

## James Baxter – Scindian Convict #32

James Baxter was a 22-year-old soldier in the 36th Regiment of Foot in the British Army stationed at Corfu in Greece when he was court-martialled on 9 September 1847 for violent and outrageous conduct and striking a superior officer. He was sentenced to 14 years' transportation for this rebellious act of insubordination. He was returned to England where he first served time in Reading Prison then in the notorious Millbank Prison from 2 May 1849 before being transferred to Portland Prison on 20 June 1849 awaiting transportation to Western Australia.

Baxter was collected from Portland Prison on 28 February 1850 by the *Scindian*, the first convict transport ship to Western Australia where he arrived on 1 June 1850. The majority of the convicts were held on board the ship until 25 June 1850 which was when Baxter was taken ashore. He was in custody in the temporary prison in Fremantle, likely working in a road gang until receiving his ticket-of-leave on 14 February 1851. The Convict Register recorded his physical description - Height 5' 5 1/4", dark brown hair, brown eyes, round visage, dark complexion, middle size appearance.

The labour of Baxter and other convicts was advertised over several weeks in the *Inquirer*:

*"HIS Excellency the Governor directs it to be notified for general information, that any person who may be willing to engage one or more of the convicts per Scindian, now at Fremantle included in the following List, when they become entitled to Tickets of Leave, must make application to that effect (stating the name of the Prisoner and Trade) to the Comptroller-General, at Fremantle.*

*By His Excellency's command, T. N. YULE, Acting Colonial Secretary."*

Name	Age	Trade	Entitled to ticket of leave
James Baxter,	24,	Labourer and Groom,	4 <sup>th</sup> Feb 1851

*Inquirer*, Weds 6 Nov 1850, p 4

Baxter's district appears to have been Perth. He had at least a month of unlawful behaviour from August to September 1852, reported on by the *Inquirer*:

*Inquirer*, Weds 25<sup>th</sup> Aug 1852, p 3 Fremantle Police Intelligence

*"James Baxter, charged with being in Fremantle without a pass. Admonished, and ordered to pay 2s 6d expenses."*

*Inquirer*, Weds 22 September 1852, p 2, Police Intelligence

*"James Baxter, ticket-of-leave holder, drunk; fined 5s and expenses."*

After this time Baxter left Perth, likely for the Victoria district, as the General Post Office in Perth advertised his name, along with others, who had unclaimed letters at their office on 27 May 1854.

Subsequently he is recorded as being in the Midwest region working for William Burges. He arrived with Burges and his sheep flocks without the pass allowing him to leave his old district and move into Victoria District. Following this he worked at the Geraldine Lead Mine where he stayed until 1857 when flooding of the Murchison river led to the mine being closed for the winter.

The next clue as to Baxter's whereabouts indicates that he escaped from Western Australia, departing from King George's Sound (Albany) on 20 May 1857.

Baxter was listed as an escaped prisoner in a notice printed by the colonial government in 1859:

*"Runaway Convicts*

*Return of Convicts who have escaped from the Colony, and whose absconding has been notified to this office between the 1<sup>st</sup> of June, 1850 and the 31<sup>st</sup> of March, 1859. A reward of £5 will be paid for the apprehension of each Convict, or such lesser sum as may be determined on by His Excellency the Governor. E. Y. W. Henderson, Comptroller-General, Western Australia, Comptroller-General's Office, 1<sup>st</sup> April, 1859.*

*19. From King George's Sound, 20<sup>th</sup> May, 1857*

*Reg. No. 32, James Baxter, per Scindian, tried at Corfu, 9 September 1847; 14 years; labourer and soldier; age 33, height 5 feet 5 1/4 inches, hair dark brown, eyes brown, visage round, complexion fresh, appearance middling stout."*

There was at this time activity in the South Australian parliament concerning legislation to make it easier to identify passengers entering their colony by landing at smaller ports where they could almost anonymously and possibly illegally enter the colony. This followed the landing of several passengers at Rosetta Head on 23 May 1857 via the brigantine *Swallow*. The Police Commissioner had made a statement at the time with reference to escaped convicts, one of whom could possibly have been James Baxter.

Baxter's whereabouts following his departure from the Swan River Colony in May 1857 are unknown.

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Sources:

Erickson, R., O'Mara, G., *Convicts in Western Australia 1850-1887 : dictionary of Western Australians*. Volume IX, p 30;

Fremantle Prison Convict Database;

Millbank register PCom 2/20 17338, courtesy of Bevan Carter;

National Library of Australia, Trove:

*The Inquirer and Commercial News*, 6 November 1850, p 4;

*The Inquirer and Commercial News*, 25 August 1852, p 3

*The Inquirer and Commercial News*, 22 September 1852, p 2;

*Perth Gazette*, 2 June 1854, p 3;

*Perth Gazette*, 1 May 1857, p 3;

*The Inquirer and Commercial News*, 15 July 1857;

Portland Prison Register, PCom2\_383, courtesy of Bevan Carter;

State Library of Western Australia: Ephemera, slwa\_b2487454\_2;

State Records Office of Western Australia, Convict Registers: Cons 1156 R17, R21A, Acc 128/1-32 and 38.

With grateful thanks to Diane Evans and volunteers of Midwest Convict Database project.