

Chapter Five

Before the Law

The Sydney Anarchy Trials, 1894-95

We have got hold of five of you,
and we mean to keep hold of you.¹

The colonial depression and the banking crisis were troubling indications that the apparently solid structures of society might collapse, a fear that also manifested in attitudes to the poor, political radicals and criminals. The 1894 trial of the burglars Charles Montgomery and Thomas Williams over the serious assault of five police officers dramatised these tensions. It may seem unusual to preface a chapter dealing with 'anarchy' trials with reference to the Montgomery and Williams case: it may not have seemed odd in Sydney in 1894. For the late nineteenth century middle class mind, in the opinions of leader writers, judges and politicians, anarchy was not so much a radical ideology as a far more frightening and vague fear. Anarchy was a phenomenon of threat and social breakdown, expressed in the violence of Montgomery and Williams' brutal assault on the agents of the law, the subversive challenge of the Active Service Brigade, and the alleged dynamite plots of anarchists.

Montgomery and Williams' crimes armed the NSW Police. The Dibbs Government, facing an election later in the year, quickly agreed to popular press demands to issue patrolling constables with revolvers.² A

1. A comment about the ASB leadership attributed to Attorney-General Edmund Barton, *Evening News*, 12 June 1894.

2. *Evening News*, 3 February 1894; *Australian Star*, 3 February 1894.

guidebook produced for visitors by the Sydney Justice and Police Museum notes that 'the incident received wide publicity and generated much sympathy for the injured police'.³ That Sydney witnessed a highly publicised and well-supported campaign for commutation of the burglars' death sentences is not mentioned. A recognition of the divisions that the Montgomery and Williams case exposed in colonial society might still blur the message of exemplary state punishment proceeding swiftly upon the offence. The booklet's text is not the only way in which a selected past infiltrates the present. The Justice and Police Museum is located in the old Sydney Water Police Court and Police Station in Phillip Street. Montgomery and Williams were captured directly outside the Water Police Station in February 1894. The charge room has been preserved in its 1890s condition, decorated with contemporary papers, notices and an open charge book; a brooding commemoration, sharply at odds with the grinning cartoon plywood burglars and escapees clambering over the roof - an enticement for curious tourists to 'come and have a look' inside. A cell has also been preserved, with the same kind of plank bed, rough blanket and tin bucket that greeted Montgomery and Williams, and soon afterwards confronted John Dwyer and his friend, the anarchist John Arthur Andrews. Of the various Sydney radicals imprisoned in the mid 1890s, Andrews most closely followed the experience of the condemned burglars. Andrews was not sent to the gallows, but he passed beneath its shadow.

The architecture of the colonial police station, courts and prison cells were metaphors of self-regulation.⁴ The accused and the convicted were

3. *Justice and Police Museum Guide Book*, Historic Houses Trust of New South Wales, 1996 p.19.

4. 'Great metaphors of the culture enter into the creation and interpretation of settings; they are a major source of available roles; and they also govern the actors' styles of self-

separated from society and stripped of their sense of self, which they were compelled to reconstruct into a more socially cohesive identity; Montgomery and Williams were subjected to this discipline in 1894. It was partly due to the stand taken by the ASB over the Montgomery and Williams case that the Brigade's leaders found themselves in the dock, and state discipline had its intended effect, breaking their brittle unity.

The Bridge Street Affray: processing 'separate men'

Charles Montgomery was unwilling to renew his education in the disciplines of prison punishment, and fear of recapture drove his violent attempts to escape. Montgomery, Williams and another unidentified companion had bungled a safe-cracking job in the Union Steamship Company's Bridge Street office, and they evaded detection by the nightwatchman only to be confronted by several constables - some on patrol, and others on sentry duty at the government ministries further along the street. Armed with a three-foot iron jemmy, Montgomery, six feet tall with a 'strong, wiry' frame, knocked unconscious a constable who approached them, suspicious of their presence on the empty street at 2 am; he then shattered the arm of another who rushed to his fallen colleague's aid. The three burglars fled up Bent Street and separated. Williams ran with Montgomery, who ruthlessly assaulted another three pursuing constables, striking at their heads and frequently shattering their helmets. Montgomery aimed a revolver at the last officer still giving chase and called: 'if you follow me another yard I'll blow your brains out.' Constable Ball, unarmed, kept coming. Montgomery paused, lowered his gun and ran. The pair sped down Phillip street, unwittingly passed the

presentation. Above all it is the great metaphors that control the very perception of what constitutes significant action, or drama.' Rhys Isaac, *The Transformation of Virginia*, W.W. Norton & Co., NY 1982 p.351.

Water Police station. Several police officers emerged, having heard Ball's cries for help; there was a violent struggle as the two men were arrested. Williams proved relatively easy to overcome. Montgomery 'fought like a demon' as he was finally dragged, still fighting, into the station. There was an extraordinary scene at nearby Sydney Hospital, with five constables in various stages of distress - four with head injuries, one with a broken arm - in a waiting room. All were discharged that night except Constable Frederick Bowden, critically injured with a fractured skull.⁵

The Sydney newspapers devoted lavish column space to recounting the shocking details of Montgomery and Williams' crimes, their rare ferocity sending 'a thrill through the community', as the *Daily Telegraph* predicted.⁶ Montgomery and Williams were unknown to the Sydney police, and to aid identification the public were invited to come to the Water Police station cells 'and have a look' at the prisoners.⁷ It was established that Montgomery and Williams were well-known Victorian criminals, professional burglars and former inmates of Pentridge Gaol. Their identities were ambiguous: Montgomery, a New Zealander, was known in Victoria as Millidge, and had at least six aliases. Aged 30, Montgomery had already completed a six year sentence for bank robbery and had a reputation for violence, threatening that no single officer would ever take him alive. Montgomery had a hard, square-jawed face and the build of a heavyweight prizefighter. Williams was slighter, 'a bright-complexioned dark young fellow, as active as a football forward'. Williams was also known as Robert Clarke and Thomas Carroll, the last his right name. Although only 21 Williams already had several

5. *Daily Telegraph*, 3 February 1894; *Sydney Morning Herald*, 3 February 1894; *Evening News*, 31 May 1894.

6. *DT*, 3 February 1894.

7. *Truth*, 28 March 1915.

convictions, and had served a three year sentence for shop breaking. Montgomery and Williams left Melbourne about three weeks before the Bridge Street affray, as it was dubbed, perhaps to escape the encroaching attentions of police who knew them, looking for fresh victims and, as it emerged, wandering dangerously from their familiar milieu.⁸ Every petty thief in Sydney knew the Water Police Station and the attached Water Police Court - most had made an unwilling appearance there before the magistrates. As the *Telegraph* commented, if Montgomery and Williams had followed their companion, they may have escaped up Bent Street into the vast and dark expanse of the Domain. The third man was never identified or caught.

Montgomery and Williams were tried before Justice Stephen in the Central Criminal Court at Darlinghurst on 3 April 1894, and found guilty on the charges of attempted burglary and intent to murder the constables. Intent to murder carried a sentence of death in New South Wales and Tasmania, the only parts of the British Empire where the charge carried this ultimate penalty. When the jury returned a guilty verdict, with a recommendation of mercy for Williams, Justice Stephen revealed that he was bound by the codes of the system. 'I must pass the sentence that the law provides for', he explained, and condemned them both to hang at Darlinghurst Gaol.⁹

Truth observed that the moment a prisoner under the sentence of death disappeared from public view through a trap-door in the dock of the court, 'he is to all intents and purposes dead to the world'.¹⁰ *Truth*,

8. *DT*, 3 & 5 February 1894; *SMH*, 3 February 1894.

9. *Evening News*, 31 May 1894.

10. *Truth*, 8 April 1894.

overcoming the bureaucratic obstinacy that masked the fate of the condemned, contrived to follow Montgomery and Williams down that trap door. The prisoners were escorted, under heavy police guard, through a subterranean passage to the reception wing of Darlinghurst Gaol behind the court house, where they were thoroughly searched, before being marched to the condemned cells in the east wing. Searching was unlikely to yield weapons or contraband; the procedure initiated the ritual of control, that the prisoner was utterly in the hands of authority. The condemned cells were on the second floor of the wing, on the same level as the condemned landing and the gallows floor. The cells were small, well lit and ventilated, and divided by an iron grill partition that ran from floor to ceiling. The condemned prisoner was placed on the inner side; a warder was permanently stationed in the outer, 'as on no grounds whatsoever is a condemned man allowed to be free from observation, day or night, from the time he enters the cell until he leaves it for ever'.¹¹ The prisoner was allowed daily exercise on the second floor landing and to attend church services. The Condemned Prisoners Daily Record maintained by the watching warders indicated that Montgomery and Williams regularly attended divine service.¹²

Despite a prolonged campaign in support of clemency, Montgomery and Williams were executed on 31 May 1894 (*see appendix 2*).¹³ Once captured,

11. *ibid.*

12. Darlinghurst Gaol - Condemned Prisoners Daily Record, 1892-1903, (City 5/1739), Archives Authority of New South Wales.

13 By 30 May, over 25,000 people had signed a petition appealing for mercy. The campaign was supported by prominent civic leaders including Cardinal Moran, middle class reformers like Rose Scott, the President of the Womanhood Suffrage League, and labour representatives George Black MP and Trades and Labour Council Secretary J.C. Watson. Several members of the jury and even Constable Bowden, the most seriously injured of the

Montgomery seemed to accept that he was alone with his fate. He did not expect mercy; it was no use protesting at the verdict, he told Williams after their sentences were pronounced, even though, as Montgomery added, there had been no intent to murder: otherwise he would have shot Ball.¹⁴ Montgomery could not rely on others to change his circumstances, and at the end he told Williams that Williams should not have relied on him. Montgomery's fatalism stemmed in part from defeat and capture, in part from stubborn defiance: it was the only protest he could make at his treatment at the hands of a pervasive authority.

A fatalism born of experience: a significant portion of Montgomery's six year sentence for bank robbery in Pentridge Gaol would have been served in solitary confinement. Pentridge, Melbourne's major prison, was notorious for the practice of subjecting inmates on long sentences (more than three years) to extended and repeated periods of solitary confinement, a relentless punishment many inmates feared more than a flogging. John Longford, a former Darlinghurst Gaol warder who briefly published *Under Lock and Key*, a journal exposing the reality of prison life, said that inmates in solitary felt 'buried alive'. Solitary inmates were not allowed to receive or write letters, 'one of the most cruel regulations imaginable'. For exercise, the 'separate men', as Longford called them, walked in procession in a yard six feet apart, linked by a chain. Longford claimed that the solitary confinement system in Pentridge was worse than New South Wales' gaols. In Pentridge, 'it is not uncommon for a prisoner who gets, say five years, to pass the first, third, ninth and twelfth month of each year, and the last month of detention in solitary confinement

police officers, signed the petition. *NSW PD*, Vol.LXXI, 29 May 1994, p.3335; *DT*, 22 & 29 May 1894.

¹⁴ *Evening News*, 31 May 1894.

upon bread and water!' On release into the general prison population, the separate man could not digest the ordinary rations. 'Then he goes to the other extreme and gorges like a starving wild animal. He is only a few weeks out when he has to return and go through the awful ordeal again, and so on for years.'¹⁵ In abject solitude, the prisoner was forced to emotionally collapse into himself to survive. Having been inside, Montgomery knew that he would be again, at best, reduced to that sub-human condition. New South Wales gaols had a regime of solitary confinement for long sentence inmates, defined as 'separate treatment', only moderately milder than the Pentridge system.¹⁶

The urge to escape had raged in Montgomery, but once captured, he had to endure the cycle of the processing legal and bureaucratic machine until it was finished with him. Foucault observed that solitary confinement 'is the primary condition of total submission', forging 'an intimate exchange between the convict and the power that is exercised over him', a power focused, without distraction or countervailing influence, on the prisoner held alone in silence.¹⁷ Isolation was intensified for Montgomery and Williams by the carefully regulated human contact of the condemned cell, their daily routine observed by the unbroken shifts of warders, their behaviour monitored by the attentions of the gaol governor, the sheriff, the doctor and the sympathetic chaplains: 'Just imagine the power of human speech intervening in the midst of the terrible discipline of silence to speak to the heart, to the soul, to the human person'.¹⁸

15. *Under Lock and Key*, 3 March 1894, pp.3-9. ML

16. *ibid.*, p.3; prisoners sentenced to three years or more served the first nine months of sentence in the 'separate treatment division'. *NSW Statistical Register for 1894*, p.665.

17. Michel Foucault, *Discipline and Punish*, Penguin Books 1991 p.237.

18. *ibid.*

Exemplary justice was achieved by sending Montgomery and Williams passively to their executions, reconciled to authority. Canon Rich reported that Montgomery 'felt the shame of his position and was thoroughly repentant'. When they met for the last time in the condemned cells, Williams desperately urged Montgomery to agree that they went to meet their God. 'I think so', Montgomery responded. Williams insisted, 'you should be sure'; they then kissed one another through the bars and parted. Williams left behind a wife and two young children.¹⁹

The *Daily Telegraph* had supported clemency, although the conservative newspaper was not averse to 'strong measures to terrorise others of their class whose depredations have lately been so numerous in and about the city.'²⁰ In Parliament, legislation had recently been proposed to suppress the vice of prostitution, the disorderly conduct of larrikins, the threat to property posed by burglars.²¹ The Bridge Street burglars were unlucky to have committed their offences during 'the present scare',²² a line of analysis taken up sharply in the radical press: *New Order*, a journal published by William Holman and Arthur Desmond in 1894, called the Montgomery and Williams convictions 'Murder by the Law'. *New Order* took a class interpretation of the Dibbs Government's resistance to commuting the sentences - 'the people flouted'. The governing

19. *DT*, *SMH*, & *Evening News*, all 1 June 1894.

20. *DT*, 16 May 1894.

21. These were all private members bills, designed to promote their sponsor and satisfy public demand for parliamentary action. Each bill sought more rigorous punishments of offenders than those available under the existing Criminal Law Amendment Act. The Burglary Suppression bill introduced by E.M. Clark in February 1894 sought to amend the Act to empower of courts to inflict floggings on convicted transgressors. Like the frustrated Disorderly Conduct Suppression bill (*see ch.2*), Clark's bill did not succeed. *Australian Star*, 15 February 1894; *DT*, 16 February 1894.

22. *DT*, 16 May 1894.

protectionists, 'who claimed to be of the people', aligned with 'McMillan, Burdekin, Barton and the rest of the representatives of the banks and the monopolists' in a determination to hang the burglars.²³

The resort to crime, the accumulation of aliases and the punishments which crime engendered, marked out Montgomery and Williams as separate men, and they paid the price of defying the codes of representation and behaviour they had been expected to respect. No one in authority seemed to think it important to verify who Montgomery and Williams really were: neither man died under his real name, and the legend of their crime in the Justice and Police Museum guide book perpetuates their inauthentic identities.

The Active Service Brigade on trial

Barely a fortnight after Montgomery and Williams were executed, the leaders of the Active Service Brigade faced two court trials on serious criminal charges. The first trial resulted from a charge of criminal libel brought against the proprietors of *Justice* (effectively the Brigade leadership) on behalf of NSW Justice Minister Thomas Slattery. The second trial resulted from a charge of seditious libel tending to incite murder. Henry Tregarthan Douglas, Thomas Dodd, John Dwyer and printer William Mason, plus hapless printer's assistant George MacNevin, must have felt some reluctant affinity with the condemned burglars. The charge of incitement to murder resulted from a *Justice* article on the Montgomery and Williams case. These trials were the culmination of an intensifying pattern of conflict between the Active Service Brigade and the political elite of New South Wales.

23. *New Order*, 7 April & 2 June 1894.

The charge of criminal libel followed a 'pithy par' published in *Justice* on 21 April 1894:

Tom Slattery knows nought of private bars. Who gave a sum of money to an unprincipled male mockery of God's image to marry a cast-off mistress, and helped this same individual into an hotel? And these be things that send agitators to Parramatta.²⁴

This 'defamatory libel' was an offence against 'the peace of our Lady the Queen the Crown and Dignity'.²⁵ Preserved in Dwyer's papers, the summons was another official edict that altered the course of his life. He claimed that he first knew of the libel when he was presented with the summons while going about his business at the barracks.²⁶ Dwyer and his associates were required to appear at the Central Police Court on 27 April to answer the charge and to be dealt with according to law: 'Herein fail not'.

Upsetting the dignity of Thomas Michael Slattery proved a crucial miscalculation by the Brigade's leaders. As Minister for Justice, Slattery joined Premier Dibbs in a stubborn defence of cabinet's decision to uphold the execution of Montgomery and Williams. An Irish immigrant, Slattery worked his way up the ranks of the colonial legal bureaucracy while studying for a law degree. By 1894 Slattery had accrued the trappings of respectable success - he was a senior minister, a member of the State

24. *Justice*, 21 April 1894 .

25. 'Summons to a person charged with an indictable offence...', 23 April 1894, copy in Dwyer papers, 'Active Service Brigade 1890-1910', ML MSS 2184/2.

26. 'Statement on oath by John Dwyer in regard to the Slattery Libel', draft, c1894, Dwyer papers ML MSS 290 box 1.

Children Relief Board and a director of Sydney Hospital. As a papal knight Slattery was a successful Catholic at a time of often open sectarian hostility, and he had already demonstrated a fierce determination to protect his reputation.²⁷

The *Justice* article's sly reference to private bars was an inference that Slattery frequented illegally sub-let bars. As anyone reading the article would have known, private bars were often said to be 'immoral houses', run by barmaids and frequented by prostitutes²⁸ The groom's pay-off for accepting the hand of the 'cast-off mistress' was the legitimacy of a publican's licence: as Justice Minister, Slattery administered the Licensing Act. That 'agitators' were sent to Parramatta Gaol was an allusion to the convictions on 19 February 1894 of William McNamara and Sam Rosa on charges of selling an edition of *Hard Cash* that contained a libel of the trustees of the Savings Bank of New South Wales. Both McNamara and Rosa conducted bookshops and newsagencies that sold radical journals. Their only defence a professed ignorance of the law concerning the selling of libellous newspapers, Justice Foster sentenced McNamara to six months in Parramatta Gaol and Rosa to three months.²⁹ *New Order* noted

27. As Curator of Intestate Estates in 1880 Slattery had gone to extraordinary lengths to defend his authority and reputation in a dispute with the NSW Attorney-General. *Australian Men of Mark*, Vol.1, Charles F. Maxwell, Melbourne, c1888. pp.294-95; Bede Nairn, 'Thomas Michael Slattery', *ADB* Vol.11 MUP 1988 p.631.

28. For a discussion of private bars and attitudes towards barmaids in the late nineteenth century see Diane Kirkby, *Barmaids, A History of Women's Work in Pubs*, Cambridge University Press Melbourne 1997, Ch.3.

29. *DT*, 20 February 1894. None of the extant reports of the case outline the nature or publication details of the libel. The July 1893 edition of *Hard Cash* refers to 'the legislature shearing the working class with invidious taxes', and continues: 'and even annexes their little savings through the Barrack Street Savings Bank (whose trustees are in its power)'. *Hard Cash*, July 1893, p.4. This remark suggests that Parliament or the Dibbs Government exerted an inappropriate influence over the trustees of the Savings Bank

that only radical newsagents were singled out for summons, 'notwithstanding the fact that every newsagent in the city sold the publication'.³⁰ In Parliament G.D. Clark asked Attorney-General Edmund Barton why only a small number of newsagents were charged: Barton blandly replied that the police only had evidence for five, inadvertently conceding that the police had deliberately targeted specific newsagents for scrutiny.³¹ *Justice* predicted that 'the incarceration of Rosa and McNamara is the beginning of a reign of terror which has long existed in the old world'.³²

The proceedings against both the *Hard Cash* newsagents and the *Justice* proprietors could not have succeeded without the diligent efforts of a small group of Sydney detectives who maintained a regular surveillance of radical political activists in Sydney. From early February 1894 *Justice* was aware of the attentions of a detective Rochaix, one of those 'bloodhounds of society' who, *Justice* pointedly noted, seemed to prefer the society of the Active Service Brigade to 'the common or garden

of New South Wales, forcing the trustees to connive in a misappropriation of depositors' funds. The Savings Bank of New South Wales (not to be confused with the privately owned Bank of New South Wales) had its trustees appointed by the NSW Government. Established in 1832, the Savings Bank was designed to 'encourage thrift amongst the working classes'. In 1893 its 65,667 individual deposits included 36,297 for amounts of £20 or under, at an average of £4 12s 1d. The Savings Bank weathered a run on its deposits in February 1892, meeting all depositors demands, and was untroubled by the 1893 crisis. TA Coghlan, *A Statistical Survey of New South Wales*, NSW Government Printer 1895. pp.330-1.

30. *New Order*, 7 April 1894.

31. Clark was elected as a Labor member in 1891 but split over the pledge issue in 1893. Aside from McNamara and Rosa, newsagents Beasley, Routley and Bear were also charged. *NSW PD Vol.67 27/9/93* p.58.

32. *Justice*, 24 February, 1894.

variety of burglar'.³³ Jules Pierre Rochaix was a native of France, born in 1851, a Catholic by religion and a miner by calling. He joined the NSW Police force in 1883 as a probationary constable.³⁴ In 1892 Rochaix became one of just 14 detectives in the NSW police, a force with a total of 1,819 officers and constables.³⁵ The detectives were elite investigators handed the complex or politically sensitive cases. Rochaix was identified in Parliament by Clark as the prosecuting officer in the *Hard Cash* cases, 'a member of the secret police', and he asked Barton if Rochaix prosecuted the accused 'at the instigation of the Attorney-General': Barton refused to answer.³⁶ Despite the successful prosecutions of McNamara and Rosa, Rochaix's efforts were not entirely successful: the identity of the *Hard Cash* editorial staff eluded him. Nonetheless Rochaix was promoted to the rank of detective first class in February 1894.³⁷ A large front page cartoon in the *Sydney Worker* memorialised Rochaix in the company of his newsagent 'victims', gathered before a shadowy image of Satan - the editor of *Hard Cash* (see appendix 3).³⁸

Like the Water Police Court, the Central Police Court in Liverpool Street was designed to 'strike awe into those who were called to appear there', its 'gloomy' interior 'dismal enough to make litigants feel that all is lost even before the case comes on'.³⁹ The ASB leaders appeared for the committal proceedings in the Slattery libel case at the Central Police Court

33. *ibid.*, 17 February 1894.

34. Register of Police appointments 1861-1892, NSW Commissioner of Police reel 3043 AANSW.

35. *NSW Statistical Register for 1894*, p.625.

36. *NSW PD Vol.67* 4 October 1893 p.158.

37. Register of promotions, transfers and dismissals, 1891-1907, NSW Commissioner of Police, reel 2658 AANSW.

38. *Worker*, 4 November 1893.

39. Peter Bridges, *Historic Court Houses of New South Wales*, Hale & Iremonger 1986, p.29.

on 27 April 1894. Through both the codes of the summons and the physical structure of the court they had already been allocated their roles in the ceremonial function of state justice. The design of the courthouse was metaphorically invested with the power structures of the prevailing culture, ruling 'the actors' styles of self-presentation.'⁴⁰ They could only respond to the role allocated to them by the court; they could only produce evidence deemed relevant by the court - another process governed by a pre-ordained set of rules.

Once summoned, the defendants abandoned their defiant stand against Slattery's administration of justice. Dodd and Dwyer repeatedly attempted to apologise to Slattery; *Justice* published a lengthy apology on 28 April, claiming the offending piece had been mistakenly published. 'By some unaccountable means it became mixed with the "copy" passed for the printer, and subsequently found its way into cold type'.⁴¹ Dodd and Dwyer, acting independently of Douglas, Mason and MacNevin, spent most of the day before the committal hearing waiting outside the minister's office. They briefly encountered Slattery, but he refused to discuss the case with them. Dodd told Slattery that 'I am prepared to make any apology you may require'. Dwyer added that 'he had nothing to do with the paper and I am ashamed of it', an improbable claim⁴². In Mittagong Dwyer displayed an enthusiasm for journalism unlikely to have abated when presented with *Justice*, a journal in which he held some measure of ownership. Dwyer's disclaimer provide futile; after hearing Slattery's denial of the slurs cast in the libel the magistrate

40. 'Architecture provides a potent medium for elaborately coded nonverbal statement.' Rhys Isaac, *The Transformation of Virginia*, p.351.

41. *Justice*, 28 April 1894.

42. *Evening News*, 27 April 1894; *New Order*, 5 May 1894.

committed them all for trial.⁴³ Dwyer avoided imprisonment after the committal hearing, finding that at least one powerful friend was still willing to help: Labor MP and IOGT Grand Templar G.D. Clark stood bail for him. Dwyer preserved the record of Clark's aid, and the injustice to which he was being subjected.⁴⁴

The trial was held on 12-13 June before Justice Sir George Long-Innes in the Central Criminal Court. Slattery indignantly denied the 'wicked inventions' made against him in the *Justice* article, or that the action was politically motivated: 'I have no wish to suppress the defendants', although he knew the consequences for the defendants of pursuing the rarely-invoked charge of criminal libel - up to two years imprisonment.⁴⁵ Detective Rochaix's evidence was crucial in establishing that the five men were the publishers of *Justice*. Rochaix testified that he could identify all the accused, and had bought the offending edition of *Justice* in an Oxford Street newsagency. Rochaix said he had seen them all at 221¹/₂ Castlereagh Street and speaking at Domain meetings; in March he had

43. *DT*, 28 April 1894.

44. 'Recognizance to be given to the Accused and his Bail', 27 April 1894. G.D. Clark stood £100 bail and a £100 surety. Dwyer papers, ML MSS 290 box 1.

45. Legal authorities cautioned that the severe penalties of a criminal libel prosecution under section 6 of 9 Geo IV c.83 (1828) should not be lightly invoked: the Attorney-General and Justice Department guidelines in cases of indictable offences advised that only libels, or criminal information, of an 'extremely grave character' could force the Crown from the 'long established practice' of pursuing civil remedies. An attack upon the reputation of an 'official or judicial person' was considered sufficiently grave to attract a charge of criminal libel. 'No.33, Procedure in cases of Indictable Offences', 29/3/1909, pp.5-6, in Consolidated Circulars issued by the Under Secretary, Department of the Attorney-General and Justice 1874-1915, ML; H.M. Cockshott, et. al. (eds.), *Digest of Reported Cases decided in the Supreme Court of New South Wales, 1825-1904*, Law Book Company Sydney 1905. p.382. For text of 9 Geo IV c.83 see H.M. Cockshott and S.E. Lamb, *The Statutes of New South Wales prior to 1894*, the Law Book Company Sydney 1904.

observed Dodd selling *Justice* in Macquarie Street. Rochaix believed the Active Service Brigade to be 'an institution to establish a free social and democratic state and to promote reform', although his attention often drifted listening to the Domain speeches, 'except when something very objectionable was being said'. Rochaix understood the barracks to be run 'on strictly temperance lines', and did some good: 'if the people go and sleep there (and perhaps some two hundred do) it lightens the duties of those who have to look after the people who sleep in the Domain.' Rochaix attempted to rebut accusations of a political conspiracy against the Brigade by pointing out that 'superior officers', not Slattery, instructed him to purchase *Justice*.⁴⁶

Slattery may have demonstrated some personal interest in *Justice*: A messenger employed by the Justice Department testified at the committal hearing that he had purchased the offending edition from William Mason at 221^{1/2} Castlereagh Street.⁴⁷ Dodd believed the Government was pursuing the Brigade, and told the court that one of the proprietors (he did not say whom) had seen Attorney-General Edmund Barton, who had allegedly commented: 'we have got hold of five of you, and we mean to keep hold of you'.⁴⁸

It became clear during the trial that all five proprietors were attempting to disown *Justice* and each other - their defence was disunited, with several of them represented by different barristers. Mason represented himself, and conducted a hostile cross-examination of Dodd and Douglas; they virtually accused each other of being *Justice* editor. MacNevin, Mason's

46. Judge's Notebook (Justice J.G. Long-Innes, Regina v. Douglas & Ors., Darlinghurst Central Criminal Court, 12 June 1894), Vol.22 2/4559 AANSW, pp.153-6.

47. *DT*, 28 April, 1894, p.11.

48. *Evening News*, 12 June 1894.

assistant, complained that he was an innocent party ignorantly swept up into the affair.⁴⁹ Not surprisingly, Douglas told the Crown prosecutor that the Brigade 'has been abandoned...Dodd and Dwyer and I didn't agree about affairs generally.'⁵⁰ Douglas was scornful of Dodd and Dwyer's attempts to apologise to Slattery, telling a Domain crowd on 13 May that some connected with *Justice* 'ran away and apologised'. Douglas also drew a sly link between the *Justice* and Montgomery and Williams cases, noting a rumour that Williams might 'turn dog' against others involved in the burglary. 'It was the way with some persons to put their mates away when they were in danger themselves'.⁵¹ Douglas was no more willing to accept responsibility than the others. He claimed in court that he was away in Newcastle when the libel was published, and that he had signed over control of *Justice* to Mason.⁵²

Dwyer conceded that he had urged 'the people' to buy *Justice* and occasionally contributed articles, but knew nothing of the libel.⁵³ Dwyer added that 'he did anything for an honest living'; he had worked as a sailor, 'and got good discharges from all his ships'. Dwyer insisted that his time was 'actively taken up with the barracks', and the Brigade 'had housed 15,000 men there free of cost, and without asking for charity.' Judge Long-Innes interjected that this 'benevolence' was irrelevant to the case. Dwyer was asked by his lawyer, Conroy, if he wrote the offending article, and Dwyer responded with a renewed lament of his poorly appreciated service:

49. *Australian Star*, 13 June 94.

50. Judge's Notebook, p.166.

51. *Evening News*, 14 May 1894.

52. *Australian Star*, 13 June 1894.

53. Judge's Notebook, 2/4560, p.1.

No. I am very sorry I was connected with the paper. I was head cook and bottle washer at the barracks. I worked 24 hours a day over and over again. I cleaned up and managed the place. I did all I could for the men. There were 300 hungry men there. They got three meals a day.⁵⁴

No-one was listening: asked if he knew the article's author, Dwyer said yes, but did not name him. None of the accused would identify the author of the piece. An individual named 'Riley' was vaguely suggested, although this line of questioning was not seriously pursued.⁵⁵ A young Jack Lang, who had worked as Douglas's clerk, tended some interesting evidence, claiming 'I never did anything in connection with the paper - I worked there only looking on', despite the fact that his boss 'used to jokingly call his desk "the editorial desk"'. Lang said he frequently ran messages for Douglas, Mason and Dwyer. Lang noted that Dwyer 'didn't like Douglas's control of the paper'.⁵⁶

On the following morning Justice Long-Innes addressed the jurors before they retired to consider their verdict. The judge was scathing of the previous day's 'exhibition', as 'one attacked the other and crimination and recrimination passed between them': 'It was no excuse for those responsible to say, like a little child, "it wasn't me." That was really all that the defence amounted to.' Only Mason 'had taken the manly part' by conceding some responsibility; they all acknowledged that the published remarks were a 'disgraceful libel'.⁵⁷ After half an hour's deliberation the jury returned guilty verdicts for all five. Asked to respond to the verdict,

54. *Australian Star*, 13 June 1894.

55. Judge's Notebook, 2/4559 p.170.

56. *ibid.*, p.169.

57. *Evening News*, *Australian Star*, 13 June 1894; *SMH*, 14 June 1894.

Dwyer again professed his innocence: 'he did not grumble with his lot, and was ready to take his punishment'. Mason said that MacNevin was 'blameless', and deserved leniency. Dodd made 'a lengthy speech': he had been forced to become an agitator 'by the misery and distress' he saw around him, and placing the ASB leaders in gaol would remove from society 'the men who during the last two years had prevented outbreaks'. Dodd concluded that the work 'Tommy Dodd has done will live after criminals have been manufactured by the dirty, rotten and corrupt system we live under'.⁵⁸

Long-Innes was unimpressed: he had examined copies of *Justice*, and found that the 'flagrant and malicious' libel did not 'stand alone'. It was 'not desirable to stir up class hatreds in the community', Long-Innes declared, and he was unable to apply a nominal penalty. Douglas, Dodd and Mason each received a nine month sentence; Dwyer received six months and MacNevin one month - all were terms of hard labour. The prisoners were sent to separate gaols - 'Mr Justice Innes explaining that he desired to break up the association which had hitherto existed amongst the men'.⁵⁹

Long-Innes need not have bothered; the Brigade's leaders had been blaming each other for the charge since the summons had arrived. From early May successive editions of *Justice* reported that the publication and the barracks were under new management. On 5 May, Dodd announced he was in charge; a week later Mason declared that an experienced journalist (himself), sympathetic to the cause of the workers, now controlled the paper. The organisation known as the Active Service

58. *SMH*, 14 June 1894.

59. *DT*, 14 June 1894.

Brigade had moved its operations to a new barracks at 491 Elizabeth Street, and was now under the leadership of Dodd and Dwyer. Mason said the policy of *Justice* was to support 'state control of production, distribution and exchange', and there would be a 'marked increase' in advertising. Finally, on 19 May Captain H.T. Douglas advertised that he was now the manager of a CO-OPERATIVE LABOUR EXCHANGE at 221^{1/2} Castlereagh Street: 'a nominal charge only made to defray cost of registry'. Board and lodging for single men was available for 6s 6d per week (a considerable increase on the old barracks rates. The Brigade's labour exchange service had also been free of charge).⁶⁰

Despite the bitter divisions between the five prisoners, they briefly remained bound together before the demands of the law. Immediately upon the completion of the Slattery case the men faced a fresh trial on another charge - seditious libel tending to incite murder. The dejected Brigadeers literally remained in the dock as the crown prosecutor began swearing-in a jury, even as the Slattery jury considered its verdict. The prosecutor had suggested the Slattery jury might simply be recycled to hear the new charge! Long-Innes observed that the accused might raise some objection to that course of action - particularly if the jury returned with a guilty verdict.⁶¹

The charge flowed from an article published in *Justice* on 14 April called 'Nineteenth Century Brutality', which attacked the verdict in the Montgomery and Williams case and advised burglars 'to shoot and shoot straight, because they have a chance to be hanged for housebreaking without shooting a policeman. So they might as well shoot, as they will

⁶⁰. *Justice*, 5, 12 & 19 May 1894.

⁶¹. *DT*, 14 June 1894.

have more opportunities of getting away.' Montgomery and Williams were class victims, pursued into recidivism. Montgomery, 'strong, intelligent and daring', might have done well in some 'respectable business', if society had allowed him the chance. The article's naivete is evident in the idealisation of Montgomery and Williams and in the melodramatic advice to shoot straight - a suggestion the police were happy to take far more literally than its author intended.⁶²

The committal proceedings had been conducted at the Water Police Court on 25 May, as the public outcry over the Montgomery and Williams case reached its climax in those last days before their execution on 31 May. Once again, detective Rochaix, joined this time by detective Clough, testified that they had purchased copies of the offending edition of *Justice*, and identified the accused. Douglas declared that 'the prosecution was simply a political dodge to get them out of the way while the elections were on [NSW general elections were due in July]'. Dodd 'wearied the court with a long harangue about the injustice to which they were being subjected. He took the full responsibility on his own shoulders'. Dwyer expressed the personal torment inflicted upon the accused by this second serious charge, and he also made a long speech, 'thumping the table', reminding the court that they were 'husbands and fathers'. Dwyer insisted that the article was 'fair comment'.⁶³

Dwyer's anger was driven by sudden imprisonment - a prosecution ploy, he told the committal hearing, to bring on the incitement to murder charge to distract the *Justice* proprietors from preparing their defence over

62. *Justice*, 14 April 1894.

63. *Australian Star*, 26 May 1894; Unidentified newspaper report in Dwyer Papers ML MSS 2184/2 Vol. 2 re ASB.

the Slattery libel. A 'prohibitory' bail (£300 for each of the accused and two sureties of £200 each) had almost certainly left Dwyer languishing in gaol since 19 May (when he and his co-accused were charged with incitement to murder) - firstly in the Water Police station cells, before being moved to the remand wing of Darlinghurst gaol.⁶⁴ Clark had been unwilling to stand bail Dwyer a second time. A friend and Brigade supporter, Emile Liaubon, wrote to Dwyer in gaol twice before the trial. Liaubon was an ASB loyalist, eager to help his distressed colleague but constrained by the demands of work. Liaubon was unable to visit Dwyer in prison, he explained, because his foreman had sent for him, and 'I could not possibly lose another day and perhaps my place altogether; times are hard and a man with wife and children must be very careful especially when called upon'. Liaubon had also planned to organise a collection during the Sunday afternoon meetings in the Domain to help Mrs. Dwyer and the children. Once again, the Montgomery and Williams case intervened to complicate Dwyer's predicament: almost everybody was engaged in signing the petition for Montgomery and Williams, Liaubon explained, and listening to the different speakers arguing the condemned men's case.⁶⁵

Of all the theatrical stunts pulled by the Brigadeers, perhaps their last time together, at the incitement to murder trial on 13 June, was one of their finest but least appreciated moments, providing an opportunity to undermine the process to which they had been subjected. All five men were accused of the same charge and they could each challenge up to eight potential jurors. No doubt learning from their experience on the previous

64. *Australian Star*, 26 May 1894; *Revolt*, 1 December 1894.

65. The Domain rally was held on 20 May, one of several in support of Montgomery and Williams. *Australian Star*, 21 May 1894. Emile Liaubon to John Dwyer, 22 May and 4 June 1894, in Dwyer Papers ML MSS 290 Box 2.

day, it occurred to Dodd, and soon the others, that the trial could be aborted by steadily rejecting each juror as he stepped forward to be empanelled. Only one juror was sworn as Dodd objected. Dodd had 'a good deal to say' to Long-Innes; many of the men challenged 'were members of the Anti-Humbug League, and had avowed their hostility to the accused. These men would, if they had a chance, give them penal servitude for life.'⁶⁶ Long-Innes' patience with Dodd finally snapped, prompting the following exchange:

His Honour: You are too fond of calumniating the character of anybody who is of a different opinion. It is a great mistake in your own interest. It cannot do any good. It only shows an ingrained feeling against other persons whom you think would do all sorts of wickedness. It did not do any good.

Dodd: That is our experience.⁶⁷

Douglas then 'took up the work of singing out "challenge"' for half a dozen jurors, followed by Dwyer, and they soon exhausted the available 48 jurors; only five jurors had been empanelled, and twelve were required before the case could proceed. Despite prosecution pressure to have the sheriff renew the hunt for potential jurors, Long-Innes said the trial would have to held over to the next sessions, and adjourned the hearing.

66. *SMH*, 14 June 1894. Established by Harry Foran - a Catholic school teacher, journalist and ratbag - in 1894, the Anti-Humbug League supported the protectionist cause in street meetings, usually in opposition to LEL or ASB activities. Richard Ely, 'Martin Henry (Harry) Foran', *ADB* Vol.8 MUP 1981 p.537.

67. *Australian Star*, 14 June 1894.

The law's delay worked in favour of the accused: the trial was never resumed. Some time between 13 June and the NSW elections held on 17 July, Attorney-General Edmund Barton dropped the case, commenting that while the Slattery libel conviction placed a 'stigma' on the ASB leaders, a conviction over the incitement to murder charge 'would raise them to the dignity of martyrs'.⁶⁸ Barton also had advice that the prosecution might not succeed, as the *Justice* article was no more inflammatory than several other published comments.⁶⁹ The *Bulletin* described the execution of Montgomery and Williams as 'nearly related to lynch-law and half-brother to judicial murder', and accused Justice Stephen of 'flouting' the jury's recommendation of mercy for Williams. *New Order* said Slattery took 'an eager hand in the official strangling of Montgomery and Williams.'⁷⁰

The ASB's plight met with a thunderous silence from the labour movement: none of the Labor MPs pursued Slattery or Barton in Parliament over the *Justice* or incitement to murder cases. Amongst the labour and radical press, only *New Order* spoke out in support of the Brigade over the charges.⁷¹ The *Bulletin* scorned the *Justice* proprietors - 'too many ungrammatical amateur journalists, all filled with great masses of green, undigested political economy' and their 'primitive' libel of Slattery. The Brigade was a manifestation of 'the weird assortment of orators who hold forth in the Domain and insist on claiming relationship with the Labor Party, thereby bringing it into undeserved disgrace.'⁷²

68. *ibid.*; *Tocsin*, 17 May 1900.

69. Bob James, *Anarchism and State Violence in Sydney and Melbourne, 1886-1896*, published by Bob James, Newcastle 1986, p.210.

70. *Bulletin*, 2 June 1894; *New Order*, 14 July 1894.

71. *New Order*, 2 June 1894.

72. *Bulletin*, 23 June 1894.

The *Bulletin's* editorial was harsh judgement on the collapse of the ASB, its unsophisticated organisation grafted together on the run, accelerating towards a poorly judged confrontation with authority. The ASB had demanded to be heard, and they succeeded in channelling their unrest into the public sphere, dramatising their resentment against persons whom they believed had perpetrated all sorts of wickedness against them and the working class: it might not, as Long-Innes warned, have done any good, but it was their experience, as Dodd retorted, and they had only their own experience to guide their actions. Long-Innes' suspicion was shrewd: the manifestations of their calumny had isolated them not only from authority but also potential allies.

Struggle amongst strangers: the Anarchist Andrews

Only a week after the law had dealt with the *Justice* proprietors, another of the Brigade's associates followed them to gaol. John Arthur Andrews appeared at the Water Police Court on 29 June 1894. A professed anarchist, Andrews had self-published a pamphlet, *A Handbook of Anarchy*. Andrews had neglected to include a printer's imprint, although he had identified himself on the back cover as the author and publisher, and provided an address. For this oversight Andrews, and two others who had who sold copies of the *Handbook*, Robinson and Wolfe, were sentenced to three months in prison. Andrews believed that they were imprisoned for the *Handbook's* contents, not for a technical breach of the law.⁷³ An interpretation apparently shared by the Stipendiary Magistrate

73. Labor MP Alfred Edden asked the Justice Minister if the publishers of *Moore's Almanac*, *Bradshaw's Guide* and *Hansard* were liable to the same penalty as Andrews; Edden was told that Andrews sentence would stand and the Minister would not further answer as that would involve 'a legal opinion'. *NSW PD* 29 August 1894 Vol.72 p.84. The *Bulletin* noted that when it published an illegal missing words competition, it received a letter from

who heatedly told Andrews, according to Andrews' own account, that he was being tried for 'sedition'.⁷⁴

Expressing a contempt for property and the law, and calling for the overthrow of the rich and powerful, *The Handbook of Anarchy* appeared in a climate of excitement and fear generated by acts of anarchist violence. During the early 1890s Sydney's newspapers and journals prominently reported anarchist outrages - the blind violence of Ravachol, who terrorised the French bourgeoisie in 1892, and the bombing of the crowded Cafe Terminus of the Gare St-Lazare in Paris by Emile Henry in February 1894.⁷⁵ An explosion on the coastal steamer *Aramac* in July 1893, allegedly the work of the radical Larry Petrie, was an indication that these foreign outrages could be repeated in Australia.⁷⁶ The same edition of the *Daily Telegraph* that reported Andrews' court appearance carried the news that Sadi Carnot, the late French President, lay in state at the Elysee Palace, assassinated by an Italian anarchist, Santo Caserio. Thousands of Italians had fled France following an 'outburst of feeling' against them. The *Telegraph* editorialised that Caserio's Italian origins were irrelevant. He was part of a cosmopolitan, murderous confederacy, 'sworn to act upon its

Attorney-General Louis Heydon. Andrews 'didn't receive any polite intimation from the Attorney-General; he simply received three months'. *Bulletin*, 21 July 1894.

74. Andrews account of the trial was published in *Tocsin*, 5 July 1900. None of the press reports of the trial refer to Addison's outburst. *Australian Star & Evening News*, 29 June 1894; *DT*, 30 June 1894.

75. *Australian Workman*, 15 October 1892; *SMH*, 28 April 1894; *Evening News*, 28 April 1894. For a discussion of anarchist 'outrages' in Europe and the United States in the 1890s see Barbara Tuchman, *The Proud Tower*, Macmillan London 1981 Ch.2; James Joll, *The Anarchists*, Methuen London 1979, ch.V; Peter Marshall, *Demanding the Impossible, A History of Anarchism*, HarperCollins London 1992 Part Five.

76. Petrie was acquitted on a legal technicality. See Scates, 'Faddists and Extremists', pp.304-5; James, *Anarchism and State Violence*, pp.184-89.

orders, and to go anywhere', to pursue anarchy's war against civilisation, 'and the laws which are at once [civilisation's] foundation and bulwark'.⁷⁷

By imprisoning Andrews the law had disrupted the plots of this local representative of the confederacy, and made it clear that authority's attention and punitive power were upon him. The unpredictable nature of the anarchist threat disturbed authority and middle class society. Caserio, a Milanese baker's apprentice, emerged from the anonymous mass of the European working class to suddenly strike a 'great deed' by killing Carnot.⁷⁸ *The Handbook of Anarchy* suggested that Andrews might also be capable of a great deed, its cover luridly illustrated with a skull and cross-bones and a body hanging from a noose (*see appendix 11*). To break the rule of government, of privilege and property, the *Handbook* advocated a cleansing slaughter - 'nature demands a slaughter for the purification of the world from the living abortions and inhuman monstrosities that have been preserved through law'. When the slaughter had ended, and the people had learned 'to throw away the superstition of the law', the survivors might live in peace and harmony, even if only for 'a few generations'.

Andrews' fatalism was fed by an awareness of the difficulties involved in overthrowing the law: it was not the rich and powerful that created 'the bondage of the people', but 'the people's own force'. 'Who are all the police, soldiers, judges, gaolers and so on, but people like anyone else, and picked very much at random?' Andrews hoped that just as 'men's mutual mistrust has furnished, in the various forms of the law - rules, statutes, property, authority - the means for its own justification; so also

77. *DT*, 29 & 30 June 1894.

78. Tuchman, *The Proud Tower*, p.94.

their mutual confidence will not fail, in Liberty, to justify itself'. Nature might demand a slaughter, but apparently he would not start it: Andrews specifically rejected a 'dynamite policy'. Anarchy could not be imposed, but must come by 'enlightenment and individual reform'.⁷⁹ Despite his hope for the dissolution of the state, Andrews had little taste for revolution. Even a 'successful revolt' would only 'place power in the hands of designing demagogues, who would be worse enemies to liberty than the capitalists'.⁸⁰

Andrews was born into a middle class family in Melbourne in 1865. He claimed his grandfather was an baronet who renounced his title. His father was Chief Clerk of the Victorian Mines and Water Supply Department, who organised a departmental job for his son. Andrews abandoned the security of a public service career in 1886 to work as a journalist, writing poetry and stories and developing anarchist ideas mainly influenced by Peter Kropotkin, anarchism's 'most widely respected spokesman' in the late nineteenth century. Andrews may also have borrowed something of Kropotkin's identity. 'The disaffected scion of Russian nobility', Kropotkin was uneasy about the use of violence in the anarchist cause and specifically rejected dictatorships in its name.⁸¹ By early 1891 Andrews had moved to Sydney, associating with the *Hard Cash* group (claiming to have designed *Hard Cash's* masthead⁸²) and the ASB. 'Association' is something of a misleading description: anarchism was as

79. John Arthur Andrews, *A Handbook of Anarchy*, 1894. pp.5-7 ML

80. *Tocsin*, 21 June 1900.

81. Andrews presumably approved of Kropotkin's assertion that those who serve dictators 'only prepare the way for those who later on will cut their throats'. George Crowder, *Classical Anarchism, the political thought of Godwin, Proudhon, Bakunin and Kropotkin*, Clarendon Press Oxford 1991, pp.118, 150, 154. For Andrews background see *Revolt*, 1/12/94; Andrew Reeves, 'John Arthur Andrews', *ADB Vol.7 MUP* 1979, p.69.

82. *Tocsin*, 21 June 1900.

much an expression of Andrews's idiosyncrasy as a cause to be pursued - he would not lead it, and he would not follow others. Like Proudhon, Andrews believed that 'to be governed signifies that someone else has the choice of your conduct'.⁸³

Rejecting the government of others, Andrews drifted from Melbourne to Sydney. He wandered on to Mudgee in 1893, evidently in search of a job and missing the rise to notoriety of his friends in the Active Service Brigade. He was offered work as a reporter with the *Mudgee Guardian*. The newspaper's editor, Edwin Richards, recalled his first sight of Andrews, who 'accosted' him in the *Guardian* office: 'a sickly looking, pinched face, wan creature...ill clad, dusty and apparently footsore from travel'. The vagabond anarchist declared himself a journalist, 'a cultivated man' with 'good family connections' in Victoria. Richards offered him 'trifling literary work' until May 1894, when Andrews returned to Sydney. Richards felt little more than scorn for Andrews. Richards could not understand how 'men of his stamp could let themselves down so low in appearance'. Andrews replied: 'turn yourself out with empty pockets in a strange place and amongst strangers, and see how you'll fare'. Andrews had hardly left Mudgee when Richards unflattering portrait appeared in the *Sydney Worker*. Richards said he 'wanted to let city workers know what sort of a man "Anarchist Andrews" was'.⁸⁴

83. *Handbook of Anarchy*, p.5. The pioneer anarchist Pierre Proudhon wrote: 'whoever lays his hand on me to govern me is a usurper and a tyrant...Government of man by man is slavery!' Quoted in Tuchman, *The Proud Tower*, p.65. For Proudhon's ideas see also Crowder, *Classical Anarchism*, Ch.3.

84. *Worker*, 19 May 1894.

Sydney detectives had also maintained an interest in the Anarchist Andrews. In an article written for *Tocsin* in 1900, Andrews claimed that detective Rochaix and an unnamed friend, whom Andrews believed was a Melbourne detective, approached him shortly after his return to Sydney in May 1894, assuming the persona of international anarchists in search of lodgings. The friend visited Andrews in his room at Dwyer's new barracks at 491 Elizabeth Street, and offered Andrews a copy of *Freiheit* (Freedom), the German language anarchist journal published in New York by Johann Most. *Freiheit* extolled the benefits of dynamite and nitroglycerine for the anarchist cause.⁸⁵ Andrews produced a copy of *La Revolte*, the most notorious of European anarchist journals, initially published by Kropotkin but later revived in Paris by Jean Grave. The famed French anarchist served as another role model for Andrews, who corresponded with Grave and published his own *Revolt* intermittently in the early 1890s.⁸⁶

Grave lived a hermit-like existence in a Parisian garret, producing and writing *La Revolte* almost single-handedly.⁸⁷ Grave's anarchism was moderate and rational: he wanted 'conscious revolt which knows where it goes', rejecting terrorism and educating workers to embrace anarchist ideas - in short, the 'enlightenment and individual reform' that Andrews advocated in the *Handbook*.⁸⁸ This message of patient non-violent struggle was not what Andrew's visitor wanted to hear. Andrew's new-found friend went into 'ecstasies of delight' when presented with *La*

85. Tuchman, *The Proud Tower*, p.80; Marshall, *Demanding the Impossible*, p.416.

86. A letter dated 12 March 1896 from Grave to Andrews is in a collection of Andrews papers held in box 16, Merrifield Collection, Australian Manuscripts Collection, State Library of Victoria.

87. Tuchman, *The Proud Tower*, pp.70, 74.

88. Alexander Varias, *Paris and the Anarchists*, St. Martin's Press NY 1996, pp.86-88.

Revolte; he told Andrews that he knew how to make 'a beautiful little infernal machine'. Andrews expressed his disapproval, and the friend soon departed. To add to the exotic atmosphere they conversed in French, although the friend claimed to be a German. Andrews later said that he was not fooled by the detective's performance, but joined in anyway. Fooled or not, this play-acting between the anarchist and the *agent provocateur* was the closest that Andrews came to the furtive intrigues of terrorism.

Andrews provided authority with an individual to absorb their general fear of anarchism. Andrews refused to play, although in his imagination he had been fatalistically gripped by anticipation of his part in the great reaction he daily expected would rain down on the heads of the militants and the people. His victimisation would inaugurate a 'the reign of terror', as he characterised state repression. Andrews understood himself to be 'the intended victim selected by the plutocratic or Government conspirators or their agents to suffer in the role of arch-dynamiter'.⁸⁹ Andrews described his 1892 poem, *A Bas L'Anarchie*, as a response to his 'strong suspicion' of a conspiracy 'by some ignorant idiots or paid capitalist agitators' to promote an anti-Labor reaction through a bomb outrage. Andrews inability to accurately pin down the identity of 'the clique of tyrant schemers' reveals a powerful psychological construction of conspiracy, apparently confirmed by his own experience in the colonial courts.⁹⁰

89. *Tocsin*, 7 & 14 June 1900.

90. *A Bas L'Anarchie* was published, with Andrews' comments, in the *Australian Workman*, 17 December 1892.

After his release from prison in late September 1894, Andrews resumed anarchist advocacy in Domain speeches and *Revolt*. His activism was short-lived: in February 1895 he was sentenced to five months in Darlinghurst Gaol for publishing a seditious libel in *Revolt*. In December 1894 Andrews commented on the sentencing of four union shearers to seven years gaol. The shearers had kidnapped non-unionists, and committed acts of vandalism and arson, at Mount Dampier station, owned by the Momba Pastoral Company. Their actions reflected a union struggle to force an increase in shearing rates across south-eastern Australia, and to drive non-union shearers from the industry.⁹¹ Handing down an 'exemplary sentence', NSW Chief Justice Sir Frederick Darley remarked that a virtual state of 'civil war' seemed to exist in the colony. The non-unionists had the right, he declared, to resist 'even to death' deprivation of their liberty and their 'freedom to work as they chose'. Darley recommended that the convicted men serve their sentences in different gaols.⁹²

Andrews responded that the striking shearers should enjoy equal rights to liberty, declaring, 'I am an advocate of murder, incendiarism, pillage and all violence, if the freedom of the labourers cannot be otherwise maintained. The real criminals are the plutocracy and the minions, including the Chief Justice, and if the unionists had killed the squatters and the troopers who terrorised them their killing would be justifiable'.

91. NSW Police Inspector-General Fosbery reported that these 'shearing troubles' affected half the colony and required the withdrawal of 285 senior police officers and constables from Sydney to reinforce the 'disturbed localities'. There the police made 175 arrests from July to December 1894 for riot, arson, assault, malicious injury to property and obstructing persons from their lawful occupations. *NSW Police Department Report for 1894, NSW JLC LIII Part II 1895*, p.2.

92. *DT*, 1 December 1894.

Sentiments that Andrews published in *Revolt* and later repeated in a Domain speech: Rochaix testified that he heard Andrews utter the seditious words.⁹³ A fortnight after the article appeared Rochaix and Clough arrested Andrews. Warned that the detectives were looking for him around his Sydney haunts, Andrews made little attempt to avoid them, calculating 'that it would be out of the question to get beyond the reach of the authorities'.⁹⁴ Sentencing Andrews, Justice Simpson called his ideas 'trashy and wild', and wondered whether Andrews had a 'kink' in his brain. Simpson conceded that Andrews utterances could sway 'the ignorant and weak', and for that he would be sent to prison.⁹⁵

Andrews' publications may have 'vindicated the anarchist's belief in self-expression and self reliance', but few in the working class had the time to seriously consider the hopes embodied in his libertarian individualism.⁹⁶ His laboriously hand-cut and copied pamphlets were a lonely enterprise that also symbolised his isolation.⁹⁷ Andrews was divided from common cause with the socialists on the fringe of the labour movement, fearing in their success the replacement of one tyranny with another; that fear led Andrews to avoid a precise definition of his aims or his strategies, and he

93. *Australian Star*, 21 February 1895.

94. *Tocsin*, 19 July 1900.

95. *DT*, 21 & 22 February 1895.

96. Bruce Scates, *A New Australia*, p.58.

97. Andrews had his own crude printing machinery, seized by the police when he was arrested for the *Revolt* seditious. He also resorted to "hektograph" and "gelatinotype" techniques, painstakingly hand-cutting moulds and using chemical solutions to pour into them to produce his tracts, including tiny editions of a short-lived journal, *Anarchy*, in 1892. Andrews explained these procedures in a letter to Dwyer from gaol in 1895. *Anarchy*, 1892, ML; Andrews to Dwyer, 9 January 1895, Dwyer Papers ML MSS 2184/16.

was left vaguely advocating 'free communistic co-operations for mutual supply', as he explained his aims to the court during the *Revolt* trial.⁹⁸

When Justice Simpson imposed sentence on Andrews and asked if he had anything to say, Andrews responded that he was not in robust health and suffered from chronic indigestion.⁹⁹ Here was a plea, if not for leniency then certainly for empathy, as Andrews struggled to make his beliefs understood and respected. Andrews's body produced an outcome of this distress, reflecting his marginalised spirit and social condition. Society referred its treatment of the marginalised - workers, political or social deviants - back to Andrews, as not a judgement upon society but a judgement which reflected prejudicially upon him - his physical weakness matched his moral decay.¹⁰⁰ Andrews was judged unmanly and treacherous to his class, the 'kink' in his brain not only encouraging wild ideas but also undermining the respectability of his middle class birthright. How could a man of Andrews's stamp, as a bemused Edwin Richards wondered, let himself down so low in appearance. Andrews had turned himself out with empty pockets in a strange place and amongst strangers.

98. *DT*, 21 February 1895.

99. *ibid.*, 22 February 1895.

100. It may be argued that Andrews illnesses' were a psychosomatic manifestation of stressful sense of alienation, a stress increasingly relieved and triggered by drug abuse which began sometime in the 1890s and persisted until his death in 1903. Uta Gerhardt, *Ideas About Illness*, New York University Press NY 1989, pp.264-268; Reeves, 'John Arthur Andrews', *ADB* Vol.7 MUP 1979, p.69.

Prison revelations

John Longford observed that subject to the charge room and the court, a first offender experienced a 'revelation'. Sentenced, he was ushered from the court room ordeal in a 'semi-dazed' condition, and led terror-struck to the prison.¹⁰¹ Dwyer made a painful adjustment to prison life. On 21 July Dwyer wrote to his lawyer, Conroy, from Maitland Gaol, apologising for not writing sooner; over the past month he had been 'too much upset and worried by my unenviable position to write'.¹⁰² Dwyer sought Conroy's help to defend his 'proprietary rights' over the Castlereagh Street barracks against the claims made by Douglas. Dwyer said that he was the leaseholder and he had not authorised anyone, other than Mrs. Dwyer, to collect rent. The barracks income was between £7-10 per week - 'even more might be made of it, if properly managed' - and Dwyer wanted his wife to receive his share of the profits, and some of the funds applied to paying his legal costs. 'I am now in complete ignorance of how these barracks are being conducted, and how that money is being expended.' He worried that Douglas might have appointed a receiver - 'I do not recognise any such person'. Any appointments to barracks staff or alteration of its operation had been made without his permission.

Dwyer had one advantage over Douglas; serving a six months sentence, Dwyer would be out of gaol sooner than Douglas, serving nine months in Goulburn Gaol. According to the Maitland Gaol Entrance Book, prisoner 544 John Dwyer was due for release on 12 December 1894.¹⁰³ He champed at that bit, complaining to Conroy of doing his 'weary six months...I suppose no-one from your office is likely to come this way, if they were, I

101. *Under Lock and Key*, 10 February 1894 p.10.

102. Dwyer to Conroy, 21 July 1894, Dwyer Papers ML MSS 2184/2.

103. Maitland Gaol Entrance Books, 1862-98, 2/2020, 5/747-54, Reels 757, 2368-2369 AANSW.

should be glad of an interview'. Dwyer was desperate for influential friends to intervene on his behalf, a desperation that spilled over into resentment and recrimination, as it had in the past. On 3 July Labor parliamentarian Henry William Newman sent a brief note to Dwyer. 'I am not aware that I ever [promised] you anything that I did not do', Newman began, irritated and perplexed. 'I do not know what it is you want me to do', he added, but offered to do what he could, and hope Dwyer's 'confinement' would be short. 'I think if you are deserving the Minister might let you off about 4 months'.¹⁰⁴ Slattery, as Justice Minister, could manipulate the *Justice* proprietors' imprisonment - or appear to offer to do so. Newman *thought* Slattery *might* order Dwyer's release after four months; what casually vague and patronising remark from the Minister prompted Newman to hold out that crumb of hope? Dwyer served his full sentence.

Annie Dwyer kept up a dogged campaign to secure her husband's release, although she was anxiously distracted by her need to care for the children and run the new boarding house at 491 Elizabeth Street, opened only weeks before Dwyer's imprisonment. On 24 July Annie wrote to John:

I know I must do something soon it is to much for me this afternoon I went to Mr. Slattery wated from 1/4 to 3 till 1/4 to 5 O'Clock but he was away at a Cabnet meeting I am going again in the morning at 1/2 past 9 I hope he will do what I want if not I will ask Mr. Widdon M.P. the boot maker and Black to do what they can.¹⁰⁵

104. Newman to Dwyer, 3 July 1894, Dwyer Papers ML MSS 290.

105. Annie Dwyer to John Dwyer, 24 July 1894, Dwyer Papers ML MSS 290. 'Widdon' was Samuel Thomas Whiddon, the owner of a profitable boot and shoe making business. Unusually for a manufacturer, Whiddon was a Free Trader, elected as the Member for Cook

Lobbying the powerful was complicated by the fact that she refused to 'cadge off anyone': 'I'll never beg'.¹⁰⁶ Work was her overwhelming constraint: managing the boarding house from 6am until midnight, she rarely had the time to leave. 'I must attend this place here or else I shall be without a home'.¹⁰⁷ Lizzie helped her run the boarding house. 'I do not know what I should have done without her'. Dan was kept at school, while Teddy, 'poor little chappie he looks a bit neglected'.¹⁰⁸ The boarders were all men, mostly unemployed and all certainly poor. Annie had trouble keeping the place full, and was always short of money; many of the unemployed could not afford the board. 'Poverty is still very great in Sydney and people are sleeping in the parks'.¹⁰⁹

Some of the lodgers tried to take advantage of Annie, alone, as she complained, with no man to help her manage them. There were '3 troubling strangers' who rarely went out; others refused to pay, playing 'mean dirty tricks' on her, going up to bed without first paying, or alleging that John had allowed them a week's free accommodation a month for

only a week before Annie wrote to John. Annie may have felt that Whiddon might influence the new Free Trade administration led by Premier George Reid to 'do what I want' - presumably, to arrange John's early release; she would have no more luck than John had with Henry Newman. George Black, the Labor MP, had apparently offered to speak on John's behalf at a Domain rally (Annie Dwyer to John Dwyer, 15 July); there is no evidence that he did so, or that he intervened with Reid (governing in alliance with Labor).

106. Annie Dwyer to John Dwyer, 24 July. It seems John wanted her to write to various labour movement contacts, appealing for financial assistance.

107. *ibid.*, 15 July.

108. *ibid.*, 24 July.

109. *ibid.*, 2 December. The rates at 491 Elizabeth seem to have been higher than at the barracks - Annie told John that she wanted to rent out Andrews old room - '4 beds in that room 2s per night', although that may have been a higher rate for a better room with fewer beds. *ibid.*, 31 August.

'good conduct'. The pipe in the bathroom had broken, and the water had been cut off; she had stopped paying the rent until it was fixed. She refused admittance to drunks. 'It is strange what a low beast the drink makes a man...I wish every man that drinks to keep a thousand miles from me.'¹¹⁰

Annie's opinion of several of Dwyer's friends was little better. Andrews had helped her deal with the men, but he soon followed Dwyer into prison; she ignored Andrews' advice to seek Desmond's aid. She disliked and distrusted Desmond, 'one of those people that does all the nice talk and takes all the honour and glory and gets other people to do all the work and take all the responsibility.' She believed that John had allowed Desmond and another man, O'Reilly, to make a 'cat's paw' of him.¹¹¹ O'Reilly was the 'Riley' whose presence as the real author of the *Justice* libel hovered like a phantom over the Slattery trial.

Desmond and O'Reilly had both successfully evaded responsibility for their actions in the *Hard Cash* and *Justice* libels, largely due to the loyalty of their comrades. Annie reserved a special rage for O'Reilly. 'You know what I always said about him', Annie reminded John, mindful of the prison censors. 'He does not trouble himself about anybody - his own big self first pig'. O'Reilly occasionally came around to Elizabeth Street, 'sneering' that the ASB was 'done'; 'I told him they were not done'.¹¹² Desmond also came around, trying to claim Andrews' papers; she refused to hand them over.¹¹³ When Annie told O'Reilly that the incitement to murder charge had been dropped, 'he said he was very sorry, that is your

110. *ibid.*, 15 & 17 July, 29 August.

111. *ibid.*, 24 July, 29 August & 12 October.

112. *ibid.*, 24 July.

113. *ibid.*, 29 August.

friend'.¹¹⁴ Only Dodd, of the old ASB leaders, tried to help her and the children, arranging promissory notes for his share of the barracks income to be transferred to her; but apparently the notes were invalid.¹¹⁵ She had received no income from the Castlereagh Street barracks since Dwyer's imprisonment. 'Jack Lang seems to have all control of everything'. As Douglas's lieutenant, the young Lang had emerged in control of the Barracks since the trial. Lang told her the barracks was doing badly, and he could not give her any money without Douglas's agreement. Annie noted that Douglas probably sent Lang around to check on her - inferring that this was a matter of business rather than kindness.¹¹⁶

Annie was upset that despite her struggles, John seemed to think she kept him in the dark. 'I tell you everything I positively can if I was to tell you more you would not get the letter'. She tried to reassure him: 'we are going along all wright just now so don't fidget about things', but he could not help fretting, hundreds of miles from his family.¹¹⁷ We can only imagine how Dwyer must have felt when he received two letters from 'your loving daughter', Lizzie, writing to let him know 'I have not forgot you', and carefully printing out 26 'kisses' at the foot of one letter.¹¹⁸

114. *ibid.*, 12 October.

115. *ibid.*, 15 & 24 July, 31 August. The notes were undated, and the unidentified Bank that held the Barracks account refused to recognise them.

116. *ibid.*, 24 July & 12 October. Lang seems to have been more heavily involved with the Barracks than his memoirs indicate. From the ASB he learnt not only the art of 'turning the mangle' to make political tracts and journals. He also learnt the value and management of money, men and real estate, lessons he would take with him to Auburn in Sydney's west, where he successfully established as an estate agent and Labor politician from 1899. See Peter Spearitt, 'The Auburn Plute', in H.Radi and P. Spearitt (eds.), *Jack Lang*, Hale and Iremonger Sydney 1977.

117. Annie Dwyer to John Dwyer, 12 October.

118. Lizzie Dwyer to John Dwyer, 29 August and 12 October.

Dwyer and his family were paying a high price for his loyalty to the ASB, and the protection of O'Reilly.

Tommy Dodd wearied of the political and legal battles. In a letter from Dubbo Gaol to his brother in October 1894 Dodd said that the 'silly law business' should be avoided over the barracks; 'and the surest way to start is by writing letters to lawyers'.¹¹⁹ Annie had recently visited, with news of her husband's campaign against Douglas.¹²⁰ Dodd wanted a settlement 'satisfactory to all parties'. Dodd told his brother that he was trying to spend his time profitably, learning the Pitman shorthand system and reading Plutarch's *Lives*. The 'ancients' provided some good lessons for 'our wonderful civilisation': each dined at a common table, and worked for the common good. Dodd sardonically observed that the ancients used iron as currency, as 'Theseus noticed that gold had a demoralising effect'. Dodd was apparently demoralised by a realisation that the Brigade's leaders would no longer work together for the common good. By May 1895 it was clear that Dodd had nothing to do with Dwyer's efforts, alone of the original leaders, to maintain the Brigade and the barracks. Dodd refuted *Workman* gossip that he had 'disowned' the Brigade, but explained: 'my only feeling as regards the Active Service Brigade, or indeed any organisation that is practically trying to do good for suffering humanity, is to wish it god-speed.' Dodd moved to Maitland, and seems to have resumed his trade as a wholesale tobacconist.¹²¹

119. T. Dodd to J.A. Dodd, 1 October 1894, Dwyer Papers ML MSS 2184/2.

120. In the surviving correspondence Annie makes no mention of travelling; this may account for a lack of correspondence in September. Presumably she visited both John in Maitland and Dodd in Dubbo.

121. *Australian Workman*, 11 & 18 May 1895. Dodd advertised wholesale supply of tobacco and cigars in the *Socialist* in 1896.

After being found guilty in the *Handbook of Anarchy* case, Andrews, Robinson and Wolfe were sent to Biloela Gaol on Cockatoo Island, a little over two miles up the Parramatta River.¹²² Once he had adjusted to the routine of prison life, Andrews found its disciplines tediously mild. The three anarchists were treated almost as 'distinguished visitors', the object of curious questioning about their political views by the warders and the Governor.¹²³ At the end of 1894 Biloela held 189 inmates, 108 males and 81 females. During the year over 2,000 men and women trudged up the stone steps from the steam launch that had carried them from Circular Quay - short-sentence prisoners from the police courts, mainly the recidivist drunks and vagrants whose numbers the Comptroller-General of Prisons struggled to manage, as he regularly complained.¹²⁴ The inmates quarried the island's sandstone or made the rough and cumbersome prison clothing that Andrews was forced to wear. Andrews was not sentenced to hard labour, but willingly took to quarrying to get better rations. Andrews found that it was relatively easy to maintain contact with the outside world at Biloela, with 'some prospect for the eye' in the view of the Parramatta River and the local shoreline, and the steady stream of new arrivals. The turnover of the gaol population also helped reduce the tensions of gaol life. In his fellow inmates 'generous sympathy and mutual forbearance' Andrews found 'a very agreeable contrast to the capitalistic outer world that had presumed to punish them in its righteousness'. Despite this glimpse of a life possible without the degrading contest of capitalism, Andrews was glad to leave Biloela on 28

122. J.F. Campbell, 'Cockatoo (Biloela) Island, Plan and Historic Notes', *JRAHS*, Vol.18 1932 p.338. Biloela being an Aboriginal word for cockatoo.

123. *Tocsin*, 12 July 1900.

124. Comptroller-General of Prisons, Annual Report for 1894, *NSW JLC 1894-95 Vol.53 part II*; Report for 1895, *NSW JLC Vol. LV 1896 part I*; NSW Report for 1897, *NSW JLC 1898 Vol.LVIII part I*.

September. By mid-December Andrews was held on remand at Darlinghurst Gaol over the *Revolt* libel. Where Biloela offered some 'prospect of a brighter world' beyond its walls, at Darlinghurst Andrews found that 'the outer world was gone from the eye'.¹²⁵

In Darlinghurst Gaol the remand prisoners did not sleep in a large communal dormitory, as Andrews had at Biloela: three inmates shared a small cell in which they were locked at 5pm each day. The beds consisted of canvas hammocks, hung by walls 'thickly infested' with cockroaches. Prisoners were forbidden to squash the insects on the wall: it was an offence to mark the whitewash. Unlike at Biloela, Darlinghurst prisoners had to be their own 'nightmen', taking turns to empty their shared toilet bucket into a sink in the yard. The exercise yard was 'densely crowded' during the day.¹²⁶ Darlinghurst remained an overcrowded gaol, despite the old convict gaol at Biloela being reopened a few years before to ease the strain.¹²⁷ Andrews observed that the confined inmates 'speedily became tired of conversation, and as little to one another as the blank walls around them'; this soon brought 'the defects of his mental constitution' into prominence, 'as a skeleton stands out in relief through a starved man's skin'.¹²⁸

Andrews endured two months in the remand cells before his trial, casting about for ways of raising the impossibly steep bail of £300. Andrews wanted to be out for at least a month before his February trial, he

125. *Tocsin*, 12 July 1900.

126. *ibid.*, 12 & 19 July 1900. John Longford said that remand prisoners at Darlinghurst were treated 'quite brutally'. *Under Lock and Key*, 17 February 1894, p.7.

127. 'The Last of Biloela', unidentified newspaper cutting dated 1 February 1908 in Mitchell Library newspaper cuttings, Vol.9 pp.85-87 Q991N.

128. *Tocsin*, 12 July 1900.

explained in a letter to Dwyer, 'to try to raise some money in the Domain for making up the loss to the movement entailed by the seizure of the printing materials'.¹²⁹ Andrews was unable to make bail, and languished in his cell, 'out of sorts and dyspeptic', finding it difficult to eat - 'generally I leave the meat altogether. But I suppose this is the natural reaction from several weeks of unusual excitement and suspense before coming here'.¹³⁰ Andrews craved tobacco, quickly smoking his meagre ration. He implored Dwyer to stop sending raw onions. 'If I am convicted and sentenced to devour a raw onion, I shall apply for three floggings of fifty lashes as a merciful commutation'.¹³¹ Andrews' letters canvassed tactics for his forthcoming case, and possible character witnesses, 'and expert literary evidence on the construction of the article'. Andrews suggested J.F. Archibald, but realised that Archibald's 'mortal fear of the witness box' eliminated the *Bulletin* publisher.¹³² Andrews also suggested Mrs. Broderick of the 'women's rights movement', but in the margin of a subsequent letter, where Andrews asked Dwyer again to approach her, Dwyer noted: 'Mrs. Broderick declines'.¹³³

After the trial Andrews complained to Dwyer that as a third class prisoner in the keep yard (apparently reserved for short sentence prisoners), he had no access to the prison library. While Andrews had been able to freely correspond as a remand prisoner, he could now only receive letters once a fortnight, and write once a month. Andrews asked Dwyer to 'fossick out' a slate and pencil to help him pass the time.¹³⁴ Over-crowding was no

129. Andrews to Dwyer, 27 December 1894, Dwyer Papers ML MSS 2184/16.

130. *ibid.*, 31 December.

131. *ibid.*, 21 January 1895.

132. *ibid.*, 23 January 1895.

133. *ibid.*, 28 January 1895.

134. *ibid.*, 25 January 1895.

longer a problem; Andrew's only cell-mate was a young Chinese imprisoned for tax evasion, and to relieve the tedium they tried to teach each other fragments of their respective languages. Listening in his cell, Andrews gradually became aware that other prisoners were 'abominably tortured'. The insular and predatory culture of prison discipline echoed through the stone walls of Darlinghurst Gaol – as the warders realised it would. Longford described the Darlinghurst warders as living 'in an atmosphere of moral and physical corruption...callous to everything but the one idea of personal preferment.' In the warder's hardened eyes the prisoner's humanity was simply reduced to 'material which enable him to make a living'.¹³⁵

Andrews had a revelation of a reign of terror, the grim revenge of the state that he had already imagined. The reign of terror was not a conspiracy of massing soldiers and police, sabre wielding cavalry and gatling guns, about to be suddenly unleashed on an unsuspecting populace: this terror ground on within the culture, behind the walls of Darlinghurst Gaol. The lesson that Andrews had learnt as a sensitive eleven year old, watching a storekeeper manipulating his prices, was fresh in his mind as he sat in his cell.

Before, everything seemed rational, secure...Now, everything was unsettled, a chaos of discordant and irrelevant speculation; subsistence and comfort a gambler's chance; every man for himself, without and against each other.¹³⁶

135. *Under Lock and Key*, 10 February 1894, p.10.

136. 'Sketches from Life' by John Arthur Andrews, December 1894, copy in J. Normington Rawling papers, N57/207 Noel Butlin Archives Centre, Australian National University.

Andrews discovered that prisoners on a sentence of more than three years served nine months in solitary confinement, 'in a small whitewashed cell, with no food but a pound of bread a day and water. I have seen them come out from this bodily and mental starvation absolute idiots'. The men slowly recovered, but 'rarely without some mental evil remaining'. The system had also contrived a means of suppressing larrikins despite the defeat of O'Connor's Disorderly Conduct Bill. Prisoners under twenty-five years of age, on sentences of up to twelve months, had to serve the entire sentence in solitary confinement, fed one week on a low scale of ordinary rations, another week on bread and water. 'They used to go mad and kick and scream, and smash their filth-buckets, and then we would hear the warders kicking and beating them.' A man was hanged while Andrews served his sentence. 'I used to see him...walking about in the grounds beyond, with irons on his legs and a warder taking hold of him...He seemed in a state of collapse; the warder had apparently to hold him up and push him along. During the time when he was being hanged we were all locked up in the cells. Then we were sent back to our yards. The way to mine was under the gallows.'¹³⁷

137. *Tocsin*, 19 July 1900.