

**Young Men With Guns**  
**Crooks, Cops and the Consorting Law in 1920s-1930s Sydney**

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I certify that the substance of this thesis has not already been submitted for any degree and is not being currently submitted for any other degree or qualification. I certify that, to the best of my knowledge, any help received in preparing this thesis, and all sources used, have been acknowledged in this thesis.

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## ABBREVIATIONS

AOT	Archives Office of Tasmania
<i>DG</i>	<i>Daily Guardian</i>
<i>DT</i>	<i>Daily Telegraph</i>
<i>EN</i>	<i>Evening News</i>
<i>LD</i>	<i>Labor Daily</i>
NAA	National Archives of Australia
NSWSR	New South Wales State Records
<i>SMH</i>	<i>Sydney Morning Herald</i>

## Introduction

A shadowy figure in my family's past was the inspiration for this thesis. Clarrie Thomas, gunman and standover man in the Sydney underworld of the 1920s, was the quintessential 'black sheep'. As my father's brother and member of a close-knit family, he might have been a much-loved uncle of mine had he not been shot dead eight years before I was born. Instead, a veil of secrecy and silence was drawn so securely over his memory that his nieces and nephews were told only what their fathers chose to reveal, and these slim stories varied widely in detail. My own father, a very private individual, would not talk about Clarrie. My mother dismissed him with a toss of the head: he was a gangster, she said, killed in a gun battle on the streets of Sydney in the 1930s; that was all she knew. He was, she added, a 'bad lot'; but he was also my father's favourite brother. It was enough to inflame an adolescent imagination that led me to Sydney's Mitchell Library in the early 1960s. Here I found a couple of newspaper accounts of his death, which confirmed the substance of my mother's comments. Years later, as a history graduate, I decided to delve further. A colourful character such as Clarrie in one's ancestry is begging for deeper investigation.

Although he was not, for most of his relatively short life, a publicly-prominent criminal like the infamous madams of the era, Tilly Devine and Kate Leigh, Clarrie left an extensive paper trail. A sympathetic police archivist, in the days before police and justice records were deposited with the New South Wales State Records Office, sent me a copy of Clarrie's gaol record card. This document detailed his convictions and any 'extra-curricular' activities, such as his participation in gaol riots, other petty and serious misdemeanours while in gaol, his aliases, and his record of punishments while in prison. It also mentioned a court martial while on active service with the Australian Imperial Force (AIF) in Egypt during World War I. I therefore had enough material on which to base a search for AIF and court records, newspaper articles, medical reports and records from the Department of Veterans' Affairs.

This research into one individual in my family's history, however, very quickly became much more. As I tried to understand why this young man, from an otherwise respectable family, chose the path he did, there evolved a need also to understand the social and political context of

the times in which Clarrie undertook his life of crime. I also experienced a growing curiosity about the complex network of identities and relationships that formed around and fed into the burgeoning criminal milieu of the post-war city.

By the beginning of the 1920s, there was a general impression that western society, all over the world, was going through a massive transformation. While many aspects of this upheaval — such as unchaperoned women, modern fashion, the supposedly corrosive influence of American movies, and the collapse of etiquette — were of widespread concern, nothing worried both the general citizen and authorities more than the apparent crime wave. This phenomenon is most famously documented in the films and literature that were generated during the Prohibition era in the United States. The alleged influence of these media on Australian youth was one of the ongoing public debates during the period under discussion. In most major cities the reported increase in young, armed men roaming the streets at night, robbing and bashing their victims, caused great consternation.

While Australians never embraced the idea of Prohibition with the same zeal as did Americans, the early years of the twentieth century are sometimes understood by social commentators as 'prohibition years' even in this country.<sup>1</sup> Following international trends, Australia banned the non-medicinal use of drugs such as cocaine and heroin, thereby creating an illicit trade that thrived after the Great War; brothels proliferated when a 1908 act in New South Wales forbidding soliciting in public places drove prostitutes indoors and into the eager clutches of criminal syndicates; in 1916, the introduction of six o'clock-closing in Sydney hotels spawned the growth of sly-grog shops;<sup>2</sup> and later in the decade the carrying of unlicensed firearms was prohibited, prompting the use by gangsters of razors as weapons. By the end of the 1920s, press agitation had fuelled the public's anxiety about alleged increased levels of crime involving razor attacks and daylight gun battles between gangsters on the streets of Sydney.<sup>3</sup> This panic resulted

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<sup>1</sup> See comments by Alfred McCoy and Larry Writer on Radio National, 'The History of Gangs and Gang Violence in Australia', RN *Rear Vision*, <http://abc.net.au/rn/rearvision/stories/2007/1970942.htm>, accessed 23 October 2007.

<sup>2</sup> Sly-grog shops were premises dedicated to the illegal sale of alcohol outside allowable hours. In the United States, sly grog was called 'bootleg liquor'.

<sup>3</sup> See L. Writer, *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog* (Macmillan, Sydney, 2001).

in the implementation of a draconian and controversial law that still exists today: the so-called consorting law. Media publicity undoubtedly played a big part in the public's perception about the need for this law.

The aim of this thesis is to examine, in the form of a qualitative study, the formation of a criminal milieu in Sydney following the Great War. I shall consider the roles played by the prison system, and the police, judges, politicians and criminals themselves, in the making of this underworld subculture in an attempt to understand why the milieu developed as it did. The study investigates why and how the underworld evolved to the point where authorities felt its threat was serious enough to introduce draconian legislation to deal with it. My thesis will suggest that while state legislation had a crucial effect on the development of the milieu, criminals and their associates exercised a degree of individual and collective agency that also influenced the progress towards a culture of organised crime. I shall also look at some of the legal, social and political consequences of the consorting law to determine whether this legislation did, in fact, have the effect for which it was claimed to have been framed.

The press played a critical, although indirect, part in the formation of a criminal milieu. While the various media appeared to act with autonomy, many of those, on both sides of the law, who engaged in conflict and the exercise of power and control in and around the underworld, sought to use them as a tool to achieve their various aims. The thesis explores the role of the tabloid and broadsheet newspapers and also their use by police and other authorities in the creation of a moral panic during the 1920s in relation to the prevalence of firearms, razor attacks, prostitution, drugs and gang battles. I shall then consider whether the passage of harsh legislation was justified by the actual level of criminal activity in Sydney, or whether it was simply a 'knee-jerk' reaction by politicians, fuelled by a moral panic initiated by police and the media.

In the well-known passage in his sociological study of British mods and rockers articulating his thesis about 'moral panics', Stanley Cohen could have been describing the personalities and events surrounding the supposed crime wave in Sydney during the 1920s and 1930s:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible.<sup>4</sup>

Cohen's book addressed the subject of British youth culture in the 1960s. His description of deviant young people as 'folk devils' neatly fits the young hoodlums and older gangsters of the 1920s and 1930s who so worried the respectable citizens and authorities not only of Sydney but many other cities in the western world. Central to this thesis, therefore, are the young men – and some young women – who began their careers in petty crime shortly after the end of the War, rising through the ranks to become, by the end of the 1920s, fully-fledged gangsters in the employ of the major crime bosses of the era. I also look at their responses to the activities of the police and other authorities attempting to control them to determine the influence, if any, that such authorities had on the actions and choices of these young people as they fought to live and profit outside the law. By doing so, I hope to shed some light on who these young men and women were, and what motivated them to engage in their lives of crime.

Another popular topic for debate in many countries during this period was the perceived influence of the war itself on the moral fibre of society. Some Americans, for instance, were disillusioned by the fact that the experience of such a catastrophic war did not result in the 'fortifying infusion of martial discipline' in the populace that they had expected.<sup>5</sup> Instead, the opposite seemed to have occurred: a casting aside of discipline and a resort to unbridled hedonism with a 'lessening of regard for the sacredness of human life and inviolability of property'.<sup>6</sup> Much discussion took place about whether or not war service and training had a 'brutalising' effect on young men. While I do not attempt to answer this question, the debate is of

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<sup>4</sup> S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (Granada Publishing Limited, St Albans, 1973).

<sup>5</sup> D.E. Ruth, *Inventing the Public Enemy: The Gangster in American Culture, 1918-1934* (University of Chicago Press, Chicago, 1996), p.32.

<sup>6</sup> Theodore E. Burton, 'Curbing Crime in the United States', *Current History*, 23 January 1926, quoted in *ibid.*, p. 33.

significance because of its influence on the deliberations of the judiciary in the years immediately after the war, and forms part of the discussion in this thesis.

In their efforts to rein in the post-war crime wave — much of which was laid at the feet of young returned soldiers or those young men who had been left fatherless after the war — authorities looked for answers in the changing social fabric of the post-war world. When young robbers brandishing firearms began to terrorise the populace, judges and other commentators declared the flood of American gangster and cowboy movies to be an unhealthy influence; 'shell shock' was being blamed by many defendants in court cases up to 20 years after the end of the war; and heredity — which had long been considered the major cause of criminality — came to be understood as less of a factor as the decade wore on. These issues are all reflected in the published comments in the press of authorities, the judiciary and newspaper editors.

In an attempt to answer some of the questions raised in this thesis, a final focal point is a biographical study of my aforementioned uncle, Clarrie Thomas. The significance of this study lies in the opportunity his story offers to elaborate the argument developed in the early chapters of the thesis. Clarrie's life and death encapsulated most of the themes mentioned above and are therefore a valuable reflection of the era and of Sydney's criminal milieu of the 1920s and 1930s. That an important aspect of his story is the narration of events in his own words in the form of court testimonies also helps bring a critical element of humanity to the topic without which the gangsters might remain one-dimensional.

There are very few secondary sources devoted to this era. For historical background to gang-related violence in New South Wales, James Murray's volume about the nineteenth-century phenomenon of larrikinism in *Larrikins: 19<sup>th</sup> Century Outrage* is of some use.<sup>7</sup> Murray analyses the origins of larrikinism in Sydney and Melbourne, describing the class-based composition of its pushes and the petty-to-serious nature of its criminal pursuits. Larrikins vandalised public places, bashed men and women, committed thefts, maimed or wounded animals, and sometimes raped and murdered.<sup>8</sup> The reasons for the disappearance of the larrikin pushes has not been

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<sup>7</sup> J. Murray, *Larrikins: 19<sup>th</sup> Century Outrage* (Lansdowne Press, Melbourne, 1973).

<sup>8</sup> *Ibid.*, pp. 169-79.

explained satisfactorily but some commentators have suggested they were simply replaced by the underworld gangs that appeared in the 1920s, using firearms and razors to enforce their monopolies over the sly grog and cocaine trades.<sup>9</sup> As law enforcement bodies and the judiciary struggled to come to grips with the seemingly rapid pace of change after the Great War, an overworked and understaffed bureaucracy responded by implementing restrictive legislation that struggled to keep up with changing social and cultural attitudes. This legislation, it is argued, had direct and indirect effects on the burgeoning crime rate during the era.

Larry Writer's recent volume, *Razor: A True Story of Slashers, Gangsters, Prostitutes and Sly Grog*, about the razor wars in East Sydney during the 1920s and 1930s, is devoted specifically to the women and men who ruled Sydney's underworld during that period.<sup>10</sup> While its research appears thorough, its lack of footnoting and anecdotal style limit its use for the purposes of this thesis. However, it is valuable for the independent verification it gives to stories of otherwise questionable origin and the background detail of well-known anecdotes that appear in the many unreferenced volumes about the period, such as George Blaikie's *Wild Women of Sydney*.<sup>11</sup> Blaikie's book is devoted to the careers of crime bosses Tilly Devine and Kate Leigh, and to those of two high profile prostitutes, Nellie Cameron and Dulcie Markham. Allegedly based on the memories of a former member of the underworld of the time by the name of 'Pinto Pete',<sup>12</sup> the book is written in a racy, anecdotal style and Pinto's identity is never revealed. Neither of these books makes any attempt at analysis, their principal purpose apparently being to entertain the reader.

One of the most prolific writers about the crime scene of the first half of the twentieth century was Vince Kelly, a former crime reporter who published many books throughout the 1950s and 1960s based on his recollections. While his books, like those of Writer and Blaikie, are anecdotal in style and unreferenced, his inside knowledge of the underworld and the police who enforced the law during the 1920s and 1930s makes them invaluable as a research tool. His

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<sup>9</sup> *Ibid.*, p. 196; C. Keating, *Surry Hills: The City's Backyard* (Hale & Iremonger, Sydney, 1991), p. 68.

<sup>10</sup> Writer, *op. cit.*

<sup>11</sup> G. Blaikie, *Wild Women of Sydney* (Rigby Publishers, Adelaide, 1980).

<sup>12</sup> *Ibid.*, p. 15.

bias, however, is evident in his unwavering praise of the police and unquestioning acceptance of their point of view. *It Does Not Pay to Compromise: The Story of Walter Richard Lawrence*, for instance, is a paean to a former Deputy Commissioner of Police and Criminal Investigation Bureau (CIB) detective that can hardly be called 'warts and all' in its depiction.<sup>13</sup> Again, his characterisation of the infamous policeman Sergeant Cecil (Joe) Chuck in *The Bogeyman: The Exploits of Sergeant CJ Chuck, Australia's Most Unpopular Cop* is partisan in its approach.<sup>14</sup> However, this book's value lies in its illumination of the intriguing world of early-twentieth century policing when any means of operation, both fair and foul, were apparently considered appropriate, so long as they resulted in arrests. The book, intentionally or not, highlights the sense of 'them versus us' that permeated the working-class districts of Sydney as they battled with the police to engage in the recreational drinking and gambling that they considered the rightful pursuits of the working-class man and woman.

The remaining two books by Kelly consulted for this thesis also celebrate the lives and work of police officers of the period: Frank Fahy ('The Shadow') and Lillian Armfield, Sydney's first female police officer.<sup>15</sup> Again partisan in their approach, they nevertheless offer a further insight into the tactics of a police force that was chronically understaffed, had limited access to scientific advances such as fingerprinting and radio control, was still grappling with modern technologies such as the telephone, yet managed an impressive arrest rate at a time when crime seemed, to many a casual observer, to be spiralling out of control. While books such as these are of restricted use in helping to understand the factors in the formation of the criminal milieu during this period, they do illuminate some aspects of the complexities of conflict, power and control that arose in and around the underworld of the 1920s. Kelly's books also demonstrate how police and newspaper crime reporters in the 1920s began to form close connections that often resulted in mutual benefits. *Remember Smith's Weekly?*, by George Blaikie, written to mourn the demise of that newspaper, contains many anecdotes illustrating the methods of

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<sup>13</sup> V. Kelly, *It Does Not Pay to Compromise: The Story of Walter Richard Lawrence* (Epworth Press, Redfern, ca 1963).

<sup>14</sup> V. Kelly, *The Bogeyman: The Exploits of Sergeant CJ Chuck, Australia's Most Unpopular Cop* (Angus and Robertson, Sydney, 1956).

<sup>15</sup> V. Kelly, *The Shadow: The Amazing Exploits of Frank Fahy* (Angus and Robertson, Sydney, 1954); and *Rugged Angel: The Amazing Career of Policewoman Lillian Armfield* (Angus and Robertson, Sydney, 1961).

manipulation used by police, reporters and the criminals themselves to ensure their sides of the stories were presented to the public.<sup>16</sup> Of particular interest, too, is Lipson and Barnao's book about long-time crime reporter 'Bondi' Bill Jenkins.<sup>17</sup> Jenkins does not hide his partiality for the police, and his readiness to accept their interpretation of events, while somewhat naïve, demonstrates the extent to which the reading public was often presented with the 'police version', sometimes doctored or embellished by officers to fit the occasion.

A.W. McCoy's *Drug Traffic*<sup>18</sup> is a well-referenced and concise account of the development of Australia's drug trade and the beginning of organised crime. While necessarily brief on detail because of its scope — from the mid-nineteenth century to 1977 — its introduction and first two chapters offer significant data about the early-twentieth century trade in cocaine and its ancillary areas of illegal pursuits: sly grog, prostitution and gambling. McCoy identifies the importance of restrictive legislation on the development of these activities and describes the outburst of gun battles, razor slashing and gang warfare that erupted during the 1920s as leading underworld identities fought for dominance. He traces the careers of the leading criminal identities of the 1920s and 1930s and analyses their influence on the genesis of organised crime in Sydney, also emphasising the importance of the standover men who were used by the crime bosses as a means of control and enforcement.<sup>19</sup> However, McCoy's discussion of the introduction of the 'consorting clause' — allegedly brought in to give increased powers to the police in their fight against razor attacks and street prostitution — is a fairly basic overview that relies heavily for its content on tabloid newspaper accounts and public relations announcements by the police.<sup>20</sup>

As tenuous as some newspaper sources may be, however, it is by examination of the printed media that a fairly reliable picture emerges of the rapid pace of change in Sydney's

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<sup>16</sup> 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).

<sup>17</sup> N. Lipson, and T. Barnao, (eds), *As Crime Goes By. The Life and Times of 'Bondi' Bill Jenkins* (Ironbark Press, Randwick, 1992).

<sup>18</sup> A.W. McCoy, *Drug Traffic: Narcotics and Organized Crime in Australia* (Harper & Row, Sydney, 1980).

<sup>19</sup> *Ibid.*, pp. 82-159.

<sup>20</sup> *Ibid.*, pp. 137-42.

criminal subculture following the Great War. This is reflected in the published comments of judicial figures when handing down sentences; in the transcripts of public addresses by magistrates, judges and church figures to organisations such as prison reform leagues and other interested associations; and in a systematic perusal of the court reports in the daily press. The latter exercise also enables the tracking of some young men as they graduated throughout the decade from urban 'pest' to fully-fledged gangster. The most reliable newspaper for reporting purposes is the broadsheet *Sydney Morning Herald*, which could, however, be almost as strident as the tabloids in its editorials, particularly when calling for the reintroduction of the lash as punishment and decrying the influence of crime films from the United States on the impressionable youth of the city.<sup>21</sup> Tabloid newspapers such as the *Sydney Truth*, the *Sun*, the *Daily Telegraph* and *Smith's Weekly* were found invaluable. It is through these newspapers that we often find represented the petty criminal and the gangster in their own voices. While, in the reports of court proceedings, the tabloids frequently held them up to ridicule by faithfully reproducing every mispronunciation, aspirated vowel and dropped aitch, they also served to 'humanise' these otherwise amorphous beings. As well as replicating their speech, their clothing was often described in every detail, their facial expressions documented and their misdeeds explored with a colour and thoroughness to which the broadsheets would never stoop or rise.

As the violence on Sydney's streets escalated during the late 1920s, the power-plays and struggles for dominance were reflected in the often-racy detail splashed across the pages of the tabloids. It is acknowledged that some care must be exercised when assessing the credibility of stories in the press as it is known that sensationalist newspapers such as the *Truth* sometimes invented or embellished stories for the sake of a good front-page headline. Former *Sydney Truth* reporter Phillip Knightley tells of one such instance when he caused a minor panic amongst the female populace by concocting a tale about a pervert who trawled the trains of Sydney, lifting the skirts of women with a handmade hook.<sup>22</sup> Adrian Tame, former editor of sister newspaper, the *Melbourne Truth*, also admitted in a television interview that front-page stories were occasionally invented when nothing newsworthy had offered itself by the time the paper went to

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<sup>21</sup> 'Crime in the Papers', *SMH*, 14 July 1928, p. 11; 'Crime and Punishment', *SMH*, 28 September 1928, p. 10.

<sup>22</sup> P. Knightley, *A Hack's Progress* (Random House, Milsons Point, 1998), pp. 51-3.

press.<sup>23</sup> In all instances stories appearing in newspapers important to the themes in this thesis have been verified by checking them against court records and transcripts and other official documents.

Some of the most useful primary sources for this thesis are the *Police Gazettes* and *Criminal Registers* for New South Wales.<sup>24</sup> To help police in the performance of their duties, the gazettes featured full and complete accounts of crimes committed and gaol sentences served, together with periodical photo galleries of mug shots and comprehensive descriptions of the criminals' *modus operandi*. Also listed in chart form are details of all those released from prison each month, with information about the crimes for which they were sentenced, the gaols in which they were incarcerated, and their terms of imprisonment. The gazettes and registers are not only useful for cross-checking information from newspapers but also enable an individual's criminal career to be traced with accuracy. As a tool for law enforcement, the gazettes were invaluable for the police, especially in the particularity of their descriptions. The most minute physical characteristics, markings and disfigurements were recorded, all a criminal's known associates were listed, and warnings about particularly dangerous characters were issued. Thus we find that Guido Caletti 'has hair growing in hollow between his eyes',<sup>25</sup> and that police were warned when approaching Thomas Craig 'to exercise the utmost care in effecting his arrest as he is most violent, and remarked on one occasion that he had nothing to live for and was not particular in taking a Policeman with him'.<sup>26</sup>

While there is a dearth of literature available on gangster culture during this era in Australia, David E. Ruth has published just such a volume on the United States. His introductory chapter is of particular interest, arguing that the American gangster as portrayed in the movies 'was a central cultural figure because he helped Americans master this changing social world'.<sup>27</sup>

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<sup>23</sup> Interview with Adrian Tame on *George Negus Tonight*, ABC television, 19 July 2004.

<sup>24</sup> *NSW Police Gazettes 1900-1930*, NSWSR, Reels 3594-3606; and *NSW Police Criminal Registers, 1930-1940*, NSWSR 1/3265-3275.

<sup>25</sup> *NSW Police Gazette*, 1926, NSWSR, 1/3261, Reel 3603, p. 92.

<sup>26</sup> Entry No. 181 for Thomas Craig, *NSW Police Criminal Register, Supplement B*, 1 August 1934, NSWSR 1/3269.

<sup>27</sup> Ruth, *op. cit.*, p. 3.

Ruth defines him as a man who flouted social convention, was a successful businessman, wore stylish clothes and drove expensive motor vehicles. His female lovers disobeyed the conventions of feminine behaviour.<sup>28</sup> While there was never any real suggestion that the gangsters of Sydney operated on the same level as those in America, there was constantly expressed fear that Sydney and Melbourne were indeed heading in that direction and that Australia's gangsters would soon produce a home-grown 'Al Capone'.<sup>29</sup> As late as 1939, Sydney's standover men were being compared with the racketeers of Chicago.<sup>30</sup>

An understanding of gaol conditions and treatment meted out to prisoners will perhaps shed light on some of the reasons for the recidivism rates of around fifty per cent that were reported and commented upon by judges during the 1920s. First-person accounts of life in gaol in the 1920s are rare. Vance Marshall, who was gaoled for sedition on several occasions, spending time in most of the major prisons of the state, described gaol life in two books written in 1917 and 1919, just before the period under discussion.<sup>31</sup> As an avowed anti-conviction activist he had a political and ideological barrow to push. While he details a life of unremitting bleakness, cruelty and despair, with no redeeming or reformatory qualities at all, it must be remembered that it was in Marshall's financial interests to publish a book aimed at a popular readership. Much the same might be said of *I Confess!* by 'Sweeney, Ex-Crook'. Described as an exposé of the Sydney underworld, it professed to be published 'to assist in the prevention of crime'.<sup>32</sup> Because it was not written with an obvious political agenda, Sweeney's account seems to be more balanced than that of Marshall but he, too, would have aimed his book at the mass market in the hope of making as much money as possible. Another small volume, published in 1923 under the pseudonym 'Reformer', allegedly with a view to encouraging substantial reform in order to reduce the rate of recidivism, purported to be an account of the 'defects' in the prison

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<sup>28</sup> *Ibid.*, p.2.

<sup>29</sup> See, for instance: 'Is War On Gangland Waged In Right Way? Appalling Laxity of Officials While Bullets Whine', *Truth*, 10 January 1932, p. 15. There were many other articles in all the major newspapers expressing the same sentiments.

<sup>30</sup> Special correspondent, 'Growth of Crime. Lessons from U.S.A.', *SMH*, 25 July 1939, p. 10.

<sup>31</sup> V. Marshall, *Jail from Within [1918] and The World of the Living Dead [1919]* (Memorial Edition, The Wentworth Press, Sydney, 1969).

<sup>32</sup> 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).

system.<sup>33</sup> Containing scathing accounts of mistreatment of prisoners by warders and by the system in general, it had an obvious political agenda akin to Marshall's.

The question of the need for reform of the prison system was an ongoing preoccupation of many during the 1920s and 1930s. Apart from the small number of books by ex-prisoners mentioned above, much of the debate about this issue took place in the newspapers. The Howard League for Penal Reform — an organisation that still exists — met regularly and ensured its meetings were given extensive press coverage. Some commentators who wrote on the question were serving or former judges, such as Judge Walter Bevan, who had a particular interest in crime prevention and penal reform. Bevan wrote tirelessly on these subjects throughout the 1920s, publishing his articles in the *Sydney Morning Herald*. Bevan, and many of his fellow judges, championed such methods as the declaration of prisoners as habitual criminals as ways of helping in the reformation process. While the intentions of judges were admirable, gaol authorities manipulated such classifications for control purposes, rather than for reform. Newspapers, such as the *Truth* and *Smith's Weekly*, commented frequently on the conditions in prisons, sometimes revealing stories of harshness and cruelty; on other occasions they would publish 'exposés' of alleged over-comfortable conditions and preferential treatment of undeserving inmates. Articles such as these are useful in revealing the range of community attitudes to the question of crime control. By cross-checking details in 'suspect' tabloid accounts with those in other more reliable sources, one gains a fairly dependable picture of conditions in the state's gaols.

Treatment of prisoners not only contributed to recidivism but gaol was a place where the young miscreants of the early 1920s met and forged bonds of friendship and collegiality that extended beyond the walls of the prison once they were released. Long recognised as a 'breeding ground' for criminals, gaols were described as such by the Italian criminal anthropologist Cesare Lombroso in the early-twentieth century.<sup>34</sup> Lombroso's writings on crime and its causes were influential during this period and contributed to the debate about the need for reform. The

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<sup>33</sup> 'Reformer', *Crime and Criminals: Study of Defects in Our Prison System* (Cole's Book Arcade, Sydney, 1923).

<sup>34</sup> C. Lombroso, *Crime: Its Causes and Remedies*, trans. Henry P. Horton, MA (William Heinemann, London, 1911).

criminals themselves had a degree of control and agency. The close relationships formed in prison often resulted, once outside prison, in the formation of gangs that were hired by crime bosses to protect their interests in drugs, prostitution and sly grog. Some of these relationships can be tracked by a study of the relevant *Police Gazettes*. Raymond Neil, Joseph Messenger and Clarrie Thomas, for instance, were gaoled as young men for individual offences and sentenced to spend time in Maitland Gaol from 1924 to 1926.<sup>35</sup> Four years later the trio was charged with an assault-and-robbery allegedly committed together, and which is described in detail in Chapter Three. By the end of the 1920s, many of these young men were engaged in violent gang-related conduct on Sydney's streets. Gaol as a method of control and reformation obviously had minimal success in this period.

One volume of great assistance in this connection is David Hickie's *Chow Hayes, Gunman*.<sup>36</sup> Based on extensive interviews with 'Chow' Hayes, one of Australia's most notorious gangsters, its value lies in its intimate depictions of relationships amongst the worst criminals of the day and of the constant tussles involved in attempting to wrest control from the hands of the police into those of the leading crime bosses. While allowance must be made for Hayes's inflated sense of power and self-importance, his selective memory, and his own very considerable biases, much of what he has to say gives colour and a sense of perspective to the topic. As a genuine point-of-view from one of the leading gangsters of the day, it is invaluable, for instance, in respect to contemporary policing methods and the impact of these on the control of crime.

As mentioned, the consorting law was introduced in New South Wales at the end of the 1920s with the alleged aim of tightening control by the police and ridding Sydney's streets of razor slashers, prostitutes and cocaine dealers. This was a controversial law and a study of the wide-ranging parliamentary debates that took place before its implementation reflects that.<sup>37</sup> Whether it achieved its aims is debatable but it certainly had wide ramifications for all concerned. One of these was Clarrie Thomas, the subject of the biographical chapter of the

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<sup>35</sup> See *NSW Police Gazettes 1923-24*, Reel 3602, NSWSR 1/3258-9; and *1925-1926*, Reel 3603, NSWSR 1/3260-1.

<sup>36</sup> D. Hickie, *Chow Hayes, Gunman* (Collins/Angus & Robertson, North Ryde, 1990).

<sup>37</sup> 'Vagrancy Amendment Bill', *NSW Parliamentary Debates 1929-30, Second Series Vol. 118* (Government Printer, Sydney, 1930).

thesis. Much of the material used in researching Clarrie's life consists of primary source material such as police, court and medical records; military and repatriation files; and newspaper reports. These are extensive and detailed. It is fortunate that the NSW State Records Office has full transcripts of four of Clarrie's trials. These allow a first-hand insight into his personality and character through an analysis of his extended verbal exchanges with trial judges. Also of use for this chapter is J.D. Richardson's excellent account of the 7<sup>th</sup> Light Horse Regiment's campaign in Egypt.<sup>38</sup> As officer in charge of Clarrie's regiment, Richardson wrote a comprehensive daily account of the regiment's movements during the time of Clarrie's enlistment. This provides a means of both confirming and refuting the various stories about Clarrie's experiences in the campaign. A useful secondary authority for this period is Suzanne Brugger's volume about the Australians in Egypt during World War I.<sup>39</sup> Brugger's account of local attitudes towards the Australians during the months after the war in Egypt helps to illuminate some of the issues around Clarrie's court martial that are otherwise puzzling or obscure.

Finally, some use has been made of family recollections but these are necessarily limited as most of those with any memory of Clarrie or the stories that were told about him have now passed away. It is fortunate that by referring to the statements made to court by family members in support of their son and brother, and in the declarations and depositions made by his father and himself to various government authorities, we are able to reconstruct much of the fine detail of Clarrie's life and personality that would otherwise have been lost to us.

The thesis comprises three chapters. Chapter One describes the emergence of the criminal milieu in Sydney after the Great War. It examines the rise of the Sydney underworld by exploring the elements that contributed to the creation of that world, and the overarching structure of organised crime that began to flourish in this era. Specifically, it investigates the transformation from a culture of diverse larrikin pushes to one dominated by gunmen, standover men and gangsters, most of whom worked for a few powerful individuals who fought amongst themselves for control of their interests in sly grog, prostitution, drugs and gambling. An examination of the role played by the media in the reporting of crime in this era is featured in

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<sup>38</sup> J.D. Richardson, *The History of the 7th Light Horse Regiment A.I.F.* (Radcliffe Press, Sydney, 1923).

<sup>39</sup> S. Brugger, *Australians and Egypt 1914-1919* (Melbourne University Press, Carlton 1980).

this chapter because it was by using the media that police increasingly came to control exactly what the public was told and the manner in which that information was conveyed. This was a crucial element in the campaign to bring in the consorting law.

Chapter Two explores the public debates about criminality and penal reform, the theories of crime and deviance that were popular at the time, some methods of policing the underworld, and the influence of these methods and of prison life on the making of the urban criminal. Detailed discussion of the crucial amendments to the *Vagrancy Act 1902*, which became known as the consorting law, is undertaken through an examination of the parliamentary debates leading up to the ratification of the law, at the end of 1929.

Chapter Three comprises a case study of Clarrie Thomas. Clarrie's story reflects most of the issues that are discussed in the first two chapters and culminates towards the end of the 1930s in a gangland killing that was, arguably, directly connected with the consorting law. With an individual such as Clarrie, who was greatly concerned to present a certain persona - not only to judges and magistrates, but to his family and acquaintances - it is necessary to delve deeply into available records to try to extract the kernels of truth that will reveal his character and motivations as clearly as possible.

The richness of available primary source material in newspapers, parliamentary papers, court transcripts and police records enables us to construct a detailed account of not only one man's criminal career, but the events that conspired to produce the criminal milieu of the 1920s and 1930s. It also enables a comprehensive evaluation of the complexity of Sydney's underworld during that time, and the nature of those who populated it and sought to control it both from inside and outside. There is still much to be revealed about this phase of Sydney's history and it is hoped that this small study will go some way towards that task.