

Treated like Convicts; some immigrants experience of the Female Factory, 1854 - 1856

On the 29th September 1854 residents of Hobart Town, training their telescopes on the Mount Nelson Signal Station, would see a red-tipped dark blue triangular flag and a plain dark blue triangular flag on the arms of the semaphore indicating that an emigrant vessel out from Liverpool was approaching the harbour. Were Bounty immigrants on board?

Requiring a reliable labour force following the ending of convict transportation, the local legislature initiated a scheme whereby residents paid deposits to nominate friends and relations, or servants as immigrants: in return the immigrant was required to remain in the colony for four years. The Bounty Scheme was popular and by September 1854 residents were daily expecting the arrival of the first Bounty immigrants.

Alas, the *Caroline Middleton* (for that was the name of the emigrant vessel) carried immigrants forwarded under the despised Indenture Scheme; immigrants selected by the Colonial Land and Emigration Commission on the expectation that employers in the colony would be prepared to pay the full cost of the immigration ticket and engage to employ the immigrant for a period of two years; an entirely unrealistic expectation. As the *Caroline Middleton* sailed up the Derwent there were already some two hundred immigrants (mainly single women from Irish workhouses) lodged in the Immigration Depot awaiting engagement.

Desperate measures were required. The Governor agreed to the Legislative Council's request to allow Indenture immigrants to transfer to the Bounty terms - employers would then be required only to contribute three pounds towards the fare of a single immigrant when hiring any immigrant 'who may be disposed to sign an agreement to remain in the colony for four years.'

At this point we can let the Immigration Agent (J D Loch) take up the story of the *Caroline Middleton*.

The Emigrants [as he refers to them] by the *Caroline Middleton* refused to sign the agreement to remain four years in the colony, and expressed their resolution to abide by the original agreement, although they were informed that the public would not engage them under it; and this they appeared, with few exceptions, determined to adhere to, some of them asking significantly how long the Government would maintain them, thus manifesting their belief that Government must give way, and eventually release them altogether from liability to repayment. Finding this, I sent on board a formal notification that, if any of the Emigrants continued to refuse to sign the four years' agreement and come under the reduced scale of deposits, - I should, at the expiration of the fourteen days, bind them out to any employers who would take them at any wages which might be offered. This induced some to give up the point, and gradually they all did so, the leaders following the example last with great reluctance; but the schoolmaster, who had been principally instrumental in obtaining the signatures, was always regarded with great aversion by the Emigrants, who termed him a traitor to his Country.

The Immigration Agent reported that immigrants regarded his office 'rather as gaolers than protectors' and tellingly recounts that 'it is a common expression among the young women when one of their number is engaged to say that she is "sold".' Clearly relations between such immigrant workers and their employers were unlikely to be harmonious, the immigrants/servants constantly challenged their conditions, while employers often resorted to the courts to enforce conditions of the '*Master and Servants Act*.'

An editorial declared:

The immigrants, who have been awaiting hire at the depot, are certainly not of a description calculated to create a very favourable impression as to the care bestowed in their selection. Settlers have been obliged to seek the enforcement of some of the very wholesome provisions of the [*Master & Servants Act*]

What were these ‘wholesome provisions’?

A magistrate could order Imprisonment with hard labour for any period not exceeding Three Months, or to forfeit the Whole or any portion of the Wage due or accruing or, at the Discretion of such Justice, to both such Punishments.

The *Hobarton Mercury* on 18th November 1854 reported one such case before the Police Magistrate at Hobart Town.

A fresh importation from the Emerald Isle rejoicing in the appellation of Anne McArdle, was charged by her mistress, Mrs Hamilton, of Macquarie St, with absenting herself without permission on 7th.

(Anne was a *Caroline Middleton* immigrant engaged on the 1st November).

Mrs Hamilton testified that Anne “had absented herself in a very summary manner, and remained absent for a considerable time.” For good measure, Mrs Hamilton added that “she [that is Mrs Hamilton] had had reason to be dissatisfied with defendant’s conduct, having rather too great a number of visitors.”

Finding Anne guilty of a breach of the *Master and Servants Act*, the Police Magistrate committed Anne to prison for two months, with hard labour.

So, off went Anne to the Female Factory, joined a week or so later by Catherine Mahoney “a newly arrived immigrant from the Emerald Isle charged with refusing to work” and sentenced to 7 days imprisonment. Catherine Fitzpatrick was yet another Irish immigrant sentenced to 7 days imprisonment for refusing to obey a lawful command of her mistress. “She had been hired as a general servant . . . and positively refused to wash as that was not her work, it being too heavy for her, and on other occasions the girl had been insolent” so reads the report of her trial.

Presumably Anne McArdle, Catherine Mahoney and Catherine Fitzpatrick and others were assigned to the “Free Division” in the Female Factory , where Anne, at least, was set to work at the wash-tub - ‘that is considered hard labour” according to Matron Maccullough’s evidence to the Hampton enquiry.

Henry Hollis began a campaign against the *Master and Servants Act*, with letters published in the *Hobart Town Courier* and with constant attendance at the Police Court; these activities leading to the formation of the Committee of the Working Classes, which at public meetings in April and May 1855 highlighted injustices in the system. Hollis claims that servant girls were daily being committed to the gaol, and Thomas Macdowell, a former newspaper owner and editor, made the claim that free female immigrant servants sentenced to gaol had their hair ‘cut short’. The Catholic Bishop, Bishop Willson took up this issue directly with the Colonial Secretary, W.P.N.Champ, and a subsequent enquiry brought forth an emphatic denial of such a practice at the Female Factory. Details were provided of one instance where the medical officer had required frequent shaving of the head of one inmate and that another immigrant, had her head shaved while at the Colonial Hospital. In response, Bishop Willson arranged for Anne McArdle to attend the Colonial Secretary’s Office and “to Mr Champ detailed the circumstances of her hair being cut”.

A further enquiry was ordered, this time conducted by Colonel Last. No copy of Colonel Last’s report has been found, but Bishop Willson was clearly not satisfied, and upon visiting the Female Factory ‘found Eliza Boland [possibly not an immigrant] with her long hair cut from the back of her head, the same as Convicts.’ Bishop Willson took particular exception to Colonel Last’s remark that Anne McArdle ‘had no reason to complain, as she was not disfigured by [the cutting off of her hair]’. Bishop Willson explained that Anne had to wear a cap, and that ‘fellow servants declared she frequently wept of this account . . . The wearing of a cap by a female servant is considered to be, in this colony, a mark of degradation, as proof of the wearer having been in prison.’

Thereafter, the Governor, Sir Henry Fox Young, seems to have

taken a personal interest in matters pertaining to imprisonment of females offending against the *Master and Servants Act*; he banned the practice of hair cutting for ALL female prisoners, remitted the remainder of a sentence imposed on Ann Caldwell (actually a convict per *Duchess of Northumberland* in 1853, and not an immigrant by that vessel in 1854)) for absenting herself from her hired service, and in September 1855 authorised the release from prison of Mary Egan (an Indenture immigrant per *William Hammond*). But it seems that the Governor may have confused Mary Egan's case with that of Eliza Maguire.

Eliza Maguire's experience of the Female Factory was brief; she may not have even got beyond the administration area. Suspected of being an escaped felon, the test was to be presented to the authorities at the Female Factory to see if they recognised her. They didn't; she was an immigrant on the *Caroline Middleton* as she had stated. But the personal risks she had taken and the manner in which this case was used by Maxwell Miller to support his election campaign on behalf of the "working classes" suggest a deliberate, calculated, but highly risky, challenge to the authorities.

Maxwell Miller published his commentary upon Eliza Maguire's "Letter to the Editor" (remarkable for someone described in Immigration Records as being unable to read or write) in his newspaper, the *Tasmania Daily News*, on 12 June 1856, leading to numerous letters and articles in the *Daily News* and, providing a contrary view, the *Hobarton Mercury*. Eliza recounts how she had been hired at Hobart Town to go to Port Esperance; how she went aboard the steamer *Culloden*, was put ashore and lodged in the watch-house without a bed and 'where there were five or six constables in the same room' for three days; then taken to Franklin where the Assistant Police Magistrate, A E Walpole, ordered that she be forwarded to the Female Factory.

There is another account in a note made by the Governor, which does not identify Eliza, in the Colonial Secretary's Office files.

I learnt today [6 September 1855] from Rt Revd Dr Wilson, R C Bishop, of a young woman of 20, of ill repute for chastity, ordered to the Female Penitentiary at Hobarton, for some breach of servitude to

her employer escorted by the Police overland, thro' a long densely timbered and infrequented road from the Huon, at considerable expense & toil and loss of time, and suffering of fatigue and hunger when for 10s fare on board the Culloden steamer, in charge of the Captain, Mate, or other person sworn in as a special Constable, she could have been economically to the public, and without unnecessary hardship conveyed by water under engagement for safe delivery at the Factory.

The Governor's concern for economy may be admirable; but following Maxwell Miller disclosures 'A Great Public Meeting' at the Amphitheatre in Murray Street was advertised for 30 June 1856 'for taking into consideration the conduct of the police authorities of the Huon district in reference to the case of a female servant named Eliza Maguire whose personal liberty was not only infringed but wantonly and grossly violated.'

Such agitation by the Committee of the Working Classes had some success, and when the *Master & Servants Act* was amended in 1856, imprisonment of female offenders for infringements under that act was forbidden.

It was not until the *Master & Servants Act* was again under review in 1887 that the penal provisions for male offenders was also removed. This prompted John Richards to reflect upon the campaign against the 1854 *Master & Servants Act* in a letter to the *Mercury*.

A young free girl, named Eliza Maguire, three months in the island, obtained a situation 30 miles from the city. She was charged with "impertinent language," was marched down to town in company of a single constable 30 miles through the bush, and was sentenced to have her hair cut off clean, to forfeit her two month's wages, and to be incarcerated in gaol for three months. This incensed the newcomers and three of them of whom - forgive me - I was one, carried out an agitation for a twelvemonth shook the island.

John Richards' 1887 version of Eliza Maguire combines the treatment of perhaps three separate immigrants, so I am pleased today to be able to reinstate Anne MacArdle's role in the story

leading to the banning of hair cutting of female prisoners and the dropping of the penal provisions for female offenders against the *Master and Servants Act*.

We can only generalize about Anne's background in Ireland, and her "five minutes of fame" was humiliating. But we can reasonably state that Anne proved to be a valuable addition to the population of the post-Convict Tasmania, and on this eve of Anzac Day we might note that two grandsons fought and died in the cause of the British Empire.