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### **Execution as Exhibition: public and private hangings in colonial Australia**

#### **ABSTRACT**

*When the British established a penal colony and military outpost in New South Wales, in 1788, they transformed the Great Southern Land. This re-imagination of the continent was the result of transposing, from the Kingdom of Great Britain to the far side of the world, cultural and social practices as well as ideas of justice and punishment. This paper looks at how the tradition of the public execution was brought to Australia with the First Fleet. This is done through highlighting some colonial experiences—three public hangings and one hanging undertaken behind prison walls—of execution as exhibition. These are: the first man hanged in the new settlement (Thomas Barrett, 27 February 1788); the man they could not hang (Joseph Samuels, 26 September 1803); the man who drew an enormous crowd (John Knatchbull, 13 February 1844); and the most famous Australian man to be hanged (Edward Kelly, 11 November 1880).*

#### **KEYWORDS**

Australia  
bushrangers  
colonialism  
convicts  
crime

#### **INTRODUCTION**

The first people to hang in Australia, under European law, met their grisly ends on 2 October 1629.<sup>1</sup> The shipwreck of the *Batavia*—the flagship of the Dutch East India fleet—off the Western Australian coast precipitated a bloody munity. Those who sought control of the survivors, taking refuge on the Abrolhos Islands, systematically drowned, stabbed or cut the throats of well over 100 “men, women and children”.<sup>2</sup> Seven men were hanged on Seals Island for mutiny and murder, another man would be hanged before the end of the year, with a further six executed after their delivery to Batavia (modern-day Jakarta) on 31 January 1630.<sup>3</sup>



Figure 1: The Hangings of the *Batavia* Mutineers in 1629.  
As Illustrated in the Lucas de Vries edition of *Ongeluckige Voyagie* (1649).

When the British established a settlement, on the Eastern coast of Australia, hanging would, again, be the ultimate punishment. In his satire on judicial executions, *A Handbook on Hanging*, Charles Duff writes:

[F]or the dispatch of criminals, I have reached the conclusion that no people can point to a method which is more beautiful and expeditious, or which is aesthetically superior to the time-honoured British practice of breaking their necks by hanging.<sup>4</sup>

The barbaric but “time-honoured British practice” of the hanging of malefactors, would be regularly observed in Australia. This paper looks at how executions were acts of retribution and of exhibition through four examples of colonial hangings, supplemented by brief biographical profiles of the condemned. Moreover, this paper looks at how public executions were designed to serve as a deterrent to criminality in a land dominated by criminals. The tolerance for such state-sanctioned violence waned towards the end of the nineteenth century with hangings moving indoors before being replaced, in the twentieth century, with other types of punishment.

### **THE FIRST MAN HANGED IN THE NEW SETTLEMENT: THOMAS BARRETT**

Governor Arthur Phillip recorded 1,030 people across the eleven ships, known as the First Fleet, that sailed from Portsmouth to Port Jackson.<sup>5</sup> Many were convicts: 548 males and 188 females.<sup>6</sup> The sum of those with a criminal record came to 736; or, over 70% of the settlement’s population.<sup>7</sup> The colonial era, from 1788 until Federation in 1901, saw numerous different types of crimes committed, from the petty to the brutal. Issues of crime, and crime control, were of central concern to those tasked with establishing, and advancing, the colony.



Figure 2: The Founding of Australia, 26 January 1788, by Captain Arthur Phillip R.N. An Original Oil Sketch by Algernon Talmadge (1937). State Library of NSW.

Steve Samuelson and Ray Mason note that: “On 11 February [1788] the first convict court open[ed]” with Thomas Eccles the first person tried in New South Wales, for drunkenness.<sup>8</sup> Crimes of anti-social and unbecoming behaviour would soon be followed by crimes of greed. Just over two weeks later, the young<sup>9</sup> Thomas Barrett became the first person hanged in the colony.<sup>10</sup> Barrett was convicted of stealing butter, peas and pork provisions on the afternoon of 27 February 1788. He was condemned to death alongside three other men (Henry Lovell and Joseph Hall were given twenty-four hour stays, then issued with reprieves; John Ryan, was subjected to 300 lashes).<sup>11</sup>

Arthur Bowes Smyth—surgeon to the crew of the *Lady Penrhyn*<sup>12</sup>—wrote in his journal that: “Barrett, Lovall, Hall & another Convict were try’d for stealing”.<sup>13</sup> A large tree, situated between the men’s and women’s camps, was selected to serve as the exhibition point and, in addition to the Marines, “all the Convicts were summon’d to see the deserved end of their Companions”.<sup>14</sup>

It was some time before the man (a Convict who had undertaken the Office of hangman,) cd. be prevail’d upon to execute his office nor wd. he at last have comply’d if he had not been severely threaten’d by the Provost Marshal, Mr. Brewer & Major Ross threaten’d to give orders to the Marines to shoot him.<sup>15</sup>

Not much is known about Barrett, many biographical vignettes offer contradictory information. Some are sympathetic, though one describes him as “a most vile Character”,<sup>16</sup> when he mounted the makeshift gallows<sup>17</sup> to be hanged as one of Sydney’s first public events. The exhibition continued, as the “the Body hung an hour & was then buried in a grave

dug very near the Gallows”.<sup>18</sup> In this way, Barrett was a hanged felon and a message that, in a foreign environment with limited supplies, infractions by an individual which threatened the survival of the whole would not be tolerated.

Early crimes motivated by greed, hunger and slovenliness, were soon followed by more serious infractions. The first settler to be the victim of murder in New South Wales was Simon Burn who, on 5 October 1794,<sup>19</sup> was drinking “when one of his companions stabbed him to the heart with a knife, of which wound he immediately expired”.<sup>20</sup> John Hill was charged with murder on 13 October 1794. Hill pleaded not guilty but was found responsible, for inflicting “one mortal wound” of a “depth of four inches” on Burn—who was attempting to prevent Hill from beating a woman—and he was hanged on 16 October 1794.<sup>21</sup> Burn was the first colonist to be murdered, he was not the last.

**THE MAN THEY COULD NOT HANG: JOSEPH SAMUELS**

The first officer of the law killed in Australia, in the line of duty, was Constable Joseph Luker.<sup>22</sup> Investigating a robbery, Luker was set upon and brutally bashed to death on the night of 26 August 1803. *The Sydney Gazette and New South Wales Advertiser*<sup>23</sup> reported: “Joseph Luker, a Constable, [was found], a breathless Corpse, shockingly mangled, and with the guard of his cutlass buried in his brain; the sheath lay near the body; and his hat more than 20 yards distant”.<sup>24, 25</sup>

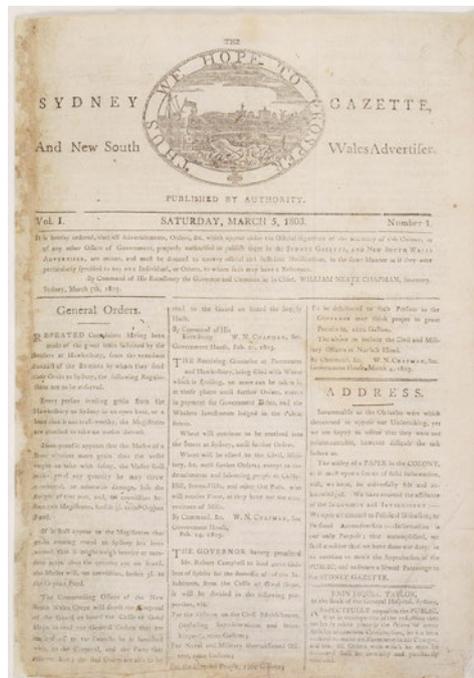


Figure 3: The First Issue of *The Sydney Gazette and New South Wales Advertiser*. Published by George Howe (5 March 1803). State Library of NSW.

After a set of investigations and trials, Joseph Samuels<sup>26</sup> was found guilty of the robbery being investigated by Luker on the night of his death but not of his murder. Several other men, charged with wilful murder and with robbery, were acquitted: the result of insufficient evidence. There was, however, significant suspicion, with two men tried for murder defending their blood-stained clothing thus:

[Isaac] Simmons<sup>27</sup> asserted his innocence and declared that for a long time his nose bled habitually. [William] Bladders counted for blood on his clothing as coming from a pig which he had slaughtered. The Court finally came to the decision that the evidence offered by the Crown was insufficient, and both Simmons and Bladders were therefore discharged.<sup>28</sup>

And so, it was Samuels—alone of all those accused of robbery and the events leading to Luker’s demise—who mounted the hangman’s cart on 26 September 1803. The theatrically of this hanging was emphasised by one of the audience members. Standing, as part of the large crowd gathered to watch the exhibition of execution, was Simmons. The ex-convict-turned-constable—acquitted of murder but believed to be, at least partly, responsible for Luker’s death—was ordered, by the court, to watch the hanging of Samuels.<sup>29</sup>

Yet, this would be no ordinary hanging.<sup>30</sup> In an unprecedented turn of events, three attempts by the executioner to despatch Samuels failed: “twice the rope broke and once it unravelled”.<sup>31</sup> This was not the exhibition law enforcers had devised. Such displays were designed to present as a “public spectacle”<sup>32</sup> and serve as the ultimate warning to those considering careers of wrongdoing. The attempts to hang Samuels sent a very different message to those standing witness: a message of divine intervention. The Provost Marshal, “urged by the public clamour”<sup>33</sup> and “charged with humanity sped off to his Excellency’s presence to plead for mercy”,<sup>34</sup> “an hour later he was back with a reprieve in his pocket”.<sup>35</sup> There was some rejoicing as many believed that, on this occasion, “the hand of Providence was outstretched” to save the neck of Samuels.<sup>36</sup> The belief, that the ropes had been touched by a divine hand, was confirmed when the ropes were tested and each one easily supported a substantial weight without breaking.<sup>37</sup>

Samuels would still be the recipient of punishment when he was transferred to the notorious settlement at Newcastle to “work in appalling conditions in the newly-cut coal mines”<sup>38</sup>. In early 1806, Samuels escaped in a small boat, with seven others. A great storm broke out and all men were assumed drowned;<sup>39</sup> the end of Samuels would be a private, rather than public, event.

## THE MAN WHO DREW AN ENORMOUS CROWD: JOHN KNATCHBULL

John Knatchbull was born in Kent, England, son of Sir Edward Knatchbull and his second wife Frances. Sir Edward was a “rollicking squire who married three times and had at least twenty children”.<sup>40</sup> Knatchbull joined the navy and was decommissioned in 1818. Little is known of his life prior to being presented at the Surrey Assizes in 1824,<sup>41</sup> where he was sentenced to fourteen years for “stealing with force”.<sup>42</sup> Knatchbull arrived in Sydney in 1825 and earned a ticket-of-leave in 1829 but was on the wrong side of the law again, in 1832, for forgery. A death sentence was commuted to secondary transportation. Associated with a poisoning plot on the *Governor Phillip* in 1832 while transiting to Norfolk Island, he was also connected to a mutiny on the Island in 1834 (saving himself from the gallows by turning informant). Knatchbull received another ticket-of-leave in 1842 and returned to Sydney.<sup>43</sup>

Engaged in 1843 to a widow, Mrs Harriet Craig,<sup>44</sup> Knatchbull—raising funds for his wedding—robbed shopkeeper Mrs Ellen Jamieson on 6 January 1844. Sydney’s *The Dispatch* informed its readers, that:

[T]he prisoner was engaged to be married, and that Monday was the day fixed, but that he was not possessed of means to defray the expense of the ceremony. [...]. That, finding he could not obtain his purpose without proceeding to violence, he struck Mrs Jamieson upon the head several times, with a tomahawk, which was afterwards found in the house, stained with blood—and having laid her for dead, proceeded with his scheme of plunder.<sup>45</sup>

Mrs Jamieson died on 19 January.<sup>46</sup> In an image (fig.4) titled: “The corpse of Mrs Jamieson before the Jurors”, the victim’s modesty is protected with a sheet but her shaven head reveals dreadful wounds—her skull fractured in several places, and the brains escaping from one of them<sup>47</sup>—all inflicted by Knatchbull’s tomahawk. The case attracted more attention when the brilliant lawyer Robert Lowe mounted a defence for Knatchbull based on moral insanity; a strategy that was labelled “immoral and [one that] would encourage crime in the colonies”.<sup>48</sup>

The want for a public exhibition was, on this occasion, demanded by more than those charged with the safe-keeping of the colony. The jury returned a verdict of guilty “without leaving the box”<sup>49</sup> for: “In such cases cruel and exemplary punishment was seen as a necessary part of the fight between good and evil”.<sup>50</sup> The “notorious ‘gentleman’ convict”,<sup>51</sup> was hanged on 13 February 1844 in front of “swarms of human beings—men, women, and children”.<sup>52</sup>

*The Australian* recorded:

[I]ntense desire to witness the awful tragedy was depicted on the countenances

of nearly all; here and there might be heard the heartless levity and unfeeling laugh of the unthinking, or the callous and reckless jeers of the hardened, but the majority appeared deeply impressed with the solemnity of the occasion.<sup>53</sup>

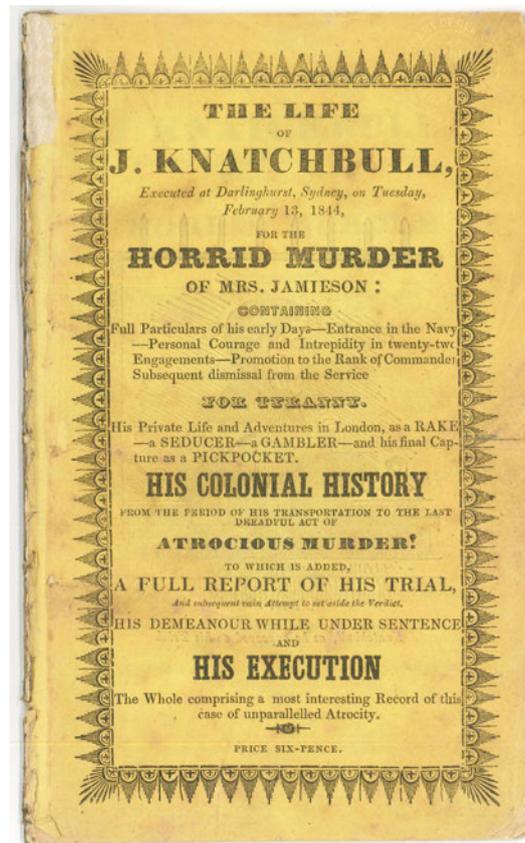


Figure 4: *The Life of John Knatchbull* (1844).  
Printed for, Published and Sold by H. Evers. State Library of NSW.

The audience for this, highly-anticipated, exhibition was “10,000 strong”.<sup>54</sup> “[D]eath came slowly and painfully because the knot of the noose had slipped round the back of the neck.”<sup>55</sup> *The Life of John Knatchbull* (1844) offers a graphic description of Knatchbull’s pain and notes that after “hanging the usual time, the body was cut down and delivered for interment. The mighty concourse then separated in the most orderly manner”.<sup>56</sup> The colony, disturbed by a dreadful murder, watched the final act of the terrible story and then politely retired from the scaffold-as-exhibition gallery to return to their normal routines.

### THE MOST FAMOUS AUSTRALIAN MAN HANGED: EDWARD ‘NED’ KELLY

Born in Beveridge, rural Victoria, in December 1855,<sup>57</sup> Edward Kelly was the oldest son of Irish convict, John Kelly, and his wife Ellen.<sup>58</sup> Kelly’s criminal career—which lasted from 1869 to 1880<sup>59</sup>—began as a child, resorting, out of poverty, to “various kinds of petty theft and law-breaking”.<sup>60</sup> This soon escalated to robbery with violence, robbery under arms

(alongside notorious bushranger Harry Power), assault and indecent behaviour, theft of stock, drunkenness and resisting arrest. For some of these crimes Kelly would avoid punishment, for others he would be subjected to prison.<sup>61</sup> Kelly eventually formed the Kelly Gang: Ned Kelly, his younger brother Dan Kelly, Joe Byrne and Steve Hart.<sup>62, 63</sup>

The Kelly Gang murdered three policemen—Constables Thomas Lonigan and Michael Scanlan,<sup>64</sup> alongside Sergeant Michael Kennedy—at Stringybark Creek in October 1878, they committed an armed holdup and robbery of the Euroa National Bank in December 1878 and an armed holdup and robbery of the Jerilderie Bank in February 1879. The men also murdered their friend, suspected police informant Aaron Sherritt, in June 1880.<sup>65</sup> The Gang's exploits captured public attention with articles "written on the four members of the gang, often daily, not only in Australia, but all over the world. At the time, it was the biggest news story in the country".<sup>66</sup> The younger Kelly, along with Byrne and Hart, would die at the infamous Siege of Glenrowan on 28 June 1880; Ned Kelly would be taken into police custody.

When Kelly was charged with murder several legal practitioners would become involved in the case though, ultimately, Kelly was forced to resort to seeking financial assistance with: "The Crown [agreeing] to pay for Kelly's defence, since apparently he had no funds. The fruits of Euroa and Jerilderie were no more".<sup>67</sup> One of these lawyers was David Gaunson, a fierce opponent of capital punishment.<sup>68</sup> Michel Foucault wrote that: "By the end of the eighteenth and the beginning of the nineteenth century, the gloomy festival of punishment was dying out, though here and there it flickered momentarily into life."<sup>69</sup> Indeed, hanging was a topic attracting increasing debate in Australia during this time, though the need for punishment was still agreed upon:

To all right-minded and law-abiding men it must seem in the highest degree desirable, both from a moral and social point of view—in accordance with justice and policy—that evil-doers should meet their deserts in proportion to the enormity of their several offences, not only with a view to punishing the culprits, but also with the object of discouraging others from inflicting injuries upon society.<sup>70</sup>

Edward Kelly would be found guilty of murder and would be hanged on 11 November 1880.<sup>71</sup> This hanging was very different to the other hanging events discussed here. Policy, in several countries including Australia, was changing. It had been realised that, as the commentator John Sumser has pointed out, public scaffolds:

[A]re expensive ways of drawing moral boundaries: It is not really possible to create or maintain a sense of community if every few hours or days all people must be brought together to witness a public execution. Such overt violence may be capable of maintaining a degree of order, but it is a coerced order that emphasizes the divisive rather than the cohesive elements of a society.<sup>72</sup>

In a reflection of this change, Kelly was hanged within the confines of Melbourne Gaol. Interestingly, the idea of the execution as exhibition, entrenched by the colony's founders, persisted with approximately 4,000 people attending the Gaol on the day Kelly walked his final steps.<sup>73</sup> In another iteration of death as display, illustrations were published depicting Kelly on the scaffold.<sup>74</sup> A private event made public.

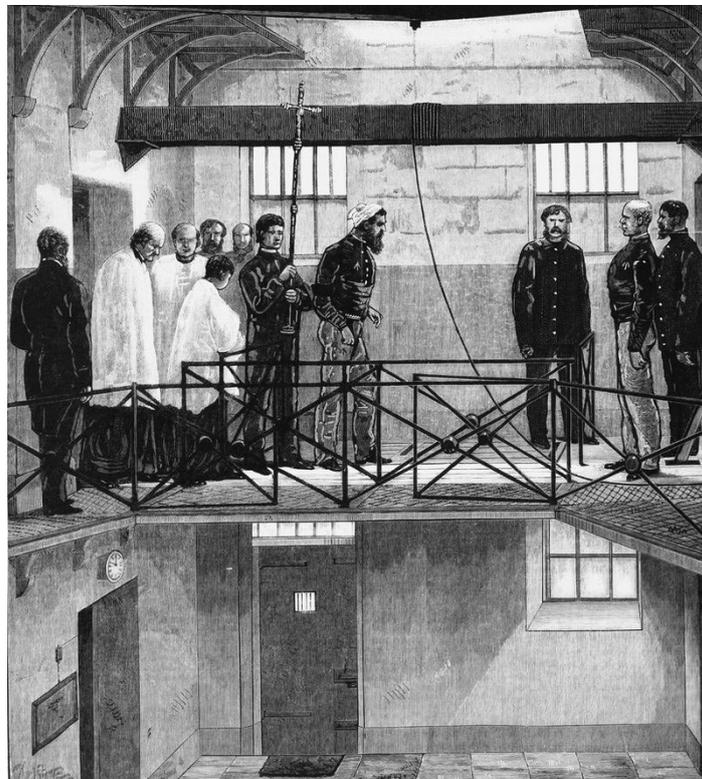


Figure 5: Ned Kelly, 25-years-old, goes to the Scaffold, Melbourne Gaol, Victoria (1880). Illustrated by Alfred May and Alfred Martin Ebsworth. State Library of Victoria.

## CONCLUSION

Jim Main asserts that “no one knows for sure exactly how many men and women were executed in [Australia’s] earliest years”.<sup>75</sup> The first man hanged, under British law, in Australia was Thomas Barrett in Sydney on 27 February 1788, the last man hanged was Ronald Ryan in Melbourne on 3 February 1967.<sup>76</sup> Between the executions of these two men, many hundreds of men and women met their untimely ends courtesy of an executioner’s noose. Some names are, mostly, forgotten such as Thomas Barrett, Joseph Samuels and John

Knatchbull while other names, such as Ned Kelly, have become entrenched in the Australian national story. Not all of those executed were guilty of the crimes with which they were charged. One man, Colin Campbell Ross, who was hanged in Melbourne on 24 April 1922, would be pardoned for the murder of Alma Tirtschke in 2008.<sup>77</sup>

There was, in Australia and elsewhere, an early tolerance for public executions. An Indigenous bushranger, Musquito, hanged in early 1825, is reported as saying from the scaffold: “Hanging not good for black fella. All right for white fella, they used to it”.<sup>78</sup> This notion, of a broad acceptance of hanging, would become increasingly challenged and “almost everywhere, executions were removed indoors between 1850 and 1870”.<sup>79</sup> Eventually, “the legal system of the time brutalised itself, whilst directly contributing to the violence that it set out to deter”.<sup>80</sup> The abolitionist cause gained increasing momentum and Australia would, across all states and territories, abolish judicial execution across the twentieth century.<sup>81</sup> Today, government-initiated displays of such violence would not be tolerated. The execution as exhibition, with the sights and sounds of life straining against a rope, has been replaced by more genteel pursuits. Modern-day exhibitions facilitate the experience of carefully curated displays of artworks, books and objects. The subject matter of the suffering criminal might be revisited in a contemporary display but it is filtered through representations of punishment. The scaffold has—like the many who swung in front of large public gatherings or small private audiences—been condemned.

## REFERENCES

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<sup>1</sup> Csilla Ariese, *Databases of the People Aboard the VOC Ships Batavia (1629) and Zeewijk (1727): An Analysis of the Potential for Finding the Dutch Castaway's Human Remains in Australia* (Fremantle: Western Australian Museum, 2012), 55-56.

<sup>2</sup> Hugh Edwards, *Islands of Angry Ghosts: The Story of the Batavia, Australia's Bloodiest Mutiny* (1966; repr., Sydney: A&R Classics, 2013), ix-x, 97.

<sup>3</sup> Ariese, 55-56.

<sup>4</sup> Charles Duff, *A Handbook on Hanging: Being a Short Introduction to the Fine Art of Execution* (1928; repr., Gloucestershire: Nonsuch, 2006), 23-24.

<sup>5</sup> L. Macquarie, “Convictism and Colonization, 1788 to 1828,” *Journal of the Australian Population Association* 5, no. 4 (1988): 31-43.

<sup>6</sup> Victoria Goff, “Convicts and Clerics: Their Roles in the Infancy of the Press in Sydney, 1803-1840,” *Media History* 4, no. 2 (1998): 103.

<sup>7</sup> It is important to note that Indigenous peoples were not counted in official census efforts, in Australia, until a Referendum was carried in 1967. E. Thompson, “The Constitution,” ed. R. Smith, *Politics in Australia* 3rd ed., (St Leonards: Allen & Unwin,

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1997), 95.

<sup>8</sup> Steve Samuelson and Ray Mason, *A History of Australian True Crime* (North Sydney: Ebury Press, 2008), 12.

<sup>9</sup> A variety of ages are offered for Thomas Barrett at the time of his hanging. Many sources suggest he was 17-years-of-age while some suggest he was as old as 30-years-of-age.

<sup>10</sup> Jim Main, *Hanged: Executions in Australia* (Seaford: Bas Publishing, 2007), 9; and Samuelson and Mason, *A History of Australian True Crime*, 12.

<sup>11</sup> John Copley, *Sydney Cove, 1788* (Sydney: Angus & Robertson, 1962), 87; Catherine Gilbert, *Capital Punishment in New South Wales* (Sydney: New South Wales Parliamentary Library, 1993), 1; and Arthur Bowes Smyth. *A Journal of a Voyage from Portsmouth to New South Wales and China in the Lady Penrhyn, Merchantman William Cropton Server, Commander by Arthur Bowes Smyth, Surgeon – 1787-1788-1789* (Textual Record, Journal. Ca 1790. Sydney: Mitchell Library, Call No: ML SAFE 1/15), 106-108.

<sup>12</sup> John Turnpenny Atree was surgeon to the convicts, until he fell ill and Arthur Bowes Smyth took over his duties. “Smyth, Arthur Bowes (1750-1790)”, *Australian Dictionary of Biography, National Centre of Biography: 1788-1850, I-Z* (Canberra: Australian National University, 1967), 453-44.

<sup>13</sup> Smyth, 106.

<sup>14</sup> *Ibid.*, 107.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Copley, 1788, 88.

<sup>18</sup> Smyth, 107.

<sup>19</sup> John Copley, *Sydney Cove, 1793-1795: The Spread of Settlement* (Sydney: Angus & Robertson, 1983), 190.

<sup>20</sup> S. Marsden in J.J. McGovern, “The Story that the Graveyards Tell,” *Catholic Weekly*, 25 September (1952): 7, 12.

<sup>21</sup> Copley, 1793-1795, 191-192.

<sup>22</sup> Some sources spell Joseph Luker’s surname “Looker” or “Lucar”.

<sup>23</sup> *The Sydney Gazette and New South Wales Advertiser* was Australia’s first newspaper. Rachel Franks, “Before Alternative Voices: *The Sydney Gazette and New South Wales Advertiser*,” *M/C: A Journal of Media and Culture*, 20, no. 1, (2017): online <http://journal.media-culture.org.au/index.php/mcjournal/article/view/1204>.

<sup>24</sup> “Murder [Joseph Luker],” *The Sydney Gazette and New South Wales Advertiser* (Sydney, NSW), 28 August (1803): 4.

<sup>25</sup> This research references publications that feature the long-form ‘s’ (‘ſ’). To facilitate consistency the modern short-form ‘s’, rather than the long-form ‘ſ’, is used throughout this article.

<sup>26</sup> Some sources spell Joseph Samuels’ surname “Samuel”.

<sup>27</sup> Some sources spell Isaac Simmons’ surname “Simmonds”.

<sup>28</sup> G.F.J. Bergman, “The Story of Two Jewish Convicts: Joseph Samuel, ‘The Man They Couldn’t Hang’ and Isaac Simmons, alias ‘Hickey Bull’, Highwayman and Constable,” *Journal of the Australian Jewish Historical Society* 5, no. 7 (1963): 325.

<sup>29</sup> Louise Steding, *Death on Night Watch: Constable Joseph Looker, 1803* (Sydney: In Focus Press, 2016), 20.

<sup>30</sup> See: Steding and Rachel Franks, "Writing the Death of Joseph Luker: True Crime Reportage in Colonial Sydney," *TEXT: Journal of Writing and Writing Courses* Special Issue, 45, (2017): 1-13.

<sup>31</sup> Geoffrey Scott, "The Man They Couldn't Hang," *Herald Saturday Magazine* (Sydney, NSW), 26 September (1953): 7.

<sup>32</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (1975; repr., London: Penguin Books, 1991), 7.

<sup>33</sup> Scott, 7.

<sup>34</sup> W.R.S. "A Story of 1803: The Man They Could Not Hang," *The Sydney Morning Herald* (Sydney, NSW), 23 May (1931): 9.

<sup>35</sup> Scott, 7.

<sup>36</sup> Ibid.

<sup>37</sup> Alan Sharpe, *Crimes that Shocked Australia* (Milsons Point: The Currawong Press, 1982), 12.

<sup>38</sup> Ibid.

<sup>39</sup> Bergman, 330.

<sup>40</sup> "Knatchbull, John (1792-1844)," *Australian Dictionary of Biography, National Centre of Biography: 1788-1850, I-Z* (Canberra: Australian National University, 1967), 65-66.

<sup>41</sup> Main, *Hanged*, 245.

<sup>42</sup> James Morton and Susanna Lobez, *Dangerous to Know: An Australian Crime Compendium* (2009; repr., Melbourne: Victory Books, 2015), 279.

<sup>43</sup> "Knatchbull, John (1792-1844)," 65-66.

<sup>44</sup> Colin Roderick, *John Knatchbull: From Quarterdeck to Gallows, including the Narrative Written by Himself in Darlinghurst Gaol* (Sydney: Angus and Robertson, 1963), 16.

<sup>45</sup> "Our Weekly Gossip," *The Dispatch* (Sydney, NSW), 13 January (1844): 3.

<sup>46</sup> Jan Wilson, "An Irresistible Impulse of Mind: Crime and the Legal Defense of Moral Insanity in Nineteenth Century Australia," *Australian Journal of Law and Society* 11 (1995): 145.

<sup>47</sup> Roderick, 19.

<sup>48</sup> Wilson, 145.

<sup>49</sup> Roderick, 25.

<sup>50</sup> Andrew Pettegree, *The Invention of News: How the World Came to Know About Itself* (New Haven: Yale UP, 2015), 91.

<sup>51</sup> Wilson, 138.

<sup>52</sup> "The Execution of John Knatchbull," *The Australian* (Sydney, NSW), 15 Feb. (1844): 3.

<sup>53</sup> Ibid.

<sup>54</sup> Sharpe, 46.

<sup>55</sup> Wilson, 163.

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<sup>56</sup> John Knatchbull, *The Life of John Knatchbull: Written By Himself* (Sydney: H. Evers, 1844), 24.

<sup>57</sup> Colin Cave, "Introduction," ed. Colin Cave, *Ned Kelly: Man and Myth*, (1968; repr., North Ryde: Cassell Australia, 1980), 2.

<sup>58</sup> John V. Barry, "Kelly, Edward (1855-1880)," *Australian Dictionary of Biography, National Centre of Biography: 1851-1890, K-Q* (Canberra: Australian National University, 1974) 6-8.

<sup>59</sup> Nigel Cawthorne, *The History of Australian True Crime: True-Life Stories of Greed, Obsession, Drugs and Murder* (London: Arcturus, 2010), 6.

<sup>60</sup> Cave, 2.

<sup>61</sup> *Ibid.*, 2-3.

<sup>62</sup> Ian Macfarlane, *The Kelly Gang: Unmasked* (Oxford: Oxford UP, 2012), 2.

<sup>63</sup> See, also: Rachel Franks, "Ned Kelly: the multiple truths of Australia's most famous bushranger," *Refereed Conference Papers of the 7<sup>th</sup> Asian Conference on Literature* (Osaka: LibrAsia, 2017), 93-109.

<sup>64</sup> Some sources spell Michael Scanlan's surname "Scanlon".

<sup>65</sup> Holden, Keith, "Kelly – The Criminal," ed. Colin Cave, *Ned Kelly: Man and Myth*, (1968; repr., North Ryde: Cassell Australia, 1980), 191.

<sup>66</sup> Trudy Toohill, *The Reporting of Ned Kelly and The Kelly Gang* (Salisbury: Boolarong Press, 2015), xi.

<sup>67</sup> Louis Waller, "Regina v. Edward Kelly," ed. Colin Cave, *Ned Kelly: Man and Myth*, (1968; repr., North Ryde: Cassell Australia, 1980), 113.

<sup>68</sup> Macfarlane, 109.

<sup>69</sup> Foucault, 8.

<sup>70</sup> George Wilson Hall, *The Kelly Gang, or, The Outlaws of the Wombat Ranges* (Sydney: ETT Imprint, [1879]2015), 133.

<sup>71</sup> Edward Kelly was found guilty of the murder of Constable Thomas Lonigan but he was never trialled for the murder of Sergeant Michael Kennedy or Constable Michael Scanlan. Toohill, ix-x.

<sup>72</sup> John Sumser, *Morality and Social Order in Television Crime Drama* (Jefferson: McFarland, 1996), 7.

<sup>73</sup> Old Melbourne Gaol, *Edward (Ned) Kelly History Information Panel* (Melbourne: Old Melbourne Gaol, n.d.), Exhibition Caption.

<sup>74</sup> See: Stephen Gaunson, "The Mere Fancy Sketches of Ned Kelly," *The La Trobe Journal* (Melbourne: State Library of Victoria, 2009).

<sup>75</sup> Main, *Hanged*, 9.

<sup>76</sup> Barry Dickins, *Last Words: The Hanging of Ronald Ryan* (Richmond: Hardie Grant Books, 2017), 1.

<sup>77</sup> Kevin Morgan, *Gun Alley: Murder, Lies and Failure of Justice* (Richmond: Hardie Grant Books, 2012), 398.

<sup>78</sup> Jim Main, *Encyclopedia of Australian Murders: 200 Years of Murder* (Seaford: Bas Publishing, [2005]2006), 17.

<sup>79</sup> Pieter Spierenburg, *A History of Murder: Personal Violence in Europe from the*

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*Middle Ages to the Present* (Cambridge: Polity Press, 2008), 173.

<sup>80</sup> Rachel Franks and Katherine Sessions, “Ideas of Justice and Punishment in Frank Johnson’s *Famous Detective Stories*,” *Refereed Conference Papers of the 6<sup>th</sup> Asian Conference on Literature and Librarianship* (Osaka: LibrAsia, 2016), 67-83.

<sup>81</sup> The abolition of the death penalty, in Australia, took place over several decades: Queensland in 1922, New South Wales in 1940, Tasmania in 1968, Australian Capital Territory in 1973, Northern Territory in 1973, Victoria in 1975, South Australia in 1976 and Western Australia in 1984. Main, *Hanged*, 10. In 2010, the Australian Federal Parliament passed laws “to prevent the death penalty from being reintroduced by any state or territory in Australia”. Amanda Howard, *Rope: A History of the Hanged* (London: New Holland Press, 2016), 216.

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