

## Norfolk Island's 'suicide lotteries': myth and reality

Tim Causer

*Menzies Centre for Australian Studies, King's College London*

One of the most enduring myths about the Norfolk Island settlement (1825 – 1855) is that prisoners engaged in 'suicide lotteries', pacts in which they drew straws to voluntarily offer themselves up for sacrifice. These tales are a vital component of the Norfolk Island legend and an example of how the penal station's 'horrors' allegedly drove men to extremes to escape their misery, and they are perhaps best known through the co-operative killing of Blind Mooney in Marcus Clarke's novel *His Natural Life*.<sup>1</sup> This paper intends to demonstrate that stories of 'suicide lotteries' were precisely that, embellishments upon the reality of how a handful – and it must be stressed that it was only a handful – of men seemingly did commit capital offences intending to be executed.

Stories of suicide lotteries at Australian penal settlements were current among contemporaries, and the colonist David Burn and the Quaker missionary James Backhouse both referred to killings committed at Macquarie Harbour for no other reason than to get to Hobart Town for trial.<sup>1</sup> The historian-clergyman John West argued that Macquarie Harbour men 'gambled for life; and with the deliberation of actors, divided the parts of a meditated murder, and sinister testimony'.<sup>2</sup> Yet neither Burn nor Backhouse mentioned the drawing of lots, and historians Stefan Petrow and Luke Clarke identified no cases in Van Diemen's Land in which lots were drawn and the victim was a willing participant.<sup>3</sup>

The Norfolk Island suicide lottery myth relies upon an extremely limited number of sources. Commandants Anderson and Bunbury both noted murders being committed for no reason but made no mention of straws being drawn, though the Catholic priest William Ullathorne remarked upon how

Lots were ... cast; the man on whom it fell committed the deed – his comrades being witnesses, with the sole view of being taken, for a time, from the scenes of their daily miseries to appear in court at Sydney...<sup>4</sup>

Yet no murders were committed during Ullathorne's brief stay at Norfolk Island, and this vague report was second-hand at best. It may have even come from fellow-Irishman Captain Foster Fyans of the 46<sup>th</sup> Regiment, Acting Commandant from January to April 1834, and from whose rather untrustworthy memoirs comes the only specific account of a suicide lottery killing.<sup>5</sup>

The truncated story goes like this. At an unspecified point in time a sixteen-man gang was marched to work, when a prisoner named Fitzgerald caused them to halt and have their

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<sup>1</sup> Marcus Clarke, *His Natural Life* [1874] (Oxford, 1997), 411-12.

overseer handcuffed. Fitzgerald addressed the rest of the men, with ‘sixteen straws in my fist; the long straw will gain a prize, and the short will be his mate...’ A draw was made, leaving Fitzgerald with the longest straw and Patrick Larkins with the shortest. These two drew again, and Fitzgerald – very conveniently – was marked for death and disembowelled, dying two days later.

According to Fyans the entire gang were sent to Sydney for trial at the Supreme Court and six men were later executed. This tale, given such prominence by Robert Hughes’s *Fatal Shore*, is the main basis for the suicide lottery stories.<sup>6</sup> Those writing about Norfolk Island post-Hughes generally take his version at face-value without investigation, and it is stated as an unproblematic fact that such killings occurred, and relatively frequently so.<sup>7</sup> Norfolk Island’s reputation is so bad that there is no question that this might be untrue.

I would argue that the Fyans tale is false distorts our understanding of what might be better termed ‘state-assisted suicide’, and the history of Norfolk Island in general. It is a story which can be deconstructed easily:

- Fyans was stationed at Norfolk Island in 1833 and 1834, and so could only have referred to the killing of either John Doolan or Patrick Sullivan. Both of these occurred in 1833, yet their particulars do not remotely match his story.
- There was no man by the name – or approximate name – of Patrick Larkins at Norfolk Island at this time.
- No convict named Fitzgerald was recorded as dying at Norfolk Island; a Peter Fitzgerald was stabbed in his hut during 1830, but he survived.
- There was no reason to give the men pseudonyms, though Fyans wrote his memoirs in his dotage and when the convict legend was at its height.
- No such incident was mentioned in the commandant’s reports to Sydney, who was duty-bound to report all convict deaths.
- No trial was recorded in the colonial press, which lapped up sensational tales of Norfolk Island and printed court proceedings at length.
- There was no mention in the detailed diary of Aaron Price, who always remarked upon the circumstances of murders.

To add further to the sense of suspicion, Fyans claimed the Fitzgerald killing was book-ended by two other motiveless murders: beforehand a convict killed a fellow by ‘striking him with a spade on the crown of his head’, and afterwards an overseer was struck with a mattock ‘without any provocation’.<sup>8</sup> These two ‘murders’ simply did not occur either.

My contention is that the drawing of lots was an embellishment added by middle-class observers seeking to further condemn the character of men who committed such attacks, men already regarded as thoroughly ‘depraved’ purely by being at Norfolk Island. This denies the importance of the killings, ignores any thought processes, and allows them to be dismissed merely as the actions of the degraded ground down by a sadistic penal regime.

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Prior to 1833 there was no mechanism by which to hold capital trials at Norfolk Island. The 1825 settlement regulations stated that any murder suspects, depositions and necessary witnesses were to be forwarded to Sydney, which caused great inconvenience and expense.<sup>9</sup> As early as October 1829 it was reported that an attempted murder took place purely for the means of 'getting together several notorious characters in order to take the vessel by which they might be conveyed'.<sup>10</sup> Yet contrary to 'suicide lottery' stories, there was no group agreement that one of a number should die; instead the victims of murderous assaults were always either selected at random or were unpopular convicts and/or minor officials. Adam Oliver – described as a '[c]ruel, vindictive overseer' – fitted both criteria.<sup>11</sup> The gang who attacked him in October 1830 intended to murder their usual overseer, William Jacquemend, but he was elsewhere and the widely disliked Oliver instead fell victim.<sup>12</sup> Indeed, as he set about Oliver with a reaping hook, James Murphy was heard to exclaim: '[y]ou b[ugge]r. I've settled you now'.<sup>13</sup>

On the single occasion in which lots were seemingly drawn – when John McDonnell and Francis Mullen attempted to kill Thomas Smith in 1831 – the victim was certainly no willing participant. As McDonnell explained in court, attacking Smith

was for the purpose of getting up to Sydney, that they might have some chance of escaping from the gaol or hulk, but not with intent to murder. They drew lots [to see] who was to commit the offence ... McDonnell hoped the Judges would represent the tyranny of Colonel Morisset to the Governor.<sup>14</sup>

This was a rather curious protest, though McDonnell had little apparent desire to end his life: during the voyage back to Norfolk Island for his execution a file was found in his possession.

James Burrows killed John Dursley – again at random – in December 1835, animated by 'a general feeling of wretchedness, from which, by some means or other, he must rid himself'.<sup>15</sup> Alleged suicidal intent in the actions of others is, however, difficult to gauge. The murderers of Adam Oliver 'immediately gave themselves up' without a struggle, while John Welsh claimed he stabbed Peter Fitzgerald out of a desire to die alongside his close friend John Cook, who was committed for trial for killing Oliver.<sup>16</sup>

Charles Bamfylde, Thomas Morrison, George Marshall and John Ward were charged in January 1832 for attempting to kill Timothy Carroll. Morrison and Marshall stated their hopes to 'go up to Sydney with the Mob ... and try to get our liberty', though Marshall also remarked that

he would sooner die an unnatural death at Sydney than die in a bed at this place, that he would sooner be with the Dutch, French, at Moreton Bay or any other place than at this Settlement, when he came to think of himself wearing Irons for his natural life.<sup>17</sup>

Marshall was seemingly willing to risk execution than remain at Norfolk Island a moment longer.

The convict overseer Thomas Eaton Jones was seriously injured by George Byford and William Collins on 4 July 1832. Previously at Moreton Bay, Byford was sent to Norfolk Island for attempted murder which led Morisset to conclude he was 'bent on assassination', his only motive being 'to get up to Sydney ... he has nothing to complain of but that he wishes to be hanged.'<sup>18</sup> This seems to have some credence as on the voyage to Norfolk Island Byford told a fellow convict that 'before he was here long he would Kill some Bloody Dog to get up [to Sydney] again', and he was at Norfolk Island for barely four months before attacking Jones. However, Byford's wish was not granted, as both he and Collins were flogged and ironed instead.<sup>19</sup>

Finally, John Doolan was killed on the evening of 19 May 1833 by Thomas Reilly and William Bolton, and convict constable Patrick Sullivan met his end two months later at the hands of Matthew Connor and James Reynolds. Reilly believed Doolan 'ought not to live' after his evidence at a murder trial saw four men executed. Morisset, however, believed Reilly's open confession to be the action of man who was 'either insane or pretends to be'.<sup>20</sup> In the Sullivan case, the evidence shows that the entire gang – victim apart, of course – 'had previous knowledge of the Crime to be committed and not one of them gave the least assistance as they all expected to go up to Sydney either as Witnesses for the Crown or the prisoners'.<sup>21</sup> This may well have been the killing upon which Fyans based his suicide lottery story, but the reality is far different to the myth.

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The murders of Doolan and Sullivan prompted the authorities into action, although Morisset had suggested trying murder suspects at Norfolk Island itself after Adam Oliver's death in 1830. The colonial authorities appeared wary of concentrating further power into the commandant's hands, and an experiment was made in 1831 of returning Mullen and McDonnell to Norfolk Island after their trial – to wear irons for life and to be executed respectively – to demonstrate the futility of committing crimes to be sent to Sydney.<sup>22</sup>

This lesson went unheeded, as the attacks of 1832 and 1833 saw Morisset repeatedly argue such assaults would not be stopped until there was machinery to try men capitally at Norfolk Island, an opinion to which Chief Justice Francis Forbes lent his support.<sup>23</sup> The law was altered accordingly, and Judge James Dowling of the Supreme Court was sent out in 1833 with a prosecutor, defence barrister and jury to try the men committed for trial, with

orders to make executions 'as impressive and admonitious ... as possible'.<sup>24</sup> Contemporaries assumed that empowering a capital court to sit at Norfolk Island would immediately, in the words of the *Sydney Herald*, 'check the diabolical murders that are constantly taking place at the penal settlements'.<sup>25</sup> In the short term, they were to be disappointed: the 1835 killings required the presence of another commission headed by Solicitor-General John Hubert Plunkett.<sup>26</sup> There were subsequently no more murders at the Island until 1842, though this was more likely due to the passage of the 1838 'Act for the Conditional Remission of Sentences of Convicts Transported to Norfolk Island and Moreton Bay', which allowed prisoners to apply for indulgence and reduction of sentence after serving between a year and five years.<sup>27</sup> Prior to the Act, the men served between five and upwards of ten years before there was any hope of returning to Sydney.<sup>28</sup>

Evidence of suicidal intent in post-1842 murders is less clear. Stephen Brennan stabbed Patrick Lynch in the heart on 17 April 1842 following an argument and though it was not mentioned in the depositions taken at the Island, in Sydney Brennan insisted he had 'made his mind up to die, and the sooner the better'.<sup>29</sup> George Brownsell and the almost blind Edward Mooney's attack upon 75 year-old John Brown in 1843 was motivated by revenge, as Brown had charged Mooney with 'unnatural practices with another blind wretch'. Brown's injuries were minor, though Maconochie reported Brownsell was 'utterly reckless' and 'weary of his life, and willing on the shortest notice, and on the slightest inducement, to attempt to take another'.<sup>30</sup>

William Westwood, one of instigators of the 1846 riot, might also be suspected of committing murder with suicidal intent. He wrote from his condemned cell of his weariness 'of the miserable existence I was leading' and how he intended to kill Stipendiary Magistrate Samuel Barrow, but had to settle in the end for a few constables.<sup>31</sup> In Barrow's account of a remarkably cordial conversation with Westwood, the prisoner claimed he:

became careless and reckless of Life I felt that the death I am going to suffer could be preferable to Norfolk Island for Ten years it is too long a time for any man to do.<sup>32</sup>

However, that a file was smuggled into gaol which almost facilitated the escape of Westwood and the other rioters suggests his claims might be viewed more sceptically.<sup>33</sup> Finally, that Michael Sullivan offered no defence in court after killing Joseph Payne might suggest he was willing to die, but there is no supplementary evidence to make any firm conclusion.<sup>34</sup>

So, why would men choose to commit murder rather than suicide? Despite lurid tales of men constantly killing themselves at Norfolk Island to escape their suffering, the extremely low suicide rate should be borne in mind. There were three recorded attempted suicides, and only two men died by their own hand. The first was an unidentified man who absconded to Phillip Island in 1826 and threw himself over a cliff when pursued by the military, while the second was William Edwards *alias* Alexander Lockaye. He absconded from New South Wales to the Cape but was recognised and returned to Sydney, from where

he was forwarded to Norfolk Island as an absconder. Within three months, and in a 'state of the deepest dejection', Edwards hanged himself in his hut.<sup>35</sup>

The historian Pieter Spierenburg suggests public executions 'must have had a greater appeal to persons contemplating suicide', with the gallows ritual allowing a 'dramatic end' to life.<sup>36</sup> Spierenburg further argues that the motive for suicidal persons positively seeking execution were due to '[s]cruples against suicide' and I would similarly argue that convict religiosity should not be discounted as an impulse for murder over suicide, despite Allan Grocott's simplistic conclusion that prisoners were largely 'practical atheists'.<sup>37</sup> It is often suggested that only Catholics committed murder through an aversion to suicide, whereas in reality almost half of those involved were Protestant.<sup>38</sup> Denominational distinction is largely irrelevant: suicide carried powerful social stigma and invited eternal damnation in the minds of nineteenth-century working class people, whereas murder was a sin of which someone might be absolved. Luke Clarke persuasively argues that men convicted of suicidal murders – and the working classes to which they belonged – largely believed in and were familiar with the tenets of religion even if they were not outwardly devotional, and that the decision to prefer murder-suicide over suicide was 'not necessarily inconsistent with Christian rationalisation'.<sup>39</sup>

Indeed, there is evidence that convicts were averse to suicide for explicitly religious reasons. Though 'heart sick of my own existence', Laurence Frayne could not bring himself to

take away my own life with my own hands: which I well knew were given me to procure food & nourishment for my body & make that life a comfort ... this I also knew was the Gift of God.<sup>40</sup>

He did, however, consider murdering Commandant James Morisset, and for that he might be absolved. James Murphy, John Cook and William Bubbe all ascended the gallows in Sydney reading a hymn which ended:

The hour's arrived – consigned to death,  
I own the just decree;  
Saviour! With my departing breath  
I'll cry remember me!<sup>41</sup>

This was undoubtedly part of the execution ritual's demand for visible penitence, but the *Sydney Gazette* of 15 January 1831 printed a letter written by Cook to a friend at Norfolk Island, in which he rejoiced that

I am so far convinced that there is an eternal happiness for the truly penitent, redeemed sinner, that I can at this moment look forward with a cheerful hope to the hour of my departure ... Oh happy thought! Oh, cheering prospect! That such as you and I should not only be forgiven our unequalled sin, but that the celestial angels should smile at the deed, and welcome us to partake of their blissful and never-ending happiness.<sup>42</sup>

That Cook committed murder meant he might become a 'redeemed sinner' whereas no such hope was available had he killed himself. Condemned men were extremely likely to be responsive to clergymen as the prospect of eternity beckoned, but Cook's religious conviction appears to have been unfeigned.

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Robert Hughes's reliance upon the Fyans account in *The Fatal Shore* has seen the extremely dubious theory that 'suicide lotteries' occurred at Norfolk Island put forward. Authors have followed the Hughes interpretation but given no further examples or context - surely if they were so common, there must have been a record of them somewhere? Capital offences committed with apparent suicidal intent are an important part of Norfolk Island's history, but they need to be understood more fully. It should be recognised just how rare they were, that 'suicide lotteries' are embellishments upon actual cases of state-assisted suicide and repeating the myth only reinforces the sensationalised interpretation of Norfolk Island's history.

It is also important to remember that murder-suicides, as Luke Clarke argues, were not a uniquely a Norfolk Island, or even an Australian phenomenon. There is evidence of their occurrence in nineteenth century Germany, France, Finland, Norway, United States and England, as well as early-modern Sweden.<sup>43</sup> Indeed, the historian Arne Jansson reveals that suicidal murders were fairly common in Stockholm after the 1670s, to the point where an ordinance was passed in 1754 against suicidal murder.<sup>44</sup> Very few recognise that these murders occurred elsewhere and could be rationalised, which is perhaps a more challenging thought than clinging to the seemingly comforting notion that these were acts of 'bad' or 'depraved' men driven to extremes by hellish penal settlements.

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<sup>1</sup> David Burn, *A Picture of Van Diemen's Land* [1840-41] (Hobart, 1973), 62-63; James Backhouse, *Narrative of a Visit to the Australian Colonies* (London, 1843), 49.

<sup>2</sup> John West (ed. A. G. L. Shaw), *The History of Tasmania* [1852] (Sydney, 1981), 397.

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- <sup>3</sup> Stefan Petrow, 'Drawing Lots: Murder at the Port Arthur Penal Settlement in 1835', *Tasmanian Historical Research Association*, 45 (3) (1998), 186-88; Luke Clarke, "'Lost to all Humanity'? Suicide, Religion and Murder Pacts in Convict Van Diemen's Land'. BA Thesis (University of Tasmania, 2002).
- <sup>4</sup> William Bernard Ullathorne, *The Catholic Mission in Australasia* (London, 1838), 42, 51-55.
- <sup>5</sup> Foster Fyans (ed. P. L. Brown), *Memoirs Recorded at Geelong, Victoria* (Geelong, 1986), 101-02.
- <sup>6</sup> Robert Hughes, *The Fatal Shore* (London, 1987), 469.
- <sup>7</sup> Examples could be repeated upon end. For examples, see Brian Bailey, *Hellholes: An Account of History's Most Notorious Prisons* (London, 1995), 113, and Sian Rees, *The Ship Thieves: the True Tale of James Porter, Colonial Pirate* (London, 2005), 195
- <sup>8</sup> Fyans, *Memoirs*, 102.
- <sup>9</sup> Colonial Secretary [ColSec] to Morisset, 8 Sept 1831, 26, ColSec Outward Correspondence, NRS988 4/3822 Reel 765, State Records New South Wales [SRNSW]; *Sydney Gazette*, 11 Jan 1831.
- <sup>10</sup> ColSec to Morisset, 31 Oct 1829, 139, NRS988 4.3821 Reel 764, SRNSW.
- <sup>11</sup> Alexander Maconochie, 'Criminal Statistics and Movement of the Bond Population of Norfolk Island, to December 1843', *Quarterly Journal of the Statistical Society of London*, Vol. 8 (1845), 30.
- <sup>12</sup> Aaron Price, 'History of Norfolk Island c.1774-c.1852, DL MS247-249, Mitchell Library, Sydney [ML], 29.
- <sup>13</sup> *Sydney Gazette*, 8 Jan 1831.
- <sup>14</sup> *Sydney Gazette*, 27 Feb 1832.
- <sup>15</sup> House of Commons 1837-38 (669) *Report from the Select Committee on Transportation*, 268; Maconochie, 'Stats', 30.
- <sup>16</sup> *Sydney Gazette*, 13 and 19 Jan 1831.
- <sup>17</sup> Morisset to ColSec, 26 April 1831, 31/3305, ColSec Inward Correspondence, NRS905 4/2200, SRNSW.
- <sup>18</sup> Morisset to ColSec, 14 Sept 1832, 32/7299, NRS905 4/2200, SRNSW.
- <sup>19</sup> The King v Byford and Collins, NRS905 4/2200, SRNSW; CON35/1/2 p.258, Archives Office of Tasmania [AOT].
- <sup>20</sup> Morisset to ColSec, 10 June 1833, 33/4685 NRS905 4/2200, SRNSW.
- <sup>21</sup> Morisset to ColSec, 20 July 1833 33/5346, NRS905 4/2200, SRNSW.
- <sup>22</sup> Bourke to Morisset, 12 March 1832, 77, NRS988 4/3822 Reel 765, SRNSW.
- <sup>23</sup> Morisset to ColSec, 14 Sept 1832 32.7299, Morisset to ColSec, 10 June 1833 33/4685, Morisset to ColSec, 20 July 1833 33/5346, and Forbes to ColSec, 20 Aug 1833, 33/5449, NRS905 4/2200, SRNSW.
- <sup>24</sup> HC 1834 (526) *Bill for the More Effectual Administration of Justice at Norfolk Island*; ColSec to Morisset, 3 Sept 1833, 189-90, NRS988 4/3822, SRNSW; James Dowling, 'Norfolk Island Journal, 1833', ML804, ML.
- <sup>25</sup> *Sydney Herald*, 22 Aug 1833.
- <sup>26</sup> ColSec to Anderson, 30 Nov 1835, 429-30, NRS988 Reel 765, SRNSW.
- <sup>27</sup> Hughes claimed that after the September 1833 trials, 'no Norfolk Island convicts were sent to Sydney for trial'. In fact, in December 1842 seven were tried in Sydney for attempting to seize the *Governor Phillip*, and one for murder. See Hughes, *Fatal Shore*, 470.
- <sup>28</sup> For more on the Remissions Act, see Tim Causer, "'Only a Place fit for Angels and Eagles": the Norfolk Island Penal Settlement, 1825-1855'. PhD Thesis (University of London, 2009), 181-82.
- <sup>29</sup> *Sydney Morning Herald*, 22 Oct 1842.
- <sup>30</sup> Maconochie to ColSec, 12 Aug 1843, 44/6704 and depositions in 43/9464, NRS905 4/2657, SRNSW. Edward Mooney was most likely the prototype of Marcus Clarke's 'Blind Mooney'.
- <sup>31</sup> Childs to Champ, 11 July 1846 Command Papers 1847 [785], 180; William Westwood, 'Papers of the Suttor Family – Autobiography of the Bushranger William Westwood', MSS2417/5 item 10, ML, 28.
- <sup>32</sup> Barrow to Comptroller-General of Convicts, 2 Nov 1846, MM62/18/6392, AOT.
- <sup>33</sup> Price to Comptroller-General, 14 Sept 1846, MM62/18/6389, AOT.
- <sup>34</sup> SC32/19 Norfolk Island Criminal Court Notes, AOT.
- <sup>35</sup> *Sydney Gazette*, 6 Jan 1829. Also Lynette Ross, 'The Final Escape: an Analysis of Suicide at the Penal Settlement of Port Arthur', *Journal of Australian Colonial History*, Vol. 7 (2005), pp.181-202. For more on suicide and mortality at Norfolk Island, see Causer, 'Angels and Eagles', chs. 1 and 6.
- <sup>36</sup> Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression* (Cambridge, 1984), 96.
- <sup>37</sup> Alan Grocott, *Convicts, Churches and Clergymen: Attitudes of Convicts and Ex-Convicts Towards the Churches and the Clergy in New South Wales* (Sydney, 1980), 200.
- <sup>38</sup> Nan Smith, *Convict Kingston* (Norfolk Island, 1997), 67.
- <sup>39</sup> Clarke, 'Lost', 61. Also chapter 6 more generally.
- <sup>40</sup> [Laurence Frayne], 'A Convict's Narrative, c.1830', MSS681 [CY1084], ML, 66.

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<sup>41</sup> *Sydney Gazette*, 11 Jan 1831.

<sup>42</sup> *Sydney Gazette*, 15 Jan 1831.

<sup>43</sup> Clarke, 'Lost', 69

<sup>44</sup> Arne Jansson, *From Swords to Sorrow: Homicide and Suicide in Early Modern Stockholm* (Stockholm, 1998), 19. Also 25-69 more generally.