

Frenzy: The Story of the Mount Rennie
Outrage

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DCA

2012

CERTIFICATE OF AUTHORSHIP/ORIGINALITY

I certify that the work in this thesis has not previously been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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Abstract

This thesis consists of two parts: a creative project, entitled *Frenzy: The Story of the Mount Rennie Outrage*, and a dissertation, entitled *No end of a yarn: Reading the Mount Rennie Outrage*.

The first part is a narrative history of events that occurred in Sydney over a period of four months, from 9th September 1886, when 16-year-old Mary Jane Hicks was raped by members of a larrikin mob near Waterloo, until 8th January 1887, when four of the teenage rapists were hanged. Most of the material I have researched to write this history is derived from three key sources: original records of the crime and subsequent trial held at State Records in Western Sydney; original records from the archives of the New South Wales Department of Corrective Services at Silverwater Jail; and contemporary newspaper reports held in various forms at the State Library of New South Wales.

My dissertation is a study of how the Outrage has been interpreted, both directly and indirectly, by participants, journalists, politicians, novelists and others. It suggests the existence of two contradictory impulses - a desire to sensationalise the facts and a contrary desire to suppress them – that, to varying degrees, have shaped every reading of the Outrage. It examines these impulses in the light of social and sexual anxieties of the period as reflected, especially, in journalism and popular fiction. It proposes two “authorised” readings of the case — as the tragedy of Mary Jane Hicks or, alternatively, as the tragedy of the youths hanged or imprisoned for raping her — and asks whether other, more flexible, interpretations are possible. It ends with some reflections about the wider processes by which history is read and written.

Introduction

The story of a crime has no beginning and no end. There is often a moment, however, when a crime becomes – or seems to become – inevitable. One such moment occurred late on the morning of Thursday 9th September 1886, when sixteen-year-old Mary Jane Hicks stopped to speak to a hansom cab driver in Sussex Street, Sydney. Newly arrived from the country, Mary Jane was looking for work. Instead of taking her to the employment exchange in Castlereagh Street, the cabman took her to a patch of waste ground on the eastern outskirts of Sydney nicknamed the “Rubbish heap”, not far from a hill called Mount Rennie. The crime that took place that afternoon became known as the Mount Rennie Outrage and would dominate the headlines of all the city’s newspapers for the next four months.

The prosecution of the so-called “Mount Rennie boys” would be the most divisive in the colony’s hundred-year history. At the end of the trial nine of the accused were sentenced to death. Few believed that all nine were guilty. Four were eventually hanged; the eldest was nineteen years old.

The executioner’s name was Robert Rice Howard. In his will he described himself as “Robert Howard, late of Bondi, freeholder”, although the public knew him as “Nosey Bob”. In the carnival world of J.F. Archibald’s weekly *Bulletin*, both Mary Jane Hicks and Nosey Bob were central figures: one an emblem of female duplicity and sexual risk, the other a metaphor for the atavistic horrors of “Botany Bay justice”.

The story of the crime and its aftermath is preserved in two cardboard boxes, one at State Records in western Sydney, the other at the archives of the New South Wales Department of Corrective Services at Silverwater Jail. The collection ranges from witness depositions to letters

written by the condemned men from their cells. It includes the Death Register from Darlinghurst Gaol, the handwritten police histories of the accused, and Judge Windeyer's trial notes.

But the primary sources tell only half the story. If the Mount Rennie Outrage was a private tragedy, it was also a public sensation. Like the Jack the Ripper murders and the trial of Lindy Chamberlain, the crime became a cultural phenomenon, exposing deep moral anxieties and enacting illicit fantasies across many levels of colonial society.

I have not attempted the impossible – and, arguably, futile – task of trying to find out the “truth” about the Mount Rennie Outrage – of analysing every alibi and cross-checking every witness statement in order to discover exactly who was guilty of what. My aim, rather, is to explore the half-truths, to piece together the story as it was articulated in a multiplicity of voices both inside and outside the witness box, and in the process to offer a fresh reading of the Outrage.

In the late nineteenth-century newspapers were more diligent in the way they reported trials and parliamentary debates than they are today. Long-winded speeches and even entire debates were often reported verbatim in the next day's papers. Wherever possible I have gone back to handwritten statements, court depositions and sworn affidavits stored at State Records and the Department of Corrective Services.

1. Come with me

On the morning of Thursday the 9th September 1886, Mary Jane Hicks, a sixteen-year-old domestic servant, left her lodgings to look for a job. She had arrived in Sydney about three months earlier from Bathurst. Since then she had been in and out of work. For the past week she had been living with a woman named Mrs Anderson in Dixon Street, Haymarket, in what is now the heart of the city's Chinatown.

The weather was warm and dry, with a morning haze that would scarcely lift all day. According to the *Sydney Morning Herald*, the temperature that afternoon in Sydney was a mild 59 degrees Fahrenheit.

Leaving the house in Dixon Street, Mary Jane set off up the hill towards the city. She was heading for the registry office in Castlereagh Street and could have taken any one of several routes. Rather than the major thoroughfare of George Street, she chose to walk along Sussex Street.

Running parallel to the harbour foreshore, Sussex Street thronged with commercial traffic. According to a tourist guide published two years earlier, "a constant stream of traffic pour[ed] into it from all directions" (Gibbs 1884). The eastern rim of the harbour consisted of "a mass of wharves, with behind them a maze of iron and wooden warehouses and shipping offices, courts and passageways, stables, timber and coal yards, sawmills, foundries, steam mills and other manufactories" (Mayne 1982, p. 11). Sussex Street was the site of Sydney's only woollen mill, as well as various biscuit and confectionary factories, the Colonial Sugar Refinery and Tooth's Brewery (Fitzgerald 1987, p. 24). The air was fouled by chemical works and by the tobacco factories in neighbouring Kent and Clarence Streets. By day the area seethed with the poor and the itinerant, respectable working men and women and disreputable criminals. By night

men lined up at the soup kitchen in Dixon Street, tumbled out of sawdust pubs and trawled for prostitutes in the neighbouring lanes and alleys. Even on a sunny Thursday morning, it was not a salubrious choice for a sixteen-year-old girl walking alone.

Mary Jane had barely walked the length of a block when, near the crossroads with Goulburn Street, a hansom cab pulled over. The time, she said later, was between half past ten and eleven o'clock. The driver asked her where she was going. His name was Charles Sweetman. He was thirty-six years old, from the English county of Kent.

Mary Jane told him she was looking for a "situation" and was on her way to the registry office in Castlereagh Street. Sweetman replied that he was going that way on business for his brother-in-law and offered Mary Jane a lift. He would take her anywhere she wanted to go, he said.

She turned him down. Sweetman, still sitting on his seat outside the cab, asked again, and again Mary Jane refused. Sweetman got down from his seat and joined her on the footpath. According to Mary Jane, he urged her again to get in.

Sweetman remembered things differently. In his version, the meeting in Sussex Street did not take place in the morning but much later. He asked Mary Jane if she wanted a cab, and she answered that she didn't know whether she wanted one or not. She told him she was looking for a situation (they agreed on that) as a day waitress and Sweetman advised her she would be better off looking for a "private place" instead.

Sweetman did not deny that Mary Jane had rejected his initial invitation to go for a drive. But their conversation didn't end there, he said. Mary Jane proposed that they meet later that night and told Sweetman he would have to pay. It was only after he agreed to her terms for an evening rendezvous that she accepted his offer of a lift to the registry office.

According to Mary Jane, once she was inside the cab Charles Sweetman suggested they go out somewhere and spend “an hour or two” together. At the same time he promised to pay for her board and lodging if she desired. Suspicious of his intentions, she refused to go anywhere with him. But Sweetman climbed quickly onto his seat and - although this would have been her opportunity to escape - Mary Jane remained in the cab.

The next few minutes proved that Mary Jane had been right to have misgivings. Sweetman did not take her to Castlereagh Street but instead drove her out of the city. She eventually found herself out near Forsyth’s ropeworks in Bourke Street, in what is now the suburb of Zetland. Close to the intersection of Bourke Street and Elizabeth Street, Sweetman stopped his cab.

Mary Jane later insisted that, being new to the city, she had not realised until too late that the cabman was not taking her to Castlereagh Street. Nor did she know Sydney well enough to understand the significance of the place in which she now found herself.

Not far away Mary Jane could see houses. The noises and smells of a regular working day drifted from the nearby ropeworks. There were people close enough to hear a woman’s scream. Within walking distance was a tramline that ran all the way into the city. But this was no place for an innocent girl.

Plagued with flies and mosquitoes, the area was used as a dumping ground by local residents and factories alike. The high ground, Mount Rennie, was little more than a hill, or series of hills, covered by low scrub and surrounded by marshland, part of the sandy margin that skirted Sydney to the south and east. A race taking water to a wool wash bisected the swamp, which consisted mostly of wire grass and rushes. Another water

race at the southern edge divided this wilderness from the “Chinamen’s gardens” that produced vegetables for the city’s markets.

Within a few years the area would be drained and landscaped to create Centennial Park and ultimately Mount Rennie would be reconfigured as part of Moore Park golf course. But in 1886 it was a squalid place with a squalid reputation. In recent years the newspapers had reported pack rapes in nearby Waterloo and at Mount Carmel.

According to Mary Jane, Sweetman left his seat, got into the cab, and commenced to “take liberties” with her. She screamed, and the sound attracted the attention of a young man about 20 years old. Warning her that the cabman was driving her “to disgrace”, the stranger took Mary Jane out of the cab.

Pointing to a large house on the hill, the young man asked Mary Jane to “come with me” to fetch a coat. He promised to take her to the tram. They began walking towards the house before the young man led her off in another direction.

Again, Sweetman gave a different account. In his version he got down from his seat and lit a pipe before asking Mary Jane whether she would live in a place if he got one for her. She demurred but promised to give him an answer the next time they met. He got into the cab and Mary Jane told him she could not stay long as she was hungry and had not eaten dinner. Sweetman scolded her. If she had only told him she was hungry, he said, he would have given her money for a meal and waited for her.

At that moment Sweetman saw two heads through the window of the cab. He got up and asked the two men what they wanted. They told him to let the girl go, but he refused. As he scrambled back to his bench, one of the young men jumped into the cab. Sweetman tried to drive off but two others grabbed the horse’s head, while the man inside seized hold of the reins, stopped the cab, and pulled Mary Jane out onto the street.

Sweetman was furious. He told the police who arrested him the next day that a number of larrikins had pulled Mary Jane from the cab and pelted him with stones.

Robert Horne, a jam-maker who lived in McEvoy Street, Waterloo, met Sweetman as the cabman whipped his horse along Bourke Street. At the committal hearing Horne recalled the following conversation. Pointing to two men lying down in the scrub, Sweetman had called out: "Do you belong to that push over there?"

"No, why?" replied the jam-maker.

"Two fellows got into the cab and pulled a girl out."

"What sort of a man were you to let them pull her out?"

"Never mind," answered Sweetman. "I'm going up for two policemen and if it costs me 10 pounds, I'll lag them."

Robert Horne then carried on walking towards the "Chinamen's gardens". He saw a man and a girl, who was dressed in pale blue, heading towards the bush and in the direction of Randwick. Shortly afterwards he saw four men running towards the man and the girl. Horne asked one of them "was that the girl they got out of the cab?" and was told it was. Five minutes later he saw the men again but they drove him off. The jam-maker started walking home, across the swamp, and ten minutes later heard a woman scream three times. Having already been warned to mind his own business, he kept going and left Mary Jane to her fate. But he caught a glimpse of one man attempting to throw her to the ground. Four others then rushed up. His last sight was of Mary Jane "running in and out of the scrub".

2. The Outrage

Something terrible happened to Mary Jane Hicks between the time that Robert Horne saw her “running in and out of the scrub” and her rescue, hours later, by the police. A passer-by had seen her being dragged into the bush and, after trying to rescue her himself, had run for help to the nearest police station, at Redfern.

At around 5pm the police finally arrived. According to evidence at the committal hearing, Constable Begg went with Senior Constable Bliss and Constable Woods but the three separated “near the swamp”. When they reached the scrub in the centre of the swamp they “heard a female crying”. Following the sound, they found Mary Jane Hicks, dressed in a blue print dress. “The girl was very much agitated, and her hat and belt and a small bag were lying at her feet; her dress was torn ... she was in a very exhausted condition.” Constable Bliss took her to No 3 police station in Darlinghurst, travelling part of the way by cab. The next morning he went back to the scene of the crime and found “pieces of a woman’s garments, a kid glove, and some wild flowers scattered about”.¹

Despite Mary Jane’s “exhausted condition”, the police managed to take a long statement from her that evening:

No 3 Station

9.9.86

Mary Jane Hicks, 16 years of age, residing at Mrs Anderson’s, Dixon Street, reports that between 11 and 12 Am this date the driver of a cab (No. unknown drawn by a white horse) about 30

¹ Witness statements, trial depositions and other original documents relating to the Mount Rennie case are held at NSW State Records, Colonial Secretary special bundles 2/8095B.2.

years of age, short and stout, with long red beard, moustache and whiskers asked me in Sussex Street where I was going. I stated to the Registry Office, Castlereagh Street. He then said he would take me for a drive. The cab was driven out no-one in but myself beyond the rope factory near [...]'s] wool wash where the cab was stopped and the cabman wanted to get in the cab. I screamed and then 3 young fellows about 19 years of age, who I cannot describe but can identify, came up. One of them took me out of the cab and offered to show me the way to the tram and said the cabman was driving me to disgrace. He then took me through the fence into the scrub where there were about 10 other young fellows, the other two remaining near the fence. He then threw me down and attempted to ravish me. I screamed and two men came to my assistance. The first man ran away. After he ran the young fellows threw stones at the two men who came to my assistance and they left. I then started to go home when I was met by four other young fellows and they were joined by the others and I went away with them towards the woolwash, they promising to show me the way to the tram. The young fellows threw me down there in the bush. I screamed, some of them put their hands over my mouth, some held my arms and legs. I fainted and I believe that ten or twelve of the young fellows ravished me, and some remained until the police came. All the young fellows were about 18 or 19 years of age. They took three shillings from my hand bag. My drawers were covered with blood. I took them off and left them in the bush. I believe they were burnt as the young fellows made a fire.

(NSW State Records)

Given the physical and emotional state she was in, it is hardly surprising that Mary Jane's statement lacked detail, although her description of the cabman - "about 30 years of age, short and stout, with long red beard, moustache and whiskers" – was accurate enough for the police to identify him. Charles Sweetman was arrested at 11pm the following day. But the statement remained unsigned and unwitnessed, as if the policeman taking down her words knew that this was only a provisional account and that more expedient narratives would follow.

At some point during the evening a doctor was summoned to No. 3 police station and asked to examine her. Presumably the purpose of the examination, besides assessing the seriousness of her injuries, was to verify that Mary Jane had in fact been raped. What happened next is recorded on the same handwritten document that contains her statement, making the reader a virtual eye-witness to what took place in the police station on the evening of 9th September.

Sometime after finishing her statement, Mary Jane was taken to another room to be examined by Dr Marsden. She then returned to the interview room. The exact sequence of events is recorded in a matter-of-fact postscript:

After the girl came back from the Doctor she said that one man had been with her before.

Such an admission had the potential to derail the case against her attackers before it had begun. Its significance was acknowledged by the writer with a double line scrawled in the left-hand margin. The physical evidence of Dr Marsden's examination must have been decisive for her to have changed her story. Did she make her admission voluntarily or was she

bullied into it? And what did such an admission mean anyway? Mary Jane Hicks was a domestic servant. She would not have been the first servant girl to be raped – or forced into having dubiously consensual sex – by the master of the house, or by another member of the family. Prosecutions were not common and were in any case largely futile. Judith Allen, in her book *Sex and Secrets*, remarks of late-nineteenth century rape cases in general that “the high rate of pre-trial dismissal of cases by magistrates assisted the discrediting of complainants” (Allen 1990). Since a servant who complained against her employer would be unlikely to receive a good reference (or, perhaps, any reference at all), abused servants often had little choice but to remain silent. Was this the real story behind Mary Jane’s terse admission?

The first report of the assault on Mount Rennie was published twenty-four hours after the event, in the tabloid *Evening News*:

Horrible Outrage.

A GIRL RAVISHED.

ELEVEN PARTICIPANTS IN THE ASSAULT.

A terrible story is to hand this morning of an outrage upon a girl 15 years old. In its horrible details the case differs little from the Mount Carmel and Wolloomooloo tragedies, with the trifling exception that the victim was not murdered.

Mary Jane Hicks, a prepossessing young woman, was driven yesterday at noon by a cabman to a spot known as the “Rubbish heap,” distant about a mile and a half from Mt Rennie. Being apparently in doubt as to her destination she left the cab, and one of a number of young men and boys in the vicinity offered to escort her to the tram line. On the way thither she was the

recipient of indecent proposals from this youth, and on declining his advances was thrown down, and, it is alleged, criminally assaulted by him. Her screams attracted the attention of a person whose name has not transpired, and he rushed to the assistance of the girl. His approach was the signal for a general assault upon him, and stones, bottles, and other missiles were thrown with the object of preventing his intended succour of the girl. He was compelled to leave the scene of the outrage, and then began the terrible scene subsequently enacted. From noon to six o'clock, when she was rescued by the police, the unfortunate girl was in the hands of the brutes, who, with no regard for her helplessness, her entreaties, her shrieks of pain, her lapses into insensibility, proceeded to gratify their carnal appetites.

(Evening News, 10 September 1886)

The perfunctory description of Mary Jane Hicks as “a prepossessing young woman” suggests that the information was second-hand at best. As a factual narrative it was garbled, incomplete and riddled with errors. (Mary Jane was sixteen years old, not fifteen.) The significance of the article lay not in the facts, however, but in how the paper chose to report them. What the *Evening News* offered its readers was not news but high Victorian melodrama – the “terrible story” of an “unfortunate girl” ravished by “brutes”. Its lurid re-enactment of the rape of Mary Jane Hicks went far beyond a factual account of the assault.

In his book *Blood and Thunder: mid-Victorian melodrama and its origins*, Maurice Willson Disher observes that late nineteenth-century audiences were no longer content with “mere ruffianism”: the villain had to actively revel in his villainy (Disher 1949). According to the feminist critic Juliet Peers, the story as it appeared in papers like the *Evening News* was

“clearly meant to be vicariously arousing” and was “almost pornographic” despite its public circulation (Peers 1998). The *News*’s depiction of Mary Jane’s attackers established both the literary and moral framework of the narrative and was quickly emulated by its rivals:

Like wild beasts they tore her clothing from her body, and it was only when a party of police was descried in the distance that the unfortunate victim was left half dead.

(Globe, 11 September 1886)

She screamed aloud for aid, but heedless of her resistance or her appeals for pity, they threw her down and some of them criminally assaulted her whilst others held her.

(Daily Telegraph, 11 September 1886)

The key word “outrage” carried over easily from the tabloid *Evening News* to the broadsheet *Sydney Morning Herald*. Within thirty-six hours of the attack the *Herald* was in a position to name two of the accused, George Keegan and Hugh Miller, both nineteen years old.

TERRIBLE OUTRAGE ON A GIRL.

At about 4 o’clock on Thursday morning a respectable-looking man arrived in a breathless state at the Redfern Police Station, and reported that half an hour previously he had witnessed a horrible scene in Moore Park. He said that he was walking through the scrub in the neighbourhood of Mount Rennie when his attention was attracted by the piercing screams of a female. He rushed towards the direction of the sounds, and shortly came

upon about a score of men surrounding a girl, whose clothing was in a mutilated condition, and who lay prostrate on the ground. Two or three of the ruffians were holding her down while another was criminally assaulting her. He immediately shouted out to them to stop, and ran forward with the intention of rescuing the unfortunate girl, who screamed for help, but he was met by a shower of missiles and emphatic threats that if he attempted to interfere it would cost him his life.

Knowing that it would be worse than useless to attempt to cope with the infuriated wretches he ran away, and made his way with some difficulty across country to the Redfern Police Station, where he told his story as stated. As there were no constables available at the time, the intelligence was communicated by telephone to the No 3 station (Darlinghurst), and as soon as practicable police were despatched from both stations to the scene of the outrage.

When they came within view of the spot it was apparent that the informant's story was true, for the sickening scene described by him was still being enacted. The ruffians, however, were quickly aware of the approach of the officers of the law, and made off with all speed in different directions. Pursuit was given, but, owing to the boggy nature of the ground, and the fact that the police were unacquainted with the locality, the malefactors succeeded in eluding capture.

Their victim was afterwards found in the same spot, in a terribly exhausted condition, with the clothes nearly torn from her body. As quickly as possible her deliverers got her out of the scrub, and placed her in a cab, by which means she was conveyed to the No 3 police station. Here she appeared dazed for

a while, but partially regained consciousness at intervals, during which she was able in a disconnected manner to relate how she came to be in such terrible straits.

She stated that her name was Mary Jane Hicks, and that she was between 16 and 17 years of age. She had gone out to the neighbourhood of Moore Park in a cab, and, afterwards, while walking towards Forsyth's rope manufactory, which is situated at some distance from Mount Rennie, was accosted by some men whom she did not know. She was thrown down and criminally assaulted by one of them, whilst others held her down: and she was assaulted afterwards by a dozen men before the arrival of the police. She also stated that she was a domestic servant, but where she had been residing is at present uncertain.

She was examined by Dr Marsden on the same night, and that gentleman discovered undoubted signs of her having been brutally outraged. There were also bruises on her body. She remained in the care of the police until yesterday evening, when she commenced to vomit blood, and was immediately conveyed to the Sydney Hospital, where she was attended by Dr Fisher. At a late hour last night her condition was somewhat improved.

Since the occurrence the police have succeeded in arresting two men, who have been identified by the girl as participants in the assault. One of these, named Hugh Miller, was arrested about midnight on Thursday, and was brought up at the Water Police Court yesterday and charged with rape. He was remanded till Friday next. Yesterday afternoon George Keegan was also arrested, and will be charged with the same offence at the Water Police Court this morning, when he will probably be remanded till Friday.

Both these men were arrested in Waterloo, and were also recognised by the man who first gave information to the police. The latter are in possession of information which they hope will lead to the detection of the other offenders.

(Sydney Morning Herald, 11 September 1886)

The lurid narrative possibilities exploited by the *Evening News* and the *Globe* (“like wild beasts they tore her clothing”) were handled more delicately by the *Herald* (“a score of men surrounding a girl, whose clothing was in a mutilated condition, and who lay prostrate on the ground”). The *Herald* also took greater care to get its facts right. The times, locations and overall chronology of its account were accurate.

The naming of the accused men reflected a shift from the mythical and melodramatic to the real and palpable. Yet the process also happened in reverse. The greater the demand for hard information, the more the story was distorted by rumour, speculation and fantasy.

In its Saturday edition the *Evening News* published three separate stories about the Mount Rennie Outrage. Under the sub-heading “Further Particulars” it revealed that Mary Jane had been rushed to hospital the previous evening “in consequence of a serious turn for the worse having taken place”.

On making inquiries at the Hospital this morning it was ascertained that she had passed a good night; that the vomiting had ceased, and that she had slept soundly. As a natural consequence she is greatly improved in appearance, and is now progressing favourably towards convalescence.

Death, as the *News* had pointed out in its initial report, was an all too common outcome of attacks like the one on Mary Jane Hicks. But it was also a *literary* paradigm familiar to journalists and newspaper readers alike. No sooner had the *Evening News* informed its readers that Mary Jane was “progressing favourably towards convalescence” than it began actively fantasising about her death:

Mary Jane Hicks, the victim of the loathsome affair, appears at times to be hardly sensible, and it would not be astonishing if the terrible shock which her system has received, added to the brutal injuries which she has suffered, should unhinge her mind, or bring about her death. (*Evening News*, 11 September 1886)

This was not the last time the press would subordinate factual reporting of the case to what Juliet Peers calls the “richly emotional embroidery” of popular romance, in which death, for a woman, was the natural and even morally imperative consequence of sexual ruin (Peers 1998).

The moral ambiguities that surrounded Mary Jane Hicks’s decision to accept a ride in Sweetman’s cab were emphasised by another report published in the same edition of the *Evening News*. According to this account, Mary Jane met “a young fellow” and “after some conversation, consented to take a drive with him in a cab”. While the allegation was uncorroborated, it anticipated accusations of sexual promiscuity that would be used repeatedly against Mary Jane at the trial. A closing reference by the *Evening News* to “the disgusting affair” betrayed the moral confusion - verging on panic - that was inherent in the Mount Rennie story from the beginning.

The *Sydney Morning Herald* did not come out on Sundays, but on Monday 13th September it published a follow-up. Whereas the initial report had been tucked away in the middle of a column, this one leapt out at readers from the top of the page:

*THE OUTRAGE UPON A YOUNG
GIRL AT MOORE PARK.*

STATEMENT MADE BY THE VICTIM.

EIGHT MEN IN CUSTODY.

The atrocious outrage perpetrated upon a young girl in Moore Park on Thursday afternoon last has been a theme of general comment during the last few days. In connection with the horrible affair there are very few developments to record at the present time. The police are actively engaged in following up various clues which may lead to the identification and subsequent punishment of the offenders, of whom, it is stated, there are eleven. Up to the present time eight arrests, including that of a cabman, have been effected. Those of the prisoners who have not been before a magistrate in a police court in connection with the case will be charged with the crime to-day, and will probably be remanded till Friday next in order that they may appear in court with the other men who have already been remanded till that day.

The victim of the assault is still an inmate of the Sydney hospital. Her condition yesterday had greatly improved. The girl is youthful in appearance, plain, and altogether unattractive. Her general bearing, however, is by no means repulsive.

Dr Marsden, the medical man who examined the girl shortly after she was taken charge of by the police, states that there was then every sign that she had immediately beforehand been grossly ill-used. Dr Marsden, however, having been professionally called in by the police, courteously declines at the present juncture to make public a statement as to whether the girl had previously been a party to an act of immorality. Evidence upon this time will be given by him in the Police Court so soon as the charges made against the prisoners now in custody are proceeded with.

(Sydney Morning Herald, 13 September 1886)

While maintaining that there were “very few developments to record at the present time”, the *Herald* was able to break the dramatic news that six more men “including ... a cabman” had been arrested and that another three were still being hunted by the police. The report contained the first significant description of Mary Jane Hicks’s physical appearance (“youthful ... plain, and altogether unattractive”) since the *Evening News*’s off-hand description of her (obtained from a policeman, perhaps, or from Dr Marsden) as “prepossessing”. That the two descriptions of Mary Jane flatly contradicted each other was indicative of the divisiveness that would become even more apparent once the case went to trial. Repugnance for the crime and the criminals did not preclude repugnance for the victim. The *Herald*’s disdainful portrait of the still hospitalised Mary Jane Hicks revealed as much about the paper, its journalists and its readership as it did about her. To the *Herald*, Mary Jane was the “plain, and altogether unattractive” embodiment of a sordid sexual history, partially (but only partially) redeemed by her “by no means repulsive” bearing from the unpleasant implications of that history. During the trial the *Globe* would

describe Mary Jane Hicks as “a little girl, less in size than her recorded age would denote” (Globe, 24 November 1886). Yet J.F. Archibald, many years later, remembered her as “a well-developed girl, daughter of a disreputable woman then under sentence in Townsville gaol” (Archibald, notebooks vol. 5) – an allegation for which the celebrated journalist and editor cited no evidence whatsoever. Was she “prepossessing” or “unattractive”? Was she “little” or “well-developed”? In a sense, as we shall see, Mary Jane Hicks was all those things at once.

So far what little the public knew about the events on Mount Rennie had come from information given to the police by Mary Jane Hicks, broadly confirmed by the results of Dr Marsden’s examination. On 13th September the *Sydney Morning Herald* laid before its readers a long and detailed “statement” by Mary Jane recounting “the circumstances attending the fate which overtook her on Thursday last”:

On Thursday morning last I left Mrs Anderson’s house, in Dick-street, to try and find employment; while I was walking along Sussex-street, near Goulburn-street, a cabman called to me and asked me where I was going to; I said that I was going to look for a situation, and that I was first of all going to a registry-office in Castlereagh-street; the cabman replied that he was going that way, and that he was going to try and find a house for his brother; the cabman, while remaining in his seat, asked me to get into the cab, and told me that he would drive me wherever I wanted to go; I twice refused his offers; afterwards the cabman left his seat and got onto the footway with me; he was a middle-aged man, not very tall; he had a red beard; after he got off his seat he told me to get into his cab; I then got into the cab, and asked him where he was going to drive me; the man replied

“We’ll go out somewhere and spend an hour or two”; he further said that he would pay for my board and lodging if I desired it; I told him that I would not accompany him; he then took his seat and drove off; I did not have time to get out of the cab; the cabman drove across George-street and up to Moore Park; at Moore Park he left his seat, came into the cab, and commenced to take liberties with me; I screamed loudly, and this brought a young man, apparently about 20 years of age, to the spot; he offered to show me the way to the tram line, and said that the cabman was driving me to -----; at that time two other men were standing a short distance away; the cabman resumed his seat, and at once drove off; I accompanied the young man who offered to show me my way; he took me into the bush, near some premises which he said were called the Rope Works; he then said that he thought I must feel tired, and asked me to sit down for a little while; he said that if I rested he would gather me some flowers; I sat down for a little while; after picking some flowers, the young fellow went and spoke to four or five other young men who were standing not far away; he then returned to me, and gave me some flowers; shortly afterwards he endeavoured to commit a criminal offence upon me; I screamed, and thus attracted to the scene two men, who came from a totally different direction to that in which the other four or five referred to had been standing; upon these two men coming to rescue me the person who had tried to assault me ran away; the four or five men from the bush rushed upon the two men who had come to my aid, threw a number of stones and old boots at them, and drove them away; the young fellow who had endeavoured to assault me, together with the other four or five persons, then offered to show

me the way to the tram line so that I could return home; I accompanied them because I thought that if I refused they would compel me; they took me farther into the bush, and, after breaking up some of the scrub threw me upon it and assaulted me; I saw the faces of four or five of the persons who assaulted me; after seven or eight men had assaulted me I became unconscious; I did not at the time of the assaults see the faces of all the men who committed the offence; this was because my eyes were covered while some of the men were assaulting me; I saw additional faces after I recovered my consciousness, and while the men were starting to run away; the police came upon the scene shortly afterwards; when I recovered consciousness I was sitting on the ground and leaning against a tree; I felt very ill; I had very little clothing on my stockings were hanging up as if to dry; they had been washed; my dress had been taken off, and had been torn to pieces; I was tidily dressed when I left Mrs Anderson's house that morning; before the policemen came to me in the Park, the men who had assaulted me had run off; I was driven in a cab to the Darlinghurst police-station, and was there examined by Dr Marsden; I slept at the police-station that night, and was well-cared-for while I remained there; while at the station, I showed a bruise on the upper part of each of my arms to the police; I have no recollection of being removed from the police-station to the hospital; I expect that I was in a faint at the time; I have never cohabited with men of questionable character; up to the time of the occurrence at Moore Park on Thursday last I had maintained purity of person.

(Sydney Morning Herald, 13 September 1886)

Unlike the statement given by Mary Jane on the evening of the 9th, the original of this one has not survived. She was rushed to Sydney Hospital vomiting blood on the evening of the 10th, so the statement must have been taken earlier that day or while Mary Jane was a patient in the hospital. Readers were told that her condition had “greatly improved” on the 12th.

But the words published by the *Herald* were clearly not Mary Jane’s. By comparison with the artless simplicity of the first statement (“I screamed, some of them put their hands over my mouth, some held my arms and legs”), the second statement is stilted, detailed and forensically precise (“I screamed, and thus attracted to the scene two men, who came from a totally different direction to that in which the other four or five referred to had been standing”). It resembles a trial deposition – a coached statement - rather than a spontaneous recollection of events. Perhaps it was dictated to her by the police.

The real purpose of Mary Jane’s second statement is apparent from its closing remark: “[U]p to the time of the occurrence at Moore Park on Thursday last I had maintained purity of person.” This declaration contradicted Mary Jane’s admission to the police on the evening of the assault that “one man had been with her before”. It also contradicted the journalist’s strong insinuation (“Dr Marsden ... courteously declines at the present juncture to make public a statement as to whether the girl had previously been a party to an act of immorality”) that Mary Jane was not a virgin on the day she was raped.

Such a revelation, so soon after the event, would have had a profound impact on how the press reported the Outrage – and on how the public read it. Prostitutes were known to frequent the area near Mount Rennie. Her going there with Sweetman invited scurrilous speculation.

Mary Jane's repudiation of her earlier admission looks very like an exercise in damage limitation – an attempt to rebut gossip about her sexual history.

The artifice of Mary Jane's second statement points to an important feature of the narrative as it evolved in the days and weeks following the rape: namely, that Mary Jane's ownership of her story was tenuous at best. She was one of many authors and her evidence was only one element in a complex and fragmented narrative.

Although the police knew that "one man had been with her before", they had good reasons for maintaining the fiction of her sexual innocence. On the 13th September, when the *Herald* published Mary Jane's second statement, several suspects were still at large. Some of those in custody were yet to go before a magistrate. The less room the police allowed for moral ambiguity in the story of what had been done to Mary Jane Hicks, the harder life would be for the men accused of doing it.

As the paper of the establishment, the *Sydney Morning Herald* wanted the perpetrators of the Mount Rennie Outrage caught and punished. But its reporting was shaped by cultural as well as practical imperatives. The Outrage was a crime but it was also a story, a fantasy, even a morality tale. Casting Mary Jane as a sexually innocent "girl" invoked the familiar literary stereotype of the ruined virgin, even as the paper hinted to its readers that Mary Jane might not be a virgin after all. Like many a rape victim since, Mary Jane represented both a romantic fantasy and its negation.

3. Oh Christ, here's a policeman

Four days after Mary Jane Hicks was attacked on Mount Rennie, a jockey named Thomas "Wobbity" Smith gave the following statement to the police:

About 1pm on Thursday 9th Sept I was with a young fellow named Brown at the "tip" back of Mount Rennie when we met another young man named Job Evans. We had some conversation about going to Botany and started, but after going some part of the way changed our minds. We turned back and were going in the direction of Irishtown, heard a scream, like that of a woman, proceeding from the scrub about a quarter of a mile on the west side of the Bunnerong Road. I and my two mates ran through the scrub and saw about 16 or 17 young fellows around two men, sticking at them with sticks and stones. At the same time I also saw a young woman about 16 years of age dressed in a blue dress, parasol in her hand, and she appeared to be waving it about as if for assistance. She also had a little bag in her hand. She was about 5 yards from the men and I was also about the same distance. She appeared to be in trouble, her dress was all over sand and dirt and tumbled about, her hair was hanging over her face. The men appeared to be trying to keep the fellows away from the girl, but at last the young fellows were too many for them and they had to run away. (The man Stanley that I have seen at Redfern Station is one of the men that were trying to help the girl.)

Two of the young fellows I knew by name viz. Duffy and Manning or "Mangan" – the others I knew by sight as they

belong to the Waterloo "Push". I saw Duffy chase Stanley up a hill with a stick and heard him say "Hold on, you big bastard" but Stanley kept on his way, but Duffy managed to strike him with the stick, and then came back to the crowd. The young fellow Michael Mangan or Manning, now in custody, had a stick and piece of brick in his hand and was one of them that had been beating the two men. The man who had been with Stanley had been defending himself with a knife and struck one of the crowd, named "Connolly" in the back and tore his coat. Another fellow named Manning dressed in black clothes and yankee hat and a young man who had on a pair of black and white check trousers, black coat and vest and masher hat, took the girl away into the scrub.

I had parted from Job Evans and could see more than he did. I was about 30 yards from them there. I saw the men walking one on each side of the girl, one with his arm round her neck, the other with his arm round her waist. As soon as they got into the scrub the one with the masher hat tripped her and she fell forward on her hands and then rolled on her side. She began to scream. Mangan knelt down and put his hand over her mouth. I was about 7 yards away and heard him say, "The bastard bit me" and thumped her in the chest. The fellow with the masher hat lifted up her clothes and she started kicking and he called out to Duffy who was about 50 yards away. Duffy came over. The fellow with the masher hat told Duffy to catch hold her legs. He did so and the masher fellow undid his trousers, took out his person and having the girl's clothes up, had connection with her. He got off her, and then Duffy undid his clothes and had connection with her, Mangan and the masher hat fellow still

holding her. The masher fellow called “three more” and three came over from the crowd. While I stood there Duffy came over to me and asked what I wanted there. I told him “nothing”. He said if I did not move away “I’ll give you a kick in the arse”.

I went away about 25 yards and stayed away for 5 minutes, and coming back I saw one wearing a light shirt, greyish trousers, brown vest with pearl buttons and a masher hat in the act of getting off the girl, and buttoning up his pants, while another was in the act of undoing his trousers. I left and soon after heard someone call out “three more” and I saw three more go over to where the girl was lying. The girl was sweating – her hair over her face, she could not move nor speak – and was frothing at the mouth. I went away about 70 yards where Job Evans & Brown were sitting, and saw two of the last three men come over to where we were sitting and said to the two young men who were sitting about 10 yards from us, “Go on now” and they did so. These two were as follows: one about 17 or 18 years of age, about five feet 2 or 3 high, dressed in black hat, light pants and waistcoat, elastic side boots and he had very dark hair. The other was about same age and size and wore brown striped trousers and checked shirt and laced up water tight boots and red silk handkerchief round his waist and a white handkerchief on his neck. When these men went over to the girl we, viz myself, Evans & Brown, left. I saw these two fellows kneel down against the girl and she appeared to be in a horrible state, in fact I thought she was dead.

We then went to Deaf Adder Hill facing Irishtown and could still see the girl on the ground. She was by herself and the young fellows that had been doing what I described sat down on a hill

about 70 yards from her, and began playing “knifey”. One then got up and said, “Oh Christ, here’s two policemen” and the whole lot of them ran away and I then ran away for fear that the police might think I had been in the affair. At the time that we were proceeding in the direction from whence the scream came I found a pair of girl’s drawers on the ground. They were torn to pieces and smothered in blood – it was quite fresh and slimed all over. I had heard the young man (Manning) not yet arrested say to the others “I pulled her out of the bloody cab”.

(NSW State Records)

After Mary Jane Hicks herself, Smith and Stanley were the two most important witnesses for the Crown. In the words of one defence barrister, Mr Moriarty, Smith was an “intelligent, good witness”. In the words of another, Mr O’Mara, he was an “unmitigated liar”.

Smith had got his nickname, “Wobbity”, from a horse he’d ridden at the Christchurch races in New Zealand three years earlier. Wobbity won the race after another horse, Nelson, gave up the lead. It turned out that both horses had the same owner. Nelson’s jockey was disqualified for what looked like a rigged result. Anxious not to be implicated, Smith fled New Zealand before he too could be disqualified. He wound up in Sydney and, by his own account, sometimes went hunting for snakes around Mount Rennie.

When the case came to trial the defence made much of Thomas Smith’s criminal tendencies (as well as the race-rigging affair, Smith had been arrested and gaoled for stealing a pair of trousers) but Judge Windeyer dismissed their concerns, insisting that Smith’s “bad character” had “no bearing on the question of [his] ability to identify any of the prisoners”.

If Smith's credibility as a witness was not compromised by his personal history of petty crime, it was nevertheless undermined by his behaviour during the attack. Close enough to see and hear everything that happened, Smith made no attempt to intervene, despite the fact that he knew (and was known by) several of the men involved. Just as Mary Jane's narrative was read in the light of her having accepted a ride in Sweetman's cab, so Smith's was read in the light of his having watched a girl being savagely assaulted without lifting a finger to help.

Close reading of the signed statement, witnessed by Senior Constable William Bursey, offers useful insights into the piecemeal process by which the broader narrative of the Mount Rennie Outrage was constructed.

During his interview with Senior Constable Bursey, Smith appears to have responded to specific questions ("I went away about 25 yards and stayed away for 5 minutes") as well as to general prompting. Despite being led in his evidence, Smith was circumspect about naming the perpetrators and claimed to know only "two of the young fellows ... by name". Their names ("Duffy and Manning or Mangan") were the only two he mentioned in his statement. The others, he told Constable Bursey, he "knew by sight".

Four days elapsed before the police managed to bring in Wobbity Smith for questioning. During that time Smith had tried to make himself scarce. News and rumour about what had happened on Mount Rennie would have raced through the close-knit and intermarried working-class population of Waterloo and neighbouring suburbs. With some of the tabloids already calling for blood, friends and relatives of the accused would have been able to guess what was at stake for anyone convicted of the crime. At the time of Smith's interview, police were still rounding up suspects.

Smith's own status is ambiguous. In his statement he is described simply as a "jockey residing at the Agricultural grounds". He lived in the area, hobnobbed with its rowdier elements enough to know a few names, but did not belong to the community in the way the accused men did. Whatever the faults in his own character, it seems clear that he was at most a peripheral member of the group, tolerated at a distance but threatened by Duffy with a "kick in the arse" when he got too close. Smith had seen another witness, William Stanley, beaten up and chased away after his attempt to rescue Mary Jane. Given his behaviour at the time of the attack, it is unlikely Smith would have given evidence voluntarily.

How accurate was his account of the rape? Smith's vivid description of the scene ("I saw these two fellows kneel down against the girl and she appeared to be in a horrible state, in fact I thought she was dead"); his use of direct speech ("[I] heard him say 'the bastard bit me' and thumped her in the chest") and his odd failure to paint himself in a more flattering light over his refusal to intervene, give his statement a macabre verisimilitude. His narrative feels mediated rather than original, his own words laced with police jargon ("at the time that we were proceeding in the direction from whence the scream came") but the probability remains that Smith was there and saw most of what he claimed to have seen. But had he seen enough to convince a jury?

The Mount Rennie Outrage challenged the authority and the efficiency of the central institutions of state: the police, the courts and the government itself. Many saw it as a moral and even existential challenge to colonial society. The attack by a dozen working class youths on a defenceless girl, in broad daylight and on the outskirts of a prosperous city, was an attack on the very values that underlay that prosperity. It threw into question some of society's deepest beliefs about itself, reviving old anxieties about the colony's criminal origins and about its capacity to

survive and regenerate independent of the Mother Country. The youths who committed the rape were, after all, literally its future.

As a result of its convict roots, the colony's sense of itself – as articulated in newspaper editorials and letters to the editor, and in parliamentary debates reported by the press – was closely tied to its consciousness of crime in its midst. As late as 1897 the Mount Rennie Outrage was cited - alongside such unrelated events as “the attempted assassination [of the Duke of Edinburgh] at Clontarf, the drunken brawls in the corridors or on the floor of the Assembly” - as evidence of “a lingering badness in the blood”. According to no lesser authority than the Chief Justice of New South Wales, “Sydney has a local blackguardism peculiarly its own” (Sydney Morning Herald, 16 June 1897).

Crime – even petty crime – was an active measure of the depravity or improvement of society and was diligently reported by the press, not as a detached event but as a phenomenon that bore directly on the thoughts and feelings of every reader.

ANOTHER SHOCKING SUICIDE.

Another of those acts of self-destruction which have so frequently of late called forth feelings of public horror, gave rise to an inquest which was commenced at the Assembly Hotel at 2.30 this afternoon. Mr H Shiell conducted the enquiry, and the jury were first taken to the Sydney hospital where the body of the unfortunate man George Stafford, lately waiter at the Richmond Hotel, Riley-street, Woolloomooloo now lies. There was an immense gash in his windpipe, and although that clever outcome of modern medical science, the larynxotomy, was performed, he died in the Sydney hospital at 1.10pm yesterday.

From the evidence adduced, it appears that deceased was found in his bedroom by his sister, Mrs Partridge, wife of James Partridge, licensee of the hotel, with his throat cut. Constable Enright was called in and found Stafford lying on the floor in a pool of blood, with a blood-stained razor beside him. Stafford was able to speak, and told the constable he had inflicted the wound himself.....

Maria Jane Partridge, sister of the deceased, identified the body, and deposed that Stafford had lived with her for nearly five years, and assisted her in the business of the hotel. He had not been drinking to excess lately, but some larrikins had beaten him on the head, and he seemed very queer in his head afterwards, and wandered in his mind ... Witness then went into the room, and beheld the dreadful sight of the deceased lying on the floor, by the side of the bed, with his throat gashed and a great quantity of blood on the floor about him. Witness said – “Oh, George, what have you done?” but he did not answer.

(Globe, 23 November 1886)

The writer expects that those advertised feelings of “shock” and “horror” will be shared by the reader. George Stafford might have been beaten senseless by “larrikins” but in taking his own life he committed an offence against decent society.

The *Sydney Morning Herald* took a more sober approach to the reporting of crime: its tone was generally less declamatory, its language less florid. A modern reader, however, would be astonished by the sheer amount of space devoted to court proceedings, from acts of drunkenness and abusive language to murder cases. The following paragraph comes

from the same edition that contained the first report of the Mount Rennie
Outrage:

Mr Buchanan, SM, presided at the REDFERN POLICE COURT. Annie Gardiner and Sarah Frazer were each fined 20s or seven days for drunkenness, and £5 or three months for making use of obscene language. Mary Healey was fined 20s or seven days for being drunk in Cooper-street, Waterloo, and 40s, or 14 days, for obscenity in the same location. James Riley alias Hart, George Cox alias Williams, Mercy Harvey alias Carvey, and Agnes de Souza alias Marshall, who were committed for trial on Wednesday for brutally assaulting Constable Coutts, were further charged with obstructing Constables Meyer and Coutts whilst in the execution of their duty. It will be remembered that the constables went to the house to arrest a woman named Ann Williams, for whom they had a warrant, and were maltreated shamefully by the prisoners. Riley pleaded guilty to the charge, but others stated in denial that the police failed to produce the warrant and gave provocation in other ways. Their story was, however, disbelieved, and they were each sentenced to six months' imprisonment with hard labour. Edward Whelan was sentenced to two months' imprisonment with hard labour, for assaulting Constable Beer while in execution of his duty. Mary Chapman and Emily Scott were each sent to gaol for three months, with hard labour, for having insufficient lawful means of support. John Uhde alias McAlpine, was charged with fraudulently obtaining from Berthold Keuth the sum of 2s 6d by means of a false pretence. Evidence was given to show that the prisoner represented himself as a canvasser for a fictitious

printing firm, and obtained an order from the prosecutor together with 2s 6d deposit. He was sentenced to three months' imprisonment with hard labour. Peter Corcoran was fined £5, with the alternative of two months, for stealing sand from the borough of Alexandria; four Chinese market gardeners named Foo Sing, Tuck Hop, Dick Quum Tong, and Gow Yen were charged by the inspector of nuisances for Alexandria with permitting noisome matter to remain on their respective premises. It was proved that the defendants had pits filled with nightsoil in their gardens, causing an intolerable nuisance. They were each ordered to pay a fine of £3, or to go to gaol for two months. (Sydney Morning Herald, 11 September 1886)

Cases heard at Redfern Police Court came predominantly from nearby working-class inner-city suburbs including Redfern itself, Waterloo and Alexandria. They frequently involved women and foreign migrants, especially Irish and Chinese. The daily inventory of crimes committed by the lower orders tapped into powerful middle-class fears about the rise and consolidation of Sydney's "criminal classes".

The apparent perpetuation across time of shared evils like drunkenness, crime, sexual licentiousness and parental neglect, suggested to concerned middle-class observers the presence within Sydney of a semi-autonomous and inherently antagonistic cultural underworld, whose potential for destabilising existing society was made plain by its competition with dominant bourgeois attitudes and behaviour. (Mayne 1982, p. 110)

The Mount Rennie Outrage would have been shocking enough if it had been an isolated case. In fact it was the latest and most brazen in a sequence of sex crimes going back several years. Similar outrages at North Shore, Ultimo, Mount Carmel and Woolloomooloo – the last two ending in the victim's death – had resulted either in acquittal or moderate prison sentences for the perpetrators. These perceived miscarriages of justice would play a crucial role in the Mount Rennie trial.

Twenty-four hours after giving his first statement, Wobbity Smith was taken before a magistrate. The statement he gave to the magistrate was strikingly different to the one he had given the police. The names Smith had such trouble supplying on the 13th gushed out of him a day later.

I saw about 18 persons young men fighting with knives and sticks. I saw the girl there she was walking with prisoner Miller and the bloke they called Mangan - he is the prisoner called Mangan – they took her across the bog into the scrub then I saw Miller try to toss the girl. They got her into the scrub, then prisoner Hill got on top of the girl while Duffy & Newman held her. One held her mouth (it was the prisoner Duffy) to keep her from screaming and Newman held her legs. I would know the girl again. She had a blue dress on and was carrying a little bag and a parasol, with the parasol she was waving and cooeing, as if for protection.

[At this point Mary Jane Hicks was brought into the room]

The young girl called in is the one I then saw. Hill remained on her about 10 minutes when Hill got off he stood

aside about a yard off and Duffy got on. Duffy remained on about the same time. The girl was frothing from the mouth and seemed to have lost all control of herself. Newman held her legs. All the others were planted round the bushes, the girl could not see how many there were, she could not see them lying as she was on her back. Three of them were near when she was first thrown down. Newman, Duffy and Hill – the three of them had connection with her. I could see each of them on top of her I could see by the motion of their bodies they were having connection with her. Hill stopped with the girl and Duffy and Newman went away through the scrub towards the rope works. I was 10 or 13 yards from them in the scrub watching. I did not see Duffy or Newman after that, it was between 2 & 3 in the afternoon.

Whilst Hill was remaining, three others came up viz. Donnellan, Oscroft and Martin, they came out from the scrub one by one, the girl was lying on the ground on her back, Hill was with her, the three of them went over to her, when they arrived Hill went away I don't know where to, I did not watch him. The three Donnellan, Oscroft and Martin each had connection with her. Donnellan was first, Martin went, and then Oscroft. I saw every one on top of the girl her clothes were up all the while. I have seen the young fellows before. Of the six I have stated had connection I had seen Duffy, Donnellan, Martin, Oscroft, Newman and Hill. I have seen them about Irish town on a Sunday yapping.

When I first arrived I saw the 18 young men fighting with a man named Stanley, he was trying to take the girl's part, he got battered about by them and ran away up a hill, that was before

any of them had connection with her. Some of them followed the man viz Duffy, Newman & Donnellan chasing him away and saying hold on you big bastard. Donnelly [sic] had a sapling in his hand, Duffy Newman and Donnelly struck him, nearly every one had a stick some had knives and one or two had half bricks. Mangan I believe had a sapling.

Another man was with Stanley he was a big man, he got struck too and he got away. He tried to defend himself. Stanley and he had nothing in their hands. Brown & Evans remained they were not as near as I was. They could see but not so well as I could.

The girl screamed after we got over she screamed while the two young men were taking her over they were trying to toss her one had her by the neck and one by the leg trying to toss her. Duffy had his hand over her mouth and said the bloody bastard bit me and he thumped her on the chest, Newman pulled her clothes up she was on the ground at the time she could not do anything the way they had her fixed. I can't say Newman said anything she was kicking and Hill whilst he was on top of her said hold her legs. Each unbuttoned his trousers. One of the second three called out "three more", I don't know who it was, and then they came on, one said to me (it was Duffy) "If you don't clear out you'll get a kick in the arse." I went over to Brown and Evans and then returned but without them. I kept a little further away. I still saw the girl lying on her back and one of the third lot on top of her I cannot tell who it was it was too far off. I had some conversation with Evans and stood there about 5 minutes the girl still lying there on the ground she did not seem to move and no one attempted to assist her up.

I saw all the men who had connection with her leave the place, they were all standing on a bit of a hill about seven of them. Duffy called out “Oh Christ here’s a policeman” they then scattered and ran off. At the last I saw only seven. Three went away in the first instance then the second lot. I’m sure it was Duffy cried out. I found a girl’s pair of drawers full of blood about 50 yards from where there was fighting. They were torn about and slimed all over. It was about 85 yards from where she was assaulted.

I heard one of them say I pulled her out of the bloody cab. Duffy, Martin and Donnelly were then together they stood on the hill where we were. That was before any assault took place. I did not know up to then that she had been in a cab. Six I saw had connection with her Newman O’Connor Douglas, Fuller, Mangan and Keegan were present amongst the 18 young men after the fight I could not see where they went. I did not say Keegan was not there. (NSW State Records)

The statement was signed by both Thomas Smith and the magistrate, Mr Addison. By the look of his signature, Smith was barely literate. (He even mis-spelt his own name, leaving the “s” off “Thomas”.)

A handwritten note at the bottom of the page - “Remanded until Monday next at 10 am” – implies that Addison did not trust the key prosecution witness to appear in court unless he was held in custody. But another explanation is possible: that Wobbity Smith was being locked up for his own protection.

4. For God's sake, save me from these men

Wobbity Smith was the last man likely to come between Mary Jane Hicks and her attackers, and no doubt they knew it. It appears not to have worried them that Smith was an eye-witness to everything that happened that afternoon. But the Waterloo Push was not alone in believing itself to be above the law. Even in the heart of the city, larrikin gangs robbed and assaulted with impunity:

[T]wo young fellows brushed up against me, one of whom seized my walking-cane. I indignantly demanded it back. Instantly I was set upon by about twenty ruffians, who appeared to spring from every nook and corner about me. I attempted to raise the cry of Police! But a tightening round my throat caused me to desist. Resistance would have been worse than madness.

My pockets were rifled, and after stealing everything worth having, the bravadoes made off to spend, I suppose, their ill-gotten gains as best they wished.

During the time the attack was being made, two civilians – one a cab-driver – stood quietly looking on, and three women were also in the vicinity. None of these offered to render any assistance whatever.

I remonstrated with the cab-driver afterwards. He told me he dared not interfere or call the police, as he was too well known to the push.

(Murray 1973, pp. 152-3)

The Waterloo Push was one of Sydney's most notorious. That they were a gang to be feared is clear from Sweetman's wary question to the jam-maker, Robert Horne: "Do you belong to that push ... over there?"

While Wobbity Smith was too frightened to raise a hand to the "talent", there was another man who would. His name was William Stanley and he was the only passer-by to make an effort to rescue Mary Jane Hicks. Like Mary Jane, Stanley was a relative newcomer to Sydney. Like her, he was looking for work that day. According to his evidence at the committal hearing, he didn't know the push, and they didn't know him. This is what he told the court:

I am a shipwright residing at Eveleigh Street, Eveleigh [Redfern]. I have been in Sydney about 10 months. I came from Liverpool, England. On Thursday the 9th instant between 2 & 3 pm I was in the bush with another man about $\frac{3}{4}$ of a mile from the Bunnerong Road, the man was a stranger to me. I was sitting down having a smoke, I was a stranger to that locality, I had been in Randwick to look for a job & was on my return. I met the man & was talking to him - when seated I heard a scream from a woman as if in distress.

When I heard it I jumped up & so did the man & we ran in the direction of where the scream came. On our arrival I saw three men holding a girl down. They appeared between 18 & 20 years old. The girl had on a light blue dress, brown hat & was carrying a little bag - she had on striped stockings & white drawers - the girl Mary Jane Hicks now brought into court is the same. Her hat was lying on the ground beside her. I was about 50 yards from her when I heard the scream, all the time we were running towards her she was screaming. When I got there she said "For

God's sake, save me from these men" – I asked the men what they were doing – she was lying on her back on the ground. One of the men was holding her down by the head with one hand & the other was holding her clothes up. I identify the man it was the prisoner Keegan. The second man was holding the girl's legs open, it was prisoner Miller he was on his knees one hand held each of her legs & the third man was between the legs of the girl & leaning over – he ran away he is not amongst the prisoners. He was about to have connection with her, one hand on the ground to steady himself. I did not see his face.

Keegan & Miller appeared dumbfounded for a time. I got a good look at them they remained some moments. I said "what the hell are you doing with the girl?" One said "nothing, sir". They ran away 5 or 6 paces to where 7 or 8 young fellows were standing. I raised the girl on her feet, she was crying bitterly. I turned my back on her while she adjusted her dress & had a look at the other fellows. She asked me once or twice to take her away from them. I said I would. The young fellows stood in a kind of half circle 7 or 8 paces from me.

I left my coat, hat & pipe with the man when I first heard the scream. I asked him to go for the things & I remained in front of the girl for her protection. I got my coat & things, I said to the girl "come on". She caught hold of me & went along. We got about 50 paces when I got hit in the back with a stone. Some one of the crowd said "what the hell do you want to interfere, you son of a bitch?" 15 to 20 young fellows were gathered round. I turned round & struck the first one near me. I struck him in the face & he fell down. He is not amongst the prisoners. The girl was still at my side under my protection. Some one of them came up &

took hold of the girl - it was prisoner Hill – to drag her away. I did not say anything. It took me all my time to protect myself. Most of them were armed with sticks & other missiles.

The following day I went to the ground & found the knife produced [*put in and marked A*] close to where I found the girl lying. The knife is now as I found it in a sheath. Hill dragged the girl from me whilst I was walking the girl away from them. I heard whistling & shouting. I struggled with them & hit – I turned around & saw the man my mate running away over the hills. Hill took the girl in the same direction as I was going amongst some low bushes. She was struggling & screaming there were 2 or 3 dragging her along making her go with them. I recognise only Hill of these 2 or 3. I was knocked down I was fighting all the time in the defence of the girl, there were 13 or 14 of them at me - the girl called out “For God’s sake, save me” as she was being dragged away.

I remained a little while & finding there were too many of them or me I ran away. I can identify other of the prisoners as being there viz Duffy Douglas Fuller & Newman. I had never seen any of them before. From the time I saw the girl she was resisting the men. I went away in search of a constable or a police station. I found the Redfern station & from what I was told I returned to the place in the bush when running away from the men I looked & saw the girl with several fellows around her. She was trying to get away.

On my return I found the girl about ½ a mile from where I first saw her. The policeman brought her out, she was exhausted & weak, she could not stand, her clothes were all torn. She could not speak much - she was hysterical - I got to the Redfern Police

Station at 5 minutes to 4. I returned direct to the girl & got to her about 5 o'clock. I then went with another constable towards the wool wash. I did not notice any one running after my mate.

(NSW State Records)

The piecemeal release of official information in the days following the Outrage allowed the daily press to create its own narrative, steeped in the language and conventions of popular melodrama. Juliet Peers has referred to the Mount Rennie Outrage as a “quasi-literary production” (Peers 1998). The *Sydney Morning Herald* referred to a witness (unnamed, but surely Wobbity Smith) “who had apparently, amidst the confusion and excitement of this horrible scene, been a spectator, critical but calm as an old theatregoer before a well-known play” (*Sydney Morning Herald*, 29 November 1886).

Described by the *Globe* as “the one man in that company of savages ... a man amid a gathering crowd of brutes” (*Globe*, 7 January 1887), the gallant Stanley represented an antidote to the shabby and disreputable Smith. But as a romantic hero Stanley unfortunately failed the test: instead of saving Mary Jane Hicks he saved himself and ran to the police for help.

His approach was the signal for a general assault upon him, and stones, bottles, and other missiles were thrown with the object of preventing his intended succor of the girl. He was compelled to leave the scene of the outrage, and then began the terrible scene subsequently enacted. (*Evening News*, 10 September 1886)

Unsatisfactory as he proved to be, Stanley was the only hero the press had. When his real-life deeds fell short of the heroic ideal, other exploits had to be imagined. Newspaper reports played up – or made up –

the mortal dangers he had faced by confronting the mob, with the *Evening News* transforming the unemployed shipwright into a kind of mythical revenger:

[I]t was just a mere chance that the man who tried single-handed to rescue the girl did not lose his life in the attempt. What a pity it is that he had not a six-shooter handy. If he had had such a weapon, and had made every shot tell, he would have deserved the grateful thanks of every true-hearted man throughout the length and breadth of Australia.

(Evening News, 13 September 1886)

Like Mary Jane Hicks, William Stanley was not just a participant in the Mount Rennie Outrage; he was also a character in its literary re-enactment, answerable to a romantic ideal against which he was inevitably found wanting. In the months ahead, as Stanley himself became the subject of journalistic scrutiny, he would pay dearly for this failure.

5. Not one should be allowed to escape

Before the Mount Rennie boys existed in the public mind as individuals, they existed as larrikins, members of what the *Herald* described as “a recognised and defined class” (Sydney Morning Herald, 29 November 1886).

Larrikins, the *Sydney Mail* explained, were a class of men “not restrained ... by religion, or morality, or humanity, or the fear of losing social caste, or the terrors of the law ... They are surrounded by influences which would all tend to make them better men; but, unfortunately, they are not attracted thereto. The liberty they possess degenerates into license, and their leisure is given to idleness and vice” (Sydney Mail, 18 September 1886).

The *Evening News* identified the Mount Rennie Outrage as “an astounding instance of hideous ruffianism ... a terribly significant illustration of the spirit which animates a section ... of the colonial youth. We seem to have actually developed a breed of devils incarnate in our midst” (Evening News, 13 September 1886).

The larrikin phenomenon of the 1880s was not new. Sydney’s larrikins had their antecedents in the gangs of delinquent children who prowled the inner-city slums a quarter of a century earlier. In 1860 a select committee, chaired by the future premier Henry Parkes, was set up to investigate the Condition of the Working Classes of the Metropolis on behalf of the New South Wales Legislative Assembly. The committee reported that Sydney’s streets “are infested by a large number of vagrant children, or children entirely neglected by their parents; and some of the revelations of juvenile depravity are appalling and almost incredible” (Murray 1973, p. 15).

Murray's book tells us that the word "larrikin" started appearing regularly in police reports in Sydney from 1883. The term evolved from being a generalised description of appearance (Wobbity Smith's first statement to police resembled an inventory of a larrikin's wardrobe) to being a label that signified youth, violence and delinquency.

If the Waterloo Push was notorious, so was the area that spawned it. The name "Irish Town" (also known as Tin Town and Struggle Town) appears frequently in newspaper reports of the Mount Rennie Outrage: Wobbity Smith could have reached Irish Town in "ten minutes", according to his evidence, but knew he would get no help from the inhabitants. Irish Town and other nearby settlements "symbolized the contempt Sydneysiders felt for this part of their city. It was, in effect, the city's back doorstep, which housed its human rejects as well as being a useful dumping ground for its nightsoil and location for its more objectionable industries" (Fitzgerald 1987, p. 29).

These industries had been expelled from the city and Redfern into suburbs such as Waterloo, Alexandria and Botany. "This area boasted many small, ill-constructed cottages, most of them wooden, copious surface drainage and heavy pollution from both human and industrial waste to the Shea's Creek" (ibid).

Moore Park and Mount Rennie were bang in the middle of a noxious combination of swamp, rubbish dump and polluting industry that included a brickworks, a tannery, a wool wash and a ropeworks. This, and the surrounding streets, was the territory of the Waterloo Push. Prostitutes had "camped there for decades past and ... been hunted by larrikin packs," wrote the *Bulletin*. "The youth of the nationhood, fully fed, not hardly worked, precocious, lustful, have from their earliest years the opportunities these hunted-out victims afford before their eyes and within their power. It is no romance to say that boys of twelve have frequently shared in such

orgies, and have become brutalised by a shocking familiarity with revolting indecency before they have reached the verge of manhood” (quoted in Murray 1973, p. 159).

Another radical newspaper, the *Bird O' Freedom*, reported that “Moore Park and the dense scrub at the rear thereof is infested with gangs of the worst larrikins to be found about the city – touts, gaolbirds and roughs, toughs and vagrants, of both sexes and all descriptions. Scenes of brutal ruffianism and low debauchery are matters of daily occurrence there, and, in fact, it is dangerous for a decently dressed stranger to venture into the bush at the back of Mt Rennie or Mt Steel” (ibid).

The vicinity of the crime lay far from the homes of those who were reading – and writing – about it. It was an alternative Sydney, an atavistic Sydney of convicts and whores where delinquency, and the tolerance of delinquency, were thought to be the norm:

The deeds accomplished have been the boast of work grounds and factory yards. Companionships of vice have been formed and companies of two and threes, and of tens and twelves have sought satisfaction of their lusts exactly as other parties combine and hunt for sport. Facts such as these are quite familiar to all large employers of the youth of the neighbourhood. I do not think there is one man on the Botany Bay watershed employing a minimum of youths between 13 and 18, who can say that, judging from their ordinary conversation, the offence of Mt Rennie is regarded with horror and disgust.

(letter to the Sydney Morning Herald, quoted in Walker)

The presumed absence of horror and disgust in the lower classes only intensified the horror and disgust felt by the middle and upper classes, who

found in the social divide some hope of their own absolution for the rape of Mary Jane Hicks.

“The duty of the moment,” preached the *Herald*, “is to endeavour to bring to justice all the participators in this disgraceful crime, and we trust that the authorities will spare no effort to do so. Not one should be allowed to escape. The blot is a dark one, and we cannot remove it whatever we may do, but we may relieve the blackness a little by showing a determination to put down with a very firm hand the tendency to brutality and violence that seems to be growing amongst a certain section of the population” (Sydney Morning Herald, 13 September 1886).

*

The first suspect to be caught was Hugh Miller, aged 19. He was arrested around 10.30pm at his father’s house in Phillip Street, Waterloo. The police claimed that Miller told them: “I was out at the corner of Phillip and Elizabeth Streets, Waterloo, with Billy Foster, the whole day.” The next day 19-year-old George Keegan was arrested in Turner Street, in the neighbouring suburb of Redfern. He told the police he had been with Hugh Miller and Billy Foster from 9am until late at night.

Hugh Miller was among the eldest of the Mount Rennie youths, the youngest of whom, Thomas Oscroft, was just sixteen (the same age as Mary Jane Hicks). Miller was implicated by Wobbity Smith (“I saw Miller try to toss the girl”) and by William Stanley (“The second man was holding the girl’s legs open, it was prisoner Miller”). Mary Jane herself identified Miller as one of those who had raped her (“I am sure he had connection with me before I was unconscious”).

The crime was only a few hours old when Hugh Miller was taken to Darlinghurst police station put in front of Mary Jane. This is Miller's version of what happened:

[F]our constables and myself went up to No 3 Police station where the girl was; when we arrived there I was ordered to take off my coat; I did so, and the girl was brought before me; Constable Myers said, "Is this one of them that assaulted you?"; she said, "No, that is not him"; she was then taken back to the cell by Constable Gorman, who accompanied us to the station; I said, "There you are, I told you I knew nothing about it"; he said, "Wait a minute, we ain't done with you yet, sit down on that stool"; I sat down for one hour in the charge room and the girl was brought out again, not before me; Inspector Hyams took her into an adjoining room and had conversation with her for about five minutes, and I was told to stand up; the girl said, "Yes, that is one of them"; what was there before she seen me; I said, "O miss, have a good look at me, you don't know me," she did not have time to answer me, but was taken away quickly to the cell; I seen no more of her for eight days after that was the first time I seen that girl in my life; Inspector Hyams called me into the room and examined my shirt, and found no marks on it; I was then placed in a cell; Constable Myers said to me, "Tell me who is the cabby"; I replied, "Where am I to get money for a cab, I have not been working this two weeks"; he then left me.

(NSW State Records)

At the trial, Constable Myers gave a far more incriminating account of what happened that night. On oath, Myers told the court that he knew

Miller, having arrested him at his home on the night of the 9th of September. After being told that he was suspected of being involved that afternoon in an assault on a girl, Miller replied that he had been with Billy Foster all afternoon “at the corner of Phillip and Elizabeth Streets”. Myers took his prisoner to the police station, where he was identified by Mary Jane Hicks, who – according to Myers – replied unequivocally, “Yes, he was one of them, he was there.” Miller then took off his hat and said, “Look at me again; are you sure I was there?” Mary Jane replied “Yes, I know you all the better now.”

Injured and disoriented, was Mary Jane in any fit state to identify her attackers? Given how the assault had begun, the mere fact of being delivered to No 3 Police station “in a cab” must have been a traumatic experience for her, reviving memories of her ride with Sweetman. According to the *Herald*, Mary Jane “appeared dazed for a while, but partially regained consciousness at intervals, during which she was able in a disconnected manner to relate how she came to be in such terrible straits” (Sydney Morning Herald, 11 September 1886). Dr Marsden was called and “that gentleman discovered undoubted signs of her having been brutally outraged”. Less than twenty-four hours later, Mary Jane started vomiting blood and had to be rushed to Sydney Hospital. In a statement given to the *Herald*, she said, “I have no recollection of being removed from the police station to the hospital. I expect that I was in a faint at the time” (Sydney Morning Herald, 13 September 1886).

Hugh Miller had a criminal record dating back to his childhood. At the age of thirteen he had been convicted of stealing and fined “20 shillings or 7 days”. On 14th June 1886, just three months before the Mount Rennie Outrage, he was caught in possession of stolen property and gaoled for a month. A document dated 15th December 1886, entitled “Police Histories

and General Characters of the Mount Rennie Offenders as known to the Police”, described Miller as “an associate of larrikins of the worst class”.

First among those “larrikins of the worst class” was George Keegan. According to the same police histories, Keegan “followed no occupation, led a vagrant life” and was both “a larrikin, and an associate of larrikins”. Keegan, too, had a criminal record, as well as a history of violent behaviour. On the 21st July 1884 he had been sentenced to seven days’ gaol for “riotous conduct”. He was convicted of the same offence on the 13th January 1886 and again on the 20th April 1886. A month later, on 21st May 1886, Keegan was tried for assault and robbery. This time he was acquitted.

A few hours after Keegan’s arrest, at 9.40pm on the day after the attack, 19-year-old Leslie Douglas was picked up in a skittle alley in Redfern. He claimed to have spent the whole of the previous day driving a tipcart for the Waterloo council “near the big dam in Waterloo”. The cart, he said, was owned by “Mrs Boswell” and Douglas was employed “to draw stone from the Pymont quarry to the Zetland Estate, a distance of about two miles” (Sydney Morning Herald, 6 October 1886).

Next to be arrested was the 36-year-old cabman, Charles Sweetman, at his home in Mill Hill, Waverley. Sweetman told the police that he had driven a young girl from Sussex Street to Waterloo, where a number of larrikins had taken the girl out of his cab and “pelted him with stones”.

John Fuller, 21, was arrested in the early hours of the following morning. According to Constable Myers, he asked: “What do you want? Do you want me to go to the Redfern station to be identified?” Then he said, “I suppose it’s about the Mount Rennie affair?” When Myers said it was, Fuller told him, “I thought so.” On being charged, Fuller was alleged to have told Constable Myers, “I have got myself into a fine mess”.

Around the same time Michael Donnellan, 17, was arrested at home in Botany Street, Waterloo. On his way to the police station Donnellan is

alleged to have told the police, “You might have fetched me in the daytime, but I took good care you would not catch me.”

Later Donnellan claimed to have been falsely identified, first by Mary Jane Hicks and then by Wobbity Smith. From his gaol cell he wrote to the Minister of Justice accusing the police of framing him:

When brought up for identification at the Water Police Court, in company with eight others, [Mary Jane Hicks] went so far as to say, touching me with her umbrella, “I did not see him there”. Thomas Smith, when brought forward, identified a number; and when going away was called back by Constable Coutts, and he then, snatching the hat off my head, said “Look! Here’s Donnellan,” and Smith said, “Yes.” I was examined on the following Friday, and he said I had this disease complained of [Donnellan was diagnosed with having gonorrhoea]. I was then taken into a room, which was occupied by Mr Roberts, prosecutor for the Crown, Mary Jane Hicks, and another gentleman. She turned round to me and said, “He had connection with me.” I was the only one brought into the room on that occasion ... There has been a deal of perjury on the part of the police. They have worked that boy and girl to such a point that they have placed me in the very jaws of death; but God forgive them. (NSW State Records)

But it wasn’t just Mary Jane Hicks and Wobbity Smith who accused Donnellan of taking part in the rape. Donnellan was also identified by Charles Sweetman, the cab driver, as one of the group that took Mary Jane out of the cab and pelted him with stones. Unlike some of the others, Donnellan had no criminal record. His entry in the police histories states:

“No occupation, resided with his mother who keeps a hotel, an associate of larrikins.”

On Saturday evening William Hill, 22, handed himself in at Redfern police station. After giving his name and address to Sergeant Bradwell, he made the following statement:

About 4.15pm on the 9th instant I was near Geddes’ woolwash, and in company with John O’Connor and Arthur Wenman; I saw the woman in company with Tott Duffy and another man; she was wet, and drying her clothes; she stated she had been robbed of her money; I asked her whether she had any money; she said “No”. I gave her a shilling and said, “Get tram tickets”; Duffy, who was in her company, and the other man, said, “All right, they would see her to the tram”; the woman complained of being thirsty, and O’Connor got her a drink of water from the creek in a jam tin. (NSW State Records)

While Hill was busy making his statement, the unemployed shipwright William Stanley walked into Redfern police station. Stanley immediately identified Hill as one of the men who had dragged Mary Jane Hicks away from him. Hill was charged and locked up. His equivocal entry in the police histories (“Regular employment, but sometimes associated with larrikins”) hints at the doubts that came to surround his involvement in the Outrage.

As a result of Hill’s statement 17-year-old Duffy was quickly arrested in Waterloo, followed by Wenman, 22, and O’Connor, the oldest of the gang at 33. Six months before the Outrage, Duffy had been fined ten shillings for “throwing stones”. The police histories described him as “an associate of larrikins, not in regular employment”.

At the committal hearing the police gave evidence of an argument between Hill, Duffy, Wenman and O'Connor:

The prisoner Hill identified Duffy as the man who sat beside the girl; Duffy thereupon exclaimed, "No, I was not there"; Wenman then said "It's no good you denying it, you know you were there"; O'Connor then said, "Yes, you were there."

(Sydney Morning Herald, 6 October 1886)

Two days after Hill gave himself up, 19-year-old Michael Mangan told police: "I know nothing at all about it. I was working all that day drawing stuff from Pitt Street to the back of the town hall, Waterloo."

William Newman, 18, was picked up in Elizabeth Street, Waterloo on the morning of the 15th. Having first told the police he was home all day, Newman later contradicted himself with an elaborate alibi, claiming to have been "behind a Strawberry Hills 'bus from half-past 2 till 5pm. Michael Leonard was driving the 'bus." But Newman was named by both William Stanley and Wobbity Smith as having taken part in the rape. In a postscript to one of the many petitions he wrote from Darlinghurst Gaol, Newman argued that it was a case of mistaken identity. "The girl, Mary Jane Hicks, when at the Police Court, and when Mr Williamson, the solicitor, who appeared for some of us there, was absent, often took me for Keegan" (NSW Department of Corrective Services).

Newman had a police record. He had been given seven days for drunkenness on 28th November 1883, and a year later was sentenced to "20 shillings or 7 days" for riotous conduct. According to the police histories Newman was "a larrikin" who "never followed any regular occupation".

Within a week most of the principal accused had either surrendered or been caught. Joseph Martin, 17, was arrested in the early hours of

Tuesday 21st. He claimed to have spent the day of the rape fishing in Botany by himself. Sixteen-year-old Thomas Oscroft, was picked up the next day.

That left two suspects, William Boyce and George Read, both 19, who had fled to the bush to escape the police. They were finally arrested several days later in Bourke, in the far west of New South Wales. The evidence given by Wobbity Smith at the committal hearing was bad for Boyce. Smith told the court he had known Boyce “for about six months; had seen both prisoners [Read and Boyce] at the woolwash; saw both prisoners on the 9th September, between 2 and 3 o’clock between Irishtown and the bog; they were beating Stanley with sticks; Boyce followed Stanley up the hill; Boyce afterwards came back and said, ‘I gave it to the big ----- -‘ some men were then taking the girl towards the scrub; afterwards saw Boyce and Read go in the direction the girl had been taken; Boyce and Read hid behind the bushes for about 10 minutes ... prisoners next went towards the woolwash.” That was the last Smith saw of the pair that day, although he “believed that Boyce said ‘I pulled the girl out of the ----- cab’.”

William Stanley’s evidence at the committal was damning. He remembered Boyce as “having been the first to strike him on the arm with a stick”. Boyce, he said, “seemed to be the most prominent in the attack”.

William Boyce had by far the most serious criminal record of any of the men accused of participating in the Outrage. He also had a history of violence against women. The police histories show that on 10th March 1884 Boyce was imprisoned for four months for the assault of a female witness in another gang rape case known as the Waterloo Tragedy. On the same day he was also fined five pounds (or three months’ gaol) for using indecent language. A year and a half later Boyce got another 14 days for “riotous conduct” and on 19th July 1886, less than two months before the

Mount Rennie Outrage, he was sentenced to seven days' gaol for "throwing stones". Under the heading "general character" Boyce was depicted as "a larrikin and an associate of larrikins of the worst description".

Boyce and Read were the only two suspects who attempted to escape. According to Boyce's father, the reason his son had fled Sydney was to look for work in the country. To support his claim he forwarded to the Minister of Justice a tatty letter from William's brother, Samuel, dated 1st September 1886, eight days *before* the Outrage. The letter was sent from Enngonia, a town close to the Queensland border and 100 kilometres north of Bourke:

My Dear Father,

Your welcome letter of 20th August I duly received and was very glad to hear from you so soon. I am sorry to hear that William is still unemployed, I think if he were to come out here he would do much better than to be idling his time away in Sydney ... shearing is commencing on most of the stations in this district and he will have no difficulty in obtaining employment about here at present. I will write to a person I know at [indecipherable] station whom I am sure can find him work during the busy season. You can send him here direct. The best route will be by train to Bourke and from there to Enngonia by mail when I can give him a letter to [indecipherable] station.

Trusting you are all enjoying good health in Sydney. I remain
your Affectionate Son,

Samuel.

Since the envelope is missing there is no proof of the date the letter was posted. Its value to William's defence, if the letter were to be accepted

as genuine, and its failure to discuss anything *except* what could help William, invited suspicion that the letter might have been commissioned after the event in order to explain an otherwise incriminating flight from the police.

If Boyce and Read were innocent, as they claimed, then that wasn't how they were acting. They were arrested using false names – Warner and Ericson - and returned to Sydney on Tuesday 28th September to face trial.

All sixteen prisoners were listed on a document drawn up on 18th September entitled: “Particulars of Offenders charged with Committing the Outrage on the girl Hicks”. The document reinforces the impression that they were not individuals but members of a gang united by common backgrounds, common abilities, common education, common religion – and, by implication, common purpose.

Most were aged between seventeen and nineteen. Twelve of the sixteen were judged able to “Read & Write”. None was illiterate. Eight of the accused worshipped at Mount Carmel Catholic Church; half claimed to have attended within the past three weeks, while three hadn't attended for two years or more.

Under “Occupation and circumstances of parents” the document lists a variety of jobs, among them tinsmith, tailor, coachman, woolwasher and labourer. Several had lost their fathers. Five families are described as living in “poor”, “not very good” or “humble” circumstances. The prisoners themselves followed broadly similar occupations to their fathers. Only two of the sixteen, Hugh Miller and Michael Donnellan, claimed to be unemployed.

The accused men were charged and taken before the Water Police Court. The tribal nature of the case was clear from the hordes that came to watch:

Although it was known that the case was to be heard with closed doors, long before the hour fixed for hearing the charges several hundreds of larrikins, including females, assembled in the street opposite the Water Police Court. When the Court opened it was literally rushed by disreputable characters who crowded every part, and waited until the other cases were disposed of, when the Court was cleared preliminary to the Waterloo case being called on. The order for clearing the court was received with much disapproval by the crowd, who very reluctantly complied with the mandate, and it was some time before it could be carried into effect. Mr Marsh, S.M., occupied the bench, and the following gentlemen were present: the Hon J.P. Garvan, Minister for Justice; Mr Addison, S.M.; Mr Fisher, D.S.M.; Messrs Hawthorne, M.L.A.; T. Brown, and W.C. Brown.

(Sydney Mail, 25 September 1886)

The Mount Rennie Outrage was only a week old. The fact that the Minister for Justice felt compelled to attend a lower court bail hearing in person showed how seriously the New South Wales Government was already taking the case. But who was the court trying to protect by closing its doors against those “several hundreds of larrikins”?

6. A simple confiding girl

For all the thousands of words written about Mary Jane Hicks, she remains an enigma. Not a single contemporary image of her is known to exist. Five weeks after the attack, the *Bulletin* published a dismissive response to a subscriber who had asked to see a picture of her:

“Subscriber S”: We aren’t sufficiently interested in the girl Hicks to “give her portrait.” Ask the EVENING NEWS ...
(Bulletin, 16 October 1886)

Was Archibald really as uninterested as he professed, or was he simply resigned to how the case was going to end? Or was his curt reply to “Subscriber S” simply the professional reflex of an editor who resented being scooped by a rival? It was the *Evening News*, after all, that had broken the Mount Rennie story and invested it with meaning – albeit a very different meaning to that asserted by the *Bulletin*. If in mid-October Archibald was not “sufficiently interested”, then his attitude soon changed. Over the next three months the *Bulletin* published thousands of words and numerous cartoons about the Mount Rennie Outrage, but “Subscriber S” never got his portrait of “the girl Hicks”.

The first detailed account of Mary Jane’s life to reach the public had come in the form of a statement published by the *Sydney Morning Herald* while she was still “an inmate of the Sydney Hospital”. Its subject was her “early career” and “the circumstances attending the fate which overtook her on Thursday last”:

My name is Mary Jane Hicks; I am a servant girl, and am 16 years of age. I was educated at the Bathurst Convent School;

when about 14 years of age I left the school; I do not know how many years I was an inmate of the institution; I was not born there; I do not know where I was born; I know nothing whatever about my father and mother; I have four brothers, but no sister; not long since I wrote to my brother Charles, at Bathurst; I have reason to believe that he lived in that town until lately; I have received no reply to the letter; I do not know anything of my three other brothers; when I left the convent I went into service in a large private house in Katoomba; I remained there about six months; during that time I used to assist with the housework; my wages were 6 shillings per week. I left the service of my employer at this house in consequence of having been invited by my uncle, John Hicks, to come to Sydney; I wrote four or five letters to my uncle before deciding to leave the situation; according to instructions I addressed those letters to the Park-street post office, Sydney; before acting upon my uncle's suggestion in regard to coming to Sydney I wrote to him and said that he must first give me his correct address, so that I should be sure to meet with him; in reply to the letter in which I made this statement my uncle wrote and told me that he was living at Rose Cottage, Botany-road, near the end of the second section of the tramway; I agreed to come to Sydney and meet my uncle at the railway terminus, Redfern; I left my situation and came to Sydney but did not see my uncle on the platform at the station; I then tried to find my uncle's residence, Rose Cottage; my search for the house was not a successful one; I then went to the lodge at the Farmer's Home Hotel, George-street, Haymarket, until I could find a situation; I remained at the hotel about a week; my account for board and lodging was paid by a young man whose

acquaintance I had made at Bathurst; I met the young man in Sydney shortly after my arrival here and while I was in search of my uncle; there had never been any improper intercourse between this young man and me; the situation that I first met with in Sydney was at McGrath's Hotel, George-street; I remained in that situation for about a week only, as I was not able to perform the work required to be done; I then went to the Convent of the Good Samaritan in Pitt-street; I remained there until I obtained another situation; the employment I obtained was with Mrs Denis McGrath, sister-in-law of Mr Jeremiah McGrath, the proprietor of McGrath's Hotel. Mrs Denis McGrath occupied a private house in Dick-street, off George-street West; I held the situation for about three weeks; at the end of this time I left, because Mrs McGrath, who had been unwell, had recovered; my wages while employed in this situation were 10 shillings per week; after leaving this house I went to live with a woman named Mrs Anderson, who resides at No 99, Dixon-street, off Little Hay-street, Haymarket; I made the acquaintance of this woman while living at McGrath's Hotel; Mrs Anderson lives in the house in Dick-street with her husband; there is also a lodger, an elderly man, in the house; up till Thursday last I had been living with Mrs Anderson for about one week; I did not pay anything for my board and lodging; I was allowed to stay in the house while I was looking for another situation.

(Sydney Morning Herald, 13 September 1886)

This stiff and halting narrative was the first of many "lives" of Mary Jane Hicks. Regardless of whether she really was an orphan who knew "nothing whatever about my father and mother", it seems clear that at the

age of sixteen Mary Jane Hicks was alone and forced to rely on her own initiative to survive, and that she was often exploited or let down by people she turned to for help.

Readers disposed to think the worst of Mary Jane would no doubt have seized on the mention of the unnamed “young man” who paid for her “board and lodging”, despite her insistence that “there had never been any improper intercourse between this young man and me”. Yet for all the nervous equivocations about her sexual history, the emerging narrative of Mary Jane’s life suggested a girl who was likeable and hard-working, who inspired sympathy, affection and a degree of trust among strangers. (Mrs Anderson allowed her to live with her rent-free while even the patrician *Sydney Morning Herald* haughtily conceded, after seeing her in hospital, that “her general bearing ... is by no means repulsive”.)

Published just three days after the first report of the Outrage, this statement might have been released by the police in order to counteract rumours that were already beginning to circulate. But like so many documents relating to the Mount Rennie Outrage, Mary Jane’s account of her “early career” leaves the reader with more questions than answers.

But for the fact that she was the victim of a sensational crime, Mary Jane Hicks might – like millions of other working-class girls - have passed through life unknown to anyone but her family, friends and employers. Surviving descriptions of her are necessarily impressionistic, based on her demeanour in court, her behaviour as a house guest, her record as an employee. During the trial at the Central Criminal Court, Judge Windeyer ruled that whatever faults might be found in Mary Jane’s character, these did not mitigate her right to the protection of the law. In the court of public opinion, however, Mary Jane’s character was a critical issue – and would remain so long after the trial had ended. But what did the public really know about her character?

The only newspaper curious enough to interview Mary Jane Hicks was the *Globe*. That interview was published during the last few days of 1886, but the relevant issue is missing from public collections both here and in the UK. Without it we cannot know exactly what Mary Jane was asked or what she said in reply. Yet the substance of the missing interview, which was evidently sympathetic to Mary Jane, forms a compelling subtext to another article published a week later by the same newspaper. Under the headline “The Mount Rennie Crime/The Character of the Girl Hicks/A Simple Confiding Girl”, the *Globe* asked:

Is it manly, honourable, or humane to force the girl’s first lapse so prominently into the sight of the public? Her fall from virtue having nothing to do with the present case, ought it to be mentioned? Do not, on the other hand, her helplessness and the remembrance of the vile wrong done to her appeal rather for kindness and sympathy?

“But,” it will be said, “unless the girl had been of loose character, she would never have gone with Sweetman and the outrage would not have been committed.” This is the one point in the whole conduct of the girl which, to our mind, bears a questionable aspect. It is, however, explainable by Hicks’ antecedents. She had had no home training, little or nothing in the shape of religious culture, had lived, till her ill-fated visit to the metropolis, up-country nearly all her life, and possessed the most rudimentary knowledge of the world. To accept an invitation proffered by a strange cabman was no doubt improper, but do not young girls, young ladies if you will, of undoubted respectability of training and appearance, accept every day in our streets the salutations of so-called gentlemen? The lightness of

conduct of these apparently respectable girls does not justify, but it palliates, the behaviour of Hicks.

The truth about Hicks' character seems to be thus: That she is a simple-minded girl who fell originally in the first place through ignorance and trustfulness. Thus is the opinion, we venture to say, of almost everyone who knew her before this affair, watched her in court, and have [sic] spoken to her since.

It is, for example, the opinion of the Reverend Mother in charge of Penitents at the Convent of the Good Samaritan, Pitt-street, as communicated by her to a member of THE GLOBE editorial staff last week.

In the course of a conversation which she knew would be reported for publication, the reverend lady said that she first knew Hicks when the girl came from Bathurst. She then stayed two days at the convent, having no other home. After that time the Reverend Mother procured for her a situation as nurse-girl to a Mrs McGrath. She stopped there, a short time only, and was then sent back to the convent by Mrs McGrath, because, in that lady's opinion, she was so *simple, good-natured, and confiding*, that she might come to harm, unless in a home where greater supervision could be exercised over her by the mistress of the household than it was possible for Mrs McGrath herself to give. Another situation was subsequently found for the girl, with the Mrs Anderson referred to in court. Like Mrs McGrath, the latter lady had a high opinion of Hicks' genuineness, industry, and simple-mindedness.

"Since she has been back with me," continued the Reverend Mother: "I have watched her closely, and I see nothing in her to make me alter my opinion of her – that she is a girl who,

though not unintelligent, is yet innocent of worldly knowledge. She would be inclined to trust anyone very fully who treated her kindly. Fallen the unfortunate creature may be, but bad she is not, nor designing.” This judgment was the same as that formed by our representative of Hicks’ character from the interview with her respecting the so-called affidavit reported last week.

(Globe, 3 January 1887)

Alone among its broadsheet and tabloid rivals, the *Globe* made an effort to depict Mary Jane Hicks not just as a victim, but as a human being deserving of compassion and understanding. Not everyone, however, would have been convinced by the Reverend Mother’s benign assessment of Mary Jane’s character. Nuns and prison chaplains were notorious for their tender hearts. The government considered them to be a soft touch for reprobates and criminals of every kind. Almost the very words - “innocent of worldly knowledge” - used by the Reverend Mother to describe Mary Jane Hicks would later be used by the Minister of Justice to describe the nuns petitioning him for the release of prisoners.

Mary Jane was a sixteen-year-old servant girl. Whatever the truth of her family upbringing, she certainly had no parents to support her during the trial. Her uncle, if he existed, seems to have deserted her. Her brothers appear to have made no attempt to contact her. After arriving in Sydney she lived on the charity of nuns and of people she hardly knew but who, for whatever motives, took pity on her. She was practical enough to find employment but not to recognise her own vulnerability in a world of predatory men.

7. I swear to him by his big coat

If the daily press was prepared to accept – or at least not dispute – the Reverend Mother’s opinion of Mary Jane that “bad she is not, nor designing”, this was not true of J.F. Archibald’s *Bulletin*. In its issue dated 25 September, the influential weekly ran a number of items relating to the Mount Rennie case. Its tone from the outset was deeply sceptical:

The alleged victim of the hideous Mount Rennie (Sydney) assault case tells one of the queerest cases ever heard of. She is 16 years old, and was educated at Bathurst Convent. She doesn’t know where she was born. She doesn’t know her father; she doesn’t know her mother. She has no sister, but she has four brothers, three of whom she knows nothing about, and the other of whom she can’t find. Her uncle, a most mysterious person, wrote to her to come to Sydney, but he didn’t turn up at the railway-platform according to promise, and she could find out nothing about him or his address. Her board and lodging was for a week or so platonically paid for by a benevolent young man whom she had known at Bathurst, and after getting into and out of various situations, each held by her for but a very short while, she put up at the house of a woman living in a back-lane in the Haymarket quarter, who obligingly charged her nothing for board. Then one day, while walking in classic Sussex-street near the Chinese quarter, she was hailed by a philanthropic cabman, who, finding that she was in search of a situation, volunteered to drive her round, persuaded her to jump into his cab, and finally drove her off, quote against her will, to Moore Park, where, after escaping from the cabman, she fell into still worse hands.

But how far was the *Bulletin's* cynicism aimed at Mary Jane Hicks and how far at women in general? The lying rape victim was “a staple female stereotype among Archibald’s circle, including Norman Lindsay, A.G. Stephens and Henry Lawson” (Peers 1993). To Archibald every charge of rape was a fabrication, every rapist a victim of female treachery. A decade after Mount Rennie the *Bulletin* was still arguing that the “true woman” was an “unscrupulous liar” (*Bulletin*, 8 February 1896).

The *Bulletin's* coverage of the Mount Rennie Outrage was shaped in part by its own editorial view and in part by Archibald’s scorn for the views of his rivals. Archibald’s innate belligerence, his love of journalistic one-upmanship and his deep misogyny all coalesced around the subject of rape. Here the butt of his ridicule is the broadsheet *Daily Telegraph*:

Every man in the community who is the owner of an ounce of sympathy must bestow at least a portion of it upon the Sydney DAILY TELEGRAPH. That paper got hold of what seemed to be a real good thing in the shape of an “outrage” in Sydney Domain, and gleefully invested the skeleton narrative with the vestments of a surpassing indignation ... But the police court proceedings ripped the editorial adornments from this figure and discovered to public view a very different apparition. The “poor innocent unsuspecting girl” who had been the subject of so brutal an “outrage” was shown to be not so much a victim after all – in fact the evidence seemed to hint that the “victim” was even partial to such occurrences, and was not in any sense very much better than “the men who,” &c., &c. It really is very unpleasant for the DT to be so deceived. (*Bulletin*, 25 September 1886)

Misogyny, however, was not restricted to the writers and cartoonists at the *Bulletin*. Seven years before Mount Rennie an MP named Pilcher told his parliamentary colleagues: “Everybody experienced in criminal cases knew that this was the stereotyped form of rape. So long as you were not bowled out [ie caught in a misdeed or misdoing] it was not rape, but if you were it was rape ... The charge of rape, as was well known, was one of the most easily made charges of all and the most difficult to disprove. And it was notorious that in England sometimes gentlemen were afraid of travelling in a railway carriage with a lady. He had heard a great number of rape cases tried in our Courts of Justice, and he had never heard one tried about which he had a shadow of a doubt in his own mind that it was made up” (Sydney Morning Herald, 22 May 1879).

During its coverage of the Dean poisoning case (George Dean, a ferry-boat master, was accused of poisoning his wife, Mary, with intent to murder), the *Bulletin* reminded its readers of an earlier case in which a young woman had falsely accused a man of rape out of “mere vice, cruelty, and bloodthirstiness”, her sole motive being the “desire to hang somebody by way of amusement and sensationalism” (Docker 1991, p. 49).

The phenomenon of false accusations being made and then withdrawn was so commonplace, the *Bulletin* implied, that to name the people involved was superfluous:

The usual girl turned up the other day in Melb. District Court with the usual story of assault committed by a bold, bad man, but in cross-examination her story got badly mixed up, and finally she acknowledged, also as usual, that her tale of wrong was wholly imaginary ... The blessed theory that it is the privilege of any woman in a state of moral disrepair to bring any kind of accusation against a man, and then, when her tale collapses, to

own up and go away without being arrested for perjury, still seems to hold good in Australia. (ibid)

But Mary Jane Hicks's tale refused to collapse. On the contrary, a steady stream of witnesses came forward or were hauled in to corroborate her evidence.

The committal hearing began on 24th September 1886 at the Water Police Court. The magistrate was Mr Addison. The hearing began with fourteen prisoners in the dock, including the cabman, Charles Sweetman. All were charged with having, on September 9th, "in company with others, committed an outrage upon Mary Jane Hicks". The number of accused grew when Boyce and Read were arrested and brought back from Bourke. On the 28th September 1886 Mary Jane entered the witness box to give her version of what had happened on Mount Rennie:

I am 16 years old. I recollect the 9th September instant. I was out of service that day. I was out of service from the Monday before. I had last been at Mrs McGrath's. I then went back to the convent & was sent to her daughter's. I was a nurse girl at 7 shillings a week. I met a cabman that day between about ½ past 10 & 11 when in Sussex Street. I was going to the Registry Office in Castlereagh Street. I was on foot. I met prisoner Sweetman the cabman. I never saw him before. He had his horse & cab. He drove up Sussex Street, turned back & called me & asked me where I was going. He said "I am going that way to shift my brother-in-law". He asked me 3 times to get in his cab – I refused twice but the third time I got in.

He then drove me not to Castlereagh Street – he drove me through George Street. I did not know where he was taking me.

He continued driving until we got out near the rope works. He stopped of his own accord. He did not take me to the Registry Office. He got down & got into the cab to me. He told me “if I furnish a house will you go & live with me”. I said “No”. He then attempted to commit a rape upon me. I sang out & made a noise – I screamed – a man came up. I would know him again. He is not amongst the prisoners. He was about 19 years old. He got into the cab & the cabman started to drive on. The young fellow said “He’ll drive you to disgrace if you don’t get out”. He then pulled me out. I would not get out. I had never seen the man before.

The cabman then drove away. Two others were standing by the fence a little way from the cab. They were young fellows. The young fellow said “Come with me to my place (showing me a large house on the hill) until I get my coat & then I’ll take you to the tram. He took me in the direction of the house but turned off in a different direction. He picked some flowers & gave them to me. The two young fellows went in a different direction. The young fellow who took me away told me to sit down under a tree & gave me some flowers to pick off a branch. He went into the bush a bit & I heard some voices. He then returned – I did not know where I was but I knew the tree I was sitting under – the voices were a short distance away. I said “who were you talking to” he said “to the 2 young fellows who were with me when I took you from the cab”. He was dressed in a black cloth suit - no coat – a hard hat - & a vest spotted black & white. He said “come into the bush, there are nicer flowers over there”. I went with him. I was alone with him. We proceeded nearly to the woolwash. He told me to sit down. I did so & he sat down beside

me. I would know him again. He then attempted to commit a rape on me & I screamed out. He threw me on my back. Some more men were planted behind some bushes & they ran up after I screamed – they were only a short distance away. I jumped up & ran away I did not look at the men who came up. A man came to my assistance he said “go with me & I’ll take you to the road”. Those men came to my protection. I think the young fellows ran away.

I went with the man who came to my assistance. I only went a little way & one of the crowd who had before interfered with me took me by the arm & took me into the bush. Whilst he was doing so the others were pelting those who came to my assistance. I was struck with a lemonade bottle in the back. Of those who came out of the bush I think I saw 4 who pelted those who came to my assistance. I was being taken from them & they were being pelted away from me. The two men assisting me were driven away & I saw no more of them. I saw Mr Stanley, he was one of those who were rendering me assistance.

A lot more young fellows followed me. I don’t know the one who took me away. I was taken some way into the bush about 7 men surrounded me. I would know some of them. I point them out viz prisoners Martin Newman Duffy & Boyce – they are 4 of the 7. they threw me down in the bush as I was running away. One threw me down & they put their hands over my mouth whilst I was down. The 4 I have mentioned all remained there. After I had been down some time they put their hands on my mouth & the whole four of them interfered with me. Martin was 1st, Duffy 2nd, Boyce 3rd & Newman 4th. I had drawers on also a

hat. I had a parasol & a small reticule with me. I had a bunch of flowers & reticule in one hand.

Martin first had connection with me he had his person in my private parts & I felt some thing come from him. What he did he did against my will & without my consent. I saw his trousers were unbuttoned. One of the four had his hand over my mouth. I had no power to resist them. Martin did not ask my consent he got on top of me. He occupied about 4 minutes. He went away & the other three stopped & each of the others had connection with me. My legs were not held on that occasion. I felt Duffy's person in my private parts – he put his arms around my neck & was swearing at me whilst on top of me. He said “you bloody dog, stop still” – I was resisting him – he was having connection with me at the time. I was still on my back on the ground. He went away. Boyce then had connection with me he put his person into mine. I opposed him as well as I could. He said to the other one, Newman “put your hands over her mouth” – he did so – that was against my will. After Boyce had connection with me he stopped whilst Newman had connection with me. I saw him unbutton his trousers & felt his person in my private parts. I felt something come from all of them. Boyce held my mouth whilst Newman had connection with me. I got up after they had connection with me & the last 2 took me some distance away.

We came to a creek & I went & threw myself in & my clothes got wet. Two came & pulled me out of the water. Duffy & the one who took me from the cab pulled me out – they said I wanted to drown myself – I was in a great state of excitement & fear & felt much exhausted & weak. A third one got across & broke some mud down into the creek & the one who took me from the

cab lifted me across. They took me over into the bush & told me to take my dress off. I took it off – they told me then to take my boots off. I did so. I took my stockings off too because they were wet. They then said they would take them & wash them. It was Duffy & the one who took me from the cab. They went away from me taking my dress & things to wash leaving me alone.

When they went some more came to me. 4 men came. I would not know them. I would know 3 of them. One of them had his hands over my eyes & mouth. I was thrown down on my back & those 4 had connection with me in the same manner as the first four. I point out the three who had connection with me, viz Keegan, Miller & Oscroft. I don't remember the order in which they had connection with me but they did so against my will & without my consent. 8 of them had then had connection with me the last one I believe was the one who took me from the cab. I then became insensible & I don't know how many more had connection with me. I don't remember the last one leaving me but I remember him whilst having connection with me. I point out those now present when the others were having connection viz Donnellan Hill Read & Douglas. I did not see Fuller there at all. I don't remember any of those last named having connection with me. I remember the prisoner Wenman coming over & giving me a drink of water.

I took off my drawers after they had connection with me. I don't remember in what state they were. I never saw them after. I had on then a blue print dress. I see the body skirt & pieces of dress produced. They are part of the clothing I wore. My dress was clean & untorn when I went out. It became soiled & torn in the struggle with those who had connection with me. The bow

produced [by Constable Begg] is what was on my hair. The glove produced is mine & one of those I had. I wore this ruffle. It was pulled off me. My hat fell in the creek. They washed it & it was put to dry. I left the bunch of flowers on the bush. I could not say that more than 8 did not have connection with me. After I recovered I was left alone in the bush whilst my hat & boots were being washed. I became sick & they told me to come up & sit on the bank in the sun. I did so.

When the constable came two of the young men had just run away. One was Duffy & the other was Read. When the police were coming they ran away. I was there over 2 hours. A young fellow went away saying he would go for a needle & cotton. A constable came – he took me away – when he came I don't remember making any complaint. I remember making a statement at the police station & it being taken down in writing. The same evening I was taken to Dr Marsden. I changed my dress on Saturday morning. I have marks & bruises on my arms which I showed to the police. They were made by holding me down I think. All the prisoners I have pointed out were strangers to me before then. I had never seen them before.

To Bench:

Wenman said nothing to me when he gave me a drink but Hill gave me a shilling to get tram tickets. I had 3 shillings in my bag. It was taken from me & cut open & all the money taken from me except 9 pence.

Sworn at Sydney 28.9.86

MJH recalled on oath further states to Mr Williamson:

When I met the cabman I did not ask him to make an appointment for the night time. I did not make an appointment. There was nothing of the kind. I have not before driven in a cab in Sydney. My object was to get to the Registry Office in Castlereagh Street. I did not know where it was – a woman told me – I did not know it was in a crowded part. I went in a tram when I went to Moore Park. When we got out by the sand hills the thought occurred to me & I told the cabman he was driving me wrong. He did not answer – drove on – when the cab stopped he got down at once. I did not see any houses. He got in when he jumped down. He did not say a word to me when he got in. He said nothing while on the ground.

He attempted to commit a rape without saying a word except asking me about living with him if he furnished a house for me then he commenced to commit a rape. I was not a consenting party. I shouted out before the young fellows came or I saw them. The cabman did not appear to drive me to get my dinner in town. I had no dinner – he did not say we would come out again after dinner - nothing was said about my dinner. Nothing about an appointment at night time – I saw the young fellows after [Sweetman] got out of the cab. I had before that heard him whispering at the back with some one. I would not let him when he attempted to commit the rape. He was trying to pull me about. He did not in the presence of the young fellows. I did not get out.

The young fellow pulled me out. He got in & when he said the cabman was driving me to disgrace it did not require much force. I got out willingly then. 2 other young fellows were there

when he told me to go with him & he'd get the tickets & see me off straight to the tram. I did not catch hold of his arm or he mine. He did not put his arm round me. I only saw the house he said he lived at. I saw no others cursing the boy. It was a good way into the bush – about half a mile – before he asked me to sit down & during that walk he did not kiss me or catch hold of me. Nor did I do so to him. He broke a branch & gave it to me to pick the flowers off. He did not then kiss me I did not kiss him. I sat down alone. He went & was talking to some others. He came back & said he'd take me where there were better flowers. I sat down & he did also & at once attempted to commit a rape upon me. Martin just had connection with me & the man who took me from the cab knocked me down. He ran away when the men came.

After Stanley was pelted away the first had connection with me. Stanley could not have seen anything any of them did to me. They took me to another place after that. I could not see where Stanley went to. They dragged me along after I lost sight of him. No one had connection with me till I was taken to the second place a quarter of a mile distant & towards the swamp not up the hill. That man (Boyce) was second who had connection I think. This one (Oscroft) was third. This (Newman) the 4th. This (Miller) the fifth. I think but I am not sure this one (Donellan) had connection with me. This one (Read) also had connection with me & the last one is not here. Donnellan I am sure had connection with me but I am not sure what time. I don't know the 8th man the man who took me from the cab. He is not before the court. The others were round me I do not know if they had connection with me.

Duffy threw me down first. Others 2 or 3 were there. Hill did not interfere with me that I can recollect. He was with Wenman & O'Connor when they gave me a drink. He gave me 1 shilling for tram tickets he did not throw me down that I can recollect. Had he done so I should have I think. They took the water from the creek in a jam tin. I did not see him before that time. I would have known him had he attempted to interfere with me before I became insensible. I did not notice any boys with a wood cart. I did not see any boys standing by. It was a scrub not clear ground. I never saw Newman before I swear he is the man I saw that day. I swear Donnellan was there & had connection. I never saw him before that day. Only these I have named while I was sensible had connection with me.

To Bench:

I remember Stanley came to my assistance. I think it was the tall one (Hill) that took me by the arm & took me away. I said he did not have anything to do with me. I know he took me by the arm when Stanley was there.

To Mr Williamson:

I swear it. He was the one who took me by the arm. I said I did not see him till he came with the 2 who gave me a drink but I meant to interfere with me. I thought you meant had he connection with me when the others were doing it in the bush. I have not see the depositions. Have not heard what Smith swore nor what Stanley said. The police did not tell me. Hill led me to the others Duffy threw me down. I don't know what became of Hill I could not tell where he went to. It was nearly three hours

after that they gave me the drink. It was getting dark when he gave me the 1 shilling. I saw Wenman & O'connor go through the bush after I was assaulted. It was hill who dragged me by the arm. I have seen Stanley here I did not speak to him. I did not speak to Smith. I have been living at Strathfield since last court day. I am at the police station. The police did not tell me what they swore to. The last man the 8th was clean shaved dark hair dressed in black pretty tall about as tall as hill. I swear it was Hill who took me by the arm the other man is not before the court.

To Bench.

I would know him again.

To Mr Wallace.

I don't remember saying on the first day I did not know the one who took me by the arm after looking at all the prisoners. I knew him all the time. I knew it was Hill. I don not remember saying "I do not know the man who took me away" which you read. I did not see him amongst the prisoners at thew time I swore I did not know him. No one has put it into my head I swear it was Hill. I swear it now because I know it was Hill. I can see him now I did not see him the other day. I did not notice him then. I went down & looked at them. I said then he was the man who gave me the 1 shilling. I said before that it was Hill who took me by the arm. I do not say I said it in evidence but I said it to the police before. Duffy & Newman were among the first four. That one (Martin) & that (Boyce) on the back row. The first one that had connection with me was Duffy. He first went into the bush but was not first who got on top of me. Martin was first that

did that. Saying Duffy was a mistake. Duffy was the second. I remember him as being second. Newman 3rd Boyce 4th on the back stool now. I don't remember the next one but Read next to Boyce on the back stool had connection with me. Donnellan had too. Miller committed the rape too. Mangan had connection with me. I know there were 8 who had connection with me. Martin, Duffy, Newman, Boyce, Read, Donnellan, Miller & Mangan with the overcoat on all had connection with me. I still say so. I said I could only identify 7 or 8 I said there were only 7 here before the court that day. I picked them out & said the 8th man was not there.

No one has given me any information since last day although I have sworn to additional men. I don't think I said the one in the corner now (Oscroft) had connection with me. He was there. I won't swear now he had connection with me. I swore I could not tell who had connection with me after the 8th when I became insensible. What I am stating today is true also what I stated on Friday was true. I said Duffy had connection with me. I said so to Mr Williamson this morning. I know Duffy had connection with me. I don't know why I made 2 contradictory statements in a short time. Had they been brought to me & had not been there I would have said no. I can't give any reason for recognising a different lot today. Hill took me from Stanley. Miller was with Duffy I think. I am sure he was there. I can't say if he walked across with Hill to the place I was taken to from Stanley. He did not put his hands on me to take me to the scrub. Some stayed with the 2 men & some took me away. One took me & 2 followed. I am sure it was Hill who took me from Stanley. Miller did not interfere with me or touch me at all. It is not true

he attempted to toss me over. I don't think Miller was one of the first 3 or 4 who had connection with me. He was among the second lot that came up. I am sure he had connection with me before I was unconscious.

Mary Jane Hicks sworn at Sydney 5th October 1886 .

Geo Addison SM

MJH recalled on oath states:

To Mr Gannon:

At the first time I was examined I gave 5 persons as having had connection. I left the box & went to the dock to look at the prisoners. Several times I saw Mangan in the dock. I said he had something to do with me but not in the court but I select him today as I saw him as having had connection with me. I saw him there & he had connection with me he was in the second four. I have not seen Smith or had conversation with him or with the police. My evidence was not read over. Mangan had the big coat on the day I saw him. That is what I recognise him by. That only. I did not see it on him before & it's only by that I recognise him. That was the coat he had on I took notice. He was the only one who had a big coat on. I did not notice him in the dock with the coat on the other day. I swear to him by his big coat. I saw him with those around me. He had connection with me. All I have named had connection with me as I stated. After some left more came. I swear that I lost consciousness after 8 had connection with me. I now point out Oscroft, Martin, Miller, Duffy, Newman, Donnellan, Read, Boyce, Mangan who had connection

with me. 9 & one not here, 10. I have not made a mistake every one of those had connection with me. I recognise the others by their looks, by faces, Mangan by his coat & I saw him there. I did not notice him the last day.

To Sweetman:

I did not say I did not know whether I wanted a cab or not. You asked me 3 times into the cab. I did not say I have no father & mother & would have to pay my way as if living with strangers.

To Mr Roberts:

I read my information. Miller was in custody that is how I know his name. I heard it said that was his name when I went to identify him. I think I have been in service principally in the country. At Bathurst nearly 12 months as a nurse girl. I left & went to the orphanage where I was about 2 months. I then went to Katoomba where I was in service 6 months. I then came to Sydney to my uncle. When I came I saw Mr Murphy. I had been at service at his place. I told him about it. He said he'd get me a place to board at but to go to the convent. I had been in bad health last [court] day & was not then well. I have not enjoyed the same health as before the assault. The moneys I had I earned.

My brother was lodging at the house where the person had connection. He had not the same connection as these prisoners. I did not feel him like I felt them. I did not feel his person in mine. I did not consent I said to him I'd complain. He said not to do that it would make a disturbance with his wife. My brother was boarding there.

I am certain all these I have pointed out had connection with me. I was very much flurried & excited. I don't think I am mistaken as to the order in which they had connection. I am sure they all had connection with me. I was not well [enough] to give evidence last day. The doctor came to Strathfield to see me.

(NSW State Records)

On the 30th September Mr Addison discharged four of the sixteen prisoners: Leslie Douglas, John Fuller, Arthur Wenman and John O'Connor. His decision to reject Mary Jane's identification of some of the accused while accepting her identification of others would cause problems at the subsequent trial. The magistrate was so convinced by the prosecution case against the twelve remaining defendants that he effectively refused to consider any alibi evidence, declaring that "the bench will not discharge any of the prisoners now before the Court, considering the evidence already given on behalf of the prosecutrix."

8. The noseless chimpanzee Howard

As Mary Jane's status shifted from the passive role of victim to the aggressive one of "prosecutrix", attention slid from the crime itself to the penalty. As the legal process wore on, the Mount Rennie Outrage became the focus for an intense debate, conducted through the newspapers, in public meetings and private correspondence, over the morality of capital punishment.

In 1883 the New South Wales parliament had voted against abolishing capital punishment for rape. (The same penalty had already been abolished in England.) An opponent of the proposed change argued that circumstances in Australia were "widely different. In many parts of our sparsely populated territory women and girls were often left alone in solitary houses" (Hall 1998, p. 109).

That the underlying purpose of such laws was to protect women against black men was borne out by statistics from Queensland. Between 1860 and 1882, when use of the death penalty for rape ended, ten out of fourteen men executed for rape were Aborigines and three were Pacific Islanders (Kanakas) – only one was European.

In the eyes of the *Bulletin's* writers and cartoonists, the danger of hanging and the appetite of hanging judges like Justice Windeyer made women "an ever-present threat to men's very lives" (Docker 1991, p. 48).

Three days after the close of the committal hearing into the Mount Rennie Outrage, Alfred Reynolds was executed at Darlinghurst Gaol for forcing his wife to drink poison with intent to murder her. Reynolds's execution had significant implications for the Mount Rennie case. By the time he went to the gallows, the public knew that in less than a month the Mount Rennie prisoners would be on trial for their lives. If convicted, they

would face the same sentence – at the hands of the same executioner – as the hapless Reynolds.

Nosey Bob Howard, whose services as state executioner had not been required in Sydney for more than a year, became a figure of renewed and ghoulish celebrity. Macabre facts about Reynolds's execution – including details of the prisoner's last meal - began to appear as short items in the tabloid papers. As the trial of the Mount Rennie accused loomed closer, the *Bulletin* took every opportunity to remind its readers about the parallel fate of Reynolds:

In view of the approaching execution of Reynolds, the Newtown (Sydney) murderer, who compelled his wife to take poison, our evening contemporaries are devoting half-columns of space to the New South Wales hangman. This noseless horror now has for his assistant a man who used to be the dog-catcher to the police, and who bears the somehow singularly appropriate and suggestive name of Snape. (*Bulletin*, 2 October 1886)

The fact that the executioner needed merely a two-word caricature to be recognisable to the *Bulletin's* readers is evidence of how much Archibald had invested over the years in personalising the evils of “Botany Bay justice” in the figure of Nosey Bob, whose facial disfigurement, as much as his dubious technical skill, became twin symbols of the monstrosity of his trade.

By the time of Reynolds's execution, Archibald's demonising of Nosey Bob in print had a formulaic, almost ritualistic quality that (perhaps deliberately) belied the fact that Archibald knew Howard personally.

In 1879 the 23-year-old Archibald had been assigned to report on a country hanging by his new employer, the *Evening News*. The so-called

“Sodwalls criminals” - Charles Wilkinson and fifteen-year-old Alexander Metcalf - had been convicted of rape and sentenced to death. Days later, at Mudgee Assizes, the same sentence was passed on another convicted rapist, a 25-year-old Aboriginal man named Alfred. According to the prosecution Alfred had raped and beaten a 64-year-old woman named Jane Dowd. The experience of reporting on these two cases left a profound impression on Archibald.

The surviving trial depositions place serious doubt over Alfred’s guilt. A railway worker who was passing the paddock where the rape of Mrs Dowd was supposed to have taken place saw “a man on top of a woman” but testified that “I saw nothing to rouse my suspicion or I would have gone to her assistance” (NSW State Records). Confronted by a string of witnesses, the prisoner frequently “declined to ask any questions”. A study of the court records leaves the strong impression that Alfred was convicted as a result of his silence in the face of hostile evidence and his own highly equivocal confession.

Pre-empting the *Bulletin’s* later campaign on behalf of the Mount Rennie boys, the *Evening News* came out strongly against all three proposed executions. Just as in the Mount Rennie case, supporters rallied public meetings and organised petitions on behalf of the condemned men.

The Executive Council, which had the power to grant a reprieve, couldn’t make up its mind about the white Sodwalls boys but was adamant that the aboriginal Alfred should hang. Archibald was sent over the mountains to report on the event. He travelled by train to Wallerawang, the last stop on the line, before transferring to a Cobb & Co. coach for the remainder of the journey to Mudgee. In the course of the trip Archibald discovered that his fellow passengers included the hangman’s assistant and the sheriff. At some point the driver let him see a carpet bag containing the rope and other executioners’ paraphernalia. The sight of it was too much

for Archibald, who tried to achieve by sabotage what all the petitions and protest meetings had failed to achieve by argument:

When ascending the long and difficult Crown Ridge I told Denny [the coachman] that I meant to stretch my legs for a mile or two and got off the coach to walk behind. Then a thought struck me – that snakish rope, which was being so tenderly nurtured in the cold bosom of the Law! I would take it and throw it away – no-one would ever know but that it had rolled out of position and been accidentally lost. A heavy fern-bed alongside the tortuous track gave me the final impulse; up went the coach-flap and down spun the hangman’s rope coil into the deep dark recesses of the undergrowth. (Archibald, notebooks vol. 7)

Archibald’s attempt – simultaneously comic and deadly serious – to take the law into his own hands foreshadowed the *Bulletin*’s vilification of the legal apparatus that condemned the Mount Rennie boys to death, and its malicious caricature of the hangman.

The story continued with the coach’s arrival at Mudgee gaol, where the loss was quickly discovered and frantic attempts made to find the missing rope:

I asked Sheriff Cowper what was the matter. “I have lost a parcel – it must have dropped out – evidently gross carelessness,” he mumbled, proceeding to anathematise the two deputy stipendiary man-butchers – the noseless chimpanzee Howard of the gorilla arms and flat feet and Risby his assistant, the hideous fat little spider with the cobbler’s waxy beard.

On the eve of Alfred's execution a crowd estimated at more than 10,000 people gathered in Sydney to plead for mercy. A petition was handed in to Government House. The telegraph office at Mudgee remained open all night in case of a reprieve but none was sent and Alfred was hanged the next morning. Under the headline "The Blackfellow Executed", Archibald's four thousand words were published the same day in the *Evening News*. The last few paragraphs read:

An icy morning was that on which "Alfred" was appointed to die. For 48 hours he had been restless, and had without ceasing uttered, even during the final intervals of sleep which nature allows to those whose brain is racked by terror of approaching dissolution, the prayers taught him by the clergyman and warders, who, since his condemnation, have watched him day and night. The doctor had said that from time to time he might have a little brandy, but this he refused, remarking that he could do without it. For several days past the unfortunate black has eaten little, and this morning, prior to his execution, he hardly tasted food.

A few minutes before 9 o'clock the sheriff arrived, and delivered to Mr Dick, the governor of the gaol, the death warrant, a most repulsive looking document, marked with heavy black lines, and bearing the signature of Sir Alfred Stephen, attached, no doubt, with the same light heart that beat in the bosoms of Roman women when, in the amphitheatres of old, they reversed their thumbs and sealed the doom of gasping combatants.

The hangman was summoned, and, with his assistant, repaired to the black man's cell, where Canon Gunther and Rev Mr Bentzen were reading the burial service over the living corpse,

which, on the prayers terminating, was handed over to the hideous creatures who stood in greedy expectation of their prey. “Alfred’s” arms were tied behind his back with whipcord, and he was at once hurried off towards the gallows, which had been erected in the western corner of the yard.

Words fail to express the horror of the scene witnessed by those who, from the workshop door, saw the procession wending its fateful way. The wretched blackfellow was borne along between the frowsy executioners, who gripped his arms as though they liked their work of blood. The hangman, 6ft 2in in height, broad-shouldered, spider-legged, with arms like a gorilla, a flat face without a nose, and huge feet, presented a spectacle to be seen nowhere else out of Hades. Men, whom experience of criminals has rendered familiar with the most detestable sights, shuddered at the monster who dragged with him the man he was about to slaughter, for what Tasmanian convicts call, with awful sinister expressiveness, “Dead money”, at the man who, when the dying aboriginal with unfaltering step ascended the scaffold and turned his eyes towards Heaven to call upon God for mercy, grew impatient and let the pale-faced spectators see how much he wished the trembling black would cease praying. For two minutes, so long that they seemed hours, Alfred kept his face uplifted and prayed to the being whom in days gone by he had unconsciously worshipped in the Queensland wilderness as “Pundyil of the Stars”, and whom he had only just learned to call God.

Then the two clergymen mounted the scaffold, and Alfred, still supported by the hangman, made fervent responses to the eloquently simple prayer which came from the heart of the

reverend old Canon, who, after asking that God's blessing might fall on all present, put his hand on the blackfellow's breast and added, "especially on this poor man". The Rev Mr Bentzen then said the Lord's Prayer. The Canon pressed the miserable native's quivering fingers, and the two ministers left the scaffold.

The hangman, who had adjusted the cap and noose, looked towards the Sheriff, but notwithstanding that the latter said "Not yet, not yet" the bolt was drawn, and the criminal fell with a noise (at which the nervous lookers on at his miseries sickened and turned away) into the hole excavated beneath the drop. He struggled in a manner frightful to behold for several minutes, though, according to the doctors he was out of pain in an instant.

But the most revolting sight of all was when the hangman and his helper, a quarter of an hour afterwards, came and bore off to the coffin, as a butcher would carry a slaughtered sheep, the breathless body, on which the law's last indignity had been wreaked. That body had contained the soul of a man who had in him more good than evil, and who had in his awful position behaved in a manner which showed that, in the words of Eugene Aram, that he was "equal to either fortune", and worthy of a better fate. (*Evening News*, 10 June 1879)

Archibald's report for the *Evening News* can be read as a blueprint for the anti-hanging pieces he would publish over the next two decades as editor of the *Bulletin*. The sentimental characterisation of Alfred as he mounts the scaffold is comparable in tone and vocabulary to the characterisation of later victims, including the Mount Rennie boys, although his being an Aborigine, "racked by terror" yet refusing the white man's comfort of a little brandy, praying to a being "whom he had only just

learned to call God”, gives the scene extra pathos. Similarly Archibald’s depiction of the clergymen and spectators, his account of the “frightful” procedure, and above all his portrayal of Nosey Bob Howard would recur in the context of future hangings, some of which Archibald would attend personally.

As to the objectivity of Archibald’s reporting, the *Sydney Morning Herald*’s summary account stated merely that “Death was almost instantaneous, all the arrangements being well carried out” (Sydney Morning Herald, 11 June 1879).

Archibald’s purpose was not simply to describe the execution but “to witness what he saw and felt, and to make the afternoon’s readers, if not the angels weep” (Lawson 1983, p. 58).

Three days after the aboriginal Alfred was hanged, the white Sodwalls boys were reprieved.

9. I've got the prettiest garden in Paddington

The appearance and demeanour of the hangman were dictated, in Archibald's account of the Mudjee hanging, more by symbolic necessity than objective truth. This is clear from his report of their next meeting, just six months later, in the first issue of the *Bulletin*. It forms one section of a much longer piece written by Archibald himself about the execution at Darlinghurst Gaol of Scott (otherwise known as Captain Moonlite or Moonlight) and Rogan, the so-called Wantabadgery Bushrangers. The importance of the subject of capital punishment to Archibald, and to the *Bulletin*, can be gauged by the amount of space and effort he devoted to the story, which filled more than two whole pages. Significantly, Archibald began his account of their meeting by recalling the hanging in Mudjee six months earlier:

I found him sitting at his front gate, in the bosom of his family, and in the company of a personage whom I afterwards discovered to be identical with his assistant. This latter gentleman, by the way, kept me company during a certain coach ride to Mudjee, on a recent occasion involving the sudden decease of a blackfellow, whose crime – speaking relatively, at any rate – lay chiefly in the fact that he was a blackfellow, and whose misfortune it was that in Sir Alfred Stephen, instead of in the more humane Sir Hercules Robinson, there happened at the time to be vested the Royal prerogative of mercy. The hangman lit his pipe as I passed, and exhibited his features, or rather his deficiency of one of those useful and sometimes even attractive articles. “Does Mr Howard live hereabouts?” I asked. The awful functionary rose to meet me. “Good evening, Howard,” I said.

“Good evening, sir,” said the finisher of the law, with his pipe in his mouth and his hand on his hips. That is how I introduced myself to the sheriff’s deputy. However, our conversation was, owing to the presence of other people, a severely formal one, and we soon parted.

I had previously had one conversation with the hangman, but as he had a bad memory for faces and apparently does not recollect voices at all, he did not recognise me. Perhaps the defectiveness of his recollection as applied to the soft tones of the human voice may be attributable to the peculiar nature of his profession and to the non-exercise of his faculties in the regard alluded to, for whenever he hears a voice in whose owner he takes a deep official interest, a choking sensation generally renders the latter incapable of further articulation and precludes all chance of the hangman’s gaining further experience concerning him.

When next I visited the executioner he received me most courteously and invited me to enter his residence, the inside of which is in keeping with its neat exterior appearance. We passed up a path over-arched by vines laden with ripening grapes, which the “doomsman” showed me by the flickering light of the candle he carried to guard against my tripping over the steps. He was proud of his grapes and of the flowers further down the garden, and was, he said, sorry that none of the former were ripe at the time of my visit. No-one but he and his two youngest boys were at home; the rest of the family had “gone to the play”. He sat down in his little parlour and we conversed across a round table on which lay the Bible. He informed that that he was a believer in religious education and that it was his custom to insist upon

his boys reading from “The Book” every night before they went to bed. He was satisfied with their progress at school. So well was he satisfied with it that he made one of the youngsters read me a passage from St Paul to the Ephesians. When requested to take up the book and exhibit his literary ability, the boys began to turn over the leaves as if in search of a familiar passage. His sir objected to this and shut the book, ordering him to read out the “first thing he came to”. It occurred to me that the hangman’s nature was compounded of numerous queer things, and that when his mind was formed a great many extremes had met. It would, I thought, have been comical, and likewise relieving, had the ‘first thing’ the youngster came to been “Thou shalt not kill” or “Whose sheddeth a man’s blood” &c. Either words would have formed a good text for conversation, and in fact have afforded an excellent pretext for broaching the subjects on which I wished to hear the mild and religiously-inclined man’s views.

Though there was no such luck, we were not long in making a commencement. I informed him that I was a newspaper man. He at once comprehended the situation, or thought he did, for, after all, it wasn’t exactly the same thing. I found him to be a strict official. “Yes,” he said, he was aware that the sheriff didn’t intend to admit many people, if, indeed, he allowed anyone but the gaol officials to attend, to witness the forthcoming execution. Then the following colloquy occurred:-

Reporter: You see, Howard, there was so much trouble over the last execution that the sheriff, it is rumoured, isn’t going to let any reporters in at all to this one. Now, if I can’t get in I want you to give me all the particulars.

Hangman: Can't give you any information without permission from the sheriff. You know, sir, I've been very badly treated by the newspapers. The EVENING NEWS was too severe on me. In fact, I was thinking of taking a libel action against the NEWS, which is largely circulated among my friends. Sir Alfred Stephen and Sir Henry Parkes offered to back me up in it, but I let the matter drop. I thought it was best to do so. Their article did me a lot of harm in my business. I used to work for a great many people who now don't employ me. However, I'll tell you what I'll do. If I ask for a couple of admission tickets they'll be given to me and even if the sheriff's not able to spare you a ticket, you may come in as a friend of mine ... Do you know, sir, that I never put a rope around a man's neck in my life. I never pulled a bolt either. I've a man to do it for me. I stand there, d'ye see, and I pull his cap over his face and I walks round him to see that the knot's nice and comfortable. Then I looks at the sheriff to catch the wink of his eye, and then I tips the wink to my mate, and he pulls the bolt and lets the man down. It's not a fact that I ever hung a man – never, sir, never!

Reporter: People have formed an altogether false impression as to your character. But you'll perhaps be kind enough to explain how it was that you came to take your present billet.

Hangman: Well, sir, the truth was that I was liquoring a little too much at the time, and took the situation without thinking, like. But I don't care. I'm not ashamed of it. I can lay my hands on five hundred pounds and I'm worth a thousand. I can pay the passages of my dear children, God bless them, on board the best steamer that leaves Sydney. I can go away if I like but I'm not going till it suits me.

Reporter People certainly consider your position a queer one.

Hangman: It may be queer to outsiders. But here I am. I've got a good cottage and twelve pounds ten a month. I've got as good a garden as there is anywhere – I've got the prettiest garden in Paddington – the biggest cabbages and the finest flowers. If you ever come down in the day time I'll give you as many as you like; I can't see to pick 'em now. Just you fetch down your lady any day and whether I'm at home or abroad all you've got to do is say I sent you and you'll be given the finest bouquet out.

Reporter: You seem quite satisfied with your position.

Hangman: Why shouldn't I be, sir? I bring up my children well. I send 'em to school every day, and the children belong to the first gentleman in Paddington – aren't neater, nor cleaner, nor more mannerly. They always says "thank you" and "if you please" when they gets anything or wants anything. Here's a girl for instance – how old d'ye think she is?

Reporter: Eighteen, probably.

Hangman: No, indeed, twelve year old, sir – twelve year old. Yes, sir, that's my daughter, only twelve year old.

Reporter, after making a low obeisance: Do you think both these men will be hanged?

Hangman: Well, I don't know. Moonlite's sure to go, but I don't know as Rogan will.

Reporter: I hope Rogan's reprieved.

Hangman: Well, poor unfortunate devil, I hope he is.

Reporter: Then you don't particularly want to hang them both?

Hangman: No, indeed – would you? I don't get any more for doing the work. It's a lot of trouble to me, I can tell you. I spends all the [night?] preparations, for if anything goes wrong, here's

the man as gets the blame. I've never had a mishap yet and I hope I never will have.

Reporter: What do you mean by a mishap?

Hangman: Well, d'ye see, it wouldn't, for instance, do to put the knot under the chin. If you did that there's be the chance of scratching the man's neck and drawing blood, and if there was a single drop of blood the Press'd be down on me.

Reporter: What preparations do you allude to? I never thought there was any particular trouble about hanging a man.

Hangman: Oh, ain't there! I tell you there's a lot of trouble. The night before, I fixes all the things as I remember, and then I takes my pipe in my mouth and I walks up and down and says to myself – "is there anything more?" – and if there's anything more I thinks of it. It doesn't do to get flurried, for the day you gets flurried that's the day as you makes the mistake. And then when I sees the people walking in I thinks again and makes sure that everything's as nice and ready as a kid glove.

Reporter: What do you think of Scott as a man? Do you think he'll be afraid of you?

Hangman: Well, it all depends. If him and Rogan have to stand up together and swing together, I think he'll be not much frightened; but if he loses his mate – that is to say if Rogan's let clear – he'll think they're putting hard lines on him, and he'll not be the same man. There's a lot in company.

Reporter: Have you ever seen Scott?

Hangman: No, never. I always gets their height and their weight, but I don't go near 'em till their time comes. Of course, when I'm at the gaol I might see 'em from a window, when they'd be at exercise, but if that happened they wouldn't see me.

I'd not care about it being said to them that the hangman had come for 'em. The warders don't tell 'em anything of the kind; besides, they're too kind to do it. But some of the prisoners might, if they had the chance.

On the wall of the cottage there were pictures of various kinds, hung in the artistic manner which might have been expected of their owner. Over the fireplace was an American caricature – the subject, a couple of coloured people making love; immediately behind the gaunt, frowsy, little-eyed executioner and pasted on the tastefully executed advertising almanac of a well-known softgoods firm, was a copy of Gainsborough's masterpiece, "The Blue Boy". From time to time, as I grew tired of studying the countenance of my host, I glanced at the graceful picture behind him, which at last seemed to beckon me away. Who, looking from the face of the common hangman to such a figure as that in the picture which upset all the theories of Sir Joshua Reynolds, could help feeling how true is the saying that "blood will tell"?

Then the reporter and the hangman, after visiting an adjacent hostelry, parted in the manner prescribed by the rules of polite society. (Bulletin, 31 January 1880)

Readers familiar with Archibald's account of the Mudgee hanging for the *Evening News* would have been justified in wondering whether this was the same man. Six months earlier Howard had been "6ft 2in in height, broad-shouldered, spider-legged, with arms like a gorilla, a flat face without a nose, and huge feet"; now he was merely "gaunt, frowsy, little-eyed". In Mudgee Howard and his assistant "gripped [Alfred's] arms as though they liked their work of blood" but in Paddington the fond parent and gardener was "proud of his grapes".

The tension between what Archibald saw and what he wanted – or felt compelled - to see is apparent from his editorial “asides”: the laboured joke about the Biblical reading (which must have struck Archibald as too good to waste), and the equally tendentious comparison between Howard’s face and that of Gainsborough’s Blue Boy. For all his heavy-handed irony, Archibald was also a reporter, with an obligation to tell the truth. As such, he concedes that Howard “received me most courteously” and that, after accepting his hospitality, he and the hangman went drinking together.

What neither the hangman nor the ordinary newspaper reader would have known is that Archibald himself was the author of the sensational (but anonymous) article in the *Evening News* that Howard felt had been “too severe on me” and “did me a lot of harm in my business”. Although Archibald couldn’t resist alluding in his report to their earlier meeting, his introduction to Howard (“I informed him that I was a newspaper man”) had been less than candid. His disingenuousness leaves the reader with the impression that in writing about Nosey Bob Archibald was confronting a creature of his own febrile imagination as much as a living human being.

The interview with Howard – a journalistic scoop for the newly-launched *Bulletin* – formed only a small part of the whole piece and sat oddly with the rest, which reprised the themes and re-used the vocabulary of the Mudgee report he had written for the *Evening News*.

The article began with a tour of Darlinghurst Gaol, pungently Gothic in tone and imagery (“perchance the wind which swept through the cold corridor bore with it a cry that told some restless convict that his Christmas box was to be a coffin”), followed by a history of corruption and larceny inside the gaol, and a catalogue of the “artists in hemp” who had held the post before Nosey Bob. Archibald then retold the story of the Wantabadgery hold-up and subsequent trial. The climax of the article was a dramatic section entitled “THE SCENE ON THE SCAFFOLD”:

[H]owever unnerving the sight of a fatally wounded man may be to the ordinary spectator, the indescribable, livid ashen pallor which comes over the criminal as he faces the hangman is still more sickening and awe-inspiring. One's glances involuntarily wandered from Scott to the hangman and from the hangman back to Scott. The convict's wasted frame, his sunken eyes, his white face, the helpless, doubled-up appearance given him by the pinioning of his arms, were, as he stood beneath the beam and for a second regarded with a kind of absent-minded and dreamy, yet keen curiosity, first the dangling cord which was soon to bind him to the grave, and next the perfidious trap-door on which he stood, enough to strike terror into the heart of even the man who could shake hands with Death in any other form. And if Scott's face was terrible to look on – if over his features came that strained, grave-like stare, that hopeless look which I have seen almost blanch the cheek of a black man as the hangman seized him – the appearance of the hangman was still more fascinatingly horrible. The creature looks what he lives to be – a human ghoul, a fiend incarnate. Were he to hang a million murderers no one from among them would or could ever compare with him in bodily hideousness. No frontispiece to "Paradise Lost" ever contained so vivid a representation of the Evil One, no nightmare ever presented to the dreamer a spectre so hell-like. One's recollection was instinctively brought to bear upon all the villains of one's reading and experience. Beside the fleshy hangman, the ideal Fagin seemed in bodily appearance an ordinary man – when compared with the grim man-butcher, Mephistopheles of the night, and Gabbett of Marcus Clarke's "His Natural Life" dwindled into gentlemen of mien. One without lengthy

experience of criminals and unfamiliar with gaol albums, would hardly dream that such a being could exist in human shape – that he could have had a mother.

As a first issue, the Wantabadgery edition of the *Bulletin* was nothing if not strident. Many readers must have puzzled over the startling disjunction between Archibald's genial account of his interview with Howard and his savage rendering of the hangman as "a human ghoul, a fiend incarnate". Was this the same man who grew cabbages and enjoyed hearing his children read the Bible aloud?

The Wantabadgery story announced, paradoxically, Archibald's retirement from reporting. From now on he was an editor, not a reporter. "He had contributed to the history of punishment; and he had raised the question of how a colonial society, reproducing the modes of control learnt from the metropolis, may outrun its parent, and outlast it in barbarity" (Lawson 1983, p. 79). But Archibald's portrait of Nosey Bob on the scaffold took the reader beyond objective description, beyond rational argument, into the realm of the carnivalesque. Importantly, Archibald had the moment all to himself. He was the only "newspaper man" present at the Wantabadgery hangings:

The fact that the Press, as a body was unrepresented at the execution, and that the Metropolitan journals, with the solitary exception of THE BULLETIN, had for information to rely on the reverend gentlemen, privileged medical men, and "distinguished foreigners" who, for reasons ranging from a sense of duty to a love of science and Tomnoddian curiosity, put in an appearance at Darlinghurst at the fatal hour of nine, is due chiefly to the kind interposition of the HERALD. Hunter-street, with her sham

morality, her ghastly fun, and her drivelling pathos, didn't want to be there, and was successful in procuring the promulgation of a ukase excluding the representatives of the secular Press from the gaol on the occasion. However, "palm oil, the almighty", prevailed, and it fortunately happens that THE BULLETIN, having been represented at the closing scene of the Wantabadgery drama by an artist and a reporter, is now enabled to present to the public information which less enterprising and fortunate papers have been unable to obtain.

(Bulletin, 31 January 1880)

As the years passed, other reporters would write about Howard, but Nosey Bob did not get under their skin the way he had got under Archibald's. Seeing the executions of Alfred and the Wantabadgery bushrangers, visiting the hangman's home and meeting his children, established a macabre bond between Archibald and Howard. Their respective careers as editor and hangman shadowed each other. The Mount Rennie Outrage left an indelible mark on the professional reputations of both.

10. Most of the prisoners were mere boys

Like all criminal trials, the trial of the Mount Rennie boys was also a piece of theatre. Two and a half months had passed since the Outrage. During that time the case had been *sub judice*. The press could print little beyond what had been given in evidence at the committal hearings. Editorial writers, having whipped each other into a frenzy in the days following the rape, had for the most part fallen quiet again as they waited for the trial to begin. All the accused except Michael Mangan had been remanded in jail. Mary Jane herself had been spirited away from public view.

The trial opened on Monday 22nd November 1886 at the Central Criminal Court. Of the 312 jurymen summoned to appear that day, no fewer than forty-one failed to come. Each was fined forty shillings. (The same sentence, equivalent to fourteen days' jail, was commonly imposed by the lower courts for using obscene language in a public place.)

The trial jury was selected from a panel of seventy-two – twelve more than the legal maximum. Worried that this technical infringement might result in the trial being ruled invalid, Windeyer asked each prisoner in turn if he assented to the trial taking place before the jurymen who had been selected. "To this," the *Herald* reported, "each prisoner replied in the affirmative."

The trial was oversized in other ways too. Due to the unusual number of defendants, a second bench had to be brought into the court and "added above the trapdoor, through which prisoners usually enter from the cells below".

At a few minutes before 10 o'clock the remanded prisoners were led into the court "without any demonstration on the part of the throng of

spectators”. Mangan, the sole defendant who had been allowed bail, walked in alone and sat down with the others in the dock.

The *Globe*, as usual more colourful and discursive than its rivals, drew a vivid sketch of the scene:

The Central Criminal Court is not an attractive-looking place. Walls are dingy, and furniture old. The faces of most of the occupants correspond. In the upper gallery they are dirty and badly shaven. Behind the rail they are motley. Some of them are witnesses, some are jurymen, some of them the friends of the accused. The only bright-looking things in court are the white trousers and gloves of the attendant policemen, and the ribbons on barristerial necks. At five minutes to 10 the prisoners were placed in the dock. They were ten in number and one out on bail was subsequently added. The lower court had got rid of some of the original numbers under arrest and one or more were reserved for the witness-box. (*Globe*, 23 November 1886)

Beneath the Dickensian whimsy (“the faces of most of the occupants correspond”), we see glimpses of the class prejudice that typically characterised the way nineteenth-century newspapers reported crime. The people in the upper gallery were “dirty and badly shaven” - in other words, poor and working class. The “motley” group behind the rail consisted of “witnesses ... jurymen friends of the accused” – all indiscriminately implicated in the general squalor. As for the accused themselves:

Most of the prisoners were mere boys in appearance. They were not alone young in ears, but juvenile in build and development of feature. They were all fairly dressed. Little in their looks would

get them taken for the brutes which the charge against them implied. Most had the heavy foreheads which are met in boxing halls. Some had the flat foreheads and high cheek bones that tell of dull intellect and low instincts. They sat composedly. Over the faces of one or two a sickly smile passed.

While the jury panel was being called, they appeared to pay little attention. A couple of them exchanged words, but the rest sat still...

When the prisoners arose to answer their names they could be surveyed to better advantage. Their difference of stature was the first thing noticeable. Three of them would pass for boys under 14. Only a couple possessed good eyes or used them intelligently. The look was downward, with now and then a furtive glance around. Their situation and the charges alleged against them had, of course, an influence in intensifying whatever there was unfavourable in their aspect. Still, it is not the sort of crime for which they are on trial that one would set against them. (ibid)

The tendentious description of the boys' facial appearance testified to the lingering appeal of pseudo-sciences like phrenology and physiognomy as ways of understanding criminal behaviour. Just over a year after the Mount Rennie Outrage a Sydney woman named Louisa Collins would be tried for poisoning her two husbands to death. Mr P Besomo, manager of the Phrenological Studio and Eclectic and Homeopathic Institute in Liverpool Street, subjected Mrs Collins to a phrenological and physiognomical examination, the results of which he published in a pamphlet.

The like of Mrs Collins's eyes and nose, the bony irregular forehead and eye-brows are mostly found in those of irregular characters with a moral obliquity ... the lips and chin in Mrs Collins are found in persons with a characteristic secret determination, more than voluptuousness ... Those eyes are very rarely observed in penetrating, wise women; frequently in jealous, suspicious, harsh storytellers and in those coquets who in a clandestinely way are always making mischief. The hard features and neck as also the eyes of Mrs Charles Cobb [the so-called "Norwich poisoner"] which I illustrate here, are characteristic to such people as Mrs Collins, and a number of other women poisoners too numerous for all to be illustrated here. (Besomo)

The purpose of Besomo's examination was to demonstrate that Louisa Collins had been compelled by nature to poison her two husbands, that she had no control over her criminal instincts and had, therefore, "the same claim on the benevolent society as the deaf, the blind and the insane".

The Mount Rennie trial, unlike the Collins trial, was a collective prosecution, in which several of the accused shared the same defence counsel. Except for a brief description of George Keegan ("a thin youth who had been looking painfully sick for the half hour before"), the *Globe* made little effort to discriminate between the eleven prisoners. But if the crime of rape was unambiguous, there were nevertheless subtle differences in the way it was interpreted by the press.

Mr Teece in opening the case said that the prisoners were charged with the very serious crime of rape, committed on September 9, in the very light of day in one of the public parks –

a diabolical outrage on a defenceless woman, at which our common humanity should be shocked. He did not wish to say anything that might unduly prejudice the case against the prisoners. It would be his duty, rather from the grossness of the charge, from its aggravated cruelty, and from the fact of the hideousness of the crime being such as to deface the blackest criminal record of any country in the world, to warn them not to be carried away or unduly influenced against the prisoners. (Globe, 23 November 1886)

Mr Teece, in opening the case, said that if they believed the evidence which would be forthcoming, the case was one such as had never before occupied the attention of a court of justice. They would come to the conclusion that on the 9th of September, in the very light of day, in one of our public parks, within almost a stonethrow of civilisation, an outrage from which our civilisation shrank was being committed on a defenceless woman, whose weakness should have been her defence. He did not, in his opening, wish to say anything which would prejudice the case against the prisoners. Perhaps it would be more his duty, from the very grossness of its character, from the cruelty of it, from the fact of its nature and character almost defying the blackest record of criminal history, from the cowardly manner in which it had been perpetrated, to warn the jury not to allow themselves to be carried away entirely.

(Sydney Morning Herald, 23 November 1886)

The variations are small but significant: the *Herald's* “one of *our* public parks” against the *Globe's* “one of *the* public parks”; the *Herald's*

“our civilisation” instead of the *Globe*’s “our common humanity”. The message for readers of the *Sydney Morning Herald* was that the Outrage had been committed on *their* property, against *themselves*. The *Herald*’s preference for the imperial “our civilisation” over the more neutral “humanity” foreshadowed the concern of parliamentarians such as Henry Parkes, who asserted that the ultimate victim of the Outrage would be the colony of New South Wales.

While the *Globe* continued to identify Mary Jane Hicks as “the prosecutrix”, the *Herald* now cast her as “the complainant” – a switch that had the effect of universalising the Outrage by transferring the metaphorical burden of prosecution from Mary Jane onto the Crown.

If the patrician tendency of the *Sydney Morning Herald* was to write Mary Jane Hicks out of her own story, it was left to the humbler *Globe* to remind readers who the real victim was.

Mary Jane Hicks, the victim of the outrage, walked to the witness box. She is a little girl, less in size than her recorded age would denote. Her appearance is more that of a nursery governess than of a domestic servant. She was dressed to suit that idea. Her complexion was rather high, so much so that it looked, at a distance, very like paint. Her expression was mild. Her manner under examination was quiet and collected. She spoke in a low, soft tone. It was sometimes difficult to hear her. Mr Teece put into his voice all the consideration he was capable of, but the catechism was a painful one. The exigencies of legal evidence, with particularisation of time, place, and circumstance, were indispensable, but the rigidity with which this is insisted upon makes a tyrannous demand on the faculties of observation and memory of the person under examination. It is sometimes

marvellous how a person can notice so accurately all surroundings and reproduce them under oath after a long interval. This witness, Mary Jane Hicks, was able to give many minute particulars about the scene of the crime. When the surveyor's plan of the locality was presented she was able, with very slight assistance, to intelligently find her way through it. These facts indicate no small powers in a young girl without any pretensions to intellectual training. (*Globe*, 24 November 1886)

As a portrait of Mary Jane, the *Globe's* description was fraught with contradictions. She was a "little girl", seemingly younger than her stated age of sixteen, but at the same time she resembled a (middle-class) "nursery governess" rather than a (working-class) "domestic servant". While she "dressed" like a governess, her complexion could easily have been mistaken for "paint" (suggestive of an actress, perhaps, or even a prostitute). Finally, this "little girl" was clever and composed enough, while under oath, to "intelligently find her way" through a surveyor's plan of the area where she had been raped and left unconscious. The irony of the last few sentences ("It is sometimes marvellous how a person can notice so accurately all surroundings and reproduce them under oath ...") betrayed a deeper ambivalence: the writer could sympathise with Mary Jane as "victim" while insinuating that her role as prosecutrix had been rehearsed. In short, he both believed and did not believe her.

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Two months earlier, a mere nine days after the attack, the youngest of the accused, George Duffy, had dictated a statement to a warden at Darlinghurst Gaol:

I George Duffy a person on remand in Sydney Gaol make the following voluntary statement without any inducement or promise.

Last Thursday week I was going over into Bourke Street, me, Bob Fuller, William Boyce & Joe Martin, I saw a Cab standing in Bourke Street, the Cabman was inside with the girl, trying to ravish her, two fellows run down behind the Cab, the Cabman got out & got up on the box & was driving away, one fellow jumped into the Cab while it was moving pulled the reins & took her out of the cab & took her over into the bush, I followed them with Boyce, Fuller & Martin – they sat down together & the fellow that took her from the Cab tried to ravish her. I don't know his name. Three men came out of the bush & was going to take her onto the road. Fuller, Martin, Boyce & myself hunted them away, while they were going away Fuller took the girl further into the bush & ravished her, & then Martin ravished her & then I ravished her & then Boyce. The girl never screamed or resisted while we were ravishing her. I asked her where she wanted to go she said she couldn't go home like this so dirty. I offered to take her home she asked me if I would wash her stockings & dress & I said yes. I washed her stockings & dress & put them on the bush to dry, She said she would go home when they were dry. Just then [name?] Hill & Connors came over to us & asked her what was up with her, she said I fell in the drain, none of these men had anything to do with her, these men left at about a quarter past 4. I left shortly afterwards & went home with a young fellow that I met I don't know his name. Fuller, Martin & Boyce left just after they ravished the girl. I was

with the girl for about 2 hours and a half & what we did to her was with her own consent.

... These men now in custody Keegan, Miller, Newman, Mangan, Douglass, John Fuller (this is not the Fuller I first alluded to) Donnellan, these 7 men are innocent of the charge.

Arguing consent, or at least non-resistance, was (and still is) a routine defence against the charge of rape, and had been used successfully by some of the defendants in the 1883 Woolloomooloo rape case. According to one of the accused in the earlier case, a blacksmith's apprentice:

There was no violence used to the woman ... I believe she was insensible during the time we all had intercourse with her. She was not in a fit state to make any resistance ... After having connection with the woman I and Edward W. who wore the woman's hat went to the Champion of Freedom and had a few drinks. (quoted in Allen 1990, p. 55)

The Woolloomooloo rape was one of several that Judge Windeyer took into account when judging the Mount Rennie case three years later. The accused in the Woolloomooloo case were not charged with rape but with murder. When it proved impossible to determine which of them was responsible for the victim's death, the case was dismissed - despite the fact that several of the defendants had admitted to the capital crime of rape. (Judith Allen does not examine the case in detail but it is likely that the character and personal history of the victim – who had just been released from Darlinghurst Gaol after serving her thirty-third sentence for vagrancy – played a part in the Crown's negligent prosecution.)

In admitting to having “ravished” Mary Jane, Duffy contradicted the denial he had given to police on his arrest (“No, I was not there”). Except for Donnellan, all those exonerated by Duffy’s statement were older and had more serious criminal records. (Duffy’s own record amounted to a solitary conviction in March 1886 for “throwing stones”.)

The statement itself was both a confession and a denial, its inherent contradictions implicit in the *Herald’s* awkward attempt to paraphrase it: “The statement was to the effect that himself (Duffy), Fuller, Martin, and Boyce criminally assaulted the complainant, but that she was a consenting party” (Sydney Morning Herald, 24 November 1886). If Mary Jane had been a consenting party then it could not have been a criminal assault. Duffy’s confused statement reflected both his legal naivety and also, perhaps, his junior status in the hierarchy of the gang.

His counsel, Mr Canaway, was described by the *Globe* as “a very young looking man in horsehair” whose voice was “neither clear nor sympathetic”. Canaway was briefed by Mr Williamson, who had represented Duffy at the committal hearing. If it was Canaway who conceived the controversial plan to turn Mary Jane’s sexual history against her, it would prove a costly mistake for his young client. Disregarding the judge’s warnings not to quote out of context, Canaway zeroed in on the most self-incriminatory detail of Mary Jane’s testimony at the committal hearing:

Mr Canaway: You had had improper intercourse with a man before?

Witness: Yes.

Mr Teece [prosecutor]: Does my learned friend intend to leave the matter there?

Mr Justice Windeyer: I cautioned you, Mr Canaway, that if you picked out and quoted from the depositions, passages that could only be clearly explained by what preceded and followed them, I should have the depositions read through. Your question, left where it was, implies an attack on the character of the girl.

Mr Canaway: Does your Honor mean that my question does not faithfully represent the circumstance of the case referred to in the depositions?

Mr Justice Windeyer: Certainly.

The foreman of the jury here interposed that the jury were not concerned with the girl's antecedents, and did not desire to hear of them.

Mr O'Mara [Read's lawyer] disclaimed connection with Mr Canaway in the line of cross-examination he had adopted.

Eventually Mr Teece agreed to elicit by re-examination the particulars of the incident referred to.

(Globe, 24 November 1886)

Women's discontents in late nineteenth-century New South Wales, according to Judith Allen, "were dictated largely by the character and consequences of their sexual economic relationships with men" (Allen, p. 43). What Mr Canaway called "improper intercourse" was not uncommon between female domestic servants and their male employers, and reflected the relative powerlessness of the former in any confrontation between them. In many cases – including, perhaps, Mary Jane's – it was simply a euphemism for licenced rape. Sex could be demanded with impunity and women had few avenues for redress, since any complaint might result in summary dismissal.

Some women responded with violence, either against their abuser or, more likely, against his property. “Aggrieved servants attacked the place [in which] they had lived and worked. Often they had been sacked, and case papers left more than a hint of conflict about sexual relationships between these servant-women and their male employers. In several cases, the mistress had insisted that the servant be sacked” (ibid, p.41). The possibility of such retribution was implied by Mary Jane’s statement at the committal hearing: “I did not consent I said to him I’d complain. He said not to do that it would make a disturbance with his wife” (NSW State Records).

Mary Jane spent much of the day being cross-examined on discrepancies between the evidence she had just given and the evidence taken from her two months earlier at the committal hearing.

Her identification of the prisoners was by their appearance instead of by name. As her narrative proceeded each prisoner implicated showed uneasiness. Hill, the first of those thus designated, manifested the only agitation he has given way to since he was placed in the dock. He went through the process of washing his hands, as excited people of a class do.

... A noticeable feature about the men in the dock was their apparent inability to keep their attention fixed close for any length of time on one point. There would be a few minutes wrapt interest in the evidence, and then a sudden attitude and demeanour of lassitude. They are all educated up to a reasonable standard, and every church has a share of the responsibility of having instructed them; but one looking at them would judge that, whatever their innocence or guilt in the present case, their faculties for persevering application to any sort of mental

exercise had been left undeveloped. No doubt they are all athletes of a kind. (*Globe*, 24 November 1886)

The *Sydney Morning Herald* found her “very direct” in identifying her attackers: “The witness was cross-examined at considerable length, but her testimony was not shaken”.

The *Globe*, always more interested in the human detail, offered its readers an altogether more vulnerable picture:

At this point, 11 o’clock, the prosecutrix (Mary Jane Hicks) asked to be allowed to go out, and while proceeding from the Court she fainted away. She was taken outside the Court and restoratives applied. Permission was then given for her to be taken home.

The Court adjourned that night at 11.30pm.

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It was clear from the start that identification was the key to a successful prosecution. Not the least problem facing the Crown in the Mount Rennie trial was that two brothers were among those implicated in the rape. Wobbity Smith was understandably confused:

[Smith] did swear at the Police Court [ie the committal hearing] that Douglas was amongst the men who had assaulted the prosecutrix. He also identified Fuller as being there. He was now

convinced that he had mistaken Fuller for his brother. He would know the latter by the fact of his having a glass eye.

(Globe, 25 November 1886)

The sheer number of men accused of having raped Mary Jane fuelled the clamour for punishment but at the same time militated against the likelihood of conviction. The confusion over the Fuller brothers was emblematic of a wider uncertainty. There were simply too many suspects, too many names, too many faces. (One of the accused, Hugh Miller, had been decisively identified by his *hat*; another by his “big coat”.) The difficulty of physically identifying individual perpetrators was compounded by the fact that virtually all of the accused belonged to the same inner-city working-class community:

Constable Myers was recalled, and gave evidence to the effect that all the prisoners, with the exception of Hill, lived at Waterloo. (Sydney Morning Herald, 25 November 1886)

This seemingly innocuous piece of evidence, which immediately preceded the closing of the prosecution case, could be interpreted as a veiled warning to the jury not to believe the alibis they were about to hear. Just as “all the prisoners” lived at Waterloo, so did most of the witnesses who supplied their alibis.

Again, Canaway went out on a limb, defending Duffy by attacking his victim:

John Armstrong, manager for Geddes and Co, was called by Mr Canaway, on behalf of the prisoner Duffy. The witness gave him a good character.

Walter Kerr, marble mason; John Bennett, sculptor; Mrs Alice Duffy (mother of the prisoner) also gave Duffy a good character.

Matthew Doran, dealer, said that he knew the prosecutrix, Mary Jane Hicks. He and a Mr Campbell used to keep a shooting gallery in Goulburn-Street. In August she was inquiring for a young man who lived in a boarding house next door to his shooting gallery, and it was on that occasion he first made her acquaintance. While she was standing at the door the witness got into conversation, and made an appointment with her for the next night.

The witness here related that he met the girl the following night, and that they misconducted themselves then and afterwards.

In cross-examination he admitted that he had once been imprisoned for having a gaming table on the racecourse.

Charles Moon, a dealer, said that he had frequently seen the prosecutrix near Doran's shooting gallery, waiting for Doran. He gave other evidence intended to damage the girl's character.

In cross-examination the witness admitted that he was a friend of Doran's, and that both of them, for "running" a gaming table together on the racecourse, had been convicted and sent to gaol. (Globe, 25 November 1886)

Recalled by the prosecutor, Mr Teece, to answer Doran's allegations, Mary Jane said:

I was in Court yesterday when Doran gave evidence. I heard him swear that he had had improper intercourse with me. It is untrue.

I never saw him in my life before. I never saw Moon in my life before. There is not a word of truth in their evidence.

(Globe, 26 November 1886)

Judge Windeyer would have plenty to say about Canaway's courtroom tactics when the time came for his summing up. Meanwhile the trial dragged on, with Windeyer declaring his intention on of sitting "until midnight". In cross-examining Wobbity Smith, Canaway attempted to prove that the jockey bore a grudge against Duffy who had once "thrashed him for impudence". Smith denied it. When Canaway suggested that Smith was being paid to give evidence for the prosecution, Smith admitted that the police were paying for his board and lodging, and "had given him a pair of boots and a pair of trousers".

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Mr O'Mara called, on behalf of Read, Dr Brownless, who said that the fact of a woman being attacked by four men would produce great fright, and the woman would not be likely to have faces impressed on her memory. He also said that the day after a person was affected with hysteria, she would not remember what she had said; but of what she could remember of what she saw before being affected with hysteria, and after it had left her, no person could give any definite opinion. (ibid)

Despite the *Sydney Morning Herald's* assertion that Mary Jane's testimony "was not shaken", there remained serious doubts about her ability to identify her attackers.

A string of more or less credible witnesses swore to more or less credible alibis involving the accused men. Some of these were family members, others neighbours. Some disintegrated on the stand – unable, in more than one case, to remember even the date on which the rape had taken place. The Crown prosecutor, Mr Teece, had little difficulty demonstrating the potential for collusion between witness and accused. In the case of Read and Boyce, who had fled Sydney together and been arrested near the Queensland border, Teece showed that they had been visited in Darlinghurst Gaol by men who later provided them with alibis in court. Another alibi for Read came from a woman whose son, Patrick, had been tried for the Waterloo Tragedy – the same crime for which Boyce had been convicted of assaulting a female witness.

On the penultimate day Windeyer kept the trial going long past midnight. One by one the defence lawyers stood up to address the jury, most demanding an acquittal on the grounds that Mary Jane Hicks could not be trusted to identify the men who had raped her. Canaway alone argued consent. Mr Elles, on behalf of Newman, Oscroft, Martin, Miller and Keegan, based his argument on “the difficulty, almost impossibility, of identification by a woman who had been assaulted by so many men” (Sydney Morning Herald, 27 November 1886).

The strongest evidence against Donnellan came from Dr Marsden, who had attended Mary Jane Hicks on the night of the rape and afterwards. Examining her several days later, Marsden had found signs of gonorrhoea. He found evidence of the same disease in Donnellan and concluded that Donnellan had infected Mary Jane. Donnellan’s lawyer, Mr Edmunds, found two doctors who disagreed with Marsden’s diagnosis. After telling the jury that “no one would dispute the fact that an outrage had been committed upon the complainant Mary Jane Hicks”, Edmunds then “asserted that she had made three distinct statements, viz., one before the

arrest of the prisoners, another at the Water Police Court, and the third to the jury, and contended that she had made such dangerous discrepancies that the jury would not be justified in accepting her testimony” (ibid).

Mr Moriarty, for Boyce, said that Mary Jane “was in such an excited state when called upon to identify the prisoners that her word could not be relied upon” (ibid).

Mr O’Mara, for Read, argued that “when the prosecutrix was called upon to recognise these men she was not in a fit condition to identify them” (Sydney Morning Herald, 29 November 1886).

Paradoxically, Mr Gibson used the *opposite* argument to exonerate Hill and Mangan, telling the jury that “This was not a case of an assault on a decrepit woman” but of “a young woman in full possession of her senses and in broad daylight ... The girl’s account was that the only part Hill played in the affair was to take her away from Stanley and, after conducting her some distance, leave her”. Gibson reminded them that “she was not dazed and foaming at the mouth at that stage, and had Hill been her first assailant she surely would have been able to recognise him”. He argued that Hill’s presence among the accused was a case of mistaken identity and that the person who took Mary Jane from Stanley was “the tall man, dressed in dark trousers, who was missing, and not Hill” (Globe, 27 November 1886).

(The identity of the “tall man” was never established. Although mentioned more than once as having been present during the rape, he avoided arrest and was never named. In his final address to the jury Mr Edmunds “spoke in strong terms of the part the ‘unknown’ man had taken in the outrage, and said he admired the girl when she said ‘he is not here’ when she could easily have said it was Hill, who it had been proved was about the height and size of the ‘unknown one’”(ibid).

In Mangan's case, Mr Gibson pointed out that "the girl Mary Jane Hicks did not identify Mangan until the third day, at the Water Police Court ... the third day Mangan had an overcoat on, and the girl said she recognised him by the overcoat" (ibid).

It was nearly 2am when Mr Teece began his reply for the Crown. For an hour and a half he recapitulated the case against each of the accused, pointing out where alibi witnesses had contradicted themselves and each other and drawing attention to the "character" of these witnesses: "Some of them were thieves, and some who were married men were living apart from their wives" (Sydney Morning Herald, 29 November 1886).

Rebuffing the defence's attempts to exonerate each man individually, Teece asserted their *collective* guilt, reminding the jury that "it was not necessary for the Crown to prove that each one of the prisoners had committed an assault upon the girl, if it were shown that they were in company when some others of them were guilty of the crime" (ibid).

The court adjourned at 3.30am for a 9am start, with the lives of eleven men depending on the next day's events.

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As the trial neared its climax, a strange thing happened:

A great falling off in the attendance at the Central Criminal Court is visible. When this trial opened there was neither sitting room nor standing room in any part of the building. This morning there were vacant spaces in the gallery and rows of empty seats behind the dock. (Globe, 27 November 1886)

By the final day even the accused themselves – and their barristers – appeared to have lost interest in the outcome:

His Honor's summing up was commenced to a moderately filled courtroom. There were, however, empty seats around and only three or four wigs at the barristers' table. The jury looked patient, and watchful. The hard work they had had during the preceding days and nights had left no visible traces. The prisoners were less interested, apparently, than on the day before. This may have been because the summing up dealt only with one prisoner at a time. Although the eleven in the dock constituted at one time a band of companions, recent adversity seems to have unsoldered most of the old fellowship so rarely did they exchange a word or glance denoting sympathy with, or interest in, a fellow prisoner, at a time when the evidence might actually be pushing him to the gallows. (Globe, 29 November 1886)

Had the eleven young men in the dock come to realise that nothing could save them? Were they resigned to their fates? The more perceptive among them must surely have sensed that they were on trial not just for the rape of Mary Jane Hicks but for all those previous rapes in which the perpetrators had either got off lightly or escaped punishment altogether. Whatever they might have imagined when the trial began, the truth must have dawned on them when they heard Mr Teece call on the jury to “stamp out this evil, which is destroying the fair fame of this land”.

During the trial Judge Windeyer kept a private notebook. His scribbled remarks constitute a fascinating record of the evidence as it unfolded and of his own thoughts on the case. On the question of individual

guilt, Windeyer agreed with Mr Teece that whatever each had done, the principal of “common design” made them collectively guilty:

If there was a common design amongst the prisoners that the girl should be ravished by some of them all of them participating in that common design, carried her off for that purpose or kept off those who came to her assistance or assisted in overcoming her resistance or were standing by encouraging those who were actually ravishing her ... they are as much guilty of this crime as if they actually ravished her themselves. (Windeyer 1886)

In his summing up, Windeyer instructed the jury in such a way that a guilty verdict against almost every defendant was all but inevitable. Windeyer finished at 8.20pm and one minute later the jury retired to consider its verdict.

The jury returned into court at five minutes to 11 o'clock with a verdict of guilty against the prisoners William Hill, Hugh Miller, George Keegan, George Duffy, William Newman, Michael Donnellan, Joseph Martin, William Boyce and George Read. The accused persons Michael Mangan and Thomas Oscroft were found not guilty, and were discharged.

(Sydney Morning Herald, 29 November 1886)

The guilty men were then asked whether they had anything to say. One by one the *Herald* reported each man's response:

In reply to the usual question,

The prisoner William Hill said: “Although the jury have found me guilty of a crime for which I am to suffer death, I am perfectly innocent, and that girl and the witnesses for the Crown have sworn my life away. I saw the girl that day, and I acted the man to her. My friends and relations outside know I am innocent, and I can go to the scaffold as an innocent man.”

The prisoner George Duffy said he had nothing to say.

The prisoner Michael Donnellan said: “Gentlemen of the jury, you have found me guilty, but I am innocent of the charge. Although the gentlemen defending me did their best, Dr Marsden’s evidence condemned me straight. I have nothing more to say. I am not afraid to face death in twelve hours. I am innocent of the charge.”

The prisoner Joseph Martin said, “What I did to that girl was with her consent. That is as true as God’s in Heaven.”

The prisoner William Boyce said, “Although I am found guilty of this charge I am innocent of it.”

The prisoner Hugh Miller said: “I am quite innocent of the serious charge made against me. The first time I saw that girl was on the night of September 9, and the witnesses in this case have been prompted by the police to swear my life away. I am innocent.”

The prisoner George Read said: “Although I am found guilty of this terrible crime I am innocent. I hope God above will forgive those who have sworn my soul and my life away. I have no more to say.”

The prisoner George Keegan said: “I wish to say I am not guilty of this dastardly outrage. If the death sentence is not

executed upon me, and I hope it won't be, I will have the honour to bring before you my innocence in future." (ibid)

While finding the nine men guilty, the jury had asked for mercy on their behalf – a request which, despite Windeyer's reputation as a hanging judge, it had every expectation would be granted. A record of the jury's request ("Prisoners recommended to mercy on acct of their youth") is preserved in Windeyer's notebook, along with his curt response: "Sentence Death" (Windeyer 1886).

The six-day trial ended with an address by the judge that incited new waves of outrage:

Prisoners, you have been convicted of a most atrocious crime, a crime so horrible that every lover of his country must feel that it is a disgrace to our civilisation. I am glad to find that this case has been tried by a jury that has had the intelligence to see through the perjury upon perjury that has been committed on your behalf, and to declare the truth as they see it. It is terrible to think that we should have amongst us in this city a class worse than savages, lower in their instincts than the brutes below us. No language could express the abhorrence of right thinking men of a scene such as that described by witness after witness in this case, as this poor defenceless girl, friendless and alone, is, like some wild animal, hunted down by a set of savages, who spring upon her and outrage her until she lies a lifeless thing before them, and then, when returning consciousness brings with it the terror of further outrage, she, in frenzy, seeks in such opportunity of death as seems to present itself a refuge from the horrors of her life. I warn you to prepare for death. No hope of mercy can I extend to

you. Be sure no weakness of the Executive, no maudlin feeling of pity, will save you from the death you so richly deserve.

Those who are charged with the administration of our affairs, to whose keeping is confided the safety of the public, will remember there are things more precious to society than life itself – the honour of our women and the safety of our families, compared with which the wretched life of criminals such as you are of no account. It is true that you are young, but the remembrance of that act is coupled with the recollection that not twice nor thrice only has public feeling been horrified by the perpetration of similar crimes by young men like yourselves. The present outrage is, I believe, the outcome of the past, and I solemnly express my belief that this culminating atrocity has been brought about by the immunity from the death penalty which your class has so long enjoyed upon the ground of your youth.

I hold in my hand a list of crimes similar to this which have been perpetrated during the last few years. The first is an outrage that was committed by a number of young men upon a girl in the neighbourhood of Parramatta-street, but by some mischance a gross miscarriage of justice, as I believe, took place in the acquittal of the men. The difficulty of proving such cases is often great, and false evidence is always ready, too ready, at hand to throw its protecting shield around criminals of your class. This outrage was followed by an outrage upon a young woman at North Shore, and the perpetrators escaped the death penalty on account of their youth. After this an outrage took place upon an old woman in the neighbourhood of Ultimo, and I have not the slightest hesitation in saying that a miscarriage of justice took

place in the acquittal of the prisoners, young men like yourselves – an acquittal which amazed me, as the evidence was of the clearest kind. This was followed by another, where the wretched woman was done to death somewhere in the neighbourhood of the locality now made infamous by this crime; and again, as I believe, a miscarriage of justice took place in the entire acquittal of all concerned. This was followed up by another frightful outrage in Woolloomooloo, where the wretched creature was found lying dead, like a dog, naked in the street, under circumstances of outrage too horrible to mention. Only one of the ruffians who outraged her was brought to justice, but escaped with his life. Again, last year I tried eight men for a concerted outrage of this kind upon an old woman under circumstances too disgusting to refer to. They all escaped the death penalty, too, and the outcome of all this mistaken leniency, and failure to convict, is this culminating horror.

You cannot expect that those who are charged with the execution of the law will hesitate under all these circumstances in handing you over to the death which you most righteously deserve. Outrages such as this are not committed upon the children of the rich, the surroundings of whose life give their children protection, but upon the daughters of the people, who in pursuit of their honest avocations are compelled to go about alone, exposed to the attacks of such gangs of ruffians as choose to assault them. Under all these circumstances be sure no pity will be extended to you; our pity must be reserved for the homes that are desolated and the victims who are wrecked for life by outrages such as these.

I warn you not to waste your time in idle protestations of your innocence. I advise you to prepare to meet your Maker; and if you are capable of understanding the position in which you stand, remember that your time is short. The recommendation to mercy which the jury have made in your favour it will be my duty to convey to the Executive. Your fate rests with them, not with me; but I can hold out no hope that this recommendation will be acted upon after all that has taken place of late years in this country. The time has come when a terrible example must be made of those who seem to be restrained by no pity for their victims, no sense of shame, no dread of the loathing of their fellows. Crimes such as yours it is too clear can only be restrained by the fear of death, the fate which awaits you. I have now but one duty to discharge, and that is to pass upon you the last dread sentence of the law.

Silence having been called,

His HONOR, naming each of the prisoners, said: The sentence of the Court is that you be taken hence to the place from whence you came, and thence, on a day hereafter to be named by the Governor in Council, to the place of execution, and that there you be severally hanged by the neck until your bodies are dead. God help you to repent of this crime.

(Sydney Morning Herald, 29 November 1886)

If Judge Windeyer had hoped his words would cow the nine guilty men, he must have been disappointed. The prisoners, according to the *Globe*, “appeared to be utterly unmoved by the sentence”.

No sooner had Windeyer left his seat than several of them “rose and laughingly waved their hands to their friends in the gallery” (Globe, 29 November 1886).

Their bravado would not last long.

11. Noose South Wales

The nine death sentences handed down in the Mount Rennie trial reignited a long-running public debate about the use of capital punishment in the Australian colonies. The Sydney press, with the exception of the *Bulletin*, vigorously supported the sentences, which were welcomed amid an orgy of editorial self-congratulation:

When this crime was the newest horror of the day we wrote:-

“Only by the certainty that capital punishment will assuredly follow conviction for such an outrage will the safety of society be assured. Once let the ruffians who perpetrate these villainies feel certain that, in the words of one of the witnesses of the Moore Park business, ‘there is a bit of rope at the end of this,’ and the end will have no beginning. The misplaced lenity shown to a couple of young scoundrels who some years since were sentenced to death for an outrage of this kind and then reprieved, has done much to bring the catastrophe about. Once let the cowardly wretches, who go in for this class of crime, feel that their necks are safe in any case, and they are ready to risk the rest. Once let them feel that their lives will pay the penalty of conviction, and they will risk nothing. Physical pain is the only thing they fear; death the one terror that will deter them.”

We wrote then as we write now, in the interests of society, which demands that such creatures be not permitted to live, which declares that they are dangers to the State and the race, and which justly insists on their extermination.

(Globe, 30 November 1886)

Behind the celebration, however, lay the knowledge that the sentences counted for nothing until they had been carried out. The decision of whether or not to hang the Mount Rennie rapists now rested with the Executive.

The case is one not for feeling but for judgment. Or if there is any sentiment which might properly be allowed weight in the deliberation, it is the sentiment of horror and indignation and public shame which burst from the community two months ago.
(Daily Telegraph, 29 November 1886)

But the tide of horror, indignation and shame had begun to turn. A growing sense of public revulsion towards the mass execution of “mere boys” brought a shift in the role of the daily papers. Previously they had acted as the voice of public outrage, their “horror” at once the reflection and the consummation of the “horror” they attributed to their readers. Now they were forced to acknowledge (if only implicitly) a distance between themselves and their readers. Their self-appointed task was no longer to channel public outrage against the crime but to steel public resolve in support of the punishment. The *Sydney Morning Herald* adopted its best patrician style to guard against recidivism:

The conviction of nine of the eleven prisoners charged with participation in the last flagrant outrage at Waterloo will probably cause a shock in the minds of a class in the community. If it should be as severe as that inflicted upon the mind of the public when the story of the outrage itself became known, some good results may, perhaps, be hoped for. Nothing could be worse for us than that a generation should grow up in the belief that the

law could be defied with confident impunity, and that the lawless were stronger in their reliance upon sympathy and co-operation than the administrators of public justice.

(Sydney Morning Herald, 29 November 1886)

The *Sydney Mail* went further, declaring that “these young men will suffer, not only because they are guilty but because so many others hang on the verge of guilt and need to have their fears aroused” (Sydney Mail, 25 December 1886).

To the *Daily Telegraph*, the public was simultaneously the victim of the Mount Rennie Outrage and, by its failure to properly punish previous atrocities, the abetter. It could redeem itself by doing now the job it had shirked before:

It is salutary at the present moment to recall the feelings of horror and shame with which, little over two months ago, the community at large read the account of the terrible outrage committed by a crowd of inhuman savages upon a poor, defenceless girl at Mount Rennie. It was felt then that this outrage, with all of its aggravating circumstances of horror and atrocity, came as the climax to a number of similar cases which had preceded it, and that it was in no small degree the natural result and product of the comparative or absolute impunity which their perpetrators had experienced ... [T]he universal indignation for the crime and sympathy for the unhappy victim found general expression in the hope that could the criminals be traced and convicted no weak and puling humanitarianism would attempt to interfere between their proper sentence and its execution, so that the due penalty might be paid to violated law and outraged

humanity and the public conscience might be cleansed by the full expiation of this terrible crime.

(Daily Telegraph, 29 November 1886)

Against the daily chorus on behalf of “outraged humanity”, Archibald’s weekly *Bulletin* campaigned tenaciously against the execution of the Mount Rennie boys on both moral and pragmatic grounds:

Just as the decline of barbarous punishments is the sign of a nation’s advance, so their growth is a sure symptom of a people’s decay. Much of the crime in New South Wales is directly traceable to the ferocity of former laws. To cure the criminal tendency, then, by the very means that caused it, is marvellous only as an example of folly. Next to the crime at Mount Rennie there is plenty of cause for national humiliation to be found in various parts of the address from the bench and in all parts of the yells sent up by the newspapers for triangles and blood ... The manner of [the] trial, during which judge and jury sat one day eighteen and a half hours, and next day fourteen hours, counsel rising to address the jury at 3 o’clock in the morning, was a disgrace to civilisation ... If this pack of degraded boys are all hanged, or, in lieu of that, flogged at intervals, murder and rape will probably go hand in hand in the future. And if, after the capital punishment or the torture, one or more of them should be proved innocent – a possibility far from remote – the increase in crime may be looked for with tolerable certainty.

(Bulletin, 18 December 1886)

Archibald was not the first to argue that capital punishment encouraged criminals to murder their victims in order to prevent them giving evidence. His opposition to the death penalty, however, went much deeper. To Archibald, hanging and flogging were symbols of the moral corruption eating at the heart of what he liked to call “Noose South Wales”. They were the living legacy of British convictism, with all its arbitrariness and cruelty. He believed that barbarous justice begot barbarous crime, not the other way around.

Out upon this 26th of January, 1788, say we, with its clank of fetters, crack of whips, thud of gallows-traps, odour of gaol fever, vice and beastly licentiousness – Mount Rennie, Mount Carmel, and Woolloomooloo outrages are its only legitimate offspring. (Bulletin, 18 September 1886)

As for the press, Archibald denounced the “homicidal mania” that he saw motivating his rivals. “Impelled by the wild intoxication of revenge, the Sydney daily papers shrieked and yelled for the blood of the Mount Rennie convicts” (Bulletin, 15 January 1887).

Archibald saw not a clamour for justice but a conspiracy between press, Church and State. In an article headlined “Pharisees and Larrikins”, published a fortnight after the crime, Archibald drew a direct comparison between what was being written in newspaper editorials and what was being preached in Church:

“The Mount Rennie outrage” was the text of several special sermons in Sydney churches on Sunday last. The newspapers have made much of this subject, dilating upon the most meagre evidence in a hyper-sensational way; it was only in accord with

usual custom that the clergy should follow the same line ... The men now in custody were marked for sentence by these fervent clerics before their defence or the charge against them was known, and if any of their future jurors were among the congregations they were probably influenced to the certain disadvantage of the prisoners. "Public morality" cannot be maintained by such sins against justice as these.

(Bulletin, 25 September 1886)

In fact the clergy was no more unanimous in its reaction to the Mount Rennie trial than parliament or the public itself. In 1879 Sir Henry Parkes, as premier, had faced down public protest and sent Alfred to the gallows in Mudgee. Seven and a half years later he wrote a long letter to the Governor of New South Wales, Lord Carrington, reminding him that "the crime of rape is not punishable by death in England" and that "no group of criminals equal to six in number [by now three of the nine had been reprieved] have been executed in any English-speaking country for many years past, even for the worst case of murder". He went on:

This Colony is approaching an epoch in her History when all classes desire, in some form or other, to attract the attention of their fellow subjects throughout the British Empire to her amazing growth in all the higher conditions of civilization, as well as in commercial enterprise, industrial activity and material prosperity – If we hang these six young criminals, that tragic spectacle of our Criminal Law will go forth to the world, as the dark forerunner of all our endeavours to fix the world's attention on our national progress ... and would lead to investigations and comparisons which could not be favourable to New South Wales

... the strangling of six human creatures would be regarded, far and wide, as a legal butchery, and by its saddening novelty would create an impression which no public display of our national wealth, no declaration of our patriotic sentiments, would ever efface. (Parkes 1886)

Temporarily out of office, Parkes remained an influential figure in colonial politics and would take up his fourth term as premier in the following year. In his letter he wrote as a parochial New South Welshman. His argument for reprieving the Mount Rennie boys was based on pragmatism and imperial politics rather than principle, but it put him, for once, on the same side as Archibald.

A week later, Archibald wrote his own letter to Carrington.

My Lord,

In my capacity as a private citizen and in a moment snatched from pressing work I now write to your lordship. As editor of the Bulletin newspaper I have already made a public appeal in this matter of the youths under sentence of death for the Mount Rennie crime and have brought facts under your Excellency's notice which will I trust be sufficient to induce to do justice and to extend mercy. I would now however from appeal proceed to petition and request you as a last measure of assurance to summon to your presence Messrs O'Mara, Gibson, Canaway, Walter Edmunds, and Ellis, members of the junior bar of NSW engaged in the defence of the prisoners and demand from them whether they have complaints to make in regard to the fairness of the trial which ended in the condemnation of those now under sentence of death. It is certain that your Excellency, a

comparative stranger to this country, will never forget any labour taken in the thorough elucidation of this terrible matter, and if you should be tempted to ask “Why do not the counsel named themselves come forward of their own free will?” I would ask your lordship to consider for a moment how serious a matter it is for a junior barrister who has his way to make in the world to set himself in opposition to a judge of the Supreme Court by a flicker of whose eyelash or a curl of whose lip he may be for ever ruined. If your lordship will but call before you the barristers I have named you will receive much information unobtainable from any other source.

My lord, there are worse offences possible than Mount Rennie outrages: a rape may be committed on the person of the Goddess of Justice, whose guardian you are.

(NSW Department of Corrective Services)

Archibald would rewrite this letter many times in his memory and in his private memoirs and notebooks, usually for the worse. In switching the ending to the beginning, he sacrificed directness and idiomatic simplicity to a deadly literary pomposity:

May it please your Excellency,

I appeal to Caesar. A rape is now being committed on the goddess of Justice, of whom your Excellency is the appointed guardian ...

(quoted in Lawson 1983, p. 132)

In the original letter, written on notepaper from the Atheneum Club, Archibald had been careful to stress that he was writing “in my capacity as

a private citizen”, dissociating himself from the editorial role in which he regularly heaped the *Bulletin*’s republican scorn on the Governor’s head. Whatever Carrington may have thought about Archibald’s “private” approach, he did not act on the invitation to interrogate the defence counsel. Archibald later recalled receiving a note from Carrington’s private secretary acknowledging the letter but nothing else.

That Archibald felt a deep personal involvement in the Mount Rennie case, rather than simply a moral and professional obligation to nine prisoners he considered victims of a legal farce, is apparent from another anecdote retold years after the event:

A few days after the trial I met O’Mara [one of the defence counsel] trudging wearily along Paddington-road, his shrunken frame wrapped in a heavy overcoat.

“Well, Tom,” I said, “what’s it to be now, what are you going to do? I have written to the Governor, but then I have no standing in the case. Will you write to him?”

“No use,” he replied, “all the strong people are against us – and look at the daily papers.”

(Archibald, notebooks vol. 5)

Despite the barrister’s reluctance, Archibald succeeded in persuading O’Mara to write the letter.

So I led him into a little corner hotel, and asked the landlord for writing materials ... eventually we used sheets cut out of his child’s school exercise-book ... The Herald, ever subservient to the Bench of which it was in a way the organ ... refused to publish the protest but it appeared in the Daily Telegraph.

Despite O'Mara's claim that "all the strong people are against us", Parkes was far from the only politician to speak out against the sentences. In a letter to the *Daily Telegraph* a New South Wales MP condemned the "prayer for human blood raised alike by the press and the judge who tried the case":

I can understand an agitation in favour of reprieve, if backed up by circumstances which moderate guilt; but I cannot comprehend the Christianity or good-citizenship of men who practically goad the Executive to surrender their collective judgment to the popular thirst for the blood of the offenders. Such a vindictive intervention with the law savors too much of the Californian adoration of Chief Justice "Lynch".

(Daily Telegraph, 30 November 1886)

Lynching – a symbol of rough but effective American justice - was a popular analogy among those arguing for reprieve, and equally among those arguing against it. "If these men be spared by the Executive," the *Globe* told its readers, "then, as surely as Heaven is above us, Lynch law will reign in the land, and the wild rude justice of revenge will sweep away the tottering, doddering, sickening sentimentalists who sympathise only with the criminal and never with the victim." An American told the *Sydney Morning Herald* that in his country the rapists would all have been "tied up to the first tree and about 30 or 40 men with pistols would have riddled them with bullets" (Sydney Morning Herald, 31 December 1886). The correspondence column of the *Bulletin* was full of trenchant references to lynch law.

Outside New South Wales, reaction to the trial tended to focus on the moral and social implications of *not* carrying out the prescribed sentences.

The [Melbourne] *Argus* says that if the Sydney Executive decide that the death penalty on the whole of the Mount Rennie miscreants is necessary, their action will be upheld by resolute and sympathetic public opinion throughout Australia ... [O]ur own aborigines, the Papuans, and the degraded bushmen of South Africa, do not permit a Mount Rennie outrage to take place; and it is not for civilisation to screen worse savagery than that of savages. (*Globe*, 29 November 1886)

Melbourne's *Daily Telegraph* was typical in asserting that the shame lay not in the punishment but the crime. "We are dishonoured before the civilised world," it said, "by such deeds as the Mount Rennie outrage."

(It is worth noting the inherent shiftiness of the words "we", "us" and "our" in colonial debate, especially between Victoria and New South Wales. Within a few days of the Mount Rennie trial, the Victorian premier wrote to his New South Wales counterpart to propose an Exhibition be held in Melbourne, archly noting that "what you at present want we have, a grand exhibition building". Discussing the pros and cons of the proposal, the Melbourne *Argus* speculated that "New South Wales may see in the scheme a clever effort to divert the Centenary Celebration from Sydney to Melbourne" while the *Age* thought that "the people of New South Wales will hardly be likely to regard the project as one to assist them, as they would have held an exhibition themselves had not their poverty prevented them". In its reporting of the Mount Rennie Outrage, the Melbourne *Herald* declared the crime "a stain, a dark blot on our boasted civilisation" while reminding Victorian readers that it represented "a class of crime which has, unfortunately, been far too prevalent in New South Wales of late years." Colonial rivalry and one-upmanship have never been confined to political

and commercial issues. The Mount Rennie Outrage offered an unparalleled opportunity for the press in other colonies, especially Victoria, to assert its moral superiority over New South Wales.)

In both Victoria and Queensland editorial writers laboured with the idea that New South Wales was both a separate colony and a neighbour; a commercial rival and a source of moral contagion. The Brisbane *Courier* trusted that “for the sake of the whole Australian community, they [the Government of New South Wales] will do their part towards stamping out the moral plague which threatens us all.”

While blaming New South Wales for this “hideous and appalling outrage”, the Melbourne *Herald* conceded that all Australians were shamed by the crime, and that it was in their common interest that the perpetrators be hanged:

Humanitarians have pointed to the severity of the colonial code in retaining on its statute Book the punishment of death for those convicted of criminal assault, and point to its different and milder treatment in England and other countries. But these critics should remember that in a new and sparsely populated country women require greater protection from the assaults of beasts than they do in more densely populated places ... and while we are of those who consider that the very worst use that a human being can be put to is to hang him, it is, we think, imperatively necessary that when an atrocity like that under consideration is sheeted home, the punishment should be the severest known to the law.

(quoted in the *Globe*, 2 December 1886)

Striking a similar note, the Brisbane *Courier* declared that “All Australians will learn with deep satisfaction that the perpetrators of this

fiendish outrage in Moore Park, Sydney, have been found guilty of their crime and sentenced to death ... If such criminals as these are to escape death, then the gallows should be abolished as an instrument of punishment, for an ordinary murderer is a mild offender when compared with them.”

Away from the seat of government, the *Ballarat Star* resisted the parochial jibes of the Melbourne press, soberly assuring its readers that “Society is justified in protecting itself and its structural laws at all hazards ... Those who defy these laws are well informed of the risk, and consequently deserve little consideration under the penalty.”

*

While the nine Mount Rennie boys languished in Darlinghurst Gaol, one more prisoner remained to be tried. The thirty-five-year-old cabman, Charles Sweetman, was convicted and sentenced to fourteen years’ penal servitude and two floggings of twenty-five strokes each for his role in the Outrage. But what exactly was Sweetman’s role? Nearly a decade later the *Bulletin* was still railing against the severity of the cabman’s sentence: “No more glaringly cruel case of injustice than that of SWEETMAN can be found on the legal records of Botany Bay, from the year One” (*Bulletin*, 7 September 1895).

Even the stridently pro-hanging *Globe* was uneasy with Sweetman’s penalty. Its discomfort lay chiefly in the fact that Judge Windeyer, when passing sentence, held the cabman responsible for the unforeseeable *consequences* of his actions rather than for the actions themselves. Windeyer punished him for the rape, although he was not one of the rapists.

But that wasn’t all. The case against Sweetman turned on a question that had never been properly answered: why had Mary Jane Hicks accepted

a ride from him? “Her consent,” remarked the *Globe*, “certainly covered her entry into the cab, and it is to be inferred from her statement that she accepted his invitation, knowing that he would carry her free of charge” (*Globe*, 30 November 1886). But was that all Mary Jane consented to? There was the awkward fact of her “silence” while driving through “populous thoroughfares”. Was she too frightened to speak? The *Globe* conceded that Sweetman was an “immoral scoundrel” who “ought never to have been allowed to drive a licensed cab”. Nevertheless, it said,

The ordinary amount of worldly knowledge is enough to show that whereas Sweetman found her capable of being persuaded to accept from him the favour of a free drive, he had room for reasonable doubt as to what the true character of the girl was, and to what extent she would be proof against further persuasions.

Charles Sweetman’s conviction was reported by the press as a postscript to the conviction of the nine Mount Rennie boys. Yet the mood was changing. Questions about Mary Jane’s character that had been judged irrelevant to the earlier trial could not be dismissed so easily in the case of the cabman. Where she had been blameless, the possibility now existed that she was complicit. For her enemies in the press, in the police, and in government, the end of Sweetman’s trial marked the start of the trial of Mary Jane Hicks.

12. She is of idle, uncleanly, and untruthful habits

Within days of the sentencing, a scurrilous document began to circulate about the character of Mary Jane Hicks. It was written by a policeman in whose home Mary Jane had been lodging.

Stanmore Police Station

Dec 3rd 1886

Re Mary Jane Hicks, prosecutrix in the Mount Rennie rape case.

Senior-Constable Porteous respectfully reports for the information of the Superintendent that the girl Hicks has been under the care of the Senior-constable and his wife at the above station for the last two months, and having had a favourable opportunity of observing her general behaviour, he is enabled to say that she is of idle, uncleanly, and untruthful habits.

- (1.) Except when she had to attend the Court she persistently remained in bed till 10 or 11 am. She would then loll about the best part of the day, either on the bed or on the lounge. She refused even to wash up the dishes after meals, or to do any work.
- (2.) In spite of the remonstrance of the Senior-constable's wife she deposited excrement in the night utensil nearly every night, and on one occasion she used a new Turkish towel to wipe her person with, afterwards hiding the towel in a box under her bed, until it was discovered by its stench.
- (3.) In many small matters of every-day life she said things which the Senior-constable knew to be untrue, their falsity being within

her own knowledge. There was also great discrepancy in her statements about her previous history. Some days she would say she came direct from Bourke, and at other times from Bathurst. Once she said that she had three brothers at Bathurst, that two of them were married and that they seldom corresponded with her. At other times she said that she had only one brother, and did not know where he was. She also said that she had never been inside an hotel, and yet at her trial she deposed that she had been employed at McGrath's Oddfellows' Hotel, Sydney. She also stated to the Senior-constable that Mrs Duffy (mother of the prisoner Duffy) worked at the above hotel with her but contradicts that now by saying she meant a Mrs Anderson who was with Mrs Duffy at the Court.

- (4.) On the road to and from Dr Marsden's, she pointed out to the Senior-constable, at different times, one house in Goulburn-street and two in Elizabeth-street, and said, "They are bad houses and kept by women of the town"; in pointing to one of the houses in Elizabeth-street she said that the "Police had taken one of the girls from there for being a common prostitute," and, on returning late at night from the Court-house, she pointed out to the Senior-constable several women whom she called "Street walkers".

On being asked how she knew, she made answer, "That's my business" or "I know".

On one occasion she pointed out to the Senior-constable Duffy's mother and Boyce's two brothers, and when asked how she knew, she made no reply.

Several times she attempted to converse with the Senior-constable's wife on indecent topics, and also said that she knew

about remedies to use when women were pregnant. She mentioned “[word missing] pikery” and “Steel drops” on the Senior-constable’s wife remarking that children were a trouble, and hoped that she would have no more of them. Miss Hicks advised her to use a “syringe” with a certain liquid.

Constable Fletcher, of Newtown, who has since left the Force and gone to America, came to bid the Senior-constable good-bye the evening before he sailed. He there saw Mary Jane Hicks (at the Station), and said, “Why that girl made an appointment with me at Newtown to sleep with me at a house where she was stopping.” She had another girl with her who, she said, was Eleanor Moxham, from Bourke. Fletcher also told the Senior-constable that he stopped her and “accused her of being on the town”. That she at first denied it but afterwards admitted it, “and promised to meet him that night and take him home to where she was stopping”.

The Senior-constable questioned her afterwards, and she told him that she had Eleanor Moxham’s likeness in her possession, and “knew her well”. She never produced the likeness, although asked to do so.

She also admitted to being in both Macdonaldtown and Newtown, but denied making the engagement with Fletcher.

She also, on one occasion, pointed out to the Senior-constable Miss Moxham’s sister, at the Redfern Railway Station.

She also told the Senior-constable that Eleanor Moxham was the prosecutrix in the case *v* Father Huggard, at Bourke; and that she and the above girl came down from Bourke together.

JOHN PORTEOUS, S-C

(NSW Department of Corrective Services)

Senior Constable Porteous's letter was addressed to "Geo. Read, Superintendent of Police, Sydney". In the left-hand margin is a handwritten note that says: "Forwarded to the Inspector-General of Police. This seems to be a very important statement" and signed "Geo. Read, Supt, 3/12/86".

Which parts of the statement struck Read as "very important"? Surely not the tut-tutting about Mary Jane getting up late, lolling about on a sofa and refusing to do the washing up. The censure of Mary Jane's personal habits by Senior Constable Porteous ("and his wife") could be discounted as the bourgeois scolding of a disgraced orphan servant girl whom they must now have regretted taking in. There was, however, enough in Porteous's report to make the superintendent sit up and take notice.

According to Porteous, Mary Jane was both a habitual liar and a self-confessed prostitute; if not an abortionist herself, she appeared to know enough about the techniques involved to suggest she might have had an abortion, or at least knew others who had. Any one of these revelations, if true, would have cast doubt on the evidence given by Mary Jane in the Mount Rennie trial.

Then there was the business with Eleanor Moxham. In February 1886 a priest, Father James Joseph Huggard, had been charged with abducting Louisa Eleanor Moxham ("the girl Moxham," as the press often referred to her) from her father's house in Bourke. At his trial, after a hostile summing up by the judge, the jury found Huggard guilty with a "strong recommendation" for mercy. In newspaper reports of the case the victim was generally identified as "Louisa" Moxham. Did Mary Jane's use of the name "Eleanor" imply a special familiarity – the sort of familiarity she might have gained during the long journey from Bourke to Sydney – or was Mary Jane simply name-dropping in order to ally herself with another famous "prosecutrix"? Was her claim to be friends with Eleanor Moxham

(close-enough friends for her to carry around Eleanor’s “likeness”) merely the boast of a frightened, needy girl who had no real friends?

Did she goad Mrs Porteous with shocking words and scandalous knowledge because she knew Mrs Porteous would be shocked and scandalised?

And finally, what of the hearsay evidence attributed to Constable Fletcher, by now conveniently out of reach in America? Fletcher’s claim to have been propositioned looks bad for Mary Jane, but we only have his word for it. He was never cross-examined or required to give evidence under oath. Fletcher and Porteous appear to have been friends – Fletcher chose to visit him the night before he sailed for America to “bid the Senior Constable good-bye” – and Fletcher evidently felt no qualms about admitting the assignation to Porteous. Might Fletcher, knowing his superior’s dislike of Mary Jane, have added his own touches to Porteous’s negative portrait in the knowledge that he would never be called to account?

Unlike the absent Fletcher, Porteous was submitting his allegations directly to a senior officer, Superintendent Read, who could be expected to demand proof and challenge inconsistencies. Porteous must have known he could not lie with impunity. On the question of Mary Jane’s personal habits, Porteous could probably risk a degree of exaggeration, knowing that Mrs Porteous would back him up. But in recounting private conversations with Mary Jane, it was his word against hers.

After receiving Senior Constable Porteous’s report, Superintendent Read sent another policeman, Senior Constable John P. Forbes, to investigate the allegations against Mary Jane. Ten days after the original statement, Forbes delivered the results of his investigation:

No 1 Police Station
Sydney 13th December 1886

Re Mary Jane Hicks

Senior Constable John P. Forbes respectfully reports for the information of the superintendent that he has been informed by John Murphy, teller at the Eastern branch of the City Bank, Oxford Street, Sydney, that he engaged the girl Hicks, from the Convent at Bathurst, about two years ago, she remained in his employ for about six months, he then sent her back to the Convent, during the time she was with him her conduct was good. He again met her by accident at the Redfern Railway Station about the month of April last she requested him to take her out to his residence 28 Begg Street, Paddington until she saw her uncle, he refused to do so, but took her to the Farmers Home Hotel George St, he called on her on two or three occasions at the Hotel and saw her there, he has not seen her since.

Mr Branston, licensee of the Farmers Home Hotel, states that the girl Hicks came to his place in Company with a young man whom she said was her brother, and that she had got a pound from him to pay for her board and lodgings. She remained at the Hotel for a week during that time her conduct was good. Jeremiah McGrath, licensee of the Oddfellows Hotel, George Street, states that the girl Hicks was engaged from the Good Samaritan Convent, Pitt Street, and was in his employ for about three weeks, during that time her conduct was good.

The Rev Mother at the Good Samaritan Convent states that the girl Hicks had been in the Convent two days before being engaged by Mr McGrath. She had been away about three weeks

when Mrs McGrath requested them to take her back to the Convent as she did not think she was suited to a Hotel where there was a number of men. She was taken to the Convent where she had given them a great deal of trouble, she refused to remain there.

Mrs Anderson, 99 Dixon Street, states that the girl Hicks came to lodge with her after leaving Mrs McGrath's and remained with her for about fourteen days and went away and was absent for five weeks, and told Mrs Anderson that she had been staying with a foreigner at Moore Park for the five weeks she was away, during the time she was with her she took an umbrella out one night belonging to Mrs Anderson and brought it back broken, she also took away a parachute and did not return it, she was lazy in her habits whilst staying there, she did not see her misconducting herself otherwise.

The girl Hicks informed the Senr Const that she had only been staying in Sydney at the Convent, Farmers Home Hotel, Oddfellows Hotel, Mrs McGrath's, Dick Street, and Mrs Anderson's. When the Senr Const questioned her about the five weeks she had been staying at Moore Park, she said I never lived there in my life and don't know where it is, and that she had not been in any other place in Sydney. After being questioned for some considerable time, she said I was staying with Mrs Parker, near the Railway Station at Marrickville for five weeks, she did not know the name of the street, and that Mr Parker was a porter on the railway at Bathurst, and he came home once a month.

The Senr Const made enquiries in the vicinity of the Marrickville Railway Station for a day and was unable to trace the woman referred to. He was also informed at the Redfern

Railway Station that there was not a man named Parker employed as a porter at Bathurst. The Senr Const accompanied the girl to Newtown on the 11th instant. She pointed out No 5 Ulster Terrace, Station Street, Newtown, as the house in which she was staying with Mrs Parker. The Senr Const made enquiries at the house and was informed by Mrs Franklin, that she and her husband had occupied the house for two years, and the girl was not known to them. He also made enquiries at every house in the terrace and immediate neighbourhood and failed to find any trace of the woman. He was also informed by the Landlady that no such person had been living there.

With reference to the girl Louisa Moxham the Senr Const has been informed by her sister Nancy Moxham, 106 Foveaux Street, that Louisa has not been in Sydney for the past three years and is at present residing with her sister Mrs Warmold at Bourke.

The girl Hicks informed the Senr Const that she was introduced to Louisa Moxham at Springwood Railway Station about two years ago and she has not seen her since then.

John Panton Forbes

(NSW Department of Corrective Services)

Senior Constable Forbes appears to have been conscientious in his duties. He tracked down and spoke to numerous witnesses. Three of them described Mary Jane's conduct as "good". Mrs Anderson equivocated, berating her for breaking an umbrella and for failing to return a borrowed "parachute", while conceding that "she did not see her misconducting herself otherwise".

Forbes's assertion that Mary Jane "had given [the nuns] a great deal of trouble" and that she "refused to remain there" did not accord with the Reverend Mother's own account of Mary Jane's behaviour.

Further doubts surround the question of where Mary Jane spent the five weeks she admitted to being away from Mrs Anderson's. According to Forbes she told Mrs Anderson that she was "staying with a foreigner in Moore Park". Was this evidence from Mrs Anderson true or motivated by malice? Although Mrs Anderson was still smarting over the umbrella and "parachute", she forgave Mary Jane enough to allow her back after her five-week absence. Mary Jane was still there, enjoying free board and lodging, on the day she went looking for work at the registry office in Castlereagh Street.

It seems likely that the antipathy between Constable and Mrs Porteous and Mary Jane was mutual. Perhaps she did say things simply in order to shock the easily outraged couple, who took each provocative remark at face value and made sure to remember it.

Her behaviour towards the more stolid Forbes appears to have been quite different. They must have spent some time together, since Mary Jane accompanied him around Newtown on his search for the elusive "Mrs Parker", whom Mary Jane had put up as an alibi for the five weeks she went missing from Mrs Anderson's. Whatever his own feelings may have been towards Mary Jane, Senior Constable Forbes gives the impression of a diligent investigator too canny to rise to the bait like his junior colleague. Forbes's dogged catalogue of facts is perhaps the nearest thing we have to a reliable account of Mary Jane's life before the rape.

But for all his efforts, Forbes could find no trace of Mrs Parker. As for Eleanor – or Louisa – Moxham, we are left guessing as to whether Mary Jane knew her at all. Her claim to be carrying a "likeness" of Eleanor

Moxham - although she refused to show it to Senior Constable Porteous - seems significant even if the claim was untrue.

By the end of the committal hearing in October, if not before, Mary Jane must have begun to comprehend what was at stake in the coming trial: her reputation, the reputation of the colony, and the lives of the eleven men accused of raping her. Might she have found vicarious support in the example of Louisa Eleanor Moxham: a “prosecutrix” who had already been vindicated in court?

The confusion over where and when Mary Jane met Eleanor Moxham is typical of many assertions she made after the rape. She told Forbes they were introduced on Springwood Railway Station but led Porteous to believe they had met in Bourke. Perhaps they had met in both places, perhaps in neither.

The factual “discrepancies” Senior Constable Porteous claimed to have found in her story point to a wider truth: that Mary Jane could give inconsistent (and sometimes contradictory) accounts of herself, either in words or in the way she behaved, with equal conviction.

Six months after the trial a man named Osborne wrote to the new Minister of Justice, William Clarke:

My dear Clarke,

These two things were known before the trial, first, when the girl Hicks was in the infirmary just after the outrage the doctors had the greatest difficulty in keeping her from Wardsmen and other males to whom she went for immoral purposes. Secondly, that the Police Officer to whose care she was intrusted after she came out of the Infirmary went to the Inspector General of Police and insisted on her being removed from his (the officer’s) house on the ground that she was constantly soliciting

by word and action the police at the station to have carnal intercourse with her. These facts are known, and had they and other facts which proved unmistakeably Hicks was a harlot, been brought out at the trial, none of the prisoners would have been hanged, and no sentence would have exceeded five years' imprisonment." (NSW Department of Corrective Services)

Osborne marked his letter "Private". Nevertheless, it panicked the newly appointed minister into a flurry of official correspondence. The relevant sections were copied and forwarded to the Inspector General of Police and the Secretary of the Sydney Hospital.

The Inspector General of Police, Edmund Fosbery, was already familiar with these allegations, having six months earlier received a copy of Constable Porteous's statement accusing Mary Jane of propositioning police at Newtown. Fosbery was sufficiently convinced to have Porteous's statement printed and sent to the Colonial Secretary.

What, then, of the allegation that the doctors looking after Mary Jane at the Sydney Hospital "had the greatest difficulty in keeping her from Wardsmen and other males to whom she went for immoral purposes"? The acting under-secretary at the Department of Justice wrote immediately to the Secretary of the Sydney Hospital in Macquarie Street:

Sir,

In transmitting to you the enclosed extract from a communication received by the Minister of Justice dated the 23rd instant, regarding the Mount Rennie Outrage case. I am directed to inform you that the Minister would be glad to be favoured with a report as to the truth or otherwise of the statement made,

and whether the conduct of the girl Hicks while in the Sydney Hospital was such as is represented in the extract sent.

I am to add that as Mr Clarke is leaving town tomorrow he would be obliged by a reply as early as possible.

Dr Fisher, the house physician, replied the same day:

Sir,

I have read the statement enclosed in your letter with respect to the girl Mary Jane Hicks, while she was a patient in this Hospital, and beg to inform you that there is not the slightest foundation for such a statement; on the contrary her conduct was most exemplary.

The secretary added his own more formal reply in a few lines written diagonally across the top corner:

Have made inquiry from the Medical Officers and Nurses respecting the conduct of the girl Hicks whilst a patient in the Sydney Hospital and I have to report that there is no truth in the statement conveyed to the Minister of Justice herewith enclosed.

(NSW Department of Corrective Services)

The urgency of Dr Fisher's language makes a striking contrast to the more measured testimonials reported by Senior Constable Forbes. Fisher was not content to deny the rumours against Mary Jane; he wanted to refute them.

Once again, we are left with the paradox that Mary Jane Hicks was a girl about whom vicious allegations could plausibly be made – and equally plausibly denied.

By this time Mary Jane had vanished from the headlines, and from Sydney. In her absence, innuendo and gossip acquired the status of fact. The damage to her reputation had been done. In July 1888 the Minister of Justice, William Clarke, personally undertook to review the prosecution case against three of the convicted men. At this time Clarke was serving in the ministry of Sir Henry Parkes, now premier for the fourth time. Parkes had been one of the fiercest opponents of the hangings. Clarke's handwritten report would question much of the evidence against the men while dismissing the two principal crown witnesses, William Stanley and Wobbity Smith, as "undoubtedly low types of criminals". His verdict on Mary Jane was even more severe. "The girl Hicks's character," he would conclude, "has no redeeming feature about it" (NSW Department of Corrective Services).

13. Nine human dingoes have been found guilty

“Nine human dingoes have been found guilty of glutting their foul appetites on one miserable little girl,” announced the *Bulletin*. “The evidence against the majority of them placed their complicity in the crime beyond the region of doubt, and the verdict will be eminently satisfactory to those of the general public who have ventured to read the revolting record of proceedings in court” (Bulletin, 4 December 1886).

To some people (perhaps to most) the guilty verdict against the nine Mount Rennie youths must have felt “eminently satisfactory”. But to many others, it represented a travesty of justice. If the Crown’s own witnesses had been unable to reliably identify individual perpetrators, how could the jury be certain that all nine were guilty? Were some of them standing in for others who had not been caught?

There was still no sign of the man with the “big coat” who was alleged to have participated in the Outrage but was not among the accused. “It is quite certain,” the *Globe* told its readers straight after the verdict, “that even now all the ruffians who took part in that most detestable business have not been brought under the lash of the law” (Globe, 30 November 1886). Even assuming that all nine were guilty, were they all equally guilty and equally deserving of the death penalty?

Judge Windeyer strongly implied in his sentencing remarks that his refusal to accept the jury’s recommendation to mercy derived, in part, from his frustration at the lenient sentences handed down in other cases of pack rape. But what justification did he have, legally or morally, to punish the Mount Rennie rapists for rapes committed by others?

The backlash against the death sentences focused, to begin with, on Windeyer’s conduct of the trial: in particular, the prolonged sitting hours and his “Draconic” sentencing remarks, which – in the words of a

correspondent to the *Daily Telegraph* - amounted to “an attempt to scare the Executive into hanging these men rather than brook public displeasure” (Daily Telegraph, 30 November 1886).

The *Bulletin* declared that the jury, after sitting until 3.30am on the penultimate day of the trial, was too “exhausted” to discharge its responsibility and noted that the only two days on which Windeyer adjourned proceedings at a “reasonable hour” coincided with his attendance at “semi-public dinners at Government House and the Royal Hotel respectively”. The execution of men convicted under such circumstances, it said, would “disgrace the British Empire and send a thrill of horror throughout the civilised world”.

The *Bulletin*'s “Correspondence” column was, inevitably, a magnet for pseudonymous attacks on the character of Mary Jane Hicks. “Womanly honour must be held as precious as human life,” wrote “PJ”, “but we don't see why men, however degraded, should be hanged to protect female vice, instead of female virtue.” Readers continued to draw comparisons with lynch law. “In America Judge Lynch often avenges virtuous women – never street-walkers,” wrote “ADG” (Bulletin, 8 January 1887).

Allegations of immorality against Mary Jane were made both directly and obliquely. A cautionary article in the *Daily Telegraph* reminded readers of the outcome of the Wyndham rape case, in which seven men had been sentenced to death by Judge Windeyer, only to have their sentences commuted to between five and ten years in gaol:

Let us look at the subsequent history of this case. Not only did further investigation show mitigating circumstances sufficient to justify a reprieve, but also to warrant the Executive in remitting the penalty of flogging. As against the conclusion arrived at by Judge Windeyer that the case was one for hanging, let me quote

the recorded opinions of his Excellency Lord Loftus, who caused the whole facts to be thoroughly sifted:

‘I have carefully perused all these papers, and have come to the conclusion as follows:

‘1. That the prosecutrix is of immoral character, unchaste and unreliable.

‘2. That her evidence, being contradictory, is unworthy of belief.

‘3. That there is no other evidence but hers against three of the prisoners, and quite insufficient evidence except her own to prove a rape.

‘4. That the whole affair bears the character of a drunken brawl, in which the prosecutrix played the most disreputable part – AUGUSTUS LOFTUS.’

That was his Excellency’s opinion of the case against the seven men who (Judge Windeyer thinks) ought to have been hanged. And now let me ask you and the public to note this further development. Seven months afterwards a mass of evidence was forthcoming which showed that three of the convicted men were not even present when the supposed rape was committed. They were released with the concurrence of Judge Windeyer, who, if he did not think the additional testimony exonerated them, at all events thought it raised such grave doubts of their guilt as to warrant their immediate release.

(Daily Telegraph, 30 November 1886)

Few readers could have failed to appreciate the analogy and its insinuations about the character of Mary Jane Hicks.

During the six weeks between the end of the trial and the hangings, the columns of the *Bulletin* amounted virtually to a platform for denigrating Mary Jane Hicks and, by extension, all women who made accusations of rape against “innocent” men.

Meanwhile public protests against the death sentences, combined with petitions for reprieve, increased the pressure on the Government to act. On 16th December 1886, after the longest Executive Council meeting in the colony’s history, three of the nine sentences were commuted.

His Excellency the Governor presided, and there was a full attendance of members of the Government.

His Honor, My Justice Windeyer, who tried the case, had furnished a lengthy report on the evidence. His Honor was also in attendance to advise the Council on any point that might arise during the discussion on his report.

After the fullest and most careful consideration of the Judge’s report, and of several petitions which had been presented to His Excellency the Governor, praying for a commutation of the sentences passed upon certain of the prisoners, the Executive Council decided that six of the men shall be hanged, and three imprisoned for life; the first three years in irons.

(Globe, 17 December 1886)

The three reprieved were Michael Donnellan, Hugh Miller and George Keegan. The decision to reprieve Donnellan – who had been described by at least one witness as the “ringleader” of the Outrage - prompted a sardonic paragraph from the *Bulletin*:

Thousands of people have been wondering how it happened that the convict DONNELLAN, who, according to the evidence in Court, was one of the very worst of the Mount Rennie gang, was so readily reprieved by the NSW Executive. It is well known that DONNELLAN has rich friends, it is certain that he is said to be distantly related to a personage high in office, and it is known that large sums of money were spent in his defence and in advocating the reprieve after he had been sentenced. It is further known that at least half a dozen members of Parliament were most strenuous in their private exertions on his behalf, and that the news that he had been at once reprieved caused a perfect convulsion of surprise among the counsel engaged in the case. (Globe, 8 January 1887)

That left six to be hanged: William Hill, George Duffy, William Newman, Joseph Martin, William Boyce and George Read.

The decision to reprieve three of the prisoners did little to dampen the public protest against the remaining sentences. At the *Bulletin*, Archibald continued to write lacerating editorials against Windeyer and the Executive, and to ridicule officials he viewed as complicit in the imperial conspiracy to hang the Mount Rennie boys. One of these was the mayor of Sydney, John Young, who found himself presiding awkwardly over a public meeting to debate the executions:

According to all precedent Mr YOUNG was, as Mayor, in duty bound to convene the assemblage in question. The object sought to be advanced was a perfectly legitimate one, and the requisition was signed by numerous citizens. Mr YOUNG seemingly tried to shuffle out of discharging the Mayoral function at the outset, and

when unable to do this he forwarded vague and contradictory telegrams ... Compare this hesitation and reluctance to give his official sanction to the holding of this meeting, to discuss the question of whether six human beings should perish on the scaffold or not, with the avidity with which the same functionary seized upon the idea of inaugurating a triumphal entry into the city of a victorious blacksmith-sculler, and the Philistinism – the vulgar worshipping of worldly success, and scornful indifference to misery and suffering – is painfully conspicuous ... A Mayor like Mr YOUNG could easily gag the whole community, or at any rate put such a limitation on the right of free discussion as to practically reduce it to zero. (Bulletin, 8 January 1887)

As usual, however, Archibald's most stinging criticism was reserved for his colleagues in the press, who remained overwhelmingly in favour of the executions going ahead.

[T]he SUNDAY TIMES declares there were only a thousand persons present. This is a sample of the wanton and cowardly falsehoods that have been published. The room was literally packed with people, and thousands were unable to gain admission. A circular advocating mercy was given away, and no fewer than 6700 copies were distributed one by one at the door ... It suits those whose idea of civilisation includes the gallows as a necessary adjunct to depreciate the significance of any demonstration that would rob them of their beloved throttling match. (ibid)

The fight over whether the hangings should take place was developing into something more abstract: a fight for control of the narrative itself. Did a meagre one thousand people come to the anti-hanging meeting, as the pro-hanging press claimed, or did seven thousand? Was the public united behind the death sentences or bitterly divided by them? Beneath those questions were deeper ones that went to the heart of the colony's sense of its own identity. On the verge of its centenary, could compassion and mercy overcome the atavistic gratification of a "throttling match"? If the answer was "yes" then what did that say about justice in New South Wales – didn't a poor girl like Mary Jane Hicks deserve the protection of the law as much as the daughters of the rich?

The Mount Rennie Outrage, and crimes like it, did more than simply remind the colony of its hated criminal past; they implied that the past was repeating itself. The rape of Mary Jane Hicks was not a crime that could be set apart from the society in whose midst it had occurred. On the contrary, as the *Globe* pointed out, it was hardly possible to resist "the association in the public mind of the Mount Rennie crime with the worst features of our social life". In newspaper editorials about the case, revulsion and guilt were never far apart.

"So far the course of justice has been straight and satisfactory," declared the *Daily Telegraph*. "The responsibility of carrying out the law and of thus freeing the community from the guilt of unpunished crime committed on the weak and helpless devolves upon the Executive" (*Daily Telegraph*, 29 November 1886).

The daily press fiercely – and piously - resisted the *Bulletin's* version of the Mount Rennie narrative.

[A] section of the Press of this city has abandoned its high mission, and has made itself the mouthpiece of the vicious and

the maudlin. A weekly journal which has made for itself a name by the unflinching vigour of its attacks on public abuses, its unconventional views of men and things, and its unsparing use of the rapier of irony as well as of the bludgeon of logic in its attempt to make the world a little better and purer, has accepted a commission from the *Condemned* . . . Under the plausible title of “An appeal for mercy”, it has veiled a menace. It has caused to thrill in the ears of the Governor, the Executive, and the public, a shriek which it labels as the cry of a Christlike pity, but in which are blended the accents of vengeful passion and an unreasoning hysteria. It has called in to its aid . . . the skill of an able artist, and in a cartoon, the graphic power of which is not less than its suggestiveness, has joined in horrible contiguity the Cross and the Gallows. Its great resources of artistic and literary skill it has sold to a party which threatens public order and national justice. (Globe, 27 December 1886)

Cartoons were a vital part of the *Bulletin's* identity and its journalistic practice. They played a central role in its coverage of the Mount Rennie Outrage. A week after publishing a cartoon captioned “The Cross and the Gallows”, Archibald published another captioned “*The Bulletin* Christmas Tree”. This one depicted Judge Windeyer watering a gallows tree from which six bodies were swinging. The flower pot was inscribed “NSW CONVICT SYSTEM”.

To the *Globe*, on the other hand, reprieving the six condemned men without fresh evidence would amount to “a letting-in of the waters of anarchy”. It listed the arguments against hanging and dismissed them one by one:

“Innocents have been executed before.” We know it; but these men have been proved guilty – if there is any meaning in language at all. “Their victim had not led a blameless life.” The more reason that the law should throw its shield around her. “Their execution would confer lasting disgrace upon the colony.” Would it not be a greater shame that the colony hesitated to purge itself from complicity in a frightful crime? “No other country, except Tasmania, executes for rape.” What is this to do with the question? In other countries, are women outraged by gangs in daylight? Given the crime elsewhere, would the death penalty be long wanting? (Globe, 27 December 1886)

The great fear, laid bare in those final sentences, was that crimes like the Mount Rennie Outrage were unique to the Australian colonies – that Australia’s true identity might lie in its capacity for such crimes. On 23rd September, just a fortnight after the Outrage, the *Sydney Morning Herald* informed its readers that “Crimes of this particular kind are not heard of in other parts of the world”. Under the headline “Australian Crime”, the *Herald* noted that elsewhere such offences were “usually the acts of individuals, prompted by an intelligible motive, but men have never before been known to go about in mobs for the purpose of committing them.” The latest outrage was proof that “the larrikin has taken his place in the order of crime in direct succession to the bushranger”. To the *Herald*, the series of outrages culminating in the attack on Mary Jane Hicks represented something more than an atavistic criminal impulse; it was a contagion, a pathology:

What we have to do with here is the proved existence – not of criminals exactly, but of young men with pronounced criminal

instincts – which has made itself dismally conspicuous among us. We have to recognise the fact that no unprotected girl or woman can pass through any park or reserve, by day or night, without running the risk of a larrikin assault from the first band of ruffians she may fall in with. Unfortunately there is no means of preventing their crimes; they cannot be tracked to their dens and rooted out like coiners or burglars. Unfortunately, too, they have shown that the terrors of the law have no terror for them, since neither the lash nor the gallows can deter them from committing the most atrocious of crimes. There is no remedy for such an evil beyond a stern enforcement of the law, and redoubled vigilance on the part of the police. It is a case of moral smallpox which will have to be stamped out by the most rigorous methods known to the custodians of the law.

The Mount Rennie Outrage was never a matter for its protagonists alone. The Outrage reflected Australia to itself, but also to the outside world, and especially to those countries – Great Britain above all - against whom Australians were most anxious to compare themselves, and to be compared. The bitter public debate over whether or not to reprieve – and how many to reprieve – was more than a legal or moral argument over the legitimacy of capital punishment. It represented a fight for authorship, for the right to assign meaning, to validate one interpretation of the Outrage over others.

14. At night the warders hear them singing psalms.

Barring a last-minute change of heart by the Government, the day of the hangings was only a fortnight away. Typically, the *Globe* went to some trouble to humanise the very men it was determined to see executed. Under the sub-heading “Their Christmas Dinner”, the paper offered its readers a glimpse of life for the condemned prisoners:

No article can be supplied to them from without, except by the sheriff’s permission and with the doctor’s approval. In the present case the prisoners applied to the sheriff for permission to receive a Christmas dinner from their friends. Mr Cowper, with his usual kind-heartedness, at once granted the request, and each youth was supplied accordingly with a capital Christmas fare by his outside friends. The men ... ate their dinners contentedly and cheerfully. (*Globe*, 26 December 1886)

Outside the gaol, the campaign for their sentences to be commuted was reaching a climax. Inside, however, the *Globe* painted a picture of resignation and placid acceptance:

Often at night the warders hear them signing psalms and hymns, which shows that they are neither depressed nor despondent ... No protestations of innocence or complaints at their sentence are heard from them.

While the *Globe* did not waver in its conviction that the sentences were just and must be carried out, its sympathetic characterisation of the

prisoners represented a significant shift from previous depictions, including its own:

[T]he following are the opinions formed by the gaol officials. Read they consider to be the smartest one of the lot, with nothing of the larrikin about him. Evidently he has been a hard-working, saving lad, for when he came into gaol he had a Savings Bank book with a balance of £127 to his credit.

Hill has told the officers repeatedly that he does not expect any mercy. He has also stated to them that anything he did do to the girl was done with her consent. He has never said what he did do ... To some of his friends who visited him, and told him of the efforts being made to obtain his reprieve, he said: "It's of no use, they won't let me off, I know very well. I am quite prepared to die, and I have told the truth." In this case, also, the officers say that he is decidedly not of the larrikin class.

Newman they regard as being more to be pitied than blamed, as he seems somewhat "soft", but not a larrikin. Among his companions outside he was looked upon as a "soft boy" or a "muff". His mother has been several times to see him, but an aged grandmother is a frequent visitor.

Of Martin, the officers have formed a high opinion. Though terribly ignorant, they say he is gentle, quiet, and docile, and it is a pity he had not been looked after better.

Boyce they regard as a youthful larrikin, though not of the most incorrigible kind. He also is ignorant.

Duffy they look on as the one in whom larrikin propensities have matured the most, though his parents seem thoroughly respectable people. (ibid)

Of the six condemned youths, the *Globe* found that only two – Boyce and Duffy - fitted the description of larrikins. Yet according to their police histories, all six were either larrikins, associates of larrikins, or both. Larrikinism, as more than one newspaper observed, was a phenomenon that was distinctly Australian. If the Mount Rennie boys were not larrikins after all, then who or what were they?

They were all – at least nominally – Christians. Four of the five awaiting execution (Duffy, Martin, Boyce and Read) claimed to have attended Mount Carmel Catholic Church. This gave the Roman Catholic Church a deep and proprietorial interest in the case. As the day of the hangings approached, Catholic churchmen and women took a leading role in the campaign to reprieve the condemned prisoners.

On 12th December Archbishop Moran wrote privately to the Governor:

Memorial of the Cardinal Archbishop of Sydney to his Excellency Lord Carrington, Governor of N.S. Wales and the Honourable Members of the Executive Council.

That your memorialist does not yield to any of his fellow-citizens in horror for the terrible outrage committed at Mt Rennie for which nine culprits have been sentenced to death.

That your memorialist has reason to believe that when this outrage was committed most if not all of the culprits were sunk in ignorance and more especially in the lowest depths of religious ignorance.

That further he has reason to believe that most if not all of the culprits are youthful in years and devoid of the experience and advertence which mature age alone can give.

That this inexperience combined with an excessive ignorance appears to him to extenuate the malice of the crime for which the culprits are under sentence of death.

That for these and for other reasons your memorialist writes with the jury who tried the case in praying that mercy be extended to the unhappy culprits.

Patrick Francis Cardinal Moran

Archbishop of Sydney

(NSW Department of Corrective Services)

Moran was careful not to question their guilt. His appeal rested on the grounds of their youth and ignorance. But others, after speaking to the prisoners, came to the conclusion that some or all of them were innocent. A nun who had visited them in Darlinghurst Gaol wrote several years later to the Minister of Justice:

I beg to introduce myself to you as a Sister of Charity interested in the case of the five now undergoing life-sentence on account of the notorious affair known as the Mount Rennie Outrage. My interest in the case arises from the knowledge of certain facts in connection with the affair ... I am leaving for Europe by the "Orient" today and wish to place these facts in your keeping as it may be in your power to release these men at some early date.

1. William Newman, Hugh Miller and George Keegan are absolutely innocent of the crime – they were not at Mount Rennie at all on the day of the occurrence. The three Roman Catholic men executed told me separately at different times and collectively on the day before the execution.

2. Hill was at Mount Rennie but had no participation in the crime.

3. The girl whose name I forget that was the victim, went at first quite willingly with the boys who took her from the cabman. Joseph Martin told me that she was walking with Donnellan who gathered flowers for [her?] quite pleasantly.

I think that these facts are positively true – they were confided to me under the most solemn circumstances and I know you would believe them if you had seen and heard the boys as I have. (NSW Department of Corrective Services)

The writer was just one of a number of nuns and prison chaplains who, over the years, convinced themselves of the innocence of the Mount Rennie boys and petitioned the Government either for their reprieve or their release. In his own handwritten report to the Minister of Justice, Judge Windeyer commented acidly on the gullibility of the clergy:

My experience teaches me that the opinions of the Clergy as to the guilt or innocence of prisoners is of little worth. Their want of knowledge of the world, inexperience in weighing evidence, and a continual habit of looking at things from one side only unfits them for weighing probabilities whilst they are easily imposed upon by earnest protestations of innocence, a sanctimonious manner and a respectful demeanour to the parson. In the Maitland poisoning case, one of the clearest cases of circumstantial evidence I ever tried, the same protestations of innocence and belief in the high character of the prisoners were made by the Clergy, the result of the case being that the women were proved to be of the most abandoned character and the

subsequent confession made by one left no doubt as to the guilt of both. (NSW Department of Corrective Services)

Eventually the Government tired of the clergy's unstinting efforts to intercede on behalf of the Mount Rennie boys. In February 1894 gaol chaplains throughout New South Wales were issued with new guidelines by the Department of Justice:

REVEREND SIR,

I am directed to state that the Minister of Justice having had under consideration the question of Gaol Chaplains signing petitions on behalf of prisoners confined in Gaols in which they visit, is of opinion that they should not do so, as it is clear they might be very often placed in a painful and delicate position, more especially if they signed in favour of some prisoners, and refused to sign in favour of others.

I am to add that if a Gaol Chaplain desires to make representations respecting the case of any prisoner, he should only communicate with this Department through the Comptroller-General of Prisons, the observance of this rule being as much for the protection of the Chaplains as for the proper carrying out of the Gaol Regulations.

(NSW Department of Corrective Services)

From a theological point of view it was important to the Church that the prisoners were resigned to their fate. Father Byrne, chaplain to Darlinghurst Gaol, "from the first warned them to do their best to prepare for death, and not to hope for a reprieve ... There is no such feeling among

my three boys as that, 'if he is let off, we should be too', referring to Donnellan's reprieve" (Globe, 27 December 1886).

The truth is, however, that most of the Mount Rennie prisoners resumed protesting their innocence within days of being sentenced. The file in the archives of the NSW Department of Corrective Services is full of statements written by the condemned men from their gaol cells. Most repeated alibis that had already been rejected at their trial. Read's letter, dated 4th January 1887 and addressed to the "Honourable Minister for Justice", was typical:

I went to Botany in company with a young man named H Harris, and I stopped there till the afternoon, and then I saw a number of young men whom I knew, and who I called for my defence. I then left Botany in company with a young man named R O'Donnell in the afternoon, and we took the tram and came to Waterloo, where we resided, we then parked & I went home, and had my dinner, I then left my home again at about ¼ to 4 o'clock, and I then met another young man, we went for a walk before tea towards Randwick, and when we came to the bush we saw a number of young men there. I went over to see what was the matter and I saw a young girl with three young men in the shrub, I went into where they were & brought her out, she took off her dress and sat down and one of them washed it and her stockings, and put them on a tree to dry. I was trying to find out who interfered with her. She said some of them. In the meanwhile three more young men came up and were talking with her, they asked her where she lived and she said in Sydney, she said she had no money to go home, and one gave her a shilling to get some tram tickets. She said she would go home when her

dress was dry, and the same three men left. I left soon after, that is all I saw of the case.

You will think it very strange that I went to the country and travelled under a false name, being innocent, but having information to go to the country where I was working before, I thought it best to go, having heard they were going to arrest all that were not working about the place and I did not want to get my name disgraced, as it was never disgraced before, and knowing the girl did not know who had interfered with her, I thought she might say I did.

It has been sworn that I was fighting with Stanley, but I can say before my God that I never fought with Stanley, nor seen any fighting, and all that has been sworn against me is not true except that I was there. I did have an overcoat on at night, as Constable Vane swore, but not at the ground where the outrage was committed, and there are some here who are lying under sentence of death, the same as I am, who know this statement is true, if they will only speak, and before I close, I pray that all of you will give this case the most earnest consideration before you take the last step and launch innocent young men into eternity, so by doing, somebody is guilty of murder, when it will come out at the last and great Judgement day if not before.

In theory the jury's verdict, guided by the argument of "common purpose", had laid to rest any uncertainty over the identity of Mary Jane Hicks's attackers. In practice, however, the severity of the sentences made the question even more urgent. After being found guilty, all except Martin and Duffy had denied any part in the rape. Read was not alone in hinting that the power to exonerate some of the accused lay within the group itself.

A footnote to Newman's petition, dated 6th December, suggests a reason why none had come forward:

In reply to a question asked prisoner as to why the guilty men did not clear the innocent ones, Newman said, "I heard a fellow prisoner in the Trial-yard, while I was there, asked that of all of them, and *Donnellan* replied, 'I knew a chap once that did *that*, and all he got for his trouble was two floggings and two years extra punishment, so that's not good enough'."

(NSW Department of Corrective Services)

A month later, with the executions just days away, Newman had drastically changed his tune, putting his fate entirely in the hands of his fellow prisoners:

I, William Newman, now desire with great respect to offer, and to ask permission to have placed on record, this my solemn but firm protest against the taking away of my life, or liberty, upon the following grounds, viz:

1. That I am innocent of any participation in the crime through never having been at the scene of its occurrence.
2. That the prisoner George Duffy, by written statement made to the Governor of the Gaol, and by repeated verbal ones to the Reverend Father Byrne, and the Sisters of Mercy, has testified to my innocence.
3. That only yesterday the same prisoner when invited by the Sisters of Mercy to make an additional written statement in my favour, declined to do so because it was contrary to his mother's

wishes, and because also, as he added, there was time enough to save me even [on the?] scaffold.

4. That I verily and truly believe he will, if called upon to die, reiterate his expressed knowledge of my innocence.
5. That the prisoners George Keegan, Hugh Miller, and Michael Donnellan have, at Berrima [Gaol] made statements of my innocence to the Revd Mr Shepherd., the Church of England chaplain.
6. That the prisoners William Hill and Robert Reid [ie Read] have yesterday offered written statements in my favour.
7. That I have reason to believe that if the prisoners now condemned to death are called upon to suffer that penalty they will openly, by word of mouth further proclaim my innocence, and I challenge one, or any, of them, as dying men, to do otherwise.
8. That I have learned from my fellow prisoners that there are four or five persons yet un-apprehended for the outrage, all of whom, if haply arrested, would I believe state that I never was at the scene of the crime, and this is why, and in case of my death, I wish this protest to be strictly recorded.

(NSW Department of Corrective Services)

Unlike today, the prisoners had no automatic right to appeal. (The New South Wales Court of Criminal Appeal was established by the Criminal Appeal Act, 1912.) Behind the scenes, however, something resembling a shadow trial was under way, as lawyers for the defence examined old witnesses and spoke to others who had not given evidence at the trial. At the same time the Government began its own investigations. Among the surviving documents – many of them written on Department of

Justice minute paper - is an unsigned record of interview with Arthur Wenman, one of the four prisoners who had been discharged at the committal stage:

Arthur Wenman.

Did you see Miller or Keegan on the 9th Sept at the scene of the Mount Rennie outrage?

No.

Did you know Miller before this outrage?

Yes.

How long?

6 or 7 years.

Did you know Keegan before this outrage?

No.

Have you any fresh statement to make respecting this matter?

Yes.

What is it?

Answer: I did not state in my evidence at the trial as I did not wish to inculcate the prisoners Donnellan, Duffy, Boyce and Read that I saw them at the swamp sitting with the girl Hicks. Duffy was cleaning her boots – her dress and stockings were hanging in the bushes. Donnellan, Boyce and Read were merely sitting down beside her.

~~Why do~~ Who do you suppose was taken for Hill?

Answer: A man named Fuller who has been ~~arrested~~ not been arrested.

Was Donnellan at the outrage?

Answer: Yes – he came to me the day after the outrage and begged me not to say anything about his being there that day. He

was in fact the ringleader of the outrage. He further told me there were only five who had connection with her viz Duffy, Martin, Boyce, Fuller (not arrested) & himself.

The girl Hicks told me, pointing to Donnellan that was the man who ~~tøøk~~ brought me here, pretending to show me where the tram was. (NSW Department of Corrective Services)

The document is undated so it is impossible to say when the interview with Wenham took place. Other documents make it clear that the Government's inquiries into the Mount Rennie case continued into 1887 and beyond. Regardless of when it took place, the interview casts doubt over both the jury's verdicts and the actions of the Executive Council. Wenman's remarks about Donnellan support the view expressed by the *Bulletin* and others that Donnellan was lucky to be among the three granted a reprieve when the Executive met on 16th December.

Arthur Wenman was not the only one to suggest that William Hill had been mistaken for a man named Fuller (the brother of John Fuller who was released after the committal hearing), who had escaped arrest. Other doubts surrounded Hill's conviction. Alone among the prisoners, he had gone voluntarily to Redfern Police Station to give a statement. He had in his possession "a considerable sum of money, afterwards used for the purpose of his defence, and could easily have left the colony, as up to the time he made his statement to [Senior Sergeant] Bradwell no suspicion of his being implicated in the rape rested on him" (NSW Department of Corrective Services).

The most startling assertion of Hill's innocence came from Mary Jane Hicks herself. Both at the Water Police Court and at the trial she had sworn positively that Hill "did not ravish her". Yet this had not saved Hill from being convicted.

At its meeting on 16th December the Executive ruled against commuting Hill's sentence although Judge Windeyer himself – concerned by discrepancies in the identification evidence – was now in favour of reprieve. Eleven days later Mary Jane Hicks put her name to an extraordinary statement on Hill's behalf. The original document, written on a small sheet of paper pasted to a larger one, is held in the archives of the NSW Department of Corrective Services:

I, Mary Jane Hicks, do hereby solemnly and sincerely affirm ~~that~~ in the presence of Alfred dais, constable, the Lady Superior of the Convent of the Good Samaritan [and before you?]

That I ~~said~~ never said anything against prisoner Hill, but remember him taking me by the [arm?] but others gave evidence against him as assaulting me.

I do not charge the prisoner Hill of having criminally assaulted me, & feel that his execution would necessarily be a burden on my mind.

Dated 27th December 1886, the statement appears to have been drawn up in a hurry, probably at the Convent of the Good Samaritan, where Mary Jane Hicks had taken shelter after the trial. A comparison between her neat signature and her name as it is spelt out in the first line indicates that they were written by different hands. There are three signatures beneath hers. They belong to Sister Mary [Benedict?]; Alfred Davis, constable; and a clergyman, C.J. Byng. With its clumsy corrections and crossings-out, the statement has an immediacy that distinguishes it from others attributed to Mary Jane. Assuming the signature is genuine, it is the only example of her handwriting among the hundreds of pages of court depositions, witness statements and correspondence about the Mount

Rennie Outrage. In that sense it is unique and constitutes – in the absence of a photograph or surviving court exhibits – the one tangible physical link to Mary Jane herself.

We cannot know whether the statement was made under duress. It was no trivial act for Mary Jane to put her name to an appeal for the life of a man so recently sentenced to death as a result of her own evidence. Had she made up her own mind or had she been persuaded to intercede for Hill's life by the nuns at the Convent of the Good Samaritan?

By this time Hugh Miller and George Keegan had been reprieved and were facing long prison sentences with hard labour. Several of their co-accused now made statements insisting that the pair were innocent.

On 3rd January 1887 Hill wrote from his cell:

I, William Hill, a prisoner in Darlinghurst Gaol, now lying under sentence of death, do solemnly and positively declare that the prisoners William Newman (also under sentence of death) George Keegan and Hugh Miller (since reprieved) were not present at Mount Rennie during the time I was there, and that I did not see them thereabouts on the said day, and further, I sincerely believe they are innocent of any complicity in the outrage whatever. (NSW Department of Corrective Services)

On the same day Read made and signed a statement identical to Hill's. Two days later Duffy made a statement:

May it Please your Excellency

I George Duffy now lying under sentence of death beg to make the following statement in order that the life of one who is innocent may not be sacrificed.

The prisoners George Keegan & Hugh Miller, who have been reprieved, and William Newman, condemned to die, are all innocent of any complicity in the outrage at all; there are others who are under the sentence of death who are innocent; I wish this to be forwarded to His Excellency with a view of saving the life of William Newman. (NSW Department of Corrective Services)

On the 3rd January the Governor, Lord Carrington, had received a deputation with a petition for reprieve. The group consisted largely of members of parliament and clergymen. Petitions in favour of reprieve (a total of nearly seven thousand signatures) were then delivered from Sydney, Bathurst, Newcastle, Forbes and St Mary's. After listening to the arguments, Carrington promised to deliver the petitions to the Executive at its next meeting, scheduled for the 4th.

Public opinion, however, remained deeply divided. If the daily press maintained the illusion of social consensus through its editorial demands for the Mount Rennie boys to be hanged, that illusion was undermined by its own reporting. The following two articles, for instance, appeared side by side in a single edition of the *Globe*, published less than a week before the hangings were due to take place:

The Rev Mr Curtis' Appeal

The Rev. T.J. Curtis yesterday afternoon addressed a moderate audience at the New Masonic-hall on the Mount Rennie outrage and the sentence. The rev. gentleman argued that crimes such as that of Mount Rennie were common to the higher as well as the lower classes, and were due, not to any social distinctions, but rather to the inherent depravity of human nature. To hang six men would nationally be harmful; while, religiously, he doubted

whether they were justified in hanging men for anything save murder. Generally, he did not think that hanging had a deterrent effect on criminals; he believed that a means of punishment could be devised which would be much more successful as a deterrent. The rev gentleman disclaimed for himself and others associated in the work of obtaining a reprieve all sympathy with the crime. A petition in favour of sparing the lives of the prisoners was largely signed at the close of the lecture.

(Globe, 3 January 1887)

Meeting in the Domain

A mass meeting was held in the Domain yesterday afternoon the object of its promoters being to advocate a reprieve being granted to the six criminals under sentence of death for complicity in the Mount Rennie outrage. This object was, however, defeated, an amendment being carried in favour of the capital sentence being executed. The meeting was attended by about 300 persons. The principal advocates of reprieve were Messrs Edwards (chairman), Goodchap, and M'Namara, the last named speaker being so unpopular that at the conclusion of the meeting the crowd hustled him, and it was proposed to drive him and some of his associates outside the Domain gates. The speeches in favour of reprieve were similar in expression to those delivered at the Queen's statue on New Year's Eve, and, as upon that occasion, were received with marked disapproval. The resolution proposed was similar to that at the previous meeting. The amendment moved by a Mr Jacobs, and seconded by Mr France, was "That the people here assembled are of opinion that the law should take its course, and are further of opinion that the

meetings called for the purpose of urging a remission of the death penalty do not represent the voice of this community”. Upon being put to the meeting the amendment was carried almost unanimously, only about six hands being held up in support of the resolution. (ibid)

The people who had most to gain (or lose) from the fight over the meaning of Mount Rennie were Mary Jane Hicks and the nine youths who had been found guilty of raping her. One version of the story could only be legitimised at the expense of the other. Either Mary Jane was an innocent victim or else she was complicit in what happened, in which case the real victims of the Mount Rennie Outrage were the prisoners sentenced to hang for a crime they had not committed.

But even peripheral figures – such as the eye-witness William Stanley - had a personal stake in how the narrative was read. Stanley, the “hero” of the Mount Rennie story as it was recounted by the daily papers and played out in court, remained a powerful symbol of masculine honour and courage – “a man amid a gathering crowd of brutes”.

As Mary Jane’s putative rescuer, Stanley had the power to redeem society to itself. Yet the polarised public debate that followed the trial did not allow a moral consensus. Like Mary Jane Hicks and the Mount Rennie boys, Stanley was seen as both one thing and its opposite. According to the counter-narrative, William Stanley was not a hero but a failed hero and worse: a petty criminal, a liar and an opportunist.

After the trial was over, Stanley’s supporters proposed giving him a public reward. As a measure of Stanley’s heroism, and of society’s willingness to honour it, the amount of the reward was important. When the public proved less than eager to throw money at Stanley, the *Bulletin* was quick to ridicule both him and his supporters:

A Dismal Demonstration

LAST week, at Sydney Town Hall, Sir ALFRED STEPHEN, the Hon JB WATT, and eleven other gentlemen met and heaped eulogy on the man STANLEY. It is strange that the audience, exclusive of the two whom we have named, should have been eleven, for that, it may be remembered, was also the number of persons arrested for the Mount Rennie outrage where STANLEY earned his fame. This, however, can be nothing more than a mere coincidence. Furthermore, it is remarkable that the TELEGRAPH and other dailies did not mention the fact that at the appointed time of meeting there was no one present, and that only a baker's dozen were gathered after an hour's interval. That the audience was so rare, and that the fact of its slenderness was not noticed by the TELEGRAPH is another remarkable coincidence. But if the audience was away the speakers did not let this fact discourage them ... The Mayor was satisfied to call STANLEY "a plucky fellow", and SIR ALFRED STEPHEN was content to vindicate eternal truth by asserting that STANLEY had shown "the highest gallantry and courage" and had "been struck on the head by 18 or 20 of the darkest class of ruffians" ... Major RILEY evidently rose with the intention of going one better than SIR ALFRED, and his bid for the championship in the art of eulogy was comprised in the statement that many men who wore the Victoria Cross had won it by a less exhibition of bravery than STANLEY had shown ... It is pleasant to notice ... that the committee has limited donations from men to 10s and from ladies to 2s 6d, thus averting the danger certain to ensue if

subscribers were permitted to involve themselves in pecuniary difficulties by donating all their worldly substance to STANLEY. (Bulletin, 1 January 1887)

The argument over Stanley's role in the Outrage, and his deservingness of a reward, was part of the wider battle over the making of history. As the *Bulletin* put it:

Why STANLEY should be placed on a hero's pedestal we cannot exactly see ... and those who know his private history best will be most surprised at the effort to foist him into a position of fame ... We are forced to believe that the real motive of some of the thirteen was simply to make a demonstration in opposition to the anticipated appeal for a reprieve. To wildly applaud STANLEY was inferentially to cast further infamy on the condemned six. This was plainly evident from various published speeches. It was a demonstration against reprieve – a demonstration of thirteen and a dismal demonstration at that.

15. We are a great people

History has many voices. This is especially true when the historical subject is crime. The adversarial nature of British justice almost guarantees that a jury will hear contradictory accounts. It is rare, however, for a crime with so many witnesses to leave a record as cryptic as that of the Mount Rennie Outrage.

By finding nine defendants guilty, the jury ruled that the alibi evidence on their behalf was false – a view that was certainly shared by Judge Windeyer. Nine death sentences left no room for equivocation. But the Executive's protracted decision to reprieve some sentences while upholding others undermined not just the sentences but the guilty verdicts themselves.

The jury's role ended with the trial but Windeyer's did not. Criticism of his statements from the bench, of his perceived bias against the prisoners, and of his physical demands on the jurors formed a key part of the public campaign for reprieve.

Archibald and Windeyer were, in effect, rivals. Both were writers and both were judges (albeit, in Archibald's case, self-appointed). According to Archibald, "Judge Windeyer often took a seat in the Herald office to revise proofs of the reports of his judgments"(Archibald, notebooks vol. 5). Each sought to legitimise his own version of the Outrage, which necessarily meant discrediting other versions. Archibald, no less than Windeyer, was determined to publish his verdict on the Mount Rennie boys – and on Windeyer himself.

In the columns of the *Bulletin*, Windeyer was the personification of judicial bloodlust, watering the gallows tree and touting for business with his ally and stooge, Nosey Bob. Over the years this public lampooning of Windeyer hardened into something more intense and private.

In 1902 Archibald suffered a mental collapse and thereafter spent several years confined to Callan Park Asylum. In the notebooks he filled during this time, he wrote obsessively about Windeyer and Mount Rennie.

In the criminal court he was too obviously and unrelentingly savage ... Like most cruel men, Judge Windeyer had tears at his command. He would weep to order, and thus got it believed that he was at bottom of a tenderly sentimental nature ... Also he was a devoted spiritualist, and attended séances frequented by many doubtful characters. (Archibald, *ibid*)

Describing Windeyer's career on the bench, Archibald consciously or subconsciously invoked the sort of metaphor that littered early newspaper reports of the Outrage, recasting them under the pressure of his own misogyny:

As figurehead of the Divorce Court he [Windeyer] indecently exulted in his position – his presence was an affront to attractive women suitors on whom he glued his [sic] glare of his exulted vengeance which streamed from his awesome face upon his trembling prey, the helpless male prisoner in the dock. (Archibald, *ibid*)

To the daily press, “helplessness” had been the defining characteristic of Mary Jane Hicks as she lay at the mercy of her male attackers.

Elsewhere, the echoes were of his own voice. Archibald's description of Windeyer in the Divorce Court was strikingly reminiscent of his account (published more than 20 years earlier in the *Evening News*) of

Nosey Bob and his assistant on the scaffold at Mudgee standing “in greedy expectation of their prey”. In Archibald’s imagination the “cruel” and “savage” judge and the hangman (“a human ghoul, a fiend incarnate”) were fused as symbols of a barbarous justice that transferred “helplessness” from the victim onto her assailants.

Windeyer, too, wrote multiple accounts of the Mount Rennie Outrage, returning to the case over and over again in the months and years that followed the trial. Defending the outcome of the trial inevitably meant defending his own handling of it. The Department of Corrective Services archive contains a 27-page document entitled “Report of His Honor Mr Justice Windeyer on the case of Newman Miller and Keegan”. With its careful weighing of the evidence for and against the three men, Windeyer’s report - written nearly two years after the trial - is an important text to set against the revisionist accounts of the Mount Rennie Outrage that would be published during the next decade. In the following extract Windeyer coolly analyses the identification evidence against Miller and Keegan:

The cases of Miller and Keegan stand or fall together as the alibi evidence is identical. If proved false as to one it is clearly false as to both. The proof of Miller’s presence at and complicity in the outrage is clear beyond all doubt. Not only did the girl swear to Miller but Stanley swore to him as the man who had his hand over her mouth when he first came upon her; he further swore that he had an opportunity of observing him and Keegan whilst he was waiting for his things whilst the girl was arranging her dress and that Miller and Keegan ran away about ten paces and joined the rest of the gang before they attacked him. Smith also swore that Miller was there fighting with Stanley, that Miller afterwards tried to throw the girl and that when he did not

succeed Miller and Newman took the girl into the scrub. As to Keegan the girl swore to him as one of the second four who assaulted her after she was pulled out of the drain. Stanley swore to him as the man who was holding her legs open when he first came upon her, that he observed him whilst waiting for his things and Smith also swore as one of those who attacked Stanley. Stanley and Smith were entirely unshaken in their evidence as to the identity of the two men by any cross-examination.

The Minister in his minute alludes to the fact that the girl failed at first to identify Miller, but it must be remembered that at the time she was in a fainting state and had to be supported by two constables. On her recovering shortly afterwards however she, on seeing him, at once said he was one of the men. On this Miller asked her to look at him again and was she sure of him, taking off his hat at the same time. To this the girl replied "Yes now I know him all the better". There is no evidence whatever supporting Miller's suggestion that she was induced to swear to him by some improper suggestion of the police. A fainting girl could not be left alone and would naturally be spoken to and looked after by the police. No evidence warranting the suggestion of prompting by the police was brought out at the trial and as far as I could see the police acted properly and with caution.

This kind of suggestion is constantly being made by criminals who seem to think it impossible that a policeman even in a case of life and death can act honestly. Miller's written statement of December 11th that the girl was taken away before she could answer his enquiry as to whether she was sure of him is opposed to the sworn evidence that she did answer him and expressed her

conviction as to his identity. On Keegan's arrest the girl spoke as to his identity positively. Keegan in his written statement says that she did not look at him whereas it was sworn that he asked her whether she was sure of him and that she replied "Yes I am more than sure. I know you are." Stanley who subsequently identified Keegan was not present when he was identified by the girl. (NSW Department of Corrective Services)

Towards the end of the report Windeyer turned his attention to the criticisms of his own conduct – criticisms that, if justified, risked invalidating the jury's verdict.

As I see by the papers forwarded to me some observations have been made by Mr Elles as to the time the court was kept sitting and a suggestion has been made as to the inability of the jury from fatigue to give proper attention to the cases. I take this the first opportunity which I have had of stating that there is no ground whatever for suggesting that I kept the jury together longer than they felt themselves fit for the discharge of their duties. Three days after the commencement of the trial one of them became so unwell that the Sheriff found it necessary to call in Dr Kyngdon to attend him and seeing the danger of a miscarriage of justice in the case proceeded and then broke down after the great bulk of the evidence had been taken, I consulted Dr Kyngdon as to the fitness of the juryman to proceed with the case. That gentleman told me that he could go on but advised me to get the case over as quickly as possible and not to prolong it over Saturday or he might break down.

Dr Kyngdon remained in daily attendance on the juryman and I controlled the length of the days' sittings entirely in accordance with his wishes, adjourning whenever he desired, and on no occasion sitting longer than he or the jury as a body wishes. I may state that when at the bar I have, as defending and prosecuting counsel, sat for longer hours when the Court has been presided over by Sir Alfred Stephen ...

The opportunity now afforded me of reconsidering the evidence connected with this crime convinces me that the jury were right in their verdict in the case of each prisoner and I see no reason for any interference with it. No human being is infallible, but if justice is to be administered at all we must have the courage to act upon the conclusions forced upon us by our reasoning faculties such as they are, and there is nothing in the characters of Miller and Keegan as shown in the police report of the 15 December 1886 to lead one to suppose that they are incapable of the crime of which they were convicted with their companions of the same class.

Windeyer saw, with characteristic acuity, that in order to sanction the guilty verdicts against the nine accused he needed to acquit himself of the charge of mishandling the case. His account to the Minister of Justice was publicly corroborated by one of the jurors, Alfred Boyle, in a letter to the *Evening News*:

I think it is only fair to the Judge who has been attacked to point out one reason for this. There was one juryman who was breaking down under the strain. Had the case occupied, say, two more days, and he had become so [ill?] as to have caused an

adjournment or a new trial, those who are cavilling now would probably be raising the cry: “Why was the case not pushed on and finished? There cannot be any doubt but that the Bar and Judge did what was perfectly and incontrovertibly right.”

Predictably, the *Bulletin* refused to suspend its vilification of Windeyer on the evidence of a single juryman. On the contrary, Archibald broadened the attack to include not just Windeyer and the Executive Council, but society at large.

Even those who defend Judge WINDEYER’S midnight gallop to the gallows admit that one, at least, of the twelve good men and true was rapidly approaching a state in which he could not have sat up in the box, but as he did manage to sit up, and had enough voice left to say “Guilty” they are satisfied; whether his reeling brain was capable of comprehending the meaning of the word they seemingly do not care to inquire. We are a great people. (Bulletin, 1 January 1887)

That final sentence echoed the raging anger and despair felt by Archibald as he contemplated the execution of Alfred the aborigine. Much as Archibald reviled Windeyer, Nosey Bob and the self-interested politicians whom he accused of lauding vengeance over mercy, the real object of his hatred was “Botany Bay justice” and the social and legal apparatus that supported it.

Windeyer, though, was a lawyer. His report to the Minister of Justice was founded on legal, not moral argument. In a handwritten minute to Windeyer’s report, the minister unequivocally endorsed the sentences against Newman, Miller and Keegan:

On the clear analysis of the evidence in this case, as it affects the prisoners Newman Miller & Keegan presented to me in the report of Mr Justice Windeyer, I cannot but concur in the correctness of the conclusions of the learned judge as to the complicity of the said prisoners with the crime for which they are now incarcerated & as a consequence I can see no reason why the sentence passed upon them should be interfered with.

(NSW Department of Corrective Services)

16. The flowers are gay by the hangman's track

On New Year's Day 1887 the campaign to reprieve the six condemned prisoners was at its height. The executions were due to take place on the 7th January. Carpenters were at work on a new scaffold, whose construction was documented in admiring detail by the pro-hanging dailies:

Description of the New Gallows

Great care and attention to detail has been given by the Colonial Architect's department in the design of an apparatus capable of hanging six men simultaneously. The corridors in which the condemned cells are opens on to a balcony running round the interior of a hexagonal tower, and at about 13ft from the floor. This gallery has an iron handrailing at about 3ft high. It was at first intended to construct the scaffold level with the balcony, but as this would necessitate removing the handrailing it was determined to make it level with the top of the handrail. Thus two or three steps will have to be mounted from the corridor level. A substantial stage has been constructed which will extend over about half of the open space of the tower and in the centre is the "drop". This consists of two doors or flaps, each about 7ft long and three wide, hinged at one end. When raised, a strong iron bolt sliding easily in sockets is pushed across the point of junction, and thus the drop is rendered as any other part of the platform. By means of a lever the executioner can withdraw this bolt and allow the two flaps to fall. An ingeniously contrived system of balance weights keeps the fallen doors from swinging through the impetus of their fall. At either side of the platform are two large upright beams, and a third one is placed across their

tops. The strain which the cross-beams will be subjected to has been carefully calculated, and it is found that this strain, exercised by six bodies of a known weight attached to it, and falling 11ft, will be equal to four tons. Thus the greatest care has been taken to ensure the soundest and strongest material. The whole structure is strongly stayed by struts and cross-ties, and the whole is so constructed that it can be fitted up without using nails and hammers. Yesterday afternoon a test of the apparatus with dead weights took place at the Clyde Works, after which it was taken to pieces and despatched to Darlinghurst in readiness for the 7th. Though it will be possible to secure a fall of 15ft clear from the drop, it is not probable that the executioner will make use of so terrible a distance. (Globe, 1 January 1887)

On the same day that the *Globe* published its macabre description of the new gallows, the following report appeared in the *Bulletin*:

“The Mount Rennie Outrage: Latest Particulars” is still a standing title in the Australian daily papers, and very strange and gruesome these particulars are. Outside the gaol-walls all the world professes to be rejoicing; inside the new patent double-barrelled gallows is being erected under the supervision of the noseless executioner, and the doomed men can hear the clang of the hammer as each nail is driven. Only a wooden door divides the condemned cells from the yard where the work is going on, and the long drawn out agony of the preparation is to the living dead within like the slow torture of the Spanish Inquisition but, of course, there is no inquisition in Noose South Wales. It is only cold-hearted bungling that adds this refinement of mental

anguish to the sentence passed by a weary and worn-out judge, on the verdict of a half-dead jury, in the gray dawn of a summer morning, and though many might prefer cruelty to stupidity the two things are different, very different indeed.

Some well-meaning relatives of the doomed six struck the idea of providing them with a last Christmas dinner, that there might be some faint shadow of rejoicing even in the condemned cells to remind the inmates that the world outside was celebrating the day which is supposed to herald peace on earth and goodwill to men, but they were crushed in one act. Legislators have found out that bread and water starvation is the best preparation for eternity, and the thoughtless official philanthropist who supplied murderer REYNOLDS with his last plebeian British breakfast of beefsteak and onions has been “reported” and sternly censured for the act. As for the prisoners themselves, they are, we read, sunk in the deepest dejection, broken only by momentary bursts of something that is half cheerfulness and half insanity combined. HILL sits for hours together scratching his head in deep thought, “until his nails have worn through the hair and skin and penetrated almost to the bone,” but a youth who is shortly to be hanged on a six-barrelled gallows, and hanged, too, on the slenderest evidence, must really be allowed to have something to scratch his head *for*. (Bulletin, 1 January 1887)

Each version of the story played to a partisan view of the Outrage. While the *Globe*'s description of the gallows testified to the cool efficiency of a judicial apparatus that had prosecuted, convicted and was preparing to execute the guilty men, the *Bulletin*'s image of clanging hammers

perpetuated the impression of a barbaric and sadistic system intent on putting innocent boys to death.

The hangman was a central figure in the *Bulletin's* iconography of judicial sadism and incompetence. Archibald's public vilification of Nosey Bob went back at least to the execution of Alfred at Mudgee and would far outlast the legal manoeuvrings in the Mount Rennie case. Few hangings failed to goad Archibald into another tirade at Nosey Bob:

The Hangman at Wagga

SOME time ago one of the greatest institutions of New South Wales – an institution, seemingly, as essential to the Imperial system as Governor Carington [sic] himself – was assaulted and kicked by the larrikins of Bondi, and the principal instrument in the advancement of modern civilisation was chased down the road with a club. In other words, four rowdy, ill-mannered cubs gave practical expression to the feeling of loathing and hatred which has followed the hangman ever since the first hangman came into existence, and assailed the licensed shedder of blood with road-metal and violence. Their language was not select, and their curses were painful to the cultured ear, but their act was a genuine expression of public sentiment all the same. The hangman, in his official capacity, has got to go; and, in his private capacity, any one sufficiently animalised to occupy such a position might go without being missed.

Old, sodden Conservatives – clergymen, judges, and the like – still hold that the noseless executioner, with his soaped rope and running noose, is a necessary aid to the spread of 19th Century civilisation; but the people, who drag the clergy behind them, in place of following their lead, view the hired vampire of a dying

barbarism with abhorrence and avoid him as if he were a pestilence. Executioners, as a rule, like lawyers, pirates, and the devil, are not sensitive to mere public opinion, but when public opinion takes the form of road-metal it assumes a concrete shape which even the hangman is forced to recognise.

(Bulletin, 16 November 1889)

The encounter between Nosey Bob and a quartet of “larrikins” both inverted and parodied his encounter with the Mount Rennie boys on the scaffold. In Archibald’s hands the larrikins who threw stones at Nosey Bob were not transgressive but normative – “their act was a genuine expression of public sentiment”. It was the hangman – “the hired vampire of a dying barbarism” – who had to be avoided “as if he were a pestilence”.

In the same issue the *Bulletin* reported, with equal relish, that the hangman had recently been “hooted by the boys of Wagga”. Yet Archibald’s attitude to Nosey Bob would always be ambivalent – his loathing for the “man-butcher” counterbalanced by a grudging respect, bordering almost on affection, for the father who had let him into his parlour, showed off his children and boasted of having the “prettiest garden in Paddington”. That ambivalence was reflected in a poem published by the *Bulletin* several years later:

The NSW hangman has two jobs on hand this month, one at Mudgee and another about a week later at Bathurst. This arrangement will give the executioner time to travel across from one town to the other by easy stages and look at the scenery as he goes along. The country looks pleasant just now after the south wind and the rains, and the official man-butcher should enjoy

himself among the blossoms, and journeying across the grassy plains. A little poem:-

The grass is green 'neath the hangman's feet
On the ways where the spring and the summer meet;
And the birds flit by on their burnished wings,
And troll in reply when the hangman sings.

The flowers are gay by the hangman's track
As he follows the pleasant road 'out-back',
And the lizards flirt through the dewy grass
Like elves, when they hear his footfall pass.

The sun is bright on the hangman's way,
His shadow's a blot on the garish day;
And the native bear, from his perch on high,
Looks down on the Strangler flitting by.

The river gleams like a crystal floor
Where the track meanders beside its shore,
And, reflected on its mirrory bed,
Goes the shade of the hangman's noseless head.

The sky is bright with a stainless blue,
No speck is there on its azure hue;
And the rainbow spreads its vastly arch
O'er the path where the hangman's flat feet march.

A fairy lacework the moonshine weaves

Where his haggard skull is among the leaves,
And the west is ribbed as with prison bars,
At dusk, when the Lord hangs out the stars.

The hangman loveth the beauty rare
Of the fields and woods, and the bright things there;
And he loveth the scents on the summer gale
As he goes to the hanging in Bathurst gaol.

(Bulletin, 18 November 1893)

With its facile juxtaposition of poetic simile (“The river gleams like a crystal floor”) and coarse anatomical fact (“the hangman’s flat feet”), the poem enacts a set of contradictions reminiscent of those in Archibald’s interview with Nosey Bob thirteen years earlier.

There is no evidence that Archibald and Howard spoke to each other again after their amiable encounter in Paddington. Yet Archibald continued to write about Nosey Bob until the end of his life, recycling and adding to the Mudgee story he had originally written for the *Evening News*.

In the columns and cartoons of the *Bulletin* Nosey Bob was a ghoul, alternately mocked for his appearance and execrated for his profession. But this was not the universal view.

Any bungled execution reflected badly on the colony in whose name it was carried out. One such execution in Tasmania, in which the condemned man, John Haley, managed to get a hand free to interfere with the rope, was said to have aroused the “deepest horror” among spectators who watched the hangman “kick the hand brutally down” (Davis 1974, p. 76). Two more bungled hangings, in which the victims died slowly of strangulation, led the *Mercury* to complain “that nothing had been done to follow the recommendation of the British Home Office that a longer drop

should be employed to break or dislocate the neck instead of relying on eventual suffocation” (Davis, p. 77).

In England the executioner James Berry had used a table of weights and lengths to calculate the optimum drop. Under Berry’s system a man of sixteen stone required a drop of only two feet while a man weighing eight stone would need nine feet of rope. In theory, an accurate calculation ruled out the risk of either decapitation or strangulation.

By 1891 the Tasmanian executioner worked with his face blackened to conceal his identity. Noting his preference for anonymity, the *Mercury* “remarked that in the past the hangman had been a well-known personality who ‘hob-nobbed convivially with the horny-handed’” (Davis, p. 78).

In New South Wales, however, Nosey Bob’s identity was well known, and not just to readers of the *Bulletin*. In its account of the execution of the child-murderer John Makin, the *Daily Telegraph* reported matter-of-factly that “Makin submitted himself quietly to the will of the executioner (Robert Howard), who pinioned his arms securely” (Daily Telegraph, 16 August 1893).

Popular histories, such as the anonymous pamphlet *Hurled Into Eternity: The 16 Executions at Maitland Gaol*, make unsourced references to an alternative nickname for Howard: “the Gentleman Hangman”.

It is claimed that socially he was a very caring individual, assisting any deserving case, including discharged prisoners [and] the families of those imprisoned or executed ... He apparently boasted that every one of his executions over a 29 year career was carried out with utmost despatch and decorum, without the least brutality or pain to the subject.

(Anon 2009, p. 46)

If Nosey Bob had ever made such a claim, it would have been nonsense. During his career Howard was responsible for his share of botched executions. Yet contemporary newspaper accounts show that he was viewed with a good deal more respect than Archibald's caricature suggests.

There was no speech from the scaffold, and at a sign from the Sheriff, who stood thereon a little to the left of the condemned man, Howard let fall the portion of the cap which covers the face. Formerly this cap was merely a small, white bag, dignified by the name of cap; now it is made in such a manner as to cover the whole of the top of the head, but the back of the head and the whole of the neck are left bare; a flap or front piece is let down by the executioner before he adjusts the rope, which hides the face. By this means the rope can be tightened in its proper position, and there is less liability of its shifting than when, as was the case previously, it was fastened outside the cap.

Howard exercised great care in fixing the rope, not, however, prolonging the operation one moment more than absolutely necessary. The condemned man closed his hands tightly as the knot was drawn up, and the last utterance from his lips was the name of his Maker. The signal was given, the assistant-hangman withdrew the bold, and a second later Makin's body swung lifelessly below the scaffold. That death was instantaneous is best judged from the fact that there was not the slightest motion of the body after it fell ...

The whole business connected with the execution was conducted with decorum and with due dispatch.

(Daily Telegraph, 16 August 1893)

It is possible that Howard himself invented the new, less accident-prone cap worn by Makin. Again, there are unsourced references to Howard being the source of technical improvements designed to make the process more humane, and suggestions that his skills as a hangman were such that he sometimes moonlighted for other colonies. But not all Howard's executions went to plan. Bungled hangings – such as that of Montgomery and Williams, the so-called Bridge Street burglars - were reported as assiduously as successful ones, although it was often left to newspapers in other colonies to supply the most macabre details:

At twelve minutes past 9 the men were pinioned by hangman Howard and his assistant. Both men walked firmly to the scaffold, and the ropes were adjusted. When Howard gave the signal to his assistant to pull the lever the rope attached to Williams caught under his left arm, and caused his body to tilt over and kick Montgomery. Williams then fell sideways, the rope passing round his neck and under his arm. In this position the poor wretch struggled and kicked violently, while Montgomery's death was instantaneous. For two minutes Williams's struggles were horrible to look at, and the assistant hangman had to walk to the scaffold and shake the rope violently, when it was released from the arm. It was clear that Williams was not dead, and that he was being gradually suffocated; and his struggles and nervous twitchings lasted for fully eight minutes. After hanging for about twenty minutes the men were examined by Dr O'Connor and pronounced to be dead, and the bodies were cut down ...

Montgomery was within a pound or two of 14 st in weight, and Williams was about 11 st, but when the bodies swung at full length on the ropes it was seen that the hangman had made a

blunder, Montgomery, the heavier man, being on the longer rope and Williams on the short one. The drop would, in the opinion of those present, have almost broken Williams's neck had his arm not caught, but to those who saw him just before he dropped, it was almost certain that he died from shock. He did not utter the slightest moan. (Brisbane Courier, 1 June 1894)

A year earlier Howard had botched the execution of George Archer. The rope slipped and instead of the knot being under the left ear it ended up beneath Archer's chin. Some observers noted that the drop was too short. Once again, the most censorious accounts tended to appear in newspapers published outside New South Wales. While the *West Australian* described Archer's execution as a "horrible bungle", Sydney's *Daily Telegraph* preferred to think of it as an "awkward mishap".

17. I'd a lot sooner be hung along with the rest

On 5th January, two days before the hangings were due to take place, a deputation including the parliamentarian William Bede Dalley, Sir Henry Parkes, Bishop Alfred Barry and Cardinal Francis Moran called on Lord Carrington. Parkes read out the letter (quoted earlier) which he had already sent, in which he approved of the legal proceedings but pleaded for the death sentence to be commuted. This put him at odds with Dalley, a noted barrister and former attorney general, who denounced the handling of the trial but agreed with Parkes “as to the damaging effect produced in England and in the United States of America by the news that this colony had been compelled to execute such a number of brutally ignorant youths for an offence which was not punishable by death, save in two of this group of colonies. Nothing could be a more startling revelation of the presumed moral depravity of the community, and ... of the absence of any high appreciation of the value of human life, which formed one of the highest tests of human civilisation” (Globe, 6 January 1887).

Without mentioning Mary Jane Hicks by name, Dalley raked over her sexual history by arguing that the law making rape a capital crime had never been intended to protect girls like her.

[I]n our singular retention in our criminal code of the capital punishment for rape, the protection of absolutely pure women in remote parts of the country was intended to be secured by that dreadful penalty. It was for this class of persons, and for this class alone, that the legislature resolved upon retaining the death penalty for the crime. (ibid)

Carrington – not exactly the imperial buffoon portrayed by the *Bulletin* - saw clearly what he was being asked to do and wanted both the bishop's appeal and his own response to be recorded:

LORD CARRINGTON, in reply, thanked Mr Dalley for the sympathetic way in which he had referred to his position. The present application involves this important difficulty. I am being requested, in direct opposition to the advice tendered to me by my constitutional advisers on 16th December, to exercise the prerogative of mercy as to all these prisoners on the grounds, as I understand it, that the punishment of death should not be awarded for this crime of rape.

MR DALLEY: Not exactly that. We say that in this case there are exceptional circumstances, which, we contend, are reasons why the punishment should not be inflicted.

LORD CARRINGTON: If in this instance I accede to your application, it seems to me that I must necessarily do so in the future cases, for a worse case than the present can scarcely be imagined. In so doing, shall I not, in effect, be repealing the present law, and setting my own arbitrary action against the deliberate decision of the people of the country as expressed by their own elected representatives in the Legislative Assembly ... and by the Legislative Council as well. It seems to me that the prerogative of mercy, if extended, should only be exercised on the individual merits of each particular case, upon grounds altogether different from those in the main submitted by this deputation, and which have received every consideration. (ibid)

Behind Carrington's carefully-worded constitutional argument against wholesale reprieve lay, almost certainly, an understanding that, distinguished and influential as they were, Dalley, Sir Henry Parkes, Bishop Barry and Cardinal Moran did not represent a popular consensus in favour of saving the six remaining Mount Rennie boys from the gallows. The deputation represented a powerful body of colonial opinion, but not the only one.

The next day, Thursday, two more deputations visited Lord Carrington. The first presented a petition for reprieve "based upon the fact that the recommendation of mercy made by the jury was disregarded, and that three of the criminals have already been reprieved". The second carried a "memorial, signed by 150 citizens" which began by sympathising with the Governor over his "present painful and difficult position". After noting that Mount Rennie was "only one of a series of outrages", it went on:

4. There are now loose in this city and suburbs at least one hundred criminals who have been concerned in the violation of women within a few years. A large proportion of these have escaped conviction. 5. We would place before your Excellency the fact that the female population of the city and suburbs are now living in a state of well-founded alarm in view of the probability of this offence being condoned by the authorities in the same manner as other crimes of the same nature have been condoned. 6. We would further beg your Excellency to observe that the criminal inhabitants are watching events keenly; for on your present determination depends the result whether or not they shall proclaim a victory over law and order and shall proceed to the repetition of these outrages. 7. If the prerogative of the Crown should be exercised so that these criminals shall practically

escape justice, then no woman will be safe in New South Wales, and a state of things will certainly ensue which may be deplored but which will be inevitable. (Globe, *ibid*)

At exactly the time that Lord Carrington was receiving the second deputation, an extraordinary story was going around Sydney:

THE GIRL HICKS

A rumour was widely circulated in the town yesterday [ie Thursday] afternoon and evening that the girl Hicks was in a dying condition. On inquiry at the Convent of the Good Samaritan, however, the statement is emphatically denied, as the girl's health is not such as to cause the slightest anxiety. The rumour is supposed to have originated in the fact of the serious illness of the Reverend Mother of the Convent, in consequence of which a request has been made for the trams to avoid whistling as much as possible when passing near the convent.

(Globe, 7 January 1887)

It was more than a week since Mary Jane had signed an affidavit in support of Hill, insisting that "his execution would necessarily be a burden on my mind". From Darlinghurst Gaol, Duffy, Read and Hill himself had all written statements exonerating Newman. With less than twenty-four hours to go, a group of official led by the Sheriff visited the condemned cells.

He directed Hill and Newman to be brought out into the corridor, and then informed them that his Excellency had seen fit to commute the death sentences in their cases to penal servitude for

life, the first three years in irons. Newman seemed overwhelmed by the tidings, but as soon as he could speak he expressed his gratitude for the Governor's clemency in simple but evidently heartfelt words. Hill, on the contrary, with characteristic bravado, burst out, "I'd a lot sooner be hung along with the rest." To try whether this exclamation was indicative of his true feelings or simply a piece of bluster, he was quietly informed that he could take a couple of minutes to think over it, and, if he really preferred to be hanged, why, no doubt Lord Carrington would grant his wish ... Hill turned ghastly pale at the idea of meeting death by his own request, and with a shudder said, in a low tone, "I – I think I'll take the life, sir." (Globe, *ibid*)

According to Lord Carrington, Duffy's statement was the chief reason for his decision to reprieve Newman. In Hill's case, Carrington told the press he was swayed by the fact that Judge Windeyer had twice (albeit equivocally) recommended the death sentence be commuted. A handwritten letter from Windeyer dated 25th December 1886 read in part:

I have already stated that Hill's case was the test, if any question arose as to commuting the sentence of any of the prisoners ... though I am far from suggesting that the jury was wrong in acting on the evidence against him I think it would be safer in his case not to carry out the extreme penalty of the law and I should be glad if the Executive Council could see its way to agree with me as to this prisoner's case.

(NSW Department of Corrective Services)

For Boyce, Duffy, Martin and Read, the final chance of a reprieve had passed.

The most enterprising reporting of the events leading up to the execution came, as usual, from the *Globe*. The tabloid's afternoon publication – and its correspondingly later deadlines - gave the paper an edge over its morning rivals, who were unable to publish their accounts of the hangings until the following day. Again, the focus of its interest was the scaffold itself:

THE NIGHT BEFORE THE EXECUTION

Darlinghurst gaol seemed to be slumbering quietly in the mellow evening sunlight as our representative passed through its grim gateway last night at 6pm. The neatly-kept lawn and flower beds before the governor's house seemed in the soft light to rob the stern buildings around of much of their cold harshness. Our mission was not, however, to admire flowers and trees, it was to obtain, of possible, permission to inspect the gallows erected for the dread work of the following day, and also to obtain all the trustworthy information that we could with regard to the awful spectacle the morning was to witness. To carry out our first object the permission of the sheriff was necessary, and on enquiry at the gate the old officer on duty courteously informed us that Mr Cowper was in the gaol, and was superintending the completion of the scaffold. In a few minutes that gentleman was seen walking down from E wing, and on nearing the gate he directed the janitor to allow any representatives of the Press to pass through if they wished to see him. No daily journal but THE GLOBE was represented there, however, and the Sheriff at once kindly gave permission to make the fullest examination we chose

of the scaffold, and despatched an experienced warder to accompany our reporter. (*Globe*, 7 January 1887)

The scaffold was complete except for the four ropes, which were yet to be attached. “[T]he greatest care had been taken in its design,” the *Globe* reassured its readers, “and ... the workmanship employed on it had been of the best.” On the subject of the hangman, the paper was more equivocal, its tone neither mocking nor entirely respectful but an uneasy mix of the two:

THE HANGMAN’S OPINION OF THE NEW GALLOWS

Robert Howard, more generally, though perhaps less euphoniously known as ‘Nosey Bob’, in satirical reference to the absence of his nasal organ, expressed himself last night in terms of admiration respecting the new gallows. He had made full preparations for hanging the whole six, and seemed somewhat disappointed at only being required to display his skill on four. “It wouldn’t be any more trouble to hang the six than it would one,” he said. He had not then settled what length of drop he would give, that was a detail he meant to work out when he got home. (*Globe*, *ibid*)

The *Globe*’s interview with Nosey Bob, sandwiched between sombre articles headlined “THE SCAFFOLD” and “LEAVE-TAKING BY FRIENDS”, could be seen as epitomising British gallows humour in the tradition of Shakespeare’s gravedigger. Perhaps it also aimed to shift responsibility for the final act of the Mount Rennie Outrage from the human agents of justice – specifically Judge Windeyer and Nosey Bob - onto the robust and reliable machinery of the gallows. Windeyer’s fallibility, epitomised by his change of mind over Hill, had been a source of

controversy from the start. Nosey Bob's was implicit in his record of botched hangings. The gallows machinery had to be infallible, a symbol of judicial integrity that could withstand human error.

Proof of the deepening public anxiety surrounding the case came on the very morning of the execution, when the staunchly conservative *Sydney Morning Herald* broke ranks with its rivals by calling for the four condemned youths to be reprieved:

That the prisoners were all very young and very ignorant could not be questioned, and on such grounds the prerogative of mercy might be justifiably exercised – just as it might be in the case of women or lunatics condemned to death. The humanity of the age revolts at the idea of sending women to the gallows, even when they have been convicted of deliberate murder. It is not very long ago, for instance, since two women, mother and daughter, known as the Maitland poisoners, were lying in gaol under sentence of death for the murder of the daughter's husband; but though their case was absolutely destitute of merit in any shape, they were reprieved simply because they were women. The only reason for commutation of the sentence lay in that fact. If the execution of women is considered repugnant to human nature, even where their criminality has placed them beyond the pale of human sympathy, it might with not less reason be urged that the execution of boys – especially of half-a-dozen together – would be not less revolting to the sense of humanity. However, the Governor has not seen fit to adopt this view of the case.

(*Sydney Morning Herald*, 7 January 1887)

In citing the prisoners' youth and ignorance as grounds for reprieve, the *Herald* was falling belatedly into line with the jury's own recommendation for mercy. More contentiously, the paper criticised Judge Windeyer's handing of the trial, arguing that "no case has been heard of in modern times in which English Judges have compelled jurors and counsel in criminal cases involving issues of life and death to sit all through the night in spite of repeated protests and requests for adjournment".

Yet the very half-heartedness of the *Herald's* appeal – not to mention the timing, which ensured that the four youths had already been hanged before it could be acted on - was evidence of the paper's moral ambivalence.

Archibald devoted nearly two columns of the *Bulletin* to denouncing the *Herald's* about-face.

Search its leading columns for weeks before the execution and there will not be found a single sentence that might be taken even to excuse, much less justify a reprieve; yet on Friday morning, the very day of the execution, there appeared a leader admitting two of the main points which THE BULLETIN alone has argued, and the HERALD *ab initio* opposed.

(Bulletin, 15 January 1887)

How influential was the daily press – and, in particular, the *Sydney Morning Herald* – in steeling the Executive against reprieving the last four prisoners? Archibald believed (or at least claimed to believe) that the *Herald* alone had possessed the power to save them:

[I]f these qualifications of the Mount Rennie crime had been admitted by the HERALD a week ago, we freely admit to

disbelieving that the executions would have taken place. The HERALD is the recognised organ of pompous and *bourgeois* respectability, and in such a case as this its pleading for mercy, though qualified by a thousand “ifs”, would have prevailed against the unanimous cry for a thoughtless and brutal revenge by the other papers. (Bulletin, *ibid*)

It is significant that the *Herald* did not attempt to test this power – perhaps because its owner shared Archibald’s belief that had it turned its editorial voice to reprieving the prisoners, they would have been reprieved

Except for the *Herald*, there was no last-minute change of heart from the daily press, which Archibald accused of having “shrieked and yelled for the blood of the Mount Rennie convicts” (Bulletin, 15 January 1887). Yet the triumphal note that had been present when the sentences were announced was largely gone by the time they were due to be carried out. Of all the daily papers, the *Globe* was the only one to send a reporter to Darlinghurst Gaol on the night before the hangings in order to “inspect the gallows ...and also to obtain all the trustworthy information that we could with regard to the awful spectacle the morning was to witness”. For all the paper’s dogged determination to see the four death sentences upheld, its unnamed reporter found himself moved by the plight of the boys he was sending to their deaths.

Now and then the clanking of irons was heard, as the condemned youths moved with difficulty about the corridor taking exercise ... The cloth which covered the grating did not extend quite to the crown of the arch, and through the open space thus left one standing on the platform was able to look down the corridor. There were the four doomed criminals – Boyce, Duffy and

Martin, quietly walking up and down, as well as their heavy irons permitted, while Read sat on a stool by his cell door, with his head bowed. (Globe, 7 January 1887)

18. Each of the hanged lads kicked off one shoe

Since 1855 public hangings in New South Wales had been outlawed. But that did not make them private affairs. Under the headline “THE VISITORS PRESENT”, the *Globe* listed more than eighty names (all male) who were present at the hanging of the Mount Rennie boys. This list did not include relatives of the condemned, who stood in the crowd outside the prison and “unobserved and unrecognised ... with a quiet grief watched for the sign that would tell them that all was over.”

Barred from watching the execution, the general public had to make do with reading about it in the newspapers. Detailed eye-witness accounts of the hanging were an essential component of the nineteenth-century criminal narrative. Those few minutes on the scaffold represented a last chance for the condemned man (and, occasionally, the condemned woman) to influence his or her own story, either by confirming what the public already knew of their character, or by subverting it. By his behaviour on the gallows a condemned prisoner could redeem or damn himself. The hangman and his apparatus were necessarily part of the scene and had a bearing on the outcome. An incompetent hangman could (and frequently did) turn a reviled criminal, at least briefly, into a sympathetic victim. Just as Judge Windeyer played an integral part in the mythologising of the Mount Rennie boys, so would Nosey Bob.

The Execution

SCENE AT THE GALLOWS

The execution was witnessed by about 120 persons, exclusive of officials and policemen. The top gallery was set apart for the general public and visitors. The second gallery, on a level with the scaffold, was reserved for the press, members of Parliament

and J[ustice]'s [of the] P[each]. The floor was reserved for medical and scientific men. A strong force of police guarded either side of the scaffold. A subdued hum of voices filled the large open space, until the Sheriff in stentorian tone demanded silence on pain of expulsion.

At eight minutes after 9 o'clock the procession was formed in the corridor outside the condemned cells, and it immediately moved towards the scaffold.

Martin was the first to step on to the scaffold at nine minutes past 9 o'clock, being accompanied by the Rev. Father J. Byrne. Boyce followed him, attended by Father Coonan. Then came Duffy, attended by the Very Rev. Dr Murphy, and Reid [sic] was the last to mount the scaffold, and with him was the Rev T.J. Curtis. The executioner arranged them on the drop, having Reid [sic] on the extreme left, Duffy next, Martin next, and Boyce at the opposite end.

Mr Curtis, speaking on behalf of Reid [sic], said that he (Reid) [sic] had made a statement in which he solemnly declared his innocence, and expressed the conviction that he would enter into the presence of his God, trusting in the Lord Jesus Christ and to a clear conscience, as he was completely innocent. He (Read) wished to say that, as far as his small knowledge of the affair extended, and from what he had gathered from others, excepting Donnellan, all the others who had been reprieved were innocent of the offence.

The Rev Mr Curtis, after making his short speech, kissed Read, and then retiring to a corner of the scaffold buried his face in his hands, overcome by strong emotion. Read was calm, but very pale, and his lips moved as if in prayer.

Duffy had a high colour in his cheeks, and stood on the drop with downcast eyes, praying earnestly.

Martin and Boyce, though both pale, kept their eyes turned heavenwards, and both were seen to be praying most fervently.

The executioner and his assistant then quickly covered each man's head with a white canvas bag, and adjusted the rope round their necks, allowing for a drop of 8 feet 6 inches. All was now ready, and after a few seconds' painful pause the assistant hangman, seizing the lever with a firm grip pulled it towards him. A dull choking thud followed as the four bodies fell into the gulf below. Then a horrible scene occurred. Evidently the ropes used were too thick and the length allowed for the drop was not long enough to dislocate their necks at once, for after, perhaps half a minute's quiet, the wretched youths commenced to struggle and kick violently, thus showing that strangulation and not the more merciful dislocation of the vertebrae of the neck was killing them. Read struggled the least of all, which fact may, perhaps be accounted for by the knot having slipped around from behind his right ear to almost under his chin. Duffy, after violently shivering for a second, commenced first to twitch his legs and hands and then gave several convulsive kicks.

Martin's struggles were specially painful to witness. He was the lightest of the three, and kicked violently. He also made frantic efforts to free his arms from the rope which pinioned them, twisting his right forearm almost behind his back, and endeavouring to undo the rope with his right hand. In the violence of his struggles he several times contorted his body until it was at an angle of fully 30 degrees with the rope by which he hung. For fully two minutes the wretched youth thus writhed and

struggled, then his agonies seemed to draw to an end, and save for an occasional twitching he was apparently dead.

Boyce also seemed to suffer terribly, kicking and endeavouring to jerk his head away from the rope. For nearly three minutes this lad continued to struggle, and it was fully three minutes before his desperate kickings and strugglings died away to an occasional twitch. Each of the hanged lads kicked off one shoe, and when their struggles were over it was seen that the white bag over Duffy's head was stained with blood from his mouth, and that over Boyce's with blood from his right ear.

At 9.34 Drs O'Connor and Brownless made a medical examination of the bodies and pronounced life to be extinct. The necessary document recording the execution was then drawn up, signed and witnessed and the assembled crowd was then permitted to pass out. Those who were present will never forget the horror of this execution. (Globe, 7 January 1887)

It was the following morning before the *Herald* could publish its own account of the hanging which, lacking the news value of the *Globe's* report, was shorter and less detailed (but at least managed to spell the names correctly):

The executioner and his assistant then produced the white caps; Mr Curtis kissed Read, and, burying his face in his hands, stepped aside. The halters were quickly adjusted, and in a second the bolt was drawn. A scene too painful to describe followed. It was evident that the weight of the prisoners and the drop had not been properly calculated. One struggled for about six minutes, the others for a less time, and when at 25 minutes to 10 o'clock

Drs O'Connor and Brownless felt the bodies, it was quite plain to them that death had not at all been instantaneous. Of the four, only one – Duffy – had his spinal cord fractured. The others were strangled to death. It was stated by a medical man present, that in the case of Martin, respiration did not cease till the expiration of 10 minutes ... After hanging for some time, after the medical examination had been made the bodies were lowered and removed to the morgue, where a post-mortem was held, and subsequently the City Coroner (Mr Shiell) presided at an inquest, where formal evidence was given, the statement of Dr O'Connor, medical officer of the gaol, being that in the case of Duffy death had been caused by dislocation of the vertebrae of the spinal column, and in the case of Read, Martin, and Boyce, by strangulation. (Sydney Morning Herald, 8 January 1887)

Nosey Bob would be remembered as the hangman who had bungled the killing of the Mount Rennie boys. His reputation would be marred by them, just as theirs would be sentimentalised by him.

The *Truth* newspaper gave special prominence to the Mount Rennie executions in a series of scurrilous articles about Nosey Bob's slipshod handiwork. This, together with his facial disfigurement and rumours of his drinking, made him a suitable ogre to set against the four "boys" whose lives he took. Their stories became mutually reinforcing, and have remained so in such books as Michael and Anne Tuffley's self-published *The Mount Rennie Gang: Five Days to Justice*:

"Nosey Bob" under ordinary circumstances is quite unfit and an altogether improper person to act as common hangman.

His dreadfully disfigured, noseless face must seem to those whom he is about to dangle at the end of his fatal cord a visage from hell, and must add to the horrors of their awful fate. No decent community would allow such an unutterably and awfully hideous man to add to the horrors of public executions by his presence on the scaffold without a mask on his face.

Then if we add to this the fact that “Nosey Bob” is not a sober man, but is as a matter of notorious fact, frequently under the influence of liquor.

The Mount Rennie boys, if unjust, were indeed very brave in going to their doom and oblivious to his horrible ugliness.

Boyce kicked for about three minutes and with such violence as to throw his shoe some distance away. (Tuffley 1989)

Combining primary and secondary documents with passages of clumsy and often unreliable authorial commentary, the Tuffleys’ book is “dedicated” to Michael Donnellan, “longest known survivor of the gang”, who “passed away 11th May 1948”. Once again, the lurid caricature of Nosey Bob serves to sentimentalise the “boys” as it demonises the hangman.

Nosey Bob’s career, however, did not end with the Mount Rennie executions. Over time a different narrative began to emerge, never entirely free of mockery but at the same time laced with a degree of affectionate respect. *Truth*, for instance, noted that his hobby was shark-hunting:

He’d set a bait, and when the shark was hooked, he’d wade in, grab it by the tail, fasten a rope to his old horse, and drag it out of the water. Bob had a large collection of shark jaws around his

garden, and at least one MP took a sample of Bob's sharks to England. (*Truth*, 15 January 1899)

Howard retired on a pension in 1904 and died two years later, on the 3rd February 1906. Probate records show that "Robert Howard late of Bondi, freeholder" owned a considerable amount of property at his death, most of it in the Queenscliff Estate, Bondi, and that he divided it among his three sons, Edward Charles, Sidney and William George, and two surviving daughters, Mary Ann and Fanny. As well as property, he bequeathed to Sidney "my clothing, watch and chain and jewellery, furniture, horse or horses, harness or harnesses, vehicle or vehicles, dogs and poultry, all my personal effects".

Copying Archibald's *Bulletin* (but lacking its fierce literary wit), *Truth* commemorated his passing in verse:

The Angel of Death spread his wings on the blast,
And breathed on the face of the foe as he pass'd;
Then the eyes of the sleeper closed up on his "nob"
And out went the Light of "Nosey Bob!"

Nosey Bob died in the same year that Archibald suffered his breakdown. Committed against his will to Callan Park Asylum, he began filling his notebooks with his recollections, including his two greatest obsessions - the Mount Rennie Outrage and the execution of Alfred.

Outside Archibald's private notebooks, a more benign picture of Nosey Bob was emerging. A decade after his death, *Truth* offered its readers this nostalgic portrait of the hangman's early career:

It oozed out in the cab ranks that Bob Howard had attended the Sheriff on certain official occasions. His brethren of the whip [Howard had once been a successful cabman] tasked him with it and he frankly admitted that he was a “probationer”, and might in time become chief executioner of the Government of New South Wales at a fixed salary. After that admission Howard was boycotted and had perforce to abandon the cab rank for the dignity of a sheriff’s officer, employed as “general utility” about the court-house grounds at Darlinghurst, with the “supreme duty” when the occasion arose.

Socially Howard was a very decent fellow, an orderly citizen and extremely charitable ... he could be relied upon to assist any deserving case of a discharged prisoner or of a prisoner’s family in distress ... He kept a horse and dog and drove to and from Darlinghurst daily. He interfered with no-one and was modest and retiring in his disposition. (Truth, 1915 [?])

The caption beneath a photograph of Howard’s cottage described it as being on “lonely Ben Buckler Point”, emphasising the image of the solitary hangman, scorned and ostracised by his fellow citizens.

Archibald and Nosey Bob were buried, eight years apart, in Waverley cemetery, in Sydney’s eastern suburbs.

19. They looked such children

The Mount Rennie Outrage was not one outrage but many, culminating in the four botched executions. A week after the hangings, Archibald's *Bulletin* poured all its moral fury into an article purporting to be an "extract from a remarkably unconventional private letter received by a Wagga man from a Sydney official":

With, say, a couple of hundred others, I witnessed the hideous scene of last Friday – the hanging of four youths for a so-called rape on a morally off-coloured girl, who in any other country would have been held guilty of such contributory negligence as to debar her from the protection which law awards even to the vicious woman who happens to be acting virtuously at the time of the assault ... They marched on just as though they had been drilled and they looked such children – upon my soul, old man, two of them were not a bit older in appearance than those little boys in buttons at the club. There they stood, pinioned, calmly waiting, without a flinch of any kind, for the drop to fall – such was the power of religion over them in their last moments. The hangman was a horror – noseless, dressed in black, six feet high, with huge hands and feet, he looked like an exaggerated gorilla in broadcloth. A young medico who stood beside me exclaimed "Great God! Why they don't look more than 14 or 15 years of age ...

As I have said, there were about 200 present, and as the time of execution drew near strong men (whom I personally have known to commit crimes 10 times more morally heinous than the one expiated on Friday) strained their eyes and looked quietly

excited and expectant for what was about to happen. It was a brutal show ... None of the Government House swells turned up on this occasion ... The hangman's assistant, who pulled the bolt, was a conspicuous figure on the scaffold. He is a man who has just resigned from the police, and while attached to that body he occupied the position of dog-catcher ... The accounts in the papers were mere "catchpenny horrors" ... In the case of Read ... the lungs had not ceased working seven minutes after his fall ... Boyce lived a considerable time – three or four minutes perhaps ... The hangman's laches [ie his negligence] have been considerably exaggerated, but with light bodies a drop of 8 foot 6 inches would have been quite sufficient had the rope not been so murderously thick. The knot was larger than the bottom of a big champagne bottle. The demeanour of the hangman's assistant was, to my mind, unspeakably brutal ...

Two other things have excited profound disgust: the action of the S M Herald and the inaction of Bishop Barry. The Herald, which all along contended in a mild but effectual way, that the boys should be hanged, altogether changed its tune on the morning of the execution and roundly asserted that they had not had a fair trial. As the article didn't appear until the final deed had been done, the Herald, which had the four lives in its hands all along, has earned universal contempt.

(Bulletin, 15 January 1887)

If the unnamed "Sydney official" was not actually Archibald, he certainly saw the Mount Rennie executions through Archibald's eyes and described them in language ("the hangman was a horror ... with huge hands and feet, he looked like an exaggerated gorilla") that echoed

Archibald's accounts of previous hangings. He also shared Archibald's disdain for the *Sydney Morning Herald*. The heavy-handed pathos of the opening two sentences established paradigms of youth, piety and helplessness before authority that were essential to the task of recasting them – rather than Mary Jane Hicks – as the victims of the Outrage. All these qualities would find their way into a series of revisionist articles published by the *Australian Star* during July and August 1895, the purpose of which was spelt out in the series of emotive headings and sub-headings above the first instalment:

THE MOUNT RENNIE CASE

The Five Living Prisoners

An Appeal for Mercy

What the Lads are Doing – Keegan a Hopeless Lunatic -

The Narrative of Mother Gertrude – Lord Carrington's

Excitement.

The article itself began:

Now that the heat of the electioneering battle is over, now that Ministers are resting before taking up once more the heavy work of Parliament, and now that old and new members, Ministerial and Opposition and Labor, are making up their minds what to do when Parliament does meet – now should be the time to bring before their minds, and before the minds of the public, the positions of five helpless creatures immured in the gaols of the colony for what is known as the Mount Rennie outrage, for which the mob yelled for blood nearly nine long years ago. (Australian Star, 30 July 1895)

While the anonymous writer declared that “It is not proposed in this article to discuss the merits or demerits of the case”, the series as a whole did exactly that, inverting the original roles to place the government, judge, prosecution and victim on trial for the unjust conviction and punishment of the Mount Rennie boys. The paper enlisted sympathy for the five in prison by concentrating on one, George Keegan:

[P]oor Keegan is a hopeless lunatic, driven out of his mind by the terrible trial of his three years in irons, portion of the brutal punishment substituted for the gallows. He plays all day with a ball, just as a kitten does; and no matter whether he ever leaves the gaol or lays there till he dies his punishment for a crime which he claims never to have been connected with is complete. He is not a violent lunatic, but his mind is unhinged to such an extent that reason never will return.

(*Australian Star*, *ibid*)

Keegan’s prison history confirms that he “was in the Criminal Lunatic Asylum from the 11th July 1888 to the 11th October 1892”. Another document, signed by the governor of Parramatta gaol, states that up until 1st August 1895 – still more than year before his eventual release – Keegan had served 3170 days in New South Wales prisons, on 3169 of which his behaviour was judged to be “orderly”. His only violation of prison rules was on 13th June 1887 when he was cautioned for “communicating with a prisoner by writing”.

By the time the *Australian Star* reported that his mind was “unhinged to such an extent that reason never will return”, Keegan had already been back in the general prison population for nearly three years.

Time had not diminished the symbolism of the Mount Rennie Outrage. The mad Keegan, so brutalised by government injustice and mistreatment that “he plays all day with a ball, just as a kitten does”, was simply a variation of the “little boys in buttons at the club” to whom the *Bulletin* had sentimentally compared the four on the gallows.

The purpose of the articles in the *Australian Star* was not merely to argue that the five “helpless creatures” had served their time and deserved to be released; it was to undermine the entire basis of their conviction. Acknowledging the religious significance of the case, the *Star* based its defence of the “lads” on supposedly new information supplied by the “large-hearted Roman Catholic chaplain of Darlinghurst Gaol, the Rev. Father Carey”, and by Rev. Mother Gertrude, the nun who “saved the lives of Newman and Hill on the very threshold of the scaffold”.

Father Carey’s version of the Outrage, which he claimed to have got “about three years ago” from a man who was “in a dying condition in one of the metropolitan hospitals”, represented the latest (but not the last) in a series of narratives that had begun with the eye-witness Stanley’s breathless account to the police on the afternoon of 9th September 1886:

The result of Father Carey’s inquiries show that three youths from Waterloo and the surrounding locality were on their way out to the bakers’ picnic when Donnellan, who was one of the party, happened to look round, and noticed a cab standing some distance away without a driver. Such a sight in a locality where very few cabs were wont to go aroused their curiosity, and pretty well suspecting something wrong they ran back to where the cab was standing. As they approached they heard screams issuing from the cab. They drew near, and the cabman (Sweetman) then got out and mounted his seat. A girl was in the cab, and from

something she told them the boys ran to stop Sweetman from driving off. One seized the horse's head, and another jumped up on the box, and took the reins from the driver. The girl inside was by this time very frightened, and as soon as the cab was pulled up she got out.

The boys let the cabman go, and the girl walked some little distance away with them. She told them that her name was Mary Jane Hicks, and that she had come out with Sweetman for an immoral purpose, and that she had screamed out because he had refused to "part up". They walked some distance and Donnellan, who was chief spokesman, said that he was going home, She asked where he lived, and he pointed to a house in the distance. The girl then said, "Oh, don't leave me alone; I want to go and pick some wild flowers! Are there any growing over there?" pointing to the scrub. Donnellan replied "Yes" and they then went over to the scrub to pick the flowers.

While the girl was engaged plucking the flowers she saw someone peeping over the scrub. She pointed the fact out to Donnellan, and they then went away to another part. While there a man came up and caught hold of the girl's arm as if to use force. The man was at once recognised by Donnellan and the other boys, who were not far off, as Stanley, the "bush rat" as he was known to the talent. A row ensued, and the girl beginning to scream attracted the attention of some other youths who were also on their way to the picnic. A number of them ran back to the scene, and in the melee which ensued Stanley got the worst of it.

During the row one of the newcomers took the girl away, and was followed by some of the others. As far as Donnellan and the first two lads mentioned were concerned their connection with

the case ended there, for suspecting that Stanley would give information to the police they got away to their homes.

The girl went away with the other boys into the scrub, and on their way they had to cross a stream. In stepping across the girl slipped and put her foot in the water, thus wetting her boots and stockings and part of her skirt. On reaching the other side the boys made a fire of faggots of wood. The girl took off her boots and stockings and her skirt, and while these were drying by the fire certain events happened to which on the one hand it is stated that the girl was a consenting party.

Stanley in the meantime hastened to town and informed the police, who set out for the scene. When they arrived most of the boys had cleared out, and the girl was left with Duffy and Read, who had been the last to arrive, having gone across on their way home from the picnic. The boys escaped, and the girl, at their suggestion, hid in the scrub, where she was found by the police. The scattered clothes will account for the exaggerated reports of the girl's ill-treatment ...

The arrest of Boyce and Read at Bourke, and the wholesale running in of others, and the wild endeavours of the police to arrest all the unemployed youths in the vicinity will be a lasting disgrace to the colony. (Australian Star, 31 July 1895)

Readers with long memories would have recognised many elements of Father Carey's story - the search for wild flowers, the fight with Stanley, Mary Jane's immersion in the "stream", her clothes drying on the fire - from evidence given at the trial, but not the meaning he ascribed to them. Donnellan, described by witnesses as the "ringleader" in the attack, is here cast as the "spokesman". In begging for Donnellan to take her flower-

picking, Mary Jane becomes, in Father Carey's version, effectively the author of her own downfall. It is her screams that attract the attention of "some other youths", to whose sexual advances she "was a consenting party". Rather than throwing herself in the creek, Father Carey has Mary Jane "[slip] and put her foot in the water". It is not "the girl" but "the boys" who finally "escape". There is no crime in Father Carey's version, the "exaggerated reports of the girl's ill-treatment" being the result of nothing more sinister than "scattered clothes".

In the view of the *Australian Star*, the arrest and prosecution of the Mount Rennie boys had been entirely attributable to "panic" and "popular madness" that resulted in a "thirst for blood which only terminated when Howard drew the scaffold bolt in Darlinghurst".

Having exonerated the criminals, the *Star* set about impugning the victim. The paper's determination to discredit Mary Jane was apparent from the start, when readers were reminded that "The girl, Mary Jane Hicks, 16 years of age ... admitted that a criminal offence had been committed upon her by a married man at Petersham two years previously, and that she had said nothing about it" (*Australian Star*, 1 August 1895). Four days later, after raking over Mary Jane's evidence in the trials of Sweetman and the Mount Rennie boys, the *Star* concluded:

Had one thousandth part of what rumor asserted happened the perpetrators should justly have suffered the extreme penalty of the law. But there was no tittle of evidence brought out to show that the condition of the alleged victim was inconsistent with the theory that she was a consenting party.

(*Australian Star*, 5 August 1895)

20. All is well that ends well

The *Australian Star*'s version of the Mount Rennie Outrage ran to thirteen articles and nearly twenty thousand words and still represents the most extensive – if unapologetically one-sided – account to have been published in the 120 years since the trial ended. In November 1895 Sweetman, the cab driver, was released from prison. A year later the New South Wales Government bowed to public pressure to free the five surviving Mount Rennie boys. On 26th November 1896, exactly ten years after they had been sentenced, Donnellan and Newman were released from Darlinghurst Gaol; Miller and Keegan from Parramatta; and Hill from the public works prison on the New South Wales coast at Trial Bay. Hill, the *Star* explained, “was the only one of the five whose health permitted him to go to Trial Bay prison” (*Australian Star*, 26 November 1896). Keegan, whom the *Star* had so recently declared to be a “hopeless lunatic”, now seemed miraculously recovered:

Both [Miller and Keegan], of course, seemed in high spirits, but despite a lightheartedness that was almost touching in its simplicity there was, of course, nothing in their manner of extravagant demonstration ... Few of the early travellers on the station had any idea who the slightly-built tall young men taking leave of some of their companions at the train side, in such a frank, sincere, friendly style were. (*Australian Star*, *ibid*)

In a long article spanning several broadsheet columns, the *Star*'s reporters described the men's appearance, quoted their reactions to finding themselves free, and summarised their experiences in the various gaols in

which they had been confined. Once again the *Star* emphasised the role of religion in their redemption, notably in the case of Donnellan:

He was now 28 years of age, and had a good life before him, and he intended to stay in Sydney and by leading the life of an honest man to live down whatever stigma was attached to him. During his incarceration he studied hard, and is now exceedingly well read. He was sacristan at the Roman Catholic Chapel for a considerable time, and it was there that he received the great benefits which he claims as having been derived from the advice and counsel of the Rev Father Carey. He intends visiting the Rev Mother Gertrude at St Vincent's today, and he will also pay a visit to Rookwood to the grave of his mother, who died during the time he was incarcerated. (Australian Star, *ibid*)

The deeper intention of the article was implicit in the way it began and ended:

The release of the remainder of the Mount Rennie boys to-day closes a chapter in the history of criminality and its punishment in the colony of New South Wales.

... all is well that ends well, and now that they are all out in the world again it is to be hoped that the last will be heard of a case that at the time excited great public feeling.

But how "well" could such a case possibly end? Could the Outrage ever have an ending?

A year before the men's release, the *Bulletin* had asked "[w]here her consent ended and the 'outrage', if there ever was an 'outrage', began"

(Bulletin, 7 September 1895). Over time Archibald's sarcasm had given way to outright slander. In her absence Mary Jane Hicks had become "a lying little street tramp" who "went away voluntarily with a dirty cabman to a dirty location for a dirty purpose, the consummation of which purpose was interfered with by the appearance on the scene of a number of dirty little larrikins, with whom, or some of whom, she at once voluntarily entered into immoral relations" (Bulletin, *ibid*).

As long as they remained in gaol, the perpetrators were living proof of the crime. After that, as Donnellan put it, their intention was to "live down" the stigma, not keep it alive.

What became of Mary Jane Hicks? On the eve of the executions, she had been rumoured to be "in a dying condition". Although the rumour was quickly discredited, it circulated far beyond Sydney. On 10 January 1887 the *West Australian* in Perth commented:

The news we published on Saturday that the victim of the Mount Rennie outrage was dying from the injuries she had received, will perhaps have somewhat mitigated the feeling of horror caused by the details of the execution of her assailants. Probably never in Australia has so dreadful a tragedy occurred. The crime, as narrated by the poor girl who was the object of it, was in itself sufficiently atrocious without the added gruesomeness of the slow death by brutal strangulation of the four boy-participants in it, while the life was ebbing, also slowly and with pain, from the sufferer by their licentious cruelty. Some may perhaps contend that four or five minutes of struggle with a tightening noose was by no means over-punishment for the six hours of dreadful torture the strugglers had inflicted. Others may not take so philosophical a view. Impressions fade fast; the latest are always

the most vivid. And horror of the Mount Rennie atrocity will in many minds have been wholly eclipsed by a yet greater horror of the sickening sequel. The wretched bungling at the execution of these youths was a calamity from the point of view of those who hold death to be the proper punishment of violation ... it will probably induce what some might call a morbid feeling, if not of sympathy, at any rate of scruple. To carry out a capital sentence in such cases, will in the future not be easy.

(*West Australian*, 10 January 1887)

The *West Australian* was prescient in its reading of the Outrage. Its remoteness from Sydney seemed to give the paper a clearer perspective on the relative significance of crime and punishment. Yet it underestimated the extent of the “morbid feeling” induced by the executions, which went beyond mere “scruple” to encompass active sympathy for the perpetrators.

For her part, Mary Jane Hicks did not die but recovered and sailed to New Zealand. According to the *Sydney Morning Herald*:

Shortly after the conclusion of the memorable trial funds were raised on behalf of the victim, and it is understood that the Government of the day granted a sufficient sum to convey her to New Zealand. Since her arrival in that colony nothing so far as can be ascertained has been heard of her.

(*Sydney Morning Herald*, 27 November 1896)

On the 27 January, three weeks after the executions, the *Brisbane Courier* reported that “the girl Hicks, the victim of the Mount Rennie outrage, has arrived in Wellington”.

As to what she did or where she went after arriving in Wellington, the record is almost bare. According to the *Australian Star*, “She was in Sydney, it is alleged, three or four months ago” (*Australian Star*, 5 August 1895). So much about Mary Jane was based upon innuendo that this final rumour, unsourced and unsubstantiated, seems oddly fitting. Her reappearance is certainly plausible. If Keegan and Miller could stand unrecognised on a railway station less than an hour from the centre of Sydney then Mary Jane, whose picture had never been published, might have believed she could disappear among the mass of anonymous domestic servants, if not in Sydney then in some other town, or in some other colony.

In the aftermath of the hangings, suppression of the Mount Rennie story was the last thing on most people’s minds, however invidious the crime had been and however much the “civilised” world might have disapproved of the punishment.

Just four days after the executions an advertisement appeared in the *Sydney Morning Herald* for a special issue of a journal called the *Sydney Referee*:

SYDNEY REFEREE
WEDNESDAY (TOMORROW), at NOON,
CONTAINING PORTRAITS OF THE
MOUNT RENNIE CRIMINALS,
TAKEN FROM LIFE.
THREEPENCE, 223, CLARENCE-STREET
(*Sydney Morning Herald*, 11 January 1887)

The boys’ celebrity was not confined to print. Nine days later the following advertisement appeared among the classifieds:

AUSTRALIAN WAXWORKS.
OPPOSITE THE CATHEDRAL
LAST WEEK
of
THE VANISHING LADY.

Just added,
THE MOUNT RENNIE CRIMINALS.

Admission: 1s. Children: 6d. Open from 8 a.m. till 10 p.m.
(Sydney Morning Herald, 20 January 1887)

Evidently the exhibition was a success. The “last week” of the Vanishing Lady stretched to more than three; by then the Mount Rennie criminals had been joined by the “Barrier Island murderers”.

By the end of June 1887 the amusements at the Australian Waxworks had grown to include several live acts, among them Zingari the Gipsy Queen, Palmistologist and Mind Reader; Arthur Francis the Ventriloquist and a snake charmer called the Serpent Queen. The “Mount Rennie Criminals” were now on permanent display. Nothing on the printed advertisement indicated that they were any less alive than the flesh-and-blood performers sharing the bill. In some respects there was no difference between them. The Mount Rennie boys had been restored to life in wax. What these waxworks offered was another re-enactment of the case to set alongside earlier re-enactments in court and in the columns of the daily newspapers.

It wasn't only in Sydney that people flocked to see such exhibitions. The same waxworks show was advertised in the Melbourne *Argus*, while in Hobart the *Mercury* published a favourable review of an exhibition of “moral wax statoots” at the Masonic Hall in Murray Street:

In a corner two ne'er-do-wells placed in the stocks typify an old English custom of punishment which even in these days of refinement would have its good uses ... there are minor and major celebrities of many degrees and discreetly placed away in the chamber of horrors are figures of the Mount Rennie criminals, each countenance bearing witness how truly the originals were born to be hanged. (Mercury)

The presence of the Mount Rennie criminals among such cultural ephemera as the Serpent Queen and Arthur Francis the Ventriloquist was evidence not just of a growing public interest in sensational crime, but of an attempt to normalise it, to bring it back within the fold of everyday experience.

The same fascination for crime was demonstrated a few years later in Melbourne during the trial of the serial murderer Alfred Deeming. As Rachael Weaver has written, the cultural production generated by the Deeming case offers valuable insights into the ways that late nineteenth-century Australian society “examined - and enjoyed – itself” (Weaver 2006, p. 20).

From waxworks and theatrical performances to evangelical tours, the Mount Rennie Outrage delivered public entertainment that crossed social boundaries and appealed to all ages:

PUBLIC ENTERTAINMENTS

On Monday the 19th instant the Rev. John McNeil delivered a lecture in the Mechanic's Hall, to a good audience, numbers of whom were doubtless augmented in some measure by the words “admission free” on the notice. The title of the lecture was “A voice from the condemned cell,” and purported to be a message

to the young men of the world from the dying lips of Robert Reid [sic], one of the perpetrators of the Mount Rennie outrage in Sydney, some eight years ago. Mr. McNeil is undoubtedly a disciple of the emotional school of conversion. He possesses a voice of great range, extending from the whisper of persuasion to the veritable thunders of the church militant, and in gesture he supplies in energy what he lacks in grace. He is accompanied on his evangelistic tour by his wife, who sings hymns at intervals in a sympathetic manner peculiarly well adapted to support the success of her husband's mission.

(West Australian, 1 April 1895)

Like many another well-meaning clergymen, the Rev John McNeil was convinced of the Mount Rennie boys' innocence. Addressing a meeting in Birchip in country Victoria, McNeil "expressed his conviction that one of the prisoners who were hanged was innocent, and also several of those who are now undergoing life sentences" (Argus, 7 September 1895).

The release of all five the following year put an end to the campaign to prove their innocence. But while the law had run its course, the mythology of the Mount Rennie Outrage continued to evolve.

In the foreword to his 1957 book *Scandals of Sydney Town*, Frank Clune noted that "public attention was focused, then as now, not so much on politics as on crime, sex and horror – the morbid aberrations which the average citizen enjoys discussing, and expects to read of in his newspapers". Clune recognised that the Mount Rennie Outrage was both history and entertainment:

In those days when the false dramas of cinema, radio, and television were unthought-of, and before the hate-propaganda of two devastating world-wide wars had provided a surfeit of horrors, there was more public interest in real-life personal dramas and tragedies that occurred locally in Sydney than there is today.

Five years after Clune's book, Donald McLean published a novel based on the Mount Rennie Outrage. He called it *The World Turned Upside Down*. While much of it was pure invention, descriptions of the rape and subsequent trial were drawn from contemporary newspaper reports, giving the novel a veneer of historical authenticity.

Like the series of articles in the *Australian Star*, McLean's novel romanticised the perpetrators at the expense of their victim. While several of the accused, their barristers and the judge were given thinly disguised pseudonyms ("Boyd" for Boyce; "Winton" for Windeyer), there was no protective pseudonym for the character named "Mary Jane Hicks". McLean manufactured incidents and dialogue that portrayed "Mary Jane Hicks" as coarse, vindictive and sexually promiscuous, a mad-eyed revenger who was "determined that O'Malley, Boyd and all who were charged should hang" (McLean 1962, p. 263).

Writing in *Meanjin*, the novelist Kylie Tennant praised McLean's "hard, lively and vigorous" novel and noted his skill in depicting "the hanging of boys one had come to understand" (Tennant 1962).

Characterising McLean as a "champion of the ill-treated and misunderstood young" and the novel itself as "a brave piece of pleading", Tennant argued that "[t]he notorious and ghastly business known as the Mount Rennie rape case made such a stir in 1887, thanks largely to the

efforts of J.F. Archibald, that it has never been obliterated from public memory”.

Significantly, Tennant located the “stir” in 1887, the year of the executions, rather than 1886, the year of the rape.

Afterword

Today Mount Rennie is an unmarked ridge between the first and tenth holes of the Moore Park golf course. Just below the summit stands a thicket of gnarled, windswept white-flowered acacias. This ragged patch of vegetation is the only part of Mount Rennie that even faintly evokes late nineteenth-century descriptions of the place as a “wilderness”.

The ride-on mowers that keep the rough manageable and the fairways playable avoid the acacia thicket. Discarded bottles lie among the bushes, as well as articles of lost or discarded clothing: a faded red sweatshirt, a ruined black lace-up shoe.

Modern visitors to the Golf House are met by a gilded information board outlining key events and turning points in the “History of Moore Park & Moore Park Golf Club”. There is no mention of the Waterloo Outrage of September 1886. The record is blank between 1871, when Sydney Municipal Council appointed trustees for Moore Park, and 1894, when the Privy Council showed its determination to forget history by declaring: “Moore Park is to go forever for the common or public enjoyment”.

No End of a Yarn:

Reading the Mount Rennie Outrage

Tom Gilling

Introduction

On the afternoon of the 9th September 1886 16-year-old Mary Jane Hicks was raped by a group of larrikins on a patch of waste ground on the outskirts of Sydney. The mostly teenage culprits were quickly rounded up and, after a quick trial, nine were sentenced to death. On the 8th January 1887 four were hanged by the public executioner, “Nosey” Bob Howard.

The so-called Mount Rennie Outrage made headlines in newspapers all around Australia; was argued over in parliament; inspired sermons, protests and petitions. More than half a century later, Frank Clune wrote that “the terrible events of the ‘Mount Rennie outrage’ gripped Sydney in a frenzy of horror, rage, hate and despair, creating a public clamour unique in the annals of Australian law, politics and crime” (Clune 1957).

On the cusp of its centenary, New South Wales was a colony keenly aware that the eyes of the British Empire, and of the world, were on it. The Mount Rennie Outrage revived old fears about the colony’s criminal bloodlines as well as raising troubling new questions about youth delinquency; the spread of larrikinism; the purpose and legitimacy of capital punishment and the role and visibility of women in society.

Outrage was not confined to the crime itself. The “frenzy of horror, rage, hate and despair” was directed at the victim as well as the accused; at the trial judge and at the hangman who botched three of the executions.

Like any sensational crime, the Mount Rennie Outrage can be read as both a social and a cultural phenomenon. If journalism offered the most prolific source of commentary on crimes such as the Mount Rennie Outrage, it was only one aspect of a diverse and energetic cultural production that ranged from waxworks and photographs to novels and theatrical entertainments.

Late nineteenth-century popular culture articulated a range of political and social anxieties, many of them to do with gender and gender relations. If, as Marilyn Lake has suggested, Australia in the 1880s and 1890s was the site of a “contest between men and women for control of the national culture” (Lake 1986), then one of the battlegrounds was the writing of crime, both as journalism and as fiction.

John Docker, Stephen Knight, Judith Walkowitz and others have drawn attention to ways in which the encroachment of women on previously male-dominated spaces influenced popular fiction, especially the Gothic novel and the relatively new genre of the detective story. The often feverish newspaper commentary inspired by the Mount Rennie Outrage tapped into themes explored by Australian detective writers such as Fergus Hume, Francis Adams and Barbara Baynton, who were themselves imaginatively (and sometimes professionally) engaged with the real world of Australian journalism. Yet for all its contemporary notoriety - the Governor of New South Wales, Lord Carrington, called it “one of the greatest tragedies which have occurred in the history of New South Wales” (Walker 1986) - the Mount Rennie Outrage soon faded from public view. The last popular historian to write about the case at any length was Clune, who devoted a handful of chapters to the Outrage in a racy volume entitled *Scandals of Sydney Town*. A novel based on the case, Donald McLean’s *The World Turned Upside Down*, was published in the early 1960s but is long out of print. To both Clune and McLean, it was the punishment that was outrageous, not the crime.

In his ethnographic history of the Mutiny on the *Bounty*, *Mr Bligh’s Bad Language: Passion, Power and Theatre on the Bounty*, Greg Dening makes the point that “[n]othing is written until it has been read”. The more distant the subject, the more literal the act of reading, as people and their actions metamorphose over time into documents. In the case of the *Bounty*,

“what happened on her and around her is now transformed into texts – logs, journals, court transcriptions, newspaper pieces, pamphlets, letters, oral interviews written down” (Denning 1992, p xii) . The unanimous guilty verdict in the Mount Rennie trial reduced the Mount Rennie story to a single narrative, eliminating every ambiguity. Yet the archives contain not one or two versions of what happened on Mount Rennie but dozens. Each document modifies our reading of the Outrage: qualifying, corroborating, obscuring or contradicting others.

This dissertation is intended to be read alongside my creative project, *Frenzy: The Story of the Mount Rennie Outrage*. Taking Denning’s remark as a starting point, I have tried to turn my creative project inside out, to interrogate the archival readings that lie behind it, as well as a range of alternative readings taken from literary and other sources in the 125 years since the Outrage. Some of these texts comment directly and explicitly on the sequence of events that began with the pack rape of Mary Jane Hicks. Others belong to a broader and more complex literature of crime, sex and transgression that forms an imaginative and cultural context for both the Mount Rennie Outrage and our attempts to make sense of it. At the heart of the dissertation are two questions: How far are we limited to “authorised” readings of the Outrage, as either the tragedy of Mary Jane Hicks or the tragedy of the youths convicted of raping her? Are there other ways in which it can be read?

An outrage among many

The first report of the pack rape of Mary Jane Hicks appeared twenty-four hours after the event, on page 6 of the *Evening News*, under the headline

Horrible Outrage.
A GIRL RAVISHED.
ELEVEN PARTICIPANTS IN THE ASSAULT.

Published before the facts were properly known, this brief account (the text ran to less than 300 words) would soon be superseded by others that were both more detailed and more accurate. And yet in important ways this initial report contained the seeds of every subsequent version of the Mount Rennie story. In its melodramatic language and imagery, its factual unreliability, its lascivious moralising, the *News* offered a reading of the crime that could – and did – expand to accommodate a range of conflicting and even contradictory readings. All of these were somehow latent in the word “outrage” – a term that quickly became so synonymous with the attack on Mary Jane Hicks that newspaper readers could be expected to understand the reference even without any geographical qualifier.

The National Library of Australia’s online archive lists more than 300 newspaper headlines containing the word “outrage” between 1st January 1886 and 31st December 1887. A close study of the accompanying articles reveals significant variations in usage.

In New South Wales, by far the most common usage applied to the crime of rape, pack rape or attempted rape, especially of “girls” (as opposed to older women). By contrast, in Victoria and South Australia, the word “outrage” was more likely to refer to audacious crimes against property – especially burglaries and bank robberies . The following, from the *South Australian Advertiser*, is a typical example:

THE COLLINGWOOD BANK OUTRAGE.
ONE PRISONER TURNS QUEEN'S EVIDENCE.

[By Telegraph]

Melbourne, January 19.

The inquest on the body of Mrs. Jane Ravenscroft, the unfortunate woman who was shot by Mr. Hill, manager of the Commercial Bank, Collingwood, during the recent sticking-up case, was resumed to-day. Hopkins, Pepper, and Beale, the three men accused of the attempted robbery, were present in custody. The jury returned a verdict to the effect that deceased died from a bullet wound inflicted by Mr. Hill accidentally, whilst he was lawfully using firearms in the defence of himself and his employers' property. The investigation showed conclusively that the three prisoners were the men who stuck up the bank, and in substantiation the confession of Hopkins, who turned Queen's evidence, was read, wherein he stated that the prisoner Beale arranged the details of the attempted robbery of the bank some days previously. Beale and himself looked out for a third man, and, meeting Pepper alias Murray, induced him to join them. It was Beale who presented the revolver at Hill, and it was owing to this confession that Beale was arrested.

(South Australian Advertiser, 20 January 1886)

Foreign news supplied another category of outrage: imperial or political outrage. This had a variety of causes but the four most common were: violence by Irish nationalists against the British (“Dynamite Outrage in Ireland”); the mistreatment of English citizens travelling abroad (“Outrage on English Travellers in France”); revolutionary violence (“Socialist Outrage at Lyons”); and the murder of “Europeans” by “natives” (“Dacoit Outrage in Burmah”, “The Cameroons Outrage”).

The imperial assumption of white superiority carried over into reports about violence committed by aborigines against white Australians.

The following paragraph appeared in the *Sydney Morning Herald* just three days after its report of the attack on Mary Jane Hicks:

OUTRAGE BY BLACKS AT THE M'ARTHUR RIVER

[BY TELEGRAPH.]

[From OUR OWN CORRESPONDENT.]

Brisbane, Monday.

A telegram from Normanton states that the cutter *Eleanor* arrived there this morning bringing news of an outrage by natives. The cutter *Smuggler*, whilst lying at anchor at the mouth of the M'Arthur River, was boarded at midnight by blacks. Captain Towns and the crew, numbering four, were below. Hearing a noise on deck, Captain Towns put his head through the hatchway, and he was immediately tomahawked, and fell back in the cabin. The blacks then tried to kill the others by thrusting spears down the entrance to the cabin. The men below broke the spears, and when the supply was exhausted they rushed on deck. The blacks took to the water and escaped. The *Smuggler's* anchor was then raised, and she went up the river. Captain Towns lingered for three days and then died.

(*Sydney Morning Herald*, 14 September 1886)

Newspaper jargon accretes meanings and connections. The ubiquitous suffix “-gate”, for instance, is subtly modified by each usage, gaining new meanings and associations at the same time as its original meaning fades. A reader with no knowledge of the Watergate cover-up would still understand what is meant by the suffix “-gate”. The story of what was done to Mary Jane Hicks was shaped, in part, by the multiplicity of meanings, racial prejudices and moral assumptions that underlay the

word “outrage”. The “Mount Rennie Outrage”, the “Outrage by blacks at M’Arthur River” and the “Dynamite Outrage in Ireland” were crimes united by a common terminology and a common moral anguish.

The rape entered public consciousness as a “Horrible Outrage” and that is how the crime was habitually reported and written about by the daily press. The exact location was changeable – most newspapers referred to it as the Mount Rennie Outrage but it was also known as the Waterloo Outrage and the Moore Park Outrage – but the word “outrage” was universal. In the months and years after Mount Rennie, newspaper reports such as the following became commonplace:

ANOTHER SHOCKING OUTRAGE
IN NEW SOUTH WALES.

[BY SPECIAL WIRE.]

Sydney, Wednesday.

An outrage, which is said to compare with that committed on Miss Hicks near Moore Park recently, is reported from Robertson, near Burrawang. It is alleged that a decent young girl was compelled to take strong liquor, and while in a half insensible condition was outraged by several men, whose apprehension is confidently looked for.

(Argus, 4 November 1886)

During the next decade the rape of Mary Jane Hicks was re-enacted all over Australia: in the language of the colonial press all pack rapes were replicas of the Mount Rennie Outrage and the Mount Rennie Outrage stood for all pack rapes. The word embodied the crime.

Yet by its very universality, the word “outrage” invited subversion, especially in the columns of the *Bulletin*, where it usually appeared either

between inverted commas or else mockingly preceded by the word “alleged”. Looking back, the *Bulletin* declared that “the fact of the matter is that there never was (taking the term in its accepted sense) any Mount Rennie ‘outrage’ at all ... in the forged cheque-pusher, STANLEY, and the arsonist, SMITH, the chief Crown witnesses of the ‘outrage’, the prosecution had two deponents so utterly conscienceless and untrustworthy that no human being would be justified in shedding blood upon their testimony” (Bulletin, 7 September 1895).

In *The History of Sexuality*, Michel Foucault wrote:

The seventeenth century ... was the beginning of an age of repression emblematic of what we call the bourgeois societies ... Calling sex by its name thereafter became more difficult and more costly. As if in order to gain mastery of it in reality, it had first been necessary to subjugate it at the level of language ... Without even having to pronounce the word, modern prudishness was able to ensure that one did not speak of sex, merely through the interplay of prohibitions that referred back to one another: instances of muteness which, by dint of saying nothing, imposed silence. Censorship. (Foucault 1980)

In nineteenth-century New South Wales the rape of Mary Jane Hicks was also “subjugated[d] ... at the level of language”. A similar “interplay of prohibitions” led to “muteness” and “censorship”. The word “outrage” began by sensationalising the crime and ended by sensationalising the punishment. In the way its meaning shifted from one to the other it enacted the course of an intense and deeply polarised public debate. In its complex and unstable etymology, the word “outrage” represented both the crime and its negation.

Missing pieces

A criminal prosecution that reaches court and delivers a decisive verdict leaves an impression of finality, but the impression is often illusory. Even a unanimous decision by the jury can leave questions unanswered, ambiguities unresolved. Rumours and doubts that precede the trial, or arise in the course of it, may outlive and even overwhelm the verdict, creating over time a version of the case that is at odds with the official one. Doubt and dissension have their own narrative force. They complicate the story of the Mount Rennie Outrage, creating a larger, more complex and more unstable story.

David Walker, in a footnote to his influential article “Youth on Trial: The Mt Rennie Case”, notes that “archival holdings on the trial have proved elusive” (Walker 1986). By focussing on two examples, I want to suggest that “elusiveness”, rather than being an impediment to researching the Mount Rennie Outrage, is actually the essence of the story, and one of the keys to how it has been read.

Modern historians have echoed nineteenth-century newspaper readers in lamenting the absence of an image to complement the superficial and contradictory written descriptions of Mary Jane Hicks. Five weeks after the Outrage took place, the *Bulletin* rebuffed a subscriber’s request to see an image of Mary Jane Hicks, declaring “We aren’t sufficiently interested in the girl Hicks to ‘give her portrait’.” Juliet Peers, citing “personal comments from two [unnamed] historians” asserts that “Photographs of Mary Jane Hicks do exist, although none are accessible to the author at present” (Peers 1993). Yet without proof, the existence of these photographs is no more than conjecture. Unlike her assailants, who were photographed as a matter of course upon entering the New South Wales prison system, there was no requirement for victims of crime such as

Mary Jane Hicks to be photographed. Their faces were known and recorded but hers was not. Unseen and untraceable, the hypothetical photograph of Mary Jane Hicks belongs to a counter-narrative of elusiveness and ambiguity; of perpetrators never found and crimes never prosecuted.

Walker writes that “[r]umours circulated about details of the rape that were too ghastly to print” (Walker 1986). Peers asserts that Mary Jane Hicks was “serially raped, and presumably tortured” (Peers 1993). The *Balmain Observer and Western Suburbs Advertiser*, quoted by Peers in a different article, speaks of “[de]monical tortures on a hapless woman, beside which the crime of rape sounds almost venal [sic]” (Peers 1996). In a lengthy footnote, Peers remarks that “The copy of this paper in the State Library of New South Wales is mutilated; part of this article was removed by tearing. I suspect that this damage was not accidental ... The euphemising of this crime and others similar to this one is, I would assert, central to the romanticising of larrikins in Australian cultural tradition as proto-bohemian, modernist, libertarian subjects of Australian independence” (Peers, *ibid*).

Rumours of “tortures” fall some way short of proof, yet there is no doubt that such rumours did circulate, in and out of print, and were widely believed to be true.

How so filthy a slaughter could have been deliberately sanctioned I know not; I can only account for it by the fact that the populace had been worked up to a red heat by the industrious circulation in the Press and otherwise of a number of baseless sensational tales concerning unmentionable cruelties which, in addition to the capital offence itself, were said to have been committed on the prosecutrix. I have the very highest official

authority for stating that these stories, which may perhaps have reached you, were mere inventions. (Bulletin, 15 January 1887)

The official narrative of the Mount Rennie Outrage, ratified by the guilty verdict, asserted that the facts of the crime were known and finite, whereas the counter-narrative suggested the opposite: that the facts were unknown - and perhaps unknowable. Writing to the *Sydney Morning Herald*, one correspondent declared: “I have felt it my duty to peruse carefully the entire depositions ... I have also gathered further information, not then deposed to, regarding the outrages, beyond rape, *inter Christianos non nominadum*, to which the unhappy victim has been subjected by those ‘dear young men’, of whom we have caught a third, tried a quarter and completely punished a ninth part – it may be doubted whether one out of 100 of those who signed petitions for reprieve have ever read the one or heard the other” (Sydney Morning Herald, 8 January 1887).

It is plausible that the newspapers (then as now) would have deemed some evidence to be unpublishable, on grounds of taste or legal risk. But what is the evidence for these “demonical tortures”? There is no mention of “tortures” in Mary Jane Hicks’s statements to the police or in the evidence she gave in court. I could not find any reference, veiled or explicit, to “tortures” in Judge Windeyer’s notes of the trial, or in the handwritten court depositions preserved in the trial boxes. Given his determination to see the guilty men hanged, it is likely that Windeyer would have made use in his summing up of every scrap of evidence that tended to aggravate the seriousness of the crime. If Mary Jane Hicks, a sixteen-year-old orphan girl, had been not just raped but tortured, it seems inconceivable that there would have been no reference to it during the trial.

It is no coincidence that rumours of “demonical tortures” by the accused coincided with others of Mary Jane Hicks propositioning a

policeman in Newtown and trying to seduce the wardsmen at Sydney Hospital. Neither of these allegations against Mary Jane was ever proved (the latter was comprehensively refuted). The real significance of the rumours lies not, perhaps, in whether or not they were true, but in the efforts made to circulate them, and the stubbornness with which they were (and, in some cases, still are) believed.

A sensation worth suppressing

In 1906 J.F. Archibald suffered a breakdown. “He began ordering incredible quantities of wine for launching the *Lone Hand* [his new monthly magazine], and writing three-figure cheques for contributing poets” (Australian Dictionary of Biography 1966).

Committed to Sydney’s Callan Park Asylum, the former editor of the *Bulletin* continued to write and rewrite his account of the Mount Rennie Outrage. The subtitle he chose - ‘A suppressed chapter of NSW history’ – articulated the tension between forgetting and remembering that would shape the history of the Outrage over the following decades.

In a city all too willing to demolish its own history, some important relics of the Mount Rennie Outrage have survived. The Water Police Court (now part of the Police and Justice Museum), where the committal hearing was held, is one. Darlinghurst Gaol (now the National Art School), where four of the nine “Mount Rennie boys” were hanged, is another. The site of the crime is more elusive. Its history offers a useful topographical metaphor for the history of the Outrage itself.

In 1886, according to a hand-drawn police map, Mount Rennie rose out of what was then marshland as a series of sand ridges covered with dwarf scrub. At the bottom of the sand hills the ti-tree scrub was denser and

taller: more than two metres high in places. In 1913 a nine-hole golf course was opened on the spot where the crime had taken place. A map from 1903, which still hangs on the walls of the heritage-listed Golf House, clearly marks the location of Mount Rennie. It was named on a map drawn in 1916. Thereafter the name Mount Rennie began to be erased from the record.

The course was expanded to 18 holes in 1922, but livestock was still allowed to graze in the rough. Within three years the cattle had been evicted but the general squalor remained. According to a contemporary magazine article, “the major part of the area is now manure or refuse” (Golf in Australia August 1926). Persistent complaints (presumably from golfers) led to the course being redesigned in the late 1930s. The alterations had the effect of conjuring the landmark known as Mount Rennie, and its disreputable history, out of existence. On the 1938 remodelling plan Mount Rennie was identified only as “high ground”.

Although Mount Rennie is identified in the current editions of both the Gregory’s and UBD Sydney street directories , there is no sign of it on the tourist map downloadable from the Centennial Parklands website.

A hundred years of landscaping and tree-planting has made the high ground of Mount Rennie less conspicuous than it would have been in 1886. Today it is an unmarked ridge between the first and tenth holes of the Moore Park golf course. Any lingering sense of history is dissipated by the hum of golf buggies, the roar of traffic on Anzac Parade and the feathered vapour trails of passenger planes converging on nearby Sydney airport. Mount Rennie, the scene of a century-old crime, is both here and profoundly not here.

Contemporary observers seem never to have doubted the social, political and historical significance of the Mount Rennie Outrage. The few

historians who have written in any detail about the Outrage all agree on its importance, however much they disagree on what it means.

Juliet Peers has described the Outrage as an “unparalleled entrée into the collective mind of late-colonial Australia, from the dynamic radical/reformist to the lunatic fringe” (Peers 1993). To Anne Summers it represents “a microcosm of the arguments about woman’s role in society, and more importantly about the limits of that role” (Summers 1981, p. 28). Judith Allen, while placing the case in the context of other pack rapes that closely preceded it, observes that “Published work on the history of rape in Australia is dominated by the shadow of ... the Mount Rennie Outrage” (Allen, p. 54). Allen’s choice of metaphor is telling: in the historiography of the Outrage, shadow is more conspicuous than substance.

Despite strenuous efforts made to forget the case, the Mount Rennie story was kept alive in true crime anthologies and historical features. Post-war anxiety about juvenile delinquency revived interest in the subject and the “Mount Rennie case” is one of six stories retold in Frank Clune’s *Scandals of Sydney Town*.

This was a crime of “Teenage Delinquency” – as we would call it nowadays. The “Bodgies” of the 1880s had no horror-comics or horror-films to urge them to be vicious. They had their own rules of behaviour, their own slang, and a distinctive style of clothes.

They were the “larrikins”. They prowled in gangs known as “pushes”. They fought with rival pushes, and among themselves. They got into mischief. They were vandals, occasionally, but not systematic criminals. Most of them soon grew out of the larrikin stage and became decent citizens in their later years. (Clune 1957, p. 1)

In placing the Mount Rennie Outrage among other acts of “mischief”, Clune shifts the “scandal” from the pack rape itself onto the judicial process that saw four of the “larrikins” hanged before they had the chance to become “decent citizens”.

Of the fifteen youths arrested, four had been discharged by the stipendiary magistrate, and two acquitted by the jury. Yet the evidence against these six was scarcely different from that against the nine who were convicted. (ibid, p. 33)

As well as raking over its judicial inconsistencies, Clune explored the way the Outrage functioned as popular entertainment, supplying a daily appetite for “crime, sex and horror” (ibid, p. viii). During the 1892 Deeming murder trial in Melbourne, the same public appetite for “crime, sex and horror” inspired lurid texts “dealing in sex and pornographic levels of violence. *The Life of Deeming: Murderer of Women and Children* and *Frederick Bailey Deeming: A Romance of Crime* offer disturbing, hallucinatory representations of the case, employing various thematic strains of Gothic excess” (Weaver 2006). In addition to these anonymously-written “fictionalised biographies”, four ostensibly factual accounts of the Deeming case were published around the time of his trial and execution – two in Melbourne and one each on Sydney and Adelaide. By contrast, not a single book was published about the Mount Rennie Outrage. The discrepancy testifies in part to the inherently greater appeal of murder over pack rape as a literary subject. At the same time, it suggests an important difference in the way they were perceived: in the Deeming case, as something to be chronicled at length and in detail, and in the case of the Mount Rennie Outrage, as a “sensation of the day” to be consumed, enjoyed - and just as quickly forgotten.

On 7th January 1887 William Boyce, George Duffy, Joseph Martin and George Read were hanged by Nosey Bob on a newly erected scaffold at Darlinghurst Gaol. Four days later the *Sydney Morning Herald* carried an advertisement for a special issue of the *Sydney Referee*, priced at threepence, “containing portraits of the Mount Rennie criminals, taken from life”. The boys’ celebrity was not confined to print. Likenesses of the “Mount Rennie Criminals” were quickly installed as temporary exhibits in a waxworks exhibition that opened between 8am and 10pm daily. By the end of June, due to popular demand, the Mount Rennie boys were on permanent display.

Rachael Weaver notes that by the 1890s “Crime already occupied a privileged position as the ultimate reality spectacle ... the *Bulletin* reported an occasion in 1890 when 30,000 ‘sightseers’ watched and picnicked on the banks of the Yarra River as the body of ‘local beauty’ Laura Swain was dragged from the murky flow” (Weaver, p. 177).

In 1880 the writer Horace Perkins identified crime (or rather, criminals) as an important source of urban entertainment:

The strains of Italian opera mingle with the din of the Waxworks band, at which establishment the “Kelly Gang” and “Captain Moonlite” have recently been added ... Folks seek amusement, recreation or rest in mechanic’s institutes, the Athenaeum, young men’s associations, concerts, or exhibitions where may be seen a learned pig, a monster whale or a small creature of the gorilla species ... Pedestrians are also invited to try their height, weight, or strength, to enjoy a galvanic shock, or to have their character exposed by a peripatetic phrenologist.

(Perkins, quoted in Weaver, p. 175)

If the Outrage was disposable as entertainment, it was also disposable as news (which was, in any case, another form of entertainment). Once the final appeals for reprieve had been exhausted, the same newspapers that had once profited by exploiting the Mount Rennie Outrage pleaded for it to be forgotten. The *Australian Star*, having campaigned for the release of the five who escaped the noose, voiced the hope that freeing these men would finally “[close] a chapter in the history of criminality and its punishment in the colony of New South Wales”.

In the short term, newspapers all over Australia sustained the memory of the Mount Rennie Outrage by making it the prototype of all subsequent outrages.

Several outrages, almost equalling in horror the notorious Mount Rennie affair in Sydney, are reported from Melbourne lately, one woman died after being brutally ill-used on board a ship in Melbourne waters. Several arrests have been made of those concerned in the outrage.

(Northern Territory Times and Gazette, 3 March 1888)

To journalists and politicians in neighbouring colonies, the Mount Rennie Outrage represented an expedient symbol of Sydney’s moral contagion and a mitigating factor in outrages closer to home:

An outrage was perpetrated at Oakleigh at an early hour yesterday morning, which in many of its details rivals the notorious Mount Rennie case at Sydney. A woman named Catherine Haydon was outraged by four young men within call of the township, after they had first assaulted and driven off her

husband, to whom they stated that they were policemen acting in the performance of their duty. (Argus, 25 February 1888)

To Archibald's *Bulletin*, the contagion was not rape but female duplicity. The lying rape victim was "a staple female stereotype among Archibald's circle, including Norman Lindsay, A.G. Stephens and Henry Lawson" (Peers 1993). The "true woman" was an "unscrupulous liar" (*Bulletin*, 8 February 1896) and every charge of rape was, by definition, a fabrication:

The alleged Tasmanian outrage makes a curious story. The daughter of a Launceston grocer was travelling by train from Hobart to Launceston, in a compartment occupied by one other passenger – a male. The lady alleges that he offered her a rug, and accused her of bashfulness because she refused it, adding that she would be better pleased to have a young man with her than an old married fellow like him. She said she didn't allow young men to travel with her at night, and went to sleep. She woke suddenly, felt dizzy, and smelt chloroform – at least, she thought it was chloroform, though she never took chloroform before. Then she said, "Oh, the wretch!" and jumped out of the window ... The man, of course, has been arrested.

(*Bulletin*, 1 February 1896)

Nine years after the event Mary Jane Hicks was caricatured in the *Bulletin* as "a lying little street tramp" who "went away voluntarily with a dirty cabman to a dirty location for a dirty purpose, the consummation of which purpose was interfered with by the appearance on the scene of a

number of dirty little larrikins, with whom, or some of whom, she at once voluntarily entered into immoral relations” (Bulletin, 7 September 1895).

For all its underlying misogyny, Archibald’s attitude to the Mount Rennie Outrage – and to Mary Jane Hicks – needs to be seen in the wider context of his opposition to capital punishment. Archibald’s hatred of “Botany Bay justice” predated the Mount Rennie Outrage. Apart from Tasmania, New South Wales - or “Noose South Wales”, as Archibald was in the habit of calling it - was the only jurisdiction in the British Empire where rape was punishable by death. Rape was a subject that brought together three of Archibald’s most ingrained antipathies: towards women, towards British authority and the trappings of empire, and towards capital punishment. The issue was not just moral or social but existential. “In the eyes of *Bulletin* writers and cartoonists, because of the danger of hanging and the appetite of hanging judges, women were an ever-present threat to men’s very lives” (Docker 1991, p. 48).

The *Bulletin* denounced the punishment by denying the crime. “Although hypothetically conceding that rape took place, the *Bulletin* invariably adopted the strategy of denying this when particular cases arose” (Allen 1990, p. 57). The fact that conviction would likely result in execution inevitably led to a high rate of acquittal in the courts, encouraging the view that prosecutions were frivolous or vindictive to begin with. The *Bulletin* itself used the acquittal rate to declare “it is well known that nineteen out of twenty charges are imprudent conspiracies, in a land where any woman can conspire against the life of a man” (ibid).

In the carnival world of Archibald’s *Bulletin* the phenomenon of malicious accusations being made and then withdrawn was so commonplace that to name the person involved, and even to describe the incident, was felt to be superfluous:

The usual girl turned up the other day in Melb. District Court with the usual story of assault committed by a bold, bad man, but in cross-examination her story got badly mixed up, and finally she acknowledged, also as usual, that her tale of wrong was wholly imaginary ... The blessed theory that it is the privilege of any woman in a state of moral disrepair to bring any kind of accusation against a man, and then, when her tale collapses, to own up and go away without being arrested for perjury, still seems to hold good in Australia. (quoted in Docker, p. 49)

In the columns of the *Bulletin* the words “Mary Jane Hicks” stood for female treachery, guile and promiscuity. Regular readers would have had no trouble recognising her in generic descriptions of duplicitous Australian womanhood. (In the passage quote above, the phrase “any woman in a state of moral disrepair” is a clear allusion to Mary Jane Hicks, echoing its earlier reference to her as “a morally off-coloured girl”.)

Archibald edited the *Bulletin* until he was forced out by his partners in 1903. During his years in the asylum Archibald set about memorialising the events that took place between September 1886 and January 1887. He wrote and typed many versions of the Outrage, changing words, adding new memories, never satisfied that he had done justice to what was, in many ways, the defining story of his journalistic career. By then the surviving Mount Rennie boys had been free for a decade; Mary Jane Hicks, after some putative sightings near the end of the century, had vanished from sight; while Mount Rennie itself was in the process of being landscaped out of existence.

Half a century later, Frank Clune began his own account of the Mount Rennie Outrage by exculpating the criminals. “The perpetrators of the outrage were ignorant louts. It was not their fault that they were

ignorant, undisciplined, out-of-work, and left to make their own ‘fun’” (Clune 1957, p. 1). In the absence of criminals, the crime itself disappeared, transformed into a nothing more than a useful stimulus for social reform. “The public uproar that followed the Mount Rennie outrage led to reforms in the system of education, and especially in providing the facilities for decent recreation which modern young people enjoy” (ibid, p. 2).

The urge to suppress the unwanted truths of Mount Rennie had always vied with a contradictory urge to exploit and sensationalise them. If the Mount Rennie Outrage could sell newspapers, it could also sell pamphlets, novels and waxworks. But the cultural production generated by the Outrage reflected something more than a showman’s hunch that it could make money. The Victorian public’s fascination with the Mount Rennie Outrage, like its fascination with the Deeming murders in Melbourne and the Jack the Ripper murders in London, reflected a growing imaginative engagement with the pathology of crime, especially sexual crime. It is this reading of the Outrage, not as a case study but as a narrative of sexual danger, that I will explore next.

Little girl or harlot?

As all present in the court only knew the facts of the case through the medium of the newspapers, and floating rumours, each of which contradicted the other, they were unaware of the true history of the events which had led to Fitzgerald’s arrest.

Fergus Hume, *The Mystery of a Hansom Cab* (1886)

In February 1886, a few months before the Mount Rennie Outrage, thousands of unemployed British workers marched into Trafalgar Square in London to protest about their poor living conditions. After the police waded in to arrest speakers and disperse the crowd, small groups of rioters went on the rampage, looting shops in upmarket St James's and terrorising bystanders. In November 1887 unemployed and casual workers again converged on Trafalgar Square, but this time the Metropolitan Police, under its new Chief Commissioner, Sir Charles Warren, was ready for them, charging the marchers with "staves" and "life preservers" and driving them back from the square at a cost of several injured constables and a few hundred battered demonstrators.

The next day's report in the Times, which was headlined "THE DEFENCE OF TRAFALGAR SQUARE", ran to nine columns and thousands of words. It declared that "the organizers and promoters of the great 'test meeting' which was to have been held yesterday afternoon in Trafalgar-square have been utterly routed" (The Times, 14 November 1887).

In paragraphs steeped in vitriol and contempt for the "lower classes", the establishment paper reassured its readers that "the rights of the disaffected and turbulent to meet together upon this hereditary possession of the Crown has not been vindicated ... the Socialists and Nationalists and Radical roughs have completely failed in their attempt to hold their meeting". Dispersing the mob was made more difficult, the paper reported, by to the number of onlookers getting in the way:

The bulk of the spectators appeared to be respectable persons attracted to the spot out of curiosity, and the remainder was composed of loafers and roughs drawn chiefly from the lowest classes, youths of 17 or 18 predominating.

In his book *Jack the Ripper and the London Press*, Perry Curtis writes that the two London riots “spurred the Tory press to conjure up the spectre of a dangerous criminal class in the East End bent on wreaking havoc in the prosperous and fashionable parts of town ... A year or so later some upmarket papers blamed the Whitechapel murders on the same depraved ‘residuum’ that had rampaged around Trafalgar Square” (Curtis 2001).

In Sydney, initial reactions to the Mount Rennie Outrage reflected middle-class fears of an equivalent Australian “residuum”. The daily inventory of crime contained in the court reports of the *Sydney Morning Herald* reflected and fed anxieties about the rise and consolidation of Sydney’s “criminal classes” – compelling proof of which was found in the Mount Rennie Outrage itself.

The apparent perpetuation across time of shared evils like drunkenness, crime, sexual licentiousness and parental neglect, suggested to concerned middle-class observers the presence within Sydney of a semi-autonomous and inherently antagonistic cultural underworld, whose potential for destabilising existing society was made plain by its competition with dominant bourgeois attitudes and behaviour. [Henry] Parkes’s parliamentary committee on the condition of the working classes had in 1860 identified this apparent netherworld as “the region of depravity and moral death”, whose anarchic behaviour was fast “undermining the social happiness of the community”.

(Mayne 1982, p. 110)

Public concern about a swarming criminal underclass owed more to middle-class prejudice and assumptions of moral superiority than to

empirical truth but that did not make it any less real. Annual reports to parliament by the Inspector General of Police did not support claims of an out-of-control criminal class but anecdotal fact, in the form of voluminous crime reporting by the daily press, made up for the absence of statistical corroboration. The tabloid *Evening News* had no hesitation in identifying the Mount Rennie Outrage as “an astounding instance of hideous ruffianism ... a terribly significant illustration of the spirit which animates a section ... of the colonial youth. We seem to have actually developed a breed of devils incarnate in our midst” (*Evening News*, 13 September 1886). Three years earlier, in the aftermath of the Woolloomooloo and Waterloo outrages, the *Sydney Morning Herald* had worried over the cause of such crimes. Comparing New South Wales with the mother country, the *Herald* concluded that crime in London was “begotten of poverty” while in Sydney “poverty ... is not the excuse” (Walker 1986). Within a fortnight of the Mount Rennie Outrage the *Herald* and its evening sister paper, the *Echo*, published a column-length article entitled “Australian Crime”, which declared that “crimes of this particular nature are not heard of in other parts of the world” (*Sydney Morning Herald*, 23 September 1886). Criminal tendencies in every society, the article argued, were the result of local conditions. Just as highway robbery flourished “in the old coaching days in England” and “secret poisoning in the days of Lucrezia Borgia”, bushranging was “a distinctly Australian type of crime”.

Bushranging has been rendered impossible by the settlement of the country; but the criminal instinct which led to it has survived the extinction of the bushrangers’ gangs, and the old virus now runs through other veins, seeking its outlets through different channels. (ibid)

According to the article's rigorous logic, the bushranger's direct descendent was the larrikin, whose "love of drink and foul language ... passion for sensational dissipation ... brutal indifference to the claims of public as well as private property, and ...general lack of decency or moderation in word and deed" had led to the spate of outrages "which have no parallel even in the black record of the convict era". Echoing the florid language of the early tabloid reports, the *Herald* stated that "mobs of men – or rather boys – in this city have on several occasions hunted a woman down and nearly worried her to death ... The act must have been prompted in each of these cases by an unnatural love of cruelty rather than by sexual passion; for the victims were ill-used in the most brutal manner."

Uniquely vicious and, worse, uniquely Australian, the series of outrages culminating in Mount Rennie were crimes, the *Daily Telegraph* agreed, "to which no parallel can be found in the crimes of civilised life or in the savageries of barbarism" (Daily Telegraph, 29 November 1886).

The deeper significance of the Mount Rennie Outrage was debated in public meetings and private correspondence and through a range of popular entertainments. Rachael Weaver's remarks about the cultural production inspired by the Deeming murder case are equally valid in the context of the Mount Rennie Outrage:

They perpetuated and recounted public interest and involvement as audience, courtroom gallery and urban crowd ... On different levels the Deeming case illuminates 1890s Australian culture and its fascination with criminality, offering important insight into the practices and forms of production through which that culture examined – and enjoyed – itself. (Weaver, p. 20)

Although disparaged by Weaver for his “double standards” and his “bloodthirsty, popular writings”, Frank Clune had reached a similar conclusion half a century earlier:

In those days when the false dramas of cinema, radio, and television were unthought-of, and before the hate-propaganda of two devastating world-wide wars had provided a surfeit of horrors, there was more public interest in real-life personal dramas and tragedies that occurred locally in Sydney than there is today. (Clune 1957, p. viii)

Clune saw that the entertainment provided by “real-life personal dramas and tragedies” was, by its nature, ephemeral. He described them as “the sensations *of the day*”- commodities, in other words, for immediate consumption rather than long-term reflection.

Nothing catered to this appetite for immediate gratification more energetically than the colonial press, whose diligent reporting and trenchant commentary formed the basis of a much wider cultural discourse.

This discourse, as we have seen, took a variety of forms, but its dominant mode was literary. Behind it lay a set of male sexual anxieties (and fantasies) that found powerful expression in the late nineteenth-century revival of the Gothic novel and the simultaneous emergence of the detective story.

In her study of the Jack the Ripper narrative, Judith Walkowitz highlights the increased visibility of women in previously male-dominated metropolitan spaces as a cause of male anxiety that found expression across a range of literature from Stevenson’s *Dr Jekyll and Mr Hyde* to “shilling shockers” and sensational journalism. “Their presence challenged the spatial boundaries – of East and West, of public and private – that

Victorian writers of the metropolis had imaginatively constructed to fix gender and class differences in the city” (Walkowitz 1992, p. 80).

In Australia, too, women were beginning to contest urban and professional spaces previously owned by men. Newspapers themselves, especially daily newspapers, constituted a form of metropolitan space in which women were becoming especially visible. In 1891 the *Illustrated Sydney News* noted that nearly every reputable newspaper had one or more women among its contributors or staff writers (Clarke 1988). Women were also becoming more prominent as subjects to be read about, not least in court reports, which were littered with stories of female drunkenness, sexual assault, domestic assault, abortion and prostitution. The general news, however, was still overwhelmingly male, dominated by local and international politics, war, trade and the law.

Literally as well as metaphorically, Mary Jane Hicks was an interloper in the traditionally male domain of the newspaper headline. The first report of the Mount Rennie Outrage, in the *Evening News*, sat alongside reports of the Illawarra miners’ dispute, the founding of the St Andrew’s Young Men’s Institute and a “gentlemen only” recital of vocal music at the Exhibition Building. The following day the *Evening News* published three separate articles about the Mount Rennie Outrage. Under the sub-heading “Further Particulars” it revealed that Mary Jane Hicks had been rushed to hospital the previous evening “in consequence of a serious turn for the worse having taken place”. Despite admitting that Mary Jane Hicks was “now progressing favourably towards convalescence”, the paper titillated its readers with the possibility that she might die:

Mary Jane Hicks, the victim of the loathsome affair, appears at times to be hardly sensible, and it would not be astonishing if the terrible shock which her system has received, added to the brutal

injuries which she has suffered, should unhinge her mind, or bring about her death. (*Evening News*, 11 September 1886)

As readers would have been aware, death was the frequent outcome of pack rapes in Sydney. In the space of four months near the end of 1883 two women had died in attacks at Woolloomooloo and Mount Carmel. In the Woolloomooloo case the thirty-five-year-old victim had just been released from Darlinghurst gaol after serving her thirty-third sentence for vagrancy (Allen, p. 55). At Mount Carmel, the victim was a fifty-two-year-old prostitute who had reportedly accepted five shillings to go with one of the men accused of raping her. A witness testified to hearing the one of the men say “Lay still you old hag or I’ll stiffen you” (ibid p. 55). Neither of these two unfortunate women could be accommodated within the fantasy of violated female innocence that quickly grew around the figure of Mary Jane Hicks.

In raising the possibility that Mary Jane might die from her injuries, the *Evening News* was not simply sensationalising the crime; it was also offering readers a literary paradigm they could use to interpret and (to use Weaver’s term) *enjoy* the real-life story of Mount Rennie.

As well as being the documented outcome of actual rapes, death was the idealised outcome of fictional rapes. Sex and violence were staples of Gothic romance, not least in the work of Edgar Allen Poe. In his essay “The Philosophy of Composition”, Poe remarked that “the death ... of a beautiful woman is, unquestionably, the most poetical topic in the world” (reprinted in Poe 1952). In Poe’s macabre tales, and in his prototypical detective story “The Mystery of Marie Roget” (which was based on a real New York murder case), death was the ultimate price of sexual violation.

Poe died in 1849 but his detective stories exerted a powerful influence on Australian writers of detective fiction, notably Francis Adams,

whose most famous novel, *Madeline Brown's Murderer*, was published the year after the Mount Rennie Outrage. (The novel was republished a century later under the title *The Murder of Madeline Brown*.) Adams's description of the murdered Madeline Brown has striking similarities with Poe's of Marie Roget:

He lifted his eye a little and looked at the bed. A woman was lying on it, half-naked. Her nightdress, delicately wrought with lacework all over, was drawn back and folded tight, wrapped around her stiffened limbs and body. Her ankles, firmly lashed together with a thin cord that cut into the flesh, were attached to the near bedpost. Her right arm, drawn out at full stretch, was attached by the wrist in the same way to the bedpost opposite. A large silk handkerchief covered her mouth. Her left arm, on which she was lying, hung over the edge of the bed. A sluggish stream of dark blood flowed down it from the vein inside the elbow and dripped into the basin. Her eyes watched it with a dull and dreamy horror. She had evidently struggled, but now was still. (Adams 2000)

The right hand was clenched; the left partially open. On the left wrist were two circular excoriations, apparently the effect of ropes ... There were no cuts apparent, or bruises which appeared the effect of blows. A piece of lace was found tied so tightly around the neck as to be hidden from sight; it was completely buried in the flesh. (Poe 1952)

The absence of a corpse was a defining feature of the Mount Rennie Outrage. Mary Jane Hicks's survival was instrumental not just to the

judicial process but to the way the case was written about and understood. It was her testimony – about the crime itself, about her childhood and about her sexual history – that ensured the Mount Rennie Outrage would be more sensational than previous outrages (even those that culminated in murder). By surviving the attack, however, Mary Jane Hicks deprived a Gothic romance of its most potent symbol – a female corpse. This was something that the tabloid press was loath to surrender.

On the day before the hangings the *Globe* reported that “a rumour was widely circulated in the town yesterday afternoon and evening that the girl Hicks was in a dying condition” (*Globe*, 7 January 1887). The rumour proved to be false but the fact that it spread rapidly through the city and was reported in print the next day is evidence of how her death was willed, at least subconsciously, by both creators and consumers of her story.

For some female readers the horror aroused by newspaper reports of rape cases made death seem – at least hypothetically - a preferable alternative. Writing about the rape of a girl in Sodwalls, near Bathurst, a few years before the Mount Rennie case, Menie Parkes declared (using imagery strongly redolent of Poe) that in preference to being raped she would rather be “torn to death with red-hot pincers” (Peers 1993).

Debate in the New South Wales parliament over the case of the so-called “Sodwalls criminals” illustrates the degree to which popular attitudes to rape were influenced by the survival of the victim – especially in the (relatively few) cases where the perpetrators were themselves sentenced to hang. Addressing the Legislative Assembly on 21 May 1879, the Speaker, Mr Lucas, called for the Sodwalls criminals to be reprieved:

It was on behalf of this poor girl that he asked for mercy for these two poor young men. He would admit that the crime could

scarcely be worse, but he thought that if these two young men should be hanged for this crime it would be a charity that this young woman should be removed likewise. He believed that, if she was a proper minded young woman, if these two young men were hanged for this crime, she would never have a day's happiness afterwards; she would never hold her head up again in society; she would have no person ever to associate with her. Wherever she went she would be pointed at as an unfortunate creature, who was the cause of two young men losing their lives. A similar case occurred many years ago, and the poor creature, who was the victim of the man's lust, never had a day's happiness, and, at last, became insane, and remained in a lunatic asylum for two or three years; all the words she was known to speak being "I hung the man. I hung the man".

(Sydney Morning Herald, 22 May 1879)

Mr Brown rose to declare that it was "a fearful thing to take away the lives of two young men, sixteen or seventeen", while Mr Pilcher told the house:

The charge of rape, as was well known, was one of the most easily made charges of all and the most difficult to disprove ... He had heard a great number of rape cases tried in our Courts of justice, and he had never heard one tried about which he had a shadow of doubt in his own mind that it was made up.

The death of the rape victim, then, was not only morally and artistically desirable: it was the only proof that the offence had ever taken place. Survival was tantamount either to consent or to fabrication.

Implicit in both Mr Farnell's statement that "Any virtuous woman would sooner part with her life than with her honour" and Mr Davies's that "to anyone dear to him he would a thousand times rather their death than their dishonour" was the belief that dying was the one thing that could redeem a woman from the disgrace of rape.

Awkwardly, Mary Jane Hicks did not die (although she would later disappear). Her survival, in defiance of actual and literary precedent, "meant that the narrative was not foreclosed, as it had been previously when larrikin gangs killed their female victims" (Peers 1998).

In Peers's reading of the case, Mary Jane Hicks "was reassuring proof of masculine sexual potency and the inevitability of feminine vulnerability/submission". At this level at least, she was analogous to the victims of the Jack the Ripper murders, which took place between August and November 1888 in the East End of London and were extensively reported by the colonial press. Judith Walkowitz has shown how the Jack the Ripper murders, and other sexual scandals of the period, reflected narrative tropes familiar to audiences of Victorian stage melodrama in which upper-class villains preyed on virtuous but naive working-class heroines (Walkowitz 1992). Youth, innocence, naivety and a generalised physical attractiveness were certainly defining characteristics of Mary Jane Hicks in the first newspaper report of the Mount Rennie Outrage. Her attackers, however, were far from upper-class; according to the *Evening News*, they were closer to beasts:

From noon to six o'clock, when she was rescued by the police, the unfortunate girl was in the hands of the brutes, who, with no regard for her helplessness, her entreaties, her shrieks of pain, her lapses into insensibility, proceeded to gratify their carnal appetites. (*Evening News*, 10 September 1886)

The *Sydney Morning Herald* offered its more conservative readers the same sexual possibilities, albeit in less lurid language:

At about 4 o'clock on Thursday morning a respectable-looking man arrived in a breathless state at the Redfern Police Station, and reported that half an hour previously he had witnessed a horrible scene in Moore Park. He said that he was walking through the scrub in the neighbourhood of Mount Rennie when his attention was attracted by the piercing screams of a female. He rushed towards the direction of the sounds, and shortly came upon about a score of men surrounding a girl, whose clothing was in a mutilated condition, and who lay prostrate on the ground. Two or three of the ruffians were holding her down while another was criminally assaulting her ... Their victim was afterwards found in the same spot, in a terribly exhausted condition, with the clothes nearly torn from her body.

(Sydney Morning Herald, 11 September 1886)

Between the racy tabloid and the sober broadsheet significant differences emerged in the depiction of Mary Jane Hicks. To the *Evening News* she was “a prepossessing young woman” but to the *Sydney Morning Herald*, three days later, she was “youthful in appearance, plain, and altogether unattractive. Her general bearing, however, is by no means repulsive”.

In part the discrepancy reflected a difference in readership, the establishment *Herald* being less willing than its working-class rival to idealise the looks of a domestic servant. During those three days, however, another factor had come into play:

Dr Marsden, the medical man who examined the girl shortly after she was taken charge of by the police, states that there was then every sign that she had immediately beforehand been grossly ill-used. Dr Marsden, however, having been professionally called in by the police, courteously declines at the present juncture to make public a statement as to whether the girl had previously been a party to an act of immorality.

(Sydney Morning Herald, 13 September 1886)

On the night of the Outrage, after being examined by Dr Marsden, Mary Jane Hicks had been pressed to admit to having “been with a man before”. The calculated ambiguity of the *Herald*’s report (had Dr Marsden been able to refute the obvious imputation then there would have been no need for “courtesy”) suggests that the author had been informed that Mary Jane Hicks was not a virgin. The *Herald*’s description of her as “youthful ... plain, and altogether unattractive” needs to be read in that light.

In the absence of a photograph or sketch, newspaper readers were unable to form their own judgment of Mary Jane Hicks’s looks. But she gave evidence over several days in open court before an always crowded public gallery, so we can infer that many people – spectators as well as participants in the case – had the chance to see and study and comment on her appearance.

Other, more intimate, descriptions of Mary Jane Hicks have survived besides those that appeared in the *Herald* and the *Evening News*. Among these is a report by Senior Constable Porteous of Stanmore Police Station “*Re Mary Jane Hicks, prosecutrix in the Mount Rennie rape case*”. For two months before and during the trial, Mary Jane lodged with Constable Porteous and his wife. Having had, he wrote, “a favourable opportunity of observing her general behaviour”, Porteous reported that Mary Jane was

“of idle, uncleanly, and untruthful habits She refused even to wash up the dishes after meals, or to do any work ... Several times she attempted to converse with the Senior-constable’s wife on indecent topics, and also said that she knew about remedies to use when women were pregnant”. According to Porteous, Mary Jane knew the addresses of prostitutes in Goulburn Street and Elizabeth Street and was able (and eager) to point out “street walkers” on her way home from court. His report included a hearsay allegation that Mary Jane had tried to proposition a colleague, Constable Fletcher of Newtown. She would also be accused (and exonerated) of propositioning the wardsmen at Sydney Hospital. Some of these allegations of sexual promiscuity would stick. They would be raised in court by the defence and circulated as damaging rumour afterwards. “These facts ... proved unmistakably Hicks was a harlot,” went a letter to the Minister of Justice (Osborne 1887).

During the trial a strikingly different account of her appeared in the *Globe* newspaper:

She is a little girl, less in size than her recorded age would denote. Her appearance is more that of a nursery governess than of a domestic servant. (*Globe*, 24 November 1886)

That she could later be described by Archibald as “a well-developed girl, daughter of a disreputable woman then under sentence in Townsville gaol” (Archibald) illustrates the moral and aesthetic challenge Mary Jane Hicks’s sexuality posed to the newspapers and the law (both male-dominated) and, by extension, to colonial society in general. To the *Sydney Morning Herald* she was the plain, unattractive embodiment of a suspect sexual history, partially redeemed by her bearing from the sordid

implications of that history. To Archibald she was the buxom daughter of a prostitute.

After leaving the home of Constable Porteous, Mary Jane was taken in by the Reverend Mother in charge of Penitents at the Convent of the Good Samaritan, who told the *Globe*:

Since she has been back with me ... I have watched her closely, and I see nothing in her to make me alter my opinion of her – that she is a girl who, though not unintelligent, is yet innocent of worldly knowledge. She would be inclined to trust anyone very fully who treated her kindly. Fallen the unfortunate creature may be, but bad she is not, nor designing. (*Globe*, 3 January 1887)

Significantly, the *Globe* reported that its own reporter had formed the same impression while interviewing Mary Jane the previous week.

As the main protagonist in a divisive criminal case, Mary Jane focused partisan sympathies on both sides. The adversarial system applied no less in the court of public opinion than it did in the criminal courts. Perceptions of her appearance, character and sexual experience reflected a range of contemporary values and prejudices. The hostile report by Senior Constable Porteous, laid out as a forensic statement of observed facts, amounted to a caricature of female misbehaviour that would have “offended every Victorian ideal of proper womanhood” (Peers 1993).

The imaging of Mary Jane Hicks – as “little” or “well-developed”, “prepossessing” or “plain”, “untruthful” or “innocent” – placed her within a taxonomy of social and, above all, sexual transgression. The fact that she could be perceived by strangers in terms that were not simply different but inconsistent and even contradictory suggests that the truth about Mary Jane

Hicks lay not in one image or its opposite, but in both together. This duality made her both exciting and dangerous.

In her discussion of the Mount Rennie Outrage as a “quasi-literary production”, Juliet Peers explores the “fanciful, detailed and emotive narrative of female innocence and its eventual betrayal”. Popular Sydney newspapers, she writes, artfully evoked “fairy tales such as Little Red Riding Hood, with its image of the predatory wolf prowling after female virtue” (Peers 1998). More concerned with gender identities than with age, Peers interprets Little Red Riding Hood as a paradigm of “ideal womanhood” rather than of *girlish* innocence. Yet if Mary Jane was Little Red Riding Hood to the *Evening News* and the *Globe*, to Henry Lawson and the *Bulletin* circle she was “the She Devil” – the very exemplar of duplicitous Australian womanhood, whose “false” accusation of rape sent four innocent youths to the gallows.

A close reading of even the most sympathetic account – the *Globe*’s report of Mary Jane giving evidence in court – reveals layers of uncertainty over what she looked like and how she behaved:

Mary Jane Hicks, the victim of the outrage, walked to the witness box. She is a little girl, less in size than her recorded age would denote. Her appearance is more that of a nursery governess than of a domestic servant. She was dressed to suit that idea. Her complexion was rather high, so much so that it looked, at a distance, very like paint. Her expression was mild. Her manner under examination was quiet and collected. She spoke in a low, soft tone. It was sometimes difficult to hear her ... It is sometimes marvellous how a person can notice so accurately all surroundings and reproduce them under oath after a long interval. This witness, Mary Jane Hicks, was able to give many minute

particulars about the scene of the crime. When the surveyor's plan of the locality was presented she was able, with very slight assistance, to intelligently find her way through it. These facts indicate no small powers in a young girl without any pretensions to intellectual training. (*Globe*, 24 November 1886)

The use of the word “victim” to introduce her is significant: by this stage, nearly two and a half months after the rape, the press generally referred to Mary Jane Hicks as the “prosecutrix” - a term the *Globe* itself used later in the same article. The difference was not merely semantic; the former depicted her as passive sufferer; the latter as an agent of retribution. She was a “little girl”, seemingly younger than her stated age of sixteen, but at the same time she resembled a (middle-class) “nursery governess” rather than a (working-class) “domestic servant”. Interestingly, she dressed to suit “the idea of a governess” – as if this were a role she was playing. Her complexion, meanwhile, could easily have been mistaken for “paint” (suggestive, again, of an actress - or even a prostitute). Finally, this “little girl” was clever and composed enough, while under oath, to “intelligently find her way” through a surveyor's plan of the area where she had been raped and left unconscious. The sarcastic undertone of the last few sentences (“It is sometimes marvellous how a person can notice so accurately all surroundings and reproduce them under oath ... she was able, with very slight assistance, to intelligently find her way...” betrays the writer's ambivalence: while sympathising with Mary Jane as “victim”, he insinuates that her performance as “prosecutrix” has been rehearsed. In short, he both believes and does not believe her.

There were and are many versions of Mary Jane Hicks but it is worth reiterating that, of all the daily newspapers, the *Globe* offered its readers by far the most compassionate portrait. Behind its equivocal account of Mary

Jane in court we glimpse a profound (male) anxiety: that a woman could be both governess and actress, childlike and sophisticated, chaste and fallen, pure and corrupt.

This anxiety exists, sometimes as an undercurrent and sometimes as the driving force, across a wide spectrum of late-Victorian literature, but especially in the two seemingly disparate genres of Gothic and detective fiction. John Docker has noted how both genres combine in the most powerful Gothic novel of the period, Bram Stoker's *Dracula* (Docker 1991, p. 180). In Stoker's novel it is Lucy Westenra who embodies this dangerous female potentiality to be two people at once. Lucy is engaged to the accomplished and virtuous Arthur Holmwood . "He often comes to see us, and he and mama get on very well together," Lucy tells her best friend Mina. "He is a doctor and really clever. Just fancy! He is only nine-and-twenty, and he has an immense lunatic asylum all under his own care" (Stoker 1983, p. 54). As the marriage approaches, Lucy becomes agitated and begins to sleepwalk. One night Mina sees Lucy, wearing only a white nightdress, sleepwalk to St Mary's church, where she is met by "something dark ... whether man or beast I could not tell" (ibid p. 90). Bitten on the neck by Count Dracula, she becomes a vampire herself – her eyes "unclean and full of hell-fire, instead of the pure, gentle orbs we knew" – satisfying her own cravings by sucking the blood of little children. Vampire Lucy, moving with "languorous, voluptuous grace", almost succeeds in tempting Arthur Holmwood: "Come to me, Arthur. Leave these others and come to me. My arms are hungry for you" (ibid p. 211). There is something "diabolically sweet" in her voice, but Arthur manages to resist and is finally persuaded to slay his beloved with a stake through the heart.

She seemed like a nightmare of Lucy as she lay there; the pointed teeth, the bloodstained, voluptuous mouth – which it made one

shudder to see – the whole carnal and unspiritual appearance, seeming like a devilish mockery of Lucy’s sweet purity.

(ibid p. 214)

Before she is bitten by Count Dracula, Lucy represents “everything that young Victorian womanhood should be” (Docker, p. 179). Once bitten, she becomes the voluptuous embodiment of evil, an existential threat to both men and children. The carnal and malevolent Lucy is latent within the pure and sweet Lucy.

The bloodletting of Lucy Westenra mirrors that of the heroine of Francis Adams’s *Madeline Brown’s Murderer*, published a decade earlier. Madeline’s vein has been cut and “[h]er left arm, on which she was lying, hung over the edge of the bed. A sluggish stream of dark blood flowed down it ... and dripped into the basin” (Adams 2000, p. 3). If Stoker’s novel is essentially a Gothic fantasy drawing on the narrative machinery of the detective thriller, *Madeline Brown’s Murderer* is the reverse: a detective thriller imbued with Gothic imagery. Through his journalist/detective, David Stuart, Adams invokes the master of both genres, Edgar Allen Poe:

The murder was appalling, but worthy as a close for such a woman. Who had done it? Stuart? Or was it some anonymous madman? Or had some old devoted slaves tracked her out and killed her ... Or was it the revenge of some religious maniac whom she had seduced and was driving spell-bound and horrified into hell, and who punished her, as of old they punished the witches? Stuart must constitute himself a detective and find out. Think of Poe and Gaboriau. It would be a triumph for Australian journalism – the real aboriginal product. (ibid, p. 71-2)

We are introduced to “Mrs Brown” as a woman who “attracted universal attention by her beauty and genial ways” but arrived knowing “no-one in Melbourne ... except a Canon Hildyard ...the bishop’s pet”. It is only in the last few pages that we discover the truth about her: Madeline was found “in a New Orleans brothel. They make that sort of thing rather hot in New Orleans”. Madeline Brown’s power over – and threat to - the men in her life (like that of Lucy Westenra) is explicitly sexual. Men are in thrall to her but women register her sexual threat: “The governor’s wife once whispered the word ‘sensual’, as a qualifying epithet to a beauty which was undeniable”. Madeline “was of American extraction” and (as her surname bluntly implies) “had something more than a touch of the Creole in her”. Her complexion “was neither white nor swarthy, but more inclined to the brunette than the blonde ... her beauty had, indeed, something exotic about it; something, if not of the hothouse, then of the tropics”. Stuart’s journalist friend Randal wonders whether Madeline is “neither a goddess nor a plain woman ... but a demon who coquetted with death”. She dies, if not literally a vampire, then metaphorically:

[S]he came out here, and I heard she was starting her old racket with a clergyman, one of the pillars of the Church. She went with him, so I did what I promised. I killed her. I made her watch herself die. I bled her, as she’d bled Charles Anderson, and me, and Hildyard. I couldn’t let her live any more. (ibid, p. 152)

Lucy Westenra and Madeline Brown are, of course, fictions, creatures of the male imagination – but so is the figure of Mary Jane Hicks as she existed in the columns of the *Sydney Morning Herald* and the *Evening News*, the *Globe*, the *Bulletin* and other newspapers for a period of almost exactly four months between September 1886 and January 1887.

With the exception of the *Globe*, none made the effort to interview her. Their accounts of her character – and even her appearance – are subjective and impressionistic, based on her demeanour as a prosecution witness or a patient in hospital; on evidence given by others in court; and sometimes on nothing more than rumour and innuendo. The “Mary Jane Hicks” conjured by the Sydney press was a composite figure, part observation, part hearsay, part imaginative projection. She was neither virgin nor vampire but, at the same time, she was both. In her very contradictoriness, she articulated moral and sexual fears that found deep and enduring literary expression in the new modes of the Gothic novel and the detective story.

Four unfortunate boys

The history of the Mount Rennie Outrage is preserved in two cardboard boxes, one at State Records in western Sydney, the other in the archives of the New South Wales Department of Corrective Services at Silverwater Jail. The collection ranges from the official and bureaucratic to the personal and intimate. It includes trial depositions and police histories of the accused as well as letters written by the condemned men from their cells. Handwritten correspondence is lumped in with yellowed newspaper clippings. Taken as a whole, the collection allows us to read the Mount Rennie Outrage from both inside and out, through the eyes of both protagonist and journalist, government minister and private citizen. The newspaper clippings, far from being extraneous, form an intrinsic part of the documentation. What they reveal is a case that was not only being read and consumed, but was reading and consuming itself.

For obvious reasons, the bulk of the documentary record consists of newspaper reports, court depositions and written accounts by individuals

with a personal interest in the case: the accused and their families; witnesses and others. But if the authorship of the case was initially limited, the readership was far wider, and some of those readers became commentators themselves. In doing so they contributed to a process by which the case was perpetually being consumed and reproduced by a voracious and opinionated public.

Between 1885 and 1891 the English migrant Thomas Dobeson kept a journal, eventually published under the title *Out of Work Again*. It is the lament, more wry than self-pitying, of a working-class Englishman who migrated with his wife only to discover that the wholesome employment and high wages he had been led to expect in New South Wales did not exist, or were not available to new arrivals like him.

Although the Mount Rennie case clearly interested him, Dobeson made no claim to have studied the evidence or visited the court and appears to have obtained his information primarily from the newspapers.

In his journal Dobeson devotes two paragraphs to the Mount Rennie case:

About this time there is great excitement in Sydney. There are four unfortunate boys awaiting execution for a terrible outrage committed on a young woman. There are the usual petitions for mercy and the very unusual petition insisting that these boys should be hung by all means. They say that their wives and daughters wouldn't be safe but it strikes me very forcibly that there has not been in any of the police records any account of respectable women being so outraged, or if there has they are very few and far between. This victim is a low woman of bad character and behaved in such a manner as to encourage these brutes. The witnesses, three in number, are young men who know

what the inside of a jail is like perfectly well and therefore not fit to give testimony in a question like this. Life or Death. Lord Carrington has been interviewed but cannot see his way to reprieve these boys. Some people say that he has no power. But I say that he either has the power to do this, or he is of no use in the position. We might as well have a wooden block in his place. Then again, he has to sign the Death Warrant. Nobody can force him to do this. Surely he has a grain of mercy in him. The execution has taken place and the four boys are dead. Their ages were from 17 to 20 years. The good old Bible says An eye for an eye and a tooth for a tooth. Is this an eye for an eye? No. Four lives for a beastly outrage it is true. But this woman has recovered from the effects of the outrage, the result of her business habits. The papers even now are saying that they might have been spared and imprisoned for life. The same papers a few days ago were clamouring for their blood.

Here we are, another outrage is alleged to have taken place a few days after this hanging affair. The accused have all been before the court. They have thoroughly investigated this affair and find that it is a nicely got up story. The nine men come out of court without a stain on their characters. The woman should have got ten years without the option. These ladies of easy virtue should be watched as well as protected. (Dobeson 1990, p31-2)

Dobeson's use of language betrays a range of conscious or subconscious influences. The phrase "terrible outrage", for instance, echoes the headline ("TERRIBLE OUTRAGE ON A GIRL") that appeared in the *Sydney Morning Herald* two days after the rape. Yet by the time Dobeson wrote his account the word "outrage" had begun to acquire its alternative

meaning - of a judicial outrage committed on nine young men at the instigation of Mary Jane Hicks. The fiercest advocate of this alternative meaning, as we have seen, was the *Bulletin*. Dobeson enacts the process of mutation in his own writing, as the tone of the word “outrage” shifts from sombre (“There are four unfortunate boys awaiting execution for a terrible outrage committed on a young woman”) to sarcastic (“Here we are, another outrage is alleged to have taken place ...”) in the space of four hundred words.

In the discourse that surrounded the Mount Rennie Outrage, age was an important signifier of both innocence and guilt. Mary Jane Hicks was sixteen years old at the time she was raped – younger (as Dobeson notes) than any of her attackers. By depicting the rape as an outrage committed by “unfortunate boys” on “a young woman”, Dobeson aligned himself with the hostile view of Mary Jane Hicks propagated by Archibald’s *Bulletin*, the explicit purpose of which was to mitigate their guilt by insisting on hers.

This tendency to infantilise the accused initially reflected a pragmatic imperative to save them from the gallows. When that failed, it became part of a concerted attempt, by Archibald and others, to redefine the meaning of the Outrage by reassigning guilt away from the “boys” and onto the “woman”.

A week after the hangings, the *Bulletin* published an account purporting to be an “extract of a letter received by a Wagga man from a Sydney official”. According to this anonymous eye-witness (who might have been Archibald himself), “A young medico who stood beside me exclaimed ‘Great God! Why they don’t look more than 14 or 15 years of age’” (*Bulletin*, 15 January 1887).

Dobeson’s remarks about the Mount Rennie case broadly echo those he must have read in the *Bulletin* – in particular his description of Mary

Jane Hicks as “a low woman of bad character” who “behaved in such a manner as to encourage these brutes”. His casual reference to “police records” (it seems unlikely he searched them) foreshadowed a more strident assertion by Archibald, who argued that “you may search the records of Australia for the last 70 years without finding more than three authenticated cases where even in the lonely bush, a really virtuous woman has been successfully assailed by a satyr” (Archibald).

While subscribing to the view that women often concocted accusations of sexual assault, Dobeson stopped short of suggesting that all such accusations were false. His comments ape the flippancy of the *Bulletin* but lack Archibald’s intrinsic misogyny.

Veering between compassion and indignation, Dobeson’s reading of the Outrage enacted both the extremes of the moral debate and its more subtle anxieties. In the space of a few hundred words, this working-class English migrant fastened on the critical issues in the public discourse that surrounded the case: the unresolved doubts over Mary Jane Hicks’s character and her actions on the day of the rape (what was she doing in Sweetman’s cab?); the dubious reputation of the main prosecution witnesses; the ages of the accused; the appropriateness of the death penalty for rape; the fact that allegations of rape were sometimes fabricated; and the intense pressure exerted by the daily newspapers on the Executive to carry out the hangings. Dobeson’s journal suggested the possibility of more measured readings of the Outrage, of private insights more nuanced than those that could be put forward in the white heat of public debate.

The hangman's nose

It is possible to read the Mount Rennie Outrage – as most of the mainstream press read it, at least in the beginning – as the story of Mary Jane Hicks. Equally, it is possible to read it, as male historians have generally done, as the story of the nine young men convicted of raping her.

For opponents of capital punishment, one story became the other at the moment Judge Windeyer ignored the jury's recommendation to mercy and sentenced the nine guilty youths to death. Most newspapers enthusiastically supported the sentence, although the *Sydney Morning Herald* changed its mind on the morning of the executions. While this decision came too late to have any practical effect (by the time most people were aware of it, the prisoners had already been hanged), the *Herald's* about-face can be seen as pre-empting the shift in public opinion that eventually saw the death penalty for rape repealed in New South Wales.

Mary Jane Hicks's subsequent vanishing from the scene (bound, it was thought, for New Zealand) turned a metaphysical truth – that she was in the process of being expelled from her own story – into a physical one. In the re-drafted narrative the “Mount Rennie boys” were not monsters but victims, firstly of female treachery and sexual promiscuity, and secondly of “Botany Bay justice”, embodied in the barbarous partnership of Judge Windeyer and Nosey Bob, the public hangman.

This reading of the outrage was founded on Archibald's antipathy to capital punishment, a cornerstone of his personal morality and his journalistic beliefs ever since, as a junior reporter on the *Evening News*, he had been sent to witness the execution of a 25-year-old Aborigine for the rape of a white woman. Archibald's four-thousand-word report, published under the headline “the Blackfellow Executed”, left no doubt about the horror he felt at watching the hangman – Nosey Bob - at work:

[T]he most revolting sight of all was when the hangman and his helper, a quarter of an hour afterwards, came and bore off to the coffin, as a butcher would carry a slaughtered sheep, the breathless body, on which the law's last indignity had been wreaked. (Evening News, 10 June 1879)

Eight years later the imagery had changed but not the underlying conviction. A *Bulletin* cartoon – captioned “The Bulletin Christmas Tree” – from the Christmas/Mount Rennie special edition showed Judge Windeyer watering a tree-shaped gallows, from which dangled six hooded bodies. The partnership between judge and hangman was caricatured a year later by Phil May, who drew Nosey Bob greeting Judge Windeyer on his return from overseas. Captioned “A Pathetic Meeting”, May’s cartoon depicted a deferential Nosey Bob welcoming Windeyer with the words, “Glad to see your honor back again. Business has been awful slack in my line since your honor went away” (Bulletin, 7 January 1888).

“I hear it often accused against me that I take too morbid an interest in the hangman’s dreadful calling,” Archibald wrote in his unpublished memoirs, “but I have always felt that an execution was a cold-blooded brutality, as heinous in its cruelty as the crime which it ‘expiates’” (Archibald).

My aim in the following pages is to show how Archibald’s reading gradually displaced earlier readings, making the Mount Rennie Outrage, finally, the story of a hanging, and how this continues to influence the way the Outrage is written.

In his 1986 article “Youth on trial: the Mt Rennie case”, David Walker makes youth (the youth of the perpetrators, not of Mary Jane Hicks) the defining issue of the Mount Rennie Outrage. His purpose, he

explains, is “to probe some of the preconceptions of youth which emerged in the course of the Mt Rennie rape case of 1886-7”. His article is not intended to be “a history of the Mt Rennie case, nor is it a history of rape or attitudes towards rape in late nineteenth century New South Wales”. Yet having set out on this scholarly path, Walker almost immediately wanders off it, offering the reader an emotive account of the hangings.

By 8 o'clock on the morning of the hangings a crowd of perhaps two thousand people had gathered outside the gaol. The *Sydney Morning Herald* observed a large number of youths, “some of the unmistakable larrikin stamp”. There were many carts and drays on the outskirts of the crowd. Scores of people stayed about the gaol, “loitered” according to the *Herald*, for hours after the execution. But there was no suggestion that this was an ugly crowd.

That title could be awarded to the officials who found it necessary to attend the hanging. There were almost 150, enough to make the governor of the gaol fear for the stability of the special stands constructed for them. Certain members of the public squeezed through in the confusion. Police in attendance appeared to regard the turmoil as “good fun”, but to the *Echo*, no friend of the condemned youths, “the hurry-scurry of that scene was a disgrace” ...

All the youths were slight, none weighing more than ten stone. The executioner, believing perhaps that monsters should weigh more, had evidently miscalculated the distance of the drop. Three of the youths slowly strangled to death. One of them struggled for six minutes, biting his tongue in half in the process. (Walker 1986)

Walker's imaginative sympathies are clear enough from his description of the scene. His account is medically accurate – the facts of the botched hanging were recounted in gruesome detail by the *Sydney Morning Herald* – but coloured by his vituperation of the officials (“That title [“ugly crowd”] could be awarded to the officials who found it necessary to attend the hanging”) and his flippant assumption of credulousness or superstition (“believing perhaps that monsters should weigh more”) on the part of an executioner who was, more likely, simply careless.

Robert Rice Howard – Nosey Bob - was a well-known public figure in late-nineteenth century Sydney. A former cab driver, Howard owed his nickname to an accident in which his face was kicked in by a horse. His embarrassing disfigurement forced him to abandon his trade and take up the post of public hangman. As the “noseless chimpanzee”, the “noseless horror”, the “doomsman”, Howard was relentlessly vilified by Archibald's *Bulletin*. By the time of the Mount Rennie hangings, Nosey Bob had botched several executions. Each failure had been more or less matter-of-factly reported in the newspapers. Howard was evidently dismayed by his reputation for incompetence. During an interview with Archibald in 1880, Howard had threatened to sue the *Evening News* for a particularly scurrilous article. Ironically, given how Archibald would vilify the hangman in later years, the interview had been amicable and finished with the pair retiring together to “an adjacent hostelry”.

By the late 1880s the use of capital punishment was declining throughout the British Empire. In 1883 New South Wales legislators had pushed (unsuccessfully) for the abolition of capital punishment for rape as part of the Criminal Law Amendment Act. The same penalty had already been abolished in England. By 1886 New South Wales and Tasmania were the only jurisdictions in the British Empire that retained the death penalty

for rape. A decade later the *Australian Star* published a series of articles demanding the release of the five Mount Rennie boys spared from the gallows. Its campaign this time was against incarceration, not execution.

Nosey Bob Howard died on 3 February 1906 and was buried beside his wife in Waverley cemetery. Less than ten years later the “Old Sydney” column in Sydney’s *Truth* newspaper confirmed the late hangman’s posthumous rehabilitation (or redemption) from an object of atavistic horror, Nosey Bob, to one of affectionate reminiscence, Bob Howard.

Socially Howard was a very decent fellow, an orderly citizen and extremely charitable ... he could be relied on to assist any deserving case of a discharged prisoner or of a prisoner’s family in distress ... He kept a horse and dog and drove to and from Darlinghurst daily. He interfered with no-one and was modest and retiring in his disposition (Truth, 1915).

As public executioner Nosey Bob presided over the reinstatement of judicial order. His subsequent reputation for private charity to “deserving” cases did not undermine but, on the contrary, reinforced the moral code of which he was the ultimate guardian. The softening of his reputation in the decades following the Outrage coincided with the general decline of larrikinism, of which the Mount Rennie rapists were the most notorious symbols.

Arguably the figure of Nosey Bob evokes pathos now rather than horror. Among the anodised photographs along Sydney’s popular coastal walk is one of the hangman’s cottage on Ben Buckler Point. Its isolation suggests Howard’s pariah status in a society that simultaneously reviled and depended on him. His macabre career and gruesome looks have made him a popular subject of newspaper features, tourist pamphlets and potted

histories of crime and punishment in colonial New South Wales. The following portrait, taken from a booklet published by Maitland Gaol, is typical:

It is claimed that socially he was a very caring individual, assisting any deserving case, including discharged prisoners or the families of those imprisoned or executed. Howard's benevolence garnered him the more pleasing (though possibly cynical) title of "the Gentleman Hangman". He apparently boasted that every one of his executions over a 29-year career was carried out with utmost dispatch and decorum, without the least brutality or pain to the subject. Alternatively, it has been suggested that Howard's technical prowess was somewhat slipshod, the issue being addressed by the *Truth*, a contemporary publication, which ran an acerbic series on Nosey Bob's botched executions. One particular incident cited was the hanging of four youths at Darlinghurst Gaol on the morning of January 7, 1887. Sentenced to death for their part in the gang rape of a young girl at Mt Rennie, there is claim of gross miscalculation of the drop necessary to hang the youths. One appeared to die instantly, while the others struggled violently for several minutes.

Despite his professional success, Howard was apparently not a happy man. He suffered acutely from the bitter abuse and loathing invariably meted out to executioners by the public ...

Shortly after accepting the hangman's post, Howard lost his wife, Jane, who was said to have died of a broken heart from the taunts and insults she and her husband were forced to endure. Similarly, his three daughters were condemned to lives of lonely

spinsterhood because, as the story goes, no suitor was willing to suffer the ignominy of having a hangman as father-in-law.
(Anon 2009)

A chaotic mix of unsourced anecdote and urban myth, the Maitland Gaol booklet tells us more about capital punishment and physical deformity as objects of popular prejudice than it does about the life and career of Nosey Bob. In fact Howard's probate records show that his two (not three) adult daughters did not live in "lonely spinsterhood" but were both married, one to a carpenter and the other to a cab proprietor.

With the long abolition of capital punishment, it is perhaps not surprising that a more sentimental, even benign, portrait of Nosey Bob has emerged to replace the monstrous figure of the "doomsman". However, this anodyne reading is not shared by David Walker.

Ten years after the hangings, the jailed youths were released into a changed city. Sections of the press now wrote critically of the inflammatory reporting of the case, but the problem lay deeper. In perceiving larrikinism as a disease, the press let loose an anguished and confused flood of opinion on what was wrong with Colonial Society. While the pro-hanging group concentrated upon larrikinism as the centre of the colonial malaise, the anti-hangers with equal facility and no less passion blamed the workings of the legal system. The ghastly hanging, incompetently performed by "nosy Bob" the syphilitic hangman, before a boisterous crowd of officials, seemed to offer further proof that this was a sick society. (Walker 1986)

Syphilis, and venereal disease generally, had powerful connotations in late nineteenth-century society. In her book on the Deeming murders, Rachael Weaver points out that “Deeming’s unabashed philandering and explicitly sexually diseased state offered what was, perhaps, the most threatening mirror to the middle class lifestyle of all” (Weaver 2006). Gail Savage, in her article “The Wilful Communication of a Loathsome Disease: Marital Conflict and Venereal Disease in Victorian England”, notes that allegations of sexual contamination were at the heart of several highly publicised divorce cases (Savage 1990).

While venereal disease offered a potent symbol of sexual and moral contagion, the pathology of syphilis signified something more: moral insanity. “The belief that Deeming was maddened by syphilis was presented as evidence of the inherent moral and sexual debauchery that had inherently led him to degradation and disease” (Weaver 2006).

Venereal disease was a significant factor in the Mount Rennie trial, where the sheer number of the accused led to doubts over the physical identification of the guilty men. Evidence that Michael Donnellan had infected Mary Jane Hicks with gonorrhoea helped ensure Donnellan’s conviction.

Walker’s essay does not mention Donnellan’s gonorrhoea. In describing Nosey Bob as “syphilitic”, he transfers the broader metaphor of a diseased society back onto its judicial apparatus. Yet there is no evidence in the archives to support Walker’s claim that the hangman suffered from syphilis. Nosey Bob’s arch critic, Archibald, found the public executioner to be respectable widower, proud of his childrens’ bible-reading skills and eager to show off his vegetable garden. Like the fanciful tale of Nosey Bob’s spinster daughters, Walker’s allegation of syphilis testifies to a continuing impulse to mythologise and demonise the hangman as retribution for his dreadful trade.

Fiction as fact

No matter how much is preserved in the archives, something is always missing – material that, if it could be found, would connect disconnected episodes in the narrative, fill out a character’s background, or explain an otherwise inexplicable motive. Typically, the material that is missing from the archive never existed in the first place, because it was never written down. Historians, bureaucrats and journalists tend to record actions, and words if they can find them, but they rarely have access to thoughts. In the interests of completing the story, of filling in the blank spaces, the writer may be tempted to elaborate, to embroider, to make up.

There are things about the Mount Rennie Outrage that will never be known: what sort of life Mary Jane Hicks hoped to find by leaving Bathurst for Sydney; why she agreed to enter Sweetman’s cab; what was in the minds of the four condemned youths as they stood on the scaffold. Then there are facts that might, one day, come to light: what happened to Mary Jane Hicks after she left Sydney; how long she lived; how and where she died. Are these missing pieces important? Is the story of the Outrage poorer, less significant, less human without them? Would we read the narrative differently if we knew these details?

Nine years after Mary Jane Hicks was raped on Mount Rennie, and a year before the five surviving “Mount Rennie boys” were released from prison, a ferry captain named George Dean appeared at the Court of Petty Sessions, North Sydney, charged with poisoning his wife with intent to kill her. In April 1895 Dean appeared before Justice Windeyer – the same judge who had tried the Mount Rennie case - in the Supreme Court. Dean was convicted and sentenced to hang but, as a result of what Windeyer described as his “humane and gallant efforts in saving human life by rescuing drowning people at some risk to his own”, the sentenced was

commuted to life in gaol with hard labour. As in the case of the Mount Rennie criminals, there was a vigorous public campaign for his release, which resulted in a royal commission. The commissioners focused on the characters of Mrs Dean and her mother, whom Dean had confessed in court to disliking. After two of the three commissioners reached the extraordinary conclusion that Mrs Dean had poisoned herself, Dean was pardoned and released, only to admit his guilt later.

Both Mary Jane Hicks and Mary Dean were widely reviled for being the cause of the legal punishments imposed on their behalf. A decade apart, each had a claim to be “The most hated woman in Sydney”. Unlike Mary Jane Hicks, Mary Dean was photographed: the National Library of Australia has a picture of her, taken by Crown Studios, captioned “Mrs DEAN, an early photo”, a formal pose in hat, coat and gloves.

In her article “The Most Hated Woman in Sydney: Mary Dean and the Challenges of Writing Fictionalised Biography”, Donna Lee Brien explains her reasons for wanting to tell the story of the Dean poisoning case in the form of a fictionalised biography, rather than as non-fiction.

Utilising fictional techniques in writing Mary Dean's life has enabled me to flesh out with creative reconstructions what happened to her. My objective is to support the historical record by inserting into the narrative those interesting though unsubstantiated personal elements of her story. Fiction is never used solely to create dramatic interest, augment poor research or animate my own literary whims. The aim is not to distort the past, nor to exploit or misrepresent Mary Dean or the other individuals in her story; but rather to represent them more fully than documented biography can. I begin work from documentary evidence, but when this is exhausted, social history, psychology,

anthropology, literature, and philology, for example, provide the basis for more speculative investigation. (Brien 1999)

In these few sentences Brien invokes most of the standard justifications used by authors determined to embellish or depart altogether from the historical record while asserting that the result is historically accurate. As readers, we are entitled to question whether “inserting into the narrative those interesting though unsubstantiated personal elements” really does “support the historical record” or whether, on the other hand, it undermines, cheapens and potentially contradicts it. What, after all, does “interesting” mean? In striving to keep the reader “interested”, the novelist is licensed to spice up less interesting (though historically accurate) material, or substitute it with something entirely imagined. The historian, on the other hand, is not.

Brien’s loose terminology – she moves abruptly from defending “fictional techniques” to defending “fiction” wholesale – betrays a confusion between form and substance that seriously undermines her objective of “support[ing] the historical record”. How far, then, can “fictional techniques” be used to write history – in particular, the history of the Mount Rennie Outrage – without distorting the historical record?

In *Writing Creative Nonfiction: The Literature of Reality*, editor Gay Talese observed that “Once writers decide to cast their factual material in scenes, techniques of narration become immediately important ... the opening chapter of John Hersey’s famous account of the dropping of the first atomic bomb on Hiroshima illustrates the technique of simultaneous narration: narrating consecutively what different individuals are doing at the same moment in time” (Talese 1996). Hersey’s technique could legitimately be described as novelistic – in its vivid depiction of individuals, for instance, and its deft use of narrative suspense – but in his

hands technique remains subservient to accuracy. Talese tells how Norman Cousins, editor of the *Saturday Review of Literature*, travelled to Japan to investigate the accuracy of Hersey's work. There Cousins met Dr Fuji, one of the book's six characters, who said: "Everything in Hiroshima was just as he said it was. It was remarkable to see how accurate and careful he was with the facts ... It was very interesting to see that he remembered every word of our three-hour conversation."

Brien resorted to fiction, she says, "not to distort the past, nor to exploit or misrepresent Mary Dean" but rather to "represent them more fully than documented biography can". In other words, she made things up where she found the historical record to be deficient.

Hersey, by contrast, was fortunate in being able to speak to people with direct experience of the atomic bomb. As a writer, he was in the privileged position of being able to supplement the existing historical record (in the form of newspaper reports, photographs, official studies etc) with fresh, authoritative, unpublished material obtained at first hand from living witnesses.

In making her case for "a fictionalised biography that is both historically diligent and broadly accessible, though the available source material is inadequate and unreliable", Brien transfers the burden of unreliability away from her "fictionalised biography" and back onto her research material. Yet her slighting reference to "poor research" fails to acknowledge that historical research can be (and usually is) incomplete without necessarily being "poor". We could go further and suggest that the historical record is *always* incomplete, but that truth and accuracy reside in the acceptance of its incompleteness, rather than in the willingness of an author to "flesh out" what is known with "creative reconstructions".

Donna Lee Brien is not alone in feeling the pressure to invent what would otherwise have to be omitted. In his PhD dissertation "The Narrator

as Detective”, John Dale lists the kind of motivations that might lead a novelist to embellish, exaggerate or otherwise “enrich” the historical record in the interests of telling a more “complete” story:

[I]t appears inevitable that in the writing of any documentary narrative, especially one based on an event long past, imaginative inventions will find their way into the text. The novelist’s overwhelming urge to tie up ends, to tease out patterns, hammer home themes, provide closure and reveal character traits will outweigh any obligation to stick to the bare facts. (Dale 1999)

Dale’s hypothesis is implicit – and at times explicit – in the text and paraphernalia of his book *Huckstepp: A Dangerous Life*. Like Hersey’s *Hiroshima*, Dale’s book is the product of wide and rigorous research: “over 90 interviews, hundreds of transcripts of court proceedings, New South Wales and Federal Police files, archival material and original documents by and about Sallie-Anne Huckstepp” (Dale 2000). Yet Dale begins his Acknowledgements with the ambiguous, provisional and almost teasing declaration: “This book does its best to be a factual account of the life and death of Sallie-Anne Huckstepp.” The publisher’s blurb describes the book at different times as “a true story” and as “a powerful blend of biography and the detective novel”.

In “The Narrator as Detective” Dale posits the author as both a controlling force determined “to tie up ends, to tease out patterns, hammer home themes, provide closure and reveal character traits” and as something more nebulous: an intermediary, almost, between the words and the page. “Imaginative inventions will *find their way into* the text,” he suggests, as if the author is powerless to stop them.

In *Huckstepp: A Dangerous Life*, the equivocal author begets an equivocal narrative: a “true story” in which the central truth – the name of her killer – is repudiated (by a jury verdict of “not guilty”) as soon as it is stated. Dale’s “imaginative inventions” revolve around the figure of the first-person narrator – a character who, as well as co-ordinating and channelling the book’s factual research, self-consciously adopts the stylised pose of a fictional private eye:

I was working the lounge bar in a run-down hotel in Stanley Street when she came in with two men who looked like they pumped weights for a living ... I’d hit rock-bottom in my own life, although I didn’t know it, and I found myself washed up in Darlington working in a hotel frequented by drug-dealers, punks, towies, drunks and prostitutes . . . I wish I had said something to her now, exchanged a few words. I know I could not have warned her, for I had no knowledge of what was about to happen. No idea of who she was. For a while I kept an eye out for Sallie-Anne when I worked the night shift, but I never saw her in Darlington again. (Dale 2000)

Dale quotes the judge in the trial of Huckstepp’s alleged murderer as telling the jury: “You are not here to play the role of sleuths.” This, however, is exactly the role assumed by Dale’s narrator. While this quasi-fictional persona is suitable – indeed, tailor-made – for the modern genre of “true crime”, it sits less easily with more traditional forms of narrative non-fiction, in which the act of uncovering information is less significant, perhaps, than the evaluation (or re-evaluation) of that information.

In the case of the Mount Rennie Outrage the problem is not discovering new material but making sense of what already exists. Original

documents are divided, sometimes arbitrarily, between State Records and the archive of the New South Wales Department of Corrective Services. Within each archive there are often several different versions - some handwritten, some printed - of a given document. The principal witnesses (especially Mary Jane Hicks herself) made different and sometimes contradictory statements, as did each of the accused. Once arrested, the prisoners contradicted themselves and each other. The archives include statements made by the accused at the time of their arrest; others made when they were paraded before Mary Jane Hicks at the police station; evidence given at the committal hearing and at the subsequent trial; and letters written by them while they were under sentence of death. Specific incidents are described in multiple voices and from multiple points of view.

My aim in writing about the Mount Rennie Outrage was not to conjure from the archives a single, watertight account of what happened to Mary Jane Hicks on the afternoon of 9th September 1886 (an impossibility, even in the days immediately after the event) but rather to create a narrative that reflected the fragmentary and contested nature of the evidence.

Unlike fiction, which imagines or intuitively fills gaps in the historical record, non-fiction is willing to leave gaps unfilled – and is even willing to advertise those gaps as marks of verisimilitude, proof of the historian’s good faith. John Dale quotes Eric Heyne’s distinction between two kinds of truth: a text’s *factual status* (that is, whether the writer intends a text to be taken as factual) and its *factual accuracy* (whether readers take that text to be reliable). “According to Heyne a fictional text has neither factual status nor accuracy. A non-fiction text has a factual status, but its factual accuracy is a topic for public debate” (Dale 1999).

In the case of the Mount Rennie Outrage – and to a greater or lesser extent all criminal cases in which the accused refuses to admit guilt – the question of factual accuracy is not just debated but fiercely and forensically

contested, both inside and outside the court, to the point where the onus is on each side to prove that the other is lying – that what they assert to be fact is actually fiction.

An unusual difficulty in reading the Mount Rennie Outrage is the sheer number of texts laying claim not just to “factual status” but to “factual accuracy”. Sixteen prisoners were listed on a document drawn up on 18th September 1886 entitled: “Particulars of Offenders charged with Committing the Outrage on the girl Hicks.” The majority was aged between seventeen and nineteen. None confessed to being involved in the crime. After charges against five of the sixteen were dropped, eleven of the young men were eventually committed for trial at Central Criminal Court. In addition to the alibis of the accused, the jury would hear evidence from various policemen, from eye-witnesses, doctors and other witnesses. One version of the Mount Rennie Outrage, however, was privileged above the rest, despite the fact that it was unstable, at times implausible, and occasionally self-contradictory. This was the version given by Mary Jane Hicks herself.

In court Mary Jane Hicks’s account was believed, while those of the men she accused were, for the most part, not believed. For all its inconsistencies, her story convinced the jury while theirs did not. Hers was read as fact, theirs as fiction. In the years and decades following the trial, the dominant reading of the Outrage effectively inverted their roles, turning the perpetrators into victims – and, in the process, turning her fact into fiction.

The most elaborate reworking of the Mount Rennie Outrage as their story, rather than hers, is Donald McLean’s 1962 novel *The World Turned Upside Down*. As the only novel to be inspired by the Mount Rennie Outrage, and the most sustained counter-narrative to the journalistic orthodoxies on both sides, McLean’s text invites detailed analysis.

The illusion of reality

In his review of Hilary Mantel's Booker Prize-winning novel *Wolf Hall*, about the career of Thomas Cromwell, Stephen Greenblatt suggests that historical novels "generate a sense in the reader best summed up in exclamations like 'Yes, this is the way it must have been'; 'This is how they must have sounded'; 'This is what it must have felt like.' Historical accuracy is not the issue: scrutiny of Cromwell's surviving letters suggests that he probably did not sound very much like Mantel's hero. What matters is the illusion of reality, the ability to summon up ghosts" (Greenblatt 2009). The historical novel, he goes on to say, "is always an act of conjuring".

By contrast non-fiction works such as Natalie Zemon Davis's *The Return of Martin Guerre* and Charles Nicholl's *The Reckoning* achieve their sense of authenticity "not only by uncovering remarkable, intimate details from what Shakespeare calls 'the dark backward and abyss of time', but also by leaving certain doors closed on principle, that is, by frankly acknowledging the limits to the recovery of the past" (ibid).

By denying (or at least not acknowledging) limits to the "recovery of the past", the novelist asserts history as a continuum of human behaviour, ambition and motivation, to which both writer and reader have access through the power of the imagination. But is this true? Is historical "authenticity" really just authorial sleight of hand, to which the reader, looking for entertainment rather than historical accuracy, more or less eagerly submits? Whatever their purported subject, is the historical novelist always writing about his or her own time?

In an unusual "Preface" to *The World Turned Upside Down*, Professor Ben Morris makes a case not just for history as a continuum, but for fiction as truth. "Man's view of himself," he writes, "is continually

renewed and clarified for him by prophets, poets, novelists, dramatists, psychologists and others. Donald McLean – novelist, psychologist and educator – has given us here a true and unvarnished tale of the consequences of social neglect and emotional deprivation of youth; that is, of the consequences of educational failure. His tale, founded upon factual records, is all the more powerful for the plain telling and for the author allowing us to draw the moral for ourselves” (McLean 1962).

Five years before McLean, Frank Clune had opened his non-fiction account of the Mount Rennie Outrage by drawing a similar moral about the costs and causes of teenage delinquency. “A civilized community,” he wrote, “has the duty of providing education, moral training, work and recreation for young people. The adult, respectable, prosperous citizens of Sydney had only themselves to blame for allowing larrikinism to develop in the slum suburbs of the city” (Clune 1957).

The fact that McLean, through Professor Morris, felt obliged to spell out the moral he was ostensibly “allowing us to draw ... for ourselves” seems to confirm the didactic purpose of the novel. McLean reinforced the point with an “Author’s note” written in the present tense:

If any reader should find this book shocking he could, perhaps, comfort himself by meditating upon his good fortune in never having been disturbed by manifestations of the life-force which are commonplace to most of the under-privileged children in any city ... Most of the major events described here have parallels on the darker side of the history of Sydney or London or New York or any other place where too many humans have too little opportunity to distinguish between right and wrong.

McLean's story might have been set in the past but the lesson he wanted readers to draw was universal. Reviewing the novel in the December 1962 edition of *Meanjin*, Kylie Tennant remarked that "the young prowlers could be the 'delinquents' of any age" (Tennant 1962).

At the time Clune, McLean and Tennant were writing, teenage delinquency was considered a major social problem. It was the overt theme of dozens of American and British movies made in the late 1950s and early 1960s, although in some cases the idea was merely grafted onto what would otherwise have been routine crime dramas. Lurid titles such as *Juvenile Jungle* (1958), *So Evil, So Young* (1957), *Young and Dangerous* (1957) and *Teenage Bad Girl* (1956) played on conservative fears of a violent, uncontrollable and sexually promiscuous younger generation. The cinema advertising poster for *Young and Wild* (1958), with its erotic imagery and suggestive text ("THE SCORCHING, RECKLESS **JOY RIDES** OF WILD GIRLS OF THE ROAD!") transformed a story of delinquent youths hijacking a car, then terrorising a pair of "clean teens" and their parents, into a sizzling fantasy of female sexuality. Teenage delinquency and sexual transgression sold movie tickets in the 1950s just as they sold newspapers and waxworks tickets in the 1880s.

In her review Kylie Tennant declared "[t]he notorious and ghastly business known as the Mount Rennie rape case made such a stir in 1887 ... that it has never been obliterated from public memory" (Tennant 1962). This was not quite true. The notoriety of the Mount Rennie Outrage had long faded when Frank Clune resurrected the story in his book *Scandals of Sydney Town*. Clune, Tennant, and McLean all read the Outrage as the story of the hangings. If *The World Turned Upside Down* was a novel about teenage delinquency, it was also a novel about capital punishment – indeed Tennant began her review by noting that McLean's theme was

“topical at a time when the agitation against capital punishment has gained such impetus”.

Donald McLean was not alone, of course, in reimagining Australian history and folklore in order to comment on his own times. The Ned Kelly story has always been a magnet for both historians and novelists. In his book *The Kelly Outbreak 1878-1880: The Geographical Dimension of Social Banditry*, John McQuilton notes that “[t]he use of the novel form allowed the Kelly story to be remoulded to suit a particular time” (McQuilton 1987). It is no accident that both Ned Kelly and the Mount Rennie boys appealed to Australian novelists trying to come to terms with the postwar cult of rebellious youth. The Kelly who emerged from Geoffrey Bond’s 1961 novel *Ned Kelly, the Armoured Outlaw* resembled “a variation of a mid-twentieth-century American teenager” (ibid) – a description that could be applied to several of the moody, delinquent youths in McLean’s novel. (As a popular historian, Clune himself was drawn to both subjects: *Scandals of Sydney Town* was sandwiched between two books about Kelly.)

Ned Kelly is unique, at least in Australian history, for the sheer number of novelists (Jean Bedford, Robert Drewe and Peter Carey, to name just three) who have “remoulded” the story to suit their own time. The romantic mythology that attached to Kelly, even during his lifetime, broadened his appeal as a fictional subject far beyond the bare historical narrative. Discussing Kelly’s place “at the very heart of national identity”, Rachael Weaver remarks that

[T]he process of mythologisation ... began at an early stage ... Although Kelly murdered three policemen and engaged in armed robbery, his actions were frequently presented as a form of defiance ... He seemed to transcend the idiom of popular

sensation and anticipate the anti-authoritarian, anti-imperial climate of radical nationalism in the 1890s. His story, at least in retrospect, was one that belonged to a larger narrative of national awakening and consolidation. (Weaver 2006)

If this “larger” narrative of an emerging Australian identity informs fictional (and non-fictional) representations of Ned Kelly, it also underpinned the imaginative architecture of *The World Turned Upside Down*.

For anyone familiar with the facts of the Mount Rennie case, reading McLean’s novel is likely to be a disconcerting experience. Some of the characters’ names are real, others are imaginary. Some scenes are taken almost verbatim from the transcripts of the Mount Rennie trial, others have no factual basis whatever. McLean’s claim that “most of the incidents in this story are described in newspapers and other documents in Sydney’s Mitchell Library” is highly misleading.

Kylie Tennant saw McLean’s purpose in writing the novel as nakedly political:

Donald McLean has taken the waterside pubs and slums of Sydney in the last century as his setting, with the lives of young toughs in the “pushes” of the 'Loo and the Rocks culminating in the hanging of boys one has grown to understand ... Probably only Donald McLean, champion of the ill-treated and misunderstood young, would have regarded this as material for a novel or cared to tackle it at all. It is a brave piece of pleading ... (Tennant 1962)

Tennant's review begs a number of questions. Is *The World Turned Upside Down* a novel of the 1880s or a novel of the 1960s? Is it a work of the imagination grounded in historical fact or – like Donna Lee Brien's fictionalised biography of Mary Dean – history “flesh[ed] out with creative reconstructions”? Are these two things ultimately the same?

In his Author's Note McLean wrote that “All the characters in this book are fictitious, but anyone who has ever been acquainted with a gang of youngsters will recognise them”. The use of the word “gang” seems intended expressly to exclude Mary Jane Hicks, as if she does not belong among “the characters in this book”. Equally, in Professor Morris's Preface, Mary Jane Hicks is excluded from the obviously male “scapegoats” who, he suggests, “continue to be found and nailed upon the cross”.

The inability of McLean and Morris (and even Tennant) to locate the character of Mary Jane Hicks within the novel's moral universe highlights an ongoing difficulty in reading the Mount Rennie story – and, in particular, the role of Mary Jane Hicks. Vengeful, remorseless, calculating, the fictional “Mary Jane” represents the antithesis of the boys' careless delinquency. Unlike the other major characters in the novel, she is denied even the partial disguise of a pseudonym:

Mary Jane looked as dainty as a blue wren in her light blue print dress and tiny blue hat. She wore a navy-blue belt and carried in her kid-gloved little hands a handbag and parasol of navy blue. She felt like a princess and, as she walked down Sussex Street, forgot that she was an out-of-work domestic servant on her way to the unemployment agency. She dreamed that she was going to meet her beau, who was waiting with his carriage to take her driving in the park. Alec Sweetman, standing by his hansom cab,

must have read Mary Jane's thoughts. He was short and stout, he had bandy legs and a red beard but he spoke up like a real beau. (McLean, p. 192)

Physically, McLean's "Mary Jane" is a facsimile of the real Mary Jane described in reports of the Mount Rennie trial. But the lazy sentimentality ("She felt like a princess ... She dreamed that she was going to meet her beau") betrays McLean's lack of empathy – and indeed interest – in the character of his female protagonist. The text is littered with allusions to the real Mary Jane Hicks ("Mary Jane dropped a curtsey, as she had been taught by the Sisters of Mercy at the orphanage"), yet McLean's emotional characterisation never rises above the banal:

[Mary Jane] imagined herself in love with Mrs O'Malley's boy, Walter. Her heart fluttered every time he came near her and Walter seemed to come near her often. Perhaps he loved her and they would marry and Mrs O'Malley would go and die and leave them the pub. Perhaps. Plenty of things like that happened in the twopenny novelettes. Why shouldn't it happen to Mary Jane? (ibid, p. 65)

In McLean's version of the Mount Rennie Outrage, "Mary Jane" accepts the offer of a lift from Sweetman, the cabman, who tells her, "We'll go for a bit of a drive before we go to Castlereagh Street". Her "doubts" about accepting the lift miraculously dissolve, and before long "[t]he horses jogged peacefully, the cab rolled smoothly, Mary Jane sat blissfully happy". When Sweetman jumps in beside her "Mary Jane was alarmed, but not seriously. A kiss or two was little enough to pay for such a drive". It is only when Sweetman demands more that she screams for help,

alerting some passing youths, who release her from the cab and chase the cabman away. In this passage McLean elaborates on (but does not significantly alter) the facts established at the Mount Rennie trial. What happens next, however, is pure fabrication:

Reece, Duffy, Martin and Snapper Mann saw Walter, with his arm around Mary Jane, walking towards a tree at the side of Mount Rennie. Once he stopped and picked a little bunch of flannel flowers, which she pinned on her dress. They sat under the tree and, unaware of the eyes watching from the bushes, they made love.

The sight enflamed the watching youths with lust. Their bodies writhed like sacks filled with snakes; their eyes were aglow like tigers crouching; their humanity was submerged in an obscene animal lust.

Afterwards, as Walter and Mary Jane lay side by side, she, soothed and relaxed, said, "Now you're my boy, aren't you?"

But Walter was thinking of brown-eyed Joan Burns and the stars gleaming in the water that night at Opal Hill. He felt remorseful and dirty. "Damn this girl," he thought. "She tempted me and I've spoilt all that with Joan." He did not answer.

Mary Jane sensed his mood. "What's the matter? Don't you love me?"

"No!" he said brutally, "I don't!"

They quarrelled. She stood up, threw the wilting posy of flannel flowers in his face and said, "You can go to buggery, O'Malley". (ibid, p. 195)

Again, McLean's use of historical detail (the real Mary Jane was lured into the bush with the promise of pretty wildflowers) gives a specious authenticity to the imagined material. McLean's "Mary Jane", however, is no victim but rather a "temptress" who makes Walter feel "remorseful and dirty"; the wildflowers, symbols of girlish innocence, end up wilted and "spoilt".

The passage also illustrates a more slippery appropriation, not of facts but of style. With its lurid imagery and feverish tone, the second paragraph apes the melodramatic reports that appeared in the Sydney tabloids in the days after the attack.

From noon to six o'clock, when she was rescued by the police, the unfortunate girl was in the hands of the brutes, who, with no regard for her helplessness, her entreaties, her shrieks of pain, her lapses into insensibility, proceeded to gratify their carnal appetites. (Evening News, 10 September 1886)

McLean does not disguise his debt to the newspapers – as we have seen, he declares it in the last sentence of his "Author's Note". Yet his novel is, among other things, a satire on the popular journalism that is the source of much of his material. After a pitched battle between two gangs, the Rocks push and the Waterloo mob, McLean shows us a newspaper editor lecturing his junior reporter on how to write the story:

"What happened today was one of the worst battles between criminal pushes ever staged in this city. Belt-buckles, knives, sticks and knuckle-dusters were used. Pushite molls urged their pimps, panders and procurers to do murder and when the police intervened shouted lewd insults that would have made a bullocky

blush. It is a public scandal that the police force, weakened by the economies of the Jennings government, is unable to assure the people of Sydney that they may sleep safely in their beds or walk the city streets without being molested. Describe a few ghastly wounds and fights between the molls in which their clothes were ripped off. Our readers like to imagine nudity: it stimulates them. Build up the indignation and have the story on my desk by six o'clock."

"God, chief! That's not news, it's a fiction story by Edgar Allan Poe."

"Now then, Tommy, don't be ungrateful. You should be glad I'm teaching you to be a faithful reporter. Always remember our readers want to enjoy vicariously the violence, adventure and sexual joys of the lower classes and at the same time be confirmed in their faith in their own virtue. Now make that story sizzle." (McLean, p. 52)

McLean's uneasy balancing act – he satirises the very material on which he has based the book's pretence to historical authenticity - betrays a more profound problem with the novel (and, arguably, all historical novels) - namely its claim to be both "true and unvarnished ... founded upon factual records" and "fictitious". Kylie Tennant's description of *The World Turned Upside Down* as "a brave piece of pleading" acknowledges this paradox by re-casting the novel as polemic. Nowhere is its polemical design more obvious than in McLean's invention of an aboriginal massacre. As on other occasions, McLean draws on the trial records (two of the Mount Rennie rapists did flee the city, ostensibly because they had no alibis, and were recaptured in Bourke) to create an imaginary episode in

the country, the purpose of which is to mitigate the guilt of the Mount Rennie boys:

“Judge Winton [Windeyer] didn’t consider the real things that make people do things. That poor kid, Snorter, for instance, he’s never had a mother or father or much schooling or anything, but that judge spoke about him and the others as worse than savages and lower than brutes. I know him a bit, like I know Snapper Mann and they’re not bad blokes really.”

“Well, they did a dreadful thing.”

“Do you think they were much worse than me?”

“Walter of course they were! She consented to you.”

“Yes, she did, but I took advantage of her because, although I didn’t say so, she thought I might marry her. They took advantage of her in a different way. Do you think they did anything as bad as that Sergeant Parr who made his Kalkadoons shoot all those poor blacks up on the billabong? Joe Brenton wrote to Dan Fenton and told him that Sergeant Parr has been transferred to Brisbane and promoted to Inspector. All my ideas of right and wrong must be upside down.” (ibid, p. 292)

The allusion in the final sentence to the title of the book identifies Walter as the conscience of McLean’s novel, scorning the law that executes ignorant boys and shoots innocent blacks, and by extension scorning “Mary Jane Hicks”, who “was determined that O’Malley, Boyd and all who were charged should hang”.

The notion of upside-downness returns us, incidentally, to the Gothic inversions of Bram Stoker’s *Dracula*, a novel in which, as John Docker points out, “everything is turned upside down”:

Enlightenment values of rationality and progress by immovable evil; Christian faith by magic; consciousness by unconsciousness; humanity by animality ... day by night; the known and visible by the subterranean ... the scientific by the mysterious and inexplicable; law by outlaw.

(Docker 1991, p. 181)

Stoker's female vampire is dispatched by her fiance with a wooden stake through the heart – “a gruesome simulation of making love, indeed of defloration” (ibid, p. 182). Death, however, redeems her:

There in the coffin lay no longer the foul Thing that we had so dreaded and grown to hate that the work of her destruction was yielded as a privilege to the one best entitled to it, but Lucy as we had seen her in her life, with her face of unequalled sweetness and purity. (Stoker 1983, p. 217)

Restored by this metaphorical act of rape to a state of idealised, virginal Victorian womanhood, Lucy Westenra is sent on her way with a platonic kiss, while “outside the air was sweet, the sun shone, and the birds sang”.

The fictional “Mary Jane Hicks”, who is not metaphorically but literally raped, simply vanishes from the closing chapters of McLean's novel. If historical fiction “is always an act of conjuring”, as Stephen Greenblatt asserts, then it is here that the trick breaks down, and that the putative empathy between author and character is itself exposed as a fiction. The failure of the novel can be seen, ultimately, as a failure of the

imagination. In this sense McLean's failure as a writer reflects a more profound failure as a reader.

No end of a yarn

The Mount Rennie Outrage has traditionally been read as one of two things: the pack rape of an innocent girl or the trial and execution of innocent boys. Between these radical alternatives there is space for other readings of the Outrage – for instance, as the excessive punishment of guilty men, an interpretation that marginalises (and even neutralises) the role of Mary Jane Hicks and rests instead on relative values of crime and punishment.

Public anguish over the crime began to dissipate once the nature of the punishment was understood. The central question posed by anti-hanging newspapers such as the *Bulletin* and the *Australian Star* was: had there been a rape at all? Outrage at the sentence displaced outrage at the crime. In this inverted reading, the perpetrators became the victims.

Thomas Dobeson's reading of the Outrage was both more complex and more conflicted than those offered by the newspapers, his sympathy for Mary Jane Hicks ultimately outweighed by his sympathy for the four youths condemned to death. While Dobeson implicitly acknowledged that the Outrage could be read as both her story and theirs, the press by and large chose either one story or the other. But it is in the nexus between them that the deeper significance of the Mount Rennie Outrage lies.

A year and a half after the jury delivered its verdict, the story of what had been done, and by whom, was anything but closed. Mary Jane Hicks had long disappeared from public view when a relative of William

Newman, one of the five reprieved prisoners, wrote to the editor of the *Sydney Morning Herald*:

It should be publicly known also that the Crown witness Brown is prepared to swear that during the investigation of the case at the police court, when the witnesses for the prosecution were accustomed to sit together, the girl Hicks repeatedly inquired of Brown as to the identity of the prisoners daily placed in the dock, by some such remark as (to use Brown's own words) "Who's that bloke, I never see'd him before?" and upon being informed that she (Hicks) had actually on the day previous sworn to the identity of the person she was now asking about, as being Newman, Keegan, or Miller, she would carelessly, and with brazen effrontery remark, "No, that be blowed for a yarn". (Sydney Morning Herald, 26 July 1888)

Had Mary Jane Hicks made up her story? Was the Mount Rennie Outrage just a "yarn"?

In his vast, unfinished study of the culture of the Paris arcades, posthumously published in English as *The Arcades Project*, Walter Benjamin wrote: "To dwell is to leave traces". For all the material about the Mount Rennie Outrage that survives in the archives, much is missing. Only traces remain of the lives of the perpetrators; of the hangman, Nosey Bob Howard; and of Mary Jane Hicks. A decade after the Outrage, a tantalising paragraph appeared in the *Sydney Morning Herald*:

Shortly after the conclusion of the memorable trial funds were raised on behalf of the victim, and it is understood that the

Government of the day granted a sufficient sum to convey her to New Zealand. Since her arrival in that colony nothing so far as can be ascertained has been heard of her.

(Sydney Morning Herald, 27 November 1896)

Did Mary Jane Hicks stay in New Zealand? Did she marry and have children? If so, it must surely have been under a different name – a name that did not connect her to the Mount Rennie Outrage. Perhaps she left traces of another life – in New Zealand or back in Australia - that will one day come to light.

The aim of this dissertation has been to consider the Mount Rennie Outrage not as a fixed narrative but as a series of events open to continual scrutiny, revelation and re-interpretation: by journalists, lawyers, policemen, members of the public, novelists, popular and academic historians.

I began with the proposition that the creative writing of history starts with the creative reading of history. For this dissertation I approached the Outrage directly, through official documents and newspaper reports, as well as obliquely, through the Gothic novels and detective stories of Bram Stoker, Francis Adams, Fergus Hume and others. In the process I investigated a variety of readings of the Outrage, some literal, others metaphorical; some explicitly partisan, others more nuanced and open-minded. While none of these individual readings is definitive (although some purport to be), each reading contributes to, asks questions of, and modifies, the body of cultural commentary surrounding the case.

If “to dwell is to leave traces”, as Walter Benjamin asserts, then the process of reading and writing history entails both the search for new traces and the reassembling of traces found by others. In the course of researching this dissertation I have returned repeatedly to questions that have

preoccupied – and will continue to preoccupy - everyone who has ever thought or written about the case: Was the Mount Rennie Outrage one crime or two? If Mary Jane Hicks was the principal victim, could the hanged youths also have been victims? Does one reading necessarily exclude all others? Were the prisoners boys or men? Was the punishment commensurate with the crime?

To ask these questions again is to assert that no version of history is, or can be, final.

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