

**Multiple Border Crossings:
‘Convicts and Other Persons Escaped from Botany Bay and residing
in Calcutta’¹**

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In recent years it has become rather fashionable to speak of ‘globalisation’. The growth of mass communications, ever cheaper transport links and interconnected economies bind the continents together. When an Asian butterfly flaps its wings, the whole world feels the breeze. Yet global networks have been in place for thousands of years. From the earliest times, traders, speculators and settlers have moved across continents and oceans, taking with them goods for sale and exchange. This movement

¹ This article originated in a number of chance findings in several archives: the Archives Office of Tasmania (AOT), India Office Library, London (IOL), Mauritius Archives (MA), National Archives of India (NAI), Public Record Office, London (PRO) and Tamil Nadu State Archives, Chennai (TNSA). I would like to thank their archivists and staff, together with those at the National Library of Scotland, for their kind assistance with this research. The British Academy and Carnegie Trust for the Universities of Scotland have provided generous support for several research trips to Mauritius and South Asia, for broader research on convict transportation in the Indian Ocean. Norma Townsend inspired me to look once more at the significance of this material. Alan Atkinson, Bernard Attard, Durba Ghosh, Warwick Hirst (Mitchell Library), David Roberts, Geoffrey Sharman and the *Journal*'s anonymous referees took the trouble to point me in a number of useful directions. Ian Duffield kindly lent me microfilms of convict conduct registers from the AOT. Hamish Maxwell-Stewart and Tina Picton-Phillipps generously showed me additional material from the AOT and Archives Office of New South Wales (AONSW). Finally, the websites hosted by the Universities of Wollongong and Murdoch proved absolutely indispensable in tracing possible antecedents of several escaped and time-expired convicts.

of people and commodities reached its apotheosis with the rise and fall of European empires. As Salman Rushdie's Moraes Zogoiby puts it, it was pepper that first drew Vasco de Gama across the Indian Ocean to the Malabar Coast. What the world wanted from India was daylight clear: it was not so much a sub-continent as a sub-condiment.²

Studies of the British who later migrated to India have overwhelmingly focused on the privately educated, middle-class men who made up the military elite and administrative classes of the East India Company and, later, Government of India. Attempts to redress the gender balance have simply slotted middle-class women into this equation. Only a limited number of histories touch upon subaltern British soldiers and the culture of the garrison. Comparatively few studies have considered other manifestations of British working-class culture in the subcontinent.³ Yet from the last decades of the eighteenth century, British society in India mirrored the flotsam and jetsam of British society at home. Tradesmen, merchants, entrepreneurs, artisans, labourers and servants all ventured across the Indian Ocean to try their professional luck. Some of them prospered, others did not. Many more had mixed fortunes. That

² S. Rushdie, *The Moor's Last Sigh*, London, 1996, p. 5.

³ Historians who do tackle the issue of non-official and poor Europeans from various angles include: D. Arnold, 'European Orphans and Vagrants in India in the Nineteenth Century', *Journal of Imperial and Commonwealth History*, 7, 2, 1979, pp. 104-27, S. Chandra Ghosh, *The Social Condition of the British Community in Bengal*, Leiden, 1970, C.J. Hawes, *Poor Relations: The Making of a Eurasian Community in British India 1773-1833*, London, 1996, P.J. Marshall, 'British Society in India under the East India Company', *Modern Asian Studies*, 31, 1, 1997, pp. 89-108, P. Sinha, *Calcutta In Urban History*, Calcutta, 1978, P. Stanley, *White Mutiny: British Military Culture in India, 1825-1875*, London, 1998, and R.K. Renford, *The Non-Official British in India to 1920*, Bombay, 1987.

post-colonial analyses have largely chosen to circumvent the issues raised by the diverse socio-economic make up of the British in India is perhaps best explained by their potential to muddy the political waters, and blur the neat divide conceptualised by Edward Said as Orientalism: between colonizer and colonized, oppressor and oppressed, ‘us’ and ‘them’.⁴ Yet Orientalist discourse of the ‘other’ had its roots in the British metropole. British working-class men and women and other non-elite communities were also Orientalised within complex webs of colonial power.

Edward Said’s concept of Orientalism is, of course, situated within Michel Foucault’s power-knowledge paradigm. Said suggests that, in order to understand how the West managed and produced the East as ‘other’, Orientalism must be examined as a discourse. The application of his ideas about the complex relationships between power, knowledge and discourse to the South Asian context has resulted in a series of studies of colonial knowledge formation, or how Indian socio-economic structures were perceived by policy makers, legal experts, ethnographers and scientists, and the impact their perceptions had. The village community, religion, caste, criminality and gender, for instance, have all been examined in depth.⁵ Yet, as C.A. Bayly has recently commented, discussions of social communication within, rather than about, India (what he terms ‘the information order’) have remained limited. As Bayly argues: ‘knowledgeable people form distinct and active social segments with their own interests’. These could run counter to, or overlap with,

⁴ Edward W. Said, *Orientalism: Western Conceptions of the Orient*, London, 1978.

⁵ Some good recent starting points include A. Chatterjee, *Representations of India, 1740-1840: the creation of India in the colonial imagination*, London, 1998; B. Cohn, *Colonialism and its Forms of Knowledge: the British in India*, Princeton, 1996; T. Metcalf, *Ideologies of the Raj*, Cambridge, 1994; R. Inden, *Imagining India*, Oxford, 1990.

British knowledge or social formations.⁶ This circulation of knowledge was not of course confined to South Asia. Peter Linebaugh and Marcus Rediker have written of the flow of information in the Atlantic world: between commoners, convicts, pirates, soldiers, labourers and slaves.⁷

Drawing on the experiences of escaped convicts and other migrants from Australia, this article seeks to examine aspects of the information order in the late eighteenth and early nineteenth-century Indian Ocean world. The constant ingress and egress of ships, people and goods through the Australian ports transformed the ocean into a source of knowledge. Tamsin O'Connor's imaginative work on the spatial dynamics of the penal station and port of Newcastle in New South Wales illustrates how convicts looked to the sea, not the bush, as a focus for their dreams of freedom.⁸ Ex-convicts and free migrants too saw the ocean as a route to opportunity.

⁶ C.A. Bayly, *Empire and Information: Intelligence gathering and social communication in India, 1780-1870*, Cambridge, 1996, pp. 3-4.

⁷ P. Linebaugh and M. Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, London, 2000, p. 4.

⁸ T. O'Connor, 'Charting New Waters With Old Patterns: The Black Marketeers, Pirates and Those Who Just Dreamed of the Way Home. The Penal Station and Port of Newcastle, 1804-1824', paper presented at *Colonial Places, Convict Spaces: penal transportation in global context, c.1600-1940* conference, University of Leicester, 9-10 December 1999. John Molony also argues that 'Sydney and its inhabitants broke the official and geographical bounds of its imprisonment and looked out to places beyond the seas.' See *The Native-Born; the First White Australians*, Melbourne, 2000, p. 34. Grace Karskens makes a similar point in *The Rocks: Life in Early Sydney*, Melbourne, 1997, p. 19 and Chapter 16.

Escaped convicts exposed the potential fragility of the convict system, creating enclaves of social space, and inscribing them with freedom, at the expense of colonial power.⁹ As such, the authorities were keen to reassert their grip over the penal hierarchy. Once escaped convicts were caught, they were usually shipped back to Australia. Occasionally, they were sent on to England where they faced trial on the charge of returning from transportation. Though escaping from transportation was technically a capital offence, escaped convicts usually faced retransportation followed by flogging or removal to a penal station.

The experiences of ex-convict and free settlers were more complex, for they hovered at the blurred metropolitan/colonial conceptions of class, criminality, gender and race. Their fate was heavily dependent on the ways in which indicators of their status intersected to produce particular discursive formations. Australian border crossings thus reveal aspects of the nature of the information order in the nineteenth-century Indian Ocean world.¹⁰ They also provide a tool with which to explore some of the complexities of British society in the colonies.

⁹ I have made the same point in relation to Indian convict absconders in Mauritius: Anderson, *Convicts In The Indian Ocean:: transportation from South Asia to Mauritius*, London, 2000, p. 70.

¹⁰ Similar forms of social communication have been explored elsewhere. Marina Carter considers the role of the *sirdar* in nineteenth-century Calcutta as a source of information about indentured labour across the British Empire. See *Voices From Indenture; Experiences of Indian Migrants in the British Empire*, London, 1996. Ian Duffield has tackled the experiences of black seamen in the late-seventeenth and early-nineteenth centuries, arguing that their transoceanic mobility made them international transmitters of news, experiences and information, what Duffield terms ‘the Black Atlantic grapevine’. See ‘“I Asked How the Vessel Could Go”: the Contradictory Experiences of African and African Diaspora Mariners and Port Workers in Britain, c. 1750-1850’ in A.J. Kershen, ed., *Language Labour and Migration*, Aldershot, 2000, pp. 121-54 (quotation, p. 141).

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In 1800, a note of *Convicts and Other Persons Escaped from Botany Bay and residing in Calcutta, with their period of residence and their occupation* was passed to the East India Company in Bengal.¹¹ It listed fifteen women, eleven men and six children. The three women explicitly identified as escaped convicts were Elizabeth Harvey, who had been transported on the First Fleet (*Friendship*), Mary Ann Fielding (*Indispensable*) and Mary Bryant (*Britannia*).¹² The women had escaped to Calcutta on board the *Marquis Cornwallis*, and were living at Number 24 Rada Bazaar with three men arrived from the same ship. At least one of them, William Reid, worked his passage and was entered as a seaman in the ship's log. The men had been authorized to travel; it would not have been difficult for them to hide the women on board prior to departure. Given their domestic arrangements, it seems likely that the men were complicit in the women's escape.

¹¹ NAI Home (Public) Original Consultation, 3 July 1800, No. 7. List of convicts and other persons escaped from Botany Bay and residing in Calcutta, with their period of residence and their occupation, 2 July 1800.

¹² See P. Robinson, *The Women of Botany Bay: A reinterpretation of the role of women in the origins of Australian society*, Sydney, 1988, pp. 281 and 287: Elizabeth Harvey (*alias* Hervey/Harvy) NSW *per Friendship*, 1788, Mary Ann Fielding, NSW *per Indispensable*, 1796 and Mary Briant (*alias* Brian), NSW *per Britannia*, 1798. Two Mary Bryans were included in *Governor Hunter's Assignment List, return of convict women in the services of Officers or other Households, 1798*, AONSW, COD197, SZ767, pp. 155-57. The first was in the service of a Bryan Egan, the second was married to a George Patfield.

Number 24 Rada Bazaar was also home to two other Australian migrants, James and Eliza Scott. It is possible that the women had known them in New South Wales, and kept in touch after their departure for the city. Convicts and their scribes were certainly avid letter writers, and regularly communicated with friends and relatives overseas. Letters might pass through the official censor (the government offered free stamps as an incentive), though contraband communication could also be sent, if a willing courier could be found. As a time-expired convict petitioner, John Moreton, who landed in Mauritius in 1824 put it: ‘my friends were hearing from me all the time I was away’.¹³ Certainly, two other escaped convicts, John Benson and John Fairbank, gave letters to a crew member on the ship on which they fled to Mauritius. Fairbank addressed his to his father. Benson, the literate of the two, may have written it for him.¹⁴ One of the main objections to the continuation of the transportation system from the 1840s was of course the wide knowledge about Australia that was in circulation.¹⁵ Information certainly also moved in an Antipodean direction.

¹³ MA RA261. Petition of John Moreton, 4 July 1824. Daniels provides many examples of letters written by convicts: Kay Daniels, *Convict Women*, St Leonard’s, 1998, *passim*. For a nuanced account of the relationship between letter writing, the development of communications and migration: see Alan Atkinson, *The Europeans in Australia, A History: Volume One*, Oxford, 1997, Chapter two.

¹⁴ The papers concerning John Fairbanks and John Benson are located at MA RA662. Report of J. Finnis, Chief of Police, Mauritius, 13 November 1841, enclosing Deposition of Daniel Ford, 2 September 1841 and Report of the Procurer General, n.d.

¹⁵ D. Meredith, ‘Full Circle: contemporary views on transportation’ in S. Nicholas, ed., *Convict Workers; Reinterpreting Australia’s Past*, Cambridge, 1988, pp. 14-27.

Even if the women had not known Eliza Scott and her husband, they certainly knew which part of the city to go to once they arrived. The remaining people cited on the 1800 Calcutta list all lived nearby. They included two other First Fleeters, Mary Dixon and Mary Watson, who the women may also have known. Indeed, during the early period of transportation large numbers of ex-convicts left Australia. It was not unusual for them to head for India.¹⁶ During the last decade of the eighteenth century, the area around Lal Bazaar was colloquially referred to as Flag Street because of the strings of bunting there. It included Rada Bazaar which housed most of the Europeans resident in the city alongside the Armenian and Portuguese communities. Cossaitola Street, for instance, home to Mary Radford (*née* Dixon), ran down from Lal Bazaar. Doomtollah, where Elizabeth Wise and her husband Edward Sweeney, Richard Manly and Elizabeth Davis lived, was a Jewish and Parsi area. Moorghihatta Street, where Sarah Merchant and Thomas Tuck resided, was the site of the Portuguese market.¹⁷ There was a truly multi-cultural community. Indeed, by 1830, there were more Eurasians in India than British civilians.¹⁸

There was no suggestion that any people on the 1800 list, other than Elizabeth Harvey, Mary Ann Fielding and Mary Bryant, were escaped convicts. Several

¹⁶ Alan Atkinson, 'The Pioneers Who Left Early', *Push From The Bush*, 29 (1991), pp. 110-6. It is difficult to calculate precise figures, though Atkinson calculates that around a third of First Fleet men left the colony, and between 7 and 40 per cent of women (p. 113).

¹⁷ James Long, 'A Peep Into the Social Life of Calcutta During the Second Half of the 18th Century', reproduced in P. Thankappan Nair, *A Tercentenary History of Calcutta, Vol. II: A History of Calcutta's Streets*, Calcutta, 1987, pp. 18-19. The cultural geography of late eighteenth-century Calcutta has been reconstructed from details recorded in Thankappan Nair, *op. cit.*

¹⁸ Hawes, *op. cit.*, vi.

individuals noted on the list were however time-expired convicts. One woman, Mary Dixon, had left Botany Bay in 1796 for Amboyna, moving on to Calcutta three years' later. At some point, she married a Mr Radford, Master of the Company Artillery Band, but had been widowed before the list was compiled. Another, Elizabeth Marshall, had been in Calcutta since 1796, the same period of time that she had been married to a Mr Rott, who as employed as a Pilot. Apparently, she had called at Ile de France, then a French colony, later British Mauritius, *en route* to Calcutta. Sarah Young arrived in Calcutta in 1798 and had since married a cooper. Elizabeth Davis had been working as a midwife for the past year and a half for a Dr Dick. At least two of the men, John Wisehammer and Richard Manly, were also time-expired.¹⁹

There is no evidence that any of the other women noted in the list - Sarah Merchant (*née* Bath), Ester King (*née* Wilson) and Elizabeth Coop - had ever been convicts. They were perhaps free settlers, though it is possible that like many women they had changed their names during their period of transportation. The remainder of those on the 1800 list had no convict connections at all. James Roll, for example, arrived in Calcutta from the Northwest coast of America, having been employed as a carpenter on board several ships sailing between the Cape, America and India. Thomas Smith had worked his passage from Botany Bay as a ship steward.²⁰

¹⁹ AONSW Bound Indents, 1786-1799.

²⁰ As Marcus Rediker argues in his brilliant account of the early seventeenth-century North Atlantic maritime world, sailors inhabited a 'huge, boundless, and international' world, *Between The Devil And The Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, Cambridge, 1987, p. 10.

In many ways these Calcutta residents were models of respectability. Most followed a trade. The men were, on the whole, artisans, tradesmen or petty retailers. John Potrie was a tailor, James Roll a carpenter, and Richard Manly a bookbinder. James and Eliza Scott were licensed retailers of spirits; Elizabeth Davis was a midwife. Thomas Tuck was employed as a servant. Most were described as peaceable and quiet or of 'excellent character', and could produce security for good behaviour from other European residents. With the exception of those who had been widowed, most of the women were either married or cohabiting. There were no hints that any were of 'bad character', or working as prostitutes, the accusations so often levelled at female convicts at Botany Bay.

Why did the time-expired women on the list choose to move to Calcutta? Most female convicts stayed in the Antipodes after their sentences expired. Only a small minority of convict women were able to return to Britain or Ireland.²¹ It was difficult for women to save enough money to pay their passage, even if they wished to return. Many had formed new attachments which meant that they did not. If time-expired women did want to leave Australia, Calcutta was a closer, and therefore cheaper, destination. Others may have formed relationships with soldiers, sailors or labourers and decided to head for Calcutta when their companions did. Sarah Merchant, for instance, like Mary Dixon, had been married to a Company soldier before she was widowed. Given the traffic of soldiers and others within the region, convicts in Australia would have been aware of the opportunities for accommodation and employment that Calcutta offered.

²¹ Daniels, *op cit.*, pp. 237-8.

A decade later, for example, a man named Michael Tracy and a woman calling herself Mary Macdonald arrived in Calcutta on board the *Marian*. Michael Tracy was a convict; Mary Macdonald (Donald) time-expired. Like Mary Ann Fielding, one of the three women who escaped to Calcutta in 1800 (and who was subsequently retransported for the offence), Mary (Mac)Donald had been transported to Botany Bay on the *Indispensable* (1796). Had she heard details about shipping links and the potential opportunities Calcutta offered from her former shipmate, or some other acquaintance in New South Wales?²² Ordinary working people tapped into the oral culture of the Indian Ocean world, and then became part of the flow of people and information crossing the seas.

Despite the respectability of these Australian settlers, they were faced with hostility from the Indian authorities, for they brought with them the convict stain. It was not simply that these European plebeians could be convicts, and thus openly violating the law, nor that they might once have been convicts, that made their presence undesirable. That they had any connection with a convict colony at all raised difficulties. As Michael Sturma argues, the convict stain was remarkably enduring, especially in the context of sensitivities about European status in the colonies.²³

²² Mary (Mac)Donald's transportation is noted by Robinson, *op. cit.*, p. 287. She was 26 years old in 1811. Michael Tracy was transported on the *Boyd*, arriving in 1809, having been sentenced to seven years' transportation for cattle rustling: IOL P/130/37 (27 August 1811). J. Campbell, Secretary to Government New South Wales, to G. Dowdeswell, Secretary to Governor General Bengal, 27 August 1811. The New South Wales side of the correspondence can be found at: AONSW 4/3490B (I thank Tina Picton-Phillipps for this reference). See also, Robinson, *op. cit.*, p. 287.

²³ Michael Sturma, *Vice In A Vicious Society: crime and convicts in mid nineteenth-century New South Wales*, St Lucia, Qld, 1983.

Australian migrants elsewhere were routinely referred to as escaped convicts even when they were not - those who left for the Californian goldfields in the 1840s, for instance, were known as the 'Sydney Ducks'.²⁴ It was not unusual for Australian free migrants to be deported from other colonies, though they were neither convicts nor time-expired.²⁵ At the same time, European vagrancy (and its corollary, petty crime) in the colonies caused a great deal of anxiety amongst the administrative classes - and plebeian migrants from Australia were potential vagrants. This was as true in the Bengal Presidency as elsewhere.

Men formerly employed on Company ships often disappeared from official view after their discharge from service in Calcutta. Many did not hold the licence of residence that they were supposed to have. The Company had never allowed European migrants into India without a pass. A *List of European Residents* was sent to the Court of Directors in London on an annual basis, for careful inspection.²⁶ After 1788, in an attempt to keep tabs on the growing European population, a record of all non-East India Company employees was kept in Bengal, whether they held a licence or not. In addition, ships' masters were obliged to deliver a list of all Europeans on board when they arrived and left the port of Calcutta. They were responsible for any

²⁴ W. Hurst, *Great Escapes by Convicts in Colonial Australia*, Sydney, 1999, pp. 148-9.

²⁵ See, for example, MA RA201. Report of W. Blanc, Department of General Police Mauritius, 15 May 1822.

²⁶ NAI Home (Public) Original Consultation, 11 March 1783, no. 4. See also *British Social Life in Ancient Calcutta (1750 to 1850): During the second half of the 18th Century by the Rev. James Long and During the first half of the 19th Century by J.H. Stocqueler*, edited with notes by P. Thankappan Nair, Calcutta, 1983, pp. 47-8.

discrepancies. Passengers wishing to stay were obliged to register with the Master Attendant on arrival, or face deportation.²⁷

Many non-East India Company Europeans living in India were skilled craftsmen – silversmiths, jewellers, carpenters, bookbinders and tailors – semi-skilled workers, or engaged in trade, sometimes after their discharge from military service.²⁸ Whilst the Company needed their labour, there was always the risk that they might go out of business, fall sick or lose their jobs and end up on the streets. Worse still, unemployed European soldiers could become mercenaries. As David Arnold argues, though British society in India was not homogeneous, the illusion that it was had to be maintained. Poor Europeans could bring the ‘ruling race’ into contempt. Contemporaries made frequent references to the behaviour of drunken British sailors. Abdullah Bin Kadir, who taught Malay to Company officials in early nineteenth-century Malacca, wrote that they were called ‘tigers’ by the local population, because of their aggressiveness. When ships came into harbour, people shut their doors, leaving drunken men to smash up property, fight, rob, loot and leech.²⁹ Company administrators viewed poor whites, as they were generally known, with suspicion, and European vagrants as a menace.³⁰

²⁷ NAI Home (Public) Original Consultation, 25 June 1788, no. 38.

²⁸ NAI Home (Public) Original Consultation, 28 January 1788, nos 5- 6.

²⁹ Arnold, *op. cit.*, p. 124 and A.H. Hill, *The Hikayat Abdullah; the autobiography of Abdullah Bin Abdul Kadir (1797-1854), an annotated translation*, Singapore, 1969, pp. 72-3.

³⁰ The *Calcutta Gazettes* contain frequent references to European crimes and misdemeanours. See W.S. Seton-Karr, *Selections from Calcutta Gazettes*, Calcutta, 1864 and A.C. Das Gupta, *The Days of John Company; Selections from Calcutta Gazettes 1824-1832*, Calcutta, 1959.

The manifestation of this discourse in India was that from the end of the eighteenth century, unemployed Europeans were arrested and confined in the limits of Fort William.³¹ Additionally, paupers could be admitted to hospital.³² Both were removed from the visible parameters of society, far from the (again expressed as homogeneous) Indian gaze. The behaviour of Europeans was also subject to strict regulation. In 1704 the Company set up a small cause court to deal with civil and criminal disputes. The Governor and his Council adjudicated serious cases.³³ Increasingly, the Company also took measures to control the often violent conduct of drunken European sailors in port. There was always a surplus pool of them in Calcutta. This was desirable both as an easy means to replace deceased or sick men, and as a way of keeping the cost of labour and thus shipping down.³⁴ Sailors headed for the area around Lal Bazaar ('Flag Street') and the eating houses, grog shops and brothels in which they indulged.³⁵ Fights frequently broke out, so much so that in 1788 the Company directed that crew could not come ashore in possession of knives, or anything that might be used as a weapon. Ships' captains were obliged to provide security.³⁶

European female vagrancy in the colonies was a particularly disturbing prospect, as women who fell on hard times might turn to prostitution as one means of generating income. Indeed, the 1812 Select Committee on Transportation even

³¹ NAI Home (Public) Original Consultations, 24 April 1789, no. 8A; 1 May 1789, no. 2.

³² See, for example NAI Home (Public), Original Consultation, 12 May 1794, no. 18.

³³ Thankappan Nair, *op. cit.*, p. 7.

³⁴ Arnold, *op. cit.*, p. 115.

³⁵ Thankappan Nair, *op. cit.*, p. 509.

³⁶ NAI Home (Public) Original Consultation, 25 June 1788, no. 38.

suggested that the only means for women to leave New South Wales was to take up with a departing sailor.³⁷ At the same time, if an ex-convict or free woman was deserted or widowed – a not irregular occurrence in the late eighteenth and early nineteenth centuries - prostitution was one means of generating income. Their commodification of sexual encounters coincided with the nineteenth-century development of constructions of female sexuality to encompass patriarchal concepts of gendered separate spheres and the virgin/whore dichotomy. Middle-class observers saw prostitutes as the antithesis of the chaste woman: the source of immorality and contagion. The moral anxieties raised by female convicts in Australia have been explored in depth elsewhere.³⁸ Yet during the early nineteenth century, there is plenty of evidence to suggest that prostitutes were accepted within their own plebeian communities, both in Britain and early colonial Australia.³⁹ At the same time, all non-marital relationships were characterised as prostitution, or gross immorality.⁴⁰

³⁷ Report from the Select Committee on Transportation, 1812, cited in Atkinson, *op. cit.*

³⁸ There is an expanding literature on female convicts in Australia. Some recent starting points include J. Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*, Cambridge, 1997, Daniels, *op. cit.*, D. Oxley, *Convict Maids: The Forced Migration of Women to Australia*, Cambridge, 1996, and Robinson, *op. cit.*

³⁹ T. Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830*, London, 1999, pp. 42-3 and 194. Michael Sturma argues that in colonial Australia the perception that convicts engaged in 'lewd conduct' originated in the conflict between bourgeois sensibilities and working-class practices. See Sturma, *op. cit.* The seminal text on prostitution in Victorian Britain remains J.R. Walkowitz, *Prostitution and Victorian Society: Women, class, and the state*, Cambridge, 1980. On venereal disease, see M. Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in Nineteenth-Century Medical Discourse*, London, 1997. On prostitution in colonial Australia, see K. Daniels, ed., *So Much Hard Work: Women and Prostitution in*

In the colonies, European women's sexuality took on a further dimension, as the social and economic alliances and transactions in which women were engaged could lead to a crossing of racial boundaries. The double standard was in full swing here, for it was widely acknowledged that white men had sexual relations with women in local communities. In the metropole, the maintenance of juxtaposed virgin/whore female identities was necessary in order for middle-class women to distance and distinguish themselves from their social 'others'. European women in the colonies on the other hand occupied a social space primarily delineated through race not class distinctions. Social othering thus necessitated the appearance of racial cohesion, at least on the surface.⁴¹ Therefore, the activities of white prostitutes could not be tolerated. At the same time, the anxieties that the colonial elite – both male and female - felt in relation to poor white women was tempered by a feeling that however abandoned their character, they were still British, and were thus targets for salvation. Time-expired convict women and free migrants sailed both away from and towards these colonial gender anxieties.

Australian History, Sydney, 1984, especially Chapter one, and 'Prostitution in Tasmania during the transition from penal settlement to "civilized" society', pp. 15-86.

⁴⁰ See, for example, AONSW 2/8260 Reel 2421. A. Armet, Master of the *Friendship*, to Governor Macquarie, 14 January 1818, enclosing a List of Free Passengers on the Convict Ship *Friendship*. The list included Ann Adams, an 'unworthy character' who had lived with more than one crew member on the *Horatio* in the East Indies over a five or six year period, and to have prostituted herself to one of the sailors on board the *Friendship*. I thank Tina Picton-Phillipps for this reference.

⁴¹ There is a growing literature on women in British colonies. A recent starting point is C. Midgley, ed., *Gender and Imperialism*, Manchester, 1998.

That the Mauritian archives are replete with correspondence about the apparently lewd and troublesome behaviour of particular European women during the first half of the nineteenth century reflects the degree of concern felt by the authorities in dealing with their repeated transgressions of racial hierarchies. The women concerned were seen as a disgrace to their country. Mrs Harris had been left with two infant children to support after her husband (a soldier in the Royal Staff Corps) died. That she tried to make a living through selling liquor to soldiers on the island, and then contracted a venereal disease is hardly surprising. The description of her as ‘diseasing the soldiers’ is sadly predictable, given the gendered social order of the time.⁴² The conduct of another woman, Mrs Barrow, the wife of a Private in the Royal Sappers and Miners, was seen as desperate and disgraceful, on unspecified – though probably sexual - grounds.⁴³

The story of Agnes Forbes caused even greater concern, for she was said to prostitute herself to the slaves and creoles of Port Louis. Agnes Forbes came from the north of England. We do not know for sure how she ended up in India, but at some stage she married a soldier in the East India Company Artillery in Madras, who later died. She subsequently boarded a ship to Europe, but when it stopped in Mauritius in 1821, she decided to stay, eventually becoming involved with a European overseer of Indian convicts.⁴⁴ The continued drunkenness and apparent violence by both parties eventually led to Agnes Forbes being forbidden to enter the convict barracks. Their

⁴² MA RA471. Report of J. Finnis, 7 December 1832.

⁴³ MA Z2A80/120. Report of Lt Cole, 27 March 1835 and letter from G.F. Dick, Secretary to Government, to J. Finnis (n.d.)

⁴⁴ After 1815, approximately 1500 convicts were transported from North India to Mauritius to labour on public works. Anderson, *op. cit.*

behaviour was a huge threat to the moral authority of the British; especially Agnes, for she was doubly transgressive - of gender boundaries and her British/white-ness. At one point, she apparently fired a gun at an Indian convict who attempted to intervene in an argument between herself and her paramour; the convict's actions a peculiar inversion of the normal hierarchy of punishment. The Head of Convicts, Francis Rossi (later Superintendent of Police, New South Wales, and a Sydney magistrate)⁴⁵, was convinced that she would cause a disaster. Fortunately for the authorities, she died a few years later, solving the problem of what to do with her.⁴⁶

In this context, despite the apparent respectability of the Australian migrants in Calcutta, the East India Company did not want them settling in the city. In 1800 it issued a Proclamation, prohibiting any person who had ever been transported as a convict from landing in Bengal. If they did so, they would be deported. The Proclamation also ordered the return to New South Wales of the three escaped convicts detailed on the 1800 *List*.⁴⁷ The Company agreed that any hint of a convict stain could have serious implications for how Europeans were regarded by the Indian

⁴⁵ A.G.L. Shaw and C.M.H. Clark, eds, *Australian Dictionary of Biography: 1788-1850*, Melbourne, 1967, pp. 399-400.

⁴⁶ There is a huge correspondence on Agnes Forbes in the Mauritius Archives: MA RA176/178/181. Reports of Edward S. Byam, Chief of Police, 26 February, 26 April, 2 July, 25 July 1821 (the latter enclosing the report of Head of Convicts, Francis Rossi, 21 July 1821). Her death was reported in a brief sentence in the Police Report Books, 16-18 July 1825 (MA RA279). Agnes herself petitioned the governor in 1823 (probably for government rations) though unfortunately her petition is not reproduced in the archives. For a report on the petition, see MA RA234 Police Report, 7 November 1823.

⁴⁷ NAI Home (Public) Original Consultation, 21 August 1800, No. 5. See also Seton-Karr, *op. cit.*, p. 55.

population, and the same policy on time-expired migrants from Australia was adopted in the other Indian Presidencies.⁴⁸ Indeed, it is worth noting that European offenders sentenced to imprisonment were kept separate from Indian offenders. If transported to one of the Indian penal settlements in Southeast Asia European convicts were employed as overseers to Indian convicts. As I have argued elsewhere, convicted white felons threatened the racial (and moral) authority of the colonial administration.⁴⁹ There is no record of any of the time-expired men and women already resident in Calcutta being deported from the city as a result of the 1800 Proclamation.⁵⁰ At least one of the female convict absconders, Mary Ann Fielding, however, was returned to England, for there is a record of her trial on the charge of returning from transportation.⁵¹

⁴⁸ For correspondence on the time-expired man William White, who landed in Calcutta and promptly absconded, possibly to Madras, see IOL P/134/47(26 January 1821). J.B. Birch, Magistrate of Calcutta, to W.B. Bayley, Secretary to Government Bengal, 6 January 1821, enclosing the Deposition of William White and TNSA 155A (1821). W.B. Bayley to D. Hill, Secretary to Government Madras, 26 January 1821.

⁴⁹ Clare Anderson, 'Race, caste and hierarchy: the creation of inter-convict conflict in the penal settlements of South East Asia and the Indian Ocean, c. 1790-1880', special convict issue of *Tasmanian Historical Studies*, 6, 2, 1999, pp. 84-5.

⁵⁰ Indeed, others continued to sail for Bengal. Alan Atkinson, for instance, notes the time-expired convicts, Hannah Mullens and Charles Peat, who sailed for Calcutta in 1812. Atkinson, *op. cit.*, pp. 130-1.

⁵¹ Robinson, *op. cit.*, p. 259 (n. 22). Fielding was apparently sentenced to death, but this was commuted to life (re)transportation. See also AONSW Bound Indents, Mary Ann Fielding *per Nile*, 1801. There are no trial records of the other two women. They may have disappeared from official view or perhaps they died before they reached England. Tracing Bryant poses particular problems, due to the wide variations in the spelling (Bryant, Bryan, Brian, Brien). However, nobody with the first name 'Mary'

Another colonial administration, Mauritius, had a similar attitude to the reception of time-expired convicts. In 1829 the Chief Secretary to Government wrote of the island being overrun with vagabonds from ‘New South Wales and elsewhere’. Any person who landed on the island without means of subsistence was to be shipped back to their point of departure.⁵² The tension between the time-expired convicts’ often much needed skills and their status as ex-felons was impossible to resolve. As John Finnis, the Chief of Police, wrote in the case of the time-expired man Patrick Hastings later that year: ‘However desirable it may be to encourage persons of his Trade to settle here I fear the admission of time-expired convicts would be liable to many objections’.⁵³ Shortly afterwards the Australian authorities were asked not to let time-expired convicts sail for the island. These measures were legally authorized.⁵⁴

Despite this, time-expired convicts did subsequently arrive in Mauritius, though they were almost always briskly shipped back to the Antipodes. Just one man was given a license to remain. Daniel Kelly was a mason, and had been time-expired and any of variant name of Bryant could be traced as a retransportee to New South Wales at about the same time as Mary Ann Fielding.

⁵² MA Z2A49. G.A. Barry, Secretary to Government Mauritius, to J. Finnis, 21 March 1829.

⁵³ MA RA399/121. Report of J. Finnis, 12 March 1829 and Alexander Macleay, Colonial Secretary Sydney to G.A. Barry, 21 October 1829. Hastings was from Limerick, and was sentenced to seven years’ transportation in 1822. He was a cooper by trade. AONSW 4/4008 305-15 Patrick Hastings *per Brampton*, 22 April 1823.

⁵⁴ See, for example, the correspondence on a man named Hancorne. He arrived from New South Wales on the *Caroline*, with no means of subsistence. After several complaints about him were received by the police (of what nature we do not know) he was put on the *Caroline*, for Sydney. See MA Z2A 49. G.A. Barry to J. Finnis, 2 and 12 March 1829.

for some seven years before his arrival in Mauritius in 1832. That he had his ten year old daughter with him perhaps rendered him open to sympathy.⁵⁵ Three years' later John Roche was not so lucky. His request for a shop licence was turned down, and he was asked to leave the colony.⁵⁶ Later that year, Daniel Brophy, a time-expired convict described as a 'violent and dangerous character', was shipped back to New South Wales.⁵⁷

Such hostility towards Australian immigrants meant that when faced with time-expired convicts colonial purse strings often became uncharacteristically loose. In 1816, Elizabeth Atkinson⁵⁸ received a free pardon and was given permission to return to England with her husband, Thomas Atkinson. They left Sydney in November 1816, having secured a passage on the *Willoughby*. The couple first went to Batavia, then on to Amboyna. The ship then called at Calcutta and went back to its last port of call. There, it took troops on board; the couple were dumped at some unspecified place in Southeast Asia, fourteen months after they had left New South Wales. The captain of the ship *Junon* took pity on them, and offered a free passage for Mauritius. They arrived on the island in January 1819. By this time, they were completely destitute. Thomas petitioned the governor, asking that either he be allowed

⁵⁵ MA RA469. J. Finnis to G.F. Dick, 13 October 1832.

⁵⁶ MA Z2A84. G.F. Dick to J. Finnis, 10 April 1835.

⁵⁷ MA Z2A85. G.F. Dick to J. Finnis, 9 October 1835.

⁵⁸ Elizabeth Atkinson *per Minstrel*, arrived 12 October 1812 (tried London 30 October 1811): Robinson, *op. cit.*, p. 296.

to work on the island (he was a shoemaker by trade), or be returned to England. A free passage home was quickly procured.⁵⁹

The appeal of the Indian subcontinent and Mauritius to other ex-felons wishing to leave Australia was at least partly related to their inability to save enough money for their passage back to Britain or Ireland, unprovided for by the Australian authorities. James Moreton, who sailed from Van Diemen's Land, claimed that this was the case in his 1824 petition. He had stowed away on board the *Castle Forbes*, as he could not even afford the passage money as far as Mauritius, £60. Moreton wrote: 'that is a great deal of money for a man to raise who has nothing but what he gets by his work'. He was shipped back to Sydney, together with another time-expired man found on board, John Gunn, also a stowaway (in local parlance, *enfant trouvé*).⁶⁰

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During the first half of the nineteenth century, Indian Ocean shipping links proliferated. In the first decade of the nineteenth century, two vessels per month called at Sydney Harbour, including coal ships bound for India.⁶¹ During the same period two hundred ships passed through Prince of Wales' Island (Penang) each year.⁶² Between 1815-22 thirteen vessels arrived in Mauritius from Australia. By the

⁵⁹ MA Z2A15. Report of the General Police Office, 28 January 1819 and MA RA125 Report of passengers *per Phoenix* and Petition of Thomas Atkinson, 7 February 1819.

⁶⁰ MA RA261/263. Petition of John Moreton, 4 July 1824 and report of J. Finniss, 14 May 1824.

⁶¹ Molony, *op. cit.*, p. 32.

⁶² G. Leith, *A Short Account of the Settlement, Produce, and Commerce, of Prince of Wales Island, in The Straits of Malacca*, London, 1805, pp. 52-3 and 89-91.

early 1830s, this had risen to sixteen per year. Between 1829-32, no fewer than 47 ships arrived.⁶³ Sydney was increasingly centred at the hub of global trading networks. As John Molony notes in his recent study of the first generation of Australians born to immigrant parentage, from very early on children raised in Sydney grew up in a cosmopolitan world.⁶⁴

As traffic to the Australian colonies increased, so did opportunities for convicts to escape. Commissioner Bigge acknowledged this in his 1823 Reports. He estimated that between 1803-20 at least 255 convicts had attempted to escape by ship; almost a quarter of these men and women (61) were never seen again. Bigge further acknowledged that many more attempts than the authorities knew about were successful.⁶⁵ By the time of the Bigge Reports, a series of measures had already been taken. In 1818, the Colonial Secretary of New South Wales suggested that all ships should be mustered on arrival at their destination, as a means of detecting escapees.⁶⁶ From the 1820s, the Sydney Port Regulations required that commanders of all vessels give written notice of their departure at least ten days before setting sail. The list of passengers could then be checked against convict indents, to ensure that no escapees

⁶³ E. Duyker, *Of the Star and the Key: Mauritius, Mauritians and Australia*, Sydney, 1982, pp. 23-4.

⁶⁴ Molony, *op. cit.*, p. 78 and 169-77.

⁶⁵ J.T. Bigge, *Report of the Commission of Inquiry on the Judicial Establishments of New South Wales (1823)*, Adelaide, 1966, p. 79. The Mitchell Library has a copy of the Report's appendix detailing 'Escapes or attempts made by Convicts to escape from NS Wales since the year 1803 to 1820 Inclusive' (Bigge Bonwick Transcripts, Box 25, pp. 5449-52). The appendix does not name convict absconders, but gives details of how they escaped and their fate, if known.

⁶⁶ MA RA121. J. Campbell to G. Barry, 3 March 1818.

were on board.⁶⁷ The Australian authorities subsequently circulated descriptive lists of absconders abroad.⁶⁸ When receiving colonial authorities had the slightest suspicion that a new arrival was a convict, they immediately contacted New South Wales, Van Diemen's Land or Western Australia for verification of identity.⁶⁹ These measures perhaps explain why it was that in the post-Bigge period, despite enhanced opportunities, proportionately fewer convicts escaped.⁷⁰

Nevertheless, escaped convicts surfaced all over the world, as the Bigge Reports and the later Molesworth Committee (1837-8) recognized. Convict absconders jumped ship in New Zealand, in South America and in the numerous ports on the Pacific Rim. Escaped convicts also settled on various islands in the Bass Straits. Bigge reported that in 1818 officials had discovered a boat built by a party of convicts employed in seal fishery in the Bass Straits at George Town, near Launceston (Van Diemen's Land). Convicts made regular trips to the islands off land,

⁶⁷ J.T. Bigge, *Report of the Commissioner of Inquiry, on the State of Agriculture and Trade*, Adelaide, 1966, pp. 54-5.

⁶⁸ For the case of Jane Henry, *alias* Marie Wilkinson, *alias* Jane New, escaped from the Female Factory at Parramatta, said to be bound for Port Louis on the *Eliza*, see MA Z2A 54. F. Rossi, Principal Superintendent of Police Sydney, to J. Finniss, 24 July 1829. She was not found on board (Finniss to Rossi, 26 September 1829). Kay Daniels discusses Jane New in *Convict Women, op. cit.* Shortly before her escape, she wrote to her 'dear husband' thus: 'I hear that you are in Parramatta; I hope and trust that you will get an order to come and see me, for I am almost out of my mind at not seeing you.' (p. 135). For another list of absconders, see also TNSA Judicial, 5 July 1867, 55-66. List of [56] Convicts who are supposed to have escaped from the Colony [Western Australia] since 1 June 1850.

⁶⁹ See, for example, correspondence between W. Aorsten, Chief Police Magistrate Hobart, and J. Finniss, 31 July 1836 (MA Z2A100).

⁷⁰ Atkinson, *op. cit.*, 115.

and knew the waters well. Apparently, seal fishery in the Bass Straits was so affected by convicts escaping that it was relocated to the New Zealand coast and Macquarie Island.⁷¹ Nevertheless, the Bass Straits remained an attractive destination for absconders. A sealer, his escaped Van Diemonian convict wife and their three children were for instance discovered living on an uninhabited island there in 1837.⁷² Another group of escaped Van Diemen's Land convicts made it to Fiji in 1854.⁷³ Two convict women, calling themselves 'Rose' and 'Rosetta', turned up in Ceylon in 1855.⁷⁴

During the first decades of the nineteenth century, more escaped convicts were also picked up in India, Mauritius and, in a delicious irony, at the Indian convict

⁷¹ J.T. Bigge, *Report of the Commissioner of Inquiry into the State of the Colony of New South Wales (1822)*, Adelaide, 1966, p. 47 and *Report on the State of Agriculture and Trade*, pp. 55-6. On escaped convicts, see also Parliamentary Papers (PP) 1837 XIX (518) p. 1 ff: Report from Select Committee appointed to inquire into the System of Transportation (Molesworth Committee). John Ritchie also discusses Bigge's reports on escaped convicts: *Punishment and Profit: The Reports of Commissioner John Bigge on the Colonies of New South Wales and Van Diemen's Land, 1822-1823; their origins, nature and significance*, Melbourne, 1970, pp. 168 and 187. Convict escapes overseas are also discussed by W. Hurst, *Great Escapes by Convicts in Colonial Australia*, Sydney, 1999, pp. 148-9 and Robert Hughes, *The Fatal Shore*, London, 1987, pp. 209-18.

⁷² AOT CSO 5/38/787. Report of J. Gibbs, Collector, and G. Cooper, Controller, Customs House Sydney, 27 March 1837.

⁷³ AOT CSO24/257/10635 and CSD 1/28/33. Colonial Secretary's Office, Van Diemen's Land, 30 October 1854 and report of Captain Fitzgerald, H.M. Ship *Calleope*, Port Jackson, 31 December 1854.

⁷⁴ AOT CSD1/76/203. Female convicts absconded to Ceylon, July 1855 – January 1856.

settlements in Malacca and Prince of Wales' Island (Penang).⁷⁵ They included convict women. In 1817, for instance, Elizabeth Finlay, Amelia Barker and Ann Helling were discovered on board a ship bound for Calcutta. They had been smuggled on by three soldiers, disguised as men. Two of the women acknowledged that a portion of their sentence remained unexpired. The third claimed to hold a certificate of freedom, but the physical description detailed on it did not match her appearance. The women were quickly returned to New South Wales, their passage ripe with symbolism, for they rejoined the parallel networks of forced labour migration in the Indian Ocean. Their ship, *Frederick*, also carried seven European convict soldiers who had been sentenced to transportation to New South Wales whilst serving in India, and ten Indian convicts destined for the penal settlement at Bencoolen.⁷⁶ Two years' later, a twenty year old woman calling herself Catherine Ruby, who had absconded from Sydney on the *Port Sea*, was picked up in Mauritius. The ship's clerk, Joseph Clark, had apparently hidden her on board. She was also quickly returned to Sydney.⁷⁷ In 1823, Commissioner Bigge reported that it was often difficult to differentiate between convict and free women, which contributed to their ease of escape. That there was

⁷⁵ See for example: IOL P/131/60 (2 May 1815). W.B. Bayley to the Sheriff of Calcutta, 25 April 1815; IOL P/134/17 (14 February 1820). Report of W.B. Bayley, 26 January 1820; IOL P/134/21 (25 April 1820). J. Campbell to C. Luskington, Secretary to Government Bengal, 6 January 1820.

⁷⁶ IOL P/132/57 (28 March 1817). Extract of Proceedings, Law Department, 25 March 1817. Elizabeth Finlay, *per Experiment*, 21 September 1809 and Amelia Barker, *per Minstrel*, 4 June 1812. See Robinson, *op. cit.*, pp. 296 and 315 (AONSW Bound Indents 4/4004). In 1818 Elizabeth Finlay was sent to Newcastle for three years, having been found guilty of larceny. Robinson, *op. cit.*, p. 270 (n. 32).

⁷⁷ MA RA125. Report of the General Police Office, Port Louis, 16 February 1819 and MA Z2A16. Report of A.W. Blanc, Deputy Secretary to Government, 22 February 1819.

little difference between convict issue and standard working-class dress during the late eighteenth century did not aid the authorities in this respect.⁷⁸

The prospect of freedom from conditions of penal servitude was a powerful lure to escape. In addition, the devastation of the loss of and separation from former social networks is often forgotten as central to how convicts experienced transportation. In his evidence to the Molesworth Committee, George Arthur wrote of the hopeless escape attempts made by convicts: ‘if there were further proof wanting to show the irksomeness, and the extreme penalty of transportation, it is the desperate attempts that some of these men have made to get away ... they have placed themselves in casks, and under packages, and have suffered most excruciating pains’.⁷⁹ Convicts were not simply escaping from transportation, then, but towards old kin networks.

Yet most convicts’ voices have been silenced in the archives, serving to remind us of their status as penal labourers. We have no clue as to why many made their escape, and can only read of attempts to identify suspects, or letters noting the return of convicts to the Australian authorities.⁸⁰ The tales of convicts who made their

⁷⁸ Bigge, *Report of the Commission of Inquiry on the Judicial Establishments*, p. 48. On convict clothing, see M. Maynard, *Fashioned From Penury: Dress as Cultural Practice in Colonial Australia*, Cambridge, 1998, Chapter one.

⁷⁹ *Molesworth Committee*, Evidence of George Arthur, 30 June 1837.

⁸⁰ For a selection of Mauritian correspondence on escaped convicts, see: MA RA225. Report of E.A. Draper, Police Office, Port Louis, 5 April 1823; MA RA263. Report of F. Goulbourn, Colonial Secretary’s Office, Sydney, 21 May 1824; MA Z2A 20. Declaration of William Kneale, 7 November 1824; MA Z2A25. G.A. Barry to J. Finnis, 24 December 1824; MA Z2A30. G.A. Barry to J. Finnis,

escape from the Antipodes, or ex-convicts and free settlers seeking new lives on foreign shores, were invariably told through the mouths of the officials recording their stories – ships’ captains and crews, fellow passengers, Australian officials, and the police to whom they were handed over on arrival at port. Sometimes only fragmentary records of the escape and detection of convicts survive, in the form of bills of payments to returning ships’ captains. Often the convicts remain completely nameless.⁸¹ The absence of convict voices in the archives should not disconcert us. As has been argued elsewhere, subaltern silences are meaningful in themselves. An individual’s voice might not be audible, but the colonial discourses in which it has become lost can nevertheless be deconstructed.⁸² In other words, in the context of his/her status as a penal labourer, a convict might be reduced to a record of a financial transaction returning them to servitude.

18 and 25 April 1825; MA Z2D37. Report of A.W. Blanc, 14 September 1827; MA RA381. Reports of J. Finniss, 1 and 10 November 1828; MA Z2A49. Report of G.A. Barry, 19 February 1829; MA RA409. Report of J. Finniss, 2 February 1829, enclosing a declaration of the ship’s crew, 23 January 1829; MA RA430. Report of J. Finniss, 9 February 1830, enclosing Statements of Convict Neil McLachlan and R. Reynolds, Master of the *William Young*, 8 February 1830; MA Z2A179. Report of J. Finniss, 17 March 1843.

⁸¹ For details of these payments, see, for example, the Mauritian Blue Books (PRO CO172 series). The appendix to the Bigge Report is another case in point.

⁸² I refer here to Gayatri Chakravorty Spivak’s seminal essay, ‘Can the Subaltern Speak?’, reprinted with abridgements in P. Williams and L. Chrisman, eds, *Colonial Discourse and Post-Colonial Theory: a reader*, London, 1993, pp. 66-111. See also her more recent ‘Subaltern Talk’, in D. Landry and G. MacLean, eds, *The Spivak Reader: selected works of Gayatri Chakravorty Spivak*, London, 1996, pp. 287-308.

Where convict voices do emerge through the archives, they sometimes expressed the circumstances of their escape. John Stoodley, who was found hidden on board the ship *Aligator* in Port Louis, for instance, told one of the ship's crew on the way from Sydney that he had not received his wages from his master. By coincidence, the First Assistant Commissioner of Police in Port Louis, James Reader, had visited New South Wales twice before. Unfortunately for Stoodley, on both occasions he had stayed with the Port Master, Isaac Nichols, to whom the convict had been assigned as a servant. The Police Commissioner recognised Stoodley, claiming that he had heard the man tell his master that 'he had no business to strike his prisoner servants but report them to the Police to get them punished'.⁸³

Other convicts who escaped across the Indian Ocean did speak, though perhaps not always in ways that are easily perceptible. Whilst some absconders made oral and written statements, the latter sometimes mediated through an official scribe, the actions and possessions of others form their own sort of dialogue. As Ian Duffield has shown in his work on the Van Diemen's Land convict registers, individuals sometimes made impassioned statements about their lives when stating the nature of the offence for which they had been transported. James Bradley and Hamish Maxwell-Stewart have also suggested ways in which we can read the thousands of

⁸³ MA RA56. A.W. Blanc, Commissioner of Police, Port Louis, to F. Rossi, Acting Deputy Secretary to Government, 9 January 1815, enclosing Extracts from the Log Book of the Schooner *Aligator*, Captain Joseph Savigny, from Port Jackson, 5 and 6 September 1814 and report of James Reader, First Assistant Commissioner of Police Port Louis, 8 January 1815. Stoodley was from Devon where he was sentenced to life transportation in March 1811. AONSW Bound Indents (4/4004) John Stoodley *per Guildford* (1) 12 January 1812. Isaac Nichols was a wealthy emancipist dealer, ship owner, landowner and civil servant. See Karskens, *op. cit.*, p. 228.

tattoos which adorned convicts' bodies. Timothy Millett's vast collection of convict 'love tokens', the coins effaced of value and inscribed with personal meaning, can be read in similar fashion. Such approaches can form, in a dual sense, an archaeology of convict knowledge.⁸⁴

Benjamin Castle⁸⁵ for instance was discovered on board the *Boyne*, about a month after it had set sail from Sydney for Bombay in 1839. At first Castle refused to speak, a common tactic of everyday resistance employed by convicts hauled in for questioning. He only later admitted that he was an escaped convict. His were the desperate actions of a desperate man. After the Captain of the ship secured him, he twice removed his fetters. The second time, he was picked up off the coast of Cannanore (South India) attempting to swim to shore, a dangerous undertaking. Castle told the Bombay Police Magistrate that his motive for escaping was a longing to see his parents again. The woman, boy and initials RF, tattooed inside his lower

⁸⁴ I. Duffield, "'Stated This Offence"; High Density Convict Micro-Narratives', forthcoming in Lucy Frost and Hamish Maxwell-Stewart, eds, *Chain Letters: Narrating Convict Lives*, Melbourne, 2001. On the tattooing of convicts transported to Australia, see J. Bradley and H. Maxwell-Stewart, "'Behold the Man": Power, Observation and the Tattooed Convict', *Australian Studies*, 12, 1, Summer 1997, pp. 71-97 and 'Embodied explorations: investigating convict tattoos and the transportation system', in I. Duffield and J. Bradley, eds, *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, London, 1997, pp. 183-203. On convicts' religious tattoos, see H. Maxwell-Stewart and I. Duffield, 'Skin Deep Devotions: Religious Tattoos and Convict Transportation to Australia' in J. Caplan, ed., *Written on the Body: The Tattoo in European and American History*, London, 2000, pp. 118-35. On love tokens, see M. Field and T. Millett, eds, *Convict Love Tokens: the leaden hearts the convicts left behind*, London, 1998.

⁸⁵ AONSW Bound Indents, 37-516 Benjamin Castle *per Norfolk*, 12 February 1837.

right arm, perhaps speak of what he had left behind. It is perhaps ironic that Castle's motives for escape emerge through the colonial record.⁸⁶

The same is true for John Fairbank and his shipmate John Benson (*Mandarin*, 1840), who absconded together shortly after they arrived in Van Diemen's Land. The meticulous detail recorded by the colonial scribe on Fairbank's conduct register outlines his hostility to the penal regime. In the 15 months of his transportation, he had clocked up five and half months' hard labour in chains and 20 days in the cells, and had been twice reported to the magistrate. His first offence, a month after his arrival, was removing the government mark from his trousers. He was also punished for contraband trading, neglect of duty, absence without leave, feigning sickness and disobedience of orders – typical examples of convict resistance to the system. His attempted total evasion of it must be seen in this context.⁸⁷

In Van Diemen's Land, Lieutenant Governor Arthur had a policy of sending returned escapees to penal stations. After his arrest in London, Fairbank was tried and found guilty of escaping. He arrived back in Van Diemen's Land in September 1843 and was immediately transferred to Port Arthur. Within a year, his sentence of hard labour in chains had been extended by six months, he had undergone 35 days' solitary

⁸⁶ IOL P/402/33 (15 May 1839). J.A. Forbes, Senior Magistrate of Police Bombay, to J.P. Willoughby, Secretary to Government Bombay, 4 May 1839, enclosing Statements of George Richardson, Captain of the *Boyne*, 3 May 1839 and Benjamin Castle, 5 May 1839. Details of Castle's tattoos are noted at AONSW Bound Indents, 37-516.

⁸⁷ AOT Con 33/1. John Benson and John Wentworth Fairbank per Mandarin, 20 February 1840. On convict resistance, see Raymond Evans and William Thorpe, 'Power, Punishment and Penal Labour; Convict Workers and Moreton Bay', Australian Historical Studies, 25, 98 (1992), pp. 90-111.

confinement and had received 36 lashes. His offences once again included further misconduct in working, insubordination and absence without leave.⁸⁸ Another man, Edward Powers, was put on trial for absconding to Bombay some years earlier, in January 1830. He too was found guilty, sentenced to twelve months' irons and shipped to Macquarie Harbour, where he remained until October 1833. He was then transferred to Port Arthur for eighteenth months, when he was returned to public works in Hobart Town.⁸⁹ In another extraordinary case, Philip Cato stowed away from Sydney to Mauritius on the *Governor Phillip*, picking up the *Mary* on her way back to Liverpool, and working his passage home, probably during the early 1820s. In 1827, he was tried for a second offence and shipped to Hobart under the name Robert Collins. As a returned absconder, he was also sent to Macquarie Harbour.⁹⁰

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The colonial authorities' swift and harsh response to the escape of convicts overseas reveals the extent of the threat absconders presented, in openly challenging the convict system. Returned escapees had to be seen to be punished, to provide a

⁸⁸ AOT Con 33/1. John Benson and John Wentworth Fairbank per Mandarin, 20 February 1840.

⁸⁹ A few details of the escape can be found in IOL P/400/23 (4/18 February 1829). J. Cuzins, Commander of the *Phoenix*, to C. Norris, Secretary to Government Bombay, 22 January 1829 and Report of C. Norris, 14 February 1829. See also 431 Edward Powers *per Surrey* (1816) and *Elizabeth* (1825) AONSW bound indents, AOT, Con 31 and CS01/509/11138. I thank Hamish Maxwell-Stewart for the Australian references.

⁹⁰ I thank Hamish Maxwell-Stewart for the story of Philip Cato/Robert Collins. See 'The Accidental Death of James Thomas', *International National Trust Conference Proceedings*, 2000, and 782 Robert Collins *per Governor Ready*, AOT, Con 31/6. 758.

deterrent to all. At the same time, their escape created additional anxieties in other areas of European settlement, as the presence of white felons challenged the authority of the 'ruling race'. All Australian migrants were met with the suspicion that they too were escaped convicts. Even when it was clear that they were not, they brought with them the 'convict stain'. Equally, plebeian migrants were also potential vagrants. Yet these convicts and ex-convicts were also central to the exchange of information and knowledge between Australia and elsewhere. They both crossed ideological borders and collapsed geographical ones.

To make sure the convicts were treated fairly, Lieutenant Samuel Blow was appointed from the Navy Board. But things quickly went amiss: Blow's first job was to complete the paperwork on each convict. Captain Owen had purchased from Cork merchants the cheapest possible food for the crossing, but charged the Navy as much as he thought he could get away with. Second Mate, Robert Stott, who was responsible for issuing the rations, had asked for the lead weights to be "scraped" so as to make them lighter: the 2lb weight was found to be almost 3 ounces under-weight, and the 4lb weight to be six ounces under. The Irish Vanguard: The Convicts of the Queen, Ireland to Botany Bay, 1791 by Barbara Hall, (Irish Wattle, 2009). For other uses, see Convict (disambiguation). For a person convicted of a felony crime, see Convicted felon. See also Conviction. A convict is "a person found guilty of a crime and sentenced by a court" or "a person serving a sentence in prison".^[1] Convicts are often also known as "prisoners" or "inmates" or by the slang term "con",^[2] while a common label for former convicts, especially those recently released from prison, is "ex-con" ("ex-convict"). Persons convicted and sentenced to non-custodial sentences tend not to be described as "convicts". The legal label of "ex-convict" usually has lifelong implications, such as social stigma and/or reduced opportunities for employment. Multiple Border Crossings: 'Convicts and Other Persons Escaped from Botany Bay and residing in Calcutta'. Article. Sep 2001. Clare Anderson. View. K. Theodore Hoppen, The Mid-Victorian Generation, 1846-1886. Article. Credit, work and race in 1790s Calcutta: Early colonialism through a contemporary European view. Article. Mar 2000. Indian Econ Soc Hist Rev. Peter Robb. View. 'White women degrading themselves to the lowest depths': European networks of prostitution and colonial anxieties in British India and Ceylon ca.