CHAPTER 9

Inmate voices of opposition

Alan Atkinson has used a penal analogy when discussing the need to balance our historical interpretations of transportation through the incorporation of the convict voice. He has spoken of historians walking on the top of the gaol with the warders whispering in their ears, because it is the authorities who create the records upon which interpretations are based. He argues that occasionally you must go down amongst the convicts and listen to their whispers.1 Where they exist, written inmate complaints represent just such a murmur from the past. In contrast to the deluge of official correspondence, the few surviving documents which were either written by, or directed on behalf of, inmates allow us to hear the actual voices of invalids and gain an impression as to how they experienced charitable institutions. They help in avoiding the trap of merely reinforcing pre-existing perceptions and restricting conclusions to only filling pot holes in the highway of history.2 This is essential in order to begin to see 'the experience of past actors as they experienced it, and not that experience as we in hindsight experience it for them'.3 The 'voice' of the invalid can make a contribution to just such an understanding. By listening to it, the stereotypical impressions that the past imposes can be brought into question and existing paradigms challenged. For example, the semantics of the system; terms such as destitute, pauper, inmate, invalid asylum and poorhouse, can trigger fictitious images which, reinforced by earlier writings and established community consciousness, can impact

1 A. Atkinson, 'Writing about convicts: our escape from the one big gaol', Tasmanian Historical Studies 6, no. 2 (1999), pp. 17-28.
2 This is an important point, because as can be seen in Appendix 1, Table A1.17, many invalids were either illiterate or only had limited literacy. This has meant that the bulk of the contemporary accounts of their existence were written by individuals described by Graham Connah as 'their social and economic superiors who were often ill-informed, if not prejudiced witnesses.' G.E.C. Connah, 'Of The Hut I Builded': The Archaeology of Australia's History (Cambridge, 1988), p. 3.
 upon our cognitive process and lead to false perceptions such as the 'villain/victim' dichotomy.

James Scott has written that the 'limits of the possible are encountered only in an empirical process of search and probing.' While the preceding chapter concentrated upon small acts of resistance; feints and probes seeking exploitable weaknesses in the charitable system, this chapter focuses upon the rare frontal assaults on the authority of institutional administrators — the formal invalid complaint. This is a process which Scott refers to as the decisive breaching of the frontier between the hidden and the public transcript. That any invalid writings survive at all is remarkable, for although paper, pen and a franked envelope were supposedly available to inmates, there were a number of factors preventing written protest escaping the institutions. First and foremost, many of the institutionalised were either illiterate or possessed limited literacy skills. Second, there was official and unofficial censorship of invalid correspondence by depot superintendents. John Withrington, the Superintendent of the Brickfields, was furious, for example, to discover that an inmate, Thomas Finnacune, had written to several gentlemen, and to the Governor, without the letters having passed through him. Likewise, the Superintendent of the Cascades depot posted an unsanctioned regulation that all correspondence sent to, or from, invalids had to be first inspected by himself. This regulation was in response to the transfer to the Cascades of an inmate from the Brickfields who 'had written letters & statements containing unfounded assertions'. While penal regulations permitted the review of prisoner's mail, none existed in relation to invalid correspondence. As free persons, invalids were legally entitled to unrestricted and unimpeded written communication. The bureaucratic elite and their administrative subordinates, however, felt that this placed too great

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6 AOT: CSD 10/40/776, Gilmore to Smith, 11.7.1876.
7 See literacy standards in Appendix I, Table A1.17.
8 AOT: CSD 10/40/743, Withrington to Colonial Secretary, 11.5.1876.
9 AOT: CSD 10/40/776, Gilmore to Smith, 11.7.1876.
a burden upon their capacity to control and minimise internal and external dissent. While the regulation posted at the Cascades had to be rescinded in the face of protest, it is nevertheless clear that invalid mail was routinely screened.10

There were official means whereby inmates could protest the conditions of their confinement. Rule 85, for example, of the 1879 NTCI regulations stated:

Inmates having complaints to make respecting their treatment, or the conduct of any Officer or Servant of the Institution or of any Inmate, shall state the same without delay to the Superintendent, by whom it shall be taken down in writing and forwarded with his remarks to the Chief Secretary. Should the complaint upon enquiry prove to be frivolous, unfounded, or malicious, the complainant shall be deprived of tobacco, or otherwise punished in such a manner as the Chief Secretary may direct; or shall, under instructions from the Chief Secretary, be brought before the Police Magistrate by the Superintendent to be dealt with under the provisions of the Act of Parliament, 37 Victoria, No. 15, Section 10.11

Conviction under Section 10 of this Act could result in imprisonment with hard labour for a period of up to three months. Under these circumstances it is hardly surprising that no such complaints exist in the official record.12 This is not necessarily because they have been culled, lost or destroyed. It is far more probable that the inmates recognised the futility of making a complaint through the official channel. For example, Withrington believed that grievances sprang out of the innate character of inmates who displayed a discontented disposition, no matter what the actual conditions they faced. In Withrington’s opinion there could be no substance to inmate criticisms

10 ibid.
12 It is worth noting here that the reaction of authorities to invalid complaints mirrors that which was in place for convicts. Given the penal background of many male inmates of charitable institutions it is likely they knew both the risk and futility of making formal complaints. After all, the regulations put in place at the NTCI on this subject bear a striking resemblance to those regulations issued in 1843 for prisoners in the first stage of convict probation. These convict regulations, drafted some 40 years earlier stated, ‘For making an idle, frivolous, or groundless complaint, he [the convict] will be liable, however, to punishment.’ See Enclosure 6A in BPP, 9, Comptroller General’s Report for the six month period ending 31.10.1847, p. 150.
because they were treated liberally, 'almost too well regarding food.' He thus dismissed all complaints out of hand. In the face of Withrington's dogmatic stance on complaints, and the regulations which permitted this position, invalids were compelled to use advocates or unofficial avenues to convey their grievances.

According to his convict record, James Lester Burke was born one of five children in County Westmeath, Ireland. He enlisted in the army at 18 and eight years later was serving with the 22nd Regiment in India when he struck a sergeant. For this offence he was court martialled and convicted for insubordination at Poona on 17 June 1847. He had previously been convicted for other offences. Twice he had served 40 day sentences for drunkenness and one four month period of incarceration for desertion, at which time he had been forcibly tattooed on his left side with a 'D'. He was sentenced to transportation for life and arrived in Van Diemen's Land on 1 February 1848, as part of the convict complement aboard the vessel Salween. At the time of his transportation his indent records that he could both read and write, that he was a Roman Catholic, and that he was a clerk by trade. Initially, he was sent to the Darlington Probation Station on Maria Island before being given a position as a constable in Hobart Town, possibly as a result of his bookkeeping talents which had been favourably commented upon. The offences recorded against him as a soldier indicate a fondness for alcohol. His convict record reveals that his love of drink persisted with several convictions recorded for alcohol related offences. Drunkenness caused him to lose his position as a constable and also to have his ticket-of-leave revoked a mere six weeks after it had been granted in August 1854. It was restored to him in

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13 TPP, 6, 1885, Paper 154, p. 19. In order to get a more balanced perspective on Withrington's position that inmates received liberal treatment, even excessively generous treatment, one needs go no further than O'Boyle's comment on Withrington's financial management of the NTCI. O'Boyle stated that he 'often wonder[ed] that the inmates [were] kept so cheaply.' (TPP, 6, 1885, Paper 154, p. 17.) This statement is indicative of an austere, and not a liberal, regime in operation at New Town. Given his zealous addiction to cost cutting and his disapproving attitude towards pauper emancipists, it is hard to conceive of Withrington ever operating an invalid establishment on a liberal basis. Contrary to Withrington's statements to the Select Committee, invalids would certainly have had grounds for regular legitimate complaint.

September 1857 and in May 1859 he was granted a conditional pardon. In 1875 he received a sentence of 12 months hard labour for receiving goods by false pretences. Burke was admitted to the Brickfields on 10 September 1878, aged 59, and died in July of the following year at the NTCI.\textsuperscript{15}

Burke is probably more widely known as the editor of \textit{The Adventures of Martin Cash}, the biography of a notorious convict and bushranger, first published in 1870.\textsuperscript{16} By the time of his death, however, he had actually authored two works and it is the second, ‘A Cry from the Brickfields Institution’, which is of greatest significance to this study. The work is an insightful view of life inside a charitable institution written from the perspective of an inmate in his own handwriting and under his own signature. Burke wrote this protest after, what he termed, two months of incarceration in the Brickfields.\textsuperscript{17} He resented the fact that under a local order issued by William Tarleton, the Police Magistrate of Hobart Town, he had to serve a period of at least three months from the date of his admission before he could be considered for a discharge. The anger that he felt at being imprisoned is evident in his analysis of key individuals at the Brickfields and in the Hobart ‘benevolent community’.

Burke’s principal target was Withrington. In a scathing character assassination he described conditions at the Brickfields, the routine of the institution, flagrant internal corruption (which operated with Withrington’s collusion), Withrington’s chequered history, and the needs of the inmates (or rather their principal issues of contention). Burke provided a detailed account of Withrington’s day, which commenced at 5 am with the overseeing of the distribution of rations to those favoured paupers charged as messmen. According to Burke, he would next put on a ‘mask’ of godliness — the ‘white Choker’ — and proceed to spend the morning conducting the business of the

\textsuperscript{15} AOT: CSD 10/69/1651, Withrington to Colonial Secretary, 13.1.1879.

\textsuperscript{16} \textit{The Adventures of Martin Cash}, first published in 1870 by J. Walsh & Sons, Hobart, ascribes authorship to James Lester Burke but his name is omitted from subsequent editions which are often attributed to Cash himself and are entitled \textit{The Bushranger of Van Diemen’s Land}.

\textsuperscript{17} AOT: CSD 10/69/1651, ‘A Cry from the Brickfields’, Bourke to Dooley, 3.1.1879.
‘benevolent committee’ in meetings with senior members of the HBS. In the afternoon Burke stated that Withrington would only occasionally inspect the men in the yard. He declared that Withrington never sought to know the circumstances of his charges and in a hostile outburst raised four issues which required addressing: the calibre of those put in charge of managing invalids, corruption, mismanagement and the want of cleanliness.

It may be needless for me to say anything about the superintendents antecedents, his career as a private soldier finished up in Tasmania he afterwards figured as a coal whipper on the wharf until providence or paucity of honest deserving men permitted him to fill a subordinate situation in the cascade female penitentiary from which he was ultimately transferred to his present situation in his private character he has not one deserving quality. a law bred vagabond who never evinces the slightest shadow of humanity in his dealings with the miserable inmates and I feel perfectly justified in stating him and many other of his compatriots in connection with charitable institutions has rendered the mercy and magnificent gifts of a generous public not a blessing but a Curse = where goes the expenditure £19.000 – the institution I belong to could be conducted and that to the benefit of the pauper upon quite a different principle. – give us our daily bread, permit an honest and god fearing man. to see that we get it – give us some clean clothing and our wants will be liberally supplied, above all let us have cleanliness, the mess pots in the mess, would literally sicken the stomach of any man who was not wholly lost to every thing in the shape of decency.

Burke’s opinion of other staff and charitable administrators was hardly more favourable. He alleged that medical attendance at the Brickfields was a farce and that Withrington carried out much of these duties himself. He accused the dispenser of being nearly illiterate but, as a protégé of Withrington’s, able to maintain his position. Tarleton was criticised for never visiting, or rather inspecting, the depot or, as Burke put it, ‘we never have the pleasure of seeing that gentleman’s face.” He was also highly critical of William Witt, the Secretary of the HBS, insinuating a past not in keeping with his present role in the HBS, as the officer responsible for the management of outdoor relief in Hobart. The important thing to note in this critique is that Burke does not attack the system of incarceration in institutional space. It is not the

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18 ibid.
19 ibid.
20 ibid. (Grammar and spelling as per original.)
21 ibid.
institution which is being impugned but rather the method of its management and the personnel doing that management.

Burke was scathing of Withrington’s complicity in corrupt practices. This was stressed in relation to the apportionment and pilfering of food rations. Withrington bestowed a degree of power upon the messmen by granting them the authority to distribute rations as they saw fit. This allowed these favoured inmates the opportunity to manipulate and control black economies. While not stating outright that these messmen stole provisions or abused their position, Burke strongly indicated that this was the case. No ambiguity, however, was left in relation to the cook, who was accused of daily pilfering a portion of the tea and sugar ration, which he apparently exchanged for alcohol at the ‘nearest gin shop’.

Withrington responded to this attack by Burke in a characteristic manner. He set about undermining Burke’s credibility as an honest and reliable informant while at the same time nullifying Burke’s missive. On both counts he was successful. Burke was characterised as a well known ‘disturber’ and ‘great Drunkard’. He was also made to present himself as mentally unstable. Withrington and his Brickfields cronies appear to have applied pressure upon Burke for, a mere four days after the Colonial Secretary sent a copy of this impassioned plea to Withrington for his comment, Burke withdrew the complaint stating that he had been suffering under aberrations of insanity.

Reading between the lines of this retraction, it is clear that this had been forced upon him. Burke wrote that he had been obliged ‘to make some atonement’ and that ‘upon discrimination’ he could see the error of his ways and that he regretted any intrusion upon the Colonial Secretary’s ‘valuable time’. The complete reversal in Burke’s position indicates two things: the strength of Withrington’s power and the accuracy of the picture Burke

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22 ibid.
23 AOT: CSD 10/69/1651, Withrington to Colonial Secretary, 13.1.1879 and AOT: CSD 10/69/1651, Burke to Colonial Secretary, 11.1.1879.
24 AOT: CSD 10/69/1651, Withrington to Colonial Secretary, 13.1.1879.
25 AOT: CSD 10/69/1651, Burke to Colonial Secretary, 11.1.1879.
painted. If Burke’s allegations had been totally false then Withrington could have easily exposed the inaccuracies and thus created doubt in the validity of the message. But instead, he went all out to destroy the legitimacy of the entire message, and this could only be done by totally nullifying the messenger. How better to do this than to portray Burke as labouring under delusions resulting from insanity? Burke’s act of ‘atonement’ was also necessary in order to restore the public transcript of apparent inmate compliance. While it may be interpreted as a tactic deployed under duress to escape the worst of Withrington’s wrath, it is nevertheless a show of compliance. Scott has argued that such displays are insisted upon when a subordinate violates the norms of domination. He maintains that:

Remorse, apologies, asking forgiveness, and generally, making symbolic amends are a more vital element in almost any process of domination than punishment itself.

The explanation for this is that a show of discursive affirmation from below is more valued because ‘it contributes to the impression that the symbolic order is willingly accepted by its least advantaged members.’

The Brickfields had been criticised by other inmates. For example, in November 1860, six invalids were transported from the institution to Port Arthur. During an inspection in March 1861, one of these men, an emancipist named James Thompson, managed to hand the Governor a statement signed in what appears to be his own hand. It is apparent that Thompson felt he had been sent to Port Arthur in order to be silenced, to keep his verifiable observations and complaints from ever reaching the eyes and ears of officialdom. He first raised concerns regarding graft and mismanagement at the HGH before moving on to target the Brickfields. He alleged that previous attempts to speak out had merely resulted in a warning from Bishop Willson

\[26\] ibid.
\[27\] For a discussion on this subject see Scott, Domination and the Arts of Resistance, pp. 57-8.
\[28\] ibid., p. 58.
\[29\] ibid.
\[30\] AOT: CSD 1/156/5061, Statement of James Thompson, inmate Port Arthur Invalid Depot, 25.3.1861.
to keep his mouth shut. By the time he had been forwarded to Port Arthur, however, he no longer had anything else to lose by telling his story. The subject of his complaints ranged from undercooked and substandard rations (for example the beef was chiefly suet) to issues of gross mismanagement and corruption. He stated that one of the major causes of substandard care and ill-treatment of patients was that the day-to-day running of the HGH had been delegated by the superintendent to four invalid overseers who had all subsequently been sent to Port Arthur for drunkenness. Thompson stated that Benjamin Ellis, though technically an invalid patient, had been given responsibilities at the HGH which allowed him to regularly defraud the system by falsifying account records on stimulants and then selling those appropriated to paid invalid wardsmen. It might well be construed that the conveying of Ellis to Port Arthur, along with Thompson, was a case of disappearing the evidence along with the allegation. Ellis was also accused of stealing, and then selling, extra 'medicinal' rations authorised by medical officers to assist in the treatment of special cases. Thompson could see that these actions were adversely affecting the health of patients and had the potential to result in deaths. When he complained, he was sent from the HGH to the Brickfields and, when he refused to let the issue die, he was further 'transported' to the 'secondary' invalid settlement of Port Arthur. Seemingly, he was concerned about the treatment of his fellow inmates and angry about the state of affairs in which administrators turned a blind eye to regularly drunk attendants, provided they remained quiet and ensured that their duties were carried out. Most damning for those who had tried to silence him, were accusations of unacceptable and corrupted practices by senior staff, which he documented with considerable detail. These included a charge of regular intemperance by the dispenser, and paid attendants carrying out labour and manufacturing items for the direct personal benefit of the

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superintendent and his family.\textsuperscript{32} The seriousness of the allegations guaranteed a response.

The defence came from the Weekly Committee of the HGH and the Brickfields Committee.\textsuperscript{33} The HGH committee's rebuttal was typical of a government body under attack; it sought firstly to muddy the waters by discrediting Thompson's character and by denying the allegations or their severity. Thus, they expected to deflect criticism away from their failings and to maintain the persecution Thompson had to endure as a result of his transfer to Port Arthur. Regarding the misappropriation of extras by Ellis and other attendants, the committee admitted that such occurrences may in fact have taken place, as such abuses were common in hospitals. But rather than this being the fault of the administrators, they alleged, the defect lay with the inmates themselves, as the committee had little control over such matters due to 'the reluctance of the men to bear witness against their fellow patients.'\textsuperscript{34} However, intra-inmate loyalty and the probable violent repercussions of 'dobbing' were likely powerful disincentives against any invalid informing upon a fellow inmate. Peter MacFie and Nigel Hargrave have discussed this issue in relation to the boy's prison at Point Puer. They argue that 'boys were reluctant to inform on their peers' and that those that did 'risked savage beatings'.\textsuperscript{35} The HGH committee argued that Thompson had not been sent to the Brickfields by order of a vindictive Charles Seager, the then HGH Superintendent at the centre of the allegations, but rather as a result of the improved state of his health. Fault, and responsibility for various issues of mismanagement, were shifted away from Seager. The corruption allegations

\textsuperscript{32} AOT: CSD 1/156/5061, Statement of James Thompson, inmate Port Arthur Invalid Depot, 25.3.1861.

\textsuperscript{33} AOT: CSD 1/156/5061, Minutes Weekly Committee of the HGH Board of Management, 19.4.1861 and AOT: CSD 1/156/5061, Response of Brickfields Committee of HGH Board of Management to the Statement of James Thompson, 10.4.1861.

\textsuperscript{34} AOT: CSD 1/156/5061, Minutes of the Weekly Committee of the HGH Board of Management, 19.4.1861.

\textsuperscript{35} P. MacFie and N. Hargraves, 'The empire's first stolen generation: the first intake at Point Puer', \textit{Tasmanian Historical Studies} 6, no. 2 (1999), p. 140. For a comprehensive discussion of this theme see P. MacFie, 'Dobbers and cobsers: informers and mateship among convicts, officials and settlers on the Grass Tree Hill Road, Tasmania 1830-1850', \textit{Tasmanian Historical Research Association} 35, no. 3 (September, 1988), pp. 112-27.
were circumvented by stating that, although attendants did perform private tasks for the superintendent, this occurred in their leisure time or else did not interfere with their hospital duties. Having regard to the accusations that the dispenser was regularly drunk, there was an outright denial, effectively branding Thompson a liar. Thompson was made to appear as a bitter and resentful man in the habit of making frivolous charges who, when given the opportunity to make a formal complaint at the Brickfields, had declined to do so. Given his subsequent treatment and the imbalance in the power relationship, it is not difficult to imagine why he refrained from making a formal complaint at the Brickfields.

Transference to the new NTCI, in 1879, did not stop complaints being made against Withrington. In late 1879, for example, Patrick Gallagher, a 70-year-old invalid inmate, directed a complaint to Frederick A. Weld, the then Governor of Tasmania, which he subsequently reiterated. Once again it is important to note that this complaint was directed against institutional staff rather than the system per se. The exchange which took place, primarily between Withrington, his staff and Thomas Reibey, the Colonial Secretary, bears striking similarity to the manner in which earlier complaints had been dealt with. It is as if there was a standard script with each player having his assigned role. First, there was the complaint made by Gallagher to the Governor, who passed this on to Reibey for investigation, who then forwarded it to Withrington with the instruction that he furnish a full and detailed report. Withrington responded with a broadside on Gallagher's integrity and, in keeping with the previous pattern of character assassination, Gallagher was described as 'a very troublesome fellow, [who] has frequently been punished for disobedience, is most disrespectful to the Officers

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36 When Thompson's case was reviewed by the full HGH Board of Management, on 19 April 1861, it endorsed the opinion of the Weekly Committee that the complaints expressed were frivolous, and the result of vexation from Thompson having been removed to Port Arthur. (*The Mercury*, 20.4.1861, p. 2 c. 3-5.)
37 First complaint AOT: CSD 10/75/1893, Gallagher to Weld, 1.10.1879; and, second complaint AOT: CSD 10/75/1893, Gallagher to Weld, 25.11.1879.
38 AOT: CSD 10/75/1893, Note, Reibey to Withrington, 23.10.1879, appended to, Gallagher to Weld, 1.10.1879.
generally, and quarrelsome with the men’. As with Burke, Withrington’s retort contained an accusation that Gallagher was a semi-lunatic. Withrington also attached to this response the statements of several of the institution’s staff, refuting the allegations. But Gallagher did not play by the script, and despite Seager apparently threatening him he did not retract his allegations. Instead, he retaliated by adding further items to those previously raised. Despite the pressure to recant, Gallagher appears to have weathered the storm and remained resolute in his criticism, being prepared to send a petition all the way to the Secretary for the Colonies in England.

Like Burke, Gallagher was extremely critical of Withrington and, in particular, his attitude towards the inmates and the lack of medical attention they received. He stated:

The present Superintendent is an old private Soldier with some two or 3 hundred a year with no feelings for his fellow man he may die like a dog for what he cares.

There are strong indications, not just by his actions but also by his choice of words, that on this point Gallagher’s analysis was correct. In responding to the allegation, Withrington refers to the inmates as ‘unfortunate creatures’. Withrington perceived them not as men but as creatures and, by his actions, creatures to be despised. Prominent in Gallagher’s missive is a protest against inadequate medical attention and ‘inhuman treatment’, exemplified

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9 AOT: CSD 10/75/1893, Withrington to Colonial Secretary, 5.11.1879.
10 AOT: CSD 10/75/1893, Seager to Withrington, 4.11.1879.
11 AOT: CSD 10/75/1893, Gibril (Medical Officer) to Withrington, 28.10.1879; AOT: CSD 10/75/1893, Oxdell (Head Warder) to Withrington, 1.11.1879; and, AOT: CSD 10/75/1893, Seager (Assistant Superintendent) to Withrington, 4.11.1879.
12 AOT: CSD 10/75/1893, Gallagher to Weld, 25.11.1879.
13 Ibid., 1.10.1879.
14 AOT: CSD 10/75/1893, Withrington to Colonial Secretary, 5.11.1879.
15 This may be because he saw them not only as creatures but creatures with bestial passions. This was a common nineteenth-century middle class theme. For an expression of this belief see T. Dunning and H. Maxwell-Stewart, ‘Mutiny at Deloraine: ganging and convict resistance in 1840s Van Diemen’s Land’, Labour History 82 (May 2002), pp. 35-47. This paper details the supposed inhumane butchering of a still live bullock, a ‘beastly’ act which in all probability did not take place but which was nevertheless given extensive exposure and was broadly accepted as ‘true’ as it conformed to pre-existing middle class prejudices.
with specific cases where this had resulted in fatalities. Such a case was that of William Matchem (or Watchem), a 70-year-old inmate who suffered from 'stricture and difficulty in passing his water.' It would appear that not only the Medical Officer, Edward Giblin, but also Frederick Seager, the Assistant Superintendent and Storekeeper (who had no medical qualification or training to do so) passed catheters for him. On 3 September 1879, Matchem’s 'water was stopped.' Instead of Giblin treating him, Seager attended the patient. Whether as a result of his prior medical condition or as a consequence of Seager’s treatment (and this is a moot point of dispute between the various parties), Matchem died shortly afterwards. The real issue was that the medical officer only visited the institution twice weekly and when specifically asked. These requests, the evidence suggests, were almost non-existent there being numerous documented cases of inmates suffering conditions which subsequently proved terminal but for which no doctor was called to attend. Instead, it appears that either Seager, or Withrington himself, attempted to meet the medical requirements of the inmates. This was an issue that Burke raised and Gallagher pressed. Gallagher made the invalids’ private transcript public when he stated:

The fact is Your Excellency there wants a Medical Officer here and men when in a dying state to see to them and let them have nourishing food and not meat and half raw potatoes.

In this respect it is important that the testimony supplied by Gallagher and Burke is mutually reinforcing. They both claimed that the salary paid to Withrington would be better spent on a full time medical officer. The bureaucrats of the CSO may not yet have realised that inmates of charitable institutions had a far greater need for medical attention than for carceral supervision but the invalids themselves certainly recognised this fact. Indeed,

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46 AOT: CSD 10/75/1893, Gallagher to Weld, 1.10.1879.
47 AOT: CSD 10/75/1893, Giblin to Withrington, 28.10.1879.
48 AOT: CSD 10/75/1893, Gallagher to Weld, 1.10.1879.
49 ibid.
50 See Scott, Domination and the Arts of Resistance, for a discussion of private, public and hidden transcripts.
in his second letter, Gallagher begs the Governor 'to appoint a Resident Surgeon at this Establishment'.

Another facet of the exposed inmate transcript is their outrage at having what they perceive as their rights denied them. Gallagher raised the non-supply of items to which inmates believed themselves entitled. He implied that there was a great deal of discontent in invalid ranks over the failure to supply flannels, items they believed were authorised to be issued by the imperial government. He further displayed resentment at the treatment of invalid paupers generally and implied that corruption, particularly regarding the distribution of clothing, was widespread. There was objection to the cessation of the weekly tobacco ration and, contradicting the prevailing stereotypical visions of invalid inmates, there was also a complaint that the institution had 'no prayer Book or Bible no Library Books Although The British Govt Left hundreds for our use not a comb to comb our hair'. The voice of the invalid had spoken and it was one which spoke resentment, anger and frustration. It was also one which demonstrated compassion for fellow inmates, an understanding of the specialised needs of invalids and one which presented individuals desiring items for maintaining their personal hygiene, comfort and religious beliefs. Theoretically, middle class bureaucrats should have been able to identify with these demands.

51 AOT: CSD 10/75/1893, Gallagher to Weld, 25.11.1879.
52 Alan Atkinson has discussed this issue in relation to convicts. He argues that convicts developed a keen sense of what constituted proper concord between the subordinate and dominant partners in this relationship, and that violation of this understanding was likely to result in retaliatory acts. These acts Atkinson expressed as four patterns of protest: physical or verbal attack, appeal to higher authority, withdrawal of labour, and compensatory retribution. See A. Atkinson, 'Four patterns of convict protest', Labour History 37, (November, 1979), pp. 28-51.
Burke and Gallagher's revelations almost certainly resulted in them experiencing, very personally, a sense of recovering their dignity; what Scott has described as a 'sense of personal release, satisfaction, pride, and elation - despite the actual risks often run' in declaring the private inmate transcript. Scott has gone on to enumerate the importance of the declaration pointing out that: 'Although we have expressly avoided using the term truth to characterize the hidden transcript, it is all too apparent that the open declaration of the hidden transcript in the teeth of power is typically experienced, by both the speaker and by those who share his or her condition, as a moment in which truth is finally spoken in the place of equivocation and lies.' (Scott, Domination and the Arts of Resistance, p. 208. Emphasis in original.)
53 AOT: CSD 10/75/1893, Gallagher to Weld, 25.11.1879.
54 ibid.
Burke and Gallagher were not the only invalids to make formal written complaints, and likewise nor was Withrington the only target of condemnation. In mid 1878, Joshua Greaves, an invalid for the previous five years and frequent inmate of the Cascades depot, also wrote a complaint concerning his, and his fellow inmates', treatment:

I beg respectfully to state that there is great neglect of the Paupers at this place as a sudden death which took place on Saturday night about ten o'clock will prove and my own treatment is bad and I can get no redress I beg respectfully to get a hearing from you.56

While there are some differences, the message when compared to those presented by Burke and Gallagher bears much in common. The main issues raised by Greaves were that 'there is great neglect', his 'own treatment is bad', he 'can get no redress', and finally he wished to be given 'a hearing'. Neglect, bad treatment and poor medical attention were common themes expressed in criticisms. Coverdale's response to the complaint indicates that, not the quality or quantity, but the nature of the food ration was also a cause of grievance amongst the inmates.56 It would appear that Greaves had long argued the case with Coverdale for a change in diet; hence his call for redress. In a gesture of defiance at his failure to be granted his dietary wants, he protested by declining to be treated by Coverdale. Rather than having medical treatment imposed, an important social control mechanism, he chose to refuse its admission and thus denied Coverdale's authority over his body and at the same time acquired some limited (though potentially harmful) control for himself. Coverdale reacted to Greaves' affront to his authority by stopping his tobacco ration.57

Greaves, however, would appear to be a strong-willed character who resisted the authority of depot officers. Seager (then the Assistant Superintendent of the Cascades depot) stated that:

56 AOT: CSD 10/63/1467, Greaves, 11.5.1878.
56 AOT: CSD 10/63/1467, Coverdale to Colonial Secretary, 20.5.1878.
57 ibid.
I can with all sincerity say that out of the many hundred invalids I have had to deal with I have never found one to equal this man [Greaves] for insolence, to me it appears to be his whole study when in the Depot to set discipline at defiance, spread dis-content amongst the inmates and give as much insolence and trouble to the officers as possible, he has on several occasions been reported to the Administrator of Charitable Grants for misconduct and absconding.58

Just as Withrington denounced the character of the complainant, so too did Coverdale. He maligned Greaves as an offensive malingerer with a violent temper who deliberately prolonged his medical condition. In a letter supporting Coverdale, Seager related inmate tattle that Greaves deliberately irritated his ulcerated legs in order to ensure that they did not heal so as to retain a bed in the depot’s hospital or ulcer ward, thus avoiding labour and supplementing his diet with medical extras. He quoted Greaves as having said ‘that it would not do to let them [the ulcers] close as they were as good as a milking cow to him.’59 Coverdale also cast the almost obligatory lunacy aspersion upon Greaves’ sanity, referring to him as a ‘semi lunatic.’60

The government bureaucracy closed ranks over Greaves’ reproof, as it had done so in the past and would do so again in the future. Administrative power, derived from the presentation of a unified public position (regardless of private differences), was not going to be broken by one disgruntled inmate. Solly wrote to Coverdale expressing the Colonial Secretary’s position that ‘no blame appears to attach to any Officer of the Depot, nor any grounds for crediting the man’s [Greaves’] statement.’61 While this solidarity would tend to imply that those administering invalid depots were in a position to exercise powerful control over the lives of invalids with little real concern for complaints impacting upon their management, the Greaves case does evidence the presence of inmates both capable and willing to resist the treatment imposed upon them. Their actions demonstrated that depot officers did not have it all their own way. Greaves resisted the system and demanded

58 AOT: CSD 10/63/1467, Seager to Coverdale, 20.5.1878.
59 ibid.
60 AOT: CSD 10/63/1467, Coverdale to Colonial Secretary, 20.5.1878.
61 AOT: CSD 10/63/1467, Solly to Coverdale, 31.5.1878.
change from within the institution. The evidence that Seager presents indicated that he did find support amongst his fellow invalids. Greaves proactively presented and engaged with the dominant class aspects of the private inmate transcript. Such regular engagement, as Seager indicates it was, could not but help to lead to inmate initiated changes to facets of their management.

The issue of disunity amongst the middle class as regards the treatment of invalids was discussed in relation to cleanliness in Chapter Seven. Such internal discord was not restricted to the middle class. Dissension existed within the institutionalised pauper population and this was well illustrated by the case of Harriet White. White had been admitted to the NTCI on five separate occasions between April 1883 and August 1890. Each time she had discharged herself by absconding. Shortly after running away on the last occasion, on 6 August 1890, she wrote a letter of complaint to the Governor. This was most revealing about conditions inside the female wards of the NTCI and vividly disclosed the clash of morals when members of differing classes were forced to interact in an institutional setting. As with other inmate complaints, this is a significant document and is quoted in full:

Sir I take the liberty of writing to you to inform you of the way the newtone [sic passim] charitable instution is conducited of witch I have been in for the last to mouths [according to Hurst it was just over four mouths], duering that time I have witesnes barbares treatment to 1 marrey tayler she was beat in a cruel way her head was bruised and cut in a frightful state witch caused her deate she was inn 2 ward and I have to report the drunkness that is carried on there is one [?] none to stop it the drink is brough in the bilding half a gallon at the time by a man the name of Reaghan the names of the wemen that was drunk and fighting are Grant Blunt Ward Walker and Cackren and Mrs hurst is no Better for she supplys them with the drink at her own window there is men in with the wimmen all night and Mrs hurst takes no nottice of them it is time that there was a change Mr Richardson is ill and there is nawone to loook after the place I dare say there is a great mannny of Mrs hursts favorite wimen that would conterdict this report it doesnot benefit me to make this report if it was not the truth it is a great pitty that sutch imposters should be on the government it is time it was looked into the matron has left herself in ther powrer she is afraid of them it is time there was someone in her place she hattes the inglish wimen there are 2 wimen the name of Brown and hood that she has treated scandelous they donot get what is alloud the meal is given to the favorite wimen and the rest has to starve it iserry cruel the afflicted has to go naked if they have none

Enclosure B in AOT: CSD 16/43/1161, Richardson to Chief Secretary, 16.8.1890.
of there own what I have stated here is the truth and I can preve it by my own
expearence I had to abscond out I could not bear such carrying on I hope it will
be altered for the sake of the poor that is in there hopping that I shall neaver
have to go in again it is no better than a brothel the way it is conduct

White's final words — 'no better than a brothel' — exposes her class
background as one indoctrinated with middle class values. The statement is
figurative, not literal, but her statement points to some very irregular
practices when compared to the official storyline. The detail of her account of
life inside the institution, especially regarding alcohol, drunkenness,
trafficking and violence, leads one to suspect that it is based upon actual
events. There are no vague accusations but rather precise verifiable details
were offered. Violence is not randomly and generally committed, rather Mary
Taylor 'was beat . . . and her head was bruised and cut in a frightful state'.
Alcohol was smuggled in and there was drunkenness. Again this is not an
equivocal accusation. Reagan brings the alcohol into the building and Louis
Hurst, the NTCI Matron, also supplies it. Grant, Blunt, Ward, Walker and
Cackren consume it, becoming drunk and violent. In regard to favouritism
and discrimination on the part of Hurst, specific detail is again offered by
White. It is Brown and Hood who suffer as a result of Hurst’s prejudice.
There was, however, some vagueness in what is arguably her most serious
allegation regarding cohabitation in the female wards between male and
female inmates.

Hurst appears to have learned a thing or two from Withrington and in the
first line of her rebuttal of White’s claims she taints her as a troublemaker
who was ‘a partially crazed woman’. She also denies outright the allegations
made by White. The alcohol she is supposed to have supplied being red
draught peppermint water or cordial. The men working about the female
wards did so ‘under strict supervision’ there being ‘no misconduct such as
described possible either by day or night.’ She further testifies that there was

63 AOT: CSD 16/43/1161, Richardson to Matron NTCI, 14.8.1890.
64 Ibid.
65 Ibid.
66 AOT: CSD 16/43/1161, Hurst to Richardson, 15.8.1890.
67 Ibid. (Emphasis in original.)
'no favoritism shewn' and that the circumstances surrounding Mary Taylor's death were not suspicious. Apparently she died from a pre-existing heart condition. However, Hurst's own testimony points to the fact that a heated verbal altercation between Taylor and another inmate, Rebecca Griffiths, was a likely contributory factor in Taylor's death. A report on this incident by Seager makes it clear that, while this altercation had been unpleasant for Taylor, Griffiths had not physically assaulted her; the bruise on her forehead being the result of an earlier fall. Hurst also described inmate Brown as being 'crazily violent' and her statement is explicit on the occurrence of intra-inmate violence resulting from drunkenness. She stated that inmates did return drunk, after a days leave, and that on these occasions they had been known to be quarrelsome, noisy and troublesome, and that there had been instances when they had worried, beat and abused other inmates. On these occasions the offender had been punished 'either by being handed over to the police or otherwise according to the rules and regulations'.

George Richardson, the Superintendent of the NTCI, entirely endorsed Hurst in her disavowal of White's evidence. Given the implications to his management of the institution, this is hardly surprising. In a memorandum to Philip Fysh, the Colonial Secretary, he stated that 'from enquires I have made there is not one charge that can in any way be borne out.' He added that from his observations of White he was led to believe that 'she was not right in her head' and her account of events 'the outcome of a disordered imagination'. Evidently Hurst was not the only one to have been schooled in the Withrington mode of aspersion. Richardson also expressly asserted that there were 'no opportunities for improper conduct' between male and female invalids. By the time White received a reply to her complaint she was again an inmate of the NTCI, Richardson having applied for a warrant for her

68 ibid.
69 AOT: CSD 16/43/1161, Extract from Journal of F.R. Seager, Assistant Superintendent NTCI, 20.7.1890.
70 AOT: CSD 16/43/1161, Hurst to Richardson, 15.8.1890.
71 ibid.
72 AOT: CSD 16/43/1161, Richardson to Chief Secretary, 16.8.1890.
73 ibid.
apprehension as he was 'doubtful as to her sanity.' On 18 August 1890, White was informed that ‘enquiry having been instituted into the complaints made by her, it would appear there is no foundation for the statements made in her communication.’ Once again, political authority chose to ignore and refute an invalid’s assertion.

Life inside a charitable establishment could be particularly oppressive. Many of the officers working in these institutions had cut their teeth in the convict system, as had the majority of the inmates themselves. This did not always bode well for the inmate, with treatment sporadically reverting to past practices. On 9 September 1899, James Sullivan, an inmate of the NTCI who also worked as a shoemaker, had a letter of complaint written and forwarded to Edward Braddon, the Premier of Tasmania. It was a relatively lengthy letter for an inmate protestation and served to expose the perpetuation of punitive practices against errant inmates, collusion between institutional staff and officers against inmates, the pilfering of institutional stores by staff, and the theft of inmate property by staff. Sullivan wrote to Braddon as follows:

Sir,

As the head of the Government, I wish to bring the following facts, under your notice, in the hope that you will cause an inquiry to be made into them, and and [sic] get me Justice done, which I, can not get otherwise. I, am an, inmate of the Institution, working as shoemaker for which I, get a, small salary monthly out of which I, had saved up nearly five pounds. on Thursday the, 24, of August, last, I was locked up in the cell, for being under the influence of drink, by Warder, Mr Milligan. when in the cell he asked me if I. had any money about me I told him I, had 1 Shilling on me, which he took away from me, also the key, of the workshop. I, remained in the cell, from 4, oClock on Thursday, till 5, oClock on Friday afternoon when he let me out, on Saturday moming before 9 oClock he gave me the key of the workshop, I opened the door, and in a drawer in the shop I had 4 sovereigns [sic] in a small leathern purse which was gone. I, went to warder Milligan and told him of my loss and he must know something about it. as he had the key. and no one else could get in without him knowing it. I, told him I would go to the office and report it to the Superintendent. he said it was no use of me going to the office. that I would only get locked up again, nor did he deny not having taken them I went to the Superintendent but he would

74 ibid.
75 ibid.
76 AOT: CSD 16/43/1161, Fysh to White, 18.8.1890.
77 This letter is not in his hand but that of J. Johnston, the New Norfolk Hospital for the Insane’s baker, of some fourteen years standing, who had earlier in the year had a major conflict with that institution’s Superintendent, William Macfarlane, over a change in regulations which required him to sleep within the institution every second night.
not listen to me, all he said was, ‘I, should not lose my money, ought he not have inquired into the case, I then reported the matter to Mr Richardson the late Superintendent he said he would inquire, into it but up to the present nothing has been done... I, accuse warder Milligan, of stealing my money, and handing it over to the Superintendent, that is the reason no inquiry has been held, and will not be unless you order it, or I, get some member, to bring it before the House, or through the press. there is so much toadyism, carried on, under the present management by Milligan, and others that peculation, in stores and other things, is not unknown, to the inmates who dare not say anything for fear of been locked up or turned out. if locked up which frequently does happen through Milligan for very trivial things, they get half a pound of bread and a pint of water for their allowance, no dinner is given to them, also have to sleep on the cold asphalt floor, with out a mattress. Trusting you will see into the case and see Justice, done[.]

As an adjunct to this letter a further note was written, in the same hand, and signed James Sullivan, on a very small piece of paper. This note read:

I may state that I have witness [sic] to prove that Milligan was heard in the work shop on Friday morning at 6, oClock while I, was in the Cell.

Historical study of institutional culture permits the assumption that alcohol found its way into the NTCI and that inmates were punished for this but now we know how they were chastised. It would appear from Sullivan’s account that the punishment for this breach of regulations was 24 hours’ confinement in a bare cell on a bread and water diet. Particularly harsh and severe punishment for infirm and ailing elderly people for minor and trivial transgressions of draconian and outdated regulations which had their genesis in the convict system. What gives credence to Sullivan’s allegation that this was the manner in which inmates were dealt with punitively is that there was no assertion to the contrary by Seager or any other official. If we look at Sullivan’s statement as a temporal record, not only of his actions but also his emotions, then it is reasonably clear that he accepted his confinement for being drunk. As far as he was concerned the punishment met the crime. He initially only targeted Milligan with his wrath because he believed he had stolen his money. The force of his fury then expanded to include Seager but only because he could not get any satisfaction; and then as his anger mounted he exploded exposing a hidden transcript of inmate frustration at their

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79 AOT: CSD 22/28/284, undated note signed James Sullivan.
treatment. For a brief moment the bureaucrats hear the ‘real’ inmate voice. This is a voice angry at the ‘toadyism’ in the system, at staff stealing not only their personal property but those items and stores supplied by the state for their use, at their inability to achieve justice, at the fear of speaking out, and at their arbitrary confinement in punishment cells. Sullivan’s subsequent note demonstrated that this rush of blood did not subside immediately but that once roused he was prepared to push his (and that of his fellow inmates’) case. One therefore has to wonder what threats were made against Sullivan for him to totally deny all the accusations he had made a mere four days following his initial written complaint. On 13 September 1899, Seager had Sullivan brought to his office and asked him to explain the letter which Braddon had received. Whatever Seager said to Sullivan at this meeting it had the desired effect; Sullivan changed his mind agreeing that ‘he had no complaints to make and emphatically den[jed] being the author of the letter, or the instigation of it.’ Indeed, Sullivan signed an affidavit in which he stated:

I have seen a letter addressed to Sir Edward Braddon and purporting to have been written by me and I here solemnly and emphatically declare that the letter referred to was not written by me and further I know nothing about it.

It would appear that intimidation was alive and well within the charitable institution system and that the ‘toadyism’ spoken of by Sullivan went all the way to the top, to the Premier of Tasmania. However, what is interesting about Sullivan’s denial is that he really only denied knowledge of the complaint. It is important to note that nowhere, not in Seager’s response or Sullivan’s retraction, is the basis or validity of the complaint renounced. This is completely at odds with the previous pattern of dealing with such issues when they arose. The general practice was to assassinate the character of the plaintiff and then to meticulously negate each and every argument made against the institution. That such did not take place in this instance increases

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80 AOT: CSD 22/28/284, Seager to Premier, 14.9.1899.
the likelihood that Sullivan's claims were based upon real events and a real inmate transcript.

The inmate complaints discussed above exhibit a number of common features. They were representative of the prevailing 'hidden transcript' of internal inmate dialogue. Rather than attacking the precept of institutionalisation, this discourse was aimed at criticising specific failings of the charitable system and the manner in which particular individuals, notably John Withrington, implemented the institutional management regimes. Exposure by inmates of shortcomings in the administration of public charitable institutions was invariably met with adamant disavowals of both their accuracy and credibility. Complainants inevitably had aspersions cast upon their character as a means of invalidating criticism and, further, they were subjected to measures intended to force them to withdraw their allegations. Inmate accusations of mismanagement were not accepted as valid by either the bureaucratic or political elite. In Domination and the Arts of Resistance, Scott discusses a 'facade of cohesion' augmenting the power of elites.\textsuperscript{2} He argues that:

\begin{quote}
If the dominant are at odds with one another in any substantial way, they are, to that degree, weakened, and subordinates may be able to exploit the divisions and renegotiate the terms of subordination.\textsuperscript{3}
\end{quote}

In order to avoid this occurring, the elite spoke with a common voice in opposition to the invalid. The next chapter examines what took place when cracks appeared in the facade of middle class unity.

\textsuperscript{2} Scott, Domination and the Arts of Resistance, p. 56.
\textsuperscript{3} ibid.