ISLAND CHAINS: CARCERAL ISLANDS AND THE COLONISATION OF
AUSTRALIA, 1824-1903

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Katherine Ann Roscoe
School of History, Politics and International Relations
University of Leicester

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Abstract

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Katherine Ann Roscoe

This thesis is about the transportation of European, Indigenous and non-white immigrant convicts to islands off the coast of Australia. It argues that carceral islands were defined not by isolation but by connection. They were part of local, colonial and imperial networks through which people, goods and ideas travelled. Through these connections, carceral islands played a key role in the colonisation of the vast Australian mainland. They acted as sites to remove those who resisted conquest or disrupted settler economies and then convict labour was re-utilised to benefit the colonial project. Using prison records and colonial office correspondence as its primary source material, it shows that islands were systematically used within the Australian convict system to isolate and extract labour from convicts.

The study turns on three case studies – Melville Island (Yermalnear) in the Northern Territory, Rottnest Island (Wadjemup) in Western Australia and Cockatoo Island (Wa-rea-mah) in New South Wales – to demonstrate that carceral islands were vital for the success of colonisation. The first two chapters focus on how officials and magistrates 'imagined' these islands as secure, bounded 'natural prisons', which they used as destinations for absconders and Indigenous peoples who they deemed to be 'escape risks'. The second half focusses on how convicts experienced island geographies in their everyday life, examining how proximity to the sea shaped the labour regimes convicts underwent, particularly building maritime infrastructure, and the forms of agency convicts undertook, particularly how they used access to sailors and the sea to smuggle and escape. Collectively the chapters show that islands were 'differentiated spaces' that served punitive and economic roles within the broader convict system.

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Contents

List of Figures[1]

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[1] Figures 1.1 to 3.2 are the work of Laura Vann.

List of Tables in the Appendix

List of Abbreviations

BPP	British Parliamentary Papers
CO	Colonial Office
NSW	New South Wales
SRNSW	State Records of New South Wales
SROWA	State Record Office of Western Australia
TNA	The National Archives (UK)
WA	Western Australia
VDL	Van Diemen's Land

Note on Transliteration

The Indigenous Australian names that are used are anglicised versions of names or nicknames that appear in the colonial government's records. Several versions of the names of people and community affiliations occur as G/K, A/U and D/Th were often used interchangeably.[1]

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[1] M. Prentis, *Concise Companion to Aboriginal History* (Kenthurst: Rosenberg, 2008), p. 12.

Chapter 1

'Islanding' Australia

This thesis explores the impact of island geography on perceptions and experiences of punishment in the Australian colonies through the investigation of three case studies: Melville Island (Yermalnear) in the Northern Territory, Cockatoo Island (Wa-rea-mah) in Sydney Harbour and Rottnest Island (Wadjemup) off the coast of Western Australia. Chapters 2 and 3 explore how islands, beyond their physical features, were integrated into the 'imaginary geographies' of imperialism and colonialism which were necessary for the production and functioning of the criminal justice system in Australia.[1] Chapters 4 and 5 focus on the physical geographies of islands to show how their permeability to the sea and relative isolation impacted on the experiences of convicts and prison staff. This thesis offers a conceptualisation of islands as 'in-between' spaces at the edge of the colony but on the cusp of empire. As sites of punishment they isolated convicts from kinship networks, but as sites of labour extraction they connected convicts to imperial economies through spatially-stretched geometries of power and control.[2] This complex conceptualisation of islands facilitates a close and nuanced examination of the physical spaces of incarceration and the importance of place-making within empire.

My key intervention is to apply an island studies' methodology to the colonial system of punishment in the Antipodes. Many of the Australian colonies used offshore islands as penal establishments for Indigenous, European, settler and migrant convicts. Their punitive function resulted partly from geographical factors including visible and physical separation by water, natural boundedness and the sense of isolation that was frequently derived from this landscape. Melville, Cockatoo and Rottnest Islands were in-between spaces, situated both on the colonial periphery and at the cusp of vast oceans.

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[1] D. Gregory, *Geographical Imaginations* (Cambridge, MA: Blackwell, 1994); L. Veracini, 'The Imagined Geographies of Settler Colonialism,' in T. Banivanua Mar and P. Edmonds (eds) *Making Settler Colonial Space: Perspectives on Race, Place and Identity* (Hampshire: Palgrave Macmillan, 2010), pp. 179-197.
[2] D. Massey, 'Power-geometry and a progressive sense of place,' in J. Bird, B. Curtis, T. Putnum, G. Robertson and L. Tickner (eds), *Mapping the Futures: Local cultures, global change* (London: Routledge, 1993), pp. 59-69.

They are ideal spaces through which to investigate the interplay between local and global forms of connectivity and mobility.

This study makes four contributions to Australian historiography: (1) it challenges the myths of islands as 'natural prisons', and in so doing undercuts assumptions about the 'notoriety' of convicts on island penal stations; (2) it brings histories of European convict systems and the punishment of Indigenous people into dialogue by tracing spatial continuities and entanglements; (3) it explores how convicts on islands worked in maritime industries which turned islands into outposts that extended colonial governance across the sea; (4) it turns this last point on its head and shows how convicts deployed maritime mobilities to resist carceral regimes. By considering these four interventions one by one, the following section outlines the specific and original contributions of this thesis to Australian, carceral, and imperial historiographies.

(1) By dismantling perceptions of islands as 'natural prisons', this thesis also undercuts archetypes of the 'worst kind' of convicts who suffered under the most brutal penal regimes. It traces these stereotypes of islands as sites of ultimate banishment through colonial officials' correspondence from the first few weeks of European colonisation. Historians including Robert Hughes have uncritically accepted contemporary discourses of natural or geographic security, and used island landscapes as metaphors to underscore the repressiveness of the penal regime and the 'criminal class' of its inhabitants. [3] Recently, historians including Tim Causer and Hamish Maxwell-Stewart have revised 'received interpretations' that the penal stations of Norfolk Island and Sarah Island held the worst convicts or were unremittingly harsh sites of punishment. [4] Yet, archetypes of isolation continue to define how many other island

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[3] R. Hughes, *The Fatal Shore: A history of the transportation of convicts to Australia 1787-1868* (London: Pan Books, 1987), chs. 13-15; A.G.L. Shaw, *Convicts and the Colonies* (London: Faber and Faber, 1966), ch. 11; R. Nobbs, *Norfolk Island's and its Second Settlement* (Sydney: Library of Australian History, 1991); M. Hazzard, *Punishment Short of Death: A history of the penal settlement at Norfolk Island* (Melbourne: Hyland House, 1984); R. Evans and W. Thorpe, 'Power, Punishment and Penal Labour: "Convict Workers" and Moreton Bay', *Historical Studies,* 25 (1994), pp. 90-100.

[4] T. Causer, 'Anti-Transportation, "Unnatural Crime" and the "Horrors" of Norfolk Island', *Journal of Australian Colonial History*, 14 (2012), pp. 230-240; T. Causer, 'Norfolk Island's "Suicide Lotteries": Myth and reality', in Professional Historians Association NSW (ed.), *Islands of History: Proceedings of the 25th Anniversary Conference* (Sydney: Anchor Books, 2011), pp. 61-68; T. Causer, '"Only a place fit for angels and eagles: The Norfolk Island penal settlement, 1825-1855', Ph.D. thesis (King's College London, 2010); H. Maxwell-Stewart, *Closing Hell's Gates: The death of a convict station* (Sydney: Allen & Unwin, 2008); H. Maxwell-Stewart, 'Convict Workers, "penal labour" and Sarah Island: life at Macquarie Harbour', in I. Duffield and J. Bradley, *Representing Convicts: New perspectives on convict forced labour migration* (London: Leicester University Press, 1997), pp. 142-163. See also: D.A.

sites are interpreted by historians and heritage practitioners, even those that were visibly less isolated. In particular, the notoriety of Norfolk Island looms over island sites that are temporally and spatially distinct. Through a critical engagement with the respective island geographies of these case studies, the thesis undoes persistent stereotypes of carceral islands and the 'criminal classes' that resided there.

(2) Through a focus on island imprisonment as a form of spatial continuity, entanglements come into view between two legally- and administratively-distinct punishment systems: the convict system and local criminal-justice. The former was peopled by mostly white and some black transportees from Britain and Ireland, whereas the latter was a diverse system that encompassed Indigenous Australians, Asian immigrants, as well as former-convicts and their descendants.[5] For the most part, historical research has focussed on these two phenomena as distinct systems for two reasons: because the sentences were legally distinct, and administered by separate departments; and because studies of colonial practices of punishment tend to focus on the racially distinct forms of sentencing and punishment used against Indigenous Australians.

Until recently, scholars have assumed that there was a clear legal distinction between sentences of transportation, that is, removal under custodial sentence 'beyond the seas', and imprisonment within an enclosed site. The system of 'internal exile' to off-shore islands that emerged in Australia, which is often termed secondary transportation, was legally ambiguous.[6] As David Roberts argues, convicts were removed overseas, but could not be returned to their home country and this was the crux of the original sentence.[7] In this respect, the application of sentences of 'transportation' to Indigenous Australians made more sense as a removal from homeland than it did to Europeans or

Roberts, '"A Sort of Inland Norfolk Island": Isolation, coercion and resistance on the Wellington Valley convict station', *Journal of Australian Colonial History,* 2:1 (2001), pp. 50-72.

[5] I. Duffield, 'From slave colonies to penal colonies: The West Indian convict transportees to Australia'*, Slavery and Abolition*, 7 (1986), pp. 25-45; C. Pybus, *Black Founders: The unknown story of Australia's first black settlers* (Sydney: UNSW Press, 2006); D. Paton, 'An "Injurious" population: Caribbean-Australian penal transportation and imperial racial politics', *Cultural and Social History*, 5:4 (2008), pp. 449-464; C. Anderson, *Subaltern Lives: Biographies of colonialism in the Indian Ocean World, 1790-1920* (Cambridge: Cambridge University Press, 2012), pp. 56-91.

[6] C. Anderson et al., 'Locating penal transportation: Punishment, space and place, c. 1750-1900', in K.M. Morin and D. Moran (eds), *Historical Geographies of Prisons: Unlocking the usable carceral past* (London: Routledge, 2015), pp. 148-151.

[7] D.A. Roberts, '"A sort of inland Norfolk Island"? Isolation, coercion and resistance on the Wellington Valley Convict Station, 1823-26', *Journal of Australian Colonial History*, 2 (2000), pp. 50-72.

settlers in Australia. Only Kristyn Harman has explored how the convict system was applied to Indigenous Australians, Maori and Khosian peoples.[8] My work expands Harman's scope of enquiry by looking at a significantly larger number of Indigenous Australian convicts in the colonies of New South Wales and Western Australia. In particular, my quantitative analysis of the registers of the largest penal establishment for Indigenous people in Australia brings a broader perspective to Harman's largely social history.

My thesis builds on this literature which examines how British criminal law was adapted and re-constituted in order to punish Indigenous people, but instead focuses on how carceral *space* was re-imagined along racial and colonial distinctions.[9] Flinders Island and Palm Island remain the most notorious sites of punishment of Indigenous Australians, just as Sarah Island and Norfolk Island were for European convicts.[10] Once again, my emphasis is on disentangling depictions of island landscapes from the penal realities of island incarceration, as nineteenth century officials used 'natural boundedness' to evade the confining nature of these institutions. Recently, the trope of 'paradise/prison' has been leveraged in demands for state recognition of Indigenous suffering, but in ways that are ahistorical and threaten to erase Indigenous agency and experience.[11] In sum, islands are an effective microcosm through which to examine what

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[8] K. Harman, *Aboriginal Convicts: Australian, Khoisan, and Maori exiles* (Sydney: UNSW Press, 2012); K. Harman, 'Aboriginal Convicts: Race, law, and transportation in colonial New South Wales', Ph.D. thesis (University of Tasmania, 2008); K. Harman, '"The Art of Cutting Stone": Aboriginal convict labour in nineteenth-century New South Wales and Van Diemen's Land', in N. Fijn et. al. (eds), *Indigenous Participation in Australia Economies II: Historical engagements and current enterprises* (Canberra: ANU E Press, 2012), pp. 119-134.

[9] M. Finnane and J. McGuire, 'The uses of punishment and exile: Aborigines in colonial Australia', *Punishment & Society,* 3:2 (2001), pp. 279-298; L. Ford, *Settler Sovereignty: Jurisdiction and Indigenous people in America and Australia, 1788-1836* (Cambridge, MA and London: Harvard University Press, 2010); L. Ford and T. Rowse (eds), *Between Indigenous and Settler Governance* (Abingdon: Routledge, 2013); H. Douglas and M. Finnane, *Indigenous Crime and Settler Law: White Sovereignty after Empire* (Basingstoke: Palgrave Macmillan, 2012); A. Nettelbeck and R. Foster, 'Colonial Judiciaries, Aboriginal protection and South Australia's policy of punishing "with exemplary severity"', *Australian Historical Studies,* 41:3 (2010), pp. 319-336.

[10] N.J.B. Plomley, *Weep in Silence: A history of Flinders Island Aboriginal settlement with the Flinders Island journal of George Augustus Robinson* (Hobart: Blubber Head Press, 1987); L. Ryan, *Tasmanian Aborigines: A history since 1803* (Sydney: Allen & Unwin, 2012); J. Watson, 'Becoming Bwgcolman: Exile and survival on Palm Island Reserve, 1918 to the present', Ph.D. thesis (University of Queensland, 1993); C. Hooper, *The Tall Man: Death and life on Palm Island* (Camberwell: Penguin, 2008).

[11] N. Green and S. Moon, *Far From Home: Aboriginal prisoners on Rottnest Island, 1838-1931* (Nedlands: University of Western Australia, 1996), p. 93; G. Dixson, *Holocaust Island* (St Lucia: University of Queensland Press, 1990); G. Dixson, 'Holocaust revisited: Killing time (Canberra: National Library of Australia, 2003).

Henry Reynolds and Marilyn Lake have called 'racial knowledge and technologies that animate…strategies of exclusion, deportation and segregation'.[12]

When Britain began transporting convicts to Western Australia in 1850, twenty-one years after its initial colonisation, the colonial government was forced to adapt its sentencing practices to enable dispersed jurisdiction over Indigenous people. Only higher courts in Perth could award sentences of transportation, so magistrates in other centres sentenced Indigenous people to imprisonment or hard labour. These lesser sentences involved the forced relocation of Indigenous convicts over longer distances than those involved in transportation to penal islands. Between 1850 and 1855, their punishments involved the same labour – the back-breaking work of road building – to which transported European convicts were put. By focusing on the spatialities of punishment for both British and Indigenous convicts, this thesis disrupts the idea that there was a clear separation between the 'convict system' and the British state's assertion of sovereignty over Indigenous people. The comparative approach taken in this thesis creates an island comparison which helps to uncover an integrated history of the punishment of Indigenous and European convicts within the Australian colonies.

(3) This thesis challenges assumptions of insular isolation and theorises islands as 'in between' spaces on the margins of the colony but at the cusp of the sea, which provided the means of connection with myriad nodes of empire. It was this intersection between local isolation and global connection that defined convict labour regimes on islands and made them useful to the British imperial project. It functioned in two ways: first, islands were preferred sites of confinement for convicts who threatened pastoral economies on the mainland, particularly European bushrangers and Indigenous Australian livestock thieves. Removal to islands was constituted by the colonial government as an antidote to the terrestrial mobility which threatened settler economies and security. Second, once convicts were on islands, their labour was used to foster imperial interconnectivities, particularly through their involvement in building maritime infrastructure. Islands were able to fulfil these dual roles because they were both isolated *and* connected. They separated certain kinds of people from the mainland, and extracted their labour to ends closely tied to the needs and benefit of overseas powers.

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[12] H. Reynolds and M. Lake, *Drawing the Global Colour Line: White men's countries and the question of racial equality* (Cambridge: Cambridge University Press, 2008), p. 4.

(4) Islands were defined both by permeability to the sea and mobility within a constrained space, and the investigation of these islands helps to postulate new geographies of convict agency. Islands were constituted as landscapes of control through the layering of segregation, built structures and surveillance techniques, layered on top of a naturalised form of exclusion, through physical separation from the mainland.[13] Archival evidence shows convicts utilised shorelines, wharves and waterways to enact agency in distinctly maritime ways. Though these were maritime mobilities, convicts did not look to the open sea for mental or psychological escape, but rather to the sea as a connector to the mainland. This demonstrates the ways micro-maritime mobilities shaped experiences of convicts on islands.

In sum, this thesis highlights the systematic and specific use of islands within the Australian convict system. Islands were sites used to contain and incarcerate undesirable people expelled from the colonies, an extreme move deemed necessary because ideas about their race or their recidivism made them irredeemable from the colonial perspective. As such, the idea of natural isolation appealed to colonial administrators. Yet, the daily regimes on these islands showed that convicts fostered maritime interconnectivity in ways which were at once condoned and condemned by the colonial government.

1.1 Case Studies

This thesis uses three case studies to explore the varied roles which carceral islands played in and the different kinds of convicts they confined. The time period covered by the thesis is from 1824 to 1903, which is the combined length of time that my three case study islands acted as penal establishments. First, Melville Island, off the northern coast, was a convict settlement from 1824 to 1829. Second, Cockatoo Island in the middle of Sydney Harbour, was a convict stockade turned penal establishment from 1839 to 1869. Rottnest Island, eighteen kilometres off the coast of Western Australia, was a prison for Indigenous Australian men and boys between 1838 and 1903, and continued to confine a small number of Indigenous prisoners as an annex of Fremantle Prison until 1931.[14] The islands were chosen for the following reasons: first, they held

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[13] A. Bashford and C. Strange (eds), *Isolation: Places and practices of exclusion* (London: Routledge, 2003), p. 10.
[14] N. Green and S. Moon, *Far From Home: Aboriginal Prisoners on Rottnest Island, 1838-1931* (Nedlands: University of Western Australia, 1997), pp. 8, 14.

different kinds of convicts in terms of ethnicity, crime and occupation; and second, because of their diverse geographical locations and environmental features. Yet, through my analysis, clear similarities emerge in terms of their carceral purpose, how officials envisioned islands and the practicalities of accessing and communicating with islands.

Figure 1.1 Melville Island, Northern Australia

Melville Island is the second largest island off the Australian mainland, with an area of 5786 square metres. It is separated by a thin strait from Bathurst Island (Nunavat), which together make up the Tiwi Islands. The islands separated from the mainland at least 6000 years ago, and are now located sixty kilometres north of Darwin, the modern-day capital of the Northern Territory.[15] It is the country of the Indigenous Tiwi, who had contact with Dutch explorers, the Portuguese and Yolngu people of Arnhem Land from at least the mid-1600s.[16] Yermalner was renamed 'Melville Island' by explorer Philip Parker King in 1818 after the First Lord of the Admiralty, Second Viscount Melville, and its island neighbour was renamed after the Secretary of State for the Colonies, Lord Henry Bathurst.[17] Despite the cartographic renaming, Tiwi Islanders showed themselves

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[15] 'Tiwi Land Area', *Tiwi Land Council*, n.d. <www.tiwilandcouncil.com/about/area.htm> [accessed: 11 April 2017]
[16] 'Books: Tiwi Meets the Future', *Tiwi Land Council,* n.d.
<www.tiwilandcouncil.com/publications/books.htm> [accessed: 11 April 2017]
[17] M. Fry, 'Dundas, Robert Saunders, second Viscount Melville (1771-1857)', *Oxford Dictionary of National Biography [ONDB]*, 2008, <http://www.oxforddnb.com/view/article/8260> [accessed: 11 April

to King and his crew to be masters of their land, offering provisions in exchange for tools and demonstrating their superior physical strength, swimming skills and ability to disappear into the undergrowth to watch the crew's every movement. King and his crew initially had 'no idea of the insularity of Melville Island' and travelled down the Apsley Strait expecting to find a large river leading into the interior of the mainland.[18]

On the basis of King's account of the remains of smokehouses for trepang (*beche-le-mer),* a sea slug considered a delicacy in Chinese cuisine, a trader named William Barnes wrote to Earl of Bathurst on 23 July 1823 about establishing a British settlement on the northern coast.[19] Melville Island was strategically located for the East India Company's commercial interests in the Southeast Asian archipelago, and would prevent other European powers from establishing a settlement on sections of the Australian continent. The instructions issued by Earl of Bathurst in 1824 claimed that 'a market would be opened to the British Merchant… in the Eastern archipelago' and it would operate as a 'military Station involving the security of our important possessions and valuable Trade in that part of the world'.[20]

An advertisement ran in the *New South Wales Gazette* on 7 August 1824 offering 'Free mechanics' a free passage from New South Wales to Melville Island and six months of government rations if they worked for three months for the Crown.[21] To boost numbers, the governor offered skilled convict 'mechanics' still serving their sentences a ticket-of-leave after six months' labour on the island.[22] Under the command of Captain James John Gordon Bremer, the *HMS Tamar, Lady Nelson* and *Countess Harcourt* set sail from Sydney on 24 August 1824 with a handful of officials, fifty rank-and-file

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2017]; P.P. King, *Narrative of a Survey of the Intertropical and Western Coasts of Australia, performed between the years 1818 and 1822, with an appendix containing various subjects relating to hydrography and natural history, in two volumes* (London: John Murray, 1827), p. 117.

[18] King, *Narrative of a Survey,* pp. 109, 116.

[19] E. Scott, *Cambridge History of the British Empire: Australia, vol. VII, pt. 1*, (Cambridge: Cambridge University Press, 2nd edn., 1988), p. 9; J.M.R. Cameron, 'Traders, Government Officials and the Occupation of Melville Island in 1824', *The Great Circle,* 7:2 (1985), p. 88.

[20] *HRA,* ser. I, vol. XI, Lord Bathurst, Secretary of State for War and the Colonies, to Thomas Brisbane, Governor of New South Wales, 17 Feb. 1824, London, pp. 227-8.

[21] *New South Wales Gazette*, 7 Aug. 1824, p. 2.

[22] H. Marshall, 'Convict pioneers and the failure of the management system on Melville Island, 1824-29', *The Push from the Bush,* 29 (1991), pp. 29-46; C. Fredericksen, 'Confinement by isolation: Convict mechanics and labour at Fort Dundas, Melville Island', *Australasian Historical Archaeology,* 19 (2001), pp. 48-59.

soldiers from the 3rd East Kent Regiment ('Old Buffs'), thirty Royal Marines and forty five convicts.[23]

The convicts and soldiers worked together to construct a military structure, Fort Dundas, and the convicts deforested the vicinity of the settlement to build huts and to attempt to grow crops and herd animals. Nearly all the plants and much of the livestock failed to thrive on the tropical, swampy island.[24] The convicts struggled with frequent outbreaks of malaria, partly due to a lack of supplies, as monsoon weather, treacherous straits and pirates led to the destruction or redirection of numerous supply ships, and after the Tiwi Islanders speared the settlement's only doctor.[25] Over the next five years, it became clear that no 'Maccassan prows' (Indonesian vessels) were going to venture to the settlement and trade in trepang, so it was abandoned and the convicts returned home to Sydney or transferred to Port Raffles on the Cobourg Peninsula.[26]

Figure 1.2 Cockatoo Island, Sydney Harbour

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[23] *HRA*, ser. I., vol. XI, Thomas Brisbane, Governor of New South Wales, to Earl Bathurst, 12 Aug. 1824, Sydney, p. 697.
[24] Campbell, 'Geographical Memoir', pp. 134, 160.
[25] *Idem*., pp. 132-4.
[26] J. Allen, *Port Essington: The Historical Archaeology of a north Australian nineteenth-century military outpost* (Sydney: Sydney University Press, 2008), p. 105.

My second case study is Cockatoo Island, which is the largest island in Sydney Harbour, where the Parramatta River meets the Tasman Sea. It is surrounded on three sides by harbour frontage with only half a kilometre separating it from the shores of Balmain and Woolwich on either side. The island is called Wa-rea-mah in the language of the local Indigenous people, the Eora.[27] It takes its European name from the sulphur-crested cockatoos which lived in the red gum trees that covered its craggy surface.[28] Cockatoo Island served as a convict establishment for the punishment of secondary offenders between 1839 and 1869. Governor George Gipps recommended Cockatoo become the convict stockade to relocate some of Norfolk Island's convicts in 1839.[29] With its excellent quality sandstone reserves, and its central harbour location, Cockatoo Island was a perfect site of public works. As these prisoners were secondary offenders, the hard labour was also intended to serve as punishment. The prisoners built barracks to house 500 prisoners, a guardhouse for fifty-six members of the military guard and quarried 85,000 cubic metres of sandstone for construction projects in Sydney.[30]

Between 1847 and 1857, the convicts quarried Fitzroy Dock directly into the sandstone, under the supervision of Royal Engineer, Gother Kerr Mann. The slow progress on the dockyard was blamed on inefficient convict labour, but it took six years out of ten to excavate the graving dock from fourteen-metre-tall cliffs and through the hard shale which lay under the sandstone.[31] Convicts remained on the island after the dock became operational in 1857, building and manning twelve workshops and an engine house.[32]

After several government inquiries into mismanagement on the island, particularly rumours of 'unnatural activities' (male-on-male sex acts) and frequent escapes in the late 1850s and early 1860s, the prisoners were transferred to Darlinghurst Gaol in 1869.[33] The island became a Royal Naval Dockyard, though it retained a carceral role. In 1871, the Biloela industrial school for girls was established on the island and the

[27] I. Hoskins, 'Islands of Sydney Harbour', *Dictionary of Sydney*, 2014, <https://dictionaryofsydney.org/entry/islands_of_sydney_harbour> [accessed: 7 Aug. 2017].
[28] I. Hoskins, *Sydney Harbour: A History* (Sydney: UNSW Press, 2009), pp. 127-8.
[29] The National Archives [hereafter TNA], CO 201/286, George Gipps, Governor of New South Wales to Lord Glenelg, Secretary of State for War and the Colonies, 8 July 1839, Sydney, pp. 249-50.
[30] S. Castrique, 'Under the Colony's eye: Cockatoo Island and the Fitzroy dock, 1847-57', *Journal of the Royal Australian History Society,* 98:2 (2012), p. 222.
[31] *Idem.*, pp. 211-212.
[32] *Idem.,* pp. 211-215.
[33] J. Jeremy, *Cockatoo Island: Sydney's Historic Dockyard* (Sydney: UNSW Press, 1998), pp. 4-5

ship *Vernon* was moored off the island for the education of wayward and orphaned teenage boys.[34] In June 1888, the island was again proclaimed a prison to ease overcrowding in Darlinghurst, and mostly housed petty offenders, vagrants and prostitutes, before closing in 1908.[35] The island was run as a dockyard manned by free labour for the next eighty-three years.

In 2010, Cockatoo Island was placed on the UNESCO world heritage list, along with nine other convict sites around Australia.[36] It is now a popular tourist location where visitors can take self-guided tours along the 'convict path' or see theatrical performances about its convict history. It receives up to 150,000 visitors during the years it hosts the *biennale* festival of the arts.[37] The site's world heritage status is tied to its penal past, but the site has been interpreted by interweaving the convict and free labour contribution to the dockyard.[38] Curator Martin Terry recognises Cockatoo Island's place within a 'collective imagination and memory' of islands which are dramatically powerful, comparing his heritage strategy to the immigration depot of Ellis Island in New York.[39] As the only surviving imperial convict works in New South Wales, the remains of the silos, dry docks and other convict-built structures are testament to the importance of convict labour to the British Empire.[40]

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[34] J. Ramsland, 'Henry Parkes and the Development of Industrial and Reformatory Schools in Colonial New South Wales', *Australian Social Work,* 35:4 (1982), pp. 3-10.
[35] Jeremy*, Cockatoo Island*, p. 5.
[36] *Ibid.*
[37] S. Gapps, '[Review] Cockatoo Island, Sydney, Australia, Sydney Harbour Federation Trust', *The Public Historian,* 33:2 (2011), pp. 149-152.
[38] *Ibid.*
[39] *Idem.,* p. 152.
[40] Sydney Harbour Federation Trust, 'Cockatoo Island Management Plan', pp. 1-2.

Figure 1.3 Rottnest Island, Western Australia

My third case study is Rottnest Island. The island is Whadiuk Nyoongar land and its name can be translated as 'place across the water'. Its separation from the mainland 6000 years ago is remembered by the Nyoongar through the Dreamtime (oral histories and creation stories).[41] One story is that the sea serpent Waugal, fighting the crocodile Meandip, rolled over and over, creating three separate islands.[42] After the island separated the Nyoongar could no longer visit, but it remained central to their cultural landscape as the place where bad spirits went after death. Nyoongar Elder, Noel Nannup says:

> Wadjemup means to me a place where the spirits are across the water [because]… the good spirit is left behind on the mainland, and the bad spirit's taken out there over the sea.[43]

The first Europeans to record landing on the island were the Dutch crew of the *Waekende Boeij*) under the command of Samuel Volkerson in 1658. It was another Dutch naval commander, Willem de Vlamingh, who named the island Rottnest (rat's nest) in 1696

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[41] N. Green, *Broken Spears: Aborigines and Europeans in Western Australia* (Perth: Focus Education Services, 1984), p. 6
[42] G. Stasiuk, 'Wadjemup: Rottnest Island as black prison and white playground', Ph.D. thesis (Murdoch University, 2015), pp. 30-1.
[43] *Ibid.*

after mistaking the large numbers of native marsupial quokkas for rodents.[44] In 1829 the British colonised the area near the mouth of Swan River, later known as Western Australia, as a free colony, though they ended up accepting European convicts from 1850 to 1868.[45]

The colonial government engaged in violent frontier warfare against the Indigenous Nyoongar. The violence reached its peak with the 1834 Pinjarra massacre in which eighty Indigenous people were killed by a group of twenty-five police, soldiers and settlers, following instructions from Governor James Stirling.[46] Western Australia was flagged up as a cause for concern by the 1835-7 British parliamentary Select Committee on Aborigines in the British Colonies.[47] Based on their recommendations, the replacement governor, John Hutt, created the role of Protector of Aborigines who was instructed to hear the complaints of Indigenous communities of settler mistreatment towards them but equally to hold Indigenous communities accountable for 'crimes' under British law committed against settlers.[48] This idea of 'protection through punishment' was exemplified by the establishment of Rottnest Island Prison in 1839 (though legislation for the prison did not receive royal assent until 1841).[49]

Rottnest was initially conceived as a humanitarian prison to 'civilise' Indigenous prisoners by teaching them agriculture, trades associated with construction but also offering them increased freedoms, including daily (and then weekly) roaming and hunting trips round the island.[50] As governor Hutt wrote in the instructions for the superintendent of the island, Henry Vincent, 'the improvement and instruction of the natives more than their punishment is the object which the government have in view

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[44] Green and Moon, *Far From Home,* p. 12.
[45] P. Statham, 'Swan River Colony, 1829-1850', in C.T. Stannage (ed.), *A New History of Western Australia* (Perth: University of Western Australia Press, 1981) pp. 193-5.
[46] Green, *Broken Spears,* pp. 99-106.
[47] BPP 1836 vol. VII, no. 425, 'Report from the Select Committee on Aborigines (British settlements), together with the minutes of evidence, appendix and index', p. 139.
[48] SROWA, cons. 42, ser. 4. John Hutt, Governor of Western Australia, to Marquis of Normanby, Secretary of State for War and the Colonies, 11 Feb. 1840, Perth, encl. 'Instructions to the Protector of the Aborigines of Western Australia'.
[49] A. Nettelbeck, '"A Halo of Protection": Colonial protectors and the principle of Aboriginal protection through punishment', *Australian Historical Studies,* 43:3 (2012), pp. 396-411; BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian colonies), 'An Act to constitute Rottnest a Legal Prison', 2 July 1840, p. 375.
[50] SROWA, cons. 42, ser. 4, Hutt to Lord Russell, Perth, 18 Aug. 1840.

placing them on the island'.[51] Vincent proved to be extremely violent towards the inmates, but the colonial government allowed him to remain superintendent until 1869. As time went on, Indigenous convicts were increasingly expected to perform hard labour, completing a number of construction projects, including a lighthouse, staff accommodation, an octagonal prison, a sea wall, a jetty, as well as being transferred to a road gang during a brief closure of the island between 1850 and 1855.[52]

As the pastoral frontier expanded, prisoners arrived from further inside the interior of the vast Western Australian colony, sometimes travelling over a thousand kilometres, in chains, to reach the island. As numbers of Indigenous prisoners rose post-1850, and especially in the 1880s, sending convicts to Rottnest became arduous and expensive.[53] This led to members of the colonial government to support incarceration in mainland gaols, though others opposed it on the assumption that Indigenous prisoners had to be worked in chains for the security of the colony. Numbers to Rottnest Island slowly declined as gaols were established at Geraldton (1859), Roebourne (1886) and Cossack (1898).[54]

The island had long served as a summer resort for governors of Western Australia and their families and friends. As gold rush money poured into Western Australia, it was opened up as a holiday resort for the increasingly-wealthy public in 1894.[55] However, the prison stayed open for almost another decade, until 1903. In the January following its closure it was declared a penal outstation as an annex of Fremantle Gaol, with just eighteen (mostly elderly or unfit) prisoners tasked with maintenance work for the new tourist industry on the island, until its ultimate closure in 1931.[56] Rottnest was later used as a camp for Italian 'enemy internees' and prisoners of war from Austria, Hungary and Germany in World War I and from Italy during World War II.[57] Now the island is an A-

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[51] SROWA, cons. 42, ser. 4, Hutt to Lord Russell, Perth, 15 May 1841, encl. 2, Peter Broun, Colonial Secretary for WA, 'Instructions for the guidance of the superintendent of the native convict establishment at Rottnest'.
[52] N. Green, 'Aboriginal sentencing in Western Australia in the late nineteenth century with reference to Rottnest Island prison', p. 79.
[53] N. Green, *Far From Home,* pp. 43-53.
[54] J.E. Thomas and A. Stewart, *Imprisonment in Western Australia: Evolution, theory and practice* (Nedlands: University of Western Australia Press, 1978) pp. 141-5.
[55] Green and Moon, *Far From Home,* pp. 36-8.
[56] *Ibid.*
[57] I. O'Brien, 'Rottnest Island, Western Australia (1914-15, 1940), *National Archives of Australia,* 2016 <http://www.naa.gov.au/collection/snapshots/internment-camps/WWI/rottnest-island.aspx>[accessed: 1 July 2017].

class natural reserve and popular tourist destination with 540000 visitors between June 2013 and May 2014.[58] The Rottnest Island Authority is in the process of reconstituting its heritage strategy to recognise the island's penal history, in discussion with Nyoongar community groups.

1.2 Literature Review

This study applies an island studies methodology to the Australian convict system and practices of incarceration directed at Indigenous peoples. It sits within the broader field of imperial history, and considers how networks and scales can be used to theorise global and local forms of mobility. Particular attention is paid throughout to studies which deal with space and place in analysing the past.

1.2.1 Island Studies and Imperialism

According to David Armitage and Alison Bashford, the global turn in historiography encompasses 'a turn towards the waters of the world, the dwellers of their shores and islands, and the modes of interaction across space'.[59] The 'new thalassology' destabilises our focus on continents as the primary arena of historical action. Instead formerly 'peripheral sites' are reconstituted as nodes in networks of mobility, exchange and encounter.[60] As Tongan-Fijian intellectual Epeli Hau'ofa wrote in 1996, Eurocentric views of Pacific as 'islands in a far sea', which posited oceans as empty space and territory as meaningful, should be overturned in favour of Oceanic Islanders' perspectives of the Pacific as a 'sea of islands', connected by the water.[61] Rather than focussing on isolation, islands studies scholars have reconceptualised islands as sites of connection. I apply this approach to challenge the idea of Australia's carceral islands as 'natural prisons'.

On the basis of this re-conceptualisation of islands, oceans and maritime interconnectivity, a transnational comparative study of 'islands' was born. It sought to overturn the attachment of European scholars – arising from colonialism – to the 'myth

[58] Rottnest Island Authority, *Annual Report, 2013-14.* (Fremantle: Rottnest Island Authority, 2014).
[59] D. Armitage and A. Bashford (eds), *Pacific Histories: Ocean, land, people* (Basingstoke: Palgrave Macmillan, 2014), p. 7.
[60] See the AHR Forum on the 'new thalassology' in *American Historical Review,* 111:3 (2006), including K. Wigen 'Introduction', pp. 711-721; P. Horden and N. Purcell, 'The Mediterranean', pp. 722-740; A. Games 'Atlantic History: Definitions, challenges and opportunities', pp. 744-757; M.K. Matsuda, 'The Pacific', pp. 758-80. See also: M.P.M. Vink, 'Indian Ocean studies and the "new thalassology", *Journal* of *Global History,* 2:1 (2007), pp. 41-62.
[61] E. Hau'ofa, 'Our Sea of Islands', *The Contemporary Pacific,* 6:1 (1994), pp. 152-3.

of continents' that had caused 'physical islands' to 'retreat from the margins of history and geography'.[62] Rather than viewing islands as small, irrelevant or vulnerable, emphasis is placed on their positionality within global networks.[63] However, these analyses have tended towards oceanic islands and archipelagos, rather than offshore islands which are the subject of this thesis.

Islands became particularly evocative geographical sites in the European imaginations from at least the eighteenth century.[64] In *Islands of the Mind* John Gillis has demonstrated the centrality of islands in Western mythology, stressing that 'western culture not only thinks about islands, but thinks *with* them.'[65] From the mid-eighteenth century, English and Irish identities were built around the insular geographies of their respective homelands.[66] This is evident in numerous convict ballads that describe being 'banished' from their island homes of Britain and Ireland.[67] Long-standing tropes of the 'desert island' and 'paradise island' led to islands becoming sites of imperial interest and fascination over the exotic 'Other'.[68] Their boundedness presented opportunities for complete control over foreign or imported populations and islands became strategic refuelling points in trans-oceanic empires.[69] Furthermore, Pacific islands became central sites for the production of imperial knowledge, being viewed as 'natural laboratories' for scientists and for the anthropological studies of islanders.[70]

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[62] J.R. Gillis, 'Islands in the Making of an Atlantic Ocean', *Seascapes, Littoral Cultures and Trans-Oceanic Exchanges Conference* (15 Feb. 2013), p. 165.

[63] G. McCall, 'Clearing Confusion in a Disembedded World: The case for nissology', *Geographische Zeitschrift,* 84:2 (1996), p. 76.

[64] *Idem.,* p. 24.

[65] J.R. Gillis, *Islands of the Mind: How the human imagination created the Atlantic world* (Basingstoke: Palgrave Macmillan, 2009)*,* p. 1.

[66] K. Wilson, The Island Race: Englishness, empire and gender in the eighteenth century (Routledge: London, 2003), pp. 54-6.

[67] For example, Francis McNamara's *The Convict's Lament on the Death of Captain Logan* describes himself as 'a native of Erin's Island', and in Reverend John McGarvie's *The Exile of Erin on the Plains of Emu* the convict daydreams about 'the Isle…where my first breath I drew', see: T. Ford, *Listen for a Moment: A small book of Australian ballads* (Canberra: National Library of Australia, 2000), p. 9 and B. Reece (ed), *Exiles from Erin: Convict lives in Ireland and Australia* (Basingstoke: Palgrave Macmillan, 1991), p. 307.

[68] M. Ellis, '"The cane-land isles": Commerce and empire in late eighteenth-century gorgic and pastoral poetry', in R. Edmond and V. Smith, *Islands in History and Representation* (Routledge: London, 2003), pp. 44-5.

[69] D. Hamilton and J. McAleer, 'An Empire of Islands: Concepts, contexts and collections', AHRC network proposal, Jan. 2015.

[70] R. Edmond and V. Smith 'Introduction', in R. Edmond and V. Smith (eds), *Islands in History and Representation* (London: Routledge, 2003), pp. 1-4.

Since islands are defined both by their physical boundedness and their connection to oceans, studying them encourages us to recognise how all spaces are constituted through a wide variety of interrelations and interactions at all spatial levels, as Doreen Massey has argued, from 'the immensity of the global to the intimately tiny'.[71] Clare Anderson has identified the potential of islands to decentre the focus on elites within colonial capitals and emphasise instead regional and inter-colonial mobility.[72]

A number of scholars have taken up this call to shift their perspective to islands, to question assumptions that equates largeness – of states, of cities, of empires – with importance. Sujit Sivasundaram's *Islanded* constructs a history of Sri Lanka that focusses on connections with the wider Indian Ocean and British Empire.[73] Sivasundaram argues that Britain's attraction to bounded islands as sites whose geography facilitated conceptual physical control made them an 'intensive space of colonialism' that was layered on top of Indigenous Kandian geographical understandings of their island. Sivasundaram stresses the need to challenge assumptions about islands as either naturally bounded or isolated, but also to use a concentration on insularity to balance local and global perspectives within one frame. He writes:

> The island as a locality…is useful for historical study of broader processes. Yet, to understand "islanding", it is important not to take the physical geography of islands at face value, or to assume that the localness and boundedness of the island is natural. Instead, by scrutinizing the making of islands, through discourses and as states, and as intensive spaces of colonialism, it is possible to move away from the dominance of large landmasses in world history.[74]

As geographically bounded spaces and temporally bounded institutions, carceral islands are particularly well suited to investigation through a 'microhistory' approach. Christian De Vito and Anne Gerritsen argue for the transcendence of local-micro and global-macro binaries, through the practice of what they term, 'micro-spatial history'. This approach is attuned to the simultaneous influence of local, regional and global contexts as they

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[71] D. Massey, *For Space* (London: Sage, 2005), p. 9.
[72] C. Anderson, 'Convicts, Carcerality and Cape Colony Connections in the Nineteenth Century', *Journal of Southern African Studies,* 42:3 (2016), pp. 429-442.
[73] S. Sivasundaram, *Islanded: Britain, Sri Lanka and the bounds of an Indian Ocean colony* (Chicago: University of Chicago Press, 2013).
[74] *Idem*., pp. 25-6.

influence the actions of people, the production of objects and the creation of ideas.[75] I argue that carceral islands were defined necessarily and simultaneously by their isolation and the constrained mobilities to ensure the security of convicts. Yet, they remained connected to regional and imperial networks of mobility as sites of labour extraction and production for the benefit of the colonial government.

Island studies methodologies have been applied by scholars to the study of the Indian Ocean penal colony on the Andaman Islands. Aparna Viadik challenges the presumption that the considerable distance between the Andaman islands and the Indian subcontinent, coupled with its careral role, 'made it easy for the British to quarantine, segregate and enforce surveillance on the convicts'.[76] In fact, she argues, these factors made ordinary penal administration and discipline difficult.[77] Similarly, Clare Anderson, Madhumita Mazumdar and Vishvajit Pandya reject '"mainland" imaginings of the island' as 'natural prisons', 'pestilent tropics' or empty space.[78] Instead they show that unique social formations that arose on the island, in terms of caste and gender relations, rendered the island culturally and spatially distinct from the Indian subcontinent.

The offshore islands in this study, none of them more than twenty kilometres from the mainland, are fundamentally different from the Andamans. They are neither 'oceanic', 'archipelagic' or separated by a vast distance from the mainland. Notwithstanding, they were still conceived of as natural prisons and they still offered surprising freedoms to many convicts. Furthermore, and perhaps more surprisingly, situated on the cusp of the colony, they were still connected to broader oceanic and imperial networks of trade and knowledge gathering.

The carceral island that most resembles those under consideration in my study is Robben Island in the Cape Colony. Kerry Ward argues that the island occupied a special position within Dutch imperial networks of 'forced migration comprised of the slave, trade, penal transportation and political exile', since it operated as a 'specific site of banishment' within view of Cape Town and simultaneously also as part of a 'pattern of

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[75] [Draft of] C. G. De Vito and A. Gerritsen, 'Introduction', *Micro-spatial History of Global Labour: Towards a New Global History* (Basingstoke: Palgrave Macmillan, 2018).

[76] A. Viadik, *Imperial Andamans: Colonial encounter and island history* (Basingstoke: Palgrave Macmillan, 2010), p. 12.

[77] *Idem.,* p. 10.

[78] C. Anderson, M. Mazumdar and V. Pandya, *New Histories of the Andaman Islands: Landscape, place and identity in the Bay of Bengal, 1790-2012* (Cambridge: Cambridge University Press, 2016), pp. 1-26.

prison islands…in the Company's empire'.[79] This shows that mythologies about island sites altered the perception and psychological impact of island incarceration, even when islands were relatively close to urban settlements. Like Ward, I recognise the symbolic value of island incarceration in addition to the realities of relative proximity or isolation of particular island sites.

The analysis at the centre of this thesis is distinctive within studies of islands and island carcerality because my methodological approach is comparative. In the first chapter, I argue that comparisons made in the nineteenth century form the basis for physical connections between carceral islands across Australia in the nineteenth century. The chapters that follow involve comparisons of at least two of my three island case studies centred around particular themes. Though some edited collections have included essays on several individual carceral islands under a broad theme, few scholars have analysed them comparatively.[80] Scholars such as Amy Nethery, Lauren Benton and Elizabeth McMahon have argued that the isolation or invisibility of islands from the Australian mainland enabled exceptional forms of punishment to arise.[81] Instead, I show that penal discipline was far more complex as convicts exercised agency as a result of proximity to ships and sailors, rather than being confined by it. I also show that islands were connected and therefore co-constituted in relation to mainland penal establishments and other island institutions, as well as to broader policy changes and economic issues.

1.2.2 Geographies of the British Empire

As Doreen Massey argued, 'place' is more than a geographical location, but rather the product of complex flows of power that operate to include or exclude people and spaces across multiple scales, revealing that people's actions are simultaneously influenced by local, regional and global contexts.[82] Instead of conceiving of imperial power as a one-way relationship between a monolithic metropole and peripheral colony,

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[79] K. Ward, *Networks of Empire: Forced migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2009), p. 269.

[80] J. Pearn and P. Carter (eds), *Islands of Incarceration: Convict and quarantine islands of the Australian coast* (Brisbane: Amphion Press, 1995); *Islands of History: Proceedings of the 25th Anniversary Conference* (Sydney: Anchor Books, 2011), pp. 61-68.

[81] A. Nethery, 'Separate and Invisible'; L. Benton, *A Search for Sovereignty: Law and geography in European empires, 1400-1900* (Cambridge: Cambridge University Press, 2010); E. McMahon, 'Encapsulated Space: The paradise-prison of Australia's island imaginary', *Southerly,* 65:1 (2005), pp. 20-30.

[82] Massey, *For Space*; D. Ghosh, 'Another Set of Imperial Turns?', *American Historical Review,* 117:3 (2012), pp. 772-793.

empires are better understood as spatialized networks which are multi-sited, dynamic and connected through circulations of peoples, transportation vessels and ideas.[83]

This intervention has influenced and has connections with the study of globally connected penal colonies.[84] Kerry Ward, Clare Anderson, Hamish Maxwell Stewart and Diane Paton have shown that convicts were used as colonisers and labourers within regional and imperial circuits of forced mobility. Convict transportation is a spatial practice marked by complex patterns of mobility at the micro-level (within the barracks, or in the hold of a ship) and at the global level (journeying across vast oceans).[85] Within confined spaces, convicts may have had relative mobility or they may have travelled across vast landscapes and seascapes in fetters. These overlapping forms of constraint and mobility are important to understand the dynamic nature of punishment in colonial contexts. My approach draws on these ideas of inter-connectivity but on a regional scale through studying carceral islands as connected, networked spaces.

1.2.3 Islands in Australian Convict History

In 1788, the British government dispatched the First Fleet to the shores of New Holland, as an experimental attempt to use convicts as agricultural colonisers.[86] Over the next eighty years, more than 160,000 convicts from Britain, Ireland and other parts of the British Empire arrived in the Australian colonies.[87] In all, 80,000 arrived in New South Wales (NSW) between 1788 and 1840, with 3000 more shipped to Moreton Bay (now Brisbane) and the Port Phillip District (now Melbourne) between 1846 and 1850 under the 'exiles' scheme. Van Diemen's Land (VDL), which was renamed Tasmania in 1856, received up to 69,000 convicts between 1804 and 1853. The last Australian colony

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[83] A. Lester, 'Spatial concepts and the historical geographies of British colonialism', in A.S. Thompson (ed.), *Writing Imperial Histories* (Manchester: Manchester University Press, 2013), pp. 118-135; A. Lester, 'Imperial Circuits and Networks: Geographies of the British Empire', *History Compass*, 4:1 (2006), pp. 124-141.

[84] C. Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815-33* (London: Palgrave Macmillan, 2000); K. Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2008).

[85] K. Foxhall, *Health, Medicine and the sea: Australian Voyages, c. 1815-1860* (Manchester: Manchester University Press, 2012); C. Anderson, '"The Ferringees are Flying – the ship is ours!": the convict middle passage in colonial South and Southeast Asia, 1790-1860', *Indian Economic and Social History Review,* 42:2 (2005), pp. 143-186; J. Turner and K. Peters, 'Rethinking Mobility in Criminology: Beyond horizontal mobilities of prisoner transportation', *Punishment and* Society, 19:1 (2016), pp. 96-114.

[86] A. Atkinson, *The Europeans in Australia: A History, The Beginning, Vol. 1,* (Oxford: Oxford University Press, 1998), p. 58

[87] S. Nicholas and P.R. Shergold, 'Transportation as Global Migration', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past* (Cambridge: Cambridge University Press, 1988)*,* p. 30.

to receive British and Irish convicts was Western Australia (WA), to which 9000 convicts were transported between 1850 and 1868.[88] Though mostly sentenced to transportation for terms of seven years, fourteen years or life, most convicts never returned home to Britain. Instead, convicts became colonisers, growing crops, building settlements and roads and dispossessing Indigenous Australians who had lived on the continent for between forty and sixty thousand years.[89] Settlement was encouraged by offering male convicts thirty acres of land after serving part of their terms, with increased provision for married couples. Though New South Wales, Van Diemen's Land, and Western Australia were established as penal colonies, working class convicts actually had opportunities to own land and make profits that would have been virtually impossible in Britain.

In 1817, the former governor-general of Trinidad, John Thomas Bigge, was commissioned by the British government to undertake an inquiry into the convict system in New South Wales and Van Diemen's Land, amidst concerns that it was not sufficiently punitive to act as an effective deterrent to crime at home.[90] Bigge's three reports, published between 1822 and 1824, sought to consolidate revenue through large-scale cultivation of land, and to reform the criminal justice system in line with metropolitan views of appropriate punishment. He recommended the government incentivise free settlers to buy large tracts of land by assigning them convicts as labourers. This plan would save the government an estimated twenty-four pounds and ten shillings per convict, since the masters would feed, clothe and accommodate them.[91]

Bigge's report also created a systematic multi-stage penal system, based on punishment and reward.[92] It formalised the use of tickets-of-leave, in place since 1821, which were awarded to convicts who had retained 'good conduct' records after a term of years proportional to their sentence. A ticket allowed convicts to earn their own wages, buy property and get married, but not to leave the district in which it was issued. Convicts

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[88] *Ibid.*

[89] M. Peel and C. Twomey, *A History of Australia* (Basingstoke: Palgrave Macmillan, 2011), p. 2.

[90] BPP 1822, vol. XX, no. 448, 'New South Wales. Report of the commissioner of inquiry into the state of the colony of New South Wales'; BPP 1823, vol. XIV, no. 532, 'New South Wales. Return of an address of the Honourable the House of Commons to His Majesty, dated 3rd of July 1823 for a copy of instructions given by Earl Bathurst to Mr. Bigge on his proceeding to New South Wales'.

[91] BPP 1823, vol. X, no. 136, 'Report of the Commissioner of Inquiry, on the State of Agriculture and Trade in the Colony of New South Wales'; S. Macintyre, *A Concise History of Australia* (Cambridge: Cambridge University Press, 1999), pp. 53-56.

[92] H. Maxwell-Stewart, H. 'Convict Transportation from Britain and Ireland 1615-1870', *History Compass,* 8:11 (2010), p. 1231.

who observed the terms of their ticket-of-leave for their whole sentence received a certificate of freedom, which lifted all restrictions except leaving the colony, and conditional pardons were issued by the governor under the same terms for convicts with a life sentence. Convicts who continued to evidence bad conduct, absconded, broke the terms of their ticket-of-leave or committed a secondary crime, could be sent to a series of secondary punishment sites that escalated in severity: road parties, chain gangs or penal settlements for men, and female factories for women.[93] Bigge's spatial strategy deployed 'well-conducted' convicts to colonise rural areas and concentrated recidivists to facilitate strict surveillance and discipline. He was immediately attracted to islands as sites for his secondary punishment stations, as they would spatially remove recidivist convicts from the general populace.[94] As Mark Peel and Christina Twomey put it, Bigge's recommendations:

> ...scattered most of the convicts throughout mainland New South Wales and Van Diemen's Land and took others out of sight – if not out of mind – on isolated islands and pinched peninsulas.[95]

That convicts were sent to remote sites, that mostly existed only in the imagination of the general public, lent further credence to assumptions that both the convicts and the penal settlements were the most depraved of their kind. The mythology of distant islands and peninsulas fed into mythology about the 'worst' kind of convicts.[96]

Paul Carter explains the appeal of islands to officials through their 'easy supply of symbolic boundaries and a given centre', which rendered them 'natural prison[s]'.[97] This idea of islands as particular sites of secondary punishment has become dominant in Australian historiography, coalescing around archetypal isolated islands like Norfolk Island in the Pacific. However, this thesis postulates that officials turned towards islands off the coast of urban settlements, like Cockatoo Island in Sydney Harbour and Rottnest Island near Fremantle, as a compromise between the symbolism and security of physical separation, and the practicality and ease of management of proximity. By creating a

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[93] *Ibid.*
[94] BPP 1822, vol. XX. no.448, 'Report of the Commissioner of Inquiry into the state of the Colony of New South Wales'.
[95] Peel and Twomey, *A History of Australia*, pp. 47-8.
[96] G. Blainey, *Tyranny of Distance: How distance shaped Australia's history* (Melbourne: Sun Books, 1974); Causer, '"Worst Type of Sub Human beings"?', p. 4.
[97] P. Carter, *The Road to Botany Bay: An exploration of landscape and history* (Minneapolis: University of Minnesota Press, 2010), p. 312.

comparative and relational geography of carceral islands, in the post-Bigge period, this thesis challenges conceptions of isolation as the defining feature of Australia's carceral islands.

In 1987 Robert Hughes published *The Fatal Shore,* which became a huge commercial success. Hughes challenged John Hirst for 'normalising' the brutalities of convict system.[98] Four years previously, Hirst's book *Convict Society and its Enemies* sought to dismantle the idea that convicts were treated like 'slaves', and showed these discourses to be rooted in anti-transportation propaganda, rather than in fact.[99] More recently, Babette Smith argued that 'modern Australian assumptions still depend on historical paradigms established in the mid-nineteenth century', challenging assumptions about the criminal characters of Australian convicts by bringing 'individual circumstances, character and motives' into the history of convict transportation.[100] In contrast, Hughes took colonial officials and contemporaries at their word when they described secondary punishment stations as 'hells-on-earth', not recognising that to act as an effective deterrent they had to be viewed as one step short of death. He dwelled in voyeuristic detail on the floggings and oppression in secondary punishment stations where cruel discipline further brutalised men convicted of violent crimes, who had already been subjected to violence within the convict system.[101]

Hughes underlined geographic isolation as fundamental to the brutality of these sites, small domains commanded by tyrannical superintendents. About Norfolk Island, Hughes claimed that 'There was no point of exile beyond this island, its convicts were at the ultimate distance from reasoned legality and open transaction'.[102] According to Hughes, Norfolk Island's isolation made it such an effective natural prison that none of the convicts escaped. Tim Causer disproved this assumption, showing that sixty-four convicts escaped in the course of seven different attempts.[103] Sarah Island appears to be

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[98] R. Hughes, *The Fatal Shore: A history of transportation of convicts to Australia 1787-1868* (London: Pan Books, 1987)*, esp. chs. 13-15; J. Hirst, *Convict Society and its Enemies: A history of early New South Wales* (Sydney: George Allen & Unwin, 1983).
[99] M. Sturma, *Vice in a Vicious Society: Crime and convicts in mid-nineteenth century New South Wales* (St Lucia: University of Queensland Press, 1983).
[100] B. Smith, *Australia's Birthstain: The startling legacy of the convict era* (Crows Nest: Allen & Unwin, 2008), pp. 5-6.
[101] Hughes, *The Fatal Shore,* chs. 13-15.
[102] Hughes, *The Fatal Shore*, p. 461.
[103] T. Causer, '"Only a place fit for Angels and Eagles"': the Norfolk Island Penal Settlement, 1825-1855, Ph.D. thesis (King's College London, 2010), p. 225

the stereotypical 'natural prison' being 'the most windswept and barren… but it was also the most secure'.[104] Maria Island's less severe penal discipline was underlined by its geography as a 'sweetly idyllic place… although flogging and solitary confinement were common punishments.'[105]

Inherent to Hughes' narrative of islands as sites of ultimate punishment were assumptions about convicts being of the 'worst'. Hughes repeats John Cuthbertson's assertion that Sarah Island was the destination for '"the most disorderly and reclaimable convicts"'.[106] A.G.L. Shaw uncritically quotes governor Ralph Darling who claimed that Norfolk Island's prisoners were 'all among the "most depraved and dissolute"'.[107] Frank Clune goes so far to call Norfolk Islanders 'incorrigible "old lags" …criminal lunatics… the worst types of sub-human beings'.[108] This echoes R.G. Parker's description of Cockatoo Island. Although its harbour position made it fundamentally different to Norfolk Island's isolation, similar tropes appear of Cockatoo Island as a 'natural prison' for incorrigibles. He describes the 'rocky island', engulfed in fog and surrounded by shark-infested waters and the prison's population as 'criminal lunatics… criminals incapable of reform…in a bedlam of depravity'.[109] This thesis dismantles these pervasive tropes about carceral islands to bring to the forefront inmate agency which is otherwise side-lined.

Hamish Maxwell-Stewart and Tim Causer recognise the government's symbolic intent in shipping convicts overseas to remote locations. Maxwell-Stewart describes the journey to Sarah Island as 'an oceanic rite of passage… [where convicts] slipped once more over the horizon'.[110] Causer explains that the 'sheer distance [of Norfolk Island] from the mainland and the mystique of islands' exaggerated rumours about Norfolk Island as 'hell on earth'. After all, he pointed out, convicts were 'shipped to a place which hardly anybody knew of other than through newspaper rumours'.[111] The maritime aspect

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[104] Hughes, *The Fatal Shore*, p. 398.
[105] *Ibid.*
[106] *Idem.*, p. 372.
[107] A.G.L. Shaw, *Convicts and the Colonies: A study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber and Faber, 1966), p. 205.
[108] F. Clune, *Martin Cash: Last of the Tasmanian Bushrangers* (Sydney: Angus and Robertson, 1956), pp. 270-2, quoted in T. Causer, '"The worst type of sub-human beings"?', p. 4.
[109] R.G. Parker, *Cockatoo Island: A history* (Melbourne: Thomas Nelson Ltd., 1977), p. 61.
[110] Maxwell-Stewart, *Closing Hell's Gates*, p. 9.
[111] Causer, '"Worst Type of Sub Human beings"?', p. 4.

of the punishment is crucial here, as all but one of Australia's penal stations were constructed on coasts or islands.[112]

That exception was Wellington Valley, which was an inland penal settlement in New South Wales, more than 345 kilometres inland from Sydney. Even then it was dubbed a 'sort of "inland Norfolk Island"', which shows just how pervasive archetypes of insular isolation were to nineteenth century understandings of punishment.[113] Roberts diverges from Julia Reynolds's assertion that isolation encouraged despotism by commandants who were 'insulated… from accountability and interference'.[114] Instead, Roberts shows that it was actually lack of access to indulgences caused by physical isolation that convicts had come to expect, which led to resistance and escape attempts that resulted in the commandant's unsanctioned use of corporal punishment.[115] Crucially, though, these revisionist histories of penal settlement do not conflate punitive landscapes with despotism or depravity. In a similar vein, this thesis develops a nuanced and critical reading of the meanings of distance and isolation in colonial carceral experience.

The archetypes of Sarah Island and Norfolk Island as sites of punishment are refracted in sites like Cockatoo Island. Yet, Tim Causer has recently challenged understandings about the recidivist and violent nature of the inmates on these islands. He created a database of information on 6458 convicts sent to Norfolk Island between 1825 and 1855 and used this to test assumptions of historians and nineteenth-century commentators that the 'convicts of the second settlement were the 'worst of the worst' and 'incorrigibles'.[116] As a result, Causer challenged the 'received interpretation' that most convicts on Norfolk Island were 'doubly-convicted' showing that only approximately one third of convicts, some 2258 men, were under colonial sentence. Of those two-thirds were convicted of non-violent offences against the person.[117] He further drew attention to the 767 people – or twelve per cent – who were transferred to Norfolk

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[112] Maxwell-Stewart, *Closing Hell's Gates,* p. 9.
[113] Roberts, 'A sort of inland Norfolk Island', p. 56; J. Reynolds, 'The Penal Stations of New South Wales and Van Diemen's Land: The reality behind the legend', *Journal of the Royal Australian Historical Society,* 67 (1982), pp. 354-65.
[114] Roberts, 'A sort of inland Norfolk Island', p. 56.
[115] *Ibid.*
[116] Causer, '"The Worst Type of Sub-Human Beings"?', pp. 3-4; Causer, ' "Only a place fit for Angels and Eagles"', pp. 72-99.
[117] Causer, '"Worst Types of Sub-Human Beings"?', pp. 5-6. Causer challenged the interpretations of Hazzard, *Punishment Short of Death*, p. 112 and Nobbs, *Norfolk Island and its Second Settlement*, p. 5.

Island for breaches of discipline, rather than under a secondary conviction. This included 109 prisoners transferred to Norfolk Island from Cockatoo Island in 1848.[118]

Similarly, Hamish Maxwell Stewart's quantitative analysis of Sarah Island in Macquarie Harbour shows that, although nineteen per cent of its convicts were sentenced to secondary punishment by the Supreme Court, almost the same proportion were sentenced by a bench of magistrates for misconduct. Furthermore, nine per cent were sent to Macquarie Harbour under no custodial sentence at all. Of the total prison population, forty-four per cent had been sentenced for theft and only three per cent for violent crimes.[119]

In the second chapter of this thesis I quantitatively analyse 3411 entries in the prison registers from Cockatoo Island, Melville Island and Rottnest Island, to break down the inmate population according to their place of origin, which crimes they were convicted of and at which court. Historians have undertaken this kind of statistical analysis for Cockatoo Island and Rottnest Island using prison registers, but in general the registers of colonial gaols have not been mined for sociometric data in the same way as convict idents, even though they represent as rich a source of information for tracing former convicts and immigrant settlers. This absence is particularly surprising considering that despite the partial accidental destruction of New South Wales record sets, the complete registers of more than a thousand prisoners sent to Cockatoo Island have survived.[120] I have reviewed a total of three prison registers from New South Wales and Western Australia which are preserved in the archives, totalling 3411 entries. I used remaining registers and online genealogical tools to trace the lives of individual convicts on each of the three islands that form the basis of my case studies.[121]

This thesis poses a direct challenge to the received assumption that penal islands were overwhelmingly or homogeneously severe places. Instead, I argue that isolation on islands enabled a greater degree of unfettered mobility particularly for convicts on Melville Island and Indigenous prisoners on Rottnest. As Paul Carter argues about Norfolk Island, 'it was… the fact that the island was felt to be a natural prison that gave

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[118] Causer, '"The Worst Type of Sub-Human Being"?', pp. 21-3.
[119] Maxwell-Stewart, *Closing Hell's Gates,* pp. 44, 58.
[120] L.L Robson, *The Convict Settlers of Australia* (Melbourne: Melbourne University Press, 1976), pp. 97-99.
[121] For details of archival work completed on the three prison registers, see Chapter 3.

the convicts an unusual freedom'.[122] He points out that its 'symbolic boundaries' and 'given centre' made it easier to organise opposition as well as to control convicts. On Melville, Rottnest and Cockatoo Islands, convicts created social enclaves or evaded surveillance in different parts of the island, whether on the shoreline, the wharf or on a hill. By studying islands as a series of spatial assemblages, defined by natural and man-made segregations, I bring a new dimension to existing work on convict agency, which has hitherto focused either on the bush or the open ocean.

James Boyce challenges the idea that the bush acted like 'bars' to keep the convicts in, when, in fact, convicts 'were British Australia's first successful hunters, pastoralists and colonisers of the bush' who had transformative encounters with a new natural world, showing great adaptability and resilience.[123] In her study of early Sydney, Grace Karskens demonstrates how wilderness became associated with lawlessness as cattle thieves and absconders used what she terms 'nefarious geographies' of the bush to 'foster mobility'.[124] As Hamish Maxwell-Stewart argues in reference to Macquarie Harbour, escapes were a fairly common affair, in contrast to fictionalised convict autobiographies like Marcus Clarke's *For the Term of His Natural Life* which stressed its almost-total inescapability.[125]

Studies of maritime geographies of convict resistance have centred on convicts escaping to the open ocean. Grace Karskens' analysis of convict escapes in early New South Wales found convicts who took to the sea had the best likelihood of escape.[126] Similarly, Ian Duffield draws attention to 104 incidents of convict piracy in Australia's waters that formed 'a major convict resistance practice'.[127] Clare Anderson has investigated the escape routes of convicts from Australia and across the Bay of Bengal to Calcutta, exposing the 'fragility of the convict system'.[128] I demonstrate that convicts,

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[122] Carter, *The Road to Botany Bay,* pp. 312-3.
[123] J. Boyce, *Van Diemen's Land* (Carlton: Black Inc., 2008), p. 5.
[124] G. Karskens, *The Colony: A History of Early Sydney* (Crows Nest, 2nd edn., Allen & Unwin, 2010)*, pp. 305-7.
[125] M. Clarke, *For the Term of His Natural Life* (St Lucia: University of Queensland Press, 1872/2001).
[126] G. Karskens, '"The spirit of emigration": the nature and meanings of escape in early NSW', *Journal of Australian Colonial History,* 7 (2005), pp. 23, 28; Maxwell-Stewart, *Closing Hell's Gates*, pp. 174-5.
[127] I. Duffield, '"Haul away the anchor girls": Charlotte Badger, tall stories and the pirate of the "bad ship *Venus*"', *Journal of Australian Colonial History*, 7 (2005), p. 60; I. Duffield, 'Cutting out and Taking liberties: Australia's Convict Pirates*', International Review of Social History,* 58 (2013), pp. 197-227.
[128] C. Anderson, 'Multiple Border Crossings: "Convicts and Other Persons Escaped from Botany Bay and residing in Calcutta"', *Journal of Australian Colonial History,* 3:2 (2001), p. 5.

particularly settler and Indigenous people, sought to escape to the mainland, rather than to the open sea.

There has been a significant amount of scholarship on the different ways that convicts evaded surveillance or utilised connections to enact convict agency on a daily basis. William Robbins describes acts like smoking, gambling and trafficking as a 'form of constant daily fragile escape' from the constraints imposed on convicts at Hyde Park Barracks.[129] Similarly, Elinor Conlin Casella has found archaeological evidence of illicit economies, where sex and material objects were traded within female factories.[130] Tim Causer has shown that trafficking between convicts and soldiers was rife, due partly to shared feelings of isolation and shared social backgrounds.[131] Hamish Maxwell-Stewart identified the carpenter's shop in the shipbuilders' yard at Macquarie Harbour as a site of convict trafficking.[132] Though it may seem that administrators of isolated islands would be more likely to tacitly permit trafficking to avoid having to inflict punishment and risk inciting mutiny, in these cases it was the opposite. For example, commandant Maurice Barlow sought support from Sydney to court-martial sailors who trafficked alcohol, in order to avoid provoking mutiny, whereas superintendent Charles Ormsby was heavily involved in illicit trafficking on the harbour-island of Cockatoo.

The thesis draws on Joy Damousi's emphasis on women convicts who overstepped social, sexual and spatial boundaries as forms of resistance that were often accompanied by being 'out of place'.[133] However, I focus on all-male spaces in which convicts performed 'hyper-masculine' violent behaviour to establish authority within the convict hierarchy, as described by Raymond Evans and Bill Thorpe in regards to Moreton Bay.[134] In all-male enclaves, convict agency was enacted through the crossing of spatial boundaries, whether climbing into bunks at night for sex or going onto the dock to smoke with the sailors. Catie Gilchrist has discussed colonial anxiety about convicts crossing

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[129] W.M. Robbins, 'Spatial Escape and Hyde Park Barracks', *Journal of Australian Colonial History,* 7 (2005), p. 81.
[130] E.C. Casella, '"Doing Trade": A sexual economy of nineteenth-century Australian female convict prisons', *World Archaeology*, 32:2 (2000), pp. 209-221; P. Davies, 'Destitute Women and Smoking at the Hyde Park Barracks, Sydney, Australia', *International Journal of Historical Archaeology,* 15 (2011), pp. 82-101.
[131] Causer, '"Only a place fit for angels and eagles", p. 147.
[132] Maxwell-Stewart, *Closing Hell's Gates*, pp. 253-6.
[133] J. Damousi, *Depraved and Disorderly: Female convicts, sexuality and gender in colonial Australia* (Cambridge: Cambridge University Press, 1997), pp. 65-6.
[134] M. Bosworth and E. Carrabine, 'Reassessing Resistance: Race, gender and sexuality in prison', *Punishment & Society,* 3:4 (2001), p. 511.

spatial-sexual boundaries by climbing into bunks.[135] Gilchrist argues that since these acts took place on isolated penal settlements, like Maria Island, they made them doubly-invisible to the public, resulting in rumours, exaggeration and fear.[136] I argue that nineteenth century conceptions around islands affected how the public perceived intimate acts within these spaces. The central role of Norfolk Island within the Anti-Transportation campaigns of the 1840s, as shown by Kirsty Reid and Tim Causer, refracted through the scandal surrounding 'unnatural offences' on Cockatoo Island over a decade later.[137]

1.2.4 Convicts and Empire

My focus on islands brings maritime history into dialogue with the convict system. As well as building continental infrastructure, like roads and bridges, convicts built maritime infrastructure that connected the colonies to the ocean, and therefore to other imperial and colonial nodes. The study of islands brings to the forefront these understudied aspects of convict labour, because it was logical to develop maritime industries on spaces surrounded by water. On Cockatoo Island, convicts built a dry dock for large steamships and on Rottnest Island, Indigenous convicts built a lighthouse, alongside other smaller elements of maritime infrastructure. Melville Island was established as a *trepang* (sea slug*)* fishery and trading outpost and a higher-than-average proportion of the convicts were shipbuilders and mariners. In order to maximise the economic potential of islands situated on the cusp between colony and ocean, convict labour was used to enable maritime interconnectivity and trade.

The existing literature on convicts working in maritime industries focusses on the first thirty years after British colonisation began in 1788. This thesis instead places emphasis on convicts' contribution to naval and maritime technology in the mid-nineteenth century. Rather than focusing on whether punishment or economic considerations were at the forefront of the decision to settle Botany Bay, I argue instead that convict labour represents an important continuity.

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[135] C. Gilchrist, 'Space, Sexuality and Convict Resistance in Van Diemen's Land: The limits of repression?', *Eras Journal,* 6 (2004), n.p.
[136] *Ibid.*
[137] K. Reid, *Gender, Crime and Empire: Convicts, settlers and the state in early colonial Australia* (Manchester: Manchester University Press, 2007), p. 211; T. Causer, 'Anti-Transportation, "Unnatural Crime" and the "horrors" of Norfolk Island', *Journal of Australian Colonial History*, 14 (2012), pp. 233-8.

Mollie Gillen contends that Australia 'was chosen to be the destination urgently needed to rid Britain of an overflow of felons in her prisons, with no other purpose mentioned'.[138] Gillen's argument rests on two key points. First, that the British government attempted to rid themselves of an excess number of convicts in several different ways after 1776, when transportation to the American colonies stopped due to the outbreak of war, and the settlement of Botany Bay in 1788. These measures included emergency legislation in 1776 to turn decommissioned ships into prison hulks and sending convicts to the West African coast.[139] Second, she points out that if the British government were motivated to colonise by a drive to secure naval products, they would have colonised New Zealand with its flax supplies, and settled Norfolk Island immediately rather than wait eight months.[140]

Alan Frost argues that convicts were sent to colonise New South Wales to harvest naval products, including hemp for masts and timber for ship-building. The loss of the American colonies exacerbated timber shortages at a time when the tonnage of warships was rapidly increasing. Furthermore, Frost argues, the threat of war with Russia threatened supplies of hemp for masts and rigging.[141] A final motivation was the potential for the East India Company to tap into the Great China Route.[142]

There is a case to be made that the British government was motivated to both rid themselves of felons, and to make them useful in the pursuit of global expansion. The preamble to the 'Heads of a Plan' to establish the colony in New South Wales cites the dual purpose of 'effectually disposing of Convicts… and rendering their Transportation reciprocally beneficial… to the State'.[143] This is in line with the use of convict labour by

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[138] M. Gillen, 'The Botany Bay Decision, 1786: Convicts not Empire', *English Historical Review,* 97 (1982), p. 740.
[139] *Idem*, p. 743; E. Christopher, *A Merciless Place: The lost story of Britain's convict disaster in Africa* (Oxford: Oxford University Press, 2010); E. Christopher and H. Maxwell Stewart, 'Convict Transportation in Global Context, c. 1700-88', in A. Bashford and S. Macintyre (eds), *The Cambridge History of Australia, vol. 1: Indigenous and colonial Australia* (Cambridge: Cambridge University Press, 2013), pp. 68-90.
[140] Gillen, 'The Botany Bay Decision', pp. 759-60; and Alan Frost's response: A. Frost and M. Gillen, 'An Imperial Venture of the 1780s', *English Historical Review*, 100:395 (1985), p. 321.
[141] A. Frost, *Botany Bay Mirages: Illusions of Australia's convict beginnings* (Carlton: Melbourne University Press, 1994), pp. 70-2. See also: A. Frost, *Botany Bay: The Real Story*; (Melbourne: Black Incorporated, 2011); A. Frost, *First Fleet: The Real Story* (Melbourne: Black Incorporated, 2011).
[142] *Frost, Botany Bay Mirages,* pp. 101-2.
[143] *Idem.*, p. 43.

the British government in the Indian Ocean, and by European empires more broadly.[144] According to Emma Christopher and Hamish Maxwell-Stewart, the East India Company's support was half-hearted and the focus on naval supplies was an attempt to put a positive spin on their decision to settle Botany Bay.[145] Yet, the importance of naval supplies and maritime infrastructure never disappeared entirely from view.

I demonstrate that islands were differentiated spaces that manifested in physical form the colonial government's ability to pursue more than one goal with its use of convict labour. This is clear from the 1787 instructions issued to Captain Arthur Phillip upon settling New South Wales, to settle the coast for agriculture and to harvest hemp from Norfolk Island in the Pacific. Norfolk Island pine turned out to be too hollow for shipbuilding and the flax incompatible with European methods of processing.[146] Ultimately, it was convicts' work as agriculturalists and farmers that drew ships into Sydney harbour to be 'careened and resupplied'.[147] In both the case of Norfolk Island and in my case study of Melville Island, their ultimate failure as naval emporiums and a lack of unity between the Colonial Office and East India Company led to a dismissal of the global context of commercial expansion which was always an underlying factor in the deployment of convict labour.[148] As Alan McGillivery argues, 'the early governors had all been naval men. They looked to sea… their remit was to maintain the British enclave on the model of the Dutch East India Company station at Cape Town'.[149]

This debate is concerned with the intention of the British empire as regards convicts, rather than how convicts were used after settlement. This misses a key attraction of convict labour globally: that it offered a short-term, disposable labour force. But, to paraphrase Captain Cook, Norfolk Island was one of many 'useful auxiliaries' to the settlement of New South Wales, and therefore saw the development of a

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[144] H. Maxwell-Stewart and C. Anderson, 'Convict Labour and Western Empires, 1415-1954', in R. Aldrich and K. McKenzie (eds), *The Routledge History of Western Empires* (London: Routledge, 2013), pp. 102-117.

[145] Christopher and Maxwell Stewart, 'Convict Transportation in Global Context', p. 88.

[146] Frost, *Botany Bay Mirages*, p. 85.

[147] Christopher and Maxwell Stewart, 'Convict Transportation in Global Context', p. 89; Atkinson, *Europeans in Australia, vol. I,* p. 58.

[148] R.J. King, '"Ports of Shelter and Refreshment…': Botany Bay and Norfolk Island in British Naval Strategy, 1786-1808', *Historical Studies,* 22:87 (1986), pp. 199-213; *HRA,* ser. I, vol. XI, Earl Bathurst to Sir Thomas Brisbane, 17 Feb. 1824, pp. 228-9.

[149] A. McGillivery, 'Convict Settlers, Seaman's Greens, Imperial Designs at Port Jackson: A Maritime perspective of British settler agriculture', *Agricultural History,* 78:3 (2004), pp. 261-288; H. Maxwell-Stewart 'Convict Labour Extraction and Transportation from Britain and Ireland, 1615-1870', in C.G. De Vito and A. Lichtenstein (eds), *Global Convict Labour* (Leiden: Brill, 2015), p. 179.

differentiated naval purpose after settlement.[150] The building of military forts with small settlements at strategic places on the Australian coast, including Melville Island, must be understood as 'auxiliaries' for a developing imperial strategy that sought to connect Australia to Indian and Pacific Ocean trading routes.

Alan Frost's discussion of convicts' roles in the maritime industry ends in 1811, towards the end of the East India Company's monopoly on colonial shipbuilding.[151] Yet, it was only after that point that Australia's domestic maritime industry took off, as shipbuilding commenced and whaling and sealing industries expanded, particularly in Van Diemen's Land.[152] As Hamish Maxwell-Stewart and Michael Nash have pointed out, for the coastal penal settlements of Port Arthur and Port Macquarie, skilled convict labour was concentrated in order for them to turn felled trees into ships and schooners between 1822 and 1833.[153] Also in Van Diemen's Land, convicts constructed a lighthouse on the island of Cape Bruny in the 1830s, though Therese Murray focusses more on its symbolic value, than on those who built it.[154] Yet, convict labour in maritime industries has been barely theorised outside of Van Diemen's Land or in later decades.

In its analysis of the impact of insularity on convict labour, this thesis brings attention to new arenas of convict labour extraction, and extends the time period from the 1820s to include the 1840s and 1850s. The mid-century maritime dimension of convict labour has been largely neglected, though Katherine Foxhall has shown how essential maritime journeying was to turning convicts into colonisers.[155] During the latter half of nineteenth century there was increased need for larger, specialised dock facilities, as ships under sail could use general-purpose harbours. This was a time of rapid change with the introduction of steamship technology and increasing numbers of small vessels travelling along the Australian coasts. I build on John Turnbridge's statement that convict

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[150] J.C. Beaglehole (ed.), *Journals of Captain James Cook, vol. ii* (Cambridge: Cmabridge Univeristy Press, 1967), pp. 565-6, quoted in Frost, 'Botany Bay: An imperial venture', pp. 321-22.

[151] O. Suffolk, 'Days of Crime and Suffering', *The Australasian*, 9 March 1867, p. 6.

[152] M. Staniforth and D. Shefi, 'Shipbuilding in the Australian Colonies before 1850', *Underwater Archaeology Proceedings* (2014), pp. 335-341; R. Bullers, 'Quality Assured: Shipbuilding in Colonial South Australia and Tasmania', *Flinders University Maritime Archaeology Monograph Series*, 8 (2006), p. 5.

[153] H. Maxwell-Stewart 'Convict Workers, "Penal Labour" and Sarah Island', pp. 142-163; M. Nash, 'A Harbour Large Enough to Admit a Whole Fleet: The maritime history and archaeology of Port Arthur', in R. Tuffin (ed.), *History of the Port Arthur Dockyards* (Port Arthur: PASHMA, 2004), pp. 39-56.

[154] T. Murray, 'Islands and Lighthouses: A phenomenological of Cape Bruny, Tasmania', in E. Stratford (ed.), *Island Geographies: Essays and conversations* (London: Routledge, 2017), pp. 37-9.

[155] K. Foxhall, 'From Convicts to Colonists: The health of prisoners and the voyage to Australia, 1823-53', *The Journal of Imperial and Commonwealth History,* 39:1 (2011), pp. 1-19.

labour was 'an often overlooked continuity' in maritime expansion projects in Australia.[156]

1.2.5 Settler Colonialism and Incarceration of Indigenous People

This study of carceral islands recognises the state-mandated forms of violence and coercion that dispossessed Indigenous people, whilst still bringing attention to agency, adaptability and mobilities of Indigenous prisoners within the Australian criminal justice system. This section begins with use of islands as part of genocidal policy enacted by the British government towards Indigenous Tasmanians.[157] It demonstrates that strategies of dispossession and displacement replaced frontier warfare to eradicate the Indigenous Tasmanian population. It then considers how displacement, particularly to islands, was a feature of the punishment of Indigenous Australians in other Australian colonies. It concludes with a discussion of what space and places mean to Indigenous people and resistance strategies of Indigenous peoples within penal institutions.

This thesis understands criminal law directed against Indigenous people as a function of colonial territorial expansion. Between 1824 and 1835, the British government extended their jurisdiction over both spaces of European settlement and their Indigenous 'subjects'.[158] These legal powers marked the extent of British territory through punishment, and according to Lisa Ford represented 'a systematic attempt to erase Indigeneity through spatial, social and legal domination'.[159] It was in the years following these landmark cases in New South Wales, and according to a different set of legal precedents in Western Australia, that Indigenous prisoners were confined on Cockatoo Island and Rottnest Island respectively. Practices of incarceration, especially in geographically separated islands, were both a denial of Indigenous sovereignty and a means to disperse Indigenous resistance to settler conquest by breaking relational bonds between individuals, disrupting communities and removing Indigenous people physically and conceptually from homelands.

Mark Finnane and John McGuire argue that the impact of the British Empire's pursuit of 'protectionist' policies, led to a shift from overt settler violence to criminal-

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[156] J.E. Turnbridge, 'Naval Heritage and Postcolonial Geography: Why it should matter to Australia', *Geographical Research,* 49:1 (2011), p. 87.
[157] N. Brodie, *The Van Demonian War* (London: Hardie Grant, 2017).
[158] Ford, *Settler Sovereignty.*
[159] *Idem.,* p. 206.

jurisdiction over Indigenous people in the colonies of Western Australia and Queensland. They specifically identify what they term 'islands of incarceration' as the physicalized rendering of 'race-specific incarceration'.[160] The security of insularity turned on a form of mobility that was considered a unique requirement for Indigenous well-being by separating Indigenous people from white settler society. This 'experiment' in Indigenous-specific penal regimes gave way to practices of labour extraction in line with the convict system. Indeed, once Western Australia became a penal colony in 1850, Indigenous prisoners on Rottnest spent five years working alongside European convicts building roads. This shift was spatially apparent through the development of an 'extensive colony-wide carceral network' of regional prisoners on the mainland by the 1890s.[161] Thus Indigenous incarceration as a specific practice is fundamentally linked to insular geography, even while island spaces acted as an extension of the frontier.

This study also builds on the work of scholars such as Lyndall Ryan and Bain Atwood on Indigenous practices of agency within institutions of confinement. Atwood reads the actions of residents of missions, like 'fighting' or 'going walkabout' as an assertion 'of a different spatial and temporal sense' to those that Europeans sought to impose on them. In particular, he stressed how Indigenous people managed to create social and cultural 'enclaves for themselves' that maintained connections to their communities and attempted to keep their country intact.[162] Ryan describes how Indigenous inhabitants of Flinders Island managed to create their own 'spaces' away from European regimes, for example by gathering firewood in the bush on Sundays, rather than observing it as a day of rest.[163] Yet, we must be cognizant that agency is not just observable in, or limited to, the continuance of 'traditional' activities. Further, Indigenous peoples' actions were mediated through colonial conceptions of spaces that many actively helped co-create.[164]

As a site of coercive labour extraction and corporal punishment, the remit for Indigenous agency more narrow in most respects on Rottnest Island than on missions.

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[160] Finnane and McGuire, 'Uses of Punishment and Exile', pp. 285-6.
[161] *Idem.,* p. 286.
[162] B. Atwood, *Making of the Aborigines* (Sydney: Allen & Unwin, 1989), pp. 66-9.
[163] Ryan, *Tasmanian Aborigines,* p. 231.
[164] A. Lester and Z. Laidlaw, 'Indigenous Sites and Mobilities: Connected struggles in the long nineteenth century', in Z. Laidlaw and A. Lester (eds), *Indigenous Communities and Settler Colonialism: Land holding, loss and survival in an interconnected world* (Basingstoke: Palgrave Macmillan, 2015), p. 17.

Yet, it was an unusual carceral space in terms of the freedom of movement that prisoners experienced within the island environment, which reflects the patterns noted by Ryan, Attwood, Lester and Laidlaw. The analytical framework of this thesis remains attentive to various forms of adaptation by Indigenous inmates to the circumstances of their imprisonment.

In this respect, this study places a focus on agency in line with convict studies, which is lacking from several accounts of Rottnest's history that have emphasised suffering and violence in order to strengthen demands for state recognition of the island's penal history. A comparative history, like this one, recognises oppressive regimes but also eschews ahistorical comparisons to Auschwitz, made by Neville's Green and Graeme Dixson (dubbing Rottnest 'Auschwitz Island').[165] This thesis posits a more complex relationship in how criminal law was used as a way to dispossess Indigenous people and that they were subjected to intentional neglect in these sites. It also recognises the deaths in custody of Rottnest's prisoners at the hands of Superintendent Henry Vincent, with the complicity of the colonial government. The mortality rate of ten per cent on Rottnest Island cannot be said to be systematically genocidal in the manner of a death camp. This does not mean to diminish that Rottnest was a site of suffering and injustice, under an invader's sovereignty. However, I would argue that this is another instance where the 'island mythology' is coming to the forefront, rather than historical realities. In doing so, I hope also to shed light on the various forms of agency and great degree of adaptability that Indigenous convicts were able to enact with the penal system.

In the early 2000s Keith Windschuttle's attempt to deny the historical fact of state-sanctioned violence against Indigenous peoples sparked the History Wars.[166] Windschuttle dramatically underestimated the number of Indigenous Tasmanians killed in the Black War of the mid 1820s-1832, through deliberately neglecting a number of pertinent sources and uncritically reading sources that presented lower Indigenous casualty-rates created to better fit with the Colonial Office's humanitarian agenda.[167] It is telling that Windschuttle went to such great lengths to produce an intellectually

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[165] Green and Moon, *Far From Home,* p. 93; Dixson, 'Holocaust revisited'.
[166] K. Windschuttle, *The Fabrication of Aboriginal History, vol. 1 Van Diemen's Land, 1803-47* (Paddington: Macleay Press, 2002); S. Macintyre and A. Clark, *The History Wars* (Carlton: Melbourne University Press, 2004).
[167] J. Boyce, 'Fantasy Island', in R. Manne (ed), *Whitewash: On Keith Windschuttle's fabrication of Aboriginal history* (Melbourne: Black Inc., 2003)*,* pp. 29-46; L. Ryan, 'Who is the Fabricator', in Manne (ed.), *Whitewash,* p. 251; H. Reynolds, *Fate of a Free People* (Ringwood: Penguin, 1995), pp. 75-82.

fraudulent argument, that so many people in the academy and wider Australian society uncritically took up his argument, and that the critique of and backlash against this argument led to years of acrimonious debate – clearly, work in this area is both important and must be approached with great care and sensitivity. The most relevant strand of this debate for this thesis relates to George Augustus Robinson's so-called 'friendly missions' to which Indigenous Tasmanians were encouraged to flee for their own safety, and then forcibly constrained.[168] Various islands in the Bass Strait were trialled for these 'Aboriginal Settlements', before a more permanent settlement was established at Wybaleena on Flinders Island (1830-47), as well as at former-penal settlement Macquarie Harbour on the east side of Van Diemen's Land.

Though Robinson presented the endeavour to the Colonial Office as a humanitarian form of 'protection' from settler-led violence, he presided over their mistreatment. Children were separated from their parents to ensure co-operation, and people were subjected to poor living conditions and insufficient diets, resulting in mortality rates of up to fifty-five per cent. Most recently, Tom Lawson has argued that the removal to Tasmanians to islands was genocidal in both intention and effect.[169] Kristyn Harman has alluded to the continuities between these island institutions and the high mortality rates of Indigenous convicts on Goat Island and Cockatoo Island in the early 1830s.[170] Chapter Two unpicks in more detail how choosing islands was part of the performance of protection by colonial governments in New South Wales, Western Australia and Queensland. Yet, in practice, their aim was segregation, systemic violence and neglect, which resulted in high mortality rates and were endemic to the running of these island institutions.

This thesis tries to balance the experiences and agency of Indigenous prisoners on islands with attention to the wider structures of violence and dispossession, the psychological and physical consequences of which were extreme and traumatic. These included the destruction of traditional hunting grounds and disruption of traditional economies, transmission of disease, breakdown of customary structures of authority,

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[168] N. J. B. Plomley, *Weep in Silence.*

[169] Lawson, *The Last Man,* 'Appendix: Towards Genocide: Government Policy on the Aborigines, 1827-38', pp. 261-313; T. Lawson, 'Beyond the Common', in B. Atwood and T. Griffiths (eds), *Frontier, Race, Nation: Henry Reynolds and Australian history* (North Melbourne: Australian Scholarly Publishing Party, 2009), pp. 95-110.

[170] K. Harman and H. Maxwell-Stewart, 'Aboriginal Deaths in Custody in Colonial Australia, 1805-1860', *Journal of Colonialism and Colonial History,* 13:2 (2012), n.p.

violent conflict, alcohol and tobacco dependency, the institutionalisation of Indigenous communities in missions and reserves, and the criminalisation of Indigenous people in line with customary law.[171] However, Indigenous people were not passive in the face of settler colonialism's onslaught.[172] In the 1980s, there was a shift in focus from scholarship about the violence of dispossession to the adaptability of Indigenous Australians as a survival strategy. This was embodied by Lyndall Ryan's seminal work *Tasmanian Aborigines* and Bain Atwood's *Making of the Aborigines.*[173] Within revisionist histories it is appropriate to analyse Indigenous agency in its many forms, yet it is only possible to do so with the acknowledgement that systematic violence – both physical and through coercive institutions – underscored the survival strategies available to Indigenous individuals and communities.

A spatial approach is particularly useful for centring Indigenous experience within history, providing a sufficiently broad definition of 'place/space' is used. This thesis recognises the importance of land to Indigenous communities' ways of knowing and being,[174] but with the acknowledgement that as a non-Indigenous researcher who has not spent time immersed in these contexts and teachings my understanding of these dynamics is partial and fragmentary.[175] In 1968, W.E.H. Stanner's addressed collective 'forgetting' of Indigenous Australian pasts which he termed the 'great Australian silence', he wrote:

> When we took what we call "land" we took what to them meant hearth, home, the source and focus of life, and everlastingness of spirit...What I describe as a kind of "homelessness", then, means that the Aborigines faced a kind of vertigo of living.[176]

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[171] H. Reynolds, *The Other Side of the Frontier: Aboriginal resistance to the European invasion of Australia* (Ringwood: Penguin Books,1982).
[172] R. Broome, *Aboriginal Australians: A history since 1788* (Crows Nest: Allen & Unwin, 4th edn., 2010).
[173] Ryan, *Tasmanian Aborigines*; Attwood, *Making of the Aborigines.*
[174] See for example: S. Wright, K. Lloyd, S. Suchet-Pearson, L. Burarrwanga, M. Tofa, M. and Bawaka Country, 'Telling stories in, through and with Country: Engaging with Indigenous and more-than-human methodologies at Bawaka, NE Australia', *Journal of Cultural Geography*, 29:1 (2012), pp. 39-60; Bawaka Country, S. Wright, S. Suchet-Pearson, K. Lloyd, L. Burarrwanga, R. Ganambarr, M. Ganambarr-Stubbs, B. Ganambarr, D. Maymuru, and J. Sweeney, 'Co-becoming Bawaka: Towards a relational understanding of place/space,' *Progress in Human Geography*, 40:4 (2016), pp. 455-475.
[175] C. Haig-Brown, 'Indigenous Thought, Appropriation, and Non-Aboriginal People,' *Canadian Journal of Education*, 33:4 (2010), pp. 925-950.
[176] W.E.H. Stanner, *The Dreaming and Other Essays*, introduced by R. Manne, (Collingwood: Black Inc, 2009), pp. 206-7.

This understanding of Indigenous peoples' connection to culture and community through land underscores how forcible or coerced removal, even over short distances or for short periods of time, could be profoundly traumatic. It also shows clear links between how Indigenous people experienced dispossession as a form of physical displacement. It is also important to note that many Indigenous Australians were punished for not respecting European views on land and property ownership, when their own understandings of 'country', linked people to their ancestors via the Dreamtime which partly determined access to natural resources. As Berndt writes; 'The whole land is full of signs: a land humanised so that it could be used and read by Aborigines who were/are intimately familiar with it, and read as clearly as if it were bristling with notice-boards.'[177]

1.2.6 Historiography of Carceral Islands

The sites around which my case studies are centred have in the main been considered by historians in the context of local histories of imprisonment with relevance to a city or colony, or they have been studied as convict heritage sites. An overview of the existing literature shows that my case study islands are ripe for re-conceptualisation in two respects: first, the socio-spatial meanings of insularity and second, their positionality in relation to imperial networks, rather than solely to the mainland.

The earliest historical overview of Cockatoo Island's history as a penal establishment was written by R.G. Parker in 1977. It established many of the tropes of the genre, opening with a description of the 'rocky island' and quoting the governor of New South Wales, George Gipps', description of the island as 'surrounded by deep water' and 'under the very eye of authority'.[178] He depicts the island as a fortress, engulfed in fog, edged by sentries and surrounded by shark-infested waters.[179] He seals Cockatoo Island's reputation as a natural prison by wrongly claiming that there was only one successful escape from the island by bushranger Frederick Ward (also known as Captain Thunderbolt). In fact, convicts did escape to the mainland but they did not evade capture on the mainland for as long as Ward, who continued bushranging for seven years before being shot by a policeman in Uralla in 1870.[180] Catherine O'Carrigan likens

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[177] R.M. and C.H. Berndt, *The Speaking Land: Myth and story in Aboriginal Australia* (Ringwood: Penguin, 1989), p. 6.
[178] R.G. Parker, *Cockatoo Island: A history* (Melbourne: Thomas Nelson Ltd., 1977), p. 4.
[179] *Ibid.*
[180] V. Crittendent, 'Ward, Frederick (Fred) (1835-1870), *Australian Dictionary of Biography* [hereafter ADB], 1976 <http://adb.anu.edu.au/biography/ward-frederick-fred-4801> [accessed: 12 Sept. 2017].

Cockatoo Island to a 'desert island', despite its harbour location.[181] She further claims that the convicts were the 'most desperate and abandoned characters'.[182]

In historical accounts of Sydney, Cockatoo Island is presented as an inescapable island that held famous bushrangers. Ian Hoskins describes the island as a 'high security prison', and cites Parker's erroneous claim that only Ward ever successfully escaped. In Grace Karskens' *The Colony,* the island is again mentioned in relation to the attempted escapes of two bushrangers. With no further cited evidence, Karskens argues that the island operated as 'a prison where escapees were incarcerated and marooned. It was notorious for brutal conditions'.[183] Robert Hughes, Babette Smith and Rob Wills all mention Cockatoo only briefly as a place to which Norfolk Island's convicts were transferred.[184] These two stereotypes sealed its reputation as a secure 'natural prison' that held rogue and recidivist convicts.

Other accounts of the island focus on its history as a dockyard, viewing convict labour as a preparatory and brief stage on the path towards the establishment of free labourer populations. John Jeremy gives a 'detailed account of shipbuilding and ship repair' but his analysis of prison discipline is encompassed by this statement: 'As a prison, Cockatoo Island was not a nice place'[185] Historical accounts commissioned by heritage organisations build their analyses around the island's material landscape to show continuities between the convict and free era of dockyard development. Both James Semple Kerr in 1984 and Patrick Fletcher in 2011, recognised the fundamental change convicts wrought on the island landscape.[186] As Fletcher writes, 'Its size shape and texture bear little resemblance to the uninhabited, rocky tree-covered island it was in 1849'.[187] Cockatoo Island's 'conservation management plan' for 2007 stressed the

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[181] C. O'Carrigan, 'Cockatoo Island: An island of incarceration in Sydney Harbour', in J. Pearn and P. Carter (eds), *Islands of Incarceration: Convict and quarantine islands of the Australian coast* (Brisbane: Amphion Press, 1995), p. 65.
[182] *Idem.,* p. 64.
[183] Karskens, *The Colony,* pp. 304-7.
[184] B. Smith, *Australia's Birthstain: The startling legacy of the convict era* (Crows Nest: Allen & Unwin, 2nd edn, 2009), pp. 183-5.
[185] J. Jeremy, *Cockatoo Island: Sydney's historic dockyard* (Sydney: UNSW Press, 1998), p. 3.
[186] J.S. Kerr, *Cockatoo Island: Penal and institutional remains* (Sydney: National Trust of Australia, 1984).
[187] P. Fletcher, 'Cockatoo Island', *Sydney Journal,* 3:2 (2011), p. 75.

'bleakness' and 'isolation inherent in the island' but contextualises this with the 'layering' of industrial spaces.[188]

In contrast, Sydney Harbour's Trust pitch for UNESCO World Heritage documentation stresses the island's position within a global 'system of deportation and forced labour forming part of the British Empire's vast colonial project'.[189] Despite this movement away from tropes of island isolation, their 2009 report still replicated nineteenth-century assumptions that the prison population comprised either 'invalids, lame and blind', or people of 'doubtful character'.[190] This thesis quantitatively analyses Cockatoo Island's prison registers for the first time to show that Cockatoo Island convicts were for the most part neither secondarily transported nor convicted for violent crimes. Instead, I explore how the island's convict population was comprised, in large part, of livestock thieves and absconders. In terms of its heritage strategy, the report referred several times to Cockatoo Island as an 'isolated landscape' of personal hardship, comparable to the 'dark tourism' attractions of Port Arthur in Tasmania and Ellis Island in San Francisco.[191]

Two social histories of Cockatoo Island focus on narrating events through the inmates. The first is Kristyn Harman's *Aboriginal Convicts*, which identifies twenty-two Eora convicts who were transported to Cockatoo Island from New South Wales.[192] Harman pieced together archival fragments to tell stories of Indigenous peoples from conviction to their deaths in custody. However, her description of Cockatoo Island takes colonial officials at their word when she describes it as a 'rocky triangular-shaped natural hulk' inhabited by 'convicts [who] had committed offences within New South Wales' and "regular incurables, doubly and trebly convicted" transferred from Norfolk Island'.[193] Since her focus is on the Indigenous convicts, some of the descriptions of the white convicts are taken at face value. In terms of the island geography she traces a broad link between Wybaleena and Cockatoo Island, which she characterises as the enduring

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[188] 'Cockatoo Island: Conservation Management, vol. I' (Sydney, Godden Mackay Logan Heritage Consultants, 2007), p. 353.
[189] 'Australian Convict Sites', *UNESCO,* 2010 <http://whc.unesco.org/en/list/1306> [accessed: 10 Sept. 2017].
[190] 'Cockatoo Island: Conservation management plan for the convict buildings and remains, vol. I: CMP' (Sydney: Government Architect's Office, 2009), p. 29.
[191] *Idem.,* p. 186.
[192] Harman, *Aboriginal Convicts*.
[193] 'Cockatoo Island: Conservation management plan for the convict buildings and remains, vol. I: CMP' (Sydney: Government Architect's Office, 2009).

'popularity of the idea of exiling mainland Aboriginal people to offshore islands'.[194] But she does not delve much deeper into the importance of narratives of isolation for Indigenous incarceration.

Sue Castrique's recent book about Cockatoo Island is a history told through the people on the island, in particular the relationships between the 'convicts' and 'gentlemen' of her subtitle.[195] As a former scriptwriter, Castrique uses the drama of convict boxing matches as a metaphor for competing impetuses within the convict administration. However, it is very much a local history of Cockatoo Island, with Sydney as its primary arena of analysis. Instead, I analyse how Cockatoo Island was connected and understood, globally, regionally and locally.[196] In sum, this thesis builds on the existing literature by analysing the insular geography to challenge presumptions about the island being a 'natural prison' for the worst offenders, and to bring a focus on Cockatoo Island's connections to the ocean and the empire, that includes not only convicts' work on the dry dock.

In contrast to the former histories, the convict settlement of Melville Island is rarely discussed through the lens of island geography. J.M.R Cameron's administrative history of the settlement focusses on East India Company negotiations with the Colonial Office to establish a trading settlement. Cameron's account engages with maritime geographies inherent in these discussions, particularly second secretary of the Admiralty, John Barrow, as a 'covetor of islands' who hoped to discover an 'inland sea' in Australia.[197] Heather Marshall was the first historian to study the convicts themselves, rather than assume they were 'inarticulate, mere names on a muster sheet… their feelings came out in drunkenness, [and] indiscipline'.[198] Marshall found that almost a quarter of the convicts were black and the majority of them were skilled. She frames the particular forms of convict discipline that emerged, usually based on incentive but occasionally violent, as necessitated by the commandant's isolated position from Sydney.

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[194] Harman, *Aboriginal Convicts,* p. 57.
[195] S. Castrique, 'Under the Colony's Eye: Cockatoo Island and the Fitzroy Dock', *Journal of the Royal Australian Historical Society,* 98:2 (2012), pp. 51-66.
[196] S. Castrique, *Under the Colony's Eye: gentlemen and convicts on Cockatoo Island*, 1839-1869 (Sydney: Anchor Books, 2014).
[197] Cameron, 'Traders, Government Officials and the Occupation of Melville Island in 1824', pp. 94-5.
[198] A. Powell, *The Far Country: A short history of the Northern Territory* (Darwin: Charles Darwin University Press, 1982), p. 51, quoted in H. Marshall, 'Convict pioneers and the failure of the management system on Melville Island, 1824-29', *The Push from the Bush,* 29 (1991), p. 30.

Clayton Fredericksen analysed archaeological remains to show that construction was labour-intensive and not particularly skilled. He described Melville as an 'ideal laboratory situation' due to its 'size, geographic isolation and brief occupancy'.[199] Fredericksen also recorded oral histories of the brief colonial settlement from the perspective of the Tiwi, as part of what he called a 'culturescape' of archaeology and community history. In general, Melville Island's histories have been overshadowed by the short-lived nature of the settlement. Yet, this made no difference to convicts at the time. By combining Cameron's focus on maritime geographies and Marshall's on convict experience, the thesis demonstrates that the daily lives of convicts were shaped not just by isolation but also by insularity. On Melville, the bush and the island hemmed them in, while the sea offered escape.

Rottnest Island is the most studied of my three case studies, by virtue of being the sole prison in Australia that confined only Indigenous people under a custodial sentence. This, coupled with the fact it received over 3500 convicts in around eighty years, has made it a site of fascination.

As discussed above, Neville Green and Susan Moon conducted the most comprehensive study of Rottnest Island Prison by using the official records of the state archives to identify 3676 men incarcerated on Rottnest.[200] Green introduced the volume with a historical overview of the key events in the prison's management, but with little contextual information on how this compared to other forms of Indigenous incarceration in the Australian colonies, or European convicts in Western Australia. Furthermore, Green clearly identifies the pastoral economy as a driving force behind conviction, as the vast majority of Rottnest's inmates were incarcerated for livestock theft. However, this thesis goes one step further to consider how carceral island spaces can be conceptualised as part of the frontier: both by lessening resistance, but also by acting as a labour depot which made Indigenous convicts useful to the colonial project.[201]

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[199] C. Fredericksen, 'Confinement by isolation: convict mechanics and labour at Fort Dundas, Melville Island', *Australasian Historical Archaeology,* 19 (2001), pp. 48-59; B. Reid, 'Melville Island: Convict outpost and the first colonial settlement in northern Australia', in J. Pearn and P. Carter (eds), *Islands of Incarcerations,* pp. 37-50.

[200] On the process of compiling the database, see: Green and Moon, *Far From Home,* pp. 3-8, and the dictionary is located between pp. 100-302.

[201] A. King, 'Conveniently kept: Aboriginal imprisonment on Rottnest Island, 1838 to 1903', BA thesis (Australian National University, 2011), cited in A. Wollacott, *Settler Society in the Australian Economies: Self-government and imperial culture* (Oxford: Oxford University Press, 2015), p. 211.

A large part of the remaining historiography is framed by Rottnest's dual roles as a 'prison' and then a 'paradise' for visiting tourists. The earliest history by William Somerville described penal history alongside detailed descriptions of its 'natural beauties, fauna and flora'.[202] Some personal accounts of the island have been produced by children of prison staff, including the sons of Superintendent William Dockwrey Jackson and Chief Warder Jack Donaghue. Though they bring 'rose-tinted glasses to their account of Indigenous incarceration, their informal interactions with the prisoners shed light on everyday experiences and mobilities across the island.[203] Other local residents, like Kim Dovey and Kirwan Ward have published their reflections on experiencing the island as tourists as a 'a place of liberation', and projecting that back by emphasising how as a carceral island it allowed the prisoners 'some spatial latitude within its larger confines'.[204] Ward also says: 'Rottnest means freedom and happiness… Yet for much of its recorded history it has been associated with the extremes of human misery.'[205]

Glen Sastiuk and Lily Hibberd have more critically analysed how the 'natural heritage and tourism' on the island have been used to evade uncomfortable histories of Indigenous oppression.[206] Stasiuk has spearheaded a campaign for public and state recognition for Rottnest as a penal heritage site. His documentary *Wadjemup: Black Prison, White Playground*, and accompanying thesis, presents the perspectives of Nyoongar elders, heritage practitioners and historians on Rottnest's role in eliminating resistance to European conquest. The documentary also evocatively portrays how 'exceptional' violence and negligence became systemic in the running of the hands of superintendent William Vincent, who Stasiuk calls the harshest gaoler in Australian history.[207] As a result of his activism, historical re-interpretation is ongoing on the island in discussion with Indigenous partners. Already, a museum exhibition on the island's

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[202] W. Somerville, *Rottnest Island in history and legend,* introduced by J.T. McMahon (Rottnest: Rottnest Island Board, 1976).
[203] E. J. Watson, *Rottnest: Its Tragedy and Its Glory* (Rottnest: Rottnest Island Authority, 3rd edn., 2006), p. 34; J. Gothard, 'The Other Side of the Island: An oral history of Rottnest', *Community History,* 1 (1989), p. 215.
[204] K. Dovey, *Framing Places: Mediating power in built form* (London: Routledge, 1999), p. 171.
[205] *Idem.*, p. 18.
[206] G. Stasiuk and L. Hibberd, 'Rottnest or Wadjemup: Tourism and the Forgetting of Aboriginal Incarceration and the Pre-Colonial History of Rottnest Island', in J. Wilson et al., *The Palgrave Handbook of Prison Tourism* (Basingstoke, Palgrave Macmillan, 2017), pp. 191-215.
[207] G. Stasiuk, 'Wadjemup' Rottnest Island as black prison and white playground', PhD exegesis (Murdoch University, 2015).

history confronted the 'visceral' aspects of incarceration head on.[208] However, in making this case, frequent comparison has been made to other penal sites, including Auschwitz, Port Arthur and, most often, Robben Island.[209] Using archives to compare the incarceration of Indigenous and European convicts in different island sites avoids oversimplified or ahistorical comparisons, in favour of a more complex and robust understanding of how insularity, agency and Indigeneity intersect.

Indigenous scholars Glen Stasiuk, Grame Dixon, and Blaze Kwaymullina have used oral histories from Nyoongar elders and communities to portray the psychological impact of island incarceration on the convicts and the communities left behind.[210] These stories have been expressed creatively, through film, prose and poetry and capture oral histories and emotions. In an evocative poem, Dixson described prisoners being 'Snatched from the heartland… herded to the coast // Shipped to an alien place // where the icy, death wind blows'.[211] I have used these oral histories in some parts of my analysis and to strengthen my understanding of Indigenous experience and memory. However, I also focus on engaging with official archives to deconstruct power relations and locate Indigenous agency within colonial structures of oppression.

A key part of the methodological approach is that Australia's carceral islands are compared to one another on a thematic basis. Some scholars have compared them before but from a presentist, rather than from an archivally-informed historical perspective.[212] They have focussed on the cultural meanings of insularity as they perceive them, rather than considering how physical geographies of 'isolation' actually functioned on a daily basis. For example, Jacky Bowring compared Cockatoo Island in Sydney with Hart Island (New York) and Ripapa Island (Christchurch), to argue that the oppressive

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[208] J. Lydon, 'Grimly Visceral: "Wadjemup to Waylalup [Rottnest Island to Fremantle]: The history of Indigenous incarceration in Western Australia', *History Australia,* 11:1 (2014), pp. 228-9; Rottnest Island Authority, 'Rottnest Island/Wadjemup: Cultural landscape management plan' (Perth: Department of Sustainability, Environment, Water, Population and Communities, 2015), p. 28.

[209] Lydon, 'Grimly Visceral', pp. 228-9; J. Pilger, 'Australia's boom is anything but for its Aboriginal people', *The Guardian,* 2013 <https://www.theguardian.com/commentisfree/2013/apr/28/australia-boom-aboriginal-story-despair`> [accessed: 1 July 2017].

[210] B. Kwaymullina, 'Wadjemup: Holiday paradise or prison hell-hole', *Studies in Western Australian history,* 22 (2001), pp. 109-119.

[211] G. Dixson, *Holocaust Revisited: Killing time* (Nedlands: University of Western Australia, 2003), p. 77.

[212] A. L. Stoler, 'Tense and Tender Ties: The politics of comparison in North American history and (post)colonial Studies', *The Journal of American History,* 88:3 (2001), p. 831.

histories of these spaces are 'invisible'.[213] In the context of Cockatoo island's UNESCO world heritage nomination that year, her claims that it 'conceals much of its past' seem incongruous.[214] Amy Nethery compares four of Australia's carceral islands, including Rottnest Island's role as an internment camp, to argue that their physical marginalisation enabled exceptional forms of discipline to emerge. However, Nethery's reliance on secondary literature, without archival evidence, leads to sweeping comparisons that does not prove that these islands were indeed more coercive than mainland institutions.

John Pearn and Peggy Carter's edited collection *Islands of Incarceration*, includes essays on various Australian 'islands of confinement'. However, many of these individual essays contain factual errors and perpetuate stereotypes of islands as natural prisons. Furthermore, Pearn and Carter do not provide an interpretative framework as the basis for the comparison.[215] Rather than assuming all islands are equal, this thesis interrogates tensions between how islands were imagined and the physical geographies that affected how they were run and experienced. It identifies permeability to the sea and some degree of natural boundedness as common features, but recognises vast differences in terms of how relatively isolated they are, their climates and their ecologies.

1.3 Archival Sources

The sources that form the basis of my analysis are primarily official records of government bodies at the imperial, colonial and institutional level. The thesis brings together correspondence that travelled across various 'scales' within imperial networks of communication, thus bringing to light a range of issues both mundane and exceptional. This includes disputes over penal ideology between London and the incumbent colonial governor around the everyday arrangements between police, harbour master and superintendent needed to ship a prisoner to a carceral island, as well as aggravations between different branches of the island's administration.

Documents carrying instructions and information between different members of the colonial administration were affected by time lags and distance as island geography persistently posed practical difficulties for administrators and officials attempting to visit

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[213] J. Bowring, 'Containing Marginal Memories: The melancholy landscapes of Hart Island (New York), Cockatoo Island (Sydney) and Ripapa Island (Christchurch), *Memory Connection,* 1:1 (2011), pp. 253-70.
[214] Bowring, 'Containing Marginal Memories'.
[215] Pearn and Carter (eds), *Islands of Incarceration.*

and communicate with the prison. This was particularly problematic during times of crisis, like outbreaks of disease or mass escapes. The *Lady Nelson* was hijacked by pirates on its way back from Coepang with provisions, leading to a serious outbreak of scurvy on Melville Island.[216] The visiting surgeon at Rottnest Island complained of 'tedious journeys of six hours sailing one way' and seasickness from the rocky crossing was a problem for visiting officials.[217] Even on Cockatoo Island, there were tensions over a lack of boats to ferry chaplains, civilian officers and prisoners across the harbour to Sydney's wharf.[218]

The study of carceral islands encourages us to pay attention to the way distance shaped governance within colonies, as well as across transoceanic distances between metropole and periphery.[219] I now outline the different record sets that reflect the three different scales of communication examined in this thesis: first, between metropole and colony; second, within and between the Australian colonies, and third, records of the island institutions themselves.

Many of the records generated by the imperial metropole about its colonies are preserved in the National Archives in Kew, London. The Colonial Office files for Western Australia and New South Wales consist primarily of correspondence between the Secretary of State for War and the Colonies (1801-1854), whose office was subsequently termed simply the Secretary of State for the Colonies, and the Governors of the respective colonies, who were the Queen's representatives on the ground. Though Melville Island was more than 3000 kilometres from Sydney, it was still administered as part of the colony of New South Wales, and is discussed in its despatches between 1824 and 1829 which are replicated in the *Historical Records of Australia*.[220] For Cockatoo Island, open between 1839 and 1869, there is a full run of despatches in CO 201.[221] For Rottnest Island, in Western Australia, the run of despatches is between 1838 and 1899,

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[216] Campbell, 'Geographical Memoir', p. 133.
[217] *Perth Gazette and Western Australian Journal,* 28 March 1846, p. 2.
[218] Votes and Proceedings of the Legislatively Assembly, vol. II, *The Board of Inquiry into the Management of Cockatoo Island* (Sydney, 1858), p. 255.
[219] A. Lester, 'Imperial Circuits and Networks: Geographies of the British Empire', *History Compass*, 4:1 (2006), pp. 124-141.
[220] *Historical Records of Australia*, Governors' Despatches to and From England, 1788 - 1796, ed. by F. Watson, ser. I, vols. XI-XIII; and ser. III, vols. V-VI (Sydney: The Library Committee of the Commonwealth Parliament, 1914 - 1925).
[221] The National Archives [hereafter TNA], CO 201/284-CO 201/519, New South Wales, Original Correspondence, Secretary of State, Despatches, Jan. 1839.

even though the prison remained open until 1931, because of the impending Federation of Australia in 1901.[222]

The British Parliament also produced reports (both annual and particular) which include correspondence and statistics. Annual parliamentary reports on 'Convict Discipline and Transportation in the Australian Colonies' from 1843 to 1857 provide important information on Cockatoo Island in New South Wales.[223] On the other hand, information on Rottnest Island appears in reports compiled about Indigenous Australians; for example parliamentary papers on 'Aborigines' in the Australian colonies in 1844, or a Colonial Office report investigating the Reverend John Gribble's allegations of mistreatment of Indigenous peoples in Western Australia in 1884.[224] Government records produced by the Colonial Office and Parliament tend to give a sweeping account of a particular carceral island's role in a broader system, and of the management of European convicts or governance of Indigenous Australians, but they often lack details of the day-to-day management of these institutions.

My second main source comprises the files kept by colonial governments for the respective colonies of Western Australia and New South Wales. These records detail the practicalities and difficulties involved in transporting, incarcerating and administering convicts on offshore islands. The Governor was appointed by the monarch as head of the colonial government and initially he appointed his own Executive Council to advise him.[225] This council usually included the Colonial Secretary, his second in command, the Attorney General and the Colonial Treasurer. After 1843 in New South Wales, and from 1870 in Western Australia, the governor was required to consult with an elected

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[222] TNA, CO 18/31-CO 18/213, Western Australia, Original Correspondence, Secretary of State, Despatches, 1838-1899. I have also used the 'other side' of this correspondence, as preserved in: SROWA, Cons. 42, Governor's despatches to the Secretary of State, sers. 1-7, 1834-48.
[223] British Parliamentary Papers [hereafter BPP] 1849, vol. XLIII, nos. 1022, 1021; BPP 1850, vol. XLV, nos. 1153; BPP 1851, vol. XLV, nos. 280, 527, 1361; BPP 1852, vol. XLI, no. 1517, BPP 1852-3, vol. LXXXII, nos. 1601, 1677; BPP 1854, vol. LIV, no. 1795; BPP 1854-5, vol. XXXIX, no. 1916, all entitled 'Convict Discipline and Transportation: Further Correspondence on Convict Discipline and Transportation'; BPP 1854-55, vol. XXXIX, no. 1916, BPP 1856, vol. XLII, no. 2101, BPP 1857, vol. XIV, no. 2917; BPP 1857-8, vol. XLI, no. 2301, all entitled 'Australian Colonies. Convict Discipline and Transportation. Further Correspondence on the subject of convict discipline and transportation.'
[224] CO 881/8, Australian No. 122, Correspondence respecting the Aborigines of Western Australia, 30 Aug. 1883 - 15 July 1887; BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian Colonies).
[225] K.A. Berridale, *Responsible government in the dominions* (Oxford: Clarendon Press, 1912); P. Loveday, *Parliament Factions and parties: the first thirty years of responsible government in New South Wales, 1856-1889* (Melbourne: Melbourne University Press, 1966); Woollacott, *Settler Society in the Australian Colonies*, pp. 98-122; J. Forrest, *Notes on Western Australia, with statistics for the year 1884* (Perth: Richard Pether, 1885), p. 6.

Legislative Council but retained executive power. When New South Wales and Western Australia were awarded responsible government in 1856 and 1890, respectively, the Premier replaced the Governor as the head of the colonial government.

After self-government was awarded, laws were passed through an elected upper and lower house, called the Legislative Council and Legislative Assembly. The governor remained in the colony as a representative of the British government. This thesis uses the 'Votes and Proceedings' of the legislative councils of New South Wales and Western Australia which discussed legislation and approved expenses.[226] The council, along with legislative assembly, also commissioned several boards of inquiry and select committees into prison administration.[227] These archives help shed light on the competing changing priorities of local government to balance profit with penology.

The main vein of correspondence relevant to this thesis was that between various government officials and the Colonial Secretary, who wrote on behalf of the Governor.[228] Numerous officials corresponded with the Colonial Secretary on matters relating to my case study prisons, even though they were not directly involved in its management: they include the Attorney General on judicial matters, the Colonial Treasurer on expenses, and the Police Commissioner or Sherriff on policing and custodial matters.[229] Royal Engineers who superintended New South Wales' convict gangs, including on Cockatoo between 1838 and 1841 under Lieutenant Thomas Bentley, also corresponded to arrange

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[226] Votes and Proceedings of the Legislative Council, Western Australia (Perth: Richard Pether, 1873-1891); Minutes and Votes and Proceedings during the Third Session of the Second Parliament, Vol. 1, 1896 (Perth: Richard Pether, 1897); Minutes and Votes and Proceedings during the Fourth Session of the Third Parliament, 1899, Vol. I (Perth: Richard Pether, Government Printer, 1900).

[227] 'Report of the Board of Inquiry into the Management of Cockatoo Island with Appendices A to E', no. 17A, Legislative Assembly, New South Wales, 1858, vol. II; Report from the Select Committee on Public Prisons in Sydney and Cumberland; together with the proceedings of the committee, minutes of evidence, comprising statements of prisoners, and an appendix, Legislative Council of Western Australia, Sessional papers, no. 157-a, 1861; Select Committee on Secondary Punishment, Sessional Papers, Legislative Council, New South Wales, 1858; Papers relating to Secondary Punishment, New South Wales Legislative Council, Sessional papers, 1857-8; Report of a Commission appointed by His Excellency the Governor to inquire into the treatment of Aboriginal Native Prisoners of the Crown in this Colony: And also certain other matters relative to Aboriginal Natives, Parliamentary Papers, Western Australia, no. 34 (Perth: Richard Pether, Government Printer, 1884).

[228] *State Records of Western Australia* [hereafter, SROWA], acc. 36, Colonial Secretary Inward Correspondence, 1829-1878; SROWA, acc. 37, Colonial Secretary Outward Correspondence, 1829-1899; cons. 527, ser. 675, Colonial Secretary Inwards Correspondence Files, 1883-1900; cons. 752, ser. 675, Colonial Secretary Correspondence Files, 1901-1973; SRNSW, 4/3730, Copies of Letters to Penal Establishments.

[229] SROWA, WAA 61, Western Australian Police Department, 1853-1995.

transfers of prisoners.[230] In Western Australia, the Protector of Aborigines, was also the visiting magistrate for Rottnest Island and submitted reports to the Colonial Secretary.[231] These are rich records that show how chains of letters between local officials connected carceral islands to the mainland and decided the routes and destinations of convicts.

In order to determine the crimes, trades and places of origin of convicts on carceral islands prison registers were registered.[232] Using snippets from the accompanying court records and petitions brings in the stories of individual people to show how the accused exercised agency within the criminal-judicial system.[233] The digitisation of records by archives and libraries, coupled with convict descendants eager to transcribe new material after finishing their family histories, has led to a 'big data' revolution in Australian convict history.

The digitisation of British court records, transportation registers and convict idents through *Old Bailey Online* and *Ancestry* have made it possible for me to trace several transportees back to their original conviction in Britain or Ireland.[234] The records of penal institutions like Cockatoo Island have largely been excluded from this wave of digitisation, though they offer information on both the trajectories of recidivist convicts through the carceral system and on the circumstances of free immigrants or locally-born populations in the latter-half of the nineteenth century.[235] I supplemented this material with court proceedings which were reproduced in colonial newspapers, accessible via *Trove*. This array of social and economic data in registers, coupled with snippets of the

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[230] *State Records of New South Wales* [hereafter SRNSW], 4/3891, Copies of Letters from the Colonial Secretary to Officers of the Royal Engineers and the Superintendent of Cockatoo Island, 7 Jan. 1840 – 19 Aug.1846.

[231] SROWA, acc.36, Colonial Secretary Inward Correspondence, 1829-1878; SROWA, acc. 37, Colonial Secretary Outward Correspondence, 1829-1899.

[232] SRNSW, 4/6509, Cockatoo Island Transportation Register: Imperial, 26 June 1851- 1863; SRNSW 4/4540, General Register of Convicts, Cockatoo Island, 1839-52; 2/8285, X819, Entrance Book, Cockatoo Island, 1 Jan. 1848 – 30 June 1852; 2/8385, Register of Individual Prisoners, 1839-52; SROWA, cons. 130, box 1, bundle 1, Commitment Book, 1854-1881; SRNSW, ser. 987, 4/3792, 'List of convicts on the island, Aug14 1824 – Feb. 11 1829'; 5/6357, Clerk of the Peace Depositions.

[233] SROWA, cons. 3473, Supreme Court Records, Perth; SROWA, cons. 130, Rottnest Island Boxes, box 3, bundle 2, Remissions and Warrants and box 3, bundle 3, Warrants, 1874-90; SROWA, cons. 430, ser. 76, General Files of Police.

[234] H. Maxwell-Stewart, 'Big Data and Australian History', *Australian Historical Studies,* 47:3 (2016), pp. 359-64. These projects include: *Founders and Survivors: Life courses in historical context, 1803-1920*, 2014 <http://www.foundersandsurvivors.org> [accessed: 21 Sept. 2017]; *Digital Panopticon: Tracing London Convicts in Britain & Australia 1780-1925*, <https://www.digitalpanopticon.org> [accessed: 21 Sept. 2017].

[235] *The Prosecution Project* is in the midst of digitising these records but it came too late for this research, see: <https://prosecutionproject.griffith.edu.au> [accessed: 21 Sept. 2017].

convicts 'voice' in court, render convicts far more visible in the historical record than both the working classes in Britain and Ireland, non-institutionalised Indigenous Australians and incoming Chinese immigrants: groups which are all represented in the registers of the case study islands. I further supplement this analysis through the use of records kept within the institution. Those of the bench of magistrates on Melville Island and the punishment book on Cockatoo are analysed in order to understand more mundane forms of convict agency, than those that appear from boards of inquiry.[236]

Equally, the daily logbooks for Cockatoo Island show us the mobilities of vessels that came into the dock, and the work convicts did across the island.[237] For Rottnest Island, the colonial secretary's correspondence includes the mundane details of how convicts were deployed across the island on a daily basis. Collectively these records give a picture of how convicts and staff interacted on the island. The distance of carceral islands from the shoreline meant that superintendents had more autonomy to shape penal regimes: the visiting magistrate rarely visited Rottnest Island so Henry Vincent's violent treatment of the convicts was tacitly accepted by the government. On Cockatoo Island, captain Gother Kerr Man claimed of superintendent Charles Ormsby that 'the evil arises out of an assumption of authority on the part of the Superintendent, Mr Ormsby over the officers of my department… by reason of the insular position of the Establishment'.[238] This local exercise of power often shaped the daily lives of the island's inhabitants more than ideologies of distant administrators.

By considering how carceral regimes were constituted through correspondence at the imperial, colonial and local levels, it becomes clear that power structures were not monolithic. Rather, prison regimes were fluid and dynamic and so too were convicts' experiences. As Ann Stoler has argued, we must not simply read the colonial archives against the grain – with the colonized pitted against the colonizer.[239] We must read 'along the grain', recognising that multiple individuals, often with competing aims, constituted and challenged colonial systems of power, in ways that were sometimes extraordinary,

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[236] SRNSW, 4/6502, Punishment Book, Cockatoo Island, 1859-63; SROWA, cons. 130, box 1, bundle 2, Rottnest Gaol Reports, 1870-1882; SRNSW, 4/2772.4, Examination of prisoners, Bench of Magistrates, Melville Island, 1827–29.
[237] SRNSW, 4/6504 – 4/6507, Daily State, Cockatoo Island, 1859-67.
[238] SRNSW, 4/1161, testimony of Gother Kerr Mann, Civil Engineer on Cockatoo Island, 28 April 1855, quoted in Castrique, 'Under the Colony's Eye', p. 220.
[239] A. L. Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

but often mundane. [240] Hamish Maxwell-Stewart has described clashes between superintendent Warton and a convict clerk, through allocation of staff housing in relation to the latrine.[241] Tim Causer describes the inevitable 'squabbling' of 'officials [who] virtually lived in each other's pockets on Norfolk Island.[242] The unhappiness of prison officials and guards resulted partly from their geographic isolation, which was reflected in problems with drunkenness and depression on Melville Island, but also to a lesser extent on the less-isolated Cockatoo and Rottnest Islands as superintendents and officers complained about their restricted access to the mainland. Penal policy emerged from varying power relations between government officials based in Britain and Australia, but even more so from the interactions between staff, whether prison guards or boat crew, and convicts.[243]

The contracted limits of islands and penal settlements make these personal dynamics even clearer. [244] Bill Thorpe and Raymond Evans have shown how penal settlement hierarchies were dominated by the military, with civilian officials occupying the middle ground, and convicts at the bottom. Thorpe and Evans neglect to mention that since boat crews and sailors did not fit clearly into this hierarchy, they were particularly troublesome to 'govern' and therefore presented a greater threat to discipline. The impact of mariners on discipline is a particular focus of my research. The thesis also suggests that it was the perception of isolation, more than actual isolation, that contributed to superintendents acting tyrannically on carceral islands. It shows that the cruelty of Rottnest superintendent Vincent and the mismanagement of Cockatoo Island by superintendent Ormsby were perceived as resulting partly from insularity, but had more to do with the complicity of colonial officials. The thesis recognises that penal regimes were formed through complex power relations, often involving multiple actors with varying influence in different locales.

From these official records, I unpack convicts' experience. Sometimes a convict voices his own experience – defending himself in court, petitioning for a remission of sentence or testifying to a commission of inquiry. In other instances, just a few lines in a

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[240] Maxwell-Stewart, *Closing Hell's Gates,* p. 131.
[241] *Ibid.*
[242] Causer, '"A place fit for only Angels and Eagles"', p. 144.
[243] B. Thorpe and R. Evans, 'Freedom and Unfreedom at Moreton Bay: The structures and relations of secondary punishment', *Beyond Convict Workers* (Sydney: UNSW Press, 1996), pp. 74-80.
[244] *Idem.,* p. 76; Causer, '"A place fit for only Angels and Eagles"', pp. 138-9.

register or punishment book can serve as a 'dense micronarrative' of the convict experience.[245] The former may tell a story of urban poverty leading to crime, the latter might shed a light on how convicts enacted agency within prison regimes. In this context, interrogating silences is an essential strategy for deconstructing both the colonial and carceral structures of power which sought to constrain and repackage convicts' experiences in order to justify their regimes.[246] As Hamish Maxwell-Stewart and Lucy Frost remind us, 'every narrative or snippet of life we retrieve is constrained within technologies of penal power and inflected by the colonial politics of the period.'[247] Though I rely on official narratives, I analyse convicts' words as underwritten by performativity to colonial authorities' expectations, or in other instances, by a refusal to speak.

Race, sexuality and class further marginalised convicts' voices within the colonial record. I am mindful that individuals' subjectivities who many not have matched categories of identity enforced onto them in the archives. Therefore, I have attempted to give equal weight to first-hand written or recorded accounts that exist of non-white convicts (including Indigenous Australian, Black and Chinese convicts) and interpreting non-verbal 'actions' by members of these groups whose language skills did not allow them to communicate with the colonial authorities in a traditional manner. For this reason, I take a broader view than Alan Atkinson of what constitutes a legitimate 'political' basis for various forms of resistance, as colonial archives tend to erase the political motivations of non-white peoples.[248]

The colonial systems of information gathering and knowledge production were part of the process of colonisation – usurping and attempting to erase Indigenous knowledge systems and language.[249] This attempted destruction by 'creating' new

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[245] I. Duffield, '"Stated This Offence": high-density convict micro-narratives', in L. Frost and H. Maxwell-Stewart (eds), *Chain Letters: Narrating convict lives* (Carlton South: Melbourne University Press, 2001),
pp. 119-135.
[246] M.R. Trouillot, *Silencing the Past: Power and the production of history* (Boston: Beacon Press, 1995); A.L. Stoler, 'Colonial Archives and the Arts of Governance', *Archival Science,* 2 (2002), pp. 93-4.
[247] L. Frost and H. Maxwell-Stewart, 'Introduction' in *Chain Letters,* p. 3
[248] Atkinson, 'Four Patterns of Convict Protest'.
[249] In this respect it takes up Linda Tuhiwai Smith's call to 'decolonize methodologies' as a non-Indigenous researcher by critiquing your own gaze to avoid re-inscribing colonialist power structures, see: *Decolonizing Methodologies: Research and Indigenous peoples* (London: Zed Books and Dunedin: University of Otago Press, 1999), particularly pp. 12-14, 60-5.

identities for Indigenous people was attempted through the coerced 're-education' of children removed from their parents and the proselytising attempts of Christian missionaries.[250] The criminal records of Indigenous Australians are antithetical to Indigenous knowledge systems. They rely on an acceptance of European ideas of land and animals as property that could be 'stolen', rather than Indigenous Australians' conception of belonging to their country which derived from the Dreamtime, resulting in a conception of self and community tied to nature in ways that are reciprocal/co-constituting.[251] These European records also insist on individualised responsibility for violent 'crimes', whereas Indigenous Australians seeking retribution were obliged to do so by their relationship to the kinship networks of victims. At the most basic level, these records rendered Europeanised versions of Indigenous names (or worse, insulting nicknames like 'Cockroach') as their predominant identity in the colonial record. They were also often demeaning, and included descriptions about 'fuzzy hair' or classified Indigenous cosmologies as simply 'pagan'.

Yet it is worth noting that criminal-judicial records are particularly rich sources for recovering Indigenous Western Australian voices (albeit in a mediated form), particularly the many Indigenous witnesses who testified at court cases. These presences far exceed Indigenous people's representation in other parts of the colonial archive. In terms of the oral histories of Rottnest Island prison that Indigenous communities hold, the work of Glen Stasiuk is authoritative and is referred to where appropriate.[252] As a white British person with connected to present-day legacies and connections to empire and colonialism who also lacks the relationships with Indigenous Australians through which teaching on relevant Indigenous histories and ontologies may be shared, my work deconstructs the power systems of colonial archives rather than trying to 'reconstruct' the experiences of Indigenous convicts.[253] As Clare Anderson argues, in reference to Gayatri Chakravarty's seminal essay 'Can the Subaltern Speak?', when studying

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[250] Attwood, *The Making of the Aborigines,* pp. 1-31; J. Damousi, *Colonial Voices: A Cultural History of English in Australia, 1840-1940* (Cambridge: Cambridge University Press, 2010), pp. 42-8.
[251] A. Moreton Robinson, 'I still Call Australia Home: Indigenous belonging and place in a white postcolonizing society', *Uprootings/regroundings: Questions of home and migration* (New York: Berg Publishers, 2002), pp. 31-33; Green, *Broken Spears,* pp. 5, 10-15.
[252] Green, *Broken Spears,* p. 19.
[253] This perspective draws from Emma Battell-Lowman and Adam Barker who argue that as Settler Canadians they and others must deconstruct the processes that created 'Settler' identities and their role in the conquest and dispossession of Indigenous peoples and lands, see: *Settler: Identity and colonialism in 21st century Canada* (Blackpoint: Fernwood Publishing, 2015).

convicts 'an individual's voice might not be audible, but the colonial discourses in which it has become lost can nevertheless be deconstructed.'[254]

I have located two memoirs of former Cockatoo Island inmates and used them in this thesis. William Derrincourt's (alias Day or Jones) memoir was serialised in the *Sydney Evening News* in 1891, under the title 'Old convict times to gold-digging days', later released as a book by Louis Becke in 1899 titled *Old Convict Days*. Derrincourt was transported under the name William Jones to Van Diemen's Land aboard the *Asia* in 1839, but after repeated escape attempts he was sent to Port Arthur, and later the coal mines there.[255] He was sentenced to seven years on the roads for robbing the mail at Bathurst Circuit Court on 21 September 1859, serving a little over six years on Cockatoo Island.[256] The second is Owen Suffolk's *Days of Crime and Suffering* which was serialised in the *Australasian* in 1867. Suffolk was a seventeen-year-old 'exile' from Millbank when he arrived at Port Phillip aboard the *Joseph Soames.* Just a year after arriving in Australia he received his first colonial conviction for horse-stealing and would ultimately receive convictions totalling twenty-seven years, of which he served less than sixteen.[257] Suffolk's literacy, courtesy of his middle-class background, meant he was able to work in good positions within the prison – as librarian and clerk – and gain further benefits by frequently petitioning the authorities. This ultimately resulted in an extraordinary order that he be allowed to leave for England, on condition that he never return to the colony: an inversion of the perpetual 'exile' from Britain that the sentence of transportation usually carried.[258] His penmanship also gained him a reputation as 'convict poet' and his convict memoir is rare by virtue of being a first-hand account. Day's case was more usual for a convict because it was recounted and then written and edited for publication by a third party.

The editors of both of the two convict narratives that give detailed accounts of their time spent on Cockatoo Island claim there was minimal editorial interference.[259] In Louis Becke's editorial introduction to *Old Convict Days,* he claimed that the account

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[254] C. Anderson, 'Multiple Border Crossings', p. 19.
[255] Archives Office of Tasmania, CON33-1-2, Conduct Registers of Male Convicts Arriving During the Period of the Probation System, 1840-53, 'Jones, William', p. 352.
[256] SRNSW, 4/6501, p. 19; *Freeman's Journal*, 1 Oct. 1859, p. 3.
[257] T. Johnson Woods, 'Virtual Reality', in Duffield and Bradley, *Representing Convicts,* p. 43.
[258] *Idem.*, p. 55.
[259] O. Suffolk, *Days of Crime and Years of Suffering,* ed. by D. Dunstan, (Kew: Australian Scholarly Publishing, 2000); Johnson Woods, 'Virtual Reality', p. 45.

'was taken down from his [Day's] lips, and that to attempt to tamper with it would be an injustice…[and] annoying to the reader'.[260] Similarly, in Suffolk's *Days of Crime,* an editorial note stated that 'The quotation, of course, is incorrect; but we refrain from making any emendation whatever in the MS [manuscript].'[261] Both autobiography expert Joy Hooton and family historian Tony Butler agree that the events recounted by Derrincourt largely align with the official record, including the major events on Cockatoo Island, though he almost certainly exaggerated the centrality of his role in them.[262] He is remarkably honest about his violent temperament, particularly while acting as an overseer on Cockatoo Island.[263] Of course, adherence to a factual timeline of crimes, convictions and confinements does not mean that these narratives should be read as transparent depictions of the 'truth'. These convict narratives were deliberately constructed 'versions of themselves' that the convicts wished to portray, and which fell into tropes of convict narratives that included a tale of 'moralistic redemption' that made violence and criminal exploits palatable to middle class audiences in Britain.[264] I use these sources in my analysis with an awareness that they represented details of their conviction that they experienced but nonetheless 'all autobiography is shaped to suit the purposes of its subjects'.[265]

1.4 Chapter Outline

The chapters that follow use the case studies of Melville Island, Cockatoo Island and Rottnest Island to demonstrate how island geography shaped prison regimes and convicts' daily lives. They are structured to trace the lifespans of carceral islands. Beginning with the ideologies that encouraged administrators to establish island institutions, I then trace convict journeys to the island institutions and their lives on the islands, in terms of labour regimes and forms of resistance. Chapters 2 and 3 focus on imaginary geographies; Chapters 4 and 5 on convict agency and experience. I argue that

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[260] W. Derrincourt, *Old Convict Days*, ed. by L. Becke (London: Fisher Unwin, 1899), p. vii.
[261] O. Suffolk, 'Days of Crime and Suffering', *The Australasian*, 9 March 1867, p. 6.
[262] K. Walsh. and J.W. Hooton, *Australian Autobiographical Narratives: 1850-1900* (Canberra: National Library Australia, 1993), pp. 54-5; T. Butler, 'Chapter 5: William Dedicoat (Jones, Day, Derricourt) Convict and Bushranger, 1819-1867 – A Definitive Account', *What the Butler Did,* 2015 <https://whatthebutlerdid.wordpress.com/2015/08/09/william-dedicoat-jones-day-derecourt-convict-and-bushranger-a-definitive-account/> [accessed: 8 Aug. 2017].
[263] Butler, 'William Dedicoat', n.p.; Johnson Woods, 'Virtual Reality', pp. 56-59.
[264] H. Maxwell-Stewart, 'Seven Tales for a man with Seven Sides', in Maxwell-Stewart and Frost (eds), *Chain Letters,* p. 69.
[265] Maxwell-Stewart and Frost, *Chain Letters,* p. 5.

island incarceration was a particular form of spatial isolation within the Australian convict system, which had distinctive features including permeability to the sea and physical separation from the mainland. Penal sites could be isolated by the breadth of oceans and continents, and separated by jungles, walls, or the thin isthmus of a peninsula. Nevertheless, the recurrence of these issues suggests they are particularly true of carceral islands.

Chapter 2, 'Comparing and connecting carceral islands' traces networks of correspondence to explore the enduring appeal of islands to colonial officials across the eighteenth, nineteenth and early-twentieth centuries. It shows that islands were compared and modelled one another by colonial administrators searching for a perfect 'island prison'. It demonstrates the flexibility of island spaces to fulfil different purposes in colonial Australia. In the first decades of colonisation, convicts were sent to islands that gave Britain access to trade routes in the Pacific and Indian Oceans. In light of changing ideas on penal reform in the mid-1820s, particularly the Bigge report, islands became extra-punitive destinations intended to act as a deterrent within the convict system. From the 1830s, islands in urban settings became preferred sites for the incarceration of both convicts and local prisoners as a form of physical segregation that was easier to administer. In the 1830s, Indigenous Tasmanians were removed to island 'settlements' in the Bass Strait for their protection from settler violence. However, ideologies of protection became entangled with punitive methods in practice, paving the way for the imprisonment of Indigenous people on islands in New South Wales, Western Australia and Queensland. Chapter 2 contextualises the case studies of Melville Island, Cockatoo Island and Rottnest Island within a wider interconnected system of island incarceration.

Chapter 3, 'Roots and Routes: The origins and journeys of convicts to carceral islands', examines which convicts were sent to carceral islands and how they got there. By analysing 3411 entries in prison registers, I identify the kinds of crimes of which island inmates had been convicted, thus challenging stereotypes about islands holding the 'worst' kind of convicts. Instead my analysis demonstrates that carceral islands functioned to uphold settler colonial industries by punishing European and Indigenous convicts for livestock theft, and by sending skilled convicts to colonise the remote Melville Island. Chapter 3 also shows that islands were still conceived of as sites of particular security, holding a higher than average number of absconders and 'escape-risks'. By doing so, it sees islands as connected to what Grace Karsken's has termed the

'nefarious geographies' of the bush used by absconders, bushrangers and Indigenous peoples.[266] It further illustrates that small-bounded sites were microcosms of the diversity of carceral island prison populations by considering the different ethnic groups incarcerated on islands, which included Indigenous Australian, European, Chinese and white settlers born in the Australian colonies. The close quarters of carceral islands make these useful sites to examine how racial hierarchies of settler colonialism were replicated and reproduced in 'enclaves'. Chapter 3 traces webs of correspondence between different government bodies to argue that convict destinations were decided by negotiating labour needs, racial ideologies, penal reform and the means of conveyance.

Chapter 4, 'Connecting the Colony: Convict labour on carceral islands', places carceral islands at the centre of local and imperial trading networks. Despite their small size, islands were surprisingly flexible sites for labour extraction. Since islands were used as 'natural laboratories', convicts harvested and produced goods that circulated through imperial networks of collection and helped generate imperial knowledge that underwrote the colonial project itself. Convicts built the maritime infrastructure to connect colonial ports to trading networks. The focus on mid-nineteenth century convict labour shifts Frost's focus on convicts as maritime empire builders by twenty years. Since islands were at the cusp of the colony *and* the sea, they looked outwards to the ocean to meet changing technological demands in the mid-nineteenth century. The role of Indigenous convicts in these industries is a particularly important intervention in the histories of coerced labour within the Australian context.

Chapter 5, 'Not "natural prisons": Discipline and resistance on carceral islands', argues that assumptions about the geographical integrity of islands have obscured the extent of convict agency. The proximity of convicts to maritime actors – in the form of water police, pilot crews and naval crews – enabled convict agency through the trafficking of goods and alcohol. I also argue that islands were not naturally bounded, but were actually rather leaky, with convicts regularly escaping by swimming or stowing away on ships. Rather than heading into the open ocean, as Grace Karksens and Ian Duffield have discussed, convicts crossed short waterways to the mainland.[267] Finally,

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[266] G. Karskens, *The Colony, A History of Early Sydney* (New South Wales, Allen & Unwin, 2009).
[267] G. Karskens, '"This Spirit of Emigration": The nature and meanings of escape in early New South Wales,' *Journal of Australian Colonial History,* 7 (2005) pp. 1-34; I. Duffield, 'Cutting Out and Taking Liberties: Australia's convict pirates, 1790-1829', *International Review of Social History,* 58:21 (2013), pp. 197-227.

Chapter 5 explores how the archetype of Norfolk Island affected how Cockatoo Island was envisioned by the general public. A scandal in the 1860s about 'unnatural crime' mirrored earlier anti-transportation protests, and argued that the natural limits of island spaces concentrated criminality together which could contaminate the wider society. Once again, the island appears as both isolated and too connected: always falling short of idealised geographies. I pay particular attention to the agency of Indigenous prisoners in resisting and re-shaping the prison regimes, in ways that were similar and distinct from European convicts.

Chapter 6, 'Conclusions' takes a broad view of the system of island incarceration that surrounded Australia's shores and how officials understood islands in relation to one anotherIt reflects on how an island studies approach changes our understandings of Australian histories and offers possibilities for multi-layered conceptions of carceral island histories.

Chapter 2

Comparing and Connecting Carceral Islands

Just three weeks after the arrival of the First Fleet in January 1788, officials were using Australia's islands to punish convicts who stole from the stores. The governor of the new penal colony of New South Wales, Captain Arthur Phillip, was eager to establish the rule of law in the convicts' transition from the cramped holds of ships to a vast continent. The first criminal court sat on 11 February, with judge advocate George Collins presiding. Three convicts were brought to trial and all were found guilty. The first received 200 lashes for hitting a marine and the second got fifty lashes for stealing firewood, but the third suffered a very different punishment.[1] Convict Thomas Hill was chained for a week on a rocky island in the middle of the harbour for stealing bread from the government stores; the starvation rations he was left with caused it to become known as 'Pinchgut Island'.[2]

In a continent-sized 'prison without bars', and before the construction of permanent buildings (let alone prisons), a bounded island may have seemed the logical choice for this kind of secondary punishment. On the other hand, the proximity of the island to the settlement and the need for chains suggests it was as much a piece of punitive theatre as the flogging of Hill's counterparts. The message was that who threatened the survival of the settlement by stealing from the government stores would be physically and publicly removed from the community.

The expulsion of Thomas Hill to Pinchgut Island in February 1788 was the first instance in what became a system of island incarceration that spanned the whole of Australia's colonial period. Between 1788 and 1901 a network of islands surrounding the Australian continent acted as sites of expulsion, punishment and labour extraction. At the northernmost tip of Australia is Melville Island (Yermalnear) housed a penal settlement to which convict mechanics were sent (1824-9). The islands of Sydney

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[1] T. Keneally, *Australians: Origins to Eureka* (Sydney: Allen & Unwin, 2009), pp. 95-7.
[2] *Ibid*.

Harbour were the sites of public works completed by convicts, including Goat Island (Me-Mel, 1833-39), Pinchgut Island (1788 and 1841) and Cockatoo Island (Wa-re-mah, 1839-69); further down the Eastern coast there was St Helena Island Penal Establishment in Moreton Bay (1867-1932) and other islands used for Indigenous reserves (Palm Island) and medical confinement (North Stradbroke Island, Peel Island, Fantome Island). Off the eastern coast of Van Diemen's Land there was a penal settlement on Maria Island (1825-32), which later became a convict probation station (1842-50), as well as Sarah Island in Macquarie Harbour which was used for the secondary punishment of convicts (1821-33). On islands in the Bass Strait, most notably at Flinders Island, Indigenous Tasmanians were confined on an involuntary basis for their 'protection' from settler violence (1831-1847). Off the Western Australian Coast, near Fremantle, Carnac Island held Nyoongar resistance leaders (1832) and a long-term penal establishment for Indigenous men was established on neighbouring Rottnest Island (Wadjemup, 1838-1931). Finally, and most notoriously, the Pacific Island of Norfolk Island (administered first by New South Wales and then by Van Diemen's Land) was a penal settlement (1788-1814) and then re-occupied as a penal station for secondary punishment (1825-53). The map below shows the distribution of these colonial-era carceral islands around Australia.

Figure 2.1 Australia's Carceral Islands

Several academics have recognised that a large number of Australia's offshore islands have been used for confinement under various guises. Elizabeth McMahon, for example, argues the Australians' 'imaginary geography' did not include islands, leading them to become 'paradoxical sites of exclusion and incarceration'.[3] As discussed in the literature review, various parallels have been drawn between Australia's carceral islands and between islands round the world. The most detailed comparison was made by political scholar Amy Nethery who compared four of Australia's carceral islands from the convict era to the twentieth century to argue that each 'provides a model for the next.'[4] However, Nethery provides no archival evidence that contemporaries compared these sites to one another. Furthermore, the sites she has selected do not overlap in their periods of use as prison islands, making her assertion that these sites were 'modelled' on one another even more tenuous. This chapter takes up Ann Laura Stoler's call for historians to focus on 'colonial comparison by colonial governments themselves' rather than historians retroactively imposing their own comparative frameworks.[5] It shows that colonial officials did compare islands to one another and used them as reference points when deciding to establish new carceral islands, thus lending historical credence to Nethery's argument that island prisons were 'modelled' on one another. This 'counter-mapping' of islands against one another, rather than simply in relation to the mainland, reveals how people and ideas circulated between these spatially differentiated sites of punishment.[6]

Carceral islands fulfilled three different roles which helped enable the colonisation of the Australian mainland. It is important to stress that these categories blurred together and changed over time sometimes within one island's institutional lifetime. First, convicts were sent to colonise remote islands and coastal sites which were politically and commercially strategic. Second, islands were used alongside other geographically remote locations as sites of additional punishment for transportees under colonial conviction, those sentenced to hard labour or undergoing longer-terms of imprisonment. Third, Indigenous Australians were forcibly confined on island

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[3] E. McMahon, 'Encapsulated Space: The paradise-prison of Australia's island imaginary', *Southerly,* 65:1 (2005), pp. 20-30.
[4] A. Nethery, 'Separate and Invisible: A carceral history of Australian islands', *Shima*, 6 (2012), p. 95.
[5] A. L. Stoler, 'Tense and Tender Ties: The politics of comparison in North American history and (post)colonial Studies', *The Journal of American History,* 88:3 (2001), p. 831.
[6] A. Stratford et al., 'Envisioning the Archipelago', *Island Studies Journal,* 6 (2011), pp. 113-130.

institutions, which were not always explicitly carceral. Yet, by displacing Indigenous people to islands (under sentence or not), the government reduced resistance to European conquest, rendering the land one step closer to *terra nullius* (empty land).

2.1 Territory and Trade

In Australian historiography there has been a long-standing debate on whether convicts were sent to New South Wales simply to 'empty out' Britain's overcrowded gaols after the American War of Independence (1778-83) closed the American colonies for convicts, or if convicts were sent to New South Wales to enhance Britain's naval power in the Pacific arena.[7] However, unlike the decision to settle Botany Bay, the Colonial Office was explicit that they decided to settle Norfolk Island to harvest flax and pine for naval use.[8] The commercial rationale for sending convicts to Melville Island in 1824 was equally explicit. Taking an island perspective allows us to look beyond a binary view – that Australia was settled to dump felons or to ensure British naval dominance – to show that spatial differentiation encouraged multifocal policies.

When the Crown issued Captain Phillip's instructions for settling New Holland, he was told to survey 'the several ports, or harbours upon the coast, and the islands contiguous thereto' for possible settlement.[9] As well as ensuring there was no legal loophole that precluded the British from claiming territory in the region, the instructions also directed Phillip to settle Norfolk Island over 1500 kilometres to the east of Botany

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[7] K.M. Dallas, *Trading Posts or Penal Colonies: The commercial significance of Cook's New Holland route to the Pacific* (Devonport: Richmond, 1969); G. Martin (ed.) *The Founding of Australia: the argument about Australia's origins* (Sydney: Hale & Ironmonger, 1978); G. Blainey, *Tyranny of Distance: How distance shaped Australia's history* (Melbourne: Sun Books, 1974), pp. 18-19; A. Frost, *Convicts and Empire: A naval question, 1776-1811* (Oxford: Oxford University Press, 1980); R.J. King, '"Ports of Shelter and Refreshment…': Botany Bay and Norfolk Island in British Naval Strategy, 1786-1808', *Historical Studies,* 22:87 (1986), pp. 199-213; M. Gillen, 'The Botany Bay Decision, 1786: Convicts not Empire'*, English Historical Review,* 97 (1982), pp. 740-766; A. Frost and M. Gillen, 'Botany Bay: An imperial venture of the 1780s', *The English Historical Review,* 100:395 (1985), pp. 309-330; A. Frost, *Botany Bay: The real story* (Melbourne: Black Inc., 2011), pp. 268-92.
[8] King, '"Ports of Shelter"', p. 200; Gillen and Frost, 'Botany Bay: an imperial venture', p. 319. Mollie Gillen points out that Norfolk Island was not settled until eight months after the settlement of Botany Bay making it secondary to the settlement of New Holland generally, but nonetheless clearly 'naval' in purpose, see: Gillen, 'The Botany Bay Decision', pp. 759-60.
[9] *Historical Records of Australia* [hereafter HRA], ser. I, vol. I, 'Instructions for our trusty and well-beloved Arthur Phillip, Esq., our Captain-General and Governor-in-Chief in and over our territory of NSW and its dependencies, or to the Lieutenant-Governor or Commander –in-Chief of the said territory for the time-being. Given at our Court at St. James, the 25th day of April 1787, in the twenty-seventh year of our reign', p. 13; J.R. Elder, 'Later Exploration' in J. Holland Rose (ed.), *The Cambridge History of the British Empire, vol. 1* (Cambridge: Cambridge University Press, 1929), p. 32.

Bay in the Pacific. The island was 'contiguous' only in the sense that no landmasses interrupted the vast stretch of ocean between Sydney and Norfolk Island. Phillip's instructions claimed Norfolk Island was 'a spot which may hereafter become useful'.[10] Its potential utility was two-fold: first, as a strategic site for commercial expansion. Navigating northwards past New Caledonia put vessels on the South Equatorial current along the tip of Northern Australia and into the heart of the East India Company's trading grounds in the South East Asian archipelago. The second attraction was the cultivation of flax for ships' rigging and felling of timber for masts. The loss of the American colonies not only meant losing Britain's main convict destination but had also depleted Britain's naval supplies dramatically. The country's access to flax via Russia was also threatened by its alliance with France.

At the advice of hydrologist Alexander Dalrymple, a mixed group of twenty convict and free settlers, at a ratio of two to one, were sent to settle the island in March 1788.[11] As David Andrew Roberts writes, 'the establishment of the small and remote island settlement… provided some option for performing exile in a more severe and literal sense' than removing people to Pinchgut Island in Port Jackson.[12] Between 1788 to 1796, the first judge advocate of New South Wales, David Collins, sent convicts to serve terms of hard labour on Norfolk Island for crimes committed within the colony, but his successors began to send convicts to the New South Wales' dependency under the sentence of 'transportation', though it was legally ambiguous to do so.[13] The flexibility of island geography meant that Norfolk Island could function both as an isolated site of exile and a connection to British imperial networks. Since Norfolk Island's flax and pines proved incompatible with European boat-building methods, its role as a site of banishment would prove more enduring.

Governor Thomas Brisbane's decision to settle the northern coast of Australia in the mid-1820s was also explicitly motivated by commercial interests, though this time to tap into the market for trepang (or sea slug) in China, and as a gateway to further trade with the southeast Asian archipelago. The British had recently relinquished

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[10] *HRA,* ser. I, vol. I, 'Instructions', p. 13.
[11] R. Nobbs, *Norfolk Island and its First Settlement* (North Sydney: Library of Australian History, 1988).
[12] D.A. Roberts, 'Exile in a Land of Exiles: The Early History of Criminal Transportation in New South Wales, 1788-1809', *Australian Historical Studies,* 48:4 (2017), p. 9.
[13] *Idem.,* pp. 9-15.

territories seized from the Dutch in the Indonesian archipelago during the Napoleonic wars, and British vessels were also subjected to trade restrictions.[14] A secondary motive was to prevent any European power claiming territory on the unsettled edges of the continent.[15] In 1818 Captain Philip Parker King had surveyed the Northern coast and reported back with evidence of abandoned Macassan (Sulawesi) camps for smoking trepang.[16]

On the basis of this report, trader William Barnes wrote to the Secretary of State for the Colonies, Earl of Bathurst, in July 1823 with a proposal to establish a British trepang fishery on the Cobourg peninsula. The chairman of the East India Trade Committee, George Larpent, urged Bathurst to approve a British settlement there for 'the greatest benefit to the commerce… of the United Kingdom... [and to] place our flourishing possessions in that quarter of the Globe in greater security'.[17] Despite Larpent's advice to settle on the mainland, the Colonial Office issued Captain Barlow instructions to establish a settlement in the 'Apsley's Channel between Melville and Bathurst Island'.[18] Looking at a map in London the islands may have seemed physically closer to trading routes to Earl of Bathurst, even though currents, winds and reefs actually rendered them almost impossible to access.

In 1824, forty-three convicts and three free settlers were shipped aboard *HMS Tamar* to the northern coast. The convicts were chosen by the Principal Superintendent of Convicts on the basis of their trades and their ethnicity, as thirteen out of eighty, a high proportion, were black. This preference was based on the idea that black convicts would thrive in tropical climates, suggesting that the labour imperative was paramount.[19] Ultimately, the difficulty of navigating the Apsley strait – which was

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[14] J.M.R. Cameron, 'Traders, Government Officials and the Occupation of Melville Island in 1824', *The Great Circle,* 7:2 (1985), p. 88.

[15] *HRA*, ser. III, vol. VI, Robert William Hay, Secretary of State for War and the Colonies, to John Begbie, Secretary of the East India Trade Committee, London, 6 April 1826, p. 797.

[16] P. Veth and S. O'Connor, 'The Past 50,000 years' in A. Bashford and S Macintyre (eds), *The Cambridge History of Australia, vol I: Indigenous and colonial Australia* (Cambridge: Cambridge University Press, 2013), pp. 40-1.

[17] *HRA,* ser. III, vol. V, George Larpent, Chairman of East India Company, to Earl Bathurst, Secretary of State for War and the Colonies, 13 Dec. 1823, London, pp. 743-7.

[18] *HRA,* ser. I, vol. XI, Earl Bathurst to Thomas Brisbane, Governor of New South Wales, 17 Feb.1824, London, p. 277.

[19] H. Marshall, 'Convict pioneers and the failure of the management system on Melville Island, 1824-29, *The Push from the Bush*, 29 (1991) p. 35; C. Fredericksen, 'Confinement by isolation: convict mechanics and labour at Fort Dundas, Melville Island', *Australasian Historical Archaeology,* 19 (2001), p. 50.

shallow, rocky and subject to strong winds during monsoon season – meant few British trading ships got through to the settlement and no Macassan vessels at all. On deciding to abandon it in 1829, Governor Ralph Darling suggested the convicts be relocated to Croker Island, a few kilometres off the Cobourg Peninsula. Instead, the convicts were transferred to the existing settlement at Port Raffles.[20] It seems that colonial governors and imperial administrators had an island bias even when local experts and East India Company officials suggested better located mainland sites for settlement.

East India Company officials and colonial newspapers made transnational comparisons between Norfolk Island, Melville Island and the island penal colonies of the Strait Settlements. The Strait Settlements were East India Company penal colonies for Indian convicts at Penang, Malacca and Singapore and were united in 1826.[21] The proximity of India to Australia meant British colonial officials and Indian traders and labourers travelled between the two colonies, even though discourses of whiteness meant closer links were cultivated with other white settler colonies.[22]

On 10 March 1825, an article published in the colonial newspaper *The Australian* hoped that 'What twenty years have accomplished at Penang, at which period it was a barren sand, it is not unreasonable to suppose that half that time will bring to pass at Melville Island'.[23] In 1827, an East India Company officer (calling himself 'M') suggested in *The Asiatic Journal* that Melville Island be re-opened to replace 'its two rivals' Penang and Singapore as the destination for Indian convicts.[24] The anonymous officer concluded that Melville Island should not be abandoned, for 'the same reasons that Norfolk Island was re-occupied' as a penal settlement in 1825, namely for 'its utility to Australia, as a Northern emporium and naval station'.[25] Though

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[20] *HRA*, ser. I, vol. XII. Ralph Darling, Governor of New South Wales, to Robert Hay, Undersecretary to the Secretary of State for War and the Colonies, 18 Dec. 1826, Sydney, p. 774.
[21] C.M. Turnball, 'Convicts in the Straits Settlements, 1826-1867', *Journal of the Malaysian Branch of the Royal Asiatic Society,* 43:1 (1970), pp. 87-103; A. Pieris, *Hidden Hands and Divided Landscapes: A penal history of Singapore's plural society* (Honolulu: University of Hawaii Press, 2009); C. Anderson, *Subaltern Lives: Biographies of colonialism in the Indian Ocean world, 1790-1920* (Cambridge: Cambridge University Press, 2012)*,* pp. 80-4.
[22] D. Ghosh, 'Under the Radar of Empire: Unregulated travel in the Indian Ocean', *Journal of Social History,* 45:2 (2011), pp. 499-500.
[23] *The Australian,* 10 March 1825, pp. 2-3.
[24] *Ibid.; The Asiatic Journal and monthly register for British India and its Dependencies*, XXIV (1827), p. 691.
[25] *Ibid.*

Norfolk and Melville Islands were administered by New South Wales, for the East India Company they mapped better onto Pacific and Indian Ocean maritime trading routes.

2.2 Secondary Punishment

The second purpose of transportation to carceral islands was to discipline convicts who misbehaved or re-offended. In 1817 John Thomas Bigge, former deputy judge advocate of Trinidad, was commissioned by the British parliament to report on the convict system in Van Diemen's Land and New South Wales. Two key aspects of Bigge's convict reform were: first, to disperse convicts across the countryside under assignment to pastoralists in order to rapidly increase the area of land under cultivation, reducing costs of convict upkeep and increasing colonial revenue. Second, to introduce a multi-level system of punishment based around mobility and distance.[26] Convicts who behaved well would receive a ticket-of-leave allowing them to live freely within a particular district, whilst men who misbehaved would work either in 'road' or 'chain' gangs or, for more serious offences, be sent to isolated penal settlements. Convict women, on the other hand, were confined in Female Factories.

Bigge's scheme was designed to rapidly expand agricultural and pastoral industries, situated in the coastal and interior regions of New South Wales respectively. In order to fulfil the Colonial Office's instructions to 'separate the convict population from the free population', Bigge 'was naturally led to inquire whether any of the islands in Bass Straits, or upon the eastern coast of New South Wales, were calculated for the reception of convicts'.[27] However, upon receiving information from surveyors and locals, Bigge complained that Norfolk Island had proved too difficult to access by boat and 'no other island… had the same advantages of soil or climate' to sustain a convict population.[28] Islands encapsulated for Bigge the need to completely isolate convicts under punishment from broader society. Their bounded limits offered the possibility of complete control over convict discipline and their separation from the mainland would

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[26] H. Maxwell-Stewart, 'Convict Transportation from Britain and Ireland 1650-1870', *History Compass,* 8:11 (2010), pp. 1231-3.

[27] BPP 1822, vol. XX, no. 448, 'Report of the Commissioner of Inquiry into the State of the Colony of New South Wales', p. 165; BPP 1823, vol. XIV, no. 532, 'NSW, Return of an address of the Honourable the House of Commons to His Majesty, dated 3rd of July 1823 for a copy of instructions given by Earl Bathurst to Mr. Bigge on his proceeding to NSW', Earl Bathurst to John Thomas Bigge, Chairman of Select Committee, 6 Jan. 1819, London, p .4.

[28] *Ibid.*

prevent them 'contaminating' wider society. Nonetheless, finding an actual island to fulfil his imaginary ideal was impossible.

When the Governor of New South Wales, Thomas Brisbane, and the Secretary of State for the Colonies, Earl of Bathurst, came to establish a new penal settlement in 1824, they rejected Bigge's suggestions and opted instead to settle Norfolk Island in the Pacific. Bathurst believed that rather than having the 'worst description of convicts… placed in the midst of a thriving and prosperous colony', Norfolk Island should be occupied 'upon the principle of a great Hulk or Penitentiary'.[29] The penal system that Bigge created relied on distance as the primary mechanism of secondary punishment within the Australian colonies which translated into officials selecting remote islands. For Norfolk Island to act as an effective deterrent to crime for the convict population, it had to be feared and a distant island was intended to serve as a powerful image in the minds of the general public. As the Lieutenant-Governor of Van Diemen's Land, George Arthur, wrote 'being sent to Norfolk Island… should be considered a place of ultimate limit, and a punishment short of death'.[30] The fact that Norfolk Island was an isolated settlement and part of 'island mythology' fed into exaggerated rumours about the 'depravity' of convicts sent there.[31] However, Tim Causer demonstrates that Norfolk Island convicts were far from the 'worst'. In fact, the majority had been convicted of minor property crimes and a third were serving their original sentence of transportation.[32] Insularity and isolation became intertwined and created a powerful imaginary geography of island prisons in the Australian context.

The other colony that overhauled the convict system along the lines of Bigge's report was Van Diemen's Land. Officials there were equally drawn to islands as sites of secondary punishment. In 1822, the year that Bigge published his report, a penal station was opened at Macquarie Harbour, a body of water twice as big as Sydney Harbour which contained within it an archipelago of incarceratory islands. The main settlement, with shipyard, was on Sarah Island (also known as Settlement Island) which

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[29] *HRA*, ser. I, vol. XI, Earl Bathurst, Secretary of State for War and the Colonies, to Thomas Brisbane, Governor of New South Wales, 22 July 1824, London, p. 321.

[30] *HRA*, ser. III, vol. VI, Document E., George Arthur, Lieutenant-Governor of Van Diemen's Land, to Wilmot Horton, Under-Secretary, 23 March 1827, Hobart, p. 676.

[31] T. Causer, '"The worst type of sub-human beings"? The myth and reality of the convicts of the Norfolk Island penal settlement, 1825-1855', *Islands of History* (Sydney: Anchor Books, 2011), p. 4.

[32] *Idem.*, pp. 5, 16.

stretched from the pilot station to the shores of Macquarie Harbour.[33] Next door was the 'detached fort' of Grummet Island (or Small Island) which housed a hospital and penitentiary.[34]

In 1826, Lieutenant-Governor George Arthur wrote to the Colonial Office recommending the closure of Sarah Island penal settlement because of the encroachment of free settlers towards Macquarie Harbour and high rates of escape. Between 1821 and 1832, there were 150 escape attempts involving 271 individuals, or one in four of the secondarily transported convicts.[35] Lieutenant-Governor George Arthur's language mimicked Bigge's when he stressed that 'as the Colony becomes more and more populated, the barrier between these wretched Criminals and the rest of the Community will be decreased, and escape will constantly become more easy'.[36] Even if convicts were kept on islands within the harbour, their proximity to the mainland was perceived as a problem since isolation remained the insular ideal. Arthur criticised the penal settlement on Maria Island on similar grounds, which had been for the punishment of less 'serious' secondary offenders a year earlier, in 1825. Situated just four kilometres east of the Tasmanian mainland, Arthur complained that 'it is much too near the settled districts on the Main Land to be regarded as a safe depot for very desperate offenders.'[37]

For this reason, Arthur suggested King's Island, to the west of the Bass Strait, as a suitable alternative, from which escape would be almost impossible. However, Arthur noted that its warm climate and natural beauty made it more akin to a paradise than a penitentiary, rendering it in some respects undesirable as a place of punishment. In 1827, Arthur once again put forward a new island penal settlement on Phillip Island – situated off the southern coast of Australian near modern-day Melbourne. However, Phillip Island was far from a utopia; its dry soil and swampy interior made it

[33] H. Maxwell-Stewart, *Closing Hell's Gates: The death of a convict station* (Crows Nest: Allen & Unwin, 2008), pp. 19-21.
[34] *Idem,* pp. 19, 117-9.
[35] *Idem.,* p. 198.
[36] *HRA*, ser. III, vol. V, George Arthur, Lieutenant-Governor of Van Diemen's Land, to Robert Hay, Under-Secretary of State for War and the Colonies, 4 Sept. 1826, Hobart, p. 345.
[37] *Ibid.*

economically unviable for convicts to cultivate the land, though Arthur believed it could still be a 'viable temporary penal establishment'.[38]

In the same year, Arthur formed an executive committee on the problem of educated convicts, suggesting that they should be segregated from the bad influence of the general convict population in separate institutions. Arthur seemed certain that 'an island may be found much more convenient and available than any district' to keep educated convicts separate from the rabble. Similarly, the colonial treasurer, Jocelyn Thomas, claimed that 'the various islands in the Bass Strait (King, Furneaux, Cape Barren etc. etc.) all afforded eligible situations for Penal Settlements'.[39] Islands offered the possibility of natural separation, but whether this was intended to protect or punish those island exiles depended on the administrators' changing views of the mainland population. Many of these islands were later used for the confinement of Indigenous Australians (as will be discussed in the third section of this chapter). This demonstrates the enduring appeal of islands as 'natural prisons', though officials constantly shifted their reasoning to serve the particular population they were confining. Though much of this discussion ended up being hypothetical, two things are clear: first, that islands held imaginative appeal for colonial officials; and second, that island geographies were conceived of in 'flexible' ways that matched shifting penal policies and ideologies.

In the mid-1830s, policy makers in New South Wales turned away from remote islands to urban islands, located in the midst of city harbours, as sites that balanced surveillance, security and labour needs. The difficulties of administering Norfolk Island in particular made the colonial government wary of islands that were difficult to access and far from government surveillance. It also reflected logistical requirements as convict labour was needed to expand harbour and road infrastructures associated with urbanisation of Sydney.[40] From the mid-1830s to the early 1840s, islands in Sydney Harbour were used as sites of secondary punishment through hard labour, including

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[38] *Ibid.*

[39] *HRA*, ser. III, vol. V, encl. no. 6, Minute of Jocelyn Thomas, Acting Colonial Treasurer of Van Diemen's Land, 20 March 1827, Hobart, p. 689.

[40] I. Hoskins, *Sydney Harbour: A History* (Sydney: UNSW Press, 2009), pp. 115-118.

Goat Island (Me-mel), Cockatoo Island (Wa-rea-mah) and Pinchgut Island (Mat-te-wan-ye).[41]

On Goat Island convicts quarried a gunpowder magazine, soldiers' barracks and a wharf to fortify the harbour.[42] Between 1840 and 1841, convicts levelled the top of the island to build a military fortification on Pinchgut Island (now Fort Denison).[43] On Cockatoo Island, convicts spent over a decade from 1847 quarrying a dry dock directly into the sandstone base of the island and then manned the workshops to repair and outfit ships until 1869. Convicts were sometimes sent to the islands under sentence by magistrates (with powers awarded by the 1830 Offenders' Punishment and Transportation Act) but more often they were simply transferred from a road gang to an island gang.[44] The Principal Superintendent of Convicts sent convicts deemed dangerous or likely to escape to islands, which were perceived as sites of increased security despite their proximity to Sydney. In the month of December 1840, for example, a convict found guilty of sexual assault of an Indigenous woman, two convicts suspected of bushranging and nine convicts who had been re-transported from South Australia were sent to Goat Island, the latter awaiting transfer to Norfolk Island.[45] When John Carroll committed burglary, the convicting magistrate recommended that he be punished 'at a distance from Sydney, in consequence of… [his] desperate character'.[46] With this in mind, governor George Gipps instructed that he be 'sent either to Cockatoo or Pinchgut Island' rather than mainland stockades several hundred kilometres distant from the capital. Clearly, officials viewed the islands of Sydney Harbour as both extra-punitive sites and locales for extra-mural convict labour.

In 1837, the British parliament commissioned a Select Committee on Transportation which was chaired by Sir Henry Molesworth and comprised of anti-slavery abolitionists and evangelicals. Based on testimony by a carefully selected set of

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[41] I. Hoskins, 'Islands of Sydney Harbour', *Dictionary of Sydney*, 2014, <https://dictionaryofsydney.org/entry/islands_of_sydney_harbour> [accessed 7 Aug. 2017].
[42] G. Connah, *The Archaeology of Australia's History* (Cambridge: Cambridge University Press, 1988), p. 57; Hoskins, *Sydney Harbour,* p. 48.
[43] Keneally, *Australians,* p. 446.
[44] N. Gill et. al., 'Carceral circuitry: New directions in carceral geography', *Progress in Human Geography,* 40:1 (2016) pp. 1-22.
[45] State Records of New South Wales [hereafter SRNSW], 4/3891, Thomas Cudbert Harington, Acting Colonial Secretary, to Major George Barney, Commander of Royal Engineers 9 Dec. 1840, 11 Dec. 1840, 17 Dec. 1840, Sydney, p. 134.
[46] *Idem.,* Harington to Barney, 15 Oct. 1840, Sydney, pp. 100-1.

anti-transportation witnesses, the committee concluded that the Australian convict system was characterised by excessive violence (flogging and chaining) and many forms of vice (including rape, sodomy, and child molestation).[47] When it became clear that convict transportation to New South Wales would likely cease, the former Secretary of State for War and the Colonies, Viscount Howick, issued a memorandum with a list of possible destinations for British and Irish convicts: all of them islands. He rejected the Ionian Islands off the coast of Greece, St Helena in the Atlantic and the Falkland Islands off the coast of Argentina before settling on Norfolk Island as the best possible destination.[48]

The Colonial Office, eager to reform convict discipline along rehabilitative lines, offered Captain Alexander Maconochie the command of Norfolk Island to trial a system of penal reform called the 'mark system' on newly arrived convict transportees. Maconochie's mark system incentivised convicts to work hard and behave well by allowing them to earn time off their sentence through good conduct and labour.[49] However, Maconochie contested the choice of island, complaining that it was 'too remote', 'inaccessible' and 'tropical' for convict labour to be useful. According to Maconochie, a successful rehabilitation required a smooth transition from the prison yard to the 'workplace'. Instead Maconochie suggested dividing the convicts – according to behaviour – between two peninsulas on Van Diemen's Land and Maria Island off the eastern coast. Maconochie put forward another similar spatial configuration of punishment whereby King Island in the Bass Strait would house the majority of convicts working in agriculture, whereas the recalcitrant convicts would be sent to two small islands (New Year Island and Christmas Island) which would act as 'penitentiaries for separate imprisonment… with little expense of masonry'.[50]

Maconochie would ideally have liked to trial his scheme on mainland road gangs, because he was so confident that incentivisation through task work would prevent convicts from attempting escape or other forms of resistance. However,

[47] J. Ritchie, '"Towards Ending an Unclean Thing": The Molesworth Committee and the Abolition of Transportation to New South Wales, 1837-1840', *Australian Historical Studies*, 17 (1986), pp. 144-165.
[48] TNA, CO 201/302, Viscount Howick, Secretary of State for War and the Colonies, Memorandum, London, 23 November 1838, p. 321.
[49] R. Nobbs, *Norfolk Island and its Second Settlement* (Sydney: Library of Australian History, 1991).
[50] TNA, CO 201/288, Captain Alexander Maconochie, Commandant of Norfolk Island, to George Gipps, Governor of New South Wales, 13 Nov. 1839, Sydney, pp. 130-3.

governor Gipps was certain there would be public uproar if the scheme were trialled within the vicinity of free settlers. For Maconochie's 'natural experiment', an island laboratory was needed.[51] In his letter to the Colonial Office in 1840, Gipps commented that all the natural geographical features that made Norfolk Island a good carceral island were the features Maconochie complained about, 'namely its insular character, its inaccessibility, the fertility of the soil and the nature of its climate'.[52]

It was incumbent on Gipps to find a new penal settlement for secondarily transported convicts who needed to be removed from Norfolk Island. However, since convict transportation to New South Wales had ceased, Gipps could no longer transport convicts to penal settlements within the colony, leading him to pass legislation to remove convicts from penal settlements to any 'site of hard labour'.[53] In February 1840 Gipps proposed that either Tasman's Peninsula or King Island in the Bass Strait replace Norfolk Island as 'a new penal colony'.[54] However, governor John Franklin refused to accept doubly-convicted prisoners within the limits of Van Diemen's Land. Franklin, for his part, proposed Auckland Island, off the coast of New Zealand. In 1841, Lord Russell suggested Goat Island in Sydney Harbour, but governor Gipps adapted his instructions to send convicts to another harbour island, Cockatoo Island, because it was not safe to send convicts to a 'place already occupied by a magazine of gunpowder'.[55] Despite being separated from Sydney's shore by just a few kilometres, Gipps insisted it was 'the place of greatest security within the colony, not actually a prison'.[56] Indeed, Gipps asserted that proximity was preferable to isolation when it came to secondary punishment, claiming that 'stations for doubly convicted men, seem to me to have been erroneously placed at great distances from the seat of Government… [so they] have rarely, if ever, been visited by the Governor of the Colony, or by any person high in authority'.[57] Cockatoo Island, in the midst of Sydney Harbour, was both secure and

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[51] TNA, CO 201/296, Gipps, to Lord Russell, Secretary of State for the Colonies, 25 Feb. 1840, Sydney, p. 144.
[52] *Idem,* p. 125.
[53] An Act for the conditional remission of sentences of convicts transported to Norfolk Island and Moreton Bay, and to enforce the conditions thereof', 2 Vic. 1, 1838.
[54] TNA, CO 201/296, Gipps to Lord Russell, memorandum no. 7, 27 Feb. 1840, Sydney, pp. 173-4.
[55] BPP 1843, vol. XLII, no. 158, Convict Discipline: Copies of Extracts of any Correspondence between the Secretary of State and the Governor of Van Diemen's Land, on the subject of Convict Discipline, Part I, Gipps to Lord Russell, 13 Oct. 1841, Sydney, pp. 11-13.
[56] *Ibid.*
[57] TNA, CO 201/286, Gipps to Glenelg, 8 July 1839, Sydney, p. 249.

surveillable; or, as Gipps put it: 'Cockatoo Island, surrounded by deep water and yet under the very eye of authority… [was] a natural hulk'.[58]

Over the next four years (1840-44), 1440 secondarily-transported convicts were transferred from Norfolk Island to Cockatoo Island under a scheme that more than halved the terms of their remaining sentences.[59] They were joined by the superintendent of agriculture, Charles Ormsby, who became superintendent of Cockatoo Island from 1841.[60] As convict singer, James Laurence, testified to the 1847 House of Lords Select Committee on Transportation, Cockatoo Island was the same as Norfolk Island in every respect except for the fact that Cockatoo was a 'small island'.[61] Cockatoo Island's founding population were convicts from both the urban Goat Island and the Pacific Norfolk Island. It marked a decisive shift away from isolation as punishment, and was replaced instead with hard labour for the public benefit but with the added security of water and walls to keep the felons in. Long after the majority of secondarily-transported convicts had left and Cockatoo Island effectively operated as a local gaol, it retained its associations with the convict system via its Pacific predecessor. In an 1857 inquiry, Cockatoo Island was dubbed a 'worse hell-on-earth even than Norfolk Island', and Henry Parkes claimed that 'the superintendent Mr. Ormsby is so isolated, as much indeed as if he were a thousand miles off in the Pacific'.[62] Despite their clearly opposite geographies in relation to the mainland – the former just one-and-a half kilometres and the other 1500 kilometres away from Sydney – they were considered comparable due to their insularity.

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[58] *Idem*., p. 250; A.G.L Shaw (ed.), *Gipps-La Trobe Correspondence* (Carlton: Melbourne University Press,1989), Gipps to Charles La Trobe, Superintendent of Port Phillip District, 24 October 1840, Sydney, p. 111.
[59] TNA, CO 201/286, Gipps to Glenelg 1839, Sydney, no. 102, p. 249.
[60] TNA, CO 201/310, Captain Maconochie, Judgement in Ormsby's Case, 16 June 1841; TNA, CO 201/296, Gipps to Lord Russell, 24 Feb. 1840, Sydney, no. 27, p. 137, Votes and Proceedings of the Legislative Assembly, vol. II, The Board of Inquiry into the Management of Cockatoo Island (Sydney, 1858), p. 298.
[61] BPP 1847, vol. VII, no. 534, 'Second Report from the Select Committee of the House of Lords appointed to inquire into the execution of the criminal law, especially respecting juvenile offenders and transportation, together with the minutes of evidence taken before the said committee and an appendix', testimony of 'A.B.' (James Laurence), 26 April 1847, pp. 448-9; R. Wills, *Alias Blind Larry: The mostly true memoir of James Laurence the singing convict* (North Melbourne: Australian Scholarly, 2015), pp. 272-80.
[62] Legislative Assembly, New South Wales, Votes and Proceedings, 1858, vol. II, no. 17, Inquiry into Management of Cockatoo Island, p. 298.

Cockatoo Island also served as a regional prison for convicts who broke the terms of their ticket-of-leave (which allowed them to live freely within a prescribed district) by absconding or being found guilty of misconduct.[63] This included those from distant settlements of Moreton Bay (now Brisbane) and Port Phillip (now Melbourne), each around 900 kilometres from Sydney. On 12 November 1849, the secretary to the classification board on Cockatoo Island, Alexander George Dumas, wrote to the Colonial Office suggesting that prisoners sentenced locally for misconduct 'in private service' could be sent to either of the 'two neighbouring islands' of Moreton Island or Stradbroke Island in Moreton Bay, rather than sending them 900 kilometres down the coast to Sydney's Cockatoo Island.[64]

The area formerly known as 'Port Phillip' became a separate colony called Victoria in 1851. The following year, Victoria's Lieutenant-Governor Charles La Trobe argued that 'the most hardened criminals should legally be removed from the colony' of New South Wales, Victoria and South Australia, and removed to Howe's Island, which was 800 kilometres east of Sydney in the Pacific Ocean.[65] In September 1851 La Trobe received a survey from Dr John Foulis, who had lived on the island for three years. Though Foulis was one of just sixteen residents, he claimed that the island could 'support a population of 5,000 souls if under control' since it already supported 'considerable numbers' of wild pigs and 'large herds of goats'.[66] However, there were little more than two hundred convicts under secondary punishment at Cockatoo Island and Newcastle Breakwater so the proposal was dismissed as too expensive.

The New South Wales government revived the idea of sending convicts to Howe Island in 1882 but it was roundly dismissed in a parliamentary report on the grounds that their experience with Norfolk Island had convinced them 'against establishing prisons in remote situations removed from frequent opportunities of inspection and

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[63] See chapter 3 of this thesis.
[64] BPP 1850 vol. XLV, nos. 1153, 1285, 'Convict Discipline and Transportation. Further correspondence on the subject of convict discipline and transportation', Alexander George Dumas, Secretary to the classification board, Cockatoo Island to Earl Grey, Secretary of State for War and the Colonies, 12 Nov. 1849, London, p. 170.
[65] D. Nichols, *Lord Howe Island Rising* (Frenchs Forest, NSW: Tower Books, 2006), pp. 38-40.
[66] J. J. Spruson, *Norfolk Island: Outline of its history from 1778-1884* (Cape Town: Government Printer, 1885), p. 20; C. Frith, *The Woodhen: A flightless island bird defying extinction* (Collingwood: CSIRO Publishing, 2013).

guidance.'[67] In 1867, an island in Moreton Bay originally intended for a quarantine station was repurposed as a penal establishment for 'long-sentence' local prisoners.[68] On St Helena Island (Nogoon), prisoners had originally constructed buildings for a quarantine station, before overcrowding and lax discipline in Brisbane Gaol led the colonial government to turn it into a prison instead, with prisoners growing sugar cane.[69] It resembled Cockatoo Island, which had been closed the previous year; sandstone was quarried from the island to build the prison buildings (with the addition of a lime kiln to burn coral for cement) and, from the 1870s, skilled prisoners manned workshops for the sale of items on the mainland.[70] The main industry on St Helena Island was growing sugar cane. There were also similar measures taken to ensure security including deforesting the island and a 'signalling' system with the mainland in case of escape.[71] In 1903, the *Brisbane Daily Mail* described St Helena Island as a remnant of the convict system, claiming that 'it was [then] considered a very handy thing to get bad characters out of the way on some island – a recrudescence of the old notion of transportation "to Van Diemen's Land" or "Norfolk Island"'.[72]

This analysis has shown that there was a definitive shift in penal policy from remote islands for penal settlements to the convenience, ease of inspection and utility of convict labour when islands were located near towns and cities. In the 1890s, many St Helena Prisoners were transferred to Peel Island (Teerk Roo Ra), also in Moreton Bay, where they built a quarantine station.[73] Alongside this overlap of penal and medical forms of confinement, there were entanglements between islands used for European and Indigenous punishment. The island had been named St Helena because

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[67] *Report on the Present and Future Prospects of Lord Howe Island* (Sydney: Thomas Richards, 1882), p. 6.

[68] BPP 1867-8, vol. LVII, nos. 3961, 6961-I, 'Prison Discipline in the Colonies; Digest and summary of information respecting prisons in the colonies, supplied by the governors of Her Majesty's colonial possessions, in answer to Mr. Secretary's Cardwell's circular despatches of 16th and 17th January 1865'.

[69] *Brisbane Courier*, 11 November 1890, p. 3.

[70] BPP 1867-8, vol. LVII, no. 3961, 6961-I, 'Prison Discipline in the Colonies'.

[71] *Ibid.,* Theophilius Pugh, Chairman of Select Committee 'to inquire into the internal management and discipline of the Prisons of the Colony, and the construction and suitability of the Gaols and Lock-ups', 4 Feb. 1868, Brisbane, encl. in Maurice Charles O'Connell, Administrator of Queensland, to Duke of Buckingham and Chandos, Secretary of State for the Colonies, 7 July 1868, Brisbane, no. 58, pp. 116-8.

[72] *Brisbane Daily Mail*, 10 Oct. 1903 in Queensland State Archives, A/20037, 'Prisons Department Cuttings Book, 12 Feb. 1903 – 20 Aug. 1907', p. 20.

[73] On the use of islands as quarantine stations globally, see: A. Bashford, 'Maritime Quarantine: Linking Old World and New World Histories', in A. Bashford (ed.), *Quarantine* (Basingstoke: Palgrave Macmillan, 2017), pp. 1-12.

an Indigenous man, 'Napoleon', was exiled there in 1826 for stealing an axe, leading to a comparison with Napoleon Bonaparte's banishment to the Atlantic Island in 1815.[74]

By looking at comparisons made by contemporaries we can see that different island institutions were deliberately modelled on or against one another. Distance is relative and changing priorities altered the extent to which isolation was a desirable part of punishment. This challenges the idea of the isolated Norfolk Island, and to a lesser extent Sarah Island in Macquarie Harbour, as the 'archetypal' sites of secondary punishment. Instead, it demonstrates that islands were flexible geographies and a longer standing aspect of the carceral system than previously recognised. This focus on continuity is also apparent in the use of islands, including those formerly used to confine convicts, for the confinement of Indigenous Australians.

2.3 Confinement of Indigenous Australians

In the 1830s, the colonial government established 'Aboriginal Settlements' on a series of islands off the coast of Van Diemen's Land. During the escalation of government and settler violence against Indigenous Tasmanians from the late-1820s to 1832, known as the 'Black War', George Augustus Robinson convinced Indigenous Tasmanians fleeing from settler violence to go voluntarily to islands for their own protection. These temporary measures became permanent establishments from which its Indigenous inhabitants were not allowed to leave and were subjected to restrictive routines. They thus acted as carceral institutions, despite the evasive language of colonial administrators.

According to N.J.B. Plomley, for the colonial administration it was always a question of which 'island [was] suitable for aboriginal settlement'. [75] The 1831 Aborigines Committee was charged with finding the best site for the reserve considered Maria Island, King Island, Bruny Island and the Hunter Islands in the Bass Strait as possible locations.[76] The committee were looking for an island large enough for the

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[74] 'St Helena Island National Park: culture and history', *Queensland Government: Department of National parks, sports and racing,* 2017 <https://www.npsr.qld.gov.au/parks/st-helena-island.html> [accessed: 7 Sept. 2017].
[75] N.J.B. Plomley, *Weep in Silence: A History of Flinders Island Aboriginal Settlement with the Flinders Island Journal of George Augustus Robinson* (Hobart: Blubber Head Press, 1987)*,* p. 13.
[76] *Idem.*, pp. 13-43.

Indigenous inhabitants to 'roam freely' and an abundance of game for them to hunt.[77] In this respect, they tried to make a sliver of land would stand in for the vast country that they had been forced to leave. Yet, the coercive nature of these island reserves is clear as the committee repeatedly insisted that an island could not be too close to the mainland otherwise the Indigenous Tasmanians would swim away and escape from the island. In 1831, the committee noted that a benefit of Maria Island, formerly a penal establishment, would be re-using the prisoners' barracks and using a police crew on Lacklan's Island to sweep the water for escapees.[78] The Aborigines Committee feared that if the island was in sight of the mainland then the Indigenous Tasmanians would 'pine away', meaning that homesickness would cause their health to deteriorate. These discussions about the necessity for insular isolation – for the psychological wellbeing of Indigenous inhabitants or merely to prevent their escape – shows that these islands were carceral sites for confining Indigenous inmates involuntarily. This point is further underlined by the incarceration in 1833 of five women, two men and one boy for 100 days on Grummet Island, a 'small barren island' which had been used for the additional punishment of 'bad characters' within Macquarie island penal settlement.[79] The commandant stated that the 'violently boisterous weather… materially increases the punishment… upon this solitary rock.'[80] The use of sites of convict punishment for Indigenous 'protection' shows that histories and spaces of convict punishment and Indigenous removal were intertwined.

It was George Augustus Robinson who actually surveyed these islands for their suitability as settlements. After convincing the first party of Indigenous Tasmanians to join him on Swan Island in November 1830, they were transferred to different islands – including Clarke Island and Preservation Island – as he inspected them before settling on Gun Carriage Island in May 1831.[81] A lack of fresh water and poor access for ships led to the abandonment of Gun Carriage Island and a move to Flinders Island in 1833 due to its good anchorage, warm weather, 'abundance of game' and access to fresh

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[77] BPP 1834, vol. XLIV, no. 617, 'Papers relative to the Aboriginal Tribes in North America, New South Wales, Van Diemen's Land and British Report of the Aborigines Committee', 4 Feb. 1831, Hobart Town, p. 154.
[78] *Ibid.*
[79] *HRA,* ser. III, vol. VI, James Butler, Commandant of Norfolk Island, to John Burnett, Colonial Secretary of Van Diemen's Land, 30 June 1827, p. 100, quoted in J. Boyce, *Van Diemen's Land* (Carlton: Black Inc., 2008), pp. 299-300.
[80] *Ibid.*
[81] Plomley, *Weep in Silence,* p. 15.

water.[82] On Flinders Island, Tasmanians were subjected to Christian teachings and taught how to cultivate the land.[83] Yet these 'civilising' schemes were overshadowed by the mortality rates which resulted partly from neglect, including malnourishment, poor living conditions; from disease and denial of medicine; from trauma, including the separation of children from their parents; and from other forms of harsh and punitive discipline.[84] James Boyce has argued that Robinson was well aware of these practices, and that his 'humanitarian' endeavours must be considered one of the genocidal strategies perpetrated against Indigenous Tasmanians by the colonial government.[85]

From the perspective of the Indigenous people on Flinders, they were clearly being held prisoner. In March 1847, eight Indigenous Tasmanians on Flinders Island wrote a petition to Queen Victoria, in which they complained about being treated as prisoners on Flinders, stressing that they 'freely gave up our country to Colonel Arthur... after defending ourself' and that they were 'a quiet and free people and not put in gaol.'[86] As Lyndall Ryan and Henry Reynolds have described, many resisted the regimes imposed upon them creating a creole culture of many different Indigenous communities.[87]

These failures were explained away by Robinson in his 1837 report to the Colonial Office through the idea that Indigenous people were 'weak' and would inevitably become extinct after their encounter with the superior white race. On islands at least, their passage was eased and their path to Heaven secured.[88] The Colonial Office readily accepted this fiction because Robinson's island settlements seemed to align with the 1835-7 British parliamentary Select Committee on Aboriginal Tribes which recommended appointing 'protectors' to prevent settler violence and encourage 'civilisation' through Christian teachings. In this way, the Colonial Office could justify

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[82] *Ibid.,* p. 21.
[83] L. Ryan, *Tasmanian Aborigines: A history since 1803* (Sydney: Allen & Unwin, 2012), p. 229.
[84] H. Reynolds, *An Indelible Stain? A question of genocide in Australia's history*, pp. 83-5.
[85] J. Boyce, 'Beyond the Common', in B. Attwood and T. Griffiths (eds), *Frontier, Race, Nation: Henry Reynolds and Australian History* (North Melbourne: Australian Scholarly Publishing, 2009), pp. 95-110.
[86] 'Petition to Her Majesty Queen Victoria', 17 Feb. 1847, in B. Attwood and A. Markus (eds), *The Struggle for Aboriginal Rights: a documentary history* (Sydney, 1999), pp. 38-39; H. Reynolds, *Fate of a Free People* (Ringwood: Penguin Books, 1995), p. 15; J. Boyce, 'Appendix: The Removal of the Aborigines in a Time of Peace', in *Van Diemen's Land,* pp. 295-313; see also: Lawson, *Last Man,* pp. 84-90.
[87] Ryan, *Tasmanian Aborigines,* pp. 219-252.
[88] Lawson, *Last Man*, p. 105.

continued conquest of Indigenous lands and peoples under the guise of 'humanitarianism'.[89]

The 1835-7 British parliamentary Select Committee on Aborigines condemned settler violence, like the 1834 Pinjarra massacre in Western Australia, which had devastated Indigenous populations in British territories. Instead, the committee recommended that 'protectors' be appointed to care for Indigenous interests and to 'civilise' them.[90] As part of the shift from 'amelioration' to 'protection' in British Imperial policy, the Western Australian governor appointed Protectors of Aborigines who would administer British law on behalf of, and more often against, Indigenous peoples to 'protect' them from settler violence.[91]

As early as 1830, judge advocate for the colony, George Fletcher Moore, said he feared violent conflict unless members of the Indigenous Nyoongar community were 'removed wholesale to some island'.[92] In 1832 Carnac Island (Ngooloormayup), off the coast of Fremantle was used as a 'place of confinement' for Nyoongar resistance leaders including Yagan and Midigoroo.[93] They were treated as prisoners of war and had their capital sentences commuted to confinement on Carnac Island at the recommendation of surveyor John Septimus Roe. After just a month the prisoners escaped to the mainland

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[89] BPP 1837 vol. VII, no. 425, 'Report from the Select Committee on Aborigines (British settlements); together with the minutes of evidence, appendix and index', Sir James Stirling, Governor of Western Australia, to Earl of Aberdeen, 10 July 1835, Perth, p. 139. For a full discussion of this policy shift from 'amelioration' to 'protection' through George Augustus Robinson and George Arthur's Van Diemen's Land island reserves, and the 1835-7 Aborigines Select Committee, see: A. Lester and F. Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth Century British Empire* (Cambridge: Cambridge University Press, 2014), pp. 37-76, 86-92, and E. Elbourne, '"The sin of the settler": The 1835-36 Select Committee on Aborigines and debates over virtue and conquest in the early nineteenth-century British white settler empire', *Journal of Colonialism and Colonial History,* 4:3 (2003), n.p.
[90] A. Lester and F. Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the nineteenth-century British empire* (Cambridge: Cambridge University Press, 2014).
[91] A. Nettelbeck, '"A Halo of Protection": Colonial Protectors and the Principle of Aboriginal Protection through Punishment', *Australian Historical Studies,* 43:3 (2012), pp. 396-411; SROWA, cons. 42, ser. 3, John Hutt, Governor of Western Australia, to Normanby, 11 Feb. 1840, Perth, and encl. 'Instructions to the Protectors of the Aborigines of Western Australia'.
[92] G. F. Moore, *Diary of ten years eventful life of an early settler in Western Australia* (London: M. Walbrook, 1884), p. 215.
[93] BPP 1837-8, vol. XI, no. 685, 'Return of expenses defrayed by this country in the colonies of Western and Southern Australia, during the last three years', James Stirling, Governor of Western Australia, To Earl of Aberdeen, Secretary of State for War and the Colonies, 15 Oct. 1835, encl. 1, 'Return of all Lands for Public Purposes in Western Australia, From Establishment of the Colony in June 1829 to 6 October 1835', pp. 191-2.

on an unattended dinghy and were eventually shot and killed by the authorities.[94] In 1835 Governor James Stirling expressed his belief that unless

> an[sic] sufficient establishment…be maintained for the purpose of protecting, controlling, managing and gradually civilizing the aboriginal race…a fearful struggle between the invaders and the invaded, which will not cease until the extermination of the latter be accomplished, to the discredit of the British name.[95]

In July 1838, the government established a permanent prison for Indigenous men on neighbouring Rottnest Island (Wadjemup). The 1840 'Act to constitute Rottnest a legal prison' was passed. It stated that the eighteen kilometres which separated the island from the mainland meant escape was difficult enough so that the convicts could work without chains and be allowed to hunt and roam regularly, since 'the close confinement of a gaol…[had] been found to operate most prejudicially to their health'.[96]

Yet, underlying these official humanitarian reasons was deterrence; Rottnest was 'winnaitch' (forbidden) for Nyoongar Whadiuk as a realm for bad spirits.[97] Thus, the colonial administration argued that transportation to Rottnest elicited a particular kind of dread that could not be replicated by local imprisonment or even capital punishment.[98] In the Tasmanian context, islands in the Bass Strait were conceived as replacement pieces of land for that which had been conquered by the British. Rottnest Island, in contrast, was selected because its separation from the mainland and cultural meaning to the Nyoongar would be a more effective deterrent to crime by inspiring dread in the communities left behind.

For Indigenous prisoners from the desert regions of the northern interior, who began to be transported in large numbers in 1880s and 1890s, being shipped across the water could be a terrifying experience. In 1884, an Indigenous convict named Bob

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[94] N. Green, *Broken Spears: Aborigines and Europeans in Western Australia* (Perth: Focus Education Services, 1984), pp. 82-4.
[95] BPP 1837-8, vol. XI, no. 685, 'Return of expenses defrayed by this country in the colonies of Western and Southern Australia, during the last three years', James Stirling, Governor of Western Australia, to Earl of Aberdeen, Secretary of State for War and the Colonies, 15 Oct. 1835, pp. 191-2.
[96] BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian colonies), 'An Act to constitute Rottnest a Legal Prison', 2 July 1840, p. 375.
[97] G. Stasiuk, 'Wadjemup: Rottnest Island as black prison and white playground', PhD exegesis (Murdoch University, 2015), pp. 27-8.
[98] BPP 1844, vol. XXXIV, no. 627, 'Aborigines (Australian colonies)', John Hutt, Governor of Western Australia, to Lord John Russell, Secretary of State for War and the Colonies, Perth, 15 May 1841, p. 380.

Thomas testified to a commission of inquiry: 'Natives do not like the sea voyage…Rottnest is dreaded by the natives'.[99] Anga Friday Jones described the story of her kinsmen who had been on Rottnest: 'they got sick of it, and they want to go home, you know. And they said "hey, gotta get off. That big sea there" and they in a[sic] island'.[100]

Yet in other respects, the discipline on Rottnest Island was in line with humanitarian principles of the 1830s. The separation of the island meant that the prisoners could have 'full benefit of fresh air and exercise' and be 'encouraged in hunting and fishing'.[101] They would also be taught agriculture and construction and allowed to roam and hunt on the island on Sundays.[102] Removal to an island was also a means of separating Indigenous convicts from their countries and kinship networks. When surveyor John Lort Stokes visited Rottnest in 1842 he described the prisoners being 'compelled to think when a blue streak of smoke stealing over the uplands, catches their eye, as it wanders distinctively forth in that direction from their island prison.'[103]

There were clear similarities in the conceptualisation of Rottnest as a site of Indigenous confinement and the 'friendly missions' of Van Diemen's Land. This idea that being in view of the homeland would lead Indigenous peoples to 'pine away' was also stressed by 1831 Aborigines Committee as a disadvantage of Maria Island.[104] In 1847, George Augustus Robinson described Rottnest Island in a way that showed clear parallels with its predecessor Flinders Island, though the comparison is not explicitly made. He wrote:

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[99] *Ibid.*

[100] Anga Friday Jones, 'Tankil Tankil's Escape from Rottnest' [Oral History], *Mira Canning Stock Route Project Archive,* 9 Sept. 2008 <http://mira.canningstockrouteproject.com/content/anga-friday-jones-tankil-tankils-escape-rottnest-oral-history> [accessed: 6 March 2014].

[101] BPP 1844, vol. XXXIV, no. 627, 'Aborigines (Australian Colonies)', Hutt to Lord Russell, 19 Aug. 1840, p. 705.

[102] TNA, CO 18/31, Hutt to Lord Russell, Perth, 1 March 1843, pp. 82-3; N. Green and S. Moon, *Far From Home: Aboriginal Prisoners on Rottnest Island, 1838-1931* (Nedlands: University of Western Australia Press, 1998), p. 16.

[103] J.L. Stokes, *Discoveries in Australia: With an account of the coasts and rivers explored and surveyed during the voyage of the H.M.S Beagle, in the years 1837-38-40-41-42-43, vol. II* (London: T and W. Boone, 1846), p. 130.

[104] BPP 1834, vol. XLIV, no. 617, 'Aboriginal tribes. (North America, New South Wales, Van Diemen's Land and British Guiana), Minutes of the Aborigines Committee, 28 Sept. 1831, pp. 160-1.

At Western Australia an island is appropriated exclusively to their [Indigenous peoples'] use and judging from the reports of the Rottnest establishment the best results have been realized, could a similar boon be conceded to the aborigines convicted of a crime in these colonies, banishment instead of a curse would be a blessing and expatriation an advantage.[105]

This shows that the colonial administration was intent on presenting islands as 'boons' and 'blessings' to the Indigenous populations who were, in Robinson's own words, 'banished' from their country.

Since the majority of prisoners were serving sentences for theft, mostly of livestock, and were often prosecuted as a group, transportation to Rottnest effectively dispossessed Indigenous communities, just as the Tasmanian reserves had.[106] A key difference between the two was that no women were incarcerated on Rottnest, though by removing so many men it still effectively disrupted Indigenous communities and weakened resistance to European conquest of 'country'. The colonial government briefly considered a scheme for incarcerating Indigenous women, making a deal with James Reid on Garden Island to confine short-sentenced Indigenous women at a cost to the treasury of nine pence per person per day.[107]

The concept that island geography was an important part of Indigenous prisoners' health persisted, despite high mortality rates on Flinders. The act that established Rottnest Island claimed that its island geography would help prevent Indigenous prisoners' deaths that resulted from 'close confinement'.[108] Neville Green and Susan Moon have calculated that overall at least 370 people, or ten per cent of the Indigenous prison population on Rottnest Island between 1838 and 1931 died.[109] In 1878, the colonial surgeon, Dr Henry Barnett, recommended convicts be given more freedoms on the island to reduce disease and death. He suggested a 'variety of diet', including importing wild game for the prisoners to hunt', and 'occasional half holidays, the

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[105] I. Clark (ed.), *The Papers of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate, Vol. 4: 1 January 1844-24 October 1845* (Melbourne, 1998); G.A. Robinson, 'Annual Report for 1845', p. 101, quoted in K. Harman, 'Aboriginal Convicts: Race, Law and Transportation' Ph.D. thesis (University of Tasmania, 2008), p. 293.
[106] Green and Moon, *Far From Home,* p. 18.
[107] SROWA, acc. 36, Colonial Secretary Inward Letters, vol. 212 'Aborigines, 2 January – 3 December 1851', Charles Symmons, Guardian of Aborigines to Colonial Secretary, 22 Oct. 1851, Perth, p. 475.
[108] WA, 4 & 5 Vict 21, An Act to Constitute the Island of Rottnest a Legal Prison.
[109] Green and Moon, *Far From Home,* p. 8.

encouragements of amusements, corroborees, quoits, ball playing, foot races'.[110] In Barnett's view, close confinement and harsh labour regimes had fatal effects on Indigenous prisoners.

Between June and September 1883, almost a third of 179 prisoners on Rottnest Island died from influenza. This was followed by an outbreak of measles that affected 141 out of 147 prisoners.[111] Newly-arrived governor, Frederick Napier Broome, formed a commission of inquiry to investigate, chaired by Commissioner of the Crown Lands, John Forrest, who concluded that there was evidence of neglect on the part of the colonial government. They noted that the accommodation was overcrowded and poorly ventilated, with up to five prisoners sharing a single cell.[112] This was coupled with an insufficient diet and a lack of proper sanitary arrangements. The commission of inquiry also recommended that an Aborigines Protection Board be created to provide for the welfare of free Indigenous people, who they expected to eventually become extinct, which was created in 1886.[113]

Hamish Maxwell-Stewart and Kristyn Harman have shown that Indigenous convicts in the Australian convict system suffered mortality rates fourteen times higher than European convicts.[114] The mortality rate of Indigenous convicts on Cockatoo island was so high that it sparked a governmental inquiry in 1850-51. The inquiry concluded that the deaths resulted from the fact that prisoners were confined, rather than from chaining, hard labour regimes and violence. These similarities with the fatalities of the Indigenous inhabitants on Flinders Island show that institutional neglect and violence continued, and remained on a 'continuum' of genocidal violence enacted in Van Diemen's Land.

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[110] Western Australia, Legislative Council, 'Report of the Commission Appointed to Inquire into the Administration of Certain Departments in the Public Service' (Perth: Richard Pether, 1878), Henry Calvert Barnett, Colonial Surgeon for Fremantle, to Roger Goldworthy, Colonial Secretary of Western Australia, 23 Feb. 1878, Fremantle, p. 11.

[111] SROWA, cons. 527 ser. 675, no. 1883/0146, Frederick Napier Broome, Superintendent of Western Australia, to Malcolm Fraser, Colonial Secretary, 22 Dec. 1883.

[112] *Ibid.*

[113] K. Roscoe, 'Too Many Kill'em. Too Many Make 'em Ill: The commission into Rottnest Prison as the context for section 70', *Studies in Western Australian History,* 20 (2016), pp. 44-57.

[114] K. Harman and H. Maxwell-Stewart, 'Aboriginal Deaths in Custody in Colonial Australia, 1805-1860', *Journal of Colonialism and Colonial History,* 13:2 (2012), n.p.

The colonial government's use of discourses of protection and punishment to legitimise the confinement of Indigenous peoples continued with the use of islands in Queensland in the twentieth century as 'punitive reserves' and segregated medical centres, as care was underwritten by carcerality. In 1931, a reserve was established on Palm Island (Bwgcolman), off the Great Barrier Relief, which enforced standards of surveillance and discipline more akin to a prison. So much so, that it was dubbed 'Punishment Island'.[115] Indigenous survivors of frontier conflict were sent to Palm Island because, according to Murri oral historians, 'They wanted to get rid of all the blacks on the mainland'.[116] Joanne Watson argues that 'while removal from homelands to any of the "settlements" was… fear[ed], the spectre of Palm Island instilled a particular "dread"'.[117] This situated island incarceration as a strategy to 'empty' out land of Indigenous peoples from a white settler colony.

In 1919, Peel Island was opened as a gaol first for adults and then for children and was in turn modelled on the 'punitive reserve' at Fraser Island for 'dangerous characters' and 'ex-cons' for Murri people across Queensland.[118] In the 1920s, a constellation of carceral sites grew up around Palm island, forming what Clare Anderson has termed a 'carceral junction'.[119] Neighbouring Eclipse Island (Garoogubee) housed a penal outpost and from 1928 a lock hospital for Indigenous people was established on Fantome Island (Eumilli), where Indigenous people were confined on 'suspicion' of venereal disease and forced to remain after being cured.[120] In 1940, they were joined by Indigenous lepers previously confined on numerous Queensland Islands (Stradbroke Island, Peel Island, Great Lizard Island, Fitzroy Island, Harrett Island, Dayman Island and Friday Island).[121]

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[115] J. Watson, 'Becoming Bwgcolman: exile and survival on Palm Island Reserve, 1918 to the present' Ph.D. thesis (University of Queensland, 1993), p. 2.
[116] *Idem.*, p. 11.
[117] J. Watson, *Palm Island: Through a long lens* (Canberra: Aboriginal Studies Press, 2010)*,* p. 39.
[118] *Idem.*, p. 72.
[119] C. Anderson, 'Upriver to Mazaruni Prison (Guyana)', *Carceral Archipelago Blog,* 2017, <http://staffblogs.le.ac.uk/carchipelago/2017/04/04/upriver-to-mazaruni-prison-guyana/> [accessed: 1 Aug. 2017].
[120] J. Watson, 'Becoming Bwgcolman', p. 13; M. Parsons, 'Fantome Lock Hospital and Aboriginal Venereal Disease Sufferers 1928-45', *Health and History,* 10:1 (2008), pp. 41-2, 45
[121] Watson, 'Becoming Bwgcolman', p. 71.

As recently as 2004, a young man named Cameroon Doomadgee (Mulrunji) was beaten to death for swearing at a white policeman on Palm Island.[122] The Palm Island community rioted showing their anger at police and legal authority by burning down the police station, court house and policemen's houses. The official response relied on shipping in troops, to secure the island, and ensuring that rioters were not allowed to return; controlled mobility remained important to maintaining law and order on the islands. The condemnation in the press showed to non-Indigenous Australians that Indigenous people continued to experience exceptional forms of violence at the hands of the policemen, particularly in isolated areas where policemen operated without official overview. Nonetheless, when sergeant Chris Hurley was brought to trial in 2007 for causing a death in custody he was acquitted. This brings us full circle to the way in which Indigenous inhabitants of Flinders Island were confined on islands for their 'protection' but actually subjected to harsh regimes. Ten years later, the Queensland state government earmarked the island for development into a 'tourism mecca' with its sweeping coast and rain forested interior. This echoes the closure of Rottnest Island to become a tourist destination in the 1890s, showing how prison islands were reimagined as paradise islands.

There were clear spatial continuities between the use of islands for the punishment of transported convicts and the confinement of Indigenous people. George Arthur's 'friendly missions', Rottnest Island Prison and the Palm Island detention were presented publicly as schemes motivated by protection. In practice, though, poor living standards, harsh and often violent discipline and death in custody were common features of these institutional regimes. Evidence and testimony from Indigenous communities suggests that they viewed 'reserves' as prison-like. The natural boundedness of islands also allowed the government to sustain a fiction that these sites were humanitarian – offering freedom in place of confinement – while still removing Indigenous peoples from their land.

2.4 Conclusion

Islands had an enduring appeal to colonial officials as sites of punishment. Western conceptions of islands as 'natural prisons' motivated their quest for the perfect island.

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[122] C. Hooper, *The Tall Man: Death and life on Palm Island* (Camberwell: Penguin, 2008).

They proved remarkably flexible sites that encompassed many shifts in policy and purpose.

In the first four decades after the colonization of New South Wales in 1788, the Colonial Office sent convicts as settlers to remote islands to enable the East India Company to tap into trading routes and expand geo-political influence in the Pacific and Indian Ocean. As spaces differentiated from the larger colony, these island settlements were experimental in nature and ultimately unsuccessful. Nevertheless, they show that the colonial government pursued naval goals after sending convicts to Australia.

Though convicts had been punished by being sent to Pinchgut Island and Norfolk Island since the 1780s, it was not until Bigge's 1822 report that internal exile was systematically used. Between 1822 and 1833, penal stations were established by the colonial government on islands and other remote geographical sites for the punishment of convicts through hard labour. By the mid-1830s in New South Wales, officials deemed it more useful for convicts to work on islands within harbours as part of urban infrastructure building project. Remote islands were reimagined as sites to protect 'better classes' of convict from being contaminated by other convicts. This shift in policy was exemplified by the transfer of secondarily-transported convicts from Norfolk Island to Cockatoo Island, in order to trial Maconochie's mark system on the Pacific island.

In the 1830s, islands surrounding Van Diemen's Land, were used to confine Indigenous Tasmanians to free up the mainland for colonial conquest. This model of 'humanitarian' confinement became the model for an experimental prison for Indigenous people on Rottnest Island in Western Australia from 1839, which is my third case-study, and punitive reserves on islands off Queensland. Displacement of Indigenous people to physically segregated spaces enabled European colonisation of the mainland. The removal of Indigenous peoples to islands and the extraction of labour from transported convicts used punishment to fulfil economic purposes. The following chapter will analyse the trades and convictions of prisoners on Melville Island, Cockatoo Island and Rottnest Island to show how removal to carceral islands upheld the settler economy.

Chapter 3

Roots and Routes: The origins and journeys of convicts to carceral islands

This chapter analyses the composition of prison populations on Melville Island, Cockatoo Island and Rottnest Island to understand who was sent to carceral islands, under which sentences and how far they travelled. As well as establishing important contextual information on my case studies, it makes two important arguments. First, it argues that convicts were transported to certain carceral islands on the basis of their trades, in ways that intersected with their ethnicity. Second, it argues that convicts were mostly sent to islands for theft or misconduct, rather than for violent crimes, and were mostly sentenced by magistrates under summary jurisdiction of magistrates rather than being convicted at higher courts. Overall, it shows that islands in the convict system were not primarily for secondarily convicted or violent European convicts.

First, it shows that, despite their small size, carceral islands were culturally mixed spaces that reflected the ethnic diversity of the Australian convict system and colonial society more broadly. Around a thousand black convicts arrived in the Australian colonies from Britain and Ireland, and other non-white convicts were transported from across the British Empire, including the Cape Colony, the Caribbean, Hong Kong, India, Mauritius, New Zealand and St. Helena.[1] This diversity is particularly visible in penal establishments, like Cockatoo Island, which concentrated convicts together in one place. As several inhabitants of Van Diemen's Land complained to Queen Victoria in 1851, it

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[1] I. Duffield, 'From slave colonies to penal colonies: The West Indian convict transportees to Australia', *Slavery and Abolition,* 7 (1986), pp. 25-45; I. Duffield and J. Bradley 'Introduction: Representing convicts' in I. Duffield and J. Bradley (eds), *Representing Convicts: New perspectives on convict forced labour migration* (London: Leicester University Press, 1997), p. 3; C. Pybus, *Black Founders: The unknown story of Australia's first black settlers* (Sydney: UNSW Press, 2006); D. Paton, 'An "Injurious" population: Caribbean-Australian penal transportation and imperial racial politics', *Cultural and Social History,* 5:4 (2008), pp. 449-464; C. Anderson, *Subaltern Lives: Biographies of colonialism in the Indian Ocean world, 1790-1920* (Cambridge: Cambridge University Press, 2012), pp. 56-91, especially p. 74; K. Harman, *Aboriginal Convicts: Australian, Khoisan and Māori Exiles* (Sydney: UNSW Press, 2012).

was made up of 'convicts from every part of the colonial empire Britain, convicts of every colour and tongue'.[2]

This chapter focuses on the experiences of convicts from diverse cultural and ethnic backgrounds on carceral islands, which were microcosms of broader circuits of free and forced migration. It looks at thirteen black convicts of African and Caribbean descent who were sent to Melville Island along with sixty-seven European convicts. It explores the lives of twenty-two Indigenous Australian convicts and thirty-seven Chinese prisoners known to have been incarcerated on Cockatoo Island.[3] It recognises the diverse Indigenous communities represented in the prison population of Rottnest Island who came from across the vast colony that constituted a full third of the continental landmass. Yet once on the island these groups were largely treated as a 'homogeneous' group by the prison administration, partly through the 'rule of difference' between Indigenous Australian prisoners and 191 European prisoners sent to the island as skilled workers.[4] Carceral islands were not isolated from wider society but instead reflected the demographic diversity of the colonies of New South Wales and Western Australia respectively.[5]

Second, this chapter builds on scholarship that disrupts the myth that the most recalcitrant and resistant convicts were sent to geographically isolated locations. In his parliamentary select committee report in 1824, Sir Thomas Bigge outlined a new policy by which islands, peninsulas and other isolated sites would be used for the secondary punishment of the 'worst' convicts in the Australian penal system, including repeat

[2] British Parliamentary Papers [hereafter, BPP] 1851, vol. XLV, no. 527, 'Convict discipline and transportation. Copies of all petitions on the subject of convict discipline and transportation, which have been presented to Her Majesty, from any part of Australia or Van Diemen's Land, since the year 1838, with the number of signatures attached to each petition, thirty-two inhabitants of Launceston to Queen Victoria', n.d., no. 11, p. 36.
[3] Vera Little lists thirty-three prisoners in her index 'The Chinese in Australia' in State Record of New South Wales [hereafter, SRNSW], in Colonial Secretary's Inwards Letters [hereafter CSIL]. To this I have added or linked records found in SRNSW, 4/6501, Return of Prisoners, Cockatoo Island, 1853-60; 4/6508, Cockatoo Island, 1861-3; 4/6572, 4/6573, 4/6574, Transportation Registers (Colonial); Kristyn Harman has located twenty-two Indigenous convicts who were incarcerated on Cockatoo Island, see: K. Harman and H. Maxwell-Stewart, 'Aboriginal Deaths in Custody in Colonial Australia, 1805-1860', *Journal of Colonialism and Colonial History,* 13:2 (2012), n.p.
[4] State Records of Western Australia [hereafter, SROWA], cons. 130, box 1, bundle 1, Rottnest Island Commitment Book, 1855-1881, pp. 1-9.
[5] Tim Causer has also noted that there were several non-British or Irish convicts, including two Muslim prisoners and eight Indigenous prisoners on Norfolk Island, see: T. Causer, '"The worst type of sub-human beings"? The myth and reality of the convicts of the Norfolk Island penal settlement, 1825-1855', *Islands of History* (Sydney: Anchor Books, 2011), p. 28.

offenders, absconders and violent criminals (see Chapter 2).[6] The view that penal settlements were sites of severe discipline (partly due to geographic isolation) for the worst convicts was echoed in Colonial Office correspondence, which filtered down into accounts of historians like A.G.L. Shaw and Robert Hughes. Shaw uncritically quoted governor Ralph Darling when he claimed that Norfolk Island's prisoners were all among the '"most depraved and dissolute".[7] Hughes repeated John Cuthbertson's assertion that Macquarie Harbour was the destination for "the most disorderly and reclaimable convicts".[8]

As discussed in the introduction, Tim Causer and Hamish Maxwell-Stewart have used extensive quantitative analysis to demonstrate that Macquarie Harbour and Norfolk Island held an ordinary cross-section of the transported population of Australia, rather than its most violent or most recidivist convicts. Causer challenged the 'received interpretation' that most convicts on Norfolk Island were 'doubly-convicted' showing that approximately a third of convicts, numbering 2258 men, were under colonial sentence. Of those two-thirds were convicted of non-violent offences against the person.[9] Maxwell-Stewart showed that forty-four per cent of convicts on Sarah Island in Macquarie Harbour had been sentenced for theft and only three per cent for violent crimes.[10] In fact, more than a third of the convicts at the penal settlement had been found guilty of absconding, breaches of conduct, and other misdemeanours.[11]

Cockatoo Island was envisioned by governor George Gipps as a penal station for secondarily convicted transportees, and John Hutt intended Rottnest Island to imprison Indigenous Australian men convicted of 'serious' offences, since the island was not easy to access. In practice, as this chapter's analysis of prison registers shows, the vast majority of convicts on both islands had been sentenced for theft. Economic factors drove

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[6] BPP 1822, vol. XX, no. 448, 'New South Wales. Report of the commissioner of inquiry into the state of the colony of New South Wales'.

[7] A.G.L. Shaw, *Convicts and the Colonies: A study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber and Faber, 1966), p. 205.

[8] R. Hughes, *The Fatal Shore: A history of the transportation of convicts to Australia 1787-1868* (London: Pan Books, 1987), p. 372.

[9] Causer, '"Worst Types of Sub-Human Beings"?', pp. 5-6. Causer challenged the interpretations of M. Hazzard, *Punishment Short of Death: A history of the Norfolk Island Penal Settlement* (Melbourne: Hyland House, 1984), p. 112 and R. Nobbs, *Norfolk Island and its Second Settlement, 1825-1855* (Sydney: Library of Australian History 1991), p. 5.

[10] H. Maxwell-Stewart, *Closing Hell's Gates: The death of a convict station* (Crows Nest: Allen & Unwin, 2008), pp. 44, 58.

[11] *Idem.,* pp. 49-52.

the incarceration of convicts on islands. This is evident in two ways: first, by incarcerating European and Indigenous convicts who threatened pastoral economies through theft of livestock on Cockatoo Island and Rottnest Island. Island incarceration was an attempt to immobilise, in small bounded spaces, those who transgressed the boundaries of the settler frontier through their crimes. The second economic motivation for the establishment of carceral islands was in the selection of skilled convicts sent to Melville Island and skilled European prisoners sent to Rottnest Island.

The previous chapter, 'Typology of Islands', demonstrated that insularity had a particular symbolic appeal for administrators and government officials. Islands were envisioned as perfect 'natural prisons', with water providing both a physical and psychological boundary between broader ex-convict society and those rendered 'undesirable' by their repeated convictions or their Indigeneity. By quantitatively analysing prison registers, this chapter will start unravelling these mythologies showing that in practice carceral islands were connected to the wider penal system and settler economy. Far from imagining the remote prison island, we must imagine the regionally connected prison islands.

3.1 Melville Island

The labourers of the military settlement at Melville Island were skilled 'convict mechanics'. By using convict labour to build Fort Dundas the British government could minimise the immediate financial burden of territorial expansion on the northern coast in the hope it would become a major trading outpost linking Sydney, China, Singapore and Indonesia.[12] An advertisement ran in the *New South Wales Gazette* on 7 August 1824 offering 'Free mechanics' (i.e. skilled ticket-of-leave holders) a free passage from New South Wales to Melville Island and six months on government rations, if they worked for three months for the Crown. Just three agreements were made on these terms, by Henry Feathers (a bricklayer), William Potter (a blacksmith) and Edward Chapman (a sawyer).[13] The government was forced to look towards still-serving convicts to bolster

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[12] J.M.R. Cameron, 'The northern settlements: outposts of empire' in P. Statham (ed), *The Origins of Australia's Capital Cities* (Cambridge: Cambridge University Press, 1989), p. 274; C. Fredericksen, 'Confinement by Isolation: Convict mechanics and labour at Fort Dundas, Melville Island', *Australasian Historical Archaeology,* 19 (2001), p. 48.

[13] *Historical Records of Australia* [hereafter, HRA], ser. III, vol. VI, John Ovens, Acting Engineer for New South Wales, engaged in contract with Henry Feathers, bricklayer, 'Agreement for Free Labourer at Melville Island', 23 Aug. 1824, Sydney, pp. 643-4.

numbers but were unable to send them against their will as Melville Island lay beyond the jurisdictional limits of New South Wales (until legislation was passed to extend these limits in July 1825). Instead the government offered convicts an incentive in the form of a shortcut to a ticket-of-leave, which allowed convicts to work for their own profit, after twelve months of work and good behaviour in the northern settlement.

The *HMS Tamar*, *Lady Nelson* and *Countess Harcourt* sailed from Sydney on 24 August 1824 with between forty-one and forty-five convicts, three free mechanics, twenty-seven royal marines, twenty-four troops, three commissariat officers and a surgeon.[14] In a twist of fate it was the officers who were being transported to a destination against their will, rather than the convicts who had volunteered under the ticket-of-leave scheme mentioned above.[15] Ships would usually sail out of Sydney, dropping provisions, prisoners and soldiers off at Melville Island, on the way to places like India, Mauritius, Singapore and Timor.[16] Prisoners who wanted to return to Sydney had to give up their ticket-of-leave which only applied while they stayed on Melville Island, unless the commandant ordered their return on grounds of poor health or bad behaviour.[17]

In total, eighty-two convicts lived on the island between August 1824 and its closure in February 1829.[18] A list of sixty-seven convicts was compiled in April 1825 (and subsequently added to) in a letter from Captain Barlow to the Colonial Secretary. Archaeologist Clayton Fredericksen used this to break down Melville Island's prison population by occupation but acknowledged that six of the entries were illegible.[19] This thesis analysed a more complete version of this list, which deviates in some interesting ways from Fredericksen's conclusions (see Appendix, Table 1).[20] In total, trades

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[14] *HRA*, ser. III, vol. V, George Miller, Commissariat Clerk at Melville Island, to George Harrison, Assistant Secretary to the Treasury, 9 Nov. 1824, Fort Sumter, Melville Island, p. 768; *HRA*, ser. III, vol. V, Captain John Gordon Bremer, Commandant of Melville Island, to Earl Bathurst, Secretary of State for War and the Colonies, 12 Nov. 1824, Port Cockburn, p. 789. The former states that forty-one convicts were aboard the *HMS Tamar*, the latter that there were forty-four convicts.
[15] C. Fredericksen, 'Confinement by Isolation', p. 49.
[16] *Sydney Gazette and NSW Advertiser*, 1 Dec. 1825, p. 2; *Colonial Times and Tasmanian Advertiser,* 16 Sept. 1825, p. 34*; Sydney Gazette and NSW Advertiser*, 26 April 1826, p. 2.
[17] *HRA*, ser. III, vol. VI, John Campbell, Commandant of Melville Island, to Alexander Macleay, Colonial Secretary of New South Wales, 20 June 1828, p. 724; Fredericksen, 'Confinement by Isolation', p. 49.
[18] H. Marshall, 'Convict pioneers and the failure of the management system on Melville Island, 1824-29', *The Push from the Bush,* 29 (1991)*,* p. 34.
[19] Frederickson, 'Confinement by Isolation', p. 50.
[20] SRNSW, ser. 987, 4/3792, 'List of convicts on the island, Aug. 14 1824 – Feb. 11 1829'. This includes sixty-seven convicts, with details of the convicts' names, the original sentence, where tried, the vessel that transported them to New South Wales and their trade. This most likely originated in a letter from Maurice Barlow, Commandant of Melville Island, to Frederick Goulburn, Colonial Secretary, 7 April

associated with construction predominated among the prisoners: according to my calculations, it accounts for sixty-one per cent of the total compared to Fredericksen's forty-eight per cent. This makes construction trades ten times more prominent on Melville Island than in the wider convict population, where they made up just six per cent of convicts' trades.[21] This included twelve metalworkers, eleven stonemasons or bricklayers, and eleven carpenters and woodworkers.

The second largest category of labourer on Melville Island, which goes unmentioned by Fredericksen, were people involved in maritime industries totalling seven people (or ten per cent). This included three seamen, a mariner, a sailor, a boat builder and a ship's steward. This is a higher concentration than normal of 'seamen and sailors' who, according to Stephen Nicholas and Peter Sherman, accounted for just two per cent of all convicts transported to Australia.[22] The concentration of mariners on Melville Island probably reflected the government's expectation that the island would become a busy trading outpost, with a steady stream of ships needing to be guided into port, repaired and unloaded. Alternatively, it may have been hardy mariners' constitutions that the government wanted as convicts would face tropical climates, low rations and scurvy.[23]

The majority of convicts sent to Melville Island, fifty-two people, or seventy-eight per cent, were convicted in England (see Table 2). A further ten convicts came from Ireland, making up fifteen per cent of the Melville Island convicts. This is a slight underrepresentation of Irish convicts who made up a third of the total convict population in Australia, reflecting the lower proportion of skilled mechanics among Irish compared to English convicts.[24] Just two people on Melville Island were from Scotland, another

1825, which Frederickson describes as containing eight 'illegible' occupations, making the former archival source preferable to analyse. See Fredericksen's analysis in 'Confinement by Isolation', pp. 49-50.

[21] S. Nicholas and P.R. Sherman, 'Convicts as Workers', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past* (Cambridge: Cambridge University Press, 1988), p. 69.

[22] *Idem.*, p. 68.

[23] Katherine Foxhall describes 'disciplining sailors' minds and bodies' as strategy for curing scurvy in the eighteenth century. By the 1820s, scurvy had been dubbed 'The Millbank disease' due to its prevalence on convict transports to Australia, see: 'From Convicts to Colonists: The health of prisoners and the voyage to Australia, 1823-53', *The Journal of Imperial and Commonwealth History,* 39:1 (2011), pp. 6-7.

[24] Thirty-four per cent of Irish convicts were skilled compared with forty-six of English convicts, see: Nicholas, and Sherman 'Convicts as Workers', p. 69.

from Wales and two from France (both soldiers in the Napoleonic Wars).[25] Most convicts transported to Australia prior to 1830 were from urban areas but city dwellers were still overrepresented on Melville Island making up almost two-thirds of the total population. Around half of these were from London. This was because tradesmen were more likely to reside in urban areas.[26]

There was a considerable degree of ethnic diversity, not immediately apparent from these figures. According to Hazel Marshall, thirteen out of eighty-two male prisoners sent to Melville Island were of African or Caribbean descent, constituting sixteen per cent of the total prison population. Ten of these had been convicted following their migration to Britain from North America or the Caribbean and some were likely to have been born enslaved.[27]

On 19 May 1825, Captain Barlow reported to Major Ovens that three men had died of scurvy that month and that they were 'all men of colour, Kitts, Baptiste and Thompson'.[28] Their names were actually Robert Christopher Kitt, Nichol Battis and Charles Thompson. Kitt and Thompson came from London which was a hub of the African and African-Caribbean community, offering both anonymity and employment in the docks for those fleeing enslavement.[29] Thompson was one of many African seamen in the British fleet, who made up a fifth of some royal navy crews (he was joined by another black convict sailor on the island, named James Kelly).[30] Kitt, on the other hand, was an apprentice plasterer.[31] Both Thompson and Kitt were convicted for stealing. Thompson stole twenty-five kilograms of mutton from a butcher and Kitt stole sixteen pounds sterling from a surgeon's house.[32] Servant Sarah Wheler testified that Kitt was

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[25] Just five per cent, or 2307 out of 15,000 convicts transported to the Eastern Australian colonies, were Scottish because they had a more lenient legal system which awarded lesser punishments for first offences and had fewer capital offences, see: M.D. Prentis, *Scots in Australia,* (Sydney: UNSW Press, 2008), p. 40, and Nicholas and Sherwood, 'Convicts as Migrants', p. 46.

[26] Forty per cent of English convicts were skilled urban workers, compared to just seven per cent of skilled rural workers, leading to what Stephens and Sherwood call 'the urban trade bias of the convict inflow', see: Nicholas and Shergold, 'Convicts as Workers', p. 72.

[27] Fredericksen, 'Confinement by Isolation', p. 50; Marshall, 'Convict Pioneers', p. 35.

[28] *HRA* ser. III vol. VI, Barlow to Ovens, 19 May 1825, Fort Dundas, p. 45.

[29] Pybus, *Black Founders,* pp. 40-1, 47; M. Rediker and P. Linebaugh, *The Many Headed Hydra: Sailors, slaves and the Atlantic working class in the eighteenth century* (Boston: Beacon Press, 2002)*,* p. 198.

[30] The National Archives [hereafter, TNA], HO 11/4, 'Convict Transportation Registers', p. 50.

[31] Pybus, *Black Founders*, pp. 47-9.

[32] *Old Bailey Online*, 21 April 1819, Trial of Charles Thompson, t18190421-248. <https://www.oldbaileyonline.org/browse.jsp?id=t18190421-248-punish1388&div=t18190421-248#highlight>, [accessed: 8 June 2017]; *Old Bailey Online,* 9 Jan. 1822, Trial of Robert Christopher

'a black man' but there is no further evidence of Thompson's ethnicity in the ship's register.[33] The third victim was Private Nicholas Battis who was a 'bandman' in the military, serving in France during the Battle of Waterloo.[34] In the early nineteenth century, there were thousands of soldiers of African descent serving in the British military, often 'liberated' from slavery, and commonly employed as drummers.[35] Battis was court martialled in Abbeville France on 22 September 1815 and sentenced to be branded with a D for deserting and transported for life.[36] He was transported aboard the *William Bensley* in 1817 and in the convict ident it says 'blk' [black] under complexion and hair colour.[37]

Kitt, Thompson, Battis and their ten compatriots were just thirteen of around a thousand black convicts transported to Australia from the United Kingdom between 1812 and 1859.[38] Most of the substantial black population in Britain were from, or descended from, New World slave colonies or less often from slaving ships.[39] These communities were usually concentrated in port cities: more than half of the black convicts transported to Australia were from London.[40] For the most part, black convicts were dispersed evenly throughout the Australian convict system but it seems that the government deliberately selected African convicts to be sent to Melville Island (and possibly also to Moreton

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Kitt, t18220109-50,<https://www.oldbaileyonline.org/browse.jsp?id=t18220109-50-defend516&div=t18220109-50#highlight> [accessed: 8 June 2017].

[33] *Old Bailey Online,* 9 Jan. 1822, Trial of Robert Christopher Kitt.

[34] TNA, WO 92/1, General Court Martial Registers, p. 39.

[35] Cassandra Pybus traced the life of William 'Billy' Blue, a former slave and commodore who served during the Seven Years War (1756-63) and American Revolutionary War (1775-83). Blue ended up in London working on the docks and impressing sailors into service, before being transported as a convict to NSW in 1802. See C. Pybus, 'Billy Blue: An African American journey through empire in the long eighteenth century', *Early American Studies,* 5:2 (2007), pp. 256-276.

[36] Clare Anderson notes that both white and black soldiers were court-martialled and transported to the Australian colonies in C. Anderson, 'Convicts, Carcerality and Cape Colony Connections in the Nineteenth Century', *Journal of Southern African Studies,* 42:3 (2016), p. 436. Babette Smith discusses Nicholas Battis as an example of 'convict soldiers' in Australia, though she mistakenly identified him as 'Barris', see: B. Smith, *Australia's Birthstain: The startling legacy of the convict era* (Crows Nest: Allen & Unwin, 2008) p. 49.

[37] SRNSW, 4/4005, 'Bound Manuscript Indents', 1813-17, p. 300.

[38] Duffield and Bradley, *Representing Convicts*, p. 3; I. Duffield, 'Martin Beck and Afro-Blacks in Colonial Australia', *Journal of Australian Studies,* 9:16 (1985), pp. 3-20; I. Duffield, 'Skilled workers or marginalised poor? The African population of the United Kingdom, 1812-1852', *Immigrants and Minorities,* 12:3 (1993), pp. 49-87.

[39] I. Duffield, 'The Life and Death of "Black" John Goff: Aspects of the black convict contribution to resistance patterns during the transportation era in eastern Australia,' *Australian Journal of Politics & History,* 33:1 (1987), pp. 31-2.

[40] *Ibid.*

Bay).[41] The government most likely did so in the belief that black convicts would thrive and work better in tropical climates than Europeans.[42]

In the nineteenth century, colonial scientists developed theories that white bodies were vulnerable to degeneration and sickness in tropical climates.[43] Numerous commandants and assistant surgeons at Melville Island touted the idea that white convicts and soldiers were not suited to the tropical climate at Melville Island.[44] Commandant Robert Hartley wrote in 1828 that:

> all proclaim the unfitness of the European…[for] physical exertion in tropical climates; he
> pines and languishes and sickens in such places as Melville Island; the laws of animical
> [sic] condition are fixed and unchangeable.[45]

Similarly, the assistant surgeon, Dr Turner, identified the cause of scurvy as 'exhaustion from labour in Tropical Climate and exposure to damp during the rainy season'.[46] Since scurvy opened up old wounds and turned the skin black, it shored up the idea that tropical climate in Northern Australia was degenerative.[47] Climactic-racial theories of disease lumped together non-white peoples – including Asian, Black, Pacific Islander or Asian – as races who thrived in tropical climes. In this way, scientists and officials defined whiteness against blackness and turning bodily weakness into racial superiority.[48] This is probably why Captain Barlow expressed surprise that a group of three black convicts had died of scurvy when reporting back to the governor. This homogenizing discourse is evident in commandant Hartley's suggestion that 'Chinese from Koepang' [Indonesia] replace the convicts on Melville Island or an anonymous East India Company's officers suggestion that Indian convicts be sent to Melville Island because 'the climate would

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[41] *Ibid.*

[42] Marshall, 'Convict Pioneers', p. 35; Fredericksen, 'Confinement by Isolation', p. 50.

[43] Though Warwick Anderson discusses Melville Island racial anxieties in establishing the first north Australian settlement at Melville Island, he fails to note the presence of non-white convicts in W. Anderson, *The Cultivation of Whiteness: Science, health, and racial destiny in Australia* (Durham: Duke University Press, 2006), pp. 74-83; H. Reynolds and M. Lake, *Drawing the Global Colour Line: White men's countries and the question of racial equality* (Cambridge: Cambridge University Press, 2008), pp. 7, 154.

[44] R. Edmond, 'Returning Fears: Tropical Disease and the Metropolis', in F. Driver and L. Martins (eds), *Tropical Visions in an Age of Empire* (Chicago: University of Chicago Press, 2005), p. 176.

[45] *HRA,* Humphrey Robert Hartley, Commandant of Melville Island, to Alexander Macleay, Colonial Secretary of New South Wales, 8 Sept. 1828, Melville Island, p. 759.

[46] *HRA,* Dr Turner to Major Ovens, 25 May 1825, Melville Island, p. 650.

[47] J. Lamb, *Preserving the Self in the South Seas, 1680-1840* (Chicago: University of Chicago Press, 2001), pp. 116-17.

[48] Reynolds and Lake, *Drawing the Global Colour Line,* pp. 7,154.

agree with them as outdoor labourers, better than it does with Europeans.[49] Thus, sending black convicts to Melville Island was an early instance in what became the systematic use of non-white labourers in Australian tropics. This included the use of Melanesian indentured labourers to work the sugar plantations in Queensland and Chinese 'coolies' in New South Wales and Western Australia.[50]

3.2 Cockatoo Island

This section analyses the background of Cockatoo Island's convicts, looking at who they were, the crimes they committed, number of convictions, where they came from and how far had they travelled to Cockatoo Island. It uses two databases comprising 1,666 entries that I created by transcribing the 'General Index to Convicts' from 1839 to 1845 and a return of prisoners that covers the period 8 October 1846 to 30 June 1852 (see Appendix for Tables 3 to 10).[51]

3.2.1 European convicts and local prisoners

As discussed in Chapter 2, Cockatoo Island was established to replace two different islands in which convicts had undergone secondary punishment: Goat Island in Sydney Harbour and Norfolk Island in the Pacific Ocean. Both islands were intended as sites of secondary punishment. The former for convicts found guilty of misconduct who were

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[49] *HRA*, ser. III vol. VI, Hartley to Macleay, 30 Sept. 1828, Melville Island, p. 764; *The Asiatic Journal and Monthly Register for British India and its dependencies*, xxiv (1827), p. 681.

[50] On indentured Melanesian labour in Queensland, see: K. Saunders, *Workers in Bondage: The origins and bases of unfree labour in Queensland, 1824-1916* (St Lucia: University of Queensland press, 2012), and on Chinese 'coolie' labour, see: P. A. Atkinson, 'Control and response: the experience of Chinese indentured labour in Colonial Western Australia', *Papers in labour history,* 11 (1993), pp. 20-43 and R. Fisher, 'Reeks of Racism: the Chinese experience in early Brisbane, 1848-1860', *Labour History*, 59 (1990), pp. 73-86.

[51] SRNSW, 4/4540, 'General Index of Convicts' [Cockatoo Island], 1839-45, fos. 1-4.1 The 'General Index to Convicts' is a register of convicts completed as they arrived on Cockatoo Island between 1839-1845. It includes the following information: name, ship (if transported) or place of origin ('Chinaman') if of Asian origin, 'Native' if European-descendant but born in the colony or 'Aboriginal' if Indigenous Australian, details of their colonial conviction (date of trial, crime, sentence) and how and where they were discharged. The record is incomplete in places: for example the crime that the convicts were convicted for are missing in 338 out of 823 entries, whereas sentence length is only missing in 63 cases. SRNSW, X819, SRNSW, X819, The Nominal Return of Prisoners received on Cockatoo Island under sentences to the Roads or Public Works of the Colony since the 1st of Jan. 1848, shewing the Offence committed by each, the date of their trials, the sentences awarded, and the respective dates of their discharge to Tickets of Leave or otherwise, and the number still under punishment', [signed] McLerie, and Ormsby, 1 July 1852, fos. 1-29. The 'return' of convicts includes the following information: name, ship or other place of origin (categories as above), details of their colonial conviction including trial details, sentence (either 'roads', 'transportation' or 'irons'), crime, discharge type ('still under punishment', ticket-of-leave, transferred, died, escaped), The 843 entries are entirely complete, but the section 'Convicts Arriving before 1848' includes convicts arriving between 8 Oct. 1846 and 31 Dec. 1847 who were still present on the island in 1852, not everyone who arrived in this time period. For this reason, there is a benefit in analysing both the register 4/4540 (1839-45) and X819 (1846-52).

punished through hard labour. The latter for convicts who had been secondarily transported to Norfolk Island and had their sentences massively reduced upon being transferred to Cockatoo Island. Both sets of convicts were convicted under the 1830 Offenders Punishment and Transportation Act, by which a bench of magistrates could sentence any transported convict (including those holding a ticket-of-leave or conditional pardon) to up to three years at a penal settlement or up to twelve months 'hard labour on the roads' for a range of offences that were not punishable by death: including absconding, refusal to work or disobedience of orders, drunken and/or disorderly behaviour.[52]

For this reason, in 1847, colonial secretary Edward Deas Thomson said Cockatoo Island was a 'place of strict confinement, intended primarily for the coercion of more refractory convicts'.[53] A little over a quarter of the prisoners sent to Cockatoo Island between 1839 and 1845 were serving sentences of hard labour on the roads or public works, half of these in irons. They served relatively short sentences - on average just one year and three months for 'hard labour on the roads' and one year and eight months for 'hard labour in irons' (see Table 3). The convicts received from Norfolk Island, who numbered 1440 by 1844, had their sentenced commuted by more than half by governor George Gipps.[54] Those serving commuted sentences accounted for almost forty per cent of those who arrived on Cockatoo Island between 1839 and 1845 (see Table 3). They served an average sentence of one year and three months before becoming eligible for a ticket-of-leave, meaning they could live freely within a prescribed district.[55] When Maconochie's experiment was abandoned in 1844, many secondarily-transported convicts were sent back to Norfolk Island.[56]

At least ten per cent of convicts who arrived on Cockatoo Island between 1839 and 1848 were discharged to Norfolk Island: including 109 men sent in two drafts from

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[52] 'An Act for the Punishment and Transportation of Offenders in New South Wales', 11 Geo. IV 12, NSW (1830).
[53] BPP 1849, vol. XLIII, nos. 1022 1121, 'Convict discipline and transportation. Further correspondence on the subject of convict discipline and transportation', Edward Deas Thomson, Colonial Secretary, to John Hampton, Comptroller General of Convicts, Sydney, 23 Nov. 1847, Sydney, p. 5.
[54] 'Cockatoo Island Conservation Management Plan for the Convict Buildings and Remains: Historical analysis of convict buildings', *Government Architect's Office, New South Wales' Department of Commerce*, 2009, <http://www.cockatooisland.gov.au/system/files/pages/1d843de2-ed47-4ed0-bccc-4160a05ed533/files/cmp-ci-historical-analysis-convict-buildings.pdf> [accessed: 13 July 2017], p. 21.
[55] *HRA*, ser. I vol. XXIV, George Gipps, Governor of New South Wales, to Lord Stanley, Secretary of State for War and the Colonies, 28 Nov 1844, Sydney, p. 85.
[56] 'Cockatoo Island Conservation Management Report' (2009), p. 29.

Cockatoo Island to Norfolk Island. When describing the convicts he had selected, superintendent Charles Ormsby bragged 'a better conducted body of prisoners never went to Norfolk Island before, nor probably will again.'[57] From 1849, a few individuals were 'from time to time sent to Cockatoo Island as punishment or for removal to Norfolk Island'. [58] In contrast, the commandant at Norfolk Island in 1852, complained that thirty-four former Cockatoo prisoners on the island were 'the cullings of the convict department' representing 'the worst from the New South Wales, or rather should I say Cockatoo Island.'[59] Through virtue of Cockatoo Island's association with Norfolk Island, Cockatoo Island continued to be associated with convictism until its closure in 1869. Even though in the year previous to its closure it held just twelve convicts, and 148 prisoners who had arrived in the colony free or been born there.[60]

Cockatoo Island was also the main site of punishment for convicts who had their tickets-of-leave rescinded by the governor from across the whole colony of New South Wales. When convicts were awarded a ticket-of-leave, they were eligible to work for private employers for a wage, as long as they remained within a given district. If they behaved badly towards their employers or absconded from their district, their ticket-of-leave was rescinded and their bonded labour used on the government's behalf.[61] After 1849, convicts were also sent to Cockatoo Island if they were refused a ticket-of-leave upon arrival, as punishment for misconduct on the voyage to Australia.[62] In 1850, around 500 convicts had their tickets-of-leave cancelled and were, according to principal superintendent of convicts John McLean, 'invariably sent to Cockatoo Island.'[63] This is

[57] SRNSW, NRS905, 4/6514, Charles Ormsby, Superintendent of Cockatoo Island, to Captain Joseph George Long Innes, Visiting Magistrate for Cockatoo Island, 2 Feb. 1844, Cockatoo Island, pp. 291-2; Causer, '"Worst Type of Sub-Human Beings"?', pp. 20-23.
[58] BPP 1849, 'Convict Discipline and Transportation', Charles Fitzroy, Governor of New South Wales, to Earl Grey, Secretary of State for War and the Colonies, 5 April 1848, no. 86, p. 22.
[59] BPP 1852-3, vol. LXXXII, 'Convict Discipline and Transportation', John Price, Civil Commandant of Norfolk Island, to John Stephen Hampton, Comptroller General of Convicts for Van Diemenls Land, 15 March 1852, encl. 2 in no. 20, p. 89; BPP 1852-3, 'Convict Discipline and Transportation', Hampton, to Sir William Denison, Lieutenant-Governor of Van Diemen's Land, 12 May 1852, Hobart, encl. 1 in no. 19, p. 83.
[60] NSW Legislative Assembly Sessional Papers 1869, 'Return of the Total Number of Convicts in the Colony, on the 31st of Dec. 1868, showing their Distribution', no. 11, p. 560.
[61] BPP 1849, 'Convict Discipline and Transportation', Fitzroy to Grey, 3 April 1848, no. 86, p. 22; BPP 1849, 'Convict Discipline and Transportation', Thomson to Hampton, 23 Nov. 1847, Sydney, pp. 4-5.
[62] BPP 1850, vol. XLV, no. 1153 1285, 'Convict Discipline and Transportation. Further Correspondence on these subjects of convict discipline and transportation', John McLean, Principal Superintendent of Convicts for New South Wales, to Fitzroy14 June 1849, Sydney, pp. 27-8.
[63] BPP 1852-3, vol. LXXXII, no. 1601 1677, 'Convict Discipline and Transportation', McLean to Grey, 8 Oct. 1851, Sydney, p. 110. Convicts could also be sent to chain gangs or Newcastle Breakwater under these regulations, but were usually sent to Cockatoo Island.

reflected in my data which shows that almost two-thirds of the prisoners arriving on Cockatoo Island between 1846 and 1852 were former ticket holders (see Table 4). These convicts would then serve another period of their probation on the island, before becoming eligible for a new ticket-of-leave.[64]

Cockatoo Island functioned as both a regional and a local gaol. Almost forty-three per cent who arrived on Cockatoo Island between 1846 and 1852 had been sentenced within the city of Sydney (see Table 5). More than a third of prisoners travelled over more than a hundred kilometres from settlements in the interior, like Bathurst and Maitland (see Figure 3.1). This suggests that separating convicts from their social networks was an integral part to the punishment, rather than Cockatoo's insularity appealing specifically as a site of security.[65] Eight per cent of convicts travelled from Moreton Bay (Brisbane), almost 900 kilometres away, and three per cent journeyed over a thousand kilometres from the Port Phillip District (Melbourne). Convicts were sent to Port Phillip between 1844 and 1849 under the 'exile' scheme, which meant they had served a portion of their sentence in an English penitentiary (usually Pentonville) and became eligible for a ticket-of-leave as soon as they arrived. This was meant to ensure a 'better' class of convict was sent to the district. Yet, Superintendent Charles Ormsby complained that the exiles were the 'worst characters' on Cockatoo Island. [66] The establishment wrangled for the return of convicts back to the district where they committed the crime to serve their sentences in Pentridge Stockade or Melbourne Gaol.[67] Only six per cent of convicts arrived from Parramatta, though it was just twenty-five kilometres from Sydney, probably because a new prison was built between 1837 and 1842, and extended several times throughout the century, to accommodate growing numbers of locally convicted felons.[68]

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[64] Legislative Assembly of New South Wales, Sessional Papers, 1856-7, Correspondence on Prison Discipline, testimony of Ormsby, 28 April 1855, Sydney, p. 1059.

[65] N. Gill, et. al., 'Carceral Circuitry: New directions in carceral geography', *Progress in Human Geography,* 40:1 (2016), pp. 1-22.

[66] Legislative Assembly of New South Wales, Sessional Papers, 1856-7, Correspondence on Prison Discipline, testimony of Ormsby, 28 April 1855, Sydney, p. 1058.

[67] Mitchell Library, DLADD 103, Ormsby to Thomson, 'Return of Prisoners on Cockatoo Island who have been received from the District of Port Phillip' 28 Oct. 1850, Cockatoo Island.

[68] J.S. Kerr, *The Parramatta Correctional Centre* (Sydney: Department of Corrective Services, 1995), p. 12; D. Fitzpatrick, 'An Analysis of New South Wales Prison Proclamations' (Sydney: Department of Corrective Services, 1996), p. 36.
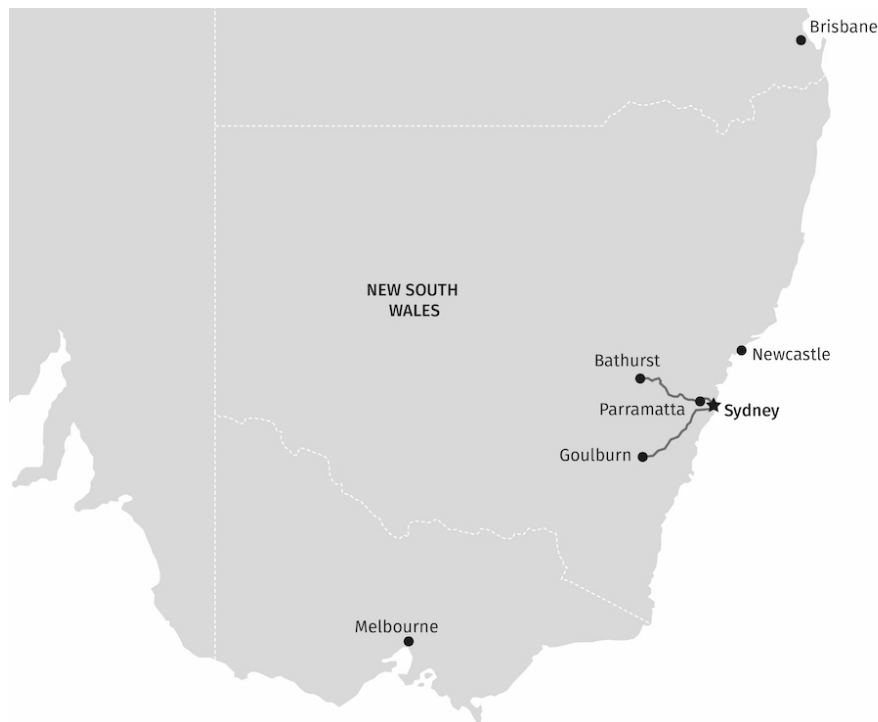
Figure 3.1 Regional Routes to Cockatoo Island

For many convicts, the journey from the place of conviction to Cockatoo Island took place over several hundred kilometres. Those travelling from Maitland, Bathurst made the journey chained together in small groups, alternating between periods of marching and being conveyed on a coach.[69] It would be a multi-staged journey, as convicts stopped at stockades (like Woolloomooloo) and prisons (like Parramatta) to be accommodated overnight, collect more prisoners and swap guards. From 1863, convicts would be conveyed by coach from Bathurst to Penrith and then carried by train to Sydney.[70] Convicts travelling longer distances from Brisbane or Melbourne were conveyed, in chains, aboard colonial steamers to Sydney.[71] Convicts transferred from Norfolk Island were placed in the 'hold' of the colonial brig *Governor Phillip*, separated from the free passengers and supplies it conveyed on its route from Norfolk Island to Sydney, via Hobart.[72] Once in Sydney, all convicts were first lodged in Darlinghurst

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[69] W. Derrincourt, *Old Convict Days*, ed. by L. Becke (London: T. Fisher Unwin, 1899)*,* p. 248; K. Walsh and J. Hooton, *Autobiographical Narratives: 1850-1900* (Canberra: National Library Australia, 1993), pp. 53-4.

[70] D.R. Lee, 'Building Australia's First Railways, 1848-1873', *Linking a Nation: Australia's transport and communications, 1788-1780* (Sydney: Australian Heritage Commission, 2003), <http://www.environment.gov.au/heritage/ahc/publications/linking-a-nation/chapter4> [accessed:14 July 2017]

[71] *Ballarat Star,* 30 June 1858, p. 2.

[72] *Colonial Times,* 10 Nov. 1848, p. 2.

Gaol, where their details were recorded in the prison register and where they were inspected by the resident medical officer. If they received a clean bill of health, they would be conveyed across the harbour to island on the water police boat.

Though this part of the convicts' journey to Cockatoo Island was short, it was significant in convicts' narratives. As Katherine Foxhall argues about convict and emigrants' passages to Australia, 'even the shortest everyday journeys carried significance'.[73] Indeed, this short stretch of water signified their arrival at a destination which was associated with severe punishment. In a low-lying rowboat, choppy waters could completely soak a convict to the skin. The bushranger John Garbutt (alias Garbett), who had been sentenced to ten years' hard labour on Cockatoo Island along with co-conspirator and uncle Frederick Ward (Captain Thunderbolt), got 'wet through' after being made to sit in the front of a water police boat, with waves crashing over the bow.[74] Reverend Pendrill was concerned that with no change of clothes the prisoner would be forced to travel hundreds of kilometres to Maitland in wet clothes, which would then stiffen with the salt water.[75] Even a small section of the convicts' journey being across water, could have an impact on the remainder of the trip. The bushranger and 'convict poet', Owen Suffolk, described his surprise at the scale of the convict establishment considering it was situated on such a small island. In his account, Cockatoo Island unfolds as he is ferried the short distance across Sydney Harbour. He wrote:

> The island is not more than a mile in circumference; and as I looked upon it from a distance while being conveyed thither in the police boat, it appeared a small white bit of rock with a few stone buildings stuck upon the top of it. Small as it appeared, I soon found that there were upwards of 800 prisoners confined upon it'.[76]

In contrast William Derrincourt's account of the journey to Cockatoo Island was brief, simply stating 'we were sent over to "The Island"'.[77] Nonetheless his capitalisation of 'The Island' encapsulated the mythology of Cockatoo Island as a site of punishment,

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[73] Foxhall, *Health, Medicine and the Sea*, p. 29.

[74] New South Wales Legislative Assembly Votes and Proceedings, 1858, vol. II, no. 17, Inquiry into Management of Cockatoo Island (Sydney, 1858), testimony of Reverend John Pendrill, Chaplain on Cockatoo Island, and Pendrill to Henry Parkes, Colonial Secretary for New South Wales, 19 Feb. 1857, Sydney, pp. 300, 306.

[75] *Ibid.*

[76] O. Suffolk, 'Days of Crime and Suffering', *The Australasian*, 9 March 1867, p. 6.

[77] Derrincourt, *Old Convict Days*, p. 249.

which required no explanation for its readers and drew on longstanding associations of insularity and imprisonment.[78]

The vast majority of convicts on Cockatoo Island – like those originally transported to New South Wales – were convicted for theft. Of 843 people who were sent to the island between 1846 and 1852, over three-quarters were convicted of offences against property. A little over a third of convicted thieves on the island had been tried for larceny, which was theft without any aggravating circumstances such as breaking and entering, stealing from the person or with violence (Table 6).[79] The majority of larcenists were tried at the Quarter Sessions at Bathurst, Maitland, Goulburn, Parramatta, and Sydney (see Table 7). Almost half of all prisoners on Cockatoo Island between 1846 and 1852 were tried at the Quarter Sessions. The Court of Quarter and General Session was established by the 1823 New South Wales Act to administer an 'intermediary level of criminal justice'.[80] In this court a bench of justices of the peace presided over a jury of twelve civilians to try criminal cases that were not punishable by death. However, many of the convicts on Cockatoo Island who were still serving their original sentence or holding a ticket-of-leave when they were colonially convicted could have been summarily tried without a jury under the 1829 Quarter Sessions statute.[81] This reflects the broader trends of the criminal justice system, as courts of quarter session courts tried 'the bulk of cases of indictable crime' in New South Wales.[82] The fact that three-quarters of convicts were tried for property crimes, mostly non-violent larceny, and half were tried at a lower court challenges the idea that Cockatoo Islanders were violent felons convicted of serious crimes.

The second most common type of theft was livestock theft, making up seventeen per cent of all convicted thieves on Cockatoo Island between 1846 and 1852. The average sentence Cockatoo Islanders were awarded for livestock theft was five years (see Table 6). However, they were likely to receive a shorter sentence, averaging four years and ten months if tried at the Supreme Court in Sydney. In contrast, they were likely to serve a

[78] *Idem.,* p. 248; Walsh and Hooton, *Autobiographical Narratives*, pp. 53-4.
[79] C. Emsley, T. Hitchcock and R. Shoemaker, 'Crimes Tried at the Old Bailey', *Old Bailey Online* <https://www.oldbaileyonline.org/static/Crimes.jsp#simplelarceny > [accessed: 2 Aug. 2017],
[80] 'NSW Courts', *The Prosecution Project,* <https://prosecutionproject.griffith.edu.au/other-resources/new-south-wales-courts/> [accessed: 1 Aug. 2017]; G.D. Woods, *A History of Criminal Law in New South Wales: The colonial period, 1788-1900* (Sydney: Federation Press, 2002), pp. 56-7.
[81] *Idem.,* pp. 151-2.
[82] *Idem.,* pp. 17-18.

much longer sentence, averaging five-and-a-half years, if tried at a Circuit Court (Table 7). In the mid-1820s and 1830s, the Supreme Court expanded its jurisdiction over areas remote from Sydney by suspending its sitting and adjourning elsewhere, which was a time-consuming process.[83] The increase in size of New South Wales after the annexation of New Zealand and the establishment of the Port Phillip district led the Crown to pass legislation to constitute Circuit Courts.[84] The 1840 Administration Act created Circuit Courts to be held across New South Wales. At Circuit Court hearings, defendants were tried by a jury of twelve local residents, who were subject to restrictive property and residential qualifications.[85] This meant they were likely to be landowners and pastoralists whose livelihoods were threatened by livestock theft, causing them to award higher sentences than the residents of Sydney. This demonstrates the importance of contextualising Cockatoo Island within its broader regional context, rather than solely by its geographical isolation.

Escaped convicts who lived in the bush to escape capture were originally known by the term 'bushranger'. After 1814, the term came to include criminals living in the bush subsisting by robbery of settlers or vehicles, individually or in gangs, eventually losing its convict antecedents.[86] Almost one in five convicts arriving on Cockatoo Island between 1846 and 1852 had been convicted for crimes associated with bushranging, including armed robbery, theft of the mail carriage or dray and livestock theft (see Table 9). Bushrangers were not the gangs of 'daring' criminals holding up mail carriages from popular mythology. They were usually poor working men frustrated by a lack of access to land and mistrustful of law and order, who saw thieving as an opportunity for easy money.[87] Organised livestock theft, particularly of horses and cattle, was the mainstay of bushrangers. This was apparent amongst the prisoners on Cockatoo Island though armed

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[83] *Idem.*, p. 150.
[84] Administration of Justice Act (1840), see: Woods, *History of Criminal Law in New South Wales,* p. 151.
[85] *Ibid.*
[86] H. Maxwell-Stewart, 'The Bushrangers and the Convict System of Van Diemen's Land, 1803-1846', Ph.D. thesis (University of Edinburgh, 1990), p. 5; G. Karskens, *The Colony: A history of early Sydney* (Crows Nest: Allen & Unwin, 2010)*,* pp. 288-300.
[87] Susan West and Graham Seal have applied Hobsbawm's principle of 'social banditry' to NSW bushrangers, showing that outlaw heroes had support of other members of the rural working class, see: S. West, *Bushranging and the Policing of Rural Banditry in New South Wales, 1860-1880* (North Melbourne: Australian Scholarly Publishing, 2009), pp. 9-14; G. Seal, *The Outlaw Legend: A cultural tradition in Britain, America and Australia* (Cambridge: Cambridge University Press, 1996)*,* pp. 6, 16-17; P. O'Malley, 'Class, Conflict, Land and Social Banditry: Bushranging in nineteenth century Australia', *Social Problems*, 26:3 (1979), pp. 271-283.

robberies were more likely to receive attention in the colonial press.[88] They represented a significant threat because horses tended to be people's most prized possession, with almost a quarter of a million horses in the colonies by 1850.[89]

The incarceration of a relatively high number of bushrangers on Cockatoo Island is related to two factors already noted. First, Cockatoo Island had a reputation as a more secure site for absconders (see Table 8). As Grace Karskens argues, bushrangers, cattle thieves and absconders all traversed the 'nefarious geographies' of the bush to evade government surveillance, and 'Cockatoo Island became a prison where escapees were incarcerated and marooned'.[90] Under legislation introduced in 1830, convicts breaking the terms of their ticket-of-leaves (absconders) were categorised alongside robbers taking up arms and those who stole from peoples' houses.[91] Second, bushranging was related to the high numbers being convicted further afield from Cockatoo Island, at Bathurst, Maitland and Parramatta (totalling forty percent, see Table 5).

Cockatoo held a sizeable minority of bushrangers, approaching a fifth of the prison population between 1846 and 1852. However, since bushranging in New South Wales reached its peak in the late 1850s, it is likely that this quantitative analysis underestimates the total numbers of bushrangers confined on Cockatoo Island.[92] Cockatoo certainly had a reputation for holding famous bushrangers, including William Westwood (alias Jacky Jacky) and George Vigors in the forties, Frederick Ward (alias Captain Thunderbolt), William Day (alias Derrincourt) in the 1850s, and Owen Suffolk and Patrick Daley in the 1860s.[93] Many bushrangers gained further notoriety by attempting to escape (see Chapter 5) and by featuring in or penning convict memoirs. For example, Owen Suffolk described meeting the famous bushranger Frank Gardiner

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[88] Maxwell-Stewart, 'Bushrangers and the Convict System', pp. 199-200.

[89] M. Peel and C. Twomey, *A History of Australia* (Basingstoke: Palgrave Macmillan, 2011), p. 63.

[90] Karskens, *The Colony,* pp. 280-309, quote on p. 307.

[91] 'An Act to Facilitate the Apprehension of transported felons and Offenders illegally at large and of persons found with Arms and suspected to be robbers', 5 Wm. IV. 9, NSW (1834), renewed in 6 Wm. IV, NSW (1835), 1 Vict. 2, NSW (1837); 3 Vict. 27-8, NSW (1840).

[92] John Robertson, Premier of New South wales, introduced two acts in 1861 that reformed land ownership: 'An Act for Regulating the Alienation of Crown Lands', 25 Vic. 1, 26a, NSW (1861) and 'An Act for regulating the Occupation of Crown Lands', 25 Vic. 2, 27a, NSW (1861).

[93] There are twenty-seven bushrangers listed as having been incarcerated on Cockatoo Island in S. Williams, 'Book of Bushrangers', digitised by Whiskers Hill Online, 1998, <http://pandora.nla.gov.au/nph-wb/20010131130000/http://www.whiskershill.dynamite.com.au/newpage1.htm > [accessed: 14 July 2017].

on Cockatoo Island and penned a poem in his honour called 'The Bandit Chief'.[94] In 1863 *Melbourne Punch* joked about renaming New South Wales: 'Mr. PUNCH, on behalf of all New South Wales and Cockatoo Island to boot… prefers the names forwarded to him by Sir F POTTINGER, viz., "Bushrangia" or "Gardiner's Land"'.[95] Sir Frederick Pottinger was inspector of police for the western district (1862-5) who had tracked down famous bushrangers, including Francis Clarke (alias Christie) who spent five years on Cockatoo Island for two counts of horse stealing.[96] It seems that Cockatoo Island's appeal for administrators as a convict destination was two-fold: its island geography and distance from bushrangers' social networks made it more secure for those adept at traversing the bush and escaping custody in their home districts.

3.2.2 Indigenous Australian and Chinese Prisoners

Non-white prisoners made up one per cent of the prison population on Cockatoo Island between 1846 and 1852, including twenty-two Indigenous Eora prisoners and thirty-seven Chinese prisoners. The prisoners' ethnicity affected both how the judge and jury conceived of their 'crimes' and how they were treated by prison authorities while incarcerated. The following section will focus particularly on issues of interpretation and communication which created structural inequalities for non-white prisoners seeking redress through official channels.

Cockatoo Island incarcerated at least twenty-two Indigenous men between 1839 and 1869. Initially, they were distributed amongst a number of penal stations in New South Wales, Van Diemen's Land and Norfolk Island. By the 1840s, the majority were serving sentences on Cockatoo Island.[97] There were two important aspects to the geography of incarcerating Eora men on Cockatoo Island. First, sentencing Indigenous prisoners to transportation underlined the importance of physical distance to the punishment and, though Cockatoo Island was relatively close to the shoreline, it was replacing transportation to Van Diemen's Land and Norfolk Island, as discussed earlier. The second geographical factor was what prisoners would do upon release from prison.

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[94] O. Suffolk, 'Days of Crime and Suffering', *Australasian,* 13 July 1867, p. 6.
[95] *Melbourne Punch,* 18 June 1863, p. 369.
[96] Appendix to the Journals of the House of Representatives of New Zealand, Vol. 1 (Wellington: 1875), David Reid, pastoralist and member for Murray, to Sir William Denison, Governor of New South Wales, 6 April 1859, encl. 3, no. 1, 'Gardiner, alias Christie (Correspondence relating to mitigation of sentence under former convictions)', pp. 22-3.
[97] Harman and Maxwell-Stewart, 'Aboriginal Deaths in Custody', n.p.

It was hoped they would return to their home community and deter others from committing crime with tales of hardship. For example, *The Colonist* claimed that the sentences of five Indigenous prisoners' were commuted from a death sentence to five years on Cockatoo Island because 'by returning them, at the expiration of their sentence, amongst their own people, the example made of them would produce a salutary effect on their fellow countrymen'.[98] The third part of their punishment focussed on their return to the mainland, where they would be integrated into the settler economy using skills they had learnt on the island. As Governor Gipps wrote 'it was intended that, during their confinement on the Island, they should be instructed and accustomed to labour, with a view to their improvement and ultimate restoration to liberty'. Though isolation was part of the punishment, it was through connection - to their country and colonial society - that the incarceration of Indigenous people became meaningful. For the most part, this 'instruction' seemed to involve working alongside the other convicts in the hard labour of quarrying sandstone and digging grain siloes. They were also subjected to Christian teachings by the Protestant Reverend.

Unlike Rottnest Island, which was a dedicated prison for Nyoongar men, Eora prisoners worked alongside white convicts on the works on both Cockatoo and Goat Islands. Fifty years after the arrival of Europeans, the Indigenous population in New South Wales was dramatically reduced through European settlement, primarily by settler violence and the introduction of new diseases. In the context of the rapid decline in numbers of Indigenous peoples in New South Wales, imprisonment became another mechanism to ensure that the land would be 'emptied' of resistance to conquest.[99] First, this was because incarceration was a form of 'transference' to take Indigenous people away from their country, and disruptive to their communities, which freed up land for white settlement.[100] Second, the high rate of death in custody on Goat and Cockatoo Islands was a form of state-sanctioned violence which was not as visible as outright warfare.[101] After all, as Lorenzo Veracini argues, 'settler projects embrace and rejects violence at the same time'. Yet, from the late 1820s to the late 1830s, British imperial policy was being critiqued and reformulated to reflect ideals of 'humanitarian

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[98] *The Colonist,* 21 Dec. 1839, p. 2.
[99] L. Veracini, *Settler Colonialism: A theoretical overview* (Basingstoke: Palgrave Macmillan, 2010)*,* pp. 4, 16-17.
[100] *Idem.,* pp. 45-6
[101] *Idem.*, p. 77

responsibility' through the protection of enslaved peoples and Indigenous peoples. The 1823 Commission of Eastern Inquiry, and subsequently the 1836-7 Select Committee on Aborigines, recommend the establishment of 'protectors' to advocate for enslaved Africans and Indigenous peoples. The right to 'protection' was tied to the recipients' adherence to (often exploitative) labour regimes and acceptance of British laws (and any punishment under them). Ultimately, humanitarianism served to legitimise empire even while criticising it.[102]

Similarly, the sentences that brought prisoners to Cockatoo Island were at one level the application of 'mercy' to the colony's Indigenous subjects yet, on another level, part of the destructive logic of settler colonialism described above. Indigenous prisoners were usually transported to Cockatoo Island under commuted capital sentence. These commutations of sentences were recommended by the presiding judge, discussed by the attorney general and executive council, and ultimately awarded by the Crown. Toby and Murphy were sentenced to ten years transportation at the Maitland Quarter sessions for robbery their sentences were commuted to three years 'service' on Cockatoo Island.[103] In the cases of 'Jackey alias Tolboy' and 'Neville's Billy', both were convicted by a jury of white civilians for the murder of a white settler. However, the attorney general, governor and executive council believed there was insufficient evidence of their involvement, without a witness that placed them at the scene of the crime when it was committed. Since the scene of the killing was in the bush, or 'beyond the boundaries of location', and Aboriginal people were not allowed to appear as witnesses in court until 1841, there was only circumstantial evidence connecting Jackey to the crime. He had been spotted in the vicinity of the hut, along with a larger group, and was alleged to have had a knife belonging to the victim in his hair as a 'trophy' of the killing. The jury awarded the maximum sentence of death, but attorney general Alfred Stephen believed there was sufficient doubt to recommend transportation to Cockatoo Island for life.[104]

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[102] R. Skinner and A. Lester, 'Humanitarianism and Empire: New research agendas', *Journal of Imperial and Commonwealth History,* 40:5 (2012), special issue on Empire and Humanitarianism; Z. Laidlaw, 'Investigating Empire: Humanitarians, reform and the commission of Eastern Inquiry', *Journal of Imperial and Commonwealth History,* 40:5 (2012), pp. 749-768.
[103] SRNSW, 4/3891, Letters to Royal Engineers, Thomas Cudbert Harington, Acting Assistant Colonial Secretary of New South Wales, to Major George Barney, Commanding Royal Engineer, 4 Feb. 1840, Sydney, no. 40/19, p. 12.
[104] SRNSW, 4/3891, Harington to Barney, 17 Sept. 1840, Sydney, no. 40/139, p. 91.

Kristyn Harman's analysis of sixty Indigenous prisoners transported within the Australian colonies shows that their mortality rate was 300 per 1000 in the first year, compared to seventeen per 1000 for non-Indigenous convicts transported within the Australian colonies. In other words, the death rate was fourteen times higher for Indigenous convicts. [105] In the subsequent three years, Indigenous convicts' death rates were still five times higher than colonially transported non-Indigenous convicts. [106] In the early nineteenth century, Indigenous prisoners were sent to various penal stations across the colonies but from 1840 onwards they were concentrated on Cockatoo Island. As a result, the high mortality rate was clearly in evidence: at least fourteen of the twenty-two Indigenous prisoners known to have been incarcerated on Cockatoo Island died there or shortly after being released to Darlinghurst Gaol. [107] This higher death rate was most likely a result of harsher pre-trial custodial practices for Indigenous prisoners which, in combination with physically taxing 'hard labour' regimes, made them susceptible to diseases that flourished in crowded, poorly ventilated prisons (particularly lung conditions like tuberculosis). Contemporaries tended to explain their deaths through 'interior' causes, like Indigenous people being unable to adapt to confinement and 'pining away'.

Three of the first five Indigenous prisoners to arrive on Cockatoo Island in 1839, serving a commuted sentence of five years on Cockatoo Island, died of dysentery just a few weeks after being sentenced. [108] Sydney newspaper *The Colonist* attributed their deaths to several factors: first, the distance that the medical dispenser had to travel to treat them, rather than having being resident and, second, that the 'climate was not what they were used to'. [109] It was not until 1850 that the high mortality rate of Indigenous prisoners provoked official concern. After the death of prisoner Jemmy in December 1850, the Colonial Secretary Edward Deas Thomson requested a return of all deaths of Indigenous prisoners in the previous five years. Ormsby's return showed twelve out of

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[105] Harman and Maxwell-Stewart, 'Aboriginal Deaths in Custody', n.p.
[106] *Ibid.*
[107] *Ibid.*
[108] Harman, *Aboriginal Convicts*, p. 126.
[109] *Morning Chronicle,* 25 Oct. 1843, p. 2.

nineteen convicts who had arrived between 1839 and 1850 had died in custody.[110] Visiting magistrate Captain Hutchinson Hothersall Browne, claimed it was:

> …quite conclusive that the deaths from the confinement of Aboriginal blacks in the ordinary Penal Establishments seriously affects their Health and Constitution and leads ultimately to disease and death.[111]

A medical board, appointed by the governor to investigate, concluded that it was neither the climate nor situation of the island that was to blame but the 'fact of their being confined'.[112] Therefore, they did not recommend that Indigenous prisoners be sent elsewhere but rather that judges used their discretion to award short sentences where appropriate and visiting surgeons to the colony's gaols were advised to provide medical care. In 1851, Edward Deas Thomson issued a circular to the visiting surgeons of gaols across the colony recommending that they 'immediately report…the case of any Aboriginal Native whose life you may consider to be endangered by longer confinement' and recommend early release if required, though it seems that this measure was used sporadically.[113]

On 10 November 1857, the *Maitland Mercury* complained that not segregating Indigenous prisoners from the white convicts on Cockatoo Island led to the moral contamination of younger or newly-sentenced prisoners by secondarily-transported convicts. It reported that there was 'an objection which we have often heard made against the practice of mingling the races at Cockatoo', suggesting instead either solitary punishment or serving sentences 'with his own kind and colour'.[114]

Between 1853 and 1869, at least thirty-seven prisoners on Cockatoo Island were listed as 'Chinese' or 'Chinaman', though it is possible they came from other parts of South-East Asia.[115] Of the third who had a 'place of origin' listed all bar one came from

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[110] SRNSW, CSIL, 4/3379, 50/191, Captain Hutchinson Hothersall Browne, Visiting Magistrate for Cockatoo Island, to Thomson, 28 Dec. 1850, with encl., quoted in Harman and Maxwell-Stewart, 'Aboriginal Deaths in Custody'.

[111] SRNSW, CSIL, 4/3379, 51/2048, Dr Patrick Hill, Medical Adviser to the Government, to Thomson, 22 Feb. 1851, Sydney, with encls., quoted in Harman and Maxwell-Stewart, 'Aboriginal Deaths in Custody', n.p.

[112] *Ibid.*

[113] SRNSW, CSIL, 4/3379, 51/2048, Circular, 20 March 1851, quoted in Harman and Maxwell-Stewart, 'Aboriginal Deaths in custody, n.p.

[114] *Maitland Mercury*, 10 Nov. 1857, p. 3.

[115] SRNSW, CSIL, 56/5325, William Colburn Mayne, Inspector-General of Police, to Stuart Donaldson, Colonial Secretary of New South Wales, 7 June 1856, CSIL 56/6596, Mayne to Donaldson, 4 Aug. 1856; CSIL, 57/3192, Jonathan McLerie, Inspector-General of Police, to Henry Parkes, Colonial Secretary of

Amoy (Xiamen). As one of the five treaty ports forcibly opened to trade by the Treaty of Nanjing in 1842, Amoy was the main harbour from which Chinese emigrants departed. After the discovery of gold deposits in New South Wales in the late 1840s, the gold rush attracted waves of Chinese emigrants, whose passages were paid upfront by brokers to be paid off by digging.[116] Most of these emigrants came from the province of Fujian (where Amoy is located) and Canton (Guandong). After taxes on entry of Chinese immigrants were introduced in Victoria (1855) and South Australia (1857), Sydney became the main port of entry for those seeking to make their fortunes in goldfields across Australia, resulting in more than 20,000 Chinese people arriving in New South Wales between 1858 and 1860.[117]

Many of the Chinese prisoners on Cockatoo Island were convicted of crimes while working on the goldfields in New South Wales. A typical case was the six Chinese prisoners who arrived on Cockatoo Island in May 1858, after being found guilty at the Quarter Sessions in Maitland of 'violent robbery' on the goldfields of Bingarra.[118] Their names were Devan, Dick, Tommy, Tain, May and Harry. The prosecution asserted that the prisoners had held a Chinese digger named Tom at knifepoint and robbed him of all his possessions. The defence argued, based on testimony by a digger named Shang Hoe, that Tom had forfeited his possessions during a game of 'Chinese cards'. Based on two Chinese witnesses' testimony (relayed through an interpreter), the all-white jury returned a guilty verdict without retiring to discuss. All six of the accused who shared a tent were found guilty, because Tom's possessions were spread across their berths in their cramped living quarters. This case demonstrates that Chinese men on the goldfields lived and socialised together, with easy access to money, alcohol and cards. As a result, it was common for whole groups of Chinese diggers to be convicted and arrive on Cockatoo Island together where they would continue to be part of a tight-knit community. Tan, for

New South Wales, 4 Aug. 1857; CSIL, 57/4554, McLerie to Charles Cowper, Colonial Secretary of New South Wales, 13. Nov. 1857; CSIL 58/910, McLerie to Cowper, 10 March 1858; SRNSW, CSIL, 60/3323, McLerie to John Roberton, Colonial Secretary, 7 Aug. 1860; SRNSW, CSIL, 61/665, McLerie to Charles Cowper, Principal Undersecretary of New South Wales, 24 April 1861; 65/3574, Mayne, to James Martin, Colonial Secretary of New South Wales, 1 Aug. 1865; SRNSW, 4/6501, Return of Prisoners, Cockatoo Island, 1853-60; 4/6508, Monthy Returns Cockatoo Island, 1861-3; 4/6572, 4/6573, 4/6574, Transportation Registers (Colonial).

[116] A. Curthoys, '"Men of All Nations, except Chinamen": Europeans and Chinese on the Goldfields of NSW', in I. McCalman, A. Cook and A. Reeves (eds), *Gold: Forgotten Histories and Lost Objects of Australia,* (Cambridge: Cambridge University Press, 2001), pp. 104-6.

[117] *Ibid.*

[118] *Northern Times*, 15 May 1858, p. 2; SRNSW, 4/6574, 'Transportation Register (Colonial)', Cockatoo Island, April 1857 – March 1860, pp. 119-124.

example, threw down his tools and refused to work on three separate occasions when Chinese men, including those he had been convicted with, were released from the island. The chief warder, Mr. Brown, testified to a commission of inquiry in 1857:

> I remember Tan refusing to work…when other Chinamen where leaving the island, with whom he wished to go. He asked for an interpreter, and he went to work. On the third occasion he declined to work, because he was not allowed to go with four other Chinamen who had been sent on the island with him.[119]

In the absence of recourse to written or verbal communication, Tan was forced to rely on language interpreters to communicate his protests to the prison administration. Superintendent Ormsby locked him in the cells for several days before an interpreter was sent. The Reverend John Pendrill usually spoke to prisoners who were under punishment but found he 'had no means of communicating with the man…[who] could not speak in English'.[120] When an interpreter was sent for, Tan complained that he was not guilty and that his former employer owed him money, but the visiting magistrate dismissed his complaint.[121]

Communication issues persisted for many of the Chinese prisoners. For example, thirty-five-year-old Loy, sentenced to five years on Cockatoo Island for arson in the Moreton Bay district, spent half of his first two months on the island in solitary confinement for refusing to work.[122] The dispenser for Cockatoo Island, Alexander McDonnell, said that Loy experienced 'fits of sullenness and during such times would undergo any punishment sooner than work'.[123] By February the following year, Loy was attacking other prisoners: throwing stones and stabbing an inmate in his head. Loy had resisted the prison regime using two forms of convict protest as categorised by Alan Atkinson: refusal to work and attacking others.[124] McDonnell felt that Loy's actions could not be understood without a shared language, even after an interpreter visited the island. The dispenser wrote that:

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[119] New South Wales Legislative Assembly Votes and Proceedings, vol. II, no. 17, Inquiry into Management of Cockatoo Island (Sydney, 1858), Charles Cowper, Under-Secretary of New South Wales, to Sir William Westbrooke Burton, Chairman of the Board of Inquiry, 12 Oct. 1857, Sydney, p. 251.
[120] *Idem.*, testimony of George West, Medical Dispenser, Cockatoo Island, p. 203.
[121] *Idem.,* testimony of Ormsby, 23 Oct. 1857, Sydney, p. 280.
[122] SRNSW, 4/6574, Transportation Register (Colonial), Cockatoo Island, p. 229.
[123] SRNSW, 4/6573, Transportation Register (Colonial), Cockatoo Island, Alexander McDonnell, Dispenser for Cockatoo Island, to [illegible], encl., p. 299.
[124] A. Atkinson, 'Four Patterns of Convict Protest', *Labour History,* 37 (1979), pp. 30, 39-40

> [Due to] his ignorance of our language it is improper to arrive at a correct conclusion as
> to his mental condition but [the] Interpreter and other prisoners who have had frequent
> opportunities of noticing him at all times declare him to be out of his mind. [125]

Loy was eventually committed to the lunatic asylum at Parramatta in March 1860.[126] Despite their relatively low numbers, Chinese asylum inmates attracted the attention of officials because of fears of racial mixing negatively affecting white patients.[127] Indeed, the ways in which Chinese prisoners were 'understood' within the prison and asylum reflected broader anxieties about immigration policies in the nineteenth century. According to Catherine Coleborne, 'the presence of Chinese asylum inmates attracted more official comment' than other non-white peoples, particularly fears of 'mixing' between Chinese and European inmates being 'injurious' to white people.[128]

Other Chinese prisoners worked very well within the colonial system. A far higher proportion of Chinese prisoners were assigned as servants to the officers by the superintendent of the island. In June 1865, for example, four out of sixteen servants were Chinese.[129] In this way Chinese prisoners were able to ascend within the convict hierarchy based on racial stereotypes about Chinese people as servile, gaining additional 'indulgences' (rations, tobacco, sugar) and respite from hard labour.[130] Other Chinese prisoners petitioned the governor for remission of their sentences, showing they were able to take advantage of mechanisms for mercy within criminal justice system. For example, in 1866, governor Sir John Young granted Ah Tan nine months' remission of his five-year sentence on Cockatoo Island due to his 'exemplary conduct'.[131] On the other hand, a prisoner named Cum Fat had an impressive thirty-nine signatories – including one from a local reverend – for his letter to justice Alfred Stephen, protesting his conviction for receiving stolen goods. It read:

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[125] SRNSW,4/6573, McDonnell to [illegible], encl., p. 299.
[126] SRNSW, 4/6574, Transportation Register (Colonial), Cockatoo Island, p. 229.
[127] C. Coleborne, *Madness in the Family: Insanity and institutions in the Australasian colonial world, 1860-1914* (Basingstoke: Palgrave Macmillan, 2010), pp. 40-1.
[128] *Idem.*, p. 43.
[129] SRNSW, CSIL, 65/3574, encl. 'A Return of Prisoners on Cockatoo Island employed as servants by the Civil Officers on the [island]', Gother Kerr Mann, Superintendent of Cockatoo Island to Charles Cowper, Under-Secretary of New South Wales, 1 Aug. 1865, Cockatoo Island.
[130] Henry Reynolds and Marilyn Lake refer to the 'The Chinese [being] characterised collectively as…servile labour' in Reynolds and Lake, *Drawing the Global Colour Line*, p. 27.
[131] SRNSW, CSIL, 66/2474, Mann, Superintendent of Cockatoo Island (on behalf of Ah Tan) to Martin, [n.d] May 1866, Cockatoo Island.

Your petitioner asserts his entire innocence of the charge preferred against him and that he had not the least knowledge either directly, or indirectly, of the money which he received in legitimate trade, and for which he has been found guilty, having been stolen.[132]

It was common for convicts' petitions to be written in the 'third person' and it seems likely that Ah Tan and Cum Fat's petitions were authored by literate Europeans (either in prison or on the outside) on their behalf. In the realm of written literacy, indeed, Chinese prisoners were in the same situation as large numbers of British and Irish convicts, who also used petition writers to author their pleas for mercy.[133] The small confines of Cockatoo Island bring into sharp focus the challenges for non-white peoples within colonial contexts.

3.3 Rottnest Island

This section analyses the crimes that brought Indigenous prisoners to Rottnest Island, where convicts travelled from and how they experienced these journeys. It quantitatively analyses a database of 1686 entries, which I created from transcription of a register of Indigenous prisoners arriving between 1855 and 1881.[134] According to Neville Green, at least 3676 Indigenous men and boys were incarcerated on the island between 1839 and 1931.[135] The period 1855 to 1881 was a time of rapid expansion for the pastoral frontier in Western Australia, so the types of conviction and places of origin of the Indigenous prisoners tell a story by which Indigenous ways of life were criminalised as settlers carried their sovereignty with them.[136] Thus the state-sanctioned violence of the criminal justice system functioned alongside exceptional settler-led violence in order to dispossess Indigenous Western Australians. The aim was for settlers to gain cheap access

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[132] SRNSW, CSIL, 62/5557, Cum Fat, prisoner on Cockatoo Island, to Alfred Stephens, Chief Justice of New South Wales, 28 Sept. 1862.
[133] T. O'Connor, 'Raising Lazarus', in L. Frost and H. Maxwell-Stewart (eds), *Chain Letters: Narrating convict lives*, (Carlton South: Melbourne University Press, 2001), pp. 155-6; D. McCooey, 'Autobiography', in P. Pierce (ed.), *The Cambridge History of Australian Literature* (Cambridge: Cambridge University Press, 2009) p. 324.
[134] The register includes information on their conviction (including trial date, sentence, crime, and place of conviction) and how they were discharged (free, absconded, transferred into government employ or died). The data is mostly complete, with offences missing in just four cases and date of discharge missing in 40 cases out of 1686, see: SROWA, cons. 130, box 1, bundle 1, Rottnest Island Commitment Book, 1855-1881, fos.1-9.
[135] N. Green and S. Moon, *Far From Home: Aboriginal prisoners of Rottnest Island, 1838-1931* (Nedlands: University of Western Australia Press, 1997), pp. 8, 97.
[136] H. Douglas and M. Finnane. *Indigenous Crime and Settler Law: White sovereignty after empire* (Basingstoke: Palgrave Macmillan, 2012), p. 79 D. Byrne, 'Nervous Landscapes: Race and space in Australia' in T. Banivanua Mar and P. Edmonds (eds), *Making Settler Colonial Space: Perspectives on race, place and identity* (Basingstoke: Palgrave MacMillan, 2010), p. 185.

to land by removing or eradicating the majority of its inhabitants and to force any remaining Indigenous people to sell their labour cheaply, thus constituting the basis for a profitable settler economy. As Scott Morgensen puts it: 'Western law incorporates Indigenous peoples into the settler nation by simultaneously pursuing their elimination'.[137] The dislocation of Indigenous community members from the frontier to Rottnest was an essential part of the colonisation of the interior of Western Australia.

3.3.1 Indigenous Australian Prisoners

In 1840, governor Hutt passed 'An Act to constitute the Island of Rottnest a Legal Prison'.[138] Hutt and his executive council intended the prison to be used primarily for Indigenous people from Western Australia. The preamble stated that:

> It has been deemed expedient to provide some place…in which such of the Aboriginal race as are sentenced to transportation and imprisonment or committed for trial, or in any other manner committed to custody, may conveniently kept.[139]

However, the fourth clause allowed the governor, in agreement with his executive council, to send prisoners of another race to the island under 'special circumstances', which led to the transfer of almost two-hundred European prisoners from Fremantle to Rottnest to fulfil 'skilled' work positions, as discussed in the next section.

Hutt did not specify for which sentences Indigenous convicts could be sent to the island (including transportation, imprisonment or as witnesses to a trial) but he intended the prison for only the 'most daring and hardened offender' because 'access to the island is not always possible.[140] It was the isolated position of the island that made it desirable as a prison for Indigenous people. It was secure enough to prevent escape and allow the prisoners to 'roam' about the island without chains. The colonial administration hoped this 'greater degree of personal liberty' would prevent deaths in custody, as seen at Cockatoo Island, since it was 'in line with their usual habits'. It is unclear if Hutt was referring to incarceration of Indigenous peoples in the small Roundhouse in Perth, or if his reference was to the well-documented death rates of Indigenous Tasmanians confined

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[137] S. Morgensen, 'The Biopolitics of Settler Colonialism: Right here, right now', *Settler Colonial Studies,* 1 (2011), p.53 [pp.52-76].
[138] 'An Act to constitute the Island of Rottnest a Legal Prison', 4 Vic no. 1, WA (1840).
[139] *Ibid.*
[140] BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian colonies), John Hutt, Governor of Western Australia to Lord Russell, Secretary of State for War and the Colonies, 19 Aug. 1840, Perth, p. 375.

in Flinders Island, or even deaths in custody on Goat Island in Sydney Harbour (as discussed in Chapter 2).[141]

In the same year, the executive council passed a sister piece of legislation to the Rottnest Act entitled 'An Act to allow the Aboriginal Natives of Western Australia to give information and evidence in Criminal cases and to enable Magistrates to award summary punishment, for certain offences'.[142] It stipulated that Indigenous people could appear as witnesses in a trial, without taking an oath on the bible. This measure was intended to enable the punishment of Indigenous people rather than protect them under British Law, as indicated in the fifth clause. This enabled two justices of the peace to sentence Indigenous peoples to imprisonment and hard labour for up to a year, or to award up to two dozen lashes as a 'general example' to the members of his community.[143] Justices of the peace would refer more serious cases to the Courts of Quarter Sessions (or from 1861, the Supreme Court) which sat in both Fremantle and Perth.[144]

Especially in the early years, Indigenous convicts were sentenced to Rottnest under terms of transportation (often as a commutation of a death sentence) mimicking in microcosm the wider Australian penal system, if not the 'free' colony of Western Australia. After 1857, Western Australia followed Britain's lead in replacing 'transportation' with 'penal servitude' to Rottnest Island.[145] As the pastoral frontier expanded rapidly thanks to the influx of British and Irish convicts from 1850, increasing numbers of Indigenous Australians were sent to Rottnest under sentences of 'imprisonment' under the 'summary jurisdiction' of justices of the peace and resident magistrates. As Europeans settled on lands belonging to Indigenous communities, more and more Indigenous Western Australians had their everyday behaviours criminalised including gathering in groups in towns and customary laws that involved violence

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[141] K. Harman and H. Maxwell-Stewart, 'Aboriginal Deaths in Custody', n.p.
[142] 'An Act to allow the Aboriginal Natives of Western Australia to give information and evidence in Criminal cases and to enable Magistrates to award summary punishment, for certain offences', 4 Vict. 8, WA (1840).
[143] *Ibid.*
[144] M. Wayne, 'The Supreme Court of Western Australia 1861-2011: Administering justice for the community for 150 years', *Supreme Court of Western Australia,* 2011, <http://www.supremecourt.wa.gov.au/_files/Ceremonial_Sitting_150th_Anniversary_17062011.pdf>, [accessed: 5 July 2017], p. 17.
[145] 'An Act to substitute, in certain Cases, other Punishment in lieu of Transportation',16 &17 c. 99, UK (1857), P. Harling, 'The Trouble with Convicts: From transportation to penal servitude, 1840-67', *Journal of British Studies,* 53:1 (2014), p. 100. In my transcription of cons. 130, three Indigenous prisoners were sent to Rottnest under sentences of transportation in 1856, but in 1881 Nungerbucking alias Billy Jack was sentenced to penal servitude for life.

towards another Indigenous person.[146] As the 'cadastral grid' of settler colonialism spread, Indigenous Australians found themselves crossing parcels of land – sometimes marked with fences, but often not - which had been subdivided according to European ontologies and were deemed to 'trump' their own rights to land.[147] It was these crimes of trespassing on settlers' land – whether hunting livestock or robbing a hut – that brought most Indigenous people into the colonial criminal justice system via a local magistrate (who lived, socialised and sympathised with land-owning pastoralists).

Over the next fifty years the executive council passed a number of laws to make it easier for these low-level officials to sentence Indigenous Australians to longer terms of imprisonment. In 1849 the *Summary Jurisdiction Act* allowed Indigenous men to be convicted by resident magistrates for 'any felony or misdemeanour' to twenty-four lashes and up to six months in prison.[148] A decade later this period increased six-fold to three years, still on the authority of a resident magistrate.[149] In 1874, the act was amended once more to allow two or more justices of the peace, a lesser official than resident magistrates, to impose a sentence up to six months.[150] In 1883 when one such official, the 'itinerant stipendiary magistrate' for the Gascoyne, Charles Foss, illegally exceeded this sentence, legislation retroactively allowed a magistrate or two justices of the peace to award one year's imprisonment (for a first offence) and up to two years' imprisonment (for a second offence).[151] A decade later, an amendment to the act enabled one magistrate, or two justices of the peace, to sentence Indigenous men to two years' imprisonment and/or up to twenty-five lashes.[152] It is worth noting here that the convicting officials – resident magistrates, police magistrates and justices of the peace – were often wealthy pastoralists themselves, eager to uphold their friends' and neighbours' property interests though the law did state that justices of the peace must have no 'personal interest' in the case.

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[146] N. Green, *Broken Spears: Aborigines and Europeans in Western Australia* (Perth: Focus Education Services, 1984)*,* pp. 10-14.

[147] Byrne, 'Nervous Landscapes', pp. 103-128.

[148] 'An Ordinance to provide for the Summary Trial and Punishment of Aboriginal Native Offenders in certain cases', 12 Vict. 18, WA (1849).

[149] 'An Act to amend "An Ordinance to provide for the Summary Trial and Punishment of Aboriginal Native Offenders in certain cases', 23 Vict. 10, WA (1859).

[150] An Act to amend "An Ordinance to provide for the Summary Trial and Punishment of Aboriginal Native Offenders in certain cases', 38 Vict. 8, WA (1874).

[151] An Act to amend "An Ordinance to provide for the Summary Trial and Punishment of Aboriginal Native Offenders in certain cases', 47 Vict 8, WA (1883).

[152] 'An Act to amend "The Aboriginal Offenders Act, 1883" and to authorise the Whipping of Aboriginal Native Offenders', 55 Vict. 18, WA (1892).

The discretionary power awarded to justices of the peace to order corporal punishment far exceeded the controlled use of flogging against white convicts (including using stock-whips, rather than cat-o'-nine tails). From 1892, whipping became a punishment reserved specifically for the colony's Indigenous population.[153] Amanda Nettelbeck argues that the continued use of whipping in Western Australia, long after its abolition elsewhere in Australia, made the use of state-mandated violence more akin to what was allowed in the British African colonies.[154] David Wadiwel draws similar parallels between the use of the whip against enslaved Africans and Indigenous peoples, as whipping was deliberately 'raced'. It dehumanised Indigenous people, reducing them to the level of animals who could only understand physical pain. This is clear when governor Hutt wrote in 1840 that Indigenous people 'did not hold it [whipping] in the disgraceful, degrading light that we do'.[155] Whipping was used in tandem with imprisonment because it was a more immediate punishment enacted in the local vicinity to appease the settlers and deter the local Indigenous population.[156] For example, Johnny Pringle received twenty-four lashes at York lock-up before proceeding to Rottnest for a six-month stint for the crime of indecent assault against a white woman.[157]

Capital punishment was also linked to imprisonment in the Western Australian criminal justice system. Indigenous people could be executed publicly (as they were exempted from the 1871 Capital Punishment Act which abolished it).[158] It was common for one or more Indigenous 'ringleaders' to be publicly executed where they had committed their crimes as a deterrent for their communities, and others to have their sentence commuted to penal servitude on Rottnest.[159] Nonetheless, at least four

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[153] D.J. Wadiwel, 'Thick Hides: Whipping, biopolitics and the white soul of power', *Social Semiotics*, 19:1 (2009), pp. 47-49.

[154] A. Nettelbeck, 'Corporal Punishment and the Logic of Protection: Indigenous governance in Western Australia after the granting of responsible government', *Governing West Australian Indigenous People: Section 70 of WA's 1889 Constitution,* symposium (University Western Australia, 2016); P. Edmonds and H. Maxwell-Stewart, '"The Whip Is a Very Contagious Kind of Thing": Flogging and humanitarian reform in penal Australia', *Journal of Colonialism and Colonial History,* 17:1 (2016), n.p.

[155] BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian colonies), 'An Act to constitute Rottnest a Legal Prison', Hutt to Lord Russell, 19 Aug. 1840, Perth, p. 374.

[156] Wadiwel, 'Thick Hides', p. 49.

[157] SROWA, WAA 61, Western Australian Police Department, 1853-1995, Police Gazette, Western Australia, 9 Aug. 1876, no. 2, p. 1165.

[158] 'An Act to amend 'The Capital Punishment Amendment Act, 1871', 40 Vict. No. 15, WA (1871).

[159] For example, Barrabong and Dojeep were convicted for the sexual assault and murder of Mrs Cook, and the murder of her child. They were executed and 'hung in chains' at the scene of the crime to act as a 'terror to evil-doers' in the Indigenous community. Yambup, who was arrested and convicted of the same crime at a later date, had his death sentence reprieved by Governor Hutt and was 'remove[d] to

Indigenous prisoners were executed on Rottnest Island to serve as an 'example' to the prisoners.[160] Overall, imprisonment on Rottnest was entangled with corporal forms of punishment, which systematically made exceptions out of Indigenous people in order to punish them more severely.

This section considers the range of offences that Indigenous prisoners on Rottnest were convicted of between 1855 and 1881. There was a total of 1928 offences committed by 1645 people, including 33 people who were not convicted of a crime but were confined on the island as witnesses for trial (see Table 11). The following sections will look in more detail at particular categories of crime: first, crimes against property (theft and property destruction); second, absconding from employment; and third, offences against the person (violent crimes).

Of all Indigenous Australians sent to Rottnest between 1855 and 1881, 951 were convictions for crimes against property. Of these, half were convicted for the catch-all term of 'stealing' and almost a third for livestock theft. A relatively small number were convicted of theft that directly involved a person, either through use or threat of violence (robbery, nine per cent), or for stealing personal property (larceny, three per cent). It is stipulated what had been stolen in just ninety-six cases (see Table 13). A little over half stole food (usually flour) and a fifth stole clothing, which carried similar average sentences of around eighteen months. One in ten people stole 'rations', meaning they stole multiple items – like flour, clothes tobacco and alcohol – which carried a higher average sentence over two and a half years.

Certainly, the colonial administration viewed the problem of livestock theft and stealing rations from shepherds' huts as part of the same phenomenon. In 1847, Governor Hutt wrote to Lord Stanley that he:

> …wonder[ed] at their [Indigenous Australians] forbearance, seeing the temptations to which they are exposed when in their rambles, hungry…they find a Shepherd's Hut stored

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Rottnest' instead. BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian Colonies), Hutt to Russell, 10 Nov. 1841, Perth, pp. 396-7.

[160] SROWA, cons. 4202, ser. 6852, 'Register of Corporal Punishment' lists the following executions on Rottnest Island: Wangabiddie and Guerhilla on 18 June 1883 for murder, Nanneroo alias Billy alias Coorie on 30 July 1883 for murder, Cubbergeran alias Arthur for murder on 13 June 1888.

with provisions, unprotected and exposed; or come across some stray sheep which has [sic] been lost through the carelessness of the Shepherd.[161]

By far the most common animal stolen was sheep, followed by cattle (see Table 14). In the decade after 1872, the number of sheep increased by eighty per cent to 1,259,797 and cattle by fifty per cent to 65,475.[162] In this same period, there is an overall rise in livestock theft convictions amongst Rottnest prisoners.[163] There is a direct relationship between the value of the animal stolen and the average length of the sentence awarded: averaging three years for horse theft (valued at between twenty and forty pounds) and less than two years for sheep (valued at just ten shillings).[164]

Though these crimes were overwhelmingly non-violent, settlers and stockmen on the pastoral frontier felt that their livelihoods were threatened and 'private space' invaded by the theft of rations or sheep. They were vocal to the government about introducing more policemen and harsher sentencing to protect them from 'tribes of savages hostile in every instance'.[165] The colonial secretary Malcolm Fraser wryly observed the imbalance between punishment and protection between the colony's white and Indigenous inhabitants, when he wrote: 'the wholesale deportation of the natives is one way of protecting the settlers from sheep stealing'.[166]

In 1883 a commission of inquiry into the management of Rottnest Island visited Rottnest and interviewed seven Indigenous prisoners. The commission interviewed an Indigenous prisoner from Eyre's Sand Patch named Benjamin, who said: 'I am here [at Rottnest] for stealing sheep; another blackfellow "coax'em" me.'[167] Another inmate named Brandy told the commission: 'I came here for killing a sheep. I saw the sheep had

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[161] TNA, CO 18/42, Hutt to Lord Stanley, 14 Jan. 1846, Perth, p. 51.
[162] BPP 1884, vol. LIV, no. C4015, 'Papers relating to Her Majesty's colonial possessions, reports for 1881,1882, 1883', Frederick Napier Broome, Governor of Western Australia, to Earl of Derby, Secretary of State for War and the Colonies, 28 Jan. 1884, Rottnest Island, p. 51.
[163] Green and Moon, *Far From Home,* pp. 13-14.
[164] BPP 1852-3, vol. LXXXII, no. 1601, Convict Discipline and Transportation. Further correspondence on the subject of convict discipline and transportation, Charles Fitzgerald, Governor of Western Australia, to Sir John Pakington, Secretary of State for War and the Colonies, 2 Sept. 1852, Perth, Encl. 'Prices, Current, Perth, 1 Sept. 1852', p. 231.
[165] BPP 1852-3, vol. LXIII, no. 1861-II, 'Papers relative to Crown Lands in the Australian Colonies: Part II (South and Western Australia and Van Diemen's Land)', Fitzgerald to Earl Grey, 9 Oct. 1850, Perth, p. 75.
[166] TNA, CO 18/199, Malcolm Fraser, Colonial Secretary of Western Australia, to William Robinson, Governor of Western Australia, 28 April 1883, Perth, p. 456.
[167] H. Reynolds, *The Other Side of the Frontier: Aboriginal resistance to the European invasion of Australia* (Ringwood: Penguin Books Australia, 2nd edn., 1982)*,* pp. 38-40, 133.

strayed, and my woman said to me "kill it", and I did so.'[168] Similarly, when Goondabung was accused of stealing a pig worth five pounds in 1884, he claimed that he came across a pig while wandering and that:

> …after a long time resisted Billamurah's persuasions to spear the ~~pig~~ sow, who several times had turned and driven the pig past him… that they had cut her in two with a whiteman's knife.[169]

This repeated reference to other people at the crime scene speaks to the system of kinship and reciprocity that defined Indigenous actions. Many Indigenous Australians were deeply embedded in systems of kinship which involved a wide array of responsibilities and reciprocity towards those within the community. [170] Considering that these explanations were given after imprisonment, as well as during trial, it suggests that these were not strategies to reduce criminal responsibility but rather reflected a less individualistic understanding of action.

Though the settler-criminal justice system was based on individual criminal responsibility, in practice Indigenous people were often convicted in groups for livestock theft. For example, in August 1885, two large groups of Indigenous people comprised six people who stole twenty sheep and seven people who stole sixty sheep.[171] They each received a sentence of twelve months' hard labour on Rottnest Island.[172] Even if a few people stole animal carcasses, a whole group could be implicated in the theft by eating it, as Indigenous trackers or native policeman would follow traces left behind in the bush from the site of the theft to where a group was camped.[173] It was usually sufficient evidence for Indigenous people to be spotted 'near' the site of theft in the lead up to the

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[168] 'Report of a Commission appointed by His Excellency the Governor to Inquire into the Treatment of Aboriginal Native Prisoners of the Crown in this Colony: And also into certain other matters relative to Aboriginal Natives, with Appendices and a Map', no. 34 (Perth: Richard Pether, 1884), p. 13.
[169] SROWA, cons. 3473, 'Regina vs. Goondabung', case 216, 10 Feb. 1884.
[170] E. Bourke and C. Bourke, 'Aboriginal Families in Australia', in R. Hartley (ed), *Families and Cultural Diversity in Australia* (Canberra: Australia Institute of Family Studies, 1995), n.p.
[171] Cons. 130, box 3, bundle 3, Rottnest Island Warrants of Conviction, 1875-90, nos. 406-411, Meeragoora Yankey, Jangooroo, Jadagooroo, Woorbiddy alias Nookabiddy alias Mickey, Boodegoora, Tabagoora, Geena Wederra, Chillal, 1 Aug. 1885, Lower Manilya; nos. 425, 427-8, 434, 436-7, 440, 443-4, Badga Gooroo, Eritha, Nulty, Nadging-Dingo, Bindagorra, Beringarra, Bucla-Cumbejarra, Bulbadger, Genna-be-long, 13 Aug. 1885, Irrida.
[172] *Ibid.*
[173] H. Reynolds, *With the White People: The crucial role of Aborigines in the exploration and development of Australia* (Ringwood: Penguin Books 1990), pp. 72-3.

'crime'. So, as well as finding a whole group for a 'mass arrest', the women and children would often be rounded up to act as witnesses against their kinsmen.[174]

Missionary John Brown Gribble drew international intention to the mistreatment of Indigenous Western Australians at the hands of settlers, including the practice of mass convictions. In an evangelical publication *The Christian* Gribble described seeing twenty people being 'tried together, and on uncorroborated testimony were sentenced by a police magistrate and two justices of the peace to two years on Rottnest' for stealing cattle and burning a hut'.[175] Prolific sentencing reached new heights under the itinerant magistrate for the Gascoyne, Charles Foss, who sentenced sixty-three Indigenous people for sheep stealing in 1883 for up to three years' imprisonment on Rottnest (exceeding the legal limit of two years).[176] The government retroactively mandated his illegal sentencing by introducing legislation to raise the maximum sentence a magistrate could award to three years (as discussed above). The colonial government thus introduced legislation that failed to recognise forms of collective responsibility, except when it enabled them to prosecute large communities of Indigenous people.

Almost half of the Indigenous convicts arriving at Rottnest between 1855 and 1881 travelled less than 150 kilometres (see Table 19). However, in 1880s, thanks to Foss' overzealous sentencing practices, Rottnest prison was flooded with arrivals from the newly-colonised regions of Kimberley and Murchison, which were over 1000 kilometres away.[177] Convicts were marched in chains, often in scant coverings or completely naked, over hundreds of kilometres, and often in extreme heat. Unlike European convicts who wore shackles on their arms and legs, Indigenous convicts were restrained around their necks by so-called 'bullock chains'.[178] When they reached the coast they could be shipped, still in chains, aboard a steamer to Fremantle Prison, for medical inspection, and then onwards to Rottnest Island (see Fig. 3.2)

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[174] Green and Moon, *Far From Home,* pp. 43-4.

[175] TNA, CO 881/1, Samuel Smith, Member of Parliament, to Earl of Derby, London, encl. 'Slavery in Western Australia: Slavery by assignation', *The Christian,* 9 Sept. 1886, p. 99.

[176] TNA, CO 18/199, Henry Wrenfordsley, Administrator of Western Australia, to Earl of Derby, March 1883, Perth, p. 461.

[177] *Ibid;* CO 18/198, Frederick Hare, Acting Private Secretary of Western Australia, to Henry Barnett, colonial Surgeon, 3 Nov. 1882, p. 373.

[178] K. Harman, K. and E. Grant, '"Impossible to Detain…without Chains?": The use of restraints on Aboriginal people in policing and prisons, *History Australia*, 11:2 (2014), pp. 157-176.
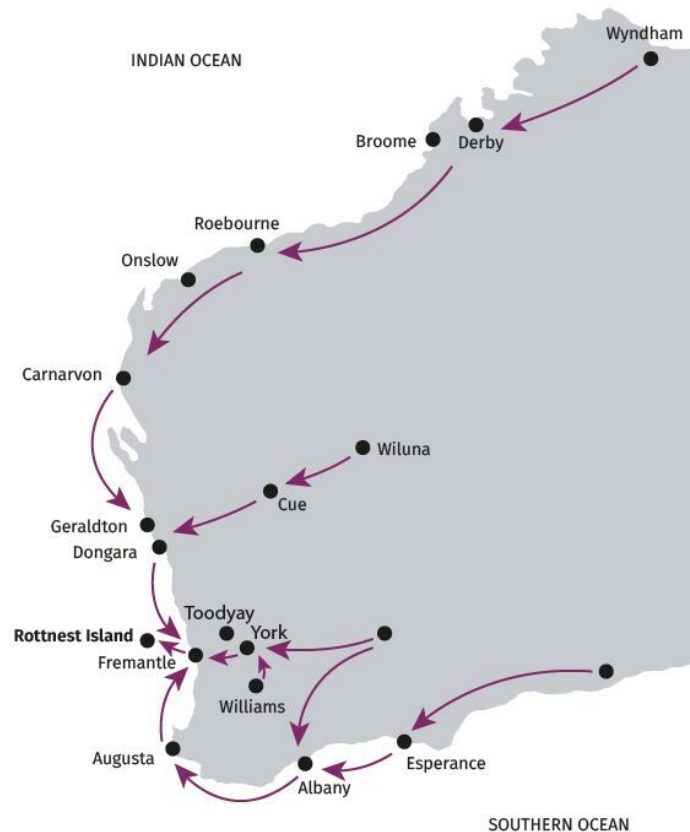
Figure 3.2 Regional Routes to Rottnest Island

In his pamphlet *Dark Deeds in a Sunny Land,* Gribble claimed to have seen upwards of thirty Indigenous prisoners, who were walked for over 400 kilometres 'chained together and enclosed within the narrow bounds of a corrugated iron enclosure' of two-and-a-half square metres.[179] The tenuous legality of these sentencing practices is underlined by the fact that Sergeant William Waldock could not provide warrants of conviction for the prisoners when they were sent down to Rottnest.[180] Benjamin movingly described the physical and psychological pain of his journey, his vulnerable nudity contrasting with the hard metal restraints around his neck, arms and legs. Benjamin said that:

> I walked up from Eyre Sand Patch to Albany, naked, with a chain on my neck. My neck was sore from chain. I knocked up from the long walk. Policeman Truelove no good He hit me for walking so far… I like ship, I was not sick. I do not like walking so far. I came

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[179] J.B. Gribble, *Dark Deeds in a Sunny Land or Blacks and Whites in North-West Australia* (Perth: Stirling Bros, 1886), p. 51.
[180] SROWA, cons. 130, William Waldock, Police Lance-Sergeant, to William Timperley, Superintendent of Rottnest Island Prison, 9 Sept. 1885, Geraldton Police Station.

up with a bullock chain round my neck from Eyre Sand Patch to Albany. When it rained my neck was very sore from the chain… I had no clothes given me from Eyre Sand Patch to Albany. I was quite naked all the way, no clothes or blanket.[181]

Chaining of Indigenous prisoners in general, and especially to moving horses, remained a contentious issue in nineteenth-century Australia.[182] However, the police department continued to justify the practice for 'security' into the twentieth-century. In 1887 the Colonial Office investigated the colonial government's treatment of Indigenous people in Western Australia, including prisoners, under pressure from the Aborigines Protection Board to follow up on Gribble's allegations. This report included a letter from sheriff James Roe that: 'These natives being more like wild animals than human beings, it is absolutely necessary to take these precautions [chaining] to prevent escape.[183] The practice of neck-chaining continued until the Roth Report into prisons in 1905.

In total, 515 convicts on Rottnest were convicted for 'crimes against the person'. The most common offence was assault, with very small numbers convicted for manslaughter and sex crimes (see Table 15). The numbers of people convicted for violent offences at Rottnest is far higher than white convicts serving sentences at penal stations. In comparison, just three per cent of convicts at Norfolk Island and Macquarie Harbour had been tried for violent crimes.[184] This is due to the fact that Rottnest Island was the primary prison for the entire Indigenous population of Western Australia. The Nyoongar population of the south-west region alone is estimated at ten thousand when Europeans first invaded.[185]

Far fewer prisoners on Rottnest Island between 1855 and 1881 were convicted for violent offences against the person. Assault was most common, constituting thirteen per cent of all those sent to Rottnest and half of all violent offences (see Tables 11 and 15). For all of these offences in which a victim was specified, around three-quarters were Indigenous Australians (see Table 16). White people were the victims in just seven per

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[181] 'Report of a Commission to inquire into the treatment of Aboriginal Native Prisoners', testimony of Bob Thomas, 29 Oct. 1884, Rottnest Island, pp. 12-13.
[182] Harman and Grant, '"Impossible to detain without chains"?', pp. 157-176.
[183] TNA, CO 881/8, Australian, no. 122, Correspondence respecting the Aborigines of Western Australia, James Roe, Sheriff of Western Australia, to Frederick Napier Broome, Governor of Western Australia, 1 Sept. 1885, Perth, p. 41.
[184] Maxwell-Stewart, *Closing Hell's Gates,* p. 44; Causer, '"Worst Type of Sub-Human Beings"?', p. 15.
[185] Green and Moon, *Far From Home*, p. 60.

cent of assault cases and eight per cent of all violent crimes. These were often assaults against policemen as Indigenous peoples tried to escape custody.

Indigenous Australians were both more likely to be tried for and convicted of 'wilful murder' (which carried the death penalty) than non-Indigenous peoples in Australia, and around fifty per cent were sentenced to death.[186] This capital sentencing explains the relatively low numbers who received the more moderate punishment of penal servitude or imprisonment on Rottnest. As governor Frederick Broome wrote to the Colonial Office in 1886, tribal murder and murder of a European 'cannot be compared to one another'.[187] When both perpetrator and victim were Indigenous Australians it fell into the legal category of *inter-se* crime and was not considered particularly serious. *Inter-se* assault carried an average sentence of just two years, compared to livestock theft which carried an average sentence of two years and two months (see Table 12). In Nyoongar law, individuals sought retribution against those who harmed their kinsman through spearing, either 'superficially' or 'fatally'.[188] The colonial administration understood 'customary law' to operate as follows:

> The species of brotherhood by adoption carried with it the obligation of becoming parties
> to each other's quarrels and although it appears to be followed by the advantage of mutual
> protection as far as such individuals are concerned, it gives rise at the same time to many
> hostilities…but it is remarkable that their conflicts seldom extend to the loss of lives,
> almost continually engaged as they are in feuds arriving out of the invasion of each other's
> territory, or the abduction of each other's women.[189]

Between 1829 and 1841 in New South Wales there was significant discussion – and no clear precedent set – over whether British criminal law applied to cases of customary law, which involved only Indigenous people.[190]

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[186] M. Finnane and A. Kaladelfos, 'Race and Justice in an Australian Court: Prosecuting homicide in Western Australia, 1830-1954', *Australian Historical Studies,* 47:3 (2016), pp. 456-8.
[187] CO 881/8, no. 17, Broome to Frederick Stanley, Secretary of State for the Colonies, 22 Jan. 1886, Rottnest Island, p. 42.
[188] Green *Broken Spears*, p. 19.
[189] SROWA, cons. 42 ser. 3, Governor's despatches to the Secretary of State, 1837-9, James Stirling, Governor of Western Australia, to Lord Glenelg, Secretary of State for War and the Colonies, 'Report on Western Australia's Population', [n.d] Dec. 1837.
[190] The landmark cases of R. v. Barrett (1829), R. v Murrell (1836) and R. V BonJan. (1841), see: A. Hunter, 'The Boundaries of Colonial Criminal Law in Relation to Inter-Aboriginal Conflict (*'Inter Se* Offences') in Western Australia in the 1830s-1840s', *Australian Journal of Legal History,* 8 (2004), n.p.

In Western Australia, the first case of *inter-se* murder was brought before the Court of Quarter Sessions at Perth in 1838. Nyoongar elder Helia was indicted for murder for spearing a woman named Yatabong, in revenge for his daughter Wilgup's death.[191] Helia pleaded not guilty but was sentenced to death by an all-white jury. Though there was no discussion over the limits of British sovereignty in the courtroom, the governor (with agreement from his executive council) offered 'mercy' by commuting Helia's death sentence to transportation for life to Rottnest Island in July 1838.[192]

This amelioration of punishment was a partial (and ad-hoc) recognition of Indigenous sovereignty that was a persistent feature of the criminal-judicial system in the colonial period. The colonial authorities recognised this Indigenous custom only because it did not directly affect white settlers whereas their rights to 'country' and animals were not recognised. Some Indigenous prisoners petitioned for a more lenient sentence on grounds of following customary law. Yundeen confessed to the murder of Ngummanung, showing the police the body but making sure to explain that he had killed him because Ngummanung was the uncle of the man who had killed Yundeen's brother. The Protector of Aborigines wrote to the governor requesting mercy for Yundeen, saying: 'He had no motive of personal revenge, but merely to avenge the death of Cavager'.[193]

Frequently *inter-se* cases were brought forward by the Indigenous victim's white employer. Indeed, governor Hutt's instructions to the protector of Aborigines in 1840 explicitly stated that 'any native living with Europeans will be considered as one of the White community and injury done to him will be severely punished'. [194] This demonstrates that Indigenous lives were valued more if they served the colonial system. In 1868 the police sergeant Phillip Furlong brought forward a 'complaint for an indictable offence' to the police magistrate at Perth, Edward Landor, that his native policeman Johnny (and his partner Jenny), had been speared by Congean, who was

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[191] A. Hunter, 'A different kind of "subject": Aboriginal legal status and colonial law in Western Australia, 1829-1861', Ph.D. thesis (Murdoch University, 2006), pp. 126-7.
[192] *Ibid.*
[193] SROWA, cons. 3473, Supreme Court Records, Perth, case 362, Regina vs. Yundeen, [n.d.] April 1843.
[194] SROWA, cons. 42, ser. 4, Governor's Despatches to Secretary of State, 1840-1, Hutt to Marquess of Normanby, Secretary of State for War and the Colonies, 11 Feb. 1840, Perth, encl. 'Instructions to the Protector of Aborigines of Western Australia'.

sentenced to five years on Rottnest.[195] In 1861, five Indigenous people were sentenced to death for spearing a hut-keeper called Nuyer, a complaint brought forward by his employer Charles Eades.[196]

Not only did the law primarily protect employed Indigenous Australians, the flipside was that it also punished Indigenous people for leaving employment under the Masters & Servants Act, though Aborigines rarely signed contracts to give them protection under colonial law.[197] Absconding from service made up thirteen per cent of those on Rottnest between 1855 and 1881; these 249 people served an average sentence of eleven months (see Table 11) Georg Rusche and Otto Kirkheimer argue that systems of punishment are designed to uphold the economic system as 'every system of production tends to discover punishments which correspond to its productive relationship'.[198] In other instances, the case was brought to the attention of the law when relatives or friends of the victims notified a policeman. For example, police constable Thomas Edwards testified that he saw an Indigenous woman crying, who told him her partner had been killed, and that he was then shown by some others in the camp where the body was.[199]

Of the sixty-five cases of *inter-se* assault, at least twenty-seven cases (or forty-two per cent) were committed against an Indigenous woman. It seems likely that in the thirty-three cases where the victim was recorded simply as 'Aboriginal' without any mention of gender, that it was probably a male adult victim. Certainly, there is a higher average sentence for assault of an Indigenous woman – of one year and ten months – compared to Indigenous victims generally (eighteen months). In the Supreme Court records, these convictions read as a paternalist intervention against domestic abuse cases, part of broader colonialist discourses that Indigenous men were 'barbaric' towards their victimised women.[200]

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[195] SROWA, cons. 3473, case 304, Regina vs. Congean alias Johnny England, Supreme Court, Perth, 7 Oct 1868, 'Info and Complaint for an indictable offence', 8 Aug. 1868.
[196] SROWA, cons. 3473, case 34, Regina vs. Gillat, Gearing, Wundar, Bungal, Bingee.
[197] 'An Act to provide a summary remedy in certain cases of breach of contract', 6 Vict. 5, WA (1842); 'An Act to Amend the Laws relating to Masters and Servants', 55 Vict. 28, WA (1892).
[198] G. Rusche and O. Kirchheimer, *Punishment and Social structure* (New Brunswick and London: Transaction Publishers, 2003), p. 5, quoted in: D. Garland, *Punishment and Modern Society: A study in social theory* (Oxford: Oxford University Press, 1990), p. 91.
[199] SROWA, cons. 3473, case 569, Regina vs. Charley Crow, Tommy Winnacrow and Jimmy Jandie, Supreme Court, Perth, 2 April 1873, Deposition of witness Thomas Edwards, pp. 5-6.
[200] I. Clendinnen, *Dancing with Strangers: The true history of the meeting of the British First Fleet and the Aboriginal Australians 1788* (Edinburgh: Canongate Books, 2005), pp. 164-5; P. Edmonds,

In analysing these cases, we must recognise that 'spearing' for major offences was woven into Nyoongar customary law, forcing women to seek respite from abusive men by running away, choosing other partners or by testifying in court against men who had unjustly killed their kinswomen. For example, an Indigenous woman known as Polly left her partner, Alick, for a shepherd known as Beedong, probably because of her ex-partner's abusive behaviour. After a few months, Alick tracked her down – accompanied by his new 'wife' Buick – got drunk on rum, and speared Polly in the back as she stood at the threshold of her hut. Beedong began throwing spears at Alick in retaliation, who in turn escalated violence by picking up a 'double-barrelled gun'. This demonstrates how access to European alcohol and weaponry rapidly escalated violence in ways that 'muddied' customary law's use of controlled and (often performative) violence.

In another Supreme Court case in 1881, a man named Yambitch threw a spear at his female partner, 'Selina alias Wingeman', for swearing at him and refusing to stop.[201] Yambitch claimed he intended to spear her in the thigh – a common recourse for 'minor wrongs' – but that the spear's trajectory was knocked off by another woman ('Old Caroline') so it speared Selina through the chest and killed her instantly.[202] Yambitch's police record shows a history of violence against women. He had already served a year's sentence on Rottnest for spearing two Indigenous women named Hakkaram and Fanny in April 1879. Certainly, the other Indigenous people in the camp seemed determined to bring Yambitch to justice. Selina's uncle ('Jack Kolaine') sought justice via both Indigenous and European justice systems: spearing Yambitch in the thigh immediately after Selina's death and going on the same day to the nearest police station to report the murder.

Another camp member, George Jubitch, made sure to preserve the evidence: retaining a piece of the spear and marking the depth it had gone into Selina's body. This shows awareness of the procedures of the European criminal justice system. Similarly, Caroline, the woman who had purportedly disrupted the spear, testified in court that 'Yambitch tells a lie'. Yambitch was also familiar with the justice system and petitioned the judge and jury with a different excuse claiming that his wife Anne was arguing with

'Collecting Looerryminer's "Testimony": Aboriginal women, sealers and Quaker humanitarian anti-slavery thought and action in the Bass Strait Islands', *Australian Historical Studies*, 45:1 (2014), p. 20.
[201] SROWA, cons. 3473, case 108, Regina vs Yambitch, Supreme Court Perth, 6 July 1881, Supreme Court, Perth.
[202] *Ibid*.

Selina and another woman and that he had tried to protect her by spearing Selina. Yambitch 'performed' his Christian identity here, despite his actions taking place in a framework of Indigenous customary law, by appealing to the paternalism that motivated the colonial legislators in intervening with cases of domestic abuse.[203] He further emphasised that he was a 'civilised native' who had been brought up on a mission, writing:

> I have been brought up among white men. That being the case I know right from wrong. And knowing that I would loos [sic] my own life… and I know I go to <u>hell</u>.[204]

Yambitch's petition was not successful and he was sentenced to twenty-two years on Rottnest Island for manslaughter.[205] He appears again in Chapter 5, when he again tries to assert his agency within the prison system through an escape attempt. It is evident that both the accused, Yambitch, and the friends and family of the victim, Selina, took full advantage of the procedures of the colonial justice system.

Even in cases in which men were the victim, the court cases were filtered entirely through the question of the relationship status of the women around him. Much of a Supreme Court case in 1899 for the murder of Tommy by Davey centred around whether 'Maggie alias Lavina' had been dating either the man who had attacked her (Davey) or the man who intervened in the assault (Barunga alias Tommy).[206] According to Maggie she 'was Davey's women'. Davey had begun beating her with his belt in a jealous fit of rage, insisting 'you must have another man' because she had visited another camp. As she started to cry, Tommy shouted 'don't you kill that girl' and 'leave that juju alone'. When Davey continued to beat his 'wife', Tommy threw a boomerang at Davey. The violence between the two men escalated rapidly until Tommy hit on the head with a large stick ('growerbung'), killing him instantly. Tommy's intervention was surprising, since for the most part 'even kinsfolk did not intervene in a husband's brutality' towards his woman.[207]

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[203] Z. Laidlaw and A. Lester, *Indigenous Communities and Settler Colonialism: Land holding loss and survival in an interconnected world* (Basingstoke: Palgrave Macmillan, 2015), pp. 16-17.
[204] SROWA, cons. 3473, case 108, Regina vs. Yambitch, 6 July 1881, Supreme Court, Perth.
[205] SROWA, cons. 130, Rottnest Island Commitment Book, 1855-1881, 19 July 1881, pp. 349-52; Green and Moon, *Far From Home*, pp. 322-3.
[206] SROWA, cons. 3473, case 234, Regina vs. Barunga alias Tommy, Derby, 2 Sept. 1899.
[207] Clendinnen, *Dancing with Strangers,* p. 165.

Yet, as Inga Clendinnen rightfully acknowledges, there was a 'compelling, shared understanding of a network of rights, liberties and infringements [within Indigenous communities that is] simply invisible to us' non-Indigenous peoples.[208] Certainly there were competing interpretations by the Indigenous witnesses about the relationships between the principal actors and how it motivated their actions. One witness expressed surprise that 'Tommy…hit Davey on the forehead…Although the Maggie was not Tommy's girl'. Another woman insisted that 'Maggie was not Davey's juju [wife]. She was a single woman'. It may have been the kinship between Tommy and Davey – rather than the victim's relationship to a woman – that motivated his behaviour: they came from the same community and worked together as native policemen. It is evident that not all actions were explicable to either other Indigenous people (from different communities) or the settler government in terms of clear kinship structures.[209]

Overall it is clear that Indigenous people on Rottnest Island were overwhelmingly incarcerated for crimes against property that threatened the pastoral economy, with sentence length matching the price of livestock stolen. The executive council passed legislation aimed directly at Indigenous Australians in order to appease settlers and punish Indigenous peoples disproportionately for these crimes. When it came to violent crime, prosecuted by the higher courts, Indigenous peoples technically came under British law. However, the governor's bestowal of 'mercy' was used to keep sentences relatively lenient in cases of violence between Indigenous people because this did not directly affect British interests. This is clear when we consider that livestock theft carried an average sentence of two years and two months, longer than the two-year average sentence for *inter-se* assault (see Tables 12 and 14).

There were some exceptions when harsher sentencing practices prevailed, for example when Indigenous people worked for European settlers and directly contributed to the settler economy or when 'exceptional' forms of violence by men against women violated British ideals of masculinity, thus requiring 'paternalistic' punishment of the perpetrator. Indigenous peoples were systematically disadvantaged within the criminal

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[208] *Ibid.*

[209] Diane Bell emphasised that Indigenous Australian women exercised considerable agency and autonomy in both pre- and post-contact Australia, see: D. Bell, *Daughters of the Dreaming* (Melbourne: McPhee Gribble, 1983). Lyndall Ryan made a similar call for recognition of Indigenous women's agency, rather than a Eurocentric narrative of victimhood, see: L. Ryan, 'Aboriginal women and agency in the process of conquest: A review of some recent work', *Australian Feminist Studies,* 1:2 (1986), pp. 34-43.

justice system compared to white settlers through the expanded power of local magistrates to sentence them to long sentences without a jury and the use of neck chaining solely for Indigenous convicts. Nonetheless, many Indigenous people showed tremendous adaptability and resilience by recording evidence and testifying against perpetrators (Jack Kolaine and George Jubitch), or confessing to protectors and petitioning juries in order to receive reduced sentences (Yambitch and Yundeen).

3.3.2 European Prisoners on Rottnest Island

I have created a database of 191 European prisoners who were transferred from Fremantle Prison to Rottnest Island between 1863 and 1881 in order to fulfil skilled roles.[210] There were at least two white prisoners, and often up to eight, stationed on the island at any one time.[211] The trades most in demand were related to building and farming (see Table 20). Forty per cent of transfers were in building-related professions, including twenty-three carpenters, seventeen masons and sixteen painters. In his report for 1884, superintendent Timperley reported that the Indigenous prisoners assisted European prisoners in 'carpentering, building, blacksmithing'.[212] More than a fifth of transfers from Fremantle Prison were farm labourers, including specialist skills like 'seedman', 'mower' and 'hay-presser'. As a result, most white convicts from Fremantle arrived in spring, to collect the harvest, or in autumn to grub lands and plant seeds. The farming expertise of Edward Wager, who was transported for life was in such demand he stayed on the island for four full years from 1870.[213]

White convicts were frequently put in a position of authority over Indigenous prisoners; for example, William Port and John Cousins superintended the salt works.[214] A policeman named Edward McCormick was transferred to Rottnest in 1879 as a guard to oversee the execution of an Indigenous prisoner. In 1899, superintendent of Rottnest Frederick Pearse described using European prisoners as 'temporary warders' when, in a role reversal, the warders were skilled enough to complete 'repair work' and the 'white'

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[210] SROWA, cons. 130, box 1, bundle 1, Rottnest Island Commitment Book, 1855-1881, pp. 1-9.
[211] Report on Rottnest Prison for the Year 1884 (Perth: Richard Pether, 1885), Timperley to Fraser, 27 Jan. 1885, Perth, p. 2.
[212] *Ibid.*
[213] *Ibid.*; R. Erickson and G. O'Mara, *Convicts in Western Australia 1850-1887* (Nedlands: University of Western Australia Press, 1994)*,* p. 565.
[214] SROWA, acc. 37, Colonial Secretary's Correspondence Outwards [CSO], vol. 1, Richard Roach Jewell, Superintendent of Public Works, to William Dockwrey Jackson, Superintendent of Rottnest Island, 18 Aug. 1880, Perth, p. 110.

prisoners watched over the Indigenous prisoners. [215] Some white prisoners from Fremantle were transferred as servants who worked inside the Governor's holiday residence on Rottnest, whilst a group of five Indigenous prisoners accompanied the governor snipe-hunting on the island.[216] There were also several white convict cooks and bakers to feed the establishment, shipwrights to fix the pilot boat and compounders to mix medicine.

Some white prisoners stayed for just one day, others stayed years, but the average length of stay was six months (see Table 21). There are a number of prisoners who returned repeatedly to the island, usually because they had valuable skills. For example, George Dempster worked on the island as a painter three times between 1871 and 1872, totalling twenty-three months of work.[217] James Harcourt Dixon, servant to the governor, was a favourite who returned two summers running in 1879 and 1880. [218] Jacob Skelton's repeated misdemeanours whereby he served sentences on-and off at Fremantle for almost twenty years (1865-1884), which led him to work on Rottnest Island on four different occasions as a farm labourer and stone mason.[219] While serving his second colonial sentence, Skelton was sent to Rottnest and 'openly insulted' the new superintendent William Timperley.[220] Timperley complained that, because the prisoners were required for 'special work, [they] are apt to attach undue importance to their services and become offensive and insubordinate'.[221] However, as Fremantle transfers, Timperley was not technically able to punish them and the attorney general criticised him for having put Skelton on bread and water for four days. Timperley identified a two-fold problem arising from the 'isolated position of the island during the winter months'. It was too far for regular visits by the magistrates and it was also too far to send prisoners back to Fremantle, making it difficult to punish the Fremantle transfers according to

[215] Report on Rottnest Prison for 1899 (Perth: Richard & Pether, 1900), Frederick Pearse, Superintendent for Rottnest, to George Randell, Colonial Secretary for Western Australia, 15 Feb. 1899, Rottnest Island, p. 2.

[216] SROWA, cons. 130, box 1, bundle 1, Rottnest Island Commitment Book, 1855-1881, pp. 1-9.

[217] Ibid.; Erickson and O'Mara, *Convicts in Western Australia,* p. 148.

[218] SROWA, acc. 37, CSO, William Silas Pearse, Member for Fremantle, to Jackson, 24 April 1879, Fremantle, 14328/6, p. 7.

[219] SROWA, cons. 130, box 1, bundle 1, Rottnest Island Commitment Book, 1855-1881; Erickson and O'Mara, *Convicts in Western Australia,* p. 501.

[220] SROWA, ser. 527, cons. 675, 1884/6270, Colonial Secretary Correspondence Files, 1883-1983, 'Minute Paper: Superintendent Rottnest, 6 Nov. 1884, Insubordinate Prisoners: Instructions as to treatment and punishment pf'.

[221] SROWA, ser. 527, cons. 675, Colonial Secretary Correspondence Files, 1883-1983, 1884/6270, Timperley to Malcolm Fraser, Administrator for Western Australia, [n.d] Nov. 1884, p. 5.

regulations. Furthermore, if insolence was not punished, the superintendent was all the more vulnerable on an island if mutiny broke out, especially with only a handful of armed warders for security.

For white prisoners who behaved well on Rottnest Prison, there was a high possibility of being rewarded with a reduced sentence. For example, in December 1879, John Cousins had his sentence remitted by the comptroller general of convicts by six weeks for 'good conduct and industry' while supervising the Indigenous prisoners working in the salt works.[222] In the same month, the painter Thomas Casely was awarded a three-month reduction of his sentence for 'saving the life of a native prisoner on Rottnest', who was drowning.[223] Even without a remission, white convicts were likely to find that their stay on Rottnest was lenient compared to Fremantle. The prison regime deliberately created racial hierarchies identified by Florence Bernault in the African prison system, including by separating white convicts from Indigenous inmates in their prison accommodation, providing the latter with comparatively lower living standards, and through the 'de-individuation' of Indigenous inmates, treating them instead as one undifferentiated mass.[224] White convicts had a more-than-proportional share of the prison accommodation and received indulgences, that Indigenous prisoners did not. They were also frequently put in positions of authority over other convicts, superintending gangs and overseeing construction workers.[225] This was done in order to shore up white authority over colonised subjects. They received indulgences, had a more-than-proportional share of the prison accommodation and even socialised with some white staff members. What postcolonial theorist Partha Chatterjee called the 'rule of colonial difference' – i.e. the essentialised difference between colonizer and colonised that justified colonial governance – within the prison hierarchy was a microcosm of the broader settler colonial state.[226]

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[222] SROWA, acc. 37, CSO, vol. 1, John Forrest, Acting Superintendent of Convicts, to Jackson, Fremantle, 3 Dec. 1879, p. 43; *Idem.*, Jackson to Roger Goldsworthy, Colonial Secretary of Western Australia, 14 June 1880, no.129/10, p. 98.
[223] SROWA, acc. 37, CSO, vol. 1, Forrest to Jackson, Fremantle, 11 Dec. 1879, p. 45.
[224] F. Bernault 'The Shadow of Rule: Colonial power and modern punishment in Africa', in F. Dikötter and I. Brown (eds), *Cultures of Confinement: A history of the prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), p. 73.
[225] SROWA, acc. 37, CSF, vol. 1, Jackson to George Forsyth, Harbour Master Fremantle, 21 June 1881, Rottnest Island, no. 138/162, p. 196.
[226] P. Chatterjee, *The Nation and its Fragments: Colonial and postcolonial histories* (Princeton: Princeton University Press, 1993), discussed in relation to Indian criminal law in E. Kolsky,

3.4 Conclusion

This chapter analysed 3419 prison register entries to understand convicts' roots and their routes to carceral islands. Three factors that helped determine who government officials sent to Melville, Cockatoo and Rottnest Island were: first, ethnicity, second trades and skills, and third the crimes they had committed. First, it has shown, that carceral islands were ethnically diverse places and that this determined how convicts experienced incarceration. A high proportion of black convicts were sent to Melville Island, where whiteness was viewed as problematic. Cockatoo Island confined secondarily-transported prisoners from Norfolk Island, convicts undergoing punishment from across New South Wales, Chinese prisoners from the goldfields and Indigenous Eora prisoners. Rottnest Island confined men from many different Indigenous communities across Western Australia, alongside skilled white prisoners from Fremantle. On the island, colony-wide racial hierarchies were inscribed between Indigenous and white convicts on the island. Small islands sat at the intersection of global and regional movements of diverse peoples.

Second, the colonial administration also selected convicts sent to Melville Island and white prisoners sent to Rottnest on the basis of their trades, a subject that will be explored in more detail in the following chapter on labour. The third argument is about the relationship between crime and convict destination. It built upon Tim Causer's work on Norfolk Island to show that Cockatoo Island's reputation for holding mostly colonially-convicted prisoners was false. Quantitative analysis showed that Cockatoo Island was also used as a regional prison, as most of its prisoners were deliberately sent hundreds of kilometres away from their social worlds. Thus, Cockatoo's isolation was important but not by virtue of its maritime boundedness. Yet, when it came to absconders and bushrangers who had mastered the 'nefarious geographies' of the bush, judges and officials explicitly found security in the island's watery walls. On the other hand, the transportation and incarceration of prisoners on Rottnest functioned as a means to disrupt Indigenous communities and protect the interests of settlers on the pastoral frontier as they encroached further into the interior to the continent. In this respect, the island and the frontier grew further apart over time but remained fundamentally connected.

'Codification and the Rule of Difference: Criminal procedure in British India', *Law and History Review,* 23:3 (2005), pp. 631-683.

Chapter 4

Resourcing and Connecting the Colony: Convict labour on carceral islands

This chapter connects carceral islands to local, regional and global markets and trading networks. It continues to unpack assumptions about insularity and isolation by showing how convicts laboured to connect their island prisons. As well as creating and collecting goods for transport, convicts built the infrastructure needed for these goods to travel. The first section explores how the carceral islands became sites of agricultural production and botanical collection, tied to tropes of islands as pristine 'natural laboratories'.[1] The second section explores how convict labourers on Cockatoo Island and Rottnest Island fostered transoceanic connections by building maritime infrastructure. The chapter argues that islands were connected to colonial and imperial trading networks, through the goods convicts produced and the infrastructure they built.

Marcel van der Linden challenged Eurocentric Marxist assumptions that 'free-waged labour' was the norm when studying global relations in the colonies.[2] Hamish Maxwell-Stewart and Clare Anderson have argued that convict transportation was 'part of a continuum of unfree labour practices that underpinned overseas European expansion', alongside enslaved Africans and indentured Europeans and Asians.[3] The longevity and global reach of convict transportation resulted partly from its dual functionality for the state as a tool of governance and a cheap, disposable form of labour. In Western penitentiaries from the nineteenth century, the productive potential of convict labour was limited by the constraints of space, with convicts undertaking their work in single cells, following the Auburn system, or small workshops, following the Sing-Sing system. Thus, prison work was designed to instil 'habits of industry' in

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[1] R. Edmond and V. Smith (eds), *Islands in History and Representation* (London: Routledge, 2003), p. 3; R. Clarke and A. Johnston, 'Travelling the Sequestered Isle: Tasmania as penitentiary, laboratory and sanctuary', *Studies in Travel Writing,* 20:1 (2016), pp. 1-16.

[2] M. van der Linden, *Workers of the World: Essays towards a global labor history* (Leiden: Brill, 2008), pp. 8-10.

[3] C. Anderson and H. Maxwell-Stewart, 'Convict Labour and the Western Empires, 1415-1954', in R. Aldrich and K. McKenzie (eds), *The Routledge History of Western Empires* (London: Routledge, 2013), p. 102.

convicts, rather than produce profits.[4] In colonial contexts penal labour was, as Mary Gibson argues, not 'a tool to discipline and rehabilitate the individual' but 'an integral part of colonial economies.'[5] Colonial penal regimes were defined by convict mobility outside prison walls, leading to 'differentiated spaces' of convict labour including plantations, dockyards, roads and cities. As Christian De Vito and Alex Lichtenstein argue 'penal networks... [were dependent] on the movement of bodies through geographical space'.[6]

Most of the scholarship on convict labour in the Australian context has focussed on convicts who were mobile across the land, whether as farm-hands or in road-gangs.[7] Yet, islands have not been studied as distinct arenas of convict labour extraction that were differentiated from the mainland and internally. Even small islands proved adaptable, containing within them multiple overlapping industries and workspaces which convicts moved between, including gardens, workshops and dockyards. The wide variety of forms of labour extraction on carceral islands challenge simple categorisations of convict labour, with an island acting as a farm, road-gang stockade and hulk all at once.

This chapter argues that on the one hand, the natural boundedness of islands meant they acted as 'natural laboratories' where convicts collected, produced and then exhibited plant goods. On the other hand, islands' positionality on the edge of the sea, made them particularly suited for the establishment of maritime industries, with convicts on Rottnest Island and Cockatoo Island building lighthouses and dockyards.

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[4] M. Ignatieff, *A Just Measure of Pain: The penitentiary in the Industrial Revolution* (London: Pantheon Books, 1978); D. Melossi and M. Pavarini, *The Prison and the Factory: Origins of the penitentiary system* (Basingstoke: Palgrave Macmillan, 1981).

[5] M. Gibson, 'Global Perspectives on the birth of prison', *American Historical Review,* 116:4 (2011), pp. 1040-1063.

[6] C.G. De Vito and A. Lichtenstein, 'Writing a Global History of Convict Labour', *International Review of Social History*, 58:2 (2013), pp. 293, 318-19.

[7] D.A. Roberts, 'The "Knotted Hands That Set Us High": Labour history and the study of convict Australia', *Labour History*, 100 (2011), pp. 33-56; H. Maxwell-Stewart, 'Convict Labour Extraction and Transportation from Britain and Ireland, 1615-1870', in C.G. De Vito and A. Lichtenstein (eds), *Global Convict Labour* (Leiden: Brill, 2015)*,* pp. 168-197; S. Nicholas and P.R. Shergold, 'Unshackling the Past' in S. Nicholas (ed.), *Convict Workers: Re-interpreting Australia's past* (Cambridge: Cambridge University Press, 1988), pp. 3-13; S. Nicholas and P.R. Shergold, 'Convicts as Workers', in Nicholas (ed), *Convict Workers,* pp. 62-84; A. Atkinson, 'Four Patterns of Convict Protest' *Labour History,* 37 (1979), pp. 28-51; W. Nichol, '"Malingering" and Convict Protest', *Labour History,* 47 (1984), pp. 18-27; G. Karskens, 'Defiance, Deference and Diligence: Three views of convicts in New South Wales road gangs', *Australian Journal of Historical Archaeology* 4 (1986), pp. 17-28.

Convict labour proved remarkably adaptable to the changing needs of imperial and colonial voyaging with the advent of steam technology. Positioned at the boundaries of the continent, islands may have been particularly sensitive to these changing imperial circumstances. In sum, this chapter argues that diverse and flexible labour regimes connected islands to the mainland and the wider empire. Far from being isolated bastions of labour extraction designed for self-sufficiency, islands were connected to the mainland and imperial networks through convict-produced goods and infrastructures.

In terms of methodology, this chapter sees labour regimes emerging from the intersection of government policy, attitudes to criminality, racial ideologies and, crucially, the physical environments in which convicts undertook their work. It pays particular attention to the ways in which 'ethnicity' altered the allocation and perception of work within penal regimes. As Stacey Hynd has argued, in the context of British Africa, 'colonial perceptions of race…shaped the uses of convict labour', and this was also true for the Indigenous prisoners on Rottnest Island.[8] In his theoretical overview of settler colonialism, Lorenzo Veracini makes an important argument that settler colonization aimed to replace Indigenous people with white settlers, as the main labour force. This impetus towards eradication made it different from other forms of colonization, in which the colonized population acted as the main workforce and a small number of Europeans occupied leadership positions, or when another 'migrant' population was introduced as the main labour force.[9] Nonetheless, settler colonialism allowed some Indigenous people to be included into their economies if they were willing to 'Europeanise' their behaviours and skill set. [10] Henry Reynolds drew attention to the historical 'invisibility' of Indigenous people's contribution to the economies of Western Australia and Queensland which they helped build. [11] Similarly,

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[8] S. Hynd, "…a Weapon of Immense Value"?: Convict labour in British Colonial Africa, c.1850-1950s', in De Vito and Lichtenstein (eds), *Global Convict Labour*, p. 260.

[9] L. Veracini, *Settler Colonialism: A theoretical overview* (Basingstoke: Palgrave Macmillan, 2010)*,* p. 26.

[10] *Ibid.*

[11] H. Reynolds, *Black Pioneers: how Aboriginal and Islander people helped build Australia* (Ringwood: Penguin Books, 2000); I. Keen, *Indigenous Participation in Australian Economies: Historical and anthropological perspectives* (Canberra: ANU Press, 2010).

Alan Lester and Zoe Laidlaw's edited collection remind us of Indigenous adaptability to the demands of settler-colonial economies through cultivating land.[12]

Indigenous people's labour was essential to the Western Australian economy, due to a lack of European labour prior to the arrival of convicts in 1850, and due to the rapid expansion of the frontier in the 1890s because of newly discovered mineral resources. Indigenous men and women usually worked in exchange for goods, rather than money, usually flour, rations, tobacco, or clothing. They laboured as farmhands, shepherds and domestic servants for settlers. Their knowledge of local geography and ecology also made them invaluable as hunters and fishers, in the earlier years, and later in a variety of profitable maritime industries, including whaling, sealing and pearling.[13] In many respects, Rottnest functioned as a labour depot, as Indigenous prisoners were taught to farm and even briefly assigned as farmhands to settlers in 1849.[14] Rottnest's prisoners were routinely assigned to various government departments, working as telegraph assistants, guides for the Surveying Department and as 'native assistants' for the police department.[15] They could spend several years of their sentence working on the mainland.[16]

This chapter shows that social and racial hierarchies affected the visibility of convict labour. For example, the role of Melville Island's commandant and doctor in collecting natural specimens was far more visible than the convict botanist who catalogued them. On the other hand, the general public showed more interest when convicts performed skilled labour that exceeded expectations, for example by making

[12] Z. Laidlaw and A. Lester (eds), *Indigenous Communities and Settler Colonialism: Land holding, loss andsSurvival in an interconnected world* (Basingstoke: Palgrave Macmillan, 2015).

[13] L. Russell, *Roving Mariners: Australian Aboriginal whalers and sealers in the Southern Oceans, 1790-1870* (Albany: State University of New York, 2012); A. Gaynor, 'Environmental Transformations', in A. Bashford and S. Macintyre (eds), *Cambridge History of Australia, vol. I: Indigenous and Colonial Australia* (Cambridge: Cambridge University Press, 2012), pp. 275-9.

[14] N. Green and S. Moon, *Far From Home: Aboriginal Prisoners on Rottnest Island, 1838-1931* (Nedlands: University of Western Australia, 1997), p. 24.

[15] P. Hetherington, *Settlers, servants and slaves: Aboriginal and European children in nineteenth-century Western Australia* (Nedlands: University of Western Australia Press, 2002).

[16] State Record Office of Western Australia [hereafter, SROWA], cons. 527, ser. 675, 1896/0663, Colonial Secretary's correspondence, Frederick Pearse, Resident Magistrate for Wyndham, to James Broun Roe, Sherriff and Inspector of Prisons, 16 April 1894, Wyndham; *Idem.,* 1890/1447, William Timperley, Superintendent of Rottnest, to Octavius Burt, Acting Colonial Secretary, 9 May 1890, Rottnest; *Idem.,* 1897/2318, Robert John Sholl, Postmaster General, to Septimus Burt, Under-Secretary, 27 July 1897, Perth; SROWA, cons. 42, ser. 4, Governor's despatches to the Secretary of State, John Hutt, Governor of Western Australia, to Lord John Russell, Secretary of State for War and the Colonies, 15 May 1841, Perth.

beautiful hats on Cockatoo Island or Indigenous convicts completing complex construction projects. This chapter analyses convict labour regimes through the lens of spatial isolation and social segregation.

4.1 Plants and Mineral Products

The unfamiliar and 'topsy-turvy' Australian ecologies and animals made the region of intense interest to botanists and natural scientists from the late eighteen century, and was reflected in the choice of the name 'Botany Bay'.[17] Behind the production of geographic knowledge were unnamed convict servants and Indigenous guides, who imparted their knowledge as part of imperial processes of surveying, re-naming, collecting and cataloguing.[18] Since island penal colonies were set apart from mainland colonisation they were viewed by European scientists as pristine, though this negated thousands of years of Indigenous inhabitation.[19] As a result of this perception, they were treated as 'natural laboratories'.[20] Though agricultural and maritime labour may seem opposed to one another, Angus McGillivery reminds us that the importance of Port Jackson to Britain's maritime empire was as a harbour to resupply ships with 'seamen's greens'.[21] Carceral islands were firmly embedded within these networks of natural science, as convicts and penal officers produced and exhibited plants and mineral products for international exhibition. The contribution of both Indigenous and European convicts to imperial knowledge production represents the 'co-constitution' of imperial space, even whilst situated at the colony's peripheries.

On Melville Island, botanical collection was practised across the prison hierarchy. Major John Campbell was at the top of this hierarchy when he took up command of Melville Island between September 1826 and March 1828. In 1834,

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[17] B. Douglas, 'Philosophers, Naturalists and Antipodean Encounters, 1748-1803', *Intellectual History Review,* 23:3 (2013), pp. 387-409; P. Carter, *Road to Botany Bay: An exploration of landscape and history* (Minneapolis: University of Minnesota Press, 2010)*,* p. 25

[18] On convict collectors see: E.C. Cave, 'Flora Tasmaniae: Tasmanian naturalists and imperial botany, 1829-1860', Ph.D. thesis (University of Tasmania, 2012), pp. 127-137. On the contribution of Indigenous peoples to surveying parties, see: Reynolds, *Black Pioneers*, pp. 41-5; M. Dunn, 'Aboriginal guides in the Hunter Valley, NSW', in T. Shellam, M. Nugent, S. Konishi and A. Cadzow (eds), *Brokers and Boundaries: Colonial exploration in Indigenous Territory* (Canberra: ANU Press, 2016), pp. 61-83.

[19] R. Grove, *Green Imperialism: Colonial expansion, tropical island Edens and the origins of environmentalism, 1600-1860* (New York: Cambridge University Press, 1995), p. 223.

[20] Clarke and Johnston, 'Travelling the Sequestered Isle', p. 7.

[21] A.R McGillivery, 'Convict Settlers, Seaman's Greens, and Imperial Designs at Port Jackson: A maritime perspective of British settler agriculture', *Agricultural History,* 78:3 (2004), pp. 261-288.

Campbell published a 'Geographical Memoir' about Melville Island and Port Essington in the *Royal Geographical Society Journal.* In his account, there is a tension between his duty to 'colonize' the island, through land clearance, cultivation and introducing grazing animals, and his fascination with the 'exotic' natural features of the tropical island. As an amateur natural scientist, Campbell had a flying fox as a specimen and complained that convicts burnt a snake that had bitten the overseer before he 'had the opportunity of examining it'.[22] Campbell was joined in his amateur botany by the resident medical officer, Dr William Gold. In June 1827, they collected two boxes worth of specimens from clove and nutmeg trees which they sent to Sydney.[23] In total, Campbell identified twenty types of timber, most of which he believed to be previously unidentified, which he believed could be used for construction.[24] However, he estimated that up to a third of timber on the island had been destroyed by 'white ants' (termites), who as well as demolishing the settlement's food and clothing had aggrieved Campbell by devouring two dozen barrels of his personal supply of claret.[25]

Though some animals defied European attempts to build, others were essential to the convicts' colonising efforts.[26] As Jonathan Saha argues, cows acted as 'lively commodities' that created colonial spaces through grazing and producing milk.[27] Barlow was certainly eager to introduce livestock, dispatching the *Lady Nelson* to Coepang in the Dutch East Indies three times during monsoon season. It brought back sixteen horned cattle, twenty sheep and lambs, fifty-four pigs and sixteen buffalos.[28] Bullocks were essential to the productivity of convict labour since convicts had to carry timber three kilometres to the saw pit to prepare it for construction.[29]

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[22] J. Campbell, 'Geographical Memoir of Melville Island and Port Essington on the Cobourg Peninsula, Northern Australia: With some observations on the settlements which have been established on the coast of New Holland', *Journal of the Royal Geographical Society*, 4 (1834), p. 114.

[23] *HRA*, ser. III., vol. VI, John Campbell, Commandant of Melville Island, to Alexander Macleay, Secretary of State for War and the Colonies, 7 June 1827 and 8 June 1827, Melville Island, pp. 691, 695-6.

[24] Campbell, 'Geographical Memoir', p. 141.

[25] *Idem.*, p. 146.

[26] *HRA*, ser. III., vol. VI, Maurice Barlow, Commandant of Melville Island, to John Ovens, Acting Engineer for New South Wales, 27 Aug. 1825, Fort Dundas, pp. 651-2.

[27] J. Saha, 'Milk to Mandalay: Dairy consumption, animal history and political geography of colonial Burma'*, Journal of Historical Geography,* 54 (2016), pp. 1-12; H. Reynolds, *Other Side of the Frontier Aboriginal resistance to the European invasion of Australia* (Ringwood: Penguin, 1981), p. 10.

[28] Campbell, 'Geographical Memoir', p. 141.

[29] *Ibid.*

The importation of animals and people was essential to the colonisation of Melville Island, and empire more broadly. Since around two-thirds of cattle died within two weeks of arriving, Campbell experimented with a 'new plan of managing cattle when they first landed' to slowly acclimatise them to the settlement. They were initially allowed only to eat grass on the edge of swamps, which were the exotic grasses they had planted, before being allowed to encroach into the interior.[30] Campbell pathologised different spaces on the island - swamp, shoreline and sea – for people too.[31] The Commandant postulated that scurvy was caused by Melville Island's climate and most affected 'those living on the shore', rather than sailors who were kept healthy through regular sea voyages.[32]

When Captain Barlow wrote to Major Ovens about the settlement he informed him first about the health of the sheep, cows and pigs, in great detail. He then wrote 'so much for the four footed population', before reporting on the good health of the soldiers and convicts.[33] The cattle were actually more permanent colonisers than the convicts, having a profound ecological effect on the island. Over sixty years after the settlement was abandoned, Edward Robinson and the Cooper brothers visited the island and found thousands of buffalo still thriving there. This became the basis of a profitable export industry in buffalo skins and horns, with the help of twenty imported Indigenous Arrarrkbi labourers from the Cobourgh peninsula.[34] Again, the movement of some buffalo ended up resulting in the migration of Indigenous Australians from the mainland to the island. The small (failed) penal establishment shows in microcosm the building blocks of European colonisation: deforesting for crop planting, livestock rearing and building. The prisoners were well aware that they had failed to create much of an 'enclave', as the Tiwi Islanders used the cover of forests to launch surprise attacks, to remind them whose territory they were living on.

It was growing crops that Major Campbell and the convicts struggled with. In November 1825, civil engineer Colonel William Dumaresq wrote to Captain Barlow to

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[30] Campbell, 'Geographical Memoir', p. 142.
[31] K. Foxhall, *Health, Medicine and the Sea: Australian voyages, c. 1815-1860* (Manchester: Manchester University Press 2012), p. 191.
[32] Campbell, 'Geographical Memoir', p. 151.
[33] *HRA*, ser. III., vol. VI, Barlow to Ovens, Fort Dundas, Melville Island, 27 Aug. 1825, pp. 651-2.
[34] F.H. Bauer and J.B. Bauer, 'Cooper, Robert Joel (Joe) (1860-1936)', *Australian Dictionary of Biography,* <http://adb.anu.edu.au/biography/cooper-robert-joel-joe-5772/text9785> [accessed: 2 Feb. 2017]

inform him that a prisoner named John Richardson was travelling with his family to the island and would be 'in charge of the Plants and Seeds from the Botanical Garden', at a salary of twenty-five pounds.[35] The 'Gardiner' on Melville Island, John Henry Richardson, had arrived in New South Wales in 1817 to serve a seven-year sentence of transportation. He began working for the recently-established Sydney Botanic Garden, which earned him a pardon from Governor Macquarie in 1821. Upon returning to England, however, Richardson was promptly reconvicted and transported for life. On his return to Sydney, he joined colonial botanist Charles Fraser on a collecting expedition along the Brisbane River (1823-4). Fraser sent Richards to Melville Island in 1825 with a large selection of plants and cuttings of vegetables, fruits, herbs, grasses and cacti to grow.[36] Richardson also collected samples from plants indigenous to the island which he sent to Kew Gardens in London, and he travelled to Timor aboard the cutter *Mermaid* to gather further samples from the garden of Dutch resident, Mr Hanzard.[37] Seeds and plants travelled from Sydney and Timor to Melville Island as a 'natural laboratory' in cross-pollinating and the effect of climate on different plants.

On his departure from Melville Island, Richardson continued his work as convict-botanist, joining William Baxter on his voyage to King George's Sound in 1829 and accompanied the Surveyor-General of New South Wales, Thomas Livingstone Mitchell, to survey Victoria in 1836.[38] Two plant species were named after him: *Hibiscus richardsonii* Lindl and *Alyxia richardsonii* Sweet, now held in the Natural History Museum's collection in London.[39] Melville Island was part of the colonial and imperial networks of botanical collecting and exploration through the activities of convicts and penal settlement's commandants.

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[35] *HRA*, ser. III, vol. VI, William John Dumaresq, Acting Civil Engineer, to Maurice Barlow, Commandant of Melville Island, 28 November 1825, Fort Dundas, p. 653.

[36] *HRA*, ser. III, vol.VI, Charles Fraser, Colonial Botanist, 'List of Seeds and Plants Supplied from the Botanic Garden Sydney, for the Settlement at Melville Island', 28 Nov. 1825, p. 655; Campbell, 'Geographical Memoir', p. 159.

[37] 'Queensland Herbarium Department', *Austrobaileya,* 8:1 (2001), p. 162; *HRA,* ser. III, vol. VI, John Campbell, Commandant of Melville Island, to Alexander Macleay, Colonial Secretary, 10 Oct. 1826, Fort Dundas, Melville Island, p. 660.

[38] *HRA,* ser. III, vol. VI, Campbell to Macleay, 26 June 1827 and 28 June 1827, Melville Island, pp. 697-8.

[39] 'Richardson, John Matthew (c. 1797-1882), *JSTOR Global Plants,* 2013 <http://plants.jstor.org/stable/10.5555/al.ap.person.bm000391636?searchUri=filter%3Dpeople%26so%3Dps_group_by_genus_species%2Basc%26Query%3D%2528richardson%252C%2Bjohn%2Bmatthew%2529> [accessed: 21 July 2017].

Convicts on Cockatoo Island were also engaged in the cultivation of plants, despite its sandstone foundations as the climate and soil proved 'favourable for horticultural purposes'.[40] The regulations allowed two gardens to be cultivated on the island – one for prisoners and another for the superintendent, who was allocated one convict gardener. However, superintendent Charles Ormsby significantly expanded the garden to around 16,000 square metres, almost ten per cent of the island's total area.[41] It is described as having fortress-like proportions, and civil engineer Captain Mann complained that dozens of convicts were taken away from the works to repair its trellises, poles and walls.[42] Though Ormsby claimed that produce from his garden was shared by convicts and staff, allegations were made to aboard of inquiry in 1857 that he sold the produce to the market in Sydney for his own profit. The board noted that they 'do not approve of the mixing together of private and public property' in this way.[43] According to Ormsby, the garden produced up to 40,000 cabbages a year.[44]

After work hours convicts were allowed to make cabbage-tree hats for their own profit. The hat looked like a straw hat and was widely worn, first by convicts, and later by working communities to protect people from the hot sun.[45] The cabbage-tree hat was also associated with criminality. Juvenile delinquents ('larrikins') in New South Wales were dubbed the 'Cabbage-tree Mob' and 'Cabbagites' was slang for gangs of colonially-born youths.[46] It was also the attire of bushrangers, including Cockatoo escapee Frederick Ward (aka Captain Thunderbolt) who was wearing one when he was shot dead in 1870. It is possible he made the hat while incarcerated on the island between 1861 and 1863.[47] Some skilled convict hat makers would hire others to plait

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[40] G*oulburn Herald*, 3 Oct. 1860, p. 4.
[41] Votes and Proceedings of the Legislative Council, New South Wales, Board of Inquiry into the Management of Cockatoo Island, no. 75, (Sydney, 1858), Sir Charles Cowper, Premier of New South Wales, to Sir William Westbrooke Burton, Chairman, 12 Oct. 1857, Sydney, p. 262.
[42] *Ibid*.
[43] *Idem*., p. 263.
[44] *Idem.,* p. 262.
[45] E. Barnard, *Emporium: Selling the dream in Colonial Australia* (Canberra: National Library of Australia, 2015)*,* p. 58.
[46] E.A. Morris, *Austral English: A dictionary of Australasian words, phrases and usages* (Cambridge: Cambridge University Press, 1898/2011), p. 76.
[47] Barnard, *Emporium,* p. 58

sinnet for them as a higher-quality hat would fetch a higher price, up to thirty-six shillings in 1849, which was equivalent to £150 in today's money.[48]

In Darlinghurst Gaol prisoners also made cabbage-tree hats, but on Cockatoo Island prisoners completed more as Ormsby allowed convicts to purchase their own oil lamps to work in their barracks after dark (until eight at night).[49] According to Owen Suffolk, there were 'groups everywhere working away in cabbage-tree hat manufacture', and that 'an expert hat-maker or fast plaiter' was sure to be surrounded by friends in the prison, though sometimes disputes arose about who had the right to sell a hat completed by joint efforts.[50] Cabbage-tree hat making was a leveller for lesser-skilled convicts since engineers received nine-pence per week for tobacco and sugar, compared to six-pence for labourers.[51] A third of the money earned by the prisoners on Cockatoo Island was set aside in the savings bank to use upon their release, but they were able to keep the rest to buy indulgences, like flour, spirits and tobacco, from the same traders to whom they sold their hats. On 15 June 1849, there was outrage in the newspaper *Bell's Life* that Michael Duffy was trading the equivalent of fifty pounds' worth of goods annually (over £4000 in today's money) to 'doubly and trebly convicted felons' on Cockatoo Island.[52] The price seemed to denote the quality of these hats, and they were displayed at the Paris Universal Exhibition in 1855, which had over five million visitors. The director of the Royal Gardens at Kew in London reported back to the House of Commons on seeing what he called 'a Beautiful *Hat,* like the Panama Hat made by prisoners in Cockatoo Island'.[53] The process of prison labour was certainly part of the interest of the item, as the exhibition card described first how prisoners

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[48] Legislative Council, NSW, 1849, Select Committee on Darlinghurst Gaol, James Coops, dealer of goods to Darlinghurst Gaol, 4 July 1849, p. 115; 'Currency Converter', *National Archives,* <www.nationalarchives.gov.uk/currency/results.asp#mid> [accessed: 25 Aug. 2017].
[49] State Records of New South Wales [hereafter, SRNSW], 4/3730, Letters to Prison Establishments, William Elyard, Assistant Colonial Secretary, to Jonathan McLerie, Visiting Justice, Cockatoo Island, 18 May 1849, p. 5; Votes and Proceedings of the Legislative Council during the session of the year 1849 (Sydney, 1850), testimony of Matthias Partis, prisoner at Cockatoo Island, 11 July 1849, pp. 140-145.
[50] O. Suffolk, 'Days of Crime and Suffering', *Empire,* 11 June 1867, p. 2.
[51] W. Derrincourt, *Old Convict Days,* ed. by L. Becke (London: Fisher Unwin, 1899), p. 261
[52] *Bell's Life in Sydney and Sporting Reviewer,* 16 June 1849, p. 2; SRNSW, 4/3730, Elyard to McLerie, Sydney, 19 June 1849, pp. 13-14.
[53] BPP 1856, vol. XXXVI, no. 2049-I, 'Reports on Paris Universal Exhibition, Part II', Sir William Hooker, Director of the Royal Gardens, Kew, to Lord Stanley of Alderley, President of the Lords of the Committee of Privy Council for Trade, 7 April 1856, Royal Gardens, Kew, 'On Vegetable products, obtained without Cultivation', p. 103.

earned wages, which were partly saved and partly used to buy indulgences.[54] It was only the second half that outlined the technical process of making each hat which involved 235 metres of plaiting and 240,552 stitches per hat.[55] Cockatoo Island was connected through the cabbage-hat trade both to mainland Sydney and to Paris.

The Chief Engineer of Cockatoo Island, Captain Gother Kerr Mann, complained repeatedly to the Colonial Secretary about the cabbage-tree hat making trade, which distracted prisoners from public works. Ormsby made sure to announce loudly, in front of several prisoners, that the making of cabbage-tree hats was being stopped because of Captain Mann's complaints. (There were rumours that Ormsby had his own cut of the trade).[56] As a result, some convicts at the New Police Barracks threatened the water policeman's children that if they could not buy tea and sugar from the shop boat, they would be 'going round to his mother's house to demand it' from her. The overseer of the works heard prisoners plan to 'mob' Captain Mann when he arrived on the works that day, but Hugh Mannion convinced them to elect a representative to put forward their grievances. However, public opinion had firmly turned against cabbage-hat making so their petition to reinstate it was unsuccessful.[57]

On Rottnest, the sea rose up in the gaps between the coral foundation of the island to create pink seawater lakes from which salt was harvested by the prisoners. A gang of four to six convict workers, under the command first of a Fremantle convict, and later of store-keeper Henri Courderot, panned and purified salt.[58] In the early 1840s the colonists were deterred from buying the salt because they had to row over to the island to collect it themselves, so in 1847 Governor Charles Fitzgerald removed it to the 'Bond Store' in Fremantle. He also attempted to establish international trade by ordering a cargo of salt to be shipped by the colonial schooner to Singapore, *en route* to collect thirty indentured Chinese labourers assigned to Western Australian pastoralists.

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[54] *Ibid.*
[55] *Ibid.*
[56] O. Suffolk, 'Days of Crime and Suffering', *Empire,* 11 June 1867, p. 2.
[57] SRNSW, NRS 906, Cockatoo Island Papers: inquiry and administration, 1849, Hugh Mannion, Foreman of the Works, encl. B in Jonathan McLerie, Visiting Magistrate for Cockatoo Island, to Edward Deas Thomson, Colonial Secretary of NSW, 21 Aug. 1853, Cockatoo Island, 53/29.
[58] Report on Rottnest for the Year 1884 (Perth: Richard Pether, 1885).

Proper salt works were established in 1869, which led to the improvement in the quality of the salt. In this system, water from shallow lakes was pumped into a large tank with two compartments, which was then purified and run into evaporating pans at temperatures above 100 degrees Celsius. The prisoners would then remove scum and drain it again to increase purity, before being dried by air over the course of four days.[59] In February 1887, one of the Indigenous prisoners fell into the boiling hot salt pan and was 'severely scalded' with skin on his legs and thighs peeling off 'in rags'. This was not the first time this accident had occurred, as the colonial government repeatedly ignored the superintendents' pleas for less 'dilapidated' and 'old' salt pans. Dr Hope was convinced that this accident 'would have killed any European'.[60]

This shows how ideas about race altered the perception of danger and recovery in the convict workplace.[61] Severely 'dilapidated' salt pans continued to be used despite several accidents of this kind.[62] In 1897, the prison produced 119 tons of fine salt and 39 tons of crude salt, with an estimated value of £400, which was equivalent to over £30,000 today. In 1898, production was instead shifted to the production of lime because it was more in demand. The superintendent, Colonel Edward Angelo, had his request for a tariff on foreign salt to encourage Rottnest's salt industry denied by the colonial government.[63]

Once again, goods produced by convicts on carceral islands were displayed at international exhibitions. In 1873, Rottnest salt won bronze at the inter-colonial Sydney Exhibition because of the 'great special advantage to the colony' the salt works brought.[64] Salt was in high demand in Western Australia for use in the wool industry, which was its main export.[65] This was the first major inter-colonial exhibition to mark the centenary of Captain Cook's landing and to showcase agricultural produce and manufacture, which was attended by over 185,000 people.[66] Courderot was also an

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[59] SROWA cons. 130, box 3, bundle 4, Rottnest Island Boxes, Australian Mutual Provident Society [clipping], n.d., p. 58.

[60] Report on Rottnest Prison for the Year 1877 (Perth: Richard Pether, 1888).

[61] *Ibid.*

[62] Report on Rottnest Prison for the Year 1893 (Perth: Richard Pether, 1894); Report on Rottnest Prison for the Year 1898 (Perth: Richard Pether, 1899).

[63] Report on Rottnest Prison for the Year 1897 (Perth: Richard Pether, 1898).

[64] *Fremantle Herald*, 16 Aug. 1873, p. 3.

[65] S.A.M. Adshead, *Salt and Civilisation* (Basingstoke: Palgrave Macmillan, 1992), p. 106.

[66] 'Intercolonial Exhibition 1870', *Dictionary of Sydney*, <https://dictionaryofsydney.org/event/intercolonial_exhibition_1870> [accessed: 16 Sept. 2017]

amateur botanist who sent samples of 'sea wood' to the Royal Society at Adelaide and to the governor's wife, Lady Robinson (and the assistant to the colonial secretary G. Phillips). In 1883, he penned another letter to the Surveyor-General about a collection of coral and coralline shells collected on walks around the island, which he wanted to be displayed in London.[67]

Indigenous convicts were regularly asked to display their Indigenous customs for visitors as spectacle. Convicts performed 'corroborees', traditional dance performances, for which they were rewarded with tobacco by guests including author Anthony Trollope and the surveying party of Lieutenant John Lort Stokes.[68] Trollope said that about eighteen prisoners from one 'tribe' were ordered to perform a corroboree 'for the amusement of the guests'.[69] Though he claimed that he 'could not [help] but think of other captives who are desired to sing and make merry in their captivity. Here, however, there was no unwillingness.'[70] Trollope suggested that five shillings worth of tobacco be given to the performers.[71] They would also receive a stick and a half of tobacco as a reward for catching venomous snakes on the island, apparently catching sixty snakes every Sunday.[72] There is evidence that Indigenous prisoners created their own 'enclaves' of traditional living, that was centred around a campfire on the hill above the prison building.[73] This tall view over the island was the opposite of the prison that confined them below. Here, convicts would 'make their spears and woomeras and boomerangs' and cook any fish or quokkas they had hunted during the day.[74] They also taught the children of warders and staff carving skills, inverting Rottnest's intended purpose as a site to teach Indigenous people how to cultivate land and build houses. It was most likely at this campsite that convicts made a message-stick which now resides in the British Museum's collection as part of a 'dispersed collection of an ex-warder', most likely Chief Warder John Donaghue.[75] Rottnest Island acted as an experimental

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[67] SROWA, acc. 37, Colonial Secretary's correspondence, vol. 2, Henri Courderot, Superintendent of Salt Works, to John Septimus Roe, Surveyor General of Western Australia, 3 Jan. 1883, pp. 6-7.

[68] A. Trollope, *Australia and New Zealand* (Melbourne: George Robertson, 1873), p. 109.

[69] *Ibid.*

[70] *Ibid.*

[71] *Ibid.*

[72] E.J. Watson, *Its Tragedy and Glory* (Rottnest: Rottnest Island Authority, 1998), p. 143.

[73] J. Gothard, 'The Other Side of the Island: An oral history of Rottnest', *Community History,* 1 (1989), p. 215.

[74] *Ibid.*

[75] 'Message Stick', no. oc1950,03.1, *British Museum,* 1930, <www.britishmuseum.org/research/collection_online/collection_object_details.aspx?assetId=15734670 01&objectId=494518&partId=1> [accessed: 20 Sept. 2017]

site of convict labour and the goods they produced travelled internationally due to wide interest in a prison exclusively for Indigenous Australians.

4.2 Maritime Infrastructure and Industries

The main body of work of convicts and maritime empire in Australia is the theory advanced by Alan Frost's that Botany Bay was settled for naval purposes, rather than to 'dump' felons. However, his focus in on the motivations for settlement, rather than the role of convicts in maritime industries in the aftermath.[76] Furthermore, Frost's study ends in 1811, two years before the end of the East India Company's monopoly over English trade with Asia, including Australia, which prevented convicts from building maritime vessels larger than 4.2 metres long.[77] From the 1790s, sealing and whaling industries grew up on the east coast of Tasmania, with American and French vessels competing despite the British monopoly. Though this trade involved diverse crews, including Indigenous men and women who profited from their knowledge of hunting marine animals, it featured few convicts.[78] Around two-thirds of Australian shipping was engaged in the domestic whaling industry, until 1840 when the wool industry took off.[79] At the same time, the British East India Company was transforming its colonial maritime infrastructure to incorporate steamships.[80] In the 1840s, this new technology powered smaller colonial 'steamers', resulting in a trade in Australian domestic blue-water navigation. The new demand for coal to fuel these ships resulted in a coaling industry, which in turn encouraged railway development.[81] Both global and colonial maritime travel was revolutionised in the early 1840s, at the same time as Rottnest Island and Cockatoo Island were established as prisons.

The proximity of islands to the sea made it logical for colonial governments to use convict labour in maritime industries. By the 1840s, both foreign and colonial

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[76] A. Frost, *Convicts and Empire: A naval question, 1776-1811* (Oxford: Oxford University Press, 1980).
[77] R. Lee, *Linking a Nation: Australia's transport and communications, 1788-1970* (Canberra: Australian Heritage Commission, 2003), n.p. [e-book].
[78] L. Russell, *Roving Mariners: Australian Aboriginal whalers and sealers in the Southern Oceans, 1790-1870* (Albany: State University of New York, 2012).
[79] Lee, *Linking a Nation,* n.p. [e-book].
[80] P. Mitchell, 'Under Pressure: Steamships, global power and communications, and the East India Company', parts 1-2, *Snapshots of Empire,* 2016
<http://blogs.sussex.ac.uk/snapshotsofempire/2016/03/07/under-pressure-steamships-global-power-and-communications-and-the-east-india-company-part-1/> [accessed: 9 Aug. 2017]
[81] Lee, *Linking a Nation,* n.p.

shipping had increased in the Australian colonies. Since only large vessels (usually over a hundred tonnes) were dispatched to the Australian colonies, there was considerable local demand for small vessels for coastal and riverine travel, as well as for the sealing and whaling industries.[82] Van Diemen's Land was Australia's main producer of ships due to its timber reserves and penal settlements which concentrated expertise to produce most of the colony's ships. Convicts on Port Arthur produced over 155 vessels between 1834 and 1848, all but ten of them large vessels like schooners and brigs, and Sarah Island (Macquarie Harbour) over seventy-nine vessels.[83] The main task of convict gangs was rolling timber, to be brought to the lumber yard where 'convict mechanics' turned it into planks and pieces for the ship (unsurprisingly, this was also a site of illicit trading and misconduct).[84] Convict shipwrights were so highly valued at Sarah Island that they received indulgences and were allocated separate living quarters.[85]

This section will build on Hamish Maxwell-Stewart's work on convict shipbuilding in Macquarie Harbour, to show how ganged convict labour was used in maritime industries that could not have been envisioned when the colony was founded due to changing technology and demand for coal for steamships. Instead of building ships as convicts had in Van Diemen's Land, European and Indigenous convicts on Cockatoo Island and Rottnest Island built large maritime infrastructure. On Cockatoo Island, convicts also manned dockyard and repaired ships. As well as building a lighthouse, prisoners on Rottnest were involved in other maritime industries, including piloting boats, fishing, pearl diving and shell-collecting. Melville Island is excluded from the discussion because, although the colonial government intended the convicts to establish a trepang (sea-slug) fishery, the lack of trade with Macassan *praus* (Indonesian vessels) meant that these industries never materialised, and, aside from

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[82] M. Staniforth and D. Shefi, 'Shipbuilding in the Australian Colonies before 1850', *Underwater Archaeology Proceedings* (2014), pp. 335-341; N. Mike 'A Harbour Large Enough to Admit a Whole Fleet: The maritime history and archaeology of Port Arthur', in R. Tuffin (ed.), *History of the Port Arthur Dockyards* (Port Arthur: PASHMA, 2004), pp. 39-56.

[83] R. Bullers, 'Quality Assured: Shipbuilding in Colonial South Australia and Tasmania', *Flinders University Maritime Archaeology Monograph Series*, 8 (2006), p. 5.

[84] *Idem,* pp. 37, 123.

[85] H. Maxwell-Stewart, *Closing Hell's Gates,* pp. 3-4, 20, 121-4, 245-6; H. Maxwell-Stewart 'Convict Workers, "Penal Labour" and Sarah Island: Life at Macquarie Harbour, 1822-1834', in I. Duffield and J. Bradley (eds), *Representing Convicts: New perspectives on convict forced labour migration* (London: Leicester University Press, 1997), pp. 148-50.

some fishing expeditions and aborted attempts to hunt turtles, there was no maritime industry on the island.[86]

The Indigenous prisoners on Rottnest built the first lighthouse in Western Australia between 1842 and 1846. Rottnest was the ideal spot for a lighthouse as the island was positioned 'about ten miles from Fremantle at the entrance on the port'.[87] There were myriad dangers for a ship approaching Fremantle from the southwest – as ships were funnelled through narrow passages between Garden Island and Rottnest Island with 'rocks and foul-ground' of uneven depths.[88] If caught in a strong lee current (up to 2.5 kilometres per hour) or north-westerly gales, ships were liable to run aground.[89] When the schooner *Transit*, travelling from the Cape of Good Hope, was wrecked while rounding Rottnest's north end in May 1842, many of the local papers blamed it on the lack of lighthouse.[90] Governor Hutt lamented the 'many obstructions that intercept a free egress and ingress to our principal seaport'.[91] The lighthouse would enable large ships to safely enter the port at night and, more frequently, the small colonial 'coasters' who skirted the Western Australian shoreline. Around a dozen convicts cleared the ground for the lighthouse, carried stones from Thomson Bay up the seventeen-metre tall hill, and built the structure from its foundation, with some instruction from the Colonial Engineer Henry Trigg. Its beam could be seen by ships between fifty-eight metres away, and it was paid for by some 'private subscriptions' from local businessmen and from 1849 by a light charge for incoming vessels set at two pence per tonne.[92]

Though the lighthouse was constructed by a small workforce of only thirty convicts, it was essential to a growing colony who relied on ships to bring them news and supplies from Britain, and had a burgeoning export trade in wool and sandalwood. Civil engineer Anthony Gordon argued to Lord Auckland that lighthouses were essential to protect life and property – and as such 'a little new light and life is

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[86] Campbell, 'Geographical Memoir of Melville Island', p. 136.
[87] SROWA, cons. 130, box 4, bundle 3, Courderot, 'Rottnest Salt Works', *Australian Mutual Provident Society* Newsletter, n.d.
[88] Roe, 15 Oct. 1840, 'Sailing Directions for the Navigation about Rottnest Island', *Perth Gazette and Western Australian Journal,* 24 Oct. 1840, p. 4.
[89] *Ibid*.
[90] *Inquirer,* 18 May 1842, p. 3.
[91] Minutes and Proceedings of the Legislative Council, Western Australia, opening address of John Hutt, governor, 9 June 1842, p. 212.
[92] Legislative Council, Western Australia, 26 April 1849, in *Perth Gazette and Independent Journal of Politics and News*, 4 May 1849, p. 3.

absolutely necessary for the colonial system'.[93] The word 'important' recurs in describing the significance of the Rottnest lighthouse in 1842. A member of the *Beacon*'s surveying crew, Lieutenant John Lort Stokes, described the survey as 'of great importance to the interests of shipping' in general and an 'important service to the colonists' in particular.[94] The Surveyor-General, John Septimus Roe, worked alongside the *HMS Beagle*'s commander, John Clements Wickham, and Stokes to complete surveys that would enable ships to sail safely into Fremantle Harbour, and not run aground on the reefs surrounding the prison island, publishing a guide for incoming vessels in 1840.

Roe had been part of Captain Philip Parker King's survey of Australia's northern coast that led to the settlement of Melville Island. Roe actually joined the convicts and soldiers on the *HMS Tamar* to settle the island in 1824 and to help select the site of the Fort. Roe even buried the proclamation of possession during the ceremony of possession on 20 September. Surveying and cartographic rendered 'space into a conceivable object' and therefore a colonisable one, so this geographic knowledge production was key to Britain's imperial enterprise.[95] Felix Driver and Luciana Martens' history of Roe's early career journeying across the empire as a 'midshipman' and 'hydrographer' view his time as surveyor-general in Western Australia as a decisive shift from maritime to terrestrial knowledge production. From the perspective of Rottnest Island though, the assumed geographical integrity of Western Australia is challenged.[96] Roe, Wickes and Stokes selected the site for the lighthouse on Rottnest in 1841 and returned to see the completed construction in 1846. When Stokes recorded the position of the lighthouse in his published account, *Discoveries in Australia,* he gave its latitudinal location and its position relative to Fremantle Gaol, rather than the port, suggesting that it was part of a geography of penal establishments as well as navigational beacons.[97]

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[93] BPP 1850, vol. LII, no. 656, 'Statement of Measures for Erection, Management and Superintendence of Lighthouses in British Colonies and Possessions', Anthony Gordon, Civil Engineer, to Lord Auckland, Secretary of State for War and the Colonies, 4 Aug. 1847, London, p. 6.
[94] J.L. Stokes*, Discoveries in Australia*, vol. I (London: T and W. Boone, 1846), p. 53; *Idem.,* vol. II, p. 220.
[95] Carter, *Road to Botany Bay,* p. 113.
[96] F. Driver and L. Martins, 'John Septimus Roe and the Art of Navigation, c. 1815-1830', *History Workshop Journal,* 54:1 (2002), p. 153.
[97] *Idem.,* p. 128.

Most often in histories of urban construction, the labour of convicts who built edifices are side-lined by emphasising the contribution of the overseer or engineer and coupling it with the passive tense. In these accounts, a road, bridge or building 'was built', rather than 'built by the efforts of convicts'. Anoma Pieris points to this silencing of convict contribution in her work on the extramural labour of Indian convicts in Singapore, 'the hands that underwrote urban forms of colonial capitalism, remained well hidden', appearing only in 'tables and tabulations' of work completed.[98] In contrast, nineteenth-century accounts are intrigued by, and therefore explicit about, the role of Indigenous labour, providing very personal accounts of their role in construction. This is because racial hierarchies that were developed by Enlightenment thinkers, and adapted to justify the colonial project, placed 'Aborigines' below 'Asiatics'. Indigenous people fell further short of European standards of 'civilisation', as they did not (to European eyes) cultivate the land or reside in large, stone dwellings.[99] In particular, Indigenous peoples were conceived of as 'indolent' and incapable of intellectually demanding work. Therefore, international commentators were interested in their work because they were Indigenous, rather than because they were convicted. A surveyor, John Lort Stokes, who selected the site for the lighthouse, wrote in his memoir:

> No one would say that the Australian natives cannot work, if they could see the nice cottages of which this settlement is composed. The superintendent merely gives the convicts a little instruction first, and they follow his directions with astonishing precision. They take great pride in shewing visitors their own work.[100]

In this account, the superintendent is valorised for instructing Indigenous people in their construction work, who are able to complete it despite their sub-intelligence.

Similar surprise was expressed by Europeans who saw a house constructed by Indigenous convicts on Goat Island in Sydney Harbour.[101] The Protector of Aborigines, Charles Symmons, made the underlying assumption of European superiority explicit

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[98] A. Pieris, *Hidden Hands and Divided Landscapes: A penal history of Singapore's plural society* (Honolulu: University of Hawaii Press, 2009), p. 98.

[99] S. Konishi*, The Aboriginal Male in the Enlightenment World* (London: Pickering and Chatto, 2012).

[100] Stokes, *Discoveries in Australia,* vol. II, p. 129.

[101] K. Harman, '"The Art of Cutting Stone": Aboriginal convict labour in nineteenth-century New South Wales and Van Diemen's Land', in N. Fijn et. al., *Indigenous Participation in Australia Economies II: Historical engagements and current enterprises* (Canberra: ANU E Press, 2012), pp. 119-134.

when he noted Rottnest's prisoners' construction skills were 'creditable even to a European mechanic.' Yet an important caveat to their skills was that they completed their work (willingly) under the direction of a European. Charles Symmons discussed the lighthouse as evidence of the malleability of Indigenous work. He wrote in his 1841 report to Governor Hutt that: 'The lighthouse now in progress of erection on the Island promises, when completed, to be a proud memorial of the capabilities of the Australian savage, when called forth and duly directed.'[102] The superintendent of public works, Henry Trigg, noted during his visit in 1842 that a number of the convicts happily volunteered for a task, which he believed shows 'they have no objection to be under the direct management of their head.'[103] He describes Nyoongar resistance leader, We-War, castigating the governor for challenging their sovereignty (he had been convicted for spearing another Indigenous man, in line with customary law), but described how 'On landing, when his irons were knocked off, he seemed much pleased, and the next day he went cheerfully to work.'[104]

The island appears as a transformative space in which Indigenous Australians resistant to the colonial project almost instantaneously become willing workers submitting cheerfully to the authority of the superintendent in their toil. He wrote: 'I was very much pleased with the cheerfulness of the prisoners on their way to renew their toil, laughing and singing. Nyoongar elder, Molly Dobbin, appears as an eager to please 'Uncle Tom' figure shouting: 'Make hasto… Done this masser soon 'nother job get down.' [trans: Make haste, do this for master, get another job done][105] These commentators went out of their way to stress that the Indigenous convicts were 'happy' workers. This points to the colonial administration's desire to transform the Indigenous population at large into a 'useful' workforce for the benefit of a colony that was suffering from a severe shortage of labour in the late 1830s. Even as the labour shortage eased in 1842, the government hoped to incorporate Indigenous labourers into the

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[102] BPP 1844, vol. XXXIV no. 627, 'Aborigines (Australian Colonies)', Charles Symmons, Protector of Aborigines for WA, to Peter Broun, Colonial Secretary, 6 March 1842, Perth, p. 315.
[103] Henry Trigg, Superintendent of Public Works, to Broun, n.d., reproduced in *Perth Gazette and Western Australian Journal,* 12 Feb. 1842, p. 3.
[104] Trigg to Broun, n.d. *Perth Gazette and Western Australian Journal*, 5 Feb. 1842, p. 2.
[105] Trigg to Broun, n.d., *Perth Gazette and Western Australian Journal,* 12 Feb. 1842, p. 3.

colonial economy especially in rural areas for the pastoral industry, as free labourers demanded high wages to work in isolated locations.[106]

On 26 March 1846, a large party of government officials travelled from Perth, via Fremantle, to inspect the completed lighthouse. The size and variety of departments represented demonstrate the importance of this structure constructed by a few dozen Indigenous convicts. The party included Governor James Stirling, members of his Executive Council, the Protector of Aborigines, Charles Symmons, Colonial Secretary Peter Broun and Advocate General George Fletcher Moore, as well as the Surveyor-General Roe, Captain Twiss of the Royal Engineers and Harbourmaster Daniel Scott.[107] The party inspected the lighthouse, and they chose a site for a pilot crew station who would escort incoming vessels into the harbour, further enhancing the safety of the port. From 1848, a pilot crew was stationed at Rottnest to board ships at Garden Island and guide them past the 'dangers that circumscribe our anchorage.' Again, the carceral space acted as a maritime one: with the pilot crew managed by Indigenous prisoners and the master of the pilot crew from 1857, Captain William Dockwrey Jackson, who became superintendent of the island in 1866.[108]

The prisoners on Rottnest also constructed a variety of other maritime infrastructures. In 1870 alone they constructed a sixty-metre long jetty, 'boathouse', 'additions to the pilot's quarter and lighthouse' and a 'marine residence' for the Governor.[109] A second taller lighthouse was carried out by contract labour between 1891 and 1893 but prison labour played an important role in reducing costs. The resident pilot crew brought supplies and contractors over from the mainland and these supplies were offloaded by the prisoners.[110] Once completed in 1899, an Indigenous prisoner acted as an orderly to the lighthouse and was mobile across the island to gather firewood and fetch water for the lighthouse keepers.[111]

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[106] P. Statham, 'Swan River Colony 1829-1850', in C. Stannage (ed), *New History of Western Australia*, pp. 193, 195.

[107] *Perth Gazette and Western Australian Journal*, 28 March 1846, p. 2.

[108] *Fremantle Herald,* 11 July 1868, p. 3; Watson, *Rottnest: Tragedy and Glory*, p. 116.

[109] BPP 1871, vol. XXXI, no. C.449, 'Report of the directors of convict prisons on the discipline and management of Millbank and Pentonville prisons, and of Borstal, Brixton, Chatham, Dartmoor, Parkhurst, Portland, Portsmouth, Woking, and Wormwood Scrubs prison for male convicts, with Fulham and Woking prisons for female convicts; also the convict establishment in Western Australia, for the year 1870', p. 583.

[110] Report for Rottnest Prison for the Year 1893 (Perth: Richard Pether, 1894).

[111] Report for Rottnest for the Year 1898 (Perth: Richard Pether, 1899).

Islands provided a flexible labour force, which were adaptive to new opportunities. For example, Indigenous prisoners from Rottnest were involved in other maritime pursuits. Convicts collected shells to make the shell path and to make mortar for construction in the lime kiln.[112] They fished with hooks from boats, and by wading directly into the sea, to supplement their diets.[113] Most notably, in 1870, twenty prisoners were sent to the northern coast on the *Adur* as indentured pearl divers for Charles Broadhurst, who was the younger son of Manchester textile producers. Indigenous Australians and Torres Strait Islanders have harvested pearl shells for around 20,000 years in Northern and Western Australia. In the 1850s, pearling began in earnest in Shark Bay Western Australia which was then used for buttons and buckles in British and American markets. In Broome, the Indigenous Yawaru divers were joined by imported Chinese divers.[114] After the 1860s, over-harvesting meant divers could no longer collect oysters in the shallow waters of Shark Bay and had to dive in deep water a few kilometres from the shore, and dive down to the depths without equipment.[115] Broadhurst wanted to open up a new arena of pearl diving, in the Dampier Archipelago.

The scheme was criticised by the *Fremantle Herald* on the grounds that it resembled the assignment system from the recently-abandoned convict system.[116] Similarly, the *Inquirer* was outraged that 'Twenty poor Native convicts [had been] handed over to pearl-fishers to aid them in the only object they have in view, viz. to amass wealth'.[117] Private masters should not control convict labour they argued; instead the government should utilise and manage convicts. There is slippage between 'coerced and 'free' labour in this instance: not only were a handful of convicts divers part of the industry, but even 'free' divers would be marooned on ships, rather than returned to shore, to prevent them from escaping to the mainland.[118] Many of the convicts chosen were not from coastal areas, and were not necessarily good swimmers, which may have

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[112] Watson, *Rottnest: Tragedy and Glory,* p. 124.
[113] Report on Rottnest Prison for the Year 1884 (Perth: Richard Pether: 1885).
[114] B. Collins and H. Smale, 'Uncovering the first 20,000 years of Australia's Pearling history', *ABC,* 2014 <http://www.abc.net.au/local/stories/2014/06/06/4020357.htm> [accessed: 5 Aug. 2017].
[115] 'Australia's Pearling History', *Australian Government,* <http://www.australia.gov.au/about-australia/australian-story/australias-pearling-industry> [accessed: 5 Aug. 2017].
[116] The National Archives [hereafter, TNA], CO 201/286*, ,* George Gipps, Governor of New South Wales, to Glenelg, 8 July 1839, Government House, Sydney, no. 102, p. 250.
[117] *Inquirer and Commercial News*, 5 Oct. 1870, p. 3.
[118] TNA, CO 881/8, Australian no. 122, Correspondence respecting Aborigines in Western Australia, Frederick Napier Broome, Governor of Western Australia, to Earl of Derby, Secretary of State for War and the Colonies, 25 Oct. 1884, no. 189, p. 8

caused six of the prisoners to jump overboard to escape at Champion Bay: two of them died.[119] This shows that Indigenous prisoners' maritime mobilities connected them to wider networks of indentured labour, and invited comparison with European convicts.

When Governor George Gipps decided to establish a convict stockade at Cockatoo, the island's potential as a naval station was always at the forefront of his mind. When he first proposed the site in a letter to Lord Glenelg at the Colonial Office in 1839, he listed its advantages including: being 'surrounded…by deep water' and having 'excellent building stone' to supply Sydney with construction materials.[120] The convicts were initially employed in deforesting the island, digging grain siloes and generally preparing the site for further construction projects. In 1845, Gipps wrote to Secretary of State for War and the Colonies, Lord Stanley, in London, citing the 'advantages which would accrue to this Colony and to the Empire at large, were a Dry Dock to be constructed at Sydney for Men of War'.[121] Gipps claimed that he had always intended the island to become a 'Naval Establishment', where convicts would construct both a 'Dry Dock, as well as a Slip for hauling Ships on the Island'.[122]

Gipps instructed the Royal Engineers Department to produce plans for convicts to build their own barracks on Cockatoo Island that would 'face the sea' and house five hundred prisoners and twenty overseers.[123] The south-east side of the island was chosen as the 'most eligible site for an extensive work at some future period'.[124] All work would be completed by convicts using basic tools and stone quarried from the island. There would be very little expense, except for the superintendent's salary and extra rations and clothing for the convict overseers.[125] The Admiralty supported the project, in theory, but refused to finance it. Governor Gipps' successor, Sir Charles

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[119] *Fremantle Herald*, 8 Oct. 1870, p. 3.
[120] TNA, CO 201/286, Gipps to Glenelg, 8 July 1839, Government House Sydney, no. 102, p. 250.
[121] *HRA*, ser. I, vol. XXIVGipps to Lord Stanley, Secretary of State for War and the Colonies, 12 Nov. 1845, Sydney, no. 185.
[122] *Ibid.*
[123] TNA, CO 201/311, 'Report and Estimates for works and repairs proposed to be carried out in the Royal Engineers Department at New South Wales for the years 1842-3', encl. in Lord Normanby, Secretary of State for the Colonies, to George William Hope, Under Secretary of New South Wales, 16 April 1842, London, p. 9.
[124] *Ibid.*
[125]*Ibid.*

Fitzroy, approved a budget of £400 and a schedule of 470 days' work for 100 men, funded by the Colonial Treasury.[126]

Under the command of the Royal Engineering department, explosives and the strikes of thousands of convicts' pickaxes destroyed cliff faces to clear the way for a dry dock. Once the area was cleared, convicts equipped with only hand tools dug directly into the sandstone, sometimes waist deep in water and in leg irons, ultimately creating a 'stupendous chasm' in the island's sandstone base for ships to dock. [127] Convict labour fundamentally transformed the island's geography, creating an inverted anvil shape, and expanded its total surface area.[128] Owen Suffolk describes the gruelling nature of the work on the 'guttering' gang, which meant 'grooving into the solid rock'. Their daily target was to quarry a section: a metre long, sixty centimetres wide and thirty centimetres deep, which skilled men could complete by two in the afternoon and others struggled to finish in a day, leading to punishment.[129]

Convict labour was used by the colonial government to adapt to changing infrastructure needs in the harbour, caused by the advent of steamship technology. By 1841 there were sixteen steamboats on the waterways and south coast of Australia, fuelled by the newly established Australian Gaslight company at Darling Harbour.[130] By the early 1850s, New South Wales' treasury was full from the gold rush, and they decided they needed to expand the facilities for large oceanic steam vessels.[131] The spread of steamship technology meant that the dry dock's initial dimensions were too small. In 1852 Captain Merivale of the steamship *Great Britain* expressed his concerns that his vessel would not fit, and Gother Kerr Mann recommended expanding the dock's proportions to eighty-five metres long, eighteen metres-wide and eight metres deep, so that even larger vessels would be able to dock there.[132] Though it would have been easy

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[126] Votes and Proceedings of the Legislative Council, NSW, 1847, vol. I, Report from the Select Committee on the proposed formation of the dry dock at Cockatoo Island, with minutes of evidence, and plans, p. 393.
[127] *Goulburn Herald*, 3 Oct. 1860, p. 4.
[128] Legislative Assembly, NSW, 1865, Fitzroy Dry Dock (Report from the Engineer-in-Chief), Gother Kerr Mann, Engineer-in-Chief, to Ben Hay Martindale, Under Secretary for Public Works, 8 May 1865, Sydney, p. 876.
[129] *Empire,* 11 June 1867, p. 2.
[130] I. Hoskins, *Sydney Harbour: A history* (Sydney: UNSW Press, 2009), p. 85.
[131] *Idem,* p. 134
[132] Votes and Proceedings of the Legislative Council, NSW, 1847, vol. I, 'Report from the Select Committee on the proposed formation of a Dry Dock at Cockatoo Island, with Minutes of Evidence, Votes and Plans', p. 393.

to widen the dock from a structural perspective, the progress of the docks was already slowed by delays in materials and expertise arriving from Britain and the lack of free skilled labour, who were willing to work alongside the prisoners. This shows that the work on the dock relied on both local and international connections.

It was enduring social attitudes towards convicts that made it hard for the labour force to adapt to these changing demands. The enduring stigma of convictism meant that it was difficult to get free labourers to agree to work as mechanics alongside convicts. Despite offering around one shilling per day more than the going rate to work on Cockatoo Island, around ten per cent more than the usual daily rate of nine to ten shillings, and sharpening their tools for them, Mann struggled to get free workers on Cockatoo Island.[133] Mann claimed that free men had 'an antipathy to working in company with convicts'.[134] Those he could engage to work on the island lived in Balmain and were shipped in each day, because they refused to stay overnight.[135] By 1853, he had only managed to get one free stonecutter to stay on a longer-term basis.[136] As a result, Mann had a £6000 shortfall from the amount voted in by parliament to complete the dry dock which he had intended to spend on free labourers but was unable to. They tried to be creative: recruiting five workers from Britain who were encouraged to emigrate for the higher wages in Australia, at approximately £16 per month for engineers.[137] Mann also struggled to recruit free overseers and was forced to rely on convict overseers.[138] As an alternative, Mann also suggested using military labour alongside convict labour, which had been used to build the fortification on Vido Island in Greece.[139] This shows in the first place how enduring the convict stigma was, and the resistance to having an operational prison in the middle of the dockyard by many quarters. It also shows how in seeking alternatives, the colonial administration turned to other forms of labour, including imported or military labour. Clare Anderson and

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[133] TNA, CO 201/467, Committee on the Estimates of Expenditure for 1854 (Dry Dock) (Sydney: W.W. Davies, 1853), Gother Kerr Mann, Chief Civil Engineer, Minutes of evidence, encl. 2. in Fitzroy to Duke of Newcastle, 21 Dec. 1853, no. 161, p. 5.
[134] *Idem.*, p. 2.
[135] *Ibid.*
[136] *Ibid.*
[137] *Idem.* p. 5.
[138] *Idem.* p. 2.
[139] *Idem.* pp. 2-3.

Hamish Maxwell-Stewart have noted the entanglement of different forms of free and unfree labour, including convicts, soldiers and indentured labourers on a global scale.[140]

Partly in response to this pressure, Mann suggested the introduction of the task-work system in 1849. This would encourage convicts to work more efficiently by allowing them to reduce their sentence incrementally and to earn money to buy some indulgences like tea, sugar and tobacco for any work completed over eight-and-a-quarter hours per day. It was based on the scheme trialled on Norfolk Island under Captain Maconochie in the 1840s. The scheme was not introduced until 1851, and convicts could only earn 'half-a-day in time and three-pence in money each day'.[141] Any money they earned above three-pence, which they could use to buy indulgences from the ship boat, was placed in the Savings Bank for use on their release.[142] In 1853, Cockatoo Island convicts were divided into three classes and sixty-one categories of trade to ensure that healthier, skilled convicts did not benefit disproportionately from the scheme. A year later Captain Mann reported that the best convict stonecutters used to average three metres a day and were now averaging between four-and-a-half and five-and-a-half metres per day. Not only were they more effective, Mann said they 'work[ed] more cheerfully'.[143] Superintendent Ormsby agreed that he would prefer it if prisoners could work off more than a 'half-day' per day of their sentence, as that would lead them to work as hard 'as free men' do.

Despite its apparent success, an 1856 Legislative Assembly Board of Inquiry recommended that the task-work system be halted, as money was a corrupting influence on the prisoners. A damning Commission of Inquiry into the management of Cockatoo Island in 1857 led to the dismissal of Charles Ormsby for disrupting the progress on the public works in favour of convicts working for him and his staff as servants and helpers. The idea of 'public' labour being financially beneficial to any 'private' individual – whether it was the superintendent or the convicts themselves – led the colonial government to suspend the task work system on 1 June 1858. As a result, some convicts

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[140] Anderson and Maxwell-Stewart, 'Convict Labour and Western Empires', pp. 102-117.
[141] Legislative Council, NSW, Sessional Papers on Prison Discipline, 1856-7, Edward Deas Thomson, Colonial Secretary, to John Maclean, Principal Superintendent of Convicts, 12 April 1855, Sydney, pp. 1043-5.
[142] *Ibid.*
[143] TNA, CO 201/467, Committee on the Estimates of Expenditure for 1854 (Dry Dock) (Sydney: W.W. Davies, 1853), Mann, Minutes of evidence, encl. 2. in Fitzroy to Duke of Newcastle, 21 Dec. 1853, no. 161, p. 2.

on Cockatoo Island who were tried before that date were working off up to nine days of their sentence a week, while those who no matter how hard they worked and how well they behaved could not. This led to a great amount of anger amongst the convicts, with three open protests by refusing to work and eleven attempts of escape in three months after the announcement (which will be discussed further in the next chapter).[144] These discussions and disputes show that the task-work system meant convict labour on Cockatoo Island existed in an 'interim' position between free and unfree labour.

By 30 September 1857, the dock was ready to use for the first time, to receive the colonial steam dredge, the *Hercules*. The following year the dock was extended, involving the excavation of more of the cliff face. It took convicts over a decade between 1847 and 1857 to actually build the dry dock, far exceeding Fitzroy's initial 100-day plan. Between 1861 and the prison's closure in 1869, the convicts built twelve workshops and an engine house to hold machinery for the dry dock and to complete repairs. This also involved the removal of more of the sandstone cliffs through quarrying. Convict mechanics completed tasks while the dock was operational like drawing coals, pumping dry dock and cleaning the machinery. [145] However, developments in technology meant constant adaptation was required and the continued use of convict labour whilst the island functioned as a dockyard presented a number of disciplinary and security risks.

In his memoir, convict William Derrincourt describes doing the 'dirty work' like cleaning the pumps being stood 'almost up to the neck in dirty stinking water' and clearing it of 'slush and slimy weeds'. [146] He also described a near-fatal accident when, after pumping the dock dry, it rapidly filled up with water and he was almost knocked in by the force of tons of water coming out.[147] In both of Derrincourt's stories, it is clear that the labour he completed was distinctly maritime – completed in and near water. The labour he completed was not defined by the built spaces of the prison, though it may have confined him (and other inmates at night). Thus, it is clear that island geography had an important role to play in how convicts experienced their daily lives

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[144] BPP 1867-8, Vol. LVII, nos. 3961, 6961-I, 'Prison Discipline in the Colonies, Report of the Select Committee of the Legislative Assembly', appointed 23 Jan. 1861, p. 109.
[145] SRNSW, 4/6504, Daily State, Cockatoo Island, 21-23 Aug.1859, pp. 6, 8-9.
[146] W. Derrincourt, *Old Convict Days*, ed. by L. Becke, p. 255.
[147] *Idem.*, p. 253.

through labour. Due to difficulties of ensuring convict discipline and security in a fully-functioning dockyard (which will be discussed further in the next chapter), the island was closed as a prison in 1869 and handed over to the Royal Navy, who went on to construct a second, larger dry dock adjacent to Fitzroy's.

4.3 Conclusion

The 'differentiated spaces' of punishment within the penal colony of Australia and the islands itself, and carceral islands connected to both imperial and regional trading networks. It shows that islands were strategic sites to send convict labourers because of their positionality at the cusp of the settlement and the sea meant they could be useful. First, since carceral islands acted as 'natural laboratories', convicts were involved in enhancing European geographical and natural knowledge. On Melville Island, convict John Richardson and commandant John Barlow, collected botanical and animal samples to send back to London, alongside using animals and cultivation to impose European enclaves of space on 'exotic' landscapes, inhabited by Indigenous peoples. On Cockatoo Island, convicts made cabbage-tree hats that were displayed at the Paris Universal Exhibition and, on Rottnest, Indigenous convicts panned salt that was displayed in the Inter-Colonial Exhibition in Sydney. Second, convicts on carceral islands were involved in maritime industries and in building infrastructure to enable maritime networks of trade and travel. On Rottnest Island, Indigenous convicts built a lighthouse, jetties and boathouses, as well as working as fishers, pearl divers and boatmen. The island was conceived as an 'experiment' in Indigenous labour extraction, indicating the integration of free and convicted Indigenous peoples within the settler-colonial economies on the mainland. On Cockatoo Island, prisoners built a vast dry dock for colonial steamships which they then manned and skilled convicts worked in workshops to repair the ships. Yet, the city's inhabitants were eager to distance themselves from the colony's convict antecedents, and convict labour was criticised for being expensive and in direct competition with free labour. In sum, convict labour connected islands to imperial networks of exchange and trade, but the perception of labour was shaped by fluctuating attitudes towards punishment and race.

The following section will explore how the maritime mobilities that convicts helped create could pose a threat to prison discipline and security, as convicts utilised the sea and resident boat crews to their advantage.

Chapter 5

Not 'natural prisons': Discipline and resistance on carceral islands

This chapter explores how island geography shaped forms of discipline and security enacted by the prison administration and the ways in which convicts resisted these penal regimes. It takes a spatial approach informed by the work of Alison Bashford and Carolyn Strange, examining practices of 'isolation' where natural features segregate undesirable populations from general society, and practices of 'exclusion' where buildings and fences segregate interior spaces.[1] This chapter uses this approach to explore this spatial dynamic from the shorelines of the island, moving to the interior of the island and concluding with the intimate acts of prisoners inside prison barracks. The argument is two-fold. First, despite efforts to police the margins of carceral islands, boundaries were porous, allowing smuggled goods in and escaped convicts out. Second, the board of inquiry and colonial press viewed 'unnatural offences' (male-on-male sex acts) through the lens of island geography. This was the dual result of Cockatoo Island's associations with Norfolk Island and the idea that 'concentration' of convicts in small spaces encouraged moral contamination which could 'leak' out into society. In sum, this chapter grapples with the way in which the prison administration imagined geography versus the way convicts actually acted within the confines of their island prison.

My approach to analysing 'convict agency' is two-fold. First, by showing that disciplinary regimes were not uniformly repressive but rather constituted relationally through the actions of a number of individuals including superintendents, warders, guards and convicts themselves.[2] In this respect it draws from the work of Raymond Evans and Bill Thorpe.[3] Although power inequalities underlined these relationships, it is important to recognise that actors were all 'agents' who collaborated with, directly

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[1] A. Bashford and C. Strange (eds), *Isolation: Places and practices of exclusion* (London: Routledge, 2003)*, p. 10.
[2] T. Causer, '"Only a place fit for angels and eagles": the Norfolk Island penal settlement, 1825-1855', Ph.D. thesis (University of London, 2010), pp. 168-230, 270-291.
[3] R. Evans, and B. Thorpe, 'Commanding Men: Masculinities and the convict system, *Journal of Australian Studies,* 22:56 (1998), pp. 17-34.

resisted, or otherwise engaged with the penal regimes on the islands. Second, I give equal weight to everyday actions and exceptional forms of resistance undertaken by convicts individually and as a group. It takes up Michel Foucault's call to acknowledge the 'plurality of resistances…that are spontaneous, savage, solitary, concerted, rampant, or violent'.[4] Thus it recognises that convicts were enacting different forms of agency whether they were working within the prison regime or co-operating with sailors, as well as when they attacked or 'snitched' on one another.

This chapter considers how island environments and maritime peripheries affected how convicts enacted agency. The case study islands were what Clare Anderson has termed 'homosocial spaces' with all-male convict populations. This led convict agency and authority to be expressed in 'hyper-masculine' ways.[5] As Evans and Thorpe argue, the convict system was a masculinist system, informed by military principles of discipline, which was in particular concentrated within constrained penal settlements, resulting in violence between convicts.[6] However, far more often convicts were engaged in 'mundane' forms of resistance 'as a form of daily fragile escape' from penal discipline.[7] This included trading goods in illicit economies, absconding from a work gangs, or gambling. The thesis also explores physical escape as a form of resistance, which can be categorised within Alan Atkinson's typology of convict resistance as protest against changing working conditions on Cockatoo Island.[8] Finally, it brings a focus on insular geography as a form of 'spatio-sexual anxiety' about male-on-male

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[4] M. Foucault, *The History of Sexuality: Vol. 1, an introduction* (Ringwood: Penguin, 1998), pp. 95-6.
[5] C. Anderson et. al, 'Locating penal transportation: Punishment, space and place, c. 1750-1900', in K. M. Morin and D. Moran (eds), *Historical Geographies of Prisons: unlocking the usable carceral past* (London: Routledge, 2015), pp. 148-50; M. Bosworth and E. Carrabine, 'Reassessing Resistance: Race, gender and sexuality in prison', *Punishment & Society,* 3:4 (2001), p. 511.
[6] Evans, and Thorpe, 'Commanding Men', pp. 17-34.
[7] W.M. Robbins, 'Spatial Escape and Hyde Park Barracks', *Journal of Australian Colonial History,* 7 (2005), p. 81; E.C. Casella, '"Doing Trade": A sexual economy of nineteenth-century Australian female convict prisons', *World Archaeology*, 32:2 (2000), pp. 209-221; P. Davies, 'Destitute Women and Smoking at the Hyde Park Barracks, Sydney, Australia', *International Journal of Historical Archaeology,* 15 (2011), pp. 82-101; Causer, '"Only a place fit for angels and eagles"', Ch. 5, especially p. 168.
[8] H. Maxwell-Stewart, *Closing Hell's Gates: The death of a convict station* (Crows Nest: Allen & Unwin, 2008)*,* pp. 165-202; D.A. Roberts,'"A Sort of Inland Norfolk Island": Isolation, coercion and resistance on the Wellington Valley convict station', *Journal of Australian Colonial History,* 2:1 (2001), pp. 50-72; D.A. Roberts, '"A sort of inland Norfolk Island", pp. 50-72; Causer, '"Only a place fit for angels and eagles', p. 270; J. Boyce, *Van Diemen's Land* (Carlton: Black Inc., 2008), p. 9; G. Karskens, *The Colony: A history of early Sydney* (Crows Nest, 2010), pp. 280-309; G. Karskens, "This spirit of emigration", *Journal of Australian Colonial History,,* 7 (2005); I. Duffield, 'Cutting Out and Taking Liberties: Australia's convict pirates, 1790-1829', *International Review of Social History,* 58:21 (2013), pp. 197-227; T. Causer (ed), *Memorandums of James Martin* (London: UCL Press, 2017).

sexual practices, identified by Catie Gilchrist.[9] It argues that Norfolk Island was archetypal to the anti-transportation campaign against transportation, through exaggerated rumours of 'unnatural crimes' on Norfolk Island, which influenced the interpretation of male-on-male sex acts on Cockatoo Island.

My methodology also acknowledges that forms of resistance were shaped by the convicts' social identities outside of prison, particularly their 'Indigeneity'. Kristyn Harman has shown that Indigenous convicts mostly resisted imprisonment through escaping, but there is evidence on Rottnest that they also created 'enclaves' of Indigenous customs and ways of life within the institutional environment to ease the pains of their imprisonment.[10] Throughout, it pays particular attention to the way that island geography has shaped convict agency, taking a multi-sited view of convict agency within the in-between spaces of islands, whose presumed security also provided convicts with increased mobility within the island environment.

5.1 Smuggling over Shorelines

The natural boundaries of carceral islands were permeable in two ways. First, convicts were able to smuggle goods in, either via resident boat crews, prison security (whether soldiers or guards) or convicts in authority. The traffic in narcotics involved two boundary crossings: first, transgressing the edge of the island and second, entering the body of the convict through the act of consumption.[11] It functioned as an act of resistance, relieving them of the psychological stress of the prison regime and taking control of their body.[12] It was also a matter of habit as smoking and drinking were prevalent in male working-class communities.[13] These habits were also fundamental to

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[9] C. Gilchrist, 'Space, Sexuality and Convict Resistance in Van Diemen's Land: The limits of repression?', *Eras Journal,* 6 (2004), n.p.

[10] K. Harman and E. Grant, '"Impossible to Detain…without Chains?": The use of restraints on Aboriginal people in policing and prisons, *History Australia*, 11:2 (2014), pp. 157-176; B. Attwood, *The Making of the Aborigines* (Sydney: Allen & Unwin, 1989)*,* pp. 1-31.

[11] A.R.E. Dingle, '"The Truly Magnificent Thirst": An historical survey of Australian drinking habits', *Historical Studies* (Melbourne), 19:75 (1980), p. 238.

[12] Davies, 'Smoking at Hyde Park Barracks', p. 97; R. Walker, 'Under Fire: A History of tobacco smoking in Australia', *Melbourne Historical Studies,* 19:75 (1980), pp. 267-185; A. Ratsch, K. J. Steadman and F. Bogossian, 'The Pituri Story: A review of the historical literature surrounding traditional Australian Aboriginal use of nicotine in Central Australia', *Journal of Ethnobiology and Ethnomedicine,* 6 (2010), p. 26.

[13] B. Hindmarsh, 'Beer and fighting: Some aspects of convict leisure in Van Diemen's Land', *Journal of Australian Studies,* 23 (1999), p. 152.

the social lives of military guards and sailors since they were included in their rations. Convicts, soldiers and sailors shared a social background that encouraged a trade in these items and shared discontent in being subject to the same regulations that prevented them from leaving the carceral island.[14] This sense of isolation encouraged sailors and soldiers to trade alcohol and tobacco with white convicts, but this same social cohesion did not extend to Indigenous Australian prisoners on Rottnest. Convicts in positions of authority within the prison's hierarchy used their privileges and increased mobility on the island to secure alcohol for the whole convict population. Through this, they resisted the prison regimes by tapping into maritime mobilities of people and goods.

The first regulations passed by colonial governments once an island became a penal establishment were usually to prevent vessels from accessing the island's shores without permission. The first proclamation issued by Governor George Gipps after Cockatoo Island became a convict stockade ordered that no vessels would be allowed to land on the island 'under any pretence whatsoever'.[15] The 1841 regulations stipulated that only one boat could be attached to Cockatoo Island, which must be chained to a manned sentry box. By 1857, as the establishment grew, there were at least three boats belonging to the government at the island (to ferry prisoners, staff and visiting officials), as well as myriad 'personal' boats belonging to residents on the island.[16] In 1847, a Government Gazette was issued which instituted a penalty of up to twenty pounds or three months' imprisonment for people who were 'found at or near, or in any manner communicating with the said [Cockatoo] island, without the permission of the Governor'.[17] In 1855, governor William Denison issued more detailed regulations to control the movement of boats to and from the island. Visitors to the island needed permission from the Colonial Secretary or a visiting magistrate and were required to land at the mooring buoy on the east side of the island.[18] The superintendent or his

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[14] In their study of early modern Atlantic world, Marcus Rediker and Peter Linebaugh convincingly argue that: 'concepts such as «nationality», «race» and «ethnicity» have obscured essential features of the history of the working class'. He has shown how waged labourers, including sailors and soldiers – rebelled alongside enslaved peoples in the nineteenth century, see: M. Rediker and P. Linebaugh, *The Many Headed Hydra: Sailors, slaves and the Atlantic working class in the eighteenth century* (Boston: Beacon Press, 2002)*,* pp. 191-2.

[15] NSW, Government Gazette, no. 394, Edward Deas Thomson, Colonial Secretary of NSW, 27 Feb. 1839, p. 253.

[16] New South Wales Legislative Assembly Votes and Proceedings, vol. II, no. 17, Inquiry into Management of Cockatoo Island (Sydney, 1858), pp. 255-8.

[17] NSW Government Gazette, no. 99, Thomson, 10 Nov. 1847, 16 Nov. 1847.

[18] SRNSW, 4/6519, 'General Regulations for Cockatoo Island', 1855, p. 1.

assistant would be present to ensure there was 'no communication… with the Prisoners'.[19] The water police stationed on the island could also search boats to check for smuggled goods or escapees. It was harder to control the movement of staff – including prison guards, civil engineering staff and their families – who were resident on the island. Residents were discouraged from visiting the mainland regularly, and civil engineers had to seek permission from their head of department, Gother Kerr Mann, to go to shore because 'it is absolutely necessary that the intercourse between the Island and the Main should be as much restricted as possible.'[20]

Illicit goods reached the prison population mostly via sailors or prison staff who had access to boats. Illegal goods were thrown over the walls of mainland prisons by residents and friends, but smuggling onto islands required maritime mobility, encouraging partnerships with sailors and guards. A board of inquiry commissioned by the legislative council into the management of Cockatoo Island hinged on allegations that superintendent Charles Ormsby allowed boats to and from the island with little restriction or supervision.[21] On Cockatoo Island, regulations introduced in 1855 attempted to limit the amount of alcohol brought onto the island by free officers. The officers of the penal department were not allowed to bring any spirits onto the island 'on any pretence', and the civil engineers had to apply for written authority from the visiting magistrate superintendent or chief civil engineer Captain Mann.[22] Yet, convict servants unloaded the 'shop boat', which included wine and spirits for the staff, without any policemen inspecting their cargoes leading to an extensive illicit economy in spirits.[23] Myriad other illegal items ended up on Cockatoo including clothes, newspapers, and even boxing gloves for convict sparring matches.[24]

The colonial administration was particularly concerned about unmonitored correspondence reaching the convicts' acquaintances in Sydney. Several copies of *The Empire,* which spearheaded the campaign against Ormsby, were found in one convict's bed and another was punished for attempting to smuggle out 'false' testimony to the

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[19] *Ibid.*
[20] *Ibid.*
[21] New South Wales Legislative Assembly Votes and Proceedings, vol. II, no. 17, Inquiry into Management of Cockatoo Island (Sydney, 1858), p. 266.
[22] *Idem.*, p. 267.
[23] *Ibid*.
[24] *Ibid*.

inquiry.[25] In another instance sentries discovered that prisoners had arranged for a boat from Sydney harbour to deposit bottles of spirits that were hidden among the rocks on the shoreline.[26] This was a canny scheme, as sentries retreated to the walls of the prison at night to prevent convicts' escape, leaving the shoreline unwatched for the deposit of goods. Louis Becke also described rowing up to the shoreline and 'chuck[ing] a lot of small pieces of tobacco out on the road or among the loose stones on the bank' for the convicts.[27] The 1858 board of inquiry concluded that the only limit to the importation of spirits was 'the want of means on the part of the prisoners to purchase them.'[28]

When Captain Gother Kerman replaced Ormsby in 1859, he implemented stricter discipline but convicts still had regular access to alcohol due to the proximity of ships being outfitted in the fully operational dry dock. Twice in July 1861, convicts were found throwing their shoes onto the anchored boat as a means of trafficking alcohol and tobacco.[29] In Cockatoo Island's punishment book between 1859 and 1862, convicts were regularly punished for misdemeanours like making their way to the wharf, talking to the crew of the *HMS Niger*, having tobacco from *HMS Pelorus* and even for having 'counterfeit rings… for the purpose of trafficking with the sailors'.[30] This suggests that convicts traded in a variety of goods, like jewellery, as well as money they earned via the task-work system to gain tobacco beyond what they could purchase from the shop boat, and to gain access to forbidden goods like alcohol.[31]

A colonial vessel was permanently stationed at Melville Island, so the ship's crew were always a potential source for obtaining alcohol. It was extremely common for all those aboard, including the captain, officers and ordinary seamen, to supplement their wages by pilfering goods like alcohol, tobacco and sugar from the stores.[32] In 1826, the commandant, Major John Campbell, issued 'local regulations' stipulating that all ships approaching Melville Island needed to carry licences in order to offload alcohol

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[25] SRNSW,4/6502, Punishment Book, 1859-63, John Miller, 30 March 1860, p. 14.

[26] Inquiry into Management of Cockatoo Island (1858), p. 268.

[27] W. Derrincourt (author), *Old Convict Days,* ed. by L. Becke, (London: Fisher Unwin, 1899), p. x.

[28] Inquiry into Management of Cockatoo Island (1858), p. 265.

[29] SRNSW, 4/6502, Punishment Book, John Morton, 5 July 1861 and John Breeson, 20 July 1861.

[30] *Idem.,* John O'Connor, 27 Nov 1862, Michael Boyle, 23 April 1862 and William Ryan, 23 Aug. 1862.

[31] Legislative Council of NSW Sessional Papers, Select Committee on Secondary Punishment (Sydney, 1858), John O'Neill Brenan, Sherriff of NSW, 15 Nov. 1857, p. 1226.

[32] M. Rediker, *Between the Devil and the Deep Blue Sea: Merchant seamen, pirates and the Anglo-American maritime world, 1700-1750* (Cambridge: Cambridge University Press, 1987), pp. 129-130.

or face a fine of fifty pounds. Smaller boats caught smuggling alcohol away from the wharf could also be seized. These regulations explicitly targeted sailors as traffickers of alcohol, stating that the rules were in place to prevent 'any Spirits being introduced by their Crew into the settlement as… an introduction of Spirituous Liquors would be attended with consequences highly detrimental and injurious'.[33]

This was certainly the case in September 1828, when the island's new commandant Captain Hartley believed that the entire crew of the colonial vessel *Amity* was culpable for smuggling in a 'considerable quantity of gin… which soon converted the whole settlement into one general scene of riot, tumult and intemperance'.[34] Hartley urged the Attorney General to prosecute the masters of colonial vessels, including the *Amity*'s master Mr. Owen, claiming that he was at worst guilty of 'connivance' with crew or at best 'ignorant of such misdeeds'.[35] As commandant Hartley only had the power to punish the convicts with flogging, imprisonment and the suspension or deprivation of tickets-of-leave.[36] Convict gardener, John Richardson (featured in the previous chapter) had spent time on board the *Isabella,* collecting botanical samples in Batavia. Due to his elevated position within the convict hierarchy he was able to conspire with a soldier to bring 150 dollars' (USD) worth of spirits from the crew of the *Isabella* and sell it back to prisoners at twice the price, resulting in 'considerable drunkenness' across the settlement.[37] The boat deposited the alcohol two miles from the settlement, thus evading the sentries at the wharf.

On Melville Island, the wharf was the main arena of trade in alcohol as well as drunken behaviour. When convict Joseph Donaghue was helping offload buffalo from the *Amity* to the shore, he took the opportunity to steal a case of gin from below deck. This resulted in a brawl between him and a group of sailors, while an unsuspecting buffalo toppled overboard. Similarly, convict servant Patrick Healy took advantage of his access to the ship quarters of General Radford to steal a bottle of gin. The inebriated

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[33] *HRA*, ser. III, vol. VI, John Campbell, commandant of Melville Island, to Alexander Macleay, Colonial Secretary, 10 Oct. 1826, encl. M, 'Port and Local Regulations for Melville Island', 1 Oct. 1826 and 'Extra Local Regulations – Fort Dundas [sic]', 1 Oct. 1826, p. 673.
[34] *HRA*, ser. III, vol. VI, Humphrey Robert Hartley, Commandant of Melville Island, to Macleay, Melville Island, 8 Sept.1828, pp. 759-60.
[35] *Ibid.*
[36] *Ibid.*
[37] *HRA*, ser. III vol. VI, Campbell to Macleay, 26 June 1827, pp. 697-8.

Healy ended up brawling with a sailor, both of whom were flogged by the commandant for their 'drunkenness and riotous conduct'.[38] Another convict, Walter Wilson, took advantage of his position as convict overseer to traverse the settlement after hours in search of alcohol. He walked to the wharf on the evening of 2 August 1828 under the pretence of checking that the boats were properly secured. Instead, he boarded a dinghy and rowed towards the *Amity,* anchored fourteen metres offshore. When a sentry, alerted by the splash of oars, confronted him, Wilson freely admitted that he was going to buy sugar and spirits from Commander Owen. Wilson was tried by the bench of magistrates for using a boat without permission for 'improper ends' and was suspended as convict overseer.[39]

Indigenous prisoners on Rottnest Island did not need to traffic tobacco via boat crews as the prison staff used tobacco as an informal reward system for capturing snakes, fishing, and hunting.[40] This inverts the pattern seen so far, as it directly involved staff members and was tied to movements in the interior of the island. The sons of Captain Dockwrey Jackson would give the prisoners 'half a stick of tobacco' in exchange for some of their kill from the hunt, or if they were able to repeat back in English the phrase "three hundred and thirty-six split sixpences"'.[41] William Jackson said that the prisoners were 'extremely fond of tobacco'.[42] However, officially this was not allowed and warders were instructed to be extra vigilant about 'any person secreting prohibited articles for the prisoners'.[43]

The Western Australian government passed regulations prohibiting the sale of alcohol to Indigenous people, because alcohol addiction was seen as a serious problem within the Indigenous community.[44] Nonetheless, partly because of its tropical environment, Rottnest was regularly referred to as a holiday island where, 'They did

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[38] SRNSW, ser. 3136, 4/2772.4, Bench of Magistrates, Melville Island, 1827 – 29, Joseph Donaghue and Patrick Healy, prisoners, 31 July 1828, p. 12.
[39] *Idem.,* Walter Wilson, prisoner, 6 Aug. 1828, p. 16.
[40] SROWA, con. 527, ser. 675, 1889/3314, Malcolm Fraser, Colonial Secretary, to Frederick Napier Broome, Governor of Western Australia, 22 Nov. 1889; *Inquirer and Commercial News,* 24 Sept. 1873, p. 3.
[41] E. J. Watson, *Rottnest: Its Tragedy and Its Glory* (Rottnest: Rottnest Island Authority, 3rd edn., 2006)*,* pp. 242-3.
[42] *Ibid*.
[43] *Handbook of Regulations for Warders on Rottnest Island* (Perth: Richard Pether, 1877).
[44] M. Langton, 'Rum, Seduction and Death: "Aboriginality" and alcohol', *Oceania,* 63 (1993), pp. 195-206.

nothing at Rottnest, apparently, but eat and drink'.[45] There was alcohol on the island – accounts of drunken warders survive – and this demonstrates how important the similar social backgrounds of sailors, soldiers and the European convicts was to illicit trade on Cockatoo and Melville Islands.[46] In contrast, the European (or European-descended) convicts and free warders felt themselves to be very different to Indigenous prisoners, which was compounded by their spatial segregation and privileged treatment within the prison environment. Social networks were needed for goods to overcome both physical isolation by water and internal segregation within the island.

5.2 Escape by Sea

Carceral islands' boundaries were permeable to people as well as to goods despite the prison authorities' attempts to render them secure. Cockatoo Island, like Macquarie Harbour, was 'far from a natural prison where desperate men could be securely held, [it actually] leaked like a sieve'.[47] It is perhaps unsurprising that coastal or insular prisons were no more secure than those on the mainland. Grace Karskens has argued that convict escapes were more likely to be successful if they were by water, rather than overland.[48] Ian Duffield recognises similar features of maritime mobility, organisation and cooperation in convict piracy.[49] The most consistent goal of all penal establishments – unlike changing ideologies of labour extraction, deterrence or rehabilitation – is to fulfil their custodial purpose.[50] This was true of the scale of the penal colony and the penal establishments scattered across and around the continent.

Prisons were established on Rottnest Island and Cockatoo Island partly in the respective governors' belief that they were particularly secure sites for escape risks. In Cockatoo Island's first five years as a penal establishment, it held a high proportion of absconders. Between 1839 and 1844, more than a fifth of its inmates were convicted of

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[45] Western Australia, Legislative Council, Votes and Proceedings, Edward Kean, 30 Dec. 1888.
[46] SROWA, con. 527, ser. 675, 1884/2589, Fraser to Broome, 17 May 1884, Perth.
[47] Maxwell-Stewart, *Closing Hell's Gates*, pp. 198-99.
[48] Karskens, '"This Spirit of Emigration"', pp. 11-12.
[49] Duffield, 'Cutting out and Taking Liberties', pp. 197-8.
[50] R.F. Culp, 'Frequency and Characteristics of Prison Escapes in the United States: An analysis of national data', *The Prison Journal,* 85:3 (2005), p. 270; T.M. Martin, and G. Chantraine, 'Toward a Sociology of Prison Escape: Synopsis and call for papers', (2015), <https://sites.google.com/site/gprnnetwork/home/news/callforpaperstowardasociologyofprisonescape> [accessed: 10 April 2017]

absconding, sixty per cent of whom had absconded more than once (see Table 8).[51] This almost correlates with the isolated penal settlement at Macquarie Harbour where 'nearly one in three' were absconders.[52] Grace Karskens and James Boyce have shown that escaped convicts found refuge in the bush. This challenged the notion that Australian land was hostile in every respect, an idea deliberately put forward by the colonial authorities as a deterrence to escape.[53] Because convict escape threatened to 'expose the potential fragility of the convict system', absconders were sent to penal stations or chain gangs to set an example for other prisoners.[54] Cockatoo Island functioned in the same way as the isolated Macquarie Harbour. Despite its close proximity to both the city of Sydney and the vessels that passed through its harbour, the island was a seemingly more secure site for absconders. In New South Wales, judges, magistrates and officers from the Royal Engineers all sent a high proportion of absconders and bushrangers to Cockatoo Island.

Similarly, the idea that the island's geography would contain Aboriginal prisoners who were serial escapers was foundational to Rottnest Island's establishment as a carceral site. Elizabeth Grant and Kristyn Harman have shown that this concern was well-founded, with demonstrably higher rates of Aboriginal convicts escaping, compared to other ethnicities.[55] Protector of Aborigines, Charles Symmons, wrote that the

> …admirable system of discipline [pursued there is]…attributable to the insulated position
> of Rottnest, and the fact that no boats, save by a Government order, are permitted to land
> on the island, thus rendering escape impracticable.[56]

Therefore, escapes from these presumptively 'inescapable' islands threatened to expose the failings of the criminal justice system, more so than from other locations.[57]

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[51] i.e. 72 out of 340 convicts for whom colonial conviction was listed, out of a total of 822 entries.
[52] Maxwell-Stewart, *Closing Hell's Gates,* p. 49.
[53] Karskens, *The Colony*; Karskens, '"This Spirit of Emigration"'; Boyce, *Van Diemen's Land*.
[54] C. Anderson, 'Multiple Border Crossings: "Convicts and other persons escaped from Botany Bay and residing in Calcutta"', *Journal of Australian Colonial History,* 3:2 (2001), pp. 1-22.
[55] Harman and Grant, '"Impossible to Detain…without Chains"?', pp. 158, 162.
[56] BPP 1844, vol. XXXIV, no. 627, 'Aborigines (Australian Colonies)', Charles Symmons, Protector of Aborigines to Peter Broun, Colonial Secretary for Western Australia, 6 March 1842, Perth, p. 409.
[57] Anderson, 'Multiple Border Crossings', p. 3.

It was in the colonial authorities' interest to portray these environments as hostile and thus any attempts to escape as foolish and reckless.[58] Yet, convicts' geographical knowledge was far more sophisticated than officials liked to believe, or at least to admit to the general public. This explains in particular the high rate of escape amongst bushrangers on Cockatoo Island. Most convicts would have ventured into the bush many times, slowly learning about the topography, animals and Indigenous peoples who lived there. This knowledge became useful in order to ensure convicts' survival when they absconded into the bush, despite authorities painting the environment as uniformly 'hostile'. Geographical knowledge about the best means to escape also passed between convicts, and was essential to the success of escapes from Macquarie Harbour.[59] Clare Anderson has shown how knowledge also circulated imperially, as convicts shared information about ports and shipping routes to escape from Australia to India.[60] Other convicts had relevant skills for a maritime escape attempt, including convicted mariners, carpenters and blacksmiths who would lead or join escape parties.[61] In fact, over eighty per cent of escape attempts from early New South Wales were by sea and along rivers and harbours.[62]

Ian Duffield and Graeme Broxam have identified at least 211 cases of transported convicts pirating boats between 1790 and 1859.[63] This included eleven vessels seized from penal stations which were usually located near water and reliant on shipping services.[64] Since convicts 'looked to the sea, not the bush, as [a] focus for their dreams of freedom', it seems obvious that islands would be less secure than mainland prisons, despite colonial officials' hopes to the contrary.[65] The rest of this section considers the main factors which led to successful escape from islands. Here 'successful' means managing to evade custody, outside the limits of the legally defined boundaries of custody, rather than the length of time before convicts were recaptured. Important factors included: first, the proximity of the island to a settlement on the mainland; second, the position of convicts in the prison hierarchy; and third, the degree

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[58] Karskens, *The Colony,* p. 282.
[59] Maxwell-Stewart, *Closing Hell's Gates,* pp. 168-9.
[60] Anderson, 'Multiple Border Crossings', p. 3.
[61] Karskens, '"This Spirit of Emigration"', pp. 1-34.
[62] *Ibid.*
[63] Duffield, 'Australia's Convict Pirates', p. 197.
[64] *Idem.*, p. 225.
[65] Karskens, 'This Spirit of Emigration', p. 12.

of social cohesion among the inmates that enabled group escapes. As Grace Karskens argues group escape attempts in which convicts collaborated and planned together were far more likely to be successful than solo or opportunistic attempts to abscond.[66]

The primary purpose of regulations in place at carceral islands was to prevent convicts from accessing boats for escape. On Melville Island, regulations stipulated that all incoming ships stop at Cape Van Diemen at the tip of the Aspley straits, around twenty-five kilometres from Fort Dundas, where they would be boarded by a naval officer. He would guide them through the treacherous waters and collect a deposit of £120, which would be returned after the ship was searched for stowaways. This term was applied to 'any Settler, Convict, Free, Pardoned, Emancipated, or other person whatsoever'.[67] If the naval officer was not allowed to board to perform his search, this would be treated as suspicious and the ship would be 'smoked' (i.e. a fire started to force stowaways to reveal themselves).[68] Boats bearing goods or new inmates had to land on the main wharf and take as little time as possible to offload whilst boats carrying visitors would be 'hailed off at a distance not less than one hundred yards from the shore'.[69] In the event of an escape, the main priority was to signal the mainland using 'flags, rockets, blue-lights or guns', which would alert the water police to the escape.[70] New regulations introduced in 1877 tried to mitigate the increased opportunities for escape now the island was a working dockyard. It instructed guards to pay attention to any interactions between prisoners and free workmen and be alert to convicts stealing workers' uniforms to disguise themselves.[71]

The second clause of the act that established Rottnest Island as a prison stated that the executive council could at any time 'make all necessary rules and regulations touching the landing of boats on the said island, for the due custody…of the prisoners'.[72] In 1840, Governor John Hutt issued regulations necessary for the 'prevention of escape of the prisoners', requiring written permission from the Colonial Secretary or

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[66] *Ibid.*
[67] *HRA*, ser. III, vol. VI, encl. M, 'Port and Local Regulations for Melville Island', 1 Oct. 1826, p. 668.
[68] *Idem.*, p. 672.
[69] *Ibid.*
[70] *Ibid.*
[71] Handbook of Ordinary Duty for the use of Subordinate Officers, Rottnest Penal Establishment, Western Australia (Perth: Richard Pether, 1877).
[72] BPP 1844, vol. XXXIV, no. 627, Aborigines (Australian Colonies), 'An Act to constitute the Island of Rottnest a legal prison', pp. 707-8.

Government Resident of Fremantle to land on the island. Similar to Cockatoo Island, boats were required to land only in the daytime and only at Thomson's Bay where a sentry was stationed.[73] Once on the island, visitors would be supervised by the superintendent, who would monitor all communication with the prisoners.[74] The only time these regulations did not apply was in the case of shipwrecks in the vicinity of the island. As late as 1855, the governor re-issued these regulations in the same form in the *Perth Gazette*.[75] The pilot boats stationed at Rottnest to escort vessels into Fremantle port after 1847 were allowed to come and go freely from the island.[76] However, according to the 'Protector of Aborigines', Charles Symmons, the presence of these boats, some of which were manned by Indigenous prisoners, encouraged others to escape.[77] He wrote in his annual report for 1848:

> Since the recent formation of a pilot station on the island, the characters of the convicts have manifestly undergone a great change for the worst. The fact of boats being now (for the first time since the formation of the establishment) permanently attached to the station, and the consequent hope of escape which it has engendered in the minds of the convicts, appears to have rendered them restless, moody and intractable[sic].[78]

Symmons was referring especially to a successful escape on 8 December 1848 when eight men burrowed out of their cell, seized a pilot boat and escaped to the mainland; only two had been recaptured when Symmons submitted his report to the Colonial Secretary.[79] These prisoners used their access to boats, and their elevated position within the convict hierarchy to escape the island confines. This contrasts with the commonly-held view that very few Indigenous prisoners escaped from the island.

To save money and make Indigenous prison labour 'more useful', governor Charles Fitzgerald decided to break up the Rottnest establishment on his arrival in 1848. Though some prisoners remained on the island to harvest the crops, the majority were sent to the mainland to work in road gangs and a few as mail carriers. As a result, there

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[73] *Perth Gazette and Western Australian Journal,* 5 Sept. 1840, p. 4.
[74] *Ibid.*
[75] *Perth Gazette and Independent Journal of Politics and News,* 26 Oct. 1855, p. 2.
[76] *Inquirer,* 25 Aug. 1847, p. 4.
[77] *Inquirer,* 25 March 1846, p. 2.
[78] Symmons to Richard Madden, Colonial Secretary, Perth, 9 Jan. 1849, in *Perth Gazette and Independent Journal of Politics and News,* 10 Feb. 1849, p. 3.
[79] *Ibid.*

were fewer prison guards and Indigenous prisoners were used as overseers, giving further opportunities for the prisoners to escape whether on the mainland or on the island.[80] In 1849, three groups of Rottnest prisoners escaped: a group escaped the island by 'seizing a boat' from the pilot station, Indigenous 'road gangs' escaped into the bush, and so did those sent to work as postmen.[81] This contrasts with the usual narrative that Indigenous prisoners from Rottnest escaped only from road gangs, showing that they utilised all opportunities to escape whether by boat or into the bush.

The proximity of Cockatoo Island to Sydney Harbour, just half a kilometre away, meant many escapes were an opportunistic swim to freedom. On 18 April 1860, James Baker jumped into the water and started to swim away but was recaptured and sentenced to six months in an iron gang.[82] A group of three convicts tried to swim to freedom in 1853 but were found by the water police boat who fired at them until, feeling exhausted, they held onto the stern of the provision boat and were taken back to the island.[83] Louis Becke described seeing an escaped convict who was 'clinging with bleeding hands to the oyster-covered rocks beneath our house' in Balmain.[84]

A number of Cockatoo Island convicts took advantage of the assumption that they would immediately take to the water to make their escape and instead hid somewhere on the island. While the water police combed the waters for them, and eventually assumed that they had made it to the mainland or drowned, they could wait for a more opportune moment to swim away. Since the first contingents of convicts had been made to deforest the island to enhance security, this was easier said than done. Two convicts, George and John Jones, secreted themselves in a 'rain-drain' awaiting a chance to escape. The method of 'secreting' themselves on the island (in one form or another) accounted for five out of fourteen escapes or escape attempts from Cockatoo Island between 13 July 1859 and 11 August 1860.[85]

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[80] *Ibid.*

[81] Symmons to Madden, 31 Dec. 1849, in *Perth Gazette and Independent Journal of Politics and News,* 11 Jan. 1850, p. 3.

[82] SRNSW, 4/6502, Cockatoo Island Punishment Book, 19 April 1860.

[83] *Sydney Morning Herald*, 16 June 1858, reporting the Legislative Assembly session of 15 June 1858; *Empire,* 10 June 1858, p. 2; SRNSW, 4/6502, Punishment Book, Charles Ferris and John Johnson (alias Wright), 28 Feb. 1860.

[84] Becke (ed.), 'Introduction', in Derrincourt, *Old Convict Days*, p. ix.

[85] SRNSW, 4/6502, Punishment Book, Cockatoo Island, 1859-63.

As Rottnest Island and Melville Island were too far away from the shore or settlement to make swimming a viable option, the most common way to escape was to steal a boat. The first cohort of prisoners ever sent to Rottnest Island managed to escape. The group of six Nyoongar men included two elders (community leaders), alongside younger men and resistance leaders, who were tried in a series of landmark cases for theft from settlers and *inter-se* murder. Since the prison had not yet been built, the prisoners were left outside for the night. Under cover of a storm, they burnt down the tree to which they were shackled and boarded the island's sole rowboat while still fettered together. Unfortunately, as the boat capsized, they were forced to swim to shore and Helia drowned. The prisoners made their escape on Wednesday night but the Fremantle authorities did not realise until Friday because 'repeated signals had been made by Mr. Welch but were not noticed by persons at Fremantle, but disregarded.'[86] Of the escaped convicts, Goodap was killed by Helia's relatives in revenge for his death, Cogatt was shot by a white settler and Molly Dobbin was thought to have been shot in the Canning River massacre.[87]

Over the next eighty years, as penal infrastructures and increased surveillance became the norm, escapes from the island were relatively uncommon. Neville Green has identified thirty-eight escapes that reached the mainland, roughly one per cent.[88] Nonetheless, even unsuccessful escape attempts can shed light on convicts' motivations and what Paul Carter has termed the 'spatial imagination' of escape within convict society.[89] For example, in 1881 Yambitch attempted to steal the pilot boat while working as a 'constable' (convict overseer) on the island. As shown in Chapter 3, Yambitch had petitioned the judge for a remitted sentence on the ground that he was a Christian, but he still received a life sentence for manslaughter after spearing Selina. With a life sentence left to serve, Yambitch had little to lose by attempting escape, but his co-conspirator, Johnny, took the possibility of an early release by informing on Yambitch. Johnny went on to receive a reward of three months' remission of his sentence.[90] The importance of 'imaginary geographies' of escape as a coping

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[86] *Ibid.*
[87] *Perth Gazette*, 29 Sept. 1838, p. 124.
[88] Green and Moon, *Far From Home,* pp. 72-3.
[89] Carter, *Road to Botany Bay*, p. 312.
[90] SROWA, acc. 37, Colonial Secretary Outwards Correspondence [hereafter, CSO], vol. 1/226, William Timperley, Superintendent of Rottnest Prison, to Lord Gifford, Colonial Secretary, Perth, 6 Sept. 1881; *Idem.,* vol. 1/231, Gifford to Timperley, Perth, 26 Sept 1881.

mechanism was equally important within the community left behind. For example, there is a story in some Nyoongar communities that prisoners escaped the island by swimming across the 'big sea' or grabbing onto a stick floated to him by his kinsmen.[91] Unlike European convicts for whom escape 'was mostly a sea going affair', as they looked to escape across the ocean to India or Batavia, Indigenous convicts' escape attempts were about returning to their home on the Australian continent.[92]

Two European convicts on Rottnest took advantage of their increased mobility as convict fishermen to escape in May 1899. While working as fishermen, they spotted a man asleep on his boat just thirty-five metres from the beach, with a spare dinghy floating beside him. This man's breach of the regulations that allowed boats near the island gave Riverlea and Beck the perfect opportunity: they shed their uniforms and swam out to the craft.[93] Once again, the distance of the prison island from the mainland worked in their favour. Though superintendent Fred Pearse sent telegrams to the Inspector of Police at Fremantle at around nine thirty in the evening informing him of their escape, he did not receive the news until four thirty in the morning, giving the prisoners a head-start of at least seven hours.[94]

Other convicts attempted to build their own boats on which to escape the island. This often involved more than one convict, with at least one carpenter, mariner or other specialist skill set, and a private place to construct the vessel. In April 1828, a group of convicts on Melville Island were caught building a small vessel at the shoreline of Melville Island by a fellow convict who alerted the authorities. Upon searching the hut of Charles Wilson, the leader of the escape attempt, the guards discovered a mariner's compass, sailing instructions to Timor, a pistol, and several chisels – all of which had been bought from a sailor.[95] Wilson had previously deserted from the *Isabella* at Koepang. Looking through the list of eight convicts who formed the escape crew, we can see that Wilson gathered together those with desirable skills, particularly

[91] Anga Friday Jones, 'Tankil Tankil's Escape from Rottnest' [Oral History], *Mira Canning Stock Route Project Archive,* 9 Sept. 2008 < http://mira.canningstockrouteproject.com/content/anga-friday-jones-tankil-tankils-escape-rottnest-oral-history> [accessed: 6 March 2014].
[92] Anderson, 'Multiple Border Crossings', p. 3; Karskens, 'Spirit of Emigration', p. 5; A. Atkinson, 'The Pioneers who Left Early', *The Push,* 29 (1991), pp. 110-6.
[93] SROWA, cons. 527, Ser. 675, 1899/1011, Frederick Pearse, Superintendent of Rottnest Prison, to John See, Under-Secretary of Western Australia, 21 Sept. 1899, Perth.
[94] *Ibid*.
[95] *HRA*, ser. III, vol. VI, Campbell to Macleay, 20 June 1828, pp. 722-3.

blacksmithing and carpentry, to afford the best chance of success.[96] This fits in with patterns identified by Grace Karksens that escape attempts from New South Wales tended to be collective and organised efforts.[97] It also fits into a pattern identified by Tim Causer which has shown every successful escape from Norfolk Island 'involved at least one seaman'.[98]

On Cockatoo Island in November 1860 Robert Landall was employed 'stowing' away what the carpenters had cut in the store above the carpenter's shop. The foreman of the works, William Cahill, checked only occasionally on his progress, and the other carpenters were fixing a roof elsewhere on the island. Landall locked himself in the shop from the inside and began building 'a small boat because there is no other name to apply to it', indicating shoddy craftsmanship.[99] In February 1853, two convicts on Cockatoo Island built a 'raft' together and made it to the water before Harry Burns betrayed his companion in a bid to receive an early ticket-of-leave. Instead, Burns was sent to Darlinghurst Gaol. When he landed at the wharf he attempted to run away but was shot in the shoulder by the armed guard.[100] Once again, informing and escape were dual strategies to return to the mainland. Karskens has shown convict escapes from early New South Wales were often maritime endeavours, but it is clear that escapees from Cockatoo Island were focussed on reaching Sydney rather than fleeing the colony altogether. Though Cockatoo Island convicts escaped on boats and rafts, they viewed water as a barrier to be crossed in order to reach freedom on the mainland, rather than offering a prospect of permanent escape from the colony. By the mid-nineteenth century, locally-born prisoners or recidivist convicts clearly considered Australia home and so, like Indigenous convicts, they sought to return to the mainland.[101]

In November 1857, the sheriff of New South Wales, John O'Neill Brenan, testified to the Select Committee on Secondary Punishment that Cockatoo Island would

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[96] Causer (ed.), *Memorandums of James Martin.*
[97] Karskens, 'Spirit of Emigration', p. 27.
[98] Causer, '"Only a place fit for angels and eagles"', p. 227.
[99] Sessional Papers of Legislative Council, no. 157-a, Report for the Select Committee on the Public Prisons in Sydney and Cumberland; together with the proceedings of the committee, minutes of evidence, comprising statements of prisoners, and Appendix (Sydney, 1861), testimony of Gother Kerr Mann, Superintendent of Cockatoo Island, 25 April 1861, pp. 185-6; *Idem.,* p. 807.
[100] Select Committee on Public Prisons (Sydney, 1861), Richard Ainsworth, former convict-clerk at Cockatoo Island, to Parkes, Chairman, 5 March 1861, Darlinghurst Gaol, 'encl.', p. 248.
[101] Karskens, '"This Spirit of Emigration"'; Duffield, 'Cutting out and Taking Liberties'.

no longer be suitable for the confinement of prisoners once it became an operational dry dock. His reasoning was that 'intercourse between sailors at work in repairing the ships in dock and the prisoners' would threaten discipline and enable convicts to escape by stowing away.[102] He claimed that as long as 'strangers were not allowed to approach the island', Cockatoo Island was secure. But opening the dry dock would make it far harder to guard than a mainland prison.[103] For example, in 1860, John Johnson (alias Wright) and Charles Ferris stole a boat while pumping the dock in the middle of the night, for a man-o-war that was eager to leave dock the following morning in February 1860.[104] While working, the prisoners spotted that assistant-engineer Henry Broderick's boat was on the police wharf, took it and rowed away. Though the prisoners were recaptured, Mann issued regulations that stopped any private boats being kept on the island and disallowed convicts from working at night under any circumstance.[105]

There was a sharp increase in escapes and other forms of resistance on Cockatoo Island from the late 1850s to the early 1860s, due to mismanagement in the prison and the cessation of the task-work system for new prisoners in 1860. According to Mann, between 1 June 1857 and 31 May 1860, there were six attempts at escape, twenty three assaults, eighty one refusals to work and 135 cases of 'insubordinate and disorderly conduct'.[106] Convicts' testimony to the 1861 Select Committee into Public Prisons shows that these forms of protest were related to a number of issues, particularly the mismanagement of labour, as some convicts within the task-work system (paid small amount of money for work to buy indulgences from the 'shop boat', and earning time off their sentence for exceeding targets), worked alongside newly arrived prisoners who were not. Convicts also complained about overcrowded, unhygienic dorms where they could barely breathe and a corrupt management system with violent overseers and warders, who were not held accountable by the prison administration. Since they had no

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[102] Sessional Papers of the NSW, Minutes of Evidence taken before the Select Committee on Secondary Punishment (Sydney, 1858), testimony of O'Neill Brenan, 25 Nov. 1857, pp. 1225-6.
[103] *Idem.,* O'Neill Brenan, pp. 9-10.
[104] SRNSW, 4/6502, Punishment Book, 28 Feb. 1860, Charles Ferris and John Johnson (alias Wright), p. 13.
[105] Select Committee on Public Prisons (Sydney, 1861), Gother Kerr Mann, Superintendent of Cockatoo Island, 25 April 1861, p. 185.
[106] SRNSW, 4/6502, Punishment Book, Cockatoo Island, 1859-63.

legitimate means to express their discontent, denied access to the Superintendent or petitions to the Colonial Secretary, they turned to escape as a last resort.

Alan Atkinson does not include an escape as a form of convict protest about labour management on the basis that insufficient evidence exists about convict runaway's motives.[107] In contrast in Wellington Valley Convict Station, David Roberts argues that absconding was a form of protest for being denied the usual 'indulgences' and living conditions of convicts working in less isolated penal stations.[108] This chapter departs from Roberts' assumption that this form of resistance was so prevalent because of its mainland situation and the myriad possibilities for overland escape. An analysis of Cockatoo Island bridges these two arguments, to show that convicts did escape over water in direct response to labour conditions on Cockatoo Island.

Laurence Powell complained to the 1861 Select Committee on Secondary Punishment, on behalf of seventeen other stone cutters, that the labour system on Cockatoo Island was inefficient and that convicts were 'compelled to work side by side' with people who were working time off their sentence under the task-work system. They claimed that the superintendent and visiting magistrate refused to listen to their complaints, so without legitimate avenues to have 'our grievances redressed' they turned to other means. He wrote:

> No hope! No hope! Only work out a miserable existence, and a long sentence, under the iron hand of tyranny; and these are the causes of the many dangerous and perilous attempts being made to escape from the island.[109]

Similarly, James Arnott and George Thurston stated that they had written a letter on behalf of the other convicts to complain about the conditions on the island, but claimed that they were denied access to a copy of regulations to understand their rights, and were denied access to the superintendent or visiting Justice to voice their concerns. In George Thurston's words, they were 'illegally dealt with', leading to 'many attempts to escape,

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[107] A. Atkinson, 'Four Patterns of Convict Protest' *Labour History,* 37 (1979), p. 36.
[108] Roberts, '"A Sort of Inland Norfolk Island"', p. 55.
[109] Select Committee on Public Prisons (Sydney, 1861), petition of Laurence Powell, convict, 19 Jan. 1861, Darlinghurst Gaol, p. 246.

as well as the outbreak of October 1859'.[110] The 'outbreak' was the mass downing of tools by the convict workforce because

> the feeling of the men at the time was, that they did not care what came up foremost to them. We were promised from time to time that something should be done for us and nothing was done, and we did not care what we did; and we thought we did might as well be done at once, and be known to the authorities at Sydney.[111]

He had also 'heard them talk of making their escape; and they said they might as well be shot at once to remain there the term of their natural life'.[112]

Almost one hundred convicts involved in the mass 'downing of tools' were removed to by Darlinghurst Gaol in Sydney to prevent a violent revolt on the island. The colonial government was particularly apprehensive about convict insubordination on Cockatoo Island because they had recently replaced the water police who were permanently stationed on the island with a smaller military guard. In addition, Cockatoo Island relied on signalling the mainland to receive police support, which could be easily interrupted. However, Darlinghurst Gaol quickly became overcrowded and the superintendent decided to concentrate Cockatoo Island prisoners, three to a single cell, to stop them 'contaminating' the other prisoners. As a result, Cockatoo Island convicts were regularly heard discussing how to escape. They had iron balls and other tools thrown over the wall for them, and slowly made a breach in the prison yard wall. When exercising, seventeen prisoners escaped to freedom. Though fourteen were recaptured, three remained at large when the committee convened.[113] This seemed to confirm existing ideas about convicts from islands as the worst of the worst, as Cockatoo Island was defined through its founding population of Norfolk Islanders twenty years previously.

It is important to note that absconding also took place within the island's bounds as a temporary respite from confinement, rather than an attempt to permanently escape custody. In the summer of 1870-1, four different Indigenous prisoners on Rottnest

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[110] *Idem.,* pp. 246-7.
[111] Select Committee on Public Prisons (Sydney, 1861), Edward Power, convict, 24 Sept. 1858, pp. 93-4.
[112] *Ibid.*
[113] Select Committee on Public Prisons (Sydney, 1861), 'Report', p. 34; Samuel Whiddon, 28 Feb 1861, p. 76, pp. 91-3.

absconded separately from various working parties; one, named Donkey, even robbed a staff member's garden on the way. They received between fifteen and twenty lashes and up to three days subsisting on only bread and water as punishment.[114] Mobility around the island every Sunday was part of the prison regime but prisoners were still locked up in small cells at night. When four Aboriginal prisoners did not return to the prison on Sunday after their weekly leisure time, superintendent Frederick Pearse assumed they had fled the island and signalled the mainland. However, the prisoners returned to the prison the next day claiming that 'they had just wanted a night's sleep outside'.[115] The prisoners' retreat to the natural spaces of the island was a nostalgic attempt to live in ways that were familiar. On Cockatoo Island, being absent from the working gang was punished with a week's solitary confinement in the punishment cells that were carved into the cliff-face, directly underneath the guard-house.

In conclusion, water was hardly an impenetrable barrier for convicts who succeeded in trafficking goods into the prison and managed to escape. Convicts higher up the convict hierarchy, acting as servants, overseers, carpenters or boat crew, were likely to abuse their privacy and freedom to move around the island to smuggle goods or escape the island – this included convict servants, convict 'mechanics', overseers or constables and pilot boat crew. This was true of both Indigenous and European convicts in terms of escape attempts, though not of trafficking of goods. Though water was viewed as isolating by administrators discussing establishing island institutions, or by magistrates recommending 'secure' locales for absconders, those who ran the prison on an everyday basis struggled to control maritime mobilities which connected convicts far more effectively than it isolated them.

5.3 Intimacy on Islands

This section is concerned with the ways in which male-on-male sexual activity on Cockatoo Island was interpreted as related to the island geography. In 1837, the Select Committee on Transportation was established by the British parliament to investigate the efficacy of the convict system and, in particular, to respond to anti-transportation

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[114] SROWA, cons. 130, Gaol Reports, 'Eurangbiddy', 30 Dec. 1870; 'Donkey', 3 Jan. 1871, 'Bundell', 3 Jan. 1871; Cockey, 2 Feb. 1871.
[115] National Archives of Australia, PP267, Rottnest Lighthouse Journal, 17 and 18 Jan. 1909, p. 1.

campaign allegations about 'moral depredation' resulting from the convict system.[116] This included allegations about the prevalence of 'unnatural acts', which encompassed bestiality, masturbation, sodomy and other male sex acts in Australia. Anti-transportation campaigners deployed a rhetoric of sexual contamination in order to challenge the practice of transportation which concentrated criminals in one place, with a disproportionate number of men than women. This 'targeting' of the convict system, by anti-transportation campaigners, was effective because it took a system that was supposed to engender reform and suggested instead that the concentration of mostly male criminals could only produce moral and physical contamination.[117] Moral panic about 'unnatural crime' was more pronounced in male-only penal stations, with Norfolk Island acting as a locus of these fears in mid-1840s.[118] Catie Gilchrist's work on sex and space in the penal stations of Van Diemen's Land suggested that the 'double invisibility' of these acts – committed at night behind prison walls – allowed rumours to proliferate about the extent of 'unnatural crimes' within the prison.[119]

This chapter extends Tim Causer and Catie Gilchrist's argument by suggesting that Cockatoo Island's island geography fuelled fears of unnatural offences in the late-1850s, partly through its association with Norfolk Island. It will contrast these imagined sexual activities with the (much less prevalent) archival traces of convicts' experiences of sex within prison. These sex acts can be viewed as a resistant act in the carceral context; they directly contravened both prison rules and laws which made sodomy illegal.[120] When consensual, they could be viewed as a means of seeking physical and sexual intimacy within the depersonalizing and often violent regimes of the prison.

[116] J. Ritchie, 'Towards ending an unclean thing: The Molesworth Committee and the abolition of transportation', *Historical Studies,* 17 (1976), pp. 144-164.
[117] K. McKenzie, *Scandal in the Colonies: Sydney and Cape Town, 1820-1850* (Carlton: Melbourne University Press, 2004), pp. 148-9; K. Reid, *Gender, Crime and Empire: Convicts, settlers and the state in early colonial Australia* (Manchester: Manchester University Press, 2007), p. 211; T. Causer, 'Anti-Transportation, "Unnatural Crime" and the "horrors" of Norfolk Island, *Journal of Australian Colonial History*, 14 (2012), pp. 233-8.
[118] Causer, 'Anti-Transportation', pp. 233-5; Reid, *Gender, Crime and Empire*, pp. 209-211; B. Smith, *Australia's Birthstain: The startling legacy of the convict era* (Crows Nest: Allen & Unwin, 2008), p. 426.
[119] C. Gilchrist, 'Space, Sexuality and Convict Resistance in Van Diemen's Land: The limits of repression?', *Eras Journal,* 6 (2004), n.p.
[120] New South Wales replicated British law as much as possible, following the 1828 *Australian Courts Act and Imperial Criminal Adoption Act*, including the English 1828 *Offences Against the Person Act*, see: A.D. Harvey, 'Prosecutions for Sodomy in England at the Beginning of the Nineteenth Century', *The Historical Journal,* 21:4 (1978), p. 941.

However, there is also evidence that coerced sex was used to assert violent dominance, particularly by older convicts in a position of power within the prison hierarchy.

The inquiry was particularly concerned about 'hardened' older criminals mixing with young ones in unsegregated barracks due to the potential for moral contamination, especially unnatural crime. Though it was perceived by the public as a moral abhorrence to heterosexual masculinity, in fact inmates reproduced normative masculine hierarchies through violence.[121] This was a particular theme of the 1838 Parliamentary Select Committee which was concerned in part with the moral ramifications of penal transportation.[122] The superintendent of Sydney's convict barracks, Earnest Augustus Slade, testified to the commission that 'new hands become contaminated by contact with… the old stagers of the colony… [who are] taking liberties with them', later specifying that by 'improper liberties' he meant sodomy.[123] The anti-transportation activists successfully amplified and exploited rumours about 'unnatural crimes' to stop convict transportation to New South Wales in 1840. Twenty years later, the same themes and issues were brought up to criticise the running of Cockatoo Island, with deliberate parallels drawn by Henry Parkes and other prison reformers to Norfolk Island.

In 1857, a correspondent calling himself G.W.H. wrote a letter to the editor of *The Empire*, Henry Parkes, making allegations about rampant same-sex activity on the island. G.W.H. had a variety of ways to allude to these sex acts, referring to the 'crimes that would rise the blush of burning shame upon a demon's cheek [which] are nightly perpetrated' and 'crimes that brought… retribution on Sodom and Gomorrah'.[124] The problem, according to G.W.H., was twofold. First, convicts were locked overnight in overcrowded cells ('all huddled together like so many wild beasts'), without any separation. He described the moment of transgression as the moment of landing on the

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[121] Evans and Thorpe, 'Commanding Men', pp. 20-1.
[122] *Ibid.*
[123] BPP 1837, vol. XIX, no. 518, Report from Select Committee on Transportation. Report, Minutes of Evidence, Appendix, Index', testimony Earnest Augustus Slade, Superintendent of Sydney Convict Barracks, 25 April 1837, p. 66; *Idem.,* testimony of John Dunmore Lang, Presbyterian Clergyman and anti-transportation campaigner, 30 May 1837, p. 230; *Idem.,* testimony of John Mudie, former-magistrate at Maitland, 1 April 1837, p. 44.
[124] Report of the Board of Inquiry into Management of Cockatoo Island (Sydney, 1858), 'G.W.H.' to Parkes, 16 Oct. 1857, p. 277.

island, placing the site of moral contagion more widely than the barracks where these alleged crimes took place. He wrote:

> Immediately he lands on the island…he is *compelled* to co-mingle with villains…At night he is *compelled* to the disgusting recital of their deeds of darkness…and sleep is banished from his sorrowful eyes by the wild chorus of vulgar, ribald and licentious songs'. (Emphasis in original)

G.W.H. drew particular attention to the issue of consent, with the compulsion to listen to dirty expressions and singing part of the problem of illicit male sex.

In 1857 the Legislative Council commissioned a board of inquiry into Cockatoo Island's management, following Henry Parke's campaign through the *Empire* newspaper. Parkes later chaired the 1861 Select Committee into the Public Prisons in Sydney, which was particularly damning of Cockatoo Island prison, and focussed most of all on alleged unnatural crime, far more than convicts' demands for the reintroduction of the task system and the frequent escapes from the island. Nonetheless, convicts did testify to the frequency of sex. They describe effeminate convicts, described as 'Sprigs of Fashion' who were treated by their 'partners' to small gifts.[125] Other, more pejorative terms, included 'Bleeding Nuns' and 'Whores of Pentridge'. [126] Of course, these convicts claimed to have 'witnessed' but not partaken in these sexual practices. Some, at the insistence of the board, claimed they attempted to report the case to the visiting magistrates (who shrugged it off), whilst others claimed that warders either ignored what was going on in bunks or demanded sex on their nightly rounds.[127]

An example of this is a clearly shown in a report in 15 January 1859, when convict William Collins (aka Munday) stabbed a convict wardsman, Michael Molloy, in the head.[128] As Molloy patrolled the ward, he claimed Collins threatened him several times, suggesting he would 'work' on him soon. When Molloy returned on another round of his midnight patrol, he approached Collins' bed who leapt out and stabbed Molloy in the head with a knife. In his defence at Sydney's Criminal court, he claimed

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[125] Select Committee on Public Prisons (Sydney, 1861), James Neale, prisoner at Cockatoo Island, 14 April 1861, p. 124.
[126] *Idem.,* Gilbert Isaacs, 11 April 1861, p. 125; *Idem.,* Edward Power, prisoner at Cockatoo Island, 11 April 1861, p. 127.
[127] *Ibid*, and *Idem.,* Michael Doran, prisoner at Cockatoo Island, 11 April 1861, p. 128.
[128] SRNSW, 9/4632, Clerk of the Peace Depositions, Sydney Criminal Sessions, [n.d] Jan. 1859. no. 13, Regina vs William Collins.

that Molloy had attempted to rape him, and he had stabbed him in the head for this reason.[129] There were disturbing allegations that the warders used their power to get young men ('soldier boys' and 'sailor boys') brought into their dormitory for the express purpose of having sex with them.[130] It is difficult to know the extent to which convicts were exaggerating the 'horrors' on Cockatoo Island in order to extract goodwill for their demands about working conditions. On the other hand, they freely provided names (expunged from the printed record), and all claimed they had actually seen (rather than heard rumours) of these kinds of acts. The coercive use of sex against younger men was a problem in Darlinghurst Gaol, as well as Cockatoo Island, and was used as a form of physical violence to uphold prisoner hierarchies.[131] Though the convicts' focus is very much on the culpability of the warders for allowing these practices to take place within barracks at night, as we shall see, commentators focussed in large part on re-constituting the prison space/regime in a more orderly and moralistic way: building new barracks, classifying prisoners and enforcing more regular religious practice.[132]

G.W.H. used a metaphor of contagion to describe how 'unnatural offences' morally corrupted others. He claimed that from 'constant association with the most hardened offenders...Touch, Pitch and defilement necessarily follows. Crime, like the hydra-headed cholera, is contagious'. The former alludes to Ecclesiastes 13:1 which states: 'He that touches pitch shall be defiled'.[133] This underlines the strong Evangelist undertones of the Anti-transportation campaign.[134] The latter refers to the Greek myth of a 'seven-headed serpent' whose head keeps growing back: both evoke fears of contagion that moral depravity could spread beyond island itself. In the mid-nineteenth century, widespread public health reform and sanitary measures were introduced by local governments after a global cholera epidemic in 1831-2 and 1848-9.[135] These

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[129] Select Committee Public Prisons (Sydney, 1861), Prisoner at Cockatoo Island, William Walsh, 8 March 1861, p. 107.

[130] *Idem.,* Henry Carroll, Prisoner at Cockatoo Island, 11 April 1861, pp. 127-8.

[131] G.M. Sykes, *The Society of Captives: A study of a maximum-security prison* (Princeton: Princeton University Press, 1958, 2nd edn., 2007);

[132] Select Committee Public Prisons (Sydney, 1861), Henry Parkes, Chairman, 'Report', 9 May 1861, Sydney, p. 6.

[133] Apocrypha Ecclesiasticus xiii, quoted in J. Simpson and J. Speake (eds), *Oxford Dictionary of Proverbs* (Oxford: Oxford University Press, 5th edn., 2008), p. 1303.

[134] Reid, *Gender, Crime and Empire*, pp. 214-6; H. Marland, *God's Empire: Religion and colonialism in the British world* (Cambridge: Cambridge University Press, 2011).

[135] P.K. Gilbert, 'On Cholera in Nineteenth Century England', in D. F. Felluga (ed.), *Britain, Representation and Nineteenth-Century History*, http://www.branchcollective.org/?ps_articles=pamela-k-gilbert-on-cholera-in-nineteenth-century-england> [accessed: 23 May 2017]; V. Berridge, 'Health and

measures hinged on an understanding of cholera as a 'miasmatic' disease which spread through polluted atmospheres. Yet, violent outbreaks of cholera among convicts was also theorised by ships' surgeons as resulting from 'the underlying physical and mental state of the person'.[136]

The prison island was the inverse of the quarantine island or, in Sydney's case, the similarly isolated headland North Head.[137] The latter physically separated sick emigrants from the city and confined them in order to treat them, before releasing healthy 'free' emigrants to the colony. In contrast, Cockatoo Island prison concentrated 'morally sick' people together, where they contaminated one another, before being released on the colony upon release. As Alison Bashford and Carolyn Strange argue, 'metaphors of contagion have been used repeatedly to describe the reproduction of undesirable or dangerous qualities, acts, symptoms, identities and practices in enclosed spaces and institutions of confinement.'[138]

Discourses of moral contamination were used to describe the potential release of Cockatoo Island in the late 1840s in two other British colonies, Van Diemen's Land and the Cape Colony. Kirsten McKenzie argues that discourses of moral contamination were prevalent among convicts in both Sydney and Cape Town, but not how a small island like Cockatoo became locus of these fears.[139] In 1848, satirical journal *Sam Sly's African Journal* mocked the exaggerated fears of Cape Colonists who feared that 'twenty-twenty times over convicted villains from Cockatoo Island' would be transported to the Cape Colony.[140] It mentioned the convicts' 'dreadful propensities' (i.e. sexual activities) that threatened 'contamination'. [141]

Medicine', in F.M.L. Thompson (ed.) *Cambridge Social History of Medicine* (Cambridge: Cambridge University Press, 1990)*,* pp. 188, 198.

[136] K. Foxhall, *Health, Medicine and the Sea: Australian voyages, c. 1815-1860* (Manchester: Manchester University Press 2012), p. 38.

[137] A. Clarke, U. Frederick and P. Hobbins, 'Sydney's Landscape of Quarantine', in A. Bashford (ed.), *Quarantine: Local and global histories* (London: Palgrave, 2016), pp. 175-194.

[138] Bashford and Strange (eds), *Isolation,* p. 12.

[139] K. McKenzie, 'Discourses of Scandal: Bourgeois respectability and the end of slavery and transportation at the Cape and New South Wales, 1830-1850', *Journal of Colonialism and Colonial History,* 4:3 (2003).

[140] *Sam Sly's African Journal,* 9 March 1848, p. 3; C. Holdridge, 'Laughing with Sam Sly: The cultural politics of satire and colonial British identity in the Cape Colony, c. 1840-1850', *Kronos,* 36 (2010), pp. 28-53.

[141] *Sam Sly's African Journal,* 9 March 1848, p. 3.

In 1847, at the height of anti-transportation fervour, the inhabitants of Van Diemen's Land petitioned the Queen not to send 'all the doubly and trebly convicted malefactors of New South Wales at… Cockatoo Island, Hyde Park Barracks and other penal establishments' to their colony.[142] They stressed that this large convict population could not be 'dispersed' in their small island-colony, whereas they would be able to be dispersed in the 'immense extent' of New South Wales. An even smaller carceral island, like Cockatoo, could only concentrate criminality, which would then be 'dispersed' and 'mixed' with wider society. Islands represented in the Australian imagination the epitome of spatial-sexual anxiety.

Similar tropes of contagious criminality appeared in the *Sydney Morning Herald's* coverage when two former inmates – referred to in the *Sydney Morning Herald* article as 'Cockatoos' – Samuel Round and William Woodall were found in Wollongong, along with a man named Smith, doing something 'Awful! and abominable! And to which we cannot sully paper by making further allusion".[143] The newspaper further reported that:

> Now we do hope and trust that the authorities in Sydney will not continue to afflict this otherwise quiet, industrious, and peaceable community, with the deadly virus of such contaminated miscreants…the very worst essence, doubly distilled as it were, of all this rascality is pouring in upon this devoted district, after passing through the alembic of Cockatoo.

A number of terms need to be unpacked here. At this time, 'virus' meant 'venom', or any kind of poisonous fluid, and alluded to the transfer of bodily fluids within the sex act.[144] An 'alembic' is a tool for concentrating liquids. The idea that a poisonous fluid was 'doubly distilled' (a phrase deliberately mimicking 'doubly convicted') through the physical concentration of convicts on Cockatoo Island suggested moral depravity. Finally, the newspaper said that 'contaminated miscreants' could not be released on the

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[142] BPP 1851, Vol. XLV, no. 280, 'Convict Discipline and Transportation. Further Correspondence on these subjects of convict discipline and transportation', petition of the inhabitants of Van Diemen's Land to Queen Victoria, 31 Dec. 1847, no. 31, p. 563,
[143] *Sydney Morning Herald*, 5 March 1853, p. 2.
[144] A. Lwoff,' The Concept of Virus', *Journal of General Microbiology',* 1:17 (1957), p. 240.

broader community. By the mid-nineteenth century 'it was common to see convicts as a source of contamination who could spread criminal vice to others'.[145]

Cockatoo Island's reputation as an island in which 'unnatural crime' was rampant was deliberately cultivated by prison reform campaigners through comparison with Norfolk Island. As early as 1826, Norfolk Island was referred to as 'Sodom Island' and 'Gomorrah Island', but it was the anti-transportation campaign of the mid-1840s that equated the convict system's failings with 'sexual depravity'.[146] When Van Diemonian colonists learned of the impending closure of Norfolk Island in 1847, they were concerned about receiving the 'worst' convicts, after enjoying a year-long moratorium on male convicts arriving from Britain. These fears reached fever pitch through allegations of 'sexual rampage' and moral 'pestilence' that would be unleashed upon the colony; in the end, the vast majority of Norfolk-Islander men were removed to Port Arthur, and there is no evidence of a 'crime wave' from those released to a ticket-of-leave.[147]

More than a decade later, in the late 1850s and early 1860s', Henry Parkes and his fellow campaigners drew parallels between insularity and sexual intimacy. In 1858, a Legislative Assembly board of inquiry into the management of Cockatoo Island concluded that Cockatoo Island was a 'worse hell, if that be possible, than Norfolk Island'.[148] G.W.H.'s letter claimed that Charles Ormsby had hired William Sydenham Smith as convict overseer, even though he had committed a 'nameless offence' on Norfolk Island.[149] Sydenham Smith, or 'Gypsy', was described as a 'dangerous and desperate character' on his conduct record, and was repeatedly punished for his violent behaviour and absconding.[150] His violent temperament as an overseer seems far more relevant than the public's obsession with supposedly 'unspeakable' sex acts. Civil engineer John Thomas alleged, on thin evidence, that Charles Ormsby did not properly investigate the case of two prisoners, Clarke and Roberts, who 'absconded and

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[145] H. Maxwell-Stewart, K. Inwood and J. Stankovich, 'Prison and the Colonial Family', *The History of the Family,* 20:2 (2015), p. 241.
[146] Causer, 'Anti-Transportation', p. 233.
[147] *Idem.,* pp. 234-6.
[148] Inquiry into Management of Cockatoo Island (Sydney, 1858), report by Henry Parkes, Chairman, 9 May 1861, p. 264.
[149] *Idem.* G.H.W., to Parkes,16 Oct. 1857, pp. 277-8.
[150] Archives of Tasmania, CON39, vol. 1, Conduct registers of male convicts whose records were transferred from probation series, and of certain others, 1840-6.

concealed themselves on the island' to have sex.[151] Allegedly, they used a sandstone crevice of the quarry as a place on the small island that was hidden from view. Ormsby defended himself by stating that whenever he suspected someone of even 'contemplating' having sex he immediately separated the prisoners.

In the 1861 Select Committee on Public Prisons, Chief Justice Alfred Stephen, compared Cockatoo and Norfolk Islands. He claimed that 'unnatural offences' would always occur without constant surveillance and send a 'man out in society a demon in a human shape'.[152] For this reason, Cockatoo Island presented a greater danger of moral contamination than Norfolk Island, because it was far closer and more visible to the general populace. Five years later, in 1863, Reverend Robert Wilson, who had visited both islands, suggested that Cockatoo Island's barracks should be remodelled along the lines of Norfolk Island's barracks in order to separate the convicts in segregated bunks and improve lighting. This, coupled with providing warders with cloth shoes to ensure they could monitor the convicts without being heard, would prevent such unnatural acts from being unseen and going unpunished.

To balance out these discussions of largely 'imagined' unnatural crime, I will close this chapter with a discussion of how convicts sought intimacy as a form of agency within dehumanising regimes of prisons. In 1845, two Cockatoo inmates, both named Frederick, were caught in the act of sexual intercourse, probably by a guard. The two prisoners were examined by the resident medical dispenser, an intimate form of surveillance to re-assert control as soon as possible after the moment of transgression.[153] Moncrieffe's examination was not only invasive but included investigation of rectal inflammation and secretions.[154] The primary function of the inspection was to establish with medical certainty that the act of sexual intercourse had taken place. Most cases of sexual activity were prosecuted by a witness to the act. Though the court records state that the prisoners were 'detected in the act of sodomy', the witness is not named nor is

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[151] Inquiry into Management of Cockatoo Island (Sydney, 1858), Parkes, 9 May 1861, p. 253.

[152] Select Committee on Public Prisons (Sydney, 1861), Alfred Stephen, Chief Justice, 20 April 1861, p. 163.

[153] On medical 'power' in prisons in general, and particularly the examination of women prisoners' genitalia for signs of venereal disease, see: J. Sim, *Medical Power in Prisons: The prison medical service in England, 1774-1989* (Milton Keynes: Open University Press 1990) p. 149.

[154] SRNSW, 9/6332, Clerk of the Peace Depositions, Cockatoo Island, nos. 12-13, 13 Nov. 1845, Regina vs. Frederick Blackwell and Frederick Weston.

his testimony produced.[155] Historian Harry Cocks notes that the 'unspeakable' nature of the crime led to the destruction of much of the court records of these cases in England.[156] Despite having had their bodies rendered as objects for medical examination – first in the prison, and then in the court room – one of the Fredericks' voices emerges towards the end of the court document. While escorting the prisoners to the solitary cells (to punish and isolate them from each other), James Chinnery testified that Blackwell said to Weston 'This is a purty [pretty] job you have led me into I shall get lagged now'.[157]

There is evidence that some male convicts took on queer personality traits within prison environments.[158] In Australian prisons in the mid-nineteenth century slang 'boys' went by feminine names like 'Kitty and Nanny'.[159] Dan Healy, in his work on sexualities within Soviet Gulags, has described a 'rich code of symbols: nicknames, subcultural terms and visual signs' that developed both in and outside the camps.[160] In twentieth-century American prisons, masculine aggressors in the sex acts were known as 'wolves', while 'punks' and 'fags' were used to describe those seen as 'submissive'. As well as alluding to relative dominance, these slang terms encapsulate the idea that 'wolves' engaged in sexual activity purely due to a lack of women, whereas the 'fags' and 'punks' were homosexual.[161] This performance of effeminacy, as a means of reaffirming heteronormative masculinity within all-male prison environments, is apparent in Frederick Blackwell's use of the word 'purty'.[162]

Weston may have taken on this role as a necessary strategy for survival within the prison system. He was considerably shorter than Blackwell, standing at the 162 centimetres tall compared with Blackwell at 174, as well as being fourteen years younger, aged just eighteen. The medical dispenser's examination also indicated that

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[155] H.G. Cocks, *Nameless Offences: Homosexual desire in nineteenth-century England* (London: I.B. Tauris, 2003), p. 20-1.
[156] *Ibid.*
[157] SRNSW, 9/6332, Clerk of the Peace Depositions, nos. 12-13, 13 Nov. 1845 Cockatoo Island, Regina vs. Frederick Blackwell and Frederick Weston.
[158] Cocks, *Nameless Offences*, pp. 1-14.
[159] BPP 1837, vol. XIX, no. 518, 'Select Committee on Transportation', testimony of John Mudie, 1 April 1837, p. 44, and Earnest Augustus Slade, 25 April 1837, p. 67.
[160] Healy, *Russian Homophobia from Stalin to Sochi* (London: Bloomsbury Academic, 2017).
[161] Sykes, *Society of Captives,* pp. 95-8.
[162] BPP 1837, 'Select Committee on Transportation', testimony of Mudie, 1 April 1837, p. 44 and Slade, 25 April 1837, p. 67; Healy, *Russian Homophobia*, p. 20.

Blackwell was in the dominant position during intercourse.[163] Blackwell and Weston were both removed to Darlinghurst Gaol, which had the physical infrastructure to keep them separate in a bid to prevent further sexual acts; whether this succeeded is unclear from the records. The archival silences surrounding sex acts within the prison make it difficult to gauge the emotional dynamic that existed beyond social categories of age and physical stature, stature and 'gendered' performance. Island geographies were key to how the Australian public viewed issues of overcrowding and prison mismanagement in the nineteenth century, due to the still pervasive influence of anti-transportation rhetoric about Norfolk Island from twenty years earlier. Unfortunately, the lived experiences of men engaged in male on male sex acts are much harder to access as a historian, than the exaggerated rumours about 'unnatural offences'.

5.3 Conclusion

In conclusion, island geography shaped convict agency and outsiders interpreted convict disciplinary infractions through the lens of insularity. Far from acting as secure 'natural prisons', islands were actually porous. The first section examined how convicts took advantage of this permeability to the sea. Through their access to sailors and boats, convicts were able to smuggle alcohol onto the island. Through collaboration with soldiers, guards and convicts working as servants or boatmen, convicts were able to access 'illicit' goods, particularly alcohol and tobacco. The second section showed that although officials initially conceived islands as secure sites for convicts who presented a high risk of escaping, convicts found often ingenious ways to escape by sea – whether by swimming, stowing away or building their own vessels. Escapes from Rottnest and Cockatoo Island were motivated by a return to the Australian mainland, rather than taking the opportunity go onto the open sea and escaping the colony. This reflected changing conceptions of home for white convicts-turned-colonisers. In terms of convict experience, the islands' roles as places of work, dockyards or pilot boat stations, were far more important than ideologies of security and punishment that motivated the establishment of island prisons.

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[163] SRNSW, NRS 2523, 4/6302, Description books, Sydney Gaol and Darlinghurst Gaol, April 1848-1898.

The final section demonstrated that the colonial press conceived Cockatoo Island as an inverted 'quarantine island'. Through this conception, criminals were concentrated together resulting in moral contamination through the mixing of young criminals and recidivist 'lags'. This fear focused on the sexual violence perpetrated by guards against juvenile convicts and the degradation of the convicts, potentially contaminating the city despite the separation of the sea. This brings the thesis back to the opening chapter which demonstrated that officials were drawn to islands as secure prisons, found that 'island realities' never matched their hopes. This disjuncture between how islands were imagined and how convicts utilised maritime spaces to resist them, is apparent in the raft of regulations and security measures they had to introduce in order to maintain discipline. The seeds for the closure of Melville Island, Cockatoo Island and Rottnest Island, were sown in the mismanagement of the islands, discussed here, and the end of the islands' economic potential for the colonial government, discussed in the previous chapter. In the last twenty years, the island geography of Rottnest and Cockatoo have led to them been reimagined as sites of recreation and tourism, whilst Melville Island is a reserve for the Tiwi Islanders. The conclusion will draw together the different ways in which island geography has shaped officials' and the public's interpretation of carceral islands and the experience of convicts incarcerated on them.

Chapter 6

Conclusions

This thesis set out to answer three questions: (1) how did colonial governments use Australia's offshore islands as physically and symbolically secure sites within the convict system? (2) How did the establishment of penal settlements on these islands reinforce colonialism in Australia and British imperial expansion overseas? (3) How did Indigenous, settler, and transported convicts experience island landscapes of incarceration?

Coercive mobility to and within the colonies must be spatialised in ways that include Australia's offshore islands. By applying an island studies' methodology to the study of Australia's carceral islands in the nineteenth century this thesis has augmented or challenged several key aspects of Australian historiography.

First, I built on the work of Tim Causer and Hamish Maxwell-Stewart that dismantled tropes about islands as the most notorious sites of punishment within the Australian convict system. Though Cockatoo Island was opened after convict transportation ceased, and sat in the middle of a busy harbour, it was repeatedly described as a 'natural prison' and compared to Norfolk Island, which was over 1500 kilometres from the mainland in the Pacific Ocean. Inherited archetypes of islands are particularly detrimental to historical scholarship because they over-determine understandings of the lives of convicts who were incarcerated on them, who are often rendered flatly either 'villains', convicted of violent crimes, or 'victims', subjected to brutal disciplinary regimes. I have shown that this was not the case on Cockatoo Island: an analysis of 1666 convicts recorded in the prison registers shows most prisoners were convicted of theft and other non-violent crimes, or were transferred between penal establishments as punishment for misconduct. My analysis of convict labour regimes on Cockatoo Island, for example, demonstrated that convicts were incentivised to hard labour through task-work on public projects and even had the opportunity to earn their own money through hat-making. Furthermore, through contact with boat crews and boatbuilding materials,

convicts gained access to illicit goods and attempted escape. My findings challenge historians and heritage practitioners to accord close attention to the experience of convicts, rather than replicating nineteenth century archetypes about carceral islands as necessarily more secure or more repressive than mainland prisons.

Second, I have identified island exile as a strategy that was specifically adapted for use against Indigenous Australians. Colonial government officials reimagined these islands as humanitarian spaces of limited freedom, rather than as inherently punitive landscapes in the way they were conceived for European convicts. Regardless of custodial sentencing practices, the regimes on island 'reserves' were explicitly carceral. The establishment of Rottnest as the largest colonial prison in Australia for Indigenous peoples must be understood as resulting from George Augustus Robinson's scheme to confine Indigenous Australians on Flinders Island and other islands in the Bass Strait in the 1830s. The overlapping of carceral spaces for European, Indigenous, local born settler and migrant incarceration, suggests how malleable and persistent islands were as sites of carceral control and expulsion. Their distance from the mainland also gave a cover for the use of exceptional forms of violence and intentional negligence aimed at displacing and dispossessing Indigenous peoples. Studying islands is an important part of recognising the spatial trajectories of the criminal justice system as applied to Indigenous Australians. In particular, the political and social imperative to eliminate Indigenous communities – conceptually, physically, or politically – in order to clear 'space' for colonisers.

Third, I have challenged assumptions that the primary reason for selecting islands as a receiving site for convicts was for their ultimate punishment of banishment and permanent exclusion from mainland colonies or the metropole. The Colonial Office instructed that Melville Island be settled by convicts, with the encouragement of the British East India Company, to expand imperial influence in the Pacific and Indian Ocean arenas. Though that effort was ultimately unsuccessful, Rottnest Island and Cockatoo Island proved successful sites for the extraction of convict labour in order to facilitate maritime interconnectivity and other forms of imperial industrial production. Despite their natural boundedness and small sizes, the variety of industries in which convicts were engaged on these islands was remarkably diverse. Island geographies and the convict labourers incarcerated on them proved extremely adaptable to the changing needs

of Australian colonies at a time of transition in the mid-nineteenth century, as cities urbanised and steam technology transformed voyaging.

Finally, by interrogating island geographies I have contributed additional depth to already rich understandings of convict agency within penal establishments. This thesis has shown how convicts utilised natural geographic features to create enclaves that evaded surveillance and discipline. On Cockatoo and Melville Islands for example, convicts travelled to wharves to traffic goods with sailors. On Rottnest Island, on the other hand, Indigenous convicts were drawn to the bush and to hilltops to live in customary ways within the islands' confines. Nonetheless, the persistent and high-risk attempts of convicts to escape, by swimming across harbours in stormy weather or risking journeys on homemade crafts, demonstrate that separation from social networks that constituted the fundamental part of the punishment as convicts risked their lives to return home. Whether incarcerated a few kilometres or a hundred from the mainland, the separation was acutely emotionally and spiritually painful. We must not lose sight of this in our research and writing.

My focus on spatial continuities in island imprisonment has also brought temporal continuities to the forefront. This raises a critical question, and one I had not anticipated when this project was conceived: how does a focus on these islands re-periodise our understanding of the convict system in colonial Australia?

The study of Melville Island (1824-29), Cockatoo Island (1839-69) and Rottnest Island (1839-1903) challenges traditional periodisation of the Australian convict system. By taking the foundation of Melville Island in 1824 as a starting point, I demonstrated how that carceral island generally stood apart from the penal policy. In the aftermath of the publication of commissioner Thomas Bigge's report between 1822 and 1824, convicts undergoing secondary punishment were increasingly concentrated in remote sites, including islands and peninsulas, and subjected to intensive and coercive penal regimes. Melville Island serves as an important reminder that convicts could also be sent to remote situations in order to act as colonisers and secure imperial interests. The location of Melville Island off Australia's northern coast, offered connection to the Indian and Pacific Ocean. This is something that is usually only discussed in the historiography in relation to the first settlement at Norfolk Island which was established

in 1788. Yet, in effect, the convicts experienced this as a severe isolation from Sydney, which ultimately resulted in the penal settlement's closure.

The study of Melville Island also shifts forward several decades Alan Frost's contention that the imperial government sent convicts to colonise New South Wales for its naval supplies. Rather than focussing on unravelling the intentions of imperial government, an island-centric approach helps us recognise the multi-sited and shifting needs of imperial governmentality, alongside the flexibility of convict labour to meet these policy changes. This point is further underlined by the government's use of Indigenous and European convict labour to build maritime infrastructures on Rottnest Island and Cockatoo Island in the 1840s and 50s. By the mid-nineteenth century, the needs of urbanisation and rapid technological developments required convict labour to be situated in urban islands off port-cities, rather than on islands several hundred kilometres away from key settlements. Islands were adaptable spaces which could serve both punitive and economic purposes for imperial governments.

By focussing on spatial continuities, this thesis has shown that different kinds of punishment were layered on top of one another. It challenges the idea of a clear divide between the convict system and the forms of local imprisonment that emerged later, particularly as regards the incarceration of Indigenous people. Cockatoo Island was established as a direct result of the 1838 Molesworth Report, which condemned convict transportation as immoral, resulting in the cessation of transportation to New South Wales in 1840. Since the anti-transportation lobby used Norfolk Island as a locus of propaganda about the evils of the convict system it was closed as a secondary penal settlement in the same year. Instead, the island became the destination for convicts transported directly from Britain and Ireland who were subjected to a liberal penal discipline system under captain Alexander Maconochie. Convicts serving colonial sentences at Norfolk Island were transferred to Cockatoo Island, to serve sentences of hard labour. This form of sentencing was adaptable for bringing in locally sentenced prison labour to continue to expand harbour infrastructure. This study, therefore, pushes forward by several decades the time-period for which convict labour to New South Wales is usually considered.

It must also be noted that the Rottnest Island penal establishment predated the convict system in Western Australia. Governor John Hutt established the penal

establishment in a bid to create a form of humanitarian punishment, in line with the recommendations of the 1835-7 Aborigines Select Committee in Britain. Just two dozen Indigenous prisoners finished building the colony's first large scale infrastructure, in the form of a lighthouse in 1847. This was a full three years before transported convicts arrived in Western Australia from Britain and Ireland. Studies of convict labour in Western Australia begin with the arrival of European convicts, but this starting point must be shifted backward to encompass the whole period in which convict labour was used within the colony. This shift in periodisation draws attention to Indigenous convicts as co-creators of colonial and carceral spaces.

I would like to conclude with a story that shifted my perspective, written from someone who spent his days circling the periphery of the carceral island. In a letter to his family in England, water policeman, constable Sledhill wrote:

> Dear Brother and Sister, at the time I write this I am on an island called Cockatoo it his[sic] a place for old Offenders such as Thieves Murderers and the Worst Characters in Australia, the place is one mile round…The works his[sic] making Docks and all sorts of trade it his[sic] 3 miles from Sydney and surrounded by water…we sit in our Turns in a Boat on the water and we have a Gun each….and we are there to see they do not go into the Water and if they was we are to Shoot them.' [1]

Several of the key themes of this thesis emerge in this brief but evocative account. First, the continued relationship between islands as natural prisons and the convicts on them as of the 'worst' kind. In 1856, more than a decade after convict transportation ceased, Cockatoo Island still had a reputation for holding the worst convicts in the whole of Australia. Sledhill emphasises twice that he is in a place surrounded by water, as if this rendered it effectually or unquestioningly secure and suited to confining these evil characters. Yet it was water policemen, like him, who patrolled the shoreline on boats, guns in hand, that actually rendered the penal landscape secure. Sledhill further notes that convicts were busy 'making Docks and all sorts of trades', underlining the convicts' contribution to the growing infrastructure of the expanding Sydney Harbour. He boasts about this privileged position on the island, receiving his rations, tobacco and the services of a convict servant he refers to as 'a darkie named Peter', possibly an Indigenous convict

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[1] Mitchell Library, Sydney, doc. 2784, 6-60c, Water Policeman on Cockatoo Island to Sledhill Family, Cockatoo Island, Sydney, 8 Oct. 1856, pp. 1-2.

or immigrant African. Sledhill closes his missive by recognising that the island separated convicts from their loved ones, even if it was in sight of the city. He says that it 'his [sic] awful to see a wife come to see Her Husband here for fifteen years'. Perhaps this resonated further with him in a colony made up largely of those exiled from home, as he pleads with his siblings to answer back and 'advise me to come home' because 'I have sent 11 letters to England and only one I got back'. Sledhill's closing plea carries the ache of the emotional strain such separation from homeland and family across time and space to the unintended readers who come across his words, just as I did.

Cockatoo, Rottnest, and Melville Islands were effectively penal colonies within penal colonies. This complex layering defies simplistic explanation, and demands similarly complex and nuanced approaches to understanding penal island histories and legacies. The benefits for doing so are evident: discrete human lives come into focus and reveal subtleties previously overlooked that enrich our understanding not only of lived historical experience but of the systems that gave rise to the world we know. By spatializing histories of punishment and imperial development to include islands, as well as a more inclusive periodisation of a key stage in the development of Australia, we can move towards reforming historical research in a way respectful of peoples who for too long have been denied agency or space. Cockatoo, Rottnest, and Melville Islands endure, and so too does the importance of incorporating the stories of marginalised peoples in histories of Australia and the British empire.

Appendix

Table 1 Trades of convicts on Melville Island, 1824-9

Trade	Number	Proportion
Bricklayer/Plasterer	6	9%
Carpentry/Woodwork	11	16%
Cook	3	4%
Gardener	2	3%
Glasswork	2	3%
Labourer	2	3%
Masonry	5	7%
Metalwork	12	18%
Sawyer	5	7%
Seaman/Mariner	7	10%
Servant	6	9%
Tailor/Dyer/Shoemaker	6	9%
Total	67	

Table 2 Place of conviction for convicts on Melville Island, 1824-9

Country	Number	Proportion
England	52	78%
Scotland	2	3%
Wales	1	1%
Ireland	10	15%
France	2	3%
Total	67	

Table 3 Sentences of prisoners sent to Cockatoo Island, 1839-45

Sentence	Number	Proportion	Average sentence		
			Years	Months	Days
Roads	91	13%	1	3	
Transportation	172	25%	14	1	
Commuted	258	38%	4	10	
Irons	93	14%	1	8	
Fixed Date	13	2%			42
Original	49	7%			19
Total	676				

Table 4 Social background of prisoners sent to Cockatoo Island, 1846-52

Social Background	Number	Proportion
Ticket-of-leave holders	530	67%
Expirees	22	3%
Free settlers	199	25%
Colonially born	37	5%
Indigenous Australians	5	0.6%
Chinese	3	0.4%
Total	796	

Table 5 Place of conviction of prisoners sent to Cockatoo Island, 1846-52

Place of Conviction	Distance travelled (km)	Number	Proportion
Sydney	5	362	43%
Bathurst	200	151	18%
Maitland	170	109	13%
Parramatta	25	48	6%
Goulburn	190	77	9%
Melbourne	880	71	8%
Brisbane	1170	25	3%
Total		843	

Table 6 Type of theft committed by prisoners sent to Cockatoo Island, 1846-52

Type of theft	Number	Proportion	Average sentence (years and months)	
Armed	35	5%	9	10
Highway/Mail	11	2%	8	5
House/Shop	82	12%	4	3
Larceny	226	34%	2	7
Livestock	111	17%	5	0
Person	17	3%	4	2
Receiving/Aiding	9	1%	5	8
Robbery	71	11%	5	1
Not further specified	99	15%	3	9
Total	661			

Table 7 Type of court convicting prisoners sent to Cockatoo Island, 1846-52

Type of Court	Number	Proportion	Average sentence (years and months)	
Quarter Sessions	412	49%	3	0
Circuit Court	203	24%	6	1
Supreme Court	223	26%	5	6
Court Martial	5	1%	10	0
Total	843			

Table 8 Absconders sent to Cockatoo Island, 1839-44

Offence	Number	Proportion
Absconding, 1st	27	38%
Absconding, 2nd	8	11%
Absconding, 3rd	13	18%
Absconding, >3	8	11%
Absconding, 'repeatedly'	16	22%
Total	72	

Table 9 Bushrangers sent to Cockatoo Island, 1846-52

Offence	Number	Proportion
Highway /Mail Robbery	11	1%
Armed Robbery	35	4%
Livestock Theft	111	13%
Total	157	

Table 10 How prisoners were discharged from Cockatoo Island, 1846-52

Type of Discharge	Number	Proportion
Free	205	24%
Ticket of Leave	97	12%
Transfer	173	21%
Escape	2	0%
Died	17	2%
Still under Punishment	349	41%
Total	843	

Table 11 Convictions of Indigenous prisoners on Rottnest Island, 1855-81

Conviction	Number	Proportion	Average sentence (years and months)	
Robbery	87	5%	2	2
Stealing	445	23%	1	9
Spearing	88	5%	1	8
Receiving Stolen Goods	19	1%	1	6
Arson	20	1%	0	5
Drunk and/or Disorderly Behaviour	79	4%	0	2
Assault	259	13%	2	0
Absconding	249	13%	0	11
Manslaughter	17	1%	9	1
Murder	143	7%	12	2
Miscellaneous	32	2%	0	8
Livestock Theft	349	18%	2	2
Sex crimes	8	0.4%	9	1
Larceny	28	1%	0	7
Felony	61	3%	1	6
For trial	33	2%	N/A	
Unspecified	8	0.4%	0	3
Total	1928			

Table 12 Convictions for offences against property of Indigenous prisoners on Rottnest Island, 1855-81

Offence	Number	Proportion	Average sentence (years and months)	
Robbery/House-breaking	87	9%	2	2
Stealing	445	47%	1	9
Receiving Stolen Goods	19	2%	1	6
Arson	20	2%	0	5
Livestock Theft	349	37%	2	2
Larceny	28	3%	0	7
Total	951			

Table 13 Average length of sentence by item stolen of prisoners on Rottnest Island, 1855-81

Item stolen	Number	Proportion	Average Sentence (Years and Months)	
Alcohol	4	4%	0	4
Clothes	18	19%	1	7
Food	51	53%	1	6
Rations	11	11%	2	7
Tobacco	4	4%	0	5
Weaponry	8	8%	4	7
Total	96			

Table 14 Animals speared by Indigenous prisoners convicted of livestock theft on Rottnest Island, 1855-81

Animal	Numbers	Proportion	Average sentence (years and months)	
Cattle	84	24%	2	8
Dogs	2	1%	0	6
Horse	8	2%	3	2
Pigs	6	2%	0	10
Sheep	227	64%	1	10
Multiple of same animal	25	7%	-	-
Total	352			

Table 15 Convictions for offences against the person committed by Indigenous prisoners on Rottnest Island, 1855-81

Offence	Number	Proportion	Average sentence (years and months)	
Spearing	88	17%	1	8
Assault	259	50%	2	0
Manslaughter	17	3%	9	1
Murder	143	28%	12	2
Sex Crimes	8	2%	9	1
Total	515			

Table 16 Average length of sentence for assault by type of victim for convictions of Indigenous prisoners on Rottnest Island, 1855-81

Victim	Number	Proportion	Average Sentence (years and months)	
Woman	4	2%	1	2
Man	1	0.4%	3	0
Aboriginal	33	13%	1	6
Aboriginal Man	2	1%	1	3
Aboriginal Woman	27	10%	1	10
Aboriginal Child	3	1%	1	2
White Man	1	0.4%	2	0
Policeman	15	6%	1	5
Unknown Victim	173	67%	2	3
Total	259			

Table 17 Victims of crimes against the person committed by Indigenous prisoners on Rottnest Island, 1855-81

Offence	Indigenous Australian	Police	'Man' (presumed white)	'Woman' (presumed white)	Unknown	Totals
Assault	65	15	2	4	173	253
Mans-laughter	0	1	0	0	16	17
Murder	9	0	0	2	132	143
Spearing	12	0	0	1	75	88
Total	86	16	2	7	396	501

Table 18 Most common places of origin (n≥10) for Indigenous prisoners sent to Rottnest Island, 1855-81

Place	Number	Proportion	Distance to Rottnest (Kilometres)
York	250	15%	119
Victoria Plains	122	7%	136
Toodyay	119	7%	102
Albany	103	6%	401
Champion Bay	102	6%	372
Victoria Plains	98	6%	138
Bunbury	86	5%	148
Geraldton	73	4%	370
Perth	59	3%	33
Roebourne	59	3%	1260
Busselton	49	3%	183
Greenough	32	2%	368
Williams River	29	2%	136
Fremantle	22	1%	23
Murchison	21	1%	594
Guildford	20	1%	45
Northam	19	1%	116
Blackwood	19	1%	259
Irwin	19	1%	311
Beverley	12	1%	134
Pinjarra	11	1%	77
Gingin	11	1%	83
Northampton	11	1%	415
Newcastle	10	1%	102
Gascoyne	10	1%	815
Others	82	5%	-
Unknown	238	14%	-
Total	1686		

Table 19 Distance travelled by Indigenous prisoners sent to Rottnest Island, 1855-81

Distance to Rottnest (kilometres)	Number	Proportion
0-49	115	7%
50 – 99	32	2%
100 – 149	747	44%
150 – 200	59	3%
200 – 300	46	3%
300 – 400	231	14%
400 – 500	116	7%
500 – 999	31	2%
>1000	71	4%
Unspecified	238	14%
Total	1686	

Table 20 Trades of European prisoners transferred from Fremantle Prison to Rottnest Island, 1861-81

Trade	Number	Proportion
Bell hanger	2	1%
Blacksmith	6	3%
Bricklayer	3	2%
Carpenter	23	12%
Carter	6	3%
Caulker	1	1%
Clerk	1	1%
Compounder	4	2%
Cook and Baker	14	7%
Engineer	2	1%
Farm Labourer	42	22%
Furniture Restorer	3	2%
Horse-breaker	1	1%
Labourer	15	8%
Painter	16	8%
Poper	2	1%
Plasterer	7	4%
Plumber	2	1%
Salt Works	2	1%
Servant	4	2%
Shipwright	3	2%
Stone mason	17	9%
Tailor/Shoesmith	2	1%
Unspecified	13	7%
Total	191	

Table 21 Arrivals and departures of European prisoners on Rottnest Island, 1863-82

Year	Number arrived	Number discharged	Average time stayed (months)	Max. time stayed (months)	Min. time stayed (months)
1863	3	0	17	25	7
1864	10	6	7	22	0
1865	10	16	2	9	0
1866	19	14	2	20	0
1867	23	18	4	34	0
1868	12	13	6	22	0
1869	9	9	2	8	0
1870	12	11	10	45	1
1871	10	8	7	26	0
1872	9	10	3	13	0
1873	9	9	10	32	0
1874	4	5	12	33	1
1875	7	4	8	18	0
1876	4	9	4	9	1
1877	7	4	9	20	3
1878	12	9	6	19	1
1879	16	14	4	29	0
1880	10	14	5	28	0
1881	5	5	7	17	2
1882	0	4	0	0	0
Unspec.	0	9	-	-	-
Totals	191	191			

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Australian Heritage Commission <www.environment.gov.au/heritage>

Book of Bushrangers, <http://pandora.nla.gov.au/nph-wb/20010131130000/http://www.whiskershill.dynamite.com.au/newpage1.htm> [archived website]

British Representation and Nineteenth Century History, <http://www.branchcollective.org>

Carceral Archipelago: <http://staffblogs.le.ac.uk/carchipelago>

Cockatoo Island <www.cockatooisland.gov.au>

Convict Voyages <http://convictvoyages.org>

Daily Telegraph <www.dailytelegraph.com.au>

Decisions of Superior Courts of New South Wales <http://law.mq.edu.au/research/colonial_case_law/nsw/site/scnsw_home/>

Department of Indigenous Affairs*,* <http://daa.wa.gov.au/globalassets/pdf-files/maps/state/tindale_daa.pdf>

Dictionary of Sydney <http://home.dictionaryofsydney.org>

Economic History Encyclopaedia <http://eh.net/encyclopedia-2/>

Fremantle Prison History <http://fremantleprison.com.au>

Guardian <https://www.theguardian.com>

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London Lives 1690 to 1800 <www.londonlives.org>

Mira Canning Stock Route Project Archive <https://mira.canningstockrouteproject.com>

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Sussex University http://blogs.sussex.ac.uk

The Australian: <http://www.theaustralian.com.au>

Trove <http://trove.nla.gov.au>

Tiwi Land Council <www.tiwilandcouncil.com>

UNESCO World Heritage Centre <http://whc.unesco.org>

Western Australian Biographical Index <https://data.gov.au/dataset/western-australian-biographical-index-wabi>

What the Butler did <https://whatthebutlerdid.wordpress.com