

Convicts to the Swan River Colony

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It is little known that convicts were sent to Western Australia or the Swan River Colony as it was originally known. The article will concentrate on the founding of the Swan River Colony and explore the convict journey from court to conviction, to prison and transportation.

Having recently completed a holiday down under, when I had the opportunity to visit various, but not all, penal colonies in Van Dieman's Land (VDL or Tasmania), Cockatoo Island in Sydney Harbour, Perth and Fremantle, together with State Libraries in various cities, I became even more fascinated by the development of Australian states. Reading Ann Jacobs' books, some of which have been set in the colony in the 19th century, they recall information on the convicts, and provide an interesting background to the colony at this time. In *Farewell to Lancashire* Anna Jacobs quotes:

...some men were relatives of ex-convicts who had been transported for various crimes, had served their time and either gained a ticket of leave or a conditional pardon. As long as they didn't reoffend, they would work for wages or set themselves up in business, according to their backgrounds. And if they could afford the fares, could send for their families. To add to the complications of life in Australia it seemed respectable people didn't associate with ticket of leave men and their families socially.¹

To briefly give a background to Western Australia, the first free settlement was at Albany on the southern coast of the state in December 1826. Major Edmund Lockyer and HM Brig *Amity* with a detachment of twenty troops from the 39th Regiment, and twenty-three convicts to assist in establishing the settlement, arrived with six months' provisions. In 1827 Capt James Stirling, on behalf of the government, surveyed the Swan River and thought it would make an ideal settlement, and bear this statement in mind when you hear more of the colony. The Swan River was settled in June 1829 with James Stirling its first governor, and two shiploads of free settlers. Many problems existed from the beginning including the site being more difficult to settle than previously thought, settlement became very spread out and thinly populated, making the building of infrastructure difficult, and with land easy to obtain, few people were prepared to work as labourers. Some of the settlers thought they would lead a life of a country gentleman.²

To cut a long story short, the economic state of the colony was perilous. So much for an ideal settlement! The site proved to be much more difficult to settle with dry land, a lack of water and hardwood forests difficult to cut down. Fremantle itself was bypassed and Albany, with a superior harbour, was used for the mail boat from England and around Australia. A ship could not dock or enter Fremantle as a 'bar' across the river mouth prevented ships from entering the port.

In 1847 the colonists were in a dire situation with not enough settlers to labour and build the infrastructure of the new colony. Their only recourse was a request to London and the Colonial Office for convicts. The transportation of convicts to New South Wales (NSW) and VDL had ceased by this time. The colony set conditions for the transportation of felons and these were:

- To make cheap labour available to settlers and thereby overcome shortage and expense of free workers;
- To attract imperial funding that was required for running the colony providing income for the free settlers through the supply and service contracts with the Convict Establishment; and
- Aid achieving completion of the much needed public works throughout the colony.³

And the three conditions were that no female convicts were to be sent, no political prisoners, and no convict convicted of a serious crime. The first condition was honoured and no female convict was sent to Western Australia as they were deemed to be unsuitable mothers for future native Australians. The third condition was honoured in the first few years and then broken.

There were forty-three ships sent to the colony with a total of 9,720 convicts, the first the *Scindian* in 1850 and the last, the *Hougoumont* in 1868. Thirty-seven of the voyages carried prisoners from England but one collected their convicts from Bermuda. Six ships brought smaller cargoes of military prisoners from amongst the ranks of British Troops in India.⁴

My ongoing research is to record what happened to convicts from the north-east during those eighteen years. I am extracting every felon that was convicted in courts in Northumberland and County Durham from the shipping lists and researching the newspaper reports of the trial and what happened to each prisoner when they arrived in Fremantle.

The following information details two felons from the north east.

William Watson was on the thirteenth ship, the *Ramillies*, which left London on 20 May 1854 and stopped at Plymouth and Gibraltar. The ship arrived at Fremantle on 7 August 1854 with 277 convicts.⁵ The ship's inventory lists all the convicts transported and in most cases, the date of the conviction and sentence. The shipping records tell us William was aged 45, a tinsmith by occupation and a widower. The inventory described him as 5'7" tall with grey hair, hazel eyes, oval face, swarthy complexion and stout build. He had no distinguishing marks.

William (no. 3160) and James Watson (no. 3179) were convicted of robbery with violence and given fifteen years transportation. *The Newcastle Chronicle* (NC) of 6 March

1852 records the trial. William was noted as 'reads and writes imperfectly' and James had neither skills. They were charged that "on 8 February near Byker Hill feloniously assaulted Robert Watson and with having stolen from him £3 14s 6d (£3.72). The prosecutor (plaintiff), Robert, had treated the prisoners to grog in two different pubs, Robert paying for the drinks, using some money from his purse. On leaving the pub William struck Robert between the eyes and knocked him down leaving him insensible. When he came to he found his pockets turned out and his money gone. The Judge's comments stated "the prisoners have been found guilty of a very serious offence in having robbed with considerable violence, a poor man into whose company they had got with pretences of friendship. They were liable to be transported for life; and he felt that he should not do right if he did not send them out of the country. He was sure they would do no good here. In another part of the world they might by good conduct, regain their position. He then sentenced them to be transported for 15 years".⁶

George Thompson is one of the convicts transported on the first ship, the *Scindian*, from Portland Prison. George was convicted at Newcastle-upon-Tyne Assizes on 29 February 1848 for manslaughter and game laws but the convict registers refer to an "alleged crime of company poaching". He received a sentence of fifteen years and was described in the inventory as a pitman born in 1825, of Church of England religion. He could read fairly and write tolerably. Each prisoner on arrival had a register entry completed and George's states he had two sisters living in Wylam (to the west of Newcastle), of sound intellect, a tolerable state of mind and limited knowledge. George was granted a ticket of leave on 29 May 1851 and his character was described as very good. The General Register entry for George describes him as having a 'rather unsettled mind with much seeming indifference about matters connected with religion & apparently careless in preparing for a steadier walk in future with much regret. This man & Alexander Thomas (no 61) go out this day 29 May to seek work not having been engaged to matters – from their similarity of disposition should have liked it better had each gone out at a different time & still better if spared the temptations of going out disengaged. I fear my former note as above still applies'.⁷ There was also a note which indicated that he spent time in Wakefield prison before embarking on his journey to Australia. The date for the expiry of the sentence was noted



*Chapel at Port Arthur similar to that at Fremantle.
Photo © Christine Seal 2019*

as 29 February 1863, exactly fifteen years after the sentence in Newcastle Assizes.

Both in England and in Australia the prisoner was subject to hard work, religion and the strict separation of prisoners at all times, including in religious observance on Sundays. Prisoners attending chapel were confined separately in pigeon holes and not able to speak or see each other.⁸ This happened at Port Arthur on VDL as well as in Fremantle.

There were no prisons to house the felons in Fremantle, and initially they were housed in a warehouse converted for their use. Gradually Fremantle prison, accommodation for the Pensioner Guards, and other prison staff was built with the aid of the convicts. The Fremantle Convict Establishment or Prison was completed in 1857.



*Fremantle Convict Establishment Today.
Photo © Christine Seal, 2019*

Life in Western Australia for the convict was nowhere near as harsh as that in NSW or VDL and because most of the convicts spent a year or two in English prisons before transportation, most of them, after their year at Fremantle prison, were given a Ticket of Leave. This was a document that granted the convict parole in the colony, subject to certain conditions, such as remaining in the district allocated to them and reporting to the local magistrate, and enabled them to work for an employer.

Notes

- 1 Anna Jacobs. *Destiny's Path*. Hodder & Stoughton, London, 2011, p.177; *Lancashire Lass*. 2000, p.140-1; *Farewell to Lancashire*. p.96.
- 2 Ronald W Laidlaw. *Mastering Australian History*. Macmillan, Melbourne, 1988, p.137.
- 3 M Gibbs. 'The Convict Places in Western Australia' in *Building a Colony: the Convict Legacy*. Eds J Sherriff & A Blake, Nedlands University of Western Australia Press, 2006, p.72.
- 4 <http://members.iinet.net.au/~perthdps/convicts/con-wa.html>
- 5 <http://members.iinet.net.au/~perthdps/convicts/con-wa.html>
- 6 Newcastle Chronicle 6 March 1852. In the Newcastle newspaper reports from the end of the 18th century and during the 19th century the person who had the crime committed against them is described as 'prosecutor'. In this case Robert was the prosecutor against the two defendants. Robert was no relation to the two defendants.
- 7 General Register, Convict numbers 1-299 from Ancestry Library Edition, Australian Convict Collection.
- 8 Kevin Moran. *Sand and Stone: the Social History of Western Australia as recorded by the Pioneer Police of the Eastern Frontiers*. Frickers International Publication, Perth, 2000, pp.57,62.