Ill with History: Pathologising and Policing Gender Transgression in Late Nineteenth–Early Twentieth Century Australia

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2025

A thesis submitted to fulfil the requirements of the degree of Doctor of Philosophy

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I engaged the services of Francesca Augimeri to assist with formatting my bibliography.

This research was supported by an Australian Government Research Training Program (RTP) Stipend.

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Please note that this thesis touches on potentially sensitive subjects including various forms of physical, sexual, and institutional violence. This thesis includes names and images of Aboriginal people who died in the twentieth century. Where possible I have used the first initial and surname only. Full names appear on pages 135, 196, 197, 207, 212, 216, 227, and 259, and an image appears on page 197.

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Abstract

This is a trans history, but not necessarily a history of trans people. This thesis examines gender crossing in Australia between the 1860s and 1940s, focussing on medical and carceral interactions, economic life, community relations and newspaper scandals. Cases of gender transgression provide a unique window into culture and domestic life in Australia, and the ways that social aberrance was mediated through (and constructed by) medical, psychiatric and carceral institutions. My research comprises detailed case studies and broader comparative analyses of cases of gender crossing from the late nineteenth to early twentieth centuries. I consider narrative cycles of perpetual recency; the role of community complicity and social memory; the categorical constructions of vagrancy and offensive behaviour; and legacies of resistance, liberation and change. Gender crossing was consistently represented as unusual and singular, even in cases where people lived very ordinary lives and were known in their communities. Nonetheless, gender deviance was understood to be common and widespread, though disciplinary legislation and medical diagnostic criteria were applied unevenly depending on context. If gender transgressors were seen to be contributing to the colonial regime (for instance as part pf the productive workforce), they were less likely to be institutionalised or incarcerated. Conversely, gender crossing that was seen to destabilise colonial norms was met with harsher punitive measures. My research draws on archival material including lunatic asylum casebook records, police and court records, will and probate records, shipping lists, memoirs and photographs. I have also made extensive use of historical newspaper records, reaching beyond the courts and the asylums and into communities and broader social worlds. By reconnecting these dislocated lineages, I hope to restore a sense of history and ancestry to trans communities in the present.

Acknowledgements

This thesis was researched and written on the unceded lands of the Gadigal, Cammeraygal, and Wurundjeri Woi Wurrung peoples. I give my respects to Aboriginal and Torres Strait Islander elders past and present, and my solidarity to their ongoing fight for justice.

This project was made possible by many years of gentle, steadfast support and mentorship from my magnificent and peerless supervisor, Professor Emerita Penny Russell. Thank you for sticking it out until the end, for believing in me when I didn't believe in myself, for uplifting me and fiercely advocating for me, for laughing at my bad jokes, for understanding my arguments before I did, for catching my dictation errors, for knowing when to let me go feral and when to rein me in, and for giving me the space and time that this project needed. As anyone who has met me in the last several years can attest, I love my supervisor!!!

My very great thanks extend also to my secondary supervisors, Dr Chin Jou, whose incisive questions helped to remind me of my purpose, and Dr Sophie Loy-Wilson, whose enthusiasm and joy bolstered my waning confidence;

to Dr Frances Clarke and Dr Kirsten McKenzie, for teaching me how to be a historian and how to teach history, for lighting the fire and keeping the torch burning;

to Dr Nick Eckstein, Dr David Brophy, Dr Hélène Sirantoine, Dr Mark McKenna, Dr James Dunk, and the dedicated staff of the USyd History department, for their guidance and solidarity;

to those who fought for my right to access tertiary education, including Joan Hume, Jacob Baldwin, Bronwyn Moye, Jan Daisley, and Dr Sheelagh Daniels-Mayes;

to my comrades in disability justice, including members of the Disability Justice Network, and to my comrades in the National Tertiary Education Union, for their staunch and unfaltering movement work;

to my excellent exercise physiologist James Shute, my physiotherapist Kate McLeod, my GP Vanessa Wood, my other clinicians, and Susanna Davies, Tahlia Nelson, Steph Stuart, Quinn Stevenson, and Egan Magee, who have supported me to live and thrive;

to my friends and colleagues in History and related disciplines, including Gemma Smart, Professor Sandy O'Sullivan, Dr Noah Riseman, Dr Peter Hobbins, Dr Effie Karageorgos, Catherine Freyne, Nathan Sentence,

James Davison, Dr Sam Caslin, Sam Elkin, Dr Tess Gardiner, Dr Frank Yuan, Dr Hannah Taylor and Dr Tim Briedis;

to the poets, ratbags and radicals, Kerri Shying, Gaele Sobotte, Jocasta Suzanne, Dr Toby Fitch, Angélique Moseley, Cathal Reynolds, David Stavanger, Lucy Nelson, Dan Hogan, Victoria Manifold, Dr Andy Jackson, Jini Maxwell, Raelee Lancaster, Ray Cox, Brooke Scobie, Muhib Nabulsi, Hani Abdile, Eileen Chong, Dr Naomi Cammayo, Dr Evelyn Araluen Corr, Dr Jonathan Dunk, Margot Beavon-Collin, Brody Calypso, Dr Kit Kavanagh-Ryan, Jasper Peach, Michèle Saint-Yves, and the contributors to *Raging Grace*, for sustaining my rage and my grace;

to the mates who kept me together and kept me going, including Sam Green, Riana Head-Toussaint, Finley Penrose, Mali Hermans, James Mallen, Jay Spillane, Tasnim Rahman, Shania O'Brien, Charbel Zada, Jack Stewart, Caoimhe Hanrahan-Lawrence, Salem Barrett-Brown, Linda Kennedy, Anna Rowe, Henry Hulme, Noa Zulman, Renay Barker-Mulholland, Cal Montgomery, Kerima Garibaldi de Çevik, Carly Findlay, Riley Brooke, River Heart, Zahra Stardust, Sam Petersen, Anabelle Oxley, Alistair Baldwin, Nevo Zisin, Lexi Brent, Ruby Gross, Ché Baines, Quin Eli, Charlie Kilmartin, Tilly Lawless, Teddie Sim, Laura Pettenuzzo, the cast and crew of *Orlando* 2020, and too many others to name;

to Lawrence Warren, my hero in many spheres;

to Samantha Baker, the toughest tranny this side of the Simpson Desert;

to Frank Augimeri, angel of bibliography;

to Tom Britton, for everything, especially tree lore;

to my family, especially my paternal grandmother Dr Jill Eames;

to my so-geliebt cats, B&B, despite their vandalism and freeloading;

to the scholars who have poured light into the lives of trans ancestors;

and lastly, to those who are no longer with us, including my friend, editor, and secret crush Sam Langford (1996–2020), my friend, comrade, and successor Khanh Tranh (1996–2025), my friend, classmate, and colleague Dr Dylan Stanford (1989–2025), and my friend, comrade, and mentor Alice Wong (1974–2025). Rest in power.

Introduction

> I am ill with history.
> With watching it happen
> and not belonging to it.
>
> —Lisa Hiton, 'Lethargy'[1]

Trans mentality, trans materiality

For the last several centuries, if we have understood transgender embodiment at all, we have understood it as a mental or moral defect. The former version of the International Classification of Diseases, used until 2022, listed 'transsexualism' as a mental disorder.[2] The new revision removed this listing and replaced it with 'gender incongruence', relisted as a sexual health condition retained for insurance purposes.[3]

All around the world and at many different times, we find people who moved between cultural gender categories, and cultures that acknowledged a multiplicity of genders beyond the binary. These include Aboriginal and Torres Strait Islander communities, whose traditional sexual and gendered practices have been suppressed and punished by European colonisation. Sandy O'Sullivan notes that the imposition of Eurocolonial gender categories on Aboriginal peoples was an extension of the colonial project, seeking to erode and destroy First Nations' cultures and kinship systems.[4] Although the language we use is recent, the experiences attached to that language are not unique to the present.

The myth of trans recency contributes to the marginalisation of trans people, enabling bad faith arguments that transition is unnatural or a product of social contagion. There are many connections and resonances between modern communities and the communities of

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[1] Lisa Hiton, 'Lethargy', *Afterfeast* (North Adams, Massachusetts: Tupelo Press, 2021): 17.

[2] F64.0, 'Transsexualism'. *ICD-10*. Mental and behavioural disorders. Geneva: World Health Organisation, 1992.

[3] 'Gender incongruence'. *ICD-11*. Conditions related to sexual health. Geneva: World Health Organisation, 2018.

[4] Sandy O'Sullivan, 'The Colonial Project of Gender (and Everything Else)', *Genealogy* 5, no. 3 (2021): 67. See also Kooncha Brown, '"Sistergirls" – Stories From Indigenous Australian Transgender People', *Aboriginal and Islander Health Worker Journal* 28, no. 6 (November/December 2004): 25–26; Andrew C. Farrell, 'Archiving the Aboriginal Rainbow: Building an Aboriginal LGBTIQ Portal', *Australasian Journal of Information Systems* 21 (2017), 1–14; Dino Hodge (ed.), *Colouring the Rainbow: Blak Queer and Trans Perspectives* (Mile End, SA: Wakefield Press, 2015); Wendy Dunn/Holland, Maureen Fletcher, Dino Hodge, Gary Lee, E. J. Milera, Rea Saunders and Jim Wafer (the Gays and Lesbians Aboriginal Alliance), *Peopling the Empty Mirror: The Prospects for Gay and Lesbian Aboriginal History*, in Robert Aldrich (ed.), *Gay Perspectives II: More Essays in Australian Gay Culture* (Sydney: University of Sydney, 1994), 1–62; A. Alizzi, 'Becoming-with and Together: Indigenous Transgender and Transcultural Practices', *Artlink* 37, no. 2 (2017): 76–81; C. T. Sullivan, K. Spurway, J. Leha, W. Trewllyn, and K. Soldatic, 'The Dalarinji Project- "Your Story": A Narrative Synthesis', *Journal of Global Indigeneity* 7, no. 2 (2023): 1–25.

the past. I hope to explore and illustrate some of these connections in this thesis, without ahistorically projecting current frameworks onto people who lived before their invention.

My focus is on embodied experiences of gender-crossing, gender deviance and gender defiance. I am not interested in impossible questions around how people in the past might have identified had they lived today. I *am* interested in answerable questions about how these people lived in their own times, how their communities responded to them, and the social, medical and legal structures that shaped their experiences.

Trans history cannot really be separated from histories of queerness, madness and carceral systems. These are shared pasts and shared sites of struggle against pathologisation and criminalisation. Modern incarnations of trans and queer identities developed from past incarnations, but do not map neatly onto historical experiences and conceptualisations of gender and sexuality. Medicine, madness, criminalisation and trans history are all bound up together in a complex welter of categories that shift and transform over time. Examining and unravelling that confusion of categories can help to make sense of current formats of marginalisation and medicalisation, whose outlines are drawn up by the legacies of the past.

Rather than attempting to tease out a single thread of trans history from the larger knot, I hope to instead approach the entire assemblage as a grouping of unstable, fluid, contextual orders and hierarchies built up around norms of gender, sexuality, class, race, faith, disability, employment and various other axes of marginality and precarity. Although my priority is trans history, the roots of trans oppression share their origins with many other subjugated groups whose liberation is bound up with ours. To unravel one mechanism is to unravel them all: as Audre Lorde taught us, there 'is no such thing as a single-issue struggle because we do not lead single-issue lives … Our struggles are particular, but we are not alone'.[5]

Returning to O'Sullivan's colonial project of gender, O'Sullivan writes that the 'roles outside of [the linear family state] are blurred in the chronology set through the colonial project, as the primary concern becomes a focus on continuation of a reproductive line'.[6] Traditional Western history relies heavily on this continuity, making use of birth, death, marriage and travel records to trace certain lineages. This is more difficult in a project of trans history, because these traditional methods fall apart as soon as the colonial continuity breaks. In nineteenth-century Australia there were no formal change-of-name certificates, or indeed formal identity records. There were no drivers' licences before the advent of motor vehicles; many people did not have birth certificates or baptism records; and the worldwide passport standard had yet to be implemented. In the nineteenth century there was no formal

[5] Audre Lorde, *Sister Outsider* (Trumansburg, NY: Crossing Press, 1984), 133.
[6] O'Sullivan, 'The Colonial Project of Gender', 67.

or legal process for gender-crossing or name changes (outside of matrimonial surname changes).

When people transitioned across gender categories, they simply changed how they dressed, how they lived, and how they introduced themselves. This was a social process, not a legal one. Consequently, locating cases of gender-crossing in the archives can be a complex endeavour, though there is no shortage of such records.

There are hundreds of cases of gender crossing in Australia in this time period, and not all of them fit within the scope of this thesis. I have attached an appendix which briefly outlines some of the cases that have fallen outside my research area. The majority of my case study subjects are white settlers, since it was mostly white settlers who created the records that form the evidentiary basis for my thesis. This, too, is a form of imposition, and an extension of what Spivak calls the 'sanctioned ignorance' of European imperialism's epistemic violence.[7] In my work I have tried, wherever possible, to identify the 'mechanics … of the coloniser', to trace the overall structures and construction of colonial power, to read into the absences, and to invite rather than foreclose the possibility of subaltern speech.[8] I hope that other scholars will build on my work to form a better understanding of gender dynamics on this continent beyond and before the colonial regime.

In late nineteenth and early twentieth century Australia, gender crossing was frequently managed via either medicalisation or criminalisation. This thesis examines trans pathologisation and the mediation of gender transgression through the language and infrastructures of madness. It also examines the interactions between carceral structures (police, courts, prisons) and people who crossed between gender categories, particularly those whose gender-crossing was sustained over years or decades.

Importantly, the twin modes of medicalisation and criminalisation were not the only responses to historical gender crossing. They are, however, the responses that produced the most archival records. My thesis therefore focuses predominantly on medical and legal structures, not because gender transgressors were always rendered in medicolegal terms, but because there is a wealth of material to draw on in this area. My analysis, and my conclusions, are limited by the range of source material available from this period. My use of the archive extends to newspaper records, in an attempt to reach beyond the courts and the asylums and into communities and broader social worlds.

We will never know how many ordinary lives are obscured by their lack of appearance in state archival records. The true extent of gender crossing in this period is uncertain, as are

[7] Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?', in C. Nelson and L. Grossberg (eds.), *Marxism and the Interpretation of Culture* (Basingstoke: Macmillan Education, 1988), 86.
[8] Ibid, 90.

the exact nuances of how different communities in early Australia may have responded to gender deviance in their midst. It is very likely that there were people who were not at all medicalised or criminalised, and never received public attention. The cases of people who *were* medicalised or criminalised are highly generative topics of study, but they should not necessarily be considered to be fully or exactly representative of every experience of gendered movement.

There are a surprising number of historical cases of people whose gender crossing was interpreted as evidence of madness, some of whom were institutionalised in lunatic asylums. These include Edward de Lacy Evans in 1879, who was thought to be mad but deemed curable via forced detransition. Another was Edward Moate, who was charged with lunacy in 1884 and died in Beechworth Asylum three years later, after refusing to provide any details of his previous name or history. In contrast, Jack Jorgensen's hypervisible disability was seen to explain and justify his gender deviance. Although he was arrested and fined for gender-crossing in 1873, he was never charged with lunacy. Jorgensen continued to live and work as a man with the conditional support of his community until his death in 1893.

The function of lunatic asylums was generally to remove and contain people who were considered threats to themselves or others, and who could not be managed within the community. This included people who were considered threats to certain social norms: of behaviour, mannerism, dress, comportment, communication and interaction. People who crossed gender categories were not always received as medicalised subjects, but they were very frequently rendered in terms of madness and pathology. Sometimes this was a redemptive avenue rather than an exclusively punitive one. When social gender transition was interpreted as a sign of madness or illness, detransition was framed as curative.

Cases of gender transgression both in and outside the asylum provide a unique window into the construction and maintenance of gender norms and social behaviour in Australia. They also provide an opportunity for returning a sense of history and ancestry to trans communities in the present. Asylums and other social, medical and legal institutions played a significant role in conceptualising and controlling social aberrance. These institutions were deeply gendered both in their physical infrastructure and recordkeeping systems. For example, Kew Asylum and Beechworth Asylum organised patients and their records according to the patient's (assumed) sex, maintaining separate male and female wards and separate male and female medical casebooks. Institutional records are therefore highly revelatory for critical histories of gender in the colonial period.

Gender transgressors who were not institutionalised were frequently still spoken about in medical terms. If they were not managed or removed via medical processes, they were often managed or removed via legal and judicial processes. Some people who were charged with vagrancy or offensive behaviour for gender variance left barely any evidence in

archival records. Others appear again and again, over the space of years or decades, revealing a pattern of behaviour that could not be quelled or reintegrated into the social order. Medical and criminal categories were ostensibly distinct, but they frequently overlapped. Categories such as lunacy and vagrancy were applied unevenly, at the discretion of police, magistrates and clinicians.

As Peter Boag points out, colonial environments and life on the frontier offered unique opportunities for gendered mobility.[9] Some settlers may have migrated to Australia hoping to escape the rigid gender norms of their homelands. The promise of a new world and a new social order came at the cost of the dispossession and displacement of Indigenous peoples, and the attempted eradication of the existing Indigenous social orders. Settler-colonists of many different nationalities were able to access conditional gendered freedoms by participating in the occupation and expansion of the Australian colonies. If gender transgressors were seen to be benefiting and contributing to the colonial regime, they were less likely to be institutionalised or incarcerated. Conversely, gender crossing that was seen to destabilise colonial norms was met with harsher punitive measures.

When gender crossing was criminalised, it was generally criminalised indirectly. There has never been a law in Australia which explicitly and totally criminalised transgender people or cross-gender identification. There have, however, been several Australian laws that criminalised cross-dressing for specific groups in specific circumstances. These included a 1911 South Australian law prohibiting Aboriginal women from wearing men's clothing in the company of non-Aboriginal men, and a 1935 Tasmanian law prohibiting men from wearing female apparel in public places after dark.[10] Although gender nonconformity and gender crossing were not in themselves criminalised in Australia, gender transgressors were often punished via indirect prosecution for crimes such as offensive behaviour, imposition, fraud, or vagrancy.[11] Transfemininity was often construed as being related to sodomy or sex work, and was generally perceived as more threatening than transmasculinity.

Gender transgression was often rendered as perpetually extraordinary, unique, and isolated. Simultaneously, the press and medical and legal authorities frequently acknowledged that gender transgression was common. Journalists and doctors often referred to previous cases in order to make sense of gender crossing, invoking a lineage that was paradoxically imagined to be a sequence of unprecedented individuals, rather than part of a

[9] Peter Boag, *Re-Dressing America's Frontier Past* (Berkeley and Los Angeles: University of California Press, 2011), 34.

[10] *South Australian Aborigines Act* 1911, section 34; *Tasmanian Police Offences Act* 1935, section 8(1)(d). See also the *Tasmanian Historical Offences Expungement Act* 2017.

[11] See Ruth Ford, '"The Man-Woman Murderer": Sex Fraud, Sexual Inversion and the Unmentionable "Article" in 1920s Australia', *Gender & History* 12, no.1 (April 2000): 158–96; Lynne Friedli, '"Passing Women": A Study of Gender Boundaries in the Eighteenth Century', in G. S. Rousseau and Roy Porter, eds., *Sexual Underworlds of the Enlightenment* (Chapel Hill: University of North Carolina Press, 1988), 237.

continuum of experience with no identifiable beginning or end. Police officers frequently acknowledged the presence of gender deviance in the community, but they were selective about which cases led to arrest and conviction.

The popular public narratives of gender crossing tended to frame it as permissible when it was temporary, private, limited to the stage, or aligned with the goals of the colonial government. Gender crossing was thought to threaten the social order when it was long-term, public, violating colonial values or disrupting colonial power hierarchies, or when it was connected to perceived sexual aberrance or political dissidence. Frequently, the press over-emphasised the deception and secrecy involved in these cases. Usually, however, people who crossed genders were known within their communities, even when their communities disavowed that knowledge in public.

The turn of the twentieth century was a time of rapid and profound cultural change. In the span of mere decades, candles and gaslights were replaced with electric bulbs; horse-drawn carriages gave way to motor vehicles and railways; leeches were supplanted by pharmaceuticals. Many new medical and scientific (or pseudo-scientific) disciplines emerged around this time, including sexology, psychology and eugenics. The first formal psychology lab was opened in 1879, the year that Edward de Lacy Evans was institutionalised.[12] Richard von Krafft-Ebing's seminal sexological work *Psychopathia Sexualis* was published in 1886, during the same period in which Edward Moate was confined in Beechworth Asylum.[13]

The past is another world, but it is a world deeply connected to our own. The individual case studies examined in this thesis, including Evans, Moate and Jorgensen, were not singular phenomena appearing in isolation, but rather part of a very long lineage of connected experiences, shaped by contemporaneous social processes. My analysis of them may be understood as a project of microhistory, which Charles Joyner calls 'asking large questions in small places'.[14] In this case the 'small places' are variously townships in rural Victoria, single case studies from the nineteenth century, historical newspapers, and the corpus of transgender history.

From 1886 onwards, academic theories of gender and sexuality increasingly interpreted gender crossing through the lens of 'sexual inversion', a theory that explained aberrant sexuality by locating it within aberrant gender.[15] Inversion was initially understood as a physiological abnormality, though it was later described by Freud and others as a kind of

[12] Robert S. Harper, 'The First Psychological Laboratory', *Isis* 41, no. 2 (1950): 158–161.
[13] R. V. Krafft-Ebing, *Psychopathia Sexualis* (New York: Redman Company, 1886).
[14] Charles Joyner, *Shared Traditions: Southern History and Folk Culture* (Chicago: University of Illinois Press, 1999), 1.
[15] Krafft-Ebing, *Psychopathia Sexualis*, 399.

psychiatric mirror to intersex variations.[16] The Australian press usually characterised inversion as a mental disorder, even before sexologists had come to understand it as such.[17] A 1901 Australian newspaper article noted that 'women… who are born with a masculine mind', and vice versa, were prone to 'grave mental disease'.[18] The article claimed that gender transgressors, 'who must be looked on as insane, have existed for as long a period as we have any authentic records'.[19] In 1910, Magnus Hirschfeld coined the term 'transvestism', which he and other sexologists theorised as a distinct category separate from sexual inversion.[20] Hirschfeld cited many examples of culturally embedded cross-gender practices, including examples of Indigenous peoples from the Australasian continent and the Pacific Islands; the first image in his visual appendix depicted an Aboriginal person with decorative scars across the chest and arms.[21]

Theories of inversion and transvestism were generally contained to specific medical and academic spheres, and this was not necessarily how the public at large viewed queerness, cross-dressing or gender crossing.[22] Occasionally newspapers would cite sexologists like Hirschfeld or Havelock Ellis, but for the most part people made their own judgements according to the values of their communities and cultures. In Australia, these judgements varied according to context. Gender crossing was understood to be frequent and widespread but socially unacceptable, and often attributed to madness or criminality. A 1920 article noted that gender transgression was common, and that there were many different motives behind it, but concluded that it was largely a mental issue: '[t]here have been many reasons for such masquerading. Ordinarily, the thing is due to a queer twist of morbidity, a something in the brain.'[23]

The construction of trans-as-madness equates gender conformity with sanity. It requires trans identity to be located in the mind as somehow separate from the body (though

[16] Freud describes a certain type of invert as 'psychosexual hermaphrodites'. Sigmund Freud, 'Three Essays on Sexuality', in Sigmund Freud, James Strachey, Anna Freud, and Angela Richards, *The Standard Edition of the Complete Psychological Works of Sigmund Freud* (London: Hogarth Press, 1953. First published 1905): 136.

[17] Importantly, there was never a sexological consensus regarding the aetiology of inversion, and many argued that it was a physical or hormonal disorder, not mental.

[18] 'Women Who Have Posed as Men', *Evelyn Observer* (Victoria), 18 October 1901, 4.

[19] Ibid.

[20] Magnus Hirschfeld, *Die Transvestiten: Ein Untersuchung über den erotischen Verkleidungstrieb, mit umfangreichem casuistischen und historischen Material* (Berlin: Pulvermacher and Co., 1910), accessed via the Digital Transgender Archive, 11 March 2025. https://www.digitaltransgenderarchive.net/files/6395w7174; Magnus Hirschfeld, *The Transvestites*, trans. Michael A. Lombardi-Nash (Buffalo, New York: Prometheus Books, 1991), first published 1910.

[21] Hirschfeld, *Die Transvestiten*, trans. Lombardi. Fig. 1, 'Australier mit Schmucknarben quer über Brust und Lieb und auf den Oberarmen'.

[22] See George Chauncey Jr, 'From Sexual Inversion to Homosexuality: Medicine and the Changing Conceptualisation of Female Deviance', *Salmagundi* 58/59 (1982–1983): 114–146.

[23] 'Women Who Wear Men's Clothing – Why They Do It: Some Notable Cases', *Sunday Times* (Perth), 5 September 1920, 8.

madness is never really separate from the body). Figuring transness as mental allows it to be rendered as hallucinatory and delusional, diverging from the obvious facts of material reality.

And yet trans experiences are very much material and bodily experiences. This becomes especially obvious when writing trans history, because if gender transgression was solely mental then we would never know about it at all. In fact we only know about it *because* it is also physical and because it involves material and discoverable transgressions against the norms of bodies, behaviour, clothing, culture, and social interaction. When gender transgressors were criminalised rather than medicalised, it was generally because their transgression was perceived as a physical act of violating gender norms, not as an internal matter of identity. Madness here appears as a way of seeing, as a lens that both reveals and obscures the past.

When I refer to trans history I am not attempting to project a modern Western identity category across the past. This is a trans history, but not necessarily a history of trans people. I use 'trans' as a term denoting mobility and resistance, in line with Susan Stryker's definition of transgender as referring to 'people who move away from the gender they were assigned at birth, people who cross over (*trans*-) the boundaries constructed by their culture to define and contain that gender'.[24] I am also indebted to C. Riley Snorton, who encourages us to consider forms of 'movement with no clear origin and no form of arrival', and to 'find a vocabulary for black and trans life' in defiance of the 'instrumental materiality of black and trans death'.[25] As such, I employ 'trans' as a lens through which societies and communities may be interpreted, rather than as an ahistorically essentialist or universal identity label.

I do not want to label certain historical figures as uncomplicatedly trans in a modern sense. Instead, I consider certain cases as part of a trans lineage, not in terms of personal identity, but in terms of a person's interaction with their community, with the stories that were told around them and the social structures that were weaponised against them. Rather than extricating a thread of trans anachronism, I embrace the simultaneity of trans history and queer history as sites of shared marginality and marginalised community. I consider legacies of transgression, of resistance, of liberation and change; I consider how the past informs the present.

Ultimately the potential value of this project lies in its capacity to unstitch the obfuscation and erasure of the last centuries. Now more than ever it seems pertinent to critically examine the history of gender transgression and its relationships with madness, medicalisation, crime, and the carceral state.

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[24] Susan Stryker, *Transgender History: The Roots of Today's Revolution* (Berkeley: Seal Press, 2017. Revised edition. First published 2008), 1.

[25] C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017), 2, xiv.

The paradox of history is that the past is never truly over, never departed or done away with. Our work is never finished. Like Proteus, the past changes its shape to escape our grasp; it drenches and burns us, grows away from us, becomes wild, and reveals its secrets only under duress. History lives and breathes beyond the auspices of the present.

The dead never stay dead. History's ghosts still haunt the living.

1: Literature Review and Methodology

> We do not have to romanticise our past in order to be aware of how it seeds our present. We do not have to suffer the waste of an amnesia that robs us of the lessons of the past rather than permit us to read them with pride as well as deep understanding.
>
> —Audre Lorde, *Sister Outsider*[1]

This project has drawn on a substantial bedrock of history and adjacent scholarship. This bedrock lies beneath the loose material of archival evidence, medical and legal records, newspaper records and records of births, deaths, marriages, migration and more. Without this stabilising foundation, I would not have been able to dig through the muck of superficial material to find the generative substrate. My methodology borrows several tools from scholars who have come before me, across many different disciplines. A process of trial and error has helped me to establish which tools are useful in this context. In this chapter I attempt to map out this process, identifying my tools, my body of evidence and the fields of scholarship which surround my work.

Mad, bad, and trans historiography

Most of the landmark works of trans history were not written by historians, and until very recently, the works produced in historical disciplines were rarely written by trans people.[2] Much as queer and gay history often reaches back across periods where those terms were not in use, trans history must be considered as a project of connectivity, without requiring that its subject matter be subsumed into modern identity categories. The 'trans' prefix was first used to describe gender crossing in 1910, and the term 'transgender' dates to the 1960s.[3] The terms that preceded them encompass a variety of experiences and identities that do not neatly correspond to modern concepts or communities.

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[1] Audre Lorde, *Sister Outsider* (Trumansburg: Crossing Press, 1984), 134.

[2] See Stryker, *Transgender History;* Leslie Feinberg, *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon Press, 1996); Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, MA: Harvard University Press, 2004); G. G. Bolich, *Transgender History and Geography*. Volume three (Raleigh: Psyche's Press, 2007); C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017); Sandy Stone, 'The 'Empire' Strikes Back: A Posttranssexual Manifesto'. *Camera Obscura: A Journal of Feminism, Culture, and Media Studies* 29 (1992): 150–76.

[3] Magnus Hirschfeld, *The Transvestites*, trans. Michael A. Lombardi-Nash (Buffalo, New York: Prometheus Books, 1991), first published 1910; K. J. Rawson and Cristan Williams, 'Transgender*: The Rhetorical Landscape of a Term', *Present Tense* 3, no. 2 (2014): 1-9; Cristan Williams, 'Transgender', *Transgender Studies Quarterly* 1, no. 1–2 (May 2014): 232–34.

In the last several years, several theories of history emerged before the actual historical work itself. This is not to devalue these historiographical works, without which my own work would not be possible, but rather to point out the dearth of close historical analysis, social history and materialist case studies in this area. Leslie Feinberg's *Transgender Warriors* is more of a memoir than a history (albeit a beautiful and very historically grounded memoir).[4] Susan Stryker's *Transgender History* is a very useful framework of ideas and concepts, written more as a paradigmatic study than as a historical analysis based on archival evidence; the most methodologically historical chapter in the book, 'A Hundred Years of Trans History', is only 32 pages long.[5] C. Riley Snorton's 'Black on Both Sides' is invaluable but self-avowedly 'not a history per se so much as it is a set of political propositions, theories of history, and writerly experiments'.[6]

More recently, the field has changed dramatically with the publication of several monographs and anthologies taking trans histories as their focus, including works published by trans historians. Noah Riseman's *Transgender Australia: A History since* 1910, Jules Gill-Peterson's *Histories of the Transgender Child*, and Emily Skidmore's *True Sex: The Lives of Trans Men at the Turn of the Twentieth Century* are all works of trans history written by scholars in history departments, recently joined by several other monographs and anthologies.[7] All of these are incredibly important contributions to this area of study, and I am grateful that the landscape of this thesis has changed so drastically while I was writing it.

Surrounding the somewhat arid landscape of trans history, I have also learned from a significant body of (largely anthropological and sociological) work examining cross-cultural gender norms and culturally specific gender identities around the world.[8] There is some

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[4] Feinberg, *Transgender Warriors.*

[5] Stryker, *Transgender History*, 45-77.

[6] Snorton, *Black on Both Sides*, 6.

[7] Noah Riseman, *Transgender Australia: A History Since 1910* (Melbourne: Melbourne University Press, 2023); Jules Gill-Peterson, *Histories of the Transgender Child* (Minnesota: University of Minnesota Press, 2018); Emily Skidmore, *True Sex: The Lives of Trans Men at the Turn of the Twentieth Century* (New York: New York University Press, 2017). See also Kit Heyam, *Before We Were Trans: A New History of Gender* (New York: Seal Press, 2022); Leah DeVun, *The Shape of Sex: Nonbinary Gender from Genesis to the Renaissance* (New York: Columbia University Press: 2021); Greta LaFleur, Masha Raskolnikov and Anna Klosowska (eds.), *Trans Historical: Gender Plurality Before the Modern* (Ithaca: Cornell University Press, 2021); Samantha Baker, 'Roberta Perkins: Sex Work, Feminism, and the Dawn of Transgender Activism in 1980s Australia', *Australian Feminist Studies* (8 October 2025): 1–31.

[8] See Gilbert Herdt, ed., *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History* (New York: Zone Books, 1993); Sabrina Petra Ramet, ed., *Gender Reversals and Gender Cultures: Anthropological and Historical Perspectives* (London: Routledge, 1996); Sabine Lang, *Men as Women, Women as Men: Changing Gender in Native American Cultures* (Austin: University of Texas Press, 1998); Evelyn Blackwood and Saskia Wieringa, eds., *Female Desires: Same-Sex Relations and Transgender Practices Across Cultures* (New York: Columbia University Press, 1999); Ifi Amadiume, *Male Daughters, Female Husbands: Gender and Sex in an African Society* (London: Zed Books, 1987); Serena Nanda, *Gender Diversity: Cross-cultural Variations* (Illinois: Waveland Press, Inc., 2000); Joan Roughgarden, *Evolution's Rainbow: Diversity, Gender, and Sexuality in Nature and People* (Berkeley: University of California Press, 2004).

overlap with intersex history, which is unfortunately equally sparse.[9] The relevant body of feminist scholarship is thankfully more robust, and I owe a great deal to the feminists (particularly the Marxist feminists) who have written so many thoughtful histories and conceptual frameworks of gender as a historically contingent category.[10] I hope that my work can offer some sense of history and ancestry back to my communities. I have tried to write in plain language wherever possible, so that non-academic trans people can still access my work. (At times academic language is unavoidable, for the sake of preserving nuance and specificity.)

For the most part, histories of gender-crossing tend to be self-defined as histories of sexuality. Sometimes they are written as histories of gender, transvestism, or cross-dressing. Most of these histories do not use the category of 'transgender' as an organising principle. This has led to a body of work that interprets gender crossing subjects primarily through the lens of sexuality, subsuming potential trans ancestors or trans-adjacent experiences into more generic queer and 'same-sex' histories. Aspects of gender transgression in these cases are often interpreted as evidence of homosexuality, rather than as evidence of transgressive gendered embodiment that overlaps significantly with transgressive sexualities.[11] Terms like 'passing woman' imply that people who lived their lives as men were instead only women *passing* as men.[12] Terms like 'cross-dressing' can inadvertently imply that gender crossing was temporary or unserious, in a way that was often not upheld by the long-term realities of the cases in question.

With regard to Australian subjects who might be considered as part of a trans lineage, the existing scholarship (predating Riseman) almost overwhelmingly recognises them primarily as part of a 'homosexual history' or 'gay and lesbian history' rather than as part of a 'trans history' (though the term 'homosexual' is barely older than the trans prefix, and the

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[9] See Elizabeth Reis, *Bodies in Doubt: An American History of Intersex* (Baltimore: Johns Hopkins University Press, 2009); Geertje Mak, *Doubting Sex: Inscriptions, Bodies and Selves in Nineteenth-Century Hermaphrodite Case Histories* (Manchester: Manchester University Press, 2012).

[10] See Joan W. Scott, 'Gender: A Useful Category of Historical Analysis', *The American Historical Review* 91, no. 5 (December 1, 1986): 1053–1075; Joan W. Scott, 'The Evidence of Experience', *Critical Inquiry* 17, no. 4 (July 1, 1991): 773–797; Denise Riley, *'Am I That Name?' Feminism and the Category of 'Women' in History* (Minneapolis: University of Minnesota, 1988); Jill Julius Matthews, *Good and Mad Women: The Historical Construction of Femininity in Twentieth-Century Australia* (Sydney, London, Boston: Allen & Unwin, 1984); Raewyn Connell and James W. Messerschmidt, 'Hegemonic Masculinity: Rethinking the Concept', *Gender and Society* 19, no. 6 (December 2005): 829–859.

[11] See Viviane K. Namaste, '"Tragic Misreadings": Queer Theory's Erasure of Transgender Subjectivity', in *Invisible Lives: The Erasure of Transsexual and Transgendered People* (Chicago: University of Chicago Press, 2000), 9–23.

[12] It is also worth noting that in this analytical paradigm there is no comparative transfeminine analogue for 'passing women'. Under this framework, gender transgressors who crossed into female or feminine categories are not called 'passing men', but are largely regarded as either effeminate gay men or as straight male transvestites. They are rarely considered as a distinct category of shared experience.

[12] Importantly, when the term was first coined and for much of the twentieth century, 'transvestism' was not necessarily thought of as connoting temporariness.

phrase 'gay and lesbian' is younger).[13] Although I have taken a very different approach, I am nonetheless very grateful for the historical foundations laid by Lucy Chesser, Ruth Ford, Lisa Featherstone, Anne Summers, Lorene Gottschalk, Gail Reekie and Mimi Colligan, among many others.[14] Notably many of these works have highly insightful analyses of dynamics of gender, class, race, and social structures, and they should be considered essential reading within the trans history canon despite the lack of a trans lens.

There is a certain tension between the fields of queer history and trans history, and in particular between lesbian history and trans history. A great deal of Australian lesbian history is the history of people who lived as men. Chesser calls this the 'transgender-versus-lesbian historical issue', and notes that both lesbian and trans scholars have concerns about one approach obscuring the other.[15] We are prone to flattening the past so as to make it coherent to the present. But the past itself resists our attempts to colonise it; it is unclaimable territory that shifts and warps with every new interpretation. The past does not belong to us. And yet tracing the history of marginalised peoples is a task of vast importance. Without history we are nothing; as Gerda Lerner writes, 'people without a history are considered not quite human'.[16]

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[13] David L. Phillips and Graham Willett, eds., *Australia's Homosexual Histories* (Melbourne: Australian Lesbian and Gay Archives, 2000); Garry Wotherspoon, *Gay Sydney: A History* (Sydney: NewSouth Publishing, 2016); Robert French, *Camping by a Billabong: Gay and Lesbian Stories From Australian History* (Sydney: Blackwattle Press, 1993); Graham Willett, *Living Out Loud: A History of Gay and Lesbian Activism in Australia* (St Leonards, NSW: Allen and Unwin, 2000); Shirleene Robinson, ed., *Homophobia: An Australian History* (Annandale, NSW: The Federation Press, 2008); Rachel Cook, *Closets are for Clothes: A History of Queer Australia* (Fitzroy: Black Dog Books, 2010); Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge: Cambridge University Press, 1997); Dennis Altman, *Homosexual: Oppression and Liberation* (Sydney: Angus and Robertson, 1972).

[14] Lucy Chesser, *Parting with my Sex: Cross-Dressing, Inversion and Sexuality in Australian Cultural Life* (Sydney: Sydney University Press, 2008); Lucy Chesser, '"When two loving hearts beat as one": Same-Sex Marriage, Subjectivity and Self-Representation in the Australian Case of Marion-Bill-Edwards, 1906–1916', *Women's History Review* 17, no. 5 (2008): 719–742; Lucy Chesser, '"A Woman Who Married Three Wives": Management of Disruptive Knowledge in the 1879 Australian Case of Edward De Lacy Evans', *Journal of Women's History*, vol. 9, no. 4 (1998): 53–77; Ruth Ford, '"The Man-Woman Murderer": Sex Fraud, Sexual Inversion and the Unmentionable "Article" in 1920s Australia'. *Gender & History* 12, no.1 (April 2000): 158–96; Lisa Featherstone, 'Even More Hidden From History? Male Homosexuality and Medicine in Turn of the Century Australia', in Yorick Smaal and Graham Willett, eds., *Out Here: Gay and Lesbian Perspectives 6,* 56–68 (Clayton, Victoria: Monash University Publishing, 2011); Anne Summers, 'Marion/Bill Edwards', *Refractory Girl* no. 5 (Summer 1974): 21–22; Lorene Gottschalk, 'From Gender Inversion to Choice and Back: Changing Perceptions of the Aetiology of Lesbianism Over Three Historical Periods', *Women's Studies International Forum* 26, no. 3 (2003): 221–233; Gail Reekie, '"She was a Lovable Man": Marion/Bill Edwards and the Feminisation of Australian Culture', *Journal of Australian Lesbian Feminist Studies* 4 (1994): 43–50; Mimi Colligan, 'De Lacy Evans Revealed: Aaron Flegletaub and Nicholas White', *History of Photography* 23, no. 2 (1999): 171–73; Mimi Colligan, 'Edwards, Marion (Bill) (1874–1956)', Australian Dictionary of Biography, National Centre of Biography, Australian National University. Online. https://adb.anu.edu.au/biography/edwards-marion-bill-12901/text23305. Accessed 10 August 2020.

[15] Lucy Chesser, 'Transgender-Approximate, Lesbian-Like, and Genderqueer: Writing about Edward De Lacy Evans', *Journal of Lesbian Studies* 13, no. 4 (2009): 375.

[16] Gerda Lerner, *Why History Matters: Life and Thought* (Oxford: Oxford University Press, 1997), 208.

Some scholars who have previously taken the 'queer history' approach to gender-crossing have reconsidered their stances. Lucy Chesser's history of cross-dressing in Australia was followed by a journal article exploring the 'lesbian-like, transgender-approximate' experiences of people like Edward de Lacy Evans, recanting and re-examining her previous approach.[17] I have great respect for Chesser and every other scholar willing to reassess their past work, and to investigate the analytic possibilities of trans history. The field is constantly evolving and we can only adapt, continue engaging with each other, and continue to think through the tangled webs of interconnected histories.

There has been plenty of international scholarship examining the pathologisation of transgender experiences, but most of this work focuses on the recent past and approaches the topic via critical psychiatry, social policy or sociology, not history.[18] There is a significant body of work examining the history of madness and psychiatry in Australia, of which a small but valuable fraction examines trans or trans-adjacent cases. [19]

Overall I have found that the most immediately useful scholarship has been work that is intimately familiar with the times, places, and social structures which I am researching. History that reads through a trans lens is useful. History that reads gender crossing through the lens of its context is invaluable. These include Susanne Davies's work on colonial criminal law and Gordon Lawrence; Penny Russell's analysis of Annie Britton/Boulton against the backdrop of a richly researched history of manners, social codes, and colonial domestic life; and Sarah Nicolazzo's reading of gender crossing as a form of vagrancy.[20] These works have provided structure and context to my project, and the basic premise of this thesis would have been impossible without them.

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[17] Lucy Chesser, *Parting with my Sex*; Lucy Chesser, 'Transgender-Approximate, Lesbian-Like, and Genderqueer: Writing about Edward De Lacy Evans', *Journal of Lesbian Studies* 13, no. 4 (2009): 374–94.

[18] See A. Narrain and V. V. Chandran, eds., *Nothing to fix: Medicalisation of Sexual Orientation and Gender Identity* (New Delhi: SAGE Publications. 2016); Jens T. Theilen, 'Depathologisation of Transgenderism and International Human Rights Law', *Human Rights Law Review* 14, no. 2, (June 2012): 327–342; Zowie Davy et al., 'Democratising Diagnoses? The Role of the Depathologisation Perspective in Constructing Corporeal Trans Ctizenship', *Critical Social Policy* 38, no. 1 (2017): 13–34.

[19] See Catharine Coleborne, *Insanity, Identity and Empire: Immigrants and Institutional Confinement in Australia and New Zealand, 1873–1910* (Manchester: Manchester University Press, 2015); James Dunk, *Bedlam at Botany Bay* (Sydney: NewSouth Publishing, 2019); Milton Lewis, *Managing Madness: Psychiatry and Society in Australia 1788–1980* (Canberra: Australian Government Publishing Service, 1988); Stephen Garton, *Medicine and Madness: A Social History of Insanity in NSW* (Sydney: University of New South Wales Press, 1988); Jill Giese, *The Maddest Place on Earth* (North Melbourne, Vic: Australian Scholarly Publishing, 2018); Lee-Ann Monk, *Attending Madness: At Work in the Australian Colonial Asylum* (Amsterdam and New York: Rodopi, 2008); James M. Gardner, *Inside the Cuckoo's Nest: Madness in Australia* (Fortitude Valley: Planet Publishing, 1977); Susan Piddock, *A Space of Their Own: The Archaeology of Nineteenth Century Lunatic Asylums in Britain, South Australia and Tasmania* (New York : Springer New York, 2007); Jill Julius Matthews, *Good and Mad Women*.

[20] Susanne Davies, 'Sexuality, Performance, and Spectatorship in Law: The Case of Gordon Lawrence, Melbourne, 1888', *Journal of the History of Sexuality* 7, no. 3 (January 1997): 389–408; Penny Russell, *Savage or Civilised? Manners in Colonial Australia* (Sydney: NewSouth, 2010); Sarah Nicolazzo, 'Henry Fielding's The Female Husband and the Sexuality of Vagrancy', *The Eighteenth Century* 55, no. 4 (Winter 2014): 335–353.

It is impossible to extricate trans history from queer and lesbian history during this period, because these distinctions did not exist in the nineteenth century. As I have previously mentioned, the theory of congenital sexual inversion posited homosexuality as cognate with a man's soul in a woman's body, or a woman's soul in a man's body.[21] The interpretive models around aberrant gender revolved around ideas of masquerade and impersonation, and frequently tied concerns around masqueraders and so-called men-women to concerns around homosexual and queer subcultures.

I have no desire to pursue a trans history that is independent and distinct from queer history, not only because such a history does not exist but because such a present does not exist either. Modern transgender communities are still a part of the greater queer community. The mechanisms of queer and trans marginalisation take the same shapes: pathologisation, criminalisation, healthcare discrimination, exclusion from the ordinary legal categories that dictate our lives, the same violences, the same abuses and the same abusers. Our struggles, our histories, and our liberation are bound together.

Though this be madness, yet there is method(ology) in 't

History needs evidence, and my approach is primarily archival. And yet state and community archives retain a limited amount of material. Nathan Sentance, a Wiradjuri librarian and museum educator, reminds us that archives are not 'neutral sites of memory and history … They are time capsules and they are also bullets.'[22] Archives provide brief snapshots into the past, not the full picture. The evidence raises more questions than it answers.

There is power in embracing this uncertainty as a necessary part of the process. My research draws primarily on archival sources, particularly medical, legal, and newspaper records. The first part of this thesis is composed of detailed case studies, and the second part comprises comparative analyses of these and many other cases. My research process has taken me back and forth between the archive, individuals, and communities. The individual case studies provide depth, while the comparative analyses provide breadth.

There are several bodies of archival and newspaper records in the late nineteenth and early twentieth centuries documenting the social, legal, carceral, and medical responses to people transitioning between gender categories. These provide interesting focal points for examining medical and cultural discourses of gender transgression in Australia. In this thesis I examine the medicolegal and press documentation of the lives of Edward de Lacy Evans,

[21] R. V. Krafft-Ebing, *Psychopathia Sexualis* (New York: Redman Company, 1886), 399.
[22] Nathan Sentance, 'Disrupting the Colonial Archive', *Sydney Review of Books* (2019): https://sydneyreviewofbooks.com/reviews/disrupting-the-colonial-archive.

Edward Moate and Jack Jorgensen, among many others. Many of these were detailed at length in newspaper coverage, since sustained gender transgression often became the subject of intense public scandal. Many were also the subject of both medical and legal scrutiny.

Some of my case studies are only sparsely referenced in archival records, while others are attached to a wealth of primary source material in the form of medical and asylum records, police and court records, newspaper articles, gazettes, pamphlets, memoirs and medical journals. The asylum records include medical case books, case papers, registers of admissions and discharges, registers of seclusion and restraint, letters from patients, photographs, memos, complaints, and internal and external departmental communications. In the earlier years of colonial lunacy infrastructure, many of the records were quite brief and disorganised, but became more detailed over time. Medical records highlight the ways in which gender transgression was filtered through a medical gaze, how violations of gender norms figured into broader constructions of lunacy, and the ways in which these transgressions were then managed or made sense of via medical treatment. The interaction between medical records and police and court records provide insights into the role of the police in defining and detaining lunacy in the community. Although lunacy was supposedly a medical issue, in the nineteenth century both the public attitudes and the social responses towards insanity largely characterised lunacy as a social, moral, and criminal issue, rather than a medical one. This was reflected in the legislative processes through which people came to be identified as lunatics and committed. It was also reflected in the language and logics surrounding people who were regarded as mad but ultimately not institutionalised.

The growth of digitised archival material has profoundly altered what is possible in trans history research. Australian historians are very lucky to have access to Trove, the digitised archive maintained by the National Library of Australia. Digitisation has forged new pathways and possibilities for the writing of trans history, but these new pathways have brought with them new obstacles. Although it is now possible to search by key phrases such as ‘masquerading as a man’, ‘female impersonation’, ‘living as a woman’, and so on, and locate articles discussing gender-crossing and deviance from gendered social norms, the search results are always incomplete. The optical character recognition software used by Trove is frequently inaccurate, and the National Library of Australia relies on volunteers to correct the results into coherently searchable text. Many of the records held in Trove’s database still require manual access and are not yet keyword searchable.

Not all historical newspapers have been archived or digitised and it is easy to forget that what we are looking at is an incomplete body of evidence. A reliance on digitised newspaper sources skews research towards cases that received more press attention. Perhaps most importantly, keyword searches deprive sources of their context. Although in-person archival visits are generally slow and labour-intensive, often that slow labour is

actually very valuable and necessary. If we target only the cases that interest us and not everything that surrounds them, then we risk decontextualising our source material.

I owe an enormous scholarly debt to many people, trans and cis, whose work predates this project. In terms of historical methodology, I am indebted to many different writers and disciplines, most urgently to those working in the fields of queer and trans history, social history, and cultural history. My approach has also been closely shaped by the microhistorical approach of Carlo Ginzburg and others.[23] I borrow from critical disability studies, crip theory, disability justice, and mad studies, disciplines which share a healthy scepticism for authority produced through medical and carceral systems. I have learnt a great deal from the work of First Nations scholars writing about archives, memory, responsibility, erasure, restoration, and repair, including Sandy O'Sullivan, Aileen Moreton-Robinson and Martin Nakata, among many others.[24] I have found Indigenous standpoint theories and feminist situated knowledges to be especially useful, providing frameworks for pushing back against the erasures and omissions of mainstream knowledge production.[25] These methods of inquiry are crucial in the context of trans history, given that both feminist and Indigenous theorists 'share an understanding that their respective production of knowledge is a site of constant struggle against normative dominant patriarchal conceptual frameworks'.[26]

Trans history and trans knowledge production are also suppressed by normative historical epistemologies, and are similarly contested sites, requiring us to challenge the default assumptions and paradigms – what Martin Nakata calls the 'fixed vantage point' – of much of the existing scholarship.[27] The historian is not a neutral observer. I am conscious of the ways my insight is shaped by my structural marginalisation (and radicalisation) as a queer, trans, multiply disabled wheelchair user. I am also conscious of the ways my insight is

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[23] Carlo Ginzburg, 'Microhistory: Two or Three Things That I Know About It', *Critical Enquiry* 20, no. 1 (Autumn 1993): 10–35; Carlo Ginzburg, trans. John and Anne C.. Tedeschi, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller* (Baltimore: Johns Hopkins University Press, 1980, first published 1976.

[24] Sandy O'Sullivan, 'The Colonial Project of Gender (And Everything Else); Sandy O'Sullivan, 'No Cession', *Pipewrench* 7 (Summer 2022); Aileen Moreton-Robinson, ' Towards an Australian Indigenous Women's Standpoint Theory: A Methodological Tool', *Australian Feminist Studies* 28, no. 78 (2013): 331–347; Natalie Harkin, *Archival-Poetics* (Sydney: Vagabond Press, 2019); Nathan Sentance, 'Remembering, re-storying, returning', *History Australia* 18, no. 4 (November 2021): 832–829; Evelyn Araluen Corr, 'Silence and resistance: Aboriginal women working within and against the archive', C*ontinuum: Journal of Media and Cultural Studies* 32, no. 4 (2018): 487–502; Linda Tuhiwai Smith, *Decolonising Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999; Martin Nakata, *Disciplining the Savages, Savaging the Disciplines* (Canberra: Aboriginal Studies Press, 2007); E. Tuck and K. W. Yang, 'Decolonisation is Not a Metaphor', *Tabula Rasa* 38 (2021): 61–111.

[25] Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (New York: NYU Press, 2006); Alison Kafer, *Feminist, Queer, Crip* (Bloomington and Indianapolis: Indiana University Press, 2013); Sins Invalid, *Skin, Tooth and Bone: The Basis of Movement is Our People* (Berkeley, CA: Sins Invalid, 2019); Dennis Foley, 'Indigenous Standpoint Theory and Indigenous Epistemology', *Social Alternatives* 22, no. 1 (2003): 44–52; Donna Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective', *Feminist Studies* 14, no. 3 (1988): 575-99.

[26] Aileen Moreton-Robinson, 'Towards an Australian Indigenous Women's Standpoint Theory', 331–32.

[27] Nakata, *Disciplining the Savages, Savaging the Disciplines*, 2.

obscured by the structures of power that I am complicit in and benefit from, as a white settler citizen with access to state supports and mainstream tertiary education. I hope that in this thesis I have done justice to my communities and to the many subaltern and subordinated communities I write in solidarity with. Throughout my research I have kept in mind Linda Alcoff's suggestion of speaking *with* rather than *for* or *about* marginalised communities, while retaining a sense of the material outcome of acts of speaking.[28]

Much of my thinking has been shaped by sources that will not make it into my list of citations. Some of the scholarly work I find most useful is also the work that I am most exasperated by. Foucault's theory of genealogy initially seemed promising, particularly in his rejection of fixed origin points, but ultimately I felt that it was too untethered from the material conditions of history to be useful. I have been both inspired and frustrated by emerging work in new materialisms, particularly in critical disability studies. I learn towards relativism more than essentialism, but for my purposes I have found that I prefer good old-fashioned historical materialism.

My guiding paradigm borrows from Michael Feely, who calls for 'a return to the material world and material bodies without a return to essentialism'.[29] Much of the existing work in queer history characterises itself as either relativist (regarding queerness as contextual and culturally specific) or essentialist (regarding queerness as inborn, essential and ahistorical).[30] Michael Feely's application of new-materialist Deleuzian theory suggests that it is possible to 'retain the radical potential of poststructuralism – the ability to contest oppressive identity categories – whilst also exploring the actual material world, the material sciences, and the visceral experience of having a body'.[31] This then might allow for an analysis of embodiment that unlatches assumptions of pathologised departure from normative values, while acknowledging that embodiment and affect are not solely discursive.

Rather than assuming that historical change occurs solely due to ideas, ideology, individuals or identity, I take as my premise that change is brought about by material conditions and economic factors, by the social organisation of labour, and by the division of societies into classes, from which we derive class struggle. History is not linear or progressive, and ideologies do not emerge in vacuums. Transness is not universal, but we might think of gender crossing in the nineteenth century as an example of what Marx calls 'the simpler

[28] Linda Alcoff, 'The Problem of Speaking for Others', *Cultural Critique* no. 20 (1991): 9.
[29] Michael Feely, 'Disability Studies After the Ontological Turn: A Return to the Material World and Material Bodies Without a Return to Essentialism', *Disability & Society* 31, no. 7 (2016): 868.
[30] See Michel Foucault, trans. Robert Hurley, *The History of Sexuality, Volume One* (New York: Penguin Books, 1976), 43; Rictor Norton, *The Myth of the Modern Homosexual: Queer History and the Search for Cultural Unity* (London: Cassell, 1997).
[31] Ibid, 868. I have largely steered clear of Deleuze and Guattari themselves, in part because I have little patience for the misuse of botanic language and the use of madness as metaphor.

category … [existing] historically before the more concrete'.[32] This simpler category takes many contextual forms, forged by historically contingent relations of empire, capital, and human interaction.

The body always exists within a sociocultural context, but equally sociocultural context is shaped in, through, and around the body. I hope to ground my approach in the material world and in embodiment and interaction, acknowledging that ideology and identity emerge from specific historical conditions, and without invoking bioessentialist ideas of the body as something immutable, universal, or unaltered by its environment. The body is a concept; real bodies are shaped by, and live in, the real world.

Case studies

My first case study examines the life of Edward de Lacy Evans, who lived in Melbourne in the nineteenth century. Evans had been assigned female at birth but had lived as a man for 23 years, during which time he married three women.[33] In 1879 his wife's wealthy brother-in-law J. B. Loridan took him to the lunacy ward of Bendigo Asylum, where he stayed for six weeks. Evans was then involuntarily admitted to Kew Asylum for 'amentia' or softening of the brain, after which (ostensibly) the physical circumstances of his gender were revealed by the mandatory bath given to patients upon admission.[34] Newspapers subsequently described Evans as a 'lunatic' and connected his gender transgression to this apparent lunacy: 'no one but a mad woman would have been guilty of such egregious folly and criminality without any apparent object'.[35] Remarkably, his doctors then retracted the diagnosis of amentia, claiming that his gender crossing was the source of his insanity and he would be cured by returning to living as a woman.[36]

Evans himself apparently maintained that he had never been mad, but had experienced temporary neurological dysfunction after being struck on the head with a piece of quartz at work.[37] As his 'recovery' became more certain, the newspapers began to describe him as a more calculating and insidious figure, claiming that Evans had been 'merely

[32] Karl Marx, *Grundrisse*. Marxists Internet Archive, accessed 10 September 2023. https://www.marxists.org/archive/marx/works/1857/grundrisse/ch01.htm.

[33] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2; Chesser, 'A Woman Who Married Three Wives', 53. I have been unable to locate Evans's birth certificate, but his Irish marriage certificate (to Melchiside Tremayne) and the stories from his neighbours in Ireland make it clear that Evans was assigned female and raised as a girl.

[34] 'De Lacy Evans', *Bendigo Advertiser*, 17 December 1879, 3.

[35] 'The Female Impersonator', *Northern Territory Times and Gazette*, 15 November 1879, 2; 'Extraordinary Case', *Bendigo Advertiser*, 4 September 1879, 2.

[36] 'The "Man-Woman" Imposture', *Geelong Advertiser*, 8 September 1879, 4.

[37] 'Mrs De Lacy Evans', *The Ballarat Star*, 16 December 1879, 2.

simulating madness' and was 'plotting… to obtain a suit of male attire' while in hospital.[38] Around the same time, Evans's brother-in-law Loridan was described as one of the major antagonists of the first miners' strike in Bendigo. Loridan was also being sued in court for child support by Evans's wife. Evans was called as a witness, and the striking miners came to court to vocally support him. Evans was discharged shortly afterwards. He spent some time as a sideshow exhibit before ultimately returning to a (non-medical) asylum.[39] Evans's life story was retrospectively turned into an aetiology for gender crossing in Australia, and he continued to be referenced in Australian newspapers for decades after his death.

My second case study is on the life of Edward Moate – or at least the latter part of his life. Moate worked as a manservant to a doctor in regional Victoria (Omeo and Bright), and according to the newspaper coverage had been 'under suspicion for many years of being a woman'.[40] Upon the doctor's death in 1884, the *Weekly Times* reported that Moate 'appears to have become insane, and her arrest and subsequent examination have led to the disclosure of another adventure in the life of a woman, only equalled by the De Lacey [sic] Evans affair'.[41] Like Evans, Moate's 'insanity' was interpreted as an inevitable circumstance of devalued or aberrant gendered subjectivity. He was institutionalised in Beechworth Asylum and died there after three years. He was buried under the name Edward Moate. Like Evans, Moate provides crucial insights into the gendered functions of social institutions, as well as into local community formation in the nineteenth century.

My third case study is on the life, death, and post-mortem mythologising of Jack Jorgensen. Jorgensen was a German migrant who travelled to South Australia with his family as a young girl. As a teenager, he was kicked in the face by a horse, resulting in significant facial scarring. At the age of twenty-nine, Jorgensen moved to the Bendigo area in Victoria, briefly worked as a female cook in a hotel, then began to work as a man, doing simple physical labour like putting up fences. He was arrested and told to return to wearing feminine clothing. Instead he moved to the next town over and continued wearing masculine clothing until his death in 1873. Like Evans and Moate, Jorgensen's gender transgression was fairly well-known in his community. Unlike Evans and Moate, Jorgensen received considerably more sympathy from both his immediate community and the broader public; the prevailing view seemed to be that, in the context of his facial scarring, Jorgensen was making the best of a bad situation by living as a man.

Most of the gender transgressors who were committed to lunatic asylums in Australia were transmasculine, though occasionally the judges who convicted transfeminine gender transgressors recommended medical attention or lunatic committal. Between 1880 and 1940

[38] 'The Personation Case', *The Maitland Mercury and Hunter River General Advertiser*, 11 September 1979, 7.
[39] 'Death of De Lacy Evans', *Albury Banner and Wodonga Express*, 30 August 1901, 35.
[40] 'A Man Impersonator'. *The Week* (Brisbane). 2 August 1884, 6.
[41] 'Remarkable Case of Deception'. *Weekly Times* (Melbourne). 2 August 1884, 11.

there was a significant shift in the gendered populations of psychiatric patients: in 1880 the patients were predominantly men, and by 1940 they were predominantly women.[42] This time period also saw a shift from madness being perceived largely as a moral issue (in which lunatic incarceration was not especially differentiable from criminal incarceration) to being seen as a medical complaint that must be attended to by trained medical professionals.[43] Transfeminine gender-crossers were generally more likely to be criminalised than medicalised.

The police used the process of lunacy committal as a method for classifying and responding to certain forms of public disturbance and social aberrance. This meant that many of the male patients were incarcerated for 'temporary insanity' seen to be arising from drunkenness, while many of the female patients were incarcerated on a more long-term basis for forms of insanity that were seen as more enduring.[44] Women (and anyone perceived as women) were considered to be more vulnerable to madness due to ostensible inherent faults in their bodies, sexualities and temperaments.[45] There was also an increasing societal fixation with eugenics and reproductive futurity, which sought to maintain racial supremacy and eliminate heritable mental and physical 'defects' (including lunacy, which was seen as cognate with crime and social immorality).[46]

Although this thesis largely focuses on a series of case studies, my aim is not to promote a vision of trans history that is overly concerned with individuality, nor to attempt to interpret these lone cases as somehow expansively representative, but rather to examine the relationship between a person and their community. I do not want only to look inside the lives of individuals, but to look outside their lives, and to all the competing forces that shaped them, and were shaped by them in turn.

I am wary of the urge to narrativise these cases. Equally, it is necessary to look beyond the dehumanisation of clinical records and restore the human element. In the majority of these cases there are a lot of unanswered questions, fascinating details, and nebulous mysteries. At times it is tempting to weave archival material into a coherent story arc, to cast certain people as villains and others as heroes or martyrs, to fill in the gaps. And yet these were real people whose lives often did not make narrative sense, and whose deaths did not provide satisfying conclusions.

For this reason, the second half of my thesis includes three chapters of comparative analysis. These chapters place Evans, Moate, and Jorgensen in conversation with each other,

[42] Garton, *Medicine and Madness*, 1.
[43] Ibid, 18–21.
[44] Ibid, 36.
[45] Elaine Showalter, *The Female Malady: Women, Madness, and English Culture, 1830–1980* (New York: Pantheon Books, 1985), 7.
[46] Garton, *Medicine and Madness*, 58–59.

as well as with many other historical figures in this time period. I examine the resonances, the referential lineages, the claims of perpetual recency, the myths and narratives arising around gender-crossing and particular gender-crossers, power hierarchies, friction between local and national perspectives, and the social and medicolegal structures that led to so many gender transgressors being institutionalised and incarcerated. I also look at gender-crossing on and off the stage, ideas of gendered performances or performativity, and the legacies of these stories and scandals.

C. Riley Snorton speaks to the value of leaving stories unfinished. Of course none of the stories in this thesis ever truly ended; they are brought back from death into textual afterlife every time they are mentioned or studied. Their resurrected ghosts take different forms with every new interpretation. Unfortunately the historian is mortal and not omniscient. We make mistakes. We disagree with each other. We disrespect the dead. We dig up their bodies and keep them from rest. We subject historical figures to ceaseless interrogations and re-exhumations.

I am not attempting to reassert trans history over queer history, or to examine either in the absence of the other. I believe that trans history, with all its particular resonances and nuances, its priorities and preoccupations, has a great deal to offer queer history rather than taking anything away from it.

I am interested in trans as a category of movement, not just of movement between gender categories but of movement through the world and through historical periods. I am interested in trans as a relationship between a person and their community; as reflection, as inversion, as mercurial memory and tangled ancestry, as physical embodiment and expression, as collision between past and future, between being and nonbeing, invisibility and hypervisibility. I am not looking for a fixed category based on brain sex and biological essentialism, but a constantly shifting and warping category, deeply historically specific and yet resonating across many different times and places. An anxious, unstable, un-static category. Something always slightly out of sight and out of grasp.

The Old and New Journalisms

My research relies heavily on the use of newspaper records alongside medicolegal records and other archival records. Newspaper sources in this time period are both very fruitful and very unreliable. For the trans historian, these are immensely valuable sources, but they must be analysed with caution and context.

Newspapers are often regarded by historians as faulty, inaccurate, and more secondary than primary. I do not dispute this, however the factors that make newspaper

sources unreliable are the same factors that make them excellent source material for projects like this one. Newspaper records cannot give us a clear view of what happened in the past. They *can* give us a view into how communities responded to transgressions against the social order; they can function as records of how societies used scandals to reaffirm or redefine social norms; and they are highly revealing in what they chose to include or exclude in print. They also provide valuable additional material that can help to flesh out the details of particular cases, in instances where people's life stories were shared widely in the press, but did not appear in medical or legal records. Of course, the accuracy of the provided details is dubious. Nevertheless, these publications show us how people in the past made sense of gender crossing, and how it figured into existing cultural narratives.

The digitisation of archival records is a double-edged sword. Digital archives are powerful tools, but the wielder must exercise caution and be conscious of their benefits and drawbacks. For trans history, keyword searchable records provide important pathways for tracing historical figures beyond the traditional lineages of births, deaths, and marriages. This is particularly useful for eras predating formal identity documents and legal name change records. However, digitisation also muddies the archival record with a slew of irrelevant results, and it can create a false sense of certainty about what is or isn't represented within (or without) the archive. Digitisation is not a shortcut and should not be regarded as such.

The NLA's Trove project is a blessing for Australianists, but historical research cannot begin and end in the search bar. At some point we must return to the actual physical records. Any historical study that makes hefty use of newspaper records requires a good understanding of the context in which individual articles were written, the factors shaping the production and distribution of newspapers, the nuances of the language used by the historical press, and the communities in which these publications circulated.

Press coverage of gender-crossers was often contradictory. Journalists frequently insisted that particular cases were exceptional and unique, only to then immediately rattle off lists of previous cases that they felt were comparable. The nineteenth century press created a tangled chronology of gender-crossing; they described various practices of gender variance as new, modern, and strange, while also being ancient, common, and widespread. Emily Skidmore describes this tactic as one of referential lineages, borrowing John Howard's concept of the 'referential idiom' used 'to connote homosexuality only through reference to prior cases … with no concrete referent'.[47] Skidmore points out that in America and Britain 'the relaying of analogues when discussing sex or gender transgression was a relatively common way for nineteenth-century newspapers to make meaning'.[48] This applied to

[47] John Howard, 'The Talk of the Country: Revisiting Accusation, Murder, and Mississippi, 1895', in Robert Corber and Stephen Valocchi (eds.), *Queer Studies: an Interdisciplinary Reader* (Malden, MA: Blackwell 2003), 147, quoted in Skidmore, 26.
[48] Skidmore, *True Sex*, 25.

citations of previous cases as well as to the terms used to describe them. According to Skidmore, the use of the term 'female husband' served to make particular instances of gender crossing 'legible as a familiar social phenomenon'.[49]

I suggest that the terms 'masquerade' and 'impersonator' were used in similar ways in the Australian press.[50] Australian newspapers broadly followed the journalistic traditions of the UK and US, but with divergences that were uniquely Australian. One major departure was that the anonymous system of journalism – that is, newspapers that published articles under a general masthead rather than with specific bylines for journalists – endured in Australia much longer than it did elsewhere. Australian journalism in the nineteenth century was not quite like British or American journalism, just as the Australian colonies were not quite like the British homeland or the emancipated United States. As such I have provided a brief overview of the functions of the Australian press, and consequently the functions, methods, and processes of dissemination of Australian newspaper scandals.

In nineteenth-century Australia there was no official journalistic code of conduct, but newspapers were not quite free to publish whatever they pleased. The earliest newspapers were established as government gazettes and were subject to government censorship. When privately established newspaper mastheads were introduced, they relied on advertiser funding to cover overhead costs. Newspapers were usually sold cheaply, at around a shilling per copy, to enable wide distribution. In 1862 Victoria's Legislative Assembly debated whether (and which) newspapers should include government advertisements. The *Argus* took umbrage. 'There cannot be a greater degradation', the editors claimed, 'either for the Government or the Press, than to suppose that the advertisements are intended to imply some sort of political patronage'.[51] The editors were particularly outraged by the description of the *Argus* as a 'Government organ', to which they responded with a lengthy diatribe suggesting that by the same metric they were the 'organ' of nearly every man and ministry in the colony.[52] Throughout the nineteenth century there were 'tensions' between what Denis Cryle describes as the newspaper's dual functions of 'public forum on one hand, and as a private investment in the other'.[53]

This was one part of a broader discussion over journalistic freedom of speech: some points raised in the 1860s were whether Australian newspapers should retain the anonymous

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[49] Skidmore, *True Sex,* 20.

[50] The term 'female husband' was also used in Australia, but with less frequency. I have only found one instance of Edward de Lacy Evans being described as a 'female husband', in the *Bendigo Independent* as quoted by the *Mount Alexander Mail*. Most of the newspaper articles referred to Evans as 'the Sandhurst impersonator' or 'the female impersonator' in their headlines and coverage. 'Items of News', *Mount Alexander Mail*, 21 October 1879, 2.

[51] 'Friday, May 9, 1862', *Argus* (Melbourne), 9 May 1862, 4.

[52] Ibid.

[53] Denis Cryle, 'Corporations and Collectives: An Overview of Australian Newspaper Companies 1860–1920' *Australian Studies in Journalism* 8 (1999): 84.

system; whether Australian newspapers should have the right to criticise politicians or the government; and whether the 'licentiousness' of the press needed to be kept in check by stricter legislation.[54] The publisher of the *Argus*, George Dill, was taken into police custody. The remaining editors called this 'despotic' and wrote that '[s]urely it is not necessary, in a democratic colony, in the middle of the nineteenth century, to remind a free people of the inestimable importance of a free press'.[55] Freedom in this context meant anonymity: the same article described a bill that would require editorial bylines as equivalent to 'incarcerat[ing] every newspaper editor in this colony'.[56]

The newspapers of colonial Victoria and New South Wales were highly local, often informal, and politically inconsistent. They were governed by public opinion more than any official legislation. According to the *Argus*:

> If we have only small beer to chronicle, we must chronicle small beer … We do not choose the objects of our notice; we can only deal with them in the manner most appropriate. If it be said that a similar manner is not adopted by journalists at home, what is this but to admit that the circumstances and the men are different in the two countries? … Cannot it be conceived that there is an excuse for plain speaking by the Press in Victoria which does not exist at home?[57]

'Plain speaking' was more metaphorical than literal. At times the prose was so purple as to be impenetrable. Newspapers were written by the educated elite for the educated elite, and everyone else got their news from the town crier. The influence of public opinion over the newspapers expressed itself in their articulation as well as their choice of subject matter. Nineteenth-century Australian manners were laxer than the rigid niceties of Britain, but they were still a major governing structure for the colonial population.[58]

Colonial sensibilities therefore required that subjects such as sex, sexuality, gender crossing, and any kind of deviance from the norm could only be discussed under several layers of context-dependent euphemism. Returning to the idea of the referential idiom, Skidmore points out that 'newspaper editors relied heavily on readers' "imaginations" to fill in the blanks'.[59] Historians, unfortunately, must fill in the blanks without the benefit of a nineteenth-century imagination. To understand what is being spoken beneath the surface we must be intimately acquainted with the language used in historical newspapers, as well as the material circumstances of their production. I am more fluent in nineteenth-century

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[54] 'Monday, May 5, 1862', *Argus* (Melbourne), 5 May 1862, 4; 'A Serious Word on a Serious Subject', *Argus* (Melbourne), 9 May 1862, 5; 'Dill v. Murphy: The *Argus* Case', *Argus* (Melbourne), 29 April 1864, 3.
[55] 'A Serious Word on a Serious Subject', *Argus* (Melbourne), 9 May 1862, 5
[56] Ibid.
[57] 'May 6, 1862', *Argus* (Melbourne), 6 May 1862, 4.
[58] See Penny Russell, *Savage or Civilised?*
[59] Skidmore, *True Sex,* 26.

Australian now than I was when I began to write this thesis, but true fluency is impossible. Historians of the nineteenth century must translate a language we don't quite speak with tools that are centuries out of date.

Australian journalists in the colonial period were not unaware of what British journalists were doing, but they were uninterested in reproducing the British style of journalism on the frontier. What, then, was the purpose of Australian colonial journalism? The legend of the *Argus* was a quote from John Knox: ''I am in the place where I am demanded of conscience to speak the truth, and, therefore, the truth I speak'.[60] But not all newspapers considered the seeking or speaking of truth to be their guiding animus. In 1886, Sydney's *Daily Telegraph* quoted a line from Henry Labouchère: 'the art of journalism is the art of concealing ignorance; and of course the more a man has to conceal the better'.[61] The *Telegraph* called this approach 'very poor stuff', claiming that the 'journalistic faculty' was one of 'keeping … in sympathetic touch and intellectual relationship with the people, of divining what the people want and in some way or other supplying it'.[62] Journalism, the *Telegraph* claimed, was 'a new organ to modern society, a mental necessity of modern life', though 'few indeed ever consider that like all institutions it is worked by living men'.[63] Nevertheless that article, like almost every newspaper article of its time, was penned anonymously.

In 1889 Sydney's *Freeman's Journal* claimed that 'journalism may be divided into two classes – reputable and disreputable'.[64] The *Journal*'s measure of reputability was not defined by morality, responsibility, success, wealth, or wisdom. Instead it offered two rules: firstly the pursuit of truth, and secondly a rule of *audi alteram partem*: to let the other side be heard. 'However strong may be the view taken of a public question no respectable journalist will create a false public opinion by smothering adverse discussion.'[65] According to the *Freeman's Journal*, both of these rules were frequently and 'unblushingly' violated by their contemporaries.[66] Writing histories using newspaper sources, therefore, requires us to read against the grain – as Judith Fetterley puts it, to 'read resistantly' – in order to hear the other side.[67] Importantly, we must listen to the silences, absences, and erasures, rather than attempting to give voice to anonymous or subordinated subjects. This is a project of reconnection, not ventriloquism.

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[60] *Argus* (Melbourne), passim.
[61] 'Journalists and Journalism', *Daily Telegraph* (Sydney), 27 November 1886, 4.
[62] Ibid.
[63] Ibid.
[64] 'Disreputable Journalism', *Freeman's Journal* (Sydney), 9 February 1889, 13.
[65] Ibid.
[66] Ibid.
[67] Judith Fetterley, *The Resisting Reader: A Feminist Approach to Modern Fiction* (Bloomington and London: Indiana University Press, 1978).

It is difficult to determine how much the accounts of the nineteenth-century press derived or departed from the party lines of public opinion. They certainly played a massive role in *shaping* public opinion, though that relationship was strangely symbiotic: newspapers published what they thought people wanted to read, and people read whatever was published. Ostensibly the newspapers served as the voice of the masses, but in practice their editorial boards almost exclusively comprised educated European men. Towards the end of the nineteenth century, female journalists began to edit publications such as Sydney's *Dawn* (1888–1905). There were also several newspapers in languages other than English, including Chinese newspapers in Victoria and German newspapers in South Australia. In 1874, the *Freeman's Journal* stressed that an editor must have 'political intelligence' and be able to 'feel with accuracy the popular pulse'.[68] According to the *Journal*, 'strong minds', 'genius', and 'personal passions' were antithetical to a newspaper's success.[69] In 1877, the *Goulburn Herald* similarly opined that '[t]he editor's personality counts for nothing; but the journal must clearly and forcibly voice the thought of the people'.[70]

As such we may consider the colonial press to be a valuable reflection of the views of their times, though not necessarily an unbiased or universal reflection. The narratives provided by the press were partial, unreliable, partisan, and usually aligned with the values of the dominant class. Journalists purported to be the voice of the people, but the vocal cords of the press were far more powerful and projected further than ordinary people were capable of. Newspaper distribution ranged from extremely local to occasionally international, written for a population whose literacy rates rose rapidly with the migration boom and introduction of compulsory education in the late nineteenth century. In 1861 the literacy level reported in censuses was 58%.[71] By 1901 that number had risen to 80%.[72]

Margaret Van Heekeren notes that from 1880 there were two distinct threads of 'new' sensationalist journalism in Britain and the United States: yellow journalism, with its 'propensity for emotional and shocking copy that mimicked fiction', and New Journalism, which by contrast was 'steeped in a sense of responsibility that placed greater emphasis on the newspaper as a crusader than entertainer' (having originated with William Stead's moral – and, as it turned out, manufactured – crusade against the 'white slavery' hysteria in London

[68] 'Newspaper Editors', *Freeman's Journal* (Sydney), 20 June 1874, 12.
[69] Ibid.
[70] 'Newspaper Editors', *Goulburn Herald and Chronicle* (NSW), reprinted from the *Echo*, 25 December 1877, 4.
[71] 'Measuring Education in Australian Censuses – 1911 to 2001', Australian Bureau of Statistics. Online. https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article242001?opendocument&tabname=Summary&prodno=1301.0&issue=2001&num=&view=#:~:text=Previous%20Census%20findings%20that%20Australian,contributing%20factor%20behind%20increased%20literacy. Importantly, this figure cannot be considered reliable with regards to Aboriginal and Torres Strait Islander peoples or Chinese migrants, who were excluded from some colonial censuses.
[72] Ibid.

in 1885).[73] In Australia, Van Heekeren argues, New Journalism did not make much headway until the 1890s, and only really took hold in the 1910s.[74] Certainly publications like *Truth* and *Punch* remained firmly in the tradition of the yellow press well into the twentieth century.

Australians were not unaware of the spread of New Journalism, but seemed to regard it with a sense of amused disinterest, or sometimes outright disdain. Those who praised the advent of New Journalism did not think it could be feasibly implemented in Australia. In 1887 the London correspondent of the *Kapunda Herald* described Stead as 'the knight-errant of contemporary journalism, riding forth continually in search of wrong, and tilting at the wrong-doers wherever he finds them', but argued that New Journalism was merely 'the offspring of the modern democratic spirit, and Stead is not the originator ... There were heroes before Agamemnon'.[75] The correspondent held a dim view of whether Australian journalists could enter the ranks of those heroes, citing the anonymous system and the constraints imposed by reliance on advertising revenue as significant barriers to a free press:

> The emancipation of the press from capitalistic bondage is coming to be generally recognised as one of the most pressing labours that the growing democracy will have to undertake. At present, under the anonymous system, the proprietors of a journal find no difficulty in manipulating the talent of men who have no sympathy whatever with the doctrines promulgated in its columns. There can be no radical reform of the press until it be made compulsory to sign all articles addressed to the public. The writer ought to be held responsible for what he says…
>
> [W]ith very few exceptions, the newspaper press is conducted on commercial principles, or, in other words, subordinates principle to self-interest. The papers derive by far the largest portion of their revenue from advertisers, and consequently are to a very great extent dependent on that class of the community which supplies them with advertisements … As a body, journalists are not original thinkers … they are middle-men, who break the bread of life and serve it to the multitude; but they are the historians of today, and must learn the lesson they have to formulate.[76]

This proved to be somewhat prophetic. For most of the major weekly and daily Australian newspapers, the idea of an emancipated, progressive, democratic press remained marginal throughout the twilight years of the nineteenth century. In 1889 the *Goulburn Herald* scathingly commented on New Journalism's 'nauseous taste for gossip and tittle-tattle', claiming that its subjects were tedious and irrelevant.[77] From my own impression of

[73] Margaret Van Heekeren, 'The Bulletin and the New Journalism from 1880 to 1918', *Australian Studies in Journalism* 16 (2006): 4.
[74] Ibid, 6.
[75] 'Strange True Stories of Today', *Kapunda Herald* (South Australia), 10 June 1887, 3.
[76] Ibid.
[77] 'Journalism', *Goulburn Herald* (NSW), 5 December 1889, 4.

nineteenth-century Australian newspapers, the *Herald* correspondent's claim that anonymity was a barrier to progressive journalism held true. The few journalists who were willing to push against the norms of their time tended to be those who worked as correspondents from a distance (and were therefore much less anonymous, though also perhaps less likely to suffer from local backlash), or those who worked for radical periodical papers, which were more likely to write in defiance of social norms but also more likely to sputter out of existence due to financial pressures. The rise of mass-produced newspapers corresponded to the sharp rise of the Australian settler population; most of the nineteenth-century papers were relatively new and relatively short-lived.

With this context in mind, nineteenth-century Australian newspapers can be considered a very useful source of information on both public opinion and the dominant social norms of their time periods. Newspapers played a major role in establishing, maintaining and enforcing colonial norms. This was especially true for regional papers, which comprised the vast majority of the publications established in the nineteenth century. Rural newspapers functioned as community records, detailing the ordinary noise of daily life as well as a curated documentation – or construction – of emerging colonial communities. This construction (or documentation) was, of course, implemented according to the political compasses of newspaper editors and their advertisers. Regardless of whether they were broadly conservative or broadly progressive, newspapers of the colonial period functioned essentially as colonial propaganda. Librarian Ross Harvey notes that:

> Each newly established country town needed its newspaper, along with its flour mill and its mechanics institute, to establish its credentials and to attract new settlers to open up the fertile lands (always, of course, fertile) and to profit from the farming, logging and mining opportunities…
>
> Distances were great and travel was uncomfortable and slow … and it was often hazardous. Railways, although established early, did not link up all centres of population until well into the twentieth century. The influence exerted by the country newspaper was significant up to about the 1950s…
>
> For at least one Australian colony, Victoria (and probably also for the other Australian colonies) the country newspapers exerted considerable political influence… [and] certainly not restricted to playing a local role. The explanation for this lies in the communication chains—the growth of railway networks in the 1870s and the telegraph from 1872 on.[78]

[78] Ross Harvey, 'Newspaper archives in Australia and New Zealand', *Media History* 5, no. 1 (1999): 72.

Perhaps unsurprisingly, the anonymous system was not quite so beloved by rural newspapers. There is no such thing as anonymity in country towns. The increasing connectivity provided by the railway network and telegraph lines only served to strengthen the political impact of rural and regional papers, despite the Melbourne papers claiming in the 1860s that '[t]he railway whistle will sound the death note of many a local journal' (due to the expected loss of advertising revenue).[79] It is true that the regional newspapers still orbited their funding sources, but the regional towns were certainly not devoid of their own capital, particularly in areas made wealthy by mining and agriculture. Towns like Bendigo and Bright were populated by a rich variety of inhabitants, from hopeful capitalists to loyal unionists. The narratives and mythologies that accumulated in their newspapers were a reflection of people as well as place.

Even the titles of regional newspapers played a role in shaping community self-perception: Bendigo was renamed Sandhurst in the 1850s, and became Bendigo again in 1891, while the major local newspapers remained the *Bendigo Advertiser* and the *Bendigo Independent* throughout.[80] Newspapers legitimised colonial authority over space and place, as well as functioning as evidence of (or propaganda for) the supposedly civilising influence of the British occupation. The growth of the Chinese migrant press illustrates the powerful relationship between newspapers and community formation. For several decades the only Chinese-language newspapers in the colonies were located in Bendigo and Ballarat. The earliest bilingual Chinese-English newspaper, the *Chinese Advertiser*, was established in 1856 in Ballarat, at a time when Chinese migrants made up approximately 20% of the population of the goldfields.[81]

With regard to gender-crossing, then, we must consider that historical newspapers were reflective of the values of their communities, but they were also responsible for shaping, altering and challenging those values. Newspaper articles were generally written by anonymous, literate, relatively socially successful men. Their anonymity gave them a degree of freedom of speech, but the 'free press' was still fettered by the chains of advertising revenue and local social contracts.

Newspaper scandals therefore provide fascinating insights into the social formation of communities, particularly regional and rural communities. They are windows into ordinary life in the past; albeit windows that are often obscured, veiled, covered up, and limited. Still,

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[79] 'The *Argus* and Privilege', *Argus* (Melbourne), 6 May 1862, 5.

[80] For a time the *Bendigo Advertiser* was titled the *Bendigo Advertiser and Sandhurst Commercial Circular*. See 'Bendigo or Sandhurst? History through newspapers', State Library of Victoria, 10 May 2013, accessed 29 April 2021, https://blogs.slv.vic.gov.au/such-was-life/bendigo-or-sandhurst-history-through-newspapers/; 'Bendigo or Sandhurst', *Bendigo Advertiser*, 25 April 1891, 5.

[81] Kate Bagnall, 'Early Chinese Newspapers in Australia: Trove Presents a New Perspective on Australian History', *Chinese Southern Diaspora Studies* 7 (2014–15), 162; 'Many Roads: Stories of the Chinese on the Goldfields', Victorian Collections, 12 December 2017, accessed 8 September 2024, https://victoriancollections.net.au/stories/many-roads-stories-of-the-chinese-on-the-goldfields.

a window is better than a wall. In order to survey the historical terrain, we must clean off a little grime, tolerate the obstructions of framing, and do our best not to let our vision be warped by the glass.

Trans terminology after trans terminality

Modern identity and community terms do not adhere precisely onto the identities and communities of the past. History as a discipline is a project of translation, of interpretation, and of reinterpretation. A great deal is lost in translation between the languages of the past and the present. Approaching these cases under a framework of trans history allows me to make important connections, while retaining as much nuance as possible.

The words 'trans' and 'transgender' are largely cognate, but there are fine nuances between them. 'Trans' began to be applied to gender-crossing in 1910. More recently, 'trans' has come to be known as a wild card meant to encompass all its various suffixes: transgender, transsexual, transvestite, and the slippages between; cross-dressing, gender nonconformance, drag. 'Trans' denotes movement, identifying things that move away from, against, or across categories and contexts. It draws from the Latin preposition roughly meaning 'across, to or on the farther side of, beyond, over'.[82] It is the origin of words such as transition, transgression, transcendence, transparency, and translation. Transvestite began as a diagnostic category, but today the word invokes a very different meaning. Generally it connotes a temporary, rather than permanent, gender transgression; a behaviour or a lifestyle choice, rather than a subjectivity, experience, or form of embodiment. Transvestism today refers to modes of dressing rather than modes of living.

I would consider people like Evans, Moate, and Jorgensen to be trans ancestors, people who would today perhaps be understood or understand themselves as trans, people connected to trans history; but I try not to directly describe them as 'transgender men' in the modern sense. I do still use the terms 'transmasculine' and 'transfeminine', though these are less rigid – and hopefully less prescriptive – categories. Generally I try to use phrases like 'gender crossing', 'gender transgression', and 'movement between gendered categories'. At times I also use phrases like 'gender deviance' and 'departures from the gendered social order'.

I am conscious that the terms 'transfemininity' and 'transmasculinity' are contemporary, historically specific and potentially reproduce binary framings of gender and transition. I have chosen to use these terms in this thesis despite their recency, in place of more unwieldy phrases like 'people considered male at birth who lived as women' or 'people assigned female at birth who lived as men', and with the understanding that gender transgression in nineteenth century Australia was indeed largely understood to involve

[82] 'Trans-, prefix'. OED Online. December 2019. Oxford University Press, accessed 4 January 2020, https://www-oed-com/view/Entry/204575.

movement between binary categories. It is however important to note that transfemininity and transmasculinity (as well as lesbianism and homosexuality) were not yet stable concepts in this period, and using these terms risks erasing historical specificity.

What I refer to as transfemininity was what the nineteenth century imagination understood as 'men pretending to be women'; 'men dressing as women'; 'gender-deviant men', and so on, bound up with stigmas relating gender deviance to predatory sexuality and/or sodomy. Although there was no contemporaneous language for gender transgression as anything other than deviance or deception, people who crossed gender categories did not necessarily lack a sense of stability, coherence or self-knowledge, and the people identified by the press as 'men in disguise' were by definition not identifying themselves as men in their context. Additionally, press coverage did not collapse every transgression of gender and sexuality into one homogenous category, but identified clear patterns delineating different forms of transgression (with varying degrees of associated severity and censure). My language use here is an imperfect attempt to examine these conceptual patterns without reproducing their associated stigmas and bioessentialism, especially since these stigmas are still alive and well today.

For the most part I have chosen not to use inverted commas around historical medical terminology, even though much of it is now considered inappropriate, outdated or harmful. James Dunk notes that inverted commas around the contemporaneous language of madness 'do little more than signal our own discomfort'.[83] The language of medicine and marginality shifts dramatically over time. I have tried to make sense of the subjects of this thesis without overusing historical slurs or projecting current terminology onto historically contextual categories. With this said, language is never neutral, and terminology that has enabled and enacted violence is itself violent. I have given great consideration to my language and praxis. I have attempted to maintain a sense of responsibility and connectivity to the communities I am referring to, and I try to always remain open to re-examining my decisions and biases.

Names have power, and the names of the dead even more so. Some of my case studies are more infamously known by their given names rather than their chosen names. For the cases where no other name was known, the newspaper coverage often placed scare quotes around gendered chosen names to indicate inauthenticity. Edward Moate received this treatment, even though Edward was the name he chose and was known by, and the name he lived and died under, and no other name was known to the authorities.

I have chosen to refer to gender transgressors by their chosen names and pronouns wherever possible. This is not an attempt to make a specific judgement call about their lives

[83] James Dunk, *Bedlam at Botany Bay* (Sydney: NewSouth, 2019), 15.

and genders, but rather an attempt to write with accuracy, and to respect the agency of people who were given very little of it in their lifetimes. I have considered using singular they pronouns to avoid the issue entirely, but at that point I have to ask myself whose genders I consider uncertain and why; and how much proof is required beyond the proof of their lives?

Often the subjects of this thesis were in fact very certain and intentional in their gender presentation and experiences. The remaining uncertainty seems to be mostly on our end of history. If using the pronouns that someone chose during their lifetime erases any part of their being, then surely it is an erasure that they themselves actively invited and perpetuated.

Given that trans communities often consider chosen names to be sacred, particularly after death, it is difficult not to view the chosen names of gender transgressors in the past as similarly sacred. Misnaming (or 'deadnaming') a trans person is widely considered to be an act of profound disrespect, even of violence. It is a disavowal of someone's chosen self in favour of the life picked out for them at birth; an attempt to reduce the entirety of a person's life and being to their genitalia or reproductive capacity.[84] Many trans people go to great lengths to avoid their birth names/deadnames being known or spoken. When trans people are deadnamed in print media, it is an act of power and the reassertion of norms. It is also an act that is prevalent in lurid reportage of the murders of trans women of colour. To deadname someone is to kill them again. Deadnaming erases who a person is and overwrites them with the person they weren't.

This community context has informed my research decisions. Deadnaming a trans person is very different to invoking a maiden name, alias, stage name, or childhood nickname. It is an assertion of power and an avenue of violence. When it comes to naming gender transgressors of the past, I have to consider the power of names. Having said this, my decisions around language are not driven by respect for the dead, but by respect for the living communities implicated by these historiographical assertions. What many of the people examined in this thesis wished to do more than anything was to disappear out of sight and out of the record. Respecting their wishes is incompatible with a research project that investigates their lives.

History is for the living. I am more concerned with the people who have to live under the weight of the past than I am with the hypothetical desires of people who can no longer be consulted, nor harmed by my methodological decisions.

[84] Sam Riedel, 'Deadnaming A Trans Person Is Violence — So Why Does The Media Do It Anyway?', Huffington Post, 17 March 2017, accessed 5 January 2020, https://www.huffpost.com/entry/deadnaming-a-trans-person-is-violenceso-why-does_b_58cc58cce4b0e0d348b3434b.

Ultimately any attempt at suspension of judgement on my part mostly seemed to result in disavowals of responsibility, fence-sitting, or obfuscation. With this said, this applies most to cases in which gender transgression was serious and sustained, often over many years or decades. For cases of temporary gender transgression, or less linear cases where individuals moved back and forth between gender categories, I have indeed attempted to reserve judgement and to either use singular they pronouns or avoid pronouns altogether. I have not altered the pronouns used in historical documents. At times this creates messy sentence structures, but embracing the messiness is a necessary part of this work.

What I hope to achieve with this thesis is a continuation of a much larger conversation: one that did not begin with me, and hopefully will not end with me either. I hold little hope for making peace with the dead, but I hope to give a sense of their legacies back to those living in the present. For our community to seek any kind of justice we must know who we are. To know who we are we must know where we came from, and who came before us.

The ghosts in these pages do not belong solely to any one community in the present. They are trans ancestors, queer ancestors, gay and lesbian ancestors. Without them we would not be where we are today. For those who are uneasy with my treatment of these subjects, I invite you to take up the task of resurrection yourself; to disagree, to make mistakes, to continue digging up the past, to continue speaking with the ghosts.

2: The (extra)ordinary Edward de Lacy Evans, Bendigo, 1856, 1879

> In that room
> the less you talk
> the more they write you down.
>
> - David Stavanger, *Case Notes*[1]

Extraordinary Case

In July of 1879 a miner named Edward de Lacy Evans was committed to the lunacy wards of Bendigo Hospital.[2] Six weeks later he was transferred to Kew Asylum, at which point the staff found that his anatomy was inconsistent with their expectations for his gender. A newspaper scandal ensued. Though Evans's case was not unprecedented, no gender transgressor in the colony had ever been subjected to such frenzied and prolonged press scrutiny. In part this was because the latter half of the nineteenth century saw a rapid increase in the settler population, and in the establishment of newspaper mastheads. Great emphasis was placed upon the 'extraordinary' and 'unparalleled' nature of Evans's life, even as comparisons were made to other, similar cases.[3]

The extreme public interest made Evans's life story infamous. Articles about him continued to appear for decades after the initial scandal. He became a cultural touchstone. His name became cognate with a particular kind of cultural transgression whose features could not be articulated without reference to precedents. Though he was not the first of these cases, something about his life captured the public imagination to a uniquely powerful degree. He became the standard against which subsequent Australian gender transgressors were measured; he became a kind of retroactive origin story. Although Evans was never a universally recognised household name, for the better part of a century he was a favourite referent for journalists and clinicians attempting to make sense of gender crossing.

It is for this reason that I have chosen to begin this thesis with a re-examination of Evans's life. His story gives important context to every case that followed, and in some ways even to those that preceded him. Evans was retroactively made into a foundational narrative of gender transgression in colonial Australia, a narrative which was informed and shaped by

[1] David Stavanger, 'Mental Health Week', *Case Notes* (Crawley, WA: UWA Publishing, 2020), 62.
[2] 'Cross Purposes', *Bendigo Advertiser*, 23 July 1879, 2.
[3] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.

logics of carceral systems, capitalist imperialism, madness, illness, degeneracy, deception, and sexual deviancy.

Evans was not a singular character and he was not extraordinary. He was a product of his time and of the society in which he lived. The framing of Evans as uniquely aberrant was not because he was truly exceptional, but because his story was built up into something larger than himself. Perhaps the most striking characteristic of his 'extraordinary' life was how profoundly ordinary it was.

This chapter is not an attempt to rewrite Evans's story, but rather to revisit him, and to converse with what remains. I am deeply grateful to Lucy Chesser and Mimi Colligan for their important work on Evans's case.[4] Advances in archival digitisation have made it possible to further trace certain details of Evans's background, but the value of this case study lies in its capacity to reflect larger processes of medicolegal structures and social relations. My primary interest is in the material conditions and cultural narratives that shaped his story, life trajectory, and social legacy, and allowed him to be represented as a narrative aetiology for gender transgression in Australia. As such I will examine the various narratives produced about and around him; the media, medical, social, and economic logics informing his case and its representations; the ways in which these logics supported and undermined each other; their internal and external contradictions. I refer to Evans using 'he/him' pronouns throughout, though I have left quotations uncorrected.[5]

After Evans was exposed in the asylum and in the press, hundreds of articles were printed across the country and even internationally. Journalists were eager for information, and the local inhabitants of Bendigo were eager to provide it. Rather than respecting patient confidentiality, his doctors enthusiastically shared updates with journalists. The *Bendigo Advertiser* noted that they were 'indebted to Dr. Poland, the resident surgeon of the Bendigo Hospital, for some of the following particulars, and have to thank that gentleman for the energy he has displayed in clearing up the matter'.[6] Evans himself was extremely reticent in the initial stages of his confinement, though a great number of his friends and neighbours

[4] Lucy Chesser, *Parting With My Sex: Cross-Dressing, Inversion and Sexuality in Australian Cultural Life* (Sydney: Sydney University Press, 2008); Lucy Chesser, '"A Woman Who Married Three Wives": Management of Disruptive Knowledge in the 1879 Australian Case of Edward De Lacy Evans', *Journal of Women's History* 9, no. 4 (1998): 53–77; Lucy Chesser, 'Transgender-Approximate, Lesbian-Like, and Genderqueer: Writing about Edward De Lacy Evans', *Journal of Lesbian Studies*, vol. 13, no. 4 (2009): 374–94; Mimi Colligan, 'The Mysterious Edward/Ellen De Lacy Evans: The Picaresque in Real Life',. *The La Trobe Journal*, 69 (Autumn 2002), 59–68; Mimi Colligan, 'De Lacy Evans Revealed: Aaron Flegletaub and Nicholas White', *History of Photography* 23, no. 2 (2015): 171–173.

[5] This is not an attempt to interpret Evans as a trans man in the contemporary meanings of the term, nor is it an attempt to avoid confusion, as claimed by the newspapers at the time. Evans does not fit neatly into modern categories of transgender men or butch lesbians, but he is relevant to each of their histories. Given that I am unable to consult Evans himself as to what pronouns are most appropriate, I have simply chosen to default to the pronouns he chose to use during his life.

[6] 'Further Particulars', *Bendigo Advertiser*, 5 September 1879, 1.

came forward to attempt to tell his story for him. The narrative that emerged was one of daring adventure and intriguing mystery, told with a dramatic flair more cognate with penny dreadfuls than investigative biography.

Several points were given particular attention. The first of these was that Evans had 'for 20 years passed as a man in various parts of the colony of Victoria' while working as a miner, an 'extraordinary case of concealment of sex' that was, according to the *Bendigo Advertiser*, 'unprecedented in the annals of the whole world'.[7] Next was the fact that Evans had been married, not once but three times. His third wife Julia Marquand had given birth to a baby daughter, previously thought to have been fathered by Evans. Evans himself had also at one point given birth, according to the testimony of a doctor who examined him.

According to the initial newspaper reportage, in twenty years of work and marriage absolutely no one had discovered Evans's gender crossing, even when he was committed to hospital and examined by doctors. Even his wife denied knowing about his gender-crossing.[8] These claims of total deception quickly proved to be incorrect, but nonetheless the idea of secrecy dominated the early press coverage. Each of these features exacerbated the apparent strangeness of the case, and escalated the severity of his transgression:

> There cannot be any doubt that the circumstances of this case are the strangest that have ever occurred in this hemisphere, and for that reason alone they are especially startling. For a female, a young giddy girl in the freak of a moment, to wish to don the attire of a male to astonish her friends or amuse herself, would not be anything marvellous, though somewhat questionable; but for a woman, not only to dress as a man, but to maintain her disguise for twenty years, as this impostor has done, to undergo the hard work peculiar to the sterner sex, and, strangest and worst of all, to marry three wives, is a case so surprising and mysterious that everyone may well wonder.[9]

In articulating the extraordinariness of his case, these details helped to flesh out the premise of exceptionality put forward by the newspapers. The media nearly unanimously identified Evans's gender transgression as the core feature of the scandal, with headlines largely consisting of phrases like 'Extraordinary Case of Concealment of Sex', 'The Man Impersonator', 'The Female Impersonator', 'The Female Man Impersonator', 'The Personation Case', 'Extraordinary Personation Case', 'The Man-Woman Imposture', and 'The Sandhurst Impersonator'.[10]

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[7] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[8] 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[9] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.
[10] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2; 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2, quoting the *Bendigo Independent* of 4

Nevertheless it was frequently acknowledged that what made the case *extraordinary* was not simply the issue of his gender. From the day the story broke, the *Bendigo Independent* wrote that '[t]he strangeness of the case, however, does not consist of the mere impersonation, but in the extraordinary nature of the facts, which are most peculiar, and mystifying in their details'.[11] The act of gender-crossing was not itself unique, but the success and complexity of his transgression were considered incredibly perturbing. His employment, marriages, and children filled out his 'deception' in a way that was thought to be impossible; they made it real.

His marriages were highlighted as particularly indefensible, not only because they added a dimension of deviant sexuality to his gender transgression, but because they authenticated his masculinity. The papers identified different elements as the 'strangest' feature of the case. One article wrote that '[t]he strangest part of this very strange story is that Mrs. Evans has a little girl 18 months old, and which Evans says is his'.[12] Another claimed that '[t]he strange part of the affair is that Dr. James Boyd has been the medical attendant of the family for many years, and has attended Evans for more than one illness… yet never had the slightest suspicions that Evans was other than a man'.[13] Journalists framed this as a consequence of Evans's consummate deception, rather than as evidence of medical oversight or neglect: 'with the additional fact that the supposed man's wife and child visited him every Sunday, Dr. Poland may be excused for not examining the patient more closely'.[14]

Some journalists acknowledged that gender transgression was a common occurrence, but still found Evans remarkable:

> The previous cases of this kind which frequently form the subject of a magazine article, all fade into insignificance before the present. Women have before now succeeded for years in personating men, and in doing so have undergone the roughest of work; have toiled as manual laborers, and in doing so have competed successfully with the strongest men. But in the Victorian case the personator of a male has absolutely been married no less than three times, and in two of these cases

September 1879; 'The Female Impersonator', Northern Territory Times and Gazette, 15 November 1879, 2; 'The Female Man Impersonator', Evening News (Sydney), 18 October 1879, 6; 'The Personation Case', *Sydney Morning Herald*, 9 September 1879, 6; 'The Man-Woman Imposture', *Geelong Advertiser* (Victoria), 8 September 1879, 4; 'The Extraordinary Personation Case', *The Argus* (Melbourne), 8 September 1879, 6; 'The Sandhurst Impersonator – Edward de Lacy Evans', *Illustrated Australian News* (Melbourne), 1 October 1879, 155. The vast majority of the articles about Evans used similar headlines to these. Occasional variations included 'A Woman with Three Wives' and 'De Lacy Evans: The Female Miner'.

[11] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.

[12] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2, quoting the *Bendigo Independent*.

[13] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.

[14] 'Extraordinary Case of Concealment of Sex', supplement to the *Bendigo Advertiser*, 5 September 1879, 1.

> there has been reputed issue of the marriage. When it is mentioned that the personator has worked for years as a quartz-miner — work requiring great physical strength — has been sick, and treated by a doctor without her sex being discovered, and, in met, has acted throughout her life in the colonies as a man, it will be seen that the case, besides presenting the usual characteristics of such matter, has added to it others of a most extraordinary nature.[15]

The issue was not only that Evans had dressed as a man, but that he had lived as one, and furthermore that he had ostensibly lived without discovery, even under the scrutiny of colonial medical and legal authorities. Any of the individual facets of his life were not too confronting in isolation, but the combination of all of them formed a whole greater than the sum of its parts. According to the *Bendigo Advertiser*, '[t]he mystery is, not only that a woman has worked in the mines, but has been a mining manager and has married three other women who have never betrayed his secret… It eclipses all the historical mysteries of the kind, and will form one of the *cause celebre* of the world's history'.[16] This interpretation, however, relied on the rather shaky premise that Evans's secret was in fact a secret. As the scandal unfolded, it became increasingly evident that the papers overstated the secrecy and mystery of Evans's case.

Many details of his history were initially unconfirmed and became substantiated over time, as journalists interviewed members of the community and checked the story against immigration and civil records. The first newspaper reports largely relied on the testimony of Catherine Holt, a nurse at Bendigo Hospital, who had emigrated to Australia on the same ship as Evans and remembered him from the journey. From her account the media surmised that Evans had travelled to Australia in 1856 on the *Ocean Monarch*, under the name Ellen Tremayne, later confirmed by the testimony of other passengers and by Evans himself. The shipping list stated that Evans was 26, a domestic servant, and hailed from Kilkenny, Ireland.[17] Holt remembered that while on the ship Evans 'used to wear gentleman's undergarments, and tried to make the other girls believe she was a man'.[18] She also noted that Evans possessed only one set of women's clothes, which he wore for the entire journey. This was especially conspicuous as assisted immigrants were required to provide a trunk of clothes for their own use while travelling.[19] These details were corroborated by other passengers, and named as a source of conflict between Evans and his shipmates.

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[15] 'Law and Criminal', *The Sydney Daily Telegraph*, 11 September 1879, 6.
[16] 'The De Lacy Evans Case', *Bendigo Advertiser*, 8 September 1879, 3.
[17] *Register of Assisted Immigrants from the UK. Ocean Monarch*. June 1856, no. 368. VA 606, VPRS 7310. Microfiche copy of VPRS 14, Book 11, Unit 192. PROV.
[18] 'The De Lacy Evans Case', *Bendigo Advertiser*, 11 September 1879, 3.
[19] Richard Reid, 'Dora MacDonagh and her "sisters": Irish female assisted immigration to New South Wales, c. 1848–1870', in Trevor McLaughlin, ed., *Irish Women in Colonial Australia* (Allen and Unwin: St Leonards, 1998), 68.

The journey to Australia was long and fraught, but numerous former passengers remembered Evans as being charismatic and friendly. He was described as 'one of a lively nature, and amiable disposition'.[20] Still, they found him 'peculiar' and were disconcerted by his masculine habits and his flirtation with female passengers. Another former passenger, Mrs Thompson, recalled 'hearing Ellen Tremaye [sic] say that when she arrived in Melbourne she would marry Mary Ann Delahunty', his cabinmate; to which the *Bendigo Advertiser* remarked that '[i]t is evident from this that the woman must have been mad upon the subject of sex from the time she left Ireland'.[21] (Evans was variously referred to as Ellen Tremaye or Ellen Tremayne, interchangeably; the former misspelling was likely based on recollections from his fellow passengers.)

Several passengers of the *Ocean Monarch* believed that Evans had 'personated a woman under the name of Ellen Tremaye on the voyage out, and was really a man'.[22] Evans himself 'used to tell the other girls in the vessel that she was a man'.[23] Based on the testimony of two passengers, including one of the under-matrons on the ship, the *Argus* reported that

> During the whole of the voyage remarks had been made as to the peculiar habits and manners of Tremaye. Her fellow passengers would remark to each other, 'Don't that look like a boy dressed up in girl's clothes?' … She had the appearance of a clumsy, overgrown boy dressed up in girl's clothes. Several persons who saw her handwriting distinctly stated at the time that it was more of a male character than that of a female.[24]

Evans's appearance and habits led to 'a great deal of gossip on board', and throughout the journey 'they used to taunt her with being a boy'.[25] Eventually the passengers became so convinced that Evans was a 'man in disguise', and so perturbed by this possibility, that they demanded he be subjected to a medical inspection:

> This having got bruited about the ship, of course more talk was made of Tremaye's appearance, and at the request of some of the passengers, it was determined that Tremaye should be taken before Dr Burke, who was in charge, and he was to decide the question as to what sex Tremaye belonged…

[20] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2, quoting the *Bendigo Independent*.
[21] 'Further Particulars', *Bendigo Advertiser*, 5 September 1879, 1.
[22] 'The Extraordinary Personation Case', *The Argus* (Melbourne), 5 September 1879, 7.
[23] 'The Man Impersonator', *The Herald* (Melbourne), 6 September 1879, 3.
[24] 'The Extraordinary Personation Case', *The Argus* (Melbourne), 8 September 1879, 6.
[25] 'The Extraordinary Personation Case', *The Argus* (Melbourne), 8 September 1879, 6; 'The Man Impersonator', *The Herald* (Melbourne), 8 September 1879, 3.

> The result of such investigation was anxiously looked for by the greater number of passengers on board, who flocked round the door, awaiting the decision of the medical gentleman. However, that was never made known on board, as when the doctor emerged from his surgery, the only remark he made to them was, that they were all to go away about their business, and not let him hear any more of that nonsense.[26]

The public fascination with the detail of Evans being regarded as a man in a period when he was living as a woman seems to reflect a greater anxiety regarding the permeability of gender categories. In the eyes of his community Evans's 'impersonation' was disturbingly natural, even innate, to the point where he was believed to be a man even without dressing as one. Simultaneously, there were points of friction that led to his gender being doubted regardless of his presentation. Although the media informants reported that the form of Evans's transgression was consistently masculine, in the wake of his exposure he was construed by those around him as somehow androgynous, as confusing and unstable.

On the *Ocean Monarch*, Evans's perceived gender deviance was considered threatening enough to warrant a medical investigation, presumably influenced by the fact that he was sharing a cabin with a woman and flirting with the female passengers. In Bendigo, however, his gender deviance and marriages to women were not considered threatening to the same extent, and rather presented as an amusing but ultimately harmless item of gossip – at least until his lunatic committal. In this case, as in others which I will cover in later chapters, transfemininity (or what the nineteenth-century imagination understood as 'men pretending to be women') was constructed as dangerous and socially unacceptable, while transmasculinity ('women living as men', 'female husbands' and so on) could be considered merely eccentric.

Some passengers who later heard gossip about Evans living as a man and marrying women claimed that they hadn't acted on this knowledge because they took it as proof that Evans was 'really a man', and that the transgression was already over.[27] Many were not so easily convinced, but were either complicit or complacent. The media interviewed several people who were familiar with Evans's background but blithely unconcerned by it: '[w]hen Mrs. Hill's husband used to hear the remarks about Evans's real sex, he used to remark—"If a woman, he ploughed very well."'.[28]

[26] 'The Man Impersonator', *The Herald* (Melbourne), 8 September 1879, 3.
[27] 'The Extraordinary Personation Case', *The Argus* (Melbourne), 5 September 1879, 7.
[28] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.

Evans kept his promise to Delahunty, and married her within a year of their arrival in Melbourne, under the name Edmund De Lacy.[29] In 1862 Delahunty married another man, and Evans married another woman, a fellow Irish migrant from Londonderry named Sarah Moore.[30] By this time, he was going by the name Edward De Lacy Evans, and working as a farm labourer and gold miner. In 1867, Moore died of phthisis (pulmonary tuberculosis), following a period of illness that had lasted nearly two years.[31] Although the papers reported that Moore had two children with Evans and had died in childbirth, her death record noted that Moore had died without issue (childless), and that her cause of death was tuberculosis.[32] Soon afterwards, Moore's sister introduced Evans to a dressmaking colleague, Julia Marquand, and a year later Marquand became his third and final wife.[33]

One of Julia Marquand's sisters, Louise, was married to a wealthy landowner and mining speculator, Jean-Baptiste Loridan.[34] Over the next several years Julia Marquand worked as a dressmaker, and Evans worked as an itinerant goldminer in several claims around Bendigo and Ballarat, many of which were partially or wholly owned by Loridan. Their married life could not be considered stable: like many mining families in gold rush era Victoria, Evans and Marquand moved around frequently and were sometimes forced to live apart.[35] For two years they lived with Marquand's sister Eliza and her husband Charles Loft in Quarry Hill.[36] After this Evans built a weatherboard cottage in the bush, where they lived for another four years.[37]

Around 1874 or 1875, Evans was injured while working for the Sea Company due to a fall of ground in the mine (described as a 'fall of earth' by the newspapers).[38] Underground mining at the time was highly dangerous work, typically following veins of gold in quartz through narrow openings in rock. The fatality rate was high, and accidents and injuries were

[29] Victorian Registry of Births, Deaths, and Marriages, marriage record for Edmund De Lacy to Mary Delahunty, 1856, no. 3585.
[30] Victorian Registry of Births, Deaths, and Marriages, marriage record for Edward De Lacy Evans to Sarah Moore, 1862, no. 02560.
[31] Victorian Registry of Births, Deaths, and Marriages, death record for Sarah De Lacy Evans, 1867, no. 8139.
[32] A neighbour clarified that Sarah Moore's sister had died in childbirth, which he attributed as the source of the misinformation. 'The Man Impersonator', *The Herald* (Melbourne), 6 September 1879, 3.
[33] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2; Victorian Registry of Births, Deaths, and Marriages, marriage record of Edward De Lacy Evans and Julia Mary Marguand [sic], 1868, no. 3056.
[34] 'Extraordinary Case of Concealment of Sex', supplement to the *Bendigo Advertiser*, 5 September 1879, 1; 'Lazarus New Chum Company', *Bendigo Advertiser*, 22 August 1872, 3.
[35] Pauline Rule notes that families were often separated by 'the search for employment and colonial distances'. Pauline Rule, '"Tell father and mother not to be unhappy for I am very comfortable": a sketch of Irish women's experiences in colonial Victoria', in Trevor McLaughlin, ed., *Irish Women in Colonial Australia* (Allen and Unwin: St Leonards, 1998), 136.
[36] Eliza Marquand and Charles Lewis Loft emigrated to England before Evans was institutionalised. Victorian Registry of Births, Deaths, and Marriages, marriage record of Eliza Marquand and Charles Lewis Loft, 1864, no. 3866; 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[37] 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[38] Ibid.

common, frequently caused by roof collapses, falls or machinery. Evans sustained a severe head wound and was attended to by a local doctor, Dr James Boyd. He returned to work soon afterwards but in the subsequent years 'complained greatly of his head'.[39] Aside from this he was physically sound and his workplace conduct was unaffected; in fact he was promoted to be the boss of the shift at his claim, earning 2 pounds and 10 shillings a week.[40] In 1878 Marquand gave birth to a daughter named Julia Mary Evans.[41] By 1879 Evans was working for the Great Southern Company. A week before his institutionalisation, his manager told him to go home 'as there seemed to be something wrong with him'.[42]

Although journalists claimed that nobody had discovered Evans's gender-crossing during this time, in fact the matter was fairly well-known in the local community. One article noted that '[t]here are, without exaggeration, hundreds of persons in Sandhurst who have known Evans's career, which can be traced for the whole time of his or her residence in the colony'.[43] A neighbour who had known Evans for seventeen years disclosed that she and her husband 'often referred to the appearance of the throat of Evans, which did not present the appearance of that of a man'.[44] Quite a few people said that they had known the entire story for years or decades. It seems that many people in the community had been following Evans's story and discussing it amongst themselves for a long time. One of the most complete accounts of Evans's history, including details of his marriages and gender crossing, was communicated third-hand, originating from an Irish acquaintance who had died before Evans was committed to hospital.[45]

Of those interviewed, the people who most strongly disavowed any knowledge of the matter were those who might have been expected to act on that knowledge – including police officers, doctors and hospital staff, former employers, and Evans's wife. The constable who escorted Evans to Kew said that he 'ha[d] known them for four years past, and has always heard Evans spoken of as an able miner, and never heard the slightest suspicions expressed of his sex.'.[46] His local doctor similarly 'never had the slightest suspicion of her sex'; at Bendigo Hospital 'the medical officers never suspected that their patient was a member of the softer sex'; the wardsman of the lunatic ward 'slept in the same room with him for six weeks without ever suspecting the sex of his patient'.[47] Their professed lack of

[39] 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[40] 'Further Particulars', *Bendigo Advertiser*, 5 September 1879, 1.
[41] Victorian Registry of Births, Deaths, and Marriages, birth record of Julia Mary Evans, 1878, no. 11574.
[42] 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[43] *The Bacchus Marsh Express* (Victoria), 13 September 1879, 2. In 1854 Bendigo changed the town's name to Sandhurst, but the two were mostly used interchangeably until it was changed back to Bendigo in 1891. The local newspapers were titled the *Bendigo Advertiser* and *Bendigo Independent*; there were no papers that took their name from Sandhurst.
[44] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.
[45] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.
[46] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[47] 'An Extraordinary Case of Personation', *Leader* (Melbourne), 6 September 1879, 23.

knowledge or suspicion effectively functioned as claims of innocence, which in turn reinforced Evans's guilt. By repudiating their complicity, they turned Evans's gender-crossing into an individual act of transgression against community values, rather than a community act of transgression against colonial values. They also avoided being implicated in the scandal themselves.

Most residents of Bendigo and its surrounds seemed to find the story intriguing and scandalous, but not exactly *unexpected*. That is, they found it morally shocking, but not shocking in the sense that they were actually surprised by the news. In some ways it appeared to be more confronting that the matter had been exposed than that it had occurred in the first place. Several people comfortably admitted that they had known about Evans's gender for many years, and had discussed it with other locals. For others it seemed as if they had more or less guessed the truth but never cared to pursue it: 'the miners used jocularly to speak of "him" as "old woman." Still, it was never thought that their mate was a woman'.[48]

This was the strange contradiction of Evans's life story. He was never suspected, though he was suspected at every turn. His transgression had been perfectly invisible and unnoticed, though it was well-known in his community. His life as a man was somehow both scandalously successful and inevitably doomed to failure. He was an extraordinary outlier, even as the newspapers admitted that '[t]he practise of females dressing in male attire is not altogether unknown in Bendigo', and compared Evans to international precedents like the Chevalier d'Eon, Boulton and Park, and Edgar Burnham.[49]

The features of his life that made him 'extraordinary' were totally ordinary for any other man of his social position in that era. An Irish migrant finding employment on the goldfields, marrying, and having children was not intrinsically scandalous but rather the very image of settler-colonial social mobility. This, perhaps, was the real fuse that lit the media scandal: that such an ordinary life was accessed by someone who should not have been able to access it, and that for so many years his community allowed the transgression to continue. Evans brought the ideal of the self-made man on the frontier to an unacceptable extreme. He was too self-made and too socially mobile, to the point where he became a threat to the very structures that had produced him.

[48] 'The Extraordinary Personation Case', *The Argus* (Melbourne), 4 September 1879, 10.
[49] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1; 'Boulton and Park Outdone: A Woman Takes Three Wives', *Australian Town and Country Journal* (Sydney), 6 September 1879, 11.

Aetiologies of masquerade and medicine

In the telling of Evans's life story, he was constantly painted as an unreliable narrator. The newspapers ridiculed him for claiming to have been born in France despite his heavy Irish accent.[50] The wardsman had tried to speak to him in French and been rebuffed; Evans said it had been too long, and he didn't remember enough of the language to converse in it. This was seen as further evidence of falsehood, though it is not necessarily inconsistent with Evans's account of being born in Paris but moving to Ireland at a young age. Later, however, Evans recanted this version and said that he had been born 'at or near Waterford, Ireland'.[51] Others said that he was from Kilkenny, which was the birthplace recorded on the shipping list and on the hospital record. (Kilkenny and Waterford are neighbouring counties.) He had claimed to be related to a well-known Irish military general Sir George De Lacy Evans, though this claim was also immediately discarded by most of those who heard it.[52] The shipping list gave his age as 26, and his religion as Roman Catholic.[53] Two of his wives were Protestant, and his religion in the hospital record was also listed as Protestant.[54]

Evans's birth name was initially reported as Ellen Tremaye or Tremayne, based on Holt's account of their journey on the *Ocean Monarch*. On the shipping list, the spelling was Tremayne.[55] Shortly after Evans's exposure a neighbour disclosed that his name had been Ellen Lacy, which was corroborated by Evans himself less than a week later.[56] On September 12 the *Bendigo Advertiser* reported that

> The patient is now enjoying better health than formerly, although at intervals her reason totally fails her. She has promised—and the promise was apparently made in all sincerity—to communicate to Dr. Poland, the resident surgeon of the hospital, the facts of her history, but the poor creature is so weak, and her mind so shattered, that she has been unable to get on with the task. She has once or twice endeavored to recall circumstances to mind, but the only satisfactory information so far obtained from her, is that her maiden name was Ellen Lacy, and that she came from the city of Waterford, in Ireland, or some town or village in its neighbourhood.[57]

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[50] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879.
[51] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 3 October 1879, 3.
[52] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[53] *Register of Assisted Immigrants from the UK. Ocean Monarch*. June 1856, no. 368. VA 606, VPRS 7310. Microfiche copy of VPRS 14, Book 11, Unit 192. PROV.
[54] Kew Asylum Case Books 1871-1912. Female casebook no. 5, entry 182, 1 September 1879. Public Record Office Victoria, VPRS 7397/P/1-5. Bafflingly the Kew record specifies Protestant (Church of England).
[55] *Register of Assisted Immigrants from the UK. Ocean Monarch*. June 1856, no. 368. VA 606, VPRS 7310. Microfiche copy of VPRS 14, Book 11, Unit 192. PROV.
[56] 'The De Lacy Evans Case', *Bendigo Advertiser*, 6 September 1879, 1; 'The De Lacy Evans Case', *Bendigo Advertiser*, 12 September 1879, 2.
[57] 'The De Lacy Evans Case', *Bendigo Advertiser*, 12 September 1879, 2.

The neighbour who first provided the name Ellen Lacy to the press, Mrs Hill, had heard it second-hand from an acquaintance who had known Evans in both Ireland and Australia. The original source of the information, Mrs McEvoy, had already died by the time the news story broke in 1879. Hill remembered her disclosures very clearly, perhaps indicating that Evans's story had already achieved a certain notoriety within the community. McEvoy had revealed the story to Hill after addressing Evans as 'Nellie' in her presence. According to what Hill had been told by McEvoy,

> Evans's maiden name was Ellen Lacy, and she became acquainted with a sailor named Tremaye, whom she married. By him she had two children, which will account for the appearances described by the medical authorities, who have since examined Evans at the hospital. Mr. and Mrs. Tremaye then left for Quebec, at which place they stopped for some short time. The next Mrs. McEvoy heard of Mrs. Tremaye was on her return to Cork with the two children but minus the husband. The children she left in the hands of their grandfather and grandmother, under whose care they were at the time.[58]

In October the *Advertiser* published an account from Evans confirming this version of his history. 'From her own confession it has been ascertained that her name was Ellen Lacy, and that she was born at or near Waterford, Ireland. She married a man named Tremaye, by whom she had a child, with whom she went to Quebec, Canada, where the child died.'[59] (Evans later mentioned wanting to leave Australia to live with friends in North America, and the link to Quebec would explain Evans having a shaky grasp of French that did not indicate native fluency.) Another Irish neighbour, Mrs Thompson, who had boarded the *Ocean Monarch* in company with Mary Ann Delahunty, provided further details regarding Evans's origins, supplying that he was 'a native of a little village called Monakine in the parish of Iverk, County of Kilkenny. The village is situated on the north bank of the River Suir, and is close to the town of Portlaw and city of Waterford'.[60] After this the papers listed Ellen Lacy as one of Evans's aliases: '[t]he man impersonator, Ellen Tremaye, *alias* Ellen Lacy, *alias* Edward De Lacy Evans'.[61]

I have managed to corroborate some of these disclosures regarding Evans's former name, place of origin, and marriage. Newly digitised Irish civil records reveal that Evans and (some of) his neighbours were being truthful about his origins and history. In 1851 a 20-year-old named Ellen Lacy married a man named Melchiside Tremayne in Carrick-on-Suir,

[58] 'The De Lacy Evans Case', *Bendigo Advertiser*, 6 September 1879, 1.
[59] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 3 October 1879, 3.
[60] 'Further Particulars', supplement to the *Bendigo Advertiser*, 5 September 1879, 1.
[61] 'Sandhurst', *The Argus* (Melbourne), 20 September 1879, 5.

Kilkenny.[62] The record noted that Lacy's father's name was John Lacy, which is consistent with the information Evans supplied when he married Marquand.[63] Although Ellen Lacy was a very common name in Ireland, Tremayne was not, and given that the timing and location of the record match up with Evans's own account, I am reasonably confident that this record refers to him. As Tremayne was his married name, and Lacy his given name, it seems highly likely that 'De Lacy Evans' was simply an embellishment he had added himself, rather than something deriving from a third party, and that the box labelled 'Edward De Lacy Evans' was his own.

The marriage record is further corroborated by an 1851 article in the *Kilkenny Moderator*, which reported that a man named Melchizedec Tramayne [sic] and his wife Ellen Lacy had been shot and struck by a stone respectively in Kilmogue, Ireland near the home of the wife's father John Lacy (a 'humble farmer').[64] The couple had recently returned from the Americas; the husband had reportedly worked on the California goldfields before meeting his wife in New York. The *Moderator* speculated that 'the object of the attack on this man and woman was to frighten them out of the country, lest they might take land in the locality … Tramayne [sic] had been boasting of his intention to take land near his father-in-law'.[65] Another article two weeks later noted that the gun used to shoot Tremayne probably belonged to a farmer named Connelly, whose license for arms was subsequently revoked.[66]

It seems entirely possible that Evans had been living as a man in Ireland before he emigrated. He explained at the time that he had not brought any (women's) clothing because he'd had to leave Ireland in a hurry, and when confronted over the matter 'only replied with a smile and said there was nothing in it'.[67] The issue was not merely that he owned a box of men's clothes but that he was in the habit of wearing those clothes; that he 'used to wear men's drawers and shirts over which she wore petticoats and a woman's dress'.[68] The papers persisted with the assumption that the box filled with men's clothing labelled 'Edward de Lacy Evans' had belonged to a 'companion', apparently discarding the obvious possibility that the box labelled with Evans's name belonged to Evans himself.[69]

By his own account his reason for leaving the country was because he was too well-known to avoid scrutiny.[70] The passengers on the ship assumed that he was emigrating to

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[62] Ireland Civil Registration, 1845-1913, database with images, *FamilySearch* (https://familysearch.org/ark:/61903/1:1:QL3W-PSCW), Marriage record of Melchiside Tremayne and Ellen Lacy, 31 Jul 1851, Ireland; citing General Register Office, Dublin; FHL microfilm 101324.
[63] Though he gave his father's surname as De Lacy Evans, he gave his first name as John.
[64] 'An "Irish Welcome" to a Californian Goldfinder', *Kilkenny Moderator* (Ireland), 3 September 1851, 2.
[65] Ibid.
[66] 'Revocation of a Licence for Arms', *Kilkenny Moderator* (Ireland), 17 September 1851, 2.
[67] 'The Extraordinary Personation Case', *Argus* (Melbourne), 8 September 1879, 6.
[68] 'The Personation Case', *Sydney Morning Herald*, 9 September 1879, 6.
[69] 'The Extraordinary Personation Case', *Argus* (Melbourne), 8 September 1879, 6.
[70] 'The Man Impersonator', *Ballarat Star* (Victoria), 12 September 1879, 3.

avoid some local scandal, and that he was 'being sent away, or as they termed it "bribed" away on account of some family difference'.[71] The newspapers in 1879 reified this assumption, and were satisfied with the supposition that Evans was fleeing from the scene of some kind of legal or moral misconduct. Their suggestions included theft, premarital intimacy, or the birth of an illegitimate child. In this context the Australian colonies were imagined to be a space of possibility and freedom, allowing settlers to reinvent themselves in a new context. As this case makes clear, however, these possibilities were both conditional and contextual.

None of the articles suggested that the scandal or difficulty prompting Evans to emigrate might have been related to his husband rather than himself. Nor did they suggest that the scandal Evans faced in Ireland might have been the same one he faced in Australia. Though Evans's gender transgression was the subject of their case, it was always framed as something requiring explanation rather than something potentially explanatory. The editors, neighbours, policemen, and doctors who speculated on Evans did not consider his desires, or what he might be chasing towards; only what he might be running from. As Tuck and Ree remind us, desire is 'not just living in the looking glass', a 'trip to opposite world' nor 'a light switch'; it is 'a recognition of suffering, the costs of settler colonialism and capitalism, and how we still thrive in the face of loss anyway'. [72]

Journalists were eager to locate an ulterior motive behind Evans's decision to live as a man. It was taken as self-evident that such a motive must exist, and that it must be external and unusual enough to explain his commitment to a maligned social role for so many years. The *Herald* wrote that there 'must have been something extraordinary to induce a young girl to adopt the disguise, and afterwards to maintain it so seriously and completely'.[73] Again it was never considered that gender transgression could itself be an underlying motive, or that Evans's desire to live as a man might have been driven simply by the desire to live as a man.

The least complex explanation was discounted in favour of increasingly elaborate press speculations. When Evans failed to provide an adequate justification, the papers strove to invent one for him. Over the course of the media investigation, even as Evans himself disclosed his background, the papers published a number of wildly speculative theories attempting to make sense of the details they knew:

> We have heard a theory raised to account for the whole circumstances, which, on the facts known, appears reasonable and likely … that Edward de Lacey Evans, actually a nephew of the Crimean General, seduced her, and that she bore the child, which it is

[71] 'The Extraordinary Personation Case', *Argus* (Melbourne), 8 September 1879, 6.
[72] Eve Tuck and C. Ree, 'A Glossary of Haunting', in Stacey Holman Jones, Tony E. Adams and Carolyn Ellis, eds., *Handbook of Autoethnography* (New York: Left Coast Press Inc, 2013), 647.
[73] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2.

> certain she at some time gave birth to. That being then expelled from her father's house, and overcome with shame, she resolved to go to Australia; and that the fact of De Lacy Evans' box being onboard is to be accounted for by the supposition that he promised to accompany her, and sent his luggage as a blind, in order to dupe his victim into the belief that he was going with her, and thus rid himself of her further presence. This, of course, is only supposition, but it is the most reasonable way of accounting for what else seems unaccountable.[74]

That the mainstream press could come up with such a bizarre and unfounded backstory, and furthermore consider it 'reasonable', speaks greatly to the depth of romanticism and sensationalism to which Evans's story was subjected. In attempting to patch up the perceived gaps in Evans's story, the media provided narratives that made sense according to their dominant worldview. This conveys valuable, albeit somewhat baffling, insights into the social dynamics of the period. Evans's transgression was considered unaccountable and unreasonable because the world he lived in had no framework and no language to make sense of him. The matter of the box was deemed significant because Evans was being read as an unattached woman in mysterious possession of a man's belongings, rather than as someone who went on to live as a man, owning a box with his own name on it and filled with his own clothes.

Why Evans being jilted by a former lover would have led to him assuming that lover's identity, especially if his motive was to *escape* that shameful situation, was something that apparently did not require such vigorous justification. These explanations were retroactive, attempting to incorporate Evans and his history into a life narrative that was more familiar and explicable. The media did not seriously consider the options available for someone of Evans's social background in the 1850s, or assess the decisions made by people in similar circumstances – or in the circumstances projected onto him. Although extramarital pregnancy was harshly condemned in nineteenth-century Ireland, during the Great Hunger the proportion of illegitimate births in Kilkenny rose dramatically.[75]

If Evans had indeed given birth to a child before his marriage to Tremayne, he was certainly not the only resident of Kilkenny to do so. The strategies that Irish women deployed in the case of prenuptial pregnancies were generally to 'hide their pregnancies, abandon their babies, or emigrate to hide their shame'.[76] Unless Irish history conceals some intriguing secrets, these strategies did not generally include stealing the name and identity of a former lover after being seduced and discarded. If Evans had truly been clever enough to perform

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[74] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2.
[75] Liam Kennedy, 'Bastardy and the Great Famine: Ireland, 1845-1850', *Continuity and Change* 14, no. 3 (1999): 437.
[76] Maria Luddy, 'Unmarried Mothers in Ireland, 1880–1873', *Women's History Review* 20, no. 1 (February 2011): 109.

such a grand deception, he was surely too clever to consider papering over a scandal with an additional scandal of even greater severity. Illegitimacy was a grave moral error, but a familiar one. Gender transgression was on another plane entirely.

The *Bendigo Advertiser* also gave a version of the seduction narrative, accompanied by an alternate explanation that similarly assumed the labelled trunk of clothes must have signified identity theft:

> The only explanation that can be given of her coming to this colony as she did is that either she was seduced by Edward De Lacy Evans, who possibly intended accompanying her to Australia, but allowed her to proceed by herself with the luggage belonging to both, and that her mind became distracted by the desertion, or that she stole the trunk of clothing, which evidently contained money and valuables also, and assumed the name and attire of a man to hide her identity. We certainly think that the police should sift this strange affair to the bottom, as it is sufficiently marvellous at present to admit of any amount of further ramifications, and goodness knows what crimes may have been perpetrated to enable the fraud to be carried out to the length it has been. The two first wives, and an indefinite number of children have disappeared most strangely, and although the affair is sensational enough in all conscience, there are many things in connection with it which have not yet been brought to light.[77]

This account attempts to link the seduction theory with a longer narrative of Evans being of unsound mind.[78] Insanity could explain what normative justifications could not. As the *Bendigo Advertiser* put it, '[t]he woman is evidently insane, and has been so for many years, as her acts testify, as no one but a mad woman would have been guilty of such egregious folly and criminality without any apparent object'.[79] When Evans first confirmed the details of his background to the hospital staff, he was described as 'rambling and incoherent'.[80] The *Ballarat Star* reported that:

> She said first of all that her name was Ellen Lacy, and that she had lived near Dublin. She then told him that she had an illegitimate child there. Dr Poland asked her who was the father of the child. She paused and tried to think, but seemed unable to collect her ideas, and she replied in a weary tone that she could not think of his name, but she would try and recollect it.[81]

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[77] 'Further Particulars', supplement to the *Bendigo Advertiser*, 5 September 1879, 1.
[78] The reference to Evans's 'mind becoming distracted' was most likely a euphemism for mental derangement.
[79] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[80] 'The Man Impersonator', *Ballarat Star* (Victoria), 12 September 1879, 3.
[81] Ibid.

Evans's ex-husband's name was Melchiside, an uncommon name with many variants. It is possible that Melchiside Tremayne usually went by a nickname, or that Evans did recall the name but his doctors disbelieved him. It is also possible that Evans did not want to implicate someone whose name was so identifiable. The *Star* continued:

> He asked her what reason she had for adopting the disguise and assuming the name of Tremaye, and her answer was that she did not know, but that after she had the illegitimate child she 'went to the bad,' and changed her name so that she would not be known.[82]

The *Bendigo Advertiser*, by contrast, did not consider the theory of an illegitimate child to be an adequate motive. They argued that a birth out of wedlock would explain a temporary disguise, but it did not explain Evans's decision to live as a man and husband:

> We learnt last night at the hospital, however, that Evans admits having had a child before leaving Ireland, which, he states, was illegitimate. It is not improbable, therefore, that Evans assumed the disguise of a man in order to shield himself, and as the mere shame in connection with such a matter would hardly make Evans marry as a husband, it is very probable that he must have been actuated by some stronger motive. The matter should certainly be sifted to the bottom, as there are evidently circumstances connected with the case which should be brought to light.[83]

A few days later the correspondent of the *Mount Alexander Mail* also reported that Evans had an illegitimate child in Waterford, resulting in public disgrace and prompting him to leave the country. The article further noted that 'to destroy all traces of herself, she took the name of Ellen Tremaye, her real name being Ellen Lacy. Such is her story so far, and which has been consistently adhered to by her in her intervals of apparent rationality'.[84] Given that Tremayne was actually his married name, taking on that name to 'destroy all traces' of his identity would have been foolish and highly ineffective. Although it contradicted the earlier disclosures that Evans had married a man named Tremayne in Ireland, and that his former children had been produced in that marriage, the narrative of Evans emigrating to Australia and dressing as a man to escape the scandal of an illegitimate child proved enduringly popular. Locating an ulterior motive was apparently necessary to explain, if not justify, the perturbing details of Evans's life story.

By mid-September Evans had provided a credible account of his background, aligning with the accounts given by people who knew him. Despite this, the newspapers continued to report that he remained secretive and that nothing about his history could be uncovered. The

[82] Ibid.
[83] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.
[84] 'Items of News', *Mount Alexander Mail* (Victoria), 15 September 1879, 2.

Illustrated Australian News wrote that 'She refuses to divulge her real name and place of birth; and though rapidly recovering from the effects of her late illness, she observes unusual taciturnity'.[85] Although the media was determined to uncover the facts of the case, they were equally determined to cover them up again if they were deemed insufficient or unsatisfying. The mystery surrounding Evans's life was not a product of his magnificent deception, but deliberately manufactured by the press. 'Truth is, indeed, stranger than fiction', declared the *Bendigo Advertiser*; and yet fiction prevailed over truth in the telling of Evans's story, to the point where the fiction became more believable than the reality.[86]

Reasoning unreason: madness, deception, and medical narratives

The journalistic account of Evans's lunatic committal was punctuated with the same accusations of deception and deviance that appeared in the reportage on his history. The circumstances of his committal were murky, and many of the newspaper reports contradicted each other, or obscured details that had been previously reported on. According to the *Bendigo Advertiser*,

> when Evans was taken to the Bendigo Hospital the first time, on the 21st July, it was on a subscriber's ticket for bodily illness, and the authorities had no power to detain her, but Dr. Pounds immediately gave information to the police, and had her committed as a lunatic on the following day.[87]

Evans was first brought to the hospital by his brother-in-law, Jean Baptiste Loridan, and some of his friends.[88] When asked to bathe upon admission, Evans 'refused to do so, and walked out of the institution', though the *Bendigo Independent* noted that 'no special significance was attached to the fact of the refusal to bathe, inasmuch as patients generally evince a decided objection to do so'.[89] On July 22nd Evans was arrested by the police at his home in Quarry Hill, and committed to Bendigo Hospital on the basis of 'incipient softening of the brain', elsewhere quoted as amentia.[90] One of the doctors who certified his lunacy was Dr James Boyd, Evans's family doctor, who had treated his wife during her pregnancy and also treated Evans during a period of debility following his injury at the mine. After this, Evans was placed under the charge of a warder 'who slept in the same room with him for six weeks

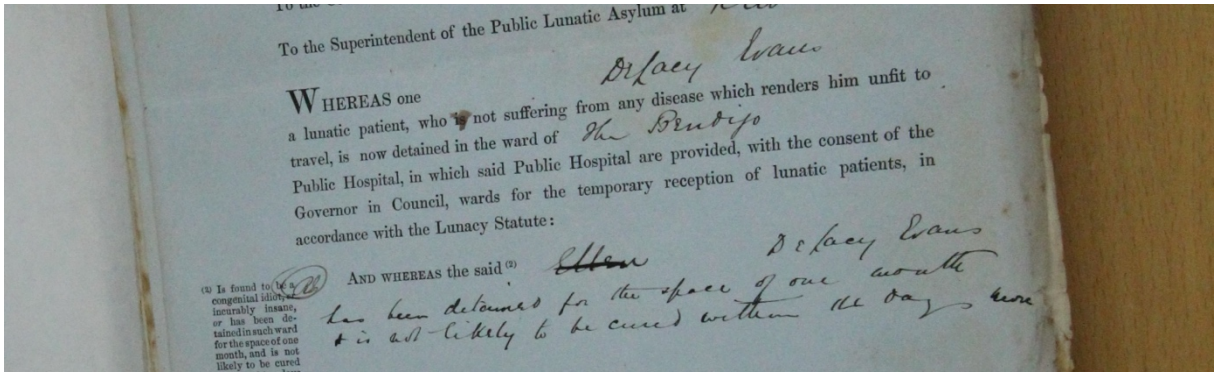
[85] 'The Sandhurst Impersonator – Edward de Lacy Evans', *Illustrated Australian News* (Melbourne), 1 October 1879, 155.
[86] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.
[87] 'Further Particulars', *Bendigo Advertiser*, 5 September 1879, 1.
[88] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.
[89] Ibid.
[90] Bendigo Hospital Lunacy Ward. Entry for Ed. De Lacy Evans, male no. 72, 22 July 1879, PROV, VPRS 7493. Register of Patients; 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.

without ever suspecting the sex of his patient'.[91] The papers repeatedly emphasised that nobody at the hospital or in Evans's community had known, or even suspected, the reality of Evans's 'imposture' – a claim which became increasingly untenable as further details about the case emerged.

After six weeks in Bendigo, Evans was transferred to Kew Asylum, accompanied by a police constable. Evans's condition was deemed unlikely to improve in the short term, necessitating his removal from the temporary ward at Bendigo Hospital to the long term ward at Kew Asylum. The mandatory bath at Kew, to which he had put up a 'violent resistance', was painted as the moment of his exposure.[92] 'The most singular part of the affair', wrote the *Argus*, 'is that the woman had been received into Sandhurst Hospital as a male patient, and had been sent from thence to the Asylum'.[93] This at least is true: Evans was received into Bendigo Hospital as a man named Edward de Lacy Evans, and the transfer record to Kew was for a male patient.[94] Whether those involved in his committal were truly oblivious to his situation is a little less certain.

In his initial committal documents, the medical reports referred to him by his full name, but the certificate completed by the police included only his surname, despite the fact that the form required the 'name of patient, and Christian name at length'.[95] Bendigo's patient register recorded his name as 'Ed. De Lacy Evans', but the transfer order again referred to him solely by his surname. In one field the name Ellen was written and then crossed out, followed by a long space, and then only his surname: ~~Ellen~~ De Lacy Evans.[96] Every other field included a long space followed by his surname. Towards the end of the document the field was so narrow that the deliberate gap before his surname caused the writing to run into the margins.

[91] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[92] Ibid.
[93] *Argus* (Melbourne), 3 September 1879, 4.
[94] Register of Patients, Bendigo Hospital Lunacy Ward. Entry for Ed. De Lacy Evans.
[95] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879. Although the committal documents were quoted at length in the Bendigo papers, I have not managed to locate the original certificate of detention, either because the record was not preserved or because of my inexperience navigating the archives. I am inclined to believe the record was not kept, especially as it has not been cited elsewhere. Presumably the documents aside from the transfer order were returned to Bendigo Hospital, where they were then shown to journalists; what became of them afterwards is less certain.
[96] Transfer record for De Lacy Evans, 1 September 1879. PROV, VPRS 7456/P/0001, unit 000016, folder 1.



To the Superintendent of the Public Lunatic Asylum at

WHEREAS one De Lacy Evans
a lunatic patient, who is not suffering from any disease which renders him unfit to travel, is now detained in the ward of the Bendigo Public Hospital, in which said Public Hospital are provided, with the consent of the Governor in Council, wards for the temporary reception of lunatic patients, in accordance with the Lunacy Statute:

AND WHEREAS the said (2) ~~Ellen~~ De Lacy Evans has been detained for the space of one month + is not likely to be cured within the day hereof

(1) Is found to be a congenital idiot, or incurably insane, or has been detained in such ward for the space of one month, and is not likely to be cured

The transfer order for Edward de Lacy Evans

At least one staff member at Bendigo Hospital knew that Evans had once travelled under the name Ellen Tremayne.[97] The error on the transfer order could have been a coincidence, as a patient called Ellen Potter was also transferred at the same time.[98] If it is a coincidence it is nonetheless a highly suspicious one. None of the other asylum transfer orders in September referred to patients only by their surnames, and memos were often sent reminding asylum staff to correctly note the name of the patient being detained.[99] It is possible that they hesitated to provide a name to avoid invalidating the certificate of detention if that name later proved to be incorrect. Indeed, after Evans was delivered to Kew and exposed, he was immediately sent back to Bendigo on the grounds that the certificate was not valid: a memo from Kew's medical superintendent stated that '[i]t has been found that the patient admitted here yesterday, under the name of De Lacy Evans, is a female, and consequently the documents on which she was received are informal. I have, therefore no authority to detain her in the Asylum'.[100]

During his brief admission at Kew, his name was listed again as De Lacy Evans, with his first name added later in parentheses: (Edward) De Lacy Evans.[101] As in the transfer record, the Kew admission record noted that he was dangerous, but not suicidal, destructive, or epileptic. Evans was reportedly a very quiet patient, and outside the hospital his character was described by his acquaintances as peculiar but amiable.[102] His wife noted that he had

[97] 'The De Lacy Evans Case', *Bendigo Advertiser*, 11 September 1879, 3. The name on the shipping list was 'Tremayne', as was the name on Evans's previous marriage certificate, but it was variously reported in the press as Tremayne or Tremaye.

[98] Transfer record of Ellen Potter, 1 September 1879. PROV, VPRS 7456/P/0001, unit 000016, folder 1. This folder included the initial committal record and medical certificates for Ellen Potter, but not for Evans.

[99] See for example Memo from the Clerk of Kew Asylum to the Clerk of Petty Sessions Warrambool, 6 October 1879, re Elizabeth Park. PROV, VPRS 7456/P/0001, unit 000016, folder 2: 'will you please amend the patient's name by striking out the final "s", as I understand that her name is "Park"'. The accuracy of records of patients' names was however quite variable, as can be attested by the great number of Chinese patients with the prefix Ah recorded as a surname.

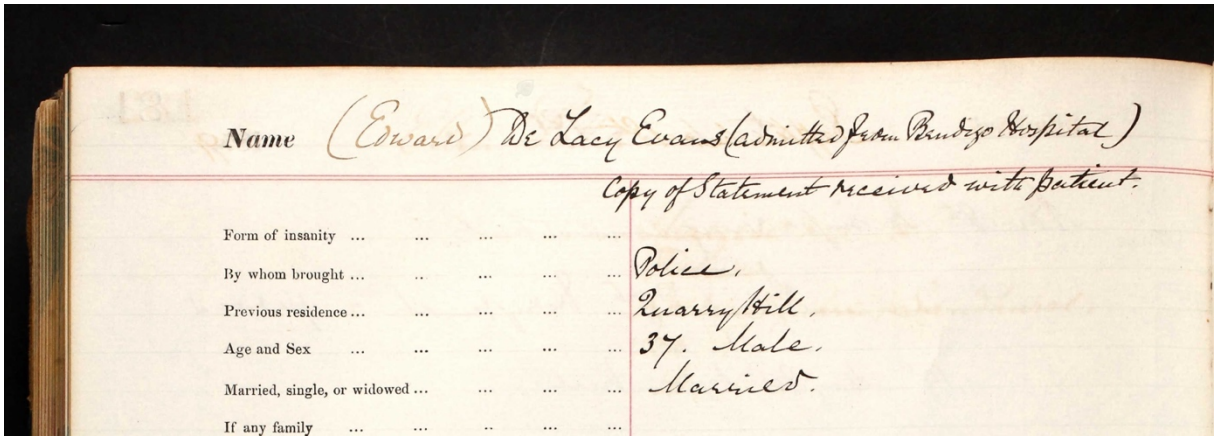
[100] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.

[101] Kew Asylum Case Books 1871-1912. Female casebook no. 5, entry 182, 1 September 1879. PROV, VPRS 7397/P/1-5.

[102] 'The Man Impersonator', *The Herald* (Melbourne), 5 September 1879, 2.

never been violent towards her or their child, and would only 'blow up fearful', which was considered out of character.[103] The most violent prior incident described in the media seems to have been his refusal to take a bath at Kew Asylum.

Although the hospital and asylum considered him dangerous to others, that danger mostly took the form of a perceived threat to the social order.


Name (Edward) De Lacy Evans (admitted from Bendigo Hospital)
Copy of Statement received with patient.
Form of insanity ... ...
By whom brought ... ... Police.
Previous residence ... ... Quarry Hill.
Age and Sex ... ... 37. Male.
Married, single, or widowed ... ... Married.
If any family ... ...

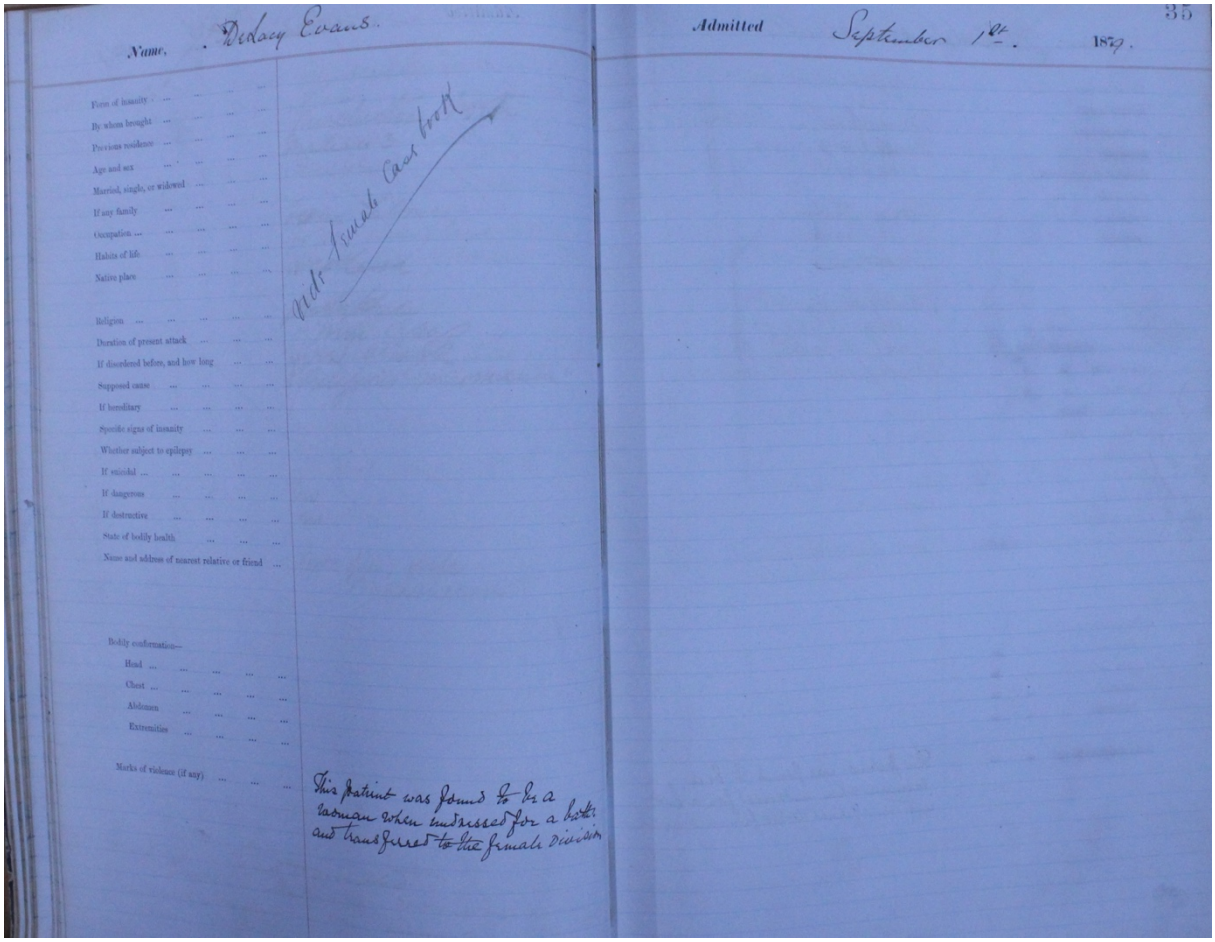
The Kew patient record, female casebook.

The Kew record noted that on admission 'this patient resented any examination in the waiting room, and was taken to D Ward, where on undressing to take a warm bath it was found that "he" was a woman. What makes it more extraordinary is that she had been an inmate of the Lunatic ward of the Bendigo Hospital where her sex had not been discovered' (emphasis in original).[104] This record, too, weaves a strangely deliberate narrative around Evans; his details were recorded in the female patient casebook, but listed his sex as male. There was a duplicate record in the male patient casebook but it did not provide his patient information, including only a note stating 'This patient was found to be a woman when undressed for a bath and transferred to the female division', alongside a directive to consult the female casebook.[105] Here his name was listed as 'DeLacy Evans', with a full stop left in place of his first name.

Clearly the discovery had occurred before the casebook records were made, and yet entries were still made in both casebooks – despite the complaint regarding the invalid certificate. Evans was returned to Bendigo Hospital on September 3. A week later, two justices of the peace were brought to Bendigo Hospital to re-commit Evans under the name Ellen Tremaye, with his diagnosis amended to 'dementia' (then considered a reference to

[103] 'Interview with Mrs Evans', *Bendigo Advertiser*, 4 September 1879, 2.
[104] Kew Asylum Case Books 1871-1912. Female casebook no. 5, entry 182, 1 September 1879. PROV, VPRS 7397/P/1-5.
[105] Kew Asylum Case Books 1871-1912. Male casebook no. 7, entry 35, 1 September 1879. PROV, VPRS 7398/P/0001.

cognitive impairment or psychosis, rather than senile dementia in the modern sense).[106] Notably the diagnostic shift was one of incurability to curability.


Name. Dedacy Evans.

Admitted September 1st. 1879.

35

Form of insanity ...
By whom brought ...
Previous residence ...
Age and sex ...
Married, single, or widowed ...
If any family ...
Occupation ...
Habits of life ...
Native place ...

Religion ...
Duration of present attack ...
If disordered before, and how long ...
Supposed cause ...
If hereditary ...
Specific signs of insanity ...
Whether subject to epilepsy ...
If suicidal ...
If dangerous ...
If destructive ...
State of bodily health ...
Name and address of nearest relative or friend ...

Bodily conformation—
Head ...
Chest ...
Abdomen ...
Extremities ...

Marks of violence (if any) ...

Male Insane Case book

This patient was found to be a woman when undressed for a bath and transferred to the female division

The Kew patient record, male casebook.

Several people gave evidence at his second lunatic committal, including Catherine Holt, who had already given several interviews to the press. Holt claimed that she had not seen Evans since arriving in Melbourne on the same ship, and that when she saw him again in Bendigo Hospital she initially did not recognise him because he was in male attire. According to her deposition, 'she recognised the voice, only she could not tell when she had heard it.

[106] 'The De Lacy Evans Case', *Bendigo Advertiser*, 11 September 1879, 3; Bendigo Hospital Lunacy Ward Register of Patients. Entry for Ed. De Lacy Evans, male no. 72, 22 July 1879, PROV, VPRS 7493; Bendigo Hospital Lunacy Ward Register of Patients. Entry for Ellen Tremaye, female no. 26, 10 September 1879, PROV, VPRS 7493. Softening of the brain, elsewhere quoted as amentia, was considered to be congenital, incurable, and cognate with 'imbecility' (roughly equivalent with modern understandings of intellectual disability). Dementia was 'at least somewhat related to the modern term schizophrenia', could refer to either 'acquired intellectual deficit' or 'severe psychotic illnesses', and was considered potentially temporary and curable. Simon A. Hill and Richard Laugharne, 'Mania, dementia and melancholia in the 1870s: admissions to a Cornwall asylum', *Journal of the Royal Society of Medicine* 96, no. 7 (July 2003): 361–363.

When she (Tremaye) was returned to the hospital from Kew Asylum, [Holt] recognised her at once as her fellow passenger, Ellen Tremaye'.[107]

Holt's account is plausible on the surface but riddled with inconsistencies. She had spent the better part of a year onboard the *Ocean Monarch* with Evans, and clearly remembered that he had brought with him on the voyage a trunk labelled 'Edward de Lacy Evans', which was filled with men's clothes.[108] Holt did not mention the medical inspection on board the ship, but evidently retained a strong impression of the scandal regarding Evans's gender.

She told the press that soon after their arrival in Victoria, she had heard that Evans 'had returned to Melbourne in men's clothing, and married a female fellow passenger', but she 'did not give any credence to this report'.[109] Clearly, however, she had given it enough credence to recall the story more than twenty years later.

Holt also gave evidence stating that she was certain Evans had married a fellow shipmate in 1859, because she herself had been married around the same time.[110] Holt's contradictory claims were published without any acknowledgement of their inconsistencies. She was represented as an honest, trustworthy medical authority, while Evans was represented as deceptive, cunning and non-compliant. Any irregularities in Holt's narrative were made out to be the responsibility of her patient, rather than indicating disingenuousness (or forgetfulness) on her own part or on the part of the hospital.

Bendigo Hospital did not have a large patient population. In 1879 only nineteen patients were treated in the lunacy wards over the course of the entire year.[111] Although the newspapers emphasised how astounding it was that none of the medical staff had discovered Evans, there was no censure aimed at the staff themselves, no accusations of institutional negligence, nor any suspicion that the staff were lying. The blame was levelled at Evans and his apparently perfect deception. Journalists relied on the goodwill of the hospital to allow them access to Evans and his story, and were eager to absolve the staff of any culpability in the scandal. The staff, for their part, likely had their own concerns around maintaining their reputations and retaining their positions in the social hierarchy.

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[107] Ibid.

[108] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2; 'The De Lacy Evans Case', *Bendigo Advertiser*, 11 September 1879, 3. Other accounts reported the name on the trunk as 'Edward de Lacy'.

[109] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.

[110] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1. Holt initially identified the female passenger as 'Mary Montague', and later recanted her statement to apply to Evans's first marriage to Mary Ann Delahunty. In fact Evans married Delahunty in 1856.

[111] 'Bendigo Hospital', *Bendigo Advertiser*, 30 January 1880, 3.

It was not seen as inconsistent for Holt to simultaneously claim that she did not recognise Evans because he was dressed as a man, and that she remembered rumours that he was dressing as a man and had married a woman. Nor did anyone question why Holt did not recognise the name of her patient, when she had such strong recollections of the same name appearing on the trunk belonging to Ellen Tremayne. Her claim to recognise his voice but not his appearance was considered entirely credible, although other articles noted that Evans's 'feminine voice' was often commented upon by his workmates.[112] Although the passengers of the *Ocean Monarch* were suspicious of Evans's gender, and readily concluded that Ellen Tremayne was a man living as a woman, gender crossing was framed as something too impossible and unlikely for the hospital staff to imagine. Nobody could be expected to unravel Evans's situation because the situation itself was, according to the popular narrative, almost too fantastical to be believed.

Boss of the underground: Evans in economic and cultural context

When Evans emigrated to Victoria in 1856, he was riding a wave of hundreds of thousands of migrants lured by the gold rush. In many ways his life trajectory followed the idealised journey of free settlers establishing new lives in the young colonies of Australia. Far from being an anomaly or a social outcast in his community, Evans was tightly woven into the world around him and held strong social connections with his peers. His community shaped the factors that made his gender transgression possible. Peter Boag notes that in North America, gender transgressors were 'not simply ubiquitous, but very much a part of daily life on the frontier' in the late nineteenth century.[113] In Victoria, too, the papers noted that gender transgression was 'not altogether unknown in Bendigo'.[114]

In the 1850s, Bendigo was no longer a sparsely populated colonial outpost in a frontier warzone. The gold rush transformed Bendigo and Ballarat into rapidly developing regional centres, where many kinds of social mobility were possible. European social norms could not be applied identically in this new context, where the borders demarcating class, gender, and race had become fluid and permeable. Bendigo was therefore a site where colonial social norms had to be reassessed and renegotiated.

Evans lived on the lands of the Dja Dja Wurrung, Djab Wurrung and Wathaurong peoples.[115] In the wake of the frontier wars, many Aboriginal peoples in central Victoria continued (and continue) to live on or near their traditional lands and maintain their cultural

[112] 'The "Man-Woman" Imposture', *Geelong Advertiser*, 8 September 1879, 4.
[113] Peter Boag, *Re-Dressing America's Frontier Past* (Berkeley and Los Angeles: University of California Press, 2011), 1.
[114] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1.
[115] Australian Institute of Aboriginal and Torres Strait Islander Studies, 'Map of Indigenous Australia', https://aiatsis.gov.au/explore/map-indigenous-australia, accessed 18 August 2020.

practices.[116] During this period in regional Victoria, Aboriginal locals frequently guided miners through dense bushlands and traded goods such as fish and possum-fur cloaks (which were highly prized by the miners due to being lighter and warmer than blankets).[117] Aboriginal peoples' responses to the gold rush were varied. Some participated and built relationships with settler communities, while others disapproved of the miners' failure to fulfil cultural responsibilities such as recompense for use of land (that is, paying the rent).[118] There were certainly Aboriginal miners on the goldfields; Fred Cahir refers to an 1852 account of Aboriginal (possibly Dja Dja Wurrung) diggers near Bendigo, who 'when asked to show their licenses replied to the mounted police that "the gold and land were theirs by right so why should they pay money to the Queen?"'[119] Evans may or may not have built significant relationships with Aboriginal residents, but he certainly knew that he had built his house on unceded land.

Tuck and Yang note that settler-colonial knowledges 'require the separation of the particular from the general, the hosted from the host, personal from the public, the foot(note) from the head(line), the place from the larger narrative of nation, the people from specific places'.[120] The narratives produced around Evans relied on this dissociation to constitute him as an aberration, rather than as a product of, and participant in, the ongoing process of colonisation. The colony of Victoria was established on occupied territory. The colonial society formed there was new, unstable, fragile and reliant on a borrowed (imposed) social contract that had not yet adapted to its new context. This allowed people like Evans a certain flexibility: they were both ordinary and extraordinary, integrated into their communities in many respects, while rejected from the broader national project, tolerated so long as a degree of plausible deniability was maintained.

Bendigo in the late nineteenth century was a society still in the process of making itself.[121] The successive waves of the gold rush flooded the town with fortune-seeking strangers, ebbing and flowing as the alluvial deposits were exhausted and the underground mines were established. The newcomers included significant numbers of migrants from Europe, South-East Asia, and China; in 1861, there were 24,732 Chinese residents recorded

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[116] Ibid.

[117] Fred Cahir, *Black Gold: Aboriginal People on the Goldfields of Victoria, 1850–1870* (Canberra: ANU Press, 2012). 73.

[118] Fred Cahir calls the gold rush the 'second wave of catastrophic environmental degradation to impact on Victoria', the first being agricultural. Cahir quotes an account from a Bendigo miner who 'relayed how Djadjawurrung people expressed their distaste, not necessarily at the practice of mining itself as they were familiar with resource extraction, but at the fevered frenzy and psychologically disturbed character of the "whitefellow all gone mad digging holes and washing stones"'. Cahir, *Black Gold*, 87, 118, 89.

[119] Ibid, 86.

[120] Eve Tuck and C. Yang, 'A Glossary of Haunting', 63.

[121] Evans spent the majority of his time in Victoria in and around Bendigo, though he also lived briefly in Ballarat and for three years in Stawell.

on the Victorian Census, only eight of which were female.[122] The Chinese population of Bendigo was especially high, at an estimated fifth of the town's total populace, peaking during the 1850s and 1860s. Chinese migrant workers were initially made to live in separate camps and villages, but they still lived and worked in the vicinity of other settlers, and made use of the same social infrastructure.[123] This made Bendigo both a melting pot of cultural diversity and a site of significant social segregation and subjugation.

In this context, it becomes less surprising that there were so many instances of gender crossing in both regional Victoria and Bendigo specifically. The repressive social norms of Ireland under English colonial rule could not be maintained in Bendigo. Social values and expectations were forcibly reshaped and rearranged, not just with regard to gender, but with regard to every feature of public interaction. The furore of cultural exchange obscured and eclipsed certain variations in gendered embodiment and expression. On the goldfields, Roman Catholics married Protestants, women became men, and people of many races mingled and intermarried. Old hierarchies were dismantled, and new hierarchies were built to replace them.

'Mining is a speculation and one of a hazardous and uncertain nature', remarked the *Bendigo Advertiser* in 1872.[124] At that time nobody knew what would become of the town or its fluctuating population of migrant workers. Bendigo was a speculative premise. It was a young community where norms around gender, labour, and social relations were still in flux, making it a site where inherited norms could be challenged or reassessed. And yet it was also a society shaped profoundly by gold, capital, and empire. The gold rush rearticulated the relationship between labour and capital in the budding colony, but not for long. William Guthrie Spence, an early Victorian trade unionist, wrote that the early period of independent goldmining

> soon led to the days of big mining companies, and the free, independent digger became a worker for wages. In the opening up of the deep quartz mines it was the same. Towns and cities grew up, and so we soon had the civilisation of the old land set up in the new, with all its evils and disadvantages, modified as to a degree, but there all the same.[125]

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[122] Victorian Census of 1861. Australian Bureau of Statistics. https://www.abs.gov.au/statistics/people/population/historical-population/latest-release. At this time there were 138,075 residents counted in the colony of Victoria in total, though this number would not have accounted for Aboriginal peoples.

[123] Valerie Lovejoy, 'The Things that Unite: Inquests into Chinese Deaths on the Bendigo Goldfields, 1854–65', *Provenance: The Journal of Public Record Office Victoria* 6 (September 2007): 25.

[124] 'The Future of Bendigo', *Bendigo Advertiser*, 9 August 1872, 2.

[125] William Guthrie Spence, *History of the AWU*, Worker Trustees (Carlton, Victoria: Melbourne University Press, 2013, first published 1911), 13.

A prominent resident of Bendigo once commented that 'gold made Victoria, Victoria made Australia, and Australian gold made the present British Empire'.[126] Although Bendigo represented the dream of the gold rush, the dream was suppressed by the uneven distributions of power that created it. Charles Fahey notes that in Bendigo in the 1860s 'a clear cleavage developed between the interests of mine owners and wage-earning miners… Very few miners became shareholders, while tributing clearly favoured mining companies and mine owners'.[127] One of these shareholders was Evans's brother-in-law, Jean-Baptiste Loridan, who was also one of the main antagonists in the ongoing disputes that eventually led to the first miners' strike in Bendigo.

Loridan was a wealthy miller, merchant, and major shareholder in most of the mines in Bendigo. He also held multiple civic positions, including as Chairman of the Board of Bendigo Hospital. After he married Louisa Marquand in the 1860s, Loridan exercised both financial and social control over his wife's family. He helped Evans find work in mining companies he owned, and provided monetary support when Evans went through periods of unemployment.[128] In 1878 he brought another of the Marquand sisters (Fanny Marquand) to Yarra Bend Asylum, claiming that she was suicidal; she remained there almost until her death in 1913.[129]

A year later Loridan brought Evans to Bendigo Hospital. His role in Evans's committal was largely obscured by the press, and his motives were undisclosed. Often he was named in oblique ways, as 'a well-known mining speculator', or 'a well-known speculator, largely interested in milling in this city'.[130] An anonymous acquaintance (possibly Loridan's wife, Louisa Marquand) who had known Evans for around 17 years – the length of his third

[126] George Meudell, *The Pleasant Career of a Spendthrift,* G. Routledge, London, 1929, p. 56, quoted in Yolande Collins and Sandra Kippen, '"A Social Disease with Medical Aspects": Miners' Pthisis and the Politics of Occupational Health in Bendigo, 1880s–1910', *Journal of Australasian Mining History*, 6 (September 2008): 70.

[127] Charles Fahey, 'Labour and Trade Unionism in Victorian Goldmining: Bendigo, 1861–1915', in Iain McCalman, Alexander Cook, Andrew Reeves (eds.), *Gold: Forgotten Histories and Lost Objects of Australia* (Cambridge: Cambridge University Press, 2001), 81.

[128] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.

[129] Alphabetical List of Patients at Yarra Bend Asylum. Entry for Fanny Marquand (or Frances). 19 August 1878, page 132, VPRS 7446. PROV. https://cart.cp.prov.vic.gov.au/pdf/httpsimages.prov.vic.gov.aumanifests6001924216imagesmanifest_part00006.pdf. From the records it is not quite clear whether Fanny was institutionalised at Ballarat Asylum or Yarra Bend Asylum. Loridan was listed as Fanny's next of kin, and her patient record did not mention any of her other relatives. By this time most of the Marquand siblings aside from Julia and Louisa were deceased or no longer lived in Bendigo. Noel had died at sea in 1858, Louise-Marie died as an infant, Rosa died in 1862, Eliza had moved with her husband to England around 1875, and Jane and Mary were unmarried and in their fifties, presumably living with their father George, who was in his eighties and died a few years later of 'senile debility'. Jane died of tuberculosis in May 1880, and was likely unwell for some time prior.

[130] 'Extraordinary Case of Concealment of Sex', supplement to the *Bendigo Advertiser*, 5 September 1879, 1; 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.

marriage – commented that despite being 'an affectionate husband', Evans often said that Loridan was 'not agreeable to her marriage'.[131]

There was more than one conflict between Evans and Loridan. One of them was personal: Julia Marquand claimed that Loridan was the biological father of her daughter, Julia Mary, and later brought a maintenance suit against him.[132] Another was both social and political: the miners at Evans's workplace had been engaged in a lengthy dispute with Loridan over wages, which culminated in a miners' strike in September 1879.[133]

Throughout Evans's institutionalisation, Loridan quietly acted behind the scenes to shape the public representations of Evans and his supposed insanity. After Evans was exposed in a brief article in a Melbourne newspaper, Loridan brought the newspaper article to Marquand and told her that she would have a difficult time proving who the father of her daughter was.[134] Though many newspapers quoted the marriage certificate of Evans and Marquand, only the *Bendigo Independent* noted that it was Loridan who had taken possession of the certificate and shown it to journalists.[135]

Loridan's role in facilitating the scandal sheds new light on the six weeks in which Evans ostensibly deceived the staff overseeing his involuntary committal. It is very likely that the staff at Bendigo Hospital were unwilling to challenge or confront Evans's gender transgression because they were wary of crossing Loridan, who wielded a great deal of social and economic power locally. When Evans was transferred to Kew Asylum in Melbourne, he was no longer protected by Loridan's name or by the tacit social contract he had negotiated in Bendigo. In turn, once Evans was transferred back to Bendigo, the tacit social contract could not be restored to its former state, particularly since Loridan did not hush up the scandal but escalated it by providing information to the press.

Later, shortly after Evans was re-committed at Bendigo, the press reported that he had been in a scuffle with a male relative of his wife's family (again, almost certainly Loridan):

> Suddenly, however, Evans sprang out of bed and grappled with the gentleman. So suddenly was this done that the gentleman was taken off his guard, but quickly

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[131] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879. The acquaintance in question was described as a 'certain well known mining speculator, residing at Eaglehawk, and who holds a civic position there'; this would certainly describe Loridan, and it was also noted that Loridan had been one of the visitors to the ward after Evans was returned to Bendigo.

[132] 'The Man Impersonation Case: Remarkable Affiliation Case', *The Herald* (Melbourne), 27 October 1879, 3.

[133] 'Sandhurst', *The Age* (Melbourne), 28 October 1879, 2.

[134] This was mentioned in the maintenance trial, in which Loridan repeatedly disavowed all knowledge of Julia Mary's origins.

[135] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879.

> recovering himself, and being strong and active, very soon repelled the efforts made by the patient to overpower him. Seeing that he had failed in his attempt, Evans then sought suddenly to escape out of the room … The visitor had just time to catch him, and by a powerful effort throw him back on to his bed, where he lay, casting malignant glances at the visitor, and muttering. Others coming on to the scene at the moment, Evans quietly remained in bed.
>
> The gentleman referred to then left. He states that he is positive that the only object Evans could have had in view by acting in this apparently incomprehensible manner was to overpower him, and by that means secure his clothes, as he asserts that Evans' mania to get possession of a suit of men's wearing apparel is so strong that he would, he believes, resort to almost any means in order to gratify his wish.[136]

Simultaneously Evans was represented as deceptive, cunning, and possibly feigning insanity; and as so incomprehensible that only insanity could explain his actions. Furthermore that insane incomprehensibility was directly linked to his gender transgression, in a recursive loop where every action was interpreted to reinforce existing presumptions. Because Evans was mad, his transgressive behaviour was incomprehensible; because he behaved incomprehensibly, he could only have been mad. He could not be trusted because others cast doubts upon his motives, but all of this reflected only upon Evans and never on those who doubted him, and nor were others ever doubted.

Evans had become the ultimate unreliable narrator, making everyone around him more reliable, and thus positioning others to overwrite his motives and actions as they appeared in the press. The above story mutated slightly as it was reprinted: some papers reported that Evans had successfully escaped the hospital but was subsequently recaptured, while others described the male visitor as physically weaker than Evans. These alterations may have been added in order to make Evans seem more powerful, more dangerous and more conniving, and therefore more scandalous and more likely to sell newspaper copies.

Often the stories that proliferated in the press were directly contradicted by those who worked with or knew Evans, but persisted regardless, perhaps because the false stories were more interesting than the true ones. One popular refrain was that after Marquand fell

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[136] 'The Impersonation Case', *Kyneton Guardian* (Victoria), 10 September 1879, 3, quoting the *Bendigo Independent* of 5 September 1879. It is very unlikely that the gentleman was anyone but Loridan, as it was specified that he was there accompanying his wife. Julia Marquand's mother was dead, her only brother had died unmarried at sea, and her only other married sister had emigrated to England years beforehand. I have not found any evidence suggesting that other relatives of the Marquand family had emigrated from Jersey. It is possible that it was another male relative on Loridan's side, though if so the connection with Loridan remains. The gentleman being Loridan would however be consistent with several factors: firstly earlier reports that the *Independent* had interviewed two male visitors to the ward (Loridan and Michael Brennan, a former employer); secondly the omission of the visitor's name despite the prurient public interest in the case; and thirdly with Evans's desire to punch him.

pregnant, Evans suddenly turned gloomy and strange, 'seemed to be absent-minded, and would only work for half an hour at a time, and then sit down and ruminate'.[137] Many articles pointed to Marquand's pregnancy as the origin point of Evans's lunacy, a kind of fated retribution: having ostensibly deceived his wife and community, he was deceived in turn, emasculated, and stripped of his capability to work a man's job. Evans's workmates pointed out a significant flaw with the lunacy-by-cuckolding theory: his manager stated that

> The reports which have been published to the effect that for the last 18 months he would work for half an hour and then have to sit down are not true. I can conscientiously state that I nor no one else ever saw him sitting down during working hours, and the men who have worked with him can bear me out in this, as the greater part of the time he was sinking in No. 1 and No. 3 shafts, both of which were in very wet ground.[138]

This correction was printed in vain, as the press clearly preferred the version of events in which Marquand's pregnancy directly unravelled her husband's gender transgression. Years later, a lurid pamphlet purporting to be Evans's autobiography was published, largely based on material derived from various newspaper articles: it too adhered to the initial, inaccurate rumour.[139] Perhaps it was reassuring to think that Evans had somehow brought his downfall on himself; that his deception was ultimately unsustainable and inherently flawed; that he and his wife were at odds rather than sincere lovers or co-conspirators; that the biological reality of his child's parentage had the power to reduce or disturb the social reality of his masculine life.

Although updates and anecdotes regarding Evans were published alongside articles describing the ongoing miners' dispute, the press rarely connected the fantastical 'impersonation case' with the broader social crisis in which his colleagues and in-laws were participating. Evans's experience was so individual and so taboo that he was immediately ejected from the society he had lived in for decades, constructed as a disconnected outsider. In the disarticulated newspaper narratives, Evans was not responding to a social context but acting according to a mysterious personal logic, a private madness.

At times this careful separation could not be maintained. Notably, one of these points was at Julia Marquand's maintenance case. When she brought a paternity suit against Loridan, her only witness was Evans, who had not yet been discharged but was allowed temporary leave to give evidence in court.[140] The papers commented that the case was well

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[137] 'Extraordinary Case of Concealment of Sex', *Bendigo Advertiser*, 4 September 1879, 2.
[138] 'The De Lacy Evans Case', *Bendigo Advertiser*, 8 September 1879, 3.
[139] *The History and Confessions of De Lacy Evans and the Man-Woman Mystery*, Melbourne, Marshall and Co., 1880.
[140] 'Maintenance Case', *Bendigo Advertiser*, 6 December 1879, 3.

attended, 'nearly all the miners on strike being present, Evans having been working with many of them, and Loridan, one of the principal reduction agitators, being at present most unpopular'.[141] Clearly Evans's gender transgression did not deter his striking colleagues from supporting him and his wife against a mutual adversary.

In Marquand's deposition at court, she stated that Loridan had been trying to seduce her since she was a child, and that he frequently visited her at her home in Quarry Hill when he knew that Evans would be away on shift.[142] Loridan denied this, although newspaper articles in September had commented on the fact that Loridan often visited the couple.[143] Marquand's claim was plausible: Loridan had three other illegitimate children, frequently visited the couple's home, and gave them money to support the child after she was born.[144] According to Marquand, Loridan had told her to lie and tell the journalists that she did not know who the father of her daughter was. Several witnesses spoke in defence of Loridan, claiming that he did not visit Marquand as often as she claimed. Marquand lost the case on the basis of insufficient evidence. It was her word against Loridan's, and his word held far more weight than hers. He had the support of respectable neighbours; she had the support of a band of jeering miners, and a husband who 'appeared rather eccentric' and whose answers were sometimes 'unintelligible'.[145] Loridan's reputation emerged intact, though Marquand's was irredeemably tainted.

Only days later Loridan appeared again in court, this time accused by the miners of stealing from the mine he owned shares in.[146] Although there were many witnesses, and Loridan himself admitted pocketing specimens of quartz, the case lost once again: his lawyer levied Loridan's reputation against that of his accusers, arguing that '[h]is position, character, and repute should be his defence'.[147] Loridan stated that he 'could assure the court that he had never wronged any man in his life, and it was indeed hard to be treated that way after all the money that he had spent in mining in this district'.[148] Evans might have disagreed.

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[141] 'Sandhurst', *The Age* (Melbourne), 28 October 1879, 2.

[142] 'Maintenance Case', *Bendigo Advertiser*, 6 December 1879, 3. As mentioned earlier 'seduction' in this context implied something more sinister than the modern usage of the term. Marquand did not formally accuse Loridan of rape, but she also never suggested their relations were consensual.

[143] 'An Extraordinary Case', *The McIvor Times and Rodney Advertiser* (Victoria), 11 September 1879, 2, quoting the *Bendigo Independent* of 4 September 1879. It was further noted that Loridan's son used to address Evans as 'uncle'.

[144] The existence of other illegitimate offspring is supported by Loridan's will, in which he split his estate between his three legitimate children and two others: a young man who did not share his surname but was named after him (Jean-Baptiste), and a young woman named Jeanette Warren, of whom Loridan provides little information save a strange emphasis on her early adoption.

[145] 'Sandhurst', The Age (Melbourne), 6 December 1879, 6; 'Sandhurst', The Argus (Melbourne), 6 December 1879, 9.

[146] 'Serious Charge against Mr J. B. Loridan', *Bendigo Advertiser*, 30 December 1879, 3.

[147] 'Court of Assize', *Bendigo Advertiser*, 26 February 1880, 3.

[148] Ibid.

Evans was discharged from Bendigo Hospital in early December. By this point he was being exhibited as a sideshow attraction, touring central Victoria and Melbourne dressed in the working clothes of a miner. (I will return to this period of his life in Chapter Seven.) An interview with his manager quoted Evans by proxy: 'I was never insane … I never did wrong to a soul … there have been many untruths written about me in the papers'.[149] Nevertheless the papers continued to print untruths for decades.

Evans was constituted by the media as dangerous and mystifying, but the fear and confusion mostly arose from an inability to figure him into the rigid norms of a social structure in which people like him were not supposed to exist. On a local level, however, the structure of his community was clearly capable of accommodating his existence. In Amanda Rasmussen's analysis of the Chinese community in Bendigo from the 1870s, she suggests that there was a certain dissonance between the overarching social values of the colony and the internal values of regional communities. Chinese people were 'excluded from the nation, but integrated into the local communities in which they lived'.[150] The contradiction of Evans's simultaneous ordinariness and extraordinariness can perhaps be resolved similarly: on a national level he was considered strange and unspeakable, but on a local level he was simply another working miner.

Far from rebelling against the gender standards and social norms of European imperialism, Evans made every attempt to assimilate into an ordinary colonial life. As Emily Skidmore notes, 'trans men at the turn of the twentieth century were not always urban rebels who sought to overturn normative gender roles. On the contrary, they often sought to pass as conventional men, aligning themselves with the normative values of their communities.'[151] Before his exposure in the press, Evans lived an ordinary life for twenty years; although he was made the subject of local gossip, he did not pose a material threat to the social order of central Victoria. Although he had crossed between binary gender categories, he did not make any particular effort to disrupt or overthrow those categories. Indeed his ordinariness was part of what so concerned the media. The seamlessness of Evans's gender-crossing raised questions about the supposed fixity of gendered social categories, and of the social hierarchies that relied on their stability. As Jules Joanne Gleeson and Elle O'Rourke remind us, 'transitions never *belong* to capitalism. Even as they are always routed through it, they also run against it.'[152] Even as Evans, and people like him, sought to assimilate into the hegemonic order, they were quietly degrading that order from within.

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[149] 'De Lacy Evans', *Bendigo Advertiser*, 17 December 1879, 3.

[150] Amanda Rasmussen, 'The Chinese in Nation and Community: Bendigo 1870s–1920s' PhD thesis, LaTrobe University, 2009, v.

[151] Emily Skidmore, *True Sex: The Lives of Trans Men at the Turn of the 20th Century* (New York: New York University Press, 2017), 3. Skidmore's work largely focuses on rural communities in the United States, but similar social dynamics were reproduced in the Australian colonies.

[152] Jules Joanne Gleeson and Elle O'Rourke (eds.), *Transgender Marxism*, (London: Pluto Press, 2021), 9.

The fiction of Evans's life superseded the reality. The stories invented to explain his transgression were more compelling than the ordinary factual evidence of his life. Even his own testimony was discarded in favour of the inventions of those around him: unlike his wealthy relatives and the medical arbiters of his imprisonment, Evans did not have the power to write his own life story. He was repeatedly characterised as recalcitrant and silent, even when he attempted to speak. The social impact of his case had far less to do with Evans himself than it did with the society around him: their conflicts and anxieties, their excuses and repudiations, their insistent maintenance of the structure of colonial power relations. The colony could not permit Evans to be ordinary, so he was made to be extraordinary.

3: Nothing is known here of history

> 'So it turned out not to be about the archival turn. It is about dust. Dust is the immutable, obdurate set of beliefs about the material world, past and present, inherited from the nineteenth century, with which modern history-writing attempts to grapple; Dust is also the narrative principle of that writing; and Dust is the joke.'
>
> —Carolyn Steedman[1]

Another Edward

I first came across the subject of this chapter, Edward Moate, as a false positive while searching for newspaper records about Edward de Lacy Evans. Moate was dubbed 'another De Lacy Evans' and 'another female man' by the journalists who reported on his case.[2] Like Evans, Moate had crossed gender categories to live as a man for around twenty years in late nineteenth-century regional Victoria. Like Evans, Moate was institutionalised for lunacy, and his gender deviance was framed as the central evidence of the lunacy charge.

Unlike Evans, Moate did not socially detransition to acquire his freedom. When Moate was admitted to Beechworth Asylum in 1884, he was in his early fifties and had been in good health throughout his time in Omeo and Bright. Moate refused to provide a female name or any information about his history before arriving in Victoria. With the infamous and recent example of Evans, Moate – a literate man – would have known that the pathway out of the asylum required detransitioning. He refused to take that path; all of his patient records were under the name Edward Moate, and he never became compliant to the satisfaction of the asylum staff. He died in Beechworth Asylum three years after his admission, under the name Edward Moate.

I initially thought that this thesis would begin with Moate as a sort of exploratory preface. The newspaper records did not include much information about Moate or his history. I intended to work through the meagre records as a thought exercise, demonstrating the challenges and possibilities of trans history work. And yet the archival records proved not to be meagre at all. There was a wealth of material produced during Moate's three years in Beechworth Asylum. Unlike Evans, whose hospital records were somewhere between cursory and non-existent, Moate was poorly represented in newspaper articles but very well represented in state archival records. The more I read about him, the more his case seemed

[1] Carolyn Steedman, *Dust*: *The Archive and Cultural History* (New Brunswick: Rutgers University Press, 2002, first published 2001), ix.

[2] 'Another De Lacey Evans', *Geelong Advertiser*, 28 July 1884, 4; 'Another Female Man', *Burra Record* (South Australia), 1 August 1884, 2.

uniquely valuable, both for the ways in which it echoed the De Lacy Evans case and, crucially, for the ways it did not.

To my knowledge no other historian has yet written about Edward Moate. My analysis in this chapter and others shows that Moate holds an important place in Australian trans history, and there is much to learn from his life. The newspaper headlines were wrong: Moate was another gender crossing man who had chosen the name Edward, but he certainly wasn't another De Lacy Evans. To the very end of his life, Moate was his own man.

Remarkable Imposture at Beechworth

On 21 July 1884 Edward Moate was arrested and charged with trespassing at Bright Police Court. Upon his arrival to the court, however, he was described as having 'feigned death' so convincingly that the arresting officers were booed by the crowd for bringing a dying man into court.[3] Moate was remanded for medical examination and then discharged by two justices.

A day later he was arrested again and charged with lunacy. The officer who brought the charge, Sergeant Edward Shoebridge, 'was suspicious as to whether Moate was really a man'.[4] Moate was taken to Beechworth Police Court, examined by two doctors (Dr. Henry Fox and Dr. David Skinner) and then committed to Beechworth Asylum. Sergeant Shoebridge conveyed his doubts about Moate's gender to the medical superintendent of the asylum, Dr. Deshon, 'and was shortly afterwards informed that his suspicions were well founded as "Edward" Moate was undoubtedly a woman'.[5]

Like Edward de Lacy Evans, Edward Moate crossed gender categories to live as a man, was charged with lunacy and subsequently became the subject of a minor newspaper scandal. The charge of madness was bound up with his perceived gender transgression, but, again like Evans, it was also bound up with his economic context and social relationships. Like Evans, Moate had strong relationships with his community, but unlike Evans, these community relationships dissolved upon Moate's involuntary committal. Despite his skills, work history, and friendly social connections, Moate did not have a social safety net that could help him salvage the life he had built in Victoria. He had no colleagues, no living references, and no savings with which to travel or find another job. His twenty years in domestic service were no longer an asset when nobody was willing to take him into their household.

[3] 'Remarkable Imposture at Beechworth', *The Age* (Melbourne), 25 July 1884, 5.
[4] Ibid.
[5] Ibid.

The police report taken at Bright on 22 July 1884, signed by Sergeant Shoebridge, described Edward Moate as 'a lunatic – supposed cause religion, male, single, Irish, poor, servant, Roman Catholic, temperate, possessed of 1 broken watch, 2 chains, one broken, 1 knife, 2 handkerchiefs, 3 keys, 6/6d. in money. He is supposed to be entitled to some property in England which is now in chancery'.[6] It is unlikely that Shoebridge was unaware of Moate's gender crossing at this point. The local police station was next door to Moate's workplace and residence, so they would have crossed paths frequently. When Shoebridge charged Moate with lunacy, he stated 'that the belief entertained by him and other residents of Bright and Omeo districts was that Moate was a female'.[7]

It is possible that Shoebridge chose to record Moate's sex as male in order to avoid subjecting Moate to an intrusive examination, or in order to delegate the responsibility of exposing him to someone else. Shoebridge's testimony regarding the beliefs of local residents speaks to a long-standing familiarity with Moate, and a pre-existing and widely held awareness of his gender crossing. It is therefore significant that Moate was only arrested after his employer died, and not at any other time in the five years that Moate had lived in Omeo, or the fifteen years in which he had lived in Bright.

Prior to his arrest, we can trace Moate's history in regional Victoria for about twenty years. For around fifteen years Moate had lived with William Phipps, the clerk of courts at Omeo, working as his manservant. Phipps was well-liked in his community, and had previously served as the Omeo correspondent for the *Ovens and Murray Advertiser*. This relationship may have endeared Moate to the journalists at that newspaper.[8] When Phipps died in 1879, he left everything he owned to Moate, who he said had 'nursed me all through my sickness'.[9] Moate was also made the executor of his estate.[10] The property in England mentioned in Shoebridge's report was supposedly a failed mining property left to Moate by William Phipps. However, according to his will, Phipps did not own any real estate at the time of his death.[11] The earliest lunacy legislation in Australia was concerned with mad people being unable to manage their property, which may be why it was mentioned in the police report as well as in the press.[12]

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[6] Police report, Bright, 22 July 1884. Admission Warrant, Beechworth H.I. 28 July 1884, number 384. PROV, VPRS 5594.

[7] 'Remarkable Case of Deception', *Weekly Times* (Melbourne), 2 August 1884, 11.

[8] 'Obituary', *Ovens and Murray Advertiser*, 18 November 1879, 8.

[9] Will of William Phipps, date of death 5 November 1879, date of grant 1 December 1879, Omeo. Wills, Master of the Supreme Court. VPRS 7591/P2 unit 52, item 19/903.

[10] William Phipps: Grant of probate to E. Moate. Public Record Office Victoria (PROV). VPRS28/P0002, 19/903. 1 December 1879.

[11] 'Remarkable Imposture at Beechworth'; Will of William Phipps.

[12] Stephen Garton, *Medicine and Madness: A Social History of Insanity in NSW* (Sydney: University of New South Wales Press, 1988), 11.

After Phipps's death, Moate had come to live in Bright with a surgeon, Benjamin Warren, who died only two weeks before Moate's arrest. Warren was acquainted with Phipps, and was one of the witnesses who signed Phipps's last will naming Moate as his executor and sole beneficiary.[13] Moate and Warren had a good relationship; in fact their relationship was so good that their neighbours speculated that they were sexually or romantically involved. Some newspaper articles concluded that Dr. Warren's death (and Moate's subsequent grief) was the cause of Moate's bout of lunacy.[14] Alongside this claim, however, the articles published about the case lingered on the issue of gender transgression as if this was the defining characteristic of Moate's lunacy. The actual medical diagnosis, religious mania, was barely mentioned in the press coverage, and often not mentioned at all.

Benjamin Warren's death was the subject of a magisterial inquiry. Although he had been ill for some time and was found to have died of natural causes (a 'serious apoplexy'), the police officer who was summoned to his deathbed found two bottles on his washbasin containing chloral hydrate (a sedative used for insomnia) and a dark fluid later identified as laudanum (opium in alcohol, used to treat insomnia and pain).[15] Although the person who fetched the officer was Moate himself, it seems that some suspicion may have fallen on Moate as a result, if only for possibly colluding with a suicide. During the inquiry he was questioned as to what substances he had given Warren before his death, and what his subsequent movements were.[16] As the record of Moate's testimony only documented his responses and not the questions he was asked, it is unclear exactly what angle the administers of the inquiry were investigating. The newspapers noted that Moate had been the one to notice Warren's symptoms and consequently fetch the chemist and the police, but they did not refer to Moate by name or make any mention of his gender crossing.[17]

The police officer who came to Warren's house after his death was Sergeant Shoebridge, the same officer who arrested Moate less than a fortnight later. The nature of Shoebridge's relationship with Moate is unclear. The lunacy charge may have been an attempt at removing Moate from the community, or conversely an attempt to ensure that he was housed and cared for despite his unemployment. The latter possibility is supported to a degree by the context of Moate's admission; he had been charged with trespassing by his landlady and presumably ordered to leave the premises, and Shoebridge told the asylum staff that Moate had not eaten anything in 14 days.[18]

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[13] Will of William Phipps; William Phipps: Grant of probate to E. Moate. The other two witnesses were Ernest Seek, a storekeeper, and William Mesley, a carpenter, both local to Omeo.

[14] 'Remarkable Imposture at Beechworth'.

[15] Coronial inquest for Benjamin Warren, 11 July 1884, Bright. Inquest Deposition Files, State Coroner's Office. PROV, VPRS 24/PO unit 469, item 1884/692, 7–8.

[16] Coronial inquest for Benjamin Warren, 1–3.

[17] 'Death of a Doctor', *Ovens and Murray Advertiser* (Beechworth), 15 July 1884, 2.

[18] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

Regardless of the underlying motives for his involuntary committal, Moate's gender-crossing was common knowledge in Bright. The newspapers noted that '[t]he neighbours had believed this for years, and it was a common topic of conversation over the whole of the Alpine district, from Myrtleford to Omeo, and the boys there always teased and twitted Ned with being a woman. Thus no surprise is felt at the discovery'.[19] As with Evans, Moate's gender was known to his community, but for many years this was only considered as a matter for gossip and not grounds for intervention from the authorities.

It is possible that Shoebridge, like other residents of the area, had suspected Moate's transgression prior to Warren's death but simply lacked any reason (or opportunity) to act upon his concerns. Shoebridge made no mention of perceived lunacy, or gender transgression, in his testimony to the Warren inquiry, and made no attempt to charge Moate with lunacy at that time (or indeed when Moate was initially charged with trespassing). When Moate appeared in court on 22 July, the people attending assumed that he was physically unwell, not mentally unwell. Nevertheless, it was Shoebridge who altered the charge to lunacy, and it was Shoebridge who persistently communicated his 'suspicions' to the authorities at the asylum.[20]

In Victoria in the 1880s, lunacy committal was processed in two ways. The first was when someone's family requested that they be assessed by two doctors and committed. The second was when someone was arrested by police and charged under the Lunacy Act, at which two magistrates advised by two doctors would judge the person's sanity and determine whether they should be committed. If the certifying doctors and magistrate agreed that the patient was mentally unsound and a threat to themselves or others, the patient would then be conveyed to an asylum or temporary hospital ward. In Victoria in 1888, 24 per cent of committals were made on the basis of family requests and 43 per cent were processed by police and magistrates (with the remaining 33 per cent of cases being transfers from other institutions or recaptured escapees).[21] In Bright, one of the two local doctors who usually assessed potential lunatics was Dr Benjamin Warren, Moate's deceased employer.[22] Consequently Moate was taken straight to Beechworth Asylum, sixty kilometres from Bright, and the required two medical certificates were issued there.[23]

It is extremely likely that living with Warren afforded Moate a certain measure of protection from being charged with lunacy, since Warren's testimony would have been required for his committal. Equally, as one of the doctors responsible for lunacy reports,

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[19] 'A Man Impersonator', *The Herald* (Melbourne), 25 July 1884, 3.
[20] 'Remarkable Imposture at Beechworth', *The Age* (Melbourne), 25 July 1884, 5.
[21] Lewis, *Managing Madness*, 22.
[22] 'Lunacy', *Ovens and Murray Advertiser* (Beechworth), 2 Dec 1882, 4.
[23] Another Bright case from 1881 noted that a man was remanded to Beechworth for medical assessment due to 'the bench not having the power to order his incarceration in that institution again, on the order of one medical man.' 'Bright', *Ovens and Murray Advertiser* (Beechworth), 15 January 1881, 8.

Warren undoubtedly would have noticed symptoms of madness in his own manservant. (Warren's obituary noted that he was 'acknowledged as very skilful in his profession'.)[24] Some newspaper articles speculated that Warren's death may have caused Moate to experience a fit of insanity, yet Moate had already lived through his previous employer's illness and death without issues. After Phipps died, however, Moate clearly still had friends and companions willing to support him, and he was left with the entirety of Phipps's inheritance. After Warren died, Moate was apparently destitute both of finances and of friendship. The trespassing charge on 21 July was brought up by Emma Goldfinch, who was Warren and Moate's landlady.[25] Moate did not have any family, and although he was widely liked within his community, he was also a popular target of scandalous gossip.

During Shoebridge's deposition at Beechworth Police Court regarding Moate's supposed lunacy, he emphasised the issue of Moate's gender-crossing.[26] This was the only point of evidence supporting Moate's lunacy referral, or at least the only evidence that was quoted in the press. The local Beechworth paper's coverage of the court proceedings was as follows:

> A person named Edward Moate, on remand from Bright, was brought up on a charge of lunacy. Senior-constable Shoebridge deposed to the arrest of the accused, who was attired as a man, and had for several years lived as such, but was believed to be a woman. On the testimony of Drs Fox and Skinner, accused was committed to the Lunatic Asylum.[27]

Moate's lunacy committal was largely – if not exclusively – based on Sergeant Shoebridge's suspicions regarding Moate's gender crossing. Whether or not Moate still would have been committed in the absence of this is difficult to say. In Victoria and NSW, the police frequently used the process of lunacy committal to remove and contain disorderly elements from society.[28] Bright police station did not process lunacy charges very often, and the few that were processed there were disproportionately made against Chinese men.[29] Police officers obviously were not medical professionals, and were not trained in the medical literature on insanity (what little of it existed). Their authority on what constituted madness was informed by their social contexts and their assumptions about what kind of behaviour was normal or abnormal. Madness could not be extricated from marginality.

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[24] 'Death of a Doctor', *Ovens and Murray Advertiser*.

[25] In the coronial inquiry following Warren's death, one of the people interviewed was Martha Harriet Goldfinch, who said that Dr Warren resided in her mother's house. Coronial inquest for Benjamin Warren.

[26] 'Beechworth Police Court', *Ovens and Murray Advertiser* (Beechworth), Saturday 26 July 1884, 4.

[27] Ibid.

[28] Garton, *Medicine and Madness*, 22.

[29] 'Bright Police Court', *Ovens and Murray Advertiser* (Beechworth), 4 July 1863, 4; 'Bright Police Court', *Ovens and Murray Advertiser* (Beechworth), 24 July 1880, 8; 'A Mad and Desperate Chinaman', *Ovens and Murray Advertiser* (Beechworth), 24 September 1887, 8.

The newspaper coverage of the case prioritised Moate's gender transgression over his actual medical diagnosis (religious mania). This diagnosis appears to have been made because Moate was 'noisy singing & shouting about the Virgin Mary & other religious subjects', the morning after having been force-fed a mixture of eggs and brandy mixed into a pint of milk.[30] In the context of Moate's period of starvation, involuntary incarceration, and grief, this could have been either a period of temporary delirium, or it could simply have been the reaction of a devout Catholic man in distressing circumstances, praying on a Sunday. Still, to the asylum staff, an appeal to the Virgin Mary was considered to be solid evidence of pathological religious excitement.[31] As with Evans, Moate's Catholicism likely played into existing assumptions about Roman Catholics being particularly prone to insanity.

None of the articles mentioned the circumstances of Warren's death in any detail, but they did include – at length – salacious details of Moate's life with regard to his gender, his physical features, his relationships, and his neighbours' opinions of him. One description from the *Herald* was circulated and repeated in various newspapers all around the country over the next few weeks:

> Edward Moate, or "Old Ned," as she was always called, has been under suspicion for many years of being a woman. Her appearance is greatly in favour of that supposition. She was about 5 feet 3 inches high, without a vestige of hair on her face, and always kept her hair, which was of a deep brown colour, very closely cropped. Her face was of a pure Milesian type, with a very broad heavy chin, and her voice was purely feminine in tone. She was rather heavily built, but had remarkably small hands.[32]

At this point Moate had already been recorded as a woman in Beechworth's casebooks. His gender crossing was no longer a matter of 'supposition'; the above description may have been written during Moate's appearance in court, or referring to the existing suppositions of his community.[33] The detailed physical descriptions in the newspaper reportage betray the rigidity of Victorian perceptions of gendered embodiment. Moate was doubtlessly not the only short and beardless man living in Bright at the time. Conversely, it would not have been unusual for working-class women and domestic servants to be heavily built, given that tasks like laundry were very physically arduous. Neither of these characteristics were unique to one gender category or wholly absent from the other.

In the context of Moate's gender transgression, however, these attributes were reductively sorted into binary types so that Moate's embodiment seemed to fluctuate

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[30] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

[31] See Cynthia M A Geppert, 'Religious Insanity: A diagnosis at the intersection of 19th century American religion and psychiatry', *Journal of Nervous and Mental Disease* 207, no. 9 (2019): 785–791.

[32] 'A Man Impersonator', *The Herald.*

[33] Ibid.

between gendered physicalities, highlighting his contravention of accepted norms. This served a dual purpose, firstly of reinforcing anxieties about Moate's capacity to transgress or cross between gender categories, and secondly of making sense of his transgression so that he could be rendered knowable. If Moate's gender-crossing had the potential to disrupt gender norms, then the media response of sorting his physical characteristics into binaries worked to reinforce and reassert those norms, even as it described the ways in which Moate did not fit into them.

The repeated note about Moate's 'pure Milesian type' is an interesting detail, since it emphasised his Irish heritage in a way that connected him to a grand mythical narrative – and specifically one of invasion. The mythic Middle Irish text *Lebor Gabála Érenn* ('The Book of the Taking of Ireland') narrates six successive settlements of Ireland by various human or supernatural peoples, the last of which is the warfaring Milesians (Iberian Celts, said to be descendants of the Spanish king Milesius).[34] The term 'Milesian' was used as a designator for Irish people with dark hair, eyes, and complexions, sometimes derogatorily referred to as 'black Irish', who Mairtin Mac An Ghaill notes were 'excluded from a colonial whiteness' but 'became white as part of broader political projects in their countries of settlement'.[35] Karen Hughes notes that in Australia, some Aboriginal people borrowed the idea of 'black Irish' ethnicity to evade discrimination.[36] As there were no records of Moate's origins or ancestry, it is unclear whether this applied in his case.

In the nineteenth century the 'whitening' of the Irish was still a recent and unstable process, so the description of Moate as 'Milesian' may well have contributed to a representation of him as belonging to a stigmatised ethnic background. It certainly evoked ideas of invasion and colonisation, resonating with the concurrent anxieties around Moate invading masculine identities and occupations, and perhaps framing Moate as an unruly colonial subject. Of course, despite whatever ominous nuances this description might have conjured, Moate was still a citizen of the British Empire and a resident of the colony of Victoria. He participated in, and benefited from, the occupation of unceded Aboriginal land – at least up until his committal. As Aimé Césaire argues, the repressive technologies of empire are recursive; 'before they were its victims, they were its accomplices'.[37]

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[34] R. A. S. Macalister, *Lebor Gabála Érenn: Book of the Taking of Ireland Part 1-5* (Dublin: Irish Texts Society, 1941).

[35] Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Mairtin Mac An Ghaill, 'Beyond a Black—White Dualism: Racialisation and Racism in the Republic of Ireland and the Irish Diaspora Experience', *Irish Journal of Sociology* 11, no. 2 (2002): 108.

[36] Karen Hughes, 'Mobilising Across Colour Lines: Intimate Encounters Between Aboriginal Women and African American and other Allied Servicemen on the World War II Australian Home Front', *Aboriginal History* 41 (2017): 62.

[37] Aimé Césaire, trans. Joan Pinkham, *Discourse on colonialism* (New York: Monthly Review Press, 2000, first published 1955), 36.

Another description of Moate, from the article in the *Age*, noted that he was '56 years of age, of short stature, and a native of Ireland. Her hands show that she has done rough work'. In the *Age* Moate's hands were masculine because they were roughened by labour; in the *Herald* Moate's hands were feminine because they were small.[38] Neither description positioned Moate as androgynous, but rather as wildly vacillating between two artificially distant binary poles. Contextually the description is part of a pattern of gendered physical descriptions; the condition of Moate's hands would not have been mentioned otherwise, since by definition a labourer's hands would show that they had done hard labour. For a working-class person of any gender, work-roughened hands would have been the norm. If anything it would be stranger if Moate's hands were soft. Still, the markers of Moate's class position were taken as gender markers, despite the fact that by the very nature of the class marker in question it should not have been divisible by gender at all. It was also not a feature that was in any way biologically inherent, like Moate's height, but rather a feature that itself pointed to the ways in which gendered embodiment was produced by the material social relations of the colony.

Other cases of lunacy committal reported in the press rarely contained physical descriptions of the patients, or if they did they were only very brief. A young woman charged with lunacy at Birreruga Police Court in 1886 was described as 'eighteen years of age and of prepossessing appearance', but no further details were given.[39] Usually the longer articles lingered on details of aberrant behaviour rather than the patient's physicality. For example, an 1884 newspaper article describing a woman committed for religious mania did not include any physical details, but noted that the patient was 'in the habit of haranguing people from her verandah during her husband's absence'.[40] Another report of religious mania in 1886 noted only that the patient was a 'young man' who was 'aged about 26', who had 'climbed a very tall tree and was talking in an incoherent manner and praying', and that he was 'quite harmless, except when unduly excited'.[41] The only physical description given from an 1884 case of a woman, Hannah Johnson, charged with being of unsound mind, was that she was 'covered with bruises' due to having been 'wandering about the country all night'.[42] Similarly an 1881 case of a man, Edward Cameron, described as an 'imbecile' who was 'unfit to be at large', noted that '[h]e was stiff and cold, and unable to walk or speak' but did not detail any other physical features.[43]

Generally physical descriptions were only provided when they were seen as relevant to a person's madness (such as bruises) or interesting or contradictory in the context of a

[38] 'A Man Impersonator', *The Herald* (Melbourne), 25 July 1884, 3; 'Remarkable Imposture at Beechworth', *The Age* (Melbourne), 25 July 1884, 5.
[39] 'A Young Woman Charged with Lunacy', *The Colac Herald* (Victoria), 21 September 1886, 2.
[40] 'Religious Mania', *Weekly Times* (Melbourne), 26 January 1884, 12.
[41] 'Wednesday, June 9th', *The Telegraph, St Kilda, Prahran and South Yarra Guardian* (Victoria), 12 June 1886, 7.
[42] 'A Strange Case of Lunacy', *Geelong Advertiser* (Victoria), 26 July 1884, 3.
[43] 'Police Court', *Geelong Advertiser* (Victoria), 15 December 1881, 4.

lunacy charge (such as being young or attractive). The level of detail provided in Moate's case was unusual. Newspaper articles about lunacy committals rarely, if ever, mentioned details like the colour of a person's hair or the quality of their hands. The inclusion of these details in the articles about Moate indicate that his gender transgression was seen as more newsworthy than his lunacy, or possibly that his physical features were seen as relevant to his lunacy, as in the cases of Hannah Johnson and Edward Cameron.

A number of articles claimed that Moate had been in a relationship with Warren, and that Warren's wife had left him over this, although the papers went back and forth on whether Warren had known about Moate's gender transgression. The Beechworth correspondent of the *Herald* wrote that

> Moate… was employed by the late Dr. Warren as groom, and frequently drove him around the Bright district. My informant also states that in consequence of the supposed man having no whiskers, he frequently called him "Mary," and that he had saw her more than once drinking at a bar, and step dancing for the amusement of the company. He is also of opinion that Dr. Warren had no idea that Moate was a woman.
>
> …[Moate] came to Bright from Omeo some four or five years ago, and had remained in his service until death separated them. The doctor was parted from his wife, and it is alleged in Omeo that the "intimacy" between the doctor and his servant was the cause of the separation, the doctor when "in his cups," having stated his preference for "Old Ned." Some few months ago, Dr. Warren was heard to say that "to his utter astonishment, he had just found out that 'Ned' was a woman." … It may be mentioned that Dr. Warren lived a very solitary life. [44]

The claim that Warren had only discovered Moate's gender recently was possibly an attempt to salvage his posthumous reputation. Conversely, the *Geelong Advertiser* reported that 'Dr. Warren… engaged Moate, who still continued to wear male attire, as his groom and attendant, and she generally passed as a man among the residents of Bright and Omeo districts, although it is believed Dr. Warren was aware of her sex'.[45] In the local regional papers, it seems that journalists were more willing to describe the local knowledge of Moate's gender. The urban papers may have felt the need to abide more strictly by principles of public decorum and gendered social norms. The *Age*, for example, escalated the disavowal of community knowledge even further, writing that '[p]revious to the detection of her sex at the asylum, no suspicion of her singular masquerade appears to have been entertained by anyone' – which was clearly untrue, even based solely on Shoebridge's deposition and on the initial media reportage.[46]

[44] 'A Man Impersonator'.
[45] 'Another De Lacey Evans'.
[46] 'News of the Day', *The Age* (Melbourne), 25 July 1884, 4.

The rumours that Moate and Warren were lovers, and that Warren's wife had been driven off by their association, were at least somewhat corroborated by the recollections of Warren's niece, Amie Livingstone Stirling, who published a memoir about her life growing up in Omeo (though she would have been very young at the time). She wrote:

> It was about this time that my Aunt Annie, Father's second sister and the wife of Dr. Warren, came to our house, bringing her baby, my little cousin, Nelly. Aunt Annie was crying and told my mother that she had run away, because of Ned. Ned was a queer looking creature who was supposed to do the work, but really shared the Doctor's drinking bouts. Aunt Annie said Ned was not a man at all, but a woman. Anyhow she left Omeo forever, and later on Dr. Warren died of drink and Ned was lodged in the jail. I heard Father tell my mother that Ned was neither man nor woman but an hermaphrodite. I did not know what that was, but supposed it must be something dreadful, and many years later looked it up in *Lempriere's Dictionary.* Long afterwards, I heard that Ned had been taken to Melbourne where he, she, or it, was an object of interest to the medical profession.[47]

Obviously some of these details are incorrect; Moate was taken to Beechworth, not Melbourne, though Stirling may have mixed up Moate's case with that of Edward de Lacy Evans (who was indeed made the subject of medical research, resulting in the publication of an article in the *Australian Medical Journal*).[48] Moate was committed to the asylum but never to gaol. Warren's death was indeed attributed to overdrinking by way of 'serious apoplexy'.[49] Benjamin Warren's brother-in-law would have had no way of knowing whether Moate was intersex, but it is notable both that he claimed that Moate was 'neither man nor woman but an hermaphrodite' and that Stirling then surmised this meant 'something dreadful'.[50]

Further details about Moate's life and place in the community were provided by the Omeo correspondent of one of the local papers:

> Moate lived at Omeo for about 20 years. She always passed for a man, and did a man's work, being employed for some years by Mr. Ben Johnson as a packer, and "your own" has often met her in the bush with five or six pack horses, each one

[47] Amie Livingstone Stirling, *Memories of an Australian Childhood 1880-1900* (Melbourne: Schwartz Publishing Group, 1980), 31.

[48] Oliver Penfold, 'A Case of Man-Personation by a Woman', *Australian Medical Journal* 2, no. 4 (15 April 1880): 145–47.

[49] An obituary which mentioned Warren's post-mortem examination noted that 'It was elicited that the deceased had been drinking heavily for several weeks past, and was in the habit of taking strong sleeping draughts.' 'Country News', *The Argus* (Melbourne), 12 July 1884, 7.

[50] As a young girl in rural Victoria, Stirling's education probably did not include classical Greek and Latin, which may have exacerbated her perception that the unfamiliar term implied something derogatory or monstrous. Stirling, *Memories of an Australian Childhood*, 31.

> carrying 2cwt., which she had to handle and lift about when anything went wrong with the loads on the horses. Her sex amongst the old residents was always a matter of doubt, and many called her "Ned the woman" and "Old Biddy." She was only small, and her strength and endurance for a woman were something wonderful. In fact, she had the reputation of being a very good working man.[51]

Unlike Stirling's account which posits Moate as 'neither a man nor a woman', here Moate was somehow positioned as both.[52] He was simultaneously 'Ned the woman' and 'a very good working man'.[53] The evidence given for his masculinity was that he 'passed for a man' and 'did a man's work'.[54] As long as he looked and acted the part, apparently, that was enough for his community – or at least enough to shield him from anything more disastrous than some good-natured teasing. Here the elements that threw Moate's gender into doubt – being 'only small', but simultaneously possessing great 'strength and endurance' – provoked admiration rather than anxiety: 'something wonderful' rather than 'something dreadful'.[55]

The Deptford correspondent for the same paper penned a short and sympathetic piece commenting on the matter the following week:

> I am very sorry for the misfortune that has fallen on poor "Ned Moate." In common with others who lived on the Omeo road, I was well acquainted with him or her. Always civil, obliging and goodnatured, very honest and willing, nobody cared to press the question of sex on her, though the truth was more than suspected, it having leaked out on one of the very rare occasions, when she indulged in a glass too much. She bitterly resented any imputation on her manliness, and as she looked as like an old fashioned postboy as possible, and rode and groomed a horse well, she was allowed to have her own way unmolested.[56]

Again, the criteria given for permitting Moate's gender transgression were that he visually passed inspection ('look[ing] as like an old fashioned postboy as possible'), that he was good at his job ('rode and groomed a horse well'), and that he had the goodwill of his community ('always civil, obliging and goodnatured').[57] Once again Moate is externally positioned as wavering between binary positions ('him or her').[58] Rather than being 'a matter of doubt', here Moate's gender transgression is 'more than suspected' and taken as a matter of 'truth'.[59]

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[51] 'Our Omeo Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle.* 31 July 1884, 2.
[52] Stirling, *Memories of an Australian Childhood*, 31.
[53] 'Our Omeo Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle.* 31 July 1884, 2.
[54] Ibid.
[55] Ibid; Stirling, *Memories of an Australian Childhood*, 31.
[56] 'Our Deptford Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle.* 5 August 1884, 2.
[57] Ibid.
[58] Ibid.
[59] 'Our Omeo Letter'; 'Our Deptford Letter'.

The 'truth' of Moate's gender was defined relationally, by reference to the ways in which he interacted with other people and recreated in himself certain social codes. These codes were historically specific: today 'old-fashioned postboy' is not a gender category that makes much sense to us, but in the nineteenth century it was this set of signifiers that allowed Moate to continue his transgression, linked closely with class and age markers.[60] For Moate himself it seems that the truth of his masculinity was self-evident, 'bitterly resent[ing]' any indication to the contrary.[61]

Another Omeo correspondent for the *Gippsland Times* wrote that

> Miss or Mrs Moate, ex-groom and man-servant, alias Mr Edward Moate, a former resident of this town, I read, has been made to disclose her true character. This individual's appearance was slim, of medium height, and with light auburn hair, such as would never have imposed upon a Rocky Mountain miner; but I suppose the average woman will always be able to impose upon the average Australian, so long as he lives dependantly and luxuriously under another nation's flag, and protected by another nation's standing army. This is the only explanation I can offer as to however we could have believed such a feminine-looking individual to have been of the male sex. She, no doubt, a story could tell. This instance, at all events, shows what talent, power, and stamina there are in women, which only requires necessity and peculiar circumstances to call forth.[62]

At this point Moate was viewed as a former man, although was referred to here as a woman only in the general sense, and specifically referenced as 'this individual' and 'a feminine-looking individual'.[63] Again his gender was presented as a matter of 'truth' and 'belief', but even here the phrasing referred to his 'true character' rather than reality or biology.[64] For Moate, surely, his true character was the truth of his personality and identity, his selfhood, the life he felt was authentic to him, the life he lived by choice for decades. The community acceptance of Moate's transgression was seen to reflect poorly on Australian masculinity as opposed to that of the Americas, and linked to Australia's lack of independence from Britain. Again, as with Evans, a singular individual's life story was seen to somehow reflect broader social anxieties.

The correspondent for the *Gippsland Times* knew Moate personally, and apparently had greater respect for Moate's character as a masculine woman than as a feminine man.

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[60] 'Our Deptford Letter'.
[61] Ibid.
[62] 'Omeo. (From Our Own Correspondent.)' *Gippsland Times* (Victoria), 8 August 1884, 3.
[63] Ibid.
[64] Ibid.

Although he named 'necessity and peculiar circumstances' as the impetus for Moate's gender crossing, he made no attempt to define what circumstances these were, but simply assumed that they must have existed.[65] If Moate was transgressing gender categories for the sake of safety and employment, as was a familiar justification in these cases, then it was not especially logical or successful: his transgression made him the subject of gossip and the target of state authority, and he remained quite poor. Even today, crossing from the category of cisgender woman into the category of transgender man is not an uncomplicated matter of upward social mobility, because moving out of the marginalised category of womanhood also involves moving into the marginalised category of transgender.[66]

Moate was also working in domestic service, a field that was dominated by women at the time. Although men often worked in private households as groomsmen or gardeners, in the late nineteenth century domestic service (including cleaning, household maintenance and personal support with meals, dressing and so on) usually connoted live-in maids, not manservants. Although it was undoubtedly unsafe to live as a friendless woman in a regional town, it was also unsafe to live as a gender-crossing man, or as 'Ned the woman', as was made evident by the fact of his institutionalisation.[67] The safeties and freedoms experienced by men were tempered by Moate's perceived queerness and gender aberrance. The dangers that he may have avoided were accompanied by new dangers. He was still made the object of gossip and speculation, and he was still understood as different in a way that exposed him to violence. If there was an economic motive for his transition then it was unsuccessful, since Moate remained poor for most of his life and became destitute upon the death of his last employer.

As the story spread around the country, the initial article in the *Age* was repeated and rephrased, sometimes with subversive embellishments. A few articles changed the line about Shoebridge being 'suspicious as to whether Moate was really a man' to 'suspicious as to whether Moate is really a maniac'.[68] Moate certainly had no reason to feign madness, and the institutional response to the lunacy charge was far harsher than anything he would have received for the initial trespassing charge. The assumption that he may have been feigning madness is potentially linked to a greater characterisation of Moate as someone who was inherently deceptive in multiple respects.

If Warren was knowingly or unknowingly protecting Moate from legal penalties or lunacy committal, then his death would certainly have been deeply traumatic for Moate for

[65] Ibid.
[66] Tiffany Jones, Andrea Del Pozo de Bolger, Tinashe Dune, Amy Lykins, and Gail Hawkes, *Female-to-Male (FtM) Transgender People's Experiences in Australia: A National Study* (London: Springer, 2015).
[67] 'Our Omeo Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle.* 31 July 1884, 2.
[68] 'Remarkable Imposture at Beechworth'; 'Peculiar Deception', *Evening News* (Sydney), 25 July 1884, 2.

more reasons than merely grief. The *Alpine Observer*, reporting on the initial trespassing charge, provided the following description of Moate:

> Defendant when brought into court presented a pitiable sight, and apparently his mind was unhinged. He was placed in a chair, and when asked what he had to say to the charge preferred against him made no reply. Suddenly his limbs became rigid; his eyes, wide open, assumed the glassy, lifeless appearance peculiar to those in a trance, and all efforts to arouse him to sensibility proved unavailing.[69]

If the information in his Beechworth patient record is accurate, at the time of his court trial Moate had not eaten in a fortnight, and may have been sleeping rough.[70] As such his apparent physical debility and 'unhinged' appearance might be explained as a reaction of panic and hunger.[71] If Moate's gender-crossing had not already been widely known, then perhaps the matter would have ended with a charge of trespassing or vagrancy.

Having worked in the district for many years in respectable occupations, it should not have been difficult for Moate to find new employment and housing. In June of 1887, a local Omeo journalist wrote in response to a Melbourne inquiry about regional labour markets that 'I do not know of any unemployed in this locality, unless it be some who look for work, praying at the same time they may not find it'.[72] Based on this statement, it seems that unemployment and homelessness were uncommon in Omeo. Since the whole of Bright and Omeo seemed aware of Moate's gender-crossing, however, and he was held responsible for the breakdown of his previous employer's marriage, it may well have been difficult or impossible for him to find a new place of employment (or indeed a place to live).

The *Age* article on Moate concluded with the statement that '[n]othing is known here of [Moate's] history prior to her employment at Omeo', a line which was repeated in many of the subsequent articles.[73] It seems to have been a point of anxiety that nobody could provide a narrative as to how (or why) Moate had come to be living as he was. Nor could they provide a different given name, forcing them to continue to refer to Moate by his chosen name. The lack of narrative background meant that there was no convenient justification or explanation for Moate's gender transgression.

He could not be refigured or reintegrated as a woman because he only existed as a man. Moate had successfully extinguished all traces of any previous life, name, or

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[69] The *Alpine Observer* records from 1884 are not digitised, but the article was reproduced in the *Ovens and Murray Advertiser*. 'A Remarkable Case', *Ovens and Murray Advertiser* (Beechworth), Saturday 26 July 1884, 4.
[70] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.
[71] 'A Remarkable Case', *Ovens and Murray Advertiser* (Beechworth), Saturday 26 July 1884, 4.
[72] 'Our Omeo Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle* (Victoria), 7 June 1884, 3.
[73] 'Remarkable Imposture at Beechworth'.

circumstances. Were it not for his institutionalisation, he would have disappeared from the historical record entirely. Very little is known of trans people in history, but not because there was no historical precedent for our existence. We are there, and not there; invisible and hypervisible; ghostly and apparitional.

Dead / Effeminate

When Edward Moate reached Beechworth on July 24, he was charged with being of unsound mind and assessed by two local doctors, Dr. Henry Fox and Dr. David Skinner. The medical reports read as follows:

> Henry T. Fox on his oath saith:
> I am a legally qualified medical practitioner residing at Beechworth. I have this day examined the patient Edward Moate. He is suffering from religious mania and I am informed he will take no food. I am of the opinion that he is a lunatic and unable to take care of himself.
>
> David Skinner on his oath saith:
> I am a legally qualified medical practitioner residing at Beechworth. I have this day examined the prisoner Edward Moate now before the Court, and am of opinion that he is suffering from mania, and is unfit to be at large.[74]

Reading the two reports side by side gives us two versions of Edward Moate. One is a patient; the other a prisoner. One is 'unable to take care of himself' and the other is 'unfit to be at large'.[75] The first report is concerned with Moate's wellbeing, but the second report is concerned with the wellbeing of the community that Moate belonged to; effectively, of everyone other than Moate himself. Asylums were a space where people could be treated and cured, but they were also a space where people could be removed and contained. Moate was constructed as both symptomatic of madness and as the actual symptom of madness himself. He was disturbed, and he disturbed society.

The shift in language from 'patient' to 'prisoner' is significant. Although lunacy committals were often enacted through police apprehension and a magistrate's decision, a lunacy charge was not a criminal charge and Moate was not a prisoner of the justice system. Nor was he being punished for an infraction of the law. Being of unsound mind was not illegal, and there were many persons deemed to be insane who were cared for at home by

[74] Fox and Skinner, medical reports. Admission Warrant, Beechworth H.I. 28 July 1884, number 384. PROV, VPRS 17846.
[75] Ibid.

their families, rather than being committed to the dirty and overcrowded lunatic asylums.[76] The slippage of terminology captures the contradictory goals of the asylum, and also the contradiction that Moate presented within the asylum's structure.

The lunacy reformists in Australia had long been frustrated by the strong association in the minds of the public between lunacy and criminality. In the 1870s, Norton Manning was appointed as the First Inspector General of the Insane, and spent his tenure advocating for a medical model of madness in order to reduce the criminal stigma around lunacy committals, including via reforms to the *Lunacy Act*.[77] Milton Lewis notes that '[f]rom the outset criminality and insanity were closely associated in the Australian colonies. Vestiges of a penal approach to care of the insane could be identified long after the convict system had ended'.[78] An 1880 article in the local Beechworth paper, reporting on a matter of legislature, noted that one minister 'held out as a menace the possibility of disbanding the police, and throwing open the gaols and lunatic asylums'.[79] Clearly gaols and lunatic asylums were closely coupled in the minds of the public, with the police held responsible for committing the inhabitants of both institutions.

Even if Moate was not formally a prisoner, however, he was still incarcerated. His freedoms and rights were curtailed and his possessions were taken from him. He was forced to work without pay towards the various tasks of the asylum. The doors were locked and his time was not his own. If he tried to leave he would be retrieved by police. The structures of the asylums themselves were gaol-like, despite the fact that many of them were modelled after the European ideals of moral therapy. Milton Lewis notes that the structural flaws of the asylums led to them becoming 'custodial rather than curative environments'.[80] Throughout Australia the wardens and attendants of the asylums were initially former prison wardens and guards; in some areas, including Western Australia, this persisted long past the establishment of these institutions.[81] For those patients who were deemed incurable, the focus was on keeping and controlling them rather than rehabilitating or treating them. The people who were taken to the asylum were referred to as 'inmates', a designation which was shared by the residents of the non-lunatic asylums and general hospitals but also by the people incarcerated in the gaols.

There were no voluntary patients in Beechworth. Indeed there would not be any voluntary admissions in any of the Australian asylums until the 1930s; before this, patients

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[76] See Catherine Coleborne, *Madness in the Family: Insanity and Institutions in the Australasian Colonial World* (Basingstoke and New York: Palgrave Macmillan, 2010).
[77] C. J. Cummins, *A History of Medical Administration in NSW 1788–1973*. Second edition. (NSW Department of Health 2003, first published 1979.
[78] Lewis, *Managing Madness*, 1.
[79] 'Tonight's Meeting at Wangaratta', *Ovens and Murray Advertiser* (Beechworth), 22 June 1880, 2.
[80] Lewis, *Managing Madness,* 13.
[81] Lewis, *Managing Madness*, 19.

could only be admitted by their families (for a fee) or by police, and could not admit themselves.[82] On the rare occasion that a person did seek voluntary admission, they were advised to present to a police station in order to be arrested as a lunatic. In many ways the distinction between patient and prisoner was a very slight one. Dr. Skinner's phrasing reveals a great deal, not only about how mad people were perceived by the public, but also about how mad people were perceived by the medical professionals responsible for their committal and care. Furthermore, by describing Moate as a prisoner *before* he was officially committed by the magistrates, Skinner was positioning himself as an authority capable of determining Moate's criminality and freedom. Effectively, Skinner's medical authority made him both judge and jury in this instance.

After the initial confusion of his admission, the matter of Moate's gender was never explicitly mentioned again in his medical records. There was an enduring disruption around his name; If Moate's gender transgression was interpreted as a symptom of insanity, it is possible that his doctors did not give much further thought to the matter, except for the issue of his name. Moate's masculine first name initially caused concerns about the validity of the warrant, and the asylum staff contacted the Police Magistrate and the Chief Secretary to determine 'if the warrant would authorise her legal detention or what steps should be taken'.[83] The response was that 'this warrant was sufficiently correct', and the superintendent was advised 'not to take further action'.[84] Still, Moate's first name was consistently problematised in his records.[85] In some records, the name Edward Moate was appended with the suffix: '(Known as)'; in others it appeared with the prefix 'the said'. [86] In his patient record, there were several instances of awkward phrasing resulting from an avoidance of gendered third person pronouns (his/her), though this was by no means consistent.[87]

Nineteenth century asylum records were often sparse. The bulk of the records comprised information around admission circumstances rather than ongoing care. When patients were admitted to Beechworth Asylum, the staff recorded brief and limited sets of information in the patient registers and casebooks, but rarely added much more to the record throughout the duration of the patient's stay in the asylum. In contrast to other patients admitted to the female ward in 1884, Moate's casebook record was startlingly empty on the first page of data entry, and unusually full on the second page of notes. The lack of patient data, accompanied by the lengthy description of the circumstances of Moate's

[82] Lewis, *Managing Madness*, 28–29.
[83] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.
[84] Ibid.
[85] Ibid.
[86] Coronial inquest for Edward Moate.
[87] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

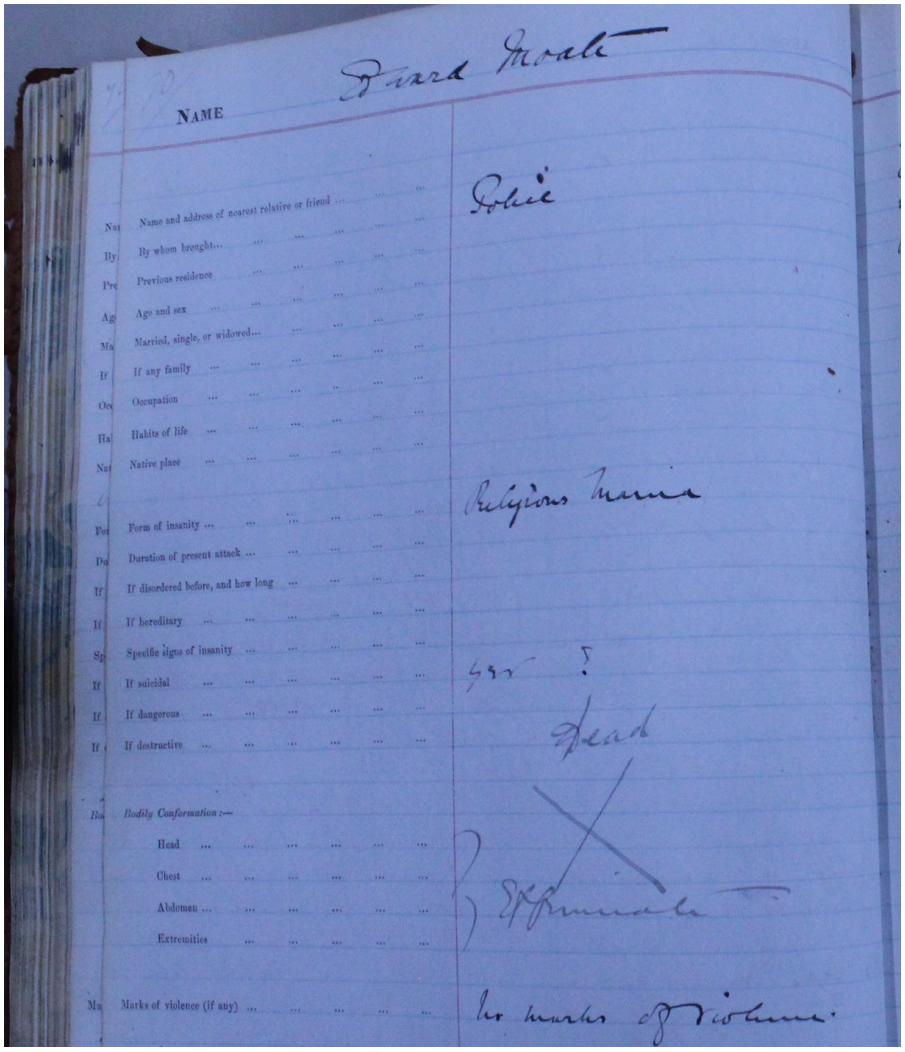
committal, imply that the asylum staff were largely uninterested in Moate's previous history, and mostly concerned with their own legal liability.

The only details initially logged in Moate's patient record were as follows:

Name: Edward Moate
Date: 24th July 1884
By whom brought… Police
Form of insanity… Religious mania
Bodily conformation: } sex?
Effeminate
Marks of violence (if any)… No marks of violence[88]

When Moate died in the asylum in 1887, a staff member added the word 'Dead' and a large X to his record. This had the peculiar effect of Moate's perpetual historical record stating that his 'bodily conformation' was 'Dead/effeminate'.[89] Some of the information left out of the patient record was recorded elsewhere, or widely reported in the press. Moate's age was not recorded in the patient admission register, but that record noted that his previous residence was in Bright, and that his previous occupation was 'Poor servant'.[90] The admission register also recorded Moate as female and single (though the latter was accompanied by a question mark), and wrote that he was in 'poor bodily health & condition' and that the 'duration of existing Attack' was 3 weeks – however this information may have been added into the record after Moate died, as his date of death was recorded with the same ink, pen, and handwriting.[91] In Moate's patient casebook record, his medical data was not unknown, but rather neglected or perhaps deemed unnecessary.

[88] Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.
[89] Ibid.
[90] Patient record for Edward Moate. PROV, VPRS 17846/P/0001. Beechworth Asylum Admission Register 1877–1922. Entry 384, 24 July 1884.
[91] Ibid.


NAME

Edward Moate

Name and address of nearest relative or friend ...

By whom brought ...

Previous residence ...

Age and sex ...

Married, single, or widowed ...

If any family ...

Occupation ...

Habits of life ...

Native place ...

Form of insanity ...

Duration of present attack ...

If disordered before, and how long ...

If hereditary ...

Specific signs of insanity ...

If suicidal ...

If dangerous ...

If destructive ...

Bodily Conformation:—

Head ...

Chest ...

Abdomen ...

Extremities ...

Marks of violence (if any) ...

Single

Religious mania

yes ?

Dead

her marks of violence.

Patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

Reportedly Moate's 'effeminate appearance' was also the reason why Shoebridge had arrested him in the first place.[92] Moate was not rendered in terms of aberrant femininity, but rather in terms of aberrant masculinity, which is to say effeminacy. According to the logic of the era, an effeminate man was a weak, inferior and unhealthy man. This was the rationale of eugenic theory, which had not yet been clearly defined in Australia but became increasingly popular from the 1890s and throughout the interwar period.[93] In 1884 there was already a strong perception that effeminacy was cognate with weakness, mental degeneration, and threats to white Australian futurity.[94]

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[92] 'A Remarkable Case', *The North Eastern Ensign* (Benalla, Victoria), 1 August 1884, 3.

[93] See Diane B. Paul, John Stenhouse and Hamish G. Spencer (eds.), *Eugenics at the Edges of Empire: New Zealand, Australia, Canada, and South Africa* (London: Palgrave Macmillan, 2018), 21.

[94] 'Are the English Becoming Effeminate?', *Argus* (Melbourne), 4 October 1884, 4. The anxiety around degeneracy was certainly not universal, and received pushback as early as it appeared in the 1870s. See '"Mozeck" and Human Degeneracy', *Yorke's Peninsula Advertiser and Miners' News* (South Australia), 30 October 1874, 3.

The label of effeminacy was apparently applied equally to transmasculine and transfeminine gender-crossers. In 1887, Carrie Swain was charged with vagrancy in Sydney for dressing as a woman, and described in the *Evening News* as both an 'effeminate youth' and 'a detestable character' who was 'in the habit of perambulating the streets and parks after dark'.[95] Effeminacy was also a euphemism for same-sex male attraction, which may also have been a factor in the concerns surrounding Moate, given the rumours implying a romantic relationship between Moate and his employer Dr Warren. Nevertheless, once Moate was absorbed into the gendered structures of the asylum, he ceased to be read as an aberrant man and was thereafter recorded as an insane woman.

Strange Characters

The physical assessment which revealed (or rather confirmed) Moate's gender transgression only occurred *after* he was admitted as a patient. Although his record in the admission register noted that his bodily health was apparently poor, by this point he had already been admitted to the asylum, and everything about his presentation was interpreted as evidence of insanity. The asylum was a pathologising environment, and Moate was not alone in having elements of his personality, identity or behaviour interpreted through a medical lens. He was, arguably, uniquely vulnerable to being admitted to the pathologising environment of the asylum in the first place. The asylum was a space designed to remove and manage disruptive social elements, with goals of both control and care. These ostensibly benevolent aims had brutal consequences for Moate, who within three years was managed into the grave.

Both Dr. Fox's report and the patient admission record described Moate's lack of appetite as a behaviour rather than a symptom ('he will take no food').[96] The newspaper articles similarly reported that Moate had 'refused food'.[97] Moate had just lost his only source of income, and had reportedly not eaten in two weeks. After a period of starvation, the human body begins to process nutrients differently, and food must be carefully reintroduced to avoid the highly dangerous and potentially fatal sequela of refeeding syndrome.[98] The medical records, written by clinicians who would not yet have known about refeeding syndrome, framed Moate's lack of appetite not as something he was *feeling* but something he was *doing*. They denied Moate the capacity for internal motivations, for pain or desire; they also denied the possibility that Moate's presentation was an inadvertent

[95] 'A Detestable Character', Evening News (Sydney), 17 November 1887, 5.
[96] Fox and Skinner, medical reports. Admission Warrant, Beechworth H.I. 28 July 1884, number 384. PROV, VPRS 17846.
[97] 'Remarkable Imposture at Beechworth', *The Age*.
[98] Hisham M Mehanna, Jamil Moledina, and Jane Travis, 'Refeeding Syndrome: What it is, and how to prevent and treat it', *British Medical Journal* 336 (2008), 1495–1498.

consequence of poverty. Instead they made sense of his lack of hunger as a behaviour of non-compliance.

In the case of Edward de Lacy Evans, the revelation of his gender-crossing changed the nature of his diagnosis, treatment and (perceived) cure. This was not the case for Moate. The asylum's structure was rigidly gendered, but Moate was absorbed into that structure rather than continuing to disturb it. This too was not unprecedented. In 1863, a guest visiting Parramatta Lunatic Asylum was introduced to a 'strange character' named Tom Hurly:

> On leaving this room we saw a little dapper man approaching, dressed in neat frock coat and trowsers, and somewhat shabby white hat. A visitor we enquired? "No," replied Mrs. Statham, "that is one of our characters–it is a woman who fancies herself a man, and whom we humor by allowing her to dress according to her ideas." This strange character took off her hat, and introduced herself as Tom Hurly, offering us a pinch of snuff, and shaking us heartily by the hand. There was a world of humor in the merry twinkle of the lady's eye, and the rich brogue in which she spoke…
>
> She said she had been in the country over a hundred years, having been sent from Limerick in "woman's wearables" as she did not then know her own "karacter." "Tom" was very amusing … If her fancy of dressing as a man were denied her, without doubt she would be in a constant state of excitement and violence.[99]

[99] 'Parramatta Lunatic Asylum', *The Australian Home Companion and Band of Hope Journal*, 1 June 1861, 3.

Woodcut of Tom Hurly, 1863.[100]

As with Tom Hurly, Moate's gender-crossing was evidently viewed as part of his delusions. There is no evidence suggesting that Moate was allowed to continue wearing men's clothes, as Hurly was. Nor did the staff of Beechworth Asylum make any attempt to 'humour' Moate. Shortly after his committal, Moate became 'noisy & excited exposing her person' during a bout of violent diarrhoea (likely a consequence of his period of starvation), he was forced to wear a (gender-neutral) restrictive camisole for 27 hours and ordered into seclusion for 2 hours.[101] The following week he was again ordered to wear a restrictive camisole for 70 hours.[102]

In the first five weeks of his committal, Moate appeared in the records of patients under medical examination every single week, due to constipation, diarrhoea, and insomnia. All of these were likely consequences of his preceding period of starvation. Still, in the same period, Moate was frequently described as 'noisy', 'violent & excited', and 'destructive'; these were terms commonly deployed against patients to describe anything from agitation to actual physical violence.[103]

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[100] Woodcut of Tom Hurly, Frederick Charles Terry, State Library of NSW collections, [ML 178.05/2]. (The Australian Home Companion and Band of Hope Journal, 1 June 1861, 3).

[101] Beechworth Asylum Medical Journal, Female Casebook. PROV, VPRS 018365/P/0001, unit 000004. Entry for the week ending 16 August 1884.

[102] Beechworth Asylum Medical Journal, Female Casebook. PROV, VPRS 018365/P/0001, unit 000004. Entry for the week ending 23 August 1884.

[103] Beechworth Asylum Medical Journal, Female Casebook. PROV, VPRS 018365/P/0001, unit 000004. Entries for the weeks between 26 July 1884 and 30 August 1884.

Moate was documented as a victim of violence himself, though the perpetrators were not recorded. Moate's injuries were inflicted either from other patients, the asylum staff, or as a consequence of the physical labour he was forced to complete. On 13 September 1884, Moate was again referred to the medical ward for a deep cut on his finger, for which he was made to wear restrictive gloves for 108 hours in the first following week and 148 hours in the second week.[104] He also received treatment for bruises on his face inflicted by another patient.[105] After this he was described as 'weak generally and much quieter', though in subsequent weeks his patient record noted 'general health good, no mental changes'.[106]

In 1885, his record noted 'bodily health good' though he was still 'excited at times'.[107] In late 1885, Moate was again admitted to the medical ward for constipation, along with 15 other patients also suffering from constipation and a 16th who was diagnosed with dysentery.[108] In the latter half of the nineteenth century, dysentery was considered to have 'largely vanished' from Britain, 'except in asylums'.[109] In Australia, the rates of dysentery and death from gastrointestinal infections were comparable to those in urban Britain, with devastating outcomes.[110] Poverty, poor living conditions and poor sanitation were major contributors, increasing the burden of disease and deaths on the working class.[111]

Despite Moate's restored physical health, he died in the asylum on 3 March 1887, after a period of rapid deterioration in which he was prescribed several 'remedies' that included enemas of soap and other substances, and supplements of turpentine, hydrochloric acid and zinc.[112] His cause of death was recorded as 'gangrene and perforation of the intestines'.[113] The staff member who recorded his death in the register initially recorded Moate in the male column, as the 509th male patient to die or be discharged, and then corrected it to state that he was the 384th female patient to die or be discharged. His sex was

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[104] Beechworth Asylum Medical Journal, Female Casebook. PROV, VPRS 018365/P/0001, unit 000004. Entries for the weeks ending 13 September 1884 and 20 September 1884.
[105] Ibid.
[106] Patient record for Edward Moate. PROV, VPRS 17846/P/0001. Beechworth Asylum Admission Register 1877–1922. Entry 384, 24 July 1884.
[107] Patient record for Edward Moate. PROV, VPRS 17846/P/0001. Beechworth Asylum Admission Register 1877–1922. Entry 384, 24 July 1884.
[108] Beechworth Asylum Medical Journal, Female Casebook. PROV, VPRS 018365/P/0001, unit 000004. Entry for the week ending 16 August 1884. Entry for the week ending 21 November 1885.
[109] H. S. Gettings, 'Dysentery: Past and Present', *Journal of Mental Science* 59, no. 247 (1913): 605.
[110] Milton Lewis and Roy Macleod, 'A Workingman's Paradise? Reflections on Urban Mortality in Colonial Australia', *Medical History* 31, no. 4 (1987): 401.
[111] Ibid.
[112] Patient record for Edward Moate. PROV, VPRS 17846/P/0001. Beechworth Asylum Admission Register 1877–1922. Entry 384, 24 July 1884; Coronial inquest for Edward Moate, 4 March 1887. PROV, VPRS 24/P0000, 1887/311.
[113] Beechworth Asylum Discharge Register of Patients. PROV, VPRS 17851. Entry for Edward Moate dated 3 March 1887, no. 227, no. 384.

recorded as female. In the mandatory coronial inquisition, Dr Henry Fox wrote that Moate's body showed 'no external mark of violence, but a recent bruise over the left eye'.[114]

The environment of the asylum was rife with abuse and neglect, and patients frequently died of preventable illnesses due to the poor conditions. Lewis notes that although the 1880s were a period of rapid reform and improvement for Victorian asylums, this did not preclude abuse; and indeed Beechworth Asylum in particular was a verifiably abusive environment during the period when Moate was institutionalised there (1884–1887):

> The matron at Beechworth Asylum recorded a number of cases of cruelty perpetrated by female attendants between 1885 and 1887, and two nurses were dismissed for acts of ill treatment in 1886; three more were dismissed in 1887. The extent of patient abuse and ill treatment was almost certainly greater than the cases actually detected and recorded.[115]

The anonymous journalist known as 'the Vagabond', writing for the *Argus*, noted in 1884 that 'there are many now classed as lunatics who are merely childishly infirm. It is a fact which the Commissioners may look to, that in all our asylums there are many whom the medical men would discharge but that they are destitute, friendless, and helpless'.[116] Moate, unfortunately, was all of these.

Moate's lunacy charge essentially came about for two reasons: firstly because Moate had crossed gender categories in a way that violated colonial gender norms, and secondly because he had lost the protection of his employer. Moate's social connections were possibly why he was arrested as a (potentially curable) lunatic patient, rather than fined or imprisoned as a vagrant, but they were not enough to prolong the tacit acceptance of Moate's position in his community. Once Moate became unemployed, unable to pay rent, and was no longer seen to be contributing positively to his community, he was taken in charge by the systems that policed and punished disruptive aberrance. Ostensibly, asylums were sites of protection and care, but in practice they were sites of violence and control – as evidenced by Moate's early death. This suggests that colonial Australia prioritised profit, productivity, and the preservation of the status quo over supporting those who could not support themselves.

Unlike his contemporaries Edward de Lacy Evans and Jack Jorgensen, who worked in mining and farming respectively, Moate did not transition into the productive workforce. Moate did not work as a physical labourer in the fields or in the mines; he worked as an

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[114] Deposition of Henry Fox. Coronial inquest for Edward Moate, 4 March 1887. PROV, VPRS 24/P0000, 1887/311.
[115] Lewis, *Managing Madness*, 14.
[116] 'Picturesque Victoria', *The Argus* (Melbourne), 8 August 1884, 6.

assistant to the clerk of courts and as a domestic manservant within a doctor's household. Unlike Evans and Jorgensen, Moate's labour was not considered uniquely masculine to the point of provoking anxiety, but it also lacked the redemptive qualities of producing surplus value for the colonial economy. Moate was presumably protected by the social and medicolegal authority of his employers, rather than by the economic, social and moral value assigned to his employment. When that protection disappeared, Moate was exposed to the judgement of the state.

Moate's case shows the value of examining our evidentiary bases and historical methodologies in trans history writing. Although he was well represented in state archival records, these records include very little about Moate as a person or about his social experiences. Moate's case provides further evidence that gender transgressors weren't rare, and that they were conditionally accepted in their communities if they were seen to be adequately fulfilling their social roles and contributing to their societies. This required complicity from their employers, neighbours, and social networks. When gender transgressors were no longer seen to be productively contributing as colonial subjects, and when they no longer benefited from community complicity, they were ejected from their societies, removed and managed through the structures that contained and controlled social deviance.

As someone who had departed from his assigned position in the gendered order, Moate was categorised as an undesirable social deviant.[117] He was institutionalised not so much because he was sick, but because he was regarded as sickening to society. In the course of his involuntary institutionalisation, Moate became physically sick, ultimately hastening his death. Social disorder was therefore rendered as medical disorder in order to remove, contain, and manage the threat of slippage between hierarchical social groups.

[117] The colonial lunatic asylum was a key structure in the policing and punishment of social deviance, alongside the courts and prison system. See also Alexandra Wallis, 'The Disorderly Female: Alcohol, Prostitution and Moral Insanity in 19th Century Fremantle', *Journal of Australian Studies* (2019), 333–48.

4: Farmer, Spinster, Deceased: Disability, Work, and Gender in the Life of Jack Jorgensen, 1873–1893

> To be suddenly confronted with a person extraordinary enough to provoke our most baroque stares withers our ready curiosity and we turn away, snuffing out the possibility for mutual recognition. If the knowledge that staring delivers is unbearable, the expected elasticity of human connection that mutual looking offers becomes brittle. When we suddenly find ourselves face to face with some momento mori [sic] or our most dreaded fate – we look away … What happens in the delicate transaction of looking and looking away is unpredictable.
>
> - Rosemarie Garland-Thomson, 'Staring: How We Look'[1]

A German de Lacy Evans at Elmore

Fourteen years after Edward de Lacy Evans was exposed in the press, regional Victorian newspapers published accounts of 'another extraordinary case of personation, which is only rivalled by that of the notorious Edward de Lacy Evans'.[2] The new rival was Jack Jorgensen, a German farm labourer and mounted rifleman who lived as a man in Elmore and the Bendigo area for at least twenty years, between 1873 and 1893.[3] Unlike Evans and Moate, Jorgensen was never institutionalised due to his gender crossing. He was considered eccentric, but he was never charged with lunacy. Jorgensen's gender was profoundly mediated through his disability, which shaped the arc of his life and the ways in which his gender crossing was interpreted (and enabled) by those around him. In the eyes of his community, Jorgensen's hypervisible disability effectively disqualified him from living as a woman, and in this context living as a man was seen as more socially appropriate.

Jorgensen was positioned as a successor to Evans despite having first been exposed in the press following an arrest in 1873, six years before Evans's name appeared in the papers. Jorgensen came to the attention of the public again in 1893. Following a workplace injury, he staunchly refused to be admitted to Bendigo Hospital, and subsequently died at home in Elmore. Jorgensen's second exposure in the press after his death in 1893 received much greater attention than his first exposure twenty years prior. Rather than being framed as a predecessor or a contemporary of Evans, Jorgensen was explicitly depicted as a sequel to the Evans affair. Jorgensen's gender crossing was widely known about in his community, and was the subject of gossip and practical jokes over many years. Nevertheless, the press claimed

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[1] Rosemarie Garland-Thomson, *Staring: How We Look* (Oxford: Oxford University Press, 2009), 79, 81.
[2] 'The Extraordinary Impersonation Case', *Kyneton Observer*, 9 September 1879, 2; 'Extraordinary Case of Personation: Another "De Lacy Evans"', *Bendigo Advertiser*, 7 September 1893, 3.
[3] No relation to Christine Jorgenson, another famous trans ancestor.

that Jorgensen's gender transgression was kept secret to everyone until an involuntary post-mortem discovery by the coronial inquest:

> Perhaps the most surprising item of to-day's news is the discovery that a farm laborer [sic] at Elmore, member of the Mounted Rifles, who died yesterday, is discovered to be a woman! Nobody suspected her sex. She took a part in the rough work of the farm; she gratified her martial instincts by joining the Mounted Rifles; bestraddled her steed and learned to gallop and wheel and shoot with the best of her comrades, and, no doubt, in actual war would have stood fire with the coolest of them. And yet, all the while, she was a woman![4]

The Melbourne *Herald* and other Victorian and intercolonial newspapers were swift to compare Jorgensen to 'the somewhat historic name of De Lacy Evans', especially as both men had lived in the Bendigo district (at the same time, in fact).[5] The comparisons were grounded mainly in the shared points of gender transgression sustained over many years, highlighting their employment as physical labourers in fields considered to be traditionally masculine, and lingering on the manufactured idea that both men had successfully deceived their communities. The press depictions effectively reiterated to the public that gender transgression was only supposed to be possible if nobody knew about it.

As with Evans, however, the papers quickly contradicted their own version of events, citing anecdotes that showed many people in and around Elmore had known about Jorgensen's gender for decades. The *Kyneton Observer* reported that twenty years earlier, in 1873, Jorgensen had been working as a female cook at a hotel in McIvor before he 'suddenly, and *with the full knowledge of the residents of that district*, adopted male attire' and began working as a man (emphasis added).[6] Jorgensen was arrested shortly after this transition:

> The police, however, so it is asserted, objected to this species of 'freedom of contract' and arrested the masculine miss and charged her at the local police court with impersonating a male. It is stated that the medical evidence then tendered was not too clear, and a doubt existed as to whether she should be charged with impersonating a male, or with having previously impersonated a female. The result was that she was allowed her freedom conditionally that she adopted one dress or the other, but not to be chopping and changing about from one sex to the other.[7]

Jorgensen had indeed been arrested for impersonating a man in 1873, and most of the details recalled in the later articles were accurate: he had worked at Craven's Hotel in

[4] 'Notes on News', *Herald* (Melbourne), 6 September 1893, 2.
[5] 'Notes on News', *Herald* (Melbourne), 6 September 1893, 2.
[6] 'Male Impersonation', *Kyneton Observer* (Victoria), 9 September 1893, 3.
[7] Ibid.

McIvor, then after adopting male attire had been employed by a farmer.[8] The legal response had *not*, however, allowed Jorgensen a choice of gender presentations as was later reported. At the time of his 1873 court case, the newspapers reported that Jorgensen had explicitly been 'charged with wearing male attire' and told that 'the laws of the country would not permit her to wear any other than the attire of her own sex'.[9] Twenty years later, after Jorgensen's death, the *Bendigo Independent* interviewed former constable Michael O'Dwyer, the police officer who had 'arrested [Jorgensen] at Heathcote for personating a man', who recalled that he 'was brought before Dr. Robinson, J.P., of Heathcote, but on promising to resume her proper dress was discharged'.[10]

Jorgensen requested in court to continue wearing male attire, arguing that 'the men's clothes suited her better than the women's; that she was always called a man when in female attire, and called bad names', and that he was 'always accustomed to wear man's clothes'.[11] The doctor who examined him claimed that Jorgensen was dressing as a man because he could earn more money that way, and because his face had been disfigured by an injury.[12] Although the judge presiding over the case was unmoved by this defence, the press was remarkably sympathetic, writing that Jorgensen was 'an exceptionally powerful and muscular woman, and appeared much more at home and better suited in male costume'.[13] Although newspaper accounts often reported on the verisimilitude of gender transgression, this was usually for the sake of conveying a sense of uncanny deception. Cases such as Jorgensen, where the media seemed to tacitly approve of his gender transgression and used his physical appearance as evidence *in his favour*, were comparatively rare.

Regardless of (or perhaps explaining) the editorial sympathy from the press, Jorgensen was ordered in court to return to wearing female clothing:

> There being no proof that the male attire was assumed for anything but a good motive, Johanna was discharged; female costume having first been procured for her. She pleaded hard to be permitted to wear the male attire, stating that she had been always accustomed to do so when a young girl, and in her own country, Germany, she had fought as a man in the army; that male attire suited her better than female, and

[8] 'Woman Charged with Impersonating a Male', *Wagga Wagga Advertiser and Riverine Reporter* (NSW), 15 November 1873, 4.

[9] 'Heathcote Police Court', *McIvor Times and Rodney Advertiser* (Heathcote, Victoria), 30 October 1873, 2; 'Woman Charged with Impersonating a Male', *Wagga Wagga Advertiser and Riverine Reporter* (NSW), 15 November 1873, 4.

[10] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2.

[11] 'Heathcote Police Court', *McIvor Times and Rodney Advertiser* (Heathcote, Victoria), 30 October 1873, 2. Subsequent reprints in urban newspapers added more points to Jorgensen's quoted statements (namely regarding his attraction to women), but it is unclear whether this was conveyed by a regional correspondent or simply invented. See 'In Male Attire', *Weekly Times* (Melbourne), 1 November 1873, 12.

[12] Ibid.

[13] 'Woman Charged with Impersonating a Male', *Wagga Wagga Advertiser and Riverine Reporter* (NSW), 15 November 1873, 4.

that she wished to earn enough money as soon as possible to take her back to her own country.[14]

Jorgensen disregarded the ruling, but did not make a strenuous attempt to conceal his origins or his continuing gender transgression. He had migrated with his family from Germany to South Australia at a young age, under the name Johanna Margaretha Jörgensen.[15] Around the age of sixteen he was kicked in the face by a horse, an injury which left him with significant facial scarring around his nose and eye.[16] The papers commented that he was 'thoroughly well remembered' by his community: 'indeed, the face once seen was not likely to be forgotten, for it was very much deformed on one side'.[17]

In 1872, several years after the death of his father, Jorgensen left Adelaide for Victoria at the age of twenty-nine, and began living as a man only a month or so after his arrival – perhaps resuming an earlier habit, perhaps finally assuming a life that he had planned for in advance, or perhaps simply acting on the opportunity of reinvention as it came to him.[18] He lost contact with most of his family around this time; the papers variously reported that he had not seen his family for fourteen, twenty, or twenty-two years before his death.[19] His sister Theresa disclosed that this was because 'they were very much annoyed at her wearing men's clothes'.[20]

In 1875, 1878 and 1879, Jorgensen's family put out missing notices for him (under the name Johanna Jorgensen) in the Victorian and South Australian Police Gazettes.[21] The first notice described him as a 5'5" German with a 'dark complexion, black curly hair, face disfigured' and noted that he 'may probably go to Melbourne, where she has an uncle'.[22] The second notice said that he was 'marked in the face from the kick of a horse, from which cause also she may be affected in her mind'.[23] The third notice that he had been 'last heard of in Melbourne, in December 1875'.[24] It is unclear whether Jorgensen maintained contact with his uncle (Heinrich Hansen) but he had no further contact with his sister or parents. Although

[14] Ibid.

[15] Baptism certificate for Johanna Margaretha Jörgensen, 11 June 1843 (born 20 May 1843), Jerusalem Lutheran Church, Berlin, Brandenburg. Ancestry.com. *Germany, Lutheran Baptisms, Marriages, and Burials, 1500-1971* (online database). Taufen 1840–1843, film number 70274, p. 225; Passenger list for the *Alfred*, Hamburg to Adelaide, 6 December 1848. State Records of South Australia. GRG 35/48/1.

[16] 'Impersonation of a Man for Twenty Years', *Elmore Standard*, 8 September 1893, 2.

[17] 'Concealment of Sex', *Traralgon Record*, 8 September 1893, 3.

[18] Jorgensen's parents were Christian Seidler Jorgensen, a cabinetmaker, and Therese Helene Hager. His father died in 1863 and his mother died in 1875.

[19] 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3; 'The Victorian Amazon: A Romantic Career', *Evening News* (Adelaide), 7 September 1893, 3; 'Impersonation of a Man for Twenty Years', *Elmore Standard*, 8 September 1893, 2.

[20] 'Jack Jorgensen: Woman Dressed as a Man', *Argus* (Melbourne), 7 September 1893, 6.

[21] Victorian Police Gazette, December 14 1875.

[22] Ibid.

[23] Victorian Police Gazette, 6 August 1878.

[24] South Australian Police Gazette, 12 February 1879.

Jorgensen had been 'in fair circumstances and had money in the bank' for much of his time in Victoria, in the latter part of his life he 'had been living on her capital, and … some believe that she was pressed for money at the time of her death'.[25] Jorgensen was 'reported to have applied to her friends in Melbourne some time ago for assistance, but they disowned her on account of her way of living, of which they were well aware'.[26] Perhaps this was an attempt to re-initiate contact with his family; if so, it was an attempt they rejected.

Jorgensen continued to live in the Bendigo district under the name Johann Martin Jorgensen for the rest of his life, where he 'appears to have been very well liked' despite being highly recognisable due to his facial scarring and, indeed, highly recognised by his neighbours:

> About 18 years ago a strange looking person, who was none other than Jorgensen, turned up at Runnymede East, and became generally known in time as "Jack Jorgensen." The facts of the McIvor case were then fresh in the minds of the people at Runnymede, and they suspected that Jorgensen was identical with the actor in the case referred to. However, these were merely suspicions, and whilst they continued to be entertained right down to the present day, still nothing transpired to confirm them until Jorgensen breathed her last. She was not destined to carry her secret with her to the grave, though she battled tenaciously to retain it to the very last moment of her existence.[27]

Perhaps what Jorgensen fought to keep was not the secret of his life, as the *Bendigo Advertiser* claimed, but the life itself. If he truly 'battled tenaciously' to keep his origins and gender-crossing secret, then he was remarkably lax and inefficient; neither of which were traits that he had shown during his employment as a farm labourer or with the Mounted Rifles. If, on the other hand, he was seeking to keep his life as a man rather than the secret of his manhood, then his tactics were far more characteristic of the diligent, punctual worker described in the press coverage.

Jorgensen was very unlike Edward Moate, who had concealed his origins so carefully that the press never discovered them. He was also unlike Edward de Lacy Evans, who travelled without family halfway across the world, already equipped with the tools of his new identity, and then lived and worked itinerantly in order to evade recognition from fellow travellers.

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[25] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2.
[26] Ibid.
[27] 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.

Jorgensen, in contrast, made remarkably little effort to escape his past or to elude recognition. After being exposed at Heathcote, Jorgensen moved to Elmore (Runnymede East), a nearby township within the greater Bendigo area. Residents of Elmore were aware of Jorgensen's arrest at Heathcote, but did not intervene to prevent him from continuing to live as a man. Jorgensen was never arrested again.

Had he wished to avoid all traces of his past, Jorgensen could have put greater effort into making himself untraceable. Having already reinvented his identity once, he could have done so again. The nineteenth century did not present many barriers to social transition; a legal name change did not require lengthy paperwork but simply a reintroduction. European birth records were generally not required for the identity verification of migrants. Australian birth records were patchy depending on who was giving birth, and where. Travel documents were used only for travel, and as motor vehicles had not yet been invented, neither had drivers' licences. There was no formal process or legal registration for changes of name or gender required by any institution. The legal proof of a changed name was the life lived by it.[28]

By changing his name from Johanna to Johann, Jorgensen had not really changed his name at all, but rather altered it into its masculine form just as he had altered the rest of his life. Both Johann and Johanna derive from the Latin *Iohannes*; both are essentially German variants of the English name John.[29] The *Elmore Standard* called this 'a very simple elision from the Christian name', accompanying an 'easy transition from petticoats to pants'.[30] Essentially Jorgensen updated his name to reflect his circumstances, masculinising his given name in much the same way that his father had anglicised his own name from Cristjan to Christian in the process of migrating from Europe to Australia.[31]

As far as Jorgensen's community was concerned, his 'secret' had already been irrevocably disclosed from the earliest days of his life as a man. He had previously travelled over 600 kilometres from Adelaide to Victoria, shedding every link to family and his former life. If he wanted to start over again, he could have travelled further than Elmore (Runnymede East), the closest small township in the vicinity.[32] At the very least he might have left the district of Greater Bendigo, the area where he had become notorious overnight.

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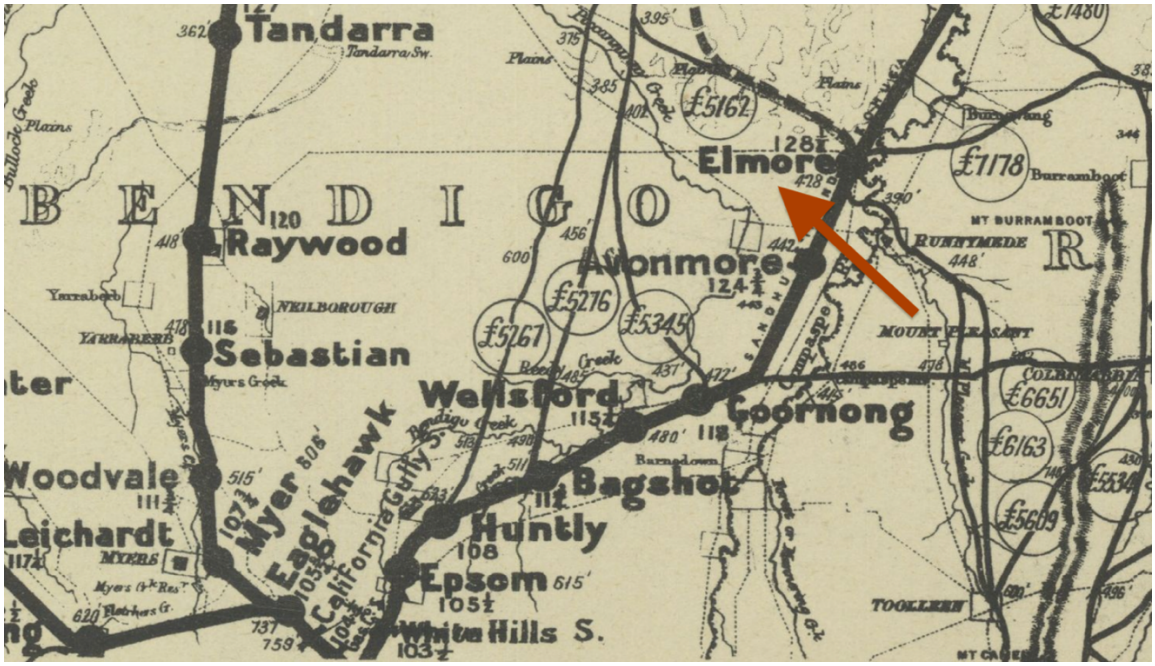
[28] This forms part of my reasoning for using chosen names to refer to gender transgressors wherever possible.

[29] 'Origin and History of "John"', Online Etymology Dictionary, accessed 18 September 2024. https://www.etymonline.com/word/John

[30] 'Impersonation of a Man for Twenty Years', *Elmore Standard*, 8 September 1893, 2.

[31] Such anglicisations and spelling alterations were sometimes made by the subjects themselves, and sometimes involuntarily imposed in cases where the subject was illiterate. See Shipping list for *Alfred*, 1848. State Records of South Australia. GRG 35/48/1.

[32] Bendigo was closer, but Bendigo was also a regional centre.



Mount Pleasant to Elmore. Public Record Office Victoria, VPRS 8168/P0002, RAIL95B; RAILWAY MAP OF VICTORIA-N. W.[33] (Map notation added.)

This was a distance of a little over fifty kilometres, over flat ground. Travel between the towns would have taken around four to five hours on horseback. Even on foot, Jorgensen might have hiked between the towns in a day or two. The towns were far from isolated from each other, and residents frequently travelled between Bendigo and its satellite townships. The *Bendigo Independent*, the *Advertiser*'s main local rival, dwelled on this point at some length:

> It is, to use a common expression, but a stone's throw from Heathcote to Elmore, yet in putting only that short distance between her and the place where hundreds must have known she was a woman, it is extraordinary when one comes to think of it, that year after year passed… and the news did not travel over these few miles of country that she was not as regards sex what she represented herself to be.[34]

The paper noted that the close proximity of Elmore and Heathcote 'taken in conjunction with her sadly disfigured face should have literally made her a marked person anywhere—a person whom to see once was to remember and recognise whatever disguise be assumed or whatever character such a person essayed to play'.[35] Jorgensen was recognised wherever he went; he could not conceal his identity because he could not conceal his facial disability.

[33] I have included an arrow between Mount Pleasant and Elmore, but please note that Runnymede is identified as even closer; given that Jorgensen was working as a rural labourer, he might feasibly have worked in any area between the two towns.
[34] 'This Elmore Romance', *Bendigo Independent*, 9 September 1893, 2.
[35] 'This Elmore Romance', *Bendigo Independent*, 9 September 1893, 2.

Consequently he also could not effectively conceal the fact of his gender crossing, despite the post-mortem press emphasis on secrecy.

This is significant because it indicates that Jorgensen's community was *actively complicit* in his gender crossing, rather than simply oblivious to it. Unlike Evans, Jorgensen did not lead an especially itinerant lifestyle, and unlike Moate, Jorgensen did not receive significant social protections from his employer. Jorgensen was well-known and well respected, not in spite of his gender transgression, but inclusive of it.

Pre-Mortem Doubts and Post-Mortem Disclosures

Several newspapers pointed out that Jorgensen's gender transgression was widely suspected in Heathcote, Elmore, and the Bendigo district. Still, the papers almost unanimously claimed that the discovery had only been made upon Jorgensen's death.[36] The *Bendigo Independent* wrote that 'death disclosed the long preserved secret'; the *Bendigo Advertiser* reported that 'on Dr. Haarse making a post mortem examination of the body it was discovered that the body was that of a woman'.[37] None of the newspaper coverage overtly challenged the consensus that Jorgensen's gender transgression was perfectly concealed until his death. Still, the incredulous tone of their coverage occasionally shifted into a rather sly register. At certain points the descriptions of the 'extraordinary' lack of suspicion deliver notes of ambiguity; we could read this as *remarkable*, but we could also read it as *unlikely*.

Both regional and intercolonial newspaper articles claimed that Jorgensen 'kept the secret of her sex till the day of her death', that 'none of [his housemates] had any shrewd notion that Jorgensen was really a female' and that none of his colleagues in the Mounted Rifles 'had ever suspected that there was a female private in their midst'.[38] Conversely, local newspaper articles from the Bendigo/Elmore area implied or asserted that Jorgensen's gender transgression was relatively commonly known (or at least commonly suspected). Several articles made *simultaneous* claims of both absolute secrecy and widespread suspicion, without addressing the contradiction: the *Independent* wrote that '[s]everal of the residents had at times some doubts as to Jorgenson's sex, but nothing really ever transpired to make their doubts strong ones', while the *Bendigo Advertiser* claimed that '[t]hroughout

[36] Franklyn Hudson's recent and valuable research focuses on post-mortem detransition in relation to Jorgensen and others. Franklyn Hudson, 'Post-Mortem De-Transitioning', (paper presented at Australian Queer Archives Conference, September 2024).

[37] 'A German de Lacy Evans at Elmore: A Female Mounted Rifleman', *Bendigo Independent*, 6 September 1893, 3; 'An Extraordinary Case', *Bendigo Advertiser*, 6 September 1893, 2.

[38] *Adelaide Observer*, 16 September 1893, 25; 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3; 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.

the whole of her five years' association with the mounted rifles, the men whilst having a slight suspicion of Jorgensen's sex, never had any confirmation of it'.[39]

The press reports delivered a version of events that held to the status quo, but this version was constantly undermining itself everywhere it appeared in print. The self-replicating discrepancies also extended to sensational but implausible features of the overall story, such as the source of Jorgensen's facial disability, his origins, and his history. There was also confusion over whether Jorgensen was German or Danish; he had been born in Germany to a Danish father and German mother. Jorgensen's superiors in the Mounted Rifles attributed his facial scar to 'a fragment of shell during the course of the Schleswig-Holstein war between Prussia and Denmark'.[40] The Melbourne *Herald* noted that Jorgensen had given his age as 34 when he joined the Mounted Rifles in 1887, and dryly concluded that 'Jorgensen must have been quite young at the time of that campaign' – the First and Second Schleswig Wars having concluded in 1851 and 1864 respectively.[41] Nevertheless the article ran under the subtitle 'Wounded in Schleswig-Holstein: Through the Franco-Prussian War'.[42] Subsequent articles continued to headline Jorgensen's supposed military service even after the story was credibly refuted by the testimony of his sister, and by the record of Jorgensen having emigrated to Australia at the age of five.

Some of the coverage mentioned suspicions arising from Jorgensen's physiognomy, including his voice, gait, and appearance; others cited local gossip. An interview with Jorgensen's superiors in the Mounted Rifles reported that despite Jorgensen sharing a tent with other men, 'no one had ever suspected that there was a female private in their midst' – and yet '[b]oth Major Hoad and Captain Nethercote remembered that Jorgensen had a peculiar falsetto voice'.[43] Another Melbourne paper wrote that '[o]wing to the voice being somewhat feminine in tone some doubts as to sex were raised, but nothing definite was ever known until after her death'.[44]

Local papers tended to emphasise local knowledge of Jorgensen's past. The local *Elmore Standard* repeated the claim of a long-held but unconfirmed suspicion, writing that:

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[39] 'A German De Lacey Evans at Elmore', *Bendigo Independent*, 6 September 1893, 3; 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.

[40] 'A Female Soldier: Another De Lacy Evans: A Woman in the Mounted Rifles: Wounded in Schleswig-Holstein: Through the Franco-Prussian War', *Herald* (Melbourne), 6 September 1893, 2.

[41] Ibid. At the time of printing, the papers had not yet reported on the details later provided by Jorgensen's sister, including the information that Jorgensen had been born in 1843 (and was therefore 44, not 34, when he joined the Mounted Rifles).

[42] Ibid.

[43] 'A Strange Case: Concealment of Sex', *Weekly Times* (Melbourne), 9 September 1893, 14.

[44] 'Concealment of Sex: The Runnymede Case', *Argus* (Melbourne), 7 September 1893, 6.

> The realisation of a somewhat vague suspicion in regard to the sex of a well-known person living for a number of years at Runnymede, under the name of Johann Jorgensen, was completed on Tuesday morning by the death of that individual, a post-mortem examination by Dr. Harse, of Elmore, laying at rest for ever any perplexity as to the gender of the singular and eccentric character who for some inscrutable reason had for about 20 years dressed and acted the part of a man … The conclusive evidence of a long-felt doubt explained has of course been the engrossing topic of the week, both in private and in the columns of the press.[45]

Another local paper, the *Traralgon Record*, made a similar claim and once again referenced the widespread local memory of Jorgensen's 1873 arrest. The *Record* pointed out that there 'was always some suspicion as to her sex' and that there was 'little doubt' that Jorgensen was identical with the 'woman in man's clothing' who had been arrested in Heathcote.[46] The intercolonial press published articles claiming that '[s]ome who had suspicions made investigations, and it has now been proved that Jorgensen was a woman'.[47] The *Bendigo Independent* later claimed that

> Nearly all the Elmore residents now assert – after the event, however – that they never entertained much doubt of the deceased's sex. A few bluff farmers really look as if their dignity were assailed if one hints that they were all along deceived in her. That this generally was the case is, of course, certain. The woman's ingenuity appears to have lulled all suspicions in those accustomed to meet her. To strangers, however, her peculiar voice, gait and figure always seems so strange for a man, that they invariably pronounced her to be other then she described herself.[48]

The *Independent* further noted that '[s]everal Bendigo residents who saw her gave it as their opinion that she was a woman, but the local people scouted the idea' (i.e. refuted it strongly).[49] On at least one occasion, 'persistent assertions' made by military personnel in Bendigo led to friction and 'coolness' between the Bendigo and Elmore divisions.[50] Although there was widespread gossip about Jorgensen's gender, particularly from Bendigo, the papers claimed that in Elmore 'no one appears to have attached much importance to the rumor [sic], and the men with whom she lived appear to have been all along certain that she was a man'.[51] In fact Jorgensen's housemates knew about his gender crossing, and disclosed it after his death.

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[45] 'Impersonation of a Man for Twenty Years', *Elmore Standard* (Victoria), 8 September 1893, 2.
[46] 'Concealment of Sex', *Traralgon Record* (Victoria), 8 September 1893, 3.
[47] 'Remarkable Personation', *Daily Telegraph* (Sydney), 6 September 1893, 5.
[48] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2.
[49] Ibid.
[50] Ibid.
[51] Ibid.

None of the newspapers considered – in print, at least – that Jorgensen's friends, neighbours and workmates might have considered Jorgensen to be a man while also knowing about his bodily reality. If the journalists questioned why Jorgensen was frequently instantly identified as a 'woman in disguise' by total strangers, but accepted as 'an honest, reputable person, and a careful and conscientious work-man' by those who knew him well, they invariably put the discrepancy down to Jorgensen's talent for deception rather than the townspeople's willingness to accept him as he was.[52]

In 1893, after an illness lasting around eight months, Jorgensen became too unwell to work. His friends and neighbours urged him to seek treatment at Bendigo Hospital – the same hospital where Evans had been institutionalised, publicised, and forced to return to living as a woman, only six years after Jorgensen moved to the district. Jorgensen firmly refused to be admitted to hospital, even when advised to do so by a doctor, and even after his neighbour arranged a ticket for his admission from the Elmore Hospital Sunday Fund.[53]

> Jorgensen absolutely refused to go to the hospital under any conditions whatever. Last Friday the doctor was out in the locality of East Runnymede, and out of charity, he called in at the hut and saw Jorgensen, who said he would not have medical attendance. Being told that, Dr. Haarse did not press his examination. Jorgensen, however, described the symptoms of his ailments, and the doctor saw beyond all doubt that the patient was suffering from rheumatic fever and asthma. He prescribed accordingly, and Jorgensen said he would take the medicine. Whilst he spoke in a friendly tone, he was resolutely opposed to any medical examination.[54]

Jorgensen deteriorated rapidly but still refused to go to hospital. His housemates attempted to tend to him, but were hampered by having to leave Jorgensen at home in order to go to work. In the weeks before Jorgensen's death, his friends and neighbours attempted to assist him through various avenues:

> Mr. Bailey, farmer, of Runnymede East, came into Elmore and informed Constable Bennett that Jorgensen was very sick indeed, and that a reverend gentleman at Mount Pleasant had suggested that the constable should go out and see if the man was dying. Constable Bennett recognised that he could not do anything but arrest the man as a vagrant, and have him remanded to the jail hospital, and the circumstances of the case, he considered, did not warrant such a course of procedure.[55]

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[52] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2; 'A German De Lacey Evans at Elmore', *Bendigo Independent*, 6 September 1893, 3.
[53] 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.
[54] Ibid.
[55] Ibid.

Clearly Jorgensen held good standing in his community, even though it was a community that widely suspected his gender transgression. In 1873 when Jorgensen was a stranger to regional Victoria, the Heathcote police did not hesitate to arrest him for vagrancy (that is, for violating the gendered social structure). In Elmore, where Jorgensen had lived and worked for twenty years, the local police not only did not arrest Jorgensen for vagrancy or other manufactured charges, but *refused* to arrest him for vagrancy even when a charitable excuse could have been made for doing so.

It is possible, of course, that the police declined to arrest Jorgensen out of a shared desire to avoid the scandal of exposure, rather than merely out of respect for Jorgensen's liberty and concern for his wellbeing. However, Jorgensen's death obviously did bring about that scandal, with the only difference being that Jorgensen was no longer alive to suffer through his exposure. I am therefore inclined to think that by integrating himself into Elmore society, Jorgensen had successfully shed the social precarity that allowed him to be classified as a vagrant in Heathcote.

Jorgensen's friends, on the advice of the constable, acquired a ticket for his free admission to the hospital:

> …but all his pleadings and exhortations to get Jorgensen to go were unavailing. The dying patient was unyielding; in fact the very suggestion of going to the hospital was met with the greatest repugnance. He grew worse every day, and died early on Tuesday morning.[56]

The *Bendigo Independent* attributed the supposed discovery of Jorgensen's gender transgression to 'the post-mortem examination which her refusal to see a medical man before she died rendered necessary'.[57] The *Elmore Standard* also attributed the discovery to the post-mortem examination.[58] The Argus claimed that 'death revealed the fact that the ex-soldier was a woman'.[59] The *Bendigo Advertiser* initially reported that 'on Dr Haarse making a post-mortem examination of the body it was discovered that the body was that of a woman', but corrected their account the next day, instead reporting that 'one of the men occupying the hut rode into Elmore and reported the death to Dr. Haarse, at the same time conveying the startling information that the deceased was actually a woman and not a man as was generally supposed'.[60]

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[56] Ibid.
[57] 'This Elmore Romance', *Bendigo Independent*, 9 September 1893, 2.
[58] 'Impersonation of a Man for Twenty Years', *Elmore Standard*, 8 September 1893, 2.
[59] 'Thursday, September 7, 1893', *Argus* (Melbourne), 7 September 1893, 4.
[60] 'An Extraordinary Case', *Bendigo Advertiser*, 6 September 1893, 2; 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.

Whether or not Jorgensen's doctor knew about his gender crossing was also a point of contention. One version in the *Argus* claimed that Jorgensen's 'sex was only disclosed after her death, the only person knowing of it being Dr. H------, of Elmore, who attended her some time since for a purely female disorder which necessitated her consulting him'.[61] A similar variant had appeared in the *Bendigo Independent* a day earlier, characterising it as a battle between a heroically determined Jorgensen and the inevitability of Nature:

> Nature at length, however, conspired to bring her extraordinary secret to light, as a purely female disorder reduced her so much in strength and health that the professional assistance of Dr. Haarse, of Elmore, had to be secured, though even from him the wretched woman with indomitable resolution succeeded in maintaining her secret til her death, which occurred yesterday.[62]

Another version in the *Bendigo Advertiser* reported conversely that:

> Dr. Haarse had never examined the deceased and, although there was something in Jorgenson's appearance and voice that betrayed characteristics of the feminine sex, yet he was not wholly prepared for this new development, which was indeed as unexpected as it was extraordinary.[63]

These two divergent accounts are brief but rich in useful detail. Both narratives frame Jorgensen's gender-crossing as an act of intentional, constant deception, flouting the authority of medicine, men, and Nature, all of which were presumably opposed to Jorgensen's 'quiet and unassuming' existence.[64] Both narratives also frame Dr Haarse as the highest authority capable of determining Jorgensen's sex, and as the ultimate test of Jorgensen's desire and aptitude for concealment. In the same *Independent* article, Jorgensen was described as someone who 'soon acquired the reputation of being an honest, reputable person, and a careful and conscientious workman', who 'did not show any great desire to obtrude on the notice of the residents', and 'though living a lonely life in a small hut, did not act as one who had anything to conceal'.[65]

I am particularly fascinated by the *Independent*'s account of an almost mythic struggle between Jorgensen and the supposed natural order; or perhaps between Jorgensen and his own nature; or between Jorgensen and the misogynies of Fate (which were also deemed natural); or between proto-feminist anti-establishment Jorgensen and Nature's emissary, Dr

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[61] 'Thursday, September 7, 1893', *Argus* (Melbourne), 7 September 1893, 4.
[62] 'A German de Lacy Evans at Elmore: A Female Mounted Rifleman', *Bendigo Independent*, 6 September 1893, 3.
[63] 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.
[64] 'A German de Lacy Evans at Elmore: A Female Mounted Rifleman', *Bendigo Independent*, 6 September 1893, 3.
[65] Ibid.

Haarse, whose medical expertise naturally made him an authority over the 'purely female disorder[s]'[66] of nineteenth-century women – though not, apparently, enough of an expert to recognise them in a male patient. Left unsaid were the mental contortions required to simultaneously assert, firstly, that Jorgensen's essential womanhood had betrayed his secret by manifesting illness in a *purely female* way; secondly, that the *pure femininity* of Jorgensen's illness had been obscured somehow through sheer force of will; and, thirdly, that said illness could be retrospectively identified as explicitly but secretly female after a single day's journalistic investigations.[67]

The newspaper coverage in Melbourne and the intercolonial press tended to publish dramatised, sensational stories that flattened any potential nuance and made grand, sweeping claims regarding the depth and nature of Jorgensen's gender transgression. The local papers were not necessarily more accurate, less sensational, or less obfuscatory, but they did tend to portray a more complex view of Jorgensen's relationship with his community. They were far more nuanced in their descriptions of whether or not Jorgensen's gender was a secret, the most common narrative being that it was widely suspected but not officially confirmed (that is to say, privately known but not spoken of publicly). The local newspapers were also more likely to correct previously published factual errors in their pursuit of further details about Jorgensen's history and experiences in the colony.

For the intercolonial press, Jorgensen was a fascinating story, a sensational aberration, and a dazzling mystery to be solved. For the local newspapers, Jorgensen was a familiar face, if a strange one. He was an object of curiosity, but the curiosity was idle, not urgent. In Elmore, Jorgensen was a known quantity, allowing him to be a little more human, and a little more complicated. Ultimately, for the people who knew him, Jorgensen wasn't a character in a fairytale or an urgent problem to be solved; he was just a man with an interesting history.

Disfigured Gender, Productive Labour, and Good Working Men

The press portrayals of Jorgensen, Evans, and Moate were consistently preoccupied with occupation. Evans was 'the female miner'; Jorgensen was 'a female mounted rifleman'; Moate was a '"man"servant'.[68] Often their work was mentioned in the first one or two sentences of their descriptions in newspaper profiles.

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[66] It's possible that the *Independent* and others were referring coyly to menstruation, or an unspecified reproductive condition. If so the claim is even more incoherent, given that Dr Haarse could hardly have remained ignorant of Jorgensen's 'extraordinary secret' if he had performed a gynaecological examination.

[67] Let us assume that Jorgensen's indomitable resolution was a regional trait, and/or a point of commonality between gender transgressive farm labourers and the all-male editorial teams of the central goldfields press.

[68] 'Echoes and Re-Echoes', *Evening Journal* (Adelaide), 14 September 1901, 5; 'A Female Mounted Rifleman', *Mount Alexander Mail* (Victoria), 7 September 1893, 3; *Gippsland Times* (Victoria), 28 July 1884, 3.

Work in rural nineteenth century Victoria was deeply gendered, so much so that certain occupations were not just considered exclusive to a particular gender, but understood as part of what *constituted* gender in the first place. A mounted rifleman was a subcategory of man. A miner was rendered as so unthinkingly masculine that the 'female miner' was a contradiction in terms, full of cultural tension. 'Female miners' appear relatively frequently in Australian historical newspapers, but I have yet to find a single mention of 'male miners' – male miners were simply miners, and miners were understood to be, by default, male. This was also the case for military careers and farming labour: Jorgensen was described as 'a female soldier' and 'the Danish Amazon', while intercolonial newspaper headlines alternated between the phrases 'A Woman Passes Herself Off as a Man' and 'A Female Conceals Her Sex: Passes as a Farm Laborer [sic]'.[69] Jorgensen's life was variously described as a 'strange case', an 'extraordinary history' and a 'remarkable career' – despite the marked ordinariness of his actual career as a farmer.[70]

[69] 'A Female Soldier: Another De Lacy Evans: A Woman in the Mounted Rifles: Wounded in Schleswig-Holstein: Through the Franco-Prussian War', *Herald* (Melbourne), 6 September 1893, 2; '"John Jorgenson" [sic]: The Danish Amazon: The Concealment of Sex Case', *Australian Star* (Sydney), 9 September 1893, 11; 'A Woman Passes Herself Off as a Man for a Number of Years', *Daily News* (Perth), 6 September 1893, 3; 'A Female Conceals Her Sex: Passes as a Farm Laborer [sic]', *Express and Telegraph* (Adelaide), 7 September 1893, 3.

[70] 'A Strange Case: Concealment of Sex', *Weekly Times* (Melbourne), 9 September 1893, 14; 'Concealment of Sex: An Extraordinary History', *Maryborough Chronicle, Wide Bay and Burnett Advertiser* (Queensland), 15 September 1893, 3; 'The Male Personation at Elmore: A Remarkable Career', *Daily Telegraph* (Sydney), 7 September 1893, 5.

This is a group of young farmers from the Runnymeade East district of Victoria, who visited the Exhibition Building, Melbourne, about 1888. Standing L-R: Alfred Dobell (1869-1939), 'Jack' Jorgensen (1843-1893), Walter Weeks (1871-1949). Seated L-R: William Weeks (1864- ?) and William Dobell (1864-1942).

Photograph supplied by a relative of Jorgensen (Stephen Morey). Likely taken at the Melbourne Exhibition 1888.

Jorgensen's work as a farm labourer and his position in the Mounted Rifles hugely influenced both his verisimilitude as a man and the good relationships he was able to build within his community. As a mounted rifleman he 'turned up to practices and parades with unfailing regularity' and 'actively performed the most arduous duties'.[71] As a farm labourer, '[i]n all departments of farm work she gave satisfaction, and seemed to have a thorough

[71] 'A Strange Case', *Weekly Times* (Melbourne), 9 September 1893, 14; 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.

knowledge of her duties'.[72] Jorgensen had left a comfortable role in domestic service (i.e. unproductive labour) to join the colony's gruelling agricultural industry (i.e. productive labour); furthermore, he was remarkably good at it:

> Jorgensen turned his hand to all sorts of farm work, and never exhibited the slightest signs of exhaustion after the hardest day's work. Indeed he was regarded as one of the strongest, handiest and smartest hands on the farm. He would go out travelling with the threshing machine, and take the most laborious post. Should any of the men become impudent to him he would chastise them in the most modern, pugilistic fashion, indeed he is said to have been very smart with his hands.[73]

Farm labour, in the words of Melbourne's *Argus*, was 'useful but unexciting'.[74] Unlike Edward de Lacy Evans's work in goldmining, farming was far more prosaic and unromantic. Unlike the goldfields, the agricultural fields did not present possibilities for sudden reversals of fortune. Farm labour was seen as contributing to the community as a whole, rather than only benefiting single households or individuals. In other words Jorgensen had made himself useful to the aims of both colonialism and capitalism. He was also able to build interpersonal bonds within the district through his work: '[a]t one time or another Jorgensen did a little work for nearly every farmer in the Runnymede district—harvesting, bullock driving, grubbing, clearing and fencing'.[75]

Jorgensen's masculinity was substantiated by his labour. This was a point he shared with both Evans and Moate. Like Evans, who 'would not be beaten in a day's work by any man', and like Moate, who 'had the reputation of being a good working man', Jorgensen was considered 'as good a man' as any, as long as he did a man's work well.[76] As with Evans and Moate, this was also the main vector through which Jorgensen built friendly connections with his workmates and neighbours.

Although the newspaper comparisons between Jorgensen and Evans primarily focused on their shared experiences of gender-crossing and occupations as physical labourers, Jorgensen was also occasionally likened to Evans for being 'a most persistent wooer of the fair sex'.[77] Like Evans, Jorgensen was attracted to women; unlike Evans, Jorgensen never married and, as far as his community was aware, never entered a long-term romantic or sexual relationship, though he had reportedly 'made love to many of the girls in

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[72] 'The Extraordinary Discovery at Elmore', *Bendigo Independent*, 7 September 1893, 2.
[73] 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[74] 'Thursday, September 7, 1893', *Argus* (Melbourne), 7 September 1893, 4.
[75] 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[76] 'De Lacy Evans', *Bendigo Advertiser*, 17 December 1879, 3; 'Our Omeo Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle.* 31 July 1884, 2; 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[77] 'The Extraordinary Discovery at Elmore', *Bendigo Independent*, 7 September 1893, 2.

the district' ('made love' in this context meaning flirted).[78] While Evans's sexuality was received as threatening and astounding, Jorgensen's romantic overtures were perceived as amusing and relatively harmless – perhaps because Jorgensen was significantly less lucky in love, or perhaps because he never formalised his romantic connections, and never officially usurped the position of 'husband' in a legal or religious context.

The absence of both romantic/sexual threat and romantic/sexual success was largely attributed to Jorgensen's disability. The *Argus* noted that his 'countenance was disfigured owing to her nose having been broken and one eye hurt, and, say local residents, but for these disfigurements she would assuredly have been married'.[79] The *Bendigo Independent* printed a similar, more detailed claim:

> In the character of a 'lover' the most puzzling phase of her eccentricity is disclosed. Her face was most disfigured, owing to a wound of some kind, and her personal appearance when dressed as a farm labourer or even a mounted rifleman was not attractive. If anything, it was repulsive; so when, as John [sic] Jorgensen, she sought the hands in marriage of the local farmers' daughters, the suit was in no case favourably obtained … There is not the slightest doubt in the minds of the residents of Runnymede that had it not been for his broken and disfigured face she, in her masculine garb, would certainly have persuaded one or other of the young women to accept her as a husband.[80]

Jorgensen was often made the subject of cruel practical jokes, frequently based on his perceived inadequate masculinity or comically hopeless romantic interests. According to the newspaper coverage, people in his community would 'convey false messages to and from John Jorgensen and the lady "he" might at the particular time be smitten with', and a farmer once pretended to accept Jorgensen's proposal to his daughter, invited him home, then doused him with a bucket of hot water.[81] At one point 'after being told that it was the absence of a moustache that was the cause of "his" non-success', Jorgensen 'startled the congregation' by appearing in church wearing a false moustache.[82] Unlike Evans, Jorgensen was depicted as a pitiable victim of circumstance, an object of mockery, or as a plucky youth who made the best of a bad situation, but never as a potentially sinister threat. In the eyes of the public, Jorgensen's disability impeded his virility, rendering him incapable of competing romantically with abled men, or of usurping their social position and power.

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[78] 'Concealment of Sex: The Runnymede Case', *Argus* (Melbourne), 7 September 1893, 6.
[79] 'Concealment of Sex: The Runnymede Case: An Extraordinary History', *Argus* (Melbourne), 7 September 1893, 6.
[80] 'The Extraordinary Discovery at Elmore', *Bendigo Independent*, 7 September 1893, 2.
[81] Ibid.
[82] Ibid.

Jorgensen's sister, Theresa Newmann, expressed in press interviews that she believed Jorgensen lived as a man because 'no one would employ her as a domestic servant on account of her looks, as children were frightened of her'.[83] None of the articles that quoted this statement pointed out that in fact Jorgensen was already employed as a domestic servant in 1873, and had left his position at the Heathcote hotel in order to live as a man and work on a farm. The *Bendigo Advertiser* claimed that Newmann 'had not seen her sister for 14 years, but knew that she was working in male attire'; Newmann thought that Jorgensen did so 'because she could not get employment as a domestic, on account of her masculine appearance'.[84] Newmann also apparently believed that Jorgensen 'pretended to make love to the girls the better to conceal her sex'.[85] The *Argus's* version of Newmann's explanation followed a strangely circular logic: that Jorgensen pretended to be a man because of his disability, which prevented him from working as a woman (despite having worked as a woman at a pub, and not with children); and that Jorgensen 'pretended' to romantically pursue women to bolster his masculine credentials, which he needed in order to work as a man (despite his aforementioned frightening disability, and despite his love of women being a source of friction and social backlash in his community).

The *Advertiser*'s version is a little more interesting, and a little thornier. Again, Jorgensen was already working as a domestic servant, and nobody in Heathcote reported that he had been fired from his workplace. In fact they emphasised that he left the position voluntarily for masculine work, and that his reasons for doing so were mysterious and known only to him: '[s]uddenly she resolved to give up the cookery business, and for some extraordinary reason resolved to don the garb of a male and pose as a male'.[86] The *Advertiser* speculated that Jorgensen might have been attracted by a higher wage; the *Independent* pointed out that it was very hard work indeed, so much so that

> no person without a robust constitution could possibly have earned a living at it … For two seasons, she "followed" the late Mr. Bailey's threshing machine, and this work is justly regarded as the most trying and exhausting in connection with farm life. It is heavy work for 14 long hours from daylight to dark in the hottest season of the year. Still this plucky and determined woman not only endured it, but appears to have liked it, as she sought and obtained a second engagement during the next harvest.[87]

Regardless of Jorgensen's motives for seeking out the work that he did, the assertion that his 'masculine appearance' hindered his feminine employment – therefore justifying his pursuit of masculine employment to suit his unfeminine appearance – is intriguingly murky. The

[83] 'Concealment of Sex: The Runnymede Case', *Argus* (Melbourne), 7 September 1893, 6.
[84] 'Extraordinary Case of Personation: Another "De Lacy Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser*, 7 September 1893, 3.
[85] Ibid. In this context 'make love' most likely refers to romantic pursuit, not sexual relations.
[86] 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[87] 'The Extraordinary Discovery at Elmore', *Bendigo Independent*, 7 September 1893, 2.

figuration of Jorgensen's facial scarring as *in itself* masculine is already a comment on gendered cultural norms of appearance, experience, and disability status. Obviously the capacity for forming scar tissue is not an inherently gendered attribute. Perhaps Jorgensen's scars were considered masculine because they disqualified him from satisfying colonial beauty standards, or because they were considered emblematic of violence or of dangerous experiences.

Irrespective of whether Jorgensen's sister was quoted accurately, both versions of her interviews were considered credible enough to publish and consistent with the sociocultural norms of the time. Jorgensen's disability excluded him from the cultural category of femininity, to the extent that his disability was considered masculine. Jorgensen's body, appearance, and physicality were thus rendered as pre-emptively masculine, in addition to his embodiment, gendered presentation, experiences, and social interactions.

Although much of the press coverage assumed that Jorgensen had begun to live as a man for economic reasons, some journalists were dissatisfied with an economic explanation.

> Is it more profitable to be a man than a woman? "Jack" Jorgensen," the *Miner*'s Melbourne correspondent told us yesterday, born a female, determined to masquerade as a man because she could not find employment as a woman. There is hardly anything so difficult to ascertain as the average earnings of any class of female workers, largely, no doubt, because there is practically no trades unionism amongst women, and therefore the earnings vary a great deal. In Australia the condition of the women workers, though often bad, and in the cities much worse than it was … is, of course, very much better than it is in Great Britain.[88]

The other potential explanation – that Jorgensen had decided to live as a man because his facial scarring already excluded him from a normatively feminine life – was also closely interrogated by the contemporaneous media:

> The first impulse on hearing of the affair was naturally to conclude that the injury which so deformed her face had led to Jorgenson sinking her identity. But if there be any truth in her story as to the manner in which these injuries were received, it is obvious that she must have been masquerading as a man and serving as a soldier when she was injured by the shell which deprived her face of any feminine attractions.[89]

[88] 'Stray Notes', *Barrier Miner* (Broken Hill, NSW), 8 September 1893, 2.
[89] '"John Jorgenson": The Danish Amazon: The Concealment of Sex Case', *Australian Star* (Sydney), 9 September 1893, 11.

Of course, Jorgensen had not actually been injured by a shell or served as a soldier in his youth. Still, it is notable that the press seemed to feel that Jorgensen's motives were either too obvious to examine closely, or too mysterious to attempt to explain. The version put forward by the *Bendigo Independent* noted that Jorgensen had been 'passing herself as a man for many years, presumably doing so since an early age', implicitly challenging the claims that Jorgensen's motives were economic or romantic.[90] The paper also took issue with the argument that Jorgensen's romantic life was merely a prop of his disguise, writing that his 'matrimonial efforts are inexplicable, and are described as being too earnest altogether to have been assumed for the purpose of merely strengthening the idea that she was a man'.[91] Significantly, the *Independent* also noted that Jorgensen's gender transgression sometimes inhibited his efforts at seeking employment, rather than enabling it:

> [T]he doctor thought she was a woman in disguise, and as Jorgensen rode on in front he told Mr. McColl that his prospective canvasser was not a man … Mr. McColl subsequently refused to entertain Jorgensen's application for employment, giving as a reason that she was unsuitable, whereupon she became very angry. She explained in support of her application that she could speak several languages, but a want of tact and address, as well as Dr. McGillivray's suspicions, caused Mr. McColl to maintain his opinion that she was not qualified for the work of a canvasser. He mentioned his suspicions to several residents, but they indignantly scouted them. Jorgensen's connection with the Mutual Assurance Company did not last much longer, as that company have a rule that all their employees must assure their lives with them, which of course entails a strict medical examination. She would not, of course, consent to such an examination, and so she resigned. [92]

Again, the note about Jorgensen's 'want of tact' implies that his skills in deception (and sophistry) were somewhat lacking.[93] The suspicions of his potential employers were not allayed by Jorgensen or refuted by locals. Instead it seems that Jorgensen's neighbours 'indignantly' defended him – and his rather open 'secret' – on the basis of their good relationships, built in part by Jorgensen's honest character and reliability as a worker. The point about Jorgensen refusing a medical examination is also notable for several reasons. Firstly, it shows consistency: clearly Jorgensen had reason to distrust doctors, and made a habit of avoiding them. Secondly, it implies that an official medical examination would have been more dangerously revelatory than a well-respected doctor telling the whole town that he thought Jorgensen was 'not a man'.[94] Thirdly, it confirms that Jorgensen's gender was not only a barrier to employment, but a barrier to healthcare. If he had truly only lived as a man

[90] 'A German De Lacey Evans at Elmore', *Bendigo Independent*, 6 September 1893, 3.
[91] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2.
[92] Ibid.
[93] Ibid.
[94] Ibid.

for economic reasons, surely there would be no point in continuing to do so after it became an economic obstacle – let alone once it prevented him from seeking life-saving medical treatment.

The prurient interest in Jorgensen's romantic life extended both to his imagined sexual life and his sexualised body. Amidst an otherwise fairly even-handed article describing Jorgensen's life and work, the *Independent* included a coy innuendo about Jorgensen's manhood:

> His *post-mortem* examination showed that no small amount of ingenuity had been used to make the impersonation of a male as perfect as possible. In fact, owing to certain artificial means employed, any medical man making an ordinary examination, as of a patient during life, might easily have failed to discover the deception.[95]

This claim was repeated, and slightly inflated, by the newspapers in Melbourne:

> [I]t was found that the deceased had used all sorts of ingenious methods to conceal her identity as a woman, and, owing to certain artificial means employed, any medical man making the ordinary superficial examination during life time would have been deceived as to the real sex of "Jack" Jorgensen, of the Mounted Rifles.[96]

The implication here was most likely that Jorgensen used a packing dildo (a prosthetic phallus), or some other means of altering his figure while clothed.[97] This claim was made in a Melbourne paper but not in any of the local papers around Bendigo. Interestingly the phrase 'artificial means' was elsewhere deployed to refer to cosmetics (in the context of deploring the poisonous concoctions used by women attempting to look younger, and in the context of admiring an actress's cosmetic transformations); to the use of corsets for waist compression; to agricultural innovation ('If nature has not provided the proper conditions, we must provide them by artificial means'); to defences of capitalism and poverty ('attempts to alter this sad condition by arbitrary and artificial means are, however, doomed to failure… The fault is not that employers wish to make large profits out of the blood and sinue [sic] of workers'); and to scathing indictments of capitalism and poverty, accompanying calls for political action ('The evils created by the closures are, however, artificially created, and can be met by artificial means').[98] One other instance, however, appeared in a Brisbane paper a week or so before Jorgensen died, in an article titled 'The Moustached Woman Scores One':

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[95] 'The Extraordinary Discovery at Elmore', *Bendigo Independent*, 7 September 1893, 2.
[96] 'Without Prejudice', *Table Talk* (Melbourne), 15 September 1893, 3.
[97] If you can't grow your own, store-bought is fine.
[98] 'Toilet Poisons: Art Versus Nature', *Gympie Times and Mary River Mining Gazette* (Queensland), 15 April 1893, 4; 'How Actresses Make Up', *Protestant Standard* (Sydney), 8 July 1893, 5; 'The Ladies' Column', *Armidale Express and New England General Advertiser* (NSW), 30 June 1893, 7; 'Adaptation' *Coburg Leader* (Victoria), 16

> [Having a moustache] is rather a distinctive matter of pride, however, to the beauties of the Latin nations, and is taken, moreover, as a badge of strength of character and an indication of self-reliance, without assuming the coarser vigour of masculinity. When Rome was in its "most high and palmy state" the women of the refined and cultured set affected not only the down on the lip but a hirsute growth on the face. They resorted to artificial means, and smeared ointment over their cheeks to stimulate the growth of hair. Cicero says that the practice became so universal that a law was passed against it.[99]

With this context it is unlikely, but still faintly possible, that the descriptions of Jorgensen's 'artificial means' could have been referring not to a packing dildo but to the usage of a nineteenth-century precursor to masculinising hormonal therapy.[100] This is not as anachronistic as it sounds; testosterone was only isolated and synthesised for hormonal therapy in the 1930s, but the 'biological effects of the testes and testosterone have been known since antiquity'.[101] Estrogen was also only isolated and synthesised in the 1930s, but since ancient times mares' urine was known to be a feminising substance even before people knew that it was extremely high in estrogen (even today, mares' urine is still the source of a popular estrogen medication, Premarin).[102]

Regardless of whether Jorgensen had access to any kind of early masculinising therapy, nineteenth-century newspaper readers were certainly familiar with the concept. The advertising pages often featured promotions for dubious miracle serums for virility or hair restoration, promising to 'restore health and vigor [sic]' and to 'cure dyspepsia, impotence, sexual debility', among other complaints.[103] (The actual effect of these 'cures' generally ranged from placebo to poison.)

Whether or not there was any truth to Jorgensen's 'ingenuity', the claim itself is significant (albeit indecorous). It characterised Jorgensen as someone who felt strongly enough about his masculinity to augment his physicality, either in the form of an external apparatus or via biomedical alteration. When newspaper accounts cited the usage of dildos

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September 1893, 4; 'The Seamen', *Bowral Free Press and Berrima District Intelligencer* (NSW), 2 August 1893, 2; 'Rousing the People', *Geelong Advertiser* (Victoria), 17 May 1893, 3.

[99] 'The Moustached Woman Scores One', *Queenslander* (Brisbane), 26 August 1893, 415. Cicero did not say this.

[100] Testosterone therapy causes facial and body hair growth, and also clitoromegaly (clitoral growth). Which is to say that Jorgensen's theoretical penis might have been either store-bought or homegrown.

[101] Eberhard Nieschlag and Susan Nieschlag, 'Testosterone deficiency: a historical perspective', *Asian Journal of Andrology* 16, no. 2 (2014): 161.

[102] Ovid wrote about the 'value of the slime of a mare in heat'. Ovid, *Amores* 1.8, trans. A. S. Kline, *Poetry in Translation*, https://www.poetryintranslation.com/PITBR/Latin/AmoresBkI.php#anchor_Toc520535263; Dwight A Vance, 'Premarin: the intriguing history of a controversial drug', *International Journal of Pharmaceutical Compounding* 11, no. 4 (July/August 2007): 282–286.

[103] 'Skinny Men', *South Burke and Mornington Journal* (Victoria), 13 August 1890, 3.

in cases of gender crossing, they usually assumed that the function of a dildo was exclusively that of a sexual aid, not a personal prosthesis. For Jorgensen this would have been unlikely, as he was repeatedly described as unsuccessful in his romantic and sexual endeavours. If he did use a packing dildo, then it was a matter of personal preference, not a sexual tool, and one that he considered important enough to wear into death.

Regardless, Jorgensen's gender transgression was repeatedly figured as inherently sexual, abnormal and artificial. Some articles claimed that Jorgensen had managed to grow a moustache. Others wrote that Jorgensen had created his own false moustache. Both claims invoked a kind of 'falseness'; neither version allowed for a reading of facial hair as something that could naturally occur in anyone whose physiology was regarded as female. The version that claimed Jorgensen had worn a false moustache wrote that this was a source of 'no small amount of merriment'.[104] The same article emphasised Jorgensen's perpetually 'hairless face'.[105] According to an interview with Colonel Price of the Mounted Rifles – who had only met Jorgensen once – Jorgensen had 'a short stubby, intermittent moustache', a trait that he shared (by 'coincidence') with the only other transmasculine soldier of Price's acquaintance.[106]

Colonel Price also claimed that Jorgensen's face had 'a decidedly Chinese cast' due to his injury.[107] This strange and racist claim may have been shaped by Price's anxieties around navigating the racial complexities of daily life in Bendigo. It was not unusual for Bendigo residents to have a combination of Chinese and European heritage, due to the large population of Chinese migrants. Racial confusion was both a common experience and a source of ongoing social tension. Jorgensen was frequently interpreted through a negatively racialised lens. The *Bendigo Advertiser* described his complexion as 'sallow' and claimed that he bore 'some resemblance to an odd-looking Chinaman'.[108] The physical markers used to construct Jorgensen's subaltern difference often conflated attributes of gender, race and disability. He was described as speaking in broken or accented English and walking with an unsteady gait.[109] Today we might interpret these descriptions as potential indicators of a long-term neurological disability or brain injury. During Jorgensen's time, there were different meanings attached to these unstable signifiers.

Jorgensen's death did not quell the fantastical rumours surrounding his life. Perhaps it even emboldened the fabulists, as journalists and novelists were free to invent details and backstories without fear of correction. The post-mortem disclosure led to a public scandal,

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[104] 'The Man-Woman', *Barrier Miner* (Broken Hill), 11 September 1893, 4.
[105] Ibid.
[106] 'The Woman's Military Career', *Toowoomba Chronicle and Darling Downs General Advertiser* (Queensland), 14 September 1893, 4.
[107] Ibid.
[108] 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[109] Ibid.

but despite the initial fanfare, there was little to investigate and little to sensationalise. Unlike Evans, Jorgensen's life had been well documented, and there were no remaining mysteries to solve. Perhaps most importantly, nobody in Elmore – or indeed in Victoria or other colonies – felt that they needed to discover an ulterior motive for Jorgensen to have lived his life as a man. Jorgensen's facial scarring was seen as an adequate explanatory factor. With Jorgensen's death, there was no possibility of a future sideshow career or of further scandals. Even with the speculative embellishments added by the free press, Jorgensen's life story was essentially prosaic, and was deemed lacking in comparison to Evans and other international tales.

And yet Jorgensen's story had a continuing legacy, like Evans and very unlike Moate, who disappeared and died in the asylum. Jorgensen continued to be used as a referent for many years to come, at times even displacing Evans as the eponymous 'impersonator': only a year after Jorgensen's death, Australian newspapers were publishing headlines such as 'Extraordinary Case: Another Jack Jorgensen'.[110]

Many years after that, the papers were still using 'Jorgensen' as a titular substitute for gender-crossing, this time referring to Christine Jorgensen; in 1953 a Perth newspaper remarked that 'China has a "Jorgensen"!', apparently forgetting that, at one point, so did Australia.[111] Despite the many and varied cases of gender transgression and gender variance in the intervening time, the cycle of perpetual recency continued.

[110] 'Extraordinary Case: Another Jack Jorgensen', *Telegraph* (Brisbane), 31 January 1894, 5.
[111] 'China has a "Jorgensen"!', *Sunday Times* (Perth), 23 August 1953, 2.

5: Personation and Perpetual Recency

> I couldn't find *myself* in history. No one like me seemed to have ever existed.
>
> —Leslie Feinberg, *Transgender Warriors*[1]

> 'This opened out into a final sense of coherence: I am from here, I am specific to this place, I am haunted by this history but I also haunt it back.'
>
> —Jay Bernard, *Surge*[2]

Many singular impersonators: unravelling the narrative of perpetual aberrance

Evans, Moate, and Jorgensen did not quite belong to a shared community. They were, however, part of a shared *category*, one that was shaped by their contemporaries and reiterated at length in media, medical and legal records over the next several decades. Evans and other 'masqueraders' and 'impersonators' were placed into a flexible yet distinct classification of shared experience, embodiment and social relations. This category appeared repeatedly, usually presented as strange, new, and extraordinary, while simultaneously coherent only through a referential lineage that listed their various local and international predecessors.

This chapter marks a shift in approach from the previous three chapters. My previous case studies are in-depth microhistorical investigations of particular individuals. In this chapter, and in the following chapters, I will turn from microhistory to macrohistory, examining patterns and processes over a broader region and longer period of time. I attempt to place Evans, Moate and Jorgensen in conversation with each other and with other historical cases of gender crossing, tracing journalistic, medical and legal invocations of lineages of personation and masquerade. I will refer to cases of gender transgression between the 1860s and 1930s, exploring them lightly, as part of a broader comparative analysis. In many of the cases discussed in this chapter, the archival material is very sparse, necessitating a less detailed but more interconnected approach. I have tried not to re-tread old ground, but when I do, it is for the sake of forging new pathways.

The majority of cases that received press coverage were transmasculine. Several of them were subjected to widespread public attention and gained lasting infamy (as with Evans), while others were discarded from the cultural record after their initial exposures (as with Moate). Certain gender transgressors were made hypervisible to such an extent that others disappeared from sight entirely. The stories that gained infamy became warped

[1] Leslie Feinberg, *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon Press, 1996), 11.
[2] Jay Bernard, author's note to *Surge* (London: Chatto & Windus, 2019), xi.

reflections of earlier reportage, retaining (or inventing) sensational details and obscuring the rest. The most popular and enduring stories generally possessed narrative qualities of mystery, suspense and scandal, though these qualities were often manufactured by the press.

The newspapers made sense of Edward de Lacy Evans by comparing him to the precedent set by Boulton and Park, among others; five years later, they made sense of Edward Moate by comparing him to the precedent set by Evans. It was no longer possible to claim that Moate was the first of his kind, or that his experience was unique and unheard of. Moate was still framed as 'remarkable', but rather than being described as the first of his kind, he was interpreted as 'another De Lacy Evans'.[3] The phrase 'another De Lacy Evans' was deployed several times throughout the 1880s and 1890s, and well into the twentieth century the media and medical literature continued to refer to Evans as a point of relation for later gender transgressors.[4] Later cases of particular infamy had their names used in similar ways, often as referents in cases where the only commonality was sustained gender transgression.

Although gender-crossing was portrayed as mystifying and inexplicable, it was not so inexplicable that journalists and doctors could not recognise its repetitions. And yet many of these repetitions somehow replaced or displaced their forebears, sometimes quite literally: Jack Jorgensen was referred to as 'another De Lacy Evans', and a year later an American gender transgressor, Joseph Deitchen, was referred to as 'another Jack Jorgensen'.[5]

The chronology of invocations was often tangled. Over time, it became increasingly local and specific to the Australian colonies, though there were still plenty of references to international cases. In October 1879, shortly after Evans's exposure in the press, Johannah Reifling was referred to as 'another masquerader' and as 'De Lacy Evans, no. 2'.[6] Although Evans was not explicitly named in the majority of the press coverage, the newspapers often made references to the details of his case when they referred to Reifling as 'another man impersonator' or 'another female man'.[7] One article began with the phrase 'Not to be behindhand in the production of notorieties, Queensland wants to show that it can produce women in men's clothes as well as Victoria'.[8]

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[3] 'Remarkable Imposture at Beechworth', *Age* (Melbourne), 25 July 1884, 5; 'Another De Lacey Evans', *Geelong Advertiser*, 28 July 1884, 4.

[4] 'Man Impersonators: Some Notable Cases: "Edward de Lacy Evans"', *Colac Herald* (Victoria), 26 October 1906, 6; 'Women in Masquerade', *Cairns Post*, 25 March 1929, 10; 'Women Disguised as Men', Age (Melbourne), 18 April 1936, 6.

[5] 'Extraordinary Case of Personation: Another "De Lacey Evans": Her Sex Concealed for 20 Years', *Bendigo Advertiser* (Victoria), 7 September 1893, 3; 'Extraordinary Case: Another Jack Jorgensen', *Telegraph* (Brisbane), 31 January 1894, 5.

[6] 'De Lacy Evans, No. 2', Newcastle Morning Herald and Miner's Advocate (NSW), 20 October 1879, 3.

[7] 'Another Man Impersonator', *Herald* (Melbourne), 14 October 1879, 3; 'Another Female Man', *Western Champion* (Queensland), 18 October 1879, 3.

[8] 'Another Female Man', *Western Champion* (Queensland), 18 October 1879, 3.

Assertions like these were cheerfully made alongside claims that '[o]ne of the most common forms of imposture … is that of women who disguise themselves as men'; that 'women who pose as men' were 'something of an epidemic'; that '[f]rom time to time cases have been reported in the newspapers of men who have successfully passed themselves off as women for long periods'; and that '[h]istory has recorded many marvellous cases of women who have posed as men'.[9] The notoriety of these cases seems to have been produced not by actual rarity, but by a combination of manufactured sensationalism and selective amnesia.

Reifling had been living as a man in Queensland for 'many years', and was arrested after a hotelkeeper tipped off the police. He told the arresting officers that he was 'tired of being a woman and wanted to be a man, and that she had donned male attire'.[10] As with Jorgensen, Reifling was described as subsequent to Edward de Lacy Evans, and as newly 'discovered', despite the fact that (like Jorgensen) he had already been exposed years earlier.[11] In 1873 he was arrested and charged for disorderly conduct, and in 1878 he was charged with indecent exposure.[12]

It is faintly possible that there was a causal relationship between Evans's media scandal and Reifling's 1879 arrest; the hotelkeeper who notified the police initially disbelieved his wife's suspicions, but may have been more inclined to entertain the thought of gender transgression in the context of the widespread media attention on Evans.[13] Certainly a deciding factor in his arrest was that after the police were summoned to the hotel, one of the officers (Sergeant Burke) recognised Reifling as 'a woman who had been in his charge in August of last year'.[14] Reifling strongly denied being a woman all the way to the police station, where he was forced to undergo a medical examination.[15] He was subsequently forced to change into women's clothing and committed to gaol for a month under the *Vagrancy Act*.[16]

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[9] 'Women, Disguised as Men, Trick Officialdom', *Daily News* (Perth), 15 June 1935, 16; 'Women who Pose as Men: Some Recent Cases of a Queer Mania', *Clarence and Richmond Examiner*, 21 May 1901, 2; 'Some Historical Cases: Masqueraders in Male and Female Attire', *Voice* (Hobart), 1 August 1936, 8; '"Bill" Edwards: A Remarkable Woman', *Geelong Advertiser*, 1 October 1906, 4.

[10] 'Another Man Impersonator', *Herald* (Melbourne), 14 October 1879, 3.

[11] Ibid.

[12] 'City Police Court', *Telegraph* (Brisbane), 18 June 1873, 2; 'City Police Court', *Telegraph* (Brisbane), 2 March 1878, 3.

[13] The hotelkeeping couple's surname was also Evans; Mrs Evans reportedly told her husband 'You've got a curious customer in one of those two who arrived yesterday, and if one of them is not a woman, then I'm not a woman.' 'Another Man Impersonator', *Herald* (Melbourne), 14 October 1879, 3.

[14] 'Another Female Man', *Western Champion* (Queensland), 18 October 1879, 3.

[15] Ibid.

[16] 'Him's a She', *Daily Northern Argus* (Rockhampton, Queensland), 6 October 1879, 2.

Vagrancy charges were often applied to gender transgressors in the absence of a precise law prohibiting gender transgression itself. The purpose of the vagrancy law, according to the press, was to bestow 'wide powers to the police in clearing the streets of undesirable characters'; this provided plenty of latitude for charging gender transgressors alongside other socially marginalised groups.[17] The vagrancy law was alternately criticised (by journalists) or celebrated (by police) for its broad and flexible coverage. Susanne Davies notes that in 1888, the Victorian Police Guide referred to the vagrancy law as 'probably the most useful… certainly the most elastic law in the colony'.[18] The charge of offensive behaviour was also notoriously flexible, and was often used as a catch-all charge for behaviour that the police determined to be antisocial, or not aligned with colonial social norms. I will examine vagrancy legislation in further detail in Chapter 7.

Reifling's position as 'De Lacy Evans no. 2' was quickly usurped by Edward Moate, who became the 'second De Lacy Evans' in 1884; he in turn was replaced by Lizzie Gilpin, described as a 'second De Lacy Evans' in 1889.[19] Although these cases were covered by the same newspapers (all of them in the *Bendigo Advertiser* and the *Melbourne Herald*, for example), there was never a 'third' or 'fourth De Lacy Evans'. The media insisted on framing these cases as solitary even when there were several cases mentioned in one article. Whether this was conscious or unconscious, it reified sociocultural hierarchies around gender, criminality, and social deviance, and reasserted power over narratives of gender transgression.

The narrative of perpetual recency was an inherently contradictory explanatory mechanism. These cases were framed as aberrant, extraordinary, and uniquely singular, but because they were so apparently extraordinary, newspapers created a referential lineage in order to make sense of them. This lineage was partial and disconnected. It is the role of historians to restore this broken lineage, and return a sense of history to these supposedly isolated cases.

Gender-crossing and the crisis of category

The need for reference was compounded by the lack of a single, consistent term for the category. Masquerade and impersonation were the most common descriptors, but other phrases appeared with varying frequency, including 'imposture', 'imposition', 'man-woman' (and 'men-women'), 'man-girl', 'she-man', 'concealment of sex', 'women who pose as men',

[17] 'The Vagrancy Law', *Ovens and Murray Advertiser* (Beechworth), 26 October 1907, 2.

[18] James Barry, *The Victorian Police Guide*, Sandhurst, 1888, 105, quoted in Susanne Davies, 'Ragged, Dirty … Infamous and Obscene', 146. Davies also notes that this guide was forwarded to every police station in the colony.

[19] 'A Man Impersonator: A Second De Lacy Evans', *Herald* (Melbourne), 25 July 1884; 'A Second De Lacy Evans', *Bendigo Advertiser*, 24 October 1889, 4.

'man dressed as woman', 'women in trousers', 'women in male attire', 'man disguised as a woman', 'feminine man', 'masculine women' and 'sexual invert'.[20] Usually these phrases were used interchangeably or in combination with each other.

The phrases 'in female attire' and 'in male attire' were also used frequently, often without a preceding subject, as were phrases like 'lived as a woman/man', 'passed as a man/woman' or 'worked as a man'.[21] 'Working as a woman' was used only rarely, usually with reference to specific occupations such as domestic service.[22] In the 1929 case of Nikora June Haora, newspapers described her as 'a male Maori' who 'worked as a housemaid in women's attire'.[23] Haora was accepted by her whanau, but this community acceptance did not extend to the rule of colonial law; the Auckland magistrate ordered her to burn her clothes and convicted her for 'imposing' on her employer by having 'falsely represented himself to be a woman'.[24] In the Australian newspaper coverage, the *Argus* headlined the article with the phrase 'Maori Poses as Woman', exchanging a gendered category for a racial one.[25] Haora's previous employer had assumed she was a 'woman dressed as a man'.[26] In a surprising departure from the usual rhetoric, journalists printed the claim that 'everybody told him he would stand a better chance of getting a job if he wore skirts'.[27] Clearly the judge disagreed with this advice.

By contrast, another case in Auckland four years later resulted in a better outcome for the defendant. In 1933, Rosie (also known as Matene), a Māori circus performer who had socially transitioned to live as a woman, was arrested for purchasing clothing and cosmetics on credit while representing herself as a woman. Her defence lawyer argued in court that Rosie 'came from a good Maori family and had a substantial income'.[28] The judge dismissed the charge as there was no evidence of fraud, and Rosie was 'financially sound'.[29] The story

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[20] 'Remarkable Imposture at Beechworth'; 'Man-Woman'; 'Man-Girl: Strange Case: Convulses Court', *Mirror* (Perth), 1 December 1923, 1; 'Man Dressed as Woman: Police Charge Fails', *Argus* (Melbourne), 1 December 1923, 33; 'Man Disguised as a Woman', *Richmond River Herald and Northern Districts Advertiser* (NSW), 20 August 1918, 4; 'In Female Attire: A Feminine Young Man', *Newcastle Morning Herald and Miner's Advocate*, 23 April 1889, 3; 'Boy's Masquerade as Girl at a Randwick Convent "Just Foolish Prank"', *Daily Telegraph* (Sydney), 7 March 1948, 5; 'Catholic Doctors on Case of George Jorgensen', *Advocate* (Melbourne), 14 January 1954, 8.

[21] 'A Man Living as a Woman', *Morning Bulletin* (Rockhampton, Queensland), 16 February 1904, 5; 'Passed as Man for 20 Years', *Daily Standard* (Brisbane), 8 October 1932, 5; 'Working as a Man: Woman Dons Male Attire', *National Advocate* (Bathurst), 16 August 1912, 3;

[22] 'Prefer to Go to Work as a Woman: Man who has Posed as Female for Years', *Maryborough Chronicle*, *Wide Bay and Burnett Advertiser* (Queensland), 16 August 1937, 7.

[23] 'Would Not Let Him Wear Women's Clothes', *Daily Telegraph* (Sydney), 7 May 1929, 3; 'Man Dressed as Woman', *South Eastern Times* (South Australia), 10 May 1929, 2.

[24] 'Man Dressed as Woman: Clothes Ordered to be Burned', *Advertiser* (Adelaide), 7 May 1929, 15; 'Maori Poses as Woman', *Argus* (Melbourne), 7 May 1929, 14.

[25] 'Maori Poses as Woman', *Argus* (Melbourne), 7 May 1929, 14.

[26] 'Maori Youth Masquerades as Woman', *Singleton Argus* (NSW), 6 May 1929, 4.

[27] Ibid.

[28] 'Dressed as a Girl', *Burrowa News* (NSW), 23 June 1933, 4.

[29] Ibid.

was described as a 'queer case' and a 'femininity spasm'.[30] Journalists wrote that Rosie had been 'posing as a girl for so long now that, even when dressed in male attire, he still has a feminine appearance'.[31] Regardless, it was Rosie's financial stability and not her feminine appearance that excused her from a criminal conviction. Neither Haora or Rosie appear to have entered the press lexicon of famous cases of masquerade.

The psychosexual term 'sexual inversion' developed in the late nineteenth century, but it was rarely used in the newspapers or in medical or legal records until the mid-twentieth century, at which point it was increasingly replaced by the diverging concepts of 'homosexuality' and 'transvestism'/'transsexuality'.[32] Although 'inversion' was for the most part restricted to fairly niche sexological spaces, the concept was instrumental in the increasing medicalisation of gender and sexual transgression, and was occasionally invoked in cases of masquerade (including in the 1920 trial and press coverage of Harry Crawford, and in the 1921 coverage of Winifred Wilson's arrest).[33] As Jen Manion notes, the seminal theorists of sexual inversion made reference to specific cases of gender transgression, but they did not consider every gender transgressor to be a sexual invert.[34] At times, newspapers invoked the shape of the theory without using the specific term of inversion. This was the case with Nikora Haora, who was described as a 'man with female mentality'.[35] Of course this framing was hardly unique to the theory of sexual inversion, and indeed the idea of being 'born in the wrong body' is still used today as a popular, albeit reductive, explanatory mechanism for binary trans lives.

The historical category of masquerade was understood to encompass gender-crossing in either direction, though there was very little acknowledgement of gender transgression that did not involve some kind of social, theatrical, or medicolegal transition between binary categories. There was no particular distinction made between people who were assigned female or male, except for when specific features like gender-exclusive employment or marriage were concerned, at which point phrases like 'female husband', 'female soldier', 'male lady's maid', 'female miner', and 'Amazon' were sometimes used in combination with the descriptors of masquerade and impersonation.[36] 'Masquerader', 'man-woman' and 'man-

[30] 'Queer Case: Lady Who Was Not a Real Lady', *Manning River Times and Advocate for the Northern Coast Districts of New South Wales* (NSW), 1 July 1933, 8; 'Femininity Spasm Brings Trouble to Maori Youth', *Evening News* (Queensland), 10 June 1933, 1.

[31] 'Maori Youth Masquerades as Woman', *Singleton Argus* (NSW), 6 May 1929, 4.

[32] R. V. Krafft-Ebing, *Psychopathia Sexualis* (New York: Redman Company, 1886), 399. See also George Chauncey, 'From Sexual Inversion to Homosexuality: Medicine and the Changing Conceptualization of Female Deviance', *Salmagundi* no. 58/59 (1982): 114-46.

[33] Rex v Eugene Falleni, transcript of the trial of Eugene Falleni in the Supreme Court of New South Wales, 5-6 October 1920, 1920, Central Criminal and Quarter Sessions, 6/1007, State Archives and Records Authority of NSW, 24–25; 'A Queer Query', *Truth* (Perth), 4 June 1921, 8.

[34] Jen Manion, *Female Husbands: A Trans History* (Cambridge: Cambridge University Press, 2020), 238.

[35] 'Man with Female Mentality', *NZ Truth*, 9 May 1929, 2.

[36] 'Extraordinary Investigation; or, the Female Husband', *Colonial Times* (Hobart), 15 January 1830, 4;, 'A Female Soldier', *Kyneton Observer* (Victoria), 1 August 1891, 7; 'Posed as a Woman: Male Lady's "Maid"', *Murchison*

girl' were enduring terms that continued to be used well into the twentieth century, including by way of reference to famous transgender individuals such as Christine Jorgensen and Roberta Cowell.[37] I will analyse the categorical construction of masquerade in greater detail in Chapter 6.

Notably, the phrases 'female impersonator'/'woman impersonator' and 'male impersonator'/'man impersonator' were used to refer to gender-crossing in either direction. Evans was referred to by both phrases, with 'female impersonator' used to mean female who was impersonating [a male], and 'male impersonator' used to mean male impersonated [by a female], while 'female impersonator' was also used in reference to transfeminine people and theatre performers.[38] Evans was also referred to as a 'man masquerader', a description that gender transgressors living as men (Bill Edwards, Harry Crawford) shared with gender transgressors living as women (Nikora Haora).[39] 'Man-woman' (and occasionally 'woman-man') was also used frequently and indiscriminately.[40]

Wherever 'another de Lacy Evans' or 'another Jorgensen' recurred, the phrase applied to gender transgression specifically and not to sexuality. In 1881 a Beechworth newspaper wrote on 'another De Lacy Evans in Glasgow', referring to a young man named James Watson who was kicked in the head by a horse while working as a groom, died in hospital, and was subsequently 'found to be a woman about 24 … [who] passed as a youth for about 5 years … [and] had always been regarded as a smart and well-behaved lad'.[41] Watson had never married nor worked in a mine. When Edward Moate was described in the same terms in 1884, the newspapers again pointed to gender-crossing as the criterion for being 'another De Lacy Evans'; Moate had not only never married, but his only suspected romance was with a man.[42]

When Jack Jorgensen was termed 'another de Lacy Evans' in 1893, it was again on the basis of 'pass[ing] as a man' for '20 years or thereabouts' while working on supposedly

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Times (Western Australia), 20 March 1926, 2; 'Echoes and Re-Echoes', *Evening Journal* (Adelaide), 14 September 1901, 5;, 'Australian Amazon: A Woman's Masquerade', *Geelong Advertiser* (Victoria), 10 June 1927, 3.

[37] 'Man-Girl's First Beau', *Sunday Times* (Perth), 12 April 1953, 19; 'Man-Woman Case', *Sun* (Sydney), 5 April 1954, 5.

[38] 'The "Man-Woman" Imposture', *Geelong Advertiser*, 8 September 1879, 4; 'The Female Impersonator', *Northern Territory Times and Gazette*, 15 November 1879, 2; 'Female Impersonator: Strange Story in Court', *Daily Advertiser* (Wagga Wagga), 28 August 1915, 4.

[39] 'The Man Masquerader', *Bendigo Independent*, 16 October 1906, 4; 'Man Masquerader', *Voice* (Hobart), 11 June 1938, 2; 'Man Masquerader', *Morning Bulletin* (Rockhampton, Queensland), 7 May 1929, 9. Crawford will be examined further in the next chapter.

[40] 'Man-Woman Masquerader', *Truth* (Brisbane), 7 December 1919, 11; 'Another "Man-Woman": Masquerader in England', *Barrier Miner* (Broken Hill), 11 May 1929, 1; 'Woman-Man Masquerader', *Bowen Independent* (Queensland), 27 April 1929, 3.

[41] 'Another De Lacy Evans in Glasgow', *Ovens and Murray Advertiser* (Beechworth), 12 February 1991, 8.

[42] 'Another De Lacey Evans', *Geelong Advertise*r, 28 July 1884, 4.

masculine occupations.[43] Although the papers also dwelled on Jorgensen's flirtations with women, this was depicted as amusing rather than threatening, with the assumption that Jorgensen's disability rendered his romantic efforts futile and therefore harmless. As with Moate, the primary factor inviting comparisons between Evans and Jorgensen was his transgression of norms of gender, not sexuality.

Sexual transgressions and queer sexualities were widely despised, but still considered to be relatively coherent, though this coherence was uneven and frequently relied on a shared language of euphemism. Sodomy and lesbianism were portrayed as unspeakable perversities, the former often euphemised in terms like 'an unnatural offence'.[44] Gender transgression, despite its acknowledged frequency, was repeatedly represented as incomprehensible and challenging: it was highly spoken of but still somehow inexplicable. Journalists spoke about gender transgression most confidently when they were equating it with homosexuality, rendering it in medical terms, or satisfied that it was temporary or for an acceptable reason. Tabloids such as *Truth* referred to 'unnatural vice' and 'unnameable offences' as cognate with 'effeminate youths', 'male imitators… decked as women', 'shehemales' and 'queans [sic]', remarking that these youths 'generally merit the intervention of the police, for he is certainly MORE OF A LUNATIC than many a one who is now languishing in an asylum' (emphasis in original).[45]

In this context it was easy for gender transgression to be connected (or indeed equated) to madness. The categories of masquerade and of madness were both used to refer to experiences that were initially regarded as social or moral crimes, frequently inflected with criminalisation, that increasingly came to be understood as medical issues – but never quite shedding the moral element. Colonial medicine was one of many institutions responsible for controlling and containing disorder, illness and disability. The *Adelaide Observer* wrote in 1868 that 'diseases of the mind… defied the laws of medicine', framing failures of healthcare as the responsibility of inadvertently criminal patients.[46] The article described the establishment of psychology and lunatic asylum reform as a shift from 'physical bonds and a prison' to treatments based in science and asylums that became 'retreats, conducted in a merciful spirit'.[47] Despite these lofty goals the lunatic asylum never quite shed its carceral origins, and practices of restraint and seclusion continued.[48]

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[43] *'Extraordinary Case of Personation: Another De Lacey Evans: Her Sex Concealed for 20 Years', Bendigo Advertiser*, 7 September 1893, 3.

[44] 'Sodomy', *Telegraph* (Brisbane), 2 September 1891, 2.

[45] *'Male Masqueraders: Female Impersonators Chased by Men', Truth* (Melbourne), 29 April 1916, 3.

[46] 'Statistics of Insanity', *Adelaide Observer*, 20 June 1868, 2.

[47] Ibid.

[48] Even today, restraint and seclusion are still unfortunately common in psychiatric settings. See 'Minimising, and where possible, eliminating the use of seclusion and restraint in people with mental illness', Royal Australian and New Zealand College of Psychiatrists. Accessed 30 September 2021. https://www.ranzcp.org/news-policy/policy-and-advocacy/position-statements/minimising-use-of-seclusion-and-restraint.

Catherine Coleborne writes that the lunatic asylum 'became one site for the shaping of colonial identities in medicine', and that the '"casualties" of colonialism often found their way into this institution'.[49] Although people like Evans, Moate, and Jorgensen were colonists themselves, their transgressions against the values of the colonial project led them to be removed and managed alongside groups like Chinese migrant miners, destitute European women, and people with congenital or acquired disabilities. Aboriginal and Torres Strait Islander peoples, however, were for the most part markedly absent from the asylum population.[50] When they were deemed insane it was often framed in terms of inhumanity or savagery: in 1893, an Aboriginal man (probably Yandruwandha or Yawarrawarrka) named Wanamuchoo was committed to Parkside Asylum for lunacy, where the doctors apparently reported that he had 'about as much intelligence as a dog'.[51] Resistance to colonial authorities was sometimes rendered as insanity; in 1905 an Aboriginal man (probably Yuwibara) was 'supposed to be a lunatic' for being 'armed with a rifle… at large in the Mount Britton ranges' and attempting to shoot a white police constable.[52] At other times the rhetoric of insanity was invoked in relation to deaths in custody.[53]

Both conceptually and structurally, madness was inextricably tied to the political and economic framework of colonialism. If madness was that which lay outside of colonial reason, logic, and morality, then madness itself was in some respects inherently incompatible with the colonial order. As such one of the functions of the lunatic asylum was to reinstate colonial order in areas where it had been disturbed. This was not a consistent or even a particularly intentional project, but it was nevertheless an undeniable factor in the interactions between legal and medical institutions and the communities they were located in.

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[49] Catharine Coleborne, 'Making "mad" populations in settler colonies: the work of law and medicine in the creation of the colonial asylum', in Diane Kirkby and Catharine Coleborne, eds., *Law, History, Colonialism: The Reach of Empire* (Manchester and New York: Manchester University Press, 2001), 106.

[50] Coleborne writes that although 'asylums attracted patients from a wide social spectrum … there were very few Aboriginal people coming into contact with these institutions'. Catharine Coleborne, 'Families, Patients, and Emotions: Asylums for the Insane in Colonial Australia and New Zealand, c. 1880 – 1910', *Social History of Medicine* 19, no. 3 (2006), 429. Aboriginal patients were perhaps a little more common in Queensland, Western Australia and South Australia, but only slightly. In 1891 there were 235 patients in the lunatic asylums of South Australia, of which two were Aboriginal. In 1903 there were 365 patients in Western Australian 'hospitals for the insane', of which 2 were described as 'Aboriginal', 2 as 'half-caste', and the vast majority (296) were described as 'British and Colonial'. 'Our Lunatic Asylums', *Express and Telegraph* (Adelaide), 1 May 1891, 2; 'Lunatic Figures', *Murchison Advocate* (West Australia), 19 September 1903, 3.

[51] Wanamuchoo died in the asylum 11 years later, at the age of 64. 'Aboriginal Lunatic', Telegraph (Brisbane), 1 March 1893, 4; 'A Wild Blackfellow', Singleton Argus (NSW), 4 March 1893, 1; 'Parkside Lunatic Asylum', Express and Telegraph, 11 March 1904, 4.

[52] The constable reportedly shot and killed him in response. 'An Aboriginal Lunatic Shot', Western Star and Roma Advertiser (Queensland), 1 March 1905, 2; 'Aboriginal at Large: An Alleged Lunatic', Telegraph (Brisbane), 28 February 1905, 7.

[53] 'Suicide of a Blackfellow', The Week (Brisbane), 2 August 1895, 13.

As with madness, First Nations peoples were largely excluded from narratives of masquerade. The few instances that received coverage were usually somehow related to broader cultural anxieties of the colonial project. In 1903 Adelaide's *Register* reported on 'the need for reform in … the treatment of the aboriginal and alien races by the whites [in Adelaide]', quoting a government official's statement that 'the moral tone of the community is very low … often the native gins are to be seen in the townships, going about in male attire in company with white packers and others'.[54] This was primarily framed as an issue of racial transgression rather than gender transgression. The anxieties around Aboriginal women in male attire accompanying white men were fuelled by eugenic concerns over miscegenation, segregation, and venereal disease, and probably also by a desire to control the labour of Aboriginal stockwomen.[55] Sandy O'Sullivan notes that the historical and ongoing colonial project 'has consistently projected hetero/cisnormative lives onto First Nations peoples, sexing our presentation as if we were livestock' and flattening the complexities of First Nations gender relations.[56] Controlling and eradicating First Nations gender variance served to reinforce an ahistorical universality of colonial gender norms.

In 1910, a clause concerning Aboriginal women wearing men's clothing was included in legislation 'for the better protection and control of the aboriginal half-caste inhabitants of the State of South Australia', alongside clauses concerning 'removal of aborigines' and 'maintenance of half-caste children'.[57] This became the *South Australian Aborigines Act* 1911, which stated that 'any female aboriginal or female half-caste … dressed in male attire and in the company of any male person other than an aboriginal or half-caste' would be guilty of an offence against the Act (along with their male companions).[58] This legislation was part of the larger project of Aboriginal child removal – the Stolen Generations – that claimed to offer 'protection' by way of brutal control, ongoing genocide, and forcible assimilation.[59]

The issue of Aboriginal women dressing (but not, for the most part, living) as men was not however seen as totally separable from the cultural category of masquerade. In 1912 C. R. Macan wrote that:

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[54] 'North-West Australia', Register (Adelaide), 16 March 1903, 3.

[55] See Lucy Chesser, Parting with my Sex, 111, and Ann McGrath, Born in the Cattle: Aborigines in Cattle Country (Sydney: Allen & Unwin, 1987), 85.

[56] Sandy O'Sullivan, 'Fucking Up, Fixing Up, and Standing Up (to the Colonial Project of Gender and Sexuality)', American Ethnologist 50 (2023): 354.

[57] 'The Aborigines', Advertiser (Adelaide), 19 August 1910, 9.

[58] *South Australian Aborigines Act* 1911, section 34. See also Lucy Chesser, Parting with my Sex, 110–111.

[59] *Bringing them home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*. Sydney: Human Rights and Equal Opportunity Commission, 1997. It should be noted that the project of Aboriginal child removals is an ongoing one; Aboriginal and Torres Strait Islander children are 6% of the child population of Australia but make up 37% of the total out-of-home care population. 81% of Indigenous children are on long-term guardianship orders. Lorena Allam, '"Alarming Rate": Removal of Australia's Indigenous Children Escalating, Report Warns', 16 November 2020. Accessed 2 October 2021. https://www.theguardian.com/australia-news/2020/nov/16/alarming-rate-removal-of-australias-indigenous-children-escalating-report-warns.

> It is getting fairly common nowadays for young women to don men's garments. There is the recent case of the female timber carter in Melbourne. Then among other cases is that a female in New Zealand, who actually went the length of entering the bonds of matrimony with one of her own sex … in the north west of West Australia and the Northern Territory, dozens of young female aborigines are to be seen, dressed in moleskin pants, accompanying prospectors, drivers and others.[60]

The timber carter was likely Tom Ralph, and the New Zealand case was likely Percy Redwood, also known as Amy Bock. Settler-colonists' concerns about Aboriginal women wearing men's clothes were usually framed as an issue of white men exploiting Aboriginal women. The Aboriginal women in question were rarely named as individuals, or considered to be acting in accordance with their own wishes. Their clothing choices were thought to derive from external influences, rather than from desires for practicality, economic freedom, or comfort. They were generally framed by settlers (and settler legislation) as an anonymous, homogenous, vulnerable group in danger of coercion from outside sources. This dehumanising rhetoric unfortunately further obscures individual historical examples of Aboriginal people violating or rejecting colonial gender norms.

When Aboriginal women or gender-variant Aboriginal people made their agency clear, they were framed as unruly and disorderly, specifically in terms of their Aboriginality. In 1897 H Paroo was described as an 'Aboriginal Amazon', a 'wayward' youth acting 'in total defiance' of the manager of the Warangesda Aborigines' Mission:

> The authorities at the Aborigines' Mission station at Warangesda are having their patience sorely tried by the vagaries of a wild and giddy young half-caste named Harriet Paroo. It is only a few weeks ago since this dusky young damsel was reported to the headquarters in Sydney for masquerading in the garb of a man. She had several sweethearts, but as they were on the opposite side of the river to that on which the station is situated her practice was to rig herself up in male attire and swim across to them. For this and other and more serious little peccadillos she was ordered to quit the station, but the authorities have not found it so easy to get rid of her.[61]

In response the local board of the mission station wrote a letter to the Aborigines' Protection Board 'plaintively' asking if Paroo could be 'removed' by being 'given in charge as a vagrant, or as not fit to be at large'.[62] This phrasing spoke directly to the two main strategies of

[60] C. R. Macan, 'In Male Attire', *National Advocate* (Bathurst), 21 August 1912, 4.
[61] 'An Aboriginal Amazon: The Woman who Did', *Australian Star* (Sydney), 22 January 1897, 5. This was the second time Paroo was made the subject of a board meeting; the previous year the board had concluded that Paroo was 'not fit for a mission station' and attempted to send them away, unsuccessfully. 'An Aboriginal New Woman: Masquerading as a New Woman', *Australian Star* (Sydney), 20 November 1896, 7.
[62] Ibid.

subordinating gender transgression: criminalisation (via a charge of vagrancy) and medicalisation (via a charge of being a wandering lunatic, not fit to be at large).

Troy-Anthony Baylis writes that:

> The lived realities of colonisation have constructed a silencing force that mutes Queer-Aboriginality. It is as if history has constructed Aboriginality as being so pure and savage, so purely savage, that if tainted by the complexity of sexuality and gender, mixed ethnographies, mixed geographies and mixed appearances, the whole look would be ruined... The sexual and gender diversity of Aboriginal peoples remains mostly absent in the recordings and interpretations of Australian histories, and these absences reinforce a heterocentric reading of Aboriginal cultures.[63]

Cases like Paroo's were rarely reported on. For the most part the category of masquerade was constructing according to Euro-colonial gender norms and values and restricted to European colonisers. It could not account for Aboriginal gender diversity or culturally specific gendered experiences. In part this may have been because the category's purpose was to draw a boundary between acceptable and unacceptable behaviour, and between desirable and undesirable colonial subjects. In the colonial imagination, Aboriginal and Torres Strait Islander peoples were not interpreted in this way because they were not regarded as fully human. First Nations peoples were not absent from case histories of gender transgression but actively excluded, as part of a broader colonial project of oppression, erasure, and control.

Narrative aberrance and the myth of isolation

'Extraordinary as [Jorgensen's] case is, it is not without precedent in the Bendigo district', claimed the *Kyneton Observer*.[64] The article noted that '[w]omen masquerading as men have, in fact, been discovered in every walk of life, from soldiers and sailors downwards… The cases of women, indeed, who have chosen to renounce their sex and play the part of men would make a long and very interesting chapter of literature'.[65] Nevertheless, the framing of extraordinariness and isolation persisted, despite frequent injunctions from the media reminding the public of the 'long and very interesting' history of gender transgression.

In 1898 Sydney's *Evening News* wrote that

[63] Troy-Anthony Baylis, 'Introduction: Looking In to the Mirror', in Dino Hodge, ed., *Colouring the Rainbow: Blak Queer and Trans Perspectives* (Mile End, SA: Wakefield Press, 2015), 1.
[64] 'Male Impersonation', *Kyneton Observer* (Victoria), 9 September 1893, 3.
[65] Ibid.

> Women who have successfully masqueraded as men, and continued to sustain their assumed characters to the end of the chapter, have been common enough in most countries. Australia has had an average share of these human problems … The number of women who, when donning the garments of the sterner sex, have taken to very stern work is, as is well known, a pretty large one.[66]

The *News* claimed that the 'most notable of all' of these cases was Edward de Lacy Evans; followed by Jorgensen (described not by name but as 'a German'); the 'strange' and 'mysterious' South African case of Dr James Barry (also unnamed but clearly identifiable); and an unnamed gender transgressor who had died at Coolah, to which the paper's response was not solemnity but a strange kind of pride: 'now our own province has furnished an additional candidate for such curious celebrity'.[67] Of all the figures mentioned in the article, Dr James Barry was perhaps the only individual who had rightly earned his apparent celebrity. Barry was a highly successful military surgeon in the British Army who socially transitioned to live as a man for the majority of his life. Among his many accomplishments were his appointment to Inspector General of Hospitals, and being widely though incorrectly lauded as the first surgeon to successfully perform a caesarean section where both mother and child survived.[68]

In 1929 several Australian newspapers covered the British case of Victor Barker, who worked in the Women's Royal Air Force, had relationships with two Australian men, lived as a man for twenty years, and was exposed after being sent to prison for bankruptcy.[69] Barker's Australian connections gave his story a sense of weight and urgency exceeding that which was usually given to cases of gender transgression overseas. He also provided an opportunity to connect the local and foreign: the Australian press coverage included references to Evans and several international cases.[70] Sydney's *Daily Telegraph* declared that 'There are many "Captain Barkers"' – two of which apparently included Kimal Mained in Belochistan, who dressed as a man, married and divorced a woman, worked as a postman and was discovered after being wounded in battle; and Mary Brown in Ireland, a Scottish woman who temporarily dressed as a man to marry her wife, resumed feminine clothing and was subsequently arrested.[71] Like Evans, Barker was thought to have been 'a man acting as a woman' in the earlier part of his life, and actively supported that perception.[72]

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[66] 'Federation', *Evening News* (Sydney), 13 January 1898, 4.
[67] Ibid.
[68] Mariel Tishma, 'A Surgeon and a Gentleman: The Life of James Barry', *Hektoen International: A Journal of Medical Humanities* 12, no. 3 (2020). Online. https://hekint.org/2020/04/03/a-surgeon-and-a-gentleman-the-life-of-james-barry/. There are several much earlier records of Caesarean surgeries where both parties survived, including in sixteenth century Europe and precolonial Uganda.
[69] 'The Masquerade of Women: Amazing Impersonations', *Avon Argus* (Western Australia), 19 April 1929, 2.
[70] Ibid.
[71] 'There are Many "Captain Barkers"', *Daily Telegraph* (Sydney), 16 May 1929, 20; 'Another "Colonel Barker": Indian Woman's Masquerade', *Mercury* (Hobart), 24 June 1929, 7; 'Moslem Masquerader: She Divorced Her Wife', *Geraldton Guardian and Express* (Western Australia), 8 July 1929, 1; 'Two Girls "Marry": Another Captain Barker Case', *Brisbane Courier*, 24 September 1929, 15.
[72] 'Notorious Man-Woman', *Barrier Miner* (Broken Hill), 12 March 1929, 1.

Barker was not claimed by his homosexual contemporaries: John Radclyffe Hall, a self-identified invert, called him 'a mad pervert of the most undesirable type' and felt that his exposure was 'unfortunate' and politically inconvenient.[73] Hall's disavowal of Barker was not due to Barker's fascist political leanings, but due to the nature of his gender transgression. Hall leant heavily into Havelock Ellis's medicalised model of 'sexual inversion', locating aberrant sexuality as an inborn, essential characteristic; but Barker's transgression had far more to do with gender than sexuality, and involved what Hall saw as a lifelong deception – a rejection of integrity and authenticity, rather than an attempt to live authentically.

Jack Halberstam, referencing Michael Baker, notes that the distinction between Hall and Barker 'hinges on a notion of masquerade'.[74] Halberstam argues that 'it does not make sense to interpret Barker as someone who simply masquerades to bypass the social restrictions of womanhood. Barker sustained her chosen gender role for almost thirty years and did not give it up later in life when it no longer served its purpose.'[75] Between Barker and Hall, Halberstam theorises, there were clear differences that implied a foundational split between the categories of 'passing woman' and 'inverted woman'.[76] While I largely agree with this conceptual point, Halberstam subsequently names Barker as 'the beginning of the emergence of a transsexual identity'.[77] I contend that Barker was by no means the beginning, but rather a point of continuity.

Shortly after Barker's media exposure, Sydney's *Daily Telegraph* used 'Captain Barkers' as shorthand for 'women who pose as men' – who, the paper noted, were 'not so rare as many would expect, and in England alone there have been many cases equalling in successful audacity the one mentioned'.[78] The *World's News* ran a piece examining some of these 'remarkable cases', titled 'The She-Man', in which the reporter concluded that '[w]omen who pose as men are not rare… These men-women are divided into two classes—those who adopt men's wear as a temporary disguise or convenience, and those who not only dress like a man, but also live a man's life'.[79] The distinction between temporary and sustained gender transgression was an enduring one, and for the most part the former was considered more forgivable, or able to be dismissed as a joke or a prank. The latter was seen as far more inexplicable.

[73] Radclyffe Hall to Audrey Heath, 19 March 1929, Ottawa. Quoted in Jack Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998), 92.
[74] Halberstam, 92.
[75] Ibid.
[76] Halberstam*, Female Masculinity,* 94.
[77] Halberstam, *Female Masculinity*, 95.
[78] 'There are Many "Captain Barkers"', *Daily Telegraph* (Sydney), 16 May 1929, 20.
[79] 'The She-Man: Some Remarkable Cases', *World's News* (Sydney), 15 May 1929, 10.

The descriptions of gender transgression as strange and extraordinary did not denote actual rarity of the behaviours described. The most extraordinary aspects of these cases, according to the media, were factors considered part of a normal life: marriage, children, employment. In many ways gender transgressors were considered abnormal because of their normalcy – because they were seen to be infiltrating and thus subverting social norms that were supposed to be inaccessible in their contexts. When Edward de Lacy Evans was exhibited as a sideshow attraction, the advertisements described him as 'the GREATEST WONDER of the PRESENT AGE'; although obviously hyperbolic, the implication reflected rather poorly on that era's present age, if the greatest wonder it could muster was a diorama of an ordinary miner pretending to be occupied in ordinary mining work.[80] (This may have contributed to the unpopularity of the show.)

Evans was occasionally referenced as a shorthand for something confusing or mysterious, particularly if said mystery had gendered inflections. Not long after his exposure, for example, he was brought up in relation to the vocabulary of horse racing: '[a] horse is, as a general rule, a horse. Sometimes, however, he is a maiden—which is as puzzling as the Bendigo man-impersonator—especially if you consider that the maiden may be a male'.[81]

Edward Moate and Jack Jorgensen were both named as sequels or successors to Edward de Lacy Evans, but I have only located one article mentioning all three of them, from the *Sydney Bulletin*:

> The Jorgensen case revives that of "Edward de Lacy Evans," who for years worked as a miner on Bendigo. Her sex was discovered on her committal to Kew Asylum for insanity, from which she ultimately recovered; she was then hawked round by showmen. She was married as a man three times, and one of the "wives" actually had a child. Another case was that of a groom at Beechworth, whose sex was only revealed on her admission to the hospital, where she died.[82]

Themes of secrecy and discovery were frequent refrains in press coverage of gender transgression, regardless of the actual details of the cases being described. All three of these men were well known to their communities; indeed much of the newspaper coverage following their exposures mentioned this and gave various reasons as to why their communities had chosen not to intervene. For Evans: '[i]f a woman, he ploughed very well';

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[80] 'Advertising', *Argus* (Melbourne), 29 January 1880, 8.

[81] Herr Scalper, 'Through the Stables', *Herald* (Melbourne), 10 September 1879, 2.

[82] 'Cuttings from the "Sydney Bulletin"', *Victorian Express*, 6 October 1893, 4. There may be other material linking these three cases that I have not yet accessed, either because it is not digitised or because my method of keyword searching digitised material is fallible. At the time of writing, there are 210, 245, 136 digitised newspaper entries in Trove dated between 6 September 1879 (the date of the first longform newspaper exposé of De Lacy Evans) and December 1954 (where most of Trove's digitised newspaper coverage ends). I love historical newspaper articles, I love every kind of historical newspaper article, I just want to read all of them, but I can't.

for Moate: 'as she looked as like an old fashioned postboy as possible, and rode and groomed a horse well, she was allowed to have her own way unmolested' (that is, unbothered); and for Jorgensen: 'he was regarded as being as good a man as there was in the field at any time'.[83]

Claiming that Moate's 'sex was only revealed on her admission' is particularly egregious given that the justification for Moate's arrest for lunacy was that a police officer 'believed [him] to be a woman'.[84] Given that Moate's 'neighbours had believed this for years' and 'no surprise [was] felt at the discovery', and that similar claims were made about many other cases that were well-known locally, we can reasonably infer that the 'discoveries' and 'revelations' described by journalists generally refer to official confirmation and documentation by state authorities, rather than individual interpersonal realisations.[85] If there was secrecy, it was generally a secrecy that required the active complicity of local communities.

There are several potential explanations for the emphasis on deception. Firstly, it made for a better story. A long-held secret revealed at last was far more newsworthy than common knowledge belatedly recorded in print. (I will explore the narrativisation of these cases further in the next chapter.) Secondly, it exculpated communities from charges of complicity or inaction, and placed moral responsibility solely upon individuals mobilising across gender categories – as if this was something done alone and not, by definition, in social interactions and through social structures. Thirdly, it reified the status quo, smoothed over any potential disruption of the gendered order, and discouraged others from pursuing similarly disruptive behaviour.

Newspaper portrayals constructed long-term gender crossing as solitary aberrations, rather than as alternative ways of being in the world, with their own historical patterns and precedents. By constructing gender crossing as solitary, they also effectively portrayed it as lonely, miserable, and abject. If gender transgression was an act that could only be successfully carried out in absolute secrecy, then it required cutting off all social ties beforehand, and on top of that promised a fragile and insecure future existence that could be destroyed at any time if the secret was revealed.

Even for those with strong social connections and widespread notoriety, the myth of perpetual recency dictated how their stories were publicised. Bill Edwards was an infamous gender transgressor who was considerably more playful and media-savvy than the majority

[83] 'The De Lacy Evans Case', supplement to the *Bendigo Advertiser*, 6 September 1879, 1; 'Our Deptford Letter', *Bairnsdale Advertiser and Tambo and Omeo Chronicle*. 5 August 1884, 2; 'Extraordinary Case of Personation', *Bendigo Advertiser*, 7 September 1893, 3.
[84] 'Beechworth Police Court', *Ovens and Murray Advertiser* (Beechworth), Saturday 26 July 1884, 4.
[85] 'A Man Impersonator', *The Herald* (Melbourne), 25 July 1884, 3.

of his gender-crossing contemporaries. Around the turn of the century, Edwards had been working as a barman in Brisbane, a sheep-shearer in Bendigo, and a shepherd, jockey, and horse-trainer in Melbourne and in regional Victoria and NSW.[86] He came to the attention of the media in 1906 after moving to Melbourne and being charged in court with breaking and entering.[87] Edwards was consistently depicted as a good-hearted larrikin rather than a fraudulent criminal. His gender transgression quickly became the focus of the trial, but the defence lawyer claimed that 'it was perfectly legal for a woman to attire herself in male apparel as long as she did not do so for any improper motive'.[88] The judge concluded that Edwards 'might have had some good reason for dressing as a man. That should not be any prejudice to her'.[89]

The exact nature of what that good reason might be remained inconclusive. 'I thought I would get on better as a man than a woman', Edwards offered in 1907.[90] Twenty years later he supplied an equally vague and playful answer: 'Having become a boy, it was easier to remain one than to change'.[91] The suggestions of journalists were creative to the point of absurdity: 'Cyclists will be interested to hear that the lady's real reason for adopting male attire was not to dodge the police, or get a job, but to ride the bicycle with more freedom. Marion has a craze, and a natural one, to ride a "Speedwell", the standard bike of the Commonwealth'.[92] Edwards was too entertaining to be considered truly threatening or sinister. He was highly aware of the boundaries of permissibility; his interactions with the media and the courts were playful, but highly intentional.

For those who consciously navigated the tenuous borders of acceptability, masculine labour was sometimes offered as a convenient (if lukewarm) shorthand for excusing gender transgression, alongside other tongue-in-cheek explanations such as pranks, larks, bets, and excessive patriotism (in the case of wartime gender crossing). I will elaborate on this in the next chapter, which focuses on the narrativisation of gender deviance.

The cycle of perpetual novelty was so powerful that it could be invoked during sequential instances of 'discovery' (and re-discovery) in a single person's life. Edwards was repeatedly framed as 'another' gender transgressor long after his initial exposure. This required an occasional convenient amnesia from the press and the public. In 1930, Colin

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[86] 'The Man-Woman', *Barrier Miner* (Broken Hill, NSW), 12 January 1907, 5.

[87] Specifically, police had arrested Edwards after he entered a hotel at 2:30 in the morning, took off his boots, and was found in the company of a man who fled through the window. The police claimed this was grounds to suspect attempted burglary. He had absconded to Brisbane while on remand, but was arrested again and brought back to Melbourne for trial; the attempted escape was excused on the grounds that Edwards 'wanted to avert discovery of her sex'. 'Marion Edwards', *Argus* (Melbourne), 3 November 1906, 20.

[88] 'The Man-Woman Case', *Age* (Melbourne), 3 November 1906, 14.

[89] Ibid.

[90] 'The Man-Woman', *Barrier Miner* (Broken Hill, NSW), 12 January 1907, 5.

[91] 'Why Marion Edwards Masquerades as a Man', *Smith's Weekly* (Sydney), 3 September 1927, 3.

[92] 'Marion Edwards', *Border Morning Mail and Riverina Times* (Albury), 24 November 1906, 6.x

Holloway was fined £2 for assaulting Edwards, and the arresting police officer brought up in court that Edwards 'had been posing as a man for more than 40 years'.[93] This incident received national newspaper coverage, with headlines prioritising the (publicly known) gender transgression over the assault: 'Masqueraded as Man for 40 Years: Victim of Assault'; 'Woman Who Posed as Man Complains of Assault'; '40 Years Masquerade! Melbourne Man-Woman Is Assaulted'.[94] Some headlines only mentioned the masquerade and not the assault at all.[95] In fact Edwards had not appeared in court at all, and the gender transgression was only brought up in court due to a bureaucratic detail, after the police provided conflicting information about Edwards's name and gender:

> An assault upon William Edwards, otherwise known as Marian [sic] Edwards, was charged against Colin Holloway … Mr Wilson P.M. remarked that the defendant was charged with having assaulted William Edwards. He wanted to know who signed the information. He was told by the police that Edwards was known as Marian [sic] Edwards. She had been masquerading as a man for 40 years.[96]

Edwards was described as an 'alleged man woman', as if the fact of transgression was a recent discovery.[97] Headlines also referred to Edwards as 'another masquerader'.[98] These articles did not specify which masqueraders Edwards was considered subsequent to. Although they were clearly integrating Edwards into a referential lineage, the beginning and end of that lineage appeared to comprise Edwards alone.

Reconnecting dislocated lineages

Despite the insistence on novelty, recency, and isolation as characterising factors in press coverage of gender-crossing, the stories about gender transgression that appeared in the media almost always included references to similar cases in the past. Increasingly throughout

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[93] 'Posed as Man for 40 Years: Complains to Court of Assault', *Observer* (Adelaide), 1 May 1930, 40. Holloway was also fined £2 for indecent language within the hearing of passers-by (a total of £4, or in default 28 days imprisonment). This was a standard sentence for minor assaults, though fines varied in severity; on the same day in Fitzroy Court, a man was fined £5 (in default a month's imprisonment) for assaulting a neighbour, and three month's imprisonment for assaulting a police officer. See 'Youthful Offender', *Argus* (Melbourne), 29 April 1930, 16. A month earlier a man was charged £5 for indecent language on a railway carriage, and another charged £10 (or two months' imprisonment) for drinking methylated spirits in public. See 'Police News: Obscene Language', *Argus* (Melbourne), 1 April 1930, 16.

[94] 'Masqueraded as Man for 40 Years: Victim of Assault', *Daily Standard* (Brisbane), 29 April 1930, 10; 'Woman Who Posed as Man Complains of Assault', *Barrier Miner* (NSW), 30 April 1930, 1; '40 Years Masquerade! Melbourne Man-Woman Is Assaulted', *Daily Pictorial* (Sydney), 29 April 1930, 8.

[95] '40 Years Masquerade', *Weekly Times* (Melbourne), 3 May 1930, 10; 'Masqueraded as Man', *Newcastle Morning Herald and Miners' Advocate* (NSW), 29 April 1930, 4; 'Alleged Man Woman: 40 Years Masquerade', *Townsville Daily Bulletin* (Queensland), 1 May 1930, 7.

[96] 'Woman Assaulted: Masqueraded as Man for 40 Years', *Sunraysia Daily* (Victoria), 29 April 1930, 3.

[97] 'Alleged Man Woman: 40 Years Masquerade', *Townsville Daily Bulletin* (Queensland), 1 May 1930, 7.

[98] 'Another Masquerader', *Northern Miner* (Queensland), 1 May 1930, 3.

the first half of the twentieth century, this would manifest as entire lists of gender transgressors through the decades, both locally and abroad. Not every gender transgressor qualified to enter these lists, however; the vast majority of those who appeared in the newspapers were swiftly forgotten, and paradoxically the lists often served to reinforce the ideas of isolation and uniqueness. Sometimes this was due to deliberate curation, where gender transgressors whose lives made for good stories were returned to and remembered far more than people whose lives were not considered interesting enough to repeat.

The majority of sustained gender transgressors reported on in the Australian press were white transmasculine people. Transfeminine gender-crossers were generally subjected to police intervention earlier, and were far less likely to be tacitly ignored in the community; perhaps because, as the papers noted, '[w]hile it is an offence against the British law for a man publicly to masquerade as a woman, it is not an offence for a woman to impersonate a man'.[99] Transfeminine cases were more likely to be considered sinister, criminal, or related to sodomy, while transmasculine cases were often considered eccentric but largely harmless. Transmasculinity could be justified as an attempt at upward social mobility, and was considered threatening if it verged on usurping the 'naturalness' of masculinity and male social positions. Transfemininity was always considered threatening regardless of context, in part because there was no way the media, law, or medicine could make sense of it.

Insanity and criminality were the main frameworks used to respond to, manage, and punish instances of gender transgression. These were not necessarily considered wholly separate categories; although lunacy was shifting from a criminal issue to a medical one, it was still managed through police and the courts. Lunacy was a legal charge as much as it was a medical diagnosis. It also frequently led to harsher outcomes than criminal charges: patients considered insane were immediately deprived of liberty and confined to a ward indefinitely. Some, like Edward de Lacy Evans, managed to navigate their way out of the asylum again via a forced return to gender normativity. Others, like Edward Moate and Harcourt Payne, refused to detransition and died in the asylum not long after they were incarcerated.[100] Payne had lived as a man for 51 years, and was exposed in the press in 1939 after being admitted into Lidcombe Old Men's Home. He was then transferred into a mental institution in Orange, where he died shortly afterwards, after rejecting feminine clothing and insisting on his masculinity until the end of his life.[101]

Criminal charges for gender transgression had a broader range of severity. Gender transgressors living as women were more likely to be sent to prison than to the lunatic

[99] 'The She-Man: Some Remarkable Cases', *World's News* (Sydney), 15 May 1929, 10.
[100] See Ruth Ford, 'Sexuality and "Madness": Regulating Women's Gender "Deviance" through the Asylum, the Orange Asylum in the 1930s', in Catharine Coleborne and Dolly MacKinnon, eds., *Madness in Australia: Histories, Heritage and the Asylum* (St Lucia, QLD: University of Queensland Press, 2003), 109–19.
[101] '"Man-Woman" in Asylum', *Daily News* (Sydney), 6 June 1939, 1. See also Ruth Ford, 'Sexuality and "Madness"'.

asylum, and often given more serious punishments. Gender transgressors living as men were frequently charged with fines or briefly imprisoned as vagrants. The *Vagrancy Act* provided a range of flexible charges often used as substitutes for socially prohibited behaviour that did not fall under specific legal prohibitions. This was necessary in the prosecution of cases of gender transgression, since there was no law universally criminalising gender-crossing or cross-dressing. These cases dwelled in a murky legal territory: gender transgression was regularly punished in the name of the law despite not being against the law, often via charges of indecent conduct, impersonation, fraud, vagrancy, or sodomy.[102] Despite this, media coverage of gender transgressors on trial often explicitly referred to gender-crossing as the subject of the legal charge, or confusingly stated that gender-crossing was itself illegal (rather than being considered a form of offensive behaviour, which was illegal, though it was applied unevenly and subjectively). A number of articles stated that Jorgensen had been 'informed that the laws of the country would not permit her to wear any other than the attire of her own sex' and 'brought up on a charge of wearing man's attire'.[103]

Susanne Davies notes that while vagrants were often considered to form a homogenous class of undesirable citizens, the applications of the vagrancy law were highly gendered.[104] Female vagrants were often targeted for perceived sexual impropriety, and seen to have abandoned their expected stations, 'presumed to live outside the realm of marriage and family'.[105] The 'moral poverty' of male vagrants was usually attributed to unemployment and idleness.[106] Charges were 'levelled at those who failed to conform to accepted patterns of male and female behaviour', at the discretion of police.[107]

The inconsistency of the law was reflected in the lack of immediate prosecution in cases where gender transgressors were known but tolerated (at least for a time) in their communities. Between Jorgensen's arrest in 1873 and his death in 1893 he was effectively ignored by law enforcement, despite the fact that he was living in a small community where his neighbours were all aware of his situation. Lucy Chesser points out that for both Evans and Jorgensen there was 'an apparent disparity between official responses (which required that gender norms be obeyed, however unfair they might seem) and popular tolerance for

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[102] Sodomy laws were generally not applied to women or transmasculine gender transgressors in Australia or Britain, but in continental Europe women could be – and were – convicted of sodomy at least until the eighteenth century, sometimes resulting in death penalties. See Louis Crompton, 'The Myth of Lesbian Impunity: Capital Laws from 1270 to 1791', *Journal of Homosexuality* 6, no. 1/2 (Fall/Winter 1981), 11.

[103] 'Heathcote Police Court', McIvor Times and Rodney Advertiser (Heathcote, Victoria), 30 October 1873, 2; 'Woman Charged with Impersonating a Male', *Wagga Wagga Advertiser and Riverine Reporter* (NSW), 15 November 1873, 4.

[104] Susanne Davies, 'Ragged, Dirty … Infamous and Obscene': the 'Vagrant in Nineteenth-Century Melbourne', in David Phillips and Susanne Davies (eds.), *A Nation of Rogues? Crime, Law and Punishment in Colonial Australia* (Melbourne: Melbourne University Press, 1994), 143.

[105] Ibid, 144–144.

[106] Ibid, 144.

[107] Susanne Davies, 'Vagrancy and the Victorians: The Social Construction of the Vagrant in Melbourne, 1880–1907', PhD thesis, (University of Melbourne, 1990), 30.

individuals who broke the rules'.[108] This disparity was often conditional and inconsistent. The limits of popular tolerance often influenced official responses, and official responses were complicated by the murky legal terrain. Gender-crossing was not in itself necessarily grounds for legal action, incarceration, or institutionalisation. Because the law considered gender transgression to fall under broader categories of social disorder, gender transgressors who managed to integrate into the social order were often tacitly let be.

Sarah Nicolazzo argues that reading gender transgressors as vagrants allows a deeper and more complex analysis of the category of vagrancy, proposing an approach 'that refuses to understand sexuality in isolation from other interlocking modes of apprehending and disciplining bodies, desires, and animation'.[109] For Nicolazzo, '[t]he logic naming a "female husband's" crime as vagrancy reveals a fundamental connection between eighteenth-century ideologies of labour and class mobility and the discourses and practices of gendered embodiment'.[110] Although Nicolazzo's work focuses on the eighteenth-century British case of Charles Hamilton, Australia's colonial vagrancy laws were direct descendants of British legislation; particularly the 1824 *Vagrancy Act*, which was 'the first vagrancy statute not to include relief of the poor in addition to punishment of the idle'.[111] The legacy inherited by gender-crossing colonial vagrants was one that had been shaped over centuries of similar applications.

Notably Nicolazzo also critiques the nearly unanimous usage of feminine pronouns in scholarship of 'female husbands' and 'passing women', pointing out that this promotes 'an assumption that certain kinds of bodies are transparently and transhistorically female'.[112] The conceptual work of grounding gender transgressors in their cultural and economic context also requires the contextualisation of gender norms and experiences. If we refuse to read the gender transgressor or the vagrant as isolated phenomena, and instead insist on locating them in their own times and places, we are forced to consider the historical contingence of gender and sexuality.

We are also forced to confront the unreliability of state records and the version of the past given to us by colonial authorities. Davies warns against taking these records at face value, noting that the legal system and public and private institutions 'provide the perspectives through which vagrants are normally seen. Since these perspectives have been shaped and limited by bureaucratic practices and the idiosyncrasies of the recorders, they

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[108] Chesser, *Parting with my Sex*, 54.

[109] Sarah Nicolazzo, 'Henry Fielding's The Female Husband and the Sexuality of Vagrancy', *The Eighteenth Century* 55, no. 4 (Winter 2014): 335.

[110] Ibid, 335–36.

[111] McLeod notes that Australia's vagrancy laws were based on Britain's 1824 *Vagrancy Act,* and that 'the taxonomy that formed the basis for modern vagrancy offenses seems to appear first in a statute of 1740'. Andrew McLeod, 'On the Origins of Consorting Laws', *Melbourne University Law Review* 37, no. 1 (2013): 108, 110. See also NSW's *Vagrancy Act*, 1902.

[112] Ibid, 351.

tend to reveal more about the observer than the observed'.[113] In the case of gender transgressors, the narrative of the observer was that they were extraordinary (but not uncommon), singular (but constantly repeating), mysterious (omitted, erased, or ignored), immoral and often criminal (as defined by colonial governments), insane (as defined by colonial medicine) and incomprehensible (to the colonial order).

To seek out a history of the subjugated, we must rely on colonial records but never take them at face value. Grounding analysis in tangible sources, structures and processes without reproducing the logic of the oppressor is a delicate task, but a rewarding one. As these logics were often deliberately inconsistent, they provide unique insights into social contradictions, conflict, and change over time.

So long as masquerade was framed as a solitary and excluded occupation, masqueraders had no power to weaken social norms and structures. For masquerade to be conceptually, politically, and economically rendered as aberrant and exceptional, masqueraders could only exist in relation to each other so long as that relation was immediate and not continuous. An exceptional masquerader could have a single successor, but not a succession.

The social structures of the time – including the media, medicine, and carceral systems – left no space for gender transgressors to form community, lineage, or resistance. Masquerade could only remain in extremity if it was understood to be as an occupation of disconnected individuals. This was the central tenet of the majority of newspaper reportage on gender transgression, and it formed a foundation for other recurring presumptions and narrative justifications. One Evans was extraordinary; two were remarkable; but three or more would undo the myth of aberrance. For the myth to continue, the gender transgressor had to be eternally alone.

[113] Susanne Davies, 'Vagrancy and the Victorians', 20.

6: Myths of Men-Women

> [M]yth has the task of giving an historical intention a natural justification, and making contingency appear eternal. Now this process is exactly that of bourgeois ideology… Myth does not deny things, on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it gives them a clarity which is not that of an explanation but that of a statement of fact.
>
> - Roland Barthes, *Mythologies*[1]

The Vapour of History

The myth of perpetual recency was part of a journalistic strategy to render gender crossing as something knowable, and therefore limited. Gender transgressors were depicted as isolated and unique, but that very uniqueness required context and precedent to make their lives coherent to a nineteenth century audience. Over time this grew into a distinct constellation of mythologies around gender, deviance, community interactions, and acceptable social behaviour.

These cohering mythologies provided narrative structure to stories about gender crossing. They began to form a kind of literary canon of masquerade, complete with its own tropes, storytelling devices, plot elements, and returning characters. Certain gender transgressors entered the canon and became almost proverbial. De Lacy Evans was not the first colonial 'masquerader', nor was he the first to be subjected to sensationalist press coverage, but he was the first Australian gender crosser to be mythologised and repeatedly cited by journalists in their reports of other cases.

Barthes claims that 'Revolution excludes myth', that myth is inherently conservative and bourgeois because it attempts to flatten, universalise and naturalise social precepts.[2] In myth, according to Barthes, 'history evaporates'.[3] Always, however, myths contain a seed of disorder and subversion so that society may define itself against it. Myths cannot function solely to preserve the status quo, because by their nature they betray the fragility and contingence of the social order.

If history evaporates in mythology, then social mythologies are made up of the vapour of history. Although it is not visible, it is everywhere, and only requires the right conditions to

[1] Roland Barthes, *Mythologies* (London: Paladin Books, 1973, first published 1957), 142–43.
[2] Roland Barthes, *Mythologies*, 146.
[3] Ibid, 151.

change its state. This chapter therefore attempts to distil and desublimate history from myth; to take the vapour of history and turn it material.

In the nineteenth-century press, gender crossing held several simultaneous and often contradictory cultural positions. Depending on who was doing it, and their circumstances, gender crossing could be considered dangerous, perverted, deeply malevolent, eccentric but ultimately harmless, tragic, comedic, conditionally tolerable, entertaining, mystifying, or even laudable. Movement between gender categories was frequently described in paradoxical ways, sometimes within the same publication. One of the most frequent oxymorons, as the previous chapter has shown, was the assertion that gender transgression was simultaneously rare and extraordinary while also being common and well-known. Other mythologies of gender emerged through or alongside these stories. Alongside the cyclic framing of recency, colonial Australian journalists deployed a range of other recurring narratives used to describe and make sense of gender transgression. I have chosen to analyse these narrative tropes through the lens of mythography because it provides a useful structure to make sense of the competing and sometimes contradictory story elements used by historical newspapers.

Aristotle wrote that history 'tells what happened and [poetry] what might happen … poetry tends to give general truths while history gives particular facts'.[4] Moses Finley characterises this as the fundamental tension 'between myth and history'.[5] The written and oral traditions of nineteenth-century Australia are not really comparable to those of ancient Greece, but this is essentially the tension that this chapter seeks to illuminate. I would argue that history and poetry, and myth and history, are more interdependent than antithetical. When I refer to dominant narratives around gender crossing as myths, I mean that they function as aetiological or explanatory cultural formats, based in the social hegemonies of their time rather than in identifiable chains of historical evidence. In a sense I mean to assess these myths as gendered colonial ideologies. Some refer to myth as the falsehood to history's truth, but my point is not to demonstrate that these stories were false; rather that they were *deemed true by culture* regardless of their evidentiary basis.[6]

Gendered disorder became a metonym for social disorder, or a spectre of social upheaval. In every time period we find famous stories of divergence from the gendered order: Achilles disguised as a princess on the Isle of Skyros; the divinely androgynous Scythian Enareës; Hua Mulan; Joan of Arc. Some were celebrated as heroes, others thought to be mad, infirm, perverse, or morally flawed. These mythic lineages emerge alongside uncountable examples of culturally specific gender variance: Nandi female husbands; Balkan

[4] Aristotle, *Poetics.* Perseus Digital Library. *Aristotle in 23 Volumes,* Vol. 23, translated by W.H. Fyfe. (London: William Heinemann Ltd., 1932), 1451a–1451b. By poetry he refers to the metered form of epic and lyric poetry, that is, the major format of storytelling in the Hellenic world.
[5] M. I. Finley, 'Myth, Memory, and History', *History and Theory* 4, no. 3 (1965), 283.
[6] See Peter Munz, 'History and Myth', *Philosophical Quarterly* 6, no. 22 (January 1956), 1.

sworn virgins; Omani Xaniths; and of course the many examples of gender variance in Indigenous communities.[7] Where gendered multiplicity was integrated into the community, it was not always rendered as mythic or extraordinary, though some groups were credited with mythic attributes corresponding with their social roles.

As I have argued previously, nineteenth and early twentieth-century Australian responses to gender deviance usually revolved around pathologising or criminalising the act of gender crossing. Notably, gender crossing was almost always rendered in press coverage as a temporary act, and not as a way of life. At times this was in direct contrast to the views expressed by the subjects of the reports. This held true even after stories of medical transition widely emerged in the 1930s. In 1950 Sydney's *Truth* reported on the case of Bill Armitt, who had been raised as a girl in Goulburn and then developed masculine characteristics later in life. Armitt was likely intersex. He changed his name from Myrtle to Bill, and travelled to Sydney to be examined by gynaecologists for a sex determination evaluation. To Bill's great distress, the doctors concluded that he was a woman. *Truth* called this a 'tragic medical verdict' and described Armitt as 'one of nature's misfits', characterising him as a simple country bumpkin who was 'bewildered' by Sydney's electric trains and picture shows.[8] Armitt was quoted as saying 'I don't care what the doctors say. I know in my heart that I am a man and that I will always be a man'.[9] Nevertheless, the article ran under the headline '"Man" of the Bush was a Woman'.[10] Armitt expressed a desire to pursue medical transition, but was instead referred to a psychoanalyst with the aim of reassimilating him as a woman.[11]

[7] These include (but are not limited to) fa'afafine in Samoa, fakaleiti in Tonga, māhū in Hawai'i and Tahiti, takatāpu, whakawahine and tangata ira tāne in Aotearoa/New Zealand, two-spirit peoples in Turtle Island/the Americas, and sistergirls and brotherboys (and others) in Australia. 'Two-spirit', 'sistergirl' and 'brotherboys' are modern English neologisms used as umbrella terms. These do not encompass all Indigenous gendered subjectivities in these areas, and both continents have a great number of specific terms from specific language groups and nations.

[8] '"Man" of the Bush was a Woman', *Truth* (Sydney), 5 November 1950, 5.

[9] Ibid.

[10] Ibid.

[11] Ibid.

Bill Armitt, 1950. '"Man" of the Bush was a Woman', Truth (Sydney), 5 November 1950, 5.

As Dennis Altman points out, we must not neglect the '*political* dimension of deviance'.[12] Referencing Gramsci's theory of political hegemony, Altman writes that 'one sees that what is considered deviant is in fact precisely those acts that are inimical to the interests of the dominant class, and these are therefore historically determined and vary from culture to culture'.[13] Gender deviance is a recurrent cultural touchstone that produces different kinds of stories and meanings depending on social context. In the late nineteenth and early twentieth centuries, the meanings assigned to these stories generally revolved around the rupturing or reinforcement of settler-colonial and capitalist norms. This chapter will investigate the explanatory narratives, urban mythologies, and literary afterlives spun around gender crossing subjects in Australian print media in the late nineteenth and early twentieth centuries. These representations provide important insights into the social meanings attached to transition, and the ways that gender crossing was figured into (or against) Australian culture.

[12] Dennis Altman, 'Deviance, Society and Sociology', in Anne R. Edwards and Paul R. Wilson (eds.), *Social Deviance in Australia* (Melbourne: Cheshire, 1975), 266.
[13] Ibid.

Strange Tales

In the popular lineage of Australian gender crossing, there were several recurring narrative themes. Gender transgression was denigrated if it was associated with sexual deviance, degeneracy, deception, marginality, or criminality. Gender transgression could be deemed permissible if it was seen to be furthering colonial aims, expanding the productive workforce, contributing to military, industrial, or agricultural expansion, or if it was strictly temporary, unserious, and for the purpose of entertainment. Transfeminine gender crossers could be excused if they claimed they were dressing up for a prank, or imprisoned if they were implicated in sodomy or sex work. Transmasculine gender crossers could be quietly tolerated if they worked in the interests of capitalism and colonialism, but equally could be swiftly charged with lunacy or vagrancy if they infringed on patriarchal power, or if they lost their usefulness by way of unemployment or social insecurity. These were not binary routes delineated by clear signage, but a tangled mess of social locations with vague and overlapping borders.

Newspaper portrayals of gender transgression were frequently rendered as 'fantastic stories' in which 'truth [was] stranger than fiction'.[14] Evans was described in the press as a 'heroine'; Jorgensen was described as playing a 'character'; Bill Edwards' career was narrated in terms of 'episodes', with his initial exposure described as a 'queer sequel to a burglary'.[15] In 1898 an Adelaide paper described 'the woman dressed up as a man' as 'a character not unknown to dramatic farce'.[16] An English case of gender transgression in 1916 was subtitled in the Australian press as 'the war's most romantic story'.[17] Colonel Barker's prosecution for perjury was described as a 'sequel to masquerade'.[18]

The narrativisation of these cases was often accompanied by an insistent requirement for some kind of ulterior motive for gender transgression. When the motives supplied by the subjects in question failed to satisfy the desire for narrative coherence, the press invented their own. Economic motives were a common assumption (and an assumption which has often been replicated in secondary scholarship), but this was a claim made by the media more often than it was made by gender transgressors themselves. It also failed to account for transfeminine people, who worked as maids, laundresses, and street sex workers – occupations that were either less lucrative or more dangerous than traditionally masculine

[14] 'Man-Woman Masquerade Confession', *Truth* (Sydney), 30 September 1945, 26; 'The Sandhurst Impersonator', *Illustrated Australian News*, 1 October 1879, 155.
[15] 'De Lacy Evans', *Riverine Herald* (Echuca, Victoria), 8 April 1880, 2; 'This Elmore Romance', *Bendigo Independent*, 9 September 1893, 2; 'Marion (Bill) Edwards Co.', *Camperdown Chronicle* (Victoria)16 April 1908, 4; 'A Lady "Barman": Queer Sequel to a Burglary', *Bairnsdale Advertiser and Tambo and Omeo Chronicle*, 2 October 1906, 4.
[16] 'English Literary Notes', *Advertiser* (Adelaide)16 May 1898, 6.
[17] 'The Man-Woman', *The World's News* (Sydney), 14 October 1916, 21.
[18] 'The Barker Case: Sequel to Masquerade', *Toowoomba Chronicle and Darling Downs Gazette*, 18 March 1929, 7.

occupations.[19] Myrtle Grove worked as a dance teacher in 1906; Minnie McKenzie worked as a hosiery operator in 1937, and was said to associate with 'reputed thieves and men who masqueraded as women'; Mary Johnson was employed as a cook in 1943.[20]

Aside from professional female impersonators on stage, who I will examine further in the next chapter, transfeminine people rarely held glamorous positions in the workforce. Some transfeminine gender crossers appear to have strategically limited their gender crossing in order to maintain their masculine employment. In 1922, James Scott was arrested and fined in Sydney for dressing as a woman in public. She worked as a window sign writer during the week, and lived as a woman whenever she was not working. The papers quoted her as saying that she had been living as a woman for as long as she could remember.[21]

Economic motives were usually only projected onto transmasculine gender-crossers. This was frequently considered threatening, rather than admirable. In the news coverage of Harcourt Payne, the papers noted that over the course of his career he 'drew wages prescribed by law only for men'.[22] Rather than exculpating Payne, this seems to indicate an anxiety around women usurping men's social stations and accessing economic power. Forcible detransition was often framed as reintegrating aberrant women into the economic social order. In 1910, a clerk named Martin Able was identified as a former schoolteacher, Margaret Bale, who had socially transitioned and moved to Perth. Upon being exposed, Able was described as 'crestfallen', and the papers noted that he had been convinced to return to the country and 'resume her proper position in society'.[23]

Newspapers frequently pointed out that there were women workers in many traditionally masculine occupations. In 1865, Melbourne's *Age* noted in regard to female miners that '[a] few days ago it was by no means an uncommon thing to see women working at the windlass, but latterly … the sight has become rarer. Occasionally, however, a woman, in these days, from pure necessity, is compelled to adopt this hard life'.[24] In 1933, Queensland's *Dalby Herald* pointed out that '[w]omen farmers are to be found in every district in Queensland; in fact, from the early days of settlement, women have had a tremendous influence on agricultural and pastoral development'.[25] Although there was a notable disparity between women's wages and men's wages, gender was not the only factor creating wage inequity, and living as a man was not a necessary prerequisite for women

[19] 'Man with Female Mentality', *NZ Truth*, 9 May 1929, 2.
[20] 'An Actor's Freak', *Evening Telegraph* (Queensland), 1 June 1908, 6; 'Six Months Gaol for Masquerading as Woman', *Advocate* (Tasmania), 1 September 1937, 7; 'Men who Aped Women', *Armidale Express and New England General Advertiser* (NSW), 19 March 1943, 12.
[21] 'An Extraordinary Case', *Wellington Times* (NSW), 16 February 1922, 6.
[22] 'Kept Her Sex From Two "Wives"', *Daily Telegraph* (Sydney), 15 May 1939, 5.
[23] 'A Missing Young Lady Found: Wanted to be a Boy', *Mount Magnet Miner and Lennonville Leader* (WA), 6 August 1910, 2.
[24] 'Female Miners', *Age* (Melbourne), 19 October 1865, 6.
[25] 'Search for Gold', Dalby Herald, 24 November 1933, 8.

entering supposedly male professions. As early as 1921, the economic explanation was beginning to hold less water. An article in Sydney's *Truth*, reporting on a ship's steward named Bailey who had been 'masquerading as a man' for 16 years, wrote that there was 'a good deal in the explanation when you remember how poorly women were paid 15 years ago, but thanks to the recent legislation the economic condition of women has much improved'.[26]

Still, for those who transitioned into the masculine workforce, public exposure often presented a significant threat to their livelihoods. In 1911, in Ararat, Victoria, Tom Ralph was exposed for 'masquerading' as a man after a work injury. He moved to Aotearoa/New Zealand to escape public scrutiny, assuming the name Thomas Parker, but died from puerperal eclampsia in 1912, after giving birth alone in a boardinghouse.[27] In 1929, William Smith attempted to sue his employer for withheld wages, but his employer argued that Smith was not entitled to a man's wages as he was not a man.[28] A previous employer testified that he had 'never had a better workman' and that Smith 'could milk a cow as well as any man'.[29] In 1941, Ivan (or John) Simpson was exposed in the press after giving birth in hospital; he subsequently faded from the public eye, but reappeared again after he was injured during a fire at his workplace, while attempting to prevent further explosions by covering tins of flammable paint. Simpson was badly burned on his face, hands and chest. The papers commented that even in hospital, 'Simpson was able to maintain her masquerade', but that he was 'fearful of maintaining … her pretence to manhood' in the Worker's Compensation Court.[30]

Jorgensen, Moate, Evans, and others were all narrativised in slightly different ways, though there were points of commonality. The depictions of Jorgensen's life narrative in the press diverged in several important respects from that of those who had been positioned as his predecessors. Evans's story was a thrilling mystery; Moate's was a tragedy; Jorgensen's was either a disappointing romance or a lacklustre tragicomedy, depending on who was writing it. In the first articles after Jorgensen's death, the newspapers speculated on his history and motives in much the same way that they had done with Evans:

> Some tragedy must have been behind this long concealment of sex; some sorrow, it may be imagined, of disappointed affection; perhaps some more bitter history still, of betrayed trust and wrecked happiness which made her flee in bitterness from her very sex. What a curious bent of character and more than iron stubbornness of will

[26] 'Sheisms', *Truth* (Sydney), 11 September 1921, 8.
[27] 'Masquerading as a Man: Woman's Strange Career', *Riverine Herald* (Victoria), 7 November 1912, 3; 'In Male Attire: The Strange New Zealand Case', *Advertiser* (Adelaide), 8 November 1912, 10.
[28] 'Man-Woman Case', *Sun* (Sydney), 11 September 1929, 6. See also Ruth Ford, '"Prove First You're a Male": A Farmhand's Claim for Wages in 1929 Australia', *Labour History* 90 (May 2006):1–21.
[29] 'Acted as Man for 20 Years', *Daily News* (Perth), 17 December 1932, 1.
[30] '"Jack's the Name" Simpson Will Continue in Masquerade as a Man', *Truth* (Sydney), 19 October 1952, 5.

> there must have been which enabled this woman for so many years to act a part so strange, and to face the roughness and toil of a man's life without failing in any manly quality.[31]

The journalists who reported on Evans conjectured that he must have stolen the identity of a lover to explain the 'mystery' of why he had travelled with a trunk labelled with his name and filled with masculine clothes.[32] The journalists who reported on Jorgensen, and on other cases, followed a similar thread of assumption: that gender crossing must always have had tragic origins, and that it could only be explained by sorrow and never joy.

Only three days later, after Jorgensen's sister had spoken to the press, the *Bendigo Independent* ran a piece comparing him and Evans, in which the narrative elements of Jorgensen's case were analysed and found wanting:

> The life of the unfortunate woman Johanna Jorgensen was a romance and it was dramatically rounded off with the tragedy of her lingering and lonely death in the miserable and squalid hut at Runnymede East. But it now lacks one of the elements which gives the principal charm to a romance. The mystery that surrounded her has been solved … It is rather disappointing from a storytelling point of view that who the woman was and what the causes were that induced her to disclaim her sex are now known to every newspaper reader. In that respect the woman who called herself Ellen Tremaye and who for many years passed as Edward De Lacy Evans has the advantage of her.[33]

Treating these cases as stories required emplotment. The media versions of gender transgressors' life narratives did not faithfully relate every single detail of their experiences, but rather the points that were considered narratively interesting, historically notable, scandalous, or sensational. These elements were then incorporated into a structure that made narrative sense out of ordinary life. If journalists could not make sense of these stories, they were termed unsolvable mysteries.

The press was particularly interested in cases of gender transgression that involved (or were assumed to involve) violent crime. In 1920, Harry Crawford was charged and convicted with having murdered his wife Annie Birkett in 1917, despite a total lack of evidence linking him to the crime, or indeed any evidence that a crime had occurred at all.[34] Crawford's gender crossing substituted for actual evidence of murder. In 1917 his wife left

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[31] 'Notes on News', *Herald* (Melbourne), 6 September 1893, 2.
[32] 'Further Particulars', supplement to the *Bendigo Advertiser*, 5 September 1879, 1.
[33] 'This Elmore Romance', *Bendigo Independent*, 9 September 1893, 2.
[34] See Robin Eames, 'Problem bodies and queer legacies: Rethinking approaches to trans history in the case of Harry Crawford, Sydney, 1920', *Lilith: A Feminist History Journal* 25 (November 2019): 50–62.

him and disappeared, but her biological relatives did not report her as missing. Around the same time, an unidentifiable burnt body was found by the Lane Cove riverbank and ruled an accidental death.[35] When Annie Birkett's son learnt about Crawford's gender crossing, he reported Crawford to the police, suggesting that the unidentifiable body had belonged to his mother and that Crawford was responsible.[36] The case quickly exploded into a newspaper scandal, with Crawford labelled widely as the 'Man-Woman Murderer'.[37]

Multiple articles described Crawford as 'remarkable', including one that claimed this case of gender crossing was 'one of the most remarkable on record'.[38] Many labelled Crawford as 'mysterious', and not only in regard to the alleged murder; Crawford was described as a 'Mysterious Man-Woman' and as a 'Mystery Woman'. A later retrospective published in the 1950s described the case as a 'double mystery' of both murder and gender.[39] Although the burnt body was never conclusively identified, Crawford was convicted on the basis of contradictory witness testimony.[40] An article published after Crawford's death in 1934 was tellingly subtitled 'The evidence was weak, but none can doubt her guilt'.[41] In the absence of hard evidence for the murder charge, Crawford's gender deviance was considered to be evidence enough, ostensibly demonstrating both his deceptive character and a potential motive.

Concerns around deception, migration, and border policing were amplified in cases of gender crossing involving Chinese migrants. In 1935 in Darwin, the papers reported that a Chinese migrant had briefly returned to China with his daughter who had been born in Australia, and subsequently returned to the Northern Territory with a son travelling under the daughter's certificate.[42] After 'some years as a "girl", the child discarded the female garments and resumed male attire'.[43] The press claimed that Chinese residents of Darwin were 'greatly excited' by this report, though they were also characterised as 'reticent' on the

[35] Many people died on the banks of the Lane Cover River in the early twentieth century. The river itself was infamous for its pollution and poison gases, and deaths by drowning were frequent, usually ruled as accidents or suicides. The most infamous of these cases was the Bogle-Chandler case in 1963, which Peter Butt has convincingly argued was the result of hydrogen sulphide gas. Peter Butt, *Who Killed Dr Bogle and Mrs Chandler?* (London/Sydney/Auckland New Holland Publishers, 2017).

[36] Harry Bell Birkett, signed deposition. Criminal Investigation Branch, Sydney, 13 June 1920. Papers and depositions from Rex v Eugene Falleni, NRS 880, 9/7250, SARNSW.

[37] 'Falleni Freed: Man-Woman Murderer', *Voice* (Hobart), 28 February 1931, 3.

[38] 'The Man-Woman: Remarkable Murder Trial', *The Bundaberg Mail* (Queensland), 6 October 1917, 3; 'A Remarkable Murder Case', *Bowen Independent* (Queensland), 21 August 1920, 3; 'Sydney's Big Sensation: The Man-Woman Mystery', *Call* (Perth), 22 October 1920, 2.

[39] 'Mysterious Man-Woman', *Albury Banner and Wodonga Express*, 27 August 1920, 33; 'Mystery Woman: Charge of Murder', *The Argus* (Melbourne), 20 August 1920, 7; 'Murder with Double Mystery', *Mirror* (Perth), 25 October 1952, 9.

[40] Rex v Eugene Falleni, 30–33.

[41] 'The Riddle of the Burnt Body: Grim Find in Bush Led Three Years Later to Famous Trial for Murder', *Daily Standard* (Brisbane), 4 August 1934, 5.

[42] 'Chinese "Girl" is Now Boy', *Labor Daily* (Sydney), 9 October 1935, 6.

[43] Ibid.

matter.[44] The story was not investigated further, presumably as the child had already been 'accepted and allowed to remain', and the mystery had already unravelled.[45] Cases of gender crossing children were generally rare, and were swiftly dealt with when caught. In 1941 a 13 year old in Perth was arrested and charged with being neglected for having 'posed as a boy' after escaping from an institution.[46] The youth claimed to have 'always wanted to be a boy'; the judge said 'You had better make your mind up to be a girl'.[47]

The calculus of whether a story was considered to be complete or incomplete had less to do with the factual details of the cases, and more to do with the values, structures, social codes and conditions of the scandal's audience. Mysteries are after all unanswerable questions. But which questions were they asking? Which answers were they seeking or rejecting? Which lessons were they hoping to impart through the telling of these stories? Where was the border between a mystery and a misunderstanding?

The Elmore Romance

Jack Jorgensen became a *literal* character in a story several years after his death. Joseph Furphy's *Such is Life* includes a character that Furphy avowedly based on Jorgensen, Nosey Alf Jones (so named, in true inverted Australian fashion, because an injury had removed his nose). Nosey Alf is a boundaryman living in a hut in Runnymede East. Several details included about his life make him identifiable as the former sister of another character, Molly Cooper, who was kicked in the face by a horse, abandoned by a fickle lover, and subsequently disappeared.

Alf's history is never explicitly disclosed to the reader. We are left to put the pieces together ourselves. Everything is left veiled and unspoken. Details recur and collide enough to make the situation clear without ever forcing any particular revelatory moment. Furphy treats the subject with great delicacy, expecting the reader to read beneath the surface of the explicit narrative, just as nineteenth-century newspaper readers were expected to intuit the meaning of euphemistic speech. None of the other characters acknowledge Alf's gender crossing; as a result they are never required to condone or condemn it. Alf appears only briefly, but Furphy credits him with the title of the novel's most interesting character:

> More beautiful, otherwise, than a man's face is justified in being, it was (apart from sex) as if Pygmalion's masterpiece had fallen heavily, face downward, and then sprung into life, minus the feature which will least bear tampering with. The upper half of his

[44] Ibid.
[45] Ibid.
[46] 'News and Notes', *West Australian* (Perth), 12 July 1941, 6.
[47] Ibid.

> nose was represented by an irregular scar, running off toward the left eye, which was dull and opaque; the other was splendid, soft, and luminous … The somewhat wearisome minuteness of this description is owing to his being, at least in my estimation, the most interesting character within the scope of these scranny memoirs.[48]

Alf, unlike Jack, is never wholly exposed to his community or to the press. Like many others in the novel, Alf is a man with unexpected depths and more than one name. There are multiple ways of reading his story, and multiple narratives running beneath the surface of the text. The protagonist Tom Collins's encounter with Alf Jones is part of an intimate portrait of the Runnymede townstead, its boundarymen, its dry winds, and the curious intimacies and interconnectivity of its itinerant settler population. Aboriginal peoples appear in the text rarely, more as part of the setting and landscape than as part of the cast and characters. Part of Furphy's mythmaking is his imposition of settler-colonial autochthony in place of Aboriginal custodianship.

The construction of Australian history was itself a mythographic project. Stories like those of Evans and Jorgensen, alongside stories of bush rangers, larrikins, miners and soldiers, became part of the 'Australian' canon and were central to the construction of an 'Australian' national identity. This, perhaps, is why a version of Jorgensen was included in Furphy's attempt to capture the characters and relationships of frontier life in the formative colonial period. A central function of mythology is to define the boundaries of social behaviour, often by testing them and showing their limits. Greek myths teach of war, hubris, and hospitality; Norse myths teach of violence, power, honour and fate; Germanic myths teach children not to stray from the path; Aboriginal myths teach the interconnectedness of land, water, skies, and those who live in them; and Australian myths teach the limits of social mobility and permeability in the colonial order.

The mechanics Furphy uses to hint towards Alf's character and history are sometimes clumsy. Furphy has Nosey Alf take his name from the ex-lover who spurned him, Warrigal Alf Jones, a decision which makes very little narrative sense aside from being an on-the-nose (forgive me) nod to Alf's past and a flag for the reader. The name Alf itself derives from the Old English *ælf*, meaning elf, originally constructed in the Germanic tradition as mischievous and capricious.[49] When Collins first meets Alf, he spends a couple of paragraphs describing Alf's face, which despite the scarring is in his opinion 'more beautiful … than a man's face is justified in being'.[50] He notes that Alf 'had no scrub to burn off, except a faint moustache, unnoticeable but for its dark colour' (which Collins believes is caused by Alf having been

[48] Joseph Furphy, *Such Is Life: Being Certain Extracts From The Diary of Tom Collins* (Project Gutenberg, first published Sydney: Bulletin Co., 1903), https://www.gutenberg.org/ebooks/3470, chapter 4.
[49] 'Elf', *Online Etymology Dictionary*, accessed 15 September 2024. https://www.etymonline.com/word/elf
[50] Furphy, *Such is Life*, chapter 4.

'christened in immediate succession to a girl'); says that he is 'by no means a good stamp of a man – tapering the wrong way'; describes him as 'unbecomingly clean for a Saturday' and claims that he looks young enough that Collins first assumed that he was 'a mere lad'.[51] Later, when Alf plays the violin and sings, his 'voice rose in one of the sweetest songs ever woven from words', his music containing a 'yearning tenderness'.[52]

At one point Alf corrects Collins on the uses of a dressmaking material (bombazine), leading Collins to assume he had worked as a draper.[53] They argue about the differences between the writing of men and women; Alf defends the work of Eliza Cook, despite having been named as a misogynist earlier in the chapter because 'when he comes to the station, he dodges the women like a criminal'.[54] By chance Collins brings up Warrigal Alf, the traitorous suitor of Molly Cooper, and Nosey Alf presses him for details. Throughout this conversation Alf is emotionally turbulent, sometimes lying down on his bed and facing the wall, sometimes becoming wracked with tears. Collins describes Alf as a lunatic beset by mysterious fits, which he hypothesises are induced by the light of the full moon.

The explicit, surface narrative is that Alf is insane and that his behaviour is unpredictable and meaningless. The implicit and unspoken narrative is that Alf's emotional reactions are a rational response in the context of his gender and his history. Without context Alf is rendered as a lunatic. When his internal life regains complexity, his gender transgression renders him sane again. His gender crossing provides the conditions for him to be either sane or insane depending on the perception of the viewer. Alf is a man who has been scarred by past traumas, whose fierce and private grief is perfectly explicable in his circumstances, gruff and taciturn but extraordinarily expressive as a musician – a form of communication that Furphy informs us transcends the barriers of spoken language.

Once we realise Alf's past, the mystery of his wild and seemingly random anguish is solved. He ceases to be strange and off-putting and becomes known, ordinary. When Furphy's protagonist claims that Alf is 'the most interesting character' in the novel, it is probably not because of his gender. Collins never overtly makes the connection between Alf Jones and Molly Cooper. Perhaps he is referring to the tension between what is known and what is unknown, between the spoken and unspoken. Not long after Collins meets Alf, he speaks at length about 'the mutability of things'.[55] It is also possible that Collins is referring to the combination of Alf's disability and his unexpected musical talents. Alf is not the only sick or injured person in the novel, but he is the only character whose disability is given significant symbolic weight. Immediately after the section of the novel where Molly Cooper's story is

[51] Ibid.
[52] Ibid.
[53] In Furphy's literary world, men are expected to be ignorant of fabric and fashion unless they are being paid to know about it.
[54] Ibid.
[55] Ibid.

related, Collins uses the idea of a scar to symbolise the vast capacity of human free will to interrupt or exceed the limitations of fate:

> Yet a certain scar, tracing its origin to an antecedent alternative, will remain as the signet of that limitation under which the Divinity works— the limitation, namely, of Destiny, or the fixed issue of present effect from foregone cause; such cause having been perpetually directed and re-directed by recurring operation of individual Free-will, exercised, independently, by those emanations from the Moral Centre which, by courtesy, we call reasonable beings…
>
> The misty expanse of Futurity is radiated with divergent lines of rigid steel; and along one of these lines, with diminishing carbon and sighing exhaust, you travel at schedule speed… you don't know whether the section will prove rough or smooth, or whether it ends in a junction or a terminus, till the cloven mists of the Future melt into a manifest Present. We know what we are, but we know not what we shall be.[56]

Mitchell and Snyder point out that literary treatments of disability rarely invoke physical or mental impairment as part of natural human variation, or even as a sociopolitical struggle. Rather novelists almost always invoke disability and deviance as either 'a stock feature of characterisation' or 'an opportunistic metaphorical device'.[57] In literary representations,

> disability serves as an interruptive force that confronts cultural truisms. The inherent vulnerability and variability of bodies serves literary narratives as a metonym for that which refuses to conform to the mind's desire for order and rationality. Within this schema, disability acts as a metaphor and fleshly example of the body's unruly resistance to the cultural desire to "enforce normalcy"…
>
> Our phrase *narrative prosthesis* is meant to indicate that disability has been used throughout history as a crutch upon which literally narratives lean for their representational power, disruptive potentiality, and analytical insight. Bodies show up in stories as dynamic entities that resist or refuse the cultural scripts assigned to them… the disabled body represents a potent symbolic site of literary investment.[58]

Despite being based on a real person, Nosey Alf's facial scarring is not exempt from this treatment. Scars are not only scars but important symbols; Alf is not only a boundaryman but a representation of the endless untapped potential of human defiance. He is not,

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[56] Ibid.
[57] Mitchell and Snyder, *Narrative Prosthesis: Disability and the Dependencies of Discourse* (Ann Arbor: University of Michigan Press, 2010), 47.
[58] Ibid, 48–49.

however, someone to be envied or emulated – defiance, after all, is a close neighbour of deviance – but rather serves as comfort for the reader who fears adversity. Collins writes at great length on the significance of noses and Alf's lack of one, telling the reader that they should be grateful for having a nose (assuming, implicitly, that Furphy's readership does not include anyone who might share Alf or Jorgensen's disability). The message here is not that hardship and adaptation are an ordinary part of life, but that we should be thankful not to experience hardship and impressed when others adapt and thrive without our support.

Later, the morning after Collins spends the night in Alf's hut, Collins encourages Alf to give up his career as a boundaryman and pursue fame as a musician. As they part, Collins says to Alf:

> You're not worth your damper at this work; no man's ability is comprehensive enough to cover musical proficiency such as yours, and leave the narrowest flap available for anything else. I can see through you like glass. I could write your biography. And, believe me, you're no more fitted for this life than you are to preside over a school of Stoic Philosophy. You're a reed, shaken by the wind. Be a man, Alf. Turn your face eastward or southward, and challenge Fortune with your violin and your voice.[59]

Furphy's elaboration of Jorgensen's life is brazen and at times clumsy. He invents a fiancé to reject Alf due to his disfigurement, then reassures Alf that his scarring should not be a barrier to success, citing the example of Nelson and declaring that 'while a man merely conducts himself as a man, his scars needn't cost him a thought; but if he's an artist, as you are, what might otherwise be a disfigurement becomes the highest claim to respect and sympathy'.[60] Another narrative lies beneath the surface here: that disability can only be noble for great men who prove their worth through some secondary mechanism, whether it be musical genius or military valour.

Still, Furphy offers Alf a narrative dignity that Jorgensen was denied. Rather than dying in his hut and being exposed and degendered in the public eye, Alf leaves Runnymede and lives on as his chosen self. 'Be a man', Collins tells him, 'challenge Fortune', and he does.

Confused agencies and the spectre of social deviance

The individualist myths of gender transgressors were woven into larger preoccupations of the societies of their time. These included narratives around gendered social roles, women in the workforce, public and private spheres, domestic life, families and parenting, sexuality, military service, suffrage and other social rights and responsibilities.

[59] Ibid.
[60] Ibid.

Several articles were written speculating on Jorgensen and Evans's presence on the electoral roll, reflecting cultural anxieties around the recurring national debate on female suffrage. Two days after Jorgensen's death and exposure in the press, Sydney's *Evening News* pointed out that '[a]mong other masculine acts, the late Miss "Jack" Jorgensen secured an elector's right for 15 years, and voted at the Parliamentary elections for the Rodney electorate … remembering the recent grand jury fiasco, the question has been asked whether Miss Jorgensen's vote did not render the election invalid'.[61] The article further invited petitions to unseat Rodney members.[62] (The 'grand jury fiasco' occurred during prosecutions of Mercantile Bank, 'when the proceedings were held to be invalidated by the presence of a non-naturalised foreigner on the jury'; the *Bendigo Advertiser* called this an example of 'legal disabilities'.[63])

The week after Jorgensen's death, the *Argus* wrote: 'one naturally wonders whether "Jack" Jorgenson [sic] had a vote, and, if so, what she did with it'.[64] In 1893 women were not yet allowed to vote anywhere in Australia, but (white) female suffrage was a frequent and hotly contested topic in the papers and in Parliament. William Gaunson, a Bendigo local who had unsuccessfully run for the electorate of Avoca in June of 1893, was quoted as saying that '"Jack" Jorgensen, the woman who for so many years dressed, worked and lived as a man in the North-eastern District, would have exercised an invalid vote had she ventured to the poll. But "Jack" Jorgensen was a smart and effective member of the Mounted Rifle force. Her bullet would have found its billet as readily as those of her comrades had "Jack" been required on active service.'[65] Only days after both of these articles were published, Aotearoa/New Zealand passed a bill allowing women to vote, and redefining the legislative definition of 'person' to include women.[66] A year later, South Australia passed a similar law.[67]

A week after Jorgensen's death, *Punch* claimed that Jorgensen's case 'will doubtless give an unprecedented impetus to the Women's Rights movement in Australia' in the form of 'a feverish yearning to go to the poll … and more hysterical exhibitions on the public

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[61] 'The Late "Jack" Jorgensen: Her Right of Voting: A Peculiar Question', *Evening News* (Sydney), 9 September 1893, 6.
[62] Ibid.
[63] 'Exempt Jurors', *Bendigo Advertiser*, 4 October 1893, 2.
[64] 'Politics and Patterns' *Argus* (Melbourne), 12 September 1893, 6.
[65] 'Untitled', *North-Eastern Ensign* (Benalla, Victoria), 14 December 1894, 2.
[66] *New Zealand Electoral Act* 1893 (57 VICT 1893 18), http://www.nzlii.org/nz/legis/hist_act/ea189357v1893n18180/?fbclid=IwAR0mQprtBd0cobD0I-BMVQUxmTDV5B2aiDD0Bmg0pSeFipKAhKDZT5itxZU. Maōri women were included in this Act, but lunatics, convicts, aliens, anyone under 21, and anyone who had lived in the colony for less than a year were excluded.
[67] Aboriginal women were included in the South Australian law, though they were often discouraged or obstructed from voting. Several Ngarrindjeri women voted in the 1896 election. Aboriginal men had been legally allowed to vote in South Australia since 1851. This was rescinded after Federation in 1902, when the passage of the *Commonwealth Franchise Act* excluded Aboriginal and Torres Strait Islander peoples from voting in Federal elections. See 'Aboriginal women and the vote', South Australian Office for Women, accessed 19 March 2023, https://officeforwomen.sa.gov.au/womens-policy/125th-anniversary-of-suffrage/aboriginal-women-and-the-vote.

platform'.[68] (Jorgensen was generally characterised more as eccentric than medically insane, but he was still accused of causing insanity in others.) The article called Jorgensen the 'latest manifestation of women's equality', claiming that Jorgensen would inspire suffragists to fight for 'nothing short of complete reform: that is the suffrage to her sex, and the privilege of wearing the bifurcated garments of the male'.[69] It continued:

> "Jack" Jorgensen has demonstrated that with fair play woman can earn her living at manual labour, make a very serviceable soldier, exercise the suffrage and make love. The Elmore mystery was not a brilliant success in the latter occupation, but for fifteen years she went to the poll with the regularity and self-reliance of the most hardened masculine elector, and recorded her vote without even manifesting any fear that there was a rat in the ballot-box. Since Miss Jorgensen could do all this without official opposition simply because she had discarded the skirts and the bangs with which her strong-minded sisters are afflicted by custom and precedent, and produced a weak and [rambling?] moustache by intense culture, why, the screaming sisterhood will ask, should not they also go and do likewise?[70]

The screaming sisterhood's response to Jorgensen was actually fairly lukewarm, though suffragists did make a note of both his electoral participation and his employment. In *The Dawn: A Journal for Australian Women*, a suffragist publication printed in Sydney:

> A WOMAN who dressed in man's attire and was known as Jack Jorgensen died in Victoria. The funny part of it is that she was a member of the mounted rifles; she also secured an elector's right to vote and used it. Instances where women do men's work from choice are not scarce, but the reverse is rare.[71]

At the time women's rights campaigners were arguing for more than just trousers and the vote. They were also concerned with personal and property rights, equal employment and pay, and freedom from spousal abuse, among other issues. The *Dawn* was published by an all-women team of editors and writers, which brought it into conflict with the typographists' trade union, as it meant that the *Dawn*'s editorial team was working for lower wages. The note on Jorgensen was published alongside comments on the employment of women as cleaners in the Sydney School of Arts, and the certification of the 'first woman engineer in the world' (incorrectly cited as Annie de Barr, described elsewhere as a 'petticoat engineer').[72] As with gender crossing, depicting social phenomena as the first of their kind served to reify perceptions that these phenomena were unlikely and marginal.

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[68] 'Current Notes', *Punch* (Melbourne), 14 September 1893, 1.
[69] Ibid.
[70] Ibid.
[71] 'News and Notes', *Dawn* (Sydney), 2 October 1893, 21.
[72] 'News and Notes', *Dawn* (Sydney), 2 October 1893, 21; 'She Runs an Engine: Miss De Barr's Trade is an Unusual One for a Woman', *Williamstown Chronicle* (Victoria), 6 December 1890, 2.

Many press accounts of gender transgression stressed the idea of confusion or ambiguity – usually on the part of the reporter, not the subject. When Edward de Lacy Evans's wife Julia Marquand sued J. B. Loridan for child support, the gendered terminology used by the press was deliberately baffling. The *Bendigo Independent* wrote that:

> Briefly the point to be decided is whether the woman Ellen Tremaye is, or is not the "father" of his (or her) "wife's" child. In the event of the Bench of Magistrates deciding that the woman cannot be a father, the paternity will probably be traced to some persons of the male gender.[73]

Articles like this conveyed anxiety around social categories being considered newly permeable or even arbitrary, but often in a rather dry register. Nineteenth-century journalists writing anonymously often took the opportunity to inject personal observations or witticisms, and Australian newspapers – particularly local papers – were frequently unserious even in the pages of apparently reputable publications.[74] Humour was a common tactic used to deflect potential anxiety, or to make subversive allusions without explicitly sympathising in a way that the newspaper could be criticised for. In this instance the *Independent* uses scare quotes to bring the meanings of terms like 'father' and 'wife' into question, but then quickly reassures the reader that the child's true father would 'probably' be male. Another article in the *Leader* proposed a tidy solution to the 'physiological puzzle' of Evans and Marquand having a daughter:

> It has been hinted to me that perhaps a further mystery has to be unravelled. The sex of the man impersonator's wife who contributed to increase our population has not as yet been substantiated. As Ellen Tremaye personated a man, perhaps the presumed mother of the child may have been equally successful in concealing his sex. Given that the wife was really the husband, it becomes plain that the so-called husband was the wife, and the problem is solved. Before any speculative theories are indulged in as to the mysterious baby, it would be just as well to make sure whether the *soi-disante* wife was really a woman.[75]

Jack Jorgensen was also described as puzzling. 'To some', wrote the *Portland Guardian*, 'the case of this she-soldier will seem a jest; to others it represents a grave psychological puzzle; but examples of this odd quarrel with sex on the part of women are almost innumerable.'[76] In

[73] 'Items of News', *Mount Alexander Mail*, 21 October 1879, 2, reprinted from the *Bendigo Independent*.
[74] I refer here to newspapers like Melbourne's *Age* and the *Sydney Morning Herald*. Publications like *Punch* and *Truth* were of course significantly more frivolous, and would probably have considered the descriptor 'serious' to be grounds for libel action.
[75] *Wallaroo Times and Mining Journal* (South Australia), 27 September 1879, 2, reprint of an article from the *Leader*.
[76] 'A Strange Disclosure', *Portland Guardian*, 8 September 1893, 2.

other words, some might have considered Jorgensen's story to be entertaining, others threatening, but it should not have been considered rare.

Sustained gender transgression was generally framed as a vice only when it was tied to queer sexuality, though even then it was still often spoken about as mysterious and confusing. After Evans's exposure in the press, several journalists joked about suddenly doubting the genders of people that they encountered in daily life. Despite the fact that Evans had already been institutionalised and reintegrated into the gendered order, the very news of his existence seemed to erode and destabilise foundational assumptions around gender. The desire to identify ulterior motives was tied to this perceived destabilising of gender norms; if Evans, and others like him, had crossed gender categories for reasons that were legible to the public – such as for safety, economic benefit, criminal disguise, or sexual gratification – then the confusion and instability could be resolved. However, if no ulterior motive could be located, then the broader public was forced to reckon with the thought of gender-crossing as a destination in itself, rather than as an avenue to other goals. This was a profoundly unsettling prospect.

Marjorie Garber argues that gender-crossing and cross-dressing introduce a 'third term', or a 'third space of possibility': gender transgressors possess 'an extraordinary power … to disrupt, expose, and challenge, putting in question the very notion of "original" and of stable identity'.[77] Even in cases where gender transgressors were moving between fixed binary positions, without occupying a midpoint of androgyny, the act of crossing itself was received as 'a space of possibility structuring and confounding culture: the disruptive element that intervenes, not just a category crisis of male and female, but the crisis of category itself'.[78]

Garber is overly generous in her grouping of all forms of gender transgression, temporary or long-term, under the banner of transvestism. The 'third term' that she describes is more of a cultural phenomenon than an interpersonal one, and is a useful analytic for recent Western history but less relevant in cross-cultural application. With that distinction, the 'crisis of category' is a very useful device for examining the broader cultural reception and processing of gender transgression. This is aptly demonstrated in a satirical article in Melbourne's *Punch*, in which De Lacy Evans is depicted as switching between masculine and feminine affects at will, causing the reporter's amanuensis to have an emotional breakdown:

> DE L. … (Laughs like a man, then sneezes like a woman.)
> REP. (excitedly).–Very good. Now would you mind talking like yourself, for old times' sake, just to keep your hand in?

[77] Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York: Harper Perennial, 1993), 16.
[78] Ibid, 17.

DE L.–Oh, sir (crying), oh, sir (side glances), but you will tell– (smiles most bewitchingly.)
REP.–Wonderful! Now the other! Quick!
De L.–Shut up (gruffly)…
BOY (sobbing).–Is she a man or a woman?[79]

On a community level, gender transgressors were ordinary neighbours and friends, and did not necessarily induce any kind of crisis. On a cultural, national, and political level, however, gender transgression was a crisis that could never be resolved so long as the binary modes of gender were held as fundamental pillars of social and economic structures. Every iteration of 'another masquerade' was therefore a recurrence of the same old crisis, often invoked somewhat tiredly rather than urgently, but never quite allowed to enter the realm of normalcy.

The *Bendigo Independent* was notably more sympathetic than the *Bendigo Advertiser* in their respective coverage of both Jorgensen and Evans. Of Jorgensen, the *Independent* wrote that the presumed 'torture of mind and body which the poor creature must have endured all those years would, in the case of many persons certainly have culminated in madness or death. She appears to have been strictly moral throughout her life'.[80] The 'torture' was not a reference to lack of peer support, the literal and figurative policing of gender crossing, the imagined hardship of a sense of internal gender incongruence, financial precarity, or the difficulty of carving out an authentic life in a hostile world. Rather it seems to be a reference to the entirety of Jorgensen's 'mournful existence', and specifically to the assumption that his masculinity was a desperate response to living with a 'repulsive looking' scar that 'seemed to become uglier' with age.[81] Scars are healed wounds, not acute injuries; there is no evidence that Jorgensen's scar caused him any pain or discomfort aside from making him a target of social vilification. The *Independent*, however, projects discomfort onto him almost to the extent of martyrdom. Jorgensen was considered 'strictly moral' simply for continuing to live with a disfigured face rather than succumbing to insanity or suicide. Jorgensen himself did not seem to share the newspaper's belief that his life was 'wretched': the same article describes him as constantly smiling.[82]

Facial disfigurement was not the only pathway of moral redemption. Stories about gender crossing men were especially popular if they could be interpreted as violating social norms for the sake of upholding some kind of greater social narrative. Stories of military valour were especially common, and Jorgensen was easily incorporated into this genre. Sydney's *Evening News* noted that his case 'recalls many stories of the kind':

[79] 'Interviewing the De Lacy Evans', *Melbourne Punch*, 11 September 1879, 8.
[80] 'The Extraordinary Discovery Near Elmore', *Bendigo Independent*, 8 September 1893, 2.
[81] Ibid.
[82] Ibid.

> Jack Jorgensen, as D'Arcy [sic] Evans's almost equally strange successor was called, had it seems, besides taking to the decidedly masculine occupation of a farm laborer [sic], been a member of a corps of Mounted Rifles. This fact also suggests many legends, authentic and otherwise, of women who have donned a military uniform and succeeded in concealing their sex notwithstanding their exposure to all the dangers and the rough experiences incidental to a soldier's life. In the last century more than one woman thus actually followed the "trade of war" in the English army, as has duly been recorded by contemporary chroniclers. Probably every army that has ever served could boast of having a greater or lesser number of such disguised Amazons in its ranks.[83]

Other contemporaneous articles were fascinated by the West African regiment of female soldiers known as the *Mino* ('mothers'), referred to in the Australian press as the Dahomey Amazons. Articles on the *Mino* were generally filled with a derogatory mixture of praise and insults; they were called 'extraordinary', 'illustrious', 'ambitious', 'slender, but not handsome', 'repellent', 'hideous', 'several shades darker than the shades of Erebus', 'easily the superiors of the men', and 'exceedingly important, and arrogantly jealous of their prerogatives'.[84] Adelaide's *Evening Journal* wrote that 'no soldier ever had greater or more undaunted courage than have these women, whose every thought is one of conflict'.[85] The *Mino* reportedly marked their faces with tattoos and ritual scarification, though they do not seem to have been compared to Jorgensen on this basis. Of course the *Mino* had little in common with Jorgensen to begin with. Jorgensen lived as a man, was employed in a division of the Australian colonial infantry, and never saw actual warfare. The *Mino* lived as women, were highly skilled trained warriors, and fought many battles against French colonisers in the Franco-Dahomean Wars.

A Sydney newspaper noted that the word Amazons had come to be 'incorporated into the English language as expressing a masculine woman', rather than a military woman.[86] Newspaper articles often conflated gender crossing in the military with cultural anxieties about women working in supposedly masculine occupations. In 1897 an article from the *Admiralty and Horse Guards Gazette* reprinted in *Border Watch* observed that in Australian press coverage of the so-called Dahomey Amazons, 'the idea of women usurping man's place in the battlefield was looked upon as being, something quite original; whereas it would

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[83] 'Parliament Summoned', *Evening News* (Sydney), 6 September 1893, 4.
[84] 'The Dahomey Amazons', *Sydney Mail and New South Wales Advertiser*, 9 May 1891, 1043.
[85] 'The Women Warriors of Dahomey: The Amazons', *Evening Journal* (Adelaide), 6 August 1892, 5; 'Dahomey Amazons', *Week* (Brisbane), 22 November 1890, 30; 'Dahomey Amazons', *Gippsland Mercury* (Victoria), 12 September 1893, 4; 'The Dahomey Amazons', *Sydney Mail and New South Wales Advertiser*, 9 May 1891, 1043. Erebus was the Ancient Greek primordial god of darkness, and sometimes invoked as one of the names of the underworld.
[86] 'The Dahomey Amazons', *Sydney Mail and New South Wales Advertiser*, 9 May 1891, 1043.

simply be a case of history repeating itself … there have been many such heroines'.[87] These 'heroines' apparently included Dr James Barry, James Gray (more widely known as Hannah Snell), and John Taylor (known as Mary Anne Talbot).[88]

According to the *Watch*, all of these 'Amazons' were 'respectable women', unlike Mark (or Mary) Read and Andy (or Anne) Bonny, two notorious gender crossing pirates.[89] This description might have come as a surprise for those who knew James Barry, who was gentle with patients but infamously caustic with everyone else; and who very deliberately lived and died as a man.[90] Evidently 'respectable womanhood' was less about respectability – or indeed womanhood – and more about compliance with the aims of the British Empire. A slightly different version of the same article was titled 'Men-Like Women' and claimed that a female volunteer corps would be 'officered by some extreme disciples of the "New Woman" cult'.[91] The 'New Woman', also known as the 'wild woman' and the 'odd woman', was a title applied to nineteenth-century British and colonial women who sought emancipation, education, and employment, and who often rejected cumbersome Victorian fashion norms in favour of more practical clothing.[92]

I have yet to find any evidence that Evans, Jorgensen, Moate, Edwards, Crawford, or any of the other cases I have mentioned were active in the movement for women's emancipation. This seems to be a projection of the nineteenth-century press. Rather than rejecting restrictive gender norms, transmasculine gender transgressors mostly assimilated into the gendered power hierarchy, often as a condition of their social acceptance. The disproportionate representation of white transmasculine people in the historical record was in part a product of the complex social calculations determining in-groups and out-groups; that is, who was 'in community' and who was relegated to the position of external threat. Certain types of stories were more popular and permissible than others, even within the ranks of those with a better chance of attaining social acceptance.

Edward Moate was well-liked in his immediate community, but after the death of his employer he lost the social capital that was protecting him from arrest and institutionalisation. Moate did not have an intriguing backstory, explanatory narrative justification, or a redemptive claim of usefulness to the emerging colonies. After he was taken to the asylum, he disappeared from public view entirely, and his story did not meaningfully reoccur in the press. Ellen Maguire, charged with vagrancy and sodomy in 1863,

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[87] 'Women in Battle', *Launceston Examiner* (Tasmania), 15 May 1897, 14, reprinted from the *Admiralty and Horse Guards Gazette*.
[88] Ibid.
[89] Ibid.
[90] Mariel Tishma, 'A Surgeon and a Gentleman: The Life of James Barry', *Hektoen International: A Journal of Medical Humanities* 12, no. 3 (2020). Online. https://hekint.org/2020/04/03/a-surgeon-and-a-gentleman-the-life-of-james-barry/
[91] 'Men-Like Women', *Border Watch* (South Australia), 20 January 1897, 4.
[92] Iveta Jusová, *The New Woman and the Empire* (Ohio: Ohio State University Press, 1966), 1.

also disappeared after she was incarcerated (later dying after six years in prison).[93] Although Maguire was labelled with the same 'extraordinary' title as Evans, the press referent used for Evans was the London case of Boulton and Park – another story of transfeminine people arrested in 1863, but one that was more enduring and perhaps more publicly palatable than Maguire's.[94]

A major focus of my project has been interrogating why certain opportunities, communities, and narrative possibilities were made available to some and denied to others. From the material encounters in medical and legal records, and from the narrative encounters in Australian newspapers, the overarching logic governing the lives of gender-crossers was one of colonialism and capitalism producing gendered subjects in service to colony and capital.

Edward de Lacy Evans, Jack Jorgensen, Bill Edwards, Harry Crawford and many others were constantly revived (or exhumed) in service of a continuing but self-reinventing narrative about masquerade, largely revolving around their supposedly masculine labour. The stories about transfeminine gender-crossers were by contrast fragmented, infrequent, and far more likely to be hostile than sympathetic. This began to change around the 1940s, at which point transfeminine gender crossing could be woven into the emerging medicolegal framework of transvestism/transsexualism. Stories about First Nations gender transgressors were usually made sense of within the frameworks of colonialism and racial transgression, rather than sexual or gender transgression. Stories about Chinese gender transgressors revolved around cultural anxieties with regard to migration and border policing (both on an international and local level).

Newspaper representations of gender crossing reveal insights into broader constructions of gender, community, politics, and the economic order. By closely examining what was written – and left unwritten – in the colonial press and in colonial literature, we can better understand the social interplays of masculine and feminine social roles, gendered hierarchies of power, private and public social spheres, and the gendered dimensions of the colonial project. Gender transgressors were often described as if they were characters in a story, and their stories were rewritten to adhere to colonial norms. Nineteenth-century and early twentieth-century reporters projected their own uncertainties and assumptions onto the people they wrote about, particularly around the reasons why people crossed gender categories, and the social meanings of that gender crossing. Newspaper and literary narratives promoted the idea that transmasculine gender crossing was usually for the sake of upward economic mobility, and that transfeminine gender crossing was due to sexual

[93] Chesser, *Parting with my Sex,* 147–171.
[94] 'The Extraordinary Case', *Herald* (Melbourne), 20 October 1863, 4; 'Boulton and Park Outdone: A Woman Takes Three Wives', *Australian Town and Country Journal* (Sydney), 6 September 1879, 11.

degeneracy or criminal motives. The material realities of gender transgressors, however, rarely mapped neatly onto the prescribed social narratives.

In any given society, the stories people told about themselves are highly revelatory. By examining the elements of continuity and of departure, we can gain valuable insight into the social norms of the time. These stories are not reliable sources for establishing historical facts, but they are valuable sources *as stories*, as the myths produced by a particular culture at a particular time. Newspapers and literature were not the only avenues of storytelling around gender crossing, but they played a major public role in both recording the shape of public opinion and shaping the record of public opinion. The difficulty was that gender crossers did not only exist on the page, or as characters in a story. They were real, complex, messy people, and their communities were forced to confront that complexity when their lives did not align with their literary representations.

7: Transgressive Performance

> Because most people have great difficulty recognising the humanity of another person if they cannot recognise that person's gender, the gender-changing person can evoke in others a primordial fear of monstrosity, or loss of humanness. That gut-level fear can manifest itself as hatred, outrage, panic, or disgust, which may then translate into physical or emotional violence directed at the person who is perceived as not-quite-human.
>
> —Susan Stryker, *Transgender History*[1]

Just a Little Prank

When legal charges of vagrancy or offensive behaviour were made on the basis of gender-crossing, a common defence was to claim that the gender-crossing was only done for a joke, a lark, a prank, or as part of a temporary performance. This was common across both transmasculine and transfeminine experiences, though the defence played out in different ways and with different stakes. The narrative of 'joking' gender transgression was one of several pathways of narrative redemption. Transmasculine gender-crossers were more likely to be seen as redeemable, particularly if they could be forcibly reintegrated into the category conditions of womanhood. Transfeminine gender-crossers were more likely to be seen as inherently suspicious, criminal, or predatory, though if the gender transgression was temporary (on or off stage), coherently derogatory, and acceptably funny, it was sometimes possible to evade serious legal or social backlash.

Essentially what was at stake was whether a departure from the gendered order could be rendered as transient and facetious, and whether the person involved could sufficiently disavow the spectre of gender deviance. Straight men playing jokes were given more latitude than queers of any stripe, but they were often warned that such jokes were 'dangerous'.[2] If the joke was deemed to be unfunny or 'no laughing matter', the consequences were dire: transfeminine people were far more likely to be criminalised, and when they were found guilty in court they were given harsher fines and longer prison sentences than transmasculine people convicted of similar crimes.[3]

Despite the frequency of the 'joke' defence, it relied on the fragile presumption that cross-dressing was always and inherently amusing. Even on stage, cross-dressing was not considered universally harmless or hilarious. A review of a cross-dressing farce in 1921 dryly observed that 'overcom[ing] any scruples' around the moral weight of gender-crossing was

[1] Susan Stryker, *Transgender History* (Berkeley, CA: Seal Press, 2008), 6.
[2] 'Points in Passing', *Northern District Standard* (Victoria), 9 September 1915, 6.
[3] 'The Men in Women's Clothes', *Wagga Wagga Advertiser and Riverine Reporter* (NSW), 13 August 1870, 4.

necessary in order to enjoy the play.[4] 'Granted that there is any humor [sic] in a man masquerading as a woman,' the review surmised, 'the rest becomes easy'.[5]

In 1915 Lindsay Kemble was arrested in Adelaide for having 'unlawfully disguised herself as a woman'.[6] The arresting police officer, Constable White, reported in court that he had seen Kemble several times walking about at night in the company of men; the officer accompanied her home, removed her wig, and then returned later to arrest her.[7] White recounted the following exchange:

> Constable White: I have reasons to believe that you are a man dressed in woman's attire. I want you to come to the police station.
>
> Lindsay Kemble: I am a woman.
>
> White: Come to the watch house with me and be searched by a woman searcher.
>
> Kemble: No, surely you don't want a woman to undress in the street.[8]

After Constable White insisted on charging Kemble as an 'idle and disorderly person' if she did not agree to come in for a search, she then claimed that she had only been dressing as a woman for a 'joke', a 'prank', and a 'bet', the latter variously reported as a bet to 'pass all the policemen in the streets without them knowing' or to 'pass as a woman for two months without being detected' (notably, the police had been following Kemble for two months before she was arrested).[9] An intercolonial paper reported that Kemble 'had a giddy time with the "boys"… The little joke cost the man-girl £2/16'.[10] Presumably she felt that it was worth it, as the papers reported that Kemble's court trial was followed by 'the greatest success ever achieved by any individual performer', performing in vaudeville shows to sold-out Adelaide theatres.[11]

Soon after her conviction, she was recording a motion picture, which showed 'the girl-boy "doing" the city with some well known identities', including 'many laughable and

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[4] 'Charley's Aunt', *Dubbo Liberal and Macquarie Advocate* (NSW), 16 August 1921, 2.
[5] Ibid.
[6] 'In Woman's Clothes', *Chronicle* (Adelaide), 16 January 1915, 16.
[7] Ibid.
[8] Ibid.
[9] 'In Woman's Clothes', *Chronicle* (Adelaide), 16 January 1915, 16; 'A Youth's Masquerade: In Woman's Clothes: A Serious Joke', *Daily Herald* (Adelaide), 13 January 1915, 3.
[10] 'News and Notes', *Queanbeyan Age and Queanbayan Observer* (NSW), 19 January 1915, 4.
[11] 'Lindsay Kemble Coy', *Port Pirie Recorder and Western Mail* (South Australia), 1 February 1915, 3.

interesting episodes in connection with his astonishing escapades'.[12] The picture was successful, and Kemble went on tour to Victoria, but soon enlisted to fight in the Great War.[13] During her time in the armed forces she saw active combat, but also continued performing as a female impersonator on stage, this time as entertainment for the troops.[14] 'I got into petticoats before I donned khaki', said Kemble in an interview in 1920.[15] 'I made most of my own frocks in France … I had no sisters to initiate me into the mysteries of modern dress and feminine coquetries. I had to study other men's sisters, unlike my friend, Roy Gleister, who is the brother of six.'[16] After returning home Kemble continued performing. In another interview she said that a 'theatre wrap that I wear created quite a furore in Melbourne. Several ladies sent round to the stage and asked for the pattern.'[17]

Kemble continued performing as 'Mademoiselle Mimi' at least until 1922, when a New South Wales newspaper declared that '[p]ractically every returned soldier knows either Chas. Holt, Lindsay Kemble, or Tiki Carpenter, the three female impersonators of the "Smart Set Diggers"'.[18] Their Sydney season ran for eight months and 'opened with Sir Benjamin and Mr John Fuller in the National Theatre'.[19] In the 30s, a break in her performing career led to Sydney newspapers asking what had become of her.[20] In 1954 she gave an interview revealing that her vaudeville career had 'slumped with the advent of "talkies"'; at that time she was working as a bar steward at the Mackay R.S.L. Hall.[21] This last interview noted that Kemble's great-uncle and great-aunt were John and Fanny Kemble, 'members of the Old Vic company … well known on the British stage'.[22] This relation, as well as Kemble's military participation, possibly explains why she managed to evade serious legal consequences throughout her life.

[12] 'Amusements Tonight: The Lindsay Kemble Films', *Port Pirie Recorder and North Western Mail* (Adelaide), 11 February 1915, 3.
[13] 'Where there's a Girl there's a Boy', *Burra Record* (South Australia), 31 March 1920, 3.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] 'A Chat with Mr. Lindsay Kemble, the Female Impersonator with the All Diggers Company at the King's Theatre', *Critic* (Adelaide), 2 June 1920, 8.
[18] 'Smart Set Diggers', *Singleton Argus*, 19 August 1922, 6.
[19] Ibid.
[20] 'Mademoiselle Mimi's Catch', *Smith's Weekly* (Sydney), 5 March 1938, 16.
[21] 'Old Digger Played in Vaudeville for Royalty', *Daily Mercury* (Queensland), 12 January 1954, 4.
[22] Ibid.


LINDSAY KEMBLE,
The well-known Female Impersonator appearing at King's Theatre.

'Lindsay Kemble, the well-known Female Impersonator appearing at King's Theatre', Critic (Adelaide), 1 February 1922, 8.

In January 1923, 18-year-old waiter Leonard Patrick Keith Thompson was arrested in Hobart and fined £5 (in default one month's imprisonment) for having stolen a dressing gown and a pair of silk stockings.[23] The stockings were 'cut down and worn as socks', which the papers described as an act of 'larceny of wearing apparel'.[24] Hobart's *World* commented that the defendant 'had recently set out on a bad career', and reported the following exchange:

> The P.M.: Have you any explanation to make about this, Thompson?
> Defendant: No, sir; but I will get another pair of stockings.[25]

Just under a year later, a 19-year-old butler named Leonard Keith was arrested in Melbourne for dressing as a woman. Keith may or may not have been the same youth who was previously arrested in Hobart; the papers reported that Keith had been born in Sydney, that she had worked as a dressmaker there, and that she

> had many adventures in Sydney dressed as a woman… Once he was travelling in the last tram home, after attending a ball in woman's attire. He was followed by two men.

[23] 'Sydney Girl's Stockings: Waiter Cuts Dash', *Sun* (Sydney), 7 January 1923, 2.
[24] 'Seaside Sox: Silk hose "Cut Down"', *World* (Hobart), 6 January 1923, 4; 'Police Courts', *Mercury* (Hobart), 6 January 1923, 13.
[25] Ibid.

> He sought the assistance of a constable, who put the pursuers to flight and offered to accompany the "lady", as he thought, home. Keith evaded the constable.[26]

The trial was not taken particularly seriously by anyone involved, with the significant exception of the defendant (who was described as 'speaking gently').[27] The newspapers noted that the proceedings of the court 'were frequently interrupted by bursts of laughter, in which members of the Bench heartily joined'; that the arresting police officer's deposition was accompanied by 'loud laughter'; that the magistrate was 'amazed' and 'obviously amused'; that the 'bench, witnesses, and court officials were at times convulsed with laughter'; and that the trial itself was a source of 'considerable amusement'.[28] The Melbourne *Age* described the beginning of the trial as if it was a farce:

> Sergeant O'Reilly (to the Police Magistrate): This woman is a man.
> The Police Magistrate: What! (Laughter.)[29]

Keith had been accosted by two plain-clothes constables while walking down Collins St, after one of the constables saw her 'talking to a woman in the doorway of the Victoria Coffee Palace', subsequently following her until she 'stopped to talk to a man'.[30] According to the Melbourne *Age* reporter who attended the trial, Constable McCann then confronted Keith 'and asked him how long he had been carrying on the joke'; Keith said that it was her first night in the area and that she was a married woman; the constable asked where her rings were; she said she had left them at home. McCann said 'Well, you have a voice like a male. Are you a man?', after which Keith said that she was only dressing as a woman as a test run for a fancy-dress charity carnival in Brunswick the following Saturday.[31]

Keith's defence in court – where she appeared still wearing the women's clothes she'd been arrested in the night before – rested heavily on the fact that the secretary of the forthcoming carnival had already spoken to the Brunswick police about their plans, and

> obtained permission for him (defendant) to wear female clothing. The idea was that if anyone penetrated his disguise at the carnival, they would be entitled to a prize. If he went through with the joke successfully the money would revert to charity. It was to test the effectiveness of his make-up that he had gone for a walk on the Block on

[26] 'You Pass Well!', *Sun* (Sydney), 30 November 1923, 7.
[27] Ibid.
[28] 'You Pass Well!', *Sun* (Sydney), 30 November 1923, 7; 'An Amazing Masquerade: Man in Woman's Clothes', *Age* (Melbourne), 1 December 1923, 17; 'Youth Attired as a Woman', *Sunraysia Daily* (Victoria), 1 December 1923, 3.
[29] 'You Pass Well!', *Sun* (Sydney), 30 November 1923, 7
[30] 'An Amazing Masquerade: Man in Woman's Clothes', *Age* (Melbourne), 1 December 1923, 17.
[31] Ibid.

> Thursday night. Permission, he understood, had been obtained from the police, and he thought it would be alright. "I didn't go there to accost anybody", said defendant.[32]

Verbal permission from the Brunswick police for a specific event was not enough to protect Keith from police harassment in Melbourne's CBD. Similarly, the cheerful reception of Keith's 'joke' in court was predicated on a certain schadenfreude. As a defendant on trial for offensive behaviour, the court was willing to regard the entire situation as a hapless young man's ill-considered prank, aided by the claim that the prank was in service to charity. But the humour did not extend to Keith's perceived violation of public space: as evidenced by the fact of her arrest, the 'joke' was only funny after it had been contained and punished.

The constables who arrested Keith did so because they regarded her as suspicious, not because they found her humorous; humour was not a punishable offence, but disorderly public behaviour was. The police magistrate, Mr Knight, appeared to disagree that Keith's conduct was disorderly: he questioned what authority the police had 'to show that it is an offence for a man dressed as a woman to parade the street', given that there was no specific law prohibiting it.[33] The police sergeant responded that Keith's 'conduct was offensive to the police'.[34] The closing remarks of the police magistrate were reported as follows:

> If you had been found in certain places, your action would have been regarded in a more sinister light. The police say that your conduct was an offence under common law, and I think that you were sailing very close to the wind. I would advise you not to repeat this masquerading. I think you pose very well. (Laughter.) You are discharged.[35]

Like vagrancy, the charge of 'offensive behaviour' was a broad and malleable category, applied mainly at the discretion of the police force. It was often grouped with charges for public drunkenness and disorderly or riotous conduct. In 1851, the arrest of a sailor (William Knight) wearing women's clothing led to a riot in Sydney.[36] A number of other sailors (including John Clarke, described as 'a good-looking coloured sailor') visited the watchhouse attempting to free Knight; as the violent disturbance grew, more sailors gathered and were arrested en masse.[37] When the sailors were brought to trial, several complained that they 'had been cropped of their hair and whiskers before they were tried and convicted of any offence, a proceeding which they considered harsh and illegal'.[38] This was one of many cases

[32] Ibid.
[33] 'Offensive Behaviour', *Barrier Miner* (Broken Hill), 4 December 1923, 4.
[34] Ibid.
[35] Ibid. Elsewhere this final remark was reported as 'pass very well', and the advice given was 'not to repeat this joke again'; see 'Offensive Behaviour', *Barrier Miner* (Broken Hill), 4 December 1923, 4.
[36] 'Riotous Conduct', *Empire* (Sydney), 26 August 1851, 3.
[37] 'Riotous Conduct', *Empire* (Sydney), 27 August 1851, 3.
[38] Ibid.

of sailors being prosecuted for drunken frivolities (often including gender crossing) on shore leave.

At times the charge of offensive behaviour was used by police to quell political dissidence. In 1917, Adela Walsh (nee Pankhurst) was charged with offensive behaviour and sentenced to a month in prison, for booing at police at a demonstration outside Melbourne's Parliament House.[39] In January of 1918, a gathering of Walsh's supporters consisting of '40 to 60 persons, understood to be Socialists, and a majority of whom were women' met outside the prison where Walsh was serving time to serenade her.[40] The serenaders were dispersed by the police, and two of them were also charged with offensive behaviour and gaoled for a month.[41]

One of the functions of the police was to maintain and enforce the gender norms of the settler-colonial state. David Philips writes that the development of the police in colonial Australia was a messy and non-linear process. In early nineteenth century England there was broad opposition to the establishment of a government-run police force, as the idea was considered 'essentially foreign (especially French), tyrannical and threatening to the civil liberties of the population'.[42] At the wild frontier of the Australian convict colonies, it was easier to justify the establishment of a police force to ward against convict violence, bushrangers, and Aboriginal resistance.[43]

This took the form of several dislocated bodies: the Water Police at the harbours and ports, the Town Police in Melbourne and Geelong, the Rural Police in the declared districts (settled rural areas), and beyond the unsettled frontier the Mounted Military Police, the Border Police, and the Native Police, comprised of Aboriginal peoples weaponised largely against other Aboriginal peoples.[44] Initially the police forces were criticised for their inefficiency, and for being detective rather than protective forces (that is, responding to crimes only after they were committed, rather than preventing them from being committed in the first place).[45] There was poor communication between the various policing bodies, and,

[39] ''The Pankhurst Case', *Argus* (Melbourne), 11 October 1917, 6. Walsh's full gaol sentence was four months long, due to multiple charges. She was a suffragist, anti-war activist and a member of the Communist Party of Australia. See Susan Hogan, 'Adela Constantia Pankhurst', Australian Dictionary of Biography, 12 (1990). https://adb.anu.edu.au/biography/pankhurst-adela-constantia-9275.

[40] 'Serenaders Dispersed', *West Australian* (Perth), 9 January 1918, 7.

[41] Ibid.

[42] David Philips, 'The Royal Bastard as Policeman?', in David Philips and Susanne Davies (eds.), *A Nation of Rogues: Crime, Law, and Punishment in Colonial Australia* (Carlton: Melbourne University Press, 1994), 39.

[43] Ibid.

[44] Ibid, 37; Darren Palmer, 'Magistrates, Police and Power in Port Philip', in David Philips and Susanne Davies (eds.), *A Nation of Rogues: Crime, Law, and Punishment in Colonial Australia* (Carlton: Melbourne University Press, 1994), 88–90.

[45] Ibid, 53.

at least in New South Wales, they did not initially emerge as a centralised or unified structure.[46]

Police forces played a key role in the early colonisation of Australia. Police stationed in cities and troopers stationed along perilous intercolonial routes helped to enforce the coercive control of the state, facilitate overland trade and immigration, and quell unrest from groups within the metropolitan centres (convicts, ex-convicts, migrant workers, and unionists) and groups perceived as external or peripheral (Aboriginal resistance, bushrangers, bandits, squatters, and deserters).[47] Police powers were expanded with the 'notoriously broad discretion offered by provisions of the *Vagrancy Act*', which allowed police to arrest 'rogues, vagabonds, reputed thieves and prostitutes' for whom there was insufficient evidence to support a conviction on other grounds: rather than having to prove the act of theft, the police only had to allege the character of vagrancy or 'reputed thieves'.[48]

As vagrancy was such a flexible charge, it was often weaponised against gender-crossers, sex workers, and various other groups who had violated the social order without necessarily (or provably) violating the law. In a sense, by regulating public order, the police were quite literally policing the boundaries of social norms. This makes police, court, and prison records a rich resource for writing trans history, but it also provides a partial picture that might obscure the complexities of historical experiences. People who crossed gender categories but never came into conflict with the law do not appear in these records. And, as Adrien McCrory points out, the records themselves do not exhaustively document every interaction between gender crossers and the criminal justice system. McCrory argues that '[a]rrests that did not receive press attention or used coded language or were not included in the archive would not have been recoverable', and 'conservative newspapers were reluctant to cover "scandalous" topics … Given these limitations and potentially significant silences, we must be aware not only of what the sources tell us—but also what is conspicuously missing'.[49]

A century after their establishment, the Australian police forces were still instruments of settler-colonial control. By this point the long arm of the law extended beyond public spaces and into private spaces. In 1944, Patrick John Cowther was charged in Melbourne for

> having behaved in an offensive manner in a public place. Police alleged that when they caught Cowther behind the door in his bedroom he was wearing a woman's

[46] In Victoria, which more closely modelled the English and Irish systems, the police forces were more centralised from their inception. See Darren Palmer, 'Magistrates, Police and Power in Port Philip', 95–96.
[47] Darren Palmer, 'Magistrates, Police and Power in Port Philip', 77.
[48] *Australian*, 22 June 1844, quoted in David Philips, 'The Royal Bastard as Policeman?', 56.
[49] Adrien McCrory, 'Policing Gender Nonconformity in Victoria, 1900–1940', *Provenance: The Journal of Public Record Office Victoria* 19 (2021), https://prov.vic.gov.au/explore-collection/provenance-journal/provenance-2021/policing-gender-nonconformity-victoria-1900. Accessed 12 August 2024.

> green hat, floral dress, silk coat, string of pearls around his neck, gold bangle, silk stockings and white shoes. His chest was padded with cotton, wool, his mouth was lip-sticked, his face rouged. He also smelt of perfume, they said.[50] (emphasis added)

When Cowther was arrested she had just crossed the street to post a letter, then went back inside her home when she noticed a police car.[51] The police followed her into her bedroom, arrested her there, and brought her back to the police station dressed as she was. The arresting police officers denied having said that they would bring Cowther to the patrol room so 'all the boys could see him', but admitted to asking for the matron of the watchhouse to be 'brought in as a joke', the joke being that the matron 'thought he was a woman'.[52]

Cowther had not made the joke defence, but the arresting officers still found an inherent humour in the situation. Rather than leaning into the joke that had been constructed around her, Cowther told the court that 'this peculiarity of dressing as a woman had existed all his life, but he had never accosted anyone nor gained any abnormal satisfaction from wearing women's clothing'.[53] A former schoolmate, who worked as a police constable in a different district, confirmed that Cowther had been 'like that' (that is, dressing as a woman) for at least twenty-eight years.[54]

When asked why she did so, Cowther replied 'I'm not doing any harm. I'm quite normal … I have been like this all my life', that dressing as a woman brought her 'emotional relief', and that 'something inside me makes me want to do it'.[55] She also claimed that 'there are hundreds in England like me'.[56] When asked why she was 'masquerading as a woman', Cowther replied that she did not consider it to be masquerading, as she 'did not do the thing half-heartedly'.[57]

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[50] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[51] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[52] 'Dressed as Woman', *Herald* (Melbourne), 7 November 1944, 3; 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[53] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[54] *Truth* (Brisbane), 12 November 1944, 23; *Mirror* (Perth), 18 November 1944, 1.
[55] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10; 'Man in Woman's Dress Fined: Normal, He Says', *Sun News-Pictorial* (Melbourne), 8 November 1944, 12.
[56] 'Dressed as a Woman for Years', *Newcastle Sun* (NSW), 8 November 1944, 4.
[57] 'Dressed as Woman', *Herald* (Melbourne), 7 November 1944, 3.

Cowther pictured in court, 1944. 'Mislead You?', Truth (Brisbane), 12 November 1944, 23.

Cowther was fined £2, but successfully appealed the conviction.[58] Her lawyer, Mr. Dunn, argued – and the judge agreed – that though Cowther's 'behaviour … was unusual, no member of the public or the police force could have inferred it was offensive in a legal sense'.[59] Dunn also argued that 'if Cowther liked to sleep in a pink nightdress it wasn't offensive to the public', and pointed out that by bringing Cowther to the watchhouse and then discharging her at 9:30 a.m. the next morning, the police had publicised Cowther's gender transgression far more than she had herself.[60] No doubt the fact that Cowther was married with two children, and usually only dressed as a woman at home when her family was away, helped her to separate herself from the spectres of sodomites and cross-dressers with 'prurient' motives.[61] Her police acquaintance vouching for her character, and the private nature of her gender-crossing, also seemed to carry a great deal of weight in court.[62] Noah Riseman notes that although Cowther's explanation of her motives was consistent with contemporaneous understandings of 'transvestism', neither Cowther or her lawyer used the term; still, her words conveyed 'a growing awareness about others "like them"'.[63]

[58] 'Man Dressed as Woman: Conviction Quashed', *Sun News-Pictorial* (Melbourne), 7 December 1944, 15.
[59] Ibid.
[60] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[61] 'Sheep's Clothing?', *Daily Mercury* (Mackay, Queensland), 15 December 1944, 6.
[62] 'Dressed as Woman: Why Not? Asks Man in Court', *Herald* (Melbourne), 7 November 1944, 3.
[63] Noah Riseman, *Transgender Australia: A History Since 1910* (Melbourne: Melbourne University Press, 2023), 48.

★ INOFFENSIVE POSE ★

FROM TRUTH'S MELBOURNE OFFICE.

WHEN mere man covers his frame with feminine fal-de-rals and fripperies, and happens to catch a policeman's eye, it may be a serious matter for the masquerader.

But in the Practice Court the other day Patrick John Cowther (41), storeman, of Punt Road, South Yarra, who had been fined £2 at Prahran Court for offensive behavior because he had dressed as a woman, successfully appealed against his conviction.

Cowther, who admitted dressing the part "properly," was arrested when a police patrol cruised along Punt Road. Cowther, standing on the footpath close to his home, was dressed smartly in woman's attire—underclothing and all. A chic green hat covered his close-cropped head, and he wore a silk coat over a natty floral frock. A string of pearls around his neck, a bangle on his arm, and a brilliant clipping the front of his frock, completed the accessories. He wore silk stockings and white shoes, too.

His chest was padded with cotton wool, his mouth lip-sticked, his face rouged and powdered, and his eyebrows pencilled.

A few days later, Cowther, a married man, told a magistrate that dressing as a woman gave him emotional relief, and said it seemed perfectly natural for him to dress that way.

He had been dressing as a woman for years, said Cowther. "But," he added, "I have never accosted anyone, nor have I gained any abnormal satisfaction from it."

Upholding the appeal, Mr. Justice MacFarlan said that, although Cowther's behavior was unusual, no member of the public or police could have inferred from it that it was offensive in a legal sense.

PATRICK JOHN COWTHER as he was dressed at the time of his arrest.

Cowther in court, 1944. 'Inoffensive Pose', Truth (Sydney), 10 December 1944, 25.

The charge of offensive behaviour was deliberately vague in its scope, and police had wide discretionary powers in enforcing the content of the Police Offences Act (1901). On rare occasions, police arrests were not upheld with convictions in court. In 1935, Percy Douglas Bayne was arrested in Melbourne after having dressed as a woman while attending a picture show, after which she boarded a tram and went home alone. The court reporters quoted her as saying that she 'had no vicious purpose in dressing up, and realised it was a silly thing to do … I do not know why it should be more offensive for men to wear women's clothes than for women to dress in men's.'[64] The court reported noted that Bayne was 'certainly more decently attired than many women who parade in men's clothes'.[65] The charge was dismissed.

Demarcating the borders between the (apparently overlapping) territories of unusual and offensive behaviour was left to police discretion. In the cases of Cowther and Bayne, however, they had misjudged the perimeter of their jurisdiction. For once, the ambiguity of the legal charge worked against them. Bayne argued in court that it should not be more offensive for a man to dress as a woman than the inverse. Cowther's lawyer similarly argued that since it was not offensive for women to wear slacks in public, it could not be offensive for a man to wear a dress or a nightgown in private. He also cited a contemporaneous play, 'Charley's Aunt', which starred 'a man dressed as a woman' and was popular enough to be

[64] 'Man Masqueraded as Woman', *Braidwood Review and District Advocate* (NSW), 20 August 1935, 6.
[65] Ibid.

attended by thousands.[66] 'We're living in a modern age', Dunn claimed.[67] The gender norms of the 1940s would be considered scandalous by the standards of previous eras, but Dunn and Cowther saw this as a mark of progress, not of decline. In their eyes, the future was trans.

Punishment as Punchline

The joke defence was not always successful, and the arrests of gender-crossers were not always considered humorous. There were several cases of people who were arrested and charged without any indication that the police or the courts found the matter amusing. In 1888, a 21-year-old named Gordon Lawrence was arrested at the Melbourne Exhibition for 'masquerading in women's clothes'.[68] Lawrence was attending the Exhibition in the company of an older woman, Mrs Broughton, later identified as Lawrence's landlady.[69] Lawrence was recognised by a police officer, Detective Sexton, who had arrested Lawrence the previous week in a case of mistaken identity.[70] Sexton asked Lawrence to accompany him to the police station, and when Lawrence refused, the detective initiated 'something like a struggle' during which he pulled Lawrence's hat and wig from her head.[71] This caused the crowd to turn from sympathetic to aggressive, and the police provided an escort to the station in order to protect Lawrence from 'a throng of over 1000 people' seeking to commit 'personal violence' against her.[72]

At the city watch-house, Lawrence provided her name and said that her occupation was that of an actor. According to the *Age*,

> Up to this time the police had been unable to satisfactorily settle the question of sex. Lawrence's make-up was so perfect that it was impossible to detect the deception. He looked like a woman, he spoke like a woman; even Detective Sexton's assurance that he knew his prisoner perfectly failed to convince his colleagues that a serious mistake had not been made and a gross outrage perpetrated upon an innocent girl.

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[66] 'Dressed as Woman', *Herald* (Melbourne), 7 November 1944, 3.
[67] 'Man Dressed as Woman for "Emotional Relief"', *Truth* (Sydney), 12 November 1944, 10.
[68] 'A Man Attired as a Woman', *Richmond River Herald and Northern District Advertiser* (NSW), 19 October 1888, 3. I have chosen to use she/her pronouns for Lawrence, as that is how she chose to be perceived at home and in public before her arrest. My pronoun usage does not indicate any particular claims about Lawrence's gender.
[69] 'Extraordinary Impersonation', *Queenslander* (Brisbane), 13 October 1888, 674.
[70] According to the *Age*, 'Lawrence was well known to Detective Sexton, who only last week arrested him on a charge of being concerned in a diamond robbery in Sydney. Lawrence turned out not to be the man wanted, though, curiously enough, he is said not only to bear a striking resemblance to him but to be his chosen associate.' 'Strange Scene at the Exhibition', *Age* (Melbourne), 1 October 1888, 7.
[71] 'Strange Scene at the Exhibition', *Age* (Melbourne), 1 October 1888, 7.
[72] Ibid.

> Lawrence's confession that he had been indulging in a freak by dressing as a woman came to everybody as a surprise.[73]

Lawrence had not broken any specific laws, as Australian legislation did not explicitly prohibit cross-dressing or gender-crossing. She was formally charged with vagrancy and insulting behaviour. Both of these were social crimes: vagrancy was often used as a catch-all for people considered to be 'disorderly', and 'insulting behaviour' was, of course, a subjective charge defined by the social mores of the time. Before the police apprehended Lawrence, nobody at the Exhibition was 'insulted' by her presence – in fact, initially the crowd sided with Lawrence and considered the police to be insulting *her*. Although the police at the station also saw Lawrence as an 'innocent girl', Lawrence's innocence was tied to her perceived girlhood: as soon as she lost the latter, she also lost the former. Unlike men like Evans, Moate, and Jorgensen, Lawrence was unable to receive conditional community acceptance; a crowd of urban strangers was less tolerant than a tight-knit rural town. Lawrence's public exposure was met with immediate anger and violence, rather than intrigue and admiration.

The same 'stylish costume' that 'made her the object of a good many admiring glances' at the Exhibition was used as evidence for Lawrence's conviction.[74] The day after she was arrested, two detectives visited her home with a warrant and

> seized the prisoner's effects, which included, among a large collection of toilet requisites, some articles of a more suspicious nature. There is good reason to believe that Lawrence is no novice at masquerading as a woman, and that there are circumstances in the case not dissimilar to those of the notorious Boulton and Park affair.[75]

How quickly gender norms shift! In eighteenth-century Britain, wigs and makeup were required features of hegemonic masculinity. In nineteenth-century Australia – only a couple of generations later – wigs and makeup were disturbingly un-masculine to the point of being perceived as outright criminal. Of course, the 'articles of a more suspicious nature' included tools that the newspapers were unwilling to name in print.[76] Similar phrasing was often used to describe dildos (or, as Ruth Ford writes, 'unmentionable articles').[77] The reader might speculate that the police had found padding used to exaggerate curves, women's

[73] Ibid.
[74] Ibid.
[75] Ibid.
[76] Ibid.
[77] Ruth Ford, '"The Man-Woman Murderer": Sex Fraud, Sexual Inversion and the Unmentionable "Article" in 1920s Australia', *Gender & History* 12, no.1 (April 2000): 158–96.

undergarments such as a chemise, petticoat, or bloomers, or shapewear such as corsets.[78] The detective's report disclosed that Lawrence's belongings included 'a number of bottles of Medicines and Syringes … used by Sodomites, … a lot of lady's underclothing, Dresses, Fans, Scents, and other requisites used by males who personate females'.[79] These 'requisites' were not identified, or perhaps not recognised, by the police. The medicines may have been muscle relaxants or lubricants. Some of the articles of women's clothing were identified in court as belonging to the wife of a former employer.[80]

When the arresting officers asked Lawrence why she had 'personated a woman', they reported her responding that she '"wished to God he were a woman' as he could make plenty of money then'.[81] It is unclear whether the detective was paraphrasing or extrapolating a financial motive. Regardless, it is notable that Lawrence's initial response to the question was so simple: she dressed like a woman and wished to be a woman. It is also notable that the police accepted (or assumed) the premise of an economic motive, given that this was usually deployed in the other direction.

If Lawrence was engaging in street sex work, as the officers suspected, then certainly she might have made more money and been in less danger if her anatomy had correlated with the expected norms of the gender she was presenting as. But she could easily have found stable employment in a less perilous field. Melbourne's economy was prospering in the 1880s; in the 'afterglow of the gold rush' the city experienced a financial boom, rapid technological and urban development, and plenty of opportunities for unskilled workers.[82] Lawrence could have found work as a farmhand, a drover, a driver, a bricklayer, a miner, a gardener, or any other field with a stable wage and regular hours. Crucially, however, these fields were far more accessible for men. The employment available to young women did not preclude physical labour or decent pay, but the environments in which they worked were generally domestic, private, in close quarters with other women, or under a high degree of scrutiny from the public and from their workplace. Their working conditions were also not necessarily better or safer than the working conditions of sex workers; in 1882, the workwomen of Melbourne went on strike, protesting against 'long hours and starvation

[78] In the nineteenth century men and women both wore drawers (ankle-length loose pants) as undergarments, but men's drawers were tied at the waist, while women's drawers were buttoned down the front. Women wore far more layers of underclothes than men. See Phillis Cunnington and C. Willett, *The History of Underclothes* (London: Faber and Faber, 1981), 77.

[79] Detective Sexton's Report, October 1, 1888, Chief Commissioner's Inward Registered Correspondence, VPRS 937: Unit 326, Public Record Office of Victoria, cited in Susanne Davies, 'Sexuality, Spectatorship and Performance in Law: The Case of Gordon Lawrence, Melbourne, 1888', *Journal of the History of Sexuality* 7, no. 3 (January 1997): 395.

[80] 'The Extraordinary Case of Imposture', *Argus* (Melbourne), 2 October 1888, 5.

[81] Detective Sexton's Report, cited in Davies, 'Sexuality, Spectatorship and Performance', 393.

[82] 'Victoria Through the Decades', State Library of Victoria, https://www.slv.vic.gov.au/stories/victoria-through-decades#:~:text=1880s,-Welcome%20to%20the&text=Victoria's%20prosperity%20peaked%20in%20the,seek%20land%20of%20their%20own.. Accessed 8 August 2024.

wages'.[83] There was 'plenty of employment for domestic servants', the *Bendigo Advertiser* wrote, but many women rejected domestic service for various reasons, including 'the dread of overwork and monotony, and of want of freedom'.[84]

Lawrence's 'imposture' was not limited to work hours. Her landlady attested in court that 'she did not know that he was a man'.[85] Whether or not this was true, it indicates that Lawrence was living as a woman full-time, including at home. The court reporters noted that although her clothing was 'perhaps a trifle loud', even under the pressures of the criminal justice system she

> displayed no awkwardness in his women's garments, which, indeed, he wore with the unconscious ease of a person long accustomed to their use … there was nothing whatsoever to betray his sex. In every look, in every motion, in every line of his figure he was a woman. The momentary mistake of the presiding magistrate in asking what 'she' was charged with was an unconscious testimony to the excellence of the impersonation. And when, a moment later, the prisoner uttered a brief denial of the charge, in a voice that, despite all its affectation, was yet a woman's voice, a thrill ran through the court. It was evident that here was something more than mere acting, and that the portrayal was wonderfully assisted by nature.[86] (emphasis added)

The credibility of Lawrence's chosen gender was, unfortunately, interpreted as evidence of the magnitude of her crime. Her transgression could not be written off as a temporary freak or joke, because she had embodied womanhood *too* well. By choosing to live and work dressed as a woman, either as a sex worker or as the actor she claimed to be, Lawrence was sacrificing her respectability along with the privileges of white masculinity. She was also exposing herself to the surveillance of both the police and the public. This came at a high cost: Lawrence was charged with vagrancy and sentenced to six months in prison, fainting in court when she heard the verdict.[87]

In 1915, the same year that Lindsay Kemble was arrested and let go with a fine, Katie Smart was arrested in Sydney for impersonation – that is, impersonating herself.[88] In court she tried to claim that she was only dressing as a woman for a joke; the judge responded 'You think this was only a foolish prank. I don't.'[89] She was sentenced to six months imprisonment with hard labour, without the option of paying a fine to avoid prison time. (By contrast, a man who impersonated a police constable in 1908 was sentenced to pay a fine or spend fourteen

[83] 'Female Employment', *Bendigo Advertiser*, 29 December 1882, 2.
[84] Ibid.
[85] 'Extraordinary Case of Imposture', *Albury Banner and Wodonga Express* (NSW), 5 October 1888, 25.
[86] 'A Strange Case of Personation', *Age* (Melbourne), 2 October 1888, 7.
[87] 'Vagrancy', *Colac Herald* (Victoria), 2 October 1888, 3.
[88] 'Points in Passing', *Northern District Standard* (Victoria), 9 September 1915, 6.
[89] 'An Expensive Serenade', *Brisbane Courier*, 9 January 1918, 7.

days in prison.)[90] Smart had advertised for a male gardener and a female domestic servant, subsequently interpreted as evidence of malicious intent: she 'not only tried to swindle men, but his actions with regard to the girls were suspicious'.[91] Her legal conviction was for 'imposing on Walter Robinson [the gardener] by falsely representing that he was Katie Smart with a view to defraud'.[92]

One might argue that seeking to employ someone is rather the opposite of seeking to defraud them. Unfortunately for Smart, she did not have access to sound legal representation. 'By way of explanation', reported the *Argus*, Smart 'said that he had made a bet with a friend to the effect that he could engage a gardener and housemaid'.[93] Perhaps the ordinariness of the bet was what damned her. Like Kemble, Smart had been taken to dinner and to the theatre by men who were 'fascinated' by her 'stylish' appearance.[94] In contrast to Kemble's cheeky public attempt to flirt with and hoodwink the police, there was no evident humour to be found in Smart's attempt to employ household staff. Without a purpose or punchline to the masquerade, there was less latitude to interpret it as anything but immoral and antisocial.

Also in 1915, William Johnson Ennis was charged with 'insulting behaviour' in Ballarat East, for drunkenly 'masquerading… in feminine attire' on a main street for two hours.[95] The *Age* reported that Ennis 'pleaded guilty, and stated that the action was merely intended as a joke. The bench imposed a fine of £2, or in default seven days' imprisonment'.[96] Ballarat's *Evening Echo* referred to the matter as 'a joke that failed'.[97] In court, the arresting police officer, Sergeant Robinson, said that

> he had intended to ask the bench to be allowed to put a more serious charge against defendant—that of being rogue and vagabond, for which he would be liable to two years' imprisonment … The offence, however was a serious one. It was an insult to any woman for a man to be masquerading in the street as defendant had done.

The landlady who had willingly loaned Ennis the outfit presumably did not feel insulted. Ennis also clearly did not expect the 'lark' to be received as poorly as it was; when asked to give an explanation, Ennis said 'it was done as a joke; I did not anticipate complications'.[98] The prosecuting lawyer asked 'Of course you see the seriousness of it now?' and Ennis replied

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[90] New South Wales, Australia, Gaol Description and Entrance Books, 1818-1930 [Ancestry online database]. Prison record of John Buckley, record number 26, no. 46/08, May 1908, Broken Hill.
[91] 'In Borrowed Garb', *West Australian* (Perth), 28 August 1915, 8.
[92] 'You Can See I'm Not a Woman', *Tamworth Daily Observer* (NSW), 28 August 1915, 2.
[93] 'Masquerading as Woman', *Argus* (Melbourne), 23 August 1915, 10.
[94] Ibid.
[95] 'Masquerading as a Woman', *Age* (Melbourne), 14 August 1915, 13.
[96] Ibid. An article in the *Evening Echo* reported that the fine was 40 shillings.
[97] 'Female Masquerader Arrested and Charged', *Evening Echo* (Ballarat), 13 August 1915, 4.
[98] Ibid.

'Yes; I did not originally, took it as a joke'.[99] The lawyer countered that it was a 'stupid joke', albeit not one that deserved the higher penance that the arresting sergeant had hoped for. In this regard, Ennis's 'manner in court, and what the police said of him, was in his favor [sic]'.[100] Ennis's reputation, civility, and willingness to reintegrate into colonial social norms were apparently influential factors in the judge's decision to impose a relatively minor fine, rather than the two years' jail time recommended by the arresting police officer.

It was not only gender-crossers who sometimes provoked vicious amusement in the Australian court system. In Ballarat in 1905, a Chinese goldminer, Hi Tooey, accused his colleague Louey Ah Shing of theft.[101] The trial was well-attended by Ballarat's Chinese residents, and the evidence was taken in Chinese, translated by an interpreter.[102] The *Ballarat Star* commented that:

> The mysteries of the great Chinese language kept the Supreme Court engaged and amused also for some hours yesterday... The evidence was all taken in Chinese, and those in court got it in patches... It was also made apparent that the Chinese cannot give a direct answer to a question, for frequently a perfect torrent of words only elicited a "yes" or "no" from the interpreter.[103]

The object of the Ballarat court's amusement was, once again, a departure from Eurocolonial social norms. The use of the Chinese language – here described as 'sing-song' and 'choral' – was regarded as inherently absurd and inappropriate for a formal legal setting.[104] Similarly a trial in 1891 involving several deaf-mute parties was described as involving 'a bewildering amount of gesticulation', and a trial in 1921 of a deaf-mute man was described as an 'unusual court procedure', with the jury first asked to determine 'whether the accused was mute by malice or by the visitation of God'.[105] By contrast the use of German interpreters in court was seen as far more serious, and not because of the qualities of the language itself. As early as 1851, the Adelaide newspapers were describing the need for officially appointed German interpreters as a matter of national urgency due to the rising population of German settlers,

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[99] Ibid.

[100] Ibid.

[101] 'Untitled', *Ballarat Star* (Victoria), 9 August 1905, 2. In Mandarin and Cantonese, Ah (**阿** or 亞) is an informal prefix denoting familiarity (i.e. it is prefixed to a surname, or to the last syllable of a given name, to form a diminutive nickname). Hi Tooey and Louey Ah Shing were the names cited in the *Ballarat Star*. Tooey might be a poor transliteration of the surname Xu/Tsui (**阿**), or perhaps Cui/Tsui (**崔**); Hi was probably a transliteration of the given name **河** or 和, usually rendered He. Looey might have been a transliteration of the common surname Lui/Léi (雷); Shing may have been Qiang (强), Jian (**健**) or Cheng (**成**). Single syllable given names were often lengthened with the prefix 'Ah' to make them sound more polite. See Michael Williams, 'Chinese names in English', *Chinese Australian History*, online, accessed 23 April 2024. https://chinozhistory.org/index.php/chinese-names-and-their-romanisations/.

[102] Ibid.

[103] Ibid.

[104] Ibid.

[105] 'Deaf-Mutes in Court', *Horsham Times* (Victoria), 8 September 1891, 1.

noting that 'the accuracy of the interpreter's translation may frequently determine whether the decision of the Court be really justice or the contrary'.[106] Evidently certain social differences were considered to be innately strange, amusing, or threatening, regardless of the actual content of the legal process, while others were seen as an expected – and respected – outcome of the diverse migrant population.

Susan Stryker suggests that we might think of gender as 'more like a language than like biology', in that while humans 'have a biological capacity to use language… we are not born with a hard-wired language "preinstalled" in our brains. Likewise, while we have a biological capacity to identify with and learn to "speak" from a particular location in a cultural gender system, we don't come into the world with a predetermined gender identity.'[107] If we expand on this analogy, we find a natural solidarity between trans embodiment and other culturally subjugated ways of speaking. As Stryker also points out, her transness allows her to feel kinship with 'people who are "enfreaked" for whatever reason', fuelling a common interest in dismantling the 'death-dealing hierarchy' of the existing social order.[108] The purpose of trans history, then, is to foster a sense of 'critical historical consciousness' that might allow us to free ourselves from the hierarchies of the past.[109]

Curious Freaks of Nature

Leonard Keith's 'first impersonation of a woman was at a fancy dress ball'.[110] Katie Smart reportedly claimed that 'seeing a man acting a woman at the Tivoli first put the idea into my head'.[111] Gender-crossing on stage was far more likely to be received as acceptably humorous or acceptably artistic. In the nineteenth century, theatrical gender-crossing was a familiar and frequent component of burlesques, comedies, comic operas, pantomimes, minstrel shows, and circus acts.

The edge of the stage was the boundary delineating the point at which 'impersonation' became a criminal, rather than comedic, act. Audiences understood that actors on a stage were playing a part. Taking that part into ordinary life removed the elements of dramatic irony that made the performance seem entertaining and harmless. A convincing costume on stage became a suspicious disguise on the street outside. In short, actors were allowed to cross gender categories on stage, but not as a way of life. An actor

[106] 'German Interpreter', *South Australian Register* (Adelaide), 29 September 1851, 2.
[107] Susan Stryker, *Transgender History: The Roots of Today's Revolution*, 2nd edition (Berkeley: Seal Press, 2017 [first published 2008]), 6.
[108] Ibid, xii.
[109] Ibid, 235.
[110] 'You Pass Well!', *Sun* (Sydney), 30 November 1923, 7.
[111] 'Kate Smart', *National Advocate* (Bathurst), 28 August 1915, 5.

who successfully deceived their audience was considered skilled. A person who deceived their community was seen as a threat.

There is, of course, a long history of cross-dressing in theatrical contexts. Shakespeare's female characters were all played by men, as women were legally prohibited from acting on stage in seventeenth century England; this practice was not uncontroversial at the time, but it was certainly the accepted norm.[112] Jean Howard points out that 'the state regulated dress in early modern England, especially in urban settings, precisely to keep people in the social "places" to which they were born … To transgress the codes governing dress was to disrupt an official view of the social order' and of the view of one's station as 'providentially determined and immutable'.[113] In eighteenth and nineteenth-century Italian opera, there are many soprano, mezzosoprano and contralto roles initially written for *castrato* (male singers castrated before puberty), eventually replaced by female singers as the practice of castration diminished.[114]

In the arena of freak shows, gender nonconformity was often considered cognate with disability. Members of Barnum and Bailey's 'Greatest Show on Earth', including Annie Jones, 'the bearded lady', Charles Tripp, the 'Armless Wonder', Sol Stone, the 'Lightning Calculator', and others reportedly protested against the use of the term 'freak'.[115] Instead they suggested terms such as '"Naturals", "Uniques", "Capricios", "Medical Bafflers", "Sports", "Whims"', 'Unascertains' and 'Extraordinarilies', among others.[116] Annie Jones 'said that she preferred not to be termed a "freak", but rather a "human curiosity"… or a "prodigy"'.[117] Charles Tripp said that 'he and his fellows were as much artists as any of the performers in the show, and for the sake of all similar exhibitors wanted a descriptive word which should be simple, yet dignified'.[118] 'If they call me a "freak",' said Stone, 'they are wrong. I'm a marvel!'[119]

By the end of the nineteenth century, male and female impersonators were a familiar feature of the colonial stage. Theatrical impersonation employed a range of recognisable trope characters and narrative devices across several genres. Kirstine Moffat writes on

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[112] Bernard Capp, 'Playgoers, Players and Cross-Dressing in Early Modern London: The Bridewell Evidence', *The Seventeenth Century* 18, no. 2 (2003): 159–171.

[113] Jean E. Howard, 'Crossdressing, the Theatre, and Gender Struggle in Early Modern England', *Shakespeare Quarterly* 39, no. 4 (Winter 1988): 421.

[114] See Naomi André, *Voicing Gender: Castrati, Travesti, and the Second Woman in Early-Nineteenth-Century Italian Opera* (Bloomington and Indianapolis: Indiana University Press, 2006).

[115] '"Prodigies", Not "Freaks"', *Mercury* (Hobart), 6 March 1899, 3. A previous iteration of the show, under Bailey and Cooper, toured Australia in 1876. 'Ringling Bros. and Barnum & Bailey Circus', *Encyclopaedia Britannica*, online entry. https://www.britannica.com/topic/Ringling-Bros-and-Barnum-and-Bailey-Combined-Shows/Ringling-Bros-and-Barnum-amp-Bailey-Combined-Shows. Accessed 7 December 2023.

[116] Ibid.

[117] Ibid.

[118] Ibid.

[119] Ibid.

> the dichotomy between performances which depended on the audience being 'in' on the 'trick' of the impersonation and performances where the illusion was so complete that audiences refuse to believe that they had witnessed a man dressed as a woman or a woman playing the part of a man. For many of these performances, impersonation was restricted to the stage, but for some these theatrical roles are suggestive of lived practice that extended beyond the space of the theatre. What emerges from the evidence is that when cross-dressing was confined to the stage it was accepted by most theatregoers as an innovative part of entertainment… in the realm of lived experience, however, cross-dressing frequently created unease, censure, and what [Lucy] Chesser describes as 'anxiety'.[120]

As Moffat, Chesser, and others point out, cross-dressing on stage was not inherently socially disruptive or transgressive.[121] Often it was the opposite: many of these performances relied on and reinforced presumptions of rigidly defined, impermeable, and strictly binary gender roles. In pantomime, burlesque, and comic opera, female actors playing principal boys and male actors playing old dames were explicitly – and not especially cleverly – comedic.[122] The audience's amusement derived from the exaggerated sense of incongruence between the actor and the character (think of Dame Edna claiming that her purple wig was her natural hair colour).[123] In productions of the works of Shakespeare and Mozart, women playing 'breeches roles' were seen as titillatingly sexual regardless of the seriousness of their performances.[124]

In theatrical spaces where actors sought to eliminate visual and aural incongruence and play their parts as convincingly as possible, the audience still knew of the 'trick', and the lack of incongruence became part of the magic of the theatre. An authentic performance allowed theatregoers to relish a sense of dizzying duality, or double vision, brought about by a perceived clash between the actor's social role and their role on stage.

Theatres and performance venues were certainly not limitless spaces of gendered freedoms. When Leonard Keith was arrested and charged for dressing as a woman in 1923, a photograph of Keith was published in the Sydney *Sun*, with a short caption claiming that she was given away by her inability 'to disguise the size of his hands' (though the police had claimed that they were struck by her 'somewhat harsh voice').[125] The photograph was not accompanied by an article about Keith, but published directly beneath an article about Tilly

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[120] Kirstine Moffat, 'Male and Female Impersonation on the Colonial Stage', *New Zealand Journal of History* 57, no. 1 (April 2023): 25. See also Lucy Chesser, *Parting with my Sex*.
[121] Ibid.
[122] Moffat, 'Male and Female Impersonation on the Colonial Stage', 26.
[123] 'Dame Edna's Gynecologist: Late Night with Conan O'Brien', original air date 4 August 2005, https://www.youtube.com/watch?v=MM-CfnF6kxY. Accessed 14 December 2023.
[124] Moffat, 'Male and Female Impersonation on the Colonial Stage', 26.
[125] *Sun* (Sydney), 2 December 1923, 2; 'Tall Girl in Black', *Geraldton Guardian* (Western Australia), 13 December 1923, 1.

Mendles, a female boxer who provoked 'a considerable stir' in Broken Hill by advertising her appearance in a sparring display.[126]

In response, Broken Hill's Ministerial Association said that it 'must protest against what it considers to be excessively vulgar and degrading both to the audience and to the performer', and the Women's Home Leagues of the Salvation Army claimed to 'view with displeasure such a boxing display, as not only a reflection upon our sex, but also as hurtful to the moral tone of the community'.[127] The complaints did not focus on the perceived physical danger to Mendles, but on the perceived moral danger of a woman publicly engaging in a supposedly masculine sport. The secretary of the Trades Hall, where the boxing event was scheduled to appear, said that the Trades Hall Trust 'would not tolerate women boxers but the police had sanctioned the proposed entertainment'.[128] The police, in turn, claimed that from their point of view the police department 'was concerned with the issuing of licenses for halls, and unless some exhibition was glaringly improper, it was not concerned with the entertainments themselves'.[129]


Leonard Keith, aged 19, described as a butler, who was charged at the Melbourne City Court on Friday with masquerading as a woman. He was not, however, able to disguise the size of his hands. It was stated that he was once a draper in Sydney.

A photograph of Keith in the Sun (Sydney).[130]

[126] *Sun* (Sydney), 2 December 1923, 2; 'Boxing: Tilly Mendles', *Northern Miner* (Queensland), 5 December 1923, 5. The *Sun* had published a longer piece on Keith a few days previously.
[127] 'Woman Boxer: Broken Hill Objects', *Sun* (Sydney), 2 December 1923, 2.
[128] 'Women Boxers', *Cessnock Eagle and South Maitland Recorder* (NSW), 4 December 1923, 7.
[129] Ibid.
[130] *Sun* (Sydney), 2 December 1923, 2.

A month previously, Melbourne's *Sporting Globe* had published a lengthy treatise on the subject of women boxers, noting that they had heard about a scheduled bout but had refrained from writing about it due to 'not wishing to give such a subject publicity'.[131] Women, the paper claimed,

> are not fitted physically for the sport and doctors state that they may suffer irreparable injury from a blow that would not affect a man at all. Boxing is a sport that brings out manly qualities in men, but who wants to see the same qualities in women? There is a great physical and spiritual difference between the sexes, and it is not desirable that such a difference should be even partially bridged.
>
> In the ideal state of affairs women admire men for their manly qualities, and men revere women for their tenderness and refining influence. Women's influence in this respect has had more to do with our present advanced civilisation than anything else. The modern Amazon is not the type to cultivate.[132]

The degree of backlash from public commentators and social groups suggests a deep-seated cultural anxiety around the permeability of gendered roles and spheres. The criticisms put forward in the newspapers were generally more concerned with the potential impact on the audience than the moral characters of the performers. 'The audience that could sit down and enjoy seeing two women pummell [sic] one another would indeed be degenerate', wrote the *Globe*. The article conceded that women boxers had briefly thrived in Berlin, supposedly 'hired by the wilder night cafes to fight before audiences sated by nude dancing', but attributed this to 'the outcome of a city gone mad', and pointed out that recent legislation had been passed to prohibit women fighters.[133] An article in 1926 dryly noted that 'women are sufficiently dangerous without having learned boxing'.[134] In 1931, the Sydney police force issued an order stating that 'no women boxers are permitted [to] appear in public in future'.[135] The ban continued for decades, though not without pushback; in 1948 the boxer Cath Thomas protested the ban and said that she would 'never stop fighting'.[136]

In some spheres, women entering traditionally masculine occupations were celebrated for breaking down boundaries. In other spheres, including boxing, the breaking down of gendered boundaries was decried as 'revolting'.[137] In 1870, a heated discussion about women in clerical professions led to the following passage in the *Southern Argus*:

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[131] 'Not Wanted: Women Boxers Barred', *Sporting Globe* (Melbourne), 7 November 1923, 10.
[132] Ibid.
[133] Ibid.
[134] 'Women Boxers', *King Island News* (King Island), 7 April 1926, 2.
[135] 'Women Boxers Banned', *Northern Star* (Lismore), 29 August 1931, 5.
[136] 'Ban on Women Boxers', *Morning Bulletin* (Queensland), 13 December 1948, 3.
[137] 'Not Wanted: Women Boxers Barred', *Sporting Globe* (Melbourne), 7 November 1923, 10.

> Is a woman on the stage— or a woman writer — or a woman singer — or a woman teacher — or a woman doctor — repugnant to our English notions? And suppose they are, what then? J. M. seems startled at such innovations; but he forgets that a woman in the pulpit indicates progress — advancement.[138]

Ultimately, whether gender transgression was celebrated as progressive or decried as deviant depended on the social conditions and hierarchies defining and surrounding that transgression. In 1871, a regional New South Wales newspaper joked that 'those horrid women's rights are most unladylike'.[139] One of the many areas of shared territory between women's rights campaigners and gender-crossers was their departure from the gendered social order, and their desire to expand the category conditions of womanhood. For some communities the shared territories were literal as well as figurative, such as in the disreputable corners of Melbourne where the population of street-based sex workers included both cis and transfeminine workers.

In nineteenth-century Australia, sex work, or prostitution, was regarded as 'the great social evil' – at least publicly.[140] Workers could not thrive without clients. It is likely that some of the wealthy politicians and government officials decrying the 'haunts of vice' in Little Bourke St, Little Lonsdale and other areas were occasionally frequenting those haunts themselves.[141] Indeed, even press coverage of police raids on the 'revolting and depraved' brothels in Little Lonsdale acknowledged that police were 'necessarily tolerant of their presence under ordinary circumstances', and only intervened when the 'disorderly houses' became *too* disorderly.[142] The long-standing 'alliance' between the Melbourne police and brothelkeepers was widely known, though it was also widely criticised.[143]

Still, female sex workers were regularly referred to as 'fallen women' and 'abandoned females', and were often framed as loose cannons who needed to be forcibly reintegrated into the gendered power hierarchy.[144] By working in the sex industry, these 'fallen women' had almost fallen out of the category of womanhood entirely, or at least were failing to meet the social requirements of their gender class. Male sex workers, according to a Melbourne public meeting in 1859, 'should be subjected to severer treatment than the erring of the other sex', presumably because the gendered dynamics of their employment were considered even more morally perverse and socially unwelcome.[145] Male sex workers were seen to have fallen someplace even lower than their female colleagues, though they were

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[138] 'Women in the Pulpit', *Southern Argus* (Port Elliot), 3 December 1870, 3.
[139] 'The Pigeon Match', *Wagga Wagga Advertiser and Riverine Reporter*, 14 October 1871, 4.
[140] Barbara Minchinton, *The Women of Little Lon* (Carlton: La Trobe University Press, 2021), 20.
[141] 'Horrible Melbourne', *Mount Alexander Mail*, 21 June 1884, 4.
[142] 'Disorderly Houses', *Herald* (Melbourne), 28 December 1889, 1.
[143] 'The Police and Prostitution', *Express and Telegraph* (Adelaide), 22 April 1885, 7.
[144] Ibid, 20–21, 55.
[145] Ibid, 21.

generally only targeted if they were soliciting male clients.[146] An article from 1898 noted that the 'brutal and demoralising' police surveillance of female sex workers did not extend to male sex workers soliciting women, though 'in Melbourne streets by day or night there are always more male than female prostitutes'.[147] Perhaps male sex workers were over-represented in the streets because they had a harder time finding employment in the brothels. If this were the case, the uneasy alliance between police and public houses did not apply to them.

Subjugation under the colonial order led to natural alliances of solidarity in struggle. Often when transfeminine gender-crossers were arrested, with or without the suspicion of sex work, they were accompanied by female friends, fellow sex workers, landladies, and female proprietors of 'disorderly houses', who vouched for them in court, lent them women's clothes, and walked with them in public and at night. This was sometimes viewed as damning evidence in itself, as transfeminine young people were viewed as a sexual threat and as a potential corrupting influence.

In 1921, Winifred Wilson was arrested in Sydney for 'masquerading as a woman'; she claimed it was 'only for a joke' and that she had no ulterior motives.[148] The police were troubled because she had 'appeared dressed sometimes in the garb of a man, but more often as a woman', and was 'moving about with other women, and apparently consorting with them on easy terms'.[149] The police claimed that Wilson had sexually harassed multiple women, but no victims came forward to testify. For every transfeminine gender-crosser decried as dangerous to cis women, there was a cis woman – or multiple cis women – collaborating or conspiring with them. Nevertheless, these connections remained subaltern and secretive throughout the nineteenth century and for much of the twentieth century.

Acting the part: gender-crossing on and off the stage

The English gender-crossers Stella Boulton and Fanny Graham, known as 'Boulton and Park', successfully evaded legal censure for sodomy by relying on the theatre defence: a claim that they were only actors who were *acting* the parts of women, rather than being or representing themselves as women.[150] After their acquittal, they returned to the stage to perform in burlesque acts. When Edward de Lacy Evans was exposed in the press, he was not compared to a recent transmasculine Australian case – of which there were several – but was said to have 'outdone… Boulton and Park', who, in comparison, were deemed 'much less

[146] 'The Police Court and Madam Brussels', *Tocsin* (Melbourne), 17 November 1898, 5.
[147] Ibid.
[148] 'Masqueraded as Woman: Did it for a Joke', *Examiner* (Launceston, Tasmania), 3 May 1921, 5.
[149] 'Masquerading in Women's Attire', *Northern Star* (Lismore), 3 May 1921, 5.
[150] 'The Men in Women's Clothing', *Empire* (Sydney), 9 August 1870, 3.

remarkable'.[151] The Boulton and Park case occupied a powerful position in the Australian imagination, and they continued to be used as a major newspaper referent for decades:

> There is a report current in the Bohemian Clubs that, barring the use of powerful influence, society would have been startled by revelations exceeding in magnitude and filth those of the Boulton and Park cases … it may be argued that our ultra civilisation is somewhat of a failure. You, in the Australias, *malgre* an occasional Woolloomooloo outrage, breathe, I think, a purer moral atmosphere, and live in cleanlier days than the denizens of the great centres of the old world.[152]

Here the Melbourne *Herald* credits Boulton and Graham with a rather formidable achievement: the fall of Western civilisation. The Australian colonies, located on the outskirts of what the British thought of as civilisation, were omitted from this decline by virtue of having not really been included in the first place. By 1884 – according to this anonymous *Herald* reporter – the generic violence and moral turpitude of the British convict colonies had given way to a 'purer', more innocent society, or at least one where the vagaries of human immorality were left to fester undisturbed beneath the surface of polite euphemism.

As Penny Russell (rather beautifully) argues, the supposedly 'civilising' colonial project relied on 'civility' as its unstable bedrock.[153] In the 'fluid social worlds' of the Australian colonies, settler-colonists turned to the social rituals of manners and conduct to justify their presence and to give structure to their new societies.[154] Beneath and after the overt violence of the frontier wars, appeals to civility were employed as both evidence and method for establishing a colonial regime over occupied Aboriginal lands. The construct of civility was highly malleable, highly contextual, enormously complex, and often contradictory. It became increasingly complicated as the colonial era gave way to the rapidly urbanising and modernising cities of twentieth-century Australia.[155] 'In these new contexts', Russell writes, 'ideas of civilised behaviour were once again evoked to shape and regulate conduct; rules of good form were laid down and principles of consideration expounded in the hope that the wheels of commercial, industrial society would thus turn more smoothly.'[156]

Colonial etiquette had always been complex, but as the metropolitan populations grew and became more anonymous, civil society demanded 'an elaborate labyrinth of courtesies'.[157] If civility was a labyrinth, then who was the Minotaur trapped within it? Perhaps the monster at the heart of the labyrinth was the spectre of the noble savage,

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[151] 'Boulton and Park Outdone: A Woman Takes Three Wives', *Evening News* (Sydney), 4 September 1879, 2.
[152] 'In the Little Village', *Herald* (Melbourne), 2 October 1884, 3.
[153] Penny Russell, *Savage or Civilised? Manners in Colonial Australia* (Sydney: New South, 2010), 2–7.
[154] Ibid, 270.
[155] Ibid, 268–89.
[156] Ibid, 270.
[157] Ibid, 273.

around whom the maze of civility was constructed as a cage. Or perhaps the monster was the European settler who failed to conform, who gave in to their base instincts rather than bowing to societal norms, who flouted the social hierarchy and thus betrayed the colonial project from within. The invocations of courtesy and decorum were attempts at separating the 'savage' from the 'civilised'; if the separation dissolved, so too did the claims of supremacy.[158]

Clothing was an important signifier of colonial Australian civility. Good decorum placed great emphasis on clothing as a marker of class position, character, social status, education, employment, and gender, particularly for women.[159] Russell notes that European invaders projected their own assumptions about shame and savagery onto Aboriginal nudity, 'look[ing] for a sense of bodily modesty as a crucial marker of a civilised nature'.[160] When Aboriginal people decorated their bodies with scars, ochre, 'feathers, teeth, claws of birds, and belts and necklaces of reeds', it was still rendered as evidence of savagery, and when they adopted European clothing they were seen by colonisers as 'queer-looking'.[161]

Despite the harsh judgements they delivered on the peoples they were occupying and brutalising, European settlers did not always manage to meet their own high standards of civilised dress. Russell points out that European women in colonial Australia had a reputation for being overly lax in their dress and decorum: 'colonial women never got it right'.[162] The rules of decorous fashion were contextually specific and constantly evolving. New technologies such as bicycles and trams presented new challenges to public morality, because the standards of decorous clothing were inextricable from the environments in which the clothing was worn.

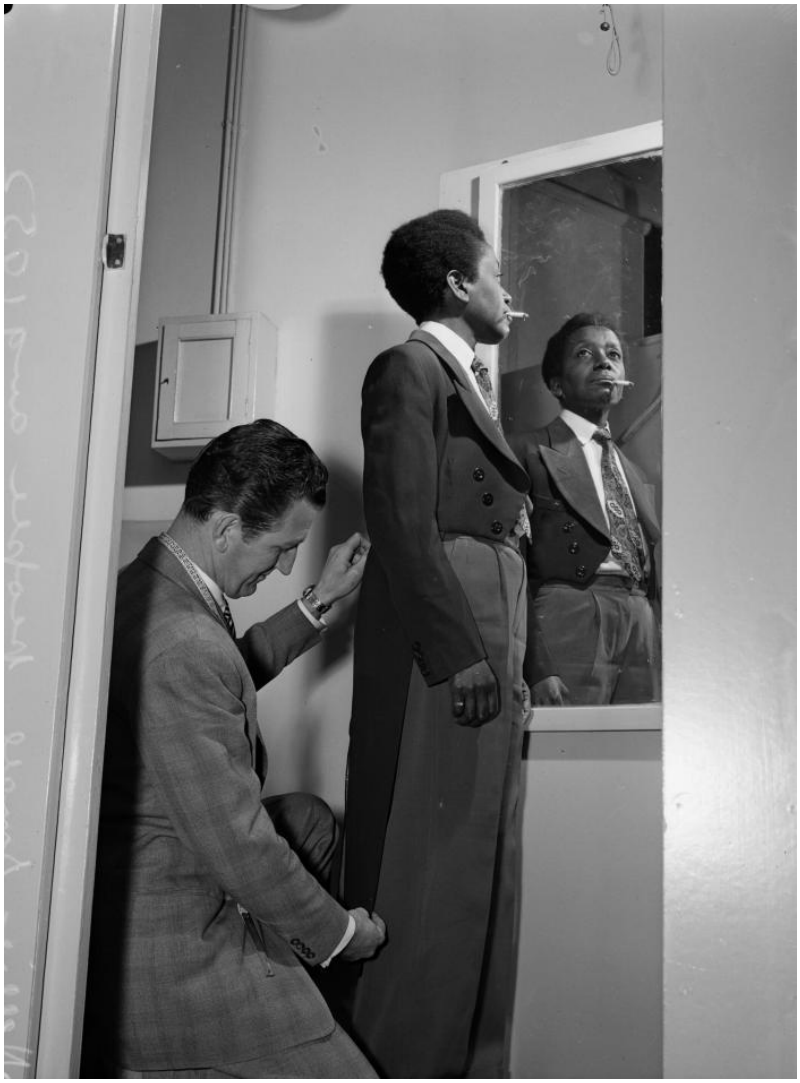
The increasing chaos of colonial metropolitan areas, and the increasing mixture of social classes in various public spaces (such as public transport, theatres, and shops), required an increasingly stratified approach to public space. Social mores (and colonial laws) regulated public spaces far more strictly than private spaces. Separate tram carriages were set aside for women and for smokers.[163] Certain behaviour that might be acceptable in the home – such as gender-crossing or cross-dressing – was met with immediate and vicious censure when it was done in public.[164] The theatre was a notable exception. On the stage, gender-crossing was not only permitted, but celebrated (albeit not universally). Indeed, the gendered freedoms of the theatre were so powerful that it sometimes acted as a redemptive space, in

[158] Ibid, passim.
[159] Ibid, 274–81.
[160] Ibid, 34.
[161] Ibid, 36; Mrs Allen [Eliza] Macpherson, *My Experiences in Australia, being recollections of a visit to the Australian Colonies in 1856–57, by a Lady*, London: JF Hope, 1860, 218–19, quoted in Russell, *Savage or Civilised?*, 37.
[162] Russell, *Savage or Civilised?*, 280.
[163] The two genders? Russell, *Savage or Civilised?*, 291.
[164] See Penny Russell's analysis of the case of Annie Britton, in Russell, *Savage or Civilised?*, 302–306.

which gender transgressors who had run afoul of the law could retroactively justify their behaviour.

As I have argued previously, these gendered freedoms were highly conditional. Even later in the century, when female actors and gender crossing on stage were not as controversial, performers such as Nellie Small worked in difficult conditions. Small was a jazz singer and cabaret performer of Aboriginal and Jamaican descent, who worked as a 'male impersonator' and also wore men's clothes off the stage.[165] In 1936, Small was fined £30 for selling liquor in an unlicensed venue, while only earning a little over £10 per week in tips.[166] Although Small earned great acclaim as 'Australia's greatest and most unique Nightclub entertainer', Small was once forced to sue their employer for withheld wages, the venue often experienced police raids, and Small was frequently subjected to racial and gendered discrimination both in the workplace and in the streets, including issues with border officials and segregated venues.[167] Small was generally very cheerful and easygoing, but famously criticised Australia for being racist, rude and suspicious, wishing that 'my fellow countrymen would forget my skin colour is different from theirs, and sit down to hear my views on life and people'.[168]

[165] 'Town Talk', *Daily Telegraph* (Sydney), 20 February 1954, 1.
[166] 'Appears in Court in Male Attire', *Chronicle* (Adelaide), 17 December 1936, 17.
[167] 'Nellie Small for Bruno's', South Coast News (Queensland), 31 December 1954, 7.
[168] 'The colour of her skin often brings a rebuff', *Daily Telegraph* (Sydney), 13 September 1953, 46.



'Nellie Small, August 1952.' State Library of New South Wales.[169]

In cases where gender transgression began in ordinary life and not as a performance, sometimes it led to a stage career regardless. Several people who were exposed in the press (and incarcerated or institutionalised) for gender transgression subsequently took up employment as professional impersonators on stage. This was the path taken by Edward de Lacy Evans in 1879, and Bill Edwards in 1906. Both Evans and Edwards toured the continent as sideshow acts after their gender transgressions were publicly disclosed, thereby generating newspaper scandals. Both Evans and Edwards were also the protagonists of short pamphlets published about their lives, presumably sold in accompaniment to their sideshow performances.[170] Aside from these surface similarities, they had very little in common, and the trajectories of their stage careers were very different. Edwards was significantly more

[169] 'Nellie Small, August 1952.' State Library of New South Wales. ON 388/Box 070/Item 169, 1LjG7Vb9. 9624772. https://collection.sl.nsw.gov.au/record/1LjG7Vb9

[170] *The History and Confession of Ellen Tremaye, alias, De Lacy Evans, the Man-Woman*. Marshall and Co.: Melbourne, 1880. National Library of Australia, PETHpam 1037, https://nla.gov.au/nla.obj-39854570; Bill Edwards, *Life and Adventures of Marion-Bill-Edwards: The Most Celebrated Man-woman of Modern Times* (Melbourne: 1907).

successful, and had much greater agency over both the form of his performances and the popular narrative of his life. Notably, Edwards appears to have authored his memoir (the *Life and Adventures*) himself, whereas the pamphlet about Evans (the *History and Confession*) was largely reproduced from newspaper coverage, with a few details added here and there that were supposedly sourced from interviews with Evans himself.[171]

After Edward de Lacy Evans was forced to return to wearing women's clothes, the newspapers reported that he 'was rapidly improving, both physically and mentally'.[172] The curative power of detransition was not assumed to be permanent, and although it was thought to have restored his sanity it was not capable of restoring his reputation in the district. The *Argus* wrote that

> It is difficult to conjecture what course she will adopt should she completely recover and regain her liberty. It is not at all likely that she will remain in Sandhurst, and as she has a deep rooted antipathy to donning female attire it is not improbable that she may seek fresh woods and pastures new for the exercise of her peculiar predilections. The police take no interest in the case whatsoever.[173]

After being discharged from Bendigo Hospital, Evans reportedly went to live with friends in Bendigo.[174] The *Argus* reported that day that Evans had 'not decided on her future course, but will leave Sandhurst as soon as possible'.[175] Only two weeks after the day of his release, Evans performed in Ballarat as a sideshow character based on himself.[176] His first appearances on stage were part of the 'Mirror of Australia', a diorama of Australian scenery prepared by George Bignall and William Pearce. 'On neither occasion was the audience a large one', noted the *Ballarat Star*, 'though the exhibition is a meritorious one'.[177]

Further details of the show were printed in the *Kyneton Observer*, according to which Evans seems to have been employed more as a prop than as a performer:

> Although suffering from the remains of the paralytic attack which seized her some time since, Tremaye converses freely, and asserts boldly that she was never insane in her life. Her object in engaging with the company is to obtain money with which to make her way to America, where she has friends. To those admitted to see her last evening she spoke fluently enough about the time when she resided at Stawell, and when working as a man. She takes a pardonable pride in showing her large hands, and

[171] *History and Confession*, 28.
[172] 'Sandhurst', *Argus* (Melbourne), 20 September 1879, 5.
[173] Ibid.
[174] 'Sandhurst', *Argus* (Melbourne), 5 December 1879, 3.
[175] Ibid.
[176] 'Clunes', *Ballarat Star* (Victoria), 20 December 1879, 4.
[177] Ibid.

> in referring to the various kinds of work she engaged in, but states that all is over now, as she is unable to do any hard work, and has gone back to the orthodox attire of her sex for good. She is very nervous about strangers, and afraid of being noticed. Mrs Sawers, of Sandhurst, accompanied Tremaye from that city, and is taking every care of her during her stay at Stawell. She will appear in the garb of a miner nightly in a monster working model of a claim.[178]

Robert Sawers and his wife may have been the friends said to have hosted Evans after he was discharged from hospital. Sawers was one of Evans's former employers, and a letter from him was reprinted in the *History and Confession* pamphlet, along with a transcription of Evans's mining right certificate.[179] The originals of both documents were displayed in 'the Hall' (probably St George's Hall). Evans was popular in his community; a 'large number of acquaintances' visited him while he was in hospital, and several of his friends and neighbours spoke favourably of him to the newspapers, saying that he was 'a hard-working man and an agreeable mate'.[180]

Nevertheless, despite his strong social connections in the Bendigo area, Evans did not excel on stage. In fact Evans's performance was so dismal that the proprietors of the 'Mirror of Australia' ditched him partway through the tour. Local press correspondents suggested that their community should pitch in to offer financial support to Evans (perhaps hoping that this would prevent him from returning to the stage):

> I think the Sandhurst people, who are always generous, might subscribe something to assist the unfortunate man impersonator, De Lacy Evans. As a show she was a 'frost,' and is quite unfit for laborious work. I don't know where she is just now, but it was distinctly stated the proprietors of the 'Mirror' would not take her any further after they left Castlemaine. The 'Mirror' show is now being exhibited in Echuca, but the showmen have left Ellen Tremaye out of the cost.[181]

Somehow this was not the end of Evans's stage career. In January of 1880 Evans entered a new contract of employment with Hiscocks and Hayman, the proprietors of St George's Hall in Melbourne and the Queen's Theatre in Sydney.[182] The *Bendigo Advertiser* reported that 'Ellen Tremaye, otherwise De Lacy Evans, the man impersonator, has not altogether relinquished the show business, but is to again submit herself to public exhibition under different auspices … she has been engaged by Messrs. Hiscocks and Hayman, the well-

[178] 'The Observer', *Kyneton Observer*, 16 December 1879, 2.
[179] *History and Confession*, 28.
[180] 'Boulton and Park Outdone: A Woman Takes Three Wives', *Evening News* (Sydney), 4 September 1879, 2; 'The "Man-Woman" Imposture', *Geelong Advertiser* (Victoria), 8 September 1879, 4.
[181] 'De Lacy Evans', *Kyneton Observer*, 30 December 1879, 3.
[182] 'Latest Telegrams', *Express and Telegraph* (Adelaide) 14 January 1880, 2.

known theatrical agents of Melbourne, by whom she will be taken through the colonies.'.[183] Frederick E. Hiscocks and Alf Hayman were the managers of several well-known performance troupes. In 1880 their touring shows included 'Hiscocks and Hayman's Mammoth Minstrel and Burlesque Opera Troupe', 'Uffner's Lilliputian Opera Company with the Midgets', and the 'Victoria Loftus Specialty Troupe'.[184] Their programmes also featured professional 'female impersonators' (that is, performers who dressed as women on stage but not in the rest of their lives) including Henry St Clair, plays that ranged from Shakespeare to contemporaneous works from American playwrights, and various acts involving 'variety performers … comedians … step dancers … Irish humourists and delineators'.[185]

> The announcement that Ellen Tremaye, alias De Lacy Evans, the wonderful male impersonator, would make her appearance at St. George's Hall on Monday last was the means of securing a large attendance at that popular place of amusement. She appears in male attire, and the mining instruments she has used for the last 22 years are placed on a table beside her. After the agent had kindly introduced me to her, I asked her several questions, all of which she answered in a rational manner and subdued tone. She worked for many years at the Great Southern Garden Gully Mining Company, Sandhurst, as a miner, and although she has a careworn look about her countenance, yet there is something very attractive in her personal appearance.[186]

By March 1880, Evans had returned to the Bendigo area for a second attempt at exhibiting himself in his old neighbourhood. The *Bendigo Advertiser* wearily reported that Evans, the 'celebrated male impersonator', 'still continues to hold levees daily at the Commercial Hotel. Yesterday she was visited by a number of persons, and to-day she will again appear at the same place'.[187] A week later, after Evans's final reception, the *Advertiser* reported that he had been 'visited by a number of persons curious to see her on account of the peculiar history of her life'.[188] (The Commercial Hotel in Heathcote was not the same venue that Jorgensen worked at in 1873, but Jorgensen certainly would have had the opportunity to visit Evans while he was touring the area in 1880.)

By September, Evans was still touring, but had yet to acquire any skills of the performing arts. The press coverage of his shows focused on his appearance and history;

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[183] 'De Lacy Evans', *Bendigo Advertiser*, 5 January 1880, 2.

[184] 'Messrs Hiscocks and Hayman', *Lorgnette* (Melbourne), 10 September 1880, 2; 'Amusements', *Sydney Morning Herald*, 17 January 1880, 6. The Mammoth Minstrel troupe was advertised in the final page of a published biography of Evans, probably printed to accompany his shows. See *The History and Confession of Ellen Tremaye, alias, De Lacy Evans, the Man-Woman*. (Melbourne: Marshall and Co., 1880). National Library of Australia, PETHpam 1037, https://nla.gov.au/nla.obj-39854570.

[185] Ibid.

[186] 'Melbourne', *Alexandra and Yea Standard* (Victoria), 23 January 1880, 2.

[187] 'De Lacy Evans', *Bendigo Advertiser*, 31 March 1880, 2.

[188] 'De Lacy Evans', *Bendigo Advertiser*, 6 April 1880. 2.

from these descriptions, it seems that Evans was more of a visual spectacle than a variety performer:

> Ellen Tremaye, better known as De Lacy Evans, who, under the latter name, for 26 years passed as a man is to be seen at the Egyptian Hall, George-street. She has a very masculine face, and her hands, from continued hard labour, appear more like those of a man than a woman. To make the illusion complete, she is dressed in male attire, and her hair is cut short, and parted on one side. Tremaye has during her chequered career worked as a farm labourer, a miner, mining manager, and in many other capacities. Whilst manager, she superintended the sinking of a shaft, which was performed to the entire satisfaction of the shareholders. This strange being has twice gone through the form of marriage, her present "wife" having been living with her for 12 years.[189]

Evans's stage career was ultimately unsuccessful. His performances drew smaller crowds than expected and received lukewarm reviews. His performances were frequently not reviewed at all, as newspaper editors preferred to focus on the glamorous stars accompanying Evans on his theatrical programmes.[190] By 1881, Evans had returned to Melbourne to apply for relief from the Benevolent Asylum. The papers reported that he 'had been the victim of a speculating showman, who at length left her to her own devices', and that he was 'heartily sick of the show life' and 'suffering physical infirmity'.[191]

In 1893, Sydney's *Evening News* compared Jack Jorgensen to James Barry and Edward de Lacy Evans, describing Evans as 'the creature' and 'the Victorian notoriety':

> It will be remembered that she made her appearance in Sydney, still in man's attire, as one of the attractions of an exhibition of curiosities in George-street. At that time D'Arcy [sic] Evans was either falling into semi-idiotcy [sic], or, what is perhaps still more probable, cleverly acting a part which would save the necessity of having to answer awkward questions.[192]

Again, Evans was assumed to be either mad or pretending to be mad. In the absence for a motive for such pretence, the newspaper invents one: he must have wanted to avoid awkward public conversations. The projected motive is a fragile, surface-level thing that falls apart when it is even slightly pressured. If Evans was pretending to be mad to avoid conversation, why rent out his conversation on a national tour? If he was 'cleverly acting a

[189] 'Exhibit of Oranges', *Evening News* (Sydney), 18 September 1880, 4.
[190] 'Victoria Theatre', *Newcastle Morning Herald and Miner's Advocate*, 13 February 1880, 2; 'Our Amusements', *Sydney Punch*, 28 February 1880, 7.
[191] 'Mrs De Lacy Evans', *Maitland Mercury and Hunter River General Advertiser* (NSW), 10 February 1881, 2.
[192] 'Parliament Summoned', *Evening News* (Sydney), 6 September 1893, 4.

part', why not do it more cleverly?[193] In fact the theorised motive did not have to stand up to scrutiny; the point was to paint Evans as someone disorderly, attributing his existence to either lunacy or lies.

Bill Edwards also worked as a sideshow performer after his exposure in the press. He was markedly more successful than Evans, often performing to sold-out shows in theatres that were 'packed from floor to ceiling'.[194] His tour around the continent initially consisted of variety performances featuring horseriding and sharpshooting acts. His variety acts were described as 'extremely fanciful and varied, with ample sensation'.[195] Even when a trick shooting act went wrong and resulted in the injury of a fellow performer, the focus of the reportage was still the spectacle of Edwards's gender-crossing and employment history:

> The spectators who were present at the Cyclorama on Saturday night were quite prepared to be thrilled by the performance of Marion Edwards, alias "Bill" Edwards, who was announced by the management to have "impersonated a man for ten years, following the occupations of buckjumper, horse trainer, jockey, actor, sharpshooter and married man." From a person of such accomplishments anything seemed possible, and "Bill" Edwards more than realised the expectations of the audience by accidentally lodging a charge of shot in another lady performer during a sharpshooting exhibition.[196]

Like Evans, Edwards moved on from variety acts to local meet-and-greet sessions where people were invited to 'drop in, shake hands, have a chat'.[197] His 1906 receptions in Melbourne were ticketed at a shilling per person.[198] In Bendigo his receptions had an entry fee of sixpence, and Edwards held them daily in eleven hour shifts.[199] The *Bendigo Independent* reported that the 'man-woman Marion Edwards' had been 'taken in hand by a speculative showman', and 'a large number called to see the girl who impersonated and worked like a man for 10 years'.[200]

In the advertising pages, the sensational journalist's love of superlatives collided with the hyperbolic excess of the theatre. Melbourne's *Age* promoted Edwards as the 'MOST

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[193] Ibid.
[194] 'Tivoli Theatre', *Advertiser* (Adelaide), 29 January 1907, 6.
[195] '"Bill" Edwards', *Age* (Melbourne), 22 October 1906, 7.
[196] Ibid.
[197] 'Amusements', *Herald* (Melbourne), 6 November 1906, 4.
[198] Ibid. The value of the Australian shilling was one twentieth of the Australian pound sterling. Agricultural workers in Queensland were paid between 15 and 25 shillings per week. 'Average Wages', *Telegraph* (Brisbane), 7 January 1909, 4. In South Australia, wages for a 48 hour work week ranged from 16 to 55 shillings. 'The Minimum Wage', *Herald* (Adelaide), 28 June 1902, 9.
[199] '"Marion" – Bill Edwards"', *Bendigo Independent*, 11 December 1906, 2.
[200] Ibid.

REMARKABLE WOMAN-MAN Of our Period' (emphasis in original).[201] According to the Age, not only had Edwards exceeded Edward de Lacy Evans in the sphere of remarkable women-men (or men-women), but his 'name would be handed down to posterity as that of the most extraordinary woman FIGURING in AUSTRALIAN HISTORY'.[202] Australian history has yet to fulfil this prophecy.

One might assume that womanhood should be a prerequisite for the title of Australia's most extraordinary woman. And yet something about the movement *away* from femininity seemed to invite fascination and dubious praise. Edwards's so-called extraordinariness largely hinged on his masculinity, and particularly his *performance* of masculinity; equally it was this masculinity and this performance that allowed him to be represented as an extraordinary woman. The subsequent equation of extraordinary women with ordinary men served to reinforce the gendered power hierarchy that Edwards had departed from in the first place.

Edwards was still touring in 1907, by which point the papers were referring to him as 'Marion "Bill" Edwards, the lady whom the Government permits to wander around in male attire'.[203] Of course, as Edwards and his lawyer had successfully argued in court, there was no permission needed from the Government, since there was no existing legal prohibition explicitly targeting gender-crossing or cross-dressing. Still, the press framed Edwards as an allowed exception to a presumed moral (rather than legal) rule. The conditions of Edwards's 'permit' were prominently shaped by his entertainment value, and his adoption of a kind of eccentric circus-performing larrikin persona. Indeed, the former description was provided by Adelaide's *Gadfly*, a newspaper founded by the poet C. J. Dennis, who came to be known as the 'laureate of the larrikin'.[204] The *Gadfly* noted that during Edwards's performance in the Tivoli programme, 'Marion's manager tells Marion "Bill's" history (and a lively history it is, too), while Marion "Bill" Edwards sits astride a horse and listens without blushing.'[205]

Historian Alan James writes that a 'larrikin was "a lad who cannot and will not bow to authority" … the Aussie larrikins distinguished themselves as much by their attitudes as their fists'.[206] Edwards was not the first gender-crosser to be depicted as a larrikin. In 1880, Adelaide's *Express and Telegraph* reported that a 'young female larrikin, in male attire, was brought before the magistrate to-day. She had made off with a gentleman friend's raiment,

[201] Advertising, *Age* (Melbourne), 5 November 1906, 12.
[202] Ibid.
[203] 'The Adelaide Theatres', *Gadfly* (Adelaide), 30 January 1907, 8.
[204] 'Laureate of the Larrikin', *Age* (Melbourne), 16 November 1946, 11.
[205] 'The Adelaide Theatres', *Gadfly* (Adelaide), 30 January 1907, 8.
[206] Alan James, *New Britannia*: *The Rise and Decline of Anglo-Australia* (Melbourne: Renewal Publications, 2013), 26.

and had gone on a spree, leaving him lamenting. She was warned and sent about her business.'[207]

Bill Edwards managed his image with great caution: his conduct and reputation were considered entertaining, titillating, and certainly controversial, but not so controversial as to invite censure, social exile, or legal charges. When his story broke, Edwards very swiftly relegated himself to the sphere of the theatres and circuses, thus rendering his transgression as a trick of the stage rather than a usurpation of a coveted social role. (It is likely that Edwards's wealth aided in this image-management, either by way of bribes, donations, or simply via the social influence of his peers.) In this way Edwards managed to be known as 'a remarkably daring girl' and the 'sensation of the hour' rather than as a foolish or dangerous prankster, a madman, or a perturbing social/sexual/sociosexual threat.[208] The advertisements for his Waxworks exhibitions claimed that

> Possibly the future will reveal, as the past has done, notable instances of women masquerading as men. But it is safe to assert that none will approach in length of time, steadfastness of purpose, and absolute ingenuity, the altogether exceptional achievement of the intrepid and steel-nerved girl of 22 years, Marion (Bill) Edwards.[209]

Bill Edwards's *exceptionality* was depicted very differently to Edward de Lacy Evans's *extraordinariness*. Evans had defied the bounds of ordinary social norms, and was forcibly reintegrated into the social order. Edwards defied the ordinary order in similar material terms, but he had the wealth, charisma, and street-savviness to make an exception of himself. In the eyes of the newspapers, he did this by making himself extraordinary – inspiring 'Curiosity, Wonderment, Admiration Unabated' – and therefore not subject to the borders of ordinariness.[210] Unlike Evans, however, Edwards's extraordinariness clung to familiar referents: horse-riding acts, sharpshooting scandals, and captivating oration. Evans's 'extraordinary' ordinariness was far less coherent, and therefore considered far more mysterious and potentially sinister. Edwards was lauded as an 'extraordinary woman'; Evans was condemned as an 'extraordinary man-woman'.[211]

The advertisements in Melbourne's *Age* claimed that Edwards was the 'most successful male impersonator of modern times… [the] famous De Lacey [sic] Evans totally eclipsed'.[212] How should we define a *successful* impersonation? Was it about believability, or

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[207] 'Colonial Telegrams', *Express and Telegraph* (Adelaide), 18 August 1880, 2.
[208] Advertising, *Age* (Melbourne), 5 November 1906, 12.
[209] Ibid.
[210] Ibid.
[211] Advertising, *Age* (Melbourne), 5 November 1906, 12; 'Death of De Lacy Evans: The Extraordinary Man-Woman Case', *Register* (Adelaide), 29 August 1901, 6.
[212] Advertising, *Age* (Melbourne), 5 November 1906, 12.

allowability? Both Evans and Edwards were described as believably masculine in appearance. Edward de Lacy Evans was credited with 'one of the most extraordinary instances of successful personation ever recorded'.[213] And yet this *successful personation* was portrayed as a laborious and difficult deception, requiring constant maintenance:

> [T]hough her somewhat effeminate face and figure at times excited comment, yet she contrived to evade detection all that time, and probably her secret might have died with her so far as the public were concerned but for an accident… How she could so long evade detection seems unaccountable.[214]

Bill Edwards, according to Adelaide's *Advertiser*, 'has a pleasant face, and looked every inch a man'; the same article noted his 'marvellous success in concealing the identity of her sex for so long a period'.[215] In the advertisements for his public appearances, he was named as a 'heroine of 10 years' dual existence', though the duality of his experience was questionable; off the stage he continued to live as a man, and did not go back and forth between gender categories.[216] In 1911, a newspaper article wrote that Edwards had 'achieved a record in deception, having been admitted into one of the male wards of the Melbourne Hospital without her sex being discovered' – though of course it had been, or else the article would not have been written.[217] Only five years later, in 1916, Edwards's apparent androgyny was the source of further legal furore, when he appeared as a witness for a girlfriend convicted of sly grog selling. Edwards's refusal to 'declare whether he or she was man or woman' quickly distracted the court from the actual subject of the trial:

> The next witness called was … sworn as Marion Edwards. She, or he, was of stocky, broad-shouldered figure.
>
> Mr Power–What are you?
>
> Witness (to the manifest disappointment of many) –A poultry dealer.
>
> My Hayball (with a touch of impatience–and with evident expectation of a revelation)–Let us clear this matter up now. Are you a man or a woman?
>
> Witness (with ruddier countenance, but quite collectedly)–That is immaterial.[218]

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[213] 'The Sandhurst Impersonator: Edward de Lacy Evans', *Illustrated Australian News*, 1 October 1879, 155.
[214] Ibid.
[215] 'Tivoli Theatre', *Advertiser* (Adelaide), 29 January 1907, 6.
[216] Advertising, *Age* (Melbourne), 5 November 1906, 12.
[217] 'A Female Masquerader', *Grafton Argus and Clarence River General Advertiser* (NSW), 3 July 1911, 4.
[218] 'A Sex Problem: Marion Edwards in Court', *Evening Echo* (Ballarat), 8 December 1916, 1.

Both Evans and Edwards eventually faded out of the public eye, with occasional revivals, until their deaths provoked another round of sensational press coverage. Both were often invoked when new cases of gender transgression came to light. 'History keeps on repeating itself', reported *Truth* in 1912, 'in the matter of men-women and boy-girls, that is, females masquerading in the clobber of hemales'.[219] In 1953, Bill Edwards was ambushed on the street by a *Truth* reporter in Brisbane, who addressed him as Marion; to this he 'snapped back "Enough of that. Bill is the name."'[220] At the age of 84, *Truth* described him as 'a genial old gentleman'; 'just one of the boys'.[221]

Bill Edwards, aged 84. 'Posed as a Man for 72 Years', Truth (Brisbane), 22 November 1953, 3.

After his stage tour, Edward de Lacy Evans applied for admission to the Immigrants Home in St Kilda, Melbourne, where he died in 1901. Articles in the 1890s characterised Evans as 'a strange case'; a 'heroine … [who] successfully maintained her masculine character till her brain became so clouded that it was found necessary to place her under restraint', citing 'over-exertion of her strength in the hard work of mining' as the cause of his supposed insanity.[222]

After his death in 1901 – listed as due to 'exhaustion' on his death certificate – the papers exhumed Evans and his 'extraordinary' career once again.[223] The *Bendigo Advertiser* called him 'a woman known as Mrs. [sic] De Lacey Evans, aged 63 years, in connection with

[219] 'Women Masquerading in Male Attire', *Truth* (Perth), 14 December 1912, 6.
[220] 'Posed as a Man for 72 Years', *Truth* (Brisbane), 22 November 1953, 3.
[221] Ibid.
[222] 'A Strange Case', *Weekly Times* (Melbourne), 9 September 1893, 14.
[223] Death certificate attributed to Ellen Evans. 29th August 1901. Deaths in the district of East Melbourne in the State of Victoria. 10705. PROV.

whose life there is a "history"'.[224] I hope that in this thesis I have done justice to that history, and to the many trans histories intertwined with it.

Gender crossing was often rendered as spectacular and sensational. On the stage, and when framed in a particular way, it fed a public appetite for humour, playful transgression, and entertainment. Off the stage, or where the borders between performance and public life began to blur, it was less permissible. Gender deviance was firmly directed into socially acceptable channels wherever possible, but the complexities of real life rarely fit within the strict contours of theatrical impersonation. For some, like Edward de Lacy Evans, attempts to translate a real human life into a manufactured stage character were unsuccessful. For others, like Bill Edwards, Lindsay Kemble, and Nellie Small, the stage provided a space of exploration and opportunity, though not without risks. Navigating the space between the stage and the streets was a treacherous path, but some lucky travellers managed the journey.

[224] 'Death of De Lacey Evans: Close of an Extraordinary Career', *Weekly Times* (Melbourne), 27 August 1901, 3.

Conclusion: Beyond the Archive

> None of us will be free until we have forged an economic system that meets the needs of every working person. As trans people, we will not be free until we fight for and win a society in which no class stands to benefit from fomenting hatred and prejudice, where laws restricting sex and gender and human love will be unthinkable.
>
> Look for us – transgender warriors – in the leadership of the struggle to usher in the dawn of liberation.
>
> —Leslie Feinberg, *Transgender Warriors*[1]

In the course of my archival research, I came across an unexpectedly recent note pinned to the page of Edward Moate's patient record. The note, likely penned in the 1970s or 80s read:

> *Dr Ball,*
> *This is an extract from the annual report for 1884.*
> *Would this be a case of trans sexualism?*
> *If you are interested I could search through the case books for more details.*
> *Lorna Emmerson*
>
> *—*
> *Yes, very much.*
> *RB*[2]

Pinned beneath this note was a copy of the annual report for 1884, which detailed that:

> On the 24th July, a patient, E.M., was admitted to the male division, but directly after admission was examined by Dr. Brierley and myself, and found to belong to the female sex. She was therefore transferred to the female division. She still remains in the asylum, and her name is recorded in the books as Edward M., no clue being obtained as to her identity.[3]

One hundred and forty years later, questions of identity still plague trans historians. How are we to best understand Edward Moate and his gender crossing contemporaries? Should we think of him as an early analogue for a transgender man; as a crossdressing woman; as a

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[1] Leslie Feinberg, *Transgender Warriors: Making History from Joan of Arc to RuPaul* (Boston: Beacon Press, 1996), 128.

[2] Memo from Lorna Emmerson to Richard Ball, in the patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

[3] Beechworth Lunatic Asylum Annual Report for 1884, in the patient record for Edward Moate. PROV, VPRS 7396/P/0001. Beechworth Asylum Case Books 1878-1892. Female casebook no. 2, entry 18, 24 July 1884.

'passing woman'; as a butch; as some variant of unspecified queer?[4] Should we confine ourselves to using the language of his time, and call him an effeminate man; a man-woman; a male impersonator? Is there a middle ground that recognises historical contingency without projecting historical bigotry and bioessentialism onto Moate and others like him?

In my work I have tried to move past unanswerable questions of identity to focus instead on the material realities of people's lives, their gendered social worlds, and the rigid hierarchies and institutions that they were forced to navigate within their lifetimes. Some complexities cannot be flattened by modern language and identity categories. These histories must retain their nuance.

Still, I was excited when I read the note in Moate's record, because it showed me that people interested in the study of trans history had been asking these questions for a good fifty years or more. The Dr Ball named in the memo was Dr James Richard Baldwin Ball, one of the first clinicians to treat trans patients in Australia.[5]

In 1978, Ball and his colleague R. Emmerson published a journal article titled 'A Case of Personation' in the *Medical Journal of Australia*.[6] The case in question was Edward de Lacy Evans, for whom Ball and Emmerson made 'a hypothetical diagnosis of transsexualism'.[7] They claimed that 'the patient was an example of female transvestitism, and very likely an example of transsexualism'.[8] They detailed some extracts of Evans's life as reported in newspaper accounts (to which they gave perhaps too much credence), supplemented with limited archival research. Ball and Emmerson dwelt on the matter of Evans's name, speculating that he might have named himself after a male authority figure who shared the surname De Lacy Evans. (In fact as I pointed out in Chapter Two, Evans's given surname was Lacy, Tremayne being a surname from a former marriage in Ireland.)[9] Ball and Emmerson compared Evans to their patients, arguing that the

> adoption of such a masculine name and the assumption of such a dangerous, demanding miner's role, is comparable with the situation for many male to female transsexuals who, at least in the initial stages of the transformation of sexual identity,

[4] Moate cannot be considered through the lens of butch lesbianism, as there is no indication that he was attracted to women. His only rumoured relationship was with his male employer.
[5] See Noah Riseman, 'A History of Trans Health Care in Australia', A Report for the Australian Professional Association for Trans Health (AusPATH), May 2022.
[6] J.R.B. Ball and R. Emmerson, 'A Case of Personation', *Medical Journal of Australia* 159, no. 2 (1978): 198–201.
[7] Ball and Emmerson, 'A Case of Personation', 198.
[8] Ibid, 201.
[9] Ireland Civil Registration, 1845-1913, database with images, *FamilySearch* (https://familysearch.org/ark:/61903/1:1:QL3W-PSCW), Marriage record of Melchiside Tremayne and Ellen Lacy, 31 Jul 1851, Ireland; citing General Register Office, Dublin; FHL microfilm 101324.

> often assume a kind of hyperfemininity in behaviour and occupation… They also often have glamorous and extremely feminine names.[10]

In the same article, Ball and Emmerson mentioned the cases of Bill Edwards and Harry Crawford, noting (as I have) that historical cases 'of men who live as women are less common than those of women who live as men'.[11] In 1981, Ball published a journal article titled 'Thirty Years Experience with Transsexualism' in the *Australian and New Zealand Journal of Psychiatry*.[12] In that article he wrote that an Australian patient living in England had contacted him at some point in the late 1950s or early 1960s; this unnamed person went on to become Ball's first transsexual patient, receiving surgical treatment.[13] Ball recalled later reading this patient's life story 'recorded with gross inaccuracy by a magazine' in Australia; after 'a brief, moderately successful career as an entertainer' followed by 'domestic anonymity'.[14] Ball considered this to be a successful outcome.[15] Most of his patients at the time were trans women, which he attributed to the lack of 'adequate technical procedures allowing penile construction' for trans men.[16] He noted that this disproportionate rate of presentation 'reinforced a false belief in a markedly different sex ratio' (i.e. a false belief that trans women outnumbered trans men).[17] Similar claims are still made today in the opposite direction.

Ball's scholarly articles are useful on many fronts. He provides unique insights into the early medicalisation of trans and gender crossing experiences, and their codification into distinct pathologies. Ball implicitly reminds us not to give too much credit to sensationalised newspaper accounts. As a clinician with detailed knowledge of his patients, he dismissed the press coverage of the 1980s as highly exaggerated and inaccurate. We cannot assume that the press coverage of the previous century was less prone to distortion. Newspaper scandals are fruitful but unreliable sources for trans history. We must never uncritically take the words of *Truth* et al as truth.

Ball's articles also provide an invaluable validation of the use of a trans lens as a methodological tool. He pre-emptively refutes the argument that historical cases of gender crossing are unrelated to trans lives in the present, given that over half a century ago, Ball and other experts in his field found these cases to be indisputably related to trans lives in their own time. Conversely, Ball's writing also serves as an example of why we should not overly dehistoricise these cases; his retrospective diagnosis of non-medicalised historical

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[10] Ball and Emmerson, 'A Case of Personation', 201.
[11] Ibid, 201.
[12] J.R.B. Ball, 'Thirty Years Experience with Transsexualism', *Australian and New Zealand Journal of Psychiatry* 15 (1981): 39–43.
[13] Ball, 'Thirty Years Experience with Transsexualism', 39.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] Ibid.

gender-crossing as belonging to 'the disorder of transsexualism' has aged poorly.[18] In 2025, transsexualism is no longer formally regarded as a diagnostic category. The modern pathologisation of trans experiences is rendered as 'gender dysphoria' (distress caused by a mismatch between assigned and sex and gender identity) in the DSM, and as 'gender incongruence' in the ICD (which, despite its title, also includes codes for non-pathological conditions such as pregnancy and old age).[19]

I have chosen not to diagnose the people who appear in my case studies. I am a historian, not a medical clinician. My analysis is very different to the analysis provided by Ball and Emmerson. I have asked different questions and sought different answers. Often the answers are unclear, but it is the questions themselves that are generative.

Did their communities know? Generally, yes, but they were also usually unwilling to disclose that complicity to the public. Were these isolated incidents? Absolutely not, and the attempt to solidify them as such in newspaper coverage and in medical reports was always undercut by the need to provide reference points. How did these people understand themselves? We will never know, but we still have the evidence of their lives and actions, and their interactions with other people. Did they have economic or sexual motives for gender crossing? Perhaps, but if they did then these motives were not mutually exclusive with a desire to socially transition for its own sake, and transition was a perilous pathway to uncertain fiscal, romantic or sexual success. Were they accepted in their communities? Yes, frequently, albeit conditionally.

Some, like Edward de Lacy Evans, were forced to detransition but were able to temporarily retransition on stage. Some, like Edward Moate, chose death over detransition, even when there was no possible benefit (and many detriments) associated with gender deviance in the asylum. Others, like Jack Jorgensen and Bill Edwards, lived more or less successfully in their chosen gender categories for the majority of their lives. And others still, like Ellen Maguire, Gordon Lawrence and Katie Smart, could not safely live full-time as their chosen genders, and instead transitioned temporarily in the evenings or on weekends, repeatedly over many years.

If we look at these cases as individuals, in isolation, then we have a rather sorry history of exclusion, oppression and resistance. But if we extend our gaze to look at their broader communities and social lives, then we find quite a different history. The latter history, which I have done my best to write, is far more generative, and tells us much more about the historical worlds in which these people lived. These are not only trans histories, but

[18] Ball, 'Thirty Years Experience with Transsexualism', 41.

[19] American Psychiatry Association, *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition Text Revision (DSM-5-TR)*, 5th TR ed. (Washington, DC: American Psychiatric Publishing, 2022), 511–520; World Health Organisation, *International Classification of Diseases* (ICD-11), 11th ed., HA60, HA61, HA6Z. 2018.

also histories of labour, of organised struggle, of carceral systems, capitalism, colonialism, medicine, migration, mobility, disability, poverty, eugenics, racial discrimination, urbanity and rurality, civility, domesticity, power, war, theatre, joy and hardship.

Edward de Lacy Evans married three different women who supported and collaborated in his social transition. His striking colleagues left the picket line to support him in court, and his friends took him in after he was discharged. Edward Moate worked in close quarters with two employers, one who worked in the courts and one who worked in medicine, both of whom protected him from carceral and medical subjugation until their deaths. Jack Jorgensen had strong ties with his local community, who defended him from malicious gossip, advocated for his health, cared for him as he deteriorated, and did not publicly expose the details of his gender until after he died. Bill Edwards had a very high degree of community support all over Australia, and lived as a man for over seventy years. All these men were spoken of fondly by those who lived alongside them.

H Paroo rejected the colonial project of gender and lived an authentic life, deeply interconnected with Paroo's culture and Country.[20] Joseph Hanslow's family supported her and shielded her from legal censure. Lindsay Kemble's gender transgression and scuffle with the law launched her into a highly successful vaudeville, cinematic and military career. Patrick Cowther successfully appealed her conviction with assistance from her friends. Bill Edwards led a highly mobile life across many different careers, with broad social and public support, until he died in his 80s. Nellie Small refused to be diminished by racism and police violence, founded a community library, and performed to wide acclaim on Australian stages into the 1960s.

These stories are repeatedly framed as isolated, exceptional, and aberrant. This framing appears in both historical records and in the work that continues to be generated by these people and their histories. And yet one of the rare points of consistency in these cases is their connections with the world around them, and with those who came before them. Gender transgressors were embedded in their communities, for good or ill, and they were products of their lineages. They did not exist outside of history.

Certain avenues of gendered mobility were smoother than others, and the twin modes of medicalisation and criminalisation were not applied evenly. For those who were white, transmasculine, contributing to the productive workforce, and active participants in the colonial regime, there was a higher degree of social acceptance. Those who were multiply marginalised had to navigate different barriers and different social structures. These cases shine a light into many aspects of historical societies, social norms, values, and the material conditions of people living in the past.

[20] See O'Sullivan, 'The Colonial Project of Gender (and Everything Else)'.

Trans histories are inextricably connected with the whole world. The glimpses we are given from archival records are only snapshots and fragments extracted from much larger and more interesting lives. We must seek the rest of the story, reading against the grain of authority, understanding archival absences as a form of evidence, embracing the messiness.

Trans liberation in the present requires reckoning with these histories and their legacies. History will continue to repeat itself, but we will find the patterns and points of solidarity, and use them to fuel our ongoing battles for better futures.

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Appendix: An incomplete list of cases of gender crossing, gender deviance, and intersex variations in Australia

This list was compiled over the course of my research, comprising cases that I came across while writing my thesis. It is not an attempt to exhaustively document every historical case of gender crossing in Australia in this period. The amount of archival and newspaper material available for each case varies. Many are only brief glimpses and fragments. Others are attached to a wealth of archival evidence. I hope this list will be of use for future scholarship.

Martin Able – 1910, Perth. A former schoolteacher who had lived in Kalgoorlie under the name Margaret Bale. He renamed himself Martin Able and moved to the city. His friends believed he was missing and may have been murdered. He was found nine months later in Perth, living as a man and working as a clerk in the office of a city catering establishment. After being located by a police detective, Able was 'crestfallen' and 'consented to return to her friends in the city and resume her proper position in society'.[1]

Peter Alexander – 1937, Sydney. Former tennis player in New Zealand who transitioned socially and medically to live as a man. Attended a private hospital in Hornsby. Was arrested and ordered to put on women's clothes and get out of NSW.

Joseph Anslow (or Hanslow) – 1889, Sydney. 17 year old arrested for repeatedly dressing as a woman, then charged with vagrancy ('having no visible means of support'). Anslow's father testified that Anslow had family support. The defence lawyer argued that wearing female clothing was not an offence unless there was evidence of fraud or other misdemeanours. The lawyer also cited two of Anslow's doctors, who said that Anslow was 'more fit for an asylum than for gaol'. Anslow was discharged and sent to live in the country with relatives.

Bill Armitt – 1950, Sydney. Bush worker, likely intersex, raised in Goulburn as a girl then developed masculine characteristics. He legally changed his name from Myrtle to Bill, and travelled to Sydney for a sex determination evaluation from gynecologists. To his disappointment, the doctors determined that Armitt was female and referred him to psychoanalysts. Armitt was quoted as saying 'I don't care what the doctors say. I know in my heart that I am a man and that I will always be a man'.[2]

Frederick Francis Atterbury – 1932, Spring Hill (NSW). 32 year old mechanic, found at home having been shot in the breast and seriously wounded. Atterbury was supposed to have

[1] 'A Missing Young Lady Found: Wanted to be a Boy', *Mount Magnet Miner and Lennonville Leader* (WA), 6 August 1910, 2.
[2] '"Man" of the Bush was a Woman', *Truth* (Sydney), 5 November 1950, 5.

attended court that day for a charge related to 'masquerading as a woman' while possessing 'implements of housebreaking' (a 'jemmy' and an electric torch).[3]

Janet Attermeyer – 1898, Melbourne. Arrested after wearing male attire in Bourke St, remanded for medical examination.

Allan Avian – 1953, Melbourne. Socially transitioned to live as a man for over a decade. Had worked as a biscuit packer, cleaner and newsboy. Ardent theatre-goer in his mid-30s. Avian was exposed in the press after being found in St Kilda with a head wound. He was initially taken to Alfred Hospital, then to a mental hospital.

Bailey – 1921, Adelaide. No first name provided. A 33 year old steward employed on the coastal steamer Kooyong, who had lived as a man for fifteen years before being exposed in the press.[4] While berthed at Port Adelaide, he became ill with rheumatism, consulted a doctor, and was subsequently exposed for gender crossing. He had previously worked as a farmer.

Percy Douglas Bayne – 1935, Melbourne. Arrested for dressing as a woman at a picture show, boarding a tram and going home. Charged with offensive behaviour. She said she 'had no vicious purpose in dressing up, and realized it was a silly thing to do … I do not know why it should be more offensive for men to wear women's clothes than for women to dress in men's.' The court reported noted that Bayne was 'certainly more decently attired than many women who parade in men's clothes'.[5] The charge was dismissed.

John Bunting – 1919, South Melbourne. Lived as a man for at least 6 years, possibly up to 16 years. Charged with offensive behaviour in 1919. Bunting had been previously chargeds with vagrancy in 1905 for 'masquerading as a man' at the age of 18, under the name Alice May Bunting.[6]

William Bye – 1919, Melbourne. Arrested for 'masquerading as a woman'.[7]

Colin Carson – 1949, Sydney. Charged with vagrancy for dressing as a woman.[8]

Michael Castelli – 1946, Sydney. 24 year old arrested and fined for dressing as a woman, at a dance attended by several others doing the same. Police reported that several 'men dressed

[3] 'Shot in Breast', *Brisbane Courier* (Brisbane), 17 February 1933, 17.
[4] ''Sheisms', *Truth* (Sydney), 11 September 1921, 8.
[5] 'Man Masqueraded as Woman', *Braidwood Review and District Advocate* (NSW), 20 August 1935, 6.
[6] 'Girl Masquerading as a Man', *Age* (Melbourne), 15 June 1915, 6; 'Masquerading as a Man: "John" bunting Before the Court', *Camperdown Chronicle* (Victoria), 14 October 1919, 2.
[7] 'Masquerader Punished', *Independent* (Footscray, Victoria), 19 July 1919, 2.
[8] 'This Man Wore Frocks', *Evening Advocate* (Queensland), 29 July 1949, 6.

as women' were at the dance in Randwick, wearing cosmetics, with one wearing rubber water containers strapped to her chest. Castelli was fined £5 and bound over for two years of good behaviour.

Henry Phillip Clarke – 1875, Bolton (Victoria). Socially transitioned to live and work as a man. Clarke worked as a labourer and died following an accident with a horse and cart. He was exposed after his body was washed in the dead house, initially having been allotted to the male division. While alive he was thought to be a young man around 21, but after his death the coroners estimated he was nearly 40.

Robert Clarke – 1875, Melbourne. A 'dark-complexioned man' charged with offensive behaviour for 'parading the streets in "drag", that is, women's apparel'.[9]

Patrick John Cowther – 1944, Melbourne. Arrested for dressing as a woman while crossing the street. She usually dressed as a woman at home, and had gone out to mail a letter. She wore cosmetics and padded her chest with cotton wool. Her lawyer argued that there was nothing offensive about dressing as a woman, and compared it to women wearing slacks. Cowther said that dressing as a woman was 'quite normal', that she'd done it all her life, that it was instinctive, and that there were hundreds in England like her.

Harry Crawford – 1920, Sydney. Italian migrant who grew up in New Zealand then moved to Australia. He lived as a man for 20 years, and was arrested in 1920 on suspicion of killing his missing wife. He was convicted on circumstantial/inconclusive evidence after the trial mostly focused on his gender transgression.

Ralph Curnock – 1929, Sydney. Arrested for dressing as a woman at the Movie Ball in the Palais Royal, while his female partner dressed as a man. The judge said that he did not impose the maximum penalty of £5 because Curnock was not already known to the police; instead the fine was £2, or 14 days, for the offensive behaviour, and 5s for the charge of public drunkenness.[10]

John Day – 1950, Kogarah. Lived as a woman, working in a factory. Day refused to change, and was charged with offensive behaviour. Day was also remanded for medical observation, and ordered to see a psychiatrist and cease wearing women's clothing.

Charles Denny – 1884 Seymour, Victoria. 18 year old who lived as a man. His father was a 'respectable tradesman' in Sydney. Denny moved to Victoria and lived with a barber, and was then arrested on two charges (stealing blankets and impersonating a man). He was

[9] Untitled, *Argus* (Melbourne), 19 January 1875, 4.
[10] 'Girls Will Be Girls', *Truth* (Sydney), 30 June 1929, 15.

transferred to Melbourne in male attire because the local police station didn't have a 'full feminine costume' available.

Leon Dutton – 1932, Sydney. Dutton was fined £2 for travelling without a ticket between Chatswood and North Sydney. During his appearance in court, a police officer testified that Dutton 'had been masquerading as a man for some months', with the knowledge and consent of his mother.[11]

Margaret Eccleston – 1889, Sydney. Likely intersex. Described in the press as a 'bearded lady' of 'dwarfish dimensions'. Charged with assaulting a female neighbour who had made rude remarks. The bench recommended she go to a barber rather than come to court.[12]

Bill Edwards – 1906, Melbourne. Lived as a man from youth until old age. He worked as a barman, jockey, and sideshow performer, travelled around the continent, and was repeatedly exposed in the press over the course of his life.

William (or Frank) Johnson Ennis – 1915, Ballarat. Arrested and fined £2 for 'having masqueraded as a woman'.[13] Ennis had borrowed the feminine clothes from a neighbour, and claimed in court that it was a joke.

Edward de Lacy Evans – 1879, Bendigo. Lived and worked as a man for 20 years, married 3 women, was institutionalized for lunacy and forced to detransition, after which he worked as sideshow performer.

Harry Sidney Foy – 1943, Sydney. Professional female impersonator in cabaret/theatre, murdered by a soldier after initiating a kiss at a nightclub.

Leonard Gale – 1935, Sydney. 23 year old charged with offensive behavior, after a police sergeant identified her in the company of 'another person dressed in a woman's black costume'. 'Sergeant McPherson declared that at 12.45 a.m. that day he saw Gale dressed as a woman in front of the Fifty-fifty Club, William-street. With him was another person dressed in a woman's black costume.'

Joseph Gardiner – 1912, Melbourne. Arrested on Little Lonsdale St for dressing as a woman and for resisting arrest. Gardiner was fined the maximum penalty of £5 or one month's imprisonment.

[11] 'Girl's Masquerade', *Warialda Standard and Northern Districts' Advertiser* (NSW), 13 June 1932, 2.
[12] 'The Bearded Lady', *Australian Star* (Sydney), 14 March 1889, 4.
[13] 'A Masquerader', *Bendigo Independent* (Victoria), 14 August 1915, 8.

Lizzie Gilpin – 1889, Melbourne. Arrested for living as a man, charged with offensive behaviour. Had been a boundary rider and champion horse-racer for at least two and a half years.

Jem Gould – 1879, regional Victoria. Young teenager (14 or 15) who lived as a boy for 8 years. His father was a goldminer, and he claimed that his male clothes had been made by his mother before her death. He worked as a shepherd in Lambing Flat but only received food/lodging/clothes not wages, then worked as a publican at Grenfell. He found it increasingly difficult to find employment, travelled to Goulburn, and was then arrested for vagrancy. Consequently Gould was sent on board the Vernon, where he was ostensibly discovered. He was transferred to Biloela Industrial School for Females. Conflicting accounts were provided by acquaintances. He reportedly went by the names Jem, George, and Charley, 'could not recall' ever having a feminine name but had been called Charley most so the institution's authorities called him Charlotte from then on. The newspapers commented that it was not uncommon for parents to dress girl children as boys if they were working as shepherds.

Myrtle Grove – 1906, Acton ACT. A 19 year old dance teacher who dressed as a woman. The newspapers referred to this as an 'amusing prank', noting that Grove's 'disguise' was so effective that 'even the police were at a loss to decide his sex'.[14] Police officers noticed her walking in the city and speaking to multiple men; one of these men was interviewed by police and Grove was subsequently arrested and charged with 'being a suspected person found masquerading in female attire … for an unlawful purpose' (presumably sex work).[15] Grove denied having unlawful intentions, and claimed that she was meeting a music-hall agent who had requested evidence that Grove could pass as a woman. She was charged under the name Robert Leonard, though the papers noted that her legal name was Gathercole.

Annie Hardiman – 1901, Sydney. Arrested for dressing as a man and charged with vagrancy. Described in the papers as a 'coloured woman' and a 'native of Mauritius'.

Frank Harley – 1927, Sydney. Arrested for offensive behaviour after wearing women's clothes in Pitt St.

James Howlin – 1938, Austinmer. Engineer arrested for dressing as a woman on the way to a fancy dress ball, where others were also dressed as women. Member of the Youth Camp Colony Association, associated with communists.

Tom Hurley – 1863, Sydney. Elderly Irish patient institutionalised in Parramatta Lunatic Asylum. Socially transitioned to live as a man, which the asylum staff allowed.

[14] 'An Actor's Freak', *Evening Telegraph* (Queensland), 1 June 1908, 6.
[15] Ibid.

Florence Jenkins – 1927, Adelaide. Jenkins escaped from hospital after being charged with infanticide. Jenkins was seen in the zoological gardens wearing male attire, and was later apprehended in the suburbs.

Mary Johnson – 1943, Sydney. Arrested for dressing as a woman. Employed as a cook. Johnson's wife said that 'masquerading as a woman was her husband's hobby – he had done it for years!'[16]

Jacky Jones – 1911, Sydney. Dairy worker who had socially transitioned to live as a man. He was institutionalised in Callan Park Asylum, after being found unconscious in Hyde Park.

James Jones – 1942, Melbourne. 19 year old arrested for dressing in women's clothing. When asked why, she retorted 'Well! It's a change, isn't it?' Charged with offensive behaviour and sent to Pentridge Gaol for a fortnight.[17]

Jack Jorgensen – 1873-1893, Bendigo area (Victoria). German migrant who lived as a man for twenty years in Heathcote and Elmore, working as a farmer and itinerant labourer. His community was aware of his gender crossing. He was exposed in the press after his death. Some members of his community sympathised with his gender crossing, as he had been kicked in the face by a horse as a teenager, leaving him with significant facial scarring.

Alfreda Joyve – 1954, Brisbane. 26 year old hairdresser arrested at a party dressed as a woman. Three others were arrested on similar charges. The papers reported that homosexuality was 'rife in Brisbane'.[18] Police inquiries suggested that 'a number of men have been associating together for some years and indulging in unnatural practices'. Charged under the name Alfred William Stanton.

Leonard Keith – 1923, Melbourne. Arrested for dressing as a woman at a carnival, despite having previously applied for permission from Brunswick council.

Norah Kelly – 1907, Bendigo. Socially transitioned to live as a man, ostensibly for safety while travelling after the death of his husband. Kelly wore a false moustache created from his own hair. In court his lawyer referenced Bill Edwards as a legal precedent establishing that there was no law explicitly prohibiting gender crossing or cross-dressing.

Lindsay Kemble – 1915, Adelaide. Arrested for dressing as a woman, leading to a brief newspaper scandal. She claimed she had dressed as a woman for two months for a bet. She

[16] 'Men who Aped Women', *Armidale Express and New England General Advertiser* (NSW), 19 March 1943, 12.
[17] 'He Became "She" for a Change!', *Truth* (Brisbane), 26 July 1942, 22.
[18] 'Startling Charges of Male Vice', *Truth* (Brisbane), 24 October 1954, 14.

was fined £2 and reportedly left court smiling. Initially Kemble worked in a solicitor's office, then worked as a variety performer, starring in one of the first motion pictures produced in Australia. She also worked as a professional female impersonator, entertaining troops during the First World War.

William Knight – 1851, Sydney. Sailor arrested for dressing in women's clothing, leading to the 1851 Sydney Sailors' Riot.

Eve Langley – novelist born in NSW, 1904.[19] Dressed as a boy in childhood in the 1920s and wrote a novel (*The Pea Pickers*) based on this. He had three children (Bisi, Langley, and Karl Marx), and in 1942 his husband had him committed to Auckland Mental Hospital, where he stayed for eight years. In 1954 he changed his name by deed poll to Oscar Wilde. He continued dressing as a man until his death in 1974, frequently writing about his desire to be a man.

June Langley – sibling of Eve Langley, also dressed as a boy in childhood.

Gordon Lawrence – 1888, Melbourne. Arrested for dressing as a woman at Melbourne Exhibition, history of sex work in Sydney (and possibly Melbourne), profession named as 'actor' in prison documents.

Victoria Lester – 1948, Sydney. 22 year old domestic servant/waiter who was arrested for robbing a sailor while wearing women's clothing, along with a female accomplice (Shirley Wagner, 25). The judge fixed bail at £50, but increased it to £80 after Lester 'admitted "she" was a man'.[20] Lester was charged under the name Raymond Lionel Keating.
'Oades told Mr. J. Thorn (for defendants) that the woman, whom he said was Keating, was not glamorous. Ole, a rating on HMAS Penguin, told Mr. Thorn that the blonde, Wagner, had nothing to do with the assault. Mr. Thorn: "The red-haired woman looked particularly feminine? Ole: I thought she looked like a horrible bag.'

Maria Lovell – 1912, Bendigo and Melbourne. Socially transitioned to live as a man, working at a timber yard. He was married but lived apart from his husband, and in 1912 he was arrested for stealing a ring from his sister-in-law. The papers noted that he 'mixed freely with men', and that he was taken to a rescue home after expressing his intention to continue living as a man. His employer said that he was a good worker, and that he did his work so well

[19] See Helen Vines, *Eve Langley and the Pea Pickers* (Melbourne: Monash University Publishing, 2021); Eve Langley, Australian Dictionary of Biography. Accessed 17 December 2025. https://adb.anu.edu.au/biography/langley-eve-10784#:~:text=Eve%20Langley%20(1904%2D1974),née%20Davidson%2C%20both%20from%20Victoria.
[20] '"Woman" in Court Proved No Lady', *Daily Telegraph* (Sydney), 14 July 1948, 6.

'that it ought to make the young men who are loitering about the city ashamed of themselves.'[21]

Adelaide Maude Lyons – 1908, Melbourne. 16 year old working at a dressmaker's in Prahran, who ran away from home to live as a boy. His mother alerted police, who issued a warrant for his arrest, charging Lyons with vagrancy and the theft of a suit of men's clothing. Lyons stayed briefly at a lodging house under the name Miss Williams. He stole the suit of clothes from a fellow lodger, leaving behind his female clothes and the remnants of his long hair, which he had cut off. Lyons subsequently visited a barber to have his hair tidied up. The barber reported that he believed Lyons was a girl having some fun, and did not enquire further as he did not think it was his business. When the barber asked Lyons how he wanted his hair cut, Lyons replied 'like a man's'. The *Age* reported that there was 'no certainty' about locating Lyons due to his 'boyish appearance', and compared him to Bill Edwards.[22] After a city-wide search, Lyons was identified only days later by his employer, who recognized him from a portrait in the newspaper. The press reported that Lyons had been working 'as an office boy' or 'as a lad' with a woman in the city.[23] Lyons's employer contacted his mother, who brought Lyons home and notified police to cancel the warrant.

Thelma Thurlow Hoy Macauley and Mary Thomas – 1930, Melbourne. Arrested for wearing male attire while riding a motorcycle with a third man. A police patrol pulled them over and asked them to account for the contents of the motorcycle's sidecar: three motorcycle wheels, a motor car battery and an oil tin. Macauley, 21, was charged with vagrancy. Thomas, 49, was charged with unlawful possession, as was the third motorcyclist, Henry Victor Scott, 19.

Ellen Maguire – 1863, Melbourne sex worker arrested for vagrancy and solicitation (sex work was considered an unlawful means of support). She was referred to as 'the Great Eastern' and 'Apollo in petticoats'. Convicted of sodomy, initially given death sentence, commuted to life sentence. She died in prison after 6 years.

Rupert McCann – 1910, Ballarat (Victoria). 23 year old jockey arrested for dressing as a woman. Charged with offensive behaviour and fined £2.

Jack McDonald ("Jockey Jack') – 1911, Beechworth (Victoria). Also known as Jack Lavell. Socially transitioned to live as a man, working as a jockey in the Upper Murray district for either twelve years or twelve months. He was arrested and committed to Beechworth Gaol for stealing a bridle and halter. The newspapers reported that he was not embarrassed to be

[21] 'Working as a Man', *National Advocate* (Bathurst), 16 August 1912, 3.
[22] 'A Girl's Freak', *Age* (Melbourne), 5 October 1908, 7.
[23] 'Masquerading as a Boy: A Girl's Prank', *North West Post* (Tasmania), 9 October 1908, 3; 'Masquerading as a Boy', *Ballarat Star* (Victoria), 9 October 1908, 4.

discovered, and said he preferred his 'mode of life'. 'When questioned why she adopted male attire she answered that she was fond of horses, and was as "good as any man," and that there were plenty of men who, if dressed in female attire, "would make better women than men."'[24]

Minnie McKenzie – 1937, Melbourne. 50 year old hosiery operator charged with vagrancy and sentenced to 6 months imprisonment. Also known as Roy Bellamy. 'He appeared in court dressed in a woman's fur coat, black skirt, black shoes and white stockings. Constable A. Hodgson said he saw Bellamy, dressed as a woman, speak to two men in Flemington road, Parkville, at 11.5 p.m. on Monday. One of the men accompanied him in the direction of the gardens. Bellamy's associates were reputed thieves and men who masqueraded as women.'[25]

Neville McQuade – 1943, Sydney. 19 year old arrested for dressing as a woman at a dance. Police noted a previous arrest on the same grounds.

Raymond Miller – 1943, Armidale. 40 year old arrested for dressing as a woman. Charged with offensive behaviour and false pretences.[26]

Reginald Mirabito – 1953, Sydney. Tram conductor arrested for dressing as a woman, charged with offensive behaviour and fined £5 (the maximum penalty). Mirabito said in court that she 'could not resist an impulse to wear women's clothing'. The judge advised Mirabito to consult a psychiatrist.[27]

Edward Moate – 1884, Bright/Omeo. Lived and worked as a man for twenty years, and was arrested for lunacy after the death of his employer. Institutionalised in Beechworth Asylum, where he died in 1997.

William H. Morris – 1947, Orange. 47 year old army veteran arrested for dressing as a woman in public. Police officers said Morris was given away by the size of her hands.

(Tish?) James (Jim) Murphy – 1924, Sydney. 64 year old arrested while wearing a dress in Eddy Avenue while drunk, remanded for medical observation then charged for offensive behaviour. Murphy first said that she had left her clothes outside the Woolloomoolloo free baths, and found the women's 'costume' there. She argued it was alright as dragoons wore similar clothing in the desert. In response judge said 'You must realise you are not a Bedouin'.[28] Murphy was arrested again for wearing a dress the following weekend, and

[24] 'Romantic Adventures: Masquerades as a Man', *Huon Times* (Tasmania), 7 January 1911, 6.
[25] 'Six Months Gaol for Masquerading as Woman', *Advocate* (Tasmania), 1 September 1937, 7.
[26] 'Dressed as a Woman', *Uralla Times* (NSW), 24 February 1943, 1.
[27] 'Man Caught in Women's Dress', *Barrier Miner* (NSW), 14 February 1953, 6.
[28] 'Not a Bedouin: Man in Woman's Dress', *Sun* (Sydney), 19 December 1924, 11.

claimed that she preferred wearing dresses to avoid wardrobe malfunctions. She told the arresting officer it was none of his business, and said she didn't consider it an offence to cover herself up. She then said that she had owned the dress since working in the desert in the Camel Corps. The police sergeant challenged Murphy on the discrepancy between this and the previous claim of having found the dress at the baths; Murphy 'fired back' that she had left it there herself, and put it on again.[29]

George William Nicholson – 1922, Sydney. 32 year old arrested for dressing as a woman at the National Theatre in Balmain, while wearing a wig and carrying a handbag. She was seated with other women and girls.[30]

Barry O'Brien – 1930. Queenslander who ran away from school, moved to France, lived as a man for four years while working as a professional dancing partner. He reportedly swindled around thirty women, and was ostensibly discovered after being admitted to a male prison. He travelled on a forged passport ostensibly issued by the Irish Free State. The newspapers reported that he had also 'carried out masquerades' in France and Belgium. 'Is "He" a Queenslander?', *Sunday Mail* (Brisbane), 20 April 1930, 24.

Mary O'Leary – 1903, Melbourne. Arrested for dressing as a man and public drunkenness. Remanded for medical observation after refusing his mother's request to go to a refuge, saying he preferred to go to gaol.

H Paroo – 1897, Warrangesda (NSW). Aboriginal (probably Wiradjuri) youth who lived for a time at Warrengesda Aboriginal Mission. Described by the press as an 'Aboriginal Amazon', wore male clothing and reportedly caused headaches for the mission station, later referred to local police.

Harcourt Payne – 1939, Sydney. Lived as a man for 51 years, ostensibly discovered in a Lidcombe aged care facility. He was transferred to Orange Mental Institution and died shortly afterwards, after repeatedly rejecting feminine attire and insisting on his masculinity.

Florence Pritchard – 1916, Sydney. Arrested and fined 50s. for offensive behaviour while dressed in male attire and having an arm around a soldier. Later reported as having been fined for wearing/stealing a (male) military uniform; described in *Truth* as 'a shemale now in in hemale breeches', and a 'boy-girl'. Pritchard was arrested again on similar charges three months later.

Claude Phillips – 1924, Sydney. 19 year old waiter arrested by Constable Hansen for 'masquerading as a female' and charged with offensive behaviour. Quoted as saying 'My God,

[29] 'Man in Woman's Clothes', *Truth* (Sydney), 28 December 1924, 10.
[30] 'At the Pictures: Man Dressed as Woman', *Daily Telegraph* (Sydney), 9 September 1922, 8.

what will mother say' and claimed it was a joke (though a very well-equipped one – earrings, powder puffs, lip salve, women's shoes & stockings, and 'other articles of feminine wear' were used as evidence in court).[31] She was sentenced to 3 months prison, suspended based on her father entering into a bond of 40 pounds for 12 months good behaviour. Another article claimed that Phillips had been taken to the police station by a civilian.[32]

Tom Ralph – 1911, Ararat (Victoria). Socially transitioned to live as a man, publicly exposed after falling from a horse and being taken to hospital. He moved to Invercagill, New Zealand, where he went by the name Thomas Russell, then to Dunedin, where he went by the name Thomas Parker. In 1912 he was found unconscious in a boardinghouse with a dead infant girl by his side.[33] He died shortly afterwards due to puerperal eclampsia at childbirth.[34] He had been previously known as Annie Read.

Dick Richards – 1914, Orange (NSW). 16 year old who socially transitioned to live and work as a boy. He cut his hair short, ran away from home, and began working as a farm labourer in Ascotvale, then as a dairy worker in Newport. The newspapers attributed this to him developing an 'eccentricity'. He was arrested and charged with vagrancy. His father testified to his character and said that he had been a 'bit off her head' recently.[35] He was discharged into the care of his father. Richards was also known as Jessie Rogers and Lizzie Rogers.

Dick – 1929, Sydney. Youth who socially transitioned to live and work as a man, employed as a factory hand. A police officer visited the factory and exposed his identity publicly.[36]

Johanna Reifling – 1873, 1878, 1879, Brisbane and Rockhampton (Queensland). Bush worker who socially transitioned to live as a man. He was repeatedly arrested over multiple years, being variously charged with disorderly conduct and indecent exposure. In 1879 the newspapers described him as 'another man impersonator'. He denied being a woman, and said he was 'tired of being a woman and wanted to be a man, and that she had donned male attire. She added that she had worn men's clothing for many years, and had worked as a man'.[37]

Vincent Royce – 1952, Melbourne. 31 year old who socially transitioned to live as a woman for three months. Arrested at Flinders St station and fined £5.[38]

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[31] 'Youth's Prank', *Corowa Free Press* (NSW), 20 May 1924, 2.
[32] 'In Female Attire', *Singleton Argus* (NSW), 13 May 1924, 2.
[33] 'Masquerading as a Man: Woman's Strange Career', *Riverine Herald* (Victoria), 7 November 1912, 3.
[34] 'In Male Attire: The Strange New Zealand Case', *Advertiser* (Adelaide), 8 November 1912, 10.
[35] 'A Girl's Masquerade', *Argus* (Melbourne), 30 November 1901, 18.
[36] 'Amazing Masquerade: Dressed as a Boy', *Daily Telegraph* (Sydney), 12 July 1929, 3.
[37] 'Another Man Impersonator', *Kyneton Observer* (Victoria), 16 October 1879, 2.
[38] 'Man Wore Dresses, Court Told', *Argus* (Melbourne), 16 August 1952, 30.

Joe Ryan – 1947, Sydney. 38 year old who socially transitioned to live as a man for nine years, 'masquerading' as the son of 58 year old rabbit trapper James Ryan, with whom he cohabited in a humpy. Ryan died by suicide in 1947.

Florence Sayer – 1944, Sydney. Arrested for vagrancy in Sydney while dressed in male attire. The press commented on Sayer's association with Black American servicemen.[39] Sayer had been sent to a number of places for work but failed to show up. Sayer was subsequently gaoled for unlawful possession of a revolver.

James Scott – 1922, Sydney. 42 year old who had intermittently lived as a woman for several years. She worked as a window sign writer during the week, and dressed as a woman whenever she was not working. Scott was arrested and fined while in company of 'a woman, said to be his sister in law'. The police had received a tip and then confronted the pair in George St. Scott was married with children, but her wife lived in the UK. Scott was quoted as saying that she had been dressing as a woman as long as she could remember.[40]

Ivan/Jack/John Simpson – 1941, 1952, Sydney. Socially transitioned to live as a man for 25+ years. He was exposed in the press after giving birth in hospital. Simpson then cheerfully returned to living as a man. He faded from the public eye, but was the subject of newspaper articles again after an explosion at the factory where he worked. Simpson had returned to the burning building to cover several tins of highly flammable paint from the fire, and was badly burned on his face, hands and chest. The papers commented that even in hospital, 'Simpson was able to maintain her masquerade', but that he was 'fearful of maintaining … her pretence to manhood' in the Worker's Compensation Court.[41]

Nellie Small – 1920s, Sydney. Jazz singer and cabaret performer of Aboriginal and Jamaican descent, who wore men's clothes on and off stage in Sydney from the 1920s –1950s. Professional male impersonator.

Katie Smart – 1915, Sydney. 40 year old arrested for living as a woman in Ashfield, and putting out a job ad for a gardener and a domestic servant. This was interpreted as false representation with a view to defraud. She was charged with imposition.

William ('Bill') Smith – 1932, Sydney. Socially transitioned to live as a man for over 20 years. Smith lived in Parramatta and had been previously employed as a railway worker, drover, dairy worker, horse-trainer and hunter. Smith sued his employer for lost wages, and his employer argued that Smith could not be paid a man's wages as he was not a man. A

[39] 'Woman Friend of Negroes had Gun', *Daily Mirror* (Sydney), 17 May 1944, 3.
[40] 'An Extraordinary Case', *Wellington Times* (NSW), 16 February 1922, 6.
[41] '"Jack's the Name" Simpson Will Continue in Masquerade as a Man', *Truth* (Sydney), 19 October 1952, 5.

previous employer testified that he had 'never had a better workman' and that Smith 'could milk a cow as well as any man'.[42]

Gunner Henry Thomas – 1934, Sydney. Worked as a female impersonator serving drinks at a bar. Exposed in the press after punching a Sergeant Major who had sexually assaulted her at work.[43]

George Russell Thursby – 1887, Albury (NSW). Arrested after lodging at a hotel dressed as a woman. Initially Thursby told the hotelkeeper the clothing was a disguise and claimed to be a detective, but when the hotelkeeper called the police, she claimed it was a 'lark'. She had previously worked as an American midshipman. Police found many articles of female clothing and makeup in her possession. She was charged £5 pounds for impersonating a detective, then additionally charged with being identical with Arthur Foster, wanted for forgery committed in London the previous year. Thursby protested her innocence and said her wife was an actress in Sydney. She was remanded for 8 days then imprisoned for 3 months.

James Henry Townley – 1912, South Australia and Melbourne. 24 year old former inmate of Yatala prison, who allegedly escaped while dressed as a woman and then continued to live as a woman in Melbourne, living with an unrelated woman 'as her sister'. Arrested in 1912 by an Adelaide detective who recognized her.[44]

Unnamed – 1898, Coolah (NSW). On 10 January 1898, a Coolah local's death resulted in a post-mortem disclosure that he had socially transitioned to live as a man for at least two years.[45]

Unnamed – 1910, Perth. Possibly identical with Martin Able. A white youth described as 'another young woman … in male attire' was apprehended by police after being seen in the city in the company of an Afghan man, Mahomet Leak.[46] The detective followed them to Murray St, 'the Asiatic quarter', and subsequently arranged for the youth to be taken to the Salvation Army.

Unnamed – 1922, Sydney. A 'man masquerading as a woman' was arrested at a dance at Paddington Town Hall.[47]

Unnamed – 1929, Murray River. A 23 year old who socially transitioned to live and work as a man for several months, employed as a labourer on a farm. His employer said that he 'had

[42] 'Acted as Man for 20 Years', *Daily News* (Perth), 17 December 1932, 1.
[43] 'The Impersonator', *Smith's Weekly* (Sydney), 27 January 1934, 16.
[44] 'A Suspect Arrested: Masquerading as a Woman', *Ballarat Star* (Victoria), 2 November 1912, 5.
[45] 'Federation', *Evening News* (Sydney), 13 January 1898, 4.
[46] 'In Male Attire', *Daily Telegraph* (Sydney), 19 September 1910, 7.
[47] 'Man-Woman', *Gosford Times and Wyong District Advertiser* (NSW), 27 July 1922, 20.

grown a downy beard and moustache, and her figure was slim, but masculine … The girl disappeared mysteriously', leaving a letter which said that 'she thought she could get on better in the world as a man than as a woman'.[48]

Unnamed – 1935, Darwin. Chinese boy disguised as a girl to enter Australia using his Australian-born sister's documentation. Resumed male attire after some years living as a girl.

Unnamed – 1941, Perth. 13 year old brought to Perth Children's Court and 'charged with being neglected' due to 'posing as a boy'. The child 'had absented herself from an institution… In court her sole remaining masculine attributes were a pair of boy's shoes and her short hair. She had always wanted to be a boy, she told the magistrate. 'You had better make up your mind to be a girl,' he said, re-committing her to an institution.'[49]

Levi Victor – 1907, Sydney/Auckland Socially transitioned to live as a man in Sydney, then in Auckland. His identity was revealed by a doctor in Auckland, who examined him after he was found drunk and insensible in the street. Victor was subsequently taken to the lockup by police, who offered him feminine clothing, which he refused. Victor said he preferred male employment as he was 'more able to do man's work'. He was described as a 'tall Jewess' who was 'known to the authorities in Sydney'.[50]

Jack West– 1914, Albury & Melbourne. Socially transitioned to live and work as a man, initially in Sydney. He was discovered in Albury and charged with vagrancy, then moved to Melbourne, where he was charged with street obstruction. He had previously worked in a shearing shed. He expressed his intention to continue living as a man after being released: 'I see nothing wrong with it, and I intend to do it again'. A night in lockup was considered sufficient punishment, and he was discharged without a fine. Also known as Frances Margeston.

Grace Weatherstone – 1934, Hunter Valley (NSW). Died aged 48. Weatherstone's body was found floating in the Hunter River clad in male attire, with a head injury to the back of the skull. Weatherstone was married and had planned to travel to Sydney. The death was ruled as a suicide.[51]

Stella Williams – 1931, Western Australia. Escaped from Fremantle Gaol and was arrested the next day in male attire.

[48] 'Girl's Masquerade', *Casino and Kyogle Courier and North Coast Advertiser* (NSW), 17 July 1929, 2.
[49] 'News and Notes', *West Australian* (Perth), 12 July 1941, 6.
[50] 'In Male Attire', *Newcastle Morning Herald and Miners' Advocate* (NSW), 20 April 1907, 11.
[51] 'In Male Attire', *Newcastle Morning Herald and Miner's Advocate* (NSW), 12 January 1934, 6.

Winifred Wilson – 1920, Sydney. 58 year old motor mechanic arrested for repeatedly dressing as a woman in the city streets and elsewhere. Charged under the name George Augustus Rocake. Described in the press as a 'sex invert'.[52] Police officers alleged that Wilson had made sexual advances on young women, but no witnesses came forward.

Paul Wynn – 1937, Melbourne. Arrested for dressing as a woman in Flemington Rd, sentenced to a month's imprisonment for offensive behaviour.

Aotearoa/New Zealand cases referenced in Australian press

Nikora June Haora – 1929, Auckland. Maōri domestic servant arrested for living and working as a woman. Ordered to burn her clothing and cease dressing as a woman.

Florence Marks – 1913, Auckland. Called in at the Salvation Army Home wearing male attire, immediately collapsed and died, later ruled as a suicide by poison.

Percy Redwood – 1909. Repeatedly arrested for fraud, lived as a man and married multiple women. Had a parent in an Australian lunatic asylum. Also known as Amy Bock.

Rosie/Matene – 1933, Auckland. Socially transitioned to live as a woman. Arrested for purchasing clothing and cosmetics on credit while dressed as a woman. Worked as a circus performer. Her defence lawyer said she came from a good Maōri family and had a substantial income. The magistrate dismissed the charge as there was no evidence of fraud.

International (non Aus/NZ) cases referenced in the Australian press

James Barry – 1895, Cape Town. Socially transitioned to live as a man for the majority of his life. Surgeon in the British army, later Inspector General of Hospitals. Infamously ill-tempered, highly skilled surgeon, known as the first to perform a successful caesarean section in the British Empire with both mother and child surviving. A close friend (possibly lover) of Lord Charles Somerset. Exposed publicly after his death, against his express wishes.

Colonel Victor Barker – 1929, lived as a man in the UK, had two Australian partners, wanted to move to Australia, worked in the royal air force

Elizabeth Batty – 1904, Deptford South London. 30 year old who socially transitioned to live as a woman. Worked as a laundress and bottle washer earning about 30s. per week. Died in

[52] 'A Queer Query', *Truth* (Perth), 4 June 1921, 8.

police custody, on remand after being arrested for drunkenness while lying semi unconscious in road. Her cause of death was attributed to bronchitis and alcoholism.

Ellen Harriet Capon – 1918, London. A munitions worker who had socially transitioned to live and work as a man for at least two years.[53]

Stella Clinton and Fanny Park (Boulton and Park) – 1870, London. Arrested for repeatedly dressing as women, after being under police surveillance for about a year. In court they claimed to be actors. They were charged with conspiracy to commit sodomy, held on remand for two months and bound over for two years.

Catherine Coome – 1901, London. 66 year old who socially transitioned to live as a man for 50 years. Worked as a ship's cook then as a decorator and painter, married a woman. Exposed after being injured and entering the workhouse, arrested and charged with fraud at Marylebone London Police Court . Sentenced to 4 months prison with hard labour.

Roberta Cowell – 1951, London. British racing driver and fighter pilot who transitioned medically and socially to live as a woman. Underwent gender affirming surgery in 1951.

Donna Delbert – 1949, London. US Army deserter who then took up a career as a vaudeville performer, 'woman fire-eater and conjurer'. Exposed by a jealous former lover: 'It was only in their most intimate moments, said Betty Ardoino, that she didn't think of him as a man. He maintained his masquerade in private and in public … It is difficult, even now, to think of Donna as a man.'[54]

Joseph Deitchen – 1936, Indianapolis, US. Dietchen socially transitioned to live as a man, and was exposed after his death. His will left everything to his wife, but his family contested the will on the grounds that 'Dietchen was never a woman and never had any right to marry'.[55]

Paul Downing - 1905, London. Black British gardener who socially transitioned to live as a man. Was employed by an undertaker but let go for paying too much attention to female employees. Later arrested and committed as a mental patient. Persistently claimed that his name was Paul Downing and he was a man.

Francis Joseph Gaffney – 1928, Liverpool. 40 year old dock labourer arrested for soliciting while dressed in women's clothes, sentenced to three months hard labour.

[53] Ellen Harriet Capon, 'A Girl's Adventures as a Man', *Sport* (Adelaide), 12 July 1918, 3.
[54] 'They Masqueraded as Girls', *Mirror* (Perth), 25 June 1949, 10.
[55] Extraordinary Case: Another Jack Jorgensen', *Telegraph* (Brisbane), 31 January 1894, 5.

Mdlle. Lulu – 1870s-1880s, London, New York. Gymnast and trapeze artist, described as 'the eighth wonder of the world', later exposed in the press as a 'female impersonator'. She claimed it was for the sake of making the act more sensational.

Christine Jorgensen – 1952, United States. Actress, singer, and trans liberation advocate. Socially and medically transitioned to live as a woman. Often credited as the first person in the US to undergo successful gender affirming surgery, though her surgery was performed in Denmark. Referred to in the press as a masquerader and man-woman.

Kimal Mained – 1929, Belochistan. Socially transitioned to live as a man, married and divorced a woman, and worked as a postman. Publicly exposed after being wounded in battle.[56]

John 'Battling Kid' McConnell – 1922, United States. 25 year old who socially transitioned to live as a man for over eight years. Leader of a street gang in Philadelphia.

Mary Mudge – 1889, Devon, UK. 85 year old who socially transitioned to live as a woman for the majority of her life. Kept a dairy. Was exposed in the press after her death in the Tavistock workhouse.

Helen Phillips – 1915, Nottingham, UK. Socially transitioned to live as a woman for over a decade. Phillips was arrested after calling at the house of a police sergeant while collecting alms for a charitable organization. She was charged with masquerading.

Leonora Poole – 1911, Yorkshire, UK. Mill-hand who socially transitioned to live as a woman. She had been working as a factory 'girl' and as a domestic servant for ten years. The newspapers reported that she used cosmetics and dyed her hair blonde.

Peter Stratford – 1929, New Zealand and San Lorenzo (USA). Socially transitioned to live as a man for over twenty years, ostensibly confessed on his deathbed.

James Watson – 1881, Glasgow. Socially transitioned to live as a man for around 5 years, working as a groom. Exposed in the press after he died due to a work injury.

Mark Weston – 1936. British shotput champion who transitioned socially and medically to live publicly as a man. Subsequently married a childhood friend, Alberta Bray. Received offers to appear on stage in Australia and the US. Weston's sibling Harry (formerly known as Hilda) had reportedly also undergone a sex change operation after being registered for National Service, and later died by suicide.

[56] 'Moslem Masquerader: She Divorced Her Wife', *Geraldton Guardian and Express* (Western Australia), 8 July 1929, 1.

Liang Yau – 1921, China. Socially transitioned to live as a woman for 25 years, after having been brought up as a girl from the age of 13 in a nunnery. Discovered in prison in Hong Kong.