

The Clarke Bushrangers: Second Edition.

In the first edition of this book I discussed the accusations of murder attributed to the bushrangers by the police and newspapers. The Attorney General, James Martin, examined the depositions and inquests for these murders and realised that there was not enough evidence to charge them with any murder. This explains why they were charged with the minor offence of a non fatal wound to Constable Walsh. This wound occurred during the capture of Tommy and Johnny Clarke. Conviction of this charges is a capital offence and so Tommy and Johnny were hanged.

However, we see in the Trial Report that the Chief Justice, Sir Alfred Stephen, *the hanging judge*, re-worked some of the critical evidence which would have cleared the boys and he also gave a non-direction to the jury, so ensuring a conviction. Stephen also sat on the Appeal after the trial as one of the three judges. The other two judges agreed that there was a non-direction, but one, Justice Cheeke, did not think a new trial was necessary. Stephen did not want the same result that occurred in Frank Gardiner's trial in 1864, when he was also the Chief Justice. Frank had been found not guilty of intent to kill, but guilty of two non-capital charges, He was not hanged.

There is much evidence that the Superintendent of Police in Braidwood regarded them as the *go to boys* and accused them of these unsupported crimes of murder and many unsupported claims of robbery.

Unfortunately the stigma of these accusations has continued over the last 150 years, corrupting history, vilifying the names of the families, and tormenting the descendants who have no responsibility at all for these unsupported crimes.

I have also discussed further effects of the cultural and religious differences occurring between the English Protestants and the Irish Catholics. These would contribute to disaffection in Australia for many years to come.

It is my hope that this second edition demonstrates once and for all that whilst not innocent of crime, the bushrangers were no worse than many of the police, magistrates, judges and other citizens operating under the very class-conscious, right wing English rule. I also hope there will be an end to the persistent but unfounded sensationalism of the past.

A copy of this second edition can be obtained at the Braidwood Butchers, the Tourist Information and the Newsagency in Braidwood.