

'Sources in the National Archives for research into the transportation of Irish convicts to Australia (1791–1853)'

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The exact origin of the use of transportation as a penal measure is obscure, but it seems to have developed in the sixteenth and seventeenth centuries from a need to avoid what were considered the destabilising influences of particular groups, such as the banishing of Irish Catholics to the West Indies during Cromwellian times (1). When, in the eighteenth century, the death penalty came to be regarded as too severe for certain capital offences, transportation to North America, in the absence of an adequate alternative, became popular as a mitigation of such sentences (2).

By the time North America was replaced by New South Wales as a suitable penal colony after the American War of Independence, capital punishment, except in the case of very serious crimes, had largely been replaced by transportation (3). Legislation permitting transportation from Britain to New South Wales was first passed in 1784, and an equivalent Irish act followed in 1786 (26 Geo. 111 c.24). The British act did not name the destination, merely providing for transportation 'beyond the sea, either within His Majesty's dominions or elsewhere outside His Majesty's dominions'. The Irish statute provided for removal 'to some of His Majesty's plantations in America or to such other place out of Europe'. This difference between the two acts appears to have had the effect of enabling transportation to Australia from England to get under way in 1787, while there were difficulties with the Irish act. The passing of further legislation in 1790 (30 Geo. 111 c.32) designed 'to render the transportation of such felons and vagabonds more easy and effectual' rectified matters and the first shipload of convicts left Ireland for New South Wales at the beginning of April 1791. Between 1787 and the termination of the system in 1853, Australia received over 160,000 convicts, approximately 26,500 of whom sailed from Ireland (4).

When a transportation sentence was handed down, the convict was usually returned to the local or county gaol until preparations were made for transmitting him or her to the port. Transportees from the southern counties were housed in the city gaol at Cork. Built over the old gate to the northern part of the city, it was in decay and constantly overcrowded. Convicts brought to Dublin were housed, along with other offenders, mostly in Newgate and Kilmainham gaols. Like its namesake in London, Dublin's city gaol, Newgate, was under constant criticism from reformers because of its deplorable condition and the fact that all categories of offender were housed together. Kilmainham was Dublin's county gaol, with arrangements for convicts much the same as in Newgate except that transportees were separated from debtors and petty offenders. From 1817 a holding prison, known as a depot, was provided in Cork to house the large numbers of convicts accumulating

there (5). From 1836 a depot was provided in Dublin for female convicts and between the Great Famine and the opening of Mountjoy convict prison in 1850, temporary depots and Smithfield in Dublin and Spike Island in Cork harbour were opened to take males.

Due to the rich store of late eighteenth and nineteenth century administrative records held at the National Archives, the researcher is assured of an abundance of material on this subject; whether for the purpose of genealogical investigation, for academic research into the administrative and political framework in which the transportation system developed, the technicalities of its operation, or the reasons for its eventual demise. This paper will attempt to explain to the reader the composition and arrangement of each of these, to give an account of the type of material they contain, and to explain how they can best be used. The appropriate record collections, or series, are:

Chief Secretary's Office Registered Papers
Official Papers
Government Prisons Office papers
Convict Letter Books
Transportation Registers
Prison Registers
Convict Reference Files
Prisoners Petitions and Cases
Free Settlers Papers
Transportation database

Chief Secretary's Office Registered Papers

With respect to the history and operation of the system, the records of the centre of government administration during the nineteenth century, the Chief Secretary's Office, are the best source. The collection spanning the years 1818–1924, is known as the Registered Papers of the Chief Secretary's Office (CSO RP), and consists of all the incoming letters, reports, returns and memoranda to that office which accumulated in the course of business, in addition to an annual series of bound volumes in which details of these communications were recorded and which act as indexes or finding aids to the papers themselves.

Unfortunately for the researcher, the method of recording the details of incoming papers altered over the period during which convicts were transported. From 1818 until 1839, the registry clerks of the CSO *indexed* rather than registered the papers, with the result that for these years the volumes simply act as annual indexes to the incoming papers. In 1840, the system of registering details of all incoming papers in ascending numerical order by reference number and the amalgamation of related papers to form files began. Thus, information on each paper appears in tabular format across the full opening of each page, including columns for date of document, date of receipt, from whom received, subject matter of paper and how disposed of.

The corresponding accumulations of documents on related topics were assembled together under the reference number of the latest incoming paper. The register entry relating to the paper removed was amended to indicate this fact by the inscription in the register of the reference number of the paper to which the removed paper was annexed. To facilitate the retrieval of the papers, there are volume indexes to the registers for each year. Each one is divided into alphabetical sections or *cuts*, in which all papers received in a given year were indexed under the initial letter of the name of the individual, organisation or institution from which they emanated, or under the subject matter to which they related. Within each alphabetical cut, index sub-headings were created for the indexing of frequently received papers from for example, a particular government office, or on a recurrent subject – with respect to transportation, the alphabetical cut is C for convicts or P for prisons (6).

As finding aids for contemporary research purposes, these volumes are difficult to use. They are on open access in the Reading Room, but before embarking on a research project, an intending researcher is advised to consult the duty archivist. To call up a document in this series, the reader must prefix the reference number with the letters CSO RP. When citing documents from this series in theses or publications, the author must prefix the reference number with the letters NAI, CSO RP. Like all other series discussed below which contain correspondence, the records of the Chief Secretary's Office contain a very large volume of material on the supervision and treatment of convicts in the depots prior to embarkation and on preparations for the voyage. For instance, a government enquiry in 1817 into abuses in the system vigorously scrutinised the activities of all those involved in the management of convicts. Those conducting the investigation found the cost of maintaining convicts to be too high, the procedures for carriage to the port and for embarkation to be slow and inefficient and the fees paid to sheriffs, gaolers, and contractors who provided stores and provisions for the voyage to be exorbitant (7). As a result, the general and medical supervision of convicts was taken over by Dr Edward Trevor (8) who quickly set about redressing these perceived grievances (9).

Much of the early material on transportation in the CSO RP concerns the efforts made by Trevor to implement the recommendations of the enquiry. In detailing his efforts to reduce costs and improve efficiency, he reveals a great deal about the running of the Convict Department both before and after he took office (10). He claimed to have abolished the unnecessary cost of demurrage (11) by insisting that high sheriffs of counties and cities order the local inspectors and medical officers of their gaols to see to the health, cleanliness and clothing of convicts before they were sent to Cork. He also claimed to have made large reductions in clothing costs by arranging for all garments to be made by the convicts themselves (NAI, CSO RP/1818/C29), to have introduced competition among the traders and shopkeepers for the provisioning of convict supplies (NAI, CSO RP/1819/T67) and to have reduced overcrowding by increasing the speed with which warrants for sailing were prepared and sent (NAI, CSO RP/1819/T91). He believed that in order for the system to work to optimum efficiency, the movement of convicts from the gaols to the ships should be as speedy as possible. In 1818, he reversed

a decision by the surgeon superintendent of the ship *Elizabeth* to keep back four female convicts on the grounds of ill health – on conducting his own investigation, he found that three were perfectly fit to travel (NAI, CSO RP/1818/C88).

The papers chronicle very well the workings of the system covering, as well as Trevor's period as head of the Convict Department of the Chief Secretary's Office, those of his successors James Palmer and Edward Cottingham and the first head of the newly formed Government Prisons Office, Herbert Hitchins, who took office in 1850. The papers indicate that, apart from security, the main preoccupation of the authorities was that the process of embarkation should take place as efficiently and cheaply as possible. This necessitated particular attention being paid to convicts' general health and maintenance before embarkation and to some extent, particularly in the later years of the system, to vocational and educational training. There were constant efforts to ensure that there was a period of detention at the depot before embarkation, that convicts washed and were free from infection, especially as the surgeon superintendents were ordered not to reject any convict capable of undertaking the voyage, apart from those obviously suffering from serious or contagious diseases, women in an advanced state of pregnancy or having recently given birth, the very elderly, or those suffering from mental afflictions.

Although there is plenty of evidence that convicts who were deemed to be too ill to travel were presented again and again before further sailings until finally embarked, the process of embarkation seems in general to have been very carefully monitored by the doctors who examined the convicts medically, known as *medical superintendents*. Fear of epidemics, such as dysentery, typhus and cholera, breaking out in the ports and then transferring to the ships was one of the main medical concerns. As early as 1832, during the cholera epidemic, the hulks at Cove and Kingstown (12) were isolated and convicts had to observe the most rigid attention to cleanliness (NAI, CSO RP/1832/T1813). When cholera broke out on the ship *Java* in 1833, she was cleared of her stores and every part cleaned, ventilated and fumigated (NAI, CSO RP/1833/T3539).

An indication of how confident the Convict Department had become in the excellence of health procedures for female convicts can be gleaned from the sharp rebuke the surgeon superintendent, John Moody, received from the superintendent at Grangegorman depot, Marian Rawlins, when he complained in 1852 about the filthy and diseased condition of the female convicts embarked on his ship, *Blackfriar*. Rawlins defended her actions by stating that all the prisoners were clean on embarkation, but that unless they were daily inspected they would unquestionably, after several days, be in the state Dr Moody described. She protested that none were put on board that he objected to, either convicts or children. She said the slightest previous symptom of insanity did not appear in any convict embarked on the *Blackfriar* and *that there is a large number of old and useless women sentenced to transportation is perfectly correct, but we consider it our duty to have their sentence carried into effect as far as practicable.*

Herbert Hitchins also complained about Moody's remarks, saying that the strict procedures long in force had been carried out with great precision on the Blackfriar. He protested at Moody's having blamed others, including the prison officers, as the ultimate selection was in his hands and he had signed the list of prisoners fit to go. Both letters were sent to the Home Office with the suggestion from the Lord Lieutenant that some further enquiries be made into statements made by Moody. Moody then retracted his statement in a letter to the director general of the medical department of the Navy, saying that what he was referring to was slight gonorrhoeal infections, *such trifling affections not rendering them unfit to undertake the voyage* (NAI, CSO RP/1852/G4950).

The diet on board ship, which included fresh meat, vegetables, oatmeal and chocolate, seems to have been adequate and there is evidence that additional dietary provisions were often recommended when it was believed they could prevent disease. After 1845, a supply of apple potatoes was put on board all convict ships in order to prevent scurvy (NAI, CSO RP/1845/G5802).

Governor Franklin of Van Diemen's Land (Tasmania) complained in 1841 about the wretched state in which the Irish female convicts had arrived on board the ship *Mary Ann*. He asked that they in future be allowed to keep the clothes they possessed on conviction, as was the practice in England, as on landing they were invariably *in a state unfit to be admitted into a respectable house*. The authorities insisted, however, that the rags worn by Irish convicts on conviction were unfit for use (NAI, CSO RP/1841/G13358).

One of the more confused areas was with respect to the transporting of convicts' children. It would seem that from the beginning, except in extreme circumstances, children were allowed to accompany their mothers without objection. No definite policy is discernible throughout the period, in fact there was an almost deliberate vagueness on the subject.

One explanation for the apparent lack of strictness on the part of the authorities may have been the fact that it was in their interest to have as many children as possible sent off in order to avoid their becoming chargeable on the rates, with resultant pressure from the Grand Juries. Many children therefore, were transported with their mothers and even in some cases with their fathers. It is not clear if special arrangements were made for children on board ship. The main preoccupation was to dispose of them in the cheapest way, whether on board ship or otherwise.

Trevor's economies included the transporting of as many as possible of convicts' children along with them. When in 1822, one of several very badly behaved women was threatened with not being permitted to bring her children, aged two and four years, on the ship, she apparently swore on the bible that if her children were not permitted to travel with her she would *destroy her own life*. When asked by the Chief Secretary under what authority children had been sent on former occasions, Trevor answered that it was under *verbal communication* made to him, as otherwise children would be *cast friendless on the world* if not allowed to embark and besides, no extra

expense was incurred as a result. On this occasion Trevor failed and the children were not permitted to travel (NAI, CSO RP/1822/2716).

By 1831 there was still no definite regulation concerning children, and another list of convicts' children, who were likely to become destitute, was forwarded for approval. Official ignorance on the subject is shown by the response from the Chief Secretary's Office, which was simply to let them embark *if it can be done without an improper infringement of the regulations* (NAI, CSO RP/1831/3317). Eventually it was the colonists who insisted on making definite regulations. The ending of the assignment system, whereby convicts were immediately put into service on arrival in the colony meant that children would no longer be dispersed throughout the colony with their mothers, but would have to be kept along with them at the prison.

In April 1841, Governor Franklin complained that there were 30 very young children on the ship *Mary Ann*, who had been admitted to an orphanage at a cost to the government of £10 a year for their maintenance. The letter was referred to the convict superintendent, James Palmer, who insisted that this was *a regulation practised in this country for upwards of twenty years, sanctioned by the Treasury and recommended and approved of by successive governments, but specially directing that the children should be under ten years of age.*

Yet again the original official document sanctioning the practice could not be found, but it was claimed that Chief Secretaries had always ordered such children to be embarked – *It has been a most humane regulation, and if now suspended I fear these orphans (as they would virtually be) will become a burden if not worse, to the country. The governor of New South Wales never objected to the numbers of children I have thus sent out to Sydney in the last thirty convict ships* (NAI, CSO RP/1841/G13358).

The question arises when examining these records, as to whether the apparent increasing determined administrative effort at efficiency led to improved conditions over time. Several examples occur, one of which appears in 1846, when it was decided for the first time to send out a matron on each ship containing females, to superintend the work and instruction of the prisoners and their children during the voyage. Matrons selected were to spend some time before embarkation in the depot where the prisoners were confined, so that they could make themselves acquainted with them. It was hoped this would put an end to convicts deceiving the surgeon superintendents into thinking they were fit for transportation when they patently were not. A letter from the Home Office enclosed a list of ten females who went out on board the ship *Green* and the ship *Phoebe*, who were reported upon arrival in the colony as unfit to earn their livelihood. The matron was employed at the same rate as her equivalent in England – £30 paid in advance as a gratuity, a free passage and a status on board ship which allowed her to dine *at the intermediate table*. During her two months in the depot previous to embarkation, she was paid at the rate of £40 a year, the same as the other assistant matrons (NAI, CSO RP/1846/G17770).

In 1850, a further improvement was made when it was decided to divide the sleeping decks of female transport vessels into three compartments by louvered boarding partitions and to appoint a separate matron for each division. When this was done, the method of fitting up the female convict ships was at last regarded as satisfactory by the authorities. The newly appointed matrons were directed to keep journals and to forward these on landing for the information of the government (NAI, CSO RP/1850/G6675).

Despite improvements, pressure from the Australian authorities to end the system was so severe that in 1846 all transportation of Irish males was suspended for the following two years, causing a crisis in the Convict Department. A re-modelled system known as the *exile system*, where convicts were to spend periods in prison at home, followed by public works in Bermuda and Gibraltar, at the end of which they would be transported to Van Diemen's Land on ticket-of-leave (a type of probation), was designed by Lord Grey, the Secretary of State for the colonies. It was not possible to operate this system in Ireland because of overcrowding due to increased convictions during the Great Famine. In 1849 Lord Grey tried to persuade the authorities to allow him to arrange for some training for Irish transportees on arrival in the colony as an alternative (NAI, CSO RP/1849/G10919).

Governor Denison did not agree, complaining that of the 298 Irish male convicts disembarked on the ship *Pestonjee Bomanjee* in January 1849, 272 had been convicted in 1847 and four in 1848 so that having undergone only a short period of imprisonment, they were now ticket-of-leave holders *earning higher wages and living better than they ever could have hoped to do in their native country...they seem not to look on their removal as a punishment* (NAI, CSO RP/1849/G10919).

Despite protestations that Irish convicts were not the result of profligacy and vicious contamination and that their offences were merely thefts to which they were driven by distress connected with the possession of land or local feuds, Denison refused in July 1850 to allow any more Irish convicts to travel with tickets-of-leave, thus heralding the ending of transportation.

So, it can be seen from the records that the ending of transportation was largely forced by colonial opposition. The decision to end the transportation system was finally announced in a letter of 11 February 1853 from the Home Office. It included a request to be informed whether the Irish government was prepared for the immediate implementation of this measure. If this was not the case, the Home Office wished to know what portion of the convicts in confinement at that time in Ireland should be removed in order to give time and opportunity to increase prison accommodation. This was referred to Hitchens who informed Thomas Larcom, the Under Secretary, that the number of prisoners with transportation sentences in Ireland on 1 February 1853 was 4,500. He added, however, that while the estimates provided for 5,000, no steps had been taken to enlarge the prisons because a decrease had been anticipated in the number of convicts due to the ending of the Famine.

He thought that suitable accommodation existed for less than 4,000, with over 1,000 more expected as a result of the assizes and quarter sessions of 1853. He also believed that prolonged detention of convicts in the county gaols would not be tolerated for much longer by the county authorities.

Because of this situation, he recommended that two ships be chartered to convey 600 convicts to the colony (NAI, CSO RP/1853/1434). These ships were never dispatched however, and the last convict ship to leave Ireland for Van Diemen's Land was the *Midlothian* which reached Hobart on 24 February 1853 (NAI, CSO RP/1853/1434).

Official Papers

A second series of Chief Secretary's Office records entitled Official Papers (CSO OP), is a further collection of incoming papers which, although not registered, does not appear to differ in any significant way from the CSO RP. There are three sub-series of Official Papers. The first series (1788–1931) is listed in two volumes by date and subject of document. There is a comprehensive card index to these volumes giving volume number and page number within the volume.

The second sub-series (1832–1880) is listed directly on card index giving the reference number. The third series known as Official Papers, Miscellaneous Assorted (1780–1882), has an indexed descriptive list arranged in categories by subject matter of the papers, such as transportation, law, police etc. in bound volume format.

To call up a document in any of these three sub-series, the reader must prefix the reference number with the letters CSO OP, or in the case of the Official Papers, Miscellaneous Assorted sub-series CSO OP MA. When citing documents from this series in theses or publications, the author must prefix the reference number with the letters NAI, CSO OP, or NAI, CSO OP MA.

The Official Papers are also well worth consulting on transportation as the topics mentioned above tend also to be discussed in these papers. Because the series begins in 1788, it is possible to examine the system as it operated before the enquiry of 1817. There is for instance, correspondence relating to the state in which convicts were housed in their county gaols prior to being moved to the port. They were not usually moved until a sufficient number had accumulated to justify the expense of such a journey.

Because of overcrowding at Dublin and Cork, convicts very often had to remain in county gaols for some time, much to the annoyance of the local authorities or Grand Juries, who were responsible only for the custody of those with imprisonment sentences to be served in the gaol. Although it had been agreed that the Grand Juries provide clothing for the convicts, they invariably declined to allocate money for this purpose and as no government allowance was made for their upkeep, convict quarters in county gaols were usually neglected and in very bad condition.

Correspondence relating to this subject includes a letter from the governor of Roscommon Gaol to the Chief Secretary Robert Peel in 1816, in which he protested that seven women whose names he enclosed, were begging to have their transportation sentences carried out as quickly as possible because they could not bear the overcrowding and bad conditions prevailing in the prison (NAI, CSO OP/1816/462/20). Before the convict depot was opened in Cork in 1817 as a result of the enquiry mentioned above, there were several scandals relating to those brought from Dublin in sloops or brigs to await embarkation. Because of delays, transportees sometimes had to wait on board these vessels for extended periods in appalling conditions.

In 1815, Governor Macquarie of New South Wales complained of the high mortality rate on the *Three Bees* and the *Catherine*. The Inspector General of Prisons, Foster Archer, attributed this to the fact that the convicts had to remain in dock at Dublin for six weeks awaiting suitable winds. They received neither clothing nor bedding, which were considered an unnecessary expense due to the shortness of the journey to Cork. Because only a few were allowed on deck at once, they spent most of the time in irons in the hold in very unhealthy conditions. The journey itself was made in two days, but the sloop was again detained in Cork harbour before the convicts were removed to the ship. Archer insisted that in this case it was the long detention in port that probably caused the high mortality. To support his case, he told of returned convicts who had informed him that the period spent in the harbour was more distressing than the voyage and that *they underwent more suffering and sickness in the passage from Dublin to Cork than in that from Cork to Botany Bay* (NAI, CSO OP/1815/439/5).

Other subjects covered include religious controversies, such as an incident brought to the attention of the authorities in 1816, when the Roman Catholic chaplain complained to the Lord Lieutenant that he was refused access to the prisoners on board the ship *Surrey*.

Robert Harding, (Edward Trevor's predecessor as convict superintendent), admitted to having devised a new rule whereby the captain was no longer permitted to allow any strange person to go on board without directions from the Inspector General and that the chaplain in question had gone to the ship without having obtained the necessary clearance as stipulated under the new ruling. Harding added however, that the chaplain in question had not on every occasion in the past *confined his clerical duties to his own flock but has extended his pious care to the Protestant soldiers, by putting into their hands books for the purpose of making proselytes – these I have got from a good many soldiers*. The Lord Lieutenant directed that in future, no difficulty should be placed in the way of the Roman Catholic chaplain, but that every facility should be afforded to him for the purpose of visiting the convicts (NAI, CSO OP/1816/462/7).

Also in the Official Papers is the incident in 1838, when a bishop wrote from New South Wales complaining that the surgeon superintendent was compelled by the regulations, even though he was a Roman Catholic, to read Protestant prayers to an almost entirely Catholic ship (only about 5 per cent of

the ship's complement was Protestant), and had to distribute Protestant bibles, prayer books and tracts to the prisoners. He suggested that where the surgeon superintendent was Protestant, one of the Roman Catholic prisoners might read prayers for the remainder under proper superintendence. As a result, Palmer was instructed to consult with the surgeon superintendent of the next ship and with the archbishop, to prepare some prayers to be printed in a cheap form and distributed to the convicts on their embarkation (NAI, CSO OP/1838/329).

Like the CSO RP, these papers also contain information with respect to the official stance, if such there was, on the transporting of convicts' children. Expressing concern for the fate of eleven children whose mothers were due to sail on the ship *Canada* in 1817, Robert Harding made much of his arrangement to have the two youngest accepted at the foundling hospital of which he was governor, achieving even that only by what he considered a *very circuitous route*. The older children could not be got in by any means and so he asked the Chief Secretary for permission to send them with their mothers. There was apparently abundant room on board, as the ship had been chartered for 100 and *provided with all kinds of necessities for that number*. He believed that not more than 86 or 88 females would be fit to be sent, *and probably the surgeon of the Canada will object even to some of these*. The Chief Secretary answered that he did not have the power, and that application must be made to the colonial secretary, (NAI, CSO OP/1817/932).

Nothing appears to have been done about the matter but shortly afterwards the victualling agent asked that they be allowed to sail: *I really do not know what is to become of the poor children of the female convicts, as there is no place here to receive them, and they cannot be taken from the prison and thrown in the streets. As there is abundance of room in the ship, a small allowance of porridge would be the only expense to government and it would be a great comfort to the poor women* (NAI, CSO OP/1817/932). Later correspondence reveals that during the 1840s it was the practice in Ireland to allow male convicts to take their children on the voyage but this ceased with the temporary suspension of male transportation in 1847 (CSO OP/1847/99).

As with the CSO RP, these papers also reveal that every effort was made to get rid of as many convicts as possible onto the ships with certain exceptions. In 1835 the Chief Secretary instructed that *none were to be kept back except those who may appear to labour under diseases, which would be likely to be aggravated by the voyage or produce contagion, or those who from infirmity or old age might not be able to endure the voyage* (NAI, CSO OP/1835/90).

Government Prisons Office Papers (1850–1877)

From 1850 the government office responsible for the management of convicts was known as the Government Prisons Office (GPO). The records of this office, like the CSO, include incoming correspondence and a series of bound annual volumes in which the details were recorded and which, like the CSO

RP, act as finding aids to the papers themselves. Like the earlier CSO RP between 1818 and 1839, described above, the papers are simply indexed and the volumes act as annual indexes to the incoming papers.

The volumes are divided into subject matter cuts generally by name of convict prison or by the department within the civil service with which the GPO dealt. To call up a document in this series for consultation in the Reading Room, the reader must prefix the reference number with the letters GPO. When citing documents from this series in theses or publications, the author must prefix the reference number with the letters NAI, GPO.

The relevant volumes for research into transportation on open access in the Reading Room are as follows:

- GPO CR 1 1850
- GPO CR 2 1851–1852
- GPO CR 3 1853

Again, health issues predominate. The surgeon superintendent, when rejecting forty out of 225 females for embarkation on medical grounds in 1851, stated that the interests of the colony induced him to *select carefully the young and healthy* (NAI, GPO/1851/1215). Religion is another recurring subject revealing, in these later years, a belief held by some convicts that they could gain certain advantages by changing their religion. In June 1852, an enquiry was held into the case of a Protestant convict who wished to become a Roman Catholic. She had heard that the Roman Catholic women were being allowed to bring all their children out with them to Van Diemen's Land. She had no doubts of the truth of her Protestantism, stating that if she could get her child out to Van Diemen's Land with her she would *turn a Roman Catholic, I would have turned before if I had thought I could get my child out*. Hitchens refused her request because of her motive and because there was not enough time to comply with the regulations governing changes of religion. It transpired at the investigation that the woman had already been baptised by the Catholic chaplain and had attended mass. The rule however, stated that she must wait for two or three weeks before changing, which she had not done. Delia Lidwill, then deputy matron at Grangegorm, who had been present at the baptism, was punished by having her salary for the following year reduced from £60 to £50 (NAI, GPO/1853/Government 184).

There are also GPO letter books containing copies of outgoing correspondence replies and of other communications. The relevant volumes are as follows:

- GPO LB 1 21 May 1846–3 August 1849
- GPO LB 2 27 January 1849–20 December 1852
- GPO LB 3 8 January 1853–30 January 1854
- GPO LB 11 6 July 1846–10 January 1849
- GPO LB 12 7 July 1849–14 December 1851

Convict Letter Books

The series known as Convict Letter Books (CON LB) consists of volumes of copy outgoing letters and other communications which emanated from the Convict Department. The series beginning in 1843, possibly due to reforms carried out by Edward Cottingham who replaced Palmer in 1842, charts very well the later years of the system. The relevant volumes are as follows:

- CON LB 22 9 February 1843–16 April 1846
- CON LB 1 26 May 1845–3 February 1851
- CON LB 2 8 January 1851–31 December 1852
- CON LB 3 3 January 1853–31 December 1856

Comparisons with the earlier period show that in some ways, conditions were still very harsh. Convicts were still arriving in bad condition from the county gaols. In February 1844, nine female convicts with two children arrived at Grangegorman depot from Drogheda Gaol, Co. Louth, complaining that on reaching Drogheda they were all placed on straw in a cell on a stone floor *without fire or any covering whatever from the effect of which they have suffered severely* (NAI, CON LB 22 1843–1846). Two female convicts arrived in Grangegorman in March 1844 from Roscommon Gaol *dressed in a most scandalous way with a sort of man's jacket on over a flannel petticoat and no cloak, and also without a warrant or any returns whatever being sent with them from the gaol* (NAI, CON LB 22 1843–1846).

It would appear that the journey to the port was still causing problems, even though it simply meant carrying the convicts from the depot at Grangegorman to Kingstown. It was however, necessary to provide a large military escort to guard the cars carrying the convicts because of the rowdiness and frequent drunkenness on the journey. In April 1843, it had been necessary to provide sixteen cars to carry 64 convicts from Grangegorman to Kingstown (NAI, CON LB 22 1843–1846).

There were improvements however. From May 1843 there was considerable improvement when the admiralty supplied the necessary garments, sending them straight from the ship to the depot to avoid wasting time in fitting out the convicts at embarkation (NAI CON LB 22 1843–1846). There was concern shown for nursing mothers, when in January 1845, Cottingham asked that September to April be avoided for sailings because it was dangerous for nursing mothers to travel in jaunting cars in bad weather.

He also complained about the accommodation for mothers in convict ships, saying that the berths were inconvenient, if not dangerous, so far as women with infants were concerned, *each woman being allowed a berth separated by planks and so narrow that a woman with an infant could not sleep in one without danger* (NAI, CON LB 22 1843–1846).

With respect to health, in April 1848 a circular from Hitchins, to the governors of all local gaols requested that only those who were in good health and free from infectious diseases were to be admitted to the depots (NAI, CON LB 1 1845–1851).

Transportation Registers

When a transportation sentence (13) was handed down at a court sitting held at the local assizes or quarter sessions, the clerk of the crown in each county was required to furnish details to the government authorities in Dublin Castle, so that arrangements could be made to convey the convict to the port for embarkation on the next available vessel. When the details were received they were entered into registers by clerks in the Convict Department. These details recorded include the convict's name, age, date of conviction, term of transportation, crime, name of trial judge and name of sessions or assizes where tried. The registers also have a *remarks* column usually indicating the name of the ship on which the convict sailed and the date of sailing, whether the convict was discharged or pardoned, or if the convict died before embarkation.

From about 1848, probably due to the increase in numbers receiving such sentences, there is a deterioration in the standard of compilation of the entries in the registers and of the level of detail given, particularly with respect to recording the eventual fate of the convict. They therefore cannot, in this later period, apart from verifying that an individual received a transportation sentence, be cited as proof of transportation. The registers originally spanned the entire period the system was in operation, but those covering the years 1790 to 1835 were destroyed in the fire at the Public Record Office in the Four Courts in 1922. There is approximately one volume for each year, with details of males entered to the front of the volume and females at the back. Entries are arranged under counties and principal cities. The volumes can be consulted on microfilm in the Reading Room.

To call up a volume on microfilm in this series for consultation in the Reading Room, the reader must prefix the reference number of the volume with the letters GPO TR. When citing volumes from this series in theses or publications, the author must prefix the reference number with the letters NAI, GPO TR.

The volumes, reference numbers and microfilm roll numbers are as follows:

- GPO TR 1 1836
- GPO TR 2 1837–1838
- GPO TR 3 1839–1840
- GPO TR 4 1841–1842
- GPO TR 5 1843–1845
- GPO TR 6 1845–1847
- GPO TR 7 1847–1848

- GPO TR 8 1848–1849
- GPO TR 9 1849
- GPO TR 10 1850
- GPO TR 11 1851
- GPO TR 12 1852
- GPO TR 13 1853–1854
- GPO TR 14 1855–1856
- GPO TR 15 1857

Prison Registers

The registers of local prisons, convict depots and convict prisons will also contain details of convicts, varying in level of detail, and can be consulted by referring to the Department of Justice, Prison Registers Series. For instance, the register of female convicts for Grangegorman female convict depot covering the period 11 July 1840 to 22 December 1853 (Prisons 1/9/7), contains 3,500 entries. (Grangegorman depot had opened in 1836 as the first exclusively female prison in the British Isles. It housed females with imprisonment sentences as well as those sentenced to transportation. The prison's main function with respect to convicts was to provide employment training for them so that they might satisfy the ever increasing demands of the Australian authorities that they be fit to earn their living on arrival.) The register, an excellent source for statistical analysis, contains details of name, age, crime, sentence, location of conviction, marital status, literacy level, trade or occupation and number of previous convictions.

Convict Reference Files and Prisoners' Petitions and Cases

Petitioning the Lord Lieutenant was the only real hope of obtaining a commutation of sentence. Petitions, also known as memorials, were prepared by the convict or by a representative and referred directly, in the first instance to the Lord Lieutenant. He then referred them, via the CSO, to the trial judge, the local constabulary and sometimes to the governor of the local gaol to confirm statements made by the convict protesting innocence, age, size of family, or state of health as mitigating factors. All petitions were investigated thoroughly. The accumulations of documents which gathered as investigations progressed are known as Prisoners Petitions and Cases (PPC), from 1778 to 1835, and as Convict Reference Files (CRF), from 1836 to 1853. The files are arranged alphabetically by year, in straight numerical sequence. The finding aid for the petitions is a card index by name of petitioner or convict. The finding aids for the Convict Reference Files are the Convict Reference Books (1836–1853). To call up a Prisoners Petition or Convict Reference File for consultation in the Reading Room, the reader must prefix the reference number of the file with the letters PPC or CRF. When citing files from this series in theses or publications, the author must prefix the reference number with the letters NAI, PPC or CRF.

Approximately 7,500 petitions were received from men and just under 1,000 from women between 1791 and 1853. Given the proportion of male to female convicts, it would appear that women petitioned on average only half as often as men. Most successful petitions were on the grounds of old age, chronically bad health or insanity. Petitions from women seeking clemency only on the grounds of large family size were generally not successful. The transportation sentences of women convicted under the vagrancy act (mostly prostitutes) which was peculiar to Ireland, were remitted if security was given for future good behaviour within three months of the date of sentence being passed. It also appears that under the vagrancy act such sentences could not be commuted to imprisonment, and prisoners had to be either transported or discharged.

Successful petitions were often those which contained a request concerning children. In 1848 the petition of Mary and Johanna Kelleher from Bantry, both serving 12-month imprisonment sentences, was investigated. It was found they had committed the offence in order to be transported, as they wished to go with their mother who had been given a seven-year sentence. When the real motive was discovered they were discharged and placed on the ship with their mother as free settlers (CRF 1848/K39). Mary Campbell, aged twenty-three, who gave herself up to the police, was given a ten-year sentence for larceny. She stated in her petition in 1850 that she had committed the crime because of her illegitimate child then aged four. Her petition was successful and she and the child were sent out as free settlers on the ship *Blackfriar* (CRF 1850/C68).

It was extremely difficult to obtain a mitigation of sentence on health grounds. Pregnancy or extreme youth were not mitigating factors. In 1848 the petition of the relatives of a twelve-year-old who pleaded on the grounds that her sight was failing due to cataracts was unsuccessful because, while it was admitted her eyes were tender, she was not actually blind (CRF 1848/H45).

There is throughout the petitions a very slight sprinkling of those who actually wanted to be transported as quickly as possible. Eliza Brown petitioned in 1820 to be transported, as she could not fulfil the condition of her sentence, which was that she find bail within three months or be transported. On failing to find bail she begged to be sent off to Botany Bay immediately *to relieve her out of her present distressed situation* (PPC 1820/1442). Mary Kilrea's petition in 1820 asked if the Lord Lieutenant *through your accustomed tenderness and humanity to the distress would show such directions as you think most expedient on the subject in question to have petitioner removed and forwarded to her place of destination as speedily as possible* (PPC 1820/1503). In 1849 Margaret Byrne from Carlow had her death sentence which was imposed as a result of an arson attempt made by her on an occupied house commuted to transportation for life. She stated that she had committed the crime in anticipation of a transportation sentence (CRF 1849/B 25).

Free Settlers Papers

This small series, spanning the years 1828 to 1848, contains information relating to the relatives of transported convicts who were emigrated to join their convict relative at the expense of government. There is no separate hard copy finding aid and access to the information is through use of the transportation database described hereunder.

Transportation database

On the occasion of the Australian bicentenary it was decided by the Irish government that a database containing information such as the transportation register entries, and those prisoners petitions and Convict Reference Files of convicts transported from Ireland should be compiled. The records were microfilmed and a copy of the database and the microfilms were presented to the people of Australia as a gift from the Irish nation. A copy of the database is available in the Reading Room and can be used to access the original records. Each entry can contain name of convict, any alias, date of crime, date of trial, place of trial, details of crime, sentence, and additional information such as name of ship, details of family, place of origin etc. It can be searched by surname (exact or similar), by crime, and by name of ship.

Notes

1. Legislation providing for the transportation of offenders was first passed in 1597, though it was most probably never put into effect (39 Eliz. c.4). In 1666 further legislation was passed by which moss troopers convicted in Cumberland or Northumberland as *notorious thieves and spoil-takers* could be transported for life to America (18 Car. 2 c.3) The first Irish statute to mention transportation was 2 Anne c.12. See Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750*, v, 'The emergence of penal policy' (London, 1986), p 465.
2. Its use as a mitigation of the death penalty was in the case of capital statutes carrying *Benefit of Clergy*. This privilege, which was not abolished until 1827, was originally confined to members of the clergy who were tried for felonies in ecclesiastical courts. By the mid-seventeenth century it had been extended to literate laymen and women. Eventually it was widened to include all offenders, although it could be claimed once only, and the number of offences to which it applied was severely restricted. The number of capital statutes not carrying Benefit of Clergy (the 'Bloody Code') was still very large and was estimated in 1823 at 2003.
3. By the 1850s, the death penalty was restricted to murder and treason, and public executions ended in 1866. The lesser physical penalties were also curtailed or abolished – branding in 1779, the pillory in 1837 and whipping of women in 1819.

4. During the transportation era, the term *convict* referred to the serious offender who received a sentence of either death or transportation. After the passing of the first Penal Servitude Act in 1853, a new long term prison sentence replaced that of transportation. For details of names of ships, numbers embarked, numbers landed, dates, ports from which the vessels set out and their destinations, see Charles Bateson, *The Convict Ships* (Sydney, 1974).
5. The removal of the male convicts to hulks in 1822 meant that conditions at the Cork depot improved considerably. During her tour of inspection of Irish prisons in 1826, the prison reformer, Elizabeth Fry, pronounced it to be *defective as to its conformation, but '...cleanly, comfortable and well superintended*. She was not convinced, however, of the need for such depots, and seemed more in favour of the English method of bringing the convicts straight from the county and city gaols to the transport ships for embarkation. (See Elizabeth Fry and Joseph John Gurney, *Report addressed to the Marquess Wellesley, Lord Lieutenant of Ireland, respecting their late visit to that country*, London, 1827, pp 21–2). The depot was not abolished until 1851 when it was closed because of its bad state of repair, only to be reopened in 1854 due to the increasing demand for convict accommodation following the ending of transportation.
6. For a comprehensive account of the history of the Chief Secretary's Office and of the arrangement and use of its records, known as the Registered Papers of the Chief Secretary's Office, see Tom Quinlan, 'The Registered Papers of the Chief Secretary's Office', *Irish Archives*, Autumn 1994, pp 5–21.
7. *Report of the commissioners appointed by the crown to investigate certain alleged abuses in the convict department at Cork; together with the evidence taken before them*, 99, H.C. 1817 (343), viii, 104, 113–15.
8. The notorious Edward Trevor, ex-superintendent of Kilmainham gaol, where state prisoners were held in 1798 and 1803, claimed to have foiled an attempt at escape by Robert Emmet.
9. Until the recommendations of the report of the enquiry were put in place, three government officials were involved in the preparation of convicts for transportation: the *agent of transports* was appointed by the Chief Secretary to contract with a private shipowner to transport the convicts, the *victualling agent* had to provide for the convicts while on board ship in the harbour, and the *medical superintendent* looked after the convicts while in port, undertaking further medical examinations on embarkation. Supervision during the voyage was the responsibility of the *surgeon superintendent*.
10. Although the Chief Secretary's Office was set up in 1780, the surviving records date from 1818, by which time the transportation system had been in operation for 18 years. The department responsible for the

transportation of convicts was known until 1850 as the Convict Department, when it was renamed the Government Prisons Office.

11. This was a penalty paid to the shipowner for failure to discharge the ship within the time allowed.
12. A separate depot for convicts was finally opened in Cork in 1817, which housed both male and female convicts until 1822, when Trevor received authorization to place male convicts directly on a hulk (on the style of the notorious British hulks) in Cork harbour, freeing the depot for the exclusive use of the female convicts. Like the depot, both the hulk at Cork and a further *temporary* one at Kingstown, were run by the convict department, with the inspectors general reporting annually to government. The Kingstown hulk was proposed by Trevor in 1823 to save the expense of sending the prisoners from northern gaols to Cork. Because the Irish hulks were to be used only as places of temporary detention while awaiting embarkation, they had not even the sparse facilities of the British hulks, where convicts were allowed to work on shore for part of the day, resulting in extreme overcrowding on board at all times.
13. Transportation sentences were for periods of seven years (the most common), ten years, fourteen years or life. The nature of the sentencing policy behind these terms has not been fully researched. Linked with political conflict and agrarian unrest, the view that Irish men and women were transported for trivial first offences such as petty theft, has become part of Irish tradition. See Lloyd Robson, 'The origins of the women convicts sent to Australia 1787–1852' in *Historical Studies of Australia and New Zealand*, xi, (1963) pp 43–53; Alan Shaw, *Convicts and the colonies, a study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London, 1966); Portia Robinson, 'From Colleen to Matilda', in Con Costello (ed), *Ireland and Australia*, (Dublin, 1987), pp 96–110; Rena Lohan, *The management of female convicts sentenced to transportation and penal servitude 1790–1898*, (unpublished M.Litt, TCD thesis, 1989) pp 1–13.

Irish Archives

This article is an online version of the article 'Sources in the National Archives for research into the transportation of Irish convicts to Australia (1791–1853)' by Rena Lohan. The complete printed version with illustrative examples of the document types mentioned appears in *Irish Archives*, the [Journal of the Irish Society for Archives](#), Spring 1996.