

TRANSCRIPT

**REPORT OF THE COMMITTEE OF INQUIRY INTO FEMALE
CONVICT PRISON DISCIPLINE**

Correspondence, Legal Branch CSO 22/1/50 AOT

[page 1]

RECEIVEDColonial Secretary'sOffice,**April 26, 1841**Principal Medical Officer's Office
Hobart Town 14th April 1841

In conformity with the instructions contained in a Government Order 14th Dec. 1840 a Board of Officers consisting of

Dr. John F. Clarke

Dy Inspector Gen^l of Hospitals
and Principal Medical Officer

}President

Josiah Spode Esq^{re}.Principal Superintendent of Convicts
and

}Members

Sam^l Carr Esq^{re}.Dy Ass^t Com^{sry} General

}

:- Assembled and took into consideration the documents laid before it.

The Board is of opinion that its investigation will be more usefully directed if confined solely to the practical and useful points, contained in the extract of the Director General of Hospitals, to Mr Under Secretary Stephen, and to those proposed [page 2] by Dr Arthur, late Principal Medical Officer, as the means of improving the efficiency of the Medical Department in this Colony. - That the Colonial Hospital would be placed on the same administration Basis as is adopted in the Army, and that the control placed in the Principal Medical Officer:- seem to the board, rules, whose propriety is admitted and established. -

Proceeding therefore to the practical questions, chiefly in Dr Arthur's Report, the Board is happy in being enabled to state, that this labour is now necessarily much diminished - Many of the abuses and inconveniences which that Gentleman censures, have, since then, been corrected and no longer exist: many of his suggested improvements are in progress of completion. The inefficiency of the Colonial Hospital, Hobart Town, for instance, which Dr. Arthur very justly details, has been admitted, and a new one is at present building. The Hospital at Launceston was liable to the same objection; the Principal Medical Officer gave his opinion that it would be wiser in the Government [page 3] to build a new one, than attempt to improve the old: His Excellency

was pleased immediately to direct him to consult the Officer Commanding the Royal Engineers, on the Site, and Plan of a new Hospital - \ The flourishing, and rapidly increasing population of the Settlement at Port Arthur was reported, (after a late Inspection Visit) by the Principal Medical Officer to be, in great want of an Hospital: - He received similar instructions.

A new Wing is building to the Hospital at New Norfolk, for the reception of Male Patients, it was represented that similar accommodation was desirable for the Females: - the Engineer received immediate orders to construct one.

The situation of the present Nursery being objectionable, it is contemplated to remove the Children to New Norfolk, and thus exchange the present close and confined rooms, for good air and spacious Quarters in the Country -

The Factory, or Female House of Correction, appropriated for Females who are not assigned, or, as a place of punishment for such as misconduct themselves, will from the increasing numbers [page 4] that are arriving in the Colony, obviously may soon require further Hospital accommodation. The Majority of the Board think the present Hospital might be enlarged, by building an additional Ward, and that it might be cut off from communication with all the other parts of the Establishment, by closing up the door of the Hospital Square, and opening the entrance in the same line as that of the Building, but at some distance from it:- From the number of Pregnant Women always in this Establishment, it is obvious, its Hospital ought to be as contiguous as possible. The Principal Superintendent of Convicts is of opinion, it were better to construct a separate and detached Hospital.\ (There seems a strange dislike to use the word "Hospital" in connection with the Female Factory, and a decided preference given to any Paraphrase, such as "Sick Wards in the Establishment" or "Rooms set apart for the Sick" - that may answer in place of this obnoxious word, but by whatever term designated, it is decidedly the opinion of the Board, that it ought to be subject to Hospital Laws, and to the control of the Principal Medical Officer.) Dr Arthur's [page 5] recommendation that a Classification and Segregation of the Patients in Hospital, should be established; is, in the opinion of the Board, Wise and Necessary; but from the previous want of Hospital accommodation, it was scarcely possible to carry it into effect. That Sane should be separated from Insane: Free Patients from Convicts; and those requiring Medical treatment, from the Aged and Infirm, - the Maimed and the Blind, requiring, for the most Part, only Hospital comforts, is a Principle urged by the Principal Medical Officer, when he suggested the expediency of erecting an additional Wing, at New Norfolk and he has every reason to believe, that this Principle is approved of by the Government.- The objections against the Site, of this large Establishment appear not satisfactorily supported: it is near a source of Pure Water, in this Colony, not always to be obtained; it is also at a convenient distance from the River Derwent, on which a Steamer daily plies between New Norfolk and Hobart Town, thus affording a facility of communication few other situations could equal. - A much [page 6] more merited complaint might be made, against an Evil in this Institution, which, if not

checked by the Vigilance of Government, is likely, before long, to become one of serious magnitude. It is, the present facility of obtaining admission into its Charitable Asylum. - A Certificate from a Magistrate that a person is destitute, and from a Medical Officer that there is some disease, entitles the Applicant to admission. They are granted too indiscriminately. Many present these documents in a state, which clearly proves, that they have money enough to spend in Riot, and Debauchery.- Many have died in Hospital as Paupers, possessed of considerable property - and some there are, who apparently can become inmates at their option, and quit and return to it as convenient.- Besides this Class the Lunatic, the Blind, and the Lame, are received here, and their numbers are continually on the increase.

The Proportion of Lunatics to the Sane population of the Colony is enormous, every Convict Ship imports more or less. This is a great vice in the system of transportation, and it recurs so invariably, and to such an extent, that it is apparent it is not committed [page 7] in ignorance or mistake. Many Convicts of extreme old age are sent out, for the purpose, apparently, of passing the remainder of their lives in the Charitable Institutions of Van Diemen's Land.

Another fault, and one most injurious to the Colony - The number of Blind Inmates are increasing to an alarming extent; many having themselves produced the disease:- several Convict Boys at Point Puer, were at the same time attacked with severe Ophthalmia - 12 of them became irremediably blind: little doubt exists that they caused their own disease, though certainly not expecting it would become so disastrous.

The example for a time produced its effect; but cases of Ophthalmia still not unfrequently occur, bearing the strongest evidence of artificial production - No doubt the labours of many of the Convicts, that of breaking Stones itself produce more than a usual proportion of ophthalmia.- Paralytic affections are also very frequent among the Convict Classes, and these naturally seek shelter at the Establishment of New Norfolk.

It is evident from the causes just enumerated that, unless caution be used, and corrective measures employed,- the new building (were it even much larger than it is intended to be,) will ultimately prove too narrow for [page 8] the multitudes of candidates for admission-

An abuse, and one of great magnitude, but, in the opinion of the Board, easy of correction by the Government, is the refusal, disregard, and indifference, which Masters too frequently evince, to pay the Medical Expenses of their Assigned Servants. They enter into a Contract, and receive high Value, and break it as soon as the value ceases-

Dr Arthur, in his Report, suggests the expediency of constructing Wooden Houses, as Hospitals for the Road Parties when there are no buildings near, applicable to this purpose. The Principal Medical Officer recommended one to be constructed, for the new

Road Station at Brown's River; and the Director of Roads received immediate orders from the Government to that effect. There can be no doubt that culpable negligence, and great abuses have existed, in the dietary management of many of the Colonial Hospitals, but it is equally certain many of them have been corrected. The Military Hospital practice of requiring regular Returns, and the transmission of tables, shewing the daily quantity expended of every Article, and the Person who consumed it, was early put in practice by The Principal Medical Officer; [page 9] by which he was enabled to detect mismanagement, at the other end of the Island, with as much ease, and accuracy, as if it had taken place under his own immediate vision. This Hospital is now as well conducted as any in the Colony.-

That it is not safe for any Medical Officer, to neglect or refuse to send such documents, when required, had lately been proved by the dismissal of an Offender, from whom no satisfactory Returns could ever be obtained.

The Principal Medical Officer was obliged to propose this painful measure, which received the immediate sanction of the Government. The system of Hospital Diets has been lately simplified, it is now the same, (a minute quantity of Tea and Sugar excepted), as that used at Sydney.

This scale appears, Page 9, Commissariat Convict Regulations. Before this measure (which also received the ready approval of His Excellency,) was adopted, each Hospital had its own particular diet, differing, not only in Quantities, but in the Articles of Diet themselves. Thus the Hospital Diet has been improved while the [page 10] injudicious and extravagant issue of extras, and medical Comforts, has ceased. This is easily proved by comparing any monthly Hospital Expenditure of this Year, with the Corresponding ones of the Year preceding. But the board is well aware that, though much has been done, much remains to be accomplished.

The Principal Medical Officer thinks it his duty to acknowledge, that all the measures introduced by him whether of correction or improvement, in the Colonial Medical Department have met with the prompt and willing support of His Excellency the L^t Governor.

John Fred Clarke (Brd)
 Dep^y Inspector Gen^l Hospitals
 D.A.C.
 Samuel Carr
 D.A.C.

On the Medical points of this report I do not think myself called upon to express an opinion, they being so much better understood by the P.M. Officer, but as far as my Department is concerned I beg to state that [page 11] I quite concur in the view the other Gentlemen have taken of the situation of the present Nursery being objectionable, but

many difficulties would arise from having the Establishment at New Norfolk, besides the expense of passing the Females to and from their Children, and which could not be dispensed with-

I also concur with the other members of the Board in the propriety of obtaining further Hospital accommodation at the Females House of Correction at Hobart, but I do not agree with them in the plan they propose of closing up the door of that part of the Establishment and opening another entrance in the outward wall - I think it would be most undesirable in every point of view, and conceive it would be quite contrary to Law, to take away the general Surveillance from the Superintendent so long as the "Hospital" or "Sick Ward", is in fact within the main walls of the Building, it is obvious also that it would afford more ample means than at present exist for the introduction of prohibited articles, and such a traffick would be carried on as totally to subvert it as a place of punishment- The only point to be gained by the adoption of the measures as proposed by the other members would be the saving of the expense of building one wall, a saving so trifling in its nature, [page 12] when compared with the evil likely to result from its adoption, that I feel assured His Excellency will not consent thereto. I take the liberty of remarking here that in the year 1836 the subject of Hospital Accommodation for the Factory was considered by the Government and a separate Hospital on the opposite bank of the Creek, according to the plan of the late D^r. Scott was approved, but as D^r. Arthur shortly after relieved D^r. Scott in the Medical Charges, the building was not commenced.- If therefore it be the intention of the Government to continue the present House of Correction, I would respectfully recommend the erection of a separate Hospital, which would thus give more room for Classification, and which is much required from the increasing number of its inmates.

I know that Lieutenant [Green?] who had the charge of my Department when the instructions to form this Board were issued coincides in the view I have taken as respects the Female House of Correction.

Josiah Spode
PS
April 24th 1841

[page 13]
[Written at right angles]

Submitted for the Lieutenant- Governors instructions - I think that effect should begin, generally. And D^r Clarke's views with regard to the Female House of Correction Hobart Town.

With respect to the Hospital at New Norfolk, and the abuses reported to exist there I recommend that D^r Clarke be called upon to report what Regulations should be adopted

for the admission and discharge of Patients, and that he be made responsible upon these points

John Montagu

27 April 1841

[Written on diagonal]

I have obtained further information upon this matter since my memo of yesterday was written. I think a separate building should be erected for the hospital at the Factory for the prisons entirely under the control of the PMD and there should not [be?] a second entrance to the Factory through the hospital as proposed by Dr. Clarke because it will render[...] the building [part word missing] in Law as the House of Correction. I fear the plan of sending the Nursery women and Children to New Norfolk will be attended with much expense and Inconvenience, and cannot recommend it. The Rules for the Patients at the Asylum at New Norfolk should be proposed by Dr Clarke and entirely carried out as his responsibility to [convert this into]represents. John 28 April 1841

[page 14]

Memorandum

May 14th 1841

The Lieutenant Governor has had under consideration in the Executive Council the Report of the Board consisting of the Principal Medical Officer, the Principal Superintendent of Convicts, and D.A.C.G. Carr, appointed by a Government order of the 14th of December last, for the purpose of taking into consideration and reporting upon the several points brought forward in a communication from the Director General of Army Hospitals to Mr. Under Secretary Stephen under date 19th June 1840

With regard to the [page 15] arrangement by which the additional accommodation now required for the Sick at The Female House of Correction may best be afforded, His Excellency has observed that if the proposition made by Dr. Clarke of having a separate entrance to the present Hospital was adopted, The Factory would in Law be no longer a House of Correction, and His Excellency has therefore decided that under all the circumstances the best course will be to have a separate Hospital erected at no great distance from the main building - As regards the expenditure for the Sick in the [page 16] Establishment, His Excellency has decided that it should at once be placed under the control of the Principal Medical Officer, and that all the articles required for the Hospital should be obtained through Him. (To His Excellency's decision on these two foregoing points the Lieutenant Governor is desirous that immediate effect should be given, and the Colonial Secretary will have the goodness to take steps accordingly) -

With regard however to the other points referred to in ^{^ your} the Report of the Board, His Excellency is desirous to be in possession of more specific information before arriving at any decision, and with this view His Excellency ^{^ here directs} now directs [page 17] that

the subject may be again brought under the ^{^ your} consideration of the Board with a request that they ^{^ you} will have the goodness -

1st To report the nature of the arrangements now in force in each of the different Hospitals omitting no point connected, with their internal management as regards medical attendance, diet and expenditure -

2 To afford equally specific information respecting the arrangement for the Sick at the different Road Stations and at the Penal Settlement at Port Arthur and -

3^{rdly} To submit in [page 18] conformity with Sir James McGregor's suggestion, such Rules and Regulations for the general Management of the Hospitals and Sick Stations, as are calculated in their opinion to place the Department on an economical and efficient basis, under the responsibility of the Principal Medical Officer -

In reference to Port Arthur His Excellency in Council has observed that ^{^ your} the Board speak of "its flourishing and rapidly increasing population", and as His Excellency is not aware of any other persons being received there [page 19] than convicts and the Officers necessary for their management, His Excellency would be glad to learn to whom this passage was intended by the Board to refer -

In communicating with The Board His Excellency requests ^{^ that} their attention may also be drawn to their recommendation, that the Nursery women should be removed to the Hospital at New Norfolk - At present His Excellency considers that the ^{^ constant} removal of the women to and from New Norfolk would be attended with very considerable expense [page 20], and open also to serious objections on the ground of discipline, when the very bad character of these women is taken into consideration - His Excellency however now wishes to be made acquainted with the mode, in which The Board propose that their recommendation in this matter should be carried into effect.

W Nairn

[page 21] 7009 [in middle of right hand side of page and sideways]

14

[page 22]

Number of Female Convicts in the Colony on the 25 December 1841 - 2785

In Assigned Service -	1220
Holding Tickets of Leave -	887
In Female Houses of	}
Correction, Nursery, Gaols etc	
	678

----- 2785

[page 23][Written at right angles]

<u>Women</u>		<u>Children</u>
1 Pound Bread	8	Ounces Bread
12 Ounces Meat	4	D° Meat
12 Ounces Potatoes	4	D° Potatoes
4 D° other Vegetables	2	D° Other Vegetables
3 Drachms Tea	8	Drachms Barley
1 Ounce Sugar	2	D° Salt
2 D° Oatmeal	1	Ounce Oatmeal
1/8 [3] Pint Milk	8	Drachms Sugar
1 Ounce Scotch Barley	1	Pint Milk

[page 24]

J Spode Esq [vertically up page]

B

A numerical return showing the work done in the Females
 House of Correction and the Weaving Shop from the 1st January to the 30th Sept^r 1841
 Both days inclusive

Washed for the Military Barracks, Hospitals and Male and Female Orphan Schools etc		The Female's House of Correction	Women coming in Daily	Sick Ward	Female's House of Correction	Females attached to the Barracks [?]	Female's House of Correction	In the Weaving Shop	Female's House of Correction
Hospital Dresses	No								
Tablecloths	No								
Frocks	No								
Petticoats	No								
Trousers	Pcs								
Jackets	No								
Counterpanes	No								
Rollers	No								
Bolster Cases	No								
Pillow Cases	No								
Sheets	No								
Shirts	No								
Waistcoats	No								
Stockings	Prs								
Coats	No								
Blankets	No								
Caps	No								
Towels	No								
Rugs	No								
Bedticks	No								
Blinds	No								
Strait Jackets	No								
Caps	No	83850							
Shifts	No	83850							
Aprons	No	83850							
Stockings	Prs	83850							
Petticoats	No	83850							
Handkerchiefs	No	83850							
Articles Various	No	4680							
D ^o	No	1560							
Hammocks	No	900							
Blankets	No	2580							
Rugs	No	745							
Articles Various	No	9360							
Wool Picked	lbs	6850							
D ^o Carded	lbs	6616							
D ^o Spun	lbs	6412							
Cloth wove	Yds	92172							
Blankets wove	No	1504							
Horse hair picked	lbs	1254							
Oakum picked	lbs	1476							

[Page 26]

A Return shewing the Quantity of work performed daily at the Female House of
Correction, Hobart Town, 8th December 1841

No	First Yard	Quantity lbs	No	Second Yard	Quantity lbs	No	Third Yard	Quantity lbs	No	Wash Factory	Quantity	No	Solitary Work Rooms	Quantity
8	As wards women In keeping the mess and Sleeping Rooms, Shop and yard clean		12	As wardswomen in keeping the mess and sleeping rooms shop and yard clean		13	As wardswomen in keeping the mess and sleeping rooms shop and yard clean		77	In washing for the Col ^l . Hosp ^l . Military Barracks and this establishment	124	23	In picking horse hair and coir rope	10
						12	Infirm} in preparing the clothing,							
						16	Besoming of the Establishment Pregnant}							
52	In picking coir rope and oakum	24	10	In spinning wool	14½	10	In spinning wool	14½						
			15	In carding wood		15	In carding wood							
			76	In picking wool	15	64	In picking wool	15						
60			113			130			77			23		

[page 27]

The P.M. Officer
The Princ Supdt
D.A.C.S. Carr

C.S.O 15th May 1841

7009

12

Gentlemen,

I am directed by the L.G. to inform you that H.E. has had under consideration in the Executive Council your report of the 14th April upon the several points brought forward in a communication from the Director General of Army Hospitals to Mr Under Secretary Stephen, under date 19th June 1840.

With regard to the arrangement by which the additional accommodation now required for the sick at the Female House of Correction may best be afford H.E. has observed [page 28] that if the proposition made by Dr Clarke of having a separate entrance to the Hospital were adopted, the Factory would in law be no longer a House of Correction, and H.E. has therefore decided that, under all the circumstances, the best course will be to have a Separate Hospital erected at no great distance from the Main Building. As regards the expenditure for the sick in the Establishment, H.E. has decided that it should at once be placed under the control of the Principal Medical Officer, and that all the articles required for the Hospital should be obtained through him. -

On these points a separate communication has been made to the Principal Medical Officer. -

With regard to the other points referred to your Report, H.E. is desirous [page 29] to be in possession of more specific information before arriving at any decision; - and, with this view, H.E. has directed me to bring the subject again under your consideration, with a request that you will have the goodness,

First - To report the nature of the arrangements now in force in each of the different Hospitals, omitting no point connected with their internal arrangement as regards Medical attendance, diet, and expenditure.

Second - To afford equally specific information respecting the arrangements for the sick at the different Road Stations, and at the Penal Settlement at Port Arthur; - and

Third - To submit, in conformity with Sir James Macgregor's suggestion, such rules and regulations for the general Management of the Hospitals and Sick Stations, as are

calculated, in your opinion, to place the Department on an economical and efficient basis, under the [page 30] responsibility of the Principal Medical Officer. -

In reference to Port Arthur, H.E. in Council has observed that you report "its flourishing and rapidly increasing population," and as H.E. is not aware of any other persons being received there than Convicts, and the Officers necessary for their management, H.E. would be glad to learn to whom this passage was intended to apply.

In making this communication, I am directed also to draw your attention to your recommendation that the Nursery Women should be [page 31] removed to the Hospital at New Norfolk. - At present H.E. considered that the constant removal of the Women would be attended with very considerable expense; and open also to serious objections on the ground of discipline, when the very bad characters of these women are taken into consideration. - H.E. however now wishes to be made acquainted with the mode in which you propose that your recommendation in this matter should be carried into effect.

-

I have etc
S^d JM

P.S.

[page 32]

P.S Lord John Russell's despatch with the whole of his papers are herewith transmitted to you. - To be returned.

[page 34]

C.S.O. 15th May 1841

7009

11

Sir

I am directed to inform you that the L.G. has had before Him in the Ex. Council the report of a Board of which you were a Member appointed to take into consideration the General points brought forward in a communication from the Director General of Army Hospitals to Mr Under Secretary Stephen, under date 19th June 1840, and I am now to state that H.E. has approved of the erection of a Separate Hospital at the Female [page 34 blank]

The Principal Medical Officer [page 35]

House of Correction, at no great distance from the Main building. You will therefore have the goodness to confer with the commanding R.E. upon the nature and extent of the accommodation required.

I am also to add that as regards the expenditure for the Sick in the Establishment, H.E. has decided that it shall at once be placed under your control, and that all the articles required for the Hospital shall be obtained through you.

I have etc

Sg^d JM

[page 36]

C.S.O 15th May 1841

7009

11

Sir,

I am directed to forward to you, for your information and guidance, copy of a letter which has been this day addressed to Dr. Clarke, the P.M.O in reference to the erection of a Hospital at the Female Factory, Hobart Town, and to the expenditure for the sick in the Establishment

I have etc

Sg^d JM

The Princ^{al} Sup^{dt}

[page 37]

C.S.O 15th May 1841

7009

11

Sir,

I am directed to inform you that the L.G. has before him in the Ex. Council the Report of a board appointed to take into consideration the several points brought forward in a communication from the Director General of Army Hospitals, dated 19th June 1840, and that H.E. has decided upon the erection of

The Commanding Royal Engineer

[page 38] a Hospital for the sick in the Female Factory Hobart Town, at no great distance from the Main Building.

You will therefore have the goodness to confer with the P.M.O. upon the subject and submit, for H.E.s approval, the necessary plan and specifications.

I have etc
Sgd JM

[page 39]

Read in the Executive Council

7009

8

The Lieutenant Governor, before deciding upon any plan with respect to additional accommodation for the sick at the Female House of Correction, requests the Principal Superintendent will state whether he sees any objection to the expenditures for the sick in that Establishment, being accounted for to the Principal Medical Officer - and the articles required for the Hospital, being obtained through him.

N Pritchard [?]
26th April 1841.

[page 40] written at right angles

I can have no objection to any plan that may be considered the most efficient to check the expenditure of the Establishment, on that point I made no observation considering the P.M. Officer the best judge, it was only in the matter of the arrangement of the building that I wished to interfere, to prevent the collisions that would unavoidably take place and the consequent interference with the discipline of the Institution.

J. Spode
26th April 1841
[stamped by Colonial Secretary's Office 27th April]
2586

[page 41] [Written at right angles]

Forwarded to the Clerk of the Convicts

N Pritchard ? - [signed same as on page 39]
3 May 1841

6

6001

[page 42] [Stamp: Received Colonial Secretary's Office August 26, 1841]
[Note: top right hand corner: Read in the Executive Council 1st Sept. 1841]
Hobart Town

August 25th 1841

Sir,

The continually increasing number of Females sent into the House of Correction makes it necessary for me to bring the Case under His Excellency's notice and consideration, for the purpose of obtaining more assistance in the internal management, and which has absolutely become requisite from various causes.

His Excellency has long been aware of the difficulties attending this Establishment and for some years it has been contemplated by the Government to erect another House of Correction for Females in the Interior,

The Colonial Secretary

[page 43] but other works of consequence have hitherto prevented its commencement; in consequence the present House of Correction has increased its Inmates to an extent that was never expected, and from want of accommodation proper classification cannot be carried on nor the proper quantum of labor extracted from the women, so as to make the punishment of incarceration therein effective. —

On the present Establishment being formed at Hobart, it was calculated on a Scale for 200 Women, and, with which number, the proper regulations and discipline could be enforced, but in its present crowded state it is quite impossible to carry out the Sentences of punishment [page 44] passed upon them —

The following Statement will show the encrease within the last three years, and which will plainly demonstrate the great necessity that exists for immediate attention to this point, for at no period since I have had charge of the Department has the number been so great.

	1 st January	1838	248
	“ June	“	297
	“ January	1839	301
	“ June	“	305
Exclusive of the women	“ January	1840	357
in the nursery who on	“ June	“	313
1 st instant amounted	“ January	1841	342
to 67	“ June	“	396

On my return to this ^{^Office} I addressed [page 45] His Excellency on the subject of having a separate Hospital attached to the Institution and which was approved of, this would, to a certain extent, have relieved the Building from many difficulties it now labours under, and which I have been most anxiously expecting to see commenced as however no steps

appear yet to be taken for its erection, and considering that should the Government now determine to carry out their former intention of erecting a Factory on the separate Plan in the Country (which would take 2 or 3 years to complete) that it still will remain necessary to encrease the present one; I beg therefore to suggest for consideration whether it would not be of greater [page 46] utility if the present Hospital Ward was retained, and the sum that would be expended in building a new Hospital be laid out in making a fresh Wing with cells on the separate System, so that the Females who are sent under punishment should have to serve a regulated portion of such sentences in those separate cells before they are allowed to intermix with the other women in the probation yards, for the coercion in the Crime Class Yard is now rendered inefficacious by the great numbers that unavoidably are congregated together. —

In the plan I now suggest no further encrease of expense would accrue beyond what would take place [page 47] on the building of a New Hospital, but for the present emergency and want of further aid in supervision, I have to request His Excellency's permission to look out for a married couple who could take charge of the Work Shops in the Crime Class and Second Yards and Wash House Yard, for the undivided attention of the present Sub-Matron is required in superintending the Females in the cells and the charge of the Stores in which the Clothing of the Women is kept on account of the numerous Receipts and Discharges which daily take place, which is quite out of the power of the Head Matron to attend to in detail, the general [page 48] control and supervision of the Establishment being sufficient for the Superintendent and Matron without their Hands being tied by personal labor in conducting any particular branch but which had of necessity latterly been the case from the lack of Assistants.

To give His Excellency an Idea of the continual watchfulness required in such an Establishment I beg to state that no less than 576 females have been received into the House of Correction since the 1st June last and 514 have within the same period been discharged therefrom all of which had to be undressed and examined under the personal [page 49] superintendence of the Matron.

When it is considered that the Superintendent has, besides the internal management, to attend to the Receipt of all the Stores and Provisions, and for which purpose is very frequently obliged personally to attend the Ordnance and Commissariat Stores, together with the Weaving Shop and Mill, I feel assured that His Excellency will believe that I am not asking more than the Establishment required for fair and useful purposes. —

It is quite needful that I should also bring under your Notice the necessity that exists, from the new arrangements respecting the Convict management, for free Men [page 50] to be appointed as the Messengers and Watchmen, the late Regulations not permitting me to interfere with Probation men, and it stands to reason that the men released from the punishment of Road parties, (and from such only can I obtain the

requisite assistances) are not such Characters as should be in situations of trust at such an Establishment.

I am fully aware of the encreasing expense which these demands will entail, but with a view to economy I have driven the request off from time to time, in the hope that the Government would, from being fully aware of its necessity, carry out with a good will its original intention of [page 51] erecting a Penitentiary in the Interior. —

In the event of His Excellency not thinking it advisable to appoint Free Men in lieu of the Messengers and Watchmen, I have to request His consideration for the appointment of a Special District Constable, to guard and protect the outer part of the Establishment, and prevent the improper trafficking of the men employed at the Factory with the Inmates. —

I have the honour to be
 Sir,
 Your Obed^t. Servant
 Josiah Spode, Principal Superintendent

[Page 52] L 969
 Memorandum

I submit Mr Spode's Letter of the 25th August for the Lieutenant Governor's instructions as well as the former Papers which relate to the same subject
 John Montagu

Ex Council regarding Mr Spodes letter of 25 August
 27 August 1841

And with respect to the former papers the Commander Engineer must be called upon to report immediately upon the steps he has taken respecting the preparation for the Hospital near the Female Factory which was desired to be built in your letter [page 53] of 15th May last - and the necessity for this building being speedily commenced must be urged upon that Officer.

28th August 1841 JM

The Co Eng

[page 54] [stamped: received Colonial Secretary's Offices, August 28, 1841]

My dear Sir

Since I sent you my letter respecting the Factory I have seen Mr Howe the Clerk of the Works, and he has informed me that Major Kelsall considers there would not be any more ^{^trouble} or expense in building the cells which I have proposed than in erecting a new

Hospital, and Mr Howe showed me the plan, [??] which would make that Establishment [??] complete.

Yours very truly
J Spode
28th August 1841

John Montagu Esq

]

[page 55] The Col Sec^{ry} is directed to put on instruction for the formation of a Board consisting of the

Col^{nl} Treasurer, Chairman,

The Clerk of the Councils,

The Principal Superintendent,

The Chairman of the Commission for investigating Titles,

The Police Magistrate of Hobart,

The Private Secretary

to investigate and report on all the points bearing upon Female Discipline in this Colony - and especially to report upon the Sufficiency or otherwise of the present Buildings for the reception of Female Convicts and as to the system of management therein - also as to the effects of the present System of Female Discipline as far as can be ascertained, upon the conduct and moral character of the Prisoners subject [to it?] the Board is also to be requested [page 56] to offer any suggestions for the improvement of the discipline generally - which may occur to them.

The Board to have powers to call for and examine witnesses and documents
11th August 1841 JM

The Co^lSec^{ry}

[Page 57] Draft [?] Gov^t Order

CSO 14th Sept 1841

The LG directs the assembling of a Board, to consist of

Adam Turnbull Esquire Chairman

The Clerk of the Councils

The Principal Superintendent

The Chairman of the Commission for investigating Titles

The Police Magistrate of Hobart

The Private Secretary

to investigate and report on all the points, bearing upon the present system of Female discipline in this Colony [page 58] and its effects as far as can be ascertained upon the conduct, and moral character of the Prisoners subjected to it, and especially, to report upon the sufficiency or otherwise of the present Building, for the reception of Female Convicts, and the system of management, adopted therein.

The LG desires that the Board will have the goodness to offer any suggestions which may occur to them, for the improvement of the discipline generally, with regard to Female Convicts, and HE for the purpose [page 59] of aiding them in the preparation of a full Report, empowers the members to call for & examine witnesses and Documents.

By H E's Command,
John Montagu

[page 60]

Government Order

Copy

Colonial Secretary, Office
15th September 1841

The Lieutenant Governor directs the assembling of a Board, to consist of
The Colonial Treasurer, Chairman
The Chairman of the Commission for investigating Titles
The Principal Superintendent
The Police Magistrate of Hobart
The Private Secretary and
The Clerk of the Councils

[page 61] to investigate and report on all the points bearing upon the present system of Female discipline in this Colony, and its effects, as far as can be ascertained, upon the conduct, and moral character of the Prisoners subjected to it, and especially to report upon the sufficiency or otherwise, of the present Buildings for the reception of Female Convicts, and the system of management adopted therein.

The Lieutenant Governor desires that the Board will have the [page 62] goodness to offer any suggestions which may occur to them, for the improvement of the discipline generally, with regard to Female Convicts, and His Excellency for the purpose of aiding them in the preparation of a full Report, empowers the Members to call for and examine Witnesses and Documents.

By His Excellencys Command
(Signed) John Montagu

[page 63] written at right angles

The Police Magistrate presents his compliments to the Colonial Secretary, and in accordance with the request contained in his note of yesterday, returns the enclosed Copy of a Government order directing [page 64] a board to assemble to investigate the present System of Female Discipline –

Hobart Police Office
Sept^r 18 1841

John Price

[page 65]
Copy

L. 208

Government Order:

Colonial Secretarys Office
15 September 1841

The Lieutenant Governor directs the assembling of a Board, to consist of
The Colonial Treasurer, Chairman
The Chairman of the Commission for investigating Titles
The Principal Superintendent
The Police Magistrate of Hobart
The Private Secretary and
The Clerk of the Councils

to investigate and report upon all [page 66] the points bearing upon the present system of Female discipline in this Colony, and its effects, as far as can be ascertained, upon the conduct, and the moral character of the Prisoners subjected to it, and especially to report upon the sufficiency or otherwise of the present Buildings for the reception of Female Convicts, and the system of management adopted therein.

The Lieutenant Governor desires that the Board will have the goodness to offer any suggestions which may occur to them, for [page 67] the improvement of the discipline generally, with regard to Female Convicts, and His Excellency, for the purpose of aiding them in the preparation of a full Report, empowers the Members to call for and examine Witnesses and Documents.

By His Excellencys Command
(Signed) John Montagu

[page 68] The enclosed order is returned to the Colonial Secretary as requested with Mr Nairn's compliments. Saturday 18th Sept.

[page 69] Copy

Government Order

L. 208

Colonial Secretary's Office
17th September 1841

The Lieutenant Governor directs the assembling of a Board to consist of

Adam Turnbull Esquire Chairman
The Clerk of the Councils
The Principal Superintendent
The Chairman of the Committee for investigating Titles
The Police Magistrate of Hobart
The Private Secretary

to investigate and report on all the Points bearing upon the present system of Female Discipline in this Colony, and its effects, as far as can be ascertained, upon the conduct and moral character of the Prisoners subjected to it, and especially to report upon the sufficiency or otherwise, of the present Buildings [page 70] for the reception of Female Convicts, and the system of management adopted therein.

The Lieutenant Governor desires that the Board will have the goodness to offer any suggestions, which may occur to them, for the improvement of the Discipline generally with regard to Female Convicts, and His Excellency for the purpose of aiding them in the preparation of a full report, empowers the members to call for and examine Witnesses and Documents.

By His Excellency's Command
(Signed) John Montagu

[page 71] [Stamp: Colonial Secretary's Office, September 18, 1841]
The Principal Superintendent begs to return the enclosed in accordance with the Colonial Secretary's request.

P Superintendent
18th Sept^r 1841

[page 72] L. 208
Copy

Government Order

Colonial Secretary's Office
15 September 1841

The Lieutenant Governor directs the assembling of a Board, to consist of

The Colonial Treasurer Chairman
The Chairman of the Commission for Investigating Titles
The Principal Superintendent
The Police Magistrate of Hobart
The Private Secretary and
The Clerk of the Councils.

to investigate and report on all the Points, bearing upon the present system of Female Discipline in this Colony, and its effects, as far as can be ascertained, upon the conduct, and moral character of the Prisoners subjected to it, and especially, to report upon the sufficiency, or [page 73] otherwise, of the present Buildings, for the reception of Female Convicts, and the system of management adopted therein.

The Lieutenant Governor desires, that the Board will have the goodness to offer any suggestions, which may occur to them, for the improvement of the Discipline generally, with regard to Female Convicts, and His Excellency for the purpose of aiding them in the preparation of a full Report, empowers the Members to call for, and examine Witnesses and Documents.

By His Excellency's Command
(Signed) John Montagu

[page 74] 15 Sept 1841

Col^l. Secy.

Authority for forming board to enquire into state of Female Discipline & make report.

[page 75]

CSO 25th Sept^r 1841

Dft. L.169

My dear Sir

The L.G. has directed the accompanying papers to be forwarded to you, as Chairman of the Board appointed to report upon Prison discipline as connected with Female Convicts.

Yours Sr
S^d W. F. Mitchell

A. Turnbull Esq^r

[page 76] Female Prison Discipline

No. 1.

Mr Hutchinson

[page 77]

Wednesday 8 December 1841

The board met this day at the Treasury

Present –Adam Turnbull

W. Nairn

J. Spode

F. H. Henslowe – Esquires

Having read the order constituting the Board and considered what would be the best mode of conducting their investigations the members proceed to the Female House of Correction which they examine visiting every part of the establishment, with the cleanliness observed in which and the good order as far as the present means at the command of the officer in charge render practicable they deem it to be only right to record their entire satisfaction - The Board however observe that under the system rendered necessary by the accommodation now afforded by the building large numbers of women are congregated together in the several wards and in the ward or yard called the [space left blank] class yard 135 women are confined [page 78] in the apartment of [space left blank] by [space left blank]

Mr Hutchinson called in and examined

1. You are the superintendent of this Establishment? I am
2. What are your salary and allowances? I have £150 per annum rations for self, Wife and family consisting of flour meat & salt.
3. Does Mrs Hutchinson hold any appointment in the Establishment? She is the Matron with a salary of £50 per annum.
4. How long have you held your appointment? Ten years.
5. How many females have you at present under [page 79] your charge? 450; when I came here the number was 200.
6. Have you received any increase to your salary? No, my salary is the same at present as it was when I came.
7. What assistants had you when you first

took charge?

An assistant Superintendent, a task-mistress & gate-keeper. There are now in addition an overseer at the Work shops & an overseer of the Wash House yard & the Wife of the Gate-keeper who acts as an assistant to Mrs Hutchinson.

8. You say there are 450 Women in the establishment. How are they distributed?

According to this list - marked A.

9. Under what circumstances [page 80] are these women placed under your charge?

With the exception of five they are sent in under magisterial sentences & [^] those of the Supreme Court.

10. How are they employed in the establishment & to what punishment are they subjected?

In picking, carding & spinning wool, oakum & horse hair; washing for the colonial hospital, military hospital, and military barracks, the ordinance store, & the orphan school: - their [^] punishments are solitary confinement in cells with work or in dark cells with bread & water, & confinement in the crime class and probationary yards.

11. What do you mean by the crime class & probationary yard?

It is the yard into which [page 81] all women under a general sentence to hard labour are received.

12. You have already spoken of yards will you state what these yards are & for what purpose they are used?

The wash-house yard for the reception of women so sentenced - The crime class yard, the use of which I have already explained - The Probation (or 2^d) yard for women who have undergone their sentence in the crime class, it being a rule of the establish^t that women having undergone this sentence shall remain for not less

than 3 months in the probation yard - The 1st yard contains the [page 82] assignable women into which they pass from the Probation Yard & from whence they are distributed into service.

13. Do all the women you receive pass into the crime class?

No: they are sometimes sentenced by the Magistrates warrant to the 2^d or probation yard; - sometimes to the wash-house yard.

14. Are they ever sent in assignable by Magistrates?

They are.

15. What is the difference between confinement in the probation yard, & in the crime class yard?

There is a difference in the diet, that of the crime class being inferior. In the latter oatmeal is allowed instead of Coffee and Sugar.

[page 83] 16. What is the difference between the treatment of the women in the assignable yard and the probation yard?

The only difference is their being eligible for assignment.

17. There is then no punishment in the different yards, except that in the Wash-house yard and crime class yard the diet is inferior.

Exactly.

18. If a woman misconducts herself in the crime class yard?

She is invariably brought before the Principle Superintendent who extends ~~them~~^{her} sentence or sends ~~them~~^{her} to the cells.

19. In what does the punishment of the cells consist?

In solitary confinement, & in some cases with bread & water.

[page 84] 20. Are these cells dark?

The bread & water ones are, the others are not.

21. Are these the only punishments you have ever used?

Women have in some cases been sentenced to have their hair cut off, & to wear the Iron collar.

22. Are these sentences ever given now? No; They have been discontinued for some time.

23. Can the women communicate with one another in the separate cells or in the dark cells?

They can.

24. Are the yards to which the women are to be sent in all cases specified in the Magistrates warrant?

No: The House of Correction only is sometimes named on the warrant.

[page 85] 25. In cases where these are not so specified where are the women placed?

I do not consider the Magistrate should have things to say to the Prison [?]. He should only be required to present [?] the [?] Superintendent of the Institution

If the sentence to the House of Correction ~~is~~^{be} under 3 months they are placed in the 2^d or probation yard. If more, in the 3^d or Crime Class Yard. In these cases they do not pass 3 months in the Probation Yard in addition to this sentence.

26. How do you find the women conduct themselves?

I have understood quite the reverse

Generally, considering the number hoarded together, pretty well.

27. Which of the punishments mentioned do they dread most?

If fruitful consider putting into effect

Solitary confinement on bread & water.

28. Are the Wash-house & Crime Class yards dreaded?

Yes: - the Wash-house yard in consequence of the labor; [page 86] & the Crime Class yard from the length of the sentence.

29. What is the usual duration of the sentence to the cells?

From 3 to 14 days to the bread & water cells.

30. What effect does that punishment

- produce? Invariably a dread; but I observe that the same parties return again and again to them.
31. What is apparently the immediate effect? Good resolutions.
32. Does this observation apply to the separate or light cells? Yes.
33. Do you ever observe any bad effect to be produced by the confinement [page 87]in point of health or intellect? No.
34. Do the women in the cells receive moral instruction? They receive Bibles & Prayer Books & tracts and I sometimes converse with them – Mr Livermore also reads to them. I once kept a library for their use, & purchased a large number of tracts.
35. Do you find from your conversations with them that they read? In many cases they do.
36. Do you consider the Wash-house yard an effective sentence; & if so why? I do: it teaches them industrious & useful habits.
37. Are there ^{^instances} of a 2^d sentence to this yard? Yes.
38. What reason have you for thinking it produces [page 88] good habits? I have observed it in several instances.
39. Do you think the - privation of a portion of the Rations inflicted in the Crime Class yard has a good effect? I do not know that it has any effect in preventing the commission of offences.
40. Do you find that the fact of so many women being congregated together is injurious – & in what respects? I do; most decidedly; they talk all sense of punishment away. They corrupt each other. - Their conversation turns upon obscenity,

drinking, upon their sufferings & the treatment they have met with from their masters & mistresses. At night in their wards [page 89] I generally find that 3 or 4 out of the 30 or 40 composing the ward are disposed to talk; but those who do not join in the conversation must hear & be contaminated by such conversation.

41. In the assignable Class, is there as great a disposition to that kind of conversation?

There is - but the fear of being put back into the other classes affords a check.

42. When they come out of the cells where do they go?

They are received into the assignable yards.

43. Do you find that they retain the good resolutions formed?

I think they do.

44. Does the effect of the Cells last longer than the Crime Class?

I think it does.

[page 90] 45. Do you think that women who have been condemned to the cells remain out longer than those who have been in the other punishment classes?

Generally ~~yes~~^{they do} but not to a considerable extent.

46. To what punishment are pregnant women subjected?

A sentence of 6 months in the probation yard after ~~their~~ child is weaned.

47. Does that punishment prevent a repetition of the offence?

It does not generally.

48. What exceptions are there to this rule?

A few cases of wet nurses who are received into families with their children - And in some cases a portion of the sentence upon my - recommendation or that of the Doctor has been remitted.

49. Where are pregnant women kept? They are kept in the Crime Class yard in a separate ward on Probation diet.
50. Are any of them at the same time under sentence [to] the Crime Class? Several are.
51. Has it ever occurred to you that any mode could be adopted for improving their moral state? They must be separated, their sentences should be shorter & more severe - I have observed that at the end of a long sentence, whatever good principles may have existed upon their entrance have disappeared.
52. In what way would you subdivide them? I should not recommend more than 12 being kept together, & it would be very desirable that they should have separate sleeping places. They would [page 92] be less liable to contamination - there would be better opportunities of classification. I think that, had it been in my power to class them in small numbers of 12, I could have prevented much contamination - This would offer opportunities of reading to & conversing with them & of making a greater impression on their minds.
53. Do you think that a total separation would be even better than such a subdivision? I think it would afford a better chance of reformation but the other plan would be more convenient.
54. With the means of keeping them separate, what would you do with a woman at the end of a 6 month sentence? I should think it desirable that she should not associate with the others.
- [page 93] 55. Do you think that females should on their arrival in the colony be assigned? Yes.

56. Are women on their arrival less corrupted than after 5 or 6 years residence here?

I think they are.

57. Does this contamination arise from assignment or from confinement in the Female House of Correction?

Not from assignment

58. Does a large proportion never return to the House of Correction?

Many remain in assignment until they marry or receive their indulgence; but I cannot tell the proportion.

59. Does not the fact of so many women being returned pregnant prove that assign^t is attended by bad effects?

Yes - but the greater evils arise from confinement here

[page 94]

Saturday 11 December 1841 Mr Hutchinson's examination continued

60. Is there any chaplain attached to the Establishment & what duties does he perform?

There is - He performs divine service on the Sabbath once a fortnight at 1/4 after 9 a.m.; & before the children were removed baptism was performed once in 3 months generally.

61. Is that the only religious observance? On the part of the Chaplain it is; on the alternate Sundays I perform the full service; besides which I have a regular morning service throughout the year.

62. Do the ^{women} receive individual instruction?

No.

63. You are the only person who afford any?

Yes.

[page 95]

64. You are yourself a minister?

Yes!! [*exclamation marks in a different handwriting*]

65. Will you be good enough to state what duties you perform daily?

At six o'clock the bell rings for rising - at 1/2 past six all the women are mustered in their respective yards; immediately after which they assemble in the Chapel. A psalm or a hymn is sung & chapter read & paraphrased & an extemporary prayer concludes the morning service. The time occupied is from 1/2 to 3/4 of an hour. The muster is then checked with the ledger - the night soil is then taken out & the wood & coals are brought in. The rations are then issued - We then breakfast at about 1/4 before 8 - I then return to the Office at 1/2 past 8. The [page 95] Returns for the preceding day are then inspected signed and dispatched to the principal Superintendent - Orders are then received from the Police Magistrate or the principal Superintendent & for assign^t. After the messenger has left, there are generally some disputes to settle - The meat Rations are then served out about eleven. I then generally visit the Hospital, or some other part of the Building: this & the assignment generally occupies me until 4 o'clock. The Office generally closes about 5 - At 6 the wool is weighed out for picking & carding & spinning, & the work of the preceding day is taken in and weighed - The coals & wood for the night are then got in - Supper & general muster before dark. I generally walk round [page 97] the building during the night. Once or twice a month I attend at the ordinance & commissariat Stores to draw the Stores.

66. With these occupations have you time to attend to moral and religious instruction?

By no means.

67. Do you consider the religious instructions sufficient?

No.

68. What additions should be made?

Particular attention should be paid to the cells, which are entirely excluded.

69. What would be the best means in your opinion for instructing the females?

A more extensive distribution of tracts, more particular conversations with them [page 98] which could occupy the whole time of one person.

70. How are the women engaged from morning to evening?

They rise at six – half an hour is allowed for dressing & putting up the bedding – then muster – then morning service – the wood & coals are got in, about 50 are employed in taking out the night soil; the remainder in putting up the bedding & cleaning themselves. They then receive their breakfasts – the women have their respective work assigned to them – they begin at eight & continue until one. Dinner an hour & a half. They return at 1/2 past 2 to the shops until about 5 – supper and [page 99] muster to bed - In the first yard the labour is generally picking oakum under the superintendence of a general overseer of the workshops - In the second & third wool - In the cells horse hair - In the wash house yard the linen of the House of Correction & the Colonial Hospital etc is washed.

71. Is there accommodation in the House of Correction to keep the women occupied?

No. They do not do more than half what they might.

72. Could you employ the second & third yards better had you an additional number of Looms?

Yes; we could employ two more looms under existing circumstances - The women now work for two Looms whereas with proper [page 100] means they could work for four.

73. Into what kind of articles is the wool worked up?

Into Blankets & Cloth – about 1800

blankets were made ~~last~~ⁱⁿ the year 1840,
estimated at 18/ a pair.

74. The oakum?

The junk is drawn from the ordinance yard
& returned in oakum.

75. Have you enough junk to employ the
women?

No. The Ordinance Officers have not always
sufficient to supply us with. With the same
accommodation we could do a third more when
there is no junk the ^{women} have wool given
them.

76. Do you consider this a good mode of
employing them?

Yes.

[page 101]

77. What is the labour in the
cells?

Picking horse-hair & coir rope when we
have none; in picking wool.

78. In the wash-house yard could more
be done?

Double the quantity were it supplied - There
is a sufficient accommodation. When a convict
ship comes in they are all employed.

79. Do you think the kind of work upon
which the women are employed is the
best?

Yes.

80. Do you think that with proper
accommodation a better description of
work might be supplied?

Yes. Needle work in very small yards or in
separate cells & with proper overseers

[page 102]

81. Do you think it would be
better for the wash-house yard to be
subdivided into classes of 10 or 12?

Yes. the work might be done as well & it
would be an improvement in the discipline.

82. Do you think that it would be an
improvement to appoint free overseers? Yes. One for each yard whose set business it

- should be to look after the women. I think they might also be Turnkeys – they should be women
83. How many Turnkeys are there? One to each yard – four.
84. Are there any others invested with authority? There are three wardswomen in each yard, whose business [page 103] it is to keep the wards clean, the women in order, & see that the materials are not wasted. The encouragement held out to them is to get out a little sooner. There is a Messwoman to every mess of twelve whose business it is to attend to the dinner ~~implements~~ ^{^utensils} & to report the misconduct of those in ~~this~~ ^{^her} mess.
85. Have the Turnkeys any inducement to overlook offences? Not that I am aware of.
86. Have the women any access to the stores where the clothes are kept during the time they are kept in the factory? Never, except in charge of Mrs Livermore.
87. Does it ever occur that more than one go at a time? No.
88. Upon the arrival of a [page 104] female ^{^convict} ship what women are brought to the factory? Those assigned in the interior & those not assigned at all.
89. What are the women not assigned at all? Women for whom no application has been made, ~~unfortunate~~ infirm & diseased persons & such like.
90. Do all the others then go into assignment at once? Yes certainly – many are now assigned at once without ever seeing the factory.
91. How long do those assigned in the interior remain in the factory? The time is uncertain; some may remain a

- fortnight or even a little more: the others generally go out within the first week.
- [page 105]
92. Under what charge are they sent to the Factory? Under the charge of Constables.
93. What is the first thing done with them when they come into the factory? They are put into a separate yard by themselves: into what we call the Nursery yard.
94. Do they ever introduce money or tobacco? No they do not. The Doctor generally gets their money & gives it to me to return them when they go out.
95. Then when they go into assignment, they are permitted to take their money with them? Yes, they are; but the amount is generally very small - 5 s/ or 10 s/
- ^who? The women for assignment in the interior to be sure*
- [page 106] 96. Do they associate with the older inmates of the Factory? No; they are kept separate. ^{^from them}
97. What becomes of those not assigned at all? They remain until places can be found for them.
98. Are not women who have recently arrived sometimes ordered by the Lieut^t Governor on probation? Yes: & then they are sent into the appropriate yard.
99. What work are the recently arrived employed at? None whatever.
100. What rations have they? The same as the other women in the first & second yard - 1/2 lb meat, 1 lb bread, [page 107] 1/2 lb potatoes or 1 lb of cabbage, 1 oz sugar and 1 oz of burned wheat for coffee - that is all.
101. When a woman is simply returned from service what is done with her? She is undressed in the Store & searched -

clothed in the dress of the establishment & sent into the assignable yard and there she remains until she goes out again to service – her rations are the same as above – she picks oakum in the first yard but not by Taskwork.

102. Have you any means of ascertaining whether each woman does her proportion of labour?

The wardswomen report.

[page 108] 103. But if the quantity required to be done by the yard be performed, is it ever matter of enquiry whether each woman does her own work?

No; so long as the wardswomen can get the work done they are satisfied; it signifies not by whom unless indeed a woman positively refuses & then the wardswomen would report, & ~~then~~ I should have her brought through, admonished, & sent back to her work, or if she continued obstinate to the cells.

104. When a convict woman is sent in under punishment what is done with her?

She is received in the same way, searched and dressed and sent to her proper place according to the warrant, viz, the cells, the [page 109] wash-house or the third yard – if the sentence be generally to hard labour for three months she is sent to the second yard, if for more than three months to the third yard.

105. What is the labour performed in the second yard?

Picking, carding and spinning.

106. Do you consider that more severe than the labour of the first yard?

^!!

Yes, it is more severe- carding is hard work so is spinning – picking is light work – they take generally turn about of the different kinds of work.

^stuff

107. Are there ever women in the Second yard who escape the

carding & spinning?

Yes, the old women & the infirm.

[page 110]

108. What is the ration in this yard?

The same as in the first.

109. In the crime class what is their labour?

The same as in the probation or second yard.

110. What is the ration?

The same except that 2 oz of oatmeal are substituted for the burned wheat & sugar.

111. At the wash-tub yard what is the ration; and in the light cells, also the dark cells?

The same as the first second yards – the cells have the same as the third yard or crime class in the dark cells they have bread & water.

[page 111]

112. Do you think they prefer living in assigned service to being in the second yard?

Yes, I think they do; they often urge me to get places for them – sometimes however they do this merely to have what they call a “spree” but generally that is not the case.

113. Do you observe that they are depressed when sentenced?

Only when the sentence is to the cells; if to the yards they soon talk with their companions all sense of punishment away.

114. Can you give us any idea of the effect of the difference in the feelings of women when first brought to the Factory from those they exhibit afterwards?

Sometimes they are very [page 112] much depressed when first they are put into the Factory, but a continuance in one of the wards generally finishes a woman’s education in vice & takes away her sense of shame. The feeling seems to abate with every return to the building but is again somewhat revived when she is sentenced to the cells.

115. Have instances ever occurred in which women have besought you take them out of the yards?

Yes, repeatedly. Women have come up to me in the yard & begged of me to put them into the cells, in order that they might escape from the [page 113] cursing & swearing & obscenity. It must be a miserable thing for a woman having any sense of propriety left to be in one of these yards.

116. How are the new treated by the old hands?

Never in an unfriendly way: glad to see them – It is certain they endeavour to corrupt them.

117. Are fights frequent?

No: they are not: sometimes they occur. They do not seriously hurt one another. They abuse each other frequently.

118. Did you ever hear of any being reformed in the Factory?

^no proof of reformation

Yes: I have known instances in which women in the Hospital have died in a [page 114] very good state of mind. I have also seen letters in which women have stated that they have received benefits from Divine Service performed in the Factory: Theyse are generally infirm persons now at the invalid Hospital at New Norfolk but there are exceptions – instances in which persons in good health have made the same profession & their conduct has corresponded with it.

119. What is the effect of the cells with work?

They dislike them very much.

120. What of the dark cells?

It depends very much upon the time women [page 115] have been in them: the old hands care very little about them.

121. Do they even ask for employment?

Very seldom; they sometimes ask for a little needlework.

122. Do you think compulsory idleness

a punishment?

Very much depends on the previous habits of the women & upon the length of the punishment.

123. What is the longest period of confinement in the dark cells?

A fortnight.

124. Is there not sometimes singing & dancing in the wards at night?

Yes - at times: their songs are sometimes very disgusting. They leave off when they [page 116] know I am coming near when they do not (which is sometimes the case in a wet night when they do not hear my foot on the pavement) I turn out the whole ward till I get at the woman whom I send to a cell.

125. What is your opinion of Assignment?

With the exception of the very worst women I think it is the best mode of disposing of them.

126. Do you think women become contaminated in assignment?

No, I think the reverse, [if] they have a good example & regular employment - of course there are exceptions.

[page 117] 127. Are there not places [at] which well conducted women will not remain?

Yes there are places in which even the best conducted women will not remain; from severe treatment, neglect of food & clothing. In some places the children are allowed to abuse them.

128. Are there many such places?

Several: not many comparatively.

129. Are there any persons [or]classes of persons excluded from having servants? The publicans are & every person whose husband or wife is a convict.

130. Are there not places [in] Town considered by the females as good merely, because of the licence ~~they~~^{^who?[added later]} allow to their servants?

I have heard the women say so.

[page 118] 131. Under the circumstances you have stated as to the condition of the females in the Factory, do you think that additional religious instruction would be beneficial or would be counteracted so as to leave no desirable influence upon the mind?

I think it might be beneficial. I think we ought to occupy the ground where there is the least hope.

132. Do you think there ought to be any special appointment at present for the purpose?

Not at present.

133. What is the conduct of the females during divine Service?

Very good; they attend to what they hear & they [page 119] take their part of the service; the responses are well read.

134. Do they ever talk of what they hear, afterwards?

They do; and not unfrequently they send up stairs for a few tracts.

135. Of what denominations are the women?

They are divided into Roman Catholic & Protestants.

136. Does any Roman Catholic Minister attend?

Yes, the Rev.^d Mr Therry attends every Sunday about 3 o'clock – about 50 or 60 attend his service – most of them also attend the Protestant Service.

137. Do you ever discover acts of gross indecency?

Yes I do: & there I have no doubt many which never come to light.

[page 120] Mr Hutchinson's Examination continued
Monday 13 December 1841

138. Since Saturday has anything occurred to you ^{^which you should} wish now to mention to the Committee?

No, but I now hand in the returns called for by the Committee from one of which marked A may be ascertained the quantity of work done daily by each female.

139. The return A appears appears ~~to refer to the~~ to shew that the on the 8th inst ^{in the} second yard 76 women picked 15 lbs of wool ~~in that day~~ - is not that a very small quantity?

Yes very small: the same number of women might have done three times as much, but then we are as [page 121] I have already explained afraid to increase the work not having looms to convert it into cloth.

140. Could you spin wool [in] the present cells?

Yes we could.

141. One of the defects of your Establishment appears clearly [to] be the inability to provide employment for the women; how do you think this could be remedied?

By taking in coarse washing from the shipping or indeed private families. It would not be safe to introduce fine washing whilst the women are crowded together as at present.

142. Have the evils you have mentioned as existing in the [page 122] Building been of many years duration?

The moral evils have ex[isted] all along though they ha[ve] increased in proportion as the Buildings have increase[ed] & become crowded - with respect to the employment the disproportion between the work done & the number employed has existed only since the recent very great augmentation of our number. When we had only about 260 women, which was our average for a long period the present looms kept the women very well employed.[Edge of this page cut off in margin].

143. Why have you not got more looms so as to employ the additional numbers, [page 123] the Buildings present any (state)?

The present building is calculated for two looms only with the rulers & winders. Additional looms would require additional buildings. The principal Superintendent has had the subject ^ some time before him.

[page 124] Female Prison Discipline

N^o. 2.

M^{rs} Hutchinson

M^r Spode

[page 125] Mrs Hutchinson called in & examined

144. Are you the Matron of this Establishment?

Yes. I receive a salary of £50 per annum. I have held the situation 10 years, but have only received the salary five years.

145. What are your duties?

General superintendence & to assist in the assignment. I visit the bed rooms & the yards & the Hospital every day. I attend always when the women are brought in & see them searched & until lately upon their going out also. I always admonish them when I see any thing improper in their conduct [page 126]

146. Do you not attend to their reclothing?

Yes, whenever their clothes are changed, I attend myself. [Edge of the page cut off in margin]

147. Have the women in the Factory as much work as is good for them?

I should say not - I think that if they were more fully employed it would be much better for them. This could be attained by an increase of wool. I think they might do double what they do

at present. I have often noticed them when they have not much to do, they behave worse than when employed.

148. Do you think that needle work might be done?

I do not think it could be done in the yards without many more free overseers. [page 127] There are many (women) that could not do it at all. It might be done in the solitary cells. I think that in the yards it would be destroyed. I do not think that needle work ~~work~~ would have a better effect upon the minds of the women than the merely mechanical labour they are now engaged in.

149. Do you observe any [di]ffence of conduct in the different parts of the [Bu]ilding?

Those in the separate cells are better behaved than those in the yards.

150. What is your general [o]pinion of their conduct?

It is generally good; with the exception of some of the worst characters they are orderly & quiet.

[page 128]

151. When left to themselves what is their conduct?

Not so good. They require constant watching. I have frequently heard them use bad language & sing impr[oper] songs.

152. Have you ever compared their state of mind upon first arriving & two or three years after?

I think they do not improve in the Colony: they decline in moral conduct, especially if sent into the Factory und[er] sentence.

153. Do you apply that opinion equally to those in assignment & those in the Factory?

Those in the Factory deteriorate more than those in Assignment: but I think that many deteriorate in Assignment. A great deal depends

upon the situation they have. I do not think they improve but generally fall off.

[page 129] 154. In what points do you think they fall off?

Their language becomes more loose. I do not think the most abandoned improve.

155. Have you known individual cases of improvement?

I have known bad characters get good situations & turn out well.

156. To what do you attribute their deterioration in the Factory?

Want of classification and their attendance. No fault lately after [?]

To so many congregating together. The bad characters ridicule those who are better disposed: quiet persons sometimes report bad conduct, but there is an indisposition to tell upon each other. The remedy I should chiefly rely upon would be separation. They could be managed in small numbers of 10 or 12 but better if separated altogether.

[page 130] 157. Do you think they have sufficient religious instruction?

They would be better if they had more. If they had a clergyman to visit them during the week. Advice would not be effectual in the yards, but in the separate cells I think it would.

158. Do you visit the Hospital?

I can not see the suitability of different scales of diets except in the Factory cells - bad to control diet.

I do. I attend to their diet & their bedding. The building is too confined; I think they sometimes feign sickness to get a better diet & to get out of the cells.

159. Do you think that the same kind of people apply for servants as formerly?

The publicans do not have them assigned, but I think the upper classes apply as frequently as formerly; but in the interior they do not apply as frequently as formerly - [page 131] this I attribute to some of them being sent on to Launceston; I think the demand on this side of Ross Bridge is equal to what it was formerly.

160. Do many receive Tickets [of Leave]? Not at the Factory.

161. Is their conduct after getting their Tickets good? I should say not.

162. Do you often receive into the Female House of Correction suspended Tickets of Leave? Or not No.

163. Do the women receive any instruction besides ^{that of} the Clergyman?

Servants going out should be presented with a certain [?] of instruction for their general conduct

The Ladies' Committee visit the Cells; some one Lady visits about once a fortnight & remains ^{in the building} an hour at a time or more..

Little ability

[page 132] 164. Do their visits appear to be beneficial?

The ^{women visited} appear to form good resolutions; but they soon fall back into their old habits. They appear grateful at the time. I have heard some of the worst characters make remarks that have shewn me ^{^that} the instruction has not produced a good effect.

165. Is there at present confined in the Cells a very disorderly girl that could not read when she was sentenced three months since?

Yes, named Makin. I believe that she could not read then; she has been attended by the Ladies' Committee, & is now able to read easy lessons, sufficiently to understand what she reads.

[page 133]

166. Are there any other instances? Yes.

167. Have they always been [resp]ectful to the Ladies?

Yes: I know of no exception to this rule.

168. Do you think that the instruction of Ladies would operate more beneficially than that of Clergymen?

Yes. I think they would pay more attention to Ladies. I think that the idea of advice being disinterested would have a good effect, but I have heard the women say the Ladies visit the

*Both is [sic] equally desirable.
Impossible
Without doubt (refers to 'married ladies')*

Cells to get embroidery done. The Ladies Committee would have more weight with the women if formed of respectable married Ladies. [More faint text in left column].

[page 134]

No 2

Mr Spode called in & examined

169. You are the Principal Superintendent of Convicts?

I am; I was appointed on 1st Jan^y 1830.

170. When a Female Convict Ship arrives what steps are taken?

I immediately go on board, & ascertain what has been the previous line of life of each woman, their characters from their own mouths which I compare with the Gaol & Ship reports, their offences, & appropriate & assign them with the sanction of the Lieu^t Gov^r who always personally inspects the Ship before the women are landed & [page 135] confirms each assignment.

171. Do you shew any preference to domestic servants of good character?

I always select the most respectable among them for the most respectable situations, endeavouring as much as possible to keep the very young women out of Town Service, but which cannot always be done. There are many however that could not be placed in gentleman's families from being of the lowest grade. The greater proportion of them are generally found to have been prostitutes; but many of them have evidently been brought up as domestic servants. I think that very few modest women [page 136] come out in prison ships. In the case of ~~some few~~ county convictions I think that there may be occasionally modest women, but the generality have been in the habit of prostitution.

172. Do you observe any difference in the

different Ships that come out?

I do not think so (refers to deteriorated)

Yes. I think that a much more depraved class of females are now sent out than formerly. I should think that the lower orders of females in Great Britain have deteriorated. In point of vice I think that the English, Scotch & Irish are much more on a par. In point of usefulness the English are generally the best.

[page 137]

173. When did the "America" arrive & when the "Attwick" and what observations did you make upon them respectively?

There appears in some ships a greater amount of vice than in others, which appears to me to depend in a great measure upon the fact of Town or Country convictions predominating. The "America" arrived in 1831, I consider that a good ship. The "Attwick" which I consider a bad ship arrived in 1838.

174. Do you think that a more careful system of classification at home would be productive of good effect?

I do not attach much weight to the Surgeon's Report taking into consideration they are confined under his charge

I do. The method of sending out women from all parts [page 138] of the country & for every graduation of crime is too indiscriminate & exceedingly injurious especially in the instance of habitual prostitutes accompanying females who though not habitually vicious have fallen under temptations. I have found the Gaol reports generally incorrect. I should place more reliance upon the Surgeon's Report, but I do not always find the subsequent conduct of the women tally accord with the Surgeon's Report.

175. Are not the Reports of the Surgeon Superintendent generally favourable?

Yes, they are as to the majority.

176. What are the general complaints usually of?

Disorderly conduct & sometimes [page 139] drunkenness – the disorderly conduct usually arises from quarrels with each other from pilfering – women sometimes purchase

wine from each other & sometimes from the sailors – the wine purchased from each other is their daily allowance saved. There is a great difference between different ships arising from the different capacities for management the various Surgeons Superintendent.

177. Those assigned from the Ship to families in Town go at once to their services, do they not? Why is that done? The assignees usually prefer it & that it may not be said that they have ever been in the Factory. [page 140] The women exceedingly dislike going thither on their first arrival & I think it gives a woman a much better chance for future good behaviour.

178. Do you find that the women who have recently been so assigned behave better than those who have been assigned after a residence in the Factory? Yes, I have found that to be the case generally.

179. How are those assigned to Country Service disposed? They are sent to the Factory & detained in a separate yard & ward until sent for by their Masters.

180. Who has the charge of them? Mrs Hutchinson; but the [page 141] attendant Turnkeys & Messwoman are old convicts selected for good conduct but more especially bec[au]se they are supposed to be pos[sessed] of sufficient determination to keep the others in order.

181. In every Ship are there not women with children what becomes of them? They are sent to the Nursery &, when their children are weaned, assigned. They are not kept separate from the other women confined with illegitimate children there being no means of separating them.

182. Then may it not happen that a married woman may be mingled

with confirmed prostitutes?

Yes. But when we have supposed women to be with [page 142] child by their own husbands, they have sometimes been detained at the Hospital but not recently.

183. From each of the Ships a party of Women is usually dispatched to the northern [part] of the Island for assignment [are they] there not?

Yes: they have been so lately.

Not sense

184. How are they passed on from this to Launceston?

In one of the Government Vessels under the charge of the Surgeon Superintendent who brings them from England & who is paid a gratuity from this Government for such service.

185. How long does the average voyage last from this to Launceston?

Five or six days.

[page 143] 186. What extent of accommodation is there on board these vessels for females?

There are no fittings up in a prison ship. The only arrangement is by laying down planks in the hold on which they lay their beds & they are provided with mess [...] & gratings fastened down over the Hatches to prevent improper communication.

187. What class of men work these vessels?

Generally free or ticket of leave men.

188. Has it ever been reported to you that women on board these vessels have had the sailors sleeping with them?

I have heard it mentioned that such disorders had taken place but it has never been officially reported to me.

189. Is any matron or [page 144] Constable ever sent round with these women?

No; they are entrusted to the sole charge of the Surgeon Superintendent.

190. You then lose sight of these persons?

Yes: I do, except from the Official Reports sent in by the Assistant Superintendent at Launceston.

191. Does it not frequently happen that some of the women immediately after assignment from the Ship [are] brought up for offences?

Yes: ~~once or twice~~ not unfrequently – once or twice I have known them get into the watch house the same evening.

192. How are they dealt with for a first offence?

If the first offence has [page 145] been a slight one I have given them a strong admonition & returned them to their masters if willing to receive them; if not I have reassigned them.

193. On being brought up a second time? I have invariably sent them to the Factory; either to the solitary cells, or to the separate working cells. ~~There are enough of both classes, but not enough of solitary cells.~~ I endeavour to keep the more newly arrived women from the Crime Class, so long as their characters appears to render their being distinguished from the others desirable.

194. Do you find that after punishment a recurrence of [page 146] misconduct soon takes [pl]ace; & what are the [pr]incipal offences?

Yes not unfrequently – drunkenness is the most prevalent offence; absenting themselves from their service, disorderly conduct, insolence.

195. Are women not frequently charged with [being] absent all night & does it not most commonly happen that you cannot discover where they have [be]en?

Yes; there is a great difficulty in finding out their haunts; but the Constables frequently take them out of common brothels.

196. After these women have been

brought before you two or three times [page 147]do they not cease to regard their appearance & clothing & become reckless?

Yes, there is a proportion of each ship who are its refuse; they fill the Factory & are always reckless. The oftener a woman is sent in the Factory the more reckless she becomes particularly if placed in the yards among the other women; but instances have occurred where women have been sent to the cells & have never returned again.

197. Do those women, ~~namely three~~ who never return to the Factory, present when they fall in your way a more decent appearance?

Yes; & I have invariably found it to be the case that those women who retain [page 148] a regard for their own appearance & dress are generally the best servants & every way the best conducted.

198. Do you concur with Mr Hutchinson in the opinion he has expressed as to the bad effect of the [lar]ge yards?

Generally I do: I think nothing can be worse than the congregating so many females together in the House of Correction.

199. Do you also concur with him as to the comparative effect of assignment?

Yes, I do – I think assigned service properly directed is the very best superintendence that can be devised for females.

[page 149]

200. Are there any regulations as to the clothes of assigned servants?

There are, but they have fallen into disuse – assigners clothe their servants at their own discretion.

201. Does it not sometimes occur that women are very indifferently clothed?

It does.

202. Have you ever observed women who have gone into assignment well

clothed, assumed some months afterwards a much worse appearance in that respect?

Yes, I have & I have had the women complain that their masters have allowed them to wear out their own clothes & have refused [page 150] to give them new ones when requisite. In such cases when I have found on enquiry the statement to be correct I have returned the servant to the Crown when the Master declined to give what was necessary.

203. Are you aware of any instances in which Masters to save themselves the expense of clothing their servants have allowed them to be continually on the Town?

It has been so reported to me on several occasions & when I have had reason to believe such reports correct I have entered the names in the black book in order that these parties might have no more assignments.

204. Do you also concur [page 151] with Mr Hutchinson as to the Wash-tub yard?

I do as to its general utility but it would be much more effective if it could be conducted with the women in smaller parties by such subdivision not only would discipline be more perfect, but a considerably greater quantity of work be obtained ~~from them~~. I think that so long as the assignment of females to private service continues the services of this yard must be very beneficial because it forms a branch of labour that no family can be without & by taking in washing of coarse articles from the Townspeople some portion of the expense of the Establishment might be defrayed; but this would require ~~some~~ addition [page 152] to the present buildings for Laundries & Overseers.

Without doubt

205. The cells – do you concur with Mr Hutchinson as to their desirableness as a means of punishment?

I can say that I am most strongly impressed with the opinion that to render the House of

Correction effective all punishments excepting such as I have adverted to as being proper to the wash house yard should be undergone in separate confinement and that no congregation of females should be allowed beyond ten or a dozen in one ward & those only who have passed through their sentences and are waiting for assignment.

206. But do you not think [page 153] that reassembling them even in such small numbers would be contaminating?

No doubt – when that instruction being scriptural & imparted in the Spirit of Christianity

In some instances it might but in adopting a plan of yards to contain 10 or a dozen only a more perfect system of classification might be adopted. I think that the effect of the ^{^religious} instruction received by them when in these cells may fairly be expected to influence their conversation & conduct when thus reunited in small classified parties.

207. Then I am right in the inference that you consider a much more extended system of religious instruction than exists at present indispensable; if so, of what nature do you think it should be?

No question – the Factory ... the ... labours of an able and most devoted regular Minister of the gospel of Christ – he must be a man ... entirely qualified & Minister furnished with the gifts & graces of the Holy Spirit

Decidedly so; I have no hope [page 154] to seeing any very favourable results produced but by the appointment of a minister whose sole duties should be attendance upon the inmates of the Factory & whose services should not be confined solely to public worship but should be directed also to visiting the inmates of the various yards & cells & giving particular instructions to each suited to her condition & circumstances. And my opinion is that the appointment of such a Minister would be beneficial not only in respect to the moral character of individuals; but also which indeed is almost in matter of course to the discipline of the institution.

[page 155]
208. Then speaking generally what alterations would you introduce

into the existing system?

I would introduce the separate system as indeed may be inferred from my previous answers.

209. Would you alter the present Factory so as to accomplish that end or would you build a new establishment here & at Launceston?

I would do both, because I conceive there is an imperative necessity for the erection of a new Factory & by the addition to the present one of a range of cells on the separate system along the present dead wall of the Factory which might be erected at [page 156] a trifling cost many of the evils now arising in that crowded establishment would be avoided & the coercion of the women more perfect. I would also subdivide the present yards.

210. Suppose the existing Factory to be so altered & subdivided what additional establishment there would you require?

That would depend on the subdivisions made, but as to general measures, independent of the Head Superintendent and Matron I should consider it necessary that an assistant Superintendent and Matron should be placed over each class with a free Female Turnkey or Overseer over each subdivided [page 157] yard. I have already adverted to the necessity of a Chaplain & in the event of the erection of the separate cells a free Superintendent and Matron would be required over them with two free female overseers at the least.

211. But you would build a new House of Correction besides. On what plan would you have it?

Entirely on the separate system; except that I would have a few yards for debilitated old women & for persons sentenced under circumstances which do not admit of their becoming assignable & whom it might therefore be cruel to keep apart during the whole term. [page 158] I may observe that I think that under the separate system the length of the sentences

passed on women assigned service might be diminished the mode of punishment being so much more effective; and in these opinions I believe I am borne out by the respect of a Board of Offices which assembled in March 1840 for the general inspection of the Hobart Town House of Corrⁿ for Females.

212. Is it a right inference from what you have now said that you think assignment should be continued?

Decidedly so; as I have already observed that assigned service properly directed is the best superintendence for them & I view incarceration under the separate system as a means of punishment only for ~~those~~ transgressions committed in this country & as a means of reformation [page 159] so as to fit them again for their duties.

213. Then what would you do with women returned from service but without imputed offence; & with women who merely because they do not appear to be serviceable are not taken off in assignment?

To meet this case it would be necessary to have a few probationary yards not to contain more than ten or twelve for their proper classification.

214. Where would you build this Factory? As near the centre of the island as circumstances would permit for the convenience of all parties; but the full command of water must be [page 160] a sine qua now.

215. Would you make in the Launceston Factory changes [cor]responding to those you have proposed for the Hobart Town Factory?

I certainly would – the same system should obtain throughout. I think that the Launceston Factory might from its present construction be more easily accommodated to the new system than the one here.

216. To return to the central Factory
What establishment would you
recommend for it?

I think that there should be a Superintendent
and Matron for the whole establishment &
also an assistant for each yard & a free female
Turnkey for every twenty five cells.

[page 161]

Examination of Mr Spode continued
Wednesday 15th December 1841

217. What jurisdiction do you exercise
as Principal Superintendent over the
women?

Within the precincts of Hobart Town all
females for misdemeanours are brought before
me.

218. Have you as Principal
Superintendent more extended
powers than any other Magistrate?

No.

219. Do you think that the power vested in
the Magistrates and Officers of the Factory
in reference to female convicts is sufficient
for the purposes [page 162] of discipline and
of deterring women from the commission of
offences? If not, what additional means
would be recommended?

*Was not this order issued before my arrival? If
so it is more than five years. JM*

It is with the exception of one point viz the
power of cutting off the hair which was formerly
adopted in cases of disorderly conduct in the
House of Correction which was found to be very
effective. An order was issued about five years
since prohibiting the employment of this
punishment; but I am of opinion that it would be
advisable to resume that custom.

220 Do you think that women
belonging to classes where in England
you generally find sobriety become
upon transportation addicted to
drinking?

I think not

[page 163]

221. Are women generally addicted to smoking & to what do you attribute the prevalence of such a habit?

How on the voyages is such discipline admitted by the Doctor. [?] convicts often allege that the use of tobacco is necessary to the preservation of their health – so long have they been accustomed to its use this allegation to be received with great caution.

A great many women who were not in England, I am of opinion, become so here. I think that the habit is contracted in the gaols in England & on the voyage. I think in many instances it is used for the purpose of concealing the smell of liquors.

222. What is the shortest period ^{^within} which a woman can obtain a Ticket of Leave?

Four, six and eight years – according to their sentences of seven, fourteen years & life; but it has been the practice latterly to grant Tickets earlier to very well conducted females, such measures have been approved by the Secretary of State.

[page 164]

223. Is the proportion of those that do obtain Tickets of Leave for the proper period large?

Yes.

224. Is the number of those who lose their Ticket large?

I think not – a great many go into service or marry & in many instances conduct themselves well.

225. What are the offences usually committed by Ticket of Leave women?

Drunkenness & disorderly conduct & ^{^leading} disrespectable lives?

226. What is the course pursued with Free women who misconduct themselves?

They are sent to the Factory & when sentenced ^{^to Transportation}, a period is fixed for their incarceration, after which they become assignable.

[page 165]

227. Are free women summarily convicted of minor offences placed upon the same footing as those transported from England?

They are; female apprentices are also sent

to the Factory for misconduct under the indentures. These cases however are very rare. The Superintendent has sometimes allowed apprentices to remain in his own private dwelling to avoid the bad effects of communication.

228. What is the effect of marriage upon the woman?

Under what circumstances

The most reformatory that can be adopted. I am aware of many instances throughout the Colony in which it has had a reformatory effect. I should [page 166] not however think it desirable to permit them to marry until they had passed a certain time in probation. The present regulation requires twelve months service with good conduct, but instances have occurred of females being allowed to marry at rather earlier periods under particular circumstances. I have known however many become good mothers.

229. What becomes of illegitimate children of female convicts?

They are sent to a Nursery Establishment in Liverpool ^{^Street} where they remain until they are old enough to be placed in the Queen's Orphan Schools.

230. Is the connexion between Mother and Child maintained?

Yes, they are permitted [page 167] to see their children at the Orphan Schools.

231. What would be the chief advantages of establishing a Factory in the interior?

I think they ^{^women} will generally be better conducted, from their associations with the great Towns being cut off. It will also facilitate the supply of Female Servants in the interior & prevent a great deal of contamination which now takes place on passing them up and down the country.

232. How are women at present passed into the interior upon assignment?

Not a very good or advisable plan

They are invariably either sent by coach in charge of the Coachman, by one of the Vans, in charge of the master [page 168] or delivered over

to the Agent of the party to whom they are assigned at the House of Correction.

233. Who are the Agents usually appointed to receive them at the Factory?

Bad

They are sometimes received by the Masters & Mistresses; sometimes by the friends of such persons – sometimes by Constables & sometimes by male servants.

234. How are they returned to the House of Correction?

Very bad- very!

Always by a Magistrates warrant, in charge of a Constable. I am aware of great irregularities taking place upon these occasions. Many constables have been punished for such acts of impropriety.

[page 169]

235. Are female convicts ever permitted to marry Convicts while under sentence?

Yes, they are: Men holding Tickets of Leave, well behaved Constables, javelin men, & other convicts holding situations under Government who show that they have the means of supporting a Wife; & also at times ~~to~~ assigned servants whose Masters certify to the Government that they will support both parties in their service until the male convict becomes eligible for his Ticket of Leave. These latter cases are frequent.

236. When Constables so situated are broken, what becomes of their wives?

If the females do not [page 170] hold Tickets of Leave, they are sent to the Factory for assignment.

237. Do you believe that women occasionally punished for being illegally at large for three or four days, are induced to ~~de~~ ^{be} by men who afterwards marry them?

In many cases I believe that this occurs.

238. Are they often deserted by their husbands?

No. I have known more cases of free people acting in that manner than among ^{of} convicts.

[page 171]

Female Prison Discipline
No 3.
Mr Price

[page 172]

John Price Esq^{re} Police Magistrate
Hobart Town, called in and examined

239. In your capacity of Police Magistrate for this Town you have frequent opportunities of knowing what is the conduct of female convicts when not in a state of confinement; will you state what appear to you to be their prevailing offences and whether they are numerous [in] proportion or not?

The general offences for which females come under my notice are larcenies & felonies committed by them in their assigned service; generally speaking theyse are of a very trivial nature but occasionally it happens [page 173] that they are brought before me for shoplifting which however generally occurs when women have been trained to crime from infancy. Those who have been transported to this country for the more daring crimes are generally the best conducted here. They are generally transported with their husbands or those men with whom they have been connected & they generally retain this connection in this country. The proportion of women charged with felonies and larcenies ~~are~~^{is} remarkably small. Ticket of Leave women in Hobart Town and its vicinity are always brought before me whatever their offences may have been – their [page 174] prevailing offences are in drunkenness, frequenting disorderly houses where prostitutes are harboured, living in a state of prostitution with men & representing themselves to be free. They are not generally speaking a well

conducted class of women, but they are not so strictly watched as the men are & as they muster only once a year it is often difficult to keep them in view. There are not many in a respectable condition as Tradeswomen such as dressmakers, tailoresses, many of them live in service: very few work at trades. The married Ticket of Leave women are generally very well conducted & when that is not the case the fault may frequently be traced to the husband.

[page 175]

240. Which would you prefer as a domestic servant, a free female servant or a Ticket of Leave woman?

I should prefer a well conducted Ticket of Leave woman for many reasons. I believe many of the free immigrant females to have been prostitutes at home. It has been reported to me that on one occasion 36 were imported from one work-house alone namely St Giles in London but even of these some have married & have lived since very decently. I would prefer the Ticket of Leave women because few good house servants ever come out free, whereas good servants are often transported. These women previously to [page 176] obtaining their Tickets of Leave have acquired a general knowledge of Colonial service & so are able to turn their hands to every thing & are in consequence far more useful than free immigrants. They are under better control in as much as gross misconduct they are liable to be deprived of their indulgences & be returned to the condition of assigned servants after undergoing a punishment sentence in the Female House of Correction; whereas the free Immigrant is only subject to three months hard labour in the house of correction.

241. Do you think there is a stronger hold upon [page 177] Ticket of Leave women than upon assigned servants?

Certainly there is. A ticket of leave holder is enabled to select her own service & change ~~that~~ ^{it} service with the approbation of the Police and upon giving proper notice ^{is} enabled to agree

for her own rate of wages & in fact ^{^she} enjoys partial liberty. They are generally better dressed & more cleanly in their appearance & a little extra finery is permitted them by their Masters & Mistresses: consequently the punishment of being sent to the Factory is greater in their case than in that of an assigned servant but I have known instances of females whose previous character had been very bad begging to be returned to [page 178] their former condition of being assigned servants because they were not permitted to go to Theatres & Brothels and observing that if they were not allowed to go to such places it was of no advantage to them to hold Tickets.

242. Is a Ticket of Leave valued now so much as it was some years ago?

I do not think it is. Servants of all description are now more numerous than they used to be. Masters & Mistresses will not now put up with the offences in a Ticket of Leave servant that they formerly would have done. The women upon punishment finds that she is not out [page 179] of the hands of the Police she previously imagined she would be; for they have before they get it, a very erroneous idea of what Ticket of Leave is.

That erroneous idea can be carried both with them and their employers

243. Are the wages less than formerly?

I have every reason to believe that the wages of Female servants are much reduced. I believe that a good servant can now be had for 12 or 14 instead of £20.

244. What is the conduct of the illegitimate children of convicts?

Agrees with Mr Ewing

Many are prostitutes in this Town. I myself know of 9 or 10 children who have been found in brothels under 12 years of age. They [page 180] are generally speaking ill conducted, more especially those that have relations in the colony. Those that are really orphans are much better conducted than the others.

245. Do think that it would be beneficial

to the children to cut off the connexion with the Mother?

Certainly.

Often agrees with Mr Ewing

246. Should you fear any increase in crime from such a course?

None whatever: since I have been Police Magistrate of Hobart Town 3 years, I have only known one case of child murder & that was by a free woman. I know it to be a common crime among [page 181] the convict women to practice abortion. The practice would not I think be increased by separating the children from the Mothers, the object being to avoid the Factory ~~not~~ from the fear[^] not of the punishment undergone there but of being separated from the connexion formed.

247. Do you think any pernicious effect is produced upon the male children of convicts?

I do. They are taught to disregard truth. I have known of cases of pilfering in boys who have absconded from the orphan schools; but boys are not so liable to suffer from the ill effects of the connexion with their parents as girls.

[page 182]

248. What is the conduct [of] Constables in conveying women from & to the Country?

All very bad

Sooner converted the better

Very bad. I have known many Constables punished & broken for misconduct in passing women on warrant. For making them drunk, for taking them to disorderly houses in Hobart Town, for leaving them at large & absconding with the warrant. They are seldom brought straight to the watch-house unless passed in with the district Constable. The constables are generally themselves convicts, men who have been vagrants & travelling thieves, at home frequenting the fairs & Staties/Statutes/ where [page 183] they have fallen in with the class of women generally misconducting themselves in assigned service in this country, they having themselves been vagrants, hawkers, or pickpockets.

249. How could this evil be prevented? By having a Factory in the interior & passing women entirely in Vans such as are used for prisoners, under the immediate superintendence of some steady person. I am aware that many women ordered to be assigned in the interior only commit offences for the purpose of being brought down to Hobart Town.

[page 184]

250. Are the Ticket of Leave women mustered by the Police?

No, they all call upon a certain day once a year at the Muster Masters Office to report themselves & whenever they change residence they are expected to report it but often neglect to do so, for which when discovered they are punished.

251. Are any means used to enforce the attendance of Females (as well as males) holding Tickets of Leave at a place of worship?

No; nor could any be adopted with any beneficial effect. They would join [page 185] their old acquaintance in the Town, get drunk, visit disorderly houses and not return to their Masters.

Why should not servants go to a place of worship with the family in which they reside & with the family return home?

252. What punishment are Ticket of Leave women most afraid of?

Convicts generally fear solitary confinement more than any other punishment.

253. Do you infer that the Separate system is the best adapted for Convicts?

Certainly.

254. What length of sentence to separate confinement do you think advisable?

A single Magistrate should not sentence to more than nine months.

*Too long solitary confinement with labor to operate most injuriously on the mind and character.
I agree two months sentence
Yes, certainly, nine months too much (these in different hands).*

[page 186]

255. Would any alteration to the law be requisite to establish this system?

I think not.

Wrong

256. Do you think that the separate system would be efficacious in a reformatory point of view?

I do. I believe that the internal arrangements of every house in Hobart Town are known to all the women in the Factory, & women are prejudiced against places before leaving the House of Correction. Their time not employed in actual labour is spent in discussing robberies that they have committed at home, the facilities that exist in different families for pilfering, the different points of weakness in their [page 187] Masters' & Mistresses' characters, the reasons of different (women) having come out to this country; in obscene language composing songs ridiculing the authorities; all this would I think be entirely checked by separating the women.

257. Would you retain the Assignment system with this?

I would; I think there is no means more conducive to the reformation of such characters than a proper system of assignment. The prisoner has the example of virtuous women (and) would have the habits of cleanliness & industry enforced which are not now. The [page 188] prisoner in many instances is herself a mother, mingles with the children & forms an attachment which she does not like to break, & which very much softens her disposition. This system would also offer faculties for marriage which is decidedly the best for reformation.

258. You are of opinion then that marriage and assignment work together beneficially in the same way?

I am; I think both of these connexions desirable from their promoting the better feelings & calling the affections into play when [page 189] the assignment is judicious. I have known instances of women when accused of petty misdemeanours referring to their unimp[eaded?] conduct whilst in respect[able]

assigned service & have known women who through the misconduct of their husbands have taken to drinking and prostitution beg[ging] for their children's sake to be allowed to remain in any service however stringent provided they were allowed to remain near their children; & in like manner I have known them become strongly attached to the children of the families in which [page 190] they have served.

259. What alterations do you recommend in assignment?

There are persons who now have servants assigned to them who are totally unfit to be entrusted with them, not from any immorality in their own conduct, but from a perfect disregard to the morality of their female servants provided the required work is done; men who have been artisans at home married to women who have been convicts in this country; men who have been convicts likewise & have acquired a small property since their arrival here - with very few exceptions [page 191] my opinion is that the emancipist or person free by servitude is not a proper person to be entrusted with an assigned female.

260. Do you think the necessary discriminations could easily be made?

No, I do not: it would be very inquisitorial.

261. What opportunities have you had of certifying to the eligibility of applicants for assigned servants?

*I do not agree -
Then why continue Ap 8*

But few; applications having been submitted for my recommendation for the first time about a month since - previously to that time I cannot offer any information. [page 192] I at that time saw an application improperly recommended by the Chief Constable, upon which occasion I suggested that the applications should be sent for my recommendation instead of to the Chief Constable. I have known a person living on charity in this town keeping an assigned servant.

262. What is your opinion of the Factory as a mode of punishment?

To the ill behaved it is not a place of punishment: the labour is not sufficient; they have not the means of enforcing regularity or [page 193] keeping up a degree of discipline which makes confinement irksome; [but] I believe it to be a punishment to the well conducted on their first entering the House of Correction, from the conduct & conversation of the women with whom they are compelled to associate.

[page 194]

Female Prison Discipline

No 4.

Mr Spode
-Goodwin
-Simmons
-Brice
Henry Walton
Mrs Slea
Dr. Dermer
Mr W^m Gunn

[page 195]

Mr Spode recalled and examined

Monday 20th December 1841

263. You have said in your former evidence that you think the continuance of assignment desirable; under what modification would you retain it?

I do think the continuance of assignment of Females desirable on their own account; because I feel assured that in the families of respectable persons, they would have much better examples set them both in a moral point of view & [page 196] in teaching them those useful habits of domestic life by which alone they would be

enabled hereafter to obtain their living; & with respect to modifying or in fact restricting the assignment of Females, I think the Government are not exactly in a ~~proper~~ condition from want of proper accommodation to enforce a contracted assignment, for as it is, and owing to the influx of females combined with other causes the present Houses of Correction are now too full for the purposes of discipline, & therefore no good results [page 197] can be looked for by pressing them to a still more crowded state. The restriction also of assignment to families in a certain class of life would necessarily incarcerate probably for the whole period of their sentences a proportion of each ship's number, because in each ship there arrives so many who never could be received into respectable families either from the Ship or from any course of probation in a House of Correction from the circumstances of their being low minded and ignorant creatures who have never been brought [page 198] up to domestic service at home except in the lower degree. In consequence therefore, no family of consideration would be troubled with them, & ~~which~~ ^{^that} is clearly proved by the fact that from every ship many are returned after assignment as "not suiting" or "not knowing anything", & indeed twenty other reasons which prove their inefficiency for domestic service. Then as to any modification in the assignment, the question will naturally turn upon who is & who is not a proper person to have [page 199] female servants, & this involves much difference of opinion, & which always must create much difficulty. It has always been the practice to obtain in any doubtful cases of applications the Police Certificates & I know of no better check to be obtained than this to improper assignments for it is to be supposed that the Police Magistrates make themselves acquainted with the circumstances & condition of the residents in their districts, & ^{^but} the duty of certifying such applications being both unpleasant & insidious. I

conceive from its nature [page 200] it could not be placed in other hands, except, for the sake of relieving a single Magistrate from such unpleasantness it devolved upon the Magistrates assembled (in) sessions.

264. Then you do not recommend any modification?

I should think none necessary if the above suggestions were strictly enforced.

265. Have the Police Magistrates any positive instructions for their guidance in determining who are fit persons to have assigned servants?

I know of no further instructions than that of Prisoners & Publicans not being permitted to [page 201] any.

266. It depends then entirely on the discretion of each Magistrate?

Yes, with the exception I have just named.

[page 202]

(1)

Mr Goodwin called in & examined

267. You reside in Hobart Town? Yes.

268. What is your occupation?

Shoe-maker; I have an establishment in Hobart Town.

269. You have been in the habit of employing assigned servants?

I have; but have discontinued that practice for the last eight or nine months in consequence of their bad conduct.

270. In what way did they misconduct themselves?

In various ways; - they would leave the premises very often without leave; [page 203] sometimes they would neglect their work; they would give causes for being spoken to &

Is it so?

they would then say that they preferred being in the Factory to be being in assigned service. They said that they could get anything they wanted in the Factory, which they were debarred in service, rum, gin, brandy, eggs, tea & sugar etc.

271. Did they mention in what way they could procure them?

They said that Mr Cato procured them things in Town, & sold them to the Turnkeys, & that they purchased them from the Turnkeys; - they said they took rings and handkerchiefs [page 204] and sold them to Mr Cato.

272. How long ago was this?

I think the last we had was a female named Ann Day about twelve months since. Mrs Goodwin has since determined not to employ assigned servants. I understood that a man who used to split wood in one yard was in the habit of concealing liquors in the wood which was then drawn up the chimney of that yard and let down the chimney of the next.

273. Were your assigned servants in the habit of [drin]king?

I have repeatedly turned them in for being drunk. I have had nine or ten & [page 205] believe they would always drink when they had the opportunity.

274. When you became acquainted with Mr Cato's proceedings did you make the authorities acquainted with them?

I remember telling Mr Swift the district Con[stable] many a time and Mr Simmons also a district Constable, Mr Gunn when acting Principal Superintendent when the latter was [stated] by one of the women. I told Mr Gunn how the liquor was taken in by Mr Cato & by the messe[ngers] splitting the wood.

275. Would you receive any [page 206] assigned servants now?

Yes if I could get one I know something of.

276. Are you aware whether there are any persons in Hobart Town who allow their

- Female assigned servants [...] latitude? Too many. I know of women being tipsy & out at very late hours, without any notice being taken of them. I am persuaded that many persons allow their female assigned servants to do as they please.
277. Do you know of any instance in which Masters and Mistresses have been participators in the profits arising from the misconduct of these women? I do; I have known women [page 207] who have paid their masters & mistresses for the indulgences they have received – for permission to be on their own hands.
278. Do you think that the manner in which women are assigned is too indiscriminate? I do.
279. What are the classes of people who keep their servants in the manner you have described? Generally the lower or[ders] of shopkeepers. This ca[uses] them to draw invidious comparissons between such places & respectable places. I have heard them mention places where they said they [page 208] could do as they like & say that they would rather be in the Factory than in such a place as mine. The woman I have mentioned Ann Day once left my house with my two children & I found her with them in a public house; when brought back she swore & cursed at Mrs Goodwin & afterwards ran away.
280. Do you think they have any dread of the [Fac]tory? No. I never had one out of a Ship on its arrival, but the old hands have certainly no fear of the Factory.
281. Do you know of any Prisoners having assigned [page 209] servants? I do not.

[page 210]

(3)

Mr Simmons called in & examined

282. You are a district [Con]stable in Hobart Town?

I am.

283. How long have you [held] that situation?

Two years and a half; but I have been a constable eight years. I have generally acted in Hobart Town.

284. Has that given you an [oppo]rtunity of knowing what the conduct of assigned servants has been?

It has. When females have been brought into the watch-house & placed in the cells, I have heard them complaining of their assigned [page 211] service and saying that they were much better off in the Factory than in assigned service; that they had no tea & sugar allowed them which they could always get in the Factory – this is about twelve months ago.

285. Did you ever ascertain how they got things into the Factory?

I did. Upon one occasion some man on the establishment conveyed to Mr Hutchinson's assigned servant different articles. She was in the habit of coming out with Mr Hutchinson's child [to] walk. The men messengers (on loan) were in the ha[bit] of coming to Town & [page 212] purchasing articles. The woman would walk round the building & throw money to where the messenger was; shortly afterwards he would pick it up & then proceed to Hobart Town: on his return to the Factory he would walk round until the woman came out again. I saw him go into some wattles near the creek; the female also saw him: he then came from the wattles & in crossing some litter he dropped a bottle which he covered over with his foot & walked away. The female picked it up & walked into the Factory. I afterwards apprehended the messenger in Hobart Town. He then had money

in his possession [page 213] for which he could not satisfactorily account. I took four or five more [who] were dealt with by Mr [-----]. The watchman was in the habit of throwing things [over] the wall. I also he[ard] that one of the Clerks in the Office was in the h[abit] of supplying Mr Hutchinson's female assigned servant.

286. Do you think that these things occur now?

I do not know that they do.

287. Where are women generally found when they abscond?

In public houses, sly grog shops and brothels. If a woman had left her serv[ant] for an hour or two I should go to the public houses; if she had been away for [page 214] several days, I should go to sly grog shops & disorderly houses.

288. What class of people in Hobart Town do you [thin]k keep their servants in the least control?

The lower orders, people who have been convicts. I have seen Mistress & Servant going out together. A person applied the week before last for a female servant who I know wanted her for no other purpose than to profit by her misconduct. I always report when I have sufficient grounds to prove such a case; but there are many cases in which I have strong grounds of suspicion but cannot prove. I never report on [page 215] mere suspicion. I have heard women in the w[atch] house say that if they could not be allowed to go out & make a little for themselves they would not stay in their places. I believe that many only get assigned servants to make what they can by them, by their prostitution, robbing etc. I have known cases in which assigned servants have been taken away for these causes.

shocking

[page 216]

(5)

Mr Henry Brice called in & examined

289. You are District Constable in HobartTown?

I am.

290. Do you know any thing (of) the conduct of the Female [assign]ed servants in Hobart Town?

I have known a great deal of it during the last five years -when I have apprehended them they have often used bad language and said they preferred being in the Factory to being in certain places.

291. What kind of places are these?

Places where they could not do exactly as they like [page 217] & also where they have [been] ill clothed & ill treated; women have often upon going to the watch house regretted not having any [money] with them, because if they had they could get any[thing] they liked in the Factory.

292. Do you know of any classes in Hobart Town who are in the habit of neglecting to keep their servants in order?

I know that there are persons who do not care what their servants do [if] they have done a little work for them. I know of one case in which a [mistress] whom I saw with her assigned servant were taken out of a Brothel together (I have heard of many ca[ses] [page 218] of a similar nature). Her assigned servant was immediately withdrawn.

[page 219]

(6)

Henry Walton, a Constable in
Hobart Town called in & examined

293. What do you know of the conduct of the female [con]victs in Hobart Town?

I have taken many of them in charge and & have generally heard them say that they

- cared nothing about going to the Factory.
294. Why was that the case? They said they had bad places, by which I understood them to mean that they could not get leave to do as they pleased.
295. Do you think that [ther]e are many masters who allow their servants to [page 220] do as they like? No, I do not think that there are many; a few of the poorer sort may do so.
296. Do many leave their places without leave? How many have you taken up of a week? Ten or a dozen.
297. What do they generally leave their places for? They go out, fall in with a shipmate who leads [them] away to a public house to get "a drain" & then go to a disorderly house.
298. Have they any fear of punishment? None; they do not fear g[oing] to the Factory; at least t[hey] [page 221] say so - probably it is often nothing more than boasting. They are very glad of getting out after a six months sentence, but they often soon return.
299. What do you mean by a good place? When they get a Master or Mistress who will let them do as they please.
300. Are not the offences [com]mitted by female convicts [in] Hobart Town generally [com]mitted by old hands [who] are convicted over & over again? Yes.
- [page 222] (7)
Mrs Slea called in & examined
Monday 27th December 1841
301. You are Matron in [char]ge of the Nursery in [ncted] with the Female House of Correction? I am.

302. Are you under the Principal Superintendent [or] under Dr Clarke? The Principal Superintendent.
303. How many wards are [ther]e in it? Four, containing seventy children & forty seven women. They are distributed throughout the four apartments. One ward called the day room is set apart for the [page 223] weaned children – the other th[ree] for those with their Mothers; we are very m[uch] confined for room.
304. Do the women or children suffer from the want of room? During the summer they suffer from the heat & confinement.
305. What assistance have you? One female convict overs[eer] there are also two Constables, one at the front, the ot[her] at the back of the building.
306. How do the women conduct themselves? Generally well; but they can get things into the house over the fences & they have sometimes escaped [page 224] from the building, but not recently – where assignable women were employed to take care of the children, they disliked the labour so much that they absconded. The mothers are now employed to nurse their children.
307. Do you consider the [chil]dren generally healthy? Yes.
308. What alterations present themselves to you to enable you to carry on the duties of the house? We require more room; the building is not at all adapted to the object; the back very much exposed – the apartments are much too close and crowded especially at night. The attics are very much confined
- [page 225]
309. Do you ever hear them express

apprehension of being sent to the Factory in accordance with the terms of their sentence?

Very great. Those who conduct themselves well are permitted to serve their six months in the weaned ward instead of in the Factory, which they con[sider] a great favour

310. Do you consider the arrangement of placing two children under the care of each mother in addition to her own a good one?

Yes, mothers take great care of the two children assigned to them to nurse in addition to their own in order to escape being [page 226] sent to the Factory.

311. What would be the effect of separating the mothers from their children after weaning?

Their only inducement to conduct themselves well in assignment I consider to be the hope of being permitted to see their children. There are very few who do not conduct themselves as good mothers. They have a great dread of having their misconduct represented to Dr. Dermer or the Principal Superintendent.

312. How long have you been in charge of the establishment?

Four years next June.

[page 227]

313. What sleeping apartments are there?

The weaned ward has a large sleeping apartment attached to it for the children with their nurses one other ward has two attached to it; & a third has three but they are very small.

314. Do they prefer being in assigned service to being in your establishment?

Yes they have more liberty but they would consider [it] a punishment to be taken from their children [and] to be sent into assigned service.

315. Until what age do the children remain at the nursery?

Until they attain the age [page 228] of two

years. They are then sent to the orphan schools unless the mother can take charge of them, which some do upon producing certificates of good conduct & of ability to support them.

316. Are the children always weaned at the same time?

No, it depends upon their state of health; from 9 to 12 months is the usual period of weaning. After the children are weaned, the best disposed women are appointed to take charge of them, two children besides her own to each - for six months. There are twelve such at present. They are not allowed to remain after their time unless their children are sickly.

[page 229]

317. How many children are there now in the weaned ward?

36.

318. Is there any ground attached to the Building for Exercise?

Yes, there is a large sp[ot? space] where they are permitted to walk at all times of the day.

319. Is there any Chaplain attached to the Establishment?

There is, but he has only visited the Building three times since I have been there. Mr Terry the Roman Catholic attends two or three times a week. Mr Bedford gave the women very good advice the last time he visited the [page 230] house but he said that he perceived that they made a mockery of religion.

Very like the Old Gentleman advises us

320 Do they ever attend Divine service? No

*surely this is lamentable
No doubt
I agree
(all in different hands)*

321. Do they ever express [a] wish to see a Clergyman?

Several of them complained to Mr Bedford that they had no religious instruction.

321. Is service of any kind ever performed there?

None whatever - Mr Nisbett an Independent

Minister offered to attend but Mr Bedford objected to it.

322. Have you had any application from other Ministers?

No.

Sectarian would be better than 2nd religion. Is not the Bible The Bible!. Is not Christianity Christianity!. Will not the woman to be instructed in Bible Christianity [...] Bible Christianity change?]

[page 231]

(10)

Dr Dermer called in & examined

323. You have the medical charge of the Factory & Nursery?

I have.

324. Have you sufficient accommodation for the sick at the Factory?

No, we are very confined: we have only 15 beds; we ought to have 30 which would require an extension of that part of the building.

326. Have you sufficient accommodation at the Nursery?

No it is much too crowded. There ought to be an apartment entirely devoted to day use. All the apartments, with [page 232] the exception of the weaning day room, are occupied at night.

327. Do you consider the children healthy?

Yes I consider them to be pretty healthy. I hand in a return of the mortality.

328. Do you consider the mortality there greater than in your private practice?

I do.

329. To what causes do you attribute the difference?

Many of the children are born with diseased constitutions & have not strength to bear up against the bowel complaints which carry them off at the per[-----] of teething. The diet is good. [page 233] The want of proper ventilation may contribute to this.

330. What is the ration at present?

They have 1 lb of white bread
3/4 lb of meat
3/4 lb of vegetables
3 dr of Tea

14 dr of sugar

Salt

2 oz of oatmeal

For the children they have any medical comforts that I may consider necessary & at 9 months receive a ration.

8 oz white bread

4 oz meat

8 oz vegetables

2 oz oatmeal

1 pint of milk

[page 234]

331. What are the most frequent diseases among the children?

Diarrhoea & convulsions. The women are very healthy; I very seldom have any sick among them.

332. Do you think there is more or less mortality now than there was at the Factory?

I do not think the mortality has been affected by the alterations, nor have the diseases changed.

333. Are all the children illegitimate?

The majority are illegitimate. Some few women arriving from England with legitimate children are admitted.

[page 235]

(11)

Mr William Gunn called in & examined

334. You were principal Superintendent of Convicts from February 1839 until March 1841?

I was.

335. Have you observed a difference in the characters generally of women arriving in different ships from Britain?

I have observed that the women arriving by some ships are much worse than those arriving by others.

336. How do you account for that circumstance?

I suppose that in the worst ships there have been clever bad characters who have [page 236] obtained influence over the minds of the others and led them away with them, in short corrupted them.

337. Do you consider that the convict women generally improve after their arrival here or the reverse?

I consider that many of them improve after their arrival here especially if they get into a good service; in such a case they generally get married in two or three years & frequently turn out extremely well. I have no doubt that many women have reformed over here who never would have done so had they remained [page 237] in Britain among their old associates - it is just not fair to form an estimate of the general character of the female convicts here by those at present in the Factory & who are going backwards & forwards to it as there are many who are assigned on their arrival & who conduct themselves so well as never to come under the notice of the authorities except when applying for indulgence. I should think about one half of the women who arrive here may be included in the latter class. About twenty per cent of those who arrive are from their arrival hopelessly irreclaimable women who [page 238] cannot be controlled and reformed & who are also quite useless; they are principally old hardened offenders from manufacture towns. Those who turn out best are principally women who have been servants in Europe or who come from the country districts. The bad class I have mentioned generally get worse & worse than themselves. They cannot possibly be otherwise under the system at present pursued of keeping the women together in large [page 239] numbers.

338. Do you think the system should be altered?

I do decidedly: - the women should be

separated if not entirely, at least into classes of not more than ten: - under such a system contamination would cease in a great measure & if the women were not reformed they would at all events get no worse as they certainly do at present.

339. How would you attempt to accomplish their reformation?

I think that assignment to respectable individuals is the most likely means of reforming them.

[page 240]

340. Would you assign them from the Ship?

I would without allowing them to communicate with any other women.

341. Would you not rather treat them under the separate system for a certain period of say two years?

Certainly not; I consider that by being confined for two years they would become lowered in their own estimation, they would lose all the advantages which they derive from the good example of ~~the~~ masters & mistresses & also of their control (sic), they would lose all the advantage of association with free servants [page 241] & persons of good character, they lose the chance of bettering their own condition by advantageous marriages. In short they would lose all the advantages of their arrival in a new Colony & a removal from their old habits & associations.

342. Is not assignment at present especially in the towns attended with some objections?

There may be objections to a small extent, but the system of assignment has been much improved lately: many persons who formerly used to receive servants are not allowed them at present.

[page 242] 343. Could you suggest any further improvements?

Great care should be taken in the selection

of persons to have assigned servants & the Officers appointed should be supported by the Government in the exercise & ~~should have~~ ^{of} wide discretion.

344. What report was made to you about Mr Cato formerly Assistant Superintendent of the Female House of Correction?

Last September twelve months I was so dissatisfied with his conduct, that I sent for him & asked him what he intended to do. As I understood he was about to leave the establishment. He said he was going to [page 243] resign in two or three months; as I informed him I should be under the necessity of recommending his removal unless he did. I then cautioned him as to his future conduct.

345. ~~Was~~ Were you ever informed by Mr Goodwin that liquor was taken into the Factory for distribution by Mr Cato? Never.

346. Do you think a Factory in the interior desirable?

I do; 1. For the purpose of avoiding the escorting of women backwards & forwards through the [page 244] country 2. Because it would give many persons in the interior the opportunity [of] obtaining servants which they have not now 3 A means of punishment would be at hand without the temptation which is at present in many cases held out by the idea of being brought up to Town. And I am of opinion that the separate system should be adopted.

347. Do you think their religious instruction is defective?

Very. There should be a resident Clergyman in each Factory: who should constantly visit the various [page 245] parts of the establishment. He should have none of the cares of the internal economy; but as they are at present a Clergyman can be of very little use - so long as the women are in Mass as at present no advantage can be derived from the instruction of a Clergyman.

348. Do you think that the Superintendent of the Female House of Correction has too many duties imposed upon him?

I do. He ought to have an efficient assistant to perform many of the duties which now devolve upon him. The cells ought to [page 246] be placed under proper free overseers. The difficulty however of procuring such Officers is great as is all that of controlling them.

349. Do you consider the present salaries sufficient?

I do not.

350. Do you think the granting of a Ticket of Leave a good reformatory measure?

I think it one of the best than can be possibly devised because it keeps the convict under control while it prepares them for freedom.

351. What is your opinion of the women holding Tickets of Leave?

I think generally speaking the Ticket of Leave women conduct themselves well - there are about 880.

[page 247]

352. Do you find the married female convicts behave well?

Yes generally, I think they behave remarkably well. It is to be remembered that they are taken from the very worst classes in Great Britain & I am of opinion that the conduct of the Ticket of Leave & married women as a body here is as good as that of many districts in England.

353. Are you of opinion that marriage & assignment work beneficially on the same principles?

I am. They both bring the same kinds of feelings into play, the better feelings of human nature.

[page 248] (11)

The Rev^d. T. J. Ewing called in & examined

1 January 1842

354. You are the Head Master of the Queens' Orphan Schools?

I am.

355. What is the description of the children maintained in that establishment?

They consist of 4 classes; orphans who have lost both father & mother; those who have lost their father only if their mother be unable to support them; children of convicts whether males or females arriving from [page 249] Great Britain or Ireland; & such illegitimate children of female convicts as are sent to us from the Factory by authority of the Lieut^t Governor of whom we receive about 30 each year.

356. Are they as easily managed as the other children?

Yes; they are I may observe younger than those we receive from other places.

357. Are their mothers permitted to have access to them?

Why permit parents in such a state to see their children and why should not the interview take place under proper observation?

Whenever they please, except on Sunday; that insofar as I am concerned [page 250] & except when they come drunk; they are not often permitted to come from the Factory or Nursery but it is otherwise when they go out to service.

358. Do you think their visits beneficial to the children?

Far otherwise, I think them very detrimental to the children.

359. In what way?

They scarcely ever come sober, and the children seeing their parents drunk, become accustomed to the vice. They sometimes bring spirits for their children; they [page 251] have sometimes even made them drunk in spite of vigilance observed. The language which they use while they are drunk is also very injurious to the morals of the children. Women sometimes express themselves as having children at the school for the purpose of being permitted to go out.

360. Do the parents when they obtain their freedom appear anxious to take out their children?

Yes in almost all cases I have known them taken out about the age of 14 for the work that they are [page 252] able to do, but in some cases for worse purposes; within the last six weeks one was taken out I have every reason to believe for the purpose of prostitution. The mother of one of the girls in a conversation was heard to say that she waited until the whalers could come up when she should take her daughter out; & the day after she took her out she was seen in the streets with three whalers. This woman was a prostitute and the girl often expressed her anxiety to become one before she left the school, evidently from the association with her mother: another motive [page 253] may have been her having repeatedly seen girls which she knew to be on the Town well dressed.

361. Do you know of any children although not obtained from the School by their parents for this purpose, who have afterwards become prostitutes?

I have known girls apprenticed from the School to most respectable Masters & Mistresses who have also been induced by their parents to abscond and become prostitutes: - parents sometimes obtain a premise[?] from persons requiring servants, for their daughters [page 254] they do not pay much attention to their male children as being useless.

362. Do you think there are any advantages to compensate for these evils?

With reference to those received from the Factory I think that in no case is it advisable to admit the mothers to associate with their children; in every case I think it a disadvantage. If the illegitimate children were kept wholly from their parents, there would be much greater chances of their turning out well. Those who are orphans invariably turn out [^]the best.

[page 255]

363. To what extent & in what manner do you think the illegitimate children should be separated from their parents?

I would not allow the Mothers to visit them at all during the time they are in the Schools, that from the age of 2 to 14 even then the children [?] be apprenticed without their mother's consent.

364. At what age would you make the children known to their mothers?

After the expiration of the apprenticeship, when in the establishment they should have names given them not known to the mothers.

[page 256]

365. Would there be any difficulty in carrying out such a regulation?

Yes, unless it were applied to all convict children legitimate or illegitimate. In cases where the convict parents of legitimate children become free, they might be allowed to remove them; but as long as they remain thus they should be entirely separated from the parents.

366. What is the general state of health of the children you receive from the Factory?

They are much more subject to diseases of the worst kinds than any of the others, such as marasmas[?], cancer, etc. During the last [page 257] year two children aged about two or three years died of venereal disease.

367. At what time and under what circumstances can convict mothers claim their children?

Whenever they become free and when they obtain their Ticket of Leave if they meet or certify that they can support them they are permitted to take the children.

368. What effect has the influence of the parents on the boys?

A very bad one generally.

[page 258] No. 6

[page 259]

The statement of Grace Heinbury.

I arrived in this colony about four years since by the Ship Atwick under a sentence of seven years Transportation. In England I was confined in Leicester Gaol and was strictly kept there, it was very well: we received instructions there from a Schoolmaster I learned to read and write my name. I remained there about four months and was then ordered to Woolwich.

I was appointed as Matron [page 260] on board the Ship and had to look after the other Prisoners. I believe I gave satisfaction to the Surgeon Superintendent as I was well recommended when I came to Hobart Town. I was sent to the Factory from the Ship. A woman came from the second yard through the Top of the Privy to traffick with the newly arrived Prisoners. The Turnkey sold us bread charging a shilling per loaf for it. I was assigned off and remained nearly three months in this situation but was then "turned in" assignable as I was taken ill. I liked this situation, it was in the Country and I had no inducement [page 261] to behave ill. I was sent to the Nursery which was at that time the Hospital. The women could go in [and] out as they pleased and stop out all night. they could get spirits there. After remaining there about fourteen days I was sent to a place where a ship mate lived whom I did not like so I told my mistress that I could not do "Housework" and was returned to the service of the Crown but was the same day assigned off in Hobart Town. At the end of the week I was again returned to the service of the Crown as I was very ill and unable to do the work. I was sent to the Hospital in the Female House of [page 262] Correction where I was well attended to. I could purchase anything I wanted from the nurse but how she obtained it I do not know. I believe some of the articles of which she disposed were stolen from the other Prisoners, as is done in the other yards in the Factory. Those who have money can always get enough to eat whilst the others are Hungry. I remained in the Factory eight or nine days and was reassigned in Hobart Town. I here wore all my clothes out and could not even obtain Soap to wash myself with. No money was given me - [page 263] my food was Potatoes and Herrings and cakes made with ration flour bought from Prisoners in the Penitentiary. I ran away from this service but was returned to the service of the Crown without punishment on stating my case to the Magistrate. A Lodger at this place asked me to prostitute myself to him he was a married man and his wife selected me herself from the Factory. It was the illtreatment and abuse I received caused me to leave this place.

I was now in the Factory and remained about a week. I had a little [page 264] wool to pick which took me about five minutes to do. This time I had no money so I could get nothing but I saw plenty of fried meat and tea passed in by the Turnkeys from the cookhouse they pretending that it was their own rations. I could smell spirits but never saw any but I learned that Women who had money could get it. I was again assigned in

Hobart Town at a Shoemakers but on being insulted by the men servants I left my situation and was sentenced to six months Hard Labour. I was sent to the Crime Class. I had to spin about a pound and a half each day [page 265] which took me about the whole day to do working hard as I had never before done any spinning. Those who had money could here feast and do no work. We were mustered every morning by Mr Hutchinson but did not see him afterwards unless there was a disturbance. Smoking was common and anything we wanted could be obtained. I looked on this as a punishment but many did not. The language used is very bad and fighting is common. There is no one present to check it. I then lived six or seven months in a Gentleman's family in Hobart Town and then left [page 266] through ill health and was sent to the Hospital where I remained about a week and was reassigned in Hobart Town.

I had a very cross mistress so at the end of three days I absconded and remained absent one day. for this I was sentenced to have my term of Transportation extended twelve months and to be detained four months in the Factory on Probation. I was sent to the second yard. I had to pick wool. I had about an hours work each day and could then sing sew run about and do anything to pass away the time. Some of the Women would act Plays dress themselves up. I have run away from various causes, from other Places and have [page 267] had my sentence extended four years. I generally absconded because I was refused leave out. No man ever induced me to abscond indeed men have endeavoured to persuade me to remain in my situations. I am now under a sentence of six months hard labour in the light cells. I have been in the Cell now about ten days. it is not a bad punishment. I have had no work to do except for about a quarter of an hour during the first three or four days. Mrs Livermore is the Turnkey of the Cells. She keeps the keys but there are two Prisoner "Helpers" who come round early of a morning to empty [page 268] the slops when those girls who have money are let out and can get what they like. I saw meat and bread introduced last Sunday just at Chapel time so the "Helpers" must then have had the keys. The light cells to those who have no money is a punishment owing to the confinement but the Work is nothing. Women under confinement in these Cells can see one another and also Women from the other yards in the morning before Mrs Livermore comes out I was once in the dark Cells but I could get anything there that I required. I [page 269] had money and my sentence was short the punishment was nothing but it is severe when the sentence is long. I was once Turnkey over the Crime Class and used to sell and buy on my own account Tobacco Tea Sugar meat &c.

Two women after Muster were released, by me or by Mr Hutchinsons servant from the Cells as I managed to abstract the keys I wanted and we were supplied from over the Wall with what we wanted. The Clerk at the Factory was the Person who supplied us. The Overseer of the Building [page 270] now going on there supplies the Women at present. Things are also introduced in the Coals and in the Brooms tied up in them. Mrs Livermore does not traffick. Mrs Hutchinson seldom comes into the Yard, but she has fancy work done by the Women and rewards them for it. The Gatekeeper is very

strict. Mr Hutchinson is strict but not quite sharp enough. I have never seen any other men in the Factory but those sent to work there, and I have known them have, in the presence of the others, connection with Women.

Unnatural intercourse with each other [page 271] is common but those who practice it are despised by the rest of the Women.

Some of the Women are very bad there by whom the Young Girls are led away. they return when assigned on purpose to see these women with whom they hold unnatural intercourse. They run away from their places for one night saying they cannot get an "addition" for that and then even if sentenced to the light cells their companions can have access to them as they bring in money.

If all the women were certain to be sentenced to the light Cells more would [page 272] remain in their situations than now do. They would behave better and think more of their liberty than they now do.

The work is nothing in the Factory except in the WashHouse Yard, but there the overseer is not very strict. She allows the Women to smoke there and does not take away their Pipes, even when she sees them smoking.

All the disorderly Houses that will receive absconded Women are well known in the Factory and women are directed to them when in the Factory. Clothes can now be obtained out of the stores. Nine [page 273] or ten women are allowed in the Stores at once and unless Mrs Livermore carries the bundles herself Women get things out still. Tobacco is now ninepence a fig. The Factory is no punishment if a woman has money. Money is generally taken in in the Privates of the Women. Prisoners are now well searched but as the room is small and two or three women are searched at a time anything can be passed. Women brought from the Police Office are not searched.

Hobart Town
March 20th/42

[page 274]
No. 5

March 24th 1842
Present, The P. Superintendent

Mary Devereux
"Mary"
Ellen Arnold
"Sydney"

Elizabeth Armstrong	}	Charged by Mr Hutchinson with gross disorderly conduct last night in their wards.
"Platiner"		
Frances Hutchinson		
"Majestic"		
Eliza Smith		
"Atwick"		

John Hutchinson, being sworn states I am Superintendent of this Establishment, about eight o'clock last night it was reported to me that there was a noise. I took the keys and went to the ward in question, and allowing myself some time to identify if possible by their voices those who were disorderly and looking in at the window I saw the five Prisoners now present dancing perfectly naked, and making obscene attitudes towards each other, they were also singing and shouting and making use of most disgusting language, there was a sixth woman but I could not positively swear to her, the disgusting attitudes towards each other were imitation of men and women together.

What the women now say about their washing themselves is quite untrue, they had no right to have the tubs in the [page 275] rooms and when I went in there were none there. I was observing the women before I spoke or made myself known, the language they used and the attitudes they made use of corresponded in obscenity so that no mistake could be made by me as to the nature of both.

"Smith" states that the matter arose from a mere joke, but that it was a dirty beastly action.

Mr Hutchinson states the woman Hutchinson was not so bad as the others, she was only dancing and not making any indecent attitudes.

Sentence	Deveraux	}Twelve months each hard labour and } recommended that they be placed } placed in separate confinement during that } period.
	Armstrong	
	Arnold	
	Smith	

(J.S.)
J. Spode

Hutchinson	}Six months hard labour with the same } Recommendation
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(J.S.) J. Spode.

[page 276] [Written at right angles on page]

The Principal Super^t presents his corresp^d to the Chairman of the Female Prison Discipline Committee, and begs to forward a copy of a case heard before the P Sup^t on the 24th inst^t at the Female House of Correction, the nature of the case will fully prove the necessity of separate confinement in the Houses of Correction.

J. Spode
28/3/42.

[page 277]

No. 6 Saturday Jan 2 1841 [in another hand – *can't be correct*]

Mr Robert Pearson examined by Mr Champ at Launceston states:

I am superintendent of the female house of correction at Launceston. My wife is Matron. Charles Littlehouse is gatekeeper and his wife is sub matron they are the only free persons connected with the establishment. There is one turnkey, she is a free woman under sentence of two years imprisonment and hard labour in the house of correction. there is no other person in authority in the establishment. My general routine of duty is as follows. at 1/2 past five in summer and about 7 in winter I muster ~~all~~ the women in the crime class, wash house and assignable ward, about half an hour afterwards I [~~serve~~] rations for the establishment, at 8 the ^{women} breakfast, and about 1/4 before 9 I go to my office to receive and discharge women about 1/2 past 9 I go round the ~~whole~~ building to see that every thing is in proper order, at 12 the women dine and[?] I examine their dinner before they get it, and see it cut up and [page 278] distributed, after dinner I return to the office to see to the accounts warrants etc at 4 the women get their supper, at 7 another muster takes place at which I attend and see every woman except those in the hospital, immediately after muster the wards are all locked up and my general duty is then terminated for the day but I have frequently to receive women from the country as late as 10 o'clock at night. My salary is £100 per annum with rations ~~The rations~~ 2 rooms in the building and two servants who are clothed and fed for me. they are always taken from the crime class.

The matrons duty is to see the women washed and clean every morning immediately after muster she then attends to the women in the cells who are let out for half an hour every morning to wash themselves she searches all women who are admitted into the building, examines the hospital and the different yards & wards attends to the change of the womens linen which takes place twice a week, and exercises a general superintendence over the establishment: The duties of the matron are very severe, more in fact than she is able to attend to. The constant watchfulness that is [page 279] required to prevent trafficking between the turnkeys & nurses and the women consumes about her whole time and prevents her from attending to her other duties. I do

not think that Mrs Pearson has been able to leave the building more than three times since she came up in March last (1841) [sic]. The matron's salary is £25 per annum & rations. ~~The gatekeeper receives a salary~~ The rations for myself and wife are: 1 1/2 pounds meat 2 1/4 flour & 3/4 of salt. The gatekeeper receives a salary of £40 & rations similar to those which I receive for himself and wife ^{who is sub matron} his duties are to attend to the gate & to assist me night & morning at muster and at nine o'clock ^{at night} to go round the building and see that every thing is correct.

The submatrons duty is to attend to the hospital generally and to a part of the cells she attends the medical officer when he visits the establishment, which he does once every day and twice every other day each visit consumes from 3/4 hour to an hour she also has charge of the nursery, ~~the matron~~ her salary is £20 per annum & rations.

There are at present in the house of correction 165 prisoners all convicts ~~at present~~ at they are distributed as follows. 80 in the crime class, 21 in the assignable class, 11 in solitary confinement, 13 in the wash house, 2 cooks, 3 servants, 8 ~~12~~ in hospital sick & 4 pregnant women about to [page 280] be confined ~~23 nursing children~~ 10 nursing their own children, and 13 ~~nursing~~ taking charge of 17 children who have been weaned: all the women I have mentioned are under sentence ^{of hard labour} except the 21 assignable out of that number none ~~whatever are~~ have any description of employment except the billet women (cooks, nurses etc) and those at the wash tub I have no means whatever of employing them; we wash for the colonial hospital & some things for the military barracks & that with the washing of the establishment itself is not more than sufficient to employ 8[6?] women constantly. I employ in washing those women who are specially sentenced to the wash tub & if not sufficient then I take those women who are under the longest sentences.

I have been two years in the situation which I hold and during that period I have had picked ^{carded & spun} about 27 cwt of ~~oakum~~ wool which was sent from Hobart town for that purpose that is the only labour that has been performed since I have been there except picking a little oakum for a private individual in this town during the two years not more than six months work has been done by the women in the factory. The women when employed in spinning are only required to spin 1 1/2 lb wool per diem which does ~~not require more than~~ they generally do in two hours. I should say that each woman ought [page 281] in 12 hours ~~ought~~ to spin 6 lbs of wool.

I do not consider that being in the factory here at present is any punishment at all, and I do not think that the women consider it a punishment. I have known repeated instances of women going out and committing crime on purpose to get back in a day or two with supplies of tobacco tea & sugar etc for the others. I find it impossible to prevent articles of that description and even spirits from being introduced, they do not bring them in with them, as we have every women searched, but I cannot prevent things from being thrown over the wall which adjoins the public street, and I have every reason to

believe that the submatron introduces things for the women. I have repeatedly found tobacco etc in the yards that has been thrown over the wall and I have seen some of the women in the wards drunk. This letter (A) was dropped in the street by Green to whom it is addressed & brought to me it is written on paper similar to that used in my office & is of a particular description. ~~No pen and ink could be obtained in the building without the connivance of the gatekeeper~~ There are 12 cells in the building the women confined in them get nothing but bread & water: the cells [page 282] are close to each other and the occupants can talk to each other without raising their voices the number of cells is not sufficient there should be at least 12 more to enable me to confine in separate cells the women under sentence of solitary confinement.

There are ~~6~~ 6 ~~7~~ yards in the building occupied by the women ~~The on~~ one occupied by 7 women of the crime class, another adjoining it used for cleaning utensils belonging to the crime class & occupied by 7 mess women[^] during the day & after supper occupied by the whole crime class. No 3. the assignable yard. ~~No. 4 the cook house yard.~~ No 4. the wash house yard. No. 5 the nursery yard. No. 6 the lying in hospital yard, also used for drying clothes etc by the officers, besides these there is the cook house yard to which the patients in hospital have access, and there is another occupied by old stores which I propose to remove & to appropriate the yard to the use of 57 women who are expected from Hobarton.

The building is not large enough to enable me to carry out properly the present system. I am obliged to put 15 women of the crime class to sleep in the same room with the assignable women; 20 women also sleep in the mess room. I require at least two more rooms as large as the longest we have at present but [page 283] the best mode would be to remove the hospital & nursery outside the present walls & that would give sufficient room for the other women. under any circumstances the hospital etc should be separated from the rest of the building, first in case of infectious disease & secondly in order to prevent trafficking by the nurses etc which I cannot stop at present. the women also who are nursing receive large rations and dispose of part of them to the crime class with great facility. [inserted down the margin of page] The present system is however bad[?] I think the women should be separated into classes of not more than 12. they should be classed according to character the good together & the bad together. such a system would prevent contamination which at present takes place inevitably & would enable me to exercise a much greater control over the women at present if anything is wrong it is dangerous to go among the large number in one room. I have set at defiance when I have wanted to take out a woman from the ward & I am obliged to carry pistols, I have had my shirt torn from my back. In almost every case I am obliged to use force to take a woman out as they will seldom come out when called, but call the others to their assistance. Their conduct generally is most depraved & disgusting & their language most obscene, and unnatural intercourse [page 284] between them is carried on to a great extent, under the present system a girl coming in to the factory however virtuous or modest she may be on entering, must inevitably become corrupted in a short time, I have known numerous instances of girls and women, whom I have considered of a better

description at first, but who have come in a second time nearly or quite as bad as the worst. all this would be in a great measure remedied by a classification such as I have suggested. constant employment should also be found for these women. it would not only be conducive to their health but to their moral and general character.

Free women who are committed for trifling offences and for non-payment of fines are placed in the crime class with the worst offenders, this should not be the case. Many of these ^{who} are brothel keepers who employ their time when in confinement corrupting the young girls ~~in the factory~~ confined with them & in inviting them to go to their houses when they get out. Married women also who are committed, frequently bring with them one or more children, which lessens in a great degree the effect of the punishment.

Divine service is performed every other [page 285] Sunday by ~~a protestant~~ a clergyman of the Church of England, ^{^who also visits the establishment two or three times a week}, and every Sunday by a Roman Catholic clergyman. The women generally conduct themselves well during service, but they do not derive the slightest benefit from it as is evident from their conduct immediately after it, which I have witnessed.

[page 286] A

Launceston Wenesday[sic] 15th 1841

My Ever Dear Steven,

It is with great pleasure that I embrace this oportunity of addressing^{^ you} hoping it will find you well as it leaves me at present and I am most brifily[?specificly(sic)]ⁱ to inform you that I received your kind and welcome letter and likewise the things that you were ^{so} kind as to send and my dear you must excuse me for not answering your letter before you did not tell me how you came to leave gibsons my dear I hope when I here(sic) again I shall get a good long letter and tell me all particulars and I hope it will not be long till I do I wish I could here(sic) every day from you till I come out I want to here(sic) that you have got a place for me for their is memorials[?] go in[?] to hobertown for migation of sentence for all that is remain 12 months and I want you to come for me at 5 o'clock in the morning the day I come out my dear you must get the person that you get to take me out to [the]... evens yard[?] office in town and get me reserved for the 18th of January and then you come in on the 17th and get an order for to get me in the morning and bring up the order to the gate on the 17th and then you can get me in the morning at 5 my dear I hope you will able to get us a pig for crismas and do not for get the tobaco and pipes and put a bottle of rum in some way so as it cannot be seen I have a good misis and master they have fought many battels for me and kept me out of trouble my dear you had better direct the parcell to the factory and do not let the person that brings them

to gate mention my name at all for I shall be sure to get them for you do not now wo[?] may be their and they will not say any thing to [my?] getting any thing my dear I want shoes and dres and stays and if you will send me the monney my missis will by(sic) them for me my dear my time seems longer now then ever it did I wish I could bring this myself & dear I have so much to tell you when I come out god bles you I must conclude with my kind love to you yours sincerely and truely till death [??] Maria Turner

When love is planted their it grows
It buds and blossoms like a rose
Their is no flower half so sweet
As absent lovers when they met

And we shall soon now I hope
my love
Maria

Answer it as soon as you can

[page 289] Letter folded with address in middle. Columns of numbers and words written on folded sections of letter.

The Care of Mr Peter Green
[Hairdresser ?] Wellington
Street For
Steven Bumstead
Launceston

80
21
11 Cells
13 Wash House
2 Cooks
3 Servants
130
35 12
165

29

165

80

130

16

23169

[page 290]

Mary Kirk states.

I came free to the Colony and am confined in the factory under a sentence of 2 yrs imprisonment & hard labour. I have been in the factory since 22 June 1840. I was immediately appointed nurse & midwife to the lying in ward. I held that situation for 13 months & I was then appointed Turnkey which I am still I keep the keys of the different wards in the establishment & attend to the opening of the doors when required. I also assist Mrs Pearson in dressing & undressing the women when they enter or leave the establishment.

I have occasionally seen with the women tobacco, tea & sugar, how it has been introduced I do not know but I have occasionally seen parcels that have been thrown over the wall & have reported the circumstance to Mr Pearson. I saw the day before Christmas day a parcel of tobacco & other things, which was thrown over the wall in the afternoon I reported it to Mr Pearson.

Many of the women do not care about being in the factory, they come in frequently a day or two after going out. There are some of them who will not stay out while others remain in. There are some who remain out for a few days for the purpose of making arrangements to get supplies & then [page 291] commit offences on purpose to get in again.

Unnatural conduct is common among them and has increased much since I came in. I am a grand-mother and never in my life heard of such practices as are carried on in the building. There are many well disposed women who come in but after remaining some time ^{they generally} become as bad as the worst. A well disposed woman cannot avoid being corrupted as she cannot avoid associating with the others, the flash characters corrupt the others to follow their example.

The cells are considered as punishment but the wash tub is not, the well disposed women prefer being there to the crime class yard. Mrs Pearson generally selects the best disposed women & young girls for the wash tub When the women are employed in spinning, the work they are required to do does not occupy more than a small portion of

the day. I think the wash tub is ~~hard~~^{hard}^{^unpleasant} work though I think by working hard they might do their days work in 6 or 7 hours.

I think the visits of the clergymen at present make no impression but if they^{^women} were in small parties and were visited and advised individually, the effect would be good.

I have heard many of the women say that in assigned service they have been hardly treated not supplied with clothes or wages and that they have been driven to prostitution to obtain clothes. I have also heard that some have been allowed to do as they like & that (---) (----) (-----) their masters and mistresses [the rest is illegible in the margin] [all written in margin]

[page 292]

Eliza Churchill by the Navarino states.

I have been 5 months in the factory at Launceston and during the last three weeks have been in the hospital and during that time I have seen tobacco constantly brought in and given to the nurse who used to supply the crime class with it. The nurse Mrs Benson gets money from the prisoners and gives it to Mrs Littler the sub-matron who gets tobacco & tea & sugar in the town and gives it to the nurse. Last Tuesday in particular a pound of tobacco was brought in in the way I have described. I have not seen any spirits brought in since I have been ^{this time}. They used to be brought in over the wall when I was in before about 10 months ago. I have heard many of the women say that they do not care about being in the factory that they would as soon be there as serve the settlers that they can get more to eat there. There are many women who will not stay out of the factory when others with whom they carry on an unnatural connexion are in the building. For instance Sarah Davis and Marian [Shirley], Catherine [page 293] Owens & Ellen Scott, Margaret Carr & Rosanne Holcroft, Mary Ann Simpson & Eliza Roberts, Mary Sheriff & Sarah Brown, Ann Collins & Catherine Lowrie. These women are quite jealous of each other. The other women are afraid to interfere although they dislike such practices, they are never carried on openly but at night, they are never associated with by the other women, they generally sit together on one side of the yard. During the day time the women in the factory amuse themselves the best way they can, dancing & singing etc in fact if it were not for being separated from some friends outside it would be no punishment to be in the factory as the women can get any thing they please if they have money & they generally bring in some concealed where it is almost impossible to find it.

The cells are much disliked I have heard many say that they would sooner take two months in the yards than 7 days in the cells, many prefer being at the wash tub to being in the yards as when washing they get the same ration as the assignable women & [page 294] do not over work themselves. The well disposed women would prefer being separated into parties of 12 but the others would not if any attempt were made to separate the women whose names I have mentioned & others of similar habits a riot would be got up immediately, I heard Ellen Scott say so last night if Catherine Owen were sent to Hobarton.

Cutting off their hair was a punishment generally disliked I have heard Jane Carr say she would rather take two years in the factory than have her hair cut off & I have heard many others make similar remarks.

They get pen & ink from the nurse & paper for which they pay her 6d a sheet & write letters which they sent out by women going out. They generally conceal them in their stays.

The women will not go out of the grounds when wanted except taken by force. Some of them are quite desperate & would not hesitate to use a knife to any one. I heard Ellen Scott say last night that she would make Captain {?Jenkin} remember giving her three months.

[page 295]

I have heard that some of the assigned servants are allowed to do just as they like, they are allowed to be on their own hands & pay their mistresses for it these instances occur among the petty tradesmen. I have heard of it among gentlemen. Most of the women prefer being assigned in the towns, but some who wish to keep out of mischief prefer being in the country. All the women behave better in the country than in the towns, as they are not so exposed to temptations. Those who are assigned in the country generally stay out of the factory longest. I have been twice punished for being absent without leave. I was assigned in Launceston had I been in the country probably I should not have been absent.

I should say that there are perhaps 24 two dozen women at present in the factory who indulge in unnatural practices, there are some in the nursery, some have lately gone out.

The smoking is generally carried on in the yards in the air. They watch for each other.

Were the women in small parties they could be much easier managed. At present it is dangerous to go among them when any thing is wrong. If the cells were so distributed that the women cannot talk to each other the punishments would be much greater & much more dreaded. I think it would be impossible to prevent the women from bringing in money. They generally bring in (-----) if they bring the...they are obliged to pay 5s for [the rest is illegible - vertical notes along right margin]

[page 296] instance where a woman named Mary Hennassy had a blanket thrown over her & six shillings taken from her by Mary Sheriff & Betsy Forster. The women are stripped naked on entering & narrowly searched[?] but they bring in money not

withstanding, sometimes in their stays and sometimes in old ships petticoats which they are allowed to wear in the factory & generally in their persons where it cannot be found.

I have heard that things are brought to the gate for the women at seven o'clock in the evening when the gatekeeper is at muster, the gate is then opened by his wife. I never knew anything being brought in that way, but I have been told that I might get things in that way. When things are got in they are generally given to some other than the owner to keep, some woman not likely to be suspected.

[page 297]

~~Bridget Peel~~ **Bridget Monghan** per Sovereign.

I am wife of W^m Peel formerly D. Constable here. I did not come free to the Colony. I came here in Nov. 1827 under a sentence of 7 y^{rs} which I served in April 1837 I received a colonial sentence of 7 y^{rs} I was sent to Hobart but allowed to return & live with my husband about 4 months afterwards. I lived with my husband until ~~about 16 months~~ October 1840 when I left my husband and was sent to the factory here for two months. I was then assigned to Mr Hall at Port Sorell where I remained 3 months and then returned to the factory here.

I have been in factory altogether about 5 months at different periods. I came out last Monday having been ^{^ sentenced to} 10 days in solitary confinement of which I served 7 only. I think 7 days in the cells a severe punishment. All those confined in the cells are supposed to receive bread & water only, but they get gruel ~~from the submatrons~~ and are allowed to smoke. Mrs Littler has charge of [?8] cells. The women in the cells get a bottle of water each twice a day, and gruel is brought in the bottles instead of water. The gruel is obtained from the cooks & Mr Littler is aware that it is given to the prisoners. I have got it myself in the cells, and have had [page 298] a smoke when let out in the morning to wash. Mrs Littler sitting by, there is some one on the watch for any person coming - The tobacco & tea & sugar are got in over the wall & I have heard that spirits are got in in the same way in a bladder. I have heard women say that they can sit down to tea ~~three~~ twice and three times a day & I have seen women worse for liquor. I have seen Catherine Owens so, and Mendoza also about 6 weeks ago.

Tea kettles of hot water are brought in to ^{the} crime class by the cooks in ^{the bottom of} buckets in which the water for the women to drink is carried in; the water pipes are now out of order and the water is obliged to be carried in in buckets & the cooks watch their opportunity & carry in a bucket with a tea kettle in it. When hot water is wanted a message is sent through the assignable yard to the cookhouse; communications can be made all over the building by calling through the walls. It is almost impossible for any one to prevent things from being passed backwards & forwards in the present state of the building there being such constant communication between the different wards. The women do not mind being in the factory. I have heard them say that they would sooner have three months there than 7 days [page 299] in the cells, the best part of them prefer

being in the factory to serving the settlers as they call it unless they can get to a place where they have plenty of liberty they would sooner be in the factory. I believe there are a good many such places, from what I have heard from the women who say that they can go in and out when they like & have men to see them; they say there are some places where they are not kept in any control. This is not so much the case in the country and the women dislike being assigned in the country for that reason. I have heard women say that if they did not make presents to their employers they have been threatened to be turned in to the factory.

During the day time the women generally employ themselves very badly in low ^{horrible} discourse, swearing, telling obscene stories, dancing singing etc. I have heard it generally talked of that many of the women are in the habit of indulging in improper practices. I could pick out 8 that I have no doubt of, but there are others perhaps about ~~15~~ ~~or 16~~ 30 altogether. I have been prevented from sleeping at night by some of them, talking improper discourse, laughing & evidently acting indecently.

I think it would be much better to separate the women entirely as it is I have been told by women under sentence to crime class, that [page 300] they have been quite disgusted with the indecent conduct of others, but every one is afraid to complain, as their lives would be in danger. I have known women severely beaten for telling.

The improper practices I have spoken ^{of} used to be carried on to a great extent in Hobarton when I was there about 4 years ago, ~~and~~ but I have not heard that such is the case lately. I have not heard much of Hobarton factory lately.

I do not know whether the gatekeeper here is cognizant of his wife's doings but it is generally said that she is both Master and Mistress she is certainly too free with the women and exercises no control over them at all. They do just what they please with her.

I gave this letter to Mr Pearson. I saw Green drop it from his pocket he had showed it to me and said he got it from the factory & he was tipsy & trying to put [it] in his pocket again & dropped it & I picked it up.

Letters are constantly sent out. They get paper for 6d a sheet from the lying in hospital and from Mr Littler's servants; they have pens & ink [page 301] the pens they keep over the door & the ink in thimbles in a bit of soap.

[page 302 blank except for No. 7]

[page 303]

The information of Mary Haigh.

I came out to this Colony in the Arab Prison Ship about six years since under a sentence of seven years transportation. I went direct from York Castle to the Ship. I was

first of all in Wakefield Gaol and was there kept under the silent system but on being transported to York Castle I was allowed to do much as I pleased. In the ship we were [page 304] under but little restraint. We had but one matron she had the charge of the Hospital and the whole of the Prisoners. We were locked down in the Prison every night but we could talk to the men constantly. The middle hatchway of the vessel could be lifted up and the women would thus gain access to the Sailors. Rum was passed into the Prison through the Bars. Thieving was common amongst the women at night. Singing dancing and telling the stories[?] of their [page 305] past lives beguiled the time away. No-one was present to check us, in fact after being "locked down" we did just as we pleased.

On my arrival in this Colony I was sent to the Factory with the rest of the women to await my assignment. I remained there a week. A Prisoner Turnkey attended on us during that period. She had been some time in the Country and allowed women from the other yards to come in and traffick with us giving us in return for our clothes or other articles in our [page 306] possession tea meat sugar tobacco etc eight pence per fig was given for this latter article. The women with whom we trafficked told us the "ways" of the Colony and how to manage if we got into bad places, telling us that we must be insolent, disorderly or must run away. We had in the Factory no employment of any kind. I was assigned as Nursery maid to a Gentleman's Family who took me home with him. I had at this time plenty of clothes of my own. [page 307] I remained in this service four or five months during which time I received neither wages or clothes with the exception of one Gown which was taken away from me when I left this service. I never asked for my wages I had plenty to eat and drink being strictly kept to the House. I was returned to the service of the Crown as I refused to obey my Master's mother in Law. No charge of misconduct was however preferred against me. At this house a free woman was kept. [page 308] she had a bed and a bedstead mine was made on the floor. The free woman had sheets but I had none. The servants dined together but at other times I was kept away from the free servant. I was sent to the Factory and was placed in the assignable yard where I remained about nine days. I had a little wool to pick brought me by the Turnkey but some of the women her favourites had nothing to do. In an hour and a half the work was finished [page 309] and then we might amuse ourselves as we pleased. I then went to Brighton. The mistress was a Prisoner holding no indulgence, the master a Blacksmith. I had only to attend on a child. I might here do as I liked. I was allowed to drink, go the Public House and might remain out all night if I pleased. I had no wages and only one pair of shoes from my mistress. If I applied for anything I was told that they were too poor to give it me telling me I might get it how I could provided I did not trouble them. [page 310] I remained in this situation six months and was then sent to the Crime Class being charged with Insolence to my Mistress with whom I had a quarrel. I was treated by her as her equal and could not respect her. I had a disturbance with my mistress in a Public House and the Landlady gave me into custody. My mistress tried to get me off but could not succeed. I was passed down to Hobart Town by Constables coming [page 311] down in one day. I stopped at the Watch House that night

and was sent on the Factory the next morning. The Constables allowed me to get anything I required on the way and were very civil to me. I was on my arrival at the Factory searched by Mrs Hutchinson but not strictly. I could have passed in anything I liked. I was dressed at once in the Factory clothing and placed in the Crime Class yard where I found two [page 312] or three of my shipmates who asked me for money and Tobacco. I had money and with it I purchased tea sugar meat and bread. The meat bread etc was brought by the Turnkey from the Cook House, the tea I she obtained from the messenger. Several of the women dealt with her. The work here was carding and spinning. The quantity worked up was a pound and a half each 'per diem' This took about an hour and a [page 313] half and then we had the rest of the day to ourselves. The time was passed in singing dancing playing cards and talking over the different services in the Colony. The women named the bad services and advised each other not to go to them. Services where women are well kept and ~~exceed~~ clothed but coerced are considered bad situations and those in which women are allowed to do as they please are held to be good ones. Women learn in the Factory at what hours they can obtain liquor on the sly and those houses at [page 314] which shelter is to be obtained when they abscond. Smoking is common in the Factory and I have known Rum introduced into the First Yard by the servant in Mr Hutchinsons employ. She is "allowed out" and obtained it at the Public House. She could pass into any part of the building she liked. I found some of the women well conducted but they were imposed on by the rest. They were sworn at and struck if they found [page 315] fault with the other women for their misconduct.

In the Factory are found several women known by the name of the "Flash mob" who have always money, wear worked cap[?] silk handkerchiefs, earrings and other rings they are the greatest black guards in the building. The other women are afraid of them. They lead away the young girls by ill advice. I did not think the Factory to good a place as it is. Before I went there I had a bad opinion of it, I was afraid [page 316] of being sent there but on becoming acquainted with it I did not look on it as a place of punishment. At the expiration of my sentence, I was sent into the second yard and remained there about a week. I did but little there, I found that the same things are practiced there as in the Crime Class, but being nearer the Gate it is worse. I was now assigned to a person residing at the Clyde. I was taken there by a Constable who let me do as I pleased. [page 317] I remained there four months and was then turned in assignable - my services not being required. This was a good place. I was allowed clothes and was very comfortable I was never "allowed out" but I was contented. I was returned to Hobart Town and placed in the assignable yard. I remained there fourteen days and was assigned in Hobart Town. I remained in this service only six weeks and then going out one evening I was given in custody by my mistress. [page 318] I was sent a month to the light cells. I was about as well off there as in the yards. I could obtain whatever I wanted through the Turnkey. Sometimes the Turnkey would let the women under sentences out all day. Mr Hutchinson never visited us - Mr Cato would come once a fortnight or so. We could do much as we pleased as Mr Cato allowed us to get our clothes out of store and sell them.

We could talk to one another and visit on another and could [page 319] with the Turnkeys assistance see any woman in the building. I did not care for the cells we had no work, but I think it would be a severe punishment to be strictly kept in the Cells. The Factory is a great deal less severe than the English Gaols. The Turnkeys here have the keys. They can take the other keys out of the Gatekeepers House and go out at the back of the washhouse getting thus anything they like even Rum, Wine or Brandy. I was next sent to [page 320] Swanport as servant of all work. I had a passage in a Schooner and was in charge of the Captain who looked strictly after me. I remained there eight ~~weeks~~ ^{months} & the situation was a good one. I was very comfortable and was strictly kept. At last my mistress and I quarrelled and I was sent six weeks to the second yard. I was passed down by Constables to Richmond Gaol where my rations were bread and water, but could purchase tea etc from the javelin man though under a "bread and water sentence". I was then passed down to Hobart Town [page 321] The Constable wanted to take liberties with me on the road and assaulted me. But I found it was of no use to prosecute him as the other women who were with me wanted me to have connection with him. I was assigned after this to one or two services and eventually got married - and now hold a Ticket of Leave. There are many services to which servants ought not to be assigned, such as those where the women are allowed to be on the Town. I know now one girl allowed to be on Town and I have known [page 322] several allowed to be on the Town. I have been in the dark Cells. That is a bad punishment but even there Tea Sugar etc can be obtained. It is the worst punishment except a long sentence in the light cells which would be a severe punishment if the women were kept strictly. I was once under orders for the Country but on ten shillings being paid to the Clerk he transferred me to the Town list again.

Hobart Town
March 23rd / 42

[page 323]

No. 8

Principal Superint^t Dept
18th June 1842

Sir:

With reference to that part of my Evidence which was given before a Committee on Female Prison Discipline, in which I advert to the report of a Board of Officers appointed in March 1840 to investigate certain circumstances which were said to exist in the Female House of Correction, I beg leave now for the information of the Members of the Board to forward a copy of that report, understanding that no Member of the Committee, except myself, has had an opportunity of

Adam Turnbull Esq
 Chairman
 Board on Female Prison Discipline

[page 324] seeing the same, and I have the honour to request that you will append it to my Evidence, in case the original has by any means been lost or mislaid.

It is perhaps as well to observe that his board was appointed at the time I was acting as Chief Police Magistrate, and on resuming the duties of Principal Superintendent in the month of March in the following year, finding the inmates of the Factory had increased about one third in number and which continuing to augment, called forth my Letter to the Colonial Secretary of the 25th August 1841, and upon which the present board was ordered to assemble.

[page 325]
 Copy

Report of the Visiting Magistrates in conjunction with the Principal Superintendent (in) relation to circumstances said to exist in the Female House of Correction.

The attention of the undersigned having been directed by the Lieutenant Governor in a Letter from the Colonial Secretary, dated 13 March 1840 to an article (herewith annexed) in the Colonial Times Newspaper of the 10th of that Month headed "Female Factory" "The Flash Mob" they have with the greatest care scrutinised the information upon which the article in question was founded and the extent of the evil so prominently brought forward.

In reference to the assertion of an organized body existing under the title of "The Flash Mob" or any other name the Magistrates are unanimously of opinion that there is none such in the Female House of Correction, nor can they trace from the prisons to whom they were referred by the writer of the article before mentioned that there were any grounds upon which it could be founded.

It is not for one moment denied [page 326] that certain females confined in the House of Correction, have at different times been guilty of gross misconduct, but they have been invariably when discovered, most seriously punished, as the records of the Institution clearly prove.

The discipline of the Establishment appears to be conducted with a constant regard to vigilance, good order, and morality and a honest endeavour to teach the Inmate their best interests.

This Prison is the receptacle for the worst characters from Great Britain, and the refuse of this Colony, and does not at present profess any means for that total separation indispensably necessary to reform if possible, the bad, or at any rate to prevent their evil example influencing those who are better disposed. Another establishment therefore is necessary to effect the removal of those who are of confirmed habits of depravity.

As there are at present but two places of confinement for Female Convicts in this Colony; and no Penal Settlement or other place for those convicted of Offences of a heinous nature, whilst there are numerous [page 327] places for Male Prisoners whereby they are effectually classed and separated. We beg leave to suggest that a distinct Prison built on the principle of Solitary labour might lend in a great measure to check vice and immorality to benefit the discipline of Female Convicts, and more effectually promote their reformation.

Hobart Town
18th April 1840

Signed G. Geoland J.P.
J. Simmonds J.P.
W. Gunn P. H.

[page 328]

assemble.

I have the honour to be
Sir
Your Obedient Servant
Josiah Spode.
P.S.

[page 329]

The committee appointed by your Excellency to inquire into the present state of Female Convict Discipline in this Colony, and to recommend such measures as may appear to them the most expedient for rendering the same more effective have agreed to the following report

The first step taken by your Excellency's committee towards fulfilling the instructions with which we have been honoured, was to visit the Female House of Correction or Factory, as it is more commonly called, in the suburbs of Hobart Town, where we were gratified by an appearance of order and regularity and of attention to cleanliness highly creditable to the Superintendent and Matron. Our observation, however, was at the same time painfully excited by the crowded state of the Wards and we were informed on inquiring that the building had been originally intended to afford accommodation to 250 prisoners, but now contained nearly twice that number. Neither did we fail to notice, how very small in proportion the number of Officers was to whom the charge [page 330] of so many women had been entrusted. We found also, that there is no resident Chaplain and that the Women confined in the different wards are never separated either by day or night. The general impression made upon our minds by all that we saw was, that every precaution the circumstances admitted of had been taken to ensure the health of the prisoners, but that the inevitable tendency of confinement there must be to produce a deterioration of morals. Mr Champ, one of our number having since inspected the corresponding Institution at Launceston received we may observe, nearly the same impressions respecting that Establishment.

No doubt of it and to a most fearful extent

We were prepared indeed by our previous general knowledge of the principal features of the convict discipline of this Colony, for the discovery that the moral condition of the Female Penitentiaries of Hobart Town and Launceston is anything but satisfactory, and that whilst the Local Government had never experienced any difficulty which perseverance could not [page 331] overcome in adequately coercing the Male Prisoners retained in its immediate service, a corresponding degree of success had not by any means been experienced in the management of the Convicts of the opposite sex confined in the Factories. It had, we know well, often been remarked, that the consequences were but too apparent; of its being impossible to apply, in the case of the latter, those summary punishments, which were found to repress so effectively violent or improper conduct in that of the former neither were we ignorant that a degree of coarseness of character which might not unfit a man for labouring in a field would completely disqualify a female for being an attendant upon a family, that Society had fixed the standard of the average moral excellence required of women much higher than that which it had erected for men, and that crime was regarded with less allowance when committed by a woman than if perpetrated by a man, not because the absolute amount of guilt was supposed to be greater in [page 332] the one case than in the other, but because the offender was deemed to have receded further from the average proprieties of her sex. Even therefore had the female convict discipline of this Colony produced equal effects with that which has been devised for Males, we should still have been ready to confess that it had not accomplished the desired end, not that it had not equally succeeded in its action upon character, but that a higher degree of reformation is required in the case of a female, before society will concede to her that she has reformed at all. But we were aware that there was more than this to be provided against. We knew that the question as to the best

mode of managing the Females in the Factories had long been regarded by the Local Government as one of which a satisfactory solution was rather to be hoped for than confidently expected. We were in possession also of some at the least of the causes of this embarrassment. Remembering how [page 333] indispensable it is to a decidedly good result that a more refined system of discipline than that required for male prisoners should be enforced in the case of females. We feel assured that every one conversant with the condition of this community and the facility with which profitable employment can be found, will be prepared to concur with us in the opinion that with the very limited Salaries which this Government until very recently had in its power to bestow upon the subordinate Officers of the Convict Establishment, it was altogether impossible to induce individuals of the requisite degree of intelligence and respectability, to devote themselves to irksome duties to be discharged within the walls of an overcrowded Female Penitentiary. And indeed we conceive even our present investigation to be likely to produce nothing but disappointment unless Your Excellency be enabled by the present views of Her Majesty's Government to authorise any expenditure that may be proved to Your [page 334] entire satisfaction to be essential to the proper administration of Convict Discipline. That a considerable increase to the present annual charge will be required for this purpose we could have ventured to assert even upon the very threshold of our enquiry, on the simple – but as it appears to us – very sufficient ground that it is morally impossible that so large a retinue of Officers – some of them highly paid – can be required for the conduct of the Milbank Penitentiary in England, and yet that the Female House of Correction for Hobart Town can with appointments so very limited, ever promote the object intended to be accomplished there. Our subsequent investigations have amply confirmed this opinion and we would therefore with Your Excellency's permission earnestly recommend that the Principal Superintendent be at once authorised very much to augment the strength of his Department in the Factories of Hobart Town and Launceston, and that such a scale of salaries be sanctioned as may enable that Officer not only to engage properly qualified individuals but permanently to retain their services.

Should not such a measure be adjusted and carried into effect by His Excellency and not by any inferior officer?

[page 335] In order, however that we might be enabled to give to our recommendations to Your Excellency all that weight which the fullest information alone could confer upon them, we followed up our inspection of the Hobart Town Factory with those very extended and minute examinations which form the appendix to this report and which it will be perceived embrace the condition of the Female Convicts in the Factories of Hobart Town and Launceston (those regarding the Penitentiary in the latter place having been taken by Mr Champ) of those in assignment, of the Women in the Nursery, of the Women holding Ticket's of Leave, and finally of the Women who have been married. The result has been the collection of a mass of details which we trust will be useful to Your Excellency's Government, and we will now with your Excellency's permission draw Your attention to a few and only a few of the particulars disclosed by it which relate to

1st The moral condition of the Females in the Factories – and
[page 336]

2^{dly} The condition of the Female Convicts in assignment.

We shall afterwards submit to Your Excellency the suggestions which have occurred to us with respect to each of these classes and then conclude with any general observations which may appear necessary to our being exonerated to Your Excellency's satisfaction from the important duty which has been confided to us.

We would accordingly commence by drawing Your Excellency's attention to the accompanying plans exhibiting the nature and extent of the accommodation which is afforded by the Factories of Hobart Town and Launceston respectively – to the returns which shew the number and distribution of the females in each and to the accompanying document from which Your Excellency will perceive that the number of Female Convicts now in the colony is 2785 and that of these 678 or about one fourth are in a state of confinement.

In the Hobart Town Factory the females are distributed into three different [page 337] wards or classes – the first of which is the assignable class consisting of women who are waiting for assignment and who therefore do not undergo any special punishment; the second is the probationary class, the women in which are serving either under probation after having been confined for upwards of three months in the next or crime class, or under general sentences to the building of less than three months – the third is the crime class, the women in which have either received general sentences of more than three months to the building or been sentence to this ward specially – to the same ward may be said also to belong the separate cells, the solitary cells, and the wash tub yard.

Your Committee would remark that there is no difference whatever, as respects either discipline or severity, between the first and the second classes; and that, between them and the third, the only mark of distinction we could discern, consists in the latter being denied the use of coffee made of roasted wheat and instead of that beverage receiving a ration of oatmeal. In the solitary cells, [page 338] however the only food permitted is Bread and Water. When work can be obtained for the women they are generally employed in the first class in picking oakum – in the second and third, wool, and in the cells, horse hair. In the wash tub yard, the Linen of the Establishment as well as that of the Colonial Hospital and the Prisoners Barracks is washed – but from want of accommodation and other causes explained in detail in the evidence of the Superintendent the women employed in these wards do not perform half the work which otherwise they might be required to do – the consequence of which is not merely pecuniary loss to the Public but moral injury to the Prisoners.

It will be perceived from the evidence, that the religious instruction at present afforded to the inmates of the Factory is wholly inadequate, and, in all probability is

never attended by any decidedly beneficial effect; indeed Your Committee do not think that reformation could be expected to be the ordinary result even if the undivided energies of a most Zealous Clergyman were wholly devoted to bring it about, so long as the present practice [page 339] of congregating large numbers of females in one ward, is permitted to continue.

The Superintendent of the Female House of Correction in Hobart Town on being asked what he conceived to be the moral effect of the system conducted by him replied:
 "they talk all sense of punishment away. They corrupt each other. Their conversation turns upon obscenity and drinking."
 "Their songs sometimes are very disgusting"
 "I have observed that at the end of a long sentence whatever good principles may have existed at entrance have disappeared."
 "Women have come up to me in the ward and begged me to put them into the cells, in order that they might escape the cursing swearing and obscenity. It must be a miserable thing for a woman having any sense of propriety left, to be in one of those wards."

The evidence of the Superintendent [page 340] of the corresponding Establishment at Launceston, which is equally explicit, discloses a state of things even more appalling – if that is possible

"at present, if anything be wrong, it is dangerous to go among the large number in one room"
 "I have been set at defiance when I have wanted to take out a woman from the ward, and am obliged to carry pistols"
 "I have had my shirt torn from my back."
 "In almost every case, I am obliged to use force, to take a woman out, as they will seldom come out when called, but will call the others to their assistance"
 "Their conduct generally is most depraved and disgusting and their language most obscene, unnatural intercourse between them is carried on to a great extent."

[page 341] The following case was brought under the cognisance of the Principal Superintendent by the Superintendent of the Hobart Town Factory on the 24th March last and our inquiries being then in progress the proceedings were forwarded to us by Mr Spode in illustration of the effects of the present system.

John Hutchinson being sworn states,

"I am Superintendent of this Establishment – About 8 o'clock last night it was reported to me that there was a noise. I took the keys and went to the ward in question and allowing myself some time to identify if possible by

their voices, those who were disorderly and looking in at the window I saw the five Prisoners now present dancing perfectly naked, and making obscene attitudes towards each other, they were also singing and shouting and making use of most disgusting language."

In the course of our inspection of the Hobart Town Factory we were informed [page 342] that twelve months ago two women had recently been detected in the very act of exciting each other's passions - on the Lord's day in the House of God - and at the very time divine service was performing.

Much that was wicked - much that was distressing to our feelings we expected to discover in the course of our investigations: but for abominations of such a nature and so aggravated we were not prepared. We deeply regret the pain which the knowledge of them must occasion to Your Excellency, and we would gladly have escaped from the question by making it the subject only of a strong allusion, had we not on reflection felt that thus to cloak enormities so flagrant would be a violation of a duty which we owe not less to Your Excellency than to our country and a sacrificing to a spurious delicacy of interests of the highest and dearest description. Having now discharged that duty we gladly proceed to the next branch of our enquiry namely that relating to the moral condition of the Females in Assignment.

The conduct of the Females in [page 343] what is usually understood by the term assigned service is of course most injuriously affected by the state of the Factories extending as the pernicious influence of the system pursued there unquestionably does far beyond the Walls of those Establishments, and certain as it is that offences are often committed by convict females of the more degraded class - we mean morally degraded - for the very purpose of being sent thither. Still it is most gratifying to Your Committee to be able to state that after striking the balance of good and evil resulting from this form of convict servitude it is in their power to record an opinion very decidedly in its favor.

As compared with the Factory for there is nothing else to compare it with

The Principal Superintendent indeed an Officer of Eleven Years standing gives it as the unquestionable result of his experience that assigned service properly directed is the best superintendence for Convicts. And Lieu^t Gunn the Superintendent of the Male House of Correction, (who was also Principal Superintendent in 1839 and 1840 when that Officer acted as Chief Police Magistrate) upon being asked, whether he thought the Convict women generally improved after their arrival or not, replied as follows [page 344]

"I consider that many of them improve after their arrival here, especially if they got into a good service in which case they generally get married within two or three years and frequently turn out extremely well. I have no doubt that many women have reformed out here who never would have done had they remained in Britain among their old associates. It is not fair," he added, "to form an estimate of the general conduct of the

convicts here by those at present in the Factory and who are going backwards and forwards to it, as there are many who are assigned on their arrival and who conduct themselves so well as never to come under the notice of the authorities except when applying for indulgence. I should think that one half of the women who arrive here may be included in the latter class."

"Marriage and assignment" the same Gentleman stated "work beneficially on the same principles. They both bring the same feelings into play - the better feelings of human nature"

[page 345] Mr Price, the Police Magistrate for Hobart Town, whose means of observation are necessarily very extensive, concurs in opinion with the Principal Superintendent and Mr Gunn. "I think," he states "that there are no means more conducive to the reform of such persons than a proper system of Assignment. I think both marriage and assignment desirable from their exciting the better feelings and calling the affections into play."

Having thus as concisely as possible brought under Your Excellency's attention the state of the Female Convicts in the two different conditions of incarceration and assignment, we now proceed in accordance with our instructions to submit the suggestions which, it has occurred to us after mature reflection to offer, for Your Excellency's consideration, and, in doing so, we shall commence with the former, respecting which we have already but too clearly demonstrated that its abolition is, not merely due to expediency, but demanded by principle on grounds too convincing to leave the decision even for a moment in suspense. The only point, therefore, yet remaining for discussion is what system should [page 346] be substituted for the existing one? A question which we feel not the slightest difficulty in answering. We unhesitatingly recommend the Separate System as above all others the best suited to the exigencies of the moral state of the wretched inmates of the present Factories. Its arrangements are not only the best calculated to receive in their reckless minds the remembrance that there is such a thing as retribution for crime and that punishment is something more than a mere name, but also to operate beneficially by softening their hearts and ameliorating their feelings. Separated from contaminating connexions and from every external source of impure suggestion these Prisoners when confined in a separate cell may be expected to retain less vividly each successive month those ideas which are now almost constantly present to their minds and exert over them so degrading an influence.

How peruse implemented if they cannot read - first be taught

Ideas suggested by their new occupations - by the rules which they are compelled to observe - by their conversations with the Chaplain - by the religious instruction which they receive - by the perusal of the scriptures and by that reflection which solitude invites will occupy daily more and more [page 347] of their attention until at length they may even take almost exclusive possession of it and so begin to exercise a decided control over

their feeling and conduct. And whilst the mind of each Prisoner is thus in the course of being furnished with a new set of ideas and perceptions, she may by degrees be induced even seriously to meditate on her condition – to observe what have been the results of her profligacy and to discover not only in her own offences but in crime generally the inevitable occasion of future remorse and on the other hand in a consistent course of conduct the only sure foundation for tranquillity and peace of mind. She may, therefore, become quiet and respectful and in appearance even more intelligent than she was before. She may be assiduous at her duties and regular at her devotions. Through God's blessing she may become in sincerity a Christian and there the triumph of virtue over vice will of course be complete and her mind be effectually purified. But though we dare not in any way to assign limits to the Divine Goodness, we yet feel that there is nothing in the ordinary Procedure of Providence [page 348] to justify our calculating upon so splendid a result as a frequent one. We are constrained to admit that the attainments of the Prisoner in the vast majority of cases, will, in all probability be far less decided and permanent. But still it will be a great point gained if a desire to do what is right be reexcited in the Prisoner's mind, even should that desire have a respect only to the advantages of goodness and never ripen into a love of rectitude, for its own sake. That such a degree of partial reformation may frequently be anticipated from the Separate system is, we think borne out by the evidence. Confinement even now in the range of cells attached to the Hobart Town Factory sometimes produced "good resolutions" by no means so evanescent as might be feared from the imperfection of the arrangements in which they originate. The Prisoner therefore may very fairly be expected to form strong resolutions of amendment and when released from confinement to deport herself – if placed in a situation not unfavourable to good conduct – in such a manner as eventually to acquire the reputation of being [page 349] a reformed character and a useful member of Society. We have therefore, no hesitation in recommending that the use of the Wards in the Factories of Hobart Town and Launceston be, with the least possible delay, exchanged for new separate cells and that the intention which has for time been entertained by your Excellency of erecting a female Penitentiary in the separate system should, with a view to the additional accommodation, so much required, be immediately carried into effect. By proposing that the separate system should hereafter be enforced in every case in which a woman would now either directly or indirectly be sentenced to one of the wards of either Factory, we conceive that we recommend the introduction of a form of coercion, up to a certain point decidedly reformatory, and, at the same time calculated to repress crime by rendering each Penitentiary really a place of punishment.

With respect to the second division of our enquiry, embracing the expediency or otherwise, of discontinuing the present system of Female Assignment, we would submit to Your Excellency, that, so far as we can [page 350] discover, no case whatever can be made out, from the evidence before us, for its abolition. On the contrary when we attend to the strength of the testimony borne in its favor by the Public Officers who have been examined, and bear in mind the ample opportunities these Gentlemen have each of them had, of varied observation and the great extent of their actual experiences, we feel

justified in giving expression to the opinion, that emanating through some part of it does from our own number, the evidence, now submitted to Your Excellency: in favor of a well regulated female assignment is probably more conclusive than any testimony ever offered in the British Dominions with respect to the efficacy of any particular form of punishment. We are, however, quite aware that, as assignment has been discontinued with respect to men, it may be contended that impartial justice requires that it should be equally discontinued in the case of Women. We are not required to advance any opinion as to Male assignment and we therefore refrain from doing so. But if it be clear that [page 351] the measure of discontinuing assignment could not be extended to the case of the Female Prisoners without manifest moral injury both to them and to the Public we do not think that Your Excellency will be disposed to attach much weight to the argument to which we have alluded. We think that the injury which would be occasioned may be rendered sufficiently evident by contrasting with Assignment the separate system, which alone could by possibility be substituted for it, and of which we have already spoken so favourably as eminently conducive to the punishment and correction of Females of the more degraded class of Convicts. But that even this system, highly advantageous in its proper place as it will doubtless be found to be, ought not to be preferred to assignment so far as the better conducted women or those newly arrived are concerned, may we think be shown to Your Excellency's satisfaction, if only we be right in the assumption that the separate system is not capable of carrying reformation further than is implied in the exchange of bad resolutions for good ones, and [page 352] therefore considered as a means of reformation likely to be useful, only where the mind is so perverse as even in the absence of wicked companions, to prefer and adopt what is improper or criminal. Supposing this Estimate of the separate system to be the correct one, the evidence before us proves beyond all contradiction that nothing but unnecessary degradation to the Convict would in a very large class of cases be the result of her subjection to it, for it appears that a very large proportion of the Female Convicts by each ship arrive with good resolutions that is are already in that very state of feeling to which the discipline of the separate system is calculated to bring them, were they, when disembarked otherwise disposed. This is evinced by the very gratifying result that (as is shown by the evidence of Mr. Gunn) about one half of the whole number continue ever after their arrival to conduct themselves with propriety. The accompanying returns prove that about thirty in every hundred [page 353] never commit a single offence and we have it also before us on testimony, equally undeniable, that many get married and become in every sense of the word decent members of Society, a result much more decisive than we ever remember to have seen attributed to the separate system or indeed, favourably as we think of it, ever expect to see realised from its discipline.

This is the vital question as relates the discipline of the females

Mr Gunn was asked, would you assign them (female convicts) from the ship? And he replied "I would". The question was then put to him "would you not rather treat them under the separate system for, say two years? To this his answer was very decided "certainly not - I consider that by being confined for two years would become lowered in their own estimation. They would lose all the advantages which they derive from the

good example of Masters and Mistresses, and also from their control. They would lose all the advantage of association with free servants and persons of good character. They would lose the chance of bettering their own condition [page 354] by advantageous marriages. In short they would lose all the advantages of their arrival in a new colony and removal from their old habits and associations." The Principal Superintendent has - we may here observe - expressed his entire concurrence in the sentiments of Lieut Gunn.

How will this argument bear upon the well [?] free women

To outweigh considerations as powerful as those suggested by the Principal Superintendent and Lieut Gunn, we conceive it to be at all events necessary that it should be proved that the good resolutions to which the discipline of the separate system may give birth, are likely to be more lasting than those with which the Female, after the shock of conviction and expatriation, enters upon her existence in this new world. The truth is, we believe, that in the majority of cases, the good resolutions with which either a convict from a ship or a convict from a separate cell may commence her renewed intercourse with active life, will not alone carry her very far. Her continuance in a right course will depend more upon the position in which she may be placed and [page 355] the nature of the associations that will surround her. The laws of simple suggestion which give to the separate system its power of expelling bad feelings, by filling the mind with ideas of an opposite tendency, render it equally certain, that there is no security that the latter will not also, upon a change of circumstances taking place be expelled in their turn, unless indeed the liberated Prisoner be placed in a situation, the influences operating in which are calculated to preserve them or rather to excite in her mind new ones corresponding to them in character. To urge that a few months or even two or three years discipline in a separate cell would give not only new but a permanent form to character would be, we conceive, to suggest the question, why should her present state of mind be more permanent than her former one! Habits, it might be observe change, not because they are either good or bad, but simply because chameleon-like, the mind is so constituted as to take the hues of surrounding objects. [page 356]. The very principle which produced so favourable an alteration after the prisoner entered her cell must inevitably ensure a corresponding change after the return to active, life, but more or less perceptible according to the degree in which her new circumstances differ, in the moral tendency of the ideas they may be fitted to excite, from those of her cell. This result will be accelerated by the dislike which she will naturally feel to think of her prison and her consequent endeavours to remember anything but it and its degrading restrictions. The process of obliteration which we have referred to as the result of her confinement will not only be repeated when she becomes free but be even more rapid than it was before. Even the excellence of the religious impressions which she may have manifested in her cell, will not exempt them from liability to erasure. We could observe indeed that however conducive solitude may be to reflection and to the forming of resolutions of amendment [page 357] religious principle itself does not often take deep hold of the mind except when it is worked into the affections through the trials - the disappointments and the vexations - the tear and the wear of every day life. It is in conquering that religion teaches us to conquer. It is by becoming a party in our struggles between inclination and

duty, that it gradually diffuses itself throughout our various complex ideas, so that when the other elements of these ideas arise to the mind, its motives also spring up to regulate or check them, and, thus by a process of suggestion over which the individual has at the time no direct control, to subject through the power of conscience, our feelings and conduct to a moral Government.

Connecting these considerations with the evidence given of the intentions by which Convict Females appear to be actuated at the times of their arrival in the Colony, we conceive that it will be Your Excellency's opinion that to substitute, as their first condition, separate confinement for assigned service would be not merely superfluous [page 358] but injurious. It would be superfluous because the separate system excellent as it is, its own place is evidently incapable of consigning reformation beyond good resolutions and it would be injurious for it would cause that time to be unprofitably wasted during which in private service the convict might otherwise have been laying the foundation of a useful life in the new world into which she had been introduced.

It may perhaps be said, that assignment however conducive it may be to renovation of character is not as a punishment sufficiently severe and deterring but when we reflect that its subject is in the case before us a female, that she has been separated from her friends and expatriated, that she is not allowed to select her own service, that she is amenable to summary jurisdiction, that she belongs to a degraded class and that she deeply feels her own degradation and longs to be emancipated, we do not think that much weight will be attached to the objection [page 359] more especially if it be borne in mind that the offences committed by Females are comparatively few in number and that consequently the public security does not imperatively require any special severity in the Punishments inflicted upon them.

We would, therefore respectfully submit it to be our decided opinions that assignment ought not to be discontinued as the first condition in which the Female Prisoner is placed after her arrival but that with the least possible delay the separate system should be introduced into the Factories and established there to the complete exclusion of the present contaminating one.

But to this our recommendation of assignment we feel bound for Your Excellency's information to annex the remark that the evidence, as to the manner in which convict servants are sometimes treated by individuals belonging to the lower class of shopkeepers in the Towns, strongly suggests the decision, that assignment should never on any account be made [page 360] to a family, the master or mistress of which may at any time have been a convict. We would also beg permission to add that it appears to be of considerable importance that women holding Tickets of Leave should not be permitted to enter into service either in Hobart Town or Launceston except under the direct sanction in each case of the Police Magistrate. It is, we conceive, a mere delusion to suppose that the best concerted discipline can be of the slightest permanent use if so soon

as a woman has by good conduct when subjected to it, obtained a Ticket, she be permitted to enter into a service to which but the week before the Principal Superintendent would have refused to assign her, and where her old habits may be revived and she may lose in a few weeks the beneficial impressions of intervening years. This subject seems to be the more deserving of special attention in this place, because the more strictly improper assignments [page 361] are refused, the greater will be the number of improper engagements after obtaining Tickets of Leave and should our suggestion as to persons who have been prisoners be adopted. It is evident that these very persons will be disposed to offer higher wages to Ticket of Leave women and in a great degree to monopolise their services if they be permitted to do so. The circumstance to which we have thus alluded already operates to the moral injury of the Ticket of Leave women and probably accounts in some measure for their inferiority in conduct as a class to the women who are married.

The lower order of convicts are up to all the tricks etc to which they may make use and advantage of their servants and the lower breed a person is the worse the use they make of a servant and treat them with less consideration and feeling than the higher orders. Strange as it appears to me, it is there. [initials]

The testimony indeed which the Committee have before them as to the Female Convicts who have been permitted to contract marriage is, Your Excellency will be gratified to learn, very satisfactory. The only objection to its taking place at an early period, after the arrival of the female, is we believe founded on the assumption that it might detract from the deterring effect of transportation. But as we have [page 362] already stated we are not of opinion that this consideration should be allowed to weigh so much with regard to Females, as it may very properly be permitted to do with respect to offenders of the opposite sex. The general opinion is that there is nothing so conducive to reform as marriage. This view is strongly supported by the experience of the Principal Superintendent and Your Excellency will have perceived, that one of the objections taken by Mr Gunn to the separate system is no other than this – namely, that it would discourage marriage.

Marriage is Gods own opportunity

Another question, apparently requiring some notice in this place, is that which relates to the course, which it may be proper to take, with those females, who when their appointed time of separate confinement shall have expired may not be received into employment in private service. It has been suggested that the strictness of the separate system might in their case be relaxed by removing them to wards the maximum number [page 363] of persons contained in each of which should never exceed ten, and that the distribution should be governed by a system of classification having a special reference to conduct and character.

The Committee are prepared to admit that were the large wards in the Factories now broken up into subdivisions of ten, the measure though far short of that thorough reform which the exigencies of the case require, still could not fail, as contrasted with the present state of things, to be productive of considerable advantages. But to reverse the order and to place Females, after having passed through the ordeal of the separate

system, in a condition which is but an imperfect approach to it, would be to subject their characters to a process of deterioration and therefore under color of kindness to inflict upon them a grievous injury. Let the most favorable view be taken of the feelings and intentions with which the ten women meet each other in the case supposed. [page 364] Let it be remembered that they are still restricted from participating in the action and reaction of mixed life, and that their habit and associations before confinement were with some slight exceptions all of a similar description and we would respectfully as, is it possible that they could long continue to refrain from talking over their past misdeeds. The incidents connected with their respective periods of confinement would obviously be too few in number too uninteresting and too monotonous to occupy much of their thoughts or afford scope for daily conversation. The recollection would soon go in search of something more exciting. The spirit of gossip would resume its sway and in the majority of cases effectually sweep away every trace of any amendment of character which might previously have been produced. It would probably be better to send all prisoners, who are on the condition to which we have referred, to a different building where by allowing them to take in work from the Public to receive a [page 365] proportion of the profit and to have intercourse with their fellow Prisoners for a short period each day controlled by the presence of some Officer of the Establishment; the exactness of the separate system might be somewhat qualified. The same observation applies - we think - with equal force to those females for whom - from whatever cause - it may be impossible to find a private service on their arrival. We think, however, that actual results would soon justify the opinion, that by the substitution of the separate for the gregarious system and the reaction of the former upon assignment the general conduct of the females in that form of private service would be so much improved that the demand for their services would in all probability and except on extraordinary occasions materially exceed the supply.

The Separate System has been so often described and is of course so fully understood by Your Excellency, that we do not conceive it to be at all necessary to advert to its details further than to express the opinion that it should be conducted in [page 366] the strictest manner by establishments of free Officers sufficiently numerous and intelligent. We are aware that danger to the health and intellect have sometimes, but apparently on insufficient grounds, been apprehended from a strict adherence to this form of discipline. But if the Prisoner be supplied with work enough to occupy their time and attention and be regularly visited and conversed with by the Chaplain who should reside within the Building and devote himself entirely to his duties there we do not think that any evil consequence whatever need be anticipated as at all likely to occur. If it did the vigilance of the Medical Officer would detect it before it made any considerable progress whilst the periodical inspections by a Board of Medical Officers might increase the confidence reposed in the safety of the system, and it should we conceive never be forgotten that it is apparently the only complete substitute for one, whose almost certain effect, when in full operation as it now is, has been proved to be for a time at the least, the [page 367] perfect obliteration of the moral senses.

Your Excellency will perceive that, regarding the effects of the Assignment or Private Service system to be matter of experience and positive testimony, we have not deemed it to be necessary to support the view we have taken of it by any analysis of its operation or by any attempt to show that mutual adaptation which appears to exist between it and the human mind and to be the sources of its corrective influence. We again refer to it now, only for the purpose of drawing Your Excellency's attention to a point which appears to require particular notice and to involve an objection that may not improbably be felt to exist against combining the separate and assignment systems in the same general scheme of Convict Discipline.

If, it may perhaps be said, the Committee dread the effect of reunions of ten and even recommend that the Separate System be strictly enforced, upon what principle can they reconcile this with their opinion, that the assignment system which [page 368] requires no separation whatever, should still be continued. Such an objection would certainly be plausible but we think its force might be broken by the remark that we are not bound under the circumstances to reconcile these recommendations or to find the explanation that would prove them consistent. We have advised that the intercourse of Female Convicts when in confinement should be prevented in future because, we discover from the evidence before us, that it has undeniably been productive of the worst and most revolting consequences, and we have in like manner recommended the continuance of Assignment because the evidence before us proves it with equal certainty to be beneficial in its operation. But the whole apparent difficulty vanishes, when it is observed that intercourse in a Factory is restricted to the degraded of the sex, whereas in Assignment the Female Convict is ~~though by no means so exclusively~~ influenced by the example and benefitted by the advice of the virtuous. [page 369]. There are seldom more than two in any household and they are household and there they are kept in check not only by the Master and Mistress but also not unfrequently by the free servants.

The building in Liverpool Street now used as a Nursery for chiefly the illegitimate children of Female Convicts is too confined, and is not in other respects at all suited for the purpose. We propose that it be abandoned so soon as a more commodious one shall have been built; near the Penitentiary to be erected in the interior. After the Mother's have weaned their children, we think, that they should be subjected for some months to the strictest discipline of the separate system.

Your Excellency will perceive, on reference to the appendix, some evidence given by the Rev^d. T. Ewing Head Master of the Queens Orphan Schools having a reference to the question whether the illegitimate children of Female Convicts should or should not be treated as Foundlings. The Mother's have [page 370] almost all them for a considerable period been at one time or other inmates of the Factory, and the manner in which they sometimes treat their children is but too consistent with the conduct imputed to them when in the wards of that Establishment, and subjected to the destructive influence of the

gregarious system. On reflection, however, the point does not appear to us to come within the scope of our instructions, and we would therefore simply draw attention to it – a course, which with Your Excellency's permission we shall also adopt with respect to those parts of the evidence which allude to the mischiefs arising apparently from the indiscriminate manner in which Female Convicts are now put on board the Transports and from the want of classification and regular employment afterwards during the voyage. It appears however, to be our duty to observe that much good might be done, were a course of moral and religious instruction defined by some competent authority [page 371] in England, and given to the Prisoners in each ship under the responsibility of the Surgeon Superintendent.

It appears to us to be a matter of absolute necessity that the convict Turnkeys or Overseers should be immediately removed and that free women of a superior class should be appointed in their stead. What number of free females however, may be required for the new system we are not prepared at present to suggest, but we think that an Estimate sufficiently accurate for present purposes might be framed with reference to some one of the British Penitentiaries.

I cannot have much faith in the extent of Prison discipline after reading of this report (initials)

We are satisfied that there are few measures connected with this branch of the public service of greater intrinsic importance than would be the introduction of some arrangement by which the women might be kept permanently at labor of some sort. Perhaps the public might be invited to avail themselves of the opportunity of having sewing and washing done for them. We consider the insufficient means of employment to be one of the most prominent defects in the arrangements now in force. It is one, however, which we think may be effectually remedied so soon as the requisite accommodation can be obtained and we therefore beg particularly to draw Your Excellency's attention to the subject.

Your Committee cannot too strongly submit to Your Excellency the necessity of a Chaplain of undoubted piety and zeal being appointed to reside in each Penitentiary whose duty it should be not only to perform Divine Service publicly but to visit in an uninterrupted succession the females in their cells.

In conclusion we deem it to be incumbent upon us to state that we have experienced the most obliging readiness to afford information on the part of every member of the Principal Superintendent's Department to whom we have had occasion to apply. It seems indeed to be the general wish that a system [page 373] should be discontinued which whilst it is fraught with moral evil is at the same time calculated to bring discredit even upon the efforts of those who may strive to the utmost to counteract its corrupting influence.

[signatures of:]

Adam Turnbull, Col Trear:

Jn Hampton
John Price P M
Josiah Spode, P.S
Fr Hartwell Henslowe.

[page 374]

Council Officer
4th February 1843

Sir,

I am directed by the Lieutenant Governor to forward for your perusal the accompanying Document on the Subject of Prison Discipline in reference to Females Consisting of the Report of a Board Appointed by His Excellency together with the evidence taken before that Board;- and of some further Evidence which has lately been submitted to His Excellency.

I am further to inform you that His Excellency has directed additional information on the same subject to be forwarded to him from Launceston with which you will also be furnished so soon as it shall be in His Excellency's possession.

I have the honor to be
Sir, Your Most Obedient Servant
Fr Hartwell Henslowe
Clerk of the Councils.

Humble
The Colonial Secretary

[page 375]

Principal Super^{ts} Department
4th February 1843

[Notes in the margin: The papers are to be attached [to] the Report of the Board on the Female Discipline of Convicts and circulated with them. There are other document [...] from the Ass^t Superintendent at Launceston connected with the subjects which may be looked at on Tuesday next When they come they will be forwarded to the Members of the Executive Council. TH 4th Feb 1843 Clerk of the Council. [Mr?] & Mrs Hutchinson and Mr D C Brice.

Sir,

Since the report of the Board on Female Prison Discipline was sent in, two or three circumstances have transpired in the Houses of Correction, which I think it necessary to lay before His Excellency, in order that He may be put in possession of facts which bear out very strongly those parts of the evidence given before the Board, which shews the necessity of separate confinement for this class of Prisoners. —

The first circumstance to which I allude is a gross act of Insubordination in a riotous proceeding, which took place at the Factory on the evening of the 23rd of Aug^t last, in one of the wards of the Crime Class in that Establishment, in which, at that time were confined upwards of One Hundred & Fifty Females.

Although I enclose for His Excellency's perusal the principal evidence taken in this case, it is as well for me to state that, at the time,

The Colonial Secretary:

[page 376] there were several workmen employed in the interior of the Building, and in consequence, particular instructions had been issued by the Superintendent, to prevent any Communication between the women and the workmen; - this would appear to have excited the females, as it was necessary to keep them closer than usual to their day rooms, and not allow them to have the usual access to the yards; for about three o'clock in the afternoon the women in the upper shop of the Crime Class yard, commenced dancing and singing, and refused several times to desist from such noise, although repeatedly spoken to by the Turnkey, who was ultimately obliged to report the circumstance to the Superintendent, who endeavoured in vain to obtain the names of the women who had created the tumult; the same disturbances continued without intermission for some hours, the women setting Mr Hutchinson at defiance, until he was compelled [page 377] to send off for Police Assistance, and in as short a time as possible, the Chief Constable with a very large body of Police attended the summons, and immediately took decided steps to separate the disorderly Females from the others; which put a stop to the riot, but which could not have been effected without the prompt attendance of the Constabulary.

The next case to which I beg to draw His Excellency's attention is one of a very indelicate nature, but the circumstances attending which it is equally necessary the Government should be aware of; the whole details of the case are contained in the evidence of Mary Newall, the female who was indecently assaulted.

The third case which occurred about the same time in the Crime Class, is of a much more vicious and depraved character, and which there is reason to believe has been carried on to some considerable extent since the congregation of Females in the Establishment has been so great, I am compelled to [page 378] request His Excellency's attention to the evidence of Ann Fisher, however unpleasant in its perusal because it will

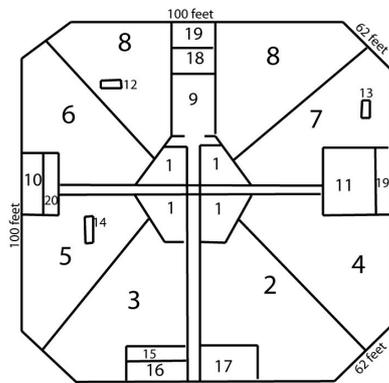
clearly show that without separate confinement in all instances be adopted, those dreadful occurrences can never be thoroughly put a stop to.

I shall submit to His Excellency in a day or two the report from my Assist^t Super^t at Launceston, of the riot which recently took place in the Female House of Correction there, which further corroborates the necessity of placing each female Establishment upon the separate system

I have the honor to be
 Sir
 Your most obedient servt
 Josiah Spode
 P.S.

[page 379]

Copy



The following Report is prepared according to the Lieutenant Governor's desire conveyed in the Principal Superintendents Letter dated 3rd February 1843.

The House of Correction for Females at Launceston is an octagonal building divided into Eight sections as shewn in the margin.

No 1 is the residence of the Keeper of the House of Correction

Buildings within the Sections

- | | | | |
|---------------------------|-----------------------|----------------------|--|
| N ^{os} 9. 10. 13 | Mess Rooms | N ^o 2 | Is the Hospital Ward |
| N ^o 11 | Wash House | N ^o 3 | Is the Nursery Ward |
| N ^o 12. 18 | Work & picking shops | N ^o 4 | Is the Wash House Ward |
| N ^o 14 | Store | N ^o 5 | is the Store yard |
| N ^o 15 | Surgery | N ^o 6 & 7 | are Assignable Class wards, with 4 Cells in each yard. |
| N ^o 16 | Office | | |
| N ^o 17 | Gate Keepers quarters | | |
| N ^o 19 | Cells | | |

N^o 20 Cook House
Entrances [page 380]

N^o 8 is the Crime Class Ward with 4 Cells
in the yard.

In this last division Females under sentence to hard labor are confined.

On the 29th of August 1842 a Convict named Catharine Owen, an extremely bad character, and one who has always ranked as a leader upon all occasions of misconduct was convicted before W H. Bicton Esquire Police Magistrate and P.A. Mulgrave Esquire JP and Chairman of Quarter Sessions, of absconding from the service to which she had been assigned and sentenced to hard labor for Two months, one month of that term to be served in Solitary Confinement at Two periods of fourteen days each. In pursuance of that sentence "Owens" [page 381] was on the 9th of October confined of the second period of solitary confinement in one of the cells in the Crime Class yard. Upon the 18th of the same month there were confined in the yard, 85 women exclusive of four in the cells.

On the morning of that day Catherine Owen represented that she was unwell and demanded upon that ground to be released from Solitary Confinement. The Colonial Assistant Surgeon visited the same morning but did not find her in any way indisposed and her Confinement therefore Continued. In the afternoon the Sub-Matron visited her and immediately upon the cell being unlocked a number of the females in the Crime Class yard seized and held the Sub-Matron whilst others conveyed "Owen" from the cells to the [page 382] Mess Room, and then bid defiance to the authorities in the factory. One and all stating they would not allow her to serve the remainder of her sentence in the Cells.

The Superintendent ordered the Ringleaders of this disturbance to be brought before him, this order the whole Class resisted and having /85 in number/ barricaded themselves in the Ward, it became necessary to procure some Constable to take the parties into Custody, but upon this being attempted the police were beaten off by the women who had armed themselves with the spindle and leg, from the Spinning Wheels, Bricks taken from the floors and walls of the Building, Knives Forks &c and also Quart Bottles in which some of them had received Medicine. [page 383] From the great excitement the women were in the superintendent thought it advisable to leave them to themselves for a time giving directions to the Keeper of the House of Correction not to supply them with food or water.

In the evening the women expressed a wish to see the Superintendent who therefore proceeded to the Factory and was told by them, that if he would give them their Rations, and promise not to send the prisoner who had been rescued from the Cells again to punishment, and also not try the Ringleaders of the women who took her out of the Cells they would submit. The Superintendent of course refused to enter into such

conditions, but required the immediate submission of the [page 384] whole party at the same time every effort in his power was used by remonstrance and persuasion to induce them to submit but without effect.

On the following morning at day light the prisoners became very outrageous breaking the Furniture and windows and attempting to burn the Building. The superintendent then determined to temporise no longer, and ordered about Fifty Men from the Prisoners Barracks to proceed to the Female House of Correction and having been sworn in special Constables and furnished with sledge Hammers and Crow bars, with the assistance of some constables the Crime Class ward was forced, the most refractory and violent of the ^{female} prisoners were captured and removed to Cells in the Male House of Correction and Gaol. [page 385] The utmost resistance was offered and every description of Missile that could be procured was brought into operation by the females nothing but the extreme forbearance and proper Conduct of the Men employed prevented in the opinion of the Superintendent very serious results.

The Ringleaders of this riot were subsequently brought to trial and punished by sentences of hard labor to the House of Correction at Hobart Town. These offenders even upon their trial exhibited the most outrageous conduct abusing and threatening the Magistrates to their face.

Those Females (seventeen in number) whose Conduct on the occasion in abstaining from any participation in the disturbance, was such as to justify the superintendent in recommending them to [page 386] His Excellency's Consideration who was pleased to reward them by granting them Tickets of Leave.

Having thus detailed the Riotous and violent Conduct of the Convicts, the superintendent begs to offer a few observations for the Consideration of His Excellency the Lieutenant Governor.

1st With regard to the means for placing Females to labor in the Crime Class Yard; measures for this there are really none, the only employment is carding and spinning, which for want of room can be performed but by few, and so far from being a punishment it appears to be rather a mere pastime, for small is the number of those who are not soon tired of total idleness and at such work they can exert themselves as much or as little as they please.

[page 387]

2^{ndly} The superintendent respectfully requests His Excellency's particular attention to the very large number of Females crowded in the very small Compass of the Factory and the consequent impossibility of properly classifying not only the crime class but also the assignable prisoners. At the present moment the total number of persons confined is 250, and about 80 more are daily expected. The difficulty of accommodating so great a

number will appear more evident when it is represented that the Building was originally intended for the reception of from 80 to 100 individuals only.

3^{dly} As to the Means of solitary confinement there are but Twelve cells in the whole establishment. The superintendent cannot he [page 388] [conceives] pass over the Circumstance of the Cells being so constructed, that the inmates can converse not only the one with the other but also with the prisoners in the respective yards. It is notoriously the chief amusement of the convicts to detail to each other the domestic arrangements and incidents of the Families in whose service they have been together with their own behaviour therein, and those who represent their conduct as having been the most daring, nay it may be said the most corrupt are held in the highest estimation amongst their fellow prisoners and such, by their example and precept lead those who are otherwise better disposed to become as evil as themselves and commit the most [page 389] violent acts. The effect of such communication has on numerous occasions been deplorably manifested under the observation of the superintendent.

In conclusion the superintendent regrets, it becomes his duty to report that not withstanding the punishments inflicted on the one hand and the rewards bestowed on the other, a great feeling of Insubordination is still apparent amongst the prisoners in the House of Correction, and he fears all endeavours to eradicate such a spirit will fail until more extended, and effectual means of coercion for the incorrigible and for establishing separate classes for those of better disposition can be placed at his disposal.

/signed/ A Gardiner
ASC

[page 390] [Written at right angles]

With reference to my letter of 4th inst reporting the circumstances of the late disturbance at the House of Corⁿ at Hobart, I now forward this report of Captⁿ Gardiner – Having requested that Officer to favor me with his opinion as to the course of the disturbance at Launceston. I beg leave to draw His Excellency's attention to the suggestions offered in the latter part of this report, they clearly shewing that no good results can proceed from the crowded state of the Factories, an evil which [?] as heavily at Launceston as at Hobart.

(J Spode?)
12 July
1843

Let this report received Thursday be at once circulated with the report of the Board 20th documents connected with Female Discipline – for the perusal of the members of the Executive Council.

14th July 1843

JS

The Clerk of the Council.

[page 391]

[Note: Hutchinson's first testimony appears to have been given on Thursday the 25th -- see p. 402 below]

Female House of Correction
23rd August 1842

Before the Principal Superintendent
and James Thomson Esq^{re}

Ann McKenna

Mexboro

[Catharine] Jane Downey

Mexboro

Jane Charlton

Mexboro

Mary Smith

Mexboro

Charged by the Superintendent Mr Hutchinson with insubordination in assisting in a riot or tumultuory proceeding which occurred among the Females in the Crime Class of the House of Correction on the evening of the 23rd Instant.

Plea - all guilty of going round in a ring together like the other women but not guilty of any act of insubordination -

Mr Hutchinson sworn States on Tuesday last in consequence of the workmen being in the Wash House yard I gave particular instructions to the Turnkey Ellen Curle not to allow any communication to take place between any of the women confined in the Crime Class and the workmen repairing the pipes in the Wash house yard. About 3 o'clock on Tuesday evening the Turnkey reported to me the women in the upper shop of the Crime Class yard were singing and dancing and making a noise and that she had been several times to request them to desist and that they had refused to do so, I then went myself into the upper shop where these four women were together with [page 392] nearly one hundred other women and before I entered the room I heard the noise and tumult that was made I stood watching for some time before I entered the barricade of the Crime Class yard and I saw several women about Twenty dancing and making the tumult as reported by the Turnkey.

The instant I entered the room the whole of the women squatted down when I told them what I had seen and heard and called upon the women to give me the names of those who had created the tumult - they refused any of them to do so and I then told

them I should stop their gruel. I then left them and went backwards and forwards to them five or six times entreating them to give up the names of the women who had created the disturbance but they persisted in still refusing and during the times that I was absent from the room the tumult and noise was continued at intervals – And about 5 o'clock when the gruel was being taken to the Women in the lower shop (who had no hand in the disturbance) the tumult and noise became much greater and violent And the instant I again appeared, the women in the upper shop where I had seen the dancing going on hurra'd me and called out but I could not distinguish any language the clamour was so great. I should say that from twenty four to thirty women were concerned at this time in the tumult, that the [page 393] noise was so great as to be impossible to distinguish anything in particular. I had not an opportunity of particularizing any individual but the whole of the women whose names were on the list which was forwarded and signed by me were at the time in the room where the disturbance and tumult took place besides among the women in the room at that time were –" –" – Mary Rafter – Mary Ann Roberts – Elizabeth Thomas Ann Cunningham Mary Matthews – Frances Jarvis Caroline Justin Margaret Hodgson – Janet McLean Eliza Reid – Sarah Griffiths – Elizabeth Clayton and Bridget Toomey in consequence of the riotous proceedings in that room I sent off for the Chief Police Constable and his Police force.

On the arrival of Mr Morgan with the Police I consulted with him and we determined to go together to endeavour to persuade them to do as I had requested them before by giving up the authors of the disturbance as soon as the women saw the Police force with us Ann Maloney said sooner than be punished she would point out the women - I called upon her to pick them out and she picked out the women that were handed over to the Police force and those who are named in my information were them as they were handed over and placed in confinement. I recollect calling on Maloney particularly to name the ringleaders but on calling on the other women I did so generally and by stating that they refused to deliver them up I only mean that they did [page 394] not deliver them up at the time I saw the eighteen or twenty four women dancing in the Ward the other women were in a quiet and orderly manner in the centre of the Shop. The tumult and noise which was in that room was calculated to excite the rest of the women and cause a disturbance in the Establishment. I verily believe that it was done in that intention and particularly as I heard Maloney tell the women to do as they did before evidently alluding to the tumult which took place on the fourth of May one thousand eight hundred and thirty nine in which Maloney was then concerned but on this occasion when Maloney said she would pick the women out she said she had not been a Jacketer before but in this instance she would sooner than get herself into trouble.

The term Jacketing means an informer it is a slang term used by the women – The only woman named in the information that was in the riot in May 1839 was Fanny Jarvis – independent of my own personal endeavours to get the women to give up the ringleaders – Mrs Hutchinson and Mrs Livermore were repeatedly for hours persuading them to do so but without effect the rioting tumult and confusion from first to last lasted four or five hours all the women in this building are quite aware that any disorder or tumult is against the rules of the Establishment –

Remanded

Friday

[page 395]

Friday 26th August 1842

 Present the Principal Superintendent
 &
 James Thomson Esq^{re}

Ann McKenna

Mexboro

Catharine Jane Downey

Mexboro

Jane Charlton

Mexboro

Mary Smith

Mexboro

Case proceeded with -

Mrs Hutchinson sworn States on Tuesday last the 23rd of August when the disturbance took place in the room of the crime class in which the four women now present were confined and which had been going on for about two hours. I went to them at supper-time to enquire from them what they were making such a noise about. I spoke to Maloney who appeared to me to be the ringleader the Women did not give over when I first went in and I had to beg of them to be quiet while I spoke to them. The greater part of the women that was in the room when I went in appeared to be concerned in the riot and confusion for they shouted, clapped their hands stamped and made noise with their feet and this took place to such an extent that I conscientiously say it was a riot. I went in six or eight different times [page 396] to request them to desist and it was not until the Constables came that any of the women professed not to be concerned in the tumult. The general cry amongst them was we are all in it and this was spoken by many of them but [I] cannot particularize any of them but Maloney and Simpson. Before the Constables came, from the frequency I went to them any woman that had so desired had plenty of opportunity to declare herself as not belonging to the mob.

And I told them that any woman who wished to declare herself free from the riot or was not concerned with the disturbance I would take their names down and get them out of the room this I had told them repeatedly as I begged of them to listen to what I had to say and I am convinced that my offer was generally known among them. I received for answer (more than once) when I had made these offers that they were all in

it, and it was not until the Constables were in the Building that some of them professed to have nothing to do with it. When I mentioned the Police had come Maloney then said she would not go to the Cells without telling who was in it and in consequence certain women were picked out but I was not present when they were selected. When I received for answer that all the women were in it, it was spoken so loud and repeatedly as must have been heard by all in the shop so that any woman who really did not join or agree in the riot had plenty of opportunity to disclaim it my opinion is many of the women were intimidated and prevented from speaking by Maloney and Simpson. The four women now present McKenna Downey Charlton & Smith have been generally well behaved while [page 397] in the Building. I have never seen any disposition in them to riot.

remanded

=====

Wednesday 31st August 1842

=====

Present the Principal Superintendent
& James Thomson Esq^{re}

=====

Ann McKenna

Mexboro

Catharine Jane Downey

Mexboro

Jane Charlton

Mexboro

Mary Smith

Mexboro

Brought up from Friday last the 26th Instant.

Mr Brice District Constable sworn States - On Tuesday evening the 23rd Instant I received information from the Chief Constable that there was a great noise or disturbance at the Factory and that Mr Hutchinson had requested Police assistance - I then made the best way out to the Factory leaving the Chief Constable to collect a body of Constables to follow when I arrived at the Factory, there was a very great noise made as if a large body of women were hurraing this was about 7 o'clock. The noise proceeded from the Building from the direction of the Crime Class. I saw Mr Hutchinson immediately on my arrival who expressed his fears that the women who had rioted and hurrah'd him in the execution of his duty would break through their ward into the Chapel. [page 398] The noise made by the women was of that description clearly indicative of being a riot and a tumultuous proceeding there could be no mistake made as to the intentions of the women by their creating such a noise and tumult. It was precisely of the same description

and nature as the tumult and noise made by the women in the Factory in the year 1839 at which I was present having been called in with a body of Constables on that occasion.

The Chief Constable soon followed me with a large body of Constables to the Factory I then went with Mr Hutchinson and the Chief Constable into the Crime Class yard where the women upstairs kept up a tremendous clatter with their tongues but did not hurrah after we went into the yard they refused however to listen to the Superintendent when he endeavoured to speak to them but continued in a riotous and disorderly state. Mr Hutchinson desired them in my presence to give up the women who were dancing in the ring and first causing the disturbance and the only answer Mr Hutchinson received was we are all alike, we are all alike, and this proceeded from a great number who had clamber'd up to the window - I heard however two different voices call out silence. There was no attempt by any woman to give up the names of the riotous nor did any woman from the windows declare herself not to belong to the riotous party. The Constables by this time had come into the yard and the Chief Constable. Mr Hutchinson myself and another constable or two went upstairs leaving the remaining [page 399] body of Constables in the yard. When we got up in the room I found the whole of the women excepting two or three had seated themselves in a round ring on the floor and they were all them very quiet - Mr Hutchinson demanded the women to be given up as before and after some delay I saw two women talking together who appeared deliberating in my opinion to give themselves up I spoke to them and told them to go out they said they were two of them and they said there are plenty more in the room. The moment I entered the room I was convinced by the way in which the women were sitting there was a regular confederacy amongst them the ring consisted of two or three deep and I was quite surprised to find that such a body of women could have placed themselves in such a regular manner in so short a time. After we entered the room there was no noise nor any attempt at resistance. Mary Ann Roberts was one of the two women that I first ordered out and who stated she was one and that there were plenty more in the room. There was a woman who stated that sooner than be punished herself she would point out the women who were in it and the term Jacketing was made use of by several of the women. The woman who has now shown herself Ann Maloney is the woman who said she could pick them out. I cannot state the names of the women Maloney picked out but she picked out a great number of them. [page 400] I recollect McKenna Downey and Smith being three of the women were handed out.

I did not hear either of the four women present declare at the time the women were handed out that they had nothing at all to do with it there were one or two of the women who said they had nothing to do with it when they were handed out but I cannot identify them - Before we went up into the room, and the Constables were in the yard, I heard one of the women from that room say here's the b-y traps the women were quite aware at the time we went up to the room that there was a sufficient body of constables to prevent further disturbances. During the time I was present there was no disposition shown by any of the women in the room to disclaim their connection of the disturbance until they were brought down into the yard by a constable. I recollect while we were standing in the yard something being said about new chums at the women but I

cannot state the precise words — There was plenty of time elapsed for any woman who chose to speak to the Chief Constable (who had called upon them) had any women wished to have proved herself not connected with the riot.

Mr Hutchinson being resworn states: I should not like positively to state that Smith did speak to me and disclaim her connection with the [page 401] disturbance but I recollect one woman of her form and appearance saying she had nothing to do with the riot and I believe it was Smith said so — I have said in my examination in chief that Smith since she has been in the Building has always behaved in a quiet and orderly manner.

Caroline Justin

Navarnio

Elizabeth Clayton

Rajah

[Bri]dget Toomey

Hindostan

[Eliz]abeth Reid

Nautilus

[Janet] Mclean

Nautilus

[Mary] Cunningham

Mary Anne

[Eliza]beth Thomas

Henderson

[Mary] A Roberts

Henderson

[Mary] Rafter

Mexboro

[Mar]tha Hodgson

Navarnio

[Sar]ah Griffiths

Navarnio

[Mar]y Matthews

Mary Ann

[Fny] Jarvis

Westmoreland.

Charged by the Superintendent and Mr Hutchinson with insubordination in assisting in a riot or tumultuous proceeding which occurred among the Females in the Crime Class of the House of Correction on the evening of Tuesday the 23rd Instant.

Plea — all guilty of being in the ring except Clayton and Justin who plead not guilty.

Mr Hutchinson.

[page 402] Mr Hutchinson being resworn and his evidence as taken on Thursday the 25th Inst being read over to the thirteen women now present - States that that evidence is correct as regards these women.

Remanded

Wednesday September 7th 1842
=====

Mr Hutchinson called in and resworn and evidence taken on the 26th August read over further states that the evidence which I gave on the 26th August against the four women that were then brought up and which I have just now heard read over again equally refers to the thirteen women now present -I can also say with reference to these thirteen women that their conduct generally has been orderly and correct but I believe Fanny Jarvis was one of the women concerned in the riot at this Establishment which took place in the month of May 1839 latterly her conduct has been much improved.

The evidence of Mr District Constable Brice given on Wednesday the 31st August - although not now present Eliz^{abeth} Reid states what Mr Brice has stated is correct and the rest of the women state that had Mr. Brice been present now they should not have asked him any questions.

Mr Hutchinson

[page 403] Mr Hutchinson being recalled states in reply to a question from Bridget Toomey, on recollection I think Toomey is the woman who gave herself up first, which I stated in my former evidence and although I should not like to swear positively I believe her to be so.

Remanded

Wednesday 14th September 1842
=====

Present the Principal Superintendent and James Thomson Esq^{re}
=====

[Bridg]et Toomey

Hindostan

[Mary Ann] Roberts

Henderson

[Mary] Smith

Mexboro

[Caroline] Justin

Navarnio
 [Martha] Hodgson
 Navarnio
 [Jane] Charlton
 Mexboro
 [Fan]ny Jarvis
 Westmoreland
 [Sara]h Griffiths
 Navarnio
 [Mary] Cunningham
 Mary Ann
 [Jane]t Mclean

Brought up from Wednesday the 31st August charged as before.

Nautilus
 [Eliza]beth Thomas
 Henderson
 [Mar]y Matthews
 Mary Ann
 [Mar]y Rafter
 Mexboro
 [Eliza]beth Reid
 Nautilus
 [Eliza]beth Clayton
 Rajah
 [Ann] McKenna
 Mexboro
 [Catherine] Jane Downey
 Mexboro

Sentence

[page 404]
 Sentence Bridget Toomey
 Mary Roberts
 Mary Smith
 Caroline Justin
 Martha Hodgson
 Jane Charlton

}Reprimanded

=====
 Ann McKenna } Existing sentence of
 Cath^e Jane Downey }transportation extended one year.
 =====

Fanny Jarvis Each her present
 Mary Cunningham sentence to hard labour
 Janet McLean to be extended six
 Elizabeth Thomas months out of which to

Mary Matthews	be placed in Solitary
Mary Rafter	Confinement for twenty
Elizabeth Clayton	one days with an interval
Sarah Griffiths	of one month between
Elizabeth Reid	each seven days.

=====

- (signed) Josiah Spode
(signed) James Thomson.

[page 405]

Female House of Correction
January 18th 1843

[Catherin]e O' Brien	Charged by the Superintendent with gross misconduct in having
Westmoreland	committed an indecent assault upon the person of Mary Newell on the night of the 5 th Instant.

[Car]oline Justin
Navarnio

Plea of Not Guilty

The information Oath of Mary Newell – I was assigned to Doctor Bedford's Hospital and was sent to the House of Correction under a sentence of six months hard labour for misconduct. I was placed in the Crime Class and went to bed in the same room with the two women now present Catherine O'Brien and Caroline Justin. Catherine O'Brien was my bedfellow. During the evening before I went to bed she asked me if I had any tobacco or money about me. I told her I had not and she shook her head at me as if she did not believe me. On the next night (Thursday) I again went to bed in the same Hammock with Catherine O'Brien – but O'Brien did not go to bed for an hour and a half after me as she sat on the side of the Hammock talking to Caroline Justin. They were whispering and I could not hear what they said. After some time Justin went away as I supposed to her own bed. I fell asleep and during the night after I had had my [page 406] first sleep Catherine O'Brien spoke to me and asked me if I was asleep. I made her no answer and in a few minutes after some one covered my face and head over with a rug forcibly holding me down in the Hammock. At the same time O'Brien with whom I was sleeping threw herself across my body placing her knee on the pit of my stomach. I know it was O'Brien that placed her knee on my stomach because I felt her rise in the bed before she did so and she spoke to the other person who covered my head with a rug telling her I was asleep. In consequence of the weight on my stomach I could not call out. I suspect Justin to be the woman who covered my head up as she was the woman who sat on the hammock with O'Brien but I could not hear her speak after my head was overed up. I

immediately after O'Brien had thrown herself on me felt her pass her hand to my private parts and from my not being able to move my legs I believe some one had hold of them. I have no doubt whatever of O'Brien being the woman who assaulted me in the privates for from the position she was lying on me I felt her pass her hand down, she forcibly thrust her hand opened with the fingers projecting up my privates with great violence, apparently as far as she was able, she gave me great pain. She kept her hand there for some time moving it about and trying to find out as I thought if I had money or tobacco concealed there. O'Brien kept her hand in the same place for several minutes and in struggling I could hear O'Brien tell the other woman or women that she could not find anything. From the pain [page 407] that they caused me and the position I was in I could not call out. I fainted and I had no recollection of anything further until very early at daylight when I came to myself. I got up and went to the night tub but found I could not make water and on feeling with my hand I found that something was protruding out of my privates nearly the length of my finger. I was frightened and got some water as I never had anything of the kind happen to me before. I did not then know what it was but I have been informed by the nurse that my womb was down. Nothing was wrong with my privates before Catherine forcibly pushed her hand up. In the morning after getting up I told what had happened to one of the women who was a countrywoman of mine and she told me as I had a long sentence to do, if I said anything about it the women would lead me a sad life. Therefore I did not like to name it to Mr Hutchinson and allowed myself to be called over into the same ward the next night. And whilst in bed with O'Brien she asked me if I had any suspicions of her. I was afraid to tell her I had and I wished to have nothing to do with her and said I hoped it would all get well again with me. O'Brien then replied that if she though I suspected her she'd stick me through the heart with the scissors. A great many of the women in the ward spoke against me about telling it and said nothing of the sort could have occurred without their knowing it and these were mostly shipmates of O'Brien's. The Turnkey wanted me to inform Mr Hutchinson and [page 408] when I cried about it she informed Mr Hutchinson herself the next morning. It was not only fear but shame also at what had been done that prevented my naming it to Mr Huchinson. I am still very unwell from the abuse I received both inside my body and my privates. I feel injured internally about my heart and my womb still protudes very much but everything has been done for me by the nurse as well as Mr Hutchinson.

Sworn before me this
11th day of January 1843
at the House of Correction
for Females in the presence
and hearing of Catherine
O'Brien and Caroline Justin

her
(signed) Mary X Newell
mark

(signed) Josiah Spode

=====

William Dermer Esq^{re} being duly sworn states I am the Surgeon of the Female House of Correction. I recollect the circumstance of Mary Newll being ill used it was reported to me a day or two after it occurred and I was called upon for Medical Advice in consequence.

I examined her and found a very great irritation in her private parts I appeared to me to have occurred through ill treatment and the appearances indicated that considerable violence had been used as if the hand had been forcibly made to enter the private parts. I questioned her and found from her what had been done to her which confirmed my [page 409] opinion. I have no doubt that the statement of the manner in which she had been used was correct. She informed me that Catherine O'Brien was actually the woman that committed the assault - she could identify her. I never considered Mary Newell's life to be endangered by the circumstance but she was very ill from the effects of the ill usage and also complained of a pain in the region of her stomach which I have no reason to doubt was caused by severe pressure - occasioned by her being forcibly held or knelt upon the injury of her privates is almost well and she is gradually getting well in other respects.

The prisoners not having anything to say are remanded.

=====

Saturday 22nd January 1843

Catherine O'Brien
Westmoreland

Brought up from the 18th Instant charged
as before.

Caroline Justin
Narvarnio

=====
Found Guilty
=====

Sentence - Each - to be kept to hard labour for the twelve months with a recommendation that these sentences should be carried out in separate confinement.

(signed) Josiah Spode.

[page 410]
[stamp] Received, Colonial Secretary's Office [?] 1843
Ref[?] of Mr Spode

Principal Superint^s Department
22nd May 1843

Sir

His Excellency the Lieutenant Governor having requested to be made acquainted with some particulars relative to the Establishment at the Brickfield and New Nursery, together with certain points connected with female assignment they to state to following data for his information.

In September last year I was under the necessity from the crowded state of the Building in Liverpool Street that which was used as a Nursery, of bringing the subject under His Excellency's notice with the view of establishing by a Medical Report, not only the insufficiency of the accommodation, but the liability of the Infants to disease by the closeness of the rooms; upon which the Principal Medical Officer, the Surgeon attached to the Female Barrack, and myself were directed to ascertain what buildings were vacant, and to recommend such premises as we considered most desirable for the formation of a New Nursery Establishment; the premises at Dynnyrne

The Colonial Secretary

[page 411]

being by far the largest, as well as the most eligible, and being also within a short distance of the Female House of Correction, was upon our report taken on lease for Five years, and as soon as the Royal Engineer had completed the necessary fitting up, the children with their mothers and nurses were removed thereto on the 9th November last.

Our principal object in the formation of this new Establishment was also effected by the removal of the children from the House of Correction at Launceston to Hobart Town, this measure was one of great necessity, in order to relieve the House of Correction at the former place, in consequence of the increasing number of Females received into that Building, whereby it became impossible properly to provide for the wants of the children, and from the smallness of the accommodation generally, the admission of children and suckling mothers into a place of punishment proved very detrimental to its discipline. The present [page 412] strength of the New Nursery is shewn in the margin

[] women

[] children

[] women [su]ckling their infants.

It is satisfactory to me to be able to assure His Excellency that the removal of the Nursery from the heart of the Town to its present situation, has been attended with the most beneficial effects to the Comfort and health of the children.

The removal of the children to the New Nursery enabled me with the Lieutenant Governor's sanction, to appropriate the old Nursery in Liverpool Street, exclusively as a Receiving Barracks for those newly arrived Female Convicts who could not (without

keeping the vessel on demurrage) be discharged direct from the ship to their services; and altho' since the establishment of this Receiving House, one ship only

Garland Grove ? January 1843

Has arrived with Female Convicts, the result has been most satisfactory in keeping separate the new from the old Convicts, for within a short period (about six weeks) the whole of the women by that ship, with the exception of those with Infants, were disposed of, without their having any [page 413] opportunity of forming intimacies with old offenders previous to going into service.

The Branch Factory in the Brickfields had been made before establishing the Receiving House in Liverpool Street, a Barracks for the Females eligible for assignment, into which Establishment the women arriving from England were also placed who could not on the instant, be sent into service direct from the ship; and when practicably, the old Convicts were returned from the Brickfields to the House of Correction previous to the landing of those newly arrived; whenever this plan has not been carried into effect, it has been caused by the overwhelming number in the House of Correction.

It is proper for me to observe here that long before the establishment of the Brickfield Assignable Barracks, a system had been adopted to prevent as much as possible improper association of assigning to service direct from the ship, (which practice commenced in 1840) all females that could by any [page 414] reasonable means be properly sent away without entering any of the Factories. The return appended will shew the disposal of the Females by the several ships to which I allude, and I would beg leave here to draw His Excellency's attention to the circumstances that fewer applications for servants have been made when it had been known that women from Ireland have been expected; this prevalent disinclination to Irish Female Convicts arises from the generality of the women transported from that Country, not having been previously employed in respectable domestic service, and therefore of little use as House Servants and as the practise of employing females in field Culture has not yet been introduced in this Colony few of the Irish Convicts comparatively speaking could be appropriate for service.

The discharge to private service direct from the ship together with the separation caused by the establishment of the Assignable Barracks in the Brickfields and Receiving House in Liverpool Street, has had most decidedly [page 415] good effects in preventing improper communication before going into service from older convicts and has also stamped a character on the Female Factory more suitable to its condition as a House of Correction, than it ever obtained at the time when it was the general receptacle of all kinds of Female Convicts.

I am here induced to lay before His Excellency, a Return of the Work done at the Female Factory during the present year, with that performed at the Branch Factory since

December (and altho' much more work of the various sorts could have been accomplished even in the present crowded state of the Factory, had the Establishments been provided with requisite materials,) I do so not only to furnish His Excellency with the necessary information he requires, but in justice to the officers employed. Particularly as a rumour has reached me that His Excellency has been informed, that no work was done at the Factorys and it was not a place of punishment.

There are at this time 62 [page 416] Females at the various Receptacles as stated in the margin, who from general infirmity and uselessness have never yet been in assigned service, those in the Nursery however were received from England either with children in arms or in a state of pregnancy.

Hs Correct ⁿ	22
[[ck Factory	18
[[tory Launceston	9
Nursery	13

On the document marked D are answers to questions referred to me personally by His Excellency but as they are in reference to other points contained in this letter I have thought it better to annex them in the present shape for the Lieutenant Governor's information

I have the honor to be
Sir
Your obedient servant
Josiah Spode.

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Return of Labour performed at the Female House of Correction

From 1st January 1843 to 28th February 1843 inclusive.

Wool				Blankets			Trousers	Waistcoats	Oakum	Horsehair	*Washing								
Picked	Carded	Spun	Yarn pulled	New	Wool	Scoured					Matted	Roughed	Made	Made	Picked	Picked	Blankets	Rugs	Sheets
Lbs	Lbs	Lbs	Lbs	No	No	No	No	Prs	No	Lbs	Lbs	No	No	No	No	No	No	No	Dozen
1428	1351.8	1351.8	1351.8	165	110	110	110	2500	100	1428	200	2338	636	1171	630	372			1445.9
					500 scoured for Prisoners Barrack														

Mem^o. The washing done at the above Establishment besides for the Building and the Civic officers and their families is for the Queens Orphan Schools, Branch Female Factory, Prisoners Barracks, Colonial Hospital, Military Barracks and Hospital and Marine department which is included in the above general return.

(signed) John Hutchinson.

To Josiah Spode Esqr
Principal Superintendent

Return of Labour performed at the Female House of Correction from 1 March to 30 April 1843

		Washing																												
Establishment		Marine Department											Military Barracks																	
	Blankets	Rug	Hummocks	Bed tick	House linen	Families Messengers	Branch Female Factory	Orphan Schools	Blankets	Bolsters	Bed Ticks	Sundry pieces	Colonial Hospital	Blankets	Sheets	Rug	Bolsters	Bed Ticks	Night caps & gowns	Waistcoats	Trousers	Towels	Articles made for the <u>Dorcas Society</u>	Spun	Picked	Picked	Rope Picked	Waistcoats made	Hammocks made	Wool picked and washed for Colonial Hospital
From 1 st to 31 March	509	86	207	37	383	154	120	54	72	56	77	10	128	70	875	95	40	49	18	14	24	8	55	534 lbs	534 lbs	813 lbs	117 lbs			bag
From 1 st to 30 April	259	78	342	74	403	134	69	43					105	165	997	40	64	92									450	1174	31	9
Total	768	164	549	111	786	288	189	97	72	56	77	10	233	235	1875	135	104	141	18	14	12	8	55	534	534	813	567	1174	31	9

NB 512 yards of Blanketing was woven at the Nursing Establishment for the months of March and April also the same quantity has been Weighed and scoured at the Fulling Mill

To
 Josiah Spode Esq
 Principal Superintendent

S^t John Hutchinson Supt.

[Page 419]

CAccount of work done at the Branch Female Factory from 1st December to 9th May 1843

Shirts	1608
Shifts	246
Petticoats	419
Jackets	453
Towells [sic]	<u>200</u>
Total number of articles made	<u>2926</u>

Signed Geo Brooks
Supt.

[Page 420]

When was the practise of landing females direct from the ship to the Factory discontinued?

As a general practise on the arrival of the Gilbert Henderson in May 1840

To what places were they sent?

Such as could be conveniently sent to the services to which they had been assigned in Town were so - the remainder to the Factory excepting those for Launceston who were placed on board a Government Vessel in order to their immediate removal to that place

What was the number of women in each ship who went direct into assigned service?

Ship	Number Hobart
Gilbert Henderson	42
Navarino	55
Mary Ann/Irish/ Rajah	49
Garland Grove /1/	47
Mexborough/Irish/	52
Emma Eugenia	36
Hope /Irish/	72
Royal Admiral	28
Waverly /Irish/	43
Garland Grove /2/	none
	40

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What number went to the Brickfield
or Receiving House?

Ship	Number
Gilbert Henderson	95
Nararino	124
Mary Ann	71
Rajah	54
Garland Grove (1)	47
Mexborough	50
Emma Eugenia	58
Hope	109
Royal Admiral	78
Waverley	149
Garlano Grove	68

What number went from
each ship to Launceston?

Gilbert Henderson	47
Nararino	None
Mary Ann	None
Rajah	79
Garland Grove (1)	80
Mexborough	57
Emma Eugenia	60
Hope	None
Royal Admiral	81
Waverley	None
Garland Grove (2)	77

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How many of those went
at once into assigned service?

Ship	Number Launceston
Gilbert Henderson	47
Nararino	None
Mary Ann /Irish/	None
Rajah	73
Garland Grove (1)	69
Mexborough /Irish/	41
Emma Eugenia	31
Hope /Irish/	None
Royal Admiral	28
Waverley /Irish/	None
Garland Grove / 2 /	24

Were the women sent to
Launceston kept separate
in a ward, or mixed with
the others?

They were always kept
separate until once assigned.

Josiah Spode
P.S.

[page 423]

Wednesday 18th January 1843
Present The Principal Superintendant and William Dermer Esq.

<p>Jane Owen "New Grove". Eliza Taylor "Atwick". under sentence to [-]rd labor</p>	<p>Charged on the complaint of Mr. Livermore with gross disorderly conduct in bed with each other on the night of the 13th Inst: - Plea. Owen states she is guilty of using bad language about what had been done in the cells. Taylor states the same.</p>
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Ann Fisher sworn states I am wards-woman of the ward in which the two Prisoners sleep, on Thursday night last Jane Owen was my bed fellow and during the night Eliza Taylor came to my bed and spoke to Jane Owen and got in to bed between us Owen and Taylor were talking some time together and at last Taylor asked Owen in language which no one could misunderstand to be indecent with her Owen said she would not in consequence of being unwell. Taylor then said will you when your are well She said yes. They lay talking until near daylight. They supposed I was asleep as they asked each other if I was asleep. I made [page 424] no reply to them but Owen said Oh yes she's asleep - on the following night (Friday) they had a bucket of water and washed themselves and put on their clean linen and Owen and I went to bed together on that night and in about half an hour Owen spoke to Taylor and asked her if she was not coming to give her a yarn Taylor said she would presently and afterwards she came into bed to us and went and lay alongside of Owen, they conversed together in a very indecent way and after some time I should say two hours or two hours and a half Taylor asked Owen to give her that she asked her for the night before Owen replied she would get out of bed and go home with her if she liked Taylor said no that was not what she meant. Taylor then called her a b---dy little wretch and said she could pull her out of bed and pull her to pieces for getting her in such a way as that for nothing at all. Owen said to Taylor that she never had been nailed and never would be, and Owen said to Taylor that it would make no difference to her as she had done it to her before. The expression they

mean by nailing is indecently using their hands with each others persons. Taylor and Owen did behave on that night in the way I have above described Owen made use of her hands [page 425] on the person of Taylor indecently. They behaved in this indecent manner for four or five minutes when I got out of bed and called Taylor a nasty beast. I then went to Sarah Berbeck's bed with whom Eliza Taylor slept and got into bed with Berbeck and remained with her about a quarter of an hour when Taylor came back to her own bed and I went to mine(.) I asked Taylor how she could let (-----) meaning Owen have any thing to do with her, she begged me not to say anything to anybody about it. When I returned to my own bed I called Owen a nasty beast for what she had been doing, she told me she did not mind me talking to her about it but if any of her own sort spoke to her about it she would wallow in her own blood for it.

On the Friday morning I told Ellen Arnold what had passed between Taylor and Owen on Thursday night and Arnold said I had better not say anything about it but to watch what took place the next night. Arnold sleeps in a different room but I named the circumstance to Ellen Boyle who sleeps in the same room with us.

I reported this morning the circumstance to Mr Hutchinson.

Sworn before us this 18th January 1843. Signed Josiah Spode

Ann X Fisher her mark.

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Ellen Boyle being duly sworn states that to the best of my recollection some time on Friday night Fisher spoke to me and asked me if I was awake I said yes I was, and on the following morning /Saturday/ Fisher asked me if I was awake I told her yes I did but I was betwixt asleep and awake, and Fisher began to tell me what she said had taken place between the two prisoners, she told me that from what had occurred in the Hammocks between them had put her in such a sensation that she was obliged to get out and leave her bed. I sleep four or five hammocks away from the one that Fisher and Owen slept in I did on the Friday night hear whispering going on but cannot say from where or from what hammocks it came neither can I say at what hour of the night I recollect Fisher's going the to the tub on that night because I think she was at the tub when she spoke to me and the whispering that I heard was before she went to the tub After that I fell asleep and I positively swear that I know nothing more about the matter.

X examined by Taylor.

I did hear some one call to you and ask you to come and spin a yarn I cannot positively say whether it was Fisher or Owen who so called out but to the best of my [page 427] belief it was Owen at the time I now speak of, many of the women had not gone to bed.

her

Sworn before us this
 18 January 1843.
 (signed) Josiah Spode
 W. Dermer

Ellen X Boyle
 mark

Janet Frazer being duly sworn states I sleep in the next bed to Owen and Fisher I am not aware why Taylor and Owen are brought before the Magistrates this morning, I have not heard any report in the yard suspecting them. On Friday night last I recollect Fisher and Owen were in their bed before I went to mine so was Taylor in hers. I lay awake for upwards of an hour and an half before I went to sleep, I am positive that during the time I lay awake Taylor did not come to Owens bed neither did I hear any body call out to Owen while I was awake I am sure no woman could have gone into Owen's hammock without my being aware of it I do not think Fisher could have left her bed without by knowing it because when a woman gets out for any thing the whole row of hammocks are disturbed(.) I have no recollection of Fisher's getting out to go to the tub at all I did not hear any whispering that night in Owen's hammock before I went to sleep.

her
 Janet X Fraser
 mark

Sworn before us this
 18 Jan^{ry} 1843
 signed Josiah Spode
 W. Dermer

Case dismissed for want of sufficient proof, but there being such strong suspicion existing of the truth of the charge and both Prisoners being at present under labour they are recommended to serve those sentences in separate confinement

Signed
 Josiah Spode
 W. Dermer.

ⁱ Some words in the manuscript are indecipherable.