

Chapter One

Introduction

The historical prelude to this thesis encompasses the British policy of transportation of convicted felons, in the eighteenth and nineteenth centuries, and the founding of the penal colony in New South Wales in 1788. The evolution in Britain of the science of penology, involving the development of philosophies and methodologies of criminal reform, punishment and deterrence, contributed to the establishment of new sites of secondary punishment for transportees who had re-offended after their arrival in the colony. In New South Wales, from the mid 1820s, servitude on the roads played a key role in a graduated penal repertoire that was intended to meet the objectives of punishment, deterrence and reform.

Governor Darling, at that time, instituted a policy whereby convicts who re-offended could be sentenced by a colonial court to hard labour on the roads. The judiciary could award a period in an unironed road party or, for more serious offenders, a term in an ironed gang. Road parties were accommodated in huts at work sites along lines of road. In the 1830s iron gangs came to be accommodated in stockaded huts under a military guard. On expiration of their sentence to an ironed gang, or if good behaviour mitigated a term in irons, a period could be spent working out of irons in a road party. Employment in a bridge party was reserved for better behaved and skilled re-offenders. A period of good behaviour in a road party could be rewarded by transfer to a bridge party or private assignment. At the other end of the spectrum, serious offences could result in trial before the New South Wales Supreme Court and a sentence of death or transfer to an isolated penal station, such as Norfolk Island.

This thesis addresses issues fundamental to understanding the foundation of European society in Australia. Specifically, it investigates:

- the ways in which the concerns of the transportation and penal reform debates were reflected in conditions on the Western Road;
- the efficacy of the employment of enforced labour to meet the objectives of colonial infrastructure development while subject to the reform, punishment and deterrence imperatives of the contemporary penal reform debate;
- the process of management and construction of a major transport link, crucial to the development of the colonial economy, to examine the competence of the colonial administration;
- how the process of development of colonial infrastructure, as embodied in the Western Road in the 1830s, reflects on the humanity of the colonial administration through an exploration of official policy concerning convict welfare; and
- the contribution of a sample population of recidivist offenders to the convict origins and experience debate.

These issues are to do with the nature of the convict experience, the competency of the colonial administration and the sophistication of the colony and finally, the character and skills of the convicts. Concerns such as these have been a focus in Australian historiography and will be investigated through an examination of:

- the No. 2 Stockade Cox's River and the associated network of stockades and work places along the Western Road in the 1830s;
- the road making process itself, including the management of a convict workforce labouring under additional punishment;
- the interaction between the civil and military personnel who oversaw the construction process and evolving convict housing, welfare and security provisions;

- the origins, character and skills of the convicts, and
- the nature of the convicts' criminality and their penal experience on the Western Road.

An examination of the road gang system at work in this period allows the socio-economic origins and occupational status of the convicts to be considered in the context of their living and working conditions, as it were, in situ. Thus, this investigation of the microcosm of the Western Road convict experience enables conclusions to be drawn about the efficacy of policies drawn at the macro level by politicians and bureaucrats in distant England and Sydney.

The “National Interest”

The position and status of convicts in Australian history metamorphosed across the twentieth century from an early acceptance of the view of the convict as a degraded individual, to that of a victim, to that of a thief and ne'er do well and latterly, to the notion of the convict as a worker who was better off than his contemporaries in Britain. Accompanying this transition, feelings of embarrassment, shame and even pride have oscillated in the national consciousness as particular views periodically attain a fleeting ascendancy. Part of this obsession and its legacy in the national psyche can be traced to the penal reform and transportation debates.

By the 1830s New South Wales, which had been under attack from its inception as a penal colony, was described by penal reformers, such as William Wilberforce, who were closely affiliated with the anti-slavery movement, as a slave society which had been corrupted by transportation.² With the entire New South Wales and Van Dieman's Land population tainted by the abhorred slavery association and portrayed as an immoral and brutal society, an umbrage at the injustice of such claims has lingered in the national sub-conscious.

² J.B. Hirst, *Convict society and its enemies*, George, Allen & Unwin, Sydney, 1983, pp. 10-19; A.G.L. Shaw, *Convicts and the Colonies*, Carlton, Melbourne University Press, 1977, pp.127-133; 270-273.

Evidence of the strong desire for an understanding of the nature of the convict experience and of the origins of the convicts is provided by the genealogical searches and family history publications of thousands of Australians who are no longer ashamed of their convict past. This interest is also evident in the education system and permeates the arts, particularly literature, film and drama. It is integral to many concepts associated with Australian cultural identity. Popular expressions of this interest are exemplified by folk songs such as *Moreton Bay*, *Botany Bay*, and *Maggie May*. Marcus Clarke's novel, *For the Term of his Natural Life*, became one of the earliest Australian films in 1909.³ Other early films include *Assigned to his Wife* (1911), *Ticket of Leave Man* (1913) and *Transported* (1913).⁴ More recent additions to the literary genre include Peter Carey's *Jack Maggs*, Bryce Courtenay's *Potato Factory*, Andrew Motion's *Wainwright the Poisoner*, Richard Flanagan's *Gould's Book of Fish* and Kristin Williamson's *Women on the Rocks*.⁵ On the stage, Deborah Conway's performance of *Dreaming Transportation* was recently received with acclaim.⁶ On television, *The Colony* currently airing (February 2005) on the Special Broadcasting Service (SBS) is another manifestation of this interest in the colonial past.⁷

Many academic studies, undertaken across the twentieth century, have focussed on questions related to who the convicts were and how their experience influenced the character of Australian culture and society. While up to 50,000 convicts were transported to North America between 1718 and 1775, the significance of that story in American history is negligible and totally overshadowed by the iconic status

3 Marcus Clarke, *For the Term of his Natural Life*, R. Bently, London, 1875.

4 Eric Reade, *The Australian Screen*, Lansdowne Press, Melbourne, 1975, pp.275-278.

5 Peter Carey *Jack Maggs*, University of Queensland Press, St. Lucia, 1997; Bryce Courtenay, *The Potato Factory*, William Heinemann Australia, Port Melbourne, 1995; Andrew Motion, *Wainwright the poisoner*, Faber and Faber, London, 2000; Richard Flanagan, *Gould's Book of Fish*, Pan Macmillan, Sydney, 2001; Kristin Williamson, *Women on the Rocks*, University of Queensland Press, St. Lucia, 2003.

6 *Dreaming Transportation: voice portraits of the first women of white settlement at Port Jackson* composer Andree Greenwell ; poet Jordie Albiston. ABC Audio, Ultimo, 2004; 'Powerful voices evoke distant lives on a moving journey into the past', *Sydney Morning Herald*, 27 January 2003, P.16; <http://www.amcoz.com.au/comp/g/agreen.htm>

7 Co-produced by SBS Independent, Hilton Cordell Productions, Radio Telefis Éireann (RTÉ), The History Channel, Film Finance Corporation (FFC) Australia, New South Wales Film and Television Office (FTO) and the Australian Film Commission (AFC).

attributed to the Puritans and the *Mayflower*.⁸ Between 1788 and 1840, 67,000 male and 13,000 female convicts landed at Sydney and it was not until the 1830s that the number of free settlers migrating to Australia in any year exceeded the number of prisoner arrivals.⁹ As observed by L.L. Robson, in his landmark work *The Convict Settlers of Australia*, ‘convicts ... and their children numerically dominated the country from the first settlement in 1788 to the 1820s and they formed the great labour force which laid the foundations of Australia prior to the gold rushes of the 1850s’.¹⁰

A.G.L. Shaw’s opening sentence in *Convicts and the Colonies* provided a powerful justification for his, and other, studies of the convict transportation system:

For eighty years after the foundation of Australia, the transportation of British criminals was integrally bound up with her national development, both political and economic.¹¹

Mark Finnane introduces *Punishment in Australian Society*, with a reminder of the idiosyncratic role of convict transportation in Australian national origins. With a different, but not incompatible emphasis to Shaw, he refers to Australians’ consciousness of the nation-state’s origins as an ‘experiment in punishment’. This experiment, in the words of Finnane, is of international significance.¹²

These justifications can equally be applied to this thesis.

8 Mark Finnane, *Punishment in Australian Society*, Melbourne, Oxford University Press, 1997, p.1.

9 Barrie Dyster., ‘Convicts’, *Labour History*, No.67, November 1994, p.74.

10 L.L. Robson, *The Convict Settlers of Australia*, Carlton, Melbourne University Press, 1965, p.3.

11 A.G. L. Shaw, *op. cit.*, p.17.

12 Mark Finnane, *op. cit.*, p.1.

The Local Scene

The national historic concerns outlined above have a parallel at the local community level. Lithgow historians Ern McKenzie, Joe Summers and Frank Winchester spent many years researching both No. 2 Stockade Cox's River and the history of the area as a whole.¹³ As stalwarts of the Lithgow Historical Society they conducted tours of the No. 2 Stockade site from at least the mid 1960s. Outside the historical community, local fossickers also showed an interest in the sites and in the process of attempting to identify and make sense of their finds became historians themselves. But, even among the locals, understandings of the site of No. 2 Stockade were confused.¹⁴

The local community has been a particularly valuable source of evidence for this thesis and especially, the fossickers cum historian-archaeologists who responded to a call in the *Lithgow Mercury* in 1994 for information on the No. 2 Stockade Cox's River site.¹⁵ This resulted in an association that has extended over 11 years and which has brought to light the location of other convict road gang sites that formed the network along the Western Road. These include large stockades, ephemeral road party sites, military posts, surveyors' depots, and inns, all of which were connected by the old line of road from Mt Victoria to Bathurst. Along the route impressive buttressed walls, bridges, culverts and remnants of the macadamised road are evident. During the 1830s, when the road was under construction, this network represented an attempt to meld the requirements of punishment and reform of the penal system with the labour requirements of the colonial infrastructure program.

In the late 1970s, when Pacific Power, the State electricity generation authority, proposed construction of Lyell Dam to supply water to Wallerawang Power Station there were concerns locally about the impact on the historic site. Although quite a

¹³ *Occasional Papers*, Lithgow District Historical Society, 1966-1998, Lithgow, NSW.

¹⁴ E.J McKenzie, 'Map of Mount Walker Stockade', 1966.

¹⁵ 'Stockade Study digging the dirt for our convict history', *Lithgow Mercury*, 9 June 1994, p.1.

few strong opinions were held regarding the Pacific Power proposal, there was the feeling that this was development, indeed ‘progress’ and no real attempt was made to block the works. There were jobs to be had at the power stations and Lithgow needed jobs.

However, in the early 1990s the No. 2 Stockade was brought to the attention of the broader history-heritage community by Lithgow locals when the community became concerned by further interference in the site as Pacific Power prepared to augment Lyell Dam. As a consequence, an historical and archaeological investigation was commissioned. This investigation revealed that the area was the site of a major 1830s convict work and punishment complex which at its zenith had the size and complexity of a small town.¹⁶

The collaboration with locals allowed a dialogue that facilitated a much more thorough understanding of this previously undocumented system to be developed. The documentary research for this and the studies which formed the genesis of this thesis was particularly shared with local historian and fossicker, Mr Olaf Leckbandt, who has undertaken numerous surveys of the sites along the Western Road. One of the outcomes of this association was the identification of the site of No.1 Stockade Mt Victoria. In a three-way collaboration with the Roads and Traffic Authority using aerial photographs of the site, we were able to confirm the location of the Mt Victoria Stockade and the place is now on the public record.¹⁷ Mr. Leckbandt and his friend, Lester Batcheldor, were engaged to work on the archaeological investigations undertaken in 1994 and 1995. Mr Leckbandt has since published and spoken widely in the community raising awareness of the area’s history. Mr Leckbandt’s work in

16 Sue Rosen, ‘Heritage Assessment of Second Cox’s River Stockade Site and Associated Graves, Proposed Upgrade of Lyell Dam’, Pacific Power, 1992; Sue Rosen, ‘A History of No. 2 Stockade Cox’s River’, Pacific Power 1994; Sue Rosen and Michael Pearson, ‘The No. 2 Stockade Cox’s River- Its life and Times: An Historical and Archaeological Investigation’, Pacific Power, 1997.

17 Brian Myers, ‘Photo-interpretation of the Site of the Mt. Victoria Convict Stockade’, RTA, February 1999.

raising community awareness is an important undertaking since many locals, who were aware of No. 2 Stockade and its associated sites, have died.

Road Gang Historiography

To date there has been no detailed examination of the recidivist penal experience within the context of the road gangs. These gangs constructed the main arterial roads channelling European settlers and their stock to the north, west and south of Sydney, as transportation and the New South Wales penal regime came to a climax in the 1830s. They form a sub group of the convict population that were deemed too 'bad' for assignment but not sufficiently wicked to warrant transportation to a secondary penal settlement such as Norfolk Island or Moreton Bay. While Grace Karskens has investigated the construction of the Great North Road, her focus was on the achievement of the physical undertaking itself rather than the convict experience.¹⁸ William Robbins has recently examined the management of convict gangs from 1788 to 1830, the period immediately prior to the focus of this thesis. Robbins was concerned with the organisation of all convict work gangs rather than the punishment gangs and was not concerned with the development of the physical infrastructure associated with the employment, security and management of such gangs.¹⁹ Hamish Maxwell-Stewart has examined a sample population of 350 Tasmanian bushrangers and Lloyd Robson and Stephen Nicholas have undertaken broad general convict population studies. A.G.L. Shaw has conducted a detailed study of the overall system which touches on the road gangs, but does not dwell on them.²⁰

The focus of this thesis is the road gangs which were generally situated in isolated locations under conditions of hardship and strict security provisions. This situation

18 Grace Karskens, '“The Grandest Improvement in the Country”: An Historical and Archaeological Study of the Great North Road, NSW 1825-1836', MA Hist. Arch thesis, University of Sydney, 1985.

19 William Robbins, 'The Management of Convict Labour Employed by New South Wales Government, 1788-1830', PHD Thesis, University of NSW 2001.

20 Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System of Van Diemen's Land, 1803-1846', PHD Thesis, University of Edinburgh, 1990; L.L. Robson, *op. cit.*; Stephen Nicholas (ed.), *Convict Workers Reinterpreting Australia's Past*, Cambridge University Press, 1988; A.G. L. Shaw, *op. cit.*, pp. 214-216.

was markedly different to the general convict experience and so the examination of the gangs on the Western Road in the 1830s offered in this thesis is able to make a unique contribution to convict historiography.

Other studies have utilised primary material related to the Western Road but were unable to make a clear attribution to the document's historical and geographical context. For example, Grace Karskens used an 1832 plan of the No. 2 Stockade Cox's River [Figure 5.6] in a discussion of convict accommodation, where she postulates that, because of new instructions from Governor Bourke in September 1834, the use of stockade fences was abandoned due to their ineffectiveness in confining prisoners.²¹ In *Out of Sight Out of Mind Australia's Places of Confinement 1788-1988* James Kerr links a painting, *The Fort on the Cox's River near Bathurst NSW*, [Figure 5.10] which was at one time attributed to Major General James Pattison Cockburn,²² to the 1832 plan and described the location as being at the Cox's River crossing near Hartley.²³ Kerr's *Design for Convicts An account of the design for convict establishments in the Australian Colonies during the transportation era* makes no mention of the substantial and significant interactive network of road gang sites along the Western Road.²⁴

Because the stockades were also associated with the military guard, as well as the convict road workers, the use of defence terms such as 'fort' has helped to obscure the identity of the place. At the Mitchell Library, State Library of New South Wales, *The Fort on the Cox's River near Bathurst NSW* is catalogued under 'New South Wales Defences - Hartley Stockade', rather than under a heading that would identify

21 Grace Karskens, 'The Convict Road Station Site at Wiseman's Ferry: an Historical and Archaeological investigation', *Australian Historical Archaeology*, No. 2, 1984, pp.20-21.

22 A review of Major James Pattison Cockburn's records in the war office files of the PRO has established that he was stationed in Canada and the UK across the entire period when this painting could have been executed.

23 James Semple Kerr, *Out of Sight, Out of Mind Australia's Places of Confinement, 1788-1988*, S.H. Ervin gallery in assoc. with The Australian Bicentennial Authority, 1988, p.29.

24 James Semple Kerr, *Design for Convicts An account of the design for convict establishments in the Australian Colonies during the transportation era*, Library of Australian History in assoc. with The National Trust of Australia (NSW) and the Australian Society for Historical Archaeology, Sydney 1984, pp.61-65.

the painting as a convict related work.²⁵ Also in the Mitchell Library is a collection of convict associated artefacts and military buttons from regiments assigned to the stockade and collected from near Rydal, the village formerly known as Solitary Creek that was established several miles to the west of the stockade. Fragments of evidence litter the historiographic landscape in a disconnected fashion. This thesis remedies that situation by bringing together material that was previously thought to be disparate.

The only other major study of New South Wales road gang sites, Wendy Thorpe's two volume 'Non Institutional Convict Sites A Study On Work Gang Accommodation' and its accompanying 'Gazetteer of Non-Institutional Convict Sites' draws on *The Fort on the Cox's River near Bathurst NSW* without making the connection to the No. 2 Stockade. In the 'Gazetteer' only Hassan's Walls, Mt Clarence and Mt Victoria are referred to with no substantive information describing them, their occupation, usage or interconnections. There is no information on Bowen's Hollow Stockade/Lumber Yard, No. 2 Stockade Cox's River or the road party sites at Meadow Flat, Honeysuckle Hill, Diamond Swamp or Stoney Range. The Junction Stockade, an alternate vernacular name for No. 2 was thought to be a different facility.²⁶

The physical setting and the sites themselves, as components of a major network of secondary punishment, are unknown in the convict historiography of the academy. The interaction and functional relationships of the various work and accommodation sites charged with deterring, punishing and reforming recidivist convicts have not been previously documented or explained in that forum. Most references to No. 2 Stockade Cox's River by the known authorities confuse or conflate references to the site within a number of other contexts. None have identified the stockade or road

²⁵ James Semple Kerr, *Out of Sight, Out of Mind*, p.29.

²⁶ Wendy Thorp, 'Non-Institutional Convict Sites: A Study on Work Gang Accommodation', January 1987, prepared for the National Parks and Wildlife Service of NSW; Wendy Thorp, 'Gazetteer of Non-Institutional Convict Sites', January 1987, prepared for the National Parks and Wildlife Service of NSW.

party sites on the Western Road as an integrated penal network. A major convict work complex not previously identified in the academic literature is articulated within this thesis.

The Documentary and Physical Evidence

The relics surviving from the period, including the former line of road and its setting in the landscape and topography are important and evocative sources that bring additional meanings to the documentary evidence. Because of this important role, maps, plans and pictorial material form a crucial part of the thesis.

The sites themselves are a part of a landscape laden with cultural meaning relating to the convict experience of secondary punishment and hard labour. The experience of penal servitude for a road ganger was one of making a road in rugged and isolated terrain, breaking rocks, carrying rocks and making cuttings through hillsides with picks and shovels. The sites are connected literally by the road but also metaphorically by the histories associated with them, which are found in the court records and the accounts of those who lived, worked or travelled there.

The research that eventually led to this thesis uncovered a large body of primary source material embedded in general archival files, particularly those of the Surveyor General, the Colonial Secretary and the colonial courts. Convict Thomas Cook's account, *The Exile's Lamentations*,²⁷ provides a rare first hand convict perspective of life on the road. The convict petitions for clemency held in the Public Records Office at Kew in England provide additional insights into the circumstances of the convicts. While the petitions have been extensively used by genealogists, they have not been previously analysed by Australian historians in the context of the convict origins

27 Thomas Cook, *The Exile's Lamentations*, Library of Australian History, North Sydney, 1978.

debate. Some 65 petitions of Western Road convicts were located in an extensive search of the series.

The road gangs are a particularly difficult aspect of the penal system to study because of the loss of specific records pertaining to the group in the Garden Palace fire of 1882. Except for a couple of months in 1830 no musters or statistics related to these convicts on the Western Road have survived and there are no specific files related to the sites. Court records have predominated in the evidence which allows the identification of specific individuals. However, this predominance, has produced a sample convict population on the Western Road composed largely of re-offenders who while under sentence on the road yet again offended. While some were witnesses to the court, superficially the majority could be described as recidivists, that is, to use the Macquarie Dictionary's definition, habitual criminals with a 'chronic tendency toward repetition of criminal or anti-social behavioural patterns'.²⁸

The evidence, because of its diversity, makes possible an analysis that will allow a more realistic assessment of the convict experience of secondary punishment to be undertaken, than could have occurred otherwise. Were all, or even some, Western Road convicts chronically criminal and anti-social? What was the nature of their crimes in Britain and in the colony and what brought them before the courts on the road? The evidence also allows comment on the road building process, on the Surveyor General Thomas Mitchell's management of that system and the reality of the legal and human rights of the convicts within it.

The Place

The No. 2 Stockade and its series of linked sites are located some 100 kilometres west of Sydney in the western foot hills of the Blue Mountains of eastern Australia.

²⁸ *The Macquarie Dictionary*, Macquarie Library, McMahon's Point, 1981.

They are situated along a line of road constructed in the 1830s to facilitate the European occupation of the interior of New South Wales. [Figures 1.1 to 1.4]

The surviving records, the documentary together with the physical site, allow the sounds, smells and experience of the day that contribute to the identity of the place to be imagined with an element of confidence. They evoke the toll of the stockade bell which parenthesized the hours for toil and the scrunch and scrape of tools and shoes on gravel and rock which filled the working day. Common sounds included the rattle and clank of chains, the moan of bullocks and the urging of their drivers. There were cursing men, injured by a misdirected blow of a hammer, and ominous mutterings of resistance to the rough imperatives of overseers, and the alarmed ‘Stop, or I’ll shoot!’ as desperate men, who had had enough, took to the bush. For resisters, there was the bureaucratic echo of a gavel and the subsequent whirl and crack-slap of the lash on their backs and breech as they expiated their transgressions after work on a Saturday afternoon, with Sunday to recover.

At night a completely different sound-scape infiltrated the minds and lives of all associated with the system. The night sounds were the chaffing of hands held over a fire, loud male choruses, occasional shouted abuse, mothers calling in children, the hourly call of ‘All’s well’ of the sentry and idle conversation both muted and at times drunkenly riotous. Amidst the wood smoke and smell of cattle dung, there was the sweat of men, the smell of baking bread and slaughtered cattle. This place was alive with people, an unusual community where the convicts, the military, many of whom were free in name only, and the civil administrators spent most of the 1830s; an obdurate period in the convict history of New South Wales.

Thesis Structure

This thesis firstly examines the transportation and penal reform debate in the United Kingdom and relates the central concerns of these debates to the penal situation on the Western Road in the 1830s. This examination provides essential background to

the core issues of the thesis. The politics and circumstances of the Western Road construction project are next examined followed by an investigation of the reality of the works as they were physically tackled. An account of the construction of convict facilities and an explanation of their development and place in the network is provided. The issues encountered in these analyses are interrelated and crucial to an understanding of the convict experience on the road and the assessment of the efficacy of the whole enterprise as both a penal exercise and an infrastructure development undertaking.

Latterly, a statistical profile of the convicts identified in the network is provided. The population is compared to those investigated by Robson and Nicholas and Shergold to revisit the convict origins debate. The convicts as workers and their experience of work on the road is next analysed and finally, building on the assessment of their working experience, their broader experience of secondary punishment is examined. Of particular interest is the difference between the intent of the system and the reality and the reasons for any disparities between the two.

Specifically the chapters are organised in the following manner:

Chapter One outlines the questions that are the focus of the thesis. It provides a justification for the study and the methodology employed.

Chapter Two provides a précis of the history of transportation and the development of penal philosophy as it related to the Western Road experience of the 1830s. It provides a crucial and overriding context essential for understanding the penal situation on the Western Road. Divergence into an analysis of the recent historiography concerning the transportation debate has been avoided due to the thesis's focus on the Western Road experience as illuminated by previously unanalysed primary source material. In the later part of this chapter the ways in which the penal reform and transportation debates were experienced on the Western

Road are outlined. The policies emanating from the debate affected the type of infrastructure that came to be considered necessary for the appropriate containment and control of convicts. The chapter demonstrates the direct impact on the ways the gangs were managed and classified and as a consequence the impact the debate had on the road building process.

Chapter Three examines the macro level management issues that have an impact on the construction manager's capacity to manage the works. It is also provided as a context for the examination of construction of the road and penal infrastructure facilities which follow in Chapter Four and Chapter Five. There is a particular focus on the breakdown in relationship between the Surveyor General's office and that of the Governor in the context of the imperatives associated with simultaneously developing the road system, implementing penal reforms and minimising the costs of transportation on the British Treasury.

Chapter Four considers the construction of the Western Road. It examines the road making process and the organisation and administration of the convict labour force. This chapter draws largely on correspondence between the Surveyor General and the Colonial Secretary and between them and the assistant surveyors responsible in situ for the management and supervision of the construction process. The development of the road gang system as part of the advancement of colonial infrastructure is examined. The context necessary to answer questions related to the administration and management of the convict work gang system is provided. These questions are related to the notion of colonial administrative and technical competence. They are also concerned with the intent of the penal experience in a secondary punishment situation compared to the reality.

Chapter Five is concerned with the physical infrastructure of the Western Road penal system. The stockades and road party sites are examined both as physical entities and within their administrative context. This is a necessary part of the thesis because of

their role in providing a very powerful setting and milieu for the experience of convicts and officials alike. The place has the power and influence of any key human player in the story. The stockades themselves were substantial structures and No. 2 Stockade Cox's River was the size of a small town, with a hospital, court, bake house, butchery and housing not only for several hundred convicts but also for support staff, soldiers and their families. As Greg Denning argued so cogently in an analogous situation in *Mr Bligh's Bad Language*,²⁹ the physical entities were a crucial part of defining the experience and management issues, closely linked to maintaining facilities which were also a focus of convict protest. This discussion also enables the questions of competence, humanity, and infrastructure development to be addressed and inherently comments on actual priorities of the administration rather than the 'motherhood' statements of official reports.

Chapter Six examines the character and origins of the convicts sentenced to work on the Western Road. It provides a literature review of the major schools of thought concerning the convicts and examines the Western Road population in the light of these. It presents an analysis of the statistical data for the Western Road convicts and compares the results with the findings of other major studies.

Chapter Seven firstly considers the skills of the convicts and secondly, their role as workers on the road. It examines the convict response, in the work situation, to the administrative and management situation described in preceding chapters. This chapter relies on a statistical analysis of the convicts skills and in the latter half on the court reports where the specific behaviours of individual convicts are often described and where their voices are most likely to be heard.

In Chapter 8 there is an attempt to understand the reality of the convict experience and their reactions to it. The chapter dwells on the living and domestic arrangements,

29 Cambridge University Press, Melbourne, 1992.

including health and welfare concerns, to consider the nature of the convict experience on the road outside the context of their working experience discussed in Chapter Seven.

Finally, Chapter 9 the conclusion, draws together the preceding chapters to address the core concerns of the thesis, outlined above, pertaining to the impact of the transportation and penal reform debates on the Western Road penal and road making experience; the management of the situation, the development of infrastructure and the origins of the convicts and the nature of their experience.

So as not to disrupt the flow of argument, illustrations and tables have been placed at the end of each chapter. They are numbered consecutively within each chapter and have been placed in the chapters where they are most pertinent to the discussion, although they may also occasionally be referred to in other chapters. They have been included in the body of the work rather than in appendices to enable ready access to the reader. They are an integral part of the thesis which should not be divorced from the discussion. All measurements are in the units of the time.

Conclusion

This thesis is a unique contribution to convict historiography because no similar study of recidivists has been undertaken. It examines a specific and key work and punishment format in the New South Wales penal repertoire that was associated with important infrastructure development for the civil economy with a specific (recidivist) element of the convict population. It demonstrates the impact of the British transportation and penal reform debate 'on the ground' in the New South Wales penal system. The thesis explores the contradictions and inconsistencies that subvert a neat narrative to extract insights into the nature of the convict system and the people who were part of it.

Figures

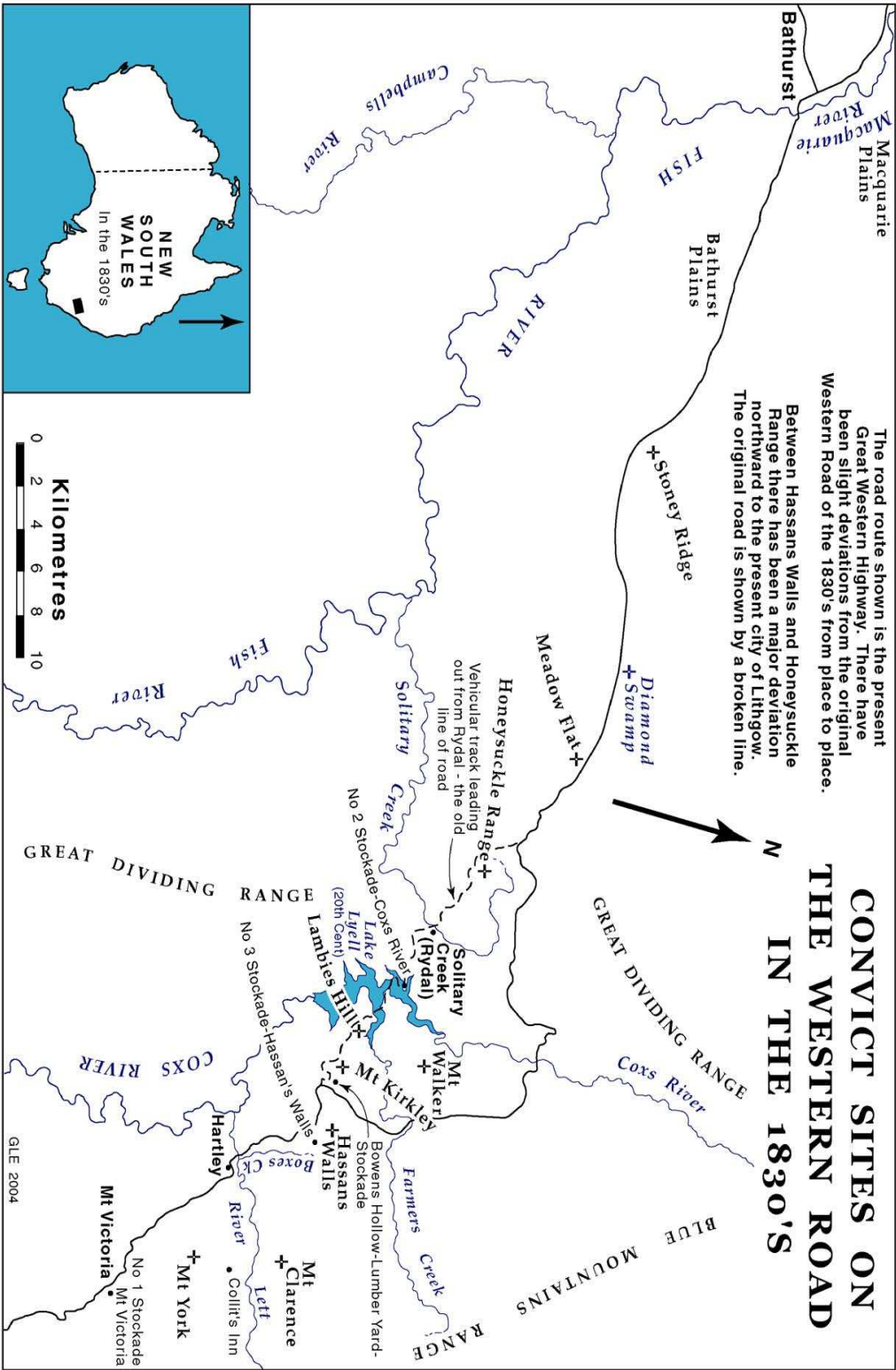


Figure 1.1 Regional Location Map showing significant places and sites referred to in the text. [G. Elliott, 2004]



Figure 1.2 A view of the No. 2 Stockade peninsula on the eastern (Sydney) side of the Cox's River. Much of the stockade site, in non-drought conditions, is underwater. Toward the top of the rise, before the trees is the area where the officer's quarters was located. [M. Pearson, 1995.]



Figure 1.3 A general view of the ascent from Cox's River, surveyed by Nicholson in September 1832. [M. Pearson, 1995]



Figure 1.4 Another view of the western portion of No. 2 Stockade study area in 1995. Taken from the Stockade area on the left is the peninsula on which the Commissariat was located. On the right can be seen the Bathurst Road rising toward Rydal. The area had been partly inundated by the creation of Lyell Dam. [M. Pearson, 1995]



Figure 1.5 Mitchell's line of road as it approaches the site of No.2 Stockade, Cox's River, from the Sydney side. The photo was taken in March 2003 during the drought. The road is normally beneath the waters of Lyell Dam. [C. Liston, 2003]