

QUEENSLAND'S FEMALE CONVICTS: TRAGEDY AND RESILIENCE

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Introduction

In the fifteen years between 1824 and 1839 just over two thousand recidivist convicts, including 150 females, were sent to the far northern reaches of the colony of New South Wales (NSW) to serve colonial sentences at the Moreton Bay penal settlement. By the late 1830s, however, changing attitudes towards transportation had gathered momentum. The penal colony at Moreton Bay began winding down and in 1840 transportation to NSW ceased altogether. When the *Sophia Jane* departed Moreton Bay on 9 May 1839, the NSW Governor, Sir George Gipps, reported that the 'whole of the convict women, 57 in number, have been withdrawn'.² In fact, a small number remained behind but when the district was finally opened to free settlement on 10 February 1842, the only female convict remaining in the district who had served a sentence of secondary punishment at Moreton Bay was Hannah Rigby.³

The female convict presence in Moreton Bay from 1842

Hundreds of emancipists and Ticket-of-Leave convicts migrated north to the Moreton Bay region from 1842 onwards with the 1846 NSW census recording the presence of 850 male and thirty female convicts and ex-convicts in the Moreton Bay and Darling Downs districts and the 1851 census recording 2,117 male and 107 female transportees.⁴ My research also shows that at least three ex-convict women from NSW arrived in Queensland after 1851 as free women. In addition, since presenting this paper, I have become aware that at least two female convicts from Van Diemen's Land (VDL) also moved north to Queensland after serving their sentences of transportation.⁵

As the 1851 census was the last that distinguished between convict ('bond') and free it is impossible to state with any certainty how many transportees were living in Queensland after this date. Transportation to NSW ended in 1840 but convicts were sent to VDL until 1853, after which as many as

¹ This is an edited extract of a longer research essay submitted to UNE in 2012.

² Sir George Gipps to Lord Glenelg, 1 July 1839, *Historical Records of Australia*, Series I, Vol. XX, p. 209.

³ Mamie O'Keeffe, *Convicts at Moreton Bay, 1824-1859*, Royal Historical Society of Queensland, Brisbane, 2001, pp. 19 and 33-34.

⁴ O'Keeffe, *Convicts at Moreton Bay*, pp. 26-27, 28-29 and 30.

⁵ Female Convicts in Van Diemen's Land database, Female Convicts Research Centre Inc. (FCRC), [online database accessible to FCRC members], <<http://www.femaleconvicts.org.au>>, accessed 12 May 2013.

35,000 to 50,000 ex-convicts left for Victoria and, presumably, other places further north.⁶ With Queensland's population jumping from 8,575 to 61,467 between 1851 and 1864, it is easy to imagine that hundreds, or perhaps thousands, of the 152,500 ex-convicts from NSW and VDL eventually drifted north to Moreton Bay.⁷ To date I have identified forty-one women who were present in Queensland at some point during the free settlement period. The life stories of this small group of women certainly illustrate the wide range of experiences available to women of their class, from those who married and lived quiet lives raising their families to those who 'survived on the margins of mainstream society' where they became entangled in the 'world of pubs, brothels and sly grog shops' frequented by casual labourers, petty thieves and prostitutes.⁸

Female convict biographies: early arrivals

The first ex-convict woman to 'arrive' in Queensland — by virtue of the fact that she chose to stay at Moreton Bay after serving her second sentence of secondary punishment — was Hannah Rigby. Despite the trail of evidence left behind of Rigby's recidivist convict days — including her transportation on the *Lord Sidmouth* in 1823, two sentences of secondary punishment at Moreton Bay, her relationships with colonial administrator Robert Crawford and the convict George Page, and the birth of three sons — we are left with only a few shreds of her story after 1842.⁹ Rigby had opted to stay in Moreton Bay in May 1839 when nearly all of the other female convicts left. She was assigned to Dr Ballow, the district medical officer, who later applied for Rigby to be granted her freedom, stating that she had 'conducted herself in the most exemplary manner having never given me the slightest cause for distrust or complaint'.¹⁰ On 22 August 1845, the Reverend J. D. Lang of Sydney granted permission for Rigby's eldest son, 'Robert Crawford or Rigby', aged 21, 'A Native of the Colony', to marry Mary Kay, aged 29, a Ticket-of-Leave convict who had been transported on the *John Renwick* for fourteen years. Perhaps Rigby was visiting her son and his new wife in Sydney in 1846 when she placed an advertisement in the *Sydney Morning Herald* seeking news of her middle son:

⁶ Alison Alexander, *Tasmania's Convicts: How Felons Built a Free Society*, Allen and Unwin, Crows Nest, NSW, 2010, pp. 1 and 267.

⁷ Alexander, *Tasmania's Convicts*, pp. 1 and 267; and Babette Smith, *Australia's Birthstain: The Startling Legacy of the Convict Era*, Allen and Unwin, Crows Nest, NSW, 2008, pp. 4-5.

⁸ Alexander, *Tasmania's Convicts*, pp. 54-55. Also see, Bob Reece (ed.), 'Introduction', in *Irish Convict Lives*, Crossing Press, Darlinghurst, NSW, 1993, p. 7.

⁹ Jennifer Harrison, 'Rigby, Hannah (1794-1853)', *Australian Dictionary of Biography (ADB)* [online], <<http://adb.anu.edu.au/biography/rigby-hannah-13171>>, accessed 20 Oct 2011; and, O'Keeffe, *Convicts at Moreton Bay*, pp. 19 and 33-34.

¹⁰ J. V. Gorman to Colonial Secretary, 4 July 1840, and Colonial Assistant Surgeon Ballow to Gorman, 4 July 1840, CS Ref. No. 40/08432, State Library of Queensland, Correspondence of the Colonial Secretary: Letters received relating to Moreton Bay and Queensland 1822-1860, A2 Series [microfilm], Reel A2.11, pp. 234-237.

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Samuel Rigby, about 18 years of age, a native in the colony, supposed to be in the interior, is earnestly requested to communicate with his parent, to the following address...HANNAH RIGBY, 119, Elizabeth-street, Sydney.¹¹

Six years later the *Moreton Bay Courier* reported that Rigby, who 'lived in a hut by herself, near Queen street' in Brisbane, died alone after attending a wedding party in October 1853.¹² No other biographical information is given, except that she 'was a relict of the old times here, having resided in Brisbane many years before it became a free settlement.'¹³ No mention was made of her two sentences of secondary punishment at Moreton Bay; in fact, no hint was given at all of her convict background. Hannah Rigby is the only female convict present in Moreton Bay after 1842 about whom anything substantial has been written. Several publications feature her story; she even has her own entry in the *Australian Dictionary of Biography*.¹⁴ References to Queensland's other post-1842 female convicts, however, are few and far between.

Sarah Davis, another very early arrival in Brisbane, was convicted at the Old Bailey of stealing a yard of white satin ribbon from a haberdasher's shop and transported to NSW on the *Burrell* in 1832. Davis, a 43-year-old cook born in London, applied to marry a free arrival, John Williams, several times in 1833 but was refused as she was already married with four children. It is not known how Davis and Williams overcame the obstacle of Davis' prior marriage, however they were finally married in Sydney in 1837. Williams wrote to the Colonial Secretary in 1841 enquiring about his application to take sawyers to Moreton Bay and applying for permission to reside with his family at Brisbane Town, so it is entirely possible that Davis, who was granted her freedom in 1839, was the first female transportee to arrive at Moreton Bay as a free woman. If so, then it is likely that she squatted with Williams on the south side of the Brisbane River in a bark roofed humpy. It would also seem likely that she later assisted Williams in running his many businesses, including the Captain Piper Hotel in South Brisbane.¹⁵ However, little trace of her life in Queensland exists except for a brief death notice recording that 'Sarah, the beloved wife of Mr. John Williams, licensed victualler' died in 1849 aged fifty-two.¹⁶

¹¹ 'Samuel Rigby', *Sydney Morning Herald (SMH)*, 15 Jan 1846, p. 3.

¹² 'Sudden death', *Moreton Bay Courier (MBC)*, 15 Oct 1853, p. 2.

¹³ 'Sudden death', *MBC*, 15 Oct 1853, p. 2.

¹⁴ Jennifer Harrison, 'Rigby, Hannah (1794-1853)', *ADB* [online], <<http://adb.anu.edu.au/biography/rigby-hannah-13171>>, accessed 20 Oct 2011; O'Keefe, *Convicts at Moreton Bay*, pp. 19 and 33-34; and, Patrick J. Tynan, *The Liverpool Embroiderer: The Incredible Story of the Moreton Bay Convict Hannah Rigby (1784-1853)*, Patrick J. Tynan, Moorooka, Qld, 2011.

¹⁵ 'Williams, John (1797-1872)', *ADB* [online], <<http://adb.anu.edu.au/biography/williams-john-2794/text3983>>, accessed 23 Nov 2011; and, Helen Gregory, 'John Williams: Merchant Adventurer,' in Rod Fisher and Jennifer Harrison (eds), *Brisbane: Squatters, Settlers and Surveyors*, Papers No. 16, Brisbane History Group, Kelvin Grove, Qld, 2000, pp. 90-101.

¹⁶ *MBC*, 14 Apr 1849, p. 1.

Female convict biographies: women traced through legal records

Not surprisingly, female convicts who ran foul of the legal system and appear in Moreton Bay court and gaol records are easiest to locate. The Brisbane Gaol register for the period 1850 to 1864 contains entries for one female convict and twenty female ex-convicts. All were recorded in the register as 'bond' on arrival in Australia but only one was a Ticket-of-Leave holder when admitted to gaol; the rest had earned their freedom prior to admission. Six of the twenty-one women were repeat offenders; the remainder were only admitted once between 1850 and 1864. Three women committed serious crimes for which they were sent to Parramatta Gaol to serve sentences of between one and three years' hard labour. The majority of the remainder who remained in Brisbane appear to have been guilty of offences including drunk and disorderly behaviour, obscene language or absence from their Ticket-of-Leave district, though some were found guilty of more serious crimes including assault. Some met bail and were discharged but most served sentences of between one day and three months. In addition to the twenty-one women admitted to the Brisbane Gaol, another four ex-convict women appeared before the Ipswich Bench and Jane Appleyard, a convict servant assigned to Andrew Petrie, Brisbane's first clerk of works, was tried for drunk and disorderly behaviour on 28 February 1842. In all, twenty-six of the forty-one women I have identified reoffended in Queensland after 10 February 1842.

Mary Allen, Mary Broom and Agnes Ferguson were not only admitted to Brisbane Gaol multiple times, they were also the subject of numerous newspaper articles in the *Moreton Bay Courier* that referred to their 'drunk and disorderly' behaviour, 'profane language' and 'conduct ... of an outrageous character'. Agnes was married in Brisbane in 1848 to an ex-convict, David Ferguson, however by 1860 they were estranged. In March her husband placed an advertisement in the *Courier* warning the public not to give credit to his wife and in August it was reported that 'the lady who some time ago was sold by her husband to one Aaron Walmsley for a horse and dray', was charged with assaulting John Dunford at 'the "Gap"',¹⁷ a station near Brisbane Town owned by an ex-convict, Darby McGrath.¹⁸ The newspaper reported that Ferguson and 'the paramour Walmsley were at complainant's house doing homage to Bacchus by a copious inhibition of rum' following which Dunford was assaulted. Ferguson and Walmsley were sentenced to short terms of imprisonment, the magistrate declaring that 'the "Gap"' was an area of Brisbane which 'bears a very bad repute and requires purification'.¹⁹ Agnes Ferguson died at the Dunwich Benevolent Asylum on North Stradbroke Island in 1893, presumably abandoned by her husband who died four years later at the Brisbane General Hospital.

¹⁷ 'Police Court, Tuesday, August 2. Before the Police Magistrate', *MBC*, 4 Aug 1860, p. 4.

¹⁸ Jeff Hilder, 'The Intriguing Life of a Colonial Pastoralist', presentation at a general meeting of The Gap Pioneer and History Group, Brisbane, 8 Sep 2012.

¹⁹ 'Police Court, Tuesday, August 2. Before the Police Magistrate', *MBC*, 4 Aug 1860, p. 4.

Mary Broom was admitted to gaol six times between 1852 and 1855. In 1848 she was also charged with 'making use of threatening language towards Mr. John Williams, innkeeper' of South Brisbane. Williams complained that Mary had 'frequently annoyed' the neighbourhood over a period of five years 'with her turbulent conduct, while in a state of intoxication' and that during the disturbance complained of she had:

... made use of the most abusive and obscene language, evidently culled from that well-known work called the Flash Dictionary, with a few choice epithets seldom met with except in the lowest purlieu of far-famed St. Giles, which she showered upon his head and that of his wife, to the great disgust of the neighbours ...²⁰

As previously mentioned, Williams' wife was the ex-convict Sarah Davis but it seems the two women did not move in the same circles. Mary was granted a Ticket of Leave for Brisbane in late December 1843 so presumably arrived in Queensland in early 1844. Between 1847 and 1860 Mary had at least six children, though the youngest, Ann, was born and died in 1860, the same year that Mary died aged just 37, possibly in childbirth. Mary's tragic death left her husband, by now running a hotel in Ipswich, in charge of five young children aged two to thirteen.

Information about other female emancipists in trouble with the law is more sketchy. Mary Allen per *Roslyn Castle*, admitted to Brisbane Gaol twenty-six times from 1853 onwards, was mentioned in Queensland newspapers on at least fifty occasions, principally for being drunk and disorderly and using 'filthy and obscene' language. There were, however, over sixty female convicts named Mary transported on the various sailings of the *Roslyn Castle* and as yet I have been unable to ascertain her maiden name. Similarly, several other female ex-convicts admitted to the Brisbane Gaol or who appeared in other court records have proved impossible to identify or find any further mention of in Queensland records.

Female convict biographies: women traced through non-legal records

Women who did not reoffend in Queensland after 1842 are even harder to locate. Eight women were granted Tickets of Leave for Moreton Bay but only one can be positively identified as spending the rest of her life in Queensland. Mary Langley, per *Surrey*, obtained her Ticket on 10 September 1845 on the recommendation of the Brisbane Bench. Six weeks later she applied to marry Henry Skinner, a Ticket-of-Leave man. Permission was granted and the marriage took place in December 1845. Skinner had arrived in Moreton Bay on 21 October 1839 as one of the ordinary prisoners of the crown sent north to maintain the convict establishment until the area was opened to free settlement. He stayed on and was granted a Ticket for Moreton Bay in 1842. We can be certain that Mary Langley and her husband remained in Queensland for the rest their lives as records prove that they both died in Queensland. The remaining seven Ticket-of-Leave holders have proved more difficult to trace; some have disappeared following marriage,

²⁰ 'Caution to Street Brawlers', *MBC*, 8 Jan 1848, p. 2.

others possibly changed their name in order to disappear from view, and some may have only stayed in Queensland for a short time — or perhaps, despite being granted a Ticket of Leave for Moreton Bay or Brisbane, they never moved north to Queensland at all.

Late arrivals: ex-convict women who arrived after the 1851 census.

Three female convicts who arrived in Queensland from NSW as free women during the 1850s and 1860s – Caroline Haines, Ann Jane Burnside and Hannah Lenehan – have been traced through their descendants or other forms of genealogical research. Caroline Haines, per *Buffalo*, was tried at the Southampton Quarter Sessions in 1833 and sentenced to seven years' transportation for stealing four caps, one collar and ten yards of cotton. After the death of her first husband, Thomas Marsh per *Adamant*, she married another ex-convict, Robert Schofield per *John* (1). Caroline and Robert undertook the long and arduous trip by bullock dray to MacIntyre Brook, Queensland in about 1858. In 1862 Caroline was widowed again when her youngest child was four years old, after which she lived on family properties at Perwell and Hillsborough until dying aged 89 at her daughter's house in Roma in 1907. Demonstrating incredible resilience, she endured not only transportation to Australia and the deaths of both of her convict husbands, but also the deaths of two of her twelve children.²¹

Ann Jane Burnside, transported to NSW on the *Margaret* (3), and Joseph Ray, per *Bussorah Merchant*, were the first couple to be married at St John's in Camden, NSW in 1843 before moving to North Brisbane in about 1852.²² The family moved several times, living at Kangaroo Point, Drayton and Ipswich, before moving to Rockhampton where Joseph Ray died in 1866. Ann Jane Ray, known variously as Annie or Jane, outlived her husband for many years, dying in Toowoomba in 1910 just two days short of her ninety-seventh birthday. Her extended family tree includes twelve children (of whom three died young), thirty grandchildren and eighteen great-grandchildren, all born in Queensland.²³

A recent airing of an episode of *Who Do You Think You Are?* on SBS Television revealed that Queensland television journalist and presenter, Kerry O'Brien, is a descendant of Patrick McEvoy and Hannah Lenehan, Irish convicts transported to NSW who moved to Queensland in the 1860s. Sadly, McEvoy and Lenehan's story is one of extreme poverty and crime with Hannah, transported on the *Sir Charles Forbes* (1835) for stealing livestock, being admitted to Darlinghurst Gaol in 1857 and 1858. Living in appalling conditions in the slums of Chippendale, Patrick was forced to move north to

²¹ Irina McKavanagh, Barbara Baker and Jan Shaw [incorrectly attributed to Neville Lines], 'Caroline Paulina Haines (Hynes)', *Generation*, Genealogical Society of Queensland, Vol. 34, No. 2, (Dec 2011), pp. 34-37.

²² Eric Ramsden, 'St John's, Camden. Anniversary of Consecration', *SMH*, 10 Jun 1933, p. 9.

²³ Jan Bimrose (descendant of Joseph Ray and Ann Jane Burnside), 'Joseph and Jane Ray', unpublished manuscript (copy in author's possession), Feb 2011, last updated 13 May 2011, pp. 4-20.

Moreton Bay to find work, leaving Hannah to fend for herself and eight children. The family was finally reunited when Hannah and the children joined Patrick in Dalby, west of Brisbane, presumably not long after she was acquitted of 'keeping a brothel in Wood's-lane, off Parramatta-street' in 1864.²⁴

There is no reference in any official Queensland records that would indicate the former convict status of these three women, particularly as they had all married and changed their surnames prior to arriving in Queensland. Researchers locating Hannah McEvoy, Caroline Schofield and Ann Jane Ray in Queensland in the second half of the 1800s would have no reason to suspect that they had been transported to Australia as convicts. Given that over half of the 107 female transportees present in Queensland in 1851 currently remain unidentified, presumably because they arrived as free women and never reoffended, I believe that it is this avenue of research, conducted by genealogists, that could potentially bear the most fruit. I also anticipate that further research will reveal that many of these women, as argued by Babette Smith, Grace Karskens, Lucy Frost, Hamish Maxwell-Stewart and others, took control of their lives, raising families and becoming valued members of the working class.²⁵

Conclusion

While many of the forty-one women I have identified were guilty of various crimes resulting in imprisonment, and others lived on the margins of society where they were alcoholics, public nuisances, victims of crime and possibly prostitutes, we should not lose sight of the fact that the sample of women identified for this study is heavily biased towards those who continued to reoffend. With many convict and legal records having now been consulted, it is possible that the majority of the 107 convict women who were present in Queensland in 1851, and those who arrived afterwards, lived quiet, unremarkable lives. For this reason it is this group of female convicts that will prove the most challenging to identify. Perhaps it could be argued that the women who reoffended suffered the most tragedy in their lives, whereas those who did not reoffend were the most resilient. I would argue, however, that they all suffered tragedy in their lives, not only being transported to the other side of the world, far away from their loved ones and everything that they knew, but also, regardless of the path their lives took, experiencing discrimination, disease, death and heartbreak. If resilience is bouncing back time and time again after tragedy and hardship, then I believe the evidence demonstrates that all of Queensland's ex-convict women showed incredible resilience and admirable determination to forge a new life in what would have then been considered Australia's wild frontier.

²⁴ SBS Television, *Who Do You Think You Are?*, Series 4, Episode 2, aired 3 Apr 2012; and, 'Metropolitan General Sessions,' *SMH*, 21 Sep 1864, p. 2.

²⁵ *Chain Letters*, Lucy Frost and Hamish Maxwell-Stewart (eds), Melbourne University Press, Carlton South, Victoria, 2001; Smith, *Australia's Birthstain*, Allen and Unwin, Crows Nest, NSW, 2008; Grace Karskens, *The Colony*, Allen and Unwin, Sydney, 2009; and, Lucy Frost, *Abandoned Women*, Allen and Unwin, Crows Nest, NSW, 2012.