

Upon the same principle, there is some risk that transportation will be considered as one of the surest roads to honour and to wealth, and that no felon will hear a verdict of 'not guilty' without considering himself as cut off in the fairest career of prosperity.

Rev. Sydney Smith, 1803

ELEVEN Convicts

In 1922 Professor Arnold Wood asked the question that expressed the folklore that was growing up around Australia's founding fathers: 'Is it not clearly a fact that the atrocious criminals remained in England, while their victims, innocent and manly, founded the Australian democracy?' Atrocious criminals, such as Viscount Castlereagh, remained in England, yet the 166 000-odd souls who were transported were, on the whole, anything but innocent and manly. Lloyd Robson's statistical analysis of the convicts has shown that at least two-thirds had had previous convictions. Equally fallacious is the notion that they were merely poachers or political offenders. Less than 1 per cent were poachers and only about 3 per cent were in any sense political exiles. Indeed, the majority came from the professional criminal elements in the major cities.

Yet it is these very convicts who, according to Russel Ward, were the founders of the Australian tradition. Ward claims that all we know about the convicts shows that egalitarian class sol-

idity was the one human trait that remained to 'all but the most brutalised'. From this claim, we must conclude that Ward knew little about the convicts and that he misinterpreted the skerricks he did know. It is misleading to clothe the convicts in the aura of class struggle. For its first fifty years at least, settler Australia did not have a class structure, but only a deformed stratification which had been vomited up by the maelstrom that was redefining class in England. If a class formula can be applied to the convicts it must be lumpen-proletarian, or petit-bourgeois. The outlook of these is not dissimilar, and both can be described as independent people 'who hate officiousness and authority, especially when these qualities are embodied in military officers and policemen'. Such an attitude is bourgeois in origin and content, and hence well suited to the déclassé, small proprietors, dispossessed labourers and professional criminals who made up the bulk of the convicts and who had shown their active acceptance of the ideology of capitalism by acquisitiveness.

The convicts lacked, although through no fault of their own, any feeling of class consciousness. Their interrelationships were based on the all-too-flimsy basis of the honour of thieves, which will be shown to be no honour at all. The explorer Edward Eyre presented the matter in a different light: 'Many of them [the convicts] were most excellent, careful, industrious, trustworthy servants. The worst almost had a sort of honour among thieves and though they might rob anyone else would rarely plunder their own masters'. If the convicts to 'a man were very intent upon their liberty' they were by experience only too ready to acquiesce to the only legal means by which it could be obtained and guaranteed — individual effort. While the emancipists were the enemies of the rich settlers, they shared their opponents' belief in the efficacy of hard work, since such legal rights as they had depended upon that virtue. Moreover, when the source of their advancement was threatened, they joined forces with the squatters to defeat

Governor Gipps's land policy. The desire for self-improvement that had led most of the convicts to be transported combined with an economic situation in the colony to enable this fond wish to be achieved in accordance with the principles of British justice.

Colonial culture was dominated by the necessity to make money, 'honestly if you can, but you must make money'. The pursuit of material gain to the exclusion of all else gave opportunities to those whose principal error in England had been the lack of opportunity. Certainly, it was believed in England that convicts made good: Magwitch in *Great Expectations* is but one expression of this view. It remains to document this improvement a little more, remembering that conditions were always worse in Van Diemen's Land, which received over 40 per cent of all transportees.

Matra's 1783 plan for a settlement in New South Wales outlined a policy of reforming the convicts by giving them grants of land. This policy was put into effect in 1789 when James Ruse received thirty acres, and continued for almost forty years. Those who felt 'the value of regaining some footing in society' almost invariably did so: Kable, Underwood, Larra, Fulton, Mealmaker, Greenway and Redman were the best-known examples. The thief turned merchant Samuel Terry became known as the 'Botany Bay Rothschild'. Advancement was by no means confined to material prosperity; John Pascoe Fawcner, the son of a convict, was himself convicted of abetting convicts to escape, but is rightly remembered as one of the co-founders of Melbourne, where he sat in the Victorian Legislative Council for almost two decades. William Henry Groom arrived as a ticket-of-leave man in 1849 and was convicted on a further charge of theft in 1855. This background did not prevent his becoming Speaker of the Queensland Legislative Assembly in 1883 and a foundation member of the Commonwealth Parliament.

A number of ex-convicts shared in the rum trade. A. G. L.

Shaw pointed out that 'the "officers" have often been too much blamed for the activities of their ex-convict competitors'. Roger Hainsworth's study of the shipping 'interests', like all detailed investigations of the economic life of the period, confirmed that

for a very substantial number of felons, transportation provided a golden opportunity which they grasped very effectively. Of about 127 owners so far identified in the period 1800-1821 no less than fifty-four were emancipists or time-expired convicts, sixteen were probably ex-convicts.

Asked by the House of Commons select committee on transportation in 1812 how many convicts chose to settle in Australia, ex-Governor Hunter replied: 'I cannot say what proportion, but there were many who did return to this country. When I returned to England numbers applied to me for permission to go out again, for they said they could live there but they could not live here'.

Advancement awaited the convicts' children who otherwise rejected their parents' station and habits. Despite the imbalance of the sexes in the colony, Commissioner Bigge found that the sons of convicts were unwilling to marry convict women, owing 'chiefly to a sense of pride approaching to contempt for the vices and depravity of the convicts even when manifested in the persons of their own parents'. Sir William Burton, Chief Justice of New South Wales from 1833 to 1838, found that the currency lads were the most law-abiding section of the community, even more so than free labourers. The pursuit of wealth extended to the youngest members of the population. Joseph Holt's son, Joshua, at the age of thirteen, 'was earning £60 a year as overseer of a gang of twenty convicts'. There was nothing unusual about a thirteen-year-old working in the early years of the nineteenth century. Children worked in England but were not offered the same opportunities as they were in Australia where their spirit was not broken by Methodism and repetitive exhausting tasks. If young Aus-

trians grew up uneducated, they did so in open spaces and with an open future. The pressures that were then forming the working class in England did not begin in earnest in Australia until the 1880s.

Even when forced to work for wages, the ex-convicts were better paid than their English counterparts, and sometimes, as in whaling and sealing, they shared in the profits. Moreover, said Hainsworth, 'the sealers would receive their earnings in a lump sum. The far-sighted might reckon that one or two seasons on the grounds could earn them enough capital to establish a business or buy a farm'. The method employed by lesser-known emancipists and ticket-of-leave men was not always that of 'honest and diligent exertion'. According to Governor Bligh:

Instead of reaping a benefit either from their labour or skill in any mechanic branch, the greatest part of them became hucksters and dealers in various articles of food, and especially during the famine, enhancing the price of every commodity on the people, and making them their prey.

Old habits obviously found new opportunities for reward in the colony.

Judge Therry's *Reminiscences*, published in London in 1863, gave the following picture of the effect of transportation:

Even in the class of the more depraved convicts transported for a serious crime, the instances of a reformed character were numerous and gratifying. London pickpockets and convicts from Dublin, Liverpool and the large towns of the United Kingdom, who from their childhood upwards had been brought up in ignorance, and had led lives of habitual crime, if not from principle, from obvious motives of interest in the prospect of becoming independent in a land of abundance, altered their course of conduct and became industrious members of society.

In 1850, the Convict Department reported to the Colonial Adjutant-General that, of approximately 60 000 felons who had been sent to New South Wales since 1788, '38 000 are now fill-

ing respectable positions in life, and earning their livelihood in the most creditable manner'. The report continued: 'Of the residue, death and departures from the colony will account for the greater part; and I am enabled to state that only 370 out of the whole are now undergoing punishment of any kind'.

The quotations from Judge Therry and the Convict Department report are taken from Ward's *The Australian Legend*. There is little dispute that convicts 'rose'. The point at issue is the social consequences of this upward social and material mobility. Ward rightly argues that it produced a feeling of 'independence' which he claimed was the basis for the legendary mateship tradition. It is here contended that 'independence' produced a spirit of individual self-assertion. In order to test these propositions it will be necessary to examine the extent to which the convicts 'struck together'.

Tom Inglis Moore, in *Meanjin* in 1965, observed that:

the loyalty of convict mateship seems to have been dictated mainly by self-interest, fear, and intimidation, so that the betrayals of mates were a common feature. This common treachery is especially worth noting in that it is often glossed over by contemporary historians and writers. Thus Price Warrung's stanzas of the familiar Convict Oath used by the dreaded Ring are quoted as evidence of the strength of convict mateship:

Hand to hand,
On Earth, in Hell,
Sick or Well,
On Sea, on Land,
On the square, ever.

But there is no mention of the fact that in Warrung's story where the Oath is given the three veteran convicts murder their three 'mates' callously as soon as the victims have served their purpose in saving rations for the escape planned. In the sequel story one of the three survivors in the 'Murderers Pit' is first murdered, then the other two are killed trying to murder each other. Thus the oft-quoted Convict Oath is turned into

the grimmest mockery, and convict mateship is pictured as a series of treacherous murdering of 'mates'. So, too, there has been quotation of the episode where Maurice Frere asks Gabbett when the giant convict is recaptured about his mates 'as though a "mate" was something a convict was born with — like a mole, for instance', but there is no mention of the significant fact that Gabbett had not only murdered his 'mates' but had also feasted on their flesh. Marcus Clarke throws further light on convict 'mateship' when he pictures Captain Frere as telling how he rules by setting the convicts to spy on each other since treachery was common and 'It's just because no man can trust his neighbour that every mutiny falls to the ground'. *Ralph Rashleigh* also provides substantial evidence of treachery among convicts from the time when Ralph himself was first betrayed by a mate to the settlement at Newcastle where 'no man dared trust his fellow'.

The extent of this treachery is shown in this description of the Second Fleet:

When any of them were near dying, and had something given them as bread ... the person next to him or others would catch the bread, etc., out of his hand, and, with an oath, say that he was going to die, and therefore it would be of no service to him.

Norfolk Island produced its share of 'brutalised class solidarity'. Mortlock related that 'Men betraying their companions or accepting authority over them, are often called "dogs" and sometimes have their noses bitten off — the morsel being termed a "mouthful of dog's nose"'. Until 1823, convicts were assigned to ex-convicts and were usually badly treated by them. In addition, the convicts incessantly stole from each other. It is no wonder then that, in 1867, a clergyman summed up the influence of convictism on the social conscience of Australians as being 'What is the use of a friend ... but to take the use of him'. What is surprising is that Russel Ward quoted this remark without realising its significance.

Of course, there were examples of 'class solidarity' among the 'rising felony'. A storekeeper, Charles Williams, fell into disgrace with his fellow-convicts and ex-convicts for an act of treachery against another transportee. Equally, divisions that split the outside world — nationality, religion and social class — also divided the convicts. During the Castle Hill rebellion of 1804, convicts at Parramatta sent Governor King an address of loyalty, while some other convicts were in the bands of soldiers that put down the uprising.

The phenomenon of convicts joining the police force leaves something of a hole in Ward's notion of the origins of the mythical Australian. As early as 1791, Phillip reported that 'three or four convicts offer themselves as soldiers'. In the 1790s there were a series of proposals to recruit convicts for the Indian army. Permission for this was refused but, in 1797, Portland authorised Hunter to 'emancipate such convicts as are ready to enlist and whose good conduct since their arrival shall best entitle them to such an indulgence'. So pleased was Governor King with the performance of the convict soldiers in suppressing the Castle Hill uprising that he wanted to employ thirty more as mounted troopers.

Eric Hobsbawm in his study *Primitive Rebels* made the point:

The tough man who is unwilling to bear the traditional burdens of the common man in a class society, poverty and meekness, may escape from them by joining or serving the oppressors as well as by revolting against them ... Retainers, policemen, mercenary soldiers are thus often recruited from the same material as social bandits. Individual rebelliousness is itself a socially neutral phenomenon, and consequently mirrors the divisions and struggles within society.

Mortlock recognised the significance of a police force 'consisting (on the principle of *divide et impera*) almost entirely of persons who had been or still are in the same positions' (that is, convicts). Between 1802 and 1811, of the 108 members of the

Loyal Associations, ten were convicts, thirty-seven were ex-convicts, seven were free settlers, and the other half were of unknown origin. George Lovelless commented that the convicts chosen were 'long sentence men', those 'most expert in their roguery'. Vandemonians in uniform were the cause of much of the digger resentment in the 1850s. Eventually most of the police forces were staffed by ex-convicts. Two emancipists reached high office: John Redmond became chief constable of Sydney and George Barrington chief constable at Parramatta and later superintendent of convicts. Of the 803 men in the ranks of the New South Wales police force in 1872, 479 had been born in Ireland, a country famed in song and legend for its hatred of authority. One heritage of the convicts has been corrupt police forces.

Treachery marred almost every attempted rebellion. Hardly a protest was planned without its being betrayed. A noble exception to this was Paddy Galvin, a young man who 'would have died upon the spot before he would tell a single sentence', according to the Reverend Samuel Marsden, who had him flogged three times in September 1800 in the hope of obtaining information about a suspected uprising by the United Irishmen.

Not even the political prisoners were free from the taint of commercial exploitation and treachery. The behaviour of one of the earliest political convicts, Maurice Margatot, was such that it was once fashionable to describe him as a police spy. His actions aboard the *Surprise* on the voyage out earned him the praise of the captain and the condemnation of his fellow-exiles who accused him of concocting a plot which involved their seizing the ship. This dispute followed Margatot to his grave, and beyond. In 1844 a committee to build a monument to the Scottish Martyrs split between Margatot's defenders and detractors.

If Margatot epitomised the factiousness endemic in colonial politics, his fellow Scottish Martyr, Muir, was the earliest ex-

ample of a political convict accepting the mores of the materialistically dominated culture of New South Wales. On his voyage out he commenced dealing in the rum trade. This interest in alcohol was deep-seated and he was often under its influence as early as eight in the morning. Muir was so well treated in his early days in the colony that he felt that 'gratitude' would 'ever bind him to the officers, civil and military'. Palmer and Skirving also participated in the rum traffic.

The Caro Street conspirators of 1819 had been convicted as a result of the activities of an agent provocateur. None the less, they had agreed to his prompting to assassinate the entire British Cabinet as a signal for revolution. This degree of commitment marks them off from many of the other political exiles. But this background could not save them from the corrupting influences of New South Wales. One of them became chief constable at Bathurst, while another conspirator served under him until he received a pardon and became a fashionable tailor. A third became Bathurst's leading baker. 'Grievous as was their crime', observed Sir Roger Therry, 'the three Caro Street Conspirators I met with became reformed and useful men in New South Wales.'

Of the seventy-five Unionists and Chartists transported between 1839 and 1842, only three of the Chartists escaped from the particularism that dominated the politics of the vast majority of the exiles. In 1839 Frost led a band of men in armed attack upon Newport. In Van Diemen's Land his only public activity seems to have been a lecture in refutation of Hume's disproof of miracles. On his return to England he campaigned vigorously against transportation, largely on the grounds that if it were not ended, England would meet the fate of Sodom, so prevalent was unnatural vice in Van Dieman's Land. Frost's two companions, Williams and Jones, took up positions as superintendent of a mine and schoolmaster respectively. Williams made a couple of unsuccessful attempts to escape. Notwithstanding, he was sworn into the police force in Janu-

ary 1844 where he rendered humane service to the unfortunate in his charge. After much turmoil and skullduggery on the part of his associates, he eventually died a wealthy coal-mine owner. The fate of Jones was equally instructive. He too served as a constable, but following a quarrel with Williams he rode all night to Hobart to inform of his mate's attempted escape.

Two surviving convict songs represent the extremes between which the historians must choose if they are to decide the relevance of the convicts in the formation of the Australian tradition. On the one hand, there is Jim Jones, who promised that on

... some dark night when everything
Is silent in the town
I'll kill the tyrants one and all
And shoot the floggers down.
I'll give the law a little shock,
Remember what I say:
They'll yet regret they sent Jim Jones
In Chains to Botany Bay.

Jim Jones is threatening assassination, not social unrest; his protest is a personal one against brutes such as Price and Logan. And with the exceptions of Price, Logan and 'Black Francis', the promise of the last two lines remains unfulfilled.

Alternatively, there is the attitude of the educated author of 'Moreton Bay' who, having related the death of Logan, ends by exhorting

My fellow prisoners, be exhilarated
That all such monsters such death may find!
And when from bondage we are liberated
Our former sufferings shall fade from mind.

Here we see the expectant acceptance of those who made their prosperous way.

Attempts to find the origins of 'mateship' in the activities and attitudes of the convicts are doomed to failure. What can

be discovered there is a prefiguration of the dominating influence on the labouring classes for the remainder of the century: a belief in opportunities for economic and political advance within the framework of the existing society.

In the absence of a class-conscious proletariat in nineteenth-century Australia, radical historians have allowed their sympathies for the oppressed to weigh their scholarship down with sentimentality. The convicts had to be rescued from the embarrassment of their obvious lumpen-bourgeois practices by more than their petit-bourgeois outlook. Historians 'hunted for the proletariat' long before the conditions for its existence had come into being. Because the convicts did the work, they were endowed with proletarian values. In particular, they came to embody 'egalitarian class solidarity' which they passed on to gold-miners, shearers — and bushrangers.

BUSHRANGERS

In real life it was but a short step from being a convict to becoming a bushranger. The first bushrangers were runaway convicts. Late in 1829, for example, Ralf Entwistle, having been unjustly punished, fled his position and began building a troop which, for a time, numbered almost eighty men. They rampaged through the Bathurst district for nearly a year before being broken up by a 'posse'. Entwistle had conceived a plan to attack Bathurst where he expected support from the currency lads; the latter grew cold on the idea and the attack never eventuated.

Moreover, convicts and bushrangers shared many characteristics. Most of the points already raised in connection with the consequences of convictism for the Australian tradition apply equally to bushrangers. Before discussing the implications of the legendary bushranger, it will be beneficial to examine the species in its habitat.

Overwhelmingly, bushrangers were no more, and often a good deal less, than louts of the contemporary blikie variety. They roamed the countryside terrorising small farmers and stealing their poultry. As such, they were thoroughly detested by ordinary people who had more immediate tasks to perform than writing ballads in praise of the hoodlums who added appreciably to the difficulties they experienced in a harsh environment.

One of the bushrangers' great sources of moral strength — the folk song — is a flimsy structure upon which to base popularity. Folk songs are almost invariably written long after an event or far away, and thus present a romanticised picture of their subject. They are particularly keen in their suppression of brutality and murderousness. How much credence, for example, can be placed on ballads recounting Ned Kelly's chivalry if they omit to mention that at the age of fifteen he sent a neighbour's wife a pair of bullock's testicles with the suggestion that they might be of use to her husband? Perhaps the reason few anti-bushranger ballads have come to light is connected with the very nature of the ballad as a literary form. If future historians were to rely on ballads for an assessment of the popular esteem in which anti-Vietnam activists were held in Australia in 1970, they would go sadly amiss.

Far from being gentlemen and thieves, the earliest bushrangers were footpads. The first to organise a gang was named Whitehead. He showed his mettle when he killed a halfwit, 'Looney' Hopkins, by tying moccasins filled with bull ants to his legs. Shortly afterwards, Michael Howe, in a fit of temper, shot and wounded his Aboriginal girlfriend. Perhaps her racial origins enabled him to live down this act of chivalry in order to become 'the great name of this island', Van Diemen's Land.

Mark Jeffries' life provided another example of how bushrangers endeared themselves to the folk. Late in 1825 Jeffries and two 'mates' attacked a homestead where they first killed the settler and his hired man and then bashed out the brains of

a five-month-old child against a tree-trunk. When they were brought to Launceston, the population turned out to lynch Jeffries. Safely in gaol he proceeded to inform on his former associates. Equally appealing was John Lynch in New South Wales in the early 1840s. He killed nine people, including a young girl, with an axe, and strangled a dog with his bare hands.

As R. B. Walker has noted: 'Public sympathy for the bushrangers can also be easily confused with the fear they aroused'.

The mateship tradition must have been on vacation the day Morgan shot a shepherd: the wounded man had to ask seven-teen people before one of them dared to help him. Cold-blooded murders were committed by the Clarkes in 1866 and by the Kellys in 1878. The bushranger's chivalry to a woman meant that he robbed her without raping her, a circumstance capable of more than one explanation.

Equally revealing is the 'mateship' that operated among the bushrangers themselves. In 1831 two associates of Bold Jack Donahue's, Walmsley and Webber, both offered to give evidence in return for a pardon. Walmsley's offer was accepted and his information led to the arrest of dozens of small settlers for receiving. Australian experience with bushrangers more than confirms Eric Hobsbawm's contention that the primitive rebel is always betrayed. Many minor figures, such as Gordon, Lynham, Scarry, Lloyd, Baldwin and Foran, were captured or killed as the direct result of intelligence received. Riley was betrayed by his girlfriend, who turned him in for the reward. Gilbert was similarly treated by the grandfather of one of his associates. The most notorious 'treachery' was Aaron Sheritt's betrayal of the Kellys.

A second generation of bushrangers arose with the gold rushes from the 1850s and 1860s. Instead of stealing food from farmers, the bushranger could now take gold from the diggers, with whom bushrangers became far from popular. A miners-protection committee was set up at Kiandra, for instance,

to frustrate Gardiner's raids. When Gilbert and Gardiner and some others attacked the gold escort from the Araluen field in March 1865, they were driven off by fifty diggers who had rushed out to protect their gold. If the diggers contributed to the mateship tradition, they would have been hard put to include the bushrangers within its compass. Diggers did not sympathise with the men who stole their gold; rather they lacked sympathy for the police who were supposed to protect it. Opposition to the police does not mean support for thieves. It more likely means that there would be demands for more efficient police to wipe out the bushrangers. Yet another aspect of this popular antipathy appears in Adam Lindsay Gordon's poem 'The Sick Stockrider'. With his dying breath, the stockrider recalls the pleasure of hunting down dingoes and bushrangers.

One of the bushrangers' constant fears was that they would be given poisoned food by the farmers upon whom they depended for information: Morgan accepted nothing but boiled eggs. Bushrangers were often forced into further robberies in order to make their generosity equal the rewards being offered for them. Even the beloved Kelly found it expedient to insult his 'telegraphs' with a percentage of his takings.

Yet, when all the murders have been recounted and all the acts of treachery catalogued, it remains undeniable that, as Ward says:

... while every child knows something of Ned Kelly, Macquarie, even to a great many adults, is just the name of a Sydney street favoured by medical specialists, and Deakin, if known at all, is the name of a trans-continental railway siding or Canberra suburb. It is this fact which is singular and demands some explanation.

What are we to make of Ward's further claim that the "old Australian" elements of the population ... tended to look upon the bushrangers ... as themselves writ large? In order to accept that idea it would be necessary to distinguish the louts who ranged the bush from the occasional victims of injustice

who were forced outside the law. These 'outlaws' could become an embodiment of the universal expectation of a material advance, especially to the extent that they expressed an idealised selector discontent. Australians who chose a racehorse (Phar Lap) and a bushranger (Kelly) as their heroes expressed the same get-rich-quick, Tatts syndrome.