

'The worst types of sub-human beings'? The myth and reality of the convicts of the Norfolk Island penal settlement, 1825-1855*

Tim Causer

Timothy.Causer@kcl.ac.uk

Menzies Centre for Australian Studies, King's College London

A 'machine for extinguishing hope', and a 'place of perverted values where evil was reckoned to be good and where the unbelievable became the norm'.¹ A 'miasma of sin, [where] horror and vice beyond sane imaginings grew like poisonous fungus on a dungheap'.² A place of 'brutal extremes that ... made degradation and despair the dominant characteristic of convict life', and where '[d]eath itself was to many a welcome visitor'.³ These are merely a few examples of the standard interpretation of the Norfolk Island penal settlement as a 'hell-on-earth'. The lives of the convicts are given scant notice in this tradition, and Norfolk Island's history is made to conform to expected gothic conventions which are firmly embedded in the public consciousness. Though describing a penal settlement as 'hell-on-earth' is not unusual, the description was – and is – almost universally applied to Norfolk Island. Its very ubiquity renders it practically meaningless, however, and its usage a sign that the author is relying on convention. Indeed, the historiography of the second settlement is dominated by what might be termed the Norfolk Island 'legend', a superficial and sensationalised shorthand by which the 'horrors' of Norfolk Island are recounted.

*I would like to thank the Professional Historians Association of NSW for inviting me to speak at their conference, and for their generosity in covering my registration and accommodation expenses. Likewise, I am grateful to the Kingston and Arthur's Vale Historic Area for their kindness in funding my flights to Australia and Norfolk Island, and to Jannise Witt of the Norfolk Island Travel Centre for her forbearance in making my arrangements. I am also thankful to Frank Bongiorno, Carl Bridge, Ian Henderson and Babette Smith, who have read versions of this paper in its various guises and offered numerous helpful comments, and to the Arts and Humanities Research Council, under whose generous funding the majority of this research was carried out.

¹ Robert Hughes *The Fatal Shore: A History of the Transportation of Convicts to Australia* (London, 1987), 457; Lloyd Robson in Margaret Hazzard, *Punishment Short of Death: A History of the Norfolk Island Penal Settlement* (Melbourne, 1984), vi

² Frank Clune, *Martin Cash: Last of the Tasmanian Bushrangers* (Sydney, 1956), 270.

³ Valda Rigg, 'Convict Life' in Raymond Nobbs (ed.), *Norfolk Island and Its Second Settlement, 1825-1855* (Sydney, 1991), 30; Hazzard, *Punishment Short of Death*, 117.

By the mid-nineteenth century, Norfolk Island was the most notorious penal station in the English-speaking world and represented all that was bad about the convict system. Mentioned in passing in *Middlemarch* and *Hard Times*, Dickens volunteered in 1840 to write a cheap Government-sanctioned narrative of Norfolk Island to ensure that the lower orders held sufficient dread of it.⁴ Such a work was unnecessary as the Island's very name was a by-word for criminality and perversity, to the point where a reviewer of the 1851 racing season used it as a collective noun: race-goers at Doncaster had to beware 'a whole Norfolk Island of London thieves ... [who had] taken advantage of the cheap trains, to keep their hands in during a dull season in town'.⁵ Rhetorical invocation of Norfolk Island's name was also wielded as a bludgeon by opponents of transportation, and the Canadian-born trader and lawyer Alexander Isbister was exasperated by it. He lamented that ever since the Molesworth report of 1838, mention of Norfolk Island's 'horrors' formed the 'stock argument flung at the head of any luckless wight who advocates the establishment of a penal settlement', thereby foreclosing any further argument.⁶

The legend arose contemporaneously from the general mythology of convict transportation, reinforced by twentieth-century authors reliant upon a number of over-used and under-contextualised sources. Most recently, historical accounts of Norfolk Island are dominated by Robert Hughes's powerful narrative in *The Fatal Shore*, despite this having manifest weaknesses.⁷ Indeed, analyses of the second settlement do not appear to have kept pace with wider developments in the field of convict studies, though this is a criticism which might be levelled at the historiography of Australian penal settlements in general.⁸ There has been too uncritical an acceptance of the official line regarding the supposedly infernal character of the men held at Norfolk Island, consistent failure to engage with voluminous archival material in Australia and Britain, often too literal and credulous

⁴ Dickens to Normanby, 3 July 1840 in Graham Storey, Kathleen Tillotson and Angus Easson (eds), *The Letters of Charles Dickens, Vol. 7: 1853-1855* (Oxford, 1993), 818.

⁵ 'The Racing Season of 1851', *New Sporting Magazine*, Vol. 16 (1852), 1-14.

⁶ A.K. Isbister, 'Convict Labour and Colonisation', *Journal of the Society of Arts*, Vol. 11 (1863), 160. 'Horrors' in this context usually refers to sodomy.

⁷ Robert Hughes, *Fatal Shore*, esp. chapters 12-15.

⁸ There are a number of exceptions to this rule as penal settlements have recently been treated more seriously by historians. For example, see Hamish Maxwell-Stewart, *Closing Hell's Gates: the Death of a Convict Station* (Crows Nest, NSW, 2008) and David A. Roberts and Daniel Garland, 'The Forgotten Commandant: James Wallis and the Newcastle Penal Settlement, 1816-1818', *Australian Historical Studies*, Vol. 41 (2010), 5-24.

readings of convict narratives, and an apparent acceptance of nineteenth-century discourses of crime and morality.

The hell-on-earth paradigm also opens space for stories to be told which have little grounding in reality. It has been suggested, for example, that Commandant James Morisset 'delighted in applying the lash in person', while in 1882 Walter Coote claimed the convicts rose in rebellion in chapel one Sunday:

What a ghastly scene! the service stopped, the chaplain hurrying to the vestry, the officers' wives and children fainting and crying, and the stern soldiers shooting down the prisoners in the very house of God! Of such was life in those old convict days.⁹

Of course, neither of these stories is true, though the legend's power means tall tales – and there are many – might fool the unsuspecting. The legend perhaps reached its apogee when tenuous comparisons were drawn between Norfolk Island and Nazi concentration camps. For example, Jan Morris made the frankly offensive claim that Norfolk Island was a place of 'Auschwitzian horror'.¹⁰ While this sort of analysis passes for historical understanding, it is hard seriously to assess the second settlement.

The Norfolk Island legend has several defining characteristics, which include assumptions that the prisoners were universally brutalised and had no hope, that commandants and their subordinates were sadists, sexual violence was widespread, and that 'unnatural crimes' – Victorian-speak for homosexuality – were rampant. However, the foundational myth upon which all others rest is that the convicts of the second settlement were the 'worst of the worst' or, as Frank Clune memorably describes them:

⁹ Peter Clarke, *Hell and Paradise: The Norfolk – Bounty – Pitcairn Saga* (Ringwood, Vic., 1986), 104-08; Walter Coote, *Wanderings, South and East* (London, 1882), 54-55.

¹⁰ Jan Morris, *Locations* (Oxford, 1992), 31. Also M.G. Britts, *The Commandants: The Tyrants Who Ruled Norfolk Island* (Maryborough, Vic., 1980), 158; Alan Tucker, *Iron in the Blood: Convicts and Commandants in Colonial Australia* (Singapore, 2003), 4; Paul Taylor, *Australian Ripping Yarns* (Rowville, Vic., 2004), 42.

hard and incorrigible “old lags”, some of whom were criminal lunatics, others half-crazed, warped and perverted in mind and body, or mere brutes of low mentality, or rotten with every vice produced by the degraded instincts of the worst types of sub-human beings.¹¹

Read aloud this Victorian-sounding polemic sounds ludicrous, yet Norfolk Island’s convicts are still almost universally regarded as ‘incorrigibles’. Since Norfolk Island was officially founded to imprison an imagined ‘worst’, men sent there have been reflexively damned as such, no matter their offence, their behaviour while under detention, or the changing nature of the settlement. The sheer distance from the mainland and mystique of islands only exaggerated things further: by being shipped to a place which hardly any knew of other than through newspaper rumours, Norfolk Island convicts became a distinct Other, or the ‘lees and dregs of mankind’ according to the British penal administrator Arthur Griffiths.¹²

The received interpretation about the nature of the prisoners is given credence by the two major historians of Norfolk Island, Margaret Hazzard and Raymond Nobbs, who both claim that the convicts were ‘all, or nearly all ... “capital respites”’, and that ‘all of them [were] doubly convicted’.¹³ No-one has wavered from this line or looked beyond Earl Bathurst’s 1824 proclamation that the ‘worst description’ of convicts from New South Wales and Van Diemen’s Land would be sent to the Island.¹⁴ To understand Norfolk Island properly it is vital to establish an accurate picture of the men imprisoned there, which demands this orthodoxy be challenged.

This paper seeks to do just that. The first section will present the sociometric data on the prisoners at the time of their original transportation to Australia in comparison with the findings of *Convict Workers* (1988) and the earlier study of Lloyd Robson (1965), before examining the reasons why the men were detained at Norfolk Island.¹⁵ The basis for the

¹¹ Frank Clune, *Martin Cash*, 270, 272.

¹² Arthur Griffiths, *Memorials of Millbank*, Vol. 2 (London, 1875), 98.

¹³ Margaret Hazzard, *Punishment*, 112; Raymond Nobbs, ‘Establishing another Settlement’ in Nobbs (ed.), *Second Settlement*, 5.

¹⁴ Bathurst to Brisbane, 22 July 1824, *Historical Records of Australia*, Series I Vol.11, 322.

¹⁵ Steven Nicholas (ed.), *Convict Workers: Re-interpreting Australia’s Past* (Cambridge, 1988); Lloyd L. Robson, *The Convict Settlers of Australia* (Melbourne 1965). The Norfolk Island findings should be read as minimum

findings is a database of 6,458 Norfolk Island convicts collated over three years, the main sources for which are the prisoners' conduct records and relevant departmental correspondence in the Archives Office of Tasmania (AOT), the Colonial Secretary's correspondence files in the State Records of New South Wales (SRNSW), colonial newspapers, and the Millbank Prison Registers at the National Archives of Great Britain. It was a laborious task – analysing all of the male conduct records in the AOT took eight months alone – but it is currently the third-largest single study of transported convicts, the second-largest of male convicts, and the single-largest of penal settlement prisoners.¹⁶

There were five sub-groups of Norfolk Island convicts, which will be referred to throughout this paper:

- 2,590 men originally transported to New South Wales (hereafter 'New South Wales men')
- 1,270 men originally transported to Van Diemen's Land ('Van Diemen's Land men')
- 730 men transported directly to Norfolk Island from England and Ireland in 1840 for Alexander Maconochie's experimental system ('Maconochie men')¹⁷
- 1,703 men transported directly to Norfolk Island from England between 1844 and 1846 to undergo a period of probation ('Millbankers')
- 165 men who originally either came free to, or were born in, the Australian colonies ('free or native born men')

figures, as a few men have undoubtedly been missed or relevant information was not immediately available. When percentages from Robson's data are presented they have occasionally been re-worked for greater comparative accuracy with, as Robson included those who returned no data in his calculations. It cannot be known what proportion of non-respondents were, for example, Protestant or Roman Catholic, so Robson's figures have been re-calculated to include only those returning data. Re-calculations are signalled by footnotes. Percentages are rounded to whole numbers when the sample size is 100 – 999, and to one decimal place when greater than 1,000. For more detailed analysis and tables, see Tim Causer, "'Only a Place fit for Angels and Eagles": the Norfolk Island Penal Settlement, 1825-1855', PhD Thesis (University of London, 2010).

¹⁶ The ongoing *Founders and Survivors* project will dwarf any existing sample in size and scope. See www.foundersandsurvivors.org.

¹⁷ This figure of 730 is likely to be revised downwards: a number of men, generally the ill and infirm, aboard these three ships (the *Mangles*, the *Augusta Jessie*, and the *Woodbridge*) were left behind in Sydney rather than going to Norfolk Island, but have yet to be identified.

It can be seen that at least 2,400 men went to Norfolk Island straight from Britain and Ireland without receiving a colonial conviction, which immediately challenges the theory that the prisoners were all doubly-convicted.

On average, Norfolk Island convicts were twenty-five years old when originally transported, though this varies by sub-group, with the Millbank and free and native-born being six to seven years older on average than the colonial convicts (Fig. 1). Though a fifth of the men were teenagers when originally transported, the findings correspond with those of *Convict Workers* and Robson that convicts sent to the colonies were generally of prime working age.¹⁸ Indeed, those aged under fifteen or over 50 comprised about four per cent of the total, and atypical among the group were those like nine year-old James Lynch, or 70 year-old Matthew Byrne.¹⁹ The data for marital status also corresponds with that of Robson, as the majority – 78 per cent – stated they were single when originally transported (Fig. 2). Some leeway must be made for clerical error or lies from married men denying they had wives, but Norfolk Island convicts with large families – such as the widower Samuel Bird, whose four children remained in Northampton with ‘a woman [who] lived with him for 6 years’ following his wife’s death – were uncommon.²⁰

¹⁸ Nicholas, ‘Convicts as Migrants’ in Nicholas (ed.), *Convict Workers*, 47.

¹⁹ CON33/1/54 12846 (Convict Department), Archives Office of Tasmania (AOT); Convict Indents fiche 638 pp.437-54, State Records of NSW (SRNSW).

²⁰ CON31/1/1 p.225, 899, AOT.

Figure 1: Age Distribution upon original transportation

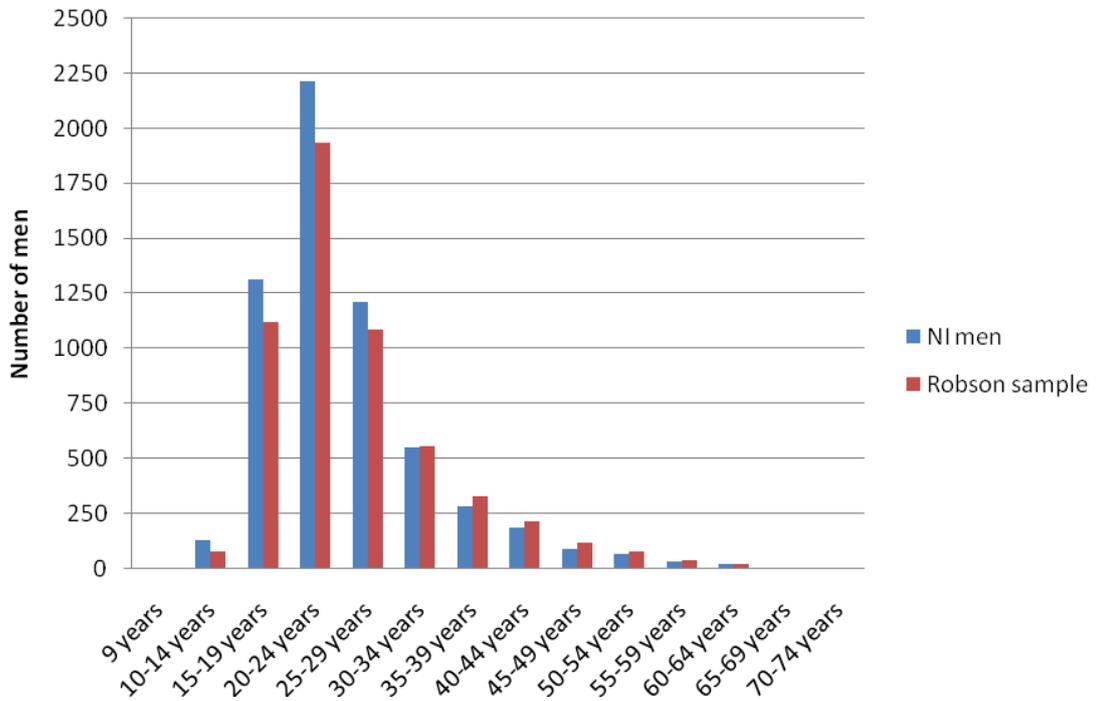
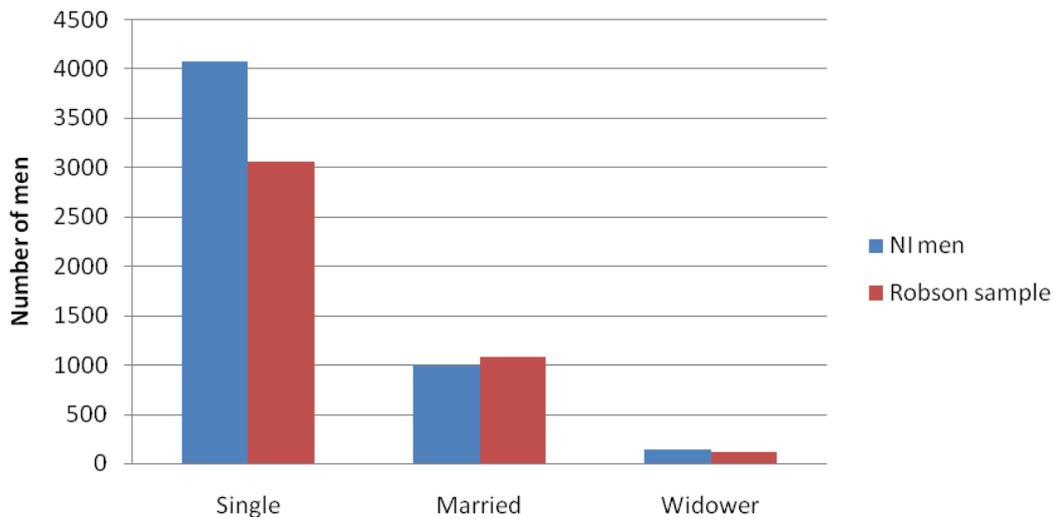


Figure 2: Marital status upon original transportation



The authorities also measured literacy (Fig. 3). At the time of arrival in the colonies around 47 per cent of Norfolk Island convicts could both read and write, another 22 per cent could read, and less than a quarter were functionally illiterate. Indeed, the men were slightly more literate than their male counterparts in the *Convict Workers* sample. If, as Nicholas and Shergold argue, we assume literacy acts as a marker of education, that three-quarters of the prisoners held at Norfolk Island were literate to some degree suggests they were far from the mentally-deficient individuals the legend would have us expect.²¹

More than two-thirds of the men gave their native place as England, and there were slightly larger proportions of Scottish and foreign-born men than in the *Convict Workers* and Robson samples (Fig. 4). Just over a quarter were Irish, which is perhaps fewer than might be expected given their prominence in Norfolk Island historiography. Outwith the Anglo-Celtic majority were thirty Norfolk Island convicts from the Australian colonies including, ironically, two men born at the Island during the first settlement.²² Nine Aboriginal men were held at Norfolk Island, as were five Chinese, a fair few Americans and Europeans, and men from Mauritius, India and the West Indies. The latter included Robert Abbott of Demerara, whose stated occupation was 'slave'.²³

²¹ Nicholas and Shergold, 'Convicts as Workers' in Nicholas (ed.), *Convict Workers*, 74-78.

²² CON37/1/2/501, AOT; Petition of James Beames, unnumbered file, NRS905 Bundle 4/2288 (Colonial Secretary's Correspondence Inward Letters), SRNSW.

²³ Convict Indents fiche 683, pp.99-110, SRNSW, and CON33/1/71 17033, AOT.

Figure 3: Literacy and illiteracy upon original transportation

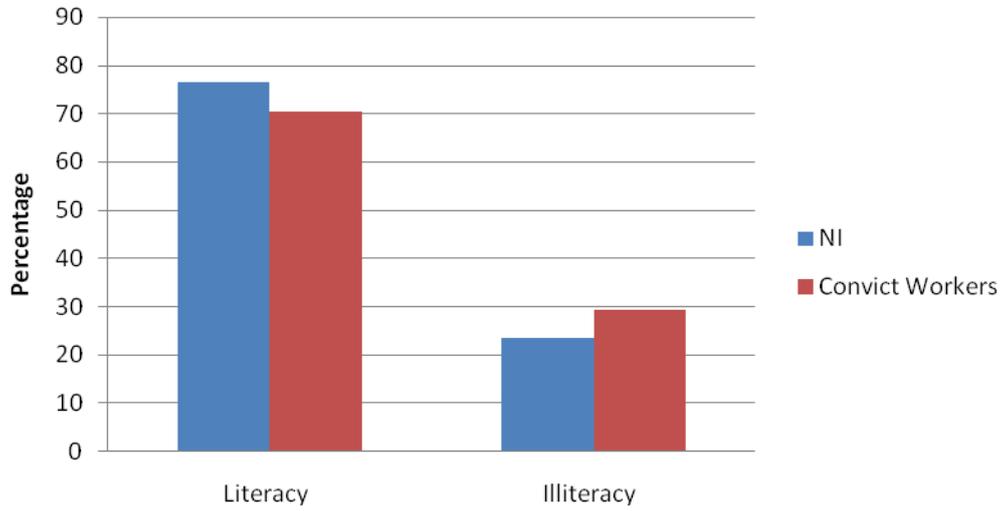
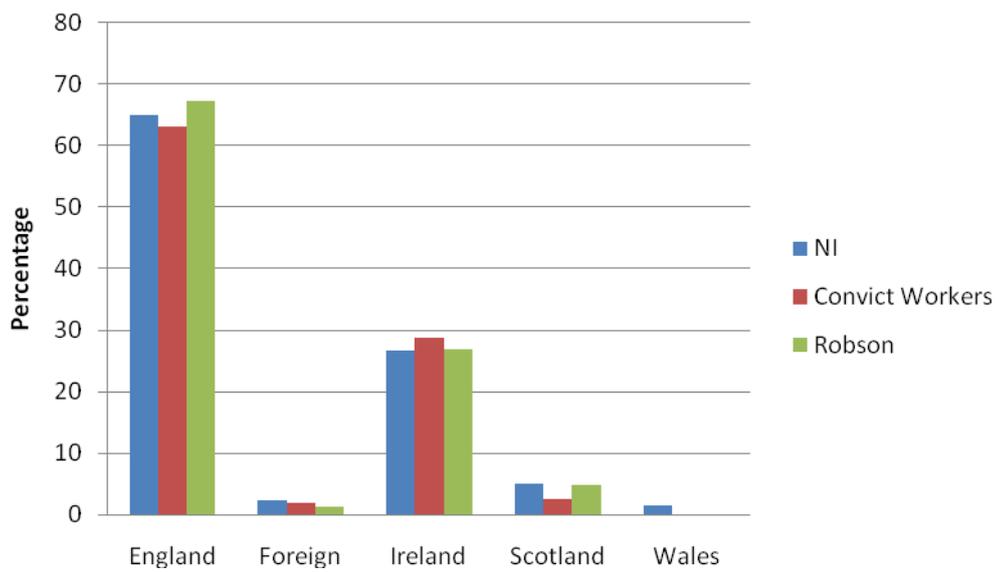


Figure 4: Native places



It is thus unsurprising that most of the men were convicted in England, predominantly in London, Middlesex or the industrial north, with the cities and regions surrounding Liverpool, Manchester and York dominating (Fig. 5). 4 per cent of Norfolk Island prisoners were originally convicted by courts martial, and soldiers were detained at Norfolk Island after being convicted elsewhere in the empire. For example, John Bailey, William Lane and George Morris deserted from the 99th Regiment in New Zealand in February 1846, but were captured by Maori at Hokianga and held as prisoners-of-war for three months.²⁴

The records also provide information on the stated trades and skills of the prisoners (Fig. 6). *Convict Workers* was criticised for seemingly taking the occupational data at face value: was a stated trade or occupation the one at which the individual had worked at last, in which he was apprenticed, one of several he had done, or one that he hoped to do in the future? Did he cover up his criminal activities with a respectable trade?²⁵ The greatest shortcoming of the occupational data is that it is static: we know what a man claimed to be able to do upon arriving in the colonies, but not what he actually did or learned to do. Collating this information would require a great deal more work.

This is not the occasion to delve into this controversy again and the *Convict Workers* findings will simply be used as a comparative standard. However, it should be noted that the colonial authorities took false declarations very seriously, as it hampered the effective direction of work; for example, Edward Greensill was punished for falsely stating to have been a ploughman.²⁶ Yet how much did convicts know of the local labour market and which trades were in demand? It is hard to fathom what possible advantage Alonzo Johnson or James Porter hoped to derive by respectively claiming to be a ‘comedian’ and – nonsensically – a ‘beer machine maker’.²⁷ It seems more logical that most told the truth more often than attempted to play the system.

The Norfolk Island data were placed into the Nicholas-Shergold skill classification, a useful analytical tool which also offers an insight into urban and rural origin.²⁸ There are again a few complications. Some working in rural trades gave their native place as an urban

²⁴ CON37/1/3 761, 759 AND 760, AOT.

²⁵ Nicholas and Shergold, ‘Convicts as Workers’, 62-64; Ralph Shlomowitz, ‘*Convict Workers: a Review Article*’, *Australian Economic History Review*, Vol. 30 (1990), 62-82.

²⁶ CON31/1/16 970, AOT.

²⁷ CON33/1/86 1987 and CON35/1/1/123, CON31/1/34 and CON34/1/4, AOT.

²⁸ Table A18 in Nicholas (ed.), *Convict Workers*, 223-24.

area, and vice versa. A number of men claimed to have more than one skill and in these cases were classified by the higher one. Military personnel often gave their actual trade rather than simply calling themselves a 'soldier', and were thus classified by that skill to demonstrate that military men were not just 'mere foot-sloggers and cannon-fodder'.²⁹ Apprentices were classed under the same heading as their masters.

Manufacturing and transport workers comprised the largest proportion and included significant numbers of shoemakers, tailors and weavers. There were more than a few metal workers, miners and butchers, while others stated slightly more esoteric occupations. James Blackwood was a 'scribe', shoemaker and teacher of the deaf and dumb, while the Norwegian portrait and landscape artist Knut Bull put his skills to good use in attempting to forge a note.³⁰ Carpenters, masons and painters were the most common construction workers. Clerks comprised the largest portion of professionals though there were a few teachers, notably the Polish military officer Gotthard Raake, who claimed to be a professor of languages and music, and who was transported for forgery and attempting to defraud Nathaniel Rothschild.³¹ Despite the wide range of skills, the most numerous occupations were 'labourer' and 'farm labourer' with 1,198 (19 per cent of the total) and 510 (8 per cent) instances respectively, compared to 23 per cent and 2 per cent in the *Convict Workers* sample.³² Being a labourer was a legitimate nineteenth-century occupation, though some contemporaries regarded 'labourer' as a synonym for 'thief'.³³

The differences between Norfolk Island convicts and the *Convict Workers* sample are fairly small. The Norfolk Island men were slightly less skilled overall, mostly accounted for by the greater proportion of unskilled rural workers. This did not make them any less useful as rural labour was valuable in the colonies, especially so at Norfolk Island where agriculture

²⁹ Nicholas and Shergold, 'Convicts as Workers', 64.

³⁰ Convict indents, fiche 677 pp.34-54, fiche 673 pp.223-33, SRNSW, and CON33/1/86 20250, AOT. Bull's work hangs in Australian galleries to this day. In a pleasing happenstance, the dust-jacket illustration of the 1981 edition of John West's *History of Tasmania* was Bull's work, 'Hobart Town, 1855'; slightly ironic given West's condemnation of the morality of Norfolk Island convicts.

³¹ CON33/1/71 16659 and CON37/1/8 2879, AOT. See also *Proceedings of the Old Bailey*, <http://www.oldbaileyonline.org>, ref: t18380709-1744, accessed 23 Apr 2010. Raake's conduct record showed that he stated his forgery was valued upwards of £10,000, whereas court records suggest it was a more modest £60.

³² Nicholas and Shergold, 'Convicts as Workers', 66.

³³ Peter Cunningham quoted in Robson, *Convict Settlers*, 181-82.

was particularly labour-intensive. There is, however, no evidence to suggest they were some sort of lumpenproletariat.

Figure 5: Convicting courts

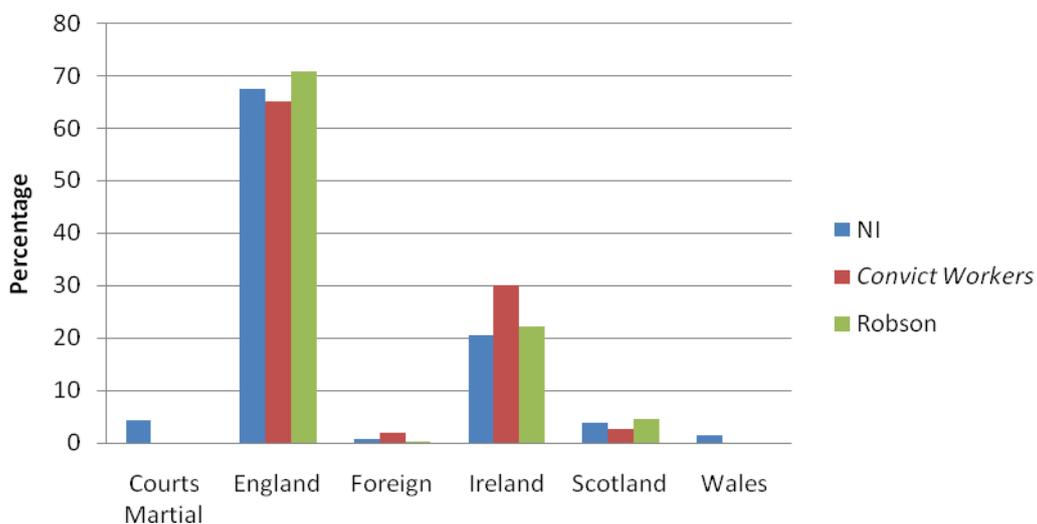
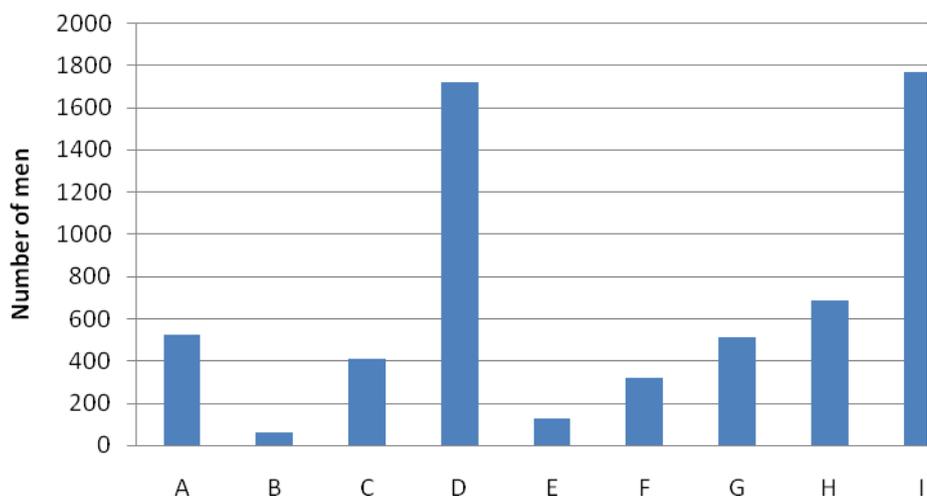


Figure 6: Trades and callings of the Norfolk Islanders



Key

- A: Construction workers, skilled or semi-skilled
- B: Dealers
- C: Domestic service
- D: Manufacturing or transport workers, skilled or semi-skilled
- E: Professionals
- F: Public service
- G: Rural skilled
- H: Rural unskilled
- I: Urban unskilled

Discounting those court-martialled or who had been previously transported, 48 per cent of Norfolk Island convicts were recorded as having been punished once or more prior to their original transportation. This bare figure does not, of course, tell the entire story. Two-thirds were punished only once, which meant anything from ten years in prison (a rare sentence) to a couple of days locked up for drunkenness. Others were indeed repeat offenders: for example, John McDonald was imprisoned five times and belonged to a 'determined Gang of Thieves of the very worst description' before transportation.³⁴ Robson estimated that around 60 per cent of his sample had been punished at least once prior to transportation, and *Convict Workers* provided no comparable data.³⁵ In comparison, that forty-three per cent of the men were not recorded as being punished prior to transportation seems to fly in the face of assumptions about the supposedly inherent 'criminality' of the men. Of course, as Shlomowitz notes, previous convictions are 'only a very imprecise index of criminality': having two or three prior convictions does not make a man a professional criminal, and nor does a clean record mean he never committed a crime.³⁶ British and Irish court records would have to be examined for more concrete conclusions to be drawn.

Finally in this section, attention must be paid to the crimes for which the men were originally transported. This is complicated by the fact that the Maconochie, Millbank and most of the free and native-born men were sent directly to Norfolk Island. To prevent repetition in the second section, the following discussion refers only to the original offences of the New South Wales, Van Diemen's Land, and the 23 doubly-convicted free and native-born men (Fig. 7). The original records drew distinction between, for example, 'robbery' and 'robbery with violence'; of course, some robberies must have carried an implicit threat of violence, but without any explicit evidence to the contrary the contemporary distinction was retained.

³⁴ CON33/1/83 19303, AOT.

³⁵ Robson, *Convict Settlers*, 176-77.

³⁶ Shlomowitz, 'Review Article', 83.

Figure 7: Original offences of the NSW, VDL and doubly-convicted free and native-born men

Nature of offence	Number of men (percentage)	Percentage
Escaping from transportation/gaol	21	0.7
Military offences	173	5.5
Miscellaneous offences	32	1.0
Offences against property, non-violent	2,749	88.1
Offences against property, violent	33	1.1
Offences against the person	85	2.7
Offences particular to Ireland	24	0.8
'Unnatural offences'	4	0.1
Total	3,121	100

The level of detail within the conduct records is remarkable and usually carries a convict's statement about his offence. John Webb utilised the age-old rapists' defence of casting aspersions upon his victim, Marion Troman, whom he described as a 'woman of the town.'³⁷ The frequently drunk Private Joseph Graham was transported out of the 42nd Regiment for slapping his major while 'in the horrors'.³⁸ Patrick Murphy was convicted of vagrancy at Wicklow in July 1844, but considered himself the agent of his own fate as he 'went to the Police and told them I should like to be Transported'; his wish was granted.³⁹ James McGivern, convicted of bugging a cow, also '[w]ished to be transported', though insisted he 'was innocent of the offence, but pleaded guilty as I did not wish to remain at home'.⁴⁰

The legend tells us that the men detained at Norfolk Island were a particularly dangerous sub-stratum of convicts. Yet the original offence data shows proportionately few explicitly violent crimes. There were thirty cases of murder and manslaughter combined, fewer than twenty rapists, and merely a handful of arsonists and violent thieves. Nearly 70 per cent of offences were non-violent crimes against property, including burglary, picking pockets and highway robbery. Goods stolen ranged from watches to cheese, and offenders also stole livestock (261 instances) as well as committing the 'gentlemanly' crimes of embezzlement, forgery, fraud and uttering (50 instances combined).⁴¹ The other substantial group were court-martialled military personnel, of whom three-quarters were convicted of either desertion or striking a superior officer. Notably, 45 of the soldiers were transported from Indian regiments. 'Miscellaneous offences' included perjury, bigamy and vagrancy, leaving three extremely small groups of men: those convicted of offences 'peculiar to Ireland' – assaulting habitations, administering unlawful oaths and Whiteboysim – of returning from transportation, and of sodomy and bestiality.

Comparisons are difficult. *Convict Workers* barely discussed the crimes of the prisoners in their sample, apart from work-related theft. 86 per cent of Robson's sample were convicted of offences against property, though he did not distinguish between violent and

³⁷ CON33/1/83 19376, AOT.

³⁸ CON33/1/80 18539, AOT.

³⁹ CON33/1/65 15505, and CON37/1/10 5418, AOT.

⁴⁰ CON33/1/79 18371, AOT.

⁴¹ Uttering: knowingly tendering forged money or documents.

non-violent offenders. Crimes against the person and military offences comprised 3 per cent each of the crimes in Robson's sample, which roughly accords with the Norfolk Island data.⁴²

The caricature of Norfolk Island's prisoners as depraved criminals has its roots in their imagined backgrounds. These findings suggest that the men, at the time of their original transportation, were largely indistinguishable from the samples collated by Robson and *Convict Workers*. They were of a similar age when first sent to the Australian colonies, were educated to a decent standard, and the proportions of English, Irish and Scottish convicts were similar to the former studies. There was a slightly higher proportion of unskilled workers among the Norfolk Island group, and an initial survey suggests that around 43 per cent had no prior convictions recorded against them before transportation. Perhaps most tellingly, fewer than 4 per cent of the colonial convicts were transported for explicitly violent offences, with the overwhelming majority convicted of non-violent crimes against property. The legend is clearly already under strain, even before examining when and why the men were detained at Norfolk Island itself.

Explaining why prisoners were detained at Norfolk Island is one of the trickiest aspects of the second settlement's history. As already noted, the assumption that Norfolk Island convicts were 'all, or nearly all' doubly-convicted capital respites is repeated in virtually every work mentioning the Island, yet it is a great misconception. One of the most recent articulations of the error was in John Hirst's foreword to *Freedom on the Fatal Shore*. Hirst took issue with Robert Hughes's 'Gulag' interpretation of the transportation era that only a few men had to be sent to penal settlements to terrify the rest into conformity, and argued this equated 'New South Wales with the arbitrariness of totalitarian rule – and so denies an important part of its "normality"'. As an example of colonial 'normality', Hirst claimed prisoners could be sent to Norfolk Island 'only by a trial in open court where the standard of

⁴² Robson, *Convict Settlers*, 179. Percentages recalculated.

proof was beyond reasonable doubt'.⁴³ The remainder of this paper will demonstrate that this far from the case, and that the convict system was indeed frequently arbitrary and unequal.⁴⁴

The 3,860 New South Wales and Van Diemen's Land men are most likely to conform to stereotype, as the most famous and most written-about Norfolk Island convicts – Martin Cash, William Westwood, James Porter and the like – *were* capitally respited colonial convicts. The prominence of such individuals in the historiography might partly explain why this aspect the legend has endured for so long. However, only 2,258 men were recorded as being detained at Norfolk Island under a colonial conviction (Fig. 8).

⁴³ Hughes, *Fatal Shore*, xvi, 484 and John Hirst, *Freedom on the Fatal Shore: Australia's First Colony* (Melbourne, 2008), viii.

⁴⁴ All data presented pertains to the prisoners' first detention at Norfolk Island: 146 men were held at Norfolk Island for a second time, while 11 unlucky souls were imprisoned there upon three separate occasions. 'Convictions' is defined as when men were convicted in supreme, criminal or circuit courts, or at quarter sessions.

Figure 8: Offences for which NSW and VDL men were convicted and transported to Norfolk Island

Why convicted and sent to Norfolk Island	Number of men	Percentage
Miscellaneous	18	0.8
Offences against property, non-violent	1,453	66.5
Offences against property, violent	416	19.0
Offences against the person	232	10.6
Offences against the system	32	1.5
Possessing firearms	26	1.2
'Unnatural offences'	9	0.4
Total	2,186	100

The majority of these colonially-convicted men were sent to Norfolk Island for non-violent property offences, mostly burglary, housebreaking, highway robbery and stock theft. The case of William Colley was strange, as he *volunteered* to be imprisoned at Norfolk Island. Colley gave evidence in a case arising from the 1828 robbery of the Bank of Australia, and when convicted of larceny in April 1829 was sentenced to detention at Moreton Bay. The terrified Colley petitioned Governor Darling to be sent to Norfolk Island instead from an ‘apprehension of certain characters at Moreton Bay’; the request was granted, and he spent six uneventful years at Norfolk Island before returning to Sydney.⁴⁵

Instances of violent crime were far lower than might be expected. There were 59 cases of murder and manslaughter, though those guilty of such offences were, of course, more likely to be hanged. The twenty-one rapists were all from New South Wales, six of whom assaulted Isabella Yeomans in August 1833. Assaults, mostly to rob, but occasionally with more serious intent, were the most common offences against the person. ‘Possessing firearms’ was seemingly a synonym for bushranging, and most of the men convicted of this were New South Wales absconders: Michael McNamara ran from his master, while Edward Malone bolted from the Parramatta Road Gang.⁴⁶ ‘Offences against the system’ included absconding, attempting to escape the colony and possessing forged certificates of freedom.

Beyond those transported to Norfolk Island by order of a colonial court, the fates of the remaining New South Wales and Van Diemen’s Land men expose the system’s arbitrariness (Fig. 9).⁴⁷ A number were removed from other penal stations to Norfolk Island, including 109 men transferred from Cockatoo Island in two drafts during early 1844 and 1848. In February 1844, Superintendent Charles Ormsby of Cockatoo Island noted his orders to select a draft of 50 prisoners to be forwarded to Norfolk Island, and proudly ventured ‘to say a better conducted body of Prisoners never went to Norfolk Island before, nor probably will again’.⁴⁸ The immediate reasons why a group of well-conducted prisoners should be sent to Norfolk Island despite not having done anything wrong, is not immediately clear.

⁴⁵ ColSec to Morisset, 3 May 1830, NRS988 4/3821 Reel 764 p.167-8 (Colonial Secretary’s Correspondence Outward Letters), SRNSW.

⁴⁶ CON33/1/55 14188 and CON33/1/55 14191, AOT.

⁴⁷ Data was returned for only 767 of these men.

⁴⁸ Ormsby to Childs, 2 Feb 1844, NRS905 4/6514, 291-92, SRNSW. Ormsby was formerly Superintendent of Agriculture at Norfolk Island. It would also appear that drafts of Cockatoo men were sent to Port Arthur as well. See Ormsby to Innes, 20 Dec 1843, 285-86.

60 capital respites and lifers were transferred from Port Macquarie in July 1830 – with their wives and children – when the region was opened to free settlers and the penal station wound down.⁴⁹ All but one of six Moreton Bay transferees were removed to Norfolk Island for absconding, with the odd one out being Giuseppe La Barbicca. The Italian was alleged to have stabbed to death Stephen Stephenton at Moreton Bay, though in early 1835 it appeared that a large number of prisoners would be called in his defence. Colonial Secretary Alexander McLeay noted ‘there would no doubt be much perjury ... and a probability of his Acquittal if brought to Trial in Sydney’, and so Governor Bourke ‘thought it more advisable’ to instead send La Barbicca to Norfolk Island without trial.⁵⁰ Nor was this the only legally dubious removal to Norfolk Island. Thomas Longden was acquitted of burglary at the Hobart Quarter Sessions on 2 July 1849 yet was still dispatched for ‘being connected with a gang of burglars’, while John Williams was sent out in December 1851 despite being cleared of killing John Richardson.⁵¹

These latter two cases lead to a consideration of men removed to Norfolk Island without trial between 1844 and 1853, following the Island’s annexation to Van Diemen’s Land and the passage of an *Act for the better Administration of Justice in [sic] Norfolk Island* in October 1844. This made it lawful for the Lieutenant-Governor to send any male convict to Norfolk Island from Van Diemen’s Land ‘whenever he shall think fit to do so’ and entirely upon his own authority, though he was undoubtedly advised by magistrates and the Convict Department.⁵² This directly contradicts the supposedly formal, legal process of transporting men to Norfolk Island, and is perhaps more in keeping with the legend’s interpretation of the authoritarian abuse of power. Most men sent out in this way received sentences to probation of between six and thirty-six months, and had generally committed offences against the system. The distinction between removing men to Norfolk Island for criminal offences and for breaches of convict discipline is barely mentioned in the historiography, and suggests the authorities regarded challenges to the system’s legitimacy just as seriously

⁴⁹ Iain McLachlan, *Port Macquarie: Place of Banishment* (Sydney, 1988), 184. McLachlan suggests 78 prisoners were transferred, though I have only identified 60.

⁵⁰ ColSec to Anderson, 3 Feb 1835, 4/3822, 344, NRS988, SRNSW.

⁵¹ CON33/1/54 12487 and CON34/1/9 p.593 2647, AOT.

⁵² *Hobart Town Gazette*, 22 Oct 1844, 1342-43.

as crime. Indeed, William Cook was despatched to Norfolk Island in May 1851 after being caught subversively communicating with John Moore, editor of the Hobart *Guardian*.⁵³

Offences against the system included disobedience, refusal to work, misconduct and, most commonly, absconding (129 instances). Some men ran only once, though others were repeat offenders: John Perrot absconded five times in fourteen months, while William Smith was discovered aboard the *Swan* in January 1852 during its preparations to leave Hobart.⁵⁴ The Mauritian Mirah Seik was sent to Norfolk Island for ‘medical treatment’ – but was still made subject to the Island’s disciplinary system – as the authorities (wrongly) believed Norfolk Island’s semi-tropical climate better suited his constitution than Hobart Town’s.⁵⁵

218 men were also ordered to be forwarded straight to Norfolk Island immediately upon arrival in the colonies. There appears to have been no consistent reason as to why though, as already mentioned, some had been convicted in England of absconding from the penal colonies. Between 1848 and 1850 it seems to have been a short-lived imperial policy to mark certain groups of men for forwarding on to Norfolk Island.⁵⁶ As Norfolk Island was relatively peaceful in 1848 and 1849, the colonial authorities ‘strongly represented’ to London the ‘necessity of not sending prisoners too frequently, or in too large numbers’.⁵⁷ Subsequently, none of the twenty men aboard the *Blenheim* in 1850 bound for the Island were sent onwards, though this did not stop three further significant shipments: sixty ‘incorrigibles’ from Gibraltar were sent out in 1850 aboard the *Eliza*, followed by another twelve men on the *William Jardine*, and in 1851 a further 51 arrived by the *Lady Kennaway*.⁵⁸

⁵³ CON33/1/31 7333, AOT.

⁵⁴ CON33/1/9 2124 and CON33/1/91 21077, AOT.

⁵⁵ CON37/1/1/ 153, AOT.

⁵⁶ Grey to Denison, 4 Dec 1849, House of Commons Command Papers (CP) 1850 [1153], *Correspondence on Convict Discipline and Transportation*, 83-84.

⁵⁷ Grey to Denison, 5 April 1850, CP 1850 [1285] *Correspondence on Convict Discipline and Transportation*, 189

⁵⁸ Grey to Denison, 23 July 1850, CP [1285], 145. Only 59 *Eliza* men made it to NI, as William Robinson died in Hobart in May 1850.

Figure 9: Offences for which NSW and VDL men were sent to Norfolk Island, not under a colonial conviction

Why removed to Norfolk Island?	Number of men	Percentage
Absconding	129	17
Acquitted of burglary, but sent anyway	1	<1
Cleared of murder, but sent anyway	1	<1
Cockatoo Island transfer	109	14
Communicating with editor of Hobart Guardian	1	<1
For the benefit of his health	1	<1
Incorrigible/indifferent/bad character	12	2
Indecent exposure	1	<1
Moreton Bay transfer	6	1
Offence against property, non-violent	49	6
Offences against property, violent	2	<1
Offences against the person	23	3
Port Macquarie transfer	61	8
Port Arthur transfer	15	2
Repeated misconduct/disobedience/insubordination	63	8
Straight to NI under original sentence of transportation	218	28
Suspected of 'unnatural crime'/bestiality/'evil conduct'	5	1
Unclear	70	9
Total	767	100

The 730 Maconochie and 1,703 Millbank men were embarked on ships in England and Ireland and went straight to Norfolk Island; though some of these ships sailed via Sydney and Hobart Town, the only ones landed were the sick and the dead. Although some writers realised that certain men were sent out directly, it did not change their opinion that the men were doubly-convicted capital respites.⁵⁹ No attempt has been made to examine them as distinct sub-groups, even though they underwent systems of discipline very different from those to which colonial convicts were subjected (Figs. 10 and 11).

The proportion of non-violent property offenders was greater among the Maconochie men than any other sub-group. They largely stole items of little apparent value, the level of violent crime committed by them was minimal, and they were transported under relatively short sentences. Since they are so far from the stereotype it can only be assumed that such men were purposefully sent as subjects for Maconochie's experimental system, though sending them to Norfolk Island hardly seems fair. Of the few violent offenders, six men committed murder and nine manslaughter. All but two of these occurred in Ireland: John Pine was convicted of the manslaughter of William Aldridge, and the Ross-shire man Malcolm Macleod smothered his unfaithful wife who, he claimed, threatened to 'stick him with a knife'.⁶⁰

The Millbank men were quite different. About a third of the group were transported under sentences of fourteen years or less, contradicting Lord Stanley's 1842 statement that those sent directly to Norfolk Island under the reorganised probation system would either be lifers or those involved in 'aggravated cases' sentenced to 15 years or more.⁶¹ We might wonder then why this particular group were sent to Norfolk Island when similar shipments of men were sent to Van Diemen's Land. As there was a higher proportion of violent offenders among the Millbankers than any other sub-group, it almost seems as though the Island's reputation influenced the decision.

⁵⁹ For example, Merval Hoare, *Norfolk Island: An Outline of its History, 1774-1977*, 2nd Ed. (St. Lucia, Qld., 1999), 59. Hoare claims only three ships took the Millbankers to NI; there were in fact eight.

⁶⁰ CON33/1/51 12103; CON 33/1/52 12300, AOT.

⁶¹ Stanley to Franklin, 25 Nov 1842, House of Commons (HC) 1843 (159), *Correspondence between the Secretary of State and the Governor of Van Diemen's Land*, 4.

The most numerous offence against the person was rape, of which there were 125 instances. Thirty-seven assaults were upon girls aged under sixteen, and several more on those under ten.⁶² For example, Arthur Pears assaulted his master's child and three men raped their own daughters, including William Edward Beard who claimed to be the victim of a malicious charge made by his wife who had taken up 'with another man and wished to get rid of me'.⁶³ Several were gang-rapes, such as the assault of Ann Peppers by William Adams, John Hale, Thomas Spratley, Joseph and Richard Terry, and their father, Richard Terry senior.⁶⁴ Hale conveniently died during the voyage, and the rest insisted he was the only one to have had 'connexions' with Ann. The murderers Joseph Azzopardi and Augustus Dalmas were minor criminal celebrities, the latter of whom slashed the throat of his fiancée at Blackfriars Bridge after hearing stories questioning her virtue.⁶⁵

Of the few violent offenders against property most were transported for violent highway robbery (91 cases) and arson (71 cases). The latter involved the burning of ricks, barns and other farm buildings which suggests a degree of unrest in some regions, though only two men gave a hint of their reasons.⁶⁶ William Cooper claimed he was a Chartist and 'actuated by political motive' in burning a cottage, while Thomas Rust stated he torched a barn and two stacks because a landowner took away some 'ancient silver coin' Rust excavated from a field. The Millbank gaoler told a different story: Rust apparently laboured 'under the idea that he would be doing good for the poor', and spoke 'strongly against threshing machines'.⁶⁷ Perhaps most surprising are the men transported for 'unnatural offences': given Norfolk Island's reputation as 'Sodom Island' and efforts during the 1840s to control convict sexuality, transporting men convicted of these offences to the Island seems peculiar.⁶⁸ Most were convicted of bestiality and a couple of men swore that the animal they were caught with was female, as though it was a mitigating factor.⁶⁹

⁶² Tom Dunning, 'Narrow Nowhere Universes: Child Rape and Convict Transportation in Scotland and Van Diemen's Land, 1839-1853', *Scottish History Review*, Vol. 86 (2007), 113-25.

⁶³ CON33/1/88 20374, CON33/1/86 19898, CON33/1/87 20051, CON33/1/88 20408, AOT.

⁶⁴ CON33/1/83 19167, 19262, 19337, 19363, 19364, 19365, AOT.

⁶⁵ CON33/1/76 17621 and CON33/1/80 18517, AOT; *The Times*, 9 July 1858.

⁶⁶ Eric Hobsbawm and George Rudé *Captain Swing* (Reading, 1985) and David Kent and Norma Townsend, *The Convicts of the Eleanor: Protest in Rural England, New Lives in Australia* (London, 2002).

⁶⁷ CON33/1/83 19218 and CON33/1/86 19966, AOT; HO24/1 p.172, National Archives of Great Britain.

⁶⁸ Causer, 'Norfolk Island', chapter 7.

⁶⁹ For example, Richard Brunnsden: CON33/1/76 17630, AOT.

However, the majority of Millbankers were also transported for non-violent crimes against property. Most thefts were, like those of the Maconochie men, of fairly limited extent and ranged from a duck to a shawl, to higher-value goods like cattle and handkerchiefs. Edward Lunn burgled the home of John Steele near Huddersfield of £1,300 worth of property, while others were even more ambitious. John Kenyon Winterbottom, a banker and Mayor of Stockport, was convicted of forging the receipt for an insurance policy of £5,000, and the Liverpoolian solicitor James Kean uttered a forged will for property to the sum of £14,000.⁷⁰

⁷⁰ CON33/1/78 18189, CON33/1/79 18460, CON33/1/80 18578, AOT.

Figure 10: Offences, Maconochie men

Offences	Number of men (<i>percentage</i>)	Percentage
Offences against property, non-violent	594	82
Offences against property, violent	12	2
Offences against the person	51	7
Military offences	41	6
Miscellaneous offences	13	2
Offences particular to Ireland	11	2
'Unnatural offences'	2	<1
Total	724	100

Figure 11: Offences, Millbank men

Offences	Number of men (<i>percentage</i>)	Percentage
Offences against property, non-violent	1,142	67.3
Offences against property, violent	186	11.0
Offences against the person	289	17.0
Military offences	18	1.1
Miscellaneous	6	0.4
Returning from transportation	9	0.5
'Unnatural offences'	47	2.8
Total	1,697	100

The final sub-group are the 142 free and native-born men sent to Norfolk Island under a first conviction (Fig. 12). They are of particular interest since few seem aware such men were detained at Norfolk Island, though their presence also caused confusion for contemporaries. James Beames was born at Norfolk Island during the first settlement and was later convicted in Launceston during August 1834 for stealing a cow. Forwarded to Sydney for removal to his birthplace, Beames petitioned Governor Bourke on the grounds that it was 'extremely severe to be sent to such a dreadful place for the first offence, seeing that prisoners on their arrival from England are usually assigned to settlers'.⁷¹ Beames's argument relied upon the prevailing contemporary perception of who was *supposed* to be sent to Norfolk Island – that is, the doubly-convicted 'worst' – but this perception was as misinformed then as it is today.

Like the other sub-groups, there were several non-British or Irish among these men, including Bukas, one of only two Muslim prisoners detained at Norfolk Island.⁷² Yet the eight Aboriginal convicts stand out in particular. Aged around sixty, Yanem Goona *alias* Old Man Billy Billy was convicted of sheep stealing at Melbourne Supreme Court in October 1845 though, as Kris Harman notes, the trial was 'farcical' as the defendant could not understand the proceedings. The remaining Aboriginal Norfolk Island convicts were all convicted at Maitland Circuit Court of offences against the person. Fowler, Jacky Jacky, and Sorethighed Jemmy were convicted on 15 September 1843 of attempting to murder Patrick Carroll at Macleay's River, along with Tommy *alias* Kambaigo who wounded a shepherd with intent to kill. Mickey Mickey was convicted in March 1844 for stabbing with intent to murder, another Jackey Jackey was punished in May 1844 for killing an Aboriginal boy in what was apparently a wider feud and finally, in March 1846 Harry was convicted of assaulting Peter Davis with intent to rob.⁷³

⁷¹ Petition of James Beames, undated, NRS905 4/2288, SRNSW. Beames was sent to NI.

⁷² CON37/1/2 509 AOT. The other was the aforementioned Mirah Seik.

⁷³ Yanem Goona: CON37/1/2 588, Fowler: CON37/1/3 670, Tommy *alias* Kambaigo: CON37/1/3 669, Jackey Jackey: CON37/1/2 437, Harry: CON37/1/3 620, AOT. The first Jackey Jackey, Sorethighed Jemmy and Mickey Mickey have no conduct record. For more on Aboriginal convicts see Kristyn Harman, 'Aboriginal Convicts: Race, Law, and Transportation in Colonial New South Wales', PhD Thesis (University of Tasmania, 2008), esp. 188-98, 235-39, and 249-56.

Figure 12: Offences, singly-convicted free and native-born

Nature of offence	Number of men	Percentage
Absconding	2	2
Military offences	9	7
Miscellaneous	2	2
Misconduct at Port Arthur	1	1
Offences against property, non-violent	77	59
Offences against property, violent	15	11
Offences against the person	21	16
Offences against the system	1	1
Port Macquarie transfer	2	2
'Unnatural offences'	1	1
Total	131	100

Several free and native-born originally came out as soldiers, though some were tried by the civil powers. Private John Geeson, for example, was convicted in the Supreme Court of the manslaughter of Terrence Rooney in September 1828 following a Sydney street-brawl between the military and civilians.⁷⁴ However, most soldiers tried by civil courts were transported for theft, such as Francis Johnson of the 57th Regiment who stole a saddle belonging to Dr Imlay in an apparently deliberate attempt to be transported.⁷⁵ Private Johnson gambled that a period as a convict was a safer, shorter option than continued military service, but his subversive attempt to 'obtain his desertage [sic]' failed. Within five months of arriving at Norfolk Island he was ordered back to Sydney to rejoin the 57th, soon to depart for India.⁷⁶ Robert Young and John Jennings, a Virginian and Upper Canadian respectively, also committed a highway robbery in early 1849 'purposely to get out'. Young's numerous tattoos might have pointed to his thirst for freedom, as they included a 'dove with LIBERTY and 7 stars, [and a] bust of Washington, 1839 in letters'.⁷⁷

The erroneous suggestion that all – or even a majority – of Norfolk Island convicts were doubly-convicted capital respites can be put to rest, though that this myth has endured and been repeated with such certainty is remarkable (Fig. 13). Nearly 55 per cent of the convicts went to Norfolk Island either under their original sentence of transportation or without being subject to a colonial conviction. Only 42 per cent were doubly-convicted and the proportion of those repeatedly convicted in the Australian colonies was miniscule, giving the lie to heightened contemporary rhetoric. Although 884 men did not return data to allow firm conclusions to be drawn about their convictions, if the assumption is made that all were doubly-convicted then the first-sentence men might be slightly outnumbered. Even

⁷⁴ Dowling to Gipps, 27 Oct 1842 42/8136, NRS905 4/2566, SRNSW; *The Australian*, 12 Sept 1828.

⁷⁵ The exceptions were Geeson, the rapist Michael Duffy of the 80th, and John Torphy, transported for bestiality with a goat in March 1830. 'List of prisoners recommended under the Colonial Act', NRS905 4/2698 and PSC to CS, 6 Sept 1832, 32/6705, NRS905 4/2200, SRNSW.

⁷⁶ CS to Morisset, 11 March 1831, NRS988 4/3821 Reel 764, p.241-2.

⁷⁷ CON37/1/5 1467 and CON37/1/5 1468, AOT.

then, suggestions that 'all, or nearly all' were doubly-convicted are still wide of the mark. Furthermore, almost 85 per cent of the men had never received a death sentence when sent to Norfolk Island for the first time, and nearly 70 per cent were under the age of 30 when sent to the Island for the first time. Hardly repeatedly convicted old lags.

Figure 13: Number of convictions passed upon the men when sent to Norfolk Island for the first time

Number of convictions	No. of men (percentage)	Percentage
1	3,064	55.0
2	2,355	42.3
3	143	2.6
4	10	0.2
5	2	<0.1
Total	5,574	100

Just over a fifth of Norfolk Island convicts were detained for explicitly violent offences, which is a much lower proportion than might be expected (Fig. 14). As has become apparent in the course of this paper, most of the men were non-violent offenders against property, though the sending of thieves to the Island seems contradictory to the settlement's reputation. The history of sending men to Norfolk Island also demonstrates the frequently arbitrary and unequal nature of the convict system. This is best illustrated by the men sent to Norfolk Island post-1844 from Van Diemen's Land for 'offences' such as insubordination, being of 'bad character', or upon *suspicion* of sodomy. It seems no legal standard was applied in these cases and there was certainly no trial before a jury; the Van Diemonian authorities were more than willing to use penal settlements to shore up the system's legitimacy as well as to punish criminals.⁷⁸ Nor can the New South Wales government be cleared of arbitrariness, despite Hirst's contention. Norfolk Island had a far more arduous labour and punishment regime than Port Macquarie, and transferring men and their families from the latter to the former in 1830 as nothing more than an apparent expedient appears to be adding an unjustifiable layer of punishment. Little wonder that they complained bitterly of their lot.⁷⁹

⁷⁸ Maxwell-Stewart, *Hell's Gates*, 57.

⁷⁹ Bourke to Morisset, 12 March 1832, NRS988 4/3822, 71. See also CS to Morisset, 1 Dec 1831, 42-43.

Figure 14: Nature of offences, all sub-groups

Nature of offence	No. of men (percentage)	Percentage
Acquitted in court, but sent anyway	2	<0.1
Communicating with editor of Hobart Guardian	1	<0.1
Escaping/returning from transportation	16	0.3
Indecent exposure to a child	1	<0.1
Medical treatment	1	<0.1
Military offences	105	2.0
Miscellaneous offences	41	1.0
Offences against property, non-violent	3,472	64.0
Offences against property, violent	640	12.0
Offences against the person	629	11.6
Offences against the system	241	4.4
Offences particular to Ireland	11	0.2
Possessing firearms	26	0.5
Transferred from other penal settlements	191	3.5
Unnatural offences	61	1.1
Unnatural offences, suspected	5	0.1
Total	5,443	100

In his 1895 sensation-history of the convict system, Eric Gibb argued that ‘the worst man’ at Norfolk Island ‘could hold the character of being the worst man on earth alive’.⁸⁰ It is all too easy to take facile conclusions about the supposed ‘character’ of the prisoners as the truth. When Superintendent Alexander Maconochie suggested in March 1842 that ‘the magnitude of the offences’ of the prisoners were ‘not so great’, Governor George Gipps underlined Maconochie’s remarks and added ‘!!!’ in the margin to indicate his incredulity that such thoughts might even be contemplated.⁸¹ The ‘deviancy’ of Norfolk Island’s convicts was and is embedded in public discourse.⁸²

This paper demonstrates that received interpretations about the backgrounds of Norfolk Island convicts do not stand up to scrutiny. Quantitative analysis does, of course, have obvious limitations for what it might reveal about individuals and their experiences. As Clare Anderson notes, ‘econometric analysis ... cannot tell the whole story. Whilst detailed interpretations of statistics ... might reveal what was *done to* convicts, it does not tell us much about what convicts *did*’.⁸³ Similarly, David Roberts argues that writers often focus too much upon what indents and associated material say about the convicts’ origins, as though this is all that needs to be known.⁸⁴ Anderson and Roberts are both correct to point out the need to explore the convicts’ later lives and the places they experienced. Quite so, and thus this paper is only a first – though important and necessary – step in piecing together a more rounded and detailed history of the second settlement at Norfolk Island, one in which the prisoners are, for the first time, firmly at the forefront.

⁸⁰ Eric Gibb, *Thrilling Incidents of the Convict System in Australasia* (London, 1895), 18.

⁸¹ Maconochie to Gipps, 31 March 1842, NRS905 4/2566 Reel 769, SRNSW.

⁸² An interpretation sign outside the New Gaol at Norfolk Island suggests its inmates could ‘be said to have been among those considered the worst criminals in the British Empire’.

⁸³ Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815-53* (Wiltshire, 2000), 3. Original emphasis.

⁸⁴ David Andrew Roberts, ‘“A Sort of Inland Norfolk Island”: Isolation, Coercion and Resistance on the Wellington Valley Convict Station, 1823-26’, *Journal of Australian Colonial History*, Vol. 2 (2000), 50-72.