Convicts with the Van Diemen's Land Company

by

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HTA575 – Supervised Research Essay
Submitted in partial fulfillment of a
Graduate Diploma in Humanities (History)
University of Tasmania
2007
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Signed

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Abstract

Convicts with the Van Diemen’s Land Company

The Van Diemen’s Land Company was formed in 1825 to produce wool in Van Diemen’s Land for the British market. The company explored land in the North West of the island for the purpose of locating a grant and established settlements at Circular Head, Woolnorth, Emu Bay, Hampshire and Surrey Hills.

Convicts were assigned as servants to the company and about four hundred and twenty people spent periods ranging from several weeks to nearly a decade as part of the labour force.

This thesis provides information about this labour force: their numbers, their disposition, their occupations and their achievements. It investigates what they ate, how they were accommodated and the hours that they worked.

The convicts were subject to being physically flogged, discipline normal at the time, but which we now find abhorrent and the record of punishments is examined in detail.

Much of the history that has been written about the company relies heavily on company sources. In this thesis particular value has been placed on contemporary independent reports.

The company agent during the period 1825–1842 was Edward Curr and he had a dominant influence on all aspects of company activities and achievements, and therefore on the life and fate of servants assigned to the company. Particular attention is given to the nature and extent of Curr’s character on the life and fate of convicts with the company.
Acknowledgements

To my supervisor, Dr H Maxwell-Stewart, for his guidance and support;
to Dr TP Dunning for his availability and support;
to JM Bruce whose transcriptions of VDL Company documents were valuable;
to G Lennox, who made his research notes on this topic available to researchers;
to Dr I McFarlane who assisted with the early development of the project;
to the staff of the Burnie Reference Library who gave enthusiastic and effective
support throughout the project by providing resources and facilities;
to Sue McDonald, formerly of that library who drew my attention to the work
of JM Bruce, and several important catalogues of resources;
to the staff of the University of Tasmania Library who provided resources and
facilities;
to the staff of the Mitchell Library and the National Library of Australia who
promptly supplied microfilms;
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attention to the work of G Lennox;
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Robert Onfray and Paul Roberts-Thomson for their suggestions and ongoing
interest;
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make the project possible, and who made many useful suggestions;
to my sister Lynne Dean and her partner Barney Phillips for providing support
and accommodation in Hobart;
to my mother, Marjorie Dean, who gave encouragement throughout the project.
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<td>AOT</td>
<td>Archives Office of Tasmania</td>
</tr>
<tr>
<td>BOM</td>
<td>Bureau of Meteorology</td>
</tr>
<tr>
<td>BRL VDLC MR</td>
<td>Burnie Regional Library, Van Diemen's Land Company Microfilm Reel</td>
</tr>
<tr>
<td>CD-ROM</td>
<td>A disc for electronic storage</td>
</tr>
<tr>
<td>L (e.g. p.84L)</td>
<td>L = Left-hand side of a double page on microfilm.</td>
</tr>
<tr>
<td>TOL</td>
<td>Ticket of Leave</td>
</tr>
<tr>
<td>VDL</td>
<td>Van Diemen's Land. Sometimes Van Dieman's Land</td>
</tr>
</tbody>
</table>
## Metric Conversions

### Length

- 1 foot (ft) = 0.305 m  
- 1 yard (yd) = 0.914 m  
- 1 mile = 1.60 km

### Height

- 5 feet (5'0'') = 152 cm  
- 6 feet (6'0'') = 183 cm

### Area

- 1 acre (ac) = 0.405 ha

### Weight

- 1 pound (lb) = 0.454 kg  
- 1 ounce (oz) = 28.3 g  
- 1 ton = 1.02 tonne (t)
**Convicts with the Van Diemen’s Land Company**

The Van Diemen’s Land Company has received considerable interest from historians: there have been general histories; the history of land exploration and negotiation of their grant; their interactions with the Aborigines; the economic history of the company, and the company’s role in the history of the district. There have also been specific studies of their servants, both indentured and assigned. In one of these, Duxbury notes that her work ‘represents the view from above. It remains to reverse the perspective so as to see the experience through the eyes of the servant.’ This current work concerns itself with assigned servants, and tells their story; of where and when they served; of how they lived and what they achieved.

1—**THE VDL COMPANY**

In 1826 a small group of people stepped ashore in Hobart Town, the advance party of the Van Diemen’s Land Company, formed to produce wool in Van Diemen’s Land and supply it to the British market. The party included names now iconic in the early history of North West Tasmania: Curr, Hellyer, Adey, Fossey, Goldie and Lorymer. They had behind them a group of wealthy and influential businessmen, and a large amount of capital.

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The company had a Royal Charter, great freedom to choose land for the purpose of establishing a substantial land grant, and the assurance of assigned servants to help work it. The Colonial Secretary for the British Government had given assurance that a sufficient quantity of suitable land would be made available. Among providers of advice was the distinguished immediate past Lieutenant-Governor, Colonel William Sorrell. The group was full of confidence and high expectations; which made it all the more confusing as the plan began to unravel.

Van Diemen’s Land has a large and high central plateau, which, together with prevailing westerly weather, leads to a strong rain shadow in the land for which most settlers had close experience, that is the corridor between Hobart Town and Launceston (See Fig. 1).\(^2\) The map of average annual rainfall shows that the existing grants were mostly in areas with a rainfall of 800 mm or less; by contrast the North West has 1000 mm or more. (See Fig. 2)\(^3\) On fertile soil, rainfall is a strong determinant of the mass of standing and fallen timber. On existing grant areas which were grassed or lightly wooded, there would have been about 5–30 t/ha; whereas in the North West the forests were often heavily wooded at about 180–320 t/ha.\(^4\)

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\(^2\) T Scott, Map of Van Diemen’s Land showing land grants (1824); National Library of Australia, Map 1129.

\(^3\) Bureau of Meteorology, Rainfall Map of Average Annual Rainfall for Tasmania.

A different map with better resolution has been supplied by the author in 2016, and is found in the accompanying zipped file.
Fig 02 – Tasmania Average Annual Rainfall
The company had a vigorous and comprehensive program of exploration which determined that the type of country they sought did not exist in sufficient quantity, or was unavailable by virtue of being closer than permitted to the existing settled districts. The company prospects at last came down to an exploration of country near the ‘Peak like a volcano’ on Thomas Scott’s map of 1824; later named St Valentine’s Peak. Based on glowing reports from its explorers the company applied for 160 000 acres of what is now the Hampshire and Surrey Hills, 50 000 acres at Emu Bay for access and a total grant of 350 000 acres. (See Fig. 03). But Surrey Hills was a siren beauty whose virtues were manifest, but whose vices remained hidden. Company staff struggled to understand her, and as late as 1842 they were still experimenting with sheep, encouraged by the ample grasslands only to be ruined by sudden cold conditions and enduring damp. As one of the staff put it, ‘There is no country or climate so deceiving.’

But Edward Curr, the company Agent, did know in 1827 that he and his colleagues were ill-equipped to make land appraisal decisions of such consequence. ‘I have found daily cause to regret that not one person in the

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6 Hutchinson to Court, Despatch No.47, 04 Aug 1834; AOT VDL5/5; BRL VDLC MR34/2, p.21; in JM Bruce, Woolnorth: Select Documents 1826–45, p.342.
service is possessed of Colonial knowledge, and that circumstanced as they are, they can only acquire it by their own experience, often dearly bought.\(^7\)

Time would show that in all of the North West there was not enough land for a sheep venture of the desired size, unless you could first remove the standing and fallen timber, and that would take a generation or more; time and money which even the VDL Company didn’t have. Backhouse and Walker concluded that the North West was not suited to sheep, being much more humid than the eastern side of the island, and the interior being cold even in summer. “There was little open land accessible for anything but driven Cattle, except some small places near the Coast.”\(^8\) Only one question remained: would the VDL Company Directors have the resolve to cut their losses and withdraw before they lost too much money? Unfortunately they didn’t, and the optimistic description of Surrey Hills in Bischoff’s report for 1832 could be characterised as wishful thinking.\(^9\)

The implications for the assigned servants were profound: it didn’t matter how hard, or long, or well they worked—they would always be under the management of people who would not be able to make the company a financial success. The company grant was scattered over a wide area, resulting in the need for a large amount of dangerous and tedious travel; and poor supply lines for the basic necessities of life. The out—

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\(^7\) Curr to Directors, 10 November 1827, cited in K Pink, *Campsite to City,* (Burnie, 2000), p.8


\(^9\) J Bischoff, *Sketch of the History of Van Diemen’s Land and an Account of the VDL Company,* p.150
stations were often small and isolated, putting servants in the way of danger from work colleagues not of their choosing, and angry natives out after revenge. The convict system itself was well-established and all-pervading. But if justice prevailed, it was often slow in arriving to the remote areas; and there was the constant risk that a relatively small infraction would have severe consequences.
2—SOURCES OF INFORMATION ON CONVICTS

Compiling a Register of Names

The author compiled a database of records for convicts who spent time with the VDL Company; and a database of conduct records relevant to those convicts during their time with the company. The main source of names was the musters for 1825, 1830, 1832, 1833, 1835 and 1841. While the musters were examined using microfilm, the list corresponds with the list of musters recently made available on the internet. Given that the period of interest was expected to be 1825–1845, a major problem with this information was the gaps—i.e. 1825–30, 1835–41, and after 1841—where there is ample scope for convicts to have appeared and disappeared without registering on a muster. There are known and other suspected errors in the musters: such as transcription errors; confusions between people with similar names; or with the Van Diemen’s Land Establishment, a separate company; and the fact that returns of information to the compiling officers were sometimes deficient. The compiled list of names was supplemented by reference to appropriation lists for convicts on ships arriving; and general correspondence involving VDL Company officers. Membership was cross-checked against conduct records, and publications which reported

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11 ancestry.com
12 Appropriation lists: AOT CON27, AOT Miscellaneous Microfilm 33. VDL correspondence: AOT VDL series
company history. A major lack was systematic lists of convicts who had been assigned elsewhere prior to assignment to the VDL Company.

Information was often deficient for Ticket-of-Leave (TOL) convicts, as well as follow-up information for those who died or absconded. The Archives Office of Tasmania database of convict records was used as a reference for voyage dates, and spelling of names.\textsuperscript{13} The Tasmanian Convicts CD-ROM was used as a cross-reference for register details.\textsuperscript{14}

**Conduct Records**

The conduct records were retrieved relatively easily, although several could not be located for the known list. In using the records, the major problems related to the archival process of transferring usable images of the original records onto microfilm. Torn records, footnotes, the side margins of records, and the descriptive preamble, had significant image problems, particularly when printed out, and were of limited use within the time and resource limitations for this project. The main body of records could be effectively read, although a handful of records were incompletely recorded by the magistrate, and it was not always possible to identify records relevant to the VDL Company such as convicts holding a TOL. Other general information of use was correspondence by company officers;

\textsuperscript{13} AOT Database: *Index to Tasmanian Convicts*

\textsuperscript{14} AOT, *Tasmanian Convicts*, CD-ROM, (Hobart, 2000)
comments by and about police magistrates;\textsuperscript{15} comments by the Government officers on decisions by magistrates;\textsuperscript{16} and comments by an independent observer on decisions.\textsuperscript{17} There were about a dozen records included for sentences which were known to have been returned by the magistrates at Circular Head, but which were not entered into the Conduct Register.\textsuperscript{18} There were several important files to which the author had limited access during the project: two of these were original registers deemed too frail to handle,\textsuperscript{19} and a third was a microfilm which was only available in the Mitchell Library.\textsuperscript{20}

\begin{itemize}
\item \textsuperscript{15} AOT–VDL15/1/1.
\item \textsuperscript{16} AOT–POL320
\item \textsuperscript{17} J Backhouse and GW Walker, \textit{The Report of a Visit to the Settlements of the VDL Co.}
\item \textsuperscript{18} See the section on 'Missing Records of Sentence' in Chapter 10.
\item \textsuperscript{19} AOT–POL318, 319, 321, Manuscripts
\item \textsuperscript{20} Mitchell Library, \textit{Police records for Circular Head for 1834–1847}. Tasmanian Papers 259.
\end{itemize}
3—STATISTICS FOR THE CONVICT POPULATION

Convict population numbers

The database yielded 420 names of people who spent at least some time with the VDL Company. Of these 22, or 5 per cent., were women. It is expected that these numbers will vary slightly as further research confirms or excludes various names. The first convicts were assigned to the company in 1826 and there was a steady increase in the size of the population until 1834, when numbers started to decline. (See Table 1). The largest Government muster was December 1833 with 143 convicts. Company figures for convicts reported 83 males, 2 females and 4 children in February 1838 (See Table 2); 21 120 in December 1839; and 77 in March 1841.22 The first voyage to contribute convicts was the Minerva (1) arriving in June 1818, and the last was probably the Navarino arriving in January 1841.

Managing the assignment process required a good deal of attention from the company staff since 117 voyages contributed convicts, with two-thirds contributing three persons or less. Several convicts arrived free and were convicted in the colony. The Eliza (2) and Chapman (2) were big contributors with 27 and 21 convicts each, respectively.

21 Martin, RM, Statistics of the Colonies, (London, 1839), App. 5, p.231. The table shows 55 male, 2 female and 4 convict children at Circular Head; 13 males at Emu Bay, Hampshire and Surrey Hills; and 15 males at Woolnorth and Cape Grim.

22 Curr to Schayer, 03 Mar 1841; AOT VDL23/10; BRL VDLC MR20/1, p.211; in JM Bruce, Woolnorth: Select Documents, p.742.
Table 1 Convicts listed in Musters as Assigned to the VDL Co.

<table>
<thead>
<tr>
<th>Muster year</th>
<th>Number in muster</th>
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<td>1825</td>
<td>0</td>
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<tr>
<td>1830</td>
<td>82</td>
</tr>
<tr>
<td>1832</td>
<td>121</td>
</tr>
<tr>
<td>1833</td>
<td>143</td>
</tr>
<tr>
<td>1835</td>
<td>87</td>
</tr>
<tr>
<td>1841</td>
<td>56</td>
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Table 2 - Inhabitants & Livestock on VDL Company establishments to 28 February 1838

<table>
<thead>
<tr>
<th>Location</th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
<th>Livestock</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Free</td>
<td>Convict</td>
<td>Free</td>
<td>Convict</td>
</tr>
<tr>
<td>Circular Head</td>
<td>21</td>
<td>55</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Emu Bay, Hampshire &amp; Surrey Hills</td>
<td>9</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Woolnorth &amp; Cape Grim</td>
<td>8</td>
<td>15</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>38</td>
<td>83</td>
<td>14</td>
<td>2</td>
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<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
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<tbody>
<tr>
<td>Grand Total</td>
<td>121</td>
<td>16</td>
<td>27</td>
</tr>
<tr>
<td>% Convict</td>
<td>69</td>
<td>13</td>
<td>15</td>
</tr>
</tbody>
</table>

Despite the introduction of the Probation System in 1839 the company continued to be assigned some convicts, with the upper limit to numbers being set at 75 by Lieutenant-Governor Franklin, in August 1842. Table 3 contains details of the time period during which the convicts arrived in the Colony. It is apparent that most of the convicts arrived in the 1830s.

In August 1842 news was received that Lieutenant-Governor Franklin had granted permission for a road party of 300 convicts to start work on the construction of a road between the Hampshire Hills and the settled districts, and a station was established at Deloraine for this purpose. The company eventually decided that assigned servants were no longer its most effective source of labour, and James Gibson—the Agent following Curr—ordered the return of convicts to Government in September 1844.

**Convict Age**

The age at time of trial was available for 217 convicts and these were tabulated in the five-year categories in Robson and plotted in Figure 4 against the statistics given for English convicts. The agreement is very

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23 Court to Gibson, Despatch 217, 18 Aug 1842; AOT VDL193/4; BRL VDLC MRS/1, p.310; in JM Bruce, Woolnorth: Select Documents, p.851.
24 Derived from an analysis of vessel arrival dates.
26 Gibson to Dyer, 05 Sep 1844; AOT VDL23/12; BRL VDLC MR21/1, p.19; in JM Bruce, Woolnorth: Select Documents, p.969.
27 L Robson, The convict settlers of Australia: an enquiry into the origin and character of the convicts transported to New South Wales and Van Diemen's Land, 1787-1852, (Carlton, 1965, p.190, Table 5(e))
Table 3 – Convict arrivals in VDL by time period

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Arrivals in VDL</th>
<th>Percent Arrivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1818-20</td>
<td>11</td>
<td>2.6</td>
</tr>
<tr>
<td>1821-23</td>
<td>10</td>
<td>2.4</td>
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<tr>
<td>1824-26</td>
<td>49</td>
<td>11.8</td>
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<tr>
<td>1827-29</td>
<td>42</td>
<td>10.1</td>
</tr>
<tr>
<td>1830-32</td>
<td>130</td>
<td>31.2</td>
</tr>
<tr>
<td>1833-35</td>
<td>75</td>
<td>18.0</td>
</tr>
<tr>
<td>1836-38</td>
<td>77</td>
<td>18.5</td>
</tr>
<tr>
<td>1839-41</td>
<td>23</td>
<td>5.5</td>
</tr>
</tbody>
</table>
Fig. 4 - Age distribution of convicts: VDL Co. v 'ex England'

Robson *Convict Settlers of Australia*, (Melbourne, 1965), p.190, Tab. 5(e), 'ex England'.
strong and the differences with the profile given by Robson are negligible. The median age was 23 years, and 75 per cent. of convicts were at least 15 but less than 30 years of age. The oldest was 66 years and the youngest was 14 years.

**Length of Service**

The acquisition of sufficient evidence for reliable estimates of start and finish dates is more suited to an ongoing and co-operative project. For this project, reasonably reliable dates were available for a sample of 29 per cent. of convicts. (See Table 4). It is considered that this sample provides a reliable estimate of the convict population as a whole, although it should not be used to impute anything about particular sub-groups. The data show that 10 per cent. of convicts served 7 months or less; 50 per cent. served 2 years or less and 90 per cent. served up to 5 years. The longest service identified to date was nearly 9 years. Where service was very short there is usually an associated story of death by misadventure, or illness contracted on the voyage to the Colony. Where service was long it was often a convict who had earned a TOL and was rehired, and retained, because his skills were valued and his performance was considered reliable. In the context of the company the turnover was very high. The replacement of assigned servants became more difficult as time passed, particularly after the Probation System was introduced. In late 1841 Curr received advice that
Table 4 — Convict length of service

<table>
<thead>
<tr>
<th>Proportion of Convict Population</th>
<th>Equal to or less than</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Months</td>
</tr>
<tr>
<td>Minimum</td>
<td>2</td>
</tr>
<tr>
<td>10%</td>
<td>7</td>
</tr>
<tr>
<td>25%</td>
<td>14</td>
</tr>
<tr>
<td>50%</td>
<td>24</td>
</tr>
<tr>
<td>75%</td>
<td>39</td>
</tr>
<tr>
<td>90%</td>
<td>60</td>
</tr>
<tr>
<td>Maximum</td>
<td>107</td>
</tr>
</tbody>
</table>
convicts could not be assigned because the company had more than 20 already.\textsuperscript{28}

Even as early as 1833 Curr was told that he would be assigned only 8, rather than the promised 15 new prisoners, because there were a lot of applications to replace those receiving TOL.\textsuperscript{29} The company received notice in 1836 that they would have no priority, TOL would be replaced in the order the applications were received by Office of the Superintendent of Convicts.\textsuperscript{30} Convicts with proven skills were much sought after by everyone and in the 1840s were only available for short contracts of several months.

\textbf{Convict Occupation}

The occupation recorded on the appropriation lists was available for 310 convicts and these were coded to match the classification in Robson.\textsuperscript{31} The frequency for each occupational grouping was tallied and the results plotted as a percentage in Figure 5. The results for the VDL Company show a good general agreement with the figures given for English convicts in Robson’s table with several notable exceptions. It can be readily seen that the ‘Agricultural’ category is up (36 v 21 per cent.). Thus, the company was assigned a much higher than normal percentage of ‘Agricultural’ servants.

\begin{flushright}
\begin{footnotesize}
\textsuperscript{28} AOT–VDL14, J Spode to E Curr, 21 Dec 1833
\textsuperscript{29} AOT–VDL14, CSO to E Curr, 8 Jan 1833
\textsuperscript{30} AOT–VDL14, Board of Assignment to E Curr, 25 Oct 1836
\textsuperscript{31} L Robson, \textit{The convict settlers of Australia} p.190, Table 5(d)
\end{footnotesize}
\end{flushright}
Fig. 5 - Percentage distribution of convict occupations: VDL Co. v Convicts 'ex England'

Robson Convict Settlers of Australia, (Melbourne, 1965), p.190, Tab. 5(d), 'ex England'.
Table 5 - Classification of skills for VDL Company convicts

<table>
<thead>
<tr>
<th>Construction</th>
<th>Horse</th>
<th>Sheep</th>
<th>Food</th>
<th>Metal</th>
<th>Clothing</th>
<th>Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bricklayer</td>
<td>Breaker</td>
<td>Comber</td>
<td>Baker</td>
<td>Blacksmith</td>
<td>Dyer</td>
<td>Carter</td>
</tr>
<tr>
<td>Brickmaker</td>
<td>Farrier</td>
<td>Draw Lambs</td>
<td>Butcher</td>
<td>Brassfounder</td>
<td>Knitter</td>
<td>Coachsmith</td>
</tr>
<tr>
<td>Carpenter</td>
<td>Groom</td>
<td>Ploughman</td>
<td>Cook</td>
<td>Coppersmith</td>
<td>Shoemaker</td>
<td>Ropemaker</td>
</tr>
<tr>
<td>Glazier</td>
<td>Groom Master</td>
<td>Shearer</td>
<td>Cooper</td>
<td>Engineer</td>
<td>Tailor</td>
<td>Sailmaker</td>
</tr>
<tr>
<td>Mason</td>
<td>Veterinary</td>
<td>Shepherd</td>
<td>Gardener</td>
<td>Foundry</td>
<td>Weaver</td>
<td>Seaman</td>
</tr>
<tr>
<td>Painter</td>
<td>Veterinary</td>
<td>Veterinary</td>
<td>Poulterer</td>
<td>Jeweller</td>
<td></td>
<td>Ships Carpenter</td>
</tr>
<tr>
<td>Plasterer</td>
<td></td>
<td></td>
<td></td>
<td>Locksmith</td>
<td></td>
<td>Shipwright</td>
</tr>
<tr>
<td>Sawyer</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wheelwright</td>
</tr>
<tr>
<td>Slater</td>
<td>Clerk</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stonemason</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C:\Geoff\Local History\VDL\VDLC Convicts\Essay\Convicts Occupation2.xls\Skills
'Miller, shipwright' was also higher than normal, while 'Transport' was much lower. This probably reflected the heavy reliance of the VDL Company on sea transport; also noting that the company was interested in building its own small vessels. 'Brickmaker' and 'Wood, Cane and Cork' were down which may have reflected the heavy demand all over the colony for convicts with these trades. In Table 5 the listed occupations have been classified into skill groups to illustrate the wide range of skills required.

The Eliza (2)

Assigned servants with relevant agricultural experience were highly valued by the VDLCo, and its directors were constantly vigilant for opportunities which might arise in England: for example, people remanded for trial before them as magistrates. In 1830–31 social conditions in southern England deteriorated with poor living conditions, low wages and a succession of poor harvests. These conditions were then exacerbated by a severe winter in late 1830 and the introduction of the threshing machine which reduced opportunities for employment. Riots, threatening assemblies and other disturbances were common, with stacks and barns burned, and attacks on overseers and workhouses. Newly installed machines were attacked in sawmills, paper mills, and carpet and woven cloth factories. A factor of particular alarm to the authorities was the rapid and contagious nature of the disturbances. The British Government reacted strongly with over 2000 arrests, 19 executions and 500 sentenced to be transported for
either 7, 14 years or life; as well as other for local imprisonment. The *Eliza* sailed for Hobart in February 1831 with 244 male convicts, to be followed soon after by the *Eleanor* to NSW and the *Proteus* to Van Diemen's Land. Of the *Eliza* convicts the directors had lobbied to have 50 assigned to the VDLCo. However Edward Curr surprised his superiors by advising that he could only receive 25 because of the limited availability of food. Two of these convicts were sick on arrival and were dead within several months. Two others were reassigned the next year from elsewhere to cover these deaths. The recorded trades for the *Eliza* (2) convicts supplied were Ploughman (16), Farm Labourer (5), miscellaneous rural trades (4), a Labourer and a House Servant. The government offered to supply a further 'selection' of convicts from the *Argyle* and the *Proteus*, but noted that the company had indicated that it was unable to accept any more. This situation must have been very disappointing to the directors, but the government was doing all that it could to provide the company with a suitably skilled workforce.

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32 Analysis of listed occupations from Appropriation lists.
33 Burnett, Colonial Secretary's Office, to Curr, 7 September 1832. AOT VDL14
Table 6 – Estimated Height & Weight for Convicts and Edward Curr

<table>
<thead>
<tr>
<th>VDL Co. Convicts</th>
<th>Height (cm)</th>
<th>Weight (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Convict</td>
<td>166</td>
<td>63</td>
</tr>
<tr>
<td>Maximum Convict</td>
<td>183</td>
<td>86</td>
</tr>
<tr>
<td>Edward Curr</td>
<td>185</td>
<td>108</td>
</tr>
</tbody>
</table>
4—EDWARD CURR

Edward Curr’s tenure as Agent lasted from 1825 until 1842, and the decisions which affected the assigned servants reflect his influence. Curr was a Catholic at a time when even Catholic marriage was not recognised under the law, and counted two sisters, a daughter and a niece as nuns; and an uncle and nephew as priests. He was a well-educated man of ‘marked abilities, extended sympathies, unimpeachable character, distinguished presence...’ He was tall and hugely built, with a ‘fine head, large and square, a massive jaw, and abstracted looking grey eye.’

Curr and his wife had a busy family life with three children before settling in VDL and eleven others born here. Parental responsibilities must have added a great deal of stress, as, for example, when the infant Juliana was killed in an accident in June 1835.

In order to compare the physique of convicts with that of Edward Curr, height records for a sample of 72 were analysed and estimates made of their weight based on modern diet targets for medium framed people. This was compared with information from the Curr family records. The mean height was 5’5½”, slightly higher than the 5’4½” reported for convicts from

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34 EM Curr, Memoranda concerning our family, Manuscript, State Lib. Vic, p.32
35 M Close, ‘From the Diary of Elizabeth Curr’, Historic Stanley, (Stanley, 1982).
36 A sample of 73 convicts had a mean height of 166 cm, and a maximum of 183 cm. The associated weights were 63 and 86 kg; estimated from diet target weights for people of a medium build. A Borushek, The Pocket Dieter’s Diary, (Perth, W.A., 1986), Table facing p.1.
37 EM Curr, Memoranda concerning our family, Manuscript, State Lib. Vic, p.32. Curr was 6’1” in height and 17 stone, at age 40 in 1838.
Macquarie Harbour and Port Arthur. The mean weight of 63 kg is close to the figure of 65 kg reported for African slaves. Table 06 displays a comparison of Curr’s physique with the assigned servants. Probably most convicts would have been physically intimidated and fallen silent in his presence. As his son EM Curr said:

I never saw him in company or conversation, even in the most trifling occasions, when anything but the first place was given up to him. Habitually and unknown to himself, he imposed his will on others, and I have always thought that people treasured up a resentment against what I may call a state of momentary vassalage to which they habitually found themselves reduced in his company or rather, I should say, in his presence, for to that it amounted.

This helps to explain why Curr spoke so freely and candidly, even when it was clearly not in his interest to do so. Several times he told the Lieutenant-Governor how to conduct his business. He wrote insultingly to the directors of the VDL Company regretting that the Court had ‘sent the Thomas Lawrie’s worthless tribe to corrupt our very convicts…’ He insulted the Lieutenant-Governor to the Colonial Secretary—suggesting that His Excellency might have bothered to check his facts before rebuking Curr; and describing the local magistrate as a man of ‘withering incapacity’. He concluded by remarking that he had ‘an excess of thankfulness’ when he

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39 S Nicolas, Convict Workers, p.185
41 Curr to Court, 01 Nov 1841; AOT VDL5/6; BRL VDLC MR34/3, p.68; in JM Bruce, Woolnorth: Select Documents, p.791.
learned that the man’s career had ended. ²⁴² He seemed unaware of the damage such writing caused to his own, and his company’s interests.

It is important to note how Curr’s personality may have affected his judgement on matters bearing directly on convict welfare. Curr’s opinion was very influential on TOL applications and though he was usually fair, and sometimes generous, he was capable of being antagonistic and cynical.

Of Michael Lalley, for instance, he wrote:

I shall certify that he is one of the most worthless boys I ever knew in my life, but this will not prevent him obtaining his Ticket of Leave… it being the policy of the Government now, more than ever, to grant indulgences whenever they can find an excuse for so doing. ²⁴³

Of Stephen Knapper he gave an equally poor opinion: ‘generally idle, deceitful, purposely useless, often feigning illness, and leading other men into misconduct, a gambler and a petty thief.’ ²⁴⁴

Curr lost touch with Convict Department policy. In late 1834 he returned 22 convicts without notice to the Launceston barracks as having arrived unfit for service, but whom government officers subsequently reported to be fit. It was plausible that the convicts did arrive ill, since ongoing problems were recorded for the Marquis of Hastings several years

²⁴² Curr to Colonial Secretary, 21 January 1835, AOT VDL23/6; BRL VDLC MR18/2, p.420; in JM Bruce, Woolnorth: Select Documents, p.373.
²⁴³ Curr to Schayer, 20 November 1841; AOT VDL23/11; BRL VDLC MR20/2, p.9; in JM Bruce, Woolnorth: Select Documents, p.794.
²⁴⁴ Curr to Colonial Secretary, 04 December 1832; AOT VDL23/5; BRL VDLC MR18/1, p.312; in JM Bruce, Woolnorth: Select Documents, p.220.
later.\textsuperscript{45} The Board of Assignment stated that it could award no more men until the alleged invalids were taken back.\textsuperscript{46} Backhouse reported that Curr ill-treated former indentured servants who had absconded by abandoning them to desperate circumstances, when he was no longer legally responsible for their welfare.\textsuperscript{47} They described Curr as ‘in many respects despotic.’ Curr tightly controlled the management of the various establishments and left little room for others to appeal against his decisions.\textsuperscript{48}

The ship \textit{Forth} embarked for VDL in 1831 with tradesmen and shepherds for Circular Head. Mann, an independent passenger, reported that on the day the emigrants were put on shore, they returned in the evening stating that ‘they had no place to reside in if they did not sleep under gum-trees’. Those who decided to leave were compelled to quit the ship before it weighed anchor and find their own way. Mann reported that other free men sent out to Circular Head had also run away, complaining of bad salt provisions and harsh treatment. They risked their lives, by crossing rivers and travelling through forest the 180 miles to Launceston.\textsuperscript{49}

\textsuperscript{45} B Wait, \textit{Letters from Van Diemen’s Land}, (Buffalo, 1843), p.252, quoting the surgeon at the Colonial Hospital, stated that only 103 of the 240 convicts embarking on the \textit{Marquis of Hastings} (Arr. July 1839) were still alive a year after arrival ‘owing to nothing but ill-treatment—short and bad rations.’ Another report puts death rates in the first year after arrival at 37 per 1000, compared with 8 per 1000 in the next three years. This suggests that fresh arrivals suffered ongoing ill health. C Pybus and H Maxwell–Stewart, \textit{American Citizens, British Slaves: Yankee Political Prisoners in an Australian Penal Colony}, (Melbourne, 2002), p.105.

\textsuperscript{46} AOT VDL14–CSO to E Curr, 13 January 1835; Board of Assignment, 12 June 1835.


\textsuperscript{49} W Mann, \textit{Six Year’s Residence in the Australian Provinces, Ending in 1839}, London, 1839, p.35.
5—A TOUR OF THE VDL COMPANY ESTABLISHMENTS

In November 1832, Backhouse and Walker, two members of the Society of Friends, began a tour of the company establishments as part of a much larger tour of VDL, and elsewhere, primarily concerned with the physical, mental and spiritual welfare of convicts. Lieutenant-Governor Arthur described them as intelligent and impartial; they were also diligent, well-informed and humane. They wrote a general report on their visit to the Australian Colonies, and another general report from the same diaries, but published much later. They also wrote two specific reports for the Lieutenant-Governor on the company, one of which included useful descriptions of the various company establishments in the summer of 1832/33. This report was at once an overview of company operations, and a de facto catalogue of convict achievements, since convicts made up two-thirds of the male population on company establishments, and made an even higher proportional contribution to manual tasks.

The company had five significant centres of operation in the island, all in the North West, and located on land deemed to be naturally suitable for

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50 Lieutenant-Governor G Arthur to Home Office, 9 July 1833, AOT CO280/42, p.78
51 J Backhouse, A Narrative of a Visit to the Australian Colonies (London, 1843), especially Chapters 8–10, and Appendices E and F.
the grazing of sheep. In addition there was an officer in Hobart Town to
deal with transport arrangements, particularly the transfer of convicts and
the acquisition of stores. There was also a rental property at Red Hill,
thought to be near the Tamar River. The preferred mode of communication
and transport for the company was by sea.

Woolnorth, in the far North West, was the hub of a sheep grazing
operation. It was described as 150 000 acres with 'a very small proportion
of good land'.\(^55\) The population was 70 persons and there was no resident
magistrate. Buildings consisted of a weatherboard house for the
Superintendent; a store with jetty; a house for servants; some out-buildings;
'a few scattered cottages in remote situation, all of wood'; and some stock-
keepers' huts. A marsh of over 1000 acres had been drained with
impressive ditches, 9 ft. wide by 1½ miles long, dug by convicts using
custom made spades.\(^56\) A small quantity of land had been cleared, gardens
established, and some of the native pasture had been sub-divided with post
and rail fences. There were 3000 sheep grazing at Cape Grim, and more on
Trefoil Island, which had 600 acres of excellent native pasture, but which
was rarely accessible because of heavy surf.\(^57\) At times other islands were
also used for grazing, especially Hunter Island. On a regular basis a vessel
was sent to West Hunter Island to collect a load of shells. It is thought that

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\(^55\) J Backhouse and GW Walker, *The Report of a Visit to the Settlements of the VDL Co*, p.84L.
\(^56\) Curr to Court, 21 September 1831, AOT VDL5/4; BRL VDLC MR34/1, p.193; in JM Bruce,
*Woolnorth: Select Documents*, p.139.
some of the shells were subsequently burnt over wood to produce lime. Lime could then be used in mortar or mixed with sand, water and an aggregate of shells, gravel, or stone to produce ‘tapia’ a general purpose masonry material.\(^58\)

Circular Head, forty miles to the east, across several rivers, was the headquarters of the company, with 70–80 persons. This was where Curr was based operating as both agent and magistrate. (Curr was replaced by a permanent government magistrate soon after the visit by Backhouse and Walker as a result of their report to the Lieutenant-Governor.) At nearby Highfield there were two weatherboard houses, a stone mansion under construction, several ‘weatherboard cottages inhabited by the labouring people’, and a stone house of two storeys used by the overseer. Near the Bluff, as well as jetty facilities, there were,

..a wooden erection used as a store, two weather-boarded houses... & a few more cottages for the working people. There are also two or three rude huts and a mud-walled cottage or two on other parts of the settlement... There is also about a mile and a half of good metalled road... The assigned servants are chiefly lodged in two large cottages of a single room each: they are more comfortably accommodated than this class of men usually are in the Colony.\(^59\)

In cultivation were ‘betwixt 3 & 400 acres, about 500 acres enclosed & some cross fences made to divide the native pastures.’ The crops of rye-grass and white clover were said to be rarely equalled in the Colony; the

\(^58\) WB Coney, ‘Preservation of historic concrete,’ *NPS Preservation Brief No 15*, p.2.

peas, potatoes and turnips were ‘remarkably productive’ and the crops of grain were ‘said to be good.’ The garden also contained lettuce, cauliflower and cabbage.\textsuperscript{60} There was sheep grazing; horses, both stud and working; cattle: stud, beef and dairy.\textsuperscript{61}

At Emu Bay, further east again, across five more rivers and nearly 40 miles, was a small depot: a store and jetty. The inhabitants were a storekeeper and a few convicts assigned to assist him. A piece of ground had been cultivated as a garden, and another with rye-grass and clover for animals.\textsuperscript{62}

The 20 miles from Emu Bay south to Hampshire Hills lay through some of the densest forest imaginable; with ‘many Stringy Barks upwards of 40 feet in circumference; and about 250 high.’\textsuperscript{63} During the four months of the year a bullock-cart could be used, as the Quakers reported, ‘bullocks often perish upon it though two days are taken for the journey of 20 miles and a relay of bullocks is provided half-way.’ During the rest of the year travel was with pack-horses which, ‘are often up to their saddle-girths in mire for considerable distances.’ ‘Bridges, over brooks & wet places, have been formed of poles laid across fallen trees.’ They estimated that it would take a hundred men three years to form a good road with the necessary

\textsuperscript{60} Curr to Reeves, 01 Jun 1831, AOT VDL23/4; BRL VDL MR17/2, p.314; in JM Bruce, Woolnorth: Select Documents, p.115;
roadside clearing, and that this was essential for the prosperity of the VDL Company and other settlement in the vicinity.\textsuperscript{64}

There was an additional 10 000 acres at the Hampshire Hills: ‘a great part of it free from timber, except large Silver-Wattles single and in clumps.’ It also included, and was surrounded by, dense forest: ‘so as to render it inaccessible’ except by the bullock track as described. The purpose of the establishment was to graze sheep and cattle, and provide food for the nearby out-stations. Enclosures totalled 650 acres, and 180 acres were under cultivation. The Superintendent had a house, as did the surgeon. There was a store, out-buildings, and ‘some cottages for the free and assigned servants all weather-boarded or other wooden construction.’ Living there were about 70 persons ‘to whom the surgeon, Joseph Milligan, who is also a magistrate, reads the service… on the Sabbath, the People being assembled in a barn convenient for the purpose.’\textsuperscript{65}

Surrey Hills (see Fig. 6) was further south again, through dense Myrtle forest, and was 150 000 acres of ‘hills of open grassy forests.’ It included a ‘considerable quantity of wet land covered with sedgy vegetation’ and unproductive soil.\textsuperscript{66} There the company had a flock of 3000

sheep and ran 500 cattle. 67 About 700 acres had been enclosed, with extensive lines of internal fences, and 'about 40 acres have been brought into cultivation.' The largest station was at Chilton where there was a weather-boarded house, cottage and out-buildings. 68 There were other stations at Weybridge, Longlea and Burleigh with a few servants at each. In a different report the Race Course was described as 'an out-station where three men reside and attend to a flock of 800 sheep.' 69 Further east was 10 000 acres at Middlesex Plains which was unoccupied at the time. 70

The number of female adults on all the company settlements was very low, and the total was estimated to not exceed twenty. Backhouse and Walker were in favour of bringing out the wives for the better conducted assigned servants, and they believed that such women could earn their keep with washing and other labours. 71

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70 Refer to Fig. 3 showing the location of land composing the company grant.
Fig. 06: Hampshire – Surrey Hills NLA map F227 (detail)
6—ACCOMMODATION

The accommodation for assigned servants was generally sound, simple and well-kept. While, at Circular Head in 1832, Backhouse and Walker judged that the huts for the assigned servants were comfortable.\(^{72}\)

They had ‘many conversations with the men and officers’, and, at Emu Bay, Hampshire and Surrey Hills, they visited company assigned servants in their huts; and they were of the same opinion. Backhouse and Walker’s favourable descriptions of the accommodation reserved for the company’s assigned servants contrasted with the general standard for convicts in Van Diemen’s Land:

The accommodations of assigned servants are usually far removed from comfort. They generally live in huts constructed of logs apart from the dwellings of their masters, having wooden shutters instead of windows, and inferior to the commonest stables in England; they are frequently open to the weather.\(^{73}\)

In his 1832 report, Bischoff described the relevant buildings at each VDL Company site as ‘cottages’,\(^{74}\) although Curr used the term ‘huts’ which was probably more accurate.\(^{75}\) The outlying stations are likely to have been very simple. One man on Surrey Hills was killed by natives


\(^{73}\) J Backhouse, *A Narrative of a Visit to the Australian Colonies*, App.F, liv

\(^{74}\) J Bischoff, *Sketch of the History of Van Diemen’s Land and an account of the VDL Company*, p.150

\(^{75}\) Curr to Schayer and Chitty, 04 March 1835, AOT VDL23/6; BRL VDL C MR18/2, p.454; in JM Bruce, *Woolnorth: Select Documents*, p.379.
'after the hut had been literally pulled down over his ears.' 76 In late 1832, Backhouse noted that the need for a prison at Circular Head had sometimes been felt. 77 A men's barracks was constructed at Woolnorth in 1843 78 and there was one under construction at Circular Head during 1835. 79

Backhouse wrote of the need to classify prisoners in the allocation of accommodation:

In most of the Chain-gangs and Road-parties, there is a great want of classification. A large number of persons are usually crowded together in one hut, or room, and those who would willingly conduct themselves in an orderly manner, are kept in a constant state of excitement by those who are determined not to care for their situation; and who continually keep up noise and other disturbance... 80

Accommodation at Circular Head was graded after such a fashion. Thus, servants in the 'Grubbers' and 'Painted' Huts were those who were entitled to the lowest government scale for rations. In the 'Green Bower' hut the men were 'all well conducted and useful'. There was a hut for 'invalids', and another for 'Smiths', being men who 'are from one circumstance or other, of more importance to us than the general run of our men'. 81

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At times there were complaints about the standard of accommodation, although it would appear that these were relatively rare. A complaint about bedding was made to the Superintendent of Woolnorth in 1834,\(^8\) and the magistrate noted that ‘the Woolshed where some of your men are accommodated requires some repairs’.\(^3\) After James Gibson took over from Curr, in 1842, he initiated a program of building at Woolnorth which included attention to maintenance issues.

\(^8\) Hutchinson to Reeves, 08 November 1834; AOT VDL23/6; BRL VDLC MR18/2, p.385; in JM Bruce, *Woolnorth: Select Documents*, p.357.

\(^3\) Hutchinson to Reeves, 10 November 1834; AOT VDL23/6; BRL VDLC MR18/2, p.387; in JM Bruce, *Woolnorth: Select Documents*, p.359.
**Table 7 – Convict Rations Van Diemen’s Land Company & Government — Daily Specifications**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Unit</th>
<th>VDL Government</th>
<th>VDL Company</th>
<th>VDL Government – Male (1837)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Backhouse (1834)</td>
<td>Curr (c.1836)</td>
<td>Female (1832)</td>
</tr>
<tr>
<td>Meat</td>
<td>lb.</td>
<td>1½</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Flour</td>
<td>lb.</td>
<td>1½</td>
<td>½ Bread or Flour</td>
<td>1</td>
</tr>
<tr>
<td>Bread</td>
<td>lb.</td>
<td>–</td>
<td>–</td>
<td>2</td>
</tr>
<tr>
<td>Vegetables</td>
<td>lb.</td>
<td>0</td>
<td>0</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Potatoes</td>
<td>lb.</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Salt</td>
<td>oz.</td>
<td>½</td>
<td>¼</td>
<td>½?</td>
</tr>
<tr>
<td>Soap</td>
<td>oz.</td>
<td>½</td>
<td>½</td>
<td>½?</td>
</tr>
<tr>
<td>Sugar</td>
<td>oz.</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Tea</td>
<td>oz.</td>
<td>0</td>
<td>1 Roast Wheat</td>
<td>¼</td>
</tr>
<tr>
<td>Tobacco</td>
<td>oz.</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Backhouse and Walker included in their 1833 report to the Lieutenant-Governor a series of observations on the way in which food was provided for convicts, particularly at road stations. Backhouse reported that facilities to store meat were poor for prisoners in road gangs, that meat was delivered to convicts ‘in their own individual charge’ and after several days prisoners had to deal with spoiled meat or go without. Hence they recommended that meat should be delivered to the cook each day and distributed to prisoners after cooking; this system ‘having been fully proved at Launceston’. They also recommended delivery of bread, rather than flour, because it was more efficient of labour in the baking, and less wasteful in consumption. The 1837 convict regulations reflected these changes: rations were to be delivered daily; to a cook; and a representative of each hut would inspect the rations to ensure that the quantities were correct, and that the quality was satisfactory. The rations also specified bread rather than flour. Other changes were the option to provide vegetables in partial exchange for bread; the option to provide salted beef and pork in lieu of fresh beef; and the reduction in the amount of meat from 1½ to 1 lb per day. In Table 7 the Government rations for 1834 are shown as quoted

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85 Forster’s Memorandum, May 1837, Appendix 3, AOT CSO16/1/8, p.166.
by both Hindmarsh\(^\text{86}\) and Backhouse:\(^\text{87}\) note that the level of meat is 1½ lb. per day and that flour is specified, with no vegetables. Curr quoted a different version of the Government diet which had 1 lb. of meat and either bread or flour could be supplied.\(^\text{88}\) The VDL Company male diet for July 1835 includes less meat, bread rather than flour, a large amount of potatoes and unlimited vegetables. The table shows the detailed specifications for the Government rations in 1837, in which the diet for convicts assigned to settlers provides for potatoes. Hindmarsh reviewed the literature and concluded that convict diets were more than adequate, although in road parties there could be a meagre supply of key nutrients.\(^\text{89}\) Maxwell-Stewart noted the need to guard against malnutrition when convicts were undergoing solitary confinement, and it was common at Port Arthur to have sentences of three to four weeks. The VDL Company recorded 46 Solitary Confinement sentences, of which 3 were for 21 days, and 43 were for 14 days or less.

Backhouse and Walker reported that, in late 1832, the rations of indentured servants of the VDL Company ‘have not... been more than the rations ordered by Government for assigned prisoners, except in an

\(^{86}\) B Hindmarsh, ‘“Though I knew that hunger would compel me to eat it”: Convict diet in rural Australia’, p168. in R Dare, Food, Power and Community, (Adelaide, 1999), pp.167–180.

\(^{87}\) J Backhouse, A Narrative of a Visit to the Australian Colonies, App. F, p. liii


\(^{89}\) B Hindmarsh, ‘“Though I knew that hunger would compel me to eat it”: Convict diet in rural Australia’, p168. in R Dare, Food, Power and Community, (Adelaide, 1999), pp.167–180.
additional allowance of tea and sugar.' The clear implication was that assigned servants received rations no better than this; although many masters elsewhere provided much more than the government ration. In any case, within two years, Curr was obliged to make significant changes. At the end of 1834 Curr returned from an eighteen-month trip to England to find that, in his absence, there had been a substantial breakdown in management–servant relations, particularly at the Woolnorth establishment. One of the underlying issues was the level and variation in rations between differing groups of servants: assigned, free, and indentured. Curr wanted to differentiate between some classes, e.g. those who were skilled and well behaved, and those who were neither. He was obliged to differentiate between other groups where he preferred not to: thus, particular groups of indentured servants had strong preferences or contract conditions. In January 1835, Curr proposed a rations list with multiple levels of rations for assigned servants: there were three levels for normal workers; an invalid ration; a solitary confinement ration; and a standard gaol ration, both the latter two being determined and paid for by Government. However, in July 1835, Curr was obliged to propose a further list—that quoted in Table 7—which applied to ‘all prisoners’ and all

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91 Curr to Colonial Secretary, 21 January 1835, AOT VDL23/6; BRL VDLC MR18/2, p.420; in JM Bruce, *Woolnorth: Select Documents*, p.373.
establishments. Although the quantity of vegetables available was nominally 2 lb per day, in practice it was unlimited, in that servants were encouraged to take whatever they required from the garden. Herbs suitable for soups were also available. Servants at isolated stations were expected to grow their own vegetables, but this would have been difficult at remote locations—particularly the islands—and it is likely that convicts there had a much less varied diet than those at the main centres. The company preferred to supply bread, rather than flour. In Curr’s first proposal ‘well-conducted and useful’ servants got extra meat which was available to be traded for tea and sugar; with further privileges again for highly skilled workers such as ‘smiths’, and other valued employees. But Curr came to regard as undesirable all commutation of some rations for others, as it provided an incentive for servants on remote stations to trade meat, which they could steal from the company flocks, for other stores which they preferred.

Gates and Heustis reported the diets as experienced by them in road gangs, and the narratives by American patriots are regarded as useful

93 Curr to Schayer, 06 July 1835; AOT VDL23/7; BRL VDL1C MR19/1, p.21; in JM Bruce, Woolnorth: Select Documents, p. 400.
94 Curr to Schayer, 16 July 1835; AOT VDL23/7; BRL VDL1C MR19/1, p.44; in JM Bruce, Woolnorth: Select Documents, p.405.
95 Curr to Schayer and Chitty, 04 March 1835, AOT VDL23/6; BRL VDL1C MR18/2, p.454; in JM Bruce, Woolnorth: Select Documents, p.379.
96 Curr to Schayer, 06 July 1835; AOT VDL23/7; BRL VDL1C MR19/1, p.21; in JM Bruce, Woolnorth: Select Documents, p. 400.
97 Gates, W. Recollections of Life in Van Dieman’s Land (Lockport, 1850), p.44.
98 D Heustis, Narrative of Captain Daniel Heustis in Van Dieman’s Land (Boston, 1847), Ch. IX
sources of information about conditions for convicts. There was a stingy allowance of vegetables, usually stale, or none at all. A pint of skilly—2 oz of flour in water—was provided twice a day instead of tea. Sugar was not available, and potatoes were limited to \( \frac{1}{2} \) lb, if that. The meat was sometimes more bone than meat, and often had maggots, occasionally to the point of being totally inedible; Gates reported butchering days at twice per week.\(^{100}\) Most serious was the continual threat of supervisors and suppliers adulterating or stealing rations. Heustis claimed that at one station there were two sets of standard weights for measuring food, a heavy set for buying and a light set for supplying the prisoners.\(^{101}\) There is no evidence that these problems at road gangs were prevalent in VDL Company operations; although they did face the company servant who went to the gangs under sentence. Curr reported that stores were delivered once per week,\(^{102}\) but he was aware of the problem of inadequate storage for fresh meat\(^ {103}\) and salt meat was also made available. It would have been more of a problem at remote out-stations where they had to make their own arrangements and, particularly at Hampshire and Surrey Hills, after February 1835, when there were cattle but few sheep. Curr regarded central


\(^{100}\) W Gates, *Recollections of Life in Van Dieman’s Land* (Lockport, 1850), p.44.

\(^{101}\) D Heustis, *Narrative of Captain Daniel Heustis in Van Dieman’s Land* (Boston, 1847), Ch. IX

\(^{102}\) Curr to Schayer, 10 February 1835; AOT VDL23/6; BRL VDLC MR18/2, p.436; in JM Bruce, *Woolnorth: Select Documents*, p.376.

\(^{103}\) Curr to Schayer, 05 March 1835; AOT VDL23/6; BRL VDLC MR18/2, p.458; in JM Bruce, *Woolnorth: Select Documents*, p.383.
cooking facilities as much more efficient and later introduced them to Circular Head as being to the mutual benefit of master and servant.  

Less than one per cent. of VDL Company conduct record offences were concerned with food: with single cases of breaking into a mill; stealing potatoes; stealing sugar; stealing spirits and fraudulently handling rations. Even in those records there is nothing to indicate that thefts were to satisfy immediate hunger and they may have been general theft or part of a plan to abscond.

Curr realised that tobacco was an important indulgence item and made sure that he had ample supplies and that the quality was good. But he was also strict in requiring that tobacco, tea and sugar be kept as indulgence items and not become standard items by default, and in contravention of Government order. The Government ration was the benchmark and remained essentially unchanged in the 1840s, although tea came to be regarded as a standard item; and tobacco was recognised as important to morale and a potential cause of trouble if it were denied.

Backhouse noted that it was not in a master's interests to be stingy:

The opportunities that agricultural and other servants have of pilfering from their masters, render it in general, a matter of policy not to limit them in the necessaries of life: but it is a great advantage to the settler,

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104 Curr to Schayer, 19 May 1835; AOT VDL23/6; BRL VDLC MR18/2, p.499; in JM Bruce, Woolnorth: Select Documents, p.395.
105 Hutchinson to Schayer, 03 September 1833, AOT VDL23/6; BRL VDLC MR18/2, p.112; in JM Bruce, Woolnorth: Select Documents, p.268.
to be able to revert to Government rations, in cases of discontent or malconduct.  

Such pilfering created all sorts of secondary problems: the time taken to investigate; the need to interrogate and transport witnesses; and the disruption to the activities already in hand. A prisoner might be convicted of insolence or insubordination, following an angry outburst when conversing with his master, and sentenced to a road gang to the disadvantage of both master and servant. Of most importance there was a loss of trust in the relationship between master and servant, and among servants themselves.

Backhouse reported that ‘Prisoners generally refuse to eat Kangaroo, or other provision which they think costs their employers nothing,’ presumably regarding this as a slow erosion of their basic rights. This behaviour has been attributed to the thought that the ration should come out of the master’s pocket, rather than his sporting activities. But Backhouse further noted that prisoners would frequently live almost entirely on such flesh when they were on TOL and providing for themselves. These comments are very revealing about the true motivation of servants and the difficulties of life for those who were on a TOL.

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Where convicts were well treated by being supplied in excess of the standard ration then it was an effective means of controlling behaviour. If the servant were non-compliant, or in other ways difficult, the master could threaten to revert to the standard ration. The usual effect of this was the servant fell into line with the master’s request, since he knew that he was well-off and the last thing he wanted was to revert to the standard issue. This applied particularly to items such as tea, sugar and tobacco, which were technically privileged items, but which were regarded by servants as highly desirable.

Curr had an aversion to fry-pans for unspecified reasons and refused to supply them to convict huts, perhaps because convicts left them unwashed and they attracted flies.110 Eating utensils that were provided included ‘a pannikin, knife and fork, plate and spoon each’111 This was generous compared with some NSW Government establishments where convicts had to share cutlery and hand it back after meals;112 and that reported for the convict transport Marquis of Hastings (1839) where a cup, spoon, knife and fork were provided as ‘eating apparatus’ for six men.113

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110 Curr to Schayer, 02 March 1835; AOT VDL23/6; BRL VDLC MR18/2, p.453; in JM Bruce, Woolnorth: Select Documents, p.378.
111 Curr to Fossey, 02 September 1830, AOT VDL23/3; BRL VDLC MR17/1, p.480; in JM Bruce, Woolnorth: Select Documents, p.61.
113 B Wait, Letters from Van Diemen’s Land, (Buffalo, 1843), p.248.
### Table 8 — VDL Government Convict Working Hours

<table>
<thead>
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<th></th>
<th>Assignment System</th>
<th>Probation System</th>
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<tr>
<td></td>
<td>Apr.—Aug.</td>
<td>Sep.—Mar.</td>
</tr>
<tr>
<td>Start</td>
<td>6:30</td>
<td>5:30</td>
</tr>
<tr>
<td>Return</td>
<td>4:30</td>
<td>6:00</td>
</tr>
<tr>
<td>Breakfast</td>
<td>Before work</td>
<td>8:30—9</td>
</tr>
<tr>
<td>Lunch</td>
<td>12—1</td>
<td>1—2</td>
</tr>
<tr>
<td>Pre-Lunch hours</td>
<td>5.5</td>
<td>7</td>
</tr>
<tr>
<td>Post-Lunch hours</td>
<td>3.5</td>
<td>4</td>
</tr>
<tr>
<td>Total hours</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Mon–Fri</td>
<td>45</td>
<td>55</td>
</tr>
<tr>
<td>Sat.</td>
<td>5.5</td>
<td>7</td>
</tr>
<tr>
<td>Week</td>
<td>50.5</td>
<td>62</td>
</tr>
</tbody>
</table>
8—WORKING HOURS

In 1832 Curr stated that the hours of work for company servants were from seven in the morning till six in the evening during the summer, with an hour from twelve till one for dinner. In winter their dinner hour was the same and they went to work at sun-rise and left off at sun-set. This amounted to a ten hour day. He claimed that: 'The Company’s hours of work are shorter than is usual on most farms in the north side of the Colony, and more is conceded to the men in the shape of overwork and contract work.' But he decided that these hours were indulgences which he would gradually diminish.\(^{114}\)

By 1835 the preferred working hours were from 6 am till 12 noon, and from 1 pm till 7 pm, a total of 12 hours, with an hour for lunch; and the free men worked from 7 am till 12 noon, and from 1 pm till 6 pm, a total of 10 hours.\(^ {115}\) The convict working week which allowed Saturday afternoon and all Sunday off was probably about 65 hours, which Nicholas notes is less than that listed for free labourers in England and most coerced and contract workers at the time.\(^ {116}\) Note, however, that this was more than the

\(^{114}\) Curr to Court, Despatch No. 228, 05 October 1832; AOT VDL5/4; BRL VDLC MR34/1, p.308; in JM Bruce, *Woolnorth: Select Documents*, p.202.

\(^{115}\) Curr to Schayer, 19 January 1836; AOT VDL23/7; BRL VDLC MR19/1, p.151; in JM Bruce, *Woolnorth: Select Documents*, p.430.

working hours for VDL Government Gangs of 62 hours in September—March. (See Table 8).  

Daylight Saving was introduced, and, as the length of day contracted with the approach of winter, the clocks were adjusted to maximize the amount of sunlight in the morning. Near the shortest day the servants probably worked less than 12 hours. Company Charter Day, 10 November, was a company declared holiday, and Christmas Day, Boxing day and St Patrick’s Day were government regulated holidays.

The Irish indentured servants gave trouble when they insisted on their own working hours, being 6 am till 6 pm, with a half hour for breakfast, and an hour for lunch. These terms were negotiated before they came out, as part of their contract, and they refused to change. Curr also recognized that some other workers had arrangements which it would be impolitic to alter e.g. the free men per Forth also had their own contractual arrangements being a 10 hour day finishing at 6 pm.

Curr claimed that the prevalent arrangement in the colony was a 13 to 14 hour day, from sunrise to the end of twilight. In early 1835 Curr applied to the Police magistrate at Circular Head, Captain ML Smith, for his

117 CSO16-1-8 pp.164–165
118 Curr to Schayer and Chitty, 04 March 1835, AOT VDL23/6; BRL VDLC MR18/2, p.454; in JM Bruce, Woolnorth: Select Documents, p.379.
119 Gibson to Dyer, 21 October 1843; AOT VDL23/11; BRL VDLC MR20/2, p.313; in JM Bruce, Woolnorth: Select Documents, p.923.
120 B Wait, Letters from Van Diemen’s Land, (Buffalo, 1843), p.265.
121 Curr to Schayer, 29 December 1841; AOT VDL23/11; BRL VDLC MR20/2, p.35; in JM Bruce, Woolnorth: Select Documents, p.807.
opinion on the applicable working hours for assigned servants. Smith replied that he did not know of any Colonial regulations prescribing working hours for assigned servants.\textsuperscript{122}

\textsuperscript{122} AOT--VDL15, 5 March 1835, ML Smith to J Milligan JP.
9—HAZARDS OF LIFE

Physical perils

Life in the North West contained many risks and terrors: at least three convicts drowned crossing rivers, and another four drowned at sea in a whaleboat; at least one was bashed to death, probably by a workmate; and several were speared to death by natives. Backhouse passed the skeletal remains of several people who had died of fatigue along the coastal track. He also described leeches; the constant threat from snakes; bush fire; and a servant who was killed by a falling tree in the presence of his son. Helyer’s diary describes a road gang, which contained six prisoners, on routine road construction south of Emu Bay:

[9 July 1827] The Men have no heart to do anything and they have no change of food from one week’s end to the another… This is a horrid place… neither Sun nor Moon to be seen, no part of the sky [visible] being completely darkened by dripping Evergreens… We are just in the situation of being Suffocated [by smoke], buried alive, knocked on the head by falling trees…or being killed by the damp and cold for want of a fire.

[10 July] Swarms of Rats paid us a visit and ran all over us nibbling anything they took a fancy for & the Hyenas & Pole Cats kept the Dogs barking all night. Opossums were screaming at intervals so that we all got up as tired as when we went to bed...

[11 July] We were all alarmed by a fall of a Tree in the middle of the night which came down within 2 yards of Frederick’s Hut...

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123 Curr to Court, Despatch 185, 15 August 1831, Thomas Smith, 912 per William Miles; AOTVDSL5/4; BRL VDLC MR34/1, p.172; in JM Bruce, Woolnorth: Select Documents, p.134.
[7 August] They observed a huge dead Limb come twirling & twisting
down from an immense height & it fell so close to them that it broke
the handle of a Spade which Higginson had just been at work
with... 124

Backhouse related the story of one unfortunate who became
bewildered and was lost forever in the forest when attempting a journey of
only 200 yards between work gangs; despite mutual calling for direction. 125

In December 1833 another assigned servant was listed as lost on Surrey
Hills. 126

Curr was constantly concerned about the perils of supply and
communication with the islands—Trefoil, Robbins, Hunter, etc—and
voyages along the coast at anytime. The Edward, a company vessel,
apparently floundered without trace. Lingering illness from the voyage to
Van Diemen’s land was a constant threat: twenty two convicts were
returned to the Government in late 1834; and two of the agricultural recruits
from the ship Eliza (2) succumbed within months, reportedly from
‘consumption’. Samuel Neads also died of consumption. 127

124 H Hellyer, in B Rollins, ‘Life in a lost Tasmanian rainforest, winter 1827’; Chapter 11, p.152-
160 in J Dargavel et al., Australia’s Ever-changing Forests V, (Canberra, 2002)
126 Hutchinson to Horne, 25 March 1834, John Long, 666 per Katherine Stewart Forbes, died
19 January 1834; AOT VDL23/6; BDL VDLC MR18/2, p.244; in JM Bruce, Woolnorth: Select
Documents, p.309.
127 Curr to Thomas Neads, 11 August 1833; AOT VDL23/7; BRL VDLC MR19/1, p.59; in JM
Bruce, Woolnorth: Select Documents, p.409.
Mental health

More insidious was the mental toll in the settlement. Thomas Kelly, an assigned servant, was first a lodger with an indentured couple, but then won the affections of the wife and moved into the main bedroom, excluding the husband. This precipitated the husband into maniacal behaviour, resulting in committal to an asylum.\textsuperscript{128} Cohen, another assigned servant, applied to have his wife join him, but she would not. The unfortunate man drowned himself in a well after a failed attempt to cut his own throat.\textsuperscript{129} Anderson, a blacksmith, was well behaved at Circular Head, but Curr was ‘astonished’ to learn that he had become unmanageable when transferred to Woolnorth;\textsuperscript{130} a consequence perhaps, of some intolerable interpersonal relationship. Carson, a tailor by trade, arrived free and was convicted in the colony. He worked for the company as a cook and later as a labourer, before being declared insane and returned to Government.\textsuperscript{131}

Traumatic events left their toll on those involved. A shepherd who had been attacked by natives was described as: ‘in hourly apprehension of another attack on his life.’\textsuperscript{132} Searle, an assigned servant, on Surrey Hills,

\textsuperscript{128} Curr to Biggam, 4 October 1840; AOT VDL23/10; BRL VDLC MR20/1, p. 126; in JM Bruce, \textit{Woolnorth: Select Documents}, p.717.
\textsuperscript{129} Curr to Schayer, 22 May 1841; AOT VDL23/10; BRL VDLC MR20/1, p.259; Curr to Court, 13 June 1841; AOT VDLS/6; BRL VDLC MR34/3, p.15; in JM Bruce, \textit{Woolnorth: Select Documents}, p.757, 762.
\textsuperscript{130} Curr to Schayer, 30 October 1840; AOT VDL23/10; BRL VDLC MR20/1, p. 139; in JM Bruce, \textit{Woolnorth: Select Documents}, p.720.
\textsuperscript{131} Gibson to Lee Archer, 02 June 1843; AOT VDL23/11; BRL VDLC MR20/2, p.223; in JM Bruce, \textit{Woolnorth: Select Documents}, p.906.
\textsuperscript{132} Curr to Lee Archer, 10 August 1841; AOT VDL23/10; BRL VDLC MR20/1, p.296; in JM Bruce, \textit{Woolnorth: Select Documents}, p.772.
shot dead a native in an attack on his hut at the Race-Course. Backhouse reported that the event affected him deeply: 'he has been subject to a great depression in spirits.' Employees present during the robbery of the Woolnorth store by four armed men, runaway convicts, were understandably fearful, and James Gibson was at a loss as to how he could restore order: 'I cannot get persons to remain at the [store] after what has occurred.'

Samuel Smith illustrated the perils of prisoners receiving a TOL. No doubt unprepared for his new life, and perhaps institutionalised, he arrived in Launceston and set about spending his money on drink; to be found dead within two days. Stewart, a prisoner at Circular Head, and assigned to Curr as a clerk, knew when he was well off, and Curr agreed. Stewart initially declined the invitation to apply for a TOL; despite, less than two months prior, having been violently attacked and injured by a fellow convict.

Backhouse noted the beneficial effects of the limited availability of alcohol, and there were people who were now 'industrious & orderly people, working regularly and obtaining good wages' who previously lived in 'poverty and wretchedness when in the settled districts' and within reach of alcohol.

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134 Gibson to Court, 08 February 1844, Despatch No.52; AOT VDL175 & AOT VDL5/7; BRL VDLC MR10 & MR35/1, p.218; in JM Bruce, *Woolnorth: Select Documents*, p.940.
135 Curr to Colonial Secretary, 04 December 1832; AOT VDL23/5; BRL VDLC MR18/1, p.312; in JM Bruce, *Woolnorth: Select Documents*, p.219
Curr was proud of the fact that the company looked after servants who became sick in service, saying that they took good care of everyone—in one case, for three years—till they either recovered or died.\textsuperscript{137} Curr was at his most humane when caring for ill employees. An example was the tolerance he showed Norman McLeod, an indentured servant, who started to lose his mind and took to wandering without notice between settlements.\textsuperscript{138} Another example was the determined care he showed Samuel Neads in his dying days with consumption.\textsuperscript{139}

**Engagement with the Aborigines**

The high profile history of the engagement of the Tasmanian natives with the VDL Company had three broad phases. In the first phase the natives were regarded as part of the background to settlement and the directors had given clear instructions that they could, and should, be accommodated within company life to the mutual benefit of both. Curr himself was arguably pro-native and had minimal sympathy for employees who were hurt in exchanges with them. ‘If ordinary caution be observed there is not much to fear from them’.\textsuperscript{140} During this period there were many encounters, some peaceful, and some fatal incidents which were not

\textsuperscript{137} Curr to W Seccombe Esq., 14 July 1837; AOT VDL23/8; BRL VDLC MR19/2, p.115; in JM Bruce, *Woolnorth: Select Documents*, p.525.
\textsuperscript{138} Curr to Reeves, 5 October 1831; AOT VDL23/4; BRL VDLC MR17/2, p.441; in JM Bruce, *Woolnorth: Select Documents*, p.140.
\textsuperscript{139} Curr to Robson, 4 November 1830; AOT VDL23/4; BRL VDLC MR17/2, p. 32; in JM Bruce, *Woolnorth: Select Documents*, p. 68.
\textsuperscript{140} Reference Curr to Fossey, 4 January 1830; AOT VDL23/3; BRL VDLC MR17/1, p. 244; in JM Bruce, *Woolnorth: Select Documents*, p. 32.
adequately investigated. Assigned servants were involved in exchanges which resulted in many fatalities among the natives, perhaps dozens in aggregate.\textsuperscript{141}

In the second phase it had become apparent throughout the colony that the actions of rogue elements within the white population had precipitated the native–settler relationship into a clash between two mutually exclusive civilizations. The most visible sign of this was that, throughout the colony, when parties of natives were observed, the proportion of females was disturbingly low; because they had been stolen. The depredations of a relative handful of brutal whites had started a cycle of violence which could no longer be contained. Curr had apparently changed his attitude to one where he wished to avoid violence on both sides, but his priority was that employees would not get hurt. He was supportive of the GA Robinson party, which gathered natives and relocated them to Flinders Island. During this period there was a series of incidents in which assigned servants and others were speared by natives and there was inevitable tit–for–tat retaliation. Curr believed that the conflict between the settlers and the natives had gone too far and that ongoing clashes were inevitable—in short that the Aboriginal population was doomed to extinction.\textsuperscript{142} At the end of August 1831 Curr was unimpressed with progress to that date, having just

\textsuperscript{141} For example, GA Robinson reported to the Lieutenant–Governor that 30 natives had been killed by VDL Company people at Woolnorth. See G Lennox, ‘The Van Diemen’s Land Company and the Tasmanian Aborigines: a reappraisal,’ \textit{Tasmanian Historical Research Association}, Vol. 37 No. 4, 1990, pp.173.

\textsuperscript{142} Curr to Directors, 28 February 1828; AOT VDL5/1; BRL VDLC MR33/1, p.304.
dealt with the spearing of two men, one of whom died: ‘The Natives are as hostile as ever and more daring and dangerous... nor is there any prospect that settlers will be freed from their attacks until they are all captured and removed which in 10 or 20 years time, may be effected.’

In the third phase the natives had become a lingering background problem, with occasional robberies and infrequent but ongoing attacks on stock and employees. Curr was himself under stress and tried a series of measures to provoke the government into solving the residual problem. After Curr’s time with the company, the government did provide more support and eventually the last group of seven natives was brought under government management in December 1842. Schayer, Superintendent at Woolnorth, gave his opinion on the origin of the cycle of violence:

The tendency to murder was aroused in them by the cruelty of the horrific sailors who hunted the seals in Bass Strait and wanted the services of the black women to keep them company; and, when they refused to accompany them voluntarily, they took them by force and often killed their relations or friends who tried to oppose their violence. Similar crimes were then made by the stock-keepers, who kept herds of cattle in the interior, and often lived alone or in pairs in a hut.

Investigations into the company policy toward the Aborigines, and the attitude and behaviour of Curr in particular, have been detailed and

143 Curr to Court, Despatch 186, 31 August 1831; AOT VDLS/4; BRL VDLC MR34/1, p.175; in JM Bruce, Woolnorth: Select Documents, p.136.
144 Gibson to Colonial Secretary, 8 December 1842, AOT VDL23/11; BRL VDLC MR20/2, p. [140a]; in JM Bruce, Woolnorth: Select Documents, p.865.
extensive and the conclusions have been mixed. McFarlane concluded that Edward Curr intended harm and that he ‘persistently ignored instructions from his Directors to the contrary and created, fostered and supported an ethos that encouraged the systematic eradication of the Aboriginal population on allocated Company lands.’ Lennox, in a review paper, concluded that settlers such as Curr ‘wished the natives no harm, but also wished them out of the way. Aborigines were to them as much as pest to them as the alien landscape.’ It is not possible, or necessary, to resolve these questions in the current study. However it is possible to state that the evidence encountered indicated that Curr did what he could to ensure the safety of the servants in his care.

**The impact on Curr**

The two decade struggle took its toll on Edward Curr as well. Despite his sacking in 1841, and, as enthusiastic as ever, he applied to buy land at Circular Head. However he had seriously insulted the Board in a previous letter and, when there was no reply to his application, something inside him broke. He withdrew his application and took his family to Port Phillip, where he buried himself in a project to achieve separation from New South Wales. It was said that he ‘learned almost to forget that he had any

---


family. At his death, in 1850, separation had been achieved and Curr was regarded as father of the cause; but the victory was achieved at a high cost. He provided well for his surviving daughters, but not so for the boys, and the terms of his will led to the financial ruin of his sons.

149 EM Curr, Memoranda concerning our family, p.35.
Table 9 - Number of Floggings by Magistrate and Year

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<tr>
<th>Magistrate</th>
<th>1828</th>
<th>1829</th>
<th>1830</th>
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Table 10 - Average Lashes per Flogging by Magistrate and Year
Table 11 - Average number of Floggings by Month and Year

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* MMT = Mean Maximum Temperature at Stanley Post Office (°C)
3pt Mean = Three-point moving average of Total Floggings per month
Fig. 7 - Floggings per Month v Mean Maximum Temperature

- **Floggings**: The number of floggings per month varies with the mean maximum temperature.
- **Temperature**: The mean maximum temperature in Celsius (°C) is shown on the right y-axis.

The graph illustrates a seasonal trend where floggings are more common in warmer months, peaking in spring and summer, and decreasing in colder months, especially in winter.
Table 12 - Floggings by Year: Comparisons of VDL Co. and Government

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<th>VDL Company</th>
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<th>1832</th>
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* NB Government data from AGL Shaw Convicts and the Colonies, Table p.202
Table 13 - Summary of the Number of Convictions

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<th>Cumm. Per Cent.</th>
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Fig. 8 - Sentencing Trends VDL Company (all years) v Colony (1834)

**VDL Company (1828-1844)**

- Chain Gang: 9%
- Road Party: 11%
- Solitary Confinement: 11%
- Flogged: 33%
- Higher court: 1%
- Admonished: 32%
- Tread Wheel: 0%
- Sentence Extended: 1%

**Whole Colony (1834)**

(excluding Penal Settlements)

- Penal Station: 4%
- Chain Gang: 14%
- Road Party: 14%
- Solitary Confinement: 11%
- Flogged: 19%
- Higher court: 9%
- Admonished: 20%
- Tread Wheel: 4%
- Sentence Extended: 5%
Fig. 9 - Circular Head Magistrates - Analysis of Sentencing

E.Curr (Circular Head 1828-1832)

- Solitary Confinement: 0%
- Road Party: 12%
- Admonished: 34%
- Flogging: 49%
- Chain Gang: 5%

J Milligan (Hampshire Hills 1832-1834)

- Solitary Confinement: 4%
- Road Party: 19%
- Admonished: 12%
- Chain Gang: 4%
- Flogging: 61%

JH Hutchinson (Circular Head 1835-1836)

- Solitary Confinement: 16%
- Road Party: 0%
- Admonished: 34%
- Flogging: 43%
- Chain Gang: 7%

JL Archer (Circular Head 1839-1844)

- Solitary Confinement: 19%
- Road Party: 14%
- Admonished: 32%
- Flogging: 29%
- Chain Gang: 6%

AW Home (Circular Head 1833-1834)

- Solitary Confinement: 11%
- Road Party: 20%
- Admonished: 41%
- Flogging: 21%
- Chain Gang: 7%

ML Smith (Circular Head 1835)

- Solitary Confinement: 19%
- Road Party: 2%
- Admonished: 59%
- Flogging: 27%
- Chain Gang: 2%

RC Gunn (Circular Head 1836-1837)

- Solitary Confinement: 13%
- Road Party: 6%
- Admonished: 19%
- Flogging: 51%
- Chain Gang: 11%

All Magistrates

- Solitary Confinement: 11%
- Road Party: 11%
- Admonished: 35%
- Flogging: 37%
- Chain Gang: 6%
Fig. 10 - Sentencing Trends in the Van Diemen's Land Company

VDL Company 1827-1832

- Road Party: 16%
- Admonished: 26%
- Flogged: 48%
- Chain Gang: 10%
- Higher Court: 0%
- Solitary Confinement: 0%

VDL Company 1833-1838

- Road Party: 9%
- Admonished: 34%
- Flogged: 33%
- Chain Gang: 8%
- Higher Court: 2%
- Solitary Confinement: 11%

VDL Company 1839-1844

- Road Party: 15%
- Admonished: 28%
- Flogged: 26%
- Chain Gang: 11%
- Higher Court: 0%
- Solitary Confinement: 17%


Table 14 – Sentencing Statistics for Edward Curr to Dec 1832

<table>
<thead>
<tr>
<th>Year</th>
<th>No. Sentenced</th>
<th>Flagellations</th>
<th>Reprimand</th>
<th>Other Punishment</th>
<th>Extant in Conduct Record</th>
</tr>
</thead>
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<td>1</td>
<td>4</td>
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<td>3</td>
<td>1</td>
<td>18</td>
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<tr>
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<td>9</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
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<td>7</td>
<td>4</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>1832</td>
<td>22</td>
<td>12</td>
<td>5</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>TOTAL</td>
<td>73</td>
<td>38</td>
<td>22</td>
<td>13</td>
<td>45</td>
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</tbody>
</table>

% of Total

| % of Total | 52 | 30 | 18 |

Ref: AOT VDL83/1/1, plus Conduct Records. Records for J Clark have been removed.
10—ANALYSIS OF CONDUCT RECORDS

Monitoring by the Government

Although the convicts with the VDL Company represented about a half of one percent of the total within the island, their well-being received the attention of Lieutenant-Governor Arthur. In 1833 James Backhouse presented to him an extensive report on all aspects of convict management within the VDL colony, with a separate report dealing specifically with the VDL Company in which there was a strong recommendation for the appointment of an independent police magistrate.\textsuperscript{150} When Backhouse alluded to a possible deficiency with the magisterial decisions at Circular Head, he was asked for, and provided with, a separate report on that topic.\textsuperscript{151} The decisions of the Circular Head magistrates also received scrutiny by Lieutenant-Governor Franklin, and his officers provided feedback from him. One letter noted that a prisoner had been sentenced to forty lashes, but the 'jurisdiction of one magistrate extends only to thirty-six lashes.'\textsuperscript{152} There were challenges to the precise wording of charges: for example a magistrate was advised that he had used the words 'To labour in chains,' whereas the Act required that the words 'Hard Labour' be used.\textsuperscript{153}

\textsuperscript{150} J Backhouse and GW Walker, \textit{The Report of a Visit to the Settlements of the VDL Co}, p.96L.
\textsuperscript{151} J Backhouse GW Walker, Letter to Lieutenant-Governor George Arthur, (Hobart Town, 5 April 1833). AOT-CO280/42, pp.79-82.
\textsuperscript{152} AOT–POL320 22 March 1839, re John Wilson [Wilton], 2470 per Lord William Bentinck.
\textsuperscript{153} AOT–POL320 12 April 1839, re T Cummings per Coromandel.
A case of animal cruelty was heard in the wrong court;\textsuperscript{154} a prisoner with a TOL should have been charged under the law relating to ‘Hired Servants’ and not under ‘Convict Law’;\textsuperscript{155} another charge did not come within the 15th Section of the Quarter Sessions Act and was illegal;\textsuperscript{156} a bi-monthly return of Constabulary activity was late;\textsuperscript{157} and no explanation was given why three names were missing from the last return of convicts.\textsuperscript{158} Even more remarkable was a letter advising that Jeffry, 956 per Lady Nugent, came from the West Indies, and was entitled to serve his term in New South Wales where the Lieutenant-Governor had judged the climate to more closely match that of his native place.\textsuperscript{159} An examination of the conduct records for VDL Company convicts shows numerous examples of the imprecise wording of charges. But this series of letters conveyed a very clear message to the company: that convicts were entitled to justice and to the precise application of the law. If cruelty or inhumanity existed within the system that did not mean that it was inherent, or should be condoned, or allowed to remain.

**Missing records of sentence**

In December 1832 Curr received advice that a TOL had been approved for a convict he regarded as a most unworthy applicant, and he

\textsuperscript{154} AOT–POL320 17 July 1838, re S Cartland per William Metcalfe.
\textsuperscript{155} AOT–POL320 17 July 1838, re S Knapper per Woodford (1).
\textsuperscript{156} AOT–POL320 19 March 1839, re W Bennett per Frances Charlotte.
\textsuperscript{157} AOT–POL320 16 April 1839, to the police magistrate, Circular Head.
\textsuperscript{158} AOT–VDL14, PSO to E Curr, 2 August 1836
\textsuperscript{159} AOT–VDL14, PSO to VDL Co., 20 November 1837.
realised to his horror that there were important records missing from the
Government's records of conduct. In January the next year it came to
light that the records had not been passed on by the Police magistrate in
Launceston to the Superintendent of Convicts, Hobart Town. In January
1835 Curr noted that a record was missing for a convict sentenced by AW
Horne to two months hard labour. This study has identified records of
sentence missing from the conduct records of at least eight different
convicts, under at least three magistrates. No magistrate bench records
could be located which would allow systematic cross-checking. However,
Curr made a tabular summary of sentencing by him to December 1832,
which notes 82 sentences during his tenure as magistrate, including 9 by
J Clark. Of Curr's 73 records, only 45 have been located to date, and at
least 10 of these records have an incorrect date—1829 instead of 1828—
only one of which can be identified. The discontinuities in date, on some
conduct records, is reason to believe that the majority of missing sentences
are from known conduct records, rather than from missing conduct records.

160 Curr to Colonial Secretary, 04 December 1832, Charles Chamberlain, 752 per Chapman (2);
AOT23/5; BRL VDL MR18/1, p.312; in JM Bruce, Woolnorth: Select Documents, p.219.
161 Curr to Reeves, 28 January 1833; AOT VDL 23/5; BRL VDL MR18/1, p.393; in JM Bruce,
Woolnorth: Select Documents, p.234.
162 Curr to Colonial Secretary, 21 January 1835, John Silcox, 1420 per William Glen Anderson;
AOT VDL23/6; BRL VDL MR18/2, p.420; in JM Bruce, Woolnorth: Select Documents, p.373.
163 Charles Chamberlain, 752 per Chapman (2) (25 February 1831, 12 April 1831, E Curr); 414,
Fitzpatrick; H0678; K0205; R0453, Russell, (28 April 1827, Adey); 1420, John Silcox (AW
Horne); W0732, noted by Duxbury; #B088, Jane Dymond (nee Brooks), (11 Feb 1832, E Curr)
164 AOT VDL83/1/1
Flogging as a sentence

The records relating to floggings show that there were 145 sentences (several were remitted) from 1828–1841 inclusive. Table 09, the ‘Number of Floggings by magistrate by Year’ shows that seven different magistrates each handed down 15 or more sentences during that period. The years 1835, 1833 and 1836 were clearly the busiest with 29, 22 and 17 floggings handed down respectively. Table 10, ‘Average Lashes per Floggings by magistrate by Year’, shows that the severity of floggings also reached a peak in 1833 and 1835. ML Smith and AW Horne were particularly severe, although we should be wary of comparisons when the time and circumstances were different for each magistrate. E Curr was nearest to JL Archer as the least severe overall, of the eight major magistrates, with a mean of 29 lashes per flogging; despite one ‘severe’ year, viz. 1831 with a mean of 43 lashes,

Table 11: ‘Average Number of Floggings by Month and Year’ is a search for possible associations between season of the year—e.g. harvest season—and numbers of floggings. Hindmarsh, for example, has examined the extent and nature of sentencing in relation to harvest year and yield.165 There is little visual evidence of an association with harvesting, e.g. a peak at harvest time. However Fig. 7, a plot of ‘Floggings per Month’ against ‘Mean Maximum Monthly Temperature’ for Stanley (Circular Head) is indicative of a smoother trend throughout the year. This could be that there

165 B Hindmarsh, ‘“Though I knew that hunger would compel me to eat it”: Convict diet in rural Australia’, p168. in R Dare, Food, Power and Community, (Adelaide, 1999), pp.167–180.
are more exchanges between supervisors and overseers, or between magistrates and convicts, in hotter weather. More likely the increased incidence of floggings with temperature is due to the increased working hours as day length increased in the warmer months.\textsuperscript{166} The convicts and overseers were spending more time together. They were also getting more tired and tempers were getting frayed more often.

Table 12: of comparisons between the VDL Company and the Government convict populations displays the statistics for the rate and severity of floggings for the ‘muster’ years of 1830, 32, 33, 35, and 41, where reliable estimates of the convict population are available for the VDL Company.\textsuperscript{167} ‘Percentage Flogged’ is the mean number of sentences per convict, expressed as a percentage. This statistic shows that the VDL Company convicts were flogged less frequently than the average for the colony, with the conspicuous exception of 1835, when 36 per cent. of convicts were flogged, compared with 11 percent for the Colony (excluding Penal Settlements); and 29 per cent. for Port Arthur. Because some of Curr’s records are known to be missing the figure for % Flogged, for the VDL Company in 1832, is more likely to be about 12 per cent., rather than 9 per cent.; and the figure for 1830, while more unreliable, would be about

\begin{itemize}
\item \textsuperscript{166} Thanks to A Dean for this suggestion.
\item \textsuperscript{167} The Colony figures are from AGL Shaw, \textit{Convicts & the Colonies: A Study of Penal Transportation from Great Britain & Ireland to Australia & other parts of the British Empire}, (Melbourne, 1977), p. 202.
\end{itemize}
10 per cent.\textsuperscript{168} By contrast, the severity of flogging of company convicts was more in line with expectations at a Penal Settlement, and exceeds the figure presented for the Colony, exclusive of Penal Settlements, for three of the years where comparison figures are available. Table 13, ‘Summary of the Number of Convictions’, shows that 52 per cent. of convicts had no convictions during their time with the VDL Company; 74 per cent. of convicts had no more than one; and 95 per cent. had no more than four convictions.

Fig. 8, ‘Sentencing trends VDL Company (all years) v Colony (1834)’ looks at the balance in the type of primary sentence given. The VDL Company had no Tread Wheel and the sentence was rarely used. Compared with the colony, the VDL Company more often reprimanded rather than punished, 32\textsuperscript{v} 20 per cent.; used solitary confinement to the same extent; used flogging more often, 33\textsuperscript{v} 19 per cent.; and sent convicts away less often: road party, 11\textsuperscript{v} 14 per cent.; chain gang, 9\textsuperscript{v} 14 per cent.; and penal station, 2\textsuperscript{v} 4 per cent. There was also a new punishment which came to be used in lieu of solitary confinement, that is working by day and cells by night.\textsuperscript{169} Supplementary punishments were also used, for example extending the original sentence. Fig. 9 illustrates clearly the preferences shown by the various magistrates. Thus ML Smith had a high proportion of reprimand (Admonished); J Milligan had a high proportion of flogging; and the later

\textsuperscript{168} Increase the figure for 1832 by a ratio of 73/45.
\textsuperscript{169} e.g. John Davis, 562 per Bussorah Merchant, in March 1837 (twice) and October 1837.
magistrates, Hutchinson, Gunn and Archer, tended to make much more use of solitary confinement. This latter trend is clearly evident in Fig. 10 where the major trend with time is to make less use of flogging and more use of solitary confinement.

**Curr’s record as magistrate**

A summary of Curr’s records as magistrate, to 14 December 1832, and exclusive of J Clark’s records, is presented in Table 14. This shows the number of his records by year, and which of these are extant in conduct records or otherwise known from correspondence. Curr’s sentencing preferences are also apparent from calculations below the table, with 30 per cent. reprimanded, 52 per cent. flagellations and 18 per cent. other punishment. Duxbury has compared this figure for flagellations with a benchmark figure for the colony in general of 11 per cent. in 1834. However that comparison is invalid in that, for Curr’s case, she has used a percentage of convicts under sentence, but the benchmark figure applies to total convicts in the colony. The correct figure to use for Curr can be constructed using convict muster numbers from Table 1—of which the years 1830 and 1832 are applicable—and the ‘Flagellation’ numbers from Table 14 for those years. The result is an approximate figure of 8 per cent. to compare with the 11 per cent. quoted above for the colony. The average

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convict under Curr was less likely to be flogged, than in the colony as a whole; those brought before Curr for sentencing were more likely to be reprimanded rather than punished, than those before magistrates generally in the colony; and those who were punished were more likely to be flogged than to receive arguably more severe punishments such as being sent to road parties, chain gangs and penal stations.

The record of Joseph Milligan as magistrate shows that a sentence of flogging achieved little of itself. On five occasions Milligan sentenced a prisoner to a flogging only to have them back before the bench within two days. Curr knew that a prisoner before the bench was a sign that a problem existed. He would attempt to find out what the problem was and attend to it. He would then take notice if there were further complaints as an indication to whether the problem had been fixed. Curr noted that 'The hope of a Ticket of Leave is the strongest hold we have on the good conduct of prisoners. It operates much more forcibly, and I am sure much more agreeably to the master, than the fear of punishment.'

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171 Curr to Schayer, 15 August 1835, AOT VDL23/7; BRL VDLC MR 19/1, p.61; in JM Bruce, Woolnorth: Select Documents.
11—CONCLUSION

The achievements of the assigned servants of the VDL Company have been largely unsung. The North West was mostly unexplored and completely without settlement before the VDL Company came. When roads were located, land was cleared, ditches were dug, animals were tended, bullocks ploughed the fields, crops were grown and buildings were erected, it was largely convict labour that did the hands-on work. They were expected to work long hours, on most days, until they either served their time or died in service. While it is known that a few went on to achieve great things, most probably left the company bewildered as to what to do next and as to how they would survive. Curr has been described as a ‘despot’, with good reason; but this generally applied to absconding servants and not to those who were trying to fit in where the term ‘benevolent dictator’ would be more appropriate. Assigned servants who were cooperative had little to fear and a lot to be relatively thankful for. Their food, accommodation and general conditions were much better than most government prisoners. The one occasion when the assigned servants were rebellious and protested strongly was when Curr was away in England in 1834. As a magistrate Curr is undeserving of his reputation as a ‘flogging’ judge. His record supports his claim that he used the lash less than others, and that the best hold that a master could hold over an assigned servant was the prospect of a Ticket of Leave.
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AOT CON31 — Conduct Registers of Male Convicts Arriving in the Period of the Assignment System
AOT CON40 — Conduct Registers of Female Convicts Arriving in the Period of the Assignment System
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Appendix 1

Van Diemen's Land Company Sentencing Records for Male Convicts

Glossary of Abbreviations
1 Absconding
2 Absenting
3 Disobedience
4 Drunkenness
5 Disorderly Conduct
6 Neglect, Idleness
7 Insolence [Insubordination]
8 Other

Ref: AGL Shaw, p. 202

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<th>Type</th>
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From AGL Shaw, p. 201, for 1834

By subtraction

Major Magistrates
AWH AW Horne
EC E Curr
JHH JH Hutchinson
JLA JL Archer
JM J Milligan
MLS ML Smith
RCG RC Gunn
WL W Lyttleton
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Appendix 2

Van Diemen's Land Company Convicts

Glossary

Absconded
Constable
Dead
E. Curr
Free
Gaol
Hospital
HseCor
MacqHarb
Maria Is
Married
Nlk Is
Pardon
Party
PortArth
PrisBk
Private
PubWks
TOL
VDL Co.
VDL Est.

Absconded
Constable
Dead
Edward Curr Esq.
Free Certificate
Gaol
Hospital
House of Correction
Macquarie Harbour
Maria Island
Married
Norfolk Island
Pardon
Probation Party
Port Arthur
Prisoner's Barracks
Private (not VDL Co.)
Public Works
Ticket of Leave
VDL Company
VDL Establishment

The inclusion of some convicts on the list is based on evidence other than musters, e.g. A0823; B1227; B2276.

For six of the female convicts investigations have not been finalised and their inclusion is provisional.
## VDL Company Convicts (Ship and Musters 1825 to 1841)

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