Chapter Nine

Conclusion

This thesis has examined the construction of the line of road from Mt Victoria to Bathurst in the 1830s. The impact of the penal reform and transportation debates in the United Kingdom and inter-departmental politics at a local level which surrounded the inception and construction of the line of road have been analysed. Their impact on the management and organisation of the convict labour force has been investigated in parallel with their later effects on the efficacy of the construction process. The road works itself, and the places as physical entities connected by the line of road have been described and explained. They form the context and setting for the interplay of interdepartmental politics and, from the convicts’ point of view, the experience of penal servitude under the influence of the penal reform and transportation debates. This has enabled comment on the convict system and the sophistication and efficacy of the colonial administration in terms of infrastructure development, governance and penal management. The convict recidivist workforce and the convict experience on the road have been examined because of the opportunities this sample population have presented to compare their character and experience relative to the broader population as analysed by Robson and Nicholas and Shergold.¹

The thesis also presents to the academic community a new major convict site that is comprised of the series of sites connected by Mitchell’s line of road from Mt

Victoria to Bathurst. Unlike other major sites of secondary punishment such as Port Arthur and Norfolk Island, this network as a physical entity and as a penal site has been hidden in a multitude of archival records that have obscured its scale, functioning and importance in colonial New South Wales. The network, as a recognized entity, has been literally buried in the records for almost 170 years. Its retrieval had many parallels with an archaeological investigation, as document by document, evidence was dug up, intellectually ‘dusted off’, assessed, identified as connected (or not) and its place found in the jigsaw.

This concluding chapter overviews the key arguments of the thesis as they were introduced and interwoven through successive chapters. The specific concerns under investigation and addressed by the thesis are reviewed with reference to the chapters in which they are more thoroughly explored. To reiterate, as expressed in Chapter One, these concerns, listed in order of their introduction to the thesis, but not necessarily in their order of importance, are:

1st the ways in which the concerns of the transportation and penal reform debates were reflected in conditions on the Western Road;

2nd the efficacy of enforced labour to simultaneously meet the dual objectives of colonial infrastructure development and the reform, punishment and deterrence of criminal behaviour;

3rd 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;

4th 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

5th the contribution of a sample population of recidivist offenders to the convict origins and experience debate.
Chapter Nine: Conclusion

The relatively, and in its day, unexpectedly long history of the No. 2 Stockade Cox’s River points to the complexity, not only of the road building process, but of the influences bearing on it. As was demonstrated in Chapter Two and throughout the thesis, the 1st issue of concern, the transportation and penal reform debates in the remote United Kingdom, had a practical impact on the management of prisoners’ experience of servitude on the Western Road. As in England, where the government determinedly avoided the necessary financial investment in penal reform, a similar fiscal attitude prevailed toward the New South Wales colony. With the Governor held accountable, insistent pressure to allay the concerns of the anti-transportationists and penal reformers could be asserted. A convenient blindness to local conditions and the implications of these imperatives - fiscal, human and political - could be indulged by the British.

The 2nd major issue addressed by the thesis, the efficacy of the system to meet penal and development objectives was discussed in detail, particularly in Chapters Two, Three, Seven and Eight. British policy, as manifested on the Western Road, meant that the reform, punishment and deterrence of prisoners through hard physical labour, discipline, just and certain punishment, and classification and graduated movement through a penal hierarchy was undertaken in circumstances of extreme financial restraint. This circumstance predisposed the undertaking to failure from both a penal and efficient infrastructure development exercise. However, in the latter instance, if measures of efficiency factor the penal role into the efficiency calculator, then the road building enterprise was more efficient than might be otherwise granted.

In terms of the effective application of penal reform methodologies, however, the findings of this thesis, tend toward a conclusion of unmitigated failure, rather than the successful and effective punishment and reform of the Western Road convict population. The recidivist demographic, that populates this thesis, the 5th issue of concern, were degraded, brutalised and often ruined. While this may not have been the experience of all convict workers on the Western Road, those who escaped the investigative net cast in the research for the thesis, would certainly have been aware.
Chapter Nine: Conclusion

of the precariousness and vulnerability of their situation.

As documented in Chapters Seven and Eight, Thomas Cook’s account of his experiences on the road has been largely corroborated. This account indicates that the ideal in terms of penal reform was subverted in its practical application on the road. Indeed it was “A Den of Infamy” in the power of a corrupt cabal of overseers which arose partly due to the fiscal constraints, the poor working relationships of authorities who shared jurisdiction over them, and the physical isolation of the place. Many convicts suffered similarly to those, referred to in Chapter Eight, who were sent to Norfolk Island, after conviction on false charges created by their overseers, or who endured the sexual intimidation referred to by Cook, but did not have the wherewithal to protect themselves. The situation was all the more damaging because of the extreme youth of the Western Road convict population and it is a certainty that numerous premature deaths resulted, many at the hands of the executioner, after their removal from the road.

As was shown in Chapter Two, the establishment of the road gang system as another layer in the penal repertoire of New South Wales for the punishment of secondary offenders was an attempt to dovetail penal reform concerns with development of the colony. Within the colony, but not disassociated with the British administration, interdepartmental politics, as outlined in Chapter Three, complicated the difficulties of implementing the penal reform charter, and thus the subversion of the anti-transportationist’s goals. The appointment of the able, but difficult Major Thomas Mitchell as Surveyor General brought its own tensions. Mitchell enjoyed considerable patronage from the Secretary of State, Sir George Murray. This facilitated the allocation of additional responsibilities to Mitchell by British authorities, who, in doing so, went against the advice of the Governor. The continued support of Mitchell over the Governor created a situation that undermined effective governance and had particular implications for the process of management of works on the Western Road, the 3rd major issue of concern of this thesis. This was not
merely a clash of personalities, although Mitchell’s ambitions were personally all-consuming; it was a clash of jurisdictions. The implications of this were particularly poisonous chalices for the Governors. They were responsible for the implementation of imperial policy and were, ultimately, held accountable should they fall short of expectations, yet they had to tolerate a powerful subordinate who could undermine governance with support from the United Kingdom.

The distrust that developed between these two key offices, as explained in Chapter Three, had an impact on relations between the Surveyor General’s Office and other key departments of the New South Wales administration. This situation to a large extent hamstrung efficient construction of the road, not because the engineering or management or organisational expertise was lacking, but because the state of relations between the surveying department and that of the Governor meant that other departments were more likely to receive the support of the Governor in any dispute. The commissary, the convict department and the military, as shown in Chapter Four showed little empathy for the requirements of the road making enterprise. As a result the melding of penal ideologies and methodologies was thwarted at the metaphorical coal face (rock face) of road construction en route from Mt Victoria to Bathurst.

As demonstrated in Chapters Three, Four and Five, day to day matters, that ought to have been managed on the ground, were constantly referred to Sydney for resolution at the highest level. An advantage to the thesis, derived from this situation, is that the surviving documentation between the Governor and the Surveyor General mediated by the Colonial Secretary, and that between the Surveyor General and his assistant surveyors, has enabled these realities to be brought to light. Thus, their contribution to an understanding of the construction of the Western Road within the context of a punishment forum for recidivists, was able to be examined.

The documentation, as is demonstrated in Chapters Five, Seven and Eight, also
reveals the extent to which convict welfare was a concern of the administration, and thus enables the 4th issue of investigation, the humanity of the administration and their concern for convict welfare, to be addressed. As is argued throughout the thesis, there was a genuine attempt on the Western Road, as elsewhere in New South Wales, to implement the penal methodologies advocated by the penal reformers. Adequate food, shelter and medical care were fundamental to this and the numerous letters concerning the quality of the rations, the standard of accommodation at the stockade, not to forget the guard beds all testify to this. The classification of prisoners and their reform, offered through the opportunities of advancement, were also integral to this process; as argued by Governor Bourke in Chapter Two, the experience was not meant to be ‘appalling’ in either its intensity or its duration.

The reality on the Western Road fell far short of the ideal, which brings this discussion to the 5th area of concern. As was demonstrated in Chapter Six, these prisoners, although by the time they reached the Western Road were by definition, recidivists, were young and for the most part less criminally experienced than the norm found in the general convict population sample studied by Robson. Most were originally convicted in the 1820s as the justice system hardened in the United Kingdom. They came before the New South Wales courts when calls for deterrence were strengthening. The demographic profile suggests that the Western Road convicts may have been comprised of a substantial proportion who were victims of a harsh British justice system and were victims again in New South Wales. The disproportionate numbers of Irish on the Western Road support this view. The demographic profile also lends support to the view that for many in this group the experience of transportation was a dehumanising and brutalising one. Rather than reform or deter, their experience further corrupted. This is not to say that there were no experienced criminals in the population. As the tables in Chapter Six show, they were undoubtedly there, but the evidence suggests that a good number became renegades and were truly criminalized by the experience.
A biographical study of individuals from the Western Road sample population would throw more light on this issue and while, in some instances, substantial curriculum vitae have been compiled in the process of undertaking this research, a full and comprehensive study for the sample of 1108 individuals was beyond the scope of the thesis. It is a project worthy of later pursuit. As part of the research for the thesis it has become evident that there is a great deal of information in archives but that it also takes a great deal of time and funding to access, copy, compile, and analyse the material.

The analysis of the nature of the workforce provided in Chapter Seven has also enabled the testing of methodologies employed by Nicholas and Shergold in their major analysis of the convict indent data, which raises concerns about their classification and denotation of skill levels. These are qualities which are important components of the debate concerning the character of the convicts. The assessment of the skills of the Western Road workers using the Armstrong Adjusted (Rosen) model, developed for this thesis, has enabled a more realistic assessment of skills to be achieved with a greater spread in the skill levels identified. As discussed in Chapter Seven this model produces fewer identified skilled workers than either the Nicholas-Shergold model or the Armstrong model, due to the recognition of the lesser skill level of apprentices and assistants compared to masters. But as noted in Chapter Seven deployment on the Western Road for the ‘rank and file’ convicts in the gangs was not achieved through qualification by skill, but due to an appearance in the courts and it was a punishment.

In terms of the efficiency of the road construction process, the convict workers on the road, as demonstrated in Chapter Seven, had a variety of skills, but the chief skill of use on the road was their youth and implied within that, their stamina. For those with relevant industry skills such as mining or quarrying there was the opportunity to be promoted to a position of responsibility and even clerks, such as Thomas Cook, could be found appropriate employment. But regardless of the skills, pick and shovel
work was a penal reality until good behaviour or patronage secured a promotion. With regard to the competency of the administration in relation to infrastructure development, as explained in Chapters Three, Four and Five the engineering competence and project management skills were there, but hampered by other factors. Even when the Colonial Engineer, who was not encumbered by poor interdepartmental relations, was charged with responsibility for finishing the road, it was still undertaken under the constraints of a penal situation and with a workforce that had little reason to facilitate the project.

The analysis presented in Chapters Six and Seven of the character of the convicts compared to those found in the studies conducted by Robson and Nicholas and Shergold was possible due to an unexpected by-product of the research into the construction of the road that emerged as research for the thesis progressed, that is the gradual accumulation of a roll call of individual prisoners from the road. The statistical analysis presented here is necessarily minimalist in that it was undertaken only to the extent necessary to comment in a general way on the situation on the Western Road and on the key issues of concern to the thesis, including the origin and character of the convicts and the nature of their penal experience. In seeking to address these issues it became evident, as a list of names was compiled, as convict names appeared haphazardly in a wide variety of sources, that it would be possible to compare the population to the larger studies which have set the stage for convict work since the 1960s. Yet the sample here is dominated by repeat offenders, as most identities that were extracted from the records were identified because they were associated with new offences. There were many more convicts on the Western Road, moving in and out of the gangs and road parties of whom we know nothing. The numbers involved cannot even be estimated. There are also many more sources of information that would lead to the revelation of more individuals on the road, but which were not accessed because they were not specifically relevant to the original core questions of the thesis.
The statistical analysis is another area that could be developed, preferably in association with a demographer or statistician with an interest in the subject and the period, who could bring a higher level of statistical skills to the task than has been possible within the context of this thesis.

With the identification of a small number of Western Road convicts, entree to others in the court and convict system was achieved and this in turn facilitated the development of a view of the experience of convicts as workers on the road as presented in Chapter Seven, and of their experience of living on the road in the penal environment of the stockade and road party sites, presented in Chapter Eight. This further facilitated the consideration of the infiltration of penal reform policies as they were effected and an assessment of the effectiveness of their delivery. The details of court evidence particularly provided insights into living conditions, day to day circumstances and the politics on the ground. The attitude of authorities to the convicts and the reality of their circumstances could be gauged and imagined through these records which enabled the convicts’ views to be heard, sometimes in word, but more often in deed.

The diverse components of this thesis, the impact of the penal reform and transportation debates; the exigencies of colonial politics; the place itself as a physical entity, a line strung across a landscape like a notched piece of string denoting convict work sites; and the character and origins of the convicts together with their experience on the road, in the bushes and roaming about the neighbourhood all interact, as demonstrated in the thesis, in a dynamic circular and reiterative fashion to create a particular milieu that existed on the Western Road in the 1830s.

In conclusion, the thesis has demonstrated that it can be argued that the road gang system was an inefficient means of infrastructure development, because penal concerns overrode the construction requirements of the project. It has also been
demonstrated that the penal reform methodologies were also ineffectually engaged due to the isolation and quality of the supervision that led to a corruption of the ideals that were intended to be in operation. At the end of the road, however, an impressive road was constructed, parts of which have served New South Wales for 170 years but albeit, unintentionally, many convict lives were ruined or destroyed in the process.
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