



The Establishment, the Forces of Law and Order and the Transportation of Rockites

by Pat Feeley



he Rockite* uprising which began in County Limerick in 1821, and subsequently spread to other counties, was the most violent of

all the agrarian outbreaks in Ireland. This article examines the political establishment that ruled over the people at that time, the forces of law and order, and the punishments imposed for taking part in agrarian disturbances, with special reference to transportation to Australia.

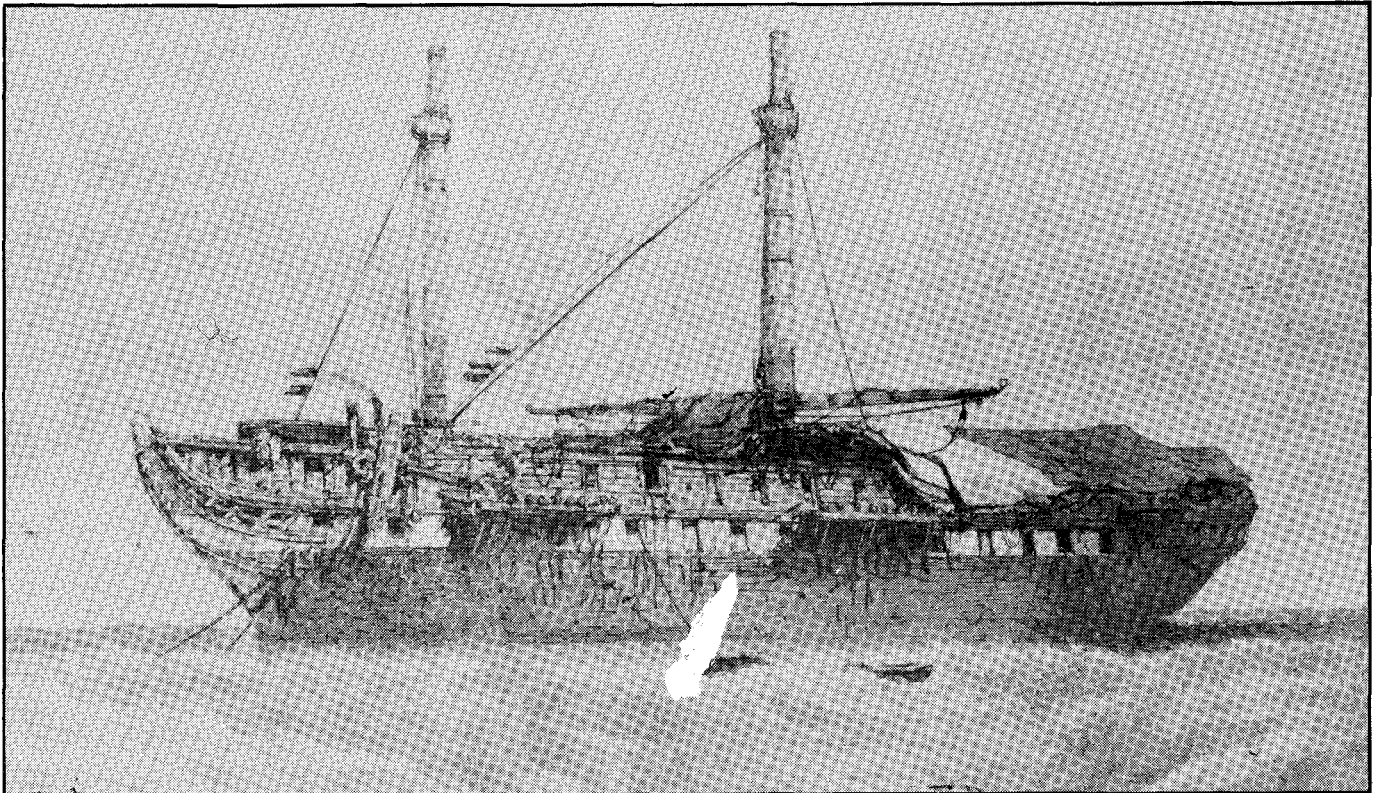
In the 1820s at the pinnacle of the pyramid of power in Ireland was Richard Colley Wellesley, Marquess Wellesley, Lord Lieutenant of Ireland from 1821 to 1827 and an older brother of the Duke of Wellington. Wellesley was a vain, emotional and autocratic

* The Rockites (also known as Whiteboys) were the followers of Captain Rock, a name appended by the secret societies to letters, notices and proclamations.

man, but as Viceroy of Ireland he was progressive and reforming. His appointment in 1821 caused considerable upset in Irish Protestant circles, for he was known to be a supporter of Catholic emancipation, and was soon to marry a Catholic. But despite these fears, Wellesley had not been sent across to introduce Catholic emancipation, but to administer the law in a mild and fair manner. For, by this time, it was becoming tacitly accepted in advanced sections of establishment thinking that it was no longer possible to rule Ireland in the interests of a Protestant ascendancy. Wellesley was of this line of thought. He saw his work as the administration of the law in 'a spirit of mildness and impartiality and equal and unbiased dispensation of justice', so that it could no longer be said that there was one law for the rich and another for the poor, one for

Catholics and another for Protestants. He was also instructed to determine 'the causes of the continual appearances of discontent ... and disturbance in Ireland and to suggest remedies'.⁽¹⁾

Wellesley opposed the Protestant monopoly of offices at local and central government levels, rightly believing that this exacerbated and alienated Catholics. He also saw the need for substantial reforms in the land and tithe systems, being of the opinion that radical concessions were necessary to bring peace. He argued the case for reforms in despatches to the government in London, but these were mostly ignored. He put forward a reform programme for the tithe question: a compulsory and permanent commutation to a money payment to be assessed on land-owners and not on tenants. The commutation was to be valid for twenty-one years, with the rates being revised every seven years to reflect the average annual value of agricultural production during the preceding seven



An old hulk, after the ending of the transportation system.



Sir Robert Peel.

years. The vestries of the established church were to act as a forum for renegotiating settlements. But the Prime Minister, Lord Liverpool, shied away from these proposals, and they were vigorously denounced by the Protestant clergy. A watered down version of his ideas was put forward in a bill in 1823 and became law, and another Tithe Act that reflected his thinking was passed in 1824. These developments had the effect of bringing a temporary lull to the tithe agitation.

He also saw into the heart of the agrarian problem, telling Robert Peel, the Chief Secretary for Ireland, in 1822, that 'the apparent union of the great body of the population in a common system of disobedience to the Law ... may be ascribed in a great degree to the common pressure of distress'.⁽²⁾ But he believed in vigorously suppressing the agrarian rebels and the lawless elements to show that law-breaking and violence would not be successful in forcing change. When he arrived in 1821, the situation in County Limerick was at its worst. Wellesley wrote that 'a general insurrection prevailed in the south of Ireland' and that the civil power had 'ceased to have any authority and was incapable of affording protection'.⁽³⁾ He called for new forms of law enforcement. But the Prime Minister and the government in London overruled him and came up with an Insurrection Act, the provisions of which were extremely severe. Magistrates were given the power to search without a warrant, and a night-time curfew was to be introduced, the breaking of which was to be punishable by transportation. There were more serious punishments still for those found taking secret oaths and producing seditious publications, and those suspected of conspiracy could be detained with-

out bail until August, 1822. Because of his reforming and liberal beliefs, the government trusted Wellesley to use restraint in implementing the draconian Act. And this he did. He showed a preference for transportation rather than capital punishment, dismissed local informers believed to be harbouring personal grudges, encouraged and praised reports from local law officers, disciplined over-zealous magistrates, and widely exercised his right to pardon the condemned and to ameliorate sentences.

The bureaucracy in Dublin Castle was filled through patronage and was identified with powerful Irish families determined to preserve a Protestant hegemony. Thomas Spring Rice, a Limerick member of the ascendancy described them as 'a small knot of men ... active and energetic in mischief but from want of sympathy and common interest with the mass of the people, incapable of doing good'.⁽⁴⁾ They were largely impervious to public criticism or scrutiny.

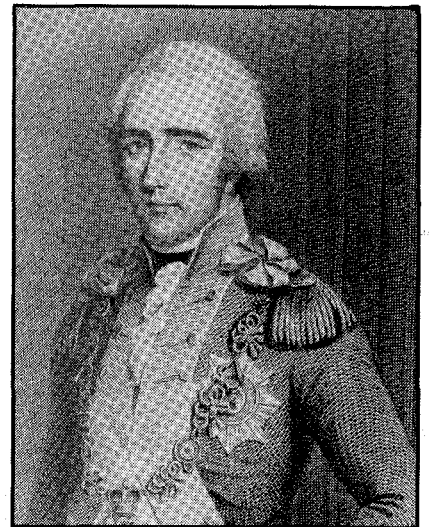
The principal figure in this bureaucracy from 1812 to 1830 was William Gregory, the civil under-secretary. He was the person most closely involved with Irish political developments. Gregory was strongly anti-Catholic and a leading advocate of the ultra-Protestant interest lobby. But he was a hard-working and meticulous civil servant, and was seen as 'the master of the whole machine of government'.⁽⁵⁾ Being a good civil servant, Gregory supported Wellesley's spirit of reform and worked well with him and with Peel. He was also a practical and common-sensical man, recognising that the large numbers sentenced to death under the Insurrection Act could not be executed unless the government was prepared to embark on a carnival of hanging. So he came to prefer transportation to the death-sentence.

The other leading figure in the Castle was Robert Peel, Chief Secretary from 1812 to 1818, and Home Secretary from 1822 to 1827, and from 1828 to 1830. Peel had considerable contact with Irish people over his long political life. Yet he never understood them or liked them, referring at different times to their 'natural predilection for outrage and a lawless life which I believe nothing can control', and to the 'wretched depravity and sanguinary disposition of the lower orders'. But he clearly recognised and identified what was required to deal with the agrarian troubles - a civil police force. Over a long period, in the face of setbacks, failures and a barrage of criticism, he held to this belief.

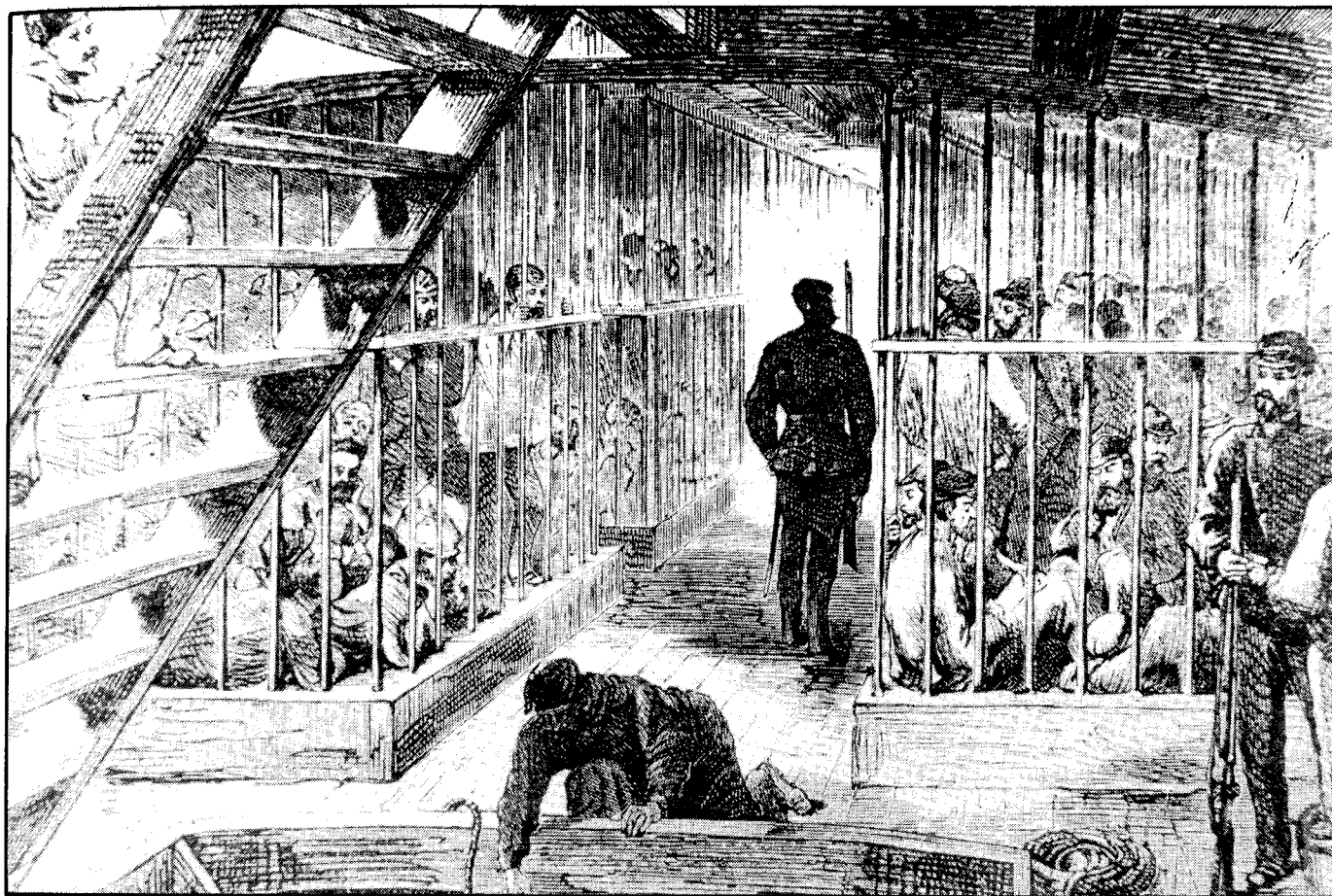
On 1st March, 1814, legislation governing the baronial police was due to expire, and Peel, then Chief Secretary, introduced a bill for an improved system of police in the 1812-14 session of

parliament. The new force was to differ in its purpose and organisation from the existing rural police. At the centre was a stipendiary magistrate, a paid, full-time police official with the powers of a magistrate, appointed by and answerable to the government. Under his command was an elite body of special constables. The force, the Peace Preservation Force (P.P.F.), was to be sent to disturbed areas after a certain number of magistrates had requested the Lord Lieutenant to proclaim the area. It was meant to augment and strengthen existing forces, and to help and force the magistrates to do their duty. The cost of maintaining the force was to be borne by the inhabitants of the disturbed area. This punitive aspect of the measure was an important part of Peel's thinking. In his words, the inhabitants of disturbed areas were to pay 'the salary of the chief magistrate, the rent of his house, the cost of his horses and the accoutrements for the constable ... every peasant has his half acre', and so should have a pecuniary interest in seeing that an area was not proclaimed. Peel at this time felt 'confident of keeping the country tranquil ... by making the inhabitants pay for the luxury of disturbance'.⁽⁷⁾ This was part of his campaign to make the magistrates do their duty.

For over twenty years Peel, while he was obliged to support the Irish magistrates in public, was a most searing critic of them in private. The magistrates were an important part of the system. They were drawn from the smaller landlords, prosperous Protestant farmers, the clergy of the established church and 'responsible Catholics'. There was general agreement that the majority of Irish magistrates were not highly motivated. Appointed through a system of patronage with little thought to qualifications or ability, they saw the position as profitable politically and



Richard Colley Wellesley, Lord Lieutenant, December, 1831 - December, 1837.



Caged prisoners on a transport ship bound for Australia.

financially, but showed no strong commitment to their duties and often little interest in public affairs. Many of them, having attained their position through bribery, were open to bribes and corruption. Gifts to magistrates could and did influence the outcome of cases over which they presided. In situations of heavy agrarian unrest, where they had widespread powers under the Insurrection Acts, they frequently did not use them, being afraid of the consequences to themselves. The rural police, the baronial police (or 'barnies'), were weak and ineffectual, and incapable of providing protection. When the army was in an area, it gave protection to the magistrates, but when it left, these officials were often isolated amongst the people. In such circumstances, they feared for their lives and property; and it was hard to blame them if they closed their eyes and did nothing. But Peel was most dissatisfied with them and determined that they should do their duty. In 1813 he accused the magistrates of disturbed areas of being 'supine with timidity'. At another time he maintained that agrarian outrage arose from 'the apathy of one set of magistrates and the half-conivance of another'. The authorities in Dublin Castle divided them into two types, 'the timid' and 'the alarmist'.⁽⁸⁾ They were also often secta-

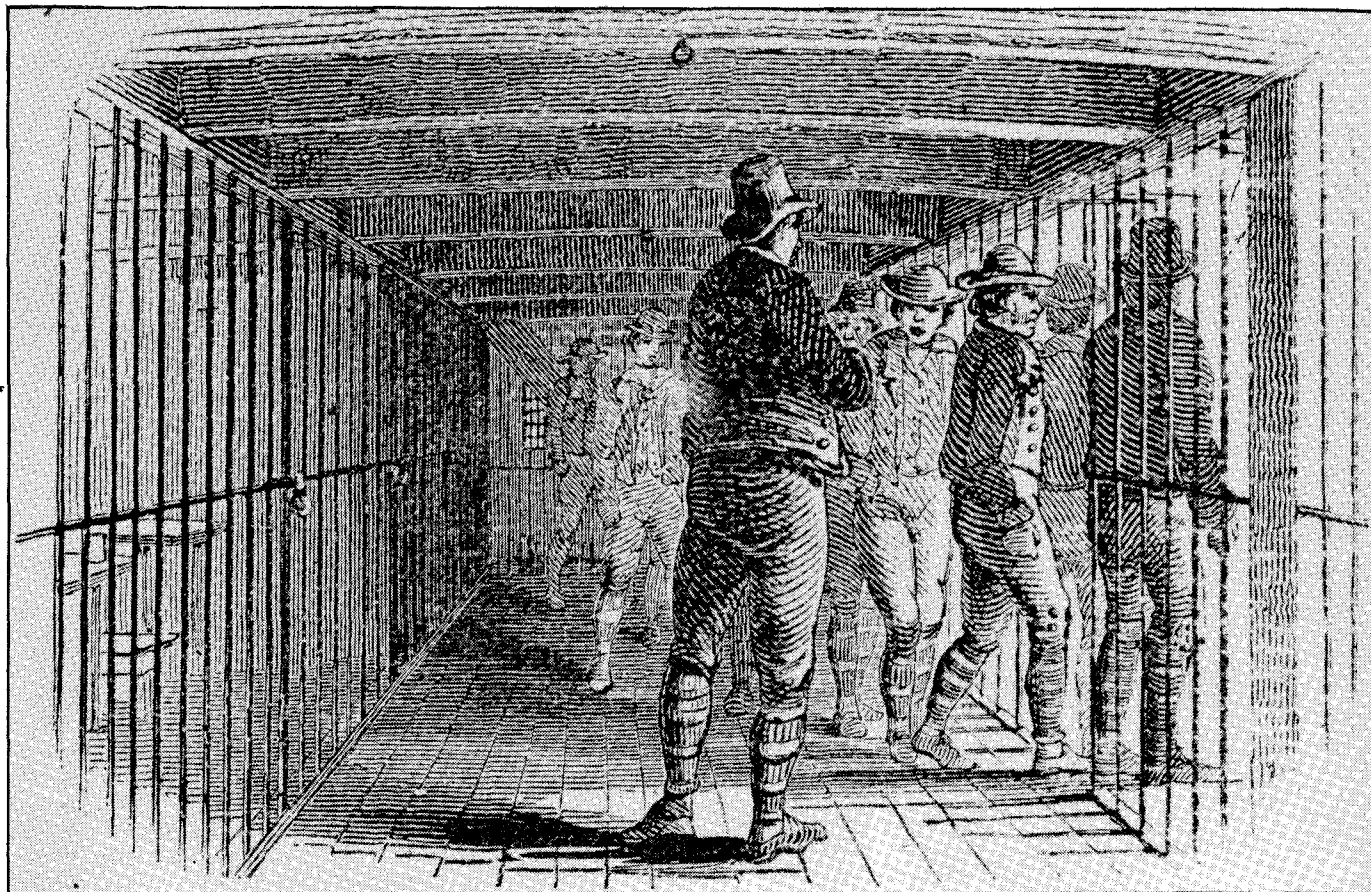
rian and class – conscious in their dealings with people. A Co. Cork priest said, in the 1820s, that the ordinary people of that county felt that there was 'no law for them but the will of the magistrates'. But Peel was determined to make them do their duty or pay those who did it for them.

When the police bill passed through parliament, there was one important change in it: the Lord Lieutenant was given the right to proclaim an area and send in the P.P.F. without a request from a magistrate. The provision was also made that only the Lord Lieutenant could withdraw the force. This meant, in theory at least, that the Irish government could keep the P.P.F. in a district indefinitely and make the residents pay for its upkeep. With petty constables being paid £80 per annum, a chief constable £150 and the stipendiary magistrate £700, substantial sums could be levied in salaries alone.

The financial burden that the new force would visit on an area seems not to have dawned on the populace until it was sent into a disturbed barony in Co. Tipperary in 1814; but when it did, there was an outcry. The force was said to be ineffective and a creation of Castle patronage, and its introduction into an area was seen as 'a bill of taxation'. When it was offered to a disturbed Co. Limerick in September of the following

year, a group of magistrates refused the offer, saying that the Peace Preservation Bill was a 'bill of pains and penalties imposing heavy burthens on the loyal and innocent while the rebels and guilty are perfectly free from its influence'.⁽⁹⁾ So, in the winter of 1814–1815, the magistrates of this and other disturbed counties called, not for the P.P.F., but for the introduction of the Insurrection Act. Peel refused this request and offered them the new force. When they refused to take it and the disturbances became worse, the Castle seems to have availed of the powers vested in it under the Act and to have sent the force into some of the disturbed areas without a request from the magistrates.

In the early part of its existence, the P.P.F. created a good deal of bad feeling amongst the 'better class' of citizen. The financial cost was the main complaint; but it was also said that they were ineffective in combatting outrages and that, as outsiders, they were unfamiliar with the people and the area. Peel, however, retained his faith in the P.P.F., by now better known as 'the Peelers'. He claimed that the force's failure in particular instances was the result of being over-stretched and of trying to do too much. He saw the P.P.F. as an elite 'outrage' corps, mobile, trained and disciplined, capa-



Convicts in transit from one place of captivity to another.

ble of nipping disturbances in the bud. In a deeply disturbed area the force functioned best when the army, as a back-up, held down the general population by garrisoning towns and villages, thus allowing the P.P.F. to do what it was trained to do – serving warrants, investigating rumours, checking out informers' reports and escorting prisoners. Peel believed in a civil rather than a military handling of the unrest.

By the autumn of 1815 the force had gained credibility for its effectiveness in tackling agrarian crime. In December a large body of magistrates in Tipperary, a county where the force had previously a poor reputation, called for the implementation of the Peace Preservation Act. The stipendiary magistrate had a very high standing and was seen as having exceptional value. One of these, Richard Willcocks, who was in charge of the police in Co. Limerick during the Rockite uprising, is sometimes seen as Ireland's first real professional police officer. Willcocks showed none of the hatred, fear or distrust that other officials showed for the Irish peasantry. He tried to look beneath the surface to discover the causes of the disturbances and the violence, and he went about his work unencumbered by prejudice or racism.

But opposition to the force, on financial grounds, remained. Peel now began to see that the financial penalties were counter-productive. They had failed to force or embarrass the inept or lazy magistrates to perform their duties. All they had succeeded in doing was to get their backs up and to generate hostility towards the force. He therefore set about removing the punitive side of the Peace Preservation Act. In parliament in March, 1817, he introduced a bill whereby the Lord Lieutenant would determine the proportion of the cost of the P.P.F. to be borne by a district. After the passage of the bill, the cost was to be apportioned between the proclaimed area and the government, with the government being allowed to absorb two-thirds of the cost. By the 1820s the established practice was to divide the cost evenly between the disturbed area and the central government.

The P.P.F. was a specialist force, set up specifically to deal with agrarian disturbances. The baronial police were an older, more established rural force. The 'barnies' were parttime, did not wear uniforms and were appointed by the local magistrates. They usually appointed their own supporters and retainers, whether or not these had any

real aptitude for police work. The result was a force that was untrained, undisciplined and ineffective. The 'barnies', in fact, were regarded as something of a joke: when trouble loomed they frequently abandoned the scene and when the army went into a district to quell a disturbance, they usually ignored them.

The army was also used in dealing with agrarian outbreaks. With the help of the Insurrection Act, it often succeeded in putting down these outbreaks; but, as Peel and others in authority recognised, it often created problems and sowed the seed of further unrest. The army was a heavy, blunt instrument, and its tactless, rough handling of situations often heightened and exacerbated the hostility of the peasantry, and sometimes alienated neutral or 'loyal' sections of the population. The very fact of having to bring in the army gave a political or quasi-political status to disturbances and to disturbers, whom the Castle preferred to present as 'deluded wretches' or criminals. The army was usually ignorant of the socio-economic causes of disturbances, had no real understanding of the people or the underground societies and knew little or nothing about the area to which it



was sent. Furthermore, they could only be kept in a district for a limited time, and, when they were pulled out, the magistrates and other 'loyal' citizens were left to face a sullen, vengeful peasantry. During 1822-'23 the troops brought in to deal with the Rockite uprising were mostly English and Scottish cavalry regiments, like the Rifle Brigade. The peasantry regarded the officers and soldiers of such regiments as foreigners who had no right to involve themselves in disputes between landlords and tenants, or between landlords and landless.

The yeomen were another government force that was almost entirely made up of Protestants, and its savage zeal and cruelty in putting down the 1798 rebellion had made it widely unacceptable to the Catholic population. As a force, they were notorious for their lack of discipline and for their over-reaction in situations of confrontation; many of them were also Orangemen who behaved in a sectarian and provocative manner. The duties that they were assigned to were ones that tended to antagonize people; seizures of illicit stills, distraint of tenants for failure to pay rents and searches for arms and suspected rebels. Because of their known unpopularity, the vast majority of yeomen were stationed in Ulster during the 1820s; in 1821 there were only 2,400 yeomen in Munster. But even this small number evoked inordinate ill-feeling. In 1821, in the Listowel area, there was a call to supply the local yeomen with arms and ammunition, lest they be murdered for bringing 'down on themselves the vengeance of the insurgents'.⁽¹⁰⁾ And in 1822, near Miltown, in the same county, the barn of a yeoman was burned to the ground, and local labourers refused to work for the force.

As the Rockite uprising became more widespread and the situation in Munster deteriorated, the authorities in Dublin began to think in terms of an insurrection. Peel's reiterated criticisms of the magistrates were seen to have a basis in the general failure of the forces of law and order to contain the insurgents. It was therefore decided, in 1822, to carry out a review of the magistracy in order to weed out the corrupt and the incompetent. New commissions were issued, for which existing and would-be magistrates had to apply. But the weeding-out process was not carried out in a thorough and comprehensive manner, and only some of the bad magistrates were removed. Wellesley thought it was 'not perfect'. Richard Willcocks, on the other hand, said that it had eliminated corruption. But Daniel O'Connell may be the one to have got it right: he said that it had succeeded in removing some of the bad magistrates, while leaving others untouched.



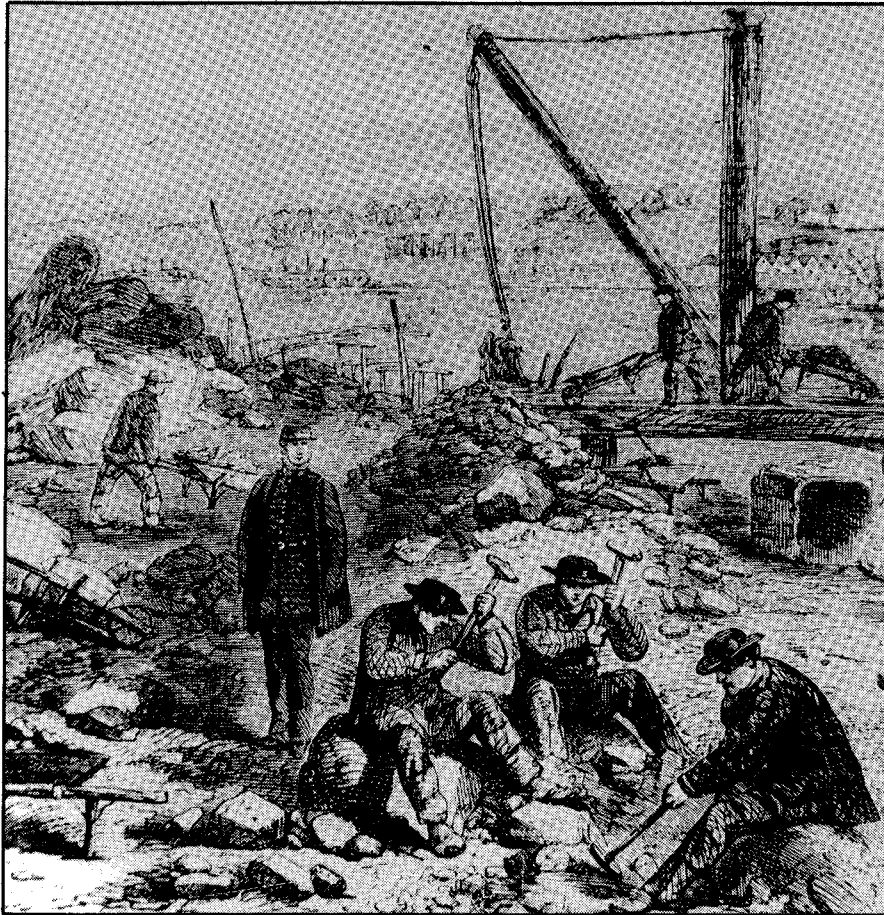
A road-gang, guarded by soldiers, in the bush near Sydney.

An important part of local government in rural Ireland was the parish vestry, based on the medieval idea of tying local government to the local church. In spring and at other times of the year the clergyman called together the magistrates and other local notables to discuss the affairs of the parish. These 'local parliaments' discussed and took action on such things as illicit distilling, humanitarian projects and even the building and maintenance of roads and public buildings. The clergy of the established church presided at these meetings and the activities of the vestry were very much associated with that church. At times the vestry acted in an openly sectarian manner, allocating funds for the benefit of its own church members, and this policy helped to undermine its credibility and effectiveness. There was also some corruption. Monies were sometimes disbursed to parishes with no church and to non-existent sextons and wardens. Dublin Castle often relied on local magnates to keep a quiet eye on the goings-on of these 'local parliaments'.⁽¹¹⁾

Peel, as we have seen, was pleased with the P.P.F. But they were a specialist force for dealing with agrarian outbreaks. A more general police force was needed to deal with ordinary crime and general problems of law and order in rural Ireland. It was to do this that he set up the county constabulary, which made its first appearance in Munster during the Rockite uprising. This was to be set up on a county basis, with constables and sub-constables in detachments commanded by chief constables. In the form in which it finally emerged, magistrates were given the right to appoint the constables and sub-constables. This confirmed their traditional right of patronage. They were also given the right to call out and command the police. But

the Castle reserved the right to appoint the inspector generals, one for each province, who had overall command. They were to formulate rules and regulations for the new force. Each county was divided into police districts, each with a police detachment under the command of a chief constable. He was to live in his area in a house provided for him, and was to conduct monthly inspections of the force and report to the Chief Secretary every three months. A chief constable could only be dismissed from his post by the Lord Lieutenant. The constables were to be under 40 years of age, able to read and write, and were not to receive a salary of more than £30 per annum. In order to prevent excesses of patronage, magistrates were forbidden to have more than sixteen constables or sub-constables in each barony. The operational costs of the new force were to be initially met by central government. But the counties in which the police were stationed were to reimburse half the cost to the Castle. Thus the maximum payment from a police district was to be about half the salaries of the chief constable and the 16 police, plus a percentage of the salary of the inspector general.

In setting up the county constabulary, the government was careful not to repeat the mistakes that had been made with the P.P.F., and it was decided to drop initial proposals in the bill for sending stipendiary magistrates into areas and to forego the government's right to appoint constables. In a further effort to gain acceptance for the force it was accepted that central government should pay half the operational costs. It was the cost of maintaining the P.P.F. that had weighed so heavily and proved so unpopular in the past. It is also clear from the policy of the Castle that whatever criticisms they



Convicts breaking stones.

had of individual magistrates, they were not questioning the magistracy as one of the pillars of the state.

These, then, were the institutions of law and order that the Rockites faced. How did they respond to them? Probably the most important thing to remember in this respect is that the members of the agrarian societies and large sections of the ordinary people felt not only that the system did not represent them or their interests, nor behave justly towards them, but actively practised injustice against them. They believed the system operated in the interests of, and perpetuated the domination of, a small, privileged elite. To them society was divided into two classes, the rich and the poor. The state was on the side of the rich, the agrarian societies on the side of the poor. They did not recognise the legitimacy of the state to rule over them and they termed it a 'tyranny'. They believed that natural justice was on their side and that the laws of the state were unjust. Opposition to the 'tyranny' of the establishment was therefore a just cause. Accordingly, they saw the intervention of the police and army on land and tithe questions, which affected their very existence, as an unwarranted intrusion. It was only

because there was a wide acceptance amongst the ordinary people that the agrarian societies were fighting a just cause that the societies were able to draw up and impose codes of conduct and sets of rules and regulations on the people. Poulett Scrope, M.P., writing in 1834, understood the relationship between the peasant and the agrarian society when he stated:

The law affords the Irish peasant no protection. It is to their own White Boy law that their allegiance is considered due ... They do more or less obtain from the White Boy Associations that essential protection to their existence which the established law of the country refuses to afford ... The White-Boy system will never be put down until the legislature establish a law for ... protecting the lives of the Irish peasantry and securing to them the means of living by their industry.⁽¹²⁾

As early as 1792, Edmund Burke, an unequivocal and articulate spokesman for the establishment, had seen the development of two nations in Ireland and the reasons for this situation. He saw that they had divided 'into two distinct bodies without common interest, sympathy or connection. One ... was to possess all the franchises, all the prop-

erty, all the education; the other was to be composed of drawers of water and cutters of turf for them. Are we to be surprised when by the efforts of so much violence in conquest ... we had reduced them to a mob.'⁽¹³⁾ By the 1820s the government had come to accept the basic truth of such thinking, and also that the governing of the country in the interests of an autocracy was no longer feasible. The French Revolution undoubtedly did a good deal to clarify and update their thinking in this regard. During the early decades of the nineteenth century the landed and propertied class of the British Isles lived in fear of violent revolution along the French lines. The Irish agrarian disturbances were often perceived as harbingers of such an event. Outbreaks were followed by rumours of 'French agents' being seen and of leadership by 'respectable people'. The authorities also feared link-ups between the agrarian activists and Irish republicans or trade unionists in the towns or cities. In 1822 Dublin Castle considered the position in Munster to be on the brink of outright rebellion: in north Cork 'the deluded wretches had conceived a plan to make the landlords flee the area so that the tenants would be rent free'. It was a difficult and dangerous situation. If the authorities responded too severely and harshly by hanging large numbers of the insurgents, the fear was that they might push the situation into the much-dreaded revolution.

Something else that has to be taken into account is the climate of the time in relation to capital punishment. From 1818 on legal reforms were being made in the British penal system. The period from 1820 to 1840 was one of creeping liberalisation. The number of hanging crimes was continually reduced, so that, by 1837, hanging was restricted to murder. In this situation the number of transportable offences grew, for there was no third alternative. England had no penitentiary system until the Prison Acts of 1835 and 1839 became law. It was in these circumstances that transportation became a standard punishment for agrarian crimes.

The ultimate punishment was used in moderation in specific situations and with a definite purpose. Hanging was inflicted with all the cold anger of the system for the murder of members of the establishment, however unpopular these might have been. Richard Willcocks wrote to William Gregory, the Under-Secretary, of how 'satisfactory' the evidence was when two men, Neville and Fitzgibbon, were convicted and sentenced to hang for the murder of Major Going, Chief Constable of the P.P.F., in Co. Limerick. One can sense his pleasure at the fitting outcome of the trial.⁽¹⁴⁾

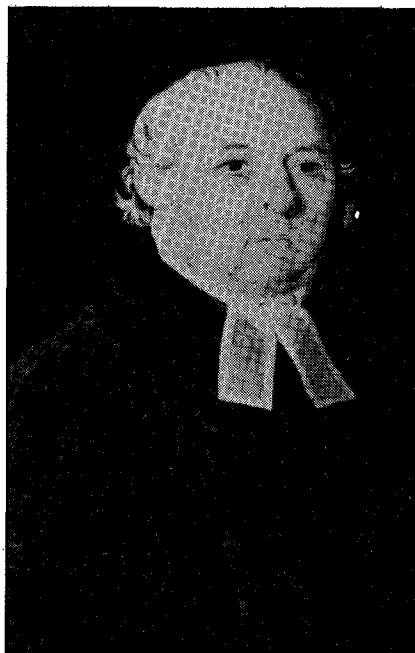
When an area was seriously dis-



turbed with raids for arms, burnings, robberies and a general campaign of violence and intimidation, the authorities tended to come down on disturbers with the full force of the Insurrection Act. In April, 1822, Edmond Fitzgerald, a teacher, and George Walker, 'a farmer above the common class', were executed for taking part in two different attacks on two different houses in county Limerick for arms. Neither of the two seems to have been amongst the most violent or dangerous of the Rockites. But they were tried and sentenced at a time when the disturbances were in full spate and when the government believed the county was about to explode into red revolution.⁽¹⁵⁾

By contrast, a much more violent and notorious gang of desperadoes from the county boundaries of Limerick and Kerry were treated more leniently when they were convicted for a similar offence later in the same year. This gang, which had been engaged in cattle rustling and other nocturnal crimes, was made up of eight members of the Connors clan and others and had as its leader one Philip Connors described as 'so lawless and desperate as to have kept that wild district in awe and agitation'. Members of this gang were brought to trial for an attack for arms on the house of Patrick Hayes Esq. of Cragg, near Mountcollins, in Co. Limerick. They were found guilty and sentenced to death, but the death sentences were later commuted to transportation, and most of them were subsequently transported to Botany Bay. The reason why they were treated more leniently was that, when they were brought to trial in the late summer and autumn of 1822, the disturbances had subsided in Co. Limerick and the authorities were taking a softer line, and had no wish to do anything that would re-ignite the fires.⁽¹⁶⁾

When an execution took place, those in charge always sought to derive certain things from it: to strike terror and fear into the hearts of the people; to get the condemned man to express regret for what he had done, and to exhort the crowd (executions were carried out in public) to break off their involvements with the agrarian societies. The execution of John Hickey in Doneraile in April, 1823 was considered by Major Carter, a local magistrate, a model execution in this respect. Hickey 'showed becoming resignation and penitential feeling' and advised the people 'to abandon the abominable system'. He wrote a letter to his brother asking him to 'beg' his neighbours to give up 'this dangerous business' that would bring ruin on the country. He even absolved the local Catholic clergy of trying to manipulate him and his situation to the advantage of the authorities.⁽¹⁷⁾



The Rev. Samuel Marsden, 'the flogging parson, a grasping evangelic minister with heavy shoulders and the face of an ox'. His hatred of the Irish Catholic convicts knew no bounds.

Transportation to Australia was the most common sentence for agrarian offences during the Rockite uprising. It is estimated that, from 1822 to 1824, about 300 agrarian rebels were transported while the Insurrection Act was in full force, and a further number after it had been relaxed, making the total number transported for agrarian offences more than 300 but less than 400. Many of these were sent out for such offences as possession of arms, robbery for arms, attacks on houses and swearing illegal oaths. All these offences were punishable by death under the Insurrection Act, but in practice the death-penalty was often reduced to transportation. Of 42 cases of an agrarian nature from the Prisoners' Petitions and Crimes papers from 1822 to 1824, 29 were of people sentenced to terms of transportation; a sizeable number of these cases were of men sentenced to 7 years transportation (the standard sentence) for being absent from their homes during the hours of the curfew imposed by the Insurrection Act. One of these was a petition from 24 men, 22 from Co. Kerry and 2 from Co. Limerick, under sentence of transportation. All claimed that 'no charge of importance could be preferred against them save being absent from their homes'.⁽¹⁸⁾ Another was from 13 men in the penitentiary in Cork, all from Tipperary, who said that they were sentenced for the same offence and for no other charge.⁽¹⁹⁾ Typical of those transported on this charge was William Nix, who was transported on the *Mangles* in 1822. He claimed to have left his house, on the

first night the Insurrection Act was in force, to get a neighbour to write his name upon his door as he (Nix) was illiterate. He had a wife and six children, but was sentenced to seven years transportation.⁽²⁰⁾ Twenty-five more were shipped out with him for breaches of the curfew.

We learn something about these Rockite transportees from their petitions seeking amelioration of their sentences. Many of them were young—the average age of Irish transportees was 28. It is also possible from these papers to identify certain types: farm labourers, rural blackguards, criminals and the sons of farmers, possibly attracted to the agrarian gangs by a sense of injustice or adventure. A widow appealed against the transportation of her sons on the basis that they were her only support.⁽²¹⁾ Many of the transportees were married men with large families; some claimed to have 6, 7, or 8 children and a wife. Many were illiterate. Others were Irish speakers, who said that they did not fully understand the gravity of the charges laid against them or the workings of the court. One young man asked that the sentence of transportation be set aside and that, in return, he would join the British Army. A man who had spent some time in a hulk in Cork harbour, asked to be sent out in the next ship. Another, having given up all hope of clemency, requested that his wife and family be allowed to accompany him to Australia.

Some claimed that the charges on which they had been convicted were without foundation and had been brought against them by individuals who bore them a grudge. It was quite easy for this to happen, for one could be brought to trial on sworn informations. The government was conscious of the danger of innocent people being convicted and urged restraint and discrimination on those trying cases. Rumours, suspicion, the evidence of informers and the personal feelings of magistrates and judges all played a part. If one were believed to be involved in the agrarian societies, the full rigour of the law was applied. But those charged with administering the Insurrection Act seem to have been aware of the dangers for a high proportion of those brought to trial were acquitted. In Co. Limerick from 1822 to 19th April, 1823, 445 people were tried under the Act; of those, 36 were convicted, 21 pardoned, and 246 acquitted. In the country as a whole, out of 702 people tried under the Act in 1822, 571 were acquitted; out of 1,582 in 1823, 1,324 were found not guilty and of 1,593 put on trial in 1824, 1,317 were set free. But there were miscarriages of justice, like the case of the two O'Donnell brothers, sentenced to transportation for life on a charge of Whiteboyism on the word of one Edmund Carr. In a



petition, they claimed that it was Carr who was the Whiteboy and that he had sworn against them to pre-empt them swearing against him. A letter signed by the brothers' parish priest and some of their neighbours said that the O'Donnells were honest and industrious and that the prosecution had resulted from families quarreling.⁽²²⁾

We also learn from the state papers that some of the hard men of the Connors' gang offered to become informers, in the hope of a reprieve from transportation. Owen Sweeney of Abbeyfeale, a member of this gang, made a sworn statement before a justice of the peace implicating named men from the Brosna area of Co. Kerry in raids upon houses for arms.⁽²³⁾ Another one of them, Patrick Connors, under sentence of transportation in a hulk in Cork harbour, told Lord Brandon that he was ready to 'inform against some of the principal leaders of insurgents in his own neighbourhood' on the understanding that he would not be transported.⁽²⁴⁾

What sort of reception awaited the Rockites in Australia and what sort of a future could they look forward to? In the years after 1798 large numbers of United Irishmen were transported from Ireland. The arrival of these caused great unease amongst the colonists. They saw them as carriers of revolutionary Jacobin ideas and as dangerous rebels ready for any undertaking. They feared that they would join and conspire with other Irish transportees and that a revolution would break out. In 1804 the rising of Castle Hill took place in which a good number of Irish took part. This was easily put down. But fears of the Irish remained. Australian officials described them as 'turbulent, discontented and worthless'. Samuel Marsden (1764 - 1838), known as the Flogging Parson of New South Wales, had a very low opinion of the Irish Catholic convicts. He described them as 'the lowest class of the Irish Nation ... most wild, ignorant and savage ... familiar with ... every horrid Crime from their Infancy ... extremely superstitious, artful and treacherous.'⁽²⁵⁾

It is estimated that, for the whole period of transportation, about 2,940 Irishmen were sent out for violence of a political nature. Of those, the number of social rebels would have considerably outnumbered the political prisoners. One wonders, however, how many of the agrarian convicts would have been identified by Australian officials as social rebels. Some of the crimes for which they were convicted, like attacking houses or various forms of robbery would not generally be thought of as acts of a political nature. The authorities in Australia would have tended to think of most Irish political transportees as literate, educated men, like some of the United Irishmen who

were sent out, middle class men like Joseph Holt, Michael Dwyer and Dr. Bryan O'Connor from Cork. By contrast, many of the agrarian transportees were ignorant, often illiterate, countrymen.

Soon after the convicts arrived they were sent to work. But first they were dressed in a motley uniform of coarse cotton, grey and yellow in colour, with yellow arrows and with their numbers and barracks printed on the cloth. Some went to work for the government, laying roads, clearing trees or doing whatever other work was given to them; others were sent to the assignment system, through which convicts were assigned on indenture to free settlers or army officers, who, in return for free labour, would feed and clothe them. The convicts worked 10 hours a day for 5 days of the week and 6 hours on Saturday. In many cases they were treated as little more than beasts of burden: they were chained together in road-mending gangs or yoked like oxen, 20 or 30 of them together, to pull ploughs. At other times they could be seen on the roads carrying picks or shovels or pushing carts. They constructed roads and highways in places where, without them, these would never have been built. Many in the colony rated their labour higher than that of free men. They worked in what were more or less large open prisons. But on all the roads there were soldiers and police, who made escape difficult by demanding documents for even the shortest of journeys.

At the time when most of the Rockites were transported, the conditions for the convicts were reasonably good. Governor Macquarie had come to believe in a system whereby the men were used as free labour by the settlers, and given rewards and remissions of sentence in return for hard work and good conduct. Macquarie believed in the convicts working for and building up the country and, in return, being accepted and integrated into Australian society. When they had worked on the tasks assigned to them and served part of their sentences, they were given passes which entitled them to work for a wage. But, back in England, the government saw things differently. They believed that Australia should be a place of punishment for the convicts, and were opposed to the ameliorative and liberalising process that the governor had in operation. They had an investigation carried out and a number of reports were produced, after which conditions became harsher and grimmer for the convicts.

For the convict arriving in Australia, the future was something of a lottery. If he was lucky, he could be assigned to a decent, humane settler who would treat him as well as any employer

would and help in his rehabilitation. If he was unlucky, his life could be little more than a slave worked to the bone, flogged at the whim of his master, with no hope of freedom or of any improvement in his lot. Floggings, with a cat-o'-nine-tails, were so common as to be taken for granted, and were carried out for the most trivial offences - for laziness, swearing, insolence, rambling in the bush or other similar misdemeanours. In such circumstances, the morale of the convicts was very low. Some mutilated themselves in hopeless acts of protest; others committed murders so that they would be executed and put out of their misery; more indulged in mindless bouts of drunkenness in which they blotted out temporarily the miseries of their lives in the oblivion of alcohol.

One does not know how the Rockites as a group fared in this new world to which they had been condemned. But many of them were tough and hard and had known deprivation and subsistence living back in Ireland. They were not the type to buckle under suffering. One can well imagine most of them going through the horrors of the Australian penal system and coming out at the other end to take their places in Australian society.

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