

“Children of the perishing class”

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February 2009**

This article examines the manner in which the society of its day cared for deprived children. The focus is on those children who were raised in poverty and with little opportunity of bettering their circumstances. Most were not orphans as such, but their families lacked the means or interest to care properly for them. They were open to exploitation on every level. They often lived on the fringe of a criminal underclass and inevitably would likely follow down that same path in order just to survive. The colony of New South Wales had its underclass of abandoned and deprived children too. It looked to the “mother country” for solutions for its problems and in so doing replicated many of their mistakes along with its own share of scandals.

Background - Caring for the Poor

Workhouses were provided for in England under the ‘*Poor Laws*’ although some had existed for a considerable period before the 1800s. Their intended purpose was to provide accommodation with work - but charity was tempered by conditions so harsh as to discourage all but the truly destitute to enter. Laws of 1598 and 1601 had made each parish responsible for the poor within its boundaries with relief being financed by a ‘poor’ rate levied upon all households. Before this time the poor had subsisted on private benevolence of which monasteries took on the major role. On the one hand the ‘Poor Laws’ recognised the community’s responsibility to care for those unable to support themselves. On the other, was more than an element of self-interest lest the poor “may turn to crime and general lawlessness in times of famine and hardship” and “constituted a potential threat to security of life and property.

The Workhouses

A law of 1722 allowed parishes to purchase buildings to be used as workhouses for able bodied paupers. A well-intended reform of 1795 had provided for the supplementing of wages (“out relief”) as a way of keeping displaced farm workers out of workhouses. But, the measure largely failed for two reasons. Firstly, even the supplemented wages were so low that workers were forced to accept charity. Secondly, (and the main reason) this was increasingly a time of social dislocation with rural farm workers were being displaced from their lands along with a significant general population movement to the already burgeoning cities.

Reforms of 1834 sought greater efficiency in the management of the Poor Laws by providing for parishes to be grouped into unions controlled by an elected Board of Guardians (these being the forerunners of local councils). The increasingly heavy costs of public welfare together with concerns for a “generational pauperism”, led to ‘out relief’ being restricted only to the aged, sick and infirm - the able bodied being provided with accommodation and work in the workhouse.

The administration of the Poor Laws that developed in a rural context, broke down under the weight of this urban population shift. The ‘poor rate’ depended upon there being a mixture of rich and poor within the area serviced by the Poor Law Union. The urban separation of classes resulted in the areas with most paupers also having the fewest number of persons able to pay the rate.

The divide was not simply one of class and money. The urban slums were overcrowded, vermin ridden, unhealthy, unsanitary and unfit for human habitation. Traditional family support structures broke down. Life expectancy was low. Children had no special protections and from a very early age, were used as cheap labour, engaged in some of the harshest and most dangerous tasks, such as chimneysweeps.

As parents entered the poor house so did their children and along with an increasing number of abandoned, orphaned or destitute children. But, the plight of the “parentless” children was often ignored by the workhouse guardians because these children were considered to be a drain on their resources. Vagrant children were encouraged to ‘move on’ and ended up in prison when no parish would accept responsibility for them. In any event workhouses were very unsatisfactory places for children. They were readily exploited by harsh and repetitive work and other conditions and exposed to sexual and physical abuse.

“There is a considerable danger of moral contamination to the children from their residence in the same house as adult paupers. It is perfectly well known to all who have experience in poor law matters, that a very large proportion of the adult workhouse inmates are persons of the worse character, the very refuse of the population”².

Children had the worst of all worlds. Parental care was frequently absent due to death, abandonment, prison, illness or poverty. The children were ragged in appearance, endured much illness and were undernourished. The law largely punished them as adults but failed to protect them from exploitation. What little compassion existed in the administration of the law was exercised inconsistently.

Workhouses were very bad places for them to grow up in, providing little by way of education or real employment. In any event the workhouse system (such as it was) was collapsing in the face of increased urbanisation leaving many displaced children with little alternative but to engage in petty crime out of necessity.

“Children of the Perishing Class”

The workhouse (even if available) held little attraction for many children who they either ignored or such children chose to live off their wit under the shadow of the prison, the whip, transportation³ or the hangman.

“Nothing, it seemed, would induce them to have anything to do with the Poor Law and its officers. Perhaps they had bitter memories of the workhouse; the cold building, frequent beatings and unrelenting hard work with only a bowl of gruel at the end of it, and therefore thought it better to eke out an existence by scavenging and stealing when the opportunity arose”.⁴

The English social reformer Mary Carpenter coined the phrase for the poor, destitute and abandoned children living on the fringe of becoming life long criminals -- *“children of the perishing class”* (as opposed to the “dangerous class” who were already hardened in criminal ways). *“The perishing class consists of those who have not yet fallen into actual crime, but who are almost certain from their ignorance, destitution, and the circumstances in which they are growing up, to do so, if a helping hand be not extended to raise them”*.

Some were exploited by their own parents, many had no parents. They numbered upwards of 100,000 in London. The work of Carpenter, other campaigners such as Lord Shaftsbury and the popular writings of Dickens helped focus on, what was a developing social conscience on the state of care of children. Coupled with this developing social conscience, was the all too common experience of members of the community of themselves becoming being the victims of (largely petty) crimes committed by children, crimes committed out of necessity, desperation or coercion but at the same time by those becoming increasingly skilled in their ‘art’ and seemingly undeterred even by threat of the full force of the law.

Fagan’s “training school” for pickpockets was no mere work of fiction Education was seen by the reformers as to way to “reclaim” the children as employable and upright future citizens. Harsh treatment and punishments had thus far failed.

Towards The Industrial School Movement

Children were supposed to receive a level of training and education in the workhouses but such was neglected or failed. Ironically one of the few avenues for education was in the prisons. Education for the poor children was localised and reliant on charity or benefactors.

The movement to educate children started with the Sunday schools teaching poor children both religion and to read.⁵ The next stage was the starting of what were called '*ragged school*' (schools for children too poor, dirty and ragged to be accepted for instruction in any other form of education). Again these were commenced by individual enthusiasts for children (between 4 and 16). The schools were not originally organised but a Ragged School Union was formed in 1844 with Lord Shaftsbury as first president.

The 'ragged' schools took destitute children and also children who had been in prison - provided them with a few hours of education and occupied their time. 'Industrial training schools (later shortened to 'industrial schools' developed as a response to limitations in the 'ragged schools'. The name was used to avoid the derogatory overtones of the term "ragged" and their aim was to instil in the children the "habit of industry", in order that the children could have to opportunity of earning a living and become useful, respected and productive members of society. Unlike reformatories that removed children from their families and environment, they were urban based. The incentive for children to attend was that they were fed. Children attended partly day and partly boarding school. Again the schools were individually run, non-denominational and funded by private benefactors. However, as courts were encouraged to send juvenile offenders there as an alternative to prison, the case for government funding became compelling.

In 1857 the *Industrial Schools Act* was passed (extended by amendment in 1861).

Generally children under 14 found begging, without means of support, in the company of reputed thieves, without visible means of support, declared by his parents to be beyond their control (or if under 12 has committed an offence punishable by imprisonment) could be sent by the court to an Industrial School. The children would remain at the school until age 16 although there seemed to be a provision for apprenticeship.

The most common age for admission was 10-12 with a significantly greater number or boys than girls. A further amendment in 1880 extended the grounds for admission to include children in brothels and in the company of prostitutes. Unlike the New South Wales legislation, that measure was not used to "sweep the streets" of

adolescent prostitutes, according to Duckworth⁶ and was almost a “dead letter” as girls were considered to be able to take care of themselves and too expensive to train them in the “right ways”. The view also seemed to be held that girls were more difficult to rehabilitate.

Industrial schools existed alongside workhouses but progressively were replacing them. They also had a stronger educational focus. The Industrial School movement was one further step in a progression towards bringing education to the children of the poor.

When New South Wales was faced its own difficulty with an increasingly large number of abandoned and neglected children living on the fringes of a criminal underworld, it looked to England for solutions.

Colony New South Wales

The Poor Laws and the workhouse system as such, were never introduced into the Colony. In NSW the closest equivalent came was the Female Factory at Parramatta that received most transported convict women after 1804 there to work, live, be assigned to free settlers or marry.

The maritime location of Sydney as a working port had as a consequence a very large prostitute population and concerns behind the establishment of an industrial school for girls was to try to limit their sexual exploitation and avoid their drift into prostitution.

There was limited legitimate stable employment opportunities for women, many were poor and with limited education. Many had partners who had deserted them, had left to find work or seek their fortune. In 1851 gold was discovered at Bathurst. It is difficult to convey now the social disruption brought about following the discovery of gold and as the population tripled in ten years. Large numbers of prospectors (and some families) left the city and moved from town to town following the latest “strike”. Large numbers of prostitutes in turn followed the money. Not all were “winners”. A surprising number of admissions of children to orphanages and to the girl’s industrial school were from country regions.

In September, 1852, John McLerie, Superintendent of Police in Sydney, estimated that there were about 300 destitute children in the streets and that a further 200 children

were seriously neglected and in moral danger as they lives with 'reputed thieves and prostitutes. The Schools Commission reported in 1856 that:

"At particular times the quays and wharves, as well as most open public places, may be seen crowded with idle children who learn there to use bad language, to steal and practice every indecency. The most wretched of these children have no homes, but sleep in the open air, or in any place where they can obtain shelter."

By 1860, the situation, according to official view, had not improved as the Sydney streets were found to be 'infested' by a large number of vagrant and neglected children. Some of the evidence of 'juvenile depravity' was considered to be 'appalling' and 'almost incredible', especially as the 'traffic in female prostitution' had extended' its meshes around unhappy children scarcely above the age of infancy". There were charitable institutions for orphaned children - The Roman Catholic Orphanage, the Protestant Orphanage, the Benevolent Asylum and Destitute Children's Institute (firstly at Paddington and then at Randwick). They were substantially privately funded but became increasingly reliant on government financial support. This was always precarious and in the case of the religious charities, very much tied to the ongoing sectarian debate of "state funding" of religion.

Two Government inquiries (1852-53 and 1854) were set up to examine arrangements for a growing problem of managing the care of destitute and delinquent children. A Bill '*for the relief of destitute children and the prevention of juvenile delinquency*' (and others) was introduced by failed to pass. A destitute children's society was formed in 1852 by concerned citizens and this was some measure of public concern. The second inquiry chaired by Henry Parkes was especially impressed by the idea of a nautical training school (along similar lines as in England).

After a rather turbulent political period, the **Industrial Schools Act of 1866** (30 Vic No.2) came into force on 1 January 1867. Comparable legislation (*Juvenile Reformatories Act*, 30 Vict No. 4 was passed (commencing on 15 January 1869) to provide for the establishment of reformatories (for juvenile offenders).

Industrial Schools Act 1866

Establishment

The Act enabled public industrial schools to be declared on any "ship or vessel or any building or place". It was enacted to provide for the public funding and regulation

of conduct, management and supervision, employment, education, correction and restraint of the children.

There were to be separate schools for boys and girls but by amendment in 1870, boys under 6 years (it was originally proposed 7) were to be sent to the girls' school. This informally seemed to have occurred in any event before 1870. Provision was made for private industrial schools to be established. Private schools had been proposed by Roman Catholic Archbishop Polding – but with separate schools for the different denominations). Unsurprisingly, in the sectarian atmosphere of the day, no private industrial schools were established.

While industrial schools were to receive children of all religious denominations (or none at all) specific provision was made in the legislation that each child was to be placed under the guidance and control of a clergyman of the religion of the parent. If the parent was of no religious persuasion or did not know it, then below 12 years of age the child was placed under a clergyman of a religion as directed by the Colonial Secretary. Above the age of 12 years the child could choose the religion in which she was to be raised.

Grounds for Admission

Children under 16 years – *“found lodging living residing or wandering about in company with reputed thieves or with persons who have no visible lawful means of support or with common prostitutes whether such reputed thieves persons or prostitutes be the parents or guardian of such child or not or who shall have no visible lawful means of support or who shall have or shall no fixed place of abode or who shall be found begging about any street highway court passage or other public place or who shall be found habitually wandering or loitering about the streets highways or public places in no ostensible lawful occupation or who shall be found sleeping in the open air”* could be apprehended and taken before justices. (The authority for police to “remove” the child from the parent’s care was seen as the critical feature that distinguished this legislation from the reception of children into the charitable orphanages).

The justices were authorized to inquire into the matter and if it appeared to the justices that the child was under the age of 16 years and the child was living or found in the above circumstances, then the child could be sent to a Public Industrial School. The committal operated until the child reached 18 years of age unless the child was sooner discharged or apprenticed. Interestingly, the Act provided that no child over 18 could be detained “against his consent” for in the case of the girl’s

school a number of sources suggest that girls over 16 were sent there and remained after they appeared to be 18 years or older.

Superintendent's Powers

The Superintendent (not the Colonial Secretary) was vested with the child's custody and control. After one year a child over 12 years of age could be apprenticed on terms set by the Superintendent and with the consent of the Colonial Secretary. The Superintendent could also petition justices for return of the child apprenticed, back to the school. Punishment by the Superintendent for leaving the school without permission was close confinement for up to 14 days.

The Nautical Industrial School (for boys)

A public industrial school was to be established aboard a vessel accommodating Parkes' idea for nautical training school for boys. Quick off the mark the '*Vernon*' was purchased and initially moored near Garden Island and later off Cockatoo Island. On shore a garden and dairy was established and maintained by the boys. No boys' reformatory was ever established until 1894 but despite this 'technicality', the *Vernon* received both destitute boys and juvenile offenders. The boys received nautical, industrial training and general education. By all accounts it was well run and a success.

At the time of the public charities commission there were 99 boys (although accommodating 260). While half of the boys trained as seaman there proved to be insufficient maritime jobs to meet their expectations. The relocation of the ship from Farm Cove to Cockatoo Island was also criticised.

The '*Vernon*' was later replaced by the much larger former clipper ship '*Sobraon*' in 1892. It continued to receive boys until 1911 when the boys moved 'ashore' to Mittagong and 'Brush Farm' at Eastwood until Mount Pennang was constructed in 1912.

The Newcastle Military Barracks (for girls)

Parkes got his way with the nautical school for boys but there appeared to be little planning of what to do about the girls (one can infer "anywhere but Sydney" was the primary consideration). In contrast to the liberal amount of money spent on the boys' industrial school, the girls had to settle for a vacant Military Barracks situated in Watt Street Newcastle (the other options being Port Macquarie and Berrima Gaols). Few if any concessions were made to the harshness building and surrounds to

accommodate young girls. It was proclaimed on 6 August 1867. Parkes was to later make the understated comment - "*Our industrial school for girls, though it has undoubtedly done much good, has not been a pronounced success*". Despite the title "Industrial School" insufficient resources were made available either to advance their training or education.

Scrivener⁸ observes that "*about one third of girls admitted to the ISG Newcastle were older, sexually delinquent girls...and many over the legal age for committal*". Some were suffering from venereal disease.⁹ They could pose a challenge for any superintendent but poor choices seem to have been consistently made of those given that responsibility.

The Outcasts of Society were Determined to Live Up to Their Notoriety

Even before its arrival the local media raised doubts about the school. Soon after its establishment a series of riots broke out of sufficient seriousness that a Sergeant of police and two constables were sent from Sydney to quell the disturbances. In fact it became the only juvenile facility to have a virtual permanent police presence on site. It was reported that girls were encouraged in their rebellion by locals who congregated around the area.

Each uprising brought a fresh "blast" from the local media. The first superintendent (a Mrs Agnes King who was probably a bit unfortunate) was replaced but remained on staff.

Despite ominous signs of an impending disaster, the Government undeterred, established on 19 November 1869, the first girl's reformatory. It was small and in a separate building on the same site as the industrial school. Mrs King was put in charge of the reformatory.

Mrs King was replaced by a Captain Clarke as Superintendent and his wife as Matron.

The media criticism continued and the unrest surfaced again in early 1871. More riots occurred. Captain Clarke was out and Mr George Lucas and his wife Ruth were in.

Of one riot a journalist reported in the Chronicle Newspaper – "*we found a large number of the inmates in open insurrection, early every window-pane in the dormitories smashed, and the younger girls engage in pelting with broken glass and*

other missiles anyone who chanced to pass their windows, at the same time assailing their ears with the most filthy and disgusting language.”¹⁰

There was a large public protest was held calling for the removal of the school. This was followed shortly after by another riot that was brought under control (up to a point) by police by confining those inmates not in the lock up to their dormitories. This however, was but a signal to renew the riot described by the Senior Sergeant “*such a scene of riot and disorder as I have never witnessed before, or during my ten years on Cockatoo Island with the worst of criminals.*”¹¹ The conduct included singing obscene songs, cursing and swearing, cutting up the bedding, damaging chamber utensils and discarding the contents, stripping naked and dancing in view of persons passing in the street.

The common punishment employed was to confine offenders in a guard-house designed for the punishing of refractory soldiers. Clarke had admitted confining a number of girls in cells with only the stone floor or plank to lie on for 6 days and nights.

A deputation by Newcastle ‘heavyweights’ to the Colonial Secretary (who was responsible for its administration), led to a decision to remove the girls to Cockatoo Island. Unfortunately, no notice was taken of other administrative deficiencies such as the lack of training opportunities, deficiency in the curriculum, little for the girls to do, poor quality staff and leadership. The media campaign that had achieved its object of removal of the industrial school from Newcastle, then changed tack demanding a commission be set up to examine and report on the past and future for a better system of administration of such children.

The Newcastle site ceased to be a Public Industrial School on 20 July 1871 and Cockatoo Island was proclaimed a Public Industrial School known as the Biloela Public Industrial School for Girls on 26 May 1871.

After the girls had been transferred to Cockatoo Island the site became an asylum for imbeciles and idiots from 1871, and until 1887 served a dual purpose as hospital for the insane as well as institution for imbeciles. The site was renamed James Fletcher Hospital in 1989. It is located within a stones throw of Newcastle Court House.

Earlier in this article ‘**Children of the Perishing Class**’, the development of the ‘Poor Laws’ in England is traced along with a growing public consciousness for the

welfare of a class of destitute children who were not yet committed criminals but likely to adopt such a life due to their impoverished circumstances. The writer outlines the development of 'Industrial Schools' in England and their attraction for politicians grappling with the problem of an increasing number of destitute children in the Colony. Both the public and political concerns of how to respond to the situation of destitute children (otherwise not suitable for admission to orphanages), an upsurge of juvenile crime – and for young girls, prostitution, led to the enactment of the Industrial Schools Act.

For boys there was a nautical training school. This was a success. A girl's industrial school was established on the site of a former military barracks at Newcastle. This was to be little short of a disaster, plagued by riots, poor administration and public controversy.

The 'Newcastle' industrial school (and smaller reformatory) was closed under public pressure and moved to a former prison on Cockatoo Island and renamed "Biloela". This article examines the outcome of yet another short-sighted government decision and compares the hardships the girls endured at Biloela with the circumstances of the fictional character "Oliver Twist".

'Oliver Twist had it easy'

The novel "*Oliver Twist*" by **Charles Dickens** was first published in serial form in 1838.

Oliver (newborn) is orphaned upon the death of his mother recently taken into a workhouse. The early part of the novel is a social commentary upon conditions of hardship and impoverishment that existed in such 'workhouses'.

Oliver is "farmed out" by the Board of Guardians to the care of a Mrs Mann and very much against the odds manages to still be alive on his eighth birthday, when he is returned to the workhouse – not for his good but to be gainfully employed in the arduous work of picking oakum. This involved untwisting and pulling apart old rope with one's fingers for use in caulking ships. Existing on the edge of starvation on gruel, lots were drawn between the boys. In a well remembered scene from the film "Oliver"- frail and pale young Oliver walks slowly down the long dining hall, empty bowl in hand to ask of the Master – "Please, sir I want some more". Thereafter Oliver was viewed by the authorities as an ungrateful trouble maker—confined in a dark and solitary room, "*denied the benefits of exercise, the pleasure of society or the advantages of religious consolidation.*" "*As for exercise, it was nice cold weather and he was allowed to perform his ablutions every morning under the pump, in a stone*

yard in the presence of Mr. Bumble, who prevented his catching cold and caused a tingling sensation to pervade his frame by repeated application of the cane; as for society he was carried every other day into the hall where the boys dined, and there sociably flogged as a public warning and example; and, so far from being denied the advantages of religious consolation, he was kicked into the same apartment every evening at prayer time, and there permitted to listen to and console his mind with, a general supplication of the boys, containing a special clause therein inserted by the authority of the board, in which they entreated to be made good, virtuous, contended, and obedient, and to be guarded from the sins and vices of Oliver Twist..”

Of course young Oliver exits the workhouse and eventually falls into the ‘care’ of Fagin and his school for pickpockets and his young cronies Charley Bates, Dodger - the kindly Nancy and the murderous Bill Sikes. Like all good stories there is the inevitable happy ending for young Oliver. Fewer happy endings were likely to await the girls removed from the Newcastle Barracks to (or later received at) the former Cockatoo Island prison.

The move to Cockatoo Island

Cockatoo Island (the largest of the Sydney Harbour islands) had received convicts from Norfolk Island from 1839. They had been re-located there to cut from the rock a dry dock for naval ship repair and also 20 large silos for the storage of grain. The dry dock was completed – a monumental task. In 1869 the penitentiary was closed down due in part to its appalling conditions and the prisoners transferred to Darlinghurst Prison. Fortuitously for the Government, given the hostile uproar of inhabitants of Newcastle and its press, the opportunity was taken to use the buildings of the prison on the western part of the island to relocate girls of both the industrial school and reformatory. In an attempt to distance its “penal” past the site was renamed “Biloela” – said to be an Aboriginal name for cockatoo.¹²

Other than a change of name nothing had been learned from the Newcastle experiment. No additional resources were provided. The modifications to the prison amounted to no more than some painting and matting on the stone floors. A change in regulations enabled the Superintendent to use a cane on the girls (effectively legitimising the beatings admitted to have been inflicted by Superintendent Clarke). Confinement on bread and water for periods of up to 14 days was not an uncommon punishment.

The site (other than being removed from the watchful eye of a hostile local populace – its apparent political attraction) was in every respect unsuitable. Nothing extra was

made available to provide the girls with productive work or instruction. The superintendent Lucas and his wife retained in their positions. Visits to the site were not encouraged.

The Harsh Physical Lay-out

The physical layout was described as following – *“The girls were housed in the sandstone prison buildings on the western side of the island. No new buildings were erected for the island’s new inmates. The main prison dormitory building was U-shaped with a separate messroom building at the non-building end of the U-shape. A high wall closed the U off from the outside and provided a closed courtyard. Doorways from the dormitory building opened on to the courtyard and the windows on the outside walls of the U were barred.”*¹³

Additional details are provided by **Scrivener.14**. The main building contained five dormitories, two holding 32 girls, one holding 16 and the remaining two, 14 girls. The floors were stone as were the walls. Barred apertures high in the walls served as windows. The doors were also barred. The girls were locked in their dormitories from 6.30pm, in the dark from 9pm without supervision or anything productive to occupy them.

Age Distribution – How young the Girls Were

As a snap shot of the age distribution of the girls - of the 105 transferred from Newcastle to Biloela, 36 were ten or under (3 being 6 years and the youngest 5); 23 aged 11-13; 20 aged 13-14 and 39 above 15.

It must also be stressed that these were not juvenile offenders. They were at Biloela having been “saved” by society for their own good. Some of the older girls had been associated with prostitution. Most otherwise however, were the victims of circumstances.

Fourteen country girls were charged with living with prostitutes but at least in ten cases this charge simply meant the girls had accompanied their mothers to gaol when the mothers had been imprisoned (the ‘thieves and prostitutes’ with which the children were ‘living’ were the other inmates of the gaol). Also detained at Biloela were a small number of boys too young (under 7 years) to be admitted to the nautical ship.

The report of the Secretary to the **Public Charities Commission** mentions “three of the inmates of this institution are boys of tender age and one that is an infant”.

Scrivener¹⁵ refers to the care of a boy aged 18 months being relegated to one of the senior girls.

More trouble

The change of location did nothing to quell the disturbances. Many disturbances commenced by trivial breaches such as bathing in the Harbour in summer and lighting fires in winter. Singing “bawdy” songs aimed at the superintendent and staff was a common theme. The harsh punishment that followed precipitated even greater rebellion and drew in further girls in sympathy with those being excessively punished.

As mentioned already punishment could be by confinement for up to 14 days on bread and water, restraint by the use of straight jackets. Also the application of gags and beatings were administered. Girls were also punished under the general criminal law. Scrivener reports¹⁶ that in 1871 there was a case of 8 girls taken before the Water Police Court on charges of breaking windows. They received fines in default two months gaol and served out the sentences as Darlinghurst Gaol before being returned to Biloela.

Public Charities Royal Commission

In April of 1873 a Commission of Inquiry was set up to “inquire upon the working and management of the Public Charities of the Colony”. In retrospect it is fortunate that the administration of Industrial Schools was under that of the Colonial Secretary rather than that of prisons for it brought both the industrial schools and the reformatory under the spotlight of the Commission.

The Commission was chaired by William Windeyer, former Solicitor General and later Supreme Court Justice. The Secretary to the Commission was Walter Hampson Cooper, Barrister and Member of Parliament.

If the motives behind the setting up of the Commission can be gleaned from its recommendations then it would appear it was the large religious and charity run institutions that was in the sights of the Commission. The institutions on Biloela with much smaller numbers likely would not have received as much attention but for the riots that coincided with the Commission’s investigation. The Commission made three visits to Biloela.

The First Commission Visit

According to **Scrivener** (p.265) this occurred on Sat.16.8.1873 although in the report itself, a summary of the visit by the Secretary is dated 25.8.1873. The scene generally is one of inefficient domestic tedium.

The visit commenced at 7.10am. In the quadrangle they found a number of girls, partly dressed, many without shoes or stockings and all in a very untidy state. One inmate engaged in sweeping out the dormitories, 3 girls idling around the mess room, two cleaning out the cow shed, three in the kitchen preparing breakfast, several lounging in an around the bathrooms, 3 amusing themselves in the laundry and the remainder wandering about the enclosure under no supervision of any kind whatever. There were 89 inmates of which all attended breakfast (except one undergoing punishment) – breakfast was over an hour late. The girls were well behaved. After breakfast some cleared the tables and the others amused themselves until muster at 9am and after which they attended to religious devotion in separate dormitories.

Later 35 were accounted for as being usefully engaged while 53 were “*scattered about in all parts of the enclosure, under no sort of supervision, but doing just as they pleased*”.

Of those allocated jobs many were playing around with other inmates neglecting their duties. “*There did not seem to be any attempt made to enforce discipline, the girls were impudent, disobedient and unreprieved. Orders given by the officers were frequently disregarded and treated with derision*”.

The dinner was again almost an hour late. “*The girls straggled in by twos and threes, without any attempt at order and when grace was said there was only sixty-four present. Of the twenty-four absentees, some dropped in, from time to time, up to the close of the meal....nine girls never making their appearance at all.*” “*At fifteen minutes past I a signal was given by Mrs Lucas which was instantly followed by a general scrambling of food into aprons and pockets, the girls carrying off their half eaten dinners to be devoured at leisure either by themselves or by their absent comrades. There was not a drop of water in the mess room (a tap was outside 20 yards away for drinking purposes but was not working and girls were seen lapping water from a stone trough beneath it*”.

The absence of drinking mugs was explained that if the girls had these they would continually be leaving the mess to get a drink. It was also noted in the report that for

months no knives or forks were provided, the girls “tearing their victuals with their hands”.

The report also stated that the girls had no night-dresses and slept in their chemises, sometimes in their clothes. (**Report** p.76) An examination of the stores and records showed many inadequacies.

While this summary of the Secretary’s Report is a little long, it does give some insight into the inadequacies of management and how far short it fell in terms of being instructed in the ‘*habits of cleanliness, industry and diligence*’ and ‘*by force of example*’ taught’ moral and pious conduct’. (**Williamson**, 1982 p.375). Quite a number of disciplinary incidents occurred subsequent to the visit.

The Second Visit

The details are a little sketchy but it seems the second visit was by a member of the Commission Mr. Charles Cowper when he was asked to make a report about an incident when 10 girls set fire to the straw mattresses and blankets in their dormitory. Whatever Cowper reported it certainly did not go down well with the girls who on the way back their dormitories smashed thirty panes of glass and damaged crockery mugs. Cowper had to send in police to disarm them of weapons used in an attempt to cut down the door and escape. Ten days later 6 girls broke a further 100 windows. The Water Police were called to arrest them and they were confined to their dormitories. (**Scivener** pp.265-6).

The Third Visit (25.II.1873)

The third visit was when the Commission heard evidence of systematic and ongoing physical abuse to which the physical abuse suffered by “*Oliver Twist*” may be likened.

The Commission was made aware that a number of windows had been broken a few days before their visit and several girls were locked in two dormitories. “(W)e thought it desirable that we should visit the institution, and, if possible, ascertain for ourselves the cause of the disturbance and observe the method of dealing with it by the Superintendent” (**Report**. P.74).

The Colonial Secretary would have been receiving regular reports from the Superintendent concerning disciplinary incidents. The Commission would have been on notice that all was not well with the Superintendent’s administration.

One of the girls requested to make a statement to the commission and was called and examined. This would have taken some courage by the girl (and others) because whatever the outcome after the Commission left the girls were to remain and bear the consequences. It was also to the credit of the Commission that it was prepared to set aside the formalities and by-pass the Superintendent and staff and try to get the girl's side. Up to this time the only grievances seemingly taken any account of were of the superintendent and staff and that was that the girls were undisciplined, disobedient, rude and violent.

Complaints of Sustained Violence

The girl *"complained of ill-treatment by Mr and Mrs Lucas, stating that both these officers had beaten her and had ill-treated the other girls (named) ...by knocking them down, striking them with their fists, a cane and a broomstick and by rubbing their heads against a wall on which some caricature of Mr and Mrs Lucas had been drawn. She exhibited the marks of blows recently inflicted in support of her statement..."*(Report p.74).

The other girls named were then also called. *"Every one of these girls bore marks of violence, and corroborated the account given by the first witness of the ill-usage to which they had been subjected. One girl was found with discoloured bruises on her arms, shoulder and bosom, and asserted, as did the other girls, that they were the effects of blows inflicted by Mr. Lucas. All these girls, who were from fourteen to eighteen years of age, though closely cross-examined by us, were consistent in their account of the proceedings connected with the treatment they had received, and we saw no reason for disbelieving their statements."*(report p.75). They complained of having been beaten, kicked, dragged by the hair, caught by the throat, and of having had their heads struck and rubbed against a wall apparently in a rough effect to make them rub out a rude attempt at caricature with their hair."

Summarising this evidence, the Commission said (report p.74) –

"Black eyes, the result of blows inflicted by the Superintendent and his wife, appear to have been exhibited by several of the girls, and canings by the Superintendent leaving black marks for days on tall grown girls with the physique of women. Are spoken of as matters of common occurrence. One witness describes a girl with the blood streaming from her nose, and handfuls of hair torn out in a violent struggle that took place on her resisting a caning by the Superintendent; and other speak of the use of gags, and the putting on of strait-waistcoats by the police, in one instance when a young woman was so little clothed as to make the scene indecent". "Are

spoken of as a matter of common occurrence” – Superintendent Lucas had been in charge for some four and a half years.

Witnesses having complained of being locked in a dark, oppressively smelling room, the

commission proceeded to make an inspection of the place.

The Commission Visits the Dormitory.

“On opening the door, eight girls from fourteen to seventeen years of age were found, four of them in a half-naked condition, and all without shoes or stockings. Their glare and half-crazed appearance as the light of the opened door fell upon them struck us with horror. The room had a stone floor, was without a chimney, had every window closely boarded up, was without an article of furniture, and had a found and sickly stench, every call of nature being there answered by its inmates. On the door being closed upon the members of the Commission, it was impossible for us to see each other till accustomed to the darkness. Into this room, when still damp from a recent scrubbing, it appears that eight girls had been put and kept in the dark from Friday morning till the visit of the Commission on Tuesday night, in the semi-nude condition in which they were found. Fed on bread and water, they drank, as they said, like dogs, from a bucket placed in the room, no utensil being allowed them. Three were so hoarse from the effects of their confinement in the closed-up room and sleeping on the flags, no bedding having been allowed them but blankets, that they were almost unable to speak, and we deemed it advisable to recommend their immediate release from confinement, as well as a supply of clothing and mattresses to those still locked up.”

The suggestion did not go down well with the Lucas’s who were not accustomed to having their authority questioned. *“We regret to witness a most unseemly display of temper on the part of Mr and Mrs Lucas in the presence of the girls, on a suggestion being privately made to them by us as to the advisability of opening one of the windows for the admission of light and air, and of adopting some more judicious method of dealing with the girls incarcerated in the darkened dormitory”* (**Report.p.75**).

The best ‘response’ Lucas could come with was a partial admission that he had “quarrelled” with the girls about the caricatures. In the report (p.74) the inappropriateness of the violence treatment likened to domestic violence – *“...the treatment to which they were subjected was little calculated to impress them with a reverence for authority, but rather to perpetuate in their minds familiarity with scenes of domestic quarrel and violence, frequent indeed amongst the classes from which neglected vagrant children spring, and which furnish the wife-beaters of our Police*

Courts, but hardly to be expected in a reformatory home provided by the State for the children whom it seeks to reclaim from misery and neglect”.

The Commission (**Report** pp 77-78) then poses the question – *“Who can wonder that thus utterly neglected, when locked up in their dark and gloomy dormitories during the sultry nights of summer or the long and chilling house of winter, their thoughts went back to the rude freedom of their lazzoroni life; and that in revolt at the odious system of prison treatment provided by a paternal Government, they broke out in the ribald songs of the well-lit saloons in the garish glare of which they had found some amusement, and all the excitement of an abandoned life, only now to be revived in the wild uproar of riotous rebellion. Who can wonder that little children innocent on entering the institution, became quickly initiated in all the vicious mysteries of a dissolute life, and that witnesses more than hint at the existence of disgusting sexual practices amongst them”.*

Schooling

The only aspect of the industrial school that received any degree of favourable assessment was the school. The extent of schooling is rather unclear. It seems it was conducted for only part of the day. Schooling was provided by Mrs Kelly and for the girls only when the girls were not engaged on other tasks, such as laundry duty. Her discipline and order was contrasted with the turbulence and violence of the Superintendent. “Though some of the girls are grossly ignorant on coming to the school, they evince a desire for instruction, quickness, and general intelligence, enabling them fairly to bear comparison with the ordinary class of children in our Public Schools” (**Report** p.78). The Commission favoured however, a greater emphasis on domestic and industrial training – *“(f)rom the nature of their start in life, their prospects of success, more than is the case with other children, must largely depend on acquaintance of the duties of domestic servants, and only by constant practice in the routine of such duties can children learn them”* (p.76).

Biloela commenced being inspected by inspectors of the Council of Education in 1872. A report of 1875 described their general scholastic proficiency as one of ‘tolerable satisfaction’ (**Williamson**, 1982 p.381).

Superintendent Lucas and his Wife Resign

So strongly did the commission condemn the treatment of the girls by the Superintendent that it immediately communicated the results of its visit to the Colonial Secretary. On being called upon to *show cause* why he should not be dismissed, Mr. Lucas resigned.

A commission was extremely critical of Lucas (apart from the physical abuse), being described as almost illiterate, slovenly of appearance and displaying no administrative ability at all. His relationship with his staff was poor. His previous experience (and to his credit) had been in managing a night refuge for the homeless poor that had been set up by his wife Mary in 1867 and run at their own expense for two years before handing it over to a committee. Both were involved in the temperance movement and had political connections. Very much at odd with what the Commission found the *Australian Dictionary of Biography – on line* credited Mrs Lucas with introducing training schemes in laundry and domestic skills and dressmaking to assist the girls to become more employable - after-dinner activities included religious instruction, reading and draughts.

Even here it was conceded that Mr. Lucas was “*unable to cope with the bawdy, unseemly behaviour of the girls and the lack of support from staff*”. [Australian Dictionary of Biography](http://adb.anu.edu.au/biography/lucas-ruth-13308) [http://adb.anu.edu.au/biography/lucas-ruth-13308]

A claim by Mr. Lucas that he had been told to ‘*forget about the regulations and get the place in order*’ (**Scrivener** p.256) may have had an element of truth attached to it. The Commission identified many deficiencies (apart from violence and cruel methods of discipline) in the Lucas administration, including the inadequacy of supervision, the 6pm lock down where the girls were locked in dormitories with little lighting and nothing to occupy them and without supervision until the following morning, the absence of proper industrial (which meant domestic) training, the non segregation of the older and younger girls, the absence of religious instruction, deficiencies in the apprenticing scheme and the magisterial ignorance of the purpose of industrial schools.

“Oliver Twist” Compared

As dreadful was the treatment of Oliver Twist as described by Charles Dickens (and as likely as it represented the lives of far too many children in the workhouse system, it was after all a work of fiction. The sustained abuse of many girls at Biloela and Newcastle was not. The authorities of the day either knew of it (perhaps not the extent) and chose to ignore or should have known about it and chose not to inquire.

Dickens with his literary skills could not convey, as did the Commission Report the stench, the level of savage oppression of the girls and the horror experienced by members of the Commission when the dormitory door was first opened. In terms of the level of human degradation deliberately imposed on the vulnerable in their

charge, the total absence of compassion, the absence of empathy and the brutal treatment – yes, Oliver Twist did have it easy.

Absence of religious instruction

Given the requirement in the legislation that the religious upbringing of each child generally seen as an important element in the ‘reclaiming’ the girls to be worthy and moral citizens of the future, the Commission was especially critical of failings by Superintendent Lucas.

“With the exception of the public prayers before retiring to the dormitories, devotion there is none. If indeed some little child, true to the better training of the wretched home from which it has been rescued by the State, is seen kneeling by its bed, it is from no teaching of the School. Save for the perfunctory reading of some prayer by an officer, there is no opportunity afforded the most ignorant of learning to take the first tottering step towards entering the portals of spiritual life, by lifting the soul in prayer towards God. Morning baths and private prayers by the children’s bedside seemed to the mind of the Superintendent incompatible.” (Report p.77).

It is noted in passing that in contrast to even the small adult prisons no allowance was made for payment of Chaplains at either Industrial School.

The Reformatory Contrasted

It was located in an old cottage but within the grounds. In the face of the turmoil of the Industrial School, the much smaller reformatory for juvenile offenders (thought overcrowded with its 8 girls) continued to receive largely positive reports and a case for its relocation was based on a risk of contamination of their girl offenders. It was claimed that a necessary part of the rehabilitation and reintegration back into society of these juvenile offenders was that they be trusted to leave the reformatory (on errands) but when doing so they were likely to meet up with those from the industrial school.

The Commission Report Recommendations

The Commission’s primary recommendation was for the adoption of scheme for the boarding out of children to foster families and providing to the child a “bond of sympathy utterly wanting in the barrack system”...that “goes far to supply the place of the parental care of which the orphaned and the destitute have been unhappily deprived” (Report p.44).

It also did recognize that there will be a “*class of children who, from their character and age, it will be necessary to bring together for the purpose of training and reformation in institutions affording the means of enforcing a more complete system of discipline than can be otherwise resorted to*”. (**Report p.54**)

Unsurprisingly, the Commission recommended both the industrial school and reformatory be removed from Biloela as a matter of urgency. Recommended was the design and erection of “*new buildings on a fresh site consistent with the grouping together of children in small bodies (the family system) and the separation of the older and more vicious girls from the young and more innocent. The Commissioners saw as essential the constant employment and supervision of the girls’ including supervised and structured recreational activities in the evenings; a greater emphasis on domestic industrial training and the encouragement of regular voluntary lady visitors who would have an ameliorating influence*” (**Ramsland, 1986, p.176**). The recommendations were consistent with overseas developments and abandonment of the ‘barrack’ system for the institutional care of children.

It recommended in a new institution the older and more vicious girls be separated from the younger and more innocent. The girls were to be put in the charge of a woman. A recommendation was made (doomed to fail) for parents to contribute financially to their child’s upkeep.

Magistracy Criticised

The Commission was “*struck by the absence of any guiding principle which seemed to determine whether a child was sent to Biloela Industrial School, The Benevolent Asylum, Randwick Asylum, or the Parramatta Orphan Schools, there being at all these institutions children which might have been sent to any of the others*”.

“*At Biloela we found prostitutes from the precocious age of twelve to the young woman of seventeen, the mother of a child, associated with children of the most innocent and tender age. Indeed, as if to secure for it the earliest initiation in vice, and insure its lisp in the language of sin, we found a baby in arms had been dealt with under the Industrial School Act, and sent to Biloela, to associate from its infancy with the culls of our streets*”. (**Report p.78**)

The Commission criticised Justices for their “apparent ignorance”, and “indisposition” to apply the legislation correctly and their “misapprehension” of the difference between Industrial Schools and Reformatories. (**Report p.83**).

The involvement of the magistracy was not all bleak. **Schriener** (p.260) refers to the intervention of Charles Cowper Jun (son of the Premier) and magistrate at the Water Police Court (and probably the one who sentenced the girls to Darlinghurst Gaol) intervened to have the girls supervised until 9pm and occupied by reading, needlework and the like and providing materials at his own expense. He arranged for additional provisions as 'indulgences for good conduct'. He arranged apprenticeships for about forty girls (most of which were reportedly successful and allowed visits at his own residence (that was on Cockatoo Island) between girls being apprenticed to country areas and their family before they left. His intervention however was not welcomed by Superintendent Lucas or his wife nor did it entirely abate the disruptive behaviour of a hard core of troublemakers.

What was the outcome? Biloela Stays Open Despite Criticism

While occupying a considerable extent of the Commissioner's report, Biloela and the Reformatory probably were least affected of any of the institutions by the report. As referred to elsewhere, a temporary Superintendent (male) was appointed and eventually a woman. There was better management. There was an attempt at segregation of girls at least at meal times. The number of young girls received was reduced with the introduction of a minimum age limit and by boarding-out. Greater attention was paid to apprenticing the older girls. The girls were better supervised and allowed to stay up later.

Both the Industrial School and Reformatory were eventually relocated but to locations far short of the "family system" favored by the Commission (**Report** p.54). The main recommendation that Biloela be immediately closed was not acted upon. One of the reasons that the government seemingly was able to turn something of a "blind eye" to the problems at Newcastle and Cockatoo Island was that these actually were the smallest of the institutional establishments 'on its books' for destitute and abandoned children. In 1876 there were 80 girls at Biloela. In contrast there were 111 boys on the Vernon, 589 at the Randwick Asylum for Destitute Children, 255 at the Protestant Orphan School and 311 at the Catholic Orphan School.

The Post Lucas Period

Mr Lucas and his wife were replaced by the temporary appointment of a Police Sergeant Dale as superintendent and a Mrs Kelly as acting matron in November 1873 (**Schriener** p.270). No major reforms were undertaken but the administration improved. Dale sought to address the problem of girl of inappropriate age at Biloela. He challenged the committals for girls over 16 and sought to discharge those

believed to be over 18. He also sought greater control over the management of apprenticeships by trying to ensure the persons to whom girls were apprenticed were reputable. He made representations to authorities when girls apprenticed were not being paid (a not insignificant problem). He protested the poor quality of some food supplied.

A more efficient use of the apprenticeship scheme (greatly neglected during the Newcastle and "Lucas" periods) provided an incentive for better behaviour by the younger girls.

The Commission recommendation that a woman be appointed was adopted. The Superintendent's position was abolished after 1874 and a Mrs. Selina Walker appointed as manager (Mrs King remained as Matron of the reformatory). In reports thereafter little reference is made to misconduct. One significant improvement following the Commission report was that the girl could remain up until 9pm with needlework, books and games.

During the 1880's until its removal to Parramatta, with a gradual reduction in the number of girls received (although overcrowding became an issue with the loss of use of some buildings), with better management, the girl's time being usefully occupied, reports were reasonably positive.

A system of boarding out of destitute children commenced in 1881 and this option reduced the need for such an institution for younger children. While there was ample demand for children by those willing to foster, one suspects that the 'reputation' of girls from Biloela may have contributed to girls not being boarded out in the first couple of years. In 1883 for the first time 5 younger girls from Biloela were boarded out under this scheme (between 1883-1890, 82 girls from the industrial school were boarded out). No child over the age of 12 years could be boarded out and this ensured the continuation of some need for institutional facilities.

A decision was made to relocate Biloela as from 9 May 1887 to the former Roman Catholic Orphanage at Parramatta that became Parramatta Girls Home. It too was to have its fair share of controversy.

The 'Catholic' orphanage had become vacant due to a dispute between the government and the Roman Catholic Church. A further factor in the relocation was that the shipbuilding industry on Cockatoo Island was expanding and needed additional land.

The Industrial School response to the genuine “child saving” concern for destitute girls (and those at risk) had many shortcomings both in its philosophy and its execution. It was a product of its time, the thinking of its time and was continued despite its failings beyond its time. **Williamson** (1982, p.386) summarises it thus – *“By 1887 the development of the Industrial School for Girls had seen few real changes for the better as a result of recommendations arising out of the Royal Commission on Public Charities in 1873-74. The absence of suitably qualified personnel, the lack of stimulation in the school environment, industrial training that contained too much domestic drudgery and the use of gaol-like buildings remained firm features of the school. Industrial School legislation had been meant to improve the behaviour of the girls; it did not do this. What it did do was reinforce existing social inequalities and, at the same time, created and firmly set in motion between 1867 and 1887 an unsuitable and unsuccessful programme of reformatory education”.*

What Became of Biloela?

After the removal of the girl’s industrial school and reformatory, Biloela reverted to being a prison until 1908. To ease overcrowding at Darlinghurst Gaol, both male and female prisoners were received – the male prisoners being housed in the barracks. In the final years it housed only female prisoners. The naval shipbuilding activities ceased and the dockyard finally closed in 1992. The island is administered by the Sydney Harbour Federation Trust as a historical and recreational site.

Relocation of the Reformatory School from Cockatoo Island

The reformatory girls were relocated to the “Shaftesbury Reformatory” at Watson’s Bay/Vaucluse (1879-1904). It was then the only juvenile institution then administered by the Comptroller of Prisons. These were cottage style buildings could accommodate 60-70 girls but only had 19 girls housed there in 1900 when the State Children Relief Board took control. (Probably illegally) the Relief Board admitted 25 “troublesome” girls (mainly girls where boarding had been attempted and the girls had been returned to care) in the hope that their behaviour would be improved and to train them for domestic service. This was largely a failure because Shaftesbury was a prison. There was no provision for apprenticing out and no interest shown by authorities in establishing a program of industrial training.

On the 12 April 1904 it ceased to be a reformatory, the girls having either been boarded out or transferred to Ormond House at Paddington. Shaftesbury became the first establishment for the reception and treatment of inebriates. It was located near the intersection of New and Old South Head Roads approximately on the site of the now defunct Dove Heights School.

Lesson's to be Learned

It is questionable whether, had the custody and control of children been vested in an overstretched Colonial Secretary rather than the brutal Superintendents Clark and Lucas, the abuse would not have occurred. That it occurred and continued for 5 year with regular reports being provided to the Government and the regular assistance of the police, sounds a clear warning for any future proposals to devolve responsibility for children in the care of the State to individuals or organisations. An observation in the Commission report (p.7) is pertinent in this regard - that it is "dangerous...to trust well-meaning but weak and ignorant people with uncontrolled power over the helpless and defenceless.."

The quality, competence, integrity and compassion of the individual person put in charge of the care of children in care is the key factor in their welfare and happiness. It is more important than all the rules, guidelines, reports and file checks. But, even the well-intended and capable require adequate resources and a government that shows interest. As bad and brutal was the administration of Biloela, at least it occurred in circumstances where it (eventually) was investigated and by Commissioners who were prepared to listen to the children. Less readily exposed and less frequently investigated was the abuse in non-government institution, boarding out and in foster care.

Acknowledgements

In compiling these articles I have substantially drawn on a number of articles and written research and I wish to fully acknowledge their invaluable contribution:

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¹ The Justice of the Peace (Moir) 1969 at p39

² Report of the Poor Law Commission (1839) at p119

³ Four convict children were transported on the First Fleet. The youngest was **John Hudson**, an orphan and sometimes chimney sweep, was sentenced at the Old Bailey when aged 7 years to 7 years for the offence of entering and stealing a pistol and clothing. He was aged 9 years when transported and would have been held on a hulk with adult offenders before being transported. He was shipped to Norfolk Island where later he received 50 lashes for being out of his hut after 9pm. **Elizabeth Haywood** (or Hawald) aged 13 (aged 12 when sentenced) was sentenced to 7 years for stealing a dress and bonnet value 7 shillings from her employer. She was apprenticed to the Chaplain of the first fleet and first clergyman in the colony, Rev.Richard Johnson. A year later Elizabeth was sentenced to 30 lashes for insolence. The **Youngson children**, George aged 13 and his sister Elizabeth aged 14 were convicted of burglary and sentenced to death but the sentences were commuted to transportation. Six child convicts were transported on the Second Fleet. **“Orphans of History; The Forgotten Children of the First Fleet”**, Robert Holden.).

⁴ Duckworth at p.19

⁵ Duckworth at p. 214

⁶ at p.222

⁷ Ramsland , 1984 at p.194

⁸ Scrivener at p.1

⁹ Dickey (1968) at p.147

¹⁰ Ramsland, 1986 p.142

¹¹ Ramsland 1986 p.145

¹² It has been suggested that “Biloela” existed as the name of the former residence of the superintendent during the time it was an adult prison.

¹³ Ramsland, 1986 at pp.148-9

¹⁴ At p 250

¹⁵ At p 255

¹⁶ At p 259