

THE FEMALE FACTORIES

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Delivered at a meeting of the Medico-Legal Society held on 21st October 1972, at 8.30 p.m. at the Royal Australasian College of Surgeons, Spring Street, Melbourne. The Chairman of the meeting was the President, Mr. W. E. Paterson Q.C.

IN this age of Women's Lib, in this year of the admission into this Society of its first lady members, I thought it fitting to present to you a facet of the lives of most of the founding mothers of the white community of Australia. The Female Factories, until the middle years of the last century, were a very important part of the structure of the penal settlements. Usefully defined in "The Acts of the Lieutenant-Governor and Council of Van Diemen's Land" (8 Geo. IV No. 4 of 21 September, 1827) as "any building used for the reception of female offenders transported from Great Britain", the Factory was much more than this. Almost forgotten now, the only surviving material reminders of their existence are two walls, one, at Parramatta, and the other, at Cascades near Hobart.

Of approximately 163,000 convicts transported to Australia, nearly 25,000 were women and these were divided almost equally between New South Wales and Van Diemen's Land. One hundred and eighty-eight landed from the First Fleet at Sydney Cove in 1788, and the last reached Hobart in 1853. The first female transportees to be sent to Van Diemen's Land arrived in 1818 but most women went to New South Wales until transportation there ceased in 1840. After this, a large number, nearly 9,000 in twelve years, went to Van Diemen's Land. The great majority of the female convicts had been convicted for minor stealing offences. About three-quarters, compared with nearly one-half of the men, had received the minimum sentence of transportation, seven years. Approximately forty per cent were Irish and almost ten per cent Scottish. The latter had a deserved reputation for being the most hardened and there seems to have been an endeavour to segregate and send them to Van Diemen's Land. To the latter in the 1840's was sent also a large number of young, illiterate, Irish country women convicted of the most trivial offences, in the then very difficult times in their country and these, notably, caused little further trouble. The female convicts, of an average age of

twenty-seven, were slightly older than the male. In the First Fleet, nearly forty per cent were over thirty (Cobley) and, in view of the then life expectancy, they cannot be described other than as both worn and aged. Probably about two-thirds of the women at the time of their transportation were single, but, from the statistics available, and those for New South Wales are very sketchy, it would seem that at the most only sixty per cent of these eventually wed. This may seem difficult to understand in the light of the male sex predominance, but marriage was often less acceptable than transient relationships and there was obviously a hard core of women for whom there were no takers.

From the beginning, the convict women presented many problems. "Worse than the men—they're worse than the men", was a repeated cry. More excitable, more quarrelsome, more difficult to discipline and so control, they were ever ready to achieve their own ends by the lure of sexual intercourse. Many of the female transportees were already full or part-time prostitutes but how many cannot accurately be assessed. Almost all in "our" eyes would be regarded as amoral or, in the words of contemporary accounts, as abandoned. If any had personal principles, these were almost inevitably swamped on reaching this country. Many stories are told of their unrestrained and shameless behaviour and, even if there are exaggerations, there is much which must be accepted. Most were better off in Australia than they had been in the past and there are virtually no accounts to be found from them complaining of their lot. A convict, Thomas Watling, remarked of them, "Be she ever so despicable in person or in manner, here she may depend that she will dress and live better and easier than ever she did in the prior past of her prostitution." Earlier, Phillip, himself, wrote, "I don't know but that it may be best if the most abandoned are permitted to receive the visits of the convicts in the limits allotted to them at certain hours and under certain restrictions. The rest of the women I should keep apart and by permitting the men to be in their company when not at work, they will, I suppose, marry." His supposition proved wrong for in 1806, of 1412 women then in the colony, only 360 were married and of 1808 children under nineteen, 908 were illegitimate. In Van Diemen's Land, where documentary evidence has best been preserved, about twenty per cent of the women after landing had no further offence recorded against their name and four per cent had serious charges. It can be seen then that the vast majority were in minor trouble, on the average several times,

and the charges commonly were drunkenness, use of abusive language, sexual misconduct, petty theft and absconding or being absent without permission.

In the early years, New South Wales was virtually an open jail, some also said an open brothel, with convicts having to fend, very largely, for themselves. Their working day started at 4.30 in summer, dawn in winter, and finished at 3.00 in the afternoon. After this, they were permitted to work for themselves, to earn a little for the simple amenities or luxuries they sought. For the female convicts, these were clothes, their finery, and liquor, and for most there was really only one way to obtain them. The general depravity was encouraged by the lack of controlled accommodation. This usually was provided by their masters for those assigned to officials and, later, to free settlers, but there was no significant attempt for thirty years by the Government to systematically house the male convicts in their employ; barracks for them in Sydney were completed in 1819, and until then it was a case almost of each convict for himself. Early, also, the women had insufficient work and so were subjected to the corrupting influence of idleness.

It was during King's term as governor, from 1800 to 1806, that the first serious attempt was made to segregate and gainfully employ the female convicts. He established the first Female Factory, in the upper floor of the then Parramatta Gaol, today the site of Alfred Square. Here the women were sent on their arrival at Sydney Cove; up the river by boat, and there are many lurid stories told of the riotous happenings on this last short trip—for many, an initiation into their future way of life. At the Factory, spinning and weaving of wool, which was now being produced, was undertaken and, in later years, making and laundering of clothes. From this and other later Factories, at Hobart, Ross, George Town and Launceston, women were assigned. They were selected and applied for by settlers and others to act as servants but this often was the path to prostitution. To these factories came also women-hungry men looking for wives and the ballad, "Botany Bay Courtship", survives as a reminder of this role—

The Currency Lads may fill their glasses
And drink to the health of the Currency Lasses;
But the lass I adore, the lass for me,
Is a lass in the Female Factory.

Choice of the bride commonly was made at the morning parade

and marriage followed immediately. R. Therry, a puisne judge of the Supreme Court of New South Wales, in his reminiscences wrote, with probable unconscious humour, "On no more formal courtship than bare inspection, the marriage contract was concluded". As was to be expected, these unions, which offered an escape for the women, were often very brief. To the factories, women were sent for punishment after conviction for secondary or colonial offences, and so they also became "Houses of Correction". Punishment of the female convicts was never easy and many forms were found ineffective. Flogging early was stopped. Bowes, assistant surgeon on the *Lady Penrhyn*, the ship carrying most of the female transportees in the First Fleet, gives one of the reasons. "At first one or two were flog'd with a cat of 9 tails on the naked breech, but as there are certain occasions when such mode of punishment c'd not be inflicted with that attention to decency everyone whose province it was to punish them, wished to adhere to, it was totally laid aside". The curse of menstruation was an uncleanness not to be exposed. Thumb-screws, shackling of the wrists and an iron collar carrying prongs on each side (a device peculiar to Van Diemen's Land), were soon discarded. Gagging for abusive language—the women were notoriously more foul-mouthed than the men—often was resorted to, as also was shaving of the head which was most unpopular and, therefore, effective. However, it was solitary confinement, the maximum sentence was twenty-one days, which was most feared and it became the mainstay of judicial retribution. Capital punishment of female convicts was very rare and there is no record of this occurring in Van Diemen's Land. Watkin Tench, officer in the Marine Corps, in his "A Complete Account of the Settlement at Port Jackson" (1793) wrote "To the honour of the female part of our community let it be recorded, that only one woman has suffered capital punishment; on her condemnation she pleaded pregnancy; and a jury of venerable matrons was impanelled on the spot, to examine and pronounce her state; which the forewoman, a grave personage between sixty and seventy years old did, by this short address to the court; 'Gentlemen! She is as much with child as I am.' Sentence was accordingly passed, and she was executed." Poor Ann Davis alias Judith Jones, a first-fleeter, found guilty on Saturday, 21st November 1789, of feloniously breaking and entering and stealing sundry articles of clothes the preceding Saturday, was hung two days after conviction. At least, at the end she admitted her plea of pregnancy was "advanced merely for the purpose of

saving her life" (Collins). The law certainly moved fast in those times.

Places of segregation, employment and punishment, marts for assignment as servants and for marriage, the Female Factories served also another function. They must be recognized as Australia's first maternity establishments. It was inevitable that the pregnancy rate among the transportees should be high and, in this condition, they usually were returned for their confinement to the Factories. The staff of these included both midwives and nurses, recruited from among the convict women themselves—the midwives, in the flash-slang of the day, appropriately were called "fingersmiths".

Conditions at the first Female Factory at Parramatta, from its beginning, were appalling, even for those times, and the situation progressively deteriorated. In 1815, the Rev. Samuel Marsden, Senior Chaplain to the Colony, wrote to Macquarie—"The number of women employed at the factory . . . is about one hundred and fifty; they have seventy children. There are only two rooms and those are occupied as work shops. In these rooms there are forty-six women daily employed. Many of these women have little, and some no bedding; they all sleep on the floor; there is not a cradle or bedstead belonging to the factory." Marsden, a man who played many roles, as a local magistrate from 1811 to 1815 had supervision of the factory, but it is said that for six years he did not conduct a religious service there, had little interest in reformation, and his punishments were models of vindictiveness (Wannan).

Commissioner Bigge, shortly after his arrival in New South Wales in September 1819, visited the Factory and wrote a damning report. He found accommodation so limited that most women had to find shelter in the town, "where they co-habit with the male convicts in the employ of government, or with any person who will receive them." He considered it as a place of employment "not only very defective, but very prejudicial" and, as a site for punishment, merely "a temporary restraint from indiscriminate intercourse or unchecked dissipation". He thought "the state of disgusting filth" and "the licentious appearance of the women" indicative of the general lack of control, but did appreciate that little could be done in the existing buildings, where in the main room, sixty feet by twenty feet, the flooring was so shrunken that when washed, the water ran into the male prison below. It is worth recalling that the weekly ration issued to each

woman was "four pound ten ounces of flour, and the same quantity of meat, or two pounds of port"—no fruit and no vegetables—and the continual complaint on this score seemed well justified.

Macquarie had no enthusiasm for female convicts and, indeed, early desired that no more be sent from Britain. In 1810, he wrote to the Earl of Liverpool, then Secretary of State for the Colonies, requesting "that as many male convicts as possible should be sent thither, the prosperity of the country depending on their numbers, whilst, on the contrary, female convicts are as great a drawback as the others are beneficial". His wish was not acceded to because of the obvious danger of increasing the proportion of male to female and, indeed, the report to the House of Commons of the Select Committee on Transportation (1812) made it clear that prostitution was considered a lesser evil than homosexual practice. The pressures on Macquarie became overwhelming and on 29th January 1818, he instructed the colonial architect, Francis Greenway, to prepare a plan for a new factory at Parramatta, on a four acre site across and beside the river and a short distance from the town. It was to be sufficiently large to lodge not less than three hundred women and the original contract price was £4,800. This figure was swollen by nearly £1,200 for additional requirements, but even so the total cost was far less than Marsden's original and unsuccessful tender of £14,000—he had also an eye for profit. Later in 1818, Macquarie visited the building and remarked in his diary "at 12 o'clock laid the Foundation Stone . . . giving the workmen Four gallons of Spirits to drink success to the Building". This was of three storeys and built of locally-quarried stone. The classical simplicity of line had some of the grandeur of much of Greenway's work. Godfrey Charles Mundy, a man of perception and humour, visited it in 1846 when deputy adjutant general of military forces in Australia and wrote that it was "a handsome solid stone edifice, a 'stone-jug' well calculated to contain the most ardent and effervescent spirits". The ground floor was where meals were eaten and the upper two storeys each contained four sleeping dormitories. The roof was crowned by a cupola, an ornament which covered ventilators. In front, in the outer yard, were dwellings for the superintendent and gatekeeper, also a hospital and weaving room. Behind the main block was an inner court surrounded by a kitchen, bake-house, storerooms and spinning and carding rooms. The whole site was surrounded by a wall nine feet six inches high, but this was found quite inadequate, to keep in or to keep out, and it was

rebuilt and added to, repeatedly over the years, until it reached twenty feet. On 1st February 1821, the female convicts moved from the old to the new factory with an apprehension, which was to be justified—a strict discipline was to enter their lives. In the next year, they were to make over 60,000 yards of cloth and, about 1823, punishment or isolation cells for refractory women were erected.

This, of course, was part of the swing of the pendulum. Always, many aspects of the development of New South Wales as a colonial settlement and as a penal establishment, had been in conflict. Macquarie's leaning towards the former and his liberalism (and that of the Select Committee on Transportation of 1812) was to be checked. This was due partly to the influence of free settlers, notably John Macarthur, and partly, and probably more importantly, to the appreciation that transportation had lost much of its terror as a deterrent and so punishment must regain its sting, be better-controlled and of greater severity. Lord Bathurst, the then all-powerful British Colonial Secretary, largely had determined his course before Commissioner Bigge was sent to this country. The latter was made aware of this, was given his instructions, and his "Inquiry" submitted to the House of Commons in 1823, can be said to have been only partially impartial. One can but wonder whether the unfortunate Brisbane, who replaced Macquarie in 1821, was aware which way the wind blew.

In 1824-25, female convicts were sent to the newly-established Moreton Bay penal settlement. Few at first, by the late eighteen thirties they numbered, at any one time, between 60 and 70 (Gordon). They were the most recalcitrant of their sex and Moreton Bay might be considered to be the female equivalent of Norfolk Island. Punishment included field labour in chains at Eagle Farm. A satellite female factory to house them was built—a double-walled and palisaded prison—the site of which now is occupied by part of the G.P.O., Brisbane. In 1839, with the approach of free settlement of the area (1842), these women were withdrawn to the Parramatta Factory where they were confined in a new high-security isolation block (erected 1839) containing seventy-two cells. Of three storeys, the ground level contained thirty-six dark cells, each eight feet long, five feet wide and nine feet high, the upper two storeys each had eighteen cells, eight feet by ten feet, opening off central galleries and lit by high narrow embrasures. The walls throughout were two feet thick

and, to obtain quietness, each cell had two doors, an inner iron and an outer wooden one. There was an intricate system of ventilation but plumbing, of course, was a pail. A local magistrate, at the time, still could condemn a female offender to a maximum of twenty-one days in the solitary and dark cells, a sentence which went far beyond anything then permitted by English laws. Agitation was soon to correct this and, with other changes, the dark cells were altered to admit light. Official resistance to reform, so often seen, is reflected perhaps in Governor Gipps' report on October 1840—"Punishment of the cells has been found to be highly salutary, and indeed at the present moment, order, cleanliness, and perfect obedience and *silence* may be said to prevail in the Establishment . . ." But, this was a volcano soon to erupt.

Following the Report of the Select Committee on Transportation in 1838 (the Molesworth Committee), transportation to New South Wales ended in 1840, but the worst years at the Factory were to come. With the cessation of assignment and the return to the Factory of many convict servants replaced by free immigrants, notably Caroline Chisholm's girls, overcrowding there reached a frightening level, the maximum number, 1203, being reached in July 1842. Gipps visited in October, of the same year, and found the women in a state of extreme unrest, and wrote—"Their manner of addressing me was still very respectful, but there was an air of determination in it which was altogether novel; and the peculiar hardship of their condition was, I perceived, perfectly understood by them. They represented that they had been sentenced to be Transported, but not to be imprisoned after Transportation". Despite endeavours to improve conditions, on the night of 1st February 1843, a serious riot occurred which required the military, and a providential downpour of rain, to quell. The latter, it is said, saved the building from being gutted by fire. Numbers now rapidly fell, from expiration of sentences and from granting of tickets of leave, and by the end of 1847, the need for a Factory ceased. The following year, the old buildings were taken over as a mental asylum and continued to serve as such until 1883 when they were demolished.

Parramatta, Moreton Bay—and there were four other Female Factories in this country, all in Tasmania. The principal of these was at Hobart but, in the north on the Tamar, there were secondary establishments at George Town, near the mouth of the river, and at Launceston and there was also another at Ross. The first

female convicts reached Hobart in 1818, but early they were few in number and little or nothing was done about their segregation and employment. This reached the ear of Elizabeth Fry. Her very considerable influence is revealed in a dispatch, dated 5th June 1825, from Lord Bathurst to Governor George Arthur. "Sir—I have to acknowledge the Receipt of your Dispatch . . . in answer to one which I had addressed to you on the subject of certain suggestions of Mrs. Fry relative to the Treatment of female convicts in Van Diemen's Land and I have to request that the measure which you have proposed—that of appropriating such parts of the old jail as can be rendered habitable to purposes connected with a private Factory, may be carried into effect". The old jail was in Murray Street, almost opposite the Court House on the corner of Macquarie Street, and its part conversion to a Factory was immediately to prove quite unsatisfactory. More, and more suitable accommodation was needed. In October 1826, Thomas Yardley Lowes offered his distillery at Cascades to the Government for £2,000 and its purchase was completed in March of the next year. It was situated about three miles from the centre of the town, on the Hobart Town Rivulet, in the hills at the foot of Mount Wellington. Later, the ground was found to be a morass in winter, and the buildings were so over-shadowed that the sun did not penetrate the yards for most of the year. An active building programme, incorporating many of Mrs. Fry's ideas on reformatory punishment, was undertaken in 1827-28 and transfer of the female convicts to this site was completed in January 1829. Considerable extensions were made in 1832 and these included a range of solitary cells which the "Hobart Town Courier" of the day hoped would "have a salutary effect in forcing reflection and leading to self-examination and reform"—but there is nothing to suggest that honest reform ever came from this punishment. Growth to meet varying demands continued in a haphazard, ill-planned way, and the Factory became an ugly conglomeration of buildings and yards surrounded by a high wall. This can be seen in Prout's drawing, which appeared in his volume of lithographed views, "Tasmania Illustrated" published in 1844. Probably the one redeeming architectural feature of the Female Factory at the Cascades was its construction of a warm, golden sandstone (William Hay, "The Escape of the Notorious Sir William Heans"). In 1830, there were about two hundred inmates in this Factory; ten years later there were five hundred and in the late eighteen forties nearly nine hundred.

Governor Arthur, although often maligned, had greatness and part of this is seen in his administration of the penal establishment which he controlled with economy, discipline, efficiency and fairness—and, it can also be said with inflexibility. All these characteristics are shown in his rules and regulations for the management of the house of correction or female factory. Appearing in the Hobart Town Gazette of 3rd October 1829, they ran to nearly five pages and cover almost every duty, every eventuality. Anxiety about expense appeared frequently and it must be remembered that one of the reasons for transportation was that it was cheaper to keep a convict in Australia than in Britain.

In 1836, Arthur was replaced by Sir John Franklin. The latter had the unenviable, eventually disastrous, task of endeavouring to cope with and put into effect a number of sweeping changes in the penal system. British officialdom was determined to increase its deterrent value and others were clamouring for reform. This spelled the end of assignment and its replacement by probation, a system of graded correction, the first step of which was a fixed period of strictly supervised punishment under government control. The probation system, together with the inflow of far more convicts than ever before (following the cessation of transportation to New South Wales in 1840) led to chaos in Van Diemen's Land, for there was neither the personnel, the facilities nor the money to make it a success.

The female convicts, newly transported, were initially to be kept apart from "the old hands" in the factory. The desirability of this had been recognized by Bigge twenty years earlier—for the women, the factory was "a finishing school of vice where their principal occupation was the work of mutual corruption". In this first period of isolation, the new transportees served a minimum period of punishment of six months making shoes, shirts, straw-hats, doormats and the like, which trained them for later hiring for private employment. At the same time, they were subjected to a great deal of religious and moral instruction. Originally it was intended to build a large factory inland for the newcomers but financially this was impossible. Instead an old seventy-four gun ship, the *Anson* was fitted out in England as a floating penitentiary. It arrived at Hobart on 4th February 1844, and by September of that year contained five hundred and nineteen female convicts. The economic depression that came at the same time to Tasmania was the final blow which destroyed probation. In

1849, the *Anson* was closed and women again were assigned to private service on their arrival in the colony.

In these last years of transportation, there were a number of inquiries into conditions and efforts to improve the lot of those in the Factories. Notable amongst those responsible for this social awakening was Lady Franklin. I have painted a black picture of these institutions and their inmates—but some of the latter did come forth unsullied. In reading contemporary literature one finds an occasional example—a ray of sunlight. One is delightful Jane—in “The Adventures of Ralph Rashleigh”—just out of the Parramatta Factory and still a joy.

The Female Factories were the birth-place of very many of the first generation Australians in the convict era. Although it is impossible to even estimate the actual number, some reports are illuminating. During the investigation of the Molesworth Committee in 1836, they found that of five hundred and ninety females in the Factory at Parramatta, 108 were nursing children. What proportion of the remainder were pregnant was not stated. There were also at this Factory, one hundred and thirty-six illegitimate children between the ages of one and three. Further, an unselected weekly return published in the Hobart Town Gazette showed that, on 8th May 1846, at the Female House of Correction at Cascades and at its subsidiary special weaning nursery at nearby Dynnyrne, of over five hundred women about sixty were nursing mothers. There were also forty-four infants under the age of one year and forty-six over this. In the years 1843-53, nearly twelve hundred women gave birth to some two thousand babies at Cascades, and death in childbed made a significant contribution to the 7·3 per cent of women who did not survive their sentences in this decade (Payne). Infant mortality was high, but only very much greater than in the general community after weaning. It must be recalled that early in the century nearly 50 per cent of infants baptized were dead before they were aged five. This is illustrated in the family of the Reverend and Mrs. John Hutchinson, from 1823 to 1851 respectively superintendent and matron at the Hobart Factory—of their twelve children, only six survived infancy and childhood.

Illegitimate pregnancy amongst the convict women was automatically judged a crime. She was returned then to the Factory to have her baby and after its weaning, she had to serve a sentence of six months at the wash-tubs (J. F. Mortlock in his “Experiences of a Convict” states incorrectly eighteen months). Ed-

ward Bedford, recently returned from England after completion of his medical training, thought this all very unfair. In October 1834, when the Cascades Factory was in his care, he had the temerity to write to James Scott, Senior Colonial Surgeon—"Female prisoners becoming pregnant are declared guilty and sent to the third class (crime class) but their seducers or paramours are rarely if ever punished. So the necessarily rigid discipline of the third class is extended to the unborn infant and after birth he is subjected to a species of severe imprisonment unsuited to his tender age." Later, in the same letter, he suggested that a "lying-in hospital be attached" to the factory. But there his enlightenment seemingly ended, for he recommended also that any nurse caring for a child who died be punished. Needless to say, this report was quietly pigeon-holed.

Although the pregnant convict women received scant consideration, almost from the beginning officialdom was concerned with the care of her numerous illegitimate progeny. Later (1826) Arthur himself stated the problem succinctly, writing that he deemed it "highly important that means should be devised whereby the Children of the Women might receive protection and instruction without the danger, at present so apparent and unavoidable, of becoming morally destroyed, through the force of their parents' bad example, or associations with other less virtuous children, or young girls of rootedly depraved habits". Attitudes such as this led to the establishment of the orphan schools, like the female factories, a feature of that era.

"The Governor's Lady", Mrs. Philip Gidley King, was responsible for the first of these orphanages. It was situated in Lower George Street, Sydney. In 1818, the girls were transferred from there to a new Female Orphan Institution built, under the supervision of Samuel Marsden, a short distance down-stream from Parramatta. Standing on a high bank of the river, this impressive building survives as part of Rydalmere Mental Hospital—a fine example of Greenway's colonial "barrack" architecture, a crumbling, lonely reminder of the past. At Hobart, the corresponding institutions were the King's Orphan Schools at New Town. They were two identical buildings joined by cloisters to the Church of St. John. Built between 1830 and 1833 with J. Lee Archer as architect, they remain to this day externally unchanged, except for the insertion of dormer windows.

Infants were transferred, when aged two or three, from female factory to orphan institution. The latter's success must be ad-

mired. From them came many of the Currency lads and lasses on whose appearance and character, the picture of the legendary Australian is based. In the eighteen twenties, Peter Cunningham wrote of this first generation youth in his "Two Years in New South Wales"—"open manly simplicity of character", "little tainted with the vices so prominent among their parents", "honesty proverbial", "tall and slender", "the young females generally lose their teeth early", "utterly averse to fill the situation of petty constables, or to enlist as soldiers", "do not commonly appear to class chastity as the *very first* of virtues", "those living near the sea can usually swim and dive like water-hens", "warmly attached to their country". This new breed is a happy ending to the story of the Female Factories—and thinking on what was said of them, so much still true, that looking at modern youth and wondering where it stands, one must be heartened.

PROFESSOR GERARD NASH:

The history that Dr. Forster has quoted at us I think can be accepted, on my reading anyway, as being accurate. I was interested to hear that there were virtually no complaints from the female convicts transported to Australia. On my reading, those who went to America as indentured servants before the Revolution wrote back very sad and sorry stories. Perhaps, as always, America is just less attractive than Australia.

The questions that can be asked are, "Who were these women?" and Dr. Forster has answered it by saying "They were mainly petty thieves". Agnes Smith in her book on women in prison suggests that most of them were convicted thieves. How many of them were prostitutes is unknown. This is the one statement that goes through all the literature that I have read, the idea that there was an overtone of moral reprehensible sexual evil, that any woman who had committed a crime was a sexual reprobate. Shaw's book, "Convicts and their Colleagues" illustrates this, but the question I would like to ask, and the big question that emerges out of the whole paper is here we have a situation with segregation, with complaints about the immorality of women on transports, complaints about the immorality when they first arrived here, a suggestion that female offenders are different: they shall not be punished in the same way as men, as Dr. Forster has pointed out. They should not be flogged because it offends our sense of decency. For a long time in England they were not hanged, because the exposure of the body that went with hanging

was offensive to decency. I was interested that Dr. Forster said the authorities were concerned about the homosexual aspects of segregation because, on my reading, prostitution and illicit intercourse had to be stamped out, and no one seemed to worry about homosexual offences, despite the fact that one was, until 1830 I think, a capital offence and the other not. Even in 1861, buggery and sodomy were punishable by life sentences, and it seems to me that the authorities, if they were, as I seem to take them to be, intent on keeping the men away from the women, were in conflict with themselves.

The real question which I want to ask is, today we have Women's Lib. and we have equal pay, and we have maintenance orders against women to keep their husbands and children perhaps, when women (as a recent Women's Lib. argued before the Arbitration Commission) live longer and therefore need equal pay so that they can keep themselves in their old age, when nonetheless women retire earlier. We still have the situation that we have not come to reconcile ourselves to equality in terms of punishment. We have not come to look at punishment in any sort of context. In 1960, those convicted in England (and there are no Australian statistics which I can find) were five men to one woman, and the arguments given are strength, skill, opportunity, motivation: women get away with it, and no one reports them, and the bias of the law is against the male anyway. In this type of context, we have Fairlea, and we have Pentridge. We have segregation of the sexes in gaols because it would be completely immoral to have them together. We have prisons that are not slabs of society, but I am not quite sure what we are doing with our gaols. I am not quite sure whether we are reforming or deterring or preventing, or any of the classical criminological bases, but certainly we put people, first offenders, or old lags together. We put them in a context which is at the moment the subject of an enquiry, and we say, "Out of that, come out a better citizen". My question is, why should one?

How far have we gone? How far have we travelled since we had the Female Factories? It is all very well to have punishment, to have institutions, and perhaps we need them, but listening to Dr. Forster's paper tonight, my basic feeling was that probably in the 1830's we were less benighted than we are now, and to open up the discussion I would just like to ask Dr. Forster if he thinks we have advanced in the last one hundred and fifty years?

DR. F. M. C. FORSTER:

The answer to that, of course, is—we have advanced very little. I am sure of this. Things are cyclic. We go around and we go around, and we go around again. In the 1830's and the 1840's, there was a strong move for reform. The probation system would have been a great step forward if it had worked, but it did not for a great number of reasons. As you have heard, there was this endeavour to segregate the new arrivals from the old ones. In fact, all the endeavours that we are trying to put into effect today, that are discussed today, were discussed then. Why did it fail? Lady Franklin, of course, would have said "Petty officialdom" and she blamed above all others a forebear of mine, Mathew Forster, who was the Superintendent of the Probation System and Chief Police Magistrate. He was also a nephew by marriage of George Arthur. I think she probably hated him. I think this was a little unfair. He was up against an impossible situation. Actually they did a lot with the men, a lot more with the men than with the women. In fact, Mathew Forster stated at the time that he found the women quite impossible, and did nothing further with them, and within less than 10 years, of course, all the old evils were back again. Most of those evils, speaking as a layman, I feel are still with us. Correction of these evils will take a lot of endeavour. It will have to be far sighted, and it will have to be long sighted, something that is not going to be changed quickly.

Homosexuality is not discussed. It was there, of course, and of course Norfolk Island was a hotbed of homosexuality. McConachie recognized this, and I think when he first went there wanted women sent to Norfolk Island. The authorities, of course, both in Britain and here threw up their arms in horror, and that was that. It was part of the rather sad story of McConachie. Yes, it was a matter of closing the eye to this. I think I will leave it at that. No, we have not gone far enough. You know the problems then are the same as today. We have still got them.

MR. R. K. TODD:

Mr. President, this is not said in any sense of challenge to the audience. Maybe I should have understood this and I have not. I am not quite clear of the extent to which the female prisoners went to the factories, or whatever, as a consequence of transportation itself, or as a consequence of ordained punishment, or simply as a kind of lowly form of residence?

DR. F. M. C. FORSTER:

I suppose virtually every convicted woman who came to this country was in a female factory at one time or another. That is 25,000. They went there, as I have said, for a number of reasons. There was segregation after they were introduced in a fine endeavour to keep them away from the men until something had been sorted out. With that segregation, the sorting out, the next step was to try and get them assigned as servants somehow. The whole idea of assignment, of course, was to get them off the Government's payroll so that they did not have to be provided for. This was economy. There was a tremendous demand for these women as servants. The demand was much greater than the supply up till the middle 1830's, when free immigrants, free female immigrants began to come to this country, through the efforts of Elizabeth Fry and her movement. Until certainly about 1830, these women represented the vast majority of the women in this country. They went out as servants. They were married from there: 60% eventually did get husbands.

The female factories also, and this was part of the evil, of course, were houses of correction. These were gaols. There were 75% of women who had committed some sort of an offence after arriving here. Then again, when these women became pregnant, which was a frequent event, they came back to the factory, so the factory represented for these 25,000 women virtually their base—I won't say their home—all their days.

DR. GUY H. SPRINGTHORPE:

I know that a great many men were brought from England, Scotland and Ireland in the thirties, and subsequently by a process, I think, of being indentured. They had some skill as weavers or of a kind, and they were brought out by persons in Hobart and Sydney particularly who were beginning to develop industries. I am wondering if any women were brought out on a similar basis?

DR. F. M. C. FORSTER:

Women were brought out. This was part of the Indentation Scheme at the time, free immigration. If you were living in Sydney and you wanted skilled labour, you wrote to an agent and there were agents in Britain, mostly Scots, because this was the period of the Highland clearances, in the 1830's and 1840's. This was the time of the disappearance of the Highlander and

the advent of the sheep, which has now disappeared from the Highlands. All the small farms and hamlets in Scotland were broken up, so they came here and a lot of them went to Canada, but women came here then, young women, with no place to go to when they arrived, no one to look after them. This is when Caroline Chisholm came into the picture in the late 1830's and 1840's.

DR. R. J. KELLEY:

At the height of the James Bond mania, a book was written by an American female (interestingly, female) in which she declared that a perusal of Fleming's works revealed that he felt that "The Seven Deadly Sins" had formed the bases of his famous novels, but that she felt seven deadlier sins could easily be listed, and at the top of that list was "apathy". The authoress referred throughout the book, time and time again, to apathy, and she quoted Matthew 24 v. 12: "Because iniquity shall abound, the love of many shall grow cold". It seems, after listening to Dr. Forster's address, that it is very pertinent to the problems in 1972. I would be interested in Professor Nash's opinion as to whether we can reverse the concept. Might we argue that if a respect for the law abounded, that the love of men for one another would not wax cold?

PROFESSOR NASH:

I am not quite sure what is involved in "the love of men", whether it relates purely to the ladies in the female factories or to a broader concept of the word "love". Certainly, I think that at the moment we are going through a period that involves some degree of hypocrisy in one sense, as illustrated by a quote that Shaw makes from Mr. Justice Field, who was not upset at the carryings-on on board ship. "The women were certainly permitted to co-habit with the officers and seamen, but to prevent connection would have been quite impossible even if the hatches had been battened down every night. Upon the whole, however, I believe there was as little immorality on board the *Lord Melville* as it is possible should prevail with people among a ship's company of different sexes so brought into contact. Of this I am sure, that a decent exterior was preserved". That is a quote. I must say that I have the horrible feeling every now and again that form is becoming much more important than substance, and I am not sure whether this is what the question was going to, that we do not really care what is going on, as long as we do not

have to see it. "Don't do it in the streets". The classic in a sense, perhaps, is the State of Illinois, which in 1969 adopted the Wolfenden Report and abolished the offence of homosexual behaviour in private by consenting adults, but left on its Statute books a statute which made it a criminal offence to indulge in fornication. Whether this has been amended, I do not know, but certainly when I was in the United States in 1970, that was the situation.

What I was really getting at in my comment about Fairlea and Pentridge and everything else is that we worry about the form of our sentencing. We decide whether or not he or she should go to gaol, be given probation, or whatever else, but no real steps have been taken to look at the form of the institution to see whether the institutions are geared to carry out the tasks that we want them to carry out.

MR. P. BALMFORD:

I should like to raise the question of the quality of the persons who were put in charge of the persons that Dr. Forster has been telling us about. It has been suggested from the floor that in many ways our success in treating criminals is no better now than it was in those days. I am not competent to judge on that. One does know that in various universities these days there are departments of criminology. One knows that there are government servants of one sort or another of various levels who have been trained, how effectively I do not know, in dealing with prisoners and so forth. I assume that the people who were concerned with the administration of the Female Factories, and whatever the corresponding male institutions were, were very likely quite untrained. It may be that Dr. Forster can enlighten us further about this?

One understands that the introduction of transportation into Australia began because they could no longer be sent to the Colonies in America. In either event, all the British Government was really concerned to do, I imagine, was to get rid of a problem of the overcrowding of the prisons there, a problem perhaps of "Out of sight, out of mind", of pushing them off to a place that was a very long way away where the Government would only be troubled periodically by an account of what was going on there.

The Military, I have always understood, were the people who were in charge of the First Fleet in the early years in New South Wales, especially the recruited Corps. I have forgotten the name

of the Regiment which came out with the First Fleet, but then the New South Wales Corps was specially founded later on. These people were presumably picked either because of some sense of adventure of going to a different place, or the opportunity of making money elsewhere, or they were simply forced to come here by their superior officers. It was no training, I assume, in dealing with convicts. Dr. Forster tells us that Mathew Forster was related to him, and was in some such capacity. If the only women who came out in the first X years of transportation history in Australia were transported, presumably there would be no women in charge of convicts. It may be that after a time, some whose sentences had expired were put in a position of authority over the women, but I do not know. Male superintendents, I fancy, might have made the position of the women even more difficult, because the men were not trained to deal with men convicts, and perhaps found it even more difficult to deal with the women convicts. Can you enlighten us about the quality of the supervisors at all?

DR. FORSTER:

I think it is fair to say they were not trained. When you are starting something, how can you have trained personnel? This is something that evolved. The Hobart Factory had the Reverend and Mrs. John Hutchinson. He was a Methodist Minister. I think his position was nominal. His wife was the Matron, and she ran the Factory; she ran it for 20 years virtually. His health was bad over most of this period. His wife was the daughter of the Superintendent and Matron of the Parramatta Factory, so it was almost a family business, and her mother was the first free white child born in Australia. Her name was Oates, I think. It was a long sort of family business. They were criticized, of course. The lay press criticized them. The lay press criticizes the people that run Fairlea and Pentridge today. They were sitting shots. I do not think that much of this criticism was fair. I think it gets back, as Professor Nash mentioned, to exteriors. The authorities thought up nice things that ought to be done and so seldom they were done. This covers up a multitude of sins. This gets us back, perhaps, to where we are today.

No, I do not think that we can blame much on the Superintendents and Matrons. Certainly there were bad ones, and certainly in the institutions in Tasmania where they were always in and out of jobs, but I do not think the fault lay with them.

You see, finance was a tremendous problem. You said "Out of sight, out of mind". The rule, one of the most important things in transportation, was the economic factor, how much it was costing Britain, Money. And money is part of the problem today still, to get a Government to provide money.

MR. JUSTICE CONNOR:

On the question of whether we are doing any better today, I do not know whether we are or not, but there are not any gaols in the Australian Capital Territory yet, and people who get sentenced to imprisonment there serve their sentences in New South Wales. After I had been on the Bench there for about six weeks, I expressed a wish to see the service in New South Wales so that I would have some sort of idea as to what kind of places people that I might be sentencing to gaol would go to. I got on a plane quite early one morning last April and went to Sydney and met the Commissioner for Corrective Services in New South Wales. The first thing of interest which struck me about him was that he was a professional educationalist from the Educational Service in New South Wales. He was not a promoted warder, and he arranged for me to be taken out to Long Bay where I was taken through all the sections of the prison.

I have not the slightest doubt that the people who were with me were armed, although I could not see that that was so, but I walked freely about amongst the prisoners and I walked into their rooms. They nearly all had well-stocked book shelves, and it was pointed out to me that about a dozen of the prisoners were doing courses. The prisoners were eating communally, and the parts of the prison that I was shown were spotlessly clean. The people had very smart uniforms and had some sense of morale. I gather that this was not unconnected with the fact that the Commissioner has recently obtained a fairly substantial pay rise for them; they seemed to have some sense of purpose.

I was then taken out to two places about fifteen miles west of Sydney along the Parramatta River in an area called Silverwater. The first place I was shown at Silverwater was the place where female prisoners in Sydney are sent. At that place, again the wardresses were in very smart uniforms and again looked as if they were not dejected or demoralized. The lady prisoners, the ones that I was allowed to see at all events, were in very airy sunlit rooms with big windows. A number of them were being taught how to use machines to do needlework, and another group

in another place were being taught how to operate computers, and it was thought that this would enable them to get reasonable jobs when they got out. Once again, the places that I was allowed to see at all events, were spotlessly clean. I was then taken to a place where people were kept that did not look like a gaol at all. There was a cyclone fence around it, but these people were not in close confinement. They were living in large single storey places with wide verandahs, two to a room. The rooms were large; they had comfortable beds, and they looked like the sort of room that you would expect to see in a fairly good boarding house. At the work release centre, where there were forty-five or fifty men, there was no confinement at all. All of the men were going into jobs in Sydney and round about. They were being paid wages. They had ordinary jobs. They were getting near the end of long sentences, and rather than throw them straight back into the community, it was thought that it ought to be done gradually like this, and there was just no confinement whatsoever. Some of them were looking after the lawns in the gardens, but the majority of them were working. They simply left in the morning, came home at night at the ordinary time, and every second weekend they were allowed to go back to their families. Something like eight to ten dollars a week was docked from their wages for their board. The rooms there were very good indeed. Most of them had wirelesses, and one would have thought it was just a very good boarding house. The man in charge of that struck me as a most dedicated sort of person who was quite proud about his institution. He told us, whether it was right or wrong I would not know, that only one person had had to be taken back into prison because he had disobeyed the Rules. I am not prepared to write a sonnet about the New South Wales Corrective Services and I do not think I am qualified to give any kind of balanced view about it after seven hours, but it did strike me that there may be some little silver lining somewhere, and that we might be a little bit better off than we were one hundred and fifty years ago.