

# Transforming the Colony



# Transforming the Colony:

*The Archaeology of Convictism  
in Western Australia*

By

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For Janet, who supported me throughout.



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## CHAPTER ONE

# CONVICTISM AND ITS PLACE IN WESTERN AUSTRALIAN HISTORY

The importance of convicts to the history of Australia can scarcely be overestimated. The European settlement of Australia commenced with the settling of a penal colony at Sydney Harbour in 1788. Over the next 60 years approximately 150,000 convicts were brought to the penal colonies in New South Wales and Van Diemen's Land (Bateson 1974: 9). These convicts comprised much of the initial European population of Australia, providing labour for industry and expansion, and impetus for economic growth. By contrast, in 1829 the Swan River colony in Western Australia was settled as Australia's first free British colony (ie without convicts). However it struggled through its first two decades, and on the 1<sup>st</sup> of May 1849, at the request of some of its leading citizens, was converted to a penal colony (Grey 1849b: 250-251), and remained one until 1886. The first convicts arrived in Western Australia on the *Scindian* in 1850 and over the next 18 years, approximately 10,000 male convicts were transported to the colony. The last convict arrived in 1868, after which the bureaucracy of the penal system was gradually wound down during the 1870s, although at different times in different places (Gibbs 2001: 65). The material traces of the penal system, the depots, buildings, and camps, were either converted to other uses, or left to rot. Although in comparison to New South Wales and Tasmania only a small number of convicts were transported to Western Australia, the penal system fundamentally transformed the colony.

Despite this, unlike New South Wales and Van Diemen's Land, the convict period in Western Australia has largely been ignored by historians as a subject of investigation. Peter Millett, in the literature review for his PhD thesis in 2003, said that historians researching convictism in Australia have "...treated the western convict period as little more than a postscript to the eastern era. Historians of Western Australia too, have played a role because they have let their convict past go almost entirely unexplored," (Millett 2003: 10). Millett perhaps overemphasises the lack of historical

analyses, because there have been a number of significant studies, most pertinently Statham's (1981a, 1981b, 1981c) economic analysis of the convict period. However, Millett was in a sense correct in that, at the time he was writing, historical investigation of the convict period had largely been piecemeal and there had been no attempt to write an overall synthesis of the history of the penal colony. When Millett made this statement in 2003, outside of the discipline of history, only a very small number of other significant studies had looked at the Western Australian convict period, primarily in archaeology. Bavin's (1994) study of the two main convict period gaols, Fremantle Prison and Perth Gaol, and Gibbs' (2001, 2006, 2007) study which aimed to develop baseline data about archaeological remains of the convict system, largely stood alone.

Since 2010 however, a number of disciplines have taken up the baton and have begun to re-examine Western Australia's convict period from new theoretical perspectives. Four PhD and one Masters' theses have studied different aspects of the convict system: Campbell's (2010) and Bush's (2012) theses in architecture; Edgar's (2014) thesis in economic history; Haast's (2014) thesis in archaeology; and my own PhD thesis in archaeology (Winter 2011, 2013a, 2013b, 2013c) upon which this book is based. As of 2016 at least two other PhD theses are being written on the Western Australian convict period. This florescence of research into the State's convict past is interesting in that it is essentially in direct defiance of the traditional approach to that past, which has sought to downplay, hide and erase the convict period from the official record of Western Australian history.

This historical tradition, developed during the early to mid-twentieth century, aimed to suppress the fact that a penal colony had ever operated in the state (Reece 2009: 237). Driven by a range of motivations, including shame at the "convict stain" (Hughes 1987), early twentieth century historians and politicians had promulgated a position that the convict period was better forgotten. In its place a narrative that put the brave free settler firmly at the forefront of importance in the State's history was promoted. Carter (1981) demonstrates how the historical narrative of Western Australian statehood was gradually manipulated and subtly changed over time, from Kimberly's original 1897 history, through Battye's 1912 and 1924 histories of the State, to gradually downplay and remove convicts from the official story. Over time Battye sought to downplay the negative aspects of the convict period and emphasise the positives (Carter 1981: 72). Both Kimberly and Battye were working within a paradigm started as early as the 1870s by writers such as Janet Millet (1980, Orig. pub. 1872) and Anthony Trollope (1967, Orig. pub.



1873), who asked the moral question of whether the convict system was good or bad for the development of Western Australia as a modern state. This question fed into the work of Kimberly and Battye and has influenced much of the historical scholarship in the state since.

Judging convictism positively was difficult when the prevailing scholarly view was that convicts were part of a criminal class, who were intrinsically tainted with criminality (Hughes 1987). As Nicholas (1988a) demonstrates, most historical scholarship conducted before the mid-1980s operated within a paradigm that saw convicts as fundamentally irredeemable. Of course, this application of moral judgement also tainted the view of the past; it is impossible to position something as positive when it is the result of actions by tainted, degenerate convicts.

It was within this framework of a young State attempting to reconfigure its history to something more wholesome, that the removal of the convict past from the Western Australia's historical narrative became orthodoxy. Hasluck (1959) describes an argument within the Western Australian Historical Society Council in 1931, over whether to destroy a recently found bundle of letters, comprising correspondence to William Sykes, a convict, from his wife in Britain. Members of the council argued that the letters should be destroyed as "...the convict period of Western Australia's history was one best forgotten" (Hasluck 1959: xiii). Hasluck conveys the extreme emotions on display during that argument and makes it clear that at least half the council members were in favour of destroying the letters. They were ultimately saved, but the fact that historians, usually the group charged with protecting historical documents, were in favour of destroying them possibly explains why many convict records have not survived the first half of the twentieth century. Beyond this, the building where the letters were recovered (the warder's quarters at the Toodyay convict depot), contained a range of documents that "...were scattered everywhere blowing in the wind" (Hasluck 1959: xi) during its demolition. It is perhaps surprising that any documentary evidence relating to the convict period of Western Australia survives, given this general attitude of neglect and wilful destruction.

Johnson-Woods (1997: 46) refers to these deliberate attempts to obscure the convict past in parts of Australia as "convicticide", a process which includes the wilful neglect and sometime destruction of convict records. It attempts to deny specific events and recreate an imagined "better" past. In Western Australia this better past is that some convicts came, didn't do much except build some bridges, roads, and buildings, and then mostly either left the state or died, childless. Unfortunately this view of the past is confused by a range of remnant evidence. It is of course

undermined by the many descendants of convicts living in Western Australia and becoming increasingly proud of their heritage. Likewise, the enormous physical edifices of Fremantle Prison and the Barracks Arch (Fig. 1-1), are all stark, solid reminders of the convict period that cannot be ignored. Then there are the more pleasant and racy stories that slip through the net: Moondyne Joe (Elliot 1979), famous because he thumbed his nose at authority; and the Fenian rebels who escaped on the *Catalpa* (Fennell 2000), lionised and remembered positively within Irish Nationalist narratives.



Fig. 1-1. The Barracks Arch (left) and Fremantle Prison Gatehouse (right)

There are also the people who refuse to forget, and who have maintained an interest in Western Australia's convict history. The descendants of convicts, such as the members of the Western Australian Genealogical Society's Convict Group, maintain an interest in the convict period. Likewise, throughout the south-west there are small reminders: in place names (such as "Pensioner Road" in Kojoonup), on memorials and in local museums, and in contemporary art, such as on the bus stop seen in Fig. 1-2. And of course, since Fremantle Prison opened as a tourist site and then gained World Heritage status, the convict past has been given an official avenue to challenge the historical orthodoxy.

Nevertheless the approach that sought to deny and downplay the convict past in Western Australia has become historical orthodoxy and impacts strongly on the reconstruction of the official history of the state even in the second decade of the twenty-first century. There are numerous examples of this process: when conducting fieldwork for my PhD in 2010 there were a number of locals in Toodyay and York who were reluctant to have their towns' convict past revisited. Although it was more than five

generations since the death of the last convict, in Toodyay one local remarked that this study could rake-up old injuries and problems within the town. The persistence of old prejudices shaped and defined the way locals chose to remember the convict period. A more pertinent example is the case of the Western Australian State Museum. The Museum, in its presentation of the history of Western Australia, reinforces the orthodoxy of denial. Three branches of the Museum are housed in buildings constructed as part of the convict system: the central Museum in Perth is partly housed in the Perth Gaol, constructed in 1856; the Shipwreck Gallery in Fremantle housed in the commissariat, constructed in 1852; and the Albany Museum, housed in the Albany Convict Depot commissariat, constructed in 1852. All of these buildings were constructed by convicts and were key parts of the convict system, yet in all of them there has typically been almost no reference to their convict history.



Fig. 1-2. A bus stop in Mundaring, Western Australia, depicting convicts working on the York Road

In Albany for example, in 2015, the only indication of convictism is on a small plaque (Fig. 1-3) on the outside of the building, partly obscured by a large flowering shrub, which proclaims “Residency Museum: Built 1850s as Commissariat for the convict hiring depot and extended 1873 to become the Government Residency. Opened as part of WA museum 1975”. The choice to preference the name of the place as the Residency rather than the commissariat is repeated inside the building. The exhibition inside, which takes up the entire building (viewed 10th April 2015),

comprises a timeline of the city of Albany, in which there is no mention of convicts. An interpretive panel proclaims the naming of the town in 1832, then further panels describe the first arrival of mail delivered by steam ship in 1852 then the railway in 1886. Other panels describe work carried out in Albany in the 1850s and 1860s, yet there is no mention of the implementation of the penal colony, its impact on the town, the building of the depot and the development of the town based on convict labour. There is no mention that Western Australia was ever a penal colony. While it is difficult to gauge total numbers, it is likely that thousands of convicts visited Albany, some in an official capacity (ie stationed there) and others after receiving their conditional pardon, yet the timeline presented is of an entirely free town in a free colony. Convicts have been written out of history. Reading this, the “official” history of Albany as presented by the state Museum, the casual visitor would never know that Western Australia had been a penal colony for 36 years, that 10,000 convicts had been sent to the colony and that many of them had lived and worked in Albany and become members of the local community. Instead the orthodox view that seeks to reinvent the nineteenth century history of the state as a free colony is adhered to.

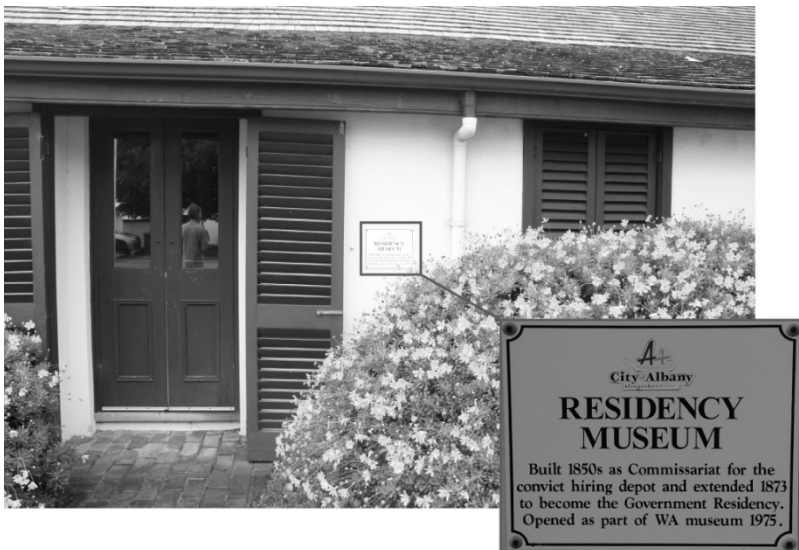


Fig. 1-3. Plaque on the exterior of the Albany Museum

To learn about Albany's convict past, you need to cross the railway line and go next door to the Convict Gaol Museum, a community museum run by the Albany Historical Society and staffed by volunteers. This museum emphasises the punitive aspect of convictism (as most historic gaols do) and in some ways plays on the more lurid aspects of the State's penal history. It does a relatively good job at presenting Albany's convict history, but the emphasis on that history as represented by a gaol, in contrast to the state Museum next door which ignores it completely, presents a picture of that history that is entirely skewed.

Of course, this fictional view of the past is just that: fictional and driven by the view of the convict past as negative. This moral judgement is of course immaterial. It matters not whether convictism was positive or negative for the state, because the undeniable reality is that Western Australia was a penal colony for 36 years. Instead of moral judgements about good and bad, a non-judgemental approach which seeks to understand how the convict period changed the state is required. Clearly the conversion to penal colony was transformative for Western Australia. The interesting questions lie in the nature of this transformation, how the penal system operated, and what the experiences of the people who lived through convictism in the second half of the nineteenth century were. Clearly not all convicts were criminal degenerates, as not all free settlers were virtuous and strong. Much of the recent scholarship related to the convict period works to understand the nature of this transformation, rather than cast moral judgements back into the past.

And of course, Western Australia was one of the last British penal colonies and so represents the end of a 350 year long process of transporting convicts to all corners of the globe. Millett's (2003) project showed that the Western Australian convict system was distinctly different from those in the rest of Australia (and the rest of the world) and as such, is worthy of study in its own right. As with the eastern Australian colonies a global system was imposed on a specific place and so there were consequent similarities. However, the form of that global system had evolved in the 60 years since the establishment of New South Wales and convict transportation in 1850 was based on different motivations and ideologies. Likewise the situation of the Swan River colony in 1850 at the beginning of the convict system was unique compared to other Australian colonies. As such it is clear that the convict system in Western Australia deserves to be researched in its own right.

## Archaeology and Convictism

This book is based on my PhD research, conducted between 2009 and 2013. At the commencement of that research it was clear that historical archaeology was well positioned to provide information about convictism in Western Australia. There are numerous surviving physical remnants of the penal system scattered throughout the south-west of the state, both standing buildings and archaeological sites (Gibbs 2001). In developing this project I put together a list of 73 potential sites for investigation, based on initial desktop research. These represent all aspects of the system and include only sites that are known about. There are clearly many more sites out there with potential for investigation that are yet to be identified. The multi-disciplinary approach favoured by historical archaeology was well situated to investigate some of these sites and to ask questions about the nature of convictism in nineteenth century Western Australia.

In using archaeological sites to investigate convictism my research intrinsically rejected any notion of asking moral questions about the state's convict history. I was not interested in whether convictism had been good or bad for the colony. Instead I was interested in the ways convicts fit within wider Western Australian society and the ways their arrival in the colony transformed that society. It was the nature of the transformation I was most interested in; the ways the implementation of a penal colony and all of the things that came with that, transformed the Swan River colony.

Based on that I developed a number of specific aims and research questions. I sought to develop a better understanding of the convict system in a general sense, and to examine some specific parts of that system. My aims were based in three distinct thematic areas: convict lifeways; convict interaction with other groups; and the way the convict system was enacted in, and impacted on, the Swan River colony. I primarily focused on convicts in regional areas of Western Australia, but also considered the lifeways of urban convicts where relevant. Previous research (Bavin 1994; Burke 1998; Millett 2003; Mein 2012) has examined the experience of convicts at Fremantle Prison. However, the prison was only the centre of the Western Australian convict system, and convicts spread out and worked throughout the colony. My research then, aimed to understand the experience of convicts in the regions, and to compare that experience with what we already know of convict lifeways at Fremantle. Implicit in the research aims was a comparative element, where convictism in the regions was compared to that at Fremantle, both in terms of the system and the experience of the convicts themselves.

These aims were achieved using a combination of archaeological and historical data, and a range of other disparate data sources such as genealogies and oral histories. Archaeological data was gathered at three convict depot sites at Guildford, Toodyay and York, which comprised the main convict sites in the Eastern Administrative District. A range of documentary evidence exists but the main source used by this study was the official records of the Convict Establishment, collected as the *British Parliamentary Papers on Convict Transportation*. This was supplemented by other sources of documentary evidence. Together these data were used to achieve the following aims.

### **Convict Lifeways**

The first aim of this study was to investigate the daily lives of convicts in Western Australia. I was interested in the convicts as people, as the men who stare out at us from the few historical images that exist of them. There is a paucity of knowledge about daily convict life, the way they operated within free Western Australian society and their combined experience as a group. The term “lifeways” within archaeology encompasses a wide range of investigative possibilities. As such a number of research questions were formulated based on available data, in order to direct research. These research questions are:

1. What constituted the convict diet in the regions?
2. How healthy were regional convicts?
3. What consumer items did regional convicts have access to?
4. What level of personal freedom did convicts in the regions enjoy?

Archaeological, documentary and published data sources were used to answer these questions. In combination these data were used to investigate difference and similarity within the convict group, and how elements such as class, ethnicity, origin and other socioeconomic divisions were played out in Western Australia. Investigation of food remains, containers and vessels provide evidence of convict diet, access to fresh food, and deviations from the official convict ration. Alcohol bottles and smoking implements provide information about convict access to supposedly restricted items, and convict agency in directing their own lives.

### **Interaction with Other Groups**

Convicts in Western Australia have typically been historically reviled. Yet historical records suggest that convicts were welcomed to Western

Australia, at least initially. Additionally, convicts did not arrive in Western Australia alone. They were accompanied by a range of administrators, soldiers, warders and the pensioner guard. As such it is impossible to investigate convicts without also referencing these other groups. I aimed to investigate the interaction between convicts and other groups. A number of research questions were formulated to achieve this aim:

1. How did convicts interact with and relate to other groups within the Convict Establishment?
2. How did convicts fit into, and how were they regarded by, free settler society?
3. Were convicts able to form personal relationships beyond the boundaries of the convict system?

I used physical and documentary evidence to conduct a spatial and structural analysis of convict sites. The location of buildings and activity areas, in relation to landscape features, is indicative of decisions made by people (Hillier and Hanson 1984). Convict depots housed convicts, soldiers and administrators, and the design and layout of these sites were analysed to examine relationships between these different groups. Areas of demarcation within convict sites were determined. In addition, interactions with free society were investigated through the presence or absence of restrictive structures (walls, cells) and other methods of control.

### **Convictism and the Swan River Colony**

Historical archaeology has been used to examine global ideological forces such as colonialism and capitalism. Here, archaeological evidence is used to situate convictism in Western Australia as part of a wider global penal process. A number of research questions were formulated to achieve this aim:

1. What was the specific form of convictism in Western Australia?
2. How was the Western Australian penal colony informed by, and different from other British penal colonies?
3. What was the general impact of convictism on Western Australia?

This study primarily used documentary and published historical and archaeological evidence to model the global penal system as it existed in 1850. This model was used to make predictions about the specific form of the Western Australian convict system and tested using documentary and archaeological evidence. It became clear during the process of this



research that it was impossible to outline the full impact of the system on Western Australia in one PhD project. However, aspects of this impact were highlighted. Trade links were analysed using historical and archaeological data and used to show how the convict system tied Western Australia into wider economic networks.

The main aims of this study were to investigate the convict system and the people who comprised the cogs and wheels of that system. It sought to understand how they lived, how they interacted with each other and free society, and how the convict system worked as part of the wider Western Australian culture.

### **The Global versus the Local**

Any study of the convict system in Western Australia must accept that it was part of a much larger global penal system (Maxwell-Stewart 2010). Historical archaeology has been defined as the investigation of the material culture of the European global diaspora after the fifteenth century CE, and the impact this diaspora had on the wider world. Based on this, Deetz (1996: 5) argues that historical archaeology must have a global perspective and consider local events as part of this larger narrative. He suggests that the interconnectedness of the world after 1500 CE meant that events that happened on one side of the globe could have impacts on the other.

In one sense I examined archaeological sites in the small, implicitly local setting of the Eastern District, based around the convict depots at Guildford, Toodyay and York. However, the administration and form of these depots, the Eastern District and indeed the overarching Western Australian convict system, were the result of a global convict system, one which ran from c.1600 CE into the early twentieth century and which had impacts on places throughout the world. The system tied the isolated Swan River colony (Fig. 1-5) into wider global administrative and economic networks. As such, following Deetz (1996), it is impossible to understand the form of convictism in Western Australia without understanding the wider global context. My research positions the Eastern District as a local expression of this global system. I do this by defining the global system and the local version of it, then juxtaposing the two. I argue that the Western Australian convict system was a unique version of a much larger global entity, one that was informed by an intersection between the needs of that global system and the needs of the local area. It was a unique expression because that global system was never static and convictism changed over time. While the British transportation system provided a global framework for penal colonies, it was dynamic and constantly

evolving. Consequently, the unique Western Australian form of this system charts a specific place on the timeline of this development. This form was the result of what had gone before in other places, of contemporary nineteenth century penal theory, as well as local Western Australian needs. The Western Australian convict system was not something intrinsically new. Instead it was simply the latest extension of a centuries old global process.

Nevertheless, the request by the Western Australian colony for conversion to penal status was based in the needs of the colony for an injection of labour and capital (Statham 1981a). It is a question of historical debate as to whether the Swan River colony would have survived without convictism. Certainly it was stagnant and struggling when the system was implemented. In asking for conversion to penal status the colony was hoping for specific outcomes. The unique form of the colony, with its small population, geographic isolation and conservative outlook, all contributed to the specific form of the convict system that developed in Western Australia. That system was the result of this intersection between global systems and local needs.

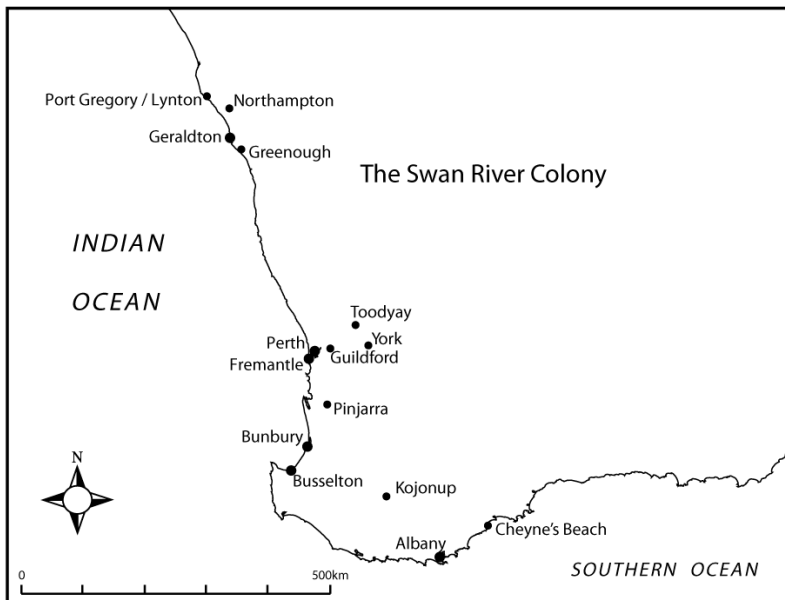


Fig. 1-4. Map of the southwest of Western Australia, c. 1855, showing locations mentioned in the text

## CHAPTER TWO

# MODELLING THE GLOBAL PENAL NETWORK AND THE EVENTUAL FORM OF THE LOCAL SYSTEM

The Swan River colony was originally part of the European diaspora, in that it became the home to a small number of British colonists from 1829 onwards. However that diaspora involved much larger numbers of people after the implementation of the penal system in 1849. While a wide range of people migrated to Western Australia after 1850, from all parts of the globe and representing all aspects of society, the forced transportation of convicts involved the movement of a group of primarily British, male, working-class people from Britain. This movement was just the end product of a long running system of British convict transportation, and here, I will investigate how the development of that system over time led to the form of the penal colony in Western Australia.

### **Global Migrations after 1600 CE**

The exile of convicted criminals from Europe to the colonies through the process of transportation, was a long running and largely successful global process (Nicholas and Shergold 1988b; Maxwell Stewart 2010). It was a system with numerous motivating factors, which sought to exile criminals from their home country to dependent colonies. It was not simply a British system; Spain, Portugal, France, Russia and Holland all used convict transportation at different times. It is hard to know how many convicts were transported worldwide, but it was probably over a million people (Pearson 1999: 7) (Table 2-1).

It was Great Britain which established the most extensive network of convict transportation. Remote penal colonies established throughout the world formed nodes that orbited around the central hub of Britain. The products of transportation (the penal colonies and the convicts that peopled them) were administered by the British government in Whitehall, London.

Country of Origin	Destination	Total Number	Dates
Britain	New South Wales	80,000	1788-1840
	Tasmania (Van Diemen's Land)	67-69,000	1801-1852
	Victoria	3000	1846-1850
	Western Australia	9700	1850-1868
	Total Australia	161,700	1788-1868
	Bermuda	9000	1824-1863
	Gibraltar	9000	1842-1875
	American Colonies (Virginia, Maryland, South Carolina, Pennsylvania)	50,000	1640-1776
	Caribbean Colonies (Barbados, Jamaica, Nevis)	4000	1640-1700
West Africa (Cape Coast Castle)	746	1755-1776	
India	Sumatra (Bencoolen)	4-6000	1787-1823
	Straits Settlements (Singapore, Penang, Malacca)	15,000	1788-1860
	Mauritius	Unknown	1815-1837
	Nicobar Islands (Nancowry Harbour)	Unknown	1869-1888
	Burma (Arrakan, Tennaserim, Moulmein)	Unknown	1826-?
India and Burma	Andaman Islands (Port Blair)	30,000 + up to 14,000 at any one time	1789-1796 1858-1920 1930s-1945
Hong Kong	Straits Settlements	Unknown	1847-1856
Ceylon	Malacca	1-1500	1849-1873
France	French Guiana	58,000?	1790s 1852-1920
	New Caledonia	24,000?	1865-1897
	Algeria	4-5000	1850s
Spain	Morocco and Algeria (Galleys and Presidios)	c.1500 p.a. (Galleys); 3000+ p.a. (Presidios)	16 <sup>th</sup> C – 1748 (Galleys); 16 <sup>th</sup> C - ? (Presidios)
	American Colonies (Havana, San Juan, Pensacola, New Orleans, Piedras Negros, Veracruz, Mexico City, Acapulco)	2000+ p.a. after 1767	16 <sup>th</sup> C – 19 <sup>th</sup> C, especially 1766-1786
European Russia	Siberia (out of a possible total of 9-14 million exiles)	500,000	1820-1920

Table 2-1. Total number of convicts transported worldwide between 1500-1900 CE (after Pearson 1999: 7)

Control was maintained, policy was determined and major decisions were made about penal colonies situated on the other side of the world. The penal colonies themselves had some autonomy, but major decisions were referred back to Britain. Based on this, it is impossible to examine the

Western Australian penal colony in isolation. It must be considered as part of a global system of convict transportation, simply one node of a larger administrative network.

As part of the larger process of European diaspora occurring between the sixteenth and twentieth centuries CE, convict transportation involved the mass migration of large groups of people over vast distances. This diaspora was driven by the expansion of European colonial nations beyond their traditional spheres of influence and had an impact on almost every human society on earth. The motivations for the diaspora were varied, encompassing ideologies of colonialism, nationalism and economic exploitation. Pearson (1999: 4) suggests that aspects of the diaspora can be defined by how much agency the participants had in that movement. Migration could be the result of choice (eg free settlers moving to Australia or the Americas); of circumstance that forced movement but in which the participants remained free (eg the Scottish Highland clearances, the Irish migrations to America); or physical coercion (eg slavery, convict transportation). Regardless of the motivation, the result was the movement of large groups of people, who took their cultural baggage with them to another part of the world.

Along with slavery and indentured labour, convict transportation was one of three forms of forced migration within this larger diaspora. The slave trade resulted in the forced migration of millions of people, mostly sub-Saharan Africans to the Americas, and into the Muslim world of North Africa and the Middle East (Alexander 2001). While slavery and convict transportation both resulted in the forced migration of large groups of people for labour utilisation there were marked differences between the two systems. Slaves and their offspring were owned, they had no free will or rights, and their owners could do with them as they would. Nicholas and Shergold (1988b: 38) described convictism as a half way stage between slavery and free labour systems, because despite their lack of free will, convicts had rights defined by law. The terms of their servitude were fixed and (unless serving a life sentence) they could expect to be free once again. Likewise, the children of convicts were born free (Hughes 1987: 283). Convictism then, was not binding in the way slavery was. However convicts, similar to slaves, had no choice as to where, when and how they migrated, and upon arrival in a penal colony, were subject to significant coercive pressure that limited their agency.

Discussion of legal differences between convicts and slaves is in some ways specious, because both suffered forced translocation to a place very alien from their home country. Once translocated both slaves and convicts were positioned as the 'other', slaves by their race, convicts by their

criminality. This otherness was emphasised for slaves by skin colour and for criminals by clothing emblazoned with the broad arrow (Ash 2009: 30). Both groups were subject to physical restraint and suffered the possibility of capital punishment. However it was easier for an expired convict to blend into society and deny their previous criminality, while for most slaves the concept of ‘expiration of sentence’ didn’t exist. Slavery and transportation operated as significantly different systems. Slaves were a commercial commodity, translocated entirely for their labour (Epperson 2002). In contrast, while convicts were transported for labour utilisation, convictism also included reformatory systems designed to turn criminals into useful members of society. Slavery included no intention to improve or reform slaves. They were simply a form of unchanging labour. However, in the same way that the convict system included processes to encourage good behaviour, slave owners also needed processes to render their slave possessions into “docile bodies” (Foucault 1995) in order to best exploit their labour.

Slavery has been one of the major focuses of North American archaeology since the late 1960s. Original studies concentrated on the experience of enslaved Africans in America and the Caribbean (Singleton 1995: 119). Similar to Australian studies of convictism, these were organised around themes of living conditions, status, dominance and resistance, and cultural identity (Singleton 1995). However in recent years slavery has been included as just one aspect of the wider study of the African diaspora. Implicit is the concept of slavery as a world system, responsible for the movement of people on a grand scale. The slave trading system evolved over time in response to changing attitudes and economic processes in North America, Europe and Africa. Recent studies have tended to look outwards from America, investigating sites of origin in Africa and wider slave trading links (Alexander 2001; Robertshaw and Duncan 2008).

After convictism and slavery, the third form of forced migration was the indentured labour system. Individuals would voluntarily contract their labour to another person for a fixed period, in return for food, board, payment of transport costs and wages. For the period of the contract (usually a span of years) the individual was required to provide their labour; they were bonded to their employer for the contracted period. This system was ad hoc, operated in the private sphere and was, strictly speaking, voluntary (Pearson 1999: 5) but it is clear that some coercion was involved in the organisation of indentured labour. Once a worker had signed a contract they were legally obligated to migrate to the new