

Chapter 1

'When Murder Stalks the City Streets' The Rise of the Underworld in 1920s Sydney

The city of Sydney has endured violent and criminal episodes from the time of European settlement. The larrikin pushes were responsible for some of the most infamous of these during the late-nineteenth to early-twentieth centuries when they terrorised many of its citizens. Vandalising, bashing, thieving and even, on occasion, raping and murdering,¹ from the late 1870s these gangs of young men, and some of their female followers, were being described by the *Bulletin* magazine as belonging to 'a Larrikin organisation'. Over-indulgence in alcohol was blamed for much of the mayhem created by the pushes but during the years following the end of World War I in 1918, gang-related crime and violent conflicts gradually took on a different character, and became a regular feature of the streets of inner-Sydney.²

The formation of a criminal milieu in the city at this time was influenced powerfully by the cultural, demographic and social changes that occurred following the war. Not the least of these was the rapid increase in the population of the city. Many of Sydney's new residents came from rural areas and settled in the inner-city suburbs, some of which were already overpopulated. The extent of the drift from country to city was viewed as 'alarming'.³ Indeed, many of the criminals who came to the attention of law enforcement officers in the twenties travelled to Sydney from such places as Narromine, Dubbo and Tamworth. The sudden influx of young men in particular caused specific problems for a police force that was chronically understaffed and unprepared for the new breed of gun-toting criminal that was emerging. The attempts of police, legislators, clergymen and others to gain control in a situation that seemed to be getting out of hand by the end of the 1920s encompassed such diverse tactics as slum clearance, undercover police operatives in elaborate disguises, prohibitive legislation, the trialling of new methods of imprisonment and, finally, draconian laws.

¹ J. Murray, *Larrikins: 19th Century Outrage* (Lansdowne Press, Melbourne, 1973), pp. 169-79.

² See G. Morgan, 'The Bulletin and the Larrikin: Moral Panic in Late Nineteenth Century Sydney', *Media International Australia*, No. 85, November 1997, pp. 18-21.

³ P. Spearritt, *Sydney's Century: A History* (UNSW Press, Sydney, 2000), pp. 3-4.

In this chapter I shall canvass the many elements that contributed to the growth of the 1920s criminal milieu in Sydney. Prominent among these were the various pieces of legislation that were gradually introduced from the beginning of the century and which seemed to many ordinary citizens to limit unnecessarily and unfairly their opportunities for various forms of recreation. Much of this regulation, especially in the areas of alcohol, gambling and prostitution, had a 'wowsers' component that was clearly aimed at improving the morals and respectability of the average wage-earner and at bringing them more into line with the standards of behaviour expected of them by middle-class observers. This tendency naturally intensified a 'them and us' dichotomy that was reflected on the streets, in the media and in the courtrooms. The situation also opened the door to the unscrupulous elements in the community who saw the chance to become wealthy: sly-grog sellers, brothel operators, two-up schools and standover men all took advantage of these expanding opportunities. The underlying social fabric in Sydney was complicated by many other factors: the influx of disaffected young men returning from the war; the overcrowded living conditions in the inner-city suburbs; the increasing popularity of cocaine as a recreational drug; the liberation of women in the public sphere; and the mutual relationship being cultivated between the media and the police. The latter enabled a situation to develop that made the 1920s ripe for a major episode of moral panic. The circumstances in Sydney were not unique, being reflected in many other cities in the western world. However, I aim to show how these factors combined to enable the formation of a criminal milieu that, by the end of the decade, was heavily involved in organised crime.

The inner-city suburbs of Surry Hills and Darlinghurst and their close environs such as Redfern and Woolloomooloo, made up the locale that was to become infamous by the end of the decade. Surry Hills was one area in which gangs of hoodlums had long been in the habit of congregating. In the days of the pushes it was claimed the larrikins of Millers Point were 'gentlemen' compared to those of Frog Hollow, a notorious part of Surry Hills.⁴ Described variously by late-nineteenth century commentators as 'styes and stews', 'nests of vice and fever',

⁴

'Frog Hollow. Tales of the Early Days. City Slum Doomed', *Sun*, 13 September 1923, p. 10.

and 'moral plague spots',⁵ the slums of Sydney were marked down for demolition to be replaced with the shops and warehouses thought more suited to a progressive, modern city.⁶ In 1919, when members of the Board of Trade visited Surry Hills and adjacent working-class areas during their inquiry into the cost of living, they found many of the inhabitants living in wretched, cramped and filthy conditions. Drainage from the houses flowed down the centre of streets and through backyards; cottages had no floorboards, their tattered floor coverings being laid directly on asphalt; baths were taken in roofless lean-tos; and at least one squalid dwelling of four rooms housed a family of eleven. Many backyards were lucky to receive an hour of sunlight per day because of the height of surrounding buildings.⁷ Photographs of the area show narrow streets with front doors opening straight onto the footpaths. Backyards, where they exist, are cramped and cheerless, usually housing the outdoor 'dunny' and the clothesline, any remaining space choked by weeds. Women labour with their bags of shopping up the sloping streets or steep wooden stairways to reach the top of the sandstone escarpment; men lounge in doorways, and barefoot children scrounge firewood, collect bottles, play marbles and push homemade wooden carts along the paths and roadways, accompanied by assorted dogs. The dirty surrounds, broken fences, grimy windows and piled-up rubbish in backyards and vacant allotments seem of little concern to the residents going about their daily business, but undoubtedly shocked the 'respectable' Sydney citizen.⁸

Until its gentrification in the late-twentieth century, the reputation of the slums, dark alleyways and narrow brothel-lined streets of Surry Hills and its environs inspired a mixture of fascination and fear in those 'respectable' Sydney residents. They were well aware that such slum conditions were conducive to crime. Housewives, claimed the Reverend Tugwell, vicar of St Peter's at Woolloomooloo, spent their days sitting on their doorsteps, taking no interest in

⁵ 'Through the City Styes and Stews A Mayoral Visit. Nests of Vice and Fever', *EN*, 27 May 1880; and Rev. Dr Ellis quoted in 'The Rookeries of Sydney', *DT*, 10 May 1881 both quoted in A. Mayne, *Representing the Slum: Popular Journalism in a Late Nineteenth Century City* (History Department, University of Melbourne, Parkville, 1991), p. 127 and p. 143.

⁶ Mayne, *op. cit.*, pp. 101-2.

⁷ 'Sydney's Slums. Inspection by Board of Trade. Wretched Living Conditions', *SMH*, 19 September 1919, p. 9.

⁸ See, for instance, photographs in P. Doyle, with C. Williams, *City of Shadows: Sydney Police Photographs 1912-1948* (Historic Houses Trust of New South Wales, Sydney, 2005); Max Kelly, *Faces of the Street* (Doak Press, Paddington, 1982); and C. Keating, *Surry Hills: The City's Backyard* (Hale & Iremonger, Sydney, 1991).

housework or the upkeep of their homes, while the men sought refuge from such insalubrious surroundings in sly-grog shops and gambling dens. He advocated the establishment of public housing in a garden-style village, modelled on a similar scheme in Britain.⁹ Tugwell's was certainly a middle-class attitude but the point he was trying to make is no doubt correct. The drab and cramped living conditions drove men, women and children out on to the streets and sometimes into trouble.

During the 1920s ongoing efforts were made to clear out the worst slum areas of Surry Hills, by gradually resuming the dwellings of Frog Hollow and some of the other unsavoury parts of the suburb. These resumptions continued throughout the decade until a cleared site of over seven acres remained on which was eventually built the Sydney Police Centre. Council, however, with an eye to economic advantage, gazetted the remaining resumed land for factories and warehouses, leaving the dispossessed residents to find housing elsewhere. Tugwell's 'garden-style village' was probably out of the question given the topography of the area, which had always been unsuitable for housing with its steep sandstone cliffs and swampy ground.¹⁰ Many families with the means to do so joined the 1920s exodus to the newly-developed suburbs such as those in the outer-western areas of Canterbury and Bankstown.¹¹ But in general, few in the Surry Hills area could afford to move so far from their places of work and instead they simply took up residence in other nearby 'cramped and wretched' dwellings. Some were undoubtedly very attached to their homes and local communities and remained in the area largely for that reason but there were also residents who suffered a degree of shame for the rest of their lives because of the reputation of the suburb in which they were forced to continue living.¹²

Despite the resumptions and clearing of the worst of the dwellings, colourful newspaper stories and headlines such as 'Wolves of Surry Hills Hunt in Packs', kept alive the myth of that

⁹ 'Demoralising Effects of Slums. Clergyman's Statement', *SMH*, 12 October 1920, p. 9.

¹⁰ Keating, *op. cit.*, pp. 79-84.

¹¹ P. Spearritt, *Sydney Since the Twenties* (Hale & Iremonger, Neutral Bay, 1978), pp. 33-4.

¹² M. Kelly, (ed.), *Sydney: City of Suburbs* (New South Wales University Press, Kensington, 1987), p. 130.

area as a den of gangsters, prostitutes and drug fiends.¹³ Respectable residents often complained to the newspapers about what they saw as the unwarranted notoriety of their suburb. One local gentleman went so far as to delineate the boundaries of Surry Hills as he imagined them, in a letter to the editor of the *Evening News*. The whole of the area which 'embraced the Chinese quarters and those places raided for two-up, and other dens, and where the recent murder was committed' were not, he claimed, in Surry Hills but in a locality which was more correctly known as South Sydney. He concluded his letter by saying that he would like 'the coming race of historians' to research and correctly represent the early history of Surry Hills proper — which was, of course, the part in which he lived.¹⁴ Ten years later, the secretary of the Redfern branch of the United Australia Party complained in a letter to the *Sydney Morning Herald* that much of the crime that was reported through the Redfern Police Court did not actually occur in that suburb; a false impression that it did so, he said, was being given in newspaper reports. He claimed the police agreed that Redfern (a suburb adjacent to Surry Hills) was of 'highly respectable character' and that the inhabitants of the suburb were being 'affected in their employment and happiness' by this error.¹⁵

Other residents seemed to revel in their suburb's infamy. May Smith, a Surry Hills dressmaker, related stories of the grisly happenings outside her front window in Terry Street where, she said, murders, stabbings and other acts of violence were a frequent occurrence. Addressing the coroner at an inquest into a Surry Hills murder, she declared that were she to report every criminal act she witnessed she would get no work done. Instead, she said, she worked at her sewing machine with a revolver by her side. With relish, she informed the court that when she lived at her previous address, also in Surry Hills, 'somebody used to get choked at my back gate every night, so I left'; mainly, she said, because she could not stand 'the gurgling sounds ...'.¹⁶ Such anecdotes were obviously colourful and exaggerated for maximum effect but when recounted in the solemn environs of a coroner's court and reported verbatim in the newspapers, the mythical status of Surry Hills as a den of iniquity was confirmed in the minds of

¹³ 'Wolves of Surry Hills Hunt in Packs. Their Methods Effective. Crook v. Crook', *DG*, 11 March 1926, p. 5.

¹⁴ Phillip Darlington, 'The Letter Bag. Surry Hills,' *EN*, 5 July 1923.

¹⁵ 'Character of Redfern', *SMH*, 19 September 1933, p. 16.

¹⁶ 'Surry Hills Nights. Terrors of Terry and Upton Streets. Dressmaker Defies Toughs', *Sun*, 18 July 1922, p. 7.

the public. To put this witness's evidence in context, May Smith herself may not have been such an innocent onlooker. A few years later, she was charged and convicted on several occasions for distributing and possessing cocaine. Known as 'Botany May' Smith, her house in Terry Street was, the police said, 'visited by the worst elements in Surry Hills'.¹⁷ Perhaps the revolver she kept by her side, even in 1922, was being used for protection against these shady visitors. However, as Christopher Keating points out, we should be careful not to overstate the importance of the criminal underworld to the identity of Surry Hills. Although the extreme poverty of the area prompted many of its residents to resort to crime as a means of survival, others in lean times relied on friends and family networks for sustenance and support, as well as the many private charities that had long been established in the area.¹⁸ There is, nevertheless, no doubt that many of Sydney's brothels, sly-grog shops and illegal gambling dens were situated in Surry Hills and neighbouring Darlinghurst and, as such, the area was a magnet for sensationalist news stories of the day.

Roughly from the beginning of the 1920s, several factors combined to create in the inner-city suburbs the criminal milieu that was soon to cause widespread alarm. A.W. McCoy has defined the most fundamental factor in the formation of a criminal milieu as 'the sense of separateness between state authority, usually personified in the police, and the community of criminals'. Thus alienated, an underworld can develop its particular set of values and modes of operation which keep it distinct, to its own way of thinking, from the state.¹⁹ To the casual onlooker, the 'underworld' is an urban phenomenon and consists of a community of various social groups on the wrong side of the law, such as thieves, drug pushers, prostitutes and gangsters. Such subcultures have existed for centuries although the term 'underworld' is itself a modern one, dating, according to *The Oxford English Dictionary* from roughly the beginning of the twentieth century.²⁰ Since the beginning of convict transportation to Australia in the eighteenth century, there had always been a large criminal element in New South Wales. By the beginning of the twentieth century Sydney's now-respectable status was generally recognised;

¹⁷ 'Woman Sentenced. Drug Distributor', *SMH*, 19 January 1929, p. 22.

¹⁸ Keating, *op. cit.*, p. 59.

¹⁹ A.W. McCoy, *Drug Traffic: Narcotics and Organized Crime in Australia* (Harper & Row, Sydney, 1980), p. 99.

²⁰ K. Gelder and S. Thornton (eds), *The Subcultures Reader* (Routledge, New York, 1997), p. 264; Volume XVIII, *The Oxford English Dictionary* (2nd edn, Clarendon Press, Oxford, 1989), p. 994.

but from about the end of World War I, the extent and pervasive influence of crime again became a worrying issue to Sydney's citizens. It seemed the convict stain, rarely far from their consciousness, threatened to seep once more through the foundations of their hard-won respectability.²¹

The burgeoning criminal scene in the early years of the century was in no small part aided by the effects of legislation on prostitution, firearms, gambling and liquor sales that, while being introduced in attempts to control and regulate activities in these areas, instead created openings for the unscrupulous and the opportunist. The *Police Offences (Amendment) Act 1908*, for instance, while making it an offence for prostitutes to solicit in a public place, simply drove working women to ply their trade in houses, which, as a consequence, proliferated.²² Infamous madams such as Kate Leigh, who began conducting brothels before the war, and Tilly Devine, who arrived in Sydney from England in 1919, both found the peculiar conditions that arose after the war conducive to amassing huge wealth. Both women specialised in other areas besides prostitution, such as the supply and distribution of cocaine and sly grog, but they and other dominant crime bosses of the era undoubtedly built their fortunes on their control of the city's brothels. These brothels served as the bases for the distribution and supply of drugs and alcohol and had a major influence on the growth of a violent and organised underworld during the late 1920s.²³ It is clear that those who controlled the brothels reaped the greatest rewards.

In papers presented to the 53rd Australian and New Zealand Association for the Advancement of Science (ANZAAS) Congress in Perth, Western Australia in 1983, Douglas Meagher, QC quoted the following definition from a conference on organised crime in the United States in 1965:

Organised crime is a product of a self-perpetuating criminal conspiracy to wring exorbitant profits from our society by any

²¹ For a comprehensive discussion of Australia's 'convict stain' and its longstanding effects on Australian society, see B. Smith, *Australia's Birthstain: The Startling Legacy of the Convict Era* (Allen & Unwin, Crows Nest, 2008).

²² R. Perkins, *Working Girls: Prostitutes, Their Life and Social Control* (Australian Institute of Criminology, Canberra, 1991), pp. 126-8.

²³ J. Allen, 'The Making of a Prostitute Proletariat in Early Twentieth Century New South Wales', in K. Daniels (ed.), *So Much Hard Work: Women and Prostitution in Australian History* (Fontana Books, Sydney, 1984), pp. 216-23; V. Kelly, *Rugged Angel: The Amazing Career of Policewoman Lillian Armfield* (Angus and Robertson, Sydney, 1961), pp. 189-91.

means — fair or foul, legal and illegal. It survives on fear and corruption. By one or another means it obtains a high degree of immunity from the law. It is totalitarian in organisation...it imposes rigid discipline on underlings to do the dirty work while the top men of organised crime are generally insulated from the criminal act and the consequent danger of prosecution.²⁴

There is no doubt this situation developed in the underworld of Sydney — and other capital cities such as Melbourne and Brisbane — during the 1920s. While organised crime has a long international history, it became particularly prominent in this era in some Western countries largely as a result of restrictive legislation imposed by governments reacting to the concerns of pressure groups in their communities.²⁵ The well-documented problems that arose in the United States during the Prohibition years are a familiar example. The 'underlings' referred to in the above quotation frequently came from the large numbers of young men who found themselves drifting fatherless and in many cases without older brothers, around the inner suburbs of Sydney after the huge losses in the Great War. Many young returned soldiers, too, joined their ranks, often bringing with them the weapons and skills learned as military men.

Historians have suggested that most returned servicemen from World War I came home with psychological damage of some kind, despite the claim of official historian C.E.W. Bean that they 'merged quickly and quietly into the general population'.²⁶ Some of this damage manifested itself in extreme antisocial activities on the streets of Australia's cities. Ex-servicemen indulged in riotous behaviour, drank excessive amounts of alcohol, and 'lounged menacingly around the streets'. Their aggressive behaviour and, in some cases, mental disturbance, led to their being over-represented in gaols and asylums.²⁷ Allan Phillips, now over 100, remembers the impact of these men on the social fabric of the Sydney streets. They were, he said, 'fierce, violent men. Everyone was afraid of them.' They behaved belligerently, with little provocation, and thought nothing of belabouring tram drivers and other citizens if they felt hard done by.²⁸ Their city

²⁴ D. Meagher, *Organised Crime: Papers presented by Mr Douglas Meagher, QC, to the 53rd ANZAAS Congress, Perth, Western Australia, 16-20 May 1983* (AGPS, Canberra, 1983), p. 20.

²⁵ *Ibid.*, p. 13.

²⁶ Quoted in S. Garton, *The Cost of War: Australians Return* (Oxford University Press, Melbourne, 1996), p. 10.

²⁷ J.A. Allen, *Sex and Secrets: Crimes Involving Australian Women Since 1880* (Oxford University Press, Melbourne, 1990), p. 130.

²⁸ Conversation with Allan Phillips, Armidale, NSW, 26 January 2006.

having acquired a veneer of respectability since its early riotous days, Sydneysiders were apparently not now used to such public displays of aggression and anti-authoritarianism.

In her study of killing in modern warfare, Joanna Bourke examines the historical debate about whether the experience of war 'brutalises' soldiers and whether this brutalisation – if it does occur – is carried back into civilian life. There is not, and is never likely to be, consensus on this question because of the complexity of the various issues involved: much of the evidence in the surveys conducted has been contradictory, as have the conclusions. However, most commentators agree that if a serviceman were predisposed to aggressive or violent behaviour before his military training and experience, his behaviour and outlook would not have been improved as a result of his army service.²⁹ While it is not suggested here that most returned soldiers after World War I turned to crime, the plight of these servicemen was of great concern to authorities and ordinary people alike in the years following the war. *Smith's Weekly* was one newspaper that focused on the dilemma of returned men who committed crimes because of poverty or shell-shock. 'War neurosis' or 'shell-shock' became generic terms for a range of psychological trauma eventuating from war service, but the majority of victims of these disorders were not eligible for admission into mental institutions under the usual criteria. Doctors feared that certifying soldiers might promote depression and harm their chances of recovery.³⁰ *Smith's* claimed that the soldiers' conditions were frequently exacerbated by the policies of the repatriation authorities that failed to integrate them properly into civilian life.³¹ Other newspapers and many social commentators often found it difficult to strike a balance between admiration for the heroic Digger and disgust or dismay at his occasional fall from grace.

The court reports in major newspapers show large numbers of returned men appearing before judges throughout the decade. This conspicuousness is understandable, considering the number that enlisted. However, their ubiquity on the streets; their tendency to gather in large and rowdy groups on corners and in pubs; their occasional predilection for discharging firearms in public; and the prominence given their stories by the press – at least in the early years after the

²⁹ J. Bourke, *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (Granta Books, London, 1999), pp. 345–68.

³⁰ Garton, *op. cit.*, p. 75.

³¹ *Ibid.*, p. 197.

war – led to public concerns which fed into the overall perception that times had changed for the worse and that society was undergoing a serious moral corruption. Justice Bevan commented, during a case before him, that young men went away to war and came back with 'the taste for liquor'. Behaving like 'drunken beasts', they were 'damning the whole of their lives by failing to keep sober'.³² A few weeks later, Justice Wade sentenced two returned soldiers for manslaughter and remarked that because of their war service they 'may have become hardened, with a callousness and indifference to the value of human life by daily association with death'. He said that their crimes could be described as 'war products'. The judge further commented with disapproval on the 'reckless use of firearms and other deadly weapons' that had become common since the war and voiced his belief that society could, as a result, descend into civil war. In the previous six days, he said, three capital charges had been brought before him against returned soldiers, all of a similarly violent nature.³³

The problems of returned servicemen were to occupy the courts for many years. In 1928, a magistrate at Tamworth was taken to task by returned soldiers' associations for remarks made to an ex-soldier appearing before him in court. Refusing him time to pay a fine, the magistrate remarked: 'The war has been over for 10 years now and it is time those who went to it realised that they are now civilians. If you are going to bring any returned soldiers' business into this affair I don't want to hear you.'³⁴ A few months later, Leslie Thompson found the same lack of sympathy at the Darlinghurst Quarter Sessions. Despite pleading that he had been gassed during the war so badly that he could not work and had been driven to crime, he received no leniency on his charge of housebreaking and was sentenced to two years' gaol with hard labour.³⁵ The particular privations suffered by returned men were no doubt poorly understood by at least some sectors of the judiciary but many judges also demonstrated a healthy cynicism about the excuses being brought to their courtrooms by these men so long after the last shots had been fired.

³² 'Drunken Railway Travellers. Judge Bevan's Comments', *SMH*, 1 March 1920, p. 7.

³³ 'Serious Offences. Two Soldiers Sentenced', *SMH*, 24 March 1920, p. 10; 'Soldiers and Slaying. Cruel, Callous Crimes a War Product', *Truth*, 28 March 1920, p. 9. (Unless otherwise indicated, all references to *Truth* are to the Sydney edition).

³⁴ 'Returned Soldiers. Magistrate's Observation', *SMH*, 17 February 1928, p. 16.

³⁵ 'Quarter Sessions. Housebreaking', *SMH*, 15 August 1928, p. 10.

Whereas most comments by judicial figures are to be found in the court reports in various newspapers, moral quandaries were occasionally highlighted by social commentators in the media in the early years after the war. An annual meeting of the Prisoners' Aid Association at the Sydney Town Hall was told by the chair of the Chamber of Commerce that the war had had 'a baneful effect upon the whole human race' with a consequent increase in crime and other acts of wrongdoing.³⁶ In June 1920, one lengthy newspaper article headed 'Crime & Criminals. The Soldier and His Liabilities', drew attention to the comments of a magistrate from the New South Wales town of Armidale, A. Ormonde Butler. He had complained about the large numbers of returned soldiers who committed criminal acts and then made representations for leniency based on the fact that they had 'served King and country'. Butler pointed out that other judges were facing the same problem and were having to remind ex-soldiers of their duty as citizens to obey the laws. The article went on to claim that a similar situation had developed in Sydney after the Boer War, namely that 'garrotters, ravishers, burglars, house-breakers...and sneak thieves' had 'not quite shaken off their martial inclinations' and had 'moved judges and magistrates to pity'. The article alleged that murder and other serious crimes had become so prevalent in countries such as New Zealand, Canada and Great Britain since the war, that their gallows had been working overtime, mostly despatching ex-soldiers to their deaths. It concluded:

These matters are mentioned to impress on the community...that waves or cycles of serious crime always follow the termination of a war: that most of the criminals are ex-soldiers, many of them being hardened evildoers who appeal for and occasionally receive lenient treatment because they took up arms...we know that in many instances these appeals have not been made in vain. Now, however...judges and magistrates realise that leniency in every such case is a mistaken policy, that if the fair name and fame of the soldiers are to be protected, nothing but severity will succeed.³⁷

In February of that year, the New South Wales state government introduced a special policy for those ex-servicemen who were convicted of criminal offences and sentenced to gaol. To help return them to mental and physical health, especially when they had suffered shell-shock or war wounds, it was decided to keep them separate from the normal prison population and 'apply reformatory open-air treatment' in the form of prison farms and afforestation camps. This

³⁶ 'Increase in Crime. Suggested Reforms', *SMH*, 7 September 1920, p. 8.

³⁷ 'Crime & Criminals: The Soldier and His Liabilities', *Truth*, 13 June 1920, p. 9.

seems to have been a genuinely humanitarian move which, as well as answering public concerns, was intended to deal sympathetically with those men who had been damaged by their war experiences, in the hope of restoring them to normal life.³⁸ It is unclear, however, just how conscientiously this policy was applied. George Thomas Ellison, for instance, a returned soldier arrested for breaking and entering, was sentenced to twelve months' hard labour in Goulburn Gaol a few months after the introduction of the policy, the judge remarking that 'returned soldiers must understand that war services do not give them a licence to commit crime'.³⁹ Another young returned soldier, Clarrie Thomas, whose case will be discussed in detail in Chapter Three, was also sentenced to Goulburn Gaol in the following year,⁴⁰ despite his being demonstrably affected by his war service. Such media reporting and commentary had the effect of highlighting both the antisocial behaviour of soldiers and the ambiguity in attitudes towards returned servicemen.

One factor that contributed to the changed character of the criminal milieu in these early years was that many returned soldiers, apart from their propensity for alcohol-fuelled violent street behaviour, also brought with them high levels of cocaine dependence generated by treatment for battle wounds, sleep problems, neuroses and shell-shock. On the battlefield, cocaine had been administered largely because alcohol was banned, and morphine was sometimes given to those suffering shell-shock so they could be returned to battle, rather than be evacuated.⁴¹ Once soldiers were back in Australia, drug addiction spread rapidly to prostitutes, who were often paid in cocaine.⁴² While this was not a major problem to the community at large in the early years of the decade, by the end of the 1920s cocaine addiction was ravaging the lives of many.

Torn between sympathy for the damaged soldier and horror at the colourful press stories of innocent young women transformed into dope fiends, authorities and the public were unsure how to tackle the emerging drug problem. In 1919 in Melbourne, police employed the ethically-questionable tactic of sending one of their constables, dressed in the uniform of a highly-

³⁸ 'Soldier Prisoners. Reformative Treatment. New System to be Employed', *SMH*, 23 February 1920, p. 6.

³⁹ 'Finger-Print Case', *SMH*, 17 December 1920, p. 7.

⁴⁰ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

⁴¹ McCoy, *op. cit.*, pp. 84-5.

⁴² Allen, in K. Daniels (ed.), *op. cit.*, p. 217.

decorated member of the AIF, into a chemist's shop to purchase cocaine. At the trial of the unlucky pharmacist, the prosecution explained that authorities had made 'special arrangements' in this matter for permission for the police officer to wear the uniform of a returned serviceman because of 'the drug habit among soldiers'.⁴³ While newspapers reported such incidents with relish, it is difficult to estimate how much the rhetoric of the media contributed to the overall perception of the developing criminal milieu, at least in the early years of the decade. Clearly, reporting of antisocial behaviour by returned soldiers helped increase their visibility and highlighted the ambivalent attitudes that developed around the Digger. But within a few years feature stories about criminally-inclined returned soldiers seem to have faded into the background, to be overtaken by the more pressing problems of the razor wars and the cocaine epidemic. The incidents of latter years involving former servicemen, such as those in 1928 mentioned above, barely raised an eyebrow outside the courtroom.

Brothel owners such as Kate Leigh and Jim and Tilly Devine were the chief cocaine dealers in Sydney during the twenties,⁴⁴ but there were many smaller dealers who made a living out of distributing the drug. The police alleged that illegal cocaine supplies — that is, those not imported for use by pharmacists, dentists and doctors — were smuggled into Australia by ship from Java and Singapore. After being offloaded in northern ports such as Darwin and Cairns, the drugs were then brought overland by car to Sydney and other parts of Australia. They were distributed, the police claimed, from 'palatial flats in Darlinghurst and slums in Surry Hills' to all parts of the city, where drug parties were frequently held.⁴⁵ When Herbert Foley appeared in court on a charge of having stolen goods from a motor car in December 1928, he foolishly attempted to dispose of a package of cocaine by rushing into the middle of the court and throwing it towards the public gallery. He claimed, when questioned about the incident, that he was a cocaine addict who had brought the drug with him from Cairns. The police alleged, however, that he was a notorious cocaine runner. He collected orders from wine bars and hotels, then sold the packets of drugs for five shillings, collecting one shilling commission.⁴⁶ By 1929

⁴³ 'Sale of Cocaine. Chemist Fined £20', *SMH*, 20 February 1919, p. 6.

⁴⁴ L. Writer, *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog* (Macmillan, Sydney, 2001), p. 38.

⁴⁵ 'Women Arrested. Alleged Drug Traffic', *SMH*, 24 March 1928, p. 21; 'Cocaine Menace. Leakage From the North', *SMH*, 10 April 1928, p. 10.

⁴⁶ 'Scenes in Court...Packet of Cocaine Thrown Into Public Gallery', *SMH*, 5 December 1928, p. 12.

Australia was said to vastly outstrip other Anglo-Saxon countries in the consumption of cocaine.⁴⁷

There was much moralising from pulpit and press about the 'dope problem'. One medical superintendent claimed that cocaine was a major influence in many of 'the most atrocious crimes in Sydney'.⁴⁸ However, the extent to which there was an actual 'epidemic', as claimed, is questionable. It has been alleged that authorities exaggerated the extent of cocaine use to shore up support for legislation that would reinforce the sovereignty of medical practitioners and the authority of the law. For instance, in Melbourne in 1923, it was estimated that there were only about twelve cocaine users, all of them prostitutes. In New South Wales the extent of cocaine use was also exaggerated, according to Desmond Manderson. In 1926 it was calculated that there were 15 prostitutes using cocaine and about ten people dealing. As Manderson says, 'Fifteen women do not constitute an epidemic'.⁴⁹ Whatever the truth, the public certainly came to believe Sydney was in the midst of a drugs epidemic and this belief was no doubt helped along by a press which found newspaper sales vastly improved, as the decade advanced, whenever it ran a story about drug use.⁵⁰ In 1923 the *Daily Guardian* went so far as to organise a 'sting' on a hapless pharmacist in Pitt Street. The newspaper sent a 'young and good-looking' girl to the pharmacy of W.G. Cains Ltd where she persuaded the staff to sell her enough cocaine 'to kill several people', according to the article. The story was published the following day on the front page of the newspaper, the name of the pharmacy included in the headline, and its full address detailed in the body of the article. The pharmacy was accused of having been 'proved willing to act as poisoners of the young manhood and girlhood of Sydney'.⁵¹

Whatever the case in the early years, as the decade advanced drug-related arrests increased. In 1928, an inspector of the Pharmacy Board, giving evidence in court against Thomas Barnett for possession of drugs, told the magistrate: 'Drug taking is so rampant that it is affecting the physical well-being of the State. Only recently I interviewed a woman who was a mass of

⁴⁷ 'Cocaine. Australia's Heavy Consumption', *SMH*, 22 October 1930, p. 14.

⁴⁸ 'Cocaine Blamed. Responsible for Sydney's Crimes?', *DT*, 31 August 1928, p. 4.

⁴⁹ D. Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws* (Oxford University Press, Melbourne, 1993), pp. 95-6.

⁵⁰ *Ibid.*, p. 132.

⁵¹ 'How "The Daily Guardian" Trapped a Sydney Cocaine Seller. Drug Bought Over the Counter at W.G. Cains Ltd', *DG*, 18 July 1923, p. 1.

punctures over the breast and arms.⁵² By 1929 police were describing drug-taking as a 'growing menace' in Sydney.⁵³ When Ada and Hazel McGuinness were arrested for having cocaine in their possession in August 1929, the arresting officers claimed there were hundreds of women cocaine addicts in the city. Ada herself was accused of being a menace to the community, particularly to young women, and of having associated with every known drug trafficker in Sydney.⁵⁴ Only two months earlier, she had been fined two hundred and fifty pounds for possession of cocaine, described as a 'notorious trafficker', and dubbed 'the vilest creature it was ever my misfortune to encounter' by the arresting officer.⁵⁵ Convicted again in August, she was sentenced to 12 months' imprisonment but her daughter, Hazel, was released on a good behaviour bond. Hazel was, said the magistrate, a 'victim of circumstances', and had been brought up in an 'environment of immorality and dope'.⁵⁶ Photographs of Ada and Hazel, taken on the day of their arrest, appear in *City of Shadows*, the book of police photographs recently assembled by Peter Doyle and Caleb Williams. Ada, 62 years old and wearing the fur coat under which she concealed the 22 packets of cocaine, faces the camera lens with a cheeky smirk. Her pretty daughter, Hazel, also fur-coated, looks downcast and slightly dishevelled, with wrinkled silk stockings and unkempt hair. She seems younger than her 21 years and it is easy to see why the court took pity on her.⁵⁷

Arrests for drug possession only became possible late in 1927 under the *Police Offences Drugs Bill* but, once armed with the power, police acted with great zeal. In 1929 alone, 144 arrests for drugs possession were made.⁵⁸ A great many of those picked up were women such as Ada McGuinness. Others who appeared frequently in court were the aforementioned May Smith of Surry Hills, described by police as 'the most notorious retailer of cocaine in Sydney',⁵⁹ and Lillian Sproule of Darlinghurst, 'the most persistent seller of cocaine...'.⁶⁰ Police described miscreants in this way to the court to help maximise penalties and strengthen their case for tighter legislation. When quoted by the media, such descriptions also served to stress to the

⁵² 'Illicit Drugs. Man Sent to Gaol', *SMH*, 13 December 1928, p. 9.

⁵³ 'Woman Sentenced. Drug Distributor', *SMH*, 19 January 1929, p. 22.

⁵⁴ 'Victims of Cocaine. Hundreds of Women Addicts. Police Court Revelations', *SMH*, 8 August 1929, p. 13.

⁵⁵ 'Woman Fined £250. Possession of Cocaine', *SMH*, 19 June 1929, p. 12.

⁵⁶ 'Victims of Cocaine. Hundreds of Women Addicts. Police Court Revelations', *SMH*, 8 August 1929, p. 13.

⁵⁷ Doyle with Williams, *op. cit.*, pp. 186-7.

⁵⁸ McCoy, *op. cit.*, pp. 89-90.

⁵⁹ 'Woman Fined £250. Possession of Cocaine', *SMH*, 11 May 1928, p. 6.

⁶⁰ 'Cocaine Traffic. Woman Sentenced', *SMH*, 26 September 1928, p. 12.

public the importance of the job the police force was doing on its behalf. But press reports of cocaine convictions also helped to engender a form of 'moral panic' over the supposed 'drug problem' and to impress on the minds of the public the desirability of ridding the city of underworld elements that were said to be infesting such areas as Surry Hills and Darlinghurst.⁶¹ These public anxieties, which were probably quite deliberately invoked, helped to reinforce the case made by authorities for the strengthening of their powers against criminal elements.

Since the mid-nineteenth century in Britain, popular journalism had been exploiting sensational crime for the purpose of selling newspapers, with much success. Broadsheet newspapers were also aware of the increased circulation guaranteed when a particularly sordid murder or divorce was featured. By the start of the twentieth century, informal contacts between newspaper reporters and police were achieving mutual benefits: the papers were granted important pre-trial information about upcoming court matters, and the police and other authorities increasingly came to realise the value of using the media to shape public opinion.⁶² In Australia, the so-called 'penny press' began publication in the mid-nineteenth century, in competition with the established newspapers such as the *Herald* in Sydney and the *Argus* in Melbourne. Penny newspapers paid particular attention to the entertainment value of news by using dramatic headlines and shorter stories and placing less emphasis on colonial politics. By the late-nineteenth century, crime stories, sexual cases and explicit details about human transgressions, criminal or otherwise, were a staple of popular newspapers. The expansion of the tabloid *Truth* empire into every state in Australia by the early-twentieth century did much to popularise the reporting of crime.⁶³

By the 1920s, Sydney newspapers were highly competitive, with new publications such as the *Daily Guardian* and the *Labor Daily* being introduced in tabloid format and forcing the modernisation of the *Daily Telegraph* into a more 'popular' style. By 1927 the *Telegraph* had

⁶¹ See reference to Stanley Cohen's thesis on moral panics in the Introduction.

⁶² S. Chibnall, 'Chronicles of the Gallows: The Social History of Crime Reporting', in H. Christian, (ed.), *The Sociology of Journalism and the Press*, (University of Keele, Keele, 1980), pp. 206-9.

⁶³ D. Cryle, '"Old Tales, New Techniques": Popular Journalism 1860-1930', in A. Curthoys and J. Schultz, (eds), *Journalism: Print, Politics and Popular Culture* (University of Queensland Press, St Lucia, 1999), pp. 56-60.

become a 'bright, breezy tabloid newspaper'.⁶⁴ Deliberately targeting the mass market, the new tabloids shortened news items, made wide use of new printing technologies and utilised 'striking typographical devices' to spark the interest of their readers.⁶⁵ By 1928, tabloid newspapers were making lavish use of their own photographs and reprints of police mugshots to illustrate the crime pages.

There is no doubt that the mutual back-scratching which developed between police and the press in Britain was also happening by the 1920s in New South Wales and that, by the end of the 1930s, police and journalists had forged extremely close connections. Competition among newspapers forced crime reporters to form personal links with both underworld figures and police officers to enable publishing of the types of exclusive reports and intimate details that the reading public demanded. Proof of the extraordinarily close ties between reporters and police is evidenced by the fact that when Vince Kelly, the chief crime reporter for *Smith's Weekly*, left that newspaper in 1934, Sydney CIB detectives made history by giving him a formal farewell dinner. It is significant that notable underworld figures also 'showered him with gifts'.⁶⁶

Bill Jenkins, for many decades from the 1930s the top crime reporter for the *Daily Mirror*, testifies to his close relationship with police in his life story when he talks about the importance of having intimate relationships with the most influential officers. As Jenkins says: '...for the real guts, you needed the men in the field who headed major inquiries...I and my fellow crime reporters knew scores of top cops. We all had our favourites, and they had theirs'.⁶⁷ Police and reporters also engaged in social drinking sessions after work. Philip Knightley, an Australian journalist who worked for the Sydney *Truth* and *Daily Mirror*, tells a revealing story about Jenkins and his fellow crime reporters drinking for four to five hours a day with detectives, from whom they got their leads. Jenkins, a Catholic, drank with a group of his co-religionists in the police force, including Ray Kelly. Noel Bailey, crime reporter for rival

⁶⁴ V. Isaacs and R. Kirkpatrick, *Two Hundred Years of Sydney Newspapers: A Short History* (Rural Press Ltd, North Richmond, 2003), pp. 14-5.

⁶⁵ B. Griffen-Foley, 'Operating on "an Intelligent Level": Cadet Training at Consolidated Press in the 1940s', in A. Curthoys and J. Schultz, (eds), *Journalism: Print, Politics and Popular Culture* (University of Queensland Press, St Lucia, 1999), p. 143.

⁶⁶ G. Blaikie, *Remember Smith's Weekly? A Biography of An Uninhibited National Australian Newspaper Born: 1 March 1919 Died: 28 October 1950* (Rigby Limited, Adelaide, 1966), pp. 197-8.

⁶⁷ N. Lipson, and T. Barnao, (eds), *As Crime Goes By. The Life and Times of 'Bondi' Bill Jenkins* (Ironbark Press, Randwick, 1992), pp. 152-3.

newspaper, the *Sun*, and an Anglican, drank with Protestant members of the force.⁶⁸ Jenkings appears not to have fully understood the extent to which the police were using him and other reporters for their own ends. Lubricated by large quantities of alcohol, he reproduced faithfully in his newspaper articles the information provided by his 'favourite' officers without questioning its veracity. Despite the later overwhelming evidence of corruption in which some of his police friends had been engaged, Jenkings always refused to believe they had been anything but straight with him.⁶⁹ Police officers, therefore, had a ready vehicle in the crime reporting corps with which to push their version of events, or their opinions as to the need for crime control or tougher legislation.

Some criminals, too, used the newspapers for their own ends. In his book about *Smith's Weekly*, George Blaikie relates the story of a visit by Vince Kelly, a reporter for that newspaper, to the police cell of 'Warrigal' Naughton who was awaiting trial for jumping bail on a charge of break-and-enter, and who had invited the reporter for the purpose of telling his story. Described by Blaikie as 'a cheerful scamp' – a somewhat disingenuous description given Naughton's habit of carrying and using a firearm – 'Warrigal' related a colourful tale involving his adventures leading up to his capture in dramatic circumstances on the Fremantle docks in Western Australia. Kelly featured this story as a full-page spread, illustrated with a photo of Naughton dressed in three-piece suit, top hat and crocodile-skin shoes. He headed his story, 'How a Criminal Made Laughing Stock of Police' and made great play out of how easily Naughton and other escaped criminals could leave the country when police and customs authorities were supposedly on the lookout for them.⁷⁰ It is not clear why Naughton invited the reporter to tell his story. Perhaps he was paid a sum of money for the tale, or perhaps he just wanted to boast about how he had outwitted police while on the run. Whatever the reason, the incident is significant in its illustration of the way in which both reporter and criminal used each other and in the way the press itself responded. The relationships amongst police, newspapers and criminals were complex and constantly evolving at this time.

⁶⁸ P. Knightley, *A Hack's Progress* (Random House, Milsons Point, 1998), p. 49.

⁶⁹ Lipson and Barnao, *op. cit.*, pp. 155-7.

⁷⁰ 'How a Criminal Made Laughing Stock of Police', *Smith's Weekly*, 3 January 1931, p. 3; Blaikie, *op. cit.*, pp. 197-9.

While the tabloid newspapers happily wallowed in gruesome and colourful detail, the broadsheets railed against what they saw as the 'provoking' of crime by such reporting. They believed that 'picturesque' reporting encouraged imitation by would-be criminals and turned gangsters into celebrities. Crime films from America were also blamed for glorifying 'the crook and his exploits'.⁷¹ The 1920s saw huge growth in the American film industry and a swamping of the Australian domestic market with every type of American film, for which the Australian public quickly developed an almost insatiable taste.⁷² These films included gangster movies, and it was in this decade that women's organisations and church groups in all states began enthusiastically lobbying governments for film censorship.⁷³ In 1921 the Justices' Association in Western Australia alleged that crimes committed by young people could, in a great many cases, be traced to films in which 'vice and crime are presented in the most alluring guise'. The *Daily News* in Western Australia went so far as to claim that all moving pictures encouraged criminality in children because many were forced to steal money to pay for their admission to the pictures!⁷⁴ The concerns of public organisations shifted away from what they perceived as the endorsement of immorality by films to their alleged encouragement of criminality.⁷⁵

In 1925 the Commonwealth Film Censorship declared in its annual report to parliament that a 'more decided stand' was being taken against films that depicted criminals as heroes. Such films, instead of being cut or edited to remove offensive material, were now returned to the originating country without being shown in Australia. Despite the fact that the Censorship also busily deleted scenes of 'excessive brutality', 'murders if depicted in revolting detail', or 'excessive shooting',⁷⁶ gangster movies were still regarded as having a pervasive influence on public behaviour. Hugh D. McIntosh, MLC, complained in a speech to state parliament in 1925 that American films '...idealise the crook of every sort for public approbation.'⁷⁷ By 1934 the

⁷¹ 'Crime in the Papers', *SMH*, 14 July 1928, p. 11; 'Crime and Punishment', *SMH*, 28 September 1928, p. 10; 'The Growth of Crime', *Bulletin*, 3 July 1929, p. 8.

⁷² G. Shirley and B. Adams, *Australian Cinema: The First Eighty Years* (Angus and Robertson Publishers and Currency Press, Australia., 1983), p. 77.

⁷³ S. Walker, 'Film Censorship in Western Australia: Public, Government and Industry Responses 1898-1928', *Murdoch University Electronic Journal of Law*, Vol. 9, No. 3, September 2002, p. 2.

⁷⁴ *Ibid.*, p. 14.

⁷⁵ *Ibid.*, p. 19.

⁷⁶ See extract from 'Commonwealth Film Censorship report for the year 1925' in I. Bertrand, (ed.), *Cinema in Australia: A Documentary History* (New South Wales University Press, Kensington, 1989), p. 113.

⁷⁷ Quoted in L. Conor, *The Spectacular Modern Woman: Feminine Visibility in the 1920s* (Indiana University Press, Bloomington, 2004), p. 84.

various state censorship bodies were being criticised for their laxity by at least one commentator, Beatrice Tildesley, in an article in the *Australian Quarterly*. Young people, said Tildesley, were being instructed in 'up-to-date criminal methods' through American gangster and racketeer movies that glorified crime.⁷⁸

Nowhere was the so-called picturesque reporting in the media more evident than in the tabloid accounts of the legendary women of the period such as Tilly Devine, Kate Leigh, Dulcie Markham and Nellie Cameron. While there is no doubt Devine and Leigh vigorously engaged in building and consolidating prostitution, cocaine peddling and sly grog empires during this period, the attention given them and their female cohorts by the tabloids served only to increase their public profiles and perhaps engender a certain amount of admiration for their deeds. Due in large part to such reporting, these four women attained a glamour and notoriety that, to the public, came to typify the underworld during the period.

In the long-running feud between female crime bosses Tilly Devine of Darlinghurst and Kate Leigh of Surry Hills, the *Truth* newspaper took sides. When Devine travelled to London to care for her ailing mother, readers were treated to a full transcript of a letter, which the paper called an 'underworld hymn of hate', written by Tilly to the editor and airing grievances against her old rival, Kate. An accompanying profile of Devine described her as having likeable traits of humour and magnanimity, being fond of her husband, and acting as a charming hostess in her 'tastefully furnished' Maroubra home. When her husband shot dead the infamous 'Gaffney the Gunman', the paper commented approvingly that this did not cause Devine to neglect her household tasks of cleaning and tidying.⁷⁹ Tilly was thus portrayed as a woman possessed of many desirable feminine attributes, including a facility for good housekeeping. A couple of years later, however, when she was being sentenced on a charge of consorting 'with women of a certain class', the newspaper saw a different side to Tilly. According to the *Truth's* journalist, 'Devine flew into a frenzied rage. Her face turned a rich purple, her eyes became piggish, and in a berserk shriek...she poured out a stream of vile abuse...'. A few months later, when accused in court of 'maliciously injuring a barrow-load of fruit', she was described as 'screeching' and

⁷⁸ Quoted in *ibid.*, p. 149.

⁷⁹ 'Says Tilly to Kate: Underworld Hymn of Hate Comes to "Truth" Across the Seas From Far Off London', *Truth*, 29 June 1930, p. 15.

turning on 'one of her usual tantrums of raving and screaming'.⁸⁰ The *Truth*'s opinion of her apparently changed when she behaved in a less-than-ladylike manner and its readers were thereafter enthralled by many salacious and condemnatory tales about Tilly.

There was, however, a certain public warmth for Devine that extended beyond the underworld and endured for many years. In 1930 the *Daily Guardian* published an interview with her, as she set sail from Fremantle for London, in which she was described as 'Queen of the Kids' because of her popularity and generosity with the children on board.⁸¹ When the occasion warranted, both Tilly and the press could use each other to their mutual advantage. She also gave generously to the war effort, buying thousands of pounds' worth of war bonds. She donated money and gifts to the Collaroy Children's Home, refusing to give her name.⁸² As a young doctor at St Vincent's Hospital in the 1930s and 1940s, John Failes remembers her with great fondness and admiration. She regularly brought her young women to the outpatients' clinic for treatment and, according to Failes, spared no expense on their behalf. He remembers how, during the war years, when colleagues returned from a stint on the front line and welcome-home celebrations were in order, a phone call to Tilly Devine would result in not only all the alcohol they required but caviar, lobsters and oysters — this, of course, during a time of strict rationing.⁸³ There is no doubt that the gifts and money Tilly bestowed, and the illicit goods she acquired for all and sundry, were the result of her numerous criminal undertakings, but this did not seem to worry the doctors of St Vincent's or the nurses of Collaroy Children's Home.

In contrast to its early affection for Tilly Devine, a mocking and sometimes vitriolic tone was adopted by the *Truth* towards Kate Leigh. Publicly denounced by Devine, with great hypocrisy, as a 'white slaver' and 'dope pusher',⁸⁴ Leigh was described by the *Truth* variously as 'the worst woman in Sydney', a 'vile old harridan of the underworld', an 'underworld hag', and an

⁸⁰ 'Tilly Lets Off Steam. Vile Stream of Abuse Rouses Court', *Truth*, 6 March 1932, p. 12; 'Tilly Lifted Her Voice And Was Dropped In a Cell', *Truth*, 4 September 1932, p. 15.

⁸¹ 'Tilly Devine Is Now Queen of Kids', *DG*, 11 March 1930, p. 7.

⁸² Writer, *op. cit.*, pp. 256-7.

⁸³ Conversation with John Failes, Armidale NSW, on 8 May 2006.

⁸⁴ Entry for Kathleen Mary Josephine Leigh in B. Nairn and G. Serle, (eds), *Australian Dictionary of Biography*, Vol. 10: 1891-1939 (Melbourne University Press, Carlton, 2005), pp. 68-9.

'offensive old parasite'.⁸⁵ She was accused of being a police informer and thus being protected from prosecution for her sly-grog shops. The *Truth* also suggested that she had arranged an underworld 'hit' on senior detectives of the drug squad after she was gaoled for possession of cocaine.⁸⁶ However, in later years, the popular magazine *People*, while calling her 'one of the uncrowned Queens of Sydney's Slumland', photographed her on the balcony of her Surry Hills terrace house distributing Christmas gifts to the neighbourhood children. Every Christmas, said the article, she acted as 'Lady Bountiful' to the neighbourhood children; she gave donations to the Salvation Army and to church charities; she adopted a six-week-old boy and, when he grew up, sent him to college; she regularly worked on the electoral booths for the Labor Party; and she was regarded fondly and with respect by her neighbours. Nevertheless, the once-beautiful Kate was also depicted in the article as 'fat, blowsy, [with] little piercing eyes, set in her furrowed, leathery face...', a woman on whom her customary fur coats and racks of diamond rings and necklaces looked simply ridiculous.⁸⁷ As a culture of feminine charm and glamour became well-entrenched in the 1920s,⁸⁸ women could not be forgiven for losing their looks. It is tempting to claim that in both Devine and Leigh, there are faint echoes of E.J. Hobsbawm's social bandit or noble robber,⁸⁹ particularly when there is more than a hint of suspicion that — as with Devine — the toys distributed by Leigh in her famous street parties for slum children were most likely the proceeds of warehouse robberies undertaken by local gangsters on her behalf. Hobsbawm laid down strict guidelines in defining the 'noble robber'. The only criterion that could conceivably apply to Devine and Leigh is that of 'taking from the rich to give to the poor', and this was usually done in strictly regulated doses. As a tool for manipulating their public image, however, this strategy was extremely powerful and often worked to their advantage.

The 1920s was an era when modern women were emerging from private life into public. They were initially an unfamiliar spectacle, striding in a disconcertingly purposeful manner through the streets to work, riding unchaperoned on public transport, and inflaming indignation,

⁸⁵ 'Worst Woman in Sydney Gets Away With Time to Pay', *Truth*, 10 January 1932, p. 15; 'Underworld Hag Tries to Attack "Truth" Representative', *Truth*, 6 March 1932, p. 15.

⁸⁶ 'Woman Who Defied Law for Years', *Truth*, 19 October 1930, p. 17.

⁸⁷ 'Study in Scarlet: An Uncrowned Queen of Slumland Drips with Diamonds and Charity', *People*, 15 March 1950, pp. 11-15.

⁸⁸ See M. Lake, 'Female Desires: The Meaning of World War II', *Australian Historical Studies*, Vol. 24, No. 95, 1990, pp. 270-4.

⁸⁹ E.J. Hobsbawm, *Bandits* (rev. edn, Pantheon Books, New York, 1981), pp. 42-3.

curiosity and lust in onlookers with their glamorous and revealing clothes, makeup and newly-bobbed hair. They invited and enjoyed the visual attention of men who sometimes, to their mutual chagrin, mistook them for prostitutes. For many years thereafter, the tabloid press and other media, particularly film, exploited the new stereotypes of the modern young woman with great enthusiasm both in Australia and abroad.⁹⁰ A beautiful woman could sell newspapers, particularly if she was accompanied by a whiff of danger. 'Pretty Dulcie' Markham was one such. Described by the *Truth* in a special front-page profile as a 'Beautiful Blonde Man-Huntress' and as 'Australia's most beautiful bad woman', Dulcie was a prostitute who took to the streets of Kings Cross at the age of 15. Within twelve months she had lost her gangster boyfriend, stabbed to death by a stiletto wielded by a jealous gangland rival for her affections. The *Truth* believed Dulcie to be a victim of her sad childhood and represented her as a 'fascinating woman of the world [for whom] there is no more queer study for the psycho-analyst than this well-dressed attractive girl...'. It was, said the *Truth*, strange to relate that Dulcie and her sisters of the 'demi-monde' also had innocent pastimes such as dancing, surfing and the theatre.⁹¹ 'Pretty Dulcie' also came to be known as the 'Angel of Death' because, during her lifetime, eight men, two of them her husbands, died in brutal gun battles when vying for her favours; two others were seriously injured. One of these battles took place with machine guns at the Melbourne Cricket Ground. Dulcie herself, over a number of years, was shot, bashed, slashed with a razor and thrown from the top floor of a block of flats, but outlived all the men with whom she associated.⁹²

On the streets at the same time as Dulcie was Nellie Cameron, who, said the *Sunday Telegraph*, was 'a sexy redhead with a ripe figure and provocative china blue eyes'. Nellie also habitually consort with the gangland bosses of the era, most of whom died of gunshot wounds while in her company after fighting over her 'like jungle animals'.⁹³ The high profiles given to these women were probably out of all proportion to their actual influence in the underworld, but the curiosity of the public at that time about such women was inexhaustible and the tabloid newspapers knew exactly what their readers wanted. Further titillation was provided by

⁹⁰ L. Conor, 'The City Girl: Appearing in the Modern Scene', *Lilith*, 11, 2002, pp. 57-65; also see Conor, *The Spectacular Modern Woman*; and D.E.Ruth, *Inventing the Public Enemy: The Gangster in American Culture, 1918-1934* (University of Chicago Press, Chicago, 1996), pp. 98-9.

⁹¹ 'Stiletto Thrust Ended Her Lover's Life: Beautiful Blonde Man-Huntress Denies That Jealousy Was Motive for Gangster's Death', *Truth*, 25 September 1932, p. 1.

⁹² Lipson and Barnao, *op. cit.*, pp. 135-8; A. Shand, 'Ganglands', *Bulletin*, 27 April 2004, pp. 28-9.

⁹³ Quoted in D. Hickie, *Chow Hayes, Gunman* (Collins/Angus & Robertson, North Ryde, 1990), p. 70.

occasional feature articles about female prisoners and their daily lives in gaol. One such article in the *Truth* purported to explain why women ended up in gaol. Whereas men were imprisoned as the result of robberies or crimes connected to thieving, women apparently languished behind bars because they would risk everything to secure the love of a man. Even those women who were in gaol for crimes of violence or theft were ostensibly acting at the behest of some man who was a 'dim, shadowy figure in the background'. The fact that the women's section of Long Bay Gaol was full at the time of writing was put down to

...the revolution in sex relations that the past 25 years have brought about. The male mind has been strong enough to assimilate them but the female mind has been swept off its perch...There is always at work...the resolute little band of eugenists and real social workers whose efforts will eventually restore normality to the weaker sex generally.⁹⁴

Women were thus seen in some quarters as victims both of men and of their own inferior intellect, unable to act autonomously and in need of constant supervision and correction to ensure they stayed on an appropriate path. The association in the public mind of women, drugs and prostitution was encouraged by the media in the form of increasingly colourful stories as the decade advanced, so that by the late 1920s gangsters and their 'molls' were seen to be as much a part of the Sydney underworld as they were in American cities. Lurid stories about the gangster's moll were also a constant feature of newspapers and magazines in the United States. The motivations of women – many of them, like 'Pretty Dulcie', from respectable backgrounds – who became involved with gangsters, were endlessly analysed, described and wondered at. The reading public's appetite for these stories was seemingly insatiable.⁹⁵

The sly-grog shops run by Kate Leigh and Tilly Devine flourished because of the introduction in 1916 of six o-clock closing in hotels.⁹⁶ This was a further factor in the formation of a criminal milieu in Sydney. It was brought in by the Holman government under the umbrella of the *Liquor Act 1916* in response to a violent riot by drunken soldiers and a subsequent

⁹⁴ 'Class Conscious Prisoners Out at "The Bay". Women Who Have Gone Wrong and Women Wronged', *Truth*, 10 August 1930, p. 11.

⁹⁵ Ruth, *op. cit.*, pp. 106-7.

⁹⁶ P.N. Grabosky, *Sydney in Ferment: Crime, Dissent and Official Reaction 1788 to 1973* (Australian National University Press, Canberra, 1977). p. 140.

referendum.⁹⁷ Prosecution of sly-grog sellers developed into a handy revenue-raiser for the government with the police customarily employing 'official assistants' to set up raids. An assistant would enter a shop at which the sly grog was being sold, buy some bottles with marked coins, then tip off the police. A raid would then take place and a search be conducted for the marked coins, which would be used in evidence in court. The assistant was commonly paid ten pounds if the raid resulted in a conviction and a fine. When Constable Dimmock set such a trap in January 1928 at the premises of a ham-and-beef shop proprietor at Belmore, farcical scenes took place in the subsequent court case. The defence claimed that it could not be proved that the two sealed bottles supposedly containing Sydney Bitter actually did hold intoxicating liquor. Upon the magistrate asking if anyone in the court room knew what beer tasted like, Dimmock, the arresting officer, replied, with alacrity, 'I do!' When the magistrate requested that he conduct a taste test, the policeman removed the stopper, took a hearty swig, and declared, 'Beer!' The offender, in this case, was fined thirty pounds and allowed to pay in instalments of five pounds per month.⁹⁸ A typical low weekly wage at this time being four guineas (£4/4/-),⁹⁹ this was a considerable fine. Nevertheless, sly-grog dealing continued to flourish through the twenties and well beyond.

Sales of sly grog were not confined to shops but often took place from private dwellings, frequently causing ill-feeling amongst neighbours that sometimes led to violence and/or court proceedings. On Christmas Eve, 1920, Thomas O'Brien of Surry Hills, a returned serviceman, became angry at the bad language and boisterous behaviour of the groups of men frequenting the dwelling next door. The owners of this house were dispensing sly grog. When he complained to the men, they ganged-up and threw beer bottles at him, whereupon he fired his service revolver into the ground, emptying all chambers and scattering the men. One of the bullets ricocheted and wounded a woman who was watching from her nearby house. A man, whom O'Brien took to be an onlooker, then addressed O'Brien as 'digger' and said, 'I'm a digger too', thus putting O'Brien off guard. When O'Brien put his revolver in his pocket, the putative digger swung at his head with a beer bottle, then ran away. The violence of these events escalated over the next few days, the combatants ending up in court where accusations of sexual advances, further assaults, 'filthy

⁹⁷ Writer, *op. cit.*, pp. xxvi-xxix.

⁹⁸ 'An Expert. Constable Dimmock Knows Beer. Sly-Grog Raid', *Truth*, 29 January 1928, p. 8.

⁹⁹ Wage of the abovenamed Allan Phillips when he married in 1929.

language' and threats were aired.¹⁰⁰ In these early years after the war, when possession of an unlicensed gun was not an offence, it was not uncommon for returned men to use firearms quite readily, citing self-defence if charged. Combinations of firearms, drunkenness and public belligerence were becoming more frequent in some parts of Sydney, and the use of the bottle as a weapon was increasingly popular. In this case, O'Brien found the famed camaraderie of the digger used against him, but there were many instances when returned soldiers were found to have banded together for protection, for companionship or, in some cases, to wreak particular mischief.

Accompanying the growth of sly-grog dealing was the phenomenon of the standover merchant, who extorted money from brothels, sly-grog shops, drug dealers, two-up schools and illegal SP bookmaking establishments.¹⁰¹ Known as 'racketeers' in the United States, standover men perhaps had the biggest influence on the success and profitability of organised crime in these early years. Jack Finnie was one who, in the early to mid-1930s, was well-known to police for standing over sly-grog houses, two-up schools and SP betting shops. Armed with guns, he and his colleagues terrorised the illegal establishments of Sydney to such effect that none of his victims would give evidence against him. As with many standover men, he was gaoled for relatively trivial offences and managed to evade imprisonment for murder and attempted murder by pleading self defence. On several occasions he was shot and badly wounded — once by infamous gangster Chow Hayes — as a result of underworld vendettas.¹⁰² Like many of his cohorts, Finnie grew up in the inner-city suburbs and spent hours every week as a young man in the neighbourhood gymsnasiums. In his youth, he was a champion boxer both in Australia and the Philippines.¹⁰³ As was the case with other standover men, he chose to use his skills as a professionally-trained fighter to intimidate and extort money from those less able to defend themselves. When such physical intimidation failed, he would brandish a firearm.

While more of a threat to the criminal underclass than to the average citizen, standover men contributed to the growth of another form of violence on the streets of Sydney: that of the

¹⁰⁰ 'In O'Sullivan Street. Ills of Surry 'ills. O'Brien and His Shooting-Iron', *Truth*, 23 January 1921, p. 11.

¹⁰¹ McCoy, *op. cit.*, pp. 103-4.

¹⁰² 'Victims Terrorised. "One of the Worst Criminals"', *SMH*, 9 February 1935, p. 12; Hickie, *op. cit.*, pp. 83-4 and pp. 171-3.

¹⁰³ Inscribed photo of John Joseph Finnie in his boxing gear in possession of author.

organised gang. Brothel and sly-grog shop proprietors like Tilly Devine and Kate Leigh hired their own teams of gunmen and thugs to protect them from standover men, who sometimes worked alone but more often in groups or in pairs.¹⁰⁴ The most successful freelance standover men, such as Finnie and Clarrie Thomas, were themselves recruited for these gangs.

While the public either looked askance at, or took vicarious delight in, the doings of the female drug and sly-grog dealers, and prostitutes of Surry Hills, Darlinghurst and Kings Cross, the violent men who roamed these districts by day and night were becoming more of a problem as the 1920s advanced, causing increasing public concern over the level of crime and violence on Sydney's streets. This was no doubt fuelled to some extent by the sensationalist treatment given to violent crime by tabloid newspapers such as the *Truth*, the *Sun* and the *Daily Telegraph*. Arrests, which had fallen during the war years, rose sharply thereafter, as did arrests for crimes against property. Police were suspected of accepting bribes from brothel owners and prostitutes.¹⁰⁵ There is little evidence other than anecdotal to be found about police corruption during this period. Persistent stories, as mentioned above, about Kate Leigh's 'protection' from sly-grog prosecution were never officially substantiated, but it is unlikely she and Tilly Devine would have been able to operate for so long and with such success without paying-off key police officers.

By the late 1920s, the booming cocaine trade was provoking gang warfare amongst competing interests. The formation of these gangs became evident to the police when, in 1924, increasing numbers of mob fights — still called 'push' fights in some newspaper reports — began to concern them. The members of these mobs stabbed their victims with broken bottles and knives and kicked them into insensibility before fleeing the scene. Onlookers frequently joined in the fray. Sometimes the fights were between rival mobs but on many occasions the victims of the attacks were solitary men. Inner-city suburbs such as Redfern and Surry Hills and the city parks were the usual venues for these assaults. Police considered the 'push elements' of the city were becoming 'more numerous and daring'.¹⁰⁶ Adopting what they described as 'more forceful tactics', the police claimed to have cleaned up the worst of the mob activity by March the

¹⁰⁴ Writer, *op. cit.*, pp. 41-2.

¹⁰⁵ Grabosky, *op. cit.*, pp. 109-14.

¹⁰⁶ 'Mob Fights. Affray At Redfern', *SMH*, 8 December 1924, p. 10.

following year, following an incident in Prince Alfred Park when a young man was beaten almost to death.¹⁰⁷ However, their optimism was misplaced. A serious attack on a man in September was followed a few months later by a series of outbreaks in Redfern and Kensington. On one night, four separate mob fights occurred in Redfern alone. Others took place on following nights in Hyde Park, Surry Hills and Pyrmont. A feature common to all these assaults was the victims' refusal to identify their attackers, even though they admitted to knowing who they were. Police officers who attempted to intervene were themselves badly injured.¹⁰⁸ Reports about such incidents were becoming so numerous that it seemed, in the minds of the public, that police had lost control of law enforcement and allowed gangs to take over the streets.

During the last two years of the 1920s, gangland feuds were said to be becoming more numerous and more violent. In 1928 and 1929 there were regular reports of underworld brawls conducted by armed gangsters, many of them in broad daylight in front of innocent citizens. Shots were fired, often aimed at police who had tried to intervene. Sometimes these feuds involved revenge attacks against those who had 'dobbed in' the operators and players at two-up schools, or framed their enemies in a police action. The streets of Surry Hills and Darlinghurst were often the preferred venues for the acting-out of these bloody feuds.¹⁰⁹ One of the worst of them took place in May 1929 when 'Phil the Jew' Jeffs was accused by rival gangsters of substituting boracic acid for cocaine. Twenty gangsters came together on a Darlinghurst corner with fists, razors and guns, leaving several critically injured, including Jeffs. The violence continued for several days in sporadic outbursts around the city, and prompted the residents of Darlinghurst to ask the government for extra police protection for their suburb. This was refused because, it was said, the gangsters merely used Darlinghurst as a staging-ground for the brawl on this occasion; their actual haunts were elsewhere.¹¹⁰ In other words, the authorities no doubt

¹⁰⁷ "'Push' Gangs. Police Offensive', *SMH*, 11 March 1925, p. 15.

¹⁰⁸ 'Mob Law. Injured Constable Makes Arrest', *DG*, 20 May 1924, p. 5; 'Savage Attack. Man Seriously Injured', *SMH*, 4 September 1925, p. 12; 'Fired On Police Constable. "Push" Fight', *SMH*, 22 March 1926, p. 9; 'Larrikin Pushes. Fight in South Sydney. Series of Outbreaks', *SMH*, 24 May 1926, p. 12; 'Police Attacked In Hyde Park. Three Men Arrested', *SMH*, 7 June 1926, p. 10; 'Attacked by "Push". Man Suffers Concussion', *SMH*, 31 August 1926, p. 10; '"Push" Attack. Trimmer Injured', *SMH*, 1 September 1926, p. 12.

¹⁰⁹ 'Gang Warfare. Man Shot. Affray at Surry Hills', *SMH*, 9 April 1928, p. 8; 'Shots Fired. Underworld Vendetta. Two Men Injured', *SMH*, 15 March 1928, p. 11; 'Gang War. Man Shot Twice', *SMH*, 22 June 1928, p. 11; 'Shooting Affray. Victim's Reticence', *SMH*, 8 August 1928, p. 16; 'Man Assaulted. After Hot Pursuit. Gang's Vengeance', *SMH*, 29 August 1928, p. 15.

¹¹⁰ Hickie, *op. cit.*, pp. 149-50; 'Gang War. Archer in Critical Condition', *SMH*, 11 May 1929, p. 17.

thought that if Darlinghurst were awarded extra policing then adjoining suburbs such as Surry Hills, Redfern and Woolloomooloo would soon be making similar claims.

'Chow' Hayes, one of Sydney's most notorious gangsters, recounts in his life story how he was often attacked by opposing gang members if they happened to see him walking alone. On one occasion, in August 1928, he was spotted by members of the Rocks Push as he entered a hotel. They jumped off the tram on which they were riding, checked to make sure he was alone, grabbed an iron bar and fractured his skull. He was hospitalised for three weeks. Two years later his skull was again fractured, this time by members of the Surry Hills Mob who found him alone in Elizabeth Street. Hayes confirmed that gang affrays were nightly occurrences and were often deadly in their intent.¹¹¹ In September 1925 standover man Clarrie Thomas was walking along Sophia Street, Surry Hills at about one a.m. when he was 'savagely attacked' by a band of half-a-dozen men. He was found a few minutes later unconscious and with a fractured skull. He lingered in a near-death condition for several days before recovering consciousness. He gave no information to police.¹¹² Thomas, whose story is related in a later chapter, was a known member of the underworld, so it is probable that this was another gang-related attack. It can be seen from these examples that it would have been in the best interests of standover men and other thugs to move in groups, or gangs, for their own protection. To walk through the city and its environs unattended was inviting injury or even death.

Even when gangsters met peaceably in private dwellings, they were not immune from the law. In 1927 Inspector of Darlinghurst police, William John Mackay, was given the job of clearing out the gangster haunts of Darlinghurst. His last and most spectacular act before he was promoted to the position of Chief of the Criminal Investigation Bureau took place when he raided number 74 Riley Street in January 1928, with more than 20 police officers. Claiming later in court that this house was 'one of the most notorious thieves-kitchens in Sydney', the police waded in with fists, boots and truncheons and, after a prolonged and bloody battle, arrested and handcuffed fifteen men and women. There were injuries on both sides. On 25 January 1928, in

¹¹¹ Hickie, *op. cit.*, pp. 78-80.

¹¹² 'Hit with Bottle. Man in Serious State', *Sun*, 3 September 1925, p. 16; 'Savage Attack. Man Seriously Injured', *SMH*, 4 September 1925, p. 12; 'In Search of Thugs. Scouring the Underworld', *Labor Daily*, 4 September 1925, p. 6; 'Hit with Bottle. Man Regains Senses', 4 September 1925, p. 8.

court, the alleged thieves and gangsters protested that they had been enjoying 'a quiet party with a few drinks, some singing, but no music' when rudely interrupted by a squad of 'hostile, brawling police'.¹¹³ The defendants — ten men and five women — were photographed by an official photographer at Central Police Court as they waited outside the court room and these photographs appear in *City of Shadows*. Eight of the men scowl into the camera, most wearing smart three-piece suits and fedoras. Raymond Neill (alias 'Gaffney the Gunman') is one of the men, his arm in a sling. Three of the arrested women appear in these photographs, also dressed in high fashion.¹¹⁴ The well-dressed gangster and his woman obviously did their best to impress the judge. Perhaps they took their cue from their American counterparts whose stylish clothing and automobiles were often remarked upon by the American press and represented in gangster films by Hollywood.¹¹⁵ On this occasion prosecutions were successful against some of the defendants but these convictions were quashed a fortnight later on appeal.¹¹⁶

With the public's fears about gangsters escalating, the *Sun*, in an editorial entitled 'When Murder Stalks the City Streets', called for police numbers to be increased to meet the threat of 'American methods of gunmanship' being employed by Sydney's gangsters and for legislation to be enacted 'to check the lawlessness of the gangs which appear to be getting out of control'. They called for laws to make consorting with criminals an indictable offence.¹¹⁷ The *Truth* followed with typically colourful language a few days later. Its editorial said, in part:

Every day in the calendar of the Sydney criminal is a blood-red letter-day...The gunmen, razor slashers, the bottle-thugs, all jostle heroic birdmen and great statesmen for space in the dailies. Gangs of well-known criminals consort quite openly in public places and may be found at any hour in popular hotels and wine bars...The present Vagrancy Act has long outlived its usefulness, and like the Crimes Act needs drastic amendment to enable the police and the judiciary to deal more effectively with violent criminals...They must be given power to arrest men and women who consort with known criminals and when two or more known criminals consort together it should constitute an offence...¹¹⁸

¹¹³ 'House of Thieves? C.I.B. Chief Mackay in a Swirl of Fists and Boots at "Party". When Police Called Lady Threw a Fit', *Truth*, 29 January 1928, p. 8.

¹¹⁴ Doyle with Williams, *op. cit.*, pp. 141, 168 and 191.

¹¹⁵ Ruth, *op. cit.*, pp. 66-70.

¹¹⁶ 'Quarter Sessions. Appeals', *SMH*, 17 March 1928, p. 14.

¹¹⁷ 'When Murder Stalks the City Streets', *Sun*, 15 March 1928, p. 12.

¹¹⁸ 'Police Powers Must Be Extended', *Truth*, 25 March 1928, p. 12.

Partly as a result of the so-called 'House of Thieves' affair above, as well as in response to public and press concerns, the Chief Secretary successfully applied for the police force to be strengthened with 200 more men and for the laws relating to criminal gangs to be tightened. A campaign against gangs was launched with police requesting stiffer penalties be applied to those associating with criminals.¹¹⁹

While the gun was initially the gangsters' preferred method of enforcing control, the *Pistol Licensing Act* introduced in 1927, which was meant to restrict the use of firearms, prompted many standover men to adopt bottles and razors as their principal weapons of choice.¹²⁰ By the end of the decade, while public anxiety about crime and gang activity on Sydney streets was high, the so-called razor gangs caused more public panic and disquiet than did any other issue. The *Truth* waged a vigorous law and order campaign, targeting the razor gangs with headlines such as 'Terrorists of Darlinghurst Underworld — Slashed and Disfigured Victims'.¹²¹ Columns of gruesome details were offered to the *Truth*'s readers and both the tabloids and the broadsheets offered suggestions as to how to halt the 'crime wave', ranging from the lash for razor wielders¹²² to extensive widening of police powers to enable the arrest of criminals for merely consorting with each other.¹²³

Public alarm increased with each lurid story given prominence in the tabloids. While the public in general probably had less to fear from razor attacks than did opposing criminal gang members, by March 1928 the panic about razor attacks was such that State Cabinet amended the law to introduce the lash as punishment for those convicted of assaulting with razors.¹²⁴ This was enthusiastically supported by, among others, the *Sydney Morning Herald*, which declared that criminologists testified to flogging as a deterrent to those who used the bottle or razor as a weapon.¹²⁵ In March, Judge Curlewis gave Gordon Barr a five-year term for slashing the face of

¹¹⁹ 'Police Force. To be Strengthened. 200 More Men', *SMH*, 17 March 1928, p. 17.

¹²⁰ Grabosky, *op. cit.*, p. 118.

¹²¹ 'The Razor Gang. Terrorists of Darlinghurst Underworld', *Truth*, 12 June 1927, p. 15.

¹²² 'Crime and Punishment', *SMH*, 28 September 1928, p. 10.

¹²³ 'Clean Up Razorhurst! "'Truth" Demands Ruthless War on Denizens of the City's Plague-spot. Strengthen Forces of Order!', *Truth*, 23 September 1928, p. 21.

¹²⁴ 'The Lash. For Razor Assaults. Cabinet's Decision', *SMH*, 13 March 1928, p. 11.

¹²⁵ 'Crime and Punishment', *SMH*, 28 September 1928, p. 10.

his wife's friend, Betty Carslake. The *Truth* described the judge as having 'courageously opened the offensive against Sydney's murderous underworld' in giving him this unusually-lengthy sentence. Barr, who had a habit of marrying prostitutes and living off their earnings, had gone to Carslake's flat to seek his wife, 'Diamond' Dolly, who was in hiding from him. On being prevented from seeing her by Carslake, he drew a razor and slashed her across the cheek, inflicting a disfiguring wound.¹²⁶ Although the writer of the *Truth*'s article gloated that the lash was now a feared spectre haunting razor men, its use was not recommended in this case by Curlewis and it does not appear to have featured in the punishments imposed on other razor slashers despite its enthusiastic endorsement by sectors of the community.

The panic over razor attacks was reflected in a number of instances where citizens rushed into police stations or hospitals, demanding protection from the razor gang. Some of these fears were imaginary, as in the case of the man who, in January 1928, opened his door to a loud knocking. Finding himself confronted by a squad of plainclothes police, who had surrounded his house in Redfern in the mistaken belief it was inhabited by a gunman, he fled in terror, convinced he was being attacked by the razor gang. The police, in turn, wrongly thinking the man to be the criminal whom they were seeking, chased him through the streets and lanes of Redfern for several miles. After scaling a twenty-foot wall, still with the police in hot pursuit, the man burst through the doors of Regent Street Police Station, panting and terrified, shouting that he was being pursued by the razor gang!¹²⁷ Incidents such as these, all enthusiastically reported and often exaggerated by the media, served to convince the general public that the streets were unsafe. Such sensationalised reporting then — as it often does now — resulted in an uneven focus on violence and street crimes which became associated in the public's mind with terror and fear on a very personal level.¹²⁸ While both police and media reports had at first described razor attacks as being confined to gang members, the difficulty of prosecuting the perpetrators had led them to claims that the general public was also at risk from razor slashing. The *Truth* newspaper,

¹²⁶ 'Judge Flays Slasher. Inflicts Maximum Penalty of Five Years on Razor Bully and Regrets He Can't Make it Ten Years', *Truth*, 25 March 1928, p. 21.

¹²⁷ 'Terrified Man. Seeks Police Protection. Alleged Visit from Razor Gang', *SMH* 18 January 1928, p. 15; 'Shots Fired. Underworld Vendetta. Two Men Injured', *SMH*, 15 March 1928, p. 11; 'Nervous Residents. Result of Razor-slashings', *SMH*, 10 April 1928, p. 11.

¹²⁸ R. White and F. Haines, *Crime and Criminology: An Introduction* (2nd edn, Oxford University Press, South Melbourne, 2000, pp. 7-8).

in particular, assured its readers that they were in terrible danger and took up the call for harsher punishment, agitating vigorously in favour of a consorting law.¹²⁹

The campaign waged by the tabloid newspapers to give police extra powers to arrest those found consorting with criminals therefore found wide support with both the public and authorities. In November 1929, after vigorous debate, state parliament passed the *Vagrancy (Amendment) Act*, to come into effect the following year. The so-called 'consorting act' was the centrepiece of the State government's drive to rid Sydney's streets of razor slashers, gunmen and prostitutes. The amended act contained a new clause which allowed police to arrest anyone who 'habitually consorts with reputed criminals or known prostitutes or persons who have been convicted of having no visible lawful means of support'.¹³⁰ This clause, which was contentious from its very beginning, and which will be discussed in more detail in the following chapter, was known as the 'consorting clause', and was said to be ultimately responsible for ridding Sydney of its razor gangs. The amended act came to be seen as a watershed in the fight against violent crime and was hailed by the Commissioner of Police as 'remarkably successful' in ridding the streets of prostitutes and professional gangsters.¹³¹ It was the ultimate attempt at asserting power over a gangland that, to the casual observer, seemed rapidly to be getting out of control.

By the end of the 1920s, Sydney's underworld was firmly established and comprised a network of rival gangs whose job was to protect the interests of crime bosses such as Tilly and Jim Devine and Kate Leigh. It was also home to numerous standover merchants, con-men, thieves, gunmen and thugs who, while they often worked in a freelance capacity, could be called upon by one side or the other when a bit of extra muscle was needed, or a particular skill such as safe-blowing required. The popularity of the city's brothels ensured the viability of the cocaine trade, and restrictive liquor trading and illegal gambling legislation provided another basis for lucrative law-breaking. Media reports, fuelled by the enthusiastic input of police and politicians, encouraged the public to believe Sydney was in the grip of a crime wave of enormous proportions that imperilled the lives of all its inhabitants. But the truth was that the violent and

¹²⁹ A. Steel, 'Consorting in New South Wales: Substantive Offence or Police Power?', *University of New South Wales Law Journal*, Vol. 26, 2003, pp. 582-3.

¹³⁰ Section 4 (2)(j), *Vagrancy (Amendment) Act*, No. 30, 1929.

¹³¹ 'Crime Decreasing. Effect of Consorting Act', *SMH*, 4 July 1930, p. 13.

warring gangsters of Sydney's underworld were more of a threat to each other than to the ordinary citizen. The real outcome of the development of the city's gangland in the 1920s was the consolidation of organised crime in Sydney, a phenomenon that was to have serious social, economic and political consequences in the decades to come.

Chapter 2

'Prison is a piece of good fortune...'

The Making of the Urban Criminal

It is now the accepted historical orthodoxy that the origins of modern policing lie in 'the management of social order' rather than in the control or eradication of crime.¹ This component of police work was still very much in evidence during the period under discussion, with its heavy emphasis on street betting, public drunkenness, riotous behaviour, street prostitution and indecent language. While police may have seen themselves, as Raymond Gordon suggests in his doctoral study, as 'the gatekeepers of normalcy',² arrests for such offences were unpopular with the public at large and earned the police a good deal of antipathy and disaffection on the streets. Sentiments such as these were not peculiar to the working-class people of Sydney, of course. David Taylor has demonstrated in his study of popular responses to the 'new police' in nineteenth-century England, that many ordinary men and women viewed police as seeking to impose on them the values of their middle- and upper-class masters 'in matters which, however socially reprehensible, were hardly threatening to the fabric of society'.³

This chapter argues that belligerent and sometimes eccentric methods of policing unpopular legislation; the unrealistic attitudes and expectations of the judiciary; and overly-harsh and aggressive treatment of inmates in gaols, all contributed to an environment in which petty criminals — especially young men — were almost encouraged to rise through the ranks to become the razor slashers, gangsters and gunmen thought to be such a threat to the Sydney community by the late 1920s. This was a time of much general interest and debate about

¹ R. Hogg and H. Golder, 'Policing Sydney in the Late Nineteenth Century', in M. Finnane (ed.,) *Policing in Australia: Historical Perspectives* (New South Wales University Press, Kensington, 1987), p. 70.

² R.D. Gordon, 'The Constitution of Power in the New South Wales Police Service', PhD Thesis, University of Technology, Sydney, 2003, p. 20.

³ D. Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict and Control* (Manchester University Press, Manchester, 1997), p. 125.

criminality and matters relating to prisons. I describe a selection of these debates in order to give a sense of the thinking behind some of the issues that arose inside the courts and gaols and that influenced the actions and lives of these young men.

While much press publicity at the time was given to the major crime bosses and their high-profile henchmen, I have chosen to focus in this chapter on some of the young criminals who, while not well known to the general community, were causing concern to judicial authorities because of their increasingly-frequent appearances in court rooms. These youthful lawbreakers were significant because many of them banded together to become the standover men who enforced the wishes of the crime bosses such as Kate Leigh and the Devines. It would seem that one incarceration in prison was often enough to encourage them onto a path leading from petty misdeeds to more serious crimes involving drugs, armed robbery and other acts of violence. I have also included a comprehensive discussion of the parliamentary debate leading up to the consorting law. This controversial piece of legislation was offered as a solution to the alleged crime wave and was hailed as a success. By examining some of the ways in which this law was interpreted and policed, I seek to offer a different evaluation of its purpose and its ultimate effectiveness.

The peculiar methods of Sydney policing had long attracted criticism from various quarters, usually to no avail. In an era when fingerprinting and such technology as the telephone were relatively new aids in the solving of crime, Sydney police officers employed a diversity of methods, many of which achieved notoriety. Criminal pursuits such as sly-grog dealing, prostitution and illegal gambling, all of which had been made the objects of unpopular legislation, were the targets that took up much police time. Sometimes undercover officers staked out gambling or sly grog venues for days and even weeks, awaiting the right moment for a raid. Others became masters of disguise and infiltrated the underworld. The infamous Sergeant Cecil Chuck, known as 'The Bogeyman' by his underworld opponents, was one of these, occasionally using the unpopular ruse of dressing as an AIF soldier and behaving in a dissolute manner in order to entrap sly grog operators and other lawbreakers. Despite public uproar and

protests to the court and in the newspapers, he continued to do this throughout the 1920s.⁴ His other disguises became almost as legendary: as the Shah of Persia, he infiltrated Sydney's Movie Ball in 1925 and hauled a waiter and barman off to court for selling unlicensed liquor;⁵ as 'George the Greek' he moved around the working-class districts of Sydney with an almost missionary zeal, targeting wrongdoers and bringing them to justice.⁶ In his efforts to suppress the activities of sly-grog operators, illegal gambling dens, drug pushers and brothels, he often engaged members of the public to act as undercover police agents, many of whom risked their lives in this work. One of his favourite assistants, Luther Gabriel (nicknamed the Archangel Gabriel by members of the underworld), was so unpopularly successful that his sudden death in 1921 was greeted by celebrations. A procession through the streets of Redfern was held, bearing an effigy of Gabriel that was cast into a fire.⁷ Incidents such as these reveal the undercurrents of dissent and dissatisfaction that often marked relationships between police and the policed.

There is strong evidence, through accounts such as these, that the force was not held in high esteem by the general populace in the inner-city suburbs. This attitude is also reflected in the frequent stories of mob attacks on constables trying to effect arrests, many of whom were badly injured and lucky to escape with their lives. Although hostility to police has been identified by Russel Ward and others as a characteristically Australian trait,⁸ Robert D. Storch has documented instances of similar large-scale attacks on police in Northern England during the mid-nineteenth century when officers tried to arrest people for gaming offences, or for being drunk and disorderly.⁹ Initially, these district riots in England often had the objective of getting rid of the police altogether. However, once it was realised this would not happen, such outbreaks took on more modest aims, including the attempt to preserve popular pastimes and the protection of community members threatened with arrest. Storch describes anti-police violence as 'a typical component of the undercurrent of everyday Victorian life'.¹⁰

⁴ V. Kelly, *The Bogeyman: The Exploits of Sergeant CJ Chuck, Australia's Most Unpopular Cop*, (Angus and Robertson, Sydney, 1956), p. 15.

⁵ 'The Shah's Raid', *SMH*, 4 June 1925, p. 5.

⁶ Kelly, *The Bogeyman*, p. 22.

⁷ *Ibid.*, p. 44.

⁸ See, for instance, R. Ward, *The Australian Legend* (Oxford University Press, Melbourne, 1958), pp.144-50.

⁹ R.D. Storch, 'The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History*, 20, 1975, pp. 73-5, 76-83, 86-9.

¹⁰ *Ibid.*, p. 89.

In Sydney, this phenomenon occurred throughout the 1920s and into the early 1930s. A constable in the act of arresting one or two men or women for minor offences would be set upon by bystanders, who then engaged in kicking and punching the officer to the ground. (These attacks were distinct from the nineteenth-century occurrences of larrikin assaults on the constabulary, wherein street pushes would lie in wait for, and systematically assault, patrolling police for no specific reason other than general disgruntlement with the force and its methods.)¹¹ By 1923 such occurrences had become so commonplace that the Acting State Premier was moved to appeal to the public to help police wherever possible, and this was supported by the Justices' Association of New South Wales which suggested, as a precaution, that police should specifically ask for assistance from bystanders when they deemed it necessary.¹² A few days after the Acting Premier's appeal, however, police at Millers Point, in attempting to arrest some 'drunken sailors', were manhandled and injured by a large crowd. They called for help from onlookers, who instructed them to 'Do your own dirty work!' No assistance was given.¹³ Lillian Armfield, Sydney's first policewoman, described a number of such attacks on her throughout the 1920s. The first occurred early in her career when she attempted to arrest a young female absconder from the country town of Orange whom she noticed walking through Surry Hills with a male companion. Within a few minutes, a threatening crowd of over two hundred had gathered and a beer bottle was thrown at Armfield, cutting her on the face. She was saved from further personal violence only by the arrival of two colleagues.¹⁴ On later occasions, girls were dragged away from her by angry mobs that followed her 'taunting and threatening, for several blocks' as she tried to make her way to the nearest police station.¹⁵ The attacking crowds that gathered on these occasions quickly swelled to number in the hundreds, as was the case when Constable Jack Wright tried to escort two men to the Redfern Police Station on a Saturday night. A violent crowd of over 200 men, women and children bashed and kicked him so severely — all the while yelling, 'Kill the cop!' — that he was close to death when rescued by colleagues. No onlookers

¹¹ M. Finnane, *Policing in Australia: Historical Perspectives*, pp. 63-4.

¹² 'Attacks on Police. Acting Premier Appeals to Public', *SMH*, 19 January 1923, p. 9; 'Attacks on Police. Justices' Resolution', *SMH*, 20 January 1923, p. 13.

¹³ 'Police Attacked. Miller's Point Fracas', *SMH*, 22 January 1923, p. 9.

¹⁴ V. Kelly, *Rugged Angel: The Amazing Career of Policewoman Lillian Armfield* (Angus and Robertson, Sydney, 1961), pp. 30-2.

¹⁵ *Ibid.*, p. 32.

went to his aid, although an anonymous telephone call summoning help was made to the station by a nearby resident.¹⁶ Constables Saville and Galvin faced over 400 jeering and hooting onlookers when they arrested a woman for 'disorderly behaviour' one Christmas Eve. Beating the mob back with their batons and firing their revolvers into the air, they finally dispersed the crowd, but not before Galvin was felled by a blow on the head from a beer bottle.¹⁷

These hostile occurrences were not confined to Sydney. In Melbourne, which was experiencing its own outbreak of mob-related violence against police, similar large throngs of people punched and kicked arresting officers. A 'menacing crowd' of 150 people at Brunswick forced Constable Dodge to draw his baton after suffering severe damage to his head from being thrown against a wall when attempting to effect an arrest. Two months later, at Fitzroy, 300 people threatened five policemen with 'personal violence' before dragging their handcuffed prisoner from their grasp. With their backs to the wall, the officers fought off the crowd with batons until they were able to reach the safety of a nearby hotel. Again, at Fitzroy, two incidents occurred on the same night when savage attacks were made on arresting officers by members of large crowds who snatched away the police constables' prisoners and inflicted serious injuries on the officers, one having several fingers bitten almost to the bone.¹⁸

It is not clear why these incidents became so frequent during the period under discussion. It is possible, because of the factors already discussed, the streets were indeed becoming more lawless and that, faced with this outbreak of crime, police found their resources inadequate and stretched to the limit. They made many appeals during the 1920s for increases in their numbers and these were supported by the press and some of the public, who clearly felt unsafe as they went about their daily affairs. Very often police had to draw their revolvers to hold mobs at bay while waiting for assistance from colleagues. They were kicked, beaten with their own batons,

¹⁶ 'Constable Attacked. Crowd Watches Assault', *SMH*, 2 December 1924, p. 9; 'Assault on Constables', *SMH*, 6 March 1925, p. 10; 'Police Attacked. Two Constables Injured', *SMH*, 16 March 1925, p. 9; 'Fierce Attack. Policemen Assaulted', *SMH*, 4 April 1925, p. 17; 'Fired On. Police Constable. "Push Fight"', *SMH*, 22 March 1926, p. 9; 'Constable Attacked. Halts Prisoner With Revolver. Attack By A Mob', *SMH*, 1 March 1926, p. 11; 'Brutal Mob Attacks Policeman', *SMH*, 10 September 1928, p. 13.

¹⁷ 'Police Assaulted on Christmas Eve. Hostile Crowd', *SMH*, 26 December 1928, p. 8.

¹⁸ 'Melbourne Gangs. Constables Attacked', *SMH*, 2 January 1926, p. 11; 'Mob Violence. Attack on Police', *SMH*, 15 March 1926, p. 11; 'Attacks on Police in Melbourne. Gangs of Roughs', *SMH*, 22 November 1926

and bashed with bottles and heavy blocks of cement. On at least one occasion a police officer emptied his revolver into a crowd, some members of which drew guns and returned fire.¹⁹

However, it is also possible that the reasons for these assaults lay more with the unpopularity of the charges the arresting police were making, and also with the fact that the methods of policing were clearly unsuited to the task. In most of the above instances, officers were attempting to arrest men or women for obscene language, sly-grog selling, drunkenness, or betting in the street, while some arrests were occasioned by women engaging in 'disorderly behaviour': that is, prostitution. In 1920, when Norman O'Brien was charged with selling sly grog and accused of having prostitutes on his premises in Berwick Lane, Darlinghurst, he protested in court:

You people live in a different sphere of life and do not understand. It is a free and easy life down there. Possibly one or two [prostitutes] have been there, but I have been brought up in the underworld! You cannot understand!

The usual brawl had taken place during the raid and one of the defendants, 23 year-old John Walker, had first bitten an arresting officer's thumb 'viciously', then drawn a gun and attempted to shoot him, crying, 'I'll blow your lights out with this, you ---!' The hammer of his revolver fortunately fell on an empty chamber. A large number of men and women joined in the fracas, with one constable losing his baton during the struggle after allegedly breaking a defendant's nose with it.²⁰ O'Brien's frustrated outburst to the judge is revealing of the contrasting attitudes and underlying social assumptions that bedevilled the major players in the seedy dramas that unfolded before the courts. To O'Brien and his co-accused, their way of life was completely normal and not worthy of police attention.

¹⁹ 'Policeman Menaced. Mob Held Off at Revolver Point', *SMH*, 22 December 1930, p. 10; 'Attack On Police Constable. Methylated Spirit Drinkers', *SMH*, 18 February 1932, p. 10; 'Furious Mob Assault Police', *SMH*, 29 February 1932, p. 9; 'Cowardly Gang Punch and Kick Constable', *SMH*, 8 August 1932, p. 9; 'Mob Assault On a Constable', *SMH*, 13 January 1933, p. 9.

²⁰ 'In the Underworld'. Police Commence Crusade. Exciting Experiences in Berwick Lane', *Truth*, 10 October 1920, p. 9.

Many working-class people of the inner-city suburbs had a traditional and strong belief in the unfairness of such charges and were quick to vent their anger or support for any of their number who had thus been targeted by the law. It was estimated by police in 1935, for instance, that 75 per cent of the public supported the legalisation of SP betting, a practice that had been outlawed by the *Gaming and Betting Act, 1906* and which, among other things, forbade betting in streets and on sports grounds, and restricted race-meetings to licensed venues.²¹ The terms of this act also made illegal the operation of two-up schools, pakapoo games and any other of the numerous betting games in vogue. The zeal with which police targeted both operators and players caused so much public consternation that questions were raised in parliament, a 1936 Royal Commission enquired into the conduct of arresting officers, and police were forced thereafter to curb their enthusiasm.²² The Royal Commission, in fact, found that charges against police of framing people, lying under oath, using unreliable evidence from police agents and entering private premises illegally, were all substantiated.²³ It is worth noting that although police raids on sly grog and illegal betting may have diminished, the operations of standover men in these areas continued unabated and would do so until the relevant acts were repealed some decades later.

Arrests were often made more difficult by the manner in which police were forced to convey their prisoners to the station. They frequently had to march offenders, handcuffed, through the dimly-lit laneways and streets of Surry Hills and its environs to the nearest police station; hail a passing taxi cab to transport them; or rely on a sympathetic householder to telephone or otherwise contact the station for assistance. Sometimes a police officer had to call on a private citizen to drive him and his captive to the lockup. Hailing a passing tram was another method of transporting prisoners when besieged by an angry mob. In one amusing incident, 20 men and boys who had been arrested in a gambling den were actually driven to the police station by one of their number who owned a motor bus. After first being informed that the police would not be liable for the payment of fares, the defendant drove the bus while officers

²¹ P.N. Grabosky, *Sydney in Ferment: Crime, Dissent and Official Reaction 1788 to 1973* (Australian National University Press, Canberra, 1977), pp. 130-1; *The Statutes of New South Wales (Public and Private) Passed During the Session of 1906* (Government Printer, Sydney, 1907), pp. 39-49.

²² Grabosky, *op. cit.* p. 131.

²³ Gordon, *op. cit.*, p. 22.

stood guard on the back steps. None of these methods was ideal and it is perhaps not surprising that police often risked their lives when making arrests for minor charges.

Throughout the 1930s police, politicians and members of the judiciary made urgent representations for heavy penalties against those assaulting police, and while some steps were taken in this direction,²⁴ it was probably not until the advent of patrol cars, the paddy wagon and, in later years, the walkie-talkie, that police were able to patrol the streets in relative safety. As Lilian Armfield remarked when commenting on one such attack on herself and a female colleague as they tried to arrest two young women: 'There was no police radio network in those days, and the force was so seriously undermanned that we didn't see a male colleague from the time we arrested the girls.'²⁵ In the mid-1930s, the system known as 'trawling' was introduced, whereby 'big black police vans' — Black Marias or paddy wagons — patrolled the streets, picking up miscreants and spiriting them away promptly to police stations.²⁶ In 1936 planning for a police radio network, modelled on an American system, was begun, with the aim of connecting the cruising police wagons with metropolitan police stations.²⁷ It may be no coincidence that reports of mob assaults on arresting police began to fall once these innovations were in place.

The fact that a large portion of the public did not see such issues as sly grog, gambling, indecent language, prostitution and street betting as worthy of police attention, helped to intensify hostility against the force. This antipathy increased in the 1930s when complaints surfaced about police using 'third degree' methods during questioning. At trial, defendants complained of being stripped naked, punched, kicked and otherwise maltreated by detectives. Some claimed they had been struck by police batons, allegedly for using bad language. While at least two cases of excessive and unnecessary use of batons were upheld, generally magistrates

²⁴ 'Billiard Saloon Raided By Police', *SMH*, 21 September 1925, p. 12; 'Attacks on Police. Heavier Punishment to be Urged', *SMH* 16 August 1932, p. 7; 'Assaults on Police', *SMH*, 17 August 1932, p. 12; 'Assaults on Police. Penalties May be More Drastic', *SMH*, 16 January 1933, p. 9; 'Assaults on Police. Flogging as Penalty Suggested', *SMH*, 17 January 1933, p. 9; 'Assaults on Police', (Leader), *SMH*, 18 January 1933; Letter to Editor, 'Assaults on Police', *SMH*, 30 January 1933, p. 5.

²⁵ Kelly, *Rugged Angel*, p. 32.

²⁶ 'Police Work. A Year of Strain', *SMH*, 3 January 1936, p. 9.

²⁷ 'Radio to Aid Police. Elaborate Plan. Link with Cars and Stations', *SMH*, 7 August 1936, p. 11.

sided with police against such complaints and no action was taken. However, details continued to be placed 'on the court record' by barristers who insisted that brutality and violence were being used to obtain statements.²⁸ Arresting police, also, were seen using violence against citizens in increasing numbers. Victor Mason, charged because he littered the street with watermelon rinds and made an 'offensive noise' at two police constables, was witnessed being 'brutally assaulted' by the arresting police before being taken to the station.²⁹ In a further incident, Victor Holt, an artist, was spotted by a constable sitting on a kerb in Surry Hills with two women. When the police officer told Holt to go home, Holt objected, whereupon the constable stunned him with his baton then kicked him in the eye when he fell.³⁰ A few days later, a Constable Hannan was sent for trial for using his baton against a man who protested against being arrested for watching a game of cards in the street. This was the second assault on a civilian in which the constable had been involved that day.³¹

Incidents such as these, together with practices such as 'police whispering', described below, and the unrelenting harassment of suspected criminals and their often innocent associates on the streets and in their homes once the consorting law was introduced, were justified in the eyes of the police. Nevertheless, they undoubtedly contributed to the high rates of recidivism which occurred during the latter half of the 1920s and about which the courts were greatly concerned. In 1924, the rate of those convicted in court for repeat offences was 35 per cent.³² This had risen by the end of 1929 (when the consorting law was introduced) to over 65 per cent.³³ Unfortunately the *NSW Year Books* discontinued publishing the total of repeat offenders after the 1928-29 edition, so it is impossible to ascertain what effect, if any, the new legislation may have had on recidivism rates during the 1930s. In addition, the cynicism that Sydney people

²⁸ 'Third Degree Methods. Accused's Allegations', *LD*, 5 February, 1930, p. 6; 'Third Degree Methods', *SMH*, 5 December 1930, p. 6; 'Constable's Baton "Unnecessarily Used". Magistrate's Comment', *SMH*, 18 January 1933, p. 11; 'Prisoner's Charge Against Police', *SMH*, 8 July 1933, p. 10; 'Police Batons "Not For Assaulting People"', *SMH*, 20 March 1934, p. 10; '"Third Degree" Allegations Against Police', *SMH*, 27 February, 1935, p. 13; 'Against the Police. Barrister's Allegation', *SMH*, 17 June 1936, p. 15; 'Use of Batons. Police Action Justified', *SMH*, 25.7.36, p. 18;

²⁹ 'Charge Against Police. Assault Alleged', *LD*, 18 February 1930, p. 6.

³⁰ 'Artist and Police in Brawl', *LD*, 7 March, 1930, p. 6.

³¹ 'Constable Sent for Trial. Civilian Batoned', *LD*, 20 March, 1930, p. 1.

³² *The Official Year Book of New South Wales 1927-28* (Australian Bureau of Statistics, Sydney, 1929), p. 244.

³³ *The Official Year Book of New South Wales 1928-29* (Australian Bureau of Statistics, Sydney, 1930), p. 550.

traditionally felt towards their police force can only have been confirmed by these persistent reports of police brutality, often against apparently-innocent civilians. Working-class newspapers like the *Labor Daily* and *Smith's Weekly* reported such tales with relish and this would only have served to widen the divide between police and citizens in the inner-city suburbs. Such aggressive and brutal behaviour would surely have weakened the authority of constables on the street.

When the retiring governor of Goulburn Reformatory, George F. Smith, wrote a series of articles for *Smith's Weekly* about the many issues that concerned him, he made particular mention of the practice of 'police whispering', where officers routinely visited the workplaces of newly-released prisoners to inform their employers about their criminal records. Police claimed it was their duty to keep former prisoners under observation to ensure they stayed out of trouble but 'whispering', said Smith, simply forced men out of their jobs and gave them no chance of leading honest lives. Smith told the story of a Sydney ex-convict who, in the mid-1920s, had been pursued and harassed by the police whenever a burglary took place. By confronting him in the street when he was with friends, or at his workplace, they made his life unbearable. In an attempt to start anew, the man left Australia and gained employment in South Africa, only to come face-to-face with two Sydney detectives in a bar, as he talked with his boss. The detectives visited his workplace the next day and informed his boss he had been in gaol for theft. Forced to leave his job and return to Australia, he resorted to his old profession of burglary in order to feed himself. It was not long before he was back in gaol.³⁴ There is no doubt that methods such as these, which were routinely practised, contributed to the recidivism about which judges and magistrates complained throughout the period. The powers of police under the new consorting law seemed to those they targeted just one more unfair weapon in the armoury already built up to deal with them.

Stimulated by the popular belief that Sydney was in the grip of a crime wave of massive proportions, frequent and vigorous debate about criminality and penal reform took place in the media and on public platforms throughout the 1920s and 1930s. Initially, some of this debate

³⁴ G.F. Smith, 'Gaol Secrets Revealed. Men Who Are Forced Back to Crime', *Smith's Weekly*, 15 October 1938, p. 21.

centred around the theory of the 'born criminal', which had been popularised, in part, by Cesare Lombroso, an Italian intellectual who lectured and wrote extensively on the subject in the late-nineteenth century. Founder of the Italian School of Positivist Criminology, he believed criminals were born with particular identifying physiognomic traits and, to prove his theory, he measured such characteristics as the power of smell and taste, the cranial capacity and the gait of criminals, compiling statistics from the results. He even took into account unnatural markings such as tattoos.³⁵ His book on criminal anthropology, published after his death, was very influential on the thinking of criminologists and penal authorities in the early-twentieth century. He believed that 'born criminals' should be incarcerated permanently and employed in tasks that would benefit society, like road building and the draining of marshes. Incorrigibles such as frequent recidivists he thought should be shut up in prisons until they were either reformed or no longer able to harm, and should only be released upon 'extraordinary proof of reformation'.³⁶ Ideas such as these informed – or, to put it more accurately, misinformed – debate on prison reform in Australia and also influenced the theory and classification of the habitual criminal, referred to below.

The popularity of Lombroso's theories, with their reliance on specific physical characteristics, was being challenged by the beginning of the 1920s by such students of criminology as Charles Mercier, who refuted the idea that criminals bore physical stigmata that distinguished them from law-abiding people, or that they all engaged in similar conduct such as tattooing their bodies or speaking in particular slang.³⁷ Criminality, according to Mercier, was not hereditary as claimed by Lombroso and his followers, but acquired as either a result of life experiences and training or weaknesses in character that had predisposed the criminal to behave in a certain way under the 'stress of temptation'. This, he believed, might occur with any ordinary person.³⁸ Australian penal authorities, commentators and criminologists were, however, slow to

³⁵ C. Lombroso, 'Illustrative Studies in Criminal Anthropology', [Monist, Vol. I (1890), pp. 186-196] in David M. Horton, *Pioneering Perspectives in Criminology: The Literature of 19th Century Criminological Positivism* (2000), pp. 101-12.

³⁶ C. Lombroso, *Crime: Its Causes and Remedies*, trans. Henry P. Horton, MA (William Heinemann, London, 1911), pp. 420-5.

³⁷ C. Mercier, *Crime and Criminals Being The Jurisprudence of Crime Medical, Biological, and Psychological*, (University of London Press Ltd, London, 1918), pp. 38-46.

³⁸ *Ibid.*, pp. 231-83.

embrace such theories and remained largely wedded to the idea of the criminal as being not only inherently wicked but mentally deficient. In mid-1920, a lead article in the *Sydney Morning Herald* declared support for the ideas of Raffaele Garofalo, a follower of Lombroso, who believed that criminals were 'psychic monsters' to be compared with 'lower animals' and 'the savage'. The article quoted Professor Richard Berry, anatomist, neurologist and anthropologist of the University of Melbourne, who taught that criminals were born with heads one or more sizes smaller than normal.³⁹ In such a climate of belief, it was understandably difficult for those interested in policing, judicial and prison reform to have their views taken seriously.

From the beginning of the century, however, there were signs that these theories were falling into disfavour with decisionmakers. Ideas were being advanced that favoured attempts to reform rather than punish criminals. Of particular interest were suggestions about how to reduce recidivism. In 1904 the leading New South Wales prison administrator of the early-twentieth century and Comptroller-General of Prisons from 1895 to 1909, Frederick Neitenstein, had encouraged changes in the management of prisons, hoping to oversee the introduction of systems of classification and treatment that would 'individualise' punishment of prisoners. Rather than separate prisoners from each other to avoid 'contaminating influences', he proposed that each would be treated differently according to particular needs and abilities. Some would be educated, some receive psychiatric treatment and some be employed in manual work. Thus it was hoped they would be released as useful members of society. However, enough resources to implement this system properly were never made available.⁴⁰ For the first half of the twentieth century, prisons were, nevertheless, organised according to the classifications suggested by Neitenstein. Inmates were separated into groups according to, for instance, youthfulness, sexual orientation, intractability, number of convictions, trustworthiness, and type of crime.⁴¹

One of those interested in reform was Judge Walter Bevan, who helped spark public discussion with a series of long articles in the *Sydney Morning Herald* throughout the 1920s on criminals and the justice system. In 1920 he declared his opposition to short sentences, stating

³⁹ 'Prison Reform', *SMH*, 3 July 1920, p. 10.

⁴⁰ M. Finnane, *Punishment in Australian Society* (Oxford University Press, Melbourne, 1997), pp. 72-7.

⁴¹ *Ibid.*, pp. 82-3.

his belief that they contributed to the making of criminals by allowing no time for any sort of reformatory process to take place in gaol.⁴² Bevan was concerned about the high incidence of recidivism and in a number of articles he offered his opinions on such matters as 'mental deficiency' in the criminal, reform of the penal system, reformative approaches to dealing with young criminals, and the advantages to prisoners of long sentences. On this latter point, Bevan was very much of the belief that longer stints in gaol would provide 'young delinquents' with the chance to learn trades and leave prison with enough money to restart their lives. He said that the object of the justice system was to intercept 'the embryo criminal' while he was 'young and plastic' before he became hardened by frequent gaol sentences. He believed it was from the ranks of these young offenders that the habitual criminal was conscripted and that longer sentences would allow them to take advantage of discipline, education and vocational training.⁴³ Bevan also spoke in public forums about his views and was a frequent guest at various branch meetings of the Prisoners' Aid Society. He advocated the introduction of educational classes as well as the installation of up-to-date machinery in gaols at which to train young apprentices so that they might leave prison with not only trade skills, but an improved education that could take them out of the unskilled labouring class and give them prospects of better-paid work, thereby steering them away from crime.⁴⁴

Bevan put his views into practice, informing 19 year-old James Douglas in September 1925 at Goulburn that the imposition of a two-year sentence on him was not meant as a punishment: He added, 'I am convinced that if you were released from gaol without having a trade at your disposal it would be no time before you were in trouble again. My sole object in sending you to gaol is that you may learn a trade.'⁴⁵ The Minister for Justice, William McKell, responded to Bevan's suggestions by announcing several reform measures aimed at young offenders under 21. These included industry and farm training as well as elementary education with 'up-to-date' text books, advanced evening lectures given by staff at Goulburn High School, and the provision of writing materials in cells for long-term prisoners, who were encouraged to

⁴² 'First Offenders. Present System Should Be Modified', *SMH*, 23 September 1920, p. 8.

⁴³ Walter Bevan, 'Our Criminals. Mental Deficiency and the Borstal System', *SMH*, 30 December 1922, p. 10, 1 January 1923, p. 8 and 2 January 1923, p. 6; 'Reform of Our Penal System', *SMH*, 18 August 1925, p. 8, and 19 August 1925, p. 10.

⁴⁴ 'Modern Young Men. Judge Bevan's Views', *SMH*, 15 May 1925, p. 11.

⁴⁵ 'Judge's Dilemma. Youth Sent to Gaol to Learn a Trade', *SMH*, 10 September 1925, p. 9.

take such classes as shorthand, bookkeeping, surveying, draughtsmanship, music and general education.⁴⁶

Two years later, however, Judge Bevan was still addressing remarks to the Howard League for Penal Reform⁴⁷ about the 'appalling number of young men' committing crimes. He claimed that of the 20-odd young men who appeared before the court each week at Darlinghurst, about half were reoffenders. He blamed for this phenomenon such things as casual labour, weak home control, gambling and 'indulgence in what is called sport', and he called for the abolition of short sentences, the payment of prisoners for their work, training of inmates in trades, and education of young men in gaols.⁴⁸ Clearly, McKell's promises had not been fully realised, if at all, and Judge Bevan's espousal of longer sentences was falling largely on deaf ears.

It is probable that Bevan's faith in the redemptive powers of long sentences was misplaced. His theories demonstrated, perhaps, a strange naivety in a judge, caused by a lack of understanding about the disjunction between judicial theory and the administrative practice that was being employed in the State's prisons and by law enforcement officers outside the gaols. The principle of indeterminate sentencing had been enshrined in the *Habitual Criminals Act 1905* which had been introduced in answer to the late-nineteenth century concern about recidivism. Said to be an incentive for prisoners to reform, the act allowed authorities to detain repeat offenders for an indeterminate period. In the early years of the century, the courts were generally reluctant to award indeterminate sentences because of the belief of the judiciary that sentences should be given proportionate to the crime. In other words, for quite some time the judiciary and magistracy found it difficult to embrace the concept of rehabilitation as the purpose of imprisonment, preferring to punish rather than reform.⁴⁹ As the original proponent of the system, Frederick Neitenstein had hoped to have repeat offenders put into semi-permanent detention as was done in the United States. This was supposed to achieve either reform of such criminals by exposing them to constant and strict discipline, or to protect society permanently from those who

⁴⁶ 'Prison Reform. State's Experiments', *SMH*, 7 September 1925, p. 10.

⁴⁷ The Howard League for Penal Reform, founded in Britain in 1866 and still in existence, is the oldest penal reform society in the world.

⁴⁸ 'Penal Reform. Judge Bevan's Address', *SMH*, 6 September 1927, p. 10.

⁴⁹ Grabosky, *op. cit.*, pp. 115-6.

were considered irredeemable.⁵⁰ The theory behind this type of sentencing was that repeat offenders, once they had completed the sentence for which they were imprisoned, would then enter an indeterminate period of incarceration during which they would undertake reformative activities in the form of work and/or education. Once 'reformed', they would then be released into the community under a system of parole reporting in which police would oversee their conduct for two years. As already mentioned, Bevan was an enthusiastic advocate of indeterminate sentencing because prisoners under such a system were, in his opinion, 'more hopeful', worked at a faster rate and earned more pay than other prisoners, allowing them to purchase small luxuries.⁵¹

Other judges came to agree. Judge Edwards, when declaring Terence Cameron an habitual criminal, said that 'it might be the best thing for him...he would leave gaol fortified with the possession of money, and would have a trade'.⁵² By the end of the 1930s, some convicted felons themselves believed 'declaration' would be to their advantage. Charles Thomas Toland, 22 years-old, stole a flagon of wine and two tins of salmon from a store in Glebe. He said it would be 'the making of him' if he were to be declared an habitual criminal. On this occasion, however, Judge Curlewis refused on the somewhat extraordinary ground that Toland had too many convictions. Said the judge: 'I try to give leniency to prisoners by giving them a chance, and by declaring them habitual criminals...this case is far too serious to do that, and I will not let you off so lightly'. Toland was sentenced to three years' imprisonment.⁵³ Curlewis apparently believed that Toland would spend far less time in gaol if he were given an indeterminate sentence.

Others were much less enthusiastic about the practice. Although it was estimated, when drawing up the act, that habitual criminals would customarily spend no more than about four extra years in gaol, the criminals themselves understood otherwise, commonly believing that indeterminate sentencing could mean a lifetime in prison. Critics also thought that otherwise petty criminals were more willing to use weapons to shoot their way out of trouble to avoid

⁵⁰ S. Garton, 'Bad or Mad? Developments in Incarceration in NSW 1880-1920', in Sydney Labour History Group (ed.), *What Rough Beast? The State and Social Order in Australian History* (George Allen & Unwin Australia Pty Ltd, North Sydney, 1982), p. 101.

⁵¹ Judge Bevan, 'Reform of Our Penal System', *SMH*, 18 August 1925, p. 8.

⁵² 'Law Report. Quarter Sessions. Habitual Criminal', *SMH*, 9 May 1925, p. 12.

⁵³ 'Prisoner's Wish. "Declare Me Habitual Criminal."', *SMH*, 6 July 1939, p. 14.

indeterminate sentencing if they were caught. They complained that once habitual criminals had completed their initial sentences, they were employed in the same tasks in Parramatta Gaol (which was the prison for habituals) as those that had occupied them as normal prisoners; that is, poor-quality bootmaking, tailoring or gardening, no attempt being made to educate or train them as skilled and efficient workers. They left gaol with 'too much' money in their pockets, which they squandered immediately in unlawful activities which then sent them straight back to gaol, the cycle continuing.⁵⁴ In fact, those who were declared habitual criminals often languished in gaol for years, their sentences every now and then increased at the whim of prison officials for either real or spurious breaches of discipline. Clarrie Thomas, 'declared' in 1930, knew this when he pleaded with Judge Curlewis:

Don't do that to me...There are a lot of [habitual] criminals in gaol. One man has been there for 12 years and there is little possibility of his getting out for another 12 years...One man has done 10 years and another 8. If you make a little slip you go back 9 months. You get an extra 9 months if you give them a back answer.⁵⁵

Curlewis was not impressed. The solution, he told Thomas, with some naivety, was not to give 'back answers'. He 'declared' Thomas, who subsequently spent seven years in gaol instead of the two for which he was originally sentenced. While the motives of the reforming judges were admirable, they often seem to have had little understanding of the consequences of their actions. Once prisoners left the jurisdiction of the courts, they were in the hands of prison authorities who had their own ideas as to how their charges should be treated. It seems clear that while the intention of the judges was to reform, that of most prison authorities was to punish. Prisoners such as Thomas, against whom prison and police officers had particular reason to hold deep grudges, knew they would suffer more than their share of hardships and indignities in gaol. Being declared habituals would only serve to make their lives even more miserable for a very long time.

⁵⁴ 'Reformer', *Crime and Criminals: Study of Defects in Our Prison System* (Cole's Book Arcade, Sydney, 1923), pp. 35-8.

⁵⁵ R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p. 29.

Initially, the debates that took place from about 1918 to the early 1920s seem to have been driven by the persistent belief that the alleged increase in crime was a direct outcome of the conditions endured by the fighting soldiers in the Great War. This was a firmly-held conviction at the time, as discussed in Chapter One. Within twelve months of the ending of the war, repeated concerns were being expressed about a number of issues involving returned men: their carrying of firearms in the public streets; their overindulgence in drink; a dearth of suitable jobs; the lack of cheap and good accommodation; the inadequate care of mentally 'unbalanced' soldiers; and the drifting of many into 'undesirable localities', such as the inner suburbs of Sydney.⁵⁶

However, the trend that most worried judges and social commentators early in the decade appears to have been the emergence of an apparently-new type of criminal: the unemployed, recklessly-violent, pistol-toting young man. Some attributed the phenomenon to the fact that many young men, so soon after the war with its massive death toll, now had no fathers or older brothers to bring stability and good example to their lives.⁵⁷ While judges and magistrates eventually ceased blaming returned servicemen for the growth in crimes of violence, an increase in young men committing violent crimes and armed robberies remained as a worrisome feature in the courts throughout the twenties and thirties. In January 1920, a record number of criminal cases came before the metropolitan quarter sessions, many of them involving youths without previous criminal records, who were indicted on charges of breaking and entering.⁵⁸ Five months later, Justice Pring remarked that violent crimes had recently become 'extraordinarily numerous' with revolvers being used 'on any occasion'. He said, 'Men were shot down, killed or grievously wounded for practically no reason whatever'.⁵⁹ In August, police reported a 'phenomenal increase in serious crime since the termination of the war'. There were, they said, huge increases in the numbers of young men committing acts of personal violence, and they called for

⁵⁶ 'Repatriation. Primate's Forceable Remarks', *SMH*, 12 February 1918, p. 7; 'Unemployment. Returned Soldiers Out of Work', *SMH*, 28 March 1919, p. 7; 'Quarter Sessions. R -v- AJ Hogg', *SMH* 2 April 1919, p. 10; 'Hostels for Soldiers. Big Scheme Being Considered', *SMH*, 7 April 1919, p. 8; 'Soldiers and Drink. Rest Home Treatment', *SMH*, 2 July 1919, p. 12; 'Care of Unbalanced Soldiers', *SMH* 19 September 1919, p. 9.

⁵⁷ 'Increase in Crime. Suggested Reforms', *SMH*, 7 September 1920, p. 8; 'Crime. Nearly 100 Arrests', *SMH*, 8 November 1920, p. 8.

⁵⁸ 'Increased Crime In The City', *SMH*, 15 January 1920, p. 7.

⁵⁹ 'Severe Sentences For Crimes of Violence', *Truth*, 13 June 1920, p. 9.

legislation banning the possession of firearms by 'unauthorised persons'.⁶⁰ Chief Justice Sir William Cullen, in October, declared his hope that 'normal conditions would soon be restored' and the police pleaded for urgent funding to deal with the consequences of the outbreak of crime.⁶¹ Cullen, of course, was referring to the forlorn hope that pre-war conditions would return to the streets of Sydney. In 1922, the Inspector General of Police, James Mitchell, while admitting that crime was 'more extensive' than before the war, bemoaned the 'disinclination on the part of young men to come back to the pre-war conditions so far as the spending of money on sport and gambling is concerned'.⁶² The Great War was not only a reference point to help commentators understand the social upheaval taking place in these years, but it was a useful scapegoat for all the perceived ills of a society undergoing great change.

Some of these young men would certainly appear in the courts repeatedly throughout the following years, many of them gaining public notoriety. Guido Caletti, one of the most notorious small-time gangsters during the 1920s, was nine years old when he first faced court. Thereafter he made 55 court appearances in three states⁶³ before, at 25 years of age, he was charged under the consorting law with being in the company of 'women of evil repute'. Since the early 1920s, he had been known by the police to carry a revolver and had used violence and intimidation to stand over victims of his crimes so that police rarely succeeded in prosecutions against him.⁶⁴ He finally succumbed to gunshot wounds in 1939.

Raymond Neil, in later years more familiarly known as 'Gaffney the Gunman', was first arrested in 1919 at the age of 14 when he and several other young men were charged with breaking and entering. He was committed to Gosford Farm House⁶⁵ and, on release, continued an active criminal career. In between several convictions and imprisonments for armed robbery, he attacked an arresting constable so violently that the officer had to draw his revolver to subdue him. Gaffney was 21 at the time and, with another man, had been engaged in bashing and

⁶⁰ 'Increased Crime Since the War', *SMH*, 20 August 1920, p. 10.

⁶¹ 'Wave of Crime', *SMH*, 9 October 1920, p. 13.

⁶² 'Prevalence of Crime. Greater Than Before the War', *Daily Telegraph*, 18 July 1922, p. 5.

⁶³ D. Hickie, *Chow Hayes, Gunman* (Collins/Angus & Robertson, North Ryde, 1990), p. 68.

⁶⁴ 'Not a Word in His Favor. Young Criminal Gaoled', *LD*, 6 February 1930, p. 6.

⁶⁵ *NSW Police Gazette*, 1919, NSWSR, 1/3254, Reel 3600, p. 611.

kicking a third man when they were arrested.⁶⁶ Quickly rising in rank through the underworld to become the leader of a gang of criminals in Surry Hills who were employed by Kate Leigh as her henchmen, he was shot dead in 1929 in dramatic circumstances by Big Jim Devine during a gangland feud. When he died, he was only 25.⁶⁷

One of Gaffney's accomplices on the occasion of his first arrest was John Brendon Parker, aged 16.⁶⁸ Parker, next arrested the following year, was described by Judge Armstrong at this second hearing as 'a well-educated lad' who deserved to be given another chance because of his obvious intelligence. Remarking that 'breaking and entering by boys appeared to be a new industry', Armstrong released him on a good behaviour bond.⁶⁹ Parker did not reform. He violated his bond a few months later and had graduated to armed robbery by 1923 when he and three other young men stole, at gunpoint, the sum of six pounds ten shillings, eleven bottles of wine and a bottle of whisky.⁷⁰ The following month, he was again in court with Gaffney, both charged with stealing a watch from one of Gaffney's relatives.⁷¹ Good-looking, and with a guileless gaze which he used to good effect on judges and magistrates, Parker was given a number of chances before authorities gave up on him. In 1929, aged 26, and with a long record of armed robberies, safe-breaking and receiving stolen goods, he was declared an habitual criminal by Judge Cohen. Unhappy with this declaration, Parker immediately achieved fame when he escaped from a holding cell in Darlinghurst Gaol by sawing through its bars while his fellow prisoners loudly sang, 'Show me the way to go home!' to conceal the noise of his sawing.⁷² Disguising himself as a woman, he remained at liberty for several months, eventually

⁶⁶ 'Assaulting a Constable', *SMH*, 6 January 1925, p. 5; 'Plug-Ugly Earns Three Months' "Hard". Boot and Bash Artists Battle with Police', *Truth*, 11 January 1925, p. 8.

⁶⁷ 'Furious Clash of Warring Factions. Slaughtered Gangster Dies with Locked Lips', *Truth*, 21 July 1929, p. 14.

⁶⁸ *NSW Police Gazette*, 1919, NSWSR, 1/3254, Reel 3600, p. 611.

⁶⁹ 'Youth Released', *SMH*, 3 July 1920, p. 7.

⁷⁰ 'Pleas of Guilty', Quarter Sessions Report, *SMH*, 21 December 1920, p. 6; 'Alleged City Robbery', *SMH*, 3 March 1923, p. 9.

⁷¹ 'Charge of Stealing', *SMH*, 27 April 1923, p. 6.

⁷² 'Prisoner Escapes While Others Sing', *SMH*, 11 August 1928, p. 15; 'Desperate Gunman Files His Way to Freedom', *Daily Telegraph Pictorial*, 11 August 1928, p.2; 'Gunman Makes Cool Gaol Getaway. Daring Leap From High Wall', *Truth*, 12 August 1928, p. 1.

being recaptured in France after travelling to Melbourne where he had stowed away on a German cargo vessel.⁷³

Joseph Messenger also began his criminal career at a young age. Seventeen years old in 1921, he began breaking and entering warehouses, churches, dwellings and other premises. By 1928, he had spent much of his young life in gaol, was accustomed to carrying a gun, and was an active member of the underworld. A close associate of both Gaffney and Clarrie Thomas — they were all fellow inmates in Maitland Gaol between 1924 and 1926 — Messenger was described in the 1930 *Police Gazette Criminal Register* as a frequenter of 'wine saloons, billiard rooms and racecourses'. He was said to resist arrest violently and to consort with prostitutes. Although only five feet three inches tall, he was a pugnacious fighter and was involved in many street brawls and gangland affrays. By 1929, several unsuccessful attempts had been made on his life by rival gangsters.⁷⁴ Men such as Gaffney, Thomas, Parker and Messenger had graduated by the end of the decade to become standover men. Those who survived the violent gang wars of this period were to be specifically targeted by members of the consorting squad during the 1930s.

Tabloid newspapers took great delight in following the activities of these young men throughout the 1920s, supporting the calls by police for extra staff and a strengthening of the legislation, highlighting the more colourful episodes involving the criminals themselves, and generally turning some of them into household names. In addition, the publicity given to such identities as Tilly Devine and Kate Leigh served to persuade much of their readership that Sydney was in danger of becoming another Chicago. The moral panic that ensued may not have been entirely justified but the underlying factors were real enough: a hard core of young men was engaged during the 1920s in an escalating battle with authorities for control of the streets. The methods used by those authorities to subdue their activities were often provocative and inflammatory, and in any event did little to dissuade them from the path on which they had embarked.

⁷³ 'John Parker, Escaped Convict Arrested in France,' *SMH*, 2 November 1928, p. 13; V. Kelly, *The Shadow: The Amazing Exploits of Frank Fahy* (Angus and Robertson, Sydney, 1954), pp.190-4.

⁷⁴ *NSW Police Gazette, Supplement B*, 1930, NSWSR, 1/3265. Reel 3606, p. 67; 'Gang War. Man Shot Twice', *SMH*, 22 June 1928, p. 11.

Once they had been installed behind bars, these young men who so troubled the judiciary in the years immediately following the Great War were almost destined for the life they later came to lead. As Lombroso notes in *Crime: Its Causes and Remedies*, one of the principal causes of the formation of gangs is the congregation of criminals in gaols. He cites the many examples of Italian criminal societies that first formed in prisons then operated outside, having received their 'professional education' in gaol.⁷⁵ By being permitted to associate with each other in gaol, they were therefore encouraged to instruct one another in criminal pursuits and behaviour. Lombroso quotes a prisoner at Palermo: '...prison is a piece of good fortune...because it teaches us hiding places, and how to steal'.⁷⁶ Prison no doubt also taught them other 'skills' and ways of dealing with the world. In a recent book, Neer Korn has recorded contemporary first-hand accounts of men imprisoned in New South Wales gaols for crimes of violence. Peter Schneidas learned in Grafton gaol that violence was the most appropriate way of dealing with the world. He claimed that the beatings and other brutalities directed at him by prison officers caused him to respond violently and taught him to despise authority. Any attempts to behave well were of no use: '...they wouldn't give me a chance'.⁷⁷ Another prisoner complained that when they were locked up and treated 'like animals' it encouraged them to continue to behave like animals when they were released.⁷⁸ Young men such as those we have been discussing would no doubt have had similar experiences and reacted in a similar fashion to such treatment in the 1920s and 1930s.

Gaffney, Messenger and Thomas may not have known each other before spending time together in Maitland gaol, but, during their respective periods of imprisonment there, they forged close friendships and alliances with one another that later lasted for many years on the streets of Sydney. Such friendships would have been extremely important to such men, both in a professional and personal sense. Useful contacts would be exchanged, plans for outside jobs discussed and arrangements made for the execution of these jobs once they had been released. These friendships would have also been important for protection from both warders and other

⁷⁵ Lombroso, *Crime: Its Causes and Remedies*, p. 222.

⁷⁶ *Ibid.*, p. 207.

⁷⁷ N. Korn, *Life Behind Bars: Conversations with Australian Male Inmates* (New Holland Publishers Australia Pty Ltd, Frenchs Forest, 2004), pp. 14-16.

⁷⁸ *Ibid.*, pp. 177-8.

inmates, and as a defence against the loneliness and deprivations suffered in the peculiar environment of gaol life. This is demonstrated in the way prisoners were able to mobilise successfully in protest against their conditions and treatment, or for other more nefarious purposes, many times over the years, particularly in some of the 'worst' gaols, such as Bathurst and Parramatta. Specific details of some of these riots and protests are discussed in Chapter Three. The shared prison experience therefore played an important role in the cementing of outside gang allegiances that became a highlight of the underworld battles of the 1920s and 1930s.

There is little first-hand testimony from prisoners about the conditions in the state's gaols during the 1920s. They could not have been pleasant or comfortable places, judging by the plea of Gaffney who, at the age of 18, begged Judge White to send him to a prison farm rather than to a gaol. He had been to Long Bay, he said, and 'had been taught a lesson'. White refused his request, saying that obviously this was not true.⁷⁹ One account of gaol experience written close to the period is that of Vance Marshall, trade union organiser and anti-conscriptionist, who did sentences with hard labour in Albury, Long Bay and Goulburn gaols for making anti-conscription speeches between 1917 and 1919. Marshall wrote his books, *Jail from Within* and *The World of the Living Dead*, specifically, he said, to reveal 'the tragedy and pathos of a hidden world'.⁸⁰ The treatment meted out to prisoners, as described by Marshall, was probably a good deal worse than it is today. Harsh and unremittingly brutal, it was designed, he said, to punish with little or no thought given to rehabilitation. Marshall concluded that imprisonment 'absolutely fails as a reformative factor, but serves only to breed bitterness, resentment, and habitual criminality...'.⁸¹ He saw little to praise in the prison system and was particularly scathing about conditions in Goulburn Gaol which, from the war years, was reserved for first offenders. While, in theory, prisoners at Goulburn could borrow from the library and improve their education at the gaol's school,⁸² Marshall describes a reality of dark cells that made reading

⁷⁹ 'Quarter Sessions. Sentences', *SMH*, 28 April 1923, p. 9.

⁸⁰ V. Marshall, *Jail from Within* [1918] and *The World of the Living Dead* [1919] (Memorial Edition, The Wentworth Press, Sydney, 1969), p. 13.

⁸¹ *Ibid.*, p. 71.

⁸² J. Ramsland, *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales* (Kangaroo Press, Kenthurst, 1996), pp. 188-9.

a severe trial, and cruelly officious warders who ensured that the actual borrowing of books was a near-impossibility.⁸³

The segregation of first offenders into one gaol was intended to assist in their reformation, and the various governors' reports paint rosy pictures of busy and happy inmates engaged in useful occupations such as knitting, bootmaking, printing and agriculture.⁸⁴ The governors, of course, would have had their own agendas in writing their reports, as had Marshall, so it is probable the truth lies somewhere in between. However, support for some of Marshall's claims comes from 'One Who Knows', who wrote in one newspaper that those judges who sentenced men to gaol in the hope of their learning a trade, although well-meaning, were ignorant of the fact that poor quality tools and lack of skilled supervision meant that the only tradesmen who left gaol were those who already engaged in that trade before their imprisonment. Work in such occupations as tinsmithing, bookbinding, tailoring and bootmaking was undertaken, he said, but always by men who were already practised in those professions, and work was of such poor quality that any additional experience gained in prison was of no practical use outside. The writer concluded by declaring that only one profession could be properly learned in prison, and that was 'roguey', in which 'numerous experts are turned out, where once was but found a poor beginner'.⁸⁵ As a means of reforming youthful lawbreakers, it seems clear that the gaols of the period were unsuccessful, even counterproductive.

One former prisoner, however, replied to the above writer in a more positive vein. Writing under his prison number, 232, he told how, having some years before found himself incarcerated in Parramatta Gaol for a lengthy period, he decided to heed Dr Samuel Johnson who, he said, had advised: 'Read everything for four hours a day and you will soon become educated'. With a magnificent prison library of over three thousand books at his disposal, the inmate took this advice to heart and read,

⁸³ Marshall, *op. cit.*, pp. 59-62.

⁸⁴ Ramsland, *op. cit.*, p. 189.

⁸⁵ 'Prison Trades. Incompetent Tradesmen', *SMH*, 3 November 1928, p. 13. The author of this article, noted the editor, had written from personal experience.

whilst I sweltered in the cell during the summer, and in the winter whilst I froze in the cold stone cell. I read...at the first streak of light in the morning, and at night standing up so as to be as near as possible to the dim gas light which was high up in my cell.

Eventually, when his period of imprisonment was over, this former inmate went into 'the book trade', and used the extensive knowledge of books acquired in gaol to his advantage.⁸⁶ There is other independent evidence of the potentially redemptive powers of the Parramatta Gaol library. Clarrie Thomas, the subject of Chapter Three, spent years painstakingly copying hundreds of literary passages, poems and philosophical aphorisms from the volumes he studied during his years in this prison, into a book he titled, *Anthology of Beautiful Thoughts*.⁸⁷ There is little doubt that his preoccupation with literature and writing during his final years in gaol as an habitual criminal weighed in his favour when he was eventually released on licence after seven years.

In May 1932, the *Truth* published a scathing 'exposé' of the supposed luxurious living conditions of the habitual criminals in Parramatta Gaol. Subtitled 'Real Home From Home For Horde of Inhuman "Habituals"', the article claimed that the 60 to 70 habitual criminals in the prison spent their daylight hours working 'in the sunshine and loveliness of a spacious garden' and could afterwards read in their cells until 10 p.m. The fact that habituals were the lowest of the low, no others being 'more steeped in violent crime or bereft of human feelings', meant, according to the *Truth*, that they should be allowed the least privileges. However, said the newspaper, habitual prisoners, 'lolling in luxury', were given no incentive to reform and leave the gaol. The two-roomed size of the cells allotted to habituals was of especial concern to the *Truth*, as was the fact that the cell floors were covered with carpets and matting and the walls hung with paintings and pictures, cut from magazines. Each Saturday they had access to entertainments by leading concert artists. Although they were not allowed wireless sets, they appeared to have no difficulty in making a book on the various race meetings, information on the form being regularly provided by the various 'trusties' who were permitted to work outside the gaol. But the main venom of the article was directed at the provision of the library of 6,000 books it claimed were available for the exclusive use of habitual prisoners. These books were of 'every kind of

⁸⁶ No. 232, 'Gaol Education', *SMH*, 29 December 1928, p. 9.

⁸⁷ See details in Chapter 3.

volume that might appeal to the varying types who flock to the library', and prisoners were allowed two books twice a week without charge. The *Truth* saw no value in allowing habituals such 'kindness' but viewed prison as a place in which proper punishment should deter criminals from their evil ways. It saw conditions at Parramatta as an incentive to habitual criminals to commit crime 'in order to sample its absolute luxuries and enjoy its undoubted comforts'. Some complaint was made that habituals could save enough money to set themselves up for life once they were released.⁸⁸ In fact, the latter point was one of the key aspects of the 'habituals' legislation; with some money at their disposal, it was hoped that prisoners released from indeterminate sentencing might be able to afford to start life anew in more legitimate ventures. The reality was different: once they left prison after completion of their sentences, most convicted felons were little better off, particularly, as will be seen, once the consorting law came into operation.

The New South Wales consorting law, which is still in force, attracted controversy from the time it was introduced. One present-day academic commentator describes it as 'one of Australia's dubious contributions to the criminal law'.⁸⁹ The principle behind the law had its origins in the *NSW Vagrancy Act 1835*, which made it an offence for people to be found in the company of reputed thieves or persons who had no means of support. The fact that New South Wales was still a penal colony meant that this offence, at the time it was introduced, was almost impossible to avoid. Police had complete discretion to arrest and question and often used the threat of a charge to obtain inside information about crimes and misdeeds.⁹⁰

As already discussed, the 1929 amendment to these laws, the *Vagrancy (Amendment) Act*, was formulated with the supposed intention of dealing not only with the razor gangs in Sydney but with the 'evils' of street prostitution. It did this by adding to the already-existing offences a new one, that of habitually consorting 'with reputed criminals or known prostitutes or persons who have been convicted of having no visible lawful means of support...'.⁹¹ In introducing the

⁸⁸ 'Guns That Won't Shoot Guard Our Gaolbirds', *Truth*, 15 May 1932, p. 10.

⁸⁹ D. Brown, D. Farrier, S. Egger and L. McNamara, *Criminal Laws: Materials and Commentary on Criminal Law and Process in New South Wales* (3rd edn, The Federation Press, Leichhardt, 2001), p. 997.

⁹⁰ *Loc cit.*

⁹¹ See paragraph 4(l)(j) of the *Vagrancy Act 1902* as inserted by the *Vagrancy (Amendment) Act 1929*.

bill in September of that year, Colonial Secretary Frank Chaffey referred to the desirability of granting powers to the police that they had sought 'for some considerable time, to deal with street solicitation and persons who consort with criminals'. He informed the house that people from 'other parts of the world' had been 'engaged in an orgy of crime' in the city and that this bill would rid Sydney forever of such people.⁹² The idea that 'foreigners' were the principal force behind crime in the city was a popular one but there is scant evidence to support the claim. Of the most powerful or well-known criminals, Tilly Devine and Phil 'The Jew' Jeffs came from England and Latvia respectively. Most of the remainder were Australian-born, many having moved to Sydney, like Kate Leigh, from country towns. Even Guido Caletti, usually referred to as 'an Italian' by the press, was born in Redfern. In the newspapers there were periodic and salacious references to 'French girls' and white slavers from overseas; women from France and Japan sometimes set up business independently as call girls and prostitutes;⁹³ and in the early 1930s there occurred a brief episode involving a suspected Mafia infiltration of Sydney's and Melbourne's underworlds that was apparently 'besmirching' the reputation of 'our fair land'.⁹⁴ Anxiety about adhering to Australia's White Australia policy and overtones of racism, bigotry, and even strains of a lingering colonial cringe about Sydney's penal origins can all be identified in such comments. Sydney was still anxious to prove that it had shrugged off the old 'convict stain' and needed continual assurances that outside influences were responsible for its present ills; but as is usual in such cases, 'home-grown' criminals were the ones causing most of the trouble.

Debate about the bill indicates that members of the Labor opposition were suspicious about the motives of both the police and the government. Labor spokesmen were clearly of the opinion that the police were seeking excessive and unnecessary powers and that street women who were the victims of the current economic downturn — and possibly even others such as striking picketers — would be unfairly targeted by this legislation. They called for identification of the supposed overseas criminals and answers as to why they had been allowed into the country.

⁹² 'Vagrancy Amendment Bill', *NSW Parliamentary Debates 1929-30, Second Series Vol. 118*, (Government Printer, Sydney, 1930), 25 September 1929, p. 325.

⁹³ R. Frances, *Selling Sex: A Hidden History of Prostitution* (University of New South Wales Press Ltd, Kensington, 2007), pp. 222 and 233-43.

⁹⁴ 'Black Death of Italy Blights Sydney', *Truth*, 21 December 1930, p. 13.

Questions were also asked about the apparent inability of the police to arrest razor slashers and carriers of unlicensed revolvers under the present law.⁹⁵ During the second reading debate, other concerns were raised, particularly that social workers or family members might be charged with consorting simply because they were found in the company of prostitutes or known criminals, even if for perfectly innocent reasons. There were also objections that unemployed men and women looking for work might be swept up by the act and gaoled or moved out of towns in which they were merely seeking desperately-needed employment.⁹⁶ Much of the concern of those opposing the introduction of the consorting law centred on the changes in relationships between men and women since the war years. Some thought that the 'new camaraderie' that had arisen enabling women to speak to men on the street whom they had not previously met was now endangered by unwarranted charges of prostitution under the new bill. In this respect the traditional British 'love of liberty' was thought to be threatened.⁹⁷

Eventually, the bill was passed with amendments that seemed to address many of the objections of those opposing it. Once it came into force, however, all the controversies resurfaced, together with fresh concerns. One of these was the inference contained within the bill that there existed criminal 'classes'. As already discussed, this had long been a popular view, but by the beginning of the twentieth century adherents to the sciences of biometrics, psychology and eugenics were attempting to promote ideas about 'individual variation' in the understanding of human behaviour. Judges were divided on the issue, some reluctant to abandon the nineteenth-century view that criminals could be subdivided into 'types', and others recognising that the new sciences such as fingerprinting were reliable indicators that each criminal was an individual.⁹⁸ While police embraced the new technologies that were linked to this emphasis on individual variation, the belief in the 'born criminal' was still, in the period under discussion, very much uppermost in the thinking of those authorities in Australia formulating the consorting law.

Although judges and social commentators were greatly concerned about the high rate of recidivism in this period, the new provisions of the consorting law gave ex-convicts little chance

⁹⁵ 'Vagrancy Amendment Bill', *NSW Parliamentary Debates*, pp. 325-9.

⁹⁶ *Ibid.*, pp. 684-693.

⁹⁷ *Ibid.*, pp. 727-8.

⁹⁸ M. Finnane, *Police and Government: Histories of Policing in Australia*, pp. 80-1.

of going straight once they left prison. As Korn's present-day inmates testify, once released, such men nearly always gravitate to the old neighbourhoods and friends, sometimes those they have met in gaol, seeking the comfort of the familiar.⁹⁹ This was where the effect of the consorting law could be particularly cruel. In 1931, a complaint was made in state parliament that, with the aid of the Consorting Act, police had 'ridden roughshod over public liberty'.¹⁰⁰ Some of the controversy that raged from the time of the introduction of the law was because its passing gave New South Wales police the power to imprison anyone who associated with 'reputed' criminals. Police evidence alone that the accused person had criminal associates or had no lawful income was enough to secure a conviction.¹⁰¹ The fact that the reputation may have been known only to police and not to the defendant, or indeed to the general public, was no defence. It became clear that a police officer's opinion as to a person's reputation was sufficient proof of another person's guilt in the offence of consorting. What the friends, associates or family members of the reputed criminal believed was immaterial.¹⁰²

In early 1930, the police and the justice system took their new powers to the extreme when they charged and imprisoned a man for consorting with his own wife, who was a prostitute. Although the man appealed, the judge dismissed the appeal and refused to reduce his sentence.¹⁰³ In 1931, twelve months after the consorting law was introduced, giving police their new powers, the *Labor Daily* featured a story about a serious and unprovoked assault on a young man by four plainclothes members of the consorting squad. Twenty-two year-old Denis Maloney had been walking along a Redfern street with a friend when they had met four other young men — some of whom had spent time in prison — by chance. Plainclothes police appeared immediately and booked them all for consorting. The officers then dragged Maloney into a car, took him to a deserted alleyway and punched, choked and kicked him until he was almost unconscious, afterwards dumping his bruised and battered body at a street corner.¹⁰⁴

⁹⁹ Korn, *op. cit.*, p. 169.

¹⁰⁰ 'Overhaul of Police. Caucus Insists Consorting Act Abuses,' *LD*, 7 March 1931, p. 1.

¹⁰¹ A.W. McCoy, *Drug Traffic: Narcotics and Organized Crime in Australia* (Harper & Row, Sydney, 1980), p. 137.

¹⁰² A. Steel, 'Consorting in New South Wales: Substantive Offence or Police Power?', *University of New South Wales Law Journal*, Vol. 26, 2003, p. 575.

¹⁰³ 'Consorting Act May Not be Evaded by Marriage', *SMH*, 12 March 1930, p. 15.

¹⁰⁴ 'Will Police Department Inquire Into This Case? Ex-Boxer's Story of Assault by Plainclothesmen', *LD*, 17 February 1931, p. 3.

Incidents of police brutality, while nothing new in Sydney, gained increasing publicity in this period in some measure, it is argued, because of public resentment about the perceived misuse of the police's new powers under the consorting law. As noted above, many commentators of the time had expressed qualms about bringing into force a bill that might have the effect of making criminals out of innocent people. The Leader of the Labor Opposition, Jack Lang, for instance, had argued with some justification during debate over the bill in 1929 that should an innocent woman frequently be found attempting to reform 'women of bad character' she might end up in a gaol cell with a police record. While the Colonial Secretary assured parliament that the aim of the new law was to enable the police to caution people and move them along, the fact remained that, as many suspected, the new definition of consorting led to a significant erosion of civil liberties.¹⁰⁵ In 1933, Edward Thornton, a man with no prior convictions, was booked and convicted for consorting with his brother, a reputed criminal. He complained to the judge that several of the men with whom he went to school were criminals and he had also been booked by the police during chance encounters with these men on the streets. He found it difficult to avoid speaking to them when they met.¹⁰⁶ One Oscar Pike made the same complaint in the Darlinghurst Quarter Sessions when he told the judge that the consorting act was 'a very cruel thing'. Pike claimed that it was almost impossible to avoid talking to former fellow prisoners when they met on the street. Judge Curlewis agreed that in certain districts 'you cannot be too haughty...or you are liable to occupy a bed in hospital...'. However, he said, Pike must do everything he could to avoid other criminals.¹⁰⁷ Thirteen years later, this aspect of administering the law was apparently still causing problems. Ex-Chief Superintendent Wickham, who had had the carriage of the consorting law throughout the 1930s, wrote in his 'Advice to Detectives' in the *Australian Police Journal* that although the clause could be used by detectives to great effect, care had to be taken not to offend 'decent citizens' who might be found in the company of criminals for innocent reasons.¹⁰⁸

¹⁰⁵ Steel, *op. cit.*, pp. 585-8.

¹⁰⁶ 'Consort Law. Supervision of Criminals Commended by Magistrate', *SMH*, 22 July 1933, p. 10.

¹⁰⁷ 'Consorting Act. Prisoner Says it is Cruel', *SMH*, 14 March 1935, p. 12.

¹⁰⁸ Finnane, *Police and Government*, p. 79.

Early official reports of the effects of the new law, however, were favourable. In January 1930, Victorian police reported an influx of criminals from New South Wales, supposedly driven south by the new legislation.¹⁰⁹ In March, a Sydney villain, Albert Conquest, was arrested at Prince's Pier by Melbourne police in the company of a carload of other Sydney criminals, all allegedly bent on picking the pockets of the crowd of people farewelling an overseas steamer. Conquest, said police, was only one of the large number of criminals fleeing Sydney. In this case, Conquest, who had committed no crime, undertook to return to his home state within 24 hours.¹¹⁰ By July, the New South Wales Commissioner of Police was attributing the decrease in petty crime in the Illawarra division — which included Marrickville, Petersham, Canterbury and many suburbs south of Sydney — to the 'remarkably successful operation of the Consorting Act'. This act, said the Commissioner, had rid the streets of 'undesirable women' and other criminal elements.¹¹¹ The *Sydney Morning Herald* claimed that Brisbane and Melbourne had inherited the worst denizens of Sydney's underworld and that the gangland battles which had been almost a daily feature of Sydney streets before the law was introduced had now abated. The newspaper supported the recent statement of Chief of Detectives William Mackay, in his belief that average Australians were honest; it was the 'flotsam and jetsam of unwanted persons who drift into every seaport from abroad' that committed the majority of crimes and 'these types of humanity' had now hurriedly left the state because of the new law.¹¹² The Colonial Secretary, Frank Chaffey, too, was quick to praise the working of the new law in bringing about a 'marked improvement...especially in the central portions of the city'.¹¹³ A special consorting squad was formed and newspapers published frequent statistics praising its success in cleaning up the streets. Despite the fact that statistics showed the Depression had seen an increase in violent crime,¹¹⁴ it was alleged that prostitutes and gangsters were 'conspicuously less active', and that habitual criminals were now 'more readily brought to book' in New South Wales than anywhere else in the world.¹¹⁵

¹⁰⁹ 'Criminals Migrate to Victoria. Effect of New Law', *SMH*, 9 January 1930, p. 12.

¹¹⁰ 'Criminals Migrating from N.S.W. for Victoria', *SMH*, 6 March 1930, p. 11.

¹¹¹ 'Crime Decreasing. Effect of Consorting Act. Fine Illawarra Record', *SMH*, 4 July 1930, p. 13.

¹¹² 'Ousting the Criminal', *SMH*, 8 July 1930, p. 8.

¹¹³ 'Consorting Act. Beneficial Effect in City', *SMH*, 8 August 1930, p. 10.

¹¹⁴ 'Crime Increase and Its Causes', *The Sun*, 6 March 1930, p. 12.

¹¹⁵ 'Ousting the Criminal', *SMH*, 8 July 1930, p. 8.

This period immediately after the introduction of the new legislation is significant in several respects. Police and politicians were quick to justify their actions in promoting and approving the consorting law. The media, too, which had long barracked for this legislation, promptly fell into line, publishing press releases and editorials extolling its success. Gangland bosses such as Devine and Leigh found themselves on the back foot with even Leigh's much-vaunted protection from the police evaporating. In the early thirties, she and Devine were both arrested and gaoled repeatedly under the provisions of the act and their cases were well-publicised with newspapers always supporting police actions.¹¹⁶ Criminals felt under siege, some indeed fleeing to Melbourne where, under that State's consorting provisions they were promptly arrested and gaoled.¹¹⁷ Police, politicians and media, therefore, ran a concerted and coordinated campaign which served their own individual interests while persuading the public they were ridding the city of razor gangsters and prostitutes, and the criminal element that they had lost control of the streets. It would take some time for underworld bosses and their henchmen to regroup and adapt their operations to the new 'rules'. But they would do so.

It was not long, however, before a new problem emerged for authorities. The gaols, evidently, had quickly filled almost to overflowing with those who breached the consorting law and the consorting squad police were asked to pursue their task less vigorously until the problem of accommodation for these short-term prisoners could be addressed. Extra prison camps had been opened but had little effect on the gaols' overcrowding and old prisons such as that at Hay were reopening to take the overflow.¹¹⁸ The fact that the Depression had arrived in conjunction with the operation of the new law was no doubt an unhappy coincidence in this respect. By 1932, although still targeting Leigh and Devine whenever possible, the initial zealousness of the police had apparently flagged. The *Truth* complained that they were using 'kid glove methods' and failing to rid Kings Cross and East Sydney of 'the menace of the gangs and the filthy-tongued vicious women' who 'infest' the streets. The police alleged that serious crime had decreased in

¹¹⁶ See, for instance: 'Consorting Charge. Woman to Leave Australia', *SMH*, 13 February 1931, p. 6; 'Tilly Lets Off Steam', *Truth*, 6 March 1932, p. 12; 'Consorting Charge. Kate Barry [Leigh] Before Court', *SMH* 14 January 1932, p. 6; 'Consorting Charge. Kate Barry Sentenced', *SMH*, 15 March 1932, p. 6; 'Charge Against Matilda Devine', *SMH*, 6 April 1934 p. 6.

¹¹⁷ See, for example, 'Matilda Devine. Sentenced in Melbourne', *SMH*, 9 February 1934, p. 15.

¹¹⁸ 'Gaols are Filled. Consorting Act Causes Congestion', *Truth*, 10 August 1930, p. 15; 'Crime', *SMH*, 4 September 1930, p. 8.

1931 as a result of the law and that 'daring criminals' and prostitutes had constituted the majority of arrests. But the *Truth* countered that gangs were still plaguing parts of Sydney and the shootings seemed destined to get out of hand. Before long, claimed an article, gun warfare would spread to the suburbs and would encourage 'potential Al Capones' to further criminal deeds.¹¹⁹

In 1931 there had been renewed consternation about the alleged increase in activities of 'youthful bandits' who were committing armed robberies. They were, said the Commissioner of Police, Walter Childs, 'an emotional class of young man, probably very familiar with the heroics of the talking picture criminal'. He blamed motion pictures and 'cheap literature' for the increase in such crimes, rather than the present weakening in economic and social conditions.¹²⁰ The supposed influence of gangster films on the activities of young men with guns was a recurring theme in Australia throughout the 1920s and 1930s. Evidence given to the Royal Commission into the Moving Picture Industry in Canberra in 1927-1928, for instance, alleged that young boys learnt the art of blowing safes, making skeleton keys and other unlawful pursuits from watching gangster movies.¹²¹ In 1936 the *Truth* voiced its concern about young, armed men roaming the city in gangs. Headlines such as 'Young Gunmen!' heralded the newspaper's concern about the shooting of a constable at point-blank range in the streets of Surry Hills in broad daylight. It urged the government to increase the police force to its former strength to deal with these dangerous young men and also to rid the streets of the crowds of drunken men clogging the pavements, drinking and gambling, on a Saturday afternoon. They were forcing pedestrians on to the roadway and were attracting young women of 'the larrikin type' which, said the *Truth*, was 'a grave matter indeed'.¹²² By the end of the thirties, young men were still the principal concern of police authorities with an estimate being made that 90 per cent of the armed robberies in the city of Sydney had been carried out by youths aged between 16 and 19 years old. Judges, members of

¹¹⁹ 'Crime. Decrease in 1931', *SMH*, 8 January 1932, p. 9; 'Is War On Gangland Waged In Right Way? Appalling Laxity of Officials While Bullets Whine', *Truth*, 10 January 1932, p. 15.

¹²⁰ 'Youthful Bandits. Nucleus of a Gunman Class', *SMH*, 7 November 1930, p. 11.

¹²¹ See Sonia Walker's discussion about the similarities and differences between Western Australian and Eastern States' reactions to film censorship in her article, 'Film Censorship in Western Australia: Public, Government and Industry Responses 1898-1928', *Murdoch University Electronic Journal of Law*, Vol. 9, No. 3, September 2002, pp. 1-34.

¹²² 'Growing Menace of Terrorist Larrikin Pack. Young Gunmen!', *Truth*, 5 January 1936, p. 13.

Parliament and leading police authorities all expressed their worry about the extent of youthful crime.¹²³

Although police continued during the 1930s to produce statistics illustrating dramatic decreases in crime following the introduction of the consorting law, these claims must be treated with suspicion. In the 1970s, police officer Ray Blissett, who had been specially appointed to the consorting squad in the early days of the new law, revealed that almost the entire detective squad had been involved in the camouflaging of crime statistics over a period of at least the preceding 40 years. Blissett, who had a reputation as an honest policeman, detailed the use of a crime book called 'Paddy's Book' by detectives, in which crimes that had not been cleared up were recorded. The information in the book was not taken into account when compiling official statistics. The extent of this massive cover-up was only discovered when computers were introduced to the Police Department and the true extent of unsolved crimes was revealed. In 1971 it was estimated that the actual crime rate was up to 70 per cent higher than the official figures.¹²⁴

It is therefore possible that the crime statistics in the 1930s, as reported in the annual Year Books and reproduced in the newspapers, were similarly distorted and that police manipulated data to further their own ends. The claim by the authorities that the consorting act had rid the streets of 'undesirables' ignored the fact of the Depression and its accompanying economic decline, which could have had as much of an influence on the decrease in cocaine trafficking and its associated incidences of razor slashing as did the prosecutions under the new clause.¹²⁵ A 'special correspondent' in the *Sydney Morning Herald* voiced the concern of many when writing, in 1939, about the growth of organised crime in Sydney. While acknowledging that juvenile crime had reached serious proportions — as evidenced by the fact that Judge Curlewis had recently declared two 15 year-old boys and another aged 17 to be habitual criminals — he nevertheless laid much of the blame for Sydney's escalating crime problem at the feet of the lawmakers. He claimed their rigidly imposed rules and regulations not only forced ordinary people habitually to break the law in the areas of illegal gambling, attendance at illegal

¹²³ 'A Crime Wave', *SMH*, 14 June 1939, p. 14; 'Growth of Crime. Lessons from U.S.A.', *SMH*, 25 July 1939, p. 10.

¹²⁴ D. Hickie, *The Prince and the Premier* (Angus & Robertson, North Ryde, 1985), p. 270.
¹²⁵ Grabosky, *op. cit.*, p. 129

nightclubs, and the purchase of sly grog, but were directly responsible for the growth of the standover industry, a 'social evil' he equated with racketeering in the United States. This industry, he said, was now developing as it did in America and he supported the contention of police that 'the present laws have helped to create an intolerable position, which is steadily becoming worse...'. All this had occurred despite the laws against the carrying of firearms and legislation to prevent criminals consorting.¹²⁶

Clearly, by 1939, it was obvious to some commentators that the consorting law had not had the crucial effect ascribed to it by police authorities. If police did, indeed, manipulate the crime figures, one of their objects in doing so would have been to support their case for increased staffing and the retention of an unpopular and draconian piece of legislation that they claimed was for the public good. On the other hand, police were now becoming more outspoken about the need to wind back or repeal some of the social legislation associated with gambling and sly grog selling. Never happy about their role in these areas of policing, they were probably fully cognisant of the fact that not only might their workload decline but so might their unpopularity with certain sectors of the working class. In addition, the standover industry would lose much of its influence in the underworld and police would be free to concentrate their efforts on areas of more serious concern. These fractures within the state apparatus of law-makers and law-enforcers were always there but they seemed to widen during the thirties as the workload of policing became more onerous, public criticism of 'social legislation' became more vocal, and criminal figures reorganised their operations after the first shock of the new law.

In 1931, the Wickersham Commission¹²⁷ in the United States officially identified organised crime as a major problem in American society. Organised crime has a long history throughout the world but became extremely prominent in the United States during the prohibition years.¹²⁸ It had its equivalent in Australia, on a smaller scale, as discussed briefly in Chapter One and as noted by the above correspondent to the *Sydney Morning Herald*. It is worth noting that many of the young men featured in this chapter, who became the standover

¹²⁶ Special correspondent, 'Growth of Crime. Lessons from U.S.A.', *SMH*, 25 July 1939, p. 10.

¹²⁷ The Wickersham Commission was the National Commission on Law Observance and Enforcement.

¹²⁸ D. Meagher, *Organised Crime: Papers presented by Mr Douglas Meagher, QC, to the 53rd ANZAAS Congress, Perth, Western Australia, 16-20 May 1983*, AGPS, Canberra, 1983, p. 13.

merchants and gunmen of the 1920s and 30s, rose to positions of prominence within the organised crime networks controlled by figures such as Tilly Devine and Kate Leigh. The police had little chance of controlling or preventing the progress of these young men towards their destinies as gangland identities. The chronic understaffing about which police complained throughout the 1920s led to limited success in crime control and to their increasingly strident demands for legislation that they believed would enable them to perform more efficiently. Meanwhile, the collective and individual agency exercised by the criminals themselves often made a mockery of their efforts.

The consorting law was simply a mechanism used — and often misused — by the police for what they saw as more effective policing. It was no longer necessary for criminals and prostitutes to be caught red-handed in the commission of a crime. Being seen walking along the street together, or talking with each other in a wine bar, was enough to have them removed from the streets and gaoled for a few months. Upon release, it was sometimes only a matter of days before they were again in gaol for the same offence of merely socialising with their mates. It is unlikely that imprisoning men and women for breaches of the consorting law actually diminished the chances of crime being committed to any great degree. In 1932, for instance, several years after the introduction of the law, the *Sydney Morning Herald* was still reporting many instances of razor slashings, shootings and stabbings. The idea that gaoling potential perpetrators would prevent crimes being committed was unrealistic. It only drove criminals and prostitutes further underground or sent them to prison where, with their similarly-imprisoned colleagues, they thought up new and more inventive ways of subverting the law. Prison, in fact, did little to discourage the formation of a culture of organised crime but rather was a potent force in its development. It encouraged the growth and establishment of criminal networks that flourished inside and outside gaol walls; reinforced a sense of solidarity and mateship amongst underworld identities; and was arguably a training ground for young men who, despite the best intentions of judges, came into contact with seasoned veterans of the underworld on a daily basis.

The police, meanwhile, with their apparent enthusiasm for the idea of gaoling potential lawbreakers before any crimes had been actually committed, had just the tool for tidying up the

streets of Sydney that they had long sought. As they openly admitted years later to the 1997 Wood Royal Commission into corruption in the New South Wales police service, the consorting law gave them almost unlimited power to arrest, question and threaten with prosecution those from whom they sought information.¹²⁹ There was obviously great potential for abuse by the police of this legislation and the findings of the 1936 Royal Commission referred to above highlighted this point.

As the most popular source of information in those pre-television days, newspapers often took the lead in introducing or inflaming public debate about law and order. They were a natural vehicle for police and others to air their opinions or defend their positions on a variety of matters; but because of their florid and imaginative reporting they were also largely responsible for the sense of moral panic about drugs, crime and razor attacks that permeated the consciousness of Sydneysiders during the 1920s. Together with the largely-imagined influx of foreign criminals thought to be polluting the metropolis, the young men with guns who were said to be rampaging around the streets became the natural targets of those who sought to apportion blame for the city's ills. The efforts of judges and other law enforcement authorities to provide imaginative and compassionate solutions to these problems were constantly undermined by the counterproductive actions of police officers, prison officials and politicians who were more interested in punishment than reform.

In the end, the introduction of the consorting law was the outcome of a tussle between police and criminals for control of the streets and of legislators' desire to exercise control over what they saw as the most disorderly and dangerous aspects of working-class culture. This law, however, cannot be regarded as anything but an imperfect solution to the crime problems of the day. In effect, it was introduced to deal with the consequences of other state legislation originally brought in with the best of intentions, and which not only helped to make criminals out of many ordinary citizens but encouraged the less scrupulous to enrich themselves by exploiting the more vulnerable members of society. The standover industry, for instance, a crucial component of organised crime, would not have developed as it did without the raft of prohibitive legislation

¹²⁹ Gordon, *op. cit.*, p. 21.

introduced during the early years of the century. As a public relations exercise, however, the consorting law can be regarded as an unqualified success. To this day it is still often hailed, however erroneously, as the single most effective innovation that brought to an end the razor attacks, the cocaine trade and gun warfare that plagued the streets of Sydney during this period.¹³⁰

¹³⁰ See, for example: 'Razor Gang Feuds', ABC Radio National *Dimensions*, www.abc.net.au/dimensions/dimensions_in_time/Transcripts, accessed 28 May 2006; 'The Thin Blue Line. History Information Section: The Consorting Squad', www.policensw.com/~policens/info/history/h10a11.html, accessed 8 February 2007; McCoy, *op. cit.*, p. 137; interview with former detective Bill Harris in L. Writer, *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog* (Macmillan, Sydney, 2001), p. 128; Gordon, *op. cit.* p. 21.

Chapter 3

'A Jungle Beast in Human Form'

Clarrie Thomas: Gangster/Poet

This is the story of one of the young men already mentioned briefly in this thesis. As an uncle who died before I was born, Clarrie was a tantalisingly mythical figure, unknown and unknowable to me, my brother and my cousins because of the shame his actions brought to everyone around him. After his untimely death, his siblings, forbidden by their mother to talk about him, remained firmly silent for the rest of their lives whenever his name was mentioned. There was no Mafia-like family; they were as respectable as poor, working-class people could have been in that era, and Clarrie was the only one of five brothers to tread the underworld path. His story, however, illuminates many of the issues already raised in this thesis and as such plays a part in answering some of its questions. In particular, the nature of the evidence allows us a very personal look at the life and motivations of one of the 'young men with guns' who so troubled the judiciary in the 1920s.

Unlike some criminals of the period, Clarrie Thomas was not well known to the general public. At the time of his death in 1937, he had spent only 20 months free from gaol since his first civil incarceration in 1921. Even his war record was tarnished by a 1919 court martial in Egypt resulting in imprisonment at the age of 17. Clarrie therefore spent little time in the public eye until a few weeks before his death. Then, with the aid of a sympathetic clergyman, he came to prominence in the print media in spectacular fashion, using the pulpit of the pastor's Randwick church to denounce the iniquities of the consorting law. It is likely that these well-publicised excursions into the pulpit ultimately led to his death on the streets of Sydney at the hands of a fellow gunman.

While Clarrie, because of his regular imprisonment, was a relatively infrequent participant in Sydney's gangland warfare, his criminal career touched on most of the elements that

contributed to the formation of the criminal milieu in Sydney during the 1920s, discussed in earlier chapters. As a young, returned soldier, affected both mentally and physically by his war service, he haunted the streets, hotels and wine bars of Sydney, using some of the skills he had learned as a soldier to terrorise, bash and rob. He joined forces with other young men whom he met in prison to prowl the city's streets in search of victims, in the process becoming a prominent member of the city's worst gangs. With some of his criminal colleagues he worked as a standover man for sly-grog proprietor, drug dealer and madam, Kate Leigh. During his 20 months of freedom from prison, his level of criminal activity was so high that he was the constant target of police who, bent on getting him off the streets and back into gaol, used every fair and unfair tactic available to them. And finally, during the last months of his life, he used the print media to promote his case as a vocal opponent of the consorting law that had been introduced to counter the activities of people like him. But he was a complex and contradictory character. Reviled by the police and judiciary as a 'dangerous criminal'¹ of 'very violent temper',² and by the lawyer for the man who killed him as 'a jungle beast in human form',³ he was nevertheless highly popular with women and loved by his many siblings, all of whom regarded him as their 'favourite brother'. He wrote a large body of unpublished poetry about his life on the streets and in gaol, and his love affairs with women; published an autobiography; wrote a song that was set to music by a well-known composer; and was intellectually ambitious, claiming to have letters of introduction to well-known poets and playwrights of the era. He was an inveterate reader, once professing by way of an alibi that he had been at home reading H.G. Wells's *Outline of History*. While the judge on that occasion acknowledged that 'he could not have been reading anything much better' and that he was obviously 'a very intelligent man', Clarrie's boast in reply that he had a 'College education' was untrue. Like all his siblings, he had left school at 14 and was chiefly self-educated.⁴

Born Clarence Henry John Thomas on 8 July 1901 in the inner-Sydney suburb of St Peters, Clarrie was the first child of his mother's marriage to William John Thomas, a grandson of

¹ R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW SR Court Transcripts File 6/1440, p. 53.

² R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p.29.

³ 'Freed of Murder Charge. Cheers as Reilly Acquitted', *LD*, 17 December 1937, p. 7.

⁴ Affirmed by his brother, Leslie Thomas, in 1982.

convicts sent to Van Diemen's Land in the mid-nineteenth century.⁵ A straight-laced disciplinarian with Victorian values — she once knocked one of her teenage sons across the room for asking her what 'stillborn' meant — Mary Thomas nevertheless inspired undying devotion in her children. Her first much-loved husband had died, leaving her with two sons and a daughter. Her subsequent marriage to William yielded five boys, most of whom were to prove 'troublesome' in various ways, possibly to some extent caused by an unstable streak in the Thomas ancestry. William's grandfather, convict John Thomas, had died an 'imperial pauper'⁶ — depressed and manic — in the New Norfolk Insane Asylum in Tasmania after leading a chequered convict career.⁷ His marriage — under a false name — to Ellen Wilson, the alcoholic daughter of a hard-drinking convict woman,⁸ seems to have introduced a genetic predisposition to both depression and alcoholism into the family line. His son, John Lewis Thomas, Clarrie's grandfather, cut his throat in the presence of his assembled family, after suffering chronic bouts of severe depression and insomnia, exacerbated by the drinking of alcohol.⁹

Clarrie's father, William, a homicidal and suicidal sufferer from depression, was himself incarcerated in Callan Park Mental Hospital after he had repeatedly threatened to kill his wife and some of their children during manic episodes. It is not known when his psychiatric problems developed but it was the family's belief that worries about his eldest son sowed the seeds of his depression. In 1930, after several years of unstable behaviour, William was finally committed to Callan Park and thereafter Mary forbade her children to visit him. He died there in 1934.¹⁰ We have seen how judges and other commentators sometimes blamed the increase in crime committed by young men on the dearth of father figures after the war. It is clear that Clarrie, as a young man in his twenties, probably lacked a stabilising paternal influence in his family life, a

⁵ Convict record of Margaret Wilson, CON 40/8, AOT; Convict record of John Thomas, CON 33/20, AOT.

⁶ A local term given to ex-convicts in Tasmania who spent their last years in institutions and were therefore a charge on imperial funds. See L.L. Robson, *The Convict Settlers of Australia* (Melbourne University Press, Carlton, 1965), p. 108.

⁷ Hospital records of John Thomas, including post-mortem report, July 1876 to July 1880, AB 365/2 and AB 365/4, Archives of New Norfolk Hospital, Tasmania; Death Certificate Reg. No. 515 1508, 1 August 1880.

⁸ John married Ellen under the name of John Lewis. See Marriage Certificate Reg. No. 158936, 21 January 1850, Church of St George's, Hobart. Ellen's mother was convict Margaret Wilson, who spent much time in the Female Factory at Cascades for being drunk and disorderly at her multitudinous places of assignment. See CON 40/8, AOT;

⁹ Death certificate of John Thomas, died 13 April 1909, Registrar of BDM, Sydney, No. 6397; EN, 11 April 1909, p. 7; DT, 11 April 1909, p. 15.

¹⁰ Medical record of William John Thomas from Rozelle Hospital (formerly Callan Park Mental Hospital), 21 October 1930-30 October 1934.

circumstance that he shared, coincidentally, with many of his peers whose fathers did not come home from the Great War or returned incapacitated.

Before his mental faculties failed him, however, William managed to imbue his sons with firm 'working-class' values. As a coach builder and a shunter for the New South Wales Railways, he was a strong union man with a disdain for 'strike breakers'. In 1912 he was presented with a gold medal by his fellow workers in the 'Loco Branch' as a mark of esteem for his actions during a railway strike in refusing to break ranks.¹¹ He believed — wrongly — that his grandfather, convict John Thomas, had been a Tolpuddle Martyr from Wales [sic], a story that the Thomas boys related with pride throughout their lives. It is not known from whom this story originated but it served as a founding myth for the family's political persuasions.¹² Two of the boys would go on to become union organisers and office bearers during the 1940s and 1950s in the ill-fated NSW Builders' Labourers Federation (BLF). All, as well as their father, were active members of their local Labor Party branches. Although Clarrie spent most of his late teenage years and twenties in gaol, during the late 1920s he became involved with Kate Leigh's henchmen, whom Kate hired to protect her sly grog empire. Kate, whose area of operations included most of the working-class suburb of Surry Hills, was accused by rival Tilly Devine of being immune from prosecution because of her friendly associations with Labor men in local government.¹³ It was rumoured that Kate's 'protectors' were drawn from Labor ranks, and it is possible that Clarrie was thus introduced to the Surry Hills underworld.

While there were clear influences from his father's side, those from Clarrie's maternal side were no less strong. If Mary Thomas had known of the convict ancestry of her husband and his inherent mental instability, it is unlikely she would have married William. Her own mother was a stern and respectable Irish immigrant and her father, a Master Mariner of Portuguese-Brazilian birth, and a man of impressive build, was as strict and unyielding as his wife.¹⁴ He did,

¹¹ Medal is in the possession of a Thomas family member. A photograph of the medal is in the possession of the author.

¹² With family myths, there is often a basis of truth. It is possible that John Thomas fled Wales for London after the Newport Chartist uprising in 1839. His convict indent does, however, state his native place as London. Whatever the truth, the Welsh-trade union background was, and still is, a very strong belief in the Thomas family.

¹³ Entry for Kathleen Mary Josephine Leigh, Australian Dictionary of Biography 1891-1939, pp. 68-9.

¹⁴ Marriage Certificate Reg. No. 553, Thadeu Pereira Guimaraes and Honora Hinchy, 11 June 1874.

however, bequeath to his grandchildren a love of literature and a tendency to embroider the truth. It is not clear, for instance, whether he was born in Portugal or Rio de Janeiro: his marriage certificate shows the former and his mariner's certificate the latter. He told his family he was Brazilian. His name was Thadeu Pereira Guimaraes but he was known as Peter Smith to his grandchildren who were unaware of his real name. He claimed his mother was 'an Aztec princess' and that his imposing nose — which he also bequeathed to his daughter and grandsons — was attributable to his South American Indian ancestry.¹⁵ He wove fanciful tales of his years as a sailor and claimed that his mother had sent him to sea at the age of ten. He was self-educated and widely-read, and wrote not only his autobiography but also a history of Captain Cook's explorations. Both of these unpublished volumes were destroyed in the Blue Mountains bushfires during the 1950s. Through his daughter, his grandsons inherited his love of and appreciation for literature and music, especially opera, an enthusiasm for writing, and his superb sketching skills. Clarrie and his brothers also inherited their grandfather's physical stature and build, his olive complexion, black hair and dark eyes.

Thadeu was a proud man and so was his daughter. This pride was handed down to her children and produced in Clarrie a powerful and contradictory mix. On the one hand, Clarrie was a poet and writer with a romantic love for women and a devotion to his mother, his half-sister, Elsie, and his male siblings. He was articulate, clever and highly intelligent. But he also possessed an ungovernable temper, became addicted to alcohol, and used his superior physique and fighting skills to attack men who stood in his way with a cruel and thuggish ferocity. The pride instilled in him by his mother led him to believe that, despite all his criminal convictions, he was 'a class above' the prostitutes and their pimps, with whom he associated.¹⁶ He wanted to impress people and boasted that he had been 'on the Peninsula' (that is, Gallipoli) at the age of 14 and had been 'honoured by the King' because of his 'meritorious' war service.¹⁷ He let it be widely believed he was the youngest man to enlist in the Australian Imperial Force (AIF) and for

¹⁵ There are no clues about the 'Aztec princess' claims in the available documentation. Thadeu's mother's name on his marriage certificate is shown as Joaqina Da Costa.

¹⁶ See his comments to the judge in R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW SR Court Transcripts File 6/1440, p. 54, referred to later in this chapter.

¹⁷ *Ibid.*, p.53.

this he was admired not only by his family but by his criminal associates, both friend and foe.¹⁸ Clarrie never stopped embroidering elaborate personal legends either to account for or to cover up his criminal behaviour.

The truth about Clarrie's war record is more prosaic. Having left school to help support his family, he almost immediately and without their knowledge enlisted in the AIF in May 1916 at the age of 14 years and 10 months — claiming that he was 18 years of age — and declaring on his application form that his parents were both dead. He spent two weeks in training camp at Cootamundra before being discharged with the notation that he was 'unlikely to become an efficient soldier'.¹⁹ No other reason is given for his discharge but it is possible that his family located him, advised the army of his correct age, and had him brought home. Undeterred, he enlisted again ten months later at the age of 15, claiming to be 18 years and 5 months. This time, it seems his parents either gave their permission — in which case they would have been complicit in concealing his true age from authorities — or he forged their signatures on his application form. He was permitted to enlist despite his having full sight in only one eye, a disability that he concealed with success from the medical officer.²⁰ In February that year, a Macquarie Street ophthalmic surgeon had provided a report to Clarrie's family doctor certifying as to his almost-complete blindness in his right eye, caused by an injury sustained in the foundry in which he was working at the time.²¹ His eye had obviously lost much of its sight before he left for service overseas, although he was to claim in later years, emphatically, that his war service caused his blindness. Clarrie's actions in enlisting at such an early age were not unusual; seduced by the promise of adventure and excitement, and the rampant jingoism of the times, many young men tried to fool the authorities into believing they were old enough to join up, and quite a few, like Clarrie, succeeded.

¹⁸ See, for instance, the remark by Chow Hayes, a rival gangster, in D. Hickie, *Chow Hayes, Gunman* (Collins/Angus & Robertson, North Ryde, 1990), p. 173; and by Clarrie's friend and colleague, 'Gaffney the Gunman', to the judge in R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW Court Transcripts File 6/1440, p.53, mentioned later in this chapter.

¹⁹ Australian Military Forces AIF Enlistment Form, No. 33997, CHJ Thomas, 26 May 1916, Series No. B2455, NAA.

²⁰ Australian Military Forces AIF Enlistment Form, No. 3792, Clarence Henry John Thomas, 26 April 1917, Series No. B2455, NAA.

²¹ Copy report from A.E. Corbin, Ophthalmic Surgeon, 19 February 1917, NAA, Series C138/3, Item R87200.

Clarrie enlisted on 26 April 1917, the day after Anzac Day. This was the second anniversary of the landing at Gallipoli and vigorous attempts at recruitment were made on this second Anzac Day all over the country. Recruitment numbers had been disappointingly low for a long time but it seems that the publicity and coverage given to the day's ceremonies prompted a satisfying upsurge in volunteers, of whom Clarrie was one.²² Despite the apparent urgent need for reinforcements, it was not until almost a year later that Clarrie embarked for active service. This length of time prior to embarkation was not unusual amongst the 129 men who accompanied Clarrie on 2 March 1918, the average time since their enlistment being over eight months. One man had been in camp for more than 14 months.²³ The embarkation rolls show that previous embarkedes had been in training for periods of from two to approximately six months, and it is not known why Clarrie's group spent so long in training. Clarrie and his fellow troopers were, in fact, one of the last groups of reinforcements for the Australian Light Horse to leave for overseas service.

Perhaps partly because of the long delay in being called up for active duty, Clarrie's intervening months at Menangle Training Camp, near Liverpool, involved various lapses in behaviour. From the beginning, he frequently went absent without leave (AWL) for days at a time; he fell asleep while on sentry duty; refused to obey orders; smoked while on parade; and on one occasion was awarded 28 days' detention for attempting to steal a registered letter belonging to another trooper. Even when, on three occasions, he was ordered 'confined to barracks' as punishment, he went AWL each time. Altogether, he underwent 53 days' detention during his eleven months of training, was fined a total of 22 days' forfeiture of pay and accumulated four pounds sixteen shillings in fines.²⁴ On two occasions during his training, he

²² See, for example, coverage by at least one broadsheet: 'Anzac Day. An Imperishable Record of Military Virtue', and 'An Anzac Message from the Prime Minister', *SMH*, 25 April 1917, pp. 7 and 11; 'Improved Recruiting', *SMH*, 26 April 1917; 'Recruiting. "The Urgent Need of the Moment"', *SMH*, 27 April 1917; 'Recruiting', *SMH*, 3 May 1917, p. 7.

²³ Australian Imperial Force Nominal Roll, 35th Reinforcements, 7th Light Horse, NAA.

²⁴ Clarence Henry John Thomas, No. N7694, Australian Military Forces, Company Conduct Sheet, AIF Corps, joined 26.4.1917.

was arrested and fined by the civil police in Sydney for assault and riotous behaviour.²⁵ It appears Clarrie was a young man who did not submit easily to discipline.

However, it would be easy to overestimate the significance of Clarrie's behaviour as a trainee soldier in relation to the development of his criminal persona. Suddenly freed from the confines and restrictions of home, his extreme youth suggests that there may have been other reasons for his misconduct. It is difficult to know for certain whether Clarrie was any worse than his fellow trainees in his aptitude for getting into trouble. Not all the conduct records of his fellow embarkedes have yet been digitised at the National Archives. Of those that have, however, few appear to have as many misdemeanours as Clarrie. A brief look at the available conduct records of soldiers from other regiments also reveals that the extent of Clarrie's misbehaviour might have been unusual. This is not to be taken as proof of his developing criminal potential. It is interesting to note, however, for comparative purposes, the conduct record of 'Big Jim' Devine, husband of Tilly Devine, both of whom were to become noted underworld figures in Sydney during the 1920s. 'Big Jim' was a sapper and a member of the 1st Australian Tunnelling Corps. He spent his years of service in England, marrying Tilly there on 12 August, 1917, and his record — much of which is illegible — is a catalogue of punishments for numerous and lengthy instances of absences without leave. He spent weeks of incarceration in the venereal diseases wards (usually following the periods of AWL), and was court-martialled twice, in 1918 and 1919. On the first occasion, he pleaded guilty to being AWL for three months and was sentenced to detention of 120 days and forfeited 220 days' pay. On the second occasion, he pleaded guilty to being AWL for eight months and was given a sentence of nine months' detention.²⁶ The length of Devine's periods of AWL may have been unusual, but by the end of the war Australian soldiers in Britain had apparently become notorious for their lack of discipline. It has been said that in the eyes of many British observers Australians had been transformed 'from heroes to criminals' during their stay in Britain from late 1915 to late 1919.²⁷ Although this may be an exaggeration, it is true that shortly after the signing of the Armistice, Lloyd George and his colonial secretary, Walter Long, did discuss the problem of Australian 'rowdiness' and concluded

²⁵ AIF Company Conduct Sheet, 29 May 1917 and CHJ Thomas, Gaol Description Card, 196/168, 22 November 1917, p. 2.

²⁶ Statement of Service of No. 4868, Devine, J.E., Series No. B2455, NAA.

²⁷ M. McKernan, *The Australian People and The Great War* (Thomas Nelson Australia, West Melbourne, 1980), pp. 116-49.

that the Australians should be returned home as soon as possible.²⁸ The period following the Armistice was particularly trying for all concerned as impatient troops waited in vain for demobilisation.²⁹

On the whole, it appears the nature, if not the extent, of Clarrie's misconduct was not much different from that of many of his fellow trainees. Still in his formative and most impressionable years, he was thrown into the company of older youths and grown men, trained to kill with bayonet and rifle, and introduced to a life of hard drinking and the need to fight his way out of trouble in his off-duty hours. It was a potent mix and he took to it with relish. There was, at the time, a popular view of the Australian soldier as one who was proudly undisciplined and anti-authoritarian, even an avoider of his soldierly duties who made 'a virtue out of going AWL and resisting Military Police'.³⁰ From the beginning, many newly-enlisted soldiers objected to the restrictions of military life. They were willing and eager to fight the enemy but impatient and dismissive of parade ground regimentation. They would readily leave the training camps after a day's work to go into town or even to their homes, reporting back the next day. They argued with officers, challenged what they thought of as 'stupid' orders, and sometimes went on strike for better food and conditions. Many of them considered they should be granted special indulgences, such as free public transport, and would react with force if confronted by ticket collectors. In 1916, several notorious riots took place which involved soldiers from the Casula training camp indignant about conditions. Most volunteers felt they were still civilians and acted accordingly. They were impatient to get to the front line and the long periods spent in the training camps were frustrating experiences for most.³¹ When to this brew is added Clarrie's extreme and impressionable youth, it is easy to understand some of his actions.

In 1922, his mother would plead with a judge of the Quarter Sessions at Darlinghurst that Clarrie be treated leniently on a charge of maliciously wounding because she 'had never had any

²⁸ *Loc. cit.*

²⁹ G. Wahlert, *The Other Enemy? Australian Soldiers and the Military Police* (Oxford University Press, South Melbourne, 1999), p. 71.

³⁰ G. Seal, *Inventing Anzac: The Digger and National Mythology* (University of Queensland Press, St Lucia, pp. 98-9.

³¹ B. Gammage, *The Broken Years: Australian Soldiers in the Great War* (Australian National University Press, Canberra, 1974), pp. 26-9.

trouble with him until he returned from the war'.³² It is hard to know if this was true. Clarrie's and his family's frequent claims that 'the war caused Clarrie's problems'³³ could have been those of family members in denial, desperate to keep their son and brother out of gaol and to find some outside agency to blame. However, apart from the charge of attempted theft, Clarrie's misconduct during training was petty in nature. Most of his infractions involved breaking camp and being absent without leave for some hours or, at the most, three days. Looking at this period in retrospect, however, it is tempting to identify the development of a pattern of behaviour and it is debatable just how much Clarrie's military training influenced his later life as a street criminal. These issues are impossible to clarify without access to information about a soldier's pre-military behaviour and personality, something that is lacking in Clarrie's case; but it was the criminal behaviour of returned men such as Clarrie that provoked some of the debates about hereditary criminality between the followers of Lombroso and Mercier in the 1920s, referred to in Chapter Two.

On 2 March 1918 Clarrie, now 16 years of age, finally embarked for active service on board the *HT Ormonde*, bound for Egypt as a member of the 35th Reinforcements, 7th Light Horse Regiment.³⁴ He, together with his comrades, had marched from Central Station to the wharf in pouring rain in the early hours of the morning, a band playing in their honour and hundreds of onlookers cheering and throwing flowers. To the young reinforcements, plodding in the half-light through the puddles, their greatcoats soaked with water and their heavy kit-bags weighing them down, it was a surreal and exciting moment. The subsequent weeks on board the transport ship heading for Suez were spent by the almost-two thousand troops 'dozing, reading, smoking, yarning, and jesting'. Sports were played on the boat-deck and entertainment was supplied by a brass band 'alternating with a piano and the cadence of men and nurses singing'. According to one on board, it was 'an easy, joyous life, with a little drill, a little physical training, a little fatigue work, and long, dreamy hours of idleness'.³⁵ The New South Wales Red Cross donated over 1500 books and magazines to the troops and the YMCA supplied the ship with

³² R -v- Clarence Henry John Thomas, Darlinghurst Quarter Sessions, 17 July 1922, NSWSC Court Transcripts File 6/1166, p. 55.

³³ Still a belief, handed down to surviving family members.

³⁴ Australian Imperial Force Nominal Roll, 35th Reinforcements, 7th Light Horse, NAA.

³⁵ P.C. de C., 'How we Left', in 'Souvenir "Billjim" at Sea: A Memento of the Ever-changing Life on Board a Modern Transport journeying from the Southern Cross with Troops for the Help of the Motherland', *HT Ormonde*, March-April, 1918, Hazell, Watson & Viney, Ltd, London, 1918, pp. 7-8.

piano, gramophones, violins, banjos, cards, draughts, dominoes, chess, ludo and other games, tens of thousands of items of writing materials and a set of band instruments. It also donated a lending library of over 700 books and 28 sets of boxing gloves, 17 medicine balls, four punching balls, two sets of quoits and four dozen skipping ropes.³⁶

No effort had been spared to keep the troops fit and entertained on the long journey. Many spent their spare time composing and submitting verse, prose, information, caricatures and drawings to the voyage's edition of the onboard magazine, "*"Billjim" at Sea*". Although Clarrie was later known to be a committed and diligent poet and writer, none of the published items can be identified as his, although some contributors used pen-names and some items were unattributed. The troops were indeed kept busy, but there were still opportunities for misconduct. On board, Clarrie was punished for two episodes of recalcitrant behaviour: smoking while on parade, and failing to carry out his punishment drill 'in a smart and soldierlike manner when ordered to do so'.³⁷ The rest of the voyage was unremarkable, probably because, as with his shipmates, the confines of the ship limited his chances to break camp and go AWL. On 4 April he disembarked at Suez and was marched into the Reinforcements Camp at Moascar.³⁸

The war in the Middle East effectively ended six months later when Turkey sued for peace on 30 October 1918. During these six months, Clarrie spent much more time in hospital, at rest and training camps, and on recreation leave than he did on the battlefield. A fracture of the hand acquired during a boxing match with a fellow soldier kept him out of action for almost two months shortly after his arrival.³⁹ Then in late August, after spending the intervening time in rest camp and with the 2nd Light Horse Training Regiment, he was returned to the 7th Light Horse which went into combat in late August with the Egyptian Expeditionary Force, commanded by General Allenby.⁴⁰ From about 18 September, Clarrie's regiment was involved in active combat as the troops battled sandflies, heat, flies, malaria, sand, illness, snakes, marauding Arabs and, of course, the Turks and occasional German troops. On several occasions during September the

³⁶ The Y.M.C.A. on Board', in *ibid*, p. 31.

³⁷ Trooper CHJ Thomas, No. 3792, 35th Reinforcements, 7th Light Horse Regiment, Casualty Form Active Service, 25 March 1918 and 28 March 1918, p. 1.

³⁸ *Ibid.*, 6 April 1918.

³⁹ Medical Case Sheet, Trooper CHJ Thomas, 6.5.18-231.5.18, NAA, Series C138/3, Item R87200.

⁴⁰ CHJ Thomas Casualty Form Active Service, p. 2.

regiment came under heavy fire. Then on 25 September, together with other regiments, they captured the city of Amman and took 5000 prisoners. The completion of this important task marked the end of the war for the regiment as no further shots were fired.⁴¹

The long march to Jericho with prisoners was then undertaken and in early October, like many of the AIF in 1918, Clarrie contracted malaria. He was admitted to hospital, where he remained until the end of the month, when the Turks surrendered.⁴² Malaria swept through the Light Horse in 1918, a quarter of the men being evacuated and 101 dying of the illness.⁴³ One old campaigner complained, rather unfairly: 'The reinforcements can't stand it, they last about a week and off they go to hospital...[they] are not much help to us...some of them have hearts like chickens.'⁴⁴ Indeed, a glance at the casualty records of members of the Light Horse reveals that very few, if any, escaped serious illness in Egypt. Dysentery, malaria, venereal disease, influenza and pneumonia were some of the maladies that struck with frequent deadly effect. By the time Clarrie was released from hospital, his war was officially over. These weeks of combat and subsequent illness, however, were to be defining events for the remaining 20 years of his life. In vain, he would lay claim time and again up until the day before his death for a war pension, citing the debilitating effects of malaria and the blinding effects of the desert sands during combat. In court, he would boast about his prowess as a soldier and claim to have been awarded decorations for bravery. To his family and friends, he held legendary status as not only 'the youngest man to enlist in the war' but also a courageous war hero.

By 31 December, Clarrie had rejoined his regiment, which had landed at Gallipoli. The 7th Light Horse had won the coveted right to locate the graves of fallen Anzacs and to collect war memorabilia for the Australian national memorial collection.⁴⁵ Clarrie wrote to his brother, Stan:

⁴¹ J.D. Richardson, *The History of the 7th Light Horse Regiment A.I.F.* (Radcliffe Press, Sydney, 1923), pp. 98-103.

⁴² CHJ Thomas Casualty Form Active Service, p. 2.

⁴³ Gammage, *op. cit.*, p. 136.

⁴⁴ L. Baly, *Horseman, Pass By: The Australian Light Horse in World War I* (Kangaroo Press, East Roseville, 2003), p. 227.

⁴⁵ H.S. Gullett, *The Australian Imperial Force in Sinai and Palestine 1914-1918* (University of Queensland Press in association with The Australian War Memorial, St Lucia, 1984), pp. 786-7.

...The reason why we came here is to fix up the graves of our chaps who were killed in the Gallipoli Campaign...There are some of our chaps buried here at Anzac but all the crosses are gone. The Turkish officials say that a big fire swept over Anzac and burnt the crosses, but the strange thing about it [is] that the crosses over the Turks were left standing, so the only thing is that one can see they have been destroyed by the Turks...⁴⁶

In his letters home, Clarrie naturally enough said nothing about his misdemeanours. He sent many post cards and letters to family and friends, all signed 'Trooper C. Thomas'. The only letter that has survived reads, in parts, like a travelogue. 'I have changed my place of abode,' he says 'and have been away from Egypt about a fortnight...There are many interesting sights to be seen...'!⁴⁷ It would have been a great shock to his father to hear, a few months later, that he was being returned to Australia as a prisoner, following court martial.

After the signing of the Armistice with Germany in November 1918, the Australian force in the Middle East had begun arrangements for the repatriation of 4000 troops a month by the beginning of March 1919 and indeed on 3 March, the 1st and 2nd Light Horse Regiments embarked for home. Clarrie and his fellow troopers could have reasonably expected to be following them before long; in fact 24 March was set down as the likely sailing date for their regiment.⁴⁸ It was unlucky for Clarrie that events conspired to bring his war service to an ignominious end.

All arrangements for demobilisation were brought to an abrupt halt in mid-March, when widespread insurrection against British colonial rule suddenly broke out in Egypt. The remaining

⁴⁶ Letter from Clarrie to his brother Stan Barden, dated 3 January 1919. The reference to crosses on the graves of Turks is a little puzzling. It is possible, however, that crosses had been erected over the graves of Christian Turks and German soldiers. Richardson writes, during this period: '...practically all headstones and crosses had been removed', but makes no mention of Turkish crosses or a 'big fire' (p. 109). Bean, however, in *Gallipoli Mission*, does conclude that the Turks used all the allies' crosses for their fires and mentions seeing four Christian graves marked with crosses in a large Turkish cemetery. These belonged to the bodies of four Germans and one Greek (p. 46).

⁴⁷ *Loc. cit.* Richard White has made the point that Australian soldiers acted like tourists. See, for instance, R. White, 'The Soldier as Tourist: The Australian Experience of the Great War', *War & Society*, Vol. 5, No. 1 (May 1987). A post card sent by Clarrie to a family member, in the possession of the author, although printed in Britain, was produced by The Cairo Postcard Trust in Cairo and adorned with photographs of happy soldiers gathered in doorways and boating on an anonymous lake. The soldiers on this postcard do, indeed, look like tourists.

⁴⁸ S. Brugger, *Australians and Egypt 1914-1919* (Melbourne University Press, Carlton 1980), pp. 84-5.

troops were hastily reorganised to contain the revolt both in the cities and in the rural areas. Seven regiments were based in the Delta region at Zagazig, one of which was the 7th Light Horse, and for several weeks Clarrie and his colleagues remained on patrol duty helping to restore order.⁴⁹ By mid-April calm had returned, at least on the surface. However, the British command recognised that much of the disaffection was merely concealed by the villagers and special orders were issued to troops not to fraternise with locals, not to enter towns and villages unless on duty, and to buy no food, drink or other commodities from the local populace.⁵⁰ A letter was received from headquarters in Palestine, advising of suspicions about a plot to poison foreign soldiers, which read, in part:

The ring leaders of the present movement have concocted a wicked plan which they intend to execute as soon as circumstances permit. They are going to put poison or opium in water, or fruits such as oranges and bananas, and offer the water and fruit to British soldiers on guard at different places in Cairo and the provinces. When the poison or opium has taken effect they intend to fall on the soldiers and take their arms and ammunition and fight with same. In any case the British troops should be warned not to accept anything whatever from the natives.

A Routine Order had been issued by the Commander of the 7th Light Horse on 28 March 1919, placing the nearby village across the railway line out of bounds.⁵¹ Troops were exhorted to search and remove any weaponry found in the possession of Egyptian villagers.⁵² Australian soldiers in Egypt had long been feared by the Arabs for their rough and sometimes brutal treatment of civilians.⁵³ One Egyptian 'notable' remarked to a captain of the 15th Light Horse Regiment that he and other Egyptians believed the Australian troops, who had replaced the British to put down the rebellion, had been brought in especially 'to do any killing that had to be done'.⁵⁴ Australians treated the 'Gyppos' with disdain and brought with them an ingrained belief in their own racial superiority.⁵⁵ A number of serious incidents involving Australian troops took place during this period, embarrassing the British Foreign Office which was trying to project a

⁴⁹ *Ibid.*, p. 85

⁵⁰ *Ibid.*, p. 123.

⁵¹ Copy of Routine Order contained in file of Field General Court Martial (hereafter FGCM), – Trials of No. 3792 - Trooper Clarence Henry John Thomas, 7th Light Horse Regiment, Series A471/1, Item 6945. NAA.

⁵² Brugger, *op. cit.*, pp. 127-8.

⁵³ Gammage, *op. cit.*, pp. 123-4

⁵⁴ Brugger, *op. cit.*, p. 120.

⁵⁵ *Ibid.*, p. 76.

positive image of the Empire. These incidents had involved the burning and bombing of villages, the flogging of civilians and the killing of unarmed Arabs by Australian troops. The complaints of Egyptians that 'men in big hats' (that is, Australians) had mistreated them were usually taken seriously.⁵⁶

It was in this inflammatory atmosphere of mutual mistrust and unease that Clarrie chose to embark on the sorties that culminated in his court martial. At Salhi on 8 May 1919, he was charged with two counts of stealing with violence, in the company of a British trooper (H.V. Barry), 'the property of an inhabitant of the country'; and one with entering territory that was out of bounds.⁵⁷ Although Clarrie later claimed — to his brothers and his criminal colleagues in Sydney — that he had 'murdered an Arab', this seems to have been a boast calculated to boost his credentials as a tough man.⁵⁸ There is no mention of such an incident in the court martial papers, although he was accused of having drawn his bayonet and pointing it in a threatening manner at his terrified victims.⁵⁹ It was alleged that on the first occasion, on 27 April, he and Trooper Barry had forcibly entered the premises of a Greek shop owner at Salhia (the 'village across the railway line' mentioned above) demanding alcohol. When the Greek did not oblige, they threatened him with bayonets and stole approximately 160 piastres. On the second occasion, two days later, both men had gone to the house of an Arab where they asked for 'a bint' (a woman) who, Clarrie claimed, had arranged to meet him there. On being advised that 'there is no bint here', they forced their way in with bayonets fixed and searched the two occupants and a third man who happened upon the scene, stealing the sum of 1000 piastres. In an apparent effort to justify their presence in the village, they then took one of the men into custody, claiming they had found him in possession of a round of ammunition.⁶⁰

At his court martial Clarrie began a tradition of defending himself which he would continue in most of his subsequent court cases for the rest of his life. At the age of 17, he had enough confidence to conduct a lengthy, detailed and articulate examination of witnesses and

⁵⁶ *Ibid.*, p. 141.

⁵⁷ Charge Sheet of FGCM Trooper Clarence Henry Thomas, No. 3792, 7th Light Horse Regiment, Series A471/1, Item 6945, NAA.

⁵⁸ This is the version that surviving family members believe to this day. See Clarrie's statement on admission to Auxiliary Hospital at Leichhardt, 28 August 1919, for another version of his actions.

⁵⁹ Trial of No. 3792 CH Thomas, 7th ALH Regt, FGCM, Series A471/1, Item 6945, NAA.

⁶⁰ *Ibid.*

cross-questioning of the prosecution. Although he failed to have the charges dismissed, his examinations and statements in defence are impressive for someone of his age and inexperience. The court was not sufficiently impressed, however, and he was sentenced to 18 months' imprisonment without hard labour.⁶¹

Perhaps Clarrie had done such things before, but this incident is significant in that it is the first record of his having used the kinds of standover tactics that were later to be the hallmarks of his criminal career. His misdemeanours until this time, while on active service, had been minor by comparison. At Boulac, in October 1918, while convalescing from an attack of malaria, he had been found in town 'without a pass and deficient of identity disc'; in Cairo, on 20 November, he had failed to report to headquarters on completion of his sick leave; and at Salonika, on 18 December, he had broken ship and gone AWL for seven hours. The first two were relatively minor infractions and were dealt with leniently; for the third, he was awarded Field Punishment No. 2, which consisted of his being shackled in a Field Punishment Compound for seven days. On the occasion of his court martial, when produced as character evidence, these incidents told against him.⁶²

Clarrie spent only a month in the Moascar Compound as a prisoner before being admitted to hospital at Abbassia, on 15 June, suffering from 'insomnia and debility'. He had cut both wrists with a razor and his chest with a piece of broken glass. He complained that he had received 'fairly harsh treatment' while a prisoner at Moascar and had suffered an attack of malaria. The vision in his right eye, which he stated had been failing for some years, was getting worse. He was described as 'highly nervous' and deemed 'medically unfit to undergo punishment'; and it was here that it seems to have been discovered, for the first time, that Clarrie was only 17 years of age.⁶³

On 5 July 1919 he was described as 'NYD Mental'. 'NYD (Not Yet Diagnosed) Neurosis/Mental' was a classification usually entered in a patient's records when a claim or

⁶¹ Proceedings for Trial of No. 3792 CH Thomas, 7th ALH Regt, FGCM, Series A471/1, Item 6945, NAA, 11 May 1919, p. 2.

⁶² CHJ Thomas Casualty Form Active Service, Sheet 2, pp. 1-2.

⁶³ C.H. Thomas, No. 27621, Medical Case Sheet General Notes, 15 June 1919, NAA C138/3, R87200.

suspicion of 'shell shock' was in evidence.⁶⁴ In later years Clarrie claimed, when pleading for leniency during a trial for one of his crimes of maliciously wounding, that he had spent 12 months in hospital after coming back from the war, 'suffering from mental instability'. He said, on that occasion, 'I am not responsible for my actions'.⁶⁵ How much his alleged mental instability was caused by his war experiences is uncertain, given that he appears to have come under fire on very few occasions. In fact, it can be estimated that there was a period of about 10 days during which Clarrie himself was likely to have undergone some sustained shelling and machine gun fire.⁶⁶ The fact that his mental instability, after examination at the Military Hospital in Cairo, was ascribed to 'heredity' (despite the admission by the examining doctors that they had no details of his family history)⁶⁷ reflected the current belief that heredity was the major factor in the development of psychiatric illnesses. It was thought that those whose ancestry contained evidence of insanity were predisposed to develop psychiatric disease at some time in their lives.⁶⁸ Ascribing a serviceman's mental instability to heredity was also, however, a means by which army authorities could absolve themselves of major responsibility for ongoing pathological problems experienced by repatriated servicemen. While we know that Clarrie's ancestry on his father's side was heavily influenced by both depression and alcoholism, this was not known by the investigating doctors in Cairo, and probably not by Clarrie himself. The fact that a large number of returned servicemen suffered from war neurosis simply indicated, to psychiatrists, the high proportion of the population that was hereditarily vulnerable to mental illness. This hereditary predisposition, they believed, went undetected until severe stress triggered a mental collapse.⁶⁹

It is probable that Clarrie did, indeed, experience some brutal treatment as a prisoner in the Moascar Compound. While he awaited sentencing, he was required to be kept apart from prisoners undergoing sentence; to be supplied with his normal rations; would not be required to

⁶⁴ S. Garton, *Medicine and Madness: A Social History of Insanity in New South Wales, 1880-1940*, (New South Wales University Press, Kensington, 1988), p. 152.

⁶⁵ R -v- Clarence Henry John Thomas, Darlinghurst Quarter Sessions, 17 July 1922, NSW Court Transcripts File 6/1166.

⁶⁶ Richardson, *op. cit.*, pp. 98-103.

⁶⁷ Citadel Military Hospital, Cairo, AIF Department of Repatriation and Demobilisation Medical Report, dated 17 July 1919, pp. 2 and 3, NAA, C138/3, R87200.

⁶⁸ Garton, *Medicine and Madness*, p. 57.

⁶⁹ *Ibid.*, p. 77; M. Tyquin, *Madness and the Military: Australia's Experience of the Great War* (Australian Military History Publications, Loftus, 2006), pp. 34.

work; and would be obliged to wear his regimental clothing.⁷⁰ However, once his sentence was pronounced things would have changed. Military prisons were made deliberately harsher for the inmates than was active service. Prisoners were worked hard and if no work was available, they were drilled with heavy weights for up to three hours a day.⁷¹ The purpose of punishment inflicted at the Compound was to instil a 'high and lasting standard of discipline' in prisoners. Three hours per day was devoted to 'Military Instruction, physical drill, marching, rifle exercises, and musketry, beside daily lectures.⁷² Diet was spartan but adequate, with no extras such as jam, cheese, tobacco, tea or coffee, and a prisoner's diet could be restricted as further punishment if he misbehaved. As Clarrie's crimes were considered serious — in fact, if he had not been an Australian soldier he may have been awarded the death penalty — he would not have been treated with any leniency.⁷³ Regular medical checks were meant to ensure, however, that any suspicion of ill health was dealt with promptly.⁷⁴ Clarrie later claimed that during his imprisonment at Moascar he was bashed by a sergeant major who had 'a ring with a claw on', and this made his bad eye even worse. The sergeant major had apparently told him he would be educated by having some sense knocked into him and would therefore leave the prison camp a better person. Clarrie alleged that any ill health was ignored for at least seven days, sick prisoners being made to work as usual, until it was certain they were ill.⁷⁵ The slashing of his wrists and chest, however, seems to have been dealt with fairly promptly. After this attempt at suicide, he was declared unfit to undergo further punishment and his return to Australia was recommended.⁷⁶

Clarrie underwent further psychiatric evaluation while in the Citadel Military Hospital at Cairo, awaiting return to Australia. He was described in his clinical notes as a 'restless, sleepless, irresponsible, unstable...overgrown lad' who would 'not improve with discipline'. Doctors

⁷⁰ Notice of Commitment to Detention Barracks for safe custody while awaiting Trial by, or Sentence of, Court-Martial, in file of FGCM – Trials of No. 3792 - Trooper Clarence Henry John Thomas, 7th Light Horse Regiment, Series A471/1, Item 6945. NAA.

⁷¹ Chris Baker, 'The Long, Long Trail: The Story of the British Army in the Great War of 1914-1918', www.1914-1918.net/crime.htm, accessed 13 May 2005.

⁷² G. Barr, *Beyond the Myth: Australian Military Police 1914-1920* (HJ Publications, Weston, 2005), p. 83.
⁷³ Baker, 'The Long, Long Trail.'

⁷⁴ Barr, *op. cit.*, p. 84.

⁷⁵ Statement of C. Thomas on admission to Auxiliary Hospital at Leichhardt, 28 August 1919.

⁷⁶ C.H. Thomas, No. 27621, Medical Case Sheet General Notes, 15 June to 3 July, 1919, NAA C138/3, R87200.

believed he exhibited some 'stigmata of degeneracy', including 'asymmetry of the face', the right side of his mouth being drawn down, his left eyebrow higher than the right, his neck thick, his 'palate rather high' and his eyebrows meeting in the middle over his nose. He showed himself 'of an unsuitable mental standard for the Army...likely to be made worse by strict discipline.'⁷⁷ His mental condition was declared as 'hereditary', rather than attributable to his war service, although it was admitted that it was aggravated by his war service and the extreme climate of Egypt. He was classified as 'a Mental Case' and graded 'Mental Instability V'.⁷⁸ The treating doctors' diagnoses show clear adherence to the theories of Lombroso, discussed in Chapter Two. Little allowance seems to have been made for his extreme youth. The treatment of Clarrie is significant in light of the many instances of returned men in Australia who claimed that war-related psychological and psychiatric problems influenced their subsequent criminal behaviour. While many of them were allocated diagnoses similar to Clarrie's, judges soon ran out of patience with such 'excuses' and the phenomenon of 'war neurosis' remained little understood in either the fields of medicine or law.

On 24 July 1919 at Suez Clarrie embarked on the *HT Dongola* for return to Australia.⁷⁹ It must have been galling to have survived his relatively short stint in the war only to be court-martialled when hostilities were officially over. Once back in Australia, however, he set about constructing a persona as a gallant, returned soldier. This seems to have been easy enough to do given that, although a prisoner, he was still permitted to wear his uniform. He was also apparently wearing the medals allocated to him at the end of hostilities, even though they had been officially forfeited after his court martial. The army hospital authorities unwittingly assisted him in his deception by initially allowing him to go home on weekend leave to be with his ailing mother, who was unaware of his court martial.⁸⁰

In 1918 a cottage — Broughton Hall — was established at Callan Park Mental Hospital as a facility especially for the treatment of returned soldiers with 'war neuroses'. It had been

⁷⁷ C.H. Thomas, No. 275, Medical Case Sheet, 5 July 1919 to 16 July 1919, NAA C138/3, R87200.

⁷⁸ C.H. Thomas, AIF Department of Repatriation and Demobilisation Medical Report, Citadel Military Hospital Cairo, 17 July 1919.

⁷⁹ CHJ Thomas Casualty Form Active Service, Sheet 2, p.3.

⁸⁰ Statement of William Thomas, 6 December 1919 and memorandum in reply from Lt Col. Coutie, 22 December 1919.

decided to keep them apart from other psychiatric patients in the hope that returned soldiers suffering shell shock would be spared the usual stigma attached to the mentally-ill.⁸¹ This had been done at the insistence of the Returned Soldiers' Association and other concerned members of the public who believed that returned servicemen deserved special treatment apart from the normal psychiatric population.⁸² Designated as the No. 13 Australian Auxiliary Hospital (A.A.H.), Leichhardt, (later the No. 28 A.A.H.), it was run under the auspices of the military and here Clarrie was admitted on his return to Australia on 28 August 1919. Upon admission, he was interviewed by medical staff and made a curious statement about the circumstances of his arrest. He claimed he and another trooper had been on patrol at Zagazig during the time of the riots. The other trooper had gone into a shop for a shave and some 'trouble' had started, the trooper being cut over the eye with a razor. Clarrie and another trooper had got the man out of the shop. Then, he said:

They all started to crowd round. I took a revolver off one man and ammunition. The Gippo [Egyptian] gave us some money to let him go...they were following us crowded round...I had a bomb in my pocket and threw it and that settled them. They never followed us any further...they all ducked when they saw it come.

He claimed he did not know whether the 'bomb' (probably a hand grenade) killed anyone and that he had not been charged with this offence but simply with assault and could not understand what the whole court martial had been about.⁸³ Whether this incident actually happened, whether he was involved in it, or whether it was a figment of an overactive imagination is unclear. It does seem to have been the origin of the story Clarrie told to his family and friends: that he 'killed an Arab'. In his version of events, he was acting in self-defence and had been unjustly convicted of a crime when he was simply trying to stay alive. Once again, as he always would be in his own mind, he was a victim rather than a perpetrator.

After relating the story of the 'bomb', Clarrie declared he had 'never been better in all his life'. He said there had never been anything wrong with his nerves and he could not understand

⁸¹ M. Lewis, *Managing Madness: Psychiatry and Society in Australia 1788-1980* (AGPS Press, Canberra, 1988), p. 39.

⁸² A.G. Butler, *The Australian Army Medical Services in the War of 1914-1918, Vol. III* (Australian War Memorial, Canberra, 1943), pp. 761-3.

⁸³ Statement of C. Thomas on admission to Auxiliary Hospital at Leichhardt, 28 August 1919.

why the 'mental doctor' had been to see him in Egypt.⁸⁴ Now safe back on Australian soil, Clarrie denied any mental instability. He made no mention of his alleged suicide attempt, nor of the voices he had claimed to hear during his imprisonment in the Moascar Compound. The monthly examinations by army doctors during his hospitalisation indicate their uncertainty about diagnosis. In September, he suffered two attacks of malaria which disease, the examining doctor declared, might cause him to have a 'mental breakdown' if he were to be imprisoned. As regards his mental health, the doctor stated that 'His actions, together with some incipient symptoms...suggest the probability of his developing mental symptoms later on. He certainly has no delusions nor hallucinations, yet I cannot feel that he is quite normal.' He enclosed a certificate which also stated: 'At times he appears to be somewhat childish, which leads me to feel that in course of time there is a possibility of his becoming somewhat irresponsible.'⁸⁵ This statement was, indeed, prophetic.

Following just over two weeks in detention, Clarrie was apparently allowed home on weekend leave. The hospital authorities explained to his father, William, that he was undergoing punishment for an offence in Egypt. William was not given any details of the offence, thus allowing Clarrie to construct a story, as detailed above, that he thought would reflect best on him. After several weeks, however, Clarrie was suddenly refused further leave. In an emotional and heart-rending statement to the authorities, on 6 December 1919 — part of which is reproduced below — William protested at their treatment of his son. He described his bewilderment and heartbreak at his son's continued detention and the stress caused by his keeping the full story from his sick wife, Mary:

...[he] was welcomed and congratulated by his numerous friends and relations with regard to the stand he had taken to assist the protection of his King and Country at the age of 16 years and ... I have recently learnt that he also proved himself a thorough soldier fearing no danger whilst engaging the enemy. Dr Coutie informed me that I should be proud of my son I assured him I was delighted to have him back to Australia, and that it is my sole desire to have him liberated from his present place of confinement...I am at a loss to know if my son is undergoing punishment as stated why he is

⁸⁴ *Loc. cit.*

⁸⁵ Memorandum from Lt Col. Coutie to P.M.O., 2nd M.D., and attached medical certificate, both dated 24 September 1919.

allowed to go free wearing the King's Uniform also Victory and Service Colors to my mind there is something mysterious connected with the matter, which I will not rest contented until the thing is sifted to the bottom and my son set free to enjoy life which he is entitled to after what he has gone through and above all he being only a lad who for many years to come will be affected with that fearful disease Malaria...I hold the Military Authorities responsible with regard to my son's eyesight which greatly concerns me. Just imagine his unfortunate position, defective eyesight and Malaria Fever combined, and to think that he is deprived of his liberty for an offence if any not committed in the British Empire...my Wife suffered from a nervous attack caused through worry [about] his eyesight therefore you will clearly understand that the strain is beginning to play on me keeping her in ignorance of it. My son has a good clean living home to enter also a large grown up family to entertain him, which will help him to fight against his lot contentedly, where he is at present confined will not assist on account of him being only a boy associating amongst grown up men...

It was perhaps unfortunate that William saw fit to add a postscript to his statement: 'The Hospital Authorities informed me to get an influencial [sic] person to have my son pardoned and everything would be quite alright.'⁸⁶ It is clear from William's long and detailed statement that he was seriously concerned about his son and what he saw as the injustices of the army's treatment of him.

The army's written response to this statement was unequivocal. Clarrie, it was explained, had been refused further passes because it was found he could not be trusted. He had been discovered 'showing signs of drink' and at an entertainment at the hospital he had sneaked out and brought back liquor. Further, his history showed his untrustworthy nature and Lt Col. Coutie claimed that until he had become aware of this problem,

I did what I could to lessen the effects of his punishment and allowed him to go home from time to time mainly for the sake of his mother, who, together with the rest of the family, has been kept in ignorance of the patient's misconduct...The malarial attacks are very slight; the last time he complained there was not even a rise of temperature. The "P.S." to Mr. Thomas' letter is quite a diversion from the truth. Word has not yet been received that the patient has been pardoned and, consequently, I feel that the Hospital is

⁸⁶

Statement of William Thomas, 6 December 1919.

responsible for him. Therefore, passes cannot be given to him like other patients.⁸⁷

On the following day, Lieutenant Colonel Coutie signed a medical certificate testifying as to Clarrie's capability to undergo the remainder of his prison term and recommended that he be transferred to the Detention Barracks.⁸⁸ This transfer accordingly took place on 12 January 1920.⁸⁹ It seems that William's heartfelt plea and the assertion implied in his postscript had prompted the army doctor to dispose of the responsibility for Clarrie as soon as possible. Clarrie was finally discharged from military prison on 26 February 1920, although there is no record of his being pardoned.

Despite this inglorious end to his army career, Clarrie afterwards liked to identify as a 'soldier' and was both victim and hero, according to the circumstances in which he found himself. His boast that he was the youngest to enlist was not only believed by his family members but impressed many of his criminal colleagues as well, and was obviously part of the persona that he constructed for himself. As late as 1990, for instance, the infamous gunman 'Chow' Hayes mentioned Clarrie's youthful enlistment to his biographer.⁹⁰ While we now know that there were other younger soldiers in World War I — Jim Martin, for instance, enlisted successfully at the age of 14 years and 3 months⁹¹ — the fact that Clarrie was the youngest could well have been sincerely believed at the time, even by authorities. The 'meritorious war record' about which he liked to boast was obviously a fabrication but he persisted in claiming to the judges at his trials that he had been 'honoured by the King', even when confronted by them with the truth about his court martial.⁹² One of Clarrie's fellow gangsters, the murderous 'Gaffney the Gunman', insisted to the Court in 1928 when they were being jointly tried on a charge of theft, that 'Thomas was not a man likely to commit a crime of this nature because he had been to the

⁸⁷ Memorandum from Lt Col. Coutie to P.M.O., 2nd M.D, 22 December 1919.

⁸⁸ Memorandum and medical certificate from Lt Col. Coutie to P.M.O., 2nd M.D. both dated 23 December 1919.

⁸⁹ File note from Warrant Officer F.B. Hoskins, n.d.

⁹⁰ Hickie, *Chow Hayes*, p.173.

⁹¹ www.awm.gov.au/encyclopedia/boysoldiers.htm; accessed 1 March 2005.

⁹² R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW SR Court Transcripts File 6/1440, p.53; R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p.30.

war and was honoured by the King.⁹³ Clarrie's spurious claim at this trial that he was 'on the Peninsula' (that is, Gallipoli) at 14 was intended to impress and he also frequently alleged that he had lost the sight of his eye in the war.⁹⁴ Although his poor eyesight is mentioned in the hospital records referred to above, this appears to have been pre-existing. Some records from his Department of Veterans' Affairs files indicate that he had undergone an operation for cataracts before he enlisted. Clarrie himself also mentioned the accident at the age of 14 in a foundry when a piece of steel lodged in his right eye, causing him to be admitted to hospital as an inpatient.⁹⁵ Clarrie, however, milked this supposed war injury for all it was worth when trying for sympathy from judges.⁹⁶

The few months Clarrie served in the war left him with other legacies. He was taught to conduct violent and deadly physical attacks, using firearms and other weapons, and to defend himself ably with his bare fists; he developed, or had reinforced, a disrespect for discipline and rules; and he learnt to drink heavily. Like many of his fellow troopers he wore a memento of his service in the form of tattoos — a ship, a heart with clasped hands underneath and a ribbon with 'MOTHER' thereon above 'EGYPT' on his upper right arm, and the head of an Indian girl below that.⁹⁷ Perhaps this latter was a nod to his South American Indian heritage of which he and his siblings had been taught to be proud. There was no doubt he enjoyed the camaraderie of war, and he did his best to ensure that his homecoming was as glorious as possible. If the full truth had emerged, it would have meant indignity and disgrace.

Clarrie's first claim for a war pension was made in January 1920 and was based on the disability he suffered from his continuing attacks of malaria. He was initially awarded a pension of one guinea per fortnight for total incapacitation but this was reduced by the end of the year to 8/3 per fortnight when he was judged by then to be only one-tenth incapacitated.⁹⁸ His next

⁹³ R -v- Neil, Thomas and Messenger, 26 April 1928, NSW SR Court Transcripts File 6/1440, p.53.

⁹⁴ R -v- Neil, Thomas and Messenger, 26 April 1928, NSW SR Court Transcripts File 6/1440, pp. 53 and 55.

⁹⁵ C.H. Thomas, No. 27621, Medical Case Sheet General Notes, 15 June and 3 July, 1919, NAA C138/3, R87200.

⁹⁶ R -v- Neil, Thomas and Messenger, 26 April 1928, NSW SR Court Transcripts File 6/1440, p.55; R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p.29.

⁹⁷ C.H.J. Thomas, Gaol Description Card, 196/168, p. 1.

⁹⁸ C.H. Thomas, No. 3792, Claim for War Pension, 27 January 1920; Examiner's Report, 15 November 1920, NAA C138/3, R87200.

review resulted in his pension being cancelled as he was considered fully recovered. For the remainder of his life, Clarrie made periodic attempts to have the pension reinstated, in later years claiming his eyesight was failing because of 'the reflection and glare of desert sands whilst in Egypt and Palestine'. The authorities, however, were intractable. His final claim was made by way of a Record of Evidence the day before his death, when he renewed his claim for a war pension because of alleged ongoing problems with malaria and loss of sight in his right eye.⁹⁹ It is impossible to judge whether or not the continuation of a full war pension would have made a difference to the path Clarrie chose to take after he was released from hospital. Whether, indeed, he was actually entitled to such a pension or, as we may suspect, was malingering, is not really the point at issue. On a pension, without gainful employment, he seems to have joined the horde of young returned men already referred to, who swaggered about the streets and propped up the bars of hotels and wine bars, behaving in a manner that increasingly alarmed the general public.

On his first occasion in 1920 of being charged with assault occasioning actual bodily harm, Clarrie was given a suspended sentence of 12 months with a 'very strong recommendation to mercy'.¹⁰⁰ There is no existing court transcript for this case but there are newspaper accounts of the incident. Apparently, Clarrie, who was described as a machinist¹⁰¹ and as 'a young returned soldier', had been drinking in the bar of the Royal Exchange Hotel at Marrickville when he allegedly grabbed and drank a bottle of beer from another patron, one Ignatius McGuirk. Upon being challenged by McGuirk, Clarrie bent over, pretending to whisper in his ear, then 'chewed' it. When McGuirk swung a punch in protest, Clarrie struck him a severe blow on the nose, sufficient to break it and bend the septum so badly that it required an operation to straighten. The licensee of the hotel testified that Clarrie was 'doing a bit of ragtime business', dancing around the bar, but said that, although he had had a few drinks that afternoon, he was not unduly intoxicated. When chastised by the magistrate for serving a patron who, although not drunk, was 'the worse for liquor', the publican replied that when there were 30 or 40 men

⁹⁹ C.H. Thomas, No. 3792, Examiner's Report, 24 October 1921; letter from Deputy Commissioner, Department of Repatriation to The Gaoler, Maitland Gaol, 14 January 1927; Statement of Claim, 14 October 1937; Record of Evidence of C.H.J. Thomas, 17 November 1937, NAA C138/3, R87200.

¹⁰⁰ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

¹⁰¹ This was during the period when his war pension was being paid on the basis of his supposed full incapacity for work.

drinking on the premises it was 'hard to put one out'.¹⁰² It appears that Clarrie was one of a group of unruly drunks who had the publican cowed. He was also one of the many young men of whom the judiciary despaired at that time for their acts of personal violence.

According to the newspaper accounts, it would seem that the magistrate's recommendation for mercy was probably made on the basis of Clarrie's youth and his alleged unstable mental condition after the war. As discussed in Chapters One and Two, this was a time when public and official disquiet about the supposed over-representation of returned soldiers in the law courts was increasing. It is difficult to know whether Clarrie's 'war neurosis' was genuine or an act put on by him to get out of, first, imprisonment in Egypt and, second, gaol in Australia. Clarrie and his family would have been aware of the public and official debate. Bearing in mind his youth — he was barely 18 when he returned to Australia — and his possible inherent tendency to mental instability, he could well have suffered mental 'breakdown' from his experiences in Egypt. His continuing attacks of malaria could also have been an aggravating factor, according to recent research that has identified the disease as a cause of the 'long-term medical and psychological problems' that some war veterans suffer. Malarial damage to cerebral nerve tissue in the frontal-temporal areas of the brain can lead to, among other things, personality change, emotional instability and proneness to violence on a long-term basis. Researchers have pointed out that malaria was considered a leading cause of mental illness in British troops in India during the nineteenth century, but this had largely been forgotten because the disease had not been a major problem in western nations for many years until the Vietnam War experience.¹⁰³ Michael Tyquin's book, *Madness and the Military*, documents the psychological and behavioural problems of Australia's returned soldiers from the Great War and touches on an increased incidence of criminality and wayward behaviour as a potential consequence of war experiences.¹⁰⁴ However, Tyquin does not look at the possibility that the malaria contracted by so many soldiers in Egypt could well have had serious and long-lasting neurological effects. Whatever the truth, Clarrie was to use his status as a 'malaria-afflicted returned soldier' as often as possible to his advantage, for the remainder of his life. We can only

¹⁰² 'A Chewed Ear and a Blow on the Nose: Magistrate Censures Publican', *Truth*, 13 June 1920, p. 8; 'Quarter Sessions: Assault', *SMH*, 27 August 1920, p. 6.

¹⁰³ 'The Relation Between Malaria and PTSD' <http://www.hotkey.net.au/~marshalle/medical/malptsd.htm>, accessed 19 September 2005.

¹⁰⁴ Tyquin, *op. cit.*, pp. 125-8.

speculate as to how many of the young men newly returned from the war and engaging in acts of street violence had also suffered attacks of malaria during their service overseas.

Clarrie also came before the court for an incident that took place in July that year in which he was alleged to have violently resisted arrest by Constable James Michael Toohey. It was claimed he kicked and punched the constable, causing Toohey to suffer a fractured collarbone and injuries to the head that required Toohey's hospitalisation. Clarrie was acquitted of this charge,¹⁰⁵ and an intriguing anecdote about the constable was related by 'Chow' Hayes to his biographer, David Hickie. Nicknamed 'Mad Digger' Toohey, he was allegedly a ruffian who had returned from the war suffering shell shock. He liked to challenge those he intended to arrest to fisticuffs, the stakes their being taken into custody if Toohey was the victor.¹⁰⁶ It appears that on this occasion Clarrie got the better of him. Although Toohey claimed Clarrie was resisting arrest, there is no charge recorded against him on that date and it is likely that Toohey was simply up to his usual tricks. The incident, however, gave police ammunition in their efforts to keep Clarrie locked up in gaol. In future court cases, they frequently used this spurious claim to influence his sentencing by portraying him in the worst possible light and, despite Clarrie's vehement protests whenever this happened, the claim was never challenged by the trial judges.

Police and wrongdoers on the streets often seemed to be engaged in almost a game dominated by whoever had the upper hand in terms of wits, numbers or sheer brawn. Toohey's policing methods may seem idiosyncratic even for the times, but his strongarm tactics were calculated to keep as many undesirables as possible off the streets. In behaving in this manner, Toohey was guaranteed to raise the ire of even the peaceable crook; to challenge a man such as Clarrie was courting disaster for them both. Any contempt for police that may have been brewing already in young men such as Clarrie would have been strengthened by such altercations. It is significant that Toohey's colleagues themselves did not seem to find his methods of policing unusual, but there are many documented and almost casual admissions by police officers of the era about the systematic use of violence against suspects, notably those of

¹⁰⁵ 'Criminal Court', *DT*, 12 November 1920, p. 7; 'Alleged Attack on Constable', *SMH*, 12 November 1920, p. 6.

¹⁰⁶ Hickie, *Chow Hayes*, p. 26.

Ray Blissett. As he said, if those arrested complained about their treatment, '...you knocked 'em down and if they got up and complained, you knocked 'em down again'.¹⁰⁷

A few months after the assault on McGuirk, Clarrie was charged with riotous behaviour; soon after that with indecent language; and then, in May 1921, he was called up for sentence on the basis that he had failed to abide by the conditions of his sureties.¹⁰⁸ Clarrie, for whatever reason, was not sentenced to any of the open-air options proposed by the State government especially for returned servicemen. He began the first of his many civil sentences when he was admitted to Goulburn Gaol for 12 months with hard labour.¹⁰⁹

While Clarrie already had a short term of prison experience following his court martial in Egypt, this 12-month term would have only served to consolidate any already-established feelings of resentment, hopelessness and despair. He was 20 years old when he entered Goulburn Gaol and was destined to spend a total of less than two years free from gaol in the period up to his death 17 years later. This initial term in Goulburn prison probably set the pattern for the remainder of his life as it did for so many young men at this time. In 1938, the retiring Governor of Goulburn Reformatory, George F. Smith, wrote a series of articles for *Smith's Weekly* in which he exposed the inadequacies of the New South Wales prison system and the blatant cruelties of those who administered it. Smith was in charge of the Goulburn prison from 1928 to 1939 and was known, and often reviled, for his progressive ideas about prisoner education. During his long career with the Prisons Department, which began in 1901, he also served at Parramatta, Darlinghurst, Biloela, Long Bay and Bathurst, so was able to write with some authority about the many issues that concerned him.¹¹⁰ As already discussed in a previous chapter, one of these issues was the practice of 'police whispering'. Smith claimed: 'It is against all principles of British justice that policemen should hound out of employment men who have paid their debt to society'.¹¹¹ Like the men about whom Smith was writing, Clarrie was to find

¹⁰⁷ L. Writer, *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog* (Macmillan, Sydney, 2001), p. 139.

¹⁰⁸ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

¹⁰⁹ *Loc. cit.*

¹¹⁰ J. Ramsland, *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales* (Kangaroo Press, Kenthurst, 1996), pp. 230-47,

¹¹¹ G.F. Smith, 'Gaol Secrets Revealed. Men Who Are Forced Back to Crime', *Smith's Weekly*, 15 October 1938, p. 21.

that this invariably happened to him, so that, once freed, he had little chance of obtaining long-term gainful employment. As was the case with many of his criminal colleagues, such actions by the police eventually discouraged him from seeking work altogether, so that the trades he may have learnt in gaol were of no use to him once he was released from prison. It was most natural for these men to seek their friends who were also in the same situation.

Clarrie resumed his anti-social behaviour as soon as he was released at the end of February 1922. By then, the Thomas family had joined the exodus to the outer-west by moving to the suburb of Campsie in an attempt to resettle the brothers away from the crowded terrace housing and undesirable elements of St Peters and Marrickville, where they had lived all their lives. Both William and Mary Thomas were worried because one of Clarrie's younger brothers, Fred, had begun emulating Clarrie and had attracted the attention of the Marrickville police for several minor crimes of theft.¹¹² Serious problems had also developed in William and Mary's marriage. In June the previous year, Mary had taken her husband's unlicensed, fully-loaded revolver to the Newtown police station because she was afraid he would 'do her some harm'.¹¹³ They were living apart by the time the matter came to court and it appears that cracks were appearing in William's mental health. It is not unreasonable to suspect that the antics of his much-loved eldest son were contributing to his depression. William protested that his wife 'had taken a mean advantage of him' but the magistrate agreed she had done the best thing in the circumstances and fined him for being unlicensed.¹¹⁴ 'Devonia', their new house in Claremont Street, was a capacious Federation brick home with front and back gardens, and Clarrie lived there with his family. Despite the move to Campsie, however, he continued to consort with his old acquaintances, commuting to and from Marrickville, Newtown and their environs by train, tram and bus. To Clarrie, the 'undesirable localities' in the inner suburbs of Sydney referred to by concerned judges, obviously exercised an almost magnetic attraction. As Russel Hogg points out:

¹¹² Admitted by Fred when giving evidence at Clarrie's trial in R -v- Clarence Henry John Thomas, Darlinghurst Quarter Sessions, 17 July 1922, NSW Court Transcripts File 6/1166, p. 27.

¹¹³ 'A Gun Act Fine', *Daily Telegraph*, 30 June 1921, p. 9.

¹¹⁴ *Loc. cit.*

The moral and cultural investments in crime are many and various: thrills and excitement, masculine toughness, freedom, defiance, reputation, and personal honour.¹¹⁵

As the remaining events of his life show, all these 'investments' were extremely important to Clarrie. After several relatively minor infractions — indecent language, assault, malicious damage — for which he was fined, he was charged with assault occasioning actual bodily harm on 5 July 1922 (12 months hard labour) and again on 17 July 1922 for maliciously wounding (two years hard labour).¹¹⁶ On the first occasion, he had, in the words of the trial judge for the latter offence, 'violently assaulted an unfortunate Greek in an oyster saloon by banging him over the head with a chair', breaking the Greek's nose and inflicting other serious injuries. While awaiting trial on that charge he committed the second offence,¹¹⁷ for which the court transcript is available. It is here that Clarrie's violent, drunken aggression appears to have escalated in severity. According to the victim, Patrick Leahy Collins, he and his brother, Michael, whom he had not seen for 24 years and who was newly-arrived that day from Ireland, were sitting in a park in the inner-Sydney suburb of Petersham. Clarrie and two other men, all of whom appeared intoxicated, had arrived in the park and tried unsuccessfully to damage a paling fence that bordered a residential property backing on to the park. They then attempted to up-end one of the park benches, whereupon Collins called out for them to stop. On being challenged by Collins, Clarrie approached him and bent down, flashing his soldier's badge which was on his lapel, and declared, 'I am a returned man, look at my badge'. Collins then hit one of the men who was threatening his brother, whereupon Clarrie drew a full bottle of beer from his hip pocket and struck Collins twice on the crown of the head and then across the forehead, breaking the bottle in the process. Collins's injuries were such that he was hospitalised for a week and the judge declared, when sentencing Clarrie:

...I have no doubt at all that it was entirely by a fortunate accident that you have not been put on your trial for murder, and convicted of it...yours is nearly the worst case that I have ever had to deal with. I regard you as an absolutely ruthless and reckless man who

¹¹⁵ R. Hogg, 'The Causes of Crime and the Boundaries of Criminal Justice' in J. Tolmie and W. Brookbanks (eds), *Criminal Justice in New Zealand* (Wellington, LexisNexis NZ, 2007), p. 93.

¹¹⁶ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

¹¹⁷ R -v- Clarence Henry John Thomas, Darlinghurst Quarter Sessions, 17 July 1922, NSW Court Transcripts File 6/1166, p. 56.

does not care a farthing how much he imperils human life or human safety so long as he can vent his spleen or his antagonism at the moment.¹¹⁸

This was the last recorded occasion on which Clarrie's family members were to stand up for him in court. Clarrie conducted his own defence and, desperate to avoid another gaol sentence, he persuaded his mother and his brother Stan, his sister-in-law Nellie, and sister Elsie to give him alibis. His mother pleaded:

...I had never had any trouble with him until he returned from the war. I feel quite sure he cannot be right in his head...I have 7 sons and have reared them all. They are all respectable and he is the only one, and his young brother is inclined to be a little bit wild, though I do not know why.¹¹⁹

Mary's claim that her son was not 'right in his head' may not have been far from the truth, given Clarrie's history of repeated attacks of malaria and the recent research referred to above. Such an argument was not available to Clarrie, however. When he claimed, in his defence, that he was mentally unstable as a result of his war service, the judge replied that he had enough awareness to commit 'wilful and corrupt perjury' and had persuaded his relations and associates to commit perjury on his behalf. He was therefore unable to take a very lenient view of the case.¹²⁰ In claiming that it was not he who committed the offence, Clarrie denied ever having worn a soldier's badge because, he said, 'I have no authority to wear a returned soldier's medal'. He also claimed, 'I have never been under the influence of drink in my life.'¹²¹ The former statement was indeed true but it appears that he had either somehow come into possession of such a badge, or that it had never actually been taken away from him. Wearing it gave him public prestige as a digger. Like many returned men, Clarrie's attitude during this assault seems to indicate that he thought himself beyond the law and that his status as a returned soldier cloaked his behaviour in legitimacy. His drunkenness, violence, aggressiveness and 'disruptive

¹¹⁸ *Loc. cit.*

¹¹⁹ *Ibid.*, p. 55. That their sons returned from the war with psychological and personality changes was a common refrain from family members. See, for instance, examples in Tyquin, *op. cit.*, pp. 139-41.

¹²⁰ *Ibid.*, p. 54.

¹²¹ *Ibid.*, p. 18.

'behaviour in public places' were typical actions of many young returned men.¹²² In court, he was quick to adjust his story to fit the circumstances when required but his attempts on this occasion, and on others, to exploit his image as a war hero, were hindered by the judges who would not readily accept such excuses.

Clarrie began this two-year term of imprisonment at Long Bay, which was the reception gaol for the state. Here, as with all new prisoners, he would have been fingerprinted, photographed and entered in the gaol register, then examined for venereal disease.¹²³ After being diagnosed with gonorrhoea, he was taken to the lock hospital within the gaol where he was treated for three months.¹²⁴ There was much public and official concern at the time about the perceived increase in cases of venereal disease. Prisoners found to be infected were kept segregated from the general prison population, required to remain in bed, and given injections and oral administrations of mercury. After one month free of the disease, without any treatment, they could then be released into the general prison population.¹²⁵ When Clarrie was eventually certified 'clean', he was transferred to Bathurst Gaol.¹²⁶ While still in Long Bay, his appeal against his conviction came before the Court of Criminal Appeal. The basis for Clarrie's appeal was that he had been wrongly identified and two witnesses were called on his behalf. However, the court refused leave to appeal and his sentence stood.¹²⁷

Clarrie was soon in further trouble. In May 1924 he was a ring-leader in what was then regarded as 'the worst gaol riot in Australia's history'. Bathurst is now well-known as a prison in which serious riots took place in the 1970s. The 1924 riot is rarely mentioned, or is given scant attention, in prison histories but at the time it caused serious concern to authorities and the general public. The early press reports alleged that the rioters demanded the resignation of the chief warden and protested against the supposed ill-treatment of certain fellow prisoners. The noise made by the prisoners as they beat their tubs and screamed at the warders could be heard in

¹²² J.A. Allen, *Sex and Secrets: Crimes Involving Australian Women Since 1880* (Oxford University Press, Melbourne, 1990), pp. 130-1.

¹²³ Ramsland, *op. cit.*, p. 182.

¹²⁴ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

¹²⁵ *Progress Report from the 1915 Select Committee on Prevalence of Venereal Diseases; Together with the Proceedings of the Committee, and Minutes of Evidence, and Appendices*, New South Wales Legislative Assembly, Sydney, 1916, pp. 28-9.

¹²⁶ CHJ Thomas, Gaol Description Card, 196/168, p. 2.

¹²⁷ 'Court of Criminal Appeal. Rex-v-Thomas', *SMH*, 18 November 1922, p. 9.

Bathurst township, a distance of half a mile.¹²⁸ After quelling the protesting prisoners with batons, warders allegedly beat a young prisoner so badly that his clothes were drenched in blood and pieces of his flesh adhered to them. Clarrie then rallied his fellow prisoners and led them in revolt. They refused to go to their cells, and seized control of the food barrows from which they distributed the rations themselves. Police reinforcements were summoned by the gaol authorities and these men advanced on the striking prisoners with fixed bayonets. George F. Smith later described the scene:

When the rioters saw the bayonets they quailed. But Thomas stood fast and rallied them. 'They're not game to use the bayonets; they're only bluffing,' he shouted. 'It's against the law. Stand your ground.' Thomas opened the breast of his shirt and faced the warders, challenging them to stab him with their bayonets. The challenge was accepted and Thomas and dozens of others suffered serious wounds. Some who turned to flee were stabbed in the back. The prisoners gave way and made a bolt for their cells, but they were intercepted by police armed with batons and were bashed and beaten.¹²⁹

The brutal treatment of the young prisoners caused widespread alarm. One newspaper carried the front page headline: 'Boys Bayoneted in Bathurst Gaol. Seventeen Badly Wounded — And Then the Police Waded In With Their Batons. A Horrifying Scene.'¹³⁰ In his book on learning to kill during wartime, Lieutenant Colonel Dave Grossman writes at length about the natural fear of bayonets, the reluctance of soldiers to use them in battle, and the belief that soldiers are more likely to be killed if they flee a bayonet attack than if they stand their ground.¹³¹ It may be that Clarrie called on his military experience when he urged his fellow convicts to stand fast. In any event, the warders showed no reluctance to use their weapons on this occasion. The irony of this bayonet attack may not have been lost on Clarrie who, it will be remembered, had used his fixed bayonet to threaten his victims in Egypt when standing over them for money and alcohol.

¹²⁸ 'Prisoners Revolt. Bathurst Gaol. Police Aid Warders,' *SMH*, 19 May 1924, p. 9; Ramsland,), *op. cit.*, pp. 202-3.

¹²⁹ George F. Smith, 'When Prison Warders Used The Bayonet', *Smith's Weekly*, 8 October 1938, p. 10.

¹³⁰ *LD*, 3 June 1924, p. 1.

¹³¹ D. Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Little, Brown and Company, Boston, 1995), pp. 121-8,

So much public disquiet erupted at the stories filtering out through the media, that an alternative version of events leading up to the Bathurst Gaol riot was released within days. A 'sensational gaol plot' was revealed to the public, in which over 300 prisoners would have been set free and the 'wholesale murder of sentries' was supposed to have taken place. One of the prisoners who planned to escape was the infamous Roy Governor, who was found to have secreted a padlock cutter, wire hooks, an auger, wrenches and jemmies in his cell. He admitted to expecting a revolver and some saws to be sent to him with the Easter dinners. Other infamous murderers and burglars were named as being in the plot to escape, including Speechley, the Centennial Park murderer, whose crimes and capture had horrified and enthralled the citizens of Sydney.¹³²

Clarrie was named as the leader of the younger prisoners. It allegedly had been their job to cause the maximum amount of noise and disruption of routine in the gaol to cover the smuggling of weapons, tools and implements to the prisoners' cells. Together with the leader of the older prisoners, John Callaghan, Clarrie was sentenced to 28 days' solitary confinement and then sent to Long Bay before being transferred to Maitland prison to serve the remaining eight months of his sentence.¹³³ The move to Maitland was probably a part of his punishment. During the enquiry into the riot, Clarrie had complained that Bathurst was particularly unpleasant because of its cold climate and its isolation from friends and family in Sydney, who could rarely visit. He asked to be moved to Long Bay or Parramatta to serve the remainder of his sentence closer to his family. This was refused.¹³⁴ His prominent role in this incident no doubt thereafter served to identify him to New South Wales police and prison staff as a troublemaker. But it also would have helped gain him admiration and recognition among his peers as a man who was not afraid to buck authority and who would take a leadership role when required. Despite his violent reception from prison warders in this instance, this would not be the only prison riot in which Clarrie would take a leading part. However we may regard his actions, even independent observers such as George Smith above characterised him as brave and courageous. Author Vince Kelly, in his biography of Walter Richard Lawrence, former Deputy Commissioner of Police and CIB

¹³² 'Sensational Gaol Plot. Bathurst Riot Carefully Schemed', *EN*, 20 May 1924, p. 1; 'Prisoners Plan Daring Escape', *LD*, 21 May 1924, p. 5; 'Gaol Mutiny. Prisoners' Plan', *SMH*, 31 May 1924, p. 17; 'Daring Plot. Bathurst Gaol Riot. Amazing Reports', *DT*, 31 May 1924, p. 7.

¹³³ CHJ Thomas, Gaol Description Card, 196/168.

¹³⁴ 'Daring Plot. Bathurst Gaol Riot. Prisoners Preferred Parramatta', *DT*, 31 May 1924, p. 7.

detective, describes Clarrie on the one hand as 'completely unregenerate and incorrigible' and 'one of Sydney's most dangerous thugs'; he then goes on to say: 'His one redeeming quality was his courage. He never counted the odds in a fight...'¹³⁵ This is a rather peculiar view to take of someone who, at least in the early years of his career, made a habit of bashing and robbing the unsuspecting and helpless; perhaps a more accurate description to apply to Clarrie in the above circumstances might be 'foolhardy'.

Clarrie's experiences in prison had already gained him notoriety and, no doubt, the status of hero amongst his peers, particularly for his role in the Bathurst riot. But, still only 22 years of age, he was one of those who was not served well by the prison system. If it was the intention of those such as Neitenstein and Judge Bevan that prison should be a place of reform, these intentions were not often translated into reality by those in charge of inmates. Clarrie's case illustrates how the treatment meted out to headstrong prisoners contributed to the path they continued to take both inside and outside gaol. If prison officials themselves were actuated by motives of revenge, then so too was Clarrie as a result of the brutality inflicted on him in gaol. Lombroso's theory that the formation of gangs is directly attributable to the congregation of criminals in gaols is also significant in the case of Clarrie. In Maitland Gaol, he probably first became acquainted with two of his future associates in the Surry Hills underworld, Joseph Messenger and 'Gunman Gaffney', who were both then serving sentences in that prison for robberies. The three would become embroiled in an incident that appears to have had a direct connection to the gang wars in Sydney in the later years of the decade. Gaffney, himself, was reputed by then to be the leader of a Surry Hills gang, of which Clarrie was undoubtedly a member.¹³⁶ It can be seen that the roles played by the prison system and the authorities within that system in the development of the underworld subculture — unwittingly or otherwise — were pervasive, encouraging camaraderie with like-minded cohorts and a sense of shared resentment and hatred that encouraged inmates to band together both inside and, once released, outside prison.

¹³⁵ V. Kelly, *It Does Not Pay to Compromise: The Story of Walter Richard Lawrence* (Epworth Press, Redfern, ca 1963), p. 76.

¹³⁶ A full discussion of this case appears later in this chapter.

There is also the first evidence of Clarrie's literary skills and ambitions at this time. His persona as a writer appears to sit oddly with his career as a violent gangster. Family members, including the author, remember three large exercise books of poems that were in the possession of his brother Les but destroyed after Les's death in 1984. Searches and enquiries for other examples of his writing have met with little success, only three original verses having come to light. One of these was written in 1925, after completion of the above prison sentence. A somewhat risqué poem of two verses and a chorus, entitled 'Oh Adam!', it was set to music in the form of a fox trot by a well-known piano composer of the era, David Henry Stewart. Stewart wrote many waltzes and pianoforte solos under his own name, but for Clarrie's piece he used a pseudonym, Stuart Henry. Clarrie and Stewart applied for, and were granted, registration of the copyright for this song on 23 July 1925.¹³⁷ It is impossible to judge the worth of Clarrie's poetry on the basis of three existing pieces. However, his enthusiasm for writing was unbounded. As well as poetry, he wrote and published an autobiography in about 1927 titled *My Life in Gaol*.¹³⁸ He claimed Roderic Quinn, a well-known poet of the time, as a mentor and told the court on one occasion that he wrote short stories (this was verified by a constable in the court room), and that Clyde Marsh, a writer of film scripts, had read his work and declared that he had 'a very good future' in scriptwriting.¹³⁹ It is impossible to confirm the truth of these claims and they must be treated with a healthy dose of scepticism, given his propensity for lying, but there is no doubt that his interest in literature and writing was genuine.

There is, of course, a tradition of prison writing and, indeed, working-class poetry and literature as a whole. For a person inclined towards this form of self-expression, enforced idleness in a prison cell is sometimes an excellent way to concentrate the mind and produce an often high quality of writing. Like Clarrie, most working-class poets and writers were self-educated, achieving high levels of literacy through reading, which often changed and empowered them. Some used poetry and literature as a refuge from unhappy living conditions or inescapable

¹³⁷ C.H.J. Thomas and D.H. Stewart, Application for the Registration of Copyright in a Musical Work, NAA, Item No. No. 13993, Series A1336, 23 July 1925.

¹³⁸ Extensive enquiries have failed to locate any existing copies of this book. See mention of the volume in R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p. 6.

¹³⁹ R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW SR Court Transcripts File 6/1440, p. 55.

situations.¹⁴⁰ Clarrie had artistic ambitions that went beyond simply jotting down a few ditties for his own and his friends' amusement. In his brief respites from gaol, he evidently attempted to forge a literary life that, had he been successful, might have taken him away from the dark path he was otherwise inclined to tread. Sydney's bohemian scene was vibrant during the 1920s, its poets, writers and artists gathering in bars and cafes, publishing stories and poetry and exhibiting their paintings to critical acclaim. Largely centred around Kings Cross, where Clarrie often stayed with friends, this life might have had a particular attraction for a young artistically-inclined man of the era.¹⁴¹ However, while there is evidence he was acquainted with at least one well-known musician of the time in David Henry Stewart, there is none that he took part in the social or literary life of the bohemian set. Harassment by the police, his own character and peer influences drove him back time and again into his familiar underworld haunts.

On 22 May 1925, Clarrie was released from his three years of cumulative sentences. It was in September of this year that he was bashed almost to death by a gang of men early one morning in Sophia Street, Surry Hills.¹⁴² Just being in this vicinity points to the fact that Clarrie was making connection with underworld acquaintances, some of whom he possibly encountered during his recent prison term. This was not a part of Sydney a respectable person frequented in daylight, let alone the early hours of the morning, being a narrow laneway off Riley Street in a particularly unsavoury part of the suburb. Unlighted, with no footpath and lined with sly-grog shops, brothels and blank factory walls, it was a place where night-time muggings, garrottages and murders often took place. The *Truth*, in typically florid style, described it after one such murder as: 'Undoubtedly one of the most to-be-avoided sections of Sydney's underworld...a favoured haunt of some of the worst characters in Sydney...The thug, the harpy, the plug-ugly and the garrotter are all to be met with here.'¹⁴³ Although the police claimed to have conducted a thorough search, Clarrie's assailants were never identified. The family suspected the police themselves and, having in mind some of Clarrie's former conflicts with police and prison authorities and the police brutality described in previous chapters, this theory cannot be

¹⁴⁰ M. Vicinus, *The Industrial Muse: A Study of Nineteenth Century British Working-Class Literature*, (Croom Helm, London, 1974), p. 2,

¹⁴¹ For an account of Sydney's literary life during the 1920s, see P. Kirkpatrick, *The Sea Coast of Bohemia: Literary Life in Sydney's Roaring Twenties*, (University of Queensland Press, St Lucia, 1992).

¹⁴² See account of this incident in Chapter 1.

¹⁴³ Quoted in P. Doyle, with C. Williams, *City of Shadows: Sydney Police Photographs 1912-1948* (Historic Houses Trust of New South Wales, Sydney, 2005), p. 166. See also photo of Sophia Street, pp. 46-7.

discounted. If true, it would add further fuel to the resentment of Clarrie and his colleagues against police.

This was a period when groups of young men, often fresh from periods of imprisonment, were becoming increasingly visible and troublesome on the inner-city streets. For some months, police and other law enforcement officials had been concerned about an upsurge in gang-related violence.¹⁴⁴ It seems that the relationships and alliances forged in gaol were gradually developing into the opposing factions that, in the coming years, would be so ruthlessly used by the Devine and Leigh camps to protect their cocaine, sly grog and prostitution interests. Clarrie, while not appearing on the official records until the following year, no doubt continued honing his skills once he had recovered after a long period of hospitalisation. When he next came to the attention of the courts, he was working as a boxing instructor at Campsie teaching what he called 'self-defence' classes,¹⁴⁵ a skill for which he was no doubt well qualified. The next charges that were laid against him, in January 1926, are the first two occasions on which there is clear evidence that Clarrie, in his civilian life, acted together with other men — in other words, as a member or perhaps leader of a gang — using standover tactics to bash and rob.

In the first incident, together with two associates, Bernard Connelly (another ex-soldier) and William Jones, Clarrie was charged with assaulting a bus driver, Thomas Iffland, at Canterbury, and given six months' hard labour. The motive for this assault appears to have been robbery.¹⁴⁶ Three months later he, Connelly and Jones were brought to court from gaol to answer another charge of assault, which had been committed on the same date as the assault on Iffland, although four hours earlier. According to evidence given in court, on 14 January 1926 Clarrie had met 59-year old John Joseph Riley, a night watchman, in a hotel at Belmore and, together with Connelly and Jones, had plied him with alcohol. Riley knew all three men, although he was not well acquainted with them. When Riley fumbled for money to pay for his beer, he withdrew a roll of notes from his pocket, the proceeds of his salary that had been paid that day. He alleged that both Clarrie and Connelly had seen the money. When Riley decided to go home, Clarrie

¹⁴⁴ 'Mob Fights. Affray at Redfern', *SMH*, 8 December 1924, p 10; 'Push Gangs. Police Offensive', *SMH*, 11 March 1925, p 15.

¹⁴⁵ R-v- Clarence Henry John Thomas, Bernard Connelly and William Charles Jones, 4 March 1926, NSWSR, Court Transcripts File, R-Y, 6/1327, p. 8.

¹⁴⁶ *NSW Police Gazette*, 1926, NSWSR, 1/3261, Reel 3603, p. 84.

offered him a lift in Connolly's sulky. Upon reaching an apparently pre-arranged spot in bushland at Campsie, Clarrie stopped the sulky under the pretence of needing to urinate. Connelly and Jones then emerged from the bushes and assisted Clarrie in bashing and kicking Riley and robbing him of a tin of salmon, a torch, a bottle of beer and eight pounds ten shillings in cash. The bottle of beer and the tin of salmon were used in bashing Riley, who was left unconscious in the bush and not found until several hours later. Still unconscious, he was covered in dried blood and black ants and was, said the judge, 'lucky to be alive', so severe had been the beating.¹⁴⁷

By now, Clarrie had apparently earned a reputation, according to witness Constable Mason, as 'one of the most dangerous men on the Bankstown line' and 'a menace to the community'.¹⁴⁸ At the hearing of the assault charge on Iffland, he had been described by the police as 'a man who is usually the cause of weekly trouble',¹⁴⁹ the authorities previously finding him difficult to convict because his victims were reluctant to press charges.¹⁵⁰ This was a common complaint by police and prosecution lawyers when attempting to convict standover men and was, of course the means by which the men themselves were able to get away with many of their crimes. Clarrie, meanwhile, had managed to persuade his family that he was being harassed by the police. Many years later, one of his brothers told of the numerous occasions on which police came to the door of the family home looking for Clarrie. Once, they had searched the house eventually dragging him from beneath a bed. The family was convinced that he was usually innocent of the charges brought against him.¹⁵¹ It seems that Clarrie and Connolly, at this time, were able to stand over many of their victims with impunity, otherwise they would probably have not assaulted Riley, a man to whom they were both known. While the only newspaper reports of the incident gave it prominence, describing them as 'Campsie's Bad Men', Clarrie's family could take scant comfort in the fact that he was called 'Henry' Thomas throughout, the paper mistakenly using his second name!

¹⁴⁷ *Ibid.*, pp. 33 and 41.

¹⁴⁸ *Ibid.*, p.41.

¹⁴⁹ 'Campsie's Bad Men: Connelly and Thomas Again in Court', *Truth*, 31 January 1926, p. 16.

¹⁵⁰ R -v- Thomas, Connelly and Jones, p. 41.

¹⁵¹ Some surviving family members still believe this.

When Clarrie emerged from Maitland Gaol on 24 December 1927, he was 26 years old. By then, he had undergone civil sentences in Long Bay, Goulburn, Bathurst and Maitland gaols, totalling about five-and-a-half years. His conduct in the state penitentiary (Long Bay) was invariably described as good and, apart from his involvement in the Bathurst riot, there were no infractions recorded against him up to this time at any of the other gaols.¹⁵² Given his tendency to buck against discipline, this seems unusual. However, records were not always kept unless incidents were serious and many have been destroyed, so perhaps this does not reflect reality. During his next imprisonment, offences would be noted on his record.

'Good behaviour' was not a description that could be applied to his conduct in the outside world. His particular attributes had brought him to the attention of sly-grog shop proprietor, cocaine dealer and madam Kate Leigh and he quickly consolidated his position as a member of the Surry Hills and Darlinghurst underworld, working for Leigh with 'Gaffney the Gunman' and others and developing his skills as a standover man. Described by police as one who 'Assaults and robs. Frequent wine bars and associates with prostitutes and criminals',¹⁵³ he appears by then to have become intimate with the worst of Sydney's violent criminals of the day such as Chow Hayes, Gaffney, and Jack Finnie.¹⁵⁴ Although Clarrie was never charged with a firearms-related crime, Chow Hayes described him as a 'gunman',¹⁵⁵ and the police claimed that he was 'generally armed'.¹⁵⁶ Clarrie, while being arrested on a later occasion, in 1930, was alleged to have threatened to shoot one of the arresting constables.¹⁵⁷ He was also charged, in 1928, with stealing a pea rifle and other goods from a householder.¹⁵⁸ Considering his training for the war and the type of company he was keeping by then, it is probable that he did, indeed, carry a gun. However, his arrests were invariably made for violence committed with his fists, bottles, kicks to the head and, as we have just seen, a tin of salmon. There is also no mention of his carrying a razor, even though this period was at the climax of the so-called 'razor wars'. From statements

¹⁵² CHJ Thomas, Gaol Description Card, 196/168.

¹⁵³ Note on Clarrie's prison mugshot, in 1928 *Police Gazette*, NSW SR, 1/3262-63, Reel 3604, p. 16.

¹⁵⁴ Hickie, *Chow Hayes*, p. 173.

¹⁵⁵ *Loc. cit.*

¹⁵⁶ R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW SR Court Transcripts File 6/1440, p. 53.

¹⁵⁷ R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW SR Court Transcripts File 6/1516, p. 11.

¹⁵⁸ *NSW Police Gazette*, 1928, NSW SR, 1/3263, Reel 3604, p. 224.

made by victims and police in his court cases, it would seem that Clarrie did not need a razor to frighten or effect damage on any of his victims.

A little over three months after he was freed from gaol, he was again in court. The incident that led to his arrest took place in Riley Street, Surry Hills, in the heart of the red-light district, and the two men with whom he committed the offence were well-known criminals. Raymond Neil, more commonly known as 'Gaffney the Gunman', by now had a long record of assaults, robberies and shooting-related incidents. He was known by the police to be a leader of a Surry Hills gang and shortly after this incident was arrested for shooting at a policeman.¹⁵⁹ The other man with Clarrie and Gaffney was Alfred Joseph Messenger, another friend from Clarrie's prison days in Maitland. Short and squat (he was only five feet three inches tall), Messenger had been well-known to police for a number of years for many crimes of break and enter, assault, stealing and vagrancy.¹⁶⁰

It seems that Clarrie's years in prison had introduced him well and truly to the 'cream' of Sydney's underworld. Lombroso's theory that the principal cause of the formation of criminal gangs was the congregation of men in prisons¹⁶¹ seems plausible in Clarrie's case. Both Gaffney and Messenger by this time had become his close friends. It is possible that Gaffney recommended Clarrie to Kate Leigh not only as a man who was experienced in standover tactics but as one who knew the locale well and probably many of its inhabitants. Clarrie had moved to a room in the area, not far from St Vincent's Hospital in Darlinghurst, allegedly so that he could attend daily clinics for treatment of his damaged eye in the hope of its being restored to its normal position. Although he claimed during the subsequent trial that he was new to the area,¹⁶² if this was so it had not taken him long to make contact with its most undesirable elements. His claim about being new to the district is patently untrue when it is remembered that, three years previously, he had been bashed by a gang of men, after leaving a house in nearby Sophia Street, Surry Hills in the early hours of the morning. A young man such as Clarrie abroad in that

¹⁵⁹ 'Gang Leader. In Possession of Pistol.', *SMH*, 27 March 1928, p. 8.

¹⁶⁰ *Police Gazette*, 16 July 1930, Photo No. 171.

¹⁶¹ Lombroso, *Crime: Its Causes and Remedies*, p. 222.

¹⁶² R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, NSW Court Transcripts File 6/1440, p. 55.

locality in the early hours of the morning would most likely have been familiar with the area and its dangers.

On the evening of 15 March 1928, about three-and-a-half months after Clarrie's release from prison, Josephine Naughton¹⁶³ answered a knock on the front door of her residence at a brothel in Riley Street, of which she and her husband were the proprietors.¹⁶⁴ She claimed that Alfred Messenger 'lurched' on to her front step and asked for her husband, who was known by the name of 'Warrigal'.¹⁶⁵ Messenger was closely followed by Gaffney and Clarrie. Warrigal was not at home and, after threatening to call 'the mob' to smash her furniture up, stealing two pounds five shillings from her, and making other threats of violence, the three men left. The following day, Warrigal was arrested for having an unlicensed and loaded revolver in his possession. Police were called by the publican of a hotel to which he had gone, seeking 'those mongrels' who had terrorised his wife the previous evening. Warrigal had threatened to shoot the tops off the beer bottles unless he was told where they were. He was fined fifty pounds and his revolver was confiscated.¹⁶⁶ Angry at this turn of events, Warrigal then ordered his wife to report Gaffney, Clarrie and Messenger to the police for the alleged assault and robbery the previous evening.

Clarrie appeared in court under the alias of Ernest Thomas — Ernest being the name of his mother's adored first husband. In his defence, Clarrie denied having been at the Naughtons' house on the date stated. He told the judge he had been in his room reading HG Wells's then-popular book, *Outline of History*. However, he did admit to having looked for Warrigal on previous occasions. True to the outlaw legend of chivalry, Clarrie claimed to be intent on avenging the honour of a young female friend.¹⁶⁷ The young woman, he said, had recently arrived from the country and had been lured to the Naughtons' house by Warrigal, locked in a

¹⁶³ Josephine Naughton is mentioned in the 1933 *Criminal Register* at Walter Naughton's entry number 112 as follows: '...conducts a brothel, and is known among the criminal classes as "the queen of the bitches," as she keeps rooms especially for the use of male sex perverts.' *NSW Police Criminal Register*, Supplement to *Police Gazette*, 10 May 1933, NSW SR, 1/3326. I am indebted to Peter Doyle for this reference.

¹⁶⁴ Unless otherwise indicated, the following details are taken from the court transcript of R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, Court Transcripts File 6/1440, pp. 1-59.

¹⁶⁵ 'Warrigal' is an Aboriginal name for dingo or native dog.

¹⁶⁶ '£50 Fine! Had Loaded Revolver. Many Convictions.', *Sun*, 16 March 1928, p. 11.

¹⁶⁷ G. Seal, *The Outlaw Legend: A Cultural Tradition in Britain, America and Australia* (Cambridge University Press, Cambridge, 1996, pp. 7-8.

room, and forced to use cocaine until she had become addicted. She was then made to work as a prostitute for the Naughtons and to attend 'snow parties', together with up to three or four dozen other young women at a time. The Naughtons, said Clarrie, had a 'winter garden' at their home. He said: 'You know it is a very difficult and tragic thing to listen to a girl confessing that she is a drug fiend...I ask you when you are considering your verdict if you are going to send three men to gaol and rob them of their youth on the word of a brothel keeper and a bludger.' Despite being very impressed by the quality of Clarrie's reading matter, that is indeed what the judge did after the jury found him guilty. But he freed both Gaffney and Messenger, whose alibis he had apparently found more convincing.

Before sentencing, the police were recalled to advise the judge as to Clarrie's record and general demeanour. They claimed he was a 'dangerous criminal who is generally armed' and that he associated 'with the worst class of criminals and prostitutes'. Clarrie alleged that this was untrue gossip picked up by the constable in the police toilets. He also vehemently denied the officer's assertion that in 1922 he had bashed an arresting constable so severely that his injuries had driven him out of the force, crippled for life. This was probably the 1920 incident involving Constable Toohey referred to above. It was a serious claim and one that is not supported by any documentation in Clarrie's record, in any of the court transcripts, or in any editions of the *NSW Police Gazette*. It certainly appears that the police were exaggerating, misrepresenting or deliberately lying about the Toohey incident to paint Clarrie in as bad a light as possible in order to maximise his gaol term. The use of such methods on men like Clarrie would be guaranteed to further embitter them against authority. While it may be understandable that police would wish to keep the most troublesome criminals off the streets, such underhand tactics sometimes revealed them to be little better than the men they were attempting to have locked away. It would have been galling for the accused to listen to these officers lying with impunity in a court of law and, in doing so, having the carriage of their destiny.

Clarrie, convinced that his conviction was the result of a vendetta by the Naughtons, made a determined and impassioned appeal to the judge in mitigation. The following excerpts show a desperate, articulate, intelligent man, willing to promise anything to stay out of gaol. Many of his statements cannot be taken at face value but just as many, if not provable, have the

ring of truth about them. As usual, he began with his declaration that he had a 'meritorious war record' with an 'honour from the King' and, on being challenged about this assertion, denied any knowledge of a court martial and imprisonment in Egypt. He praised the judge for his fairness and consideration and said:

...I am convicted on the word of Mrs Naughton alone, on the uncorroborated evidence of a prostitute. With all my convictions I consider myself a class above her and the man that lives upon her. I am not ashamed of what I have done. Your Honour can go through the list - there has always been a cause...when a woman is influenced by a man of Naughton's character she will go to any limit. I could have brought evidence that that man violently illtreats that woman...He made her take the warrant out. He wanted to get even...

Judge Curlewis: You seem to be a very intelligent man. Why don't you put some of your intelligence into doing honest work?

I have had a College education, a good education. I do a little scribbling and writing verse for a crust...I had a position offered me by a man who deals in films. I have written short stories; the Constable can tell you that. Mr Clyde Marsh¹⁶⁸ wrote a scenario for the pictures called 'Odds On'. It is an Australian picture. He read some of my work and said that I had a very good future in front of me...He said that if it was possible for me to get a passport in all probability I would have an opportunity of going to the Manilla Islands...I have had very little opportunity...I cannot do much writing with my bad eye...I am going gradually blind in the left eye...If I had an opportunity I intended to go straight...I have a pretty hasty temper. That is what my convictions are through. Would your Honour give me another chance to launch out again?...I have had letters of recommendation to Roderic Quinn, the Poet, to show him my work...I want to...make some mark. I have a good home. I have brothers who are Masters in the Lodge...It is the first time I have been mixed up in anything like this...We have certain information that Warrigal Naughton is a sexual maniac. No young girl is safe in his hands...Was I committing any crime if I knocked a man down who does this sort of thing? I have been taught to use my hands. When I was 14 years of age I was taught to go straight at a man with a bayonet and shove it through him. In the youngest years of my life I was taught how to take a man's life. I was a schoolboy when I went to the war...I always put up my fists and have a go. Warrigal...was afraid

¹⁶⁸ Clyde Marsh was a well-known film director of the period. He was Assistant Director in the 1919 film production of CJ Dennis's 'The Sentimental Bloke',
http://www.nfsa.afc.gov.au/docs/photoplayartiste_reel5.pdf, accessed 20 February 2008.

of meeting me man to man. He is a yellow mongrel...I ask your Honour to give me a chance and see if I will go straight...I intended to go to Tasmania if I got out.¹⁶⁹ If your Honour will do that I will leave the State and go to Tasmania. I will start a new life and get away from the old associates...I was going to shake the dust of Sydney off my feet...I have a violent temper. I am beginning to curb that and adopt the three graces, cool, calm and collected...I have done a lot of gaol. It only makes a man bitter against humanity. I will appreciate any kindness from your Honour.

Judge Curlewis: I cannot let you off. Your record is too serious. When you appeal I shall be asked for a report and I will put everything into the report in your favour that I can properly and conscientiously do.

Could your Honour make this provision, that if my people are prepared to pay my fare out of the State that your Honour would do that? I have respectable people who are well off. I would be prepared to go to England or South Africa. I have always wanted to go to South Africa.

Judge Curlewis: They might not let you land with your record.

There was much more pleading and promising from Clarrie and unwavering refusal from the Judge to accommodate him. Nevertheless, after sentencing him to two years, he urged Clarrie to appeal against the sentence. There is a sense from the judge's cross-questioning — not all reproduced here — that he had some sympathy for Clarrie as a person. Judge Herbert Curlewis, who was married to well-known Australian author Ethel Turner, was a man of some literary talent himself: an amateur poet, fluent in several languages and an English-language pedant in the courtroom.¹⁷⁰ It is probable Clarrie knew this when he boasted of his literary connections and aspirations; in fact, *Smith's Weekly* had featured the judge as its so-called 'Man of the Week' about a month before the trial and had made much of his learning and literary predilections.¹⁷¹ The judge had received all-round plaudits for the lengthy gaol-term given the razor-slasher

¹⁶⁹ Family members recalled that Clarrie often talked about going to Tasmania to claim property that their great grandfather (convict John Thomas) had allegedly lost through the machinations of unscrupulous lawyers.

¹⁷⁰ 'Herbert Raine Curlewis (1869-1942)', Biographical Entry, *Australian Dictionary of Biography Online*, www.adb.online.anu.edu.au/biogs/A120718b.htm, accessed 13 August 2008.

¹⁷¹ 'Man of the Week. "Five Years" Curlewis', *Smith's Weekly*, 31 March 1928, p. 13.

Gordon Barr, featured in Chapter One.¹⁷² As a returned man, Clarrie would no doubt have been a reader of *Smith's*, the self-styled 'soldiers' paper'.¹⁷³ Perhaps the judge's seemingly-sympathetic attitude was simply the empathy of one intellectually-inclined man with another, for Curlewis was not at all fooled by Clarrie's protestations of innocence, as can be seen from comments he was to make two years later when Clarrie again appeared before him on another matter. Curlewis then said:

I remember you [from] before. You were charged with assault with intent to rob. I recommended you to appeal and I reported that in my opinion it was an assault with intent to commit murder...That was my opinion at the time...I think you went there to murder Naughton and that is why I recommended you to appeal.¹⁷⁴

The reason why the judge thought along these lines is not clear from the transcript of the trial but, in any event, if he did indeed make it known to the appeal court that he believed Clarrie intended to commit murder, it is no wonder the appeal that Clarrie lodged in June 1928 failed.

In fact, the visit of Clarrie, Gaffney and Messenger to the Naughtons' house probably had more to do with an underworld feud than the story that was presented at the trial. Early in the same evening on which the three men had visited Josephine Naughton, Gaffney and unidentified others — possibly Clarrie and Messenger — had allegedly engaged in a gun duel with some other men in Foveaux Street, Surry Hills. Two men had been seriously injured and a police constable had been fired upon while chasing the attackers.¹⁷⁵ About two hours later, Clarrie, Gaffney and Messenger had turned up at the Naughtons' house, looking for 'Warrigal' Naughton. As we have seen, it was not a friendly visit. Gaffney was arrested several days later and charged with being the gunman who had shot at the above constable in Foveaux Street. Although this could not be proved, he was found guilty of being in possession of an unlicensed pistol, gaoled for six months and fined £300.¹⁷⁶

¹⁷² 'Judge Flays Slasher. Inflicts Maximum Penalty of Five Years on Razor Bully and Regrets He Can't Make it Ten Years', *Truth*, 25 March 1928, p. 21.

¹⁷³ G. Blaikie, *Remember Smith's Weekly? A Biography of An Uninhibited National Australian Newspaper Born: 1 March 1919 Died: 28 October 1950* (Rigby Limited, Adelaide, 1966), pp.153-69.

¹⁷⁴ R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSWSR Court Transcripts File 6/1516, p. 28.

¹⁷⁵ 'Shots Fired. Underworld Vendetta. Two Men Injured. Constable's Escape', *SMH*, 15 March 1928, p. 11.

¹⁷⁶ 'Gang Leader. In Possession of Pistol', *SMH*, 27 March 1928, p. 8.

The trial transcript, which is lengthy, is significant for the insight it gives into this most seedy part of the underworld at the height of the cocaine epidemic and the razor wars that were an offshoot of that epidemic. Mention is made of well-known figures such as Kate Leigh; of 'snow' parties and addicted young women who turned to prostitution to pay for their drugs; of witnesses who would not testify because of fear of the 'razor gang'; and of the huge amounts of money made by brothel keepers such as Mrs Naughton, enabling them to purchase many more houses in the area and allowing their husbands to 'retire' on the proceeds, spending their days at the racetrack and in illegal gambling dens. The evidence given at this trial indicates that the brothel business, in particular, was extremely lucrative in this area. While much has been written about the major madams such as Devine and Leigh,¹⁷⁷ there is little evidence about the less well-known proprietors in the business. The trial transcript confirms that the prostitution industry was thriving the length of Riley and Palmer Streets in Surry Hills and probably well beyond. It is not known what connection the Naughtons may have had, if any, to organised crime but it appears from the transcript that they were two of the many independent brothel operators in the area who took advantage of the *Police Offences (Amendment) Act 1908* that forced prostitutes off the street and into houses.¹⁷⁸ Mrs Naughton admitted that she let rooms to women on a casual basis but denied any knowledge of what went on in those rooms. The house in which she and 'Warrigal' lived consisted of ten rooms; her latest acquisition, in another street in Surry Hills, contained twelve. Five years later she would be described in police records as the owner of a brothel for 'male sex perverts'. In view of the Naughtons' obvious activity in the prostitution business, their apparent involvement in cocaine dealing, the recent gunfights involving Gaffney and others that had been taking place in Surry Hills, and the fact that Clarrie, Gaffney and Messenger worked for Kate Leigh, it is reasonable to suspect that the three men in going to the Naughtons' place did so for the purpose of standing over them.

Clarrie's attempt to influence his sentencing was an emotional appeal to the judge that takes up over seven pages of foolscap typing in the transcript and reveals much about the man.

¹⁷⁷ See, for example, R. Frances, *Selling Sex: A Hidden History of Prostitution* (University of New South Wales Press Ltd, Kensington, 2007).

¹⁷⁸ R. Perkins, *Working Girls: Prostitutes, Their Life and Social Control*, (Australian Institute of Criminology, Canberra, 1991), pp. 126-8.

He portrays himself as motivated by chivalric concerns for a young woman and as waging a moral war against the Naughtons, the evil purveyors to innocent young girls of sex and drugs. It is probable that he did, indeed, believe himself to be 'a class above' a brothel-keeper and a 'bludger' and was honestly outraged that the court would believe Mrs Naughton's word against his. He tries to impress the judge with allusions to his reading matter, his ambitions as a writer, and his connections to well-known literary figures. He attempts to persuade the court that he is learning to control his temper and presents himself as a young returned soldier who fought for his country on the battlefields of Gallipoli and was decorated for his bravery. He claims he has 'respectable people', all of whom have good jobs and are masonic lodge members.

Clarrie's portrayal of himself as a defender of women — even of Mrs Naughton — is probably valid to some extent. To his family and friends and, later, his wife, Clarrie was known as charismatic and charming to women, one female friend of his wife describing him as 'quiet and gentlemanly'.¹⁷⁹ His poetry, much of it addressed to female acquaintances, was tender and respectful and he was greatly loved by his mother, sister, sisters-in-law and nieces. This probably goes some way to explaining why his family always believed him to be a victim of police harassment. There is a certain degree of self-righteousness about Clarrie's view of himself and an eagerness to play the victim. In fact, he tries everything he can think of to impress the judge into giving him another chance. He seizes quickly on the judge's comment that he is an 'intelligent man' and tries to push home an advantage by, first, untruthfully claiming a college education, then calling for sympathy for lost opportunities because of his partial blindness, which he falsely attributes to his war service. The statement from the dock was the last chance a person could hope for to exercise some semblance of power over their fate once convicted. Judges could be swayed, and often were, by an articulate, heartfelt plea. All Clarrie's pleading was to no avail, however, and the judge sentenced him to one year and eleven months, with advice that he should lodge an appeal against the conviction.

Clarrie was conveyed to Long Bay Gaol where he was again admitted to the lock hospital, this time for six months, for treatment for venereal disease. Two months after his admission, Clarrie's appeal against his sentence was dismissed and in August he was charged

¹⁷⁹'Wife's Horror at Shooting: How She Heard of Tragedy', *LD*, 19 November 1937, p. 9.

with nine offences committed in gaol, among them 'assaulting Warder McGreal', 'indecent language', 'inciting other prisoners to mutiny', 'using threatening language', and having an 'offensive weapon in his possession'. For these five offences he was sent to solitary confinement for 28 days,¹⁸⁰ while still under treatment for venereal disease.

This incident came to public notice when a discharged prisoner — Francis 'Bullet' Wilson — presented a Labor Party politician, Arthur Tonge MLA, with an affidavit alleging that Clarrie had been 'knocked into insensibility' by warders armed with batons, after fighting another warder with his bare fists and knocking him unconscious. Other prisoners had prevented warders from going to the aid of their colleague while the fight took place. 'Bullet' Wilson alleged that after Clarrie had been conducted to the solitary cells, he was thrashed with batons by the warders and left bleeding and unconscious on the floor of the cell. It was also alleged that Clarrie's mother had thereafter been denied visiting rights.¹⁸¹

A subsequent investigation by the prison authorities cleared warders of any ill-treatment. The statement issued to the newspapers by the prisons department alleged that Clarrie and three other prisoners, while confined in the venereal diseases ward of the gaol, had become 'turbulent'. Clarrie had allegedly 'attacked and severely maltreated' a warder in the yards and, on being sentenced to solitary confinement, had again 'become turbulent'. He had refused to be searched, and charged head down at a warder who had stepped aside. This allegedly caused Clarrie's head to come into 'severe impact' with the cell wall, knocking him out. Clarrie had later, it was claimed, again attacked the same warder by biting him on the ear, voicing the hope that the warder would thus become infected with the venereal disease from which Clarrie was suffering. Newspaper reports do not specifically mention the 'offensive weapon' (supposedly a pair of scissors) referred to in Clarrie's gaol description card. However, they do contain denials that Mary Thomas had been refused access to him. Instead, the prison report claimed, she had not only visited Clarrie but declared herself satisfied that 'no external marks of violence were visible

¹⁸⁰ Ernest Thomas, Folio 158, Punishment Book, State Penitentiary Long Bay, 20 September 1928, NSWSR 5/1793; CHJ Thomas, Gaol Description Card, 196/168, p. 1.

¹⁸¹ Ernest Thomas, No. 3173, 23 August 1928, Correspondence Registers Long Bay Gaol, NSWSR 5/2028;

'Long Bay Gaol. Charge Against Warders', *SMH*, 22 August 1928, p. 16.

'Bullet' Wilson can be seen in Doyle with Williams, *City of Shadows*, p. 191, among a group of criminals, one of whom is Gaffney.

on her son'. This is, of course, an ambiguous statement that does not in any way clear the warders of ill-treatment. When it is remembered that Clarrie's reputation as a troublesome prisoner would have preceded him since the days when he led the riot at Bathurst prison, it is easy to imagine that he would have been targeted for 'special' attention in the state's gaols thereafter. In fact, the *Labor Daily* made special mention of the 'strange coincidence' that many of the warders involved in the Bathurst affair were now at Long Bay 'in charge of his [Clarrie's] destiny'.¹⁸²

This incident illustrates the way in which prisoners, seemingly powerless behind prison walls, were able to use the media and their political connections to exert some influence on their treatment. 'Bullet' Wilson, a big, tough standover man and prominent member of the underworld, was a friend of Clarrie and Gaffney and was no doubt only too ready, once released from gaol, to bring as much grief to prison warders as he could. A statutory declaration handed to a sympathetic Labor parliamentarian, and a judicious release of the details to the principal daily broadsheet, the *Sydney Morning Herald*, and the 'workers' paper', the *Labor Daily*, allowed 'Bullet' to stand back and let events take their course on behalf of his beleaguered friend. This was not the first time the brutal treatment of inmates had been brought to the attention of the newspaper-reading public but in most instances it had been done by smuggling out hastily-scrawled notes from the prisoners themselves. (See, for instance, the Percy Lawson incident described below). Gaol authorities could pass these off easily as having no legitimacy. On the other hand, a statutory declaration wielded by a member of parliament had to be seen to be taken seriously. But the incident also demonstrates how gaol warders were rarely brought to account for excessively brutal treatment of prisoners. Clarrie could take some comfort from the fact that the publicity probably for the time being prevented his further ill-treatment as there are no further serious incidents recorded against him in Long Bay. In September he was charged with having contraband (a piece of lead pencil) in his possession but was cautioned and discharged.¹⁸³

¹⁸² "Beaten With Batons". Amazing Allegations by Convict from Long Bay. Terrific Fight with Warder', *Labor Daily*, 21 August 1928, p. 1; 'Prisoner's Story. Alleged Attack in Gaol. Warders Exonerated,' *SMH*, 31 August 1928, p. 13.

¹⁸³ Ernest Thomas, Folio 158, Punishment Book, State Penitentiary Long Bay, 20 September 1928, NSW SR 5/1793.

Finally free of venereal disease on 8 October, he was transferred to Parramatta Gaol to complete his sentence. This was Clarrie's introduction to the notorious Parramatta Gaol. He was destined to spend 14 months there in conditions that Governor George Smith would later describe as 'diabolical' and where a gang of warders — nicknamed the 'Leather Push' — would regularly bash and kick recalcitrant prisoners senseless. They would then throw them into scarcely-ventilated solitary cells with ceilings only twelve inches above ground level. There they would remain, sometimes for months at a time, existing mainly on bread and water with an occasional four ounces of meat and a few ounces of vegetables.¹⁸⁴ While the Minister of Justice refuted Smith's claims, calling them 'rubbish',¹⁸⁵ stories about brutality at Parramatta had been circulating for years. The *Truth* newspaper, for instance, had published a series of allegations of ill-treatment by the warders of Parramatta Gaol in 1926. One such article alleged that prisoners were routinely beaten in the basement of the prison so badly that they suffered internal injuries, were sometimes unconscious for days, and were not attended by the gaol doctor. Their bloodstained clothing was burned by warders and they were left without the means to wash themselves for days at a time. Some men went mad as a result of the cruel treatment and others committed suicide or attempted to do so. One prisoner, Percy Lawson, who had been gaoled for burglary, caused a letter to be smuggled out of the prison to the editor of the *Truth*, in which he detailed acts of terrible brutality by the keepers. The newspaper called for a Royal Commission,¹⁸⁶ but little had apparently changed over the years between the *Truth*'s revelations and Smith's allegations in 1938. While there are no official reports on Clarrie's record concerning misbehaviour at Parramatta Gaol during the remainder of his sentence, family members were certainly clear about the fact that he spent much of his time there in solitary confinement.¹⁸⁷ That he earned no remission time would indicate that he did not submit gracefully to prison discipline. As Neer Korn's research has shown, the systematic brutalisation of prisoners by gaol staff is almost certain to encourage similar behaviour in these men, both inside and outside prison.¹⁸⁸ Clarrie's obvious distrust and outright hatred of authority, and even his brute violence both inside

¹⁸⁴ 'Men Bashed Into Insanity!', *Smith's Weekly*, 3 September 1938, p. 1.

¹⁸⁵ 'No Brutality in Prisons. Minister's Assurance,' *SMH*, 13 October 1938, p. 10.

¹⁸⁶ 'Conditions in Parramatta Gaol: Alarming Allegations of Illtreatment by Warders', *Truth*, 16 May 1926, p. 17; 'Letter from Parramatta Gaol', *Truth*, 23 May 1926, p. 16; 'Gaol Riots', *Daily Telegraph*, 18 June 1926, p. 14.

¹⁸⁷ Conversation with Bill Thomas, son of Fred Thomas, on 21 October 2000.

¹⁸⁸ N. Korn, *Life Behind Bars: Conversations with Australian Male Inmates* (New Holland Publishers Australia Pty Ltd, Frenchs Forest, 2004), pp. 14-16; and pp. 177-8.

and outside gaol, may well have stemmed at least partly from the level of violence meted out to him in gaol. The actions of police and prison officials towards these young men under their care and responsibility very often influenced their behaviour once they were released from detention.

Clarrie was released from Parramatta Gaol on 9 February 1930. The previous year, while he was in gaol, his friend and colleague, 'Gaffney the Gunman', had been killed in a shoot-out with Big Jim Devine. Gaffney had gone, with his gang, to Devine's house to confront another criminal, Frank Green, with whom he was involved in an ongoing dispute involving the prostitute and girlfriend of Green, Nellie Cameron. Devine, who was sheltering Green after an earlier gunfight in Woolloomooloo, shot Gaffney at point-blank range and was eventually acquitted on the ground of self-defence.¹⁸⁹ More bad news greeted Clarrie when he emerged from gaol. His father, William, had begun showing signs of serious mental illness. His clinical notes taken on admission later that year show that in January he began losing weight and worrying about the burden of keeping his large family during the Depression years. Two of his sons had been unemployed for several years and the family was fast getting into debt. He could not sleep and would sit up all night singing or talking to himself and had begun having suicidal thoughts.¹⁹⁰ No doubt one of his major worries was his eldest son, Clarrie, and his habit of being arrested.

Clarrie had been free for only five days when he was again picked up by the police, once more in Surry Hills.¹⁹¹ According to police evidence at his trial, Clarrie and two other men had been seen going through the pockets of a fourth man and Clarrie had allegedly punched the man whose pockets he had been rifling. When challenged by the police, all four men had run away. Clarrie's co-accused, William Morton, was soon caught, but Clarrie led his pursuer, Constable Ray Blissett, for about a mile through the streets of Surry Hills until he was eventually cornered and caught. Blissett, who had the reputation of being 'the strongest man in the force', had joined the police when he turned 17 in 1928. He was famous for being the only man able to crank an

¹⁸⁹ Writer *op. cit.*, pp. 110-12.

¹⁹⁰ Clinical notes for William John Thomas, Callan Park Mental Hospital, 21 October 1930.

¹⁹¹ Unless otherwise indicated, the following details are taken from the court transcript of R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, NSW Court Transcripts File 6/1516, pp. 1-30.

ice-cream churn, without stopping, for 30 minutes.¹⁹² Criminals such as 'Chow' Hayes grew to hold a grudging respect for him as one of the few unwaveringly honest and fair policemen, one who would always give completely truthful testimony in court.¹⁹³ Although Blissett would have been no more than 18 when he chased a big, strong and desperate Clarrie, he was able to hold him and force him back on foot to where his colleague, Constable Leslie Wicks, was waiting with Morton. On seeing Wicks, Clarrie freed one arm and began punching him, saying: 'You big bastard, I am a cobber of poor old Gaffney's,'¹⁹⁴ I will shoot you, you bastard, I will blow your fucking house clean through the sky.' Wicks, who later claimed self-defence, punched Clarrie in the head in return, drawing a large quantity of blood. Clarrie and Morton were then put into a taxi and taken to the police station. The victim of the alleged attempted robbery was not seen again until many years later.

At his trial, Clarrie — who, in a nod to his father William, this time used the alias Charles Williamson — claimed to have been engaged in yet another act of chivalry: selling benefit tickets for a widow and two children. A former prison acquaintance known as the 'Brush Turkey' had refused to buy a ticket and became engaged in a verbal stoush with Clarrie, who knocked him down. Upon the sudden appearance of the police on the scene, all four men had fled. In reply, the police claimed they had found eight items of cutlery in Clarrie's pocket, which they suspected of being stolen. Also in his pocket was a copy of a book entitled *My Life in Gaol* which he had apparently written during his previous gaol term and which he was selling in the form of a 'sixpenny novel'.

The jury was not impressed with Clarrie's claim that he had been framed by the police, nor by the fact that the alleged victim seemed to have vanished and could not give evidence to support either version of the event. Clarrie worked assiduously from the time of his arrest to his trial three months later to locate the Brush Turkey, to no avail. The police, for their part, do not seem to have made much effort at all. The Brush Turkey's mother, who appeared on Clarrie's behalf, stated that she had not seen her son since the incident and that he had since disappeared, leaving behind all his clothing and possessions. She confirmed that before he left he told her he

¹⁹² Hickie, *Chow Hayes*, p. 120.

¹⁹³ *Ibid.*, p. 113.

¹⁹⁴ Gaffney had been killed by 'Big Jim' Devine a few months previously while Clarrie was in gaol.

was not assaulted but that 'we were having a bit of a scuffle, all us soldiers...but it ended in nothing'. According to Clarrie, the Brush Turkey was being kept out of the city by the police. A nearby butcher who witnessed the incident and was unknown to any of the defendants, supported Clarrie's and Morton's story that no attempted robbery had taken place. Another independent witness confirmed that he had received a letter from the Brush Turkey stating that there had been no attempted robbery or assault. Nevertheless, Clarrie and Morton were convicted of assault with intent to rob a person unknown.

The police then set about proving Clarrie's bad character to the judge in order to maximise his sentence. At this point in the court proceedings, police had the power to bring up any sort of evidence – real, imagined or exaggerated – that may help them in their aim to have criminals consigned behind bars for as long as possible. Constable Wicks stated he had known Clarrie for five years and had not known him to do any work in that time. He was 'one of the most dangerous criminals that the police have to deal with'. He brought up the old allegation that he had assaulted a police constable who had had to retire because of his injuries. Clarrie protested that this latter claim was untrue and that Constable Wicks could not have known him for five years as he had been in gaol for most of that time. This apparently prompted Judge Curlewis to ask whether Clarrie was qualified as an habitual criminal to which Wicks answered, 'Yes'. The seriousness of the threat this implied was obviously well-known to Clarrie, whose panic can be sensed in the exchange between him and the judge, already mentioned in Chapter Two. Curlewis also said:

You are a remarkably clever man and I am sorry you did not give your attention to honest pursuits... I think it is hard for you to restrain yourself. I think you are a man of very violent temper... You have evidently had some education. I thought your address to the jury was an extremely able one... I don't think I can do anything else but declare you. You are too dangerous. Even on your war service you got 18 months.

At this, Clarrie protested:

I don't know how that got on my record at all. It has been read against me. I have made complaints about it and asked for it to be removed. I have meritorious service...

Unimpressed, the judge pointed out that Clarrie had been almost continuously in gaol. Declaring that he was 'very sorry', he sentenced him to two years hard labour and declared him an habitual criminal.

It is apparent from this exchange that Clarrie was still, more than ten years after returning from Egypt, claiming 'meritorious service' and complaining about the fact that his court martial had found its way on to his civil criminal record. It is impossible to say whether he really believed in his 'meritorious service' but he obviously felt a keen sense of injustice about his army misdeeds being held against him in a civil court. He was not alone in this. There had been controversy in Australia and overseas about the divulging of military records to civil courts. Many defence barristers argued that judges had no right to enquire as to a defendant's military conduct record or to take that record into account when sentencing in a civil matter.¹⁹⁵ Despite the belief of barristers, it is apparent that military sentences still had not been expunged from criminal records in 1930 and judges were taking such evidence into consideration.

Clarrie made several appeals against his sentencing over the coming months, to no avail. At his final appeal, the presiding judge said:

This is a case where application could be made to have the case reopened should the man Roberts [the Brush Turkey] be found. There was ample evidence in the case for the Jury to convict. This is not a sentence that should alter as the prisoner has a long list of convictions for assault.¹⁹⁶

It seems the Court was quite ready to keep Clarrie in gaol on the basis of his record rather than the actual event that was supposed to have taken place. The 'evidence' is not really apparent from the court records and there is a strong suspicion that Clarrie was being framed by the police on this occasion. It was well known to family members that the police, aware of Clarrie's quick temper, would often deliberately provoke him in order to make an arrest.¹⁹⁷ This was a common practice at the time and undoubtedly contributed to some extent to the sense of grievance felt by many of the young men who appeared before the courts complaining that they had never been

¹⁹⁵ 'Military Records. When or How Admissible. Was Judge Mocatta Right or Wrong?', *Truth*, 20 February 1921, p. 4.

¹⁹⁶ CHJ Thomas, Gaol Description Card, 196/168, p. 4.

¹⁹⁷ Conversation with Norma Rowen (née Barden) on 23 March 2004.

given a chance by police officers once they had been freed from gaol. These protests were usually unavailing. The subtle role played by the police in perpetuating the criminal subculture in Sydney during this decade was critical. Methods such as those used on Clarrie were seen by police as legitimate tactics to keep known criminals off the streets and locked up for as long as possible. In the long run, however, they were self-defeating. In prison, many young first offenders made friends with undesirable acquaintances from whom they learned new and lucrative ways of subverting the law; they sought out each other once freed from gaol; police harassment ensured they had difficulty holding down legitimate jobs; eventually they banded together to commit crimes as gang members, becoming the recidivists about whom the courts were worried during the 1920s. In Clarrie's case, police methods such as provocation worked very well. In addition to the matter discussed above, the police had charged him on and around the date of arrest with several counts of 'assault police' — all of which Clarrie denied — possibly to ensure he went to gaol for at least something if their major case fell through.¹⁹⁸ Mark Finnane notes that in 1922 T.F. Adrian SM, complained that 'a wide variety of circumstances was grouped under the charge of assaulting police' and that the charge 'is notoriously a catch-all provision' to assist police in controlling rowdy crowds and street hooliganism.¹⁹⁹ Clarrie's unpopularity with authorities no doubt stemmed largely from his alleged 1920 assault on a police officer, his prominent role in the Bathurst Gaol mutiny in 1924 and, again, from his more recent mutinous behaviour in Long Bay. He could be relied on to react violently to provocation and he was soon to be embroiled in another controversy, this time at Parramatta prison.

This was a difficult year for the Thomas family, not only because of the Depression. Worried about their dire financial straits and convinced, mistakenly, that he had chronic syphilis, Clarrie's father, William, was finally admitted to Callan Park Mental Hospital on 21 October 1930. Described as 'depressed' and 'thin and wasted', and worried by a fear of some impending trouble, he also admitted to ideas of suicide by cutting his throat as his father had done. He would 'shudder at the sight of knives and razors', and feel an almost irresistible impulse to seize

¹⁹⁸ CHJ Thomas, Gaol Description Card, 196/168, pp. 3-4.

¹⁹⁹ M. Finnane, 'The Politics of Police Powers: The Making of Police Offences Acts' in M. Finnane, (ed), *Policing in Australia: Historical Perspectives* (New South Wales University Press, Kensington, 1987), p. 105.

them and kill his wife and daughter Elsie.²⁰⁰ One granddaughter remembers waking in the night in the bed in which she slept with her grandmother and Elsie, to find William bending over them with a carving knife in his hand. He was led carefully out of the room by Mary.²⁰¹ Shortly after this incident, he was admitted to hospital, never to return to the family home. He would die four years later at Callan Park, rarely visited in the intervening years by his wife and sons, who had been forbidden by Mary to see him. His notes indicate he was dull, miserable and 'sitting alone all day absorbed in his misery'. He believed up to the time he died that he was infected with syphilis and that he was a coward who should have killed himself long ago. Although he spoke to hospital carers at length about problems with his other family members, his shame about Clarrie can be seen in the fact that he never mentioned his imprisoned son.²⁰² It would be easy to conclude, as did many contemporary commentators when agonising over the reasons for the upsurge in criminal conduct of young men, that Clarrie's lack of a male role model in his father was the key to his idiosyncratic behaviour. However, although Mary constantly made it clear to family members that she found William lacking as a husband in comparison to her first, Clarrie had close relationships with his two eldest brothers, both of whom were law abiding and respectable. It could not truthfully be said that he lacked family male role models, although the discipline a father would have been expected to exert may well have been beyond William during Clarrie's youth.

The prison environment naturally imposed strict limits on prisoners' capacity for individual agency. However, incarceration was sometimes no bar to prisoners being able to instigate and control outside events. Confirmation of this capacity, and of Clarrie's status as a gang member, is revealed in an episode that occurred in August 1930. Clarrie's old enemy, 'Warrigal' Naughton, who had conspired to have him convicted and gaoled in 1928, was arrested by police who, acting on a tip-off, had waited for him and his accomplices at premises they were planning to burgle. An enraged Naughton made a statement from the dock, claiming he had been framed by Clarrie Thomas, who had sworn revenge because of his evidence for the prosecution in the 1928 case. He alleged that he had been seriously assaulted several months beforehand by friends of Thomas and that Clarrie had then directed the present frame-up from inside the prison,

²⁰⁰ Clinical notes for William John Thomas, Callan Park Mental Hospital, 21 October 1930.

²⁰¹ Conversation with Norma Rowen (née Barden) on 2 August 2005.

²⁰² Clinical notes for William John Thomas, Callan Park Mental Hospital, 10 July 1934.

persuading an Italian named Baffigo to plan and carry out the operation. He had not gone there to rob the premises, he said; that was a lie concocted by Baffigo on Thomas's instructions. Despite his protestations, the jury found him guilty and the police described Naughton as 'a menace to society'. While agreeing that Naughton had been set up, the judge did not consider he had been at the premises for innocent reasons. Sentencing Naughton to two years, the judge remarked admiringly that 'the whole affair was deliberately got up and carefully managed'.²⁰³ Naughton, no doubt unwilling to meet up with Clarrie in Parramatta, asked that he be sent to Goulburn prison and the judge agreed.²⁰⁴ This apparent ability to reach out from behind the gaol walls and exercise revenge on an enemy demonstrates Clarrie's influence and connections in the underworld. Even those prisoners incarcerated in the state's most formidable gaol had a degree of power, however limited.

It seems the feud that had developed from the events leading up to his 1928 imprisonment had been raging ever since. In June 1928, two months after Clarrie's incarceration, Albert Messenger, the brother of Joseph Messenger, one of the men who had accompanied Clarrie to the Naughtons' house, had been shot and seriously wounded near the Darlinghurst Police Station. The shooting had resulted from an argument in a billiard saloon between two factions that had been bitter enemies since the trial of Clarrie, Messenger and Gaffney.²⁰⁵ In 1930 Naughton was charged with attempted murder when he shot at Joseph Messenger near the Kensington Racecourse. He was acquitted for lack of evidence.²⁰⁶ So it appears that even in 1930, revenge for what he regarded as an unfair conviction was uppermost in Clarrie's mind.

Meanwhile, Clarrie's gaol career proceeded as usual. In March 1931 he was involved in a 'fierce fight' with the senior warder of Parramatta Gaol, blackening both the warder's eyes and knocking him unconscious. While at work in the gardens, Clarrie had allegedly refused to obey an order and had struck the warder so that he fell and lay sprawling on the ground. In what fellow warders described as a 'terribly enraged' state, Clarrie then proceeded to attack the warder further, only stopping when shots rang out from the gaol ramparts. It was alleged by other

²⁰³ Law Report. Quarter Sessions. "Menace to Society", *SMH*, 14 February 1931, p. 10.

²⁰⁴ 'Frame-Up Story Not Believed. Man Gaoled For Being Disguised', *Daily Pictorial*, 14 February 1931, p. 7.

²⁰⁵ 'Gang War. Man Shot Twice', *SMH*, 22 June 1928, p. 11.

²⁰⁶ *NSW Police Gazette*, 1930, NSWSR, 1/3265, Reel 3606, p. 441.

prisoners that Clarrie had then been taken to a 'lonely cell' and 'unmercifully battered' by warders.²⁰⁷ This prompted the 345 prisoners in the gaol to mutiny on his behalf. They allegedly 'defied the warders, refused to obey orders and presented a menacing appearance'. The warders panicked and called on a squadron of police to be deployed to the prison to help keep order. This was a measure that had never before been resorted to and was seen as an indication of how seriously the gaol authorities viewed the prisoners' actions. The visiting magistrate to the gaol, Melville Nott, was eventually summoned and, on his promise to hold an inquiry into the alleged mishandling of Clarrie, the prisoners quietened down.²⁰⁸ The subsequent inquiry was not, however, made public. At least one newspaper called it 'quite a Star Chamber affair' and intimated that the 'stony silence' on the part of authorities could suggest that the prison had something unsavoury to hide, particularly as court officers who attended had been sworn to secrecy.²⁰⁹ For 'disorderly conduct' and 'leaving place of work without permission', Clarrie was sentenced to several cumulative periods that totalled three weeks of confinement in the dreaded solitary cells.²¹⁰ Afterwards sent to Maitland Gaol for a 'cooling off period', he there complained to the Minister of Prisons about his alleged victimisation by Maitland Gaol warders.²¹¹

While there was apparently an avenue of appeal for prisoners with grievances, there is no indication in any of Clarrie's records that his complaints were given much, if any, consideration by authorities. Imprisoned men had few opportunities to express their frustration or displeasure. Rioting may have been one of the most effective ways to vent these emotions and to achieve some publicity for such grievances, but there is no evidence that these desperate measures had any worthwhile consequences for inmates. Rather, as demonstrated in Clarrie's case, participants in gaol riots and other unruly behaviour were thereafter targeted by warders for the slightest of infractions and were often given punishments disproportionate to the offences. Any sense of

²⁰⁷ 'Silence of Gaol Revolt. Tight-Lipped Authority Refused to Broadcast Inquiry in Parramatta Prison Upheaval', *Truth*, 8 March 1931, p. 14.

²⁰⁸ 'Gaol Warders Defied by 300 Prisoners. Near Riot Averted by Magistrate', *Labor Daily*, 5 March 1931, p. 1; 'Mutiny at Parramatta Gaol. Police Aid Summoned', *SMH*, 5 March 1931, p. ;

²⁰⁹ 'Silence of Gaol Revolt. Tight-Lipped Authority Refused to Broadcast Inquiry in Parramatta Prison Upheaval', *Truth*, 8 March 1931, p. 14.

²¹⁰ CHJ Thomas, Gaol Description Card, 196/168, p. 1.

²¹¹ Thomas (or Williamson), No. 6249, Minister's Minute re complaints by him to Minister on visit to Maitland Gaol as to his alleged victimisation there, 1931 Correspondence Registers Long Bay Gaol, NSW SR 5/2028.

agency that prisoners may have had was, therefore, probably illusory. Warders, on the other hand, were in a strong position to exercise influence over the state's criminal subculture.

Back in Parramatta a year later, on 6 March 1932, Clarrie was again sentenced to the solitary cells. The offence he was alleged to have committed on this occasion is illegible on his record card. Almost immediately after emerging from this punishment, he was sentenced on three more occasions to a total of three weeks' solitary confinement.²¹² The remainder of his punishment record is illegible. On 6 October 1932, when his original sentence was almost at an end, he was transferred to 'Indeterminate Grade', allowing him to be kept imprisoned at His Majesty's Pleasure.²¹³ This would have been a severe blow to Clarrie but is not surprising, given his record of punishments and the fact that he had probably been singled out for particular 'treatment' by the warders. As a prisoner in the 'indeterminate stage', he would be expected to progress through three grades – intermediate, higher, and special – before being considered for release.²¹⁴ It would be many years before he saw the outside world again. Although Clarrie's case may be seen as 'special' in some respects, it is probable that many other so-called 'recalcitrant' prisoners underwent similar experiences. Clarrie's fears that being declared 'habitual' would lead to a lengthy additional period of imprisonment based on the whim of individual warders were not unfounded, and the belief of judges that they were assisting in the rehabilitation of criminals by declaring them as habitual criminals was shown to be mistaken.

In June 1933, Clarrie was allowed writing materials in his cell, to be withdrawn if the privilege was abused.²¹⁵ Some of his writings from this period have survived and give an insight into his predilections and intellect. During his last five years in Parramatta, he filled an 80-page exercise book which he called *Anthology of Beautiful Thoughts*.²¹⁶ He began this book with a poem of his own, 'Waiting for the Jury to Return', which reflects on the emotions of dread and apprehension he feels while waiting for the jury's verdict, and the promises of reform he makes to himself in the meanwhile. He vows to give up gambling, 'lady pals', 'old haunts and cronies',

²¹² *Loc. cit.*

²¹³ *Ibid.*, p. 4.

²¹⁴ *The Official Year Book of New South Wales 1932-33* (Australian Bureau of Statistics, Sydney, 1935), pp. 743-4.

²¹⁵ *Loc. cit.*

²¹⁶ Original held by Clarrie's nephew, John Thomas; copy in possession of author.

and beer. He paints a picture of the grim conditions in prison and his apprehension that the woman he loves will not wait for him. Then, in the final stanza, he admits that these resolutions barely last past the moment that 'not guilty' is declared. The next poem, 'Prison Books', asserts his belief that the type of books read by a man reveal the 'index to his soul' and the depth of his mind. When imprisoned and lonely, he believes that men, often with little schooling, turn to books to assuage their thirst for knowledge. To read 'lowbrow' books is evidence of a 'shallow soul', a waste of time, when the coming years can be used to improve one's mind and avoid being a 'shameless bore'.

The remainder of this book is filled with quotations from a wide range of novelists, poets, philosophers, politicians, essayists and religious figures. The range of Clarrie's reading while in prison was extraordinary and the prison library, as discussed in Chapter Two and so reviled by the *Truth*, does indeed appear to have been extensive. Each quotation is referenced to the work in which he found it. Many are precepts that appear to reinforce his resolutions to improve his behaviour, and to live a more orderly life; others are simply passages that have been included either for the beauty of their writing, or for their unusual or humorous take on a particular point. Some of the authors quoted are: Conrad; Emerson; Seneca; Frances, Countess of Warwick; Wilfred Ewart; Fielding; John Penn; Aristophanes; Disraeli; Pascal; Alice Meynell; Chesterfield; Donne; and Plato. There are scores more. It is difficult not to admire the diligence and enormous breadth of reading that the recording of these hundreds of excerpts demonstrates. As well as the writings in this book, Clarrie filled exercise books with his own poems — many were love poems addressed to particular women, while others were simply verses declaring his particular views on issues of the day, or describing something that had happened in prison or on the streets during his days of freedom.²¹⁷

Perhaps these books of writings eventually helped serve a particular purpose. Some time during his next four years of imprisonment he met the Reverend Albert Morris, the minister who would ultimately play an unwitting role in Clarrie's premature death. Morris was the Methodist Chaplain at Long Bay Penitentiary and an activist on behalf of prisoners' rights who was often at odds with his church because of his public and almost aggressive way of dealing with issues of

²¹⁷ The books of poems have been destroyed but have been sighted by the writer.

social justice. He was regarded with derision by police and other observers who, though agreeing he was genuinely kind-hearted, also thought him gullible to the point of stupidity.²¹⁸ Morris had had a minor brush with the law himself in 1928 when an argument with a neighbour about a noisy bantam rooster had escalated to such a pitch that Morris had been fined in court for indecent language.²¹⁹ He seems to have regarded the police force with a rather jaundiced eye thereafter. He probably met Clarrie in late 1934 while the latter underwent medical treatment at Long Bay before being returned to Parramatta the following year.²²⁰ Persuaded by Clarrie that he had 'reformed', Morris talked the prison authorities into giving the prisoner a special licence for one day to marry 28-year old Gertrude Pearl Dawson.²²¹ This he did on 22 July 1937 at the Parramatta Methodist Church, the Reverend Morris officiating.²²² Clarrie was by now 36 years old and had spent most of his adult life in gaol. On 7 August 1937 he was finally released. Morris later alleged that Clarrie had made a pledge upon his release that he would not react violently to any physical attacks on him and that he would 'renounce retaliation for any verbal insult'.²²³ He seems to have been convinced that Clarrie was a changed man.

Although, to all appearances, Clarrie does seem to have made a concerted effort to go straight, police harassment apparently continued. His job as a suit-length salesman at Bondi came to an end after police visited his workplace on several occasions in the space of one week, employing the technique of 'police whispering' about which George Smith complained. The reformation that judges hoped would take place once 'habitual' criminals had done their time, learnt a trade, and left gaol with money in their pockets, clearly had little chance of succeeding when police adopted these tactics. Faced with such harassment by police, ex-inmates often felt they had little choice but to go back to their old haunts and cronies and to explore familiar, illegal, ways of making a living. When one takes into account the policing methods of the period, it is perhaps no surprise the underworld continued to thrive. With two state agencies, that is, the courts and police, seemingly working at cross purposes there was little chance at this time

²¹⁸ V.Kelly, *It Does Not Pay to Compromise*, p. 75.

²¹⁹ 'Minister's Words Are Costly...Parson Was Insulting Over Rooster', *Truth*, 1 January 1928, p. 18.

²²⁰ CHJ Thomas, Gaol Description Card, 196/16, p. 3.

²²¹ It is not known where or how Clarrie and Pearl met although Vince Kelly mentions in *It Does Not Pay to Compromise* that she was a prison visitor.

²²² Marriage certificate of Clarence Henry John Thomas and Gertrude Pearl Dawson, reg. No. 481, 22 July 1937

²²³ 'Cleric's Poignant Recital. Slaying Victim "Loyal To The End"', *Labor Daily*, 22 November 1937, p. 1.

of reforming the criminal. Instead, by their actions, the police themselves played a continuing, crucial role in the actual formation of the criminal milieu.

In addition, Clarrie almost immediately came up against the fervour of the police in enforcing the consorting law. As discussed, authorities had claimed almost immediate success in their efforts to rid Sydney's streets of gangsters and prostitutes once the consorting law had come into operation. Clarrie's old nemesis, Constable Ray Blissett, who had chased and arrested him in 1930, was an enthusiastic member of the special consorting squad that had been formed, and while there had been teething problems in the early years, in 1937, when Clarrie was finally released from gaol, it appears to have been enforcing the law with great zeal. Within the space of a fortnight, Clarrie was booked 15 times for consorting. On eleven of those occasions, he was caught for associating with Jack Finnie, a relative of his by marriage to a first cousin.²²⁴ Finnie is described in Chapter One: a fellow standover man, former champion boxer and gunman.²²⁵ Clarrie claimed, and the Reverend Morris believed, that he associated with Finnie solely for reasons of sentiment. However, evidence – and healthy suspicion – suggests otherwise. Morris, who had also befriended Finnie while the latter was in gaol, made representations on behalf of Clarrie and Finnie to the police on the basis that, being relatives, they should not be compelled to avoid each other's company. In addition, he claimed that because Clarrie had spent seven years in gaol, the start of which period was before the law came into force, he could not be expected to be properly aware of its finer points.²²⁶ The police were not persuaded and continued booking Clarrie until his trial for consorting was set down for 19 October 1937. Clarrie's world had, therefore, changed dramatically by the time he was freed from prison. He had always been targeted by police for special attention but now they had legislation arming them with the potential to have him locked up simply for associating with his friends and/or relatives. Police were clearly happy with this extra power but those, like Morris, interested in civil liberties could see the potential for its blatant abuse. Police and legislators made much of their supposed aim in introducing this law to rid Sydney's streets of razor slashers and prostitutes, but the way the new legislation was administered provoked disquiet, as we have seen, amongst ordinary citizens and

²²⁴ 'Convicted Men. Addresses from Pulpit. Attack on Consorting Law', *SMH*, 18 October 1937, p.11.

²²⁵ See page 41, Chapter 1.

²²⁶ See evidence given by Morris during Clarrie's and Finnie's trials reported in 'Clergyman Against Consorting, Not Police Force', *The Sun*, 11 November 1937, p. 1; and 'Consorting. Thomas Released on Bond. Rev. A. Morris's Evidence', *SMH*, 12 November 1937, p. 7.

criminals alike. Perhaps Clarrie never had either the intention or the capacity to go straight. Nevertheless, any former criminals who, having served a term in prison, did wish to turn over a new leaf would have found their resolution difficult to keep if they were to be punished merely for keeping company with friends or even relatives. The law furnished police with ample means of continuing to harass those considered an enemy of the public good or even simply offensive to the police force. Whether such strategies actually did serve either the public good or the police force by reducing the crime rate must be open to serious doubt.

Outraged at what he considered gross injustices in the administration of the consorting law, and against the strict instructions of his church president, Morris invited Clarrie and another former prisoner into the pulpit of his church on 18 October 1937, the day before the first hearing of Clarrie's consorting charges. The Randwick Methodist church was packed and the overflow spilled outside. Much of the congregation comprised prostitutes, criminals and gangsters of the underworld, who cheered and clapped as Clarrie spoke.²²⁷ In a 'low, clear voice', and framing his words to exploit their utmost dramatic potential, he described how he had recently been in solitary confinement for over five years of an eight-and-a-half-years sentence. 'Except for one hour a day I was in a small cell, 12 by six, with no light and no books — and no spoon or knife to eat what was given me; only a piece of wood scooped out at the end,' he declared, while from the congregation came 'many murmurs of protest'. The Reverend Morris then engaged Clarrie in a question-and-answer routine to describe how Clarrie had fought for his country at the age of 14 and been called a hero when he killed men. Despite this, said Morris, the iniquitous consorting laws had been used against him on 13 different occasions for walking down the street with his cousin. Between loud exclamations from Morris, Clarrie went on to declare his innocence of the crime for which he was last gaoled and even produced the 'Brush Turkey' from the body of the congregation to support his version of events. 'He came along here tonight,' said Clarrie, 'to tell me I am an innocent man.' Clarrie's wife and the other former prisoner then spoke in support and Morris stepped back into the pulpit. Speaking at length, he castigated the police, the justice system and the government for treating men like criminals when they had paid for their crimes, rather than granting them the rights of a British citizen. He emphasised that he was speaking

²²⁷

Conversation with Cassie Sulis, daughter of Jack Finnie, 21 November 2001.

against the express wishes of his church but that as 'Christ was a friend to publicans and sinners', so he would work to save a man.²²⁸

The actions of Clarrie and the Reverend Morris were extensively recorded in the *Sydney Morning Herald* the next day, which then, on the following day, reported at length on the reactions of the public to Clarrie's and Morris's addresses from the pulpit. 'Hundreds' of telephone calls had been received, according to Morris, congratulating him on his denunciation of the consorting law. His brothers in the Methodist ministry, also, had been overwhelmingly supportive and congratulated the *Sydney Morning Herald* on its reporting. They believed as he did, he said, that it was time the church 'woke up and did something to fight evils and right wrongs'. Morris then continued to criticise the consorting law and the way police had dealt with Clarrie in the same colourful language he had used from the pulpit. In his determination to keep this issue alive, Morris was an astute user of the press but it is probable that he underestimated his opposition. The police, too, were experienced in public relations and marshalled all their strength to deal with Morris. Having fought for so long for these extraordinary powers, they were not going to submit easily to such a challenge. Authorities, while not openly commenting on Morris's opinions, issued a statement in praise of the way police dealt with those who contravened the law, and the Minister of Justice requested publication of an official statement, refuting most of the allegations Clarrie had made:

A man known as Clarrie Thomas was not released from a 'life sentence' three months ago as stated. A man of that name had been convicted in 1930 and sentenced to two years for assault and robbery, and declared a habitual criminal...The statement alleged to have been made by Clarrie Thomas that he was taken out of solitary confinement by Mr. Morris and his wife to be married was incorrect. During the last 21 months of his incarceration, Thomas had worked as a habitual criminal in the garden at Parramatta Gaol with other prisoners. During the whole term of this prisoner's detention in gaol, he did 10 months' separate treatment in the aggregate for serious offences committed in gaol, that is since he was imprisoned in March 1930. This separate treatment did not confine him to a cell save in the ordinary way with all other prisoners. In addition to this, he had received 28 days' cell punishment for, in company with another prisoner, attacking and wounding two officers with sharpened scissors. Prisoner's records

²²⁸

'Convicted Men. Addresses from Pulpit. Attack on Consorting Law,' *SMH*, 18 October 1937, p.11.

show that he was born on July 8, 1901, he enlisted for service on April 24, 1917, and he did not leave Australia till the very end of that year at the earliest...²²⁹

As the following weeks went by, Morris did not let this matter rest, taking every opportunity to rail against the consorting law publicly. When his church leaders issued a public statement condemning his actions in placing convicted men in the pulpit, he gave a press interview challenging them to open their eyes to their lack of Christian feeling. 'You cannot save the lost while you wear lavender kid gloves', he said. 'They are either wilfully blind or stupid, and both things are faults and faults in leaders are disastrous.'²³⁰ Some sections of the church supported Morris, calling him 'most courageous and Christianlike' in the way in which he attempted to expose the inequities of the consorting law. They claimed that he had rejuvenated attendance at his church, which was now full every Sunday night.²³¹

By the time Clarrie's case was heard, Morris had broadened his campaign into a very public battle. Clarrie had spoken from the pulpit on several more occasions at Morris's urging and Morris gave evidence at the two hearings of Clarrie's consorting charges, on 4 November and 11 November. Speaking in his usual forthright manner in court, Morris again declared his opposition to the consorting law and the way in which it was administered. Encouraged by Morris's support, Clarrie revealed he had been warned in gaol that 'the police were out to get him', and that the police had caused him to be sacked from his job and had made it impossible for him to get another. In reply, the police witnesses claimed that 'Thomas and Finney [sic] were just making "a piece of putty" out of Mr. Morris'. It was alleged by the police that Clarrie had been found in the company of a man by the name of 'the Joker', as well as that of Finnie, and that he had gone to a sly grog shop in Riley Street, Surry Hills, and demanded money. At the final hearing of the case, the magistrate declared that Clarrie had been seen repeatedly in the company of Finnie. He convicted him of habitually consorting with reputed criminals and released him on a bond of fifty pounds to be of good behaviour for twelve months.²³² Considering Clarrie's abysmal record, this was a surprisingly good result, probably because it was one of the rare

²²⁹ 'Consort Law. Praise for Rev. Mr Morris', *SMH*, 19 October 1937, p.

²³⁰ 'Action of Cleric is Denounc'd. Placing Convicted Men in the Pulpit', *LD*, 21 October 1937, p. 4.

²³¹ 'Convicted Men in Pulpit. Minister Supported', *SMH*, 23 October 1937, p. 18.

²³² 'Allegations of Consorting. Thomas in Court', *SMH*, 5 November 1937, p. ; 'Consorting. Thomas Released on Bond. Rev. A. Morris's Evidence', *SMH*, 12 November 1937, p. 7.

occasions on which he had not conducted his own defence but had legal representation in court. Continuing their public campaign against the legislation, Morris arranged for Clarrie to address the Housewives' Association on 19 November on the maladministration of the consorting act.²³³

According to police evidence later given in connection with Clarrie's death, he was booked several times in the following week, again for consorting. Although the Reverend Morris was staunch in his support of Clarrie and refused to believe he was engaged in criminal activity, it seems certain that he was at least associating with some of his old colleagues. A picture taken a few days before his death by a street photographer in Sydney shows Clarrie openly flouting the consorting law by walking down Park Street with Jack Finnie and another hoodlum, Lew Dunn, the proprietor of 'an infamous tap-dancing club'.²³⁴ At the same time, he engaged in domestic activities with his new wife. He took Pearl to visit his family,²³⁵ put a deposit on a house in Bream Street, Coogee, and arranged to buy furniture with his wife.²³⁶ On 14 October 1937, he filled in another claim form for a War Pension on the basis of loss of sight from the 'reflection and glare of desert sands whilst in Egypt and Palestine'. In the column where he was asked to describe in full his employment since leaving the AIF he stated: 'Self employed as salesman of dry goods'. He made no mention of his various gaol terms.²³⁷ On 17 November, he attended a medical examination in support of his claim. In his supporting statutory declaration, among other things, he alleged that vision in his left eye was now failing, he still had occasional malaria attacks, and that until recently he had been a clerk although his eyesight was now too weak for that occupation. He claimed, untruthfully, never to drink alcohol and never to have suffered venereal disease. He listed his war-related illnesses as malaria, blindness, insomnia, debility and mental instability. He again made no mention of his gaol terms or his court martial.²³⁸

²³³ 'Shot Dead in City. Street Corner Affray', *The Sun*, 18 November 1937, p. 1.

²³⁴ Photograph in possession of the author.

²³⁵ Norma Rowan (née Barden) remembers, as a young child, meeting Clarrie and Pearl shortly before his death at her home.

²³⁶ 'Wife's Horror at Shooting. How She Heard of Tragedy', *Labor Daily*, 19 November 1937, p. 9.

²³⁷ Questionnaire. Statement in Support of Claim for War Pension, by Clarence Thomas, 14 October 1937, NAA C138/3, R87200.

²³⁸ Medical Report in Support of Claim for War Pension for Clarence Thomas, Repatriation Commission, NSW Branch, 17 November 1937; and Record of Evidence of Clarence Henry John Thomas, 17 November 1937, NAA C138/3, R87200.

The events leading up to Clarrie's death can only be constructed from newspaper reports of the evidence presented at his inquest and murder trial, most of which was given by either the defendant and his brother, witnesses speaking on their behalf, or the police. Independent witnesses disappeared before the trial or had their evidence ruled as 'inadmissible'. It was alleged by Richard Reilly, a bouncer at the Ginger Jar Cabaret, that on 30 October Clarrie and his friends had tried to stand over him at the door of the cabaret and, when told to leave, had threatened to shoot him. The police, on receiving a message that there were gunmen at the club, arrived to find Reilly and Clarrie arguing. Reilly alleged that Clarrie had threatened him with violence, should they meet outside the club, but Reilly declined to press charges, saying that he would be frightened for his life if he did so.²³⁹

On 18 November, following the medical examination for his pension application, Clarrie declined an invitation from Pearl to accompany her to a furniture shop and, instead, went into the city with Jack Finnie. According to Gerald Reilly (Richard's brother), they entered the bar of the Surrey Hotel where they came upon Gerald, drinking with friends. Clarrie allegedly punched Gerald and Finnie hit him on the head with a 'heavy instrument'. Finnie and Clarrie then left, swearing to get both Reillys later. Gerald then went to the Ginger Jar Café, where he met his brother Richard, and had his head dressed. Richard persuaded him to report the matter to the police and, while walking up Park Street at about four p.m., they saw Clarrie get out of a taxi and come towards them from across the road, calling out, 'Where are you, Finnie?' Richard cried, 'Look out, Gerry, he's got a gun', whereupon Gerald heard a shot. He denied that he and his brother had engaged in a fist fight with Clarrie but did admit that they were both pugilists who had had several fights at the Leichhardt stadium. He said they were once charged with having assaulted a constable but had not been convicted.²⁴⁰

Clarrie was shot at point blank range by Richard Reilly, who then walked up to a constable on traffic duty nearby and handed him the pistol. According to the constable, Richard said, 'He was assaulting my brother when I saw him put his hand in his hip pocket. I knew he

²³⁹ "Look Out, Gerry, He Has a Gun". City Shooting Affray, *Truth*, 12 December 1937, p. 24.

²⁴⁰ 'Murder Finding in City Shooting. Coroner Commits Reilly for Trial: Threats Alleged', *DT*, 10 December 1937, p. 9.

'had a gun, so I fired to defend my brother.'²⁴¹ Within seconds of the shooting, hundreds of onlookers had gathered to watch Clarrie die on the pavement, on the corner of Park and Castlereagh Streets.²⁴² In another of the several ironies that marked Clarrie's life, this happened to be the location of the public gallows in 1804, during the time of the infant penal colony.²⁴³

Clarrie's shooting made front page and headline news in most newspapers. The tone of the articles was at first sympathetic towards him: he was the reformed gangster who had taken up religion, been released from gaol to marry his young wife, and been befriended by a clergyman who had invited him to speak from his pulpit against a law which many people had begun to suspect was being administered improperly and unfairly.²⁴⁴ Two days after his death, huge crowds gathered outside the funeral parlour in Surry Hills where Clarrie's body lay in an open coffin. Friends and relatives filed past to view his body. It was noted that his face was bruised, despite the claims of the Reilly brothers that they had not hit him. At the graveside, at Botany Cemetery, the Reverend Morris, in a voice 'charged with emotion', attacked the police and the consorting law, claiming that the 'so-called freedom handed down from Magna Charta was fallacious while Australia had a consorting law worse than any Fascist tyranny of Germany and Italy'. He renewed his pledge to end the police practices that allowed reformed criminals no chance to go straight. He claimed that he had tested Clarrie's strength of character on many occasions and had never been disappointed. He had 'never known Thomas to say an angry word', even when the prosecutor at his consorting trial had shouted at him for two hours in court in a voice so loud it could be heard outside on the street.²⁴⁵

On 19 November, the day before the funeral, Morris had addressed the Housewives' Association of NSW on the Consorting Act. This was the speaking engagement that Clarrie had

²⁴¹ *Loc. cit.*

²⁴² 'Criminal Shot Dead on Busy City Pavement: Cabaret Manager on Charge of Murder', *DT*, 19 November 1937, p. 1.

²⁴³ I. Brodsky, *The Streets of Sydney* (Old Sydney Free Press, Neutral Bay, 1962).

²⁴⁴ 'Shot Dead in City: Street Corner Affray. Clarrie Thomas is Victim: Pulpit Figure', *Sun*, 18 November 1937, p. 1; 'Criminal Shot Dead on Busy City Pavement: Cabaret Manager on Charge of Murder', *DT*, 19 November 1937, p. 1; 'Man on Murder Charge: Tragedy in City Street. Well-Known Figure Dead', *LD*, 19 November 1937, p. 1; 'Man Shot Dead. City Affray. Clarrie Thomas Killed', *SMH*, 19 November 1937, p. 11.

²⁴⁵ 'Attack on Police: Address at Grave. Funeral of Thomas', *Sun*, 20 November 1937, pp. 1 and 2; 'Traffic Jam: Crowds Attend Thomas Funeral', *Truth*, 21 November 1937, p. 1; 'Shooting Victim's Funeral: Tribute by Rev. A. Morris. Consorting Act Criticism', *SMH*, 22 November 1937, p. 4.

been booked to undertake at the behest of Morris before his death. With Clarrie's widow, Pearl, at his side Morris informed the audience that Australia had 'ceased to be a free country' since the passing of the consorting act. Despite his best efforts, however, a motion to organise an immediate mass demonstration was defeated in favour of referring the matter to a committee of inquiry.²⁴⁶ On 22 November, Morris continued his campaign from the pulpit of his church. Speaking to an overflowing congregation, and accompanied by the sobbing of Pearl, he began his sermon with a 'dramatic statement' regarding Clarrie's death:

As I looked into his face in the chapel as he lay in his casket his face was almost black from terrible bruises. It seemed to plead for rest...I don't speak rashly. We went to [police] headquarters on three occasions and lodged many definite charges against the Consorting Squad...I personally interviewed the Commissioner of Police and various superintendents appealing in each one to give the man fair play. I was accused of uttering threats, I was so insistent...They took no notice...²⁴⁷

Annoyed at the continuing attacks upon the police and upon the consorting law, the Metropolitan Superintendent of Police issued a statement praising the consorting act for ridding New South Wales of most of its gang leaders, street women, organised gun and drug gangs and razor slashers. Police claimed that criminals had been forced to flee the state and others from interstate had been prevented from coming to New South Wales. Gang leaders who, 'some years ago enjoyed wide authority and much glamor', no longer had any influence.²⁴⁸ The *Truth*, which had long waged campaigns against police corruption and incompetence, agreed with two members of Parliament who had recently deplored the criticism of police but added that such criticism could only cease when the 'undesirable element' in the police force had been cleaned out.²⁴⁹

In December, the tireless Morris was again attacking the consorting law at the hearing of Jack Finnie's appeal against his six-month sentence on charges of consorting with Clarrie. Promising the Court that Finnie would 'never offend again' he declared that he, Morris, was responsible for Finnie and Clarrie associating with each other; he claimed they had wanted to

²⁴⁶ 'Consorting Act: Rev. A. Morris's Attack', *SMH*, 20 November 1937, p. 12.

²⁴⁷ 'Cleric's Poignant Recital. Slaying Victim "Loyal To The End". "Tormented"', *LD*, 22 November 1937, p. 1.

²⁴⁸ 'Wedge Between Criminals. Consorting Act Praised', *Sun*, 22 November 1937, p. 3.

²⁴⁹ 'Stop Criticism Of Police!', *Truth*, 21 November 1937, p. 1.

make it a 'test case'. He said, 'I am pleading for this man's life, for his soul. I am a parson, but I am not a fool. These men get out of gaol. They know nobody else. They must speak to somebody.' Believing that Morris had indeed influenced the two men to keep company, the Judge reduced Finnie's sentence to three months.²⁵⁰

Despite Morris's best efforts, no mass movement rose in revolt against the consorting law. The issue was allowed to wither and, without the support of his church or the public, Albert Morris resigned his ministry in March the following year. In explaining the reasons for his resignation, Morris referred to Clarrie's death and the circumstances surrounding his allowing him to speak from the pulpit. He said he thought the church was 'losing its punch' and no longer had any spirit of daring, allowing no room for the individual. He regretted the lack of support from his church in the 'Clarrie Thomas incident' and thought that 'we cannot expect to reform the world if our passion for Christ is only like cream out of a jug.' In becoming too tame, he said, the church would become merely 'an appendix of a social system instead of being a path-maker and a torch-bearer.'²⁵¹

Morris was right to feel disillusioned. He had made a brave and probably foolish attempt to stand against the might of the police force and the state on behalf of some of the most despised of the country's citizens. His efforts and, indeed, his cause may have been ingenuous but his sincerity was unquestionable and he could have expected his church to give him at least nominal support. It is also possible, however, that Morris felt somewhat to blame for Clarrie's death for not only did Clarrie's association with Finnie — which Morris had actively encouraged — on the day of his death lead directly to his killing, but details arising from the murder trial of Reilly lead to the suspicion that the police had more than a passing interest in having Clarrie executed.

Richard Gabriel Reilly was charged with murdering Clarrie and refused bail on two occasions, despite his solicitor claiming that he had no criminal record and 'stood in the high regard of many police officials'. On the second bail application, the judge commented that he had

²⁵⁰ 'Consorting. Finnie's Appeal. Minister's Entreaty', *SMH*, 11 December 1937, p. 17.

²⁵¹ 'Rev. Albert Morris Resigns. Allowed Ex-prisoners To use Pulpit. "Church Losing Its Daring.", *SMH*, 2 March 1938, p. 17.

received confidential witness statements and had now formed a 'different impression of what had happened in Park Street leading up to the killing'.²⁵² At least one of those statements was from a bystander, William Dick, who swore to having seen the Reilly brothers punching, kicking and bashing Clarrie. Another bystander had called out for them to stop. Clarrie, Dick said, had struggled to his feet and Richard Reilly had then shot him from a distance of four or five feet.²⁵³

Reilly's solicitor's statement about his client's clean police record was patently untrue. Richard Reilly, in fact, was far from clean. Also a standover man, his criminal record had begun two years earlier and he was known to assault, rob and menace with firearms. When, at Reilly's trial, Police Inspector William Toole testified that he was 'a highly reputable man...of sober habits, an earnest worker and generally a good citizen', he was clearly mistaken, misinformed, or deliberately lying. Only 12 months earlier newspaper reports had reported Reilly's bashing of people at a nightclub in Hunter Street, and his brandishing of a gun.²⁵⁴

By the time the trial neared its end, the police prosecutor had apparently experienced a change of heart about his principal witness, William Dick. At his summing-up, he caused a sensation by urging the jury to disregard Dick's evidence, saying that he did not believe he was at the scene because if his evidence had been true Clarrie would have been covered in bruises. The coroner had testified that this was not so.²⁵⁵ This sudden collapse of the prosecution's case is significant. While the Government Medical Officer gave evidence that the only mark on Clarrie's body had been a 'slight abrasion' beneath his chin,²⁵⁶ others who saw his body before burial noted that it was extensively bruised.²⁵⁷ Special note was made in newspaper reports that another brother of Richard Reilly was a well-known constable in the police force. Some newspapers also made particular mention of the fact that the Reillys were very well-built. One noted: 'The Reilly brothers are very fine physical specimens, all over six feet and built in proportion. Constable

²⁵² 'Judge Refuses Bail. Death of Thomas. Request Open to Renewal he Says', *Sun*, 22 November 1937, p. 3; 'Bail Again Refused in Murder Case', *DT*, 26 November 1937, p. 7.

²⁵³ 'Not Guilty of Killing Criminal Thomas', *Truth*, 19 December 1937, p. 19.

²⁵⁴ D. Hickie, *The Prince and the Premier* (Angus & Robertson, North Ryde, 1985), p. 130; 'Not Guilty of Killing Criminal Thomas', *Truth*, 19 December 1937, p. 19.

²⁵⁵ *Loc. cit.*

²⁵⁶ 'Not Guilty of Murder: Reilly Exonerated By Jury Of Park St. Shooting', *DT*, 17 December 1937, p. 9.

²⁵⁷ 'Cleric's Poignant Recital. Slaying Victim "Loyal To The End". "Tormented"', *LD*, 22 November 1937, p. 1.

Reilly is a well-known amateur wrestler and Richard Reilly and Gerald Reilly are former professional pugilists'. Constable Reilly was the first to congratulate his brother on his acquittal, which was obtained after only 20 minutes' deliberation by the jury.²⁵⁸

Reilly's release was greeted by loud cheers from the gallery. On the steps of the court house he smiled widely and declared that he would henceforth let loose any birds or animals that he found caged because he now knew how they must feel. He was embraced by several stylishly-dressed young women and departed arm-in-arm with his policeman brother.²⁵⁹ Reilly had been acquitted on the ground of self-defence, the jury believing his story that he had thought Clarrie was reaching for a gun and was about to shoot him and his brother. Although no evidence was given that Clarrie was carrying a gun, Reilly's word was apparently enough for the judge and jury. There were no more sympathetic media references to Clarrie. The court read out his prison record, and police detectives giving evidence for the defence referred to him as a 'dangerous gunman' and 'an associate of dangerous gunmen'. The defence counsel called him 'a jungle beast in human form'.²⁶⁰ There is no recorded comment by the Reverend Albert Morris on the outcome of the case.

The events during the last weeks of Clarrie's life illustrate the importance of the role of the press to all parties in the affair. Morris's motives seem to have been sincere: the consorting law was unfair and it was his Christian duty to do all in his power to have it repealed. He was an astute manipulator of the press but he misjudged his opposition when he took on the media-savvy police machine. In Clarrie, he had a practised performer, someone used to presenting himself with as much drama as the occasion demanded. Nevertheless, Clarrie's motives in supporting Morris as he did are less clear. Perhaps he really did feel a debt of gratitude to Morris. More likely he was attracted to the idea of causing trouble for his old foes, the police. As can be seen by the prison riots that he led, Clarrie was always attracted by the idea of a cause. When he thought he was being unfairly treated, he rarely backed away from confronting the issue. With the respectable figure of the clergyman on the one side and his new wife on the other, perhaps he

²⁵⁸ 'Freed of Murder Charge. Cheers as Reilly is Acquitted', *LD*, 17 December 1937, p. 7; 'Not Guilty of Killing Criminal Thomas', *Truth*, 19 December 1937, p. 19.

²⁵⁹ 'Freed of Murder Charge. Cheers as Reilly is Acquitted', *LD*, 17 December 1937, p. 7.

²⁶⁰ *Loc. cit.*

really thought he could finally make a difference and he seems to have relished the publicity. The police, however, would not take this challenge to their authority lightly. Their consternation at the press attention given to Clarrie's speeches in the pulpit of Morris's church is reflected in the swiftness of their public responses. Without the media's detailed reporting of these speeches, it may have been possible for them to ignore the whole matter but the press, ever appreciative of a good story, reported this curious affair with gusto. Once Clarrie was dead, not only were the police rid of a troublesome presence, but Morris's campaign quickly ran out of steam.

Richard Reilly's subsequent career is noteworthy. Between 1935 and 1952, he was before the courts 15 times on charges including assault, stealing, demanding money with menaces and carrying an unlicensed firearm.²⁶¹ In 1945 he was revealed to be involved, with eight others, in a forged clothing coupons racket of massive dimensions.²⁶² In the late 1940s, he worked as a doorman for Abe Saffron's Roosevelt Restaurant in Kings Cross, a venue, coincidentally, for meetings of the executive of the Builders' Labourers' Federation, which were run by two of Clarrie's brothers, Fred and Les. It is not known whether they were aware that the doorman had slain their brother. Reilly's career blossomed when he formed important contacts in both political and police circles and he was never again arrested after 1952. He went on to become the most feared and notorious standover man in Sydney — the 'Baccarat King' — with additional involvement in abortion rackets, gambling clubs, SP bookmaking, prostitution, two-up and drugs distribution. He was also a regular visitor to Melbourne where he had interests in private hospitals, abortion rackets and gambling schools.²⁶³ In another ironic twist, Chow Hayes mentions that Reilly was, for many years, a partner of the infamous 'society' abortionist Dr Reginald Stuart-Jones, for whom Jack Finnie, Clarrie's cousin and fellow-standover man, also worked.²⁶⁴

On 27 June 1967, almost 30 years after shooting Clarrie, Reilly himself died as the victim of a contract killing at the wheel of his Maserati sports sedan. Riddled with bullets, he drove a short distance before losing control of his car which rolled backwards down Old South Head

²⁶¹ Hickie, *The Prince and the Premier*, p. 130.

²⁶² 'Vast Coupon Racket Story: Amazing Allegations', *Truth*, 25 February 1945, p. 16.

²⁶³ Hickie, *The Prince and the Premier*, pp. 130-141.

²⁶⁴ Hickie, *Chow Hayes*, (Collins/Angus & Robertson, North Ryde, 1990), p. 173.

Road, Double Bay, crashing through the window of a frock and lingerie shop. On his body, among personal possessions and a large amount of cash, were two notebooks. Together with two others found at his home in Castle Cove and at the home of his mistress, they contained 389 telephone numbers, rows of dates and payments of money and notes in Reilly's handwriting. The names included politicians, police, abortionists, lawyers, racing identities, gangsters, and most of the city's leading criminals. All the sporting clubs, nightspots and illegal gambling dens were listed, as well as prominent SP betting figures, doctors, medical receptionists, pharmacists and administrative personnel in government departments. The diaries became Reilly's legacy. They brought to the public's attention the breadth and depth of organised crime in Sydney and eventually led to damaging corruption revelations involving Premier Robert Askin and Police Commissioner Norm Allan.²⁶⁵

After Clarrie's death, the Thomas family closed ranks so successfully that even future wives, partners and children were told nothing about him; it was almost as though he had never existed. In 1945, however, his youngest brother, Geoff, took steps to have himself dismissed from the army in a faint echo of Clarrie's actions during his imprisonment in Egypt. Geoff pretended to be insane and was hospitalised. The army was not so easily fooled this time, discharging him from hospital and ordering him back into service. He was subsequently court martialled for dereliction of duty.²⁶⁶

Much of the significance of Clarrie's story lies in the correlations between his life and the issues raised in this thesis. If there was, for instance, an 'over-representation' of returned soldiers in the courts, as the judiciary believed, then Clarrie's story may go some way to explaining how military training and experiences both on and off the battlefield might have influenced the peace-time behaviour of some of the men who returned from the war at such a young age. While it is not suggested that such training predisposes all men to unlawful or aggressive behaviour, Clarrie himself acknowledged that he was trained to fight and kill at a young and impressionable age. His adoption of a criminal way of life was probably a result of a combination of additional factors: his lack of parental control; his gregarious nature; his early addiction to alcohol; his

²⁶⁵ Hickie, *The Prince and the Premier*, pp. 4-11

²⁶⁶ Trial of NX.1877, Private Geoffrey Barden Thomas, NAA, Australian Military Forces Records of Courts Martial, 6 October 1942; Service and Casualty Form, Pte Geoffrey Barden Thomas, NX1877, NAA.

inclination to flirt with the seedy elements of inner-Sydney; his superior physical prowess; and the possible effects of war neurosis and malaria on his developing brain. Added to this were the sustained episodes of brutality in prison and the unrelenting harassment by police on the streets during his brief periods of freedom. There is much independent evidence that certain types of gaol experiences tend to encourage subsequent violent and unlawful behaviour outside prison.²⁶⁷

Clarrie was a man who, despite his many periods of imprisonment, was an influential and popular identity in Sydney's underworld. The development of his career as a standover man and gangster was typical of many of the young men who fell foul of the law during the 1920s. The standover men themselves were crucial and essential elements of the culture of organised crime that expanded so rapidly throughout this period. Without them, the various crime bosses could not enforce their dominance in the cocaine, sly grog and prostitution rackets. The consorting law was ultimately the major influence on the last part of Clarrie's life, however, and is an important focus of this thesis. This was hard-won legislation that had been sought by the police for many years and they saw its adoption not only as a major victory in their fight against crime but as a vital information-gathering tool. Immediately he was released from gaol in 1937, they began booking Clarrie for consorting. On most of these occasions, he was in the company of his cousin, Jack Finnie, with whom he claimed to be associating for family reasons. Reverend Morris maintained they were deliberately testing the legitimacy of the consorting legislation. That the new law's very existence seemed threatened by the activities of one of the criminals it was designed to control, must have been very galling to the police. The family's controversial theory that Clarrie's death was an assassination of sorts cannot be discounted and that the theory itself arose and gained credence in some quarters is indicative of the struggle for power and control of Sydney's streets that so absorbed the various characters in this drama.

Clarrie's personality was such that he did not submit easily to discipline, was quick to anger, and had a highly-developed sense of personal injustice. This put him on an inescapable collision course with the local police, who often found him an easy target for their catch-all charge of 'assault police'. In court, they invariably perjured themselves by assuring judges that Clarrie had been gaoled for seriously injuring one of their colleagues, a story that is

²⁶⁷ See for instance the case studies in Korn, *op. cit.*

demonstrably untrue. When he was released from prison they visited his places of work and informed his employers about his police record to ensure that he never had any chance of gaining honest employment should he have so wanted. This was a story repeated often in the lives of other young men of the period. It is not claimed that such methods of policing caused the criminal milieu to develop in the way it did in the 1920s but they were a strong contributing factor to the recidivism that drove Clarrie and others back into gaol time and again where their friendships and ties with other criminals were developed and reinforced. Once inside, the brutal treatment meted out to them by their warders taught them that violence was the most appropriate way of dealing with the world. Russell Hogg, in writing about the causes of crime, has recently judged that there is 'a paucity of evidence demonstrating the efficacy of imprisonment as a measure for reducing crime and much evidence pointing to its criminogenic effects'.²⁶⁸ Clarrie's experiences with authorities, both inside and outside prison, were like those of many of the violent young men who developed into gunmen and standover men and were the foot soldiers of organised crime during the 1920s and 1930s.

²⁶⁸ R. Hogg, *op. cit.*, p.74.

Conclusion

This thesis is not an attempt to analyse the actual causes of crime – a task better suited to the criminologist – but to examine the factors that led to the formation of the criminal milieu in Sydney following World War I and the roles played by the various participants in and around that milieu in the making of the criminal subculture. This period is of particular interest because it was then that the city's underworld developed the characteristics that enabled it to become a breeding ground for organised crime, a phenomenon that gained momentum in the 1920s in many parts of the world and most particularly in the United States during its infamous Prohibition era.

While Australians did not experience the excesses of Prohibition in the same way as did Americans, the early years of the century were nevertheless distinguished, in New South Wales, by the introduction of prohibitive legislation that had a marked influence on the opportunities for criminal enterprises. It is clear that laws brought in to control or prohibit the sale of alcohol, gambling, the carrying of firearms and street prostitution did much to establish the framework for the type of criminal activities that became the special target of law enforcement during this period. The effects of the *Police Offences (Amendment) Act 1908* were especially significant in bringing about major changes to the character of Sydney's underworld. The forcing of prostitutes to ply their trade in houses rather than on the streets opened up almost unlimited opportunities for those canny business women and men who were none too particular about observing the niceties of the law. Some, like former prostitutes Kate Leigh and Tilly Devine, made fortunes out of not only the brothel business but its associated pleasures, sly grog and cocaine. Other independent operators, such as Josephine and 'Warrigal' Naughton, concentrated on buying and selling large houses, letting out the rooms to street women in the meanwhile, and earning enough money to live comfortably without engaging in other work.

Allied to the burgeoning of criminal activities in these areas was the emergence of the standover man. Initially working in an independent capacity, these men terrorised the

proprietors of illegal enterprises such as sly-grog shops, two-up schools, brothels and SP bookmaking establishments, extorting sums of money on the threat of violence. Clarrie Thomas used skills learned as a soldier and his natural physical attributes to threaten his victims but other of the young men who took up this occupation, like Jack Finnie and Dick Reilly, trained in the gymnasiums that proliferated in inner-Sydney at the time or at the hands of 'self-defence' instructors such as Thomas.

Prison was a shared experience that, as we have found, bound these men together in friendships that extended beyond the gaol walls. Not only did the brutality of the treatment meted out to these men in prison encourage them to believe that violence was the most appropriate way of dealing with the world but their gaol experience taught them to despise authority and oppose it whenever possible. From this attitude stemmed eruptions of aggression and violence on the streets and in gaols that took the form of mob attacks on arresting police officers and riotous behaviour against warders in prisons that frequently resulted in serious injury to both parties. Once they were freed from prison, 'authority' for these young men usually came in the form of the police presence on the streets of Sydney. Policing methods were, by today's standards, eccentric and deliberately provocative. Officers habitually targeted newly-released prisoners by going to their workplaces and identifying them as ex-convicts to their new employers, or by physically harassing them to the extent that they retaliated, thereby earning another stint in gaol. While the aim of most judges sentencing these young offenders was reform, that of police and prison warders was to punish and the situation these conflicting attitudes produced was weighted heavily against the likelihood of rehabilitation.

However, the most significant influence of the prison experience in the 1920s was the opportunity it offered these young men to form into gangs once released from gaol onto the streets of Sydney. As the 1920s unfolded, common to all those who earned their livelihoods subverting the law was the need for protection – not only from law enforcement and freelance standover merchants but from rival gangs employed by opposing crime bosses. Young men – often fresh from prison – such as Thomas, Finnie, Gaffney and Messenger, filled the roles of hired henchmen. The gangster became of vital importance to the operations

of the crime bosses in drugs, sly grog and prostitution. Experienced with firearms and, after the introduction of the *Pistol Licensing Act* in 1927, the cut-throat razor, gangsters fought bloody battles on the streets and in the houses of the inner-city suburbs, protecting the interests of rival bosses. However, the motives of these young men in following the gangster life went beyond their need to make a living. The attractions and rewards of such a life with its thrills and testosterone-driven impulses, its opportunities to prove one's toughness, the sense of camaraderie – for some like Clarrie a reminder of their army days – and the chance to subvert the law, defy authority and pit their skills against 'the enemy', were powerful incentives for these youthful offenders. The 'frequenting of wine bars and consorting with prostitutes' that often formed part of their modus operandi and 'proved' their deviant natures to authorities, were also, to these mostly working-class men, indications of a manliness that was hard and yet, especially in its dealings with women, also capable of charm, sentimentality and even chivalry. Above all, their behaviour and associations seem to have been regarded from their own perspective as proof of their adhesion to a rough but proud inner-city working-class culture, rather than of the aberrance that so struck middle-class observers in courts, legislatures and press rooms.

The opportunity the razor wars offered an understaffed police force to make representations to state legislators for a revamp of the *Vagrancy Act* was seized upon with great enthusiasm. The press was more than willing to be co-opted to this task. Newspapers, especially the tabloid press, could not be blamed for their desire to sell as many copies as possible, but the invention of a 'moral panic' probably caused much unnecessary alarm. There was no real evidence that Sydney was in the grip of a massive 'crime wave', yet police and newspaper commentators insisted this was so. The gang wars that were, indeed, being conducted in and about Sydney during the late 1920s had more to do with internal underworld politics than with any actual threat to the ordinary citizen. Police, however, got exactly what they wanted with the revisions to the *Vagrancy Act*: a greatly-enhanced capacity for information-gathering and a means by which they could legitimately harass and eventually remove criminals from the streets simply for associating with each other. Whether the consorting law actually achieved its publicly-stated aim is open to question but there is no doubt the police force used it to great effect.

The writing of this thesis was originally motivated by a personal search for answers to a part of my family history that, like many other stories of family shame, was never talked about by those who knew Clarrie. Without the half-clues, whispers and rueful shakes of the head that accompanied the occasional mention of his name, my interest in this part of Sydney's history may never have been aroused. It was a shock at first to be confronted with the details of such unprovoked and extreme brutality perpetrated by a close family member; but studying his experience of war and the criminal subculture offered some understanding of how, and perhaps why, such a man could be charming, eloquent and intelligent and still be a ruthless, violent criminal.

This has not been an attempt to 'whitewash' the memory of Clarrie and his confreres but rather to come to some understanding of the complexities of the underworld subculture of the time, the influence of the Great War on this milieu, and the level of disquietude that these disturbing issues raised in a community still coming to terms with the horrors and losses of that war. Such a study allows us to see the other characters of the period – his fellow criminals, police, judges – as more complex and multi-faceted than they appear through simple newspaper accounts. Court transcripts, gaol records and other sources often give us the story behind the sparse press reports and reveal details about the social history of the period that would not otherwise come to light. Further understanding of this part of Sydney's history can be found in the wealth of untapped archival material still awaiting the diligent researcher.

BIBLIOGRAPHY

PRIMARY SOURCES

Archival

Archives Office of Tasmania

Convict record of John Thomas, CON 33/20, AOT.

Convict record of Margaret Wilson, CON 40/8, AOT.

Australian War Memorial

Wilson, Brig. General L.C., 'Narrative: The Third Light Horse Brigade Australian Imperial Force in the Egyptian Rebellion 1919', Australian War Memorial Printed Records, 1934.

Corrective Services

Gaol Description Card of Charles Williamson, aka Clarence Henry John Thomas, Ernest Thomas and Clarence Williamson, No. G.R. 196/168, Archives of Department of Corrective Services.

National Archives of Australia

Australian Imperial Force Nominal Roll, 35th Reinforcements, 7th Light Horse, NAA.

Australian Military Forces AIF Enlistment Form, No. 33997, CHJ Thomas, 26 May 1916, Series No. B2455, NAA.

Australian Military Forces AIF Enlistment Form, No. 4868, Devine, J.E., (No date), Series No. B2455, NAA.

Australian Military Forces AIF Enlistment Form, No. 3792, Clarence Henry John Thomas, 26 April 1917, Series No. B2455, NAA.

Citadel Military Hospital, Cairo, AIF Department of Repatriation and Demobilisation Medical Report, 17 July 1919, C138/3, R87200, NAA.

Field General Court Martial – Trials of No. 3792 - Trooper Clarence Henry John Thomas, 7th Light Horse Regiment, Series A471/1, Item 6945, NAA.

File of Trooper CHJ Thomas, Series C138/3, Item R87200, NAA.

C.H.J. Thomas and D.H. Stewart, Application for the Registration of Copyright in a Musical Work, Item No. No. 13993, Series A1336, 23 July 1925, NAA.

Trial of Private Geoffrey Barden Thomas, Australian Military Forces Records of Courts Martial, 6 October 1942, NAA.

New Norfolk Hospital

Hospital records of John Thomas, including post-mortem report, July 1876 to July 1880, AB 365/2 and AB 365/4, Archives of New Norfolk Hospital, Tasmania.

New South Wales State Records

Correspondence Registers Long Bay Gaol, 5/2028, NSW SR.

NSW Police Gazettes 1900-1930, Reels 3594-3606, NSW SR.

NSW Police Criminal Registers 1930-1940, 1/3265-3275, NSW SR.

R -v- Clarence Henry John Thomas, Darlinghurst Quarter Sessions, 17 July 1922, Court Transcripts File 6/1166, NSW SR.

R-v- Clarence Henry John Thomas, Bernard Connelly and William Charles Jones, 4 March 1926, Court Transcripts File, 6/1327, NSW SR.

R -v- Raymond Neil, Ernest Thomas [aka Clarence Thomas] and Alfred Joseph Messenger, Darlinghurst Quarter Sessions, 26 April 1928, Court Transcripts File 6/1440, NSW SR.

R -v- Charles Williamson [aka Clarence Thomas] and William Morton, Sydney Quarter Sessions, 5 May 1930, Court Transcripts File 6/1516, NSW SR.

Rozelle Hospital

Medical Record and Clinical Notes for William John Thomas, Callan Park Mental Hospital, 21 October 1930-30 October 1934.

Printed

Official

Progress Report from the 1915 Select Committee on Prevalence of Venereal Diseases; Together with the Proceedings of the Committee, and Minutes of Evidence, and Appendices, New South Wales Legislative Assembly, Sydney, 1916.

The Official Year Book of New South Wales 1927-28 (Australian Bureau of Statistics, Sydney, 1929).

The Official Year Book of New South Wales 1928-29 (Australian Bureau of Statistics, Sydney, 1930).

The Official Year Book of New South Wales 1932-33 (Australian Bureau of Statistics, Sydney, 1935).

The Statutes of New South Wales (Public and Private) Passed During the Session of 1906 (Government Printer, Sydney, 1907).

'Vagrancy Amendment Bill', *NSW Parliamentary Debates 1929-30, Second Series Vol. 118* (Government Printer, Sydney, 1930).

The Kia Ora Coo-ee: The Magazine for the Anzacs in the Middle East, 1918 (Angus & Robertson Publishers, Sydney, 1981).

'Souvenir "Billjim" at Sea: A Memento of the Ever-changing Life on Board a Modern Transport journeying from the Southern Cross with Troops for the Help of the Motherland', *HT Ormonde*, March-April, 1918, Hazell, Watson & Viney, Ltd, London, 1918.

Thomas, Clarence Henry John, *Anthology of Beautiful Thoughts* (Parramatta Gaol, ca 1933-37).

Books

Lombroso, C., 'Illustrative Studies in Criminal Anthropology', [Monist, Vol. I (1890), pp. 186-196] in David M. Horton, *Pioneering Perspectives in Criminology: The Literature of 19th Century Criminological Positivism* (2000).

Lombroso, C., *Crime: Its Causes and Remedies*, trans. Henry P. Horton, MA (William Heinemann, London, 1911).

Marshall, V., *Jail from Within* [1918] and *The World of the Living Dead* [1919] (Memorial Edition, The Wentworth Press, Sydney, 1969).

Mercier, C., *Crime and Criminals Being The Jurisprudence of Crime Medical, Biological, and Psychological* (University of London Press Ltd, London, 1918).

'Reformer', *Crime and Criminals: Study of Defects in Our Prison System* (Cole's Book Arcade, Sydney, 1923).

Richardson, J.D., *The History of the 7th Light Horse Regiment A.I.F.* (Radcliffe Press, Sydney, 1923).

Sweeney, Ex-Crook (in collaboration with a professional journalist), *I Confess! An exposé of the Sydney Underworld, compiled to assist in the prevention of crime* (A Continental Publication, Sydney, ca 1937).

Newspapers and Periodicals

Bulletin, 1918-1939.

Daily Guardian, 1923-1931.

Daily Telegraph, 1917-1939.
Evening News, 1917-1931.
Labor Daily, 1922-1938.
People, 1950.
Smith's Weekly, 1919-1939.
Sun, 1919-1939.
Sydney Morning Herald, 1916-1940.
Truth (Sydney edition), 1918-1939.

SECONDARY SOURCES

Books and Book Chapters

- Agnew, R., *Why Do Criminals Offend? A General Theory of Crime and Delinquency* (Roxbury Publishing Company, Los Angeles, 2005).
- Allen, J., 'The Making of a Prostitute Proletariat in Early Twentieth Century New South Wales', in K. Daniels (ed.), *So Much Hard Work: Women and Prostitution in Australian History* (Fontana Books, Sydney, 1984).
- Allen, J.A., *Sex and Secrets: Crimes Involving Australian Women Since 1880* (Oxford University Press, Melbourne, 1990).
- Anderson, H., *Larrikin Crook: The Rise and Fall of Squizzy Taylor* (The Jacaranda Press, Milton, 1971).
- Archer, D. and Gartner, R., *Violence and Crime in Cross-National Perspective* (Yale University Press, New Haven, 1984).
- Baly, L., *Horseman, Pass By: The Australian Light Horse in World War I* (Kangaroo Press, East Roseville, 2003).
- Barr, G., *Beyond the Myth: Australian Military Police 1914-1920* (HJ Publications, Weston, 2005).
- Bean, C.E.W., *Gallipoli Mission [1948]* (ABC Enterprises, Crows Nest, 1990).
- Bertrand, I., (ed.), *Cinema in Australia: A Documentary History* (New South Wales University Press, Kensington, 1989).
- Blaikie, G., *Remember Smith's Weekly? A Biography of An Uninhibited National Australian Newspaper Born: 1 March 1919 Died: 28 October 1950* (Rigby Limited, Adelaide, 1966).
- Blaikie, G., *Wild Women of Sydney* (Rigby Publishers, Adelaide, 1980).
- Brodsky, I., *The Streets of Sydney* (Old Sydney Free Press, Neutral Bay, 1962).

- Bourke, J., *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (Granta Books, London, 1999).
- Brown, D., Farrier, D., Egger, S., and McNamara, L. (eds), *Criminal Laws: Materials and Commentary on Criminal Law and Process in New South Wales* (3rd edn, The Federation Press, Leichhardt, 2001).
- Brugger, S., *Australians and Egypt 1914-1919* (Melbourne University Press, Carlton 1980).
- Burke, RH, *An Introduction to Criminological Theory* (Willan Publishing, Cullompton, 2001).
- Butler, A.G., *The Australian Army Medical Services in the War of 1914-1918, Vol. III* (Australian War Memorial, Canberra, 1943).
- Chibnall, S., 'Chronicles of the Gallows: The Social History of Crime Reporting', in H. Christian, (ed.), *The Sociology of Journalism and the Press* (University of Keele, Keele, 1980).
- Cohen, S., *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (Granada Publishing Limited, St Albans, 1973).
- Conor, L., *The Spectacular Modern Woman: Feminine Visibility in the 1920s* (Indiana University Press, Bloomington, 2004).
- Cryle, D., "'Old Tales, New Techniques": Popular Journalism 1860-1930', in A. Curthoys and J. Schultz (eds), *Journalism: Print, Politics and Popular Culture* (University of Queensland Press, St Lucia, 1999).
- Curthoys, A., 'Histories of Journalism', in A. Curthoys and J. Schultz, (eds), *Journalism: Print, Politics and Popular Culture* (University of Queensland Press, St Lucia, 1999).
- Dening, G., *Mr Bligh's Bad Language: Passion, Power and Theatre on the Bounty* (Cambridge University Press, Cambridge, 1992).
- Dening, G., *Performances* (Melbourne University Press, Carlton South, 1996).
- Doyle, P., with Williams, C., *City of Shadows: Sydney Police Photographs 1912-1948* (Historic Houses Trust of New South Wales, Sydney, 2005).
- Finnane, M., *Policing in Australia: Historical Perspectives* (New South Wales University Press, Kensington, 1987).
- Finnane, M., *Police and Government: Histories of Policing in Australia* (Oxford University Press, Melbourne, 1994).
- Finnane, M., *Punishment in Australian Society* (Oxford University Press, Melbourne, 1997).

- Frances, R., *Selling Sex: A Hidden History of Prostitution* (University of New South Wales Press Ltd, Kensington, 2007).
- Gammage, B., *The Broken Years: Australian Soldiers in the Great War* (Australian National University Press, Canberra, 1974).
- Garton, S., 'Bad or Mad? Developments in Incarceration in NSW 1880-1920', in Sydney Labour History Group (ed.), *What Rough Beast? The State and Social Order in Australian History* (George Allen & Unwin Australia Pty Ltd, North Sydney, 1982).
- Garton, S., *Medicine and Madness: A Social History of Insanity in New South Wales, 1880-1940* (New South Wales University Press, Kensington, 1988).
- Garton, S., *The Cost of War: Australians Return* (Oxford University Press, Melbourne, 1996).
- Gelder, K. and Thornton, S. (eds), *The Subcultures Reader* (Routledge, New York, 1997).
- Gorman, C. (ed.), *The Larrikin Streak: Australian Writers Look At the Legend* (Pan Macmillan Publishers Australia, Chippendale, 1990).
- Grabosky, P.N., *Sydney in Ferment: Crime, Dissent and Official Reaction 1788 to 1973* (Australian National University Press, Canberra, 1977).
- Griffen-Foley, B., 'Operating on "an Intelligent Level": Cadet Training at Consolidated Press in the 1940s', in A. Curthoys and J. Schultz, *Journalism: Print, Politics and Popular Culture* (University of Queensland Press, St Lucia, 1999).
- Griffin, S., *A Chorus of Stones: The Private Life of War* (Anchor Books Doubleday, New York, 1992).
- Grossman, D., *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Little, Brown and Company, Boston, 1995).
- Gullett, H.S., *The Australian Imperial Force in Sinai and Palestine 1914-1918* (University of Queensland Press in association with The Australian War Memorial, St Lucia, 1984).
- Hickie, D., *The Prince and the Premier* (Angus & Robertson, North Ryde, 1985.)
- Hickie, D., *Chow Hayes, Gunman* (Collins/Angus & Robertson, North Ryde, 1990).
- Hobsbawm, E.J., *Bandits* (rev. edn, Pantheon Books, New York, 1981).
- Hobsbawm, E., *Uncommon People: Resistance, Rebellion and Jazz* (Weidenfeld & Nicolson, London, 1998).

- Hogg, R. and Golder, H., 'Policing Sydney in the Late Nineteenth Century', in M. Finnane (ed.), *Policing in Australia: Historical Perspectives* (New South Wales University Press, Kensington, 1987).
- Hogg, R., 'The Causes of Crime and the Boundaries of Criminal Justice' in J. Tolmie and W. Brookbanks (eds), *Criminal Justice in New Zealand* (LexisNexis NZ, Wellington, 2007).
- Isaacs, V., and Kirkpatrick, R., *Two Hundred Years of Sydney Newspapers: A Short History* (Rural Press Ltd, North Richmond, 2003).
- Keating, C., *Surry Hills: The City's Backyard* (Hale & Iremonger, Sydney, 1991).
- Kelly, Max, *Faces of the Street* (Doak Press, Paddington, 1982).
- Kelly, M. (ed.), *Sydney: City of Suburbs* (New South Wales University Press, Kensington, 1987).
- Kelly, V., *The Shadow: The Amazing Exploits of Frank Fahy* (Angus and Robertson, Sydney, 1954).
- Kelly, V., *The Bogeyman: The Exploits of Sergeant CJ Chuck, Australia's Most Unpopular Cop* (Angus and Robertson, Sydney, 1956).
- Kelly, V., *Rugged Angel: The Amazing Career of Policewoman Lillian Armfield* (Angus and Robertson, Sydney, 1961).
- Kelly, V., *It Does Not Pay to Compromise: The Story of Walter Richard Lawrence* (Epworth Press, Redfern, ca 1963).
- Kidd-Hewitt, D., 'Crime and the Media: A Criminological perspective', in Kidd-Hewitt, D., and Osborne, R. (eds), *Crime and the Media: The Post-Modern Spectacle* (Pluto Press, London, 1995).
- Kirkpatrick, P., *The Sea Coast of Bohemia: Literary Life in Sydney's Roaring Twenties* (University of Queensland Press, St Lucia, 1992).
- Knightley, P., *A Hack's Progress* (Random House, Milsons Point, 1998).
- Kooistra, P., *Criminals As Heroes: Structure, Power & Identity* (Bowling Green State University Popular Press, Bowling Green, 1989).
- Korn, N., *Life Behind Bars: Conversations with Australian Male Inmates* (New Holland Publishers Australia Pty Ltd, Frenchs Forest, 2004).
- Lipson, N. and Barnao, T. (eds), *As Crime Goes By. The Life and Times of 'Bondi' Bill Jenkins* (Ironbark Press, Randwick, 1992).

- Lewis, M., *Managing Madness: Psychiatry and Society in Australia 1788-1980* (AGPS Press, Canberra, 1988).
- Lewis, M., *Thorns on the Rose: The History of Sexually Transmitted Diseases in Australia in International Perspective* (A.G. Publishing Service, Canberra, 1998).
- McCalman, J., *Struggletown: Public and Private Life in Richmond 1900-1965* (Hyland House, South Melbourne, 1998).
- McCoy, A.W., *Drug Traffic: Narcotics and Organized Crime in Australia* (Harper & Row, Sydney, 1980).
- McKernan, M., *The Australian People and The Great War* (Thomas Nelson Australia, West Melbourne, 1980).
- McQuilton, J., *The Kelly Outbreak 1878-1880: The Geographical Dimension of Social Banditry* (Melbourne University Press, Carlton, 1979).
- Manderson, D., *From Mr Sin to Mr Big: A History of Australian Drug Laws* (Oxford University Press, Melbourne, 1993).
- Mayne, A. *Representing the Slum: Popular Journalism in a Late Nineteenth Century City* (History Department, University of Melbourne, Parkville, 1991).
- Meagher, D., *Organised Crime: Papers presented by Mr Douglas Meagher, QC, to the 53rd ANZAAS Congress, Perth, Western Australia, 16-20 May 1983* (AGPS, Canberra, 1983).
- Murray, J., *Larrikins: 19th Century Outrage* (Lansdowne Press, Melbourne, 1973).
- Nairn, B., and Serle, G., (eds), *Australian Dictionary of Biography*, Vol. 10: 1891-1939 (Melbourne University Press, Carlton, 2005).
- O'Toole, S., *The History of Australian Corrections* (University of New South Wales Press, Sydney, 2006).
- Perkins, R., *Working Girls: Prostitutes, their Life and Social Control* (Australian Institute of Criminology, Canberra, 1991).
- Pugsley, C., *On the Fringe of Hell: New Zealanders and Military Discipline in the First World War* (Hodder and Stoughton, Auckland, 1991).
- Ramsland, J., *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales* (Kangaroo Press, Kenthurst, 1996).
- Robson, L.L., *The Convict Settlers of Australia* (Melbourne University Press, Carlton, 1965).

- Ruth, D.E., *Inventing the Public Enemy: The Gangster in American Culture, 1918-1934* (University of Chicago Press, Chicago, 1996).
- Seal, G., *The Hidden Culture: Folklore in Australian Society* (Oxford University Press, Melbourne, 1989).
- Seal, G., *The Outlaw Legend: A Cultural Tradition in Britain, America and Australia* (Cambridge University Press, Cambridge, 1996).
- Seal, G., *Inventing Anzac: The Digger and National Mythology* (University of Queensland Press, St Lucia, 2004).
- Seymour, A. and Nile, R. (eds), *Anzac: Meaning, Memory and Myth* (University of London, Sir Robert Menzies Centre for Australian Studies, London, 1991).
- Shirley, G., and Adams, B., *Australian Cinema: The First Eighty Years* (Angus and Robertson Publishers and Currency Press, Australia., 1983).
- Slotkin, R., *Regeneration Through Violence: The Mythology of the American Frontier 1600-1860* (HarperPerennial, New York, 1996).
- Smith, B., *Australia's Birthstain: The Startling Legacy of the Convict Era* (Allen & Unwin, Crows Nest, 2008).
- Sparks, C. and Tulloch, J., (eds), *Tabloid Tales: Global Debates Over Media Standards* (Rowman & Littlefield Publishers, Inc., Lanham, 2000).
- Spearritt, P., *Sydney Since the Twenties* (Hale & Iremonger, Neutral Bay, 1978).
- Spearritt, P., *Sydney's Century: A History* (UNSW Press, Sydney, 2000).
- Taylor, D., *The New Police in Nineteenth-Century England: Crime, Conflict and Control* (Manchester University Press, Manchester, 1997).
- Thomson, W.A.R. (ed.), *Black's Medical Dictionary* (32nd edn, Adam & Charles Black, London, 1979).
- Tyquin, M., *Madness and the Military: Australia's Experience of the Great War* (Australian Military History Publications, Loftus, 2006).
- Vicinus, M., *The Industrial Muse: A Study of Nineteenth Century British Working-Class Literature* (Croom Helm, London, 1974).
- Wahlert, G., *The Other Enemy? Australian Soldiers and the Military Police* (Oxford University Press, South Melbourne, 1999).
- Ward, R., *The Australian Legend* (Oxford University Press, Melbourne, 1958).

Wecter, D., *When Johnny Comes Marching Home* (Houghton Mifflin Company, Cambridge (Mass.), 1944).

White, R., and Haines, F., *Crime and Criminology: An Introduction* (2nd edn, Oxford University Press, South Melbourne, 2000).

Writer, L., *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog* (Macmillan, Sydney, 2001).

Articles

Conor, L., 'The City Girl: Appearing in the Modern Scene', *Lilith*, 11, 2002, pp. 53-71.

Morgan, G., 'The Bulletin and the Larrikin: Moral Panic in Late Nineteenth Century Sydney', *Media International Australia*, No. 85, November 1997, pp. 17-23.

Rickard, J., 'Lovable Larrikins and Awful Ockers (Australian Masculinities)', *Journal of Australian Studies*, March 1998, No. 56, pp. 78-85.

Shand, A., 'Ganglands', *Bulletin*, 27 April 2004, pp. 28-9.

Steel, A., 'Consorting in New South Wales: Substantive Offence or Police Power?', *University of New South Wales Law Journal*, Vol. 26(3), 2003, pp. 567-602.

Storch, R.D., 'The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History*, 20, 1975, pp. 61-90.

Walker, S., 'Film Censorship in Western Australia: Public, Government and Industry Responses 1898-1928', *Murdoch University Electronic Journal of Law*, Vol. 9, No. 3, September 2002, pp. 1-34.

White, R., 'The Soldier as Tourist: The Australian Experience of the Great War', *War & Society*, Vol. 5, No. 1 (May 1987).

Theses

Gordon, R.D., 'The Constitution of Power in the New South Wales Police Service', PhD Thesis, University of Technology, Sydney, 2003.

Maher, L.K., 'Larrikinism in Sydney in the 1870s to late 1880s: Moral Panic or a Justifiable Response to a Serious Threat?', BA Honours Thesis, University of New England, 2003.

Internet Sites

Baker, Chris, 'The Long, Long Trail: The Story of the British Army in the Great War of 1914-1918', www.1914-1918.net/crime.htm, accessed 13 May 2005.

'Curlewis, Herbert Raine (1869-1942)', Biographical Entry, *Australian Dictionary of Biography Online*, www.adb.online.anu.edu.au/biogs/A120718b.htm, accessed 13 August 2008.

Perkins, R., 'Prohibition and Policing in New South Wales, 1908-78', in Perkins, R., *Working Girls: Prostitutes, their Life and Social Control*, (Australian Studies in Law, Crime and Justice Series, Australian Institute of Criminology, Canberra, 1991), www.aic.gov.au/ppublications/lcj/working/ch2-4.html, accessed 18 January 2008.

'Razor Gang Feuds', ABC Radio National *Dimensions*,
http://www.abc.net.au/dimensions/dimensions_in_time/Transcripts, accessed 28 May 2006.

'The History of Gangs and Gang Violence in Australia', ABC Radio National *Rear Vision*,
<http://abc.net.au/rn/rearvision/stories/2007/1970942.htm>, accessed 23 October 2007.

'The Thin Blue Line. History Information Section: The Consorting Squad',
<http://www.policensw.com/~policens/info/history/h10a11.html>, accessed 8 February 2007.

'Boy Soldiers on the Roll of Honour', www.awm.gov.au/encyclopedia/boysoldiers.htm; accessed 1 March 2005.

'The Relation Between Malaria and PTSD',
www.hotkey.net.au/~marshalle/medical/malptsd.htm, accessed 19 September, 2005.

Program for 'The Sentimental Bloke', 1919 Production,
www.nfsa.afc.gov.au/docs/photoplayartiste_reel5.pdf, accessed 20 February 2008.

MISCELLANEOUS

Bottom, B., 'Inquiry Into Crime in the Community: Victims, Offenders and Fear of Crime', Submission to Standing Committee on Legal and Constitutional Affairs, 16 September 2002.