

# The History Council of NSW

is pleased to award the



• MAX KELLY MEDAL •

for 2007 to

*Timothy David Castle*

for his essay

**Watching Them Hang: Capital Punishment and Public Support  
in Colonial New South Wales, 1826-1836**

Descriptions of capital punishment are memorable in the early press of New South Wales. The first newspaper, the *Sydney Gazette*, invariably reported the procession to the gallows, the assembling of the spectators, the last words of the condemned, and the execution itself—often in harrowing detail. The early governors hoped that the report of an execution would further inculcate the moral and political lessons of the punishment itself.

The nexus between punishment, reportage and public perception is the theme addressed by Max Kelly medallist, Timothy Castle. He takes up the story some three decades into the life of the colony, focussing on the ten years commencing in 1826. By this time the settlement had expanded beyond its official boundaries. The population was growing rapidly; the press had become more diverse. Governors Bourke and Darling faced unique challenges in maintaining public order among settlers and convicts, especially on the unregulated periphery of settlement. Regimes of punishment were key expressions of executive authority. Admittedly, as Timothy Castle is careful to consider, sentencing in capital cases was the responsibility of the colony's Supreme Court judges. But the personal role of the governor was nonetheless crucial. Advised by the Executive Council, it was he who determined whether the condemned person should be pardoned or executed. Castle extracts an impressive array of data from archival evidence, arguing that the period 1826-36 was the 'heyday' of capital punishment in New South Wales. Sentences of death were imposed on 1296 individuals. Of these, 362 men and one woman were sent to the gallows.

Those 363 lives are at the heart of Castle's analysis of what this spike in the execution rate reveals about the social and political circumstances of the period. In exploring this subject, the author moves with apparent ease between primary evidence in the form of court documents, newspaper reports and administrative records, and a diverse range of secondary sources, many of them works of legal history. The result is a wide-ranging and highly lucid discussion of the complexities of how power was operated in a colonial paradigm. The governor's authority to determine whether a condemned criminal should live or die was tempered by the belief of both the press and the populace that the colonial administration must be seen to operate within the strictures of English law. Since the majority of capital convictions were for offences other than murder, there was considerable room for public debate about whether a criminal should pay the ultimate price for his-or occasionally her-transgression. The gender imbalance in the execution rate is one of the key issues explored by Castle. While very much a reflection of the male dominance of the population, it is clear that according to the mores of the period, the execution of a woman was more dreadful an occurrence than that of a man. Castle gives the example of Maria Williams who in 1829 was sentenced to death for stealing £37 from her master. A petition and public appeal for clemency were ultimately successful. Castle shows that 80 per cent of those executed in 1828-36 were convicts. From this he draws one of his most significant conclusions: that the primary role of public execution in colonial life was to assert the power of the executive over the male convict population.

Awarded 14<sup>th</sup> September 2007



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by: .....

Dr Lisa Murray

Vice President, History Council of NSW



# MAX KELLY MEDAL

2007

## Judges' Report

This year the Max Kelly Medal attracted 22 entries. It was a large field, covering an extraordinary diversity of topics. As judges we faced the invidious task of selecting one entry from several that were clearly of prize-winning calibre. The winner of the Max Kelly Medal for 2007 is Timothy David Castle for his essay *Watching Them Hang: Capital Punishment and Public Support in Colonial New South Wales, 1826-1836*. Timothy Castle's was chosen for its clarity of writing, its exhaustive survey of original materials, its competence in scoping a large secondary literature, but most of all because it constitutes a valuable and highly original contribution to the historiography of nineteenth-century Australia. The judges also highly commend the following entrants:

*When the Empire Comes Home: Australia House in London*  
By Olwen Pryke

This essay discusses Empire and Dominions and their inter-relationship with London, using Australia as a case study. Olwen Pryke examines the issues raised by the construction of Australia House which stands prominently on the Strand, a major thoroughfare in the centre of London where it asserts a unique identity. The essay discusses the similarities and differences between the growing Australia of the early twentieth century and the 'mother country'. It is well argued, beautifully written and researched, and raises issues of Empire that are still pertinent in the twenty-first century.

*The 1908 visit of the Great White Fleet: displaying modern Sydney*  
By Justine Greenwood

The visit of the United States Atlantic battleship fleet to Sydney in August 1908 caused a stir. Not just in Sydney where it landed, and in the Federal Capital, Canberra, where much of the co-ordination for the visit was organised. Not all the publicity was favourable. The *New York Times* reported the pilfering of souvenirs from the flagship, *Connecticut*, while she was in port. This essay examines the image Sydney presented to the world in the early years of the twentieth century. The enthusiastic removal of teaspoons and forks perpetuated the image of Australia as a penal colony, where the descendants of convicts continued the wicked ways of their transported ancestors. This essay provides insights to the developing nation of Australia and it compares Sydney to other great cities of the world. Other international events hosted in Sydney, such as the 1879 International Exhibition, are examined. The essay is timely as we host APEC in Sydney and again find ourselves under the international microscope.

*When Push Comes to Shove: Sydney's Street Gangs 1886-1900*  
By Reuben Jahnke

A modern riot in Sydney's beach suburb of Cronulla in December 2005 is the hook for a reanalysis of gang violence in the late nineteenth century. This essay examines the origins of the larrikin pushes that emerged in 1840s Sydney and uses them to look at the developing respectability of Sydney. Having found an opening in the Cronulla riot, the essay examines the 1886 attack and rape at Mount Rennie of sixteen-year-old Mary Jane Hicks by members of the group known as the Waterloo Push. The Hicks case is one of several discussed in this twenty-first century reinterpretation of nineteenth century criminal culture.

