

# **CONVICT LEISURE AND RECREATION: THE NORTH AMERICAN EXPERIENCE IN VAN DIEMEN'S LAND, 1840-1847**

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Recently some historians of Australian convictism have attempted to demonstrate that convict working conditions were not as harsh as formerly believed. They have argued that convict workers were no worse off than other early industrial workers and generally lived a better life. Surprisingly this revisionist literature concerns itself only with convict work and does not deal with non-working hours. It seems essential to undertake an analysis of leisure time to make an evaluation of the quality of penal life.

Historians of nineteenth century chattel slavery have convincingly demonstrated that this leisure time was more important in slave lives than working hours. These historians have arrived at these conclusions through the use of slave literature, including slave narratives. They present slave viewpoints which have established the existence of a 'moral economy' and Afro-American culture embedded within an autonomous slave community.<sup>1</sup> At present there is no such attempt to use similar sources to study convict non-working life. One of the best set of convict sources which could be used are six narratives and two published collections of letters written by eight North American political prisoners, describing Vandemonian convictism in the 1840s.

These men were among a group of eighty-eight American and Canadian political prisoners (sometimes known as 'the Patriots' or as the Canadian exiles) transported to Van Diemen's Land in 1839 and 1840 for their part in the abortive Canadian rebellions of 1837 and 1838, during which several armed groups, including substantial numbers of

American citizens, entered Upper Canada to support groups of Canadian rebels. All of these expeditions resulted in disastrous military encounters. After the battles of Prescott, Windsor, and Short Hills, British troops captured many of the invading Americans.

The presence of these American citizens posed problems for the Crown. The British Government did not want to offend the American government with harsh penalties for too many American citizens, yet it did not want to allow such acts to go unpunished. George Arthur, formerly Lt Governor of Van Diemen's Land, who became Lt Governor of Upper Canada, decided to transport a group of French Canadians to New South Wales and another group of English-speaking Canadians and Americans to Van Diemen's Land.

These men spent from three to seven years in Van Diemen's Land, beginning their working life on the road-building gangs of the newly instituted probation system, and ending their Vandemonian experiences as ticket-of-leave men. The North American prisoners arrived at a time of attempted penal reform. The Crown had ended an old system under which the colonial administration assigned convicts to individual masters under whose supervision they were to work. In an attempt to eliminate the abuse of prisoners by these de facto masters, the Crown decided that for a probationary period after arrival convicts were to work in gangs on public works projects. Most of the North American prisoners initially laboured on the Launceston-Hobart Road.

After up to two years working on the roads, most of the prisoners received a ticket-of-leave, which allowed them freedom of movement in the interior of the island. (The penal authorities forbade them access to coastal areas, fearing that they would escape aboard American whalers which hunted in Tasmanian waters). As none of the prisoners wished to remain in Van Diemen's Land, they attempted to use the comparative freedom of this new status to earn money for a passage home. This was difficult as Van Diemen's Land was in the midst of a severe economic depression. When the men could find work, wages were low. Most of the prisoners, however, eventually succeeded in leaving the island.

Upon returning home, six of the American prisoners, Linus Miller, William Gates, Stephen Wright, Daniel Heustis, Samuel Snow, and Robert Marsh wrote autobiographical narratives, and one, Benjamin Wait, published a collection of letters in which they *inter alia* detailed how they spent their leisure moments within the Vandemonian penal system.<sup>2</sup>

These Americans were comparatively well-educated men, who were either aspirant members of the emerging commercial middle classes or skilled artisans. One, for example, was a law clerk, hoping to become a lawyer. Another was a businessman who often visited Canada on various ventures.

They were careful and critical observers of society. They wrote reliable, uniquely rich accounts of convict life in Van Diemen's Land. Their writings were, as David Headon has noted, 'the products of lively inquisitive minds' and were full of 'a certain spontaneity, vigour and survival humour.'<sup>3</sup>The authors wrote independently. They often wrote about the same events, thus, allowing historians the opportunity to corroborate statements that each narrator made.

These authors wrote for an American reading public that was unfamiliar with convict narratives. This contrasts with other Vandemonian writers who wrote for an English audience acquainted principally with convict literature as part of an established literary genre. These readers anticipated certain types of stories that had to fit certain literary conventions. This led many writers to distort their material. American convict authors did not have to tailor their material to such an expectant audience.<sup>4</sup>This meant that Americans writers could create their own account of convict life, independently of the demands of a literary marketplace. Thus the historical experiences and values of these authors, not the expectations of readers, guided their writings.

These narratives certainly do contain anti-British prejudice and some exaggerations. Such problems do not, however, discredit the immense amount of valuable material about daily convict life contained in these writings.<sup>5</sup> On the contrary the often self-righteous rhetoric of

these narratives contribute to an unique representation of convict life, that includes accounts of convict leisure and recreation.

The notion of convict leisure and recreation may seem a contradiction in terms, but we cannot understand convict labour in isolation from non-work periods. Victor Turner claims that "'Leisure' presupposes 'work': it is a non-work, even an anti-work phase in the life of a person who also works.' Leisure, however, has wider meanings for Turner. He states that, 'Leisure is also: (1) freedom to enter, even to generate new symbolic worlds of entertainment, sports, games and diversions of all kinds. It is furthermore, (2) freedom to transcend social structure limitations, freedom to play.'<sup>6</sup> Certainly convict workers, leisure was all of these things in the open-air prison which was the setting for the Vandemonian penal system.

Sunday religious services were the only officially sanctioned recreational activities. These services were Anglican as it was the established church. Many of the North American prisoners were religious, but most were not Anglican. They resented the coerced religious ceremonies, finding them to be 'a purgatory of two and three long doleful hours, rising, kneeling and sitting, according to the most precise formula, all the while holding our faces as grave as an owl.' William Gates condemned the local minister, William Bedford, known to convicts as 'holy willy', using him as a symbol for all British clergy. 'Like the greater portion of her majesty's hirelings, Bedford loved the bottle more than the Lord. In fact the only god or gods he really served were Bacchus and Mammon.'<sup>7</sup>

Officials of the probation system usually gave convicts Saturday afternoons and Sundays off. In addition to this officially-sanctioned leisure time, convicts also snatched what pleasure they could during their work days.

All convicts used a part of their leisure time to accomplish the basic necessities of daily physical existence. The majority of convicts laundered their clothes on Saturday afternoons. The prisoners normally

possessed one pair of pants, two shirts, and a jacket. They evidently felt it was essential to keep this limited clothing clean.<sup>8</sup>

Many convicts wanted to spend their leisure time attempting to secure paid employment from free settlers or emancipists. They used this money to buy luxuries such as bath soap and tobacco. Certainly smoking was one pleasure in which many convicts indulged as they could enjoy it quickly during short work breaks and in the brief evenings before sleep.

Convicts also spent time supplementing the rather meagre diet provided to them. The authorities provided each man with a pound and half of bread, a pound of boiled mutton or beef and a pint of skilly (a mixture of a teaspoon of flour dissolved in a pint of water). The quality of the bread and meat was often very poor. The convicts frequently used their earnings to buy fine white bread and better meat.<sup>9</sup>

Although prohibited from obtaining more food, convicts spent much non-work time searching for additional food. One group escaped from their huts at night through the chimney to scavenge for vegetable scraps in free settlers' refuge. More satisfying was snaring meat and fishing. A favourite delicacy was freshwater crayfish, which the men could quickly boil and eat. What might have been recreational sport for many individuals, became survival activities for the North Americans and other convicts.<sup>10</sup>

Most convicts then seem to have undertaken these non-work activities that centred around the basic necessities of life. However, when convicts used their spare time for pleasurable recreational activities, differences in convict leisure-time activities were evident.

The middle-class values of the American narrators physically separated them from the majority of convicts. They viewed themselves as political prisoners, not as criminals. The British officials agreed, physically segregating the North Americans, fearful that they might incite unrest among other prisoners. When placed with other prisoners at Brown's River Station, south of Hobart, the North American prisoners petitioned to live apart, claiming that these criminal convicts

literally stole the shirts off their backs. As a result of their petition, the British allowed them to build their own huts.<sup>11</sup>

These middle-class values and the separation from other convicts resulted in vastly different leisure activities which centred on self-improvement. While a prisoner in Canada, awaiting transportation, Benjamin Wait spoke with distaste of prison recreational activities. He preferred writing letters to his wife, rather than talking and drinking. Wait declined to participate in 'ball' games or in the culture of 'games of chance, swearing and lewd conversation'. Instead Wait and a small number of the other prisoners created a lecture series, in which each in turn would write and deliver a talk for the others' comments and criticisms. Samuel Snow, 'another Patriot', being less disciplined, played a daily game of ball.<sup>12</sup>

This tendency to use leisure time for self betterment continued in Van Diemen's Land. Convict records reveal that drunkenness was a dominant form of recreation for many prisoners. In contrast, two American convicts, who had received their tickets-of-leave, set up a temperance society in the inland village of Campbelltown.<sup>13</sup>

North American prisoners exhibited self-restraint in sexual matters. The convict narrators did not discuss sexual activity. There was a modest Victorian restraint concerning the public discussion of sexual desire. They did not mention heterosexual prostitution in Hobart, nor did they talk of homosexuality. Tasmanian historians have recently discovered longer, unexpurgated versions of two important historical documents that mention the prevalence of convict homosexuality. (Previously historians had relied all too unquestioningly on censored editions of these documents). The 'Patriot' failure to discuss homosexuality perhaps tells us more about their values than about convict sexual behaviour.<sup>14</sup>

The North American middle-class prisoners then had different ideas concerning leisure from other, working-class, convicts. They believed that individuals should not confuse leisure with idleness or worse yet with dissipation. These attitudes resulted from their

republican beliefs that identified leisure with aristocratic idleness (which they defined as being able to live without labour). They justified the invasion of Canada on the belief that a group of privileged aristocrats was depriving hard-working Canadians of the opportunity to enjoy the fruits of honest labour.

While many of these men may have fast become connected with Upper Canada through the pursuit of economic opportunity, their motives for their participation in the invasion of Upper Canada were those of civic-minded republicans. They believed in devoting the non-working parts of their lives to public duty and to the betterment of their society or in the case of Upper Canada, that of their neighbour. They wanted to initiate a republican recreation based on civic virtue.<sup>15</sup>

An important leisure activity was the public celebration of important public events. For the American prisoners, no such event was more important than the Fourth of July, a day during which they proclaimed the egalitarian and civic virtues of republican ideology.

The Americans observed their first Fourth of July in captivity at Fort Henry, Canada in 1839. Here a group manufactured an American flag out of handkerchiefs. They hoisted, this 'emblem of freedom' in their prison room and toasted 'the heroes of 76' with lemonade, made from smuggled fruit. They were thankful for the American Revolution that had saved their country. They compared the battle that they had fought at Prescott to Bunker Hill. They felt that they were heroes just like the men at Bunker Hill. They were sad that they had failed and that they now were 'in chains bound just like hapless Canadians as vassals to the British throne'.<sup>16</sup>

The narrators continually remembered the Fourth of July while in Van Diemen's Land. Daniel Huestis drank more than lemonade when he celebrated the Fourth in 1843 by uncharacteristically getting drunk in the town of Ross, but even here he was characteristically serious, thinking of his native land 'where British tyrants are not allowed to pollute the soil with their odious system of government'.<sup>17</sup>

Thus the Americans wanted to celebrate the Fourth, even under dire circumstance, to validate their Republic heritage of dutiful and responsible citizenship. Between these periodic public celebrations, they regularly found ritualistic and dutiful fraternity in Masonic lodges.

Middle-class American men spent much leisure time participating in fraternal organisations. We can see the influence of this male fraternalism in the Patriot movement, especially among the 'Patriot Hunters'. They imitated Masonic lodges with a series of progressive degrees that gradually initiated the candidate into a secret order. One of the key obligations of the Masonic Order was to help brothers in distress.<sup>18</sup>

Several of the North American prisoners were, in addition to being 'Hunters', Freemasons. There were non-convict Masons in Hobart. The American Masons quickly demanded that their Vandemonian brothers help them escape. These demands placed Vandemonian Masons in a quandary as it was a criminal offence to aid a convict. Linus Miller made the most well-documented request for help. Miller and a fellow prisoner escaped with the aid of other North American prisoners from a probation road station, forty miles north of Hobart. They managed to reach Hobart, where they contacted a Masonic brother to ask his help in communicating with an American whaler to arrange escape. Nothing came of the contact. Miller became suspicious and left Hobart. The police soon captured him and his companion. Both received sentence for secondary punishment at Port Arthur.<sup>19</sup>

Elijah Woodman, the oldest of the North American prisoners and a Mason had more luck. Woodman was in poor health with a chronic eye complaint. After receiving his ticket-of-leave, he accepted a great deal of medical aid from Hobart Masons, help which, however, was not against law.<sup>20</sup>

The 'Hunters' lodges and Freemasonry were good examples of the voluntary and fraternal associations at whose meetings many men spent their free time. These organisations aimed to improve civic life

through such ventures as voluntary fire departments or to reform individuals through such programs as temperance and sabbatarianism. The North American convicts used this experience to organise themselves into solid groups through which they could resist the worst aspects of the convict system.<sup>21</sup>

One of the more spectacular forms of organised resistance was an example of what today we might call street theatre. At the funeral of one of their number, who had died of official neglect after being taken ill while working on a road gang, the convicts, in a challenge to an official ban, marched through the streets of Hobart in a defiant funeral procession.<sup>22</sup>

A more effective example of organised resistance was the orchestrated plot at Bridgewater station to expose the cook and superintendent who were conspiring to substitute inferior flour for the better flour provided in the convict rations. They would then use the superior flour to make fine bread which they sold to skilled prisoners whom the colonial administrators paid for their labour and who could thus afford to purchase the bread. The North American convicts paid for a loaf of the illicit bread with a marked coin and were able to show in the presence of a local magistrate that the baker had the coin in his possession. Both the baker and the superintendent received thirty-six lashes, the standard Vandemonian corporal punishment.<sup>23</sup>

Not all North American convict enjoyments were serious and planned. Some were spontaneous and playful. For example, a group of convicts turned a punishment into an enjoyable satire of convictism. The local officials forced these convicts to wear black and yellow striped suits as a punishment. The convicts had some joyous moments playing as if they were birds, jumping about on one leg and squawking.<sup>24</sup>

Singing was a common source of enjoyment. Elijah Woodman at least twice led convict groups in a sing-song featuring 'Hunters' of Kentucky. Daniel Huestis claimed that 'the effect was instantaneous. As if electrified, every man sprang to the floor (of the convict hut), joined

in the chorus; some danced, others shouted, and all shook off the gloomy horrors of Van Diemen's Land.<sup>25</sup>

The American narrators seemingly did not take part in what we would today designate as sport. There is no mention of participation in early 'ball' games in Van Diemen's Land. They do not refer to other prisoners' involvement in blood sports, either as direct participants or as gamblers, betting on outcomes. Even basic physical sports, such as boxing and wrestling, are not discussed.

The North American convicts divided leisure time pursuits into sinful recreations and useful pleasures, to borrow Jim Walvin's useful terminology. The North American convicts condemned drinking while encouraging temperance, religion, and reading. The authors intended the narratives themselves to be simultaneously enjoyable and instructive, to be a useful leisure activity.<sup>26</sup>

Although the narrators, being middle-class political activists, were not typical prisoners, they were acute observers of the convict probation system. They experienced the slackness of the system, which enabled them to use their leisure moments to improve their standard of living and also to snatch moments of pleasure. Because they were unsympathetic, even judgmental, concerning the leisure activities of many other convicts they could not fully understand the appeal of these pursuits to the majority of convicts. Nevertheless, they have revealed to us a valuable and detailed view of convict recreation during the 1840s in Van Diemen's Land.

Historical study of the non-working hours of slaves has revealed a vibrant, creative Afro-American culture. It reflected, firstly, Turner's freedom to generate and to enter into new symbolic worlds of entertainment and play, such as spiritual music. The culture, secondly, transcended social limitations through religious play and ecstasy, producing a rich religious tradition which included the 'spiritual' as a creative product.

Unfortunately the non-working hours of the Vandemonian penal society did not produce such a rich culture in which prisoners, such as

the North Americans, created a new symbolic world. Nevertheless, these convicts did transcend the system for short periods, taking sometimes playful, but often purposeful actions that meliorated the harshest aspects of this work system. In many ways they were protecting a rudimentary convict 'moral economy' based on such activities as diet supplementation through hunting and fishing. Unfortunately convictism was a corrupt, primitive form of labour through which most men, including all the North Americans, wished to pass quickly, wanting only freedom so that they could return home (or create a new homes as emancipists). Thus it was not a system which provided a superior life to that of American (or European) workers, free or unfree, being simply another form of early coerced labour, such as chattel slavery.

It is only through an understanding of convict sport and recreation that we can get a complete picture of convictism on which we can make a balanced judgment concerning the quality and nature of convict life. Historians must continue to investigate convict sport more fully, filling in this gap both in convict studies and in sports history,<sup>27</sup> It is essential that historians of both sport and early convict life find additional sources from differing points of view which can complete the partial picture of convict leisure and recreation which the North American narrativists have provided us.

## NOTES

- 1 Stephen Nicholas, et al, *Convict Workers: Reinterpreting Australia's Past*, CUP, Melbourne, 1988, argues, using non-literary sources, that convict workers had better opportunities than their free English counterparts. Many historians of chattel slavery have used slave narratives effectively. Foremost among these are George Rawick, *From Sundown to Sunup: The Making of the Black Community*, Greenwood Press, Westport, 1972, and Paul Escott, *Slavery Remembered A Record of Twentieth Century Slave Narratives*, University of North Carolina Press, Chapel Hill, 1979. Rawick has collected many slave narratives in *The American Slave: A Composite Autobiography*, 41 volumes, Greenwood Press, Westport, 1972-9.
- 2 There are six narratives: Linus W Miller, *Notes of an Exile to Van Diemen's (sic) Land*, W McKinstry and Co., New York, 1846; William Gates, *Recollections of Life in Van Diemen's Land*, ed., George Mackaness, 2 vols., Lockport: 1850, reprinted by D S Ford, Sydney, 1961; Caleb Lyon, ed., *Narrative and Recollections of Van Diemen's Land during a Three Years' Captivity of Stephen S. Wight*, New World Press, New

York, 1844; Robert Marsh, *Seven Years of My Life, or a Narrative of a Patriot Exile*, Faxon and Stevens, Buffalo, 1847; Daniel D Heustis, *A Narrative of the Adventures and Sufferings of Captain Daniel D Heustis*, S W Wilder, Boston, 1848; Samuel Snow, *The Exile's Return or Narrative of Samuel Snow*, B Fellows, Cleveland, 1846. Additionally there are two collections of letters: Benjamin Wait, *The Wait letters*, Porcupine Press, Ontario, 1976. (This is a new edition of Benjamin Wait, *Letters from Van Diemen's Land written during Four Year Imprisonment for Political Offences Committed in Upper Canada*, W W Wilgus, Buffalo, 1843). Additionally Fred Landon, *An Exile From Canada*, Longmans, Toronto, 1960, collected the letters from Elijah Woodman. There is also the unpublished diary of Aaron Dresser, held in the Public Archives of Canada, Ottawa.

- 3 David Headon, 'Reworking the Convict Tradition: Brother Jonathan and the Offscourings of England in Penal Australia', *Australasian Journal of American studies*, vol. 3, 1984, p. 4.
  - 4 Anne Conlon in an influential article, "'Mine is a Sad Yet True Story': Convict Narratives, 1818-1850", *Journal of the Royal Australian Historical Society*, vol. 55, 1969, pp. 43-77, argues that British convict narratives were part of an imitative literary tradition and that they were unconnected with the empirical reality of the convict experience. The American narratives, however, were not part of this tradition, and were directly linked to the historical experience of the convicts.
  - 5 While historians have neglected the narratives as sources for the study of convict life, several historians have used them to write political accounts of the activities of the "Canadian Exiles." For example see: R. C. Watt, 'The Political Prisoners in Upper Canada, 1837-38', *English Historical Review*, vol. 12, 1926, pp. 526-55; Ernest Scott, 'The Canadian and United States Transported Prisoners of 1839', *Journal and Proceedings of the Royal Australian Historical Society*, vol. 21, 1936, pp. 27-44; and Mary Milne McRae, "'Yankees from King Arthur's Court": A brief study of North American Political Prisoners transported from Canada to Van Diemen's Land', *Tasmanian Historical Research Association Papers and Proceedings*, vol. 19, Dec. 1972, pp. 147-62. Additionally, George Rude in his *Protest and Punishment: The Story of Social and Political Protesters Transported to Australia, 1788-1868*, Oxford University Press, Melbourne, 1978, includes interesting bits of information on these men. E C Guillet, *The Lives and Times of the Patriots*, Longman, Toronto, 1960 is the most detailed account.
- For papers which do use these sources to depict convictism, see T P Dunning, 'Convict Care and a Treatment: The American Experience in Van Diemen's Land', *Bulletin of the Centre for Tasmanian Historical Studies*, 1991, pp. 72-85 and T P Dunning, 'Convict Resistance: The American Experience in Van Diemen's Land', *Papers and Proceedings of the Tasmanian Historical Research Association*, vol. 3, June, 1991, pp. 88-97.
- 6 Victor Turner, *From Ritual to Theatre: The Human Seriousness of Play*, PAJ Publications, New York, 1982, pp. 36-7.
  - 7 Gates, *Recollections of Life*, vol. 1, p. 52.
  - 8 Gates, *Recollections of Life*, vol. 1, p. 41.
  - 9 Gates, *Recollections of Life*, vol. 1, pp. 42-5, 67-8.
  - 10 Huestis, *A Narrative*, p.116; Snow, *The Exile's Return*, pp. 16, 19.
  - 11 Huestis, *A Narrative*; Gates, *Recollections of Life*, vol. 2, p. 8
  - 12 Snow, *The Exile's Return*, pp. 7-8; Wait, *The Wait Letters*, p. 88.

- 13 Huestis, *A Narrative*, p. 155. A study of convict conduct registers verifies that the North American convicts behaved better than other convicts. Tasmanian State Archives, Hobart.
- 14 Ian Brand, *The Convict Probation System: Van Diemen's Land, 1839-1854*, Blubber Head Press, Hobart, 1991, and Buck Emberg and Joan Emberg, *The Uncensored Story of Martin Cash (Australian Bushranger) as Told to James Lester Burke*, Regal, Launceston, 1992, use unexpurgated documents to discuss convict homosexuality.
- 15 This concept of republican recreation is similar to rational recreation used by Peter Bailey to describe a similar set of mid-nineteenth century British ideas. See Peter Bailey, *Leisure and Class in Victorian England: Rational Recreation and the Contest for Control, 1830-1885*, Routledge and Kegan Paul, London, 1978. Gordon Wood, *The Radicalism of the American Revolution*, Knopf, New York, 1991, pp. 264ff., is the source for the description of early artisan attitudes to leisure and aristocrats. (I don't want to get into the intense debate among American historians whether citizens of the early Republic were aspirant capitalists or dutiful republican citizens, other than to say that the North Americans prisoners could be either category depending on the socio-economic situation).
- 16 Heustis, *A Narrative*, p. 81.
- 17 Heustis, *A Narrative*, p. 121; Landon, *An Exile*, p.20.
- 18 Oscar Kinchen, *The Rise and Fall of the Patriot Hunters*, Bookman Associates, New York, 1956.
- 19 Miller., *Notes of an Exile*; Gates, *Recollections of Life*, vol. 1, pp. 61-2. Six North Americans received sentences to Port Arthur, mainly for escape attempts.
- 20 Landon, *an Exile*, pp. 225-6.
- 21 Steven J. Ross, *Workers on the Edge: Work, Leisure and Politics in Industrializing Cincinnati, 1788-1890*, Columbia University Press, New York, 1985, pp. 18-21, 163-78.
- 22 Gates, *Recollections of Life*, vol. 1, p. 52.
- 23 Gates, *Recollections of Life*, vol. 1, p. 72.
- 24 Gates, *Recollections of Life*, vol. 1, p. 62
- 25 Heustis, *A Narrative*, p. 107.
- 26 James Walvin, *Leisure and Society: 1830-1950*, Longman, London, 1978, pp. 33-58.
- 27 Little direct research has been done on convict sports. Some historians, however, have discussed sport during the convict era. See for example, John O'Hara, *A Mug's Game: A History of Gaming and Betting in Australia*, University of New South Wales Press, Kensington, 1988, pp. 1-55.