

Class in a Convict Society

Gary L. Sturges

Colloquium on the Convict System &
Early Colonial Society

Sydney, 14-15 March 2025



A World Turned Upside Down

- A smuggler as Commissioner of the Customs?
- A swindler as Keeper of the Seals?
- A pickpocket as Keeper of the Privy Purse?



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A. Equality before the Law



Men and women still serving their time were:

David Collins' house,
where the magistrates sat

- Giving evidence in court
- Launching criminal prosecutions
- Launching civil actions (Kable v Sinclair)
- Cross-examining the Governor (R v Cullyhorn)
- Arresting marines for breaking the law (Nightwatch)

A. Equality before the Law

December 1792 – Philip Gidley King discovered that a convict had been viciously beaten by way of summary punishment. He immediately issued an order, warning that the laws of England gave the same protection to convicts as they did to the rest of His Majesty's subjects.

He wrote in his journal that he hoped this would convince unthinking people *'that those Objects who are sent here to Expiate a Crime, are Still entitled to the rights of humanity; Such I believe to be His Majestys most Gracious Intentions, and that of the Legislature. . .'*



B. Creating a Sustainable Economy

Highly valued convicts - principally artisans and overseers - were granted privileges – greater freedom of movement, government-built housing, additional provisions, freedom to trade in their own time, the Governor's leave, an early pardon.

William Bryant's
house



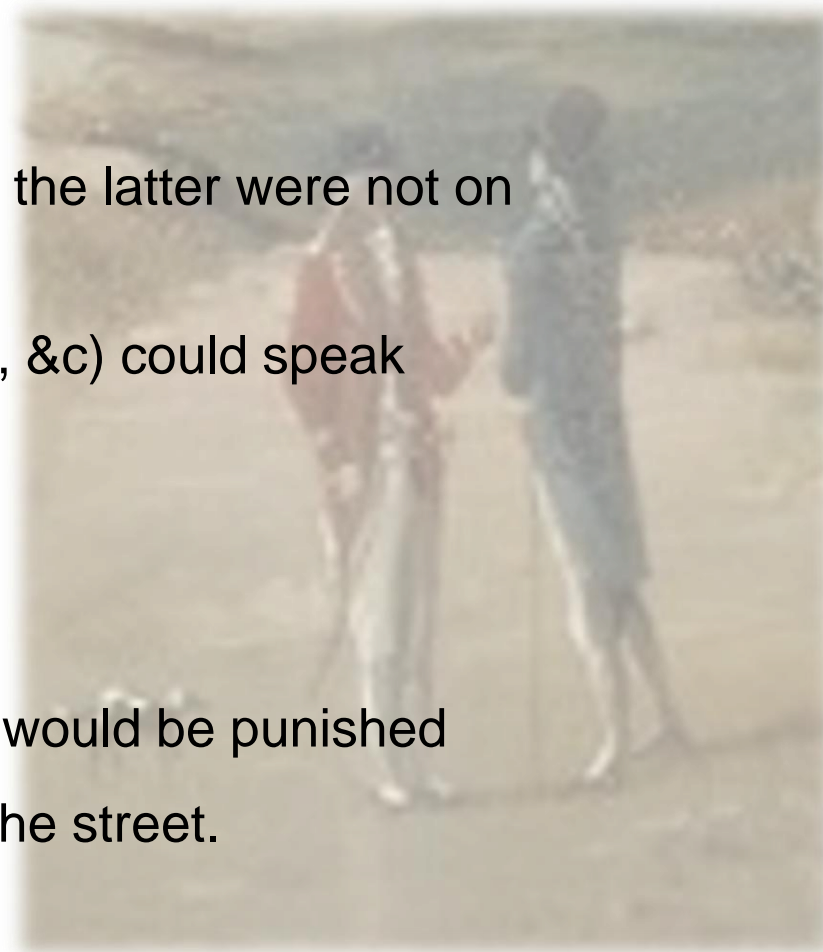
Class Distinctions in First Fleet Society

The distinction was not bond vs free:

- Convicts could be disrespectful to private marines when the latter were not on duty
- Convicts acting in a public capacity (overseers of gangs, &c) could speak back and get nothing more than an admonition.

It was a matter of social standing:

- Insolence to one of the 42 gentlemen & 1 gentlewoman would be punished
- Convicts would have been required to doff their hats in the street.



Case Study: Herbert Keeling

- Dogherty v Keeling -



Case Study: Herbert Keeling

- Son of a gentleman of St James's - 'tenderly brought up'.
- 'A man of education and considerable abilities'.
- Went to sea as a midshipman at the end of the American War.

Case Study: Herbert Keeling

- 1783 – Stole a sword from a home in the Strand & sentenced to 7 years in America.
- 1783 & 1784 – Escapee/mutineer from the *Swift*.
- February 1788 – Assistant to the Surveyor-General
- April 1788 – Overseer at the storehouse
- August 1788 – Overseer of the convict camps & confidant of Major Ross
- August 1789 – Overseer of the Nightwatch

Case Study: Herbert Keeling

- October 1791 – 50 lashes for disobedience to Ross's orders
- January 1800 – Absolute pardon
- January 1803 – Charged with assault & battery
- April 1806 – Tried over the forgery of two promissory notes and hanged.

The Middle Class in First Fleet Society

- Genteel convicts (the surgeon, John Irving);
- Upper middle class (e.g. former midshipmen like Herbert Keeling and Francis Fowkes);
- Men and women who had worked or spent their childhoods in the great houses of the aristocracy or the gentry (Elizabeth Needham);
- Respectable tradesmen and women (James Bloodsworth, John Baughan);
- Wealthy and well-educated professional criminals (the McCoulls)

The Middle Class in First Fleet Society

1. How did genteel or respectable middle-class men and women translate their former social standing to a convict society?
2. How did men and women lift their social standing in a convict society?

1. Communicating Social Standing & Respectability in a New Society

- Stay on the Master's Side in prison, or in a debtor's ward on the Common Side
- Travel from prison to ship in a carriage
- Have someone prominent (preferably one of the aristocracy) send money on board for you
- Stay in a private berth on board the ship, or at worst, a separate mess
- Spend money on the other convicts
- Get oneself invited into the captain's cabin (rare)
- Wear respectable clothing

Case Study: John Henry Palmer

- 'A genteel man' 'a Man of Languages, of Letters, accounts, of Science'.
- Operated a labour exchange.
- Represented by counsel at the Old Bailey.
- Stayed in a debtors' ward on the Masters Side & then the Common Side.
- Lady Pryce petitioned on his behalf.
- He corresponded with the Duke of Buckingham from the hulk, seeking permission *'that I shall go thither in a different character and detach'd from the other Convicts. . . the tortures of a Damians are in my mind infinitely preferable to a wretched association with a Set of the most abandoned Men!'*
- He sailed on the *Alexander* in a mess with William Parr, a merchant's clerk, and several mariners.
- Died shortly before the fleet arrived.

1. Communicating Social Standing & Respectability in a New Society

- Don't go ashore in Sydney Cove at the same time as the other convicts
- Be given liberty shortly after going ashore
- *Bring letters of recommendation*
- Don't work at the same jobs as other convicts
- Don't associate with the great mass of other convicts

59
London 13. March 1811.

Dear Sir,



A Female Convict of the Name of
Ann Walter being embarked in one of the Ships
destined for New South Wales, I beg leave to recom-
mend her strongly to your good Offices — She
is the Daughter of a respectable Tenant of the
Marquis of Bath's, has had a superior education
and has attended for seven Years about the
Person of the Marchioness of Bath; but in consequence
of having formed an unfortunate connexion last
summer was found guilty probably of her first
offence — Being very desirous of being of
use to her in consequence of the earnest request
I have received from the Duke of Bedford,
I have written also to my friend Mr. Broughton
being

being confident that you will readily contribute
to render her situation as comfortable as
possible — I am

Dear Sir

Yours very truly
J. Howard

Darcy Wentworth Esq.

The Ann Walter Reference

- March 1811
- Joseph Foveaux (in London) to D'Arcy Wentworth (in NSW)
- She is 'the Daughter of a respectable tenant of the Marquis of Bath'
- 'has had a superior education'
- 'attended for seven years on the person of the Marchioness of Bath. . .'
- ' . . .confident that you will readily contribute to render her situation as comfortable as possible'.

2a. Building a Reputation – The Men

Artisans

- Medical (John Irving)
- Manufacturing (Samuel Wheeler, brickmaker)
- Construction (James Bloodsworth, bricklayer)
- Trade (Francis Cox, locksmith)
- Gardening/farming (Thomas Eccles, Governor's gardener)
- Clerical (Francis Fowkes, Governor's clerk)
- Financial (Shadrach Shaw, 1792, adviser to the Rum Corps)

2a. Building a Reputation – The Men

Overseers

- Gang Overseers (William Bryant, fishing gang)
- Camp Overseers (Herbert Keeling, camp overseer)

Public Service

- Members of the 'Nightwatch'

Case Study – Robert ('Bob') Sidaway

- Son of a pastry cook and a publican ('The Barking Dog')
- A criminal career lasting more than a decade
- Ralph Clark: 'a darring Valinous fellow'
- Bowes Smyth: 'a very bad kind of man'
- By March 1789 – the public baker, paid a fee for each loaf
- By December 1789 – selling bread privately
- March 1791 – selling flour privately

Case Study – Robert ('Bob') Sidaway

- June 1792 - A London paper:

'The baker for the colony at Botany Bay is the notorious Robert Sidaway, who was several times tried for house-breaking, highway robberies, &c. when in this country. He has now one of the best situations in the new settlement, being allowed a toll out of every quantity of flour he makes into bread for the officers and convicts.'

- October 1792 – He had an investment of several hundred pounds on the first venture of the Rum Corps, to buy flour
- November 1792 – Conditional pardon by Phillip.

Case Study – Robert ('Bob') Sidaway

13 October 1809 – Sidaway died after a long and painful illness, at his Sydney home, aged 52:

He was one of the first inhabitants of this Colony; during his very long residence in which he ever supported the reputation of a true philanthropist, and in all other respects a valuable member of society, in which he was universally respected'. (Sydney Gazette, 15 October 1809)

2b. Building a Reputation – The Women

In the early years, their social status was uncertain – ‘housekeepers’, ‘cooks’ and ‘nurses’

Over time, those who remained in NSW acquired respectability

- Esther Abrahams/Johnston
- Elizabeth Burleigh/Arndell



Convict 'Housekeepers' – Esther Abrahams/Johnston



Convict 'Housekeepers' – Esther A



Convict 'Housekeepers' – Esther Abrahams/Johnston



When George Johnston suggested to his commanding officer, Major Francis Grose, that he might buy a commission for his eldest son George, Grose '*was particularly averse to it on Account of his Mother*'.

In writing about this in 1804, Johnston added that '*I can only say that his Mother's Conduct has been such in this Country, that not the smallest stigma can attach to it*'.

2b. Building a Reputation – The Women

The women who remained behind and married someone else also enjoyed an uplift in social status.

Rachel Moore



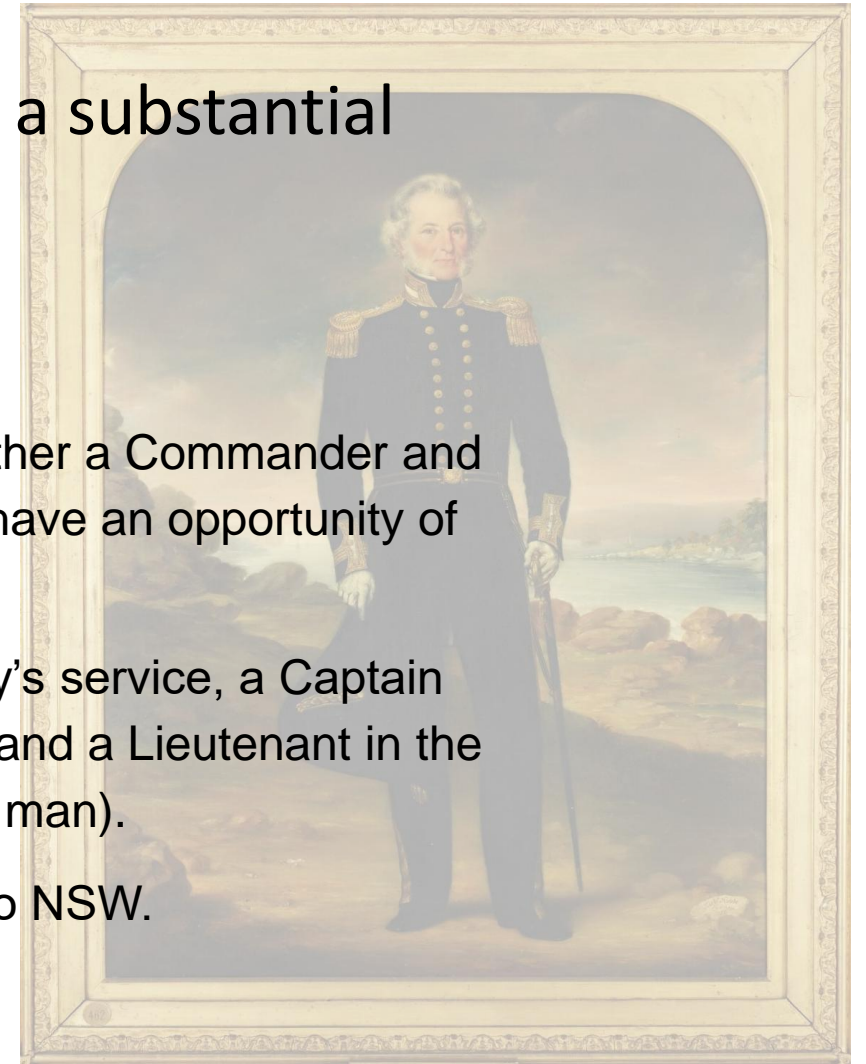
Convict 'Housekeepers' – Rachel Turner/Moore



2b. The Next Generation – The Boys

Almost all of these women gave their children a substantial uplift in social status

- Of the 14 boys for whom we have details:
 - Five joined the Royal Navy: one became a Captain, another a Commander and three Lieutenants (two of whom died young and did not have an opportunity of promotion)
 - Others ended up as – a Major in the East India Company's service, a Captain in the Royal Engineers, a Captain in the Royal Marines, and a Lieutenant in the Royal Marine Artillery (the last killed in battle as a young man).
 - William Balmain's son became a surgeon and returned to NSW.



2b. The Next Generation – The Boys

Medal given to Captain Constantine Cowley
for his part in the Siege of Bhurtpore



2b. The Next Generation – The Girls



Constantia Cowley



Jane Henderson

Class in a Convict Society

I look forward to discussion and challenge.