A 'change of place': illegal movement on the Bathurst frontier, 1822-1825

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> One of the most common indications of the misery of convicts under existing circumstances is a passionate desire for change of place.
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> Alexander Maconochie, 1837.[1]

Convict escape, properly speaking, involved flight and freedom from the colony. The true escapes were by sea, or less commonly, to the interior or remote coastlines of Australia — no destination ever assuring complete security. Otherwise, convict escape was of a more partial, temporary nature — absenting oneself from an allocated situation, then hiding either on the fringes of society, or somewhere within it, until caught or ready to return. Mostly it was a fleeting experience, and the reasons for it were diverse, personal, and highly dependent on the vagaries of need and opportunity. It could be an act of defiance, or a measure of self-preservation, sometimes a mere breather, a recreation, an adventure or illicit errand. Convicts left alone, and in groups, headed in various directions, pursuing a range of options and suffering varying fates, though usually they were goaded into predictable actions and were caught relatively quickly. It was customary behaviour for convicts, a measurement of their freedom in an 'open prison', where life and labour were shaped more by economic and social considerations than purely penal objectives.[2] The colonial language that evolved to express the practice — bolting, deserting, absconding, running away, bushranging — captured the sense of mobility and flight that shaped Australian lives and institutions in the convict period.[3]

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1   Cited in G. E. Boxall, *The Story of Australian Bushrangers*, Ringwood, 1974, p. 7.
2   J. B. Hirst, *Convict Society and its Enemies*, Sydney, 1983, p. 47.
3   A. Laugesen, 'Languages of Control, Escape, and Subversion', paper given at 'Escape' conference (School of History and Classics, University of Tasmania and International Centre for Convict Studies), Strahan (Tasmania), 27 June 2003.

In New South Wales (NSW) in the 1820s, during the early years of transportation on a massive scale, convict resistance intensified, becoming more prevalent, more widespread, and on some occasions more extreme. This was the product of fundamental and far-reaching reforms in the wake of the Bigge Reports — a 'series of reversals' for NSW convicts — as Governors Brisbane and Darling applied convict labour more strategically and economically, while shoring up the punitive aspects of transportation to reinstate it as an 'Object of Real terror'.[4] But the problem was also shaped by a rapid, large-scale and unprecedented redeployment of the convict population into outlying districts. The brisk expansion of the pastoral frontier beyond the Cumberland Plains in this period produced a number of law-and-order emergencies, including serious conflict with Aboriginal populations and a surge of convict disorder that constituted a formative phase in the phenomenon of Australian bushranging. With regard to illegal convict movement, the implications of this redeployment were profound. As settlements and stations leapfrogged across the continent in various directions, and as the tracks that tied them to the capital became longer and busier, there were more opportunities for people to go missing, and a greater traffic of exiles seeking their way back to the central settlements.

The state developed numerous mechanisms and processes to check this behaviour. There was a raft of proclamations, orders and legislative initiatives, beginning with a short amnesty for all runaways who surrendered immediately (to mark the accession of Governor Brisbane),[5] and culminating in the 'Harbouring Act' (1825), one of the first Acts of the new Legislative Council.[6] The payment of cash rewards to informers, approvers and apprehenders — the oldest and most effective means of correcting convict behaviour — was made more open and general, and more lucrative, so that by September 1825 £50 was offered for every bushranger apprehended, and £100 for the

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[4]   Bathurst to Bigge, 30 January 1819, *Historical Records of Australia, Series 1* (*HRA 1*), Vol. 10, p. 7; A. G. L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, London, 1966, pp. 184-216; B. Dyster, 'A Series of Reversals: Male Convicts in New South Wales 1821-1831', *The Push from the Bush*, No. 25, October 1987, pp. 18-36.

[5]   Proclamation, 15 December 1821, 4/424. Bushrangers were required to surrender before 31 January 1822. Robbers and murderers would not be pardoned. At least some of those who surrendered were sent to Port Macquarie.

[6]   'An Act to prevent the harbouring of runaway convicts, and the encouragement of convicts tippling or gambling', 19 January 1825.

capture of ringleader.[7] The most famous, concomitant strategies were the network of secondary penal stations at Port Macquarie, Moreton Bay and Norfolk Island, and also, at the end of the period under study, the military response, with the creation of a tailored cavalry, the 'Mounted Police'.

A less appreciated tactic in the restraint of convict freedom was a more systematic and professionalised system of record keeping, in particular the collation and advertising of 'runaway lists' in the colonial press. These were compiled in the office of the Principal Superintendent of Convicts from the 'returns' regularly submitted by local authorities (commandants, magistrates, and the superintendents and overseers of state institutions and work gangs), appearing weekly in the *Sydney Gazette*. The lists became a vital reference tool for local authorities and informed citizens, and were a particularly important adjunct to the issuing of rewards and indulgences.[8] Though somewhat incomplete and inconsistent, the lists allow a better picture of convict absconding than is discernable for the period prior to the Bigge Report (described by Karskens in this Volume, pp. 1-34). They show for example a quantifiable increase in absconding colony-wide, peaking conspicuously in 1828, and they reveal the unmistakeable contribution of the new system of government gang labour to convict disorder.[9]

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[7]   Legislative Council to Brisbane, 6 September 1825, *HRA 1*, Vol. 11, pp. 898-9.

[8]   The NSW 'runaway lists' replicated the advertising of deserters from the army and the East India Company in English journals such as the *Public Hue and Cry* and the *Police Gazette*. The strategy was in place when Brisbane announced his new system of record keeping, his 'index to the moral history of the Colony'. Brisbane to Bathurst, 28 April 1823, *HRA I*, Vol. 11, p. 77. The 'runaway lists' noted each individual's ship of arrival, number of weeks missing, age and native place, physical description, and where/who absent from. For an early order relating to the lists, see Goulburn to Hutchinson, 25 March 1822, State Records of New South Wales (SRNSW) 4/3505.

[9]   R. Meppem, 'Convict runaways, rebels and protesters, 1824 to 1830', BA (Hons) thesis, University of New England, 1991. Meppem collated and sampled the *Gazette* lists for a broad discussion of absconding in NSW during the 1820s. He relates the escalation in absconding partially to changes in convict management under Governors Brisbane and (especially) Darling, whose policies 'exacerbated convict disorder' (p. 44). In 1828, about one in four convicts employed in government work absconded, while almost every convict in Darling's iron and road gangs absconded at least once. Meppem's observations on the disproportionate contribution of punishment gangs to the runaway lists have been borne out by more recent research on ganging and convict resistance in Tasmania by Maxwell-Stewart. H. Maxwell-Stewart, 'Convict Workers, "Penal Labour" and Sarah Island: Life at Macquarie Harbour, 1822-1834', in J. Bradley and I. Duffield (eds), *Representing Convicts: new perspectives on convict forced labour migration,* London, 2000, pp. 142-62; T. Dunning and H. Maxwell-Stewart, 'Mutiny at Deloraine: Ganging and Convict Resistance in 1840s Van Diemen's Land'*, Labour History*, Vol. 82, 2002, pp. 35-47.

In this essay I offer a preliminary investigation of illegal convict movement on one of the remote, frontier pastoral districts of NSW of the 1820s. Events at Bathurst, across the Blue Mountains west of Sydney, epitomised and underscored these broader developments to such an extent that it is remarkable they have not received more explicit scrutiny.[10] For the present exercise I confine myself to a number of specific circumstances and developments, mostly arising from the data on Bathurst absconders obtained from the runaway lists.[11] I put aside for now several pressing matters, including the subject of bushranging (the extreme manifestation of absconding), which require fuller examination elsewhere. Principally I am concerned here with some broader questions that might offer insights on the redistribution and demographic movement of the NSW convict population during this important period of expansion and reorganisation. What were the frequency and the nature of illegal movement on the remote Bathurst frontier? To what extent was the forced relocation of the convict population countered by their returning illegally? Did they, by clandestinely leaving their employment situations, succeed in improving their situation? Did they find a genuine 'change of place'?

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The Bathurst and neighbouring pastoral districts, known then as the County of Westmoreland, was an area of indeterminate extent beyond the Great Dividing Range, stretching 'Westward [from Mount York] … without any limitation of boundaries whatever'. Today the area encompasses several regional centres — Bathurst, Mudgee, Orange, Wellington and Dubbo. It was in a sense Australia's 'first frontier' (in Tom Perry's words), or the first major pastoral district outside the Cumberland Plains, having been 'opened' in much celebrated circumstances by Blaxland, Wentworth and Lawson in 1813.[12]

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10   For example, P. J. Byrne, *Criminal Law and Colonial Subject: New South Wales, 1810-1830*, Melbourne, 1993, offers an authoritative account of convict dissent and the 'creation of bushranging' with hardly a mention of circumstances at Bathurst.

11   I am indebted to Sue Wiblin for her assistance in searching the *Gazette's* runaway lists, and for her invaluable contribution towards my database of Bathurst convicts.

12   T. M. Perry, *Australia's First Frontier: The Spread of Settlement in New South Wales, 1788-1829*, Parkville, 1963; *Sydney Gazette*, 19 August 1819. Later, when the colonial authorities defined the 'Settled Districts' and 'Limits of Location', the indefinite expanse of Westmoreland was divided into Counties Bathurst, Bligh, Wellington, Phillip, Roxburgh and Georgiana. On the 1813 expedition and its place in the Australian cultural and historical imagination, see C. Cunningham, *The Blue Mountains Rediscovered: Beyond the Myths of Early Australian Exploration*, Sydney, 1996.

In the 1820s, the Bathurst region was distinctive, evolving under conditions that produced significant social and economic variations from the other pastoral frontiers of NSW. Its early development was shaped, perhaps 'retarded' as Perry says, by factors 'partly physical, partly human'.[13] Above all else, the region was geographically isolated. Of the various frontiers opened in this period, Bathurst had the most difficult and tenuous lines of supply and communication, the Blue Mountains being for many years a considerable physical and perceptual barrier to the opening of the interior. The region's development was further shaped by an unusually strong degree of government planning and management. This began with Governor Macquarie's cautious control over the nature and extent of private settlement beyond the mountains, pre-eminently to restrict the dispersal of a large convict population into the remote interior, which he knew would be beyond the capacity of the central authorities to control.[14] Subsequent events vindicated his caution.

From 1822, Governor Brisbane's administration stimulated a 'more liberal and just encouragement' of private grazing,[15] granting almost 100,000 acres of land around Bathurst and issuing some 200 temporary 'Tickets of Occupation' for remote and unsurveyed grazing runs in the space of three years. In the process, Bathurst became a 'big man's sheep frontier', with more sheep than anywhere else outside the Cumberland region, and less agriculture, monopolised by a relatively small number of eminent non-resident stakeholders from Cumberland who initially did little developmental work on their runs.[16] Brisbane also significantly expanded state agricultural and pastoral operations, and from 1823 the district was the focal point of the government's grazing interests. He also enlarged the existing Bathurst agricultural farm, and established a new one at Wellington Valley on the lower Macquarie River, 100 kilometres northwest of Bathurst. The latter was apparently projected as a penal settlement for 500 convicts and the first in a network of similar establishments spreading into the interior. But built too far inland, it quickly became a pointless and neglected component of the public works sector, its penal role annulled by the new coastal

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13   Perry, *op. cit.*, p. 93.
14   B. H. Fletcher, *Landed enterprise and penal society: a history of farming and grazing in New South Wales before 1821*, Sydney, 1976, pp. 159-60, 174-6. See also Hall on Macquarie's 'rascally' policy regarding the west. *Monitor*, 18 August 1826.
15   G. Suttor, *Memoirs of George Suttor*, G. Mackaness (ed.), Sydney, 1948, p. 58.
16   Perry, *op. cit.*, pp. 86-90.

settlements and its productivity hampered by poor supply and internal conflict.[17]

This rapidly accelerated exploitation of the region required a swelling population of convict workers. The Returns of the Colony ('Blue Books') show that the convict population at Bathurst almost tripled during 1822-25 to reach 851 (including ticket-of-leavers, and about 85 convicts at Wellington Valley). Actually, these figures conceal an even larger and also more fluid population. From other sources at least 1,100 convicts can be named as having been associated with the western region in these years, many of them briefly there between the various musters of the period. Roughly 75% were in the service of a burgeoning pastoral industry, with around 300 channelled into public works. Convicts in fact formed an uncommonly large percentage of the Bathurst population, a characteristic distinguishing the region from other frontier districts of the time. The ledger was unbalanced by the absence of immigrant, emancipist and colonial-born stakeholders, who were underrepresented in the district in these early years, but this also reflected the prominence of large-scale interests. Newly-arrived gentleman investors and others with long-established interests in the Cumberland region, assembled local workforces that quickly became immense. In 1824-25, roughly 65% of the convicts in private employ at Bathurst were shared among the twenty largest employers.[18]

Around 45% of the Bathurst convicts were newcomers, drawn from the transports arriving in 1822-25, from which groups of around a dozen men, sometimes twenty or more, were allocated directly to Bathurst 'for government' or 'for distribution'. Other newcomers had been assigned to settlers with interests in the west and were forwarded to Bathurst, either immediately or after a brief period on their masters' Cumberland properties. The remaining 55% had already been in the colony three years or more, and were reallocated from government and private enterprises in Cumberland. More than half of these had come out of government stations at Emu Plains, Longbottom, the Carters Barracks, Hyde Park Barracks and the Female Factory, and from 'town gangs' and road and clearing parties at Windsor, Liverpool and

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17   D. A. Roberts, '"A sort of inland Norfolk Island"? Isolation, Coercion and Resistance on the Wellington Valley Convict Station, 1823-1826', *Journal of Australian Colonial History*, Vol. 2, No. 1, April 2000, pp. 50-72.

18   Perry, *op. cit.*, p. 89; D. A. Roberts, '"Binjang" or the "Second Vale of Tempe": The Frontier at Wellington Valley, New South Wales, 1817-1851, Ph.D Thesis, University of Newcastle, 2000, pp. 125, 296.

Parramatta.[19] At least a dozen old hands had recently been at the secondary settlement at Newcastle where they had served under Commandant Major James T. Morisset (with whom they were reunited at Bathurst). Some veterans had witnessed the infamous settlement in its earlier, darker phase, under Captain Wallis (1816-18).

There is some evidence that convicts were sent west as punishment for dissension or irregularity,[20] though this is not substantiated by the extant returns of punishment for the Cumberland benches. The west may have operated as a type of secondary penal destination on a more informal level, with the expulsion of government-employed convicts to less propitious environs at Bathurst being orchestrated by public superintendents, based on their assessment of the character and performance of particular individuals. Certainly, many Bathurst convicts had track records of misbehaviour, including absconding, and were well and unfavourably known to the Cumberland magistrates. But overall they had been reapportioned rather than re-transported, in line with a wider redistribution of the convict population in the wake of the Bigge Reports. Yet undoubtedly many felt like they had been re-transported, when the conditions of inland settlement were so crude and unfamiliar.

For both private and government convicts, old hands and newcomers alike, service west of the mountains was posited as a form of rehabilitative banishment — isolation as a means of reformation. The redeployment of the convict population into the outlying districts after 1820 was largely motivated by economic concerns, but was justified as having positive outcomes in terms of the punishment, discipline and reformation of convicts. Frontier life would provide 'a grateful protection' to those truly intent on reforming themselves and, being 'far removed from temptation' and 'abstracted' from the evil influences of urban congregations, convicts were expected to be 'much

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19   This was roughly calculated using a sample of 130 convicts listed in the '1822 Muster', who are later registered at Bathurst in 'the 1825 Muster'. 75 (about 60%) of these were in government employ in 1822. C. Baxter (ed.), *General Muster and Land and Stock Muster 1822*, Sydney, 1988; *General Muster List of New South Wales, 1823, 1824, 1825*, Sydney, 1999.

20   For example, R. P. Lesson, in G. Mackaness (ed.), *Fourteen Journeys over the Blue Mountains of New South Wales, 1813-1841*, Dubbo, 1978, p. 161; Maxwell to Goulburn, 30 December 1824, SRNSW 4/1800; Petition of Mary Ann Holford, 7 December 1824 SRNSW 4/1799.

more docile than in Sydney'.[21] But there were, in the words of E. S. Hall, 'no set of men in the world more wedded to the luxuries of civilized life'.[22] Convicts were tied to the centres of settlement by their desire for material comforts, social interaction and the many opportunities for support and gratification through which they could ameliorate their situation. Moreover they had, through their networks and associations, their recreation and industry, constructed and fashioned the colony's townships as 'their own'.[23] Subsequently, a sense of isolation — feelings of remoteness and removal — was at the core of all the various factors predisposing the Bathurst frontier to an atmosphere of discontent and disorder.

During 1822-25, Bathurst itself was only a fledgling village, and only a very small portion of the convict population enjoyed close proximity to it. These included the tradesmen erecting the new government settlement (from 1824), and others in relatively privileged positions such as the government clerks, the cooper, butcher, blacksmith, gardener and some constables. Outside the settlement, some men worked together in groups on stations and fledgling estates, or in parties on the 'Western Mountain road', though they remained isolated and their company relatively small. For the vast majority, privately employed as shepherds or hutkeepers, or tending the stock department's network of outstations, the isolation was extreme. They were remote not just from the social hubs in Cumberland, but often from Bathurst itself. Thinly scattered in small bands, they eked out a rudimentary and rustic existence with little consolation or supervision. It was a setting that most found intimidating, dangerous, boring and wearing. It was of course these circumstances that fostered an environment conducive to racial conflict and bushranging. They also provided the spur and the space for illegal movement.

Frontier isolation meant that provisions, items and materials were hard to come by. Supplies sent west across the mountains were routinely reduced by neglect and robbery, and 'great advantages' were taken by merchants.[24] Important ancillaries to the convict diet (notably

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21   Brisbane to Bathurst, 28 April 1823, *HRA 1*, Vol. 11, p. 80; Goulburn to Simpson, 1 April 1823, SRNSW 4/3508.

22   *Monitor*, 18 August 1826. For historiography on isolation and convict management, see C. Frederickson, 'Confinement by isolation: convict mechanics and labour at Fort Dundas, Melville Island', *Australasian Historical Archaeology*, Vol. 19, 2001, pp. 48-59; Roberts, 'A sort of inland Norfolk Island'.

23   This is best explicated in G. Karskens, *The Rocks: Life in Early Sydney*, Carlton, 1997.

24   Johnston to Goulburn, 2 June 1824, SRNSW 4/1800.

tea and sugar) were deducted from the rations issued at Bathurst as early as 1822, a year before Governor Brisbane ordered 'a material alteration and reduction' of convict rations colony-wide.[25] At times convicts at Bathurst experienced critical shortages of both meat and flour. When government harvests in the west floundered in 1825, the official ration was further reduced.[26] These shortages motivated numerous acts of opportunism and desperation. There was a virulent black-market trade amongst settlers, soldiers and convicts, theft from the government stores and the killing of private stock for meat.[27]

Isolation also heightened the relevance of management styles — the habits of command — both at the level of the workplace and in the broader sphere of the local authority. I have shown elsewhere, in a description of the case of Lt Percy Simpson at Wellington Valley, how the hardships and complications of frontier conditions fully tested the capability and willingness of masters to provide for and secure the cooperation of their men. At Bathurst, many masters, agents and overseers clearly failed to inspire fealty and obedience.[28] Private employers driven by profit and public administrators working under incentive-based contracts created an environment of urgency and compulsion, while a dubious nexus between state and private interests created dysfunctions and corruption within the command structure of local authority, undoubtedly exacerbating convict dissent.[29] Law and

[25]   Brisbane to Bathurst, 28 April 1823, *HRA I*, Vol. 11, p. 77. In 1822, after Commandant Lawson decided that tea and sugar were unnecessary at Bathurst, local convicts petitioned the Governor, protesting that they had been deprived of 'one of the greatest comforts persons in Petitioner's situations can expect'. Petition by prisoners at Bathurst, 1822, SRNSW 4/1798; Lawson to Goulburn, 10 April 1822, and 16 August 1822, SRNSW 4/1798. For the prescribed scale of rations at Bathurst, see Goulburn to Morisset, 14 November 1824, SRNSW 4/3509. For Wellington Valley, Goulburn to Simpson, 1 January 1823, SRNSW 4/3507.

[26]   Simpson to Goulburn, 29 May 1825, SRNSW 4/1818; Goulburn to Simpson, 15 August 1825, SRNSW 4/3515; Morisset to Goulburn, 5 October 1824, SRNSW 4/1800; Goulburn to Morisset, 21 October 1824, SRNSW, 4/3512.

[27]   Johnston to Goulburn, 11 May 1823, SRNSW 4/1798; Supreme Court: Information and Other Papers, No. 25/29, SRNSW T40 (the case of Mitchell and Spencer).

[28]   Roberts, 'A sort of inland Norfolk Island'.

[29]   Tom Dunning and Hamish Maxwell-Stewart have described this in relation to the Westbury-Deloraine road gangs in Van Diemen's Land. Maxwell-Stewart and Dunning, *op. cit.*, pp. 35-47. In the period under study numerous local administrators, including Johnston and Hawkins, were called to account for malversation. Earlier, Commissioner Bigge's investigated the activities of the road-builder and first Bathurst administrator, William Cox. Governor Brisbane tied the remuneration of public administrators to the output of their operations to stimulate economy and efficiency according to his 'important principle of Political economy'. For explanation, see the Circular from the Colonial Secretary's Office, 13 September

order were crudely maintained by a local bench of settler magistrates (the largest employers) under the direction of a Commandant or chief law officer, whose perceived character was integral to the atmosphere of local life and labour. The Bench's proceedings clearly convey a pervasive, outright disrespect for authority among the convict population, revealed most strongly in expressions of contempt and insolence towards masters and overseers, and during sentencing. The same contempt was vengefully manifested in acts of collective violence targeted at those who were perceived as 'bad masters'.[30]

Frontier isolation also characteristically involved the weakened agency of central control, made worse in this period by the government's apparent failure to appreciate the ramifications of its dispersal of the convict population. The vast and ever-expanding pastoral district of Bathurst was defended by a paltry military establishment of several infantrymen, barracked at Bathurst but fragmented into strategic outposts throughout the region, their effectiveness hampered by poor mobility, disinterest, confused chains of command and the temptation to become 'too well acquainted both with prisoners and settlers'.[31] Public order thus rested on the shoulders of convict constables under the direction of the Commandant and the magistrates. As elsewhere, they proved a somewhat makeshift, sometimes unreliable arm of law enforcement, extremely unpopular and always undermanned. At a time when bushranging and Aboriginal resistance were producing a crisis across the frontiers of NSW, especially at Bathurst, there were only three paid constables at the Commandant's disposal.[32]

1824, SRNSW 4/3512. For the contracts of Bathurst administrators, see Goulburn to Simpson, 1 January 1823, SRNSW 4/3507; Goulburn to Maxwell, 20 May 1823, SRNSW, 4/3508; Johnston to Goulburn, 3 May 1823, SRNSW 4/1798, and June 1824, SRNSW 4/1800; Returns of the Colony, 1825, SRNSW 4/253.

30 The Bathurst Bench was almost entirely concerned with convict discipline. There were a few exceptional cases involving free men, usually complaints brought against them by servants. Even these were universally converted into examples of convict discipline when accusers were flogged for 'making a groundless complaint'. See for example the cases of John Thompson, George Mitchell and James Moran, who each received 25 lashes. Returns of convicts tried before Magistrates (Punishment Returns), Bathurst, August 1824, SRNSW 4/6671. See these returns also for various instances of disrespect and insolence, and also the Bathurst Bench Books, SRNSW 2/8323. Robert Storey's bushranging gang in 1825 targeted its attacks on certain settlers 'terming them bad masters'. Deposition of Patrick Blanchfield, 28 September 1825, Supreme Court: Information and Other Papers, No. 25/183, SRNSW T21.

31 Johnston to Goulburn, 11 May 1823, SRNSW 4/1798.

32 Fennel to Ovens, 27 August 1825, Brisbane's Letter Book, A1559-1, p. 194, Mitchell Library.

It was a situation ripe for disorder. The large-scale removal of reluctant workers into such remote and rustic circumstances, separated from their social hubs by geography that was famously impenetrable, and with limited resources for control, was bound to have serious repercussions. The Bathurst convicts, many of whom were already accustomed to absconding, found themselves in an environment so remote as to make escape more difficult, but also more desirable. Events would demonstrate that the lure of facilities and familiarities on the coastal hinterland, as well as the multiple chances of a life on the margins, were too strong for them to be contained.

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Much of the illegal movement on the western pastoral frontier was not absconding, but absenting — stealing away temporarily for the purpose of recreation and errand, without intending an enduring absence. This was routine and habitual behaviour, intrinsic to convict life in NSW. On the frontiers it was subsumed within a broader milieu of movement — that 'state of constant migration' that Alexander Harris noted to be 'a peculiar characteristic' of labouring in Australia — necessitated by the employment and living arrangements of the pastoral economy. Isolated pastoral workers had 'no restraint on their personal liberty beyond that of fear of consequences',[33] and undoubtedly they felt strong urges to seek supplies and company from neighbours, for which they often needed to travel some distance. But it was routine conduct also for those in the settlements or the fledgling estates. They were subjected to more constant surveillance, but they had a greater array of associations and activities that called them briefly away from their workplaces and huts. By such means, convicts found their escape through distraction. In their daily interactions for amusement and business they constructed, as Robbins notes in this Volume, 'an alternative social reality … their own space' (p. 81), and not just among themselves, but in association with the free population. It was the movement involved in this convict leisure, especially for 'Tippling or Gambling', and its creation of a subaltern culture midway between free and bond, that was targeted by the 1825 'Harbouring Act'.

At Bathurst, the movement of convict shepherds around and between neighbouring stations could seldom be detected, unless one was unlucky enough to be missing when the master called by. in these

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33   A. Harris, *Settlers and Convicts: recollections of sixteen years' labour in the Australian backwoods*, Melbourne, 1969 [London, 1847], pp. 66, 67.

cases one's absence might be defended as inadvertent, as in being caught on the wrong side of a swollen river.[34] Those working under closer supervision needed to stage more deceptive ruses. Daniel Shaw was allowed to leave the lumberyard to obtain medicine, but was later found roasting potatoes in a gully some distance away.[35] Even if detected, absenting was only worthy of punishment if it resulted in mishap (usually the loss of sheep), or if the master's opinion of his worker was such as to recommend punishment as a lesson or example. Illegal movement might be brought to the Bench by a third party, acting diligently and perhaps with a view to financial reward, in which case the employer might smooth the matter over and have his servants discharged on account of good character, even though they might be repeat offenders.[36] But on the whole it was behaviour that demanded a measure of tolerance and licence, punished only where there was risk of complete anarchy and the collapse of state and entrepreneurial enterprises.[37] This in turn helped entrench the practice as customary.

But there were many who sought to extricate themselves more permanently from their employer or environment. In the three years 1823-25 there were at least 203 cases advertised in the *Sydney Gazette* of convicts absconding from employment situations in the Bathurst region (Table 1). They involved 133 individuals, or about 15% of the total number of convicts connected with the west during those three years. About one third (51 men) were advertised a second time, 16 a third time, and 3 a fourth time. The few cases advertised in 1823 were mostly connected with the new Wellington Valley settlement, which from the outset greatly exacerbated the problems of convict discipline in the Bathurst region. The dramatic increase from 1824 is commensurate with the buildup of the convict population, which gathered momentum at that point, and perhaps reflects a more reliable accountancy under the first fulltime Bathurst Commandant, Major Morisset. Other pertinent factors may include the climate of fear and hostility ensuing from violence between convicts and Aborigines, requiring closer examination than is possible here.

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34 Bathurst Bench Books, 14 February 1826, SRNSW 2/8323, pp. 65, 67.

35 *Ibid*., 14 February 1826, p. 62.

36 In December 1825, a soldier ordered to disperse a mob gathered at the Bathurst farm to watch a fight, arrested several servants of Thomas Hawkins. The Bench apparently overlooked the serious track of two of them, Joseph Bland and Thomas Wigglesworth, who had been flogged a year earlier for 'Running away and being at Large in the Bush and Robbery'. Punishment Returns, Bathurst, April 1824, SRNSW 4/6671; Bathurst Bench Books, 6 December 1825, SRNSW 2/8323, pp. 32-3.

37 Hirst, *op. cit.*, p. 47

TABLE 1:

Bathurst runaways

advertised in the *Sydney Gazette*, 1823-25

Year	no. of cases
1823	18
1824	112
1825	73

TABLE 2: [38]

Bathurst runaways (advertised) 1823-25

government v assigned (sample of 133)

Government: 98 (74%)		Assigned: 35 (26%)			
(from):		(from):			
'Bathurst'	29	Aspinall	1	Lewis	1
'Bathurst Gaol'	2	Bonner	1	Lowe	1
'Bathurst Road Party'	6	Browne	2	McKenzie	4
or 'Road Gang'		Campbell	2	Miller	2
'Escort to Wellington Valley	11	Cox	1	O'Bryan	1
'Wellington Valley / Plains'	50	Icley	2	Thompson	3
		Kable	2	Ranken	6
		Lawson	3	Street	1
		Lee	1	Terry	1

38　Only in 5 (of 29) cases is the runaway specified as being from 'government' at Bathurst, or 'Bathurst Station'. If no employer is given, he is here presumed to have been in government employ. Cross-referencing with other records suggests this is usually correct, though in two or three cases individuals are known to have been in private employ at around the same time. Bathurst convicts oscillated between government and settlers to some degree, though presumably the advertisement sometimes simply omitted an assigned convict's employer, which would narrow the disparity between government and assigned runaways noted in this table. The 11 men who absconded from 'escort to Wellington Valley' appeared simultaneously in the *Sydney Gazette*, 17–24 November 1825 (see below).

TABLE 3		
Bathurst runaways (advertised) 1823-25 Showing length of time in NSW before absconding from Bathurst		
Sample of 116		
Years	No.	
> 1	6	
1	13	
2	14	} 56 (48.3%)
3	23	
4	19	
5	25	
6	12	} 60 (51.7%)
7	3	
8	1	

TABLE 4:	
Punishment outcomes for Bathurst runaways advertised December 1823 – October 1824	
Sample of 34 24 from govt employ / 10 from private employ	
tried by	no:
Bathurst Bench	23
Penrith Bench	1
Parramatta Bench	1
Evan Bench	1
Bench unknown	8

Taken mostly from various items in the NSW Colonial Secretary's 'Returns of convicts tried before Magistrates', SRNSW 4/6671.

Table 2 shows that most escapees were from government employ, accounting for 75% of the advertised cases (despite comprising only 25% of the Bathurst workforce). This is consistent with the broader picture (noted earlier) measured by Meppem and with Maxwell-Stewart's observations about the propensity for government workers to abscond and/or the greater likelihood of their absence being reported. Table 3 gives a breakdown of advertised runaways (using 116 cases), showing the length of time convicts had spent in the colony before absconding from employment situations at Bathurst. It shows that newcomers (in the colony less than three years) and old hands (four or more years) absconded in roughly equal measure, and roughly in proportion to their number within the Bathurst convict population. Contemporaries observed that discontent and resistance were strongest amongst newcomers, they being unaccustomed to the system and unfamiliar with its loopholes and avenues for amelioration.[39] As the slightly greater portion of the Bathurst convicts were old hands, many looking towards an imminent ticket-of-leave, they might have been expected to prove themselves obedient and of good character, perhaps finding on the frontier an opportunity to impress and earn the right to be self-employed. But old hands were also more likely to have been extricated from established networks and families in the settled areas, providing 'a powerful additional motive for running away'.[40] That so many, placed in such remarkable and challenging circumstances, proved undependable, is a measure of their reaction to that 'series of reversals' in convict management — their resentment of the extent to which former standards and understandings were no longer honoured — and of their dissatisfaction with the rough and ready environs of the frontier.

These, of course, are only the *advertised* runaways. A search of the broader record easily shows that not all made it into the *Gazette*. In 1824 the Bathurst Bench had 34 men flogged for 'running away', 'absconding' or 'being at large in the bush'. Less than half of these (16 cases) had been advertised, despite many apparently being of a suitably prolonged and serious nature. Of course, many were returned or caught relatively quickly, the following day perhaps, or within a week, and were punished for absconding rather than absenting, though they had not been gone long enough to be advertised. But there is strong evidence of an underreporting of more lengthy absences.

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39   Hirst, *op. cit.*, p. 138.
40   T. O'Connor, 'Buckley's Chance: Freedom and Hope at the Penal Settlements of Newcastle and Moreton Bay', *Tasmanian Historical Studies*, Vol. 6, No. 2, 1999, p. 123.

From a sample of 23 cases before the Bench between September 1825-July 1826, where the individual was known to have been missing for more than a few weeks, only 7 appeared in the *Gazette*.[41]

Inconsistencies and anomalies in the advertising of runaways from Bathurst occurred not just because many cases did not warrant reporting, but also because some returns did not reach the Principal Superintendent of Convicts. Lengthy runaway lists from Wellington Valley, sent to the Colonial Secretary, were evidently not forwarded, at least one being disregarded because it did not give the convicts' date of desertion.[42] And yet advertising was presumably most useful to Bathurst employers, who risked losing track of convicts returning east to Cumberland. It was necessary also because claims for financial reward for apprehensions could only be honoured if the runaway had been gazetted, so that potentially the criteria for taking someone into custody was not whether the convict was at large, but whether he had been advertised. There were, indeed, reports of runaways being left alone because apprehenders were not entitled to a reward.[43]

Table 4 offers a sample of cases where an advertised absconding is known to have resulted in punishment. The likelihood of a runaway convict receiving punishment is difficult to determine from the extant records for this period, though the sample does serve to illustrate some trends, especially that most punishments were issued locally, either because they were captured locally or because they were returned from the east to be punished in the appropriate jurisdiction.[44] The

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[41]   Bathurst Bench Books, SRNSW 2/8323; Punishment Returns, Bathurst, 1824, SRNSW 4/6671. In my calculations here, I have removed several cases of 'absenting' or 'leaving without permission', leniently punished with only 25 lashes, and three cases, seemingly short-lived absences, punished more severely because of related offences (theft and repeat offending). Note that some convicts *were* advertised as runaways on occasions other than that for which they were punished. There are difficulties in cross-referencing information from the runaway lists, the Punishment Returns and the Bench Books, and also the likelihood that relevant cases have been missed in our search of the lists, but the under-reporting of runaways is clear.

[42]   Goulburn to Simpson, 10 September 1824, SRNSW, 4/1818. See also Simpson's 'List of [10] Crown Prisoners who have absented themselves from Wellington Valley', 16 October 1823, SRNSW 4/1818. None of those named in the list were advertised in the *Gazette*. Simpson was reminded to send his returns directly to the Principle Superintendent. Goulburn to Simpson, 10 September 1824, SRNSW 4/1818.

[43]   Morisset to Goulburn, 7 July 1824, SRNSW 4/1800.

[44]   For example, John Askew/Askey was apprehended at Penrith and punished by Bathurst Bench in October 1824 as a 'runaway third time of desertion otherwise a bad character', receiving 100 lashes and two years to Port Macquarie. Punishment Returns, Bathurst, October 1824, SRNSW 4/6671.

sample also provides some measurement of the frequency of convicts seeking their way back east across the mountains. Three who made it are recorded as having been punished by benches in Cumberland, including James Neighbours, who had absconded from a road party at Bathurst and was caught stealing from fruit trees around Parramatta.[45] Another eight were sent to Port Macquarie, though as they were not sentenced at Bathurst they were presumably casualties of the Cumberland benches. Again the sample is drawn from advertised abscondings, to which must be added other known cases such as that of John Cobcroft, seven years into his life sentence, who robbed his master of two weeks' rations and headed to Sydney to see his wife and family.[46] There were others caught locally, like John Murphy and James McCabe, who stole away from the Bathurst settlement but were caught four miles away by a soldier, admitting that they were headed for Sydney but offering no defence.[47]

A more painstaking analysis of the data is required, but the evidence sufficiently demonstrates that illegal movement on the western frontier was rife, with the advertised runaway lists only accounting for a fraction of it. As expected, many convicts left for the east, and many made it. What emerges from the more qualitative evidence of the Bathurst Bench Books is that there were patterns of absconding, and that the act was usually explained in terms of 'push' rather than 'pull' factors. That is, they were driven from their workplaces by perceived or alleged hardships and mistreatment, rather than drawn towards comforts, familiarities and better opportunities. Convicts defended their absconding on the grounds that they had received no blanket, or were not given what they understood to be the formally specified quantity of rations. Others took flight because they had 'been knocked about', 'harassed and torn about', or because an overseer 'had a spite against' them.[48] These were circumstances in which convicts might consider themselves disobliged to serve their master and legally authorised to leave his employment.[49] Similarly, others represented their running as an act of desperation and self-preservation. James McConnell wanted a pass to visit Bathurst

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45   Punishment Returns, Parramatta, September 1824, SRNSW 4/6671.
46   Bathurst Bench Books, 18 October 1825, SRNSW 2/8323, p. 19.
47   *Ibid*., 28 December 1825, p. 50.
48   *Ibid*., 18 October 1825, 28 December 1825, 31 January 1826, pp. 19, 52, 58.
49   For example, Deposition of John Madden, 24 July 1823, SRNSW 4/1818; Rowan to Maxwell, 24 November 1824, and Maxwell to Goulburn, 6 December 1824, SRNSW 4/1800.

because he feared a fellow worker intended to shoot him, but absconded when his master deemed it 'a false pretence'. Isaac Brandon, sent by Walker to drive sheep to Bathurst, was under the impression that Walker was intending to have him brought before the Bench. He was not seen again for six weeks.[50]

Sometimes, absconding could reflect a more forthright, fundamental protest against forced employment itself — a direct challenge to the very right of a master to put his convict servant to work. This was the type of sentiment expressed by Patrick Cavenagh when he walked away from the lumberyard, telling his overseer he would not work in the rain 'for any Bugger in the country'.[51] Similarly, Michael Sullivan refused to work as a hutkeeper on one of William Lawson's remote outstations, being '[un]accustomed to anything of the kind'. As if believing he had a voluntary employment contract, he declined to accept his rations. Another of Lawson's men declared he would not be forced to reap. He fell well short of his task-target, then left.[52]

Then there were others who left believing (or claiming) they were due for a ticket-of-leave, supposing themselves no longer in their master's service, and often aggrieved at not being allowed a pass to seek their entitlement. Joseph Smith informed Thomas Arkell that as he was due for a ticket he must be replaced instantly, 'or else something will happen to the sheep'. He then took off to Bathurst to secure a pass to Sydney, and 39 sheep strayed.[53] In these circumstances, convicts openly touted the ease with which they could abscond as a means of remonstrating with their employer, either justly or spitefully. James Dooly told his overseer that he would be 'damned if he would mind the sheep' any longer, threatening to 'take to the bush' if another man were not appointed to his job. Here absconding was a potent form of protest, ransoming the master's economic interests, potentially damaging his reputation by casting doubts on his habits of command.[54]

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50   Bathurst Bench Books, 14 February 1826, SRNSW 2/8323, pp. 63, 64.
51   *Ibid.*, 31 January 1826, p. 59.
52   *Ibid.*, 27 December 1825, 14 February 1826, SRNSW 2/8323, pp. 47, 62.
53   *Ibid.*, 6 January 1826, p. 53
54   *Ibid.*, 8 November 1825, p. 23; H. Maxwell-Stewart, '"I could not blame the rangers", Tasmanian Bushranging, Convicts and Convict Management', *Tasmanian Historical Research Association: Papers and Proceedings*, Vol. 42, No. 3, 1995, p. 111.

Usually, the reasons given for absconding (by those who were caught) locate the practice within the categories or patterns of convict protest defined by Atkinson (despite his reluctance to classify it as such).[55] Often it was an integral part of workplace negotiations involving matters of principle — a withdrawal of labour to extract better conditions or to remonstrate a perceived breach of rights or mutual obligation — and sometimes a more direct and fundamental rejection of authority. Individual circumstances and personal dispositions were decisive factors, though there were times when broader, collective dynamics were also at work, when shared ideas and particular events heightened the local mood for disorder and disobedience. The excitement posed by bushranging activities emboldened many to be more assertive in disputing or rejecting their forced employment. Similarly, there was a spate of absconding at Wellington Valley in late 1825 when news arrived of Governor Brisbane's recall to England. A 'general idea' prevailed among the prisoners that the new Governor would follow Brisbane's lead and mark his ascension by offering pardons to runaway convicts.[56]

Other cases, including some potentially serious mass-abscondings, arose from a less definable but obviously potent and shared sense of misplacement. During the 1824-25 harvest a gang of government men injected into the Wellington Valley workforce to reap the wheat, walked off the station because they believed the Commandant intended to detain them longer than they had expected. Believing themselves to belong properly in Sydney, they fled as soon as the crop was harvested.[57] These men had been directed to the west through the ordinary channels of the public works system, yet found themselves in what they perceived to be, effectively, a regime of extra punishment which they felt they did not deserve. Eleven of them of them were arrested a week later near Bathurst and treated as 'bushrangers' at large, though in fact they were armed only with sticks and apparently offered little resistance to their recapture.[58] Many other convicts in the

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55 Atkinson claims absconding was 'rarely investigated' for motive and magistrates recorded 'no statements of principle' from runaways. A. Atkinson, 'Four Patterns of Convict Protest', *Labour History*, No. 37, November 1979, p. 36. Unlike Atkinson, I am only dealing here with examples of clearly articulated protest. The Bathurst records substantiate his observation that the reasons for absconding were diverse and sometimes too vague to be reliably categorised.

56 Simpson to Goulburn, 14 October 1825, and 15 October 1825, SRNSW 4/1818.

57 *Ibid.*, 23 January 1825, and 15 October 1825, SRNSW 4/1818.

58 Deposition of William Sherman, 1 February 1825, SRNSW 4/1801.

same situation absconded before or during the harvest, while others fled from escort.

This raises the question as to how many Bathurst convicts felt themselves to have been unjustly treated by the very act of being located on the frontier. Though convicts, as Hirst has demonstrated, generally accepted the legitimacy of their status,[59] their tolerance was easily undone by a perceived downgrading of the conditions of their life and labour. They might to varying degrees see their fate as too harsh and undeserved, or simply bad luck, but the appropriate, customary response was to steal away, perhaps having in mind some specific destination or an intention of appealing to a higher authority when captured. Many simply acted more spontaneously by throwing themselves at the mercy of providence and nature, hoping that their luck might change. Their declarations of misfortune and mistreatment – that they had been slighted, disappointed or endangered in a number of ways — had some credibility on the frontier, though they were countered by their masters' equally credible assertions that they were indolent, incorrigible, restless, resistive, or the casualty of bad company. This was a struggle of power and ideology fought throughout the penal colony, but which was aggravated in the remote frontier conditions at Bathurst by a general atmosphere of discontent and deprivation, informed by a personalised and shared sense of being in the wrong place. As one local employer stated, neatly summarizing the disorderly conduct of his convict servants, they simply possessed a 'wish to leave the Bathurst district altogether'.[60]

To some extent all the different ingredients that have been identified as informing and motivating convict protest were represented, perhaps melded, in a more immediate, more elemental desire. Convicts wanted to be elsewhere, almost anywhere. In leaving their employment situations they were actioning what Maconochie noticed as 'their passionate desire for a change of place'. Commandant Gillman observed this in the same terms at Port Macquarie in 1825, that 'the principal motive that actuates a Runaway' was 'their hopes of meeting with a change' (in this case, getting to Newcastle).[61] While some might have hoped to effect an escape from the colony altogether, many absconders, it seems, were motivated by a more modest desire to

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59   Hirst, *op. cit.*, p. 138.
60   Bathurst Bench Books, 27 December 1825, SRNSW 2/8323, p. 43.
61   Gillman to Goulburn, 8 February 1825, Supreme Court: Information and Other Papers, No. 25/190, SRNSW T21.

relocate, or, upon their probable capture, be relocated, in the hope of a better situation. It might be possible to merge into the broader population, in the metropolitan areas or on another frontier, at least for a while, particularly as many settlers were not averse to employing runaways. A change in situation, however, could also be effected within the system, with the help of the authorities, by having oneself redistributed. The calculated use of the system in this way was a key means through which convicts became 'shapers of their own destiny',[62] and absconding and related crimes were a major means to that end. Recent literature on female convicts has centred on the powers of women to exploit the system in this fashion (that is, by having themselves returned to a 'factory' and eventually reemployed).[63] But how well does this apply to the Bathurst convicts? Was is possible for them, by absconding, to obtain a genuine 'change of place'?

<p style="text-align:center">*   *   *</p>

Of the roughly 1,100 convicts transferred to Bathurst during the period under study, about 146 (roughly 13%) managed, in some way or another, to find their way back across the mountains within a year or two. About one-third of these (51 men) had been previously advertised as absconders (Table 5), though the tendency to under-report and the reliance here on advertised cases only suggests that the proportion of absconders might be substantially higher. This information can be read a number of ways. As noted, 133 individuals were advertised as runaways from Bathurst during this period, and 51 (38%) of these were relocated shortly after. Therefore, 82 advertised runaways (62%) did not attain a change of place (at least in the short-term). And yet advertised runaways figured disproportionately amongst those who were relocated. They comprised 15% of the Bathurst convict population, but 35% of those relocated. The records do not often reveal a direct correlation between absconding and relocation, but by breaking the figures down into categories we can vaguely surmise that most examples of relocation were not directly related to absconding.

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62   Hirst, *op. cit.*, p. 89.
63   Especially K. McCabe, 'Assignment of Female Convicts on the Hunter River, 1831-1840', *Australian Historical Studies*, Vol. 30, 1999, pp. 286-302.

TABLE 5: Bathurst convicts relocated by 1825		
Category	No.	advertised as runaways
1 reassigned (new master)	13	3
2 relocated (same master)	5	1
3 redistributed in/from govt. employ	42	11
4 private employ to govt.	4	1
5 TL (for another district)	6	0
6 freed or pardoned	23	5
7 penal stations	52	29
8 left the colony (ie.. escaped)	1	1
	146	**51**

Taken from various sources, especially items in the NSW Colonial Secretary's 'Convict Papers and Returns', SRNSW 2/8283, and C. Baxter (ed.), *General Muster List of New South Wales, 1823, 1824. 1825*, Sydney, 1999.

The safest and surest avenue of return was opened to those who obtained their freedom by servitude or pardon, which in some cases was granted despite recent episodes of absconding (Table 5, Category 6). Otherwise convicts generally relied on being returned to Cumberland through regular forms of redistribution. Evidently this was far more likely for convicts in government employ (Category 3) who might, for example, go from the Bathurst stock department to one of the bases at Rooty Hill or Emu Plains, or from a Bathurst road party into similar work at Liverpool or Penrith. The reasons for the change often cannot be deduced, but there was generally a high volume of movement of men between government situations. Those in private employ were far more likely to stay put. If in the service of some of the larger Bathurst stakeholders, they might be ordered to return to their master's more central properties in the Cumberland district, or find themselves reemployed by other masters there (Categories 1 and 2). But statistically they were just as likely to die at Bathurst, by drowning or by being murdered by fellow convicts or Aborigines. An equally small number of privately employed convicts were returned to

government, winding up in public works near Sydney (Category 4), though this was surprisingly uncommon. Only in 1 of 4 known cases does it appear to be the direct result of absconding.[64]

Again, this data requires more meticulous scrutiny, and the limitations of the evidence preclude any real precision, but it seems that for the Bathurst convicts absconding was an ineffective means of securing a reassignment within the system. There are only one or two well-documented cases of it working.[65] Instead, most runaways can be identified through later musters and other records as being back in the employ of their Bathurst masters. Indeed it was an apparently deliberate policy of the Bathurst Bench to return convicts to their place of employment after (or as part of) their punishment. The strong demand for labour in the western pastoral district discouraged settlers from disposing of their workers.[66] On the very few occasions where a convict was relegated from assignment to government employ he was made to undertake that employment locally. If already in government employ he would be retained but probably demoted to a less enviable situation such as the Bathurst lumberyard or Wellington Valley. The Bench's consistency in this regard reflected economic necessity, but it also effectively countered the manipulation of the system by convicts who absconded or engaged in other forms of ill discipline as a means relocating.[67]

Any convict removed from Bathurst by the local Bench was almost certain to go to Port Macquarie. Indeed, the figures presented in Table 5 are skewed by the fact that about one-third of those who were relocated (or 5% of the total Bathurst convict population) exchanged

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[64]   John Largy, one of McKenzie's servants, was advertised as a runaway in the *Sydney Gazette* between 20 January-3 February 1825 (his second appearance in the lists). He was shortly after mustered at the Carter's Barracks, Sydney.

[65]   For example, William Daley was disposed of by Blackman, after being advertised as a runaway. He was mustered later that year in the service of a settler at Parramatta. Morisset to Goulburn, 5 November 1824, SRNSW 4/1916.1; Blackman to Goulburn, 4 January 1825, SRNSW 4/1784.

[66]   Conditions at Bathurst in this period did not see masters using the Bench as a 'firing mechanism' to dispose of excess workers after periods of peak labour demand, as was sometimes the case in Van Diemen's Land. Bathurst convicts instead took it upon themselves to vacate such employments. I am indebted to Hamish Maxwell-Stewart for discussions on this matter. He raises the issue in Chapter Four of 'The Bushrangers and the Convict System in Van Diemen's Land', Ph.D thesis, Edinburgh University, 1990.

[67]   The tactic was well appreciated by Lt Simpson at Wellington Valley, ironically because his runaways were not always returned from Bathurst. Simpson to Goulburn, 15 October 1825, SRNSW 4/1818.

their situation at Bathurst for the supposedly severer environs of a penal station. As noted, this was usually related to punishments for absconding, and it represents the only real means by which convicts could obtain their change of place through running. Penal stations were designed to deter absconding. In time, they 'considerably strengthened the hegemony of the state' by providing spheres of employment and punishment that were dreadful enough to deter convict ill-discipline.[68] But in the years immediately after the Bigge reports, convicts in remote areas like Bathurst did not necessarily fear the relegation. At Wellington Valley, Commandant Simpson rued the decision of the Bathurst Bench to sentence his runaways to a term at Port Macquarie, believing this might merely inspire others to hope for similar treatment.[69] In the words of another Commandant, they were 'ever ready to suppose their present situation the worst, and that any change must be for the better'.[70] The quest was always for a better master and a more agreeable environment, though in the interim even a penal settlement might not prove to be so bad. If it were, a man might take his chances by absconding again.

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The bush was meant to deter escape. Supposedly the 'open prison' was possible because the wilderness and its Aboriginal inhabitants were unwelcoming and intimidating. But as Governor Brisbane was eventually forced to concede, the spatial nature of the pastoral frontier, 'where a thin population is scattered over a large tract of Country', provided 'the facilities of escape'.[71] For many Bathurst convicts, scratching a lonely habitation amidst the unfamiliar, the distinction between bush and civilisation was negligible. They exploited the freedoms that came with life on the secluded fringes, but also sought to counter their exile by returning.

Such tactics as were employed by the authorities to restrict illegal convict movement were ultimately limited, though at Bathurst they at least proved partially successful in keeping convicts at (or returning them to) their workplaces. They ensured that absconding was an

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68   Maxwell-Stewart, 'I could not blame the rangers', p. 122. Also J. Reynolds, `The Penal Stations of New South Wales and Van Diemen's Land: The Reality Behind the Legend', *Journal of the Royal Australian Historical Society*, Vol. 67, 1982, pp. 354-65.

69   Simpson to Goulburn, 14 August 1824, SRNSW 4/1818.

70   James Clunie, Moreton Bay, 1831, cited in O'Connor, *op. cit*., p. 122.

71   Brisbane to Bathurst, 8 November 1825, *HRA 1*, Vol. 11, pp. 897-8.

ineffective means of obtaining a relocation, except for those sent to Port Macquarie. While for a time the penal stations may have been a goal rather than a deterrent, they would soon consolidate their fearful reputation, and absconders would be driven to greater desperation in their attempts to avoid recapture. Thwarted in their desire for a change of place, convicts increasingly opted for a life on the fringes, preying on isolated outposts and on the long and lonely tracks connecting them. In order to keep a reluctant convict workforce on the frontiers, the authorities were required to block some critical 'safety valves' that militated against more extreme forms of convict resistance.[72] In doing so, they faced increasing problems with those who were forced to remain.

I have here only accounted for convict movement and relocation in the short term. If we move forward three years to the time of the 1828 census we find that most of Bathurst's early convict population in fact succeeded, eventually, in obtaining their change of place. Of the 1,100 convicts identified as being associated with the western pastoral district between 1822-25, only 331 (30%) can be identified as still being in the district in 1828, still under sentence or holding tickets-of-leave. By then, most had received their freedom and had moved on. Others were redistributed along the lines described above, and for them the Bathurst experience was brief and forever behind them. But significantly, between 95 and 160 men (between 8 and 15%) had been made free, so that they remained, ostensibly, of their own accord.[73] For despite the privations and sense of dislocation, the frontier pastoral economy was also a place of opportunity, particularly at Bathurst with its preponderance of absentee stakeholders and its ever-growing demand for labour and services. During the late 1820s and 1830s, ex-convicts featured prominently in an emerging middling class of free, independent workers, tradesmen, agents, overseers and small capitalists, carving a niche between the landed proprietors and their convict workforce.[74]

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[72]   Hirst, *op. cit.*, p. 47.

[73]   There were 258 still under sentence and 73 with tickets-of-leave. Another 92 were listed as Free By Servitude, and 3 Conditionally Pardoned. There are 67 still at Bathurst for whom no status is given, though they appear in most cases to be freely employed. M. R. Sainty and K. A. Johnson (eds), *Census of New South Wales, November 1828*, Sydney, 1980.

[74]   K. Fry, *Beyond the barrier: class formation in a pastoral society: Bathurst 1818-1848*, Bathurst, 1993.

The crossing of the Blue Mountains and the 'opening of the west' was an important event in early Australian settlement, but it was significant also in terms of convict life and labour. The rapid and unprecedented redeployment of the NSW convict population into remote and unfamiliar environments during the 1820s provided fresh sites, with new challenges and new dimensions, for the convict experience. Yet developments at Bathurst in the 1820s paralleled those in other areas during the earlier phases of settlement in NSW, described by other contributors to this Volume, where convicts escaped and absconded, first from the fledgling settlement at Sydney and then *to* Sydney from the outlying settlements. In time, as settlement spread further outwards into the interior, Bathurst itself became a destination for escapees, with upcountry convicts committing 'misdemeanours for the express purpose of being brought [to Bathurst]'.[75] But time and development would also ease the desire for a change of place. Convicts would make a home at Bathurst. They would carve a niche and stake a claim, just as they had done in Sydney and Parramatta. Increasingly, numbers would opt not to steal away, but sought instead to lay the platform for a change of status. They would orchestrate their escape, not through desertion and changing place, but through deliverance and staying.

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[75]   'I have even heard men at a distance of one hundred miles from Bathurst, say "they would willingly take fifty lashes to get into the plains"'. George Ranken, evidence to the Legislative Council Committee on Police and Gaols, Legislative Council: Votes and Proceedings, 1835.