Words for the Heat of Deeds

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This work contains no material which has been accepted for the award of any other degree or diploma in any university of other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. I give consent to this copy of my thesis, when deposited in the University Library, being made available for loan and photocopying subject to the provisions of the Copyright Act 1968.

I hereby certify that the work embodied in this Thesis is the result of original research, the greater part of which was completed subsequent to admission to candidature for the degree.

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Abstract

*Words for the Heat of Deeds* is a work of creative non-fiction centred on the early nineteenth century colonial penal outstation of Newcastle. The narrative reworks and recodes the often incomplete, recorded, archival lives of criminals and gaolers who either attended, or were connected to, the outstation’s martial lifetime. As a creative text, it reconfigures this past into a portrait of time and place, with particular emphasis on its squalor, violence, contradictions, resilience and grace. The project weds research and experimental literature with the music of language and disused words. It is also an imaginative, but thoroughly researched, re-enactment of the topography and the discourses of an historical period.

The project’s engagement with cultural theory, historiography and genre informs and enlarges its contextual and conceptual boundaries. As the exegesis will outline, the generic, literary aims and themes informing the creative narrative are mediated by cultural theory as it relates to criminality, language, class, convictism and the writing of history. These intercept with certain fundamental readings of Australian history, particularly in relation to how convictism and true crime have been adopted and absorbed by an historical narrative of nationhood and identity. *Words for the Heat of Deeds*, in this context, is an alternative microhistory which responds creatively to usurp this singular dominant view. The exegesis describes and explains how the coherence of *Words for the Heat of Deeds* is grounded in the ways that its component parts – both the research and the writing – process and catalytically configure these influences into a creative narrative.

NOTE: Where possible, the creative text employs twenty-first century spelling. This likewise applies to the naming of places, rivers, etc, which uses *The Committee for Geographical Names in Australasia: Guidelines for the Consistent Use of Place Names* (Version 1.0, April 2001), http://www.icsm.gov.au/cgna/consistent_pnames.pdf. In nearly all cases, no possessive apostrophe is used, so, for example, Hunter’s River is written as Hunter River.
WORDS
FOR
THE
HEAT
OF
DEEDS
I’ th’ commonwealth I would by contraries
Execute all things; for no kind of traffic
Would I admit; no name of magistrate;
Letters should not be known; riches, poverty,
And use of service, none; contract, succession,
No use of metal, corn, or wine, or oil;
No occupation; all men idle, all;
And women too, but innocent and pure;
No sovereignty.¹

William Shakespeare, The Tempest
A crime story momentarily unpuzzles the world. Its telling revolves on utterly human and irreversible acts, composed of moments that seem random yet somehow premeditated: the reader must be persuaded to think the crime was always going to happen. A crime story is an adventure without a hero, dragging its usually defiant antagonist on a journey from chaos to justice. For this to happen, the criminal must be reduced to a shadow, skirting the bones of his or her own physical existence. Their life becomes the property of fickle strangers, who pick and choose the fragments they consider worth retelling.
BOOK I

A TIME AND A PLACE
JOHN FITZWILLIAM

Having just been evicted by the bustling and fierce landlady of the Black Lion Inn, a penniless and soaked John Fitzwilliam now staggered in trapped circles around its backyard. Drunken logic had got him to jump the fence and then stuff Mrs Elgar’s newly washed linen sheets untidily under his dirty shirt. He eventually found the back gate, but could only cat-paw pathetically at the lock. Mrs Elgar’s boys – who along with the landlady had been watching the whole sorry performance – now muscled up and dumped Fitzwilliam’s crabbed-legged and limp body onto the stony, taproom floor. The sheets came out like intestines from beneath his shirt. Fitzwilliam was sound asleep by the time constables arrived.

The Black Lion Inn was on Petticoat Lane, a centre of gravity for one of London’s biggest textile markets. It was surrounded by a crooked grid of inner city alleys housing an industry of backyard weavers and small factories. When John Fitzwilliam stumbled through in early 1799, the borough was known for anything from shoddy Manchester through to high-end, fine cut, Beau Brummell linens and aristocratic silks. Petticoat Lane itself was a dynamic and disorderly mess of human activity: a vista of dinginess, but many-coloured dinginess, as regards female attire. Dress-coats, frock-coats, great-coats, livery and gamekeepers’ coats, paletots, tunics, trousers, knee-breeches, waistcoats, capes, pilot coats, working jackets, plaid, hats, dressinggowns, shirts, Guernsey frocks, are all displayed. The predominant colours are black and blue, but there is every colour; the light drab of some aristocratic livery, the dull brown-green of velveteen, the deep blue of a pilot-jacket, the variegated figures of the shawl dressing-gown, the glossy black of the restored garments, the shine of newly-turpentine black satin waistcoats, the scarlet and green of some flaming tartan–these things, mixed with the hues of the women’s garments, spotted and striped, certainly present a scene which
cannot be beheld in any other part of the greatest City in the world, nor in any other portion of the world itself.²

Among these hues ‘the family way’ of professional crime flourished: from individual buz-gloaks and flashmen to more disparately organised gangs. Businesses protected themselves with street agents, whisperers or even paid flashmen to muscle-up against rival gangs. John Fitzwilliam turned up suddenly in the borough without references. Surveillance marked him as a Botany Bay veteran on the pull. To any half-wise family man, Fitzwilliam’s general sloppiness proved him a joskin you wouldn’t employ for a simple cat and kitten rig. He was out of place in a city that cared for no one, but demanded respect from all.

When the trial judge asked Fitzwilliam how he meant to dispose of the three-shilling sheets, the accused replied I was very much in liquor.³ Despite this pathetic honesty he received a standard felony sentence of seven years across the seas.⁴ It was 1800. His keepers and the new century were going to dispose of him to the edge of the world. Petticoat Lane’s first impression of Fitzwilliam as an ex-convict sounded like an inverted prophesy, another Londoner’s smug ‘I told you so’.

John Fitzwilliam was now the property of the British Crown and its Government. The tiny, accumulating moments of his life would in future amount to stray words or initials scratched on official logbook paper. Like the inked pages, he was a silence.

After his first months in Sydney Town’s convict barracks, Fitzwilliam gradually adapted to the semi-freedom of open prison and became assigned labour. Despite the constant threat of corporal brutality, he was being sheltered, fed and clothed. His captors even allowed him to shop for personals on the pig-shit stinking, curfewed town streets. He was almost like a citizen.

Fitzwilliam learnt the respect of fellow cons came before fearing an overseer or military guard. The long term laggers had a swagger. Some had been there for the twelve years since the settlement first staked tents and ranked themselves as more
than lowly ex-crim. Penal life had skilled them up: they could build houses, look after stock and grow their own food. Newcomers like John Fitzwilliam were regarded as untested, unproven cattle, no more solid than street dust in a summer westerly. Respect was a matter of time.

John Fitzwilliam passed five anonymous, uneventful years before being arrested nibbling clothes and utensils from Sydney Town ‘poor folk’. He was sentenced to a year’s hard labour at the Castle Hill Government Farm, nervously alert at the time to even minor discontent after a recent but disastrously unsuccessful uprising by Irish rebel convicts.

Perhaps Fitzwilliam was diagnosed with a natural imbalance of humours. It could have been the thought of another day labouring in the obnoxious heat, sweating in unravelling canvas sllops. Maybe there was a slow-burning, phosphorus-hatred for some martinet English overseer. Perhaps it was the madness of incarceration, when each succeeding day was just a facsimile of the last. It could have been a festering combination of these that would lead John Fitzwilliam to be arrested, along with Joseph Ackroyd and six other boyos, *endeavouring to incite discontent among their fellow prisoners*.5

At the Sydney Town trial, Fitzwilliam and Ackroyd were flogged as ringleaders and returned to a Castle Hill chain gang. While Fitzwilliam considered his actions a personal moment of notoriety in the spirit of a Vinegar Hill rebel, authorities treated his crimes as singular, futile gestures of wilful defiance. Like a poorly primed pocket watch, John Fitzwilliam was slightly out of sync with his world.

Each Castle Hill morning, Fitzwilliam and his fellow inmates were provocatively mustered in the shade of the ‘flogging trees’, where savage and excessive punishment had been dealt out after the recent uprising. Current inmates, some without a tipple of bogtrotter in them, heard the galvanic hiss of the branches like it was the sound of eternal disgust.
After Castle Hill, Fitzwilliam returned to petty stealing in Sydney Town. His original transportation sentence had expired, but as a vagrant and recidivist – so often before the rudimentary local court – he was also a test case for the colony’s increasingly local interpretation of criminal law.

The tobacco plant is a tenacious grower, but quality smoking leaf requires the right curing conditions. A succession of furnace-hot summers had left the 1806 crop stringy and dry. Still, it needed a donkey-backed man to shoulder-hump a fifty pound sack of it, similar to one that John Fitzwilliam stole and was arrested with. Even in a perfect world of unlimited coin, poor quality tobacco was a necessity and a prime fencing article that also, theoretically, destroyed itself as evidence. Ignorant of the months required to cure the large flat leaves, Fitzwilliam did not understand why the rub smouldered, rather than burned, in his pipe. A magistrate condemned his robbery as yet another act of an unrepentant, born criminal, which, in Fitzwilliam’s mind, announced him as a local flashman of substance.

IN THE FAMILY WAY

The British soul merges spiritually and easily with the concept of land as property and therefore selfhood. Around about Fitzwilliam were ex-convicts with plots signed-off with a government guarantee. He might rightly have called himself a lag after ten years in the colony, but without influence or wherewithal Fitzwilliam’s solace became his resentment and for all the self-made, honest lags, he saw twice as many selective friends and ex-officers of the government and the military. The colony was nothing more than a cartel of arse fuckers and dice rolling, would-be gentleman.

For the flashman, his criminal activity mirrors square society’s double standards, whereby laws make one man’s respectability and safety another man’s wrong doing.
Despite a keen subtlety in this argument, the flashman knows this is also a cheeky diversion, a loose justification framed in victimhood: criminality is mostly about choice and self-interest, not high-minded Robin Hood fantasy. John Fitzwilliam indulged this self-perpetuating logic and the thought held him aloft like an impressive and ridiculously beautiful hot-air balloon, hanging silently aloof in an empty sky. John Fitzwilliam had a flashman’s fearless intent, but he could never quite incorporate the ruthlessness and cunning the true family way of life required. He was travelling in a slowly deflating balloon, drifting into troubles blue and unknown, or wheresoever else he should be disposed of, as a local court put it.

Fitzwilliam felt an absence of something he couldn’t name. His choler made him blind to the reality that he was physically, spiritually and institutionally dependent on gaol and prison life. He was a doubly incarcerated man but imagined himself as an invincible scourge of the local courts, a claim which came to mean less and less with each succeeding sentence. He eventually found himself a fit at the new penal outstation of Newcastle, which, when he arrived in 1808, had a stone wharf, martial law and permanent housing for around one hundred people. Over the coming years, he was witness to the outstation’s slow, physical evolution from a camp to a sort of village, where hundreds of post-war convicts from an alien Britain would come to treat him as a relic and outsider in the only world he knew. He would be just another old man in his thirties, living in a sun-dried memory dated eighteen hundred and something.

WHAT’S IN A NAME

Fitzwilliam saw them shipped in and out. He might have claimed you could tell a person’s history by whether someone said Newcastle, Coal River, Hunter River,
Hunter River, Coal River or even Coal Town. To some, the settlement of buildings was always Kings Town, while the oldest lag always referred to ‘The Camp’. This mess of titles continued throughout the outstation’s life – swapped on the lips of transitory inmates, commandants and militia, or inked in countless letters, diaries and journal entries. It well reflected a place that defied a single identity. Apart from being home to the occasional settler and a couple of lifers like Fitzwilliam, the outstation of Newcastle was never originally intended as a long-term anchor for any arse.

The river was a pirate and fisherman’s murmur when Lieutenant John Shortland Jnr, chasing a government boat stolen from the Hawkesbury in 1797, rounded a sentinel clump of rock, some seventy nautical miles, or one day’s good sail, north of Sydney. There was no trace of the pirated vessel – already one week’s sail ahead – when Shortland anchored his sloop Reliance safely inside on the tide. His colonising eye did scan and sketch a quiet expanse of channels heading inland, enclosed in a smooth succession of looping, tree-heavy hills, punctuated by occasional native fire smoke. Coal bled from the vertical headland, staining the sandy white shoreline below, while the river itself was lined with fustic and cabbage trees, and, further upstream, cedar forests. Shortland considered the river sufficiently impressive enough to receive his Governor’s name.

**RULE BRITTANIA**

The sea battles for the Caribbean Sugar Islands, and at Trafalgar afterwards, assigned the Royal Navy with a usable legend which painters immortalised on mammoth canvases, purposely designed for public display. Each hewn oak battleship and their expensive, copper reinforced hulls, took years to individually build, but a
fleets of almost a thousand were always sea ready for combat or the protection of their ravenous siblings, the commercial traders.

The Royal Navy ruled the world’s oceans by intimidation and bullying as much as punishing, heroic force. John Shortland Jnr followed his father into service, but he was also part of a limited meritocracy of young men, of uncertain birth, who greased the mighty war machine’s wheels. For those who survived active service, there would be a variable pension to go with the complimentary letter of thanks from the Monarch himself. Freed from the usual social constraints of civilian class deference, they were taught battle tactics, weaponry and shipboard discipline, but it was through navigation they reconfigured mathematical abstractions into something tangible and certain: each noon at sea, officers lined a ship’s deck with a sextant and plotted by degrees the meniscus of the ocean horizon against the sun’s arc. Latitude enabled ships to roam and place themselves in the open seas with confidence, if not complete accuracy. As long as Mr Harrison’s astonishing sea-watch cost the price of a small ship, longitude – the missing element in precisely coordinating a single point in the ocean – remained a jagged approximation of dead reckoning and reading the moon.

Geometry had proved the fantastic was a reality: the earth was a ball that turned and floated in space. Newton’s calculations proved God a master clockmaker, but if an ordinary Englishman could prosaically explain how the universe functioned, then what matter was conquering the world?

FIRE AT SEA 1809

After a swing in the colony, Shortland remained in active service and ended up a post-captain aboard the battleship Junon, which four French gunships would leave scuttled and burning, beyond any prize value, in the sweet-clear Caribbean waters during 1809. The ship had been captured from the French, the year before, by
the British. Shortland’s mangled bachelor body was taken ashore to a French hospital at nearby Basse-Terre (the Low-Lands). He died, after an agonising month from battle wounds and was buried under foreign dirt, his service medals secure on his decaying chest.

Ship-of-line combat could pass, from a distance, for two tiny islands merging, not the fierce, claustrophobic, breathless confusion it was up close where smoke, screaming and cannon fire was all there was to outline the confused human funk that was hand-to-hand combat on deck.

Inside gunports, cannons could explode suddenly from overheating: the gun crews kept to themselves stories of comrades’ limbs being ripped from torsos like torn sail, or the sweet smell of smouldering flesh, broiled by sticky gunpowder. Survival below deck was a dance, choreographed by trust in the officer’s bellowed, clear commands. Of all the possible injuries – sword, bayonet, canister, round, ball or grapeshot – the splintered shard of exploded oak might have been the worst: a projectile spear that sliced through human bone. Battle’s end was best measured by the pile-height of amputated limbs outside a mobile land hospital.

The runaways Shortland chased after in 1797 disappeared from official history but Governor Hunter kept Shortland’s report and his eye-sketch within easy reach. Twelve years later, it would be an almost alien palimpsest beneath the new outstation. From the panoramic hill overlooking Newcastle, a viewer could look down on a few modest streets teasingly unfenced and dumb to any sound of cursing within. It could be regarded a pretty enough waste of oil paint. But a painting or sketch of this perspective can’t portray coal dust in the lungs, the queer sting of lime smoke in the eyes, the desultory noise of pick-axe work gangs, or the thick taste and smell of lip-smacking, cloudy, sea salt air. Apart from one or two distant fires, there is no reality living within or beyond its frame. A painting cannot reveal how fustic dye stains flesh a Popish gold, or which, of the simple line of prisoner’s huts is warmest and windproof from cold nights. It won’t hear John Fitzwilliam or prisoners jaw-jumping over tobacco
BOOK I – A TIME AND PLACE

stabs, grog, or the girls in hut number four, who will suck dick for a day’s ration. A painting tells you some things, but never that while Newcastle was a curiously hard-hearted place, it had no other choice.

E PLURIBUS UNUM

E Pluribus Unum: one out of many. How might John Fitzwilliam be considered anything more than his criminal record or one of Mr Bernoulli’s atoms, bouncing
around the ether of life? Is his story better imagined as a sea biscuit’s weevil, unaware it is invisible as it slowly eats out its own black, empty space? Are Fitzwilliam’s twenty or thirty misguided convict years worthy of more than a few stuttering lines, or is his incomplete history of gaps and silences the whole point? Like the town that was his part-time home, John Fitzwilliam gives up his meaning sparingly.

The smooth, open hills surrounding the Newcastle settlement mercilessly teased those convicts determined to bolt from it. John Fitzwilliam tried his luck at this mistaken freedom in 1808, but like so many other attempts to flee Newcastle, he was back within a day or two, shocked into eating strange grubs and roots for survival. Other runners gave themselves up to natives not far beyond the camp perimeter. Convicts sometimes meant a reward from the Commandant, but it was mostly about moving on fools who scared animals and disrupted hunting.

Fitzwilliam was sent to Sydney after his first run. He received 200 lashes on his leathered back before being returned to finish his Newcastle sentence. Bolting, for Fitzwilliam, could be understood as another phase in his addictive need for institutionalised routine.

Some transported convicts remained emotionally and metaphysically in London or Suffolk or Ireland in the years after their arrival. Their initial experience of the local forest, or bush, was instinctive, but even a confident navigating mind could be unravelled in its deceptive dimensions and space: the tinkling, inviting and cool canopy of light could imperceptibly and suddenly darken into a suffocating, grey web of brush and unwieldy undergrowth. The early authorities encouraged rumours and stories of misadventures, near starvation or the native assaults that runners like Fitzwilliam returned with.
Before outstations like Newcastle and Norfolk Island, random hangings were employed to stifle recalcitrance. Ann Davis, like John Fitzwilliam, was boned for repeatedly back-slanging fellow convicts. The First Fleeter’s last criminal act involved stealing essentials from a house in The Rocks: it was a Saturday afternoon, a time for washing, gambling, drinking and jabbering gossip. Ann Davis, alias Judith Jones, liked a clay pipe and preferred sailors to marines or other male convicts. In her final disorganised weeks she moved between rented room and friend, acquaintance and fuck-partner. She quarrelled, cooperated, drank and fought, but it was her constant pilfering which ensured there was no friendly sympathy in the silence accompanying her final removal by marines.

After failing to incriminate others at her trial, Davis’ claim of being pregnant was dismissed after an anatomical inspection by twelve matronly women. Judge Advocate David Collins suggested later that Davis died generally reviled and unpitied by the people of her own description. She was turned off on a gallows cart completely screwed by rum and Jacob Nagle, a visiting sailor, noted that when brought to gallows, leading her by two women, she was so much intoxicated in liquor that she could not stand without holding her up. Nagle’s concern for Ann Davis’ soul was a polite front for his real disappointment at the morbid atmosphere and hardness of the local execution. Jacob Nagle had never been at one that wasn’t a carnival of sorts.

Beyond entertainment, Britons treated execution as a definition of Christian mercy: just as dark is the absence of light. In an obscene way, corporal punishment was a temporary release from fear: you would not die today. The separate fates of Ann Davis and John Fitzwilliam speak of time more than the vagaries of colonial justice. Ann
Davis was the first woman hanged in the infant colony, despite its desperate lack of them.

The eighteenth century crawl to urban living in Europe made space profitable. In London, landlords crowded in tenants and then just as quickly moved them on. This temporal state was reflected in the 160 or so offences that, outside of murder, rape and forgery, carried the death penalty in English Law and protected personal property above a citizen’s physical body. The death penalty was offset by the 1717 Transportation Act, or, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates. Judges and magistrates could commute a death penalty to transportation and so the law provided one impetus for Britain’s colonisation of America, and later, New South Wales.

In 1789, the same year Ann Davis topped her dues on the gallows, a revised Penitentiary Act was drafted. Its intention was for transportation and incarceration to combine punishment with Christian morals and a more enlightened, rationalist mercy. The prison would be a cathartic, reflective cell for individual and social rehabilitation, and where possible, far from English shores.

Mr Johnson’s dictionary provides three definitions of Mercy. The first is tenderness; goodness; pity; willingness to save; clemency; mildness; unwillingness to punish. The second is simply pardon, while the third relates to Discretion and the power of acting at pleasure.

MERCY BE

Universally, laws protect societies from themselves. The British Rule of Law enshrines the right to personal liberty, property and equality. In principle this treats all its citizens equally in a court of law. While the aristocracy, gentry
and mercantile bourgeois were always threatened with bankruptcy, debt or the
disdain of their peers, the social humiliation or justice from a common law,
criminal trial was as unlikely as the working poor affording a lawyer, or
befriending a judge as their gentleman-equal.

THE LAW, JUSTICE & RICHARD ATKINS (BOWYER)

Sydney gave Richard Atkins sanctuary from his English debtors. His family
bloodline, schooling and connections suggested a manufactured gentleman,
predetermined for public life, who needn’t ever have to resline his aristocratic coat
buttons. These expectations confused and intimidated him. He once mused in his
diary that: *the motion of Animals is proportioned to their weight and structure. A flea
can leap some hundred times its own length. Here an elephant, a camel or a horse to
leap in the same proportion, their weight would crush them to atoms.*

Between life, justice and God, Richard Atkins chose alcohol. A forlorn, overfed but
engaging man when sober, a few breakfast grogs released the horse-farting,
tempestuous grape-philosopher. Visitors to his home were greeted by Atkins’ stoic
wife, invariably following the man and his hunting dogs through house and garden,
cleaning up whatever mess they left on their rambling journey. By 1800 the earwigs
gossiped that he was more drunk than sober in the judge’s chair, preferring
punishment over the law on especially bad days. A very expensive, imported quart of
quinine – prescribed for his grog shakes – had ended up as a gin mixer.

An Atkins courtroom could be a metaphysical pantomime of strange and incoherent
interpretations. Misdemeanours like those of John Fitzwilliam might signal a soliloquy
into the horrible joke that was human existence. There were moments of simple
beauty and purpose, when the law was a child hungry for reason, but he also
wondered if the fashionable philosophy of enlightenment was sometimes more fanciful than the courtroom excuses of his criminals. Cause and effect dominated the world of man, nothing more and nothing less.

THE SAVING GRACE OF THE ARISTOCRACY

Richard Atkins’ drinking prefaced a nightly ride through the hell of his own making. Like John Fitzwilliam, Atkins cocooned himself in the safety of his own arcane and damaging solitary imagination. The pomposity of his birth deflected this somewhat in public, and he could always fall back on being born to rule. Atkins understood the ignorant often saw criminal justice as theodicean proof, but he understood the law, in and of itself, was much more than humankinds’ broken nature and afterlife salvation. A convict might learn to accept that the cause of their misfortune resided in their own ignorant, penniless selves. While this understanding might not beget mercy or fundamentally improve them – the incorrigible John Fitzwilliam proved that – Atkins thought every individual had a God-given right to at least know their imperfections before death. This became his grog-soaked purpose. An aristocrat like Atkins was never expected to understand the life of the convict before him. His own voyage to the end of the world, across two contrary oceans, was not undertaken squeezed and chained in close quarters, smelling little other than his own crap.

The gout burned like a devil in Atkins’ feet. Tobacco forced his walrus-breath to pull harder at the air, which in turn set his broken, yellow teeth throbbing. He rolled from empty bottle to empty bottle but for all his repeated, drunken incompetence, he sent very few prisoners to the saltbox, preferring extended sentences at Newcastle or Norfolk Island. It is possible that a perverted but genuine compassion lurked within a man who reflected his own foibles back on others. In a diary entry from March 1794, before drink totally consumed him, he said: this is my birth day and I ought to be
thankful to God Almighty that he has still preserved me from the dangers I have experienced. Fair was the star under which I was born, but ’tis much darkened, yet I will put my trust in him only who is able to carry me thro’ this tedious life. I hope I may deserve it.\textsuperscript{12}

Atkins once told John Fitzwilliam that he wouldn’t bother giving him to surgeons when the time came to execute him. After the Murder Act of 1752, medicine thought the cause of criminality might be found in the juices and muscle colour of dissected, executed bodies. Unlike Atkins, the colonial surgeons were for the most part, non-drinkers with firm, well-trained stomachs and hands, but they knew dissection was essentially witchcraft. There seemed more purpose in the colonial execution bell. It didn’t echo the gravity of death, but reminded the living there was nothing but clear, ocean horizon between them and anywhere else.
BOOK II

CAN WE GIVE THE UNIVERSE MEANING?
On August 30, 1786, as the Old Bailey wound down from another long day of theft, larceny, coining, pick-pocketing and highway robbery, one judge had saved enough voice for the twelve unfortunate knucklers and toby-men brought back up before him from the saltbox cells: Prisoners at the bar, you have all been convicted upon satisfactory evidence, and by the verdicts of very merciful and attentive juries, of crimes which the laws of your country have thought necessary to punish with death; the dread of that punishment, the respect due to the laws of God and your Country, and even the dreadful examples which have been held forth to you by other unfortunate and wretched sufferers, in situations similar to yours, have unfortunately for you been insufficient, to produce that effect on your minds, which should have deterred you from the commission of those crimes which have brought you into a like unfortunate situation: It would therefore be in vain for me to expect that anything I can say to you would make a deeper impression on you than those repeated examples. It therefore only remains for me (after earnestly praying that the little time which now will be allotted to you to live, should be so employed as to secure that pardon for you hereafter, which you cannot hope to receive here) to proceed to the last and most painful part of my duty, in pronouncing on you the dreadful sentence of the law, which is, that you, and each of you, be taken from hence to the place from whence you came, and from thence to the place of execution, there to be hanged by the neck until you are dead: and may the Lord have mercy upon your sinful souls."
Three of the twelve condemned men taking in that judge's awful words were George Lee, Alex Seaton and George Connoway. Their truncated journey to the hereafter had started about a month previous and involved two castrated bulls. George Lee and Alexander Seaton were regulars at The Blue Anchor Inn on Rosemary Lane, in the heart of the Rag Fair. Here, spruiking shopfront merchants promised to fully clothe you for fourteen pence, while convincing you to spend a penny and lucky dip for old wigs in a sack. It was a place of shabby energy: covered with old boots and shoes; old clothes, both men's, women's, and children's; new lace, for edgings, and a variety of cheap prints and muslins, and often of the commonest kinds (also new); hats and bonnets; pots; tins; old knives and forks, old scissors, and old metal articles generally; here and there is a stall of cheap bread or American cheese, or what is announced as American; old glass; different descriptions of second-hand furniture, of the smaller size, such as children's chairs, bellows, &c. Mixed with these, but only very scantily, are a few brightlooking swag-barrows, with china ornaments, toys, &c. Some of the wares are spread on the ground, on wrappers, or pieces of matting or carpet; and some, as the pots, are occasionally placed on straw. The cotton prints are often heaped on the ground, where are also ranges or heaps of boots and shoes, and piles of old clothes, or hats or umbrellas. Other trades place their goods on stalls or barrows, or over an old chair or clothes-horse. And amidst all this motley display the buyers and sellers smoke, and shout, and doze, and bargain, and wrangle, and eat, and drink tea and coffee, and sometimes beer. Loudest of all were the Whitechapel sharps, discreet enough, but always alert to the next bustle.

While Lee and Seaton drank and gammoned, the third gang member, George Connoway, spooked Mr Hill’s slaughterhouse in nearby Poplar. The price of livestock in the city had almost doubled in the year-to-date, so stolen bullocks to the right
butcher might be sly for twenty pounds: a big step up from the gang's usual kiddy-fingering, and maybe the trick to forging some genuine family connections.

It seemed a simple bridge in theory: the boys would front as suppliers of live beasts to butchers, who would dress the flesh and sell it on. If that failed there were still edges of the city where Sunday, word-of-mouth bull-baiting for scratch still went on. In the end, the three man-boys tactless spruiking warned off potential buyers. The butcher's apprentice they finally lined up crowed straight to authorities.

Lee and Seaton contentedly shepherded two resigned bullocks through early morning London streets. Their forlorn, jacket-button eyes watched indifferently when
constables jumped and chained the two young men. Connoway had already bolted but was found and arrested within a few days.

Lee, Seaton and Connoway’s trial was rife with buffing and Blue Anchor Inn witnesses turned King’s evidence to ensure a conviction against all three. The judge’s dreadful sentence never eventuated, after a Royal Pardon and the Transportation Act saved them all from the drop. Prison quickly sorted the mentors, the judges, the thugs and the bullies from the rest, and those without cunning or coin quickly became factotums, mollies and hanks. Women without support sewed, cleaned, prepared food or spread their legs for those most likely to protect or dab it up. As a gang, Lee, Seaton and Connoway turned these arbitrary and institutionalised daily dramas and violence to their advantage.

A NIGHT ON THE EDGE OF THE CITY

It was around the time George Lee, Alex Seaton and George Connoway were concocting their failed bullock robbery. Across town, in the still notorious Green Park, Thomas Holmes and Mr Ellis are taking a short cut home after work and some inn hopping. When Holmes is grabbed by the collar, he thinks his tipsy companion is up for pranks but Mr Ellis is being dragged into a nearby bush by two masked figures. From this moment the recollected narrative shirks linear certainties. Time and events will now disconnect without regard for each other. For the victims these moments are a dreamscape in which later memory will become a fiction more real than any imagining.

Instead of Mr Ellis, Thomas Holmes is suddenly confronted by a third masked man, jamming a pistol in his cheek and demanding silver and coin. Holmes impulsively grabs his attacker's shoulder, hoping to wrestle the weapon free. The man keeps a firm hold of his pistol, so Holmes kicks out, but the masked man's legs are muscular and
horse-solid. Holmes falls, but just as quickly feels his attacker lifting him with one hand while the other maintains the pistol’s cold barrel firmly against his cheek. The demand to hand over the shiny is now studded with awful threats. In these moments Mr Holmes imagines he is an insect trapped in a water bubble, his hearing muffled by a whack across the head. This is replaced by the physical sensation of warm urine dribbling down his leg ... and the click of a pulled trigger ... followed by the clean snap of a flintlock and then silence ... not even a flash in the dark ... a world of human statues.

The three footpads have been skirting the decrepit ex-pleasure garden since dark came on. Their patience is relentless and they can wait all night for a bounce. This patience also grounds their ruthlessness. They do what they do.

The gang split working nights throughout central London. They are well prepared. They feel the night, which may seem instinctive, but the men know their patch. Geography is an awareness of shadows and blackness. They know how their own shadows blend in or stand out. The actual bounce is simple chance, and taking the most profitable-looking or rank shake that passes by. The bounce is about shock. You want a victim to feel they have just swallowed their heart, or, in the case of the unguarded Mr Holmes, have a carronade explode in their chest, so that time stops for a few exploitable seconds.

With the pistol barrel still drilled into Holmes’ cheek, the gunman takes a second trigger-pull. The night is too wet. Thank the Lord it’s too wet. Holmes, slightly emboldened by his reprieve, tries to again wrestle his attacker, but the pistol is now a hammer flailing aimlessly at his head before it breaks apart.

Mr Ellis is crawling around nearby, cowering and dazed. He refuses to look up, not that he will see much in the darkness. His ringing ears mix shuffling movement with indistinct, insinuating laughter. Ellis’ pockets have been inverted. He realises the icy, agitated puffs are his own breath. Unsure of what’s next, he freezes, prone on all fours.
One of Mr Ellis’ attackers runs over to tackle Holmes and hold him down while the gunman siphons his pockets. The thieves disappear with one silver watch, value 40 s. a steel chain, value 6 d. a seal, value 2 d. a man’s hat, value 5 s. a guinea, value 21 s. and 18d. in monies numbered. It’s a plummy game for one hit, almost enough for a week of sweets, cunt and beer.

Holmes, for reasons he does not clearly understand, can only think of those superhuman legs, marble-cold and firm against his body. Their contours follow him around in his mind.

The following day, John Turwood, Daniel Chambers and James Gall are rounded up and arrested by Bow Street Runners. Chambers puts up a fight and tries swallowing some silver coins. Watches and shiny are recovered along with a pistol piece that neatly fits the half found left in the park. Gall is already well-known locally for leading a mob who tried to burn down an Irishman’s house during the recent Gordon Riots, but it’s his legs that make him a compelling match for Holmes’ attacker.

Being faithful – in the family way – James Gall pleaded guilty to the assault and robbery charges. He claimed Turwood and Chambers knew nothing of the robbery, it was two other men that was along with me, I know nothing of these men, only seeing them once at a public house, and that was all. Gall, who had, a few weeks previous attempted to shoot and kill a man, was now, just as defiantly, willing to die for another.

All three men were charged and sentenced to death, but only James Gall would swing as spectacle on the Newgate gallows. Turwood and Chambers received King’s Pardons. While in gaol between their processing from prison to hulk to transport, Chambers recognises one of the Bullock Brothers. Chance is circumstance in the family way.
WILLIAM SUTTON: THE BISHOP OF LOST ALLEYS

Back on the 30th August 1786, at the Bullock Brothers’ trial, one William Sutton was giving evidence in the matter of Robert Jones and the theft of a watch and silver. William Sutton explained he was doing business on Craven Street (just a rats dash from Rosemary Lane) when I heard the cry of stop thief; I looked up Craven-street, and saw the prisoner running at a considerable distance, and several people were running, but I saw nobody speak or touch him; the others were running in pursuit of him at a considerable distance; I stopt the prisoner.” Sutton told the court he saw none of the stolen items on Robert Jones’ person. The ease with which Sutton had managed to calm and stop Jones had raised no suspicion.

A GOOD SAMARATIN

William Sutton was known around the Old Bailey as a broomstick who garnished certain prisoners in custody with food, gin, beer, tobacco or small coin. He had once signed as a bail provider for one of the Green park robbers, John Turwood. Sutton could appear quiet, presentable and caring without any hint of ignorance or brutality. In another life he might have passed for a gentleman. He worked as a Government Excise officer until he was dismissed – but never charged – over deception matters. He was once part of that human industry which maintained and inked the balance sheets, legal papers and bills of sale that confirmed the business of global empire. His nimble fingers now recorded the contracts, exchanges, loves and the cons of daily London living, into beautifully curled, ink-scripted proofs.
After his dismissal, Sutton built a career as a minor-crime bishop, providing fee-for-service and loans to Whitechapel locals who found the language and rituals of business and law threatening and arcane. Sutton was soon, unsurprisingly, professionally thick with gamers like Turwood and Gall. He knew how to manipulate their youthful bumptiousness. In the terms of his trade, Sutton was flash to every move on the board, the type of man even John Fitzwilliam might have gasped at in admiration.

Sutton worked his knowledge of tax evasion into his street-sharp of posing as a tax-collection officer, offering a discount to publicans willing to advance-pay the duty on their six-weekly, liquor licence fee. ‘Mr Smith’, was eventually undone when a receipt – issued to the owner of The Bunch of Grapes Inn at Cripplegate – was found to be a forgery. As the prosecution described it, Sutton knew how to commit this fraud, because he knew very well that in general these publicans were sometimes in arrear in their payments, he knew likewise what was very true, that carrying these receipts in his pocket, would forward his design; says he, you see there are three receipts of the same kind; when persons are employed in this way it is necessary they should be careful of what is entrusted to them; he knew perfectly well the whole manner of conducting this business, he knew he could by an artful tale impose on the publicans, and by that defraud the public and the revenue; he knew perfectly well that the Excise office always give receipts with particular caution on the back of the licences, to avoid that he gives it on a distinct piece of paper.

Sutton’s frauds required subtlety, wit and composure, which the public knew as personal charm. William Sutton could treat a street beggar like King George. In London’s dog-eat-dog boroughs he was a street poet playing the molly, the businessman, the philosopher or the knuckle-man, as circumstance dictated.

The dull inevitability of bureaucratic procedure caught Sutton up. Excise work was strictly demarcated into role and responsibility. On his arrest, constables found other prepared ‘receipts’ signed “J. Smith” in Sutton’s handwriting. A check of current excise
office personnel listed a Samuel Smith, who prepared the correct total for the daily certificates that would be distributed to collection officers. For an officer like Samuel Smith to sign or receipt a certificate would be a procedural rebellion close to anarchy.

Not even Sutton’s defence lawyer, the celebrated William Garrow, could unsettle the prosaic government witnesses and the prosecution countered by noting that while Garrow claimed his client was ignorant of the family way, Sutton had demonstrated an innate appreciation of criminal language and its processes in his testimony. The jury was advised that the charge of forgery should be understood first-and-foremost as a crime against the state. William Sutton’s felony was therefore first to defraud the King; secondly to defraud Mr. Beardmore.19

THE GANG’S ALL HERE

Another round of Royal Pardons saved William Sutton from the noose and in 1790 he disembarked at Port Jackson along with George Lee, Alex Seaton, George Connaway, John Turwood and Daniel Chambers. The group survived a Second Fleet voyage in which almost one in four convicts had died on route. Fraternity, history and now shared horror banded them more tightly as a group, which now, also included Robert Jones, the young watch stealer Sutton had saved from a rampaging London mob.

FROM WHITECHAPEL TO WHERE

Jones and Seaton had been moved on or separated from the group in the months following their arrival. The remaining men had somehow stayed together in convict barracks long enough to organise and steal a government boat at Rose Hill, near
Parramatta. With them was an ex-sailor, John Watson. After paddling the river undetected to Port Jackson harbour, they exchanged their punt for a small-masted sailboat. With a few weeks rations, blankets, cooking utensils and Watson’s sailing experience, they headed north on a light breeze. The destination was Tahiti.

Despite six months on a transport, the London boys found the ocean a harsh reality in a small boat. The blood rush of the escape was now a stomach-squeezing, nauseous seasickness when a southerly shook them up the following dawn. Watson tacked shakily until sail damage forced them into the safety of Port Stephens harbour, just north of Newcastle.

The Port Stephens natives rationalised the appearance of these translucent-skinned men as the ancestor spirits of dead countrymen, returned across the ocean horizon, from the other side of living. This preternatural arrival entitled the somewhat bewildered men to local laws and the renewed hospitality of kinship, which included one being shown his original cremation site.

William Sutton died soon after landing. The mast and sails were irreparable without European tools, while return to Sydney meant likely execution. It was late in 1790, and after their lives of prison ritual (and the experience aboard the transport Scarborough), the four Englishmen now existed as returned ghosts of dead loved ones. In an obtuse but practical way, incarceration and the family way had prepared them well for this moment.

They remained with the tribe almost five years. Five years could make a baby a child, a girl a woman, or see a nation fall. An ocean vessel could complete five circumnavigations of the globe. Five years was irrelevant to the timescale of their adopted world, which tuned itself to the annual migration and reappearance of certain creatures, or the arbitrary bushfires and floods. Their lives were still co-ordinated by the law and customs or tribal wars, meetings, initiations. The idea that time might be
ownerless was very familiar to the native translator Wild Man Wilson, who was trudging through the Port Stephens bush in 1795, trying to keep his fellow colonists from shooting wildly at anything that moved.

WILD MAN WILSON

John Wilson was a First Fleet lag who stayed behind after his sentenced expired. He was a bolter like John Fitzwilliam, but found unique purpose and reason to the bush. He began reappearing in town cloaked in a kangaroo-skin that barely covered the native scarifications in his chest: this gnarled, honest barbarianism made a few NSW Corp officers seem as dandified as the King of Naples. Some native tribes accepted and taught Wilson to read the seemingly impossible bush and its signposted, obvious order, while bushcraft started to explain the land’s indifference. During one expedition Wilson came across the remains of fifty odd dingo-chewed, calico-draped human skeletons, their rusting knives locked in tentacled finger-bones. They might have been there for years, one of the early groups of bolters who expected China to be just beyond the mountains.

Wilson learned there was a reality to be found in listening to the bush, whether for hunting food or simply following the darting, zigzag projections of tiny finches seeking their daily water. It was this knowledge used on missions such as the 1795, coastal survey expedition in the sloop Providence that made a quick storm stopover into Port Stephens harbour.

A small landing party was not long in the bush when the surveyor Charles Grimes walked off alone and into a misconceived contact with local natives. Rushing to the shouting Grimes, who could be heard above the noise of wind-torn trees, Wilson found him surrounded by group of speared up native men. They scattered after
Wilson fired into the sky. While traipsing nervously back to the Providence, a crew member asked if anyone had noticed what looked like a white, naked body ghosting in the trees during the altercation. The survey vessel continued on north until bad weather returned and forced the Providence back to the safety of Port Stephens’ clean, oval harbour. On Wilson’s advice, they would keep weapons uncocked going ashore again, which is when they came upon a contented, disinterested tribe that included four, creole talking white men, who smiled while introducing their wives and children.

The return of the smoke-dried four to Sydney Town coincided with Governor Hunter’s decree that all boats constructed in the colony were to be registered; a small administrative gesture in the exasperating fight against years of opportunistic convict piracy. Despite this, Hunter pardoned the four convicts and for a while they were treated as half-man, half-savage curiosities. Like John Wilson, they were used as native translators, but found the various Sydney dialects difficult and sometimes impossible to understand. Their new diet of salted pork and watered-rum bloated their stomachs and shrunk their spirits. Watson and Chambers died from complications of the gut. It had been easier to swallow stolen, silver coins.

Two years later in 1797, John Turwood and George Lee were among the convict-pirates chased north by Lieutenant Shortland. It’s not too fanciful to imagine Turwood and Lee returned like death cheaters to their joyful Port Stephens families, while Shortland was anchored just one harbour away.

Before the century was out, word reached the Governor that Wild Man Wilson had been executed by a native tribe after he illegally possessed a young woman for his ‘exclusive accommodation’.
MINISTERS OF THEORY

Liberal philosophers, deists and outspoken pastors dreamt that distant colonies like New South Wales would harmonise religious reform with the mammon of global trade. Slavery would be abolished, but the citizen-mass would put the guidance and rules of the wealthy few before their own self-interest. Such utopias seemed more possible after the wine and rum were finished, the brandy half-spilt and the madak all but smoked.

The first colonial Governors were professional soldiers, but reluctant father-figures of an untested social experiment. Combat taught them belief in social systems based on obedience and discipline, where the group came before the individual and self-awareness was making a contribution to it.

John Hunter thought the world was beyond any control in 1789, when as a naval officer, he could barely articulate a smallpox-like epidemic decimating Port Jackson aborigines. Putrefying bodies floated in the harbour and frightened families stole away to coastal cave-shelters to become grim feed for crabs and gulls. Everywhere people lay down to die.
BOOK III

DOWN TO BUSINESS
HENRY HACKING

As a modern day odyssey, the First Fleet was indebted to men like Henry Hacking. The quartermaster of the flagship *Sirius* safely delivered a passenger list that included the Governor, Arthur Phillip; the Judge Advocate David Collins and future Governors – then naval officers – Phillip Gidley King and John Hunter. After a round voyage back to Britain, Hacking was back in Sydney Town within two years. For a crack marksman and first rate navigator like Hacking, a colonial tour combined official responsibilities with his joy of shooting and frontier exploring. He was a discrete and loyal warrior, who thrived in awkward situations.

A musketeer of the time could fire and reload three, to four, to six times in a minute. With improved weapon design and relentless drill-training, four became the British Army standard. The Brown Bess, in the hands of someone like Hacking, became a natural extension of the body. His acute mechanical sensitivity to the length and weight of the barrel – in relation to the angle of sight – ensured that despite the musket’s fundamental imperfections, he could, over long distances, compensate for shot-swing through the air and accurately hit a bird, not just the tree it was perched in. Hacking boasted he knew of one or two port-whores who managed their pudenda with equal skill.

Guns and pistols demanded daily cleaning: moisture in the works could result in a backfire explosion capable of burning skin layers off the face and hands. ‘Keeping your powder dry’ while ‘staring death in the face’ had a thick and sticky reality for riflemen; they were literal words, hot with pulsating blood and burnt flesh.
THE LADY NELSON

In the middle months of 1800, Hacking oversaw testing of a revolutionary, shallow draught keel fitted to the Lady Nelson, a mercantile brig bought by the Royal Navy, and just arrived from England. The vessel had survived violent storms during its maiden voyage out, which had left much larger vessels in its fleet still at ports for long-term repair.

While performing manoeuvres just north of Sydney, the brig came across a vessel smacking sail back from fishing at the Hunter River. Three of its crew had been ambushed and kidnapped by natives, after which their dinghy was ransacked and set alight. The Lady Nelson entered Hunter River two days later, following a dirty smoke trail to its charred, smouldering source on a white-gold stretch of shoreline in the estuary. Hacking and his men were examining the dinghy’s remains when natives appeared out of the scrub, spears primed. Hacking’s crude understanding of southern Sydney dialects did not translate well, and while he heard something familiar in their chirpy, abbreviated syntax, it did not amount to a shared conversation. Even basic gesturing and finger pointing at trees, hearts, the ocean and the sky meant a little less than nothing.

Wary about the natives trying to coerce his group into the bush, Hacking produced a loud, threatening pidgin, peppered with any southern insults and profanities he could remember. For the natives, Hacking’s demanding roar betrayed a lack of sophistication, no better than the three gubba fishermen who had tramped around their camp, trying to steal away females.

The three fishermen had already been tried and convicted. Their boat had been burned so they would have to walk home. The blankets and the sail were non-refundable compensation.
The two groups nervously faced each other while residual dinghy smoke continued to spiral up, before dissolving away in the sunlight. Hacking’s team shouldered and cocked their loaded muskets. When the natives speared-up, about to throw, Hacking calmly fired off three shots. The natives quickly dragged their injured boys into the bush. Sharp, well heated sticks were later needed to remove the hard stones that burned into their flesh. Despite this, the natives were impressed with the way the chief gubba had purposely aimed his weapon at their legs and arms.

A belated search could not find any trace of the fisherman and the *Lady Nelson* pulled anchor for Port Jackson. They were regarded as lost, most likely murdered. These river natives, like their cousins south of Sydney Town, soon gained a reputation as scrappers.
In 1799, Henry Hacking was twice charged and pardoned over grog-induced incidents, one involving the shooting and wounding of a woman. In 1803 he and an accomplice were caught stealing naval stores to sell on for a quantity of rum. A possible death sentence was commuted to time in Van Diemen’s Land. While he continued to reliably implement the nastier, more unmentionable orders of his superiors, Hacking’s black side was tolerated. Drinking was a release from his clandestine duties and also a distraction from the boredom between assignments. A third drunken assault on a woman was ignored. Governors’ Hunter and King maintained a gentlemanly blind-eye: they had decided Hacking was just naive to the sexual manipulations of certain women. It was a problem that disappeared when their dependable henchman was returned to the wilderness.

Looking along the barrel of a Brown Bess reduces the world to a vanishing point. For Hacking, this space cleared and sharpened his rum-stained, dead calm eyes. He
accepted the hundred yards in front of him for what it was. The grog finally soaked him into a shipwreck of a man with the reflexes of a slug. He was pensioned off to Hobart, an infirm street-drunk whose fractured stories were laughed off as fantasy.

FROM GOVERNOR PHILLIP’S INSTRUCTIONS

You are to endeavour by every possible means to open an intercourse with the natives, and to conciliate their affection, enjoining all our subjects to live in amity and kindness with them. And if any of our subjects shall wantonly destroy them, or give them unnecessary interruption in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence.  

Fig. 6
The language of government was also the business of conquest. Phillip’s landing instructions for New South Wales were repeatedly redrafted by the Colonial Office before he sailed: the word savage was replaced with native, while the original suggestion of encouraging convicts to have free Exercise of any Religion not outlawed with all proper method was lined through and replaced with religious observance and good order among all inhabitants.  

The three missing fishermen from Hunter River turned up in Sydney tired and smoke-grubby, but alert and with full bellies. They’d been guided south along amorphous bush tracks, passed with practical care from clan to clan, tribe to tribe.

**IN THE YEAR 1801**

Ireland joined England, Scotland and Wales: The Kingdom of Great Britain was officially renamed The United Kingdom. War with Napoleon scattered over Europe to Egypt and the world’s ocean routes. A dwarf planet was found floating in the outer solar system and named Ceres after the Roman goddess of harvests, plants and maternal love. The world’s largest city, London, opened a Stock Exchange. Richard Trevithick’s steam engine powered a road-carriage filled with passengers up a hill and some predicted the human body might disintegrate on a machine moving at a speed of fourteen miles per hour. The Swiss educator, Johan Pestalozzi, proposed that by educating women, society educates its communities. In New South Wales, a two month exploratory survey of Hunter River set off from Port Jackson.

The sentinel island off Newcastle was often referred to as Coal Island until the name Nobbys was formally adopted. Marked by Shortland on his 1797 eye-sketch, a good two years before the beach confrontation, it was curiously tagged ‘Hacking’s Island’.

Irregular visits to the river were returning with high quality samples of fustic, timber and coal. Despite the rough and difficult entrance, its estuary and natural harbour
made it a regular stop-over and storm haven for government and commercial vessels, as well as ubiquitous pirate-convicts.

PIRATE POINT

Fifteen men seized the government sloop Norfolk from the Hawkesbury River in early 1800. An armed cutter hunted the ex-longboat to Hunter River only to find it broken and bilged on the northern entrance sandbar. Nine men were recaptured and returned to Sydney. Two of those were executed, while seven others were sent to secondary punishment on Norfolk Island. The constant hunt and chase over these predominantly futile escapades continued to cost the government time, assets and manpower.

Some blamed colonial pirating on the recently deceased writer James Boswell and his support of Mary Bryant during the London trial that followed her fantastic escape from the colony in 1791. London rumours said that the itchy-pricked, rough-trading Boswell’s real interest was not justice or epic adventure, but perhaps the fine-toothed Mary’s fiery hair and sexual pragmatism. It seemed that Bryant’s folk legend, encouraged by Boswell, was influencing gullible convicts – with no practical sailing skills – to replicate her impossible journey.

JUNE 1801

In his second year back in the colony, the recently gazetted Lieutenant-Colonel William Paterson was given a place on the naval and scientific expeditionary survey to Hunter River. The keen botanist and close friend of Joseph Banks had very reluctantly returned to the colony. The prickly but curious man, who preferred plant samples to people, was back to investigate reports of New South Wales Corp officers
trading rum for personal profit, the same issue he had ignored as an officer during his first tour of the colony in the 1790s. His reports to England now complained about the Governor, the liquor currency, the threat of Irish insurrection and the cost of living. The Hunter River expedition not only removed Paterson from a mess partially of his own making, but also the suspicion and mewing his current orders had sparked among the Sydney militia and their business partners.

The *Anna Josepha* was an ex-Spanish war prize converted for trading. A few months before the 1801 Hunter River survey sailed in, she was sitting it out with her cargo of Newcastle coal and timber, waiting on the outgoing tide, when a school of dolphins came through chasing salmon. The crew took to dinghies, driving both hunted and hunter into the shallows, where men waited with hooks, harpoons and muskets. One dolphin had its fin roped to pull a dinghy of men along till it slowed, exhausted, and was shot and then rolled over next to thirty other carcasses being filleted for their thick blubber, an ingredient for making excellent soap.

The Hunter survey’s three vessels: *Lady Nelson, Resource* and the schooner *Francis*, were under the command of naval Lieutenant James Grant, who had skilfully captained the *Lady Nelson* on her maiden voyage. The team included the surgeon John Harris, an apolitical colleague Paterson had first befriended on Norfolk Island years before, and the surveyor Ensign Francis Barrallier. The son of a defecting French Officer, Barrallier was already *discharging the duties of Military Engineer and Artillery Officer, superintending the Military Defences, Batteries and Canon of this Settlement, in addition to which he has most arduously and voluntarily executed the duties of Civil Engineer and Surveyor to the advancement of the Geography and Natural History of the Territory.*

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AN ABBREVIATED ENLIGHTENMENT

For two, mostly sunny winter months, a collegiate atmosphere formed between the survey's officers and crew. For Paterson the expedition was a private heaven of recording and cataloguing. His weekly reports to Governor King betray the closest he would allow to a public display of feeling. For Paterson, the world was generally a Linnaean space awaiting the next uncatalogued flower or insect.

Base camp was established behind the peninsula cliffs. This dispersed into sub-groups as the survey explored up river, where the dinghy creaked and a dipped oar was barely heard as it pushed through the honey-clear water. Far from the ocean boom, the quiet fizz and click of persistent insects might as well have been called silence, punctuated only by an occasional sound from the new glossary of bird noise.

The *straight made, little old man*\(^{23}\) was standing enigmatically on the bank when Barrallier glided around an unmarked bend of the lower river. With a broad smile, he accepted Barrallier's invitation to climb on board. Back at the camp, he grunted monosyllabically through *limited teeth*\(^{24}\) before imitating camp members like the quickest magpie. He allowed his beard to be shaved with a sharp razor that was slid across and down his neck: the Father, Son and Holy Spirit, Amen. He refused a dinner of cooked stew but unhesitatingly dumped two shot crows on the fire, admiring their blazing feathers. After eating and song they all slept around the fire.

Next morning Paterson gifted the old man a tomahawk. As a gesture of thanks he rattled high up a tree to chop a branch down, showing he understood what the tool did. He was returned to his riverbank and the day continued on.
There was little further contact between the expedition and locals. Paterson assumed it was natural shyness or the issue of runaway convicts in the area, rather than the constant musket fire of the survey collecting specimens and food. John Harris was more definite in suggesting *I am afraid they have been badly used by the white people some time since.*

‘I AM STARVING WITH HUNGER’

He appeared from the bush like an unrehearsed stage entrance and stumbled towards Grant, Paterson and miners working at the main camp seam. It was
thirty two days since John Loft had escaped from Sydney with two others in one of Mr Underwood’s boats, only to be wrecked in a gale near Port Stephens. Loft claimed one of his fellow escapees died after eating toadfish, while the second was killed by native spears. He had no explanation why he survived this attack, totally unharmed. He followed the beach south, nourished by scant rations and recognisable shellfish, ignoring coloured seeds that suggested edible food. The slog of paddling around the nearby estuary islands at low tide had completely exhausted him. Loft dropped to his knees in front of the men and the emotions that he felt on meeting are much better imagined than described; the laugh and the tear had their repeated place in turns, and his first utterance was, “I am starving with hunger”.  

Loft endured by imagining what his death would be like. Pathetic as he looked in his rag-tag slops, Grant, Paterson and the miners saw a man, rather than an escaped felon, whose scars and wracked frame betrayed a survivor’s grit and hardness. They understood bolting was similar to exploration: a return journey from what was once nowhere.

A BARNACLE ON THE HEART

Loft explained that he was lagged ten years ago on the Second Fleet vessel Neptune. A transportation vessel, as much as a personal name, defined a convict’s identity in the colony. On hearing the name of that vessel, even Paterson shuddered before grunting a mild sympathy for the wretch.

High up in the valley, Paterson, Harris, Grant and Barrallier climbed Mount Elizabeth, which they named after Paterson’s wife. Into a tree the letters W.P., J.G., J.H., and F.B were carved. Beyond a rudimentary landmark, it betrayed a gang of boys at play.
The 1801 expedition survey was a ring-barked, collective memory for Paterson, Barrallier, Grant and Harris, but when their lives re-crossed socially in later years, changed circumstances made for public animosities and civil actions, rather than talk of old times.

Back in Sydney Town by September, Paterson received shoulder injuries after a duel with John ‘Jack Boddice’ Macarthur. The mean-faced, gilded-prince of the colony haunted and harassed Paterson throughout his two colonial stays. Bitching animosity, the staple emotion in most of Macarthur’s relationships, started in the army and continued until Paterson’s departure in 1810 when convict, soldier and settler lined Sydney harbour to warmly cheer his vessel out to sea. The easy, good-natured, thoughtless man died on the voyage home, appropriately perhaps, between worlds.
Scientists pump the air from a glass tube and leave nothing inside. British colonisation worked pragmatically according to circumstances, but where possible, it replaced the vacuum with its own imported language, law, coin or religion. Arthur Phillip’s original orders decreed a dual occupancy with the Aborigines where colonists would conciliate their affections ... live in amity and kindnesses with them ... and bring the law upon any of our subjects if they wantonly destroy them...

The natives were a legal paradox: being unable to conceive of a biblical God made them non-Christian, *ergo*, unable to distinguish right from wrong. While they were now protected by laws they had never heard of, they could not witness or represent themselves in those courts. They inhabited the land they lived on without owning it. Like John Fitzwilliam, they were doubly discarded.

Men like Hacking, Shortland, Turwood, Wilson and even John Loft might have been mistaken at one time as lost ancestors or spirits, wind driven over water on white canvas wings, but a spear downed them like any wallaby. They farted, shitted, pissed, humped and ate like any other breathing creature. The gubba’s prick engorged and stiffened and their melon-breasted, smooth arsed, wiry-haired women bled and gave birth.

The natives watched the survey team shoot creatures to examine them. These particular gubbas seemed curious about the bush’s changing, interconnected moods. They sang and laughed and shouted and cursed. The sound from their mouths produced music of sorts, but it spent far too long saying something.
The usually unruffled Barrallier had made much of the Hunter River’s intimidating entrance: You can see from my map what a fearsome passage one has to traverse in order to reach this beautiful river. The roaring of the waves, crashing one upon the other and breaking with a terrible noise on the steep rocks of the island, and raging as they roll onto the sands of the opposite shore, would make the most intrepid sailor tremble. [If you had been here] you would have seen all the seamen, with terror showing on their faces but remaining firm at their posts, obeying with incredible dexterity their captain’s orders in order to extricate him from this almost impenetrable labyrinth. 29

Barrallier was piloting the Francis, responsible for shuttling regular supplies, people and dispatches between the survey team and Sydney. The accumulating reports convinced King to stake out and extend the three month old camp: a retinue of supplies and men would remain behind to assist in the formation of a hard labour outstation, based around mining. A July supply run brought with it one miner, a dozen male and female convicts and eight privates, selected personally by Corporal John Wixtead, who Paterson had levied for the new command.

The survey team left a comfortable hut, tents, a small boat, arms, ammunition, tools and the miner John Platt, who had skilfully worked at seams without carpenters, blacksmiths or even a wheelbarrow. Wixstead’s group arrived with no jack dos or adzes and no oilstones for tool sharpening. Platt was a modern engineer using medieval technology. The entrance was a hole in the cliff-face which tunnelled horizontally until it fingered into another tight complex of seams, all running in and under the headland, barely lit by small candles. The coal was excellent quality, reckoned clear and transparent, mostly free from earth and smut.
Work and eating consumed the new camp’s waking world. Pork-scented gruel was somehow appropriate for the days of dog-arsed labour. When the only fishing net busted, an imitation native trap-pool was created, which worked more by chance than design. The mutual respect and enthusiasm of the survey expedition was soon replaced with male ear-wigging: convict and galoot united against the placid Wixstead, who, they had decided, was misallocating the rum and food ration. Sydney ignored the returning sail-gossip and one of Governor King’s letters to London at the time wrote optimistically of a trouble free camp that had shipped coal to Bengal!

Winter seeped under tents and blankets at night, sharp as any London slum-house, before days and days of angry rain, which stiffened muscles and dulled conversation. Some of the convict labouring involved chopping fustic trees that lined the harbourside banks. Its shaved or hearted wood produced a dazzling, gaudy-yellow dye which seemed an appropriate warning sign for the waspish machinations that had started to insinuate throughout the camp.

Journeys to the edge are also about collective endurance. They work when individuals don’t give in to incipient, human insecurities. Rather than return to England, marine private John Wixstead had transferred to the New South Wales Corp, who promoted him to a Corporal. The camp was his first command. His fundamentally good nature was now being misinterpreted as vulnerability, while his reluctance to discuss the distribution of food and booze – which he considered a matter between him and Governor’s secretary – became a conspiracy. Daily life at the outstation took on an irreversible, malicious edge.

The accusations and complaints were diversions from the camp’s real issue: women and fuck-jealousy. Any promise of sex was lubricated nightly by drink. Wixstead slept with a secure moll, while the other women shared themselves between soldiers and male convicts, on their terms. Morning bird noise offset the women’s work songs and reverberated in the drink-stung, waking heads of those who were missing out. Last night’s pretty voice was now a mocking refrain. The men shared drink and tobacco rations with the women. Nightly expectation became a self-pitying loneliness for
some. This seemed to be justified when they were off to another day chopping logs or digging in the claustrophobic zigzag of hothouse tunnels, without enough room to swing your dick.

Sydney couldn’t decide if Wixstead was jacketed or was simply an inept leader. The camp’s men smirked and clawed their stones in feigned innocence when Wixstead confronted them with the news that Sydney was sending Ensign Barrallier and Doctor Martin Mason to investigate. As a military matter, Barrallier conducted a makeshift court of enquiry. Mason, a recently approved civilian magistrate, observed. Wixstead was found guilty of imprudence, but not the more serious charge of converting government spirits for his own use. He would retain his rank but be replaced as Commandant by Doctor Mason.

**DOCTOR MARTIN MASON**

Mason’s letters to Sydney were informative but self-aggrandising. They tell of an accomplished leader who transformed a dysfunctional camp into a working mine within days of taking command. Spring was unfolding and Mason had diversified work between mine and fustic collection, scientifically taking weather and the time of day into account. Up to three tons of quality coal was now dug by shift, filling measured baskets that were dragged across the sand to dinghies, and then rowed out to vessels anchored in the harbour. The movement of individuals and resources between water and land, convict and soldier, sailor and female, was strictly regulated if not always enforceable. Mason sent two troublesome women back to Sydney, but nights were still rum-rowdy, sexually phosphorescent and often violent. Wixstead ran a five-day working week that Mason extended to seven, with additional penalties for what the new commandant considered slacking. The small population was soon operating on starvation rations and a raw, new resentment. The soldiers and prisoners who originally jacketed Wixstead had duped themselves.
Doctor Martin Mason had Northern dreams. Given just a couple more competent miners, a blacksmith and some reliable tools, he would give Governor King and the Empire a profitable prison mine. Mason’s letters continued to speak of his honest enthusiasm which barely masked a reality of ruthless and petty autocracy. Mason reigned over the camp with the delusional superiority of a man who had read, but completely misunderstood, Aristotle’s Guide to Household Maintenance. Nothing would impede his great experiment of the camp becoming the East India Company of the Antipodes.

The camp soon whispered rude street gossip from Parramatta concerning Mason’s time there as a new magistrate, where he followed a female convict to her cell after a minor misdemeanour charge. It was said Elizabeth Hastings had estranged Mason with her cupid-eyes in court, but when she preferred a night tied at a post to his offers, he derided and defamed her as a rumouring strumpet, unable to comprehend a married gentleman’s kind regard.

Mason’s organisational skills never aligned with his schemes. He begged the Governor to transfer Platt permanently as mine supervisor while humiliating the man in letters as a weak-thinking, semi-barbarian. He asked for hardier cattle; successful hewing and heaving was not for the locust-thin, city bred bodies now at his disposal. He requested elaborate industrial and mining tools while ignoring Platt’s fundamental advice on the importance of basic levelling and tunnel dialling. Doctor Martin Mason’s industrial utopia did not require proper drainage or ventilation, or suffer firedamp. What mattered was that mining cheated nature and allowed men to work free of clocks and sunlight. Mason was a competent physician but never understood human beings.

King might have agreed to Mason’s seven day working week and the strict rationing, but he knew – as a soldier, if not a physician – that denying convicts and the garrison soldiers private fishing and hunting time to supplement their rudimentary diet was an indiscriminate and poor choice of punishment.
King then received a letter from Mason describing how he had calmly taken on two maniacal and mutinous 102nd soldiers; holding one down while simultaneously taking a loaded pistol from the other.

Young Cole was an odd fit for an outstation stores officer. He had followed his sister to the colony after she married a Lieutenant Cresswell from the NSW Corps. One of Cole’s regular letters to his brother-in-law provided an alternative version of Mason’s story, one in which he and Wixstead – who Mason freely accused of instigating the supposed mutiny – calmed a tense situation by persuasion and reason.

Despite Mason’s arguments, King shut the outstation experiment down. Mason was shocked, but abrupt or seemingly contrary decisions were normal in an itinerant and reactive organism like the military. The outstation and the supposed mutiny were, for the time being, forgotten.

The abandoned camp regressed into a ramshackle, occasional stopover for small, independent trading ships paying Government duty to fish, mine and log cedar. John Platt remained on in his labyrinth, praising coal more flexible and rich than Leith Black.

Mason returned to Parramatta as a magistrate and doctor. His Newcastle command was forgotten until ten years later, when, living back in England, he was called to give evidence before the 1811 Court Martial of those accused of the 1807 insurrection and removal of Governor William Bligh. In his witness memorial, Mason detailed the mistreatments he suffered as a so-called Bligh supporter, including a false arrest after soldiers raided his home over an unlicensed still, which was standard equipment for any medical man. He rejected the implied criticisms of his command of Newcastle, which was now referred to as a township. On hearing this, a tiny, buried ambition resurfaced on Mason’s long calm breath, until Elizabeth Hastings’ name echoed out through the clean, wooden air of the Colonial Office courtroom. Mason was prepared: the woman, he defiantly noted, had been charged with a misdemeanour. Any subsequent irregularities were proved to be the gossip of ex-criminals. Mason left the
witness chair and a few pointed moments were just as quickly returned to the forgotten past.
BOOK IV

TREASON

O Lord and God arise,
Scatter his enemies,
And make them fall.
Confound their politics,
Frustrate their knavish tricks,
On Thee our hopes we fix
God Save the King!

The King's Song
The 1798 Battle of Vinegar Hill in County Wexford resulted in hundreds of surviving Irishman, or rebels – as the invading English defined them – being dismissed to New South Wales as transported convicts. Irish humiliation, kept as a collective memory in song, stirred the dust of early Sydney streets. They were songs born of death, anger, revenge and complete bewilderment. Their sad and boisterous lyrics were grog-pumped and fractious. They could make defeat seem uplifting. The tunes might have irritated Hunter and King, but as men of war they both respected the core of honest bravery belying their tin whistle melodies.

One or two songs chronicled the use of grapeshot by English artillery on fleeing women and children, firstly at Vinegar Hill, and then at nearby Enniscorthy. A hospital filled with the injured was later set alight. Incinerated human bodies popped and hissed in the burnt remains well into the following day. There are things that should never be forgotten, if only because re-saying them might be all there is left.

**THE DUKE OF PORTLAND**

Correspondence between New South Wales and England took six to twelve months so the need for clear and unambiguous correspondence between Governors and their London officials was essential. British colonies the globe over were siphoned through the control of the Home Office Secretary, who at century’s end was William Henry Cavendish-Bentinck, 3rd Duke of Portland. He might have been approaching retirement, but with blood bluer than the Pacific, Portland was genuine privy-power. He had been variously a Duke, a Marquis, an Earl, a Viscount, a Baron and Prime Minister. The correspondence between himself and Governor Gidley King
reflected Britannia’s obsession with the mood and behaviour of its transported Irish nationalists, especially any remaining Vinegar Hill veterans.

King’s predecessor, Governor Hunter, had already quelled a potential uprising soon after the first rebels starting arriving in 1800. Ringleaders were sent to the Norfolk Island outstation, where they could sing and conspire to the gale whipped, metronomic pines. The Duke of Portland was congratulatory of Hunter’s emphatic response, which was in line with the Colonial Office’s belief that isolation and suitable corporal punishment might eventually shatter Irish spirit. Executions just seemed to encourage them.

For all his cool, self-effacing manners and belief in the ‘rule of law’ for all, Portland understood empire maintenance required benign intimidation and thuggery, traits that reflected something naturally British. It required a firm signature on a contract and a steady head when the grape-shot exploded. For Portland, the benign feudalism of noblesse obligé was enough liberty for the little man. The Irish and the French had proved there was no civilisation in revolution.

MEASURES FOR PRESERVING TRANQUILITY

Defeat in America, the French revolution, and finally the Irish uprising, provoked the British Government to announce *Measures for Preserving Tranquility*. The phrase rang smoothly and reassuringly in the ear, like a moral stroll through a Capability Brown garden. If he constantly scanned overseas dispatches for colonial unrest and trouble, Portland and his privy counsellors knew the most dangerous group of all was the English people.

What stung the Irish about the English attitude was its fundamental dishonesty. Instead of calling conquest an invasion, they disdainfully and haughtily believed the
accession of Ireland was morally correct and civilising. The Irish recognised in this a pampered child, who only glimpses right or wrong for what they can get out of it.

JAMES HADFIELD

The King’s Song was a notationally simple tune built on a mnemonic, nursery rhyme progression. The Royal Theatre custom of playing it before performances had become an Empire wide ritual by George III’s reign. On the evening of the 15 May 1800, the audience was especially excited as it rose and faced George and his son Prince Frederick, resplendently real in their Royal Box. During the song’s gushing rendition, James Hadfield climbed up on his seat and pulled a horse pistol from his jacket. He raised and aimed it at the King before calmly firing off a shot-and-ball load. It missed the royal target by 14 to 18 inches, though reports varied on the distance and the importance of this fact.

Six years before that wild evening, James Hadfield was laid out on the battlefield of Tourcoing in French Flanders. A French sabre had slashed an awful cut along his cheek before cracking a hole in his skull. After four years in France, Hadfield was part of a prisoner of war exchange and returned home. Veterans knew that regardless of Hadfield’s wounds – it was possible to finger-feel his exposed brain membrane – the real miracle was how he was allowed to live after the battle.

Returning to public life intensified Hadfield’s headaches and the maddening, disruptive voices in his head. His disposition mimicked Britain at the time: mad like its monarch and war weary like its citizenry.

Lord Portland and the privies knew a fractious public required something more real and fancifull than public executions to distract it from the hard times. Treason was
topical and fitted like a well repaired wheel spoke, but for the public to adopt it, *Measures for Preserving Tranquillity* needed something oppositional.

**FOR KING AND COUNTRY**

Through a general’s eyeglass the infantry battle seemed an orderly, snail-paced parade of uniform movement, punctuated by polite, cloudy puffs of cannon smoke. The reality was hot air and confused shouting amidst colliding metal and projectile gun and cannon fire. Smoke everywhere, thick as tobacco in the eyes, the mouth and up the nose. Veterans tell a repeated story of an unearthly, orchestrated noise that sometimes penetrates the medley of gunshot, cannon fire and death-screams. It rolls in and over the battlefield, like a constant hum that is channelled through the back of a soldier’s head. It continues until the fighting stops. It is enigmatic and sourceless. Some call it a divine protection from madness, while others consider it the temporary muffling of hell.

The aftermath of a battle is for scavengers: discarded weapons, lead shot, medallions, clothing, personal effects and prized above all, the teeth of dead enemies and comrades. Wellington once said that the next worse thing to losing a battle is winning it.

Back in London and head-fucked in mayhem, James Hadfield found his own tranquillity in the millenarianism of apocalyptic eschatology, as articulated by radical London street-prophets like Richard Brothers, who claimed, among other things, that God had commanded him to assume the throne of England. Such fantastical prophesies made Hadfield’s competing voices seem like a Royal Theatre choir.

James Hadfield passively surrendered to Prince Frederick in the post theatre confusion. The Duke of York recognised the green, Light Dragoons waistcoat and also the twenty eight year old Chelsea pensioner as a veteran from his troop. Hadfield felt suddenly at peace.
After being responsible for some early military debacles, the Duke developed into a respected army commander whose modernisation of the British army included officer commissions based on merit rather than class, wealth or birthright. The changing sophistication of war required more than the legend of a brave, aristocratic, ancestor.

Hadfield was removed to the Duke of Portland’s office before being taken into custody. In the following days, newspaper stories suggested Portland had been aware of an intended regicide, after a detailed letter was ‘found’ in the street by a servant girl just days before the Hadfield shooting (the servant girl was co-incidentally employed by a close, dowager friend of Portland). The discovery and possession of this mysterious letter was interpreted as an example of strong government, alert to any threats against the Fountain of Mercy. The simple fact that Hadfield had so easily fired a shot at the King was lost in the conversation’s journey.

James Hadfield’s trial provoked public sympathy and astonishment. This was partly due to the performance of the witness Banister Truelock, another street prophet who introduced himself as Hadfield’s spiritual advisor and a ‘Supreme Being’, who cared little for imitators: the Virgin Mary was a bloody whore, Jesus Christ was a thief, and God Almighty was a blackguard. Truelock sought a world without Kings and soldiers because they made war, which increased the price of provisions and the necessities of life. When not saving the world, Truelock was an excellent shoemaker: cool, steady and deliberate in all his actions, cleanly in his person and regular and decent in his apartment.

**SUICIDE BY STEALTH**

Hadfield kept his Light Dragoon’s waistcoat clean. Like Truelock he was mad but scrupulous. He would never use his weapon unless dressed in uniform. Military training taught Hadfield to shoot accurately, so his lawyer’s claim in court that he never intended to kill the King was more reasonable than most of his convoluted
testimony, which stated that by feigning to kill George III, Hadfield expected to be executed. His execution would trigger the second coming of God allowing James Hadfield to save the world and also his own tortured soul.

Hadfield was tried for treason, not attempted murder. His mad philosophies were beyond logical debate as evidence and the trial was a Drury Lane farce that unravelled into questions about insanity and the effects of hot weather. Hadfield’s lawyer, Thomas Ervine, proved the idiot or the madman knew not what they were doing; without malice aforethought in his actions, Hadfield, like a godless Aborigine, had a child-reasoning that knew nothing of good or evil’s natural impression on the mind. Thomas Ervine would prove the poor man was mad, specifically, common-law precedent mad. The fact that his illness resulted from the defence of his country made this all the more saddening and untreasonable.

In the same year of Hadfield’s trial, The Criminal Lunatics Act of 1800 determined a ‘criminal madman’ should be subject to detention and state care rather than criminal law. Except for one subsequent escape, James Hatfield lived out his asylum days keeping birds and cats, while writing Byronic poems which he bartered for tobacco.

Portland and the state attempted to control Hadfield’s story in the public interest, but the trial, thanks mostly to Thomas Ervine, mocked its own paranoia over control and tranquility. Hadfield’s failed martyrdom had complicated the world forever. When the crime featured in an upcoming Malefactor’s Register, it was post-scripted on the same page with the narrative of a successful regicide in 1610 France, when François Ravaillac, another bedlamite with visions too radical for contemporary churches, stepped through heavy Paris traffic, got into the royal carriage unhindered and fatally stabbed Henry IV. His motive was to convert the King to Catholicism. Ravaillac unsuccessfully pleaded insanity and his body was torn apart.
Ravaillac’s narrative inserted a reassuring footnote to Hadfield’s crime. It hinted that while the idea of real liberty had been diseased by *La Terreur*, it had always been beyond the appreciation of the French and the barbarian.

**A TASTE OF VINEGAR HILL**

*Will ye stand in the band like a true Irish man,*  
*And go and fight the forces of the crown?*  
*Will ye march with O’Neill to an Irish battle field?*  
*For tonight we go to free old Wexford town!*  

The Irish rebel convicts did fulfil King and Portland’s fears with the Castle Hill uprising in 1804. Like Vinegar Hill, it was an uncoordinated disaster fought between muskets and wooden pikes, but for two brief days, about two hundred United Irishmen defiantly proclaimed their own ’Empire of New Ireland’. Within weeks, nine rebels, including New Ireland’s elected king, Phillip Cunningham, were publically hanged. One upstart organiser, Joseph Holt, was sent to Norfolk Island, while another select group were chain-marched to Sydney harbour to board one of three vessels bound for the Hunter River, or, to give it its new official name, *The Settlement of Newcastle.*

In between the hangings, public floggings were conducted on men like Michael Fitzgerald and Thomas “Paddy” Galvin, who were both charged with pike-making. Fitzgerald withstood three hundred lashes before being dragged onto a waiting cart. Paddy Galvin’s first hundred cut through to his shoulder blade bone. The attending physician cleared him for another hundred, which shredded Galvin’s arse to butcher’s offal. The final hundred were delivered across his calves. According to fellow rebel Joseph Holt – forced to watch the punishment – the young man yelled *you may hang*
me if you like, but you shall have no music out of my mouth to make others dance upon nothing. Dumped on the back of the cart, the men resembled whale carcass readied for boiling. Witnesses recalled how the baking wind picked up and sprayed bloody, ripped, flesh over spectators shading themselves under nearby trees on the Government Farm.

British law required surgeons and physicians to attend floggings and halt them if they became excessive or life threatening. Michael Fitzgerald and Paddy Galvin’s accounts were both filled to three hundred on the authority of Doctor Martin Mason. He was noticed throughout the punishment consulting with his spiritual advisor and fellow magistrate, Samuel Marsden.

Word of the Castle Hill uprising had reached the Reverend Marsden during his Sunday roast. The magistrate had gallantly left an unfinished meal, and, with four females in tow, moved faster than a plague rat down to his Parramatta River boat wharf.

Religious faith was a simple concept for Marsden that required little debate. Irish Catholicism was its antithesis: … The number of Catholic Convicts is very great … and these in general composed of the lowest Class of the Irish nation; who are the most wild ignorant and savage Race that were ever favoured with the light of Civilization; men that have been familiar with … every horrid Crime from their infancy. Their minds being destitute of every Principle of Religion & Morality render them capable of perpetrating the most nefarious Acts in cool Blood. As they never appear to reflect upon Consequences; but to be … always alive to Rebellion and Mischief, they are very dangerous members of Society. No confidence whatever can be placed in them … They are extremely superstitious, artful and treacherous which renders it impossible for the most watchful & active Government to discover their real Intentions … If Catholicism were tolerated they would assemble together from every Quarter, not so much from a desire of celebrating Mass, as to recite the Miseries and Injustice of their Banishment,
the Hardships they suffer, and to enflame one another's Minds with some wild Scheme of Revenge.  

MARCH 1804

The Lady Nelson, the Resource and the James sailed to Newcastle with about thirty of these superstitious, artful and treacherous men on board. Supervising them was a small garrison of the NSW Corps, along with a surgeon, a natural history painter, a store keeper, a convict overseer and a botanist, all under the command of a twenty-one year old marine officer, Lt Charles Menzies.

Around the time that the convoy anchored safely inside the Hunter River's natural harbour, a meteorite was recorded hitting the other side of the earth in Scotland. Witnesses spoke of an incredible rumbling noise and light show as it speared, tail-flaming, at the ground. Scientists, not priests, were asked by newspapers to explain the phenomenon. The talk was not about God's wrath, but the possibility of life beyond planet earth.
BOOK V

THE AIR BREATHES UPON US HERE MOST SWEETLY
fter helping quell the Castle Hill uprising, Lieutenant Charles Menzies hounded King for the position of Newcastle Commandant. First commissions like the outstation were rare, offering a young officer like Menzies not only a professional and direct dialogue with his Commanding Officer, but also a break from Sydney Town’s extortive living costs, and the recycled boredom of the officer barracks.

**A MONGREL REALITY**

It was perhaps a moment of youthful sycophancy that encouraged Menzies to name the spot *King’s Town*, despite the Governor having already declared it would be *Newcastle in the County of Northumberland*.° It would always be a mongrel character though, never really deferring to a single identity.

The Castle Hill uprising created a major logistical distraction in a world of finite, material possibilities. The colony was no place to horde dreams: an achievement in one area meant something else had to be left behind or forgotten. 1804 was seven years on from Shortland’s first landing at Newcastle, but for most colonists, the thick bush of the western mountains continued to separate them from a sinister wilderness. Beyond the casual, natural beauty of the sweetly rolling hills surrounding the Newcastle settlement, there was, authorities predicted, a sufficiently frightening wilderness to dissuade most would-be runners.

From the headland, the Hunter’s estuarine delta rolled out into a collection of small islands, a few bird flaps from each other. These were constantly being reshaped by the mud of flood water and extreme tides, but once settled, its surrounding waters gleamed with a popish, stained-glass blue.
Menzies’ new charges disembarked to size up their surroundings and each other. The winter sun loosened their bodies after a forty hour voyage from Port Jackson. Some might have looked to the dusk sky expecting the lost stars of eternity to finally appear, so far away did it feel.

Marsden’s bible reading for the Newcastle bound Irish convicts was deliberate if slightly confused: *You shall not give any of your offspring to sacrifice them to Molech.* The Molech story tells of adults banging drums to drown out the screams of their sacrificed children being burnt alive under the ground. While not his kindred, Marsden was happy enough to sacrifice a few ignorant and savage Catholics down the mines of Newcastle.
Marsden did not mention that the same *Book of Leviticus* commands priests to love all aliens residing with you as you would yourself. In the chilly winter air, Marsden’s selective bible threats were as transparent as his pink flesh, sweating like some unmentionable excitement.

Despite Mr Platt’s fatherly supervision, most of the convicts never adapted to mining. It takes only a few shifts for lungs to be heavy with coal dust. Then there is mine-hole blackness, which is overwhelming, especially where it involves unstable floors, or dragging the body along tight crawl spaces, arse-to-head with your fellow man, expecting the crumbling roof might, at any moment, collapse and bury you. An axe spark or a candle flame could also ignite dampf gases down a tunnel wind and become an incinerating, projectile fireball. It would take a polymath like Henry Cavendish to experimentally reveal that this terror was not caused by different types of air, but different elements within the air itself.

Men like Platt imagined a vertical future where miners would dig standing upright, free from explosive dampf, while the interminable water might be sucked away by the gas-hammer of a surface level, Leviathan pump.

Henry Cavendish was wealthy, snobbish and misanthropic. He was also awkwardly shy and mentally unstable in public. Mathematics was his language, the only language truly capable of translating nature’s symmetry and connective purpose, revealing the real poetry of existence. Cavendish inherited the work of Priestley and Lavoisier, who initiated the radical idea that a thing’s mass was a determinant combination of elements and gases. Cavendish thought this might help explain the world’s mechanical operation, every second of every day. He had already calculated that the world weighed approximately $13,000,000,000,000,000,000$ pounds, but Cavendish was dismissive of scientists who called themselves discoverers. Experimentation merely illustrated what nature had always been doing. Human endeavour and intelligence may explain this, but facts show that man actually controls nothing, that nature doesn’t care and, most disturbingly of all, there might be no God responsible for all the beautiful equations.
A GIANT KANGAROO

Native creation stories involved river spirits, cranky demons and jealous animals. Like Molech, some belligerently stole children, while others revenged lost lovers, desecrated the land or broke promises just because they could. The stories were subtly reshaped by each succeeding generation’s experience. Their native idea of the
past was not concerned with beginnings or endings, but time’s passing. The stories triangulated metaphysically down the valley, co-ordinating at Nobbys Island, where each year, young men paddled ridiculously threadbare canoes across surging waters to climb its crumbling walls for nest eggs. The eggs tasted good, and might impress a girl, but the bravado was in touching the island’s sleeping beast.

Somewhere in the western Newcastle hills – during the creation time – a rogue kangaroo jumped from the bush and raped an unsuspecting wallaby. This broke one of the laws holding the world together so a posse chased the kangaroo to the coast. He was last sighted pawing desperately in the ocean off Nobbys, before disappearing under the cover of a thick sea mist. He was left as drowned and forgotten until a thumping, louder than the crashing surf, began vibrating along the ground and up through the valley. The kangaroo was jumping around inside Nobbys, unable to get free after hiding there from his pursuers. The banging kept other animals from coming too close, but also announced the kangaroo’s anger and embarrassment at being trapped in a prison of his making.

The fashionable Gothick persuasion of the time could conjure a ruinous, medieval castle out of Nobbys: a place of morbid, forbidden love, malicious protagonists and supernatural happenings. Viewed from the south, there is the hint of an extended animal tail which suggested that the ocean was trying to drag a stubbornly anchored interruption away.

MAY THE LORD KEEP YOU IN HIS HAND
(AND NEVER CLOSE HIS FIST TOO TIGHT)

By January 1803, British produce and manufacturing totalled 48,500,683 pounds annually. Return to full scale war with Napoleon saw this reduced the following year to 40,100,870 pounds. The annual cost of keeping Newcastle’s small group of Irish convicts and their guards was less than a Prince of Wales’ dinner party.
The Sydney Gazette prefaced reports of the new outstation as a drop off for recalcitrant persons whose turbulent or infamous deportment made secondary punishment inevitable. It went side-by-side the more general imprimatur that Crime reduces all transgressors to a level.

ANDREW TIERNAN

A group of the rebels, fronted by Andrew Tiernan, threatened a murderous rampage against their gaolers before the first penal flotilla had anchored in Newcastle. Commandant Menzies immediately chained up Tiernan for seditious noise and kept him under close surveillance. Neil Smith and Francis Neeson were sent back to Sydney in separate vessels, where a court pronounced that the clemency you experienced when once before overtaken by justice in your diabolical attempts, instead of impressing on your hearts a sense of obligation to the powers that spared you, it seems only to have furnished you with a further opportunity to debase yourselves. The Magistrate could understand how obnoxious your vices may have rendered you but he could find no excuse for what he saw as Neeson and Smith’s inherent baseness, and ingratitude. By the time of their trial, King had already sent twenty English convicts to Newcastle in yet another experiment at diluting Irish belligerence.

Tiernan remained in double chains and set to breaking up and levelling the hard ground for the outstation’s first permanent storehouses, barracks, shacks and roads. The initial months at the camp were slow but constructive: shingle-roofed, basic huts were constructed from locally cut timbers and sat in rows below a more impressive, prefabricated, weatherboard Commandant’s house that arrived in July of 1804. Plans were already advanced to replace the initial wooden wharf with one of stone. Physical labour, as King hoped, diverted some of the inmates’ hardened anger. Exhausted and well fed humans were more likely to sleep at night, rather than plan mischief. Once out of his chains, Andrew Tiernan, teamed up with Bryan Riley and bolted from the compound. They were recaptured after Riley fell victim to cold, fatigue, and famine,
after wandering for some time through the trackless woods, and feebly sustaining Nature with her own spontaneous herbage, which might have been impregnated with rank and deadly poison." 40

Andrew Tiernan died at the camp late in that first year. A Sydney investigation in early 1805 looked into the circumstances surrounding the dead body of an unnamed but infamous convict discovered on a Newcastle beach. First thought to be a small beached whale or a porpoise, the body was facedown nearby a rudimentary humpy that contained bottles of locally made peach-grog, stolen tools and personal effects. The advanced decomposition of the body made a cause of death impossible to confirm.

Menzies kept a firm control of his tiny cosmos. Misbehaviour – a coverall term for insolence, avoiding work or buggery – resulted in flogging, chain-gang or a short spell on Nobbys. Sydney warned Menzies that the remaining Castle Hill Unionists were preparing to trek north and free their Newcastle brothers. Unlike as it was, Menzies had an arrangement with the local aborigines, who would inform him of any approaching white men coming north through the bush. The outstation inmates would then be rounded up at the muster bell, shackled and transferred down to the wharf, where a waiting boat would drop them off on Nobbys Island. In the meantime the residual garrison force of twenty odd would prepare for their exhausted and poorly armed invaders.

**IN THE REALM OF THE ENSIGNS**

Ensign Charles Cressy of the 102nd Corps arrived in July 1804 with the prefabricated Commandant’s house and a reputation for thinking with his mouth. He was to deputise for Menzies, who after three months in command, was already being called more often to headquarters in Sydney. The Commandant first met Cressy tizzing and whinging over his luggage, after the vessel carrying them was
shipwrecked south of Newcastle. For Cressy, the belongings, beyond their materiality, defined him as a would-be English gentleman. Menzies’ lack of interest in this fact enraged Cressy. Like Wixstead’s jacketing, Cressy earwigged to the garrison, questioning whether a ‘naval officer’ like Menzies could or should have authority over infantry troops. Menzies’ found Cressy’s behaviour more bemusing than unsettling, even when the ensign formally requested that all correspondence between the two men should be made via letters or through secondary persons.

Despite Cressy’s bitching presence, the camp’s rhythm moved to the physical patterning hammered out by daily manual work. Men picked at the headland coal, while cedar cutting was far enough up the river that makeshift barges of logs were being floated downstream. King remained concerned about skirmishes with natives, especially when a young boy was shot dead after an altercation with three cedar-cutters. Menzies’ investigation found it to be an accidental musket firing. The Governor had asked for any suspects to be sent on the next vessel to Sydney for an enquiry. Menzies filed his report and loaded empty wine casks instead.

Menzies prided himself on keeping rations three weeks in advance. Each morning he reconfirmed his duties before the office fire, where the local ironbark burned evenly, despite its relative greenness. In between reconciling the accounts, he might update his diary with Mr Cressy’s latest, poisoned tantrum. These were taking up more and more space, as the man’s demands became increasingly fustic. A recent Gazette mentioned the latest recreation in Sydney was to shake koalas from trees and watch as they thumped, dazed on the ground, before rolling over and climbing slowly back up again.

Menzies tried offering Cressy government owned sheep in compensation for the loss of his baggage. The gesture was contrived by the ensign as further evidence of Menzies’ harassment. Their relationship was now a series of letters triangulating between Newcastle, Government House and the 102nd barracks. Instead of waiting for the arbitration he had continually demanded, Cressy removed his services as an officer.
of the garrison and publically challenged Menzies to a duel, which the Commandant declined.

As a military operation, the colony and its outstations were crude in their social boundaries. The absence and reassurance that class brought to daily civilian relations caused men like Martin Mason and Charles Cressy to flounder in public. They turned on other men like Wixstead and Menzies – who discarded customary manners and decorum for the practicality and order of circumstance.

Lavender water, plates, grog glasses, soap-dish cold cream, hair and tooth brushes, shirts, socks, white trousers, jackets, shooting coat, sheets, a night cap, tooth powder, oil bottles, a gun case, a pickling cask, a water jug, cups and saucers, a salt Cellar, pocket handkerchiefs, socks, boots of English Leather (not kangaroo), clothes brush, candles, guns, ever pointed pencils, lip salve, a box of pastilles, an uncle's pistol, pickles, two knives, cork screw, Seidlitz powders, gauntlets, sword knots, two balls of string, oil of roses, shot & powder and a chamber pot. All a serving, gentleman soldier like Cressy needed to get through the day.

Cressy was to be court martialled over the duel, but sentencing was held over while King awaited advice from England. The Ensign’s regimental superiors also publically dithered over whether or not to send him back to England on the next ship. He was instead cashiered out and suspended from duty, a ruling reduced to a reprimand on account of his youth and the Judge-Advocate General’s impression that Menzies’ immaturity had been just as much to blame.

Ten thousand miles and ten months is a useful distance when an excuse is required. By the time orders or advice generally arrived back in the colony, those concerned had either moved on or couldn’t be bothered anymore. Out of such circumstances, a unique colonial attitude of indifference for greater authority began to take shape.

To an outsider, the Cressy-Menzies episode was about two ambitious young men who failed to get on. Others saw a typical army-navy squabble over authority. Their superiors treated it as a test of the young officers’ maturity. By that way of thinking
Menzies learned to trust the seeming fickleness of his superiors and obey orders regardless of emotional or personal interest. Cressy was Menzies’ exercise in patience.

A year after taking command at Newcastle, Menzies took a final walk along the recently constructed, 186 foot long stone wharf. It had proved solid and waterproof in the face of destructive Hunter floodwaters and hurricane storms. As he headed past Nobbys, the flags on Signal Hill dropped in farewell, while the nearby coal fire beacon smoked grey into the early winter sky.

CHARLES THROSBY

Menzies was supported for most of his Newcastle commission by the calm authority of surgeon Charles Throsby. The Governor now wanted Throsby to continue as mentor for the interim replacement, another New South Wales Corps ensign, Cadwallader Draffin.

Throsby sailed back to Newcastle on the Francis in March of 1805, holding instructions that included his confirmation as the settlement’s Magistrate and Supervisor of Convicts and Public Works. The schooner made Newcastle as a morning storm blew in and made entrance impossible. The crew and passengers were removed while it hung-tough for most of the day before cable anchors – bracing it to the headland – snapped under violent oscillations. The Francis was dragged onto the already notorious northern spit of shifting sandbanks and oyster beds, where it imploded and broke apart, not before most of its stores were saved. The schooner had arrived as a frame aboard another transport ship in 1793. The workhorse and rescue vessel had serviced most of the east coast, including regular runs to the Norfolk Island outstation and survey work in the mountainous seas around the islands off Van Diemans’ Land.

Onshore, Throsby was confronted by a human wreck in the shape of Cadwallader Draffin. The young man had been stung immobile for days, unable to feed himself and
only capable of uttering ‘yes’ or ‘no’ to any attempted conversation. Throsby diagnosed him perfectly insane,"^41 soaked him in laudanum and returned him to Sydney on the next run.

Draffin would resurface in public a couple of years later, a well regarded lieutenant who would chair the Insurrection Committee that officially removed King’s successor, William Bligh, and placed him under house arrest while they waited for England to tell them what to do.

A few weeks after Draffin was returned to Sydney, Throsby inherited full command of Newcastle. Under his care the prefabricated saltpans were fired into a four man, twenty-four hour operation producing salt fit for curing meat. The backhanding paymaster was removed while the interminable bitching between male and female prisoners was definitively quashed, with misbehaving women exiled to Nobbys. The ritualised days of labour continued, but as a sign the settlement was perhaps a more permanent idea, these were publically recorded into rules: the labour of the convicts was designated for the public;^42 corporal punishment – directed mostly at runners – was limited to 100 lashes while all outstation visitors required an authorised pass signed by the Governor to come ashore. Visitors saw a simple, militarised working village, a place of dirt, coal, timber, dysentery, sex, pigs, pumpkins and decrepit endeavour. Despite a rule forbidding anyone to be ashore and about after 8 pm bells, Throsby never really pinched the garrison troops for their contraband alcohol trade with convicts and visiting sailors. Misbehaving convicts were forced to march back to Sydney as part of a series of tranquillisation^43 experiments.

A hurricane ripped through the settlement in late 1805, laying waste to the hard worked gardens, and filling the mine entrances with sand and detritus. A turtle the size of a small cow was found washed ashore on the beach. An excellent harvest of quality wheat had fortunately just been shipped to Sydney.
BOOK V ~ THE AIR BREATHES UPON US HERE MOST SWEETLY

TOSSED UP AND DOWN AS CHANCE
SUGGESTED

Even copper-bottomed vessels were never perfectly safe on the comparatively short voyage between Port Jackson and Newcastle. Coastal hurricanes were characterised by mast tearing winds and rain that would continue for days without pause. The trading sloop *Bee* was collared by one after exiting the Hawkesbury and found a few days later, left-leaning and broken masted in dead calm water. The *Contest* towed it to Newcastle for repair just as a second storm was blowing in. The *Contest* made harbour, but the *Bee*’s anchor lost its grab in the sand. Its captain, William Bryant, and owner Benjamin Crew were still aboard. They remarkably kept the sloop afloat as it was tossed about on the water before disappearing from view. The first storm had left it with no fire, spoiled food and busted freshwater barrels. There was nothing to eat except the hot blood and raw flesh of the ship’s cat.

Benjamin Crew watched pitifully as the will dimmed in Bryant’s starving body. As perverse as it was, his death soothed Crew’s own delirium. When a passing whaler, the *Brothers*, found them, it was twenty-two days on from the original storm. The rescuing sailors looked at Crew and found Bryant’s body stiff and dead, but still untouched. They were just in time.

ON LAND AS AT SEA

John Coleman, Edward Mundy and John Hughes, aka John McCarthy, were Newcastle’s first non-Irish inmates. They made their bolt on a Tuesday evening
after final muster bells in September of 1804. Hughes had been transported for stealing expensive velvet breeches ‘for personal use’.

After making overnight miles south past Reid’s Mistake, they were stalled by the same storm that had dragged the Bee back out to sea. Heavy rain turned the ground simultaneously slippery and gluish underfoot. The wind roared through the overhead trees, bringing down heavy branches as thick as human torsos, and making simple conversation impossible. With their slops saturated, the men found a dry rock overhang to wait the storm out. It was two days before the sun arrived, along with a group of hunting aboriginals. A spear was thrown, piercing John Coleman’s temple. Their salt, flour and slop clothing allowed them to move on unharmed and they continued south, naked and nervous, for the next three days, keeping close to water sources that evaporated quickly with the improving weather. It might have been Coleman’s sick, dead eyes, or the pathetic, blue-grey mud nakedness of all three that evinced sympathy from the next native group they came across, who guided them safely to the Hawkesbury ship-roads.

A passing Hawkesbury trader returned them to Sydney, where, exhausted and near starvation, they were hospitalised. Fearing what their improved health might mean however, they tried escaping over the hospital barrack walls, which left two of them with broken legs.

AN INFLEXIBLE AND AUDACIOUS TERPITUDE

For every Mundy, Coleman and Hughes, there was a Thomas Desmond. Even Menzies became lackadaisical about informing Sydney when the incorrigible rebel took off from the camp. Desmond’s first bolt, in late 1804, saw him reappear from the bush naked and exhausted, not far from where Coleman was speared. Unlike
Coleman, the experience toughened his resolve and he would spend his immediate, future years passing unmolested through the bush, accepted by most natives as some out-of-season flower. He was usually tracked to a friend’s Hawkesbury farm, but did once join a short-lived gang of seven bushrangers, who were notorious enough to find a three pound reward on their heads, to prevent their preying on the industrious.44

THOMAS BRADY

The first Irish inmates of Newcastle were nationalists, but they were also flesh and blood men. Their formative years in Ireland were not all emerald fantasies set to song. In between revolt, arrest and transportation, some, like Thomas Desmond, continued doing whatever might be considered defiance. Others became weary or just integrated with the enemy, hoping for a more untroubled, apolitical future. Thomas Brady was forty-six when he arrived in 1800. The Wicklow farmer and clerk had been a guerrilla fighter for the United Irishmen. Written up on transport lists as just another labouring pot-licker, Brady would have confounded even the Reverend Marsden with his reading and writing skills, as valuable as the Wicklow gold he counted as a mining clerk. Thomas Brady became Newcastle’s Clerk and Superintendent of Government Stock, and also Clerk to the Commandant. After eight outstation years he returned to Sydney with a full pardon and eleven pounds from the sale of his prison hut to the government. Brady would more than once have inked the name of Thomas Desmond into the prison’s monthly punishments list. Each flourished letter a proud, silent encouragement to his old brother-in-arms.

Despite being flush with cash, Brady continued working in the Sydney Commissary Office until his death in 1819. He left behind land and a stipend for his colonial-born daughter. The Governor, Lachlan Macquarie, would have claimed him a rehabilitative success, but Thomas Brady knew, within himself, that he had manufactured a gilded cage from a shit-box.
Running was generally a one off experience – fifty miles would get you fifty lashes. Recalcitrance could be a measure of stubbornness, but it also forged a higher pain threshold. For men like Thomas Desmond, running was about self-assurance in a world you lived in till you died.

**INSURRECTION**

The deposition and house arrest of Governor William Bligh by members of the NSW Corp in 1808 was the colony’s first political trauma, but it had very little impact on daily life in Newcastle, apart from the arrival of a few political ‘agitators’.

Throsby had, by this time, returned to Sydney. Like so many other government officers and business gentlemen, he remained stubbornly apolitical throughout the Bligh affair. He would accrue a superannuation of cattle and land *with the indulgence of a free settler*. His surgeon’s stomach did not always extend to the business world and he committed suicide in 1828, broken by years of civil litigation after providing surety for a friend.

Buying and selling in the early colony was controlled through a centralised, Government Commissary office. While it encouraged entrepreneurial ex-cons to
produce necessaries that might take months or years to arrive from Britain, it also set the conditions for how that business would be conducted. Government employees and military officers made themselves indispensible to the mechanics of this process. Coinless in sweetheart and rum contracts, the shadow monopoly John Fitzwilliam always imagined was a fully operational reality.
THE SOUND AND THE FURY

The Bligh affair was insurrection without musket smoke. The instigators filled out the appropriate documentation and claimed their actions were driven by ideals of liberty. Bligh’s abrasive manner and mixed history had already given him the reputation of being tyrannically un-British. The somewhat confused but bloodless takeover occurred on 26 January 1808, twenty years to the day since the colony was first settled. There was hardness in the colony’s symmetry for coincidental anniversaries.

BUSINESS AS USUAL

There are many reasons and none at all for the insurrection. The insurgents, including Lieutenant Cadwallader Draffin, made it clear they were caretakers and not treasonous rebels. While awaiting England’s long distance response, Bligh was kept under house arrest. The first interim governor, Joseph Foveaux, was an original NSW Corp Officer and Norfolk Island commandant. Despite a goutish, overfed body, he proved a forthright, principled caretaker for six months until Lt. Col. William Patterson returned from Tasmania to reluctantly replace him. Bligh supporters sometimes found themselves bullied or sent to Newcastle and Hobart on contentious charges, but, for the most part, recriminations were restrained: this was partly the reality of waiting for London, and partly the colony’s pragmatism which worked best when mutual self-interest overrode personal animosities.
COSMIC CIRCUMSTANCE:
THE ADVENTURES OF AN ATOM

During the interregnum, the *Gazette* published an anonymous request for the return of a gentleman’s book collection, which included Mr Smollett’s *The Adventures of an Atom, Volume Two of Plutarch’s Lives; Pope’s Selected Works* and some Voltaire. Mr Smollett’s narrative concerns an atom, born at the world’s creation as a *constituent part of matter, which can neither be annihilated, divided or impaired.*\(^{47}\) The atom passes through centuries of chance situations before merging with a human pineal gland; a mystical, rice-sized fragment in the brain, where the atom takes control of its host to communicate an extensive, eye-witness account of history.

The atom’s story is also a journey, beginning when it was first food eaten by a Dutch mariner during the great Empire of Japan. Scorbutic dysentery causes the mariner to evacuate the atom, where it ends up in garden manure before moving to a salad vegetable which is transported by supercargo to England. It spends the following decades transiting British stomachs, arseholes and dunhills, until Nathaniel Peacock’s father consumes it eating duck. During that man’s subsequent procreation-fuck, the atom ends up in the embryonic Nathaniel and rests, exhausted, waiting for his gland to mature.

Democritus’ claimed nothing exists except atoms and empty space. Everything else is opinion. In this reality there may not be any explanation for why things happen as they do.

It outraged Bligh that while rumours of his tyranny and fury moved as sure as ocean currents, his bravery and calmness in battle, and his reluctance to use the cat according to naval rules, was hardly mentioned. Bligh was perhaps his own worst enemy, particularly in his personal reluctance, even refusal, to acknowledge or accept
that simple compacts made up ordinary daily life. While not tyrannically deluded like Mason or Cressy, his ignorance of ordinary life produced an ordinary enough fatal flaw: he was shocked when the world did not behave as he did.

After house arrest Bligh was transferred with his entourage to the government vessel Porpoise, where he captained a boat he could never dock. He sailed to Hobart, but was regarded as a nuisance to shipping. The Porpoise was his floating mockery and Bligh, like the Nobbys kangaroo, was a commander of his own prison.
BOOK VI

THE GRAND OVERSEER OF
ULTIMA THULE
BOOK VI ~ THE GRAND OVERSEER OF ULTIMA THULE

THE DISTANT DEPENDENCY

On a slow insurrection-summer afternoon in 1809, two crew members and an eleven year old boy from the trading vessel Halcyon were exploring a shipwreck just off Pirate Point. Exposed each day by the tide, the Dundee was thoroughly cleaned out except for Captain Cumming’s infamous elephant tooth, measuring six feet in length, and remarkably fine, which was never found. Diving for it was something of a local folkloric quest.

Finding nothing, but still feeling aimless, John Spillers, John Bosh and the boy paddled and beached their dinghy near Pirate Point for a further look around. It was here that a tall native male suddenly appeared out of the mottled light-shade of the cabbage tree forest. The sailors’ eyes were immediately drawn to a dramatic scar on his forehead, indenting his brow with a permanent frown. The man ignored the boy’s offer of a biscuit, but gestured for them to follow him along the beach.

The four walked in silence along the shore until the native walked ankle-deep into the quietly lapping water and scanned the surface with his spear raised and poised, as if fishing. Spillers and the boy continued leisurely on, but Bosh, curious, shuffled and stopped to watch. The native turned to Bosh, looked him over and considered a smile before driving a spear through his shoulder. He just as quickly rushed the unsuspecting Spiller, hammering the back of his skull with a nulla-nulla. Spiller fell, and, more significantly, dropped the axe he was carrying.

According to the Gazette, the nulla-nulla is formed by affixing to the end of a club a circular piece of a very hard wood, 8 to 11 inches in diameter, with a sharp edge and of a mushroom form. It is frequently carried as a weapon of defence, but the natives seldom execute it against each other.
Aborigines had a sheaf of specialised spears. The one skewered through Bosh’s shoulder was a hunting spear with barbs for keeping it firmly in animal flesh. Bosh’s could not twist or reverse it with his slippery, bloody hands. His shoulder felt like there was an invisible weight pulling him painfully to the ground, against his will. When he finally managed to extract the spear, he saw the native with the axe, calmly stalking Spiller who was rolling on the shore, the blood from his wound vanishing quickly into the wet sand. The native clenched the axe handle, raised it above his head and brought it down in a disturbingly ordinary action, smooth and rhythmical. Even the noise of the metal axe head striking bone sounded unremarkable. Spiller was now screaming through his last, convulsive twitches. Bosh was almost petrified with horror and astonishment, but scurried off into the water. The native considered him for a moment before heading back into the forest in search of the boy, who had already disappeared.

The incoming tidal water carried Bosh’s jellyfish limp frame like mercy across the channel, where he made shore just upstream from the main settlement. His rescuers nodded when the attacker’s forehead scar was mentioned. Even relative new chums knew stories about the exiled Port Stephens Robert. He was a very angry man.

A search party, including men from Chief Bungary’s tribe, found John Spiller’s corpse, but it was days before the young boy was found floating in a mangrove-grotto of still water, his wounds an awful imitation of Spiller’s. Bungary’s men understood what Port Stephens Robert had done. It required no explanation.
Bungary was responsible for Robert’s scar. The camp’s new off-and-on commandant, William Lawson, called on his gentleman’s agreement with the chief. The boy and Spiller were buried in the town cemetery.

Port Stephens Robert was never sighted again, but he remained a spectral noise, a bush shadow and a nightmare to tell adults. Down south, the deposed Governor was still sailing the Porpoise in agitated circles.

Bligh’s replacement, Lachlan Macquarie, arrived in December of 1809, along with his second wife Elizabeth. His New Year’s Day swearing in included a commission to improve the Morals of the Colonists, to encourage Marriage, to provide for Education, to prohibit the Use of Spirituous Liquors, to increase the Agriculture and Stock, so as to ensure the Certainty of a full supply to the Inhabitants under all Circumstances.

Macquarie made a personal proclamation which was forgiving but direct: His Excellency the Governor avails himself of this Opportunity of expressing his earnest Hope, that Harmony and Union will now be restored to the Colony; that all Party Spirit which has unfortunately resulted from the late unhappy Disturbances will end; and that the higher Classes will set an Example of Subordination, Morality, and Decorum; and that those in an inferior Station will endeavour to distinguish themselves only by their Loyalty, their Sobriety, and their Industry: by which Means alone the Welfare and Happiness of the Community can be effectually promoted. Like previous colonial lapses, the past would not be officially forgotten, but simply ignored.

John Purcell from the new 73rd regiment replaced Lawson as Newcastle’s Commandant. He arrived with the outstation now totalling one hundred souls. In appearance and fact it was unloved and rundown, a major source of venereal disease and still dominated by the petty extortions of soldiers, visiting seaman and ships’ captains. Its sixty odd inmates reflected the interim government’s decision to offload Sydney’s street drunks and older, beaten-up convicts, some barely able to walk the length of the wharf. Coal and timber production crawled backwards.
Macquarie witnessed two drunk, predominantly convict, crowds lining Sydney harbour soon after his arrival: one bare-arising Bligh, the other affectionately cheering off Paterson and the remnants of the 102\textsuperscript{nd}. This contrary mob was now his responsibility. Some wanted to escape and others to pass unnoticed by time and the officials’ eyes. Some wanted a partner, a family, a reliable diet or a second chance.

The European Peninsula Wars had made Spain Britain’s new ally against the French. A fashionable phrase of the day suggested ‘turn a blind eye and a deaf ear now and then and we get on marvellously well’. Nothing interfered with Britannia’s global commerce or discouraged its moral optimism, guided by a philosophy proposing that personal wealth should always precede assistance to the less fortunate. Lachlan Macquarie noticed the colony added a distrust of strangers to this. As an island boy, he saw a version of himself in these self-made people.

Macquarie was almost impressed by the modest streets of Sydney Town, pinned down by public windmills and solid buildings of brick & hand-hewn sandstone. During Foveaux’s interim rule, buildings and bridges had been secured and improved, however the roads still washed away after a heavy rain. There was no reliable currency of coin, but there were locally born children who knew only the dirt under their feet.

There was also something stolid and real about these people. They made impressive vessels capable of boxing the worst ocean storms. Wheat was harvested in places as unlikely as Newcastle without killing the following year’s soil. There was money in seal skins and whaling, but life was an interminable, brick-by-brick progression. Growing their own food could be a shock and revelation to many convicts used to emporia England. They learned husbandry; fruit and vegetable growing; the function of manure; how to care for working beasts or prepare them as slaughter-food.
THE MAN OF ULVA

Macquarie knew the reality of isolation as a challenge after growing up on the basalt cliffs and watery moors of Ulva in the Scottish Hebrides. Combined with thirty years of professional soldiering, he was readymade for New South Wales. His first wife died, leaving him six thousand pounds, while his more than competent military service in New York, Jamaica, Egypt, and finally India, put him ‘in step’ with promotion and war prizes. His quids were already in when he arrived in Sydney as a gentleman officer and goldfinch, free of debt, with money to shine.
Like most of his predecessors, Macquarie knew military organisation involved more than just discipline. Orders and rules tapped into a human being’s devotion to the group, so that loyalty became the concern for others. For a deserting soldier who turns from the battle, a sergeant has a pistol primed and ready to smatter his back with hot slug. This uncompromising possibility is also a symbol of how much respect a soldier has for the fragile lives of those around him.

**STOCKTAKE**

Macquarie saw convicts like war refugees, in that they had experienced the body rejecting the mind in order to survive. Misery and repetition can devour dreams, till living is an ongoing silence, and the next meal or the next warm sleep, are all there is. A broken rib, arm or leg is painful but repairable. Being chained to timelessness is something altogether different.

The open prison exploited such mind-trauma as a means of control. The limited free will of a soldier, slave, refugee or convict could be more easily maintained by providing ritualised, edible crumbs as part of the daily slog. The sighing corridors of London’s Colonial Office treated convicts as balance sheet additions and subtractions equalling a credit or a debit entry. It was unlikely they knew, or cared, for the subtle difference between a buz-gloak and a broomstick, a High-Toby and a kitten-rig nibbler. It was not a clerk’s responsibility of course. Transportation redefined human endeavour as a measure of the unseen function of objects. The colony was an abstracted idea of the greater good compared to the overall cost.
Macquarie decided convicts deserved the chance that hard work offered. He had seen the world over how one spoiled crop, one shipwrecked cargo, or one stolen cow could determine if landlords were paid, or children were fed.

His regime at first seemed more concerned with bad language than recidivism and construction. At Newcastle, James Purcell was instructed to return any remaining...
prisoners, guilty or otherwise, still there because of the insurrection. Flogging at the outstation was now to be reconsidered as the punishment of last resort. Convicts would be encouraged to write and receive letters, necessities, comforts and gifts from Sydney, excluding grog. Purcell, like most Commandants before him, arrived optimistic and hopeful.

Lieutenant Thomas Skottowe’s first colonial order after arriving with Macquarie in 1810 was to supervise the disbandment of the 102\textsuperscript{nd}, or New South Wales Corps. The stripping of their colours was a tame affair for the patchwork of fill-in, mostly dilapidated soldiers, some as sullen and unscrupulous as their officers. Seen through the eyes of these men, rusty with alcohol, graft and apathy, the ‘great rebellion’ might be considered a mild disappointment.

Sent as Purcell’s replacement, Skottowe disembarked soon after this at the recently refurbished High Street wharf in July of 1811. He might have imagined he was at one of his family’s estate villages as Purcell walked him through the small, haphazard grid of whitewashed, hardwood huts that followed a natural curve of the hill up to the Commandant’s hut. There was a hospital, barracks, cattle, pigs and a large vegetable garden. Skottowe felt an openness of sorts, a sense of benign order. It appeared that everything and everyone knew their place. Purcell wished him well.

The departing Lieutenant had tried to resuscitate production with strict routines for processing lime, timber and coal, and the partitioning of convicts into small, manageable working groups. Sunday prayers remained obligatory, with an extra workload for any absenting papists. The attempted separation of convicts and sailors after nightly curfew, including the threat of twenty-five lashes or an overnight stay in the prison-box, failed to stop the sly grog trade, the dice, or the prostitution.
Complaints against Newcastle's stick-whipping, bastard overseers could result in a swift transfer across the harbour to a limeburning camp or a trip up river to a timber cutter gang. Time at Newcastle involved accepting hard work with humble obedience at the start. Behaving could mean drier accommodation, while completing a full day’s work quota on time might be worth an extra half ration of whatever excess was in stores. There were laggards who rented their huts, which despite the rules, always cost a bit more on the side. The real question was how to get that arse-shining, unsupervised job in the government garden.

No one quite adapted to local storms and their random, extraordinary rush and roll of lightning, thunder and hurricane winds: a sound to drown out the stretched howl of native dogs at night. There were also days of feather-light Pacific winds, when the surf rumbled like a protective, surrounding force: a lullaby sweeter than your old mum’s.

ANOTHER DAWN

The morning muster bell competes with birdsong, coughing and streams of steaming piss. After reconciling hut numbers, gruel is stirred in hut hearths or communal, open camp pots. Tin plates are tapped dry of dew and clay pipes suck last night’s embers back to life. Breakfast eyes widen and the day’s first utterances are rounded into words, suggestions, greetings and insults of light relief, before the barks of overseers and guards reduce this hubbub to whistling or fuckstering complaints (made just under the breath). Some sneak a slug of peach-cider or sailor-juice to unweary the bones. Labouring is best survived as a fuzzy-ended series of repeated moments: swinging axes, picks and shovels is yesterday, today and tomorrow. If nothing else, Newcastle eventually toughened up even the ponciest molly.
Sir Henry Browne Hayes was an Irish mercantile knight and one time Sheriff of Cork. The well-known hedonist gained some respect from working locals after being court martialed and removed from the local militia for disobeying orders and striking a superior officer. His first wife died in 1797, and the immediate search to find a replacement mother for his seven children resulted in the abduction of Miss Pike, stolen away to Hayes’ estate where a priest waited. The Quaker heiress came with pacifist religious views and twenty thousand pounds, but she refused to marry. Her rescue forced Hayes into hiding for almost two years until he gave himself up to an old family friend. It was suggested the two conspired to claim a very substantial reward of one thousand pounds. A protracted public trial in 1801 resulted in Hayes’ transportation for life. The traumatised Miss Pike never married and ended up in an asylum.

Hayes’ personality gave meaning to the word misfit on his arrival in the colony. Despite his seemingly inexhaustible wealth and public support for the Irish rebels, there was never proof that he helped plan the Castle Hill revolt from his Vaucluse house, where the gentleman convict spent his days extending the house, sailing the in harbour or piping Government corruptions.

Despite the lack of evidence, Hayes was sentenced to Norfolk Island in 1804 for political agitation. Later indiscretions would send him twice to Newcastle. The first time was in 1808, over publically sympathising with Bligh, though Hayes claimed he was simply supporting a fellow Freemason, which the court took as an inverted snipe at the ‘rebel’ government. For over nine months he was Commandant Lawson’s personal bane, and was more than once threatened with a shift in the mines. From his clean and weatherproof house on the hill – later to be the settlement’s hospital –
Hayes complained about the treatment of convicts without ever dirtying his hands. Underneath the pouncing childishness and fawned fingers they recognised a man who understood the ordinary and could honestly say his disposition is not to hurt the feelings of any man, particularly when I know they have run their glass out.  

As a noisy maverick and gentlemen outsider, Henry Browne Hayes still knew when and where to send gifts of his famous Vaucluse watermelons.

Hayes paid a substantial sum for his transportation cabin. He ate meals at the captain's table while announcing himself as a spokesperson for the oppressed below. This resulted in him being charged after an argument over convict conditions with the Atlas’ surgeon. Hayes continued to wax poetic about life below deck from his dry cabin bed, while sipping a reflective wine. This chronicler of his fellow man never felt
melted black pitch drip and burn his hair or skin, but he did experience the *Atlas* creak and roll in storm waves sometimes taller than St Pauls.

**DANIEL GILMORE**

Hayes was back in Sydney from Newcastle by the summer of 1809. The colonial temperature for the year had a perfect average. Bligh was under house arrest, but long-term residents were more concerned with who could remember a season of such colourful and succulent fruit. On a small western Sydney property, two thieves hurried four rolls of fine blue gurrah clothe and twenty pounds of sugar onto the back of a cart. A straight up stink had become tetchy when Daniel Gilmore and Owen McMahon started to bustle over bringing the dues to light: the aggressive McMahon demanded the sugar for himself, claiming that Thomas Leeson, the absent third member and organiser of the robbery, knew all about the new arrangement.

The bustle had been Leeson's idea. Gilmore and his de facto, Sophia Simmonds, were currently living with Leeson and his wife on their Hawkesbury property. Leeson told Gilmore to let McMahon have his sugar; while the gurrah would be difficult to dispose of, at one shilling and six a yard, at least, it would be more profitable in the long run. Leeson would meet Gilmore back on the farm. Carting the rolls on the long journey north to Leeson’s property, an exhausted and thirsty Gilmore stopped and bartered a small cut of the material in exchange for refreshment at Ann Young’s milk-house. Ann’s spare hours would later transform the coarse but enduring cotton into a dress for her daughter, not too long before she read in the *Gazette* of similar coloured material having been stolen in Sydney. While no joskin, Ann found it difficult to reconcile the theft with the man whose charm and manners had equalled his fine appearance.
McMahon was arrested and his testimony enabled constables to track the missing fabric to Leeson’s property. During the raid Gilmore and Sophia Simmonds were found trying to hide the rolls in a bedroom. None had yet been sold on. Sophia denied any knowledge of the stink, claiming to have followed Daniel from the town to the Leeson’s farm, thinking they were starting a square life after four years of mildly successful street scamming in Sydney Town.

Daniel Gilmore was a striking and confident man. After arriving as a free settler, he took to running street cons and girls in and around The Rocks. He would claim in court that McMahon threatened him into assisting with the robbery over a debt. Sophia told neighbours soon after the raid that Poor Dan was taken with the bag just as it was brought up; and was as dead as if a house had fallen on him; adding, likewise, that he intended that very night to have concealed the rolls. Despite his solid criminal record, Gilmore was chain ganged for just one year.

HAVING CONCERNS

Three years on from the gurrah robbery, patrolling foot soldiers heard howling noises from behind the Parramatta River salt pan hill. From the salt peak they found a man on the river bank with two dogs. He was holding a bitch with his two arms around her middle and the hind part of the bitch towards his belly. On being spotted, the man, identified as Daniel Gilmore, detached himself from the dog and ran into the water, still in a state of erection. Under escort back to gaol he complained there were no women in the country which was worse & worse and bad enough. The trio were followed by the dogs, both on heat. Sophia Simmonds had moved on.
Gilmore claimed during questioning that the charges were ridiculous and that one of the foot soldiers, Nicholson, had always had it in for him. The Police Superintendent, D’Arcy Wentworth, ordered the two dogs, at that moment stalking the front gate of the gaol, to be called in and locked in a room with Gilmore. When later reopened, both dogs were panting contentedly at Gilmore’s feet in an intimate tableau. Gilmore was charged and deemed unsuitable for society, but right for Newcastle.

With his enormous height of just over six feet, his fine looks, his strength, his quick fists and his wits, Daniel Gilmore was much more than just a dog fucker, so the usual prisoner taunts were made just beyond his earshot when he disembarked at Newcastle wharf. The garrison soldiers were more open in reminding him that the night howls of wild dogs made for superior cunt-dreams.

Something in Daniel Gilmore had misfired between Sophia Simmonds and the salt-pans. He was more than once listed as intending to depart the colony while his criminal misdemeanours always warranted a few lines in The Gazette, and followed the reassuring, one-way flow of a standard crime summary: full of cause and effect, good and bad, right and wrong. If Gilmore had a real destination it remained chaotically and permanently uncertain, and after a couple of years at Newcastle, Daniel Gilmore disappeared from the public record, perhaps forced into a new name after Parramatta.

**IF THE PAGE DOESN’T STINK,**
**WORDS CAN’T SPEAK**

An ink slingers’ words can never replace the visceral reality of violent crime. Evidence of fact never fully conjures the sensual existence of a fly ridden, stinking corpse. The writer of such authorities never slips in a victim’s blood or, like a
Seven-Dials-wise magistrate, recognises the moment guilty eyes finally slip into betrayal. The sympathy that writers espouse for victims is often just a sequential link in a narrative chain of events. Personal desecration, including someone’s death, is made into a readers’ good fortune. The ink slingers’ nib can be as corrupt and wilfully scheming as the worst of their criminal subjects.

In the written world, the cell-locked criminal or the cave-meditating Hindoo are both enigmatic silences, standing separate from the society that bore them. The patience of the Hindoo is esoterically powerful, while the criminals’ actions confirm their predestined temperament. The Hindoo can be left in a cave to his epiphany, but the criminal, even behind prison walls, remains a constant, luminous anxiety. In fulfilling a universal – if momentary – acknowledgement that savagery is part of being human, their fate suggests it is also, somehow controllable. They should be no more than a robber, a murderer or a rapist. The Hindoo can pray for enlightened nothingness, but a criminal with a broken narrative, like Daniel Gilmore, is no good to anyone.

MARY ANN MCCARTHY

Thomas Skottowe arrived at Newcastle, much to Macquarie’s displeasure, with Mary Ann McCarthy by his side. The currency girl was 15, 16, or maybe 17, when she first met Skottowe in Sydney Town. Mary’s one infamy was to have stolen from Sir Henry Brown Hayes’ Vaucluse mansion while working as a housemaid. It was just after Hayes had ringed the property in imported Irish soil, hoping to keep snakes away.

While the colonial mismatch of a young gentleman officer with a socially inferior woman was blindly accepted among the officers, Skottowe had openly and proudly presented the one-year old Augustine as their child to anyone who bothered asking.
A PORT OF CALL

Mary Ann McCarthy’s generation were carnal esoterica for the visiting militia, much in the same way that collecting a Venetian pox was a Grand Tour badge of honour. The colony had few gentleman and fewer officers’ daughters. Most currency girls knew little of London dresses, bodice fashions or polite, staged nights spent in demure frippery. A girl like Mary Ann McCarthy might never see the King’s fireworks while the ‘consumption look’ would always just be consumption to her. The hot and dusty outdoors lifestyle of the colony was no place for hiding your scent behind tussie-mussie, though an occasional mouse-fur eyebrow might be worth pulling in for a compliment. Visiting English girls like the deposed Governor’s fashionable daughter, Mary Bligh, found the penetrating light too frightening and transparent for her cotton silhouettes, designed as they were to show off admirable outlines in wallpapered rooms of tempered oil-light.

There is a local male sea crab with one disproportionately enormous claw. It waits under a sand-roofed hole at low tide for unsuspecting, passing females, which it clamps and then drags down. In the London clubs, returning officers boasted of their colonial exploits, but an experienced gentleman soon knew who had been at it, and who had just been reading Fanny Hill or Mr John Hunter’s Treatise on Venereal Disease.

If Skottowe appeared sexually worldly to Mary Ann, it was thanks to a Rio beauty he had met on the voyage out and whose memory remained, for Skottowe, as sharp as a tropical sun. In taking up with sweet, sweet Mary Ann – bolder than a monkey and stronger than Arrack – Skottowe found more than a port-stop, bagnio interlude. If Mary Ann wanted more, she knew better to accept what was given. His stories of long...
walks through the family estates at Tweedmouth and Paddington would remain, for her, just that. In their final year together at Newcastle, a second son, Thomas, was born.

FROM KINGS TOWN TO THE KING OF KANDY

Skottowe left Newcastle in 1814 to join his regiment leaving for Ceylon. Augustine waved his mother and young brother farewell forever at the Sydney docks on the shoulders of a marine (so the story is told). The now precocious and beautiful infant was a distraction for the hardened soldiers during the passage, a Rousseauian child of purity that they treated as a reflection of their own, once innocent selves.

Skottowe showed little interest in the lash or heavy punishment while at the outstation. He seemed to be of the opinion there was nowhere else to go from Newcastle, so acts of disobedience were acts of futility. Fill the daily quota and a prisoner’s afternoon was their own, even for Daniel Gilmore.

The King of Kandy, Sri Vikrama Rajasinghe, commanded the jungle island’s mountainous centre. Kandians never decided if they were looking out on the world or being watched by it. Unlike the rest of the island’s provincial aristocracy, Sri Vikrama’s family had seen off the Dutch, the Portuguese, and the latest offer of becoming a protectorate of Britannia. This was brutally asserted with the torture and murder of some presumptuous Dutch East India Company merchants, found decaying in shallow graves around the time of Skottowe’s arrival. Sri Vikrama’s absolute rule included the ritual use of a sword, wrapped in a blazing white cloth, which was presented and opened to individuals about to be executed on his whim.

Skottowe was a pliant, calm diplomat like his father and spent long, obsequious days in the King’s palace. He was genuine when masking his frustration and personal
dislike with polite attentiveness. Unlike many of his countryman, he could not indulge in the smug irony of assumed superiority. He had given up second guessing what the King and his translator said to each other but if Skottowe tired of the King’s thin-handed gesturing, he also realised that three years as an outstation prison commandant had stripped away and reshaped what the life of a man meant to him.

The Home Office offered Sri Vikrama a high-end yellow Ackerman chariot on the assumption that oriental royalty’s obsession with gaudy brocade made them prone to a dandy-vanity that was beyond the Prince of Wales. It was envisaged Sri Vikrama would waste money, time, elephants and men engineering a coast-to-mountain-top road, wide enough to transport his new toy to the mountaintop palace. The English hoped to exploit this as a supply line wide enough to run their cannons, equipment and men up. The carriage arrived but was dismantled into small parts and carried on men’s backs up mountain foot-tracks. The Ackerman was rebuilt and left as a monkeys’ playpen.

The thick Ceylonese air left the British military uniform – made for winters and snow – sodden and heavy as crusader chain mail. The constant humidity seemed to penetrate to the heart before working back out, leaving the body in a state of constant liquidity. For the 73rd, it was very different to the mostly dry heat of the colony. Drinking alcohol did not help, especially the local Arrack brew, which could send a blunt, sweating man into the jungle looking for elephants to wrestle.

An agitated bull elephant will run a human being down before tearing them piecemeal with an awful, delicate violence resembling a gentleman eating from a fine dinner plate. Victims are transfixed not so much by the noise, but the emotionless, watermelon eyes as they close in.

Young Augustine charmed the king enough to be presented with his own baby elephant and a wild-child monkey called Jocko. While the elephant stayed behind, Jocko sailed back with father and son to England in 1818. He was unfortunately caught
flinging gold coins into the ocean after having miraculously unlocked the hold containing the regiment’s war prize. Augustine held his crumbling lips tight when Jocko was court martialed, convicted, and shot by a marine firing squad. He would not cry before the men.

Jocko’s dead face betrayed a semi-human expression that had recorded something awful and important, but couldn’t be bothered explaining what it was.

Augustine was introduced to the limited gentry-life of a bastard child on the Skottowe’s Trent estate. He might attend his father’s school, but he would be expected to find his own way on a limited stipend. He was always flesh for his father’s stories of other worlds: little stories of jungles and kings, but mostly the colonial outstation, peopled with shilling regrets in whistling timber huts that would freeze the soul of the family’s Scandinavian ancestors. Stories too of tattooed rogues and murderers, two-faced privates, cedar smuggling, flood, drought, bitter and petulant storms, bad cutlery and no cobbler skilled enough to repair English leather boots. A place of exaggerated strangeness, where beautiful books and paintings were made by damned, lost men, and the sound of something decent might be all there was.

Public schooling was to wipe any remaining barbarian traces from Augustine’s local tongue, which in the older currency children sounded tough and twisted like ironbark. To an English ear, it was as alien as it was familiar, almost as defiant as Yankee, mixing county brogues, gentlemanly pish and London street-smarts.

Skottowe was always ready to share the flora and fauna manuscript that he drafted at Newcastle, even if his words and descriptions were just accompaniment to the beautiful and delicate drawings of Richard Browne, the convict artist at Newcastle throughout Skottowe’s command. Browne’s coloured illustrations would remain sharp and bright, unlike Mary Ann and Thomas’ memory.
Browne drew a handsome native couple wandering purposefully across the Newcastle landscape. In Skottowe’s experience the New South Wales aborigine was less gregarious than the Ceylonese, whose polished marble smiles could melt an officer’s epaulettes.

There were ‘town’ aborigines in Sydney, but if the Newcastle clans Skottowe met were indifferent to the colonists, they were also secretly enthralled by the militaristic dailies of mustering, parade marching, weapon training and cannon fire. Skottowe took this as evidence of a warrior culture’s feel for organisation and order. He had witnessed harsh native laws where banishment from a group was brutally final, and forgiveness unlikely. He remembered Bungary laughing about the older and slower Port Stephens tribes, how their women always jumped camp, frustrated with their flaccid men, who ate too much porcupine and had no creation in them. Their superstition could make Skottowe grin, but the world might learn from the way they accepted themselves as the sum of each other.
The natives were never beholden to the rewards they received for returning runaways, who they generally had tracked down before Sugarloaf or the settlement’s last hill. For most convicts, the natives were no better than hunting dogs. Skottowe instead saw realists who accepted the musket’s superiority over the spear, and simply wanted to be left alone.

Fig.17
BOOK VII

REAL CRIMINALS
Matthew Flinders’ name for the colony, inked on his circumnavigation map of 1804, was officially adopted for the colonial land mass by Governor Macquarie in 1817.

Despite its transient population and ten years of slow, determined monotony, Newcastle was an established, settlement outstation by the time Skottowe departed in 1814. Recalcitrant lags like John Fitzwilliam and Thomas Desmond could claim an authority of sorts among themselves, if not fellow inmates. Newcastle would never be caste in triumphant marble and stone like Kandy’s grand palace on the hill, but it existed on a similar contradiction: were you looking in or seeing out?

Skottowe’s replacements followed the Government’s new lighter punishment rules, but they also felt that indulging talented men like Richard Browne, or the recidivist conman and writer James Vaux, had made Newcastle into a Gomorrah of laziness, drunkenness and fornication, that started each afternoon when the prisoner work quotas had been filled. If unweeviled flour was a measure of luxury then Skottowe might have agreed. As for the bolters, it was always the same: most crawled back to camp starving or under native escort. The fantasy highway to China or Tahiti remained ever that.

The Lady Nelson brought the Governor to the outstation in January 1812. After a trip upriver Macquarie inspected the soldiers, convicts, barracks, livestock, hospital, government farm, the timber yard, lime works and the individual gardens. He ate with Skottowe and Mary Ann and returned to Sydney. There was no real interest in overstaying. As long as there continued to be no rumours or evidence of extreme brutalities, he would leave the place to his commandants.
After a severe flogging – his punishment for involvement in Andrew Tiernan’s blagging threats on the boat to Newcastle back in 1804 – Neil Smith slowly squared up. Age, and an increasingly sloppy left jab, diffused any rebellious spark. After years around Sydney labouring here and there, he returned to Newcastle in 1814 as a government employed constable. By 1815 he had a promotion and a new, de facto partner. The couple returned to Sydney after Mary Neal’s sentence for drunken affray expired. Smith collected wages and the lump sum payout from the Police Fund for uncovering an illicit still in the Newcastle bush.

CRIME’S PHILOSOPHER

The Greek philosopher Socrates preferred face-to-face symposiums and agora confrontations to scribbling on parchment. Writing was almost the death of thought, cocooning an idea in time, while confrontation was more likely to expose his fellow Athenians’ vanities and hypocrisies.

The Socrates of Plato and Xenophon betrays little interest in the future, unless the idea of the future influences how to behave in the present. His fellow citizens would condemn him to death as a corruptor of youth, who did not believe in the gods of the city state. His trial has come to variously represent stoic acceptance of death, state sanctioned murder, or an exemplar of Christian piety and faith. His death-bed philosophising narrated by Plato combines gravitas and courage, while Xenophon presents a man supremely disinterested in his fate. Socrates’ death has been made into
a divine redundancy: an acceptance that a life lived is alternately reassuring and desolating, joyful and traumatic.

Newcastle life forced a similar Socratic wisdom on its inmates. Not in the sense of any injustice, but acceptance and stoicism. The Newcastle convict existed in a state of erasure, in a place designed to be beyond remembering. Like Socrates, they lived in their moment.

There was no gallows on the hill at Newcastle, a reality both reassuring and desolating.

THE TYBURN JIG

By 1800, the new generation of gallows swingers were being written up as sad imitations of Moll Cutpurse, Dick Turpin, Jonathan Wild, Sawney Bean or the highwayman and seducer, Claude de Vall, who had the same fortune in the field of love as Marlborough had in that of war – never to lay siege but he took the place. Salt-box profiling and the prisoner’s last letter had gone the way of the half-noose. English tourists visiting Paris during the 1803 interregnum – hoping to experience a new social age – encountered a nasty, medieval mix of dogma, brutality and moronic revenge. The sight of a bloody dismembered head, eyes wide open at the base of the ‘scientific and rational’ guillotine, could make a dank, English gallows seem humane.

The machinery of criminal law is tied closely to local ritual and then made indispensible by repetition and expectation. The condemned prisoner’s final moments on the gallows for example, saw them judged publically like any burletta or melodrama actor. The gallows audience is a harsh critic: is the condemned jelly-legged and barely standing, or stiff and stoic, frozen like Pompeii plaster? Did they sneer at
the jeering crowd to ignore the amen-snorter mumbling sin and eternity in their ear? Did they wait stoically as the hangman reconfirmed his paraphernalia of ties, before placing a plain canvas bag over their head?

All this converges into the final confession, expected between these last rites and the hooding. Few prisoners remain game and defiant to the very end. The most memorable confessions retain a drama of overwhelming suddenness, tinged with honest admonition and regret. The confession is followed by a silence that prepares both prisoner and spectator for the ensuing whack and creak of the crossbeam as it absorbs the weight of a flailing, ankle-tied body. The actual drop produces a momentary delirium – observed in crowds experiencing a solar eclipse – and they cheer, cry, vomit and scream while the gyrating, hanging body emits traces of gas, shit and cum.

The body slowing to a pendulum swing can emotionally hypnotise a crowd. Some become embarrassed, some repulsed, while others just stare in fascination as the hanged body is replaced, confirmed dead and carted off. A long-pricked, smart faced high-toby might still attract a swooning train of agitated young women, but for most in the crowd, a bathetic solemnity covers their own personal fears and self-disgust. When the hood is removed, death stares back like Jocko the monkey.

A newspaper crime report might take three to ten minutes reading for competent eyes. It is the average time a dropped prisoner takes to stop breathing from strangulation.

In Macquarie’s Australia, morning was the time for topping dues, especially during the summer months, when the blood was already pre-warmed. Despite the passage of years since Jacob Nagle’s report, there was little carnival, no devotionals or grog-ups, no ballads or drums. The Gazette might ascribe a few didactic paragraphs, but hanging
was stepping out, square and simple. The basic nature of colonial executions was little changed since Ann Davis.

“HALF-HANGED” SMITH

While the cart and tree branch were replaced by the solidity of scaffolded gallows, the occasional prisoner still survived the drop: the halter noose was prone to corruption and slipping, especially on some ox-necked labourer. National pride may have been behind a refusal to accept the science of the guillotine, but the mathematics of weights and counter-weights, resulted in the regularisation of a longer drop: a prisoner, for example, was weighed as so much sand in a bag beforehand. This meant no more friends or relatives pulling frantically on the legs of lightweight prisoners who feathered about on the rope, slowly choking. Authorities considered the living image of a hanging, dying body – pissing, shitting, spraying seed from an erect prick or spitting blood from a womb – as the ultimate preventative against crime, as long as spectators imagined themselves up there, swinging helpless and final.

THE UNDISCOVERED COUNTRY

John Smith hanged in London in 1705. He was a nibbler and nob who lived a life not sufficiently remarkable. Sixteen minutes after being turned off, Smith was still choking air, until the crowd yelled a reprieve chorus and the rope was cut.

The waking Smith detailed his hanging time afloat with intimate clarity: When he was turned off, he for some time was sensible of very great pain, occasioned by the weight of
his body, and felt his spirits in a strange commotion, violently pressing upwards. That having forced their way to his head, he as it were saw a great blaze, or glaring light, which seemed to go out at his eyes with a flash, and then he lost all sense of pain. That after he was cut down, and began to come to himself, the blood and spirits, forcing themselves into their former channels, put him, by a sort of pricking or shooting, to such intolerable pain that he could have wished those hanged who had cut him down.\textsuperscript{64}

John Smith’s gallows experience was a voyage across his own internal, blackened stage, a journey of minutes encompassing an eternity. He saw no angels or devils waiting. It was a black, empty place. For some he’d glimpsed the after-world awaiting all criminals.
A first time sentence to Newcastle could be like waking from a long, deep sleep without remembering any of its sustaining dreams. Newcastle was a tough but survivable detention. Inmates learned to finish set-work labouring before flattering or pinching the rations-and-slops clerk. It was important to take care of your slops, keep a simple grog supplier and not bite for a loan off the dice-men. There were also the night gangs of arsehole fuckers, preying on the uninitiated, single and the weak. Commandants before Skottowe generally let convicts make their own mistakes: the half-naked bodies walking their sunburnt cocks around the settlement were stung slop-gamblers in debt, rather than neglected inmates. For a rascal reoffender, the threat of the gallows might barely compare with a few months away in a limeburners gang.

**LIMEBURNERS**

Lime helped break up the hard coastal dirt, but it was primarily mortar and render for Macquarie’s grand public building program. Newcastle produced it in mountains. When correctly made, good quality lime confidently held together bridges and the fashionable country cottage palaces made popular by Mrs Macquarie’s famous book of architecture. The original limeburners camp at Newcastle was a ruddy hut, built near native shell middens close to Pirate Point. By 1810 it had cannibalised its way along the river far enough to be a world away from the main settlement.
The lime produced at this settlement is made from oyster shells ... The process of making lime from them is extremely simple and expeditious. They are first dug up and sifted, and then piled over large heaps of dry wood, which are set fire to, and speedily convert the superincumbent mass into excellent lime. When thus made it is shipped for Sydney, and sold.62

Oysters and shells were collected by barefooted prisoners, who sometimes negotiated razor-sharp fields in and around the tidal water. The unslaked lime powder was strained into casks or suitable dry-packing and then back-humped to waiting vessels on the low tide. Handling lime could leave a convict’s skin with sick abrasions that got no sympathy from an overseer or the camp surgeon.

The initial shell firing released a sickening, caustic smoke that choked the lungs or made eyes itchy and swollen for hours. Prisoners occasionally and deliberately sucked this smoke in, or tossed powder directly into their eyes, hoping to be sent back to the settlement infirmary.

Limeburning was a punishment within a punishment, where musket-primed overseers and guards maintained a twenty four hour watch. It was no place for weak inmates, who were quickly made into ducklings by cross-hardened bullies. The Commandants encouraged the hideous stories of starving, naked men and women who slept in dung piles or under seaweed to keep warm at night. In the isolation and constant surveillance, some lost their ability to think and saw devils or Port Stephens Roberts shadowing through the trees. Sharper convicts pushed through this by refusing to acknowledge that each ragged, sharpened, dug up and bitter day was no better or worse than another. The limeburner camps claimed the sanity of some, but made the reputation of others.
DENNIS DONOVAN AND PATRICK COLLINS

The Macquarie years saw the last of the heart-sickened Irish revolutionaries replaced with more generic rogues. Transported convicts could be as foreign as Africa to long termers or the growing generation of locally born currency kids. England, Ireland, Scotland and Wales were, only twenty years after colonisation, now seen as strange lands droned about in the songs of sentimental parents.

Patrick Collins and Dennis Donovan first met up at the limeburners camp. They were Irishmen, but any further similarities to their rebel predecessors like Thomas Desmond or Andrew Tiernan was for those who still believed the moon was incandescent. In March of 1814, they bolted from the outstation and a week later were south of the Hawkesbury, looking for the western link road to Sydney Town. Donovan’s acquisition of a compass had proved its worth already.

RATTLING DARBIES JUST JANGLE
THE BLOOD’S ANGER

Collins and Donovan were cross-hardened, professional thugs who arrived in the colony within a year of each other, having surviving the worst and dirtiest Irish prisons. Transportation was a duce by comparison, and the imaginary wisdom of bogtrotting lags like Thomas Desmond, John Fitzwilliam or Constable Neil Smith sounded to them like the failure of weak and broken men.

The Hawkesbury’s final bay is a quintessence of white beaches and small islands whose water sparkles, even on grey days. Upstream, this ultramarine tidal blue
changes to the colour of weak tea, though still clear to the bottom. The river’s banks are thicker with overhanging trees here, as the river narrows to merge with its south western water sources of zigzagging streams like Mother Mathers Creek. This ‘frontier country’ was near the tribal land of the rainbow warrior, Pemulwuy, who had once recruited previously bickering, native tribes together for a short-lived guerrilla war against the colonists he deemed ‘invaders’. By 1814, the creeks were liquid roads for a second-wave of colonising farmer-speculators like Joseph Mann, who moved in after the almighty Hawkesbury flood of 1806, when livestock, human bodies, hay bales, sheds and even intact huts floated helplessly down river and into the central bay like a devil’s parade.

THE REVENGE

The limeburner Patrick Stokes decided to wait until the following day before introducing himself to the crew of the schooner Revenge, which had, that afternoon, tied up to a nearby bend of Mother Mathers Creek. Low on sugar, tea and tobacco, Stokes was keen to barter some freshly caught flathead, which had returned in numbers: a good sign that the latest drought was really breaking. Barter was still the preferred method of trade for suspicious or reticent ex-cons like Stokes, still distrustful of promissory notes and the Governor’s new Spanish coins. Barter was tangible and allowed conversation with a stranger, giving a chance to briefly assess their accent, manners and maybe their intentions.

After a morning fish, Stokes took a haul and introduced himself to William Alder, Thomas White and his de-facto Hannah Sculler. He apologised on behalf of Joseph Mann – Alder and White’s new business associate – for not meeting them. After laughing off as town gossip Hannah’s fears about cannibalistic, savage natives, Stokes
bartered and left the crew to the stark, but passive buzz of an autumn Hawkesbury evening, when to watch the yellow moon rise to phosphorescent white is almost enough.

NO MIRROR WORLD

The next morning, Stokes’ shell cooking was interrupted by agitated native boys, urgently gesturing for him to follow them to the Revenge, reflecting a quiet facsimile on the still water. After no one replied to his calls from the shore, Stokes balanced his way slowly up the gangplank, the boys closely behind. Under the ship’s fore hatch, around strewn papers, unravelled ropes and smashed boxes, William Alder was lying face down with congealed crimson knots of his hair surrounded by a bloody skull wound. Stokes soon enough found Thomas White, with his throat horribly and conclusively cut. There was no sign of Hannah Sculler, but Stokes did find an axe smeared in blood. The tool was compulsory on all colonial vessels as part of anti-piracy regulations: if threatened with a boarding, a captain would use it to chop the main mast and render the vessel impotent.

Stokes had been taught by the natives to examine dead animals and avoid contaminated carcass meat. The skin of both dead men was somewhere between cowhide and sharkskin to the touch. The mild autumn weather was a small mercy, delaying the first fly maggots and the all-consuming, noisome smell of decaying flesh. Stokes heard that native medicine men left their bodies sometimes to survey the world, wingless in the clouds. He wished for that cool, forgetful topography now, as he barely managed to stop the coagulated flour and flathead in his stomach from rising back up.

Patrick Stokes had seen brutality in the hulks and transport ship out. This was just plain wickedness. Feeling more composed, he thought back over the previous night. There had been a full moon, and a London flashman told him once a smart serve was
never on when Oliver was about, for what that mattered out here. He could not recall any disturbances or unusual sounds. White and Alder’s separation to opposite ends of the vessel suggested more than one attacker; there were no blood trails and White’s throat seemed to have been slashed from behind. Stokes’ imagined a freakish puppet silhouette of men wrestling against the dead face of the moon, full and weighty on the black sky, rising slowly as it turned from orange to white.

Alder’s injury did resemble a native nulla-nulla punishment, but Stokes never suspected the natives, who kept to their campfires at night anyway, if only to avoid the shadows of angry-mad ancestor spirits and malicious demons, who fed off the darkness.

**VITALISM**

For a sea empire, the British were hopelessly disorganised in the water. British pride might include calling a ship your mother, your lover or your wife, but even the mostly landlocked Prussians realised the benefits of learning to swim. By 1814, an elaborate resuscitation treatment had been devised by a London doctor, responding to the increasing number of Thames River drownings from suicide and misfortune. The treatment claimed it might revive a person twenty-five to thirty minutes after being pulled from the water.

The doctor’s method was an elaborate process based around the theory of Vitalism, which contends that the human body is a series of correctible humours and temperatures influencing the unique motility of human muscles, organs and nerves. The co-operation of these physical parts is a manifestation of ‘the nature of life’, sparked by the élan in each human being’s soul. Some vitalists could measure the human difference this produced in the taste of urine.
Vitalism was at odds with the new science of elements proclaiming life as a series of chemical reactions in which base elements could move between liquid, air and solid, and never losing a single ounce of their weight. The soul, like Smollett’s atom, was just a curious passenger.

HANNAH SCULLER

Not far from the Revenge, at a bank shaded by overhanging branches, Hannah Sculler’s floating corpse was tethered by rope to a tree. Her vitalism had expired and ethered off into the landscape. The natives who found her were worried for her spirit-soul, far from home and frightened, now being washed and tossed and stretched, ignored by all except the wind, water and dust it was carried on. It would cry lonely nights, peaceless, at the elemental un-mercy of the land and the air and the sea.

The tiny, ravenous mouths of gathering fishes, worms and crabs tugged methodically at the fretful edges of Hannah Sculler’s striped linen petticoat. They were unable to penetrate or unstitch her blouse’s oriental flowering of an uncommon and remarkable pattern that would later match a roll in the safekeeping of a friend of hers in Sydney. It had been a gift to herself, a celebration of her new life with Thomas White.

Sculler’s sodden corpse refracted the clear water like a jewel-cased doll. If White and Alder had been jumped and murdered quickly, Hannah Sculler’s fate, apart from the wound in the back of her head, was more uncertain. She may have been restrained below deck while White and Alder were dealt with, or perhaps she escaped the ship before becoming cruel sport for her attackers. If Hannah Sculler yelled or screamed out, the sound dissolved into the bush. Perhaps she was too frightened to do anything, and simply gave in to her attackers? After a sexual violation, the disposal of her body on a tether seemed an absonant, ramp gesture. For the colony it meant the loss of another healthy woman, a commodity still in massive undersupply.
The first old friend Patrick Collins and Dennis Donovan sought out back in Sydney was William Farrell, who knew the current digs of the part-time fencer and indentured labourer John Coffey. The three men turned up at Coffey’s door with a watch for sale. John Coffey paid the persuasive Donovan straight up without questioning what a fair whack might be. Donovan could make most people believe he was somehow doing them a favour.

Farrell, Donovan and John Coffey had lagged together in 1809 on the Boyd. Coffey had been a Dublin fencer in the family way, dodging swing-calls and spending time in Kilmainham gaol. He was finally transported over the receipt of a substantial cache of stolen muslin and calico. Like Donovan and Collins, his commuted death sentence was a lark after Kilmainham. While not an exceptionally violent prison, Kilmainham worked inmates over with cold, darkness and negligible cracker: piss froze midstream in overcrowded cells that were illuminated and warmed by single candles. The cells were worse than receiving a beating, where the pain eventually subsides. Kilmainham traded in contemporary criminals and unhanged rebels. Like Newcastle, it was another reactive experiment in penological head-fucking.

John Coffey was still a reliable and inventive fence and Donovan and Collins had a reasonably plummy rig for him that included a fine looking canvas bag, various pots and pans, a beautiful piece of print, some cutlery and a well maintained case knife. There was also male and female clothing, including beautifully sewn petticoats, fine cotton shirts and a fine suit of blue striped trousers with a yellow buttoned waistcoat.
The colony still traded predominantly out of Government commissary stores. Fencing was a business transaction with no sale bill of authenticity, so departing sailors or isolated farmers were always worth a sly nudge, but in a finite, limited world of business like Sydney, a town fence often came back to its source, like an element moving from a gas and back into a solid state.

**BLUE**

There is blue and there is blue. Ask the sailor, the bird, the soldier, the daughter, the atom, the whale, the sky. Ask the indifferent Naval Office clerk or his even more indifferent Home Office cousin, whose occupation is to bleach colour from the world. The convict knew colonial blue as a slops dye that faded quickly from cheap calico but there was also William Alder’s suit, a freeman’s blue in a dye-caste that would outlast the stitching.

The convict blue annoyed Macquarie. He dreamed of colour-coded order: yellow and black for road gangs, grey for ticket of leavers, stencilled arrows for new felons and then the rest. He wanted a demarcated world as bold and signifying as local parrots. The London clerk might sneer and say it was swallowing the dick to make so much of colour and clothing, but the expert refurbishment stitching on William Alder’s suit by Mr Lamb – a tailor of precise cut and thread-work – revealed clothing was as much about self esteem as vanity. Lamb had originally suggested to Adler the yellow buttons to highlight the cutaway of the coat: his own, modest, Brummellesque touch. While more snap than hummingbird, Alder walked the Sydney streets looking like a freeman of substance.
THE BOYS RETURN TO TOWN

If they’d been a Newgate Calendar narrative, the lives of Dennis Donovan and Patrick Collins would be rendered as predestined and barbarically Irish. A lifer but no rebel, Collins was a Dublin-hard twenty-three when the Providence offloaded him in early 1811. Donovan was more a Limerick scrapper with a year or two on Collins in age and time in the colony. The recently formed Police Force, under the command of D’Arcy Wentworth, saw them as small-time family men riding post for a pudding, but also thugs without fear for consequence. Both men’s names were on public absconder lists after they snuck back into Sydney, waiting while Coffey scouted for possible buyers.

The shadow life suited Patrick Collins while Dennis Donovan preferred open blustering and confronted the world as something you shoved around until someone else produced a bigger musket, forearm or cock. This was how life worked in his Ireland of trawling Whiteboys, Armagh maniacs, Peep O’ Day Protestants and hardened gangs of Catholic Defenders. It was a bitter, violent world where the defenceless, country tenant farmers had stock butchered or stolen, houses burned down, or their children kidnapped. The folksy, Rousseauan saying that Ireland struggled ‘for as long as the well-stocked castle resents a small cabin full of hay’ were an excuse for thugs like Donovan.

TOMMORROW AND ANOTHER DAY

After Coffey had nibbled unsuccessfully, Donovan and Collins turned to yet another Boyd lagger, Michael McGrath, who managed a government trading
store with his wife, Elizabeth. The couple were in the keep of certain government officers and traders who allowed them to run a backdoor, black-coin rig as pawnbrokers, exploiting dregs from drunks and hocked gamblers. Donovan suggested to them they pay for his and Collins’ goods upfront and recoup the outlay – with a small profit – by on-selling later. Michael McGrath would also hide the compass until an appropriate buyer could be found. Just as Coffey was persuaded to buy the watch without asking, the deal was decided before it was discussed. The brace up was now a more complicated racket than Collins or Donovan cared for.

Michel McGrath accepted Donovan’s offer and rattled off something to Elizabeth about a man’s honour being his loyalty. Elizabeth McGrath knew this was kangaroo shit, and that her husband was Donovan’s rabbit. She also knew they would be expected to provide a safe crib for these ominous men, and she would say nothing. A few gifts of pots and petticoats did partially assuage her, along with the excellent price for the blue suit, which she would keep and straighten for Michael: it might even suggest he had a spine.

Patrick Collins’ staunchness towards Dennis Donovan was all honey or all turds. The man’s blood-scent was too persistent. Collins was more reactive. Waiting out at the McGraths, drinking every night, but now outside of the dog-eat-dog of the prison system, Collins found Donovan a fat-mouthed bore. He wasted his time instead with the impish and smart-tongued Thomas Broderick, who supplied their daily grog in exchange for a tipple. Collins ended up giving Broderick a deal on one of the fine shirts, and after pocketing his full whack, headed out of Sydney alone.

The dark-blue of colonial, winter-morning sky keeps a long glow before daylight proper leaks through. Ice-water ablutions heave the lungs wide awake while the kindling smokes reluctantly to a flame on last night’s embers. Cold infuses everything, producing the clean edges that sunlight’s low trajectory turns into a churchlike stillness, broken by the daily contest of birds or the thud of nearby kangaroos and
wallabies. Light also brings distinction to a world of things: from the bejewelled outlines of floating insects to the silhouettes of trees. As the ground crunches cleanly underfoot, it can take quiet a moment or two to appreciate. These are mornings even a bush runner of Donovan’s crabbed disposition would thank a God for.

Collins’ sudden departure offended Donovan. They were better together, not that a Limerick hard man needed anyone. A thug flashman’s freedom is his self-sufficiency, but this also requires a host: the professional criminal is basically a parasite. Patrick Collins took his chances solo by tracking south. Donovan remained in Sydney Town and on the lookout for William Farrell.

WILLIAM FARRELL

To outsiders, the lenitive Irish accent signalled brotherhood, but in an ocean-tossed transport, squawking about the sectarian ‘Battle of the Diamond’ might spark a responsive fist or even a calculated four inch tickle in the side. William Farrell met Dennis Donovan on the Boyd but he had also bolted with Patrick Collins at Newcastle, where both were soon recaptured and returned to camp by natives. Collins was disgusted by Farrell’s subsequent dog-grovelling and excuses to Commandant Skottowe. When Donovan had first called on the weak bastard in Sydney, Collins could only bite his lip and clench his fist.

A rested and now flush Donovan tracked Farrell west of Sydney Town, where he was shaking with two nibblers, William Ruston and Bill the Nailer. Donovan would join the four as they spent the next month ransacking the back roads and edges of Sydney Town. They became just another transient gang of bushrangers, running a profitable if doomed suit.
Many convicts, some with an urge for misdemeanours, others in need of immediate funds, lived a bonnet-life and switched between long-term, good behaviour and the occasional fraud. Donovan had no respect for this puissant duality and blustered like a Trojan through city and country, friend and acquaintance.

Patrick Collins was pin-needle fine in his instincts. William Farrell was arrested with stolen goods and boned Donovan straight-up to Wentworth’s constables, who jumped and ironed him a York Street kennel as he warmed himself before a fire, whistling a jig signifying nothing. Sydney had no maze of Seven Dials pannies to hide in.
It would be easy to consider Farrell a snake, a slug and a turncoat, but judged without
the past, he might also be someone trying to get by. Choice for men like William
Farrell was not something they could define, and it often came with one alternative.

In the days following Donovan’s scurfing, a reward of twenty pound was offered for
information regarding Patrick Collins, now inked in as a notorious bushranger. The
amount had doubled from the previous week.

The thought of ten pounds in a lump sum might make the most loyal cross-cove
second guess their judgement. Ten pounds could be a sequence of prime beef meals,
washed down with a pound-a-gallon of good Jamaican rum or a pot of Hyson tea
sweetened with Bengal sugar. Add to that a cotton or silk shirt, cut to fit, set off with a
starched Brummell necktie and a pair of English leather crab-shells (to soften the hard
ground underfoot). Imagine, separate clothes for day and night. Doubling ten pounds
could mean all that again, with enough left over to perfume the shonky hand of a
female factory overseer, transacted under the rim of a fine, kangaroo skin hat.
A system that, when displaced from its equilibrium position, experiences a restoring force, proportional to the displacement.
Dennis Donovan came into the trial dock straight after some troopers of the 73rd Regiment, who were sentenced to Newcastle for selling on stolen government property. Donovan was charged with stealing a free settler’s bedding swag, from his time with Farrell and the gang. He was committed to hang, but not before being ordered to reappear later on unrelated charges of robbery and rape. He said nothing in court. He would speak next to nothing for the rest of his life.

PULLING THE DEVIL’S TAIL

At his rape trial Donovan was preceded by three ticket-men who had stolen and butchered a young bull. George Stone was skilled with a boning knife. He had sliced only prime cuts from the stolen animal, leaving all but twenty pounds of the animal for gorging dogs and pigs. The three men were charged with slaughtering a progenitive animal, with an additional, local amendment of wasting edible produce. George Stone and Joseph Brooks got five years at Newcastle. Donovan imagined their soft faces after a few weeks cockroaching through black coal tunnels, or a couple of full shifts at the limeburners camp. Joseph Brooks would bolt three times from the camp in his first year, whereas Stone did his time quietly and remained on in the area to herd cattle.

Donovan’s refusal to acknowledge any questions saved the court from pronouncing any details of the rape. His numbers were adding up quickly to weigh forty and this second death sentence included the atomisation of his corpse after dissection.
The rape charge was a timely distraction for Police Superintendent D’Arcy Wentworth and his constables. They had almost finished collating some retrieved items, whose recent movements confirmed them as being the possessions of William Alder, Thomas White and Hannah Sculler. They all, it seemed, intersected with Dennis Donovan and Patrick Collins.

THE MOTHER MATHERS CREEK TRIAL

Joseph Mann, rather than William Stokes, provided the first testimony and description of the murder scene on the Revenge. It was the emotional prologue to a parade of witnesses, strategically arranged to prove that the recovered items connected back to Donovan and Collins, and were not only the possessions of the Revenge crew, but physically present on the vessel when it left Sydney. From this convoluted narrative the prosecution would create a circumstantial link between the robbery and the three murders.

It was a laborious but revealing process. Before the murders, most of the smaller items had been sold to Alder after he took up as ship captain and part-owner of the Revenge. Mary Anderson cried when a scrap of dress material, recovered from Hannah Sculler’s body, matched perfectly the roll in Anderson’s safe-keep. William Farrell, already on other charges, answered yes to everything. Then the McGraths were called.

CONFEDERACY OF THE SELF

The threat of being charged with receiving and selling stolen goods was enough reason for the McGraths to turn King’s evidence against Donovan and, in absentia, Patrick Collins. It was made easier knowing Donovan was already sentenced
twice to the crap. Michael McGrath described how Donovan bullied him into burying the compass till a suitable buyer could be found, and being bored by the story of how the compass had safely navigated the two men from the Hawkesbury to Sydney, around the time of the Mother Mather murders.

Elizabeth McGrath admitted to having William Alder’s blue jacket altered and unpicked to fit her husband’s frame, but she claimed no knowledge of where the suit, or the glossy, purple-printed calamanco petticoats she bought from the killers, had originated. As for the pots and tin – which she spoke of as her own property – they were gifts from Donovan and Collins for providing food and shelter. Elizabeth was unaware how ghoulishly indifferent she sounded. The McGrath’s knew they were not the prize.

THE DEFINING STITCH

Five years after the trial, in 1819, the McGrath’s world – which by then included four children – was wrenched apart like bad stitching. Michael was charged with sheep stealing and sent to Newcastle, where he would end his life a gaol’d felon. Elizabeth was forced into indentured service, and, in 1822, not long after her husband was transferred to the new outstation prison at Port Macquarie, Elizabeth Frazier (as she was now known) petitioned for her children to be received at the Orphans Institution.

Throughout the trial, Alder’s pocket watch ticked in the cold courtroom air like a judgemental tongue click. The prosecution had set out to prove its bishoping, by which a manufacturer’s name and details, usually inscribed on the interior plate, were altered. This required a basic level of engraving skill, the idea being to leave no trace of any interference on the metal. There was no attempt at subtlety in the poorly conceived cat-scratching now before them.
A master watchmaker understands his pocket watch as a singular, portable universe. Its journey to harmonic oscillation begins with thousands of tiny, flea-sized screws and handmade links, fitted together on benches by hunched, fine fingered English girls. Each individual watch part is dependent on the next: a fine lever escarpment for example, creates the energy necessary to move gears, which in turn is dependent on a well-made balance spring. That spring’s operation effects the oscillation of the balance wheel, which must take into account the effect of heat, which can expand and quickly unbalance any regulated motion. It is difficult to express how human beings can so precisely fit these parts together using microscopically fine tools. In court, the prosecution concluded that Alder’s watch had been altered *inexpertly by a rank.*

Donovan’s sullen bravado drained away as the Mother Mather trial slowed into Friday afternoon. He was a koala shaken from a tree, but unable to get back up. His mouth disappeared into his beard and his silence lost its shamanistic intensity. Donovan’s world had boomeranged, tied to the regulated motion of connected facts. His world now moved to its own harmonic oscillation. It seemed like half of Sydney, the rest of Parramatta and everyone at Newcastle were reliable witnesses with a personal interest in the pots, the pans, cutlery and clothing taken off the *Revenge.* If nothing else, Donovan was now proof that the confederacy of the family way was mostly about self-interest.

**PATRICK BRODERICK**

The tailor Michael Lamb was outraged at the poor restitching on the suit and suggested the yellow buttons – now the property of Patrick Broderick – had been removed from it without any care or understanding.

The quick-witted but effeminate Patrick Broderick, who supplied Collins and Donovan with their nightly grog at the McGraths, was also a sustained sharp while the bottle
ran. He convinced both men, especially Collins, that their brutishness had a necessary honesty to it. Michael McGrath hoped to humiliate Broderick in court by suggesting he was a buggerising molly and that there was more than drunken gallivanting going on between the three. This produced shock, disgust and a few mocking sniggers in the court, especially after Broderick proudly announced that the shirt and waistcoat were a gift from Collins. While publically degrading, many also knew a world with too few women and too many enclosed spaces made for complicated friendships.

**ORMSBY AND ELEANOR IRWIN**

In his constant toing and froing between his salt-box and the courtroom, Donovan may or may not have recognised Ormsby Irwin. By then he certainly didn’t care.

Sergeant Robert Morrow and his partner Hantor Fahie were in a group of 73rd galoots on a twilight Inn trawl. Morrow was half-screwed by the time they fell into Casey’s in York Street, not far from where Dennis Donovan was soon to be arrested. The group swallowing songs of triumphant Britannia near a table of Irish, who included Ormsby and Elinor Irwin. The military enthusiasm faltered, leaving Morrow and Hantor Fahie to finish off the night. After some forgettable, drunken reasoning, Hantor Fahie and Elinor Ormsby *abused and reviled each other with much asperity*, which resulted in a *mutual assault* taking place. After both men stepped in, Hantor Fahie ended up on the street screaming for help. Inside Casey’s, the Irwins were doing her man over after Morrow was too drunk to get up from Ormsby’s first couple of blows. Eleanor Irwin’s boots then took a particular fancy to the Sergeant’s stones and stomach. Some witnesses claimed the beating took place over half an hour while others said it was over before it started.
The battered Morrow was taken to hospital complaining of stomach pain and sore ribs. After a week of body stiffening, relentless pain, he was dead. The demon grog would save Ormsby and Elinor Irwin from the noose. All four protagonists, especially the Sergeant, had been floor’d by liquor on the night of the assault, so the Irwins’ pleaded self-defence. The magistrate was forced to accept no malice aforethought, reducing the charge to manslaughter. He advised everyone present that in this instance the law was, for better or worse, greater than his wishes.
Elinor Irwin twined hemp into rope at the Parramatta Female Factory while Ormsby sailed into hard labour at Newcastle. The couple’s children, William and Catherine, travelled with him and were most likely responsible for him receiving priority accommodation and light labour work at the settlement. William and Catherine joined a small score of resident and inmate children who, timed to a hovering punishment rod, received a basic education of tightly mnemonic times tables, spelling, Chinese whispers, prayers and poems in the small, hot, daub and timber church which doubled as a school room. Schooling was fear and punishment with a purpose, so it was possible Ormsby and his children could empathise with each other about their respective days.

Ormsby and Elinor Irwin’s enforced separation would end their marriage. In a transitory world, keeping a relationship was as difficult as finding one. Time at Newcastle sobered Ormsby Irwin into a protective and gentle father. In a letter to Governor Macquarie he petitioned for William and Catherine to be placed on the victualling list after his Newcastle sentence expired, while proudly noting that he was leaving the outstation a respected overseer. Elinor had, by this time, moved on to another man. She had let all and sundry know at the Morrow trial that she was not a Croppies wife, but a Croppies sister. By some bitter-strange patterning, she remarried using the maiden name ‘Honor’.

William or Catherine most likely wrote their father’s petition. The three moved to Van Diemen’s Land where Ormsby was recommended to the NSW Corps as a signalman and gunner, before finally being granted an official pardon in 1821. Ormsby Irwin had shown his children that a bad act does not always make someone a bad person. It was now a full twelve years since he had disembarked the Boyd alongside fellow countrymen like Farrell, Donovan, McGrath and Coffey.
BOOK IX – HARMONIC OSCILLATION

THE BOYD

After arrival at Port Jackson, the Boyd quickly exchanged its convicts for timber, salted pork and whale oil. The clean and well kept brigantine’s Captain, John Thompson, wanted to avoid the Southern Ocean weather and recoup a profit by quickening the turnaround voyage through the Asian trade route. The Boyd’s first port would be New Zealand to drop off passengers and pick up kauri, a flexible timber used as the horizontal support for ship’s sails. Among the passengers was Te Ara George, a Maori prince returning to his North Island tribe.

There are different stories explaining the bad blood between Thompson and Te-Ara George, which began just as New South Wales dipped concavely off the stern horizon. One story said Thompson accused Te-Ara George of stealing pewter spoons. Another was that Thompson thought George’s claim to nobility was merely an excuse to avoid working for his passage. Either way, John Thompson had Te-Ara George publicly flogged, a humiliation the young prince indignantly accepted.

CANNIBALISM: A SHORT HISTORY

The Maori word kaitangata can be translated as ‘people food’ or ‘long pig’. The butchering and eating of an enemy was uncommon but also universal. For the Maori it was about devouring an enemy’s energy, strength and spirit, but, unlike other parts of the world, they did not rejoice in the final humiliation of an enemy excreted into a mound of shit. The same Christian Europeans who made slavery acceptable
viewed cannibalism as the true face of uncivilised barbarity. Any experienced sailor
worth his bokoo knew that after a shipwreck, a marooning, or an extended stay in the
doldrums, hope or prayer won’t feed you.

Whale boats returning to Port Jackson from New Zealand heard from other Maori
tribes of a kaitangata of whites on a North Island. The City of Edinburgh was sent to
investigate, assisted into the area by a tribe in conflict with Te-Ara George’s. The City
of Edinburgh was directed to a river entrance prefaced with mounds of neatly piled,
shining human bones. Further along, the scuttled Boyd was found, heeled and still
smouldering after more than month.

Te-Ara George’s father had ambushed the Boyd in retaliation for his son’s humiliation.
All but four of her crew and passengers were dismembered and eaten. After the attack,
Te-Ara’s tribe took possession of the Boyd and, with the help of one surviving sailor,
manoeuvred it upstream as far as the mudflats allowed. The vessel’s holds of flour,
salted pork and wine were jettisoned. The tribe sought gunpowder and muskets and
experimentation with these in the magazine resulted in a flint-flash igniting powder,
which exploded. Some Maori were killed and whale oil set alight, causing the vessel’s
inexorable burning. A visiting taboo was placed on what was left.

The Gazette of 1 September 1810 described it otherwise: the muskets they prized very
much; and one of the savages, in his eagerness to try one, stoved in the head of a barrel of
powder, and filling the pan of the piece snapped it directly over the cask, the explosion of
which killed five native women and eight or nine men, and set part of the ship on fire.68
When the Maori chief was asked why it all happened, he explained it was because the
Captain was a bad man.69

Beyond the cannibalism, the Boyd massacre fulfilled Christian fantasies of the
barbarian unknown and emotionally furthered colonisation’s claim of being a
civilising necessity. This would also excuse a revenge attack the following year by
whalers on Maori villages in the region. Unfortunately, they massacred the tribe who had originally assisted the *City of Edinburgh*.

Four years later Macquarie sent Reverend Samuel Marsden to the savage darklands to broker a diplomatic deal with the Maori.

The unknown feeds an emotional need: what if? It can invent unsubstantiated fears, creating a mental ouroboros. The First and Second Fleet bolters took to the mapless, trackless west like blind pilgrims with only the clothes on their backs and two weeks’ salted bacon. They never found the predicted waterworld cutting the unexplored New Holland in two. There was no celestial kingdom, no walled city warehousing fresh food and clothes of satin and fur. No hot water, fountain baths or wells of Jamaican Rum. No green eyed cats curling asleep to notes of a piano. No kowtowing oriental buttocks or rosy cheeked, dimple-chinned maids with fucking hips that mock-swayed to the swing of a church bell. No laudanum lakes where harsh memories dissolved in the blissful eyes of ornamental carp. No babies, free and strong and bereft of sickening coughs. No husbands true. No hookah pipes smoking cinnamon and red cedar. No way back.

![Fig. 20](image-url)
Instead, it was left to men like Wild Man Wilson and Henry Hacking to find the remains and evidence of colonial cannibalism, pink eating pink. The first unauthorised frontier stories were unspoken tales of waste, futility, hunger and lonely deaths.

THE PARRAMATTA TURNPIKE

'Darcy Wentworth was an unreliable and self-interested Government Surgeon, but as Superintendent of Police he could indulge his curiosity for everyday human behaviour being as complicated as the pattern on Hannah Sculler’s oriental cloth.

Rowland Edwards and William Jenkins met from opposite directions at the Parramatta turnpike-house in May of 1814. Both men decided to break their journeys with an overnight stopover. The ex-cons now introduced themselves as a farmer and a goods dealer. Edwards had his young apprentice tend the cart horses while each man paid for a meal, a fireplace and dry bunk bedding, more than a king’s chamber for tired travellers.

The turnpike-house manager, Edward Mayne, told them to expect a dawn alarm of curses, pickaxes, shovels and chisels as yet another great Macquarie road headed industriously west outside the window. He never disputed the road’s ambition, or the enormity of clearing miles of thick bush and mountains of granite. Mayne’s problem was the free-roaming, unsupervised ticket-men constructing it, living in humpies so close to free settlers and the new Female Factory.

At around 11pm, a banging door and rough voices demanded entrance to the turnpike-house. Edward Mayne recognised one of the voices, but did not expect two masked-men – one tall, one short – to be aiming primed muskets at him when he undid the
latch and opened the door. Mayne would say later that he lunged and wrestled with the short intruder, but not before his yelling and cries for help woke Jenkins, Edwards and his young apprentice. In the confused scuffling that followed, the taller ruffian, levelled his musket\textsuperscript{70} and fired. The single shot scattered through Rowland Edwards’ side and lodged in the lung and genitals of William Jenkins.

In the confined space the deafening gunshot stunned the intruders into running off. William Jenkins died where the shot felled him. Mayne regained composure and ordered the boy to comfort Roland Edwards. He would live four hours longer than Jenkins, despite the assassin being so near when he fired, that the whole contents are supposed to have entered his right side, in which 15 shot and slugs were found.\textsuperscript{71}

Mayne, bleeding from cuts caused by the musket butt, headed for his local magistrate, the Reverend Samuel Marsden. His certainty about the attacker’s identities emboldened his walk. The tall vagabond had called him by name to open the door! Mayne’s self-righteousness, which generally needed little encouragement, surged into longer steps as he repeated ‘I warned you all’ over and over. The mantra steeled and cleared his mind of what he’d just experienced. He was Edward Mayne. He was obviously their intended target, but he was here, alive, walking along on a road.

Michael Hoolaghan and William Suitar (aka William Scott) were asleep in their work hut – a crow’s call from the turnpike – when constables arrived. For Marsden, the fact they were sleeping merely enhanced their devilish coldness. The case was reluctantly handed to Sydney Town’s Police Superintendent, D’Arcy Wentworth.

‘I WARNED YOU ALL’

Provisionally ticketed men, Hoolaghan and Suitar had shared huts for almost three months after taking up Macquarie’s offer to rough it as road-building
labourers. As working convicts they received victuals, occasional coin and the possibility of a reduced sentence, including early pardon.

The two chained men were transferred to the Sydney Town prison along with two handkerchiefs and a beaver hat, both found outside the turnpike hut on the morning after the shooting.

THE LONE VOICE IN SODOM

Edward Mayne considered himself more than a supervising tollkeeper in government employ. Paying his tollgate fee also entitled users to moral guidance. Mayne's Calvary was a daily sodomite parade of ticket men and Factory girls passing his gate like some Old Testament flood or disease. Mayne thought himself a Christian warrior fighting the end of the world at the end of the world.

Mayne's hairshirt was kept itchy at night with the drunken singing, and lord knows what else, in the filthy road gang huts. Their noise fed his nightmares of sweat-soaked fornicators laughing while the sky turned green with locust clouds, before a wall of fire reduced trees to sawdust, broiled livestock to white bones and turned creeks and rivers to dust. Ann Mayne tried stopping her husband from reading the good book before bedtime, hoping to calm his exaggerating mind, but, despite the printed proof on the page, she could never convince him that his favourite section was entitled Revelation, never Revelations.

The nearby Female Factory was in its third incarnation after real fires burned down the previous two. Mayne interpreted this as evidence of celestial justice and God's indignation at an open brothel of wanton, bastard pregnancies and flaunting, free walking, breast-thrusting, penis grabbing, rum-lipped Jezebels and Delilahs.
The day before the shooting, Michael Hoolaghan crossed Parramatta’s main street and confronted Ann Mayne, out walking with a friend. Hoolaghan suggested in no sweet tongue that her husband might prefer to mind his own business or to at least leave his holy tongue in the arse of a bull where it belonged. Hoolaghan also wanted to know why such an obviously firm religious man spent so much of his time observing female convicts. Indeed, what was the self-proclaimed gentleman doing sneaking about bush shadows during the hours given over to ex-convicts, whores and drunks? A man hiding out like that at night could easily be mistaken for a native dog on the jaw. Hoolaghan dipped his hat and remarked what a crime it was that pretty ladies were forced to hide behind bonnets and parasols, considering what the good God’s sun might reveal if given a chance.

Michael Hoolaghan fancied himself a sharp and a stallion. He talked of muscle-charm, toby prowess and mostly himself. Edward Mayne bristled at Hoolaghan’s insults and accusations, but a gentleman and a ruffian did not mix words face-to-face. Mayne felt that his wife and her friend, Susannah Wyatt, seemed far too undisturbed and perhaps too familiar with Hoolaghan’s confrontational attitude. She mentioned that the surprisingly clean clothes Hoolaghan kept about in did not reconcile with his conversation or his own pursuit of ladies, married and otherwise. As a gentleman, restraint would always guide Mayne’s indignation.

Imagination snuck strangely about Mayne’s head. As a Christian, he treated rumour like butterfly wings, blinking like his frantic thoughts, something he might net and then pin down for examination. In his mind, their brilliant colours always faded to dust.

Edward Mayne exploited the inherent timidity of English politeness. While most of his fellow countrymen used silence as a quiet relief from co-existence, Mayne treated it as an interruption that needed filling.
Road workers earned their grog-nights with daily graft. The reticent, suspicious settlers and local businesses accepted their trade while moaning fearfully about their dirty clothes, bad manners and filthy language. Macquarie’s new world of ticket-of-leave, expiree, freeman or emancipist was better discussed as a theory. Most objected to being forced to live shoulder-to-chin with these men, even if only temporarily. Many of the loudest complainants seemed to come from ex-cons themselves. Men like Hoolaghan and Suitar lived in between this world, always just one, verifiable complaint away from a return to the chain gang or Newcastle. The signed papers in their pocket were as useful as kindling.

PRECISELY THE CASE

Hoolaghan and Suitar’s trial would be Edward Mayne’s moment of vindication, when he would speak publically in a display of restraint and detail. He would confirm the yellow and red handkerchief and the hat found at the tollgate, before underselling his bravery. Best of all, he would remain firm lipped and white-faced in describing the implicit threat made to Mrs Mayne the day prior to the murders. There would be a cosy feeling of slight bravado in pointing out that he was the intended target of Hoolaghan and his accomplice William Suitar. He would stare at the two accused while touching, ever so slightly, the musket-butt scar on his cheek.

Both Ann Mayne and Susannah Wyatt confirmed as trial witnesses that the high street confrontation with Hoolaghan included a threat that Edward Mayne should look to the next time I get drunk, for then I’ll serve him.\footnote{72}
William Suitar had been in Sarah Barrow’s bakery on the afternoon of the shooting, wearing a straw hat similar to the one found outside the toll-house. Sarah also remembered Suitar’s large lead earring and a pistol, jutting out under his jacket. When she asked him about the weapon, Suitar had absently replied *it was needed out and about.* Barrow’s assigned convict, Thomas Woolley, also recognised Suitar as a sailor from his transport vessel and Suitar reminded Woolley as much, saying *Yes, you ought to know me, for we both came in one ship, and added that his name was Scott.*

Suitar and Hoolaghan’s fellow road workers were sincerely surprised by their arrests and the charges. Hoolaghan was known to fancy himself a bit of a Dutch dick with the women, but both men were hard working and always generous with their grog and rations. No one had seen either man use firearms or their fists in blank anger. As far as anyone knew, all the huts were grog spent and sleep-silent by about 10pm on the evening in question. The prosecution asked the court to ignore the unsubstantiated evidence of attainted convicts.

Michael Hoolaghan’s unchecked peacock vanity became a hindrance to his own defence during the two day trial. He smiled and winked at people in the court as though sharing a private joke and asked trivial, solipsistic questions such as ‘Did you ever say to any person Hoolaghan had decoyed or taken your woman from you?’ William Suitar was mostly quiet in his own confusion. He could not for the life of himself explain how his straw hat ended up outside the turnpike hut that night. A succession of hostile witnesses – most of them a Hoolaghan acquaintance or supposed sexual conquest – filed in and out past him.
he yellow silk handkerchief found outside the turnpike was produced as evidence to the seamstress Eleanor Norris. When asked if she could be certain it was the same one she gifted to mildly beautiful and recently arrived Martha Dunn, Eleanor replied that is the very handkerchief I swapped with Martha Dunn; I have call to know it: for I bought it myself, I hemmed it myself, I washed it myself, I wore it myself, and I tore a hole in it with a pin, which I laid upon my hand to darn it up again, but let Martha Dunn have it as it was, and there is now the hole in it, just as when I parted with it. She had also hemmed it with yellow silk, and was in all respects satisfied it was the same.

Gossip quickly stirred about the handsome Martha after Eleanor Norris saw Hoolaghan flaunting the yellow handkerchief around his neck like some gaudy bird. An unimpressed Martha explained to the court that Hoolaghan had begged her to borrow it for a trip to Sydney and never returned it. Tea, a mild laugh and a handkerchief was all she had ever shared with William Hoolaghan.

After twenty years of minor misdemeanours, the Second Fleet lag John Whiteman now made his day-to-day existence in the custody cells, shaving prisoners in exchange for tobacco. He would also wheedle occasional crumbs of information and pass them on, without having to appear as a witness. William Hoolaghan had boasted freely to Whiteman of having recently taking it to some bushrangers who refused to pay their dues for a grog night, so what was Edward Mayne to him. Whiteman snipped away in agreement.
oolaghan had been very exact about how Whiteman should alter the *form of his beard*.

The prosecution noted it was common practice for working men not to shave during the week, never mind such dandified whisker alterations. This was corroborated in court by Whiteman, who was forced to give evidence. Isaac Howell – temporarily in the cells when Whiteman shaved Hoolaghan – said he heard the prisoner boast that *he had twice snapped the gun and it missed fire both times and that he had struck at him twice with the butt end of his piece*. Howell denied that he later said *that man has said enough to hang 50 men*.

The questioning of Parramatta’s chief constable, Francis Oakes, provided a perfect moment for the prosecution to pause and summarise what now seemed certain: a hat produced in Court was found in Hoolaghan’s presence near the toll-house, shortly after the offence had been perpetrated. The state of the toll-house Mr Oakes also described – Jenkin’s body lay lifeless, and Edwards in extreme agonies till between two and three in the morning, when he expired. The handkerchiefs found at the gate were given into his charge, and were the same produced in Court; one was an old red one torn asunder, and the other was of a yellow ground. The third handkerchief produced and which exactly corresponded in pattern with that found at or about the spot where Mayne described the man whom he considered to be Hoolaghan had been posted, he took off Hoolaghan’s neck on account of the similarity, when he was bought for examination before the Coroner’s Inquest.

With so much evidence cross-confirming, Mr Patrick Cullen’s late call to the stand on the final afternoon seemed perfunctory. The one-time keeper of lunatics at Parramatta Goal, and the colony’s first asylum at Castle Hill, was now a tollgate keeper himself,
who kept professional contact with Edward Mayne. The two had spoken after the shooting. Cullen found Mayne’s obsession with Hoolaghan understandable, but oddly extreme. Perhaps his experience with lunatics alerted Cullen to the feverish edge in many of Edward Mayne’s narratives.

Judge Advocate Ellis Bent had arthritic, crooked pins, a dodgy heart and a nob’s conceit, but his verdicts were straight-up and merciful. The turnpike killings were simply a crime at which all Mankind has shuddered down the ages.81

Hoolaghan and Suitar were returned to the cells with Bent advising them to set a value on your everlasting peace.82 D’Arcy Wentworth was perhaps the only one, apart from Patrick Cullen, left troubled by certain presumptive holes in the trial narrative.

It was Mayne’s testimony that alerted Wentworth to something not squaring correctly. Wentworth knew charlatans and fakes and was inclined to agree with Cullen’s implied estimation of Mayne’s character. As the fool’s friend, Reverend Marsden, might have said: there was a devil laying shadows in the light.

Mayne’s narrative described long barrelled weapons being used. No such weapons were recovered, while Suitar had been seen with a shining pistol83 on his person in the bakery. As for the generic beaver hats, perhaps a better question to ask might have been how many workers didn’t own one. That Woolley had known Suitar as Scott only revealed that Woolley had known Suitar as Scott. Name changing was as common as beaver hats in the land of reinvention and second chances. Most puzzling was the issue of a missing red jacket, that Mayne was determined Hoolaghan wore to the shooting. No such jacket had been seen or found, and Hoolaghan was never seen wearing one, though it would suit his need for fancy. Wentworth recognised Hoolaghan’s cell boasts to the mizzling Whiteman for what they were. Like most men who played the traveller with their exploits, Hoolaghan was a talker first and foremost. Mayne and Hoolaghan: the trial was really about the difference between a fool and an idiot.
Michael Hoolaghan’s boorish trial self-defence was soon enough ignored in court as irrelevant and attention seeking. It slipped notice then when Hoolaghan asked Edward Mayne why hadn’t either man shot or brutalised Mayne on the night, if that was their sole purpose at the tollhouse that night? Mayne’s response that he immediately rushed upon them, and began tearing the handkerchiefs off their faces, so that I was too close for him to use a gun, contradicted the fact that two men were shot.

For Wentworth, if these overlooked facts were to be inserted into the sequence of events, the whole narrative was undermined. If nothing else, the intruders had the time, ammunition and the numbers to at least fire upon their alleged target, especially having already dealt with the peripheral Jenkins and Edwards in one extraordinary gunshot.

Wentworth asked for the Governor and Judge Advocate to delay signing the death warrants. He wanted to speak again with an assigned farm servant called John White, questioned recently over stolen muskets and robberies relating to the capture of Dennis Donovan, and the one-time owner of a conspicuous red jacket.

John White was another Boyd boy who spent time in Tipperary gaol with Donovan. He had arranged muskets for Donovan and Farrell’s gang, but was never arrested or charged. Re-interviewed by Wentworth, he admitted to being Dennis Donovan’s second at tollgate. White confessed he had wrestled Edward Mayne when Dennis Donovan fired the shot that caused the death of Edwards and Jenkins. Donovan told him he did it because he could. Donovan had burned the red jacket after borrowing it.
White was upset about this, having just had it restitched in the house of John Coffey by one Thomas McCarthy.

At the new trial, Mayne now declared to have been thoroughly conscientious, insomuch, that he even now could not rid himself of his first conception as to the identity of his person. It would always be Hoolaghan who fired the shot. William Suitar wept relief. Michael Hoolaghan, his banal manliness returning, opened his tobacco pouch and requested Master Whiteman and his scissors for a beard trimming. He had a new story to tell.

After being convicted of the tollgate murders, the Judge told Dennis Donovan he could have no hope, no wish from the society he lived in that he should longer live to burthen his existence with fresh crimes. He was executed in July of 1814 and died remorseless and unrepentant, except for a scaffold moment, where all Artifice, all Disguise is supposed to cease as being no further useful in this World, and he protested in the most solemn matter his total innocence of the murder of the two unfortunate men, Jenkins and Edwards, at the Parramatta Turnpike House. These final words prompted Macquarie to publically announce his abhorrence of the man in the following week’s Gazette.

Dennis Donovan was launched into eternity and his body given to the surgeon for dissection, investigation and atomisation. Wentworth, himself an assistant surgeon, knew it was as useful in understanding men like Dennis Donovan as the ancient Greeks divining truths from splattered goat entrails.

**COINCIDENCE OR COINCIDENCE**

Wentworth found that Hoolaghan and Donovan owned nearly identical yellow handkerchiefs, and that John White wore an almost identical, lead, left
earring as Alex Suitar. Dennis Donovan regularly used the false name of Alexander Scott, the surname Suitar was transported out with. Stripped of murderous context, these were just strange coincidences of no consequence, except for the two innocent men awaiting execution. Over on York Street, Mrs Watson’s liquor licence – revoked after the Irwin-Morrow manslaughter – was transferred by application to the ex-asylum and tollgate manager Patrick Cullen.

On the morning of John White’s execution – a day before Dennis Donovan’s – a man walking the Liverpool road between The Devils Back and Prospect, south of Parramatta, was held up and robbed of cash. Patrick Collins had resurfaced to reclaim his story.

**GENERAL NEWS**

The great, humane, indefatigable and incessant exertions of our worthy Police Magistrate ensured providence interposed on behalf of the innocent, and levelled its vengeance at the proper victims. Donovan was dissected on the coroner’s slab in the same week the Surgeon General received a significant pay rise due to his extra workload and Ellis Bent’s fiddling brother, Jeffrey, arrived as the colony’s new Supreme Court Judge. Still angry and insulted about being passed over for a knighthood and sent to the colony, Jeffrey Bent refused to come ashore at Port Jackson without a salute of gunfire. Exclusives like the Reverend Marsden considered him a real gentleman of the first order.

It was reported in the same edition of the Gazette that some settlers were speared to death by natives, supporting rumours that the mountain and Hawkesbury clans who terrorised the same area under Pemulwuy were reforming into a confederacy and resorting again to open hostility. One Hawkesbury Chief was either theatre-trained or mistranslated in claiming when the moon shall become as large as the sun the killing
will start. Governor Macquarie lamented the future. The native who did nothing had always garnered his full sympathy.

PATRICK COLLIN’S LAST STAND

Just as the Boyd was only a ship, Dennis Donovan and Patrick Collins were just men, but they became loadstones at a confluence of brutality and chance. Donovan embodied what the German thinker, Friedrich Heinrich Jacobi, called nihilism. Patrick Collins was the silent other half of this derangement, in which an individual’s actions portrayed the loss of God in the world of humankind. After Donovan’s arrest and execution, Collins became an apparition on every road between Newcastle and Van Diemen’s Land. After some highway robberies on the south-western fringe of Sydney he was confirmed as the ruffian who jumped a patrolling constable for sad-coin and victuals.

Native trackers were called in to help search the water lines west of Liverpool. They systematically closed in on, and cornered, Collins near The Devil’s Back, one of many granite outcrops scattering the plains at the base of the Blue Mountains. The September air was fresh after heavy, cleansing storms, leaving the granite surface slippery and uncertain. Collins was a resilient bolter but no bush wallaby, and his muddied, bloodied and hungry body finished in a rock-hole, where his legs and shoulder were snagged with native spears.

On the journey back to Sydney the posse came across the smouldering carcass of a horse on its side. It had been struck by lightning the night previous, and its huge bauble eye was now frozen open like a judgement, scanning them as they passed.

The native boys saw none of the reward money but received tobacco, flour and grog for their excellent service.
Collins’ trial in December of 1814 was preceded on the day’s court list by the hearing of charges against Thomas McCarthy, the tailor used by John White and Thomas Alder. He was caught stowing away on a sloop about to leave the Hawkesbury for Asia. He had tried to fake his own death, claiming to have drowned near the mouth of Mother Mathers Creek.

It was three months on from Donovan’s execution. The Gazette announced that back in April, Bonaparte had been expunged from the names of potentates and was exiled on Elba. The Admiralty thanked all its surviving Petty Officers, seamen and Royal Marines for their service. War would take an unexpected pause.

The magistrate William Broughton listed Patrick Collins’ web of accomplices in court. Most of them had been transported on the Boyd. The vessel’s name retained an awful connection for Broughton as his convict wife Elizabeth and their daughter Betsy had been passengers on the final voyage to New Zealand. Betsy survived after she was exchanged for a captured Maori, and handed over with a fresh flower in her blonde hair. It was something Te-Ara George’s father had replaced every day.

Broughton arrived in the colony as a surgeon’s servant and became a diligent and trustworthy government official with no time for corrupt or smug gentleman (though he was less pedantic when it came to their wives). It was uncertain whether politics or a string of cuckolded husbands was behind this. He sentenced Collins to swing alongside the stonemason John Shepherd. Shepherd had gone drunk-berserk in the Rocks and knifed two female drinking partners. Mary Bryan died from her thigh wound becoming infected. Maria Foster recovered after an agonising hospital stay. Both girls had just returned from a stint at Newcastle.

Patrick Collins fainted on the gallows and the stonemason then calmed him after he awoke screaming. Patrick Collins kicked off in dumb-struck shock. He had no confession and nothing to say. Word of Collins’ execution reached Newcastle on the
sail winds and mouths of incoming inmates. For those who had been enmeshed in the lives of Dennis Donovan and Patrick Collins, the days were now slightly lighter.
After the tollgate trial, Edward Mayne took out a notice in The Gazette, cautioning citizens he would not be responsible for any debts incurred by his wife Ann, who had left the matrimonial home without any cause or provocation whatsoever.

IN DIRT AND DARKNESS, HUNDREDS STINK CONTENT: A QUICK HISTORY OF THE MODERN WORLD

By 1814 the population of Britain was almost twelve million. A gentleman might sleep till mid-morning, but the arc of the sun marked the working day of most. There were still joskins who’d never left their village to see London or Dublin.

The world’s oceans brought life’s new necessities in increments, anything from Oriental cotton to West Indian slave sugar. Each new thing required another, more complicated level of maintenance, whether language, bureaucracy or accounting clerks. More trading ships required more naval ships to safely shepherd this trade around the world. Whole new sub-classes of Englishmen emerged. A man’s income now reflected his moral being. The poet Alexander Pope smelled this coming down the Thames River and into the fourth floor window of his Twickenham villa in the mid 1700s: Get place and wealth, if possible, with grace; if not, by any means get wealth and place.93

THE METAPHYSICS OF UTILITY

Fortune-tellers differ little from expert broad-players: repeat something often enough and the cards will eventually fall or appear as predicted. God may be at the centre of the universe, but the apocalypse is man-made. Some Australian native tribes considered there was no end of days and that yesterday was merely a
supplementary idea to get through today. The British Empire imported a linear concept of time where narratives meant nothing without a material, pound value. A new aesthetic for Romanticised landscapes would come to express the bored affluence this view realised: the complete modern gentleman was nothing without acres of artificial gardens to stroll reflectively through. This reality made the rough Australian landscape, by comparison, even stranger still.

A sailor doing dead-horse for a few drinks or the leg of an impressionable goldilocks exaggerates his stories of death and shipwreck. He is a fishmonger painting the sea. Newcastle could measure time in lost shipping. The harbour entrance claimed its own prizes from the beginning of settlement when vessels like the *Francis* and the *Governor King* were quadrilled and dragged onto the treacherous, northern oyster bank by tide, currents and storms. A sand-stuck vessel flapped about on the spot, before imploding and breaking up in the bellows-like vacuum this oscillating momentum created.

Captains turning around Nobbys to enter the harbour experienced a true wind’s sudden dissolution. Early pilots skilfully timed this mini-doldrums to the sudden, inexorable pull of the ingoing tide, their triangulating eyes always vulnerable to the slightest misjudgement of line as they entered harbour.

**APRIL 1814: THE SPEEDWELL**

It was around midnight, in slapping water and rain, that the four convicts finally sighted the twenty-one ton *Speedwell*, anchored in the blackness of a secluded northern bay, not far from Pirate Point. The storm was now in its third day. The four men had been labouring at the Newcastle wharf and had watched since morning as
another vessel, the *Governor Hunter*, was torn from its mooring before spending the rest of the day dragging its anchor dangerously around the harbour. The recent change of Commandant and garrison guards was enough encouragement for inmates to chance a bolt: it was now more than a month since Collins and Donovan had gone.

Edward Scarr, John Pearce, Joseph Burridge and Herbert Styles had slipped from the settlement just after dark. At a prearranged spot they boarded a dinghy and headed into the inky, frothing harbour. Despite some fitful moments on the water, Herbert Styles, an ex-naval seaman, calmly guided and secured them alongside the *Speedwell*.

![Image](image_url)

*Fig. 22*

Once aboard, Styles woke the Captain, John Patten. His sailor’s tongue plausibly claimed the four were out assisting the *Governor Hunter* before they became lost. Patten led them into a hold to dry off where he was smacked about the head and tied up. His wife and a caretaking sailor were then woken and restrained.
Styles, previously convicted by the Admiralty for piracy in India, took command and prepared the schooner for sail. His second bolt from Newcastle was always going to be by sea, after being recaptured and worked over badly by Newcastle natives the first time.

Crew from the Governor Hunter, who had overnight found a safe mooring and camped on Pirate Point, awoke to a grey morning and the Speedwell bizarrely, but methodically, tacking towards the rough, washpool entrance.

Styles pushed the vessel through after setting the kidnapped three loose in the dinghy. They made shore near the headland just as the Speedwell disappeared into the horizon-less grey, carrying sixty gallons of water and a month’s provisions. It was the last sighting of the vessel or its new crew, although the four men remained on the public absconder list for months to come, a small administrative ritual encouraged by Wentworth, who knew the memory of absence meant a lot.
BOOK X

LAW AND ORDER
THE HIGH TOBY SUPERINTENDENT

His colonial friends and enemies were never certain what D'Arcy Wentworth stood for. He was a contradictory, composite idea, more talked about than talker. To some he was Childe Harold without the wearying self-absorption: quick-thinking and adaptable, beautiful hair, strong shoulders, magnificent thighs and a charmer’s manner. He looked people in the eye as an equal and made the lowest man or woman feel that they were worth listening to.

Wentworth arrived in the colony behind rumours of a high tobying and a tough-veined, privileged origin whose expectations had been bankrupted by a mismanaging grandfather. It was known he still had one or two family-loyal, aristocratic relatives to ensure that the blue eyed and too, too handsome boy would always be more than nothing.

THE DOG AND DUCK

'DArcy Wentworth marched into manhood during the late 1780’s after completing a tour of duty in Dublin with the Irish Volunteers. Back in London, his patron and distant relative, Lord Fitzwilliam, provided him with references and funds to complete his assistant surgeon training. Wentworth spent much of this time living a Prince Hal lifestyle, slumming as a personable and eye-catching regular at the Dog and Duck Inn in St Georges Fields, just a short walk from central London. Originally laid out in the seventeenth century as aristocratic pleasure gardens for exclusive concerts and picnics, the fields were converted into water spas and recuperative walks by speculative, eighteenth century businessmen. By D'Arcy’s time,
they were a hub for disreputable riff-raff, where ‘ordinary’ Londoners came to dance, gamble, shoot, or carouse over a drink or two, often under the painted sign of the dog carrying a dead duck in its mouth. It was here the politics of the Gordon Riots simmered over into mob violence.

For a while, the palatial decay of the Dog and Duck drew the famous, the rich and paying poor to wild dances, dice and seductions. Wentworth was drawn to women of intelligence, looks and sparking tongues, while gambling seemed just as honest as the stiff-chained, fawning afternoons he spent with respectable aunts, scraping politely for a few more dissolute pounds.

Quill moralists, politicians and pastors were the loudest public voices after the mid 1700s. They praised their English way of thinking for creating a stolid, reliable society
based on class, reason, wealth and the public impression of hard work. These doctrines were often overlaid with rectitudinal warnings about the antithetic wildness of sex, cheap gambling and crime, which as a composite idea, was embodied in the picaresque contradiction of criminal highwayman.

The high toby’s dice always rolled a six and horse shit never stuck to his polished boots. Handsome, straight-backed and heavy cocked, he was sure with a pistol and too smart for his own good. Every class of cunt soaked wide for him. It was almost a crime to catch and hang him.

BEYOND A REPUTATION

William Lever was bailed up and robbed on a Kings Highway in 1787 by a masked figure who straddled his horse like Hercules Strangling the Numidian Lion. Lever’s stolen silver watch was recovered after being pawned by Mary Wilkinson (alias Mary Looking). This led to the arrest of Wilkinson and her herculean, co-habiting partner, D’Arcy Wentworth. ‘The Fitzroys’ were well-regarded by their neighbours in Pleasant Row, Islington.

Wentworth’s defense created reasonable doubt as to the highwayman’s identity and how the stolen watch ended up in the possession of Mary Wilkinson. No conviction was recorded against Wentworth. The court’s interest in Mary Wilkinson was also a point of law: her innocence was a legal debate on the definition of coercion, a law designed to protect wives who unknowingly received a husband’s stolen goods: a married woman who commits larceny, in company with her husband, is excused. The judge noted that never was in this country extended to any mistress or concubine. Wilkinson, whose family had travelled from nearby Kent to give character references at the trial, and could trace their farm ownership back one hundred years, was set free.
Wentworth was immediately re-arraigned though over a separate highway felony. His tall and lusty frame again duplicated a black-scarf-masked toby who robbed two coach patrons on another, outer London highway.

Wentworth had been arrested on the night of this robbery wearing a drab coat and straddling a rented chestnut horse, almost identical to the assailant’s. Additionally, the arresting constables had observed Wentworth throwing objects into the woods just before he was detained, not far from crime scene. The items proved to be the seal and watch stolen from the coach earlier that day.

Despite solid evidence, the two victims were suavely cross-examined till they agreed it was very dark and they couldn’t, in all honesty, confirm much at all. Wentworth claimed he picked up the seal and watch off the road. There was no-one around. Who would not? It was also noted that none of the other stolen items were on Wentworth’s person when arrested. He walked free from court into the waiting arm of Mrs Fitzroy.

Wentworth’s highwayman knew the swells he robbed and what they might carry: silks, purses and chained pocket watches (no repousse work but still gold cased and repeating), all small, prime items which were ‘money at the best’.

INNOCENT UNTIL PROVEN GUILTY

Two years later Wentworth’s defense wanted to delay his next trial date to avoid the hanging judge, Sir Richard Perryn. The victim of yet another highway robbery was a barrister, Mr Pemberton Heywood Esq. While hardly the part of Carlton set, Heywood claimed to have met D’Arcy Wentworth in society a year or two previous. He found Wentworth very respectably behaved in very respectable company, someone
freely known as coming from an excessive good family in Ireland. Heywood sounded more offended by a breach of gentlemanly etiquette than robbery at gunpoint.

WILLIAM GARROW

Apart from a few months’ custody in Newgate’s paid quarters, Wentworth came into court on the 9th December 1789 with no previous criminal record, and the infamous William Garrow as his counsel. The bird-eyed pit-bull humiliated Heywood during questioning, reducing his fellow professional to a compass-spin of confused donkey noises. Garrow knew when and where to light the phosphorous. Judge Perryn, who presided in the end after changes to the judges’ timetable, remained stern and quiet throughout.

Grubs ink-pissed Garrow’s name and crowds booked seats as they would any execution or melodrama, hoping to hear his mantra ‘innocent until proven guilty’. The combination of William Garrow and a gentleman high toby caused enough minor talk to fill the court with the fashionable, even if most were only there in the hope of sniffing the fine silks of a stray, bored aristocrat.

Heywood’s evidence lost traction as he insisted, repeatedly, that his assailant had a strong, intimidating Irish brogue. Garrow pointed out to Heywood this was distinctly different to the easy-mannered enunciations of the accused ‘gentleman’ before them now, the same man Heywood once considered his equal.

As quickly as Judge Perryn pronounced Wentworth’s innocence, Garrow asked for a dispensation from the usual paperwork: his client had just received an appointment as assistant surgeon on a convict transport, the Neptune, leaving for New South Wales in a few days time. Wentworth felt as if a king’s shilling had just been dropped in his glass.
As Wentworth rattled a coach to the Portsmouth docks, a London newspaper’s account of his trial reported on the array of ‘colourful’ women in attendance, including Wentworth’s latest companion, the fine looking Mrs Wilson. She had also gone free at the trial, despite stolen goods being found in her possession. If Wentworth personally glimpsed that he’d milked his last bull, it was his patron Lord Fitzwilliam who confirmed it by arranging the last chance journey to the colony. Wentworth was to finally understand his relative’s signature phrase that ‘life was about never forgetting when great people confer favours’.

Like the criminal cases he would later prosecute in New South Wales, D’Arcy Wentworth’s own ratchet-narrative goes beyond right and wrong, guilt and innocence. Garrow’s approach proved courts and laws were not always self-contained beginnings and endings, where criminals received justice and victims their requiescats.

Wentworth sailed to Sydney with his enigmatic, circumstantial past and rarely confirmed or denied any talk of it, always happier to stay in the present while accumulating a personal Midas wealth and the bitching curiosity of others.

THE DEVILS VISITED FROM THE DOORS OF HELL: THE 1790 VOYAGE OF THE NEPTUNE

In Voltaire’s eponymous play, Socrates lets everyone know I cannot regard things as done until they are. Greatness can be a dirty lie. The past, as numerous as stars, writes terrible men and events into stony, heroic templates. These can be easy to accept and much harder to reconsider. The voyage of the Neptune is a small but singularly disgraceful weevil, hiding inside one of Empire Britannia’s silent lies.
The transportation fleet that shipped D’Arcy Wentworth and hundreds of convicts and their guards was tendered out to private contract by the Home and Naval Offices. The successful applicant had to produce six vessels and *undertake to transport, clothe and feed the convicts for a flat fee of £17 7s.6d per head, whether they landed alive or not.*

As members of The Royal Blackheath Golf Club, Anthony Calvert and Thomas King were among the great and the good who could relax after dividing up Britannia’s mercantile spoils. Both men considered themselves brave and speculative merchant traders in the fraught and arbitrary business of global shipping. Their company: Camden, Calvert and King (CC & K), came to prominence shipping slaves to the Americas’ sugar plantations. The business symmetry was simple and quite beautiful: the chattled Africans were disembarked and the holds replaced with tightly compressed sugarloaf cones for addicted Europe. The guarantee of a fully-loaded, return journey made the profits straightforward and staggering, absorbing the inevitable, occasional loss of a trading vessel to pirates or shipwreck.

Slaving was an uncompromising business requiring uncompromising methods. As the business slowed because of public disquiet, CC & K’s existing networks and experience allowed them to quickly diversify into a supplier for the empire’s increasingly distant seaports. The refit of three merchantmen *Neptune, Surprize* and *Scarborough* into human transports was no fuss at all.

As the fleet prepared at Portsmouth, a marine officer sought clarification regarding the control of the fleet’s convicts after constant, general bickering on the docks between the marines and the contractors. The complaining officer was removed after CC & K contacted the Home Office, who in turn contacted the officer’s Naval Office employers. New rules were released placing all convicts on transport vessels under the care and jurisdiction of the CC & K ship’s captains, who could also declare emergency conditions on evidence of mutinous behaviour. The new rules extended to the use of
corporal punishment for disciplinary action. With the fleet's large number of Irish rebels, the company felt obligated to set this in play before leaving port. Convicts were chained side by side below deck using short-bolted, reconditioned slaver paraphernalia like the adapted brace, designed to restrict human legs from straightening or stretching. Convicts’ personal swags, containing all they owned, were sifted through before being dumped overboard as a safety precaution. These ‘potential weapons’ floated about the freezing Portsmouth harbour.

DONALD TRAILL

The Neptune’s master, John Gilbert, duelled with a NSW Corp officer, John Macarthur, over cabins and seating at the captain’s dinner table. The maverick slaver was replaced with the even more frightening and thuggish Donald Traill.

As the three transports cleared harbour in 1790, the Surprise jettisoned four convict bodies into the soupy water. All had died from malnutrition after being in the company’s care for only a couple of months. A slow current would grab their poorly weighted corpses and wash them ashore on an empty and shallow English beach.

If John Macarthur’s demeanour didn’t change with the new ship’s master, his behaviour did. Like Gilbert, Traill thought Macarthur was a squealing upstart. Unlike Gilbert, Traill simply ignored him. Harbour scuttlebutt was that Traill’s keenness to set sail was not about the bonuses, but the opportunity to flog the pompous dandiprat unsettling his domain. The usually bullying MacArthur recognised his own type and his family kept mostly to their cabin until Traill agreed to a mid-voyage transfer over to the Scarborough.
Traill and his chief mate William Ellerington ran the *Neptune* with relentless and systematic brutality. Continuing emergency conditions saw convicts’ access to sunlight and rations restricted or even withheld, ignoring the minimum contract stipulations concerning care. The increasing excess of rations were redistributed to the captain and crew as war prize, or, if slow perishing, kept as CC&K property for on-sale at the next port.

A convict who survived the voyage wrote to his parents from New South Wales that as *an instance of our wretchedness it was customary among us when any of our comrades that were chained to us died, we kept it a secret as long as we could for the smell of the dead body, in order to get their allowance of provision ... I was chained to Humphrey Davies who died when we were half way, and I lay beside his corpse about a week and got his allowance of provision and water during that time.*

Traill threatened to flog any convict, marine, passenger or crew member attempting to covet or interfere with his sixty or so female convicts. On reaching Africa’s Cape of Good Hope, he personally hired out some of those women and girls to Dutch and English officers. The stink of the unkempt and extortionate Cape streets were perfume and promise to Donald Traill. He wrote to his employers that the vessel’s pig and livestock were in excellent health, while a quick pound was turned trading the clothes and provisions of convicts who had died from malnourishment and untreated aliments.

In Traill’s determination for a quick and profitable journey, the *Neptune* took on the Southern Ocean storm season. At one point he refused to pump out storm water that flooded into the lower decks and bilge, calling it a cleansing sanitation for the dank, crab-scuttling convicts and marines. With time to spare on the final leg of the voyage, the crew ran a black market in fresh drinking water and females, which included females travelling with their convict husbands as free citizens.
CROSSING THE LINE

Generalising horror can detract from its intimacy. Too many bold words can reduce victims to a melodramatic or statistical flicker. There is no sure way of extracting tears from ink.

The equator line crossing ceremony is a sometimes violent initiation ritual for first-time sailors. Preparations for it on the *Neptune* were the responsibility of William Ellerington, who had been interrupted by a particularly rogue convict accused of slipping his irons.

Donald Traill ordered crew, marines, passengers and prisoners on deck before his Chief Mate produced the rascal. A check of wrist-irons proved the man’s pleas of innocence. Unconvinced, Ellerington gathered up a long cross chain and fed it through the convict’s wrist and foot-irons, securing him arm-and-foot like an animal on a lead. Ellerington then pulled at this and tripped the convict over easily on the deck, boasting to his audience that the closeness of the wrist-bindings cleverly stopped rogues from converting it into a ligature weapon. Ellerington pulled again, this time dragging the man briefly along on the deck on his back. Blood was now seeping from his wrists. Ellerington planted a heavy foot on the man’s chest. With this extra fulcrum he pulled until the irons, now greased with blood, squeezed off the convict’s wrists. Traill was impressed enough to order the deceitful convict’s immediate flogging.

A free passenger, James Cowan, jumped from the crowd to oblige the man’s pitiful cry for fresh water after his flogging. The audience was ordered away, leaving the convict to expire, still chained, alone on the deck.
It’s unproblematic to judge others’ moments of self-preservation or inaction as cowardice. Hindsight allows us all a moment of vicarious heroism. How many passengers resented James Cowan’s small gesture before they were hoarded off to cabins and cells?

D’Arcy Wentworth had already removed himself into the bosom of the seventeen year old Catherine Crowley. The clothing thief became his cabin servant and concubine, a thing beyond even Traill’s influence. Catherine’s quirky northern lilt was a lullaby in purgatory. By Cape Town the assistant surgeon had confirmed that she was pregnant with his child.

A Port Jackson quarantine team, led by a now white-haired David Collins, found emaciated men and women below decks of the Neptune, infested with lice and lying in the putrid smell of their own decomposing waste. Yellow skin and rotting teeth revealed advanced symptoms of scurvy and dysentery in most, while some were too weak to move, needing to be lowered off in cargo slings. David Collins was not ashamed to be British, but ashamed to be a human being. His main concern was how to write a factual report that sounded believable. 158 of the vessel’s convicts had died during the voyage.

At seventeen pounds a carcass, a Second Fleet convict was worth near double that of an equivalent African slave. Its survivors included men like the runner John Loft, Thomas White (of the Revenge) and John Bentley.

Bentley had been transported for stealing from a Catholic church, which was only just considered a crime. After completing his transportation sentence he remained and
grazed cattle in Van Diemen’s Land. In 1818 he was caught in possession of stolen sheep and sentenced to fourteen years at Newcastle. Bentley might have been approaching sixty years of age by then, but he was all sinew and grit. After labouring at the settlement in government work he was ticketed out as a shepherd and built himself a hut on the bridle track between Newcastle and the new river farms around Patterson Plains. It became a stopover for thirsty walkers: a place for a tipple, a smoke and a chat; until Bentley was found dead there by his own gun.

It was treated as just another mad-bastard suicide till a native confided to a local constable how ‘Old John’ had had been shot by Cornelius Fitzpatrick, another ticketed convict, after a drunken misfortune. Charged and sentenced to death in June of 1824, Fitzpatrick confessed on the gallows to the fact of having discharged the gun which wounded and killed poor Bentley, but averred it originated in accident. The justice of that sentence, however, which doomed him to an untimely end, he fully acknowledged; and he hoped for mercy through the merits of CHRIST JESUS.  

John Bentley was only weeks from receiving a Surveyor General’s letter confirming the grant of the small piece of land surrounding his hut.

Any disgust David Collins betrayed to Donald Traill was returned with equal contempt by the captain, who advised Collins to complain to the attendant Naval Agent or reread ‘The Captain’s Commission’, signed-off and sealed by both the Naval and the Home Office. His contract fulfilled, Traill hired a space beside the docks and opened a store to sell off the Neptune’s residual food, clothing and provisions. Disgusted locals knew well enough where it was from but ‘needs must’. The Neptune was meanwhile washed out and the decks scraped clean.

Death tolls on the Scarborough and Surprize were not far behind the Neptune’s. Distressed officials sent emotional correspondence to London which arrived as the Third Fleet contract, identical to its predecessor, was being signed off by all parties.
While news of the horror fleet went public and slowly connected a spiderweb of respectable signatures, the Blackheath Golf Club remained as silent as a black boy. Like the government, they expected that the repugnance would fade to indifference, but disgust forced the Navy to reluctantly try Traill and Ellerington. A presiding judge, Sir James Marriott, was a patronage whore and well-connected London gentleman. His share portfolio was as diverse as the favours he owed. Traill deposed a character recommendation signed by Lord Nelson, commending him a loyal and brave sailor. Marriott concentrated his enquiry on the pre-voyage tantrums of Lieutenant John Macarthur and the complaining marine officer. This suggested a pattern of interference that implied CC & K and Mr Traill had in fact performed a tremendously difficult assignment under duress. Marriott abandoned the trial after the first morning, refusing to dignify it with a summing up. Traill would die a very wealthy man in 1814, a day or two after Patrick Collins was hanged.

Without admitting any culpability, the British Government modified their Third Fleet contract: a convict body was to arrive alive and healthy before contractors saw a penny. All future transportation legally defined a convict’s body as a commensurable government object.

Thomas King was summoned to a separate court case after the Neptune enquiry. A female slave was brutally murdered on one of his ships. The charge was put to rights like a gentleman’s round of golf. The more contemptible practices of square business were sometimes enough to make a flashman blush.

It’s possible the Neptune remained a guilty, shared memory between Macarthur and Wentworth. In future years, the two subdued their mutual dislike and professional jealousy to an occasional bitching newspaper pipe or civil case. As founding chiefs of a self-made colonial aristocracy – complete with the gentrifying legacy of family property – Wentworth and Macarthur could be unreliable, diligent, manipulative,
unscrupulous, loyal and generous. If hardened daily rhythms of colony and its inhabitants were a reflection of themselves, it was only partially by their design. Macarthur and Wentworth treated their colonial world for what it was. Like Camden, Calvert and King, they considered themselves frontier businessmen, where to gain by the abuse of others was the only honesty.

The *Neptune* aside, Wentworth’s experiences made him more complicated and empathetic than the crudely bullying Macarthur. Luck might be the poor man’s dignity, but Wentworth’s particular love of the racetrack aligned to his belief in new age democracy. Gambling was a collection of heart-pumping instants enacted without regret or fear. It was raw life and the everyman’s chance, beyond class and birth and influence.

Catherine Crowley died in 1800, but her children with Wentworth were brought up unflinchingly proud of who they were. He encouraged them to remain free of debt while respectful of what chance delivered. A deep red cornelian stone, set in gold and engraved with the Wentworth coat of arms, was kept conspicuously in the family home for visitors to admire.

**THE PRAISE OF WOMEN**

Experience taught Wentworth that a young man needed to make good his time with women because as wives and mothers they were not for trifling with. He understood that most colonial women moved between men not because they were choosy whores, but because they were seeking a utility and purpose beyond a daily fuck.
At the Dog and Duck Inn, D'Arcy Wentworth learned that beyond shared and soaked pudenda, sex was also mental ecstasy and excitement, like gambling or living flash. Time slowed this to marriage, conception and a shared intimacy that might outlive the years, the money, the arguments and the indiscretions. Women were, to D'Arcy, far more than physical release or the absence of misery. During his surgeon's swing on Norfolk Island, the girls were much like Catherine and knew paradise was a rough entrance. As Newcastle's predecessor outstation, Norfolk's loneliness, bluster and drunkenness never fully erased the shadowy feeling that the end of days might have already passed, and the next ship might never arrive.

The colony's first female convicts were gaoled on stinking prison hulks like the Dunkirk and so badly abused by their guardian marines, that a protection Code of Orders was drawn up in 1784, making the rape and ill-treatment of female convicts by gaolers punishable offences. Women and girls would continue to trade their bodies, but the new law at least provided a speck of choice. For much of Newcastle's outstation history, women inmates were a silence in an echo.

While it didn't make them his equal, Wentworth saw usable wisdom in women's public silence. From drawing room pomposity to the upstairs banality of the coffee house, Wentworth compared their polite stillness to a Hindoo who has left his body. Women offered a living lesson in how and when to fawn, prickle or silently take stock, ideal social skills for male positions of trust and influence, whether landowner, Police Superintendent, director of the colony's first bank, or successful distiller of spirits.

Except for Bligh, Governors made Wentworth welcome inside Government House. If he was an absent and indifferent principal surgeon, he was a diligent Police Superintendent who understood crime from his London experiences and the fiery, muscular streets of Dublin and Armagh.
When Patrick Collins and Dennis Donovan were tracked down in 1814, Wentworth didn’t need James Vaux’s new guidebook to know which way both men had flipped. His Prince Hal days taught him what a criminal and a victim was; the Neptune ensured he would never forget. D’Arcy Wentworth was a rare nexus of crime and freedom, court and prison. He understood the criminal as an ordinary man or woman first, just as he knew the tinpot tyrannies of the 1807 colonial rebellion would be consigned as a downwind stench.
BOOK XI

‘WE SHOULD WASH OUR DIRTY LINEN AT HOME’

Napoleon Bonaparte
Invitees to Government House at Parramatta could not avoid Elizabeth Macquarie’s Gothick chairs. They had been carved by convict carpenters from responsive local timbers like rose mahogany, sheoak and cedar. The seats were upholstered in wallaby skin and leather, while the centre-back was crowned with a muscled arm clenching a dirk of the Macquarie clan crest. Spikes on either side produced a slightly more sinister effect than the overwrought design intended. The chairs were mocked by their enemies as exemplifying the couple’s dilettante and Hibernian tastes. Macquarie promoted the chairs as proof of what honest labour and targeted, paternal encouragement could achieve. Elizabeth Macquarie might have been a priggish tight-flap when she quoted from her book on architectural style, but like her husband, she believed that if Christ was human, then miracles were simple, poignant acts of ordinary struggle.

Fig. 24
The chairs’ carpenters, John Temple and Patrick Riley, were long-time colleagues who had spent years together at Newcastle. Riley took to the bush more than once, but would become overseer of carpenters at the outstation. After Newcastle prison was shut down in 1824 and the settlement declared a free town, Riley built an Inn at No.1 George Street, for which he paid a licence fee of one hundred and twenty Spanish coins.

**THE CAPABILITIES OF A TOWN**

While never mentioned out loud in polite company, most colonial gentlemen knew it was best to piss out more than you drank. The resolution of the war against France changed transportation and how prison outstations like Newcastle operated, particularly after Norfolk Island was evacuated in 1814 and its remaining buildings left to burn. Newcastle’s population would stagger upward by the score and Lieutenant Skottowe’s replacement in 1814, Thomas Thompson, arrived to find that
while there wasn’t enough housing for his garrison troops, he did have increasing access to more reliable tools and craftsmen convicts like Riley, the stone mason Thomas Clohesy, and a talented, but shambolically alcoholic draftsman and painter, William Lycett.

Captain James Wallis replaced Thompson in 1816 after having commanded a punitive action against outrages and recurrence of barbarities by the natives around the Appin cow pastures, south of Sydney. Natives had taken grazing cattle from what they considered to be tribal hunting land. A climactic encounter saw twelve native warriors killed, while two women and three children were taken prisoner. Macquarie publically commended Wallis’ humanity in the discharge of his unpleasant duties but ignored some other, unconfirmed reports of natives being driven off a cliff at Broughton Pass, named after the district’s major landowner, the magistrate and father of young Betsy, William Broughton.

Returning from his second visit to Newcastle in 1818, Macquarie eulogised Wallis in The Gazette as a colonial Pericles, responsible for the very handsome Church, capable of containing upwards of 500 Persons, with an elegant Spire; an excellent Hospital, well aired and well situated, constructed with Stone with a Viranda round it, and inclosed with a suitable Paling; A large commodious Gaol, well aired and well situated, and strongly built of stone; A commodious Barrack built of Brick for two Subalters; A good Brick Barrack for the Assistant Surgeon; A large comfortable Barrack for the Convicts; A Guard-House; A Watch-House; A Boat-House; A Lime-House; A new Lumber-Yard, with the necessary Work Shops for Mechanics and Artificers and finally the old Wharf considerably enlarged and improved.
Wallis had reflected his Governor's quest for order and advancement through moral resilience, creating a world that was *well aired and well situated, and strongly built of stone*.\(^{105}\) Newcastle was now a village of close to 700 people, this included a trickle of ex-convict settlers seeking out the Hunter's rich black-soil banks. The East India Company was also taking an interest in the logistics of exporting coal. It was an
extraordinary transformation since His Excellency visited Newcastle in 1812, when in its infant state, and comparatively of little importance, being chiefly appropriated for the reception of convicts whose delinquencies here had rendered them liable to extraordinary punishments.¹⁰⁶

Macquarie took a day-visit up the river to Raymond Terrace in 1818 and recorded how as soon as we had Breakfasted I went in search of the Tree marked by our dear departed Nephew Lt. Maclaine in January 1812, when his aunt & myself with our Suite breakfasted on this same ground on the 4th of that month. – Having searched about all the Trees now standing near our Encamping Ground, I fell in at length with a large Tall Blue-Gum Tree which is the one marked by our poor dear John with the initials of my name, L.M. 4 Jany, 1812, and his own initials, J.M. on the other side of the Tree. Trifling as this circumstance was, I was deeply affected with the recollection of the activity, manliness, and warm affection of this noble youth displayed on all occasions during our tour above alluded to.¹⁰⁷ Despite its colonial youth, the outstation always seemed to converge on its past, if only to remind itself of the need to keep forgetting.

**STILL, HARD BY HERE IS A HOVEL**

Wallis brought a regimental band and a new strictness directed specifically at the runners: the Commandant is sorry to perceive that his address to the prisoners on taking command of this settlement appears to have had so little effect or to have been completely forgotten, he therefore directs it may again be read at the next two musters. In addition to the foregoing regulations the prisoners will perceive how severely the Commandant is determined to punish any persons eloping from the settlement with government boats or property. He almost regrets that His Excellency the Governor did not deem it expedient to prosecute to death some of those daring characters who lately
ran from hence with a boat to have acted as a warning to others of the same stamp. He knows well there are some in the settlement who are always plotting and devising means to escape. Their endeavours are useless and they may depend on it, the only safe road from Newcastle will be persevering in the path of honesty and correctness for some time and by their good conduct ensuring to themselves the Commandant's favour.¹⁰⁸

Threats of the religious kind were superfluous in a hovel. Wallis might have been better off listening to the convict labouring songs. They were old, but rejigged and reinvested with local grime and ironic pointlessness. They measured the course of days into bearable, if decentred, repetition. Each new boatload of convicts punned, hummed and rephrased their lyrics and melodies to fit their own experience. Despite the new town pretensions, Newcastle remained a world in delay that went round and round and round like an old song with the meaning gone, sunrise to sunset.

An 1818 letter to *The Gazette* from ‘W.R of Newcastle’ gave a slightly grandiose argument for a full-time pastor at the recently completed church: *No language can indeed fully exhibit to the mind the grandeur of the place on which stands the "Christ Church" at Newcastle. It is founded upon an eminence, almost the highest in the neighbourhood, commanding a full view of the town all beneath. On two sides we have the boundless ocean, with its rolling waves, far below; on one side is an extensive bay, interspersed with islands; and on the other side are immense mountains at a distance; nearer the hallowed site, are pleasant valleys, and a beautiful terrace all around. The sacred edifice itself is adorned with a steeple and spire of considerable height; on the top of which, above the ball and the NESW, is placed an Angel flying with a trumpet, as if proclaiming to the four quarters of the Globe,” Good tidings of great joy to all people, Glory to God in the highest, and on earth peace, good will towards men. Let the captive exile hasten, that he may be loosed.” The suitable paintings and ornaments on the inside, united with simplicity, order, and cleanliness, excite, in the pious mind, the most heavenly and devout sensations, and enrapture the human soul!*¹⁰⁹
The settlement reached capacity by 1818, but as a martial base it would restructure itself again as a human trading post for indentured labour, centrally processed and from the township. Wallis was replaced by Major James Morisset, a veteran of the recent Peninsula Wars. The Major’s youthful face would belie his next three years as commander of a recalcitrant clearing house, where fierce and dangerous criminals
were redefined in the colony’s vernacular: the pardoned, the emancipated and the ticket of leave.

The inmates of 1818 would have regarded Dennis Donovan or Patrick Collins as fucksters playing flash-judges. The crimes of prisoners arriving at Morisset’s Newcastle, if not the prisoners themselves, were marked with a more insidious and violent edge than the outstation had experienced before.

The post-Napoleonic convict popularised the shiv or chiv, a converted knife made from cheap metal, cutlery or even wood. Razored down slowly by hand, its compact size allowed for easy concealment. As a weapon it could inflict horrible gashes which left a signature, mounded scar on the skin. Longer blades were needed to penetrate the flesh, muscles and organs. While harder to conceal, these demanded more respect. Used primarily between convicts, calling the chiv a weapon or personal protection depended on who was asked.

Lawrence Duggan filled his arrest list with drunken assaults, an attack on a gaoler with boiling water and then further drunken assaults with small shivs. After repeated time and numerous floggings at Newcastle, the opportunist and brawler took up wharf lounging, by skulking around the Port Jackson docks to pilfer from vessels after their crew disembarked. Duggan saw no redemption in rehabilitation. In his own words, you might as well hang a dog as give him an ill name. 110

Edward McCabe was a stout, pale, Monaghan man with hazel eyes that offset his scarred forehead. He was once flogged at Newcastle for brawling with Lawrence Duggan, after having been sentenced over a cross involving stolen fabric, which he naively spruiked in samples around Sydney inns before being arrested. His first, misdirected fraud reflected McCabe’s more general indifference to any authority and he continued to steal sheep and burgle houses, always managing a physical
confrontation in the process. With each charge and exile from Sydney to Newcastle, there would be a corresponding bolt into the bush followed by another bloody fight.

McCabe shared a Newcastle prison boat in 1818 with Henry Langton. The flaxen haired, brown-eyed, five-foot-five clerk from Norwich was considered responsible enough to be made a constable in Windsor not long after transportation. Langton then ended up at Newcastle for forging promissory notes, hoping to exploit the locals’ continuing distrust of paper money.

Langton was flogged at Newcastle for fracturing a fellow prisoner’s skull with an axe, and later on, cutting a native with a chiv. Morisset wrote to Sydney on August 24, 1819 that Mr Evans, superintendent, will proceed to the Limeburners and there have inflicted in the usual manner seventy five lashes on Henry Langton prisoner of the Crown for fracturing the skull of John Duff in two places with a hatchet, with intent at the moment to commit murder. The Commandant with most painful feelings has to observe, that this most horrible crime of cutting and maiming each other on slight quarrels and trifling occasions has now become so frequent as to call for the most exemplary punishment.

Langton’s life was punctuated by isolated moments as white hot as his flaxen hair. His two acts of violence were close together, but seemingly out of character. On his return to Sydney, Langton resumed work as a constable and was publically celebrated for running at a gang of seven bushrangers. After a second dismissal from the police in 1823, he found work as a Chief Engineer’s clerk until the lure of the game resurfaced like a tide.

Langton’s racket was claiming to be a newly arrived chum desperate for cash, and therefore willing to sell his (fake) promissory notes for a few pounds less than their stated value. This worked when the mark felt Dutch, and told themselves they were Samaritans doing a good turn, rather than fleecing a stranger. While Langton convinced a publican, James Crisp, of this, he curiously returned a few days later to
admit the pinch and make a gentleman’s agreement to repay Crisp the money. In the end, Langton had already spent most of the money and was arrested, again.

Morisset’s Newcastle housed another McCabe, John. Sent to Newcastle for sodomy, John added a charge of indecent, improper and disrespectful conduct in the new gaol that sat atop the cliff overlooking the southern beaches. The classical assistant was moved to a quieter life homeschooling the children of retired officers and local settlers. He was ticketed out in 1822, presumably to take up the position of schoolmaster at the new Port Macquarie prison. Never very strong, he drowned when the dinghy carrying him to his new schoolhouse sank in the harbour.

**THE HONOURABLE JOHN T BIGGE: AN OBJECT OF REAL TERROR**

Like early Newcastle, the original Norfolk Island settlement survived on the mutual relationship between convict and gaoler. By 1820, it would be difficult to imagine such a world ever having existed. The first colonial inhabitants of Norfolk Island found occasional and mutual solace in nights of music, drinking and dancing. This would climax in the ‘dance of the mermaid’, where, with numbers pinned to petticoats, convict girls interpreted ‘the mysteries’ before entertaining both gaoler and gaoleed in the coffeehouse style. It was said, without a word out of place, that one or two of the girls flipped a breech as well as Mary Robinson, something Corporal Wixstead’s boys from 1801 could barely have dreamed off. When the remaining livestock were slaughtered and existing buildings destroyed in 1814, Norfolk Island was returned to the winds.

The colony of 1818 shouted enterprise: brass and iron foundries, limekilns, brickworks and quarries, shipyards flourmills, spinning and weaving cottage-mills, salt-panes and breweries. London still feared it becoming a barbarian breeding ground, an *Ultima*
*Thule* beyond civilization. When the aristocratic government commissioner John Thomas Bigge arrived in the spring 1819, he was already disturbed by the idea of ex-convicts being admitted as local magistrates, and the sudden appearance of lanky, cashed up, creole-talking currency children in England’s respectable schools. Stories of convict leisure, no matter how old or irrelevant, shocked and energised Bigge as he set out to investigate *all the laws regulations and usages of the colony’s settlements, including those affecting civil administration, the management of convicts, the development of the courts, the Church, trade, revenue and natural resources.* As part of London’s overhaul of Imperial assets following the Napoleonic wars, colonies like Australia now needed reminding of their obligations to the greater global machine.

To emancipists, Bigge was an interfering bureaucrat resembling a hideous ancient bird, suddenly dropped from the sky: hands like the subtlest of claws and a long nose drawing an attentive line to tiny eyes, packed behind parrot-cheeks. The lips pinched his mouth tightly shut and gave the impression of someone secretly, surreptitiously crushing seeds.

Bigge spent eighteen months in the colony. He was maintained by a determination that transportation was to be redeemed as *an object of real terror* that would immediately reassert corporal brutalisation as an intimate part of convict daily life. Macquarie’s bricks and mortar, humanist dreamscape was to be nightmarishly reworked and annotated by CC & K.

Bigge published three reports after his departure in 1821. Their recommendations would see the reopening of Norfolk Island as a stand-alone, secondary prison, and a replacement prison for Newcastle built at Port Macquarie. Bigge’s observations on Newcastle were a *Micrographia* that recorded the number of nails used to the amount of glue in storage: every object recorded and reconfirmed into a dry, obsessive correlation of work and punishment. He left praising the stern rule of Commandant James Morisset.
Bigge’s detailed report lauded Morisset as a loyal servant of the Crown and a conscientious, organised officer, favourless but fair, in the mould of Henry Hacking. While he reduced the number of lashes per punishment, they would be *inflicted with more severity.*14 Understanding Morisset’s time at Newcastle means first going forward into a new age of settlement: a time of constantly refigured frontiers, martial law, the treadmill and the return of the noose.

Morisset left Newcastle in 1823 for Bathurst and like Wallis before him, commanded military skirmishes against local natives. He went on leave to Britain after this, all the while badgering the Governor, Thomas Brisbane, that his experience at Newcastle made him ideal for the post of Commandant at the reopened Norfolk Island prison, which came with a six hundred pound a year salary (not including a separate, army half-pay).

After receiving his wish in 1829, Morisset’s spent much of his time there requesting to be removed. Norfolk Island was Bigge’s nightmare punishment and horror made flesh, and made the *Neptune* seem like a Sunday cruise. Morisset’s six years there would ensure his reputation as a ‘zealous disciplinarian’ became that of a ‘sadistic brute’, rewinding and overwriting his time at Newcastle, where some waspish, almost fantastical anecdotes would come to feed the legend of ‘King Lash’.

There was the unnamed sea captain who met Morisset while he personally flogged a line up of convicts. The Commandant boasted to the captain that any day was a good day for hanging, flogging and malice. There was little or no evidence of any Newcastle commandant physically performing punishment floggings, especially flagellation. There is a similar exaggerated tone to the story of terrified convicts stooping like
mistreated dogs while Morisset and an unnamed settler, taking a stroll of the outstation grounds together, pass them by.

The most novelistic tale concerns a double-banked magistrate’s vessel. Similar to a London barge, Morisset had it customised with a house in the stern and a flogging triangle fitted to the bow. To the repetitive beat of an onboard drummer, synchronising the crew of chained rowers, Morisset would slide along the Hunter River like a malevolent Caesar, arbitrarily stopping to flog lazy convicts, including those ticketed out to settlers as indentured labour. Without any explication, the reader can be persuaded to imagine an unsuspecting convict’s body tingling as the drumming moves inexorably towards them through the bush and along the water, perhaps prefaced by an explosion of wailing crows.

Morisset was alleged to have looked away during the painting of his army portrait so as to hide the disfiguring battle wound on his left cheek. This vanity was proof of a megalomania which would curiously find its apotheosis in the construction of the Commandant’s pool, a remarkable swimming hole dug out of a hard rock ledge behind the settlement. It was claimed that exhausted convicts were devoured by lizard-tongued ocean waves. An alternative view was that projects like the pool were no
better or worse than other forms of hard labour. The sea air might even have been preferable to coal mining or limeburning.

On sunny days, the short, steep walk down from the Commandant’s house revealed a pool of clear water twinkling like meditation in its gold-rock frame: inviting enough for even a modest Caesar to float approvingly in.

The Legend of King Lash is peopled with unnamed protagonists and unconfirmed fact. If Morisset was a hard bastard he was no Donald Traill. He took out the extra-heavy malice cat as Sydney provided and instructed. He once ordered the shooting of a convict’s dog which had contracted rabies, which sent its owner mad in turn. He would shave unruly female convicts’ heads before mustering them into neck-irons. He almost succeeded in corking the black market through constant surveillance on visiting sailors, but contraband grog, mostly in the form of watered down, gut-rotting snag, continued to seep through. He ignored converse and intercourse between female convicts and soldiers because he knew the half-ration allocated to females would be lucky to feed a child, and knew seductions were often a matter of survival, not choice.

NO SOCRATES

Morisset was Sergeant John Evans’ third Commandant at Newcastle. He would become one of only two men – Morisset told Sydney – he trusted there, and made Evans Superintendent of Convicts in 1819. The sergeant had a patriotic belief in Britain’s social hierarchy. This would induce him to talk of things he thought his superiors like Thomas Bigge wanted to hear, such as the way Commandant Morisset had rescued the settlement from depraved afternoons where stores ran unchecked and the convicts, constables and visiting sailors reduced Newcastle’s simple streets to a
drunken Gomorrah of sex, sloth and disorder. Without mentioning names, he’d heard that previous Commandants – who he had never worked under – stopped convict work most days at 3 pm.

William Evans was no relation to the sergeant, but the outstation’s long term surgeon was Morisset’s other main confidante. He explained at Bigge’s enquiry that in comparison to Captain Wallis, Morisset had, on his arrival, *endeavoured to do away with corporal punishment altogether – he reduced the size of the cats but the prisoners laughed at this punishment and crimes became more frequent which obliged him to have recourse to the heavy ones.* As William Evans dryly noted, the boredom made Newcastle and its inhabitants what they were, and a Commandant’s day was incomplete without a case of drunkenness, running or assault.

Ten years in Newcastle had left William Evans a slightly petulant, disappointed man. With Morisset’s support, he continued to wage an unsuccessful letter war with Sydney over inadequate medical supplies and, ironically enough, the lack of writing paper to keep proper records. His current superior at Sydney Hospital, D’Arcy Wentworth, seemed intent on ignoring him. Their relationship went back to 1811 when, as Police Superintendent, Wentworth had investigated allegations that Evans had speculated in colonial paper currency. Evans was cleared, but the accusations entwined with his later trade in ale and spirits to Newcastle through Sydney. Evans continued this despite a Government and General Order in 1817 prohibiting such enterprise by government employees. William Evans might have smouldered resentfully knowing Wentworth and his business partners had already made their fortunes when Macquarie granted them a monopoly liquor trade in return for financing and building Sydney’s first hospital. In that same year of 1817, a fowling piece discharged in his left hand. Evans continued his profession after this accident, despite being unable to spread his fingers out for midwifery or eye operations.
When he was asked by Bigge about abuse of alcohol in the settlement, Evans said that Morisset permitted its consumption in a very few instances ... to a very few of the best conducted.¹¹⁷

Unlike Norfolk Island, Morisset’s command of Newcastle has no recorded Neptune barbarities, nothing but untranslated rumour or the gurgling secrets of local butcherbirds. Morisset’s real problem at Newcastle was the misplaced sense of entitlement and constant complaining of ex-convicts and ex-officers, who expected him to personally chase their free labour after it had bolted. If Morisset had an opinion about indentured labour and exploitation he did his duty instead. He was vigilant in uncovering abuses of convicts by settlers and obsessed about the settlement’s maintenance, constantly checking the work teams and stores. It was dull and relentless manual labouring. The personal journals and albums of local fauna by previous commandants were vain indulgences. The talents of Joseph Lycett or Richard Brown were now purely for common and coarser mechanical operations. ¹¹⁸

John Thomas Bigge’s London superiors wanted convicts redefined as criminals without personhood, not aspiring citizens. To be fed and clothed by the state was to deserve enough. Accompanying convicts like Henry Langton and the McCabes to Newcastle were old lags like John Fitzwilliam, still refusing to perform government work, insulting the gaolers, but barely impressing even the greenest new chum. Fitzwilliam tried one last racket of stealing slops with Valentine Wood, but got no further than the first hut door when he was caught, and Wood had no more to do with him.

Valentine Wood was sixteen, an ex-sailor second class, when he received sixty lashes from a Royal Navy cat-o-nine for stabbing a fellow limey. The ruddy, fair-haired Dubliner was transported to Australia in 1817 and sent to Newcastle after repeatedly bolting while in Van Dieman’s Land. Like numerous others, his first Newcastle bolt almost killed him, but he was soon a regular bolter who ended up at the limeburners camp. In 1822, along with two old running mates from Newcastle, William Baxter and
Thomas Till, Wood took nihilistically to the bush one last time, with the no intention of returning. Till's misdemeanours had ranged from personal assault with a weapon to stealing sheep. Along with Wood, he had accumulated hundreds of miles bolting, once even jumping from a boat taking him to Newcastle. Up on the gallows after their inevitable capture and sentencing as bushrangers, *The Gazette* suggested the unhappy men seemed to entertain affecting views of their terrible situation, and it is hoped died in peace.119

A few weeks after the execution, George Jackson asked John Williams for a snig of tobacco while working at the limekiln. Williams claimed to have none resulting in an argument after which Jackson killed Williams with an axe blow to the back of his head. It would be one of three murders committed by Newcastle inmates in the year of 1819. Jackson ran, but was back in the gaolhouse within the week. He was sentenced to death, but after months in custody, received a mercy pardon.

**ANOTHER RUNAWAY MORNING**

Most runners now headed for the Sugarloaf Mountain or the nearby Paterson and Wallis Plains, before winding the long, dog-leg back south. The new, outlying farms provided filching grub, tools or, best of all, a settler's trained kangaroo dog. Without such luxuries a runner would have to scratch sustenance from slow moving reptiles, worms, roots, or dead fish.

The morning after a bolt woke to the muster bell’s clang echoing through the streets and up the main settlement hill. Occupants with red, smoked eyes stumble from huts, encouraged by the menacing voices and glares of guards and overseers, their muskets and whipping sticks alert for any complaint or slackness. Everyone waits on the chain-shuffling, gaolhouse misfits to join the line up. Everyone is responsible, but admitting
knowledge of a bolt before the whole camp is unwise. Some sneak behind the Commandant’s door after it opens at 9 am. For a bastard, he is straight up keeping private any sniff you give him.

Natives camped about the perimeter hills sometimes join soldiers and constables in a posse with seven to ten days rations. It could be worth missing a food hunt: re-capturing croppies and runaways can mean sweets, new shoes or even trousers from the Commandant. The arrangement occasionally went wrong, as in 1822, when a
servant worker by the surname of McDonnell misrepresented himself to a visiting tribe, and was found in a local Newcastle swamp, dreadfully mangled and cut to pieces with a tomahawk.

Like his predecessor, James Morisset encouraged the idea that bolting was a betrayal of the whole settlement. This resulted in a heightened attention to work rules, timetables, as well as random hut checks. Even verbal disagreements between inmates were disciplined and the usually diligent Mr John Tucker Snr became less concerned about how discoloured or tainted the tubs of ration meat were. Morisset’s plans never worked: repeat runners didn’t care and new chums nearly always felt a need to indulge
a dunce’s urge, and test themselves in the bush. Despite the new tracks that traced an escape around the Sugarloaf - most would have found it easier to bet against Fulham dice.

The naming of Newcastle’s Sugarloaf Mountain was, when compared to its massive, Rio namesake, generous at best, though a trader would tell you ‘the higher the loaf the lower the quality’.

**FOUNDATIONS OF SAND**

Morisset inherited a place of diverse mechanics with an operating forge and a windmill grinding exportable flour from locally grown wheat. The windmill sat proudly across from the church on the hill and became the preferred triangulation point for entering ships. James Wallis’ new Athens proved less than eternal though. The hospital was poorly positioned on a sand-shifting hill and the gaol leaked after modest rain. Moist salt air impregnated the soft and porous foundation sandstone. Poor mortising work in many of the new buildings was interspersed with inept, uneven bricklaying and framing timber. Never left to correctly season during the winter, the shrunk-dried timber caused walls to crack, buckle or subside.

**DECEMBER 1820: A KIND, USEFUL AND INTELLIGENT CHIEF**

Some days, not even pipe-clay soup or pot-grease skimmings could clean away the feeling that it was all shit. John Kirby and John Thompson had had enough. They bolted from the settlement blacksmith shop during their shift, but were captured a few hills into the bush by Chief Burragong and his boys. Burragong, aka King Jack,
sent his niece to advise Morisset that two croppies – now the native generic for Irishmen – were now in his custody. When she returned with constables, Kirby made another futile attempt at running off, but was tackled by Burragong. In the resultant scuffle, Kirby slid his chiv into the chief’s abdomen. While Burragong checked his bleeding wound, Kirby got a waddy-whack in the stomach from one of Burragong’s boys who explained that *croppy make big Jack booye.*

The army’s surgeon at Newcastle, Abraham Fenton, checked Burragong’s wounds but could not convince the chief to stay and recuperate in the settlement hospital. A bandage was replaced when Burragong returned to the settlement a few days later for his reward from Morisset and the chief reaffirmed to Fenton that he was feeling *murry bujjery,* if a little short of breath. It was doubtful Fenton could have diagnosed that the wound had punctured the chief’s chest wall and his lung was slowly deflating while slowly filling with blood. The chief’s pulse eventually gave out and he died a few days later.

John Kirby fumed in the cells about not finishing off the black bastard there and then. Morisset, Evans and Fenton wanted justice for the murder and the loss of a good friend. Morisset sailed every useful witness to the Sydney trial, where a charge of manslaughter resulted in Kirby being sentenced to hang the following week.

Kirby had been sentenced to a year at Newcastle for cutting and maiming Margaret Davis in a botched house robbery in Sydney. He sailed up in the *Lady Nelson,* now reduced to the weekly Sydney to Newcastle run. On board with him was a sheep killer called John Brown, travelling with his dog. Brown would tie a ligature around his thigh in a Newcastle cell, a common practice among convicts hoping to fake swelling and avoiding heavy labouring work. Brown had been locked up for going berserk in a chain gang. Some put it down to the recent shooting of his dog by order of Commandant Morisset.
SMITH AND SMITH AND SMITH

The Lady Nelson replaced Kirby and Brown at Newcastle with William “Gypsy” Smith, who had taken to the Newcastle bush with his wife, where they lived a good nine months with natives until another tribe gave Smith up to Morisset. Gypsy’s wife avoided capture and was unheard of again. The moniker of ‘Gypsy’ meant Smith might be dark skinned, an Egyptian, a swindler, a ragged dresser, a crummy musician or a simple thief. If nothing else, it enabled the court to distinguish him after he was scurf’d and put before the court with two other William Smiths listed for trial. One of these would be sentenced, along with his accomplice John Pagan, to three years at Newcastle for stealing iron from the Pyrmont Mill.

John Pagan and William ‘Ironman’ Smith were rascals who continued to cut trouble together at Newcastle and ended up, along with almost fifty other trouble makers, at the latest limekiln camp, now over seven miles across the river from the main settlement. It was here, on an early spring morning in 1819 that Charles Powell was sent out to help find four runners from the morning muster. Powell was a troubled ex-galoot from the 48th Regiment who ended up at Newcastle for bushranging. His punishment was to be a limeburner guard rather than the comparative easier labouring at the settlement. A light but consistent wind waved and shuffled through his beard when he sighted John Pagan, crouched in long grass, holding a lump of wood and looking like he was about to defecate.

Powell yelled to Pagan, who turned, faced him and ran off. Almost simultaneously, Ironman Smith’s rotating head appeared out of the grass and followed at Pagan’s heels. Walking over to the spot both men had run from, Powell found a third runner, John White, lying horribly beaten and cursing revenge. Powell could do nothing more
than console him through his final spluttering moments alive in the whispering grass. Smith and Pagan were caught and arrested, but it took a later admission by the forth runner, Robert Shakespeare, to explain the assault. Shakespeare, a timid go-alonger, was asked at the last minute to join in the bolt. Just after the four slipped from the camp, Pagan had pulled Shakespeare aside and threatened him to keep quiet and keep out of what was to happen next. When Smith and Pagan started hammering into White with heavy branches, Shakespeare ran off, confused and utterly terrified.

While they expected to be arrested, Smith and Pagan remained confident that they had bullied Shakespeare enough to state that White, in constant trouble with his Scottish temper, had attacked first, and Smith and Pagan had reacted in self-defense. The violence of this was due partly to Smith’s fractured skull, which, similarly to James Hadfield’s, made him prone to unstable acts.

Charles Powell’s untimely entrance at the beach defeated the plan and emboldened Shakespeare into giving up both men while he was being treated in the hospital infirmary after being injured while running lost. With their alibis redundant, the assault on the equally vicious White was now seen for what it was, a simple and brutal act, regardless of Smith’s condition. After their trial in Sydney, Smith and Pagan were returned to Newcastle for its first public execution. The recent murders at the settlement needed an extreme response.

**THE GOOD OLD DAYS**

The actions of men like Brown, Smith, Pagan, Kirby and Thompson made original laggers seem like innocent, social discards. New South Wales’ first convicts included servants, weavers, shoe makers, seamen, dressmakers, the occasional law clerk, hawkers, stonemasons, jewellers and glove-makers. They complemented an
ample percentage of Irish rebels and occupational family types. To define these chancers, thugs, cowards, miscreants and political rebels as unlucky patronises the reality of their convict lives. The slowness of the early colony was replaced by the increasing efficiency of the post-Napoleonic transportation process. The large numbers arriving exhausted the colony’s available accommodation. Hundreds upon hundreds of disparate individuals were learning the profound difference between being locked up and trapped in a corner.

**THE BULLY AND THE THUG**

The bully is a universal constant who regards their fellow human beings as components of a natural world feeding on itself for survival. The bully instinctively attacks first, but they are also pragmatic about fear: they counter-intuitively suppose there is always someone else bigger and more violent than themself around the corner. Bullying fits naturally into the British sense of class, birthright and privilege. While never defined outright in this context, it is sanctified by the expectation that people will behave in an appropriate way, like a measure for preserving tranquility. National pride confirms this in terms of justified violence: the usually quiet island warriors of Britain will always stand their ground in a bear pit.

**THUGGEES**

The bully often works in the safety of packs, but they will always submit entirely to the thug. The thug’s bravery is a different ability that accepts the moments when most others are consumed by an invisible fear that strangles the heart, squeezes the
lungs and collapses the legs. The thug manipulates emotional emptiness: it’s in Dennis Donovan’s slow demand; Patrick Collins’ cold anger; Donald Traill’s menacing certainty; Port Stephens Robert’s stillness, or Ironman Smith’s emphatic, physical explosions. Thuggery is calculated and premeditated and sees a system and beauty to chaos and fear.

The word derives from ‘thuggee’, the name for a hereditary Indian cult who vindicated murder and thievery as acts of ritual honour to their Hindoo goddess of time and change, Kali, the ‘black one’. Stripped of religious justification, thuggees were organised gang of brutes who stole and assaulted weaker or unsuspecting human beings. Like their brothers throughout the world, they are nothing without their victims. Thomas Bigge was instrumental in staining the reputation of Lachlan Macquarie and helping to ensure the Governor almost never saw his pension, let alone the first shipments of his multicoloured slops, in quality calico, arrive at the Port Jackson docks.

British Infantrymen are taught to thrust a bayonet into the enemy’s chest and twist it surely before extraction. Premeditated killing requires preparation and practice, but victory in war depends on more than thugs and bullies.

**EMPATHY**

Thugs and bullies are part of war’s equalising gamble. Men like Traill and Donovan perform best in claustrophobic and reactive spaces like vessels and prison cells, where they can hunt timid eyes and feed off ordinary fear. Wise generals know that while such men are useful they are also uncontrollable. Wars are really won by ‘two-percenters’ like Henry Hacking. Two-percenters, like thugs, see calmly
through the blue funk of cannon, smoke, blood and screaming. They don’t stop. Their fearlessness may be similar to thugs like Donald Traill or Dennis Donovan, but the two-percenter never exalts in vain little victories. They empathise with their victim’s pain and horror, understand it. Their composure under duress enables them to kill cleanly and correctly while understanding their victim’s blood is little different to their own. Another’s misery feeds their guilt. Some ride it out; others, like Henry Hacking turn on themselves. The two-percenter philosophically appreciates the Buddhist aphorism that ‘anger is arrogance’.

**NATURE VERSE NURTURE**

Crime gangs contain all three types. The imprimatur of ‘the family way’ is well chosen. Like any army, crime gangs are organised by loyalties and necessity and can be ruthless discarding or sacrificing their own. The daily reality of slum-poverty often means creativity and cunning are not always enough for a would-be flashman. Salvation is a choice for some.
BOOK XII

FROM WHENCE THEY CAME
SLOW DAYS

The penal outstation tore too many muscles and burst too many backs. It smoked too many pipes and emptied too many bottles while saluting another sunset sinking heavily and slowly behind Sugarloaf’s peak. It sometimes helped to imagine that the idea of another life might exist somewhere else. The fear of discovery and a constant thirst meant the outstation’s illicit peach and apple ciders were never distilled or properly fermented before drinking. Drinking was more than a thirst of remorse and regret, more than a labourer’s solace.

Fairytales can be useful. Descartes said that simply thinking something can free a person into believing that thought is real. That was, for him, the ultimate wisdom of human days – beyond poetry and mathematics and chemistry and childbirth and flogging and hunger and great voyages and wealth – we are somewhere because we are not somewhere else, which can also be something to drink to. Colonial drinking was like in any other labouring world, it soothed aches and pains while tricking the head into accepting another day. Larger quantities released song and the self from unsubstantiated desires, demons and disappointments. Drink created a world momentarily unadorned, un-objectified, and for the first few drafts at least, bathed in alchemic optimism. Herodotus wrote that the ancient Phoenicians debated a great matter with their marble-floored halls slippery in spilt wine and beer. The question was re-examined next day in total sobriety before a final decision was made.

Convict life made drinking part of a stoic persistence, but it also released physical moments of rare barbarity and violence. Grog also kept madness away for only so long. After cleaning his musket alongside other galoots, Private McCrely, a garrison guard at Newcastle, suddenly placed the muzzle into his mouth and shot out the front of his
head. He was alive one moment and then he was gone. The day Private McCrery topped his dues The Gazette interviewed a native for his thoughts about dying. He wondered if he might reincarnate as a white man. If that happened, he would share his musket and tobacco with his family, but he would go mad sleeping in the head of a gubba for a lifetime. As a suicide, McCrery was buried on a hill away from the main cemetery, possibly with a stake through his heart.

The colony was now less starved for information. An 1821 vessel dropped off copies of Adams' Narrative in Africa; Reeves' Bible; Bernard on Salt Duties; Bowditch's Mission to Ashanti; Byron's Childe Harold in 4 cantos; Byron's Prisoner of Chillon; Byron's Domestic Poems; Buchan on Sea Bathing ; Bachelor and Married Man, 3 Vols; Brown's Concordance; Cormack on Infanticide; Campbell's Travels in Africa; Coleridge's Sibylline Leaves; Clergyman's Widow; Carlisle on Old Age; Clarenton or the Follies of the Age; Clayton's Rural Discourses; Charm of Dandyism, 3 Vols; Curse of Ulrika, 3 Vols; Common Prayer, very neat edition; Davy on the Safety Lamp; Death of Abel; Holmes on the Coal Mine; Higgins' Atomic Theory; Hazlitt's Lectures on Shakespeare; Hazlitt's English Stage; Hazlitt's Lectures on the Poets; Johnson's Dictionary; Jamieson on Maps; Kinnier's Asia Minor; Letter« from Albion, 2 Vols; Lewis' Travels in Egypt; Mariner's Tonga Island, 2 Vols ; Maekav's Navigation; Mitchell's Philosophy; Manners, 3 Vols; Old English Baron; Police Report; Penn on the Prophecy of Ezekiel; Replies to Fudge Family; Secrets in every Mansion, 5 Vols; Soldier of Venezuela, 2 Vols; Sacred Edict; Sexagenarian, 3 Vols; Tales of my Landlord; British Negotiator; Tyler's India; Taylor's Old Sayings; Vaux's Memoirs, 2 Vols; Wisdom in Miniature; Williamson's Agricultural Mechanism ; Watson's Apology for the Bible; Wallis's Picture of Loudon; Year and a Day, 2 Vols; Woman, or Pour et Contre, 3 Vols; Barrington on the North Pole; Byron's Manfred; Collections for the Poor; Claytons Rural Discourses; Castles in the Air, 3 Vols; Economy of Human Life; Merchant and Shipper's Assistant; Lawson's Orient Harping; Laing's Voyage to Spitsbergen; Lessons of Thrift; Linnaeus's Tour in Lapland, 2 Vols; Military Register, 3 Vols; Memoirs of Four Hindoos; Merchant's Widow; Midler's
John Fitzwilliam and Patrick Collins were unable to sign their own names. Marks by other convicts read back as abstracted fancies or tentative blurs, as if a scratch might confirm an existence. Some signatures were uneven waves. Others flowed down the page like a falling drunk, while others inverted the surname to the top. There was the occasional curling flourish of an ex-clerk like William Sutton, as individual as it was self-incriminating. Unlike accents or bloodlines, signatures are forgeable but simultaneously unfakable.

William Alder signed his full name for his half-share of the Revenge back in 1814 just like he did when his journey to the colony began twenty-eight years earlier.

William Alder survived the Second Fleet. He was originally transported over the possession of a linen shirt, value 5 shillings; a pair of corduroy breeches, value 12 d; a cotton gown, value 2 shillings; a pair of leather shoes, value 12 d; a pair of worsted stockings value 6 d; a pair of base metal shoe-buckles, value 6 d and a child’s silk bonnet, value 6 d. The prosecutor at the Old Bailey asked what had happened and the barely-young man replied I picked the things up.

The Revenge had once, infamously, lost its Master, William Kimber, overboard, after having just left Garden Island for the outstation. It was on its way to Newcastle. Before the Revenge sailed up Mother Mathers Creek, it made numerous trips to Newcastle as
a colonial transport vessel. William Kimber disappeared into the harbour. William Alder worked as crew on some of these early, minor voyages.

**THE AUSTRALIAN AGRICULTURAL COMPANY**

King George III died in 1820, leaving the throne to his son George IV. The ‘first gentleman of England’ was a pampered glutton, barely able to change his dress between bouts of drinking and eating, let alone get it up for his mistresses. Addicted to laudanum and debt, his only wisdom was to leave the running of the empire to those who knew.

Many of the new King’s close friends and business partners lined up for shares in The Australian Agricultural Company (ACC) after its creation by an 1824 Act of British Parliament. The Company boasted one million pounds capital to go with one million acres of Hunter Valley land. A prototype farm was commenced in 1825 at Port Stephens, which soon had a thousand head of cattle and two thousand sheep. The farm was home for William Farrell (Donovan and Collins’ old accomplice), who worked as a timber procurer for Simeon Lord, the ex-convict entrepreneur. Lord was, among other things, a shipping merchant whose boat sent one of the first exports of Newcastle coal to the Cape. Unfortunately its captain, Hugh Meehan, sold the coal and the vessel and kept the money.

The colonial Government suggested the AAC might also be interested in taking over the rundown mines of what was now officially a free town. The decree which allowed people to move about town unchallenged coincided with the English publication of William Lycett’s colonial scenes into a collected book. Many of the landscapes were
painted during his incarceration at Newcastle between 1817 and 1818. They replaced the human squalor and rough punishment of convictism with clean panoramas, peopled by harmless natives or well-dressed, purposeful looking serfs. To English eyes, these looked like an untouched paradise of land grants and quit rents, with the added lure of cheap labour.

The initial post-prison status of Newcastle created a policing vacuum in the Hunter Valley. For a few months in 1825 ‘Mr Jacob’s Irish Brigade’ ran the authorities ragged. The original gang of Lawrence Cleary, Patrick Reiby (aka Riley) and Patrick Clinch (aka Lynch) got its name from the estate the three bonded servants had run from. Locals wrote to Sydney’s two newspapers complaining of a lack of police presence and expressing their anger that certain, unscrupulous citizens and indentured convicts were trading powder and shot for stolen goods with the gang.

The banditti’s numbers fluctuated but they soon gained an infamy for high toby gestures like demanding a civilised meal and a chat with the ladies before robbing a place. On other occasions they resorted to cowardly threats and physical violence. In August, during days of heavy rain, the gang was finally surrounded and cornered at an isolated farm hut. With their works saturated and useless, the gang surrendered to magistrate Scott and his posse of constables and native trackers.

Scott lodged them in the Barracks at Wallis Plains in custody of five well armed soldiers. Scott retired but after a few hours he was aroused, in the middle of the night, with an account that the bushrangers and a man belonging to Dr. Moran’s farm had succeeded in surprising the soldiers, all of whom must have been sleeping instead of attending to their very important charge, let them escape, taking with them the whole of the soldiers arms, ammunition, and provisions; they also broke into a house near the barracks, from whence they stole a musket; they likewise took several horses.125
The gang had gone from being arrested to being fully resupplied by their captors. Within a day or two the gang was reorganised and obtained admittance into Mr. Winder’s house about two in the morning by pretending that it was constables and a party of military who were at the door and who had secured some bushrangers. They compelled Mr Winder’s servants to make a fire and cook eggs and pork. They also regaled themselves with wine, and remained carousing very deliberately for three hours – they dressed themselves in Mr. Winder’s clothes, took possession of some powder, a brace of pistols, two watches, and other articles. Before they left the premises they broke three muskets, but returned the watches because they belonged to the servants. They swore revenge against all concerned in apprehending them.126

While the military and the police dithered over logistics, the gang rampaged more wildly through Wallis Plains and the lower Hunter Valley. There were near daily reports of farms being attacked and even burned down. It seemed most indentured convicts watched as spectators. The gang had also taken native girls in, but reports suggested they could no longer maintain their exploits without good shoes. They were now desperados, living entirely for what the next moment would bring. The valley was traumatised enough for some settlers to move back to Newcastle.

A raid on Doctor Radford’s property tamed them slightly when he grazed a gang member’s arm with musket shot. A bloodied waistcoat was later found abandoned on the ground.

After taking the story up, The Australian strangely turned its emphasis on the decrepit state of the Newcastle wharf. A coal laden vessel had been partially destroyed during a recent storm, after pulling away the foundation moorings it was tied to. The article was an implicit lamentation to the outstation’s closure and how the Government buildings there are mostly in a ruinous state and it would seem that the persons whose
duty it is to have them kept in repair, hardly know which building first to begin upon. It is really melancholy to see the state to which that once pretty little town is reduced.\textsuperscript{127}

With the police forced into action, Cleary’s gang was again tracked down to another shed on a property in Wallis Plains. Riley came out firing in the shootout and was felled by one of the constables, John Coffee. Cleary and a recent ring-in, Aaron Price, were captured trying to escape. Only Clinch made it back into the bush.

In Sydney Town, another Riley, a ‘resident of Newcastle’ had just finished drinking with three new ‘friends’ in George Street when they attacked him and stole a wad of cash on his person. While the three bullies were arrested next day, Riley told the newspaper that he considered the city a dangerous place to visit.

Patrick Clinch was recaptured, and in December of 1825, he was sentenced to death alongside Cleary. A fifth man, Innes, was arrested separately for receiving stolen goods. Despite clear evidence, the Judge advised the jury that before they made a decision, they should consider recent cases where prisoners were hanged too hastily and later found innocent.

Innes walked free, the gang leaders were hanged, and the authorities claimed back the perception of control. The AAC’s local committee of directors demanded its overseas shareholders cough up their final instalment and consider putting further capital into the township of Newcastle.

The AAC laid boundaries for their great Hunter Valley properties, and cautiously predicted a black diamond future. There is coal and there is coal. Plutonists would theorise that it formed underground from decomposed, fermenting vegetable matter, squeezed by the slow and interminable breathing of the earth. Coal might confirm a world older than Bishop Ussher’s six thousand year, backwards bible counting. Time
and infinity should perhaps be left to men like Henry Cavendish. Ideas wider than the ocean are beyond most human beings’ ability to conceive, let alone understand. They burn thoughts out, frightening people back to the safety of God and superstition. Uncertainty leaves most people bereft, floating in the doldrums, frightened by the unimaginable possibilities of things not yet brought into being.

Coal is essentially carbon, a whorish element that flirts too easily with the rest of its kind. The energy it produces in the form of heat is released by its extraordinary mix of ingredients, which includes organic matter, water, oils and gases like methane. The random bonding of these personalises coal: from peat or brown through to superior, harder, black varieties which produce a clean and constant burn. The Newcastle seams ranged from sulphur free – good for malt houses or furnaces – to dirtier stuff, best for firing bricks. This meant little to convicts extracting it for their daily bread. Time for them was no long history of creation, but a series of repetitions: so much digging, so much bailing, so much collection or separation. Five minutes loading a boat with coal is not the five minutes of a yelling overseer, a scribbling clerk, a humping prostitute or a convict mounting the gallows.

HENRY DANGAR

The surveyor’s map brings two dimensional beauty and harmony to something incoherent. It also marks instants apt to be changed: a line is moved, a boundary remarked, or old titles are suddenly rubbed out and renamed. Business and conquest is someone else’s loss. The past sometimes exists merely for the abuse of the present.
The remarkable cedar forests of Newcastle disappeared. The tree’s soft and responsive wood was straight and mostly knot-free. It was workable even by the original sawyers who used primitive tools before the two-man, cross cut saws appeared in the colony. The monolithic logs were floated down river to be cured and cut under strict supervision at the settlement mill. Independent businessmen like Simeon Lord paid by the plank to transport it back to furnish Sydney Town’s interiors. The forest’s disappearance would level the Hunter’s banks and prepare the flatlands for the river farms. This world became the domain of wholly unscrupulous men like Henry Dangar, who, in the spirit of the first Rum Corp officers, monopolised the world they were given responsibility of creating.

**THE COLOSSEUM OF FERNS**

Dangar’s delicate maps suggest someone who dreamt of unfolding universes at night while enclosing the world into ink-linked boxes by day. They were also palimpsests over the tribal landmarks and totemic boundaries of the aborigines that had evolved from fire, water, clan wars and the necessities of each season’s food sources. An 1828 colonial law would make natives visitors on their own lands. Along with the AAC’s legal monopoly, this marked the end of the old outstation’s shared edges and space. Danger’s maps gave topography to Lycett’s paintings in the offices of absent landlords.

The end was soon for the great corroborees at the coliseum of ferns on the Muloobinba shore where up to forty clans might come together. Young, strutting men tied back their hair with feathers and garlanded flowers, or wrapped a protective possum skin round their cocks for one-to-one or paired fighting, depending on the
severity of the disagreement or the smartness of the boast. The contests were brutal and sometimes final, but also respectfully fair like the gubba’s duel. The women, children and old folk supported their best looking boys while acknowledging the most skilful spear thrower. These were bloody, purging hours of pride and controlled anger ending in feasting and song. The following sunrise there were hawk feathers for the victors and mourning for the fallen, then a peaceful dispersal until the next time.

During one carnival, a devil hiding in a thunderstorm appeared. Devil was a gubba’s name and he squeezed the blood from the moon, turning day to night.
You could scare that devil off with whooping abuse or banged clubs, but the gubba was here to stay.

THE BEST AND SAFEST BOAT I EVER SAILED IN

The *Lady Nelson*’s once revolutionary keel was reduced to a novelty but the sloop survived two beachings and sailed thousands of coastal miles, many between Newcastle and Sydney. In 1820, Macquarie’s fond memories may have influenced him to invest three years effort and resources into salvaging it one last time. She continued sailing until 1825 when, loaded with pigs and fruit from Northern Australia, she was seized by pirates. Only the captain was spared, and the scuttled, burnt remains were later found on an island off Babar, east of Timor.

Macquarie was replaced as Governor in 1822 and returned to England. The year before the *Lady Nelson* was scuttled he died a broken man, his reputation publically bankrupted by Bigge’s professional nastiness.

THE TIRELESS SONG OF LIBERTY

The title of Australia, so fondly encouraged by Macquarie, brought with it a holiday each January. By 1826, this involved an unending toast for the moneyed, emancipationist Clubmen of Sydney, many of them locally born. There was much business to get through: trial by jury, an Assembly of Australia, liberty of the press, currency lads and lasses, the fleece and the plough, general trade and commerce, all washed down with tea, wine and champagne from sliver trays. The cheers included the
ample voice of the lawyer, newspaperman, self-proclaimed poet, and son of D'Arcy, William Wentworth. The noise travelled through to the nearby military barracks, where in a holding cell, Private Patrick Lavery was deciding how confident to be about his impending trial.

CHRISTMAS IN FREE TOWN

While most of Newcastle’s residents indulged the Christmas Day custom of an afternoon sleep, Thomas Scarr’s malt-and-hop beer was proving too strong for Private Lavery and his ‘Die Hard’ comrade, drinking down their quiet afternoon patrol.

The 57th Regiment of Foot earned their moniker as frontline infantry during the 1811 Battle of Albuera, where they held a position despite massive losses. At the height of the Napoleonic Wars, the British would expect to lose one in fifteen men to battle death and one in forty to desertion. One hundred and fifty of the 57th Regiment’s original six hundred survived Albuera. There were few, if any remaining veterans serving when the regiment arrived in Australia during 1825 as territorial defence and police back-up. Apart from arresting runners, the closest thing Patrick Lavery had seen to cannon fire was empty champagne bottles smashing. The only stains on his jacket were from dribbled mutton fat.

The small garrison sent to Newcastle was soon bored tracking down lousy convicts with the stinking blacks, or listening to the moan and mizzle of the local civilians, complaining about the laziness of their indentured slave-labour, the quality of supplies from Sydney or the state of their rundown, dusty streets.
PRIVATE PATRICK LAVERY was charged with the manslaughter of twenty-one year old William Finnegan. Reading The Gazette’s court report might have persuaded a reader into believing that William Finnegan – an indentured convict in the employ of Newcastle residents George and Susannah Lynch – was a trouble maker who was chased by Private Lavery and bayoneted accidently between his eleventh and twelfth rib.

This narrative was convincing during Lavery's trial, where after a long consultation the jury returned a verdict of Guilty accompanied by a strong recommendation to the mercy of the Court, from the nature of the circumstances under which the wound was given and the extreme liability to such accidents with those who carry guns.\textsuperscript{128}

Lavery's sentence of one month in the Newcastle gaol was reduced to house arrest in the regimental barracks. The Gazette contextualised the incident as an example of how the military was now being misused in civil strife in. While Lavery stewed in the barracks, John Browne – not the man who lost his rabid dog – was swept out to sea while bathing. The convict had almost one hundred lashes to his name for insolence and refusing to work. He also injured an arm after two run-ins with galoots from the 57\textsuperscript{th}, which may have affected his ability to swim or paddle.

WILLIAM FINNEGAN

He was five foot four with grey-green eyes, dark red hair and red freckles. William Finnegan from county Monaghan was a bogtrotting, pot-licking, potato-eating, Irish caricature. The one-time shepherd was on Newcastle’s indentured
lists within a year of being transported in 1823. After a short time in the mines he tried one unsuccessful bolt with John Browne, the man who drowned.

Finnegan was a regular before the local magistrate and town surgeon George Brooks, who regarded him as just another delinquent, Irish shirker. Finnegan found some anonymity and a sort of peace through indentured service with a town couple, the Lynches. George, a free settler from the United States, had recently married his currency lass Susannah.

Christmas was a work free day for eating, sleeping and church, a singularly tranquil alternative for a working town, but also a reason for bored, off-duty soldiers to swan-neck the local champagne, rum and beer. By late afternoon their drinking had deteriorated into wrestling, boxing and smart remarks to passers-by, which broke the blue crepuscular quiet of what had been, till then, a nice day.

Drunks, like baited-bears, become easily agitated and confused. Lavery and his comrade’s behaviour soon drew a crowd, whose teasing quickly soured as entertainment when a musket bayonet tore the frock sleeve of an infant in its mother’s arms.

Like most mob behaviour, it was now impossible to objectively trace the what, when and who. A soldier definitely stabbed a man in the arm while he stood benignly inside his property fence. A sleeping dog was also speared. The soldiers behaved more and more like cornered animals in proportion to the crowd’s increasing abuse. It was all not far from the old native fighting field.

The town’s chief constable, George Muir, claimed at the trial to have walked up the hill to wake George Brooks before organising his constables into their greatcoats and readying their firelocks. By the time Muir arrived back at the crowd, the blue hues of afternoon were fading, and the remainder of the 57th garrison had joined the hubbub. As Muir would later explain in court, when the guard (Lavery), however, had previously
gone to the scene of action, considerable resistance was made, and several stones thrown at them. The deceased, who appeared to have been one of the rioters, was taken into custody, by the guard, from whom he ran and was pursued by the prisoner and another soldier. The deceased ran towards the house of a man named Lynch, who, perceiving his object was to escape from his pursuers, by getting into the house, held the door open, as he stated in evidence, for the purpose of immediately shutting it against the soldiers. When the deceased entered the soldiers followed up the pursuit, and were within a short distance of the deceased when he arrived at the door of Lynch’s house; one of the soldiers, the prisoner Lavery, not being near enough to lay hold of the deceased as he ran into the house, made a push at him with his musket, on which a bayonet was fixed; but whether with an intent to introduce the gun between the door and the frame, in such a manner as to prevent it being immediately shut, or to wound the deceased, did not very clearly appear. The deceased, however, did receive a thrust from the bayonet at this time, which penetrated between the 11th and 12th rib, on the right side of the back-bone and which, though extremely slight in appearance, had punctured a large blood vessel, and caused his death on the following day from internal bleeding.  

AN OLD RESIDENT

Disgusted by the trial and The Gazette’s version of events, an ‘old resident’ of Newcastle sent a compelling and forthright letter to The Australian. In his narrative, Muir had ignored the residents’ claims that violent threats were made against them by the soldiers after one of them almost stabbed a baby. A few incensed local men – William Finnegan included – retaliated and threw stones. Finnegan had already provoked Lavery by calling him a coward when his bayonet just missed the child. Magistrate Brooks had dressed himself and now blustered down the hill. When
Finnegan was pointed out as a likely source of the ‘riot’, it was Brooks who first called for his arrest, which spurred Finnegan to run off to the safety of the Lynches.

George Lynch held his door open for his bonded servant while three soldiers — including an only slightly soberer Lavery — raced after him. According to the old resident, an unfortunate man, of the name of Finnegan, who was a spectator of these outrages, threw a stone (as it is said) at one of the drunken soldiers, upon which two of the guard immediately gave chase to him, and one of them stabbed him in the back before he reached his dwelling. He succeeded in getting within the door, which was instantly closed; but they surrounded the house, and forced him out. — They had not proceeded far before the man fell to the ground, saying; — “he could proceed no further.” The soldiers then left him and joined their comrades, and the wounded man was conveyed to the hospital.¹³⁰

It seemed unbelievable to most locals that the stabbing was construed into an accident. The defence narrative had changed a drunken bully into a brave soldier who quelled a public riot. By trial’s end, it was Lavery and his musket, rather than William Finnegan, who endeared the jury’s sympathy. When Muir’s constables caught up, the soldiers were dragging Finnegan out into the street. He was dribbling bloody bubbles and gulping air like a waterless fish. According to the old resident, Constable Muir failed to mention in court that previous to this, the garrison Sergeant had threatened to cut the entrails of everyone they met¹³¹ if William Finnegan was not immediately surrendered to them.

Informed that Finnegan was in the hospital wounded, but that the town had resumed its slumber, George Brooks decided there was no immediate danger from such a small wound. He would attend to the rascal in the morning. Finnegan had only recently been before Brooks for being absent from church and for insolence to Chief Constable Muir in the execution of his duty.
Susannah Lynch couldn’t decide which was worse: the magistrate-surgeon’s usual pomposity, Muir’s toadying to the garrison, or the absurd injustice of it all. This emotional dilemma, complicated by the maternal relationship she had developed towards the deceased, saw her evidence in court dismissed as unreliable.

After finding that Finnegan had died on the slab overnight, Brooks’ response was as baffling as it was arrogant: he stated that the man would have expired regardless of any medical attendance he could have administered the previous evening. Surgeon-Magistrate Brooks was never called to give evidence at the trial.

**SURGEON GEORGE BROOKS AT THE END OF DAYS**

George Brooks had recently signed the invalidity papers for the idiot Ferguson. The once fine soldier was now cruel sport for the locals. Ferguson’s preferred resting stop most nights was just down the hill under Brooke’s garden wall, where the poor man would caress his blunt sword while uttering deranged threats against his tormentors in a redundant, extended argument between himself and the devil’s hordes.

From the paint-fading hospital on the hill, now regularly attacked by shifting sand dunes, George Brooks oversaw his domain of rotting shacks and unkempt government buildings. He would look to the distance where pigs fucked and rooted around graves in the fenceless churchyard like fleas on a tired beast. As Ferguson might say, Newcastle was still full of damned and rickety, skinny-bottomed, hydrocephalic sons and daughters of potato coloured, shit-eating, vicious, scuminiumed monkeys.

Each year Brooks remained in Newcastle was another year he was not the colony’s Surgeon-General, and the position went to yet another, younger interloper from...
Britain. It was something he tried reminding his superiors, but rosy prose and rambling letters of the complaining variety, even from a gentleman, soon find themselves unanswered at the bottom of a civil servants’ work pile. Too much self-righteous indignation soon enough sounds like too much self-righteous indignation. All the race days, bush balls and log cabin dinners with second rate settlers and pensioned off militia can never compensate for a gentlemen’s night in Government House.

A country beard gives you away in the city. The jacket and boots always look slightly worn or dusty. Why ride a horse or hunt kangaroos when it won’t even impress a native? What are you doing here, overseeing a hospital constantly choked in creeping sand dunes and staffed by slinking, incompetent, blasphemous convict women who would as likely steal a leg as bathe it?

Brooks never really bothered much for Constable Muir and his bored officer friends, always off shooting regent bowerbirds, satin birds and king parrots to bring back and stuff. They had a custom of letting the Laughing Jackass go.

MAQUARIE’S PIER

A chain gang rotated through shifts, but after Macquarie left and the Government ceded responsibility, the tentacle lurch of sandstone brick and ballast towards Nobbys became a stalled priority. Seagulls took possession of the half finished breakwater, their shits like misplaced mortar, mocking human endeavour.

In free town Newcastle, men still outnumbered women. Indentured convicts now arrived in the luxury of fresh black and yellow calicos, the same colours as the local bowerbird.
The bowerbird collects shells, leaves, flowers, feathers, stones, berries, coins, nails, rifle shells or pieces of glass and arranges them seductively around his nest entrance in the hope of impressing a mate. If the entrance is excessive, the nest itself is simple, almost unnoticeable from the scrub ground.
A WHISPER ON SOME BONE DUST

Grand estate gardens replanted nature to look like nature. These were manifest empire narratives of transformation, power and benign control. They are also one of numerous possible conversations: economic, scientific, philosophical, agricultural, romantic, even feminine or savage. In Britannia, naming something as untouched by the nineteenth century implied vacillation and indulgence, something effeminate to fill a pretty landscape poem or painting. Britannia grew by rebuilding over its yesterdays, always moving forward. Newcastle’s outstation was a tiny, thirty year, forgotten murmure of this.

Before settlement pegged itself to the hills around the wharf, the outstation was a simple, whitewashed echo of muster bells and wandering gunshot. Boats came and went taking coal, timber, lime, salt and people, while natives moved pragmatically and porousely through the new trajectories and boundaries created around them. The musket ensured pragmatism. At Newcastle, a threat was generally sufficient, just as the empire idealised it.

At its end of days, only lags like John Fitzwilliam or Thomas Desmond would remember the Castle Hill Rebellion, or that the outstation was meant to be a place to forget, one of hard dirt, coal, timber, violence, dysentery, shipwrecks, pumpkins, misery, gristly lamb and soft peaches; That it was a pocket watch a few seconds out of time, or a whistle at your shoulder, just out of eyesight. It was no place to store memories: the slip of a chiv, a friend’s protective fist, a tattooed arm, a drunk yelling atonally at the ocean, the illiterate’s X, the cannonade smoke on the hill, the dirge of the morning muster, the thug’s lament, a morning clay pipe, a cock-rape at night, the smell of the ocean, a wisp of a native, a misfiring musket, a stuffed sunbird, the thwack.
of the lash, the gnarl of a rabid dog, the next game of dice, a last tipple of cider, the clink of a neck brace, the night-time view from the church hill, the bones of a fine meal, the wet sail flapping in a storm, a tired woman’s smile or the silence of yet another crime.

Fig. 33
GOVERNORS OF NSW: 1788-1831

Captain Arthur Phillip, RN - 26 Jan, 1788 to 10 Dec, 1792

Captain John Hunter, RN - 11 Sept, 1795 to 27 Sept, 1800

Captain Philip Gidley King, RN - 28 Sept, 1800 to 12 Aug, 1806

Captain William Bligh, RN - 13 Aug, 1806 to 26 Jan, 1808

Major-General Lachlan Macquarie - 1 Jan, 1810 to 1 Dec, 1821

Major-General Sir Thomas Brisbane - 1 Dec, 1821 to 1 Dec, 1825

Lt-Gen. Ralph Darling - 19 Dec, 1825 to 22 Oct, 1831
COMMANDANTS AT NEWCASTLE: 1804-1821

Lieutenant Charles Menzies - March 1804 to February 1805

Ensign Cadwallader Draffin - March 1805 to 20th March 1805

Charles Throsby - 20th March 1805 to December 1805

Lieutenant William Lawson - December 1805 (Temporary)

Charles Throsby - December 1805 to September 1808

Ensign Villiers – September 1808 to December 1808

Lieutenant William Lawson - December 1808 to February 1810

Lieutenant John Purcell - February 1810 to December 1811

Lieutenant Skottowe - December 1811 to February 1814

Lieutenant Thomas Thompson - February 1814 to June 1816

Captain James Wallis - June 1816 to December 1818

Major James Morisset – January 1819 to 1821
The following glossary provides definition to eighteenth and nineteenth century anachronisms, predominantly criminal slang and what is colloquially known as Flash language. Slang is about difference and masonic inclusiveness. It revels in the cheeky joy of pure invention while marking out what a group considers important and essential to their self-identity, experience of life, and the world. Its eighteenth century concoctions are by turns visual, physical and heartlessly funny. Eighteenth century slang has an immediacy born of a lifestyle that was often as uncertain as it was short lived.

The slang expressions used in this text are taken predominantly from *The Routledge Dictionary of Historical Slang* and the *Vocabulary of the Flash Language*, written by the convict James Hardy Vaux (which the Routledge dictionary occasionally sources).

Vaux's own history deserves a quick mention. He was a recalcitrant grifter/hustler involved in felonies and forgery, an especially dicey crime for the period (later on there was a more disturbing assault on a six year old girl). He was married at least twice and was transported to New South Wales three times, including two stretches at the Newcastle outstation. While there he worked in the mines, but his rudimentary grammar schooling quickly saw him redeployed in clerical roles. It was during this time, with the support and encouragement of Commandants Thompson and Skottowe, that he composed his dictionary and an autobiography entitled *Memoirs of the First Thirty-Two Years of The Life of James Hardy Vaux, A Swindler and Pickpocket; Now Transported for the Second Time, and For Life, to New South Wales*.

Vaux's slang dictionary was among the first of its genre. Its introduction suggests it was intended as a translation guide for local magistrates and ‘squares’, i.e., non-criminal citizens. While Vaux’s autobiography is a fashionable moral confessional of the time dealing liberally with truth, his slang expressions and definitions appear in documents, magazines and even Old Bailey trial transcripts of the period, supporting his claims to authenticity.
ACCOUNTS WERE FILLED: related to corporal punishment: to receive the sentenced number of lashes.

ALL HONEY OR ALL TURDS: all good or all bad

BACK-SLANG: To enter or come out of a house by the backdoor; or, to go a circuitous or private way through the streets, in order to avoid any particular place in the direct road, is termed back-slanging it.

BANDED: Hungry.

BANDS: To wear the bands, is to be hungry, or short of food for any length of time; a phrase chiefly used on board the hulks, or in jails.

BEST: To get your money at the best, signifies to live by dishonest or fraudulent practices, without labour or industry, according to the general acceptation of the latter word; but, certainly, no persons have more occasion to be industrious, and in a state of perpetual action than cross-coves; and experience has proved, when too late, to many of them, that honesty is the best policy; and, consequently, that the above phrase is by no means apropos.

BISHOP: See Christen.
GLOSSARY

BLOW THE GAFF: A person having any secret in his possession, or knowledge of anything injurious to another, when at last induced from revenge, or other motive, to tell it openly to the world and expose him publicly, is then said to have blown the gaff upon him.

BLUE-PIGEON: Lead

BOKOO: small amount of cash often attributed to seaman on leave.

BOLT: To run away from or leave any place suddenly is bolting; or making a bolt. A thief observing an alarm while attempting a robbery will exclaim to his accomplice, ‘Bolt, there’s a dawn’. Sudden escape of one or more prisoners from a place of confinement is termed a bolt.

BONED: Taken in custody, apprehended; Tell us how you was boned, signifies, tell us the story of your apprehension; a common request among fellow-prisoners in a jail, etc., which is readily complied with in general; and the various circumstances therein related afford present amusement, and also useful hints for regulating their future operations, so as to avoid the like misfortune.

BONNET: A concealment, pretext, or pretence; an ostensible manner of accounting for what you really mean to conceal; a man who actually lives by depredation, will still outwardly follow some honest employment, as a clerk, porter, newsman, etc. By this system of policy, he is said to have a good bonnet if he happens to get boned, and, in a doubtful case, is commonly discharged on the score of having a good character. To bonnet for a person, is to corroborate any assertion he has made, or to relate facts in the most favourable light, in order to extricate him from a dilemma, or to further any object he has in view.

BOUNCE: 1. To bully, threaten, talk loud, or affect great consequence; to bounce a person out of anything, is to use threatening or high words, in order to
intimidate him, and attain the object you are intent upon; or to obtain goods of a
tradesman, by assuming the appearance of great respectability and importance, so as
to remove any suspicion he might at first entertain. A thief, detected in the
commission of a robbery, has been known by this sort of finesse, aided by a genteel
appearance and polite manners, to persuade his accusers of his innocence, and not
only to get off with good grace, but induce them to apologize for their supposed
mistake, and the affront put upon him. This masterstroke of effrontery is called ‘giving
it to ‘em upon the bounce’. 2. A person well or fashionably dressed, is said to be a rank
bounce.

**BOWLED OUT:** A professional or long term thief, who is ultimately taken, tried
and convicted, is said to be ‘bowled out at last’. To bowl a person out, in a general
sense, means to detect him in the commission of any fraud, or peculation, which he
has hitherto practiced without discovery.

**BRACE UP:** To dispose of stolen goods by pledging them for the utmost you can get
at a pawnbroker’s is termed bracing them up.

**BRIDGE:** To bridge a person, or throw him over the bridge, is, in a general sense, to
deceive him by betraying the confidence he has reposed in you, and instead of serving
him faithfully, to involve him in ruin or disgrace; or, three men being concerned alike
in any transaction, two of them will form a collusion to bridge the third, and engross
to themselves all the advantage which may eventually accrue. Two persons having
been engaged in a long and doubtful contest or rivalship, he, who by superior art or
perseverance gains the point, is said to have thrown his opponent over the bridge.
Among gamblers, it means deceiving the person who had backed you, by wilfully
losing the game; the money so lost by him being shared between yourself and your
confederates who had laid against you. In playing three-handed games, two of the
party will play into each other's hands, so that the third must inevitably be thrown over the bridge, commonly called, two poll one.

**BROADS**: A person expert at cards is said to be a good broad-player

**BROOMSTICKS & QUEER BAIL**: Persons of no repute, hired to bail a prisoner in any bailable case; these men are to be had in London for a trifling sum, and are called Broomsticks.

**BUFF**: To buff a person or thing, is to swear to the identity of them; swearing very positively to any circumstance, is called 'buffing it home'.

**BULL-HANKER**: men who delight in the sport of bull-banking; that is, bull-baiting, or bullock-hunting, games which afford much amusement, and at the same time frequent opportunities of depredation, in the confusion and alarm excited by the enraged animal.

**BUSTLE**: 1. Any object effected very suddenly, or in a hurry, is said to be done upon the bustle. To give it to a man upon the bustle, is to obtain any point, as borrowing money, etc.; by some sudden story or pretence, and affecting great haste, so that he is taken by surprise, and becomes duped before he has time to consider of the matter; 2. A cant term for money.

**BUZ**: To buz a person is to pick his pocket. The buz is the game of picking pockets in general.

**BUZ-COVE, OR BUZ-GLOAK**: A pickpocket; a person who is clever at this practice, is said to be a good buz.
CAT AND KITTEN RIG: The petty game of stealing pewter quart and pint pots from public-houses.

CHANT: 1. A cipher, initials, or mark of any kind, on a piece of plate, linen, or other article; anything so marked is said to be chanted. 2. An advertisement in a newspaper or hand-bill; also a paragraph in the newspaper describing any robbery or other recent event; any lost or stolen property, for the recovery of which, or a thief, etc., for whose apprehension a reward is held out by advertisement, are said to be chanted.

CHRISTEN: Obliterating the name and number on the movement on a stolen watch; or the crest, cipher, etc., on articles of plate, and getting others engraved, so as to prevent their being identified, is termed having them bishoped or christened.

COME IT: To divulge a secret; to tell anything of one party to another; they say of a thief who has turned evidence against his accomplices, that he is coming all he knows, or that he comes it as strong as a horse.

COME TO THE MARK: To abide strictly by any contract previously made; to perform your part manfully in any exploit or enterprise you engage in; or to offer what I consider a fair price for any article in question.

CRAB'D (CRABBED): 1. Affronted; out of humour; sometimes called, being in Crab-street. (Vaux) 2. To pull to pieces, criticise adversely: to oppose, irritate, and in the late c.19-20 c. sense, to expose, inform on, insult, spoil. (Routledge)

CRABSHELLS: Shoes.

CRACKER: A small loaf, served to prisoners in jails, for their daily subsistence.
GLOSSARY

CRAP: The gallows.

CROPPY: The OED points out that the term was applied especially “to the Irish rebels of 1798 who wore their hair short as a sign of sympathy with the French Revolution. The term was then extended to any convict at large and had turned to bushranging.” (Laugesen, A. Convict Words)

CROSS: Illegal or dishonest practices in general are called the cross, in opposition to the square. (See SQUARE). Any article which has been irregularly obtained, is said to have been got upon the cross, and is emphatically termed a cross article.

DAB: a bed.

DAB IT UP: to dab it up with a woman, is to agree to cohabit with her.

DANCE THE TYBURN JIG: The act of being hanged. Tyburn was a village and for centuries one of London’s most famous hanging location. Also; TAKE A RIDE TO TYBURN: to go to one’s hanging; LORD MAYOR OF TYBURN: a public hangman.

DEAD HORSE: British seaman, apt to be ashore and unemployed for considerable periods between voyages, generally preferred to live in boarding houses near the piers while waiting for sailing ships to take on crews. During these periods of unrestricted liberty, many ran out of money so the innkeepers carried them on credit until hired for another voyage. When a seaman was booked on a ship, he was customarily advanced a month's wages, if needed, to pay off his boarding house debt. Then, while
paying back the ship's master, he worked for nothing but "salt horse" the first several weeks aboard. Salt horse was the staple diet of early sailors and it wasn't exactly tasty cuisine. Consisting of a low quality beef that had been heavily salted, the salt horse was tough to chew and even harder to digest. When the debt had been repaid, the salt horse was said to be dead and it was a time for great celebration among the crew. Usually, an effigy of a horse was constructed from odds and ends, set afire and then cast afloat to the cheers and hilarity of the ex-debtors.

(www.history.navy.mil/library/online/origin.htm)

**DINGABLE:** Anything considered worthless, or which you can well spare, having no further occasion for it, is declared to be dingable. This phrase is often applied by sharps to a flat whom they have cleaned out; and by abandoned women to a keeper, who having spent his all upon them, must be discarded, or dinged as soon as possible.

**DO IT AWAY:** To fence or dispose of a stolen article beyond the reach of probable detection.

**DO THE TRICK:** To accomplish any robbery, or other business successfully; a thief who has been fortunate enough to acquire an independence, and prudent enough to tie it up in time, is said by his former associates to have done the trick; on the other hand, a man who has imprudently involved himself in some great misfortune, from which there is little hope of his extrication is declared by his friends, with an air of commiseration, to have done the trick for himself; that is, his ruin or downfall is nearly certain.

**DOLLOP:** A dollop is a large quantity of anything; the whole dollop means the total quantity.

**DUES:** 1. This word is often introduced by the lovers of flash on many occasions, but merely out of fancy, and can only be understood from the context of their discourse;
like many other cant terms, it is not easily explained on paper; for example, speaking of a man likely to go to jail, one will say, there will be quodding dues concerned, of a man likely to be executed; there will be topping dues, if anything is alluded to that will require a fee or bribe, there must be tipping dues, or palming dues concerned, etc. 2. This term is sometimes used to express money, where any certain sum or payment is spoken of; a man asking for money due to him for any service done, or a blowen (prostitute) requiring her previous compliment from a family-man, would say, Come, tip us the dues. So a thief, requiring his share of booty from his palls, will desire them to bring the dues to light.

**DUMMY-HUNTER:** Thieves who confine themselves to the practice of stealing gentlemen’s pocket-books, and think, or profess to think, it paltry to touch a clout, or other insignificant article; this class of depredators traverse the principal streets of London, during the busy hours, and sometimes meet with valuable prizes.

**E**

**EARWIG:** To prompt by covert assertions: whisper insinuations to: rebuke privately. c18-19.

**F**

**FAMILY:** Thieves, sharpers and all others who get their living upon the cross are comprehended under the title of ‘The Family’, hence ‘In the family way’.
GLOSSARY

FART-CATCHER: A footman or a valet (he walks behind): mid-C.18-19. FATHOM: Fathom was originally a land measuring term derived from the Anglo Saxon word "faetm" meaning literally the embracing arms or to embrace. In those days, most measurements were based on average sizes of parts of the body such as the hand or foot, or were derived from the average lengths between two points on the body. A fathom is the average distance from fingertip to fingertip of the outstretched arms of a man, about six feet. (From The Online Origin of Navy Terminology)

FAWNIED OR FAWNEY-FAM’D: Having one or more rings on the finger.

FENCE: A receiver of stolen goods; to fence any property, is to sell it to a receiver or other person.

FLASH: 1. The cant language used by the family. To speak good flash is to be well versed in cant terms. 2. A person who affects any peculiar habit, as swearing, dressing in a particular manner, taking snuff, etc., merely to be taken notice of, is said to do it out of flash. 3. To be flash to any matter or meaning, is to understand or comprehend it, and is synonymous with being fly, down, or awake; to put a person flash to anything, is to put him on his guard, to explain or inform him of what he was before unacquainted with. 3. To shew or expose any thing: as I flash’d him a bean, I shewed him a guinea. Don’t flash your sticks; don’t expose your pistols, etc.

FLAT-MOVE: Any attempt or project that miscarries, or any act of folly or mismanagement in human affairs is said to be a flat move.

FLESH-BAG: A shirt.

FOOTPAD: A robber or thief specializing in pedestrian victims. The term was used widely throughout the 16th century until the 19th century, but gradually fell out of common use. A footpad was considered a low criminal, as opposed to the riding highwaymen, who in certain cases might gain fame as well as notoriety.
FOSS OR PHOS: A phosphorus bottle used by cracksmen to obtain a light.

G

GAFF: A country fair; also a meeting of gamblers for the purpose of play; any public place of amusement is liable to be called the gaff, when spoken of in flash company who know to what it alludes.

GALOOT: A foot soldier.

GAME: Every particular branch of depredation practised by the family, is called a game; as, what game do you go upon? One species of robbery or fraud is said to be a good game, another a queer game, etc.

GAMMON: Flattery; deceit; pretence; plausible language; any assertion which is not strictly true, or professions believed to be insincere, as, I believe you’re gammoning, or, that’s all gammon, meaning, you are no doubt jesting with me, or, that’s all a farce. To gammon a person, is to amuse him with false assurances, to praise, or flatter him, in order to obtain some particular end; to gammon a man to any act, is to persuade him to it by artful language, or pretence; to gammon a shop-keeper, etc., is to engage his attention to your discourse, while your accomplice is executing some preconcerted plan of depredation upon his property; a thief detected in a house which he has entered, upon the sneak, for the purpose of robbing it, will endeavour by some gammoning story to account for his intrusion, and to get off with a good grace; a man who is, ready at invention, and has always a flow of plausible language on these occasions, is said to be a prime gammoner; to gammon lushy or queer, is to pretend drunkenness, or sickness, for some private end.
GLOSSARY

GAMMON THE TWELVE: A man who has been tried by a criminal court, and by a plausible defence, has induced the jury to acquit him, or to banish the capital part of the charge, and so save his life, is said, by his associates to have gammoned the twelve in prime twig, alluding to the number of jurymen.

GARDEN: To put a person in the garden, in the hole, in the bucket, or in the well, are synonymous phrases, signifying to defraud him of his due share of the booty by embezzling a part of the property, or the money, it is fenced for; this phrase also applies generally to defrauding anyone with whom you are confidentially connected of what is justly his due.

GO-ALONGER: A simple easy person, who suffers himself to be made a tool of, and is readily persuaded to any act or undertaking by his associates, who inwardly laugh at his folly, and ridicule him behind his back.

GOLDFINCH: A rich man.

GOLDI-LOCKS, GOLDILOCKS: A flaxen-haired girl or women: mid C.16-20. – Latterly (late C.19-20) referred to child, a pet name.

GRUNTER: A citizen who with others forms a mob and assists in chasing down a footpad; or police runners.

H

HALF-NAB or NAP: At a venture; hit or miss; a C.18-early 19 low corruption or perversion of HAB or NAB.

HALF-SCREWED: Half-drunken. (1835)
GLOSSARY

**HANK**: To have a person at a good hank, is to have made any contract with him very advantageous to yourself; or to be able from some prior cause to command or use him just as you please; to have the benefit of his purse or other services, in fact, upon your own terms.

**HUMMINGBIRD**: 18th century, effeminate, dandy dresser.

---

**J**

**JACKET**: To jacket a person, or clap a jacket on him, is nearly synonymous with bridging him (See BRIDGE). But this term is more properly applied to removing a man by underhand and vile means from any birth or situation he enjoys, commonly with a view to supplant him; therefore, when a person, is supposed to have fallen a victim to such infamous machinations, it is said to have been a jacketing concern.

**JACOB**: A ladder; a simple half-witted person.

**JOSKIN**: A country bumpkin.

**JUDGE**: A family-man, whose talents and experience have rendered him a complete adept in his profession, and who acts with a systematic prudence on all occasions, is allowed to be, and called by his friends, a fine judge.

**JUDGEMENT**: Prudence; economy in acting; abilities (the result of long experience) for executing the most intricate and hazardous projects; anything accomplished in a masterly manner, is, therefore, said to have been done with judgement; on concerting or planning any operations, one party will say, I think it would be judgement to do so and so, meaning expedient to do it.
KEN: A house; often joined to other descriptive terms, as, a flash ken, a bawdy-ken, etc.

KIDDY, aka KIDDY-FINGERING: a thief of the lower order, who, when he is breeched, by a course of successful depredation, dresses in the extreme of vulgar gentility, and affects a knowingness in his air and conversation, which renders him in reality an object of ridicule; such a one is pronounced by his associates of the same class, a flash-kiddy or a rolling-kiddy. My kiddy is a familiar term used by these gentry in addressing each other.

KINGS SHILLING: the name for a soldier’s daily pay but also the basis for an urban legend of the period: press gangers would surreptitiously drop a coin into a man’s drink in a tavern. Finding the shilling in his possession deemed the man to have volunteered. This led to some tavern owners putting glass bottoms in their tankards.

KNAP: To steal; take; receive; accept; according to the sense it is used in; as, to knap a clout, is to steal a pocket-handkerchief; to knap the swag from your pall, is to take from him the property he has just stolen, for the purpose of carrying it; to knap seven or fourteen pen’worth, is to receive sentence of transportation for seven or fourteen years; to knap the glim, is to catch a venereal disease; in making a bargain, to knap the sum offered you, is to accept it; speaking of a woman supposed to be pregnant, it is common to say, I believe Mr. Knap is concerned, meaning that she has knap’d.

KNUCKLE: To pick pockets, but chiefly applied to the more refined branch of that art, namely, extracting notes, loose cash, etc., from the waistcoat or breeches pockets.
GLOSSARY

LAG: 1. Transport for seven years or upwards. 2. A convict under sentence of transportation. 3. To make water. To lag spirits, wine, etc., is to adulterate them with water.

LAGGER: A sailor.

LAGGING-DUES: Speaking of a person likely to be transported, they say lagging dues will be concerned.

LAGGING MATTER: A species of crime for which a person is liable (on conviction) to be transported.

LAG SHIP: A transport chartered by Government for the conveyance of convicts to New South Wales; also, a hulk, or floating prison, in which, to the disgrace of humanity, many hundreds of these unhappy persons are confined, and suffer every complication of human misery.

LAMPS: The eyes. To have queer lamps is to have sore or weak eyes.

LEATHER-LANE: Anything paltry, or of a bad quality, is called a Leather-lane concern.

LIMEY: 18th/19th century term for a British naval sailor.

LUMBER: To lumber any property, is to deposit it at a pawnbroker’s, or elsewhere for present security; to retire to any house or private place, for a short time, is called lumbering yourself. A man apprehended, and sent to gaol, is said to be lumbered, to be in lumber, or to be in Lombard-street.
MANDRAKE: (In relation to hanging) It was a common folklore in some countries that mandrake would only grow where the semen of a hanged man had dripped on to the ground.

MANG: To speak or talk.

MAYHEM: Being disfigured or mutilated to the point of rendering a man less able to perform military service or fight.

MILK THE PIGEON: (Regionally – ‘milk the ram or the bull’). To attempt an impossibility: coll; mid-C.18-20.

MOLLISHER: A woman.

MOLLY: Homosexual, also transvestite.

MIZZLER: (as in NEEDY-MIZZLER): A poor ragged object of either sex; a shabby-looking person.

MONKERY: The country parts of England are called The Monkery.

MOUSE-FUR EYEBROWS: Late 18th to mid-19th century cosmetic application, whereby the eyebrows were cut right back. It was connected to the female fashion for looking pale, translucent, even. “Some historians speculate that consumption was so common that it became fashionable to look as though you were suffering from Tuberculosis. Indeed, the white skin, flushed cheek, and luminous eye of the illness was frequently imitated with white lead and rouge to make their eyes bright, some women ate small amounts of arsenic or washed their eyes with orange and lemon
juice—or, worse yet, rinsed them with belladonna, the juice of the poisonous nightshade”. (Modes in Makeup: A brief history of cosmetics. http://www.vintageconnection.net/ModesInMakeup.htm).

MOUNT: To swear, or give evidence falsely for the sake of a gratuity. To mount for a person is also synonymous with bonneting for him.

MOVE: Any action or operation in life; the secret spring by which any project is conducted, as, There is a move in that business which you are not down to. To be flash to every move upon the board is to have a general knowledge of the world, and all its numerous deceptions.

MURPHY'S COUNTENANCE: A pig's face.

N

NAIL: To nail a person, is to over-reach, or take advantage of him in the course of trade or traffic; also, to rob, or steal; as, I nail'd him for (or of) his reader, I robbed him of his pocket-book; I nail'd the swell's mantra in the push, I picked the gentleman's pocket of his watch in the crowd, etc. A person of an over-reaching, imposing disposition is called a nail, a dead nail, a nailing rascal, a rank needle, or a needle pointer.

NEEDLE: (see NAIL) Needle a person means to haggle with him in making a bargain, and, if possible, take advantage of him, though in the most trifling article.
GLOSSARY

NIBBLE: To pilfer trifling articles, not having spirit to touch anything of consequence.

NIBBLER: A pilferer or petty thief.

SEVEN-DIALS-WISE: The Seven Dials is north of Covent Garden, London, named after a sundial column at its confluence of seven streets. It was infamous as a flash haven and for criminal activity: it’s warren of working poor, streets and houses, were difficult to patrol.

NOB IT: To act with such prudence and knowledge of the world, as to prosper and become independent without any labour or bodily exertion; this is termed nobbing it, or fighting nob work. To affect any purpose, or obtain anything, by means of good judgment and sagacity, is called nabbing it for such a thing.

NOSE: To nose, is to pry into any person’s proceedings in an impertinent manner. To ‘nose upon’ anyone, is to tell of anything he has said or done with a view to injure him, or to benefit yourself.

OFFICE: A hint, signal, or private intimation, from one person to another; this is termed officeing him, or giving him the office; to take the office, is to understand and profit by the hint given.

OLIVER’S UP: The moon has risen.
GLOSSARY

OLIVER IS IN TOWN: A phrase signifying that the nights are moonlight, and consequently unfavourable to depredation.

P

PALM: To bribe, or give money, for the attainment of any object or indulgence; and it is then said that the party who receives it is palmed, or that Mr. Palmer is concerned.

PANNY: A house.

PIPES: Boots.

PLAY THE TRAVELLER: boast or con talk, especially tried on the naive or the unsuspecting.

PLUCK A ROSE: Go to the toilet, defecate.

PRIME: In a general sense, synonymous with plummy; anything very good of its kind, is called a prime article. Anything executed in a stylish or masterly manner, is said to be done in prime twig. See GAMMON THE TWELVE.

PULLED THE DEVIL BY THE TAIL: To go rapidly to ruin.
GLOSSARY

R

RACKET: Some particular kinds of fraud and robbery are so termed, when called by their flash titles, and others Rig; as, the Letter-racket, the Order-racket; the Kid-rig; the Cat and Kitten-rig, etc., but all these terms depend upon the fancy of the speaker. In fact, any game may be termed a rig, racket, suit, slum, etc., by prefixing there to the particular branch of depredation or fraud in question, many examples of which occur in this work.

RAMP: to rob any person or place by open violence or suddenly snatching at something and running off with it, as, I ramp'd him of his montra; why did you not ramp his castor? A man convicted of this offence, is said to have been done for a ramp. This audacious game, is called by prigs, the ramp, and is nearly similar to the rush.

RANK: complete; absolute, downright, an emphatical manner of describing persons or characters, as a rank nose, a rank swell, etc. etc.

RIDING POST FOR A PUDDING: To exert oneself for small a cause.

S

SALT-BOXES: The condemned cells in Newgate are so called.

SCRATCH: An invented word signifying small change or desperate, last few gambling coins.
SCURF’D: Taken in custody.

SELL: To sell a man is to betray him, by giving information against him, or otherwise to injure him clandestinely for the sake of interest, nearly the same as bridging him. (See BRIDGE) A man who falls victim to any treachery of this kind, is said to have been sold like a bullock in Smithfield.

SERVE: To serve a person, or place, is to rob them; as, I serv’d him for his thimble, I rob’d him of his watch; that crib has been served before, that shop has been already robbed, etc. To serve a man, also sometimes signifies to maim, wound, or do him some bodily hurt; and to serve him out and out, is to kill him.

SHAKE: To steal, or rob; as, I shook a chest of slop (I stole a chest of tea); I’ve been shook of my skin (I have been robbed of my purse). A thief, whose pall has been into any place for the purpose of robbery, will say on his coming out, ‘Well, is it all right, have you shook’, meaning did you succeed in getting anything? When two persons rob-in company, it is generally the province, or part, of one to shake, (that is, obtain the swag), and the other to carry (that is, bear it to a place of safety).

SHARPING: Swindling and cheating in all their various forms, including the arts of fraud at play.

SLY: Any business transacted, or intimation given, privately, or under the rose, is said to be done upon the sly.

SNUFFY: Drunk, also apt to take offence, displeased, angry.

SPICE: The spice is the game of footpad robbery; describing an exploit of this nature; a rogue will say ‘I spiced a swell of so much’ naming the booty obtained. A spice is a footpad robbery.
**GLOSSARY**


**SPINDLE-PRICK**: Vocative to a man deficient in energy.

**SPOONY**: Foolish, half-witted, nonsensical; a man who has been drinking till he becomes disgusting by his very ridiculous behaviour, is said to be spoony drunk; and, from hence it is usual to call a very prating shallow fellow, a rank spoon.

**SQUARE**: All fair, upright, and honest practices are called the square, in opposition to the cross. Anything you have bought, or acquired honestly, is termed a square article, and any transaction which is fairly and equitably conducted, is said to be a square concern. A tradesman or other person who is considered by the world to be an honest man, and who is unacquainted with family people, and their system of operations, is by the latter emphatically styled a square cove, whereas an old thief who has acquired an independence, and now confines himself to square practices, is still called by his old palls a flash cove, who has tyed up prigging. (See FLAT). In making a bargain or contract, any overture considered to be really fair and reasonable, is declared to be a square thing, or to be upon the square. To be upon the square with any person, is to have mutually settled all accompts between you both up to that moment. To threaten another that you will be upon the square with him, some time, signifies that you’ll be even with him for some supposed injury, etc.

**STAUNCH**: A resolute faithful associate, in whom one may place implicit confidence, is said by his palls to be a staunch cover.

**STEP OUT**: Die; low. 1806.

**ST GILES ROCKERY**: 1. Area of London in the Seven Dials – 1700 to 1800s, well known for criminal business activity and criminals hiding out. 2. A student from the
GLOSSARY

College of St Giles, i.e., proficient only in the vulgar tongue (according to the *Sydney Gazette*: Sunday, July 22, 1804).

**STINK:** When any robbery of moment has been committed, which causes much alarm, or of which much is said in the daily papers, the family people will say, there is a great stink about it. See WANTED.

**SWAG:** Wearing-apparel, linen, piece-goods, etc., are all comprehended under the name of swag, when describing any speak lately made (i.e., a robbery), etc., in order to distinguish them from plate, jewellery, or other more portable articles.

**SWALLOWING THE DICK:** Using words without knowing their meaning.

---

**T**

**TIP THE TRAVELLER:** To exaggerate, to romance, as a traveller is apt to do. Variant of PLAY THE TRAVELLER.

**TOBY:** To toby a man, is to rob him on the highway; a person convicted of this offence, is said to be done for a toby. The toby applies exclusively to robbing on horseback; the practice of footpad robbery being properly called the spice, though it is common to distinguish the former by the title of high-toby, and the latter of low-toby.

**TOPPING DUES** (see Dues).

**TURNED OFF:** Hanged at the gallows.

**TUSSIE MUSSIE:** Sweet smelling herbs tied into the bodice of a dress.
WANTED: When any of the traps or runners have a private information against a family person, and are using means to apprehend the party, they say, such a one is wanted; and it becomes the latter, on receiving such intimation to keep out of the way, until the stink is over, or until he or she can find means to stash the business through the medium of Mr. Palmer, or by some other means.

WEED: To pilfer or purloin a small portion from a large quantity of anything; often done by young or timid depredators, in the hope of escaping detection, as, an apprentice or shopman will weed his master’s lob, that is, take small sums out of the till when opportunity offers, which sort of peculation may be carried on with impunity for a length of time; but experienced thieves sometimes think it good judgment to weed a place, in order that it may be good again, perhaps for a considerable length of time, as in the instance of a warehouse or other depot for goods, to which they may possess the means of access by means of a false key; in this ease, by taking too great a swag, at first, the proprietors would discover the deficiency, and take measures to prevent future depredation. To weed the swag is to embezzle part of the booty, unknown to your palls, before a division takes place, a temptation against which very few of the family are proof, if they can find an opportunity. A flash-cove, on discovering a deficiency in his purse or property, which he cannot account for, will declare that he, (or it, naming the article,) has been weeded to the ruffian.

WRINKLER: A person prone to lying; such a character is called also a gully, which is probably an abbreviation of Gulliver, and from hence, to gully signifies to lie, or deal in the marvellous.

WEIGH FORTY: term used by the police, who are as well versed in flash as the thieves themselves. It is often customary with the traps, to wink at depredations of a
petty nature, and for which no reward would attach, and to let a thief reign unmolested till he commits a capital crime. They then grab him, and, on conviction, share (in many cases) a reward of 40 pounds or upwards; therefore these gentry will say, Let him alone at present, we don't want him till he weighs his weight, meaning, of course, forty pounds.
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*Journal of Richard Atkins during his residence in New South Wales, 1791-1810.* [http://triffitt1.wordpress.com/atkins-journal-1792-4](http://triffitt1.wordpress.com/atkins-journal-1792-4). This copy of the journal was reproduced from a typescript version of the manuscript which is kept in the Macquarie University Library. This version has been proofread against the typescript but not against the original manuscript. The original manuscript is held by the National Library at MS 4039, accessed 11 Nov. 2011.


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JOHN SMITH Convicted of Robbery, reprieved while actually hanging upon the Scaffold, 24th of December, 1705, and afterwards had two other Escapes from Death. The Newgate Calender online at http://www.exclassics.com/newgate/ngbibl.htm.


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EXEGESIS
The ability of writers to imagine what is not the self, to familiarize the strange and mystify the familiar, is the test of their power.

Toni Morrison.
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INTRODUCTION

The penal outstation of Newcastle, New South Wales was an early nineteenth century British experiment in secondary punishment. Its twenty years of operation from 1804 to 1821 encompassed the Rum Rebellion of 1807, the expansive governorship of Lachlan Macquarie and a population boom of convicts and free settlers following the Napoleonic wars. Defined by contemporary methods of corporal punishment, penology and martial law, it would establish itself as a productive hard labour settlement, providing the new colony with essentials such as coal, timber and lime. It was a uniquely intimate and human world that housed, fed, broke and occasionally redeemed its motley crew of gaolers and reoffending convicts, whose original population of one hundred would peak at a thousand by 1820. Newcastle also provides the setting for “Words for the Heat of Deeds”, a creative nonfiction true crime narrative which reconstructs the incomplete, archival traces of some of its residents into stories that are grounded in the squalor, violence, resilience, desperation and grace of lived experience.

As a true crime narrative, the literary aims and themes of “Words for the Heat of Deeds” are mediated by cultural theories relating to criminality, language, class and convictism, which are in turn framed by an ideological questioning of certain readings and interpretations of colonial Australian history. While informed by historiography (and contemporary debates around how history might be written), this exegesis sets out and explains how, as a project, the coherence of “Words for the Heat of Deeds” is
grounded in the various ways that its component parts – the research, theory, preparation and writing – are processed and catalytically configured into a creative narrative.

The stories in “Words for the Heat of Deeds” were collected and researched from archived events and crimes of the time which were sourced and found in *The Historical Records of Australia*, *The Sydney Gazette*, New South Wales State Records Office (most notably the “Index to the Colonial Secretary’s Papers, 1788-1825”) and even microfiche copies of the original Newcastle outstation punishment books. This exegesis outlines how this material was crossed-referenced and developed into a creative narrative, a process which primarily drew on my research into the German social history school of *Alltagsgeschichte* (history of the everyday).

With its detailed, historiographical examination of everyday life, the microhistorical approach of *Alltagsgeschichte* was founded in the 1980s by historians Alf Ludkte and Hans Medick. Their express purpose was to study the rituals, customs and social arrangements of social groups who had been previously subsumed or overlooked by the more totalising “grand narratives” of historical investigation. The use of the term grand narrative in this context is drawn from Jean-Francois Lyotard’s definition in *The Postmodern Condition: Report on Knowledge* (1979), and *Alltagsgeschichte* aims to interrogate dominant cultural meta-narratives of knowledge and experience (whether philosophy, history, literature, science, etc) that present
themselves as stable and authoritative, grounded in "transcendent and universal truths" (4).

*Alltagsgeschichte's* very particular historiographical concerns seek out the unique cultural traits that might distinguish a particular social group, involving a level of detail that I hoped would translate into “Words for the Heat of Deeds”. While my process was a creative one, it was still grounded in contemporary cultural materialist approaches to the writing of history which critique cultural and social power-relationships by questioning how different readings of extant or historical material are produced. The cultural ecologist Marvin Harris in *The Rise of Anthropological Theory* (1986) defines cultural materialism in broad terms as:

an attempt to understand the causes of differences and similarities among societies and cultures. It is based on the simple premise that human social life is a response to the practical problems of earthly existence [...] Cultural materialism, with its emphasis upon the encounter between womb and belly and earth and water, also opposes numerous strategies that set forth from words, ideas, high moral values, and aesthetic and religious beliefs to understand the everyday events of ordinary human life”. (What is Cultural Materialism?)

Harris’ concentration on the everyday intersects with the general principles of *Alltagsgeschichte* and also the wider conceptual aims of my project, where the concept
of “daily life” is treated as a thematic and theoretical nexus linking the various methodologies and cultural theories I have engaged. All are concerned with the construction of alternative historical and cultural stories which are capable of initiating their own esoteric signification and meaning. Alltagsgeschichte takes this one step further in supporting subjective and creative engagements with historical material, further integrating its wider philosophical concern with cultural and historical revision.

The intrinsic relationship between writing and cultural theory that informs “Words for the Heat of Deeds” can also be read in relation to Michal De Certeau’s The Practice of Everyday Life (1980). Certeau’s influential theories interrogate the discourses literature, advertising, media, and global material consumption. He treats these as forms of transmissible, cultural knowledge (described as a transaction between parties) controlled by the dominant hegemonic party involved in the transaction. Certeau proposes that by forming a critical and creative awareness of how such power-relationships operate new interpretations and meanings are possible.

Certeau’s strategies, alongside the work of Alltagsgeschichte scholars, formed the basis for my own working practice, especially with regards to how forgotten or discarded historical subjects might be reclaimed. Both approaches influenced how I would accumulate and process my researched, archival material into a creative narrative. They also illustrated how certain inherent tensions (related to cultural
history in general) might be resolved. With regards to “Words for the Heat of Deeds” this centred on issues related to the writing of Australian history.

Despite a diverse range of academic interventions and approaches born of postmodern influence on all academia, and the very public “history wars:” of the 1990s, popular colonial Australian history remains, to some extent, still couched in grand narrative terms as a story of progress informed by themes of nation-building and national identity. My scepticism toward this dominant version of Australian history consciously influenced the conceptual for “Words for the Heat of Deeds”. While informed by postcolonial cultural theory, the genesis of my ideological position emerged as more of an emotive response to my experience of being taught Australian history at school during the late 1960s and 1970s, where I memorised dates and read stories of mostly doomed, nineteenth century explorers. These educational narratives were generally presented as exemplars of a distinctly colonial experience, connected to, and informing, a prescriptive grand narrative history in which colonial settlement was a stoic, masculine and human struggle against awesome environmental odds. This same curriculum avoided mention of the White Australia Policy, multicultural and generational immigration, or the treatment of Aboriginal people as non-citizens whose culture was systematically dismantled by the process of colonisation. Despite this approach, this project does not underestimate the complexity of early colonial or its numerous historical representations. The project does not propose that Australian
history writers are not artful writers or storytellers, or that Australian history is not diverse, and innovative in its ideology, approach or subject matter.

My position is a product of my later undergraduate university studies during the 1990s, where the dominant critical theory I was exposed to was New Historicism, a cultural theory which encouraged students to question the more orthodox meta-narratives of grand narrative history. It was designed to make students reconsider what cultural and historical stories might be, and how they might be told. In this context, the project, in terms of historical engagement, is not far from other writers on scholarly and popular Australian cultural history such as Ross Gibson, Cyril Pearle, or Greg Denning, who it might be said, work in between cultural history, literary nonfiction and history to in search of new and challenging ways to reconstruct and retell stories about the past. “Words for the Heat of Deeds” can be considered another addition to this experimental and eclectic group. For example, while there is mention throughout “Word for the Heat of Deeds” of the British Empire, colonisation, transportation, convictism, isolation, the Napoleonic wars and kings and queens, these historical subjects are made thematically peripheral, providing a recognisable setting, time and place, rather than any debatable historical significance, in and of themselves. Their presence does not distract from the creative narrative’s central theme of the past being a reflection of the everyday and the ordinary, manifested as a series of intimate and fallible human experiences.
The historical frame for the stories in “Words for the Heat of Deeds” is presented as a consequence of eighteenth and nineteenth century British criminality, as it was transported to the open colonial prison. As both an historical reality and idea, contemporary criminality is considered as an expression of British law of the period, while also being intimately connected to the social and behavioural importance of class. Seen as a distinctly British experience, class gives social definition to human behaviour and relationships in “Words for the Heat of Deeds”. This makes it integral to the narrative’s construction of daily life and individual characters. This exegesis also considers class as being fundamental to the production and consumption of nineteenth century British true crime literature, and relates this to its profound influence on the way in which Australian stories in the genre came to be written. Extant true crime texts were the literary DNA of the project and essential to the cultural authenticity I sought.

This exegesis also plots true crime’s adoption by early Australian colonial authors and writers up to the later decades of the nineteenth century and tracks how its narratives converged into broader, nineteenth century cultural debates about a new national identity. What started as genre writing and popular, melodramatic theatre later merges the anachronism of the convict and the bushranger into the masculine iconography of the anti-authoritarian, criminal larrikin. My exegesis argues that this deeply entrenched, historically constructed myth still influences the consumption and production of Australian literature, art and popular culture today, particularly in
relation to contemporary true crime writing. This argument is framed in terms of the continued appropriation of the touchstone legend of Ned Kelly.

As a literary experiment, “Words for the Heat of Deeds” juggles strategies and techniques from true crime and its mother form, creative nonfiction. Its engagement with genre is consciously integrated into the project’s larger theoretical and conceptual aims and connects to decisions I made in relation to the choice of a narrator, as well as the subjective representation of violence, the criminal and the victim. These literary concerns are framed by a poetics of form and style. These are explained as appropriations of certain literary and narratological conventions, which in turn support a larger conceptual understanding of “Word for the Heat of Deeds” as a postmodern interpretation of the prose-poetry manifesto of the nineteenth century French writer, Charles Baudelaire.

“Words for the Heat of Deeds” began (in my imagination) as a creative, experimental narrative whose hybridity would be self-evident and elide any generic or conceptual categorisations. Instead, I found that each creative redraft reinforced the project’s debt to the interdisciplinary elements that it was composed of. As an amalgamation of research and writing “Words for the Heat of Deeds” can be assessed, or understood, not as an enigmatic new form, but as a bricolage narrative whose coherence is dependent on all its parts. As both a literary text and an engagement with the writing of Australian cultural history, something of the world of “Words for the Heat of Deeds” echoes in the words of the American writer and cultural historian Luc
Sante, who in his introduction to his translated collection of Felix Feneon’s work, *Novels in Three Lines* (2007) suggests that narratives of the real “demonstrate that violence, misery, chicanery, and insanity exist in a continuum that spans history; they prove that there never was a golden age” (xxxi).
“Words for the Heat of Deeds” tracks a series of late eighteenth, early nineteenth century criminals and their crimes. These stories and portraits are all implicitly or explicitly connected to the colonial penal outstation of Newcastle, whose own story is, more often than not, framed as a testament to industrial progress and coal, which continues to be exported through its port, just as it did when the first colonising Britons dug away at the headland over two hundred years ago.

After twenty years of martial law as an open prison, Newcastle was declared a free town in 1824. The township was soon after neglected, as the focus turned from convict mining to farming in the fertile and profitable Hunter Valley. In the decades following, the river town of Maitland would replace Newcastle and its smattering of coal villages as the region’s commercial hub until rail, and the world’s industrial engines’ need for coal, returned Newcastle to prominence as a port. A municipal city was declared in the 1840s and the coal villages were slowly renamed as suburbs. By the early twentieth century, Newcastle was a global port which had become home to a state run dockyard and massive steelworks, both highly significant nation building projects of the period. The City of Newcastle (1929) – a council publication celebrating the city’s 150th anniversary – proudly declared Newcastle “the greatest port in the world” (iii). If the Hunter Valley was a rural manifestation of prosperity, Newcastle embodied a twentieth century industrial ideal of progress.
By 1999 both the state dockyard and the BHP steelworks ceased operating. Despite continuing as a viable and crucial coal port, it was predicted by some that the dirty old town of Newcastle would die off like many one-trick industrial cities the globe over. Newcastle instead refashioned itself. The city’s twentieth century image as a tough, working class city is now giving way to a low key transformation as a coastal leisure city that includes both small, artist-led, urban renewal movements like “Renew Newcastle” (who have taken up residence to revitalise the empty shop fronts of the city centre) and the homogeneity of twenty-first century call centres, oversized shopping malls and the sophisticated technical and engineering support that services the upper Valley’s massive coal mining industry.

Coal often conflates Newcastle’s history into a predetermined narrative of economic progress and growth. In The City of Newcastle (1929), the town fathers thanked the world for industrialisation, global trade and shipping, without feeling the need to mention the original indigenous inhabitants or the penal outstation: these stories of the past did not influence industrial growth, export and profits. The text is representative of the way that early local history was most likely considered irrelevant, rather than something expressly denied. Colonial Newcastle and its prison origins would later provide a paragraph or two, at best, in most Australian history textbooks. The research for my project, therefore, owes a great debt to the seminal work of local historians such as J.M Gould (the first president of the Newcastle Historical Society), The collected work of H. Huntington, Jack Delaney and John Turner, who along with
The University of Newcastle’s Coal River Working Party website, provided the basis for my understanding of Newcastle’s colonial, and pre-colonial, archival history.

As Coal River’s director Gianni di Gravio points out in their latest mission statement: “Newcastle’s history is closely bound up in the plight of history in Australia. The Colonial settlement that was set up here a couple of hundred years ago was a convict jail” (para. 4-5). Taking this into account he states that “our records were not kept with the inmates, but with the jailers. Our archival heritage is somewhere else, broken up like Humpty Dumpty and scattered to the four winds. The result is that we don’t really know who we are” (para.4-5).

As an archive, The Coal River website was, for me, more than just an online assembly of extant paintings, maps and documents covering European settlement in the area. As Gravio asserts: Newcastle’s early colonial history is fragmented and incomplete at best and there are numerous reasons for this, one of these being the lack of tangible, archaeological remains from the original penal settlement. Being primarily made of corruptible wood, many of its more substantial buildings, apart from being poorly built, were simply demolished or reused. The harbour and port has also been substantially reconfigured since European arrival in 1804. What survives are mostly official documents, which along with extant maps and panoramas (produced at the time for government survey needs) gave me the overall impression of a small working village with ocean on one side and wilderness bush on the other. Despite this almost bucolic setting, it was a place of martial law which functioned to isolate and
punish its inmates by literally and psychologically withdrawing them from civilisation (which at the time meant Sydney Town or the nearby Hawkesbury River farming communities). As a first generation prison outstation, Newcastle was a military operation and not designed, initially at least, with permanence in mind. It suggested a tenuous experiment, established for and in the moment.

“Words for the Heat of Deeds” organises this world chronologically into two distinct periods: the martial law outstation from 1801 to 1822, followed by the free town of 1824. It dwells mostly in the self-contained, isolated world of the former, which was peopled by transient convicts, a military guard, occasional settlers and an archivally silent, native population. Some of its protagonist inmates were recalcitrant lags and some were recent arrivals from Britain. Only a few would come to call Newcastle home. The fact that it was a place designed to erase or break the personhood of the convicts sent there gave it a creative poignancy for me in terms of reclaiming recorded, individual histories.

John Thomas Bigge’s visit to the colony as Royal Commissioner between 1819 and 1821 included a trip to the Newcastle outstation. His final, published report is perhaps the most comprehensive record of how the outstation functioned. Its itemisation of each nail, hammer, gluepot, and labouring activity provides a rare glimpse into the daily life of convicts during the outstation’s final years. In Newcastle as a Convict Settlement: The Evidence before J.T. Bigge in 1819-1821, John Turner formed the impression from the report that:
Though the harshness of life in Newcastle has been exaggerated by hostile witnesses and in Ralph Rashleigh [a dubiously authored convict narrative set partially in Newcastle], the evidence presented to Bigge shows that life in the settlement was, for the vast majority of prisoners, one of monotony and deprivation. Once banished to the Hunter they were deprived of their family and friends, they lost the opportunity to work for themselves and they had to exist on a monotonous, unhealthy and inadequate diet. The manual labour they were forced to perform, the constant surveillance under which they lived and the sheer discomfort of these living conditions added to their suffering. Nor was it easy to escape from the tedium of this life for no alcohol was available to the convicts in the settlement and escape to the bush soon ended in starvation, sickness, recapture and punishment. (34)

Despite its short time span, I wanted my creative narrative to mark the outstation's changing character: the early days, for example, are portrayed as much more intimate and silent than before Bigge's visit. Similarly, the outstation also received different types of inmates at different stages during its lifetime, further influencing its mood and nature, most being sentenced for offences committed in and around Sydney. They included ticket-of-leave holders, emancipated and free settlers, along with some recalcitrant, dangerous thugs and professional flashmen. A standard sentence at
Newcastle was anything between six months and two years. The outstation’s transient reality, combined with its unadorned day-to-day violence, foregrounds most of “Words for the Heat of Deeds” individual convict portraits. As a world within a world, Newcastle’s formative years are seen to exist in the shadows, a sensibility I wanted the creative narrative to recreate like something felt at your shoulder, amorphous and never quite clearly in view. Despite this, or perhaps because of this, Newcastle’s archival history read back as an unusually apt setting for a true crime narrative.
CHAPTER TWO ~ Australian History, Annales and Alltagsgeschichte: into the Everyday

Accruing a critical and theoretical understanding of contemporary historiography was pivotal to my creative project. My research provided a baseline from which I might approach local historical archives in order to extract the appropriate information that would best support both my creative and conceptual aims. I desired to both critically differentiate “Words for the Heat of Deeds” from conventional historical fiction, and also extrapolate on the project’s critical relationship in terms of re-writing the “grand narrative” of Australian history.

My experience of 1970s school history was dominated by European colonial explorers. They died, or got lost in the outback, often failing in their quest to trace the country’s inland rivers to a non-existent, inland sea. Out of these romantically doomed narratives Australia was fenced off and colonial occupation legalised by what I would come to understand as an almost spiritual, British belief in the right to land ownership. This was premised on an overarching and aspirational narrative of national identity and progress.

In Anna Clarks’ History’s Children (2008) she interviews students, teachers and educational professionals as part of an investigation into how Australian history is currently being taught in schools. Overall, she concludes that little has changed since my 1970s schooldays, with many students still disengaged from the subject. While
there are numerous complex reasons for this, Clark argues that a primary cause is an entrenched, almost defensive anxiety among educators, educational bureaucrats and politicians about what the story of Australia’s past – as a reflection of the present – should include. In an Overland magazine interview discussing History’s Children, Clark states that she found that “students want a history education that’s expansive and comparative rather than inward looking. In their interviews, students maintain that they’re more likely to disconnect from history when the focus is too content driven and prescriptively national” (17). The resultant problem is that Australian history teaching remains an “inward-looking, parochial discourse” (17). As one high school student concluded, Australian history should be “compulsory, but not like just looking at Australian history, more like Australian history in relation to the rest of the world” (18). Beyond echoing my own experience, Clark’s research is just one voice in a much broader political and ideological debate about the importance of Australian history today, and whether or not it should continue be an untroubled and uncomplicated celebration of colonisation and progress, beyond any need for revision or an alternative view. That said, the conceptual aims of this project in way suggest that as an academic discipline, the history of Australian history is some monolithic entity devoid of diverse ideology and innovation.

The Australian historian Stuart MacIntyre, takes Clark’s research one step further, proclaiming in The History Wars (2003), that history is “not revealed to us in tablets of stone, it has to be created from the remains of the past. It is not fixed and
final but a form of knowledge that is constantly being supplemented and reworked. Research and rewriting is an essential aspect of any academic discipline” (216). MacIntrye’s criticism is directed primarily at those who want to hold the “idealised, romantic version of Australia’s past being one of fair-minded, collectivism” (218). This position also aligned with my creative intentions, which are grounded in a historiographical view that insists that historical stories might be more than a regurgitation of the unified and singular grand narrative position.

The stories in “Words for the Heat of Deeds” are informed by historical facts and real events and do implicitly engage with contemporary critical and ideological debates about what Australian history is, but my personal ideological bias is this context sublimated in favour of the creative narrative’s thematic intent. For example, despite my innate political sympathy for the first Irish rebels transported to the colony, my emphasis is not to highlight British occupation and its repression of Ireland, but how, as a historically recorded event - reconstructed though individualised character portraits - the recreated past might be seen as a complicated and emotional mix of culture, power, chance and unpredictable human behaviour, rather than a more politically orientated, question of right or wrong, good and bad.

While “Words for the Heat of Deeds” is informed by its inherent cultural materialist ideology, this isn’t to debate comparative history, or present the narrative as being in competition with other approaches to writing history. Its focus is on what works best – ideologically, conceptually and practically – for the stories I wanted to
tell. This means that there is an organic narrative flow to many of the individual stories, insofar as they follow where the facts and the evidence takes them, rather than these being worked and manipulated into a prearranged, manufactured dénouement. It is in this context that contemporary historiography, and its more idiosyncratic concern with social history and everyday life, became the basis for my research.

My interest in the historiographical method was initially influenced by my reading of the mid to late twentieth century French historian Fernand Braudel. While Braudel is professionally applauded as a structuralist who wrote grand narrative history, his philosophical questioning of what history might mean also influenced historiography and what social history would become. This has in turn had an effect on postmodern cultural theory. A Britannia Online entry outlines Braudel’s work as a member of the Annales School of History, and presents him as an historian who also:

promoted a new form of history, replacing the study of leaders with the lives of ordinary people and replacing examination of politics, diplomacy, and wars with inquiries into climate, demography, agriculture, commerce, technology, transportation, and communication, as well as social groups and mentalities. While aiming at a “total history,” it also yielded dazzling microstudies of villages and regions. (Britannia online)

Braudel engaged in what might be regarded as a more academically flexible and interdisciplinary approach to the subject of history. His social histories of cities, while
framed with economic and scientific rigour, betray his interest in the working life of the ordinary person, rather than a nation’s gross national profit. As the translator Richard Mayne explains in his introduction to Braudel’s *A History of Civilisation* (1995), this interest was simmering in 1963, when Braudel queried how history was being retold and graded (in terms of time scales and perspective):

> Is it possible somehow to convey simultaneously, both that conspicuous history which holds our attention by its continual and dramatic changes, and that other, submerged history, almost silent and always discreet, virtually unsuspected either by its observers or its participants, which is little touched by the obstinate erosion of time? (xxiv)

Braudel thought a more pluralistic historiographic approach might be key to revealing this other “history, this time with slow but perceptible rhythms. If the expression had not been diverted from its full meaning, one could call it social history, the history of groups and groupings” (xxiv). This aim was somewhat fulfilled in his *The Structures of Everyday Life: Civilization & Capitalism: 15th -18th Century* (1991), which examines the history of fashion, coffee, bread making and house building of the period. The stories are overviews but the past they reveal is based on the actions of the ordinary people involved in the creation of these products. This perspective inverts the epic determinant frame of the grand narrative and makes history more individually human. As Braudel states in his introduction, while his work is essentially economic
history he was constantly being drawn towards “another shadowy zone, often hard to see for lack of adequate historical documents, lying underneath the market economy: this is that elementary base activity which went on everywhere and the volume of which is truly fantastic” (23).

There is also a pronounced philosophical element to this, whereby Braudel arrives at a more postmodern and abstract consideration of writing in relation to time. Effectively, Braudel asks the reader to consider the signification of written historical texts as representational literary editing: whole national histories, for example, can be reduced to a book chapter, while the lives of groups within that history are further contained within a few lines, an accompanying image, or a few frames of film. There is little space in this type of text for the ordinary individual, in which any trace of their “brief existence [becomes] a speeded-up film in which everything happens pell-mell: wars, battles, summer meetings, political crises, coup d’état, revolutions, economic upsets, intellectual and artistic fashions, and so on” (xxi). The larger scale of this history writing, with its more totalising and epic analytical and interpretative concerns (which Braudel also continued to write), effectively erases any traces of individual activity that made it happen because:

The life of human beings involves many other phenomena which cannot figure in this film of events: the space they inhabit, the social structures that confirm them and determine their existence, the ethical rules they consciously or unconsciously obey, their
relational and philosophical beliefs, and the civilisation to which they belong. These phenomena are much longer-lived than we are; and in our lifetime we are likely to see them transformed. (xxxvi)

Braudel maintains a view that as a system of knowledge and understanding, history shouldn’t suppose to think it can “know the last line in the play” (xxiii). The contrary details and realities that constitute most human lives are, as Braudel points out in his introduction to The Structures of Everyday Life, valid concerns of historical investigation because:

Through little details, travellers’ notes, a society stands revealed. The ways people eat, dress, or lodge at the different levels of society, are never a matter of indifference. These snapshots can also point out contrasts and disparities between one society and another which are not all superficial. It is fascinating, and I do not think pointless to try and reassemble these imageries. (29)

It was this intimate detail and these social proportions that I wanted to recreate in “Words for the Heat of Deeds”. As both a cultural history narrative and true crime text, “Words for the Heat of Deeds” demanded solid, verifiable facts and detail using a targeted, historiographical methodology that combined a Braudelian fascination with a focus on the “interior” or “everyday” detail of its researched subjects.
Originating in Germany during the 1980s, *Alltagsgeschichte* (history of the everyday) examines the material and social structures of daily life that might reveal or uniquely define a human social group. One of its founding theorists, Alf Ludtke, who edited and contributed to *The History of Everyday Life: Reconstructing Historical Experiences and Ways of Life* (1995), positions *Alltagsgeschichte* as a methodology that questions “unified history, over and beyond the mass of myriad individual (hi)stories” (10). Instead, *Alltagsgeschichte* looks at:

connections between causes, actions, and effects that allows us to grasp both the difference and the interconnection between past, present, and future; thus it contradicts any notion that “history repeats itself” – and also, one might add, is opposed to mythical notions of the universe and human fate. Kocha notes that a decisive element in “dealing scientifically with history” is the fact that there has been an established standard of “rigorous methods” and “argumentative” (i.e., not just narrative) presentation since the late eighteenth century. If one adheres to these standards, the resultant mode of scientific “discourse” can shield itself from the inroads of “legend and myth, distortion and falsehoods”. (10)

For *Alltagsgeschichte*, rigidity merely reinforces and repeats the dominant mode of grand narratives, dealing with the hegemonic “deeds (and misdeeds) and pageantry of the great, the masters of church and state” (1). As an alternative,
Alltagsgeschichte's attention focuses on “the life and survival of those who have remained largely anonymous in history – the “nameless” multitudes in their workaday trials and tribulations, their occasional outbursts or dispenses” (1). By investigating verifiable expressions of routine, custom or ritual, Alltagsgeschichte embraces, magnifies and seeks out Braudelian detail such as “housing and homelessness, clothing and nakedness, eating habits and hunger, people’s loves and hates, their quarrels and cooperation, memories, anxieties, hopes for the future” (1).

While its focus on everyday detail helps to differentiate Alltagsgeschichte from other historiographical schools – both popular and scientific – Ludtke points out that “it is not just the topic that is controversial – even the term Alltagsgeschichte has been subject to criticism, and the label is indeed something of a less-than-ideal solution, employed for want of a better name” (1). The school’s methodology and philosophy has also been criticised as a non-historiographical process, and dismissed as being nothing more than:

colourful supplements, anecdotal materials – the tinsel and trivia of the historical process ... [Hans Ulrich] Wehler in 1979 contends that Alltagsgeschichte (apart from being intellectual oatmeal) provides at its best little more than addenda to the history of great events, that is, questions of population, family, the history of towns and education, women and sports. (12)
Historical “tinsel and trivia” was exactly the archival detail I wanted to creatively explore and translate into a narrative work, and *Alltagsgeschichte* kept my archival research focused on those parts of daily convict and colonial life that were relevant to these aims: a world of muster bells, courts, prisons, ships, sailing, simple mechanics, muskets, labouring, tools, eating, absconding, new science, illness, pain and medicine. These are connected to, or express, individual purpose and identity in the creative narrative. Beyond being the stuff of a believable world, the manipulation of such authentic, verified detail was also there to persuade a reader that they were experiencing the creative narrative’s “literariness” as something unsuspectingly unique, as opposed to an historical anachronism. Indeed, in the context of true crime investigation, the addenda of what a man or women wore, or what they ate, is often part of a crime’s puzzle-explanation. This creative interest in tinsel and trivia relates to *Alltagsgeschichte*’s subjective agreement with its subject, by which it proposes that as producers and consumers of history, both readers and writers should never lose sight of the fact that:

above all else, we must constantly strive to comprehend our own ideas about those “others” – peasants in the seventeenth century, workers in the nineteenth century, the educated middle class, civil servants – for what they really are: reconstructions after the fact. It becomes evident that these concepts, even when rendered more
and more sophisticated (but not sharper), remain nonetheless constructions; they are provisional and fragile. (8)

The focus of all this attention is the notion of the everyman. Conceptually, Alltagsgeschichte’s everyman has been criticised as a contradiction, a cobbled together idea formed from elementary Marxism. While defined by a socialised power relationship, this is not, however, based on the material conditions of a Marxist interpretation, whereby the individual is trapped and dehumanised by a state apparatus. The Marxist principle that all action is ideologically motivated is by-passed in this instance, because the everyman is a product of the configuration of power that produces him. Socially and culturally, the dominant state or society, becomes a more arbitrary and unstable idea. The past becomes much more than a predestined, Marxist conference of cultural, political and social materialism, waiting for a revolution. In addressing this subject, Alltagsgeschichte does not pedantically discriminate between a subjective or analytical approach to it: archival records, legend and oral history, when thoroughly cross-referenced, are all usable, credible sources. This fits the methodology’s inherent scepticism about what constitutes an authentic retrieval of the past, while simultaneously broadening what that historical past or subject might be conceived of because “it is imperative not only to describe historical processes but to explain them – though without succumbing to the temptations of an objectivising view” (8). This approach complements my creative agenda in “Words for the Heat of Deeds” where the people and the events are real, but their arrangement into literary
drama is drawn using a subjective, postmodern attitude towards representation. Literary realism – in this context – is not concerned with revelatory historical truths, but how an historical subject might be constructed and brought textually back to life. Creating authentic human relationships is approached similarly: where “Words for the Heat of Deeds” can be said to reflect Alltagsgeschichte’s concept of mutuality, in which a society is constructed as a dependency of distinct groups who define themselves through confrontation and interaction. These are structured or random interactions and systems which reflect the transient and unpredictable penal and legal environment of my creative narrative’s world. Absconding prisoners were a constant problem at Newcastle, where “bolting” or running from the outstation produced some immediate and unlikely relationships within the structured penal world of authority and discipline.

This highly controlled environment also produced some revelatory individuals, who can be understood in relation to what Harold Dehne, in “Have We Come Any Closer to Alltag?” (1995), calls “repetition”, by which he means: “everyday thinking and action become pragmatic, because routines function to ‘relieve’ the individual of constant uncertainty or doubts” (138). Within the customs of daily prison life at Newcastle, these became acts of deviance, measurable rebellion and individuality (absconders reacted differently to this situation). For Dehne, repetition is framed by the cultural materialist concept of submission to authority, but this is not a precondition that merely identifies the workings of a power-relationship, more so it
becomes something constructed into a subversive possibility for expression. While most convicts in the limited world of the colony, for example, were punished for repeated misdemeanours and felonies in courts, their archival recordings, within the controlling logos and discourse of legalese, also transforms them as examples of repetition in a momentary stage or textual space where the convict subject explains themself in their own words, or in terms of their own actions. This idea is further evident in the Newcastle outstation’s unique division of work arrangements, which affected how a convict might be treated, what punishments were inflicted, and even their status. Interpretively, and taken with other researched information, it provides background for why some individual convicts responded and behaved as they did.

The premise of Hans Medick’s essay “Missionaries in the Rowboat? Ethnological Ways of Knowing as a Challenge to Social History” (1995), could well have used the outstation world of Newcastle as a tangible example of the proposition that Alltagsgeschichte “shifts historical everyday life to the forefront and centre of scrutiny as a field of tension where action, experience, structure, and history are mediated within cultural modes of life that have been moulded along lines specific to class and stratum and determined by regional and local factors” (54). As mentioned, the outstation of Newcastle was an experiment of its time, formed out of a specific cultural and historical moment, and existing as a highly structured imposition of ritual and custom. Like the individual crimes that bought the inhabitants together,
these rituals and customs provide evidence of a world that is brought alive by random individual moments.

Complementing mutuality and repetition is the concept of betroffen, which relates to how researchers and writers of Alltagsgeschichte “perceive, interpret, and react” (138) to their subject. Betroffen is engaged with how facts and confirmable evidence can be subconsciously, or consciously, configured by a researcher’s or a writer’s emotional engagement with their chosen subject. As a historiographical concept Betroffen can be explained in terms of creative nonfiction writing, where, as opposed to say historical fiction, evidence and factual detail is placed before any creative interpretation. This was something I noticed in my own creative drafting process, resulting in less explication and overwriting, so that the scaffold of each story was grounded in confirmed detail and facts. Crafting stories from what evidence is available becomes one literary mechanism in which a subject’s “very personal efforts and statements, their specifically shaped needs and idiosyncratic (eigen-artig) motives, distinctive hopes, and disappointments can be ferreted out by the researcher and given a sensitive interpretation” (138).

Overall, Alltagsgeschichte reads the past as a site constructed of particular and intimate moments and “the everyday toil and festive joys of men and women, the young and the old individuals, emerge as actors on the social stage” (4). It is where ordinary people might become more than “mere blind puppets or helpless actors” (5) in an historical metanarrative. Beyond its transferable practices, what attracted me to
the methodology of Alltagsgeschichte for this project was its genuine interest in trying to “identify the faces in the crowd” (Medick 54), by renegotiating what historical detail might be, and how it might be authentically engaged within a creative text. For a creative writer looking for meaning in quotidian repetition, Alltagsgeschichte suggested how to exploit this in order to construct the “way in which participants were – or could become – simultaneously both objects of history and its subjects” (6). For my project, Alltagsgeschichte’s Braudelian values gave my project an historical focus that might be broadly articulated as being similar to what Francis-Noel Thomas’ wrote in The Writer Writing (1992), when summarising the attitude of the seventeenth century philosopher, Baruch Spinoza:

when he [Spinoza] says that a text ought to be interpreted in the light of history, he is thinking about ‘history’ as the understanding of specifically human actions understood in the same way that the human agents who performed them understood them, as things individual people do in human time. (4)
CHAPTER THREE – Culture and writing the real

The methodology of Alltagsgeschichte became an organisational tool for transforming my archival research into literary, creative subject matter. The creative narrative this produced might also be considered a tactical performance of accumulated facts and research that employs certain strategies outlined and argued in Michel de Certeau’s The Practice of Everyday Life (1980), in which he argues that cultural theory and textual revision represents an awareness of, and engagement with, a hegemonic system of cultural reproduction. This can redefine a text like “Word for the Heat of Deeds” as a “diversionary practice” (24), one which produces an alternative version to the more unproblematic, nationalist grand narratives of Australian cultural history.

Certeau’s approach, like that of Alltagsgeschichte, is based on a scepticism of written histories (either analytic or creative) which he sees as operating primarily as “enunciative or repeating practice” (24), reflecting a dominant political, educational and commercial base, which consequently define and enunciate the “rules ensuring the system’s production, repetition, and verification” (24). This “hegemonic Eurocentrism” (26) feeds a prescriptive, ideological loop, designed of and for itself, which subsumes or does not acknowledge alternative readings. I will argue that this critical perspective is exemplified in the dominance that continues to be conferred on the nationhood narrative of Australian history.

Certeau’s responses to this can be considered literary and cultural guerrilla warfare, centred on an enigmatically named subject called “Everyman: a name that
betrays the absence of a name” (23). More ironically titled than its Alltagsgeschichte cousin (with a suggestion of submissive and dehumanised subjectivity), Certeau’s “everyman” is a cultural materialist creation, where “culture is elaborated in terms of the conflictual or competitive relations between the stronger and weaker, leaving no room for a legendary or ritual space that would be merely neutral” (24). It is relevant to point out that this should not be considered as a traditional Marxist investigation of power relationships; Certeau’s everyman has an acute awareness of his or her social situation, so that any tactical response is personal, emotional and spontaneous, rather than intrinsically ideological or political. In this context any claims to changing a situation will be at best unpredictable; for Certeau, the primary aim is the completion of the act, whether it is graffiti, writing a book or a letter to the editor, or simply refusing to buy a brand of consumer product.

For a creative process like mine, the “everyman” becomes a base for literary character subjects, directed by the narrative’s “diversionary practice” (24), which is an attempt to reassess the lives of convicts as being a series of individual journeys of their time and moment, rather than just historical data supporting “the dominating hegemony” (24). For Certeau, such a diversionary practice is the result of what he calls perruque: a French nomenclature for employees who use their working hours and employer’s facilities for their own personal use.

For Certeau, perruque is a subversive act that does not claim any status beyond being an activity that is “free, creative, and precisely not directed toward
profit” (25). It is ideally about ordinary acts of everyday life, and a product of the hegemony that initiated it, insofar as a hegemony, by its own need to maintain power, teaches us “clever tricks, knowing how to get away with things, 'hunter's cunning' ” (xix). Perruque, in this context, is a consciously conceived act, but one that is only possible where personal relationships or social organisations “are linked together in a kind of obligatory language, and their functioning is related to social situations and power relationships” (15). Out of this dichotomous relationship an everyman can appear from the shadows as a new, perhaps alternative, cultural reflection and initiator.

Certeau is not concerned with grand gesture or nihilistic reaction, but the possibility of revealing intimate moments that enlarge the subject’s sense of self and their reality. For Certeau (and "Words for the Heat of Deeds"), perruque is an affirmative, rather than radical approach, through which a dominant historical narrative is reconceptualised into a more esoteric and personal literary frame of representation. It tracks a precise outline that explains how the individual convict narratives of “Words for the Heat of Deeds” are intended: human moments and lives that do not transform the past, but reconfigure what it means from dormant and unconnected archives and historical records.

As with Alltagsgeschichte, the operation of this theory reclaims forgotten cultural subjects from existing stories and records. For Certeau, the everyman, within a reconfigured narrative such as mine, suddenly moves from being an
unrepresentative “them” to become a textual “I”, via a process he calls “ethnological colonization” (70). Not unlike Alltagsgeschichte’s processes of repetition and betroffen, ethnological colonization can be regarded as a creative, rather than a reactionary or destructive process. For Certeau, the intention is to pick up and discover what these discarded cultural moments and stories might offer:

What is left behind by ethnological colonization acquires the status of a “private” activity, charged with symbolic investments concerning everyday activity, and functions under the sign of collective or individual particulars; it becomes in short the legendary and at the same time active memory of what remains on the margins or particulars – the poetic or tragic murmurings of the everyday. (70)

In this context, the Newcastle penal outstation and the individual criminal portraits it offers can be examined as unique individual actions, rather than exemplars of convictism in general. Certeau’s phrase “poetic or tragic murmurings of the everyday” (70) also encapsulates the emotional and creative explorations informing “Words for the Heat of Deeds” as a perruque of history utilising Alltagsgeschichte, cultural theory and the literary. This comes with an important distinction, however, because any literary “recolonising” or reconstruction of the past is still treated as a postmodern literary construction or “a decorative container of narrativity” (70), making its stories and poetics “no more than its metaphors” (70). This should not exclude creative
nonfiction from being a legitimate *perruque*, insofar as any claims of factual authenticity are based on the artificial, contrived practice of cultural retrieval. In terms of creative nonfiction or literary realism in general, this is explained by Certeau as being:

no longer a question of approaching “reality” (a technical operation, etc.) as closely as possible and making the text acceptable through the “real” it exhibits. On the contrary, narrated history creates a fictional space. It moves away from the “real” – or rather it pretends to escape present circumstances: “once upon a time there was...” In precisely that way, it makes a hit (coup) far more than it describes one. To adopt the words cited by Kant, it is itself an act of tightrope-walking, a balancing act in which the circumstances (place, time) and the speaker himself participate, a way of knowing how to manipulate, dispose, and “place” a saying by altering a set – in short, “a matter of tact”. (79)

The postmodern “tightrope” is a succinct symbol of my constructive process in terms of how I reconciled my anxiety about the project’s experimentation as a constructed, recreated and re-imagined historical reality. Certeau’s operational approach convinced me that literary authenticity through such classification was perhaps less important, or only as important, as how a writer understands and reports the extant historical structures and practices that make their subject who they are. There is no definitive,
single version or truth to a story. My fundamental concern was therefore how could I move around in this archival, forgotten past and reanimate those voices, while being aware of the standard hegemonic configurations of social power and storytelling that frame them. This is identifiable within “Words for the Heat of Deeds” representational coding of Indigenous culture and presence.

As I will argue in a later chapter of this exegesis, “Words for the Heat of Deeds” deals with Aboriginal dispossession from their land in terms of colonialism and the application of contemporary English law. As cultural entities in the archival documents, Aboriginal people are predominantly silent, a deferred historical presence without English language, who appear as a cultural ‘other’ within administrative colonial discourses. Much like the convicts, they rarely speak for themselves in these discourses. My perruque was to code them in the creative narrative as a collective presence; a complex and ultimately fallible group of individual human beings who present as good and bad, ignorant and wise. They are not reduced to marginalised victims of colonialism, but are represented as fundamental characters within the constructed, social reality of the creative narrative. While the nature of colonisation and contact was primarily one of muskets meeting spears, “Words for the Heat of Deeds” also seeks out recorded instances of mutual curiosity and acceptance while considering violent moments as brutish at worst, but also, occasionally, misunderstanding. For much of the Newcastle outstation’s lifetime, the two groups lived side by side while keeping to themselves. A perruque reconstruction of this
relationship was a means to rewriting Aboriginal people into what Certeau would call a reclaimed “legendary or ritual space” (78), depicting Indigenous characters neither as ‘noble savages’ nor detached from the culturally embedded violence and cruelty built into their social customs and rules.

In general, constructing my written past using Certeau’s tactical strategies gave further definition to similar, conflicting, but also extraordinary, social and cultural collisions revealed in the extant archival documents. Most incidents were chosen essentially for their raw factuality, but also what I considered to be an emotional sensibility hinting at a world that was frail, uncertain and ultimately human. As a culturally mediated, literary reconstruction of experience, “Words for the Heat of Deeds” is animated by a process of immersion in the subject, which is as free (as it could possibly be) from historical and ideological preconceptions. The cultural theory informing my creative process is also directed at translating this past – or its “history” – for a twenty-first century reader. The creation of this relies on the veracity of the research and its subsequent potential as transferable signifiers of meaning (within the literary text). For my particular purpose and subject matter, the most resonant of these was the idea of “language discourse”.

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CHAPTER FOUR ~ Language Discourse: retrieving the past

The open prison colony of New South Wales could be understood by the institutionalised discourses of criminality and government administration which also came to define much of the recorded language of its inhabitants’ everyday life. These sources, and their words, became the raw materials that my project ideologically and creatively translated and recoded into its narrative.

Peter Schottler's essay “Mentalities, Ideologies, Discourses” (1995) explains how *Alltagsgeschichte* and other historiographical schools rely on language discourse as a means of “hearing” the past in terms of how it might have worked, and consequently can be “rethought”. As a general definition language discourse includes an:

emphasis on discourse as occurring within specific cultural conditions and under particular circumstances derived from a number of investigators and areas of research, including the work of Hans-Georg Gadamer in hermeneutics, the concern of Michel Foucault with the institutional conditions and power-structures that serve to make given statements as authoritative or true, and the work of Clifford Geertz and other cultural anthropologists on the rootedness of linguistic and other meanings in the social forms and practices specific to a cultural community. (Abrams 66)
My first reading of the eighteenth and nineteenth century archives (whether newspaper articles, court trial extracts or personal journals) revealed a world of anachronisms, discarded and redundant customs and rituals, but also moments of astonishing modernity. The introduction to Schottler’s essay cautions against simply translating such information and expecting that it will automatically provide:

the possibility of immediate insight into – or intimate understanding of – the minds and emotions of human subjects, this despite the fact we are well aware, at least since Freud, that there is no such thing as an international “subject” endowed with a clear sighted consciousness and in harmony with itself. (73)

Throughout much of Michal Foucault’s work the reanimation of the past through its recorded language involves differentiating it into culturally and socially constructed modes of discourse, including legal, convict slang, diary, journal, scientific, etc. His investigation of institutions such as prisons confirms how configurations of power in a social system can be analysed using language discourse. A carefully considered and researched examination of how, for example, penal discourses work might provide “a key to the relations of power, domination, and conflict within which discourses emerge and function, and hence provide material for a potential analysis of discourse (even of scientific discourses) which may be both tactical and political, and therefore strategic” (xi-xii).
This is concisely illustrated in practice in the project text Foucault coordinated in the 1973 publication “I, Pierre Riviere, having slaughtered my mother, my sister, and my brother...”. This text consolidates the extant documentation from a brutal parricide that took place in rural France in 1836. As Foucault explains in the introduction:

I think that what committed us to the work, despite our differences of interests and approaches, was that it was a "dossier", that is to say, a case, an affair, an event that provided the intersection of discourses that differed in origin, form, organization and function – the discourses of the cantonal judge, the prosecutor, the presiding judge of the assize court, and the Minister of Justice; those too of the country general practitioner and of Esquirol; and those of the villagers, with their mayor and parish priest; and, last but not least, that of the murderer himself.

(x)

This text became something of a blueprint for how I came to collect, incorporate and investigate language discourse within my own project. The world of I Pierre Riviere is not too dissimilar to the Australian colonial experience of “Words for the Heat of Deeds”, insofar as both texts are characterised and dominated by the official discourses of penology and legalese, along with related discourses of crime and convictism. My aim was also similar to Foucault's team's purpose in I Pierre Riviere
which was as much about separating individual voices as it was corroborating them into an overarching narrative. As Foucault explains:

All of them speak, or appear to be speaking, of one and the same thing; at any rate, the burden of all these discourses is the occurrence on June 3 [the murder date]. But in their totality and their variety they form neither a composite work nor an exemplary text, but rather a strange contest, a confrontation, a power relation, a battle among discourses and through discourses. And yet, it cannot simply be described as a single battle; for several separate combats were being fought out at the same time and intersected each other: The doctors were engaged in a combat, among themselves, with the judges and prosecution, and with Riviere himself (who had trapped them by saying that he had feigned madness); the crown lawyers had their own separate combat as regards the testimony of the medical experts, the comparatively novel use of extenuating circumstances, and a range of cases of parricide that had been coupled with regicide (Fieschi and Louis-Philippe stand in the wings); the villagers of Aunay had their own combat to diffuse the terror of a crime committed in their midst and to "preserve the honor of a family" by ascribing the
crime to bizarre behavior or singularity; and, lastly, at the very center, there was Pierre Riviere. (x-xi)

Foucault also proposes that the intersection of documentation and discourse “like those in the Riviere case should provide material for a thorough examination of the way in which a particular kind of knowledge (e.g. medicine, psychiatry, psychology) is formed and acts in relation to institutions and the roles prescribed in them” (xi). In “Words for the Heat of Deeds” this idea, which revolves around the competing languages of convict, judge, gaoler and courts, is ultimately controlled by the colonial Government, to the point of randomly censoring what was said or recorded, according to circumstances. As Amanda Laugesen points out in Convict Words: Language in Early Colonial Australia (2002):

Freedom of the press in Australia was not secured until 1820, and prior to this, newspapers tended to be the official mouthpiece of government. In particular, the Sydney Gazette [one of my primary resources of early period information] was used as a means of distributing government orders to the general populace. (xii)

The authority of government discourse was most clearly articulated in the colonial courtroom, which, despite being a very contained and structured environment, also became an occasion for a convict to speak their own words. The rudimentary and sometimes experimental nature of the colonial courts, along with the colony’s material
lack of paper, meant recorded courtroom events became precious and unique, documentary evidence.

The court talk did not exclude the more overwhelming fact that convicts were, for the most part, silenced as part of an official strategy of containment, which was perhaps unsurprising for a penal culture. Governors King and Hunter's justified fear of convict insurrection in the later seventeen hundreds, for example, made it illegal for literate Irish and Scottish troublemakers such as the Scottish martyrs to make or have "anti-British" speeches on their person. As Laugesen says, such extreme conditions created a constant tension in the received language of the early colony that "reveals the attempt to create an ordered society, but also reveals a society where disorder always threatened – a careful balance of power; a process of negotiation and accommodation" (ix). While this idiosyncratic and strategic play of discourse reflects a configuration of power in the rudimentary colonial society, Laugesen concludes that the "early colonial system and its language were shaped equally by the convicts and their actions" (ix). Beyond the more pronounced framing discourses of legal and penal administration and control, these language differences were evident in the organic and self-defining nomenclatures of criminal-convict slang, the serving military and the quickly evolving, intergenerational voices of convict settlers and their children.

Extant personal journals and government correspondence do make cursory reference to a distinct "Australian" accent having taken root with the first forty children who arrived with the First Fleet. Peter Cunningham's Two years in New South
Wales: comprising sketches of the actual state of society in that colony, of its peculiar advantages to emigrants, of its topography, natural history, &c &c. (1827), details, along with a great deal of localised slang, the etymology of a unique accent among local children, which differed significantly from their parents. This was, he claimed, characterised by local invention, ritual and custom mixing with the accents and vocabulary of arriving, predominantly southern British convicts. Similar elements would inform the production of the distinct, but constantly evolving voices of wider colonial society, both criminal and otherwise.

A word such as “croppy”, for example, originally referred to those Irish in the late seventeen hundreds who cut their hair in a particular fashion as a show of solidarity with the French Revolutionists. The early colony quickly adopted the term as a collective noun for transported Irish rebels. By 1820 it was taken up by local Newcastle Aborigines to denote any Irish speaking person. Likewise, the London slang word “lag”, which Laugesen explains evolved from the verb “meaning to transport” (123), came to variously describe a transported convict or locally convicted felon (i.e., to be lagged). By 1845, “lag” was a more sympathetically plaintive term for the last of the remaining, transported convicts, as in “old lag”. More generally, the evolution of words was evident at a local level. On the extant Newcastle punishment records from 1808 to 1824, the crimes of running, bolting, absenting work and even insolence change their meaning and context over the twenty year lifespan of the open prison. Language and its discourses, in this context, can also be regarded as _Alltagsgeschichte_.

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expressions of cultural repetition and slow change, connected to daily life and individual identity. There is, similarly, an appropriation of Aboriginal words and expressions that were randomly absorbed and redefined by the dominant, colonial vernacular. The early colonial language was ultimately a fluid experience, something incorporated into the creative narrative as an implicit cultural phenomenon: it reflects social relationships and suggests that the new arrivals were attempting to give a name and reality to the strangeness and uncertainty of their experience. Laugesen concludes that “most of these words were, of course, already used in British English – but many came to have new meanings and were more significant to the emerging Australian English. For the most part, many of these terms are historically specific, but some endured in the lexicon of Australian English” (x). For my creative purposes, the most poetic illustration of this was criminal slang.

The convict James Hardy Vaux was a repeat offender whose sentencing to the Newcastle outstation is made mention of in his uneven autobiography Memoirs of the First Thirty-Two Years of The Life of James Hardy Vaux, A Swindler and Pickpocket; Now Transported for the Second Time, and For Life, to New South Wales (1819). While the text was reportedly composed during one of his multiple Newcastle residencies, its eyewitness, personal account of the early penal camp unfortunately provides little detail of daily life there, apart from a general reference to drudgery and a fear of punishment. It is a confessional genre piece that moralises about numerous “deviations from honesty” (29) in a euphemistic tone of repentance, which Vaux’s
subsequent criminal record suggests he failed to take heed of. His text works best – for my purposes – in episodes detailing his time as a family man (criminal) in England. These express contemporary criminal culture with colour and authenticity, embedded in the criminal nomenclature of “Flash Language”. Vaux would produce a remarkable, complementary dictionary of Flash Language for his autobiography, in which the author claims a rare authority over his subject: “true it is, that in the course of a chequered and eventful life, I have intermixed with the most dissolute and unprincipled characters, and that a natural quickness of conception, and most retentive memory, have rendered me familiar with their language and system of operations” (iii).

While essentially a glossary for the autobiography, it appears that the Flash guide was also intended for the use of colonial magistrates and police, as Vaux directly alludes in the dedication to Thomas Skottowe, his Newcastle Commandant at the time: “I trust the Vocabulary will afford you some amusement from its novelty; and that from the correctness of its definitions, you may occasionally find it useful in your magisterial capacity” (Foreword).

Flash was a street language heard throughout British and colonial courtrooms of the period. Even certain English gentleman’s magazines of the time published a flash section to be enjoyed as a kind of comic word puzzle. This discourse of criminal slang provided me with what Foucault describes as an historical link in which “to rediscover the interaction of those discourses as weapons of attack and defence in the
relations of power and knowledge” (ix). Its regular appearance in extant court transcripts also suggested to me that Vaux’s dictionary accurately reflected the way contemporary criminals spoke, something reinforced by the phonetic spelling and abbreviated syntax, which even sounds slick and smart on a twenty first century tongue when read out loud.

Masonic and exclusive, flash provided its criminal speakers with a private, coded language of covert power and signification. In terms of my true crime aspirations for the project, it touches on explicit and implied violence, reflecting a very physical world in which punishment and pain are normal but, uniquely, expressed in the language and voice of those who it was inflicted upon. This is complemented by a black humour that referenced the essentials of daily life such as sex, drinking and bodily evacuations. It suggested a world where life and death seemed to be rarely far from each other. My creative narrative integrates this as being integral to an amorphous criminal lifestyle of uncertainty and chance, punctuated by moments of boredom and adrenaline fuelled action.

In a more creative context, flash is a ready-made, everyman form of poetry, embedded in contemporary street culture, and a world away from the elevated, class conscious language of the more literate and educated Briton. “Words for the Heat of Deeds” gestures to this by inserting my own occasional neologisms or reworked words or phrases from Vaux and Routledge’s dictionary, often by simply converting a word from a noun into a verb.
Overall my study into language discourse was consciously framed by Peter Schottler’s warning that “not everything should have to be subsumed under ‘ideology’ in the past, and today, we should take heed not to pigeon-hole every statement as some sort of “discourse” – or categorize every intellectual attitude as ‘mentality’” (94). While the variety of local and imported forms I detected were often subsumed in the hegemonic sobriety of government discourse, it was also a dynamic, interactive process that revealed something of the convicts’ grimy, tenacious humour and honesty. Laugesen states the study of language discourse goes some way to showing that “the language of Australian convictism thus reveals the complex nature of this fundamental period in Australian history” (ix). The evidence also suggests that as a social experience and experiment, this was grounded in a very specific British experience of class.
CHAPTER FIVE ~ Stained for life: Britain and class

The early transportation period to Australia (covering “Words for the Heat of Deeds” time frame) coincides with the 1801 announcement of the United Kingdom of Great Britain and Ireland: an entity which would provide the bulk of the open prison’s population. Convicts were socialised by the British cultural reality of class, which consequently frames the colliding and interconnected human relations of the stories in “Words for the Heat of Deeds”. Class is examined, and then incorporated into the creative narrative, as a eighteenth and nineteenth century reality reflecting a uniquely British interpretation and experience.

For much of eighteenth century Europe, better food production resulted in a reduction in wide-scale famines and more people living longer. In Britain, Braudel notes that the population rose 64% during the century, and created a “superabundance of inexpensive labour” (381) for an empire which, thanks to naval dominance, was a major global sea trader, and whose capital, London, was considered the world’s emporium. This period also coincided with emergence of the ‘wage’, which would pay workers for repetitious work based on the quantity – rather than the quality – of what they did. This seemingly minor change had profound psychological and material consequences, starting with an individual’s worth, which was now represented in terms of remuneration. This was yet another new reality in a world which, as Roy Porter explains in English Society in the Eighteenth Century (1991), included “a complex fabric, in which social power was compounded by many factors,
including family, clientage, privilege, inheritance, status, occupation, and regional, political and religious connections” (97). Wages, like the rise of the mercantile middle class, were beginning to impinge on traditional hierarchical social structures that had maintained stability and class consciousness using “wealth, occupation, region, religion, family, political loyalty and connection” (53). Despite this, Porter suggests that England:

had by no means boiled down by 1800 into a society where clear-cut class armies glowered at each other across industrial battlefields. So long as landowning remained profitable as well as prestigious, there was no prospect of upset at the top; below, so long as mass concentrations of workers remained highly exceptional and the Poor Law regulated rural society, there was no imminent threat to stability. Limited access to upward mobility and the rise in tandem of aggregate wealth and social pretensions ensured that the social order neither collapsed nor was overthrown. (97)

D. F. Brown, in his essay “Social class and Status” (2009), states that the word “class” was etymologically derived from the Latin *classis*, used by “Roman census takers to categorize citizens by wealth, in order to determine military service obligations” (952). In terms of its British uptake, he notes “the term ‘working class’ emerged in early 1800s to describe anyone who worked for a living as opposed to a landlord who did not have
to work and had a guaranteed income” (952). For Porter, there was self-awareness among Britons of a “class”, as opposed to a “caste” society, “which rivets people in place by blood, pedigree and birth” (53). By the eighteenth century, this self-awareness was both inscribed and self-perceived by individuals as an essential part of daily life:

An eighteenth century Englishman acquired his sense of public identity in relation to his birth, his property, his occupation and his social rank. Most women were defined by the honour of their presiding male. The power conferred by wealth, rank, office and status created tensions with people’s basis equality under common law and within the family of man. (13)

Porter goes on to argue that this arrangement “determined almost everything – diet, dress, times of waking and sleeping, occupation, education” (13). In *Daily Life in 18th Century England* (1991), Kristen Olsen notes how a 1774 London building act “delineated between various classes of housing. It divided all residential dwellings into first, second, third and fourth rate houses based on the size, cost, and construction of the house” (84). By implication, even the working poor knew and accepted that:

Distinctions between being a servant in or out of livery, a kitchen maid or a lady’s maid, below or above the salt, lower deck or quarterdeck in the navy, between being called Mrs or Madam, were delicate, but they mattered at their own levels in creating
status differentiation no less than the pecking-order between baronets and earls, marquises and dukes. (49)

Despite this preponderance of rigid arrangements regarding work, inherited wealth and access to position, there could still be unusual or surprising outcomes: a widowed female could, for example, inherit her husband’s position as a jailer. Overall, however, class placed limits on what ordinary men and women did; how they did it; where they could do it; and with whom. In the age of the French Revolution it was perhaps one reason Britain remained an orderly world and avoided “dramatic transformation of the social structure, rather [than] gradual change” (97). My argument, which is built into “Words for the Heat of Deeds”, is that the colonial experience subverted this certainty, making the world of the narrative closer to social anarchy, a place where the working poor or ex-convict might escape their designated social position and punishment, materially and otherwise.

Kristen Olsen’s Daily life in 18th-century England (1999) suggests that beyond the designation of class, eighteenth century working Britain was essentially a street culture that had:

A sense of the immediacy of bodily functions, sexuality, dirt, pain, and cruelty. Daily behaviour – rich and frequent swearing, brawls, duels, riots, noisy public flatulence, medieval table manners, the eating of nuts and oranges by members of Parliament during the speeches of others, and the vicious humiliation of wrongdoers –
emphasized the present tense, the satisfaction of immediate needs and whims. (160)

She paints a world in which working people, unlike their wealthier fellow citizens (who mightn’t wake until just before lunch), kept a six-day-working-week. This was essentially a pre-industrial lifestyle, confined by:

The natural rhythms of tide, crop, and sun, in part because of the expense of candles. One candle casts a feeble light. To illuminate an entire room required a huge number of candles; the poor simply could not afford to stay up late. Nor would their jobs permit them, in most cases, to sleep in as late as the gentry. (112)

A pre-dawn rising (often heralded by a local watchman with the job of waking the whole street or village) was also necessary where “a significant number of people still did not own watches and measured their days by evening and morning church bells, the passage of the sun, the movement of tides, or the perpetual demands of animals and crops” (112). The six day working week and early rising was comparable to the work timetable and rules for the Newcastle outstation as early as 1805. In J.W. Turner’s Newcastle as a Convict Settlement: The Evidence before J.T. Bigge in 1819-1821 (1973), he notes that by 1820:

In summer convicts were obliged to be at their place of work for ten hours each day except Saturdays and Sundays. Their normal
working day began at 5 a.m., they ceased at 8 a.m., resumed at 9 a.m., worked until 12 noon and returned at 2 o’clock for a final four hour stint. In winter the day’s work began at 8 o’clock, was interrupted from 12 noon until 1 p.m., and then continued until 4 p.m. or sunset: a seven or eight hour working day. (10)

Convict manual labour was arguably tied to available sunlight and tradition, as much as to a punishment regime. My narrative creates the impression that this hard-labouring life was pervaded, especially in the early years of the Newcastle outstation, with a nihilistic sense of living for the day, something the government surreptitiously encouraged as a form of psychological manipulation. The contradictory reality of living in an open prison must have presented an astonishingly confusing and socially amorphous experience for newcomers, many of whom, at some stage, reacted by attempting to abscond.

While convict, colonial society was martial in nature, it was also, by chance and circumstance, a remarkably organic social affair. In his overview of Australian history, Sense & Nonsense (2006) John Hirst argues:

When early New South Wales is described as a jail or a slave society, the question naturally arises as to how it transformed itself or was transformed into a free society. This is a false issue since at no stage had the society erected any barriers to freedom. While convicts were sent to the colony, the British government
maintained a system of autocratic rule there, but political arrangements are a different matter from the composition of society itself. No-one had a vote in New South Wales until transportation ended, but the makings of a free society had been going on almost since the day it began. Free children had been born to convict parents. Convicts had been gaining their freedom: no bar was placed on their economic activities and they enjoyed the same legal rights as those who had come free. Employers of all sorts had become used to a mixed labour force, part convict, part ex-convict and later native-born and free emigrant as well. When transportation ended, no legal or institutional changes were required. (113)

“Words for the Heat of Deeds” suggests that these freedoms were a significant enough issue by the time of John Thomas Bigge’s extensive administrative review of the colony from 1819 to 1821, and that Australia was regarded by some of its London masters as not so much a place of punishment, but rather a job creation centre for ex-cons, producing confident, self-made, nouveau-riche men and women of business, property, and most disturbingly of all, landownership. The colony’s administration, especially under Macquarie’s rule, had balanced hard-labour punishment with rehabilitation and opportunity. “Words for the Heat of Deeds” emphasises this as a disturbing reality for those opposed to emancipation, and another example of the colony being
representative of a social experiment that unintentionally redrew how class traditionally operated.

For the individual, non-Indigenous characters in the narrative, class is a birth-stain or a blessing. It destroyed some, while allowing others to succeed and become completely remade men or women. In much the same manner that Roy Porter argues “social position hinged upon a person’s stage in the life-cycle” (53), my narrative imagines the early colony as a place where class became a barbarian social indicator in which ex-convicts could become (materially at least) the gentlemen equal of the military and naval officers. Australia is presented as a truly bastardised version of contemporary British ideals, which as an empire usually adapted to new circumstances and environments, while being able to maintain the social security and certainty that a clearly stratified class system provided.

Originally a gift to the then ex-governor, John Hunter, David Dickerson Mann’s overview booklet of the early colony, The Present Picture of New South Wales: 1811, provides an interesting, first-hand view of this pivotal period of the colony’s history (and my narrative’s timeline): Macquarie’s post Rum rebellion governorship was a year old and Newcastle was firmly established as a long term, secondary place of punishment. Mann – himself an ex-convict who received an absolute pardon in 1802 – claims his pamphlet might:

afford the political philosopher new materials for calculation, on a subject so interesting, so important to the civilized world, as the
colonization and cultivation of those remote parts of the universe, which may, at some future period, be made the seats of new empires, by draining off from the old world that superfluity of population which, like an insupportable burden of fruit on a tree, unless removed, would tend to depress and destroy the trunk which produced and supported it. (36-37)

For Mann, the open prison experiment had not only survived, but now had the makings of a society. His intended British audience might have found it remarkable, perhaps disturbing, that:

The morals of the colony are by no means so debauched as the tongue of prejudice has too frequently asserted; on the contrary, virtuous characters are not rare, and honourable principles are not less prevalent here than in other communities of equal extent and limited growth. The instances of drunkenness, dishonesty, and their concomitant offences, are not more common than in the mother country; and those amongst the convicts who are disposed to return to their old habits, and re-commence their depredations upon society are deterred by the severe punishment which awaits their detection: There are many also amongst the prisoners themselves, who are now striking examples of probity, industry, temperance, and virtue; and some have obtained a remission of the
punishment which occasioned their residence in the settlement, in consequence of the signal and radical change which had taken place in their inclinations and behaviour. Where there is society their must exist offences; but, on the whole, considering the nature of the colony of New South Wales, the morals of the people are as free from glaring defects, as those of any other tract of equal population in the habitable world; and the characters which are celebrated for their virtues are as numerous, in proportion, as those which are to be found in other countries, where civilization and prosperity have made greater progress, and where individuals have greater inducement to labour, and the prospect of a brighter reward for their industrious exertions. (53-54)

Mann’s new society lays claim to gentlemen, merchants, tradesmen, clergy, lawyers, military officers, innkeepers, tradesmen, bureaucrats (like himself), free holders, farmers, husbandmen, ale sellers, seaman, boat builders, country labourers and soldiers. It is a world of transformation where people change unexpectedly for the better, something reflected in my own research on individual convicts.

By 1818, Mann’s utopian claims had some validation, with Australia definitively evolved from a monolithic open prison to a more complex settlement identifiable by its own unique, class-based cultural markers. Against this background, Bigge’s two year administrative interrogation can be interpreted as much more than just a
cantankerous visit from the Colonial and Home Office, whose commission came with a mandate to restore transportation as an “object of real terror” [where] any weakening of this by ‘ill considered compassion for convicts’ in the humanitarian policies of Governor Lachlan Macquarie should be reported” (Bennett, Australian Dictionary of Biography Online).

Bigge’s reviews were couched in a British model of behavioural morality that was compared to local adaptations of law and also emancipation. Despite considering himself a legal man who respected his employer’s institutions, Bigge saw the Rule of Law being exploited as a luxury by convicted criminals, resulting in an assumed disintegration of social standards. For Bigge, the law in New South Wales had perverted its origins. This intersection of class, criminality and the law is implied in “Words for the Heat of Deeds” as a social anxiety. Further understanding of this as contemporary, nineteenth century thinking is contextualised by linking criminality to contemporary views on British poverty and the effect this had on the operation of the British “Rule of Law”, as it would come to be adopted in the colony.
CHAPTER SIX ~ One law for all: class and criminality

The first stanza of Robert Burns’ popular 1795 song, “A Man’s A Man for A That”, opines

Is there an honest poverty

that hangs his head, an’ a’ that?

The coward slave, we pass him by

We dare be poor for a’ that   (World Burns Club)

The song is often interpreted today as a protest exposing the hypocrisy and self-interest underlying eighteenth and nineteenth century bourgeois humanism. But to judge Burns and other social reformers of their time by twenty first century ethics and morality would misrepresent not so much their ambition and compassion, but also the world as they experienced and understood it. H. M. Abrams persuasively argues that by studying the way historical social mechanics and structures operated in their time enables readers to “recover the meanings it has for the people involved in it, as well as discover, within the cultural system, the general patterns of conventions, codes, and modes of thinking that invest the item with those meanings” (183). This approach, for example, allowed me to equate eighteenth and nineteenth century poverty with criminality, and thereafter suggest how class influenced the social ideal of human behaviour being a moral choice, made by each individual. In naturalising and merging eighteenth and nineteenth century poverty and criminality as a measure of the same human experience, I looked at James Gregory’s conclusions
in his essay, “Poverty from Workhouse to the Welfare State” (2008), which links poverty of the eighteenth century to morality and social expectations.

Gregory describes eighteenth century poverty as being shaped, at the time, by a predominantly bourgeois liberal morality, one he traces to the social effects of economic rationalism, contemporary political debate and fashionable social trends such as sentimentality. Distinct and separate from an increasingly public repugnance with slavery at the time, poverty, like criminality, was regarded as something almost pathologically determined:

The prevailing belief was that poverty was a choice, largely self-inflicted, and was a reflection of a failing of moral character. Consequently only those indisputably unable to work (the impotent) truly deserved assistance outside the workhouse; This argument was based on the twin influences of economics and religion: the slavish belief in the natural tendency of labour supply and demand to mirror each other, in part, it reflected a deeper, moral assumption that survived any recognition of structural and economic causes of poverty. Likewise, this intersected with religion as quite simply, individual industry was taken to be an outward sign of God’s behaviour. (46)

Even the partially acceptable poverty of the pauper, was, according to Gregory, “not simply a matter of hardship – both the deserving and undeserving poor could be
afflicted by this – but rather a question of behaviour” (46). Poverty, like criminality, was considered to be proof that certain people – within certain classes – were pre-disposed to certain behaviours. The criminal and the pauper were morally interchangeable types using this logic, but while poverty might be a reason for criminal behaviour, it was definitely no excuse. Compassion for such individuals or types was considered a wasteful, emotional reaction. The notion of redemption by punishment or hard work was unlikely, but it was considered the only convenient and practical antidote. Gregory reports that a revised 1834 Poor Law Report noted, “it has been found that the pauperism of the greater number has originated in indolence, improvidence, or vice and might have been averted by ordinary care or industry” (46). The judgemental tone echoes Bigge’s mandate for a harsher convict experience back in the 1820s.

Poverty and criminality, in this context, are further evidence of the fluid and contradictory reality of human worth (as seen through nineteenth century thinking). This is injected into the text as another contradictory reality that is grounded in the social expectations of class, and most evident in the mid to late chapters of “Words for the Heat of Deeds”, where Macquarie’s emancipist utopia is slowly giving way to Bigge’s punishment-first model. While this idea of poverty and crime is a series of keen moral and behavioural moments in the creative narrative, any underlying causes are expressed in relation to justice and the British legal system of the time. In one sense, there would be no Australia or creative project without it.
G.D. Woods explains in *A History of Criminal Law in New South Wales* (2002), that “the criminal law of England was the reason why the convicts were in New South Wales, and the criminal law was central to the first few decades of the colony” (21). Along with class, British law frames much of the individual action in my creative narrative through its control and orientation of the daily rhythms of its recidivist convict society. The law adapted to the unexpected ways of the new colony, while its need to record itself gave up a great deal of archival material on social realities in the colony.

The criminal stories that underwrite “Words for the Heats of Deeds” are individual acts born of specific and unique circumstances. Beyond a litany of bread stealing, flogging and execution, they are a naturalised social reality, creating dramas that are enveloped in the detail of highly personal, recorded moments. Crime, treated tactically, is yet another *perruque* where Certeau’s everyman is rewritten as both a product and the producer of a situation. There is, likewise, an element of *Alltagsgeschichte* and acts of repetition and mutuality whereby the law, the gaolers and the criminal intersect and test out their influence.

My impression was that the idea of the original open prison ever evolving beyond martial law into a self-contained society, and requiring its own unique laws, was never part of original Colonial Office planning. The penal colony had to assume a semi-free social nature – first to survive, and then to keep operating. This occurred quickly and unexpectedly. It soon made some British laws that arrived with it,
redundant. Understanding how this changed and evolved can be explained in historical terms; it is reflective of what common/criminal law of the time consisted of, and how it operated within society to effect daily life.

Clive Emsley’s *Crime and Society in England 1750-1900* (1991), examines British government crime statistics dating back to 1810, when official records were first kept in Britain. His thorough overview organises crime (meaning misdemeanours and felonies) into six main types of offences, a classification he suggests “has survived, more or less unchanged, to the present” (18). These include:

1. Offences against the person (ranging from homicide to simple assault)
2. Offences against property involving violence (robbery, burglary, etc)
3. Offences against property not involving violence (larceny, etc)
4. Malicious offences against property (arson, machine breaking, etc)
5. Offences against the currency
6. Miscellaneous offences (including riot, sedition, and treason). (19)

If common law principles of a fair trial and mercy are added in, Emsley’s list of offences fairly covers the criminal law that was imported to Sydney with the First Fleet. What often characterises all these offences of the period was that most, regardless of their severity, carried the death sentence. This was commonly portrayed in terms of the Bloody Code; an idea reducing the law and its courts to a brutally simplistic system administering swift, harsh justice, often at the end of a noose. The
Code remains, even in terms of twenty first century cultural and historical revision, a pervasive and all consuming signifier of justice, crime and retribution.

Randall McGowan's, “Making the Bloody Code” (2002), explains that the sobriquet is itself an historical revision, originating as a catchphrase during legal reform debates in early nineteenth century Britain. The fundamental issue was the large number of crimes attracting a death sentence, which by 1815 included two hundred and twenty five felonies, including “stealing horses or sheep; destroying turnpike roads; cutting down trees; pickpocketing goods worth more than one shilling; being out at night with a blackened face; unmarried mother concealing a stillborn child; arson; forgery; stealing from a rabbit warren and murder” (Crime And Punishment in Durham, 1750-1900: Durham University, Online Heritage collection).

McGowan quotes one commentator of the period who describes this as “a mushroom growth of modern wantonness of legislation” (118). In 1819 William Wilberforce bemoaned the fact that Britain had been saddled with what he called “‘that code of blood’, meaning the many statutes that imposed the death penalty for a staggering range of offences” (117). The anti-slavery activist Thomas Fowell Buxton summarised it as “a fact, and a melancholy fact, that there are persons living in this kingdom, at whose birth the criminal code contained less than sixty crimes, and who, in the short space permitted to the life of man, have seen that number quadrupled” (118). Emsley advises that while execution was a commonplace and should never be underestimated, there also needs to be discretion in simply totalling up such numbers:
One of the key errors of many historians, both Whig and revisionist, has been to take the eighteenth-century ‘Bloody Code’ at face value based on modern perceptions of the law; thus they have assumed that the increase in capital statutes during the eighteenth century was a meaningful one. In reality the new capital legislation of the eighteenth century generally defined offences in a very narrow way and often made reference to a specific institution or piece of property only; as a consequence the number of prosecutions likely to follow the passing of a capital statute was tiny. (250)

It should also be mentioned that the Transportation Act of 1707 provided judges and magistrates with another sentencing option for those convicted of a capital offence. The rub of the political debate at the time, though, was more legal than social, and more soberly related to over-legislation or, as legal historians have noted, an increasingly sophisticated system of common law, which was slowly providing rights and protections to more and more of its citizens. The reality of eighteenth and nineteenth crime, and it criminals, were not so simple and determinant as the Bloody Code might lead some to believe.

Kirsten Olsen claims that eighteenth century British criminals, for the most part, “were rarely professionals. More often, they were demobilized soldiers or struggling workers who stole during hard times” (206). This is only partly
representative of Vic Gatrell’s more detailed list in *The Hanging Tree: Execution and the English People 1770-1868* (1994) in which he states:

Many men imprisoned in Newgate were listed as ‘labourers’. But most claimed craft and trade status: leather-dressers, weavers, wiredrawers, brush-makers, printers, servants, porters, clerks, tailors, errand-boys, smiths, painters, sawyers, brass-founders, upholsterers, grooms, chair-carvers, drapers, whip-makers, steel-polishers, plasterers, glass-cutters, etc. (8)

Despite reforms, common and criminal law remained fundamentally biased towards the wealthy and well connected, and Gatrell argues that most recorded crime continued to involve the working class or the working poor:

Apart from execution of a few wealthy forgers or murderers, most of the hanged were poor and marginalized people—‘the very lowest and worst of the people [...] the scum of both the city and the country’, as Elizabeth Fry amiably described her Newgate charges in 1818. The more rootless the felons, the more likely the execution. Some 90 percent of men hanged in London in the 1780s were aged fewer than 21. A high proportion was recent immigrants to the city. (8)
Being conscious of this, I wanted to creatively contextualise crime as something other than a sociological phenomena couched in terms of poverty, urbanisation and industrialisation. My own investigation of individual crimes (both in Britain and in the colony) did not, for example, support Olsen’s generalisation: I encountered a mix of crimes and criminals that included spontaneous one-offs, repeat offences and also activities that would, today, be considered the work of professional criminal. It is important to note that Emsley’s research classifies a ‘professional’ criminal, as distinct from a ‘criminal class’, because “the notion of a criminal class was, indeed remains, a convenient one for insisting that most crime is something committed on law-abiding citizens by an alien group” (133).

Frank McLynn’s *Crime and Punishment in Eighteenth Century England* (1989) takes the commonly agreed sociological factors of poverty etc., but concludes that while urban criminal activity today might be understood basically as a contact between strangers, this was profoundly different in pre-industrial or rural crime of nineteenth century Britain, where the chances of the criminal knowing their victim was highly likely. Like some working class version of a *Midsomer Murders* village, this more intimate social context closely reflected my research and understanding of crime in the early colony, including Newcastle, where inmates (especially before the population boom after 1818) were directly connected through the penal system by transport ships, labouring, profession, ethnicity or cohabitation, and in some instances criminal connections back to in Britain. Indeed, this archival research, quite
unintentionally, produced coincidences which seemed more pronounced than any nineteenth century realist literary invention.

The trope of coincidence is merged into “Words for the Heat of Deeds” in terms of the intimacy of the relationships it connects up, whether these were born of long term loyalties, circumstance or chance. There was an active, if random, sense of cause and effect and social connectiveness to this, exemplified in the inclusion of such customs as fencing, i.e., receiving/selling stolen goods. As a common activity in the very limited economy of the early colony, fencing is coded as a nexus point for criminal, victim, investigator and receiver, where ordinary objects of daily life are imbued with drama and metaphor.

Criminal law historians like Emsley and Woods suggest that, in general, the British legal system of the time included an adversarial court system, based on principles of judicial independence, Habeas Corpus and mercy, in a form that might be understood today. It was important also that the common law principle of ‘beyond reasonable doubt’ was a standard proof required even in convict Australian courts which came with Captain Arthur Phillip and the First Fleet in 1788.

Wood explains that as Governor, Phillip carried Letters Patent confirming his leadership of a continent that was, according to the provisional laws of British settlement theory, suddenly made Britannia’s possession: “for it is held, that if an uninhabited country be discovered and planted by English subjects, all the English laws are immediately there in force. For as the law is the birthright of every subject, so
wherever they go they carry their laws with them” (8). Apart from judicial separation, early governors like Phillip were effectively heads of state and for the first thirty years of the colony, their responsibilities and authority went fundamentally unchanged from Phillip’s initial instructions. As B.H. Fletcher concludes:

The Crown vested him with complete authority over the inhabitants and gave him the right to promulgate regulations touching practically all aspects of their lives. He combined executive and legislative functions and could remit sentences imposed by the Civil and Criminal Courts established under a warrant issued on 2 April 1787. Only the crimes of treason or wilful murder were exempt from this provision, but even here he could grant a reprieve while awaiting advice from London. (Fletcher, *Australian Dictionary of Biography Online*).

Letters Patent were specifically written for the colony of New South Wales from a larger template of English colonial laws, which could be altered and rearranged to predict the needs of each new global acquisition. Wood observes that New South Wales was treated generically as one of:

Three kinds of British colonies: settled, conquered and ceded, and English law was dominant in each of them. All English laws that were applicable to their own situation and condition of any infant
Flexibility to the unique circumstances of each new domain was integral to good empire maintenance. In An Unruly Child (1995) Bruce Kercher suggests that in Australia, the haphazard development of colonial law reflected its social evolution, and might be understood in “the way in which official values become part of received common sense. This had to be accepted by people who were subject to it, and that process was much more complex than a simple notion of rules and values being imposed on convicts from above” (30). Phillip’s instructions, for example, acknowledged that Indigenous Australians resided on the Australian continent, but colonial law stated they had no proof of ownership, i.e., no written laws. Kercher argues that legally, this defined them as savages who “inhabited rather than possessed the land” (18). Without their knowledge, Phillip’s arrival made Indigenous Australians into a British responsibility without them having any legal recourse: “the dilemma was that they were apparently British subjects, but they could not be prosecuted or protected in practice because of doubts about their understanding of English Law” (4). Further complicating this was the contradiction that “their land could be taken without compensation, yet they were to be protected” (6). “Words for the Heat of Deeds” incorporates this interpretation, which today reads like legal schizophrenia, as another example of late eighteenth century thinking and logic. Kercher notes, that in general, legal rights for Aboriginals, like many legal questions for the new social
experiment “appears to have been an afterthought in the rush to establish a colony” (5).

Indigenous Australians were also unaware that they were answerable to The New South Wales Courts Act 1787, and the Charter of Justice, 2 April 1787. As the Museum of Australian Democracy website notes, these complementary Acts covered the legitimacy and functionality of local courts and ensured all “British law landed with the First Fleet in 1788 and that the convict colony had the basis for law enforcement. The Act also allowed for a more 'summary' legal proceeding than was usual, adapting court procedures to the conditions of the new convict colony” (Museum of Australian Democracy website). Before the idea of permanent settlement took hold in the colony, the Acts’ laws would record some strange and remarkable social interactions and circumstances.

Despite its imperial and martial attitude, the transportation era still prided itself on two fundamental and established legal cornerstones: a citizen’s natural right to personal property and their access to The Rule of Law. The local operation of British law of the period frames the creative construction of the early colony as a contrary chameleon, pragmatically confronting and accepting each new legal and social circumstance that arose. There is, administratively, a sense of begrudging practicality to this, though certain individuals exploited the law for personal gain or as a stage to maintain the moral and class imperatives of being English in their new world. While the law separated the Governor from absolute rule, my creative
interpretation suggests that this should not support, in any way, the historical argument that the modern nature of British law helped make colonisation a benign, uncomplicated and civilising experience that was part of the early colony’s smooth cultural progression to self-identity.

The first colonial courts were variously eccentric, shambolic, harsh and compassionate and open to certain abuses. Woods for example, concludes that “as a general proposition, the state of the criminal law in New South Wales at the end of the Collins period (1795) was highly unsatisfactory. There were laws, but such rights as the convicts had were difficult to enforce. Confessions of guilt were frequently flogged out of suspects” (27). That said, some historians praised the work of David Collins who, as the first deputy judge advocate and Lieutenant Governor with the First Fleet:

Was responsible, under the governor, for the colony’s entire legal establishment. He issued all writs, summonses and processes, retained certain fees, and with one other justice of the peace formed the bench of magistrates. His small knowledge of the law was of little import, for at first few cases came before the Civil Court over which he presided, assisted by two nominees. With him in the Criminal Court, over which he also presided, sat six naval or military officers, and it met more frequently (Australian Dictionary of Biography Online).
Shadowing all court trials was the vexed issue – or expectation – of being judged by a jury of citizens or peers. One of the practical difficulties stymieing this during the early years was the fact that convicts, by attaint of their crime, were not considered citizens by definition and as Woods concludes, “the numbers of convicts in immigrant population was so great that trial by jury was regarded as practically impossible, even if it was desirable” (9). As a consequence, trials were often conducted “with the panel of commissioned officers sitting as a jury under the direction of a judge” (56).

This situation was slowly replaced with the evolving class of ex-military landowners, farmers and merchant traders that included some ex-convicts. These men – who would later infuriate John Bigge – also become Justices of the Peace and Magistrates, where they oversaw local courts (including criminal cases) and issued corporal punishments like flogging. The laws needed to evolve again for these men, who were occasionally compromised: there were cases of Magistrate landowners in isolated settlements, for example, who would sentence their own indentured convict, after having indicted the charges themselves in the first place. At outstations such as Newcastle, overseers and military guards might issue disciplinary punishment but most authority remained with the Commandant, though any serious crimes committed at the outstation were sent to Sydney for trial.

This was backed-up with martial law, which was chillingly imposed after the 1804 Castle Hill uprising, where it resulted in rebel Irishmen involved being court martialled and hanged, or brutally flogged for information. Of the survivors, around
thirty would make up some of the first convicts sent to the Newcastle outstation. The uprising illustrates the colony could be a reactive world that was also unapologetic and brutal when circumstances required it.

Early interpretations of law were also quixotic. Kristen Olsen, for example, relates ninety one instances from 1720 to 1799 of a law in which British wives were “brought on a rope halter and paid toll (beast to market), where she might be auctioned” (140). A Sydney Gazette of 1811 reports a local experience of this in Sydney, where a man haltered his wife in public and sold her for sixteen pounds and some yards of cloth. The woman went off freely with the purchaser, hinting significantly “that she had no doubt her new possessor would make her a better husband than the wretch she then parted from” (More Pig Bites Baby 211). A three bench magistrate was not so sympathetic and those involved in the transaction “which every man should revolt from with detestation” (211), were punished, with the woman receiving a three month sentence at Newcastle.

“Words for the Heat of Deeds” generally conceives of law and order beyond raw notions of justice but, as any true crime text might, it also manipulates its conventions for emotional and dramatic moments of action. The court trial, for example, is a generic convention unto itself: a readymade, dramatic stage of human conflict and emotional catharsis, often with a denouement of justice and revelation. It condenses and reconfigures facts into significant moments, which, more than a last minute gallows reprieve, is “Words for the Heat of Deeds” primary, dramaturgical intent.
The legal world before the Bigge reforms began to take effect in the early 1820s suggests a convict’s life was a precarious one, but as Woods concludes:

Despite the brutalities of the earliest years of the 19th century, the criminal courts of New South Wales nonetheless sometimes displayed in their day-to-day working a recognition of the basic notions that trials should be based on evidence, and that there should be no convictions in cases of doubt. (30)

As a human social system, its fallibility was proportionate to its exploitability. The early Governors, for the most part, kept within the limits of their power. According to both Kercher and Woods, the other key jurisdictional roles of Judge Advocate and Magistrate produced a variable quality of men, but in general:

they ensured the great principles of evidence and proof, specifically applicable to the criminal law, were recognised or developed: (1) that every accused is presumed innocent until proven guilty; (2) that the onus of proof in a criminal trial generally rests on the prosecution; (3) that the standard of proof in a criminal trial is proof of guilt beyond reasonable doubt; (4) that penal statutes should be interpreted strictly, with ambiguity to be resolved against the imposition of a penalty; (5) that proof and evidence in criminal cases must be carefully scrutinised; (6) that suspicion is not proof. (Woods 4)
The colony’s conflicted and eccentric formative years are for my purposes best illustrated by the Rum Rebellion of 1807, which removed Governor Bligh and saw him placed under house – and sea – arrest for over a year. What might have been Britannia’s worst fear come true – an internal revolution – became a perfunctory trial in London, treated as something best forgotten, when by any definition of British Law it was a rebellion and straight treason. “Words for the Heat of Deeds” mentions it as a curious, background display of Georgian Englishness, a mix of polite bullying and gentlemanly bitching. The two-year interregnum of caretaker Governors that was a consequence of the rebellion is generally regarded by most historians as business as usual for the colony, in which daily life for most of its residents continued unaffected. There was occasional misuse of local criminal courts for political and personal revenge, which saw innocent men like Bligh’s legal advisor, George Crossley “unlawfully ordered to be transported to Newcastle (Coal River) for seven years” (36). The interim administration was peacefully disbanded on Macquarie’s arrival as Governor in 1809. Woods explains that seen through a legal perspective, the Rum Rebellion was:

a gross breach of the rule of law as we know it and as it was known at the time; but that illegality has to be put into perspective. The rebels did not spill blood directly in the course of their coup, nor did they kill Bligh or any of his associates. The processes of the usurped courts were perverted to punish a few persons directly
associated with Bligh, but the fact of the regime operating illegally for several years did not bring about in the everyday criminal court processes any fundamental change. (37)

While no French Terror, the Rebellion is contrived creatively as an effectively mismanaged and somewhat spontaneous event in sync with the early colony’s tenuous and fragmentary legal and political reality, the other, most contentious element of this being the controversial ticket-of-leave program.

As an experimental system of proto-parole, the ticket-of-leave program enabled well behaved or especially skilled convicts to complete their criminal sentence in government service or assigned employment with settlers, businesses and officers. Kercher notes that before the harsher recommendations of the Bigge Report became common practice in the early 1820s:

Both privately and publicly assigned convicts were allowed to work for themselves in the afternoons, earning an income. In effect, part of the day was their own. Some lived in accommodation supplied by their masters, while many others lived in their own housing. [Well behaved prisoners at Newcastle were given responsibility for prisoner accommodation huts. A local arrangement allowed some to purchase the hut and sell it back to the Government on the expiry of their sentence. One downside of this was that if a prisoner staying in that hut ran or bolted, the landlord became
responsible.] Convicts on assignment mixed with the community, had children and wore no special clothing. In the early years New South Wales and Van Dieman’s Land were as much places of exile as prisons. (23)

The ticket-of-leave system also included emancipated convicts who had received a conditional or absolute pardon from their criminal sentence. It brought into question the thorny issue of attain, which some detractors maintained left a convict morally stained for life, meaning they should never be able to serve on juries, own a home or land, or operate a business. The general attitude can be contextualised as perhaps analogous to the public judgments against some ex-convicts today, where they are stigmatised and never wholly accepted or re-integrated as returning citizens, regardless of having repaid their legal debt to society. So while it received some English parliamentary approval, emancipation generated much fear and loathing locally, even among settlers who received free labour from the ticket-of-leave system. The predicted nightmare, reinforced by Bigge in his report, was of a morally polluted society, overrun with felon-magistrates, felon-lawyers and felon-landowners. The anxieties of class, it seems, abided everywhere. For my own conceptual purposes, perhaps the most telling view of early convicts and their legal status is summarised in Nicolas Baudain’s 1802 French fact-finding voyage to New South Wales. Despite a somewhat unsubtly, revolutionary tone, the account (attributed to the French sea Captain Francois Peron and quoted in Colin Forster’s France and Botany Bay: the Lure
of the Penal Colony (1996)), presents an outsider's view of the prison colony as a place where

the majority, having atoned for their crime by a hard bondage, have rejoined the ranks of the citizens. Obliged to concern themselves with the maintenance of law and order to safeguard the property they have acquired, having become at nearly the same time husbands and fathers, they are bound to their state by the most powerful and beloved ties. The same revolution, brought about by the same means, has taken place in the women; and miserable prostitutes, gradually restored to more proper principles of conduct, are today bright and hard-working mothers of families (Braithwaite 30-31).

The colonial population in 1810 totalled around eleven thousand, commensurate with that of a small town or a large Australian suburb of today. Colonial law represents, for the purpose of the project, a substantial record of daily life, measured and transformed into historiographical instances of dynamic drama. The process of convict transportation itself remained relatively unchanged during the three decades encompassing my creative narrative's time-frame. More than the imposition and maintenance of laws or a reflection of the empire's power, the project inverts this into another perruque space, whose focus is on individuals within the system, rather than the system itself. It concentrates on public, legally contained
moments of social hypocrisy, violence and mercy. In quite another way though, the law was always part of a series of steps leading to the main attraction of the period – public execution.
CHAPTER SEVEN ~ Staying Alive

The Bloody Code aside, the prominence of the gallows struck nineteenth century law reformers as something morally repugnant. This was partly due to public execution's popularity as working-class Georgian entertainment: a spectator sport that can be difficult to imagine even today in terms of its drama and physical reality. Extensive research by historians such as Vic Gatrell and Clive Emsley show that beyond any hyperbolic connection to the Bloody Code, this overarching symbol of justice (as opposed to criminality) was also a cultural space that contained a macabre mix of social control, ritual, class distinction and black theatre, where contemporary notions of law, violence, the human body and public death might be revealed and examined. Gatrell's extensive history of public execution in Britain, The Hanging Tree: Execution and the English People 1770-1868 (1996) notes that:

Even though, notoriously, there were over two hundred capital crimes on the statute-books, most of the hanged were strangled straightforwardly for standard crimes which (apart from forgery) had been capital for centuries. In the 1820s a fifth were hanged for murder, a twentieth for attempted murder, another twentieth for rape, and somewhat fewer for sodomy. Two-thirds were hanged for property crimes: over a fifth of these for burglary and house breaking, a sixth for robbery, a tenth for stealing horses, sheep or cattle, and a twelfth for forgery and uttering false coin. (7-8)
Gatrell explains execution as an industrial process which should not be underestimated in terms of its sheer scope:

some 35000 people were condemned to death in England and Wales between 1770 and 1830. Most were reprieved by the king’s prerogative of mercy and sent to prison hulks or transported to Australia. But about 7000 were less lucky. Eight times a year at Tyburn or Newgate, once or twice a year in most counties, terrified men and women were hanged before large and excited crowds. Audiences of up to 100000 were occasionally claimed in London, and of 30000 or 40000 quite often. Crowds of 3000-7000 were standard. When famous felons hanged, polite people watched as well as vulgar. (7)

Beyond its sobering statistics, Gatrell’s text is a well considered insight into how execution was a mechanism by which Georgian Britons perceived and dealt with the reality of death. The credible link he makes between death and the everyday provided clues for me as to the mentality of the ordinary citizen, and how they sensed their place in their world.

To arrive at a more comprehensive view of historical violence, death and execution, Gatrell first asks readers to consider a more contemporary view of death. In first-world societies, where physical pain relief is almost immediate and where stylised, representative and actual violence is just a mouse click away, Gatrell sees a
contemporary disconnect between the perception and the reality of violence and death. This is partly due to the multitude of desensitizing and sentimentalising modes of contemporary popular culture, which has led first world consumer cultures to think of themselves as, somewhat ironically:

peculiarly adept at denying death and hiding from it. Lamenting our attenuated mourning rituals, we wax nostalgic about death in past times when the divinely ordained process was admitted and was unsqueamishly accommodated in public ritual. The socialized death with its extended rituals of preparation, burying, and mourning is identified as the healthy and natural one. Death was then honestly faced, we are told, and through this confrontation the adjustments to loss which are essential to health were mediated. (78)

Gatrell posits that there is a lack of empathy and indifference towards suffering born of a global consumption culture where, for example, we don’t ask, or question, where our purchases arrive from, or the conditions under which they were produced. The misery or pain of others becomes part of the cultural anthropology of detachment: a refusal to authenticate anything (or anybody) beyond the reflection of individual consumptive fulfilment. Ironically, Gatrell argues that having access to too much of everything from everywhere has distorted and dulled empathy and human understanding.
The notion of empathy was an important consideration of my project in terms of constructing a creative literary text that re-creates the historical subject of death and violence. There was a layer of cultural authenticity to consider beyond literary issues of persuasion or realism. Like any realist writer, I wanted to construct a sense of how the period and its people thought and felt, without drawing attention to the artificiality of that construction. The additional cultural layer to this involved making an informed anthropological choice between what I imagined eighteenth and twenty-first century attitudes were towards death and violence. For Gatrell this is traceable to the fact that:

in stable western societies over the past two hundred years [because] there has been a vast consolidation in socially recommended concern for others’ bodily pain and terror, and in ways of affirming that concern. Those of us who eat, prosper, and are safe can afford to stand in a different relationship to others’ miseries from our forebears two hundred years ago. ‘Sensibility’, broadly conceived has this to its credit, that from that time to this, some of us politer people have learnt how to empathize with distant sufferers, our imaginations trained to feel their pain within ourselves. We accord this capacity the highest moral value, and deplore those who betray it. So ready are we to suffer vicariously on others’ behalf that we exhaust ourselves with narratives and
images of remote suffering. Just as Hanoverians released their sympathies through novels of sentiment and Victorians through novels about social problems, so we develop electronic and photographic devices to ensure that we absorb the energy of others’ suffering to the point of saturation. We also advise more solemnly against violence than our ancestors did, lest by accident or introjection we ourselves are hurt by it. And it is consistent with this culture that it is not only sex but also pain and death that bear the most outlawed excitements, and so are today’s tabooed and pornographised subjects. (12-13)

Gatrell identifies in these historical contradictions and investigations, emotional arguments which might provide attitudes (to either employ or avoid) for constructing some empathy with past subjects. He does agree, for example, that death was perhaps more ‘present’ in the eighteenth century – about one in two children did not survive beyond two years of age – but generally:

a socialized death had ostensible candour to it, and it is true that past generations also refused to draw conceptual, medical, or spacial boundaries between life and death as we draw them today. But this is not to discount the likelihood that socialization and rituals still blocked the pains of death and anaesthetised fear. (78)
For Gatrell, there is no grand narrative solution to such considerations and each group needs to be considered in context. However, I would argue that twenty-first century consumer culture has failed to erase the innate voyeurism surrounding death, which Douglas Davies contextualises in A Brief History of Death (2005) as a universal human constant and experience, ritualised by the cultural needs of most groups throughout history. Like an expression of Jungian collective unconsciousness, death is important, if only “to perfect life’s obvious flaws and resolve the persistent search for the meaningfulness of things” (1).

My plan in creatively refiguring how 1805 Londoners might have thought about death and violence, and suggest this to a twenty-first century reader, was more directly drawn from a broad based examination of comparable social customs and beliefs. I wanted death, in the creative narrative, to be an intimate human experience marking hope, memory, place, violence or fear. As an historical phenomenon, the project offered the possibility to present the social experience of death as something other than a period-drama stereotype, one in which the caring and sensitive middle-classes save humanity from callous and insensitive lower class mobs. It was interesting to note, for example, that today’s sterilized compartmentalisation of death – practised as a secularised, Christian ritual – was accessible primarily to the wealthier classes of eighteenth and nineteenth century. The contemporary need for cleanliness also reflected Gatrell’s argument of a shift to an immediate physical
separation from death. Beyond obvious issues of health and class, Gatrell found that while death was much less polite for the working poor of Georgian Britain they:

handled their corpses in rituals of washing, watching, and waking to which the Ecclesiological society was blind. The consoling resurrection and judgement images of hymn-singing, or the festive extravagance of funerals, can all be construed as defences against the unbearable, as sublimations of fear. Callousness is not much in evidence, not to be taken for granted. (79)

The material day-to-day immediacy and physicality of eighteenth and nineteenth century death might not translate for readers living with twenty-four hour hospitals and instant pain relief, but for Gatrell the psychological function of death rituals in Georgian England centred on the living and reflected a need to grieve and understand death. Extant archival testimonials, for example, considered the death of even young adults as a shock and a waste (if not unexpected in time of constant war). As a complicated psychological disturbance, similar historical clues about death were assessable in the explanation of how the living human body was treated and regarded.

Often referred to as a “human-machine”, the physical body was increasingly assessed, in Georgian terms, by new scientific disciplines such as anatomy and chemistry. Disease, for example, was explained and understood as something measurable, identifiable and built into nature, as opposed to something divinely inflicted by an Old Testament God. Disease itself still remain connected to class and
the poverty of the working poor for some time (London’s cholera epidemics being a typical example of this). But, as a Sydney Gazette article from 1804 debated, the usefulness of something like smallpox vaccinations in the colony was enthusiastically embraced:

As the Cow Pox is now fully established in the County, it is hoped no parent or Guardian of any Children will omit availing themselves of so great a blessing, which has been shewn in the Gazette of 15th of May last, is an infallible Preventative against that generally fatal distemper, the Small Pox (Pig Bites Baby 162).

Therapies, laboratories and surgery were pre-industrial but science and medicine (as they are understood today) was taking a foothold. As Roy Porter notes in Blood and Guts: A Short History of Medicine (2003), the concept of public health was a new social reality and “with the development around 1800 of new medical approaches based on physical examination, pathological anatomy and statistics, the hospital ceased to be predominantly a site of charity, care and convalescence and began to turn into the medical powerhouse” (144). The differentiation between the physical body and the metaphysical soul remained less clear and Porter notes that contemporary debate decided “the Christian immortal soul was best left to priests and metaphysicians: medicine should study secondary not primary causes, the how not the why and wherefore of the workings of the body” (67). Despite medical discoveries and advances in procedures, health care for most remained a matter of common sense.
Porter suggests in *Disease, medicine and society in England, 1550-1860* (1999) that eighteenth and nineteenth century Britain might be understood more generally as a “sickness culture where the condition of the body, registering as it did the ups and downs of health and sickness, meshed with wider perceptions of social, moral and spiritual well-being, of identity and destiny” (18). This was psychologically grounded in a powerful belief in vitalism and humoristic “common sense”. As Porter notes, what today is called a healthy lifestyle seems, back then, to have been:

> a measure of the orderly workings of the individual constitution,
> and sickness a sign of its imbalance. To maintain good health, one needed to ensure proper diet, exercise, evacuations, adequate sleep and the like. It was important to reside in a healthy environment, to regulate one’s passions, and to be moderate and temperate in habit. (19)

While “Words for the Heat of Deeds” presents a social world in which scientific understanding of the body was in transition, it foregrounds the colony, and Newcastle in particular, as sites that controlled the convict body using systematic incarceration, hard labour, corporal punishment and the ever present threat of execution.

In “Crime in a Convict Republic” (2001), which compares the systematic corporal treatment of convicts in colonial Australia with that of North American slaves, the criminologist John Braithwaite writes:
It is not my conclusion that the convict colony lacked brutality. In the use of the lash and the scaffold, it was horribly brutal. Historians differ on whether the lash was used more or less brutally in the Australian convict system than in the American slave system. I suspect that how one comes out on that question depends on which times and places one chooses to make the comparison between the two continents. (19-20)

Braithwaite’s essay also makes a clear assertion that while the American slave system was thoroughly repugnant in its uniqueness:

Australian flogging was ordered in a more procedurally fair fashion. While American slave-owners stood over their property with a whip, administering it on the spot, Australian masters of convicts had to send them to a hearing before a magistrate before the lash could be administered by a constable. Many of the constables were ex-convicts who might be bribed to be less brutal with their work (Hirst, 1983: 61). This was institutionalised at first as part of Governor King’s program to regulate the abuses of power of the New South Wales Corps (Hirst, 1983: 58). Think in historical context about the procedural innovation involved here: masters of convicts were required to have their corporal punishment authorized by a court when British naval and military commanders
were not so constrained; while masters under English common law could flog apprentices and indentured workers on the spot, schoolmasters could do so to students, and it was not long since husbands had a right/duty to do so to recalcitrant wives. (20)

Without diminishing the brutality of convict punishment, flogging can be understood as an accepted ritual of colonial society. While legalised punishment was occasionally inflicted by thuggish overseers or martinet officers (my own narrative presents one or two instances of this) some convicts avoided the lash altogether, living out a punishment free transportation sentence, with the possibility of a ticket-of-leave being an undoubted encouragement for some to behave. At Newcastle, the severity and regularity of corporal punishment fluctuated depending on the presiding Commandant, Sydney's priorities or the reputation of the convicts sent there. My research suggested that while violence, death and punishment constantly shadowed convict life, instances of it generally required a context to understand it. The rise in violent assaults, for example, was more noticeable at Newcastle after the Napoleonic wars, when the outstation reached its sustainable limit in terms of population.

Thematically, “Words for the Heat of Deeds” concentrates on the physical experience of the body-machine to try and construct a convict reality for the repetition and mutuality evident in corporal punishment, absconding, hard labour, eating and execution. My research suggested convicts coped individually with these experiences and the creative narrative presents instances where some individuals
were traumatised while others adapted and coped. The *Sydney Gazette* is dotted with cases of guard and convict alike going mad before shooting or drowning themselves (interestingly enough, I found no cases of suicide by hanging). The clinical origin of madness was unknown but its humouristic symptoms were considered as either an act of God, individual predisposition, or, like poverty and crime, proof of a basic lack of self-control. The medical man William Pargeter stated in his *Observations of Maniacal Disorders* (1792), that “the original or primary cause of Madness is a mystery, and utterly inexplicable by human reason” (37). He goes on to make some remarkably prescient clinical assertions about brain fluid and rapport with clients, but without conclusive evidence admits that “here our researches must stop, and we must declare, that wonderful are the works of the Lord, and his ways past finding out” (37). Pargeter, like many natural scientists of his day, reflects an eclectic mix of rationality, ignorance, fear and inquisitiveness that permeates so much of this period’s thinking about the Georgian body, and thinking in general.
CHAPTER EIGHT ~ A Short History of Australian True Crime

In terms of its form, “Words of the Heat of Deeds” is a bricolage narrative that constructs a nineteenth century interior using cultural history to inform its literary realism. It also reflects a distinctly Australian experience of true crime writing which, I argue, continues in some instances to be reliant on a nationalist ideology and iconography founded in late colonial period cultural debates. This chapter will explain how “Words for the Heat of Deeds” engages with its generic and literary origins, beginning with the didacticism and middle-class voyeurism of eighteenth century British true crime literature, when crime and criminals became a staple subject of both popular and more serious literature.

By the 1820s, British true crime narratives could be consumed in broadside ballads, flash and murder ballads, newspapers, serialised fiction and even gentleman’s magazines. One of its essential, distinguishing themes was execution, or more specifically, the gallows denouement. Vic Gatrell explains that:

Reporters had dwelt in increasing detail on the crime, on the prisoner's preparation for death, on the demeanour of the crowd, and on the final drop. But they still paid lip-service to execution's 'solemnity' and kept the experience distanced in a tide of clichés. Prison scenes were 'melancholy', shackling rooms 'gloomy', the approaching hour of eight 'awful', victims 'unhappy' as they waited
to be ‘launched into eternity’, and they ‘ceased to exist’ after a
‘few convulsive struggles’. (599)

Perhaps the best known and most popular progenitor of this style was The Newgate
Calender, also referred to as The Malefactor’s Bloody Register. First published in 1770
as a compilation of broadsheets chronicling notorious crimes and criminals in single
page narratives, it would come to sit alongside The Bible and A Pilgrim’s Progress as
essential reading in literate households of the period. Its chilling histories of
individual crimes and criminals were moral warnings that, not unlike tabloids or
popular media today, manipulated a public fear of serious crime being a phenomenon
that was out of control and lurking in every shadowy doorway. The preface of the 1800
edition (not unlike a twenty-first century newspaper editorial railing for more police
and stiffer court penalties) advises readers that:

In an age abandoned to dissipation, and when the ties of religion
and morality fail to have their accustomed influence on the mind,
the publication of a New Work of this nature makes its appearance
with peculiar propriety. It has not been unusual, of late years, to
complain of the sanguinary complexion of our laws; and if there
were any reason to expect that the practice of felony would be
lessened by the institution of any laws less sanguinary than those
now in force, it would be a good argument for the enacting of such
laws. Having said thus much, we submit our labours to the candid
Anita Biressi suggests in *Crime, Fear and the Law in True Crime Stories* (2006) that much of the contemporary fear generated by *The Newgate Calender* narratives was its coding of everyday people as protagonists: “events related in this compendium are usually straightforward crimes committed by ordinary people who turn their backs on their allotted familial or social roles: a rejection which constituted a still greater threat to social order” (52). *The Newgate Calender’s* style became a template for how much eighteenth and nineteenth century true crime narratives would popularise themselves as entertainment for moral edification. A crime’s gruesome facts and details are presented in terms of cause and effect making a recorded crime sound almost inevitable, even predetermined. Gatrell and Biressi both note that a shift towards this more sensationalist style coincided with an oversaturated publication market, most of which was intent on “thrill[ing] the reader’s ‘nerves’ and chill him or her by ‘a confused and unexpected alarm’” (Gatrell 598). True crime partook of what the contemporary English journalist, Albany Fonblanque, called “the diseased appetite for horrors” (Gatrell 598), in which newspapers were making “murder so much their staple of interest, and such large profits of it, that we have for some time apprehended
that, in the event of a scarcity of subjects, the proprietors would find their own account in others papers” (598). It was also extraordinarily profitable and “in this writing, money spoke” (598).

Anita Biressi suggests the changed emphasis on sensation was also partly due to “the increasing rarity value of executions [which] caused publishers to concentrate on fewer cases in far greater detail, and the Newgate Calender continued to recycle older cases in much the same way as do the true crime magazines of today” (59). Through true crime narratives in newspapers and gentleman’s magazines, celebrity criminal legends such as the famous highwayman, Dick Turpin, were made, but there was also, in the mid-to-late eighteen hundreds, a new focus on the execution spectator. Under the textual gaze of respectable middle-class writers from Boswell to Thackeray, this collective subject came to represent and confirm the innate, assumed barbarianism of the lower classes. Biressi argues that these judgemental middle-class perspectives also framed “contemporary discourses of individualism and the deification of property, epitomised in the [new] novel” (56). Reconceptualised through Certeau's tactical reading, the fact a gallows crowd failed to meet the expectations of these writers – who Gatrell reports were often surprised and astonished at the spontaneity and discrimination of execution crowds – counter-intuitively indicates that the execution crowd was much more than a heartless mob, who were affected with a variety of reactions to what they saw and experienced.
A combination of these generic British approaches to true crime, along with moralising social concerns, would arrive and take root in the new penal colony of New South Wales. It first found a popular voice in 1803, in the colony's first newspaper *The Sydney Gazette*. In *Pig Bites Baby* (2003) Michael Connor notes that whether "convict or free, everyone read the *Sydney Gazette*, for its news and for the Government Orders which touched all their lives" (xii). Apart from miscellany, shipping, tides, livestock figures, constant Government warnings and nine month old European news, there were:

- tales of mangled corpses, and invitations to view a chained body hung from a gibbet on an island in the harbour. Dangled before them was the chance of combining a visit to the market with a viewing of an unlikeable criminal standing in the public pillory with his ears nailed to the headboard. Life was rich in its attractions. A paedophile floating out to sea on a door, with two holes for his legs, encircled by sharks. A bushranger walking into Hobart Town carrying a human head. (x)

*The Sydney Gazette* admirably fulfilled a public role of crime reporting until publishing, like many other cultural activities, took off with the improved facilities and machinery that slowly became available, especially after the Napoleonic wars. It was 1818 when Thomas Well's forty page pamphlet *Michael Howe, the last and the Worst of the Bushrangers of Van Diemen's Land* (1818), became, appropriately enough for a
prison colony, the first work of general literature printed in Australia. This true crime story, in the British style, was part reportage, part moral warning and part adventure story, but it also brought the sensationalism and melodrama of The Newgate Calender into Australian surroundings and circumstances.

The author Thomas Wells was a convict employed as the Lieutenant Governor’s secretary in Hobart. His duties included recording local court crime, which provided the material for his “faithful and accurate narrative of the chief atrocities of this great murderer [Michael Howe] and his Associates, during a period of six years, in Van Dieman’s Land” (Preface i). The narrative’s criminal protagonist, Michael Howe is an archetypal contemporary villain, phrenologically predestined for crime but, also, exotically localised by the environment:

Howe was of athletic make; he wore at the time of his death a dress made of kangaroo skins, had an extraordinary long beard, and presented altogether a terrific appearance. His face, perhaps in some degree from associating with it the recollection of his crimes, exhibited strong marks of a murderer. During his long career of guilt, he was never known to perform one humane act. His body was interred on the spot where he fell; his head was brought to Hobart Town, and suffered to be seen by all the people, to whom the end of this monster afforded an inconceivable degree of satisfaction. (23)
The usual sexual charisma of the highwayman is replaced in this case with a monstrous brute, reinforced through Well’s selective use of discourse and official sources, including court transcripts, flash slang and some rather extraordinary extracts from a diary Howe kept while on the run: the brute, it seems, was educated.

The text also provides an interesting extant view of convict culture and prison Australia. Wells treats the convict bushranger and his gang as parasites living – literally and metaphorically – on the edge of respected society, while noting, somewhat hopefully, that as “the country becomes more populous and better explored, instances of a long course of successful enormities becomes rare. During my residence in the island, many criminals fled to the woods; but their course was generally short, and they were soon apprehended and brought to justice” (Preface ii).

There was a geopsychological dimension to bolting (or absconding) insofar as the prison colony was, by 1818, still a wilderness, but one now jutting up against a more determined, urban reality of towns that were increasingly connected by Macquarie’s great roadworks and shipping routes. Running or bolting throughout the colony and its outstations, still remained fraught and dangerous. The wilderness, or the bush, remained a place where:

the bush-rangers of Van Diemen’s land generally consist of men accused of crimes, or of prisoners escaped from gaol, who, retiring to the forests and intricate passes amongst the mountains, often contrive for a long time to elude the vigilance of their pursuers,
murdered by their confederates, or executed upon the gallows”.

(Preface).

Four of Howe’s gang would be sentenced to time at Newcastle after an unsuccessful and crude attempt at busting Howe out from gaol and hoping to then, somehow, smuggle him to America. Absconding was also the major headache of Newcastle commandants, though most bolters were soon recaptured. Bolting redefined recalcitrant convicts as outlaws in the sense that they had rejected society’s offer of a last chance. Wells’ narrative also reinforced my impression that convicts, especially repeat offenders, sometimes took to the bush with a combative sense of desperation. All in all, the narrative and its criminal protagonist were my starting point for an Australian literary experience of true crime.

In “Writers, Printers, Readers: The Production of Australian Literature before 1855” (1998), Elizabeth Webby states that even after printing became more accessible in the colony in the 1820s, “it seems clear that virtually all the literary works published in Australia were produced at their authors’ expense” (116). By the 1840s, multiple newspapers continued to fulfil the need for true crime and sensation, but in what was now an increasingly free society. Apart from poetry of dubious quality, the creative writing that existed in this period was mostly relegated “below government proclamations and parliamentary statutes, reports of missionary, agricultural and other societies, auction catalogues, emigrant handbooks and a host of other items which, even under the most flexible definition, would not be regarded as literature”
This changed somewhat by the end of the next decade, when the cessation of mass transportation and a Victorian gold rush saw “probably the period of greatest social change in colonial history” (161). This was a theatrical period of “popular melodramas with Australian themes, drawing on stock dramatic characters such as bushrangers, convicts and miners, [which] helped in the 1870s and 1880s to form a stereotype and romantic view of the recent past and to create a sense of identity in Australian audiences” (161). With convicts no longer being imported, their narratives were slowly re-circumscribed as an inhuman social experiment and a national stain. This would give rise to sympathetic recoding of the convict experience in narratives such as Frank MacNamara’s A Convict Lament on the Death of Captain Logan; Mary Therese Vidal’s The Convict Laundress and James Tucker’s Ralph Rashleigh, alongside creative non-fiction like Marcus Clarke’s “Port Arthur: 1870”. The later was written as part of a series for a newspaper and relates its author’s visit to, what was then, an asylum for the last surviving, transported convicts. It is a place of ghosts where “decrepit, blear-eyed convicts basked in the sunshine of the yard, or warmed their maimed limbs at the fire in the keeping room, with a senile complacency that was almost as affecting as is the helplessness of an infant” (81).

There were also paintings such as William Strutt’s Bushrangers, Victoria, Australia, 1852 (1887), and Tom Robert’s Bailed Up (1895) along with ballads, poetry, popular theatre and, in terms of local literature, the quasi-historical, serialised fiction of Rolf Boldrewood’s Robbery Under Arms (1882) and Marcus Clarke’s His Natural Life
(1872), whose protagonist convict character (falsely convicted in the first place) gives his life, Christ-like, for another. The convict narrative dovetailed into a broader narrative focused on the idea of Australian identity. This was part of a more general trend in local literature and art reflecting a new public sensibility that was being articulated and promoted as a populist cultural manifesto in journals such as *The Bulletin*. As Ken Stewart notes in “Journalism and the world of the Writer: The Production of Australian Literature, 1855-1915” (1988), the journal’s “official line sanctioned or preferred terse, economical prose (“Boil it down!”), bush subject matter, democratic and nationalistic sentiment, an aesthetic of realism, egalitarianism and social utility, and the racism of Australia for the white man” (191). While the tone and intent was more separatist than anti-British, this new nationalism embraced and rewrote, among other things, convictism as the by-product of an oppressive and draconian British regime. One consequence, as Shirley Walker writes in “Perceptions of Australia, 1855-1915” (1988), was that “guilt shifts from the convict [...] to the system itself” (165).

Bushrangers, many of whom had terrorised and bullied innocent people throughout the early nineteenth century, were now reconstructed into affirmations of anti-authoritarianism, their actions now, seemingly, motivated by an idealised individual freedom this also now entailed. As a literary figure, the bushranger (who does appear in a prototype form within “Words for the Heat of Deeds”) still owed much to the sexualised and almost gentlemanly English highwayman. The Australian
version added misunderstanding and a victimhood, born of injustice, which often tinged his latent bravado and courage with a sense of futility and hopelessness. As Elizabeth Perkins asserts in “Colonial Transformations: Writing and the Dilemma of Colonisation” (1988), the “European outlaw or bushranger genre, with its element of tragic melodrama, was peculiarly appropriate to the Australian colonial experience” (151).

As something distinctly local, the literary bushranger was a composite of the early explorers’ stoicism and The Bulletin’s masculine, nationalist attributes of cool indifference, resourcefulness and laconic smartness (as opposed to intelligence). The opening paragraph of Boldrewood’s Robbery under Arms is indicative of the physical requirements this entailed:

My name’s Dick Marston, Sydney-side native. I’m twenty-nine years old, six foot in my stocking tales, and thirteen stone weight. Pretty strong and active with it, so they say. I don’t want to blow – not here, any road – but it takes a good man to put me on my back, or stand up to me with the gloves, or the naked mauleys [hands]. I can ride anything – anything that ever was lapped in horsehide, swim like a musk-duck, and track like a Myall blackfellow. Most things that a man can do I’m up to, and that’s all about it. As I lift myself now I can feel the muscle swell on my arm like a cricket ball, in spite of the – well, in spite of everything. (13)
Characters like Dick Marston married the new idealism to a cultural urgency. Shirley Walker suggests such characters provided “the stock perception of the typical Australian [which] required a reassessment of the past: the rehabilitation of the convict and the bushranger was needed to bring them into an historical relationship with the popular image” (165). This merging was then deemed an uncomplicated and seemingly natural social revision of two types into one, which, Walker argues, was connected to “the past being rewritten at this time in order to romanticise the short span of Australian history and to rationalise its more violent aspects” (166). For Cliff Hanna, in his essay “The Ballads: Eighteenth Century to the Present”, one cultural side-effect of this was that “while other countries worshipped outlaws and law officers alike, Australia elevated its thieves and murderers into legends and reviled those who sought to capture them” (202). The apotheosis of this mythopoeia, and one that would inform a while range of nationalist cultural expression into the twenty-first century, was the legend of Ned Kelly.
CHAPTER NINE ~ The Australian Literary Criminal:
From Ned Kelly to Underbelly

An Australian Government English Second Language Test website asks prospective immigrants to consider Ned Kelly as a cultural and historical figure. The question set is framed by a summary that explains how Kelly:

has been described as one of the most romantic figures in Australian history and as the father of our national courage. Yet he was a criminal. He shot and killed policemen. He kept ordinary Australians hostage. He was a thief. Why was he considered a hero and why is he still revered today, more than 100 years after his death? It is a National mystery (ESL test online).

Contradictions not only feed Ned Kelly’s legend but maintain its contestability as a signifier of Australian crime, male individualism and other connected threads of cultural nationalism and identity. Kelly has been constructed as an idealised universal everyman, neologist poet, Robin Hood, sectarian class-hero, comic, patriot and killer. He is a personification of The Bulletin’s self-effacing, laconic sense of fairness and loyalty to his own kind. He is a self-taught and cheekily defiant flaunter of authority whose bravery is sanctified in acts of bold futility. He has been, according to The Australian Government: Culture and Recreation website, “memorialised by painters, writers, musicians and filmmakers alike. More books, songs and websites have been
written about Ned Kelly and the Kelly Gang than any other group of Australian historical figures”. He has even found his way onto an Irish stamp.

Ned Kelly, like Pierre Riviere, is also an historical criminal who recites, uncensored and unedited, his own version of events. Apart from his court trial, this authentic voice is condensed in published letters that would be the basis for two late twentieth century literary retrievals of Kelly’s life: Robert Drewe’s Our Sunshine (1991) and Peter Carey’s True History of the Kelly Gang (2000). Carey said in an interview that he heard “the voice of Ned Kelly in the Jerilderie letter. And it really was like, it seemed to me like this was the character’s DNA and one could really hope to inhabit the character of Ned Kelly through the voice of the Jerilderie letter” (State Library of Victoria: Books and Ideas). The letter is a substantial document of fifty-six word-jammed pages. It is, like Pierre Riviere’s admission, a rare instance of a nineteenth century “everyman” speaking in their own voice (authentically complete with uneven phonetic spelling and punctuation). As a deconstructive cultural moment, the letter reads like a public stage performance, anchored in the wonderfully abusive and irreverent voice of its composer (though some contend the words were in fact recited to gang member Joe Byrnes, as Kelly was possibly illiterate). It was composed after the gang had shot and killed chasing police in uncertain circumstances:

I am reconed a horrid brute because I had not been cowardly enough to lie down for them under such trying circumstances and insults to my people certainly their wives and children are to be
pityed but they must remember those men came into the bush with the intention of scattering pieces of me and my brother all over the bush and yet they know and acknowledge I have been wronged and my mother and four or five men lagged innocent and is my brothers and sisters and my mother not to be pitied also who has no alternative only to put up with the brutal and cowardly conduct of a parcel of big ugly fat-necked wombat headed big bellied magpie legged narrow hipped splaw-footed sons of Irish Bailiffs or English landlords which is better known as Officers of Justice or Victorian Police who some calls honest gentlemen but I would like to know what business an honest man would have in the Police as it is an old saying It takes a rogue to catch a rogue (The Jerilderie Letter: State Library of Victoria).

Both Peter Carey and Robert Drewe find in Kelly a misdirected rebel, poet and class victim. Carey is also interested in how an historical story or legend might be revisited and rewritten while Drewe invents a surrealist, neologist poet. Kelly’s letters have also inspired others, such as the celebrity ex-criminal, Mark ‘Chopper’ Read, whose quoted rant below is a response to new laws restricting ex-criminals (like himself) from profiting from their crimes:

Now the movie [Chopper] has me saying "...who said crime doesn't pay...." I must take this opportunity to ask you fine citizens, you
little students of life, if you have heard of the "Chopper Read amendments" to both the New South Wales and Victorian laws. These "do-as-we-like" governments have approved new legislation to stop criminals from earning royalties from books and movies about their offences. If you don't mind officer, passing new laws at will, purely to stop profiteering from crime. What a truly dastardly deed. Is this aimed purely at me?......every criminal?..........who? I think to ensure thoroughness, this law should be made retrospective. Then all Henry Lawson's (Australia's great poet) books can be removed from every library and burned, because after all, he did a hell of a lot of his writing while he was in Darlinghurst Prison. I mean the philosophy behind some of these decisions is ridiculous and quite small minded (Mark Brandon Chopper Read: Official Website).

Echoing Kelly's letter, Read's style mixes cocky rebelliousness with the self-justifying sense of the victim as outsider, all the while playing up to an innate public distrust of the police and the legal system. Read is a sophisticated self-publicist who came to public notoriety after 1991 with a series of bestselling, ghost-written crime books. The Chopper series chronicle Read's experiences as an underworld standover man and inmate of a brutal, maximum security, Victorian prison. Despite various claims made in these texts being discredited as fabrication, Read's reputation as a roughish larrikin
has been enhanced by television and media, a publication of a children’s book and a semi-biographical film, *Chopper* (2000). Read’s books were a new approach to the production and marketing of contemporary true crime in Australia and I have no personal or critical issue with Read making a living from his own story. He is an “Illywhacker”, an oxymoronic, honest Australian “bullshitter”, who sends up the hypocrisy of authority but also rejoices and celebrates brutality and extreme violence (which he justifies because many of his victims are of his ilk). His lovable rogue persona also exemplifies Shirley Walker’s dark words of 1988, that as a nation, Australia tends to find excuses for violence when we are being charmed or treated as “in on the joke”. Read’s constructed larrikin crim exploits now also sit within a broader catalogue of contemporary Australia true crimes which, like its nineteenth century British cousin, recycle touchstone crimes connecting ineffably to local historical and cultural moments. As Ros Smith notes in “Dark places: True crime writing in Australia” (2008):

While crimes from the early twentieth century still appear, these accounts return again and again to a later set of stories: the Beaumont children’s disappearance, the crimes of the Nedlands ‘monster’ Eric Cooke, tales of Sydney police corruption of the 1970s, the Anita Cobby murder, the backpacker murders, the Falconio case. Supplemented by the biographies and
autobiographies of criminals and detectives [...] these stories form
the diverse and growing genre of Australian true crime (4).

Besides such iconic crime is a diverse plethora of newspaper and tabloid texts, and a
new trend in made-for-television, quasi-documentaries such as The Suspects: True
Australian Thrillers, Crime Investigation Australia: Gangs of Oz, or Sensing Murder,
where a team of psychics team up to investigate unsolved murders in Australia and
New Zealand. They concentrate on sensational and violently newsworthy crimes,
using what Biressi calls a conventional “mixture of disciplinary discourses, of
criminology, surveillance, forensic medium, penology and so-forth (‘fact-crime’),
together with the exposing strategies of explicit corporeal and visceral imagery” (122).
In their unrestrained and graphic way, they are contemporary Newgate Calendar
narratives that “present a unified and apparently incontrovertible reading of past
events consolidated through the use of stock characterization, common-sense
interpretation and popular generic convention” (124). The criminals in these narratives
are not complex and contradictory like Ned Kelly, or culturally unsettling like Azaria
Chamberlain; rather, they are generally extreme versions of human deviancy,
representative of a more universal generic frame wherein “the categorisation of the
criminal subject is not about substantiating the truth of criminality, but rather it
attempts to pick out the criminal from the general population and allocate blame”
(88).
Biressi notes how these texts both influence, and are influenced by, popular culture’s need for stories that provide viewers and readers with a vicarious experience, if only because “the experience of murder and violence within society has become naturalised, especially within the popular press, as timeless and universal” (15). In this context, murder and violence is a human constant but how they are constructed to meet particular cultural needs – whether historical, cultural or consumptive – is what distinguishes them.

For every Ned Kelly, Azaria Chamberlain or Falconio case there are bookshelves full of sociopathic monsters which, along with Chopper Read, have been joined recently by the Underbelly television franchise. Even more so than Read, this franchise has reconfigured Australian true crime stories into a new cultural and moral world.

The Underbelly moniker originated from a series of journalistically rigorous books written by Melbourne newspaper crime reporters John Sylvester and Andrew Rule (both of whom were, coincidently, involved in ghost writing the Chopper series). The Underbelly books were first published in 1997, and tracked the complicated history of intergenerational, organised crime in post-war Melbourne, culminating in a very public and intensely reported gangland war during the 1990s, and resulting in over thirty verified murders. Rule and Sylvester’s books would be the basis for the 2007 true crime television series.

The series, which appeared the year I commenced my project, is examined here in terms of my own nagging concern about my project in relation to questions about
true crime and literary realism, authorial responsibility and the ontology of the storytelling: does true crime (which often relies on the real traumas and misfortunes of victims) have a moral or ethical dimension, which might have a wider social relevance beyond the reflexivity of literature, or popular entertainment like television and film?

The first Underbelly television series spawned a franchise of telemovies based on the late twentieth century crimes, and then a 2011 series about Sydney’s infamous prohibition and Depression era criminal underworld: Razor, a glossy white-toothed and sparkling clean world of healthy, well dressed and extraordinarily fit young protagonists. This series could reasonably be criticised as almost vaudevillian, having little in common with Larry Writer’s compelling and vivid socio-criminal history which it claims to be based on. Razor employs most of the franchises’ in-house style: overblown realism, lots of naked women, sex and nightclubs, extremely stylised, slow-motion violence, all combined with pat dialogue and an uneven and unconvincing sense of period design. This was complemented by a naggingly constant ‘prepping’ of the potential audience through saturation advertising and absurd tie-ins. While always advertising their telemovies unequivocally as true crime, producers would often backtrack in promotional interviews and redefine the work as “true dramatisation”.

The original Melbourne, gangland series resulted in numerous autobiographical books from those involved in the actual events, which even included a tasteless but thankfully short-lived guided tour round some of the city’s murder sites, sponsored by
commercial radio, and hosted by a murdered criminal’s widow. Other surviving identities were interviewed on the franchise network’s tie-ins or used as consultant “experts” on current affairs programs, before ending up in the lifestyle magazines of weekend newspapers, where they described their “twenty favourite things”. John Sylvester often mentions that some of the real criminals involved in the gangland war were convinced they were a manifestation of Hollywood gangsters or living out The Sopranos, and he points out, “you’ve got to be careful. Some of these people are terribly engaging individuals. You’ve just got to make sure you’re not sucked into them and remind yourself how they make their living” (Sunday Star Times Online).

Both Rule and Sylvester were criticised for profiteering from the success of the television franchise. They self-published the first books when there was no publisher interested in their ideas. Unlike the television series, the books maintain an unapologetic moral objectivity which presents the criminal subculture as something similar to popular representations of American Mafioso: lives are lived in unremarkable suburban homes while protagonists flip between drug dealing, children’s ballet and weekend sport. The Underbelly books unveiled a shadowy world that existed side-by-side with the average and ordinary. Unlike the television franchise, these texts never dissociate themselves from the proposition that the criminals were, despite their seeming normalcy, also violent, self-obsessed and ultimately greedy people. In saying that, Andrew Rule makes the argument for the television series that:
the truth about Underbelly the drama is that – like every story ever retold – it is not true to life in every detail. And this is a good thing. What viewers get is not an eye-glazing eyewitness account or a tedious transcript of real conversations. They get something better – a narrative version of true stories, pruned and compressed and woven together to produce something that holds our attention, as storytellers have since we sat around campfires a hundred generations ago. (“The truth behind Underbelly”)

I think Rule makes a good argument for the social and cultural storytelling relevance of true crime, but I would argue that the franchises’ blatant commercial imperatives reduce storytelling to a complementary element rather than the main objective. The franchise could be viewed as a poor imitation of its predecessor from 1995, Blue Murder. This dramatised, made-for-television, true crime narrative takes in police corruption and organised crime in New South Wales during the 1970s and 1980s. Blue Murder manages, without a moralising judgemental tone, to present its criminals as complex, fallible and human. It should be noted that the disgraced policeman Roger Rogerson, one of the chief protagonists of the telemovie, would later profit on the notoriety of his Blue Murder character with ghost written books and “night-with” club tours. Despite this, Blue Murder, in contrast to Underbelly, always remained in its world of representative nonfiction, as a reflection and a version of real events, nothing more. Which is, perhaps, all that good true crime should hope for.
In a newspaper interview, Michael Michod – who wrote and directed *Animal Kingdom* (2010) a semi-factual film based on a seventies Melbourne crime family – was asked about the separation between true crime narratives and reality. In relation to the new *Underbelly* franchise model he stated:

> It has in some ways left the realm of a journalistic and literary fascination with criminality and become a kind of pop culture/celebrity fixation. The ten year gangland war that unfolded is understandably fascinating to the people who live there. But there is something unsettling in the way in which people go from simply being photographed outside the magistrate's court to making it into the social pages. There's something kind of tawdry and vain about it. And yet at the same time that fascination that we have with people who live incredibly high stakes and essentially anxious lives makes total sense to me. ("Melbourne: The Naked City")

I suspect that my real issue is that the *Underbelly* franchise unsubtly exploits and manipulates the boundaries of where real stories should go. Unlike a newspaper crime report, the stories involving the crimes and the lives of the people involved have dissolved into the fug of the commercial complex. Read’s *Chopper* texts, and also the *Underbelly* franchise, have joined the criminal’s narcissistic self-interest and thuggish brutality with the myth and cultural tradition of criminal larrikinism and
contemporary aspiration. As true crime, the stories have become just another trivial entry in contemporary, mass-culture celebrity: a strange pathology of fame and representation blurring reality and the fictional persona. These texts have redefined true crime's relationship with Australian popular culture and the generic world in which my own project co-exists. The Underbelly films, along with Read’s texts, are true crime, but the level that their stories operate on is, as Stephen Pyne defines in Voice and Vision: A Guide to Writing History and Other Serious Nonfiction, simply “decorative or diversionary, either an appeal to a prurient ‘human interest’ or a device to avoid the real drivers of behaviour” (154). Pyne does qualify this assertion, stating that “one can hold a mirror to such blanket critiques: they are themselves ideological” (154), but I would argue he remains essentially correct insofar as nonfiction writers and producers do have some control over creative and commercial boundaries they indulge in; with Blue Murder being an excellent example of what can be produced when a slice of real life story remains the focus.

The Underbelly franchise and Read’s texts are relevant and interesting cultural enterprises, but I would argue that they also fail a crucial and fundamental question that I have applied to the legitimacy my own work, especially in relation to the degree of identifiable accuracy that subjective, representational genre might produce. For my creative purposes, this is contextualised in the question posed by Anita Biressi, which asks; “Does true crime merely exploit rather than challenge the conventional power relations between victims and criminals, between criminals and the law and between
the state and its citizens?” (16). As my project developed I felt assured that my aims and my dramatisation of crime (within a local context of history and cultural storytelling), were fundamentally guided by, and immersed in, Andrew Rule’s simple but intoxicating dictum “that crime and its consequences have always fascinated people because they go to the heart of the human condition” (“The Truth behind Underbelly”).

I like to imagine Ned Kelly being interviewed about Read or the Underbelly series: Would he have been disgusted at the tawdry glamorisation of it all? Would he have argued for it as a moment when the pariah criminal is treated with respect, and looked to sell himself to the market place, justifying it as his own form of perruque?
True crime’s relationship with violence is representative of the way in which it penetrates small human truths, but as Andrew Rule suggests, the reality of violence often needs modification or filtering for public consumption, especially in a hyper-visual age, because “unvarnished evil is banal – too boring and too ghastly to be entertaining. We can't handle the truth if it's too true” (“The truth behind Underbelly”). It is the conceptualisation and presentation of violence that “Words for the Heat of Deeds” is most fundamentally tied to the true crime genre.

For Anita Biressi, true crime texts are notable for their “anchorage to real events, people and experiences that defines its very form and substance. There is an overt relationship between representation and the represented here; a bond which affords true crime and other true stories of adventure, travel, mystery or romance, a very direct appeal” (17). Like much creative non-fiction, true crime is also critically overlooked or dismissed as genuine literature because, as Chris Wallace-Crabbe so succinctly put in his essay contribution “Autobiography” (1988), it can often:

Seem a parody, or at least a black-and-white caricature, of other literary genres. It makes the same claim to refer to life as other genres do, but a good deal more crassly. It makes the same claims about truth and edification, but is more blatant about them. And it brings to the fore all those course, nagging questions about
whether it is art-formal, aesthetic, beautiful and all that – or merely documentation. (560)

This element of documentation means that true crime (like most creative nonfiction) can seemingly sidestep conventional literary criticism about representational realism, because reporting real people and real events gives the impression it is somehow a self-evident “actuality, as realism, as existing as fact” (Biressi 15), as opposed to being another form of literary construction. For Biressi, readers (and writers) should always therefore:

Engage critically with true crime and critically engage with the fact of its reference to both banal and exceptionally disturbing social realities and their transformation into mass entertainment. True crime narrates crime-events (already mediated by personal accounts, diaries and the stories produced by the law, journalism and so on) and transmutes them into new kinds of stories, into mass-produced entertainment. The narrative frame arguably renders palatable the distasteful and unpleasant aspects of real lives which true crime attempts to reconstruct. (21)

It is this intimacy with measurable, criminal violence by which true crime texts generally, and generically, distinguish themselves as “both testament and also an aestheticisation of brute violence. The point and appeal of true crime is its role as a
purveyor of uncomfortable reality and nasty historical fact through the accessible devices of popular story-telling” (17).

This portrayal of violence, as with any literary form or genre, is contained within the mimetic strategies of storytelling, but as a stylised, literary presentation of facts, true crime texts make their relationship to violence a reiteration, rather than challenge to “conventional power relations played out between victim and criminals, criminals and the law, and between the state and its citizens” (17). Put another way, true crime, unlike crime fiction, deals in events that have occurred: they are narratives after the fact, providing another version, or reiteration of recorded events. This can sometimes result in true crime that is more prurient and trashy, offering a vicarious walk on the wildside for readers who are, too often, well rehearsed and prepared for what they are about to consume. In a critical context, true crime does not so much purvey uncomfortable realities but, like its nineteenth century British progenitor, exploit its subjects, while playing to real or perceived social fears. My aim for “Words for the Heat of Deeds” was, conceptually, to produce more than the adjectival gore and slashed flesh of sensationalist texts, which also mimics the shorthand of those journalists or writers who use “a narrow range of ready-made literary figures including Raskolnikov, Dracula, Dr Jekyll and Mr Hyde” (27). While this was often a betroffen in terms of restricting the use of the words “blood” and “bloody”, it is also about my aim that “Words for the Heat of Deeds” would reflect true crime’s ability to articulate and reconfigure violence without simply exploiting visceral and reactive shock tactics,
which patronises its victims, who are the emotional core of most stories. I wanted to highlight violent moments that were extraordinary, but might also be understood in terms of human behaviour. True crime’s subject matter means it generally engages voyeuristically with malfunctioning human relations, human complications and how easily this might shift into violence.

The archival colonial crime stories I read produced some extremely disturbing cases of violent crime. My creative narrative’s sensibility (in terms of its stylisation or depiction of violence and death) was partially influenced by reading the testimonials of professionals (past and present) involved in killing and violence as part of their daily life. This included police, soldiers, criminals and coroners. Tonally and atmospherically, the effect I was seeking might be regarded as a literary version of the Coen Brother’s film, *No Country for Old Men* (2007), where murder and violence is constructed and stylised into something that is variously silent, ridiculous, clumsy, inexplicable and pointless, but also, utterly human and compelling. “Words for the Heat of Deeds” incorporates violent moments as part of the sequential flow in its stories. This is an implied threat, a background murmur within the reality of the creative narrative. Violence jumps from the shadows in sudden and catastrophic moments which present as random, pre-arranged or expected. It is constructed as being a social reality, rather than a judgement, or the unnatural deviant psychology of a psychopath. Violence, in terms of its causes and consequences, is filtered mostly through its effect on victims. My implicit ambition was to creatively re-contextualise
Biressi’s assertion that the literary or textual pornographization of violence for shock value or pop psychology is representationally avoidable where there is a “construction of empathy and identification with either the murderer or the victims of crime [which] also helps to circumvent the accusation that reading true crime is morally dubious or voyeuristic” (20).

Any emotional recognition that criminal violence might generate: murder, rape and robbery, is thematically and generically connected to an ontological exploration of what human nature is capable of. In this way, “Words for the Heat of Deeds” tries to avoid judgemental narration or ‘what if’ scenarios. Crime and violence do have awful consequences, but they are actively part of the world, and what we do as human beings: they become daily instances of repetition and signification that generate cultural and historical meaning by their reiteration or retelling. This idea also relates to Biressi’s argument that there is a wider consumer reality in which “the dramatisation of experience in general has become ‘a new form and presence’ in modern society, where the ‘slice of life’ that had formally been the business of naturalistic drama has become a ‘basic need’” (89).

My subjects were historically distant enough that I did not face direct ethical constraints regarding the interviewing of witnesses, nor was I restrained by state government privacy laws placing limitations on the public use of people’s names and their circumstances. This, when combined with the fact the crimes were not photographed, forensically investigated or consistently recorded, did not make them
any less gruesome. My intention, in terms of the true crime genre, was to persuade readers into accepting historical events and crimes without them sounding like anachronisms. More ambitiously, the texts’ representation of crime and its violence as a place in which exaggerated, deviant human behaviour is both believable and extraordinary, coincides with what Biressi calls, “the promise, to a greater of lesser degree, of the revelation of a more esoteric knowledge” (22).

My selected colonial crimes are not excused as acts or frames for misunderstanding, but an attempt to revive and normalise – in a meditative and non-judgmental tone – a particular time, place and group, where crime and violence were a commonplace of the day-to-day reality. At places like the Newcastle penal outstation, this violence, especially towards the end of the 1810s, is sometimes truly unnerving and arbitrary.

Beyond its relationship with violence, “Words for the Heat of Deeds” might also be regarded as a true crime text in that it seeks out what Biressi calls a “‘closure of containment’ where ‘both the criminal event and crime narrative are apprehended through a variety of differently weighted discourses” (155). The creative manifestation of this was dependent on a fundamental, narratological rule of storytelling: who is talking?
CHAPTER ELEVEN ~ Narrating, Baudelaire, and poetic fancies.

As an exercise in style and form, “Words for the Heat of Deeds” was conceived through constant redrafting. The search for an everyman narrator who could convincingly express and recreate a whole world without drawing attention to himself became a central part of this process of re-evaluation.

During this search I tried out an investigative crime reporter, a philosopher, an historian and a nineteenth century polymath. Even the devil, with his access to timelessness, was considered in one early draft. The ideal speaker needed to sound authentically “of the time” without being anachronistically absurd or too obviously from the twenty-first century. What finally emerged was a neutral, slightly anonymous, but still omniscient “ghost from the past” who sounded contemporary, but also understated and persuasive enough to keep the narrative focus on the stories.

To some extent, the search for a generic narrator was guided by certain distinctive innovations evident in the creative nonfiction of American New Journalism which came to prominence after the 1960s, and where Norman Mailer, Thomas Wolfe and Truman Capote experimentally fused the techniques of fiction with reportage or real stories. In texts such as The Executioners Song (1980), The Right Stuff (1979) and In Cold Blood (1966) the authors intentionally blurred the expectations and conventions that separated reportage and the novelistic. The subjects were thoroughly researched, real events and people, but as Chris Anderson notes in Style as Argument (1987) the texts employed “characterization, writing dramatically, using scenes,
compressing information (clumping), developing character portraits and including character snapshots, using active instead of passive verbs” (2). Beyond these conventional literary techniques, which Anderson sees as being borrowed from social realist fiction, a key strategy of this approach was narrative “detachment”, which allowed “control, distance, concreteness and dramatization rather than the explication of events” (56). Theodore Rees Cheney writes in Writing Creative-Nonfiction (2001) that this perspective is often consciously applied to creative nonfiction writing, and enables:

Creative nonfiction writers invest their articles and books with the feeling of real life, life as it’s lived, not as we think it might be, or should be, but as close as possible to the various realities that exist simultaneously in this world. (59)

Cheney also alludes to the possibility that creative non-fiction and true crime narratives are, by their constructive natures and the personal perspective they often use, comfortable in the ordinary and the everyday:

One of the most effective techniques for accomplishing this is the inclusion of details. Since most creative nonfiction deals with men and women, writers pay particular attention to how people live, not in the abstract, but in the everyday world. (59)
This attention is not compromised by any pronounced historical distance between the writer and the chosen subject (as in “Words for the Heat of Deeds”). In this circumstance, Cheney talks of an added responsibility on the part of the writer to “research a past event in much greater depth than the daily reporter has time to” (11). Detail and facts provide “authority through realistic detail” (36) which vary in terms of their presumptive, or ‘what if’ potential to reveal the unknown, i.e., who was Jack the Ripper? For my own creative narrative, the inclusion of stories that are half-finished, or without a neat ending, provided a level of factual authenticity, which also, conceptually merged with the coding of history as something fractured and messy, full of complications without closure.

Cheney notes in his comparison of creative non-fiction and fiction writing that both forms “aim [fundamentally] for the same thing – truth or the accurate portrayal of life. They differ however, on what truth means and what such accuracy involves” (36). I would describe my own project’s literary aim not as truth, but perhaps “truthful accuracy”, the construction of which was primarily dependent on the most appropriate story teller. My early experimentations with this included a Ned Kellyish speaker reminiscent of the narrator in Robert Drewe’s Our Sunshine (1991), a minimalist, neologist poet with a haunting, disembodied voice that seemed to have reappeared from history for the sake of the story, but, when applied to my subject matter, became too rich, conceited and attention seeking. Thomas Pynchon’s Mason & Dixon (1997) provided another possibility, more so because the narrative was
constructed from a combination of historical fact and fabrication, extant diary extracts, eccentric eighteenth capitalisation and surrealist speculation (delivered in a magnificent, syntactically cluttered and poetic, historical creole). Its narrator, the manipulative polymath Reverand Wicks Cherrycloak, tells his amazing stories with the intention of remaining a guest in his relative’s house during a terrible winter. His monumental voice, like Drewe’s Kelly, draws attention to the dazzling writing as much as the extraordinary stories he idiosyncratically recites.

Readers found my early, experimental drafts fundamentally confusing and incoherent, without a defining voice. The obvious but compelling issue was the discordance between the various, potential narrators and the story, which was finally reconciled using a more conventional, third-person reflective narrator, who quietly took on the responsibility of arranging the information into a more linear narrative, and moved more seamlessly in terms of “detachment” between what Cheney calls the “third-person close up and third-person panoramic” (120).

Generically, this narrator provides readers with a “pseudo point-of-view” (129) while reporting events with a sympathetic hardness. This also complemented the impressionistic style of the writing that shows more than tells, though occasionally, discursively, the narrator gives his opinion about the colonial life he describes. In other instances the narrator slips into present tense and the action as if he were there. For Cheney, the “the reader must not be deliberately made to think the writer was actually present at the scene if that isn’t true” (11), but this slippage in tense and inter-
textual engagement seemed to suit the telling of the particular action. The narrator of “Words for the Heat of Deeds” is perhaps closest to Tom Wolfe’s narrating style, insofar as “a reviewer called me a ‘chameleon’ who constantly took on the colouration of whomever he was writing about. He meant it negatively. I took it as a great compliment. A chameleon ... but exactly” (Style as Argument 128). The narrator in “Words for the Heat of Deeds” is similarly engaged with the stories he relates, being magpied fragments of numerous other voices and discourses. It also allows the narrator to shift aimlessly between the various stories, complementing the occasional discursive shift from the text’s essentially linear timeline.

Outside of these technical considerations, there is a fundamental postmodern joy in using language and facts both figuratively and poetically. “Words for the Heat of Deeds”, as an experiment in genre, is in this context connected to certain conceptual themes informing Charles Baudelaire’s prose poetry sequence: Paris Spleen, or, Little Poems in Prose, published in 1869 after his death. The fifty-one short prose poems in this collection were conceived by Baudelaire after he read a sequence of prose-like poems by Aloysius Bertrand, entitled Gaspard de La Niut (1842). Considered some of the first prose-poetry published, Bertrand’s poems gave Baudelaire “the idea of attempting something in the same view, and of applying to the descriptions of our more abstract modern life the same method he used in depicting the old days, so strangely picturesque” (ix). He wrote to Arsene Houssaye:
My Dear Friend, I send you a little work of which no one can say, without doing it an injustice, that it has neither head nor tail, since, on the contrary, everything in it is both head and tail, alternately and reciprocally. I beg you to consider how admirably convenient this combination is for all of us, for you, for me, for the reader. We can cut wherever we please, I my dreaming, you your manuscript, the reader his reading; for I do not keep the reader’s restive mind hanging in suspense on the threads of an interminable and superfluous plot. Take away one vertebra and the two ends of this tortuous fantasy come together again without pain. Chop it into numerous pieces and you will see that each one can get along alone. In the hope that there is enough life in some of these segments to please and to amuse you, I take the liberty of dedicating the whole serpent to you. (Paris Spleen ix)

Baudelaire conceived of a sequence of randomly interchangeable poems that, could also be read as a thematically cumulative journey, or travelogue, through “his” nineteenth century Paris. The poems resemble postcards of the day: modern, abbreviated moments, creatively absorbing contemporary culture and concerned with crowds, drinking, buildings, night-time, eating, class, women, poverty, sexual endeavour and more sexual endeavour. Narrated by a poet taking on the guise of a flâneur, Paris Spleen is also about imagination through observation and the Romantic
impulse of the artist as outsider is evident. This is somewhat subsumed by the self-reflexive experiment of the writing itself, which is firmly rooted in the everyday, a reoccurring theme connected to Baudelaire’s always changing theories on what art and creativity are. His essay on painting, art and nineteenth century modernity: “The Painter of Modern Life” (1863), for example, includes the opinion, that, in general “artists are, it must be confessed, simply very clever animals, pure artisans, with the intelligences and brains of the village or hamlet” (31). The ideal artist in this instance is a “man of the world” (31) who “joyfully contemplates the crowd” (31), or rushes through that “crowd in search of an unknown person, a glimpse of whose face has suddenly fascinated him” (31). By this particular process, beauty and life can be glimpsed and aesthetically understood as an engagement with everyday and ordinary life. A similar mix of elements is likewise evident in Baudelaire’s “No. 35 – Windows”, from Paris Spleen:

Looking from outside into an open window one never sees as much as when one looks through a closed window. There is nothing more profound, more mysterious, more pregnant, more insidious, more dazzling than a window lighted by a single candle. What one can see out in the sunlight is always less interesting than what goes on behind a window pane. In that black or luminous square life lives, life dreams, life suffers.
Across the ocean of roofs I can see a middle-aged woman her face already lined, who is forever bending over something and who never goes out. Out of her face, her dress and her gestures, out of practically nothing at all, I have made up this woman’s story, or rather legend, and sometimes I tell it to myself and weep.

If it had been an old man I could have made up his just as well. And I go to bed proud to have lived and to have suffered in some one besides myself.

Perhaps you will say “Are you sure that your story is the real one?” But what does it matter what reality is outside myself, so long as it has helped me live, to feel that I am, and what I am?  

My Newcastle outstation stories are spiritually and emotionally similar to Baudelaire’s cityscapes: sleepless, violent, drunk, predatory, boring, sexually carnivorous and fundamentally human in their motivation. “Words for the Heat of Deeds” and Paris Spleen are both thematically centred on the fractured traces and fringes of daily life that might contain pieces of the extraordinariness of so-called ordinary lives.
This inherited sensibility in my creative narrative is further reflected in the use of Baudelairian type sequences of small, sometimes self-contained, passages of writing. My first crude experiments treated these as containers for fractured syntax with implicit, esoteric coding that was neither prose poetry nor poetic prose. It was my everyman chameleon narrator that phrased this into straightforward sentences in which showing and detail replaced fractured syntax and implication. This was achieved while retaining the sequential postcard design which, at the end of the writing exercise proved to be elegantly practical as well as decorative: I moved sequences around within the narrative during the writing, abandoning some and reconsidering or rewriting others. This echoed Baudelaire’s claim to Houssaye: “Take away one vertebra and the two ends of this tortuous fantasy come together again without pain. Chop it into numerous pieces and you will see that each one can get along” (ix). That said, the completed, creative narrative retained a conventional, linear passage of time, and while the storytelling drifts into straight reportage at time, metaphor is embedded in the detail, rather than being explicitly pointed out. The various rewrites kept traces of the original poesy, but structurally bounded this using “correspondence”, a French symbolist idea holding that an object or idea can be reproduced, for whatever cultural or ideological purpose, by idiosyncratic creative processes. Baudelaire remarks that correspondence can mean that “everything, form, movement, number, colour, perfume, in the spiritual as in the natural world, is significative, reciprocal, converse, correspondent” (Abrams 314). The effect, or ‘impression’, is born out of experimentation with the writing process. These
nineteenth century French rules are implicitly modernised in “Words for the Heat of Deeds” whereby words, history, events, people, objects and actions provide authenticity, but also the poetic possibility of multiple connections. While the text is non-fiction, it poetically alludes to moments in which the ordinary might also represent something more mystical or esoteric.

The paintings scattered throughout Words for the Heat of Deeds take this idea further. Like postcards or floating, visual pauses, they present literal depictions of time and place, but also moments for meditation, connected implicitly to the text surrounding them, but simultaneously separate and slightly enigmatic. This is particularly so in relation to the Newcastle panoramas, where conceptually, they seem almost detached or distanced from their surroundings, mimicking the perspective and the historical view of the original artist. This enigmatic connection to time, history and reality is gestured in the fact that each image is numbered rather than titled underneath.

Rewriting, re-editing and good advice eventually produced a creative narrative that was identifiably prose in design but still ideologically, thematically and conceptually attuned to Baudelaire’s original formal experiment. It gave “Words for the Heat of Deeds” some of its spirit, its voice and its design. He envisaged his prose poetry experiment as both an invitation and a responsibility and while no Baudelairian “man of the world” myself, his concept resonates throughout “Words for the Heat of Deeds”, seeping into the voice of its narrator and its narrative composition. The stories
reflect contemporary literary and poetic techniques which enable it to translate and reanimate historical moments into intimate cultural retrievals.
CONCLUSION

A Classic’s tutor in an undergraduate class advised me that to learn history, it would be better to pass over the writing of Herodotus in favour of Thucydides, who always dealt in facts; Herodotus was a fantasist, an exotic travel writer recording folklore and myth about goat-legged men and supernatural interventions.

David Grene writes that in The History Herodotus does almost disown responsibility for the truth of his stories, but only because he considered “the basic elements of the myth attract to themselves other explanations, other aspects of the ordinary or the marvellous” (6). According to Grene, for Herodotus, the usefulness of mythopoeia in realistic storytelling is a literary technique to defy time and death which turns the past into acts of memory and remembering because “most of the events of the past, through the lapse of time, have fought their way, past credence, into the country of myth” (1). Storytelling – as a form of memory – was equally important as knowing about politics and war for Herodotus because he understood “nakedly the possibility of obliteration of whole systems of life and their accompanying buildings, customs, languages” (14). Similar timeworn, if ephemeral, intentions have emotionally and intellectually framed and encouraged my project since its commencement.

I began imagining my creative narrative as a profound gesture in the ongoing microhistorical process of redefining Australian history beyond the limiting motifs of grand narrative, national identity. By the final drafts, this anxiety and determination
no longer seemed to matter; the process of organising “Words for the Heat of Deeds”
stole the project off into new spaces that reflected its accumulation of influences, both
theoretical and creative. The final stories themselves became the only prize: retrieved
moments I found personally touching or “real”, as well as politically or ideologically
revealing. The finished project might be visualised as a perspex overlay of the human
body found in old encyclopaedias: an integumentary base on which the skeletal,
muscular, nervous and digestive systems build up into a complex human body as a
series of interdependent and interactive parts.

As a project which weds research and form to the music of language and arcane
words, “Words for the Heat of Deeds” is an imaginative but thoroughly researched re-
enactment of the topography and discourses of an historical period, one that
reanimates a time and place through the individuals that peopled it. I came to
appreciate what Luc Sante said about his preparation for writing his cultural history of

> When researching this book, what I was looking for was flavour
and incident, anecdote and eyewitness ... I found sources through
offhand references in other works, in obvious places I had
insufficiently noticed, by continuity on library shelves, scattered
among the furniture at church sales in the country. The process
was endlessly self-renewing, and could have gone on forever. I was
not, after all, seeking the answer to a particular question. I was travelling. (381)

In the end, if the stories my research retrieved are history, they are history as postulated by men like Pierre Bayle, the seventeenth century Dutch-French philosopher, who cheekily proposed in his *An Historical and Critical Dictionary* (1697): “If an historian were to relate truthfully all the crimes, weaknesses and disorders of mankind, his readers would take his work for satire rather than for history” (Quote Garden, Online). I think this was an effect of Fernand Braudelesque encouragement that history and its retelling are also postmodern regenerating and recycling factories, where stories are remade and retrieved by the next writer who happens upon them. While perhaps born of a personal dissatisfaction with certain narratives and absolutes of Australian history, “Words for the Heat of Deeds” constructively engages with this dissatisfaction and, in the process, reclaims some of its mostly forgotten ghosts.
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