

Looking for Azzopardi

A historic and a modern search

Richard Pennell

.....

'Looking for Azzopardi: A historic and a modern search', *Provenance: The Journal of Public Record Office Victoria*, issue no. 10, 2011. ISSN 1832-2522. Copyright © Richard Pennell.

This article has been peer reviewed.

Richard Pennell studied Arabic and Spanish and Islamic History in Britain. He has taught the history of the Middle East and North Africa at the University of Melbourne since 1997, after earlier posts in Morocco, Libya, Turkey, Singapore and Kenya. He has published widely on North African history, most recently *Banning Islamic books in Australia* (Melbourne University Press, 2011). This current article is part of a long research interest in cross-cultural legal trials, a subject on which he has already published several articles.

Abstract

This article concerns two attempts to trace Giuseppe (or Joseph) Azzopardi, a Maltese man who murdered a Dutch woman in Smyrna (now Izmir) in Turkey in 1842. The first search was instigated in Malta by his wife Concetta in 1857 after he had been tried in England and transported for life to the Australian colonies. This search by nineteenth-century authorities was unsuccessful. The second search was undertaken by the author in 2010, who became curious about the case as a by-product of other research. This second attempt pushed the story further by establishing that Azzopardi had moved to the Victorian goldfields and remarried, but then he disappears again.

Azzopardi was one among many subjects of the British Empire who vanished in Australia. A formal government system was set in place to try and find them, and this article describes that system and examines its failures. The methodology of a modern-day search offers an interesting comparison. Azzopardi's story asks us to reflect on what it means to be 'lost'.

This is the story of two searches for the same man, a century and a half apart. In 2010, I tried to discover what happened to Joseph Azzopardi, a Maltese convict who played a minor but intriguing part in the development of the English law of international jurisdiction. In 1857, his wife Concetta had also tried to find him because she was destitute. Both searches relied on the bureaucratic mechanisms of the Empire, a paper trail that led from Malta to London and then to Sydney, Hobart and Melbourne. Both were unsuccessful.

The two searches illustrate a rather un-researched phenomenon: the extent to which people vanished through the cracks in the Empire and how difficult it was for the authorities to find them. There were multiple British empires. One was a framework of government, bureaucracy and coercion, whose officials sought to exert control. Another marked the limits of their success, escaping their control: it was an empire of the lost.

Many individuals were lost by design, not accident. They sought to hide themselves, or at least their real identities, from official view – and even from the view of their relatives. If they crossed the will of the state, what is then known about their lives reflects the interests of officialdom. For example, it is not clear what crime he had committed in County Down that propelled James McKinney to Van Diemen's Land (Tasmania): the records did not *need* to record that sort of information and so sometimes they did not do so. They *did* record his description in some detail, the better to hunt him down when he escaped, and they recorded the details of his punishment when he was recaptured – once in 1823, when he was given a hundred lashes, and again in 1825 when he was hanged, after a seven-month period as a bushranger. McKinney simply ran away and became an outlaw, desperate to separate himself from lawful society.[1]

.....

This was not only an Australian phenomenon. In the first part of the nineteenth century, between 1815 and 1853, about 5% of Indian convicts transported to Mauritius were known to have absconded at any one time. This was called *marronage*, a term originally used to describe slaves who had fled, and, like them, many of these convicts lived on their wits, pilfering lawful society while living beyond its edges – very much like Australian bushrangers. Others tried to move back into society, passing themselves off as indentured immigrants, for example.[2]

This second tactic, of re-integrating into society by losing a previous identity, sometimes had immediate criminal ends. In the 1820s the swindler John Dow adopted the identity of the misled son of a minor Scottish gentleman to gull a clergyman of a small sum of money and defraud an innkeeper of his bill. He was arrested, tried in Dumfries and sentenced to transportation to Australia for seven years.[3] In New South Wales he then adopted the identity of another errant son, this time an aristocrat, and set about constructing a complicated life history that would allow him to pose as a government official, greatly to his benefit. The industrious bureaucracy that swallowed up transported convicts, with its meticulous record keeping, allowed a modern historian, Kirsten McKenzie to follow his progress through the convict system, but not as a person. He was, for the convict bureaucrats, ‘a cipher’, a series of entries in record books, not an individual.[4] Dow reconstructed his identity on fictitious lines in order to pursue his life of fraud and deception – and he was able to succeed because his mythmaking confirmed the preconceptions of his victims: he looked the part.[5]

John Dow was able to vanish and reconstruct himself because the machinery of Empire gave him the opportunity to do so. He wanted to disappear and he achieved this by turning himself into someone prominent, albeit at the very edges of the Empire itself. This created problems for those who looked for the real man: for his contemporaries, for his family who sent their agents to track him down through the records of the Dumfries court, and for the twentieth-century historian who tried to unravel his story. The agent and the historian followed very much the same routes through the same records, two hundred years apart.[6]

For men like Dow, the sea of anonymity was a blessing, even an opportunity. There were others who vanished because they got lost in the vast movement of people from one place to another. Some were ‘found’ again, later. The various records of the Victorian goldfields

are filled with enquiries about missing persons, those who moved from place to place across the Empire in an effort to find a footing or make a fortune. But many disappeared without trace, because although the Australian colonies were remarkably sophisticated at controlling their subjects, there were still plenty of interstices through which individuals could slip.

The story of John Dow is a vivid one, but McKenzie has not yet had many imitators and relatively little work has been done on this empire of lost souls. At least, not much has been published – genealogists are well aware of it, as it is one of the major problems they find in reconstructing their family histories. It certainly poses some big methodological problems, and the modern search for Joseph Azzopardi is the other theme of this article. It provides an understanding not only of the limits of official action and control, but also of the bureaucratic and archival systems of the time that are of interest to those using the archives today. For PROV researchers in particular, it has a crucial message: the Empire really was an empire. What happened in Victoria articulated not only with other parts of Australia, and London, of course, but with other colonies: governments in Tasmania and New South Wales, London and Malta were all involved in the search for Azzopardi.

There were two striking resemblances in the careers of John Dow and Joseph Azzopardi. The first was the public trials that brought them notoriety, Dow’s in Sydney in 1835, Azzopardi’s at the Old Bailey in 1843. The second was what happened once their final sentences were over. For Dow, this came after he received his ticket of leave following his second period of incarceration in a convict colony, this time in Van Diemen’s Land. That was in 1843, the year Azzopardi was sentenced to transportation in London. John Dow vanished.[7] Azzopardi got his ticket of leave in 1854, moved to the Victorian goldfields and then, to all intents and purposes, he vanished too. There were also two crucial differences between the two men. Dow recreated himself as a publicly prominent figure and used it to dupe strangers. Azzopardi, his sentence completed, did not change his identity. He simply obscured some of its detail and sank into anonymity. He had only one duped victim: his second wife, whom he married in bigamy in Castlemaine. His fraud was entirely personal.

Azzopardi's Story

Joseph Azzopardi's brief moment on the British imperial stage began in another empire altogether. On 5 July 1842, in the port city of Smyrna, now called Izmir, in the part of the Ottoman Empire that is now in western Turkey, he killed Rosa Sluyk, a Dutch woman. He was about 22 and she about 45, and they quarrelled over money.[8] Giuseppe Azzopardi, as he then called himself, had only recently arrived in Smyrna. The Maltese Government had given him a passport on 14 February 1842.[9] He was one of thousands of Maltese who migrated in the early nineteenth century to the Muslim parts of the eastern and southern Mediterranean. These were lands of opportunity compared with their barren, impoverished island. Most Maltese went to North Africa - Tunis, Tripoli and, above all, the new French colony of Algeria - but many went to Smyrna and Istanbul, joining throngs of other Europeans. At the bottom of the expatriate ladder were Italians and Ionian Greeks, living on their wits; at the top were French and British merchants, though the boundaries were fluid enough. Few Europeans settled in these Muslim countries, even if they had lived there for years. Except in Algeria, most men left their families behind. Giuseppe Azzopardi's wife and small child stayed in Malta.[10]

Azzopardi was definitely at the bottom of the ladder. He spoke only Maltese,[11] was probably illiterate, and had a criminal record for stealing shoes.[12] After arriving in Smyrna, he could not get a job.[13]

Rosa Sluyk had once kept a large hotel a few miles outside Smyrna. When this failed, she returned to the city, and eventually moved into a residence above a coffee shop. Because she was frightened to be alone in the house at night, she asked Azzopardi to stay there and do odd jobs about the place. When she could not pay him, he decided to go home.

Before he left, however, he wanted his money. At about five in the morning on 5 July 1842, Azzopardi went to his landlady's room and demanded his pay. There was an argument in which he lost his temper, and after trying to intimidate her with his knife he lost control of himself and cut her throat with a razor he had picked up. Neighbours eventually forced their way in and found the body.[14] Azzopardi would later deny this account, but he was not believed by either the British vice-consul in Smyrna, who eventually sent him to London to be tried, or the jury in the Old Bailey. But why was he tried in London by an English court at all?

Jurisdiction over European foreigners in the Ottoman Empire was regulated by treaties called the capitulations. These gave European consuls absolute

jurisdiction over their nationals in cases that involved only their own subjects. If people of more than one European country were involved, the consuls concerned would sit jointly. If the victim of a crime was an Ottoman, the Sultan retained jurisdiction, though in practice consuls often managed to prevent Europeans from being tried in Ottoman courts. Consular authority was limited: in serious cases, they had to send an accused person home to stand trial.[15]

Azzopardi was examined by the British Consul, Richard Brant, and sent to London, not Malta - this was now an imperial case. On 1 May 1843, he was committed for trial under the *Offences Against the Person Act* (1828) and the *Murders Abroad Act* (1817).[16] Because the crime took place abroad, it was tried under a special commission at the Central Criminal Court, the Old Bailey. On 12 May 1843, the jury found him guilty,[17] and at a later hearing Azzopardi was sentenced to death.[18]

The trial excited great interest. Even the committal hearing in Thames Magistrates Court was 'crowded to excess'.[19] Joseph Azzopardi, as he was now named, was briefly famous: newspaper headlines called him simply 'the Maltese convict'.[20] The prosecution was led by the Attorney-General and Azzopardi's defender was William Ballantine,[21] a junior counsel at the beginning of a distinguished career,[22] paid from a special fund for indigent accused administered by the sheriff and under-sheriffs of London.[23] In the later stages of the trial, Azzopardi was helped by a Maltese lawyer, Adrian Dingli, the son of the Chief Justice of Malta, and eventually Chief Justice in his turn. Dingli interpreted for Azzopardi during the sentencing hearing, and wrote to the Home Secretary, Sir James Graham,[24] as part of a campaign for the sentence to be commuted.[25] On 3 July 1843, it was changed to transportation for life.[26]

Joseph Azzopardi was taken to Australia on the *Maitland*, and reached Norfolk Island on 9 February 1844, at the age of 24. After three years on Norfolk Island he was moved to Van Diemen's Land, arriving on 7 April 1847. Azzopardi's conduct on board ship, and as a convict, was excellent. He was only admonished once for unspecified 'misconduct' on Norfolk Island.[27] After a stint in the Lunatic Asylum in Van Diemen's Land in 1849 (as a worker or as a patient?) he was sent to work for Thomas Connell of Richmond, another former convict, transported for forgery.[28] Azzopardi remained in Richmond - he was still there in December 1854 even after he got his ticket of leave (at his fourth attempt) in March 1854 - and in August 1855 he received a conditional pardon.[29]

I came across Azzopardi's case while researching the trials of people who had committed crimes abroad.

.....

The Indonesian trial and sentencing of an Australian, Schapelle Corby, charged with smuggling marijuana, is a recent example;[30] other cases include the execution in Tunis of another Maltese murderer, Paolo Xuereb, in 1844,[31] and the threatened execution of a British nurse for murder in Saudi Arabia in 1997.[32] Azzopardi's was an intriguing instance because he was not punished where he committed his crime, but by an authority that claimed jurisdiction on the grounds of his birth and colonial rule. His trial became a significant part of the case law of jurisdiction and was cited as late as 1985 in an international fraud case in Canada,[33] and as early as 1858 in a parliamentary debate in the House of Lords about the extent of English jurisdiction over people resident in England who had plotted with Frederico Orsini to assassinate Napoleon III of France. [34] That debate was noted and re-used in a letter later that year to the *Sydney morning herald* on the benefits, not of extending jurisdiction, but of political control of the prerogative of mercy. The commutation of Azzopardi's sentence, wrote a correspondent who signed himself 'Serviens ad legem', was a political decision, subject to the oversight of Parliament, something that 'Serviens' believed was being undermined in New South Wales.[35]

All this was a long way from the fate of Joseph Azzopardi himself - although just as 'Serviens' was writing about him as a constitutional issue, the authorities had begun their search for him on behalf of his wife Concetta. As I live in Australia I found myself wanting to find out what had happened to him too. In late 2010, while trying out a new web search engine using Azzopardi's name as an example, I hit a link to the *Victoria Government gazette* for 8 December 1857.[36] A section headed 'Personal Information' had the following notice:

AZZOPARDI, JOSEPH, supposed to be at Castlemaine, is requested to apply or to forward his address to the Honorable the Chief Secretary, Melbourne. -- B.7385. 17th November 1857.

The announcement first appeared on 17 November when Azzopardi's name was one of eleven people who were sought and was repeated on 29 December (with fourteen others) and 5 January 1858 (five others).

I had already searched for a record of his death, but could not find one in any of the online databases. Instead I found a record of a Joseph Azzopardi who married Rose Nugent in the Catholic Presbytery in Castlemaine, Victoria on 2 January 1858.[37] He gave his birthplace as Malta and named his parents as Francis and Grace (maiden name unknown). Rose gave her birthplace as County Westmeath and named her parents as James and Mary (née Walshe). He gave his profession as miner and she gave hers as housemaid.[38]

Was this the same Azzopardi? This man gave his age as 28 and said he was a bachelor. Azzopardi the convict would have been 38 and was married in Malta, but Rose was 18, twenty years younger, and Azzopardi would not have been the first older man to lie about his age (ten years is a nice round number). Bigamy was not unheard of either. It was possible, but not certain, that the two Azzopardis were the same man.

Despite the distance from my main research project, I remained intrigued. In June 2010, during three days in Hobart, I found a little information about Azzopardi's convict career. In the very detailed surgeon's records of the *Maitland*,[39] he was not mentioned once, confirming both his general good health and his good conduct. There was not much in other files either. He did not apply to marry in Van Diemen's Land and the records of the Lunatic Asylum were missing. But a convict indent recorded Francesco as his father's name, the same name as that given in the marriage record. Unfortunately it left out his mother's.[40]

The announcement in the *Victoria Government gazette* sent me to the records of the Chief Secretary at Public Record Office Victoria (PROV).

The Chief Secretary's Files

I had a date, 17 November 1857, and a reference number, B.7385. The PROV staff warned me it would be difficult, but recommended I start with VPRS 1411, the index to inward registered correspondence received by the Chief Secretary's department. This begins in 1851 and is arranged by name of sender or subject. It indexes alphabetically letters *from* 'persons' (that is, members of the public), groups letters from rural officials under the name of the locality, and lists correspondence from other government officials under the name of the department (for example, Auditor General, or Penal and Gaols).[41] But I had no idea who had enquired *about* Joseph Azzopardi. The volume for the second half of 1857 did not list him as a private person, so I went through it page by page until I found an entry on a page headed 'Enquiries':

October

1 Chilchester Eagle by Capn K B7204 A6939
16 23/1 Ch Upton for his son Wm Chs B7262
21 Jos Azzopardi by Chief Sec NS Wales
B7386 [sic] ...[42]

B7385

57-4080. 130
 Colonial Secretary's Office
 New South Wales
 Sydney 13th October 1857.

Sir,

Application having been made through the secretary of state, for information respecting Joseph Azzopardi, who is understood to be living at Castlemaine, Victoria, a letter having been received from him dated from that place about six months ago. I have the honor to

The Honorable
 The Chief Secretary
 Victoria?

request

PROV, VPRS 1189, Unit 813, Colonial Secretary, New South Wales, to Chief Secretary, Victoria, 13 October 1857.

Fortunately, the difference in reference numbers, presumably a clerical error, was not crucial. With a firm date (21 October 1857), I consulted series 1186, the register of inward correspondence which is one stage more detailed than the index. It records the sequential number given each letter when it was registered and the date of registration, the author of the letter, the district where he or she resided and the date it was sent. There was a précis of its contents and sometimes details of where it was referred. A final column headed 'result' contained a reference number, presumably referring to the reply, and a categorisation (for example, personal, pris[oner], G[eneral], Dep[artment] Reg[istrar] General, Police, Med[ical] and so on). This categorisation was not always given and on occasion it

was crossed out and another category was substituted. Thirty letters arrived on 21 October including a circular from the Secretary of State about bank returns, a letter from the sheriff's office about the removal of a prisoner, returns of releases of prisoners from the gaol in Castlemaine, requests from individuals seeking employment, and queries about the arrangements for smallpox patients in Kyneton. Number 7385 (the reference number in the advertisement) was about Azzopardi:

Colonial Secretary of New South Wales ... Inquiry respecting Joseph Azzopardi [referred to] Pol[ice] 2210 ... [result of application] 7385 in D69/8234 Personal[43]

This made it clear that after referring the matter to the police, further action was filed at D8234 and the letter was classified as 'personal'.

The next stage was to identify the outward correspondence dealing with Azzopardi. This was listed in series 1187, the outward letter books, which were organised very similarly to the inward letters. Each letter was given a sequential number and the entries listed the name and location of the recipient, the registered number of the inward correspondence it was replying to, date, and any reference number used by the correspondent. There was also a transcription of the letter and notes of enclosures. Because these records are ordered strictly according to the date of their arrival, there is no certain way of finding the first letter in an exchange, short of searching through the volume sequentially.

Finding the first outward letter about Azzopardi meant going through the lists after 21 October. On 8 December, a letter was registered to the Colonial Secretary of New South Wales. It reported that Castlemaine police had made enquiries and no information was to be had. This carried a reference number D8254, which conflicted with the earlier number given.[44]

The original correspondence, once registered and summarised, was filed in a separate series, VPRS 1189, and stored in boxes of loose paper files. These were classified according to the categories noted in the register of inward correspondence (VPRS 1186). Classifications listed in the catalogue referred to the government agency concerned ('Chief postmaster', 'Colonial Architect', 'Police', 'Other Colonies', and so on), or to subjects (for example, 'Missing Persons'). The classification 'Private Persons' referred to correspondence from individuals, while material about individuals was listed as 'Personal'.

These categories appear to have been fluid but the register of inward correspondence indicated that the Azzopardi correspondence had been categorised as ‘personal’.[45]

Each unit in VPRS 1189 consists of numerous paper-covered dossiers, containing the original letter and subsequent correspondence, documents and notes to the file. Filing and action notes were entered in an *ad hoc* manner on the cover page or on the documents themselves. Personal correspondence from 1857 is spread over seven units (units 807-813), divided according to the registration number of the original letter. The dossier relating to Azzopardi is in unit 813, with the registration number 8234 clearly recorded on the cover, but so is 8254, in a different hand: the confusion of reference is not explained.

The subject matter is very varied, as a rough categorisation of units 812 and 813 shows:

VPRS 1189, Unit 812	
Miscellaneous (mainly property)	14
Petitions regarding prisoners/ fines	11
Appointments (requests & refusals)	38
Search for people	11
Complaints about officials	2

VPRS 1189, Unit 813	
Miscellaneous (mainly property)	11
Petitions regarding prisoners/ fines	13
Appointments (requests & refusals)	50
Search for people	9
Complaints about officials	2
Legal matters	4
Prisoners’ property	2

So, each year the Colonial Secretary’s office received a number of enquiries seeking information about missing persons. At this time, most of them had vanished on the goldfields. They came from other parts of Australia, from Britain and from further afield: from other colonies and foreign countries. Enquiries from private individuals in London were sometimes channelled through Edward Barnard, the Colonial Agent-General, one of two men who acted as representatives of the

governments of the crown colonies in the imperial capital.[46] Several files contain a pro-forma covering note headed with his address (5 Cannon Row, Westminster)[47] and a printed form recording the personal details of the missing person. For example, Mrs Margaret Lovell sought Charles John Lovell, presumably her son, who had migrated to Adelaide at the age of 19, eight years before and ‘left Adelaide for Melbourne upon the discovery of gold there’.[48] Other people wrote directly, like James Upton about his son William, lost on the goldfields.[49] Charles Brodribb even travelled out from England, arriving in January 1857, to look for his son, Charles Henry, who had disappeared in late 1853 on the goldfields, where another son had died. Mr Brodribb advertised in the *Argus*, enquired at the hospital and went through the General Register of Deaths before turning to the Chief Secretary’s office.[50] From Hobart, Elizabeth Willmot enquired about her husband Stephen, once the sexton of the Anglican Cathedral, last heard of in Castlemaine.[51] The chief of police in Adelaide wanted John Phillips, a former grocer’s assistant, also in the goldfields.[52] The Colonial Secretary of the Cape of Good Hope asked about Joseph Dean, who a year before had written that he was about to leave Melbourne for Cape Town, but nothing had been heard from him since.[53]

The cover notes on each dossier show that details were usually referred first to the Commissioner of Police, and if that was unsuccessful, advertisements were placed in either the *Victoria Government gazette* or the *Police gazette*. This was quite ineffective - of all the lost people in 1857, only Charles Brodribb was found alive. A note recording that ‘Mr. Brodribb has informed me that he has found his son’ suggests that the bureaucracy did not play much part.[54] The one man it did trace had died, in the Benevolent Asylum. [55]

There is also a file in the Chief Secretary’s series (VPRS 1189, Unit 822) entitled simply ‘Missing Persons’. It contains dossiers on sixty individuals, mainly from 1858 but with a few from 1857 and 1855. Most came from the office of the Colonial Agent-General, with some from the Secretary of State or other colonial secretariats. They too were referred to the Chief Commissioner of Police.

Aⁿ 8311

No. 5, Cannon Row, Westminster,
9th July 1857.

Sir,

I have the honor to transmit to you, for the information of His Excellency The Governor, a copy of a statement received from Margaret Lovell requesting information respecting Charles John Lovell and I have to request that you will move His Excellency to cause such measures to be taken on the subject, as he may deem necessary; and favor me with the result for the information of the applicant.

I have the honor to be,
Sir,
Your most obedient
Humble Servant,
Edw. Sturt

The Colonial Secretary,
3c. 3c. 3c.
Victoria

June 26. 1857

Aⁿ 8311

INFORMATION required to obtain PARTICULARS respecting a COLONIST.

Real Christian and Surname	Charles John Lovell
If Colonist went by any other Name, state the same	None
Trade or Occupation	Carpenter and Joiner
Usual residence before going to the Colony { Town or Parish of County of	No. 4 Stangate St. Lambeth
Usual Colonial residence { Town or District of Colony of	Adelaide and Melbourne
Age, and if married, or single	27 Years single
Name of Ship in which Colonist went to the Colony, and at what date	Edward Parry 8 th March 1849 to Adelaide.
State if Colonist went out as an Emigrant or Convict	Emigrant left Adelaide to Melbourne upon the first discovery of gold there.
When last heard of, and at what place	20 December 55 Melbourne He has gone with Government Surveyors into the bush to search for gold. He is directed to the Post-office Melbourne.
If dead, state place, and date of death	
If Colonist left a Will, state the same	
Nature of information required	To know fate of Colonist and if dead the particulars of his property.

Name Mrs. Margaret Lovell
Address 26 Horseferry Road Westminster
Date 26th June 1857

PROV, VA 475 Chief Secretary's Department, VPRS 1189 Inward Registered Correspondence, Unit 812, Mrs Margaret Lovell of Horseferry Road Westminster inquiring for Charles John Lovell, 26 June/9 July 1857.

The Police Files

When an enquiry was referred to the police, it generated another paper trail, alongside requests that went to the police directly. The police correspondence series (VPRS 937 Inward Registered Correspondence) is not very well sorted: it is roughly filed under police districts in some cases, and subjects in others; dates are often mixed. The unit for Castlemaine police station in 1857 (Unit 100) is a grab-bag of letters. It is listed as 1853-59, and obviously an enormous amount must be missing for those seven years to fit into one file. It records several searches for individuals - often wanted criminals who had absconded - along with correspondence about rebuilding the stables of the police station, and leave and duty rosters of individual

policemen. General police correspondence with the Chief Secretary between 1855 and 1859 is contained in Unit 132, and Unit 178 is entitled 'Detectives' and covers 1857-59. A unit titled 'Foreign', which apparently meant anything that was not Victorian, began in 1859 (Unit 199) and 'South Australia and other Colonies' begins in 1857 (Unit 446).[56] This last unit contains a considerable number of searches for missing people, but neither these police files nor the Chief Secretary's files on 'missing persons' contains anything about Azzopardi.

The Azzopardi Enquiry

There was no public sign of all this bureaucratic effort unless an announcement appeared in the press. The public announcement about Azzopardi in the *Victoria Government gazette* was the entry point to the paper trail, although the Victorian Government only became part of the story at the end. As noted earlier, it had begun in Malta.

In December 1856, Charles F Stevens wrote from Malta to the Secretary of State for the Colonies 'for information respecting a convict named Giuseppe Azzopardi'.^[57] Stevens was not identified, but a Charles F Stevens was then editor and proprietor of the *Malta daily news*. He was also a 'Public Auctioneer, Accountant, Land and House Agent, Interpreter and Translator'.^[58] Most probably, this was the Stevens in question: he made a living acting for and representing other people.

In London, the Colonial Office wrote to the Home Office who sent a report to be forwarded to Sir William Reid, the Governor of Malta, for him to pass on to Stevens. It simply outlined Azzopardi's trial, his sentence to death and his transportation to New South Wales 'and that he was safely landed in that colony, which is all that is known respecting him'.^[59] This was disingenuous: transportation to New South Wales had been suspended in 1840, and the *Maitland* had taken Azzopardi to Norfolk Island, from where he had been moved to Van Diemen's Land.

This might have ended the enquiry, but Concetta Azzopardi continued the search. On 9 May she wrote to Victor Houlton, the Chief Secretary of the Government of Malta:

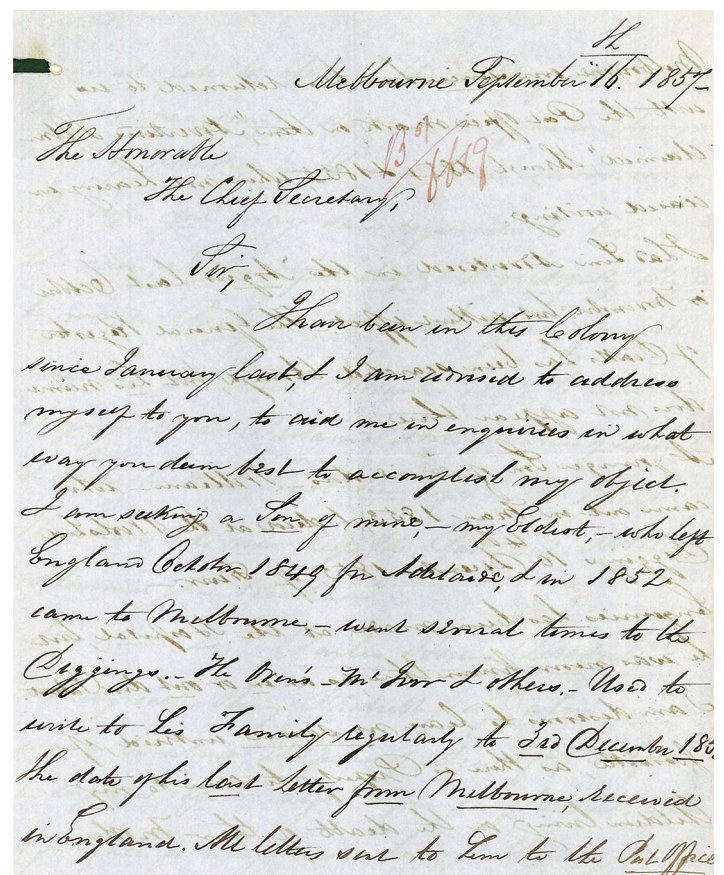
Not having been able to obtain information whether my husband Giuseppe Azzopardi, a native of Malta, unfortunately a convict transported to Australia about the year 1843, is still in existence, and in what part of Australia he may, if still existing, be located, and as this information is of much moment to my pecuniary interests affecting the means of my subsistence [sic], may I humbly pray you to be pleased to make such inquiry in England as may elicit the information I earnestly pray for.

With deep gratitude I subscribe myself your afflicted servant Concetta Azzopardi.^[60]

This letter, in the Maltese Archives, is written in very fair handwriting and seems to be the original received by Houlton. The copy sent from Malta to London abbreviated the signature line ('With deep gratitude I am &c') and the copy of that copy, sent from London to Sydney, misspelt Azzopardi's given name.^[61] Yet clearly Mrs Azzopardi did not write it herself - the signature is not a formal signature but simply her name in the same educated hand as the body of the letter.

The whole correspondence was included in a despatch from the Governor of Malta (12 May) to the Colonial Office, which copied and forwarded it to Sydney.^[62] On arrival, it was referred to the Inspector General of Police (on 21 August) and he reported back on 24 August. ^[63] This 'report' was merely a brief memo recording Azzopardi's crime, sentence and transportation on the *Maitland* and the information that 'after calling at Sydney the above named vessel proceeded to Norfolk Island and disembarked her prisoners - the man alluded to is probably in Tasmania'.^[64] So the New South Wales Government contacted Tasmania, on 4 September. The letter from Henry Watson Parker, the Premier of New South Wales, to the Chief Secretary in Tasmania asking for enquiries to be made about Azzopardi is in the Tasmanian Archives, annotated with a marginal note:

This man received a Conditional Pardon at Hobart Town in August 1855. The records of this office having however shown that he had previously been residing near Richmond, application was made to the Police Magistrate of that District for information respecting him; and that officer has now reported that Azzopardi is supposed to be living at Castlemaine, Victoria, as a letter was received from him at that place [rest illegible in tight margin].^[65]



PROV, VPRS 1189, Unit 812, Charles Brodrigg to Chief Secretary, Melbourne, 16 September 1857.

On 1 October, William Henty, the Chief Secretary in Tasmania, wrote back to New South Wales stating that Azzopardi 'is supposed to be living at Castlemaine, Victoria'.^[66] Sydney annotated this message with one note suggesting 'Apply to the Victoria government for further information 8 Oct.' and another recording a letter sent to the Chief Secretary of Victoria on 13 October 1857.^[67]

When this letter arrived in Melbourne,^[68] the Chief Secretary's office opened a dossier whose cover records what happened next:

Referred to the Chief Commissioner of Police 21/10/57
Noted and returned. Inquiries are being made and any
information obtained shall be communicated 6/11/57
? Gazette?
Gazette 12/10/57^[69]

In summary, Azzopardi's name was advertised in the *Gazette* because the police could not find him. The dossier contains two letters from Superintendent CH Nicolson to the Chief Commissioner. The first (22 November) reported 'Repeated enquiries have been made for the person enquired for, but without success. - It cannot be ascertained that he ever resided in or near Castlemaine.' The second (21 December) reported that they had traced a man named Antonio Azzopardi, a 45-year-old migrant (not an ex-convict) who had arrived fourteen years earlier and now worked for a wine merchant in Melbourne. He had been at Forrest Creek, the original name for Castlemaine, but in 1852, several years before Joseph Azzopardi had left Tasmania.^[70] This was very unhelpful but it was enough for JH Kay, the Under Secretary of Victoria to inform Sydney on 11 January 1858 that Azzopardi could not be found. Two marginal comments were added in Sydney: one noted it would be reported to the Governor General, the other that 'the matter may now rest'.^[71] The New South Wales Government had ended the search.

Azzopardi's New Family

This was not a very convincing record of action: the only candidate for the person they were seeking was clearly unsuitable. More tellingly, just when the governments were abandoning the chase, Azzopardi was re-emerging into the half-light of a different part of the bureaucratic system. He was still in Castlemaine, where they had been looking for him, but the records were to be found in the registers of marriages and baptisms held by the Catholic church in Castlemaine.^[72] This is a completely different source of information from the bureaucratic records of the government and police. In terms of my own search, they take the story beyond the official

record. In terms of Concetta Azzopardi's search and the mechanisms of government, they demonstrate the limitations of official action. Both searches, confined to government action, were looking in the wrong place.

The church records suggest what might have happened to Azzopardi. The Castlemaine marriage certificate contains the first hint. Rose Nugent, Azzopardi's wife, gave her profession as 'housemaid', but the two women on either side of her in the register recorded 'none specially' under this heading. She also signed her own name, in a fair hand, while the other two women (aged 19 from Belfast, and 17 from County Tipperary) only made a mark against their names. Rose was an educated and properly employed young woman.^[73]

Another hint came just over a year later. On 18 January 1859, Father Smyth baptised Mary, daughter of Joseph Azzopardi and Rose (née Nugent) in the same church he had married them. The name of the sponsor (that is, her godmother) was Jane Frances Benbow,^[74] a distinctive name. In 1868, Jane Frances Benbow married Herbert Henry Parry in the Catholic Church in Rushworth, another, smaller, goldrush town.^[75] She was 22, which meant she would have been 12 or 13 at the time of Mary's baptism. She had been born in Birmingham, England, like her brother Thomas Wicks Rodway Benbow, who was one of the witnesses at her wedding. The other witness was her sister Helen.

This was a very respectable family.^[76] Jane and Thomas's father, Thomas Morecroft Benbow, was an English surgeon who had married the daughter (Lucy Rodway) of a rich auctioneer, the owner of a house outside Birmingham where he planted the original Selly Oak to commemorate the accession of William IV to the throne.^[77] By the late 1850s, Thomas Wicks Benbow was well established in Rushworth. He was the first manager of the Bank of Victoria in the town, and one of five members of a company set up to exploit the gold seams on the Dunlop Hill Reef. In 1868 he was appointed as a member of the school committee for the proposed Rushworth School. Herbert Perry was the accountant of the bank branch.^[78] With only seven years separating Jane and Rose, it is easy to guess that Rose was housemaid in the Benbow residence and that the two girls grew close: what other female acquaintance could Rose have called upon anyway? The Benbows were a strongly Catholic family: one of Jane's sisters became a nun in the Sisters of Mercy, who sent her to New Zealand in 1878.^[79] Rose, a Catholic girl from Ireland could easily have been absorbed into the structure of the house. How far they would have tolerated her husband, had they known he was a bigamist, is another question.

Two Searches, Two Meanings

There, at least for the moment, the story stops: I have been unable to trace any further appearances of Joseph and Rose Azzopardi. There are various possibilities: that they changed their name informally, or that they moved on somewhere else - perhaps to New Zealand where a new gold rush was beginning. The mystery is fitting: Azzopardi spent his life in a tug of war with the authorities of the British Empire. He escaped the poverty of British-ruled Malta for the ethnic grab-bag of Smyrna, a port city in another empire. When he murdered another uprooted person, the imperial authorities made a great effort to find a legal way of bringing him back under their control. In Norfolk Island and Van Diemen's Land he kept a low profile and vanished as soon as he could, hiding among another grab-bag of drifters in the goldfields. It is hardly surprising that the traces are those of people who tried to find him, rather than ones he left himself. Only rarely did the personal story of Azzopardi stand out from the careful bureaucratic records of the convict administration. Like others before him, when he was no longer of interest he vanished from official view and historical view together.

John Dow, who pretended to be Viscount Edward Lascelles in Sydney until he was charged with fraud in 1835, was replaced as a person by his convict record, something he relied upon to create his new persona as the wayward heir to a great fortune. He invented an entirely imaginary, but very high-profile identity for himself.[80] Azzopardi wanted to escape public view entirely and construct a new identity that would allow him to forget his past. The process had begun, long before, with his change of name from Giuseppe to Joseph. That may have been simply a matter of convenience. But the details in the record of his marriage in 1858 were a matter of firm choice, as he abandoned forever his Maltese wife, and knocked a decade off his age. That would have meant obscuring his convict record, for to reveal it would have given the lie to his age, at the least. But he still kept a memory of Malta alive, acknowledging it as the land of his birth and preserving the names of his parents and his religion. His identity had been long in changing: his was a life of starting over and slipping through the interstices of an empire in which being lost was easy and being found was hard. The Empire's officials failed to find him just when their masters were seeking to extend their jurisdiction over reluctant subjects. And these reluctant subjects were lost to their relatives too: Concetta Azzopardi's appeal to the imperial officials uncovered the extent of their incapacity.

Acknowledgements

Janet McCalman, Andrew May, Arthur Rodway, Helen Harris and Ray Pattle have all helped me in different ways in this project. The archival digging of Ian Morrison, Esme Cleall and Rosemary Phillips has been of enormous assistance. Thank you all very much.

Endnotes

- [1] H Maxwell-Stuart, *Closing hell's gates: the death of a convict station*, Allen & Unwin, Crow's Nest, New South Wales, 2008, pp. 81-6.
- [2] C Anderson, *Convicts in the Indian Ocean: transportation from South Asia to Mauritius, 1815-53*, Macmillan, Basingstoke, 2000, pp. 71-3.
- [3] K McKenzie, *A swindler's progress: nobles and convicts in the age of liberty*, University of New South Wales Press, Sydney, 2009, pp. 142ff.
- [4] *ibid.*, p. 164.
- [5] *ibid.*, p. 149.
- [6] *ibid.*, p. 220.
- [7] *ibid.*, p. 290.
- [8] The National Archives of the United Kingdom (henceforth National Archives), FO 97/407, Brant to Cartwright, Smyrna, 13 July 1842.
- [9] National Archives of Malta, MFA 20 (1842-43), Passports register, entry for 14 February 1842.
- [10] Tasmanian Archives, Con. 76, no. 17621, Azzopardi, Joseph.
- [11] London Municipal Archives, CLA/047/LJP/04/003, The information of Vito Lanza, Giuseppe Pillet and James Christopher Evans taken on oath at the Police Court in Stepney before William John Broderip, 1 May 1843.
- [12] Tasmanian Archives, Con. 76, no. 17621 and Con. 18/1/48, Description list of male convicts: Joseph Azzopardi.
- [13] National Archives, FO97/407, Brant to Cartwright, Smyrna, 13 July 1842.
- [14] The sequence of events comes from diplomatic sources (National Archives, FO97/407, Stratford Canning to Aberdeen, Buyukdery, 23 July 1842; FO97/407, Brant to Cartwright, Smyrna, 13 July 1842) and evidence given at the committal hearing in London (London Municipal Archives: see note 11 above).
- [15] MH van den Boogert, *The capitulations and the Ottoman legal system: qadis, consuls, and beratlis in the 18th century*, Brill, Leiden, 2005, especially p. 40.
- [16] *John Bull*, 6 May 1843.

- [17] 'Central Criminal Court – Friday', *Morning chronicle*, 13 May 1843.
- [18] 'Central Criminal Court – Monday', *The Era*, 25 June 1843.
- [19] *John Bull*, 6 May 1843.
- [20] For example, 'Respite of the Maltese convict', *Carlisle patriot*, 15 July 1843.
- [21] 'Central Criminal Court', *The Times*, Friday, 12 May 1843; 'Central Criminal Court - Friday', *Morning chronicle*, 13 May 1843.
- [22] T Seccombe and HCG Matthew, 'Ballantine, William (1812-1887)', in *Oxford Dictionary of National Biography*, Oxford University Press, 2004.
- [23] National Archives, HO18/106, pack 6, William H Pilcher (Under-Sheriff) to Graham, 24 June 1843.
- [24] National Archives, HO18/106, pack 5, Adrian Dingli to Sir James Graham, London, 24 June 1843.
- [25] 'Respite of the Maltese convict', *John Bull*, 8 July 1843.
- [26] London Municipal Archives, CLA/047/LJP/04/003, Joseph Azzopardi Conditional Pardon, 3 July 1843.
- [27] National Archives, HO11/13, Convict Transportation Register, *Maitland*, 26 August 1843; Tasmanian Archives, Con. 76, no. 17621, Azzopardi, Joseph.
- [28] Tasmanian Archives, Con. 37/1/1-00064, Thomas Connell.
- [29] Tasmanian Archives, Con. 76, no. 17621, Azzopardi, Joseph.
- [30] KE McGregor and CR Pennell, 'Beyond a clash of cultures: Schapelle Corby's *My story* and comparable high profile criminal trials', *Australian journal of Asian law*, vol. 10, no. 1, 2008, pp. 26-49.
- [31] CR Pennell, 'The origins of the Foreign Jurisdiction Act and the extension of British sovereignty', *Historical research*, vol. 83, no. 221, 2010, pp. 465-85; CR Pennell, 'Enemy law', *Meanjin*, vol. 66, no. 3, 2007, pp. 207-18.
- [32] CR Pennell, 'Law as a cultural symbol - the Gilford murder case and the presentation of Saudi justice', *International journal of human rights*, vol. 10, no. 2, 2006, pp.121-42.
- [33] *Libman v. The Queen*, [1985] 2 S.C.R. 178ff.
- [34] 'The law of aliens', *The Times*, 3 February 1858; 'House of Lords', *The Times*, 23 and 27 February 1858.
- [35] 'Prerogative of mercy', *Sydney morning herald*, 6 August 1858, p. 8a. I would like to thank Andrew May for this reference.
- [36] *Victoria Government gazette*, 8 December 1857, p. 2365.
- [37] This was the last marriage in the presbytery. A new Catholic church in Castlemaine was opened later in January 1848. See 'A brief history' on the St Mary's Castlemaine website (accessed 13 August 2011).
- [38] Marriage register, St Mary's Catholic Church, Castlemaine, p. 250.
- [39] National Archives, ADM 101/46, Journal of his majesty's ship *Maitland* Mr Allan McLarin surgeon between the 21st day of July 1843 and 23d day of March 1844.
- [40] Tasmanian Archives, Con. 17/1/2, 2, Indent of male convicts arriving from Norfolk Island, per *Pestongee Bomangee*.
- [41] See PROV, VA 475 Chief Secretary's Department, VPRS 1411 Index to Inward Registered Correspondence, in particular, see the description for this series.
- [42] PROV, VPRS 1411/P0, Unit 11, p. 177, 'Enquiries'.
- [43] PROV, VA 475 Chief Secretary's Department, VPRS 1186/P0 Register of Inward Correspondence 1, Unit 27, p. 320, no. 7385.
- [44] PROV, VA 475 Chief Secretary's Department, VPRS 1187 Outward Letter Books, Unit 2, pp. 93-94, J Moore to Colonial Secretary New South Wales, 8 December 1857.
- [45] See quotation and note 43 above.
- [46] Z Laidlaw, *Colonial connections, 1815-45: patronage, the information revolution and colonial government*, Manchester University Press, 2005, p. 69.
- [47] Cf. *Victoria Government gazette*, 25 September 1855, p. 2410a.
- [48] PROV, VA 475 Chief Secretary's Department, VPRS 1189 Inward Registered Correspondence, Unit 812, Mrs Margaret Lovell of Horseferry Road Westminster inquiring for Charles John Lovell, 26 June/9 July 1857.
- [49] *ibid.*, James Upton to Colonial Secretary, Melbourne, Warwick Street, Daventry, Northants, 23 July 1857. The entry under 'Enquiries' (see note 42 above) lists 'Ch[arles] Upton', but the letter here is signed 'James Upton'.
- [50] *ibid.*, Charles Brodribb to Chief Secretary, Melbourne, 16 September 1857.
- [51] PROV, VPRS 1189, Unit 813, Mrs Elizabeth Willmot to Colonial Secretary, Hobart, 31 October 1857.
- [52] PROV, VPRS 1189, Unit 812, P Egerton Warburton, Commissioner of Police, Adelaide, to Chief Commissioner of Police, Melbourne, Adelaide, 8 September 1857.
- [53] PROV, VPRS 1189, Unit 813, Colonial Secretary, Cape of Good Hope to Colonial Secretary, Victoria, Cape Town, 16 July 1857.
- [54] PROV, VPRS 1189, Unit 812, Charles Brodribb to Chief Secretary, Melbourne, 16 September 1857.
- [55] PROV, VPRS 1189, Unit 813, Edward Barnard, Colonial Agent, London to Colonial Secretary, Victoria, enclosing details of William Davies on behalf of Mrs Louisa Davies, 23 August 1857.

[56] I am very grateful to Ms Helen Harris for guiding me to the police files. She knows them extremely well and has placed on her personal website a list of individuals whose whereabouts was sought by people who wrote from outside Australia to the Victorian police department. It is not complete but it is an extraordinarily rich resource. See *Index to missing people found in Victoria Police correspondence records* (accessed 13 August 2011).

[57] National Archives of Malta, Gov 2154, Labouchere (Secretary of State) to Sir William Reid (Governor of Malta), Downing Street, 13 February 1857.

[58] Announcement on fourth page of advertising section at the end of G Badger, *Description of Malta and Gozo*, G Muir, Malta, 1858.

[59] National Archives of Malta, Gov 2154, H Waddington (Permanent Under Secretary, Home Office) to H Merivale (Permanent Under Secretary of State, Colonial Office), Whitehall, 28 January 1857.

[60] National Archives of Malta, CSG01-11657A-1857, Concetta Azzopardi to EV Houlton, Valetta, 9 May 1857.

[61] National Archives, CO 158/81, Houlton to Labouchere, Valetta, 12 May 1857; enclosed in Labouchere to Denison (Governor of New South Wales), Downing Street, 22 May 1857.

[62] State Records New South Wales, Colonial Secretary's papers, 4/3374, Item 58/217, W Labouchere to Denison, Downing Street, 22 May 1857, enclosing Reid to Labouchere, Palace, Valetta, 12 May 1857, enclosing Concetta Azzopardi to Houlton, Valetta, 9 May 1857.

[63] *ibid.*, note to file 'Despatch No 59 – 22 May 57'.

[64] *ibid.*, note from Inspector General of Police, Convict Department at Sydney, 24 August 1857.

[65] Tasmanian Archives, CSD 1/1/119, File 4188, Henry Watson Parker to Chief Secretary, Tasmania, 4 September 1857, Colonial Secretary's Office, Sydney, New South Wales, 4th September 1857 [note that '4th' is inserted in red ink, marginal note in right margin].

[66] *ibid.*, [Henty] to Colonial Secretary, New South Wales, Tasmania, 1 October 1857.

[67] State Records NSW, Colonial Secretary's papers, 4/3374, Item 58/217, Henty to Colonial Secretary, Sydney, 1 October 1857.

[68] PROV, VPRS 1189, Unit 813, Colonial Secretary, New South Wales, to Chief Secretary, Victoria, 13 October 1857.

[69] *ibid.*, file cover.

[70] *ibid.*, Superintendent CH Nicolson to Chief Commissioner, Detective Office, Melbourne, 22 November 1857 and 21 December 1857.

[71] State Records NSW, Colonial Secretary's papers, 4/3374, Item 58/217, Kay to Colonial Secretary, New South Wales, Melbourne, 11 January 1858.

[72] I would like to thank Raymond Pattle of Castlemaine Historical Society for his great help in tracing these records.

[73] Marriage register, St Mary's Catholic Church, Castlemaine, p. 250.

[74] Baptismal register, St Mary's Catholic Church, Castlemaine, p. 126.

[75] Victorian marriages register, (Rushworth Catholic Church) marriage between Jane Frances Benbow and Herbert Henry Perry, 31 December 1868 by Father F[?] Branigan.

[76] I would like to record my gratitude to Arthur Rodway for putting me on track to the importance of Catholicism in the Rodway-Benbow Family.

[77] 'Selly Oak: history', *Birmingham Mail.net*, 4 August 2010 (accessed 14 August 2011); 'Henry Barron Rodway and the Torquay Rifle Volunteers', on Devon Heritage website (accessed 14 August 2011).

[78] 'Proposed school committees', *Victoria Government gazette*, 31 March 1868, p. 684; J Hammond, *The golden years of Rushworth and Whroo*, the author, *n.p.*, 1978, pp. 21, 26, 84.

[79] 'Shipping, Port of Wellington', *Evening post* (Wellington), 4 October 1878.

[80] McKenzie, *A swindler's fortune*, p. 6 and *passim*.