bringing them Home* Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. April 1997. The Full Report is available at

[http://www.hreoc.gov.au/social\\_justice/bth\\_report/report/index.html](http://www.hreoc.gov.au/social_justice/bth_report/report/index.html)

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<sup>i</sup> The First Fleet comprised a total of eleven ships. Six convict transports: *The Alexander, The Charlotte, The Lady Penrhyn, The Friendship, The Prince of Wales, The Scarborough*; two naval vessels: *H.M.S. Sirius, H.M.S. Supply* and three supply ships: *The Fishburn, The Borrowdale, The Golden Grove*.

<sup>ii</sup> [http://es.wikipedia.org/wiki/Archivo:A\\_large\\_blank\\_world\\_map\\_with\\_oceans\\_marked\\_in\\_blue.svg](http://es.wikipedia.org/wiki/Archivo:A_large_blank_world_map_with_oceans_marked_in_blue.svg) Accessed 2 de Febrero 2010. No copyright retained. The route of the First Fleet has been added by the author of this chapter.

<sup>iii</sup> The Fleet stopped in Rio for a month in order to allow maintenance work, replenishing of supplies and reconstitution of crew and convicts

<sup>iv</sup> Eventually the regular route became England, the Canary Islands, down the west African coast, round the Cape, then out towards Australia

<sup>v</sup> The Second Fleet was followed by the Third in 1791, while the first free settlers arrived in 1793.

<sup>vi</sup> Terra Nullius means land owned by nobody and under International law refers to a territory which has either never had sovereignty held over it or had sovereignty waived. Thus it may be occupied by whoever claims it. The concept of Terra Nullius remained in place in Australian thinking/law until the famous Mabo land rights case in 1992, when the High Court of Australia overturned the use of the term on the understanding that the Indigenous peoples of Australia did indeed have a native title which sprung from their traditional connection to or occupation of the land.

<sup>vii</sup> <http://www.cultureandrecreation.gov.au/articles/convicts/> Accessed October 2009

<sup>viii</sup> For further reading of specific cases see the The Proceedings of the Old Bailey, London's Criminal Court 1674-1913 <http://www.oldbaileyonline.org/>

<sup>ix</sup> <http://www.cultureandrecreation.gov.au/articles/convicts/> Accessed October 2009

<sup>x</sup> These are obviously modern categories that include a variety of subcategories of crimes. As I am unable to go into this in detail here I would recommend the reader to look at the web page cited.

<sup>xi</sup> <http://www.oldbaileyonline.org/static/Crimes.jsp> Accessed February 2010

<sup>xii</sup> For much more detail on Port Arthur go to the historic site's homepage <http://www.portarthur.org.au/>.

<sup>xiii</sup> For a very complete description of what life was like on in a Female Factory, who were the government employees that worked there and much more information, I would recommend that the reader look at the Tasmanian Cascades Female Factory web page: <http://www.femalefactory.com.au/FFRG/index.htm>.

<sup>xiv</sup> AOT: *Journal of the Brothers between 16<sup>th</sup> October 1823 and 15<sup>th</sup> May 1824*, ADM 101-13-6.

<sup>xv</sup> Small pantry or kitchen on board a ship

<sup>xvi</sup> *JOURNAL OF HER MAJESTY'S HIRED CONVICT SHIP 'AURORA'* Mr. W.S.B. Jones – Surgeon between the 26th day of March, 1851 and 18th day of August, 1851. <http://www.femalefactory.com.au/FFRG/pdfs/Aurora1851SR.pdf>. Accessed 15th May 2010. Transcription courtesy of Port Arthur Historic Site for Female Factory Research Group.

<sup>xvii</sup> <http://www.cultureandrecreation.gov.au/articles/convicts/>

<sup>xviii</sup> The name was given to the island by Tasman in honour of Anthony van Diemen, Governor General of the Dutch East Indies

<sup>xix</sup> “First Australians”, a term often used, refers to both the convicts and the first generation of free settlers. It is however a term which sits uncomfortably in terms of the Indigenous Peoples of Australia. I prefer to use the term First Non-Indigenous Australians.

<sup>xx</sup> <http://whc.unesco.org/en/newproperties> .

<sup>xxi</sup> <http://whc.unesco.org/en/list/1306>.

<sup>xxii</sup> <http://portal.unesco.org/ci/en/ev.php->

[URL\\_ID=22624&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=22624&URL_DO=DO_TOPIC&URL_SECTION=201.html).