

## Administering the Norfolk Island penal station, 1825–55

Tim Causer<sup>1</sup>

This article seeks to explore how the penal station at Norfolk Island was administered, and will in the main focus upon the internal factors which impacted upon that administration and thereby seek to fill a considerable gap in prior histories.<sup>1</sup> In so doing it will propose a model for Norfolk Island's administrative structure, adapted from that posited by Bill Thorpe and Raymond Evans in their study of the ruling order at the Moreton Bay penal settlement.<sup>2</sup> In particular the article will examine the working lives and place in the administrative structure of: i) Norfolk Island's official class, at the apex of which was the commandant, where interactions were characterised by heightened considerations of class and status; ii) Norfolk Island's military officers and the soldiers stationed there; and iii) prisoners employed as petty officials, with a special focus upon a few individuals who were able to transcend the boundaries of the administrative structure and rise through its ranks to positions of considerable, if relative, power.

By brief way of context, this article focuses upon the second European settlement of Norfolk Island, located around 900 miles off the eastern Australian seaboard, which was established in June 1825 in order to provide, as Governor of

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<sup>1</sup> For instance, see: Frank Clune, *The Norfolk Island story* (Sydney: Angus & Robertson, 1967); M. G. Britts, *The Commandants* (Adelaide: Rigby Ltd., 1980); Margaret Hazzard, *Punishment short of death* (Melbourne: Hyland House, 1984); Robert Hughes, *The Fatal Shore* (London: Collins Harvill, 1987), chs. 13–15; *Norfolk Island and its Second Settlement, 1825–1855*, ed. Raymond Nobbs (Sydney: Library of Australian History, 1991); and Robert Macklin, *Dark Paradise: Norfolk Island* (Sydney: Hachette, 2013).

<sup>2</sup> Bill Thorpe and Raymond Evans, "Freedom and Unfreedom at Moreton Bay: the structures and relations of secondary punishment," in *Beyond Convict Workers*, ed. Barrie Dyster (Sydney: Department of Economic History, University of NSW, 1996), 64–82.

New South Wales Ralph Darling put it in February 1827, ‘a place of the extremest punishment, short of Death’ for ‘the most depraved and dissolute’ male convicts.<sup>3</sup> From 1825 to 1855, when the settlement was closed, around 6,500 men were detained at Norfolk Island. About half of these men were sent there either under their original sentence of transportation or without having been convicted in a colonial higher court, and two-thirds of the men had gone to Norfolk Island for non-violent property offences.<sup>4</sup> For its first nineteen years the penal station was operated by the government of New South Wales, until September 1844 when Norfolk Island became the responsibility of the government of the junior colony of Van Diemen’s Land.

There were, broadly speaking, three spheres of administrative influence over Norfolk Island. The first was the imperial metropole which, despite being the ultimate centre of power, had arguably the least direct influence on day-to-day life at the Island. Though Westminster sought to impose its penal policy, it was guided by—and ignored at its own risk—local and colonial concerns. Second were the colonial authorities at Sydney and at Hobart Town which sought to interpret and implement imperial policy as best they could, but nevertheless administered Norfolk Island in their own interests. The third was the Norfolk Island administration itself, which operated on the edge of the periphery of the British Empire, and which faced the unenviable task of satisfying their superiors in both hemispheres while simultaneously dealing with immediate circumstances. In an ideal world these three spheres would have functioned smoothly and interconnectedly. This rarely proved to be the case.

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<sup>3</sup> Darling to Under Secretary Hay, 10 February 1827, *Historical Records of Australia* (hereafter *HRA*), Series I.13 (Sydney: Library Committee of the Commonwealth Parliament, 1920), 105.

<sup>4</sup> For the backgrounds of the men and the offences which saw them detained at Norfolk Island, see Tim Causer, “‘The worst types of sub-human beings’? The myth and reality of the convicts of the Norfolk Island penal settlement, 1825–1855,” in *Islands of History* (Anchor Books: Sydney, 2011), 8–31.

As Zoë Laidlaw has pointed out, colonial administrators occupied a geographically, socially, and politically isolated position where any decisions reaching them from London may well have been overtaken by local circumstance.<sup>5</sup> These dislocating effects, and the issues they caused and exacerbated, were arguably more extreme at Norfolk Island than any other Australian penal station, located as it was at such a distance from Sydney and Hobart Town, let alone from London. Even when a vessel arrived at the Island, the absence of a natural harbour and the weather might conspire to prevent the ship's boats coming ashore for several days—a further, frustrating reminder of temporal and geographical distance. That said, similar issues were at play in other institutions, such as the 'wooden world of [H.M.S.] *Bounty*',<sup>6</sup> the 'little empire of Wybalenna' on Flinders Island described by Anna Johnston,<sup>7</sup> and with relationships and authority aboard, and operation of, Australian convict vessels.<sup>8</sup>

By way of example of the Norfolk Island time warp, the Protestant chaplain Reverend Thomas Sharpe first heard of the death of William IV on 17 November 1837, five months after the king had expired at Windsor on 20 June 1837.<sup>9</sup> As this delay indicates, a Norfolk Island commandant might conceivably wait for up to a year for a response to a matter requiring an answer from London. In this context events at

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<sup>5</sup> Zoë Laidlaw, "Closing the Gap: Colonial Governors and Unofficial Communications in the 1830s," in *Imperial Communication: Australia, Britain, and the British Empire*, ed. Simon J. Potter (London: Menzies Centre for Australian Studies, 2005), 47, 56–7.

<sup>6</sup> Greg Denning, *Mr Bligh's Bad Language: Passion, Power and Theatre on the Bounty* (Cambridge: Canto, 1994), 57.

<sup>7</sup> Anna Johnston, "The 'little empire of Wybalenna': Becoming colonial in Australia," *Journal of Australian Studies* 28 (2004): 17–31.

<sup>8</sup> John Shepherd and Hamish Maxwell-Stewart, "Rites of Passage: the Voyage to Convict Australia and the Creation of the Penal Labourer," *Australian Historical Studies* 52 (2021): 470–90; Katherine Foxhall, *Health, medicine, and the sea: Australian Voyages, c. 1815–1860* (Manchester: Manchester University Press, 2012), ch. 5; Kimberley Peters and Jennifer Turner, "Between crime and the colony: interrogating (im)mobilities aboard the convict ship," *Social and Cultural Geography* 16 (2015): 844–62.

<sup>9</sup> Thomas Sharpe, "Journal on Norfolk Island, 1837–40," CY 1255 B 217, 159, Mitchell Library, State Library of New South Wales, Sydney (hereafter SLNSW).

Norfolk Island could rapidly overtake decision-making. For instance, on 1 July 1846 the Van Diemonian Executive Council considered the damning report of Robert Pringle Stuart on conditions at the Island.<sup>10</sup> The Council unanimously decided to dismiss Commandant Joseph Childs in order to, as Colonial Secretary James Bicheno warned, avoid Norfolk Island being ‘subjected to all the horrors of an open mutiny’.<sup>11</sup> On the very day the Council met, however, a major disturbance in which four men were murdered had broken out and been suppressed.

In addition to the issue of distance, administration of Norfolk Island could be hampered by the absence of vital information. This was not a new problem in the Australian penal colonies. The historian J. B. Hirst noted that the New South Wales authorities faced occasional difficulty establishing when prisoners became free, since indents containing details of their sentences were incomplete or missing.<sup>12</sup> This injustice had been highlighted as early as 1802 and 1803 by Jeremy Bentham, who noted that the failure of paperwork to arrive in New South Wales, which forced individuals to remain in servitude long after they should have been free, perversely saw ‘the presumption instead of being “*in favorem libertatis*” being ““*in favorem servitutis*”’.<sup>13</sup>

The routine failure of indents and other information to arrive at Norfolk Island denied access to the most basic intelligence regarding prisoners’ sentences, trades, offences, and conduct. Commandant James Morisset complained in September 1832 to Colonial Secretary Alexander Macleay of the ‘inconvenience’ caused by the

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<sup>10</sup> See MM62/16/5183, TAHO, and an edited version of the report in *Norfolk Island 1846: the Accounts of Robert Pringle Stuart and Thomas Beagley Naylor*, ed. Eustace Fitzsymonds (Adelaide: Sullivan’s Cove, 1979).

<sup>11</sup> Executive Council minutes 24 and 26, 1–2 July 1846, EC4/1/8, 399–402, TAHO.

<sup>12</sup> J. B. Hirst, *Convict society and its enemies* (Sydney: Allen & Unwin, 1983), 107–8.

<sup>13</sup> Bentham to Charles Abbot, 3 September 1802, in *The Correspondence of Jeremy Bentham 7*, ed. John Dinwiddy (Oxford: Oxford University Press, 1988), 103. See also “A Plea for the Constitution,” in *Panopticon versus New South Wales and other writings on Australia*, eds. Tim Causer and Philip Schofield (London: UCL Press, 2022), 366–71.

absence of indents for the latest intake of convicts, while Commandant Joseph Anderson made similar representations in September 1835 and November 1836.<sup>14</sup> In April 1839 Commandant Thomas Bunbury pointed out to Principal Superintendent of Convicts John Maclean that ‘no Indents have been received from your Office since January 1837: four hundred and thirty five being deficient since that period.’<sup>15</sup> (The convict population of Norfolk Island was then about 1,300, so Bunbury had no indents for around a third of the prisoners). Maclean blamed the Colonial Secretary’s office for providing lists consisting merely of ‘names and ships of the prisoners’ and that ‘seven out of ten were frequently wrong,’ prompting lengthy correspondence with gaols and magistrates across the colony to fill the gaps. Maclean added that there were then no indents available for men sent to Norfolk Island prior to October 1838, but those for men sent after July 1839 were being prepared.<sup>16</sup>

These latter documents may not have been produced, as during mid-1840 Superintendent Alexander Maconochie bemoaned the ‘long Arrears of Indents’ dating back to June 1839.<sup>17</sup> Maconochie discovered in August 1840 that, though many prisoners claimed to be eligible for a reduction of their sentence to Norfolk Island under the provisions of the New South Wales Conditional Remission of Sentences Act of 1838,<sup>18</sup> it was impossible to be certain, causing considerable grumbling among the prisoners.<sup>19</sup> The lack of fundamental information made

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<sup>14</sup> Morisset to Alexander Macleay, 14 September 1832, Anderson to Macleay, 26 September 1835 and 22 November 1836, respectively NRS 905 4/2200, item 32/7299, NRS 905 4/2288, item 35/8133, and 4/2327.1, item 36/10,025, State Archives and Records Authority of New South Wales (hereafter SARANSW). See also Edward Deas Thomson to Anderson, 5 November 1837, NRS 988 4/3822, Reel 765, 524, SARANSW.

<sup>15</sup> Bunbury to Maclean, 8 April 1839, NRS 905 4/2503.1, unnumbered item, SARANSW.

<sup>16</sup> Maclean to Thomson, 18 February 1840, NRS 905 4/2503.1, item 40/1877, SARANSW.

<sup>17</sup> Maconochie to Thomson, 15 August 1840, NRS 905 4/2503.1, item 40/8671, SARANSW.

<sup>18</sup> “An Act for the Conditional Remission of Sentences of Convicts Transported to Norfolk Island and Moreton Bay, and to enforce the conditions thereof” (2 Vic. 1): see *Acts and Ordinances of the Governor & Council of New South Wales, and Acts of Parliament enacted for, and applied to, the colony, with Notes & Index*, 2 vols. (Sydney: Government Printer, 1844), i. 532–3.

<sup>19</sup> Maconochie to Thomson, 15 August 1840, NRS 905 4/2503.1, item 40/8671, SARANSW.

maintaining good order at Norfolk Island, in Maconochie's view, more difficult. This seems to have been a matter specific to the administration of New South Wales, as after Van Diemen's Land assumed responsibility for Norfolk Island in September 1844 there appear to have been no complaints about documentation—perhaps testament to the extensive nature of convict record-keeping in that colony, going back around twenty years.<sup>20</sup>

### Administering Norfolk Island

Table 1, which broadly illustrates the administrative structure of Norfolk Island, has been adapted from the model produced by Bill Thorpe and Raymond Evans in their insightful discussion of secondary punishment at Moreton Bay. A key difference to bear in mind between the two places is that both men and women convicts were sent to Moreton Bay for punishment, whereas only men were sent to Norfolk Island, where the only female presence was in the wives and children of officials, and their servants.

<b>Dominant class—the military/civil bureaucracy</b>	
a) Dominant fraction	<ul style="list-style-type: none"> <li>• Commandants/acting commandants</li> </ul>
b) Dominated fraction	<ul style="list-style-type: none"> <li>• Senior military officers</li> <li>• Heads of departments (Commissariat, Engineers, Agriculture, Medical, Religious, stipendiary magistrates)</li> </ul>
<b>Subordinate classes (1)</b>	
a) Dominant fraction, military	<ul style="list-style-type: none"> <li>• Junior military officers, rank-and-file soldiers</li> </ul>

<sup>20</sup> For Van Diemonian convict records see, for instance, Janet McCalman, Leonard Smith, Sandra Silcot, and Rebecca Kippen, "Building a Life Course Dataset from Australian Convict Records: Founders & Survivors—Australian Life Courses in Historical Context, 1803–1920," in *Population Reconstruction*, eds. Gerrit Bloothoft, Peter Christen, Kees Mandemakers, and Marijn Schraagen (Cham: Springer, 2015), 285–98.

b) Dominant fraction, civilian	<ul style="list-style-type: none"> <li>• Minor officials (clerks, superintendents of convicts, superintendents of works, principal overseers, assistant superintendents, constables, overseers, boatmen)</li> </ul>
<b><i>Bond/free divide</i></b>	
<b>Subordinate classes (2)</b>	
a) Dominant fraction	<ul style="list-style-type: none"> <li>• Convict volunteers employed as overseers, constables, and other petty offices</li> </ul>
b) Intermediate fraction	<ul style="list-style-type: none"> <li>• Skilled convict workers, ticket-of-leave holders</li> </ul>
c) Dominated fraction	<ul style="list-style-type: none"> <li>• Prisoners under sentence (i.e. the majority of the Norfolk Island convict population)</li> </ul>
d) Supra-dominated fraction	<ul style="list-style-type: none"> <li>• Punishment gang convicts, convicts in gaol or separate confinement, convicts in irons</li> </ul>

**Table 1: the Norfolk Island administrative structure.**<sup>21</sup>

### The dominant class

In the Thorpe-Evans model, the dominant class of Moreton Bay constituted a ‘military bureaucracy,’ whose dominance was felt in ‘at least three important and interconnected ways.’ In the first instance, the ‘military bureaucracy’ comprised a local ‘ruling class in having ownership and control of the (state) economic means of production.’ Second, it also comprised a local ‘governing class in having the monopoly of political and legal power, and control over the means of violence.’ Third, it monopolised ‘administrative power, that is, control over the mode of information and official knowledge.’<sup>22</sup> As Thorpe and Evans explain, such was the military

<sup>21</sup> Adapted from the model of Thorpe and Evans, “Freedom and Unfreedom,” 75, reproduced below in an appendix. The lives of the supra-dominated fraction of Norfolk Island require a separate discussion.

<sup>22</sup> *Ibid.*

domination of Moreton Bay that it co-opted non-military functions in the settlement administration.

A military bureaucracy initially ran Norfolk Island and the military men who filled the office of commandant or superintendent and thereby constituted, in theory, the supreme authority at Norfolk Island, had overall command of both civil and military personnel. This arrangement altered in September 1844 when the title of Joseph Childs, a major of the Marines, was changed to 'Civil Commandant,' as distinct from the post of 'Military Commandant,' the senior officer in charge of the garrison. The only civilian to have command at Norfolk Island was John Price, a Van Diemonian police magistrate who was Civil Commandant from 1846 to early 1853. Civilian officials, however, began to fill Norfolk Island's more substantial offices from early on, such as Henry Bennett, who was appointed Superintendent of Agriculture in May 1828.<sup>23</sup> A number of civilian officials were themselves former military men, such as James Shields, gaoler from 1833 to 1837, who had served as a private for twenty-one years, while the Superintendent of Convicts during the 1830s, William Nicholson, was also a former soldier.<sup>24</sup> In other words, despite the presence of powerful civilian officials, the Norfolk Island administration retained a military character of sorts.

The presence of civilian officials at Norfolk Island lay bare an underlying tension in the administrative structure—though subject to the commandant's orders, their direct responsibility lay with their departmental heads in Sydney or Hobart Town. A civilian official seeking to maintain their personal and departmental independence could well undermine a commandant's authority, with a key example

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<sup>23</sup> Macleay to Commandant Thomas Wright, 21 May 1828, NRS 988 4/3821, item 28/7, Reel 764, 81, SARANSW.

<sup>24</sup> Morisset to Macleay, 16 January 1833, NRS 905 4/2200, item 33/1217, SARANSW.



being disregard shown to the regulation that all correspondence leaving Norfolk Island was to be sent through the commandant's office, an order reiterated as regularly as it was ignored.<sup>25</sup> Jurisdictional turf-wars routinely occurred, made all the more complicated when entangled with officials' perception of their class and status. Commandants entered into disputes with, and had to mediate disputes among, officials in every branch of the Island's administration. The result was that Norfolk Island was a narrow little universe where the smallest slight might become a slur upon an individual's respectability, and result in extensive correspondence with the colonial and imperial authorities in the search for redress. During late 1842, for instance, the senior Roman Catholic clergyman, Father John McEncroe, complained to Superintendent Maconochie that his catechists, Richard Walsh and Lewis Harding, had been insulted as the word 'free' had been entered against their names on the salary lists. Maconochie explained that the offending word had been added 'without the least idea of giving offence in any way' by his assiduous clerk, Levi Abrahams, who had noticed on the printed returns that it was a condition of payment of salary to state whether anyone earning £100 a year or more was free or not. Ultimately, 'ample apology' was given for the supposed implication that Walsh and Harding might not have been free men.<sup>26</sup>

A prime example of a dispute that threatened a commandant's authority occurred during late 1835, when aggravation came to a head between Commandant Anderson and Dr Alexander Gamack, Norfolk Island's senior medical officer. Gamack complained to his superiors in Sydney that Anderson barely spoke to him

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<sup>25</sup> See, for instance, DACG John Smith's letters about Superintendent Maconochie, which were irregularly sent off the Island: Maconochie to Thomson, 17 September 1842, and Thomson to Maconochie, 7 January 1843, NRS 905 4/2566, item 42/7322 and NRS 988 4/3824, Reel 766, 513–14, SARANSW.

<sup>26</sup> Maconochie to Thomson, 30 November 1842, NRS 905 4/2566, item 42/9435, Reel 769, SARANSW.

except on official duty, which Anderson explained to Colonial Secretary Macleay owed to Gamack's association with officers who 'everyone, Free and Bond' at Norfolk Island knew sought to 'oppose my authority.' Anderson remarked upon Gamack's routine attendance at the convicts' church service rather than that for his fellow officers, as well as Gamack's friendship with Anderson's bitterest opponent, Superintendent of Agriculture Archibald McLeod. Anderson's most pointed remark was, though, in providing Macleay the rumoured reason for the closeness of Gamack and McLeod:

I am really driven to let the Governor know the character of this friendship...if I am well informed, a child begotten in Sin is now the living evidence of Mr. Gamack's gratitude.<sup>27</sup>

Though Anderson wielded gossip that Gamack had a child with McLeod's servant, his real complaint was that the surgeon routinely exempted too many convicts from work and failed to identify what were, in Anderson's view, malingerers.<sup>28</sup> The collapse of the personal and professional relationship between the two ensured that in November 1836 Anderson welcomed Gamack's replacement, the more amenable Patrick Harnett.<sup>29</sup>

Gamack and McLeod were but two officials to fall out with Anderson.

Anderson in fact had significant disputes with a succession of officials, including Hindmarsh, a clerk in the Commissariat, Joseph Tiltson, the Superintendent of Convicts, and Thomas Atkins, the Protestant chaplain.<sup>30</sup> Acrimonious relationships between commandants and their officials seem to have been a fact of life at Norfolk

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<sup>27</sup> Anderson to Macleay, 17 October 1835, NRS 905 4/2288, item 35/7001, SARANSW.

<sup>28</sup> *Ibid.*, and Anderson to Macleay, 27 August 1836, NRS 905 4/2327.1, item 36/7365, SARANSW.

<sup>29</sup> Anderson to Macleay, 22 November 1836, NRS 905 4/2327.1, item 36/10,025, SARANSW.

<sup>30</sup> McLeod to Anderson, 28 April 1835 and Anderson to Macleay, 28 April 1835, NRS 905 4/2288, items 35/3893 and 35/3891; Anderson to Macleay, 27 August 1836, NRS 905 4/2327.1, item 36/7364; Tiltson to Macleay, 20 August 1836, NRS 905 4/2327.1, item 36/7369; Macleay to Atkins, April 1837, Atkins to Governor Richard Bourke, 20 May 1837, and Anderson to Macleay, 12 January 1837, NRS 905 4/2368.1, items 37/52, 37/4833, and 37/2176, all SARANSW.

Island. Superintendent Maconochie had disputes with Reverend Thomas Sharpe, Deputy Assistant Commissary General (hereafter DACG) John Smith, the medical officer James Aquinas Reid, successive Superintendents of Agriculture Charles Ormsby and William Pery, and the Catholic priests McEncroe, Walsh, and Harding.<sup>31</sup> Commandant Childs clashed with DACG John Tomes, Reverend Thomas Rogers, and Reverend John Ison,<sup>32</sup> while Rogers and Superintendent of Agriculture Gilbert Robertson were among those who ran afoul of Civil Commandant John Price.<sup>33</sup> That such disputes were experienced by almost every long-term commandant of Norfolk Island cannot simply be explained away as clashes of personality. Such disputes occurred, of course, across the penal colonies and outside the convict establishments, such as in the paper warfare of 1833–4 between Commandant James Darling of the Wybalenna Aboriginal Establishment and the catechist Thomas Wilkinson,<sup>34</sup> which suggest something inherent about the administration of distant stations and settlements. Greater distance prolonged the intensity and duration of disputes at Norfolk Island, to which there was but one common theme: the commandant triumphed, and the junior officer usually found themselves removed from Norfolk Island.

Norfolk Island's officials, who constituted the dominated fraction of the penal station's dominant class, were more than capable of arguing amongst themselves without the commandant's input. In February 1845 Major Charles Augustus Arney,

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<sup>31</sup> Sharpe, "Journal," 359–60; Maconochie to Thomson, 12 May 1841, NRS 905 4/7104, no item number (water damaged); Maconochie to Thomson, 8 January 1844, NRS 905 4/2658, item 44/853; Maconochie to Thomson, 31 March 1842, Maconochie to Thomson, 14 September 1842, and Harding to Thomson, 6 October 1842, NRS 905 4/2566, items 42/3188, 42/7316, and 42/7500, Reel 769, all SARANSW.

<sup>32</sup> Tomes: correspondence dating from July to December 1845 at MM62/14/4250, TAHO; Rogers and Ison: correspondence dating from July 1846 to May 1847, MM62/16/5588, TAHO.

<sup>33</sup> Rogers: correspondence dating from July to September 1846 at MM62/18/6389, TAHO; Robertson: correspondence dating from September to October 1846 at MM62/18/6402, TAHO.

<sup>34</sup> Johnston, "The 'little empire of Wybalenna'."

the commander of the garrison, fell into dispute with Reverend Thomas Naylor over the performance of religious service for the military. What began as a minor complaint about Naylor's unwillingness to deliver his service half-an-hour earlier, as Arney demanded, took on farcical proportions and resulted in a correspondence spanning five months and involving the senior military officer in the Australian colonies, the Bishop of Australia, the Lieutenant-Governor of Van Diemen's Land, and the Comptroller-General of Convicts.<sup>35</sup> Allegations were traded in writing. Naylor 'distinctly charge[d] Major Arney with conduct discreditable to him as an Officer' and complained of the 'pain and mortification I suffered' when he arrived at church to find the soldiers filing out, having been dismissed by Arney.<sup>36</sup> Arney, meanwhile, asked Comptroller-General of Convicts Matthew Forster 'how far it is expedient to permit a clergyman receiving a large salary from the Queen's Government...[to] grossly misconduct himself,' repeatedly wrote the words 'Not true' and 'Untrue' in the margins of Naylor's statement, and suggested that Naylor's 'garbled truth and artful insinuations...evince a Spirit of Malignity so utterly at variance with the character of a Minister of the Gospel, as must here deprive him of the respect due to that Sacred Office.'<sup>37</sup> What seems clear from the pathetic origins of this dispute is that issues of status and the primacy of officials and their departments were really at stake.

Open confrontation between members of the dominant class and members of the subordinate civilian classes caused significant disruption. Following the arrival of Commandant Childs in February 1844 thereafter followed a number of superintendents and assistant-superintendents of convicts, mostly military officers on

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<sup>35</sup> See the correspondence at CON1/40/3072, TAHO.

<sup>36</sup> Statement by Naylor, 24 February 1845, and Naylor to Major-General Maurice O'Connell, 6 March 1845, CON1/40/3072, TAHO.

<sup>37</sup> Arney to Forster, 4 March 1845, statement by Naylor, 24 February 1845, and Arney to the Major of the Brigade, 4 March 1845, CON1/40/3072, TAHO.

half-pay, contracted in London ostensibly to ease the burden of managing the 1,400 or so convicts who arrived at Norfolk Island between 1844 and 1846 directly from England after having served a period in Millbank penitentiary. (Norfolk Island's convict population peaked at around 2,000 men during 1846.) By January 1845 Childs had already come to the view that there were too many superintendents to 'employ efficiently'. Comptroller-General Forster agreed and thought that 'getting rid of the Convict Superintendents...[was] imperative if any good is expected to be done.'<sup>38</sup> Nothing was done, and based on available evidence it is difficult to disagree with Robert Pringle Stuart's 1846 assessment that the superintendents were 'without exception, negligent, inefficient, and corrupt'.<sup>39</sup>

During mid-1845 Superintendents Robert Hay and Samuel Lloyd came into dispute with DACG John Tomes when Hay refused to sign-off on his account on the grounds that 'his name does not appear so high on the List [of officers] as he imagines that of a Superintendent of Convicts should.' Tomes told Childs that he would 'not be dictated to' by the '*arrogant and monarchical ideas*' of men who had determined 'their own position and assume priority...their position in reality being *most equivocal*.' Lloyd's response to Childs revealed much about the self-conception of these superintendents:

I am appointed to this Island by the Secretary of State...I shall persist in demanding and to make Mr. Tomes understand that the Secretary of State is the only person eligible to convince him and others that my position is not of the equivocal character he so insultingly expresses in his enlightened letter.<sup>40</sup>

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<sup>38</sup> Childs to Forster, 17 January 1845, CON1/2456/3, Forster to Childs, 27 August 1844, CON1/2457/2, TAHO.

<sup>39</sup> Stuart to William Champ, 19 May 1846, MM62/16/5183, TAHO.

<sup>40</sup> Tomes to Childs, 10 July 1845 and Lloyd to Childs, 23 July 1845, MM62/14/4250, TAHO. Original emphasis.

Hay insisted that, since he had been appointed in London, the imperial government alone had the power to discipline him, seemingly believing that afforded him some protection in confronting a department head.<sup>41</sup>

Around the same time, Hay, Lloyd, and their fellow superintendents of convicts had a run-in with Gilbert Robertson, Superintendent of Agriculture at Norfolk Island from early 1845 to late 1846. Born in Trinidad to a wealthy white planter and a slave woman, racial politics almost certainly added to the tensions surrounding Robertson's time as Superintendent of Agriculture. For instance, during April 1846 Childs had consulted Robertson about the production of sugar, and Robertson's reply seemed to belie irritation that his birthplace and race somehow gave him a natural aptitude for it. 'Having no experience in the culture of the Cane, or the manufacture of sugar,' Robertson told Childs, he instead consulted convict James Hartzoke, formerly a worker 'on an extensive Sugar and Coffee estate in Jamaica,' who prepared a paper on the matter.<sup>42</sup>

In June 1845, within months of Robertson's arrival, DACG Tomes reported to his superior of 'personal warfare' between Robertson and several superintendents of convicts. Robertson's management of agricultural work was reliant upon the organisation and distribution of convict labour, which was the responsibility of the superintendents. Their uselessness, in Tomes's view, had rendered Norfolk Island's 'farming prospects a most melancholy spectacle'.<sup>43</sup> Robertson thought himself the victim of a 'combined effort' by Hay, Lloyd, and Superintendent George Bott, to 'render my office untenable for any man having the least feeling of self-respect or regard for his duty.' He believed that their opposition stemmed from the removal of

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<sup>41</sup> See also Zoë Laidlaw, *Colonial Connections: Patronage, the information revolution and colonial government* (Manchester: Manchester University Press, 2005), 20–1.

<sup>42</sup> Robertson to Childs, 17 April 1846, MM62/15/4590, TAHO.

<sup>43</sup> Tomes to Deputy Commissary General John Maclean, 21 June 1845, CON1/45/3704, TAHO.

the commission of the peace from the office of Superintendent of Agriculture during the term of a predecessor, which had lowered the 'Office of Superintendent of Agriculture in the eyes of the superintendents' and had encouraged them 'to treat him as their inferior and subordinate.'<sup>44</sup> During May 1845, a board of inquiry had been formed with Superintendent William Foster in the chair and Robertson as a member; Robertson pointed out to Childs that the status of his office put him 'in a grade as a Civil Officer next only to your own.' That the Superintendent of Agriculture, traditionally a senior officer on Norfolk Island, was merely a member of the board was an 'admission of [Robertson's] inferior position,' and succour to the superintendents who had, 'ever since their arrival on the Island attempted to establish the superiority of their own position.'<sup>45</sup>

Robertson further alleged that Lloyd, who superintended convicts at the Longridge agricultural station, sabotaged farm labour. He cited an instance when Lloyd had replaced the men of the threshing gang with a group of 'third class men all the worst characters,' an act Childs had personally countermanded. Separately, on 2 June 1845 Lloyd had ordered the bugler at Longridge not to sound the morning reveille. Robertson subsequently found the convicts dawdling around the yard and ordered the bugler to call the men to work. No sooner had he done so than Lloyd rushed in, ordered the bugler to gaol and, as Robertson tried to explain, Lloyd 'violently interrupted me exclaiming "I am here in command of this Station and 420 men and I will be obeyed"'—a public show of fractiousness Robertson described as a 'scandalous scene in the presence of convicts' which could only have been detrimental to the authority of both men.<sup>46</sup> All this said, the superintendents made

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<sup>44</sup> Robertson to Forster, 26 June 1845, CON1/46/3733, TAHO. Original emphasis.

<sup>45</sup> Robertson to Childs, 1 May 1845, CON1/48/3775, TAHO.

<sup>46</sup> Report by Gilbert Robertson, 26 June 1845, CON1/46/3733, 149–50, 145–6, TAHO.

their own complaints. During May 1845 Bott alleged that Robertson had 'in the most intemperate manner and in presence of many said I was by the Controller General's orders merely an *Officer under his Charge*,' while in July 1845 Assistant Superintendent David McLaren tendered his resignation owing to Robertson's 'continued interference and abuse.'<sup>47</sup>

In forwarding correspondence to Hobart about Robertson's complaint about the board of inquiry, Commandant Childs told Comptroller-General Forster that he considered the disputes a 'matter so trifling.'<sup>48</sup> In some respects this was correct but was also symptomatic of Childs's inability or disinclination to intervene in matters which, however trivial they might appear, tended to undermine the administration of Norfolk Island. Indeed, Forster indicated that it would have been better had Childs shown discretion and appointed Robertson as chair, and he informed Childs on 31 July 1845 that the Superintendent of Agriculture was 'to be regarded as the Senior Superintendent in reference' to superintendents of convicts.<sup>49</sup> After reviewing the complaints by Lloyd about Robertson, Forster noted, with masterful understatement, that 'I think it might be advantageous to exchange some Superintendents.'<sup>50</sup>

Eventually and almost inevitably in the absence of direct intervention, the relationship between Robertson and the superintendents broke down. It reached its nadir in September 1845 when, during an investigation into the death of a government sheep, Hay objected to Robertson being a witness 'because he is a person who is not fit to give evidence or to be sworn in this or any other court a judge on the bench having said to him after hearing his evidence "your evidence is as false

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<sup>47</sup> Bott to Childs, 20 May 1845, CON1/49/3783 and McLaren to Lloyd, 24 July 1845, CON1/55/4122, TAHO. Original emphasis.

<sup>48</sup> Childs to Forster, 9 May 1845, CON1/48/3775, TAHO.

<sup>49</sup> Forster's note of 26 July on Childs to Forster, 9 May 1845, and Forster to Childs, 31 July 1845, CON1/48/3775, TAHO.

<sup>50</sup> Forster's note of 29 July 1845 on Lloyd to Forster, 25 June 1845, CON1/47/3762, TAHO.



as hell and I do not believe one word you have sworn.”<sup>51</sup> These disputes almost certainly contributed to the collapse of the authority of the Norfolk Island administration in the lead up to the riot of 1 July 1846.

Clashes such as these arose out of blurred departmental and jurisdictional boundaries and concerns about conceptions of status within the dominant class, exacerbated by the smallness and remoteness of Norfolk Island, where there was little division between private and public life.

### Subordinate Class 1

In the Thorpe-Evans model the lower-ranking soldiers of Moreton Bay constituted ‘the male convicts’ *de facto* gaolers’, who were ‘answerable to their superior officers, and not to any civilian authority.’ Here the Norfolk Island model diverges, as soldiers there had no ‘legal or coercive’ powers over civilians, and nor did they ‘direct the productive work of convicts’ as they had at Moreton Bay.<sup>52</sup> Organizational oversight of prisoners was a civilian job, and while soldiers might provide security to gangs around the Island, the military was neither the organiser nor the immediate facilitator of discipline. Their presence was, though, a constant reminder to convicts that officials were supported by the threat of force.

Junior officers ran the garrison, maintained order among the rank-and-file, and arranged patrols and sentry duty. The few recollections of life by junior officers stationed at Norfolk Island describe long periods of genteel boredom. Ensign Abel Best of the 80<sup>th</sup> Regiment arrived at Norfolk Island in August 1838, and spent 27 August 1838 ‘very busy all day long, doing nothing in the forenoon,’ while ‘after

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<sup>51</sup> Robertson to Childs, 8 September 1845, and Robertson’s undated deposition, CON1/57/4151, TAHO.

<sup>52</sup> Thorpe and Evans, ‘Freedom and Unfreedom’, 77.

luncheon' he went pigeon shooting at Longridge. Garrison duty rotated between the junior officers, of which Best had his first taste on 13 September 1838. His duties were to:

Mount the Guards at 10 A.M. See about 100 men drink Grog at 11 and eat dinner at 12 & visit the Guards by day & night. During my week I cannot leave the Settlement for Fear of a mutiny among the prisoners unless some Officer who does not want to go out volunteers to do my duty.<sup>53</sup>

Stuck at the main settlement, Best spent his idle time reading Byron in preparation for going calling 'on the Ladies of the Island,' that is, the single women relatives of other officers.

Both Best, and Lieutenant Nicholas Horsley of the 96th Regiment, who gave an account of his time at Norfolk Island during 1842, faced long periods of inactivity punctuated by occasional moments of excitement. The troops might occasionally be called out to a disturbance or to chase down an absconder—though overseers and convict police saw to most escapees—but aside from suppressing the 'mutinies' of 1834 and 1846 there was little need for concerted military action. Instead, Best attended picnics or an occasional ball, and made the odd hunting trip to nearby Phillip Island. He took part in a cricket match between the 80th and 50th regiments, following which a pig 'with a soaped tail was turned loose' and 'the men raced in sacks.'<sup>54</sup> Horsley's off-duty time was more sedate, spent reading Alexander Keith's *Evidence of the truth of the Christian Religion*, going on walks, writing official letters, playing whist, and hosting visits from his daughter Margaret and her new husband, Superintendent of Agriculture William Pery.<sup>55</sup> Lieutenant George Jean de Winton of

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<sup>53</sup> *The Journal of Ensign Best, 1837–1843*, ed. Nancy M. Taylor (Wellington: Government Printer, 1966), 183, 185.

<sup>54</sup> *Ibid.*, 186, 187, 190.

<sup>55</sup> *Diary of Captain Horsley, 1842–1860*, MS 3247, 69–72, National Library of Australia, Canberra (hereafter NLA).

the 99th Regiment, on arriving at Norfolk Island in August 1848, found his duties 'light', and 'despite our isolation from the busy world we did not feel time hang heavily on our hands, as we soon learned to take an interest in our gardens and...vied with each other in friendly rivalry in the production of arrowroot,' while he had pleasant memories of 'our little social gatherings and of the theatricals got up in the barracks.'<sup>56</sup> Principal Overseer of Works Aaron Price, a former Norfolk Island convict, also provided a glimpse of soldiers at play in his diary on 26 December 1846, when atop a greasy pole was the prize of a silver watch, and there took place 'great Running and Jumping Matches' along with 'every Denomination of Sport.'<sup>57</sup>

No extant account written by a private at Norfolk Island has been identified, and instead we receive glimpses of the rank-and-file elsewhere. In evidence to the Select Committee on Transportation of 1837–8 Lieutenant-Colonel Henry Breton of the 4th Regiment, who served in New South Wales for four years until March 1836, remarked that men stationed at Norfolk Island 'could not very well get into scrapes...they had no drink and no people to associate with beyond themselves.' Breton found that the 'seclusion' of the Island made duty 'very irksome,' though the men 'contrived, by performing plays and gardening, and so on, to pass away the time.' The greatest problem was the deleterious effect on discipline, since when the detachment returned to the regiment 'they were more like recruits.'<sup>58</sup>

Though constituting part of the dominant fraction of Norfolk Island's subordinate class, rank-and-file soldiers had some things in common with convicts. Evans and Thorpe note that, also subject to a strict disciplinary code, Moreton Bay's

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<sup>56</sup> Major de Winton, *Soldiering fifty years ago: Australia in 'the forties'* (London: European Mail, Limited, 1898), 125–6.

<sup>57</sup> Aaron Price, "History of Norfolk Island from the period of its Discovery in the year 1774 to 1 August 1854," DLMSQ 247, 173–4, Dixon Library, SLNSW.

<sup>58</sup> "Report from the Select Committee on Transportation; together with the minutes of evidence, appendix, and index," 14 July 1837, *Commons Sessional Papers* (1837), vol. xix. 143.

soldiers might be described as ‘non-actors’ compelled ‘to obey unquestioningly’.<sup>59</sup> At Norfolk Island soldiers were not entirely impotent in shaping conditions in which they worked and lived—the ‘mutiny’ of the men of the 80<sup>th</sup> Regiment in 1839, for instance, not only abruptly ended the administration of Commandant Bunbury, but caused the detachment’s removal from Norfolk Island. The mutiny owed in great part to Bunbury’s poor man-management and failure to appreciate soldiers’ perceived property rights over the small gardens referred to by Lieutenant-Colonel Breton, which were each about an eighth of an acre and which well-conducted soldiers had been allowed to work since about 1834.<sup>60</sup> As the historian Peter Stanley notes, this privilege occupied their spare time and provided something, however small, over which the army ‘had no claim’.<sup>61</sup>

When Bunbury and a detachment of the 80<sup>th</sup> Regiment arrived at Norfolk Island in April 1839 to relieve a detachment of the 50<sup>th</sup> and Commandant Anderson, the men of the 50<sup>th</sup> sold to the men of the 80<sup>th</sup> their gardens and several nearby huts, though it was apparently explained to both detachments that neither had nor gained rights of ownership.<sup>62</sup> Known locally as ‘Irish Town,’ according to Bunbury the huts facilitated trafficking, as well as ‘depredations committed by private soldiers on Government property.’ Bunbury ordered ‘Irish Town’ to be ‘levelled to the ground’ and new huts built elsewhere.<sup>63</sup> According to Father John McEncroe, this was miscommunicated to the soldiers and they ‘flew into a rage and said they would

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<sup>59</sup> Thorpe and Evans, “Freedom and Unfreedom,” 77

<sup>60</sup> See Peter Stanley, “‘A Mere Point of Military Etiquette’: the Norfolk Island Mutiny of 1839,” *Push from the Bush* 7 (1980) 1–12, and Clem Sargent, “The mutiny of the 80th Regiment at Norfolk Island,” *Sabretache* 46 (2005), 5–22.

<sup>61</sup> Stanley, “Mere Point,” 6.

<sup>62</sup> Governor George Gipps to the Marquis of Normanby, 14 September 1839, *HRA*, I.20, 352.

<sup>63</sup> [Thomas Bunbury], *Reminiscences of a Veteran. Being personal and military adventures in Portugal, Spain, France, Malta, New South Wales, Norfolk Island, New Zealand, Andaman Islands, and India*, 3 vols. (London: Charles J. Skeet, 1861), iii. 8–9, and Bunbury to Major-General O’Maurice O’Connell, 23 July 1839, in *Ibid.*, 9.

allow “no convicts” to pull down their huts.<sup>64</sup> (A reminder that however much the social standing of soldiers and convicts might be compared, the soldiers refused to stand for the indignity of convicts destroying their property). The men backed down on openly resisting Bunbury’s authority, though he conceded that his offer of allowing soldiers to purchase fruit and vegetables from the government stores, rather than growing their own, was unpopular.<sup>65</sup>

Bunbury played down the incident in his report to headquarters, though Governor of New South Wales George Gipps stated that since Norfolk Island’s prisoners were ‘kept in order only by a detachment of 180 soldiers, it was ‘impossible, without some degree of alarm, to know that these soldiers are themselves in a state of Mutiny.’<sup>66</sup> After consulting Major-General Maurice O’Connell, commander of the forces in New South Wales, Gipps sent the *Cornwall* with Major Thomas Ryan and a detachment of the 50<sup>th</sup> Regiment to replace Bunbury and the men of the 80<sup>th</sup>. The seriousness with which the colonial administration regarded the mutiny was reflected in the fact that the *Cornwall* was accompanied by the *Alligator* ship-of-war.<sup>67</sup> As Stanley rightly notes, the soldiers’ mutiny of 1839 was a warning that the rank-and-file ‘may not be the compliant red-coated puppets they appeared on parade.’<sup>68</sup>

There is ample evidence that, on a day-to-day basis, Norfolk Island’s soldiers and convicts co-existed relatively well, a relationship underpinned by illicit exchange of goods and services in Norfolk Island’s extensive underground economy. The Island’s administrators were wary of communication between soldiers and convicts,

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<sup>64</sup> R. A. Daly, “Archdeacon McEncroe on Norfolk Island, 1838–42,” *Australasian Catholic Record* 36 (1959): 293.

<sup>65</sup> Bunbury to Major-General O’Maurice O’Connell, 23 July 1839, in Bunbury, *Reminiscences*, iii, 11.

<sup>66</sup> Gipps to Normanby, 14 September 1839, *HRA*, I., 20, 352.

<sup>67</sup> *Ibid.*

<sup>68</sup> Stanley, “Mere Point,” 9.

as they were often drawn from the same classes in Britain and Ireland, even from the same towns. Relationships were complicated further by the presence on Norfolk Island of transported former soldiers—Michael Duffy, for instance, was a private of the 80<sup>th</sup> Regiment when he was convicted in August 1838 at Sydney of rape and transported to Norfolk Island, and only a few months after Duffy arrived a detachment of his former comrades took over the garrison.<sup>69</sup> In evidence to an 1847 House of Lords Select Committee former Superintendent Maconochie suggested that the soldiers of the garrison should be regularly rotated since they were ‘apt to get intimate’ with the prisoners.<sup>70</sup>

An extreme case in point occurred during August 1845 when convicts James Prendergrass, James Lowe, and John Wiltson were tried for conspiring to poison the garrison and escape from Norfolk Island. The convicts sought out disaffected soldiers and attempted to enlist Privates James Stanley, Robert Pearce, and Thomas Riley of the 58<sup>th</sup> Regiment. Following twenty-four hours in the cells, Private Stanley was approached by Lowe who ‘asked me if I would like to be a free man. I answered Yes,’ while Prendergrass had also spoken to him ‘about my being an unfortunate man and wished me to join him to go away from the Island.’<sup>71</sup> Stanley had balked, however, at Lowe’s request he drop poison into the cooking coppers at the Lower Garrison and his plan to ‘serve the officers as they serve the pigs at home...lay them on the table and cut their heads off.’ Stanley indicated to Lowe that while he wished to escape ‘I would not like to do it when they could get away without taking so many lives.’

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<sup>69</sup> *Sydney Herald*, 10 August 1838, 3.

<sup>70</sup> “Second Report from the Select Committee of the House of Lords appointed to inquire into the Execution of the Criminal Law,” 21 June 1847, in *Commons Sessional Papers* (1847), vii. 94.

<sup>71</sup> “Queen v James Prendergrass,” MM62/14/4278, TAHO. According to the deposition of John Wiltson, Stanley claimed to have enlisted ‘to save myself from being lagged’: see “Queen v John Wiltson,” MM62/14/4278, TAHO.

Meanwhile, after having been confined to camp for improper language to his captain, Private Pearce indicated to Prendergrass that if he and Private Stanley 'could get off with seven years transportation it would be better for us than 25 years service in the army,' and that 'I would if I could get away...I was never out of punishment.' Pearce, like Stanley, had his limits: when asked by Prendergrass if he would like 'to destroy the whole of the detachment,' he responded by stating 'Damn your blind old soul do you think I would do the like of that.'<sup>72</sup> Ultimately, the three convicts were acquitted of poisoning but found guilty of conspiring to seize a boat and abscond, for which they were sentenced to three months' hard labour in chains.

This episode indicates that the convicts had been contemplating their escape for some time: in evidence Private Pearce claimed that Prendergrass told him that when a detachment of the 96th Regiment was at Norfolk Island, he and two privates, 'townies of mine, Dublin men...were going to take a boat with some prisoners.'<sup>73</sup> These were not conversations between social unequals with nothing in common. The conspiracy led by Prendergrass, Lowe, and Wiltson led Commandant Childs to urge Comptroller-General Forster to officially forbid communication between soldiers and convicts, having concluded that the conspiracy could not have happened

had not the Prisoners been lured on by the Soldiers who had been for a period of two months in communication with the prisoners without making any report to their officers, and who certainly offered them facilities for carrying their scheme into execution which without their connivance they could not have obtained.<sup>74</sup>

Enforcing such an order would, of course, have been impossible.

Subordinate Class 1 also contained Norfolk Island's minor officials: constables, junior clergymen, boatmen, clerks, and so on. Ideally, the authorities

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<sup>72</sup> "Queen v James Prendergrass," MM62/14/4278, TAHO.

<sup>73</sup> *Ibid.*

<sup>74</sup> Childs to Forster, 10 December 1845, MM/62/14/4278, TAHO.

might have preferred all staff to have been free, but no penal station—least of all Norfolk Island—attracted sufficient free officials to function.<sup>75</sup> In August 1846 Commandant Price was promised a dozen free constables, but in the event in Van Diemen's Land only six willing men could be found.<sup>76</sup> Getting free officials to Norfolk Island was also no guarantee they would be useful, for one reason or another. It took a decade to find a clergyman willing to serve there permanently, and when the catechist John Leach arrived in July 1835 he was in the final throes of consumption, and died on 14 September 1835, having never left his bed.<sup>77</sup> Free overseer James Fossett was dismissed in January 1846 after having been charged with the assault of the miller Dennis Brennan, who alleged that Fossett bit him in the leg, kicked him in the stomach, threatened to shoot him, and 'seized hold of my privates by which he tore my trousers down.' In mitigation Fossett claimed he had been in fear of his life since arriving at Norfolk Island, having been forced to live with his family in a hut in the Prison Yard where he heard mutterings among the convicts about the presence of 'Fossett the Port Arthur Tyrant'. One-night Fossett opened fire upon a group of men when they attempted to break into the hut, grazing one in the head. Childs noted that while Fossett 'boasted of his being able to manage the worst sort of men and as to fear them it was out of the question' thanks to his service at Port Arthur, when assigned to supervise the 'very bad men' of the Wet Quarry Gang he 'at once declared his life would be in danger with these men and this has been his continual cry to whatever duty he may have been appointed.' Childs concluded that Fossett 'may possibly be insane.'<sup>78</sup>

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<sup>75</sup> Hamish Maxwell-Stewart, "The Rise and Fall of John Longworth: Work and Punishment in Early Port Arthur," *Tasmanian Historical Studies* 6 (1999): 96–115.

<sup>76</sup> Hampton's note of 29 October 1846 on Price to Hampton, 12 August 1846, MM62/18/6375, TAHO.

<sup>77</sup> Anderson to Macleay, 25 July 1835, and 26 September 1835, NRS 905 4/2288, items 35/6075 and 35/8133, SARANSW.

<sup>78</sup> "Brennan v Fossett" and Childs to Hampton, 27 January 1846, MM62/15/4896, TAHO.



Physical and psychological health problems put paid to the careers of several minor officials. Dr. George Everett recommended in December 1851 that Reverend Frederick Batchelor be removed owing to the 'susceptibility of his nervous system to the pernicious influence of the damp hot weather,' fearing that Batchelor would 'risk his life or at least his *Sanity*' by remaining at Norfolk Island.<sup>79</sup> In December 1850 Assistant-Superintendent Maguire was said to have 'became deranged' and was removed to Hobart Town, while in September 1852 John Bourke, the Roman Catholic schoolmaster, was granted leave after treatment 'for nervous debility and other ailments [owing] to the effects of the climate.'<sup>80</sup>

Alcohol was a not insignificant impairing factor. Superintendent of Convicts James Nicholson resigned in January 1831 after Commandant Morisset complained to headquarters of his 'habitual inebriety,' but the master of the *Louisa* refused to take Nicholson to Sydney owing to his 'riotous and drunken' behaviour. Nicholson remained behind for several months and though he refused to work he was at least quiet while awaiting passage, owing to what Morisset described as the 'effects of violent contusions on the Head' received during a drunken fight with Dr Gamack.<sup>81</sup> During January 1834 Acting-Commandant Foster Fyans complained that Superintendent of Convicts Webb was a 'debauched drunkard,' that Commissariat Clerk Stevenson was found in a stupor with the doors to the store wide open, and that Overseer of Works Adamson regularly failed to attend work. Fyans pleaded with the Colonial Secretary not to fill such posts with 'habitual drunkards'.<sup>82</sup>

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<sup>79</sup> Memorandum by Everett, 1 December 1851, MM62/33/15171, TAHO. Original emphasis.

<sup>80</sup> Price to Hampton, 12 December 1850, and 17 January 1853, MM62/30/14737 and MM62/33/17546, TAHO.

<sup>81</sup> Morisset to Macleay, 3 November 1831 and 4 January 1832, NRS 905 4/2243, items 32/1015 and 32/448, SARANSW.

<sup>82</sup> Fyans to Macleay, 7 January 1834, NRS 905 4/2244.1, item 34/415, SARANSW.

Though the commandants might request officials of a certain calibre, they made do with what they had. During January 1832 Commandant Morisset complained of the 'insufficiency' of his clerk, Joseph Paget. Morisset stated that the 'voluminous nature of the correspondence and Returns' and 'keeping the Books and registers require an active and competent person,'<sup>83</sup> and he suspected that he was stuck with a poorly-qualified, under-paid, and over-worked clerk with failing eyesight since the poor rate of pay meant that no 'person sufficiently respectable...[would] remain here' when he ascertained what the job entailed.<sup>84</sup> Paget expressed agreement with Morisset in his resignation letter, finding the duties to be so onerous 'that I cannot perform them with satisfaction, and had I have known what they consisted of I certainly should not have undertaken them at my present rate of pay.'<sup>85</sup> Pay was still an issue eighteen years later when rumours of gold discoveries in Victoria reached Norfolk Island, and several free overseers informed Commandant Price that they were only awaiting confirmation 'by the next Government vessel, of the tidings which have already reached the Island to throw up their situations.'<sup>86</sup> To avoid mass resignations, the Van Diemonian authorities offered significant pay increases for the following twelve months.

### Subordinate Class 2

The majority of the Moreton Bay population was, as Thorpe and Evans state, composed 'almost entirely' of members of Subordinate Class 2, the men and women convicts for whom 'the unbridgeable gulf between them and other classes was

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<sup>83</sup> Morisset to Macleay, 5 January 1832, NRS 905 4/2243, item 32/451, SARANSW.

<sup>84</sup> See also Morisset to Macleay, 20 July 1833, NRS 905 4/2200, item 33/5392, SARANSW.

<sup>85</sup> Paget to Macleay, 31 August 1832, NRS 905 4/2200, item 32/7296, SARANSW.

<sup>86</sup> Price to Hampton, 7 July 1851, MM62/33/15634, TAHO. News of gold discoveries prompted all but one of the free staff of the New Norfolk Lunatic Asylum to resign: Principal Medical Officer William Dawson to Hampton, MM62/29/16316, TAHO.

freedom and unfreedom,' and whose labour was exploited for the benefit of others.<sup>87</sup>

Apart from the absence of women convicts this is equally applicable to Norfolk Island.

Also within the dominant fraction of Norfolk Island's Subordinate Class 2 were convicts who worked as overseers, constables, clerks, and the like—that is, men who were either serving convicts in New South Wales and Van Diemen's Land, or serving Norfolk Island convicts, who had volunteered or been appointed to fill these offices in return for a remission of sentence, an earlier ticket-of-leave, and/or a small salary (these individuals will hereafter be referred to as 'volunteers'). As Hamish Maxwell-Stewart has observed in regard to Port Arthur, 'it would have proved impossible' to run any penal station without recruiting convicts to fill such roles.<sup>88</sup> In practice, though, recruiting convict volunteers in Sydney and Van Diemen's Land could be just as troublesome as recruiting free officials. For instance, Morisset's requests for trustworthy convict volunteers went unfulfilled, despite his warnings that the 'safety of the Settlement [was] endangered' by his having been forced temporarily to employ as overseers some Norfolk Island convicts who were 'by no means to be trusted.'<sup>89</sup>

The unattractiveness of service at Norfolk Island likely contributed to the relative generosity of the terms of employment for volunteers. New South Wales convicts James McKay, Barney Mulholland, and James Watson were recruited as boatmen during 1829, on the understanding that after two years' good conduct at Norfolk Island they would receive a ticket-of-leave twelve months sooner than had they remained on the mainland.<sup>90</sup> Volunteers such as McKay, Mulholland, and

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<sup>87</sup> Thorpe and Evans, "Freedom and Unfreedom," 77.

<sup>88</sup> Maxwell-Stewart, "John Longworth," 96.

<sup>89</sup> Morisset to Macleay, 24 April 1832, NRS 905 4/2243, item 32/3888, SARANSW.

<sup>90</sup> Macleay to Morisset, 25 October 1830, NRS 988 4/3821, Reel 764, 192–3.

Watson occupied a strange position. Though they were subject to the convict discipline of Norfolk Island, they were not detained there as a punishment and so could not be demoted to the lower fractions of Subordinate Class 2 like Norfolk Island's convicts—instead misconduct would see them typically lose their job and be returned to Sydney or Hobart. In some instances that was not necessarily a punishment. On 4 July 1854, volunteer constable James Mooney was dismissed for passing food to a prisoner in the cells and allowing the gaol lamps to go out overnight, but Commandant Henry Day urged Comptroller-General John Hampton to permit him to punish Mooney in situ, else other volunteers 'would at once commit themselves in order to get dismissed & removed from the Island.'<sup>91</sup>

The shortfall of volunteers from New South Wales and Van Diemen's Land meant that volunteers were drawn from among Norfolk Island's convicts. The impression given by the Island's order books during the 1840s is that selecting suitable men was difficult, given the regularity of dismissals for various forms of indiscipline. During early 1836 Commandant Anderson was permitted to select convict volunteers only from the 'first class,' that is the best-behaved men. Anderson found

much difficulty in getting good Overseers from that List for altho' these men are quiet & can keep themselves out of trouble, I find them in most instances too easy, & unfit to take the charge of others who require more management & decision to control them than even a quiet & well disposed man can exert.<sup>92</sup>

Anderson requested discretion to 'occasionally' appoint men 'more competent for Overseers, altho' not in the First Class.'<sup>93</sup> Anderson did not specify his criteria for

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<sup>91</sup> Day to Hampton, 29 July 1854, MM62/32/20959, TAHO. Mooney was ordered to be detained at Norfolk Island until his sentence of transportation expired.

<sup>92</sup> Anderson to Macleay, 6 February 1836, NRS 905 4/2327.1, item 36/1411, SARANSW.

<sup>93</sup> *Ibid.*

'competency,' but seemingly worked on the principle that a good prisoner was not necessarily a good overseer.

The duties of volunteers were limited but vital. Convict policemen detected and prevented crime and brought up convicts on charges of breaches of discipline. Overseers supervised the men at work, prevented theft and idling, and reported on misbehaviour—as the historian W. M. Robbins notes, overseers were not responsible for setting the type of work to be done, but rather ensuring that the regulated amount of work was done.<sup>94</sup> Convict clerks ensured that Norfolk Island's records were kept in order. Convict boatmen helped to unload supply ships, while convict watchmen acted as sentries during the day and kept peace in the sleeping wards at night.

Relationships between convict volunteers and their fellows could be complicated, to say the least. According to the former bushranger Martin Cash, convict sub-overseers selected by Commandant Price were villains of 'unlimited power, and a prisoner in the gang would be flogged upon their bare assertion.'<sup>95</sup> A volunteer who antagonised the men made himself a target for violence, verbal abuse, or behaviour such as go-slows or withdrawal of labour.<sup>96</sup> A serious example occurred on 27 August 1846 when sub-overseer Henry Clarke was murdered by John Lidall and Bernard MacCartney; Clarke implored of his attackers that 'I never hurt ne'er a one of you,' to which they replied 'you are a bloody dog' and Lidall struck

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<sup>94</sup> W.M. Robbins, "The supervision of convict gangs in New South Wales, 1788–1830," *Australian Economic History Review* 44 (2004): 93–4.

<sup>95</sup> *The Uncensored story of Martin Cash*, eds. Joan Dehle Emberg and Buck Thor Emberg (Launceston, Tas.: Regal Publications, 1991), 97.

<sup>96</sup> A. Atkinson, "Four patterns of convict protest," *Labour History* 37 (1979): 28–51; Tim Causer, "'Only a place fit for angels and eagles': the Norfolk Island penal settlement, 1825–55," Ph.D. Thesis (University of London, 2010), chapter 6; Hamish Maxwell-Stewart and Michael Quinlan, *Unfree workers: insubordination and resistance in convict Australia, 1788–1860* (Singapore: Palgrave Macmillan, 2022).

him in the head with a shovel.<sup>97</sup> The Van Diemonian official J. Syme noted that a man ‘known to give officers information is designated by the epithet “Dog”,’ while Martin Cash referred to convict volunteers as ‘old dogs,’ and the convict Samuel Kenyon was heard in 1846 to shout ‘You bloody Dog, I’ll take your Life’ at sub-overseer John Frazer when he lunged at him with a pitchfork.<sup>98</sup> Convict overseers thus struck the balance between meeting work quotas, reporting misconduct, and keeping the gang onside, and there remains much work to be done in examining the relationships between Norfolk Island’s gangs and their overseers. Some convicts willingly volunteered for the least popular offices on the Island: Charles Hardimant and James White acted as executioners in 1846 and were subsequently removed to Van Diemen’s Land for their own safety, while the flagellator-hangman William Croft was removed in 1848 after Commandant Price reported that he would ‘require protection.’<sup>99</sup>

Thorpe and Evans argue that the term ‘dominant’ in relation to convict volunteer overseers and constables should be qualified, finding it instead

more accurate perhaps to regard them as occupying a contradictory class location, rather like supervisors of foremen, with the important caveat that their convict status prevented them from ‘rising’ further in the system.<sup>100</sup>

This seems to apply to most convict volunteers who served at Norfolk Island, though a few men rose through the ranks and not only became *de facto* members of Norfolk Island’s Subordinate Class 1, but in fact held a degree of influence that far

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<sup>97</sup> Evidence of Joseph Starkie, 31 August 1846, Folder 1, Convict-related Documents, MS 3639, NLA.

<sup>98</sup> J. Syme, *Nine Years in Van Diemen’s Land* (Dundee: Printer for author, 1848), 272; *Uncensored Story of Martin Cash*, 227; deposition of James Taylor in Childs to Hampton, MM62/18/5937, TAHO.

<sup>99</sup> CON34/1/8, 507, and CON33/1/39, 9473, See Price to Hampton, 13 October 1846, MM62/18/5352, and CON34/1/6, 1941, TAHO.

<sup>100</sup> Thorpe and Evans, “Freedom and Unfreedom,” 78.

outweighed their office. The most important of these men were James Ledwick, Stephen Smith, and Aaron Price.

James Ledwick arrived at Norfolk Island in mid-1831 from New South Wales, having volunteered as an overseer.<sup>101</sup> He subsequently acted as temporary Chief Constable, and after becoming free in 1843 remained at Norfolk Island. He later became Principal Overseer at Longridge, where Superintendent of Agriculture Gilbert Robertson found himself at Ledwick's mercy as work was each morning arranged on an *ad hoc* basis by the 'General,' despite Ledwick being 'as ignorant of the principles of Agriculture and the proper arrangements of labour as you can imagine.' Ledwick had, Robertson claimed, acquainted himself with the 'details of the work' by habit and made himself 'an almost essential part of the Establishment who could not be immediately dispensed with without some temporary inconvenience.'<sup>102</sup> Whatever were the gaps in Ledwick's knowledge, he was evidently canny enough to have made work practically reliant upon his presence.

Stephen Smith, a Dublin glassblower, had been convicted at Sydney in February 1832 of robbing the warehouse of Robert Brown, for which he was sentenced to seven years at Norfolk Island. Smith proved well-behaved and in November 1837 was appointed Police Runner, having petitioned for a permanent job once his sentence had expired.<sup>103</sup> Commandants regularly testified to Smith's usefulness in their dispatches: in September 1842 Superintendent Maconochie found that the absence of Smith and Aaron Price in Sydney to give evidence at the Supreme Court left the settlement 'much crippled'.<sup>104</sup> Smith was almost certainly

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<sup>101</sup> Macleay to Morisset, 16 June 1831, NRS 988 4/3822, Reel 765, SARANSW. Ledwick's surname is also spelled in the records as 'Ledwich' or 'Ledwitch'.

<sup>102</sup> Robertson to Forster, 27 January 1845, CON1/41/3252, TAHO.

<sup>103</sup> Petition of Stephen Smith, 31 October 1837, NRS 905 4/2368.3, item 37/10,316, SARANSW

<sup>104</sup> Maconochie to Thomson, 30 September 1842, NRS 988 4/2566, item 42/7574, Reel 769, SARANSW.

involved in trafficking—two sacks of meal were found in his hut, ordinarily grounds for instant dismissal but Commandant Childs overlooked the offence after Smith promised not to repeat it.<sup>105</sup> Smith's usefulness to the authorities made him enemies, and according to Aaron Price he was 'cruelly beaten' by a group of prisoners on 5 May 1846,<sup>106</sup> men referred to by convict William Croft as '*Men of the world Men of note*' who skimmed-off food rations to sell to other convicts.<sup>107</sup> Smith's career ended during the riot of 1 July 1846 when he was cornered in the Cook House by a group of convicts led by William Westwood, who informed Smith that 'This is the morning that you will know the grand secret' before beating him to death.<sup>108</sup>

Aaron Price's story is perhaps the most remarkable. An Oxford stonemason who had arrived in Sydney in 1824 under sentence of transportation for life for burglary, Price absconded and became a member of 'Jacob's Irish Brigade,' bushrangers who preyed on the settlers of the Wallis Plains. Price was convicted on 23 November 1825 of burglary, for which his sentence to death was remitted—as he was about to ascend the scaffold—on condition of being transported to Norfolk Island for life.<sup>109</sup> Early on Price received forty lashes for neglect of work and absconding, and served twenty-two days in the gaol gang for hunting wild pigs.<sup>110</sup> Subsequently Price appears to have behaved well: appointed as an overseer in October 1830, in 1832 his sentence was commuted to seven years and he became Police Runner.<sup>111</sup> Price held this role until 1838 when he received his ticket-of-leave

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<sup>105</sup> Price to Hampton, 30 January 1847, MM62/18/6316, TAHO. See also Robert Pringle Stuart to William Champ, 19 May 1846, MM62/16/5183, TAHO, where Stuart recommended that Smith 'be relieved...for from having participated in the prevailing trafficking system.'

<sup>106</sup> Price, "History," 117–18.

<sup>107</sup> Evidence of Croft in Barrow to Childs, 29 June 1846, MM62/25/7009, TAHO.

<sup>108</sup> Childs to Hampton, 13 July 1846, MM62/18/5937, TAHO.

<sup>109</sup> *Sydney Gazette*, 28 November 1825, 3 and *The Australian*, 22 December 1825, 4.

<sup>110</sup> "Return of Prisoners at Norfolk Island, shewing their periods of Service, and behaviour while in the Settlement, 28th October 1829," NRS 905 4/1171, Reel 764, 169, SARANSW.

<sup>111</sup> Price to Robert Hamilton, 17 January 1845, CON1/68/3039, TAHO.



and became Principal Overseer of Works. Price was undeniably brave: he helped quell the 1834 riot, rescued survivors when the *Friendship* was wrecked off Norfolk Island in 1835, and apprehended absconders.<sup>112</sup> Commandant Anderson described Price as one the ‘*Marked men here*’<sup>113</sup> and Price was attacked several times. In January 1835 he was ‘severely beaten and slightly stabbed’ apprehending four absconders, and on 17 October 1845 Price was stabbed by John Jackson ‘without the slightest provocation...within an Inch of his heart.’<sup>114</sup>

Like Ledwick and Smith, Price made himself indispensable. ‘No one,’ remarked Superintendent Maconochie, was ‘more competent to give an opinion both as to [Norfolk Island’s] actual condition and resources’ than Price. Commandant Childs found Price of ‘essential assistance in almost every way,’ and in October 1854 Commandant Henry Day requested Price be retained until the Island was fully evacuated owing to his ‘intimate knowledge’ of the place.<sup>115</sup> Others were more ambivalent about Price’s qualities. After visiting Norfolk Island in mid-1842 Governor Gipps noted that despite his ‘good behaviour for many years,’ Price had been caught abstracting brandy from the stores and replacing it with vinegar,<sup>116</sup> while in 1847 Commandant John Price thought his namesake ‘an underhand “trafficker”’ who he had seen ‘in a state of inebriety.’<sup>117</sup>

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<sup>112</sup> Thomson to Maconochie, 30 April 1840, NRS 988 4/3824, Reel 766, and testimonials to Price, 2 March 1844, NRS 905 4/2658 item 44/2471, SARANSW.

<sup>113</sup> Anderson to Macleay, 5 March 1835, NRS 905 4/2288, item 35/1918, SARANSW.

<sup>114</sup> Price, “History,” 51 and 120.

<sup>115</sup> Maconochie to Gipps, undated, NRS 905 4/2566, Reel 769, SARANSW; Childs to Gipps, 2 March 1844, Enclosure no. 1 in Gipps to Lord Stanley, “Copies or Extracts of a Correspondence between the Secretary of State for the Colonies and the Lieutenant-governor of Van Diemen’s Land, on the subject of Convict Discipline; and of any Report from the Comptroller-general of Convicts in Van Diemen’s Land, on the same subject,” *Commons Sessional Papers* (1846), vol. xxix. 375; Day to Hampton, 16 October 1854, MM62/34/21228, TAHO.

<sup>116</sup> Macleay to Maconochie, 25 April 1843, NRS 988 4/3824, Reel 766, 533, SARANSW.

<sup>117</sup> Price to Hampton, 16 March 1847, MM62/25/6956, TAHO.

The rise of Ledwick, Smith, and Price came under scrutiny during late 1846 when free overseer Pasley smuggled a letter off Norfolk Island to Lord Stanley, Secretary of State for War and the Colonies,<sup>118</sup> alleging that the three ‘may be said to govern all’ on the Island and that Commandant Childs was directed by their instructions in ‘practical matters’. After investigating, Commandant Price found that there was some truth to this, since Ledwick and Price—Smith having since been murdered—were ‘zealous, intelligent and efficient’ officers of long service, appreciated by successive commandants.<sup>119</sup> Price did, though, note complaints by Assistant Superintendent Matthew Walker and Superintendent George Bott of Longridge, the latter of whom objected to taking orders from Ledwick ‘relative to labour,’ and resented his ‘general interference’ as well as the feeling that ‘they were subservient to him.’<sup>120</sup> Ledwick may have had more experience in managing labour at Norfolk Island than Walker and Bott, two men not long arrived from England, but they were keen to protect their status in the administrative structure from a man who was transcending his own. That Pasley referred to the now free Ledwick, Price, and Smith as ‘convicts’ in his correspondence is telling of what he thought of their place in Norfolk Island’s ruling order. Commandant Price could find no direct evidence, however, to support Pasley’s allegations that Ledwick, Smith, and Price had extracted payment from convicts in return for jobs.<sup>121</sup> The only certainty was that at Norfolk Island Ledwick, Smith, and Price held a considerable degree of social status and power over others that they would have been unlikely to enjoy elsewhere—and

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<sup>118</sup> Stanley had left office by the time the letter reached London.

<sup>119</sup> Pasley’s to Stanley, 21 September 1846, MM62/18/6316; Price to Hampton, 30 January 1847, MM62/18/6316, TAHO.

<sup>120</sup> Statement of Matthew Walker, 21 December 1846, and statement of George Bott, 11 January 1847, MM62/18/6316, TAHO.

<sup>121</sup> Price to Hampton, 30 January 1847, MM62/18/6316, TAHO.

by having made their lives, careers, and families there they proved that the Island's administrative structure was not entirely static.

### Conclusion

Thorpe and Evans rightly note, in relation to the model they proposed for the ruling structure of Moreton Bay, that the 'varying levels and permutations in the relations of dominance and subordination—while demonstrable analytically—are still abstractions.' They add further that while the model provides 'an overall sense of the overarching order in this particular regime,' there is a need to come closer, literally, to explore how these structures and relations were experienced by the captives and captors themselves.<sup>122</sup> This article has sought, by adapting the Thorpe-Evans model for Norfolk Island, to move that bit closer. What becomes apparent is that while the outline of the Island's administrative structure looks very neat on the page, it was not necessarily the administrative structure that shaped the lives of those who worked and were detained at Norfolk Island, but those individuals who shaped that structure around them. What is needed to complete the picture, of course, is a full discussion of how Norfolk Island's convicts resisted authority, but that requires a separate study.

Norfolk Island was not unique in respect of its administration, but it was different. Distance, problems of communication, and clashes between officials were significant problems faced by other penal institutions, of course, ranging from convict transports to penal stations. As John Shepherd and Hamish Maxwell-Stewart have recently reminded us, convict transports were 'umbilically linked' to 'colonial and metropolitan carceral institutions.'<sup>123</sup> In this institutional chain Norfolk Island might be

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<sup>122</sup> Thorpe and Evans, "Freedom and Unfreedom," 78

<sup>123</sup> Shepherd and Maxwell-Stewart, "Rites of Passage," 490.

said to be its extremest link. If convict ships were moving towards something Norfolk Island remained ever remote, ever distant, and all the problems of administering such an institution were magnified as a result. In some respects the remarkable thing about Norfolk Island's administration was not its limitations, but that faced with so many competing influences, external and internal, that it functioned at all.

## Appendix

<b>Dominant class—the military/civil bureaucracy</b>	
a) Dominant fraction within dominant class	<ul style="list-style-type: none"> <li>• Commandants</li> <li>• Military Offices/acting commandants</li> </ul>
<b>Military/civilian divide</b>	
b) Dominated fraction within dominant class	<ul style="list-style-type: none"> <li>• Civilian official (commissariat, superintendents of agriculture, surveyors, engineers, medical officers, etc)</li> </ul>
<b>Subordinate classes (1)</b>	
a) Dominant fractions	<ul style="list-style-type: none"> <li>• NCOs, sergeants, corporals, rank-and-file soldiers</li> </ul>
i) Military	
ii) Civilian	<ul style="list-style-type: none"> <li>• Minor officials, clerks, superintendents of convicts, matrons in Female Factory, etc</li> </ul>
<b>Bond/free divide</b>	
<b>Subordinate classes (2)</b>	
a) Dominant fraction	<ul style="list-style-type: none"> <li>• Male convict overseers, constables, etc.</li> </ul>
b) Intermediate fraction	<ul style="list-style-type: none"> <li>• 'First-class' convicts, 'skilled' male convicts</li> </ul>
c) Dominated fraction	<ul style="list-style-type: none"> <li>• Convicts in gang labour, female convicts, convicts in irons, etc</li> </ul>

**Table 2: 'Relations of ruling: state and class structure'—the Thorpe-Evans model for Moreton Bay<sup>124</sup>**

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<sup>124</sup> Thorpe and Evans, "Freedom and Unfreedom," 75.

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