

Article

Man Robbery—A Gender Signifier in Convict Australia 1827–1836

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Abstract: This paper investigates the use of the anomalous term ‘man robbery’ in historical records relating to convict women in New South Wales. We question its accuracy as a criminal offence and conclude that its use in the 1830s was an administrative code that summarized an assessment not only of the women’s criminality but also of their morality. Its use in the historical records has been accepted uncritically by modern historians. The anomaly was identified through a large-scale study of these records. Often used to trace the histories of individual women for genealogical research, recurring patterns in the records are more noticeable when considering the crimes of some 5000 women transported to New South Wales, especially when their court records held in Britain are compared with those held in Australia. Evidence has emerged that the criminality of the women has been reduced by this gendered criminal offence. Inconsistency in the application of the term ‘man robbery’ led us to question its accuracy. Violence and participation in gangs were airbrushed from the records by the use of a term that implied that the women’s crimes related to their sexuality rather than their skills as criminals.

Keywords: women; crime; Australia; convict; morality

1. Introduction

Men and women were transported to Australia’s eastern coast as punishment for crimes committed in England, Scotland, Wales and Ireland from 1788 to 1852. Some 25,000 women were sent to New South Wales (NSW) and Van Diemen’s Land (VDL, now Tasmania), with about half to each colony. From the arrival of the First Fleet in 1788, these women were frequently characterized as “damned whores”, condemned as immoral as well as criminal women [1,2].

This paper investigates the use of the anomalous term ‘man robbery’ in historical records relating to convict women in New South Wales. We question its accuracy as a criminal offence and conclude that its use in the 1830s was an administrative code that summarized an assessment not only of the women’s criminality but also of their morality. Its use in the historical records has been accepted uncritically by modern historians. The anomaly was identified through a large-scale study of these records. Often used to trace the histories of individual women for genealogical research, recurring patterns in the records are more noticeable when considering the crimes of some 5000 women transported to New South Wales, especially when their court records held in Britain are compared with those held in Australia. Evidence has emerged that the criminality of the women has been reduced by this gendered criminal offence. Violence and participation in gangs were airbrushed from the records by the use of a term that implied that the women’s crimes related to their sexuality.

2. Methodology

Our larger historical study of female convicts transported to New South Wales, Australia covers the period from 1800 to 1836. New South Wales was colonized by the British in 1788 and by 1800 its administration was well organized, and hence this is our starting point. We stopped at 1836 because the last major return of New South Wales convicts was collated in 1837 and a new Principal Superintendent of Convicts was appointed following the death of F.A. Hely who had held the position from 1823–1836. For this study into ‘man robbery’ we have selected 1826 as our commencement date as this year marked a change in the way in which crime data were collected in New South Wales, where for the first time crime was routinely recorded. Our decision to focus on ‘man robbery’ in this article arose when we started to compare the crime information of convicts in British records with the information listed for the same convicts in the Australian data and found great diversity.

In Australia, images of the nineteenth century criminal data in the convict indents and musters have been digitized by [Ancestry.com](https://www.ancestry.com) (Lehi, UT, USA) but as the records are intended for genealogical research, they have only been manually indexed by personal name. Using the card catalogue facility, it is possible to locate the lists compiled in New South Wales for individual convict transport ships. Our approach has been to identify transport ships sailing from English ports in our period of study. We then transcribed the names of individuals on particular ships and used this as our starting point to delve into historical archives in Australia and Britain.

Much British criminal data exist only in their original forms as handwritten pieces of vellum recording indictments, convictions or sentences. For this study, the data were sourced using documents held at The National Archive (TNA) at Kew, United Kingdom and in regional archives across England and in Scotland at the National Archive of Scotland (NAS) in Edinburgh. These records are stored as loose pieces in boxes or in rolls, identified by date range. None are indexed or accessible via internet search engines and accessing this information required several personal visits from Australia to Britain to undertake identification and laborious transcriptions. The exceptions are the records of the Old Bailey Criminal Court (or Central Criminal Court) in London which are online (Old Bailey Online) and searchable by crime, date, person’s name, sentence and keyword. The Digital Panopticon project provides an index to many British sources, and some Australian ones, but crime is not indexed except for the Old Bailey and the complete records are in pay-to-view sites such as [Ancestry.com](https://www.ancestry.com) and [FindMyPast](https://www.findmypast.co.uk) (London, UK).

Survival of British newspapers for the period is haphazard. They have been digitized and are accessible at *British Newspapers Online*. These can rarely be accessed via the name of the convict, due to problematic and multiple spellings, but searches by jurisdiction and date are often more successful. The assize courts were regularly reported in the newspapers, often at great length, giving a fuller picture of the crime and criminals involved, as well as the sentence.

We instituted a methodical analysis by hand, comparing the crimes convicts were indicted for in Britain and the crimes they were sentenced for, and compared these data against the crimes the convicts supposedly committed which were recorded when they arrived in Australia. Official British records of crime were never sent to Australia. The variation between the British and the Australian data is recorded in this paper. The variation has serious implications for the writing of history about Australia’s early colonial period. Earlier historians rarely had access to English records, as this was not only time consuming but involved very expensive international travel. Few wrote in detail about women convicts and by necessity wrote their history based on Australian records, which we can now demonstrate were inaccurate.

3. Views of Convict Women

Descriptions of convict women by male contemporaries were not flattering. If not already depraved and immoral when convicted, many pointed to sexual intercourse between the women and the sailors during the voyage to Australia as confirmation of these views [3]. Historians have since recognized that these comments were made by reputedly respectable middle-class men—government officials,

clergymen and employers—shocked by the drinking, smoking, foul language, recalcitrant behaviour and perceived loose morals of these working-class women. Female convicts had been allocated to colonists from the earliest years to work as domestic servants, some forming relationships with their employers. Many women had left husbands behind in Britain and could not legally remarry. They frequently established stable, but informal, relationships in the colony, but their children, born out of wedlock, were further evidence of the women's dissolute habits. Governor Darling observed that the women were “thoroughly abandoned” [1]. The behavior of many of the women after arrival confirmed these views when they appeared before magistrates charged with absconding from work, drunkenness, immorality and theft [4].

Gaolers in Britain when asked about a woman's character might write “character not known”, “in prison before” or would annotate her petition with “prostitute” or even more condemnatory, “common prostitute” [5]. James Ellis, surgeon on the *Diana* which sailed in October 1832, condemned the female convicts in his charge as prostitutes [6].

The catchy title of feminist activist and journalist Anne Summer's 1975 book, *Damned Whores or God's Police*, provided a vocabulary for historians and commentators that has continued the denigration of the women [7]. More recent scholars such as Deborah Oxley and Joy Damousi have shown that these accounts are about the representation of the women, rather than their reality, with Oxley turning to the Australian convict records to examine the employment skills of the women [8,9].

The women clearly failed to meet nineteenth century understandings of femininity [10]. Criminologists have written that crime was regarded as a masculine activity, so female criminals offended acceptable views of femininity and violated biological norms of women as the nurturing sex [11].

4. Convict Records in NSW and VDL

The British government provided a list of convicts aboard each ship. These record the name of the convict, the date and place of trial and the sentence. For the entire period of transportation, the Home Office did not send information to the colony about crime or personal details, such as age. As late as 1834, the governor of New South Wales reported that it was impossible to classify convicts on arrival as no information about crime was included for English prisoners [12].

After conviction for an offence and sentence of transportation, men were sent to the hulks (ship prisons) to work while they awaited a ship to take them to Australia. Women, however, were kept in the county gaols where they had been tried until the government chartered a ship for female convicts. The Home Office then wrote to the county gaolers requesting details of the number of women awaiting transportation who were healthy enough for the voyage. Women were selected by the Home Office and instructions were sent to the gaoler to send personal details of the women with them when they were sent to the ship. These ‘gaol reports’ contained a character assessment of the women, details of family and information about their crimes [13].

In Van Diemen's Land, from 1827 convict records were integrated into one alphabetical series, the Conduct Registers, where details were recorded of each convict on arrival and their subsequent behaviour [14,15]. The information included transported offence, gaoler's comments if available and what the convict divulged of their circumstances, including members of family. These records include statements if the gaoler identified a woman as a prostitute, or if the woman herself stated that she had been “on the town”, even though prostitution was not a transportable offence. Mawcourtney Margaret Brown, arriving on the *Hector* on 20 October 1835 having been sentenced for seven years in the Central Criminal Court at London, was recorded as transported for “stealing from the person” and stated her offence as stealing from a gentleman, having been three months on the town [16]. L.L. Robson noted in his pioneering study, *The Convict Settlers of Australia*, that while 13 per cent of women were described as prostitutes in the records of Van Diemen's Land, they were not in New South Wales [2].

In New South Wales there was no centralized record system. Settlement had expanded over hundreds of square miles. Musters of the population had been held regularly until 1825 but objections

by free settlers to being mustered with convicts led to their suspension. The 1828 census provided an inadequate replacement, so by the late 1820s it was impossible to provide a general register of convicts. Information was originally kept by the Colonial Secretary's Office and from 1828 by the Superintendent of Convicts Office, with separate clerks looking after tickets of leave, assignment, and punishments. No copies of English gaolers' reports have been found among the surviving records in New South Wales. Colonial Secretary Alexander Macleay in April 1828 reported to the governor that the lists received with convicts from England had only four columns for name, when and where convicted and sentence, accompanied by a few loose sheets of paper without signatures as identification of official authority. These loose sheets were probably the gaol reports. Macleay was unwilling to accept their veracity, believing the information would be subject to legal challenge. Macleay wanted the British government to provide more details, such as offence, age, marital status, occupation, previous convictions, behaviour in gaol and religion [17].

Appointed in 1826, Macleay had already introduced a new system where these extra details were recorded on the convict lists in New South Wales. Where did the information come from? Convicts were mustered aboard the convict ship on arrival in Sydney and questioned about their treatment. Presumably, the list from the Home Office, supplemented by a list kept by the surgeon-superintendent, provided the basic details. Physical descriptions were noted, and the women were asked if they were married or had children. Surviving correspondence about applications to marry is evidence that this information was provided by the women, sometimes truthfully, sometimes not [18]. It is generally assumed that information about the offence was also provided by the women, and possibly checked against gaol reports if they were available.

The New South Wales records that survive are later office copies. The handwritten Bound Indents do not follow the Home Office order but were re-arranged alphabetically by surname, making it easier to find a convict's name, and were annotated with subsequent events such as pardons [19]. A later series, the Printed Indents, were arranged in the Home Office pattern by court of conviction, but included information that was collected on arrival, such as physical description and crime [20].

Governor Darling wrote in 1828 that the Principal Superintendent of Convicts should keep sufficient information about every prisoner so that their character could be assessed [21]. The superintendent's office was responsible for keeping a correct record of the indents of all prisoners. When the duties were transferred from the Colonial Secretary's Office to the Principal Superintendent of Convicts Office no clerk was specifically charged with keeping the muster rolls of the convict ships so this task was added to the duties of the confidential clerk who prepared the certificates of freedom issued at the end of sentences [22]. Nevertheless, by 1830 the office was unable to keep up with all of the documentation required by the local and imperial administrations as no further clerks had been appointed [23]. By 1833 the office was overwhelmed and unable to produce a list of convicts in the colony [24]. In an attempt to remove some of the delays in obtaining information about individual convicts, Bourke approved the printing of the convict indents so that information could be distributed to local magistrates [25].

5. Man Robbery

Crimes were added to the New South Wales convict records from 1826 based on information provided by the convicts. Most convicts, male and female, were convicted of various types of theft. The Old Bailey in London recorded 16 permutations of the crime of theft. Prior to 1830, women were convicted of 'stealing money', 'robbing' or 'stealing from the person' or just 'larceny' or a subset of larceny such as 'larceny in a lodging room' or 'larceny by a servant'. Picking pockets was a crime that involved a close physical association with the victim. It was sometimes recorded in the English records as 'stealing from the person' and the terms seem interchangeable and were applied to crimes committed by men and women. Robbery was a more serious offence, implying the threat of, or use of, violence, and there were two variations—robbery and highway robbery [26].

The crime of ‘man robbery’ did not appear in the English, Scottish and Welsh court indictments. Rather it first appeared as a crime in New South Wales attributed only to convict women who arrived from 1830. This was not an offence in England that the women could have given as their crime on arrival in Australia, nor would their gaolers have used the term. This was a colonial description. ‘Man robbery’ was not a crime in the colony, nor does the term ‘man robbery’ appear in the VDL records.

‘Man robbery’ may have been intended as shorthand for ‘robbing a man’, but the term ‘robbery’ linked the theft to violence. Historians in Australia have linked ‘man robbery’ with ‘highway robbery’ when analyzing convict crimes [2,8]. ‘Man robbery’ also had suggestive overtones by implying that the robbery may have been committed while the man was in a compromising situation with a woman. Robson in his discussion of ‘man robbery’ suggested that it most likely involved a woman taking her victim to a bedroom and when the man awoke, he had been robbed of his money and even his clothes. In Robson’s mind, the scenario linked ‘man robbery’ and prostitution [2].

This paper, through analysis of the original trial indictments of assize courts, quarter sessions and the Central Criminal Court (Old Bailey), presents data that show the inconsistent application of the term for crimes called ‘man robbery’ in New South Wales. These data are taken from a larger study of all females ($n = 5131$) convicted in England, Scotland and Wales (excluding convictions in Irish courts) and transported to New South Wales on ships leaving English ports from 1800 to 1836 and who remained in New South Wales (those sent to VDL were excluded). English data obtained from the trial indictments and newspapers were compared with those of the colonial musters and indents [27].

A closer look at the conviction data provides plentiful evidence that these convict women were described differently from their male counterparts when they arrived in New South Wales. Though convicted of the same crime, the women were given a gendered crime of ‘man robbery’. This is particularly obvious in cases where both males and females acted together and were charged and convicted of the same crime in England (e.g., highway robbery) only to find following arrival in Sydney that the woman’s crime was transcribed as ‘man robbery’ and the male’s as ‘highway robbery’. This gendered beginning saw the women described in sexual tones for all time whereas the males were simply considered to be thieves. While sexualizing the women’s crimes, this gendering also devalued the women’s skills as thieves or criminals.

5.1. Comparison of Numbers Recorded for ‘Pick Pocketing’, ‘Robbery from Person’ and ‘Man Robbery’ among Select NSW Female Ships

An analysis of the ships transporting convicts from English ports to New South Wales after 1826 shows that, on arrival, some of the women were deemed to have committed the crime of ‘pick pocketing’, others of ‘robbery from the person’ and others convicted of ‘man robbery’ (Table 1). These convictions came from the entire country, including assizes, sessions of peace and quarter sessions, as well as the Central Criminal Court at the Old Bailey in London. As the table indicates, the British crime of ‘robbery’ or ‘stealing from the person’ disappeared from the New South Wales records in the 1830s and the colonial descriptor of ‘man robbery’ replaced it in increasing numbers through the decade. The crime of ‘pocket picking’ continued in the records but in decreasing numbers.

Table 1. Ships transporting female convicts to NSW and their crime on arrival 1826–1836 [28].

Ship	Number of Women Landed NSW	Man Robbery	Pocket Picking	Robbing or Stealing from Person or Larceny from Person
1826 <i>Grenada</i>	88	0	3	18
1827 <i>Princess Charlotte</i>	90	0	14	3
1827 <i>Harmony</i>	80	0	1	16
1827 <i>Louisa</i>	90	0	1	13
1828 <i>Competitor</i>	99	0	0	22
1828 <i>Princess Royal</i>	100	0	35	0
1829 <i>Lucy Davidson</i>	99	0	0	26
1829 <i>Sovereign</i>	120	0	30	2
1829 <i>Roslyn Castle</i>	128	0	7	30
1830 <i>Kains</i>	120	2	19	12
1830 <i>Earl of Liverpool</i>	87	12	2	9
1832 <i>Pyramus</i>	147	23	3	3
1832 <i>Burrell</i>	99	19	1	0
1833 <i>Diana</i>	100	6	31	0
1833 <i>Fanny</i>	98	26	1	1
1833 <i>Buffalo</i>	179	32	2	0
1833 <i>Numa</i>	140	41	2	0
1834 <i>George Hibbert</i>	144	54	0	0
1835 <i>Mary</i>	180	58	2	0
1835 <i>Henry Wellesley</i>	118	36	1	0
1836 <i>Elizabeth</i>	161	33	1	0

5.2. Trial Records for Women Accused of ‘Man Robbery’

The first mention of ‘man robbery’ appeared in the convict indent for two women who arrived in Sydney in March 1831, having sailed from London in July 1830 aboard the *Kains*. Both were tried in Warwickshire. Mary Peters, aged 20, was given a sentence of 7 years transportation by Warwick Quarter Sessions and her New South Wales indent recorded her crime as “man robbery and picking pockets”. Sarah Edwards, aged 25, had a sentence of transportation for life following her trial at Warwick Assizes. The indent gave her crime as “man robbery” [29]. The assize records provide more detail. Sarah Edwards was indicted with Mary Ann Whitacre for stealing two half crowns from the person of William Archer. Both women were sentenced to death, commuted to transportation for life, and both sailed on the *Kains*. Mary Ann Whitacre’s crime on the New South Wales indent for the *Kains* gave her crime as “keeping a house of ill-fame”. This was not a transportable offence [30,31].

The *Earl of Liverpool* sailed in December 1830 and arrived in Sydney the month after the *Kains* in April 1831 and a larger group of women were designated with the crime of ‘man robbery’. Of 12 women, nine were tried at Middlesex Gaol Delivery, two at Middlesex Quarter Sessions and one at Glasgow Court of Justiciary. There appears to be no relationship between the naming of these crimes in Sydney and the crimes for which they were convicted. (Table 2)

Table 2. Women convicted of ‘man robbery’ on 1830 *Earl of Liverpool*.

Name	Age	Date of Conviction	Place	UK Conviction	Character of Crime
Ann Mathews	23	15.4.1830	MGD	Assault and robbery	Prostitute
Francis Mathews	26	15.4.1830	MGD	Assault and robbery	Violence, prostitute
Ann Rowland	21	15.4.1830	MGD	Assault and robbery	Violence
Mary Collins	21	15.4.1830	MGD	Assault and robbery	Violence
Maria Payne	19	27.5.1830	MGD	Theft—simple larceny	Prostitute
Mary Ann Sheen	28	8.7.1830	MGD	Theft—pocket picking (theft of money from person)	No sex, No violence
Lucy Jenkins	35	8.7.1830	MGD	Theft—pocket picking (theft of money from person)	Prostitute
Sarah Berry	35	8.7.1830	MGD	Theft—simple larceny (theft of money from person)	Prostitute
Matilda Smith	20	16.9.1830	MQS	Theft—pocket picking	No sex, no violence
Ann Smith	20	16.9.1830	MQS	Theft—pocket picking	Theft
Norah Garver	20	16.9.1830	MQS	Theft—pocket picking	Theft
Catharine McFarlane	28	7.9.1830	Glasgow Court Justiciary	Theft of a watch and habit and repute a thief	Theft

Ann Matthews and Frances Matthews were convicted at Middlesex Gaol Delivery (Central Criminal Court) on 15 April 1830 of “assault and robbery” and sentenced to death (later commuted to transportation for life). They selected a victim, accosted him and tried to extort money from him on the basis of their poverty. He bought them a gin, thinking they were tradesmen’s daughters rather than prostitutes, but insisted on maintaining his distance from them by standing outside the public house. He eventually went to see their house to determine how poor they were before giving them money for food and drink. The women imprisoned the man in their house. Frances hit him on the head while Ann “forced her hand into my fob” and robbed him of approximately £50. The women denied all knowledge of this assault and Frances employed Counsel. The judge convicted them both capitally for “assault and robbery”, a serious felony, yet on arrival this charge was reduced to the gendered term of “man robbery” [32].

Ann Rowland and Mary Collins were also convicted at Middlesex Gaol Delivery (Central Criminal Court) on 15 April 1830 of “assault and robbery” and sentenced to death (later commuted to transportation for life) for a violent theft. The victim was attacked by several women (he cites four women and then decides there were five women and a man), two of whom pinned him against a wall and robbed him. He identified them as Rowland and Collins. The girls stole half a crown and ran away. When apprehended the girls told the watchman that the man lost half a penny. Mary Collins suggested the victim asked to go home with her, but he had no money because he checked and let a half-penny fall. The girls were convicted but recommended to mercy. Nevertheless, it was a well-planned violent assault. Again, in Australia, this crime was recorded as “man robbery” [33,34].

Maria Payne, aged 19, was convicted at Middlesex Gaol Delivery (Central Criminal Court) on 27 May 1830 of “theft—simple larceny” and sentenced to transportation for seven years. The events described suggest that Payne spent several hours with the victim, finally bringing him to her home where he spent the night. During that time, he was robbed of money and a war medal. Payne’s defence was that the man spent the night, retained his money, and that she knew nothing of the war medal. She was convicted of simple larceny although the 1830 *Earl of Liverpool* arrival indent listed her crime as “man robbery”. There was no violence, the victim had readily spent the night with her, and the amount of money taken was small, namely three shillings, and the charge listed by the Middlesex Gaol Delivery was “simple larceny” [34,35].

Mary Ann Sheen, aged 27, was convicted at Middlesex Gaol Delivery (Central Criminal Court) on 8 July 1830 of “theft—pocket picking” or “theft of monies from person” and sentenced to transportation

for life, and her mother, Elizabeth Wyatt, with whom she was tried, to 14 years for receiving. Her step-father was found innocent. Working with her parents to receive money she stole suggests this was a planned operation rather than an ad hoc crime. The victim was a merchant and was accosted by Sheen and several others as he walked home. She fell in with him and asked him to buy her a drink which he did before attempting to leave her. He felt her hands robbing him of £45 before she ran away. Three of the four bank notes were traced, and Sheen was taken about a week after the crime. The prosecution tried to intimidate the victim, suggesting that since he was a married man he had behaved improperly as he had bought a young female alcohol from a public house. The victim had bought Sheen a drink to get rid of her. The trial listed efforts by both the mother and daughter to change one of the four £10 notes and to buy hams. The family was well known as criminals. There was no suggestion of prostitution in the encounter; on arrival in Sydney, Sheen's crime was listed as "man robbery" rather than "pick pocketing" which was the court's designation [34,36].

Lucy Jenkins, aged 35, was convicted at Middlesex Gaol Delivery (Central Criminal Court) on 8 July 1830 of "theft—pocket picking" or "theft of monies from person" and sentenced to transportation for life. Jenkins met the victim in a public house, asked him to come home with her for the night, and stole £4/18/6 while he was asleep. The victim said he had no intention of staying all night but fell asleep with his clothes on as soon as he got to the lodging house. The owner of the lodging house, Mrs. McCallister, was warned by the watchman about Jenkins, and as a result, she spied through the keyhole and saw Jenkins rob the victim. Fearing trouble, McCallister demanded the money from Jenkins as she tried to leave the premises and was given £3 which she refused to accept demanding the remaining pound. Jenkins would not give this money up until the watchman was called. She was convicted and sentenced to life, taking one male and one female child with her, and declaring her status 'married'. There is no suggestion of violence and yet her Australian convict indent claims she was convicted of "man robbery" [34,37].

Sarah Berry, aged 35, was convicted at Middlesex Gaol Delivery (Central Criminal Court) on 8 July 1830 of "theft—simple larceny" or "theft of monies from person" and sentenced to transportation for seven years. Berry was a prostitute and asked the victim to go down a lane with her which he did, stating he had his britches on, but they were unbuttoned. The prisoner stole his money and when he objected, a man came and knocked him down, and a further three men came to intimidate him. The police arrived, the men ran away and Berry was taken. The men used violence, but Berry only offered, and presumably gave sex, and then when caught offered a bribe to the police to let her go. The money was found on her and she was convicted. Again, there was no violence on the part of Berry, and she was found guilty of "simple larceny" and sentenced to seven years in New South Wales, where she was classified as being convicted of "man robbery" [34,38].

Matilda Smith, aged 21, was indicted for stealing £23 in money and bank bills and convicted at Middlesex Quarter Sessions on 16 September 1830 of "theft—pocket picking" and sentenced to transportation for life. She met a man in a field as he attempted to get access to his four horses and she and another girl accosted him and stood talking with him. After they removed his purse and replaced sovereigns with farthings, he challenged Smith and took her to the public house nearby to find his money which she promised had been taken by the other girl. Eight men tried to shepherd Smith away, but the victim held on to her and took her into a shop where she accused the victim of robbing her. In her defence, Smith said the victim had dropped his purse which she picked up. This is a case of "stealing" or "pick pocketing", with no sexual implications at all and yet Smith was designated as having been convicted of "man robbery" on arrival in New South Wales [39].

Ann Smith, aged 20, was indicted for stealing £4/13/0 and convicted at Middlesex Quarter Sessions on 16 September 1830 of "theft—pocket picking" and sentenced to transportation for 14 years. The victim lodged at a public-house and they drank together before he asked her to take him to her place where he went to bed, with his clothes on. When he went to leave, he realized she had stolen his watch and said he would not leave without its return. The watch was found on her. She offered a written defence suggesting the victim was drunk and had given her the watch for safe keeping. The written

testimony suggests the offender had used this ploy before and had needed legal intervention. There was no violence, the victim had his watch stolen by “pick pocketing” and yet her crime, on the Australian arrival indents, was again listed as “man robbery” [40].

Elizabeth Green, aged 19, and Nora Garver, aged 20, were indicted for “theft—pickpocketing” for stealing a watch and monies from the victim, James Anderson. They were convicted at Middlesex Quarter Sessions on 16 September 1830 of “theft—pocket picking” and each sentenced to transportation for seven years for this crime [41]. Subsequently, the Middlesex Criminal Register indicated that their sentences were for 14 years, probably increased due to other convictions [42]. The indent created on their arrival in Sydney stated that Elizabeth Green was convicted of “stealing watch” while her accomplice, Nora Garver, was supposedly convicted of “man robbery” [34]. The victim had met them in the street and gone with them to a room which he paid for and where he had taken off his trousers and gone to sleep. Some hours later he reported that his watch had been stolen. Both women were apprehended, very drunk at 6 a.m., disorderly and fighting. Both women committed the same crime together, and yet on arrival their crimes were represented differently.

Catherine McFarlane, aged 28, was convicted at the Glasgow High Court of Justiciary on 7 September 1830 for theft and being “habit and repute a thief”, a Scottish term indicating previous convictions. She was sentenced to 14 years transportation for stealing a watch and its appendages [43,44]. Again, on arrival into New South Wales, she was listed as committing “man robbery” rather than theft of a watch.

Many of the women were given heavy sentences for quite minor robberies or ‘pick pocketing’ (e.g., Matilda Smith) whereas others seemed to attract light sentences for vicious and violent crimes (e.g., Ellen Lewis and Ann Kearney who were both convicted of ‘pick pocketing’ and received seven years transportation even though violence was involved).

5.3. *The ship Diana and the Crimes of the Female Convicts*

Between 1830 and 1836 only one ship carrying female convicts had fewer than 10 women whose crimes were described as ‘man robbery’ on arrival in Sydney. The *Diana* landed 100 women. Its indent compiled in Sydney revealed a variety of crimes: false pretences ($n = 2$), highway robbery ($n = 3$), housebreaking ($n = 2$), man robbery ($n = 6$), manslaughter ($n = 2$), picking pockets ($n = 31$), pledging ($n = 1$), receiving stolen goods ($n = 8$), robbing master ($n = 1$), shoplifting ($n = 1$), stealing (general—sheep, clothes etc.) ($n = 43$). Its surgeon had condemned his charges as prostitutes in his journal, yet most of the women on board this ship were not recorded as guilty of ‘man robbery’ in the indent created in New South Wales. Crimes that may have been converted to ‘man robbery’ remain expressed as the usual British offences, such as ‘pocket picking’ and ‘stealing’ [6,45].

Jane Penland was convicted on 31 July 1832 at the Kent Assizes and transported on the *Diana* for “stealing goods value 14/8 of William Clark” [46]. Jane Penland appears on the arrival indent in Australia as having been convicted of ‘pledging’ whereas her indictment clearly showed she was charged and convicted of ‘stealing from the person’, a category which was usually converted to ‘man robbery’ [45].

Of the six ‘man robbery’ convictions, five came from Middlesex Gaol Delivery (Mary Ann Curle, Sarah Clarke, Elisa Harvey, Mary Jones and Mary Ann White *alias* Putney) convicted on 6 September 1832, and one (Maria Jackman) from the Surrey Assizes, convicted on 9 August 1832. The Old Bailey records for Mary Ann Curle and Sarah Clarke show that they were convicted of “theft—simple larceny”. Their crime was to meet two men in the street and accompany them to a public house where all four drank alcohol. Their victim went with Curle to a house where he got into bed, although she did not. The candle was removed as well as his breeches and purse, which was later found empty on the stairs. They had gone to a “house of ill repute” but the men did not have enough money to pay for the room and so the women claimed they took the men home and that the men slept in the bed while the women slept on chairs. They were indicted for stealing and convicted of such. There is no mention of “man robbery” on their indictment at the Old Bailey [45,47].

Eliza Harvey and Mary Jones, on the other hand, were tried and indicted for stealing and convicted of “theft—pocket picking” [48]. Mary Ann White was also indicted for stealing, tried and convicted of pocket picking [49]. Why the arrival indent for the *Diana* has listed Eliza Harvey, Mary Jones and Mary Ann White as guilty of “man robbery” rather than ‘pocket picking’ is unknown. Other women ($n = 33$) on the 1833 *Diana* were listed as being convicted of “pocket picking” whereas these five were not.

Maria Jackman, convicted at the Surrey Assizes, was indicted and convicted of “stealing monies value six shillings of Thomas Dear from his person” [46]. Nevertheless, her crime on arrival in Australia was ‘man robbery’.

5.4. Language Descriptors on Arrival Indents for the 1836 *Elizabeth*

The conversion of the British offences to ‘man robbery’ in Sydney was not limited to women convicted in London. Across England and most jurisdictions, women’s crimes were altered on arrival.

On the 1836 *Elizabeth* were Jane White and Ann Christian (both convicted 14 March 1836 at Kent Assizes), Charlotte Chinery (convicted 21 March 1836 at Suffolk (Bury St Edmunds) Assizes), Elizabeth Dixon (convicted on 10 March 1836 at Nottingham (Town) Assizes) and Ann Phillips and Ann Meabry (convicted 18 March 1836 at Salop Assizes) all of whom are listed on the arrival indent for the 1836 *Elizabeth* as being convicted of “man robbery” [50]. The assize records held at The National Archives Kew revealed a different story. Jane White and Ann Christian carried out a violent assault with a male accomplice on a poor man whom they had followed into a public house, where they had a drink together and then assaulted and robbed him. All three were tried together and each received an initial conviction of death subsequently commuted to transportation for life [51]. Robert White, their accomplice, was removed from Maidstone County Gaol and sent on board the *Fortitude Hulk* at Chatham on 7 May 1836 to await transportation for life [52]. Robert White arrived in Australia in 1837 on the *John* and his offence was listed as ‘highway robbery’ while the two women (convicted at the same Kent Assizes on the same day 14 March 1836) arrived on the 1836 *Elizabeth* and were both listed in the arrival indent as guilty of ‘man robbery’. The women have a ‘gendered’ description of ‘man robbery’ and their accomplice, Robert White, the less gendered term of ‘highway robbery’ but all acted together. It is difficult to determine why the three were given different categories of offence in New South Wales except to attribute it to differences in gender [50,53].

Similarly, Charlotte Chinery, also on the 1836 *Elizabeth*, was convicted on 21 March 1836 at Suffolk (Bury St Edmunds) Assizes of “stealing £19/18/- in money from the person of William Hasted of Bury” [54]. In the news, she was accused of ‘highway robbery’, working with a male partner, James Elven (convicted 21 March 1836 and transported on the *Mangles* in 1836), but on arrival in Australia she was classified as committing ‘man robbery’ and he of committing ‘highway robbery’ [50,55]. Elizabeth Dixon and Joseph Jones were convicted on 10 March 1836 at Nottingham (Town) Assizes of “pocket picking and stealing £31/10/- from the person”. There was no suggestion of sexual predation but rather assault and robbery and yet on arrival Dixon was recorded as having been convicted of ‘man robbery’ [50]. Jones, transported on the *John* in 1837, was classified as having committed ‘highway robbery’ [53]. In earlier colonial records in the late 1820s women had been recorded as committing ‘highway robbery’, yet Elizabeth Dixon’s offence was neither recorded as ‘pocket picking’ nor as ‘highway robbery’ [50,56].

Ann Phillips, (convicted 18 March 1836 at Salop Assizes) was described in the court records as a prostitute with a second conviction for robbing people and so was transported for 14 years. She was convicted of stealing a purse and money from Thomas Clay [57]. In Sydney she was recorded as convicted of ‘man robbing’ [50]. Ann Meabry (also convicted 18 March 1836 at Salop Assizes) was listed on the arrival indent for the 1836 *Elizabeth* as committing the crime of ‘man robbery’. Meabry and friends took the victim drinking in a field and there assaulted him and robbed him of three shillings [57]. A male possibly would have been charged with ‘assault’ rather than the sexually framed term of ‘man robbery’.

5.5. Administrative Shorthand or Clerical Inconsistency?

To determine whether ‘man robbery’ was a term used uniquely to describe female crimes, male convict ships were matched to the date of arrival of the female ships and the crimes attributed to the men on arrival in Sydney were analyzed. There were 22 male transports from England to New South Wales between 1825 to 1836 that fitted the pattern of arrivals, transporting 4743 men. No male was described as committing the crime of ‘man robbery’. Their crimes were often specific as to the item stolen or place of the offence such as ‘street robbery’ or ‘stealing from the person’, a phrase that ceased to be used for female convicts. The gendered term ‘man robbery’ was not applied to males who robbed other males but only to females who robbed males [58]. On the male convict ship, *England*, which arrived in Sydney in September 1835, of its 230 men, none were noted as ‘stealing from the person’, the crime most usually converted to ‘man robbery’ for women, and yet 13 were recorded as sentenced for ‘picking pockets’, 15 for ‘stealing money’ and five for ‘stealing a watch’, all charges which often saw women recorded as sentenced for ‘man robbery’. Approximately half ($n = 117$) were recorded as stealing specific items [59]. Mary and John Budgell were indicted for stealing a watch and associated paraphernalia, the goods of Robert Carrington, “from his person”. Both were found guilty of ‘theft—pocket picking’ and transported for seven years [60]. Mary Budgell was sent to Van Diemen’s Land, arriving on the *Arab* in April 1836. Her record noted:

“Transported for Larceny from the Person. Gaol Report Not known. Married 5 children. Stated this offence, stealing from the person a watch, prosecutor a soldier, once for assault, discharged. Husband John transported for the same offence, he at the Fortitude Chatham. I expect him here.” [61]

John Budgell was not sent to Van Diemen’s Land. He arrived in Sydney on the *Lady Kennaway* in October 1836. His offence was recorded as stealing a watch [62]. While the nature of the crime, ‘stealing a watch’, was common to both, the more intimate offence of ‘larceny from the person’ which was used in VDL, had disappeared by this time in New South Wales for both men and women.

No evidence has been found of a colonial directive to change the recording of offences committed by women after 1830. The main administrative change at that time was the replacement of convict clerks with newly arrived free immigrant men. In 1833 there was a greater turnover of clerks in the Principal Superintendent’s Office and this may explain the change of recording of crimes on the *Diana* [63]. The Principal Superintendent of Convicts Office was under constant pressure to provide reports on the characters of the convicts for assessment of permissions to marry, tickets of leave (a parole system) and applications for pardons. Given the large number of male convicts, the reports for women would have been only a small part of the workload.

The indents recording the convicts’ details were confidential documents. They were not available for general inspection, even by other officers of the administration. This situation changed with the decision to print the indents in 1834, but by then the use of the term ‘man robbery’ was well established. With the distribution of the printed copies to magistrates and other officials, convict details were more broadly known, and judgements could be made based on local knowledge of the convict and reference to the printed indent. The forms for tickets of leave and certificates of freedom (issued when the sentence had expired) included space for the offence to be noted but its inclusion was inconsistent and often left blank. However, given the basis of domestic work for many women, few needed papers to travel, and many married or formed stable family relationships and did not necessarily apply for their certificates of freedom.

Our work has looked at women convicts transported from English ports from 1800–1836; however, we reviewed the indents for ships carrying women convicts from England after 1836 until the end of transportation to New South Wales and found that ‘man robbery’ was used throughout this period. We have not considered women transported from England to Van Diemen’s Land, nor those transported from Ireland. Nevertheless, we have noticed that the term ‘man robbery’ was also applied to women transported to New South Wales from Ireland. The certificate of freedom for Catherine Ivory who had

been tried in Dublin in October 1835 and transported for seven years to New South Wales recorded her offence as ‘man robbery’ [64].

The local copies of printed convict records were recalled from the districts as late as 1869 and ordered to be destroyed to prevent idle curiosity about the background of colonial citizens [65]. Access to the surviving copies was strictly controlled until well into the 1970s. Microfilm copies of the records still contain a proviso that the information is not to be used to embarrass any living person.

The historical records give no clue as to the reason why some women’s crimes were entered as ‘man robbery’. Our research would suggest that the British courts treated male and female defendants equally when indicted for the same crime and that the description of the crime was not gendered convicting men and women for ‘highway robbery’, ‘pick pocketing’ or even ‘stealing from the person’. In gendering the label of the female convict to ‘man robbery’, the clerk was removing the equality and reason behind the crime, challenging the female’s agency and her ability to commit what must have been seen as a masculine activity or at least a serious crime.

The dilemma of the criminal offence of ‘man robbery’ in New South Wales is the ambiguity around what it signifies. It could signify the descriptive comment ‘robbing a man’ or the implied sexual component of an ordinary theft. The historical records do not indicate why the muster clerks recorded ‘man robbery’ instead of ‘stealing an item’. However, in considering Lombrusco’s observations, one can hypothesize that it could be the clerk’s perception of the individual woman in front of him [66]. A crude gesture or a foul comment might be all it might take to reinforce the lack of femininity in the female standing before him.

The popularity of Australian history and investigation into family history in the late 1970s and 1980s, leading to Australia’s bicentenary in 1988, prompted greater use of historical records. Convict records were accepted at face value as true historical accounts of the name, age, personal characteristics and crime of the convicts. Travel to the United Kingdom to verify these details in court records was expensive and time consuming, and even today few recognize the importance of these data and the need for this further research step. The historical records are misleading. No one who used them had reason to doubt their accuracy, but neither did anyone question how they were compiled. This lack of analysis has resulted in convict women being seen more often as victims of society and their socio-economic position within it, than as criminals.

Now, with the convict records digitized and available on [Ancestry.com](https://www.ancestry.com), they are used by a wider group of researchers. While historians, sociologists and criminologists use the records to investigate and question the treatment of convict women, sex sells and the popular condemnation of the morals of the convict women continues. This article suggests that taking records at face value has limitations that may significantly alter the substance of the research as has been demonstrated by this paper showing that the crimes listed on the New South Wales convict indents are misleading. Incredibly, ‘man robbery’ has been accepted at face value as both a crime and a moral assessment. It was neither.

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