Tasmanian Heritage Register Datasheet

Tasmanian Heritage Council

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Hobart Tasmania 7001
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Name: **Penitentiary Chapel and Criminal Courts Complex**
Status: Permanently Registered
Tier: State

THR ID Number: **12092**
Municipality: Hobart City Council
Boundary: CPR11426

Location Addresses
98A CAMPBELL ST, HOBART 7000 TAS

Title References
159426/1

Property Id
5659226

South-eastern wall of the nave, Penitentiary Chapel Complex

Deputy Gaoler's Building, Penitentiary Chapel Complex

Nave converted into courtroom, Penitentiary Chapel Complex

Clocktower, Penitentiary Chapel Complex

Statement of Significance: (non-statutory summary)

The Penitentiary Chapel is a convict site of national significance. As part of the House of Correction or Penitentiary (the 'Tench'), which dealt with more convicts than any other Australian transportation facility, it potentially served 40 per cent of the country's transported convicts (Jones-Travers and Redden 2022, vol. 2, p. 43). Both the fixed and the moveable heritage contribute to the site's significance. It was a key element in British empire-building in Van Diemen's Land, serving as part of the central facility for the distribution of convict labour across the colony and demonstrating the nineteenth-century European strategy of using the forced labour of convicts to build global empires. The execution yard and gallows reflect historical use of death by hanging as a punishment and shifting ideologies regarding the use of capital punishment. The changing use of and adaptation to the buildings demonstrates the evolution of Tasmania's penal system into the late twentieth century.

The three-wing form of the Chapel is rare in itself, but it is also the only known example of a convict chapel with solitary cells beneath the tiered seating of the nave and transepts. The operational gallows, snecked sandstone treatment in the Chapel's south-eastern façade and the 'accidental Chinoiserie' toplight windows in the porch of the clock tower are unique in a Tasmanian context.

The Penitentiary Chapel has outstanding potential to yield information about the everyday lives of convicts not fully captured in the written record. There is also the potential for aspects of the lives of prison staff to be captured in workspaces and staff residences within the complex.

The site is an outstanding demonstration of a nineteenth-century criminal court, being a relatively intact example which includes two courtrooms, waiting rooms, judge's chambers and robing rooms. It is important to the wider community who value it as a key landmark for convictism in Tasmania and in the state's former identity as the penal colony of Van Diemen's Land. The Penitentiary Chapel has a special association with its architect John Lee Archer (1795–1853). The Chapel, with its clock tower, has been a Hobart landmark since 1834. Since the 1960s its aesthetic qualities have been recognised widely.

Why is it significant?:

The Heritage Council may enter a place in the Heritage Register if it meets one or more of the following criteria from the Historic Cultural Heritage Act 1995:

a) The place is important to the course or pattern of Tasmania's history.

The Penitentiary Chapel is a convict site of national significance. As part of the House of Correction or Penitentiary (the 'Tench'), which dealt with more convicts than any other Australian transportation facility, it potentially served 40 per cent of the country's transported convicts (Jones-Travers and Redden 2022, vol. 2, p. 43). It demonstrates the nineteenth-century European strategy of using the forced labour of convicts to build global empires and the evolution of Tasmania's penal system, from the attempted reformation of transported convicts by religious instruction, punishment and labour (1831–53); to the penal system of the post-transportation era when the remodelled building served as criminal courts (1860–1983) and gallows (1857–1946), plus as a chapel (1834–1963) for the adjoining Hobart Gaol (formerly the House of Correction). In particular, the chapel site demonstrates the role of religion and the use of isolation cells in penal reform (Jones-Travers and Redden 2022, vol. 2, p. 42). The execution yard and gallows demonstrate the deterrent or punishment of death by hanging and the age-old debate about capital punishment. The Chapel originally formed part of a system designed to break the will of convicts, moulding them into compliant servants of the empire. It served a pivotal role in Van Diemen's Land's/Tasmania's penal and legal system for almost 150 years (Brand 1986, p. 2) and demonstrates the significance of convict labour in public construction projects in Van Diemen's Land. Both the fixed and the moveable heritage contribute to the site's significance.

b) The place possesses uncommon or rare aspects of Tasmania's history.

Still demonstrated in the building today, the original three-wing form of the Chapel is rare for convict chapels, the only comparable example being the church at Port Arthur which was modelled on this one. The Chapel in its original form was devoted equally to reform by religious instruction and punishment by incarceration in 36 solitary cells, and the placement of these cells below the staggered floor of the chapel is unique. The solitary confinement cells, which survive only as a ruin, are rare. The remaining gallows, used in the years 1857–1946, are the only operational gallows in Tasmania and believed to be one of only two operational gallows in Australia. The snecked sandstone treatment in the south-eastern wall of the Chapel, with three or four small squared stones placed between the larger sandstone blocks, is believed to be unique in Tasmania, as are the 'accidental Chinoiserie' toplight windows in the porch of the clock tower (Ratcliff 2015, vol. 4, p. 953).

c) The place has the potential to yield information that will contribute to an understanding of Tasmania's history.

The Penitentiary Chapel has outstanding potential to yield information about the everyday lives of convicts not fully captured in the written record, such as personal habits, diet, clothing, consumption of tobacco and intoxicants, gambling and trade. One of the refractory cells has been excavated and further deposits are likely to be found under floorboards, in wall cavities and in roof spaces and potentially yard spaces. There is also the potential for aspects of the lives of prison staff to be captured in workspaces and staff residences within the complex. From its inception the site underwent regular modification, and there is great potential for the footings of buildings and other landscape changes to yield information about the operation of the chapel and criminal courts complex over different periods (Jones-Travers and Redden 2022, vol. 2, p. 43). The chapel also has the potential to yield information about the religious instruction of convicts.

d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

The site is an outstanding demonstration of a nineteenth-century Supreme Court, being a relatively intact example which includes two courtrooms, waiting rooms, judge's chambers robing rooms and legal offices.

e) The place is important in demonstrating a high degree of creative or technical achievement.

John Lee Archer's ingenious design was the physical expression of Lieutenant-Governor George Arthur's scheme for penal reform by a combination of religious instruction and punishment. The design ensured that prisoners in the solitary cells and prisoners receiving a sermon in the galleries above could hear each other, be fully aware of their respective positions and be prompted to consider the consequences of their actions. Archer's chapel demonstrated three levels of moral existence, the wretched soul in solitary confinement at the bottom, the convict improving himself through religious instruction at the intermediate level, and the realm of the Almighty above.

f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

The Penitentiary Chapel Complex is important to former gaol inmates, descendants of those processed at the Penitentiary, tried in the law courts, incarcerated in the Hobart Gaol or executed on the site, and to the wider community who value it as a key landmark for convictism in Tasmania and in the state's former identity as the penal colony of Van Diemen's Land.

g) The place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history.

The Penitentiary Chapel has a special association with its architect John Lee Archer (1795–1853), being recognised as one of his finest achievements. Archer's ingenious design was a physical manifestation of Lieutenant-Governor Arthur's scheme for penal reform by a combination of religious instruction and punishment. This design was replicated in the Church at the Port Arthur Penal Complex.

h) The place is important in exhibiting particular aesthetic characteristics.

While the appearance of the Penitentiary Chapel suffered mixed reviews during the nineteenth century, the adverse comments seem to have been coloured by the odium that many free settlers attached to the penal system. The Chapel, with its clock tower, has been a Hobart landmark since 1834, and after the closure of the Campbell Street Gaol in 1961 and with new attention being given to colonial architecture, it received greater appreciation from architectural historians. The architectural excellence of the Chapel is now recognised widely.

Heritage approval is required for work that will result in changes to the nature or appearance of the fabric of a Heritage place, both internal and external.
Please refer to the Heritage Council's Works Guidelines (www.heritage.tas.gov.au) for information about the level of approval required and appropriate outcomes.
Heritage Advisors are also available to answer questions and provide guidance on enquiries@heritage.tas.gov.au or Tel 1300850332

This data sheet is intended to provide sufficient information and justification for listing the place on the Heritage Register. Under the legislation, only one of the criteria needs to be met. The data sheet is not intended to be a comprehensive inventory of the heritage values of the place, there may be other heritage values of interest to the Heritage Council not currently acknowledged.

Setting:

The Penitentiary Chapel and Criminal Courts Complex occupies the south-western corner at the junction of Campbell

and Brisbane Streets, close to the central business district of Hobart. The area is a mixture of commercial and residential, with some neighbouring Georgian buildings. Several early brick Georgian cottages thought to be associated with the Penitentiary face the site from across Campbell Street. The adjoining Penitentiary/Hobart Gaol was demolished in 1966 (Brand 1986, p. 58), only being recalled by a remnant of the gaol wall along Campbell Street. A courtyard previously occupied by part of the Penitentiary separates the south-eastern wall of the Penitentiary Chapel from the modern brick Ambulance Tasmania building.

Description:

This is a whole of title registration for Title 159426/1 (Penitentiary Chapel and Criminal Court). All buildings within the Penitentiary Chapel and Criminal Courts complex are considered to be of high heritage significance, and the archaeological potential of the site is not restricted to standing buildings. The 64-room complex is architecturally ambiguous, the street front of the complex being 'elegant' and 'pretty', the façade facing the prison yard 'stylish' and that facing the site of the former prison 'formal and austere' (Ratcliff 2015, vol. 4, p. 2126). For a full description of all rooms see Jones-Travers and Redden 2022.

1. The Chapel

The 1831–34 Chapel originally had a T-shaped (cruciform) plan, consisting of a nave and two transepts, and was connected to the Penitentiary. Beneath the sloping floor of the transepts were 36 solitary confinement cells for prisoners. That exterior form still exists, only the interior fittings have changed, the nave and north-eastern transept having been converted to court rooms in 1859–60, necessitating the removal of most of the solitary confinement cells.

The longest façade of the Chapel which is visible today is the south-eastern one which formerly faced the prison. It was built of ashlar sandstone and features barred, four-paned, double-hung windows along the north-eastern transept but only one window along the relatively intact south-western transept. The snecked stonework features three or four small squared stones placed among larger sandstone blocks—although on the north-eastern Criminal Courts addition which extends to Campbell Street this only applies to the lower courses. The pediment is surmounted by a stone cross and ball finials stand on the acroteria (Ratcliff 2015, vol. 4, p. 2126). A plaque beneath the Venetian window gives the construction year 1831 in Roman numerals. Three doorways remain in the original wall to connect the chapel/court rooms with the now demolished prison. Unlike the relatively intact south-western transept, which retains its slate roof, the nave, north-eastern transept, Offices and Criminal Courts Building are clad in corrugated iron sheeting.

By contrast, all other faces of the Chapel building are red brick, which the adjoining Clock Tower and Offices and the adjacent Deputy Gaoler's Residence complement. The relatively intact south-western transept of the Chapel has barred windows with stone lintels overlooking the exercise yard, and a slate roof.

The remaining transept of the Chapel still contains some red cedar panels (likely recycled from the nave's box pews), red cedar altar rails and tiered floor, while beneath the tiered floor are the remains of solitary confinement cells. Almost half the floor of the gallery (and therefore half the box pews) were removed in 1961 to accommodate a wire security cage through which prisoners from Risdon Prison were ushered into the Supreme Court or Hobart Magistrate's Court up until 1983. Solitary cells beneath the removed floor were also destroyed at this time.

In 2016 this transept was adapted for the screening of Pandemonium, the 'convict film experience guided tour'. The interior of the former nave and north-eastern transept which were converted into court rooms will be considered as part of the Criminal Courts Building.

Moveable heritage includes former courtroom seating, box pews recycled from the nave, communion table, some convict benches, an American reed organ or harmonium and the pulpit (Jones-Travers and Redden 2022, vol. 3, pp. 16–19).

2. The Execution Yard and Gallows

These 1857 additions to the complex are located at the south-western end of the relatively intact Chapel transept. According to Jones-Travers and Redden (2022, vol. 3, pp. 124–27), the beams used to support the noose are said to have come from the original Hobart Gaol on Murray Street via Risdon Prison following the demolition of the gallows there. The doors and associated ironwork in the execution yard may also be recycled from the Murray Street site. The working gallows have been reinstated for interpretation purposes following the demolition of the brick platform c.1983. The execution yard features 'crude' brick walls with stone capping, as well as a picked-finished and snecked stone wall (Jones-Travers and Redden 2022, vol. 3, p. 125).

3. The Criminal Courts Building

The north-eastern transept of the Chapel has an 1860 two-storey, sandstone, hipped-roof extension to Campbell Street that forms the Criminal Courts Building. The Criminal Courts building contains two court rooms (formerly the northern and eastern transepts of the chapel) and a suite of offices, waiting and robing rooms. The red brick, sandstone quoins, double-hung sash windows and tall corbelled chimneys of the Campbell Street façade of the Criminal Courts complement the adjoining gabled, single-storey façade of the 1858–60 offices, giving this façade 'a sense of uniformity'. The Campbell Street façade of the complex extends to the edge of the pavement. The lower four courses remaining of the former sandstone prison wall adjoin the wall of the Criminal Courts Building, extending south-east along Campbell Street in front of the modern buildings on that site (Ratcliff 2015, vol. 4, p. 2126).

Moveable heritage within the court rooms includes the bench and canopy, judge's and legal counsel's chairs, jury, press and witness boxes, internal railings and seating (Jones-Travers and Redden 2022, vol. 3, pp. 12–15).

4. The Legal Offices Building

The 1858–60 offices facing Brisbane Street are a symmetrical, single-storey, red-brick building with sandstone quoins, a hipped roof and a gabled wing on either side. A small verandah with a railing on either side of the central steps separates the two wings of the building. There is a double-hung sash window on either side of the central front door. Each wing of the building features two double-hung sash windows. Three of the four original corbelled chimneys with chimney pots remain.

5. The Clock Tower

The façade of the 1833–34 Georgian clock tower directed towards Brisbane Street has stone entry steps beneath a timber entry door and reveals with an arched fanlight (matched by arched windows on the other two facades). The rendered brick steeple contains a Thwaites & Reed clock (facing Brisbane Street), timber louvres and a galvanised iron roof crowned by a weathervane (Jones-Travers and Redden 2022, vol. 3, p. 115). The tower contained a newel staircase originally accessing the nave of the Chapel. The 'accidental Chinoiserie' toplight windows in the porch of the clock tower are unique in Tasmania (Ratcliff 2015, vol. 2, p. 953).

6. The Exercise Yard

Only the beginning of the high brick wall which formerly defined the exercise yard on the south-western side of the chapel remains, the area having been secured c1963 by chain-link and iron reinforced gates and fences. Formerly the isolation cells beneath the south-western transept of the Chapel were linked to this yard, but the doorways were later bricked up (Jones-Travers and Redden 2022, vol. 3, p. 121).

7. The Deputy Gaoler's Residence

This 1910 building is a two-storey, red-brick structure with irregular fenestration, a low-pitched hipped roof of fibrous plaster sheets and one remaining corbelled chimney. Several windows on both floors of the building are bricked up, others, double-hung sashes, have wire screens or metal bars over the glass. The building has a concrete ground floor with timber window frames and sills. It was modified internally to accommodate cage cells for remand prisoners (ground floor) and quarters for guards (first floor) (Jones-Travers and Redden 2022, vol. 3, pp. 135–36).

A white picket fence with pedestrian and vehicle access gates extends around the property boundary on Brisbane Street, the buildings being set back from the footpath. Three mature oak trees shade the Brisbane Street façade of the Criminal Courts and the Clock Tower. There are car parking areas on both sides of the deputy gaoler's residence.

History:

Hobart is located within the country of the South-East nation (Ryan 2012, p. 15), being part of a landscape managed by Aboriginal people for thousands of years before European occupation. Van Diemen's Land was established as a British penal colony in 1803. The two early penal establishments in Hobart were the Hobart Town Gaol in Murray Street and the Penitentiary (the 'Tench') in Campbell Street. The former was built in 1816 to house convicts awaiting trial and those who offended in the colony. The Tench followed in 1822 as barracks for the processing of approximately 62,500 male convicts who arrived in the colony over the next 31 years—dealing with greater number of convicts than any other Australian colonial convict facility. Men were housed there while awaiting assignment to approved settlers or performing public works (Graham 2015, pp. 66–67). The penitentiary therefore potentially served 62,500 transported male convicts, about 40 per cent of all convicts transported to Australia. The Penitentiary also housed the huge body of the (now mostly digitised) Van Diemen's Land convict records which are inscribed on the UNESCO Memory of the World Register (Jones-Travers and Redden 2022, vol. 1, p. 2).

The high-minded and autocratic Lieutenant-Governor George Arthur (1784–1854), who took charge of the colony in 1824, believed that convicts suffered 'mental delirium' which should be addressed by a 'firm and determined, but mild and consistent supervision'. To this end he devised 'a graded system of rewards and punishments', with settlers and government officials setting a good example to the convicts and religion teaching reform (Shaw 1966). As part of their reform by religion, each Sunday convicts from the Tench were—rather inconveniently—marched through the streets from Campbell Street to St David's Church in Murray Street.

Construction of (Old) Trinity Church (Penitentiary Chapel) 1831–35

The building of Trinity Church served three functions. It addressed the general problem of overcrowding at St Davids Cathedral; it implemented new ideas in penology; and it saved money by way of combining penal chapel and solitary confinement cells for 'recidivist prisoners' (Graham 2015, p. 38). Placing a chapel in a penitentiary followed the example set in Britain at sites like Millbank in London (Graham 2015, p. 39).

Architect John Lee Archer

The Penitentiary Chapel was designed by John Lee Archer (1795–1853), architect and engineer, who was born in Ireland in 1791. In the years 1809–12 young Archer trained in the office of London architect Charles Beazley, followed by five years under Scottish civil engineer John Rennie, who designed several River Thames bridges. Archer then worked for eight years in Ireland, including on the Royal Canal, Dublin (Smith 1966). In December 1826 he was

appointed civil engineer and architect in Van Diemen's Land, arriving there in August 1827. The job placed him in charge of public works executed by convicts (Arthur to Bathurst 1827, pp. 152–53). Archer's work was characterised by 'the virtues of simplicity and good proportion, combined with a satisfying sense of stability' (Smith 1966).

Among the projects he superintended were the conversion of Lowes Distillery into the Cascades Female Factory (THR 10851), construction of the New Orphan School at New Town (THR 6612) and the New Custom House (now Parliament House, THR 2525) in Hobart (Archer to Burnett 1827, p. 289). Other Archer designs included those of the public offices of the Treasury and Audit Departments (THR 11734); the Ordnance Stores (THR 12052); and the Theatre Royal (THR 2191) in Hobart; the gaol and gaolers' house at Richmond (THR 12015); parts of the old gaol in Campbell Street, Hobart; improvements to Sullivans Cove, Hobart; several buildings at Anglesea Barracks (THR 2290), Hobart; the original Low Head Lighthouse and staff quarters (THR 1480 and 1485) near George Town; Cape Bruny Lighthouse on Bruny Island (THR 5865); and a causeway across the Derwent River between Granton and Bridgewater (THR618). Archer also designed many Tasmanian churches, including St Johns Church and parsonage (THR 2740) at New Town; the nave of St George's Church of England (THR 1688), Battery Point; St Luke's Church of England (THR 1135), Richmond; St Luke's Presbyterian Church (THR 44) at Bothwell; and St John's Anglican Church (THR 4612) in Launceston (Smith 1966).

Design of the Penitentiary Chapel

However, none of Archer's other church designs prepared him for the demands of the Penitentiary Chapel. The T-shaped (cruciform) church was built on a vacant lot at the northern end of the Penitentiary site, fronting Brisbane and Campbell Streets. Archer designed Trinity Church to accommodate 500 prisoners in each of the three wings, although it was later decided to reserve the nave for free parishioners (Rieusset 2018). The plan was ingenious, incorporating 36 solitary cells with vaulted ceilings under the raked floor of the chapel, these being served by two passageways. It was impossible to stand up in the lowest of the cells (the 'Dust Hole'), one having an entrance only 27 inches high (Brand 1986, p. 32). The Penitentiary Chapel thus demonstrated three levels of moral existence, the wretched soul in solitary confinement at the bottom, the convict improving himself through religious instruction at the intermediate level, and the realm of the Almighty above. Those in the cells and in the chapel at the same time would have been able to hear each other and ponder their respective positions, the recidivists below also being apprised of the sermons being delivered above (Arthur to Murray 1830, pp. 522, 529–30; Graham 2015, p. 57).

Captain Thomas Allen Lascelles, proprietor of the *Colonist and Van Diemen's Land Commercial and Agricultural Advertiser*, stated that the new church did 'great credit to the Colonial Architect ... The work is, both stone and brick, of the most substantial kind, and is finished in a style superior to any thing [sic] in the Colony' (*Colonist and VDL Commercial and Agricultural Advertiser* 9 July 1833, p. 3). He also praised convict stonemason Barclay's 'sculptured masonry' in front of Trinity Church (*Mercury* 1 June 1833, p. 10). The successful building tender of WF Brown was eventually rejected by the Executive Council in favour of using the cheaper convict labour (Archer 1832, p. 276; Brand 1986, pp. 5 and 7). The want of shingles for the roof and other timber for lining the cells, joinery, doors, seats and other fittings delayed completion of the building until 1834 (Archer 1 January 1834, p. 324 and 2 July 1834, p. 326).

Perhaps the earliest description of a service at Trinity Church was in August 1831, well before the chapel officially opened. The *Hobart Town Courier* editor reported that:

Between 5 and 600 [sic] prisoners, among whom were the chain gangs … took their seats in the greatest order and regularity, and remained perfectly quiet until the entrance of the Clergyman ... In front of the little platform erected for the pulpit or reading desk, was a large table, round which about a dozen of the congregation sat who took the lead in singing the psalms—whilst two of them had flutes to keep them in tune. The service was performed with exemplary propriety, the responses being very generally heard even from the remotest corner (*Hobart Town Courier* 13 August 1831, p. 3).

The Reverend William Bedford then delivered a sermon upon 'The wages of sin is death', which he backed up with a personalised sermon dwelling upon the fate (execution) of Macquarie Harbour runaway cannibals Edward Broughton and Matthew MacAvoy (*Hobart Town Courier* 13 August 1831, p. 3).

The man placed in charge of Old Trinity was Colonial Chaplain and Rural Dean Philip Palmer MA, who arrived in Hobart in June 1833 (*Mercury* 1 June 1933, p. 10), effectively usurping Bedford as senior Anglican cleric in the colony (Brand 1986, pp. 72–74). Britain's *Gaol Act* (1823) ensured that the prison chaplain played 'a key role in prison discipline' (Graham 2015, p. 59).

Addition of the clock tower 1833–34

For Arthur, religious education of free settlers was also important, since they were expected to set an example for the convicts (Graham 2015, p. 65). Provision was made for up to 500 members of the general populace to attend Trinity

Church by renting a pew for a yearly fee of £1 (*Colonist and VDL Commercial and Agricultural Advertiser* 24 June 1834, p. 2). Archer's 1833–34 tower not only provided a public clock, but a newel staircase which opened into the nave of the chapel, enabling free people to enter without passing through the Penitentiary Yard and being exposed to convicts (*Colonist and VDL Commercial and Agricultural Advertiser* 24 June 1834, p. 2). Up to 1000 convicts, entering from the barracks, occupied the side transepts of the chapel.

By 1834 Palmer was said to have 'a very numerous and respectable congregation' at Trinity Church, although Henry Melville of the *Tasmanian* newspaper thought the construction of a chapel at the Penitentiary was, like the Penitentiary itself, 'wholly unnecessary' and a 'monstrous evil', congregating together 1000 'miserable wretches' who should be spread across the colony as assigned servants (*Tasmanian* 14 February 1834, p. 7).

It wasn't possible to reconcile all the demands of the prisoners' barracks with those of the public (Graham 2015, p. 75). The edifying presence of free settlers was not evident to all prisoners. The central placement of the pulpit and the right-angled convergence of nave and transepts meant that only those in the lower rows of public seats could see convicts, and vice versa. Palmer shielded the free people of Hobart further by installing a curtain to hide them from convict gaze, upsetting the unconsulted Arthur (Graham 2015, p. 75). Palmer was also criticised for holding services at an inconvenient time for the public and omitting Communion Service (*Colonial Times* 9 December 1834, p. 6; *Tasmanian* 26 December 1834, p. 7; *Colonial Times* 17 August 1838, p. 6). Free colonists objected to the poor ventilation (Palmer to Montagu 1836, cited in Graham 2015, p. 76). Some parishioners objected to attending a church in such close proximity to the Penitentiary. One critic claimed that during services the lighting was so poor that it was impossible to read the hymn books (*Colonial Times* 6 November 1838, p. 6). Complaint extended to the associated cemetery at the upper end of Campbell Street, which was badly neglected and frequently grazed by stock. In 1844 a corpse was left in Trinity Church all night because the Rural Dean reportedly didn't show up to perform the funerary rites (*Colonial Times* 7 May 1844, p. 3).

Another problem was the noise within the chapel and below it during services (Brand 1986, p. 14). Canadian political exile Linus W Miller's description of prisoner behaviour before and during a Palmer service in 1840 suggests that the Colonial Chaplain's and Arthur's reformatory zeal may have been wasted:

Those who wore no leg irons were first and they came pouring in, pushing, pulling, and crowding each other, horrid blasphemy and abominable obscenity made the building ring. Then came the chain gang, about five hundred in number, and such a rattling of chains, such sounds of hell.

The contrast with the description of Bedford's 1831 service (*Hobart Town Courier* 13 August 1831, p. 3) couldn't be more marked. The later sermon was not closely attended:

On looking about me, I could not discover more than twelve, among twelve hundred prisoners, who appeared to be taking any notice of the service. Some were spinning yarns, some playing at pitch and toss, some gambling with cards; several were crawling about under the benches, selling candy, tobacco, &c, and one fellow carried a bottle of rum, which he was serving out in small quantities to those who had an English sixpence to give for a small wine-glass full. Disputes occasionally arose which ended in a blow or kick; but … if any resistance was offered to … authority the culprit was seized by the arm and collar, dragged out of the church and thrust into the cells beneath (Miller 1968, p. 246).

Old Trinity Church (Penitentiary Chapel) 1845–59

Palmer was perfectly aware of the shortcomings of catering simultaneously for the free and the fettered. He cited Old Trinity's inadequate capacity, its poor ventilation and the noise emanating from the solitary cells to vindicate building the new Holy Trinity Church at North Hobart, which opened in 1845 (Graham 2015, p. 94). Parochial services of the Trinity Parish were to be relocated there, but the public remained welcome at the Penitentiary Chapel through government chaplain Reverend Robert Wilson's incumbency and those of Reverend Wickham Hesketh 1847–48 and Reverend Joseph Medland's tenure in 1848–54, after which they were finally excluded by Comptroller-General of Convicts John Hampton (*Courier* 17 June 1854, p. 2).

Renovated as chapel and court houses 1859–60

The Sprent Map shows the Penitentiary Chapel in its original state, a symmetrical structure with an exercise yard on either side. The map is annotated 'Vide proclamation dated 29th December 1856'. Things were about to change. After transportation to Van Diemen's Land ceased, in 1857 the Murray Street Gaol was closed and demolished. Female prisoners were moved to the Cascades Female Factory, while the males went to Campbell Street, where a new gaol was built as a supplement to the old buildings (Brand 1986, p. 1). Thus the site continued to be operated as the Hobart (Campbell Street) Gaol 1857–1963.

The location of the Supreme Court in Murray Street was now inconvenient, necessitating transport of convicts through the streets, so in 1859–60 a new Supreme Court for criminal sessions was built by AM Nicol at Campbell Street (*Hobart Town Advertiser* 4 February 1859, p. 3). The nave and north-eastern transept wing of the Penitentiary Chapel were converted into two Supreme Criminal Courts; the south-western transept wing continued as a gaol chapel. The court room floors were levelled (that is, no longer raked) and lowered, destroying part of the former solitary cells. In both courts the bench was elevated above the floor and furnished with an armchair for the presiding judge. A chair was provided on either side of this for the use of 'inferior' officials. A small counsels' table was built. A jury box was constructed on one side, and a reporters' box on the other, both furnished with soft, cushioned seats by cabinet maker Leonard Pearson. Waiting rooms were created for counsel and jurors, and space created for public viewing (*Cornwall Chronicle* 21 April 1860, p. 5). Prisoners were conducted to the dock by way of stairs communicating with a passage leading to the gaol, a very convenient solution to the problem of moving prisoners between institutions (*Hobart Town Advertiser* 18 April 1860, p. 3). The main court was entered from Brisbane Street, the other from Campbell Street (*Hobart Town Advertiser* 18 April 1860, p. 3). The north-eastern exercise yard was demolished to make way for the legal offices and waiting rooms.

Relocation of the gallows to the Penitentiary Chapel

The gallows were also moved from Murray Street to Campbell Street. The practice of public executions in Tasmania had ended in 1855, necessitating alterations to the scaffold to enable the ultimate penalty to be prosecuted in private (Brand 1986, pp. 33–34). Therefore a small execution yard was created adjoining the remaining wing of the chapel. Four of the old cells were converted into two condemned cells. Thirty-two executions (31 men and one woman) took place there 1857–1946, the first being Alexander Cullen on 18 August 1857. That from 1878 to the final hanging in 1946 there were only nine executions suggests a change in sentencing policy.

Rectors of Holy Trinity Church, North Hobart, served as Anglican chaplains at the Penitentiary Chapel, and there was a tradition of the Holy Trinity Choir visiting the gaol at Christmas to sing in the chapel service (*Mercury* 12 June 1933, p. 2). At some point attendance at chapel services became voluntary. Some prisoners, of course, took no interest in the chapel, the chaplain or any of the religious services. 'The chaplain is the champion joke of the prison yard', James Paton of the *Clipper* told his readers in 1901. 'Of course the priests and parsons mostly fail to see where the joke comes in; so they, too, learn to put faith in the Gibbet rather than the Cross' (*Clipper* 1901, p. 3). Christmas Communion was conducted on Boxing Day (*Mercury* 5 January 1925, p. 3). In 1928 Canon Blackwood, one of the honorary Anglican Chaplains of the Gaol, held a special series of services for Good Friday and Easter Sunday, including a lantern slide show depicting the life, death and resurrection of Christ. The gaol choir 'rendered very effectively "The Story of the Cross" …' (*Mercury* 10 April 1928, p. 7).

The lingering stigma of convictism

Port Arthur closed as a gaol in 1877, with remaining inmates being transferred to Campbell Street. The development of convict tourism may have helped dispel the so-called 'hated stain' of convictism in Tasmania (Young 1996; Reynolds 1969, pp. 19–31), but the working prison at Campbell Street would never be rehabilitated as a tourist attraction, being the subject of calls for demolition as early as 1881 (*Mercury* 27 July 1881, p. 2). Ironically, one of the instigators of convict tourism was the ex-convict photographer Joshua Anson, who served time at the Campbell Street Gaol both before and after he took photos of Port Arthur in 1880 (Anson). JW Beattie, remembered for his collections of convict memorabilia which he sold to Tasmania's two major museums, was the Anson's Studio's leading photographer before he bought it from the bankrupt Joshua Anson.

The Criminal Courts were redecorated in 1891 (*Mercury* 20 May 1891, p. 2) but no improvements appear to have been wasted on the spartan condemned cells. The security arrangements were impressive. Two double-bolted iron gates secured the exercise yard used by the condemned during his or her last three weeks, and two more iron gates separated that facility from the condemned cells, which contained no more than a fireplace, wooden stool, small table as well as, presumably, a bed. A warder saw the prisoner every fifteen minutes, and 30-feet-high walls topped with iron spikes made the place 'thoroughly impregnable' (*Tasmanian News* 28 September 1895, p. 2).

In the first half of the twentieth century many Tasmanians still vehemently denied their convict ancestry. Expressions of this included the public reaction to the filming of Marcus Clarke's 'gothic' convict tale *For the term of his natural life* in 1926 (*Examiner* 26 July 1926, p. 4) and efforts to absolve the state's penal past in nature appreciation (MacFie 1992, p. 45), landscape beautification and the memorialisation of conquering free European pioneers (Walker 2000, p. 81).

Throughout this period there were regular proposals to move the Hobart Gaol out of the city. Typical comments both in Parliament and in the public forum included that the site was an 'eyesore' which gave a bad impression to tourists (*Daily Telegraph* 23 May 1908, p. 9; *Daily Post* 21 November 1916, p. 4; *Mercury* 23 December 1950, p. 3). With its gallows and abandoned solitary cells, the Criminal Courts Building contained some of the most potent symbols of 'the

bad old days', inspection of which seemed to both thrill and appal (*Mercury* 5 July 1911, p. 6). The abandoned scaffold was revived in 1914 for the execution of nineteen-year-old murderer Joseph Henry Belbin, whose corpse, after the obligatory inquest, was brought into the chapel to be given funerary rites by the chaplain, in the presence of the sheriff and gaol superintendent *(Examiner* 12 March 1914, p. 5).

The Campbell Street site was not only an on-going reminder of the unspoken past that many wanted to deny, but it was unsafe, decrepit and small by modern standards of penal reform. One improvement, the building of a deputy gaoler's residence, disappointed those who supported the Evans Ministry proposal to remove the gaol ('a blot on the architectural beauty of the city') to Derwent Park. At that time the deputy gaoler Michael McSherry was housed in a small octagonal building within the Penitentiary (*Daily Telegraph* 27 November 1909, p. 11).

However, the problem was that the convenient proximity of gaol and courts which existed at Campbell Street would be lost if the former moved without the latter (*Daily Post* 20 November 1915, p. 5; *Mercury* 11 July 1935, p. 11). To move the criminal courts out of the city would also inconvenience the legal profession. In 1926 a Parliamentary Committee on Public Works concluded that moving the Hobart Gaol to the Hayes site beyond New Norfolk was not warranted , the small savings that would be made by such a move being outweighed by additional expenditure in other directions. The committee believed that providing a new building for the existing criminal courts alone would cost £10,000 (*Examiner* 28 July 1926, p. 5). By 1935, the cost was much higher at an estimated £37,600 (*Mercury* 5 July 1935, p. 9).

Built heritage appreciation in the post-World-War-Two period

While appreciation of John Lee Archer's convict-built engineering masterpiece, the Ross Bridge, was expressed in the works of early visual artists (Nigel Lewis Aitken Pty Ltd et al 2003, p. 22), his Penitentiary Chapel received less favourable attention while it was attached to a hated gaol. The upswing in appreciation of Tasmania's colonial built heritage can be partly attributed to the distance of passing time but also to the work of the Tasmanian Society from the 1930s (Petrow 2006), authors such as Michael Sharland (1952 and 1966), Roy Sharrington Smith (1962 and 1969), Clifford Craig and the National Trust Australia (1964), E Graeme Robertson and Edith N Craig (1964 and 1970) and Leslie Greener and Norman Laird (1971), plus the advent of the Tasmanian Historical Research Association (in 1951) and the National Trust Australia (Tasmania) in 1960.

Architectural historian Roy Sharrington Smith didn't wait for the closure of the Hobart Gaol in 1963 to praise the 'beautiful lines' of John Lee Archer's Penitentiary Chapel tower, ranking it 'among the best colonial works carried out in Australia in the nineteenth century'. 'The tower', he wrote,

grows richer in detail as the eye follows it upwards from its simple brick base. Notes of interest are found in the key-patterned windows below the first stone cornice, in the carved capitals of the corner pilasters of the clock shaft, and in the skilfully shaped attic above the entablature of the order. The mellowed base with its recessed brick arches is often dappled by shadows from the trees in the foreground, which press rather closely on the building but soften its otherwise commonplace setting (Smith 1962, pp. 13–14).

Architectural historian JM Freeland, writing in 1968, preferred Archer's bridges and military buildings to his churches ('his lesser works'), describing the latter as 'typical of the sort of parish church that had a revival in the southern counties of England during the eighteenth century'. However, Freeland appreciated the 'proportions and texture' of Archer's chapel (Freeland 1968, p. 53). By contrast, writing in 1970, E Graeme Robertson identified in the Penitentiary Chapel an architectural style that reached across the British colonies, describing it as 'an excellent example of Greek temple and Wren tower, as expounded by Professor Joseph Burke' (Robertson 1970, vol. 2, p. 191). Eric Ratcliff complimented its 'fine' Georgian tower, its 'elegant' street frontages and its 'stylish' south-eastern elevation (Ratcliff 2015, vol. 4, p. 2126). Robyn Everist called it 'an excellent example' of a Georgian-style church, the clock tower being 'simple and well-proportioned' (Everist 2018, p. 40).

Closure of the gaol and courts and restoration of the Penitentiary Chapel

Removal of prisoners to the new gaol at Risdon in 1961 necessitated removal of some of the chapel floor and the disused solitary cells beneath them, the space being needed for a wire security cage which guided prisoners into court (Rieusset 2018). The Deputy Gaoler's residence was converted to a daytime holding block (Rieusset 2018). The gaol adjoining the Penitentiary Chapel was demolished in 1966 (Brand 1986, p. 58) —partially destroying the chapel's historical context. Soundproofing and ventilation improvements were conducted at the Hobart Criminal Courts in 1969 and 1971 respectively, but in the latter year the Parliamentary Standing Committee on Public Works judged facilities at the Courts 'completely sub-standard' and recommended the construction of new Supreme Courts (Brand 1986, pp. 59–60).

The new Criminal Court at Salamanca Place (THR 10047) opened in 1975, with Stage Two of the complex following in

1980. In 1984 the old Courts and Gaol Chapel were gazetted a State Reserve under the *National Parks and Wildlife Act* (1970) and given the title 'Old Trinity Church–Criminal Courts Historic Site'. In the following year the site was leased to its present manager the National Trust of Australia (Tasmania) (Brand 1986, p. 60). The Gaol Chapel was restored 'to depict the original architectural design concept of John Lee Archer's Penitentiary Chapel' (Rieusset 2018).

A chance discovery under the floorboards of a refractory cell in 2011 revealed mid-nineteenth-century artefacts, prompting an excavation supervised by the Port Arthur Historic Site Management Authority (PAHSMA) (Rieusset 2018) and giving a glimpse of the site's overall archaeological potential. Guided tours, including 'ghost tours', are now conducted through the complex. In July 2016 the National Trust of Australia (Tasmania) gained approval to project 'Pandemonium', the 'convict film experience guided tour' in the remaining chapel transept. A 'convict hub' which is now being established at the Penitentiary Chapel by the National Trust in conjunction with Roar Films is expected to make this a quintessential site for those interested in nineteenth-century Tasmanian convictism.

Comparative analysis

Comparison with other Georgian churches and convict chapels

While the exterior of the Penitentiary Chapel presents as a fine example of a Georgian church, it is not a particularly intact one internally since its nave and north-eastern transept were converted into court rooms. There are more than 30 Georgian-style churches in Tasmania, including several others designed by John Lee Archer: St Luke's Church of England at Richmond (THR 1135), St Johns Church and Parsonage (THR 2740) at New Town; St Lukes Presbyterian Church (THR 44) at Bothwell; and St Johns Anglican Church (THR 4612) in Launceston. Archer also designed the nave of St Georges Church of England (THR 1688), Battery Point. These have all retained their internal form.

Yet there is only one Tasmanian convict chapel site to compare with the Penitentiary Chapel. The Gothic Picturesque-style c.1836 church which was an essential part of the Port Arthur Penal Settlement (THR 6) was burnt out in 1884 but is exterior form remains. It had the same cruciform design as the Penitentiary Chapel, with seating provided across three wings. However, the siting of the two churches is entirely different, with the Port Arthur Church being placed in an isolated, elevated position symbolic of heavenly purpose and moral rectitude. The siting of the Penitentiary Chapel was not symbolic, but functional and convenient, being attached to the prisoners' barracks to provide what was considered a necessary role in their reform. Its appearance was and is less dramatic than that of the former church. However, the Penitentiary Chapel had the unique element of the solitary confinement cells beneath floor level, dramatically combining religious instruction with punishment and in doing so adding another layer of symbolism to the site. The Penitentiary Chapel demonstrated three levels of moral existence, the wretched soul in solitary confinement at the bottom, the convict improving himself through religious instruction at the intermediate level, and the realm of the Almighty above.

While elements of the early Launceston Penitentiary (THR 4314 and 4703) and the later Launceston Female Factory and Gaol (THR 11010) survive these do not include a chapel. The latter site was known to have included a chapel built in the 1840s.

Comparison with other nineteenth-century criminal courts

The Penitentiary Chapel is an outstanding demonstration of a nineteenth-century Supreme Court, being a relatively intact example which includes two courtrooms, waiting rooms, judge's chambers, robing rooms and legal offices.

The 1824–26 Supreme Court and 1858–60 Supreme Court buildings within the Treasury Complex and Public Buildings (THR 11734) survive, but only the 1858–60 court room retains the original timber fixtures and joinery internal integrity, and even in that case the associated rooms have been altered substantially. John Lee Archer also designed the Court House at Oatlands, a rare regional Supreme Court which forms part of the Military Complex at Oatlands (THR 11031). Like the Penitentiary Chapel, the Oatlands Court House still features gallows, although not functional gallows like the one at the former site. The Launceston Supreme Court and Struan House (THR 3943) survive, but the Supreme Court was only added to this building in 1929.

Some modest examples of nineteenth-century court rooms survive in Tasmanian regional centres. Many were built primarily to house sessions of the Magistrates Court, although they could also be used for sessions of the Supreme Court when necessary. They were often built adjacent to a town's watch-house or police station (for example, the former Police Station and Colebrook Courthouse [THR 5423] and the former Zeehan Police Station and Courthouse [THR 5662]). In the development of towns and cities, the courthouse provided a representation of law and order and an enduring presence of colonial governance. Other nineteenth-century municipal court rooms on the Tasmanian Heritage Register include the Council Chambers and Court House at Swansea (THR 1553) and the Campbell Town Courthouse (THR 4940).

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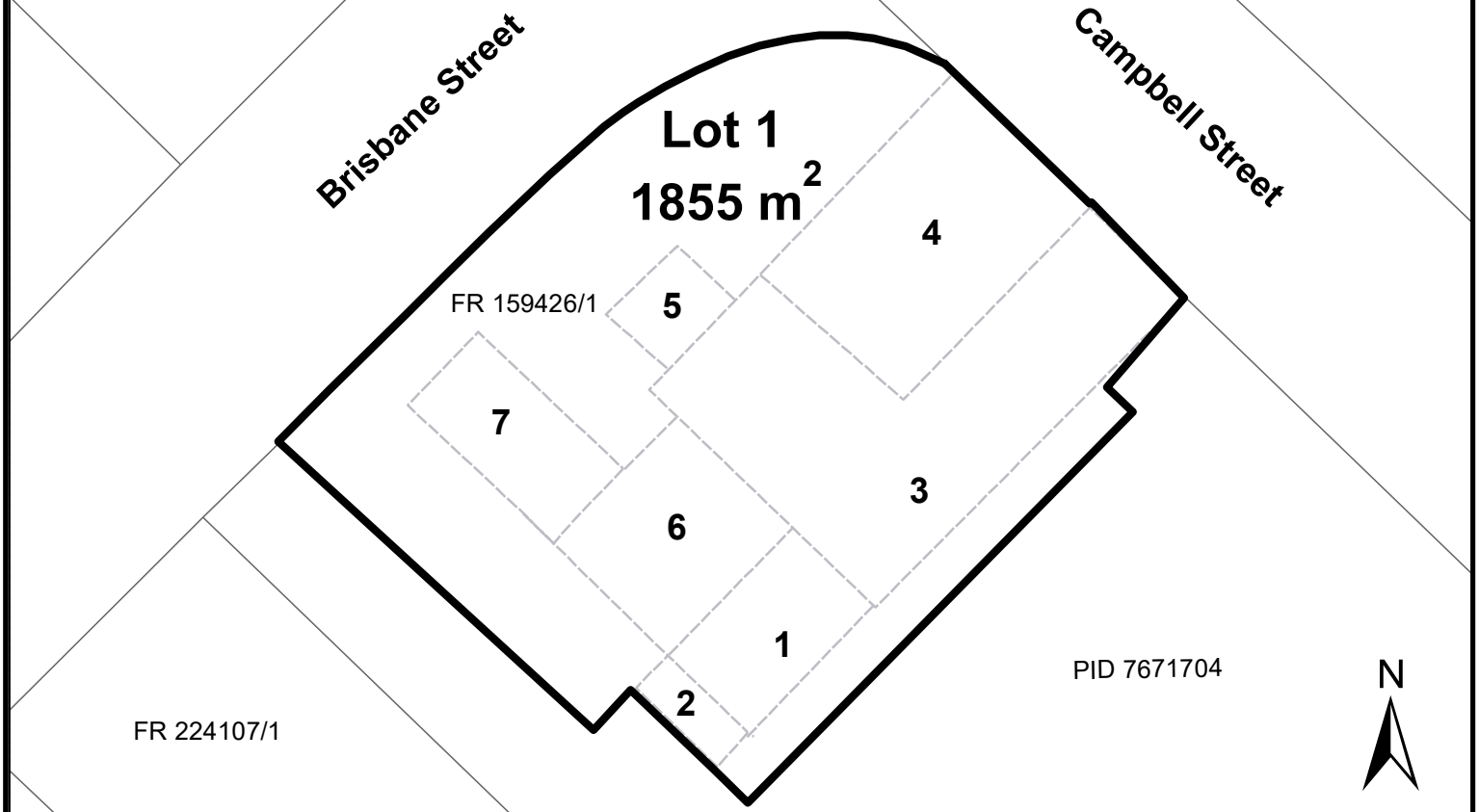
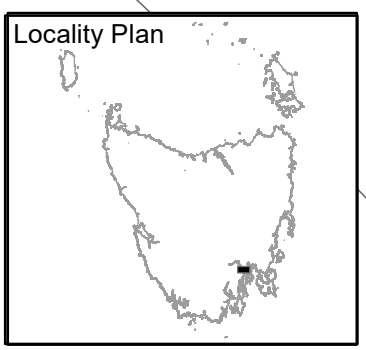
Note

1. Lot 1 represents the registered boundary for 'Penitentiary Chapel & Criminal Courts Complex', #12092 on the Tasmanian Heritage Register.
2. Lot 1 is the whole of FR 159426/1, the boundary of which is marked by a heavy black line and described below.
3. All boundaries are parcel boundaries unless otherwise stated, details of individual land parcel boundaries may be accessed through the Land Information System Tasmania (LIST).
4. For the purpose of S15(4)(b) of the Historic Cultural Heritage Act 1995, this plan replaces registered entry THR 2208.



Key

1. Chapel
2. Execution Yard & Gallows
3. Criminal Courts Building
4. Legal Offices Building
5. Clock Tower
6. Exercise Yard
7. Deputy Gaoler's Residence



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No.	PRODUCTION / AMENDMENT	AUTHORITY	REFERENCE	DRAWN	APPROVED	DATE
1	Production	THC	12092	AW	A.ROBERTS	28.11.23

Tasmania

Penitentiary Chapel & Criminal Courts

98A Campbell St, Hobart

PREPARED BY
HERITAGE TASMANIA

Tasmanian Heritage Council

GDA

CENTRAL PLAN REGISTER

p.p. Surveyor General:

Date Registered: 29.11.23

CPR 11426