

World of Australia

by G. McKenzie

CONVICTS



A government jail gang, Sydney, NSW

Augustus Earle, 1830

Convicts

CRIME, AND A LOT OF PUNISHMENT

All human societies have criminals; it is exceedingly rare for a successful society to be founded by a mass influx of criminals from a far and distant land.

In 80 years of convict transportation, over 160,000 prisoners were transported from Great Britain and its empire to Australia.

Great Britain was suffering from a century-long crime wave. The industrial revolution, changes to land laws, and an increasing population caused social and economic turmoil and many fell into crime or despair.

By 1820, over 150 offences were punishable by death.

These included not only violent crimes like murder and rape but many non-violent ones, such as forgery, petty theft, concealing assets during bankruptcy, sending threatening letters, and cutting down trees in a public park without permission.

The proliferation of the death penalty made every criminal the legal equivalent of a murderer, and criminals became unafraid to commit more serious crimes in order to cover up their lesser ones.

The death penalty therefore stopped being an effective deterrent and other remedies were sought.

Deportation to the English colonies in America had been policy, but the independence of the United States meant a new location was needed.

New Holland, sparsely populated and claimed by no other empire, was a viable alternative.

The criminal would be simultaneously removed from Great Britain, employed in the development of its colonies in Australasia, and hopefully reformed while in custody.

For the convicts, exile to Australia was the alternative to execution; life in Australia became the alternative to death.



There's no justice in an English court, whose main business is generating business for itself. But the English legal system, battle-tested around the world for centuries, remains superior in almost every way to its competitors.

A Trial at the Old Bailey Courtroom

Thomas Rowlandson & Augustus Pugin, 1809



Shown at the age of 73, at the end of a long and successful career in politics and law, judges like Sir Huddleston in accordance with British law ordered men deported to Australia.

Sir John Walter Huddleston

Frank Holl, 1888

Convicts

THE FIRST BUILDERS

Early Australia is sometimes compared to a slave society or a prison society.

Slavery is an institution by which one man can legally own another man as property. Slavery was never legal in Australia, for the first governor, Arthur Phillip, made its absolute prohibition a condition of his participation.

So where the task of labour fell to slaves in other countries, in Australia it fell instead to the convicts. They built the roads, bridges, barracks, courthouses and other government buildings and infrastructure that were fundamental to early Australian life.

While convicts were not owned as property, they had in common with slaves the experience of being deported by force to a distant and alien land and being compelled to develop it.

But if Australia was not a slave society, surely it was a prison society. Were not the convicts after all the prisoners of the Crown?

But Australia was not a jail society as we would recognise it. There were no walls to keep the convicts in: the bush and sea were all there was besides. The sexes mixed regularly and convicts were often allowed to bring with them their families and children.

Our practice of locking men up without female company would be seen as unnatural and cruel.

Well-behaved convicts were employed as overseers and placed in positions of authority over their fellows. When their time was up, good behavior could be rewarded with a land grant.

An empire was deporting its criminals to build a colony, rewarding them with land for their labour. This was a strange society indeed.

But long after convictism had ended, the works of these first builders continued to stand in the cities of Australia.



Long after convict transportation ended, the cities of Australia continued to play host to their 'convict creations'. Do you know any convict sites near you?

Melbourne gaol in sunshine from the Public Library

Frederick McCubbin, 1884

Convicts

RIOTERS AND REBELS

The convicts, being prisoners, behaved as prisoners do: riots, rebellions, and escapes were part of convict society.

The Irish were the great troublemakers among the convicts. Many of them had been transported for political offenses against British rule in Ireland, including participation in anti-British rebellions.

They brought their politics and rebellious behaviour with them to the colonies. In early March 1804 over 230 convicts escaped their prison farm and began to raid nearby villages.

They were led by Philip Cunningham. He wanted to take over the colony and secure passage back to Ireland. But his forces were divided and disorganised. One of them surrendered to the British when challenged, and revealed their plans.

Governor King declared martial law and soldiers and civilian guards were mobilised to crush the rebellion. They ambushed and captured Cunningham, and the rebel army was engaged, quickly surrendering.

Cunningham and eight others were executed without trial. Over 35 convicts were killed and many others punished with dozens and hundreds of lashes.



Governor Phillip King

Date and artist unknown



Caste Hill Rebellion
Artist unknown, 1804

Convicts

A SOCIETY OF EXILES

The impact of deportation on the men and women subjected to it was extreme. They became exiles from the land of their birth but were still expected to be loyal to the empire that had expelled them. And they still relied on this empire for protection and to guarantee their liberty after their emancipation.

But even if they could return home, it was not clear that they had anything to return to. Aside from the convicts, who carried their conviction forever, hundreds of thousands of people were given assisted passage to Australia. Many had been dirt-poor and on the edge of starvation when they began the journey south.

And so early Australia became an exilic society: filled with exiles, outcasts, never-do-wells, the destitute, and many other misfits. The theme of exile and having to die far from one's homeland became a major theme in Australian writing.

The most famous depiction of convict life is Marcus Clarke's novel *For The Term of His Natural Life*. This was not the first or only piece of convict literature, but its story of wrongful imprisonment without hope of redemption is the most enduring.

But time after time it was not the pain of exile that drew attention in literature, but the wish that it might one day be different.

Australians understood that the convicts were the founders of their society. That a new society should be born in this way, as a giant prison filled with human misery and hardship, was unfortunate but not fatal.

The suffering of the convicts was no more permanent or worse than that which had been experienced by others before them.

The future of Australia was not etched in stone; its history was still being written. And so hope, not exile, became the most powerful motivating force in early Australian life and literature.



A Chain Gang

Edward Backhouse, 1842



Only 81 of the ship's 208 convicts survived this crash of a transport vessel.
Miraculously, almost all of the sailors and guards and their families survived.

The Wreck of George the Third

Knut Bull, 1850