

## SPECIAL ISSUE ARTICLE OPEN ACCESS

# Disability, Gender and Segregation in the Britain–Australia Convict System

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## ABSTRACT

This article assesses the gendered experiences of disability and segregation among prisoners in colonial (1830s) New South Wales. I use the distinction between impairment and disability from the ‘social model of disability’ to show that the disabling capacities of impairments varied depending on wider social structures and beliefs, and on each individual’s intersectional identity. I draw critically upon the wealth of administrative paperwork generated by the transportation system to illuminate the role of gender in constructing ideas and experiences of prisoner disability in this historical context. The highly imbalanced sex ratio established through penal transportation carried long-lasting effects for ageing emancipists and free residents, and effectively increased the disabling effects of many impairments more substantially for men than women, who stood a greater chance of marrying. Experiments in segregation systems like the Port Macquarie invalid settlement (for men) and Female Factories (for women) had significant long-term impacts on prisoners. However, through quantitative analysis I show that most prisoners entered the broader convict workforce, demonstrating the large extent to which the convict system was able to accommodate individuals with a wide range of physical, mental and sensory impairments.

Yorkshire-born miller and cheesemonger Richard Porrett/Perrett landed in New South Wales (NSW) in 1833, aged fifty-three, as one of the over 167,000 male and female prisoners that Britain transported to Australian colonies between 1787 and 1868. He was assigned to work for one of the free settlers clamouring for convict servants, and duly dispatched to Captain Charles Waldron’s property at Illawarra. Soon, however, Waldron wrote to the Principal Superintendent of Convicts, Frederick Augustus Hely, to request a replacement: ‘[Porrett] is perfectly incapable of Work and for the last two days has been confined to his bed, he informs me that he was invalided at Chatham, consequently of no earthly use to a Settler’. Porrett was therefore removed from the general convict labour system and sent to a new Australian experiment in disability segregation: Port Macquarie settlement, which was reframed as a male ‘invalid establishment’ from 1830 to 1846. In presenting the case to Governor Richard Bourke, Hely suggested that ‘no man above the age of 50 unless especially applied for, should be assigned to any person – there are but few

men of the laboring class good for any thing after they arrive at that time of life, and it is indeed but “labor & sorrow” to themselves & to the unlucky assignee whose fortune it is to receive them’. Bourke declined this pre-emptive segregation, prioritising labour extraction for all prisoners until their incapacity proved otherwise.<sup>1</sup> But in fact, a partial system of pre-emptive prisoner segregation based on disability was already in effect, with infrastructure such as Port Macquarie available to accommodate separation of prisoners based on age, disability and gender.

By the 1830s, physically and mentally impaired prisoners in NSW could be segregated *physically* (into hospitals, asylums, Female Factories, government work in ‘invalid gangs’ of lighter tasks or Port Macquarie), and/or *administratively* through diversion from the ideal penal pathway of successful labour assignment leading to stages of probation and ultimately freedom. Bourke and Hely represent competing attitudes to disability in a range of modernising and industrialising societies, and indeed the

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debated relationship of disability to modernity itself, as Hely and his colleagues thought that removing disabled prisoners from the workforce would improve discipline and productivity.<sup>2</sup> In Australia, this segregation was more pronounced for male than for female prisoners, especially as they aged. Due to an enormous gender imbalance, female prisoners were more likely to find support, especially through marriage, in the colonies. For men retained in institutions long term due to physical or mental impairment that significantly impeded labour (including through old age), pathways to tickets of leave and certificates of freedom were foreclosed, generally leading to death within those institutions in states of unfreedom.

However, quantitative analysis shows that these forms of segregation affected only a minority of impaired prisoners on arrival. As such, this article contributes to growing scholarship on historical experiences of disability beyond institutionalisation and segregation. Beverley Earnshaw broke ground thirty years ago in demonstrating a proliferation of impairments among the arriving convicts.<sup>3</sup> Nevertheless, scholars are yet to illuminate the multifarious ways in which these prisoners interacted with the colonial project. The invalid settlement was born from an official desire to physically separate disabled prisoners as a means of reducing their interruption to the broader labour system, but this never resulted in anything approaching full segregation. Not only were innumerable prisoners with physical and mental impairments integrated into the NSW prisoner workforce through a wide range of employments and accommodations, but male prisoners who were explicitly sent to Port Macquarie as invalids worked inside and outside the establishment, and moved in and out of the invalid gangs. As Porrett's case will show, too, segregation might not have been permanent. This article contributes to scholarship on the nuanced labour markets in action within Australia and in comparable colonial and industrialising systems.<sup>4</sup> Scholars of petitions and plebian rights are showing that the prisoners were aware that they had rights and expected that they would be upheld: that they would be treated fairly, and that they would be looked after if necessary.<sup>5</sup> Ultimately the penal system was made to accommodate the majority of impaired prisoners, who thus took their place within Australian settler colonial history.

From the First Fleet, significant care was taken in the provision of food, medical supplies, adequate clothing and other necessities to ensure health on the voyage, and after 1815 it was compulsory to have a surgeon superintendent on board.<sup>6</sup> The surgeons inspected all prisoners at embarkation and would refuse any whom they considered unfit for the voyage.<sup>7</sup> On arrival in Sydney, the vast majority of prisoners were assigned to work for free residents (including former convicts), but some experienced well-known segregation due to youth and gender. Female Factories in Parramatta and Bathurst housed unassigned women in three classes: the first were fit for and awaiting assignment; the second were ill, aged, lying in or with small children or otherwise unfit for assignment (permanently or temporarily); and the third were the women undergoing punishment. Boys were held at Carters' Barracks where they (ideally) were taught reading and other skills. Prisoners were not generally separated based on their original crimes. Sentences differed by duration, rather than degree: seven or fourteen years, or for life. It was for further offences that prisoners were separated out for additional punishments including labour in government road gangs, the Hyde Park

Barracks, other settlements like Norfolk Island, and/or working in irons. As the settlement grew, hospitals, benevolent asylums and mental asylums such as Liverpool (for temporary illnesses) and Parramatta (for 'incurable' cases) were established to provide temporary and permanent care for prisoners, emancipists and free settlers.<sup>8</sup>

## 1 | Methodology

This article provides quantitative and qualitative analysis of gendered disability segregation through establishments like Port Macquarie and the Parramatta Female Factory for prisoners arriving in 1833 and 1834. This was the peak period of transportation to NSW and gives a representative snapshot of the effect of Port Macquarie's existence on rates of segregation for new arrivals before the official cessation of transportation to NSW. It clearly shows the prisoners' gender imbalance, with a ratio of over five men to each woman. While heavily mediated, the colonial archive represents an unexplored opportunity to understand the lives of disabled convicts.<sup>9</sup>

The first dataset is the annotated printed indents of 6202 male and 1106 female prisoners.<sup>10</sup> By the 1820s, before disembarking the ships, all prisoners were inspected and minutely described by the colonial authorities to create these indents. They guided each prisoner's initial work assignment and allowed authorities to identify prisoners if they absconded, applied to marry, were granted levels of freedom or as their sentences expired. The indents were part of a 'paper panopticon' that trapped the prisoners in an expansive administrative web.<sup>11</sup> They have been read for evidence of health and impairment in comparison to other British populations, generally linking transportees' poor health and short stature to their lower class and urban origins.<sup>12</sup> By the 1830s, the indents were fully functional as administrative tools for disability segregation, explicitly describing prisoners as 'unfit to work', a 'cripple', etc., in the occupation or remarks columns if the administrator assessed them as unfit for general assignment. I have checked the printed indents against the manuscript versions when necessary.<sup>13</sup> The second key dataset is contained in a report prepared by the Principal Superintendent of Convicts' Office for the Home government, dated 18 September 1835, showing the assignment distribution of the 6189 male and 1096 female prisoners who had been sent from British ports.<sup>14</sup> These provide first assignment data for 99.1 *per cent* of female and 99.8 *per cent* of male prisoners, making them highly representative. Both records are supplemented by the use of the ample documentation produced to trace prisoners within the system.

I have manually searched the indents for prisoners who are described as aged fifty or over, or with physical or mental attributes that might suggest temporary or permanent impairment. Recorded ages are necessarily unstable for a working population of low numeracy – thirty-eight (25.3 *per cent*) of the 150 older men gave their age as fifty exactly, suggesting some estimation. Impairment is highly subjective, both in terms of what the administrators chose to record, and my own selections. Administrators' descriptions differed in kind and degree, and individuals' full bodyminds are only accessible through ongoing research and critical reflection.<sup>15</sup> My identifications of 233 male and fifty female impaired prisoners are based on physical

and mental descriptions that suggest that the administrators assumed some level of *functional* impairment that could impact general assignment: while innumerable prisoners had missing or crooked individual fingers, single blind eyes, speech impediments and scars, prisoners included in this dataset are those with descriptions such as ‘lame’, ‘disabled’, ‘feeble’, ‘sickly’ or ‘crippled’, significant levels of impaired hearing or vision, mental illness or incapacity, missing or impaired limbs, etc.

Although the assignment lists and indents usefully illustrate the restricted segregation of prisoners on the grounds of disability, there are significant qualifications with the dataset that are illuminated only by cross-checking individuals with further administrative documentation. In some cases, the assignments reveal prisoners reserved on health grounds where the indents give no clue: Henry Spinks was sent straight from the Hooghley to the hospital and thereafter reserved for government employment, but his indent makes no comment, suggesting invisible disability.<sup>16</sup> These additional prisoners’ impairments have been verified through further records, such as the ship surgeons’ journals, and are included in the impairment total for statistical purposes. Many disabled prisoners are also hidden in blank death records. Overall, mortality and morbidity rates varied significantly between ships but were surprisingly good.<sup>17</sup> In this sample, 3.1 per cent of men and 2.1 per cent of women died either during the voyage or before they could be assigned. Some of these prisoners might otherwise have been reserved for Port Macquarie or the Factory. Irish ‘fisherman (cripple)’ Patrick Jordan, thirty-eight, was ‘lame of right leg and wears a crutch’, so would presumably have been sent to Port Macquarie, but instead died in the General Hospital.<sup>18</sup> William Binks is another man whose death at sea probably prevented his being sent to Port Macquarie. The *Susan*’s surgeon, Archibald Ross, described him as ‘a poor creature almost an idiot. It is a shame to convict such a man’.<sup>19</sup> Binks, and several more of these prisoners, would probably have been reserved if they had arrived alive: their omission is therefore statistically significant when estimating age and disability segregation, and the rates of disability among transportees.

The separation of physical or mental differences (‘impairments’) from the disabling effects of those differences by social conditions follows the social model of disability, which disability rights activists instigated over half a century ago. This distinction is crucial for investigating how prisoners’ variable bodyminds interacted with their changing environments over the course of their transportation experience and intersected with factors like gender. While I use this terminology, I follow challenges to the social model that highlight the social construction of ‘impairment’, too, which are evident in the subjective descriptions of the indents just mentioned, and in shifting levels of impairment that prisoners might experience, or in some cases choose to perform.<sup>20</sup> Disability is taken forward as an ‘axis of analysis’ and social category – akin to gender, race or economic status – through which individual and collective experiences are determined and understood.<sup>21</sup> I share the interest of historians like David M. Turner and Daniel Blackie in illuminating the experiences and agency of poorer disabled people and their communities.<sup>22</sup> For the most part, transportees were from the British working class.<sup>23</sup> As such, levels of health and disability among this population are fuel for historiographical debates over living standards in the Industrial Revolution.<sup>24</sup> Physical impairments were a fact of

life among working people, and the availability of support and workplace accommodations had profound impacts on the extent to which physical and mental differences became disabling.<sup>25</sup> I argue that in NSW – a still predominantly agricultural penal colony – ‘disability’ functioned not only alongside gender to influence the experiences and outcomes for individuals, but also as a structuring dimension that the system was made to accommodate.

## 2 | Transportation, Disability and Gender

Transportation to NSW was just one strand in a global network of forced migration and colonialism.<sup>26</sup> The potential benefits of analysing archives of forced transportation and free migration comparatively and in tandem to understand global discourses and experiences of gendered disability are immense. As scholars like Esme Cleall and Jennifer S. Kain have shown for free migration, restrictions on disabled migrants were characteristic of the British imperial project and a constant source of tension between the colonies and metropole.<sup>27</sup> Cleall notes that authorities including Australia, Canada, America and other regions would refuse to admit immigrants with particular kinds of physical or mental impairments, sometimes even sending them back on the ships they had arrived in. Australian colonists utilised ablest and racist tropes to distinguish themselves from the Indigenous population and formed local branches of worldwide philanthropic movements to manage ageing and disabled free settlers and emancipists.<sup>28</sup> Qualifications on physical capacity and gender were crucial facets of applications for assisted emigration. The convict system played a pivotal role here by creating a highly sex-imbalanced society: thus, rather than able-bodied young men, it was healthy single women and families who were at most advantage in applications for passage to the colonies.<sup>29</sup> Though there were many points in the convict system at which a disabled prisoner might escape transportation, the colonial authorities could not refuse them once they landed. Thus, unlike the free immigrants Cleall and Kain discuss, the convict population is one in which it is possible to find innumerable disabled arrivals alongside those who would acquire impairments later.

This article engages with foremost questions in the historiography of the Britain–Australia transportation system: who was transported, and how were they managed? Early historiography of the convict population cast them as what the British poor laws would consider ‘able-bodied beggars’, outside of assistance: people with, in Manning Clark’s view, ‘a deep aversion to labour’, rather than any incapacity.<sup>30</sup> A. G. L. Shaw, Lloyd Robson and Robert Hughes painted similar pictures, and the convicts fell into a larger interpretation of British attempts to – in Member of Parliament Charles Buller’s classic phrase – ‘shovel out paupers’.<sup>31</sup> We now have ample work detailing the diverse skills, backgrounds and stories of this immense population, and scholars like Stephen Nicholas argue forcefully that the prison workforce must be understood as useful human capital: ‘The convict settlers were literate, young and fit, and they all participated in the workforce’.<sup>32</sup> Taken as a general statistical rule, this is fair. It also serves the settler colonial mythologies of white able-bodiedness and independent masculinity that saturate Australian cultural memory.<sup>33</sup> But it is not the full picture. Elderly and impaired prisoners whose bodies limited their capacities for engagement

in the workforce *were* transported. And many, many more, whose health and skills did enable them to engage in the labour pool, possessed impairments that nevertheless place them within Australia's disability history.

Since the 1970s, numerous scholars have illuminated the impact of gender in the organisation and experiences of convict transportation and the colonisation of Australia. Women were transported, but in far fewer numbers and generally for shorter terms. The female population was increased by free immigration and native births, but the ratio within the convict body was starkly imbalanced: the November 1828 census counted 14,155 male and 1533 female convicts within their sentence – a ratio of nine to one!<sup>34</sup> Men and women were transported in separate ships after 1816.<sup>35</sup> The gendering of punishments was prolific, most explicitly in the shaving of women's heads versus the enfeebling floggings given to men.<sup>36</sup> Female convicts have been variably described as victims and vixens, mothers of the nation or – most famously – alternately 'damned whores and God's police'.<sup>37</sup> Disabled women must be part of this picture.

The drastic gender imbalance had significant ramifications not only for the organisation and experiences of the prisoner population but also for free immigration policies.<sup>38</sup> Moral panics about sodomy and prostitution led to calls to restrict transportation to only female prisoners, and – some argue – the cessation of penal transportation altogether.<sup>39</sup> The conflicting masculinities present in the system have also been the subject of much attention.<sup>40</sup> The imbalanced sex ratio established by transportation and continued in free immigration (especially during the gold rush) would persist well into the twentieth century and is thought by some scholars to have continuing impacts on relations and ideologies of gender and sexuality in Australia today.<sup>41</sup> Imbalanced sex ratios lead to higher rates of female marriage: thus, impaired women were less disadvantaged in the marriage market than they might have been in other contexts, and were less likely to need to labour independently into advanced age.<sup>42</sup> Disabled men thus faced higher social segregation and interruption to intergender relationships and domestic forms of masculinity. Such imbalances typically generate lower female workforce participation, and it was widely noted at the time that the speed at which young women married increased wages and created a cyclical need for more women to fill domestic service roles in the new households.<sup>43</sup> Institutional records show that families were assumed to be the first providers of health and age care, with markedly higher admissions rates for unmarried and widowed men, and explanations given for any man with living relatives: they might be overseas, in another Australian colony or themselves too disabled to provide care, such as the blind wife of James Allan (who arrived on the *Clyde*, 1832). Allan declared that she was in another asylum when he sought admission to the Liverpool asylum in 1887, aged eighty-one. He died there in 1892.<sup>44</sup> Men who did not live with a wife (whether single, widowed or separated internationally) could not apply for female servants, so would not have had access to this kind of support or sociability unless they had an adult daughter or could hire a female servant privately. Removing men from their families and communities and making marriage and family formation statistically less likely set a demographic timebomb for a large population of single, ageing men. One place this is visible is in end of life care, as institutional death in benevolent asylums and hospitals was far more prevalent in Australia than in England and Wales.<sup>45</sup>

The association of pauper asylums with former convicts created a long lasting stigma in both Van Diemen's Land and NSW.<sup>46</sup>

For younger prisoners and free settlers, segregation in hospitals or asylums was usually not permanent. Moreover, in both Britain and Australia, neither asylums nor prisons entirely separated their residents from either broader communities or the labour force. Prisoners held on the hulk ships would disembark to work, unless illness or poor behaviour kept them confined. Within colonial institutions, residents were required to complete much of the work: though surgeons visited, and convict servants were assigned there, paid nurses would not arrive in government asylums until 1887.<sup>47</sup> Institutions also took in piecework from outside in the service of economic and reformatory labour aims.<sup>48</sup> While scholars have justifiably read such systems as exploitative, within the Australian penal system they did also represent opportunities for advancement, because it was only by demonstrating adequate capacity for labour and independence that prisoners could progress through the ticket-of-leave system towards freedom.

While the focus of this article is segregation *within* the NSW colony, there were many steps before a person actually set sail that diverted a higher proportion of women and disabled people out of the pipeline – from commission of a crime, to arrest, to sentencing and to successful appeal. The extent to which health and disability affected arrest, conviction and transportation rates requires further analysis. Ian W. McLean considered the deliberate transportation of predominantly fit, working-age males as crucial to the development of the early colony, which 'could not support many who were aged, weak, or children – at least initially'.<sup>49</sup> Conversely, Andrew Piper goes so far as to argue that 'Britain deliberately and systematically used the transportation system to convey invalid convicts from its shores to the Australian colonies'.<sup>50</sup> In a middle point, Deborah Oxley, Richard Ward and Lucy Williams have argued that youth, good health and physical capacity were desired criteria for transportees, but that there is no evidence for any systematic use of them in sentencing.<sup>51</sup> Petitions for pardon made by disabled and elderly prisoners awaiting transportation stressed advanced age and any impairments, suggesting a belief that such traits were useful bargaining tools. Many were successful, but many were not: Christian Scott/Gilchrist (aged sixty-five) unsuccessfully pleaded that she was 'suffering much from ill health', and had the gaol surgeon testify to her 'advanced age' and 'ailing health'.<sup>52</sup> She was one of the fourteen women reserved in the Factory as old and 'feeble' when she arrived in Sydney in 1833.<sup>53</sup>

Complications in the management of aged and/or disabled prisoners would be key impetus for the Port Macquarie invalid settlement experiment. Historians have considered the occupations, literacy, etc., of prisoners and the impact this made on their assignment and economic contributions, but health and age also factored into demand and supply. When settlers applied for convict labour they might stipulate the desire for a woman who was 'strong for work', or an 'active woman to wash and look after children'.<sup>54</sup> In many applications, especially for women, youth and energy are weighed up against experience and perceptions of gravity. Jane Symons requested 'a young active woman to wash and look after four children and make herself generally useful', but Samuel Lyons wanted 'a middle aged person to act as chamber



maid & make herself generally useful amongst children'.<sup>55</sup> Older women might also be less likely to marry quickly or more likely to have declared an existing marriage on arrival (thus making themselves ineligible without evidence of the husband's death), reducing the need for swift replacement. Fifty years into the colony, far from providing an indiscriminate demand for labour, settlers presented the colonial administration with a nuanced market.

Settlers returned servants who were old, suffering from long-term illness or otherwise impaired. Port Macquarie settler R. Smith wrote to the Colonial Secretary in November 1830 requesting 'a couple of useful men ... in lieu of two lately assigned to me whom I have returned as very old worn out Cripples fitted only for a charitable asylum'.<sup>56</sup> Given the benefit of long-term employment to prisoners' progress through the system, such instability increased the disabling effects of these impairments. In this, we can see the pressure that might be placed on the colonial authorities from below in demands for healthy labourers who could – in their overseers' eyes – perform sufficient labour to justify their keep. Masters provided convict servants with provisions and could not ask for an indefinite number of assignees, meaning that each person had to be considered carefully in terms of skills and productivity.

Prisoners who were thus returned found themselves in the Factories (for women) or government barracks (for men). In 1827, Sydney widow Jane Sandoe asked to exchange Elizabeth Messer (Midas, 1825) after a fortnight with her, in which time she 'has been in a very bad state of health Confined to her Bed since the time she came to me which leaves me destitute of any assistance[.] She says she was sent from out of Hospital to me in that state'. Sandoe asked instead for 'a steady female thorough servant strong for work' – the strikethrough emphasising her increased need to be specific in her desire for a 'thorough' assignee.<sup>57</sup> Elizabeth returned to the Factory and apparently never regained her health enough to be re-assigned: she died there on 15 June 1833, aged forty-two.<sup>58</sup> Women in the Factories were employed in many textile tasks – washing, ironing, mending and making the blankets and clothing used by prisoners throughout the colony – so it is likely Messer was so occupied during her time there.<sup>59</sup> An 1829 report advocating for increased private assignment stated that of 15,668 male prisoners, 4879 (31.1 *per cent*) were not privately assigned, including 342 (2.2 *per cent*) unassigned 'invalids, cripples and idiots'.<sup>60</sup> Finding work for these prisoners, including within segregated establishments, was an important option.

### 3 | Port Macquarie: An Experiment in Disability Segregation

The assignment lists for 1833–1834 reflect a significant development in the colony with the reinvention of the Port Macquarie settlement as a site for men classed as Specials (gentlemen, or educated middling sorts) 'not thought fit to be assigned to private service, and for all invalids and idiots, who are returned from private service as totally useless to the Colony'.<sup>61</sup> It continued to be run as such until 1846, when the penal establishment was closed entirely. Prisoners from across NSW were shifted to Port Macquarie if they became disabled during their sentence: when

the settlement opened, this was as groups from other government barracks where they had accumulated, but it would also be performed ad hoc.<sup>62</sup>

Port Macquarie had been established in 1821 as a site of secondary punishment for troublesome male prisoners: it was c.340 km north of Sydney and reachable only by several days' sail. An 1828 inquiry into the settlement found poor record keeping, thefts, significant mismanagement of agricultural activities, conflicts among the administration, appropriation of government resources for private use and neglected, 'ruinous and useless' buildings.<sup>63</sup> With no free settlement allowed in the area, there was insufficient work available for the c.350 prisoners, either on the government mill or farms (around which prisoners were dispersed, with too little oversight and too many low-labour roles created by such scattered distribution, such as cooks and hut keepers), or the one feasible road project (until the surrounding countryside was surveyed properly and opened up for development, it was pointless to expend convict labour building roads to access it). The London-based Royal Commission into colonial finances from the same year shows that Port Macquarie was the most expensive penal settlement then in operation, but it did not 'propose any alteration in these Establishments'.<sup>64</sup> It was the NSW administration that decided to overhaul and reduce the penal station and open the surrounding land up to free settlement.

Specials would previously have been sent to the remote inland settlement of Wellington Valley.<sup>65</sup> At Port Macquarie, men with medical qualifications would both qualify as Specials and be strategic additions to an establishment designed to gather aged and infirm prisoners, but there were also more unique skillsets recruited. For example, Dubliner James Blackwood (alias George Grogan Hamilton; Andromeda, 1830) boasted a unique skillset of scrivener, shoemaker and 'Teacher of Deaf and Dumb [people]'.<sup>66</sup> He ran away from a road gang in early 1834, and after recapture in February ran again in April.<sup>67</sup> In August 1835, he was moved to Port Macquarie.<sup>68</sup> While his repeated escapes will have contributed to a desire to get him away from Sydney, this was probably assisted by the idea that he could provide a liaison between the authorities and the increasing number of deaf men being gathered at that location.

Administrators argued about whether to pre-emptively segregate all older and impaired prisoners, or to attempt to incorporate them into the general assignment system. Hely (b.1794–d.1836; in position 1823–1836) appears to have been a key instigator of the Port Macquarie experiment. In February 1827, Hely contacted Governor Ralph Darling (b.1772–d.1858; in post 1825–1831), via Colonial Secretary Alexander McLeay (b.1767–d.1848) with a complaint from the Bathurst superintendent. In this, we see Hely's tendency to group prisoners with a wide range of physical and mental impairments into one class of problematic 'Invalids'. In Hely's view, the men could neither work sufficiently nor behave themselves enough not to disrupt the system:

[There are] Idiots and Lunatics for whose care and necessary restraint no arrangements can be well made beyond the ordinary ones incidental to so conglomerate an establishment.

There are blind and maimed also ... who contrive ... to obtain egress and ingress and in this way to carry on a constant correspondence with thieves and Burglars from without; and I am certain in many cases become the Fences or depositories for stolen property – beside being the medium of communication between such characters and their accomplices being for the most part unsuspected.

They are a source of much inconvenience also, inso-much as they are a great bar to the accomplishment of any regular system of management for the regulation of such an establishment as this – from their personal helplessness and naturally dirty and slothful habits.<sup>69</sup>

He asked for permission to send them to Wellington Valley, showing that disabled men and Specials were already being grouped together as disruptive prisoners. Given that Bathurst had started receiving Specials from the mid-1820s, it is likely that some of these men occupied both categories. The suggestion that disabled prisoners were taking advantage of their lack of work and supervision to liaise with the outside world for nefarious purposes was not uncommon. That they were ‘unsuspected’ also reveals the authorities’ condescending, paternalist assumptions of their ‘personal helplessness’. The superintendent at Newcastle similarly complained that his efforts at efficiency were thwarted – and the number of prisoners retained in barracks swelled – by ‘invalids, and such as have been turned in, and rejected by settlers’. He suggested that they be removed, and mechanics and ‘more effective men’ be sent who would be capable of working in the settlement’s coal mines.<sup>70</sup> Hely argued that ‘a few drays’ would be enough to move the Bathurst prisoners, since ‘the greater number’ of the seventy-two ‘blind and maimed’ men could walk ‘by short stages’ the c.140 km to the new establishment. He argued that any closer settlement would be pointless, since two ‘Blind’ men previously removed to the Emu Plains Government Agricultural Establishment had managed to abscond and return the c.150 km to Bathurst. This, and his argument that ‘something in the shape of employment could be found for them’ at Wellington Valley, shows the fluidity of the ‘Invalid’ category and detailed separation of impairments from the particular disabilities they might entail.<sup>71</sup> The Port Macquarie inquiry noted that ‘It has been customary to allow men, who from lameness or debility were incapable of labour to act as hutkeepers to parties of the convicts who enjoyed the indulgence of living out of Barracks’.<sup>72</sup> Hutkeepers’ duties might include cultivating kitchen gardens and watching livestock at night, but especially ‘to attend the cows, grind, bake, and cook for the shepherds [or other labourers]’.<sup>73</sup> In this, they took on tasks that were customarily gendered female. Darling gave no such light options here and distinguished between government sites and implied work assignments for the men’s different impairments: ‘I am not aware that the Invalids can be better disposed of than in breaking stones at Sydney at the Quarry in the Gov<sup>t</sup>. domain’, the ‘Idiots’ to Emu Plains, and the blind men to either the quarries as well, or to be sent to remote sites ‘if they abscond’.<sup>74</sup> By including these disabled men in standard government sites, Darling suggests an absence of strong segregationist principles at this point.

#### 4 | Prisoner Distribution 1833–1834

The indent and assignment lists for prisoners who arrived in 1833 and 1834 are tabulated in the Appendix. These figures starkly demonstrate the ‘open prison’ nature of the colony and the high demand for labour. Male and female prisoners alike were overwhelmingly sent into private assignment. Tables A2 and A4 show that only 864 men (14.0 *per cent* of assignments) and 258 women (23.5 *per cent*) had other fates, including those who are noted in the assignment lists as dying (8.9 *per cent* of the unassigned women, but a significant 22.2 *per cent* of unassigned men). Men were sent to government establishments including Norfolk Island, road parties, Carters Barracks for boys, and Port Macquarie as Specials. Of men not sent into general assignment, 8.7 *per cent* were reserved because of impairment (1.2 *per cent* of all assignments) and only 4.4 *per cent* as over fifty (0.6 *per cent*). Sixty-five women were merely sent to Female Factories to await an assignment (25.2 *per cent* of unassigned prisoners), while 146 (56.6 *per cent*) were sent to other government sites. The seven postpartum women temporarily retained in the Factory are only 2.7 *per cent* of the total reserved prisoners but do represent a significant addition to the small cohort of aged and impaired women reserved on compassionate and/or reduced productivity grounds. Overall, twelve (4.7 *per cent*) reserved women were described as impaired, and nine (3.5 *per cent*) as over fifty.

Tables A1 and A3 show the rates of impairment and/or advanced age among arriving prisoners and the likelihood that these prisoners would be reserved from general assignment. In all, ninety-three (26.8 *per cent*) of the 347 men and fourteen (21.2 *per cent*) of the sixty-six women identifiable as fitting either or both of these categories were initially reserved as unassignable. One hundred and fifty men (2.4 *per cent* of indents) and thirty-four women (3.1 *per cent*) were described as fifty or over. Only thirty-eight (25.3 *per cent*) of these men and nine (26.5 *per cent*) of these women were reserved as unassignable. That only a quarter of all prisoners over fifty were reserved shows clearly that Hely’s desire to automatically segregate older prisoners was absolutely rejected.

A clear minority of impaired prisoners were reserved. Two hundred and thirty-three men (3.8 *per cent* of indents) and fifty women (4.5 *per cent*) were described as having a functional impairment. Of these prisoners, only seventy-five impaired men (32.2 *per cent*) and twelve impaired women (24.0 *per cent*) were reserved. Many prisoners were both over fifty and impaired. Thirty (20.0 *per cent*) of the 150 men over fifty have an impairment noted, and twelve (35.3 *per cent*) of the thirty-four women. For prisoners over fifty with impairments, the odds of segregation were much higher: 58.3 *per cent* of these women and 60.0 *per cent* of men were reserved from assignment.

Although female prisoners offer a much smaller sample size, it is possible to note some clear gender disparities in the rates of segregation based on age and/or disability in the assignments. Only five (35.7 *per cent*) of the fourteen reserved women were impaired but under fifty, against fifty-five (59.1 *per cent*) of the ninety-three reserved men. Thus, men were more likely to be reserved than women solely on the basis of impairment. The insatiable demand for a small pool of female servants, and

the domestic nature of this work against the men's primarily agricultural labour, meant that far fewer women were disabled from progressing through the penal pathway.

One clearly gendered dimension of the treatment of aged and/or impaired prisoners who were sent into assignment was geographic distribution (Table A5). Overall, male prisoners were dispersed across the colony, with only *c.25 per cent* remaining in Sydney. For aged and impaired men who entered assignment, this increased only slightly to 28.0 *per cent*, or 29.5 *per cent* for just the assigned men over fifty. While female prisoners were concentrated in Sydney households overall (56.9 *per cent*), 69.2 *per cent* of older and/or impaired assigned women, and 64 *per cent* of assigned women over fifty, remained in Sydney. Perhaps these women's advanced age and physical states encouraged their retention in and near Sydney, because (a) medical care was at hand if needed, (b) no lengthy travel would be required and (c) they were the kind of prisoner unlikely to cause trouble in the town. Overall, however, aged and disabled prisoners were thus as responsible as their peers for shaping the length and breadth of the colony.

## 5 | Segregation Rejected

The assignment lists are sufficiently clear in showing that only a very limited number of prisoners, including those with mental and physical impairments, were reserved from general assignment once they landed in NSW. Further research shows that many of these reservations were temporary, and prisoners were able to accompany their peers in progressing through the system to freedom. Segregation on the basis of disability was therefore not a routine measure, though it could be a temporary stage in the accommodation of human variability in the convict labour system.

Even prisoners sent to Port Macquarie were expected to work to their capacity either within or outside the establishment. Returns from the settlement classed the prisoners as 'effective', 'no work', 'light work' and 'lunatics and idiots'.<sup>75</sup> Because the area was now open to free settlement, those settlers applied for convict servants as part of the regular assignment system, and many of the Port Macquarie invalids and Specials were loaned or even assigned to these residents. Richard Porrett was loaned out several times in the mid-1830s, such as to help with the harvest in the summer of 1835–1836.<sup>76</sup> This probably contributed to his obtaining a ticket of leave in 1837. Some of the male prisoners initially reserved on health grounds also entered the assignment system later. Shoemaker Thomas Shepherd (aged twenty-seven: 'lost right leg') and stable boy James Watts (eighteen: 'pale and sickly looking') are both examples of men who were originally assessed as 'unfit for assignment', but later moved into that system.<sup>77</sup> When the Port Macquarie settlement closed, prisoners who were within their sentences and deemed incapable of supporting themselves were moved to asylums like Parramatta: once admitted to these chronic institutions, they generally died there. But prisoners who were thought able to live independently, such as those who had been working for local settlers, were granted tickets of leave or certificates of freedom (including Porrett) rather than being moved to new settlements. Many were able to support themselves

until death, or until very old age necessitated their admission to the hospital.

Several of the fourteen reserved women can be traced to later assignments, tickets of leave and/or marriage. Limerick needle-woman Margaret Doyle (age twenty-seven) was described as a 'cripple', 'lame of right leg and wears a crutch' and 'not assignable'.<sup>78</sup> But by 1837, she had applied for a ticket of leave, which was only cancelled because she was caught 'living in a state of adultery' with a free settler called Johnson.<sup>79</sup> After a punitive stint in the Factory, she received her certificate of freedom in 1839.<sup>80</sup> Christian Scott (also known as Gilchrist, age sixty-five) successfully applied for a ticket of leave to work and live in Parramatta in 1837.<sup>81</sup> If she had been unable to maintain herself, this would have to have been surrendered, but instead, she received a certificate of freedom in 1839 and was still living independently in Parramatta in 1841.<sup>82</sup> Jane Trewick (age forty-two) had been reserved in the Factory on arrival as 'unassignable', primarily on the grounds that her 'nose and mouth [were] disfigured from cancer', and she had 'lost nearly all the front upper teeth'.<sup>83</sup> Two prisoners unsuccessfully applied for permission to marry her; nevertheless, she took a ticket of leave for Patrick's Plains in February 1841 and a Certificate of Freedom in May 1849.<sup>84</sup>

Many of the disabled prisoners who went into private assignment on arrival were also able to progress through the system to ultimately receive a certificate of freedom. Literate Norfolk man Robert Clarke (age forty-two) was described as 'very deaf' but was still sent into general assignment with Major William Sandys Elrington at St Vincent. Clarke had the desirable qualification of blacksmith and would have cut a rather Hephaestion figure at five feet ten inches tall, with a 'dark sallow' complexion, black hair and brown eyes.<sup>85</sup> He was still in St Vincent when he received a ticket of leave in 1838, and he took a certificate of freedom in 1840.<sup>86</sup> Some men formed homosocial households and support networks after emancipation, evidence for which is scattered through hospital and asylum discharge lists, letters and incidental reports. One-legged shoemaker Henry Whittenbury (Surrey, 1831) was privately assigned, completed his term and progressed to a conditional pardon in 1848.<sup>87</sup> He never married and instead seems to have shared lodgings in Melbourne with another shoemaker, James Henry Jebb, where he died of natural causes in 1865.<sup>88</sup>

Three Susan men over sixty were sent out to general assignment. Yorkshire farm servant Roger Humphrey (age sixty-six) was sent to James Smallwood at Pitt Town.<sup>89</sup> He received a ticket of leave for Windsor in 1843.<sup>90</sup> Warwickshire shoemaker Samuel Edwards (age sixty-five) was sent to John Tindale Junior in Bathurst.<sup>91</sup> And Worcester nailer Gilbert Taylor (age sixty) was sent to John Pike in Pickering.<sup>92</sup> Edwards was still in Bathurst for his ticket in 1840.<sup>93</sup> None had any physical infirmities listed, although Taylor had a 'cast outward on left eye', and surgeon Archibald Ross treated him on board for rheumatism, and Edwards for diarrhoea.<sup>94</sup> Humphrey came to him very late in the voyage 'on account of an old rupture'. He explained that this hernia 'was easily reduced & gave him no inconvenience but when his bowels were constipated – he had worn a truss but it had become useless. I supplied a new one & gave him some laxative pills'.<sup>95</sup> Humphrey is one of many prisoners who were supplied



with the necessary technology or assistance that enabled them to successfully navigate the convict system.

Private assignment was also employed for older women and those described as 'feeble', 'sickly' or with physical impairments. Ellen Long had a given age of sixty when she arrived from Kerry, and the widowed mother-of-four and maid of all work was described as 'feeble' with missing teeth, scars and a scald mark on the back of her left wrist. She was sent to Mary Beyley at Prospect (30 km inland from Sydney).<sup>96</sup> Nevertheless, in 1837, she married a ticket-of-leave man named Thomas Smith (Indian, 1810), fifteen years her junior.<sup>97</sup> In 1841, she gained a certificate of freedom.<sup>98</sup> London widow Ann Simpkins, age fifty-nine, who had 'lost all the front teeth in [her] upper jaw' was also described as 'feeble', and had been treated multiple times on board the *Diana* for catarrh and costiveness.<sup>99</sup> Nevertheless, she was immediately assigned to work for Ann Roberts in Sydney.<sup>100</sup> Simpkins took a ticket of leave in 1842, but ultimately moved into the Parramatta hospital, and died there in 1852.<sup>101</sup>

A higher number of male convicts entered institutions as they aged, due to gendered factors like sentence length and marriage probability. They could be sent to sites like Port Macquarie or Parramatta while still within sentence, or Parramatta or the growing Benevolent Asylums as emancipists. Gilbert Taylor had been transferred to Port Macquarie by the receipt of his ticket of leave in 1838 and was still there for his certificate of freedom in June 1842.<sup>102</sup> William Larder arrived aged thirty-five and would probably have been sent to Port Macquarie as 'crippled', 'lame of right leg and wears crutches', but for his useful sitting trade of shoemaker.<sup>103</sup> He was sent to work for John Smith in Hawkesbury and was presumably still in private service in 1842 when he was granted permission to 'travel between Brisbane Water and Sydney for twelve months'.<sup>104</sup> But when receiving another ticket in 1847, he was in Port Macquarie.<sup>105</sup> Perhaps the most striking omission from the Port Macquarie list is Robert Wellington, who arrived on the Roslin Castle in 1834 with a given age of seventy-eight, but was nevertheless privately assigned to Paul Bushel at Wilberforce. He was an illiterate farm servant from Hertfordshire, married with two children, who had been transported for life for stealing grain.<sup>106</sup> His advanced age may have encouraged the sentence of three days' solitary confinement – rather than irons, whipping or the treadmill – when he was found guilty of 'neglect of work' in 1838.<sup>107</sup> He obtained a ticket of leave in 1842 in Windsor, but this was cancelled in 1848 because he was 'unable to support himself'.<sup>108</sup> Evidently, his family had remained in England, and he was not able to form a new support network: he died in the Parramatta hospital on 1 January 1853, with a registered age of ninety-six.<sup>109</sup>

There were also clusters of disabled prisoners sent to other government sites, suggesting that in some cases administrators kept them out of private assignment without consigning them to Port Macquarie. Goat Island welcomed several of these men: the 'deaf' Isaac Challenger and John Edward Andres, 'dwarfish built' William Miles, and Richard Weyman who was 'disabled in [his] right arm'.<sup>110</sup> Pennant Hills also appears to have been a secondary area for invalid assignment, since it already had an invalid gang: a 'foolish' Cork stockman, James Canty (age twenty-one), was sent there, as was shipmate Daniel Collins (age sixty-seven), a 'laborer (feeble)'.<sup>111</sup> Collins was married with five

daughters, presumably left back in County Kerry. He received a ticket of leave in 1842, but this was cancelled in 1846 because he was 'unable to support himself'.<sup>112</sup> In 1847, at the age of eighty, he received a conditional pardon.<sup>113</sup> Old and separated from his family, like Robert Wellington, he died in the Parramatta hospital in 1849.<sup>114</sup>

## 6 | Conclusion

Segregation based on gender, age and disability existed in NSW because some administrators perceived aged and disabled prisoners as interrupting attempts to uniformise labour and confinement. Some prisoners were therefore sent pre-emptively to sites like Port Macquarie and the Female Factories, or entered them, hospitals or asylums later. The latter pathway was especially prevalent for men. The staggering gender imbalance that created a marriage market favourable to women meant that significantly more women were able to marry and establish familial networks to support them through illness and old age. This would have immense ramifications for elderly and/or disabled residents well into the twentieth century. Experiments in the management of disabled and aged convicts set precedents for free populations later. An engineered population dominated by immigrant men in laborious occupations set the stage for a high density of elderly, unmarried men with broken constitutions, without familial and community networks to assist them. The large number of former convicts in asylums across Eastern Australia led to an association of pauper care with the taint of convictism. Any understanding of disability policy and experiences in Australia must therefore incorporate the long legacy of its penal past.

In countering an old historiography that insisted all transportees were useless, decrepit ne'er-do-wells, historians have overestimated the extent to which disabled prisoners were excluded from transportation, and underexamined the impact of disability on the administration of the penal colony and on prisoners' different experiences within it. Many prisoners arrived in Australian colonies with physical and mental impairments or acquired them during or after the completion of their sentence. For the most part, these prisoners were not segregated from the general labour pool: both men and women were able to enter private assignment, successfully engage with the requirements of their sentences and progress through the stages of tickets of leave and certificates of freedom towards independence. The mythology of settler colonialism prioritises white able-bodiedness, and it suits this mythology to cordon off all disabled prisoners into institutional histories. But this is not the case. Disabled prisoners were spread throughout the prisoner labour force, moved into the emancipist population in myriad positions and contributed in diverse ways to building the Australian colonies.

## Acknowledgements

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## Endnotes

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- <sup>3</sup> Beverley Earnshaw, 'The Lame, the Blind, the Mad, the Malingerers: Sick and Disabled Convicts Within the Colonial Community', *Journal of the Royal Australian Historical Society* 81 (1995), pp. 25–38, at pp. 26–27.
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- <sup>10</sup> MHNSW Series NRS 12189, X635 and X636, accessed via Ancestry.com. Hereafter 'Indent'.
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- <sup>12</sup> Bryan Gandevia, 'Some Physical Characteristics Including Pock Marks, Tattoos and Disabilities of Convict Boys Transported to Australia from Britain c 1840', *Australian Paediatric Journal* 12 (1976), pp. 6–13, and Bryan Gandevia, 'A Comparison of the Heights of Boys Transported to Australia from England, Scotland and Ireland c.1840 with Later British and American Developments', *Australian Paediatric Journal* 13 (1977), pp. 91–97.
- <sup>13</sup> Necessary to correct errors such as James Lawson's (*Hooghley*, 1833) impressive age of ninety-one – a misprint for nineteen.
- <sup>14</sup> The National Archives UK (TNA) HO 10/30: *Alphabetical return of Male Convicts arrived in New South Wales between the 1<sup>st</sup> Jan<sup>y</sup> 1833 and 31<sup>st</sup> Dec<sup>r</sup>, inclusive, showing to whom they have been Assigned on arrival* (and equivalent for female convicts). Hereafter 'Assignments'. The digitised microfilm images are available through the TNA website or Ancestry.com. 6180 men are numbered: nine have been added in corrections. Despite this title, prisoners who disembarked in Britain or died in transit or before the report was compiled are still included.
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- <sup>17</sup> Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge: Cambridge University Press, 1996), pp. 113–114; Hamish Maxwell-Stewart and Rebecca Kippen, 'Sickness and Death on Convict Voyages to Australia', in Peter Baskerville and Kris Inwood (eds), *Lives in Transition: Longitudinal Analysis from Historical Sources* (Montreal: McGill-Queen's University Press, 2015), pp. 43–70.
- <sup>18</sup> Assignment 4250; Indent 34-611, *Parmelia* (2), 1834.
- <sup>19</sup> TNA ADM 101/70/8, Archibald Ross, journal of the *Susan*, 24 March–26 July 1834, f. 30<sup>v</sup>, original emphasis. Via Ancestry.com.
- <sup>20</sup> Michael Rembis, 'Challenging the Impairment/Disability Divide: Disability History and the Social Model of Disability', in Nick Watson, Alan Roulston and Carol Thomas (eds), *Routledge Handbook of Disability Studies*, 2nd ed. (Abingdon: Routledge, 2019), pp. 377–390.
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- <sup>23</sup> An important minority of prisoners were transported from across the British sphere of influence: see for example Cassandra Pybus and Hamish Maxwell-Stewart, *American Citizens, British Slaves: Yankee Political Prisoners in an Australian Penal Colony 1839–1850* (Carlton: Melbourne University Press, 2002); Kristyn Harman, *Aboriginal Convicts: Australian, Khoisan and Māori Exiles* (Randwick: UNSW Press, 2012).
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- <sup>34</sup> *Colonial revenue. Returns to an Address to His Majesty, dated 7 December 1830* (1830–31), p. 75, House of Commons Parliamentary Papers Online.
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- <sup>52</sup> TNA HO17/20 Bb17.
- <sup>53</sup> Indent 630-33, *Buffalo*, 1833; assignment 955.
- <sup>54</sup> MHNSW 4/1921, bundle 27/1048, my emphasis.
- <sup>55</sup> MHNSW 4/1921, bundle 27/1048.
- <sup>56</sup> MHNSW 4/2086, bundle 30/8420.
- <sup>57</sup> MHNSW 4/1921, bundle 27/1048.
- <sup>58</sup> MHNSW 4/4549, p. 141.
- <sup>59</sup> Oxley, *Convict Maids*, p. 194.
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- <sup>61</sup> 'Final Report of the Committee on Police and Gaols', *The Sydney Monitor*, 28 November 1835, p. 2.
- <sup>62</sup> Jan Shelley, Cheryl Perry and Pam Yates have collated many of these lists: *Convicts Transported to and From Port Macquarie 1827–1837* (Port Macquarie: Port Macquarie and Districts Family History Society, 2008); *Breaking Up of the Convict Establishment at Port Macquarie* (Port Macquarie: Port Macquarie and Districts Family History Society, 2011).
- <sup>63</sup> MHNSW 4/1102, Port Macquarie Inquiry, f. 157<sup>r</sup>.
- <sup>64</sup> *Colonial revenue, Returns to an Address*, p. 95.
- <sup>65</sup> David Andrew Roberts, 'The Valley of Swells' 'Special' or 'Educated' Convicts on the Wellington Valley Settlement, 1827–1830, *History Australia* 3 (2006), pp. 11.1–11.21, at p. 11.2.
- <sup>66</sup> Indent 30–36, *Andromeda*, 1830.
- <sup>67</sup> 'Government Gazette Notices', *New South Wales Government Gazette*, 5 Feb 1834, p. 72; 'Government Gazette Notices', *New South Wales Government Gazette*, 2 April 1834, p. 196. Via Trove.nla.gov.au.
- <sup>68</sup> MHNSW 4/2307, bundle 35/457.
- <sup>69</sup> MHNSW 4/1921, bundle 27/1297.
- <sup>70</sup> MHNSW 4/1921, bundle 27/1349.
- <sup>71</sup> MHNSW 4/1921, bundle 27/1297.
- <sup>72</sup> MHNSW 4/1102, Port Macquarie Inquiry, f. 189<sup>r</sup>.
- <sup>73</sup> 'Immigration', *The Sydney Herald*, 20 August 1835, p. 2; 'The Wool of New South Wales and Van Dieman's Land', *The Australian*, 1 December 1837, p. 2.
- <sup>74</sup> MHNSW 4/1921, bundle 27/1349.
- <sup>75</sup> MHNSW 4/2775, bundle 46/8094.
- <sup>76</sup> MHNSW 4/5646.
- <sup>77</sup> James Watts: indent, 33-474, Camden, 1833; assignment 5691; muster TNA HO 10/35. Thomas Shepherd: indent 33-1906, Heroine, 1833; assignment 5047; ticket of leave 47/0860 (4/4268, reel 977).

- <sup>78</sup> Indent 212-33, *Surrey* (6), 1833; assignment 237.
- <sup>79</sup> MHNSW 4/4115, reel 928, ticket 37/1480.
- <sup>80</sup> MHNSW 4/4351, reel 1003, certificate 39/1400.
- <sup>81</sup> MHNSW 4/4116, reel 928, ticket 37/1780.
- <sup>82</sup> MHNSW 4/4348, reel 1002, certificate 39/0764.
- <sup>83</sup> Indent 389-34, *George Hibbert*, 1834; assignment 1029.
- <sup>84</sup> MHNSW 4/4148, reel 939, ticket 41/341; 49/171, reel 1026, certificate 4/4412.
- <sup>85</sup> Assignment 1163; indent 34-359, *Fairlie*, 1834.
- <sup>86</sup> MHNSW 4/4119, reel 929, ticket 38/691; 4/4359, reel 1006, certificate 40/1174.
- <sup>87</sup> MHNSW 4/4016, f. 191<sup>v</sup>.
- <sup>88</sup> *The Herald*, 14 August 1865, p. 2.
- <sup>89</sup> Indent 34-1438, *Susan*, 1834; assignment 2748.
- <sup>90</sup> MHNSW 4/4173, reel 947, certificate 43/391.
- <sup>91</sup> Indent 34-1428, *Susan*, 1834; assignment 1792.
- <sup>92</sup> Indent 34-1434, *Susan*, 1834; assignment 5580.
- <sup>93</sup> MHNSW 4/4145, reel 938, certificate 40/2394.
- <sup>94</sup> TNA ADM 101/70/8, ff. 13<sup>v</sup>, 14<sup>v</sup>.
- <sup>95</sup> TNA ADM 101/70/8, f. 42<sup>r</sup>.
- <sup>96</sup> Indent 230-34, *Andromeda*, 1834; assignment 604.
- <sup>97</sup> MHNSW 4/4512, p. 253.
- <sup>98</sup> MHNSW 4/4367, reel 1009, certificate 41/965.
- <sup>99</sup> Indent 327-33, *Diana*, 1833; TNA ADM 101/19/6, James Ellis, journal of the *Diana*, 27 October 1832–19 June 1833.
- <sup>100</sup> Assignment 927.
- <sup>101</sup> MHNSW 4/4169, reel 946, ticket 42/2940; 4/4549, reel 690, p. 206.
- <sup>102</sup> MHNSW 4/4123, reel 931, ticket 38/1617; 4/3474, reel 1011, certificate 42/886.
- <sup>103</sup> Indent 34-301, *Fairlie*, 1834; assignment 3411.
- <sup>104</sup> MHNSW 4/4247, reel 970, ticket 42/978.
- <sup>105</sup> MHNSW 4/4211, reel 960, ticket 47/15.
- <sup>106</sup> Indent 34-1806, *Roslin Castle* (4), 1834; assignment 6100.
- <sup>107</sup> MHNSW X42, Windsor Gaol Entrance Books, 11–18 November 1838.
- <sup>108</sup> MHNSW 4/4167, reel 945, ticket 42/2482.
- <sup>109</sup> MHNSW 4/4549, reel 690, p. 233.
- <sup>110</sup> Challenger: indent 34-770, *Hive*, 1834; assignment 1206. Andres: indent 34-880, *Hive*, 1834; assignment 116. Miles: indent 34-898, *Hive*, 1834; assignment 3959. Weyman: indent 34-2661, *Hooghley*, 1834; assignment 6163.
- <sup>111</sup> Canty: indent 34-2273, *Blenheim*, 1834; assignment 1322. Collins: indent 34-2365, *Blenheim*, 1834; assignment 1341.
- <sup>112</sup> MHNSW 4/4170, reel 946, ticket 42/3110.
- <sup>113</sup> MHNSW 4/4451, reel 783, pardon 47/485.
- <sup>114</sup> MHNSW 4/4549, reel 690, p. 49.

## APPENDIX

TABLE A1 | Aged and/or impaired men

	Total prisoner indents	Indents: total 50+	Indents: total aged and/or impaired	Total known prisoner assignments	Total reserved as aged and/or disabled	Reserved 50+ and impaired	Reserved 50+ and impaired	Reserved impaired under 50
As % of all indents	6202	150	233	347	6189	93	75	55
		2.4%	3.8%	5.6%	99.8%			
As % of aged and/or impaired identified in indents						26.8%	32.2%	59.1%
						25.3%	60.0%	

TABLE A2 | Reservation of men from general assignment

	Total known assignments	Total not in general assignment	Reserved for other government purposes	Died	Boys sent to carters barracks	Sent to Port Macquarie as Specials/ambiguous	Reserved because impaired	Reserved because 50+	Disembarked in Britain
As % of known assignments	6189	864 14.0%	334 5.4%	192 3.1%	138 2.2%	100 1.6%	75 1.2%	38 0.6%	7 0.1%
As % of prisoners not in general assignment			38.7%	22.2%	16.0%	11.6%	8.7%	4.4%	0.8%

The Specials/ambiguous category includes men explicitly sent to Port Macquarie who are young and for whom I could find no evidence of impairment, but whose evidence for 'Special' status is ambiguous. Some may therefore properly belong to the 'Other Government' group.

TABLE A3 | Aged and/or impaired women

	Total prisoner indents	Indents: total 50+	Indents: total 50+ impaired	Indents: both 50+ and impaired	Indents: total aged and/or impaired	Total known prisoner assignments	Total reserved as aged and/or disabled	Reserved 50+ impaired	Reserved 50+ and impaired	Reserved impaired under 50
As % of all indents	1106	34 3.1%	50 4.5%	12 1.1%	66 6.0%	1096 99.1%	14	9	12	5
As % of aged and/or impaired identified in indents							21.2%	26.5%	24.0%	35.7%



**TABLE A4** | Reservation of women from general assignment

	Total known assignments	Total not in general assignment	Reserved for other government purposes	Died	Female Factories as assignable	Female Factories temporarily with children	Reserved because impaired	Reserved because 50 +	Disembarked in Britain
As % of known assignments	1096	258 23.5%	146 13.3%	23 2.1%	65 5.9%	7 0.6%	12 1.1%	9 0.8%	3 0.3%
As % of prisoners not in general assignment			56.6%	8.9%	25.2%	2.7%	4.7%	3.5%	1.2%

**TABLE A5** | Geographic distribution

<b>Assigned within Sydney</b>	<b>All comparison cohort</b>	<b>Assigned 50+ and/or impaired</b>	<b>Assigned 50+</b>
Women	58 (56.9% of cohort)	36 (69.2% of cohort)	16 (64% of cohort)
Men	189 (25.0% of cohort)	71 (28.0% of cohort)	33 (29.5% of cohort)

Comparison cohort based on representative samples of 756 men with A and M surnames, and 102 women with A and B surnames.