

Convict Labour and Colonial Society
in the Campbell Town Police District: 1820-1839.

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Abstract

This thesis examines the lives of the convict workers who constituted the primary work force in the Campbell Town district in Van Diemen's Land during the assignment period but focuses particularly on the 1830s. Over 1000 assigned men and women, ganged government convicts, convict police and ticket holders became the district's unfree working class.

Although studies have been completed on each of the groups separately, especially female convicts and ganged convicts, no holistic studies have investigated how convicts were integrated into a district as its multi-layered working class and the ways this affected their working and leisure lives and their interactions with their employers.

Research has paid particular attention to the Lower Court records for 1835 to extract both quantitative data about the management of different groups of convicts, and also to provide more specific narratives about aspects of their work and leisure. Local administrative records from the Convict Department, the Colonial Secretary's Office and the Engineers Department as well as the diaries and letters of colonists, accounts of travellers, almanacks and newspapers have also been used.

Some key results proposed in the thesis include the following:

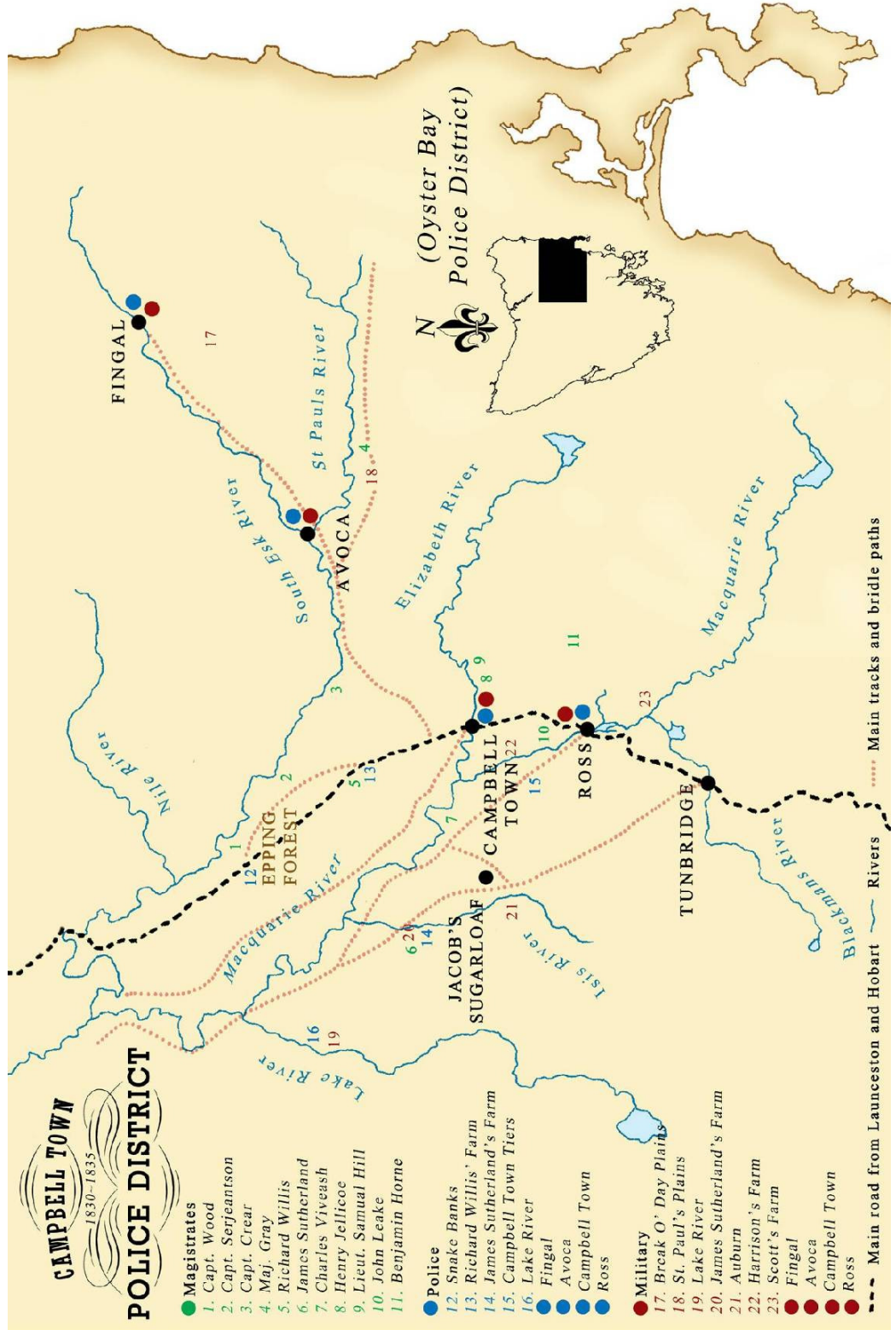
Local magistrates had more varied and liberal middle class backgrounds than their contemporaries in New South Wales. They willingly became the governor's agents of control over the convict work force, accepting his political authority, and remained primarily interested in increasing their wealth. The duties undertaken by convict police were more complex than the literature acknowledges and the claims of corruption and inefficiency made against police by the contemporary press are challenged. Ganged men maintained interactions with the general community outside their gangs, including complex trading and commercial transactions. The scarcity of female convicts caused them to have significant bargaining power and be allocated as a priority to the largest landowners, where they gave satisfactory service as

domestic workers and showed little evidence of being unduly promiscuous or difficult to manage. On farm worksites where a mixed work force of assigned men, ticket holders and free men worked, convicts established hierarchies of control of the significant resources such as alcohol and cash and redistributed these amongst themselves by supplying market needs within their own reach.

The political economy of the district and the ambitions of the large landowners to acquire wealth rapidly were instrumental in changing the ways they managed their convict workforces, while their convict workers also exploited any opportunities they could find to improve their conditions and retain as much of their freedom and working class culture as possible. On sites where convicts and employers negotiated reasonable working conditions, employers rarely took their workers before the courts on discipline charges.

The convict administration was unable to enforce its expectations about the strict control of convicts by free market employers, neither could it fully limit convicts' movements around rural districts, by stemming the high absconding rates from government gangs or the more limited movements of assigned men and women around the villages or farms where they worked. As an employer, the administration frequently failed to deliver the basic necessities to which its ganged men were entitled by regulation, nor did it always deliver rewards to those who complied with its requirements. Instead it kept men and women at work by sanctioning local magistrates to use harsh punishments like imprisonment, flogging and sentences to road parties and chain gangs for convicts who were charged with disobeying trivial work regulations.

Map of the Campbell Town Police District (1830-1835)



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Introduction

This thesis is a regional study of the convict workforce and the forces that controlled it within the Campbell Town police district, one of the seven rural police districts established in 1827. Few studies to date have investigated the work of assigned convicts and none so far has attempted to delineate how a complete convict workforce functioned within a district as the community's primary working class.

The aim of the study is to examine who controlled the convict workforce and how the various groups of convicts in the workforce responded. Their working lives, resistance to control, punishment and reclamation of free space are important elements in documenting their lives.

Between 1822 and 1840 Van Diemen's Land underwent a remarkable economic transformation that materially affected the settlers and their convict workers. The economy changed from a small-holder, self-sufficient peasant economy to an agrarian one dominated by a small group of capitalised farmers, some with farms as large as 30,000 acres whose purpose was to produce fleece and crops. While Van Diemen's Land could only boast of twenty really wealthy men prior to 1821, by 1840 they numbered several hundred, including merchants but mostly farmers who made their wealth in wool.¹ The Midlands, which included the Campbell Town police district, was the area that nurtured most of the self-made middle-class farmers and became the centre of the island's wool industry.

The change in focus from self sufficiency (and a small export trade mostly in fisheries products) was introduced by the *Bigge Report*, which recommended a system of large land grants to men with capital, and a change in convict policy. The assignment system

¹ Gordon Rimmer, "The Economic Growth of Van Diemen's Land, 1803-1821" in G.J. Abbott & N.B. Nairn (eds) *Economic Growth of Australia, 1788-1821*, Carlton, Melbourne University Press, 1969, pp. 327-328.

would provide the labour needed by the new farmers by leasing male convicts to them as agricultural labourers thus taking them off the colonial government's hands. Small numbers of skilled convicts would also be sent to supply the trade workforce needed by farmers and commercial interests, in greater proportions than found in Britain.² Lobbying in London by interests from the infant wool industry in New South Wales had convinced the colonial office that wool could become a major export to supply the British cloth manufacturers.

By 1822 free families with capital started to arrive in Van Diemen's Land. They included many half pay officers who had sold their commissions and most arrived with up to £3000, an amount that could attract the maximum grant of 2600 acres. By 1825 they had selected the best land across the island, including in the Campbell Town police district.

The first farmers experimented with both grazing and cropping and ready markets were found for wheat and meat by supplying the free market and the government Commissariat Stores in Hobart and Launceston. Rough wool was exported to London from the meat breeds of sheep that dominated early sheep culture.

Farmers who had introduced some fine wool sheep from the start quickly changed to these breeds after the British wool industry slumped between 1825-1833, as the demand and prices for coarse wool dropped.³ From then on good returns from wool depended on continuing to increase the volume of fine wool shipped each year rather than depending on high prices in London.⁴ High prices for breeding stock and wool did not return until 1834-1837, after the British woollen industry had introduced new technology, transport prices fell and the demand for fine wool sheep increased as flocks were moved to the

² N. G. Butlin, *Forming a Colonial Economy, Australia 1810-1850*, Cambridge, Cambridge University Press, 1994, p. 49.

³ James Ross, *Hobart Town Almanack, and Van Diemen's Land for 1834*, Hobart, James Ross Publisher, 1835, p.67. See also R.M. Hartwell, *The Economic Development of Van Diemen's Land, 1820-1850*, Carlton, Melbourne University Press, 1954, p.117.

⁴ N. G. Butlin, J. Ginswick & P. Statham, 'Colonial Statistics before 1850', *Source Papers in Economic History*, No. 12, Canberra, Australian National University, 1986, p. 65. The authors claim that a total of 925,320 lbs of wool were produced in 1829, rising to 1,359,203 lbs in 1831. See this reference for wool production from 1822 – 1839.

newly opened lands in Port Phillip District (Victoria) and South Australia on the mainland.⁵

In addition to wool many farmers increased their profits by growing wheat. Most of the crop supplied the relatively steady market in Van Diemen's Land but between 1828 and 1830 a drought in New South Wales created a well priced export market for those who shipped their crops there. This reoccurred in 1839.⁶ The volatility of both wool and wheat prices during these two decades required careful financial management skills as well as farming skills.

The whole colonial economy lived on credit advanced by London banks & merchants. Farmers needed it to cover their cash flow requirements between growing & selling their wool and produce, and local merchants bought their consignments of imported goods on credit.⁷ However, Van Diemen's Land experienced continuous balance of payments problems in the 1820s and 1830s, created by fluctuating wool prices, overspending on imported goods and credit squeezes caused by periodic downturns in the British economy.⁸ While the increasing annual production of wool partly offset falling wool prices for farmers, colonial merchants were more exposed and many suffered bankruptcies during these downturns. But credit crises also affected those farmers who had overextended their loans. Strict debt control was probably a key factor for successful farmers that helped them through periods of low credit availability. These periods also provided opportunities for cashed up farmers to purchase additional land from absentee landlords or farmers who were forced to sell up to pay debts.

⁵ Sylvia Morrissey, 'The Pastoral Economy, 1821-1850', in James Griffith (ed), *Essays in Economic History of Australia*, Milton: Queensland, Jacaranda Press, 1967, pp. 75-76.

⁶ James Ross, *Hobart Town Almanack, and Van Diemen's Land for 1834*, Hobart, James Ross Publisher, 1835, p.70. See also Sylvia Morrissey, 'The Pastoral Economy, 1821-1850', in James Griffith (ed), *Essays in Economic History of Australia*, Milton: Queensland, Jacaranda Press, 1967, p. 76.

⁷ R. M. Hartwell, *op.cit.*, pp. 167-168.

⁸ *Ibid*, pp. 185-187.

The majority of those destined to be the Midland's major farmers by 1836 had already established themselves by 1830, just five or six years after their arrival.⁹ This remarkably short time suggests that these particular farmers had taken advantage of wheat prices when they were high, had increased their fine wool flocks, had managed debt well during the credit squeezes and had cash in hand to buy more land advantageously when others were forced to sell up. Sixty four of these men were identified in the Campbell Town police district in 1830 and another 27 in the Norfolk Plains district and 35 in the Oatlands district.¹⁰ The key difference in production between the districts was the number of acres suitable for farming. In all three districts, sheep were farmed as heavily as the number of available acres would allow, while all were also large wheat producers, with wheat fields as large as 60 acres being possible with the available technology and manpower.¹¹ The Campbell Town district had the largest population of 180,000 sheep, while 75,000 were farmed in Norfolk Plains and fewer again in the smaller Oatlands district.¹² It appears that wool was the product that gave the most advantage to farmers establishing themselves because of its low labour costs even though cropping and other enterprises also contributed to the overall productive wealth of the farm.¹³ Butlin concluded that the average Gross Domestic Productivity [GDP] grew at an explosive rate of 13% per year in Van Diemen's Land in the thirty years up to 1840.¹⁴

Convicts were sent out to be the colony's primary working class and provide cheap labour for the new middle class settlers attracted by free land grants. Convicts were fit, aged in their early twenties and the majority possessed basic literacy skills. Most were convicted thieves who had also worked at times in a number of different industries but

⁹ See Appendix 6C: *General wealth comparisons in 1830*. Sixty four successful farmers were identified and named by Ross. This list is reproduced in Charles M. Goodridge, *Statistical view of Van Diemen's Land...forming a complete emigrant's guide*, London, Hamilton & Adams, 1832, pp. 220.

¹⁰ *Ibid*, pp. 220, 226, 231.

¹¹ See Appendices 6A: *General land comparisons in 1830* and 6D: *Agricultural comparisons in 1830*. See also David Hansen, *John Glover and the Colonial Picturesque*, Hobart, Tasmanian Museum and Art Gallery & Art Exhibitions Australia Ltd, 2003, p. 95. Glover's sketch of Patterdale farm, showing all improvements including the 60 acre wheat paddock.

¹² See Appendix 6E: *Livestock comparisons in 1830*.

¹³ See Appendix 6D: *Agricultural comparisons in 1830*. Campbell Town ,Norfolk Plains districts cropped similar numbers of acres with fewer acres under crops in Oatlands.

¹⁴ N. G. Butlin, *Forming a Colonial Economy, Australia 1810-1850*, Cambridge, Cambridge University Press, 1994, p. 97.

had supplemented their earnings with felonies. Over 70% of the women had some experience working as domestics and were needed to staff the households of the colonial middle class. The majority of men had been labourers but up to 40% had trades, many of which proved useful in a developing colony.¹⁵ A lot had lived or worked in rural areas, particularly the recently industrialized counties in the north of England, although many also came from London and its surrounds. They were a cross section of the working class who brought with them the wide diversity of cultural behaviors that characterized their class, behaviors that they replicated in the colony. This thesis examines how such a group of people worked as forced labour in the Campbell Town police district in Van Diemen's Land particularly in the mid 1830s when the assignment system had reached its maturity under the close management of Lieutenant-Governor George Arthur. By this time, convicts and emancipists filled all niches in the district's working class.

Several large questions have engaged Australian historians about convict origins and behaviour but early positions about these have been modified over the last half century by further research and changed social attitudes. This study has to engage with most of these questions because by taking a whole community approach to the convict workforce of a district, both the contemporary views of the culture in which the work force was embedded and the later historical analyses of these issues remain significant.

Had the convict working class in the colonies belong to a criminal class before transportation or were they workers who were also opportunistic petty thieves to supplement their income? This question has remained important to historians because of its wider implications for colonial society. Earlier historians such as Shaw and Robson supported the view that convicts were drawn predominantly from young "professional and habitual criminals" although Shaw tempered this by acknowledging that many grew out of their habits.¹⁶ By 1999 Shaw modified this further by acknowledging that he never

¹⁵ Stephen Nicholas (ed), *Convict Workers: reinterpreting Australia's past*, Cambridge, Cambridge University Press, 1988, Table 5.5, p.72.

¹⁶ A. G. L. Shaw, *Convicts and the Colonies A study of Penal Transportation from Great Britain & Ireland to Australia and other parts of the British Empire*, London, Faber & Faber, 1966, p. 165 and L.L. Robson,

intended to imply they constituted a criminal class, an economic grouping who gained their living exclusively from thieving. Instead he saw them as a “moral (immoral) grouping” that had chosen thieving when many of the poor, in equally dire straights had not.¹⁷ By this time, later historians had also adopted this distinction, and descriptions like “undesirables”, “pests” or “gypsy-like pilferers” appeared. And yet some historians also accompanied these comments by references to their depravity, inferiority and infamy, descriptors taken directly from the pejorative comments of the highly moralistic nineteenth century middle class, descriptors unlikely to be used by historians in the late twentieth century about contemporary petty thieves.

Sturma denied the criminal class theory and argued that convicts were simply working class men and women who engaged in simple larcenies to supplement their income. The notion of a criminal class had been propelled in the colonies by middle class jealousies against the growing power and wealth of many former convicts and fears and disgust of their social habits (drinking, swearing, de facto relationships, sodomy in gangs and lesbian relationships in women’s prisons).¹⁸ Revisionist historians engaged more with fleshing out the personal, social and economic circumstances of young female convicts. Deborah Oxley argued that female convicts were also overwhelmingly convicted for petty thieving, with around 38% of them transported for their first conviction. Most, however were condemned by contemporaries and later historians for notes on their records that stated many of them had been engaged in casual prostitution for varying lengths of time, an activity that was a moral, but not a criminal offence. Oxley argued that the majority of female convicts were domestic servants who were more affected by economic downturns than men and used thieving and casual prostitution to survive

The Convict Settlers of Australia An Enquiry into the Origins and Character of the Convicts transported to New South Wales and Van Diemen’s Land 1788-1852, Carlton, Melbourne University Press, 1965.

¹⁷ A. G. L. Shaw, ‘Exiles of Empire: Convict Experience and Penal Policy, 1788-1852’, papers delivered at the Centre for Tasmanian Historical Studies annual conference, *Tasmanian Historical Studies*, Vol.6, No.2, 1999, p. 6.

¹⁸ Michael Sturma, ‘Eye of the Beholder: The Stereotype of Women Convicts, 1788-1852’ *Labour History*, 34, 1978, pp. 3-10 and *Vice in a vicious society: crime and convicts in mid-nineteenth century New South Wales*, St. Lucia: Queensland, University of Queensland Press, 1983.

periods of hardship.¹⁹ Babette Smith and Portia Robinson further emphasised their difficult personal histories in making a living in Britain.²⁰ Kent and Townsend conversely claimed working class women had far greater agency in Britain and a more robust and rowdy culture that resisted domination by the middle class until well into the nineteenth century. They rejected hard luck stories as the main motive for thieving, claiming that greed and social protest were also likely to have influenced some women to steal.²¹

Further useful debate about the criminal antecedents and the lives of transported convicts may be enriched by considering the ongoing research of social historians who document traditional working class behaviour in Britain, including Ginger Frost on courtship and marriage customs, Angus McLaren on reproductive rituals, Barry Reay on the lives of the labouring poor and June Purvis on working class women. Likewise a further understanding of the colonial middle class can be assisted by comparative studies such as Jessica Kross on colonial American mansion houses and Kirsten McKenzie's study of the Cape colony's middle class, as well as Davidoff & Hall's study of the British middle class. Criminologists also have made contributions to the post Mayhew debates about crime and the poor, including Clive Emsley, David Jones, Peter King and David Phillips.

By the mid 1980s Nicholas *et al* in their book *Convict Workers* broke new ground when they quantified the convicts' extensive list of work skills and experience from the convict indent. While the major emphasis was on New South Wales, the issues were equally pertinent to Van Diemen's Land. *Convict Workers* argued that convicts had higher literacy rates than their stay-at-home working class peers and large numbers were skilled

¹⁹ Deborah Oxley, 'Female Convicts', in Nicholas Stephen, (ed), *Convict Workers: reinterpreting Australia's past*, Cambridge, Cambridge University Press, 1988, pp. 85-97. See also Deborah Oxley, *Convict maids: the forced migration of women to Australia*, Cambridge: Melbourne, Cambridge University Press, 1996.

²⁰ Babette Smith, *A Cargo of Women, Susanna Watson and the convicts of the Princess Royal*, Kensington, New South Wales University Press, 1988, *passim*. See also Portia Robinson, *The Women of Botany Bay: a reinterpretation of the role of women in the origins of Australian society*, Ringwood: Victoria, Penguin, 1993, *passim*.

²¹ David Kent & Norma Townsend, ' "Female Convicts": An Accurate View of Working Class Women?', *Labour History*, 65, November 1993, pp. 179-191.

tradespeople, an assertion supported later by Butlin.²² *Convict Workers* argued that an efficient free labour market existed that could absorb assigned workers while the administration competed with the free market to retain sufficient clerks and skilled tradespeople to staff its departments, hospitals and orphanages as well as needing unskilled labour for building public infrastructure (roads, wharves, bridges). The care and feeding of convicts reflected the value of convicts as productive assets. A study of physical punishment argued that it was used to maintain work outputs and was not indiscriminately applied as earlier narratives had suggested. Although generally well received, some criticisms included doubts about the accuracy of the convicts' claims about their skills; claims that it merely supported earlier historians assessments about convicts being habitual criminals; concerns that some of the contributors appeared to be feminists; and concerns that quantitative history was inferior to other types of history as it left out so much and couldn't find complete sets of data on which to build its case.²³ Despite the lively debates *Convict Workers* has prompted many of the new directions that have emerged in convict studies as it shifted the emphasis from who the convicts were before they arrived to what they were able to do as workers after they landed. It also encouraged historians to go back to the archives and start detailed investigations of the many sets of data that despite their flaws can provide quantitative evidence about convict work and life.

A growing literature has also developed about convict workplaces that include the government lumber yards in Sydney, the building of the Sydney court house and other public works projects.²⁴ Other studies have investigated government road parties and penal settlements as work sites. Many of these studies refer to some of the issues raised by Nicholas *et al*: including skills, work outputs, rations and punishment related to productivity. In addition some document the lives of the workers and explore the concepts of community that developed and the often complex relationships amongst the

²² N. G. Butlin, *Forming a Colonial Economy, Australia 1810-1850*, pp. 44 – 51.

²³ Alistair Davidson, 'Convict Workers—a review', *Australian Historical Studies*, No.93, October 1989, pp. 480-1.

²⁴ W. M. Robbins, 'The Lumber Yards: a Case Study in Management of Convict Labour 1788–1832,' *Labour History*, No. 79, November 2000, pp. 141–161. and Barrie Dyster, 'Bungling a Courthouse: a story of convict workplace reform', *Journal of the Royal Australian Historical Society*, Vol. 93, part 1, June 2007, pp. 1-21.

workers and their overseers. In many respects these are micro-regional studies as each is linked to a specific location or area.

Karskens, Gunn and Walker have explored the concept of the management of convict public works gangs in the Blue Mountains in New South Wales, Flinders Island and Bridgewater in Van Diemen's Land. The studies all address the key question of whether punishments or incentives were used to produce acceptable work outputs from the convict tradesmen and the men in the road and chain gangs, and challenge the colonial opinion that convict public works gangs were inefficient. Karskens used the archaeology of Coxes Line of Road and the Great North Road to demonstrate the skill levels that ganged men were able to achieve in their construction of stone culverts and bridges under the tuition of the colonial engineers Cox and Lockyer. She used public works documents about the training of the men and the efficient use of semi-skilled gangs as well as the personal styles of management of the engineers, who treated the gangs as they would free workers.²⁵ Gunn used archival resources to determine that the Flinders Island public works gangs used an unusually high ratio of billeted convict tradesmen to ganged convicts to construct the buildings.²⁶ While Walker used the official monthly gang returns to document the correlation of punishment to outputs in the Bridgewater chain gang. All studies use archival sources to address the issues of food used as an incentive and document changes in rations levels.²⁷ These studies demonstrated that a variety of different management strategies affected work outputs and show that the management of public works gangs may have varied a great deal more from site to site than anticipated. More studies on additional sites may clarify this further.

McCabe in her study of a particular group of assigned female convicts in the Hunter Valley in the 1830s used magistrate's bench book records and archival sources to look at

²⁵ Grace Karskens, 'Defiance, Deference and Diligence: Three Views of Convicts in New South Wales Road Gangs', *Australasian Historical Archaeology*, 4 1986, pp. 17–28 and *An historical and archaeological study of Cox's Road and early crossings of the Blue Mountains, New South Wales*, Sydney Crowns Land Office, Bicentennial Project Unit, 1988.

²⁶ Thomas Gunn, *A Vile Set? An Assessment of the Flinders Island Convict Work Gangs 1831 – 1839*, Thesis, Bachelor of Arts with Honours in History, School of History and Classics, University of Tasmania, 2003.

²⁷ C. Walker, *A Sentence in Irons: Convict Chain Gangs in Colonial Van Diemen's Land*, Thesis, Bachelor of Arts with Honours in History, School of History and Classics, University of Tasmania, 2004.

the work outcomes for this group of domestic servants. From the data, she found that the women after a period of initial adjustment to colonial conditions, had mostly only two masters while under sentence, had very few convictions recorded against them, and often received very good character references from their masters which enabled many single women to receive permission to marry. Her data also suggested that the women stayed in domestic service for longer periods with the larger landowners.²⁸ These conclusions challenge some of the colonial stereotypes of female convicts as indifferent workers and immoral.

In questioning the more lurid emphases on the punishment of convicts, Maxwell-Stewart, in his work on the Macquarie Harbor penal station demonstrated that inducements and punishments were finely balanced management tools designed to extract the necessary amount of labour to produce goods and utilities. While conversely, convicts used the regulations to extract as many indulgences as possible, in lieu of wages. The many weekly and monthly reports of rations usage, labour outputs and punishments that were forwarded to the convict department from Macquarie Harbor penal station documented these management intentions and illustrated that the penal station was in fact a large work site with many different groups of workers [ship builders, bakers, builders, log cutters etc] competing for indulgences and enjoying very varied accommodation and working conditions, according to their cooperation with the work regimes.²⁹

Female convicts have received close attention from a large group of historians who repudiated traditional views of them as unskilled and immoral. While Oxley and Sturma documented their former employment in domestic service and the great middle class need for female house servants in the colonies, others have argued that their broader range of skills made a larger contribution to the colonial economy, despite the relatively small

²⁸ Kristine McCabe, 'Assignment of Female Convicts on the Hunter River, 1831-1840', *Australian Historical Studies*, No 113, Oct 1999, pp. 286-302.

²⁹ Hamish Maxwell-Stewart, 'Convict Workers, Penal Labour and Sara Island: Life at Macquarie Harbour, 1822-1834', Ch 8 in Duffield Ian and Bradley James, Eds., *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, London, Leicester University Press, 1997, p. 142-162.

numbers of women who arrived with trade skills.³⁰ Salt argued that female labour was difficult to absorb in New South Wales until well into the 1840s which resulted in many women waiting for assignment in the female factory for long periods, unlike the situation in Van Diemen's Land where Reid noted a great demand for female domestic labour which the transportation system was unable to fully satisfy especially in relation convict women with skills such as tailors, dressmakers, hatters, stay makers etc.³¹ Yet women who had to earn a living found a wide variety of ways of doing so. Bowd in a study of female heads of households in the 1828 New South Wales census found that while 50% of former convict women worked mostly at unskilled or semi-skilled jobs, another 30% owned either farms or a business or had an independent income and around 20% worked with the family or from home eg land ladies, washerwomen etc.³² These studies suggest that the demand for female convict and emancipist labour may have varied considerably in early colonial times in the two colonies and women may have had to find all sorts of employment niches to occupy. Further studies of particular groups of working female convicts and emancipists are needed to develop a broader picture of women's work in particular places, how they were affected by the issues of supply and demand, and how women found or created work for themselves. In this thesis the study of female convicts, almost wholly employed as rural domestic labour in the 1830s, provides one such additional work study and explores their personal behavior: their drinking, sexuality, rates of absconding and marrying to form a composite picture of their life that challenges colonial stereotypes of them as workers and women.

While Nicholas challenged historians to reconsider the question of the punishment of convicts as a management tool to enforce work outputs, many historians have seen other aspects of its operation at different times and in different settings as less benign. Many

³⁰ Deborah Oxley, 'Female Convicts', in Nicholas Stephen, (ed), *Convict Workers: reinterpreting Australia's past*, Cambridge, Cambridge University Press, 1988, Table 6.2 -Female Occupations, p. 92; and Michael Sturma, 'Eye of the Beholder: The Stereotype of Women Convicts, 1788-1852' *Labour History*, 34, 1978, pp. 3-10.

³¹ A. Salt, *These Outcast Women: The Parramatta Female Factory 1821-1848*, Sydney, Hale & Iremonger, 1984. Kirsty Reid, 'Setting Women to Work: The Assignment System and Female Convict Labour in Van Diemen's Land, 1820-1839', *Australian Historical Studies*, Vol. 34, 121, 2003, pp. 1-25.

³² Lynne Bowd, 'On her Own: Women as Heads of Family Groups in the 1828 Census', *Australian Historical Studies*, 107, 1996, pp. 303-321.

have coupled it with convicts' acts of defiance and agency. The brutality of floggings and high rates of hangings especially in Van Diemen's Land during Arthur's administration, were unusually harsh and repellent. Maxwell-Stewart's work on Port Arthur and Macquarie Harbour, and Evans and Thorpe's works on Morton Bay and their study of resisters documented the many ways the system used to break the will of men. The grinding work demanded in some road parties, chain gangs and penal settlements combined with reduced rations, inadequate clothing and poor accommodation was designed to break resistance and force compliance. The iron will of male resisters who endured increasingly inhumane punishments and the parallel creation of "broken men" by the system were the extremes at which the convict system operated to retain control over tens of thousands of convicts.³³ Head shaving, iron collars, stocks and treadmills were used to humiliate and shame the women. Damousi, Daniels and Reid have refuted the notion of female convicts as victims by exploring the sharp end of the punishment of women in the female factories and their confronting culture of drinking, ribald songs, mockery, strikes and arson that defied their jailers.³⁴ Robson & Roe showed that an increasingly sickened urban middle class argued for the end of transportation in the late 1830s.³⁵

³³ Raymond Evans & William Thorpe, 'Power, Punishment and Penal Labour: Convict Workers and Morton Bay', *Australian Historical Studies*, Vol. 25, No.98 (April 1992), pp. 90-111. See also their 'Commanding Men: Masculinities in the Convict System', *Journal of Australian Studies*, No. 56, 1998, pp. 17-34. Hamish Maxwell-Stewart, 'Convict Workers, Penal Labour and Sara Island: Life at Macquarie Harbour, 1822-1834', Ch 8 in Duffield Ian and Bradley James, Eds., *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, London, Leicester University Press, 1997, p. 142-162. See also his 'The Rise and Fall of John Longworth: Work and Punishment in Early Port Arthur', *Tasmanian Historical Studies*, Vol.6, No.2, 1999, pp. 96-114.

³⁴ Joy Damousi, ' "What punishments will be sufficient for these rebellious hussies?" Headshaving and Convict Women in Female Factories, 1820-1840', in Duffield Ian and Bradley James, *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, London, Leicester University Press, 1997 and *Depraved and disorderly: female convicts, sexuality and gender in Colonial Australia*, Cambridge, England, Cambridge University Press, 1997. See also her "Contumacious, Ungovernable and Incurable": Convict Women and Workplace resistance, Van Diemen's Land, 1820-1839', in Ian Duffield & James Bradley, (eds), *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, London, Leicester Press, 1997. Kay Daniels, 'The Flash Mob: Rebellion, Rough Culture and Sexuality in Female Factories of Van Diemen's Land', *Australian Feminist Studies*, Vol. 18, Summer 1993, pp. 133-150.

³⁵ Lloyd Robson & Michael Rowe, *A Short History of Tasmania*, Melbourne, Oxford University Press, 1997.

More recent studies have started to document that less extreme protests also existed within the convict population and that many otherwise compliant assigned convicts engaged in minor acts of defiance and a longing for control over their lives through body tattoos and medallions (convict love tokens) that spoke of home, freedom or love.³⁶ Hindmarsh described some assigned servants protesting more vigorously by rick burning, stock maiming or damaging items belonging to their employer.³⁷ The themes of protest and punishment are explored in this thesis for all the local groups of convict workers, particularly by tracing the ways men and women worked within the system to gain levels of control over their lives. Although the most extreme forms of protest or punishment rarely appear at this local level, the sentencing of men and women to gangs and the female factory, the local use of the lash administered at the Campbell Town and Ross jails and the finely graded sentencing strategies of the magistrates, show how punishment invaded all levels of the system and was integral to enforcing control as much as maintaining work outputs, even in quiet rural districts.

Finally a number of historians have questioned the place of the convict workforce within general colonial society and raised that difficult question in Australian history—can the convicts be called a working class? While most historians from the 1960s onwards have argued that no true working class emerged in Australia until the end of the nineteenth or even the early twentieth century, there is a tendency to revise this position and to re start the discussion based on Thompson’s argument that the test of a class is its consciousness of itself and this can be determined by an examination of the historical phenomena.³⁸ This bypasses earlier Marxist arguments that economic variants were the most important indicator of a working class, who had to understand their position as the means of

³⁶ David Kent, ‘Decorative Bodies: The Significance of Convicts’ Tattoos’, *Journal of Australian Studies*, No. 53, 1997, pp. 78-85. Michelle Field & Timothy Millet (eds), *Convict Love Tokens: The leaden hearts the convicts left behind*, Kent Town, Wakefield Press, 1998.

³⁷ Bruce Hindmarsh, ‘Scorched earth: contested power and divided loyalties on Midlands properties, 1820-1840’, *Tasmanian Historical Journal*, Vol.6, No.2, 1999, pp. 63-80. See also Katie Febey, ‘Who’ll come a Walzing Matilda with me? Stock Theft and Colonial Relations in Van Diemen’s Land’, Thesis, Bachelor of Arts with Honours in History, School of History and Classics, University of Tasmania, 2002.

³⁸ E.P. Thompson, *The Making of the English Working Class*, Harmondsworth, Penguin, 1968, reprint 1977, pp. 9, 11,

production and recognize their place in the class struggle.³⁹ Thompson's position enables the social and cultural context of the labouring class, its aspirations, attitudes, states of mind, actions, customs, work practices and responses to authority to be considered to determine if the group did have a consciousness of itself. Narrative and description can take the place of political or economic theory.

Macintyre in an overview of the later debate drew attention in particular to Irving's early attempt to address the issue of consciousness and how it might be defined in a way different from Thompson. Irving argued that a specific class consciousness was required that showed the labouring classes realized their separate interests, were aware that these were irreconcilable with the dominant class, understood the role of the state, and exhibited a high degree of solidarity. Macintyre argued these criteria were set too high and suggested that the nature of colonial pastoral capitalism, small scale manufacturing, close contacts between worker and employer, prosperity that enabled most wage demands to be met and a mindset of egalitarianism may have reframed Australian capitalism and enabled class consciousness to develop but to act differently from its European counterpart.⁴⁰

Can any of this be discerned as early as the 1830s in Van Diemen's Land? In their 1992 revision of their earlier work Connell & Irving lean more towards the social construction of class and argue that class is not only a social group and structure, but also "a complex of emotions, of sympathies and antagonisms; and a complex of symbols, forms of speech, labels and codes." They also see it as "a social dynamic, a kind of historical process, in which a social world is transformed". Even so they were unwilling to claim that convict labourers constituted a working class in New South Wales.⁴¹

³⁹ Within this general position earlier historians such as Brian Fitzpatrick, Robin Gollan, Ian Turner and Russell Ward argued that class consciousness failed to develop in the broad group of wage earners in the nineteenth century, was barely discernable in the Australian Labor Party and most obvious in the hegemony of some of the more radical unions of the twentieth century.

⁴⁰ Stuart Macintyre, 'The Making of the Australian Working Class: An Historiographical Survey' in *Historical Studies*, Vol. 18, No. 71, October 1978, pp. 240, 249.

⁴¹ R.W. Connell & T. H. Irving, *Class Structure in Australian History: poverty and progress*, Melbourne, Longman Cheshire, 1980, Reprint, Melbourne, Longman Cheshire, 1992, pp. 5-6, 69-70.

There can be no doubt that a labouring and working class existed in Van Diemen's Land from its time of settlement onwards and that this group of men and women were overwhelmingly convicts and emancipists, who at the end of the 1830s, constituted 75% of the population.⁴² This study adopts the looser view of class as a social phenomena and throughout the examination of the varying convict work groups seeks to persuade that there are many examples that show the convict workforce exhibited a consciousness of its difference from employers based not so much on its unfree status but on its consciousness of its social customs, speech, attitudes, work practices and responses to authority that place it clearly within the framework of the British working class. This study supports Macintyre's hypothesis that the nature of pastoral capitalism and small manufacturing, sufficient periods of prosperity and the growing assertiveness of the convict work force enabled a working class consciousness to develop and seeks to persuade that this was evident even as early as the 1830s in Van Diemen's Land within the convict working class.

The thesis explores many of these issues by focusing closely on the Campbell Town police district to determine whether or not the general issues raised in the literature applied to a complex convict workforce that could be studied in some detail. My choice of the police district for the study was influenced by the availability of significant quantities of archival material that could be interrogated to provide quantitative data about regional convict workers.

The 1835 Campbell Town bench book provided the basic information about, not only the convicts working in the area in 1835, but also their employers, the free settler farmers.⁴³ As 1835 was the last full year of Lieutenant-Governor Arthur's administration, the assignment system that he had overseen for twelve years was fully evolved into its final

⁴² L. Robson & M. Roe, *A Short History of Tasmania*, Melbourne, Oxford University Press, 1997, p. 18.

⁴³ LC 83/1, Records of cases heard and sentences imposed in the Magistrate's Court, Campbell Town, Van Diemen's Land, January 1835 to February 1836, AOT.

form and therefore representative of the success or failure of assignment as a work placement system. The local police magistrate, John Whitefoord oversaw the court for the whole year, also providing some guarantee of consistency in its operations. Analysis of this source alone permitted much of the district's population to be mapped on a database. It also provided a complete set of records of all free, assigned and ticket of leave workers who were charged under either the convict regulations or the civil law. Although other historians have used bench book material they have mostly selected numbers of individual cases to illustrate particular points. In this study, I have employed a relational data base to provide complete sets of cases for all groups and charges, enabling clear answers to emerge about how common certain charges were for different groups of workers. Issues of work charges, drinking, prostitution or pregnancy, more serious assaults and civil charges can therefore be seen in the context of the district's complete law and order profile for the year, for all citizens living in the district. The clerk's notes on many of the cases provided more detailed insights into the relationships amongst convicts and between them and their employers. A small run of data was also found for the Court of Requests for 1835.⁴⁴

In addition, the complete convict muster for the island for December 1835 was available.⁴⁵ This significant resource enabled me to trace the number of convict women working in the district and their distribution, as well as using it in other ways to answer questions about how common marriage was for serving female convicts from different ship cohorts and how many women at any one time were likely to be incarcerated. Monthly data sets were also available in the *Hobart Town Gazette* for 1835 for the numbers of women incarcerated in the female factories in Hobart and Launceston, the prison categories into which they were placed and the numbers of babies and children with them. This data enabled comparisons to be made between the pregnancy rates of female convicts across the island and within the district under study.

⁴⁴ POL 47/1, Records of cases heard and judgements in the Campbell Town Court of Requests, 1835, AOT.

⁴⁵ HO 10/47, General muster list for all male and female convicts who arrived in Van Diemen's Land, 1804 -35, AOT.

Absconding data was available weekly for all convicts in the *Hobart Town Gazette* for 1835 and an additional data set of this information was also available for the years 1833-34 as a result of an honors thesis undertaken by Matthew Loone.⁴⁶ These sources provided information about the absconding rate of different convict work groups across the island which provided a comparison with absconding rates within the district. It also recorded all ganged men who absconded in neighboring districts who frequently hid out in remote local areas.

Finally a useful short run of data existed about ticket of leave male workers in the district between 1835 and 1837.⁴⁷ This enabled new information to be extracted about their rates of employment during different times of the year, their locations, their importance in providing paid labour and their rates of self employment. This data included material eighteen months beyond Arthur's departure, but the assignment system continued relatively untouched until after the changes brought about by the Molesworth Commission in 1839, so I have concluded it is relevant to the period under study.

The study has the overall aim of bringing into sharper focus the lives of the diverse group of convict workers in a rural district at the end of the assignment period who were very much part of the community in which they worked. In the following chapters it questions how they sustained their own working class traditions, negotiated the dangerous ground of being unfree workers and created whatever opportunities they could to retain as much personal freedom as their circumstances allowed. The following chapter summary outlines the detailed questions asked by the study and the lines of enquiry pursued.

Chapter one will introduce the district and describes how the physical context of the region had been transformed by human activity. Firstly the Aboriginal landscape of low density woodland and open grassy plains that Lycett had sketched suggesting an arcadia

⁴⁶ Matthew Loone, 'Why Run? A Comparative Study of Convict Runaways in Van Diemen's Land, 1833 to 1834', Thesis, Bachelor of Arts with Honours in History, school of History and Classics, University of Tasmania, July 2004.

⁴⁷ POL 47/1, Ticket of leave monthly muster returns, Campbell Town police office, September 1835 to July 1837, AOT.

waiting empty for the new settlers with capital who were arriving to farm it; secondly the landscape of occupation that Lieutenant-Governor Arthur imposed on it, consisting of soldiers, police, magistrates and the system of jails, barracks and police posts meant to control it; and finally a clandestine landscape of resistance known to the convicts and where they could socialize on back roads and side streets, in safe huts and sly grog shops and the odd corners of farms. The terrain and the back roads cracked open Arthur's attempts at complete control.

Chapter two asks about the backgrounds of the local magistrates and what their relationships were to the governor, the police magistrate, to each other? It contrasts their power with that of their peers in New South Wales and explores the mechanisms used to control them. It asks why some local landowners accepted a commission from the governor and others did not. At a local level it asks what they were like as employers of convict labour by exploring the use they made of the courts for their own assigned servants. In turn it questions how they were viewed by local people by looking at letters in the press that reported on their actions. Finally it explains why so many of them sold up and returned home.

Chapter three introduces the convict police who were generally disliked by both convicts and the middle class and seen as different from the general run of convicts as well as corrupt. The chapter asks whether the local police were different from the general cohort of male convicts in respect to a number of documented criteria. It asks if there is sufficient evidence to suggest that police were recruited directly from the transport ships on arrival, a commonly held idea, and speculates about the ability of the local police magistrate to influence the choice of men for his district. The chapter also seeks to document the claims of police corruption made by colonial newspapers and looks at other issues which may have influenced some papers to take this position. Were these accusations of corruption warranted in relation to the local police? How strictly did the police magistrate control his men and what sorts of charges did he bring against them? Throughout, it explores the question of whether the convict police were really very

different from the men working in the new British police forces established at the same time.

Few historians have looked at the job the convict police were expected to do. Chapter four challenges the view that convict police did little more than surveillance of the roads and arresting drunks and explores the expanding role of the police magistrate's office. It identifies weaknesses in senior staffing and the turnover of men and officers. It uses a series of bench book cases to identify the difficulties convict police experienced in doing their job and the stresses they constantly faced from the hostility of all sections of the community.

Not all convicts in the district were assigned there. Running from road parties was common throughout this period and many ganged men from road works outside the district made their way there attracted by the seclusion of the remote river valleys and safe huts where they could hide for days or weeks. Chapter five looks at the absconding rates for gangs across the island and explores who ran and why. It speculates about how the men got the cash they needed to abscond, which was the incentive for hut keepers to shelter them. The strong hut culture in the district is explored as well through an examination of their uses as drinking, gambling sites and a means of providing accommodation. The chapter considers how some absconders were able to remain free for weeks or even years. Several cases from the local magistrate's court provide insights into the commercial relationships between the absconders and hut keepers, including several in which the whole industry of sheltering absconders was exposed in the Isis valley and even substantial land owners were shamed in court for not keeping a stricter control over the back blocks of their farms.

Chapter six considers the work of the Ross Bridge gang is examined to determine to what extent they integrated themselves into the social and economic life of the village and its hinterland. Their commercial dealings with settlers reflected the growing market needs for goods and services and the ways in which a government gang could function like a free market construction group to satisfy rational local demand. Their integrated supply

relationships with free tradesmen from Ross revealed much about the ways free and convict workers ignored artificial boundaries between themselves. Other smaller local gangs are also examined to determine to what extent these conditions existed within them. The punishments imposed on several local gangs are scrutinized and the role and extent of punishments imposed by the police magistrate is discussed.

It was within the sphere of domestic work that some key shifts could be noticed between masters and their female domestic servants. Chapter seven looks at convict women's skills and how they were distributed across the island and within the Campbell Town district to specific types of employers. The quality of their work is deduced from the numbers of charges masters brought against them for poor work or uncooperative attitudes, and some comparisons are made between the different situation in New South Wales and Van Diemen's Land. The ability of the settlers' wives to organize a household and servants is investigated as an important factor in managing female domestic servants. It was within the domestic sphere that class boundaries came to be most blurred as each group had many opportunities to judge the other. Seeing the women of the household having to help with domestic, farm or commercial work, and knowing the settler families to be self-made emboldened their convict servants to challenge the pretension that some claimed to be gentry. The social status of small free shop keepers and commercial families became increasingly doubtful too as emancipists started to establish similar businesses creating proof that upwards mobility was possible for ambitious convicts. The chapter explores how these small domestic dramas were indicative of shifts in the attitudes of employers and their domestic servants to each other.

Chapter eight explores the sexual and social behaviors of the local convict women. It canvasses reasons for the general good behavior of the women including the shift in working class behavior towards self help and the possibilities that women were electing to remain sexually inactive or using known methods of contraception. The low marriage rates amongst convict women while under sentence are discussed as well as the major effect it had on the population growth of the island. A close look is taken at the low rates of absconding amongst women and the complex reasons for it, as well as the low rates of

charges for common law offences. The groups of employers most likely to charge their female servants with offences are discussed. Why were high rates of imprisonment imposed on female convicts, and how were the middle class able to accept the severe punishment of convict women while practicing high levels of chivalry towards their own women?

The final chapter examines the leisure and work of the assigned male workforce of the district. The drinking culture of male workers in the villages and on farms is investigated with a close look at the Markham case that teases out how rum, cash and a hierarchy of farm workers both free and unfree, could create a complex mix of site issues that had to be managed by overseers. The working year of a mixed farm is described to illustrate the constant outdoor labour of assigned men, which set a context for their desire to limit their hours and retain control over their leisure. Bench book data answers questions about their types and levels of resistance to their forced labour and the punishments handed down by the local magistrates.

Few historians have looked at the ticket of leave men as a group of workers, the other major group of male convict employees. The final chapter also considers their access to employment in the district for a period of 22 months, during which time the economy started to slow. Their rates of full-time, part-time work and unemployment are examined, as well as the numbers of self employed men. The chapter asks whether the crime rate rose amongst those who appeared to have no work, how mobile the group appeared to be and speculates about unrecorded work opportunities that some may have accessed.

Finally appendices are provided that give more detailed statistics about the total free and convict populations and the annual returns of all convicts between 1833 and 1836, as well as charges against all male convicts residing in the Campbell Town district in 1835. More information is provided about the Midlands area through comparisons between the police districts of Campbell Town, Norfolk Plains and Oatlands. The acres granted in each, population estimates, general wealth comparisons and crops and livestock numbers illustrate the predominant place of the Campbell Town district in the economy of the

Midlands. Appendices also list the police magistrates in these districts as well as a complete list of the non-stipendiary magistrates in the Campbell Town district. Lastly the location and strength of military detachments in the Campbell Town district is provided to demonstrate the significance of the military as an instrument of control.