NUI MAYNOOTH

Ollscoil na hÉireann Má Nuad

The Transportation of Convicts from County Tipperary to Australia 1836-1853

By

Patrick Butler

IN PARTIAL FULFILMENT OF THE

REQUIREMENTS FOR THE DEGREE OF MA

DEPARTMENT OF MODERN HISTORY

NATIONAL UNIVERSITY OF IRELAND

MAYNOOTH

HEAD OF DEPARTMENT: Professor R.V. Comerford

Supervisor of Research: Dr. M.Denise Dunne

July 2005

Contents

Acknowledgements

Much gratitude and thanks is extended to the following for their input and co-operation, which was highly valued.

Dr. M.Denise Dunne who's input and guidance was greatly appreciated and valued

The staff of the John Paul II library at the National University of Ireland, Maynooth

The staff of the National Archives of Ireland, Bishop Street, Dublin

Senior lecturers and staff of the Department of Modern History, National University of Ireland, Maynooth

The National Library of Australia for the use of various images

Introduction

The aims and objectives of this work are to consider the socio-economic conditions prevailing in county Tipperary during the period in question. The affects on those residing within the county, both rural and urban, and to try and understand how socio-economic conditions had such an influence in the perpetration of crime and the resulting cases of transportation. The investigation of why, when and how convicts were transported to Australia from the late eighteenth up to the middle of the nineteenth century has been looked at in depth by both historians and those hoping, to trace their convict ancestral roots. Some have studied conditions on the ships, some have studied the colonies and others such as A.G.L Shaw[1] have studied the whole transportation era itself. However for the purposes of this thesis it was decided to focus on one particular era 1836-1853 and on one county, namely Tipperary. This period was selected because not only was Tipperary badly affected by agrarian agitation and faction fighting, more so than any other, but also by the Famine a combination of which led to high incidents of transportation. This thesis provides an analysis of some of those transported, looks at their backgrounds and establishes the link with the socio-economic conditions, which in so many ways shaped the lives and futures of those affected by these conditions. The colonies will also be looked at, in light of what awaited those who were transported along with a brief glimpse of how they fared.

There are a number of histories and surveys available on the agrarian crime and outrage that was committed in both Ireland and Tipperary but for the purpose of this thesis it is intended to utilise only those works that relate directly to Tipperary. There are a number of works available specifically on the county of Tipperary. There is a

[1] A.G.L *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998)

definite accumulation of knowledge on the county and the one collection of works that stands out is that of The County Tipperary Historical Society and their *Tipperary Historical Journals.*

There are also some decent individual works on Tipperary such as William Nolan, (ed.) *Tipperary: History and Society: Interdisciplinary essays on the history of an Irish county".*[2] This contains chapters by William Nolan entitled "*Patterns of living in county Tipperary from* 1770-1850" and Maurice J Bric, *"The Whiteboy movement in Tipperary* 1760-80".[3] Dennis Marnane, "*Land and Violence: A history of West Tipperary from 1660"* is another.[4] It is important to look at the socio-economic conditions of county Tipperary both in the years preceding and during the period in question i.e. 1836-'53 in order to get a picture of what led some to commit crime and therefore be transported. These secondary sources often contain information on what conditions were like for example R.D Collison Black, "*Economic thought and the Irish Question 1817-1870".*[5] Noreen Higgins, "*Tipperary's tithe war 1830-1838: Parish accounts of resistance against a church tax".*[6] Other sources include Thomas P. Power, "*Land, Politics, and Society in eighteenth-century Tipperary".*[7] Sources such as these are useful in that they cover most of the key issues that will be focused on here while they are also a good way of gaining a useful insight and overview of the subject matter at hand and the period in question.

On transportation and the conditions in the penal colonies there are also some decent surveys and works available such as D.S. Neal, "*The Rule of law in a Penal Colony:*

---

[2] William Nolan, (ed.) *Tipperary: History and Society: Interdisciplinary essays on the history of an Irish county* (Dublin, 1985).
[3] ibid
[4] Dennis Marnane, *Land and Violence: A history of West Tipperary from 1660* (Tipperary, 1985).
[5] R.D Collison Black, *Economic thought and the Irish Question 1817-1870* (Britain, 1987)
[6] Noreen Higgins, *Tipperary's tithe war 1830-1838: Parish accounts of resistance against a church tax* (Tipperary, 2002).
[7] Thomas P. Power. *Land, Politics, and Society in eighteenth-century Tipperary* (Oxford, 1993).

Law and Power in early New South Wales."[8] Con Costello, *"Botany Bay: The Story of convicts transported from Ireland to Australia* 1791-1853" is another and these will also be looked at.[9]

This period was chosen because most of the records pertaining to the period of 1795-1836 were destroyed in the Four Courts during the Civil war when fire destroyed a section of the building containing many important archives and records kept by the British administration relating to crimes, court cases and sentences of transportation.

To investigate the subject matter in more detail a range of primary sources are also utilised. The National Archives of Ireland database on Transportation to Australia contains many sources on the subject such as the *Convict Reference Files*, *Prisoners Petitions and Cases and Convict's Letterbook* while also having an on-line microfilm database of *Prisoners Petitions and Cases,* which contains over 2,500 entries for county Tipperary alone.[10]

The *British Parliamentary Papers* located in the John Paul II Library at the National University of Ireland, Maynooth particularly those relating to *Crime and Punishment* as well as the *Colonies*: *Australia* and of the various *Select Committee Reports on Transportation* are utilised. They are an excellent source of eyewitness accounts and first hand experiences. There were also some newspapers printed in Tipperary with the *Clonmel Chronicle* and the *Nenagh Guardian* to name but two. The *Freeman's Journal,* which was based in Dublin city often had accounts of what was going on in other parts of the country especially in its *Disturbed Districts* and

[8] D.S. Neal, *The Rule of law in a Penal Colony: Law and Power in early New South Wales* (London, 1986).
[9] Con Costello, *Botany Bay: The Story of convicts transported from Ireland to Australia* 1791-1853 (Cork, 1986)
[10] www.nationalarchives.ie

State of the Country columns reporting on criminal activity and court cases in rural areas.[11] Newspaper archives are available in the National Library of Ireland.

The aim of this approach is to provide a fresh insight into an era, which had such an impact on the lives of many. For those that were transported there was the challenge of adjusting to a new environment, survival and if successful the possibility of creating a new and more prosperous life for themselves. Those that were successful were so to varying degrees and once they had established themselves either as merchants in the towns and cities or as ranch and farm owners they would now be masters over those that had been transported like they themselves were. They provided the newcomers with opportunities to reform themselves and provided them with the skills necessary to succeed like they did and which laid the foundation of a new state.

[11] 'Newsplan Newspaper Database' http://www.nli.ie/newsplan/Countylist.asp=27 (08/01/05)

Chapter 1

Socio-Economic Conditions in Tipperary 1836-1853

By the latter half of the nineteenth century Ireland's economy apart from the northeast was primarily an agrarian one. Irish industry was not able to compete with that of Britain because investors there were putting their money and capital into British industry and also investing in new methods of production. These new methods of production allowed products such as textiles to be manufactured cheaply and en mass. The landed elite in Ireland were less inclined to invest in the country either in industry or their estates. Also, Ireland, unlike Britain, had not undergone an Industrial Revolution resulting in a mostly rural populace. The industrial revolution in Britain saw a major demographic change in that there was a shift from a rural to an urban populace.

The Act of Union of 1801 was meant to provide Ireland equal status and opportunity with Britain. This though was far from the case as now Irish industry came under pressure and threat from British made even worse now that there was no parliament to protect Irish industry from imports. Also however unlike Britain, by 1841 less than 14 percent of the population lived in towns of 2,000 or more people while almost three quarters of males were engaged in farming.[12] Comparable figures for Britain indicate that less than one quarter of the British labour force was similarly engaged.[13] Ireland therefore was primarily both a rural and agricultural country.

This then was the cause of so much of the perceived injustices that were to become indicative of rural Ireland during the period. With no industries in the country, there was no movement towards mass urbanisation such as had occurred in Britain,

[12] K.T Hoppen, *Ireland since 1800: Conflict and Conformity* (London, 1992) p.33
[13] P. Deane, W.A Cole, *British Economic Growth,* 1668-1959 (Cambridge, 1969) p.142

meaning also that capital could only be for the most part generated through the extraction of rent from the leasing of land.

The problem was that before the Famine, subdivision of land was rife and even customary. This would create problems as population pressure on the land increased with one generation passing on land to another to be further subdivided, thus creating a demand and fierce competition for holdings while at the same time reducing the ability of these plots to produce enough potatoes for food. This also meant pressure in relation to the payment of rents with labour often being used as a means to achieve this while there would also be a struggle to pay tithes and dues. Add to this the decline of tillage farming in favour of pasture among medium to large farmers and landlords leading them to try and consolidate their holdings, then an environment and largely rural society with the propensity towards the use of violence to keep their holdings was created. This also created social unrest as the rule of law and civil order was challenged by the various agrarian secret societies that emerged in this period and began posing a threat to the authorities, landowners and even the clergy of both denominations of their perceived injustices in relation to land access etc. Further add to this the existence of a large landless and mostly labourless populace, who may have, sometimes when they could, indulge in drinking to forget their woes, you have a recipe for violence as frustration, jealousy and envy surfaced along with the need to get even with those that caused these emotions. All of these factors were a major common denominator in the perpetration of criminal and violent activity.

The existence of a system of punishment such as that of transportation to penal colonies in Australia and elsewhere, arguably, far from being a deterrent, only inflamed things further as transportation offered a chance for some to escape their

predicaments as they deliberately wanted to be transported. It seems likely that the authorities here to rid the country of those elements that caused trouble used this punishment in the case of Ireland. Also as time went on and economic and social conditions deteriorated, the prisons became overcrowded because of an influx of those who had committed petty crimes out of sheer desperation and necessity especially during times of sporadic localised Famine(s) or economic depression. Transportation provided an opportunity to relieve the burdens on the prisons while the types of sentences (ranging from 7yrs-life) handed down would mean less of a chance of repeat offenders re-entering the prison system while in any case labour was needed in the growing colonies. Here was an opportunity to kill many birds with the one stone.

To get to grips with what conditions were like in Tipperary from 1836-'53 one must first consider what conditions were like in the county before this era. This is important because most of the problems relating to crime and anti social behaviour are rooted in the decades and years preceding 1836. A number of things need to be taken in to account in considering the socio-economic situation. Firstly from the 1760s on there was a progressive increase in population not just in county Tipperary but also in Ireland as a whole. The burden of feeding this growing population fell upon the land the ownership of which was exclusive, i.e. controlled by an ascendancy which was a minority and the use of which was inefficient. Subdivision was just as rife in Tipperary as anywhere else. One estimate of the population of Ireland in 1777 was put at 3.7 million with an increase to 4.7 million by 1791.[14] Secondly, in the decades from 1760 up to the Famine there was a series of popular and violent responses to the ownership, occupation and usage of land. Grievances such as the payment of tithes

[14] Denis G. Marnane, *Land and Violence: A History of West Tipperary from 1660* (Tipperary, 1985) p23

were also a focus of groups and individuals with a tithe war erupting in the 1830s. These groups and movements were oath bound and were particularly active and widespread in Tipperary with the county thereby gaining a notorious reputation.

These movements were to have both a social and economic impact on the society of the county. As time went by there was also the rise of the phenomenon of faction fighting with this being linked to the agrarian secret societies. Agrarian movements and faction fighting would persist into the early to mid decades of the nineteenth century. Thirdly, there was a reversion from tillage to pasture by landowners and holders due to a close of the Napoleonic wars and a concentration on cattle rearing and dairy farming. This would mean less land for the cultivation of potatoes while migration by dairymen and migrant workers from surrounding counties coupled with the consolidation of holdings by farmers and landlords meant that there was competition for land and work. Fourthly, the indigenous industries, especially wool, suffered both with the onset of the Industrial Revolution and the Act of Union.
New forms of machinery now meant that production would be quicker and cheaper while English imports into Ireland were relatively cheaper than their Irish counterparts. This also meant fewer jobs as traditional production methods were replaced. There was also however those industries that could not afford this new technology and would not be able to match production levels or match the retail prices of those that did invest. This would lead to closures of premises and in some towns such as Carrick-on-Suir a collapse in businesses and trades such as that of wool. Britain also held the advantage in infrastructure with the introduction of railways, a good canal system and a decent road network.

In terms of transportation infrastructure in Tipperary there was an adequate system of roads throughout the county while there was also the River Suir through the length of the county, but not all major urban areas were located on the river while the first railway lines did not appear in the region until the late 1840s early 1850s.

The arrival of the Famine (1845-1848) resulted in desperation among those such as landless labourers, the rural and urban unemployed and those who in general depended on potatoes for survival. Survival and self preservation manifested itself in urban districts in particular resulting in near riots in some of county Tipperary's urban centres such as Clonmel, Tipperary town and Carrick-on-Suir where there were attacks on flour carts, shops and businesses, bakeries and even grain stores. These towns were large enough, would have had a significant hinterland surrounding them, and from these hinterlands would have came people in search of food leading to competition with those residents of the town in search of the same. Some people committed the most trivial of crimes just to be arrested in the expectation of incarceration where it was presumed that the diet was better than the workhouse or on the outside. Even the expectation of a sentence of transportation was viewed by some as a way out of what they saw as a desperate situation.

What then of the socio-economic situation in county Tipperary during the period of 1836-1850? The economy of Tipperary was aided by the county's strategic position and accessible inland situation, which allowed it to respond to the needs of various markets.[15] The position of Tipperary in relation to surrounding counties allowed it access to the ports of Cork, Waterford, Limerick and even Dublin. Tipperary therefore was able to export and import goods and produce through the Munster ports. Woollen products met a demand in the domestic market; cereals helped to fulfil the needs of

[15] Denis G. Marnane, *Land and Violence: A History of West Tipperary from 1660* (Tipperary, 1985) p.324

Dublin and later on formed a valuable export through Waterford while the county's sheep meat was available in Dublin and other cities. Producers in the county benefited from this geographic position and the accessibility to the market with demand leading to intensification in agricultural production. Tipperary was similar in this respect to Cork and Kilkenny.[16]

The main areas of industrial activity concerned woollen manufacturing and flour milling while there were other smaller (and some not so small) industries such as brewing and distillation, bacon producers and butter stores. The urban centres in the south and some in the north of the county used the river Suir as a route for both exports and imports for the river flowed through the towns of Clonmel, Carrick-on-Suir and Cahir. Clonmel was the largest urban area of the county and was a key hub in terms of transportation in and out of the county. The location of the town of Clonmel in a fertile valley at the head of a navigable section of the river Suir that entered the sea at Waterford meant that the town was a centre of transport.[17] This became even more enhanced with the introduction by Charles Bianconi of a coach business to various destinations from the town. This coach service of Bianconi would have also provided employment to the likes of blacksmiths, farriers, coachbuilders, stable hands and harness makers, which would last into the 1850s.[18]

There were also flourmills and grain stores, which resulted from a boom in milling at the end of the eighteenth century catering for the markets of Dublin and Britain.[19] Many new mills had been built in and around Clonmel and this industry would be a significant one to the economy of the town and Tipperary for years to come.

---

[16] Ibid p.325
[17] Sean O'Donnell, *Clonmel 1840-1900: Anatomy of an Irish Town* (Ireland, 1997) p.20
[18] ibid p.45
[19] M.E. Daly, *Social and Economic History of Ireland Since* 1800 (Dublin, 1981) p.67

Meanwhile the corn market in Clonmel was described in 1824:

"*As extensive as any in this kingdom, and the merchants and traders evince a more enterprising spirit and transact more business, than those of any town of equal size in Ireland; and its affirmed as a fact, that one fifth of the whole quantity of flour, exported from this kingdom, was last year shipped from one establishment in this industrious and prosperous town*".[20]

Here is an indication of the healthy state of the economy of Tipperary in the early decades of the nineteenth century and more importantly the extent of the export of cereals along with the *laissiez-faire* policies of Britain, which have an important impact in relation to the Famine.

River traffic was enhanced in 1835 with the establishment of the Suir Navigation Company leading to the dredging of the river making it navigable for boats up to 200 tons.[21] The river between Clonmel and Waterford became very busy and river transport continued to be vital for the economy of Tipperary. However, as time passed on, the decline in tillage began to take an affect with a drop in the exportation of cereals and a decline in business on the river with consequences for employment. This was significant, as this decline would have had an important effect on the livelihoods of a substantial number of people and families, not just in Clonmel but also throughout South Tipperary. There were over 2,000 adults employed in Clonmel in the food industry by 1841, which was dependant on agriculture. This dependence on agriculture meant that Clonmel and indeed Tipperary were vulnerable to the changing trends of nineteenth century agriculture.[22] By 1841 nearly a third of the families in Clonmel and its surrounds were employed directly in agriculture, while some one fifth of families in the grater urban area worked in agriculture.[23] This may indicate that there were a substantial number of agricultural labourers residing in the

---

[20] *Piggott's National Directory of Clonmel* (Dublin, 1824) p.236
[21] Sean O'Donnell, *Clonmel 1840-1900: Anatomy of an Irish Town* (Ireland, 1997) p.45
[22] ibid
[23] ibid

town. It could also indicate that some of the business people of the town and those that worked in the various industries owned or leased some farms in the hinterland.[24]

Carrick-on-Suir was also a fairly well populated area during the period of 1836-1850. Like Clonmel to its north the town was serviced by a reasonable network of roads and was also able to export and import goods along the river Suir through Waterford port with the tides aiding the movement of river traffic. Carrick, like Clonmel, had a substantial woollen industry along with mills, breweries and distilleries. The mills were not as substantial or numerous as those in Clonmel, while the woollen manufacturers in the town provided much needed employment. The fact that the town was located on a section of the river Suir close to Waterford and affected by tides meant that there was also a tradition of boat building in the town. However, Carrick was to suffer substantial economic decline due to the Industrial Revolution in Britain and the advent of machinery, which allowed industry in Britain an advantage over those in Ireland.

The importation of cheap English made woollens, which were manufactured cheaply by machinery dealt a significant blow to the Carrick-on-Suir woollen manufacturers and the industry went into terminal decline. Like Clonmel the decline in tillage also affected Carrick for it meant less river traffic to the port of Waterford, which would in turn mean less employment on the river.

Overall the occupation profile of the people of South Tipperary by 1841 tells a tale of an economy predominately reliable on agriculture. More than 27,000 were classed as farmers, and probably represented the number of agricultural holdings in the region.[25] There were also 74,000 servants and labourers and even though it is not certain that all of these were involved in agriculture, it is probably likely that many of the males

[24] Sean O'Donnell, *Clonmel 1840-1900: Anatomy of an Irish Town* (Ireland, 1997) p.20
[25] Ibid p.20

were farm labourers while many of the women employed as domestic servants were so employed by the more prosperous farmers.[26] Because so many were directly employed on or leasing land, which was the mainstay of the economy and also crucial to survival for so many, we have the situation where competition (not just for land but related employment) for land was intense and there were those elements that would stop at nothing to secure this access to land.

Population pressure and subdivision combined with the drive by landholders to consolidate holdings and concentrate more on pasture would make this competition for land all the more intense with violence perpetrated on those that infringed on what may have been seen as customary rights. As pointed out by Marnane much of the agrarian violence resulted from the interaction between two opposing forces.[27] On the one hand it was the necessity of a section of the population to maintain its status quo, to resist trends that threatened their fragile hold on a bare sufficiency; on the other hand the drive by a more forceful section of the people to improve its lot by increasing its holding or improving its farming.[28] It is fair to say therefore that the source of these acts of violence was population pressure especially in relation to farming practices and landlord attitude placing explosive pressures on the population. The situation was developing not just in Tipperary but in rural Ireland where agrarian societies were administering oaths, using intimidatory tactics and violence to set their agendas which were more often than not directly related to the access to and usage of land. This spawned another sort of violence also, attacks on dwelling houses and property. This occurred because in order to carry out their intimidatory tactics and perpetrate their violence, agrarian groups would need firearms, and these could be

---

[26] Sean O'Donnell, *Clonmel 1840-1900: Anatomy of an Irish Town* (Ireland, 1997) p.20
[27] Denis G. Marnane, '*Land and Violence in Tipperary in the* 1800*s*' in *Tipperary Historical Journal* (County Tipperary Historical Society, 1988) p.67
[28] ibid p. 68

found in private residences. Agrarian groups however did not derive their support solely from the peasantry for they also had some support from artisans and craftsmen in towns like Clonmel, Carrick-on-Suir and Clogheen where these and textile/wool workers held outlying plots.[29] Agrarian (and some individuals) groups put pressure on farmers and other landholders to regulate potato prices, to cease in their farming practices i.e. consolidation of holdings, to persuade them not to hire or offer leases to outsiders and as well as this to stop tithe payments. The point here is that violence was a mechanism whereby a code of law or social and economic regulation, alternative to that of the state, attempted on a localised basis to maintain what were perceived as customary rights.[30] Lord Donoughmore explained thus, "*The principal of the peasants of Tipperary is that once in possession of land, they have the right to continue on it*".[31] The subdivision of holdings down through generations was rife. This is the customary 'right' spoken of earlier and as holdings became smaller and smaller and population increased, it is not difficult to see how this was going to cause problems in the future and how the potato became so necessary as a valuable food for it produced more per acre or plot than any other crop. As put by Joseph Tabeteau the Stipendiary Magistrate of County Tipperary:

> "*A man who gets hold of fifty or sixty acres in the course of twenty or thirty years, subdivides it into five or six farms and these again are subdivided; according as their families grow up they must settle them in some way and that is the only way they have of doing so.*"[32]

He also went on to explain that eviction put people from the rank of farmer to labourer and that these people depended on access to 'quarter ground' or conacre.

---

[29] T.P Power, *Land, Politics and Society in eighteenth-century Tipperary* (Oxford, 1993) p.183
[30] Denis G. Marnane, *'Land and Violence in Tipperary in the* 1800*s'* in *Tipperary Historical Journal* (County Tipperary Historical Society, 1988) p.69
[31] ibid
[32] Quoted in Denis G. Marnane, *'Land and Violence in Tipperary in the* 1800*s'* in *Tipperary Historical Journal* (County Tipperary Historical Society, 1988) p.69

Their wives he said went around the countryside by day begging potatoes from farmer to farmer, which they sometimes sold at the market.[33] Some large farmers and landholders also sought to increase the size of their holdings at the expense of their less fortunate brethren and this was the focus of those organisations determined to right what they perceived as injustices.

Agrarian secret societies interacted with the remnants of those groups that were previously engaged in the faction fighting of the earlier part of the century with the members of one often being the members of another. These groups though curtailed to a large extent were never really eradicated and they contributed to the unrest in both rural and urban areas. Organisations like the Whiteboys, Rightboys, Shanavests and the Caravats although weakened and curtailed never really disappeared. The Caravats in particular were vigorously opposed to the free market in labour, land and goods and they wanted economic life controlled in accordance with their wider social objectives of land and food for the poor.[34] As the economic conditions in Tipperary deteriorated and large landholders turned to pasture and dairying as well as consolidation of their holdings this meant less work for labourers but also more importantly less land for potato growth. This in tandem with the migration of dairymen into Tipperary from neighbouring counties in search of new pasture along with an influx of migrant labourers created a situation where organisations such as the Whiteboys and others resorted to intimidation, beatings and even murder to try and redress their grievances. The focuses of this intimidation were medium to large landholders, landlords, tithe proctors, land agents, migrant workers and dairymen and even clergy. The struggle for land was so intense in Tipperary that there were only two possible outcomes,

---

[33] ibid

[34] Samuel Clarke, James S. Donnelly, Jr. *Irish Peasants: Violence and Political unrest 1780-1914* (Dublin, 1996) p.83

betterment or disaster and with stakes so high and survival paramount no quarter was given.

As shall be seen this intimidation often resulted in serious crimes being perpetrated and combined with the disaster of the Famine created the environment for mass deviance and eventually criminal behaviour as people succumbed to both desperation and opportunism leading so many to trial and eventual transportation.

Chapter Two

Crime and Convict Transportation from Tipperary 1836-1853

The majority of those convicted and transported to Australia from Ireland were from the more rural districts of the country for Ireland unlike Britain was not heavily urbanised. The lack of an industrial revolution in Ireland except in the northeast of the country and Dublin, undoubtly contributed to this. Irish urban offenders, apart from their religion, were similar to their British counterparts committing petty larceny, theft and assaults. This compares with those from the rural areas where cases, even though some included assaults and thefts, were more or less of an agrarian nature at perceived unjust land laws. Urban offenders from Ireland were also on the whole younger than their counterparts from rural districts with thirty six percent of males being under the age of twenty while unlike their rural counterparts they were also more unlikely to partake in social or political revolt.[35]

The disparities between the various provinces would also to some extent determine those who were transported. Ulster was different to the rest of Ireland in that a system of tenant right along with industry and domestic industry meant that tenant farmers here had security of tenure along with other means of financial security. Leinster was the most urbanised region with good communications and less pressure on the land compared to the more rural regions of Ireland. The two regions most affected by a lack of employment prospects or communications were the provinces of Munster and Connacht. Even though Munster was arguably less worse off than Connacht in terms

[35] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.54

of poverty it still nonetheless suffered from small subsistence farming combined with a low standard of living. The peasantry of these provinces were to bare the brunt of the Famine.[36]

The literacy rates and occupations of those transported from Ireland in general reflects their rural background and therefore sets them apart from those from urban centres, with nearly seven out of ten men claiming to be labourers or farm labourers.[37] While a third of women were country servants some claimed that they were also nursemaids, laundry maids or simply stated they were in service.[38] In terms of other occupations a few males were also tradesmen with carpenters, tailors, blacksmiths, bakers, weavers, and stonemasons all given while some also stated that they were miners, carters, quarrymen and sawyers. The majority of these might only have been able to read or were entirely illiterate despite the introduction of a national school system in 1831. Ages and marital status were also different to those from urban districts. Males were older and more often married than other male prisoners while the women were younger and more often single compared to other female prisoners.[39] In terms of religious background overall ninety percent of Irish convicts stated that they were Catholic.[40] These provinces were to provide a sizeable amount of those transported during the famine years.

The county of Tipperary can be considered as representative of the rural districts of Ireland with all its poverty and social problems, affected more than any other county because of the presence of agrarian movements and faction fighting. Add to this the impact of the Famine, the numbers transported for crime from the county increases

---

[36] Ibid p.54
[37]
[38] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.53
[39] Ibid
[40] Ibid

dramatically. In 1849 the authorities in Ireland registered sharp increases in those that were sentenced to transportation with, 'an unprecedented increase of crime consequent upon the destitution and sufferings endured by the lower classes during four consecutive years'. Before 1846 the number transported each year was on average 673, but by 1848 that average had reached 2,687. [41]

What types of crime then did Tipperary convicts commit that warranted transportation? Firstly it has to be said that not all convicts transported from Ireland were persistent offenders despite this categorisation by some. There is no doubt that some were regular offenders with previous convictions with some of these making a living from petty crime and receiving the mandatory seven year sentence, however, a sizeable number were also first time offenders and these were dealt with (sometimes) harshly with sentences ranging from ten years to life being meted out. Those convicted and transported from Tipperary were no different. For example, Daniel Noonan, an 18-year-old porter sentenced in 1841 to seven years for stealing money, had 15 previous convictions while first time offender John Ryan was sentenced to ten years in 1849 for the robbery of meal.[42] Of course there were those crimes such as larceny, burglary, robbery and highway robbery, coining, forgery, abduction and receiving and for the most part these types of crimes received the mandatory seven years sentence. Also however there were those crimes associated with rural agitation such as attacks and arson attacks on dwelling houses, assault on land agents, landlords and tithe proctors, migrant workers and dairymen and even in some cases the murder of landlords and their agents. The authorities took a very hard line with those that committed attacks on property, which they viewed as very serious. This was because the whole basis of ascendancy power in Ireland was the ownership of land and

[41] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.54
[42] Ibid p.56

property with any threat to this dealt with harshly. Compared to England, violent crime such as assaults, manslaughter and murder were more widespread. Seven percent of Irishmen compared to two percent of Englishmen were transported for such offences.[43] County Tipperary was no exception with an even higher proportion being transported from the county for such offences than from other rural districts. Most of those transported from the county for these offences had been associated with secret societies and organisations such as the Whiteboys. The most common crimes associated with these organisations included assaulting dwellings, appearing armed, issuing threatening notices, administering unlawful oaths, stealing or demanding arms and assaulting/attacking land agents, stewards or even the police. Sometimes even members of the same family were involved. John Gleeson was transported for life for an armed assault on a habitation in 1843, he explained his offence as thus, 'Assaulting a habitation... with firearms; a man named Maher in the house was beaten. My brother [and] cousin Patrick and Stephen on board for the same offence'.[44] Some acted alone, for example John Conway was sentenced to transportation for life in 1846 for assaulting a habitation being armed [and] firing at Patrick Hogan an agent.[45] It is hard though to ascertain exactly how many were in agrarian societies unless they confessed on arrival in New South Wales, Tasmania or later on, Western Australia.

Women also committed crimes related to rural agitation with arson being a particular popular choice with twenty two percent of Tipperary women sentenced for this crime.[46] Some even confessed on reaching Australia that they had committed the crime in order to be transported. Bridget Murphy sentenced in 1841 to fifteen years

---

[43] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.57
[44] Ibid p.58
[45] Ibid p.59
[46] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.61

claimed she did it to be transported. She was a thirty-year-old farm servant, married and a first offender she brought two children with her.[47]

Tipperary female convicts on the whole though committed the lesser crimes of larceny and theft, burglary, robbery and vagrancy. Clothes, money, jewellery and food were all popular targets for female convicts. Like their male counterparts some were repeat offenders and some sentenced for first time offences. Judith Farrell had four previous convictions before being convicted and sentenced to transportation for stealing shirts in 1845.[48] Some women committed serious crimes such as assault and murder. One thing that the vast majority of female convicts from not only county Tipperary but from all over Ireland in general were not, was drunken and abandoned prostitutes as they were labelled.[49] Some no doubt were prostitutes but for most temptation, desperation or even revenge got the better of them. Ellen Brien was tried in July 1852 for arson an act for which she received the sentence of ten years transportation.[50] In July 1843 Ellen Brophy received seven years transportation for larceny.[51] One case, which may indicate prostitution, is that of nineteen-year-old Margaret Buckley who was tried at Nenagh in March 1845 for vagrancy. She received a sentence of seven years transportation unless she could provide security in three months.[52] There were also cases of murder, attempted murder and accessory to murder. Ellen Bercary was transported in 1846 for life for being an accessory to the murder of her husband. She explained that, 'some persons served three notices to quit the premises on my husband [and] because he did not go they...killed him in the bed

---

[47] Ibid p.62
[48] ibid p.61
[49] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, p.ix
[50] Transportation Records 11, P 64 (F), National Archives of Ireland, Dublin
[51] Transportation Records 6, P 106, National Archives of Ireland, Dublin
[52] Convict Reference Files 1845 B 26, National Archives of Ireland, Dublin

by my side. I am… innocent of the crime…we were married twenty years'.[53] Others still wanted to be transported deliberately committing crime in anticipation of a sentence. In 1850 a 60-year-old country servant sentenced to 15 years claimed she did it to be with her daughter who had earlier been transported. Margaret Leggitt received 15 years in 1849 for arson. She was 20 years old and a country servant. She explained her offence as 'house burning tried with 4 others on board [who] committed the offence to be transported'.[54] Some Tipperary women were prostitutes, some committed murder or arson, but the vast majority committed crimes such as larceny, theft or stealing. The affects of the Famine saw increases in these types of crime as people perpetrated such crimes out of desperation.

The Famine also saw an increase in cases of animal stealing as desperation took hold. This type of crime and the sentences of transportation for such crime were on the whole unique to Ireland. Very few from England were transported for such offences. Both men and women committed this type of crime and this reflects the desperate circumstances that people found themselves in during the Famine. Cows, pigs, sheep and poultry were targeted.

Bridget Smith was sentenced to seven years for stealing sheep in 1847 while in 1851 Catherine Stack was transported for cow stealing.[55] Two first time offenders, Alice and Mary Kane received 15 years each for cow stealing in 1850.[56] Women then committed crimes ranging from larceny to murder to animal stealing. What though of men? They also committed similar crimes, but because males were more inclined to partake in agrarian outrage and social protest, there was a higher rate of more serious

---

[53] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.61
[54] Ibid p. 62
[55] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.61
[56] ibid

crimes such as assaults, murder, and arson among them. In June 1839, 26- year-old David Brown, ' the sole support of his three sisters and their families', was tried for armed burglary and damage to property for which he received the mandatory seven-year sentence of transportation.[57] Charles Doolan aged 18 was tried in July 1844 for stealing a watch the property of a Mr. John Connors. His brother Patrick was his petitioner and he was a mason with Charles being his apprentice. The petition though was unsuccessful and Charles received a sentence of seven years transportation.[58] 20-year-old James Carroll was tried in 1837 for the murder of a John Lanigan, an act for which he received a sentence of death commuted to transportation for life.[59] William Dunne aged 26 was convicted of arson in 1837 and given a sentence of death, which was commuted to transportation for life.[60] 28 –year-old William Brien was convicted of, 'shooting with intent to murder' in March 1846 a crime for which he received the death penalty commuted to transportation for life.[61] Some convicts were even re-transported for returning back to Tipperary as was the case with 35-year-old John Carroll who returned to Tipperary after having been already transported previously, was convicted and given the sentence of death commuted to transportation for life.[62] Timothy Donohue aged 25 was sentenced to transportation for 15 years in March 1840 for committing felonious assault with intent to disable.[63] These examples were the most serious crimes committed by Tipperary men and they tended in the main to be a form of social protest. The examples here provide accounts of attempted murder, arson, and assault reflecting the social disorder in Tipperary at the time. Like their female counterparts, Tipperary men also committed crimes such as larceny, theft and

[57] Convict Reference File 1839 B 25, National Archives of Ireland, Dublin
[58] Convict Reference File 1844 D 25, National Archives of Ireland, Dublin
[59] Transportation Records 2, P 149, National Archives of Ireland, Dublin
[60] Transportation Records 2, P 147, National Archives of Ireland, Dublin
[61] Transportation Records 6, P 180, National Archives of Ireland, Dublin
[62] Transportation Records 2, P 152, National Archives of Ireland, Dublin
[63] Transportation Records 2, P 148, National Archives of Ireland, Dublin

animal stealing. Patrick Brophy was tried in July 1847 for the theft of a cow for which he received 10 years transportation.[64] 30-year-old Dennis Brien received the same sentence in July 1847 also for cow stealing.[65] Joseph Brown received 7 years transportation in January 1845 for larceny.[66] 30-year-old James Hayes received a 10-year transportation sentence in March 1843 for uttering Provincial Bank of Ireland coin and notes. This offence was a type of forgery and deemed very serious by the authorities. From Drumbane county Tipperary, his wife and six children asked to be transported with him.[67]

Assaults, murder, attempted murder, arson, armed robbery, assault on dwellings, administering unlawful oaths, writing threatening notices were all linked in some way to the land problem. The need for survival during the Famine exasperated and contributed to the numbers of these types of crimes. The British authorities would find themselves dealing with far more cases of larceny, theft and animal stealing than was usual, if there was such a thing. In the county of Tipperary especially in the rural districts, the effects of the Famine would impact itself on the populace with devastating effect. In towns like Clonmel desperation reached such a stage that there were those that would risk transportation, in some cases even covet it, in order to relieve their distress. This is in contrast to those that received terms of transportation but returned home without the permission of the government or without finishing their terms. Those that were already sentenced had received their punishment before the famine or before things got desperate. They may have been tempted to return home because of homesickness or because they were not able to adapt to their new environments. Those that committed crimes during the famine did so because it was

[64] Transportation Records 6, P 190, National Archives of Ireland, Dublin
[65] Transportation Records 6, P 155, National Archives of Ireland, Dublin
[66] Transportation Records 12, P 137, National Archives of Ireland, Dublin
[67] Convict Reference Files 1843 H 10, National Archives of Ireland, Dublin

probably considered that anything was preferable to their present circumstances. Flour carts became targets, a mob attacked a bakery in Clonmel and in the same town some flourmills were also attacked. At least those in the urban districts had a chance of some relief with the setting up of soup kitchens in areas like Clonmel.

The debacle of the 1848 Young Ireland rising only made things worse as now the authorities clamped down on perceived troublemakers. The reality of this attempted rising was that it did not have popular or widespread support. The tenant farmers, labourers and cottiers of county Tipperary were more interested in survival at this time than in trying to change the status quo. This is represented in the numbers transported for social, rather than political crimes. In Tipperary arms were resorted to not for political change but for social protest and self-preservation.

Not all those convicted of transportable offences were actually transported. Unfortunately because record keeping became worse as time wore on the numbers transported will never fully be known. Some committed crimes such as larceny and had their sentences commuted to terms of imprisonment. 30-year-old Anne Dunne received a term of 14 years transportation in 1838 for forging a banknote. This was commuted to six months imprisonment.[68] Mary Connors aged 46 was convicted of forging a bank of Ireland banknote in 1839 for which she received a sentence of 14 years transportation. This sentence was however commuted to six months imprisonment.[69] Sometimes there were inconsistencies in sentencing (as demonstrated on the opposite page) and one has to wonder why this was the case. In other words and at the risk of sounding cynical, was there a deliberate attempt to send as many young people as possible to the colonies? James Blake aged 55 was sentenced to death in 1839 for theft. This sentence was carried out later that year when he was

[68] Convict Reference Files 1838 D 32, National Archives of Ireland, Dublin
[69] Convict Reference Files 1839 C 32, National Archives of Ireland, Dublin

hanged.[70] 24-year-old Joseph Blake was convicted of theft in 1845 but only received a sentence of 7-years transportation.[71] Was this because a young colony would prefer young blood? The death penalty was given sometimes if the convict had been a repeat offender, so this is one reason why some were executed for such crimes as theft and others handed the mandatory seven- year sentence.

Of course the persona of the presiding magistrate was another factor that determined the types of sentence received and again this could be another reason for such inconsistencies in the judicial process. However despite factors such as inconsistencies in the judicial processes or repeat offences the overlying trend was transportation of relatively young convicts. Of course there were those of an older age group that were transported also but their numbers do not approach those of the younger convicts. Tipperary convicts were mostly young with the age group ranging from 15 to 40. There were those that were older than this but not as many as the 15-40 year old age group.

The threat of transportation was no longer a deterrent in times of desperation. Some coveted the chance of escaping their misery by perpetrating crime in order to be transported. The Irish authorities expressed the view that starvation had greatly diminished the terror felt by the people at the prospect of being severed from their homes. It was felt that in many instances that the Irish courts, 'must have been influenced rather by a vague notion of humanity than of punishing offenders,' when sentencing women.[72]

The period between 1836 and 1853 would see a decline in Ireland as a whole in agrarian outrages being committed but it never really disappeared and in Tipperary

---

[70] Transportation Records 3, P 164, National Archives of Ireland, Dublin
[71] Transportation Records 5, P 164, National Archives of Ireland, Dublin
[72] John Williams, '*Tipperary Convicts and Tasmania*' in *Tipperary Historical Journal* (Ireland, 1995) p.62

was still sufficiently active right up to and including the Famine. The economic effects of the famine on the populace contributed to assisted emigration to the United States, Britain, Australia and even Argentina. It also contributed to a rise in cases of vagrancy being punished with transportation. This vagrancy was caused by the dispossession of holdings, which was in its turn caused by the inability to pay rent(s).

The decline in rural and agrarian outrages in the late 1840s into the 1850s was because of the mass emigration during and after the famine as well as the deaths caused by it. Landlords and their agents as well as tenant farmers took the opportunity to rid themselves of 'troublemakers' by paying passages for them and their families. Less people and more land meant that tenant farmers were now able to consolidate their holdings as the decline in the cottier class would mean that subdivision would not be as rife as in earlier decades. It also meant that potatoes would not be as important leading to a decline in tillage and a growth in dairying. Rural agitation and outrage would not occur again on the scale it did in the first half of the 1800s until the 1860s and the Land War. Nonetheless, both Van Diemen's Land and the newly established colony of Western Australia continued to accept convicts from Britain and Ireland up to 1853 and the 1860s respectively. Inter colony migration between Van Diemen's Land and New South Wales by newly emancipated convicts in search of better employment prospects or who had been given land of their own and were now looking for labour to work this land. It is also possible that those from Ireland or Tipperary that had been emancipated and given land would now also pay the passage for their families to go out and join them. Any convicts now being sent out by Britain to the colonies of Van Diemen's Land or Western Australia would also be welcome because growing colonies also meant growing economies, which would need a supply of labour. The Famine was to provide this extra supply of labour for these colonies.

Although there was a lull in agrarian agitation during the five- year period of 1825-30, Tipperary along with Limerick and Cork was proclaimed a disturbed district up to and including the Famine. There were a wide number of offences that carried the death penalty and the vast majority were certainly transportable offences. It is also worth noting that the creation earlier of a police force by Sir Robert Peel would also have an effect on the numbers of crime detected by the authorities and punished in court. This would increase the numbers transported compared to that of the earlier decades of the nineteenth century.

Assembling with offensive weapons, administering unlawful oaths, sending threatening letters or notices or persuading and compelling others to quit their holdings were the more serious crimes. All of these offences were punishable by death but this was gradually reduced to transportation. According to the Devon commission in 1844 a quarter of all outrages in Ireland were committed in county Tipperary.[73] However rural disorder by the beginning of the Famine could not be attributed alone to agrarian movements. Rural crime in Tipperary was just as composed of individual acts of burglary, arson, theft, animal stealing, and assaults on property and people as those committed by Whiteboys or others. The Famine though would see a rise in the numbers of crimes committed in both areas as desperation took hold in turn leading to sharp increases in the numbers sentenced to transportation. After November 1846, no convicts were sent from Ireland to Australia for nearly two years. The reason(s) for this was that in the colonies movements, particularly in New South Wales, against the use of transportation as a punishment for crime had begun. There were also those liberals in Britain that believed that transportation should be

[73] A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (Ireland, 1998) p.182

replaced by a prison system instead. Then between September 1848 and November 1852 there was a final batch of 4,000 or about twice as many each as in the early 1840s i.e. twice more were sent betweens these years than in the years preceding. There were more than twice as many convictions of all sorts i.e. twice as many convicted for theft etc. per head of population between 1848 and 1852 than before 1847 and after 1853.[74] This was because unlike New South Wales, Van Diemen's Land and the newly established colony of Western Australia continued to accept convicts. This increase in the numbers of those transported from Ireland during this period is also proof of the effects of the Famine on the crime rate and subsequent transportation rates. Those convicted in and transported from Tipperary were different to their counterparts transported along with them. They were from a mostly rural, peasant background and were not greatly literate. The majority were convicted during the Famine years and cannot be considered as hardened criminals. A certain proportion of men were involved in rural agitation and the violence that came with it. Some women courted being transported while some because of the arson they committed could also be said to be involved in rural agitation. Although rural agitation might also be considered as a political action, those that were involved in such actions did not seek to change the status quo vis-à-vis government. Only a handful could be considered as political prisoners i.e. those involved in 1848 attempted rising. The overriding influence in the crimes they committed was access to or the lack of access to land and later during the Famine survival and self-preservation.

---

[74] A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (Ireland, 1998) p.182

Chapter Three

The Colonies

Transportation as a punishment was introduced during the reign of Elizabeth I. Some of the Caribbean Islands and America became the destination for those who committed crime in Britain with Cromwell using this form of punishment to banish Catholics from Ireland to the West Indies. Those sent there used for labour. This type of punishment was used throughout the eighteenth century by the British establishment to transport convicts to the colonies of North America. The death penalty also came to be seen as to severe for certain crimes. This transportation to the colonies in North America became popular in the absence of an alternative form of punishment or system such as that of a penitentiary prison type system. With the American war of Independence however transportation was no longer an option to this part of North America while it was also deemed not expedient to offer those Colonies that remained loyal in America the insult of making them any longer a place of punishment for offenders.[75] A new option and destination had to be found. By the time a new destination was considered, that of new South Wales, transportation had replaced capital punishment (except in the cases of very serious crimes). Legislation in relation to New South Wales being used as a destination and penal colony had first been enacted in 1784 with a similar Act being passed in Ireland. The British legislation did not mention a destination as such, just providing for transportation beyond the seas, either within his majesty's dominions or elsewhere outside his majesty's dominions. However further legislation was enacted which empowered his majesty in council, "to appoint to what place beyond the seas either within or without his majesty's dominions offenders shall be transported" resulting in the eastern coast

[75] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, iv

of Australia and the adjacent islands being chosen as the destination.[76] During May 1787 the first batch of convicts departed and in the following year there was a penal colony established in New South Wales. The authorities in Ireland mimicked their counterparts in London and an "Act for the Better Execution of the Law" followed allowing them to also impose transportation as a punishment for criminal activity.

The Irish Act provided at first for removal to some of his majesty's plantations in North America or such other place out of Europe. While the British act allowed transportation to begin immediately, the Irish act did not allow this because it needed to be changed to exclude North America. Further legislation was enacted in 1790 and this allowed the transportation of 'such felons and vagabonds more easy and effectual' with the first shipload leaving in April 1791 for New South Wales.[77]

By the time transportation had ceased in 1853 (apart from some Fenians that were transported to western Australia in 1867) the number of convicts sent to Australia was approximately 160,000 with around 30,000 of these being sent directly from Ireland.[78]

A number of factors could explain as to why penal colonies were established in Australia by the British but the most probable factor was that the British prison system was overburdened and the prisons over crowded, while unlike America, Australia was also sufficiently distant as to discourage any return to Britain. In other words the penal colony took so long to reach and the journey was so arduous, that those that were sent there might think twice about returning to Britain even when their sentence had expired or they were granted unconditional pardons. A few though did return such as John Carroll who having already been transported previously, returned, received the death penalty and was re-transported for life instead. However with the

---

[76] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii,

[77] www.nationalarchives.ie/transportation/transp1.html

[78] ibid

establishment of a colony in Australia, Britain would have both a commercial and strategic interest in the area as well as a new market for its merchandise.

Firstly though the work of establishing a colony had to be undertaken a task which would be difficult due to the challenge of natural barriers and the distance of the country from Britain in terms of supply. Also unlike the former colonies in America, there was no already established colony in Australia to absorb those being sent while unlike those colonies set up in America during the previous century, those now being sent to New South Wales as the colony became known, would be made up of a mostly criminal population.

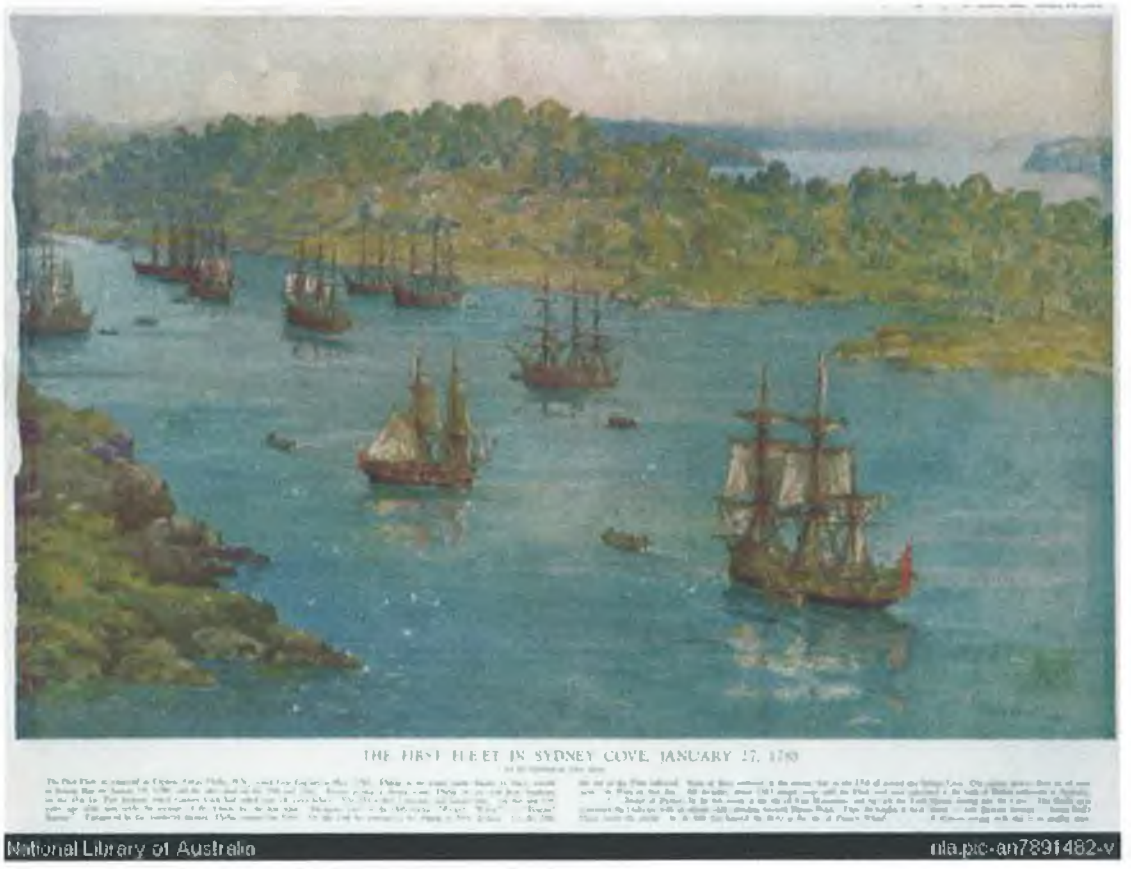

Figure 1: First Fleet in Sydney Cove, January 27, 1788: National Library of Australia Picture Gallery available online at http:// www.nationallibrary of Australia file:///A:/picture gallery/nla.ipe

This population would at first be assigned to soldiers and officials until a larger colony with free settlers came into being. The places appointed were the two Australian colonies of New South Wales and Van Diemen's Land, the small volcanic island, called Norfolk Island situated about 1,000 miles off the eastern shores of Australia and the Island of Bermuda.[79]

By 1837-8 an estimated 75,200 convicts had been sent to New South Wales and by 1836 the convict population of the colony of New South Wales amounted to 25,254 men and 2,577 women in all 27,831.[80] The number of convicts sent to Van Diemen's Land since 1817 (by 1835) amounted to 16,968 made up of 14,914 men and 2,054 women. The number of convicts at Norfolk Island by 1837 was 1,200 and many of these had been re-transported from New South Wales for offences committed there. The number of convicts in Bermuda was roughly 900.[81] Various other acts in relation to transportation also enabled the governor of a penal colony to hold a property in the transported offender for the period of his/her sentence. They allowed the governor to assign such a person over to any other person.[82] They allowed his/her majesty to authorize the governor of a penal colony to remit, absolutely or conditionally, a part of or the whole sentence. The governor of the colony could grant a temporary or partial remission of a sentence. They also limited the power of a governor in this respect.[83] Convicts were also subject to the laws framed by the legislatures of New South Wales and Van Diemen's Land.

---

[79] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii,
[80] ibid
[81] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii,
[82] ibid
[83] ibid

About a quarter of the Convicts transported to Australia were Irish with nearly 30,000 being transported and with 9,000 of these being women all were transported directly from Ireland. There were also some 6,000 or so Irishmen that had gone across the Irish Sea to England in search of work but who for whatever reason fell into criminal activity and thus were also convicted and transported. Men who were tried and sentenced in Ireland on the average were two years older than their British counterparts, while more were married and juveniles were fewer.[84] Most were from rural Ireland but about one fifth came from Dublin while about half of those from Dublin and Cork had previous convictions.

The majority were first offenders or nearly three quarters of those whose previous records are known.[85]

The crime rate in Ireland also reflected the conditions prevailing in the country a point of view ascribed to by Poulett Scrope when he wrote to Melbourne in 1834:

"*The Law affords the Irish peasant no protection," 'It is to their own Whiteboy law that their allegiance is considered due... They do more or less obtain from the Whiteboy Associations that essential protection to their existence which the established law of the country refuses to afford... The Whiteboy system will never be put down until the legislature establish a law for... Protecting the lives of the Irish peasantry and securing to them the means of living by their industry.*"[86]

A view reflected by Wakefield and others in various correspondences, according to them the Irish were:

"*Taught by their circumstances to hate society', and it became difficult for either the moral teachings of the church or the physical force of the state to check the spread of rural 'outrage(s)'. 'The great majority of people never become rebels without sufficient reason,*" wrote Wakefield.[87]

---

[84] A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.167

[85] A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.167

[86] Quoted in A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.174

[87] Quoted in A.G.L *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.175

And a decade later the Manchester Guardian claimed:

"It is not human nature that a whole nation, or any considerable portion of one, should reject the comforts and protections of a civilised life for preferences." [88]

All the same, some held that the Irish rural terrorist was 'uncivilized', just as others believe that he was a heroic defender of his rights'.[89]

There were more Irish convicts from rural parts of Ireland than from the urban and because of this they were more valued on the vast ranches and farms of the colonies. On the average they were better labourers than the more common urban thief from England; and those who were 'White-Boys', and had rejected the social order which seemed to them unjust back in Ireland, showed themselves ready enough to accept the different one which prevailed in Australia.[90] Those from the more rural areas such as those from county Tipperary, were indeed prized by those that held land in the colonies and they were even more valued if they held some sort of a trade such as a mechanic or smith. These trades were of the highest importance for the economies of the colonies and especially those that had acquired large tracts of land or for those that had thriving businesses in the ports and cities. A convict that had a trade was one of, if not the most, sought after in the colonies. A trade could also allow a convict to 'bargain' with his master or it could also, as shall be seen, mean trouble for him for seeing that a convict with a trade was highly sought after, any master lucky enough to have one would not be willing to relinquish his prized asset to a ticket-of-leave or even a conditional pardon while some would force, through coercion, their convict(s) to commit some misdemeanour in order so that he could retain possession of him.

---

[88] Quoted in A.G.L *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.175

[89] A.G.L *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.176

[90] A.G.L *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998) p.183

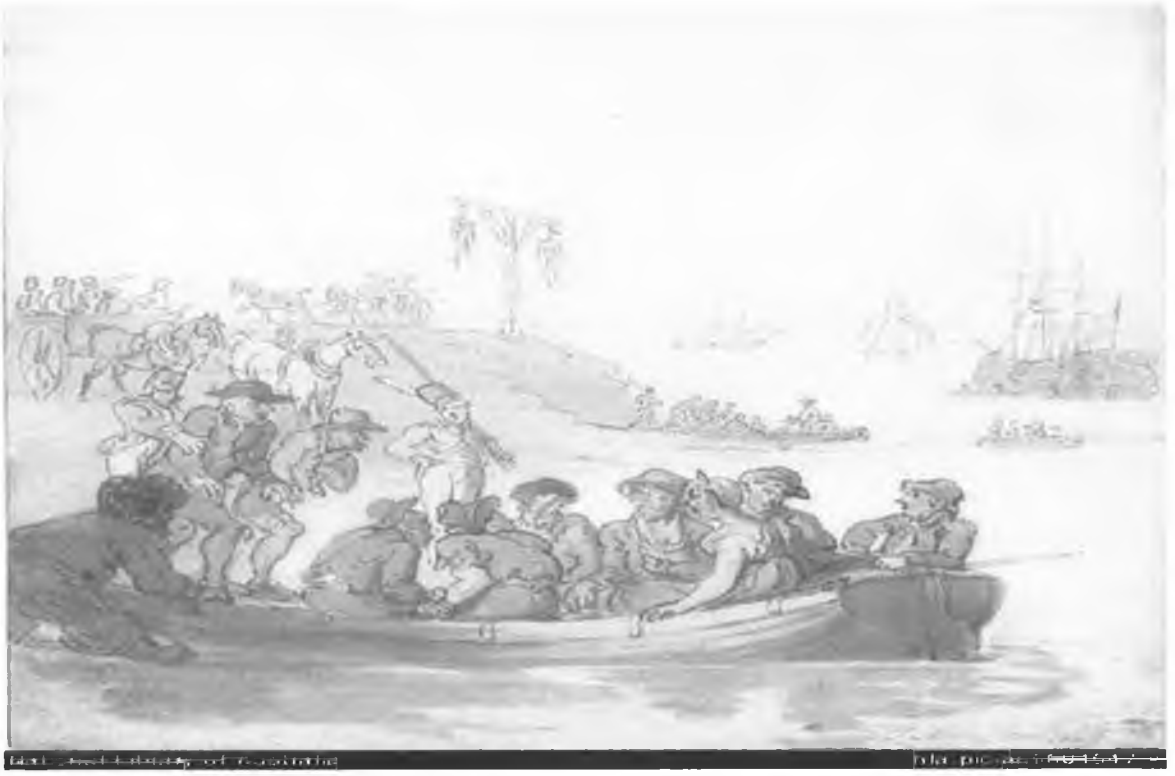

Figure 2: Disembarkation, Botany Bay: National Library of Australia Picture Gallery available online at http:// www.nationallibrary of Australia file:///A:/picture gallery/nla.ipe

When the convicts reached their destination they were kept onboard ship until arrangements were made for their disembarkation. The ships carrying Irish prisoners arrived with what were known as indents i.e. a list of those transported specifying the offence, which is not listed in the English indents. This document is the only proof of the identity of those convicted and is considered proof of conviction and transportation. They were then received in what was called a convict barracks. There was also a board called the assignment board, this was made up of three officers named by the government, and these were entrusted with the classification and distribution of the convicts upon their arrival.[91] When a ship did arrive there was great

[91] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii,

curiosity and excitement in relation as to whom the new arrivals were or even if they were from a fellow county with perhaps some news about loved ones left behind. The arrival of the ship meant another supply of the most precious commodity in the colonies that of labour.

Among those interested in the new pool of labour were those who had applied for convicts to be assigned to them as servants or labourers. It was generally announced that a ship had arrived and a notice would be placed in newspapers such as the *Sydney Gazette*. By the regulations of the government, applicants must be sent to the assignment board for servants and were then distributed on a scale in conformity with the government regulations and according to the quantity of land possessed by the assignee.

The assignee had to abide by certain government rules and regulations laid down by the assignment board. Assignees could not punish their assigned servants or mistreat them in any way. If they had a grievance or a problem to address it had to be brought before the local magistrate who then decided what the punishment was. A majority of applicants for servants were themselves recently emancipated convicts who had been given land and now required labour to work that land.

Once arrangements had been made the convicts were disembarked and mustered in the convict barracks. Those that had applied to be assigned convicts were then appraised of the numbers and names of those to be assigned to them and they were then bound to send for and receive them at the convict barracks (in the case of women it was the factory at Parramatta, near Sydney) or they would forfeit the right of receiving a servant. Once the convicts had arrived a sum of £1 was paid by the assignee in respect of the provision of clothing and bedding. The convict was then delivered to the assignee, who had them brought to his farm or wherever they were to

be put to labour and this was at the assignee's discretion with the assigned ending up as labourers or domestic servants employed either on the farm or in the household or whatever way the assignee, who was now to all intents and purposes, their master, saw fit. There was no distinction made for age or terms of sentence, which ranged from seven to fourteen years to life. If a convict was lucky enough to possess an education, they were or could have been sent to Port Macquarie to be retained in the public services and administration or put to work on lighter tasks.

There were some regulations in relation to food and clothing and there was a stipulated amount. Every master was bound to supply a weekly ration and this consisted of 7 lbs of beef or mutton or other meat, 8 or 9 lbs of flour, a portion of salt and soup and a regulated amount of blankets and clothing. Depending on the person convicts were assigned to they could have also received a supplement to these rations from their master in the form of tea, sugar and other foodstuffs. There were no regulations on lodgings or with the amount of work handed out. Likewise there were no regulations on leisure time except in respect to the Sabbath day, which was observed as a day of rest. The amounts of work and leisure time allocated were at the discretion of the master. The master was also bound to protect and maintain social control over their servants and labourers according to the laws of the colonies. There were means of redress for any convict servants or labourers mistreated by a master. Masters could not inflict any form of corporal punishment on their servants and labourers as this was forbidden by the local government(s). If any form of punishment was inflicted such as the withholding of food or clothing, the servant could apply to the local magistrate who would then see to it that the government regulations were enforced and possibly have the servant removed from the custody of the master and

placed back in that of the government.[92] There were also regulations regarding the misconduct of servants and these varied depending on the gender of the offender. In relation to males and in order to compel the servant to perform any duties asked of him by his master or overseer, he was subject to summary trial and discipline before a local magistrate or justice of the peace. Justices of the peace could not be a convict's masters as law forbade this. Convicts were liable to be punished for offences such as drunkenness, absconding, neglect of work, disobedience of orders or other disorderly conduct and was punished according to the scale of the punishment prescribed by the local legislature. For some offences such as insolence an offender could receive fifty lashes while two magistrates dealt with other more serious crimes in petty sessions, which had the power to inflict harsher punishments such as re-transportation to Norfolk Island.[93] During his evidence to the select committee on transportation in 1837, Sir Francis Forbes describes the punishment for women:

"*In the case of misconduct a master may send the women back (to the female factory in Parramatta) or he may take them before a magistrate and if it is an offence that comes within the description of a misdemeanour according to the local code, the magistrate may punish the women, but not in the same way as men. Punishments include solitary confinement, bread and water or some other punishment*".[94]

The female facilities at Parramatta and Hobart were not just used for female convicts on their first arrival but also for those returned to the government for misconduct or even for those who had become pregnant.[95] Female Convicts, once they had been mustered like the male and once those that were requested by assignees

---

[92] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, p.iiv

[93] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes (November, 1837) p.7*

[94] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes (November, 1837) p.7*

[95] ibid p.7

were distributed to them, were sent to the female factory at Parramatta. The female factory at Parramatta was located near Sydney and was a large building similar to a poor house. Women sent to this facility were kept there until assigned or married. There was always a large body of women at the female factory because the numbers assigned as domestic servants were generally too limited.

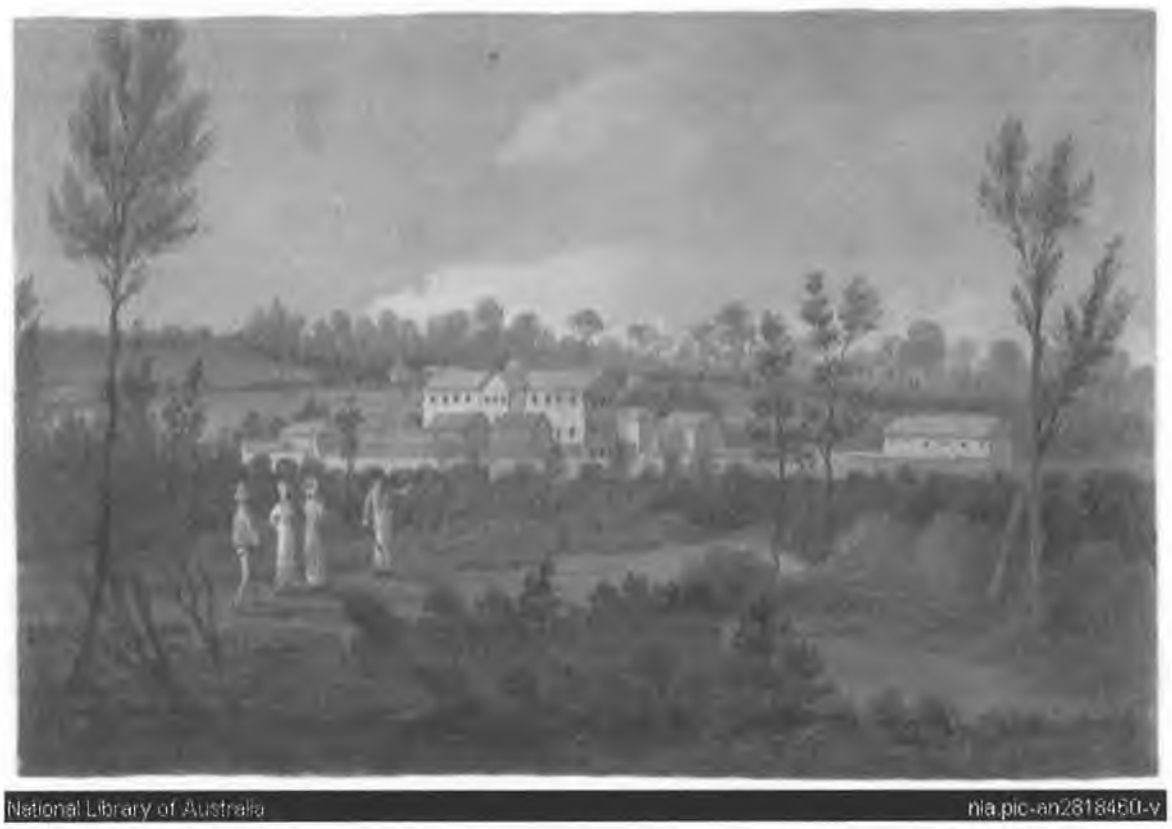

Figure 3: Female Factory at Parramatta: National Library of Australia Picture Gallery available online at http:// www.national library of Australia file:///A:/picture gallery/nla.ipe

Sir Francis Forbes explained the reason for this lack of demand:

> *'It is the consequence of the characters of female servants! They are very bad and generally create so much disturbance and annoyance in the establishments of the settlers that they are unwilling to receive them'.*[96]

[96] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement,* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes* (November, 1837) p.7

Forbes also goes on to describe other aspects of the female factory:

"*The women at Parramatta were there for assignment if needed or wanted; sometimes they were allowed to marry convict men, if the master allowed. The women at Parramatta were also divided into classes according to their grades of offences in the colony. When they go for assignment is the first instance they are grouped in what is called first class and are ready for assignment they used to be employed in spinning wool, but there is great difficulty in finding employment for them*".[97]

One of the main reasons for women not being accepted for work as domestic servants was because of their lack of previous training as domestic servants and this is true of many of the women who came from Ireland both from the rural and the urban areas. Unless a woman had been a domestic servant before they were convicted and transported, they would not have the skills to work as domestic servants in the colonies especially those from Ireland. Over time however training in domestic/household work was introduced in the factory to provide women with the skills necessary for domestic servants. There were though other alternatives to the women of Parramatta and one of these was marriage. This could be arranged with the consent of the master and the authorities that ran the female factories at Parramatta and Hobart. Because the population of the colonies mostly consisted of convicts with the majority of these being males, there was a need for a female populace to provide wives. There was the fear that if the colony was mainly or exclusively male, the men would turn into inverts and that homosexuality would take root, something that was highly frowned upon in Britain. The convict factory at Parramatta would play its part in the supply of wives for both convicts and emancipated convicts. The presence of female convicts would decrease the possibility of homosexuality taking root and at the same time any marriages that were produced would lead to an increase in population, which in its turn would also lead to the building of a convict free society. Parramatta

[97] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes (November, 1837) p.7*

women's convict factory was to play a role in the arrangement of marriages as the factory always had a supply of women. Sometimes male convicts and female convicts on the same estate or farm would marry, but if a man could not find a wife on the farm or estate the female factory would be visited by him and his master in search of a wife. James Maudie esq. presented the following details on this arrangement as evidence to the select committee on transportation 21 April 1837

'*Masters sometimes, if he wants to keep his convict and if that convict is well behaved gives permission to that convict to get a wife from the factory. The master must enter into an arrangement with the government and have permission from them to feed and support the woman and in fact any offspring in order to prevent them from becoming a burden on the government. This being done, the man goes and gets an order to the matron of the factory and of course this is for a wife'.*

Maudie goes on to describe the actual way a marriage is arranged:

'*There are a certain number of women who are not allowed to marry, but those that are turned out are inspected by the convict and if he sees one he fancies, then he makes a motion to her and she steps to one side. Some will not, but stand still, and have no wish to marry but that is very rare. Then they have a conversation and if the lady is not agreeable she steps back, and the same ceremony goes on two or three more times. If he finds one that pleases him and they get married and on returning to his master's estate, he knocks up a hut for himself and his wife and they live together when he is not working. The master allows generally what is known as a half ration for the wife in addition to the man's ration'.*[98]

Convicts were also allowed to marry free women as long as any children produced did not become a burden to the government.

In respect to those convicts that were eventually assigned, it must be mentioned that each served a fixed term of punishment and had the right, within limits of course, to sell some of their labour on the free market. On some of the larger farms and ranches there could have been as many as fifty to sixty men labouring. The men were lodged in outhouses with six or more under a stable roof. They would have slept on truckle bedsteads, generally without undressing. The floors of these outhouses were generally

[98] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of James Maudie Esq.* (April, 1837) p.45

soft. The men also cooked and ate in the same place or in one immediately adjoining. Some elements in Britain viewed the convict labourers and servants in Australia as 'slaves' but this was not the case. Of course every convict faced the same social prospects. He or she served the Crown or, on the Crown's behalf a private person, for a given span of years.[99] The convict labourers and servants of New South Wales or Van Diemen's Land were not slaves and once their term of punishment had expired they were allocated land and assigned convict labourers to work it. This must have seemed appealing to Irish convicts particularly those from areas like Tipperary where land and the access to and ownership of land was so important and the root of so much crime and most likely the cause of them being transported in the first place. Thus it was that convicts from county Tipperary were moving from one rural setting to another, from lack of work to steady employment albeit as servants and from having little or no land to a chance to own their own. In this respect, conditions in the colonies of Australia were more favourable than those back in county Tipperary.

There were other measures that favoured convicts in the government attempt to instil some element of reform in them. From the beginnings of the colonies, the governors of the colonies granted what were known as a 'ticket of leave' as a reward for good conduct, extra work and labour, skill or ingenuity. Sir Francis Forbes in his evidence provides an account of how a ticket of leave is granted:

> "*During the time of Sir Francis Brisbane, a regular scale of time was established by which a convict transported for seven years and who behaved and conducted himself well for four, or those convicted for fourteen but who behaved and conducted himself well for six, or those convicted to life but who conducted themselves well for eight were entitled to a ticket of leave. This instrument is resumable at the discretion of the governor and is forfeited upon any proof of misconduct or conviction*".[100]

---

[99] Robert Hughes, *The Fatal Shore* (Great Britain, 1987) pp.282-3

[100] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes* (November, 1837) p.9

A ticket of leave gave the convict the right to work for himself for his own benefit. The tickets though had limitations in other respects such as a particular district appointed by the government while the holder of a ticket of leave was also liable to the same punishment and justice as he would have received for wrongdoing before he was issued with the ticket in the first place. Some ticket of leave holders were also to be found in government service such as constables in the police, overseers of road gangs or chain gangs while the more educated ticket of leave holders were to be found employed as superintendents of estates, clerks to bankers, to lawyers and shopkeepers and even as tutors in private families. This though created the problem of corruption and bribery especially in the positions of administration or law. Some married free women and became prosperous and some even became wealthy.[101]

Assignment was beneficial in a number of ways. It ensured that convicts were weaned off government stores and by shifting the cost of their food and upkeep to private citizens; it saved the British government thousands of pounds every year. It also induced wealthy perspective free settlers to emigrate to Australia because they would have a free supply of labour. It also meant that there was a social control aspect to the policy of assignment as all convicts were dispersed throughout the colonies and not concentrated in potentially rebellious groups or gangs.[102] However not all of those assigned or given tickets of leave benefited. There were occasions when masters acted to prevent those who had neared the end of their assignment, especially if they were hardworking and industrious, receiving a ticket of leave.

A master might goad an assigned man to commit an act of defiance or insolence by simply insulting him in order to have him retained in his service for another year.

---

[101] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, *Evidence of Sir Francis Forbes* (November, 1837) p.9

[102] Robert Hughes, *The Fatal Shore* (Great Britain, 1987) p.286

Governor Gipps agreed upon this view when he reported to the secretary of war and the colonies in 1838:

> *"Since convict labour has become so exceedingly valuable as it is now, it is a matter of very frequent complaint that masters prevent their servants from getting Tickets of leave from an unwillingness to lose their labour; and that they even cause [in some cases] their men to be punished, for the sake of retaining their services... Each punishment which an assigned man receives, puts him back a year in getting his ticket. I am willing to hope that the cases are few".*[103]

The escape from this was through liberation by way of completing sentence or by pardon from the government. Overall there were three ways that the government might release a man from assignment. One was an absolute pardon from the governor, which allowed the man to return to England. Next there was a conditional pardon, which gave the transported person citizenship within the colony but which also meant that the convict could not return to England and finally there was the ticket of leave which meant that a convict no longer had to work for a master as an assigned man. A convict was also free to spend the rest of his sentence working for himself and he was free from labour obligations to the government.

However not all convicts were assigned and some were kept by the government, especially those that possessed a trade, to work on public projects such as the building of roads, jails, courthouses, stores and roads through the bush. These groups were kept in mobile wagons in whatever district they worked in and were put to work in road parties. These convicts were convicts that had been handed back to the government by masters or those that had committed some crime and sent as punishment. The society of the Australian penal colonies was undoubtly different than that of Ireland or for that matter county Tipperary. It was chiefly made up of an intermixing of convicts, ticket of leave holders, emancipists, and free settlers. By

[103] Robert Hughes, *The Fatal Shore* (Great Britain, 1987) p.286

1837 Sydney covered an area of some 2,000 acres and contained around 20,000 inhabitants. Sydney like any large urban area suffered from crimes such as burglaries, robberies, theft and larceny. The problem it appears and which probably had an affect on the crime rate was that drunkenness was widespread in Sydney with the report of the select committee commenting that '*more immorality occurred in Sydney than in any other town of comparable size in the British dominions*'.[104]

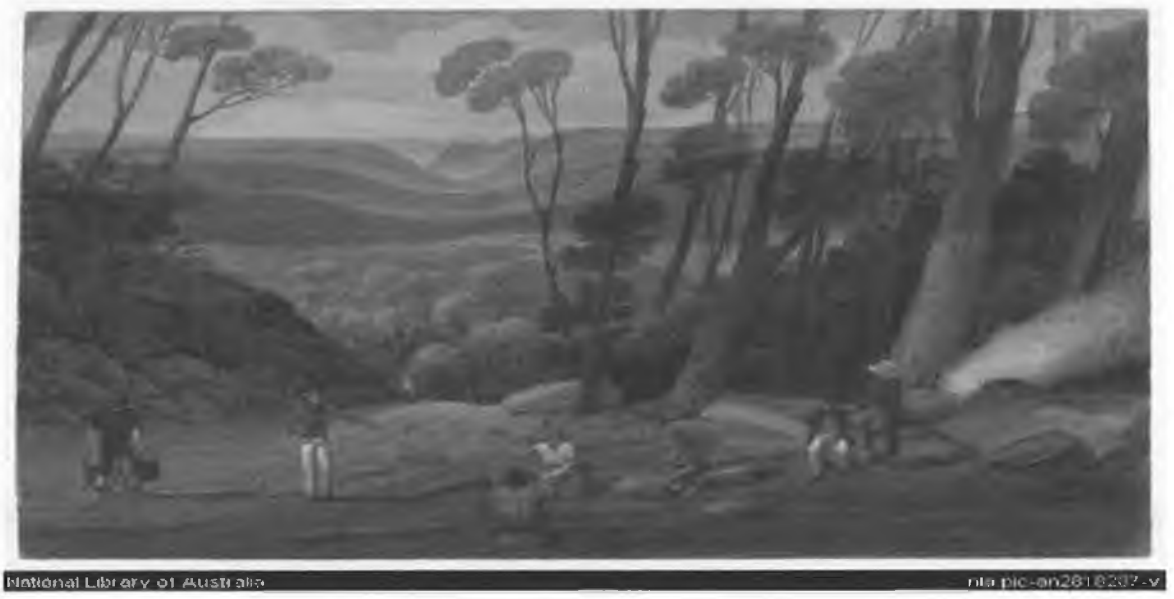

Figure4: Convicts breaking rocks: National Library of Australia Picture Gallery available online at http:// www.national library of Australia file:///A:/picture gallery/nla.ipe

Most of these crimes were committed by convict servants assigned to business people and the middle class in Sydney, many of whom were ex-convicts themselves and had come into property because of possessing a trade which gave them an advantage over free settlers. Emancipists also held property in the urban area of Sydney and not all by honest work or means. Some acquired property through illegal methods such as

[104] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, p.xxx-xxxi

keeping what were called 'grog shops' (illegally supplying liquor and alcohol) and also by keeping illegal gambling-houses and by passing and receiving stolen goods, which they may have got from connections in the chain gangs. Because these people had come into properties and therefore wealth, they also had influence. This influence enabled one fifth of those sitting on juries between the years of 1834-'36 to come from this type of background.[105]

Some liberals in England suggested that the life of a convict was nothing short of slavery and that convicts would in the end be the ruin of the colonies through criminal behaviour or activity and that the colonies would descend into social chaos and lawlessness. This though was not the case. Obviously there were those that still carried out criminal acts and harboured criminal intent along with those that could not be reformed. It may be true to say that these sort were to be found near enough to the large urban areas like Sydney where there was sufficient opportunity to partake in criminal behaviour. On the other hand, there were those that lived in the bush or outback with their masters on large farms or ranches. There was no alcohol or gambling houses, no prostitutes or other opportunities for vice. There were no organisations like the Whiteboys or Caravats because there was no need for them. Out here convicts from the rural parts of Ireland and county Tipperary could lead a useful life of labour, well clothed and well fed with the prospect of achieving their freedom. In the outback and the bush of Van Diemen's Land and New South Wales probably three fifths of masters encouraged the convicts for their own interests. Some might

[105] *Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement* 1837-68, p. [iii], H.C. 1838 (669), xxii, p.xxx-xxxii

treat their assigned servants like farm equipment, but at least they would also teach them skills and keep them away from bad company.[106]

The city was a cauldron and magnifier of criminality. In the bush there were more routines and less company while the master arguably shared more of the hardships of the servants than those in the towns. In this place the convict from Tipperary could at last own his own piece of land and be recognised for the effort put into making it productive. There was no threat of eviction, no competition to fight off for a lease that he had held for years. There were no dairymen or workers from neighbouring counties undercutting wages or buying up grasslands. Here in the vastness of the outback, the convict from county Tipperary could build a better life and perhaps offer a chance of a similar life to one from his home county.

[106] Robert Hughes, *The Fatal Shore* (Great Britain, 1987) p.321

Conclusion

The convicts sent from Tipperary to Australia must be considered in the era in which they lived and the factors that influenced their decisions to commit crime and therefore be punished with transportation. It was a combination of factors that contrived to earn Tipperary such a bad reputation as a county of lawlessness as Sir Robert Peel expressed in a letter to the chief secretary:

"My opinion is decidedly in favour of putting down by any means (justifiable of course in the eyes of the law) the insurrectionary spirit of Tipperary. That county by far is the most troublesome county in Ireland-and my firm belief is that the turbulence of it has become habitual, that it arises out of sheer wickedness encouraged by the apathy of one set of magistrates and the help and connivance of another. For the last thirty years and probably for the last three hundred- this same county of Tipperary has been conspicuous even in the Irish annals of violence and barbarity-having less excuse in the distress and sufferings of its inhabitants than most other parts of Ireland.' [2]

This distress and suffering was bound to be expressed in acts of violence and the perpetration of crime. Convicts from county Tipperary were the products of the environment that they lived in, high unemployment before the harvest months, depending on whatever land they had to both pay rents and eek out an existence, periods of potato failure and subject to somewhat harsh land laws.

The county contained some of the best agricultural land in Ireland and this land was much sought after. Land was the basis of the economy of the county as it had little or no indigenous industry. Such industries had been mostly ended in the earlier part of the century due to competition and innovation from similar English industries allowing them to control the market place. British government protective tariffs also played their part. The populace of the more rural areas depended mostly on the potato as a means of paying their rents and also for feeding themselves and their families. The problem though was, that Tipperary like most other parts of Ireland, also

---

[2] Quoted in William Nolan, *Tipperary: history and society; interdisciplinary essays on the history of an Irish county* (Dublin, 1985) p.244

experienced a population boom, which put pressure on the land. The determination by landholders and their agents to consolidate their holdings also added to the pressure on the populace that depended on this land. Dairying was on the rise with tillage being on the decline and this was to cause problems, as less land would be available for the cultivation of potatoes. Potatoes were important to cottiers and landless labourers because in comparison to other crops they produced more per acre. Dairying also promoted competition for leases with revenge attacks or threatening behaviour being perpetrated on those that had accumulated or added to their holdings in this way. Because Tipperary had some of the best agricultural land in the country, it also meant that more in the way of crops would be produced. This in its turn would mean that at harvest times work was available. This encouraged workers from other counties to migrate into the county in search of this work. This led to competition between those indigenous to the county and those that had recently arrived for employment with the newcomers often undercutting those residing in the county in terms of rate of pay leading to conflict and violence between newcomers and natives.

In 1847 Lord John Russell, Prime Minister, comparing the state of Ireland with that of England commented, 'Landlords in England would not like to be shot like hares and partridges by miscreants banded for murderous purposes; but neither does any Landlord in England turn out fifty at once and burn their houses from their heads giving them no provision for the future.'[1] No doubt Tipperary had its miscreants and that they did carry out assaults on those landholders they deemed unjust, but it is also highly unlikely that any landlord in Tipperary ever evicted fifty at once.

By looking into and investigating the socio-economic conditions in Tipperary both during the decades leading up to and during the period in question, it is possible to

[1] A.G.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (Ireland, 1998) p.175

build a picture of what conditions were like. This enabled a link between the numbers transported and the above mentioned. We have looked at how the agrarian societies of the previous decade dealt with perceived injustices. We have also looked at how the prosperity of the decades immediately before the period under study gradually gave way to economic depression. The socio-economic situation, opportunism, temptation, criminal activity for a living and later on the effects of the Famine were the root causes of much crime. Crimes like larceny, theft, burglary, forgery and animal stealing were all carried out by individuals in an era when there was no real alternative to labouring on the land, except emigration. Only in the towns and urban areas was their employment other than labouring on the land, but this employment was also dependent on agriculture. Flour milling, butter making, bread baking, butchering, leather manufacturing, brewing, and even Charles Bianconi's coach services depended on agriculture.

Many works have been written about convict transportation to Australia from Ireland and Britain. Many of them cover the whole of the transportation period in the form of histories or general surveys of the era in question. Some are on the actual voyages of the convict transports and what happened on them during their journey. Some focus on the penal colonies themselves. Other works focus on female or male convicts while others still focus on particular ethnic groups such as the Irish and how they fared in Australia. Some works romanticise convict transportation as a terrible wrong inflicted on a poor people. Some are more objective than this and consider transportation, as it actually was, a deterrent to crime and an alternative to a penitentiary system. This work focused on one county and in particular the effects of a number of circumstances and events that contrived together to influence the numbers transported. The reality was that the economy of Tipperary was at the mercy

of the land, which in its turn was affected by population pressure and climate. It was this climate that was going to contribute to an unknown potato disease (blight) destroying the crop and leading to the Famine, desperation and increases in both crime and transportation.

This distress and suffering was bound to be expressed in acts of violence and the perpetration of crime.

For some transportation was a way to leave this distress behind and start afresh. For others it was the inevitable result of committing crime, crime that was directly influenced by their circumstances, circumstances in turn that were shaped and influenced by climatic and economic events beyond their control.

Primary Sources

Archival Collections

National Archives of Ireland, Dublin

The following files were consulted:

Convict Reference Files, 1836-1853
Prisoners Petitions and Cases, 1836-1853
Transportation Registers

Parliamentary Publications

The following Parliamentary Papers (located in the John Paul II Library) were consulted in the National University of Ireland, Maynooth, County Kildare, Republic of Ireland:

British Parliamentary Papers Report of the Select Committee on Transportation, its Efficacy as a Punishment, it's Influence on the Moral State of Society in the Penal Colonies, and how far it is Susceptible of Improvement 1837-68, H.C. 1838 (669)

British Parliamentary Papers Report of the Commissioner of Inquiry on the Colony of New South Wales 1822-35

British Parliamentary Papers Crime and Punishment: Transportation 1837

Works of Reference

Piggott's National Directory of Clonmel (Dublin, 1824)

Secondary Sources

General Histories and Surveys

Bric, Maurice J '*The Whiteboy movement in Tipperary* 1760-80', in Nolan, William (ed) *Tipperary: History and Society: Interdisciplinary essays on the history of an Irish county* (Dublin, 1985) pp 149-169

Clarke, Samuel, Donnelly James S, Jr. *Irish Peasants: Violence and Political unrest 1780-1914* (Dublin, 1996)

Cole, W.A, Deane P., *British Economic Growth,* 1668-1959 (Cambridge, 1969)

Costello, Con *'Botany Bay: The Story of convicts transported from Ireland to Australia* 1791-1853' (Cork, 1986)

Daly, M.E., *Social and Economic History of Ireland Since* 1800 (Dublin, 1981)

Higgins, Noreen, *Tipperary's tithe war 1830-1838: Parish accounts of resistance against a church tax* (Tipperary, 2002)

Hoppen, K.T, *Ireland since 1800: Conflict and Conformity* (London, 1992)

Hughes, Robert, *The Fatal Shore, A history of Transportation of convicts to Australia* 1787-1886 (London, 1987)

Marnane, Dennis G, *Land and Violence: A History of West Tipperary from 1660* (Tipperary, 1985)

Marnane, Denis G, *'Land and Violence in Tipperary in the* 1800*s'* in *Tipperary Historical Journal* (County Tipperary Historical Society, 1988) pp 53-89

Neal, D.S. *The Rule of law in a Penal Colony: Law and Power in early New South Wales* (London, 1986)

Nolan, William, (ed) *Tipperary: History and Society: Interdisciplinary essays on the history of an Irish county* (Dublin, 1985)

Nolan, William '*Patterns of living in county Tipperary from 1770-1850* ', in Nolan, William (ed) *Tipperary: History and Society: Interdisciplinary essays on the history of an Irish county* (Dublin, 1985) pp 288-323

O'Donnell, Sean, *Clonmel 1840-1900: Anatomy of an Irish Town* (Dublin, 1997)

Power, T.P, *Land, Politics and Society in eighteenth-century Tipperary* (Oxford, 1993)

Reece, Bob, *The Origins of Irish Convicts Transported to Australia* (Dublin, 1986)

Shaw, A.G.L., *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other Parts of the British Empire* (Ireland, 1998)

Williams, John, '*Tipperary Convicts and Tasmania'* in *Tipperary Historical Journal* (Ireland, 1995)

Tipperary Historical Society, 'Tipperary Historical Journal 1988-2004' (Tipperary, 1988-2004)

Electronic Sources

All illustrations available from The National Library of Australia Picture Gallery

available online at *http:// www.nationallibrary of Australia file:///A:/picture gallery/nla.ipe* (16/5/05)

http://*www.convictcentral.com/members.iinet.net.au/~perthdps/convicts/confem.html* available at The National Archives of Ireland, Dublin, www.nationalarchives.ie

'Convict Reference Files/Prisoners Petitions and Cases 1836-1853' available at The National Archives of Ireland, Dublin, http://*www.nationalarchives.ie/transp3.html* (07/01/05)

' Newsplan Newspaper Database' available at The National Library of Ireland, Dublin, http://www.nli.ie/newsplan/Countylist.asp=27 (08/01/05)

' Transportation Database' available at The National Archives of Ireland, Dublin, *http://www.nationalarchives.ie/cgi-bin/naisearch01* (06/01/05)