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

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A Love of Liberty: The Manipulation of the Colonial Tasmanian Institutional System by Invalids

**Andrew Piper
University of New England**

There was also a very non-descript sort of a person, who, on enquiry I found to be one of the 'old gentlemen' for whose use and pleasure the schooner is more constantly employed than she should be; for it appears there are a number of these 'old gentlemen' who are called invalids, and for whom the country provides very comfortable quarters; amusement and food, and a free passage to and fro whenever they feel disposed to pay a visit to their friends or having some money, feel that they would like a little more extended recreation than they can obtain at their marine residence. The 'old gentleman' under notice may be thus described: — He was of low stature, very repulsive looking, dressed in an old swallow-tail coat that had no doubt at one time adorned a very genteel person, but which, under the present circumstances appeared very much out of place. His head was covered with an old cloth cap, and his feet were *not* covered with a very dilapidated couple (not pair) of shoes. He, too, had provided for himself, for under his arm was a bundle containing sundry scraps, the result very likely of the previous day's begging. This sketch will convey a very inadequate idea of this 'old gentleman', whose restlessness and imbecility were such to give one an idea of a wild animal confined within the limits of a few yards. The whole of the voyage down he scarcely remained stationary five minutes together.

Mercury, 24 March 1870, p. 3.

This impression, made by a visitor to the Port Arthur Penal Establishment in 1870, refers to an emancipist pauper, an individual from the group forming the principal component of colonial Tasmania's aged-poor population, and the virtually exclusive component of that convict settlement's invalid depot. It is also representative of a group ideology, a *mentalité*, which defined the aged poor emancipist as undeserving of society's succour. While such thinking dominated post-transportation Van Diemen's Land, the management and perception of pauper invalids nevertheless underwent a profound transformation in this period. By 1901, in stark contrast to much of the preceding half century, invalid paupers were accepted and treated as a deserving part of Tasmanian society. Charitable institutions, once a cog in a repressive carceral regime, became an integral element in a comprehensive health management system for the aged-poor. Many mechanisms played a role in this transformation.¹ While the whole story is beyond the scope of this article, one facet, resistance to incarceration, contributed considerably to the process of social change.

Charitable institutions were part of the Tasmanian institutional landscape in the late-nineteenth century. As buildings they were the remnants of the convict system and they principally held the decrepit human residue of transportation – the emancipist invalids, or 'old lags' as they were commonly called. The treatment of invalids was initially an extension of the convict system, in that it developed out of a strategy to manage convicts unfit for labour. Even after the establishment of 'responsible' self-government in 1856, Tasmanian invalids continued to be treated more as criminals than as patients, with many being off-loaded to still functioning imperial penal establishments, such as the Impression Bay Probation Station and the Port Arthur Penal Establishment. Indeed, Tasmania's colonial pauper invalids were the 'fag-end' of transportation; 'the dregs of a criminal

¹ See A. Piper, 'Admission to Charitable Institutions in Colonial Tasmania: From Individual Failing to Social Problem', *Tasmanian Historical Studies*, Vol. 9, 2004, pp. 43-62, for further discussion of this transformation.

population' according to Governor Browne in 1863.² The close perceptual linkage between pauper and convict, between the poverty-stricken and criminal, impeded meaningful improvement in the lives of the aged poor. In nineteenth century Tasmania, despite the assertion that 'poverty [wa]s not a crime', it was for all intents and purposes a moral transgression.³ Invalids were perceived and treated as criminals, and the convict origins of many only reinforced community disdain. Élite and middle-class beliefs, shaped by the English New Poor Law and fifty years of transportation, fed a prevailing supposition that paupers had nothing to lose by committing crime and that they therefore easily fell into a criminal under-class.⁴ Publications such as Henry Mayhew's *London Labour and the London Poor* (1861) drew middle-class attention to those of the labouring poor who could not work, and those who would not work.⁵ Invalids fell into the former classification, although they were often perceived and treated as members of the latter. The ramifications of this can be seen in the conduct of successive governments, administrations and benevolent organisations, which made little distinction between paupers and convicts. Indeed, much

2 Comment made by Governor Browne, 29 June 1863, upon an inspection of the Port Arthur Penal Establishment in *Tasmanian House of Assembly Papers (THAP)*, Vol. 10, 1863, Paper 100, p. 14. The term 'fag-end' was coined by L. L. Robson, *The Convict Settlers of Australia: An Enquiry into the Original Character of Convicts Transported to New South Wales and Van Diemen's Land 1787-1852*, Carlton (Vic), 1976, p. 109.

3 The quotation 'Although poverty is not a crime it is certainly not a virtue to be cultivated' is attributed to the chairman of the Hobart Benevolent Society in 1885 and is cited in the forepiece of J. C. Brown, *Poverty is Not a Crime: Social Services in Tasmania 1803-1900*, Hobart, 1972. This expression has symbolic depth as it relates to Benjamin Disraeli's 1837 declaration that 'In England, poverty is a crime', cited in T. Szasz, *Cruel Compassion: Psychiatric Control of Society's Unwanted*, New York, 1994, p. 24. This was the first salvo aimed at challenging the principle behind penalising the casualties of poverty.

4 For example, on 22 October 1847, Pitcairn and Allport (solicitors), Jeffrey (an artisan), Leake (a merchant) and Gregson (a member of the Legislative Council) wrote to Earl Grey, the then Secretary of State for the Colonies, concerning the consequences of low rates of wages to immigrant labourers. 'A man who earns £20-a year besides his food has something to lose, and will not commit an offence so readily as if he were a pauper and had nothing to lose'. Archives Office Tasmania (AOT), GO/33, pp. 428-9.

5 H. Mayhew, *London Labour and the London Poor: A Cyclopaedia of the Condition and Earnings of Those That Will Work, Those That Cannot Work, and Those That Will Not Work*, London, 1861.

the same legal and administrative instruments were used to compartmentalise their lives. In May 1856, for example, official approval was granted for the on-going practice of burying both paupers and convicts within the precincts of Launceston's Cornwall Hospital. As in life, so in death, the pauper was joined with the convict. The sins of his or her earlier life, compounded by subsequent poverty, were not easily absolved.⁶

Transportation had spawned invalids directly and indirectly. Invalid prisoners, or prisoners likely to become infirm, were transported to Van Diemen's Land.⁷ Thereafter, the rigours of convict labour, coupled with questionable health care, nutrition and hygiene, and compounded by intemperance and poor living, ensured that many emancipists slipped back into the ranks of the institutionalised. This article is concerned with those ex-convicts who were unable to maintain themselves in colonial society, especially when the rigours of old age and infirmity reduced them to poverty and destitution, resulting in their re-incarceration into penal-like institutions known as invalid depots, or more benignly as benevolent asylums and charitable institutions.

Given the presence of invalids from the earliest days of European settlement it is somewhat surprising that the history of the aged and infirm emancipist has been neglected. Invalids usually only appear on the periphery of more general works tackling issues of poverty among the fit and able of the labouring classes, and these are mostly set within the context of the rise of the twentieth century welfare state.⁸ Interest in the elderly has been principally fostered by North American historians, beginning with David Fischer's *Growing Old in America* (1977) and Andrew Achenbaum's *Old Age in a New Land* (1978), with more recent studies by Carole Haber and Thomas

⁶ Champ to Sherwin, 9 May 1856, AOT: Colonial Secretary's Department (CSD) 1/92/2432.

⁷ Piper, *op. cit.*, pp. 47-9.

⁸ For example, R. Mendelsohn, *The Condition of The People: Social Welfare in Australia, 1900-1975*, Sydney, 1979, pp. 183-9, 201-2; J. Roe, 'Old Age, Young Country: The first old-age pensions and pensioners in New South Wales', *Teaching History*, Vol. 15, No. 2, July 1981, pp. 23-42.

Cole.⁹ Pat Thane's *Old Age in English History* (2000) emphasises the self-sufficiency of the aged and, in relation to nineteenth century Britain, their capacity to manipulate the New Poor Law in order to bring independence to their lives and resist the imposition of control agencies.¹⁰

However, there are no comparable publications in the Australian context, apart from a special edition of *Australian Cultural History*, concisely entitled *Ageing* (1995).¹¹ Elsewhere, Dawn Peel considered the changing experiences of old age for the early settlers of the Victorian country district of Colac, and Beverley Kingston provided a general overview of the aged-poor, including the role of aged and infirm emancipists, as part of *The Oxford History of Australia*.¹² Brian Dickey, in *No Charity There* (1987), includes the aged-poor in a discussion on poverty and the development of the social welfare system in Australia, employing an argument which bears many similarities to that put by Gerald Grob, who contended that human beings cannot mould or control society in predetermined and predictable ways. Grob did not mean that there are no mechanisms for influencing the direction of social change, only that the agencies society engages are often flawed and that decisions taken often have unforeseen consequences. In this manner, Dickey maintains that many of the points made by writers such as Richard Kennedy are valid but that the overall picture which emerges is flawed.¹³ This is

⁹ D. H. Fischer, *Growing Old in America*, New York, 1977; W. A. Achenbaum, *Old Age in a New Land: The American Experience Since 1790*, Baltimore, 1978; C. Haber, *Beyond Sixty-Five: The Dilemma of Old Age in America's Past*, Cambridge, 1985; T. R. Cole, *The Journey of Life: A Cultural History of Aging in America*, Cambridge, 1992.

¹⁰ P. Thane, *Old Age in English History: Past Experiences, Present Issues*, Oxford, 2000.

¹¹ D. Walker and S. Garton (eds), *Ageing*, special edition of *Australian Cultural History*, Vol. 14, 1995.

¹² D. Peel, 'Towards a History of Old Age in Australia', *Australian Historical Studies*, Vol. 32, No. 117, October 2001, pp. 257-75; B. Kingston, *The Oxford History of Australia: Volume 3, 1860-1900*, Melbourne, 1988, pp. 154-63.

¹³ B. Dickey, *No Charity There: A Short History of Social Welfare in Australia*, Sydney, 1987; G. N. Grob, *The Mad Among Us: A History of the Care of America's Mentally Ill*, New York, 1994; G. N. Grob, *Mental Institutions in America: Social Policy to 1875*, New York, 1973; R. Kennedy, *Charity Warfare: The Charity Organisation Society in Colonial Melbourne*, Melbourne, 1985; R. Kennedy, 'Charity and Ideology in Colonial Victoria', in R. Kennedy (ed.), *Australian Welfare History: Critical Essays*, South Melbourne, 1985, pp. 51-83.

because it assumes philanthropists were driven by desires to control lower orders, whereas in many instances the evidence, as Garton notes, points to motivation being based upon:

high Christian ideals and a genuine desire to help the poor but their efforts were undermined by inadequate financial support, poor facilities, the enormity of the pauper problem, ignorance of the causes of disease and the regrettable but understandable blinkers of evangelical ideas of moral reform.¹⁴

According to Dickey, the early charitable systems might have been imperfect but without them the poor would have starved.

Beverley Earnshaw addressed the consequences of old age and infirmity amongst the convict and emancipist population of New South Wales in the 1820s and 1830s, with particular attention to the strategies employed to survive in a society relatively devoid of either private philanthropy or state intervention.¹⁵ Raymond Evans investigated the measures taken by officialdom to seclude and deny the presence of emancipist invalids in colonial Queensland, and Anne O'Brien, in her substantive history of welfare in New South Wales, used the plight of invalids to dispute the validity of claims that Australia was a working class paradise.¹⁶ Kay Daniels described female emancipists in Tasmania as a group who, finding fewer opportunities than their male counterparts to escape a cycle of poverty and dependency, 'continued to be dependent on government support or returned to dependence as they grew old and infirm'.¹⁷ Historians have also examined the aged-poor as part of broader studies into specific establishments such as the Port Arthur

¹⁴ S. Garton, 'Poverty in Paradise', in J. Walter (ed.), *Australian Studies: A Survey*, Melbourne, 1989, p. 253.

¹⁵ B. Earnshaw, 'The lame, the blind, the malingerers: sick and disabled convicts within the colonial community', *Journal of the Royal Australian Historical Society*, Vol. 8, Pt. 1, June 1995, pp. 25-38.

¹⁶ R. Evans, 'The hidden colonist: deviance and social control in colonial Queensland', in J. Roe (ed.), *Social Policy in Australia: Some Perspectives, 1901-1975*, Sydney, 1976, pp. 74-100; A. P. O'Brien, *Poverty's Prison: The Poor in New South Wales, 1880-1918*, Carlton (Vic), 1988.

¹⁷ K. Daniels, *Convict Women*, St Leonards (NSW), 1998, p. 234.

Invalid Depot and Port Arthur Lunatic Asylum, the Cascades Invalid Depot and the Brickfields Invalid Depot.¹⁸

Joan Brown's '*Poverty is Not a Crime*' (1972), now more than thirty-five years old, remains the foremost work on the operation of the charitable system in colonial Tasmania, providing an accurate (though methodologically outdated) portrayal of the major events and themes in the development of social policy in nineteenth century Tasmania.¹⁹ John Hargraves' dissertation 'A Pauper Establishment is Not a Jail' is a defining piece of research on the subject, which emphasises the use of institutional care as the mechanism to control the legacy of convictism – the pauper invalid. He views the colonial charitable system as a *de facto* convict system 'in which former prisoners were subjected to treatment akin to that which they would have received under an Imperial government in Van Diemen's Land'.²⁰ This convict background, it is argued, tainted and impeded reform of the system as nascent liberalism clashed with more conservative points of view. Shayne Breen addressed the subject of emancipist poverty and institutionalisation in regards to themes of place, power and social law in northern Tasmania, and has also examined the other face of the colonial charitable coin, out-door poor relief, stressing the courage and resourcefulness of the lower classes to survive and resist the attempts made to restrict their liberties.²¹

While often broken physically and mentally, invalids were not passive participants in the institutional drama. Their love of liberty and affinity with their own class mores saw them resist confinement and detention within institutions. Specifically, this article examines how invalids sought to maintain liberty and freedom of action

¹⁸ M. Weidenhofer, *Port Arthur: A Place of Misery*, Port Arthur (Tas), 1990; L. Scripps and A. Hudspeth, 'The Female Factory Historic Site, Cascades: historical report', unpublished report, Department of Parks, Wildlife and Heritage, 1992; K. Pearce, 'North Hobart Historical Research', unpublished report, National Estate Grants Programme and the Corporation of the City of Hobart, 1992.

¹⁹ Brown, *op. cit.*

²⁰ See J. Hargrave, 'A Pauper Establishment is Not a Jail: old crawlers in Tasmania 1856-1895', Master of Humanities thesis, University of Tasmania, 1993, p. 4.

²¹ S. Breen, *Contested Places: Tasmania's Northern Districts From Ancient Times to 1900*, Hobart, 2001; 'Outdoor poor relief in Launceston, 1860-1880', *Tasmanian Historical Research Association, Papers and Proceedings*, Vol. 38, No. 1, 1991, pp. 19-50.

through self-discharge and re-admission.²² This is part of what Meranze has referred to as the 'dynamics of discipline', and was in keeping with their 'Vandemonian' spirit, defined by Alex Castles as independence, resilience, resourcefulness, adaptability, cynicism towards authority and an ability to come to terms with difficult conditions.²³ Invalids resisted the control measures imposed upon them and they proved to be proficient adversaries in manipulating the charitable system to their advantage.

From the earliest days of colonial charitable institutions, pauper invalids manipulated the system by discharging and readmitting themselves, as and when they desired.²⁴ In northern Tasmania in the 1850s, for example, if a male invalid could not obtain admission into the Cornwall Hospital there were three options open to him. He could accept 'transportation', initially to the Impression Bay Probation Station but after 1857 to Port Arthur (with all the penal connotations which that represented); become a vagrant (subject to the ramifications of the *Vagrancy Act*); or, starve. Male pauper invalids were sentenced to Impression Bay and Port Arthur, as were female invalids to the Cascades Female Factory and the Launceston Female House of Correction, for the crime of poverty. Two invalids charged under this policy were W. Stone (who was blind) and J. Sullivan, who although sentenced to three months imprisonment for vagrancy were ordered to be removed to Impression Bay as opposed to the gaol. Their crime was that they had been found wandering without any visible means of support and thus deemed idle and disorderly.²⁵ While invalids were not necessarily the intended

²² Much of the following discussion is concerned with male invalid resistance and manipulation of the system, which is reflective of the surviving evidence. Of course, resistance was not the prerogative of male invalids only. Female invalids transferred to the Cascades Female Factory in 1861 did not lightly accept its penal regime. They resisted it as much as they were able. For example, a bell was rung at 9.00 pm signifying silence, though 'they did not usually do so'. *THAP*, Vol. 5, 1860, Paper 46.

²³ M. Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835*, Chapel Hill, 1996, p. 173; A. C. Castles, 'The Vandemonian spirit and the law', *Tasmanian Historical Research Association, Papers and Proceedings*, Vol. 38, Nos. 3 and 4, 1991, pp. 105-18.

²⁴ *Tasmanian Legislative Council Papers (TLCP)*, Vol. 16, 1872, Paper 5, p. 3.

²⁵ *Hobart Town Daily Mercury*, 4 June 1855, p. 2.

targets, the act allowed the authorities to detain pauper invalids, and was extensively used by the government in the late-1850s as one means of addressing the high numbers of invalids then visible in Tasmanian cities and towns. As the *Hobart Town Daily Mercury* put it, 'the Bench is *compelled* to sentence them to imprisonment with hard labour in order that they may obtain the food necessary to keep their bodies and souls together'.²⁶

The removal of invalids to Impression Bay and Port Arthur was effectively a sentence of internal penal transportation. It was a re-transportation to a penal settlement for the joint crimes of being old, poor and disabled, and it was applied virtually exclusively to emancipists.²⁷ John Miller, the Medical Superintendent of the Cornwall Hospital, and other northern citizens, recognised the injustice of expelling the poor from their community to a southern penal complex.²⁸ Both Miller and Isaac Sherwin, Chairman of the hospital's Board of Trustees, opposed the transportation of poor infirm people because of the harshness of such removal, and also for practical economic grounds.²⁹ The removal of northern invalids south was expensive and frequently ineffective. All emancipists had experienced, to varying extents, the circumscribed space of institutional life and its attendant power relations. In their desire to avoid a repeat dose of this 'moral' medicine, northern invalids

²⁶ *Hobart Town Daily Mercury*, 19 May 1859, p. 2 (emphasis in original). In the mid-1850s there was a relative explosion in pauper numbers caused in part by the closure of the Impression Bay Invalid Depot and exacerbated by invalid emancipists who, having secured employment during the labour shortage occasioned by the discovery of gold in Victoria, were displaced as able-bodied men returned from the diggings.

²⁷ See Hargrave, *op. cit.*, p. 29.

²⁸ Miller to Henty, 30 March 1858, AOT: CSD 1/156/5061; Sherwin to Henty, 8 September 1858, AOT: CSD 1/84/72.

²⁹ See Miller to Henty, 30 March 1858, AOT: CSD 1/156/5061; Sherwin to Henty, 31 March 1858, AOT: CSD 1/156/5061, for details of their opposition on practical and economic grounds. See also Solly to Lord, 22 July 1859, AOT: CSD 25/1/7538, and Government Circular, 23 August 1859, AOT: CSD 25/1/7549, for evidence regarding the physical harshness involved in the transportation of pauper invalids, pauper medical cases, pauper lunatics and orphans. Prior to this time, such persons, when transported by coach, did so without any rugs or wrappers to protect them from exposure to inclement weather, and they were not supplied with food sufficient for the journey.

resisted being transported south and refused to be subjected to the control and discipline of penal authority. They frequently left southern institutions, which more often than not had no legal power of detention, and returned to Launceston, only to be re-transported south, at public expense, yet again. Often this pattern was repeated two, three or four times for the same individual.³⁰ Sherwin set off fiscal alarm bells when he wrote to the Colonial Secretary expressing his concern and suggesting that it was useless to forward invalids without some mode of coercion to ensure that they arrived and remained at their destination.³¹

Invalids discharged from the Cornwall Hospital due to want of space for 'medical' patients would, according to Miller, go wandering the countryside.³² When an order for their removal by coach to Port Arthur finally arrived, the invalid would have vanished. What really irked Miller was that the invalid could apply again to the police magistrate a few months later to be sent to the southern invalid station with temporary accommodation in the hospital, while the wheels of officialdom slowly turned in processing the application, with the likelihood of no different an outcome.³³ The hospital bore the costs associated with housing this invalid, costs Miller felt should have been expended upon the genuinely sick, not just the old and decrepit. Patently some emancipist invalids were using the system to their own ends in order to gain a spell of respite – a period of shelter, food and warmth. As Sherwin put it, 'such is *the love of liberty* that when their strength is somewhat restored by the discipline & care bestowed upon them at the asylum ... they will again go forth & be again exposed to want & disease'.³⁴

In the late 1850s the number of steps involved in the process of having an invalid admitted into a depot inevitably resulted in prolonged delays. This wait gave the applicant an opportunity to

³⁰ Miller to Henty, 30 March 1858, AOT: CSD 1/156/5061; Sherwin to Henty, 8 September 1858, AOT: CSD 1/84/72.

³¹ Sherwin to Henty, 30 July 1857, and 31 March 1858, AOT: CSD 1/156/5061.

³² According to Breen this is reflective of the itinerant lifestyle of the single male emancipists in colonial Tasmania. Breen, *Contested Places*, pp. 93-101.

³³ Miller to Henty, 30 March 1858, AOT: CSD 1/156/5061.

³⁴ Sherwin to Henty, 31 March 1858, AOT: CSD 1/156/5061 (emphasis added).

disappear if relief inside a government institution was not what they desired. For example, in January 1858 the Reverend Arthur Davenport sent a recommendation to the Colonial Secretary that the emancipist William Button be admitted to an invalid depot as he was old, destitute and incapable of earning a livelihood.³⁵ It would seem that Button sought only occasional relief but was eager to avoid institutionalisation within the depot. Thus, despite every endeavour to locate him, it appears that Button resisted entry into the charitable institutional system by disappearing.³⁶ The official record documents numerous instances where applicants could not be found.³⁷ These cases are yet another example of the loathing emancipists had towards returning to a government institution, especially as most were either located in ex-convict buildings or were still functioning penal establishments. Many of these men and women subsisted by resorting to petty crime, but the surviving evidence suggests that begging was their chief means of procuring a livelihood.

Both the superintendents and respective boards of the Brickfields, Cascades and Launceston invalid depots protested against loop-holes in regulations which permitted invalids to pervert the system by discharging and then readmitting themselves as and when they desired. The Board administering the Launceston Invalid Depot believed, for example, that when a man persisted in leaving the institution, in spite of the opinion of the medical officer, he should be 'treated as a vagrant, and sent for a term to the House of Correction, where he would learn to appreciate the comforts of the Depot'.³⁸ But the reality was that many of these men already had experience of the House of Correction and a host of other coercive institutions. That this might have been a factor in their decision to leave, despite having no means to sustain themselves, seems to have escaped the Board. That men in such a condition would vote with their feet was both a reflection upon conditions within the Depot and House of Correction, as well as a further indication of the longing for liberty on the part of inmates.

³⁵ Davenport to Henty, 16 January 1858, AOT: CSD 1/29/31.

³⁶ Scott to Inspector of Police, 20 January 1858, AOT: CSD 1/29/31.

³⁷ See AOT: CSD 1/29/31. This file lists a number of similar cases.

³⁸ *TLCP*, Vol. 18, 1872, Paper 8, p. 3.

While Launceston invalids favoured accommodation within the institutions of that city rather than being forwarded to New Town, they were not all pleased with the arrangements they encountered in Launceston. The annual reports for the Launceston Invalid Depot indicate that a considerable number of invalids left it with no visible means of support. A review of invalid numbers at this institution (see Table 1) demonstrates a high turnover in the inmate population as revealed by the number of admittances and discharges compared to the daily average number of inmates. What the data does not provide is a good indication of the number of inmates who absconded from the depot or who were expelled for misconduct. In 1872, for example, two inmates did not return after being allowed out on a pass and eight were turned out for misconduct.³⁹ In 1873, twenty-two inmates left the institution when compelled to labour in the establishment's garden and another absconded in the same year.⁴⁰ The years 1872 and 1873 were not exceptional; they tell a story repeated throughout the 1870s, one that contradicts the numerous favourable observations made by mostly middle-class observers who believed that such institutions were over-generous in their treatment of invalids and therefore encouraged indolence and imposition among the poor.⁴¹ The reality was very different. John Cox, the then Superintendent of the Launceston Penal Establishment and the Launceston Invalid Depot, told an 1871 Royal Commission that during the two-and-a-half years that the depot had been open he had never 'known a case to be admitted that was not really deserving'.⁴²

³⁹ *TLCP*, Vol. 19, 1873, Paper 8, p. 3.

⁴⁰ *TLCP*, Vol. 20, 1874, Paper 7, p. 3.

⁴¹ For example, in December 1876, Colonial Secretary Reibey inspected the Brickfields, concluding that 'very many out of the 253 present could and ought to be made to obtain their own daily bread'. *TLCP*, Vol. 24, 1877, Paper 6, p. 4. James Gray, Member of the House of Assembly, who visited the institution weeks later, shared the opinion. He believed that there were some fifty inmates capable of earning their own livelihood. Given the shortage of rural labour, he believed that these men should be forcibly evicted and sent to country districts. *TLCP*, Vol. 24, 1877, Paper 6, p. 5. To some extent the Superintendent of the Brickfields encouraged this belief by reporting that he had noted inmates who 'preferr[ed] the Depot to being obliged to earn their own livelihood'. *TLCP*, Vol. 26, 1878-9, Paper 8, p. 3.

⁴² *TLCP*, Vol. 17, 1871, Paper 47, p. 48.

TABLE 1: Numbers of male inmates at the Launceston Invalid Depot, 1868-1901.

YEAR	Nos. 1 Jan.	Nos. Admitted	Nos. Discharged	Nos. Dieing	Nos. 31 Dec.	Av. Nos.	Reference
1868	0	145	49	8	88		<i>TLCP</i> , 15, 1869, Paper 5, p. 3.
1869	88	141	111	29	89	96	<i>TLCP</i> , 16, 1870, Paper 5, p. 3.
1870	88	126	88	20	106	106	<i>TLCP</i> , 17, 1871, Paper 5, p. 3.
1871	106	143	101	33	115	121	<i>TLCP</i> , 18, 1872, Paper 8, p. 3. <i>TLCP</i> , 18, 1872, Paper 2, p. 113.
1872	115	157	122	27	123	128	<i>TLCP</i> , 19, 1873, Paper 8, p. 3. <i>TLCP</i> , 19, 1873, Paper 1, p. 116.
1873	123	143	107	28	131	132	<i>TLCP</i> , 20, 1874, Paper 7, p. 3. <i>TLCP</i> , 20, 1874, Paper 1, p. 119.
1874	131	135	109	31	126	129	<i>TLCP</i> , 21, 1875, Paper 2, p. 122. <i>TLCP</i> , 21, 1875, Paper 8, p. 3.
1875	126	114	95	24	121	123	<i>TLCP</i> , 23, 1876, Paper 1, p. 132. <i>TLCP</i> , 23, 1876, Paper 8, p. 3.
1876	121	118	88	28	123	122.81	<i>TLCP</i> , 24, 1877, Paper 7.
1877	123	137	108	32	120	125.35	<i>TLCP</i> , 26, 1878-79, Paper 10.
1878	120	132	110	28	114	124.09	<i>TLCP</i> , 28, 1879-80, Paper 10.
1879	114	185	134	32	133	125.93	<i>TLCP</i> , 29, 1880, Paper 12.
1880	133	176	152	20	137	140.62	<i>TLCP</i> , 30, 1881, Paper 13.
1881	137	151	118	33	137	146.64	<i>TLCP</i> , 32, 1882, Paper 2, p. 138.
1882	137	172	124	52	133	140.50	<i>TLCP</i> , 34, 1883, Paper 13.
1883	133	174	136	28	143	139.38	<i>TPP</i> , 2, 1884, Paper 13, pp. 4-5.
1884	143	164	129	34	144	147.47	<i>TPP</i> , 5, 1885, Paper 10, p. 5.
1885	144	178	142	31	149	150.20	<i>TPP</i> , 8, 1886, Paper 10, p. 4.
1886	149	140	147	29	113	128	<i>TPP</i> , 11, 1887, Paper 11, p. 4.
1887	113	200	140	38	135	128.68	<i>TPP</i> , 14, 1888-9, Paper 12, p. 4.
1888	135	245	177	37	166	162.73	<i>TPP</i> , 15, 1888-9, Paper 15, pp. 4-5.
1889	166	286	233	45	174	182.28	<i>TPP</i> , 20, 1890, Paper 12, pp. 4-5.
1890	174	246	209	45	174	170.70	<i>TPP</i> , 23, 1891, Paper 15, pp. 4-5.
1891	166	198	152	60	152	168.40	<i>TPP</i> , 26, 1892, Paper 15, pp. 4-5.
1892	152	203	116	69	170	176.61	<i>TPP</i> , 28, 1893, Paper 12, p. 4.
1893	170	130	83	38	152	162.4	<i>TPP</i> , 31, 1894, Paper 6, pp. 4, 6.
1894	152	96	61	33	154	152.78	<i>TPP</i> , 33, 1895, Paper 16, p. 4.
1895	154	117	95	34	141	149	<i>TPP</i> , 35, 1896, Paper 6, p. 4.
1896	141	151	108	49	130	143.70	<i>TPP</i> , 37, 1897, Paper 8, p. 4.
1897	131	148	107	30	142	145	<i>TPP</i> , 39, 1898, Paper 26, p. 3.
1898	142	146	99	64	125	140	<i>TPP</i> , 41, 1899, Paper 7, p. 4.
1899	125	138	97	44	123	130	<i>TPP</i> , 43, 1900, Paper 3, pp. 3-4.
1900	123	141	101	55	108	125	<i>TPP</i> , 45, 1901, Paper 16, p. 4.
1901	108	118	88	34	104	112	<i>TPP</i> , 47, 1902, Paper 4, p. 2.

TLCP = Tasmanian Legislative Council Papers

TPP = Tasmanian Parliamentary Papers

In 1863, the Hobart Town Municipal Council expressed concern about the amount of visible 'Vagrancy and medicity' on the streets of the town, and the then Mayor, Alfred Kennerly, strongly advocated that invalids sent to Port Arthur be detained there. Kennerly believed that the increase in vagrancy that he had observed was primarily made up of men freely returning from the invalid depot at Port Arthur as, and when, the fancy took them. Kennerly and his fellow councillors believed that these invalids were a serious threat to the order of the city, and to the security of citizens, and represented a considerable financial burden on the government. A municipal committee alluded to weaknesses in the existing law which allowed the men to return from Port Arthur when they so desired. Kennerly was aware that depriving invalids of their liberty was a touchy issue, but nevertheless he argued for the introduction of legislation which would do just that. While agreeing to review the matter, the government was decidedly edgy about pursuing legislative measures along the lines that Kennerly proposed.⁴³ This was not to remain the situation, but for now at least invalids still had a significant voice in determining when they left an institution.

One sign of inmate manipulation of the charitable institutional system is therefore disclosed through the very high turnovers in admissions and discharges from depots, as well as through abuses of day passes. These were issues of considerable importance to both the government and the administrators of the depots. In the 1860s, institutional officers had no authority to stop men regarded by the medical officer as being unfit to earn a livelihood from vacating the depot and as such there was relative ease in ingress and egress from establishments. The problem as seen from the administrator's perspective was that men frequently left the depot to beg about the streets for a short time before claiming re-admission, sometimes in a far worse condition than when they left. They often returned in an intoxicated state and upon being refused admission besieged the

⁴³ Kennerly to Whyte, 3 February 1863, and Whyte to Kennerly, 9 February 1863, AOT: CSD 4/36/410. Kennerly, as Chairman of the Board of Management of the Hobart General Hospital, responsible for the Brickfields, was also actively pursuing more regulatory control over invalids in order to check inmates at the Brickfields manipulating the system by discharging and re-admitting themselves at will.

Colonial Secretary's Office with fresh applications for admittance.⁴⁴ Importantly, emancipist invalids also actively sought entry into charitable institutions. In mid-1862, the Superintendent of the Launceston General Hospital reported that invalids saw their admission into such institutions as a right. Failure on the part of administrators to comply with such requests was liable to result in abuse and threats.⁴⁵ While administrators and their colleagues perceived such actions as an imposition, they were part of the overall invalid survival strategy. It was not simply sufficient to be able to leave a charitable institution; in order to maintain a degree of liberty, pauper emancipists needed to be able to access them as and when they needed. Their motivation was not to maximise their sojourns in institutions, as administrators believed, but to minimise these periods of institutionalisation. In this way an invalid subculture sought to subvert the intentions of the charitable system to meet their own exigencies.⁴⁶ This was not resistance with the intent of changing the extant system, but rather, a strategy to ensure the survival of a pauper emancipist culture within the charitable institution framework. This position is quite the opposite of that suggested by Robert Hughes who maintained that the convict system in Van Diemen's Land 'turned out an unleavened human mass, a submissive *lumpenproletariat* of men and women, cudgelled into humility by repetitive task-work and the all-pervasive threat of corporal punishment'.⁴⁷ Such an argument removes all independent agency from emancipists, and is unsustainable given the evidence supporting invalid self-determination.

⁴⁴ TLCP, Vol. 11, 1865, Paper 9, p. 3.

⁴⁵ Miller to Henty, 27 May 1862, AOT: CSD 25/7.

⁴⁶ Rubington and Weinberg have defined subculture as a social construct which 'come[s] into being when a category of persons find themselves suffering a common fate. It is essential, however, for them to be in contact with one another and to find out in the course of communication that they do in fact have common interests. These interests arise generally from their social situation because they face more or less the same dilemma'. Cited in P. Archard, *Vagrancy, Alcoholism and Social Control*, London, 1979, p. 175. Peter Archard has further argued that a crucial factor in the self-recognition of a deviant identity, 'whether acquired through the process of subcultural association or not, is a prior awareness by the individual that he may be subject to a variety of social control forces that may serve to change his status from that of normal to deviant' (p. 178).

⁴⁷ R. Hughes, *The Fatal Shore*, London, 1987, p. 594.

In his evidence before the 1863 Joint Committee Inquiry on Prison Labour, John Withrington, Superintendent of the Brickfields Invalid Depot, was specifically asked about men leaving and returning at will. He informed the committee that while paupers could move between the institution and the external world with considerable ease, it was not quite as straightforward as suggested. Men could leave the institution when they desired, but readmittance required the approval of the Colonial Secretary. This was the only real measure of control that the administration had on the manipulation of the system by invalids, other than the internal regulations that could be applied to the institutionalised population, and it was an area of invalid management which the Joint Committee identified as requiring greater control. Responding to this need, the government imposed more rigid and coercive confinement regulations, deciding that 'when men voluntarily left the Depot, without a certificate from the Medical Officer that they were fit for work, they should not be again admitted'.⁴⁸ This was not necessarily a new policy but rather the more rigid implementation of existing procedure. As early as mid-1851, 'free' emancipists seeking a discharge from the invalid station at Impression Bay were cautioned that, in the event of their being unable to secure a livelihood, they would not again be taken into the establishment.⁴⁹

Administrators also applied more stringent controls on the issuing of day passes to inmates. Whereas these had been relatively easily gained in the early-1860s, by the late-1860s they were granted only when a reasonable cause was shown and where they were not likely to be abused.⁵⁰ By the early-1870s, inmates were only granted a day once a month, and then only during the summer months.⁵¹ Consequently, there was an increase in inmate dependency upon the capacity of the institution to accommodate them when they had no means of their own. Their 'free return pass' was eliminated. However, evidence which Withrington gave to an 1871 Royal

⁴⁸ *TLCP*, Vol. 11, 1865, Paper 9, p. 3.

⁴⁹ For examples, see Returns of free men discharged from Impression Bay, AOT: CON 89/1/139/3296.

⁵⁰ *TLCP*, Vol. 14, 1868, Paper 4, p. 3.

⁵¹ *TLCP*, Vol. 17, 1871, Paper 47, p. 87.

Commission indicates that, despite the more stringent controls, men were still abusing their day passes. Withrington describes men habitually using day passes as a means to go begging, and of their returning intoxicated or seeking readmittance several days later.⁵² That paupers persistently abused their leave in this manner demonstrated a form of contempt towards their institutional administrators and a strength to exercise their own will and their own 'class' decorum. This was an issue not only observable at the Brickfields but also at other charitable institutions. For example, Austin Atkins, Superintendent of the Cascades, reported that invalid inmates were constantly leaving and returning to the institution 'four or five times a month' in order to 'drink and to beg':

This is a decided nuisance to the community. Paupers from the country are sent to town by coach and from thence here in cabs at the expense of the Government; and after having been in the Institution a few days, claim their discharge.⁵³

There is some evidence that invalids did indeed secure discharges from invalid depots in order to over-indulge in alcohol. For example, on 10 December 1872, two decrepit old men were fined for drunkenness and, as they were unable to pay the fine, found themselves with a gaol sentence. One of these men had only just been discharged from the Brickfields.⁵⁴ It appears that immediately upon his discharge he had sought out a mate and broken his drought with a binge.

⁵² *Ibid.*, p. 87, paragraph 457. They almost certainly also used these opportunities to make more prosaic purchases as there were no facilities available at the Brickfields for purchasing items such as tea, coffee, sugar and the like. Nothing was sold at the depot and no officer was permitted to sell any item to an inmate. Should an inmate have acquired a small amount of money and desired items like coffee, he could ask the institution's messenger to make a purchase for him. *TLCP*, Vol. 17, 1871, Paper 47, p. 87. This was a system obviously open to corruption. Withrington may have felt that by denying the internal sale of goods he further extended his control over the men whereas he was really creating the demand for a covert market and impetus for trafficking. See R. A. Radford, 'The economic organisation of a P.O.W. camp', *Economica*, Vol. 12, 1945, pp. 189-201.

⁵³ *THAP*, Vol. 22, 1871, Paper 127, p. 8.

⁵⁴ *Mercury*, 11 December 1872, p. 2, and 12 December 1872, p. 2.

Invalids appear to have been adept at detecting and manipulating weaknesses in the system designed to control them. For an invalid located in the country who wished to spend time in Hobart Town, a few days spent in the Cascades was a small price to pay in exchange for free transportation. Notwithstanding the introduction of more compelling rules regulating the ability of inmates to enter and leave at will, it appears that in practice nothing much changed between the situation in the early 1860s to that existing in the early 1870s. For example, the emancipist John De La Hunt was admitted to the Cascades on 25 January 1871; was discharged on 29 January; readmitted 23 February; discharged again on 6 March; readmitted 10 April; and discharged again on 17 April 1871.⁵⁵ In response to this scenario an 1871 Royal Commission recommended that 'restrictions be imposed on Invalids leaving and returning to the Depots, *and that a labour test be enforced*'.⁵⁶

William Benson, the Medical Officer at the Cascades, was likewise opposed to invalids entering and leaving depots at will. He expressed concern that no reference was made to him regarding the discharge of inmates from the Cascades. He did not believe that paupers should have the right to manipulate the system and recommended the introduction of new regulations to better manage the movement of paupers between the institutions and the outside world. He further recommended better coordination between the depots and private charity. Benson was one of several individuals who came to recognise that invalids were also incorporating private charity into their survival strategy as a means of limiting their stay

⁵⁵ TLCP, Vol. 17, 1871, Paper 47, p. 91. Also see pp. 15-19 for a return of inmates at the Cascades Pauper Establishment, Hobart Town, showing their dates of admission and discharge. For example, Richard Brown, aged 60, was admitted and discharged five times between September 1867 and November 1870. Numerous inmates exhibited a similar pattern of repeated admissions and discharges such as George Greenwood, who was admitted and discharged on 9 occasions between August 1867 and November 1870. Such ingress and egress patterns were also evident amongst female paupers at the Cascades. For example, Mary Dunn (5 admission periods between April 1869 and November 1870), Mary Findlater (5 admission periods between August 1867 and November 1870), Mary Harper (6 admission periods between November 1867 and November 1870), and Catherine Collins (7 admission periods between June 1867 and November 1870).

⁵⁶ TLCP, Vol. 17, 1871, Paper 47, p. xli (emphasis added).

within invalid depots. By accessing private charity and the resources of benevolent societies, invalids were able to minimise the amount of liberty they sacrificed upon entering a depot. Robert Andrew Mather, a member of both the Hobart General Hospital Board and the Executive Committee of the Hobart Benevolent Society, was also concerned about the manner in which invalids were utilising depots and the charity of the Hobart Benevolent Society as a means of maintaining themselves outside of institutions. He was part of a more conservative faction of the middle class who wished to place restrictions upon the movement of invalids. Mather recommended that invalids should not be allowed to leave a depot within six months of admittance and then only on the recommendation of the superintendent or any person guaranteeing their support. Invalids who left otherwise and were found begging were to be punished as vagrants.⁵⁷

The development of a coordinated working relationship involving the exchange of information between charitable administrators and the Hobart Benevolent Society was implemented in the late 1860s. This was to assist both groups in checking the imposition caused by invalids leaving the depots and then attempting to maintain themselves with the aid of the Society.⁵⁸ Instances of this particular form of imposition, whereby those who had discharged themselves from invalid establishments and then applied to the charitably disposed for at least a night's lodgings, necessitated constant watchfulness by benevolent organisations.⁵⁹ In this, the Hobart Benevolent Society saw itself as aiding the government in checking pauperism and imposture. It saw itself as playing a role in a unified campaign to create an environment whereby invalids were forced to remain in depots. As part of this strategy the Society initiated an arrangement in 1863 with the superintendents of the various southern invalid depots. From then on every case for relief where the applicant had previously been in an invalid depot was referred back to the administrator of that

⁵⁷ *Ibid.*, p. 99, paragraph 599, and p. 91, paragraph 503.

⁵⁸ The Hobart Benevolent Society's annual report for 1874 details an example of this form of imposition. See *TLCP*, Vol. 21, 1875, Paper 13, p. 3.

⁵⁹ *TLCP*, Vol. 23, 1876, Paper 15, p. 3.

institution so that the Society could ascertain the circumstances under which the pauper had left that place. The Society assisted, while they awaited a vacancy, those who had a valid reason for seeking their discharge but were then forced to apply for readmission. However, those who left for what the Society viewed as unreasonable grounds were resolutely refused aid. The Society argued that any weakening of this resolve would see begging and drunkenness rampant on the streets of Hobart Town.⁶⁰ By the close of 1864 this position had narrowed to one in which they refused to give any aid to men who persisted in leaving depots while being deemed by medical officers incapable of earning their own subsistence. It was their aim to ensure, as far as practicable, that no man should leave a depot 'unless pronounced fit to earn his own living or unless some respectable person undert[ook] to provide for him'. Elements within the government supported this position and pushed for affirmation of a regulation which would have seen any man claiming his discharge being informed that no assistance would be granted him by the Benevolent Society and that he would not be permitted re-entry to a depot, but if found begging he would be apprehended and punished in gaol.⁶¹ In the mid-1860s, not all politicians agreed with this uncompromising stance. The issue was brought to a head over the case of two invalids: John Parkhurst and Francis Hughes.

John Parkhurst was an emancipist pauper, aged 54, who had arrived in Van Diemen's Land in 1843 and received a conditional pardon in August 1854. His health as a convict had been good and he had maintained himself as a gardener following emancipation, but by 1864 he was unable to work, being nearly blind as a result of the loss of one eye and a cataract in the other. While a prisoner these visual disabilities had not been evident. He had been a patient of the Hobart General Hospital in early October 1864, but had requested his discharge 'in the hope that he might maintain himself by his own exertions'. He travelled to Oatlands to work but failed in this as a result of his blindness. He returned to Hobart Town on 24 November and sought temporary relief from the Hobart Benevolent

⁶⁰ Hall to Whyte, 3 June 1863, AOT: CSD 25/8/40.

⁶¹ Whyte, Memo to Board of management of the Invalid Depots, 20 December 1864, AOT: CSD 25/9/194.

Society while he awaited admission into an invalid depot. His application was refused because he had sought his own discharge from the hospital. Exactly how he was to survive in these circumstances is unclear, as he had neither shelter nor the means to procure lodgings and food.⁶²

Francis Hughes was also an emancipist pauper who had initially arrived in Van Diemen's Land in 1845. He was, in November 1864, aged 64, and had received his conditional pardon two years earlier. He suffered from chronic rheumatism, a condition he contracted as a prisoner at Port Arthur. His general health as a prisoner and upon gaining his freedom was described as 'indifferent'. At Port Arthur he was treated for rheumatism whilst both prisoner and invalid. In November 1864, he returned to Hobart via the government steamer but, finding himself unable to work, he begged to be returned to Port Arthur on the steamer's next trip and in the interim be admitted into the Prisoners Barracks. Until a vacancy became available in the Barracks he sought temporary relief from the Hobart Benevolent Society, which was denied.⁶³

In considering their applications for temporary relief the Hobart Benevolent Society resolved not to grant any aid on the principle that its 'functions are to provide relief for the necessitous and not for those who wilfully leave relief provided for them'. The Society accused Parkhurst and Hughes of belonging to a category of troublesome men who annoyed the public with their constant entry and exit of benevolent asylums. The crux of the Society's grievance, and the point of contention they had with more progressive elements within the government, was that it regarded both men as ungrateful beggars and drunkards who deserved to suffer the consequences of their folly.⁶⁴ In a significant response to the Society's stance on this

⁶² Application of John Parkurst for admission into the Hobart General Hospital, 25 November 1864, AOT: CSD 25/9/187 (106)/3; Memo No. 1859, Office of Inspector of Police, 25 November 1864, AOT: CSD 25/9/187/2.

⁶³ Application of Francis Hughes for admission into the Port Arthur Invalid Depot, 28 November 1864, AOT: CSD 25/9/187 (99)/4; Untitled note, written to assist Hughes' application, 28 November 1864, AOT: CSD 25/9/187/5.

⁶⁴ Extract from the Minutes of the Hobart Benevolent Society, 30 November 1864, in Crouch to Whyte, 2 December 1864, AOT: CSD 25/9/187/1.

issue, the Colonial Secretary, James Milne Wilson, detailed the government's official position in regards to the detention of invalids. Wilson stated that he could not concur with the Benevolent Society for the following reasons:

The Establishments maintained by Government for the support of paupers are not of the character of prisons, in which a man once entering, his liberty becomes forfeited: and consequently no legal power of detention in a Depot exists. If, therefore, the pauper who has requested his discharge in the vain hope of being able to earn his own living, and enjoy his liberty finds himself unequal to the task ... he must either beg, steal, or starve, until a vacancy in the appointed Depot occurs, and I would desire to point out ... that the punishment proposed to be inflicted upon the pauper, would in many instances recoil upon the public, resulting in greater expense, and more annoyance, than is now experienced from the trouble of renewing their applications and granting them relief.⁶⁵

Wilson asked the Hobart Benevolent Society to reconsider its position and to continue to assist such men while they awaited readmission. The Society, however, maintained its position partly for fear that they would lose public support if they weakened their uncompromising stand on this issue.⁶⁶ Given that the level of government funding was proportionately tied to the level of subscription, any lessening of support would have resulted in a marked decline in the Society's income and thus its financial capacity to engage in relief work. It is also likely that the close relationship between invalid depot administration and the Benevolent Society played a crucial role in the continuance of their hardline stance. Withrington, for example, very much wished to see measures in place which would curb the capacity of invalids to leave the depots as they saw fit. He was both Superintendent of the Brickfields and a member of the Executive Committee of the Hobart Benevolent Society. While clearly a conflict of interest existed in regard to this

⁶⁵ Wilson to Crouch, 7 December 1864, AOT: CSD 25/9/187/6.

⁶⁶ *Ibid*; Crouch to Wilson, 15 December 1864, AOT: CSD 25/9/187/6.

matter, Withrington continued to apply pressure upon the Hobart Benevolent Society to maintain its stance.

The Hobart Benevolent Society's firm adherence on this matter eventually brought about a change in government policy. In March 1865, the Colonial Secretary's Office issued instructions directing invalid depot administrators to inform inmates who left without the approval of a medical officer that, should they seek readmission, all measures would be applied to send them to Port Arthur.⁶⁷ All cases of invalids leaving an institution without institutional approval were to be forwarded to the Colonial Secretary's Office. Likewise, all cases where an inmate was discharged on account of misconduct were to be reported in order that the government could be in full receipt of the facts when considering any future application for readmission.

Just as the government and the Hobart Benevolent Society were nonplussed by the dilemma, so too were Withrington and Atkins frustrated and angered by the situation in which they found themselves. To counter the on-going undermining of their authority both men sought enhanced powers to confine inmates to their respective institutions and greater authority to punish offending paupers. Withrington recommended that 'no man be allowed leave of absence until six months after admission, and then only for one day at a time'.⁶⁸ In conjunction, he recommended measures which essentially were directed at improving professionalism in the management of inmates. In true Foucaultian fashion he hoped that by maintaining better records and procedures for accessing them he could counter manipulation of the system by being able to identify appropriate strategies to deal with individual men. This new record-keeping system was designed to establish prior patterns of admission, discharge and conduct, information which Withrington hoped would strengthen his control over recalcitrant invalid paupers. He also sought to extend his control by tightening up existing punitive disciplinary measures. The areas in which he wished to crack down were: refusing to work, behaving in a refractory manner, assault, returning to the establishment drunk,

⁶⁷ Memorandum, James Whyte, 27 March 1865, AOT: CSD 25/10/259.

⁶⁸ *TLCP*, Vol. 17, 1871, Paper 47, p. 87.

stealing or destroying clothing or other articles of government property and leaving the establishment without permission with government clothing.⁶⁹ The additional powers that Withrington sought thus provide an insight into the multitude of measures employed by invalids in their attempt to use depots as asylums in the wider sense of the word.

The justification behind this sharpening in the severity of the disciplinary and punitive measures was that it made institutions less appealing and, according to Withrington, it assisted in protecting the government 'as much as possible from the admission of the idle and lazy, who in some cases prefer the quiet of a Pauper Establishment to earning their own bread'.⁷⁰ Withrington strongly believed that invalids were imposing on the charitable system. No doubt individual instances of imposition did occur, but the available evidence suggests that imposition was neither systematic nor prevalent, although manipulation of the system would appear to have been commonplace. Yet Withrington's steadfast resolve in exercising the greatest economy in the running of the Brickfields frequently made inmate manipulation look like imposition. He described a situation in which:

paupers frequently apply for relief from the Benevolent Society on the very same day they are discharged at their own request, and telling the medical officer they have work to go to. Some of these could obtain work if they so disposed, but on account of some very slight ailment they practise all kinds of deceit in order to obtain what they require from the public; and if they do not succeed, they immediately seek readmission into one or other of the charitable institutions.⁷¹

The belief in invalid imposition was rife. For example D. Lewis and J. M. Dooley, who inspected the Brickfields in late 1878, reported that the inmates appeared to be generally healthy, but that

⁶⁹ *Ibid.*, p. 88.

⁷⁰ *Ibid.*

⁷¹ *TLCP*, Vol. 28, 1879-80, Paper 7, p. 3.

many who seemed capable of labour were idle.⁷² It is, however, very difficult to imagine that any men capable of work were able to reside at the Brickfields in idleness, as all inmates who were certified by the medical officer as being able to work were invariably dismissed from the depot.⁷³ It is highly improbable that invalids ever implemented imposition tactics to an extent which had any significant impact upon the charitable system. The real issue was the inability to manage increasing numbers of pauper applicants.⁷⁴

TABLE 2: Numbers of paupers and invalids accommodated at Port Arthur, 1857-68, and the funds to which they were chargeable.

DATE	Numbers chargeable to colonial funds	Numbers chargeable to imperial funds	Total Number	Reference
30.6.1857	129	109	238	<i>BPP</i> , 14, p. 178 and 180.
30.6.1858	154	120	274	<i>BPP</i> , 14, p. 212; <i>BPP</i> , 15, pp. 264 and 438.
30.6.1859	126	120	246	<i>BPP</i> , 15, pp. 264 and 438.
30.6.1860	78	160	238	<i>BPP</i> , 15, p. 438.
29.8.1860	80	167	247	<i>TLCP</i> , 5, 1860, Paper 45, p. 3 and <i>BPP</i> , 15, p. 276.
15.3.1861	—	—	267	<i>BPP</i> , 15, p. 421.
30.6.1861	70	205	275	<i>BPP</i> , 15, pp. 438 and 584.
31.12.1861	52	183	235	<i>BPP</i> , 15, p. 450.
30.6.1862	52	227	279	<i>BPP</i> , 15, pp. 584 and 719.
31.12.1862	43	209	252	<i>BPP</i> , 15, p. 594.
30.6.1863	35	262	297	<i>BPP</i> , 15, pp. 712 and 715.
31.12.1863	33	216	249	<i>BPP</i> , 16, p. 123.
30.6.1864	31	240	271	<i>BPP</i> , 16, pp. 124 and 128.
30.6.1865	55	221	276	<i>BPP</i> , 16, p. 259.
31.12.1865	62	187	249	<i>BPP</i> , 16, p. 1269.
30.6.1866	71	213	284	<i>BPP</i> , 16, pp. 388, 393 and 419.
31.12.1866	63	198	261	<i>BPP</i> , 16, p. 396.
30.6.1867	56	182	238	<i>BPP</i> , 16, pp. 413, 416, 419 and 508.
30.6.1868	1	187	188	<i>BPP</i> , 16, pp. 497, 500, and 508.
31.12.1868	1	175	176	<i>BPP</i> , 16, p. 514.

BPP = *British Parliamentary Papers*

⁷² *Ibid.*, p. 4.

⁷³ *TLCP*, Vol. 29, 1880, Paper 8, p. 3.

⁷⁴ *TLCP*, Vol. 17, 1871, Paper 47, p. 88.

There was a marked seasonality to invalid and pauper utilisation of charitable institutions. In the case of Port Arthur, for example, in all instances where there are summer figures available they are noticeably less than the numbers of imperial and colonial charges for the preceding, and following, mid-year figures (see Table 2). This suggests that invalids used the charitable institution for their own ends, by only seeking admission to depots during the colder, inclement months of winter. It also demonstrates resentment of the system of institutional care in that men only tolerated institutionalisation at Port Arthur when they had no alternative. If an aged male emancipist was able to support himself outside of the depot, then he did so. The pattern of seasonality evident in Table 2 effectively nullifies a widely held belief, expressed by persons such as Withrington, that institutions were used by the idle as a means to escape work and that they therefore encouraged pauperism and fostered imposition. Emancipist paupers deployed strategies designed to keep themselves out of such institutions or, at the very least, minimise the duration of any stay. Their *modus operandi* was avoidance, not engagement, with such institutions.

Both male and female invalids also resisted incarceration in the invalid depots through various self-help measures. The capacity to partially support oneself was more likely to endear an individual to the benevolent societies and the Administrator of Charitable Grants and thus enable an invalid to access out-door relief. Many invalids engaged in sporadic and seasonal labour in order to avoid permanent detention within a depot. Some, for example, left the New Town Charitable Institution during the hop-picking season and then reapplied for admittance once the crop had been harvested. The availability of casual agricultural labouring positions, which afforded invalids an opportunity at securing an income, were generally seasonally based. When this seasonality is taken into account with Tasmania's temperate climate, it helps to explain why charitable institutions experienced seasonal fluctuations in inmate numbers. The evidence given before an 1871 Royal Commission clearly indicates a significant rise in inmate numbers during winter. Dr C. E. Barnard, the Medical Officer to the New Town Charitable Institution reported, for example, that the number of invalids varied from time

to time but that numbers were highest during the winter, a conclusion also reached by other administrators and visitors.⁷⁵ The increase in winter numbers reflects both the dearth in agricultural labouring positions at this time and the need for the temperature-sensitive elderly pauper to find shelter and escape the cold bite of this season.⁷⁶ Viewed in this light, the use of state institutions by paupers in winter was part of a survival strategy. They were clearly manipulating the system to their own ends and not vice versa.

In order to leave the depot to engage in seasonal labour, any inmates who were still within their initial three-month period of detention had to obtain a certificate from the medical officer.⁷⁷ It would seem that this approval was relatively easily obtained. In response to a question before an 1888 Royal Commission into charitable institutions, regarding the fitness of female invalids to engage in hop-picking, the matron of the New Town Charitable Institution stated that it was 'better to let them go in a regular way than to allow them to evade the regulations'.⁷⁸ Permitting inmates to leave the depot with its imprimatur would have allowed the institution to maintain a facade of authority in the face of a mass unsanctioned departure to the hop fields of New Norfolk. This appears to have been a situation in which anticipated inmate action affected the decisions of institutional administrators. The ability to leave the depot and freely engage with the outside world was important to invalids and demonstrated that institutionalisation was not their preferred mode of existence. If they were able to secure the means of survival on the outside then they would take that chance.

In many respects the invalid depot, come charitable institution, was the equivalent of the British workhouse. This was an institution that most emancipist invalids would have been familiar with, an

⁷⁵ *Tasmanian Parliamentary Papers (TPP)*, 15, 1888, Paper 50, pp. 32, 34 and 37; *TPP*, 32, 1888-9, Paper 11, p. 8; *TPP*, 15, 1888, Paper 50, p. 35.

⁷⁶ The trend was evident not only in Tasmania, but also in England where, it was noted, 'Pauperism has always a tendency to increase as winter sets in', and that 'spring once more sets things flowing again, and brings back work and warmth together'. Article in *The Times*, reproduced in *Mercury*, 12 May 1862, pp. 3-4.

⁷⁷ *TPP*, 15, 1888, Paper 50, p. 38.

⁷⁸ *Ibid.*, p. 36.

institution which from the late-eighteenth century onwards was 'viewed with hatred and seen as a form of punishment by those intended to occupy them'.⁷⁹ Convict experiences had, however, taught emancipist men and women that tackling the system head on was a road to physical and mental ruin. Ian Duffield exemplifies this point well in his portrayal of the life of the convict Thomas Day, relating the role of prudence and feigned submission as instruments for self-preservation and for easing the immediate material circumstances of incarceration.⁸⁰ In like manner, what invalids did was to bend, not to the system, but the system to them. They fought to resist the imposition of middle class virtues and to retain their dignity through liberty. As bureaucrats and administrators sought to extend their authority over invalids they were met with sustained resistance to, and persistent manipulation of, the charitable institutional system. In keeping with their 'Vandemonian' spirit, invalids resisted the control measures imposed upon them and they proved to be proficient adversaries in manipulating the charitable system to their advantage.

⁷⁹ S. Piddick, 'Accommodating the destitute: an historical and archaeological consideration of the destitute asylum of Adelaide', MA thesis, University of South Australia, 1996, p. 76.

⁸⁰ I. Duffield, 'Daylight on convict lived experience: the history of a pious negro servant', *Tasmanian Historical Studies*, Vol. 6, No. 2, 1999, pp. 29-62.