

**From Crime Class to Confinement:
Giving Birth in the Convict Female Factory
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Many convict women were punished by the convict system at some time during their pregnancy. In a sample of 291 mothers whose babies were baptised at the Female Factory, I found that 54% were sentenced at some point in their pregnancy. 31% were sentenced in their first trimester. In a study of the same sample, I found that the mother's punishment did not have a significant impact on rates of infant mortality. In fact, there was a very small indication that children of mothers who spent about 20% of their pregnancy in punishment were more likely to survive. A larger study is needed to make any definitive claims, but what of the mothers themselves? Did they perceive any benefit in being sent to the Factory when they were expecting? Did these women share stories between each other? What other factors that led them to commit offences while they were pregnant?

This paper draws stories of convict women from the patient case notes created at the female factory hospital by Dr William Seccombe in 1848. They are unique in telling us where the mothers were discharged to, after giving birth.

Mary Ann Davey

Mary Ann Davey was a 21 year old cook, transported for stealing shawls and boots. She arrived in Van Diemen's land in 1844. Before her marriage to James Whitworth in 1847, she had no offences listed against her name. This suggests either that she was consistently well behaved, or that her employers were tolerant of the occasional misstep by a woman who could whip up a decent jelly.

By the time of their marriage, James Whitworth was a merchant's clerk with a ticket of leave, and nearly twice her age. He had been a convict constable in Bothwell and the few offences against his name were related to fighting, leaving his district and allowing a prisoner to escape, but his conduct was praised by his other employers. James had been recommended for a conditional pardon a few weeks before they were married, and Davey was to receive her ticket of leave on the 15th of February 1848.

The couple's future disintegrated when they were both charged with larceny under five pounds, on the 12th of February. Both had their tickets of leave revoked, their sentences extended by 18 months, and were put on 9 months probation. Davey was six months pregnant.

We don't have court records from Bothwell in this period, so we don't know what was taken, or the circumstances around the discovery of their crime, only that

they were found equally culpable. It seems plausible that the motivation for taking this risk was the need to support the new addition to their family.

Davey was sent to Cascades Female Factory, where she was placed in the Crime Class yard. She was probably working at the wash-tubs when she went into labour.

Her labour lasted 13 hours. Of the 20 births recorded in the patient notes that survive from Cascades, 13 hours was the longest duration of labour. Dr. William Seccombe was the author of this log, and noted that Davey was 'a woman of good physical development', and that this was her first child. Her son, Severius, was delivered at 3pm on 9 May 1848.

During their last few days of Davey's 'lying in', the baby developed 'the apthous appearance in the mouth and tongue'. Apthous ulcers are often known as canker sores, and are very rare in infants, but these symptoms were common in the Female Factory hospital. A more likely diagnosis was thrush, and Dr Seccombe diagnosed Mary McKay's baby with thrush on the same day. Severius was prescribed something containing 'boracin' or boric acid. McKay's baby was treated with alum. Did this doctor genuinely believe he was treating different conditions, or was this an experiment to test the effectiveness of each treatment? Today we know that alum was the safer option - boric acid is reasonably toxic when used internally, and has been known to cause seizures in infants.

Two days later both mothers were judged fit to be discharged to the crime class yard to terminate their sentences, and the doctor made no further mention of the children.

In the months following the birth of their child, Davey and her husband struggled for freedom. On September 18 a clerk recorded that the 'unexpired portion of [Davey's] sentence was remitted on petition from her husband'. However, this never eventuated. While the petition was being considered, another letter had been written, dated the 15th, to state that the petition had been withdrawn. This is confusing. Did James withdraw the petition before he knew that it had been approved, or was it judged invalid because he was under sentence for the same crime?

James' petition against his own sentence had been refused in April, so he was not in a position to support his family. The couple continued to petition regularly for tickets of leave - probably assisted by James' high literacy. After three more petitions, Mary Ann regained her ticket of leave in July 1849, followed by James in September. They were both free by 1852.

Despite the uncertainties surrounding his early life, the baby survived. The child baptised by his mother and the convict establishment as Severius Davey probably became James Sylvanus Whitworth once mother and baby returned to the influence of his father. A man of that name was married in Victoria and was charged with the assault of a woman in New South Wales in 1888. He died in New South Wales at the age of 78 in 1925.

Although their crime destabilised their family for a time, Davey and her husband were able to rebuild their lives. James Whitworth became a successful shopkeeper, or 'general dealer', in Liverpool Street, and the couple raised eight daughters, and two more sons, with nine children surviving to adulthood.

Mary McKay

Mary McKay's life was more unsettled. At 31, McKay was already married with 2 children when she was transported from Scotland on the Angelina for theft. She was a dressmaker, and her husband was a soldier.

Her son James was the second child born since her arrival in Van Diemen's Land. She became pregnant in September of 1847. In October she did two months hard labour for being absent from her master's house. She was released in December, but she was absent again at the end of January, and given 6 months. By then, she was five months pregnant.

McKay's son, James, was born healthy, and although the surgeon noted that she was a 'strong hale woman', she suffered from fevers, constipation, and her milk did not come in well. The surgeon was surprised at this, and tried giving her more food, but it made little difference. When the baby developed thrush, it must have become even harder to feed.

Four weeks after McKay left the hospital the surgeon noted that another new mother, Rachel Davidson, was 'temporarily taking charge of McCay's child - and therefore allowed port'. The delay in addressing McKay's difficulty feeding and the substantial incentive given to the wet-nurse suggests that this was not done regularly or lightly, and James had probably been sent with his mother to the Crime Class yard when she was discharged.

At 5 months old, James died at Dynnyrne nursery of Marasmus (basically, starvation). *Davidson's* daughter lived until the age of 5 ½, when she died in the Orphan School.

Interestingly, McKay followed almost exactly the same pattern of pregnancy and offending three times.

Several historians have argued that convict women used the Factory as a sort of

refuge. It was a known environment. By placing themselves there, they could exert some control over their circumstances. It was also a communal space, where they could be with other women like themselves, and support each other. However, they did not control the duration of their sentences and it could not have been ideal to be under hard labour so soon after giving birth.

Two of McKay's sons were named William. This was the name of both her husband in Scotland and the man who applied to marry her in 1853. This application was not approved, and she may have married John Alice in 1857. Only one in four of McKay's children survived to be retrieved from the Orphan School after she became free, and it only have been practical to do this after she was married.

Mary Turner

Mary Turner, and her partner in crime Ann Sykes, were transported for assaulting and robbing people as they came out of the theatre. Turner had a previous conviction for 'dressing up in men's clothes'. I presume this might have been an element of the later caper - allowing them to be a more effective threat when accosting people in the dark. Then again, it could have been for fun. She had worked as a prostitute, three years 'on the town'

Thomas Ensor/Endsor had already been in the colony for 23 years when he married Turner, not 12 months after her arrival. He was a convict, transported for life for 'shooting with intent to murder' (he claimed he was poaching). He also claimed to be 35 when they were married, but he should have been more like 52, while she was 25.

Turner was assigned to her husband, but this did not prevent her from being brought before a magistrate. She was punished twice for using obscene language, once for being drunk and disturbing the peace.

She was not under sentence when she gave birth. She did not have to go to the Female Factory to have the baby, but the provision of food and medical care may have been too convenient to pass up. It worked out well for them. The doctor oversaw the 'arrouchement' of Turner's 'fine healthy male child, full grown', administered castor oil to move along the bowels, and after a few weeks in the hospital, mother and baby were sent to the nursery yard to await 'her husband, calling for her'.

Over the next few years Turner *may* have been a dutiful mother, but she was not a dutiful wife. First, she was 'found in bed with George Barlow'. The year after, she was charged with 'making use of obscene language and being in a water closet with a strange man'. I'm not sure which of these things was judged to be the greatest offence. She happened to be 6 months pregnant on this occasion. She delivered another baby at Cascades, but it was stillborn. Mary

Turner died in Hobart hospital in February 1852. Thomas Ensor left for Melbourne on 23 May and may have died on his way back in November (the cause of death was old age and infirmity, but he was only 57). Their son did not appear on the passenger lists, he was living in Green Ponds when he married in 1869.

Ann O'Neill

Ann O'Neill followed her husband and her sister to Van Diemen's Land. She earned her passage by receiving stolen goods (and getting caught). If we speculate that she may have been trying to be transported, her crimes in the colony appear to have been similarly intentioned.

O'Neill was 4 months pregnant in 1848 when she stole 7 shawls and was sent to the Factory for 12 months hard labour. After the baby was born, O'Neill had 8 months remaining of her sentence. She was discharged from hospital to the cookhouse, which was either a unique punishment or an indulgence. Her baby had looked healthy at first, but died of pneumonia at 4 months old.

In 1849, O'Neill appears to have reunited with her husband, who had gained his ticket of leave. Despite this evident change in circumstances, and the tragedy of her son's death, she was again 4 months pregnant when she committed larceny under 5 pounds and was again given 12 months.

Inconsistencies

Not all women who gave birth under sentence were required to complete their punishment in the Crime Class.

Ann Boyes was discharged to the nursery yard even though she had a month left on her sentence. The benefit of this indulgence was reversed when she was punished with 14 days in the cells for 'Idleness and Insolence' when her baby was 3 months old. He died at 7 months of 'enteritis'.

Elizabeth McCann had 3 months left of her sentence when she gave birth, which she did not have to serve.

Conclusions

The general understanding has been that convicts with infants in the Female Factory would be sent to the nursery, so that they could feed their children for at least six months, before being assigned to an employer. The hospital records show that this was not always the case. In many cases, sentences were carried out regardless of the demands of childcare. However, I have not found evidence that the child was taken away from the mother in these cases, unless she was not able to provide sufficient breastmilk.

I suspect that a mother under sentence had to manage hard labour with a baby, just as she had done during her pregnancy. There must have been some arrangement that allowed breaks for feeding and changing, and places for the infants to sleep. The main nursery was at Dynnyrne during this period, but a few nursing mothers might have been housed in the nursery yard at Cascades.

There is some evidence that women like Mary McKay and Ann O'Neill wanted to be in the Female Factory during their pregnancy. The sentence of hard labour may not have differed greatly from the work they were already engaged in. It was a group environment, and may have provided social and practical support, which was lacking in the houses of their employers.

Becoming pregnant while a convict was risky. Even if a convict was married, pregnancy would make her less able to work and therefore more vulnerable to poverty. Women who stole, or engaged in prostitution while pregnant may have been driven by an economic incentive. We have even less chance of knowing the motivations of women were charged with absence - an offence with a mysterious multitude of possibilities, which range from large scale exercises of agency such as engaging in prostitution or seeking an abortion to small actions like sneaking off to seek advice from a friend, meet with a lover, or take time out to clear one's head.

The internal lives of convict women will always be a matter of speculation. However, more studies like this will help us to discover their communal lives, and in turn, what influenced their decisions.

References:

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Tasmanian Archive and Heritage Office: Female House of Correction Hobart - Infirmary Book, 1848 (AF585/1/1)

(Accompanying powerpoint document is available on request)