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To Jenny and Greta

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Chapter One

The Official Artist

Thomas Barrett

It's hard to imagine what Thomas Barrett thought of his new world as he gazed out across the deep blue waters of Sydney Cove on the morning of 27 January 1788.

As his ship lay anchored not far from shore, he and his shipmates would soon join the other First Fleeters now climbing out of their dinghies on the narrow beach at the head of the cove. As the first permanent European settlers to set foot on this island continent, they were about to make their first imprint on an ancient land and change the course of its history forever.

The day before, their leader, Captain Arthur Phillip, had landed at this picturesque cove with a handful of officers, planted the British flag and claimed possession of half the continent, to be called New South Wales. They then drank to the health of his majesty, King George III, and the success of the new colony.

As one of the 1373 convicts, soldiers and settlers who made up the First Fleet, Barrett was about to become a guinea pig in one of the biggest and most radical social experiments of the time. Captain Phillip was expected to inspire this motley mix of petty criminals and soldiers to achieve the seemingly impossible – to carve a foothold in this vast continent and create a thriving permanent

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colony. So little did they know about this land, a land so vastly different from their own, that they might as well have been asked to establish a colony on the moon.

We can imagine that Barrett's natural curiosity and excitement were mingled with feelings of apprehension – even fear – at what lay ahead. As he looked out from the deck of the *Charlotte* at the vast, strange bush and its yet undiscovered dangers, did he feel a sense of isolation and dread? Or was he pleased at the prospect of feeling land beneath his feet after months of privation at sea? The place seemed an idyllic setting: the pristine bush, the majestic ironbarks, red gums and magnificent flowering banksias tumbling down to the shore, and the rocky headlands jutting out into the calm deep sparkling waters of this huge natural harbour they called Port Jackson. Certainly one of the officers, Marine Lieutenant Ralph Clark, thought it a 'most beautiful place', 'one of the finest harbours in the world'. Even the groups of black 'Indians' who inhabited this land, although strange and foreign to the settlers' genteel ways, so far had shown no sign of aggression, just a charming, naive curiosity.

But in a few months, the fleet of eleven ships would depart, leaving only the *Supply* and *Sirius*. From that time on, the pioneers would have to rely entirely on their own wits and the meagre resources they had managed to bring with them to feed, clothe and shelter themselves, and begin to build some semblance of a permanent British outpost. They would be cut off from the outside world for at least fifteen months until a new supply ship arrived from England. If things did not go well for Captain Phillip, the wild colonial experiment would be at risk of exploding in chaos and anarchy.

For the moment, though, Barrett had reason to feel relieved. He had twice escaped the death penalty back in England. Now, even

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though he had been sent to the ends of the earth, sentenced to a life of hard labour in primitive conditions, he was alive. And, as remote as this place might be, there was some hope of a pardon.

Escape was out of the question. Where would he escape to? Beyond the relative safety of the settlement, with its few rows of tents and rough huts, his mates and weekly rations, the new land was foreign, unknown and potentially dangerous. An escapee would almost certainly die of starvation. No, he could only wait and see what this crazy adventure would bring.

Like most of his fellow convicts, Barrett had initially been found guilty of a seemingly trivial crime. On 11 September 1782, he was convicted at the Old Bailey in London for stealing clothing and a watch to a total value of 73 shillings. He was sentenced to death, but this was commuted to transportation to America. Then, once aboard their ship, the *Mercury*, Barrett and other convicts overpowered the ship's captain and crew and took control of the vessel off the coast of England.

The mutineers were recaptured, and Barrett was again sentenced to death, as were several others. But once more his life was spared, because he had intervened to save the life of the ship's steward and prevent the captain's ear from being cut off. This time, his sentence was a one-way ticket to Australia.

So here he found himself in New South Wales at the relatively young age of 29, still with plenty of life ahead of him. And Barrett had already etched his name in Australia's history as the colony's first official artist. Burglary and mutiny were not his only criminal skills. It was his talent as a forger that had brought him the official commission.

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While at port in Rio de Janeiro on the way to Australia, Barrett and a couple of his friends had forged some local coins and used them to ‘buy’ food from local boatmen. The ship’s surgeon, John White, was mightily impressed with Barrett’s ability to fashion the coins from old belt buckles, buttons and spoons, all without being detected by the officers. Dr White wrote:

The adroitness, therefore, with which they must have managed in order to complete a business that required so complicated a process, gave me a high opinion of their ingenuity, cunning, caution, and address; and I could not help wishing that these qualities had been employed to more laudable purposes.

So when Dr White decided a commemorative medal was needed to mark the occasion of their arrival in Botany Bay, he naturally asked Barrett to do it. The *Charlotte* medal, which can be seen today at the Australian National Maritime Museum, depicts the ship *Charlotte*, which Barrett and 737 other convicts boarded in England, arriving in Botany Bay on 20 January 1788. Barrett’s engraving is quite expert, depicting the *Charlotte* at anchor on one side of the medal and providing a detailed inscription of the ship’s voyage on the other.

But in New South Wales, there was no special treatment for an artist-in-residence. Barrett became just another convict to be cajoled and prodded into the hard labour of getting the colony built. In his first few weeks, the convicts were set to work levelling the ground for the camps, clearing what trees and undergrowth they could, building stores, making gardens to sow their crops and erecting the governor’s prefabricated house. It was back-breaking work, and progress was slow, their axes and blades no match for the giant, iron-hard timber. The convicts quickly became disillusioned, indolent and resentful at their life of unending toil and discomfort

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as they tried to hack a civilisation from the unyielding bush. Many spent the early weeks skulking in the bush to avoid work, only drifting back to the main camp to collect their rations.

The marines, whose job it was to motivate their unenthusiastic charges, were little better. In the words of Lieutenant Clark:

Of all the places in the world this is the greatest nest of rascals; it is impossible to trust any one of our men, hardly much more any of the convicts. In short, there is no difference between soldier, sailor, or convicts; they are six of one and half a dozen of the other.

Early in February, several convicts escaped and made their way to Botany Bay, where two French ships were anchored, and begged to join the crew. These ships had sailed into Botany Bay within days of the First Fleet's arrival, and initially the British officers feared some sort of dispute over their territorial claims. But the French commanders were deferential, offering nothing to suggest they were there to challenge Britain's declaration of possession of the new continent. They also diplomatically refused the convicts' pleas to be taken away from this desperate place. The convicts returned to Sydney Cove, dejected.

On 7 February, the new colony was formally proclaimed with some pomp and ceremony. Phillip gave a stirring speech designed to fire up the new settlers, particularly the convicts. He told them in no uncertain terms that they were a recalcitrant, sullen bunch who were not pulling their weight. Phillip exhorted the new settlers to behave well and put their noses to the grindstone. He said that 'honesty, obedience, and industry would make their situation comfortable, whereas a contrary line of conduct would subject them to ignominy, severities, and punishment'.

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Phillip knew that the very survival of this small community in a hostile environment would rely on strict order and good behaviour. Theft, fighting and insubordination could not be tolerated, as they would lead to the settlement's quick demise. Such behaviour had to be dealt with as decisively and summarily as possible. He flagged the severest forms of punishment, including execution, for even seemingly petty crimes such as stealing. The best punishment was a deterrent, and there was no better deterrent than the death penalty.

Phillip also had to deal with a major problem of a domestic nature. Ever since the first night after the landing, keeping the women safe from the rampant sexual advances of the men had been a nightmare. Indiscriminate and illegal intercourse would be 'punished with the greatest severity and rigour', he thundered. He eventually ordered that any male convicts visiting the women's tents at night would be shot. He also encouraged the convicts to pair up and marry; it was not a bad tactic, but for the fact that men outnumbered women by three to one.

But perhaps the most serious offence the new community faced was stealing food. Of all the First Fleeters' privations, starvation and lack of food were the biggest real risk until they could establish their own supplies of food, whether they be gathered or grown.

The early signs were not good. Fish seemed difficult to catch, the land was hard to work, and few seeds had been provided. There were none of the fertile, open plains Captain James Cook had described, and the settlers' first attempts to grow crops proved pretty hopeless. In that environment, the theft of food took on a new seriousness, threatening the settlers' survival. Stealing a hen, for example, was the worst sort of food theft, because breeding animals were so vital for the future food supply. So Phillip decreed that stealing food would be a capital offence.

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If Phillip's decision made any impact on Barrett, it must have been short-lived. In late February, he broke into the government stores with three other convicts, Henry Lavell, Joseph Hall and John Ryan, and stole butter, peas and pork. Their motive was unclear. It seems unlikely that simple hunger outweighed their fear of being caught and hanged. That same day, they had been issued with their weekly rations. The convicts' rations had also been increased to match the relatively generous amounts provided to the soldiers. Before that, hunger would have been more understandable as a motive, because they had been getting substantially less.

The men were close friends. They had known each other at least since the mutiny on the *Mercury*, in which all four took part. They had been sentenced to death but had their sentences commuted to life imprisonment, then spent time on the hulk *Dunkirk* before disembarking for New South Wales. Did they think the authorities here would be equally reluctant to see them hang? If so, they had miscalculated, with fatal results for Thomas Barrett.

The four thieves were apprehended and swiftly brought to court. This was no kangaroo court, either – it was a legally constituted court established a week or two earlier by Phillip under his commission from the British parliament. He had established four courts – criminal, civil, martial and admiralty – presided over by naval and military officers. In the case of a capital offence, five of the seven officers had to agree before the death penalty could be imposed.

The judge advocate and six officers heard evidence of the food heist by Barrett and his fellow thieves. All four were found guilty. Barrett, Hall and Lavell were sentenced to death, and Ryan to 300 lashes.

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At around 5 p.m. on 27 February 1788, the three condemned men were marched to a hastily improvised gallows – a tree between the male and female camps with a rope and noose slung over a branch and a ladder laid against it.

The colony's parson, the Reverend Richard Johnson, prayed for the souls of the condemned men. Barrett apparently admitted his guilt to Johnson, saying he had been led by 'evil example' and deserved his fate. But just as the first of the three was ordered to climb the ladder, a message came from the governor that Hall and Lavell had been reprieved at least until 6 p.m. the next day. Barrett, though, would swing.

Unfortunately, Phillip had forgotten to appoint someone to the critical position of public executioner, but one of the officers was conscripted to the job. He placed the noose around Barrett's neck and adjusted it. Barrett seemed calm enough until the officer placed a handkerchief over his head, when his face went 'white as a sheet', according to Lieutenant Clark.

Barrett climbed to the top of the ladder, which was then kicked away so that he dropped to his death. After hanging there long enough to imprint the image on the minds of his fellow convicts, who had been gathered to watch, Barrett's body was lowered and buried in a simple grave not far from the tree. Barely a month into the new nation's history, the colony's first official artist also now held the dubious distinction of being the first man to be legally executed on Australian soil under the Australian justice system.

The next evening, on 28 February, Hall and Lavell were brought back to the hanging tree, but again they were reprieved, this time permanently. They were banished to an island in the harbour with nothing but bread and water for provisions.

The next day, four more convicts were tried for stealing food and wine. Three were sentenced to death, while the wine thief was

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acquitted. But again all were reprieved at the eleventh hour. One of them, James Freeman, who had stolen seven pounds of flour from a fellow prisoner, was reprieved on condition he become the public executioner. Not surprisingly, he accepted.

If Barrett's hanging was intended to act as a deterrent, it did not work for long. On 1 May, a young convict called James Bennett was executed after being found guilty of stealing some sugar and other articles from a tent. On 28 June, two more men were hanged – Edward Corbett for stealing four cows, which were subsequently lost, and Samuel Payton for stealing some shirts, stockings and combs from an officer's tent. Before they were hanged, Corbett and Payton gave speeches imploring the gathered convicts to let their death be a warning not to steal.

So began a long history of capital punishment in Australia. Even after the colony was well established and food was no longer a major problem, the vestiges of stealing food as a capital offence remained. People continued to be hanged for the crime of sheep stealing. And a range of other seemingly minor offences met with the ultimate punishment – burglary, forgery and even in one case 'being illegally at large'. Rape remained a capital offence as late as 1932, when David Bennett in Melbourne became the last person to be hanged for that crime.

No concessions were made to Aboriginal people either. Many were subjected to the white man's ultimate justice, even if some regarded their crimes as political and those who died as victims of war.

Murder, of course, was by far the most common crime to result in hanging. The ultimate penalty was imposed for murders

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committed spontaneously in anger over petty disputes and murders of passion committed in jealous fits of rage. There were murders from the almost accidental to carefully planned, premeditated acts of unimaginable brutality. Many were committed by people with their wits about them, but some were the acts of the mentally ill, driven by voices and delusions.

It has been estimated that 1648 people were executed in Australia before 1985, when the death penalty was finally removed in New South Wales, the last Australian jurisdiction to do so. Most of these executions were carried out in the nineteenth century, when as many as eighty people a year were hanged for crimes ranging from the relatively minor to the most heinous. In the years from 1900 to 1967, when Ronald Ryan became the bookend to Thomas Barrett as the last man hanged in Australia, there were 125 hangings, less than two a year. During that time, public distaste for capital punishment grew until the practice could no longer be tolerated.

If deterrence was the primary aim of capital punishment, it clearly didn't work. Judges handed out the ultimate punishment for 179 years with no perceptible effect. Not all these judgments were just or deserved, and in at least one case the decision was simply wrong.

Of those who were launched into eternity at the end of a noose, many were bad, some were mad and others were just plain unlucky. These are some of their stories.