

Journal of Australian Colonial History

A Refereed Journal
ISSN 1441-0370

Department of Archaeology, Classics and History
University of New England
Armidale NSW 2351
Australia

<http://www.une.edu.au/jach/>

Richard Tuffin, 'The Post Mortem Treatment of Convicts in Van Diemen's Land, 1814-1874', *Journal of Australian Colonial History*, Vol. 9, 2007, pp. 99-126.

COPYRIGHT NOTICE

This material has been reproduced and communicated to you by the University of New England. You may download, display, print and reproduce this material in unaltered form only for personal, non-commercial use only, for the purpose of private study, research, criticism or review. Apart from any use as permitted under the Copyright Act 1968, all other rights are reserved. Enquiries should be made to the Editor.

© Editor. Published by the University of New England, 2007

The Post Mortem Treatment of Convicts in Van Diemen's Land, 1814-1874

Richard Tuffin
Port Arthur Historic Site

The convict is not allowed a decent interment [but is instead consigned] to the hole in the earth, when indeed their bodies were not snapped up for the operator and dissecting room.

William Gates, 1850.¹

Between 1803 and 1853, over 69,000 male and female convicts arrived in Van Diemen's Land. At any one time, thousands were incarcerated or employed across the length and breadth of the colony. Inevitably, many died while still under sentence. Accident, disease, murder, suicide and old age all took a toll, leaving the authorities with bodies requiring burial. But how many individuals died under sentence? How were their bodies treated and where were they interred? These are seemingly simple questions, but to date little comprehensive research has been conducted into the treatment of Van Diemen's Land's convict dead.

As Lynette Ross recently asserted, 'Convict death is not a popular topic'.² Partly ignored and generally misunderstood, the subject seemingly falls between the two larger research areas of convictism and, separately, the history of death and burial. Significant and exceptional works such as *The Convict Settlers of Australia* (1965), *Convicts and the Colonies* (1966), *The Fatal Shore* (1987) and *Convict Workers* (1988), barely touch upon convict mortality or

¹ W. Gates, *Recollections of Life in Van Diemen's Land* (1850), G. Mackaness (ed.), Sydney, Part I, 1961, p. 63.

² L. Ross, 'The Final Escape: an analysis of suicide at the penal settlement of Port Arthur', *Journal of Australian Colonial History*, Vol. 7, 2005, p. 185.

how the convict administrators responded in their duty to the dead.³ Of the studies that do deal with convict mortality and, to some extent, *post mortem* care, Richard Lord's *Isle of the Dead* and Ross's 'Death and Burial at Port Arthur' are the most notable, though they are limited to a focus on the Port Arthur penal station.⁴ Other seminal studies, such as James Kerr's *Design for Convicts* (1984) and Katheryn Evans' research on Tasmanian convict sites, have explored the built landscape of convictism and its physical traces, without identifying or specifically discussing sites of interment and their relationship to convict settlements and work sites.⁵

Discussions of convict death and burial are even more limited within the historiography of mortality in Australia. Pat Jalland's *Australian Ways of Death* (2002) engages mostly with a post-1840, free immigrant society.⁶ Robert Nicol, in his contribution on Australian burial customs to *Death and Dying in Australia* (2002), similarly skims over the treatment of the deceased convict.⁷ Graeme M. Griffin and Des Tobin's *In the Midst of Life* (1997) provides a perfunctory snapshot of incidents at such well-known places as Norfolk Island, Moreton Bay and Port Arthur, but does not answer vital questions about the administrators' approach to *post mortem* care of the deceased. They simply assert that 'In death, as in life, convicts were for many decades treated with scant consideration'.⁸

3 L. L. Robson, *The Convict Settlers of Australia*, Melbourne, 1994 [1965], pp. 4-5, refers only to mortality aboard convict transports. R. Hughes, *The Fatal Shore*, London, 1988 [1987], p. 542, recounts the interment of convicts in 'Murderer's Mound' on Norfolk Island. S. Nicholas, 'The Care and Feeding of Convicts', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past*, Cambridge, 1988, pp. 192-3, contains reference to the medical care of convicts, but not to their *post mortem* care. See also A. G. L. Shaw, *Convicts and the Colonies*, Melbourne, 1981 [1966].

4 R. Lord, *Isle of the Dead: Port Arthur, Tarooma*, 1995; L. Ross, 'Death and Burial at Port Arthur 1830-1877', BA (Hons) thesis, University of Tasmania, Hobart, 1995.

5 J. S. Kerr, *Design for Convicts*, Sydney, 1984, pp. 15, 114-5; K. Evans, *Convict Sites Tasmania: Historical Research Project*, Hobart, 1996.

6 P. Jalland, *Australian Ways of Death: A Social and Cultural History*, South Melbourne, 2002, p. 2.

7 R. Nicol, 'Australian burial customs', in A. Kellehear (ed.), *Death and Dying in Australia*, Melbourne, 2000, pp. 92-104.

8 *Ibid.*, p. 73.

My interest in the treatment of convicts *post mortem* arises from research undertaken by the Port Arthur Historic Site Management Authority (PAHSMA) into the 'Isle of the Dead' – the Port Arthur penal settlement's convict and free burial ground. To understand better the significance of this cemetery, it was deemed necessary to place the site within a wider colonial context. There is barely enough information available to ascertain the exact number of convict burial sites in Tasmania, or the number of convicts interred at these sites, and so it is difficult to determine how burial practice at the Isle of the Dead compared with modes of convict burial elsewhere. But a succinct and systematic study of convict burial practices is needed to counter some incorrect notions about convict mortality and contemporary responses to it. Because the subject has generated little useful secondary literature, we must reengage with the primary source material. The resultant picture contains many unsavoury, even brutal elements, but also one defined by recognition of a duty of care on the part of the Convict Department towards the convict who died while still under sentence. In this article, I examine the reality and nature of burial practice in the convict period in order to dispel a number of myths that have been attached to the treatment of convicts *post mortem*. I investigate the physical traces of convict mortality, both through the coldness of historic statistics, as well as through the relocation of these sites of burial. I seek a better understanding of how the convicts were treated *post mortem*, as well as where their final resting places may be found.

* * *

There are few contemporary accounts of how the authorities dealt with the deceased convict body, and those that do exist mostly reflect an ingrained tendency to romanticise and dramatise the convict past. Two of the best known examples are from William Gates and Linus Miller, 'Canadian Patriots' transported to Van Diemen's Land in 1840.⁹ Their accounts are vehemently antipathetic to the colony and its penal administration. Gates' recollections of a

⁹ Gates, *loc. cit.*; L. Miller, *Notes of an Exile to Van Diemen's Land*, New York, 1846. See also C. Pybus and H. Maxwell-Stewart, *American Citizens, British Slaves*, Melbourne, 2002.

convict burial, recounted above, paints for the reader a very grim and critical picture of an unscrupulous and tyrannical administration that reduces the convict body to a slab of meat good only for the dissecting table. With no words spoken over their grave and no coffin to enclose their body, the convicts returned to the earth in the same undignified way they had lived in bondage. Miller similarly recounts his views of such state-sponsored barbarity:

When a prisoner died, his remains were dissected, put into a rough coffin in a state of *perfect nudity* ... carried to the wharf by four men, placed in a boat, and amid the jeers and curses of the boatmen, conveyed to the landing place at the Isle of the Dead [Port Arthur]. Here it is left until the clergyman arrives, when it is borne to the grave, the burial service read, and the body committed to the dust.¹⁰

If the measure of a compassionate system could be taken by its treatment of the dead, then by calling attention to the failure to afford proper burials – as well as the destruction of convict bodies upon the surgeon's table – Miller and Gates were condemning the authorities in the strongest terms. Their portrayals of convict death and burial emphasised the state's ownership and devaluation of the convicts' body, in life and in death. Another account by a convict, 'Davis', of events at Macquarie Harbour (the nadir of penal outposts) contains similar elements:

[I]f he [a convict] died there was a sort of a coffin for him and away to Holidays [Halliday's] Island put him a few inches in the Ground and no mound about it I have known the Superintendent occasionally[sic] Read the Burial Service it was considered a mark of greatest respect.¹¹

¹⁰ Miller, *op. cit.*, p. 347.

¹¹ The reference to the service being read 'occasionally' does not suggest that the service was not given most of the time, but rather that the Superintendent's reading of the service was an occasional occurrence intended as a mark of respect to the deceased. H. Maxwell-Stewart (ed.), 'Memoranda by Convict Davis Servant to Mr Foster, Suprintt of Convicts, Norfolk Island - 1843 - Relating principally to Macquarie Harbour', <iccs.arts.utas.edu.au/narratives/davis3.html>, accessed 26 May 2005.



Figure 1: Location map showing places referred to in text. Adapted from I. Brand, *The Convict Probation System: Van Diemen's Land 1839-1854*, Hobart, 1990.

Such snapshots of the treatment of a deceased convict, taken through the eyes of those who served time within the system, provide an invaluable and somewhat rare glimpse of contemporary attitudes on the *post mortem* care of sentenced convicts. However, they contain an inherent bias that undermines their reliability. Moreover, these three accounts also relate to circumstances at the penal stations (Port Arthur and Macquarie Harbour), whereas the great majority of convicts were in assignment, in government gangs or were probationers and pass-holders. Nonetheless, historical representations of the *post mortem* treatment of convicts, at the penal stations and elsewhere, have tended to be faithful to the views propagated by Miller, Gates and others. Port Arthur's own guidebook to the convict cemetery notes that prisoners were buried 'in common, unmarked graves up to six bodies deep [and that] unfilled graves were covered with lime until another death'. Similarly, according to a recent history commissioned by Hobart City Council, convicts buried in the cemetery attached to Hobart's Holy Trinity Church were 'typically buried in mass unmarked graves'.¹² Such unprovenanced assertions are seriously challenged and undermined by my research.

In fact, the administrators of the convict system in Van Diemen's Land recognised that they were bound by a duty of care to the convicts who died while still in service. This recognition translated into a number of basic responses, including the preparation of grave and coffin, the provision of some form of ceremony and the marking in stone or timber of the grave. These responses, be they for a convict who died at a hiring depot or a penal station, cost the Convict Department both directly (for the construction of coffins and the payment of Church officials) and indirectly. As discussed below, convict burials occurred either in non-consecrated grounds attached to specific Convict Department stations (such as Port Arthur's Isle of the Dead), or in existing burial grounds within ecclesiastical parishes scattered throughout the colony. Costs were lower where the

¹² M. Wright (compiler), *The Isle of the Dead: Port Arthur's unique island cemetery*, Nubeena, 1995, p. 1; K. Bennett, *A Guide to Hobart's Historic Cemeteries and Burial Grounds*, Hobart, 2000, p. 14.

interment occurred in burial grounds attached to stations, but the vast majority of convicts found their last resting place in the parish burial grounds. Though interred in the same grounds, it appears that convicts who died in private service had their fees met not by the Convict Department, but rather by the person to whom the convict was assigned.¹³

The Convict Department's duty to the dead was enshrined in various Government Notices and Regulations. An 1838 notice detailed the Department's recognition of their duty to pay for the interment of convicts who died while in Government service:

The Lieutenant Governor directs it to be notified that His Excellency has been pleased to approve of such Burial Fees as may be fixed upon, under the provisions of the *Church Act*, in the several Parishes of the Colony, being in the future paid for the interment of all Convicts who may die in the immediate service of the Government or in the Hospitals.¹⁴

'Burial Fees' were paid by the Convict Department to the relevant church to cover the costs of interment. In 1838, the cost of burials in the ground attached to Hobart's Holy Trinity Church, together with St David's burial ground (one of the largest receivers of convict dead) were 10s 6d per burial. This covered the cost of the minister, clerk, sexton and bell ringer. Believing the costs too high, Lieutenant-Governor Franklin, through the Colonial Secretary, William Turnbull, argued that the performance of the service by the minister and clerk was done as part of their duty as officials attached to the Penitentiary Chapel. As such, a fee of 2s 6d per burial was agreed upon to cover the costs of the sexton. Convicts dug the graves 'as part of their ordinary work'.¹⁵

¹³ 'Government Notice No. 35', 1 April 1839, Colonial Secretary's Office (CSO) 22/97/2026, Archive Office of Tasmania (AOT).

¹⁴ *Ibid.*

¹⁵ 'Return of Prisoners of the Crown buried at Trinity Parish from the 1st January to the 31st March both inclusive', May 1838, CSO 5/109/2446, AOT; Palmer (Trinity Parish) to Principal Superintendent, 5 May 1838, CSO 5/109/2446, AOT.

At Trinity the service was carried out as part of the duties of the minister attached to the Prisoners Barracks and the graves were dug by convicts, meaning a slight saving for the Convict Department. At dedicated convict burial grounds, where graves were also dug by convicts and the service attended by the station's minister, a similar saving would have been made. However, in the parishes, which were not directly attached to the Department, the cost of interments was greater. From 1839 a parish church that interred the body of a convict could expect 5s remuneration, covering the costs of digging the grave and conducting the service.¹⁶ The churches were required to:

Submit periodically to the Principal Superintendent an account of all Burials of Convicts that may take place in their respective Parishes and for which fees may be chargeable under this arrangement...on receipt of which steps will be taken for payment of the amount due.¹⁷

A surviving register of fees paid by the Convict Department in connection with convict deaths between 1844 and 1850 provides a valuable record of transactions between the churchwardens and the Convict Department.¹⁸ As an example, the churchwardens of New Norfolk interred 41 convicts between January and September 1843, seeking £10 5s in reimbursement.¹⁹ As will be shown, the register also has great value in illustrating the distribution of convict deaths. Between May 1836 and January 1845, Reverend George Otter of Green Ponds buried 25 convicts from gangs at Constitution Hill, Green Ponds and Picton, as well as from the station at Lovely Banks, at a total cost of £6 5s to the Convict Department.²⁰ During the period covered by the register, the Department paid for 545 burials across the colony.

¹⁶ 'Government Notice No. 35', note by M. Forster, 1 April 1839, 27 February, CSO 22/97/2026, AOT.

¹⁷ 'Government Notice No. 35', 27 February 1838, CSO 22/97/2026, AOT.

¹⁸ 'Register of fees paid in connection with convict deaths', 1844-1850, CON 66/1, AOT.

¹⁹ 'Register of fees paid in connection with convict deaths', List of Prisoners of the Crown buried at St Matthews, New Norfolk 1843, CON 66/1, AOT.

²⁰ *Ibid.*, Green Ponds, CON 66/1, AOT.

Colonial administrators spent considerable time and money ensuring that the graves and coffins provided for deceased convicts were to a sufficient standard. In 1847 Philip Palmer, Minister of Hobart's Holy Trinity Church, remarked on the attention paid to the preparation and maintenance of convict graves. Receiving the convict dead from the nearby Prisoners' Barracks and General Hospital, the Trinity burial ground was highly visible near the centre of the town. The graves were 'marked out, and Superintended by my [Palmer's] Clerk, to whom a small Fee was authorised'.²¹ Similarly, T. J. Lempriere noted the care and attention paid to the preparation of convict graves on Halliday's Island at Macquarie Harbour:

These [the convicts' graves] are neatly disposed in rows, each grave having a post with the initials of the occupant. In cases where men have been murdered or drowned, the particulars of their death were added. This place was named Holiday [Halliday's] Island.²²

As it footed the bill, the Convict Department controlled the quality of convict burials in the colony. Occasional complaints were received regarding the failure of churchwardens to ensure the preparation of adequate graves. In 1843 Principal Superintendent Josiah Spode received complaints that convict graves (prepared by convicts) were 'frequently so shallow ... that the Coffins are not more than two feet beneath the surface of the Ground, and merely covered with stones'.²³ These complaints concerned the Catholic burial ground in Hobart (presumably St Mary's). Despite demands by the Department that the situation be rectified, it took over four months for action to be taken.²⁴ Similarly, although he praised the 'care and attention' paid to the ground during his tenure, Philip Palmer was disgusted by the state of the ground after a period of absence between 1845 and 1847:

21 Palmer to Bicheno, 22 October 1847, CSO 24/32/912, AOT.

22 T. J. Lempriere, *The Penal Settlements of Early Van Diemen's Land*, Launceston, 1954, (1839), p. 35.

23 Bicheno to Spode, 5 June 1843, CSO 22/76/1659, AOT.

24 Spode to Bicheno, 5 June 1843, CSO 22/76/1659, AOT.

I now find Graves have been made for the burial of Convicts in the most confused manner, here, and there, and some Graves have been dug in the midst of stones, there being no one to inspect either their position, preparation or filling up, and owing to the unsatisfactory state of the Burial Ground houses near it remain now unoccupied, and I very much fear that in the course of the present Summer the evaporation from the Ground will be pestilential and destructive to Health, if not Life, in this Neighbourhood.²⁵

That the state of these grounds attracted complaint and official censure indicates that their decrepit nature was at odds with accepted practice for the preparation of convict graves. Far from mass burials, the convict was given a prepared grave.

In tandem with this was the preparation of a coffin for the interment of the body. The narratives of 'Davis' and Linus Miller, though weighted by their inherent bias, mention the use of coffins for convict burials. Coffins for the interment of convicts were made at a variety of locations, generally using convict skills and Commissariat materials. In 1846 the cost of a government-made coffin was around 12s 6d in Hobart and 20s in Launceston.²⁶ At penal stations coffins were generally made on site. In 1862, for example, Port Arthur mechanics produced 28 coffins at an economical 8s each.²⁷ Depending on the state and supply of timber, probation stations could also produce their own coffins, though in 1843 the Jericho Probation Station had to requisition wood from the Commissariat due to a lack of suitable local supply.²⁸ In the case of depots, barracks and public works gangs, coffins were supplied by the Royal Engineers Department.²⁹

²⁵ Palmer to Bicheno, 22 October 1847, CSO 24/32/912, AOT.

²⁶ Bicheno to Chief Police Magistrate, 5 January 1846, CSO 20/20/398, AOT.

²⁷ 'Return showing the Average Daily Number of Prisoners under Detention at Port Arthur during the Year 1862 ...', *Tasmanian House of Assembly Journals*, Vol. 10, Paper 82, 1863, p. 34.

²⁸ Macleod to Requisition Officer H.M. Ordnance, March 1843, CSO 16/9/304, AOT.

²⁹ Bicheno to Spode, 5 June 1843, CSO 22/76/1659, AOT; note to Colonial Secretary, 8 December 1852, CSO 24/208/7872, AOT.

In the instance that a station, barracks or gang was able to produce its own coffins, the Convict Department sometimes required that they also supply other nearby government-run institutions.³⁰ In 1842 the Westbury Probation Station was instructed to supply coffins to the Westbury Hospital after the Department incurred some expensive remuneration claims for coffin construction.³¹ When a probation station or the Engineers Department could not meet demand, free settlers were able to profit handsomely, providing coffins at an inflated rate. In 1846 Scott Robinson of Hamilton charged £2 for a coffin for William Brown, a prisoner attached to the Hamilton Police. Thomas Langfree of Oatlands, evidently offering a bulk rate, made coffins for five convicts at £1 each.³² When Jericho required timber for its coffins, George Wright applied to supply the material for 16s per 100 ft.³³

The Convict Department also recognised that some form of ceremony had to accompany the interment. The reading of the service by a minister was part of the 5s a church could expect as reimbursement for burying a convict.³⁴ The degree of involvement a convict's fellows could have in the process is unclear. However, in amended regulations for probation in 1847, it was stipulated that

On the occasions of the death of any convict while under probation, the whole of the officers and convicts of the class to which he belonged are to attend the interment in the ordinary manner.³⁵

³⁰ Clarke to Nairn, note by W. Nairn, 5 November 1842, 20 October 1842, CSO 22/38/1229, AOT.

³¹ Clarke to Nairn, 20 October 1842, CSO 22/38/1229, AOT.

³² 'Register of fees paid in connection with convict deaths', 17 October 1845, and September 1846, CON 66/1, AOT.

³³ Wright to Maclean, 20 March 1843, CSO 16/9/304, AOT.

³⁴ 'Government Notice No. 35', note by M. Forster, 1 April 1839, 27 February, CSO 22/97/2026, AOT.

³⁵ 'Transportation', 'Rules and Regulations for the first stage of Convict Probation in Van Diemen's Land, 1847', No. 50, 15 July 1847, *British Parliamentary Papers (BPP)*, Shannon, 1972, Vol. 9, p. 142.

Later, in 1852, it was stated that men from the Prisoners' Barracks were provided as bearers for carrying deceased paupers from the General Hospital to the ground of interment.³⁶ In reference to paupers, it is highly likely that the convicts were used as bearers of coffins containing fellow prisoners, be it in a parish burial ground or one attached to a station. Twenty years after this account, the burial of Port Arthur's 'last' convict was attended by slightly more ceremony. The service was carried out in the church, from where the coffin was taken to the Isle of the Dead. Two boats were provided: one for the coffin, the other for the mourners. On the island the coffin was placed in a ready-dug grave, the rest of the service read and the grave backfilled.³⁷

Convict graves could be, and were, marked. Whether all convict graves throughout the colony were marked is a matter of conjecture, but the survival of headstones marking the interments of convicts under sentence suggests that some were. Evidence for marked convict burials, though scant, is present in some contemporary observations. Lady Franklin noted in 1837 that two convict graves at the Isle of the Dead were surrounded by wooden rails.³⁸ Thomas Lempriere, as noted above, remarked that at Macquarie Harbour each grave had 'a post with the initials of the occupant'.³⁹ In 1860 a correspondent for the *Advertiser*, visiting the Isle of the Dead, reported that each convict grave there was marked by a 'rude wooden cross'.⁴⁰ However, there is contemporary evidence to suggest that the practice was not standard. When setting aside Port Arthur's Isle of the Dead as a cemetery in 1833, Reverend John Manton stipulated that no marker should be placed to signify the burial of a convict.⁴¹ A photograph from the 1860s shows rows of

³⁶ Symons to Hobart Police Magistrate, 22 November 1852, CSO 24/208/7872, AOT.

³⁷ 15 August 1893, *Clipper*, in I. Brand, *Brand Papers: Tasman Peninsula*, Vol. 25, Hobart, 1983, Vol. 3, p. 107.

³⁸ J. Franklin, 23 March 1837, in Brand, *op. cit.*, p. 48.

³⁹ Lempriere, *op. cit.*, p. 35.

⁴⁰ *Advertiser*, 22 August 1860, in Brand, *op. cit.*, Vol. 3, p. 104.

⁴¹ Lord, *op. cit.*, p. 3.

earthen mounds covering the sites of convict interment, but no markers to distinguish the individual below (see Figure 2).⁴²



Figure 2: Port Arthur's Isle of the Dead, final resting place for over 426 convicts. PAHSMA Curatorial Collection, 996.0006/1, 44/5. Courtesy of PAHSMA.

It is difficult to judge the frequency with which graves were marked based on the markers that survive today. Of the burial sites located during this research, only five retain marked convict graves: the Isle of the Dead, Maria Island, Saltwater River, Rocky Hills and Longmarsh Dam. All of these, except for three timber examples recovered from Macquarie Harbour's Halliday Island (now held in the Queen Victoria Museum and Art Gallery), have stone markers. In total there are fifteen inscribed markers for burials of convicts under

⁴² 'Isle of the Dead, Port Arthur', c.1860s, Q986, Mitchell Library.

sentence, apart from those at the Rocky Hills Probation Station, which has simple unlettered stone markers placed within an enclosure outside of the station.⁴³ On the Isle of the Dead, nine sandstone grave markers indicate the last resting place of convicts (2% of the estimated 426 convict burials on the island).⁴⁴ The cemetery attached to the station of Saltwater River on the Tasman Peninsula also has four markers dedicated to convicts.⁴⁵ Maria Island and the short-lived Longmarsh Dam probation station each have a single marked convict interment. The survival of these markers provides irrefutable evidence that the interment of a convict under sentence could be marked in a permanent fashion. The historical evidence, however, suggests that memorialising death in stone was extremely infrequent, and that the 'rude wooden cross' noted by the *Advertiser's* correspondent was generally preferred. At Rocky Hills, the use of stone instead of timber may have simply been opportunistic. Some of the known convict graves mark a death due to extraordinary circumstances. According to his headstone, Thomas Collins was killed by a falling stone during the construction of Longmarsh Dam in 1843 (see Figure 3).⁴⁶ George Britton, whose marker resides on the Isle of the Dead, was killed in a quarrying accident.⁴⁷ Others mark interments of extraordinary personages, such as the Maori Hohepa Te Umoroa, a Maori who died on Maria Island of tuberculosis in 1847.⁴⁸

⁴³ J. Thompson, 8 July 2005, pers comm.

⁴⁴ There are thought to be at least 867 total burials on the island. The 426 convict burials are those who were serving out sentences: 334 Effective convicts, 73 Invalid and 19 Lunatic. It does not include the 73 listed Paupers, who were free. Lord, *op. cit.*, p. 102; Ross, 'Death ... at Port Arthur', p 29.

⁴⁵ William Donovan, Charles Green, Isaac Brown and Thomas Clarke. Donovan died in 1845 while the latter three died within months of each other in 1842. M. Tooby and Associates, *Saltwater River Cemetery*, Conservation and Interpretation plan prepared for PAHSMA, 2005, p. 15.

⁴⁶ D. Parham, 5 June 2005, pers comm.

⁴⁷ Lord, *op. cit.*, pp. 36-37.

⁴⁸ M. A. Ludeke, *Tasmania's Maria Island: A Comprehensive History and Visitor's Guide*, Sandy Bay, 2001, p. 84.

The Convict Department therefore recognised that, whether a convict died at an isolated station, or in the Prisoners' Barracks in Hobart Town, it was required to provide a decent burial. This involved a prepared grave, a supplied coffin and some form of service. The quality of these three things could, and did, vary but the Department did attempt to enforce good practice. There were charges associated with the burial, from the direct costs of coffin and service, to those incurred by the possible attendance of convicts and officials at the graveside. The Convict Department recognised and met these expenses. Though only a known minority were immortalised in stone, most graves appear to have been initially marked. While they may have once lain under markers, the vast majority of convicts are today subsumed within the greater mass of free settler and later burials in parish cemeteries across Tasmania.

* * *

In the same manner that the *post mortem* care of convicts was expected to be of a certain standard, the site of interment was similarly governed by discernible criteria, as explained below. But aside from a number of notable exceptions, sites of convict burial were seldom marked and today remain mostly unidentified. My research aims to estimate the number of convicts who died under sentence in Van Diemen's Land, and also to locate where they were buried. It is hoped my work will pave the way for further research that will identify the locations of specific individuals interred within these burial grounds. There is a great need for a large-scale study that paints the broader picture of convict death and burial in the Australian colonies.

To calculate the numbers that died, and to identify the sites of burial, it is necessary to engage with the raw data of the colonial system, available in the form of mortality returns and parish burial registers. Though impersonal, these returns, in combination with a knowledge of the Convict Department's approach to the *post mortem* care of convicts, enables a fresh picture of convict death and burial. It is also necessary to note that throughout the fifty year history of transportation to Van Diemen's Land, convicts lived, worked, and

died in a great variety of locations, with higher concentrations wherever larger settlements occurred, and under a diverse range of situations and circumstances from assigned service, road and chain gangs, to gaols, hospitals, asylums, female factories, penal settlements (from the mid-1820s) and probation stations (1839-1841). Table 1 (on p. 117) shows the distribution of convicts in June 1844, by which time the probation system was well established.

Over seventy years of convict administration generated a plethora of convict work and settlement sites. Some operated for short periods, others for decades. During the assignment and probation eras the majority of convicts did not experience life in a penal settlement, or reside for extended periods in the institutions of Hobart or Launceston. They instead carried out their sentences in the settled districts, as assignees or passholders, in a mobile road gang or a static probation station. From George Town to Southport, Macquarie Harbour to Maria Island, convicts were spread across the colony. These patterns of convict settlement were found to correlate closely with patterns of convict mortality. As part of this research the convict death registers (CON 63), held in the Archives Office of Tasmania, were examined and numbers of dead tabulated.⁴⁹ Covering the period 1840 to 1874, the registers, though not an infallible tabulation of convict deaths, do record the location of a convict's demise.⁵⁰ In total the registers record the deaths of 3,293 convicts.⁵¹

⁴⁹ 'Register of Convict Deaths', 1840-74, CON 63/1 & 2, AOT. New South Wales' counterpart, covering convict deaths between 1828 and 1879, is available in CD format.

⁵⁰ Ross identified at least 426 convicts under sentence who were interred on Port Arthur's Isle of the Dead from 1830 to 1877. This markedly different tally to CON 63's 153 deaths (including Point Puer) can in part be explained by the fact that CON 63 only covers 1840-74. Ross, 'Death ... at Port Arthur', *op. cit.*, p 29.

⁵¹ Of these, 577 deaths were recorded as either 'Drowned' (the register recording the body of water they drowned in), 'Died on Board' (while being transported) or 'Miscellaneous' (no information or information obscured). As such, these 577 unprovenanced deaths were not included in the statistical analysis.



Figure 3 (left): This rather elaborate headstone was erected for Thomas Collins, who died at the isolated Longmarsh Dam. Courtesy of David Parham, Austral Archaeology.

Figure 4 (right): The rough headstone of Thomas Clark at Saltwater River. PAHSMA, September 2004. Courtesy of PAHSMA.

The analysis of the registers identified a total of 112 separate locations where convicts are recorded as having died, demonstrating the dispersed nature of the convict population. Hobart and Launceston accounted for 48% (1,308) of all deaths – 982 (36%) from Hobart and 326 (12%) from Launceston. 52% (close to 1,500) of tabulated deaths occurred outside the two main centres. Encompassing the probation era, during which time the spread of convicts was at its greatest, the registers mirror the distribution of the convict population in which the deaths were occurring. Wherever

a convict population remained static, the dead accumulated. The stations and institutions through which so many convicts passed, accounted for the greatest number. However, a large number of towns and smaller areas of free settlement also contributed a steady trickle of convict bodies.

The CON 63 register in the Archives Office of Tasmania proved a useful source for locating where convicts died. However, it did not provide details on where the convict was finally interred, requiring me to draw upon the wealth of information available in parish burial registers, as well as those few studies which have already dealt with existing convict burial sites. Subsequently, I was able to identify 36 burial grounds where convict dead are interred (23 parish burial grounds and 13 grounds attached to specific convict sites). Of these 36 sites, 26 were located within historically 'settled' districts, with the remaining ten in 'unsettled' districts (see Tables 2 and 3).

It was also discovered that at least 4,651 convicts died in the colony between 1814 and 1874 (the time period covered by the parish burial registers and CON 63 death register): 2,968 were recorded in parish burial registers, 1,029 at sites of convict occupation, 77 near areas of settlement and a further 577 at unidentified sites. Of these, areas of burial for 3,839 were able to be found: 2,939 were interred in parish burial grounds, and 900 ended up in grounds attached to specific convict stations (Table 4). The figure of 4,651 deaths can be considered a conservative estimate, as, due to the lack of statistical resources, it does not satisfactorily encompass the eleven years of settlement prior to 1814 and, as will be discussed, there were some identified discrepancies with parish burial registers. Of the 69,000 felons transported to Van Diemen's land, close to 5,000 (7%) of them (not including colonially convicted men and women) are recorded as having died in the colony. This research was able to identify the areas of interment for 3,839 of these convicts.

	Male	Female	Total	%
Probation Parties	6905	362	7267	26.9
Passholders	5416	773	6189	22.9
Ticket-of-Leave	5138	809	5947	22.0
Port Arthur & Point Puer	1914	0	1914	7.1
Hiring depots	1282	157	1439	5.3
Married women	0	843	843	3.1
Prisoners Barracks (Hobart)	754	0	754	2.8
Road parties, Engineer parties	692	0	692	2.6
At large	482	83	565	2.1
Female Factory (Hobart)	0	538	538	2.0
Hospitals & Invalid parties	183	65	248	0.9
Prisoners Barracks (Launceston)	207	0	207	0.8
Female Factory (Launceston)	0	198	198	0.7
Gaols	105	0	105	0.4
Dynnyrne Nursery	0	66	66	0.2
			26,972	

In locating these sites of convict interment it became clear that the Convict Department, far from pursuing a policy of establishing their own dedicated burial ground, instead attempted to utilise burial grounds attached to existing ecclesiastical parishes. A burial ground attached to a site of convict occupation was found to be the exception, rather than the norm. It is hypothesised that this was due to a relatively simple reason: distance. Of the 36 grounds identified where the interment of convicts took place, 26 (72%) were located in historically settled districts where the logistics of transport from site of death to site of burial were less burdensome. The remaining ten were grounds in the unsettled areas. Each of these was attached to either a probation or penal station, the site of which had been chosen in the first place because of its isolation from settled areas.

⁵² *BPP*, 'Transportation', 1843-47, Vol. 7, p. 221.

With the progression of settlement, a steadily increasing area of Van Diemen's Land had been subsumed within the administrative and ecclesiastical parishes that knitted the colony together. Defined in relation to the location of churches and the population, the boundaries of the ecclesiastical parish were larger than those of the administrative parishes, which were used for census purposes.⁵³ The majority of stations, depots, gaols and gangs where convicts were incarcerated and laboured between the 1820s and 1850s were located within the bounds of these parishes and therefore, for the purposes of this study, within the settled districts.⁵⁴ The Convict Department was prepared to use existing parish grounds for their purposes. The expense of laying out and maintaining a burial ground was passed on to the ecclesiastical parish, in return for which the Department offered a minimal remuneration and in some cases labour to maintain them. Each parish burial ground had an area of influence, with any prisoner dying in this area in Government or private service ultimately becoming its responsibility. As discussed, the pursuit of such a policy cost the Department, which had to reimburse the ecclesiastical authorities for the interment of convicts who died in gangs, stations and institutions.

A total of twenty-four parish burial registers were consulted for this study. Of these, three (Ross, Hobart and Richmond) were for Roman Catholic burials, the remainder being Church of England registers.⁵⁵ Twenty-three grounds could be located. The other two remain unidentified but were included in the statistical analysis.⁵⁶ The 2,939 convict deaths tabulated across these parishes covered the period 1814 to 1853.⁵⁷ The figure obtained can be considered a

⁵³ D. Heard, 'The Development of the Parish in Tasmania', *Tasmanian Historical Research Association*, Vol. 16, No. 1, n.d., pp. 4, 7.

⁵⁴ A c.1850s map showing districts and parishes was used to define 'settled' and 'unsettled'.

⁵⁵ Methodist, Congregational and Presbyterian registers were also checked, but failed to reveal any further convict burials.

⁵⁶ These were the registers for Green Ponds (28 burials) and Bridgewater (one burial). Yorktown, though not part of a parish and therefore lacking a parish burial register, was however included in the parish burial grounds.

⁵⁷ 1853 is a nominal cut-off point, the dwindling number of convicts still under sentence at this point being located mainly at Port Arthur, Hobart and Launceston.

minimum figure, as a number of registers were incomplete.⁵⁸ The registers, an invaluable source of information, recorded not only the name and date of interment, but also the occupation of the deceased. In the case of a convict, the churchwarden would record 'convict', 'prisoner', or 'prisoner of the crown', and whether the prisoner was an assignee or pass-holder. Though ticket-of-leave convicts, objects of charity and children of convicts were also listed, they were not tabulated as this study only pertained to those under sentence.

Of these parish burial grounds, Hobart's Holy Trinity and St David's burial grounds received the greatest number of recorded convict interments: 720 and 807 respectively. The Holy Trinity burial ground provides an interesting case study, the ground and attendant church being established in 1833 when Hobart was divided into the parishes of St David's and the Holy Trinity.⁵⁹ This ground was historically located on the north-western outskirts of the town and was situated only a few blocks from the Hobart Prisoners' Barracks and General Hospital, from which it took many of its convict interments. In a twenty year sample of the Holy Trinity's burial register (1833-1853) 2,746 interments were carried out in this parish's burial ground. This included 720 convict burials (26% of the total – the highest recorded in any of the parish burial grounds surveyed). Convict interments occurred between 1833 and 1851, with 481 interred between 1834 and 1840. From 1845 the number decreased, a larger percentage of non-convict persons being interred within the grounds. This burial ground was closed in 1872.⁶⁰

⁵⁸ In Hobart, the Roman Catholic burial ground attached to St Mary's was in use by the 1820s and took in many convicts, though the first definite convict burial listed in the register is not until 1838. St George's (Hobart) register is similarly patchy, covering only 1846 in the studied period. In the case of St Matthew's, New Norfolk, the unspecific nature of the registers (which did not identify convicts until 1848) makes it likely that the figure of 520 is a minimum. See Bennett, *op. cit.*, p. 9.

⁵⁹ Palmer to Bicheno, 22 October 1847, CSO 24/32/912, AOT.

⁶⁰ Today the cemetery is located under the Campbell Street Primary School in Hobart, the reserve for which precisely matches that set aside for the original cemetery. Correspondence File 'Hobart Cemeteries', response to query no. 1085 by Acting State Librarian E. E. Browning, n.d., AOT.

Parish	No. of Burials (Parish Register)
Circular Head parish	1
Clarence Plains parish	7
George Town parish	4
Hamilton Parish	11
Holy Trinity, Hobart	720
Holy Trinity, Launceston (‘New’ burial ground)	18
Longford Parish	46
Oatlands parish	60
Perth parish	15
Ross Parish (RC)	4
St Luke's, Richmond	34
St David's, Hobart	807
St George's, Hobart	1
St George's, Sorell	48
St John's, Launceston (‘Old’ & ‘New’ burial grounds)	348
St John's, New Town	12
St John's, Richmond (RC)	7
St John's, Ross	37
St Luke's, Campbell Town	51
St Mark's, Brighton/Pontville	35
St Mary's, Hobart (RC)	151
St Matthew's, New Norfolk	520
Yorktown ⁶¹	2
	2,939

⁶¹ Used between 1804 and 1809, the Yorktown burial ground was not part of an ecclesiastical parish and therefore no parish register exists. For the purposes of this analysis it has been included in the parish listing. The two convict deaths are considered to be a minimum. John Dent, West Tamar Historical Society, 5 June 2006, pers. comm.

Table 3: Identified Burial Grounds attached to Specific Convict Sites	
i) Settled Districts	
Cascades Female Factory	Included in St David's, Hobart
Glen Dhu, Launceston	Total unknown ⁶²
Jerusalem probation station ⁶³	30
ii) Unsettled Districts	
	No. of Burials (CON 63)
Cascades probation station	25
Coal Mines	28
Impression Bay probation station	146
Longmarsh Dam probation station	1
Macquarie Harbour (Halliday's Island) ⁶⁴	93
Maria Island (Darlington & Long Point) ⁶⁵	16
Port Arthur (Isle of the Dead) ⁶⁶	426
Rocky Hills probation station	23

Importantly, the parish burial registers also listed where a deceased convict had been stationed. With this information it was possible to plot the area of 'influence' of a burial ground, such as how far a body would be moved for interment at the central parish ground. For example, the Circular Head parish burial register records the interment of a single convict from Highfield Barracks, over one mile to the north.⁶⁷ Convicts who died at Jerusalem Probation Station were carted the fifteen miles to Richmond for interment, until the establishment of a burial ground at Jerusalem in 1843.⁶⁸

⁶² Launceston's St John's and Holy Trinity burial registers do not record convict interments post-1846. CON 63 records that approximately 250 convicts died in Launceston between 1846 and 1874. It is likely that these were buried in Glen Dhu.

⁶³ From CON 63.

⁶⁴ Hamish Maxwell-Stewart, 13 September, 2005, pers comm.

⁶⁵ Darlington: 5, Long Point: 11.

⁶⁶ Ross, 'Death ... at Port Arthur'.

⁶⁷ 'Parish of St Paul's, Circular Head', NS 884/15, AOT.

⁶⁸ Coterell to Comptroller General, 30 October 1843, CSO 8/105/2195, AOT.

Table 4: Identified Deaths and Interments, 1814-1874	
TOTAL NUMBER OF DEATHS 1814-1874	
Convict deaths recorded in Church parishes	2968
Convict deaths recorded at sites of convict occupation (penal and probation stations, female factories)	1029
Convict deaths near areas of settlement	77
Miscellaneous convict deaths (drowned, death during transport, unidentified)	577
	4651
KNOWN NUMBER OF INTERMENTS 1814-1874	
Convict burials located in Church parishes	2939
Convict burials in grounds attached to sites of convict occupation (Settled areas)	30
Convict burials in grounds attached to sites of convict occupation (Unsettled areas)	870
	3839

In some instances, circumstances necessitated the establishment of dedicated burial grounds for convicts in a settled district. Three were identified as part of this research; the aforementioned Jerusalem burial ground, Glen Dhu in Launceston and the burial ground attached to the Hobart Female Factory. Glen Dhu was established in 1846 as 'a burial ground for Convicts in Launceston', receiving convicts from the Hospital and Launceston Female Factory, as well as pass-holders.⁶⁹ The burial ground adjacent to the Hobart Female Factory received prisoners, paupers and children until 1876.⁷⁰ But dedicated convict burial grounds were rare within the settled districts. Ten were situated in the unsettled areas, all established specifically to receive dead convicts from nearby probation or penal stations. On these remote stations, the base practicalities of death and burial meant that transporting the dead long distances to parish grounds could not be achieved without cost and great difficulty. It was highly unlikely that the body of a convict would have been

⁶⁹ Bicheno, Memo, 9 January 1846, CSO 20/20/414, AOT.

⁷⁰ L. Scripps and A. Hudspeth, *The Female Factory Historic Site: Historical Report*, Hobart, 1992, p. 17.

moved great distances *post mortem*. The stations instead had to inter convicts where they fell; establishing their own burial grounds, digging their own graves, making their own coffins and conducting their own services. Distance from settled areas required self-sufficiency.

Interestingly, it is these grounds that have retained evidence of marked convict graves. As noted, fifteen inscribed stone markers remain at the Isle of the Dead, Longmarsh Dam, Rocky Hills, Maria Island and Saltwater River, all of them in unsettled areas. The latter, a probation station operational between 1841 and 1854 on the Tasman Peninsula, has four of these markers (see Figure 4).⁷¹ Rough-carved and lettered stones can still be found which indicate the last resting places of Charles Green, William Donovan, Isaac Brown and Thomas Clark, who all died within weeks of each other, presumably of disease or accident.⁷²

Therefore, within the settled districts, the Convict Department sought to utilise existing parish grounds for the burial of convicts under sentence. With much of the convict population accumulated in the settled areas, these 'civil' burial grounds accounted for a large proportion of all convict burials – close to 3,000 of the estimated 3,839 burials being in the parishes. A number of grounds were established specifically for the reception of deceased convicts from nearby stations or institutions. Outside the bounds of the settled districts, individual stations found it necessary to establish their own burial grounds, as their isolation meant that their need to be self-sufficient extended even to the burial of the convict dead.

* * *

'Preservation has not been a conspicuous feature in the history of Australian graveyards', according to Graeme Griffin and Des Tobin.⁷³ While their reference was to the state of free historic burials, this statement nonetheless also applies to sites of convict interment.

⁷¹ Brand, *The Convict Probation System*, p. 16.

⁷² Tooby and Associates, *Saltwater River Cemetery*, p. 15.

⁷³ Griffin and Tobin, *op. cit.*, pp. 88.

Few sites are marked and a number are completely overprinted by later development. It is pertinent to remark on the state of preservation of the 36 identified sites of convict interment in Tasmania.

As part of this research, datasheets were created for the majority of the burial sites identified.⁷⁴ Historic maps were consulted, locating the burial ground and church within a specific parish.⁷⁵ These were then compared to modern cadastral maps in order to determine the state of preservation of these sites.⁷⁶ This found that of the 23 identified parish burial grounds, 12 have remained completely free of development, each contained within their historic reserves. The remaining 11, however, have seen various levels of development. Six have suffered complete overprinting and, perhaps unsurprisingly, they are all located in Hobart or Launceston: Hobart's St George's, St John's, Holy Trinity and St Mary's (Roman Catholic) burial grounds are all beneath schools; St David's, also in Hobart, has had a Supreme Court building erected in its northeastern corner and the rest of the grounds converted into a park; and the 'Old' burial ground in Launceston has been obscured by housing. The remaining five, though partially developed, retain over 50% of the original burial reserve as unoccupied land. An example is St Luke's, Richmond, which has a residence on its northwest frontage, but is otherwise undeveloped. Interestingly, all 23 burial grounds, be they disturbed by development or not, still retain their original reserve alignments.

Of the three burial grounds established in settled areas specifically for the use of convicts, the Cascades Female Factory in Hobart has been completely overprinted. The Glen Dhu grounds have been partially developed, though they remain mostly undisturbed. The Jerusalem burial ground, however, is completely free of development. Ten grounds have been identified in the

⁷⁴ Attached to the original report, these can be accessed from the PAHSMA or Heritage Tasmania libraries, or by contacting the author.

⁷⁵ This was based on the assumption that listing in a burial register meant interment in the main parish ground identified in the historic maps.

⁷⁶ The online resource <www.thelist.tas.gov.au> was utilised, accessed June 2005.

unsettled districts which received convict dead from nearby probation and penal stations. Of these, only one, attached to Cascades Probation Station on the Tasman Peninsula, has been overprinted. The remainder are free of development and, as discussed, provide the only examples of marked convict graves found as part of this research. Of the 36 grounds identified, eight (22%) have been completely overprinted, and six (17%) have been affected by development, but the remaining 22 (61%) have retained their original integrity as grounds of convict interment. It is hoped that this research will in some way further interest in and, subsequently, the protection of, these important sites.

Prior to this study no specific work had been published on the treatment of the convict *post mortem*, or the number and sites of interment of the deceased. What this research found was that the Convict Department of Van Diemen's Land recognised it held a duty of care to convicts who died while still under sentence. Those convicts who died in gangs, stations or institutions had the cost of their interment met by the Convict Department. Those in private service, while the Department ensured that they received a proper burial, were buried at cost to the master or mistress. I have demonstrated that the vast majority of convicts, be they in stations or private service, were interred singly in coffins with some form of ceremony. Their graves were most likely marked.

At least 4,651 convicts were found to have died in service between 1814 and 1874. Of these, 3,839 are buried at one of 36 known locations, mostly parish burial grounds located in the historically settled districts, or a small number of grounds attached to sites of specific convict occupation. Ten sites were located in the historically unsettled areas attached to probation and penal stations; the isolation of which forced the authorities to make their own arrangements for the interment of deceased convicts. Today, most of these convict burial sites retain a satisfactory state of integrity. However, eight grounds have been lost to development, and another six are facing similar pressures. The best preserved grounds are those that were located in the unsettled district, with five of these sites retaining the only examples of marked convict interments.

This research has illuminated a previously misunderstood and often misrepresented aspect of Tasmania's convict history. Having attempted to paint a broad picture of convict mortality in the colony of Van Diemen's Land, it is hoped that more detailed research will focus on specific sites, perhaps pinpointing the individual convict lost in an otherwise confused landscape.