

# NED KELLY'S GHOST

THE TOTTENHAM IWW AND  
THE TOTTENHAM TRAGEDY

John Patten

## FOUL MURDER

### THE TOTTENHAM OUTRAGE

SENSATIONAL TRIAL IN BATHURST

TWO MEN SENTENCED TO DEATH AT CIRCUIT COURT

THE TRAGIC INFLUENCE OF THE I.W.W.

CONSTABLE DUNCAN'S DEATH

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# Ned Kelly's Ghost: The Tottenham I.W.W. and the Tottenham Tragedy

All the information is available to anyone with time to go through the State Library of New South Wales, and police permission to go through their I.W.W. files at the State Archives. I have abbreviated I.W.W. to IWW for my own convenience. Except for *lex-walsh* and *Verandah*, where I've kept the spelling from individual documents, all spelling has been anglicised. Most places referred to are in the central west of New South Wales, and should be shown in an atlas.

Thanks to Anna Szarowski at the National Library of Australia (Canberra), The Archives Office of NSW (especially the long-suffering Emily Hanna), the Mitchell Library and State Library of NSW (Sydney), and last but by no means least, David Hamby and the NSW police, for permission to access and publish parts of their IWW list. Personal thanks to the proof-reading squad.

If you want more information about this pamphlet, or have any information that throws a new light on the case, please write to:

Kate Sharpley, 111 High Street, London, WC1N 3HX UK.  
Please send an SAE or 10p stamp. K.S. are always glad to see manuscripts of works of interest to the IWW community.

**John Patten**

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*Ned Kelly's Ghost: The Tottenham I.W.W. and the Tottenham Tragedy*

*'Those who have struggled the most, and suffered the most, very rarely leave behind an account of their sacrifices or their triumphs'* -Frank Prebble

## Why 'Ned Kelly's Ghost'?

The Sunday Times (Sydney, 21/12/16) printed a cartoon with an IWW desperado (with 'IWW' on his hat) holding a torch marked 'Incediarism,' a gun, and carrying a bottle of 'liquid fire' and copies of 'Direct Action' and 'Sabotage' in his pocket. In case the fact that he was a bad 'un was missed, reward posters for murder, arson, and forgery were shown on the wall behind him. The ghost of Ned Kelly, the famous Australian bushranger, stood next to him in trademark armour, saying 'if they hanged me, what should be done with him?'

## Sources

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## Introduction

The Australian IWW has been the subject of several academic works since the sixties. Most have dealt with the Tottenham murder case only in passing. This is the story of the Tottenham murder, the story of three deaths. Constable George Duncan was killed in September 1916. Two members of the IWW were hanged for it that December. No less an expert than Chief-Inspector Maigret said: 'Except for certain rather rare pathological cases, people don't kill except for definite, imperative motives.' This is an attempt to examine those motives.

Some people have doubted whether the two men executed received a fair trial. In times of stress, enemies of the established order are often framed. As subversives and cop-killers, they undoubtedly were on the receiving end of a determination to smear and destroy the organisation to which they belonged, but that is no assurance of their innocence. In times of stress enemies of the established order often are doing illegal things. To whitewash accused radicals does history as few favours as the slanders of the time.

This is an attempt, then, to explain the Tottenham murder in the context of the time. The Australian IWW came up against the Iron Heel of state repression just as their American fellow workers did. They knew they were at the sharp end of the class struggle, knew they faced jail or death, and some of them went gladly to hard labour. Defiance could not make up for the missing power of numbers, so some were forced to use individual, and illegal, methods. This is an examination of some of the consequences.

## Context

The Industrial Workers of the World (IWW, or wobblies) were formed in America in 1905. They quickly gained a reputation as one of the most combative, and imaginative, of the groups involved in the class struggle. Their policy of Revolutionary Unionism called for One Big Union of all workers to destroy the capitalist system. They saw no practical value in the divided Craft labour unions, with their compromise and reformist outlook. The organisation split in 1908 between the majority 'Chicago' faction and the 'Detroit', or DeLeonist one, around the issue of Direct vs. Political Action. Specialising in organising migrant and unskilled workers, agitators of the IWW were among the most mobile section of the working class and likely to have worked in a couple of continents, at least.

The Australian IWW was one of the most successful of the foreign administrations the wobblies had<sup>[1]</sup>. The first IWW groups in Australia (1907) were of the 'Detroit' school: The Industrial Workers of the World Clubs, but they were soon eclipsed by the IWW locals following the 'Chicago' line, which started in 1911. The rise of the IWW in

Australia was most alarming to the ruling class during the first world war. They believed in the Class War and militant Industrial Unionism. They did not make truces or sacrifices to the boss in the 'national'- or Imperial- interest. Not only did they oppose the threat of conscription when it arose, but they opposed the war consistently from the start.

The IWW advocacy of sabotage made their name a bogey to the 'respectable classes'. The Australian wobblies threatened to use the 'wooden shoe' of sabotage on their enemies. This could either mean merely 'bad work for bad pay', as if working with the French worker's clog or sabot for a tool; or it could mean the more destructive results of chucking the shoe, like the proverbial spanner, in the works. The IWW applied sabotage across the whole range of it's meaning: from 'soldiering on the job' to arson. In Australia, particularly the dry rural areas, fire is a greater terror than almost anywhere else. A country paper warned: 'A few weeks and the IWW nihilists will be released on the country districts, pledged to burn and, if necessary, to kill.'<sup>[2]</sup> When an IWW member wrote to another: 'By Jesus Tom if conscription comes in persuade all rebels to spread out over the country and sabotise all and sundry (masters)'<sup>[3]</sup> it wasn't to encourage slow work.

The wobblies had members from far and wide: J B King was born in Canada in 1870<sup>[4]</sup>, Tom Barker had been born in the English Lake District in 1887.<sup>[5]</sup> John Benjamin King had joined the IWW while working in Vancouver in 1910. In 1911 he was the wobbly organiser for the city and involved in a construction worker's strike at Prince Rupert (British Columbia). The strike was defeated and he left Canada, reaching New Zealand in August 1911.

King worked as a labourer and then a miner. He toured and agitated for the IWW, giving lectures on economics and fighting in the bitter strikes of the time. In 1912 he was a member of the strike committee during the Waihi miners strike: strikers sang 'God save J B King' in response to 'God save the King' from the scabs. After his involvement in the failed Auckland general strike, he left for Sydney in 1913.<sup>[6]</sup> Soon after his arrival in Sydney he was one of the 'physical force' element who took over the Sydney local of the IWW. By 1914 he was secretary of the group, before travelling to Western Australia on wobbly business.<sup>[7]</sup>

Tom Barker had gone to New Zealand in 1909 after being invalided out of the British army. He worked on the trams in Auckland. He joined the IWW in 1912 and in 1913 was made a national organiser, travelling to Wellington, Christchurch and the mining district of Westland. In 1913 he was active in the general strike, and, in 1914 moved to Sydney to escape a good behaviour bond for a conviction for sedition.<sup>[8]</sup>

By the end of 1914, Barker was editor of 'Direct Action' and secretary of the local. In mid-1915 he came into conflict with the military over a poster calling 'stay-at-home patriots' to go to the trenches, and workers to follow their lead. He claimed in court that it was designed to increase recruitment. Eventually the conviction was dismissed on a



technicality. Next time, in March 1916, after publishing a cartoon in 'Direct Action' showing a war profiteer drinking the blood of a crucified soldier, he got twelve months.<sup>[9]</sup>

Nineteen-sixteen saw the second anniversary of the war. The decline in recruitment led the government to attempt to introduce conscription. The labour movement, influenced by the IWW, helped to stop this, a strategy which split the Labour Party. The imprisonment of Barker increased the venom of wobbly propaganda. 'Direct Action' would publicly declare 'Tom Barker shall be free. We will use any tactic, adopt any weapon, ... we are desperate men'. Charlie Reeve would declare in a letter 'Bryant and Mays is not dead yet ... put on the shoe and kick like Hell.'<sup>[10]</sup> There were fires in Sydney for which the IWW were blamed.

J.B.King was arrested for his part in a scheme for forging five pound notes - he was the cook. Though not a central figure he received a heavy sentence (three years) because of his prominence in the IWW.<sup>[11]</sup> The Goldstein brothers, ex-wobblies and tailors, who had financed the forgeries, gave evidence against the IWW in the Sydney arson case to escape prosecution. Twelve members of the IWW were charged with treason, and then conspiracy and arson. They were a mixed bunch, mostly arrested as prominent organisers or speakers, though some were just unlucky and some of them had been experimenting with 'fire dope.' Tom Barker in his memoirs recalled 'we had many little groups amongst us who were doing various things, and those things were deadly secret and they kept them to themselves'<sup>[12]</sup> King was also one of the 'Sydney twelve'. All twelve were convicted and received savage sentences ranging from five to fifteen years.

The atmosphere at the time was such that a man who, while temporarily insane, tried to kill his family could say that 'God had told him the IWW's wanted to rule the world ... and it would be better to shoot his wife and children than allow them to live'<sup>[13]</sup>; Mick Sawtell, a wobbly, was accused of threatening senator Lynch 'If you wish to save your farm at Three Springs see that Tom Barker is released at once.'<sup>[14]</sup> and 'Truth' could print a short on it's front page saying 'Town Hall clock two minutes slow: IWW suspected'.

## Tottenham

Tottenham is a small settlement, almost at the end of the road to nowhere. It is on the western plains of New South Wales, three hundred and sixty-seven miles from Sydney. Its nearest large town, Dubbo is 120 kilometres to the East. The Mount Royal copper mine, which dominates the story of the town, started work in 1903<sup>[15]</sup>. In 1916 it was sending out 300 tons of processed material a week.<sup>[16]</sup> Tottenham was officially proclaimed a village in 1907, and by 1911 had a reported population of 249. The war would have done no harm to the copper market, and by 1916 the electoral roll stood at 440 names. Sergeant Meagher estimated 80 men were employed at the mine, but this can

easily be put above 200 if we allow for the smaller mines and assume most tradesmen and over half of the labourers would have been employed on mining work.

The Kennedys moved to Tottenham around 1907. Kennedy senior had worked as a stock dealer and master butcher at Parkes and Peak Hill, New South Wales, and had also been a storekeeper.<sup>[17]</sup> Mr and Mrs Kennedy had four sons and a daughter - Kevin Joseph, Michael Herbert (known as Herb), married, Roland Nicholas (known as Rolly), Syd, and Johanna. Herb was born in 1886 or 87.

Roland was born in Peak Hill on the 18 April 1896, and was eleven when the family moved to Tottenham. At 12 (1908), he started working and at 15 (1911) 'became interested in unionism and politics. For the active part he took in these matters the employers began to victimise him'<sup>[18]</sup>. He spent only six months away from Tottenham, while working in New Zealand and Tasmania<sup>[19]</sup>. We know next to nothing about this interlude, but an IWW contribution card from Reefton, South Island, New Zealand, was found among his belongings by police in October 1916. The western coast of the South Island was an important coal mining area, and attracted the attentions of members of the IWW as well as other international syndicalist agitators. Roland Kennedy may have been introduced to the IWW there, by his brother, Herb, or at home in Tottenham. Kevin Kennedy was to describe his brother later: 'He thought himself hard, stern, and uncompromising. Of course he was not; It is only that he had a few illusions, and that the sensitive nature of childhood and youth had suffered at what he beheld in the Industrial Penitentiarys or slave shops. This suffering and this reaction against what is called organized society, but is in reality a chaotic barbarism, became the basis of his philosophy'<sup>[20]</sup>

Roland's brother, Herb, had also worked in New Zealand, but as a policeman. He had left the force around 1911<sup>[21]</sup>. Herb knew the Sydney Wobblies J.B. King and Tom Barker, both of whom had worked and agitated in New Zealand for the IWW from 1911 to early 1913 and early 1914 respectively. Herb Kennedy was highly recommended by them, and had a general reputation in Tottenham as a bush lawyer.<sup>[22]</sup> It's impossible to prove that he met them over there, but we do know that by August 1914 J.B. King knew both Herb and his brother Kevin.<sup>[23]</sup> Herb was in Sydney in July 1914, and it's possible that he was coming back from New Zealand, as he was not on the electoral roll in Tottenham in 1913.

## The Tottenham IWW

By July 1914 Roland Kennedy was writing to the IWW in Sydney. We have a reply from J.B. King opening membership to 'any wageworker who is willing to fight to the last ditch in the interest of his class and who agrees that there is nothing in common between the workers and their masters.'<sup>[24]</sup> In response to this, on the 17 August, Roland wrote and



joined the IWW, and was sent his dues card 'which makes you a member of the Boss's Nightmare'<sup>[25]</sup>

There are no letters in police files for the next nine months, but things were obviously happening, because the next letter, in April 1915, is from the Sydney Secretary-Treasurer to Arthur S. Graham, sending an application form for an IWW charter.<sup>[26]</sup> Graham was a new face, who was to be the secretary of the Tottenham IWW group. The writer encourages the formation of a local to push literature, and states that 'Herb Kennedy will be a great assistance to you if he decides to take it on'. Days after this letter, Roland Kennedy wrote to Sydney (12 April) to report that 'the slaves of this little village are going to hold the fortifications of the one big union in the near future'<sup>[27]</sup>.

The charter application form was sent off on the 22 April 1915, Graham also mentioning the good work Herb Kennedy was doing 'among the slaves'.<sup>[28]</sup> Sixteen people signed the application form. Arthur Graham, Roland and Herb Kennedy are certain to have signed it, Cain states that Kevin J. Kennedy was also involved,<sup>[29]</sup> before he went off to agitate for the IWW in America. We can only guess at the rest of the signatories. Several names occur later as actual or possible IWW members, but some of the founding members will doubtless have been in Tottenham for only a short time. Local number 9 of the IWW was duly formed, as reported in *Direct Action*, 15 May 1915, with Arthur Graham as its secretary-treasurer. Tottenham was put on the list of IWW locals in *Direct Action* on 1/6/15.

The Sydney IWW encouraged the new local to start 'paper selling and pushing literature'<sup>[30]</sup>, advice they took to heart, as in the next 18 months they distributed at least 320 pamphlets; the difference between what we know they ordered from Sydney, and what was seized by police in October 1916. Herb Kennedy was a frequent street speaker for the IWW.<sup>[31]</sup> They raised some interest among local unionists, as Fred Morgan was to write from Sydney in June 1915 and tell them that under the IWW constitution that craft union officials were not eligible for membership.<sup>[32]</sup> Morgan was to write back soon after, and warn them not to admit one G G Reeves, who seems to have walked off with the Sydney IWW group's charter in its early days.<sup>[33]</sup> Tom Barker, for one, was unimpressed with Fellow Worker Reeves, and reported that 'his top-structure is out of repair', for putting his belief in Industrial Unionism a poor third behind his religion and patriotism.<sup>[34]</sup> In Morgan's letter, though, Roland Kennedy is cleared to transfer his membership to the new Tottenham local.

Members of the craft unions, which the wobblies thought positively useless structures, were the audience that the IWW most needed to reach. In Tottenham this would mainly have been miners organised in the Amalgamated Miners Association. Both Roland and Herb Kennedy were miners and AMA members. Tom Barker wrote to Tottenham warning them 'not to antagonise the members of the craft organisations, as they are the material we have to work upon, and therefore every care should be taken to keep their good will.', leaving the final choice on tactics to the local members.<sup>[35]</sup>

July 1915 sees the first reference to opposition to IWW agitation in the town. James Patterson, the local coroner, also ran a Tottenham newspaper called the 'Peer'. Unfortunately, no copies have survived, but Tom Barker was to write 'Re the article in the "Peer", I will give him a bit of a shock when I have time to sit down and write.'<sup>[36]</sup> Graham himself was to have a run-in with the paper, which he called a 'sausage-wrapper' around May 1916.<sup>[37]</sup>

After July, there are no more letters in police files until 1916. The last letter is one from Joe Fagan (usually wrongly called Fagin), a Russian wobbly who was literature secretary in Sydney, sending a bundle of IWW pamphlets to Tottenham. The local would have sold these, along with 'Direct Action' and the American IWW paper 'Solidarity', at their street meetings. They would probably have held a meeting after the execution of IWW songwriter Joe Hill in Utah in November 1915: his songs were one of the best organising tools the wobblies had, and a memorial card, posted from the IWW in Chicago, was found among Herb Kennedy's papers.<sup>[38]</sup> Late in 1915, a labourer called Frank Franz, married with two children, joined the IWW. Much was made of his German surname later, though he himself had been born in New South Wales on 8 January 1888, and had not seen his father for over ten years. He was encouraged to join by his friends the Kennedys: 'Any man who was out of the IWW, they said, was a "crawler to the bosses"'.<sup>[39]</sup> He doesn't appear to have been very active; the police only found an IWW membership card at his house.<sup>[40]</sup>

## 1916

Number 9 (Tottenham) local of the Industrial Workers of the World made its last appearance in *Direct Action* on the 8th January 1916. It's not clear why they were dropped, as the core of the two Kennedys and Arthur Graham were still in town, but maybe they had 'gone unfinancial'. From the police records it's clear that the IWW had not gone away. In February Arthur Graham was writing to Sydney, asking for any unemployed wobblies to come and work in the town, particularly if they were speakers. The soap box speaker needn't have the usual worry about victimisation, either, as a sympathiser with a contract to shovel gravel could employ them. Also, 'last Sunday in Rowley Kennedy's hut, a few rebels and many sympathisers sang rebel songs - I spoke a few words on the OBU and had an attentive hearing'<sup>[41]</sup> Two days later he was asking for three copies each of nine different pamphlets for an upcoming meeting.<sup>[42]</sup> In March *Direct Action* published two articles from Arthur Graham, one attacking the AMA ('Amalgamated Mugs and Asses') for victimising German miners but not daring to tackle the bosses, and the second attacking war profiteering.<sup>[43]</sup>

In March the fight in Tottenham itself started to heat up. Roland and Herb Kennedy had both been working at the Mount Royal mine, but were sacked, undoubtedly because



of their politics. Roland, together with another wobbly, went to a smaller local mine, the Underlay, but were again sacked because the Mount Royal boss threatened to stop access to ore crushing for the Underlay mine if they were kept on. Herb Kennedy had found work at the Iron Duke mine, whose boss was approached by the 'Mount Royal skunk'. Afraid to sack him, he pressured Herb into leaving by saying that the carter would not shift his ore while Herb worked there. The two brothers went to try the public works gang. The ganger told them that he had jobs 'but I have strict orders not to hire you two Kennedys, that is from the engineer'.<sup>[44]</sup> Roland commented 'Herb the brother & I are very well liked by the masters here. They say it's a shame to see us producing profits for them. So they barred us from all the mines & Government jobs. But the slaves are getting the dope just the same'.<sup>[45]</sup> In the same letter Roland complained that his last four or five Direct Actions had been sabotaged and 'I feel like an outcast without it'.

This victimisation did not disturb the wobblies, and nor would the fact that their union, the AMA, disowned them.<sup>[46]</sup> Roland and Herb Kennedy turned their hand to kangaroo shooting to make ends meet. A sympathiser of the pair, writing from Tottenham in December stated that in 18 months Roland only got 3 months regular work, and filled in with kangaroo shooting, rabbiting or prospecting.<sup>[47]</sup> Roland Kennedy's record states he had a scar from a bullet wound on his right jaw,<sup>[48]</sup> and in court it was commented that he was slightly deaf. This might be the result of an accident while kangaroo shooting. If the Tottenham IWW did not get much work, they could be sure of action. In April Roland Kennedy also could assure Sydney that the Tottenham group 'are doing all that's possible for Barker's release. A Wooden Shoe'.<sup>[49]</sup> A wooden shoe is one of the wobbly symbols for sabotage. Tom Barker, editor of Direct Action, was threatened with gaol over an anti-war cartoon he printed. He was not actually sentenced until May. Roland Kennedy wrote a six page appeal entitled 'railroad workers be organised' during Barker's imprisonment. As well as the usual IWW appeal for useful, industrial, organisation it says: 'Fellow Workers, don't forget that fellow worker Tom Barker is at present behind the prison bars for fighting for your future wellbeing so do as much as possible for his release, and don't forget to wear the wooden shoe on the job. It's just what the masters don't like'.<sup>[50]</sup> Exactly what sabotage was being done is hard to say. John Fitzgerald (part of the Labor Government of the time, and very anti IWW) reports that the IWW were blamed for an explosion at the copper mine<sup>[51]</sup>, but without more detail I can't be sure that it even occurred. Arthur Graham said that 'the Kennedy's loss is the IWWs gain as they and other speakers are getting a better hearing since and the fight is being fought all the fiercer'.<sup>[52]</sup> Graham also reported a hundred navvies camped in town:

'Most of them are very sympathetic towards the IWW. There has been about a dozen live wires amongst them since the railway line started and they have been putting in good work all along, so it will take very little effort to make many of them true IWW rebels. They came to the pub in the evening and when most of them started to drink and get what they term it merry they all commenced singing rebel songs and never ceased until

after eleven o'clock when the local John came into the bar and called a halt. "The preacher and the slave" and "tramp tramp" being most in favour with shouts of "three cheers for the IWW! Where is those boys who were victimised by the mine owners with the assistance of some of the mug miners? we're behind them in the fight" - this is not only the way these navvies speak, but the same when they are sober. They sing rebel songs all day while at work and discuss the IWW all day - the other day one asked the ganger for a match, the ganger (who I have been told is not as bad as some overlookers and is for one thing an anti-militarist) said in a joking manner "you don't want a match to smoke do you?" the navvy said "no, I just want it to sabotage."<sup>[53]</sup>

Not everyone in the area was so pleased with the progress of the IWW. Mr T. Brown, the member for Lachlan in the NSW parliament said of this period: 'For a time Tottenham had no other police protection than was afforded by the officers from Dandaloo [18 miles away], who rode into town and back again in the evening. A turbulent element came into existence which made things very disagreeable for the law-abiding section of the community. As a result of the representations by the local progressive association, the department agreed to put a man in residence in Tottenham but the turbulent IWW element was such that it was practically impossible to control it'.<sup>[54]</sup>

One of the things likely to have upset the local 'progressives' was that some members of the IWW were German workers. George Wann and Frank Franz were members of the Tottenham local, and Charlie Martin (also described as a German<sup>[55]</sup>), possibly was. We've seen from Arthur Graham's article<sup>[56]</sup> that the IWW held out for all workers against nationalistic victimisation, which would have only convinced patriots that they were in the pay of the Kaiser.

In early May, Arthur Graham was reporting that the four dozen copies of Direct Action they received each week were 'selling like hot cakes', but that the postmistress, a Miss Reid, was causing difficulties by refusing to hand them out when they arrived: 'she told me she had orders to give out newspapers on Saturday night but DAs were not newspapers...'<sup>[57]</sup> The local newspaper was also trying to make problems for him. 'I have to appear on June 7th on a charge of assaulting two scabs - one assaulted me and I jobbed him, when his mate attempted to get in for his cut, but he missed tho' I did not - the fine is likely to be severe & Editor of the local rag or sausage wrapper is trying to prejudice my case through his pernicious rag.'<sup>[58]</sup> Still, the local wobblies were convinced enough of sympathy among the local craft unions to ask if they should agitate for a general strike to free Tom Barker.

Arthur Graham left Tottenham in the June of 1916, which may, or may not, have had something to do with the assault case against him. By October he was in Aberdeen, New South Wales, after living in a house in Ryde (Sydney), where he left a quantity of IWW literature.<sup>[59]</sup> The police assumed that Herb Kennedy took over as secretary-treasurer of the Tottenham group, which is assuming that local number 9 still ~~officially~~ existed. Roland Kennedy seems to have been holding most of the group's literature when his place



was raided in October<sup>[60]</sup>, including 46 copies of Direct Action, roughly the number the Tottenham group distributed each week.

In July 1916 Herb and Roland's brother Kevin was in Duluth, Minnesota, where he was involved as an IWW member in a huge miner's strike against the US Steel Corporation. Direct Action printed one of his letters under the headline 'Industrial War in the USA'.<sup>[61]</sup> One striker and two police had been killed in the struggle, and prominent strike organisers were arrested for murder. By December 1917 Kevin J Kennedy and his Australian IWW travelling partner were deported by the Americans back to Sydney.

## September 1916

Around September Roland Kennedy finally managed to get on a job again with a pipelaying gang. Frank Franz and George Wann, both IWW members, and Hugh McClellan were also on the gang with him. However, when a new ganger came along who knew Roland was a wobbly, Roland, Wann and McClellan were sacked.<sup>[62]</sup> Franz chucked it in and followed them off the job.<sup>[63]</sup> Around this time Franz found himself summonsed by constable Norman McLean, for riotous behaviour. He was also being victimised by employers for his IWW membership.

September also saw things hotting up in Sydney. The first arrests in what was to become the Sydney 12 or IWW arson case were made on 23 September. The first reports appeared on the 26th. The twelve, accused of a series of arson attacks in Sydney from June to September, stood trial from the 20 November to 1 December.

Despite Mr Brown's statement in parliament that for a time there were no police at Tottenham, on 22 or 23 September constable McLean was to hand over the Tottenham police station to the new officer for Tottenham, constable George Duncan. Duncan was 24, had joined the police in 1913 and had previously been stationed at Forbes, Bogan Gate and Grenfell, all the same western region of New South Wales.

Duncan seems to have had a reputation which preceded him; Franz stated he had a conversation with Roland Kennedy about the new policeman who was coming, in which Roland said 'the policeman was a bastard and would have to be stopped'.<sup>[64]</sup>

Duncan's first action did not endear him to the Tottenham IWW. Two days after his arrival, on the evening of 25 September, he arrested an IWW member, George Wann for using offensive language and resisting arrest. Arrests for language were a favourite way of disrupting wobbly street meetings, but there's no evidence that this was anything other than a street slanging match. The Bathurst Times remarked: 'the person being arrested, a German, resisted violently, and there was a struggle. It was only after some difficulty that the constable succeeded in handcuffing his man. Meanwhile there was some hooting in the crowd'.<sup>[65]</sup>

The idea of 'hooting' might sound quaint to us, but constable Duncan did not take kindly to it. After taking Wann to the Tottenham lockup, he returned to the crowd to have

words with Roland Kennedy. 'When the constable came back into the street, he walked past the Kennedy brothers three or four times, and never spoke; but just as they were going to go he went over and asked Roland Kennedy his name. R. Kennedy said "what do you want my name for?" the policeman said, "never mind. What is your name?" R. Kennedy then told his name and said "I'll write it down for you". The constable made some remark about Kennedy not being educated enough, whereupon Kennedy laughed at him, and the constable said "It is no laughing matter".<sup>[66]</sup> Different versions of the story have Kennedy casting doubt on Duncan's education, which to me seems as likely.

## The murder

The next day, Tuesday 26 September, Duncan was occupied in taking Wann to the police court at Dandaloo, only getting back in the evening after a long ride made worse by rain. At the place he had his meals he said ' "I am sopping wet; I will put my horse in the stable and come back for tea." he said he was tired and the roads were in a dreadful state.'<sup>[67]</sup> Constable Duncan went to the hotel [pub] to try and find Roland Kennedy to summons him for indecent language and offensive behaviour. Kennedy was not there,<sup>[68]</sup> but he heard that evening about the charges.

I assume the Tottenham wobblies were also debating the events of the day before. The person who wrote to 'Truth' defending Kennedy blamed 'the injustice of being put to the expense of travelling a distance of 36 miles to defend himself against groundless charges' for driving him to desperate action.<sup>[69]</sup> After months of victimisation, this and, if they'd heard, the arrests in Sydney, can only have increased their belief that the wobblies were under another, co-ordinated attack. In a short article published after their execution in Direct Action, the writer, as well as saying that they probably did it, suggests that they were 'more or less drunk at the time'.<sup>[70]</sup> From any other source, this would be highly dubious, but Direct Action would have less reason to invent this, and while I don't think it explains their motivation, it does give an idea of what happened. This, coupled with the sense of grievance against Duncan and possibly fear of a suppression of the group, led to the events that night.

In the evening, after Duncan's return, Roland Kennedy recalled Franz picked up a handful of stones and said they should 'stone the bastard', Kennedy suggested they shoot him.<sup>[71]</sup> Franz saw Roland at the hotel around 6pm, and later at old Kennedy's house.<sup>[72]</sup>

Franz and Roland tell two different stories in their statements, Franz mainly concerned to put the blame on his being led astray by the two Kennedys, Roland blaming Franz and refusing to mention his brother.

According to Franz, at the meeting at old Kennedy's place, Roland told him to bring his rifle, that he and Herb were going to shoot the policeman. After some trouble persuading his wife to let him out again, he took his rifle and rejoined Herb. Roland reappeared after looking for Duncan about the summons. The three walked round to the



police station, where they could see Duncan working at the typewriter with his back to them. After counting to three, the Kennedys fired a volley through the window at Duncan. A second or so later, Franz fired, hitting the sash of the window and the far wall. His claim was that the Kennedy's had threatened him after their shot, but it was also suggested he was in reserve to finish Duncan off. The three then separated and returned to their homes.<sup>[73]</sup>

Roland's statement puts Franz as the chief actor. I'm prepared to believe that he was easily coerced or participated freely, but don't credit the idea of him forcing Roland into it. Roland reported that they'd asked Herb to come, but he'd told them "it is no good to me; I am a married man, with a wife and two children"<sup>[74]</sup>. As well as Roland's natural desire to cover his brother, Franz's version is backed up by the ballistics: assuming the police accurately identified the bullets as two .32 and one .38, and that Franz used his .38. Two other rifles were used, since Roland Kennedy's second shot misfired.

At 9 pm Constable Duncan was working on a report about deceased cattle. He was struck from behind by two .32 calibre bullets, one of which passed right through his body. He managed to get to the door of the police station and cry for help but was dead by the time neighbours, who'd already been alarmed by two loud reports, reached him.

## The Response

'After the shooting there was a good deal of excitement in Tottenham... The townspeople formed a guard round the police station to prevent any interference.'<sup>[75]</sup> With the alarm raised, police were dispatched to Tottenham that night, arriving the next day<sup>[76]</sup>. Some were delayed on roads made impassable by rain. Officers were sent from the nearby settlements of Trangie, Nevertire, Warren, Narromine, Dandaloo and Dubbo. One of them, constable McLean of Narromine was especially useful, having been stationed at Tottenham before Duncan.<sup>[77]</sup>

Attempts to find an aboriginal tracker to follow leads failed when both local trackers refused to try. The terrible weather would soon have made any clues illegible. Attempts to bury constable Duncan were upset by the weather too; the grave filled with water as soon as it was dug.<sup>[78]</sup>

It's not hard to imagine that the police response to trouble in Tottenham would be to round up the IWW agitators. The Dandaloo police would have known of the trouble over Wann's arrest, and Duncan's desk had a summons request on it for Roland Kennedy. McLean, too, might be inclined to blame the IWW for the catastrophe. He probably knew the main suspects, since he'd summonsed Franz. Two detectives from the Criminal Investigation Branch, constable Downey and sergeant Develin were also sent up. It may be that they were there to help with the general investigation, but they were also tasked with keeping an eye on the political aspect of the case.

Franz stated that he spent the next day at the hotel, drinking to steady his nerves. Roland apparently warned him to keep his mouth shut with threats to kill him otherwise. It appears that Franz had already spoken to one Oswald Rudd, saying ' "We shot him; but say nothing to the Kennedys."<sup>[79]</sup> Rudd appeared to report this at the trial, and the defence exposed him as a petty thief. Still, if the conversation took place, I doubt that Rudd went straight to the police with it.

It was probably the 28th when the men were first picked up. Roland and Herb Kennedy, Frank Franz and two others were brought in. Who the other two men were, I cannot tell. Apparently one was only kept for a short while. Both would have had some connection with the IWW, or the Kennedys. Fitzgerald reports a conversation in a cell between Roland and Charlie Martin, who'd previously been fined for firearms offences: it's not likely to have been a social call. 'It was a difficult task on account of the wet and cold weather, and the inadequacy of the arrangements for the housing of the suspects. Two of these were kept in a wooden cell in the yard, and two others were guarded day and night in the office. The office is only a small structure, two rooms and it was difficult for the police to converse without the prisoners hearing them.'<sup>[80]</sup> An additional difficulty was the fact that the body of constable Duncan lay in the office until the Friday morning, when it was removed to Parkes.

On the 28 September Franz had made a statement to constable McLean, denying any knowledge of the murder.<sup>[81]</sup> On the 30th, however, he confessed to being involved in the killing with Herb and Roland Kennedy. Some of the press give credit to a guilty conscience for this, but Franz later said 'it was stated to him that, if he made a confession, and gave evidence for the crown, his life would be spared and he or his family would probably receive the reward'.<sup>[82]</sup> The reward was some £200.<sup>[83]</sup> After this confession Franz and the two Kennedys were formally arrested. When Franz's statement was read out to Roland Kennedy 'he became white and agitated, and said "It's all lies". Franz was then brought in and formally identified Kennedy as the man who shot the constable. Kennedy when formally put under arrest there, said he wished to make a statement. This statement was taken down and signed. When charged at the police station Kennedy said, "Fix me up, I wish you would take me out and shoot me."<sup>[84]</sup> Kennedy's statement was that he and Franz had shot Duncan together. After this, Roland was heard crying in his cell, and Charlie Martin saying to him ' "I always thought you were a headstrong man, but I never thought you would take up a rifle and shoot a man down like that" Kennedy replied "I wouldn't have done it only that I was forced into it"<sup>[85]</sup> If this is an accurate report, it might mean Franz had forced him into it, as he said in his statement, or that circumstances had. Herb Kennedy, when confronted with Franz's confession, responded 'I don't care what he said, I know nothing about it'<sup>[86]</sup>

On the 29 September the Sydney detectives Develin and Downey had arrived in Tottenham.<sup>[87]</sup> The CIB to which they belonged also performed the functions of a Special Branch, and they were instructed by the Inspector General in Sydney to follow up the



political angle: he telegraphed them 'Please endeavour obtain from mine officials and other reliable sources all available information connecting members Industrial Workers World with trouble generally about mine'<sup>[88]</sup> That was on the 5 October. They were also looking to provide more evidence against Herb Kennedy.

The three were kept in Tottenham until the inquest on Duncan, after which they were taken to Bathurst to stand trial. Roland and Herb Kennedy were able to see their father after their arrest, just before he died. He had no idea of the position his son's were in.<sup>[89]</sup>

In Parkes on Sunday 31 September, George Duncan was laid to rest. 'The procession was led by the Town Band, playing the Dead March in "Saul", and attended by members of the police force, mounted and foot, and a fair number of civilians, despite the steadily falling rain.' The reverend C F McAlpine stated that 'although the perpetrators of this cowardly crime may escape human justice, the Divine justice, grim, unerring, terrible, will not allow them to escape'<sup>[90]</sup>

On 1 October the Sydney IWW got their first warning of what had happened in Tottenham. 'Word has reached us this morning that three IWW men arrested at a place called Tottenham, charged with murder- shooting a policeman. All sorts of charges are being framed up against our men'<sup>[91]</sup> The presumption that it was a frame up was quite reasonable given the politically motivated show trial that was being prepared against the Sydney twelve, arrested the week before. The Workers Defence Committee, which was to become the Workers Defence and Release Committee after the convictions in Sydney, was campaigning against the case. When the IWW was officially declared an unlawful association, the Workers Defence and Release Committee was to be the legal front behind which the IWW soldiered on. On the 7 October Pat Harford, Secretary of the Workers Defence Committee was to telegraph Mrs M H Kennedy, Herb's wife, at Tottenham to ask for 'cuttings from local papers re murder charge and if anything was being done to defend the boy'<sup>[92]</sup>

The inquest on constable Duncan was held on Tuesday 9 October. The coroner, James Patterson, whom we have already met as the editor of the Tottenham 'Peer' and fierce opponent of the IWW, pronounced that Duncan had been murdered 'feloniously and maliciously'<sup>[93]</sup> by Roland and Michael Herbert Kennedy and Frank Franz. This might have been standard procedure, but I would have thought 'unlawful killing' would have been the usual outcome.

On the 10th the detectives had raided the houses of both Kennedys and Frank Franz, and made detailed lists of the IWW literature and paperwork. Also taken was the signed charter for the Tottenham (No 9) local. They reported that they were confident more evidence would come to light against Herb Kennedy.<sup>[94]</sup> Material taken from the houses of the Kennedys was used back in Sydney by Develin at the trial of the Sydney twelve, both to show that the Tottenham accused had had contacts with members of the

twelve (though most letters were from or to Arthur Graham), and to encourage the jury to see the IWW as some kind of club for criminals.<sup>[95]</sup>

## Trial

The trial of Roland Kennedy and Frank Franz took place at Bathurst circuit court on 18 October before the Chief Justice, Sir William Cullen. Due to the fact that Franz was the only witness against him, Herb Kennedy was to be tried separately the next day. The Crown case was very much one of placing the blame upon the influence of the IWW. 'The crown does not suggest that this foul murder was committed out of revenge for the arrest or threatened arrest. Such would be too trivial. It does suggest however that these men were members of the IWW and had their minds inflamed and saturated by the pernicious literature of that body, which was found at their residences. Boys, after reading "Deadwood Dick" stories, commit crime: and in the same manner murder was committed by men after reading the pernicious literature regarding the objects and methods of an organisation to which no law abiding citizen would attach himself.'<sup>[96]</sup> No further analysis was needed, once it was declared an IWW case: anything could be expected of such subversives. Obviously, the crown was intent on milking this case for all it was worth to help destroy this threat to the established order.

The case started strangely with Franz pleading not guilty, but Roland Kennedy pleading guilty. 'His Honour explained to Kennedy, who said he was slightly deaf, that in the case of a guilty plea, there was only one course left to the judge- to pass sentence. In a case of such moment it was a matter for serious consideration whether the accused should not have the full circumstances investigated.

Kennedy: If I plead not guilty, I shall have the privilege of giving further evidence; but if I plead guilty, I shall not have that privilege?' being told this was the case, Roland changed his plea to not guilty.<sup>[97]</sup> Exactly why this exchange happened, I can't say. He did not give evidence,<sup>[98]</sup> so can't have used his defence for political point-scoring, as some would have done. Probably he was trying to make sure that version of events, where his brother was not involved, got a hearing.

The trial was mainly taken up with the technical details, like ballistics, which tended to support Franz's three man story: 'two shots were fired almost so simultaneously that witnesses residing in the area differed as to whether there were two shots or one very loud one, but all agreed that a further shot was fired within a second or so of the first shot or shots. There would be evidence to show that another shot could not have been fired in less than three or four seconds from the rifles which fired the earlier shots.'<sup>[99]</sup> Franz was quizzed at length about the IWW, where he doesn't appear to have been very active. Much was made of an appeal in Direct Action for 'recruits, male or female, for the Industrial Workers of the World. Must be determined, unafraid of gaol or death, and unscrupulous. Apply to the nearest IWW recruiting office.'<sup>[100]</sup> 'Did you not take it to



mean that the IWW wanted recruits who would not stop at murder?<sup>[101]</sup> Franz was also asked to explain what he had meant in his statement about the IWW leading him astray 'Did your leading astray mean that you went to Duncan's place and fired the shot, and that but for the IWW you would not have done so? -I meant that I was put in a position by which people did not care whether they employed me or not because of my association with the IWW'<sup>[102]</sup> This statement about being led astray was either due to direct police pressure, or Franz saying what he expected the police would want to hear.

After a trial lasting one day, the jury took just over an hour to find both defendants guilty. Roland had never had any prospect of acquittal- his confession was enough to hang him. He thanked the jury for their verdict. Franz too, was trapped by his confession. Though he might convince the court he had not fired the fatal shots, that was irrelevant to the charge. Anyone who made a deal for him to confess and be let off would have known that. Franz finally wanted to know why Herb Kennedy had not been tried with them. Sir William Cullen duly sentenced them to death. Franz was to appeal in November to the court of criminal appeals, but it was dismissed.<sup>[103]</sup>

Michael Herbert Kennedy's trial for murder was delayed until 20 October. Again, the fact of IWW literature being found in his house was brought up, also the following: 'Kennedy was asked as to whether he believed that it was right to shoot Czars, Governors and policeman, and he replied in the negative, as it was no use, saying that if one shot those in office others would be appointed in their place. The man who holds such views must have an utterly perverted mind, and be utterly callous. I think that the jury will see that, in the iniquity of these doctrines which they seem to hold in common there is a reason why Michael Kennedy would have been with the other two men on the evening of the murder.'<sup>[104]</sup> The jury was not called to agree with this logic, however, since it was ruled that Franz's evidence, being that of an accomplice was inadmissible unless corroborated, and evidence supporting there having been three people involved, did not support Herb Kennedy being one of them. The judge directed the jury to acquit, which they did.

## The Campaign

By October 25, Syd Kennedy, who was away working at Marlborough in Queensland, had heard the news of the trial, through seeing it in the 'Capitalistic paper'. Writing to Herb and Jo he said 'I know it's hard to lose poor Rolly, but he as gone for a cause that will live forever & the great day will come when we rise out of this slaves hole we are in.'<sup>[105]</sup>

October 28 saw the conscription referendum, which the Labor Party government tried to push through, defeated. This split the Labor Party, with the pro-conscription members of parliament, who were expelled by the Party, going off with the Liberal Party

to form a de facto national government. W. A. Holman, ex-labor premier of NSW blamed the IWW for his defeat, and the fact that he wanted to prove his metal to his new conservative allies affected the political atmosphere.

The Workers Defence Committee had written to Roland Kennedy's family in Tottenham at the start of October. In November not much happened, possibly because people were occupied with the trial of the Sydney 12, but on the first of December the IWW issued an appeal on behalf of 'Two young men, just on life's threshold, Frank Franz and Roland Kennedy ...the Executive Council has decided that these men must be done to death at Bathurst on December 20th'<sup>[106]</sup> They pointed out that the Labor party had always opposed capital punishment, that only one execution had taken place during their six year rule. They asked for help to get the sentence commuted to imprisonment. A petition was also circulated with the leaflet: 'We, the undersigned citizens of New South Wales protest against the reintroduction of capital punishment, which we consider to be a reversal to barbarism and incompatible with democratic ideals and labor politics'<sup>[107]</sup>

The Sydney CIB made note of this, the fact that the appeal was being distributed door to door around Sydney and it's suburbs, and the names of the signatories to the appeal, Robert Webster, Hugh McCue and EA Giffney. Giffney 'is at present one of the leading officials of the IWW and took over the secretaryship temporarily when Thomas Glynn was arrested on the charge of conspiracy'<sup>[108]</sup> Hugh McCue, a Scot who came to Australia in 1905, had joined the Wobblies around 1914, by 1917, 'when most of the speakers were arrested he stepped into the breach, became a speaker at the public meetings, and helped to keep the organisation going in defiance of the fact that it had been declared an unlawful association.'<sup>[109]</sup> Robert Webster was also a wobbly, whose address was used on the leaflet. Around this time the police released a letter from Kevin Kennedy in the United States. As an IWW agitator he was involved in a bloody mining strike, and the press were quick to point out that 'Australia is not the only place where members of the organisation have murdered policemen'<sup>[110]</sup>

The IWW did not, as I've heard said, wash their hands of Kennedy and Franz, but their defence campaign had very few choices. The option of pleading innocence and demanding their release was impossible, given that both Frank and Roland had confessed their involvement. Under these circumstances a retrial, given that the climate of hostility against the IWW had not reduced, would no doubt result in the same verdict, and sentence. There was also the fact that the wobblies did not believe the two were innocent.<sup>[111]</sup> The option of coming out and saying that killing policemen was a good thing wasn't likely either; the IWW wanted to separate 'social war and individual spite'<sup>[112]</sup>. It wouldn't help either the accused, or the organisation, which would both rely on support from the broader labour movement. So, the wobblies did what they could to save the lives of their two Tottenham members by appealing against the death penalty.

This campaign was no feeble effort, given the disruption and distraction caused by the jailing of twelve members in Sydney, and others in Western Australia. Hostility was



present in the higher reaches of the old IWW target, the craft unions: a union leader was quoted 'The IWW doctrines were too much for his union. They did not propose to get their ends by burning down business places nor to get an extra shilling a week by shooting policemen. In short his union would have nothing to do with anarchism.'<sup>[113]</sup> However, around December 5, the East Woollahra Labor League protested against the hangings, 'believing that no good purpose could be served by such extreme methods.'<sup>[114]</sup> The Amalgamated Coach Makers Society protested against 'the reintroduction of capital punishment, and that we ask the Executive Council to... commute the sentences to imprisonment'<sup>[115]</sup> The Political Labor League, too 'while viewing with abhorrence and loathing the detestable and cowardly crime of these two men', saw no reason why they should be hanged, except that 'the determination of the Cabinet to carry out the death sentence in the cases of the men named, who were members of the IWW, would appear to have political significance, in view of the distinction made in their case, as against previously convicted murderers who were not members of that organisation'<sup>[116]</sup>

'Truth', a working class weekly paper, sympathetic to the labour movement and the anti-conscription campaign, on the 3 December, had pointed out that the return of capital punishment was a surprise from premier Holman, who had always opposed it. No-one had been hanged in New South Wales since 1912. Of the case, it said 'It was a case of two criminals, young Kennedy and Franz, of low mentality, having secretly murdered a policeman for some petty reason that would only appeal to men of depraved and dwarfed intellect, and which, in spite of the fuss that appears to have been made about their having been members of the IWW, did not bear a political complexion.' It also pointed out that, not only was there Franz's account of being told his life would be saved if he gave evidence, but the evidence he gave against Michael Herbert Kennedy made him a Crown witness, who should, as a matter of policy alone, not be executed.<sup>[117]</sup> Later, they carried a letter from 'One Who Knows', a Tottenham resident, attesting to the character of Roland Kennedy. This writer believed 'If it was right that no one should be executed during the last few years, by what process of reasoning is it right now? I think that the members of the ministry should probe the matter further, and they will in all probability change their decision.'<sup>[118]</sup>

Despite all these appeals, which succeeded in forcing the state executive to reconsider the sentence, it was not commuted. 'It was decided there could be no alternative to death.'<sup>[119]</sup> This is not only due to Holman's desire to prove himself to his new coalition partners. Strong pressure would have come from the police, and been felt by many of the cabinet anyway, that an example should be made because the two were guilty of the loathsome combination of killing a policeman and IWW membership. No informer had previously been executed in New South Wales,<sup>[120]</sup> but the Government showed their witness no gratitude; maybe his 'foreign' name was a convenient piece of evidence to use against the IWW. The short length of time between conviction and execution showed that they wanted the blow struck quickly.

An extra attempt to save Franz was made. 'Efforts were made to induce Kennedy (who throughout had admitted his guilt) to sign a statement to the effect that Franz's explanation that he had been coerced into participation in the murder and also that his shot struck the wall and not the deceased, was true. Kennedy refused, saying: "He is guilty with me and we should both die together".'<sup>[121]</sup>

His bitterness towards to Frank Franz aside, Roland Kennedy seems to have been less troubled; Franz 'appears on the verge of breaking down and weeps bitterly. According to outside visitors he still maintains his innocence. Kennedy, though more stolid feels his position keenly, though he appears perfectly resigned to his fate. He eats and sleeps fairly well but at times wears that look which denotes despair and the full realisation of his position'<sup>[122]</sup> The families of both were regular visitors up until the last evening.

## Execution

The twentieth of December 1916 dawned as a hot summer morning. Members of the IWW had come to town to protest against the executions and distribute their literature, but only featured as a footnote in press reports.<sup>[123]</sup> 'Outside the gaol there was nothing to denote that two men were to pay the supreme penalty of the law. Everything was quiet; there was not a soul to be seen. On gaining admission through the huge iron entrance gates, one was struck by the dull silence. The gaol officials were all at their respective posts, and every gate and path was guarded by uniformed warders. All the prisoners had been locked up in their cells.. The surroundings were of dead silence; the solemnity of the occasion seemed to penetrate the very atmosphere.

'Having signed the visitors book, the official visitors were escorted to the B wing of the gaol, and along a corridor with cells on both sides. Over these is another set of cells with a small balcony running the full length and round the western end could be seen the scaffold with the hideous looking ropes hanging from above. Immediately to the right were the condemned cells, which contained the two victims. Curtains were dropped above the balcony railings, behind which were the clergy, wearing their surplice, the officials to the execution and the cell attendants. Dr Bassett occupied a seat in the centre of the corridor and in front of a screen drawn across the corridor. Halfway between the doctor and the scaffold was the press table, and this was some fifteen yards from the scaffold'<sup>[124]</sup>

After breakfast, Roland and Frank were encouraged by the clergy to shake hands. As the hour of nine approached they were bound hand and foot. They were handed over to the sheriff, while the burial service was read over them. 'Kennedy was the first to show out. He skipped quickly into his position, wearing a smile. Franz followed slowly and appeared very solemn. The executioners placed the white caps over the heads of the victims, and Kennedy merely said "good-bye, boys". His voice was in no way affected. Franz did not say a word. Both men looked straight in front of them as they stood on the



platform. The caps were drawn over their faces, the nooses placed round their necks, the lever drawn, and they fell together, a distance of about seven feet. Death was instantaneous.<sup>[125]</sup>

The family of Roland Kennedy were refused permission bury him in Sydney; the authorities probably feared an IWW display. Both Roland and Frank Franz were buried by their families the day after their execution in Bathurst cemetery, in the Catholic and Church of England parts respectively.

## Aftermath

That was not quite the last that was heard of the case. Direct Action printed two pieces, recording the official wobbly viewpoint: 'We consider all murders brutal, but how can one planned and executed within a few minutes compare for cold-bloodedness and cruelty with a legal murder planned months ahead we cannot see.'<sup>[126]</sup> Again, in January they asked 'It is a sad, and a mad, and a bad thing for a man, or men, to murder anyone - even a policeman. The fact that the above-named reckoned the policeman had injured them doesn't mitigate their crime: neither does the fact they were more or less drunk at the time. But what about the hangman who committed two murders for nothing at all, but his blood money?'<sup>[127]</sup> The IWW's successor, the Defence and Release Committee complained in a leaflet, signed by Hugh McCue, that the Tottenham affair had been a private feud, but 'because one or two members of the IWW commit a crime the whole organisation is to be termed criminal'<sup>[128]</sup> By 1918, with the IWW crushed by the Unlawful Associations Act, there was no need to keep up the barrage of hostile propaganda against them. The last appearance of the case before the sixties' dawn of academic interest in the IWW was in 1924. John D Fitzgerald, one of the men who helped to hang them could report the case as one in which 'weak minded Australians were drawn into nets cast by foreign intriguers'<sup>[129]</sup>

### Glossary

AMA - Amalgamated Miners Union  
 AWU - Australian Workers Union  
 CIB - Criminal Investigation Branch  
 DA - Direct Action, paper of the Australian IWW  
 Dope - Information

Hotel - pub  
 IWW - Industrial Workers of the World  
 OBU - One Big Union - the aim of the IWW  
 PLL - Political Labor League, forerunner of the Australian Labor Party  
 Wobbly - IWW member  
 Wooden Shoe - IWW symbol of sabotage (from *Sabot*, French clog)

### Notes

[1] Geoff Brown, *Sabotage, Spokesman*, Nottingham, 1977, p50

- [2] Dubbo Dispatch and Wellington Independent 31/10/16
- [3] Les James to T. Glynn 14/9/16, NSW Police, papers concerning the International [sic.] Workers of the World, Archives Office of New South Wales, box number 7/5590
- [4] Ian Turner, *Sydney's Burning*, Alpha, Sydney, 1969, p35
- [5] *Sydney's Burning*, p14
- [6] Frank Prebble, *Troublemakers*, the early years of the Libertarian movement in Aotearoa/ New Zealand, Libertarian Press, Christchurch, New Zealand, p23-29
- [7] *Sydney's Burning*, p13-15
- [8] *Sydney's Burning*, p14; *Troublemakers* p26-28
- [9] *Sydney's Burning*, p14-19
- [10] *Sydney's Burning*, p19; p37
- [11] *Sydney's Burning*, p43
- [12] *Sydney's Burning*, p204
- [13] DD&WI 31/10/16
- [14] *Sydney Morning Herald* 28/10/16 Tom Barker was editor of 'Direct Action', the IWW paper
- [15] J E Caine, *The Copper Mining Industry*, 1908
- [16] DD&WI 20/10/16
- [17] DD&WI 10/10/16
- [18] 'One Who Knows', Tottenham, in 'Truth', Sydney 8/12/16
- [19] 'One Who Knows', Tottenham, in 'Truth', Sydney 8/12/16
- [20] KJ Kennedy to his mother 23/6/17, NSW Police, box 7/5590
- [21] 'Argus', Melbourne 10/10/16
- [22] Sgt. Meagher, DD&WI 10/10/16
- [23] JB King to Kevin J Kennedy, 1/8/14 NSW Police, box 7/5598
- [24] JB King to R Kennedy 14/8/14, NSW Police, box 7/5598
- [25] JB King to R Kennedy 19/8/14, NSW Police, box 7/5596
- [26] General Sec-Treas to AS Graham, Tottenham 7/4/15, NSW Police, box 7/5590
- [27] R Kennedy to IWW, Sydney, 12/4/15, NSW Police, box 7/5590
- [28] A Graham to General Sec, 22/4/15, NSW Police, box 7/5590
- [29] Frank Cain, *The Wobblies At War*, Melbourne, Spectrum Publications, 1993, p281
- [30] Tom Barker to A Graham, 3/5/15, NSW Police, box 7/5590
- [31] Fitzgerald, *Studies in Australian Crime*, (series two) Sydney 1924, Cornstalk Publishing Co., p146
- [32] FJ Morgan to A Graham, nd (6/15), NSW Police, box 7/5588
- [33] FJ Morgan to A Graham 11/6/15, NSW Police, box 7/5590
- [34] Tom Barker to A Graham 14/7/15, NSW Police, box 7/5590
- [35] Tom Barker to A Graham 14/6/15, NSW Police, box 7/5590
- [36] Tom Barker to A Graham 14/7/15, NSW Police, box 7/5590
- [37] A Graham to the manager of Direct Action, 9/5/16, NSW Police, box 7/5590
- [38] Report from Detectives Develin and Downey, Tottenham, 11/10/16, NSW Police, box 7/5590
- [39] SMH 19/10/16
- [40] Report from Detectives Develin and Downey, Tottenham, 11/10/16, NSW Police, box 7/5590
- [41] A Graham to Fagan, 18/2/16, NSW Police, box 7/5590
- [42] A Graham to Fagan, 20/2/16, NSW Police, box 7/5590
- [43] Direct Action 11/3/16, AMA Tactics at Tottenham, and 25/3/16, *Blood-stained Profits*
- [44] A Graham to Literature sec., Sydney 29/3/16, NSW Police, box 7/5590
- [45] R Kennedy to Sydney IWW, 10/4/16, NSW Police, box 7/5598
- [46] *The Wobblies At War* p281



- [47] 'One who knows', Tottenham 7/12/16, in Truth 17/12/16
- [48] Bathurst Gaol photo description book, State Archives of NSW 3/5965
- [49] R Kennedy to Sydney IWW, 10/4/16, NSW Police, box 7/5598
- [50] Roland Kennedy, 'Railroad workers be organised', 6pp, NSW Police, box 7/5596
- [51] John D Fitzgerald, Studies in Australian Crime, p148
- [52] A Graham to Literature sec., Sydney 29/3/16, NSW Police, box 7/5590
- [53] A Graham to Literature sec., Sydney 29/3/16, NSW Police, box 7/5590
- [54] NSW Parliamentary minutes for 5/12/16
- [55] Sgt Meagher, DD&WI 10/10/16
- [56] DA 11/3/16
- [57] A Graham to Manager, DA. 9/5/16, NSW Police, box 7/5590
- [58] A Graham to Manager, DA. 9/5/16, NSW Police, box 7/5590
- [59] Report on the whereabouts of Arthur S Graham, 18/10/16, NSW Police, box 7/5590
- [60] Report from Detectives Develin and Downey, Tottenham, 11/10/16, NSW Police, box 7/5590
- [61] Direct Action 26/8/16, letter written 10/7/16
- [62] 'One who knows', Truth 17/12/16
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- [64] Bathurst Times, Bathurst 19/10/16
- [65] BT 21/12/16
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- [70] DA 6/1/17
- [71] DD&WI 10/10/16
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- [73] Franz, as reported in Fitzgerald, Studies in Australian Crime. p148-151
- [74] DD&WI 10/10/16
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- [81] BT 19/10/16
- [82] Truth 3/12/16
- [83] National Advocate, Bathurst 2/10/16
- [84] BT 19/10/16
- [85] BT 19/10/16
- [86] BT 21/10/16
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- [88] Mitchell to Develin 5/10/16, NSW Police, box 7/5590
- [89] DD&WI 10/10/16
- [90] Western Champion, Parkes 5/10/16
- [91] EA Giffney to Melbourne IWW, Sydney's Burning p61
- [92] Telegram Pat Harford to Mrs M H Kennedy 7/10/16 NSW Police, box 7/5590
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- [94] Develin and Downey, Tottenham, 11/10/16, NSW Police box 7/5590
- [95] BT and SMH 17/10/16
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- [103] Western Champion, Parkes 23/11/16
- [104] BT 21/10/16
- [105] Syd Kennedy to Herb and Jo, 25/10/16, NSW Police, box 7/5590
- [106] IWW leaflet 1/12/16, Mitchell Library, Sydney
- [107] Petition in Mitchell Library, Sydney
- [108] Detective Moore report on leaflet against capital punishment 8/12/16, NSW Police, box 7/5590
- [109] Police report on Hugh McCue 16/8/18, NSW Police, box 7/5596
- [110] BT 8/12/16
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- [115] Sunday Times, Sydney. 10/12/16
- [116] BT 14/12/16
- [117] Truth 3/12/16
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- [119] BT 20/12/16
- [120] DD&WI 22/12/16
- [121] DD&WI 22/12/16
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- [123] SMH 21/12/16
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[49] R Kennedy to Sydney NSW, 10/4/16, NSW Police, box 70390  
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[52] A Graham to Linnam etc., Sydney 28/3/16, NSW Police, box 70390  
[53] A Graham to Linnam etc., Sydney 28/3/16, NSW Police, box 70390  
[54] NSW Parliamentary records for 1916  
[55] Sgt Wheeler, DOD WT 10/10/16  
[56] DA 11/1/16  
[57] A Graham to Manager, DA, 10/1/16, NSW Police, box 70390  
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[93] SMH 16/1/16

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