

Unfree labour and its discontents: transportation from Mauritius to Australia, 1825-1845¹

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Introduction: the Mauritian context

There is a rich historiography on convict transportation from Great Britain. A number of accounts have focused on the eighteenth-century convict labour stream existing between Britain and North America.² The convict settlements established in New South Wales, Van Diemen's Land and Western Australia during the late eighteenth to mid-nineteenth centuries have been examined in even greater depth. Recent analyses have argued that the convicts transported there were not members of a criminal class, but were drawn from a broad cross-section of the British working classes. Econometric studies have also stressed the impact made by the convicts as an effectively managed labour force.³

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² Barry Dyster (ed.), Beyond Convict Workers (Sydney: Department of Economic History, University of New South Wales, 1996); A. Roger Ekirch, Bound For America: The Transportation of British Convicts to the Colonies, 1718-1775 (Oxford: Clarendon, 1987); K. Morgan, 'The Organisation of Convict Trade to Maryland, Stevenson, Randolph and Cheston', William & Mary Quarterly, vol. 3, no. 7 (1985), pp. 201-227; Kenneth Morgan, 'Convict Runaways in Maryland, 1745-75', Journal of American Studies, vol. 23 (August 1989), pp. 253-68; Wilfred Oldham, Britain's Convicts to the Colonies (Sydney: Library of Australian History, 1990), chapters 1 & 2; and, A.G.L. Shaw, Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire (London: Faber & Faber, 1966), pp. 21-37.

³ See Joy Damousi, Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia (Cambridge: Cambridge University Press, 1997); Ian Duffield & James Bradley (eds), Representing Convicts: New Perspectives on Convict Forced Labour Migration (London: Leicester University Press, 1997); Raymond Evans & William Thorpe, 'Power, Punishment and Penal Labour: Convict Workers and Moreton Bay', Australian Historical Studies, vol. 25, no. 98 (1992), pp. 90-111; Stephen Nicholas (ed.), Convict Workers: Reinterpreting Australia's Past (Cambridge: Cambridge University Press, 1988); Deborah Oxley, Convict Maids: The Forced Migration of Women to Australia (Cambridge: Cambridge University Press, 1996); and, K.M. Reid, 'Work, Sexuality and Resistance: The Convict Women of Van Diemen's Land, 1820-1839', unpublished Ph.D. thesis, University of Edinburgh (1996).

These studies have predominantly focused on the white diaspora. In contrast, the nature and impact of non-white convict streams originating in the British colonies - the Cape, Mauritius, the West Indies and the Indian Presidencies - have been relatively neglected.⁴ Whilst it is clear that the punishment of transportation played an important role in the maintenance of socio-economic stability in the colonies, and non-white convicts were able to establish some form of identity after their transportation, a detailed monograph is eagerly awaited.⁵ Meanwhile, the purpose of this study is to examine the nature of criminal offences which led to the transportation of convicts from the Indian Ocean island of Mauritius to the Australian colonies.⁶

During the first half of the nineteenth century, almost 150 non-white convicts were transported from Mauritius to New South Wales and Van Diemen's Land. Most convicts were transported after 1834, when New South Wales and Van Diemen's Land were formally opened up as destinations for Mauritian offenders.⁷ Before that date all male convicts were sent to Robben Island, off the Cape, with a handful of female convicts transported to New South Wales. After 1839, Van Diemen's Land became the favoured destination. Both New South Wales and Van Diemen's Land were closed off to the reception of Mauritian convicts in 1845.⁸ The several prisoners

⁴ On black convicts in the Australian colonies, see Ian Duffield, 'Naming Namoroa', unpublished paper presented at Africans & Caribbeans in Britain: Writing, History & Society. A Conference in Celebration of Paul Edwards, University of Edinburgh: 1994; Ian Duffield, 'From Slave Colonies to Penal Colonies; the West Indians transported to Australia', Slavery & Abolition, vol. 7, no. 1 (1986), pp. 25-45; Ian Duffield, 'The Life and Death of "Black" John Goff: Aspects of the Black Convict Contribution to Resistance Patterns During the Transportation Era in Eastern Australia', Australian Journal of Politics and History, vol. 33, no. 1 (1987), pp. 30-44; Leslie C. Duly, "'Hottentots to Hobart and Sydney": The Cape Supreme Court's Use of Transportation, 1828-38', Australian Journal of Politics & History, vol. 25, no. 1 (1979), pp. 39-50; J. Jupp (ed.), The Australian People: An Encyclopaedia of the Nation, Its People and Their Origins (North Ryde: Angus & Robertson, 1988); and, V.C. Malherbe, 'Khoikhoi and the Question of Convict Transportation from the Cape Colony, 1820-1842', South African Historical Journal, vol. 17 (November 1985), pp. 19-39.

⁵ The author anticipates here Ian Duffield's forthcoming study.

⁶ This has been covered in some detail in Edward Duyker, Of the Star and the Key: Mauritius, Mauritians & Australia (Sydney: Australian Mauritian Research Group, 1982).

⁷ Governor's Proclamation, 24 August 1834. Public Record Office (henceforth PRO) CO 172.60 (Blue Book 1834).

⁸ PRO CO 171.12. The Mauritius Government Gazette, Saturday 28 June 1845.

still under sentence of transportation on the island had their sentences commuted to imprisonment with hard labour.⁹

Mauritian transportees included slaves, ex-slaves (apprentices), Indian convicts - originally transported to Mauritius - and indentured Indian and Chinese immigrants. Although Mauritian convicts were never more than a small minority of convicts in the Australian penal settlements, their transportation was significant. During this period a massive expansion in Mauritian sugar cane cultivation was fuelled by the use of unfree migrant labour; whether slave, convict or indentured.¹⁰ 'Criminal' offences by these populations were often little more than attempts to redefine their social experience; to establish a 'life of their own' beyond the demands of their owner, sentence or contract. Whilst it was only the most dramatic actions which resulted in transportation, the threat of the punishment remained a stark reminder of the constraints of unfreedom. At the same time, the strength of colonial authority was reaffirmed.

The island of Mauritius was discovered by the Portuguese in 1507 but remained uninhabited until the seventeenth century. It was then claimed and settled intermittently by the Dutch, who named it after Maurice of Nassau, Prince of Orange. In 1715, five years after the Dutch abandoned the island, the French established a permanent settlement there, renaming it Ile de France. In 1810, the British captured the island from the French and it was formally ceded to them by the Treaty of Paris in 1814. Ile de France then resumed its original name, Mauritius. The terms of the capitulation guaranteed that the inhabitants could retain their 'customs', property,

⁹ PRO CO 169.8. Ordinance 28, for commuting the sentences of transportation, passed on several prisoners, but not yet carried into effect, 10 July 1848.

¹⁰ Between 1810 and the mid-1820s, the amount of sugar cane planted more than doubled. In 1825, preferential tariffs on West Indian sugar entering British markets were ended. This further boosted Mauritian production: between 1814 and 1832, the proportion of land under sugar cane cultivation rose from 15% to 87%. Nigel Worden, 'Diverging Histories: Slavery and its Aftermath in the Cape Colony and Mauritius', South African Historical Journal, vol. 27 (1992), p. 11.

French language and religion. However, the British made it clear that the island would be governed by British law.

The first slaves were introduced to Mauritius during the Dutch period, to assist the settlers in clearing and cultivating land. Most originated in Madagascar. A 1706 census reported 57 slaves in a total population of 185 with an additional number of maroon slaves in the rugged interior of the island.¹¹ Imports from Madagascar continued with the consolidation of French settlement in the eighteenth century. Numbers increased rapidly as India and the African mainland also became sources of slaves: by 1788 they totalled 37 915.¹² Although the slave trade was abolished throughout the British empire in 1807, illegal trading continued after British forces captured Ile de France. The first British governor, Robert T. Farquhar, colluded with a French plantocracy hungry for labour.¹³

As Mauritius came under pressure to comply with anti-slave trading laws, sources of labour were sought elsewhere. After 1815, Indian convicts were transported from the Bengal and Bombay Presidencies to work on road building, linking the expanding sugar plantations to the major ports of the island. Although there were never more than a few hundred convicts at one time, the East India Company eventually cut off supply altogether, preferring to send convicts to its own penal settlements in Southeast Asia.¹⁴ Indentured labourers from India and China were first shipped to

¹¹ Maroon slaves were deserters who were able to establish camps in inaccessible locations. Slave 'marronage' in Mauritius differed from the West Indian and Spanish American context in that the size of the island together with rapid land clearance for cane cultivation in the 1820s and 1830s made the formation of permanent hideaways impossible, as was in the case in, for example, Jamaica.

¹² Anthony J. Barker, Slavery and Antislavery in Mauritius, 1810-33: The Conflict Between Economic Expansion and Humanitarian Reform Under British Rule (London: Macmillan, 1996), pp. 2-3. See also Marina Carter, 'Indian Slaves in Mauritius (1729-1834)', Indian Historical Review, vol. 15, nos 1-2, (1988-9), pp. 233-247.

¹³ Barker, op. cit., pp. 2-3.

¹⁴ Clare Anderson, 'Kala Pani: Indian Convicts in Mauritius, 1815-1853', unpublished Ph.D. thesis, Edinburgh (1997). Previous to his appointment in Mauritius, Farquhar had several years' experience as Lieutenant-Governor of the East India Company's penal settlement at Prince of Wales' Island (Pulau Pinang). As such he was well aware of the potential utility of Indian convict labour. PRO CO 167.41. Despatch from R.T. Farquhar to Lord Bathurst, Secretary of State for the Colonies, 18 July 1818, enclosing a Minute on the Employment of Convicts from India.

Mauritius in 1834, replacing the ex-slave (apprentice) workforce on the sugar estates. The benefits were twofold: wages remained depressed and planters retained control over the workforce. Over the next forty years, almost half a million immigrants arrived on the island.¹⁵ If the experience of convict labour did not influence the later decision to import indentured Indians to work on the plantations, it certainly facilitated it.¹⁶ A Commission of Enquiry (1875) reported that the previous existence of convict labour meant that the Indian indentured labourer was ‘not the entire stranger he was in the West Indies and Demerara’.¹⁷

‘Resistance’, identity and transportation

Studies of ‘resistance’ in the colonial context have proliferated in recent years as indigenous populations and labour migrants alike have come to be seen as active agents in the formation of colonial societies, rather than passive victims of all-embracing webs of colonial power.¹⁸ Indeed, as the economic, social and cultural constructions of individuals which accompanied particular aspects of colonialism were at least in part concerned with their subjectification, explorations of those

¹⁵ There is an increasingly rich historiography on the recruitment and experience of indentured labourers in Mauritius. See, for example, Crispin Bates & Marina Carter, ‘Tribal Migration in India and Beyond’, in Gyan Prakash, The World of the Rural Labourer in Colonial India (New Delhi, Oxford University Press: 1992), pp. 205-47; Burton Benedict, ‘Slavery and Indenture in Mauritius and Seychelles’, in J.L. Watson (ed.), Asian and African Systems of Slavery (Oxford, Blackwell: 1980), pp. 135-168; Marina Carter, ‘The Transition from Slave to Indentured Labour in Mauritius’, Slavery & Abolition, vol. 14, no. 1 (April 1993), pp. 114-130; Marina Carter, Lakshmi’s Legacy: The Testimonies of Indian Women in 19th Century Mauritius (Mauritius: Editions de L’océan Indien, 1994); Marina Carter, Servants, Sirdars & Settlers: Indians in Mauritius, 1834-1874 (Oxford: Oxford University Press, 1995); Marina Carter, Voices from Indenture: Experiences of Indian Migrants in the British Empire (London: Leicester University Press, 1996); M.D. North-Coombes, ‘From slavery to indenture: forced labour in the political economy of Mauritius 1834-1867’, in Kay Saunders (ed.), Indentured Labour in the British Empire, 1834-1920 (London, Croom Helm: 1984), pp. 78-125; and, Hugh Tinker, A New System of Slavery: The Export of Indian Labour Overseas 1830-1920 (Oxford: Oxford University Press, 1974).

¹⁶ Stephen Nicholas & Peter R. Shergold, ‘Transportation as Global Migration’, in Nicholas (ed.), op. cit., p. 32.

¹⁷ Parliamentary Paper 1875 XXXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, p. 27.

¹⁸ The work of Michel Foucault has often been taken as a starting point, with subsequent research extending his largely undeveloped maxim, ‘where there is power there is resistance’, to the colonial context. See, for example, Carol A. Breckenridge & Peter van der Veer (eds), Orientalism and the Postcolonial Predicament: Perspectives on South Asia (Philadelphia: University of Pennsylvania Press, 1993); Nicholas B. Dirks, Geoff Eley & Sherry B. Ortner (eds), Culture/Power/History: a Reader in Contemporary Social Theory (Princeton: University of Princeton Press, 1994); and, E.R. Wolf, Europe and the People Without History (Berkeley: University of California Press, 1982).

populations as active agents are inevitably concerned with the question of their eluding and resisting that transition to domination. As one critic has put it, although colonialism might have been dominant, it was not necessarily hegemonic.¹⁹

Early Marxian historiography predictably focused on the significance of violent acts against the state. In discussions of slave communities, insurrection alone was seen as the only form of genuine resistance, with other forms pre- if not apolitical.²⁰ Such direct resistance was of course crucial in challenging certain labour regimes. However, there has since been a sharp historiographical move away from the concept that rebellion is the only real form of resistance against oppression.²¹ It has been shown how peasants in South and Southeast Asia - and convicts in Australia - engaged in unorganised, non-violent, 'everyday forms' of resistance against those who attempted to extract labour from them. Their tactics ranged from footdragging, false-compliance and feigned ignorance to arson and sabotage.²²

¹⁹ Ranajit Guha, 'Dominance without Hegemony and its Historiography', in Ranajit Guha (ed.), Subaltern Studies VI: Writings on South Asian History and Society (New Delhi: Oxford University Press, 1989), pp. 210-309.

²⁰ Eugene D. Genovese, Roll, Jordon, Roll: The World the Slaves Made (New York: Pantheon, 1974), pp. 589-590. Such a perspective implicitly posits that the only subalterns who can be genuinely 'political' are industrial proletarians.

²¹ There were more than a dozen slave revolts in eighteenth-century Jamaica, culminating in the Christmas rising of 1831. In 1816, sixty plantations in Barbados felt the impact of a general slave revolt. Between 1731 and the abolition of slavery, there were at least eighteen revolts in the Guianas. See Michael Craton, Testing the Chains: Resistance to Slavery in the British West Indies (London: Cornell University Press, 1982); Michael Craton, 'Forms of resistance to slavery', in Franklin W. Knight (ed.), General History of the Caribbean: Volume III, The Slave Societies of the Caribbean (London: UNESCO Publishing, 1997), pp. 222-270; Richard Hart, Slaves Who Abolished Slavery, Vols I & II (Jamaica: Institute of Social & Economic Research, 1980-5); Evelyn O'Callaghan, The Earliest Patriots: being the true adventures of certain survivors of 'Bussa's Rebellion' (1816), in the island of Barbados and abroad (London: Karia Press, 1986); and, Richard Price (ed.), Maroon Societies: Rebel Slave Communities in the Americas (London: John Hopkins University Press, 1979).

²² See F.D. Colburn (ed.), Everyday Forms of Resistance (New York: M.E. Sharp, 1989); D. Haynes & G. Prakash (eds), Contesting Power: Resistance to Everyday Social Relations in South Asia (Berkeley: University of California Press, 1991); James C. Scott, Weapons of the Weak: Everyday Forms of Resistance (New Haven: Yale University Press, 1985); and, James C. Scott & Benedict J. Tria Kerkvliet (eds), Everyday Forms of Peasant Resistance in South-East Asia (London: Frank Cass, 1986). In the Australian context, see Alan Atkinson, 'Four Patterns of Convict Protest', Labour History, vol. 37 (1979), pp. 28-51 and K.M. Reid, "'Contumacious, Ungovernable and Incurable": Convict Women and Workplace Resistance; Van Diemen's Land, 1820-1839', in Duffield & Bradley (eds), op. cit., pp. 106-123.

Violent and 'everyday' forms of resistance alike could result in harsh penal sanctions. In Mauritius, the operation of the criminal law was inextricably linked to the imperatives of a society predicated on slave, convict and then indentured labour. Arson, assault or theft against predominantly white masters and mistresses by these populations placed the socio-economic (and racial) hierarchy at risk. Highly visible in nature, refusal to work or desertion from the workplace was a wholesale rejection of labour imperatives. As direct confrontations to the social order, these offences could not be tolerated.

The transportation of slaves and apprentices

The first convict to be transported from Mauritius to New South Wales was Sophie, a Malagasy domestic slave. In 1823 she was found guilty of stealing a considerable amount of cash and then setting fire to a barn on her mistress' estate. Her paramour, the free man Jean Gombault, claimed that she had given him \$24 Sp.,²³ telling him shortly afterwards that she had taken a further 140 piastres. Sophie initially claimed that the arson and theft had been carried out by another slave belonging to the establishment, the Mozambican César. She later changed her story, claiming that she had started the fire, but accidentally. However, a child on the estate, Juliette, saw Sophie steal 150 piastres from her mistress' wardrobe during the fire. The evidence was stacked against her and she was found guilty. The crimes were particularly serious as Sophie carried her mistress' keys.²⁴ She was found guilty of a breach of trust and was sentenced to death.²⁵

²³ \$ Sp. = Spanish dollar (piastre).

²⁴ If slaves were to carry out transactions for their households, they had to be entrusted with keys, money and goods. A breach of trust in this respect thus placed the whole household economy at risk. Barker, op. cit., p. 145.

²⁵ Mauritius Archives Court of Assizes (henceforth MA JB) 152. Trial of Sophie. Evidence of the Court of First Instance, 19 September 1823.

Her sentence was commuted to transportation soon afterwards; there are hints of a personal intervention on Sophie's behalf.²⁶ Whatever the case, details of the case were not printed in the Government Gazette notice of pardon, for fear that it might encourage other offences of the same nature.²⁷ Sophie was shipped to New South Wales in 1825.²⁸ Although she had given birth to a boy at the beginning of 1823,²⁹ there is no record of the child being sent to the colony with her. Her owner, meanwhile, was paid an indemnity of 300 piastres, a sum which also included the value of the child.³⁰

Thérésia, also a native of Madagascar, and a slave belonging to Sr Jean-Pierre Michel, was transported to New South Wales shortly afterwards. She was found guilty of striking Anastasie, her master's ten year old daughter, with the intention of killing her. Sr Michel's other daughter, Eléonide, had seen Thérésia holding a pioche (hoe) above the screaming Anastasie's head. Michel said that he believed Thérésia to be seeking revenge, although he claimed that he did not know for what reason. He said that when he heard his daughter's cries, he ran towards her. Thérésia jumped on him, seizing him by the testicles. Sr Michel was about to faint when two of his other slaves came and took her away.

As she was arrested, Thérésia cried that she would shoot her master, later admitting that she was 'tormented and unhappy.'³¹ Although unmentioned at the trial, Thérésia had made a previous complaint to the police for the brutal treatment she received at the hands of her master. She had been chained, beaten, forced to work despite illness

²⁶ MA Secretariat (henceforth RA) 301. Royal Pardon, 30 September 1824. Speculatively, this may have been the result of an unwillingness to execute a female.

²⁷ MA RA 278. Letter from J.M.M. Virieux, Acting Procureur Général, to G.F. Dick, Colonial Secretary Mauritius, 3 March 1825.

²⁸ MA RA 289. Letter from F. Goulburn, Colonial Secretary New South Wales, to G.F. Dick, 12 September 1825.

²⁹ MA RA 221. Letter from Virieux to Dick, 30 December 1823.

³⁰ MA RA 221. Letter from J. Jeremie, Procureur Général, to Dick, 30 December 1832.

³¹ MA JB 216. Trial of Thérésia & Azémia. Proceedings of the Court of First Instance & Verdict of the Court of Assizes, 24 April & 16 October 1830.

and on Sundays.³² At that time, Sr Michel had been placed under police surveillance, and was forbidden from punishing his slaves, unless he had permission.³³ Thérésia was originally sentenced to death; this was commuted to transportation in 1830.³⁴ She was embarked for New South Wales shortly afterwards, arriving on board the Celia in March of the following year.³⁵ Michel was given 500 piastres compensation for his loss.³⁶

In 1833, two other female slaves were transported to New South Wales. Elizabeth Verloppe and Constance Couronne were cousins, respectively belonging to M. Lasabalonière and Mme Geffroy. They had been hired out to Mme Morel as apprentice seamstresses and were found guilty of an attempt to poison her. The girls had tried to lace her tisane (herbal tea) with arsenic, failing only when they erroneously added the wrong powder.³⁷ The Procureur Général later wrote that they had acted with premeditation, ‘with the intention of freeing themselves by the death of their mistress from a work which appeared to them too fatiguing (embroidery work).’³⁸ They were sentenced to transportation for life in 1833.³⁹

Directions were given that Elizabeth and Constance be sent to Robben Island, in line with new regulations for transporting slave convicts.⁴⁰ As Elizabeth was aged twelve and Constance was just eight at the time of the trial, they were transported to New South Wales instead, arriving on board the ship Dart in July 1834. By 1840,

³² MA RA 366. Police report, 31 May-2 June 1828.

³³ MA RA 371. Police report, 10-11 July 1828.

³⁴ PRO CO 167.150. Despatch from Governor C. Colville to George Murray, Secretary of State for the Colonies, 21st December 1830, enclosing the proclamation, 9 December 1830.

³⁵ Convict ship indents: Con 119/31. Thérésia per Celia.

³⁶ MA RA 459. Letter from Colville to J.B. Ferris, Treasurer & Paymaster General, 28 March 1831.

³⁷ MA JB 254. Trial of Elizabeth & Constance. Verdict of the Court of Assizes, 24 September 1833.

³⁸ MA RA 663. Letter from Prosper d’Epinay, Procureur Général, to Dick, 1 July 1841.

³⁹ Trial of Elizabeth & Constance, *op. cit.*

⁴⁰ With a hint of disquiet about sending black offenders to the same colony as white convicts, the Secretary of State for the Colonies, Lord Goderich, stated that New South Wales was ‘rapidly acquiring a character which renders any such accession to its population highly inexpedient.’ PRO CO 168.16. Despatch from Lord Viscount Goderich to Colville, 8 May 1831. It was later directed that slaves condemned to transportation are ‘always to go to Robben Island, unless instructions be given to the contrary.’ MA police records (henceforth Z2A) 72. Letter from Dick to Finnis, 28 September 1833.

Elizabeth had been assigned as a servant to the first police magistrate in Sydney (A.N. Wilson) and Constance to one of his daughters. Elizabeth had married a man of Mauritian origin, Jean Larami, and Constance was about to marry a liberated convict with whom she had worked. His prospects were good, having managed to buy a few cattle whilst on a ticket-of-leave. Wilson petitioned for the pardon of both women.⁴¹ The petition was refused. It was thought that liberating convicted poisoners would set a bad example to the 'lower orders' of society.⁴²

The transportation of these four women reveals much about the relationship between masters/mistresses and slaves. Sophie was convicted of stealing a substantial amount of money, using the chaos which ensued after setting fire to a barn to increase her personal gains. Her thefts were not necessary for economic survival, but perhaps to acquire petty luxuries or goods to lessen the everyday drudgery of a domestic slave.⁴³ Thérésia made a more direct attack on her master, clearly motivated by a desire to revenge the harsh treatment she had received. Likewise, Elizabeth and Constance sought to eradicate the cause of their misery, by attempting to poison their mistress.⁴⁴ Whilst poisoning was not a widespread response to slavery, it was certainly a relatively common means to attempt murder. Mauritian criminal records for the first half of 1830 reveal nine alleged poisoners amongst fifteen slaves accused or convicted of murder.⁴⁵ The actions of these four slave women were all instances of what have been recognised in the Caribbean context as attempts to sabotage or change the system from within.⁴⁶ Slave women in particular had few other options: 'accommodation and resistance developed as two forms of a single process.'⁴⁷

⁴¹ MA RA 693. Letter from A.N. Wilson to Dick, 18 November 1840.

⁴² MA RA 663. Letter from d'Epinay to Dick, 1 July 1841.

⁴³ A similar argument is put forward, in relation to British women sentenced to transportation, by Reid, 'Work, Sexuality and Resistance', op. cit.

⁴⁴ Trial of Elizabeth & Constance, op. cit. It should be noted that Elizabeth and Constance's guilt is open to question. During the trial it was argued that another older slave leased to Mme Morel was guilty of the attempted poisoning, deliberately putting the blame on the two young girls.

⁴⁵ Barker, op. cit., p. 114.

⁴⁶ Craton, Testing the Chains.

⁴⁷ Genovese, op. cit., p. 658.

After the abolition of slavery, with the introduction of indentured labourers, ex-slaves were forced out of the plantations and into destitution.⁴⁸ Unsurprisingly then, it was this population - overwhelmingly convicted of offences against property - that formed the bulk of transportees after 1834. Guillaume, an apprentice belonging to Srs Hunter and Arbuthnot, was found guilty of stealing a hen, three white shirts, a pair of blue trousers, two cooking pots, a bag of rice and two hoes from Sr Jean-François Dioré.⁴⁹ With the goods acquired for either personal consumption or resale, he was sentenced to ten years' transportation.⁵⁰ Further, the apprentice Felix was found guilty of two robberies by night. Having been convicted of robbery on one previous occasion, he was also sentenced to transportation for ten years.⁵¹ Yet robbery was not always a means to acquire goods; it could be bound up with revenge against authority. Thus the apprentice Malgache was condemned to seven years' transportation for robbing the Palais de Justice of several items, including several rugs and some of the Procureur Général's personal files. He had two former convictions for robbery and was perhaps motivated by a desire for retribution; or to erase his criminal record.⁵²

The re-transportation of Indian convicts

Like slaves and other free persons, convict labourers in Mauritius were subject to local jurisdiction. If found guilty of criminal offences, they could be sentenced in various ways: fines, imprisonment, transportation or execution. After their introduction into the colony in 1815, several Indian convicts were re-transported.

⁴⁸ Carter, Servants, Sirdars & Settlers. Carter has persuasively challenged the established view that ex-slaves quit the plantations en masse. She argues that plantation owners forced them out, replacing their labour with a cheaper and more controllable indenture system.

⁴⁹ MA JB 287. Trial of Guillaume. Police report, 20 March 1837 & statement of the Procureur Général, Court of Assizes, 2 June 1837.

⁵⁰ MA court verdicts (Henceforth JA) 58. Verdict of the Court of Assizes, 29 June 1837. The illegal economy was an important feature of patterns of consumption and exchange during this period. See Anderson, *op. cit.*, chapter 4.

⁵¹ MA JB 254. Trial of Felix. Statement of the Procureur Général & verdict of the Court of Assizes, 28 April 1834.

⁵² MA JB 233. Trial of Malgache alias Petit Jean. Statement of the Procureur Général & verdict of the Court of Assizes, 1 April 1834.

Two Bengal men were sent to Robben Island for armed robbery.⁵³ A convict of Anglo-Singalese origin, John Herman Maas, was transported to New South Wales for forging coins, a repeat of the offence for which originally transported.⁵⁴ Perhaps the most notorious re-transported convict was the Bombay convict, Sheik Adam, who was originally transported to Mauritius in 1834.⁵⁵

Sheik Adam deserted shortly after his arrival in Mauritius, after his overseer punished him for several petty crimes of which he claimed he was innocent.⁵⁶ He returned to the convict headquarters at Grand River about a month later where he stayed for another six months. He deserted again at the end of 1837⁵⁷ and upon his recapture was put in chains and returned to work.⁵⁸ When he next escaped, he was wearing a chain secured on his neck and leg, intended to impede further escapes as well as to punish. He remained at large for two months, and nothing was heard of him until a police guard was informed that he had been seen fishing in a canoe.⁵⁹ This did not lead to his capture.

Just two days after this second desertion, a convict attached to the Post Office as a courier, Tulluck Chund, was murdered whilst on duty in the eastern district of Flacq.⁶⁰ Suspicion immediately fell upon Sheik Adam and a large reward of £20⁶¹ was offered for his arrest.⁶² Meanwhile, the judicial procedure concerning the murder began. Another man implicated in the crime had been detained in the civil prisons,

⁵³ MA JB 242. Trial of Narahime & Bourdaye. Verdict of the Court of Assizes, 17 April 1832.

⁵⁴ MA JB176. Trial of John Herman Maas. Proceedings of the Court of First Instance, 17 August 1826. Maas was just 17 years old.

⁵⁵ MA JB 307. Trial of Sheik Adam & others. Statement of the convict Pittambor given to the Police Officer Sr Godré, 28 July 1840 and letter from J. Savage, Acting Surveyor General & Civil Engineer, to O. Desmarais, 25 August 1840.

⁵⁶ MA JB 289. Trial of Alexis. Evidence of Sheik Adam, Court of First Instance, 11 June 1838.

⁵⁷ MA Z2A 104. Letter from Finniss to Lloyd, 18 January 1838.

⁵⁸ Trial of Alexis, op. cit.

⁵⁹ MA Z2A 105. Letter from Finniss to Lloyd, 27 February 1837.

⁶⁰ MA RA 567. Letter from Overseer A. Van Hilten to W. Staveley, Head of Convict Department, 9 December 1837.

⁶¹ At this time, several currencies were circulating in Mauritius.

⁶² MA Z2A 106. Letter from Finniss to Dick, 29 January 1838.

but judgement could not be concluded in Adam's absence.⁶³ As the date of the trial approached, Sheik Adam remained at large. The reward was raised to £50, a small fortune to any ordinary Mauritian. The Chief of Police wrongly assumed that he was being harboured in one of the convict camps.⁶⁴

Sheik Adam was eventually captured in June 1838, by the chief of the police detachment in Rivière du Rempart, Louis Ithier, who subsequently claimed the reward.⁶⁵ The wanted man was found living with a planter, M. Béchard, who had employed him as a servant. It was presumed that Béchard had been unaware of Sheik Adam's convict status, though it was lamented that planters 'ought to ascertain who persons really are before they take them into their service.'⁶⁶ The prisoner was subsequently transferred to the civil prison to prevent a further escape.⁶⁷ However, there was not enough evidence to try him for the murder of the convict courier Tulluck Chund. Instead, a maroon apprentice, Alexis alias L'Amour René, was charged with stealing two pieces of cloth, money and a gold mohur⁶⁸ which Tulluck Chund had worn as a necklace. At the trial, Sheik Adam and four other convicts claimed that Alexis had tried to sell him the mohur. Adam also declared, in the face of the defendant's denials, that he knew Alexis through selling him tobacco on several occasions.⁶⁹

In October 1838, shortly after the trial, Sheik Adam deserted once more.⁷⁰ Later that month, an overseer, A. Van Hilton, accused him of having threatened and then robbed him.⁷¹ He was recaptured and returned to his working party, deserting at the

⁶³ MA Z2A 109. Letter from O. Desmarais, Procureur Général, to Finniss, 25 January 1838.

⁶⁴ MA Z2A 110. Letter from Finniss to Dick, 9 May 1838.

⁶⁵ MA Z2A 106. Letter from Finniss to Dick, 22 June 1838.

⁶⁶ MA Z2A 108. Letters from Finniss to Dick, 30 May & 5 June 1838.

⁶⁷ MA Z2A 108. Letter from Finniss to Dick, 30 May 1838.

⁶⁸ A gold Indian coin.

⁶⁹ Trial of Alexis, *op. cit.* Unfortunately, no record of the Court's verdict survives.

⁷⁰ MA Z2A 114. Letter from B. Avice, Civil Commissary of Police Grand Port, to Finniss, 11 October 1838.

⁷¹ MA Z2A 108. Letter from Finniss to Dick, 6 October 1838.

beginning of 1839. He was retaken but promptly re-escaped.⁷² Arrested at the end of February, carrying a bundle of stolen linen,⁷³ he was sent back to work, where he remained for just over a year. His marooning career was not over. In June 1840 he deserted again, for what was to be the last time.⁷⁴

During the months of June and July 1840, several remarkably similar cases of poisoning and robbery were reported to the police. In each case, various individuals stated that they had been given cakes laced with poison, and after falling ill, they had been robbed of all their valuables. The first such case took place on 10 June. On the preceding afternoon, a person whom the witnesses at first thought was Portuguese, together with four Indians, went to Zamor Catatum's hut in Trou aux Biches, a small village on the north coast. They asked for a light for their pipes, saying that they were on their way to Grand Bay to buy some fish.

The next day, the gang returned, now bringing some rice and a bottle of gin. Along with Zamor in the hut were Pedre and Alexis, two ex-apprentices. The five visitors cooked their rice there, and then offered their hosts some cakes and the gin. The gifts were accepted and consumed, but soon afterwards all three fell ill. Indeed, the next day at 2pm, a neighbour, the carpenter Lubin Germain, met Zamor on the beach, delirious and eating sand. Going to Zamor's hut, Germain found Pedre and Alexis, stark naked and apparently dead. He realised that a number of items had been stolen. This was later confirmed as including some linen, fourteen piastres in various currencies, several cooking pots and all of Zamor's chickens. Dr Poupinel treated the three victims. Zamor died a few days later, the others recovered. Drs Boucher and McCraw, who performed his autopsy, noted that his stomach and intestines were

⁷² MA police report books (henceforth HA) 107. Police reports, 16 January & 20 February 1839.

⁷³ MA Z2A 108. Letter from Finnis to Dick, 26 February 1839.

⁷⁴ MA Z2A 135. Police report Moka, 28 June 1840.

irritated. They attributed his death to the effects of either cannabis or *Datura stramonium*.⁷⁵ _

Pierre Louis, employed by Sr Jules Regnard, made a similar complaint to the police sometime later. He said that on 17 June he was on the Pamplemousses Road near Powder Mills in Flacq, when he saw an Indian and two young creoles sitting on a tree trunk. He went and sat by them, placing down his bag while he went to buy some bread from the shop opposite. However, before he could do so, the Indian took a cake out of his handkerchief and offered it. Pierre Louis ate about three quarters of it, but was unable to finish it as it had a disagreeable taste. He remarked upon this and the Indian then offered him some wine which he drank. All four men then walked down the same road until Pierre Louis first fell ill, then unconscious. He could not recall what had happened next. Later picked up as a drunk, he awoke in police custody. The police knew nothing of his missing bag or of the Indian he had encountered. All his linen and two *piastres* had been stolen.⁷⁶

Laurence Jeannot and Jean Francois, both in the service of Mme Moulinié in Rivière du Rempart, had a similar story to tell. They stated that they were in a wagon on the way to Port Louis on 6 July when an Indian stopped them and asked for a lift. Jean Francois agreed and the man offered them some wine from a bottle he was holding. Laurence refused, but Jean Francois accepted. The man then offered them some bananas followed by some small cakes, which they both ate. Shortly afterwards, Jean Francois began to feel ill and had to ask the stranger to take the reins of the wagon. Laurence felt the same symptoms, but less violently, and as they arrived at Ville Bague, she took Jean Francois to a friend who lived there. In the meantime, she realised that the Indian man had taken off with the wagon and all their personal effects. He had told her friend that he was going to get help for Jean Francois, and

⁷⁵ Trial of Sheik Adam & others, op. cit. *Datura stramonium* is commonly known as thorn apple.

⁷⁶ Ibid. Pierre Louis did not report the crime until after the arrest of Sheik Adam.

was taking their things with him so that they would not get lost or stolen. He took all their jewellery and six piastres in cash.

Two apprentices belonging to Mme Goudreville, Marcelin and Theodore, suffered the same fate. Between them, they lost a watch, a hat, two pairs of shoes, a small bag containing rice, two bundles of linen and two rings. On 17 July, Theodore was walking from Port Louis to Flacq when a passer-by asked where he was going. Replying to Flacq, the man then said that he was going to Grand Bay and suggested their travelling part of the way together. They drank a bottle of wine together and continued on their way until they were joined by Marcelin. Arriving at a liquor shop, the Indian stranger suggested entering and drinking more wine. After some hesitation the apprentices agreed. At the stranger's suggestion, Marcelin even paid for the bottle. As the men continued on their way, the Indian took a cake from his pocket which he split in half and gave to the two others. Theodore wanted to keep his share for his child. The Indian immediately took another cake from his pocket and gave it to him, urging him to eat the half he had already been given and save the other for his child. In the meantime, Marcelin ate his helping.

Shortly afterwards, both men began to feel dizzy and their legs began to shake. As they went to drink some water from a stream near the road, they realised that the man had taken the opportunity to steal their belongings, and take off in a wagon without telling them where. They went back to the road, but there was no trace of him, their things or the wagon. Thinking he might have gone towards Pamplemousses, they ran in that direction for a while, asking everyone they met if they had seen him, but to no avail. Still feeling ill, they went back to the liquor shop, and by early evening had fallen into a state of collapse by the side of the road, where they remained in a great deal of pain until the next morning.

The instigators of these crimes were not found until by chance an Indian man named Ichian was found wearing shoes and a pair of blue cloth trousers which were recognised as belonging to Zamor Catatun. Ichian initially denied having been involved in any of the poisonings and robberies, stating that he had bought the clothing in Port Louis. However, when he was presented to Pedre, who had been given the same cakes as Zamor, he was recognised as one of the five men who had come to Zamor's hut. Only then did Ichian admit the crime, but denied administering the poison, offering to help arrest the real culprit. On the orders of the Judge of the Court of First Instance, Henri Brunneau, he took the police to the Camp Malabar on 18 July where he pointed out a man he knew as either Sheik Abdoul or Adolphe. This man had just arrived from the Pamplemousses Road and was driving a wagon. He was immediately arrested, and the goods he had with him were seized. It was then realised that Sheik Abdoul alias Adolphe was in fact the convict deserter Sheik Adam and that the goods in his possession belonged to Theodore and Marcelin, whom he had robbed earlier that afternoon.

After his arrest, Sheik Adam told the police that he had been a deserter for about a month. During this time he had roamed constantly between Port Louis and the country districts. The police then went to the place where Sheik Adam said that he had recently been residing, a hut rented under the name of Abdoul Cader from Rosalie Berger. Rosalie said he was originally with another Indian man who left after a quarrel. Upon further questioning, she revealed that Abdoul cooked his breakfast early in the morning and left for most of the day, stating that he was going to work. She did not think that he had a large number of possessions, but knew that he had some linen and a cockerel. Now she recognised Sheik Adam as the man she knew as Abdoul Cader and he admitted that he had rented the room.

When confronted and recognised by Pierre Louis, Sheik Adam confessed to his crime against him, naming two ex-apprentices, Désiré Tapage and Robert Cheri, as his

accomplices. When presented to Laurence by the police, she recognised him and, in her anger, punched him in the face. Theodore and Marcelin also recognised him. He confessed that he had made cakes found in his possession. Their ingredients were wheat flower, sugar and the flowers of a plant which he had found growing wild. He was taken to Fort William, where he said the plants could also be found in abundance. There, he pointed out a plant commonly known as ‘devil’s flowers’, whose botanic name was datura stramonium. He also pointed out the tree deces arbustes, stating that he sometimes used the seeds of its fruit to make poisoned cakes as well.⁷⁷ At the Court of Assizes he was found guilty of poisoning and robbery. He was subsequently sentenced to fourteen years’ transportation and was embarked for Van Diemen’s Land in 1842.

The motives of Indian convict maroons in Mauritius were similar to those of bushrangers in the Australian colonies.⁷⁸ The incidence of convict desertion there was clearly a product of a breakdown in management strategies.⁷⁹ There were also ‘pro-active elements to the convicts’ motivations’, however, including the lure of the illegal trade in kangaroo meat in Van Diemen’s Land.⁸⁰ Mauritian convict absconding was also a consequence of lax surveillance. At the same time, it gave an enhanced opportunity for socio-economic mobility. Convicts were able to interact with other social groups on the island and to engage in theft and the trafficking of stolen goods.

Evidently, in July and July 1840, it was a serious misfortune to fall into company with Sheik Adam. He was engaged in systematic robbery beyond any imperative of sheer necessity, having hit on poisoning as a sure-fire device to render his victims helpless.

⁷⁷ Ibid. Poisoners in India were sometimes referred to as ‘daturias’, a reference to this potent herb.

⁷⁸ See Paula J. Byrne, Criminal Law and Colonial Subject: New South Wales, 1810-1830 (Cambridge: Cambridge University Press, 1993) and Hamish Maxwell-Stewart, ‘The Bushrangers and the Convict System of Van Diemen’s Land, 1803-1846’, unpublished Ph.D. thesis, University of Edinburgh (1990).

⁷⁹ Maxwell-Stewart, op. cit.

⁸⁰ See Richard Walsh, ‘The Birth of Bushranging in New South Wales; Its Meanings and Contexts in a Contested Landscape, 1788-1810’, unpublished M.Sc. thesis, University of Edinburgh (1996), p. 4.

Although his ruthlessness renders him unsympathetic, it seems unlikely that he intended anyone's death, for otherwise the toll would surely have been higher than the unfortunate Zamor. A repeated maroon before his last outbreak, the Mauritian Convict Department was finally much relieved to be shot of him to Van Diemen's Land. After his arrival in the settlement, Sheik Adam became a cook to Francis Henslowe, a police magistrate in Campbell Town. He married the servant Sarah Swift there in 1849. She was transported from Liverpool for manslaughter, stating this offence: 'stabbing with intent Elizabeth - with a pair of scissors (I was drunk at the time).' Once in Van Diemen's Land, Swift was frequently disciplined for petty theft, drunkenness, disturbing the peace and talking in chapel. Perhaps surprisingly, Adam's own record is unremarkable.⁸¹

Indentured immigrant transportation

The first indentured immigrants were shipped to Mauritius in 1834; the main bulk arriving after 1839 when indenture came under government control. Whilst many immigrants used the period of their contract to their economic advantage, workplace conditions could be relatively harsh. Aside from physical exhaustion, social alienation and poor treatment, many indentured labourers experienced the agro-industrial discipline of the sugar estates for the first time. The response to these tensions sometimes resulted in violence. Walk-outs amongst Indian indentured immigrants on the plantations were relatively common; incidents of machine breaking are also recorded.⁸² Conflict between indentured labourers and their employers was thus both violent and covert in form.⁸³

A number of indentured immigrants were transported for violent assault, which most commonly stemmed from disputes over women. In typically orientalist fashion, such attacks were characterised by colonial officials as the result of sexual jealousy: the

⁸¹ Sarah Swift's conduct record is at Con 41/10; Sheik Adam's at Con 37/1.

⁸² Carter, *Servants, Sirdars & Settlers*, pp. 222-30.

⁸³ North-Coombes, 'From Slavery to Indenture', pp. 107-109.

actions of the ‘hot-blooded native.’ Domestic violence, rather than being a ‘crime of passion’, may at least partly have been bound up with the imbalanced sex ratios in the colony. Of the 15,000 Indian immigrants who arrived in Mauritius between 1834 and 1839, just 1-2% were female. By 1845, this figure had risen only slightly, to just 6%. Not until the 1850s were women 40-50% of the total number of indentured labourers received.⁸⁴

Thus in 1841 Jahoree set fire to Jovaheer’s hut on the Harel estate, blocking the door to prevent him from leaving. Jahoree’s former concubine, Dinat, had left him to live go and live with the man.⁸⁵ Assa also attempted to murder his paramour Gunjee after she spent the night with a sirdar (overseer), Pirbox. She was found with extensive injuries to her chest and arms and twelve cuts to her throat. Assa had carried out the assault with a razor.⁸⁶ A third indentured labourer, Moutouvirin, succeeded in murdering his wife; he beat her to death. Like Assa, he claimed to have found her committing adultery.⁸⁷ Jahoree and Assa were transported for life; Moutouvirin for twenty years.

In other cases attacks were made by indentured labourers in direct retaliation against the time-discipline of the plantation. Wetia Hong, an indentured Chinese immigrant, was transported for such an offence.⁸⁸ In 1841 he was found guilty of the attempted murder of the Chief Overseer at the sugar estate on which he was employed, Sr Grégoire Chenaux. About fifteen Chinese labourers on the estate had refused to go back to work after the 9am breakfast bell. The overseer of the sucrerie went to their lodgings. He was refused entry and threatened with a bottle. A second overseer was refused entry; a third had the bottle thrown at him. A fight quickly broke out.

⁸⁴ Carter, Servants, Sirdars & Settlers, pp. 89 & 91-2.

⁸⁵ MA JB319. Trial of Jahoree. Statement of the Procureur Général, Court of Assizes, 2 June 1841.

⁸⁶ MA JB341. Trial of Assa. Evidence of the Court of First Instance, 15 May 1844 & statement of the Procureur Général, Court of Assizes, 16 September 1844.

⁸⁷ MA JB347. Trial of Moutouvirin. Evidence of the Court of First Instance, 22 January 1845.

⁸⁸ For details of Chinese indenture in Mauritius, see Huguette Ly-Tio-Fane, Chinese Diaspora in Western Indian Ocean (Mauritius: Editions de l’Océan Indien, 1985).

Chenaux grabbed one of the labourers and threw him out of the lodgings, taking Wetia Hong by the arm. Hong was holding a knife with which he was peeling a cucumber and attempted to stab Chenaux. The other labourers threw vases and bottles at the three overseers. Although a precise cause of the incident could not be found, the labourers were said to have been 'negligent and unwilling' in their work for several days. Wetia Hong himself had been absent on a number of occasions. As a result, there was a general feeling amongst the overseers that the assaults had been planned.⁸⁹

Arson was another response to the conditions which confronted some indentured labourers. In 1838, the Indian sirdar Sitto Pendé set fire to his master's estate. On the day of the fire, Sitto's brother, Thia Pendé, had been detained on the estate as a punishment for some minor offence, perhaps insolence or slow-working. Sitto demanded Thia's release. When his request was refused, he became extremely angry. The fire broke out shortly afterwards, with several witnesses confirming that Sitto started it.⁹⁰ He was found guilty of committing arson 'in a spirit of revenge' and sentenced to a seven year term.⁹¹

Conclusion

The actions of slaves, convicts and indentured immigrants created enclaves of social space at the expense of colonial power. 'Criminal offences', whilst violating colonial penal codes, were often simply attempts to define self-identity or protest against the labour system. However, those offenders who posed the most explicit threat to the basis of that power - through crimes against property, physical assault against those further up in the socio-economic hierarchy, or desertion from the workplace - could

⁸⁹ MA JB 320. Trial of Wetia Hong. Statement of the Procureur Général, Court of Assizes, 11 November 1841. Wetia Hong received his conditional pardon on 13 February 1855. Con 37/1.

⁹⁰ MA JB 289. Trial of Sitto Pendé. Police report, 19 November 1838 & statement of the Procureur Général, Court of Assizes, 2 March 1839.

⁹¹ MA JA64. Verdict of the Court of Assizes, 4 April 1839. There is no evidence that Pendé was sent to Van Diemen's Land. He may have died whilst awaiting his transportation.

be punished with transportation. This both removed them from view and provided a potent reminder to the general population of the scope of colonial boundaries. The limits of colonial society thus came to be clearly defined, with transportation an extremely efficacious tool for punishing those who transgressed them.