

## **Insights into the female convict system: the 1843 Inquiry into Female Convict Discipline**

When Alison asked me to talk about the 1843 Report into Female Convicts I pondered on the best approach, given that time is limited. My knowledge of the report comes from the fact that I read it quite a lot of times as I prepared it for loading onto the group's web page!

The bulk of the papers relate to the establishment and proceedings of a *'board set up in Sept 1841 to investigate and report on all the points bearing upon Female Discipline in this Colony'*. The Report was submitted in 1843.

Before starting on the actual report, I will say a little about the context in Van Diemen's Land, then I will divide the rest of my time into three sections, talking about one or two of the authors of the report, then about some of the officials and others who were interviewed by the Board, and finally I will talk about the evidence given by some of the female convicts and the Committee's recommendations.

As I am sure most of you will know, Van Diemen's Land was in a turbulent period in the early 1840s as far as the convict system and politics were concerned. The relatively stable period under Governor Arthur was over and questions were being asked at all levels of Government about whether the system of transportation and punishment were effective tools in the reform of prisoners, particularly women. John Franklin and his staff such as Maconochie, brought a more liberal attitude to convicts with them from England, and it seems inevitable that there was a clash of ideals between them and the public servants left after Arthur's time.

In 1838 the Secretary of State directed that modifications to the system of convict discipline should take place and Franklin decided to stop the assignment of convicts from July 1840, but this was not intended to affect the assignment of female convicts.

With Transportation to New South Wales ending in 1840, pressure was building in Tasmania with increasing numbers of convicts arriving. The rise in numbers was felt in places such as the Female Factory which was already overcrowded. In December 1841, out of 2785 female convicts in Tasmania, roughly a quarter were held in various institutions, and more than half of these were in Hobart. There was a constant change of individuals in the Female Factory, the report says. 576 females 'have been received, and 514... discharged' during 1842. So it was not just a question of the total number of female convicts, there was an increasing workload in handling them.

So what does the Report tell us.

The main voices at a political level that come through from this report are that of Adam Turnbull, and Josiah Spode. John Montagu, and John Franklin are there too, but are less significant in this story.

Turnbull had arrived in Tasmania in 1825 and settled in Campbell Town. He entered the Colonial Medical Service, and was appointed assistant surgeon but also held many temporary positions in the public service and later, seemingly, wrote many of Franklin's dispatches. While not explicitly stated, it seems likely that as Chairman he was largely responsible for the work of the Board and completion of the Report.

Josiah Spode had been in Tasmania since 1821, arriving with a land grant but aspiring to colonial service. Between 1831 and 1839 he was the principal superintendent of Convicts, then became a member of the Legislative Council for two years – during which time he opposed the liberal views of Maconochie. In 1841 he was re-appointed to his previous position in charge of convicts, which he held until the office was abolished in 1844. If Turnbull was the author, Spode was the voice that you hear most clearly when reading the report, chiefly because he was one of those interviewed by the Committee, so you get his responses to direct questions.

I do not really have time to talk about Montagu or Franklin.

Next, a sample of those who gave evidence to the Board. The most important of these were the Superintendent of the Female Factory in Hobart, John Hutchinson and his wife, who was the matron, together with the equivalent superintendent in Launceston - Robert Pearson. Then among others, I have chosen the Police Magistrate Mr Price, and Mr Goodwin, shoe-maker and previous employer of assigned servants. All those interviewed had a lot to say on the topic of the life and habits of the female convicts at the time.

The evidence of the two superintendents gives a good idea of the organisation and daily routine of the convicts, as well as of their own jobs in the institutions.

They describe how the convicts rise at 6.0am, then have Chapel, clean the rooms and bring in the wood before breakfast at 7.45. Then follows the work assigned to the women from 8.0 – 1.0, dinner for an hour and a half, and more work from 2.30 to 5.0.

The Superintendent's duties were the assignment of convicts, serving out rations and visiting the different parts of the building, as well as dealing with the convict's work. John Hutchinson said that there was only enough work to keep the women occupied for about half the time. For example "*There is insufficient work in the wash-house, except when a convict ship arrives*". And *When we had only about 260 women, the present looms kept the women very well employed.*

There is a description of the various classes into which the women were divided during their progress through the system. The details of the rations in the various classes are also given.

When a convict ship arrived, the women sent direct to the Factory were either those not assigned because no-one picked them or they were infirm or diseased, or those assigned in the interior. Initially the new arrivals were kept separate from older inmates.

John described the effect of being in the factory - at first the women were depressed but '*continuance in one of the wards generally finished a woman's education in vice and takes away her sense of shame*'...'*which was only to be revived when she is sentenced to the cells*'

John was in favour of assignment as the women had *'a good example & regular employment'*, though in some places *'severe treatment, neglect of food & clothing and the children being allowed to abuse them'* meant the placements were not satisfactory.

In his mind *all the 'evils' of the system have been made worse by the increase in the number of inmates*. Overcrowding and lack of work in particular were his major concerns.

Mrs Hutchinson, the matron, said those confined to the Factory deteriorated more than those on assignment, as a result of so many congregating together and the bad characters ridiculing those who are better *'disposed'*.

Police Magistrate, Mr Price, made one interesting comment. He said he would prefer a Ticket Of Leave woman in preference to a free female servant as *'good servants'* were often transported, but few free good servants come. His view of the Female Factory was that *"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 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."*

Mr Goodwin, shoe-maker of Hobart gave evidence. He said he no longer applied for assigned servants *'in consequence of their bad conduct'*. He said *'they 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. These items were available from the Turnkeys. The old hands are not afraid of the Factory.'*

These then are some examples of those dealing with the female convicts and they provide insights into the conditions prevailing at the time.

The testimony of the convict women provides the other side of the story, though clearly these are a small sample as I don't have time to cover them all. One woman, Grace Heinbury, aged 26 when she arrived on the Atwick in 1837, was transported for stealing cheese, butter. She told of her numerous assignments and described the conditions in several of them where she had been ill-treated and abused. Reading her story, it is easy to feel real sympathy for her plight. She also talked of being able to pay for many extras in the Factory – *'those who have money can always get enough to eat whilst the others are hungry'*. She seems to have been happy to traffic in all sorts of contraband in the Factory– for example tobacco, tea, sugar and meat, so she was clearly no angel. She reported that inappropriate sexual behaviour in the Factory was common but those practicing it were despised by the other women. She also reported that only the Wash House Yard was hard work. Her view was that *'The Factory is no punishment if a woman has money'*.

There is an account from a 'free citizen' Mary Kirk who was sentenced to 2 years in the Female Factory for a crime committed here. Once inside she was appointed a nurse/midwife and then a Turnkey. *Many of the women do not care about being in the factory.... There are some who remain out for a few days for the purpose of making arrangements to get supplies & then 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*

Another convict, Bridget Monahan said: *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. (which was smuggled in).., the best part of them prefer being in the factory to serving the settlers .... unless they can get to a place where they have plenty of liberty they would sooner be in the factory.*

Mary Haigh who had stolen a silver watch, gave a description of the women known as the Flash mob

*In the Factory are found several women known by the name of the "Flash mob" who have always money, ... 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.*

*She said: Before I went there I had a bad opinion of it, I was afraid of being sent there but on becoming acquainted with it I did not look on it as a place of punishment.*

*The Factory is a great deal less severe than the English Gaols.*

So what were the conclusions presented by the Board in 1843?

They were divided into two parts:

They reported firstly on the moral condition of the females in the factories and secondly on whether the Female Factories were themselves satisfactory, and whether assignment or other disciplinary measures were appropriate punishments.

The Committee had been distressed by the wickedness of the immoral behaviour, with several incidents reported, and detailed accounts of evidence given in cases brought against some of the women. They did not seem to offer any suggestions for improvement in this matter.

The Board reported on the staffing in the Factories - poor pay was a major problem, as was the use of convict Turnkeys or Overseers, who, they said, should be replaced by Free females— (something that would seem impossible to implement). They were also of the view that the women should be given more work to do – lack of work is ‘*one of the most prominent defects in the arrangements*’ Within the Factory they recommended a Separate System to keep the groups small and lessen the ‘contamination’ between old hands and new arrivals. Each Penitentiary should really be ‘*a place of punishment*’.

All were agreed that a proper system of Assignment should be continued, and, as with marriage, was highly desirable for female convicts in preference to Probation. By putting the women all together in probation – *it will contaminate the ones who would never have*

*offended in the colony, and waste the time where the 'convict might otherwise have been laying the foundation of a useful life in the new world.'*

These papers provide a window into the life and times of the female convicts as seen from the various viewpoints.

Two final comments. If the report had been prepared in 2016, it would have been returned to the authors to condense the recommendations into half a page as an executive summary! It is very wordy!

Secondly, given the reality of the situation, exchanges with London, and the usual 'tyranny of distance' factor, the recommendations made by the Board were doomed probably before the Committee even started work. Assignment on arrival in the Colony was soon to be phased out and replaced by a period of Probation on the Anson. The Report may have been a waste of time and effort but it has left us with clear evidence of the situation in the Female Factories, not available elsewhere. The papers make interesting reading for those who are curious, both about the system and the people both inside and outside the Female Factory in the 1840s.