Women, Crime and the Experience of Servitude in Colonial America and Australia.

Scott Craig
Florida State University

This essay argues that conceptions of gender greatly affected the way women experienced the early modern criminal justice system in Britain, particularly through convict transportation, an enigmatic process whereby convicts were forced into exile and servitude in both colonial America and Australia. It will explore working class women’s agency in three primary contexts. First, it will demonstrate how gender impacted the types of crimes women committed in Britain. Once sentenced, it will then examine their experiences as transports. Finally, it will show how the different penal contexts affected the kind of resistance strategies utilized by women, depending on when and where they were transported to.

On 10 May 1744, Sarah Howard appeared before a magistrate at London’s central court, the Old Bailey. Howard was charged with grand larceny, an offense that carried a severe punishment for those found guilty. Her crime was the theft of four shirts and a handkerchief, all of which had been washed and were drying outside the house of Mary Milney. Several witnesses testified that they saw Howard take the clothes, but one witness, Rachel Benn, mistakenly believed that Howard was one of Mrs Milney’s new domestic servants. Another witness, Jane Wilson, saw her take the clothes off the line and watched as ‘the Prisoner fell down on her face, with the things in her apron’. Wilson immediately took the items from Howard who immediately confessed that ‘she was drunk, and that she stole the linen’. Benn responded back to Howard, ‘are you not a vile hussy to take these things?’ The statements from the women who saw Howard take the clothing were enough for the magistrate to make a quick decision. Sarah Howard was sentenced to seven years exile to the American colonies.¹

Convict transportation to Colonial America has received very little attention from scholars over the past hundred years. The few authors who have written about the convicts mainly concentrate on them as a social group, without examining the role gender played in their experiences. Only one author has devoted any serious attention to the role of gender. Edith Ziegler, an Australian historian, has rightly argued that this neglect of gender ‘has tended to marginalize (and thus trivialize) the women’s experiences’.² Though the scholarship on Atlantic transportation is lacking, historians who study convict transportation to the Pacific have written a wealth of literature on that topic.³

As such, this paper aims to fill an important void in the literature and show the dynamic and complex nature of working-class women’s agency in their attempts to cope with their forced servitude and exile to the farthest reaches of the British Empire. First, it examines the context of gender ideology and crime in England. Only by examining the ways in which gender influenced the social and economic life in the metropole can we begin to understand why women were driven to certain types of criminal activity. Secondly, it will show some of the fundamental differences in the way transported convict women were received by both the American and Australian colonies. Finally, it will reveal how these convict women fit into colonial labor hierarchies, and how they were able to resist their forced servitude across different domains in the empire.

The colonization of the British Empire was a dynamic process that created unique cultures and polities in both the Atlantic and Pacific worlds. The impulse to expand British Imperial global territory was simultaneously in tension with contemporary ideologies of labor. In the sixteenth century, the New World’s European settlements were populated largely by both free laborers and indentured servants who were driven by their own diverse reasons for leaving the British Isles. By the late sixteenth century however, the prevailing

³ Perhaps the only academic text which focuses solely on convict transportation to America is A. Roger Ekirch’s, Bound For America: The Transportation of British Convicts to the Colonies, 1718–1775, Oxford University Press, New York, 1987.
economic ideology of Mercantilism cautioned that a nation’s strength could be measured by its population. With the introduction of the African slave trade to the English colonies, the immigration of white indentured laborers dropped precipitously. Though immigration of indentured servants to the colonies was in decline, there was still one demographic of British laborer that was in great supply: felons.4

Women have generally made up a significantly smaller proportion of those transported to both the New World and Australia, yet they seem to have had a profound impact, particularly in the Pacific. Colonial officials often argued that the convict women were worse characters than the men. Even today, women who commit serious crimes are often singled out as being worse perpetrators than their male counterparts. This is not an ahistorical phenomenon, but is rooted in the complex cultural ideologies of gender norms that emerged in early modern Britain.

As industrialisation began taking workers out of their homes and into the public sphere, women’s roles began to change. Once an integral part of the labor process when products were manufactured from the home, women instead remained in the private sphere as men were expected to be better able to cope with the social dangers of public life. Women essentially became managers within the home, and their lack of exposure to the public sphere suggested that their morality was preserved. As public spaces were taken as a danger to virtue, the segregation of gender roles created the stereotype of women being beacons of morality. This gender ideology was extremely divisive in the way classes perceived one another, as the emerging middle class deployed it in order to distinguish itself from the working classes, while the poor were forced to work and socialize in public places. This meant that while middle-class women could afford to stay at home, lower-class women suffered ridicule for seeking employment in the public sphere.

The separate spheres ideology painted an especially bleak picture for lower-class unmarried women. Domestic service was one of the few avenues in which women could be employed in early modern England, but it came with significant restrictions. For example, those employed as domestic servants were often contractually obligated to remain single, and not have any children. For those servant women that did fall pregnant, this could mean an extension of their allotted servitude.5 Consequently, since women were expected to remain within the private sphere, and appear highly moral, when they committed crimes they were not only breaking the law but established gender norms as well. The public sphere was perceived by contemporaries to be a rough and masculine world, and because crime was seen as a public issue, women’s crime was considered both a threat to the social order and the prevailing cultural ideology of separate spheres.6

The link between gender norms and criminality can be illustrated throughout many of the mechanisms of the early modern British justice system. Convict transportation was but one of many punishments dispensed in this period, but one thing that appears evident is that gender played a role in the way the public viewed women offenders. For example, while prison was a fairly uncommon punishment until the nineteenth century, the few existing accounts that describe it often speak of the way in which women were victims of exploitation. In his account of his time spent in an English prison, Jacob Ilive argued that the

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'Gaol is a deep Ditch of Debauchery, and a Sink of Death and Destruction.' Ilive explained the causes as follows:

There are many Reasons that greatly conduce to the general Debauchery of this Gaol; but no one does so more than the following, *viz.* The extreme Poverty and Want of the Girls [Molls as they are called] who are committed hither.

Sexuality was one of the limited options which women could utilise to survive within the prison system, as inmates were obligated to pay for their own food. Ilive saw them as ‘loose and disorderly Women’, even though he knew very well the predicament they faced.

In his pamphlet, *Mild Punishments Sound Policy: Or Observations on the Laws Relative to Debtors and Felons*, William Smith effectively elucidated the moral importance society placed upon women. ‘The power and influence of women are astonishing in drawing men astray, and often very effectual, when differently applied, in turning them to paths of virtue.’ According to Smith, women were nevertheless often victims of sexual exploitation:

The poor unhappy creatures themselves are often debauched under promise of marriage, which is a most unpardonable crime: for when a woman has lost her character, and is once exposed to public shame, what can she do? Nobody will take her into their house, nobody will employ her.

Smith also opined that prisons only served to corrupt women even further because once she was ‘in a gaol she soon loses all ideas of shame and decency’. Indeed, ‘modesty is forcibly drove out of the female heart, and she is laid open to shameless and abandoned impurity’. This observation shows that once women were labeled criminals, society deemed that there was little hope that they could regain the virtue that they had lost.

Did understandings of gender affect the way convict women experienced exile? This essay will begin chronologically by looking at one of the least understood eras of British penal history, that is, convict transportation to the American Colonies. This will provide a basis of comparison for understanding some of the fundamental differences between the experience of convict women in America and those that were exiled to Australia. The vast majority of those who were transported to the New World were sent to colonial Maryland and Virginia, and came during the eighteenth century, after the passage of the Transportation Act of 1718. Before this Act, few felons were transported to the colonies, but with its passage, a new era was created in the British justice system. Historians estimate that as many as 50 000 convicts were transported to America and about 20% were women.

From 1718, when the Transportation Act was first legislated, to 1775, the year transportation halted because of the War of American Independence, 3802 convict women were sentenced to exile in the New World from London’s central court, the Old Bailey. Of those convicted, an overwhelming 98.53% (3746) had been found guilty of theft. Violent theft made up 1.08% (41), while ‘deception’ made up 0.37% (14), and one person was sentenced for receiving stolen goods. A few conclusions can be drawn from this data about those convict women who were tried at the Old Bailey. First, the statistic for theft overwhelmingly

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9 William Smith, *Mild Punishments Sound Policy: or Observations on the Laws Relative to Debtors and Felons...,* London, Printed for and sold by J. Bew, 1778, p.43; Indeed, one Boston newspaper described an instance of eleven men who were convicted and transported to the colonies ‘7 of them ascribed their ruin to the association of lewd women, who drove them to unlawful courses, in order to support their extravagancies’. See *Boston Evening Post* (30 October 1752).
11 Ibid., p.46.
12 Contrary to the myth that Georgia was a penal colony, no convicts were ever transported to that region. On the Georgia myth see Albert B. Saye, ‘Was Georgia a Debtor Colony?’ *The Georgia Historical Quarterly*, vol. 24 no. 4, 1940, pp.323-341.
13 Ekirch, *Bound for America*, p.150.
14 Old Bailey Proceedings Online ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)), version 7.0 accessed 17 May 2012, Tabulating offence category where verdict category is guilty, punishment category is transportation and defendant gender is female, between 1718 and 1775. Counting by offence.
shows that while the convict women sent to America had a negative reputation from the
time they were sentenced, they cannot be considered violent offenders. This is further
illustrated when one looks at the small percentage of sentences for murder and robbery.
Secondly, it is important to take into account how gender may have played a role in the
disproportionate number of property crimes. Being relegated to the private sphere meant
that there were few opportunities for women to gain employment. Thus, it is not
unreasonable to assume that many of these economically motivated crimes may result from a
gender ideology which excluded women from the public sphere.15

Indeed, there were real differences in both the way men and women committed
crimes and the way they were punished in the eighteenth and nineteenth centuries. Because
women were less likely to be in the public sphere, most crimes involved people familiar to
them, such as relatives, neighbors and employers. For example, since domestic service was
one of the few occupations that allowed women to be employed within the separate spheres
ideology, it is no wonder that theft from their masters was a fairly common crime committed
by women. For those women who were convicted and remained in England, their options
for future employment were extremely limited, thus, the recidivism rate was higher for
women than it was for men.16

One of the major differences in transportation from these two periods is that convicts
experienced vastly different justice systems. Instead of being under the control of the state
during their entire term of transportation as in Australia, the convicts sent to the American
colonies waited to be transported in private prisons, undertook the voyage on a privately
owned ship, and their labor was auctioned off to private individuals, much like indentured
servants or African slaves. Sometimes this was an advantage to the convicts. For a small
minority of transports who had the money, a lump sum was enough to buy back their
freedom in the colonies. Though they might escape servitude, they could not escape their
exile, as a return to England before their term expired was a capital offence. The free
colonists recognized this double standard between class and criminality. As early as 1721,
The American Weekly Mercury reported that all it took was a ‘small Parcel of Money, as a
Gratuity or —— to the Merchant, for the Trouble and their Passage, they are set at Liberty as
soon as they set their Feet on this Shore’. Indeed, one convict who had ‘come over in Pomp ...
has brought his Mistress too along with him, who wears ‘tis said, rich Silk Cloaths and a
Gold striking Watch’. The newspaper acknowledged the fact that most convicts actually
came from the lowest orders of society:

it is a sad Case that they cannot be ordered to be better people'd than by such absolute
Villains and loose Women, as these are proved to be by their wretched Lives and criminal
Actions; and if they settle any where in these Parts can only by a natural Consequence leave
bad Seeds amongst us; for never doubt the Proverb, What’s bred in the Bone will never out the
Flesh.17

Nothing less than the future virtue of the colonies was deemed to be at stake, and the
governing elite were critical of a penal policy that threatened to demoralize the colonies.18 In
1768, The Newport Mercury published a report from a London newspaper questioning convict
transportation to the colonies. In the article, the American editor commented that it would be
nice ‘if they send us some honest manufacturers; but intreat [sic] them to desist emptying
their gaols upon us’.19 Benjamin Franklin, who had been a constant critic of convict
transportation, argued that in gratitude, rattle snakes should be sent back to England

15 For more on the convictions and criminality of women during in the eighteenth century see Gwenda Morgan
and Peter Rushton, Eighteenth Century Criminal Transportation: The Formation of the Criminal Atlantic, Palgrave
17 The American Weekly Mercury (14 February 1721).
18 This was apparently common knowledge in England as well. In Daniel Defoe’s classic novel Moll Flanders, Moll
was able to buy her way out of servitude once she was transported to Virginia with the help of her husband’s
finances. See Daniel Defoe, Moll Flanders, ed. James Sutherland, Houghton-Mifflin, Boston, 1959, pp.277-278. For
more on representations of women and crime in English literature see Sandra Clark, Women and Crime in the Street
Literature of Early Modern England, Palgrave Macmillan, New York, 2003; and Kirsten T. Saxton, Narratives of
19 The Newport Mercury (15 February 1768).
because ‘Rattle-Snakes seem the most suitable Returns for the Human Serpents sent us by our Mother Country’. There was one advantage to having the rattlesnake over the convict: ‘the Rattle-Snake gives Warning before he attempts his Mischief; which the Convict does not’. Always fearful of an uprising, the colonists were acutely aware of the social chaos that the convicts were capable of instigating. News of insurrections aboard convict ships in the Atlantic did little to quell their fears. On these voyages women’s mortality rate was lower than men’s, as one observer noted that women were in general more sober and had better constitutions.

In the Chesapeake, women had a unique place in colonial society. Like many of England’s early colonial ventures, Virginia suffered from a skewed sex ratio. It is estimated that in the early decades of that colony’s history, there was perhaps as little as one woman for every four men. This led the Virginia Company to proactively incentivise women’s immigration to the colony by subsidising the expensive journey. The voyage across the Atlantic would be paid for on the condition that these women married local farmers. This was both a way to stabilise the birthrate, but also to keep tenant farmers from leaving the colony after they made their money. This of course, did not mean that the women arriving were well behaved, as in the words of one historian, ‘They fornicated when they were supposed to remain celibate, they slandered gentlemen and gentlewomen, and they brawled with those with whom they had a quarrel’.

The division of labor in the Chesapeake was favorable to the white women operating within the ideology of separate spheres. As men did not desire to perform domestic duties, there was constant demand for women who could take over those roles. While white women were consequently not expected to labor in the fields, the same ideology of separate spheres did not apply to African slave women. In fact, the opposite was true, as African women were expected to work in the fields, perhaps a sign of their status in both the labor and gender hierarchies in Colonial America. White convict women fit very awkwardly then into the colonial labor scheme. Their status as depraved criminals meant that they were seen as too immoral to work within the home, but placing them in the fields also undermined the traditional gendered division of labor for white women in the colonies. This may be one reason why convict women often sold at a discount compared to other types of laborers at auction.

Women who were transported to America were also largely forbidden to enter into romantic relationships. In the American colonies slave reproduction was profitable, but for a convict with a limited length of servitude, pregnancy was a serious loss of labor. As a result, colonial legislatures enacted laws to ensure that convict women faced fines, corporal punishment, and the extension of their servitude for a year or more if they became pregnant. Suspected fathers of children with convict women also faced punishment. In Virginia in 1740, an act was passed ‘to oblige the owners of convict Women Servants having Bastards to give security to indemnifie [sic] the Parish’. This shows one of the fundamental differences of the law in a slave society compared to a penal colony, as in Australia pregnant convict women could simply be returned to the state for a substitute laborer. According to some scholars, sexual health was also an important factor in the 

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21 According to Abbot Emerson Smith an observer, Duncan Campbell estimated that about one in seven convicts perish on the voyage, but men were twice as likely as women. Abbot Emerson Smith, Colonists in Bondage: White Servitude and Convict Labor in America, 1607–1776, University of North Carolina Press, Chapel Hill, 1947, p.126.
25 As convicts were essentially private property during their term of service they were subject to severe punishments directly from masters and overseers. See Ekirch, Bound for America, p.164.
marketability of convict women, as those who bought convict labor could receive a discount for purchasing a convict woman who showed symptoms of venereal disease.\textsuperscript{27}

Resistance strategies are yet another way in which the experiences of convict women can be measured. Whereas in the Australian colonies there would be opportunities for convict women to draw on a collective gender identity in the prisons, in America transported women were likely to be dispersed through the colony. Convicts were generally bought in small numbers, and usually by those who could not afford slaves.\textsuperscript{28} Thus, it was rare for a large number of convicts to be working together at any one time. In the American colonies, running away from servitude was a fairly common form of resistance for many convicts, indentured servants and slaves, and runaway advertisements are one of the few sources that highlight convict women’s agency during this period. With more and larger urban areas to hide in, this gave a decisive advantage for women fleeing servitude in America compared with their Pacific counterparts. Indeed, in 1767, one master seeking the return of his convict servant noted that she ‘enquired for Philadelphia’, the largest city in colonial America at the time.\textsuperscript{29}

Descriptions of convict women provide an interesting insight into their origins. For example, advertisers noted the English, Welsh, Irish and even Dutch accents that convict women spoke with, which suggests that at least some of those transported from Britain were themselves immigrants at one stage or another. Mary Jackson and a fellow convict with whom she escaped were both noted to ‘discourse like Scotch people’. It was noted that Sarah Knox ‘talks broad’. Catherine M’Clue was also described as having an ‘Irish tone’ in her speech. Finally, Catherine Davidson was described in her master’s advertisement, not by her accent, but rather by the fact that she ‘speaks man-like’.\textsuperscript{30}

Though some convict women ran away alone, others joined convict men and they fled together. Mary Jackson ran away with her husband John Jackson, who claimed to be Irish and went by the alias ‘William O’Daniel’. Mary Chambers ran away with Joseph Bradford, and the advertisement warned that they might pose as husband and wife. James O’Bryan and a woman known simply as ‘Catherine’, who were both Irish convict servants, ‘pass for a man and wife, and have their indentures with them’. Catherine Davidson was said to have been ‘induced away by one John Greek, an Italian, or Grecian by birth’, who may have ‘attired her in men’s clothes, tho’ she may have women’s apparel with her’. Similarly, Elsa Pickle had help in her escape as ‘It is supposed that one John Manning, a Ditcher, carried her off and passes for her Husband’. In a more unusual case, Mary M’Creary and her son John M’Creary were both transported convict servants and ran away together in 1750.\textsuperscript{31}

Often, advertisements noted that convicts usually took some of their masters’ property with them, likely to disguise themselves, or to sell on their journey to freedom. Catherine M’Clue was noted to have taken with her

a strip’d Holland gown, too long and too tight for her, three shifts, an olive green petticoat of linsey, a pair of blue yarn stockings, a pair of leather heeled shoes, a white flannel petticoat, a fine linen apron, mark’d AA, a blue stuff mantle, a callicoe bonnet,

while Elsa Pickle ‘Took a Bottle of Rum and other Things’. Some masters described exactly what the convict was wearing when she made her escape in hope that she could be identified by her clothing. For example, Anne Jones ‘had on when she went away, a blue and white checker’d gown, a short red cloak, and brown and yellow strip’d petticoat’.\textsuperscript{32}

Descriptions of runaway convict servants also reveal diverse personalities. Mary Jackson ‘is a great singer’, and both her and her husband ‘love strong liquors’. Anne Jones was ‘not much used to work’, a statement which suggests her master believed that this was why she ran away in the first place. Catherine Davidson and John Greek ‘are brisk persons,
and sing and dance tolerable well’. It was noted that Sarah Knox ‘may pretend to be a dancing mistress; will make a great many courtesies, and is a very deceitful, bold insinuating woman, and a great liar’. Her master also had reason to believe that she may have been posing recently as a ‘quack doctor’, who ‘turns out to be a woman in men’(?)s cloaths, and now assumes the name of Charlotte Hamilton’. Advertisers also gave detailed descriptions of the convicts’ physical appearances, often noting scars, abnormalities, and one even called the convict woman who ran away from him a ‘round faced pert saucy wench’, a description which seems unlikely to help recapture a fugitive convict. Similarly, Mary Jackson was described as a ‘lusty woman’. Other advertisements were a little more specific in detailing traits that might identify the convicts. Mary Crosby was described as a ‘thick short well faced woman, with short brown hair, about 20 years of age’. Catherine Davidson was noted to have ‘a dark complexion, [and] black eyes’, while Elsa Picke was described as ‘about 30 or 40 Years of Age, of a brown tawny Complexion, middle Stature’.

Advertisements sometimes described how they believed the convict was avoiding recapture. In several cases, it was believed that the fugitive women were cross-dressing in order to confuse authorities, as in the case of Catherine Davidson and Sarah Knox. Aliases were also a common way in which convict women could alter their identity. Sarah Knox was also known as Sarah Howard and Sarah Wilson. Mary Chambers sometimes used the surname Connor and Catherine M’Clue occasionally used the surname Moore. Though running away was a nonviolent way to resist forced servitude, it was not unheard of that convict women would use violence to escape. One article in the New York Gazette in 1752 described the collusion of three convict servants. Two men and one woman attempted to murder their masters in an effort to escape their forced labor. Though atypical, this event shows the lengths convicts would go to flee their servitude.

Gender clearly affected the way convict women experienced servitude in America, but it has perhaps had an even more profound impact on women exiled to Australia, and even in Australian scholarship itself. The emergence of the study of women’s and gender history in the 1970s has caused nothing less than a complete paradigm shift in the way we understand Australian convict women. Before this profound renaissance in the scholarship, historians generally agreed with contemporaries that the women who were transported to Australia were worse criminals than the men. This led even accomplished historians such as L. L. Robson to conclude that ‘the Australian convict women were not of the highest quality’.

The emergence of women’s and gender history however, has allowed historians to reevaluate these suppositions about the inherent virtue of transported women. Perhaps no other issue stands out to prove this idea more than sexuality. One of the assumptions that both contemporaries and historians have perpetuated about the background of the women transported to Australia was that they were prostitutes. The basis for this generalisation however is flawed largely due to the fact that not one woman transported to Australia had been exiled from England for the crime of prostitution. Indeed, prostitution was not even a transportable offense. In fact, nearly all of the convicted women had been transported as first time offenders for property crimes, which indicates that these were not deviant felons, but simply people trying to survive in desperate situations. This has led historian Deborah Oxley to conclude that, ‘sadly, more attention was devoted to labeling convict women as prostitutes than exploring any other aspect of their lives’.  

See The Pennsylvania Gazette (29 June 1758), (24 October 1754), (13 February 1750), (20 February 1753), (18 June 1767), (7 June 1750), (30 October 1740). See The Pennsylvania Gazette (20 February 1753), (22 April 1754), (7 August 1749); New York Gazette (18 May 1752).  


So, if women could not be transported for the crime of prostitution, then what sort of offenses were women committing to be exiled to the antipodes? There is no simple way to answer this question, but some generalisations can be made from using information from the court records of London’s most infamous court, the Old Bailey. Of 4346 women transported from the Old Bailey from 1788, the first year of Australian colonisation to 1868 when transportation ended in Western Australia, approximately 94% (4084) of women were transported for theft. Royal offences which consisted of crimes such as forgery made up the second largest category at 2.37% (103), while violent theft or robbery was the third at 1.38% (60). Murder, the most heinous offense was only committed by 0.16% (7). These figures decisively indicate that women were transported to the Australian colonies for crimes that were of a non-violent nature. No convict women were sentenced for the crime of prostitution.

Though the figures from the Old Bailey show many important trends for English convict women transported to Australia, a closer look at records elsewhere suggests that the reasons why crimes were committed are very complex. For example, Irish women were usually transported for more violent crimes than their English counterparts. However, timing was also a factor as over half of all Irish women transported to the Australian penal colony of Van Diemen’s Land were sent during the Potato Famine in Ireland, from 1845 to 1852. For the Irish of the Famine Era, exile was preferable to starvation, and the increase in criminal activity may have been a calculated survival tactic for Irish women. Others also had family in the Australian colonies and saw transportation as a way of reconnecting with loved ones on the other side of the world. These examples are far from the norm, but they do show that women committed crimes for a variety of reasons.

If convict women were not sentenced to transportation for prostitution, why would they be regarded as such once they arrived in the Australian colonies? The answer to this question is much more complicated than it seems, especially if one takes into account early modern gender norms regarding marriage. Many of those who were transported to Australia were married before they left England, and there was little hope of reuniting with one’s family once exiled. Though this applied to both sexes, convict women were judged more harshly than the male transports, as they were labeled ‘prostitutes’ simply for being technically married but starting new relationships in colonial Australia. Thus, simply being in a committed relationship was enough to condemn women as deviants.

Once in Australia, transported women were almost universally regarded with contempt by the colonial governments. This is despite the fact that the penal colonies inherently suffered from a skewed sex ratio, making the prospect of having a self-sustaining population a particularly important issue. The colonial governors recognised early the demographic complications which would arise from this imbalance. With so few women in the colony, a sustainable population was unlikely, but with a seemingly limitless supply of convicts being transported, there was never any sense of urgency from the colonial governments to incentivise a reproduction policy. Therefore a gender ideology which dubbed the convict women as irredeemable took precedence over one that could have emphasised their potential to be reformed into virtuous citizens. In fact, one governor of New South Wales, Lachlan Macquarie, petitioned the British government to stop transporting women all together, a move which illustrates what little value the colony placed on transported women. Though the convict women had been stigmatised by this gender ideology, the officers and government officials were still assigned convict servant women in

38 Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.0 accessed 17 May 2012), Tabulating offence category where verdict category is guilty, punishment category is transportation and defendant gender is female, between 1788 and 1868. Counting by offence.

39 John Williams, ‘Irish Female Convicts and Tasmania’, Labour History, no. 44, 1983, pp.4-8; According to Nicholas Woodward, the crime of choice for Irish women to receive a sentence of transportation during the Famine Era was arson. See Nicholas Woodward, ‘Transportation Convictions during the Great Irish Famine,’ The Journal of Interdisciplinary History, vol. 37, no. 1, 2006, p.75.


41 Summers, Damned Whores and God’s Police, p.318.
the hope that marriage would create some semblance of a normal society. Historians of
gender in colonial Australia have also been quick to point out the hypocrisy of those officials
who chastised the convict women but also engaged in relationships with them. For example,
several historians have pointed to Lt. Ralph Clark, a high ranking government officer who
referred to the convict women as ‘damned whores’, but also cheated on his wife with one,
who bore his child.42

The colonial elite generally believed convict women were far beyond redemption.
With the assignment system guaranteeing the servitude of convict women to free colonists,
pregnancy became a critical issue. Instead of celebrating pregnancy in such a
demographically imbalanced society, it was shunned. Convict women were forbidden to
engage in sexual activity while serving their sentence, and the state policed convict sexuality
closely. If a woman became pregnant while serving her sentence, the person who leased that
convict could essentially trade her in for another servant to avoid a loss of labor. Indeed,
reproduction was seen by the state as interfering with the more important mode of
production. Pregnant convict women who were traded back to the state were then
committed to one of the prison factories, the most famous of which was in Parramatta, New
South Wales. For many, this punishment, which essentially took them out of the public all
together, was representative of a colonial government with little interest in the increase of
the tainted convict population. For example, in Van Diemen’s Land, children were weaned
by their convict mothers in the factory until the age of three, and then separated from them
and sent to state run orphanages.43

The government’s use of female convicts in factories seems to be a unique aspect of
Australian transportation. Convict women were relegated to manufacturing wool and linen,
as the production of textiles had been traditionally deemed to be women’s work.44 While
skills were an indicator of whether a convict woman could be successful in the new colony,
the vast majority of those women who were transported were unskilled. This reflected their
relegation to the private sphere as domestic workers in Britain. As the dominant authorities
in the colonial government, and with few if any upper-class women in the colony to
influence women’s issues politically, men were able to explicitly dictate what would be
classified as women’s work within the colony. Thus, the extension of the separate spheres
ideology seemed especially rigid in colonial Australia, as the women that worked in public
places were essentially regarded as prostitutes.45

The colonial government not only gendered the work of convict women, but even the
punishments they received. In the early years of colonisation, corporal punishment of
women was legal, but could only be administered by the state and not the masters who were
assigned the convicts. Nevertheless, to enforce corporal punishment, a master simply had to
bring a convict before a sympathetic magistrate. This changed in 1817 when government
officials outlawed the flogging of women all together. There seems also to have been a
divergence between punishments within prison factories, which were largely relegated to
women, and the prisons in which the convict men were housed. Within the factories,
gendered punishment was administered by the state. Convict women who committed
infractions there could potentially have their heads shaved publicly. Those who controlled
the factories advocated this form of coercion because they argued convict women saw it as
a brutal punishment. The women who had their heads shaved were forced to do the grounds
work outside the prison, and therefore were publically de-sexed. Not everyone believed that

42 Jill Conway, ‘Gender in Australia’, Daedalus, vol. 114, no. 1, 1985, p.348; On Ralph Clark see Summers, Damned
Whores and God’s Police, p.313; Portia Robinson, The Women of Botany Bay: A Reinterpretation of the Role of Women in
the Origins of Australian Society, The Macquarie Pty Ltd, Melbourne, 1988, p.213; On convict marriage see Shaw,
Convicts and the Colonies, pp.240-241.
43 Robinson notes that Governor Hunter viewed children as a burden on public. See Robinson, The Women of
Botany Bay, p.178; Damousi also suggests that there was a high infant mortality rate in the factories. In one factory
in Hobart from 1830 to 1838, she estimates that of the 794 children born 208 died. Damousi, Depraved and
Disorderly, pp.114, 123; Williams has confirmed that in Tasmania the convict women’s sexuality was vigorously
policed. See Williams, ‘Irish Female Convicts and Tasmania’, p.15; On cohabitation see Sturma, ‘Eye of the
Beholder’, pp.6, 8-9. On convict women’s sexuality in Van Diemen’s Land generally see Kirsty Reid, Gender, Crime
45 Robinson, The Women of Botany Bay, pp.188-192; Williams, ‘Irish Female Convicts and Tasmania’, p.10; For more
on convict women’s skills see Stephen Nicholas and Peter R. Shergold, ‘Convicts as Workers,’ in Convict Workers,
pp.69-74; Oxley, ‘Female Convicts’, in Convict Workers, pp.89-91.
this type of punishment, even though effective, was just. Colonial newspapers often criticized the practice because of the humiliation and shame it brought to the women prisoners.46

Convict women’s resistance is apparent in the historical record of the transportation era, but has been largely overlooked by historians. The exception to this is the work that has been done by Kirsty Reid, who argues that convict women resisted much like African slaves in the New World. Her study on convict women in Van Diemen’s Land from 1820 to 1839, shows that they often resisted in ways that were non-violent to secure a limited amount of freedom. The most common charges against convict women were absence without official leave, drunkenness or insolence. Though these forms of non-violent resistance were more typical of the ways in which convict women sought to regain control over their lives, more forceful forms of defiance were not atypical. In 1827, a riot occurred in the Parramatta Factory in New South Wales. As prison administrators cut rations to the convicts, a rebellion ensued which resulted in some of the convicts storming food stores within the area. Some convict women escaped into the bush, but for those convicts who fled their imprisonment in Australia, this may have been the equivalent of a death sentence. In colonial Australia, especially in the early years of colonization, there was nowhere to run. Or, more precisely, those that did make it to the periphery of civilization often faced extreme difficulties in navigating the rough terrain, and finding sources of food. Starvation for runaways was not uncommon.47

In early modern Britain, crime and punishment were complicated by ideas of gender. The separate spheres ideology caused a division of labor that severely limited the opportunities for women’s employment and crime was a barometer of the way understandings of gender operated. Court records show that the women transported to the colonies were non-violent and were usually sentenced for property crimes. For many women, punishment meant a period of exile and forced servitude in either the New World or Australia, and in both regions they complicated the labor hierarchies. While their experiences differed greatly between these two regions, one thing is certain: convict women resisted their servitude in dynamic ways. In America, they fled their servitude in hope of starting over, while in Australia they resisted collectively in the female factories. It seems clear that no matter where they were sent, their adaptability and resilience allowed convict women to withstand the draconian British justice system.

46 Damousi, Depraved and Disorderly, pp.85-86, 88, 95.