Destroying Sodom in the South Pacific:

How the terror of sodomy was invoked to end convict transportation to New South Wales

c. 1837

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Abstract

While the arrival of the First Fleet in 1788 is a mainstream theme in Australian history, less is known about the end of convict transportation. Even less is known about the slander of endemic sodomy that was contained in the 1837 Select Committee on Transportation that recommended an end to sending convicts to the colonies. This thesis argues that leading anti-transportationist, Sir William Molesworth, focussed on the social disorder caused by sodomy to lobby against the policy of convict transportation to New South Wales. It establishes the idea of sodomy as a tool for slander, illustrates how it was applied to the colony and demonstrates how this shattered the fragile boundaries of colonial respectability.
Acknowledgements

Just as the thought of sodomy haunted the colonists of New South Wales after the Molesworth Report was published there in May 1839, the thought of submitting a paper the size of an Honours thesis has haunted me for the better part of 2013. Only with the guidance, support and encouragement of some seriously talented people could I ever have managed to undertake this historical enquiry.

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Born in 1810, Sir William Molesworth was raised in his Cornish family estate Pencarrow.\(^2\) The eighth baronet spent much time in the splendid, symmetrical gardens of the estate where his mother, Lady Mary Molesworth schooled him. In the natural

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\(^1\) *Australian*, 15 January 1839.

yet ordered space, Molesworth took lessons on maths, literature, scripture and the classics while the finer points of respectability were tenderly instilled: topics of sex, politics and religion were often taboo in the polite world the young aristocrat was entering. Good character and respectability were important to Molesworth from a young age. At Cambridge, he complained to his mother that his boorish fellows at St. John’s College were not as refined as the pupils at Trinity, and on a grand tour of Germany following his graduation Molesworth faced off with his tutor ‘Gwatkin’ in a duel for ‘not treating [him] in a gentlemanly manner.”

When Molesworth returned to England he fell in with Philosophical Radicals such as Charles Buller and George Grote, with whom he projected his political opinions though Jeremy Bentham’s paper *The Westminster Review*. However the hoopla of the House of Commons appealed to the tempestuous, opinionated aristocrat and he entered as the Member for East Cornwall in 1832, just as Molesworth men had done from the beginning of the eighteenth century. Molesworth quickly became swept up in the Radicals’ agenda for reform and sharpened his skill at censuring Tories and

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5 Adburgham, *A Radical Aristocrat*, 1, 49 – 64.
mooting the policies of Empire. His greatest victory came in 1837, when the ‘Radical Aristocrat’ chaired the 1837 Select Committee on Transportation to end the policy of transporting convicts to British penal colonies. His final Report on the Committee to the House of Commons would echo his dedication to a natural, British order. However, little did Molesworth know that his Report on the moral state of the colonies would carry his name into infamy, and little did he care about how the slander of sodomy he invoked would shatter the social boundaries of colonial society in New South Wales.

The twenty six year old Molesworth led the enquiry into the ‘efficacy of transportation as a punishment’ and its effect on the ‘moral state’ of penal colonies in New South Wales, Bermuda, Van Dieman’s Land. The enquiry was a prime chance for Molesworth to shut down a policy that, in the eyes of the Radicals was akin to slavery and frame himself as a candidate for Colonial Secretary. In doing so,

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7 Select Committee on Transportation, ‘Report of the Select Committee on Transportation together with the minutes of evidence, appendix and index,’ 22 August 1838, Q 365G, Mitchell Library, hereafter ‘Molesworth Report.’

8 Molesworth Report, i.

9 For references to transportation as slavery see *Selected Speeches of Sir W. Molesworth on questions relating to colonial policy*, ed. Hugh E. Egerton (London: J. Murray, 1903), 1 – 54; Molesworth Report, v – x.
Molesworth would seal the fate of British penal transportation while slandering the sprawling society in New South Wales as a ‘cesspit of sexual depravity’. The Molesworth Report would raise the colony’s eighteenth century sobriquet as the ‘Sodom of the South Pacific’ and in the process raze its reputation.

However Molesworth never visited New South Wales, and never saw for himself the enlightened and comparatively egalitarian society that had spawned in the colony since the era of Lachlan Macquarie (1810 – 21). Sixty thousand people lived in Sydney in 1833 and a whole generation of Australian-born ‘currency-lads and lasses’ were shaping a free and wealthy society. Cheap land, free labour, a liberal press and the seeds of parliamentary democracy had washed away the corrupt ‘starvation years’ of the 1790s, and both ex-convicts and emigrants benefited from a unique space for social reinvention. So when Molesworth wrote that in their colony ‘vice was the rule and virtue the exception’ the colonists’ hopes of resembling British respectability in

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12 Census figures, 2 September 1833, reported in the Colonist, 11 February 1834.
the antipodes were shattered. William Charles Wentworth, the son of a reinvented felon and proprietor of the *Australian* newspaper asked rhetorically ‘they speak of “morals” and point to us?’ It seemed his fellow colonists had been ‘traduced and belied beyond example!’

The Molesworth Report had claimed that ‘unnatural crimes’ were endemic in the colony and its inhabitants inescapably immoral and depraved. ‘Unspeakable crime’ was a common euphemism for sex between men in the early nineteenth century. While the final load of convicts arrived in 1841, the accusations of sodomy in the Molesworth Report left a longer lasting scar on the colonists’ self-consciousness. Throughout the 1840s, executions for sodomy in New South Wales peaked in what Walter J. Fogarty has suggested was a formative moment in the development of harsh sodomy laws in the colony, while David Coad has argued that this reflected a desire to ‘kill the queer’ in the colonial society of the nineteenth century. To those in the colony familiar with the biblical parable of Sodom and Gomorrah, it seemed as

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15 *Australian*, 11 May 1838.
16 *Australian*, 18 May 1838.
17 Molesworth Report, vi – xi.
18 Charles Upchurch, *Sex between Men in Britain’s Age of Reform* (Berkeley: University of California Press, 2009), 23 – 24.
though London was looking back like Lot’s wife at a space so diabolical that its destruction was necessary. Lot’s Wife turned to a pillar of salt for taking a glance at the fire and brimstone hailing down on Sodom.\(^20\) For colonists, the coda was that Sydney was a society of sodomites, not Britons. This thesis addresses the historical puzzle produced by Molesworth’s use of sodomy in his parliamentary enquiry into the policy of transportation.

In 2011, Babette Smith protested ‘why has it taken so long for someone to explore the broader legacies of the Molesworth Report?’\(^21\) It is a critical document poised at a turning point in Australian colonial history. The Report altered the relationship between the metropole and the colony. Not only did it change the original *raison d’être* of New South Wales by ceasing convict transportation, it also exposed anxiousness about colonial respectability and sharpened a separate sense of Australian colonial identity. It may even have links to how a hypermasculine ‘bushman’ identity that was forged in the nineteenth-century.\(^22\) This was an unforeseen and under interpreted consequence of the Report, with many histories of the colony interpreted the Report as a mere explanation for the end of convict transportation. The consequence of this *prima facie* interpretation of the Report has been a compounding

\(^{20}\) Genesis, 17:19.
\(^{22}\) Coad, *Gender Trouble Down Under*, 31.
negative view of Australian colonial life, which could arguably be an answer to Babette Smith’s question.

The Report provided evidence that the colony was full of whores and sodomites and a site of excessive brutality. The central tenet of Molesworth’s argument against transportation is that the convict system in New South Wales was a form of slavery, degrading the morality of the whole colony and leaving colonists prone to ‘unnatural’ criminality. Sodomy was a signal of sinfulness and the parliamentary authority of the Report made it an attractive source for historians who have profited from claiming that colonial Australia was an excessively brutal space. For example, themes of desperation, depravity and destitution were the central pillars of Robert Hughes’ 1983 best-seller, *The Fatal Shore*; and titles such as *Buried Alive, Tour to Hell,* and *1788: The Brutal Truth* on bookshelves today show how the ‘brutality’ narrative still grips a modern readership. But *prima facie* interpretations of the Molesworth Report such as these are problematic not least because they use homosexuality as evidence that

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24 Molesworth Report, xi.
Australia’s convict history is a ‘stain’ on its past.26 Such histories are problematic because they ignore the significance of deeper, subtler forces at work in the rhetoric of the Report, such as Molesworth’s obsessive focus on sodomy, as opposed to rape, murder or treason. This thesis explores why Molesworth used sodomy to discredit the colony, and what lasting effect it had on its relationship with the metropole.

Why Molesworth used sodomy is even more puzzling when the inaccuracy of the Report is understood. Molesworth had pre-written sections of the final report, handpicked his witnesses and used an interrogative style based on closed and leading questions.27 When John Ritchie probed Molesworth’s methodology in 1973, he established that the Report was full of ‘tendentiousness and misrepresentation,’ and Norma Townsend concluded that there was ‘little attempt to analyse the [convict] system itself according to any principles of justice or humanity.’28 Yet no historian has asked: what is the meaning then, of Molesworth’s emphasis on sodomy? For a work of falsehood the Report has held much sway in how the colony was perceived as a site of brutality. Despite the popularity of authors such as Hughes, Egan, Levell and


Hill, a revision of the ‘brutality’ viewpoint did occur shortly after Townsend and Ritchie deconstructed the Molesworth Report.

Unlike Britain, and incomparable with Van Dieman’s Land or Bermuda, colonial society in Sydney - where the bulk of colonial population of New South Wales lived – was shaped by generally enlightened administrators and a fairly egalitarian ethos. This is the perspective of scholars such as John Hirst, Stephen Nicholas and Alan Frost who argued that New South Wales was no ‘thief-colony’ in the 1830s.29 Hirst argued in 1983 that the colony was industrious, liberal and ordered in a landmark challenge to the ‘brutality’ narrative.30 Nicholas added to the ‘benign’ counter-narrative by dismantling the ‘brutality’ perspective of the convict labour system and Frost followed suit by saying that by as early as 1811, the 1786 policy of colonisation had succeeded.31 With the ‘benign’ narrative now a mainstream reinterpretation of life in colonial New South Wales, the mystery of Molesworth’s preoccupation with

30 Hirst, Convict Society and its Enemies, 2.
sodomy thickens, just as questions about gender, class and respectability begin to challenge accepted narratives of Australian colonial history.

However despite this tremendously important counter-narrative and the dismantling of Molesworth’s claims of slavery and cruelty, historians are yet to critically analyse the Report’s emphasis on sodomy. Perhaps acknowledging sex between men at a turning point in Australian colonial history is still considered squeamish for a modern readership. Nevertheless, ‘unnatural crimes’ were the basis of some of Molesworth’s most slanderous generalisations and a pillar of his argument against transportation.

The general tendency of the evidence indicates that unnatural crimes are far more common in the penal colony than would be supposed from the number of convictions from those offences.\[32\]

Tendentious, misrepresentative, and deeply puzzling, Kirsten McKenzie has gone the furthest to address sodomy in the Molesworth Report as the cause of a colonial scandal.\[33\] McKenzie concluded that sodomy in the Report was part of a deliberate ‘discourse of scandal.’\[34\] The fragile boundaries of colonial respectability were disrupted by terror caused by sodomy in the Report, shattering a sense of newfound status that characterised many colonial imaginations in New South Wales. Here the

\[32\] Molesworth Report, xi.


\[34\] McKenzie, ‘Discourses of Scandal,’ 2.
renewed interest in colonial snobbery, manners and respectability that Penny Russell has generated, is pivotal to how colonists responded to the Report. Themes of gender and class, marks of distinction and the imagined relationship between the centre and the periphery of Empire interlink in this enquiry which hints that possibly, colonial Australians were not such rough lovers of the lash, but were really rather sensitive about their collective self-image. This is the value of ‘new imperial’ methods of analysing empire.

Molesworth’s use of sodomy in his Report is a calculated strategy that invokes political, sexual and religious taboos for the purpose of ending convict transportation. Accordingly, his report contains an insight into attitudes towards gender and class in two poles of Empire, London and Sydney. The Molesworth Report and its reputational consequences for the colony are an example of the interconnectedness of Empire, and an affirmation of how gender and class ‘difference’ really defined imperial relationships. This is what Kathleen Wilson called ‘new imperial history.’

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37 Wilson, ‘Introduction,’ 11.
approaching old norms of empire with new, subtle and significant questions about
gender, class and race.\textsuperscript{38} Approaching sodomy in the Molesworth Report rejuvenates
the debate about how ‘brutal or benign’ colonial society in New South Wales was in
1837 and deepens our understanding of how imperial links were influenced by
imagined terror.\textsuperscript{39} Sodomy is an important and under analysed ‘broad legacy’ of the
Molesworth Report and a critical complication of the colonial past that contains the
potential to affect contemporary Australian identity.

By probing the Molesworth Report’s focus on sodomy this thesis not only challenges
the brutal narratives of Australian convictism, but also sharpens the place of gay
narratives in the colonial past. By identifying sex between men at a turning point in
Australian colonial history, contemporary gay identities will feel more included in
future notions of ‘Australianness.’ Molesworth used the terror caused by sodomy – a
progenitor of modern homophobia – to cause a moral panic in the colony and
successfully lobby against the policy of transportation. While Frank Bongiorno has
been the most recent to affirm the centrality of sex in Australian history several other
scholars have also sought to establish the centrality of homosexuality in Australia’s

\textsuperscript{38} Wilson, ‘Introduction,’ 11 – 14.

\textsuperscript{39} Catherine Gilchrist, ‘Male convict sexuality in the penal colonies of Australia 1820–1850’ (PhD
colonial past. Garry Wotherspoon, Robert French and Robert Aldrich led this new interest in the 1980s, 1990s and early 2000s. Wotherspoon explored Sydney’s moniker as the ‘Sodom’ of the South Pacific; French, Australia’s earliest gay colonial narratives and Aldrich, the links between homosexuality and settler colonialism.

Contemporary viewpoints on the gay histories of colonialism differ between whether the colony was a site of circumstantial homosexuality or a space for gay men to escape the metropole, or both. However this thesis diverges from the prevalence of sex between men in the colony and investigates what colonists and colonial policy-makers actually thought of sodomy by focusing on attitudes towards sodomy rather than its actual occurrence. It asserts that the Molesworth Report built on the perception that homosexuality was a consequence of colonialism and strategically used the terror caused by sodomy to end transportation.

The ultimate point is that in order to lobby against the policy of convict transportation to New South Wales, the Molesworth Report incited a moral panic by focussing on

43 For ‘circumstantial’ homosexuality in the colonies see Aldrich, *Colonialism and Homosexuality*, 1 – 14.
the social disorder caused by sodomy. It effectively harnessed the ambiguous terror caused by the idea of sodomy. The purpose of this paper is to examine the role that sodomy played in ending convict transportation to New South Wales and thus reshaping the relationship between the colony and the metropole. Analytically and spatially, its structure can be imagined as the figure of an hourglass.

The thesis begins and ends with broad analyses of the social structures in Britain and New South Wales, and is pinched at the centre with a closer exploration of the Molesworth Report. Spatially, the first third focuses on concepts of masculinity, sexuality and respectability in the British of the Molesworth Report. The second third provides a closer examination of Sir William Molesworth’s personal and political interests while introducing the colony through the testimonies of colonists to show how the ‘gross slander’ was constructed. The final third examines life in the colony circa 1837 to illustrate the reactions and repercussions of the Molesworth Report. The paper is designed to juxtapose attitudes towards sodomy in Britain and New South Wales, while also depicting a new narrative of the Molesworth Report and the end of convict transportation. In more detail, this is how the paper progresses:

Chapter One establishes the idea of sodomy as a force for destruction by likening it metaphorically to ‘social dynamite.’ Seeing how the slander of sex between men
shattered the sensitive psyches of colonists can only be understood when the social destructiveness of sodomy is grasped. The chapter’s first section examines the enfranchisement and influence of middle class values in Britain during the two decades that preceded the Molesworth Report, noting the prominence of Anglican evangelism. The following section applies such values to the sexual culture of Britain in the 1830s to illustrate how boundaries of sexual behaviour revolved around concepts of marriage and masculinity and how sodomy was policed with social ostracism. The final section studies the case of John Seymour, a married middle class male whose reputation in polite British society was blown apart by his conviction as a sodomite. This is how the destructiveness of sodomy is likened to ‘dynamite.’

The first chapter relies on sources from spheres of Christianity and criminality, such as guides to marriage and adolescence, a smattering of crime literature, criminal trial accounts and even the Tudor Buggery Act from 1533. It also employs various newspaper reports but acknowledges their limitation as vehicles of sensationalism. Establishing sodomy as a force for social disorder in the pre-Victorian decades combines the scholarship of historians of evangelism, class, masculinity and sexuality. While there is copious literature in each category, enquires by Stephen Tomkins and Boyd Hilton help demonstrate how evangelism was the ‘spirit of the
age.’

Linda Colley and David Cannadine provide a framework for interpreting the middle class while Leonore Davidoff and Catherine Hall’s work on families is a cornerstone for the chapter’s focus on masculinity and sexuality. Here, John Tosh, Michael Mason, Jeffrey Weeks, Charles Upchurch, Rictor Norton and several others lend their insights into how sodomy really could cause disorder in the context of the Molesworth Report.

Chapter Two illustrates how the Molesworth Report was shaped to smear New South Wales with the slander of endemic sodomy. It is also the spatial transition point between the metropole and the colony. Its first section examines the personal and political ambitions of Sir William Molesworth as a leading Radical politician in the late 1830s to understand what drove the engineer of the colony’s ‘grossest’ smear.

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The second section is the thesis’ lynchpin, closely examining the evidence was provided to Molesworth by witnesses with vested interests in distorting the metropolitan image of the colony, and pointing out how Molesworth disregarded testimony that presented colonial life favourably. The extent of the smear is shown in the final section, which examines the Assignment System of convict labour, the Ticket-of-Leave incentive for good behaviour and the ‘Sudds-Thompson’ fiasco to show colonists’ intolerance of brutal treatment. Here, life in the colony is depicted to contrast the negative depiction constructed by the Molesworth Report. The sources for this chapter also signal a departure from evidence about British society.\ 

While it underpins the entire thesis, the foundational source for this chapter is the 1837 Select Committee on Transportation: the ‘Molesworth Report,’ and its minutes of evidence. Other critical material is the philosophising and correspondence of men such as Jeremy Bentham and Edward Gibbon Wakefield with Sir William, along with parliamentary debates from the House of Commons and the scathing works of William Ullathorne on the ‘horrors’ of convict transportation. The tail-end of the chapter rests on material from the colony: letters from colonists and convicts back to Britain, the editorialising of William Charles Wentworth and the first impressions Governor Sir George Gipps recorded when he arrived in the colony in 1838. On Molesworth, aged but useful biographies from Harriet Grote, Millicent Fawcett
Alison Adburgham provide a general insight into Molesworth and his political milieu in London.\textsuperscript{47} As this section focuses on the nexus of competing ‘brutality’ and ‘benign’ narratives, it draws on the scholarship of Ritchie and Townsend, Hirst and Nicholas significantly. The point here is to show that the Molesworth Report exaggerated its claims of sodomy in the colony in a deliberate political manoeuvre.

Chapter Three is about the anxiety and fear felt in the colonial sphere when the Molesworth Report was published in New South Wales in early 1839. The Report’s accusation that the colony was a site of endemic sodomy upset a fragile colonial self-image that craved respectability and status. The first section illustrates the tension caused by a sense of ‘status anxiety,’ as a side effect of its ‘enlightened spirit’ and relatively egalitarian nature.\textsuperscript{48} The second section introduces how scandal worked in the colony to police boundaries of respectability in a more volatile way than in the metropole and how colonists separated themselves from the brutality of satellite penal colonies. The final section shows the effect of the Molesworth Report by illustrating the devastation caused by the slander in the Report and the heightened paranoia about


sodomy in the colony. It attempts to explain why after the Molesworth Report, colonists were especially sensitive to disorder caused by the idea of sodomy.

This section draws heavily on the parliamentary speeches in New South Wales and the editorialising of several colonial newspapers. These sources purport to represent the viewpoint of colonists, even though their agenda is easily identifiable. It also uses reports form the legal proceedings of sodomy trials, as moralising verdicts from magistrates before and after the Molesworth Report reflect a shift in the crime’s perceived heinousness. Here too, the chapter draws on the scholarship of Ritchie, Townsend, Hirst and Nicholas; but it also utilises theories developed by scholars of empire. For instance, Jane Elliot, Frank Decker and Grace Karskens provide useful perspectives on prosperity in the colony. Russell’s enquiry into snobs in the colony shows the subtleties of the social divide between emancipated convicts and free emigrants, while McKenzie provides a framework for discussing the nuances of colonial scandal. The chapter concludes by suggesting the heightened paranoia about sex between men after the outcry against Molesworth in 1839 was the ‘Molesworth Effect.’

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It is a source of bewilderment and concern that the broader legacies of the Molesworth Report remain to be analysed. This is especially because the Report marked a departure from the colony’s convict origins by using an imagined terror to achieve real, political aims. Molesworth lobbied against the policy of convict transportation to New South Wales by focusing on the social disorder caused by sodomy. This paper concludes with the suggestion that the resultant moral panic in the colony was the catalyst for a longer legacy of fear and anxiety on the subject of sex between men that endured throughout the nineteenth century.
Chapter One

Social Dynamite:
Sodomy as a force for social destruction

In July 1822, Percy Jocelyn and John Morley were caught, pants-down, behind the White Lion pub only a few blocks away from the Palace of Westminster. When the publican’s wife secretly spotted them, they were shocked and surprised to be seized by a mob of drinkers, dragged through the pub and down the street in a state of...
shameful nakedness.\textsuperscript{50} Jocelyn, desperate to avoid the scandal of a public trial paid £500 for bail.\textsuperscript{51} Morley, a young and handsome Grenadier Guardsman was dismissed and faded into the anonymity of London’s metropolitan sprawl; but when the public found out that Jocelyn was actually the Lord Bishop of Clogher, being defrocked was the least of his worries.\textsuperscript{52} A noisy mob clanged on the door of his London home for a week with old fence palings, pots and pans. Effigies of Jocelyn were burned at his Irish parish in County Tyrone before his house there too was set alight.\textsuperscript{53} The calamity caused by the transgression of the ‘Arse Bishop’ led the Archbishop of Canterbury to lament that across the country, clergymen were being ‘jeered at in public.’\textsuperscript{54} The shockwaves from Jocelyn’s social destruction were so great that the story became cemented in many British imaginations, featuring prominently in the popular genre of crime literature and still being referred to a decade later as and when sodomy cases were reported in the press.\textsuperscript{55}

\textsuperscript{50} For contemporary sources on the Bishop of Clogher scandal, see John Fairburn, \textit{The Bishop!!: Particulars of the Charge Against the Hon. Percy Jocelyn, Bishop of Clogher} (London: John Fairburn, 1822), 1 – 48; J. L. Marks, \textit{A correct account of the horrible occurrence which took place at a Public-House in St. James’s Market} (London: J. L. Marks, 1823), 1 – 19.

\textsuperscript{51} William Benbow, \textit{Crimes of the Clergy} (London: Benbow, 1823), 41 – 49;

\textsuperscript{52} Benbow, \textit{Crimes of the Clergy}, 41 – 49.

\textsuperscript{53} Benbow, \textit{Crimes of the Clergy}, 41 – 49.

\textsuperscript{54} \textit{Morning Post}, 22 October 1822.

\textsuperscript{55} Benbow, \textit{Crimes of the Clergy}, 41 – 9; \textit{Morning Chronicle}, 25 August 1832.
Sodomy was like social dynamite in Britain because of its ability to wreck the good character of a respectable man, especially in the decades leading up to the Molesworth Committee. In the 1820s and 1830s, the moral rectitude of the middle classes became a dominant feature of social and political life, heightening the ability for sexual dissidence to shatter the all-important character of the English gentleman.\textsuperscript{56}

Sodomy was a victimless crime, yet it was still a capital offence warranting social exclusion and sometimes execution. It was also anathema to the moral order of the evangelical middling sorts at the helm of an influential and successful reform movement. This chapter establishes the social destructiveness of sodomy in the ‘age of reform.’ It shows why Molesworth used it instead of other, more violent or treacherous criminal behaviour, such as rape, murder or treason. First, it shows how a moralising middle class defined itself through the male character. Second, it shows how the middle class male character encouraged a sexual culture of restraint; policing political, religious and sexual boundaries this way both empowered the middle class and met sexual dissidence with severe social ostracism.\textsuperscript{57} Third, it uses the social


\textsuperscript{57}See Sean Brady, \textit{Masculinity and Male Homosexuality in Britain, 1861 – 1913} (New York: Palgrave Macmillan, 2006), 26 – 122; Michael Mason, \textit{The Making of Victorian Sexual Attitudes} (Oxford:
destruction of John Seymour in 1828 and the oppression of a gay subculture to illustrate how sodomy was akin to social dynamite.\textsuperscript{58} Sex between men had always been taboo in Christian Britain, but the prominence of the middle class male in the 1820s and 1830s intensified the social havoc it could wreak.

\textit{Moving on up: morality, masculinity and the middle class}

While I – good Heaven! – have thatched myself over with the dead fleeces of sheep, the bark of vegetables, the entrails of worms, the hides of oxen or seals, the felt of furred beasts!\textsuperscript{59}

Thomas Carlyle’s odd, existential, comical depiction of the upper class dandy in \textit{Sartor Resartus} was a mockery of the excesses of the English élite in 1833. Carlyle’s novel hints at a middle class consciousness of masculinity that defined itself against the immoral aspects of the upper and lower classes.\textsuperscript{60} Instead of a title or a trade, middle class identity emerged from codes of religion and domesticity. It was strict adherence to virtues of Christianity that gave the middle class man means to define himself and his class against a hedonistic aristocracy and an improvident working

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\textsuperscript{58} \textit{Annual Register}, 1828, 329 – 36, Norton, \textit{Mother Clap’s Molly House}, 188 – 94.  \\
\textsuperscript{59} Thomas Carlyle, \textit{Sartor Resartus: The Life and Opinions of Herr Teufelsdrockh} (Oxford: Oxford University Press, 1999), 110.  \\
\end{flushleft}
class.\textsuperscript{61} For aristocratic masculinity outward respectability was paramount, while various codes of honour characterised the working class man. However, to the middle class that were steering the reform movement a good and natural, inner, spiritual character composed the quintessential British male.\textsuperscript{62} In Stephen Tomkins’ words, a culture of evangelical moralism defined the ‘spirit of the age,’ and it was in the context of this middle class masculine ideal that sodomy became an especially formidable force for social destruction.\textsuperscript{63} The work of the coterie of influential middling Britons called the ‘Clapham Sect,’ who sought to improve the conditions of society through ‘moral education,’ illustrates how central the Christian moral code was to the middle class male character.\textsuperscript{64}

The ‘Clapham Sect’ was a collection of eminent Londoners who campaigned for the moral improvement of society throughout the early decades of the nineteenth century.\textsuperscript{65} Their members included philanthropists, clergymen, scholars and politicians, devoted to establishing societies and publications that preached improvement through Christianity, morality and education.\textsuperscript{66} The \textit{Christian Observer},

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\textsuperscript{61} Davidoff and Hall, \textit{Family Fortunes}, 13 – 36.
\textsuperscript{62} For codes of aristocratic ‘respectability,’ middle class ‘character,’ working class ‘honour’ see Tosh, \textit{Manliness and Masculinities}, 1 – 88.
\textsuperscript{64} Tomkins, \textit{The Clapham Sect}, 185 – 200.
\textsuperscript{65} Tomkins, \textit{The Clapham Sect}, 185 – 200.
\textsuperscript{66} Tomkins, \textit{The Clapham Sect}, 185 – 200.
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one of the loudest printed voices for evangelists, was widely read and an inspiration for notable evangelising Britons such as Zachary Macaulay and Samuel Wilks Charles. Macaulay’s son Thomas Babington was even a political contemporary of Molesworth at the time of the Select Committee in 1837. Members of the Sect such as William Wilberforce, were instrumental in establishing the ‘Society for the Suppression of Vice and the Encouragement of Religion and Virtue’ and other moralising brigades at the turn of the century. Likewise, over a dozen Sunday schools were also established in the London perimetropolitan area to augment efforts to ‘rescue’ prostitutes and search for sodomites. The Clapham Sect considered it their duty to foster moral regeneration and distance respectable society further from the terrifying idea of sodomy.

The Clapham Sect represented the values of many middle class Britons whose moral rectitude made sodomy the most nauseating form of sexual dissidence. As the commentator Richard Shannon put it in 1831, ‘the profession of religion… has become fashionable.’ Michael Mason has argued that during the 1820s and 1830s evangelism took on its ‘hardening doctrinaire convictions’ of ‘rigid, hard, pedantry’

68 Adburgham, A Radical Aristocrat, 99.

When it came to evangelical Christianity Britons ‘swallowed’ its moralism but ‘gagged’ on its theological principle of campaigning to convert other Britons to puritanical Christianity.\footnote{Mason, \textit{The Making of Victorian Sexual Attitudes}, 30 – 32.} To high profile evangelicals such as Wilberforce or Macauley, spreading the influence of a Biblically informed moral law was the most critical thing for national improvement.\footnote{Mason, \textit{The Making of Victorian Sexual Attitudes}, 30 – 32.} Consequently an idea of the middle class male character formed in reaction to the improvidence, impropriety and overall immorality perceived in the working and ruling classes. The prominence of groups such as the Clapham Sect meant that sodomy became an especially disruptive force for the order of society.

To the middle class male, who followed Christianity’s moral code, the poor and the aristocracy represented poles of vice. Seeing the destitution or decadence in these two classes allowed the men of the middle class to locate themselves in the social structure of pre-Victorian Britain and eventually dominate the political structure. Self-made wealth enabled the middling sorts to socialise with the élite, and after the Great Reform Act passed in 1832, men who owned at least £10 worth of land – titled or not
were entitled to vote.\textsuperscript{74} A significant degree of middle class wealth came from entrepreneurialism during the Industrial Revolution, which mechanised the British economy during the late eighteenth century while also creating a rural poor and pushing thousands into manufacturing sweatshops in the cities.\textsuperscript{75} Although Peter Earle legitimately claimed that the ‘making’ of the middle class occurred in the early eighteenth century, the correlation between middle class bourgeois culture, capitalism and industrialism has been well established by scholars from Karl Marx to Dror Wahrman.\textsuperscript{76}

Industrial environments made for unnatural, and therefore perceived as unchristian living conditions for the lower classes. London, Leeds, Liverpool and Manchester choked on chimney-smoke and overcrowded working class milieux, where squalid conditions were blamed for highly visible crime, disease and mortality rates.\textsuperscript{77} To the moralising men of the middle class no good Christian family could be sustained in such poverty where generations of pauper children would be ‘contaminated’ by

\textsuperscript{74} Colley, \textit{Britons}, 220.
Thus, men such as William Cobbet and Henry Hunt considered it their ‘duty’ as gentlemen to improve the conditions of the poor by leading petitioning campaigns across the country. The sight of the urban poor prompted none other than Prince Albert to strive to implement social-housing projects after his marriage to Queen Victoria in 1840. In a paradoxical way, the squalid poor provided both an outlet for the middle class altruism, as well as a reminder of the moral difference between dirty workers and virtuous bourgeois males.

The socio-political power of the middle class reached its zenith in the 1830s because it also took this moralising view with the ruling élite. The presupposed moral superiority of the aristocracy had been eroded by numerous sexual and political scandals, and a perception that their parliamentary dominance in the 1820s was corrupt. John Wade wrote a lengthy and damning exploration of upper class corruption in his 1828 Black Book, depicting lucrative sinecures, unrepresentative

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‘rotten-boroughs,’ utterly unchallengeable ‘pocket-boroughs’ as well as highlighting a corrupt system of ruling class governance.83 The Whigs and Radicals triumphed over this corruption in the 1829 national election. Another leading Radical during Molesworth’s prime, Lord John Russell summed up the mood in 1831 by commenting on how there was a ‘growing lack of confidence in public men.’84 The Whigs and Radicals came to power in 1831, and their moralising agenda was reflected in the decade’s most significant legislation: the Great Reform Act, Catholic Emancipation and in a second term, freeing British-owned slaves and ending convict transportation.85 The permanency of the socio-political enfranchisement of the middle class was cemented when the Tory opposition struggled to contest policies that were framed as quintessentially British, moral and Christian.

Evangelical moralism shaped the British male character, in contrast to the immorality perceived in the upper and lower classes. It created a specific place for everyone in society based on conformity to a strict moral code, which had a profound effect on the

83 ‘Rotten boroughs’ were constituencies where there were no actual constituents, and ‘pocket boroughs’ were seats controlled by wealthy élites, generally used for personal political leverage. See, for example Wade, The black book, 108 – 22; Philip Harling, ‘Parliament, the state, and ‘Old Corruption’: conceptualizing reform, c. 1790 – 1832’ in Rethinking the Age of Reform: Britain, 1780 – 1850, eds. Arthur Burns and Joanna Innes (New York: Cambridge University Press, 2003), 98 – 114.
sexual culture in Britain. It was through this code that the middle class norms of sexuality were crystallised and enforced as a culture of restraint and sex only for reproduction. To the middle class working life deprived the poor from natural surroundings and the structure of family, making them prone to sexual immodesty.86

The culture of grand touring through the homoerotic ruins of Greece, succumbing to the ‘seduction of the Mediterranean’ in towns such as Taormina and an educational background in the homosocial systems of Oxbridge and the English public schools meant upper class youth too were prone to the ‘aristocratic vice’ of sodomy.87 It was up to the middle class to enforce codes of morality that favoured the family, shaped strict gender roles for men, women and children, and forced sodomy to the outermost extent of sexual dissidence. Middle class morality, Jeffrey Weeks has argued, was so tightly related to sexual behaviour that sexual dissidence was especially disruptive.88 Sodomy could totally shatter the moral character of a middle class male, so to counter the social destructiveness caused by a crime such as sodomy, boundaries of sexual propriety were strictly policed.

86 Weeks, Sex, Politics and Society, 61.
88 Weeks, Sex, Politics and Society, 61 – 2.
**Policing the fragile boundaries of Victorian sexuality**

Morality was so critical to the prominent middle class male identity that boundaries of sexual propriety were strictly policed and prone to shattering with the slightest transgression. Even the mention of sodomy became an especially devastating stain on a man’s character, which is why it formed a key part of the Molesworth Report in 1837. The broad middle class evangelical, moralising males were the architects of this sexual culture, just as they policed the boundaries between sexual propriety and impropriety. In this way the middle classes were reassured of their own moral purpose and their values of respectability, marriage and domesticity reaffirmed. To conform to this imagined moral doctrine was to have a respectable middle class character that was the lynchpin of a respectable family and the bedrock of a stable, British future. This middle class ideal demarcated two spheres of sexual mores, one of subdued restraint and another of illicit sex. That is, respectable sex occurred within the parameters of marriage for the purposes of procreation, while other forms of sexual encounter – from heterosexual flirtation to sodomy – were policed. Scandal, shame

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89 Weeks, *Sex, Politics and Society*, 70.
and social ostracism awaited anyone who transgressed these boundaries, making sodomy a potent force for social destruction and a powerful tool for Molesworth.

The centrality of marital relationships to the social order of Victorian Britain is difficult to overstate. Marriage was the key symbol of stability and respectability, reflected in the Whig marriage policies that emerged in the 1830s. The Act for Marriages (1836) prompted more unions by breaking the Church of England’s monopoly on marriage services and elevated the principles of permitted and illicit sex.93 Several instructive guides to creating the ideal middle class family were published in the late 1820s, reflecting the popular appeal of shaping a semblance of respectability.94 In the 1840s Josephine Butler wrote that marriage was ‘to pay an homage to the law of God,’ and that to follow natural sexual urges was to ‘depart from the sternness of moral law.’95 In an attempt to police sexual behaviour a culture of anti-sensualism emerged among members of the middle classes, discouraging joys

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93 Act for Marriages in England, 1836, 6 & 7 Will. 4, c. 85.
such as dancing, reading novels, attending plays or wearing revealing dresses.\textsuperscript{96} Downplaying eroticism and restricting the exposure of youth to sex was paramount, and Michel Foucault has famously interpreted this sexually based anti-sensualism as an anxiety to talk about or acknowledge sex in the public sphere.\textsuperscript{97} As non-reproductive, non-heterosexual sex, sodomy was well beyond the moral law and in its name alone anathema to the ‘law of God.’\textsuperscript{98} Victorian sexuality was about publicly appearing to conform to moral codes of sexual propriety. How such moral codes were communicated and policed is evident in how sodomy was euphemistically discussed.

Sodomy was a vague term that is often assumed to be anal sex between men, but its Biblical etymology made the word an easy blanket term in British discourses of sexual dissidence. For instance, in the Old Testament men committed sin by expressing a desire to ‘know’ other men, warranting the destruction of Sodom.\textsuperscript{99} The meaning of the word ‘know’ in this context remains a subject of debate for theologians, but its interpretation as sex between men by Tudor lawmakers connected it to the death penalty in the 1533 \textit{Buggery Act}.\textsuperscript{100} This Act used ‘sodomy’ and

\textsuperscript{96} For ‘anti-sensualism’ see Mason, \textit{The Making of Victorian Sexual Attitudes}, 23 – 40.
\textsuperscript{97} Foucault, \textit{A History of Sexuality}, 1 – 51.
\textsuperscript{98} Butler in Gillis, \textit{Youth and History}, 41.
\textsuperscript{100} An Acte for the punysshement of the vice of Buggerie, 1533, 25 Hen. 8, c. 6.
‘buggery’ interchangeably to denote any kind of illicit male sexual acts and its Biblical connotations eventually meant that ‘unnatural’ and ‘unspeakable’ vices became part of a euphemistic lexicon for policing sex between men too.\(^{101}\) In the context of the 1820s and 1830s, these terms evoked the Biblical terror of male-to-male sex while also both muting the details of the crime so as to communicate its offensiveness to the natural, Christian public order.\(^{102}\) Dutch historian Rudy Bleys called this euphemistic representation of sodomy in literary and official sources ‘homotextuality,’ and this lexicon was strategically employed in the Molesworth Report.\(^{103}\) Just like its vague, yet Biblically terrifying definition, violent punishments for sodomy also kept it as a taboo in nineteenth century British society.\(^{104}\)

Sodomy’s ability to evoke imagery of sin while also masking the specific details of the crime made it a symbol of instant transgression. The 1533 death penalty for sodomy was reaffirmed in 1827 when the *Offences against the Persons Act* clarified that ‘every person convicted of sodomy committed either with Man or Animal shall


suffer Death as a Felon.”¹⁰⁵ For a victimless crime, this punishment seems especially severe but its logic appears simple: convicted sodomites must be destroyed, lest Britain or the city of London is condemned to the same fate as the cities of Sodom and Gomorrah in the Old Testament. Unlike adultery or prostitution, which were immoral but comprehensible, sodomy was considered a *non noninandum inter christianus*, ‘too horrible even to be named among [the] Christian’ social order.¹⁰⁶ If sodomy was permissible in the epicentre of an empire that governed over a quarter of the globe’s population, then the response of a Christian society was at the least, social ostracism and at the most, destruction by way of the noose at Newgate Gaol.¹⁰⁷ That the latter also awaited rapists, murderers and traitors is an indication of just how threatening sodomy was perceived to be.¹⁰⁸ So as a matter of preserving the moral standards of British society in a context of reform, sodomy was policed by demonstrating that the destruction of sodomites was necessary.

Of course there were degrees of guilt, the crime was difficult to prove and most men convicted of sodomy were actually spared the noose. However the scandal and shame

¹⁰⁵ Goodich, ‘Sodomy in Ecclesiastical Law and Theory,’ 427 – 34.
provided by the press punished the accused further by obliterating their good character. In this sense, the Molesworth Report ‘destroyed’ the colony of New South Wales. The spike of sodomy cases reported in London papers in 1834 reflects how a discourse of scandal was being transmitted through papers such as the *Morning Post*, *The Times* and *Weekly Dispatch*, so much so that the editor of the *Post* was ‘reluctant to bring cases of this description before the public.’

Between 1820 and 1840, the *Weekly Dispatch* reported on sex between men 113 times, while *The Times* which predominantly catered to the middle class contained 214 reports of such ‘unnatural offences’ in these two decades. Policing the sexual culture surrounding sodomy further were the magistrates, who would embellish lengthy sermonising verdicts for reporters to print in the following day’s paper. Roger Schofield has estimated that the most significant spike in British newspaper readership occurred during the 1830s, paralleling the reportage on sodomy trials. Despite an emphasis on respectability, and a reputation for keeping silent about sex, sodomy featured prominently in the most popular London papers surrounding the publication of the Molesworth Report.

Many scholars have also suggested that the prevalence of stories about ‘unnatural

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109 *Morning Post*, 22 June 1834, 7.
crimes’ appealed, ironically to a taste for titillation in Victorian audiences that shaped a genre of erotic fiction.\textsuperscript{114} The way sodomy appeared with its own euphemistic lexicon and constant connection with social exclusion or physical execution meant that it was, in the decades preceding the Molesworth Report, a force for destruction.

With its own special lexicon and particularly severe punishments, for men to commit sodomy in London during the 1830s, was to seriously transgress evangelical, middle class ideals of sexual propriety in a way that warranted social destruction. The result was the creation of a subculture that homosexual men constructed to enjoy moments of sexual intimacy while avoiding social destruction.\textsuperscript{115} The industrial, urban sprawl and overcrowded boroughs of London provided men with a veil of anonymity, and as the city expanded certain places became spaces where men could rendezvous in secrecy for sex.\textsuperscript{116} For lesbian women, Anna Clark referred to this as ‘twilight moments’ where the strictures of moral rectitude could be avoided as the dim evening light transformed corners of Hyde Park and Green Square into spaces where men


\textsuperscript{115} Norton, \textit{Mother Clap’s Molly Houses}, 1 – 19, 120 – 39.

could more safely cruise for sexual partners.\textsuperscript{117} ‘Molly’ culture was also a part of London’s gay subculture, where certain back rooms and bars provided safe spaces for cross-dressing and effeminate men to socialise.\textsuperscript{118} Of course safety was not always guaranteed and Molly houses did become sites of major sexual scandal, as moralising groups such as the ‘Society for the Suppression of Vice’ sought to expose them.\textsuperscript{119}

The local butcher, a waiter and blacksmith were revealed as sodomites in a targeted raid two decades earlier, where over a dozen men were dragged out of the White Swan pub under a hail of food scraps.\textsuperscript{120} Their place in respectable society was annihilated, and three, including the proprietor ‘Yardley,’ were sent to the gallows in what has been known since as the Vere Street Scandal.\textsuperscript{121} London’s gay subculture existed in this way to escape the destruction that sodomy wrought when it broached the public sphere. When cases of sodomy surfaced there was an effort to contain and dilute the details of sodomy by the preachers and the press, while also keeping an element of terror to dissuade others from indulging in ‘unnatural’ acts.

\textsuperscript{118} Norton, \textit{Mother Clap’s Molly House}, 1 – 19.
\textsuperscript{119} Norton, \textit{Mother Clap’s Molly House}, 1 – 19.
\textsuperscript{120} Norton, \textit{Mother Clap’s Molly House}, 1 – 19.
\textsuperscript{121} Norton, \textit{Mother Clap’s Molly House}, 159 – 62.
How sodomy destroyed John Seymour in 1828

The case of the middle class man John Seymour and his manservant Charles Macklin in 1828 provides a robust illustration of just how sodomy was a force for social disorder in the context of pre-Victorian Britain.\(^{122}\) Seymour demarcated his status as the patriarch of a respectable, middle class family by maintaining a reputation as a talented solicitor who, like many of the middling sorts could afford a team of domestic servants to maintain an ordered space for his family.\(^{123}\) When the maid, Ann Bailey peered through the keyhole of her master’s bedroom one evening to find Seymour being sodomised by his twenty-two year old footman Charles Macklin, she was both concerned and cautious not to disrupt the order of the domestic space. So when Bailey discreetly confided in Seymour’s wife Jane that ‘what she had seen would hang any two men,’ the matter was ignored.\(^{124}\) Jane Seymour chose to live with her husband’s homosexual adulterous relationship with the footman rather than confront Mr Seymour or tell the police. Her response was to snuff sodomy from her sphere of middle class marital domesticity, presumably aware of the paranoia, pandemonium and social banishment it would cause for her family.

\(^{122}\) John Seymour’s scandal is reported in the *Annual Register*, 1828, 329 – 36; *Times*, 14 March 1828, 4 – 5; *Weekly Dispatch*, 16 March 1828, 84 – 9; and is discussed in Upchurch, *Before Wilde*, 33 – 5.

\(^{123}\) Davidoff and Hall, *Family Fortunes*, 13 – 36.

\(^{124}\) *Annual Register*, 1828, 324; also in the *Times*, 14 March 1828, 4.
However, when John Seymour heard that his affair with Macklin had broached the rumour mills in his local community, sullyng his reputation in polite society, his panicked response worsened the situation. Rather than confronting his wife, daughters or staff to find the source of the rumours, or approaching the police about the possibility of him being framed – the penalties for making a false accusation of sodomy were nearly as severe as an actual conviction – he forged Miss Bailey’s signature and circulated a pamphlet that appeared to be from his servants attesting to the ‘good nature and moral standard’ of his marriage. Seymour’s dishonesty backfired as the pamphlet was perceived by his staff and peers as confirmation of his guilt. Seymour’s next resort was to report Bailey to the police, claiming that the rumours were an attempt to extort money from him. Claiming extortion, and relying on high-profile connections to pervert the course of justice were common defences used by wealthy males with reputations to preserve. Yet rumours that Seymour was a sodomite had circulated for long enough that his middle and upper class peers had distanced themselves. Seymour’s extortion charges quickly back flipped into his own trial as a sodomite, and as reported in the *Times*, Seymour was found to be guilty. The law punished Seymour with two months in gaol, the middle class social order rejected him, ruining his legal career and forcing him to abandon his wife and

125 *Annual Register*, 1828, 336; *Times*, 14 March 1828, 4; *Weekly Dispatch*, 16 March 1828, 84.
127 *Times*, 14 March 1828.
family and live the rest of his life as a recluse in rural Scotland. As a working class lad Macklin returned to his parent’s farm seemingly unfazed by the affair, while Bailey and the Seymour’s team of domestic servants continued working at the family’s residence for another twelve months.

The law saw John Seymour as the perpetrator in an ‘unnatural crime,’ but in reality he was its victim. While there was a power relationship of class-difference between Seymour and Macklin, the footman’s nonchalance and ‘active’ role in what appeared to be a long standing affair suggests that the ‘crime’ of sodomy here was in fact, a case of two men sharing a moment of sexual intimacy. Nevertheless, when Ann Bailey witnessed this moment, the idea of sodomy literally exited the privacy of the bedroom and generated a reaction in line with the public imagination of sodomy. Ann Bailey worked in a middle class environment and in witnessing the act of sodomy she identified something that was spoken of in her bourgeois world as an ‘unspeakable’ sin that was clearly outside the boundaries of middle class ‘moral law.’ Consequentially, Seymour would experience the social disorder of the destruction of his middle class lifestyle. As a sodomite, he was a threat to the order of Christian society and thus, could never regain his original societal status as a respectable gentleman.
Conclusion: sodomy, a force for social disorder

In the decades preceding the Molesworth Report sodomy was a potent force for social disorder. The terror that the idea of sodomy generated and its disruptiveness to the idealised order of society in the early nineteenth century was amplified by the social and political enfranchisement of the middle class gentleman. In his family, fuelled by a moral code derived from the law of God, the respectable middle class male strictly stayed away from any utterance of ‘unnatural’ crimes. Hence, sodomy’s ‘unspeakableness’ became a means of policing the sexual culture of Victorian Britain. Sodomy, along with non-marital sex became the unnatural act of someone ‘other’ than the quintessential Briton. In this contest, sodomy provided the ideal force for disorder for Molesworth to capitalise on when he wrote his report in 1837. As cases such as Jocelyn’s and Seymour’s showed, revealing the person – or in the case of New South Wales, the place – as infected with the immorality of sodomy diminished any kind of respectability. Just like the idea of sodomy destroyed the livelihoods of Percy Jocelyn and John Seymour, how it is used to destroy the idea of New South Wales in the minds of Britons is explored in the next chapter.
Chapter Two

The Molesworth Report:
a political smear of sexual and religious taboo

Surrounded by soft new lounges and the smell of cigar smoke the palatial, cavernous library of the newly built Reform Club on Pall Mall finally provided the Whigs and the Radicals with a club to match élite Tory redoubts such as Brooke’s or the Carlton Club. Sir William Molesworth was certainly pleased with the new club, writing to his friend Harriet Grote about how it would be a political boon for his creed of

liberals. ‘It will be the best club in town’ he wrote, ‘the effect will be to break up the Whig party by joining the best of them to the Radicals, the club will become the political centre of the Empire, and augment our power immensely.’ Veiled as a retreat from the frantic world of Westminster in the 1830s, the Reform Club was actually a base for organising, manoeuvring and rallying politicians of the Radical cause.

All we want is organisation... we had no place of meeting. The Radical MPs were never to be found together except in the House. This disorganisation the Whigs desired, and on this account they have always in secret been opposed to a club.

Now the Radicals could push even harder with their liberal agenda in the noisy green sparring ground that was the House of Commons. Debate was ferocious in the Commons as the Whigs and Radicals fought hand over fist to defeat the Tories and achieve their legislative reforms in the early years of the decade. In October 1834 the whole Palace of Westminster went up in flames due to a mishap while destroying wicker tabs used for voting. In what could be seen as a symbolic, cathartic metaphor,

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129 Letter from Molesworth to Grote, 19 February 1836, in Grote, *The Philosophical Radicals of 1832*, 80 – 94. Adburgham notes that although Grote was committed to her husband, George Grote MP, she was a mentor, confidante, admirer and possibly lover of Molesworth, see Adburgham, *A Radical Aristocrat*, viii.


debate in the chamber could have set the roof on fire. The Tories felt democracy needed incinerating and the Whigs and the Radicals felt this was a chance of phoenix-like rejuvenation. In February 1836 the House of Commons and the Reform Club had been built anew and Sir William Molesworth with his Radical colleagues were in their political prime.

So when the Reverend William Ullathorne waxed on about ‘unnatural crimes’ afflicting the colony of New South Wales in his The Catholic mission in Australasia, spines in the Reform Club would have tingled with glee as Radicals such as Molesworth realised the political dynamite that sodomy in the colonies represented. As the young member for East Cornwall he had been passionately opposed to transportation ever since he perceived the iniquity of the sentence when it was passed on six unionising farm labourers, the ‘Tolpuddle Martyrs’ in his neighbouring electorate of Dorsetshire in 1834. So after successfully censuring the Secretary for War and the Colonies Lord Glenelg in 1836, and establishing the Select Committee

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132 Joseph M. W. Turner’s artwork ‘The Burning of the Houses of Lords and Commons, October 16, 1834’ provides a visual spectacle of the inferno, and metaphorical parallels with the political zeitgeist have been drawn by several historians see Colley, Britons, 325 – 26; Simon Schama, Power of Art (London: Random House, 2006), 280 – 91; Michael Bockemühl, JMW Turner, 1775-1851: The World of Light and Colour (Cologne: Taschen, 2000), 43 – 4.


on Transportation in 1837, Molesworth needed to hunt for witnesses to testify against the state of British penal colonies. Not having to look far, the opening quotation from Ullathorne’s book shows why Molesworth settled on his most forthcoming witness.

Suffer me to weep a little my sorrow; for I shall go, and shall not return, to a land of misery and of darkness, where is the shadow of death, and no order, but eternal horror dwelleth.  

Quoting from the Old Testament, Ullathorne reminded readers that New South Wales was the Sodom of the South Pacific. For Molesworth, if the colony could be smeared as a vice ridden netherworld there could be no hope of reforming British felons, and no reason to continue their costly transportation to the colony. Sexual impropriety and religious sin would create a terrifying image of the colony, and Ullathorne would provide the lengthiest testimony for Molesworth loaded with evidence of ‘unnatural crimes’ and all kinds of unthinkable transgressions in a testimony that would be described by the colonial press as ‘the grossest of all slanders.’

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136 Wotherspoon, ‘Sodom of the South Pacific,’ 18.
138 Australian, 15 January 1839.
As a talented rhetorician, embellishment and deception were familiar to Molesworth, and the evidence of sodomy in the colony augured well for his goal of portraying the immorality of convict transportation.\(^{139}\) In this chapter, the disjunct between a fabricated, negative image of New South Wales within the metropole, and the liberal reality of convict life in a reasonably enlightened colony is explored. It shows how the socially destructive force of sodomy was used in the Molesworth Report to conjure up an image of a failed colonial experiment in reforming felons, which had been a colonial priority since Macquarie.\(^{140}\) Through the typical euphemistic rhetoric surrounding sodomy, the Report was able to claim that the moral state of the colony had deteriorated so greatly that ‘vice had become the rule, and virtue its exception.’\(^ {141}\)

First, a closer look at the political and personal agenda of Sir William Molesworth is investigated to comprehend why this aristocrat was so passionate about liberal ideals generally pushed by the middle class. Second, how precisely Molesworth massaged the Select Committee’s investigative processes to superimpose the terror of sodomy on the colony is analysed. A spatial transition focuses on the convict labour system in New South Wales to contrast the metropolitan imagination with the colonial reality and illustrate the extent of the Report’s ‘gross’ slander. By ignoring reality and

\(^{139}\) Ritchie, ‘Towards Ending an Unclean Thing,’ 144 – 64.


\(^{141}\) Molesworth Report, xxii.
invoking the terror of sodomy Molesworth smeared New South Wales, made the
policy of convict transportation indefensible and successfully ended the colony’s
existence as a penal establishment.

**Sir William Molesworth: The Radical with the reins**

Molesworth was a ‘youthful, florid-looking man of foppish and conceited air, with a
pile of hair at the back finished like a sugar-loaf’ according to Richard Cobden.\(^{142}\) The
two were clearly not friends, possibly because Molesworth had an even more
distinguished political character.\(^{143}\) The Radicals were especially powerful in 1837,
because even though the Whigs dominated the House of Commons in the early 1830s,
by 1837 their majority relied on the support of a handful of Irish nationalists and the
Radicals in Parliament.\(^{144}\) As Chair of the 1837 Select Committee, Molesworth
boosted his political profile in the Commons and put the Radicals in a powerful
position to guide colonial policy. This was Molesworth’s forte, and at a time when the
moral purpose of the Empire was being mooted Molesworth was one of the youngest
and most vocal politicians in the House of Commons.\(^{145}\) His reputation as a ‘Radical

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\(^{142}\) Cobden quoted in Adburgham, *A Radical Aristocrat*, 43.
Aristocrat,’ and zeal for the generally middle class reform movement was influenced greatly by the ideas of men such as Jeremy Bentham and Edward Gibbon Wakefield. Their philosophies would provide a powerful impetus for ending the policy of convict transportation.\textsuperscript{146} Molesworth’s personal ideology and political ambitions illustrate why securing the success of the Select Committee’s final Report with the smear of sodomy was so critical for the Radical politician.

Molesworth was born an aristocrat, but he barracked for the middle class causes underpinning the reform movement; such as the need to morally reform, rather than punish convicts.\textsuperscript{147} From an early age, Molesworth was influenced by the philosophy of Jeremy Bentham, who had proposed the ‘panopticon’ – a circular prison design that maximised surveillance – as a solution to ineffective penal policy.\textsuperscript{148} Along with Bentham’s brand of utilitarianism, the underlying premise that the criminal and poor could be morally improved with the constant vigilance of authority appealed to Molesworth, whose colleagues at Cambridge called him ‘Bentham’s Man.’\textsuperscript{149} As Bentham espoused in \textit{Panopticon} and his other writings on utilitarianism,

\begin{itemize}
  \item \textsuperscript{146} Adburgham, \textit{A Radical Aristocrat}, 2.
  \item \textsuperscript{147} Miles Taylor, ‘Empire and Parliamentary Reform: the 1832 Reform Act revisited,’ in \textit{Rethinking the Age of Reform}, 295 – 312.
  \item \textsuperscript{149} Fawcett, \textit{Life of the Right Hon Sir William Molesworth}, 62.
\end{itemize}
transportation was ineffective because it was based on the punitive concept of exile rather than the reformatory qualities of surveillance.\textsuperscript{150} Molesworth opposed harsh, punitive penal policies in favour of Benthamite models of prison reform, however he disagreed with Bentham’s view of completely separating from the colonies.\textsuperscript{151} On matters of penal reform Bentham’s influence on Molesworth is palpable, but on colonial policy he echoed the views of Edward Gibbon Wakefield.\textsuperscript{152}

Wakefield was a wealthy and vocal colonial reformist, but after a bungled attempt to abduct an heiress, a three-year prison sentence in Newgate Gaol kept him out of respectable British politics.\textsuperscript{153} In prison Wakefield expected to be transported, so read papers, pamphlets and accounts of life in New South Wales, eventually writing a \textit{Letter from Sydney} in 1829 under a pseudonym.\textsuperscript{154} Posing as ‘Robert Gouger,’ Wakefield severely criticised the moral and economic effects of bonded labour that he


\textsuperscript{151} Jeremy Bentham, \textit{Emancipate your Colonies! Addressed to the national convention of France at 1793} (London: Robert Heward, 1830); Fawcett, \textit{Life of the Right Hon. Sir William Molesworth}, 155.

\textsuperscript{152} \textit{Selected speeches of Sir William Molesworth}, ed. Egerton, 21 – 5.


\textsuperscript{154} Edward G. Wakefield, \textit{A Letter from Sydney: The Principal Town of Australasia} (London: J. Cross, 1829).
imagined awaited him in the colony, while also arguing that British colonialism should be based on the free emigration of wealthy middle class families, whose assumed industriousness would support independent colonial economies.155 Two years after he was released in 1834, Wakefield established the South Australian Association to lobby for colonial reform, where he also met Molesworth.156 The two became friends and a wealth of correspondence between them reveals how Molesworth transmitted Wakefield’s ideas in Parliament. 157 Wakefield encouraged the impressionable aristocrat to deliver rousing speeches against the colonial policy of Tory and Whig Governments down to Molesworth’s tenure as Colonial Secretary in 1855.158 During one debate in the Commons, Molesworth claimed that up to 100,000 free British labourers would be willing to emigrate to the colony to fill the vacuum of the convict labour system; a claim that directly reflects an estimation made by Wakefield in one address to the South Australian Association.159 Thus, behind Molesworth, Bentham and Wakefield provided a personal, ideological impetus to

156 Fawcett, Life of the Right Hon. Sir William Molesworth, 48 – 82.
157 Copious letters between Molesworth and Wakefield are included in Fawcett, Life of the Right Hon. Sir William Molesworth, 170 – 91, and their close correspondence is also noted in Richard Garnett, Life of Edward Gibbon Wakefield (London: Walter Scott, 1898), 97.
158 See, for instance, Fawcett, Life of the Right Hon. Sir William Molesworth, 177 – 8.
159 Parliamentary Debates, 5 May 1840, 53, Col. 1221; Garnett, Life of Edward Gibbon Wakefield, 80 – 2.
frame New South Wales as a site in desperate need of colonial reform. This drive was not without personal ambition.

Encouraged by Wakefield and other Radicals, Molesworth successfully moved a censure motion against the Secretary for War and the Colonies, Lord Glenelg in March 1837.\textsuperscript{160} As the most severe admonition of a fellow politician, censure motions were effective tools for political manoeuvring.\textsuperscript{161} Glenelg’s tendency for idleness and indecision had almost led to a riot in Cape Town when he proposed to establish another penal settlement in the Cape Colony.\textsuperscript{162} The censure of Glenelg, and the damning findings of Molesworth’ Report would help him secure the Colonial Secretary’s role in 1855.\textsuperscript{163} Glenelg also stood in the way of the Radical’s colonial agenda, so he was deliberately excluded from the enquiry into the ‘efficacy’ of transportation and the ‘moral state’ of the colonies under his purview.\textsuperscript{164} So by infusing his Report with the language of sodomy, Molesworth was able to make an almost irrefutable case against convict transportation and admonish his political opponent at the same time. The Report’s referencing of sodomy reflects the

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\textsuperscript{160} \textit{Parliamentary Debates}, 6 and 13 March 1837, 37, Columns 831 and 1206.
\textsuperscript{161} For Radical political maneuvering see Marc Baer, \textit{The Rise and Fall of Radical Westminster, 1780-1890} (London: Palgrave Macmillan, 2012), 12 – 42.
\textsuperscript{162} \textit{Parliamentary Debates}, 13 March 1837, 37, Col. 1206.
\textsuperscript{163} Grote, \textit{The Philosophical Radicals of 1832}, 95 – 101; Fawcett, \textit{Life of the Right Hon. Sir William Molesworth}, 155; Adburgham, \textit{A Radical Aristocrat}, 89 – 90.
\textsuperscript{164} Ritchie, ‘Towards Ending an Unclean Thing,’ 148.
\end{flushleft}
ideological influence of Bentham and Wakefield, as well as his own intense political ambition.

The 1837 Select Committee on Transportation

As Chair of the Select Committee on Transportation, Molesworth was in charge of its integrity, productivity and the accuracy of its investigation into the ‘efficacy of transportation as a punishment, its influence on the moral state of society, and how far [the colony was] to improvement.’ But Molesworth’s evidence was gathered strategically to allow scope for embellishment, which is why sodomy is such a prominent theme in the official Molesworth Report. Moreover, Molesworth ignored the Committee’s task of examining several penal colonies, and focused overwhelmingly on New South Wales, glossing over distinctions between secondary penal settlements from where the most brutal accounts came, and colonial Sydney, where the majority of colonists resided. The final Report was full of ‘tendentiousness and misrepresentation,’ in the words of John Ritchie, because Molesworth smeared colonial New South Wales as wholly corrupted by the sodomy wrought by convictism. Molesworth was given the scope to shape a damning indictment on the policy of convict transportation and the ‘moral state’ of the colony.

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165 Molesworth Report, i.
166 Townsend, ‘The clamour of… inconsistent persons,’ 351.
Molesworth’s Report concluded that the convict labour system was akin to slavery, and that in colonies with settler populations ‘unnatural crimes’ evidenced the system’s morally degrading effect on the entire colonial population. By manipulating evidence such as Ullathorne’s – which was especially graphic – Molesworth was able to point to sodomy in New South Wales as proof that all penal servitude in every colony had a morally pernicious effect on British colonists. In doing so, Molesworth smeared respectable mainstream society in New South Wales by using evidence from the colony’s periphery. The Committee itself consisted of eighteen Members of Parliament, with twenty-eight witnesses, and took a generous seventeen months to conduct interviews and write the final Report. Only four members of the Committee attended more than half of the thirty-eight sessions it held, and merely half of the witnesses that Molesworth handpicked had ever visited the colony. Moreover, Molesworth framed and confined his questions to encourage one-line answers that could be the basis of broader generalisations, even instructing some of his witnesses as to how they should testify. For instance, Molesworth pressured Ullathorne to ‘perform [his] duty as a priest and render an important service to the community by unfolding the horrors of transportation…’ repeatedly inducing a presupposed response

168 Molesworth Report, i–x.
Molesworth used loaded questions to garner a predictable answer from Ullathorne, his most forthcoming witness, who pointed to gender imbalance as the cause of ‘unnatural crimes.’ Of Molesworth’s witnesses, the testimonies of the free, colonial élite predominated, such as John Macarthur and Sir Francis Forbes, and Reverend Ullathorne, whose oral evidence doubled the average length of the other testimonies. After expressing his view about unnatural crimes in the hulks of England and quoting Ullathorne’s own Catholic Mission in Australasia, the Reverend produced a predictable response about how sodomy contaminated the colony.

172 Molesworth in the Australian, 15 January 1839.
Reverend William Ullathorne: Unnatural crimes are common in the hulks in this country, and introduced by the convicts into the colony. They are not unfrequent [sic] in the barracks at Sydney; the boys are separated at night, but mix with the men by day. ¹⁷⁶

Molesworth’s interest in penal policy is evident here too, as he probes Ullathorne more thoroughly on the moral state of the Hyde Park Barracks.

Sir William Molesworth: In the barracks at Sydney, you said that those [unnatural] crimes were supposed to be common?

Reverend William Ullathorne: I believe that they exist, and that they are not uncommon in the barracks at Sydney.

Sir William Molesworth: Is it not the fact that boys are designated frequently by female names in the barracks?

Reverend William Ullathorne: It is not infrequent. ¹⁷⁷

Ullathorne’s testimony reflects the tone of his two publications on the ‘horrors’ of transportation. Molesworth’s uncritical interpretation is the most extensive ‘evidence’ for sodomy in the colony, which affirm his presumptive impressions of the colony’s moral state. It did not matter that other panellists were more critical of Ullathorne.

Lord John Grey: Do you form your opinion of the frequency of those crimes in New South Wales from the general rumour on the subject, or

¹⁷⁶ Ullathorne, Minutes of Evidence, 130.
¹⁷⁷ Ullathorne, Minutes of Evidence, 133 – 4.
from facts which have come to your knowledge, and to which the public in general would not have access?

**Reverend William Ullathorne:** My knowledge of that kind is derived from converse with the convict population.\(^{178}\)

Unconvinced, Lord Grey probed further:

**Lord John Grey:** How do you account for the absence of prosecutions for offences of this nature where, you say, information upon the subject is freely communicated by the convicts themselves?

**Reverend William Ullathorne:** I may say, that a prisoner will speak to a clergyman with a great deal of freeness when consulting that clergyman with regard to the temptations that he is behest.\(^{179}\)

Even though sodomy was so difficult to prove, the Committee that interviewed Ullathorne were not convinced that the moral state was so degraded by transportation. Townsend has suggested that Ullathorne was probably making a case for further missionary work by over representing the extent of sodomy in the colony.\(^{180}\) But even this is ignored by Molesworth, who confidently makes a broad conclusion.

The general tendency of the evidence indicates that unnatural crimes are far more common in the penal colony than would be supposed from the number of convictions from those offences.\(^{181}\)


\(^{179}\) Ullathorne, *Minutes of Evidence*, 159.


\(^{181}\) Molesworth Report, vii.
Such a sweeping generalisation by Molesworth ignored contrary evidence by other witnesses.

**Major Thomas Wright:** There was no instance of an unnatural crime proved during the whole time I was there. There was an opinion that unnatural crimes were committed; the same as we have an opinion that they are in Italy or other places.\(^{182}\)

Yet Molesworth still insisted that sodomy was prevalent in the colony and an immoral by-product of the convict Assignment System, which he compared with slavery in America.\(^{183}\) The Committee’s other witnesses, who stood to gain socially and financially from the termination of convict transportation, also vehemently denounced the Assignment System of convict labour.\(^{184}\) The Assignment System determined how sentences for transportation would be served in New South Wales and was the basis of social and financial regeneration for many convicts, which impinged on the status of the men Molesworth had recruited for his enquiry.\(^{185}\) With a broad scope to generalise, Molesworth was able to present a slanderous report to the House of Commons in August 1838 and successfully have its recommendations accepted. The final Report invoked the terror of sodomy by explaining how unnatural crimes threatened the colony.


\(^{183}\) Molesworth Report, v.


Moral evils… chiefly constitute the pains of transportation, and of which no description convey an adequate idea to that class in whom Transportation ought to inspire terror.\textsuperscript{186}

Going further, Molesworth added the innocence of childhood to compound the terror of sodomy.

Several horrible cases were stated of the corruption of young children of settlers by convict servants; which cases presented a fearful picture of the social evils of the assignment system, and of the depravity of the persons, whom it introduces into the midst of respectable families.\textsuperscript{187}

Thus, Molesworth used concepts of sex, politics and religion to smear the reality of colonial life, thwart his pro-transportation opponents and achieve his Radical objectives. No respectable politician could vote in favour of continuing transportation after Molesworth demonstrated sodomy was its immoral by-product. The vote to accept Molesworth’s recommendations was passed in August 1838.

\textit{Reality and colonial brutality: the Sudds-Thompson fiasco}

When the Governor Gipps sailed out to New South Wales 1837 his expectations had been lowered by Ullathorne’s accounts, but when he arrived in February 1838 he was surprised to learn that the dire ‘starvation years’ had been swept away nearly two

\textsuperscript{186} Molesworth Report, xi.

\textsuperscript{187} Molesworth Report, xii.
decades earlier. Lachlan Macquarie had eradicated much of the colony’s earlier corruption and disorder by implementing the Assignment System and other incentives for good behaviour. Based on reform instead of punishment, the system transformed the colony into an ordered British space by building infrastructure such as the Hyde Park Barracks, Sydney Hospital and St. James’s Church, and provided free labour to enterprising emigrants and emancipated convicts. Macquarie was right when he wrote back to administrators in Britain in 1815 that he had ‘no doubt that Sydney [would] be as fine and Opulent a Town as any one in His Majesty’s other foreign Dominion.’ The Assignment System of convict labour, incentives for good behaviour and the terror of banishment to truly harsh penal colonies such as Norfolk Island or Moreton Bay meant that when the quantity of convicts arriving from Britain increased dramatically in the final years of the 1820s, the colony not only maintained order, but also prospered as a successful British settlement.

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188 See Sir George Gipps’s speech to the New South Wales Legislative Council, 29 May 1838, quoted in the Sydney Gazette, 31 May 1838; Hughes, The Fatal Shore, 152.
189 Ellis, Lachlan Macquarie, 274 – 381.
190 Ellis, Lachlan Macquarie, 274 – 76.
192 Transportable offences were increased under the Whig Government in 1830, increasing the rate and quantity of convicts transported to New South Wales. See Max Waugh, Forgotten Hero: Richard Bourke, Irish-born Governor of New South Wales, 1831 – 1837 (Melbourne: Australian Scholarly Publishing, 2005), 91.
However the Molesworth Committee framed the Assignment System as a source of inhumane, slave-like moral degradation. On the contrary, Hirst has argued the Assignment System was a framework that maximised both the productivity and reformation of assigned convicts. The colonial administration assigned convicts based on skillset rather than their crime in Britain, and the majority were assigned to agricultural, domestic or artisanal tasks that provided a large degree of autonomy. Moreover, the colonial administration protected the wellbeing of convict labourers by stipulating that assignees maintain adequate food, bedding and clothing provisions, it even entitled convicts to charge assignees for working them over the Government limit of eight hours.

Because the Assignment System structured convict servitude in New South Wales, Molesworth needed to depict it as the source of moral degradation. Yet the reality was starkly different, it was in the interests of assignees to maintain the wellbeing of their labourers to deter slackness while corporal punishment for convicts was closely


regulated.197 No assignee ever ‘owned’ a convict, unlike the legal status of slaves in the British Caribbean territories.198 Convicts could even testify in court against any brutal treatment they experienced, which was a degree of protection unparalleled elsewhere in the British Empire and an achievement that was largely overlooked by both the Molesworth Committee and by many historians of the ‘brutality’ viewpoint today.199 The Assignment System was an enlightened and effective labour system that allowed the colony to cope, when convict numbers swelled after 1831.

There were even incentives for good behaviour in the colony, which marked a departure from the punitive view that criminality and immorality were inherently and inextricably linked.200 Incentives such as the Ticket-of-Leave, which could reduce a convict’s time in bondage or Richard Bourke’s initiative of ‘bringing out the wives’ to alleviate what Geoffrey Blainey called the ‘tyranny of distance;’ fostered trust and

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197 For flogging as part of British imperial and penal rule in Australia, see Isobelle Barrett-Meyering, ‘Contesting corporal punishment: Abolitionism, transportation and the British imperial project,’ (Honours thesis, University of Sydney, 2008), 4 – 25.
199 In a defence of Australia’s Birthstain, Babette Smith has criticised the historian Hamish Maxwell-Stewart for failing to look past the Molesworth Report in his assessment of convict society in New South Wales, despite his own forte as an historian of Tasmanian convictism. For these narratives of benignness, brutality and their convergence, see Smith, Australia’s Birthstain, 1 – 22; Hamish Maxwell-Stewart, Closing Hell’s Gates: The Death of a Convicts Station (Sydney: Allen and Unwin, 2008), 1 – 35; and Smith, ‘Molesworth Lives?’ 227 – 33.
200 Michael Sturma has argued this was especially the case for female felons, see Michael Sturma, ‘Eye of the Beholder: The Stereotype of Women Convicts, 1788 – 1852’ Labour History, No. 34 (1978) 3 – 10.
obedience in most convict labourers. Ticket-of-Leavers were given grants of land and in some cases, assigned their own convict labourers. In an effort to enforce the moral order of the colony, married Ticket-of-Leavers were given even greater land and labour grants. For settlers such as Alexander Berry, the ‘Laird of Shoalhaven,’ the Ticket-of-Leave system provided a means of social reinvention that bred trustworthiness and benign relationships between the free and the bonded. As one of the wealthiest emancipated entrepreneurs in the colony, with 40,000 acres of land and one of the largest labour forces, Berry emphasised the benefits of feeding his labourers well by writing that ‘the belly over the back’ is the best way for maximising productivity. A culture of reward for good behaviour instead of the fear of brutal treatment, created a space for effective convict reform and drove the accelerating colonial economy throughout the 1830s.


203 Hirst, Convict Society and its Enemies, 75 – 78.


205 Jervis, ‘Alexander Berry, the Laird of Shoalhaven,’ 18 – 27.
The very convict and emigrant voices that attempted to express this enlightened and egalitarian phenomenon to the metropole were muted by the Molesworth Report.

‘Dear brother’ the convict Peter Withers wrote in 1830.

i hav got a very good place all the Bondeg i am under is to Answer My Name Every Sunday before I goes to church so you Mit not think that I am made a Slave of, for I am not, it is quite the Reverse of it... I have got a good Master and Mistress i have got Plenty to eate and drink… so all the Punishment i have in this Country is the thoughts of leaving My frends My Wife and My Dear Dear Children [sic].

Withers evoked the punishment inflicted by the sheer, tyrannical distance between Britain and Australia, while Edward J. Eyre who would later explore the interior of Australia, provides for his family in Bedfordshire a settler perspective in 1830 of how convicts existed.

…in a better position than half the honest labourers in England. No wonder then that convicts behaved well, and from being useful members of the community gained both the respect of others and learned to respect themselves.

In the expanding space around Sydney, where the majority of convicts and settlers resided, the colony was succeeding as an ordered and increasingly wealthy convict

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206 Peter Withers, quoted in Hughes, The Fatal Shore, 135.
207 Blainey, The Tyranny of Distance, 1 – 24.
The moral degradation caused by convictism in the colony was embellished in the Molesworth Report, which superimposed the harshness at the extremities of the Empire onto the colonial society in New South Wales.

Narratives of brutality, corruption and deprivation existed in New South Wales far from the main population in Sydney. Shipping re-offending convicts to sites of punishment such as Norfolk Island, isolated 1,100 kilometres away in the Pacific, or Moreton Bay 900 kilometres to the North, preserved the civility of the colonial society. In these sites, isolation, brutality and the absolute authority of superintendents such as Patrick Lygon were legendary. Such men created spaces where floggings, rapes, beatings and murders were commonplace. Chain gangs too, removed troublesome convicts from the colonial centre and placed them, shackled, building roads on the colony’s frontier. Still, Molesworth ignored these distinctions and used


210 Patrick Logan has typically been framed as the epitome of Australian penal brutality, see Charles Bateson, Patrick Logan: tyrant of Brisbane town (Berkley: University of California Press, 1966), 1 – 98; however this image has undergone some revision, see Joan Priest, The Other Side of Patrick Logan: Commandant and Explorer, Moreton Bay 1826 – 30 (Brisbane: Joan Priest, 1996), 1 – 41; for the brutality of Norfolk Island, see Alexander Machonochie, ‘Crime and Punishment the Mark System, Framed to Mix Persuasion with Punishment, and Make Their Effect Improving, yet Their Operation Severe’ (London: J. Hatchard, 1846).

211 Hirst, Convict Society and its Enemies, 80 – 84.
evidence of immorality in sites of secondary penal settlements to indict the whole colony. A final example of how colonists valued convict well being and rejected cruelty is the Sudd-Thompson fiasco of 1829.

Private Joseph Sudds and Patrick Thompson were Marines who served under Ralph Darling, a Governor with a reputation for stern, authoritarian administration and an unpopular figure in the colony, especially with the wealthy Wentworth family.212 Darling represented those in Britain who saw the colony as a site for punishment, and he cared little for the enlightenment and egalitarianism that had evolved since Macquarie.213 So strict was military life under Darling that Sudds and Thompson stole a length of calico from a Sydney shop and deliberately allowed themselves to be caught so that they would be sentenced to easier lives as assigned convict labourers. However, when Darling learnt of their impetus for defecting he delayed the duo’s ascribed punishment, had them chained in heavy, spiked collars and paraded before their former regiment to the humiliating tune of Rogue’s March.214 When Sudds died under this treatment due to a pre-existing ‘dropsy’ condition, colonists accused

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212 Australian, 21 December 1824.
214 Principal official communications and media reports are contained in Historical Records of Australia, Vol. 12, 715, 766; for the fullest treatment of the Sudds-Thompson Affair see C. H. Currey, Sir Francis Forbes: The First Chief Justice of the Supreme Court of New South Wales (Sydney: Angus and Robertson, 1968).
Darling of murder, torture and Nero-like perversions of power. Darling’s efforts to punish and break the characters of Sudds and Thompson backfired, as the editors of the Australian and the Monitor – William Charles Wentworth and Edmund Smith Hall – harangued the Governor until his departure in 1831. Four thousand colonists celebrated at Wentworth’s house in Vaucluse to wish the Governor good riddance, with some allegedly ‘mooning’ his vessel as it sailed out of the harbour.

**Conclusion: Radicals smear colonial society as a ‘Sodom’**

The disdain for Darling’s cruel treatment of Sudds and Thompson reflects a colonial self-image of enlightenment and egalitarianism. To colonists, both emancipated convicts and free emigrants saw their society as a generally respectable space removed from the brutal slave system that existed in the metropolitan imagination. The policy of convict transportation to New South Wales had succeeded. But the colonial reality was bludgeoned in the metropole by Molesworth’s case against transportation. Sodomy was the unchallengeable evidence that invoked sexual, religion and political taboo to discredit the colony. Molesworth’s intense Radical

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216 While a celebration did occur, ‘mooning’ (exposing one’s bottom as a sign of ridicule) good-riddance to the Governor has become part of Wentworth family folklore and has been included in Andrew Tink, *William Charles Wentworth: Australia’s Greatest Native Son* (Sydney: Allen & Unwin, 2009), 110 – 15; and in how the New South Wales Historic Houses Trust curates the former Wentworth estate, Vaucluse House.
ideology and personal ambition encouraged him to shape the ‘grossest of all slanders’ from the evidence of the 1837 Select Committee on Transportation. The brutality and immorality powerfully presents a skewed image of the colonial reality that would have a shattering effect on the colonial self-perception and weave its way into the convict narrative of early Australia.
Chapter Three

‘Unnatural monsters:’
Panic and fear in the colonial sphere

‘We are about to destroy this place, for the outcry reaching the Lord against those here is so great that the Lord has sent us to destroy it.’

‘Come on! Take your wife with you and your two daughters who are here, or you will be swept away in the punishment of the city.’

The angels said ‘Flee for your life! Do not look back or stop anywhere on the Plain. Flee to the hills at once, or you will be swept away.’

When Lot arrived safely in Zoar, the Lord rained down fire and sulfur upon Sodom and Gomorrah.
The Christian colonists of New South Wales reacted with an eruption of panic and pandemonium when the findings of the Molesworth Report smeared them as the ‘Sodom of the South Pacific,’ in May 1838. The colonial press spared no details of the Report’s terrifying conclusions and expressed a clear message from London: convict transportation had made their colony into a site of endemic sodomy.218 One colonial paper reprinted an article from the Spectator in London that asked ‘where, except in the Bible has such universal and horrible depravity existed?’219 Such a stinging indictment on the whole colony shattered the fragile social boundaries that structured colonial society and caused an ongoing moral panic.

Enlightened, egalitarian, wealthy and reasonably well ordered was how Sydney colonists enjoyed life, largely due to the supply of free convict labour. But Westminster’s decision to cease transportation would dry up the supply of bonded convict labour that had underpinned much of the colony’s prosperity.220 No longer could well-to-do colonists have convict farm hands or domestic servants, while the

218 Wotherspoon, ‘Sodom in the South Pacific,’ 33 – 51.
219 Monitor, 14 January 1839.
colonial administration would have to consider a new scheme for carrying out public works: no free colonist would volunteer for a road gang. 221 But the economic and practical implications of the Report were overshadowed by the reputational impact of being officially recognised as the moral cesspit of the Empire. 222 In an impassioned protest against the Report’s evidence, Charles Berry gave the Legislative Council an earful saying that ‘crimes unmentionable were declared to be frequent, so much so, that this Colony is worse than the ancient city of Sodom!’ 223 The Molesworth Report threatened nearly every colonist’s hope of reputational redemption in the eyes of the London.

This chapter focuses on the scandal and outrage caused by the Molesworth Report and how it created a lingering moral panic about the sexual order. Chapter One showed how sodomy was akin to social dynamite and Chapter Two showed how it was flung in the direction of New South Wales, veiled by taboos of sex and religion. This chapter shows the shattering effect this had on the socially anxious colonial population and how it left a heightened paranoia about boundaries of sexual

223 Sydney Morning Herald, 13 July 1838.
respectability. It begins by establishing that the colony’s unique egalitarianism actually created a kind of ‘status anxiety.’ The second section then examines the mechanics of colonial scandal as a means of patrolling social boundaries, similar to Clogher’s and Seymour’s experience in Chapter One. The final section then reveals how the scandal caused by the Molesworth Report intensified colonial anxieties about sexual propriety in New South Wales. We first turn to the insecurities of the ‘brash’ colonial.

Tension and anxiety in colonial society

In 1836, New South Wales had a population of 77,000. 32,000 were free settlers, 17,000 were ex-convicts, and an average of 1,700 convicts had arrived each year since 1831, creating a population of bonded labourers that totalled 28,000 or 36 per cent of the total population. The population boom of the 1830s levelled the colony’s gender imbalance and provided free labour to prosperous wool and grain industries.

Demand for convict labour remained high in this period, reflecting the wealth and

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productivity generated by emancipated convicts and free emigrants.\textsuperscript{229} This economic momentum elevated emancipists and emigrants to the colonial élite, due to the absence of a landowning aristocracy. Even though the lack of a rigid class system does not automatically create egalitarian conditions, the social mobility was greater in New South Wales than it was in the metropole. Yet this egalitarianism meant that the moneyed bourgeois élite were insecure about who ultimately possessed superior status; the ex-convicts or the reinvented settlers? This created tense parameters of respectability, emblematic of Alain de Botton’s ‘status anxiety’ condition.\textsuperscript{230}

Emancipated and emigrant colonists in New South Wales socially and politically enfranchised themselves through newfound wealth, just as the middle class in Britain had done. As Jane Elliot has shown, bourgeois consumer tastes existed in the colony as early as 1815, where Sydney shopkeepers’ books reveal greater demand for buttons, bobbing thread and fabric than indulgences such as rum or tobacco.\textsuperscript{231} Such spending power does more than highlight sartorial sophistication; it explains how an honesty-based monetary system could exist in a colony traditionally perceived as brutal, corrupt and disorderly. A system of promissory notes, mutual obligations and paper bills were used in the colony during currency shortages; hardly the signs of a

\textsuperscript{229} Beckett, \textit{A Population History of Colonial New South Wales}, 66 – 70.
\textsuperscript{230} De Botton, \textit{Status Anxiety}, 1 – 21.
‘thief-colony.’ Moreover, the high demand for convict labour and the enlightened legal status of convicts enabled even those in penal servitude to demand decent living conditions and well paid wages. Even the convicts were cashed up in colonial New South Wales in the 1830s, which set them on social trajectories into the colonial élite after emancipation.

No gaol-colony could provide the social enfranchisement that New South Wales represented for emancipated convicts and emigrants in the 1830s. Generous land grants were increased under Bourke’s colonial administration and more allotments had access to convict labour in the 1830s. These were assigned proportionally to the size of new grants. Accordingly, fewer than 7 per cent of emancipated convicts ever returned to Britain in a reflection of how the egalitarianism of the colony could generate personal wealth and a social acceptance. Convicts could use the skills they gained in servitude to establish their own enterprises after emancipation, such as the ‘sheep-kings’ who would later become major wool exporters to England. But emancipists clashed with the emigrants, and Penny Russell has established that a

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233 Land allotments predated Bourke, but Bourke awarded the greatest quantity of grants, see Waugh, *Forgotten Hero*, 70 – 74.


culture of snobbery emerged as both cliques strove for status in colonial society.\textsuperscript{236} For a British penal colony, New South Wales was a remarkably egalitarian space that enabled wealth accumulation and social integration more easily than the class systems in Britain.

As the colony grew in the 1830s, its ability for social enfranchisement compounded the divide between the former felons and the free emigrants. Like many settlers, the second-generation settler John Macarthur was particularly vocal when it came to reminding emancipists of their low status as law breakers, testifying to the Molesworth Committee about the moral degradation caused by convict transportation and unsuccessfully lobbying the Bourke administration to reduce convict legal rights.\textsuperscript{237} Both emancipists and emigrants benefited from the colony’s egalitarianism, which allowed them to escape the stain of a lowly or disreputable past in a way that class bound life in Britain could not. Emancipists and emigrants fought for status by deriding the lowly background of their colonial counterparts. The priest Samuel Marsden often expressed his disdain for a colony of former felons but was called out on his own low birth by Edward Eagar, an emancipated convict who had been a

\textsuperscript{236} Penny Russell, \textit{Savage or Civilised?} 12 – 42.

\textsuperscript{237} See John Dunmore Lang, \textit{An Historical and Statistical Account of New South Wales both as a Penal Settlement and as a British Colony} (London: A. J. Valpy, 1837); for the beginnings of parliamentary democracy in New South Wales see Max M. H. Thompson, \textit{The Seeds of Democracy: Early Elections in Colonial New South Wales} (Sydney: The Federation Press, 2006).
lawyer in his life before convictism.\textsuperscript{238} Eagar exclaimed that Marsden was a ‘man descended from the lowest ranks in life’ and that had it not been for his accidental appointment to the chaplaincy in New South Wales, ‘neither his birth, education, talents or manners gave him any right to emerge.’\textsuperscript{239} Although crossover was common between emancipists and emigrants – just see Wentworth’s high-profile marriage to the convict Sarah Cox – tension between the two groups characterised colonial society.

The essence of the social competition between emancipists and emigrants was a struggle about respectability and disreputability.\textsuperscript{240} In the colony, there were no squalid poor to pick out emancipists pretending to be respectable gentlemen. There was no aristocracy to push reinvented felons back down the social ladder. The socially ambitious strove for status by clamouring for respectability in a culture that clearly predated the ‘tall-poppy’ syndrome that is said to check social success in modern Australia.\textsuperscript{241} As the corpus of emancipist and emigrant élites expanded in the 1830s, the struggle for respectability intensified and a kind of white mimicry of the

\textsuperscript{238} Hirst, \textit{Freedom on the Fatal Shore}, 60 – 2.

\textsuperscript{239} Eagar quoted in John Ritchie, \textit{The Evidence to the Bigge Reports: New South Wales under Governor Macquarie} (Melbourne: Heinemann, 1971), 235—6.

\textsuperscript{240} Hirst argues that the social divide between ex-convicts and emancipists was not impassable, citing examples of intermingling and intermarriage, see Hirst, \textit{Freedom on the Fatal Shore}, 139 – 48.

\textsuperscript{241} For ‘tall poppy syndrome’ and the Australian national psyche, see Donald Horne, \textit{The Lucky Country} (Sydney: Penguin Australia, 2008).
metropole emerged as each clique attempted to out-do the other in projections of status.242 Personal status, the ‘character’ of a man in the metropole and in the colony, hinged on how well he conformed to fragile boundaries of respectable behaviour.243 Anxiety over status and respectability reflects how colonists in New South Wales were insecure about how they were perceived by the metropole in what Ann Laura Stoler and Frederick Cooper have described as one of the ‘tensions of Empire.’244 In this context, there were no boundaries more fragile, tense, ambiguous and in greater flux than those surrounding sex.

Gender and sexuality had been points of anxiety in the colony prior to the Bourke administration, where males outnumbered females eight to one.245 ‘Bringing out the wives’ – a policy of subsidised emigration for females of ‘good character’ – and the increase in British transportation sentences after 1828 helped correct this imbalance, however pre-existing gender roles lingered and formed boundaries of respectability throughout the 1830s.246 For instance, domestic service was a highly demanded task

for convict labour, reflecting quintessential bourgeois living standards and the belief that convicts serving in environs of familiar order would have a reformative influence on felons.²⁴⁷ The well-defined gender roles in the family were supposed to benefit the moral order of the colony but the Molesworth Report spun this intention by arguing that convicts in domestic servitude would ‘contaminate’ the colonial family and corrupt the moral development of younger generations.²⁴⁸ When the manservant James McFarlane broke this order by wearing female apparel he was sentenced to the stocks while the Sydney Monitor opined that ‘an hour’s stocks is too mild a punishment for this offence against public decorum.’²⁴⁹ Wearing female garb was a breach of the tense boundaries that structured the sexual order of colonial society and the editorialising of the colonial press reflects a concern that the transgression was not adequately punished.

Such boundaries shaped society in colonial New South Wales during the 1830s, and the ubiquitous presence of a convict population was difficult to reconcile with the moral integrity that bourgeois respectability demanded.²⁵⁰ As convicts had been law-

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²⁴⁸ Molesworth Report, xi.

²⁴⁹ Monitor, 26 December 1836.

breakers in Britain, emigrants and British policy-makers held that emancipists lacked the moral character necessary to be reformed as respectable gentlemen. 251 This logic emerged in the Molesworth Report which claimed that the fundamental moral corruption of convicts tainted the colony’s respectability even after their emancipation. 252 The case of Ernest Augustus Slade shows just how critical moral respectability was to determining a person’s place in the colonial social order. To discredit Bourke’s liberal administration Slade provided evidence to the Molesworth Committee about the high rates of sodomy he witnessed as commandant of the Hyde Park Barracks. 253 Slade’s role at the Barracks was to contain and police the moral state of convicts confined there. 254 But Slade’s own moral character and social respectability was undermined when it was alleged he was having an adulterous affair with two emigrant women, so Bourke dismissed him. 255 Slade broke a boundary of respectability and became morally inept to fulfil his role at the Barracks, just as the Molesworth Report claimed the colony was morally incapable of reforming British convicts.

251 See, for instance, Molesworth Report, xi; Macarthur, Minutes of Evidence, 88 – 93.
253 Slade, Minutes of Evidence, 239 – 59.
To cope with the reputational tarnish of convictism, colonists in Sydney created a less moral ‘other’ to preserve their status as reinvented British colonials. An example of this is the *Monitor*’s repeated reference to Norfolk Island throughout the 1820s as a ‘modern Gomorrah.’ This propped up a self-image in Sydney of order and rectability. According to Stoler, being perceived as immoral was an assault on the ‘European self that made up the anxious world in which European colonials lived.’ The egalitarianism of colonial New South Wales made it a space for remarkable social enfranchisement. However the by-product of this quality was a tussle over status between the emancipists and emigrants which generated a greater anxiety about boundaries of respectability, making colonial society especially prone to sexual scandal.

**Precious parameters and the politics of scandal**

Scandal was a feature of colonial life that defined and policed the boundaries of respectable society and there were few topics more scandalous than sodomy. Kirsten McKenzie has shown the volatility of sex as a cause of scandal in her comparative study of the Cape Colony and New South Wales, and how valuable scandal is for gleaning an insight into the insecurities of colonists. Using the colonial press, this

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256 *Monitor*, 6 April 1827; 14 February 1828; 7 May 1828.
section illustrates how prior to the Molesworth Report, sodomy was policed just as any other form of sexual dissidence though the subtle mechanics of scandal.

In the colonial, Christian context of Christmas Eve 1828, *Sydney Gazette* readers learned about the fate of two sodomites found aboard a transport ship that had just arrived in the colony. Mariner George Browne and convict William Lyster, were caught semi-nude together in the bilges of the *Royal Sovereign*. The paper reported the case laboriously, publishing the foreboding verdict of the Chief Justice: ‘Sodomy… is a crime which our laws hold in particular abhorrence.’ Just as moralising magistrates existed in Britain, this colonial magistrate too extolled society’s moral code by saying that sodomy ‘… is a crime at which nature shudders; and it therefore only remains for me to pass upon you that sentence which is affixed to the crime of which you were convicted…’259 In the hellish heat of the Australian summer *Gazette* readers were informed that the accused were both ‘launched into eternity’ on 22 December.260 Here, scandal is avoided because the law identified two sodomites and prevented them from disrupting the fragile sexual order of colonial society. However, moralising verdicts such as this were less common in the colony prior to the Molesworth Report.

The colonial press controlled scandal in New South Wales, tempering its impact on the boundaries of society with the extent of its moralising commentary. Colonial papers also generally expressed the voices of the competing emigrant and emancipist cliques with the *Sydney Gazette* and the *Sydney Monitor* vocalising the viewpoints of the former, and the *Australian* and the *Sydney Morning Herald* the latter.\footnote{Amanda Laugesen, *Convict Words: Language in Early Colonial Australia* (Melbourne: Oxford University Press, 2002).} The *Monitor*, attempting to patrol the boundaries surrounding sodomy – perhaps kowtowing to the assumed moral superiority of an emigrant readership – published an article titled ‘Public Justice’ from December 1836 in which it expresses a clear moral code for sodomites.\footnote{*Monitor*, 12 December 1836.}

Unlike many in society we do not hesitate upon the punishment of unnatural crimes. Murderers, ravishers and bestial men are not fit to live among moral men and should be herded together somewhere, imprisoned for life or hanged\footnote{*Monitor*, 12 December 1836.}

The colonial press were central to policing the boundaries surrounding sodomy though reportage of sodomy trials prior to 1837 reflect a tendency to play down ‘unnatural crimes’ to the extent that the metropolitan press did. As in the metropole, the colonial press reported cases of sodomy with a specific language of ‘unspeakable crimes’ and ‘bestiality’ that allowed them to report on transgressions without...
publishing explicit details. This also enabled the press to reinforce the perception that ‘unnatural crime’ occurred in places ‘other’ than their morally secure colony. For instance two sodomy trials in January and May 1828, were put at a distance by the Monitor which reported that ‘the details must not sully our pages,’ and that they were ‘of too groce [sic] a nature to meet the public eye.’\(^{264}\) This language connected the idea of sodomy with the immorality, detached it from the colonial sphere and cemented the sinfulness of the unnatural; again enforcing a boundary between the respectable and the disreputable. Before the Molesworth Report however, the pattern for reporting sodomy ‘othered’ sexual dissidents by following a plain formula: identity, crime, punishment.

Michael Connolly, convicted of an unnatural crime. Death recorded; Thomas Edwards convicted of attempting to commit an unnatural crime. To be worked in irons on the public roads for twelve months.\(^{265}\)

As did the Sydney Gazette:

William Wilson was convicted of bestiality. The prisoner was sentenced to be worked in irons on the public roads of the Colony for two years.\(^{266}\)

Although the colonial press did not generally construct a moralising scandal from sodomy, it reported it in a way that kept it in the realm of the disreputable. These

\(^{264}\) Monitor, 28 January 1828; Monitor, 7 May 1828.
\(^{265}\) Sydney Morning Herald, 27 February 1832.
\(^{266}\) Sydney Gazette, 20 February 1834.
examples show that even when the press noted cases of sodomy, details of how the culprit was punished for transgressing the colony’s social boundaries always followed. Death, or removal from the epicentre of colonial bourgeois society by way of chain gang or deportation to Norfolk Island ensured that the colony remained a respectable, British society.

The pattern for sodomy-related colonial scandal prior to the Molesworth Report was regular reporting, using a specific distancing language. There was occasional sensationalism when the perception that the moral boundaries of the colony were becoming tolerant of sexual deviance. Aware of the reputational challenge of a penal colony’s origins, society in New South Wales was especially sensitive to how the boundaries between respectability and disreputability were patrolled. This pattern reflects the sensitivity within the colony and the force sodomy represented for social disorder. Perhaps wary of inflaming a perception that New South Wales was a Sodom in the South Pacific, the press constantly patrolled the boundaries of respectability in the colony by ‘othering,’ if not scandalising, any person who transgressed them.\textsuperscript{267} This strategy worked and the colonial bourgeoisie continued to grow in size and wealth despite the divide between the emancipists and the emigrants. So effective was this strategy, that in the same month that the Molesworth Report finding were

\textsuperscript{267} McKenzie, \textit{Scandal in the Colonies}, 71 – 85.
published in New South Wales, the new Governor Sir George Gipps expressed his surprise at the respectability of the colony in his maiden speech to the Legislative Council in 1838:

A residence of three months among you has caused me to form a far more favourable estimate of the Colony than that which I had entertained when I left England ... in respect to Sydney and its immediate vicinity, I feel happy to be able to avow that, I have found a far greater degree of decorum and propriety of conduct to prevail than, from some accounts of the Colony published in England I had been led to expect.\(^{268}\)

However, when the findings of the Molesworth Report were published in May 1838, the colonial society was officially stamped as a ‘Sodom’ by no higher authority than the British House of Commons. The whole society had been accused of breaking its moral code. Emancipists and emigrants had been lumped together as products of a morally degenerate environment.

**The Molesworth Effect:**

*living with the ‘dread vengeance of heaven’*

For a colonial society defined by its anxious struggle for respectability, and constantly reminded of its moral code by the press, the effect of the Molesworth Report in May, \(^{268}\) Sir George Gipps, Speech to the Legislative Council, 29 May 1838, printed in the *Sydney Gazette*, 31 May 1838.
1838 was an unprecedented colonial scandal that caused moral panic about sodomy through the 1840s. By using sodomy, the Report alleged that the whole colony was a failed imperial project. The claim that the colony abounded in ‘crimes… that would make your blood to freeze, and your hair to rise erect in horror upon the pale flesh’ shattered any semblance of status the colonists hoped to project to their counterparts across the Empire. The new Governor Gipps wrote to the colonial secretary Glenelg that a ‘very considerable sensation’ was caused by the report in the society. Molesworth met his own aims with the Report, but devastated the colonist’s own self-image by officially labelling their colony as a site of endemic sodomy.

The outraged and offended gathered in public meetings throughout Sydney in 1838 and 1839, and a petition of 500 men of ‘great respectability’ was thumped down on the dispatch boxes of the Legislative Council calling for the Report to be officially refuted by the colonial administration while undertaking their own investigation into the colony’s ‘moral state.’ So great was the libel of sodomy that the emancipist and emigrant divisions in society were ignored in a moment of united opprobrium against the Report’s representation of New South Wales to the British Parliament.

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269 Molesworth Report, iii.
271 Gipps to Glenelg, 18 July 1838, Historical Records of Australia, Vol. 29, 504.
272 Monitor, 9 July 1838.
273 Sydney Morning Herald, 13 June 1838.
colonists, the status of their colony was stained and its rank in the Empire downgraded. ‘We shudder’ wrote the editor of the *Australian*, ‘at the picture we are now to hold up to our fellow colonists’.274 As a British Parliamentary enquiry, the Molesworth Report escaped the tempering control of the colonial press and the scandal of being labelled a site of sodomy enveloped the whole colony. Little distinction was made between society in Sydney and the extremities of the isolated penal settlements. The Report left colonists no ‘other’ to put at a distance from their fragile self-image.

The emancipist press was the most vocal in its outcry, with the *Australian* singling out Ullathorne’s elaborate evidence as the ‘grossest of all slanders’.275 The paper had published Ullathorne’s testimony in full, explaining ‘it is our duty – a painful one it is’ to express a view of the colony as ‘a place that must not be named to ears polite’.276 The evidence was so disturbing for the colonists, that the *Australian* even published a public apology for printing Ullathorne’s testimony.277 The paper described a ‘pandemonium’ in the colony, and when Molesworth’s witnesses were identified as emigrant colonial detractors, the rage amplified.278 John Macarthar was labelled John

274 *Australian*, 11 May 1838.
275 *Australian*, 15 January 1839.
277 *Australian*, 17 January 1839.
278 *Australian*, 21 January 1839.
‘McFustian;’ ‘fustian’ was colonial slang for a bombastic and inflated language, and the emancipist lawyer Nathaniel Kentish described William Ullathorne as a ‘disgrace to the Roman Catholic priesthood.’

To Wentworth, owner of the Australian, the colony ‘had been libelled enough already at home.’ Home, of course, was England and colonist’s fears about being seen as anything other than British were confirmed by the Molesworth Report.

The Monitor’s reportage took a more moralising approach, reflecting its eagerness to be seen as the emigrant’s voice. At first the Monitor attempted to play down the Report’s findings by mocking Ullathorne’s hyperbolic evidence, ‘why then make such a to-do, and open their eyes so wide and why stands their hair erect on their heads?’

Later, the Monitor’s tune changed and it acknowledged the Report’s conclusions while criticising British penal policy. To the paper’s editor, the emigrant Edmund Smith Hall, it was Westminster’s fault that the colony had been subjected to the ‘vices which disgrace manhood.’ As if to say ‘well, what did you expect?’ this line of criticism achieved dual aims for the emigrants by acknowledging the moral disreputability of the colony’s convict and emancipist population while also

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279 Hirst, Freedom on the Fatal Shore, 138; ‘Memorial of Mr. Nathaniel Kentish,’ Australian, 20 December 1838.
280 Monitor, 11 February 1839; McKenzie, Scandal in the Colonies, 151.
281 Monitor, 30 May 1838.
282 Monitor, 15 June 1839.
attempting to place blame for the moral quagmire on the metropole. This strategy was intended to preserve the status of the emigrant population and reinforce the ‘othering’ of colonists stained with convictism.

But the deeper consequence of the Molesworth Report was the lingering paranoia about sodomy that it left in colonial society. ‘Unnatural crime’ convictions peaked in the 1840s and the tone of trial stories looked to the language of Biblical destruction and utter annihilation of the sodomite. This state of paranoia is best illustrated in the case of William Williams and Solomon John, who were both sentenced to death by hanging after they were found guilty ‘upon the clearest evidence as voluntary participators in the same abomination.283 More like a speech from the pulpit than a legal verdict, the magistrate’s final judgement was published in full in the Sydney Morning Herald. The words of Justice Arthur Burton provide a harrowing insight into the treatment of sodomites before colonial law after the colony had been slandered by the Molesworth Report.

William Williams and Solomon John, the diabolical act of which you two unnatural monsters have been convicted, is one of the very few offences for which criminal law still awards the dreadful sentence of death. Not even to be ‘named amongst Christians’ it is not to be wondered that the enlightened spirit of the age in which we live should forbear to modify the denunciations of the law, for a crime which we know from Sacred History, had involved the Dread Vengeance of

283 Sydney Morning Herald, 12 December 1843.
Heaven upon whole cities, whose infamous practices have given the very appellation by which it is known amongst nations, savage and civilized.

The methodical ‘identity, crime, punishment’ formula of trial reporting was destroyed as part of the full effect of the Molesworth Report. Men who were once whisked out of the sights and minds of colonists to the isolated periphery of the colony were now ‘unnatural monsters’ who threatened its ‘enlightened spirit.’ Their destruction was necessary, lest the colony would turn into a Sodom and attract the ‘Dread Vengeance of Heaven.’ This terror haunted colonists following the Molesworth Report as its fragile boundaries of bourgeois respectability were smashed. By infusing a sense of moral corruption through the use of ‘unnatural crimes,’ an even greater insecurity about sodomy emerged in the colony and the shift in perceptions by colonists themselves in relation to London emerged as the result of the Molesworth Effect.

**Conclusion: the queer is killed in the colonial conscience**

The cause of the Molesworth Committee was to terminate the policy of transportation, and while it achieved this, it had the further effect of causing moral panic in the colony. The Report was a tremendous success for Molesworth – despite the vote of Westminster to end transportation being a foregone conclusion – boosting his political

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284 *Sydney Morning Herald*, 12 December 1843.
profile and furthering the Wakefieldian colonisation agenda. At least that was the view in Britain. In New South Wales the insecure boundaries of respectability which shaped the colonial society were a product of its remarkable ability to reintroduce law-breakers and lowly opportunists into positions of status and notability. The divide between the emancipists and the emigrants however, meant the evidence collected by the committee was twisted by the emigrant and moralising agendas of men such as Macarthur and Ullathorne, who painted a particularly disordered society, rife with sodomy. Such evidence, when read in the colony, confirmed a terror that existed in the imaginations of the colonial bourgeois society, halting its ambitions of respectability and representative democracy. For a society that was defined by distancing the disreputable, it had been labelled a ‘Sodom in the South Pacific’ and damned as a failed imperial experiment. The consequence was an even greater anxiety about sodomy in the 1840s, leading to more brutal prosecutions with strong moralising overtones.
Conclusion

The broader legacies of the Molesworth Report

Sir William Molesworth’s slander of sodomy in the colony left a lasting scar of paranoia about sex between men. The colony was not physically razed to the ground but its imagined status as an ordered, Christian British society suffered a serious shattering. Molesworth achieved his aim of ending convict transportation and continued his career as a Radical aristocrat for another fifteen years. The Commons accepted Molesworth’s Report with little debate and the flow of convicts to New South Wales evaporated just as casually. Yet the consequences of the Report rippled on in the colony for decades.

Many historians have pointed at the Molesworth Report as an explanation for the end of convict transportation. Its recommendations were simple: convict servitude was cruel and it had to stop. However since questions of class, gender and race have complicated accepted imperial histories in the last few decades, the deeper meaning of the Molesworth Report remained to be analysed. The end of convict transportation to New South Wales was not so simple. This thesis has shown that the Molesworth Report emerged from a context of reform in Britain, that it was tendentious and
misrepresentative in its methodology, and the cause of a major colonial scandal. Sodomy provides the explanation for this narrative, which places sex between men at a critical moment in early Australian history. As much of their national character was forged in the nineteenth century this is an important conclusion for Australians. The Molesworth Report also provides an example of how the terror generated by the idea of sex between men shaped colonial policy, thus its also holds a degree of significance for scholars of imperialism. The findings of each chapter reveal key components of the broader legacies of the Molesworth Report along with broad questions for further enquiry.

Chapter One raised questions about British attitudes towards sodomy. It demonstrated that sodomy became an especially disruptive idea due to the prominence of middle class moralism. In the formative years of Victorian Britain (c. 1820 -- 37) norms of class and gender were crystallised, elevating the social destruction that could be caused by sodomy. In Colley’s language, the ‘British nation’ that was ‘forged’ in the early decades of the nineteenth century framed sex between men as something that generated feared and dread. Only with this knowledge can the emphasis on sodomy in the Molesworth Report be comprehended. In 1837 Molesworth calculated that the

idea of sodomy would be the means for his political ends, which raises new questions
British attitudes towards sex between men.

A question protrudes from the realisation that sodomy was more terrifying to some
than it was for others in nineteenth century Britain. Molesworth was not afraid of
discussing the ‘unspeakable crime’ in Parliament even though he came from a well-
educated and respectable background.²⁸⁶ Yet Ann Bailey and Mrs Seymour were
overly cautious, if not fearful about broaching Mr Seymour’s inclination for sodomy
in 1828. In 1895 when the Marquis of Queensbury accused Oscar Wilde of ‘posing as
a sodomite,’ was he actually terrified of Wilde’s relationship with his son, Lord
Alfred Douglas? Or was he using the terror of sodomy to discredit a person he
considered incompatible with his idea of Christian, British orderliness just as
Molesworth did with the colony of New South Wales?²⁸⁷ Tracking what the idea of
sodomy meant, and to who across Britain in the nineteenth century would provide an
illuminating new dimension to existing studies of homosexuality in Britain.

²⁸⁶ See Fawcett, Life of the Right Hon. Sir William Molesworth, 1 – 63; Adburgham, A Radical
Aristocrat, 1 – 14.
²⁸⁷ On the trial of Oscar Wilde, see Michael S. Foldy, The Trials of Oscar Wilde Deviance, Morality
In Chapter Two the interplay of sex and religion with the politics of reform is the basis for deeper historical enquiry. Just as Molesworth was raised to avoid topics of sex, politics and religion, children today are warned that such topics are inappropriate in respectable company. Why a respectable gentleman would invoke these topics of taboo in an effort to end a fairly straightforward penal policy was the puzzle at the core of this chapter. Compared with taxation or expenditure sex and religion is seldom the basis for policy-making or the subject of government reports. Yet sodomy was central to the Molesworth Report, so the interests of scholars in the politics of Britain, Australia and the Empire should be piqued by its prevalence as evidence against transportation. The spine-tingling nature of Ullathorne’s evidence alone exposes how politics of sexuality and the fear of sexual dissidence operated in Britain’s imperial network. Here, the tyrannical distance between two poles of Empire is exploited and the terror of Biblical destruction successfully altered how New South Wales existed in the minds of Britons. It mattered little that the convict labour system was operating at the peak of its productivity and fairness. The salient point is that the religious and sexual concepts of sodomy played a role in the politics that shaped nineteenth century colonial Australia.

What then, of the role sex and religion played in policy-making during the decades that followed the Molesworth Report? In 1845 a coterie of clergymen who were
disgruntled over the secularisation of schools in Van Dieman’s Land complained to the Peel Government about the Governor, John Eardley-Wilmot’s tolerance for sodomy. The clergymen did not need to mount a detailed case against Eardley-Wilmot, as the slander of sodomy sufficed to end his influence in the colony.\textsuperscript{288} New imperial approaches to questions of gender, class and sexuality allow for the role of sex in the politics of early Australia to be explored, and new meaning to be gleaned about just how it influenced later notions of masculinity, sexuality and social identity.

Such themes emerged in the final chapter as the root of anxieties in the colony about status and respectability. The sensitivity of colonists to the smear of sodomy exposed just how insecure they were about their reputation throughout the Empire. Residing in the ‘Sodom of the South Pacific,’ colonists in New South Wales were reminded of a reputation that had not reflected society in Sydney since the early 1810s. Emancipists and emigrants in New South Wales had been unshackled from the rigid class structure in Britain and were free to make wealth and gain status, but the Molesworth Report stunted this progress by claiming sodomy occurred endemically in the colony. Perhaps Australian readers prefer a past filled with immorality so that the liberties of today can augment a sense of exceptionalism? If this is the case then sex between men

has been used to depict early Australia in a negative way, thus raising more concerning questions about the history of Australian homosexuality.

Homosexuality in nineteenth century Australia is arguably the most important legacy of the Molesworth Report because it relates to the identity of gay Australians today. A valuable study for the future would examine how the scandal caused by the Report in 1838 formed a distinctly Australian kind of homophobia. Shirleene Robinson has gone the furthest in this historical focus, but her edited book is predominantly with the twentieth century and provides little insight into the origins of Australian homophobia in the century prior. After sodomy laws were lightened in Britain in 1857 and sex between men was downgraded from a capitol offence, the death penalty in Australia remained in place until 1874. Likewise, the spike in sodomy arrests and executions occurring in New South Wales during the 1860s reflects a continued attempt to rid the queer from the from the developing Australian identity. At this time, the religious connotations of the sodomite were diluted as the medico-legal notion of the ‘homosexual’ formed, and a gay subculture emerged in Sydney. Although these narratives sit uncomfortably with the development of more prominent bushman and

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larrikin masculinities, they gain a greater connection to a modern sense of
Australianness when explored through the Molesworth Report.

Few Australians know how the terror of sodomy so greatly affected the lives of
colonists in New South Wales after the Molesworth Report. Yet the way that a
victimless crime could be the source of severe ostracism, spine-tingling fear and
social disorder meant that it could also ‘destroy’ the respectability of an entire colony.
The Molesworth Report harnessed this terror to achieve the political aims of the
Radicals by in the House of Commons and its legacy in New South Wales was the
lingering image of a site for the brutal and depraved, sinful and sodomitical.
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