

The background to the arrival of Convicts and Pensioner Guards in WA

By Peter Conole

The despatch of convicts to WA led to the creation of the Enrolled Pensioner Force. The soldiers who arrived on the 'Scindian' in 1850 operated as pensioner guards and continued to work closely with convicts for years, although they also played a key role in the colonial defence system. In regard to the latter business battalions of military pensioners often served in Britain and various colonies as garrison troops (even at Gibraltar) and were a vital supplement to the line regiments in times of crisis. In a future article the long history of the British military pensioner system will be thoroughly explored, but for now it might be of interest to examine the real reasons why convicts were sent to WA. What follows will not resemble any supposed 'consensus views' on the subject.

Irwin, seems to have been miffed by the agitation. He took advocates of convictism to task in his book *The State and Position of Western Australia* (London, 1835), a work worth examining, as it was the first large-scale published description and account of the colony. Irwin dismissed Labouchere's misguided comments out of hand. He also supported Stirling by re-stating that the Albany petition received no support from settlers in other parts of the colony. The importation of convict labour then remained off the agenda for years.

The *Inquirer* reported that the York Agricultural Society raised the subject on April 17, 1844. The Governor of the day expressed reservations and a fresh petition never got off the ground. Press coverage remained hostile (see the *Inquirer*, July 23, 1845 and the *Perth Gazette*, July 26, 1845).

Then In January 1846 a petition organised by W.S.Stockley, manager of a local firm, pleaded for the introduction of convict labour

into Western Australia. It reached the Secretary of State for the Colonies in London via the Governor and included various arguments in favour of such a system. The petition was published in the *Perth Gazette* of January 2, 1847, possibly to test local opinion. The most senior representatives of the Crown had opposing views and expressed them bluntly. Governor Andrew Clarke wrote and forwarded a despatch to London on the same day stating firmly that most colonists were opposed to convictism.

Clarke's successor Frederick Irwin was even more vehement in presenting the negative case. The *Perth Gazette* of June 5, 1847 reported his hostility as expressed in an opening address to the Legislative Council. He was to a large degree influenced by the efforts other colonies were making to end their own convict systems. He asked WA folk to remember their eastern brethren were "*struggling to free themselves from this system as from a pestilence*". Furthermore Irwin believed that if convicts were introduced the free settlers would find "*they have obtained their object at a dreadful sacrifice.*"

However, there was now a perceptible groundswell of opinion for 'trying out' a limited type of convictism. A serious economic recession and associated labour shortages were the key issues. Charles Fitzgerald, the incoming Governor of WA, was asked by the Secretary of State to inquire whether colonists would accept the importation of offenders convicted of minor offences, along with their wives and families. The men would receive tickets of leave when they arrived, enabling them to obtain varied employment. A proportion of them were expected to be artisans.

There is no point in blaming Fitzgerald for what followed, as when he agreed to the importation of 100 convicts in October 1848 he excluded the idea of a major Convict Establishment. However, in February 1849 (*Perth Gazette*, February 24, 1849) a well-attended public meeting resulted in a formal request to convert "*this colony into a regular penal settlement*". Fitzgerald was obliged to send the petition to Earl Grey (Secretary of State for the Colonies)

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in London. He disliked the idea himself and wrote frankly that few people “*would from choice select a convict settlement as a residence for themselves and their families*”.

Many locals opposed the idea of convicts completely or believed that the London authorities would send out first offenders as part of an apprentice-style scheme. Instead an Order in Council of May 1849 converted WA into a full penal settlement obliged to receive felons of any sort. The document was not published in WA until much later (Government Gazette, November 6, 1849) and shook up many people, including officials. An assurance was given that convicts would be matched by the recruitment of equal numbers of free settlers. That particular issue became problematic later. In passing it is worth noting that the Perth Gazette (November 9, 1849) believed the Secretary of State in London had taken advantage of Fitzgerald to the colony’s detriment.

Under Fitzgerald’s stewardship about half of the convicts already had or soon received ‘tickets of leave’ and many were eventually allowed to seek private employment for wages. The arrival of pensioner soldiers as guards also helped create a degree of security in the minds of colonists.

The Governor deserves a lot of personal credit for mobilising all available resources to begin and finalise assorted infrastructure tasks in the colony – and for creating a relatively humane convict system. His most important subordinate official Captain Edmund Henderson (Royal engineers), the very competent Comptroller General of Convicts, deserves equal recognition.

We have solid evidence that both gentlemen had good reason to be unhappy about several developments in WA. They were in London during 1856 and at the centre of stormy deliberations about the convict system in the colony. An irate Charles Fitzgerald and Edmund Henderson fronted up to a Select Committee of both Houses of Parliament in London and poured out their grievances (the findings were published in a now hard-to-get two volume report). Fitzgerald said things had degenerated because of the unexpected

appearance of greater numbers of serious offenders; only the arrival of more free settlers and increased capital investment could ensure the wellbeing of the colony. Committee member Horatio Waddington claimed transportation was a bad thing in itself, ‘*failing to deter criminals at home or reform them abroad*’.

The situation was allowed to drift on and Governor Fitzgerald’s successors found themselves in the position of having to introduce harsher systems for managing convicts. It is reasonable to ask: how were local authorities ambushed by the decision to send various serious offenders to WA? We can rule out conspiracy theories to fool Fitzgerald and company. The key factor was political instability in Britain. The Governor got on well with Secretary of State Earl Grey and the latter acted honourably. But after Grey lost office in February, 1852 years of bureaucratic chaos in London followed right up to the end of 1855. No less than five different Secretaries of State for the Colonies were in office in three years and their staff and advisers often changed with them. As a consequence some transient officials in various departments were probably ignorant of WA affairs and working at cross purposes to boot, with erratic and sometimes unsettling results.

