MICHAEL GLADWIN

Flogging Parsons? Australian Anglican Clergymen, the Magistracy, and Convicts, 1788–1850

In colonial Australian history the entanglement of clergymen, colony, and empire has made the Anglican clergyman one of the colonies’ more controversial figures. Historical and popular understanding of this encounter has been overshadowed by the “flogging parson” and “moral policeman” traditions in Australian historiography. Centring on prominent parson-magistrates such as the Reverend Samuel Marsden, prevailing interpretations have emphasized individual clergymen’s efforts to inculcate convict discipline and deference. Examined collectively, however, a less negative and impressionistic picture of colonial clergymen emerges. In contrast with established views, this article demonstrates that parson-magistrates consistently provided pastoral care and advocacy at the parish level, while as writers and activists they worked for the structural reform and eventual abolition of the convict system itself. Their collective efforts are the focus of this article, which in turn offers a fresh assessment of the encounter between clergymen and convicts in Australia before 1850.

Introduction

In August 1849 the Reverend W. H. Browne, Anglican minister of Launceston, wrote to a friend about a fellow clergyman, the Reverend Thomas Rogers, who had been summarily dismissed from his position as chaplain of the infamous penal settlement at Norfolk Island.1

Is it not astounding that the authorities in Norfolk Island did not shrink from the persecution of so highly gifted and valuable a man as Mr. Rogers? . . . From all that I have been able to learn, he possesses in a singular degree the power of securing the attention and winning the affection of the convicts. As an instance, I will mention one anecdote. A man addressed me on the road near Evandale some time ago, with a degree of respect unusual in latter days for the lower class who have been convicts. He asked me if I did not recollect him; on replying in the negative, he reminded me that his life had been spared many years before through the exertions of myself


Michael Gladwin is Lecturer in History at the School of Theology, Charles Sturt University, Canberra, Australia.
... and others, and that he had been sent to Norfolk Island for life. He had, however, received indulgence, and was permitted to return to this country... I asked if he knew anything of Mr. Rogers, lately a clergyman in that island; he replied, “Ho, yes, sir”; and after expressing himself in very warm terms, I enquired whether Mr. Rogers was generally liked by the convicts: his answer was, in the most energetic manner possible, “Sir, they would have laid down for him to walk over their bodies.” I then asked him how it happened that Mr. Rogers was accused by some of them of introducing a file into one of the cells. He answers, “Oh, sir, don’t believe a word of it; the commandant himself did not believe it — not a person on the island believed it — it was the act of two men who thought to get a pardon by the accusation.” He then entered into a detail.

The letter was published later that year by Rogers in a 230-page book, which had two major objectives: first, to challenge his dismissal; and second, to expose the convict system’s inhuman treatment of convicts on Norfolk Island.2 Both Rogers and this publication went on to play a key role in campaigns to abolish convict transportation during the 1840s.

Rogers’s relationship with his convict flock and his polemic against the convict system suggest a different relationship between convicts and clergy from that which is usually presented by historians. It is a relationship which for has for a long time been overshadowed by the flogging-parson tradition in Australian historiography, in which the clergy who served in Australian colonies before 1850 have been portrayed as uncritical agents of both the ruling class and the brutal machinery of the convict system. The occasional severity of the sentences of parson-magistrate the Reverend Samuel Marsden, for a long time made the flogging-parson tradition something of a historical orthodoxy, despite A. T. Yarwood’s even-handed modern biography and the clergy’s sixty entries in the Australian Dictionary of Biography, which tend to provide a more positive assessment of the clergy’s legacy.3 This identification with the state and the apparatus of the convict system, including the lash, has provoked the ire of poets, novelists, and historians alike. C. M. H. Clark characterized the Anglican clergy as “moral policemen of the state” advocating “a religion for philistines, provincials and puritans,” while Alan Grocott concluded that in marrying the spirit of the age, the clergy became widows in the next, as far as the hearts and minds of convicts and emancipists were concerned.4 Although recent scholarship has begun to revise this interpretation, the tropes of “flogging parson” and “agent of social control” still resonate in recent studies of both Australian churches and convictism.5 Ian Breward writes of the “bitter

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2. Rogers, Correspondence.
legacy” left by the “brutalizing of Christianity by its links with unjust laws and cruel punishment,” while Hamish Maxwell-Stewart and Ian Duffield depict the clergy — both Anglican and Methodist — as agents of state-sanctioned social control with a “denigrating agenda” and a predilection for using scripture to “dragon convicts into submission.”

Colonial clergymen have fared little better in popular, literary, and cinematic portrayals. The Reverend James North, a central character in the first great Australian novel, Marcus Clarke’s *His Natural Life*, is a compassionate but tormented whisky priest; the protagonist of Roger McDonald’s *Ballad of Desmond Kale*, the Reverend Matthew Stanton, is a sadistic, thinly disguised caricature of Samuel Marsden. Although Peter Carey’s Booker-winning *Oscar and Lucinda* creates a full-orbed character in the quixotic Reverend Oscar Hopkins, by the end of the novel he is inter alia a gambling, fornicating, axe-wielding killer.

In contrast, the Reverend Browne’s letter hints at two themes which constitute the focus of this article. The first is the letter’s intimation of a closer and more sympathetic relationship between convicts and clergy at the grass-roots level than most historians have suggested, particularly in relation to those clergy who served as magistrates. An abundance of similar evidence has been overlooked by most historians which, I argue in the first section of this article, challenges perceptions of the parson-magistrate as a pantomime villain of early colonial Australia. The second theme of this article is suggested by the publication of Browne’s letter as a polemic against convict transportation. The letter was only one of a raft of such clerical publications, the analysis of which moves us beyond local interaction with convicts to considering parson-magistrates as journalists, activists and intellectuals, campaigning along distinctly humanitarian lines for structural reform of the convict system itself. These writings and activities will be considered briefly in the second section of this article. In turn, these two themes offer a fresh assessment of the encounter between Anglican clergymen and convicts in Australia before 1850.

**Parson-Magistrates and Convicts: The Local Context**

The purpose of the first section of this article is to examine the local and personal dimensions of the relationship between clergymen and convicts in the Australian colonies up to 1850. After noting the limited scope of the historiography of these interactions, the activities of those who served as magistrates

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Reinterpreting Australia’s Past (Cambridge: Cambridge University Press, 1988), 6, 11, 138, argues that the lash was used judiciously and that labour extraction relied mainly on rewards and incentive structures, rather than on corporal punishment. This should not obscure, however, the reality of the potentially emasculating, dehumanizing and brutalizing effect of flogging for the many who did get flogged.


and chaplains will be assessed and situated within a growing body of recent historical work that is challenging the veracity of the flogging-parson tradition.

There are several reasons for the relatively narrow way in which the relationship of Anglican clergy and convicts has been constructed. In the first place, the historical and popular orthodoxy of flogging parsons has been in large part based on the career of influential individuals, namely the Reverend Samuel Marsden and, to a lesser extent, the Reverend Robert Knopwood in Van Diemen’s Land. This legacy, however, has yet to be assessed in terms of the ten other clerical magistrates who served in Australian colonies before 1850, not to mention the 224 other non-magisterial Anglican clergymen. Additionally, it is not until recently that the activities and careers of colonial Anglican clergymen have begun to be examined in a systematic fashion, in contrast with a large body of work on their metropolitan counterparts.8

There is certainly substance to the criticisms of Marsden, stemming primarily from his role as magistrate in New South Wales between 1795 and the mid-1820s. In 1800 Marsden condoned the flogging of an Irish political prisoner to secure information about a suspected rebellion; on another occasion he imposed — with a fellow magistrate — regular floggings on a thief to locate stolen goods.9 Marsden’s illegal sentences and his use of the magisterial office to attack political opponents resulted in his dismissal from the magistracy in 1822.10 There is also little question that this, along with sporadically enforced public worship, was damaging for the clergy’s pastoral role with the convict classes. Parson-magistrate numbers were increasing in England in the late eighteenth and early nineteenth centuries; yet, as Hilary Golder rightly observes, what might be innocuous in an English county could (and did) quickly become controversial in a penal colony.11

Historians of early colonial Australian society have also seen the clergy’s role as little more than an attempt to reinforce the authority of church and state, and in so doing reproduce in Australian colonies the hierarchical society of eighteenth-century Britain. C. T. Stannage has characterized this conservative mindset as “gentryism.”12 Such criticisms have been applied to parson-
magistrates in the convict colonies of New South Wales and Van Diemen’s Land, as well as the Swan River colony, the only free colony in which a clergymen, the Reverend John Wollaston, served on the bench. In the latter colony, for example, Stannage observes that the colony’s elite, including Wit-tenoom, were high church tory county gentry who could have strolled out of the pages of a Jane Austen novel. Valuing “respectability and comfort” above all things but lacking independent income in England sufficiently large to ensure this, they sought placement and deference in a society that they could shape in their own image. Accordingly, suggests Stannage, Wittenoom and his fellow gentry utilized both the courts and their positions as magistrates to preserve the interests of the propertied and masters over hapless servants and local Aborigines, in a hegemonic attempt to create a respectable, “quiescent and industrious serving class.”

As in the case of Marsden, there is substance to Stannage’s assertion, which might also be applied in some measure to the clergy of New South Wales and Van Diemen’s Land, notwithstanding their generally humbler social back-grounds and Evangelical temper. Analysis of the sentences applied by the benches on which the clergy sat suggests that although no sentences were marked by the occasional severity of Marsden, they were, nevertheless, concerned to support property and inculcate deference to create a sober, compliant workforce. Indeed in Perth during the mid-1830s it was Wittenoom and William Mackie, the advocate-general, who recommended the installation of a public whipping post and public stocks, reasoning that this would speedily and effectually reduce vice by a “degrading exposure.” Wittenoom was on the bench when fellow Anglican clergyman the Reverend Louis Giustiniani made the first attempt to defend Aborigines in court. Wittenoom submitted passively to Giustiniani’s being checked and humiliated by Judge Mackie, while the Aboriginal defendants were found guilty and punished with transporta-tion. Unlike Giustiniani, who aligned himself with working-class interests and railed against Aborigine-settler atrocities, Wittenoom raised no protest against the Western Australian courts’ indiscriminate imposition of British law on the colony’s Aboriginal inhabitants.

There is abundant evidence, however, to suggest that the relationship between parson-magistrates and convicts was more complex than a simple

15. Excepting Knopwood’s genteel poverty, first generation Australian clergymen were of Evangelical and petit-bourgeoisie backgrounds.
16. For an example of the clergy’s decisions following government, see Macquarie to Bathurst, 31 August 1816 in F. Watson, ed., Historical Records of Australia, series 1, vol. 9 (Sydney: Library Committee of the Commonwealth Parliament, 1914–1925), 162, 167. For Wittenoom, see the regular court reports published in the Perth Gazette between 26 October 1833 and 4 October 1850.
17. Stannage, People of Perth, 73.
19. Perth Gazette, 7 October 1837; Swan River Guardian, 12 October 1837.
“gentryist” concern for social control. Apart from Marsden and Wittenoom there were ten Anglican clergymen serving as magistrates before 1850. Although clergymen ceased serving as magistrates in New South Wales and Van Diemen’s Land in 1827, they were still serving as magistrates in Norfolk Island and Swan River up to 1850. All (including Marsden for much of his career) were commended by both contemporaries and government authorities for their probity and integrity.21 What the convicts thought is another matter for which relatively little evidence survives, despite much speculation by Grocott, but there is evidence both for the parson-magistrates’ concern for convict welfare and for their efforts to use the magisterial office as a means of conciliation. Studies of class relations in colonial Australia have also called into question monolithic conceptions of social control that deny the agency of the working class, arguing instead that class relations are characterized more by negotiation and exchange than by social control, with many of the working class espousing so-called “respectable” bourgeois ideals.22

Most of the parson-magistrates from New South Wales and Van Diemen’s Land followed the decisions of government and fellow magistrates, yet there are striking examples of judicial independence. On the Parramatta bench in 1818, Marsden and Macarthur received violent public censure from Macquarie after ignoring Macquarie’s order to muster convicts before police constables and magistrates on Sunday mornings.23 Marsden believed that such a measure could only be effective if convicts attended divine service, rather than meeting at police constables’ houses where opportunities abounded for vice, criminal plotting, or other mischievous activities.24 Marsden also refused Macquarie’s directive that he sit on the bench with emancipist magistrates Simeon Lord and Thompson, as trustee for a turnpike road. Marsden’s refusal rested on the grounds of the notorious immorality of Lord’s and Thompson’s private lives: both were living with mistresses, and Lord had been accused of seducing two girls of the orphan school at Sydney, of which Marsden had oversight. Later historians have accused Marsden of “exclusive” class snobbery, but the refusal surely reflects Marsden’s high view of the dignity of the clerical office (a view forcefully seconded by his patron, William Wilberforce, who was “so enraged” that he threatened to take the matter up in the Commons). Marsden’s actions also reflect his concern that Christian morality and the institution of marriage be exemplified and supported by those in higher stations.25 While Macquarie

21. Excepting Marsden, the reports of Bigge and governors relating to clergy qua magistrates are effusively positive.

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measured convict reformation in terms of worldly success, as Golder suggests, it is clear that Marsden measured it in moral terms.26 Hobart parson-magistrate the Reverend Robert Knopwood has been noted for his “scrupulously independent” judgements, in contrast with Grocott’s jaundiced assessment and a persistent characterization of Knopwood as a bon vivant and spiritually dilatory squarson.27 In March 1807, for example, Knopwood returned several acquittals and led the magistrates in submitting a judgement of guilt on a Mr Matthew Powers in a matter of fraud. The governor, David Collins, was not pleased with the judgement (undoubtedly because he had cuckolded Power by taking his wife as a mistress) and ordered the court to sit again and alter the opinion. When Knopwood refused, the governor reprimanded his chaplain and used executive power to override the bench and acquit Power.28

Parson-magistrates also used their office and local knowledge to seek conciliation and impartial justice, a role for which parson-magistrates in England had been recognized as valuable.29 In 1793 a convict threatened assault on the first chaplain, Richard Johnson, and confirmed that intention by throwing a large stone at Johnson’s head. Although “there was sufficient proof of his guilt,” wrote Johnson to the archbishop of Canterbury, “I did not wish to have him punished, but to be properly reprimanded for his misconduct.” “I cannot help but think,” he added, “that the Reformation of these unhappy wretches was certainly one great end of Govt in sending them to this distant country.”30 In March 1822, New South Wales parson-magistrates Fulton, Marsden, and Reddall signed an address to government from magistrates concerning the latter’s jurisdiction in civil matters. The address criticized the prevailing situation in which master-servant disputes were being sent to Sydney rather than being dealt with on the spot by local magistrates. In the magistrates’ view this discouraged small claims and thereby disadvantaged the poorer classes.31

Parson-magistrates’ pastoral concern for convicts is evident in Reddall’s being a signatory to a petition from magistrates in 1823. The petition requested a bench of magistrates in each district to sit annually to investigate claims of convict servants whose masters would not sanction their applications for tickets of leave.32 The Reverend Robert Cartwright’s only sentence of solitary confinement, handed down in 1816, resulted in the clergyman visiting the offender and later taking him into his own home with the hope of reclamation. On Norfolk Island the Reverends Thomas Rogers, John Ison, and Thomas

32. Sydney magistrates to Colonial Secretary, September 1823, 4/1769, State Records of New South Wales, Sydney, New South Wales.
Naylor advocated the cause of a number of convicts, including Henry Barber, a solicitor wrongly convicted of forgery whose freedom they secured after several years of lobbying government. The clergymen also provided for Barber’s welfare when he was left destitute and penniless after his discharge. As magistrates, Rogers and Naylor helped illiterate convicts to both understand and write depositions, and gave the convicts their opinions on how far the evidence was either for or against them. The martinet commandant, John Price, on hearing of this practice, abused Rogers in front of some convicts, declaring it “a bad custom.” In reply Rogers asked Price “if he did not think it a human and friendly thing . . . to explain the depositions of some of the men who could hardly read or write; and was not humanity a part of religion?” Wittenoom’s magisterial career also needs to be set against his legal advocacy on behalf of the vulnerable. On several occasions Wittenoom appealed to the governor to either remit or reduce sentences, or to consider insanity as a mitigating circumstance. Wittenoom’s legal advocacy also extended to his dual roles as magistrate and as secretary of both the Children’s Friend Society and the Committee for the Guardianship of Juvenile Emigrants. With regard to the Children’s Friend Society, Wittenoom knew intimately the circumstances of each of the seventy children sent out and continued to maintain an interest in their welfare and later colonial careers. In 1840, for example, the resident magistrate of Toodyay, Captain Francis Whitfield, seduced and made pregnant a Children’s Friend Society girl, Jane Green. The distraught girl subsequently murdered her child just after it was born. Aware of mitigating circumstances, Wittenoom acted on her behalf to engage Richard Nash, an eminent barrister, to defend her successfully from charges of murder. On another occasion one of the society’s boys ran to Wittenoom for protection after being physically abused by his master. Wittenoom took the master to court for “undue chastisement” and successfully appealed for the boy’s indentures to be cancelled.

Nor were all clergy uncritically aligned with the “exclusive” free landed classes. The scholarly Reverend Henry Fulton was the only emancipist clergyman, having been implicated in the Irish Rebellion of 1798. While still a magistrate, Fulton publicly aligned himself with emancipists when his name

34. Rogers, Correspondence, 27–28.
35. See, for example, Wittenoom to Colonial Secretary, 9 February 1832, 7 April 1832, 24 October 1832, CSO51/13, State Records of Western Australia, Perth, Western Australia.
37. For examples of Wittenoom’s representations on behalf of these children, see Colonial Secretary to Wittenoom, 31 May, 26 July 1839, CSO Letter Book, vol. 12, 49/12/321 and 425, State Records of Western Australia, Perth, Western Australia; Colonial Secretary to Wittenoom, 12 May 1840, CSO Index to Letters Received 1839–1845, 51/3, State Records of Western Australia, Perth, Western Australia; Colonial Secretary to Wittenoom, 12 June 1840, CSO Index to Letters Forwarded 1838–1842, 49/11/46, ff. 361–2, State Records of Western Australia, Perth, Western Australia.
38. Inquirer, 3 and 7 October 1840; O’Brien and Drew-Statham, On We Go the Wittenoom Way, 37–38.
headed a petition of fifty-five leading men and 1300 emancipists who sought to secure the legal status of the pardons they had received from governors of New South Wales. On another occasion Fulton annoyed Governor Brisbane by petitioning the government against the commissariat paying for supplies in Spanish dollars, on the grounds that this had a deleterious effect on the price of labour and agricultural produce. Complaining to Lord Bathurst, Brisbane expressed his displeasure at the liberty such “public officers of the Colony” arrogated to themselves in “opposing public measures.” Brisbane was further irritated by the magisterial signatures of Fulton and Marsden on a petition that deprecated government wool duties as a hindrance to landholders and livestock proprietors’ ability to compete with European wool growers.

Robert Knopwood used his magisterial office regularly to intercede on behalf of prisoners and convicts in Hobart. Knopwood was well known for his pastoral care among prisoners, who appreciated his ministry and even petitioned for him to come to the gaol to pray with them. This stands in stark contrast with Grocott’s unsubstantiated assertion that such a role ipso facto bred anticlericalism. In May 1815, for example, Knopwood was deeply grieved after preaching a sermon to three condemned teenage boys, including one aged sixteen and another seventeen. After attending them daily for two weeks to provide prayer and comfort, on the morning of the execution Knopwood waited on the governor with a petition to save the boys’ lives. After administering the sacrament and praying with the boys at the foot of the gallows, the boys were granted an eleventh-hour reprieve, which prompted a prayer meeting among prisoners at the court house and a public celebration in Hobart. Knopwood gave books to both of the boys and took one of them in as a part of his household.

41. Brisbane to Bathurst, 2 September 1822, Historical Records of Australia, series 1, vol. 10, 730, 738.
42. Wilmot Horton to Brisbane, 7 September 1822, Historical Records of Australia, series 1, vol. 10, 782–83. The Reverend Thomas Hassall also signed the document.
43. Stephens, Knopwood, 47, 63, notes Knopwood using his position as magistrate to secure freedom and leniency for various servants.
45. Grocott, Convicts, Clergymen and Churches, 134, 232, provides scant evidence for his assertion that parson-magistrates were “certainly a major cause of convict anticlericalism,” observing only that until the governorship of Darling some hundreds of convicts were flogged and sentenced to chain gangs and penal settlements by order of clergymen. Nowhere does Grocott provide any evidence of contemporary anticlerical attitudes among the convicts themselves. Consequently Grocott’s study is pervaded by the “possibly,” “probably,” and “presumably” of pure speculation. For example, Grocott, Convicts, Clergymen and Churches, 134, implies that as a result of Marsden’s sentences convict Robert Scott would have cursed every parson on sight, and that convict William Chilton would have hated “everything associated with religion.” Yet Grocott provides no evidence for their attitudes. Nor does Grocott mention Robert Scott’s conviction for the attempted rape of his master’s daughter, or that Chilton was charged with repeated and “insolent Mutinous Conduct” (Macquarie to Bathurst, 4 December 1817, Historical Records of Australia, series 1, vol. 9, 541–42).
46. Knopwood’s diary entries for 25 and 27 May 1815, in Nicholls, Diary of the Reverend Robert Knopwood, 205; Stephens, Knopwood, 91, 99.
Historians have also used evidence selectively or interpreted magisterial decisions without due regard to context. Grocott, for example, criticizes the Reverend Richard Johnson’s sentencing in 1791 of floggings for stealing food, yet Grocott neglects to mention the early colony’s desperate situation of near starvation and famine, with tenuous transport links, and a real fear of convict anarchy. As a *Perth Gazette* editorial pointed out in April 1836, a bench’s sentences could not be considered rightly in isolation from the context of mitigating circumstances and the prisoner’s prior character and behaviour. In that year, for example, Wittenoom and three other magistrates sentenced Nassip, a “man of color” (Lascar) to six months’ imprisonment with hard labour and six dozen lashes for stealing handkerchiefs while drunk. Prima facie a harsh sentence. If we probe further, however, we find the same Nassip being sentenced three years earlier to two months for assault and attempted rape, and then in 1835 to six months gaol and five dozen lashes for rape. Wittenoom’s sentences also need to be understood in the context of early Western Australian society’s desperate struggle for existence. Escalating drunkenness and petty theft were rife, not least because from 1833 employers could pay their workers up to one-third of their wage in grog. Wittenoom was one of four magistrates on the Licensing Board, which enabled further surveillance by the gentry of drunken behaviour. Magistrates were therefore enmeshed in a system of double standards in which a temperance society and imprisonment of inebriated workers accompanied a tax on imported liquor as the main source of revenue in the early 1830s. This is also a reminder of the fact that parson-magistrates were not members of the legislative councils and, therefore, had no part in framing the laws which served to perpetuate systemic injustice and to constrain their magisterial activities.

This wider context of the magistracy also needs to be kept in mind. Throughout the period colonial governments struggled to secure magisterial candidates of suitable character and calibre — many early officers and even some governors in eastern Australia were renowned for their drunkenness, immorality, or ineptitude. As Golder suggests, moreover, the clergy worked in an utterly inadequate system where corporal punishment remained the magistrates’ first resort in a limited repertoire of punishments. It was also a flawed system in

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47. Grocott, *Convicts, Clergymen and Churches*, 231–32.
53. See, for example, John Hunter to Portland, 10 August 1796, 2 November 1796, *Historical Records of Australia*, series 1, vol. 1, 573–75, 666–72, for the disgraceful character of the New South Wales corps and sharp criticisms of Francis Grose’s administration in Sydney; P. Statham, ed., *A Colonial Regiment: NSW Corps 1789–1810* (Canberra: Australian National University, 1992), 1–6, 228–30, for a reappraisal of the New South Wales corps’ reputation; Joseph Foveaux to Under-Secretary Chapman, 9 November 1808, *Historical Records of Australia*, series 1, vol. 6, 700–701, for the maladministration and incompetence of Governor Collins in Hobart; Macquarie to Bathurst, 22 March 1815, *Historical Records of Australia*, series 1, vol. 8, 458–61, for Lieutenant-Governor Davey’s “frivolity and low buffoonery . . . Dissipation and profligacy . . . Venality, and downright fraud and imposition” while governor of Van Diemen’s Land.

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which power could easily corrupt, with few safeguards against self-interest. This was especially the case when magistrates such as Marsden owned land for which they needed convict labour; could summon the official scourge on one hand; and could hold out official grants of freedom with the other. Golder concludes that all the contradictions of the convict system seemed to meet in the person of the magistrate.54

It must also be remembered that court records provide only one relatively small window into the encounter between clergy and convicts. Parson-magistrates and chaplains had more impact on convict lives and the development of the colony through their non-judicial involvement in the assignment of convict labour and the distribution of tickets of leave (conditional freedom from convict servitude). Analysis of the clergy’s correspondence with the colonial secretary in each colony, a rich vein of evidence ignored by Grocott for New South Wales, reveals the clergy’s consistent advocacy and assertion of their ecclesiastical and spiritual authority at a local level: in relation to their role in issuing tickets of leave; in applications for relief from the poor and insane; and in the provision of occasional offices such as burial, baptism, and divine worship.55 This fits with Alan Atkinson’s analysis of convict courtship, and Alison Vincent’s findings in relation to the regular Anglican clergy’s marriage applications on behalf of convicts in New South Wales.56 Both historians demonstrate that although Anglican clergy upheld the state’s legal and moral standards and were mindful of their dependence on the state for at least some of their authority, the clergy were, nevertheless, far more intimately and sympathetically involved with convicts than has generally been thought.57

On several occasions these ecclesiastical functions became a site for protest against government action, policy, or interference, such as when the Reverend Gregory Bateman publicly washed his hands at the gallows after a convict execution, declaring that he was innocent of the man’s blood.58 His provocative gesture incensed the local magistrate, drew condemnation from his bishop, and eventuated in his dismissal and discussions in the British parliament of its implications for colonial church-state relations.59

Bateman’s protest concerned what was — judging from the clergy’s letters and diaries — the most heart-rending responsibility of colonial chaplains: the

54. Golder, High and Responsible Office, 9, 19.
55. The colonial secretary’s clergy correspondence files, 4/3615–22, Mfms 2981–3, State Records of New South Wales, Sydney, New South Wales, contain hundreds of examples of the Anglican clergy’s applications for advocacy, clemency, accommodation, outdoor relief or tickets of leave for convicts and ex-convicts. For Van Diemen’s Land, see the Church of England Administration Files, NS419/1/1–2, State Library of Tasmania, Hobart, Tasmania.
58. The convict had been executed on the basis of circumstantial evidence.
pastoral care of condemned men. It is difficult to think of a more literally captive audience for a clergyman. Scores of accounts of gallows penitents in private journals and public newspapers attest to the success of clerical “neck specialists.” The early Victorian interest in “the good Christian death,” as Pat Jalland puts it, carried over into an intense colonial interest in the theatre of convict death.60 Government, for its part, was interested in the exemplary force of punishments and the extraction of confessions of guilt, or the incrimination of associates. Although clergymen obliged government with such intelligence where possible, they were generally far more concerned with the unhappy man’s eternal welfare, not least because the majority of chaplains were of an Evangelical temper.61

The journals and letters of reliable contemporary observers reveal a number of chaplains as spiritual directors of consummate skill, providing genuine consolation to condemned men and consistently securing what were attested to as genuine conversions. One notable example was the Reverend William Bedford, senior chaplain of Hobart, who was reputed to have attended at least 400 executions.62 Wesleyan Methodist chaplains who accompanied Bedford even recorded scenes of spiritual revival in the prisons. 63 “This is awful work indeed!” wrote the Reverend Benjamin Carvosso in his journal in 1826:

Within the last thirty hours I have attended on the scaffold the execution of fourteen fellow men! . . . Blessed be the God of mercy, I have seen . . . [revival] here in a common prison . . . when I looked around me under these circumstances no less gracious than singular, I could not but join with the Revd Mr Bedford (a laborious and honoured instrument in this good work) and gratefully exclaim, “What hath God wrought!” [The convicts’] sense of sin was strong, their cries for mercy piercing, and their peace and joy in believing abundant.64

As with the findings of Vincent, and contrary to the flogging-parson stereotype, there is abundant evidence that the clergy was usually more concerned with natural justice, morality, and the personal interests of the men and women involved, than with just questions of convict discipline. As Vincent suggests, the clergy acted as the human face of a bureaucracy which was often impersonal and inflexible; and the clergy were not afraid to question the colonial

60. For contemporary attitudes towards death, see P. Jalland, Australian Ways of Death: A Social and Cultural History, 1840–1918 (Melbourne: Oxford University Press, 2002), 51–196; G. Griffin, They Came to Care: Pastoral Ministry in Colonial Australia (Melbourne: Joint Board of Christian Education, 1993), ch. 11.
61. Richard Johnson, for example, urged condemned men to reconcile with their maker but also conceived it his duty to obtain “any information . . . which might be serviceable to the community” (Johnson to Hunter, 24 April 1799, Historical Records of Australia, series 1, vol. 2, 328).
62. J. West, History of Tasmania, rev. ed., edited by A. G. L. Shaw (1852; repr., Sydney: Angus and Robertson, 1971), 431–32; Dr Ross, editor of the Hobart Town Courier, reflected that it was “a matter of consolation that we have a pastor, possessed of the very peculiar . . . endowments, with which Mr. Bedford is gifted, for leading to repentance, and affording all possible consolation to the miserable beings in their last extremity.” See Editorial, Hobart Town Courier, 14 August 1835.
63. For religious revival in colonial Australia, see S. Piggin, Spirit of a Nation: The Story of Australia’s Christian Heritage (Sydney: Strand, 2004), 39–43.
64. Carvosso, journal entry for 7 January 1826, quoted in Griffin, They Came to Care, 243. See also Reverend W. Schofield, entry for 17 December 1827, in “Journal 1827–63,” MSS MLA428, Mitchell Library, Sydney, New South Wales, for Bedford’s “much freedom of mind and concern for the salvation of the men.”
government’s decisions, assert their own authority and provide advocacy for the many convicts with whom they had contact on a day-to-day basis. The archival record is far richer than Grocott suggests in revealing what a contemporary poet described as “little, nameless, unremembered acts of kindness and of love,” whether the Reverend Thomas Hassall’s “affectionate concern” for convicts and gifts of snuff to lunatic asylum inmates; the Reverend John Cross’s secret gifts of tobacco to prisoners and requests to government for humane treatment; Knopwood’s adoption of an orphaned convict girl; the work of the Reverend Phillip Agnew, of whom Bishop Broughton remarked that he appeared “to be doing what may be called wonders among the prisoners” despite the recent loss of an arm; or the Reverend Henry Elliott’s successful appeal to the captain of the guard during a shipwreck to strike the irons off prisoners and let them above deck, thereby saving their lives.

Even Marsden’s broader legacy is being reassessed. Meredith Lake has delineated Marsden’s intellectual amalgam of Protestant piety and Enlightenment concepts of improvement. For Marsden this gave rise to a notion of labour — notably in settled pastoral and agricultural contexts — as an effective solvent for idleness and vice, and a method of convict reformation that would accompany conversion of the heart through the Gospel. Consequently Marsden supported the expansion of settlement with convict labour as a means of moral improvement and national prosperity. While this legitimized the displacement of Aborigines by encroaching settlers, the positive result for convicts has been borne out by Linda Emery’s findings: convicts who served Marsden found freedom more quickly, had higher marriage rates, and were trusted with significant authority. Marsden’s enormous success as a farmer was reflected in his effective and “sound” management of his convicts, and in his character as a master. Emery concludes that Marsden’s convict servants had “an equally good, if not better, chance of making a successful new life in the colony” than those assigned to other masters in her sample.

69. See J. H. Vaux, Memoirs of James Hardy Vaux, Written by Himself, in Two Volumes, vol. 1 (London, 1819), 189–95, for Vaux’s flourishing situation after Marsden approached Vaux to act as his clerk, promising to show Vaux “every indulgence in his power” if he behaved well. Vaux was duly supplied with “a comfortable brick building, surrounded by a good garden . . . a government servant . . . an old man as housekeeper” and various fees. “Upon the whole,” wrote Vaux, “I found myself very comfortably situated.” On the strength of Vaux’s good behaviour and service, Marsden arranged with the governor for Vaux to receive an early remission of his remaining term of convict service.
There has also been a reassessment of convicts and religion more broadly defined. Phillip Gregory’s study of popular religion in colonial New South Wales identifies the importance, to both convicts and free settlers alike, of beliefs in deism, a “pervasive providentialist worldview,” “concepts of natural religion, natural justice . . . and the significance of personal religion and the rites of passage.” Creative studies such as those of Hamish Maxwell-Stuart and Ian Duffield have demonstrated that a large percentage of convict tattoos portrayed religious symbols or themes such as crucifixes, scenes of Christ’s crucifixion, and anchors. Such sources are of course susceptible to a wide variety of interpretations and their meaning for convicts is largely beyond historical investigation, but they nevertheless support Gregory’s argument for a broader base of popular religion among free settlers and convicts alike.

More quantitative work on parish registers is needed to determine the numbers of convicts, emancipists, and workers in Anglican parishes. There are, however, suggestive lines of enquiry in the fact that the Tasmanian parishes of the Reverend Bateman and the Reverend F. H. Cox were almost entirely composed of emancipists and convicts, and in Howard Le Couteur’s finding that the vast majority of Queensland parishioners during 1840 to 1870 were working class.

Finally, it should be noted that some clergymen certainly did justify the criticism of contemporaries and later historians, whether for their moral failure or incompetence. The Reverend John Keane, for example, was taken to court for slashing the arm of a trespassing convict with a sabre; the Reverend Thomas Ewing was guilty of indiscretions with at least one girl in his care at the Queen’s Orphan School in Hobart; and the Reverend Charles Wilton once requested government to shave the heads of convict women who had used the pages of Bibles as hair curlers (the colonial secretary refused his request, although the government sometimes resorted to such measures as a female equivalent of flogging male convicts). Such actions are rightly censured, but also need to be understood in the context of whole careers; and in the context of the scores of clergymen and chaplains who worked with untiring zeal to improve the lives of the convicts within their pastoral range. Wilton is a case in point, for the general tenor of his career suggests a sincere concern and advocacy on behalf of Newcastle convicts and the servants who lived among his family.

73. For Keane, Colonial Secretary to Keane, 21 March, 11 April 1831, 4/3616, State Records of New South Wales, Sydney, New South Wales; for Ewing, J. Damousi, Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia (Cambridge: Cambridge University Press, 1997), 139–43; for Wilton, Colonial Secretary to Wilton, 17 March 1840, 4/3619, State Records of New South Wales, Sydney, New South Wales.
74. See, for example, Colonial Secretary to Wilton, 23 February 1843, 4/3620, State Records of New South Wales, Sydney, New South Wales where Wilton, on behalf of one of the women, sought to bring a charge of seduction against the pilot at Newcastle; or Colonial Secretary to Wilton, 13 April 1840, 4/3619, State Records of New South Wales, Sydney, New South Wales, for Wilton’s efforts to restore an orphan girl to the family nominated by her dying father. K. McCabe,
“British Sinews Sadly Misapplied”: Parson-Magistrates and Convict Transportation in Van Diemen’s Land

The local and personal interaction of clergymen with convicts was accompanied by aspirations for structural change of the convict system itself. In Van Diemen’s Land during the 1840s, a coterie of Anglican clergymen, acting as magistrates and journalists were at the forefront of campaigns both to reform and to abolish convict transportation. Bishop W. G. Broughton in Sydney and Bishop F. R. Nixon in Hobart drew on their clergy’s experience to produce petitions and parliamentary evidence with two aims in mind: first, to wrest authority over convict chaplains from the colonial government; and second, to give impetus to the abolitionists’ cause. In addition, the editorials, letters to the editor, pamphlets, and monographs of the Reverends Thomas Rogers, Thomas Naylor, John Ison, Henry Phibbs Fry, W. H. Browne, and Archdeacon Fitzherbert Marriott constituted strident attacks on both government policy and the convict system’s inherent failure. It is significant, in light of the preceding discussion, that the first three of these clergymen were also magistrates.

The tenor of this activism is encapsulated in the writing and activities of the aforementioned Reverend Thomas Rogers. In many ways Rogers represents the antithesis of the flogging-parson caricature of Anglican clergymen: revered and loved by the convicts to whom he ministered, an able scholar, and a real-life Irish counterpart of Australia’s first fictional muscular parson, the Reverend Frank Maberly of Geoffrey Hamlyn. Rogers stood at over six feet and on one occasion responded to an assault by a drunk military officer with a crashing fist to the officer’s jaw (to the approval of the officers and ladies present, who commended his “manly” response). Rogers published a book and a long pamphlet in 1849 against the orders of both his bishop and the governor, a decision which forced his resignation and departure to England in 1850. These...
publications constituted a devastating exposé of government authorities’ brutal mistreatment and torture of convicts, of the obstruction of clergy in their duties, and of the unfounded dismissal of both Rogers and fellow Anglican chaplain, the Reverend John Ison. Rogers, like his clerical colleagues, spared no detail in his graphic accounts of men “bad with anal disease” due to rape, the infliction of 20,624 lashes in sixteen months, and a flogging ground which on “flogging mornings” was “saturated with human gore, as if a bucket of blood had been spilled on it . . . running out in little streams of two or three feet long.” Rogers’ Review condemned the convict system’s administration of justice as “an iniquitous and demoralizing farce.”

In 1850 Rogers and fellow Anglican clergyman and Irishman, the Evangelical W. H. Browne, helped to co-found the Anti-Transportation League in Launceston. Launceston remained the locus of the league, which by 1851 had lobbyists in London and a flag, emblazoned with the Union Jack and Southern Cross, which flew as far away as Adelaide and New Zealand. Rogers’s writings were also quoted extensively in the most influential of all anti-transportation polemics, John West’s History of Tasmania (1852). Two decades later Marcus Clarke’s gothic masterpiece, His Natural Life (1874–1875), incorporated lengthy verbatim extracts from Rogers’s and Naylor’s writings, and modelled a main character, the Reverend James North, on Rogers.

Several themes emerge from the collective writing and activism of the clergy. Above all they are distinguished by a humanitarian concern for convict reformation. In her recent study of transportation and convict sexuality, Catie Gilchrist demonstrates the pervasive extent to which anti-transportation discourses presented both convictism and its concomitant homosexual activity in tropes of pestilence, corruption, and the moral contamination of free society. The Reverend Thomas Naylor, in contrast, inverted such metaphors by arguing that “one half of this hemisphere [was] morally ruined by the pest of neglected convicts.” The Reverend Henry Fry agreed, declaring that “denunciations of the contamination of their [the convicts’] presence” contradicted the divine will. It was not right, Fry added, “that the Church which once sought the poorest and lowest to enter her kingdom, should now repudiate them and address herself to the rich, and the high.” The humanitarian aims of the clergy

79. Rogers, Correspondence; Rogers, Review. Nixon’s opposition to Rogers originated in Rogers’s criticisms of episcopal inaction in the face of government persecution.
80. Rogers, Correspondence, 25–26, 58.
81. Rogers, Review, 5.
83. Gilchrist, “Male Convict Sexuality,” ch. 1; Extract of a Paper by the Reverend T. B. Naylor, Addressed to Lord Stanley, 75 (emphasis mine). A further notable feature of the clergy’s journal is the way it humanizes and particularizes convict experience through the use of individual names and biographical narratives, in contrast with some contemporary utilitarian approaches such as Jeremy Bentham’s armchair tendency to ignore the individuality of the offender. See Fry, A System of Penal Discipline; H. Mannheim, ed., Pioneers in Criminology (London: Stevens and Sons, 1960), 53–54.
84. Henry Fry to John Eardley-Wilmot, 17 August 1846, in U.K. Parliamentary Papers, House of Commons, Convict Discipline and Transportation, 785, 1847, 186–89.
challenge the more jaundiced assessments of motives by earlier historians such as Norma Townsend and John Vincent Barry, who imputed to anti-transportationists motives of economic self-interest, and a fear of the “squatocracy” and of moral contamination. Likewise the clergy’s suggested solutions to the problems of convictism — supervised, reformatory penitentiaries with prisoners organized into “classes” of criminal type, and the abolition of penal colonies — might appear to disciples of Michel Foucault as more complex and subtle forms of domination, or a reconsolidation of power on more efficient grounds using the classificatory reason of modernity. Yet there is little doubt of the sincerity of clerical motives in the face of dehumanizing brutality. It should also be noted that this humanitarian instinct was not the preserve of Evangelicals alone, as some historians have suggested, but rather it cut across theological and church party alignments — from Fry’s moderate Tractarianism to Browne’s muscular Evangelicalism.

Also important was the clergy’s direct influence on the shift in colonial and imperial policy towards ending convict transportation to the eastern colonies by 1853. Tasmanian clergymen were hardly uncritical supporters of the status quo. They supported both church and empire, but not without qualification. They presented discussions of convict transportation in the context of a distinctly providential Christian understanding of humanity and the social order. While most did not question that divine providence had bequeathed the British empire as a gift to the world — and as a means of the world’s Christianization and civilization — this was tempered by recognition of divine judgement, by accountability for such “trusteeship,” and by a robust defence of the intellectual foundations of humanitarian endeavour. The whole subject of transportation, wrote Naylor, was one with which he was sure the “interests of the empire were intimately blended.” Ten years’ experience, however, had convinced him that “the whole thing [was] wrong”: with “British sinews sadly misapplied” and, “the British nation deservedly execrated by the world at large, for her slovenly attempts at penal colonization.” In Fry’s opinion, the colonies’ filial affection for the mother country depended on Britain’s abolition of transportation and its provision of Tasmanian self-government. There is support here for Hilary Carey’s contention that the church’s interaction with empire in the Australian colonies encompassed a range of liberal and humanitarian interventions to “mitigate the perceived evils of empire,” while at the same time providing ideological support for the imperial ideal.

86. S. McIntyre, *A Concise History of Australia*, 3rd edn (Cambridge: Cambridge University Press, 2009), 71. It should be noted, however, that Fry “converted” to Evangelicalism after 1850.
87. The pamphlets of Fry and Naylor were singled out by government as important catalysts for the decision of Earl Grey to adopt a “modified probation” scheme and to dismantle the Norfolk Island penal settlement. See Earl Grey to Lt Gov. Sir W. Denison, Downing Street, 30 September 1846, 5 February 1847, in U.K. Parliamentary Papers, House of Commons, *Convict Discipline and Transportation*, 785, 1847, 66–7.
Australian clergy’s endeavours shed further light on the thought and activities of humanitarian networks operating in the British empire during this period. 91

Conclusion
In reviewing the history of clergy and convicts, it is clear that a somewhat narrowly and negatively constructed past has obscured the complex nature of their encounter. At the local level that encounter was often more personal and sympathetic than many historians have allowed, and could be marked as much by advocacy and conciliation as by support for gentryist ideals and the maintenance of deference and discipline. It is also one of the ironies of Australian history that a coterie of flogging parsons and chaplains were at the forefront of efforts to abolish transportation to the Australian colonies; moreover, their political activism and journalism exerted a direct influence on imperial policy, revealing the clergy as both agents and critics of empire — of “British sinews sadly misapplied.” Their writings are conspicuous for their humanitarian concern for convict reformation, rather than for “moral panic” or “social control.” Finally, the clergy’s willingness to assert their own authority and to protest against government — at both the local and the imperial level — reveals a more critical posture towards government than has generally been acknowledged. In turn, these findings suggest the inadequacy of received views of the encounter between convict and clergyman in early colonial Australia; and perhaps a greater power among Anglican clergymen for, as the Reverend W. H. Browne put it, “securing the attention and winning the affection of the convicts.” 92


92. Rogers, Correspondence, 172.