

“That Den of Infamy, the No. 2 Stockade Cox’s River”

**An historical investigation into the construction, in the 1830s, of the Western
Road from Mt Victoria to Bathurst by a convict workforce**

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This thesis is jointly dedicated to the Rosen family friendship network - the Barit,
Godden, Matousek, Perrini, Porter, Randall, Roughley, Ryan, Sachs and van der

Hoff families

and

to my father

Arthur Edward (Toby) Mitselburg

Acknowledgements

The completion of this thesis marks 13 years of intermittent involvement with the convict sites on the Western Road, not a life sentence, but very close to the next most severe term handed down to convict transportees to New South Wales. Only an exceptionally bad, not to mention, unlucky, recidivist would have spent so long on the roads. My sentence was courtesy of the University of Western Sydney Bench who have conscientiously applied the deterrence and punishment modes of penal ideology. I feel privileged and grateful for this opportunity to atone through servitude and for the Australian Post Graduate Award which facilitated the process. In a reformatory spirit a travel scholarship to expedite my case was also awarded. As I await the verdict of a special three judge sitting of the Supreme Academic Court I do so knowing that I have had every opportunity to present my credentials for examination and subsequent acceptance into polite society.

Over the term of my sentence I have encountered many helpful custodians and gate keepers who have kept me on track, the most assiduous of these trustees, Fabian Lo Schiavo, Emily Hanna, Gail Davis and Chris Yeats at State Records New South Wales are all worthy of the privilege and status, not to mention the rations, of the head keeper. Kindness was also found in another branch of the system, the former domain of the Surveyor General, the Land's Department Plan Room, currently operating under the auspices of DIPNR, where Col King is principal overseer, but is far too helpful, indeed principled to deserve that lowly title, but that's the Surveyor General for you.

On the way, I also found consolation, advice and support from old hands, often referred to in the literature as 'old lags'. Carol Liston, in the role of scourger, was one of these. Another was Michael Pearson who in my early days on the road wielded a pick and shovel along side. Although he was awarded an early release for good behaviour, he still shows recidivist tendencies. Less fortunate, were an unholy cabal from Heritage Assessment And History (HAAH) who persistently encouraged the pursuit of freedom, via expeditious completion of the sentence. Some of these periodically absconded, these included Jocelyn Rosen and Mary Sparke, both successful escapees. Like the majority of absconders, most were returned to a renewed ironed sentence, Rosemary Kerr is a particularly hopeless recidivist. Emma Dortins, who ovalled her irons and fled the colony, will also be back. She's innately incorrigible.

Among the dreamers, schemers and mates on the road were Caroline Simpson who

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David and Zoë Rosen looked after the 'interior comforts' and risked the scourger at the triangles by re-arranging the guard beds. Thus my 'Den of Infamy' was not nearly as onerous as it might have been.

¹ Ollie Leckbandt, *The Mount Walker Stockade Cox's River*, Olaf Leckbandt, Lithgow, 1997. ISBN: 0646336819; Ollie Leckbandt, *Convict Stockades from Mt. Walker to Mt. Victoria*, Olaf Leckbandt, Lithgow, 1998. ISBN 0-9585215-0-6; Ollie Leckbandt, *Mt. Kirkley The Forgotten Stockade Old Bathurst Road*, Olaf Leckbandt, Lithgow, 2002. ISBN 0-9585215-1-4.

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution

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Sue Rosen

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Glossary

Bowen's Hollow Stockade/Lumber Yard: Initially a road and bridge party site which later became a stockade for ironed prisoners.

Boxes: Portable houses to accommodate convicts employed on the roads.

Burglary: The felony of breaking into and entering a house with intent to commit a felony therein.

Cat-o'-nine-tails: A whip usually having nine knotted lines or cords fastened to a handle, usually to flog offenders.

Conditional Pardon: A pardon granted to a convict on the condition that he did not leave the colony until his original sentence had expired.

Courts of Assize: For civil or criminal trials by a judge, usually of the high court, held periodically in specific locations on circuit through the English counties.

Diamond Swamp: A bridge party site.

Felony: An indictable offence of a graver character than a misdemeanour, such as murder or burglary.

Grand larceny: Theft of sum greater than the value of one shilling.

Honeysuckle Hill/Range/Flat: Located on the ridge as it rises from Solitary Creek (Rydal) toward Bathurst. A road party site.

Housebreaking: The unlawful breaking into another person's residence with the intent of committing a crime. (Burglary)

Junction Stockade: An alternate vernacular name for No. 2 Stockade, Cox's River.

Meadow Flat: A road party site.

Mt Walker Stockade: An alternative name for the No. 2 Stockade Cox's River.

No. 1 Stockade Mt Victoria: An ironed gang site associated with the construction of Victoria Pass.

No. 2 Stockade Cox's River: An ironed gang site and main administrative centre.

No. 3 Stockade Hassan's Walls: An ironed gang site.

Panopticon: A prison in which all parts can be viewed from one point.

Penitentiary: A place for the imprisonment and reform of criminals.

Petty Larceny: The stealing of a sum of value up to one shilling.

Petty Sessions: Court of summary jurisdiction conducted by a Justice of the Peace.

Pillory: A wooden structure with holes for securing the head and hands which was used to expose a convict to public derision.

Road Gang: A group of convicts worked in irons on the roads under punishment for offences committed in the colony.

Road Party: A group of convicts worked out of irons on the roads under punishment for offences committed in the colony.

Robbery: The felonious taking of the property of another from his person or in his immediate presence, against his will by violence or intimidation.

Stoney Range: A road party site that is sometimes referred to as Stoney Ridge.

Summary Trial: A trial conducted without or exempt from some procedures of a full trial.

Ticket-of-leave: A document which entitled a convict to freedom of occupation and lodging within a given district until his sentence expired or he received a conditional pardon.

Abbreviations

AO: Archives Office

Aust & NZ Jour. of Criminology: Australian and New Zealand Journal of Criminology

assoc.: association

Col. Sec.: Colonial Secretary

CO: Colonial Office

DL: Dixson Library

ed.: Editor

Facs. Edn.: Facsimile Edition

HO: Home Office

HRA: Historical Records of Australia

JRAHS: Journal of the Royal Australian Historical Society

ML: Mitchell Library

MPG: Maps and Plans

MSS: Manuscript

PRO: Public Records Office, London

SLNSW: State Library of New South Wales

SRNSW: State Records of New South Wales

Surv. Gen.: Surveyor General

T: Treasury

Imperial-Metric Conversion Chart

<i>Imperial Length</i>	<i>Metric length</i>	<i>Imperial Mass</i>	<i>Metric Mass</i>
inch (in)	25.4 mm	ounce (oz)	28.3 g
foot (ft)	30.5 cm	pound (lb)	454 g
yard (yd)	.914 m	ton	1.02 tonne
mile	1.61 km		

Abstract

The overarching question under investigation in this thesis is the extent to which the ideals of penal management as espoused by both British and Colonial authorities were implemented in the day to day administration and management of a convict work force. The focus of the examination is the construction of Major Thomas Mitchell's line of road between Mt Victoria and Bathurst in the 1830s. Specifically the thesis documents the various sites on the line of road with a particular emphasis on the administrative centre and principal facility, No. 2 Stockade Cox's River, to explain the dynamic interaction of the network and its role in the penal repertoire of New South Wales.

There are two key avenues of investigation. The first is the tension between the imperatives for infrastructure development on the one hand and the necessity for the development of an effective penal system on the other. The second is the nature of the convict work force, including their origin, character, skills and penal experience. The examination of the interrelation and interdependence of these two elements enables conclusions to be drawn on the impact they had on the construction of the Western Road.

The evidence has been drawn from diverse sources, many of which have not been examined previously. It elucidates both the politics of infrastructure development and the experiences of the work force whose job it was to build the road.

Analysis of the evidence found that there was often a mismatch between the ideals of penal management held by the British Government and the money it was prepared to allocate to that management. The Colonial administration was also continually under pressure to keep costs to a minimum, resulting in constraints on infrastructure development. In relation to the Western Road, the inter-departmental politics of

power, particularly that played out between the Governors and Surveyor General Thomas Mitchell also served to hinder progress.

Further, the convict workforce was often an impediment to productive road-work. A large proportion of these young recidivists was, on transportation, from an urban background. If their previous occupations were anything to go by, although they were largely skilled and semi-skilled as workers, they were ill-equipped for the job of road building. The penal experience for many was far from reformatory or a deterrent. Many were provoked to commit further crimes and thus receive additional brutal punishment. Overall the experience was dehumanising and degrading, made so by harsh, unfair and unjust overseers. However, the job did get done. The road was, eventually, built. But, at what cost to the workers?

In bringing together such a large range of sources the thesis has enabled the first thorough reading of the convict sites associated with the Western Road. This has led to a multi-dimensional understanding of the place, its people and the process of its construction. It provides a basis for future scholarship on this neglected network, located almost at the doorstep of greater Sydney, on the western fringe of the Blue Mountains.