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Tipperary Convicts and Tasmania

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Australians have had difficulty in coming to terms with their convict heritage. Until well into the present century the convict era was ignored or expunged from memory and regarded with shame. This attitude was strongly influenced by the views of the earliest opponents of the convict system, those free respectable settlers who led the fight against transportation. The anti-transportationists were extreme in their criticisms. They saw convictism as not only morally contaminating society, but also holding back the natural progress of the colonies. They feared the long-term hereditary effects on a society swamped by convicts.¹

With the growth of Australian nationalism and the unification of the colonies in 1901, a more romantic notion of the convicts began to gain currency. Convicts came to be seen as basically honest men and women forced into trivial crimes through no fault of their own. They were the real founders who pioneered the country and regarded Australia as home.²

Since the 1950s historians have modified both these interpretations. Their studies have shown that the convicts as a group were at best an indifferent lot of mainly young men and women transported from English and Irish cities for stealing. Most had previous convictions, and only a minority were sentenced for merely poaching or for political or social crimes.³

The Irish, however, seemed not to conform to the general pattern. Contemporary observers of the convict system often stressed the difference between Irish and English prisoners. Father William Ullathorne, who arrived in Tasmania with Bishop Polding in 1836, stated that most Irish convicts had been transported for the 'infringement of penal laws for agrarian offences and minor delinquencies', while those from England were sent for 'direct aggressions on property or the person'.⁴

Even John West, one of the main spokesmen for the anti-transportation cause during the 1840s and 1850s, conceded that Irish prisoners were often honest men who 'united a species of patriotism' with their crimes. He believed that most female convicts were beyond recovery, but that Irish women were often 'young creatures' transported for the lighter offences.⁵

In 1849 the Irish authorities argued that their convicts were not hardened criminals, because they often committed offences through distress, 'Nor are they usually found associated in Gangs under experienced leaders for the commission of Great and well planned crimes'.⁶ Australia's Irish minority found solace, inspiration and a sense of community by concentrating on the more romantic aspects of their convict ancestors. They looked to the political prisoners of 1798 and 1848 and in more general terms to the poverty, unjust land laws and legal system associated with the English colonisation of Ireland.⁷

Patrick O'Donohoe, one of the seven Young Irelanders transported to Tasmania, promoted this theme. The British Empire, he argued, produced by its very nature a 'vast flood of criminality', because the law prevented people from obtaining property or the means to supply their wants.⁸

O'Donohoe's theme was continued by Michael Davitt, the ex-Fenian and founder of the Irish Land League, who toured Tasmania in 1895. He found among the Irish of Launceston a warmly cherished Mitchel legend, and even met some of those who had aided the Young Irelander's



escape. Davitt had been warned not to refer to convicts while in Tasmania, but commented that Irish excesses could be largely attributed to a system of legal savagery, and that sympathy rather than shame should be felt for the 'humble Irish reformers'.⁹

The Catholic church also played a role in romanticising the Irish prisoner. This caused one historian to argue that the 'sins of the Irish convicts had been wiped away by the myth-making efforts of their church, which thus consecrated as saintly its origins in a penal settlement that was heir to 1798'.¹⁰

This article will test some of the myths and more general historical conclusions made about Irish convicts by examining those transported to Tasmania from Tipperary through convict records. These documents provide for most prisoners their place and date of trial, offence, sentence, religion, literacy, trade, age and marital status. Colonial and previous convictions are recorded, while gaol and surgeon's reports appear less often. Prisoners' confessions are also noted in many cases.¹¹

These records were used by the colonial authorities as a means of legal and social control, and are regarded as reasonably accurate.¹² By compiling statistical profiles some basic questions can be answered. Can Tipperary convicts be regarded as different from other Irish and English felons? Were they forced into crimes by a system over which they had little control? Also, how did they behave in the colony?

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Between 1803 and 1853 Tasmania received 14,492 Irish prisoners, about one in five of all convicts sent to the colony. Not all had been tried in Ireland; 3,504 were transported from Britain or other parts of the British Empire. Of those sentenced in Ireland, 7,301 were men and 3,687 were women.¹³ Few Irish arrived before transportation ceased to New South Wales in 1840.¹⁴

This had two important results for the Tasmanian Irish. While 40% of the women and 30% of the men transported to New South Wales were of Irish birth,¹⁵ in Tasmania they formed a much smaller minority, accounting for only 29% of the females and 13% of the males. More importantly, the Great Famine had a much more significant impact on the Irish sent to Tasmania. Over half of the women and 45% of the men committed their offences during the Famine.

Convicts transported from Ireland to Tasmania were different from other prisoners. They did not fit the stereotype of young, previously convicted urban criminals sentenced for ordinary larceny. Less than one-fifth of the Irish came from cities. Their occupations and literacy reflected a rural background. Nearly seven out of ten of the men claimed to be labourers or farm labourers, and a third of the women were country servants.

The majority were illiterate, or could read only. Their ages and marital status also set them apart. While the men tended to be older and more often married than other male prisoners, the women were younger and more often single when compared to other female convicts. In a protestant colony their religion was important. Over 90% of Irish convicts stated that they were Catholic.

Irish men differed in their types of offences and previous criminal activity. A majority of other male convicts were former offenders, but nearly two-thirds of the Irish men were transported for their first offence. Less than a third were tried for ordinary larceny, while animal-stealing and crimes of violence were much more common among the Irish. A relatively high proportion of Irish men had been sentenced for social or political offences.



By contrast, Irish women were mainly transported for ordinary larceny, and most had previous convictions. Six out of ten were tried for stealing, and nearly two-thirds had been convicted before. But the level of animal-stealing, arson and violence was higher for Irish women than for other female prisoners.

However, the Irish cannot be regarded as a homogeneous group. Irish urban offenders, apart from their religion, were similar to British convicts. Mainly tried in Dublin city, 90% of the women and 70% of the men were transported for ordinary larceny, and most had previous convictions.

Few urban prisoners were involved in political and social revolt and they were younger — particularly the men, with 36% under the age of 20. Very few of the men and women sentenced in Irish cities claimed occupations reflecting a rural background, while 40% of the men had a skill. Twenty-two per cent of women convicted in Dublin city had been prostitutes.

Regional economic variations also partly determined the type of person likely to be transported. In Ulster a system of tenant right, combined with widespread domestic industry, gave farmers at least security of tenure and relative prosperity. Leinster, the most urbanised province, had good communications and less acute pressure on the land compared to the poorer districts of Ireland. Ulster and Leinster convicts had higher levels of literacy, more skills and higher proportions tried for ordinary larceny than prisoners from the rest of Ireland.

Although less poverty-stricken than Connacht, Munster suffered similarly from small subsistence farms and a very low standard of living.¹⁶ It was the peasantry of these provinces who bore the brunt of the Famine, with more than half of the deaths. Tipperary and Limerick alone lost 90,000 or 12% of their populations.¹⁷ These provinces also provided a majority of the convicts transported to Tasmania during famine years.

Tipperary can be taken as representative of the rural districts of Ireland. Its courts transported 524 men and 162 women, or 7% of the males and 4% of the females sent from Ireland to Tasmania. The Famine's impact on the Irish peasantry was disastrous and led to large numbers being transported. The Irish authorities reported in 1849 an 'unprecedented increase of crime consequent upon the destitution and sufferings endured by the lower classes during four consecutive years'. Before 1846 the average number sentenced to transportation was 673 each year; in 1848 the figure reached 2,687.¹⁸

Of the Tipperary men transported to Tasmania, 234 were tried during famine years, as were 124 of the women. The Tipperary convicts were overwhelmingly Catholics; only 1% of the men and 2% of the women claimed to be Protestants. The rural areas of Ireland provided little chance of a formal education. Despite the introduction of a national system of education in 1831, illiteracy was widespread, and relatively few schools existed in the country districts of Munster and Connacht.¹⁹ The Tipperary convicts had received little schooling; 56% of the men and over 90% of the women were illiterate, or could read only.

The rural background of the Tipperary convicts was confirmed by their occupations. Nearly 80% of the men stated that they were labourers or farm-labourers. Only 18% had a skill, while the rest were servants or grooms. Tradesmen accounted for most of the skilled, and included carpenters, showmakers, tailors, blacksmiths, bakers, weavers and stonemasons. Others claimed to be miners, quarrymen, sawyers, carters or carmen; one clerk and a policeman were also transported.

Apart from the four Young Irelanders, no other professional men arrived from Tipperary. Terence Bellew MacManus said he was a merchant, while Thomas Francis Meagher was a law student and Patrick O'Donohoe a conveyancer. William Smith O'Brien's occupation was simply stated as 'Gentleman'.²⁰ Forty-six per cent of the women were country servants or



milkmaids. Others were in service, and 39% gave their occupations as either housemaids or laundry maids; another 11% claimed to be nursemaids. Cooks and needlewomen made up most of the 4% skilled, although a baker and a staymaker also found themselves in tasmania. Irish male prisoners tended to be older than other convicts, and the Tipperary men were no exception. Only 42% were under the age of 25, with 4% 19 or younger. By comparison, many young women were convicted in Tipperary. Twenty-seven per cent were under the age of 20 and 62% were 24 or younger. Most prisoners transported to Australia were single; the Tipperary women, with only 19% married, were similar. But there was a much proportion of married men from Ireland, and 34% of the men from Tipperary were married.

Thus the Tipperary convicts, along with most other Irish rural prisoners, can be seen as a distinct group among the mass of felons transported to Australia. They were overwhelmingly Catholic, had high levels of illiteracy and were mainly unskilled country workers, although the women were often in domestic service of one kind or another.

The men were older and more often married, while a high proportion of the women were young and single. However, what attracted most notice from contemporaries and historians were their offences, previous conviction rates and sentences — topics that will be dealt with in the next two sections of this article.

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Historians have argued that Irishmen among convicts in Australia can be seen as different from other prisoners because of their offences, previous convictions and sentences. From his survey of convicts transported to Eastern Australia, Lloyd Robson concluded that the Irish may have more claim than most to the title of village Hampdens.²¹ A.G.L. Shaw agreed because of the presence among them of men guilty of crime only in a technical sense, 'nationalists fighting British domination and social rebels protesting against a harsh and unjust land law which condemned them to poverty and starvation'.²² Although there has been debate over the actual numbers transported for political or social offences, other historians have followed this interpretation.²³

One method used by historians to test the criminality of convicts is the previous conviction rate. The test cannot be wholly conclusive, but it does indicate the number of persistent and perhaps hardened offenders. The Tipperary men were mostly first offenders. Only 21% had previous convictions. This compares favourably with the rate for the whole of Ireland of 36% and that for England of 68%.

Despite being mainly first offenders, the Tipperary men often faced long sentences. Only 54% served the minimum term of seven years, while 12% were transported for life and the rest for 10, 14 or 15 years. By comparison, nearly seven out of ten of all convicts from Ireland had to serve the minimum sentence.

Relatively few Tipperary men were transported for ordinary larceny, which normally attracted a seven-year term. Only 85 (16%) of the 524 males from Tipperary appeared before the courts for minor theft. They were not major criminals; the main articles stolen were clothes, food and money. Forty had previous convictions, a much higher proportion than for the other Tipperary men.

Among their number were some persistent offenders. Daniel Noonan, a 18-year-old porter sentenced in 1841 to seven years for stealing money, had 15 previous convictions; Michael Begg, who stole blankets, had five.²⁴ Michael Casey had already been imprisoned six months before being transported for seven years in 1846 for stealing flour.²⁵ These cases indicate that



some of those convicted of ordinary larceny can be considered regular offenders, who may have been petty criminals actually living by theft.

What of the others transported for their first offence? Some had stolen food during the Famine. John Ryan received a 10-year sentence for the robbery of meal in 1849, while Peter Ryan served seven years from 1847 for stealing oats. Both were first offenders.²⁶ James Barnwell, a 37-year-old farmer's labourer, stole wheat in 1847.

David Wallace, a married illiterate 28-year-old labourer, managed to find and take some potatoes in 1848 and was given seven years.²⁷ The two Kennedys, William and Michael, both illiterate labourers aged 23 and 29 respectively, were also first offenders who stole meal in 1849. Both were sentenced to 10 years.²⁸

These men, and others like them who stole clothes or money during the Famine, cannot be regarded as criminal in the ordinary sense. Most probably stole simply to survive and to escape starvation. Even some of those with previous convictions must have committed their crimes through famine distress. James Birch, who stole bacon in 1849, had one previous conviction, and a 20 year-old, Patrick Cormack, had two other convictions before being transported in 1848 for seven years for stealing oats.²⁹ Jeremiah Phelan had been before the courts on four other occasions, before being sentenced in 1849 to seven years for stealing bread.³⁰

One of the distinctive features of Irish crime was the relatively large number of men transported for animal-stealing. Thirty-one per cent of men from Ireland, compared to only 12% of Englishmen, were animal thieves.³¹ Twenty-two per cent (or 114) of the Tipperary men stole animals — mainly sheep, cows or pigs.



A street in Hobart, Tasmania, in the 1880s. (Courtesy of the Archives Office of Tasmania, Hobart)



No satisfactory explanation has been found for the lower rate of animal-stealing among Tipperary men. Perhaps the movement of stock out of the county during the Famine, or the high penalties for the crime, accounts for the lower proportion.

The Irish courts regarded the offence as serious. Although only 19% of Tipperary animal thieves had previous convictions, nearly half had to serve terms ranging from 10 to 15 years. Some were regular offenders. Michael Kennedy, a sheep-stealer tried in 1842 and sentenced to 15 years, had been previously convicted of highway robbery. A pig stealer, George Mulcahy, was transported in 1842 for seven years after having already served nine months in prison for the same offence.³²

The dates of their trials suggest that most Tipperary animal thieves did it because of want. Seventy-seven were convicted at the height of the Famine between 1846 and 1849. Typical examples include two farm labourers and first offenders, Denis Brien and Anthony Fahy, both sentenced to 10 years for stealing cows in 1849.³³ From their confessions (or lack of them) it seems that few animal thieves were involved in gangs or rural revolt. Thomas Meagher was tried in 1848 for sheep-stealing and administering an unlawful oath. Tim Donohoe, a 24-year-old labourer, was transported for seven years for 'being one of an armed party, assault and sheep stealing'.³⁴

Twenty-five per cent of the men from Tipperary committed crimes comprising burglary, assault and robbery, highway robbery, perjury, rape, abduction, false pretences, coining, forging or receiving. Over half of the burglars and highway robbers had appeared before the courts on other occasions. Again the pattern emerges of some men inured to crime being transported, while others convicted during the Famine were merely first offenders.

Thirteen men, six of whom served life sentences, were transported for rape or abduction. Tim Ryan, a 25-year-old farm labourer, sentenced to 10 years for abduction in 1843, explained: 'I supposed she had a good deal of money'. His father, James, aged 72, was on the same ship for aiding his son.³⁵

Violent crimes, including assault, manslaughter and murder, were rife in Ireland. Seven per cent of Irishmen, compared to 2% of Englishmen, were transported for such offences.³⁶ Violence was even more extensive in the rural districts of Ireland. Ninety-two (or nearly 18%) of the Tipperary men were tried for crimes of violence; 64 had been transported for various forms of assault. They were mostly first offenders, and over a third served terms from 10 years to life.

Some may have been associated with rural agitation, but unless they confessed on arrival in Tasmania it is impossible to be sure. Those whose statements indicated that they were involved in actions against landlords, agents or other tenants have been included among the social offenders.

Faction fighting and quarrels (some of long standing) were a regular feature of Irish life. The Irish attitude was best expressed by one old man who said that, in earlier days if a person was killed, masses were offered up for the soul and all was right: 'but now the times are . . . altered, and there's nothing but hanging and transporting for such things; although that won't bring the people to life again'.³⁷

Fights often occurred at weddings, funerals or fairs. John Lyons, a 30-year-old illiterate labourer, confessed that his seven years resulted from an 'Assault on Tim Donohoe. I struck him with a stick coming from a funeral'.³⁸ Other typical confessions included:

- 'Assault on Henry Hanaghan. I struck him with a stick at a fair.'
- Manslaughter '... was struck with a stone at a fair'.
- 'Manslaughter in a row'.



'I killed him in a fight on a Turf Bog'.

'Assaulting a man — he was struck with a spade the man was drunk and came into he house to kill me.'

Some of those transported for violent crimes had a history of similar offences. Giles Doolan, an illiterate farm labourer, had already spent 12 months in prison for assault, before receiving 7 years for the same offence in 1841. Another farm labourer, Daniel Bryan, also received 7 years for assault, after three months in prison for a similar crime.³⁹ However, if it is difficult to discover the motives of the first offenders who made no comment to the colonial authorities about their convictions. They may have been involved in faction fighting or rural agitation.

Six men, all sentenced to life, arrived in Tasmania aboard the *Kinnear* in 1842. They were transported either for felonious assault and attempting to discharge a pistol or for shooting with intent to murder. Similarly, the three Briens, transported in 1845 for manslaughter or for firing a gun, were first offenders who made no statement to the authorities.⁴⁰ Others made confessions that shed little light on their crimes. Michael Meany, sentenced to life for assault in 1845, simply stated that his offence was 'firing at Patrick Ryan; he was shot in the Belly with a Pistol'.⁴¹

The most distinctive feature of Irish crime was the number tried for social or political offences. Eight per cent of the men transported from Ireland to Tasmania were social or political offenders, a much higher proportion than for English or Scottish prisoners. It was the rural areas of Ireland that produced most of these convicts, two-thirds coming from Munster and Connacht.

From Tipperary alone came 101, or 19% of the men from that county. This is probably an underestimate as it is very likely that some of the violent offenders were also involved in rural revolt. Less than 20% had previous convictions; but nearly half were sentenced to more than seven years, a fifth receiving life terms. Purely political crimes caused the transportation of only a few men. Four of the seven Young Ireland leaders were sentenced to life in Tipperary for treason in 1848.

Most of these Tipperary men were social rebels protesting against a Protestant ascendancy which controlled the land through harsh land laws. Their offences were varied and were often associated with illegal secret society activity. The most common crimes included assaulting habitations; appearing armed; unlawful oaths; issuing threatening notices; compelling to quit; stealing or demanding arms; and attacking police, stewards or agents.

Members of the same family and their neighbours would band together to fight against the injustices caused by the system. The Coffee (Coffey) brothers, John and William, both farm labourers, received life sentences for an armed assault on a habitation in 1843. John Gleeson, transported for life for felonious and grievous assault in 1843, explained his offence as 'Assaulting a habitation . . . with fire-arms; a man named Maher in the house was beaten. My brother [and] Cousin Patrick and Stephen Gleeson on board for the same offence'.⁴² A rent collector, Timothy Kelly, was killed by Joseph and James Dwyer; he had received the 'rent once and applied for it again — we then beat him'.⁴³

The motives of the social protesters were often expressed in their confessions. Groups of men would attack the agents of the system. Typical confessions included:

'House breaking by Night . . . a Steward lodged in the House — we broke in and pulled him out — and beat him — 13 were engaged with me.'

'Assaulting a Habitation with 9 others — he was a land steward'.

'Being of an armed party who attacked the house of Patrick Tierney [a bailiff] to intimidate him from executing law processes'.



Others, some of whom may have acted alone, also found themselves in Tasmania as a result of the turmoil created by unfair land laws. John Conway received a life sentence in 1846 for 'Assaulting a habitation being armed [and] firing at Patrick Hogan an agent'.⁴⁴ Others explained their offences as:

'Shoot[ing] at John White . . . he was a bad agent [and] I was advised to waylay and shoot him.'

'Shooting at a man . . . who was serving an ejectment — he was shot in the thigh.'

'Firing a shot into a man's house. I was not guilty he was an Agent.'

The growth in population before the Famine, combined with a lack of industry, produced not only poverty but also an intense competition between tenants for scarce land. The peasants, having little recourse in law, imposed their own rough justice. John Ryan, an illiterate farm labourer, was transported for murder in 1840. He explained that Edward Ryan's murder resulted from a 'quarrell ab[out] Land; 25 who were tried were discharged, we killed him with stones and sticks'.⁴⁵ The tactic was to try and force unwelcome tenants from the land. Typical examples included:

'Appearing armed and attempting to make the O'Neills quit some land.'

'Attempting to compel to quit — 4 more tried with me on board'

'Writing threatening notices to burn houses . . . he had a dispute with me about a piece of land.'

'Sending a threatening notice warning a man to leave the place or we would kill him.'

'We threatened a Man if he did not leave the land.'

Some Tipperary men had become involved directly with secret society activity. Ten were transported for administering unlawful oaths. Michael and Darby Lahy, both illiterate farm labourers, were sentenced in 1840 to seven years for this offence.⁴⁶ Other social rebels explained their crimes:

'Demanding Arms';

'Murder of a man named Hardy during an attack on a house';

'Burning a labouring Man's house';

'Being armed and assaulting a policeman';

'Robbery of Arms';

'Firing at a policeman';

'Having fire arms and being out with a black face'.

John Shea was transported in 1849 for ten years for attacking a police barracks. Unfortunately, he did not provide a confession.⁴⁷

Few of the social rebels were persistent or hardened offenders. One man who stole arms had six previous convictions; but most former offenders had been convicted of crimes similar to the one that led to their transportation or for assault and fighting. A 22-year-old farm labourer, Thade Kelly, was finally transported for administering an unlawful oath after two previous convictions for the same offence. He received a life sentence.

Michael Ryan, who sent threatening notices, had one other conviction for riot and assault. John Bourke, transported for compelling to quit, had spent two months in prison for fighting. Patrick Williams, a ploughman, was imprisoned for 12 months for assault, before being transported to Tasmania for assaulting a habitation.⁴⁸ Another had only one conviction for drunkenness. These cases illustrate the danger of making hard judgements about the criminality of convicts from their previous conviction rate.

It is clear that Tipperary male convicts can be distinguished from Irish urban offenders and English prisoners. Some were persistent criminals; but they were outnumbered by first



offenders and by those who must have committed their offences because of poverty and famine. Relatively few were transported for ordinary larceny, and many were animal thieves. Crimes of violence were endemic in Tipperary, as were offences relating to rural agitation.

The contemporary authorities were aware of these problems. The authorities in Ireland conceded that most of the crime in Ireland resulted from distress or land hunger. They stated that even the more serious offences, such as assault and murder, often resulted because of the importance of land, which was regarded as the first necessity of life.⁴⁹

Conflict over land and unjust land laws left little alternative for those with grievances except to take extra-legal action. Contempt for the law was widespread, leading the Devon Commission to lament that a large 'proportion of the neighbourhood look with indifference upon the most atrocious acts of violence and by screening the criminal abet and encourage the crime'.⁵⁰

— 4 —

Female convicts transported to Australia were often condemned by respectable colonists because of their supposed lack of morality. They were dismissed as drunken whores, corrupting the fabric of society.⁵¹ Most historians have partly accepted this view. Lloyd Robson suggested that women prisoners were an indifferent batch of settlers because of the numbers tried in urban areas, the accounts of their trials and the types of objects stolen. But he conceded that, if any female village Hampdens arrived, they came from the Irish countryside.⁵²

The Tipperary women appear to fit this interpretation, mainly because of the large numbers with previous convictions and the high proportion transported for ordinary larceny. Ninety-eight, or over 60%, of the 162 women from Tipperary were former offenders. Prostitution was not a transportable offence, but gaolers noted women known to have been prostitutes. Eighteen, or 11%, of the Tipperary women were prostitutes, a much lower figure than the 20% estimated to have arrived among the general female convict population.⁵³

Examination of their sentences, previous convictions and offences reveals, however, that the Tipperary women do not deserve harsh judgement. Over 80% were transported for the minimum term of seven years. Irish courts appeared reluctant to transport women for their first offence, unless it was a serious one. Fifty-six per cent of the Tipperary women were convicted of the lighter offence of ordinary larceny, a much lower proportion than among British offenders, four-fifths of whom were thieves.

The types of articles stolen by women in Tipperary suggest a poverty-stricken background. Thirty-nine stole clothes, twenty-one money or watches, while eight took food. It is not surprising that clothes were a favourite target. The Irish authorities reported that their prisoners normally possessed only filthy rags unfit for use.⁵⁴

Two-thirds of the Tipperary thieves had previous convictions and some were regular offenders. Judith Farrell had had four convictions before being transported for stealing shirts in 1845.⁵⁵ A needle-woman, Margaret Purcell, had offended on three previous occasions, as had Mary Hurley, who stole flannel.⁵⁶ Most of the prostitutes were transported for stealing. Mary Meehan, a prostitute for six years and transported for stealing a watch, had been before the courts four times.⁵⁷

Most of the thieves among the Tipperary women were not hardened or regular criminals. Nearly one-third were first offenders, and the majority of those previously convicted had only transgressed one or two times. Most were sentenced during famine years, when stealing would have been one desperate way of staying alive. One first offender, Mary Kelly, explained that she was transported for 'Breaking into a Mill [and] stealing flour'. Sentenced in 1846, her



motive may have been to feed her family, as she was allowed to bring several of her children with her.⁵⁸

Ruth Argee stole wheat; Catherine Breen took butter; so did Julia Pigott, who also had a child on board. All were first offenders convicted during the Famine.⁵⁹ In 1848 Mary McGrath stole money, while Elizabeth Mitchell stole boots. Both received sentences of transportation for their first offence.⁶⁰

More typical were those with previous convictions who must have stolen because of distress. Peggy Tubbs had two other previous convictions before being transported for stealing wheat in 1847.⁶¹ Two nursemaids, aged 16 and 17, stole clothes in 1848. Despite their ages, both had had two earlier convictions. Caroline Mahoney, an illiterate married country servant, was transported in 1848 for stealing oatmeal. She had been convicted before, and her two children were on board with her.⁶²

Seventeen female animal thieves arrived in Tasmania from Tipperary. They stole cows, sheep, poultry and pigs, and the courts sentenced six of them to either ten or fifteen years; eleven had previous convictions. Again the pattern emerges of some who may have lived by crime arriving with many who were forced into breaking the law through distress. Thirteen of the animal stealers were convicted after 1845.

Bridget Smith, sentenced to seven years for stealing sheep in 1847, had been convicted before and had also been a prostitute for eleven months.⁶³ In 1851 Catherine Stack appeared before the courts for the fifth time, and was finally transported for cow stealing.⁶⁴ Ellen Kearns had two other convictions before being transported in 1848 for stealing a cow, as did Nancy Ward, sentenced for taking geese.⁶⁵ However, Alice and Mary Kane received 15 years each for cow-stealing in 1850, despite being first offenders.⁶⁶

Crimes ranging from burglary, assault and robbery, receiving to vagrancy led to the transportation of another 17 women from Tipperary. Ten had previous convictions, and the burglars, assault and robbers and receivers were similar to the thieves. One of the two vagrants, Mary Liston, had three other convictions. She had been in prison one month for stealing clothes, twelve months for theft and one month for vagrancy, before receiving a seven-year sentence in 1844.

By contrast, Bridget Egan, transported for seven years in 1844 for vagrancy, was a first offender who had spent two days as a prostitute. She was only 20.⁶⁷ One woman had the misfortune to become involved in rural violence. Ellen Bercary (Berkery) was transported for life in 1846 for being an accessory to the murder of her husband. She explained that 'some persons served three notices to quit the premises on my Husband [and] because he did not go they . . . killed him in bed by my side. I am . . . innocent of the crime . . . we were married 20 years'.⁶⁸

The distinguishing aspect of Irish female crime was the relatively large number transported for arson. Few British convicts or Irish men committed this offence, but seven per cent (or 242) of the women sent from Ireland to Tasmania were arsonists. Most arsonists came from rural areas; 36 (or 22%) of the Tipperary women were sentenced for this crime. The majority were first offenders, only fourteen having other convictions. It was a serious crime and twelve had to sentences ranging from ten years to life.

Irish female arsonists have been regarded as social rebels playing their part in rural agitation.⁶⁹ This interpretation cannot be supported by evidence from the convict records. Male social rebels often confessed their motives on arrival in Tasmania, but no Irish female arsonist claimed the offence resulted from land agitation or attacks on the agents of the system.

Some had several previous convictions and may be considered regular offenders, if not hardened criminals. Typical examples included Ellen Brien, sentenced to seven years in 1851,



who had four other convictions, and two young nurses, Alice Griffith, aged 20, and a 19-year-old, Mary Hennessey. Both had appeared before the courts several times.⁷⁰

What motives led to such crime in Ireland? Many of the Irish female arsonists broke the law in order to be transported. Twenty-nine of the 242 confessed this in Tasmania. It is likely that others who made no statements also wished to be transported. The arsonists from Tipperary were mainly young women. Twenty-six were under the age of 24 and single — only five were married — and rural workers; 22 gave their occupations as country servants. Most were attempting to escape the Famine. Only two of the Tipperary arsonists were convicted before 1846. Even one of these, Bridget Murphy, sentenced to 15 years in 1841, claimed she 'did it to be transported'. She was a 30-year-old farm servant, married and a first offender, who brought two children with her.⁷¹

Margaret Leggitt, a 20-year-old country servant who received 15 years in 1849, explained her offence as 'House burning tried with 4 others on board [who] committed the offence to be transported'.⁷² Some wished to join relatives in the colony. In 1850 a 60-year-old country servant sentenced to 15 years said she wanted to follow her daughter. These women must have been aware that by committing arson they were certain to be transported.

Although some Tipperary women were prostitutes and others had several convictions, the majority do not deserve the bad name attached to female convicts. Their Irish background must be taken into account, particularly in the case of rural women who suffered severely during the Famine. Despite most having previous convictions, many must have been forced into crime through starvation.

So terrible was the impact of the Famine that some were prepared to court transportation. The Irish authorities expressed the view that starvation had greatly diminished the terror felt by the people at the prospect of being severed from their homes.⁷³ John West felt that in many instances the Irish courts 'must have been influenced rather by a vague notion of humanity than of punishing offenders' when sentencing women.⁷⁴

— 5 —

How did the Tipperary convicts fare in Tasmania? Because of their high level of illiteracy, historians have had to rely mainly on comments made by officials and free settlers when examining the life-styles led by convicts in the colonies. These were often biased, particularly against the women.

However, the convict records do provide some indication of the behaviour and constraints imposed upon the prisoners. Each convict's colonial offences and sentences were recorded by government clerks. Thus the reaction of the convicts themselves can be looked at, if only in an indirect way. There is a serious limitation to this information. Little is known about those prisoners who led unblemished lives in Tasmania.

Robson discovered large numbers of Irish felons among the 10% of male convicts and 20% of female prisoners never punished in the colonies. He concluded that the Irish were perhaps less criminally inclined than other convicts.⁷⁵ The Irish sent to Tasmania behaved better than these figures imply. Twenty-four per cent of the men and 28% of the women had no recorded offences.

Rural Irish prisoners had an even better record; 32% of the men and 35% of the women from Tipperary did not appear before Tasmanian courts. If those who committed less than five minor convictions are added, then more than seven out of ten of the Tipperary convicts can be considered relatively law-abiding in Tasmania.



In their minor offences the Irish were similar to other convicts. Some breached prison regulations while still under sentence; but drunkenness, absence without leave and various forms of misconduct constituted most of the minor transgressions. Typical examples included:

- Drunk and disturbing the peace, fined 10/-;
- Drunk, 14 days' solitary;
- Misconduct — three months' probation;
- Absence without leave — three months' hard labour;
- Idleness -- one month wash tub;
- Refusing to work and insolence — ten days' solitary;
- Out after hours — six days' solitary;
- Passing rum to prisoners stocks four hours.

Mary Halfpenny, transported for stealing in 1841, had only one colonial conviction and was granted a conditional pardon in 1847.⁷⁶ Edmond Dwyer, sentenced to 14 years for stealing arms, only appeared before the courts on two occasions in Tasmania.⁷⁷

Regular offenders or those convicted of more serious crimes in Tasmania were a minority among the Tipperary Irish. Mary Donohoe, who stole potatoes in 1842, had her sentence of seven years extended by 12 months for larceny, and Mary Meehan had three convictions, including six months for absconding.⁷⁸ Giles Doolan received a new term for insubordination; James Ryan got life for stealing; John Conway absconded and was sentenced to 12 months. Edmond Ryan got six months' hard labour for 'Misconduct in leaving his masters door open at an unseasonable hour of night [and] having entered . . . the bedroom of a female lodger'.⁷⁹ Five Tipperary men were executed in the colony, including two for murder or intent to murder, and one for rape.

— 6 —

The men and women transported to Tasmania from Tipperary can be distinguished from other prisoners sent to Australia. They came from a peasant background, dominated by poverty and scarce land caused by British colonisation and a rapidly expanding population. Most of the women and many of the men were convicted during famine years. They cannot be regarded as hardened criminals.

A high proportion of the men had become involved in rural agitation and its associated violence, while at least some of the women found it better to court transportation rather than remain at home. Their religion, illiteracy and ages also set them apart.

But they should not be romanticised. Very few were purely political prisoners; a minority were regular offenders, and most of the women had previous convictions. They should be seen for what they were, men and women struggling for a living during one of Ireland's worst economic, political and social eras.

Their lack of criminality was confirmed by their colonial behaviour. Most adapted well to life in Tasmania, although their religion and lack of skills effectively confined them to the working-class of the colony. As Russell Ward pointed out, at least the 'brute fact that their standard of living at home was so much lower than that of the English must have tended to make them more appreciative of conditions in the new land of plenty'.⁸⁰



FOOTNOTES

1. The best source for the Tasmanian anti-transportation case is J. West, *The History of Tasmania*, A.G.L. Shaw (ed) (Sydney 1971). (See also H. Reynolds, 'That Hated Stain: The Aftermath of Transportation in Tasmania', *Historical Studies of Australia and New Zealand*, Vol. 4, No. 53, Oct. 1969).
2. The romantic view of the convicts being village Hampdens was first put by J.L. and B. Hammond, *The Village Labourer 1760-1832*, (London 1948). (See also A. Wood, 'Convicts', *Journal Royal Australian Historical Society*, Vol. B. No. 4, 1922; C. Bateson, *The Convict Ships 1787-1868*, (Glasgow 1956), p 3; R. Ward, 'The Australian Legend Re-visited', (*Historical Studies*, Vol. 18, No. 71, Oct. 1978, pp 175-176.))
3. See C.M. Clark, 'The Origins of the Convicts Transported to Eastern Australia, 1787-1852', *Historical Studies*, Vol. 7, No. 26, May 1956; L.L. Robson, *The Convict Settlers of Australia* (Melbourne 1965); A.G.L. Shaw, *Convicts and the Colonies* (London 1966); R. Hughes, *The Fatal Shore* (London 1988).
4. W. Ullathorne, *The Catholic Mission in Australia*, (Liverpool 1837), p 15.
5. J. West, *op. cit.*, pp 508-509, 518.
6. G01/75, Redington to Waddington, 27 June 1849, Tasmanian State Archives.
7. See J.H. Cullen, *Young Ireland in Exile*, (Dublin, 1928); T.J. Kiernan, *The Irish Exiles in Australia*, (Dublin 1954); P. Adam-Smith, *Heart of Exile*, (Melbourne 1986).
8. *Irish Exile*, 2 Feb. 1850, 9 Feb. 1850, 9 March 1850, 30 March 1850, Tasmanian State Archives.
9. M. Davitt, *Life and Progress in Australia*, (London 1898) pp 193-197, 317.
10. P. O'Farrell, *The Irish in Australia*, (Sydney 1987), p. 52.
11. The convict records (referred to in these footnotes as 'Con'), are located in the Tasmanian State Archives, and include Assignment Lists (Con 13), Indents (Con 14), Description Lists (Con 18, 19), a Comprehensive Register (Con 22), and most usefully the Conduct Registers (Con 31, 33, 37, 40, 41).
12. See P.R. Eldershaw, *Guide to the Public Records of Tasmania: Section Three: Convict Department*, (Hobart 1965), Introduction, pp. 1-10.
13. J. Williams, 'Irish Convicts and Van Diemen's Land', University of Tasmania M.A. Thesis, 1982, pp. 222, 314.
14. *Abid*, pp. 162-224.
15. A.G.L. Shaw, *op. cit.*, pp. 363-368.
16. T.W. Freeman, *Pre-Famine Ireland*, (Manchester 1957), p. 27.
17. N. Coughlan, 'The Coming of the Irish to Victoria', *Historical Studies of Australia and New Zealand*, Vol. 12, No. 45, Oct. 1965, p. 72.
18. G01/75, T.M. Redington to H. Waddington, 27 June 1949, Tasmanian State Archives.
19. D.H. Akenson, *The Irish Education Experiment*, (London 1970), p. 376.
20. Con 37/5.
21. L.L. Robson, *op. cit.*, p 26.
22. A.G.L. Shaw, *op. cit.*, p 166.
23. See G. Rude, *Protest and Punishment*, (Oxford 1978), pp 1-10; R. Hughes, *op. cit.*, pp 158-202.
24. Con 33/26, Con 33/86.
25. Con 33/85.
26. Con 33/112, Con 33/93.
27. Con 33/94.
28. Con 33/100.
29. Con 33/104
30. Con 33/113.
31. L. Robson, *op. cit.*, Table 6(d), p. 195.
32. Con. 33/34.
33. Con 33/101.
34. Con 33/100, Con 33/109.
35. Con 33/47.
36. L. Robson, *op. cit.*, p. 195.
37. W. Carleton, *Traits and Stories of the Irish Peasantry*, (Dublin 1843-44), p. 70.
38. Con 33/51.
39. Con 33/12.
40. Con 33/28, Con 33/75.
41. Con 33/69.
42. Con 33/47.
43. Con 33/18.
44. Con 33/69.
45. Con 33/3.
46. Con 33/3.
47. Con 33/112.
48. Con 33/3, Con 33/34, Con 33/65.
49. G01/75; Redington to Waddington, 27 June 1849, Tasmanian State Archives.



50. *Parliamentary Papers*, 1845, Vol. 19, p. 42.
51. J. West, *op. cit.*, pp 508-509, 518; see also J. Williams, 'Irish Female Convicts and Tasmania', *Labour History*, No. 44, May 1983; M. Dixon, *The Real Matilda*, (Victoria 1976); A. Summers, *Damned Whores and God's Police* (Victoria 1975).
52. L. Robson, *op. cit.*, p. 85. L. Robson, 'The Origin of the Women Convicts Sent to Australia: 1787-1852', *Historical Studies of Australia and New Zealand*, Vol. 11, 1963-65, p 53.
53. L. Robson, *Convict Settlers*, pp 77-78.
54. G01/44; J. Manners Suttor to James Stephen, 4 November 1841, Tasmanian State Archives.
55. Con 41/8.
56. Con 41/12, Con 41/30.
57. Con 40/8.
58. Con 41/12.
59. Con 41/14.
60. Con 41/19.
61. Con 41/14.
62. Con 41/22.
63. Con 41/16.
64. Con 41/35.
65. Con 41/22.
66. Con 41/26.
67. Con 41/5.
68. Con 41/12.
69. See L. Robson, 'Origin of Women Convicts', p. 51, and H.S. Payne, 'A Statistical Study of Female Convicts in Tasmania, 1843-1853', *Tasmanian Historical Research Association: Papers and Proceedings*, Vol. 9, No. 2, June 1961, p. 58.
70. Con 41/35.
71. Con 40.
72. Con 41/26.
73. G01/75, Redington to Waddington, 27 June 1849, Tasmanian State Archives.
74. J. West, *op. cit.*, pp 508-509.
75. L. Robson, *The Convict Settlers*, pp 93, 130.
76. Con 40/4.
77. Con 33/85.
78. Con 40/4.
79. Con 33/12, Con 33/37, Con 33/82.
80. R. Ward, *The Australian Legend* (Melbourne 1970), p. 52.

