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Writing the Death of Joseph Luker: true crime reportage in colonial Sydney

Abstract:

Capital punishment was common practice in the early decades of colonial Australia: the malefactor swinging from the end of a hangman's noose a well-known sight. Crimes of anti-social behaviour, food, and forgery were of central concern to the early colonists, with the criminal act most likely to result in an executioner plying his craft being the stealing of food. The first person hanged in the new colony, for the theft of butter, peas, and pork provisions, was young Thomas Barrett, executed one month and one day after the arrival of the First Fleet in New South Wales. Murder quickly followed crimes motivated by greed, hunger, and slovenliness, with punishment for such acts also quickly applied by administrators. Yet, the very brutal murder, in Sydney in August 1803, of Constable Joseph Luker – the first officer of the law to be slain in the pursuit of his duty in Australia – went largely unpunished due to a lack of evidence and a twist of fate. This paper discusses the death of Constable Luker and how his story was written, and offers a brief analysis of the non-death of those considered responsible for such a violent crime in the context of the colony's punishment systems.

Biographical note:

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Introduction

The first book to be published in Australia was the *New South Wales General Standing Orders* (1802) (Goff 1998: 118). The publication was authorised by Governor Philip Gidley King for the purposes of providing a convenient, single-volume compilation of all Government Orders issued in New South Wales between 1791 and 1802. The Australian character has often been perceived as ‘egalitarian, anti-authoritarian and irreverent’ (Jones 2005: 690), so it is interesting that our first published book was a book of rules. Prescribing law, order and regulation for the colony, the wording selected for the Index of the *Standing Orders* reveals the desire of those charged with the colony’s care and development to contain various types of activities. The written rules for convicts are, predictably, many. There are also multiple orders surrounding administration, animal husbandry, and food and other stores. Some of the most striking headings in the Index relate to crime. For example, in addition to headings pertaining to courts there are also headings for:

BAD Characters;
 Bush-Rangers – Reward for apprehending; and
 OFFENSIVE Weapons – Reward for discovery of (i-xii).¹

The young colony, still in its teenage years, was in the short term very much working on survival; and in the long term was developing ambitious plans for expansion and trade. It was clear though, through this volume, that there was no forgetting the colony of New South Wales was first and foremost a penal settlement. Clear, too, was the fact that not all those shipped out to the new colony were prepared to abandon their criminal careers, which ‘did not necessarily stop with transportation’ (Foyster 2007: 10). Containment and recidivism were matters of constant concern for the colony’s authorities; the language used in Australia’s first home-grown book an obvious reflection of this need for order.

Colonial priorities could be seen in the fact that, ‘when Governor Arthur Phillip brought the first convicts (548 males and 188 females) to Port Jackson on 26 January 1788, he also brought a small press for printing orders, rules, and regulations’ (Goff 1998: 103). The device lay dormant on arrival, a result of more immediate needs to feed and house all those who made up the First Fleet. It would be several years before the press was pushed into sporadic service by George Hughes, for miscellaneous items including broadsides and playbills, as well as for Government Orders (Anon 1966: 562). Once under the hand of George Howe – formerly a printer with several London newspapers including *The Times* – who arrived in Sydney in November 1800 (Byrnes 1966: 557-59), the printing press was put to much more regular use.

The Sydney Gazette and New South Wales Advertiser

Governor King, in the year following the appearance of the *Standing Orders*, authorised the publishing of Australia’s first newspaper. *The Sydney Gazette and New South Wales Advertiser* appeared, initially weekly, from March 1803 until October 1842. Production of the newspaper, though modest in scale, was beset by a range of challenges. The officially appointed Government Printer, Howe, regularly advertised within *The Sydney*

Gazette that he was willing to buy ‘any quantity’ of Spanish, or other, paper, with ‘liberal prices’ paid.² The procurement of ink was so difficult in the colony that Howe’s ink ‘had to be manufactured from charcoal, gum and shark oil’ (Jones 1953: 39). The collection of subscriptions to fund the enterprise was, too, an ongoing issue (38).

The Government Printer was also forced to do daily battle with the government printing press, which was an inadequate device for the task at hand (it was in regular need of repair); and make do with a lack of type (the type available was well worn). In addition, Howe had to suffer government supervision as *The Sydney Gazette* was ‘under the censorship of the Secretary to the Governor, who examined all proofs’ (Ferguson 1963: viii), though censorship was lifted in 1824 (Jones 1953: 40). In short, presenting news to the colonists of New South Wales, in written form, was a source of great strain and stress; all for the meagre reward of sixpence per issue (Ferguson 1963: viii).

The Sydney Gazette was, critically for Howe, the only newspaper for over two decades. No rival entered the field until 1824, when *The Australian* was founded by Robert Wardell and William Charles Wentworth (this newspaper has no connection to the modern-day paper, of the same name, launched in 1964). The *Monitor* began in 1826, followed by the *Sydney Herald* in 1831, and the *Colonist* in 1835 (Jones 1953: 38). Of these, the only one that survives is the *Sydney Herald* (renamed *The Sydney Morning Herald* in 1842). Founded by immigrants Alfred Stephens, Frederick Stokes and William McGarvie, *The Sydney Morning Herald* claims the title of Australia’s oldest, continuously published newspaper (Isaacs and Kirkpatrick 2003: 4–5). That such a small population could support a first newspaper, then competitors, is testament to the high regard with which colonists within New South Wales, held newspaper reportage.

It is significant to note that the first article published in *The Sydney Gazette* deals with the matter of the crime of forgery. The ‘General Order’ appearing on 5 March 1803 relates to the transportation of grain from Hawkesbury to Sydney, instructing readers such shipments are to be done in a safe manner, advising that the Magistrates are alert to the ‘vexatious conduct of the Boatmen’, and that grain which had been ‘wetted, that it might weigh heavier or measure more than the quantity put on board, the Master [of the vessel] will, on conviction, forfeit 5l.[pounds] to the Orphan Fund’ (Anon 1803a: 1).

Crimes of anti-social behaviour and crimes that threatened the class system – such as the theft of food and the committing of forgery – were just some of the preoccupations of the early colonists. As Steve Samuelson and Ray Mason note: ‘On 11 February [1788] the first convict court open[ed] in the new colony of New South Wales, with Captain David Collins and six officers adjudicating.’ The court dealt with one charge of assault and two charges of theft, implementing minor punishments (Collins [1798]1971: 9). More severe punishments followed. The first person hanged in the new colony was Thomas Barrett (Main 2007: 9), who was convicted of stealing butter, peas, and pork provisions on 27 February 1788 (Cobley 1980: 87, Gilbert 1993: 1).

In an early display of the types of punishments that would be meted out for disobedience, Barrett, described by one of the First Fleet diarists as ‘a most vile Character’ (Smyth c1790: 107), mounted a makeshift gallows, erected between the men’s and women’s camps, on the evening of the same day as his trial, and was hanged

in front of his fellow convicts who had been lined up as witnesses (Cobley 1980: 88). In this way, Barrett was a hanged felon and a clear message was conveyed that, in an environment entirely foreign and with limited supplies, infractions by an individual which threatened the survival of the whole would not be tolerated. In the broader true crime narrative of colonial Australia, this public execution would be the first of many.

Various types of crimes, from the petty to the abhorrent, would have survived in the popular imaginations of the colonists who were eye-witnesses to trials and punishments or recipients of first-hand and recycled gossip. In a town with few entertainments, criminal events and their aftermaths would have served as a reminder of the settlement's primary function of incarceration. Curiously, for a colony in which the element of crime was ubiquitous, criminal acts also offered distractions to monotonous routines – for gaolers and the gaoled, for men and for women – entrenched in the labours associated with punitive practices and ensuring the success of a settlement in a strange land.

The history of true crime in colonial Australia is bound with the history of colonial-era journalism. Newspapers, supplemented by pamphlets and books, were the main source of information and so the main source of true crime stories for Australians. As the colonies changed and developed so, too, did the news industry. In his work on the ideology of the press, Steven Chibnall wrote that 'by and large, journalists share the same stock of common sense knowledge as their readers. They are not responsible for its creation, although they do contribute towards its stability and survival' ([1977]2010: 205). Thus, the news industry is an extension of the society in which it operates, engaging in a written dialogue with readers; rather than an external element that looks upon that society, reporting observations in a one-way set of communications. Essentially, as a society changes so too does the press corps of that society. This is revealed in changes in the way, over place and time, that true crime tales focus on different elements of a crime event, such as the victim, the criminal, or the practice of punishment.

Of particular interest for this article is how the history of true crime writing in Australia began with an approach that clearly positioned the criminal, rather than the victim, as the central figure within the story. This motif, adopted almost instinctively within the confines of a colony that was a gaol, was, in part, born out of a sympathy for criminals, their situation, and their potential to reform. The first settlement, of Sydney Town, like the Australian settlements that followed, was, for many people, a 'colony like any other: a place to make their fortunes, or at least a better life, rather than a place of banishment, isolation and subsistence' (Karskens 2009: 9). Australia was such a place of reinvention, and in early signs of mateship, and of siding with the underdog, there would be those willing to assign the attributes of nobility to those attempting to navigate an unjust penal code (Ryan 2002: 142).

The murder of Joseph Luker

The act of murder, within the colony, soon followed the first crimes (many of which would be considered petty crimes today) that were committed by the colonists. The first convict in the colony to be murdered was John Lewis in January 1794 (Collins [1798]1971: 336). The first settler in the colony to be murdered was Simon Burn who,

on a Sunday in October 1794, was drinking ‘when one of his companions stabbed him to the heart with a knife, of which wound he immediately expired’ (Marsden in McGovern 1952: 7). John Hill stood accused of the crime and was charged with ‘murder in the course of robbery’ 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, and he was hanged on 16 October 1794 (Cobley 1983: 192). Lewis and Burn, who predated Australian newspaper reportage, were two of the first colonists to be murdered; they would not be the last.

This crime, and the many others committed during the colony’s infancy, offer evidence of how the subject matter of true crime was transported to Sydney: a town ‘cowering in its cove, its face turned seaward, lying back and thinking of England’ (Smyth 2016: 1). Material for true crime tales came out with every fleet from the First Fleet, with local crimes from 1788 swelling the mental repositories of the colonists, who all had memories of crime as captor, perpetrator, victim or witness. The stories were ready made. The audience for these stories, sequestered in a remote and unfamiliar place, were eager to devour any distraction. All that was required was for the printing press, sent with Governor Phillip, to thump rhythmically into life.

Some felons were reported on in multiple pieces across the early issues of *The Sydney Gazette* in 1803. For example, Patrick Gannan was the subject of pieces on 5 and 19 March relating to his crimes and trial, and two pieces on 26 March covering his execution: one writing up his behaviour on the scaffold as being unrepentant; another, ‘Erroneous Statement’, apologising to the public and advising, ‘Patrick Gannan it was who behaved himself with a penitence becoming his situation, but Francis Simpson died truly impenitent and hardened’ (Anon 1803b: 1). Matthew Hoey’s charge of robbery appeared in a perfunctory piece on 28 August (Anon 1803c: 2), with a single-line notice of his death sentence, commuted to transportation for life, appearing on 25 September (Anon 1803d: 4). Similarly, Robert Jillet’s story of theft, his day of execution, his subsequent reprieve, and despatch to Norfolk Island appeared across several brief pieces in April (see: Anon 1803e: 1, Anon 1803f: 2, Anon 1803g: 4). It is important to note that these short articles are written in a very plain style, reminiscent of legal reports, quite different from the highly descriptive and emotive accounts offered by the newspaper to tell the story of Constable Joseph Luker’s violent end.

As convicts offered content for stories, so did ex-convicts. Joseph Luker, for example, placed his convict past firmly behind him when he decided to pursue a career as a police constable. Luker (spelt ‘Looker’ in personal records, ‘Lucar’ in transportation records, and ‘Luker’ in reportage as well as in records of the New South Wales Police³), was born in England around 1765. Luker was sentenced on 8 July 1789 to transportation for seven years to New South Wales, from Middlesex, now a part of Greater London, departing in January 1791 (Convict Records 2016: online). The crime with which Luker was charged, tried and subsequently despatched to the far side of the world as punishment, was theft. With his accomplice, James Roche, Luker was apprehended with eighty-four pounds of lead guttering worth approximately ten shillings (Steding 2016: 4). He arrived in Australia, on the *Atlantic*, as a member of the Third Fleet, in 1791 (Convict Records 2016: online). Declared a free man in 1796, he married Ann Chapman the following year (Registry of Births, Deaths and Marriages 1797: online).

Luker could not have foreseen in the 1790s that he would be the biggest news story in Sydney of 1803.

Given his freedom, Luker joined the Sydney Foot Police. Sydney's first informal police service, the Night Watch, was created by Governor Phillip in August 1789. This service, which saw twelve of the best-behaved convicts selected to 'assist in keeping law and order', was soon replaced by the Sydney Foot Police (Steding 2016: 3).⁴ In 1803 the fledgling police force, consisting of only a handful of men, was responsible for approximately 7,000 people (Australian Bureau of Statistics 2008). The employment choice made by Luker was an example of the Australian colonial narrative of reinvention. Individuals were able to distance themselves from their own past and remake their lives in ways that would have been impossible in their homeland. For some, colonial Australia facilitated an escape from 'the familiar, social and moral constraints of Britain' (McCreery 2008: 70). For others, there was the possibility of social mobility. 'Here was a place to reinvent oneself, while still maintaining some recognition of British class divisions' (McCreery 2008: 70). On this occasion, a deliberate move towards respectability would see Luker set upon and bludgeoned to death. Luker's decision to become a constable also generated Australia's first serialised account of a true crime case.

Unsolved and unpunished

The murder of Joseph Luker, as he investigated a robbery, was a bloodthirsty and dramatic crime committed on the night of 26 August 1803 (NSW Police Force n.d.: online). It was less than six months after the establishment of *The Sydney Gazette* and the newspaper did not shy away from the task at hand, with the first report of the crime on 28 August 1803 exhibiting all the hallmarks of true crime reportage that could be found in equivalent English and American publications of the nineteenth century (Anon 1803h: 4). British newspapers had long thrived on crime stories, while the first fully recorded murder trial in the United States, by newspapers, would be the case of Levi Weeks, charged with the murder of Gulielma Sands, in 1800 (Collins 2013). In Australia, the language of the emerging press corps was established early, as captives and captors – as well as free settlers who had only started to arrive ten years prior in 1793 (Karskens 2009: 112) – already shared a common vocabulary around crime. If Australian newspapers wanted to replicate British and American successes as a starting point for developing an Australian style of true crime reporting (one that included emphasis on the perpetrator and on punishment) they would have to ensure they wrote up the *drama* as well as the *facts* of a crime event. Crime sells. We are a trading community and, while many crimes are heinous, it has long been known that telling crime stories is a profitable pursuit (Q 1842: 190, Franks 2016: 2).

The general 'tone of *The Sydney Gazette*' was essentially 'authoritative and yet filled with deference for all authority, pompous in a stiff, affected 18th century fashion, and mingling a precarious dignity with inappropriate lapses into a humour that is sometimes deplorable' (Green 1935: 10). This style of writing would be abandoned with the reportage of Luker's murder. There was an extraordinary amount of gory detail as well as an open acknowledgement of a deep-seated fear of crime across all levels of the

community. For *The Sydney Gazette*, a publication still subject to censorship at this time (Kirkpatrick 2011), the writing of Luker's death was a graphic undertaking:

[...] William Bladders, alias Hambridge, was immediately apprehended, with several other suspected persons.

The velocity with which the necessary measures of Enquiry were adopted, could only be equalled by the Public Anxiety to discover the Perpetrators of the inhuman act. [...]

On the head of the deceased were counted Sixteen Stabs and Contusions; the left ear was nearly divided; on the left side of the head were four wounds, and several others on the back of it.

The wretch who buried the iron guard of the cutlass in the head of the unfortunate man had seized the weapon by the blade, and levelled the dreadful blow with such fatal force, as to rivet the plate in the Skull, to a depth of more than an inch and a half (Anon 1803h: 4).

The Sydney Gazette drew a clear line between those charged with murder and those seeking to secure a safe society, as seen with the following entry: 'The Coroner's Inquest, which was composed of Twelve very respectable Inhabitants, after an Enquiry of Five Hours, returned a Verdict of WILFUL MURDER' (Anon 1803h: 4).

The passing of Luker also signalled the beginning of a trope that has gone on to dominate Australian true crime narratives. This trope is the fascination with the criminal. This idea revolves around an observation, made by Stephen Knight, in relation to crime fiction on the 'readiness with which the Australian crime novel accepts the viewpoint of the criminal and outlines with sympathy the wrongs committed against him – occasionally her' (1997: 50).

At the conclusion of the investigation into Luker's murder and the associated trials, Joseph Samuels (also spelt Samuel) was found guilty of the robbery being investigated by Luker on his night watch in August. Samuels was not, though, convicted of Luker's murder, and it was the crime of robbery for which he mounted the hangman's cart on 26 September 1803. Astonishingly, three attempts by the executioner to despatch Samuels failed: 'twice the rope broke, and once it unraveled [*sic*]' (Scott 1953: 7). Samuels had already won the sympathy of the colony's very small Jewish community (Sharpe 1982: 11). The failure of the hangman's rope saw more widespread sympathy for the villain which was aroused in reaction to this unprecedented turn of events. Emotion could no longer bear repression, and the Provost Marshal, 'urged by the public clamour' (Scott 1953: 7) and 'charged with humanity sped off to his Excellency's presence to plead for mercy' (WRS 1931: 9): 'an hour later he was back with a reprieve in his pocket' (Scott 1953: 7). There was some rejoicing at the site of the gallows as those who had gathered to witness the execution strongly believed that, on this occasion, "the hand of Providence was outstretched" to save the neck of Joseph Samuels' (Scott 1953: 7). This belief was confirmed when the broken ropes were tested: each supporting a substantial weight without breaking (Sharpe 1982: 12).

There was a genuine public desire for justice as seen in the regular reporting on Luker's murder. Indeed, this story was the first one offered to a Sydney-based newspaper-reading public in a series of successive instalments with substantial articles appearing about Luker, and those accused of his murder, in *The Sydney Gazette* from August until

November 1803 (28 August; 4, 18 and 25 September; 2 October; 6 November 1803). These articles reveal the demands for a meaningful resolution: one that acknowledged a life had been lost; respected the position Luker held within the community; and was horrified at the savagery with which Luker's life was taken. This story is, however, not always told as the story of the first officer of the law to be killed in the line of duty in Australia, but more often is the story of the man they could not hang. The writing of the *non-death* of one strongly suspected of a connection to such a violent crime is, in the context of the colony's system of punishment (where the most minor infractions resulted in banishment, floggings, and judicial execution), a fascinating twist to the story.

The Sydney Gazette was a simple, small-scale newspaper: a single folio sheet of small demy (17.5 x 22.5 inches, or 445 x 572 millimetres), folded to produce four pages and featuring three columns per page (Jones 1953: 35). Yet, the publisher dedicated thousands of words to the task of writing the death of Luker. This established a pattern for the future written reportage of major crime events in Australia. This pattern is seen in the regular features of, and references to, significant crimes in various attempts to satiate the public's demand for news of criminal activities, that continues to this day (see, for example, Greer 2010, Moore 2014).

Long-term Sydney resident David Dickinson Mann also recorded community outrage, and his own personal trauma, several years later, writing in his 1811 work *The Present Picture of New South Wales*:

In the month of August, a most inhuman murder was committed on the body of Joseph [Luker], a constable, who, after going off his watch at the government-house, was beset by some villains who still remain undiscovered, and who buried the hilt of his own cutlass very deeply in his head. I was the second person at the spot, where the body of the unfortunate man was discovered; and, in attempting to turn the corpse, my fore-finger penetrated through a hole in the skull, into the brains of the deceased (11).

Luker was interred in the Old Sydney Burial Grounds, under the site of the modern-day Sydney Town Hall. The Burial Grounds, in operation from 1792 until 1820 (Murray 2016: 20), represent Sydney's first permanent cemetery, as laid out by Governor Phillip and Reverend Richard Johnson (Lowe and Mackay 1992: 15–16). The land, often referred to as Cathedral Close, was given over to the Municipal Council for the construction of the Town Hall in the 1880s – the city building opening in 1889 (City of Sydney). It was noted, in *The Sydney Morning Herald*, that the Council would:

[C]ause the remains of all persons buried in the ground herein authorised to be granted (so far as they can by reasonable search be discovered) together with all slabs or tombstones in relation thereto having any legible inscription thereon to be collected with the due care and removed to the Necropolis and shall there cause such remains to be reverently interred (Anon 1868: 2).

The due care and reverence assured was not realised. As revealed by Anthony Lowe and Richard Mackay, only one headstone was relocated to Haslem's Creek (Rookwood Cemetery) and many of the graves were left within the foundation of the new building. Bodies were disturbed throughout the twentieth century for projects as diverse as the excavation for the Town Hall Railway Station and the laying of services such as

electricity cables, sewerage pipes, and water mains (1992: 17). It was only in 2007, over two hundred years after his death, that it was confirmed Luker, alongside two other policemen, were ‘exhumed in 1869 when building began on the Town Hall site and they were interred at Rookwood Cemetery in Sydney’s west’ (Jones 2007: online). Adding another layer of complication to writing of the death of Luker, the headstone, though it does not survive, is recorded in colonial reportage as listing his ‘assassination’ as having taken place on 19 August 1803, a week before the murder was committed (Anon 1803i: 3).

Contemporary reflections

The various reports on this murder also underline an important motif within the true crime genre: not all true crime tales offer an obvious resolution, as distinct from crime fiction which traditionally trades in neat endings. In the case of the murder of Luker, there was much suspicion but little evidence to convict the gang of men responsible for both the robbery and the murder committed in Sydney on 26 August 1803. Even today, the case is one of confusion and cannot be resolved with the certainty that is desired by readers of crime stories, or that is reflected in the demand for ‘beyond reasonable doubt’ in those countries ‘in which criminal trials are conducted under the common law “adversarial” system’ (Field 2015: 108). There were many who were suspected and many who were charged with the murder of Luker (see Steding 2016), though generating a full list of suspects is complicated by the practice of early newspaper articles reporting multiple crimes concurrently. Seeking the truth for which person was charged with which crime is often difficult as details are presented in a single block of reportage, rather than as individual articles that clearly articulate who, what, where, and when. Investigations into such matters can be made more difficult with written accounts of crimes in various sources from personal papers to public records offering different narratives of the same crime event.

In an article titled ‘The Story of Two Jewish Convicts’ the focus is, again, on the (suspected) felons: Joseph Samuels and Isaac Simmonds (also spelt Simmons). A third man, William Bladders, is also examined with the author noting, with some incredulity, that two of the men defended their blood-stained clothing thus:

Simmons asserted his innocence and declared that for a long time his nose bled habitually. 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 (Bergman 1963: 325).

More recently, Louise Steding, a forensic archaeologist, has profiled the case in *Death on the Night Watch: Constable Joseph Looker, 1803* (2016). In this short text of only 46 pages, reflective of some early true crime pamphlets, Steding systematically unpacks the known facts of the murder and subsequent investigations into the crime, supplementing these with a series of illustrations. One of the most important features of this work is the focus on the victim of the crime. Steding clearly articulates the story of the victim rather than the stories of the men thought to be responsible for murder. Thus, Steding writes of the death of Luker and the non-death of his murderers in a way

which clearly privileges the victim.

Conclusion

This case highlights several tensions within the genre of true crime. The idea of truth, with many of the details that surround Luker's life and death being obscured, is contested throughout the reportage of the case; particularly in relation to names and dates. That true crime, like crime fiction, can offer resolution and reassurance to the consumers of these narratives is also challenged by the story of Luker. In addition, this true crime tale offers evidence for the Australian fascination with the criminal (sometimes over interest in the victim) as the story is often, as noted, the story of Samuels, the man they could not hang, rather than that of Luker. That Constable Joseph Luker was the first police officer to be killed in the line of duty in Australia, affords his name a level of persistence in Australian colonial history. Had Luker been the second or third such victim his story would, it is suggested here, be even deeper in the shadow of Samuels.

The details about Samuels, who was at best a burglar and at worst a member of a gang of murderers, are much better documented. So too, are the lives of the other suspects. Simmonds, 'a convicted thief with a known propensity for violence' (Steding 2016: 17), continued to attract so much suspicion in relation to the case that he was 'purposely brought from George's Head to witness the awful end of the unhappy culprit' (Anon 1803j: 2) on the day of Samuels' scheduled execution. His presence at this public display of punishment was a reminder that he only escaped the noose 'from the want of that full and sufficient evidence which the Law requires' (Anon 1803j: 2). Samuels would, however, 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' (Sharpe 1982: 12). Samuels escaped in a small boat, with seven others, in April 1806. All men were assumed drowned in a storm (Bergman 1963: 330), offering a delayed, but still untimely, end for Samuels and so offering a neat ending to a narrative of crime.

Constable Joseph Luker's murder was a 'catastrophe [that] ingrossed [*sic*] Public attention' (Anon 1803i: 3). However, across multiple writings of the event, it has become less the story of the first officer of the law killed in the line of duty, and has become more the story of the man they could not hang. It is this, the curiosity with the criminal, that connects true crime with crime fiction more closely than any other similarity between these two genres (a curiosity reinforced by the convention to name legal cases utilising the name of the accused, not the name of the victim). Ostensibly, both modes of writing are justified by the premise that they tell the story of the victim and so gives those who have been silenced a voice. Yet, in true crime as in crime fiction, the victims are often mere plot devices that allow the stories of criminals to unfold, be prepared, be published, be reimagined and be consumed, over and over again, by a reading public curious about crime.

Endnotes

1. 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.
2. The first such advertisement appeared on 26 June 1803 (Howe 1803: 4).
3. All spellings of names, when there are multiple spellings offered, are taken from *The Sydney Gazette and New South Wales Advertiser*.
4. It was not until 1810, well after Joseph Luker’s murder, that Governor Lachlan Macquarie established a more formal, though still largely ineffective, system of policing (Byrne [1993]2003: 155). A larger-scale, ‘uniformed, professional Sydney Police’ was formed with the passing of the *Sydney Police Act* (1833) (Philips 2001: 117–18).

Works cited

- Anon 1803a ‘General order’ *The Sydney Gazette and New South Wales Advertiser* 5 March, 1
- Anon 1803b ‘Erroneous statement’ *The Sydney Gazette and New South Wales Advertiser* 26 March, 1
- Anon 1803c ‘Examinations’ *The Sydney Gazette and New South Wales Advertiser* 28 August, 2
- Anon 1803d ‘Criminal court, Friday’ *The Sydney Gazette and New South Wales Advertiser* 25 September, 4
- Anon 1803e ‘Court of criminal jurisdiction’ *The Sydney Gazette and New South Wales Advertiser* 10 April, 1
- Anon 1803f ‘Bench of magistrates’ *The Sydney Gazette and New South Wales Advertiser* 17 April, 2
- Anon 1803g ‘Sydney’ *The Sydney Gazette and New South Wales Advertiser* 24 April, 4
- Anon 1803h ‘Murder [Joseph Luker]’ *The Sydney Gazette and New South Wales Advertiser* 28 August, 4
- Anon 1803i ‘A grave-stone’ *The Sydney Gazette and New South Wales Advertiser* 6 November, 3
- Anon 1803j ‘Sydney’ *The Sydney Gazette and New South Wales Advertiser* 2 October, 2
- Anon 1868 ‘The old burial ground’ *The Sydney Morning Herald* 25 December, 2
- Anon 1966 ‘Hughes, George (?-?)’ in D Pike (ed) *Australian Dictionary of Biography, Vol 1: 1788–1850, A–H* Melbourne: Melbourne UP, 562
- Australian Bureau of Statistics 2008 ‘Australian historical population statistics’ *Table 1.1 Population by sex, states and territories, 31 December 1788 onwards*, at <http://www.abs.gov.au/ausstats/abs@.nsf/INotes/3105.0.65.0012008Data%20Cubes?opendocument&TabName=Notes&ProdNo=3105.0.65.001&Issue=2008&num=&view=&> (accessed 19 November 2016)
- Bergman, George FJ 1963 ‘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 (7), 320–31
- Byrne, Paula Jane [1993] 2003 *Criminal law and colonial subject: New South Wales 1810-1830* Cambridge: Cambridge UP
- Byrnes, JV 1966 ‘Howe, George (1769-1821)’ in D Pike (ed) *Australian Dictionary of Biography, Vol 1: 1788-1850, A-H* Melbourne: Melbourne UP, 557–59
- Chibnall, Steven [1977]2010 ‘Press ideology: the politics of professionalism’ in C Greer (ed) *Crime and media: A reader* New York: Routledge, 203–14
- City of Sydney n.d. ‘Building history’ *Sydney Town Hall* Sydney: City of Sydney, at <http://www.sydneytownhall.com.au/discover-learn/building-history> (accessed 6 May 2017)

- Cobley, John 1980 *Sydney Cove, 1788* rev ed, Sydney: Angus & Robertson
- Cobley, John 1983 *Sydney Cove 1793-1795: the spread of settlement* Sydney: Angus and Robertson
- Collins, David [1798]1971 *An account of the English colony of New South Wales* Adelaide: Libraries Board of South Australia
- Collins, Paul 2013 *Duel with the devil: the true story of how Alexander Hamilton and Aaron Burr teamed up to take on America's first sensational murder mystery* New York: Crown
- Convict Records 2016 'Joseph Lucar [Luker]' *Convict records of the Home Office* Brisbane: an online project of the State Library of Queensland, at <http://www.slq.qld.gov.au/resources/family-history/convicts> (accessed 18 November 2016)
- Ferguson, John Alexander 1963 'Introduction' *The Sydney Gazette and New South Wales Advertiser: A facsimile reproduction of volume one, March 5, 1803 to February 26, 1804* Sydney: The Trustees of the Public Library of New South Wales in Association with Angus & Robertson, v-x
- Field, David 2015 *Crimes that shaped the law* Sydney: LexisNexis Butterworths
- Foyster, Elizabeth 2007 'Introduction: newspaper reporting of crime and justice' *Continuity and Change* 22 (1): 9-12
- Franks, Rachel 2016 'Stealing stories: punishment, profit and the Ordinary of Newgate' *Authorised theft: Refereed conference papers of the 21st annual AAWP Conference* Canberra, at http://www.aawp.org.au/wp-content/uploads/2017/02/Franks_AAWP_2016_Stealing-stories-RF.pdf (accessed 6 April 2017)
- Gilbert, Catherine 1993 *Capital punishment in New South Wales* Sydney: New South Wales Parliamentary Library
- Goff, Victoria 1998 'Convicts and clerics: their roles in the infancy of the press in Sydney, 1803-1840' *Media History* 4 (2): 101-20
- Green, HM 1935 'Australia's first newspaper' *The Sydney Morning Herald* 11 April, 10
- Greer, Chris (ed) 2010 *Crime and media: a reader* London: Routledge
- Howe, George 'Wanted to purchase' *The Sydney Gazette and New South Wales Advertiser* 26 June, 4
- Isaacs, Victor and Rod Kirkpatrick 2003 *Two hundred years of Sydney newspapers: a short history* Richmond: Rural P
- Jones, Dorothy 2005 'Humour and satire (Australia)' in E Benson and LW Conolly (eds) *Encyclopedia of post-colonial literatures in English* 2nd edn, London: Routledge, 690-92
- Jones, Gemma 2007 'Mystery solved in time for Police Remembrance Day' *The Daily Telegraph* 28 September, at <http://www.dailytelegraph.com.au/news/nsw/grave-story-of-first-fallen-cop/news-story/d98292dc65594dce0901099d1f849576> (accessed 6 April 2017)
- Jones, Phyllis Mander 1953 'Australia's first newspaper' *Meanjin* 12(1): 35-46
- Karskens, Grace 2009 *The colony: a history of early Sydney* Crows Nest: Allen & Unwin
- Kirkpatrick, Rod 2011 *Press timeline: 1802-1850* Canberra: National Library of Australia, at <https://www.nla.gov.au/content/press-timeline-1802-1850> (accessed 7 October 2016)
- Knight, Stephen Thomas 1997 *Continent of mystery: a thematic history of Australian crime fiction* Melbourne: Melbourne UP
- Lowe, Anthony and Rod Mackay 1992 'Old Sydney burial ground' *Australasian Historical Archaeology* 10: 15-23
- McCreery, Cindy 2008 'A British prince and a transnational life: Alfred, Duke of Edinburgh's visit to Australia, 1867-68' in D Deacon, P Russell and A Woollacott (eds) *Transnational ties: Australian lives in the world* Canberra: Australian National UP, 57-74
- Main, Jim 2007 *Hanged: executions in Australia* Seaford: Bas
- Mann, David Dickinson [1811]1979 *The present picture of New South Wales, 1811* Sydney: John

Ferguson

Marsden, S 1952 in JJ McGovern 'The story that the graveyards tell' *Catholic Weekly (Magazine Section)* 25 September, 7

Moore, Sarah EH 2014 *Crime and the media* London: Palgrave Macmillan

Murray, Lisa 2016 *Sydney cemeteries: a field guide* Sydney: NewSouth

New South Wales Police Force n.d. *History of the NSW Police Force – significant dates – 1788-1888* Sydney: New South Wales Government, at http://www.police.nsw.gov.au/about_us/history (accessed 1 January 2016)

Philips, David 2001 *William Augustus Miles (1796-1851): Crime, policing and moral entrepreneurship in England and Australia* Melbourne: RMIT

'Q' 1842 'Blood' *Punch, or, the London Charivari* 2: 190

Registry of Births, Deaths and Marriages 1797 'Joseph Looker [Luker] and Ann Chapman' *Marriages* Sydney: Justice, New South Wales Government, at <https://familyhistory.bdm.nsw.gov.au/lifelink/familyhistory/search/marriages?1> (accessed 4 September 2016)

Ryan, John in G Huggan 2002 'Cultural memory in postcolonial fiction: the uses and abuses of Ned Kelly' *Australian Literary Studies* 20 (3): 142–54

Samuelson, Steve and Ray Mason 2008 *A history of Australian true crime* North Sydney: Ebury

Scott, Geoffrey 1953 'The man they couldn't hang' *Herald Saturday Magazine* 26 September, 7

Sharpe, Alan 1982 *Crimes that shocked Australia* Milsons Point: Currawong

Smyth, Arthur Bowes c1790 *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, Sydney: Mitchell Library, ML SAFE 1/15

Smyth, Terry 2016 *Denny Day: the life and times of Australia's greatest lawman, the forgotten hero of the Myall Creek Massacre* North Sydney: Ebury

Steding, Louise 2016 *Death on night watch: Constable Joseph Looker, 1803* Sydney: In Focus, eBook

'WRS' 1931 'A story of 1803: The man they could not hang' *The Sydney Morning Herald* 23 May, 9

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