

Anti-Transportation, 'unnatural crime' and the 'horrors' of Norfolk Island¹

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To varying extents, much of the recent research on anti-transportation has been concerned with one of the most controversial aspects of the abolitionist campaign — the rhetoric surrounding same sex relations, or 'unnatural crime', primarily among male convicts. The 1840s-50s phase of the campaign against transportation was not, by any stretch of the imagination, fought by 'moral means only', as John West famously claimed. Rather, it was, as Kirsty Reid notes, 'waged in the language of extreme moral outrage', and involved a colossal body of misrepresentation and myth-making. There is also no doubt that abolitionists utilised scare-mongering about 'unnatural' convict sexualities, involving, as Reid further adds, 'a highly charged, sensationalising and explicitly sexualised discourse of bodily excess, corporeal degradation and moral devastation', in which accusations and insinuations of sodomy were central.²

David Andrew Roberts notes (above), that historians have long appreciated that allegations of 'unnatural' crime among convicts were one of the central planks of the anti-transportation campaign of the 1840s and 50s. As Robert Hughes put it in *The Fatal Shore*, the 'bogey of convict sexual depravity' was emphasised to prove the 'vileness of the System ... [and] its power to degrade',³ although Hughes accepted anti-transportationist arguments at face value, deploying reports of 'unnatural' crime to supplement and support his portrait of the convict colonies as hellishly brutal and perverse, and of the convict system as fundamentally corrosive. Much of the subsequent research, including my own, has demonstrated that abolitionist claims and rhetoric concerning 'unnatural' crime and sexual violence should be regarded very suspiciously.⁴ Hughes also perhaps led the way in intimating that the homophobic dimensions of the anti-transportation campaign bequeathed a legacy of prejudice towards homosexuals and encouraged a deliberate amnesia with regard to the convict past — an idea that Babette Smith has developed more fully in *Australia's Birthstain*, where she also relates it to a broader and more fundamental distortion of Australian history.⁵

It was in 1840s Van Diemen's Land that paranoia about the extent of 'unnatural' crime reached a height. It was for the abolition movement a potent political tactic, a mobilising call to arms which cut across class and social boundaries. A propagandist's dream, it also provided the movement with the drama of a moral crusade and acted as a form of emotional blackmail, as the character of opponents could be impugned for daring even to try and contradict outlandish claims.⁶ These abolitionists were highly skilful political operators who knew precisely the impact their claims would have abroad, having seen the international impact of the 1838 Report of the 'Molesworth Committee'.⁷ In her enlightening comparison between the anti-slavery and anti-transportation campaigns, Kirsten McKenzie demonstrates that those opposing transportation during the 1830s used the power of 'sexual scandal as a potent weapon to undermine the cause of their opponents'. Moreover, '[a]llied to the cause of reform, the power of sexual scandal had proved itself in the domain of imperial politics. It was a lesson that the colonists learnt well'.⁸ It is equally true to say that this was a lesson learnt very well indeed by the later abolitionists. What could be more effective in reaching a metropolitan audience used to the condemnation of unfree labour, than a focus on its most perverse effect — the engendering of 'unnatural' convict sexualities? It is testament to their talents that abolitionist interpretations of convict history, exemplified by West's *History of Tasmania*, remains highly influential to this day.⁹

The claim that homophobia was central to the abolitionist campaign is undoubtedly correct, although it is also widely acknowledged that it is impossible from the extant records to decisively measure the extent of 'unnatural' crime.¹⁰ Alexander, who cites a number of examples of male convicts being charged

¹ I thank David Andrew Roberts, Babette Smith, and my colleagues Oliver Harris, Catherine Pease-Watkin, and Michael Quinn for their helpful comments.

² K. Reid, *Gender, Crime and Empire: Convicts, Settlers and the State in Early Colonial Australia*, Manchester, 2007, p. 211.

³ R. Hughes, *The Fatal Shore*, London, 1987, pp. 264, 264-72, and 523-60.

⁴ T. Causer, "'Only a Place Fit for Angels and Eagles': the Norfolk Island Penal Settlement, 1825-1855", PhD thesis, University of London, 2010.

⁵ Hughes, *op. cit.*, p. 272; B. Smith, *Australia's Birthstain: The Startling Legacy of the Convict Era*, Crows Nest (NSW), 2008, pp. 253, 317-36.

⁶ Reid, *op. cit.*, p. 214, pp. 219-20; Smith, *op. cit.*, p. 231.

⁷ 'Report from the Select Committee on Transportation, 1838', *House of Commons Papers*, Vol. 22, London, 1838.

⁸ K. McKenzie, *Scandal in the Colonies: Sydney and Cape Town, 1820 to 1850*, Melbourne, 2004, pp. 146, 152.

⁹ J. West, *The History of Tasmania*, Launceston, 1852.

¹⁰ D. Huon, 'By Moral Means Only: The Origins of the Launceston Anti-Transportation Leagues, 1847-1849', *Tasmanian Historical Research Association: Papers and Proceedings*, Vol. 44, No. 2, 1997, pp. 104-09.

for sexual activity with other men, concurs with Smith that it is not necessarily important to gauge the prevalence of it, and agrees that there was undoubtedly 'much exaggeration' surrounding the issue. The mere perception that it was prevalent in the convict colonies was an enormously damaging accusation, and one which was very difficult to counter effectively. But Alexander also downplays the importance of 'unnatural' crime in the abolition movement's arguments, suggesting that John West resisted substantial pressure to employ 'unnatural' crime 'as the only way of rousing British sympathy and indignation' in preference for more ethical tactics. She observes that the Launceston *Examiner* and other abolitionist newspapers 'seldom mentioned homosexuality', and differs starkly from Smith in arguing that the issue played no lasting role in the generation of a convict 'stigma'.¹¹ Catie Gilchrist's reading of the *Examiner* and other colonial newspapers, on the other hand, suggests a great deal of interest among abolitionists in convict sexuality, and of their marshalling the issue to the cause.¹²

There were certainly many contemporary investigations which attempted to gauge the extent of 'unnatural' crime among convicts: the survey of probation stations of late 1845 and early 1846; Charles La Trobe's investigation of late 1846 and early 1847; attempts to control and regulate convict accommodation; and repeated musterings and medical inspections of prisoners, the latter of which were often of an invasive nature.¹³ For example, on 2 February 1847, Principal Overseer Aaron Price – a former convict – recorded that all of the prisoners at Norfolk Island were inspected by the medical officer. Each man stripped and 'was then ordered to put his head down so the doctor could see plainly inside of his fundament [sic] ... it was supposed that a great many men were Bad with the Venereal from the Horrible practice that is carried on amongst the prisoners'. Despite humiliating every convict on the Island, 'not one Single case transpired to Justify the Suspicion that was mentioned by the authorities'.¹⁴

A panic took hold: the Van Diemonian Crown Solicitor, Alban Charles Stoner, told a House of Lords Committee in 1847 that while there were nine convictions for 'unnatural' crime in the colony between 1841 and 1845, this gave 'no Idea of [its] Prevalence', as a 'great Number of Depositions' were 'ignored' by the Attorney General to avoid bad publicity.¹⁵ Abolitionists appeared eager to believe almost any rumour, and their claims must, therefore, be tested for veracity against the records. This is not, however, to suggest that the abolition campaign was motivated by mendacity or that anti-transportationists were villains; they may well have been sincere, but their tactics were frequently dubious and their claims unsupported by evidence. Even some contemporaries were dubious of their allegations. Henry Elliott, an Anglican religious instructor stationed at Norfolk Island in 1847, argued that suggestions that many Norfolk Island convicts were 'addicted' to 'unnatural' crime were 'perfectly preposterous', and that 'absurd and extravagant statements' by convicts against their fellow prisoners caused misconceptions. He concluded that 'only the most shallow individuals' took such tales at face value.¹⁶ Perhaps there was a degree of self-interest in this conclusion, but Elliott was a rare example of a clergyman not making a great issue of 'unnatural' crime.

James Boyce notes that free settlers were 'outraged at the suggestion that the moral degeneracy of convictism had corrupted their carefully constructed society, and much of the considerable literary output of the colony [Van Diemen's Land] in the 1840s represented their counterattack'.¹⁷ Similarly, Alexander rightly suggests in this Forum (above) that colonists 'reacted to metropolitan anti-transportationist sentiment by becoming extremely defensive'. However, this response was generally only evident against the external condemnation of the assignment system, in and following the Molesworth reports. With the advent of the probation system in Van Diemen's Land, by the mid-1840s the game had changed due to a number of linked causes: settlers derived less direct economic benefit from transportation with the loss of cheap labour with the abolition of assignment; greater numbers of convicts arrived at a faster pace during

¹¹ A. Alexander, *Tasmania's Convicts: How Felons Built a Free Society*, Crows Nest (NSW), 2010, pp. 96, 125-27.

¹² C. Gilchrist, 'Male Convict Sexuality in the Penal Colonies of Australia, 1820-1850', PhD thesis, University of Sydney, 2006; C. Gilchrist, 'The "Crime" of Precocious Sexuality: Young Male Convicts and the Politics of Separation', *Journal of Australian Colonial History*, Vol. 8, 2006, pp. 43-66.

¹³ Comptroller-General Matthew Forster's circular to various superintendents, 9 December 1845, and Assistant-Comptroller William Nairn's circular to visiting magistrates, 9 February 1846, Miscellaneous Manuscripts (Comptroller-General's Department Correspondence), MM62/21/7507, Tasmanian Archives and Heritage Office (TAHO); La Trobe's report in I. Brand, *The Convict Probation System: Van Diemen's Land, 1839-1854*, Hobart, 1990, pp. 107-208, and for enclosure five regarding 'unnatural' crime, see pp. 147-160; C. Gilchrist, 'Space, Sexuality and Convict Resistance in Van Diemen's Land: The Limits of Repression?', *Eras*, No. 6 (2004), <arts.monash.edu.au/publications/eras/edition-6/gilchristarticle.php> (7 October 2011).

¹⁴ Aaron Price, 'History of Norfolk Island, c.1774-c.1852', DL MS247-249 [CY 880], State Library of New South Wales, p. 175.

¹⁵ House of Commons, *Second Report from the Select Committee of the House of Lords, Appointed to Inquire into the Execution of the Criminal Law (1847)*, London, 1848, p. 497.

¹⁶ Elliot to Price, 11 October 1847, MM62/22/8403, TAHO.

¹⁷ J. Boyce, *Van Diemen's Land: A History*, Melbourne, 2008, p. 237.

the early 1840s; large and regular shipments of men from Norfolk Island were brought to the colony after 1844; and free emigration appeared to have been retarded. There was seemingly more moral danger, and the prospect of responsible government seemed ever more distant.¹⁸

There is, then, a distinct irony in the later anti-transportation campaign. The most strident critics of transportation in the later period were, in fact, colonists themselves, and their attack is remarkably reminiscent of Molesworth's in its arguments, its rhetoric, and its tactics. Though portraying themselves as moral and loyal to crown and empire — as they undoubtedly were — abolitionists damned transportation in as pitch-black terms as possible, thereby contradicting the earlier and largely successful defence against external criticism. Now they colluded with, and were seemingly intent on proving, Molesworth's picture of the immorality of colonial society. This tension deserves further exploration and research.

Of great importance in abolitionist rhetoric were the Australian penal settlements, the 'horrors' of which were well-known colonially at an early stage, but which were cemented in the public imagination by the Molesworth report. Chief among the penal stations in reputation for perversity was Norfolk Island, referred to in the colonial press as early as 1826 as 'Sodom Island', 'Gomorrah Island' and 'the Gehenna of the Waters'.¹⁹ While colonists were aware of the Island's reputation and had a genuine fear of Norfolk Island ex-convicts returning to the wider community, in New South Wales this was, until the Van Diemonian anti-transportation campaign, confined to apprehension about threats to life and property. For example, Norfolk Island ex-convicts were kept under surveillance during the early 1840s by William Augustus Miles, Sydney's chief of police, in his *Registry of Criminals and Suspected Persons*; alongside sections naming 'Flash Men', and 'Sydney Bullies', were pages devoted to eighteen ex-Norfolk Island convicts. Thomas Woodward, for example, was a former bank-robber who had been back in Sydney for two years, but he did 'no work — will thieve when he can', and was 'endeavouring to get acquainted with a bank'.²⁰ An investigation in 1842, triggered by fears of unreformed prisoners being turned loose in New South Wales by Alexander Maconochie's experimental penal system, disproved allegations that Norfolk Island ex-convicts were responsible for an increase in crime in Sydney. However, during the so-called Sydney crime-wave of 1844, ex Norfolk Island convicts were at the forefront of the argument, following the murders of Ellen Jamieson by John Knatchbull in January, and of James Noble by George Vigors and Thomas Burdett in May.²¹ Just as Stefan Petrow notes in this Forum (below) in his discussion of Victorian attempts to keep Van Diemonian convicts out of Victoria, that the anti-transportation campaign 'spoke to deep fears, amounting to a phobia, about the threat convicts posed to life and property', so it was the case with the reaction in New South Wales to the arrival of Norfolk Island ex-convicts. 'Unnatural' crime here does not appear to have been a major issue.

As Norfolk Island was founded to detain and control an imagined 'worst' sub-stratum of convicts, men sent there were automatically damned as such by contemporaries, no matter what the nature of their conviction or their behaviour while at the Island. The supposed deviancy of Norfolk Island convicts was thus established from the very start, and contemporaries laid great emphasis on the supposed prevalence of 'unnatural' crime on the island as a further example of the wickedness of the men and the corrosive penal regime they experienced. To use the colonist David Burn's wonderful phrase of 1840, the men were 'Norfolk-islandised — that is, utterly degraded and hardened in depravity, so as to have "the heart of a beast"'.²² Historians have tended too easily to perpetuate that dishonour. Margaret Hazzard, for example, concluded that sodomy was 'as endemic as dysentery on Norfolk Island, and as much feared', which

¹⁸ For numbers of convicts transported to Van Diemen's Land, see D. Meredith and D. Oxley, 'Contracting Convicts: The Convict Labour Market in Van Diemen's Land, 1840-1857', *Australian Economic History Review*, Vol. 45, 2005, Figure 1, p. 47.

¹⁹ *Sydney Monitor*, 6 April 1826 and 6 April 1827; *Australian*, 17 October 1828, 16 December 1828, and 7 October 1829. Such descriptions of Norfolk Island should be viewed in the light of the politicised press criticism of Governor Ralph Darling.

²⁰ *Registry of Criminals and Suspected Persons, 1841-45*, pp. 32-5, NRS3402 2/2673 Reel 2648, State Records of New South Wales. Most Norfolk Island ex-convicts under surveillance appeared to be working to support themselves.

²¹ See M. Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales*, St Lucia (Qld), 1983. Also *Sydney Morning Herald*, 25 Jan, 14 Feb, 28 May, 17 July and 14 Aug 1844.

²² Burn quoted in A. Laugesen, *Convict Words: Language in Early Colonial Australia*, Melbourne, 2002, p. 141. The 'heart of a beast' phrase was first used by William Westbroke Burton, a New South Wales Supreme Court judge sent to Norfolk Island to try the men committed for their part in the 1834 riot. He recalled one prisoner of 'singular ability and uncommon calmness and self-possession', who told Burton that 'let a man's heart be what it will when it comes here, his Man's heart is taken from him, and there is given to him the heart of a beast'. After its inclusion in the Molesworth report, this phrase took on a life of its own in contemporary accounts, becoming a ubiquitous description of general conditions at Norfolk Island, applied even to events taking place years after Burton's brief visit. See W. W. Burton, *The State of Religion and Education in New South Wales*, London, 1840, p. 258.

incorrectly and unhelpfully equates sex with violence and disease.²³

Norfolk Island's notoriety ensured, as Dan Huon noted in 1997, that 'the issue of sexual depravity was kept alive' and remained so throughout the anti- transportation campaign.²⁴ Norfolk Island was regarded as the most extreme manifestation of the perversity assumed to be engulfing late-1840s Van Diemen's Land, and one writer in the *Edinburgh Review* stated in 1847 — going along with the discourse of contamination — that sodomy was thought to be more 'rife at Norfolk Island than at any other spot in Australia, and [...] has propagated from it as a centre'.²⁵ The Island's very name was a blunt instrument with which abolitionists could beat their opponents, and thanks to the anti-transportation movement's effectiveness, mention of Norfolk Island proved a powerful rhetorical tactic even beyond the end of transportation to Australia. The Canadian trader and lawyer Alexander Isbister recognised in 1863 that from the late-1830s onwards, 'the horrors of this "pandemonium" have invariably formed ... the stock argument flung at the head of any luckless wight who advocates the establishment of a penal settlement'.²⁶ Similarly, when it was suggested that convicts might be transported to the Falkland Islands, a correspondent to the London *Times* warned darkly of risking a 'recurrence of the horrors of Norfolk Island'.²⁷

Having seen the powerful impact of tales of Norfolk Island by the Catholic priest William Ullathorne, Judge Burton, and others in the Molesworth reports, the later abolition movement found the Island to provide an almost inexhaustible source of fuel. It is easy to see why Norfolk Island was invoked so often as a prime example of the kind of convict depravity to which the community was being exposed by allowing transportation to continue. In September 1844 the Island and its convicts became the responsibility of the Van Diemonian government, and over the next decade Van Diemen's Land received two-thirds of all of the 6,458 men detained at Norfolk Island.²⁸ Though it is often regarded as of more importance to the history of New South Wales, the previously unrecognised scale of this movement suggests that the second settlement was perhaps of even more importance to the history of Van Diemen's Land, than that of the arrival of Norfolk Islanders of the first settlement.

Orders for the abandonment of Norfolk Island were first issued in September 1846. This followed receipt in London of a report from the Island's Anglican chaplain, Thomas Naylor, in which he painted an unremittingly awful picture of conditions at the penal settlement in which the supposed prevalence of sodomy was given prominence.²⁹ Even the Comptroller-General of Convicts of Van Diemen's Land, John Hampton, was anxious about the prospect of the arrival of long-sentence men from Norfolk Island. He drew up plans for a separate prison at Port Arthur to punish and restrain 'such fearfully bad men[...] a number of whom I am convinced that nothing but the most strict and uninterrupted separate confinement will either produce reformatory effects or prevent them being a pest and a terror to society'.³⁰ Such comments were later thrown back in Hampton's face by abolitionists when the final evacuation of Norfolk Island began during 1852.

It is notable that prisoners returning to colonial life from the other penal stations do not appear to have been faced with a similar stigma, and the evidence indicates such prejudice was largely unwarranted: a survey of the records suggests that Norfolk Island expirees were responsible for only six per cent of all convictions in the Van Diemonian higher courts between 1840 and 1848, and 1855 and 1865.³¹ However, a

²³ M. Hazzard, *Punishment Short of Death: A History of the Norfolk Island Penal Settlement*, St Lucia (Qld), 1984, p. 215. In fact, in examining the conduct records, there were only 89 punishments inflicted upon 74 individual convicts at Norfolk Island for 'unnatural' offences. Bearing in mind that most sex would have occurred in private, this remains a very low detection rate given the assumed prevalence of 'unnatural' crime on the Island. See Causer, *op. cit.*, p. 279.

²⁴ Huon, *op. cit.*, p. 105.

²⁵ 'What is to be Done With Our Criminals?', *Edinburgh Review*, Vol. 86, 1847, p. 245.

²⁶ A. K. Isbister, 'Convict Labour and Colonisation', *Journal of the Society of Arts*, Vol. 11, 1863, p. 160.

²⁷ *The Times*, 29 December 1862, p. 9.

²⁸ The figure of 6,458 was reached through the construction of an extensive database of convicts detained at Norfolk Island. For a discussion of the prisoners' backgrounds, and reasons for which they were detained at Norfolk Island, see T. Causer, 'The Worst Types of Sub-Human Beings'? The Myth and Reality of the Convicts of the Second Penal Settlement at Norfolk Island, 1825 -1855', in *Islands of History: Proceedings of the 25th Anniversary Conference*, Sydney, 2011, pp. 8-31 (also downloadable from <http://discovery.ucl.ac.uk/1331354/>); T. Causer, 'Angels and Eagles'. The larger colony of New South Wales received around a third of Norfolk Island expirees over a period of nineteen years.

²⁹ See enclosure in Grey to Denison, 30 September 1846, and 13 January 1847, Command Papers 1847 [785], *Correspondence on Convict Discipline and Transportation*, London, 1848, pp. 66, 103. The order was repeated when news reached London of the July 1846 riot and murders at the Island.

³⁰ Hampton to Denison, 27 April 1847, MM62/21/7476, TAHO.

³¹ Causer, 'Angels and Eagles', pp. 297-310. These figures are derived from analysis of conduct records of

handful of expirees were responsible for some of the most notorious crimes of the period, including the murders committed by John 'Rocky' Whalan, and by the bushrangers James Dalton and Andrew Kelly. Indeed, Whalan's execution in June 1855 prompted opportunistic petitions complaining about Norfolk Island convicts who, it was claimed, were 'with few, if any exceptions, of a like depraved and irreclaimable character'.³² Whalan's crimes certainly added to the strength of the abolitionist argument, yet his post-Norfolk Island career was entirely unrepresentative of the overwhelming majority of expirees. The claims about Norfolk Island convicts in general simply do not stand up to scrutiny.

Colonists learned of the impending inundation of Norfolk Island convicts in late 1847, only twelve months into a two-year moratorium on the transportation of male convicts to Van Diemen's Land, and they reacted with alarm. Reid and Alexander both argue that denunciation of transportation was tempered with sympathy towards the prisoners themselves, with Reid noting that this allowed abolitionists to place their arguments and concerns within 'broader radical-liberal traditions and thus to connect with a series of empire-wide debates about political rights'.³³ This sympathy, however, does not appear to be in evidence with regard to Norfolk Island convicts, towards whom the violence of language was quite ferocious.

Reid suggests that '[n]o moral man either could or would describe the depths to which the convicts had fallen' in Van Diemen's Land, and so abolitionists resorted to 'allusion, allegory, metaphor and code'.³⁴ This artifice can be seen in the *Launceston Examiner's* report of a protest meeting in October 1847 against the introduction of convicts from New South Wales and Norfolk Island: 'these men', addicted to 'horrid vices' and 'stained with blood', were the very 'quintessence of wickedness ... debased by infamy which nature abhors' according to the reporter.³⁵ In one of his hysterical letters to the colonial authorities, Matthias Gaunt complained of '1,300' Norfolk Island expirees being 'sent down like a pestilence upon this devoted colony'. Not long afterwards, he claimed there were three or four cases of 'infant violation', which he concluded seemed 'but too like cause and effect'.³⁶ A public meeting of subscribers to the London Agency Association in Launceston in November 1848 similarly argued that it was grossly irresponsible to bring Norfolk Island convicts to a 'community comprehending of more than 12,000 young children', while the 'Parents and Guardians' of Van Diemen's Land wrote of them coming 'into contact with persons of tender age', as though it was expected that the expirees would embark upon a sexual rampage as soon as they set foot on Van Diemonian soil.³⁷

Analysis of the records suggests that these claims were, at best, wild rumours which were genuinely believed, or at worst wilful lies told to in order to advance the abolitionist case. The '1,300' men to whom Gaunt referred were in fact 1,268 of the 1,703 men who had been transported directly to Norfolk Island from Millbank Penitentiary between 1844 and 1847, and who were mostly removed to Tasman's Peninsula after having completed their probation at the Island.³⁸ The allegations about the rape of children were likewise misinformed, as between the period of their arrival in Van Diemen's Land and when Gaunt wrote his letter, only two Norfolk Island expirees were convicted in the colony's higher courts, and neither for sexual offences.³⁹

The apogee of the abolitionist condemnation of Norfolk Island expirees came in 1852. In October of that year, the *Sir Robert Seppings* arrived at Port Arthur with 302 prisoners from Norfolk Island. Rumours circulated that sodomy was widespread among the convicts during the voyage to Hobart Town, and these tales came to wide public notice when reported in the press after being raised by abolitionist

Norfolk Island expirees brought to Van Diemen's Land, in comparison with overall convictions from the *Statistics of Van Diemen's Land/Tasmania*. They comprise only a sample, and more detailed investigation is required, as the issue of reoffending is complicated by the large numbers of convicts who moved from Van Diemen's Land to Victoria. Those who were convicted in Van Diemen's Land during these periods had overwhelmingly committed non-violent property offences.

³² Petition of the Inhabitants of the District of Richmond [Tasmania], 9 July 1855, *House of Commons Parliamentary Papers*, Vol. 43, 1856, p. 4.

³³ Reid, *op. cit.*, pp. 222, 231; Alexander, *op. cit.*, p. 127.

³⁴ Reid, *op. cit.*, pp. 215-16.

³⁵ *Examiner*, 30 October 1847.

³⁶ Gaunt to Bicheno, 19 December 1848, *British Parliamentary Papers: Crime and Punishment - Transportation*, Vol. 9, Shannon (Ire), 1969, p. 90.

³⁷ *Launceston Examiner*, 22 November 1848, p. 4, and 1 May 1847, p. 2.

³⁸ The Millbank group was the best-behaved sub-group of prisoners detained at Norfolk Island: 584 (36 per cent) committed no offences at the Island, while 412 (24 per cent) were punished only once.

³⁹ George Wood, assault with intent to commit grievous bodily harm, CON33/1/78 18270, TAHO; George Birchall, stealing three bushels of wheat, CON33/1/80 18487, AOT. See Reid, *op. cit.*, pp. 194, 240 for the lack of evidence for allegations of child-rape.

members of the Van Diemonian Legislative Council during the session of 12 October.⁴⁰ It was alleged that the clothes of up to 160 of the *Seppings* men were marked to signify that they were sodomites, that there was a conspiracy to 'smuggle' them from Port Arthur into the wider community, and even the most outlandish stories about the prisoners' behaviour at Norfolk Island were given credence. Despite a Select Committee of the Legislative Council being appointed to investigate the matter, which was dominated by anti-transportationists asking leading questions in the vein of the Molesworth Committee, there was an abject failure to prove any of the allegations.⁴¹ This did not prevent the abolitionists continuing with their allegations against the men anyway.⁴² Furthermore, the prisoners' conduct records demonstrate that allegations about the conduct of the men of the *Seppings* while detained at Norfolk Island were also false.

There is no question that allegations of 'unnatural' crime were central to the anti-transportation cause, and that they skewed the debate in a fundamental and decisive manner. We can be equally assured that the claims of the anti-transportationists on many other issues, were largely unfounded. New evidence, such as is produced here and elsewhere in this Discussion Forum, will add weight to this contention. While the question of homophobia thus appears clear, what it means and what it bequeathed, and whether it is alone an entirely satisfactory or absolute explanation of the anti-transportation campaigns and their aftermath, is something that deserves to be examined in future research, especially in light of Babette Smith's thesis.

So, what of future avenues of research? In his excellent contribution to the Forum (below), Chris Holdridge has argued that our understanding of anti-transportationism would be enhanced by supplementing local and national studies, with a more 'global outlook, one that recognises the importance of informational flows to and from Britain in lobbying support, as well as the important currents of simultaneous political agitations throughout the British Empire'. I support this call, along with Holdridge's suggestion (see below) that the role of John Alexander Jackson, as the anti-transportation 'ambassador' in London, is in need of further illumination. We would similarly profit by an examination of the tactics of the abolitionists' opponents. Also, Hamish Maxwell-Stewart has hinted at the nascent trade union movement's role in the anti-transportation campaign; an exploration of the economic aspects of the movement would also bear much fruit.⁴³

The anti-transportation debate was dominated by male voices who invoked the need to protect women and children, but we hear precious little from the female inhabitants of Van Diemen's Land who were supposedly under threat. Susanna Hoe offers a few tantalising glimpses, such as noting that the Anti-Transportation Society of Launceston was formed in 1849 in the rooms of the Cornwall Hotel, whose licensee was Mary Ann Cox. Hoe also records Caroline Denison, wife of the Lieutenant-Governor, recalling that upon discovering that her husband would patronise the 1853 regatta at Kangaroo Point, anti-transportationists 'set to work to make it fail ... [and] they endeavoured at the last moment, to get an opposition regatta for the same day at Sandy Bay'.⁴⁴ Further research along these lines would broaden our understanding. Similarly, while there has been a great deal of focus upon 'unnatural' crime among male convicts, there has been less research on the subject among women, despite similar inquiries being made into sexual activity at female convict institutions. For example, in April 1851 visiting magistrate Robert Pringle Stuart carried out an inquiry at the Ross House of Correction, following the indecent assault of Margaret Knaggs by Agnes Kane, finding it typical of the 'filthy sensuality so prevalent among the female Convicts'.⁴⁵ There was also an investigation into sexual relations among the women at the Ross Female Factory in May 1850, Dr William Irvine, the Superintendent and Medical Officer concluded that one MaryAnn Elliott was 'one of the pseudo-male individuals' whose presence was 'peculiarly sought out, & every inducement offered to them to join company, with those addicted to these most depraved & abominable habits'. Irvine gathered evidence of the 'pseudo-males' being the focus of much attention, gifts and jealousies, as though 'an actual "male" was in question', and of juvenile female prisoners 'decorating themselves, cleaning themselves scrupulously, & making themselves as attractive as they can, before resorting to the "man-woman", if I may so style her'. Irvine's findings even extended to the pseudo-medical: he believed that some had a 'preternatural development of an organ peculiar to the female, the "clitoris"', which enabled them to 'assume partially the function of a male', while in other cases 'artificial substances, mechanically secured to the person from the substitute for the male organ'. He believed that such behaviour, worse even than

⁴⁰ *Hobart Town Courier*, 16 Oct 1852.

⁴¹ *Report from the Select Committee on the Convicts by the Sir R. Seppings*, CSO24/215/8167, TAHO.

⁴² Norfolk Island's place in the anti-transportation campaign, and the *Seppings* case specifically, will be discussed more fully in a forthcoming article.

⁴³ H. Maxwell-Stewart, 'Convict Transportation from Britain and Ireland, 1615-1870', *History Compass*, Vol. 8, 2010, p. 1233.

⁴⁴ S. Hoe, *Tasmania: Women, History, Books and Places*, Oxford, 2010, pp. 168-69.

⁴⁵ Stuart to Hampton, 14 April 1851, MM62/33/15163, TAHO.

'masturbation', caused 'palpitation & functional, if not structural diseases of the heart'.⁴⁶ Detailed analysis of this sort of material — and comparisons with how sex among male convicts was reported — would be very valuable.

At the local and national level, it would also be helpful to know more about anti-transportationists as individuals. It is misleading to talk of 'anti-transportationists' as a monolithic group, as they were motivated variously by economic, religious, moral, and humanitarian concerns. What drove otherwise respectable men like Gaunt and the subscribers to the London Agency Association to write in the 1840s with such certainty about 'unnatural' crime and child rape, when examination of the evidence reveals their allegations to be wildly impressionistic, if not palpable nonsense? We can, however, surmise that the (understandable) antipathy towards transportation of Henry Anstey, member of the Legislative Council for Oatlands and at the forefront of the campaign against the *Seppings* men, was due to three convicts having been convicted and executed in 1830 for the sexual assault of his then five-year old sister, Julia.⁴⁷ Without understanding the complicated motivations of abolitionists, and indeed their opponents, there is a real danger of lapsing into caricature. Unfortunately, in the case of our understanding of Norfolk Island and its convicts, the distortions and sensationalism have gone on for far too long.

⁴⁶ Irvine to Robert Pringle Stuart, 24 May 1850, MM62/31/13859, TAHO.

⁴⁷ The three were William Messenger (CON31/1/29 248, TAHO), Richard Yewdle/Udall (CON31/1/45 53, TAHO), and, John Brady (conduct record not identified). See also *Hobart Town Courier*, 26 June 1830, p. 2.