

FREMANTLE PRISON

AUSTRALIAN HISTORY CURRICULUM

LINKS FOR YEAR 9

THE MAKING OF THE MODERN WORLD – MOVEMENT OF PEOPLES



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FREMANTLE PRISON

In 2010 Fremantle Prison, along with 10 other historic convict sites around Australia, was placed on the World Heritage Register for places of universal significance. Collectively known as the Australian Convict Sites these places tell the story of the colonisation of Australia and the building of a nation.

Fremantle Prison is Western Australia's most important historical site. As a World Heritage Site, Fremantle Prison is recognised as having the same level of cultural significance as other iconic sites such as the Pyramids of Egypt, the Great Wall of China, or the Historic Centre of Rome.

For 136 years between 1855 and 1991 Fremantle Prison was continuously occupied by prisoners. Convicts built the Prison between 1851 and 1859. Initially called the Convict Establishment, Fremantle Prison held male prisoners of the British Government transported to Western Australia. After 1886 Fremantle Prison became the colony's main place of incarceration for men, women and juveniles. Fremantle Prison itself was finally decommissioned in November 1991 when its male prisoners were transferred to the new maximum security prison at Casuarina.

Fremantle Prison was a brutal place of violent punishments such as floggings and hangings. Conditions were primitive - freezing in winter and scorching in summer, infested with cockroaches and rats, the site was lonely and cruel. It housed thousands of prisoners, each with a fascinating story to tell. It was the site of numerous daring escapes and prisoner riots.

Western Australia, as we know it today, would not be here if not for the introduction of convicts to the colony and the construction of Fremantle Prison. For students studying the history of our State and Australia, Fremantle Prison is an essential site of historical investigation.



CURRICULUM LINKS

YEAR 9 – THE MAKING OF THE MODERN WORLD

The Year 9 curriculum provides a study of the history of the making of the modern world from 1750 to 1918. Fremantle Prison offers a unique insight into Western Australian history during this period, specifically 1850 to 1918, allowing students to investigate convict and late colonial history.

In particular, the history of Fremantle Prison relates to two of the overview content areas:

- The nature and extent of the movement of peoples (slaves, convicts and settlers)
- The extent of European imperial expansion and different responses, including in the Asian region.

DEPTH STUDIES

1 Making a Better World?

Movement of peoples (1750 – 1901)

The influence of the Industrial Revolution on the movement of peoples throughout the world, including convict transportation.

- Students can investigate the original settlement of the Swan River and the problems associated with the colony during its first 20 years.
- Investigate the reasons why the colony decided to petition the British Government to send convict labour and transform Swan River into a penal colony.

The experiences of convicts and free settlers upon departure, their journey abroad, and their reactions on arrival, including the Australian experience.

- The role of convicts in the colony, to build public infrastructure and then to populate the colony.
- Daily life of convicts including systems of punishment and reform.

Changes in the way of life of a group of people who moved to Australia in this period, such as free settlers on the frontier in Australia.

- How the colony changed during the convict period

The short and long-term impacts of the movement of peoples during the period.

- The convicts built much-needed infrastructure and provided economic stimulus to a flagging colony.
- Ex-convicts or bonded men contributed to colonial society, running businesses etc, but a social divide between free settlers and bonded men fractured the society for a long time.

HISTORICAL CONCEPTS

Evidence and Significance

Fremantle Prison exhibits an extraordinary power of place. Because it remained operational as a prison until 1991, the site is remarkably intact and authentic. Students visiting the Prison can see first hand what life was like for modern prisoners as well as for convicts 150 years ago. Seeing the original heritage fabric allows students to identify the heritage significance of the site.

Historical Inquiry

Our tour guides encourage students to ask questions while on tour. In this way are tours focus on an exchange of information rather than a one-way lecture on the Prison's history.

Continuity and change

On a tour of the Prison students can identify what aspects of the prison system changed over the years and what stayed the same.

Cause and Effect

Our display cells provide a visual example of how changes to cells over the Prison's history were driven by cause and effect.

Perspective

People in the past may have had different points of view about a particular event, depending on their age, gender, social position, beliefs and values etc. Our tour guides tell stories about historical individuals and provide an insight into their differing perspectives.

Empathy

An understanding of the past from the point of view of a particular individual or group, including an appreciation of the circumstances they faced, and the motivations, values and attitudes behind their actions. Students on tour see the real conditions of incarceration and punishment which helps them to empathise with prisoners' experiences.

Contestability

Occurs when particular interpretations about the past are open to debate, for example, as a result of a lack of evidence or different perspectives. Fremantle Prison offers a unique view of contestable history as a natural outcome of differing perspectives and power relationships within the Prison between prisoners and prison officers.

THEMES

Colonialism versus Imperialism

Colonialism is the implanting of settlements on a distant territory. Imperialism is the creation of an Empire based on domination and subordination.

1. Was the convict system, of which Fremantle Prison is its physical expression, a function of Colonialism or a function of Imperialism?
2. Was the colony set up by the Empire as a place to discard the Empire's refuse or as a place of new opportunity?

Punishment versus Reform

1. Were convicts sent to the Swan River Colony to be punished or to be reformed?
2. Was Fremantle Prison an effective site of punishment?
3. Was Fremantle Prison an effective site of reform?
4. Was Fremantle Prison more focussed on punishing convicts or reforming convicts?

HISTORICAL INQUIRY

Fremantle Prison is a site of active historical inquiry. Historical research to inform the content of our tours and exhibitions is ongoing. Curators research and manage the Prison's collection which includes convict artefacts, prison clothing, documents, photographs and artworks. Prison historians research the intangible heritage of the site which includes stories of prison life, escapes, riots and punishments. Heritage specialists manage and conserve the Prison's buildings and structures, ensuring that they are preserved for generations to come.

Fremantle Prison has two visitor centres which provide visitors to the site with an introduction to the history of Fremantle Prison and the themes of incarceration. The Convict Depot focuses on the story of the convicts who originally built Fremantle Prison.





Fremantle Prison has an ongoing program of developing exhibitions in house. Our exhibitions focus on particular stories to do with the history of Fremantle Prison. For example our 2012 temporary exhibition Rock Breakers told the story of Fremantle Prison and the Perth Gaol during the 1880s prior to the Gold Rush.



SUGGESTED PRE-VISIT ACTIVITY

In preparing students for a visit to Fremantle Prison, a Five Ws and an H exercise focuses students on what they plan to learn from their visit. Students list questions around the theme of their visit. These questions are used to direct the tour guides tour.

What Do I Want to Know? (Focus Questions)

What?

Who?

When?

Where?

Why?

How?

*Write a question
you can ask the tour
guide on your trip to
Fremantle Prison*

SUGGESTED POST-VISIT ACTIVITY

Following the format of the ABCs Q&A program, students debate the issue of convict transportation to Western Australia, from the perspective of contemporary participants.



THE CONVICT SYSTEM AND THE COLONY

Roles for students could include:

- 1 * moderator
- 6 * panel members – (each panel member has 3 or 4 helpers during research phase)
- Audience – develop questions

Students visit Fremantle Prison and gather information about the period. Research can be supplemented by examining primary source documents (newspaper articles, photographs – the TROVE website is a very good source of primary source material), and secondary source documents, including Fremantle Prison notes, history texts etc.

Students allocated roles as panel members could role play historical figures such as:

- Convict prisoner – Thomas Bushell
- Convict prisoner – Joseph Horrocks
- Comptroller-General Edmund Henderson
- Newspaper journalist
- Governor John Hampton
- Local Fremantle resident

Alternatively, panel members could be themselves, answering from their own beliefs and POV.

Students who are audience members are responsible for developing questions which can be directed at one or all of the panel members. The moderator determines which questions are asked and controls discussion.

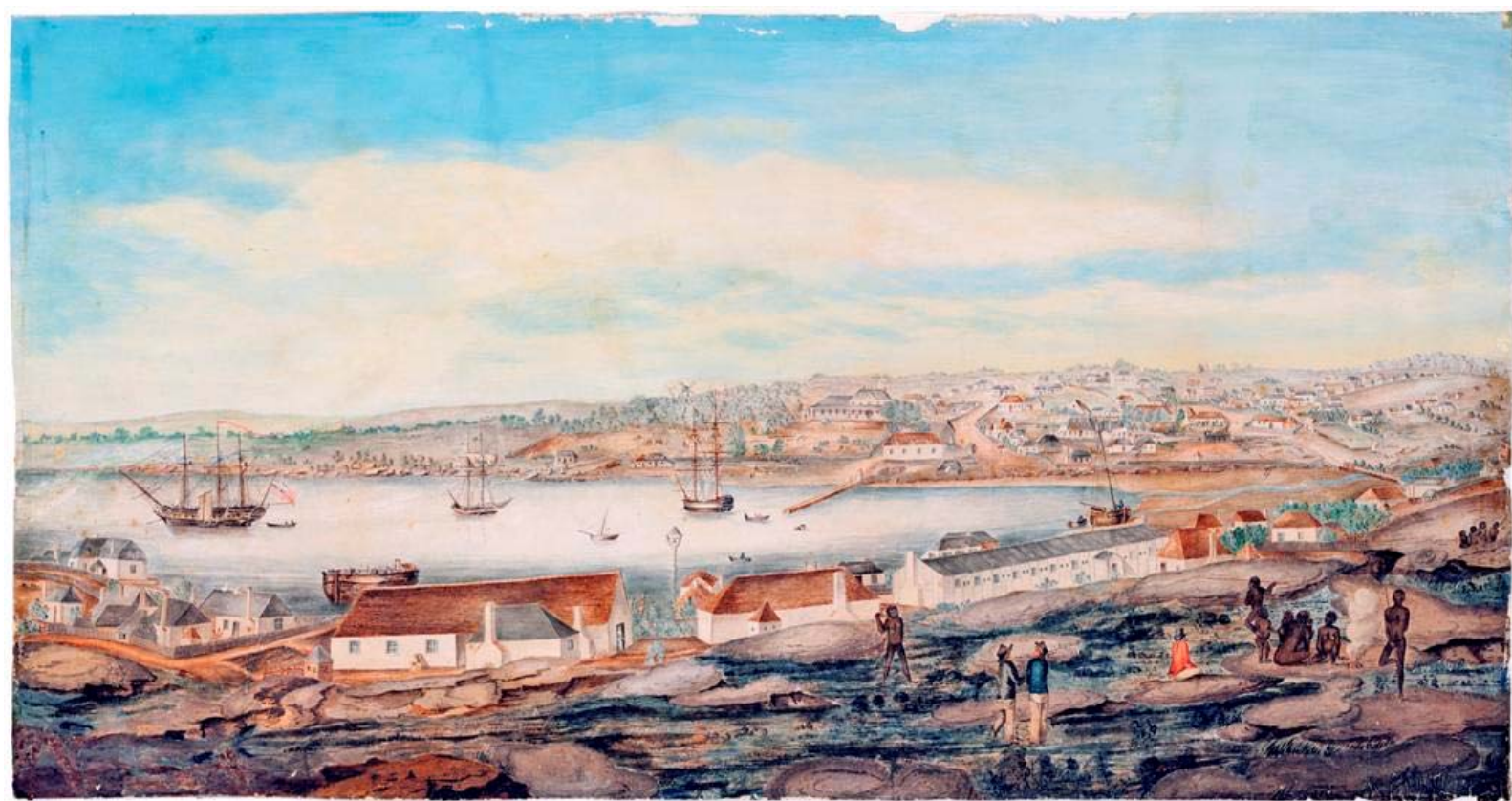
Sample questions:

1. Was Fremantle Prison a site of punishment or one of reform?
2. Was capital punishment (hanging) an effective form of punishment and deterrence?
3. Which was more humane, flogging or solitary confinement?
4. Did transportation of convicts benefit the colony or would it have been better off without convicts?

FREMANTLE PRISON HISTORICAL OVERVIEW – CONVICT AND COLONIAL ERA

INTRODUCTION

British transportation of convicts to Australia was the first time in history that a new society was built on the labour of convicted criminals. Between 1788 and 1868, approximately 166,000 convict men, women and children were sent to Australia on 806 ships. Thousands of soldiers, pensioner guards and prison warders, many accompanied by their families, came to manage the prisoners. Australia, a vast continent inhabited by Aboriginal people with their own cultures and traditions, was forever changed both physically and culturally by this massive forced migration. It is impossible to understand modern Australia today without reference to its convict past.



View of Sydney Cove, 1803, George William Evans
State Library of NSW

OVERVIEW

In 1788, eleven transport ships comprising the First Fleet carried 775 convicts and 645 military guards and their families to the new convict colony of New South Wales. Western Australia was first colonised 43 years later in 1829. Unlike the eastern colonies it was a free settlement. However, the inhospitable nature of the land made life difficult and the colony struggled for 20 years. The settlers eventually petitioned the British Government to send convicts and the colony was transformed into a penal colony in 1849.

The first convicts arrived in 1850. Over the next 18 years nearly 10,000 convicts landed in Western Australia. They built roads, bridges and much-needed public infrastructure. As the colony became

more economically viable the public mood for convicts changed and transportation ended in 1868. The convict system continued to operate for another 18 years. After the convicts served out their sentences they entered the community as free men. Even so, society during this time was fractured into two classes, free settlers and ex-convicts. This social division lasted for many years and even throughout the Twentieth Century, Western Australians shunned their convict ancestry and the past was treated as a shameful secret. It is arguable however that without the transportation of convicts it is possible that the Swan River Colony would not have endured.

FROM FREE SETTLEMENT TO PENAL COLONY

The political object of transportation is colonisation.

Superintendent Thomas Dixon's Half-yearly Report, 10 January 1857

Convicts played a vital role in the history of Western Australia. During its first two decades the Swan River Colony suffered from a severe labour shortage and a lack of public infrastructure such as roads, bridges, jetties, sewerage systems, hospitals and schools. Many of the early settlers abandoned the colony and headed east to the more established settlements in New South Wales and Tasmania. With less than 6,000 settlers remaining by the late 1840s, the failure and collapse of the colony was an imminent possibility.

Convict labour was seen as a feasible solution to the colony's woes. A sympathetic British Government, looking for an answer to their burgeoning prison population, agreed and on 6 November 1849 the Swan River Colony became a penal settlement.

ARRIVAL OF CONVICTS

In June 1850, the first convict transport ship the *Scindian* arrived at Fremantle. On board were Royal Engineer Captain Edmund Henderson and his family, the Superintendent of Convicts Thomas Hill Dixon, 75 male convicts, some warders, and 50 Pensioner Guards.

Henderson rented a warehouse on the beachfront at South Beach from the harbourmaster, Captain Daniel Scott, located where the Esplanade Hotel is today. The convicts were forced to stay aboard the *Scindian* where it lay at anchor in Gages Roads while the warehouse was made secure and suitable for their accommodation.

If any colonist wishes for proof of the incalculable benefit this colony will receive, from the formation of the Convict Establishment, let him visit Fremantle, and contrast what he will now observe there, with what was to be seen only a couple of months since. Where before was nothing but long faces, downcast looks, depression and listlessness, now will be found happy smiling countenances, and a bustle and activity which augurs well both for the present and the future.

The Perth Gazette, 5 July 1850

In the first year of transportation, four ships unloaded 676 convicts¹ into a town of less than 500 people. The free citizens of Fremantle, fearing the social impact of the 'degenerate' convict presence, called for greater security and controlling measures such as curfews. Fitzgerald ordered Henderson to forbid any ticket-of-leave men from working in Fremantle.

¹ The *Scindian* landed on 1 June 1850 with 75 convicts, the *Hashemy* on 25 October 1850 with 100 convicts, the *Mermaid* on 13 May 1851 with 208 convicts, and the *Pyrenees* on 28 June 1851 with 293 convicts (Bateson, C., 1974)



View of South Bay, Fremantle c1855 (artist unknown)
Fremantle Prison Collection

CONVICTS BUILD FREMANTLE PRISON AND COLONIAL PUBLIC INFRASTRUCTURE

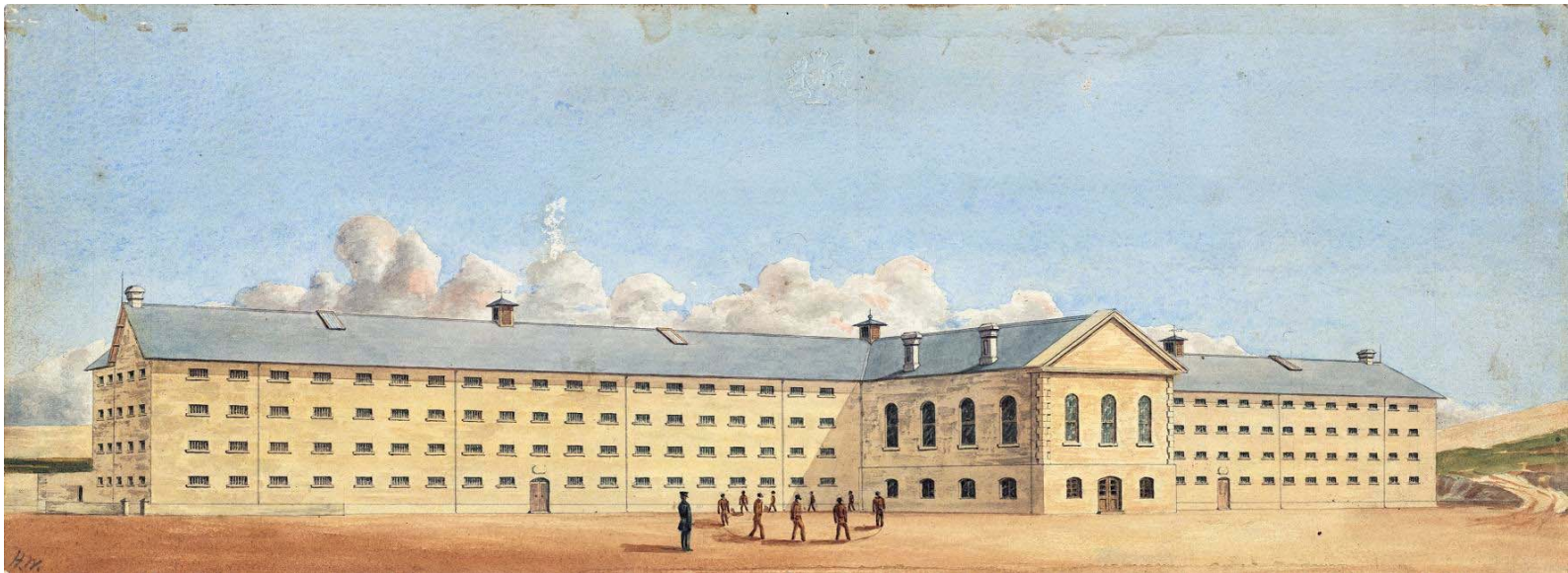
A hillside above Fremantle was chosen as the site for the new convict prison. Fremantle Prison was built between 1851 and 1859 from limestone quarried on-site. Construction involved three main projects including accommodation buildings for prison officers, service buildings and perimeter walls, and cell ranges. Royal Engineers (commonly known as the Sappers) from the British Army provided technical supervision while the convicts built the prison.

After 10 years of planning and building, the Convict Establishment, designed to accommodate 882 convicts, was ready. The following year only one convict was sent out from England. This lull in transportation, however, was short lived and the steady stream of convicts began flowing once again in 1861. It continued without interruption until transportation ceased in 1868.

The convicts came to build a colony, and build one they did. During the 1850s and 1860s vital infrastructure as well as a number of important buildings in Fremantle and Perth were constructed. Between 1850 and 1862 convicts built 563 miles of road, including Stirling and Canning Highways, and 239 bridges. They cut down more than 4000 trees, dug 44 wells and made 543 culverts. Convicts built

the South Bay Jetty at Anglesea Point which served as Fremantle's main jetty until the early 1870s, and the North Bay Jetty in the mouth of the Swan River.

Important public buildings constructed by convicts included the Fremantle Lunatic Asylum, the Perth Gaol and Courthouse, Perth Colonial Hospital, Government House, the Perth Town Hall, as well as convict depots throughout the colony.



Convict Prison, Fremantle 1859, Henry Wray
National Library of Australia

TRANSPORTATION ENDS 1868

On 20 June 1863, a Commission into transportation and penal servitude to Western Australia, chaired by Earl Grey, recommended that transportation be extended indefinitely as a permanent policy. This recommendation was met with strong criticism by the eastern colonies who believed that the 'convict stain' tainted the entire continent and that ex-Swan River convicts with conditional pardons were relocating to the eastern states bringing crime and moral decay with them. The eastern colonies had abolished transportation to their part of Australia two decades previously and were keen to see it stopped in the west as well. They were at odds with many of the Swan River settlers who had enjoyed more than a decade of economic growth as a result of convict labour.

The following year rich pastoral lands were discovered in the north of Western Australia. Hampton wrote to the British Government requesting increased transportation so that convict labour could be used to open up the north. The Secretary of State, sensing a potential division between the north and south of Western Australia, decided to settle the vexed issue of transportation then and there. He announced the end of transportation in three years time. The Times newspaper in England commented:

This discovery could not fail to mark an epoch in the history of Western Australia. When a new country is thrown open for settlement in Australia the admission or non-admission of convict labour becomes a matter of the first moment. ... It would have been possible no doubt to place the new settlement under different regulations from the old, but had this arrangement been made the feud now existing between Western Australia and the Eastern Colonies must have arisen in an aggravated form between the North and South of Western Australia itself. There was a judicious way, and one only, of meeting the difficulty, and that was to cut the knot of it and solve the convict question by the same stroke.

The Times, quoted in The Cyclopedia of Western Australia, Vol. 1 1985, Hesperian Press, p. 108.

Early in 1865 the House of Commons was informed that the system would come to an end by 1868. A despatch was forwarded to Governor Hampton stating that;

... (t)he present intention of the Government is to send out two ships containing from 270 to 280 convicts, in each of the years 1865, 1866, and 1867, at the end of which time transportation will cease.

Reviewing the achievements of the convicts, the *Inquirer* gave a summary of the results of eighteen years of transportation:

We have made roads and bridges and constructed many public works which without the aid of the convict system we could not have performed. A large Imperial expenditure in the colony has maintained a trade and strengthened the hands of the settlers. ... We have learned that the criminal is not all evil, that the angel within is not forever expelled by the verdict of a jury, that it may and does survive many deviations from the path of rectitude, and leaves us at times to marvel at the good that lingers around the hearts of even the hardest offenders needing but little kindness from one to another to bring it out.

The Times, quoted in The Cyclopedia of Western Australia, Vol. 1 1985, Hesperian Press, p. 108.

There can be no doubt that transportation was coming to a natural and appropriate end. Public opinion on how criminals were treated by the government was changing in a fundamental sense. Just as institutionalised slavery was viewed as an historical shame, so too would transportation be viewed in a short period of time.



Fremantle Prison Gatehouse with signal cannon in foreground c1870s
Fremantle Prison Collection

CONVICT SYSTEM ENDS 1886

Even though transportation of convicts to Western Australia had ceased, 3158 convicts remained in the system, most of whom were working in the colony on tickets of leave. Fremantle prison remained under administration of the British Government and the system continued to operate for another 18 years.

By 1884 only 63 prisoners populated Fremantle Prison, aging ex-convicts and serial re-offenders. By this stage the prison was a mostly empty complex, quiet but for the sounds of a few remaining angry and bitter men. The British Government, reluctant to continue paying for Fremantle Prison, decided to hand the Prison over to the colony. On 31 March 1886 Fremantle Prison was transferred to the Colonial Government, bringing an end to 36 years of convict history in Western Australia.

PERTH GAOL CLOSURES AND FREMANTLE PRISON BECOMES COLONY'S MAIN PRISON IN 1888

The colony did not need two large prisons. On 31 March 1888 the Perth Gaol was officially closed. Its 54 male and 12 female prisoners were transferred to Fremantle Prison which became the colony's main prison. Perth Gaol only stood empty for a year before it became the site of the Western Australian Museum.

NEW PRISONERS

By 14 April 1888 all of the prisoners from Perth Gaol were transferred to Fremantle Prison, which then became the state's main place of incarceration for men, women and children. Originally designed as a convict barracks, Fremantle Prison was transformed into a maximum security prison holding a more complex and violent criminal class. Subsequently the Prison's population boomed.

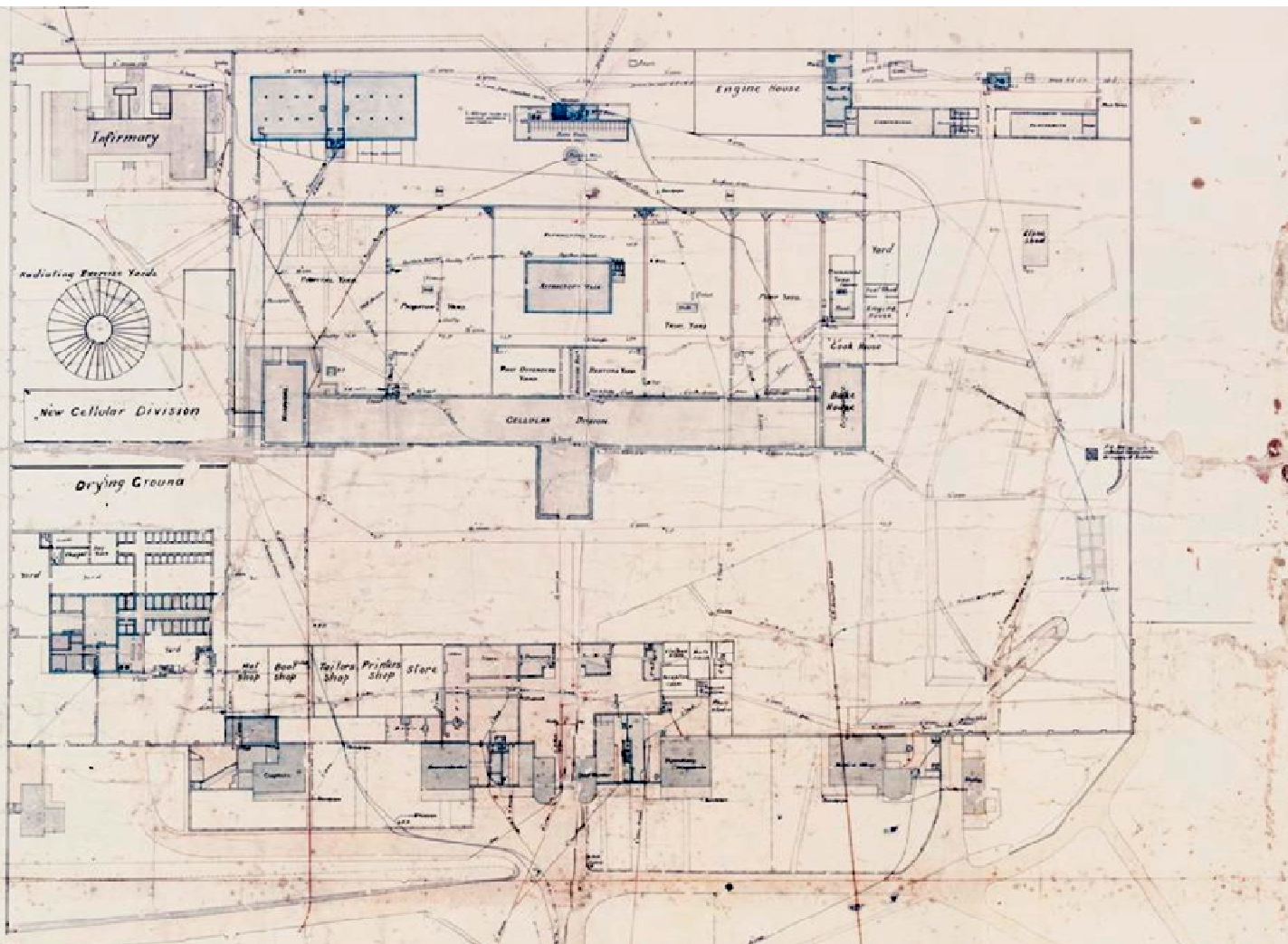
Deeming it unwise to place the female prisoners in the main cell block with the male prisoners the prison hospital was temporarily converted into the women's division while a permanent female division was constructed.

While the number of boys kept at Fremantle was small (for example, in 1893 there were only two boys incarcerated at Fremantle), nonetheless they had to be kept separate from the adult prisoners for fear of sexual abuse.

Up until 1903 Aboriginal prisoners were sent to the Aboriginal prison on Rottnest Island. However, during the 1880s a small number of Aboriginal men were kept at Fremantle Prison. They were kept separate from the other prisoners and they mostly served short sentences.

Finally, penal prisoners (men originally transported to Western Australia) remaining at Fremantle Prison tended to be paupers and old men who had nowhere else to go.

The remaining majority of prisoners were adult white men, colonial prisoners sentenced to hard labour for serious crimes. The different categories of prisoners including men, women, Aboriginal men, juveniles, ex-convicts and invalids, penal and colonial prisoners, caused major logistical problems at the prison, specifically to do with segregation and the different levels of security required for different classes of prisoner.



Plan of Fremantle Prison 1887
Fremantle Prison Collection

RETURN OF PRISONERS IN CONFINEMENT - FREMANTLE PRISON 31 DECEMBER 1893²	
PRISONERS	NUMBER
Undergoing Penal Servitude	35
Undergoing Hard Labour	85
Paupers (ex-convicts) under medical treatment at hospital	5
Ticket-of-Leave Holders out of Employment	3
Juvenile Male Prisoners	2
Debtors	1
Aboriginal Male Prisoners	3
Female Prisoners Undergoing Hard Labour	12
TOTAL	146

GOLD RUSH

After decades of geological exploration, a rich field of gold was finally discovered in Coolgardie on 17 September 1892. The colony exploded with an influx of fortune seekers. During the 1890s the population of the colony rose from 48,502 to 179,967 people.

Life on the goldfields was characterised by squalor, greed and crime. Water was in short supply and outbreaks of typhoid, scurvy and dysentery were common. Crime rates soared as rivalry between prospectors and the bitterness of failure pushed men towards violence.

Fremantle Prison was never the same again. In 1890, 452 adult male prisoners passed through the Prison. By 1900 that annual figure had increased to 1,511.

Originally convicts slept in the prison and spend their days on work parties outside the prison gates. As prisoner numbers increased there was no associated increase in staffing levels of warders. It became impractical and unsafe to have large numbers of prisoners working outside. From the 1890s onwards Fremantle Prison faced issues with keeping large numbers of inmates on the inside and providing them with meaningful employment, particularly in a prison never designed to be inhabited during the day. Many of the issues were to do with conflict between the different prisoner groups, including different racial groups, most notably whites, Aboriginals, and Asians.

AN INHARMONIOUS PRISON

With the increase in the number of prisoners in Fremantle Prison came an associated increase in insubordination, criminal activity inside prison, and escape attempts. In 1897 Superintendent William George ordered the height of the perimeter walls be increased.

In January 1898, after three escapes in four days, the *West Australian* commented that 'Gaol breaking is becoming a common occurrence at Fremantle.'³ High-risk prisoners were put to the hard and monotonous work in the pump yard of turning the pump to fill the East Reservoir.

² Ibid, p. 36.

Superintendent George's annual report in 1898 summarized the prison's main weaknesses:

- the prison buildings were inadequate
- there were insufficient staff
- there were too many prisoners
- the system of prisoner employment was inadequate
- the general character of the prisoners at this time represented a greater threat to security than previous stages of the prison's history.

These issues and more were the subjects of a Royal Commission into Prisons from 1898-1899, appointed to investigate the Penal System of the Colony.

SECONDARY PUNISHMENT

As the number of inmates rose, the number of infractions resulting in secondary punishment such as restricted diet, time in the Refractory block, hard labour in chains, or flogging, also increased. But more significantly, the proportion of punishments per capita of the prison population also increased. In 1890, there were 101 sentences of secondary punishment across that year's population of 583 prisoners. In other words, 17% of prisoners in that year received secondary punishment of some form. In 1894 that figure rose to 20%, and in 1898 it rose again to 26%. This increase in prisoner misbehavior pointed to a growing sense of prisoner discontent with the penal system in an age when the ethics of prisons and punishment were being seriously questioned in society.

1898 ROYAL COMMISSION

By 1898 it was clear to people both inside and outside Fremantle Prison that there were serious problems with the prison system and the treatment of prisoners. A member of the Legislative Assembly, Charles Vosper, began agitating for a Royal Commission into Fremantle Prison. In particular he was vocal in his criticism of Superintendent George, challenging the man's credibility in the *Sunday Times*:

*Do you consciously consider that a man wield the autocratic power that Mr. W.A. George is allowed to with impunity, ably seconded by the herde of illiterate and brutal warders, most of them, like himself, the product of the most iniquitous convict system on earth, is a proper person to have absolute domain on the lives and liberty of men?'*⁴

He alleged that secondary punishments for prisoners were too severe, citing the examples of leg-irons, dark cells, and flogging. He stated that the sanitation was bad, the food poor, and the system of remissions chaotic.⁵ He was particularly critical of the policy of having prisoners engaged in the pump yard pumping water into the East Reservoir:

*Sixty or seventy prisoners are engaged on pumping which could be done by a dozen men; but there is no other work available in the walls. ... If other forms of labour were employed the engine could do all the pumping work.*⁶

³ *West Australian*, 4 January 1899.

⁴ *Sunday Times*, 17 April 1898.

⁵ Thomas, J.E. and Stewart, A. *Imprisonment in Western Australia*, University of Western Australia Press 1978, p. 50.

⁶ *Report of the Commission appointed to inquire into the Penal System of the Colony*, WAPP, V. 1, 1899, Evidence from W.A.George, p. 55

Western Australian society had reached the point where people felt the prison should be focused less on punishment and more on the reform of prisoners. As the main voice of reformation, Vosper put forward the motion to the Legislative Assembly on 6 July 1898 that:

A Royal Commission be appointed (with power to call for persons and papers), to inquire into the existing condition of the penal system of Western Australia, and to report to this House upon the method now in vogue for the punishment of criminals, the classification of the same, the sanitary conditions of Fremantle Gaol ... also into the manner in which convicts are employed both inside and outside of places of detention.⁷

The commission met eighty times and received 240 witness accounts from a wide variety of people including Vosper himself, Superintendent George, the Inspector of Prisons J.B. Roe, the police, warders and other prison staff, and prisoners.

The overall picture revealed by the Royal Commission was that the operating prison system was archaic and in desperate need of renewal.

RECOMMENDATIONS OF THE ROYAL COMMISSION

Among the key recommendations of the Royal Commission included the abolition of flogging as a secondary punishment at Fremantle Prison, the abolition of the dark cells which were described as 'a relic of barbarism', the abolition of irons and the crank in the pump yard. Another recommendation was that boys under the age of sixteen and girls under the age of eighteen should not be sent to Fremantle Prison.

A major recommendation of the commission, quickly adopted by the prison, was that a system of proper classification of prisoners be introduced. The Main cell Block was divided into four divisions:

- Division one - debtors, trials and remands, and juveniles
- Division two - first offenders with short sentences, petty thieves, drunkards and vagrants
- Division three - long-sentenced and habitual offenders
- Division four - cooks, bakers, cleaners and orderlies⁸

The other major recommendation was that the cells be enlarged and the ventilation improved by removing the walls between each successive single cell. The West Workshops were constructed in 1900 to house new trades such as shoe-making, tailoring and book-binding to provide more work for inmates.

FEDERATION

Despite the forward thinking ideas espoused by the commission, many of its key reforms were not immediately taken up by the prison administration. The major reason for the lack of interest in the findings of the Royal Commission was that Western Australians had at that time an even greater major change taking place around them. In May, the *Commonwealth of Australia Constitution Act 1900* was passed by the British Parliament, and was signed by Queen Victoria on 9th July 1900. The Act declared that on 1st January 1901, the colonies of New South Wales, Victoria, South Australia, Queensland, and Tasmania would be united and known as the 'Commonwealth of Australia'. In August 1900 a referendum was held, and the people of Western Australia voted to join the Commonwealth.

⁷ *Western Australian Parliamentary Debates*, Vol. 12 6 July 1898, p. 303

⁸ Georgiou, N. *Work and Reform in Fremantle Prison 1989-1912*, History Research Essay, University of Western Australia, 1995.

In this way Australia became a united federation. For prisoners in Fremantle Prison, the following century saw many major and fundamental changes. In other areas however there was very little change at all.



View of Main Cell Block from the South Knoll c1911
Fremantle Prison Collection

A PERIOD OF REFORM – FREMANTLE PRISON DURING THE 1910s

Despite major changes to prison structure and operations in the latter years of the 19th century and the recommendations of the 1898 Royal Commission, Fremantle Prison remained a 19th century anachronism well into the 20th century. As far as conditions for prisoners and prison officers went, there had been few improvements since the prison had been constructed by convicts 50 years earlier.

Royal Commission 1911

In 1911 a Royal Commission was set up to investigate a series of complaints made by prison officers regarding alleged poor work conditions. Captain Pennefather, Comptroller-General of Prisons in Queensland was appointed to investigate.

Pennefather interviewed 55 prison officials and 14 prisoners, and he inspected the prison buildings in the company of the medical officer and the acting superintendent.⁹ As had many reports before, Pennefather condemned the physical state of Fremantle Prison, in particular the Female Division, and called for the construction of a new penal establishment. The old buildings, he stated, were 'badly

⁹ Ibid.

constructed and badly ventilated,' and did 'not appeal to one as being adapted to the application of modern prison principles.'¹⁰

Regarding the prisoners the Royal Commission made a major recommendation that was to have 'a considerable impact on the future of the Western Australian prison system,'¹¹ that being the reintroduction of the Mark's System which had been in operation during the convict-era but was abolished in 1865. This system which allowed prisoners to accumulate points for good behaviour led to the re-introduction of 'indeterminate sentences' whereby prisoners had the possibility of reducing their sentences and achieving early parole.

Apart from his call for the closure of Fremantle Prison, many of Pennefather's recommendations were accepted by the system. This was due largely to good timing, more than anything else, as the report's tabling in parliament coincided with a major changing of the guard at Fremantle Prison, with new administrators being receptive to modernising and reforming the prison system.

THE REFORMER VERSUS THE PUNISHER

After running Fremantle Prison since before the turn of the century, Superintendent W. A. George retired in 1911. George was a conservative administrator who focussed on security and prisoner discipline. He had raised the prison's perimeter walls in 1898 and brought to an end the practice of prisoners working outside the prison. His replacement Hugh Hann was an energetic and imaginative administrator who came into the role with an agenda to overhaul and modernise the prison system. During the next few years a number of significant reforms and changes occurred at Fremantle Prison.



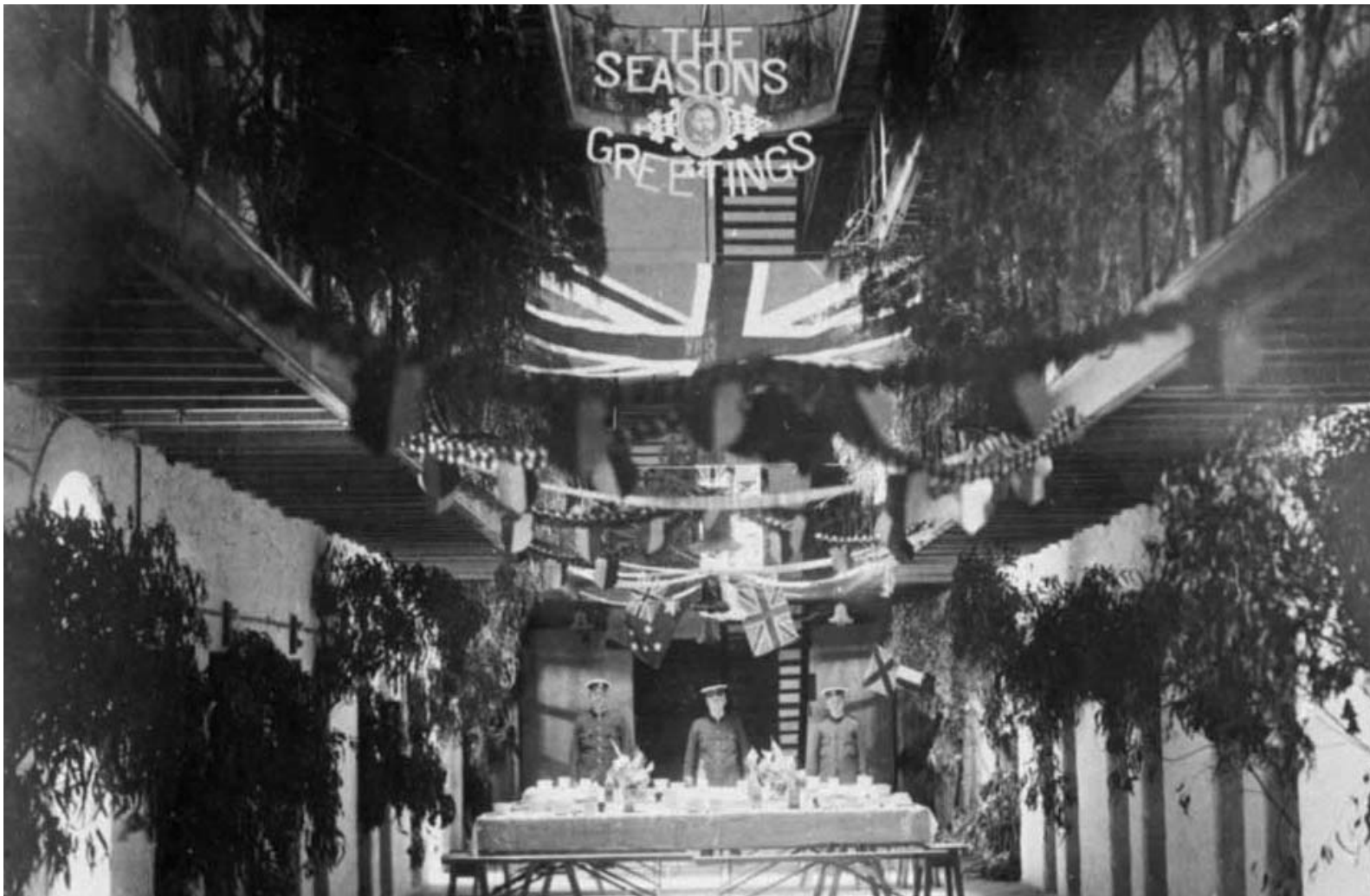
Superintendent Hann's annual report for 1912 details a number of significant improvements to the prison including the introduction of games for prisoners. This indicated an understanding of the importance of leisure activities for prisoner morale. Prisoner clothing was now treated in a disinfecting room, a vegetable garden on the south terraces had been established, and international correspondence school courses had been introduced. Hann implemented changes to prisoner uniforms including the removal of any visible prison marking on the uniforms, the addition of collars on shirts and the issuing of ties, hairbrushes, hand mirrors and razors. 'All our efforts at reform,' he concluded, 'are thrown away unless we can make them feel that they are not mere brutes and get them to hold their heads up again like men.'¹²

The 1913 report indicated the continuing project of enlarging the cells by knocking out every second wall. An attempt to eradicate vermin in the prison was made by injecting acid into the walls. The vegetable garden established the previous year had produced 21 687 pounds of vegetables and a second garden was created where 'prisoners could sit, talk and read'.¹³ The Female Division had been improved with the addition of a visiting room, a reception room and a bath.

In December 1915 Hann ordered his staff to issue ham, eggs and cigarettes to the prisoners and to hang up Christmas decorations in the Main Cell Block. Prisoners were served their Christmas meal on plates rather than the usual eating tins. Also provided were basins, knives and forks. The meal was a success and from this point on plates, knives and forks became standard for mealtimes.

¹² Ibid.

¹³ Ibid.



Christmas decoration in the Main Cell Block, Fremantle Prison 1916
Fremantle Local History Collection

In 1913 prisoners were given the privilege of having pens and paper in their cells. Education classes were extended to include shorthand and language studies.

Hann believed that the object of prison was to reform. His approach to prison discipline came under criticism by those in the government and the general community who believed that the object of prison was to punish. People felt that under Hann's administration, Fremantle Prison was becoming too easy on its prisoners. The easing of discipline led to an inevitable weakening of security and during Hann's regime the number of escape attempts began to rise. In 1918 a Board of Enquiry was set up by the Public Service Commission to investigate the rise in escapes. On April 5 it was reported in *the West Australian* newspaper that Hann had been found to be negligent in the discharge of his duties as well as incompetent, and had been suspended from duties.¹⁴

Although an investigation by the Public Service Commissioner into the charges laid against Hann led to his total exoneration, he was to retire soon after because of ill-health. Despite receiving little recognition or accolades for his reformatory influence on the prison system by his contemporaries, in retrospect Hann can be considered 'the most important figure in the history of Western Australian prisons since the convict period.'¹⁵

¹⁴ *West Australian*, 15 April 1918.

¹⁵ Stewart, Alex, *Imprisonment in Western Australia*, University of Western Australia Press, 1978, p. 96.

CONVICT 1014 JOSEPH LUCAS HORROCKS

Not all convicts were inherently villainous or hapless vagabonds. In time many of them commanded respect and even admiration for their achievements.

R. Erickson, *The Brand on his Coat – Biographies of some Western Australian convicts*, 1983

Joseph Lucas Horrocks was convicted of forgery and attempting to pass a false bill of exchange in London in 1851. Sentenced to 14 years transportation he arrived at Fremantle on the *Marion* in 1852. Horrocks differed from the other convicts in that he was well educated, and at 35 years much older than the men around him.

Between 1852 and 1853 he worked on the construction of the Convict Establishment. In 1853 he earned his ticket of leave and travelled north to the Lynton Depot at Port Gregory where he worked as a doctor.

The Lynton Depot was abandoned in 1857. Horrocks received his conditional pardon and settled in the district of Wanerenooka where he developed a successful copper mine. News of Horrocks' enterprise spread and many newly released convicts headed north with the hope of employment. He employed 60 ticket of leave men between 1862 and 1865. Horrocks built a mill and encouraged farmers to settle in the area. He built the Gwalla Church between 1861 and 1864 and opened a schoolhouse in 1863. He petitioned for the state's first public railway to be built between his mine and Geraldton port, thirty miles to the south. The railway opened in 1879.

The community with its 'curving stone-walled road, its neat row of cottages and carefully tended gardens' as described by Rica Erickson in *The Brand on His Coat*, was named Northampton in 1864.

Horrocks died from general ill health on 7 October 1865 and was buried in the Gwalla Cemetery near his church. Joseph Horrocks was one of the most successful convicts who built not only a good life for himself but an entire community after he was freed from prison.



Remains of Lynton Convict Hiring Depot c1930
State Library of Western Australia

MOONDYNE JOE

One of Fremantle Prison's most famous inmates was Joseph Bolitho Johns, known as Moondyne Joe. Moondyne Joe was celebrated by Perth and Fremantle newspapers at the time for his many escape attempts as well as his ability to embarrass Governor Hampton.



Moondyne Joe 1880
Hesperian Press and Ian Elliot

Joseph Bolitho Johns (1830-1900), better known as the Western Australian bushranger Moondyne Joe. This is the only known photograph of Joseph Bolitho Johns (1830-1900). It depicts Johns holding a tomahawk and wearing a kangaroo skin cape.

When Joseph Johns arrived at Fremantle on the *Pyrenees* in 1853, he was immediately granted his ticket of leave. He worked as an animal tracker near Toodyay until 1861 when he was accused of stealing a horse. This earned him a three year sentence in the Convict Establishment. It was not long before he received another ticket of leave. He returned to the Moondyne Springs area near Toodyay, but only four years later in 1865 he went back to prison after stealing and killing an ox. He escaped from a work party in that year but was recaptured and another year was added to his sentence. A year later he managed to escape once again but was again recaptured and a further five years were added to his sentence. By this time the newspapers were writing about Moondyne Joe and he became well known in the colony.

Frustrated by Joe's escapes, Governor Hampton ordered an escape proof cell to be built in the establishment for Moondyne Joe. The cell was reinforced with wood panelling and long nails to prevent Joe from digging his way out. Inspecting this cell Governor Hampton told Moondyne Joe sarcastically, "If you get out again, I'll forgive you."

Joe's health got worse. To give him fresh air and exercise, he was put to work breaking rocks in the Parade Ground in 1867. Under strict supervision Joe broke rocks daily until a large pile of rubble had built up near the front wall of the prison. Now, partially hidden behind the pile, Joe quickly dug a hole through the prison wall with his pickaxe and emerged into the Superintendent's yard. He escaped through a gate and disappeared into nearby bushland.

Moondyne Joe was at large for the next two years. In 1869 he broke into the cellar of Houghton's Vineyard in the Swan Valley intending to steal some wine. Bad timing saw a group of policemen led into the cellars for a social drink and Joe, attempting to flee, literally ran into their arms.

He was returned to the Establishment. This time Joe behaved himself and did not try to escape again. He earned his ticket of leave in 1871 and became a free man in 1873. He stayed out of trouble for the rest of his life.

CONVICT 5850 ANDREW MILLER

Miller jumped up. They all ran together ... I called on Miller to stand, and he turned round and fired; the ball struck some dry jam trees just above my head ... He then fired at me again and I threw myself down behind a tree ... I fired at Miller ... I struck Miller in the groin ... Miller fell from the loss of blood.

Detective John McKenna, reporting on the capture and death of ex-convict and wanted murderer, Andrew Miller, 1884

Andrew Miller was 16 when convicted at Cambridge in 1859 for house breaking and larceny. He was transported for 10 years and arrived in Fremantle on the *Palmerston* in February 1861.

In July 1862 while working on a road party between Guilford and York, Miller and four companions held up two approaching supply carts. They attacked the teamsters and made off with the supplies. Miller threatened the teamsters; 'if you holler again I'll put your bloody light out,' he cried, and 'dead men tell no tales'. He was caught the next day and returned to the Convict Establishment.

Miller was a difficult prisoner who constantly tried to escape. Caught each time he was punished with a stint in solitary confinement. After a period of good behaviour he was released with a ticket of leave. However, ten years later he was caught stealing a wallet and sent back to Fremantle Prison for three years of hard labour.

Finally in September 1884 he was charged with the murder of a policeman in Beverley. Miller and an ex-convict named Thomas Carbury became violently intoxicated after drinking in the Settler's Arms Hotel in Beverley. They were arrested by Constable Patrick Hackett who locked the pair up and released them later that evening after they had sobered up. However, later that night Miller and Carbury followed and attacked Constable Hackett, beating him to death with two hammers.

The well-liked policeman had a wife and a one week old baby. A major manhunt for his murderers followed. The police came upon the convicts resting by a local river. During a major gunfight Miller was shot in the groin but Carbury escaped. Miller, bleeding badly, admitted to the killing and cursed Carbury for being a coward. He died shortly after.

CONVICT 7340 THOMAS 'SATAN' BROWNE

Should any evil befall me I ask you kindly to see to my funeral ... These are the true and last words of a lost and dying man who has lived industriously, frugally and honestly as you yourself can testify. ... I wish to lay against my child.

Thomas Browne, in a letter to detective Sergeant Rowe on the night of his death, 1882

Thomas Browne was an architect and civil engineer in London with experience in building railways. Convicted of forging a money order he was transported to Western Australia on the *Lord Dalhousie* and arrived in Fremantle in 1863. For the next year and a half his skills were put to use on building projects in the colony.

Browne received a ticket of leave in June 1865 and found work as a schoolmaster near Bunbury. Four years later he received a conditional pardon and moved to Fremantle to work as an architect and land agent. He earned the nickname 'Satan' because of his black hair, sallow complexion and thin face. He married in 1875 and he and his wife had a daughter who unfortunately died six months later.

While his personal life was marred with tragedy, Browne's public life suffered from the stigma of his convict background and he found it difficult to find employment. James Thomas, the Director of Public Works, took a dislike to Browne and ensured that no-one would employ him. At this point Browne decided to change career entirely.

In 1879 he leased the Old Mill in South Perth. He developed it as a pleasure resort which included a dining and supper room on the first floor, surrounded by a wide circular balcony, a smoking room for gentlemen on the second floor, and a viewing gallery at the top of the tower boasting views across the river to Mount Eliza and Perth. 'Alta Gardens' opened with a flourish on 21 April 1880 and quickly became the place to be seen in the upper social circles of the colony.

However, Browne's bad luck was soon to return and by 1881 he was deep in debt. When it was apparent that he would be returned to Fremantle Prison he committed suicide, swallowing a lethal dose of strychnine.



The Convict Establishment c1864, Thomas 'Satan' Browne
State Library of New South Wales

CONVICT 9843 JOHN BOYLE O'REILLY

They rode for hours until they reached a dry swamp near the sea. ... They had no water, and suffered horribly from thirst. Through the hot day that followed, O'Reilly lay on the sand, tortured with blistering pains and hunger. ... In the afternoon the white sails of the whaleships were seen and the company put out, but to their amazement the Vigilant sailed away, never heeding their signals.

Captain George S. Anthony, Commander of the *Catalpa*, 1897

In 1868 the British Government sent 62 Fenians (Irish nationalists opposed to British rule in Ireland during the 1800s), on the last transport ship, the *Hougoumont*, to Fremantle. The Fenians differed from the typical convicts in that they were generally well educated, literate men.



John Boyle O'Reilly c1867
Courtesy Kevin Cusack, USA

John Boyle O'Reilly was put to work in the Prison Library as the Chaplain's clerk. As a trusted prisoner he was soon transferred to a work party in Bunbury where it was his responsibility to help muster the convicts and carry communications between the work party warder and the local convict depot. O'Reilly took advantage of this trusted position to meet with two locals in the Bunbury Irish Catholic community, a local priest Father McCabe and 'Big Jim' Maguire. Together they planned O'Reilly's

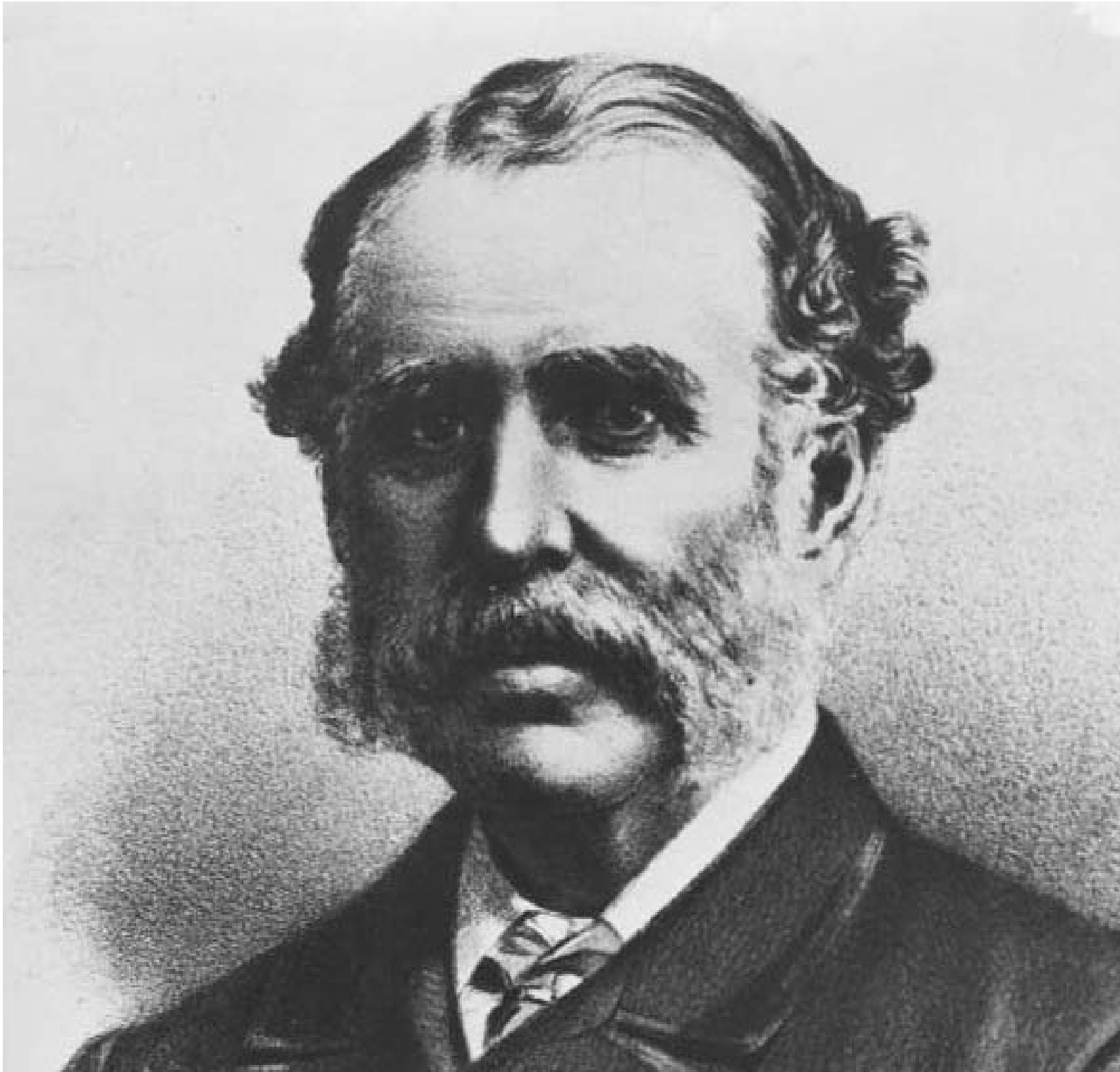
escape and organised passage for him on an American whaler the *Vigilant*. On the appointed day in February 1869, O'Reilly absconded from the work party, met up with Maguire and rode to a secluded beach where a rowboat waited. They rowed out into Geographe Bay but unfortunately the *Vigilant* failed to sight them and sailed away.

By this time the police and Aboriginal trackers were chasing him. Over the next few weeks O'Reilly was forced to hide in the sand dunes in the scorching summer sun with little fresh water while his friends organised another rescue. Eventually another whaler the *Gazelle* was secured to carry O'Reilly to safety. On 2 March 1869 he again rowed out into Geographe Bay, was picked up by the whaler and sailed away to freedom.

O'Reilly did not forget the Fenian prisoners left behind in Fremantle Prison. Once in America he met with John Devoy, a member of the American Fenian Brotherhood, and helped plan their rescue. Their arrangements ultimately led to the famous *Catalpa* escape.

EDMUND HENDERSON- COMPTROLLER-GENERAL OF CONVICTS

The Comptroller-General was in charge of all aspects of convict life. Sir Edmund Henderson was born on 19 April 1821 in Hampshire, England, into a military family. After quickly rising through the ranks of the Royal Engineers (a command in the British Army commonly referred to as the Sappers), he was appointed the Swan River Colony's first Comptroller-General of Convicts.



Comptroller-General Edmund Henderson c1860
State Library of Western Australia

Henderson was 'a kindly and just man, moderate and understanding, opposed to the harsher forms of discipline. He thought that flogging did more harm than good, and that putting men in chains was useless and aggravating.'¹⁶ Henderson often disagreed with the colony's governors. For example, when designing the Convict Establishment, he argued that a solitary confinement block was unnecessary – he believed that the cramped conditions of the cells in the main cell block would be punishment enough. However, Governor Fitzgerald ordered Henderson to build the Refractory Block, a place of secondary punishment for those convicts who broke the rules.

In 1855 Henderson's wife Mary died while the new prison was still being built and in February the following year Henderson returned to England for an extended period of absence. Henderson returned to Australia two years later in 1858 with a new wife to oversee the final stages of the prison building project.

Henderson was popular amongst the free settlers for his good management of the convicts and his positive approach towards prisoner reform. However, this changed in 1862 when Governor Kennedy was replaced by John Hampton. Governor Hampton's strong belief in strict discipline clashed with Henderson's more humane approach. Henderson resigned from his position and left the colony with his family on 7 February 1863.

¹⁶ Hasluck, Alexandra (1959). *Unwilling Emigrants*. Melbourne: Oxford University Press. Republished in 1991 by Fremantle Arts Centre Press.

GOVERNOR HAMPTON

John Hampton was appointed Governor of Western Australia on 28 February 1862. He had a controversial background – while employed as Comptroller-General of Convicts in Van Diemen's Land from 1846 to 1855 he was accused of corruption and making money from the illegal employment of convict labour. His governorship of the colony came to be one of the darkest periods for convicts in the prison's history.



Governor John Hampton c1860s
State Library of Western Australia

During his six year term as Governor of Western Australia Hampton paid close attention to convict affairs. His interference in convict management drew the hostility of Perth newspapers and many prominent citizens. Comptroller-General Henderson resigned and left the colony in December 1862. Before Henderson's replacement arrived, Hampton assumed direct control of the Convict Establishment. When the new Comptroller-General Captain Newland arrived in 1863, Governor Hampton refused to give up control and he and Newland constantly argued.

Newland left in 1866 and Governor Hampton placed his own son George Hampton in the role of Acting Comptroller-General. George was an unlikable man and he became extremely unpopular with the colonists.

Hampton was a tyrannical leader. During the years 1865 to 1867 the number of floggings at the establishment increased. Hampton reintroduced the use of solitary confinement which had ceased three years earlier. A convict caught attempting to escape could receive 100 lashes from the cat o' nine tails, and perhaps six to nine months solitary confinement beginning with 30 days on bread and water.¹⁷ Both the convicts and the general community complained about the Hamptons. On 5

¹⁷ Hasluck, A. *Unwilling Emigrants*, Fremantle Arts Centre Press, 1991, p. 60.

September 1866 the *Inquirer* referred to the 'severity of punishment' in the establishment and Hampton's 'repressive regime.'¹⁸

Under the management of the Hamptons, escape attempts increased. Between June 1866 and March 1867, more than 90 convicts attempted to escape – three times the number of any other nine-month period.¹⁹ Of the 32 floggings during 1864, 25 were for escape attempts. Similarly, during 1865, 23 of the 40 floggings were for escape attempts.

¹⁸ *Inquirer*, 5 September 1866.

¹⁹ Elliot, I. *Moondyne Joe – The man and the myth*, University of Western Australia Press, 1978. p. 87