

## **Women, Old Age and Imprisonment in Victoria, Australia 1860-1920**

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*Abstract:* Older and elderly women predominantly appear in criminological literature as victims of crime. However, a not insignificant portion of those imprisoned, both past and present, were women aged over 50 years old. Even so, research into older and elderly imprisoned women is lacking, in Australia and around the world. Historical prisoner records offer a possibility for beginning to rectify the lack of knowledge about this cohort. Using the Central Register of Female Prisoners from Victoria across a six decade period from 1860 to 1920 the historical contextualisation of older women as prisoners can begin and this article presents the findings of the analysis of the 652 prison records of older women. As this article argues feminist historical criminology offers an opportunity to shine light on those women who have been made invisible in historical records.

## **Women, Old Age and Imprisonment in Victoria, Australia 1860-1920**

### ***Introduction***

This article will present findings about older and elderly female offenders within the Victorian colonial (and later, state) prison system between 1860 and 1920. This data is taken from the first longitudinal analysis of women's offending and imprisonment in Australia and this article is the first quantitative and longitudinal analysis of older women's offending and imprisonment in Australia. This article considers what information we have available about older women as offenders and prisoners in the Victorian carceral landscape and argues that through the historical examination of older women's imprisonment criminologists can better contextualise older female offenders in today's prisons. The lack of scholarship about old age and prison is problematic at a time when incarceration rates continue to rise amongst the over-50 in not only Australia but also worldwide.

Older women are typically imagined as the victims of crime, or at least the ones most fearful of victimisation. Beginning a search for sources on older female offending will almost exclusively return contemporary matches about the victimisation experiences of elderly women; there is some research in older women as offenders not the victims of crime, albeit not a great deal (Wahidin, 2004; Codd, 1998). In historical scholarship focus is again on crime against the elderly rather than crime committed by them (Brogden and Nijhar, 2000). Academic literature about Australian, or specifically Victorian, elderly women's experiences as offenders is rare (Turner and Trotter, 2010), and historical perspectives rarer still. Understanding older women's criminality is important when considering that the needs of elderly prisoners will undoubtedly have been and continue to be different to their younger counterparts, and their pathways to imprisonment diverse.

Calls to investigate how women have been treated by the courts and police (Smart, 1976) have been taken up by feminist criminologists when considering race (Zatz, 2000; Burgess-Proctor, 2006), class (Messerschmidt, 1986; Martin, Vieratis, Britto, 2006) or both (Simpson, 1991) but age has been a blind spot (Codd, 1998). Similarly histories of women's involvement with the criminal justice system has overlooked older women as offenders. While interest in researching the history of crime and justice is increasing worldwide, a greater understanding of contemporary criminological concerns can be had via a historical lens (Nash and Kilday, 2015). Decades long "tough on crime" campaigns and austerity measures in most English-speaking nations has resulted in increasing prison populations, which has included a

rise in the number of older women entering prison as first-time offenders. It is apparent that now more than ever the relationship between age, gender and imprisonment needs attention.

The data for this paper is sourced from the Victorian Central Register of Female Prisoners. Between 1860 and 1920, 6,042 women were imprisoned in Victorian prisons. While most offenders were young, there was a considerable cohort who could be considered older offenders. This article investigates the Central Register data to consider not only the crimes these women committed, but mental and physical health afflictions listed in their records, personal details about their occupations, education and marital statuses. This article demonstrates that the investigation of the historical prisoner records gives insight into the often forgotten or silenced experiences of older women in prison. It also acts as a case study for feminist historical criminology. As Knepper (2016) has explained, historical criminology can aid in the exploration of the past in order to guide future policy directions. Knepper and Scicluna (2010) have previously pointed out that uncovering the various social processes underlying criminal justice institutions via historical study can help contextualise contemporary concerns and developments. This article extends this to older female prisoners thereby opening up historical criminology to feminist criminological concerns with silenced women's voices within the criminal justice system.

### ***Older Offenders and Imprisonment in Victoria***

Imprisonment rates in Victoria, as well as Australia, have been steadily increasing since the 1980s with significant jumps since the early 2000s (Balwadi et al., 2011). The biggest increases have been amongst women, and although there is concern about the number of young women becoming involved with the justice system as offenders, authorities are perplexed about the number of over 50-year old women being imprisoned for the first time. Between 2000 and 2010, Australia-wide older women's imprisonment has grown by 222%, while in Victoria it has grown by 194% (Balwadi et al., 2011). Some research has been conducted to try and explain the significant rise in the numbers of elderly in prison more generally (Turner and Trotter, 2010) but younger offenders continue to be the focus.

With jails around the world primarily set up to imprison young, male offenders, the place of women, especially older women, within these systems has always been challenging and has resulted in a double-dose of invisibility; women as prisoners have generally been overlooked vis-à-vis prison accommodation and care due to their historically low numbers

(Lawson, 2016) and older female prisoners have been ignored to a greater extent by policy makers and prison officials due to their even smaller representation amongst prisoners (being a “minority within a minority”) (Handtke, Bretschneider, Elger, Wangmo, 2015; Reviere and Young, 2004). Mirroring this invisibility in the present, historical knowledge of the older prisoner cohort in Victoria is missing. As Victoria was never set up as a penal colony the histories of transported convicts has never been central to Victorian history, and so knowledge and interest in its female offenders has been bypassed until recently.

Female offenders of all ages could be found committing a wide array of offences throughout Victoria in the past just like their male counterparts (Piper and Nagy, 2017; Piper and Nagy, 2018; Nagy and Piper, 2019). Some crimes were certainly more gendered than others; prostitution, abortion, disorderly behaviour, and vagrancy were primarily policed in Australia to control women, their bodies and behaviour (Allen, 1990). Research using the Central Register of Female Prisoners has previously found that low-level property offences and behaviour in public (for example, drunkenness or offensive language) constituted the greatest number of offences for which women would find themselves imprisoned (Piper and Nagy, 2017). However, how many of these women were older, their pathways to offending, patterns of offending and what condition they entered prison in has not been discussed.

Throughout the nineteenth-century, Australian colonial concerns with “experienced”, that is older, women corrupting innocent girls and seducing them into a life of sex work impacted on the application of the criminal justice system (Wimshurst, 2014). Whether this translated to a broader social concern about older women and crime is debateable; as Wimshurst (2014) argues, the media and policy makers saw themselves as the ones leading the push for civilisation in the colonies and therefore their concerns about women’s innocence and experience may well be just part of the desire to wash away the Australian convict past. There was also concern by colonial authorities that older female prisoners were preying on younger, more innocent girls, but this, it has been argued, was based on lay expectations of life in prison or interpretations of female relationships amongst the lower classes and did not accurately reflect reality inside a colonial prison (Wimshurst, 2014). Contemporary prisons separate older male prisoners from younger ones due to concerns about predatory behaviour and corruption of youth, but no such concern exists now regarding older and younger women (Wahadin, 2004). This does demonstrate that prison officials have an ongoing awareness about how older, more experienced criminals may prevent rehabilitation in younger offenders.

Prison overcrowding on the prison hulks docked in Port Philip Bay, and then in Pentridge, Geelong, and Melbourne Gaols (all prisons built with men in mind) meant that both male and female prisoners were often ailing due to poor sanitary conditions; prisoner health was a low priority to authorities, or staunchly defended as a non-issue, because these gaols were only housing criminals (*The Argus*, 21<sup>st</sup> December 1906, p.4). Yearly reports from the Chief Medical Officer for the gaols paints a picture of prisoners suffering from a wide variety of ailments- some that had been with the prisoner prior to incarceration (e.g. paralysis of limbs), and others that had spread within the confines of the prison (such as an outbreak of measles in Melbourne Gaol in 1871). Older women are mentioned, albeit infrequently, in these reports signifying that were often affected by the conditions of the various gaols.

Benevolent society and asylum records are piecemeal for the colony which has curbed the amount of information that is accessible about older women who were unable to support or care for themselves (Davies, 2010). However, what is known is that the end of the nineteenth-century witnessed a growth in benevolent societies and aid available to the less fortunate, and some women were transferred to these institutions because their offending, especially as an elderly woman, was related to poverty rather than inherent criminality. Nonetheless, these institutions were not the answer; for example, Mary Godsil was convicted of vagrancy and insufficient means of support on 9 separate occasions from the age of 70 onwards. In 1876, she asked a magistrate to send her back to prison as she did not like the Bendigo Benevolent Asylum; she asked the magistrate to sentence her for life, so she would have a place to reside before she died. He instead sentenced her to 12 months. Godsil responded that she hoped to die during that 12-month sentence, so she would never need to see the inside of the Bendigo asylum again- her wish did not eventuate (PROV VPRS516/P2/13, no.7192).

The little research we have about benevolent institutional accommodation in nineteenth-century Australia points to a system that was comparable to prisons and had the conditions of the workhouses in Britain and Ireland but without the stringent Poor Laws to accompany them (Davies, 2010). Most were supported by state funding and charitable donations. There was no legislation which regulated these charitable institutions, but there was demand for them and many benevolent societies operated as a recruiter for other accommodation providers, often trying to get people in need to move on from the benevolent asylum in order to make them another's responsibility (Gleeson, 1999). Institutions all over Victoria were so chronically underfunded and resourced that the poor, disabled, and elderly were often instead housed in prisons and "lunatic" asylums (Gleeson, 1999). Around Australia,

those aged 60 years and over regularly spent their twilight years in a variety of institutions- including prisons and asylums- due to the chronic lack of accommodation and care available to them outside of these institutions (Vreugdenhil, 2012).

On a macro-level the economic depression of 1890 was undoubtedly devastating to the colony that saw up to a third of its population leave to other gold fields in Australia and South Africa. For those who remained this was a period of sub-urbanisation of Melbourne, coupled together with growing costs and disease. However, on a micro-level there had been rumblings of rising inequalities and economic insecurity from the 1870s onwards. Lee and Fahey (1986) argued that seasonal labour from 1870 to 1891 led to workforce vulnerabilities well before the onset of the depression. This was an issue in not only rural Victoria but urban Melbourne where factory work that women were often hired to do had high rates of employee turnover. The result was poor socialisation especially for girls and women, and as McCalman and Morley (2003) note, by the 1870s most of the urban poor would have been socialised to be “rough” with resultant alcohol abuse, petty crime, disorderly living and broken familial and spousal relationships adding to a cycle of crime and poverty.

Many women appearing as offenders in the *Victorian Police Gazette* are also found in the records of the Women’s Lying-in Hospital as single mothers; changing economic prospects meant women could no longer find husbands so easily in the 1870s as they had in the 1850s (McCalman and Morley 2003). Those women aged 50 by 1891’s economic bust would have been in their thirties during the 1870s when the economic stagnation began and would also have been those women who experienced higher infant mortality or miscarriage rates, experienced living in the “canvas town” that was Melbourne during the 1850s and 60s (when the population was high but permanent structures low resulting in a tent city throughout Melbourne) and experienced the development of Melbourne from an isolated small town to a city that was the richest one in the world by the 1880s (McCalman and Morley 2003; Twomey 1997). Although the “Marvellous Melbourne” story of riches and wealth during the 1880s saw Melbourne parallel European cities for art, theatre, opulent buildings and exhibitions, this good fortune was not shared by those women who appeared in the prison records as older prisoners.

All-in-all, the oversight of older female prisoners and their needs has extended in the twenty-first century. Overall, there is little knowledge about how the colonial Victorian prison system accommodated older female prisoners, what led to their offending in the first place, nor their criminal careers. This has resulted in surprise today that older Australian women are in

fact liable to criminality and reiterates the continued unpreparedness of prisons to deal with these prisoners (Baidawi et al., 2011).

### ***Methodology***

The data for this analysis is drawn from the Central Register of Female Prisoners which was a series of records created by Victorian government authorities for all imprisoned women. The records could (but did not always) include personal details such as the woman's occupation, family history, biometric data and prison infractions. Offence details, such as the victim of their crime, were often not included but their offence, sentence, place of trial and the judge before whom they were tried was almost always noted. Additional data such as whether the prisoner had family in the colony, her migration to, around and from Australia (if relevant), and her children (whether with her in prison or in the care of another while the prisoner served her sentence) could also be recorded. Mug shots appear in later records. Each woman would have one record created upon her first entry to prison, and authorities made various attempts to ensure that there was no duplication. Where aliases existed, these would be attributed to the appropriate prior record and all later returns to prison would have the original record utilised.

In total there were 6,042 individual first-time female prisoners for the period of 1860 to 1920 (with the exception of the year 1871 for which the records are not available). The transcription of the records were undertaken by the author, a fellow academic at another Australian university and a research assistant, with the details entered into a SPSS database. Of this cohort, 652 women (10.9 per cent) can be identified as aged 50 years or over when first imprisoned. Offenders over the age of 40 accounted for 1,665 of the women in the dataset (27.6 per cent). What either researchers or the legal system consider "older" is problematic as there is no clear definition of who would be considered an "older" offender, with authorities and policy makers often using various age ranges. In some contemporary jurisdictions and research, older offenders and prisoners are counted from the age of 40-45 years, while elsewhere the definition of older offenders begins at the age of 65 (Baidawi et al, 2011; Aday and Krabill, 2006; Yorston and Taylor, 2006). For the purposes of this study, women who were first convicted aged 50 years and over will be counted as that has been the operational definition of older prisoners by researchers in Victoria and by the state government for a considerable time now (Stojkovic 2007; Turner and Trotter, 2010; Baidawi et al., 2011).

The dataset does not include women who were imprisoned prior to 1860 nor women who began offending after 1920, however three women had recorded convictions in 1921, 1923 and 1927. This dataset is very rich, however, there are limitations. While authorities were conscientious to ensure that records were not duplicated, many reports about earlier convictions, which resulted in fines or only a few days in prison, were provided by the women themselves with no attempts to corroborate the statement. Alternatively, minor infractions were recorded unevenly, with some records being very fastidiously kept, and others with only the most important details of the prisoner (her name, age, crime, and prison sentence) recorded. The dataset also only contains information where longer sentences of imprisonment were ordered; it does not represent actual offending numbers as women may have continued offending and being arrested but bypassed prison either through the payment of fines or serving shorter sentences in police lock-up. For instance, Mary Garbolini, who was accused of assault and threatening to murder, had her last recorded conviction in 1893 but was appearing before the courts in 1895 for no lawful means of support and having the cases either dismissed or paying fines.

Based on the information contained in the Central Register of Female Prisoners additional variables were noted in the SPSS database. The age of the prisoners when first entering and exiting the prison system was entered, and following coding, cases of the women aged over 50 years was extracted from the records into their own separate database from which the findings for this paper are taken. Additional details about the women themselves has been sourced from newspapers available via the National Library of Australia Trove of digitised newspapers.

It is important to note that there has been no similar analysis of men's offending in Victoria or indeed the rest of Australia, leaving a sizable gap and making comparison between male and female data difficult. Although some data is available (see Mukherjee et al., 1987) there has been no consolidation of male prisoner records, nor analysis of the data contained within them. A project is underway to do this but there is currently no similar dataset to analyse alongside this one.



## *Rates of Imprisonment*

### **Figure 1- Here**

Older women's imprisonment peaked in the 1870s before a fall during the early 1880s. There was a return to previous high rates in the latter part of the 1880s before a gradual decline setting in as the nineteenth-century closed and the twentieth opened. The rebound of imprisonment numbers was driven by the worsening economic situation in the colony during the late-1880s. The economic depression of the 1890s was in part driven by the end of the gold mining boom in the colony and dropping wool and wheat prices resulting in bankruptcies, mass unemployment and an exodus from the colony, however, as noted earlier the economy was somewhat problematic from the 1870s onwards. A rise in female prisoners in general was noted for this period and this was predominantly driven by a rise in public order offences (Piper and Nagy, 2017). Somewhat surprisingly, as the figure above illustrates, older women's imprisonment rates were *dropping* during this tumultuous economic situation. Amidst the group of women that could be expected to be the most vulnerable in society, especially during turbulent economic times, and the data suggests their imprisonment rates barely alter, with instead a rapid decrease being reported by 1893.

This difference in imprisonment frequency of old and young women during the depression could have a very simple explanation. It would have made little point for authorities to target older women at a time when the younger population (both male and female) was undoubtedly requiring attention due to the significant economic and social impact of the depression. Although the imprisonment of younger women had been dropping since the 1880s, their recidivism rates had been increasing during the 1890s. This would suggest that authorities were focusing on policing known young offenders, and thus taking their attention off older women. This discrepancy is an interesting one to note especially as after 1895 the differences in imprisonment rates between younger and older offenders disappeared with only minor divergences occurring in the 1910s. Even the onset and throughout the period of the World War I there was no alteration in the downward trajectory of female imprisonment in Victoria. As it has been mentioned elsewhere (Piper and Nagy, 2017) the rise in benevolent societies and asylums during the late nineteenth-century would have impacted on these figures due to these institutions being used to divert women from the prison system. However, by the time of World War I the use of these institutions was waning, indicating other factors at play in the

decrease of women's imprisonment numbers, such as, the introduction of the old age pension in 1900.

Overall, as the nineteenth-century closed, and the twentieth-century began, older women's imprisonment rates were broadly in line with those of younger Victorian women; by 1920 women's imprisonment regardless of age was the lowest that Victoria had seen and would continue downwards until the 1970s. It is easy to understand how the visibility of older women in the prison system would be masked at a time when women's imprisonment rates overall fell to historic lows.

### *Offending Particulars*

The majority of all women imprisoned in Victoria between 1860 and 1920 were imprisoned on charges linked to poverty (for example, vagrancy, begging or no lawful means of support) and public order disturbance (for example, riotous conduct, public drunkenness or obscene language). This is similar to Australian and international findings about women's criminality today indicating little change in how women are policed and criminalised with blindness to the structural inequalities that lead to women's offending (Simpson, Yahner and Dugan, 2008; Cameron, 2001; Senate Legal and Constitutional Affairs References Committee, 2013). 34.4 per cent of all women were first imprisoned for a poverty related offence and 31.5 per cent for either public order disturbance, prostitution or occupying a house frequented by rogues and thieves (Piper and Nagy, 2017). Thus, just over 65 per cent of women were public order offenders, having their behaviour in public being policed and managed by authorities. Women over the age of 50 were similarly more likely to find themselves imprisoned for a public order offence than any other type of criminal behaviour. This also reflects contemporary criminal offending in older women (Wahadin, 2005).

### **Table 1- Here**

Table 1 lists only the two most common offences under each category. As expected, older women in this sample were predominantly first imprisoned for public order offences, with most women being imprisoned for vagrancy, begging, no lawful means of support, or disorderly conduct (n=417, 63.9 per cent). This is indicative of the fact that as these women aged they were more likely to be left homeless, medicated themselves through alcohol, and

their lives were more heavily policed due to their visibility in the urban environment (overall for all public order offences, including the most common types listed in the table, 61 per cent, n=417, were tried by a Melbourne court). Theft related offences were the second most frequent category (n=76, 11.7 per cent), followed by “other” offences (for example, arson or perjury) (n=61, 9.4 per cent), and finally violent offences (n=50, 7.7 per cent). Older women were less likely to be imprisoned for a violent offence than their younger counterparts; understandably, this would have been due to the physical state of the women in old age preventing them from engaging in violent behaviour. The lack of reproduction related crimes (for example, infanticide, abortions, child abuse and neglect), likewise, makes sense seeing the age of the women imprisoned.

The majority of the women were repeat offenders; 356 (54.6 per cent) of the women amassed multiple convictions. For most recidivists this was between 2 to 5 convictions (n=264, 40.5 per cent), but there was still a considerable cohort who amassed 6 to 10 convictions during their criminal careers (n=87, 13.3 per cent). Although fewer women were accumulating more convictions than 15, there were several women with either 20 or 30-plus convictions, and in one case, 55 convictions. Anne Lowry amassed 55 convictions for prostitution and drunkenness until the age of 69. In this instance, it is very likely that Lowry had begun offending well before her 60s (the records only note that she had 45 convictions prior to her first registered offence at the age of 62) (PROV VPRS516/P2/3, no.1990). This is unlike Elizabeth Stewart who appears to have been convicted 37 times from her first brush with the law at the age of 51, and who continued offending for over twenty years. All her offences were related to public order—she was either habitually drunk in public, working as a prostitute, or living on the streets as a vagrant (PROV VPRS516/P2/9, no.5307). It is unknown why her offending stopped after 1917, but it is possible she either received help from a charitable organisation that did allow her to remain away from police attention or her death put a stop to her offending career. Most of the recidivism was for public order offences, with only 95 women (14.6 per cent) being mixed offenders (offending across various offence types). As both categories of offences are heavily linked to poverty it demonstrates that it was behaviour and economic standing of older women that was being deemed offensive and therefore policed and criminalised.

Although Melbourne’s population was growing as the nineteenth century progressed, most of the Victorian population was in rural locations, especially in townships associated with the gold rushes such as Ballarat and Bendigo. The rapid influx of people, coupled together with little law and order led to many confrontations and criminal behaviour, often including older

women as perpetrators. There were slightly more mobile (that is offenders in rural and urban locations) and rural-only offenders amongst the older women than in the general female prisoner cohort. When averaged overall, 4.5 per cent of all women were mobile offenders (Nagy and Piper, 2019), on the other hand, women over the age of 50 accounted for 5.1 per cent of those convicted by courts in multiple geographic locations. Their crimes were predominantly for disorder, indecent or riotous conduct, or vagrancy. Rural courts also convicted more women over the age of 50 than younger women on average. In comparison, 24.9 per cent of women in total were convicted by rural courts, but when broken down by age 33.8 per cent of older women were convicted by non-Melbourne based courts. Public order offences dominated for both rural and urban offenders, but there were differences in the specific types of crimes committed within each category (see Table 2).

### **Table 2- Here**

Rural women were more likely to find themselves imprisoned on drunkenness, miscellaneous offences (including arson, which was almost only committed by a rural rather than urban offenders – 7 out of the 10 arson offences in the Central Register are noted for women over the age of 50 in rural locations), obscene language and behaviour, prostitution, and theft offences. Older, urban women were on the other hand more likely to be imprisoned for vagrancy, disorderly conduct, and violent offences. Such differences in imprisonment rates for rural and urban crimes indicates that it is not only the type of crime that is important to consider when investigating older women’s criminal careers but the geospatial location in which the offending and consequent sentencing took place. It is possible that older women were more visible in rural locations (due to the overall lower number of women in non-urban environments) leading to their being charged and convicted for crimes that may have been more noticeable (e.g. theft and prostitution) than in Melbourne. Findings supporting the need to consider rural versus urban residence when examining women’s offending have been noted for both historical (Nagy and Piper, 2019) and contemporary Australian women’s offending (DeKeseredy, 2015), and this research demonstrates that it should be extended to age as an additional variable.

### ***Prisoner physical and mental health***

Institutional transfers could and did happen if authorities were concerned with either the culpability of the woman on trial, if her behaviour in prison resulted in questions being

raised about her mental acuity, or if her health deteriorated to a point where help outside of the prison was necessary. Of the 652 women, the majority were not transferred to any form of home, “lunatic” asylum, refuge or venereal disease institute (n=578, 88.7 per cent). However, 69 women were transferred (data is missing for 5 women).

### **Table 3- Here**

The women who were transferred were primarily public order offenders (those charged with vagrancy, drunkenness or being idle and disorderly). Only two of the women transferred to a lunatic asylum were convicted of murder (Mary Ann Silk and Sophia Turrell), and only three transfers had a theft offence.

The reasons for the women’s transfer is difficult to deduce from the records. While some women could find themselves transferred due to economic need (due to cost for the prison, and hardship for the woman), whether this is true across the board for all transfers is difficult to presume. As mentioned earlier, benevolent societies would often prefer to have women transferred to other institutions, including prisons, than bearing the costs of housing and supporting women living in poverty. But prison authorities would often attempt to place women with these benevolent societies in order to lessen the strain on the prison system. How women were chosen for transfer during this period is unclear from purely the prison records. There does appear in multiple Chief Medical Officer reports a noted frustration of prison authorities that the gaols were being used to house older men and women who had committed no other crime than being poor.

This does cause some issues in attempting to analyse why women were transferred out of prisons. As Knepper and Scicluna (2010, p.414) note, there is a hesitation to focus only on official records for details of offending due to a belief that such analysis can result in only an administrative history that does not adequately explain the purpose of the institute creating the record or the effect the institute had on the individual. There is little evidence available directly from the convicted women themselves about their imprisonment experiences. Mary Godsil from earlier is one of a handful to give insight into what it was like to be an older woman imprisoned during this period. Arguably, for a demographic that is often unseen in not only official but non-official records, we must use whatever primary sources are available to begin to bring them back into the light.

With this in mind, there are some possibilities as to why certain women were transferred out of the gaols. Transfers could perhaps be linked to women's behaviour in prison, but only five of the women had any prison infractions noted in their records, although three were cited as having behaved with "improper conduct". What this entailed was generally a woman swearing, removing an article of clothing, or exposing herself to the prison guards. The other two women were given penalties for "quarrelling" and "insolence". These were not the only older women with prison offences, so it is unclear what set these women apart. What can be deduced is that the women who were transferred were more likely to be aged 60 and above when they first offended; 22 of the women were aged 50-59, 27 were aged 60-69, and 13 were aged over 70 when they had their first conviction recorded. The eldest woman to be transferred, Elizabeth Risby (born in 1795), was 90 when she was first convicted of having no lawful means of support and sentenced to 12 months in prison, from where she was sent to a benevolent asylum four months into her sentence. Listed as an illiterate woman with no occupation and an unknown marital status, it is very likely that circumstances and age were what led Risby to be a position where she was at the mercy of the criminal justice system for survival (PROV VPRS516/P2/9, no.5173).

For 18 of the 34 women transferred to a lunatic asylum, years spent cycling in and out of the prison system more than likely exacerbated their poor mental health or illness, and was a reason for their continued imprisonment. In these cases, the women appear to have had their first conviction listed in their late fifties or early sixties, but their last conviction is noted as being over the age of 70 at the time of their transfer out of prison, with criminal careers spanning up to twenty years. The onset of dementia or Alzheimer's in this cohort would also act as an incentive by prison officials to transfer them into other institutions that could potentially better cater to their needs. On the other hand, women who were transferred to a lunatic asylum with shorter criminal careers (12 months or less) tended to be women aged in their fifties; it is likely that they were exhibiting behaviours that authorities considered more problematic and requiring immediate medical intervention.

Several of the elderly women do have details about physical marks and disabilities that can help paint a picture about their health. 17 per cent (n= 116 women) have notations about their physical health. For these there is a litany of physical attributes that could have been linked either to criminal activity (either as offenders or victims) or contribute to an ongoing criminal career due to difficulty finding or undertaking paid employment. One woman was paralysed in her arms and legs; several were blind in either one or both their eyes; arthritis was

listed for a few who had stiff joints in their fingers or deformed hands; a disjointed spine was noted for another woman; almost all the women were covered in scars on their bodies and faces; and many also had their teeth missing. Burns on arms and legs, large hard lumps on arms and jaws, pock-pitted faces, and discoloured skin were other signs of physical malady that were noted amongst the prisoners. Hard lives were writ on these women's bodies. Margaret Jones, the 60-year old woman paralysed in her arms and legs, only had one conviction of no visible means of support recorded. While she stated her occupation was as a servant, it is likely that she had not been able to work in a household for some time if she was paralysed (PROV VPRS516/P2/11, no.1143). Likewise, Catherine Shaw who clocked up a criminal career spanning almost fifteen years was most likely driven to her offending due to damage to her hands and deformed spine; she was imprisoned for habitual drunkenness over ten times between 1872 and 1886 (PROV VPRS516/P2/3, no.1703). The physical pain coupled together with her illiterate status and servant occupation would indicate that there was not much chance for a bright future for Catherine in her later years who may have taken to drinking to cope with her situation.

Then there are women who may have been affected by their crimes. Elizabeth Lithgow's notes describe a woman whose whole body was covered in scars and burns from her face and arms, right down to her thighs and legs. How much of these were received while undertaking her offending is unclear; her offence was the careless use of fire for which she received a short term of imprisonment in 1905 (PROV VPRS516/P2/13, no.6948). However, this is not to suggest that the remaining eighty-three per cent of women without details about their physical attributes were fit and healthy; rather, it is likely that their illnesses and disabilities were considered either mundane or part-and-parcel of old age and therefore did not warrant special notice in their prison records.

### ***Education and Occupations***

Prior to 1872 and the introduction of the *Education Act*, education for working class girls was sporadic although available. Following the introduction of free, universal education for girls and boys in the colony, literacy rates rose. For a large number of imprisoned women over-50 this would not have been an opportunity available to them. Even so, 337 (51.7 per cent) of the women were able to read and write. At a time when the 1860 census noted that of the general female population of Victoria only ten per cent were illiterate, and by the 1890

census only five per cent were unable to read and write, the level of illiteracy amongst the older prisoner cohort is high.

Employment histories of the women also shows a great deal of variety in occupations, although an over-representation of working-class backgrounds (see Table 4). Regardless of expectations of female domesticity in the nineteenth-century, this was only available to a select group of women, and therefore female employment was neither rare nor unheard of.

#### **Table 4- Here**

In total, 405 (62.1 per cent) of the imprisoned women were servants. Advancing age could have made ongoing employment or finding new employment tenuous with the results being homelessness and destitution contributing to offending onset at a later age. Rehabilitation in such conditions were unlikely; prisons would be the accommodation that many women relied upon for a place of residence and authorities appear to have been happy to acquiesce for a period until these older prisoners became too much of a burden due to their health needs. Widows and housewives accounted for 7.8 per cent of the imprisoned women (n=51) and the lack of a male breadwinner may well have been the reason for the onset of offending.

Women with skilled or commerce-related occupations (business-owners, teachers, or nurses) were represented in all the offending categories excepting prostitution, obscene language, offences against justice or courts, and consorting with thieves, rogues or suspected persons. Vagrancy, begging, and lacking a lawful means of support was where most skilled women offended, followed by violent offences (these two offence categories accounting for 52.2 per cent of the offending for middle-class occupations). Performing abortions (whether they resulted in the death of the pregnant woman or not) qualified as a violent offence. At a time when abortions were illegal, hard to come by and only one of a couple of contraception options available, alongside limited welfare options, it is understandable that older women either with or without experience either as nurses or midwives in their younger years would turn to performing abortions to make ends meet.

In 64.3 per cent (n=419) of the cases we do not have any information about the female prisoners' marital status. For the remainder (n=233, 35.7 per cent), 53.6 per cent of these women (n=125) were either single or widowed and the rest listed in the records as married. However, even in cases where a woman was legally married, it did not necessarily mean that



she was living with her husband or was supported by him. Annie Lott (imprisoned for receiving stolen goods) was released from jail to visit her dying husband after he (who was also imprisoned) had been taken to the Alfred Hospital. Similarly, Mary Carter, who found herself in trouble with the law on multiple occasions, on her first entry to prison was noted to be living apart from her husband who was a resident at Kyneton Hospital. But a later undated notation is made that she is now a widow; this could explain why she was arrested on multiple occasions for vagrancy and no visible means of support. This differed in the case of Ann Gibson, who was imprisoned once for being idle and disorderly, but noted that she did not know where her husband was as he had deserted her. Various other women have their husbands listed as living in different towns to them. For single and widowed women fathers, mothers, sisters and brothers have their location given, but these are often at a distance to where the woman was tried and sentenced. Many of these women therefore appear to have no significant support network around them who could be financially or emotionally aiding them, in turn explaining (to an extent) why public order offences figure so prominently amongst imprisoned women aged over 50 years.

### ***Conclusion***

Life for older and elderly women was especially difficult in colonial and early twentieth-century Victoria. Although Victoria had gone through economic booms, older women especially amongst the working-class were not recipients of that good fortune. As the analysis of Victoria's prison registers between 1860 and 1920 demonstrates, while the number of women entering prison over the age of 50 was dropping as the nineteenth-century progressed it does not mean that the pressures that led to their imprisonment were diminishing. Arguably, authorities either ignored these women or diverted them to other institutions away from prisons. But when women were asking judges to be sent *to* prison instead of a benevolent society it is indicative of how poor the situation was for older women in colonial Victoria outside of prisons.

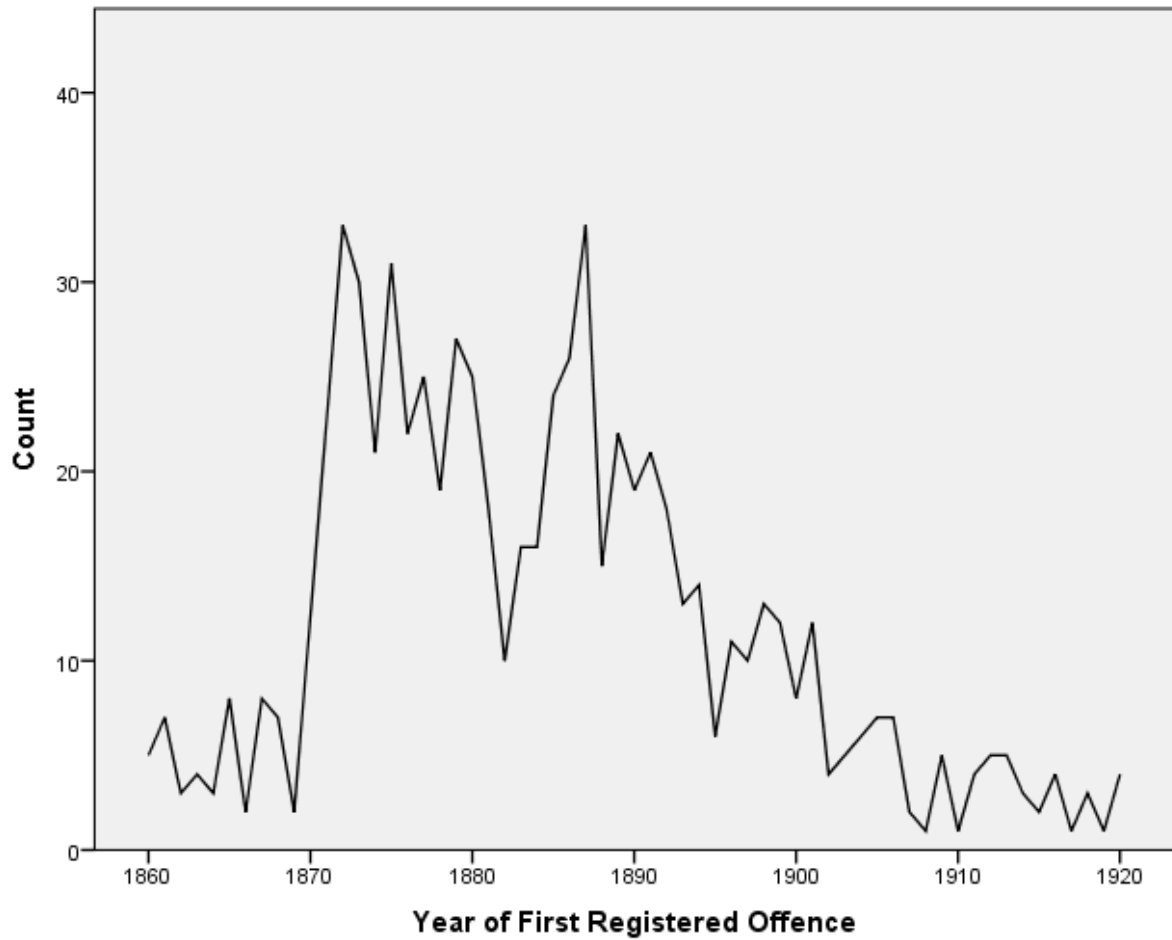
Older and elderly women have always been present in prisons albeit to a much lesser extent than either younger women or men. As this article has demonstrated, crimes associated with older women were less likely to be sensational in nature and more likely to be linked with law-breaking for survival. Whether this turn to criminality was necessitated due to ill-health, lack of social support, unemployment, or lack of other opportunities, it was often individual to

the woman. While there are many overlaps between the women, this article has also established how singular the experience of criminal offending and imprisonment could be for many older women often due to physical or mental ailments, or due to geographic location. As contemporary research has noted, older women's offending is linked to psychological and physical factors (Codd 1998) which is reflected in this historical cohort.

As noted by Howe (1990) there is a lot we can learn from examining the histories of female imprisonment and criminality in Victoria. The utility of criminological techniques and questions to historical sources, and vice-versa can aid in the building of a longitudinal understanding of women's offending and imprisonment where contemporary trends can be located and contextualised. Where possible these findings about older female prisoners requires qualitative work to examine the criminal trial briefs and newspaper reports to gain a better perspective of offending, criminal justice and social responses to older women's needs and criminal behaviour. Limitations in finding appropriate resources for mapping the lives of old and elderly women has understandably curbed research into this cohort, but official records like the prison register, can give a glimpse of some of the hardships faced by older women. The reading of these official sources against the grain of how they were intended to be read (i.e. for the state to track prisoners at a colony-wide level) can uncover the gaps or blind spots that exist not only in historical but also criminological knowledge.

What the findings from this research demonstrate is that older women's offending and imprisonment has changed very little from the colonial period to today, and the link between historical and contemporary risk-factors to imprisonment (poor educational attainment, lack of social support, unemployment, and disability) remains constant. Thus, austerity and cost saving measures, rolling back of medical and mental health services, as well as a continued lack of attention to domestic violence perpetration prevention, and the wide gap between older women's and men's financial situations upon retirement (namely through savings) are those areas that need addressing by various governments in order to turnaround the rising rate of older women's imprisonment.

**Figure 1- Number of women aged over 50 entering prison for the first time between 1860 and 1920**



**Table 1- Most common offence types for older women (1<sup>st</sup> registered offence)**

<b>Offence category</b>	<b>Offence type</b>	<b>No. of women first imprisoned for offence</b>	<b>Per Cent</b>
Theft	Larceny offences	58	8.9
	Receiving stolen goods	9	1.4
Violence	Threatening life or to cause harm	26	4
	Assault, wounding, causing injury or attempted murder	15	2.3
Public order	Vagrancy, begging or lacking lawful means of support	257	39.4
	Disorderly, indecent or riotous conduct	160	24.5
Other	Arson	10	1.5
	Miscellaneous offences	34	5.2
Total		569	87.2

**Table 2- Convictions based on geospatial locations**

	<b>Urban</b>	<b>Rural</b>	<b>Mobile</b>
<b>Consorting with, being, or keeping a house frequented by thieves, rogues or suspected persons</b>	3	6	0
<b>Disorderly, indecent or riotous conduct</b>	108	40	12
<b>Drunkenness</b>	20	28	4
<b>Miscellaneous</b>	16	18	0
<b>Offences against justice</b>	2	2	0
<b>Offences related to children</b>	2	0	0
<b>Prostitution</b>	5	6	0
<b>Theft</b>	38	42	4
<b>Vagrancy, begging or lacking a lawful means of support</b>	172	69	15
<b>Violent offences</b>	41	9	0

**Table 3- Transfers**

	<b>Count</b>	<b>Per Cent</b>
<b>Benevolent Asylum</b>	29	39.2
<b>Immigrant Home</b>	6	8.1
<b>Lunatic Asylum</b>	34	45.9
<b>Missing</b>	5	6.8
<b>Total</b>	74	100

**Table 4- Occupation**

<b>Occupation</b>	
Servant (all types inc. cook, housekeeper, laundress)	405
Unemployed	84
Skilled occupation (inc. teacher, governess, skilled trade, nurse, milliner)	75
Home related	30
Widow	21
Unknown	19
Commerce related	11
Unskilled occupation (inc. factory work, prostitute, agricultural work)	6

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