

Absent Without Leave: the *Navarino* (1840) experiences

I have been working with the Founders and Survivors Ships project for the past 12 months. For those who don't know the background. 'Founders & Survivors is a partnership between historians, genealogists, demographers and population health researchers'. 'FAS volunteers working on the Ships Project trace the lives of every convict on a ship, finding marriages, births and deaths of the convicts and their children. They also trace any AIF descendants - i.e., those who fought in WWI. It is very interesting, but time-consuming research.' [<http://foundersandsurvivors.org/>]

I am now working on my third ship – the first, a men's ship, arrived in 1833; the second, carrying one of my ancestors, came in 1827 and currently the *Navarino* which arrived 1841. I have become interested in the conduct records of "absent without leave" and the varying punishments this offence incurred. I offered this paper right at the beginning of my work on the *Navarino* and now that I am getting close to the end of it, I am not sure that I am really any the wiser!

So, what's the difference between absconding and absent without leave? I am not sure that there is a technical definition but I have decided that absconding is when the prisoner was caught by the authorities but absent without leave was when s/he returned of their own free will. There are no indications, for those occasions when the "absent without leave" is for several days, whether the offence was reported before s/he returned to their place of assignment. We don't know what any of the women did in this period of absence – how they felt, where they went, what they did? Were they all for sexual liaisons, or just to escape the oppressive daily grind? Or was it a combination of all or any of the above.

What are the main punishments for "absent without leave"? As one would expect, they varied from person to person. They also – though there is no proof of this – varied according to the unrecorded events of the day: how was the prisoner dressed, how did the prisoner speak or behave, what sort of day was the magistrate having, what time of day the offence was brought to his attention, how did the master present the prisoner's behaviour, what sort of master/mistress was s/he, etc. Because we don't have the transcripts of these 'trials', these things have to remain unknowns, and we have to make some assumptions.

As you would expect, the more frequently the prisoner appeared in the court, the harsher the punishment. But not always. I haven't spent time trying to find any one day's records – that would be a bit like looking for a needle in a haystack I think. But for the women on the *Navarino*, there were lots of variations.

What sort of women were on the *Navarino*? 180 convicts set off, 2 died on the way. The ship also had settlers on board. Almost every convict was unskilled – house or farm servants in the majority. Most couldn't write though quite a lot said they could read. There were a large number from Scotland, about 1 in 6 with convictions there and a handful more who originated in Scotland but convicted in England, 15 from Ireland, a few from Wales and as one would expect, the majority from London, but a good spread from over the rest of the country. The oldest so far found was 55 and the youngest 14, though she was only 12 according to the surgeon's journal. Almost all were transported for relatively petty theft but all (of course) had had previous convictions. The average term was 9

years. Just under 20% had no conduct offences at all. Let's look at some of them. As a point of interest, last weekend when I was writing this paper, I had finished approximately ¾ of the women on the ship and more than half had an "absent without leave" recorded against them. The greatest majority were in their first 2 years in the colony.

Ann Collins (aged 19) and Jane Holbrook (20) each had multiple offences on their record, including 7 "absent without leave". Both had been transported for 10 years and received their freedom in 1850. For Collins, 3 offences resulted in 3 months hard labour, the last included imprisonment. For Holbrook, 2 offences resulted in a return to government service and another 2 in solitary confinement. Ann Mary Smith had 11 "absent without leave" offences spread right over her term – from 1841 until late 1847 (she was free in 1848). Most of her punishments were 2 or 3 months at the wash tub or hard labour.

Elizabeth Green, 26, on the other hand though she too had 7 "absent without leave" offences also had 3 abscondings and several drunkenness offences. But a couple of her "absent without leaves", mid-sentence, only resulted in a few days of solitary. There had to be something unwritten, and therefore today unknown, which influenced these results. She also had the longest absent without leave I have come across – 9 days – but even this offence only received 3 months hard labour so we have to assume some mitigating evidence was presented but not recorded.

Margaret Edwards on the other hand, though she only had 4 "absent without leaves" received mainly solitary confinement punishments, but she was often charged with being drunk as well. When I came upon Eliza Churchill's record, a few 'alarm' bells rang. In her first 6 months there were 3 offences, including one "absent without leave" (for which she was reprimanded) but she received her conditional pardon in April 1842 (15 months after arrival). She is one who worked the man's world system well by giving evidence at the 1841-3 investigation into female prison discipline. Her evidence seems well presented but I suspect she must have been a feisty individual who was prepared to stand up against the prison pecking order, (the bullies? similar to the Flash Mob). Some women received extra punishments because of evidence given at the inquiry. A point of curiosity is that one of these was named Caroline Justin (with 3 "absent without leave" offences) who became the grandmother of Albert Ogilvie, Tasmanian premier 1934-39.

I was surprised when I looked at the women who had only one "absent without leave" offence – 22 of them. Some of them had their "absent without leave" defined – eg 3 days and nights, all night, 5 days, 2 nights – but the majority just had it listed as absent without leave. These 22 ranged across the whole age range – 55 to 14. 2 of them were reprimanded; 3 had solitary confinements for 6, 10 or 14 days; the majority received hard labour of 1, 2 or 3 months. For some it was stated to be at the wash tub but others not. For some of these hard labours it was defined where it was to happen: in the factory, in the House of Correction, imprisonment, in the second yard. Caroline Williams, aged 30, who had feigned madness to avoid transportation (obviously unsuccessfully) was given only 3 weeks when her offence, (the only "absent without leave" but not the only offence) was combined with insolence. Did they feel sorry for her? I suspect it was some other unknown rather than empathy. Margaret McColl, the youngest on board, only had the one offence, an "absent without leave", in December 1841 for which she served 10 days solitary. Tough even for a tough convict.

While writing this paper, I wondered about the women who had both "absent without leave" offences and who married men who hadn't reached freedom. I hadn't kept track of this while

working on the Navarino so went back to have a quick look – or not so quick as it turned out. I had to find marriages where both were still convict status. It was a good idea which didn't produce any results, because I couldn't find anyone who fit my parameters!!!! And I felt I could better use my time. Though some of the men on the Enchantress, my 1833 ship, also had "absent without leave" offences, they weren't as frequently recorded as for the women. Was this a result of men expressing a form of idealism of how women should behave?

So, after all that, and having said at the beginning that I wasn't any the wiser now than I was then. I would like to surmise that there was a range of punishments established for absent without leave offences, but the personal reaction played a reasonably large part. Janet McKean, aged 18, had an intercession by her mistress after an "absent without leave" offence + being disorderly and the result was a reprimand. However, this relationship didn't last long because by her next offence, 12 months later, she was assigned to another person. Most women who had more than one "absent without leave" offence were sent for hard labour – which appears to be largely at the wash tub. A horrible punishment at all times, even for those who weren't used to the luxury of machines. The 1841-43 report into female prison discipline gives details of the labour performed at Cascades for the period 1 Mar till 30 April 1843. This includes 1075 blankets, 786 dozen 'linen', rugs, bed ticks, etc. 512 yards of blanketing was woven and the same quantity was prepared at the felling mill.

To summarise and getting back to today's theme of women in a man's world. For us looking back with 170-odd years' separation, absent without leave, as with other offences, received a sliding scale of punishments dependent on so many unknown factors. The women on the Navarino were either able to adapt their behaviour to fit in with the 19th century's standards of behaviour – dominated by male influence. Those who could adapt, avoided hard labour punishments; those who couldn't change had to suffer the consequences of their brief bursts of freedom. Absent without leave was just one manifestation.