

Chapter Two

The discarded generation

Farewell! Thou art gone to rest
Thy toils and cares are o'er
And sorrow, pain and suffering now
Shall ne'er distress thee more.

Headstone of George Lee (1820-72), former
convict and husband of Mary Shepherd,
St Arnaud cemetery, Victoria

The early attitude of British officialdom towards the convicts was harsh and uncompromising. Having broken the law, the transgressors forfeited the rights and privileges normally enjoyed by the citizens of Britain. Their actions were seen to be beyond the pale and they were treated accordingly; as chattel either to be employed by the state in activities considered too dangerous for law abiding citizens, or sold for profit as indentured servants to colonial landholders in the Americas or the Caribbean. In the beginning especially, transportation, like imprisonment, tended to be seen not as a means of reforming miscreants and returning them to society to begin anew, but as a system of retribution that banished the transgressors and used their example to deter others from breaking the law. Transportation was a device for terrorising England's own population. It was also a death sentence symbolically, if not literally, for those affected since they were not expected to return to their country of birth but to remain permanently in exile, discarded and unwanted.

This attitude was informed by a number of basic assumptions about the convicts and criminals generally. The first was that they came from an autonomous criminal class or, as the Tasmanian opponent of transportation John West described it in 1851, a 'robber caste' that was concentrated in England's major cities where its members 'lodged under the arches of bridges or nestled in nooks or corners, wherever they could burrow'. Indeed, according to West, criminals were of such numbers in London that the districts of that city 'occupied by the better class of society, seemed but a small portion of the metropolis[] like islands in a sea of vice and destitution' (West, 1971: 341). A second and related set of assumptions were that criminality was contagious, attractive to

the young, and transferable both from the master criminal to his apprentice and from one generation of 'tainted' families to the next. Thus the children of the convicts, their children and any social structures that embraced them were likely to remain contaminated by the 'stain of criminality'. This was specially so in such 'thief-colonies' as Botany Bay. The perceived solution to the problem of criminality was physically to remove it. Operating beyond the strictures of either wrath or reason, the criminal classes were seen to threaten not only the property and persons of England but its moral universe as well. They and the canker of criminality could only be expunged by cutting them from the body politic. Hanging was one means. Transportation was another since, in the words of Robert Hughes, it would remove

... once and for all, the source of contamination from the otherwise decent bosom of the lower classes, and ship it "beyond the seas" to a place from which it could not easily return. There it would stay, providing slave labour for colonial development and undergoing such mutations toward respectability as whips and chains might induce. The main point was not what happened to it *there*, but that it was not *here* (Hughes, 1988: 168).

A third assumption, or fear, held by Britain's elite was that the criminal classes were exploiting, or even helping incite, the social and political unrest that was then sweeping the country. This concern stemmed from the revolution in France in 1789 and was heightened by such subsequent local developments as food rioting, demonstrations against the Corn Laws, the eruption of Luddism, agrarian or 'swing riots' in the rural areas in the south-east of the country, and the rise of the Chartist movement. Rather than see these events and actions as an inevitable consequence of the industrial and other changes taking place in Britain at the time, those in power viewed them as a threat to the established political order, one that was incited by such subversive pamphleteers as William Cobbett and Thomas Paine, and was whipped up by Jacobin and other *agents provocateurs*. This additional threat to the established order had also to be ruthlessly excised. In response to the protests at Newport, Peterloo and elsewhere, the government declared a state of emergency in the affected areas, suspended *habeus corpus*, and deployed the army, yeoman cavalry or special constables to 'virtually wage war on the local population' (Rude, 1978: 61). Those leaders of the protests who survived this onslaught were hauled before unsympathetic magistrates and judges who sentenced them to hang or, like their criminal counterparts, be transported 'beyond the seas'.

These prevailing attitudes and assumptions were both flawed and misconceived—perhaps, as we will see later, purposely so—but they continued to be held by the majority of England’s legislators and would inform many of the unreasonable demands they placed on the Colony’s early governors. These tended to share their superiors’ opinion of the convicts, variously describing them as ‘innate villains’, ‘people of the most abandoned principles’ and ‘the most infamous of mankind’. Although contemptuous of them, however, most governors sought also to encourage and reward those convicts who were not ‘perfectly abandoned’ and were willing to work hard and make something of their lives. These incentives included giving convicts limited supervisory or constabulary duties, granting tickets-of-leave and pardons to those who performed acts of bravery or served the colony well, and providing land to emancipated convicts and their families.

This policy was driven as much by pragmatism as principle. For while the British Government had begun to encourage its law-abiding citizens to emigrate to the colony, the number of free settlers remained very small; in 1791 there were only 86 settlers in the whole of New South Wales and most of these were either former marines, soldiers or convicts. Under these circumstances, the colony’s early administrators had little choice other than to rely on convict labour to build roads and public buildings, cultivate government farms, and help such land holders as John McArthur and the Reverend Samuel Marsden develop their estates. The convicts may have represented the refuge from England’s sewers but they provided an important if expedient means of supporting the colony’s expanding economy. Their use in this way led many colonial governors to be criticised in England for being too lenient and thereby undermine the government’s desired image of Botany Bay as ‘a theatre of horror acted out for a distant audience’ (Hughes, 1988: 302). It would also be conveniently forgotten once sufficient emigrant workers arrived to take up the convicts’ places in the workforce.

Like their counterparts in England, Australia’s early administrators and colonists were also constantly afraid of the convicts and what they might do. Unlike the British case, these fears were sharpened by the convicts’ sheer numbers and physical presence. Of the 3108 people living in Sydney and its surrounds in 1792, for example, 2362 were convicts. This proportion declined in later years although, until the gold rushes of the 1850s, one in five overall and, in districts such as Liverpool and Goulburn, up to one in two of the population were convicts or of convict origin. The

sense of unease in the non-convict population was enhanced by the colony's remote location—it would take months for the authorities in London to hear of any major rebellion, let alone despatch additional forces to help deal with it—and by a number of more general worries and concerns. These included the fear of a possible attack by the forces of Republican France or their occupation of some uninhabited part—at least by whites—of the country. This would have encouraged more convicts to escape or rebel by adding substance to the rumours, spread by some of their more enterprising members, of the existence of other, less malign settlements beyond the British garrison at Sydney. It led Governor King, from 1803, to establish small settlements at Port Phillip, Port Dalrymple (later called Launceston) and Hobart Town.

A second factor was the perceived threat posed by Irish and nonconformist radicalism which, together with the spectre of the French Revolution, were seen to threaten some kind of workers' revolt. Those Irish patriots who were transported to New South Wales following the 1798 rebellion were described by Governor King as 'ruthless, violent and turbulent characters with diabolical schemes for the destruction of all industry, public and private property, order and regularity' (cited in Clark, Vol. I: 169). King's predecessor, John Hunter, considered them all to be dangerous anarchists, intent on spreading their 'seditious, absurd, pernicious and diabolical views' throughout the colony (cited in Gleeson 1981: 88). These views were enhanced in 1804 when the Irish convicts William Johnston and Peter Cunningham incited several hundred of their countrymen at Castle Hill to take up arms and march on Parramatta and then Sydney in a bid to overthrow the authorities and achieve their freedom. Johnston and his supporters were betrayed by a fellow Irishman and the rebellion was quashed by soldiers from the New South Wales Corps. Its ringleaders were hanged, Cunningham on the spot and Johnston and seven others after brief trials in which the case for the prosecution was helped prepared by the colony's spiritual adviser, the Reverend Samuel Marsden (Silver, 1989).

The insurrection at Castle Hill was an isolated incident that was fed as much by the bloody politics of Irish independence as by local grievances. But it confirmed in the minds of the authorities, the dangers posed by the Irish and other convicts and encouraged the view that they needed to be closely monitored and controlled. This meant that, in its formative years, the colony operated as a police state or a 'Panopticon without walls' (Hughes, 1988:382), wherein convicts were constantly watched and reported on by

their supervisors, superiors, spiritual counsellors and employers. Those who worked in the chain gangs were encouraged, with extra rations or promises of pardons or tickets of passage back to Great Britain, to inform on their fellow prisoners. Assigned convicts were not permitted to leave their place of employment without their master's approval. At the pain of losing their labourers, settlers were required to report incidents of convict disobedience, indolence and absenteeism to their local magistrates who would investigate the charge and prescribe an appropriate punishment. These included periods of confinement to barracks or a prison cell, working in irons on the road gangs or, for more serious offences, being despatched to a secondary punishment establishment at Coal Creek (later Newcastle), Port Macquarie, Moreton Bay, Macquarie Island, Port Arthur or Norfolk Island. The standard punishment, however, was the lash or, as Alexander Harris described it, the 'soldier's natural revenge':

The fact is that officers, and especially young officers, when made magistrates get irritated at the hardihood of a class of men whom they have made up their minds to despise; and the cat being a soldier's natural revenge, they let fly to it directly (Harris, 1847: 12)

And let fly they did. Individual magistrates routinely ordered punishments of twenty-five lashes—the 'tester' or 'Botany Bay dozen'. Panels of magistrates awarded up to 300 lashes. And such commandants of the secondary penal establishments as Captain Patrick Logan of the 57th Regiment, Captain Foster Fyans of the 4th (King's Own) Regiment, Lieutenant-Colonel James Thomas Morisset of the 80th Regiment, Major Joseph Childs of the Royal Marines, and John Giles Price, the fourth son of the Cornish baronet, Sir Rose Price of Trengwaiton, were virtually unconstrained in their administration of floggings. In the years 1830 to 1837, over 42,000 floggings were administered in New South Wales, or one for every five convicts in the colony. Each flogging averaged 44 lashes. Each lash tore the flesh from its victims' bodies, humiliated them in front of assembled audiences, and left them scarred, emotionally as well as physically, for the remainder of their lives. The cat-o'-nine-tails became the cruel emblem of the convict era, its 'whistle and dull crack...as much a part of the aural background to Australian life as the kookaburra's laugh' (Hughes, 1988: 427).

In spite of their harsh treatment and constant harassment and provocation, there was almost no attempt by the convicts to overthrow or directly challenge the authorities and, according to

Lloyd Robson, 'no direct evidence of smouldering warfare between convict and master' (Robson 1965: 10). This is not to say that the convicts were neither resentful of their circumstances nor uninterested in change. Many harboured a strong sense of injustice over their mistreatment both as prisoners of the crown—a view that was 'impressed industriously upon newcomers in the penitentiary' (Robson 1965: 110)—and as emancipated workers. Like any repressed group, they would have entertained private thoughts of revenge against both individual gaolers and the system as a whole. Among trusted friends they would have recounted their own and others' experiences of prison, and drunk to the liberation and future success of all 'laggards' or 'croppies' as they called themselves. But, as Marjory Barnard noted, any actual resistance shown by the convicts towards the system tended to be passive rather than active:

They ran away—"absconded" was the period term—though that got them quite literally nowhere. They lost their tools and sabotaged the work from which they would have benefited. The more ingenious ones created momentary excitement by bringing in tales of discoveries of rivers, precious stones, marble, or whatever they thought would be most popular' (Barnard, pp.56-7)

While relatively powerless to do much about their lives as convicts, they later sought to better their conditions once freed. Again these aims were pursued through largely peaceful rather than violent means—by political agitation and via the pages of such independent newspapers as the *Australian* and the *Monitor*. The rejection of revolutionary or violent paths to reform could be seen to be in the spirit of the Chartist and other movements in England which were then agitating for political and social change. But it probably had as much to do with the nature of the convicts themselves and their circumstances. They were, after all, mainly from the urban and rural working classes and so were well schooled in the politics of deference. Although acutely aware of the injustices confronting them, most had neither the experience nor the skills to organise a sustained campaign of opposition beyond the random predations of villainy or bushranging. They were also only too aware of the ruthless and unforgiving nature of those who ruled over them. As Andrew Wilson graphically argues, in spite of their pretensions towards benevolence and civility, the ruling classes in those times were prepared to stop at nothing to protect their power bases both at home and abroad. They were generally indifferent to the suffering and privations of individual workers and—as seen during the famine in

Ireland—whole communities of the underprivileged. Britain's society at the time was, in short,

... a ruthless, grabbing, competitive, male-dominated society, stamping on its victims and discarding its weaker members with all the devastating relentlessness of mutant species in Darwin's vision of Nature itself (Wilson, 2003: 120).

The closely-monitored system of control applied not only to assigned convicts. Ticket-of-leave holders—those who had served their probation periods and were entitled to engage in any lawful occupation they could acquire—had, on arrival in their work district, to register their residence at the local police office, and obtain permission from a magistrate to visit another police district. In Tasmania after 1840 they had also to report to the police in June and December each year, not be absent from their registered place of residence between 10pm and daybreak, and not enter theatres or billiard rooms. Very few convicts and former convicts were able to abide completely with these restrictions, including the Hickmott brothers. On 12 July 1847 Samuel was formally reprimanded by a New Norfolk magistrate for misconduct by being in a 'disorderly house'. The garrulous and life-loving Thomas was convicted and sentenced three times, receiving: 24 hours solitary confinement for being in a public house in New Norfolk on 29 October 1846; six days hard labour on 20 March 1847 for being 'out after hours in [the] company of a common prostitute'; and, on 2 August 1847, seven days imprisonment and hard labour for being out after hours and in a public house. Thereafter their record sheets remained clear. It may not be coincidental that, on 3 January 1848, Samuel had married another convict servant of Turnbull's, Susan Pickup, in a small ceremony that was witnessed by Thomas at St. Mathew's Anglican Church in New Norfolk. On the other hand, it may have been that Thomas, especially, was dissuaded by the prospect of a stint at Port Arthur, or that he became more astute at working around the bureaucratic strictures that dominated the brothers' and their fellow convicts' lives.

The convict classes were not the only ones to suffer from the depredations of a system of surveillance and control designed to 'grind rogues honest'. Confronted by growing numbers of escaped felons, the New South Wales Government legislated, in 1830, a Bushranging Act which enabled free as well as bonded workers to be arbitrarily apprehended by military or civilian police. Manacled, they would be marched or dragged off to the nearest lock-up where they would have to convince a residing magistrate

they were neither bushrangers nor escaped felons. This was often no easy matter since, as Alexander Harris warned prospective immigrants in his book *Settlers and Convicts*, the magistrates had 'so long been used to dealing with the poor wretched convicts' they 'would wish to treat free people in the same way' (Reference). Those seeking work in the outlying regions of the colony were also often apprehended and interrogated by 'farm constables'—prisoners who were responsible for controlling the convict workers on a property—and incarcerated in private lock-ups until they could be handed over to the colonial authorities. Since the apprehension of a known bushranger could lead to a reduction in the farm constables' own prison sentence, many of the latter spent more time 'peering after every labouring man they can get sight of and demanding his name, business and pass' than on their normal supervisory duties (Harris, 1847: 83).

Thus the tentacles of the police state spread far beyond serving and former convicts to include almost everyone else not from the governing or moneyed classes. This was because, as Manning Clark argued, those in colonial society lived in a virtual 'state of siege, with human depravity in the attack, and force, terror, fear, spying, prying, rumour and meddling the weapons for its defence'. The basic purpose of this structure, Clark continued, was 'to protect the few against the evil machinations of the many'. The means for achieving this aim were both inventive and exhaustive. They included:

... the use of passes to proceed from one settlement to another; the restrictions of movement after sounding taptoo [sic]; control of firearms; orders against inflammatory libels and seditious assemblies; punishments for hiding convicts and deserters; orders against forgery, perjury and gambling; punishments for vagrants and idlers; general musters of the population; formation of loyal associations; provisions for watchmen and town police; the forbidding of loitering on the wharf; even the denying of rumours of a settlement beyond the mountains. (Clark, Vol 1: 244-5).

Fear of the convicts was not restricted to the prospect of physical violence or abuse. As in Britain, many colonists believed that the convicts carried in their blood a 'virus of criminality' that would serve to taint future society. In their view several generations of crime-free lives would need to pass before positions of responsibility could safely be given to the convicts' descendents. These beliefs were particularly prominent among the richer set of free settlers—the self-styled 'pure merinos' or 'exclusives'—who, while prepared to engage in commerce with emancipated convicts,

refused to mix with them socially. As Louisa Meredith reported during a visit to New South Wales in the 1840s, there existed a 'strong line of demarcation' between the emancipists and free emigrants and settlers that even '[w]ealth, all-powerful though it be—and many of these emancipists are the richest men in the colony—cannot wholly overcome' (Meredith, 1973: 50-1).

The 'convict stain' figured prominently in the inflamed and 'tub-thumping' rhetoric of the Anti-Transportation League that was formed in the late 1840s to oppose the British Government's decision to recommence the transportation of felons to New South Wales and Queensland. Members of the League branded the first ship bringing the latest cargo of felons to Sydney, the *Hashemy*, as a 'crime-freighted vessel', while transportation itself was referred to as an 'importation of crime'. The radical journal the *Peoples' Advocate* railed against convicts and convictism; an 'ugly foulness rooted in our blood' that 'made the colony a dunghill'. The *Sydney Morning Herald* was no less hysterical, calling on the Colonial Office not to 'contaminate' the colony again with criminals and so dissuade the continuing emigration of 'gentlemen of birth and education...their accomplished wives and beautiful daughters' (cited in Sturma, 1983: 51-53).

Similar claims were made during an 1837 inquiry by members of the British Parliament into the efficacy of the transportation system (the Molesworth inquiry). Its report used the fact that many English convicts engaged in sodomy—'a stain of the deepest dye'—to question the colony's overall moral standing. This served to outrage the local elite who had gone to considerable pains to maintain a clear social distance between the convicts and, as Judge William Burton described them, the colony's 'superior classes': government officers, lawyers, large landholders, merchants and clergy—in Burton's opinion, 'as respectable a body of gentlemen ever associated together in any colony'—as well as their wives who were 'precisely what English ladies should be' (cited in Sturma, 1983: 28).

These views were maintained by the colonial elites in particular even though they did not exactly match the general reality of colonial life. As a result of the 'stupid savagery of the penal code', as the historian W. K. Hancock put it, there were among the transported convicts numerous people who would make a significant but still unacknowledged contribution to the colony's development and future well-being. This was particularly the case for Australia's female convicts, the so-called 'women of Botany

Bay'. As Portia Robinson concluded from her detailed study of the women transported to Australia between 1788 and 1827:

Whatever changes there might be in their lifestyles in the penal colony, they would be unable to escape the condemnation and suspicion of the 'respectable' colonists. In the eyes of their contemporaries, these Newgate women would remain the scum, the refuge of London ...the disgrace of their sex (Robinson, 1993: 101-2).

No-matter, then, that the majority of the women transported were able to rise above the conditions that saw them arrested and transported and lead relatively normal and productive lives. No-matter that they overcame the pain of a forced and often final separation from their loved ones at home to establish and succour new families and communities in New South Wales and Van Diemen's Land. No-matter that most renounced their former criminal ways and were never again before a magistrate or a court. In the eyes of respectable society and its commentators they remained 'drunken whores' or 'debased prostitutes' and so were accorded neither pity nor understanding much less social acceptance.

No-matter, too, that by the 1840s thousands of former convicts and their descendents—so-called 'currency lads' and 'currency lasses'—were living and working in areas beyond the major settlements as shepherds and hut-keepers, stockmen, sawyers, farmers and labourers. As the accounts of these times make clear, although the bush contained its share of layabouts, drunkards and thieves, the majority of those who lived there were industrious, honest, fair-minded and remarkably hospitable, ever willing to share their meagre food and lodgings with travellers or neighbours in need. In contrast to the expectations of society, the native-born white Australians neither behaved nor even looked like their parents. Most were not only 'punctiliously honest and sober', they were generally taller and healthier than their forebears, sallow of complexion and better mannered. Although not well educated, they possessed an instinctual intelligence that enabled them to 'learn anything with uncommon rapidity' (Paterson, cited in Molony, 2000: 26). They also stuck together and were, as Robert Hughes enthused, much stronger than their parents in pursuing their passions and principles.

The men were 'clannish'; mateship and class solidarity were absolutely fundamental to their values. They were great street-fighters. One in, all in: 'If a soldier quarrels with one, the whole hive sally to his aid; and often they have turned out at Christmas-time, and beat the redcoats

fairly into their barracks'. The currency lasses tended to be gauche, pretty, credulous, sexually precocious ... but astute in improving their lot through matrimony. They married early ... spent a lot of time at the beach and swam like 'dab-chicks'. They were, in short, very like their seventh-generation descendents' (Hughes, 1988: 359).

Such sentiments were not widely shared, however, by those who came free to the colony and made the early native-born 'feel second-rate and outsiders to society because of their parentage' (Molony, 2000: 1). As a consequence, relatively few among the convict's offspring rose to positions of importance in society. Nor did they seek to assert any measure of independence in colonial affairs, accepting instead the British or Anglo-oriented identity that was being constructed for them by their social 'betters'.

Why, in spite of the evidence to the contrary, did the myths about convictism and the 'convict stain' prevail? One reason was that the local proponents of the myth simply aped the views of their contemporaries in Britain. These made their judgements solely on the basis of the convicts' criminal records and ignored the possibility that, just as widespread poverty, growing unemployment and increasing population movements within Britain at that time drove many to rob, steal or prostitute themselves in order to survive or support their families, so the better living conditions and employment opportunities in the colonies provided ample incentive for many of these same unfortunates to pursue crime-free lives. As the enlightened colonial surgeon James Thompson wrote in 1804, there was in New South Wales 'everything to make people happy who are not determined to be discontented with everything'. Thus 'good mechanics who had been convicts', had opportunity for 'plenty of employment' and to live 'with their families in great comfort and even luxury, comparatively speaking with the manner in which people of the same description live in England' (cited in Roe, 1956: 157).

The colonists' predispositions towards the convicts were undoubtedly enhanced by the latter's indolence and sullen demeanour, by their perceived addiction to various vices and unnatural behaviours, and by their often strange customs and incomprehensible dialects. They would have been reinforced by sermons delivered from the pulpit, by the often sensationalised accounts contained in the colonial press of the behaviour and exploits of escaped felons, and by the towns peoples' daily contacts with convicts both past and present. These were

dominated by the sight of prisoners in stocks, of convicts being publicly flogged for some misdemeanour or other, and of the gaunt, manacled and roughly-clothed felons employed on public works across the colony. Convict behaviour and misbehaviour was also constantly on display in such cantonment areas as the Rocks district located above Darling Harbour in Sydney. Here, according to the redoubtable Alexander Harris who visited the place in the early 1820s, lived:

... all of the worst characters of this penal colony – the felon, whose ill-directed punishment had only rendered him more obdurate, cunning and slothful; the prostitute who (if such a thing can be) had sunk yet lower; the fence watching for a livelihood by plundering the plunderer; many, who, without great positive vices, a sort of brute like ignorance and uncouthness had rendered it impossible for more orderly and rational society to amalgamate with itself; and many drawn into the vortex of ruin through their mere want of direction, or energetic resolve for either good or evil (Harris, 1847: 7)

But colonial attitudes towards the convicts (and their descendants) were not only informed by the latter's lives and activities. As Michael Sturma (1983) argues, they were shaped, as well, by the interests, ideologies and 'occupational obligations' of many of those making the claims. These were driven, in turn, by a desire to maintain political power and a need to achieve respectability. In the former case, criminality and the 'convict stain' provided convenient means by which the exclusive faction could stigmatise both their emancipist competitors and the colony's emerging working class and so undermine their demands to own land and be allowed participate in the running of the colony. The wealthy emancipists, they whispered, had likely accumulated their fortunes through dishonest means and therefore could never aspire to the only true form of respectability, one that combined wealth with unblemished character. How was it possible to even contemplate, they continued, giving land or the vote to people who were drunkards and prostitutes, and continued to engage in such activities as sodomy and incest?

The second case was more complex, incorporating notions of both acceptance and self-identification. In the early days at least, the colony's administrators, soldiers and free settlers would have shared at least some of the negative imputations directed at the inmates of Britain's latest penal colony. If New South Wales was a dumping ground for Britain's most notorious and unwanted criminals, what did this say about those who were chosen to act as their gaolers? It is likely that the colony did not rank highly on

Britain's list of imperial postings and appointments—an assertion supported, perhaps, by the sheer number of drunkards, malcontents, sadists and incompetents who were given commissions there—or on the scale of the home country's own, finely tuned, social pretensions. Officials and colonists would have been acutely aware of this and would have gone to considerable pains to demonstrate their fitness to their superiors in Britain and, even more importantly perhaps, to themselves.

Thus, in the beginning, as the uniforms of the gaoled and gaolers alike disintegrated in the unrelenting sun, the soldiers beat the convicts in order to exorcise their own fears and frustrations and to demonstrate their authority. 'Every curse, kick and blow the marines rained on the exhausted "crawlers"', the convict artist Thomas Watling later wrote, 'was meant as a reinforcement of superiority, not just an incitement to work' (Watling, cited in Hughes, 1988: 103-4). In later years, members of Sydney's society deigned not to swim in the sea or go to its beautiful beaches since these were frequented by the emancipists and their sun-loving children. In contrast to their Australian-born contemporaries, few among the colony's 'respectable ladies' ventured to 'risk their complexions to the exposure of an equestrian costume', while they all complained interminably about the colony's weather and the poor quality of its servants (Meredith 1973: 39 and 43). They preferred to be seen dining on imported English food instead of the colony's bountiful fish, lobsters and other inexpensive produce. Some even went so far as to pretend they were not living in a penal colony at all but in an outlier of British society (Hughes 1988: 346).

These pretensions increased as society across the colony became infused with members of Britain's middle and artisan classes who, from the late 1830s, had begun emigrating in increasing numbers and brought with them their distinctly Victorian values and ideals. These were shaped by the twin dynamics of utilitarianism and evangelism and included such homilies as hard work, sobriety, piety, chastity and respectability. Whereas the profligate and vulgar behaviour of the remnants of the convict era may have been ignored, perhaps even condoned, by the bucks and swells of the Regency and late Romantic eras, there was no room for such condescension by the Victorian middle classes. Using the fruits of the industrial revolution, these had finally gained the recognition they so desperately desired and were now determined to exercise their newly-won social power over the classes below them. Their capacity to do so in Britain remained constrained by the continued

presence of members of the aristocracy and the landed gentry. As we will see in later chapters, these limitations were nowhere near as strong in Australia and so the middle classes zealously set out to transform the loose and, in their view, morally corrupt colonial society into something that was worthy of Britain's gathering imperial splendour. A key element in this project was to conflate colonial 'respectability' not just with the elimination of convictism and the dreaded stain, but also with the adoption of 'Englishness' as the Australian way of life, and loyalty to the British Empire as its clarion call. In the words of Robert Hughes:

Get rid of convictry, keep the imperial attachment□ such was the local reformer's tune. No Bunyip Demosthenes preaching abolition would open his mouth against the pollutions of English crime without unfurling long red-white-and-blue preamble assuring Her Gracious Majesty, Queen Victoria, of his undying, wholehearted and grovelling fealty to the British Crown (Hughes, 1988: 559).

The disparagement of the convicts and their offspring may have been motivated as well by the guilty knowledge that the barriers between good and evil had, from the colony's very beginning, been breached by the politics of desire. Many among the colony's male leaders had taken convict women (and presumably some men) as their mistresses, consorts or temporary partners. Others used them as (un)willing accomplices in the destruction of Aboriginal society and the dispossession of Aboriginal land. These acts of immorality and greed did not sit well with the evangelistic norms that increasingly underpinned middle class society. They also provided grounds for a measure of convict independence and limited resistance especially among the women of Botany Bay (Damousi, 1996 and Schaffer,...).

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On 12 February 1851, Edward Hargraves and some associates found gold near Guyong outside Bathurst. Six months later there occurred the first of a succession of discoveries of gold in and around the towns of Ballarat and Bendigo in Victoria. The ensuing rushes of people and money into the colony put an end to any further transportation of convicts to the eastern states although small numbers of felons continued to be sent to the Swan River settlement on the western reaches of the continent. But even as their relative numbers declined in the face of the tide of free immigrants now flowing into the country, the process of demonising the convicts and convictism continued apace. It

informed the Victorian Government's proposed Convict's Prevention Act of 1852 which required that the emancipated convicts streaming into the goldfields from Van Diemen's Land be able to prove they were 'unconditionally free' (a demand that was eventually overturned by the British Government since it discriminated against those convicts who had been granted conditional pardons). Former convicts were subjected to the iniquitous Masters and Servants Acts which enabled employers to incarcerate their servants without trial. Fear of convictism fed into elite concerns, described in later chapters, about the introduction into the colonies of responsible government. It encouraged the emergence of a social system in which 'all particulars and incidents of persons' past lives ... [were] minutely and rigidly canvassed' (Anthony Trollope cited in Reynolds, 1969: 26). And it formed the basis of a continuing and 'obsessive cultural enterprise' which sought to sublimate Australia's early history and 'drive it down into unconsulted recesses', to

...play down the obdurate attachment of the Australian rank and file to its bushranger heroes, to the distant memory of Bold Jack Donohoe and the recent one of Ned Kelly. The memory of the English officer and his punishment book, of the whole detested machinery and practice of forced labour and flogging, was shifted into the background as one of the things on which it was unhealthy to 'dwell' (Hughes, 1988: 597-8).

This attempt to relinquish our past was, on the surface at least, spectacularly successful. Under concerted attack from the respectable elements of society and their key agents, former convicts began to keep their backgrounds to themselves. Their children, like Martin Boyd in his autobiographical saga of the Langton family, quietly expunged their parents' convict origins and connections from family and community folklore. Over the next 100 years very little from the transportation era was either written about or displayed in the country's museums and art galleries. What was published tended either to damn the convicts unreservedly or to romanticise their lives and times. They were hardened and unrepentant criminals. Or they were the innocent victims of a harsh and unfeeling social and political order in which:

The law locks up the man or woman
Who steals the goose from off the common,
But leaves the greater villain loose
Who steals the common from the goose.

(cited in Hancock, 1961: 24).

The version of Australia's history taught in its schools and universities was that written by the country's gaolers and their descendents and so focused on its early governors, explorers, dynastic families and pastoralists. Ordinary Australians rarely featured in these stories. Influenced by the mores of the time, they also exhibited little interest in tracing their ancestral roots, felt embarrassed by revelations of convict forebears, and went to considerable pains to obscure, cover over and even deny their links with our convict past. As far as a series of subsequent generations of Anglo-Australians were concerned, our national history and identity began in the 1850s.

This 'historical amnesia' or 'cult of forgetfulness' was a convenient if ultimately flawed response to the experiences of the convict era. It was convenient in that it helped cement, for a time, the exclusives' political power by putting the emancipists on the defensive and erasing, or at least driving underground, their cases for land reform and political representation. It also enabled the landed gentry and those rich emancipists, such as W. C. Wentworth, who had 'crossed the line', to conceal, absolve themselves of, or re-write their part in the colony's early history. In this regard they followed the practice of Britain's Prime Minister W. E. Gladstone and others from the English ruling class who conveniently 'forgot' that their families' fortunes and grand estates in Britain and Ireland had been underwritten by the slaves who toiled on their plantations in Jamaica and elsewhere.

Although convenient, such a strategy was also flawed because the legacies of the convict era and the role played by the colony's 'respectable classes' could never be kept hidden or repressed forever. As W. K. Hancock (1961: 28) later noted, any attempt to break with the past is likely to fail since there will always 'come down to us, by subtle hidden channels, a vague unmeasured inheritance from those early days'. Much the same point was made by Robert Hughes who argued that 'a young country does not serve as a pad on which England drew its sketches for the immense Gulags of the twentieth century without acquiring a few marks and scars' (Hughes, 1988: 162). More dramatic still was the charge of Thomas Begley Naylor, the Chaplain of Norfolk Island during part of Joseph Child's infamous reign as Commandant there. In his despairing report to Lord Grey of Child's ill-treatment of the convict inmates, Naylor warned the Colonial Secretary that 'the curse of Almighty God must sooner or later fall in scorching anger upon a nation which can tolerate the continuation of a state

of things so demoniacal and unnatural' (cited in Hughes, 1988: 536).

What were the key features of the convict era that Australia's colonial elites preferred us to forget, and some of its major consequences and legacies? One of the former, of course, was the exclusives' part in the repression, brutalisation, and physical, sexual and commercial exploitation of so many of the 150,000 unfortunates who were exiled to Australia. While many colonial administrators and citizens, such as Arthur Philip, Lachlan Macquarie, Caroline Chisholm and Alexander Maconochie, treated their charges fairly and compassionately, too many others either abused their responsibilities towards the convicts or were too weak or compromised to prevent others from doing so. Another was to discard or, at best, downplay the convict's real and tangible contributions to Australia's early history, rather in the way the work of artisans and craftsmen on such national monuments as the Sydney Opera House or Canberra's Parliament House are sublimated to their architect's reputations. A further feature was the unfair treatment and stigmatising of the women convicts, and their marginalisation in the colony's subsequent history, stories and emerging (and largely 'fratriarchal') culture (Dixon, 1999a). Still another was the dispossession and near-destruction of the Aboriginal Australians.

In this last case, while disease, and the white population's rapacious demand for land were probably the key agents in the headlong rush towards the indigenous peoples' 'final tragedy' (Clark, Vol. I: 160), the role played by the system of convict control cannot be discounted. The Aborigines were particularly hated by the convicts who resented the higher status accorded them by the British authorities and used this resentment to appease the anger that arose from their own privations and mistreatment. Their loathing of the Aborigines was enhanced by the official use of blacktrackers to hunt down escaped felons, and the practice of rewarding local tribes for capturing, sometimes torturing, and then returning these prisoners to the authorities. In this way the Aborigines were seen by the convicts not only to be unfairly privileged but also in league with their gaolers. As a consequence those who had the greatest contact with the Aborigines also despised them the most, saw them as their tormentors and enemies, and, for the most part, viewed them with neither compassion nor understanding. These views were passed on to their children, the currency, some of who, away from the eye of the law and with the support or at least acquiescence of the

pastoralists, joined their parents in shooting, poisoning and hunting the Aborigines towards extinction.

What of its legacies? Many looking back believe the convict era not only served to shape our future racial, social and sexual attitudes but also exerted a formative influence on Australia's overall culture and identity. Russell Ward, for one, has argued that the characteristics, attitudes and values of the (mainly male) convicts and their descendants—taciturn, hard-working and hard drinking, loyal to their kind, suspicious of authority, and deeply sceptical of intellectual and cultural pursuits—were adopted by the country's rural and working classes. Through the trade union movement and such 'nationalist' periodicals as the *Bulletin*, furthermore, these values have also significantly shaped (both then and now) our national 'mystique' (Ward, 1958: 13). In this way, Ward continues, many of the radical values and ideals of the emancipists and their descendants have prevailed and, as such, provide us with the basis of an alternative national cultural and political narrative.

Others take a much less sanguine view. Ann Curthoys (2001) suggests that the arguments about convictism and the fears of degradation and condemnation that informed them, provided a kind of cultural imprint that has served to shape the subsequent and largely racialised debate in Australia over who should (and should not) be part of the continuing colonisation project. Miriam Dixon (1999b) and others suggest that our determination to forget or repress the convict experience, combined with the harshness of frontier life and an inherited enlightenment tradition, have produced a 'flat', under-nourished, even 'hard' national psyche. Driven more by the Australian landscape than its people, such an outlook is said to be primarily instrumental, pragmatic, indifferent, and obsessed with both the external and the superficial. Like Ward, these more critical commentators are interested in constructing alternative narratives of the Australian experience. They believe, however, that such a project needs to go beyond affirming the positive elements of the convict era and acknowledge, and come to terms with, its darker side as well. Until we reconcile ourselves with our past, they suggest, we will find it difficult to move forward, to loosen the hold of the era's legacies and ghosts, and, even, perhaps, to escape the prospect of some kind of continuing or future retribution. The systematic, wholesale and indifferent transgression of so many peoples' lives, bodies and rights is unlikely to come without important psychic and spiritual costs that need to be recognised and confronted.

A further legacy of the convict era was the predominance of a dependent or 'weak' sense of national identity, where 'Englishness' was the accepted measure of social acceptability, and loyalty to the British Empire the cornerstone of declared nationalism. The adoption of a more English than an Australian identity reflected, in part, the colony's British roots. Its convict origins notwithstanding, the colonies of New South Wales and Van Diemen's Land were offshoots of the mother country and so carried many of the ties and sentiments associated with that familial trope. But it was also, as we have seen, influenced by a number of deeper feelings and forces. These stemmed from the colony's precarious beginnings and were heightened by its physical and cultural remoteness, unforgiving environment, and the ever-present fear of the convicts and the convict stain. Colonial Australia was an insecure or 'frightened county'; an outpost of Empire and nation of 'independent Britons' surrounded by a hostile and alien environment; a nation determined to maintain its British identity while nervously scanning both its citizens and the horizon for all manner of potential threats and impurities. Such fears served to foster the 'imperial patriotism' that 'greeted every English success in the revolutionary wars against France with relief and joy' (Clark, Vol I: 154). They would, as we will see in subsequent chapters, be a key factor in the formulation of the Australian state. They would also act as a kind of strategic-cultural imprint that would shape Australia's future defence and foreign policies, commit us to various imperial expeditions and wars, and see a further generation of Australian dreams and Australian lives—including those descendants of the convicts—exploited and sacrificed on the altar of British and Australian imperial interests. Was this the retribution that Thomas Begley Naylor warned us of, and would we recognise it as such?

But these are considerations for the future. The increased flow of free emigrants and then the gold rushes of the 1850s brought to a close the convict era by simultaneously ending, in Australia, the need for a cheap source of labour and, in Britain, the deterrent effect of transportation. While thousands of convicts remained either incarcerated in government penal establishments or employed as assigned workers throughout the colonies, their relative numbers and importance to the country's economic well-being were rapidly declining. Their presence would continue, as we will see in the chapters that follow, to exercise the minds and imaginations of the respectable and emerging middle classes alike. This provided some of the unfortunates with a long-denied sense of notoriety, even power. But for most it meant keeping a low

profile and getting on with their lives as best they could. For some this meant continuing to live on government handouts or the charity of their employers. Others retreated into the bush or sought solace in either drink or further degradation. Many settled within the districts to which they had been assigned and there enjoyed at least the love and support of their colonial families. But many, including the Hickmott brothers, decided to leave behind the place and pain of their convict experiences and try their luck on such new frontiers as Port Phillip and South Australia. There the demand for labour was high and, beyond the towns, people were judged more by their capacity to work than by their past sins. Indeed in the early years of these latest colonial outreaches, to be a Vandemonian served not only as a matter of pride, it was likely also, for the squatters and the men who worked for them, to be a harbinger of success.