CHAPTER 2

The dregs of a criminal population

Tasmania’s colonial pauper invalids were begot by the imperial convict system. They were the fag-end of transportation; ‘the dregs of a criminal population’.

The distinction between invalid emancipist pauper and invalid convict, indeed any convict, was slender if not non-existent. The close perceptual linkage between pauper and convict, between the poverty stricken and criminal, impeded meaningful improvement in the lives of the aged poor. In nineteenth-century Tasmania, despite the assertion that ‘poverty is not a crime’, it was for all intents and purposes a moral transgression; and it certainly resulted in a sentence.

Invalids were perceived, and treated, as if they were criminals and the convict origins of many only reinforced community disdain. Throughout the latter half of the nineteenth-century the conduct of successive governments, administrations and benevolent organisations indicated they believed there was essentially no difference between a pauper and a convict. Elite and middle class beliefs, shaped by the new poor laws and 50 years of transportation, were one and the same in regard to this issue. The prevailing supposition was that paupers had nothing to lose by committing crime and therefore they easily fell into a criminal under-class.

Belief in the existence of such a rank, below that of the labouring

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2 The quote ‘Although poverty is not a crime it is certainly not a virtue to be cultivated’ is attributed to the chairman of the Hobart Benevolent Society in 1885. It is cited in the forepiece of J.C. Brown, *Poverty is Not a Crime: Social Services in Tasmania 1803-1900* (Hobart, 1972). This expression has symbolic depth as it relates to Benjamin Disraeli’s 1837 declaration, that ‘In England, poverty is a crime.’ (Cited in T. Szasz, *Cruel Compassion: Psychiatric control of Society’s Unwanted* (New York, 1994), p. 24.) This was the first salvo aimed at challenging the principle behind penalising the casualties of poverty.

3 On 22 October 1847, Pitcairn and Allport (solicitors), Jeffrey (an artisan), Leake (a merchant) and Gregson (a member of the Legislative Council) wrote to Earl Grey, the then Secretary of State for the Colonies, concerning the consequences of low rates of wages to immigrant labourers. In this letter they stated, ‘A man who earns £20 — a year besides his
class, was widespread. The ramifications of this can be seen in government policy which made little distinction between paupers and convicts. In life, and indeed death, the same legal and administrative instruments were used to compartmentalise their lives.

While Alan Atkinson has argued that there was no single convict system, there is ample evidence to support the contention that there were ongoing attempts to regulate the operation of transportation; a process which increased in intensity after the introduction of probation in 1840. This chapter examines the array of measures used by the Convict and Colonial Secretary’s Departments to regulate the management of convict invalids and emancipist invalid paupers between 1840 and 1857. It explores the general attitude of authority to male convicts, invalids and paupers primarily through an examination of the role played by the Impression Bay Probation Station.

Transportation spawned invalids directly and indirectly. Invalid prisoners, or prisoners likely to become infirm, were transported to Van Diemen’s Land. Likewise, the rigours of convict labour, coupled with questionable health care, nutrition and hygiene, and compounded by intemperance and poor living, ensured that many emancipists slipped back into the ranks of the

food has something to lose, and will not commit an offence so readily as if he were a pauper and had nothing to lose. (AOT: GO/33 pp. 428-9.)

For example see H. Mayhew, London Labour and the London Poor: A Cyclopedia of the Condition and Earnings of Those That Will Work, Those That Cannot Work, and Those That Will Not Work (London, 1861). This widely published work had drawn middle class attention to those of the labouring poor who could not work, and those who would not work. Invalids fell into the former classification, although they were often perceived and treated as if they were members of the latter.

For example, in May 1856 official approval was sought and granted for the ongoing practice of burying both paupers and convicts within the precincts of Launceston’s Cornwall Hospital. (AOT: CSD 1/92/2432, Champ to Sherwin, 9.5.1856.) As in life, the pauper was to be joined with the convict in death. The sins of his or her earlier life, marred by subsequent poverty, were not so easily absolved. Also, see T. Laqueur, ‘Bodies, death and pauper funerals’, Representations no.1 (February, 1983), for a discussion of how pauper bodies became objects of administration.

Atkinson has argued that there was not ‘a’ or ‘the’ system in terms of a single umbrella convict system which was coherent and overriding of all other strategies. He recommends the investigation of the rationale behind individual actions in terms of individual aspirations. See A. Atkinson, ‘Writing about convicts: our escape from the one big gaol’, Tasmanian Historical Studies 6, no. 2 (1999), pp. 17-28.
institutionalised. Beverley Earnshaw has analysed the convict description registers for New South Wales and concluded that 5.1 percent or 446 male convicts in the 1820s, and 3.9 percent or 338 men in the 1830s, were transported with some significant physical or mental impairment. This policy of conveying disabled and infirm convicts continued in Van Diemen's Land in the 1840s and 1850s. Transportation to Van Diemen's Land operated on the principle that every convict 'who could bear the voyage, and who was able to support himself by his labour on his arrival there, was sent abroad.' The proviso of being able to support oneself was very liberally interpreted. Charles Forrester, for example, was aged 52 when he arrived aboard the David Clarke on 4 October 1841. He had been convicted of housebreaking in Edinburgh on 16 March 1841, was transported for seven years, and on 16 March 1848 became free by servitude. Exactly how he was expected to support himself remains something of a mystery as he had been blind when landed and spent his entire period of imprisonment at the New Norfolk Invalid Depot. George Smith was a highway robber and thief transported for life, initially to Norfolk Island, but subsequently to Van Diemen's Land, where he would have hobbled ashore since this red-headed fiddler from Liverpool was missing his right leg. George Morris, who arrived on the Southworth and ended his days as an invalid at the Port Arthur Penal Establishment, also only had one leg. These are only a few of the many examples which can be found in the description registers of convicts landed in Van Diemen's Land.

8 BPP, 4, 1856, Select Committee Report of the House of Lords appointed to inquire into the provisions and operation of the act to substitute, in certain cases, other punishment in lieu of transportation, question 1193. (Note: references to BPP refer to the Irish University Press British Parliamentary Papers: Correspondence on the subject of convict discipline and transportation: crime and punishment: transportation (Shannon, 1969). Henceforth in citations the number given refers to the volume number of the Irish University Press publication and not the original British Parliamentary Papers volume number.)
9 BPP, 9, Despatch 74, Denison to Grey, 17.3.1848, p. 232.
In July 1845, the Colonial Surgeon wrote to the Principal Medical Officer reporting upon the state of health of male convicts who had recently arrived on the *Theresa*. He noted that this complement of convicts contained two men who were tending towards imbecility and another, James Fleet, who, at age 59, was crippled in both hands. In addition to Fleet he observed five other men who were upwards of 50 years of age and not capable of much labour. This number was subsequently revised to a total of nine.¹² N. G. Butlin wrote in 1994 of the mass of convicts transported to New South Wales and Van Diemen’s Land that ‘[t]his was a massive contribution of human resources, substantially all of workforce age, a high proportion with considerable skill and long years of workforce age in front of them.’¹³ Blatantly this was not valid for all those transported.¹⁴ In the 1830s age and infirmity were not listed amongst criteria used to exclude a prisoner from transportation. The regulations issued to surgeon superintendents on board convict ships proceeding to New South Wales and Van Diemen’s Land stated:

> You are not to receive on board any convict for transportation, unless he be in such a state of health that his life is not likely to be endangered by the voyage, and unless he be free from any infectious disorder, taking care to examine each prisoner in the presence of the medical officer of the convict hulk from which he may be received; and you are to observe that old age or bodily infirmity is not to be a cause of rejection.¹⁵

As late as December 1844 this particular principle continued to be observed. An enclosure in a despatch from Lord Stanley, the Secretary of State, to the

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¹² AOT: CON 1/4121/1.

¹³ N. G. Butlin, *Forming a Colonial Economy: Australia 1810-1850* (Cambridge, 1994), p. 4. This is a position also argued by Stephen Nicholas and Peter R. Shergold, ‘Unshackling the past’ in G. Whitlock and G. Reekie (eds), *Uncertain Beginnings: Debates in Australian Studies* (St Lucia, 1993), pp. 82 and 84. Deborah Oxley is another who has made this assertion, in her case specifically in relation to female transportees. While admitting that some aged prisoners were transported, such as the 80-year-old Catherine Finn, she views such cases as exceptional arguing that female convicts ‘were at the peak of their productive and reproductive years’ when sent to Australia. (D. Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, 1996), pp. 109-10, and 235.

¹⁴ See Sir J. Watt, ‘The colony’s health’ in J. Hardy and A. Frost (eds), *Studies From Terra Australis* (Canberra, 1989), pp. 137-51. In this paper Sir James Watt argues that there were a high proportion of convicts suffering from chronic disorders who were transported to New South Wales. Indeed, he goes as far as to speak of ‘successive waves of invalids’ (p. 151).

¹⁵ BPP, 6, 1834, Instructions to surgeons and masters of convict ships, p. 254. (Emphasis mine.)
Lieutenant-Governor of Van Diemen's Land, Sir William Denison, dated August 1845, recalled that up until the end of 1844 the Inspectors of Prisons had:

been in the habit of sending out to [Van Diemen's Land] . . . persons who had lost limbs, provided they were not obliged to use crutches, and that age, unless accompanied by such weakness as rendered the person at the time incompetent to labour, was not considered by them as a sufficient reason for not carrying out the sentence of transportation.\textsuperscript{16}

In 1845, the female convict transports Lloyds and Phoebe docked in Hobart Town. Following inspection Lieutenant-Governor Eardley-Wilmot wrote to the Secretary of State complaining about the physical condition of these new arrivals. The Comptroller General had reported that amongst their complement there were women who were unfit for work as a result of their age or infirmities. In particular, two prisoners, Mary McAlister and Jane Keenan, were said to be both old and unfit for labour.\textsuperscript{17} McAlister was aged 75 and was blind, and Keenan was 63.\textsuperscript{18} There is also evidence that at least another five women who arrived aboard the Phoebe were ineligible for service due to 'Weak Intellect'.\textsuperscript{19} In relation to the Lloyds, the Principal Medical Officer reported to Matthew Forster, the Comptroller General, that with few exceptions they were healthy, although two women, Anne Gardiner and Mary Hamilton, had scurvy and required removal to the General Hospital.\textsuperscript{20} Three others, Jane Elson, Mary Halliday and Mary Murphy, who were respectively suffering from rheumatism, consumption (tuberculosis) and epilepsy, were also removed to the hospital. Another three, E. Palmer, Mary McDonald (or McDougal) and Anne Mulham (or Mulhern), all aged between 60 and 65 were described as being unfit for labour on account of being aged and infirm.\textsuperscript{21} A fourth woman, Mary Davis, aged 45, was also viewed as a

\textsuperscript{16} BPP, 9, Despatch 74, Denison to Grey, 17.3.1848, pp. 231-2.
\textsuperscript{17} AOT: GO 1/58, Stanley to Eardley-Wilmot, 10.7.1845, pp. 469-70.
\textsuperscript{18} AOT: CO 280/185, Forster to Eardley-Wilmot, 15.11.1845, pp. 281-2.
\textsuperscript{19} AOT: CO 280/183, 3.6.1845, p. 95.
\textsuperscript{20} AOT: CO 280/185, Robertson to Forster, 10.11.1845, pp. 272-3.
\textsuperscript{21} ibid. Some convict women were even older when landed in Australia. Dorothy Grey, for example, was 82 years of age when transported. See P. Robinson 'Forgive them their ways: gender and criminality in New South Wales, 1788-1839', unpublished paper
potential liability as she had lost her right hand. From this one vessel alone it was likely that Van Diemen's Land was to be lumbered with seven long term invalid cases. This caused Forster some concern. He wrote to Eardley-Wilmot stating the numbers of invalids, both male and female, were increasing.\textsuperscript{22} Forster had previously raised this issue with Eardley-Wilmot, pointing out that it was 'a very rare occurrence that Transports arrive without bringing some Convicts who are maimed, halt, or otherwise Invalid.'\textsuperscript{23} Eardley-Wilmot wrote to the Colonial Office protesting against the transportation of invalid prisoners and requesting that direction be given that invalids no longer be sent out.\textsuperscript{24} He was subsequently informed that instructions had been issued that in future no convicts were to be transported 'whose health and strength at the time of embarkation should not appear to be such as to enable them to earn their livelihood.'\textsuperscript{25}

With regard to the invalid women on the \textit{Lloyds}, Eardley-Wilmot sought some explanation as to why they had been transported.\textsuperscript{26} An investigation revealed that, with the exception of Davis, all the women had been healthy when they embarked and that their health and conduct in Millbank Prison was not cause to detain them there. In the case of Davis, William Buly, the Medical Superintendent of Millbank Prison, wrote that while the regulations relating to the transportation of male convicts who had lost limbs had been amended in January 1845, no such instructions had been received for female convicts.\textsuperscript{27} On further inquiry Eardley-Wilmot was informed that this was indeed the case and that the Home Office had no intention of changing this

\textsuperscript{22} AOT: CO 280/185, Forster to Eardley-Wilmot, 15.11.1845, pp. 274-6.
\textsuperscript{23} \textit{ibid.}, pp. 281-2. This was also the situation in New South Wales with Earnshaw concluding that each time a transport arrived there was always a core of prisoners 'whose capacity to work was seriously impeded by pre-existing chronic illness or by varying degrees of physical and mental impairment.' B. Earnshaw, \textit{The lame, the blind, the malingerers}, pp. 25-6.
\textsuperscript{24} AOT: CO 280/185, Eardley-Wilmot to Stanley, 17.11.1845, pp. 278-9; and, AOT: CO 280/183, Eardley-Wilmot to Stanley, 12.7.1845, p. 90.
\textsuperscript{25} AOT: CON 1/42/3339/6, 12.6.1846.
\textsuperscript{26} See AOT: GO 1/60 pp. 87-100 for correspondence relating to the Colonial Office's response on this matter.
\textsuperscript{27} \textit{ibid.}, Buly to the Inspectors of Prisons, 5.5.1846, pp. 91-6.
ruling. Loss of a limb continued to be perceived as not a barrier for the transportation of female convicts. The regulation had been changed for male convicts as the loss of a limb was seen as reasonable grounds to incapacitate a man from labour in a probation gang, but as women did not engage in such labour, the same objection could not be raised against their transportation.28

Eardley-Wilmot’s successor, Denison, also resented being forwarded the aged and bodily infirm; seeing the result of this practice as burdening the government with their maintenance.29 He was particularly critical of the number of such men transported on the Ratcliffe (2) in 1848, forwarding the condition of ten of these men to the Secretary of State. As can be seen from their details (see Table 2.1) he was clearly justified in his concerns. It is very difficult to imagine why any employer would engage one-legged or one-armed convicts in a labour market over-supplied with able-bodied ticket-of-leave holders. Given that it was the British government’s intention to cease transportation to Van Diemen’s Land in the near future, the Secretary of State was angered that men who would always remain the financial responsibility of the imperial government, were still being sent out. He directed the medical officer of the convict hulk establishment to conduct exacting examinations in the future, and to on no account pass any prisoners suffering from infirmities.30

This was, however, not to be the case. As late as 1853, the final year of transportation to Van Diemen’s Land, invalid convicts from Britain were being sent to the colony. One of the last transport vessels to arrive in Van Diemen’s Land was the Fairlie. According to the Principal Medical Officer who inspected the men aboard, two were nearly blind, ensuring that they would ‘become a permanent charge upon the convict establishment’ and, in

28 AOT: GO 1/60, Gladstone to the Officer Administering the Government of Van Diemen’s Land, 21.10.1846, pp. 87-90.
29 BPP, 9, Despatch 237, Denison to Grey, 21.12.1848, p. 130.
30 BPP, 9, Despatch 110, Grey to Denison, 29.6.1849, p. 240.
turn, the imperial government. It was not only male convicts who arrived in an infirm state in this last year of transportation. The Superintendent of the Female House of Correction, Hobart Town, reported that four female convicts landed from the Midlothian, in February 1853, were 'incapacitated from age and infirmity for service.'

TABLE 2.1: Details of invalid convicts transported on the Ratcliffe (2) in 1848. (Based upon Enclosure 5 in BPP, 9, Despatch 237, Denison to Grey, 21.12.1848, p. 130.)

<table>
<thead>
<tr>
<th>Name</th>
<th>Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Davis</td>
<td>left hip deformed</td>
</tr>
<tr>
<td>George Hutchins</td>
<td>lost an arm</td>
</tr>
<tr>
<td>William Martin</td>
<td>lost part of an arm</td>
</tr>
<tr>
<td>George Martin</td>
<td>lame of left leg</td>
</tr>
<tr>
<td>Hugh McCulgan</td>
<td>lost an arm</td>
</tr>
<tr>
<td>James Patterson</td>
<td>lost a leg</td>
</tr>
<tr>
<td>William Rogers</td>
<td>lost left arm</td>
</tr>
<tr>
<td>Robert Staples</td>
<td>lame of left leg</td>
</tr>
<tr>
<td>James Whelan</td>
<td>lost a leg</td>
</tr>
<tr>
<td>John Ward</td>
<td>deaf and dumb</td>
</tr>
</tbody>
</table>

Convict Australia was an unfree labour system but it was not as efficient as implied by Stephen Nicholas and Peter Shergold, who have argued that only physically fit, healthy and productive convicts were selected for transportation. While there is some evidence to generally support the Nicholas and Shergold interpretation that labour endowment was a facet in selecting human capital for conveyance to Australia, overall there is little evidence that convict workers were conscripted on a systematic basis. Transports included amongst their ranks the aged and infirm. The notion should not be completely dismissed that New South Wales and Van Diemen's Land (and later Western Australia) were used to dump the refuse

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31 BPP, 11, Despatch 104, Denison to Newcastle, 5.5.1853, p. 357. Also see AOT: GO 1/90, pp. 21-2.
32 BPP, 11, Despatch 95, Denison to Newcastle, 30.4.1853, p. 356.
33 S. Nicholas and P.R. Shergold, 'Unshackling the past' in S. Nicholas (ed.), Convict Workers: Reinterpreting Australia's Past (Cambridge, 1988), p. 9. Likewise Hirst and Frost have asserted that the British government was motivated by factors other than creating a dumping ground for convicts. See J.B. Hirst, Convict Society and its Enemies: A History of Early New South Wales (Sydney, 1987); and A. Frost, Convicts and Empire, a Naval Question, 1776-1811 (Melbourne, 1981).
of the British and Irish convict establishments. The evidence suggests that Britain was deliberately and systematically using the transportation system to convey invalid convicts from its shores to the Australian colonies. There appears to have existed an unofficial policy, winked at by the Home Office, to rid Britain of prisoners who were likely to be long-term liabilities. While the trickle of transported invalids did not go unnoticed it was never of significant enough proportions to warrant a prolonged and concerted protest. The flow of ineffectives was sufficiently large, however, to leave an invalid emancipist legacy that was to form the major component of Tasmania's charitable institution population until well into the last quarter of the century. Raymond Evans and Bill Thorpe have argued that one of the paradoxical consequences of the cessation of what the anti-transportationists referred to as a social evil was the 'legacy of broken human beings'. This was to be an ongoing point of disputation between the imperial and colonial governments. In many respects it contributed to the general parsimony which characterised the government's treatment of the emancipist inmates.

In early 1839 the colonists of Van Diemen's Land were informed that the existing system of domestic assignment, whereby settlers were able to access convict labour, at minimal cost, would cease. It was replaced by a new system known as probation to which all convicts arriving after November 1839 were subjected. In this new system convicts were initially worked in gangs on the public works for a period of time determined by the length of sentence passed upon them by British and Irish courts. Those who satisfactorily passed

Historians such as Manning Clark, Lloyd Robson, and A. G. L. Shaw, support this position. See C.M.H. Clark, 'The origins of the convicts transported to eastern Australia, 1787-1852', Historical Studies: Australia and New Zealand 7, nos 26 and 27 (1956); L.L. Robson, The Convict Settlers of Australia: An Enquiry into the Origin and Character of Convicts Transported to New South Wales and Van Diemen's Land 1787-1852 (Carlton, 1976); and, A.G.L. Shaw, Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the Empire (London, 1966). As recently as 1999, A. G. L. Shaw has restated his claim that he believed convicts to be a disreputable lot belonging to a criminal class and that Botany Bay was settled for penal rather than strategic reasons. See A.G.L. Shaw 'The convict question', Tasmanian Historical Studies 6, no. 2 (1999), pp. 4-16.


See Brown, Poverty is Not a Crime, (Hobart, 1972), pp. 73 and 96.
this probationary test were placed in loan gangs where their labour could be hired out to the private sector. Further good behaviour would earn a ticket-of-leave which would enable the convict to earn a wage.\textsuperscript{37} The transition from assignment to probation saw the construction of dozens of new stations throughout much of Van Diemen's Land including a number on the Tasman's and Forestier's Peninsulas. Agricultural probation stations were built at Saltwater River and Wedge Bay, and timber getting stations were set up at Flinders Bay and the Cascades, while a combined agricultural and timber getting station was established at Impression Bay. It was intended that these probation stations would house some 4000 convicts by the end of 1841.

Although generally referred to as the Impression Bay Probation Station this convict establishment was far more than just a repository of gang labour.\textsuperscript{38} It was also a charitable institution serving the needs of invalid convicts, free pauper invalids and both emancipist and convict lunatics. In its heyday, during the 1840s and 1850s, it was one of the largest and most important establishments administrated by the Convict Department. It was to end its days as a quarantine establishment, or rather a dumping ground, for geriatric ex-convicts who were ejected from Hobart Town's General Hospital when space was required for those untainted by convictism during various epidemics that struck Hobart Town in the late 1850s and 1860s.\textsuperscript{39}

\textsuperscript{37} The machinations of the convict probation system are detailed in I. Brand, \textit{The Convict Probation System: Van Diemen's Land 1839-1854} (Hobart, 1990).

\textsuperscript{38} In general, historians have accepted convict settlements as being multi-functional, in that such settlements had a diverse variety of economic and social functions, but the same cannot be said for convict stations, such as those established in Van Diemen's Land in the early 1840s. While changes in function are accepted over time, the capacity for stations to engage in multiple simultaneous functions at any one juncture has been over-looked and reinforced by the use of a generic single function terminology: probation station, invalid depot, female factory, lunatic asylum, hiring depot, etc. At best any specific station has been recognised by its principal economic activity. In the absence of a detailed functional analysis of Tasmanian convict stations their historic designations have come to be accepted as virtually their sole function. Such simplistic notions and interpretations beguilie the complexity of the case; and Impression Bay is no exception. There are, however, some examples where the complexities of convict stations have been explored, such as H. Maxwell-Stewart, 'Convict Workers, 'penal labour' and Sarah Island: life at Macquarie Harbour, 1822-1834' in I. Duffield and J. Bradley (eds), \textit{Representing Convicts: New Perspectives on Convict Forced Labour Migration} (London, 1997), pp. 142-62.

\textsuperscript{39} See J. Hargrave, 'A pauper establishment is not a jail: old crawlers in Tasmania 1856-1895', unpublished Master of Humanities dissertation, University of Tasmania, 1993, pp. 21-2.
Official reports on the status of the Convict Department were written by the Comptroller General of Convicts, usually on a biannual basis, and these were forwarded by the Lieutenant-Governor to the Secretary of State. These reports contain a wealth of information on the operations of the probation system and the activities taking place at specific convict establishments. From these, and other reports, it is clear that by 1845 the Impression Bay station could accommodate some 500 inmates and that a number of economic activities were being undertaken. Foremost in importance was the milling of timber for use at the nearby Coal Mines station. Land clearing for the growing of wheat was also pursued, but this seems to have been of secondary importance and the record indicates that the Convict Department did not place much value on the quality of land at Impression Bay for agricultural purposes. In 1846 it was decided to augment the station's functions by giving it the responsibility of managing invalid convicts.

Up until this point the Convict Department had operated two invalid depots: one at New Norfolk (in conjunction with the insane asylum) and the other at Wedge Bay. The New Norfolk depot housed 142 invalid convicts who were 'totally incapable of any description of labour'. The Wedge Bay establishment had been specifically formed for male convicts unfit for standard probation gang labour and they were employed at work suited to their physical strength and capacity. On 30 June 1846, there were 119 so defined individuals at Wedge Bay. The reason that such invalid depots were established was that the imperial government had been unprepared in the early 1840s for the numbers of both convicts and emancipists unable to

41 BPP, 7, Despatch 11, Eardley-Wilmot to Stanley, 5.10.1843, p. 174.
42 BPP, 7, Despatch 113, Eardley-Wilmot to Stanley, 5.8.1845, p. 320.
43 BPP, 7, Comptroller General's Report for the half year ending 30.6.1846, p. 582.
44 ibid.
45 ibid.
support themselves. Pauperism was seen as 'a growing evil' increasing every year from the decrepitude of emancipists, and their depraved disposition.  

Prior to 1843 it had been the practice to support paupers through the provision of outdoor relief in the form of rations. However, the call upon this charge continued to increase and the authorities came to believe that it was being abused. The system was abolished and paupers were sent to the asylum at New Norfolk in order to be relieved of their destitution. Yet, the space available at New Norfolk to accommodate these paupers and invalids was finite, and it was soon recognised that another institution would have to be erected. This was the rationale behind the establishment of the Wedge Bay invalid station. It was also part of a move by the government to take greater control of the management of pauperism in Van Diemen's Land. Prior to this time, relief of the poor had been managed by the clergy but, in what can be viewed as the commencement of a process whereby management of the aged and infirm proceeded upon medical as opposed to moral grounds the government asserted its dominance in this area. In a gambit to reinforce and justify its use of institutional space as the means to deter, manage and explicate growing pauperism, the government selectively and strictly implemented elements of English poor law. In particular, the principles to relieve none but the wholly destitute, to never give relief in cash and to only support paupers within an institutional setting were adopted. By 1845 there was a clear recognition of a need for a workhouse, or similar institution, to meet the needs of managing the colony's invalids and paupers.

Relocation of the invalids to Impression Bay was a result of a decision that buildings at Wedge Bay were unsuited for invalids and that there were problems with access to this station which rendered it 'ill adapted for the

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47 VDLLCP, 1843, Minutes and Papers, 20.11.1843, p. 27.  
48 ibid.  
50 ibid., p. 15.
purposes of an invalid depot. This, however, was the sanitised version. The principal reason was a belief by William Champ, Forster’s successor, that there was a high prevalence of homosexuality amongst its invalid inmates. In response to such concerns the medical officer at Wedge Bay conducted a physical examination of the invalids in December 1845, and reported that he believed sodomy to be prevalent. Ultimately, it was more cost effective to relocate these men to Impression Bay where there already existed effective separate sleeping accommodation than to upgrade arrangements at Wedge Bay. This episode was to attune administrators to the need for strict supervision of invalids and it sullied and stereotyped the perception of this class for several decades. Invalids, in terms of the aged, the decrepit and the diseased, were seen as being the dregs of society and contact with them would taint a person leaving them liable to ‘debase and contaminate their companions in new scenes.’

Invalids, in terms of the aged, the decrepit and the diseased, were seen as being the dregs of society and contact with them would taint a person leaving them liable to ‘debase and contaminate their companions in new scenes.’

There was a belief that the mere presence of invalid emancipists within the community could lead to increased levels of pauperism resultant from the ‘demoralized habits consequent upon their example.’ It was therefore necessary to confine these individuals in government institutions. The separate apartments at Impression Bay functioned as both an isolation hospital and an engine of disciplinary surveillance. The perception that invalids had homosexual predilections was to be an ongoing factor in the generation of community fear.

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51 *BPP, 7, Comptroller General’s Report for the half year ending 30.6.1846*, p. 578.
52 *BPP, 7, Medical Officer Wedge Bay to Visiting Magistrate, 23.12.1845*.
53 Henry Reynolds’ influential paper on this subject detailed the various ways in which ‘fear of moral corruption influenced the behaviour of prominent free settlers’ such that they ensured substantive control continued to be exerted over emancipists. See H. Reynolds, “that hated stain’: the aftermath of transportation in Tasmania’, *Historical Studies, Australia and New Zealand* 14, no. 53 (October 1969), p. 26.
54 *BPP, 9, James Aikenhead (Editor of the Launceston Examiner) to the Secretary of State, 1.9.1848*, p. 71.
57 The expression of this wider community fear is, for example, to be found in a series of communications from Dr M. Gaunt of Windermere to the Secretary of State and the Colonial Secretary. In his missives to these men, sent in August 1848, he alleged that there were at that time at Impression Bay 100 invalids ‘of infamous habits under separate treatment’. What Gaunt feared was that these ‘miscreants’ would be unleashed on the community when they eventually achieved passholder status. Governor Denison, when
A contributing factor, or justification for the Impression Bay relocation, was a conviction that invalids could be engaged in growing vegetables sufficient for the needs of the station and the profitable cultivation of hops. The growing of hops was seen as eminently suitable labour for invalids. The Comptroller General’s hopes may have been over-optimistic. Wood’s Almanac describes the invalids as being ‘mostly cripples’ and that little could be got from their labour. He may also have been led astray as to the fertility of Impression Bay. Six months after indicating that the invalids would be able to exploit the horticultural potential of the station, the Comptroller General wrote that as an agricultural station it could ‘be pronounced a failure’, the soil being ‘very indiffer ent, and will not produce anything beyond a few vegetables or hops’.

A review of the convict numbers at Impression Bay for the last day of 1846 informs us that there were 138 male convict invalids at the station. Analysis corresponding to the Secretary of State on this matter, assured him that ‘[a]ll these men at Impression Bay being invalids, will there remain during their lives.’ Denison was stating that these suspected homosexual invalids were to be punished by a life sentence; the severity of this commensurate with community sentiment. See BPP, 9, Despatch 218, Denison to Grey, 1.11.1848, pp. 87-90.

J. Wood, ‘A short account of Port Arthur and the probation stations on Tasman’s Peninsula’ in J. Wood (ed.), Van Diemen’s Land Royal Almanack, 1847, Being the Third After Leap Year, the Tenth and Eleventh Years of the Reign of Her Present Majesty, and the Forty-Third Year of the Settlement of the Colony (Launceston, 1847).

61 ibid., p. 55. Other than blindness these men were likely to have been invalided as a direct result of old age or age related ailments such as chronic rheumatism, heart disease, or paralysis. A return of 51 convicts who were permanent invalids or lunatics in the General Hospital at Sydney (on 10 February 1848) lists as the cause of these men being hospitalised: old age in eight cases, blindness in ten cases, rheumatism in six cases, heart disease in two cases, and paralysis in 14 cases. In a similar return of 61 invalid prisoners of the crown, chiefly imbeciles (dated 9 February 1848), in the hospital and barracks, Liverpool, New South Wales, paralysis and rheumatism feature highly. See Sub-Enclosure 6 in Return 13 in BPP, 9, Despatch 73, Denison to Grey, 16.3.1848, pp. 223 and 225. In 1847, when it was mooted that the remaining 134 invalid convicts in NSW might be transferred to Van Diemen’s Land as part of the break-up of that colony’s convict establishment, these men were described as being ‘aged and infirmed convicts, requiring not so much restraint as medical and other attendance.’ See BPP, 9, Despatch 237, FitzRoy to Grey, p. 5. John Hampton, the Van Diemen’s Land Comptroller General, inspected these invalid convicts and described them thus: ‘Several of these persons have been bed-ridden for years; others are totally or partially blind from age (a considerable number being from seventy to one hundred years old).’ See Enclosure 3 in BPP, 9, Despatch 86, FitzRoy to Grey, 5.4.1848, p. 26. There are other documents from this period which describe the condition of convict invalids. For example, in 1848 Van Diemen’s Land invalids were described as consisting
of the numbers of convicts present at Impression Bay for the year July 1846 to
June 1847, demonstrate that, although officially now designated as an invalid
depot, there continued to be something in the order of three times as many
effective probationary convicts as invalid convicts. Official reports
throughout this period specify that there was a daily average of 437 convicts
imprisoned at Impression Bay. The Convict Department was not going to
under-utilise an asset capable of housing 500 inmates at something like a fifth
of its capacity. Indeed, the report for the station on 31 December 1846, clearly
indicates that invalids were only one class of convicts at Impression Bay and
that they represented approximately a third of the inmates. While there were
138 invalids present, this report also documents the presence of 214 first class
and 93 third class probationary men.

The Comptroller General's Reports for the period 1846 to 1850 document the
quantity and nature of accommodation for inmates at Impression Bay. These
returns indicate that up until sometime between mid 1846 and late 1847 the
bulk were housed in separate huts (really dormitory/barrack rooms)
accommodating 20 men per hut. There was limited night accommodation for
those suspected of a propensity for unnatural crime, and only a small number
of solitary cells for those inmates who had infringed regulations to such an
extent that they warranted this particular form of punishment. Given that the
number of solitary cells did not vary for the period for which we have data, it
is reasonable to assume that the behaviour and discipline of inmates was such
that this particular form of punishment was not resorted to on a regular basis.
From late 1847 onwards allegations of homosexuality amongst inmates began
to impact upon the architecture of the station and, in particular, the manner
in which space occupied by inmates at night was subdivided. In early 1848
the internal walls, which had previously partitioned the accommodation of

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of men 'in a most wretched physical condition, blind, maimed, infirm, and debilitated
from age, accident or disease'. (BPP, 9, Despatch 123, Denison to Grey, 27.6.1848, p. 252.)
Overall they point to old age and/or age related conditions as the prominent
characteristic which resulted in men receiving an invalid classification. Invalids were
chiefly the aged and infirm aged.

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*BPP, 8, Despatch 18, La Trobe to Grey, 31.5.1847, p. 55.
convicts into rooms housing 20 men, were removed forming four major wards. This work was most probably undertaken as part of the renovations associated with converting the station into the Convict Department's general invalid depot. It may also be that the change in role for Impression Bay was used as an opportunity to repair generally dilapidated buildings. A despatch from Denison to Grey asserts that there was not a single station in which the buildings were in an 'efficient state, either as regards their arrangement or construction'. Further, there was real concern that declining numbers of probationary convicts, and the related paucity of convict tradesmen, would mean that convict labour would only be able to complete the building works program sanctioned for the Port Arthur Penal Establishment.

From June 1846 onwards, convicts at Norfolk Island were transferred to stations on the Tasman’s Peninsula, with Impression Bay receiving approximately one third of the 1536 men forwarded. In order that room could be made available for the reception of these prisoners the invalids who had been sent from Wedge Bay to Impression Bay were, some time in the second half of 1847, sent to the Lymington probation station. In recognition of the special needs of invalids a number of modifications were made at Lymington, including the erection of a large hospital. Despite the cost incurred in amending this station it was broken up in mid 1848 and the invalids were subsequently transferred to the asylum at New Norfolk. The

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64 In 1845, concerns that homosexuality amongst inmates was marring the entire probation system led to the Convict Department issuing instructions that a system of separate sleeping berths should be instituted throughout the various convict establishments. The convict barracks at Impression Bay were renovated to accommodate the introduction of these new separate sleeping arrangements. (BPP, 7, Despatch 11, Eardley-Wilmot to Stanley, 5.10.1843, p. 320.) By late 1847 the administrators of the Convict Department concluded that these measures were not effective in inhibiting homosexuality amongst invalids at Impression Bay. They therefore decided that removing the separate sleeping berths and enlarging the internal sleeping spaces would be conducive to improved night-time supervision and the prevention of 'unnatural crime'. Thus anxiety regarding homosexuality impacted upon the architecture of this convict station.

65 ibid., p. 80.
66 ibid.
68 AOT: GO 46/1, Comptroller General’s report for the half year ending 31.10.1847, pp. 140-1; and, AOT: GO 46/1, p. 795.
69 ibid.
70 AOT: GO 46/1, Comptroller General’s report for the half year ending 30.4.1848, pp. 175-6.
move proved to be short lived and, after the Norfolk Island prisoners had passed through probation, the invalids were relocated back to Impression Bay by steamer in May 1848.\(^7\)

Not all the invalids, however, wished to be relocated. Part of the reason for this was that some had served their sentences. Although the use of the word 'free' is technically correct, it does not accurately represent perceptions of both officialdom and the wider community. The term 'free pauper' might, in extremely rare cases, have referred to people who had never been convicts but merely colonists fallen on hard times. However, it more often than not was the designation given to ex-convicts, who either through illness, injury or age were no longer able to support themselves.\(^7\) John Hargrave, in his work on paupers in Tasmania, concluded that '[o]nly on rare occasions were people without a convict background admitted to invalid depots.\(^7\) Lynette Ross, as part of her study into death and burial practices at Port Arthur, analysed the convict era burial register for Impression Bay. She concluded that Impression Bay 'had a high percentage of men who had completed their sentence'.\(^7\) Increasingly, Impression Bay became an institution set aside to house former convicts unable to support themselves by other means.\(^7\) In part this was due

\(^7\) AOT: CSO 24/47/1615, Police Officer New Norfolk to Chief Police Magistrate, 18.5.1848, p. 366.

\(^7\) Ex-convicts were usually referred to as freed, free men or emancipists. According to Hirst their existed a social convention by which the term ex-convict was not used due to the implied degradation that it carried, especially for those former convicts who had risen to positions of authority in the new society. See J.B. Hirst, Convict Society and its Enemies: A History of New South Wales (Sydney, 1987), p. 153. William Gates, a political prisoner transported to Van Diemen's Land recorded that convicts who were granted pardons or had served out their sentences were known as 'Emancipationists'. (G. MacKaness (ed.), Recollections of Life in Van Diemen's Land, by William Gates, One of the Canadian Patriots (Australian Historical Monographs vol. 15) (Dubbo, 1961), p. 32.

\(^7\) J. Hargrave, 'A pauper establishment is not a jail', p. 29.

\(^7\) L.S. Ross, 'Death and burial at Port Arthur 1830-1877', unpublished Bachelor of Arts (Honours) dissertation, University of Tasmania, 1995, p. 21.

\(^7\) Returns on the composition of Impression Bay's invalid population clearly indicate that it accommodated relatively high numbers of emancipist males. On 30 June 1851, out of a total population of 378 invalids, 131 were classified as free paupers and the remaining 247 as convicts. On 31 December 1851, out of a total population of 328 invalids, 124 were classified as free paupers and the remaining 204 as convicts. On 30 June 1852, there were 136 pauper invalids who were free by servitude or pardon at this station. On the last day of 1852 there were 118 pauper invalids who were free by servitude or pardon at Impression Bay. See BPP, 11, Comptroller General's Report for the half year ending 30.6.1851, p. 89; BPP, 12, Comptroller General's Report for the half year ending 31.12.1851.
to a lack of family networks. It also, however, reflected an unwillingness by benevolent associations and governments to furnish them with outdoor relief. Access to family networks as well as private benevolence protected aged free colonists from the miseries of the pauper depot.

Initially 29 invalids (16 of who were hospital patients) objected to being sent to Impression Bay. These men were described by the Principal Medical Officer as ‘old and infirm’. Only seven of the men were under 50 years of age. William Jillett and Thomas Throssell were both 88 but one Samuel Pollard, an epileptic, was only 28 years old. Seven of the men suffered from paralysis, eight from rheumatism and another six from age related infirmity. All but one, James Day, were free by servitude emancipists. Day was free to the colony and was understandably resistant to the proposed relocation. Pressure was brought to bear on these free paupers with only 13 of them (including Day) maintaining their opposition to the move. They were warned by the Medical Officer at New Norfolk and the Police Magistrate that they could not remain in the hospital and they would have to find other means of maintaining themselves if they refused the offer of accommodation at Impression Bay. On this matter the government was resolute, believing that these men, having accepted government relief, had no say in how or where such relief would be dispensed. They had to accept relief on the government’s terms or be left to their own fate. Indeed, a note made on correspondence related to this subject, and initialled W. D. (presumably William Denison), stated baldly:

The men who have thrown themselves on the charity of the Government must be content with the conditions which are annexed to the grant of such charitable assistance. If therefore they wish to be supported at the Government expense they must go to the Hospital at Impression Bay which is the only place where

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p. 37; BPP, 12, Comptroller General’s Report for the half year ending 30.6.1852, p. 293; and, BPP, 11, Comptroller General’s Report for the half year ending 31.12.1852, p. 323.

76 AOT: CSO 24/47 1615, Principal Medical Officer to Colonial Secretary, 19.4.1848, p. 350.

77 AOT: CSO 24/47 1615, Return of Free Paupers who refuse to proceed to Impression Bay, 28.4.1848, p. 356.

78 AOT: CSO 24/47 1615, Colonial Secretary to Principal Medical Officer, 4.5.1848, p. 358.
such assistance can be given. I have no wish to compel them to go. Indeed I have no power but I cannot afford them any assistance unless they do.9

The men, however, remained determined not to be sent. According to the Colonial Surgeon and Visiting Magistrate at New Norfolk the justification for the strength of the men’s resolve was that they equated the proposed transfer with being sent to a penal settlement for a crime, that they would be forced to interact with convicts and that they would not receive the same attention as at New Norfolk.90 The men possibly had good reason to worry about the nature of the conditions that they were likely to encounter at Impression Bay. If attention at New Norfolk was reliable it did not follow that such would be the case at their new accommodation: Moreover, since many of the invalids had prior experience of Impression Bay, comparisons between the two institutions were likely to have circulated within the group. More often than not the conduct of subordinates in the colony’s then existing charitable institutions was characterised by cold neglect, constrained service, and indifferent and unkind spirit.8 They were also right in thinking that they were being treated as criminals. The choices they faced were to voluntarily accept what was on offer, refuse ‘transportation’ to Impression Bay and thus risk being forcibly re-entered into the penal system via the vagrancy laws, or starve. In this case these men chose not to be institutionalised in a penal context.

Those that undertook the journey would hardly have their minds set at ease. The Reverend Fry published an account of their relocation in 1850. He wrote:

A pitiable tale was told, I believe with perfect truth of a number of aged men and invalids, who were summarily ordered to be transferred to the probation station at Impression Bay from the town of New Norfolk, where these poor creatures enjoyed many advantages, and were not wholly cut off from communication with free people. It was deemed advisable that the station at Impression Bay should be permanently maintained, and the invalids were conveyed on a wet and stormy day, many of them on the deck of the steamer, a

9 AOT: CSO 24/47/1615, handwritten note initialled by Governor Denison, 4.5.1848, p. 354.
90 AOT: CSO 24/47/1615, Colonial Surgeon to Principal Medical Officer, 9.5.1848, pp. 360-2 and AOT: CSO 24/47/1615, Police Officer, New Norfolk to Chief Police Magistrate, 18.5.1848, pp. 366-8.
81 The Hobart Town Courier, 9.8.1844, p. 2 c. 3.
distance of nearly forty miles. I was informed by the medical officer and the 
religious instructor, that several of them died, and many suffered from 
exposure to the cold and wet.¹²

There is evidence that those who survived the voyage were not slow to 
exercise their agency. George Drew, Superintendent of Impression Bay in the 
late 1840s and early 1850s, found his infirm emancipist charges to be ‘far 
more troublesome to deal with than effective men’.¹³ He viewed them as not 
quite sane and had difficulty managing some of the problems arising from 
their physical state. Complications also arose from their status; they were free 
men in a penal establishment. Under the then existing law these men could 
not be confined at Impression Bay against their will. This effectively limited 
the disciplinary repertoire available and also permitted invalids to move 
between the institution and the wider community when they chose. They 
were in a position to have some control over their lives and where they lived 
them. If they were not satisfied with their treatment at Impression Bay, or 
resented Drew’s efforts to control their behaviour, then they could leave. This 
was not an option for the other inmates of Impression Bay and this was the 
basis of Drew’s difficulties in managing them. The invalid emancipists’ legal 
right to vacate the institution and assert their liberty at will gave them a 
flexibility to resist not available to other inmates.

In 1849, responding to increasing expenditure related to pauperism, Denison 
initiated stricter investigations into every application for assistance such that 
only those persons who in every respect were incapable of maintaining 
themselves were admitted into either a government hospital or invalid 
depot.¹⁴ He also raised an important issue which was to have profound 
ramifications on the manner in which pauper invalids were to be 
administered for the next half-century. Denison questioned what should be 
the proper agency for providing maintenance for invalids.¹⁵ For the first time

¹² H.P. Fry, A System of Penal Discipline: With a Report on the Treatment of Prisoners in Great 
Britain and Van Diemen’s Land, (London, 1850).
¹⁴ BPP, 8, Despatch 137, Denison to Grey, 24.10.1849, p. 332.
¹⁵ ibid.
serious deliberation was given to the management of the aged and infirm poor. The Secretary of State, Earl Grey, responded by stating:

in order to guard against the danger of those abuses which experience in other countries has shown to be so likely to arise, it would be highly desirable that relief to those who require it should be given exclusively by admitting them into well-managed hospitals or workhouses, which ought to be established in each suitable district.

This answer effectively laid the foundation for the incarceration of invalids in charitable institutions for the remainder of the nineteenth-century, institutions whose spaces had been constructed under the direct control of the Convict Department for penal usage.

Denison's correspondence with Earl Grey occurred at a time of increasing debate between the colony and Britain as to who was responsible for the costs of maintaining invalided ex-convicts. The colony felt that it was being unduly treated in the expectation that it should meet the costs of caring for pauper emancipists. This fostered an atmosphere of resentment against pauper invalids. The issue of determining the extent of liability proved to be an

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56 New South Wales received numerically greater numbers of convicts earlier in its history than Van Diemen's Land and, having encountered issues associated with aged and infirm pauper emancipists at an earlier date, had to some extent established the precedent for dealing with these persons. In the early 1820s, institutional confinement in a pauper asylum was established as the means of maintaining and managing this sector of society. At that time it was believed that such an approach was necessary as outdoor relief exposed the aged, infirm, blind and destitute 'to various [unspecified] evils and, not infrequently on account of situation, debar them from the privileges of religious instruction and consolation, and from rightly attending to the most important duty befiting their condition of preparing to meet their God on leaving this world'. (ML, Papers of the NSW Colonial Secretary, Reel 6049, 4/1744, Deputation to Governor Macquarie for the erection of building for the Benevolent Society of NSW, 13.4.1820, pp. 255-6.) By confining invalids in institutional space, the Benevolent Society, which encompassed many of Sydney's social elite, including men like William Cowper and Richard Hill, desired to remove invalids from a world they did not understand, and indeed feared, to one in which they could control those factors influencing the lives of these people in a forlorn attempt to convert them to a middle class value system. Religious instruction was certainly considered an important issue in pre-Tasmanian invalid institutions. For example, not only were the Impression Bay inmates attended to by Convict Department chaplains but they were also subject to visits by 'civilian' ministers, such as the Reverend Dr Bedford and W. Sorell. These two men inspected Impression Bay in October 1849 and, whilst there, 'read prayers and addressed the Protestant Invalids in a very impressive manner.' See The Colonial Times, 30.10.1849, p. 2 c. 5. (Emphasis mine.)

57 BPP, 8, Despatch 115, Grey to Denison, 26.7.1850, p. 484. (Emphasis mine.)
ongoing cause of consternation and friction between colonial and imperial authorities. Much time and effort was devoted to determining formulae and guidelines for allocating accountability and liability. As early as 1848 Denison had recognised that the colony had a legitimate case in seeking to be relieved from the cost of maintaining invalids who had been transported as convicts. In preparing the estimates for 1849 it had been predicted that some £4040 would be required under the heading of pauperism. Denison postulated, that, as the majority of those who were to benefit from this sum were either convicts or emancipists who had arrived in the colony physically disabled, part of the liability should fall upon the imperial purse. He did not believe it rightful that the free inhabitants of Van Diemen’s Land should have ‘to maintain and support the maimed, blind, and aged criminals of Great Britain’. In seeking to establish some balance and justice Denison proposed:

All persons who have been transported to this colony, and who have become free either by servitude or by the receipt of a conditional pardon, and who shall be through disease or infirmity unable to support themselves, and therefore dependent upon assistance to be afforded by the State, shall, if they have not been free for a period of (say) ten years previous to the reception of such assistance, be chargeable to the Home Government; if they have been free for more than ten years, the assistance shall be furnished from the revenue of the colony. This regulation, however, is not intended to apply to those who come into the hospital for temporary treatment, but merely to those who, from circumstances connected with their ailments, either mental or bodily, may be considered as incapable of earning a livelihood for themselves, and therefore as permanent burdens upon the revenue.

What Denison was seeking was the adoption of a general principle upon which relief could be afforded to invalids and how such expenditure could be equitably apportioned between the imperial and the colonial governments. As a result of this lobbying the colony won the following concession:

After due consideration of these papers, their Lordships agreed that it is reasonable to relieve the colony from any further demand for the maintenance in convict hospitals or invalid depots, of persons sent out as convicts, who, either at the time of their arrival in the colony or when they ceased to be

\[\textit{BPP, 9, Despatch 226, Denison to Grey, 15.11.1848, p. 102.}\]
\[\textit{Ibid., p. 107.}\]
\[\textit{Ibid.}\]
\[\textit{Ibid., p. 232.}\]
\[\textit{Ibid.}\]
employed in compulsory labour in public works, were incapacitated from age or organic disease, from supporting themselves by labour.  

In 1853 Denison recognised that it was inevitable that Convict Department administered establishments would eventually be transferred to the control of the colonial government. This would mean that the arrangement by which the colonial government paid, on a pro rata basis, for invalids and paupers maintained in imperial institutions would be reversed. In order to ensure that there be no misunderstanding as to which government was responsible for which inmate, Denison proposed a modification to the above rule. He recommended that the maintenance of those who while they were convicts became incapable of maintaining themselves, and those aged more than 60 when landed, would be paid for by British funds but the cost of all other invalids would be met by the colony. The Secretary of State, in response to this proposed modification, gave a ruling that the imperial government would be responsible for:

the maintenance of invalid, lunatic, or pauper convicts, and of those free men who at the time of their arrival in the colony as convicts were above sixty years of age, but of no other free men shall be chargeable to the British Treasury.

However, this dictum contradicted previous rulings as to how financial responsibility for the maintenance of insane, invalid and pauper emancipists was to be shared between the imperial and colonial governments. Denison again submitted a resolution which he believed would clarify the issue. He suggested that:

The colony to be relieved from the cost of maintenance in lunatic asylums, hospitals, or invalid depots of persons sent out as convicts, who at the time of their arrival in the colony were above sixty years of age, or who, when they ceased to be employed on compulsory labour upon public works, were incapacitated by organic disease or mental or bodily infirmity, from supporting themselves by labour.

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94 BPP, 11, Despatch 154, Denison to Newcastle, 2.7.1853, pp. 369-71.
95 BPP, 11, Despatch 23, Newcastle to Denison, 14.2.1854, p. 408.
The wording of this draft of the ruling met with the approval of the Secretary of State and it was to remain the standard for many years. The colonial government, however, was never satisfied with the arrangement and was convinced that Tasmania had been unfairly burdened with pauper invalids and lunatics; relics of a system that had indelibly stained the colony's reputation and stifled its advancement. This was an opinion widely felt, even two decades later. For example, The Tasmanian Mail expressed this view in 1878 when it printed:

the State has undoubtedly been saddled with the support of the old, the poor, the infirm, or the helpless members of the community — more so, through the natural consequences of the artificial circumstances in which the colony became a British settlement.

This issue, of determining the extent of liability, proved to be an ongoing cause of consternation and friction between colonial and imperial authorities. In many respects it contributed to a general parsimony which characterised the government's treatment of emancipist invalids.

Impression Bay was not solely a specialist invalid station. From about 1850 onwards it also functioned as a repository for the overflow of lunatics admitted to the New Norfolk Asylum, and it still retained a sizeable population of effective probationary convicts. The role of convict stations operating as repositories for both convict and emancipist, invalids and lunatics, was common in Van Diemen's Land (it occurred at Port Arthur, New Norfolk, the Cascades Female Factory and at other stations), as well as in other Australian penal colonies, such as the Parramatta Female Factory in

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* BPP, 13, Despatch 66, Grey to Denison, 8.11.1854, p. 104.

* The Tasmanian Mail, 2.2.1878, p. 13 c. 1.

* See Brown, Poverty is Not a Crime, pp. 73 and 96 and BPP, 15, Despatch 27, Gore Browne to Newcastle, 21.2.1862, p. 453. The issue of how to divide costs between the imperial and colonial finances for the maintenance of invalids in convict establishments incited voluminous correspondence. To understand how determinations were made, and how agreements changed over time, see: AOT: CSO 24/289/6450; AOT: CSD 1/42 (Y43)/710; AOT: CSD 1/112 (Y113)/3625; and, AOT: CSD 1/63 (Y64)/1419. For a detailed case study see S. Petrow, 'Claims of the colony: Tasmania's dispute with Britain over the Port Arthur
New South Wales and at the North Fremantle Depot in Western Australia. From sometime in 1849 until at least mid 1854, Impression Bay forwarded its own excess of insane inmates to the Saltwater River station. It was this exigency for space to house excess lunatics which maintained Saltwater River as a functioning convict station well after its usefulness to the Convict Department as an agricultural station had ceased. In late 1849, with the likelihood that transportation to Van Diemen's Land would end, the Convict Department instigated a policy of reducing the number of penal stations dedicated to the maintenance of imperial convicts.\textsuperscript{100} The Comptroller General wrote in early 1850 that it was proposed to abandon Saltwater River following that year's harvest.\textsuperscript{101} It was, however, retained a little longer in case Impression Bay required additional accommodation for pauper lunatics.\textsuperscript{102}

In Van Diemen's Land the strategic withdrawal of British involvement in the convict system commenced in the early 1850s. Nevertheless, it was clear, even then, that the imperial government would continue to have an interest in various penal stations for many years to come. As part of an investigation, in 1853, into the reductions to be made to the Convict Department, the Comptroller General stated that the number of convicts at Impression Bay would 'gradually diminish' but that it would 'certainly be required for the next two years.'\textsuperscript{103} As part of the strategy of reducing the number of convict stations in the wake of decreasing numbers of convicts, the insane patients at Saltwater River were removed to Impression Bay shortly after the end of June

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\textsuperscript{100} BPP, 8, Despatch 21, Denison to Grey, 31.1.1850, p. 423.
\textsuperscript{101} ibid.
\textsuperscript{102} BPP, 8, Comptroller General's Report for the half year ending 31.12.1849, p. 426; and, BPP, 8, Despatch 21, Denison to Grey, 31.1.1850, p. 423. In the first half of 1850 a small detachment of invalids (most probably insane invalids) were sent from Impression Bay to the Saltwater River Probation Station. Returns for mid 1851 state that there were 45 lunatics and 20 invalids stationed at Saltwater River. (BPP, 11, Comptroller General's Report for the half year ending 30.6.1851, p. 89). At other times detachments of invalids were sent from Impression Bay to other probation stations on the Tasman's Peninsula. For example, there was a party of invalids present at the Cascades in 1853. The necessity for despatching numbers of invalids from Impression Bay was related to the availability of accommodation for differing categories of inmates.
\textsuperscript{103} BPP, 11, Despatch 154, Denison to Newcastle, 27.7.1854, p. 371.
In 1857, Impression Bay itself ceased to operate as a convict station and between April and June of that year the invalids, paupers and lunatics were transferred to the Port Arthur Penal Establishment and accommodated in old barrack buildings formerly occupied by convicts. All 238 invalids and 74 insane inmates were removed. This was all part of the scaling down of British involvement in the management of convicts in the newly formed colony of Tasmania. The British government strove to minimise the cost of its convict responsibilities, especially given that transportation to Tasmania had ceased in 1853. It believed that if it concentrated the convicts, lunatics, invalids and paupers for which it was wholly or partially responsible, then it could reduce the level of expenditure incurred. The move was all about achieving an ‘economical and convenient’ solution to the problem of managing an ageing and increasingly infirm ex-convict population. It was further felt that the maintenance of a station at Impression Bay was becoming impracticable, especially in regard to the capacity of the convicts to contribute towards its operation.

The Convict Department had learnt something from the criticism which had accompanied the earlier transfer of the invalids from New Norfolk to Impression Bay. The Comptroller General gave the Principal Medical Officer very specific instructions as to the care and well-being of the men being moved. He must have been pleased with the manner in which his instructions were carried out, the Civil Commandant at Port Arthur reporting, after the event, that:

During the months of April, May and June last the invalid and insane convicts and the colonial paupers were transferred to this establishment from the station at Impression Bay; and although a large number of these people were perfectly

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105 BPP, 14, Despatch 101, Young to Labouchere, 22.8.1857, pp. 178-82.
106 ibid., p. 178.
108 I. Brand, Brand Papers, 15, Misc. 62/34/A114/22564, Comptroller General to Principal Medical Officer, 31.3.1857.
helpless, having been bed-ridden for years, I am happy to state that the entire removal was effected without the occurrence of a single accident.\textsuperscript{109}

As with the move from New Norfolk to Impression Bay, there was insubordination on the part of the 'free' pauper invalids to the relocation to Port Arthur.\textsuperscript{110} There exist a number of memoranda, dated May and June 1857, exposing a pattern of resistance in which pauper invalids discharged themselves from Impression Bay and return to the two major centres, Hobart Town and Launceston, even though they lacked any real means of support. As these pauper invalids were technically free men the authorities did not have the power to legally detain them against their will unless they were found guilty of vagrancy.\textsuperscript{111} The following memorandum records a widely held middle class bias on these men:

The town [Hobart Town] has lately been infested with blind beggars and men from Impression Bay, many of them men of most disreputable character. Most of these men should be sent to the asylum provided for them by the Govt. and in cases of refusal, the police should prevent them becoming a nuisance in the town.\textsuperscript{112}

In response to this Governor Young noted that similar complaints regarding Impression Bay invalids had been made to him in Launceston.\textsuperscript{113} He further stated that paupers begging in Hobart Town should be removed to the accommodation afforded them on the Tasman's Peninsula.\textsuperscript{114} The problem the

\textsuperscript{109} BPP, 14, Acting Comptroller General's Report for the period 1.7.56-30.6.1857, p. 182.
\textsuperscript{110} AOT: CSD 1/135 (Y136)/4970; and, AOT: CSD 1/120 (Y121)/4292, Davies to Young, 20.6.1857.
\textsuperscript{111} A return tabled in the Legislative Council and dated 17.2.1857, just prior to the removal of men from Impression Bay to Port Arthur, states that there were 268 invalids and paupers at the station. Of these, 153 were the financial responsibility of the colony (with a few exceptions almost certainly all these men were emancipists) and only 115 were an expense to the imperial government (and in all likelihood convicts under sentence who were old and infirm). Of those chargeable to the colony, 59 were hospital cases and designated invalids while the remaining 94 cases were termed paupers. It is interesting to note that in this case the distinction between pauper and invalid appears to be related to the degree of infirmity and requirement of medical care. It is also worth noting that 15 cases on the colonial books were defined as having been originally free. This is taken to mean that there were non-emancipist invalids and paupers detained at Impression Bay who had originally been immigrants. Whether or not they were under sentence is unclear. (TLCP, 1, 1856, 17.2.1857.)
\textsuperscript{112} AOT: CSD 1/120 (Y121)/4292, Davies to Young, 20.6.1857.
\textsuperscript{113} Note made on AOT: CSD 1/120 (Y121)/4292, Davies to Young, 20.6.1857.
\textsuperscript{114} Note dated 15.7.1857 and made on AOT: CSD 1/120 (Y121)/4292, Davies to Young, 20.6.1857.
authorities faced was that the men were 'very unwilling to go'.\textsuperscript{115} In Launceston, the Benevolent Society was concerned by the appearance of so many paupers on its streets who had formerly been resident at Impression Bay. They found themselves in a difficult position as they did not have the means to permanently care for them but at the same time found it hard to punish them as vagrants, for begging, when they had no means of subsistence.\textsuperscript{116} The compassion shown by this Society to the poor was sincere. Throughout the nineteenth-century the Launceston Benevolent Society, as opposed to its Hobart Town counterpart, placed equal importance on checking the imposition of the idle and fraudulent with succouring the real destitution of the distressed. The Hobart Town Society always placed far greater emphasis on the detection of mendacity. As early as 1847, the Launceston Society understood something of the reality of poverty. They recognised that the ‘famished will obtain food by theft when no other means are available.'\textsuperscript{117}

Hargrave concluded that the treatment of pauper emancipists unable to care for themselves ‘reflected the link, both physical and intellectual, between the convict system and the pauper establishments.’\textsuperscript{118} The history of Impression Bay and its use as a holding station for such persons clearly illustrates this point. Invalids and paupers, whilst technically free, were sent to a working penal station to die, and die they did. Surviving burial registers for Impression Bay indicate that several hundred invalids and paupers never left, they were interred within the station’s graveyard. Following the closure of Impression Bay as an invalid depot in 1857 the disdain of Tasmanians towards this group was reflected by the fact that they were sent to the ultra penal establishment of Port Arthur, although most had never been there when under servitude.

\textsuperscript{115} AOT: CSD 1/120 (Y121)/4310, Connell to Colonial Secretary, 24.10.1857.
\textsuperscript{116} ibid.
\textsuperscript{117} Launceston Examiner, 7.7.1847, p. 434 c. 1-3.
\textsuperscript{118} J. Hargrave, ‘A pauper establishment is not a jail’, p. 21.
This review of Impression Bay’s involvement in regulating Van Diemen’s Land’s male invalid population throws light on aspects of the subsequent development of Tasmania’s charitable institutions. Clearly, the management of the invalid poor developed within the existing convict system in response to a numerical increase of both aged and infirm convicts and emancipists from the mid 1840s onwards: Indeed, if those of the anti-transportation league are to be believed, then the system of transporting convicts to Van Diemen’s Land was the progenitor of pauperism in Tasmania. In the early 1850s, paupers were widely perceived as being principally constituted of the wretched outcasts of the convict system; a group not to be viewed with sympathy and respect but despised as those who had ‘dishonoured and abused’ their world.\textsuperscript{119} This attitude — that poverty was a moral crime — was also reflective of contemporary views amongst the social elite and wielders of political power. Outdoor relief, by either public or private bodies, was not adjudged an option for these individuals. Emancipist paupers and invalids who were sentenced to Impression Bay were indistinct from the effective and non-effective convicts with who they shared its spaces, as so too were those suffering from insanity who were likewise confined to this station.

In many respects Impression Bay was the incipient charitable institution housing an undifferentiated pauper population in which the invalid was inextricably linked with, and viewed as, a criminal. The warehousing of convicts, lunatics and a generalised invalid population (made up of the aged poor, the simple minded, the injured, the lame and the blind) within the same institution, was characteristic of a lack of classification and specialisation in the management of those individuals who formed the lowest ranks of society. The experience of Impression Bay was illustrative of many of the problems which were to plague the new colonial government as it attempted to grapple with this issue in its first few decades of governance. The relocating of invalids, to and from Impression Bay, as and when the Convict Department required its spaces for a different use, was to be emulated by the early

\textsuperscript{119} See \textit{BPP}, 11, Browne to Cowper, 25.8.1850, pp. 150-2 and pp. 154-7.
charitable institutions managed by the colonial government. It was symptomatic of a lack of forward planning, of a failure to recognise and predict the longer term institutional requirements for managing this section of society, and of the lowly status such individuals were held in by those charged with their care. The treatment of invalids in the final decade of imperial rule exemplifies a lack of awareness of the requirements and capabilities of the largest invalid constituent — the aged and infirm pauper. This is laid bare in the manner in which such individuals were transported, with little or no regard to their health in appalling conditions; and, in the belief that they were able to, and should be made to, labour. Lamentably for Tasmania's nineteenth-century invalid population, the attainment of this knowledge took the remainder of the century. The explanation for this consummation is a substantive issue explored in the following chapters.