***[G D Woods, A History of Criminal Law in New South Wales, vol 2, The New State 1901-1955, 2018, The Federation Press, 878pp.](http://www.federationpress.com.au/bookstore/book.asp?isbn=9781760021931)***

The new state of which this magnificent work speaks was new in two senses. The colony of NSW had become a state of the new federal Commonwealth of Australia. Less visibly, the government of NSW over the half century the subject of the work was to become more regulatory and more invasive. The pace of change – whether caused by federation, or two wars, or the great depression, or political philosophy, or the development of democracy itself – occurred so quickly in historical terms that mere qualitative change from pre-1901 to post-1955 justifies the title.

The author acknowledges in the preface the influence on him of American legal realism and of Professor Stone. He calls the High Court under Mason & Brennan CJs “the Stone Court”. Certainly, the work does not want for a delightful and relentless empiricism. Importantly, the author’s own skill set – academic, ministerial adviser, barrister and judge (and, of course, citizen) – allows this to be presented in a coherent yet holistic manner.

On the eve of federation, things were not too bad. Law was publicly observed and recorded, and offences usually identifiable. Judges were independent and magistrates often were, though they had to wait to the end of the 20th century to become judicial officers in their own right. The author makes the observation:

*There are no reports that a judge was or could be bribed by cash money. In this respect the New South Wales court system reflected the general position across the British Empire and was probably as much a matter of snobbery as of personal morality – judge would have recoiled from financial temptation in much the same way that a London hostess of the 18th century would hesitate to invite someone “in trade” to a Mayfair ball.*

The observation is patently a healthy one. Any group in society that thinks they have a monopoly on integrity – and judges have a good a call as any – must remember that they are weighed down with the baggage of being human just like the rest of us.

I don’t agree with the word “snobbery”. A snob has an exaggerated sense of the importance of the higher orders, but we in a democratic world must remember that that orders – rungs on the various ladders – were part and parcel of any decision-maker’s life. If the hostess had invited the person “in trade”, she might well have dug her own social grave. As for 19th century judges and administrators generally, the amount of time they put into caring about – and complaining to Whitehall about – who got what gong and when, ie how they were to be given or refused the next rung in the ladder, is extraordinary for we moderns who live in a society where money and money only is the measure of one’s worth.

The work has a colourful example. When Lord Beauchamp – the model for Evelyn Waugh’s Lord Marchmain – arrived as governor, he hosted a ball. Some guests got a blue ticket and a personal greeting, others a white ticket and no greeting. The experiences for the parvenu of the turn of the century were hardly limited to Lord Beauchamp’s Government House in Sydney. The last page of Edith Wharton’s *Custom of the Country* carried the same tale. However, the *Sydney Morning Herald* only noted the ball with the bland subheadings “A successful function” and “A new order of procedure”. Four days later the same organ reported with relief a garden party held by the governor in “utter absence of restrictions or exclusive conditions”. John Fairfax laid the foundations for the *Herald*’s success but took no knighthood. Of his children, James Reading received a knight bachelor a year before the ball. I would love to know, but I don’t think we have the means to find out, whether the gong was enough, or whether being in trade only got him the side entrance.



**Pronounced “Beecham”. And he loved Bondi Beach.**

The owner of a powerful media organisation has an awesome responsibility. That responsibility is difficult to identify if no one owner exists, the case of many large public companies. However, for all of its life to the 1980s the public face of the *Herald*’s ownership was one or more of the Fairfax family. Some were liberal, some conservative, but the author puts a good empirical case that the *Herald* of the period was indisputably establishment. In fact, it appears to have ever been before. See the remarks in the *Sydney Monitor*, run by the ever-colourful ES Hall, upon Myall Creek:

*In short, it behoves all Christian Editors, to throw aside party and politics on the present occasion, and join hand and heart in rescuing the Colony from the disgrace which it has contracted, by the present murderous conspiracy between the avaricious and irreligious portion of our aristocracy, and the dregs of our society, evinced by their literary tool the Sydney Herald, and by their united execrable shout of triumph in the Supreme Court, when the seven murderers were acquitted on their first trial.*

More than a century later, the author gives a lovely example with the *Herald*’s refusal – with cheers from the Bar Association – to note Attorney Sheahan’s QC. This led to a subeditorial abomination whereby the appointment of five new silks was reported, as was their appointment by an AG whose QC was omitted.

Both the *Herald* and the Bar Association have made and continue to make great contributions to the debate between freedom and regulation. It is not necessary to perform that role that either be progressive or “liberal” in the modern and confused sense. That said, in this global world of anonymous power, maybe these local beacons should light up in team. Instead of the banner “Independent. Always.” the *Herald* can try “Independent. Like the Bar Association.” This serves all yet none.

The shadow of the Stephen family continues. First, the influence of Sir Alfred Stephen’s consolidation of the colony’s criminal law. Secondly, the presence of his family in the courts of the day. Writing in 1895, Leslie Stephen, Alfred’s first cousin once removed, stated his belief that at the time of Alfred’s death the year before, Alfred had more than a hundred living descendants. Many would go to the law. Until 1904, Alfred’s third child Henry was a Supreme Court judge, as was from 1929 to 1939, Milner, a son of the fourth. Both appear in the author’s dispatches from the court’s criminal lists.

By 1896, John Norton had acquired *The Truth* and managed a bit of art criticism about a statue or two still found at the Hyde Park end of Macquarie Street in Sydney:

*… a podgy figure, sulky-faced little German woman, whose ugly statue at the top of King-street sagaciously keeps one eye on the Mint, while with the other she ogles the still uglier statue of Albert the Good a few paces across the road.*

Norton defended himself for seditious libel before Henry Stephen, whose directions the author describes as a model of propriety. The jury was reminded that bad taste was not criminal, although sedition could be got by words “calculated to disturb the tranquillity of the State”. The jury couldn’t agree and Want AG gave a no bill the next month. It may be argued that Norton existed to disturb the tranquillity of the State, and that it would have been unfair to ping him for something so modest.



**Norton was obsessed with Napoleon, calling his Maroubra house St Helena.**

**(Wonder if he walked to La Perouse?)**

Henry Stephen’s description to the jury of sedition as “a crime against society nearly allied to that of treason”, is apt. Treason is serious stuff. Its legalities can create problems, as the author’s fruitful treatment of the bizarre case of Major Cousens shows. The author makes the point that Cousens’ colleagues in calamity had the last word by having him lead them through Sydney on an Anzac Day march. The reviewer was lucky to catch a recollection of Bud Tingwell recorded by the ABC in 2002:

*Yes, I think it has because I met a very great radio man called Charles Cousens who with John Dease were the two senior announcers at 2GB - and this was before Charles went into the army, who was, he was a Sandhurst graduate from there, they were both English. And he gave us some marvellous tips about learning to speak clearly. Not with a posh accent or anything but just clearly. And one of them was to read the leader article in the Sydney Morning Herald aloud every day. Not because you agreed with it or anything, but usually that language was not normally meant to be read aloud so it was probably more difficult to read but it was perfect English. Or it had gone through several processes before it was printed. So you knew you were reading very good English and well constructed sentences.*

Tingwell would become a war hero, and as good as any to assess Cousens’ character.

Treason’s history is a factor which can render it unpalatable in day-to-day politics. The complexity of patriotism and of belief amid revolution or civil war makes it a difficult conversation-piece. At precisely what forensic point the identity of one’s (16th century) Catholicism, one’s (18th century) American colonialism, one’s (19th century) Irishism, one’s (20th century) communism, or one’s (21st century) Islamism itself identifies one in the act of betrayal is difficult.

That, of course, is why we have the fun and games of sedition. It’s treason-lite. It gives politicians, usually but not always conservative, an excellent excuse to trounce the speech of opponents on the basis of some national crisis or another. And not just in Oz. At least two NZ prime ministers had seditious pasts, one jailed for one year and one fined for his taste in literature. Meanwhile, the author has painted a fine canvas. He star showing how Billy Hughes and then John Latham utilised it during and then after the Great War. They have not been and will not be the last.

As for Milner Stephen, former NSW judge John Bryson put the face to a legend about Sir Frederick Jordan:

*When Milner Stephen J died in his chambers early one evening in 1939 after summing up to a jury and sending them out to consider their verdict, Stephen’s associate rushed around to the chief justice’s chambers, knocked on the door and stumbled in, saying ‘Chief justice, chief justice, Mr Justice Stephen just fell down dead and the jury want to bring back their verdict!’ Jordan laid down his Greek text, reached to the shelf behind him for his copy of Roscoe’s Nisi Prius, leafed through a few pages, pointed his finger to a passage and said to the associate ‘You may take a verdict’. He closed Roscoe and restored it to the shelf, and resumed reading his Greek text.*



**His associate survived to take the verdict.**

The Forbes Society’s Seventh Annual JH Plunkett Lecture on ‘The Royal Prerogative of Mercy’ was delivered by the NSW Attorney General, the Hon Mark Speakman SC MP on 29 October 2018. A media release on 9 November stated:

*The use of an ancient power to pardon offenders for their crimes will be made more transparent, Attorney General Mark Speakman announced today.*

*The Royal prerogative of mercy has been exercised by monarchs for almost a millennium, mostly in secret.*

*“Such secrecy might have been appropriate under Edward the Confessor in the eleventh century, but in modern-day NSW it’s time to lift the veil of mystery. If passed, new legislation, to be introduced by the end of this year, will make NSW the first jurisdiction in Australia to regularly share these details with the community,” Mr Speakman said.*

*“The Royal prerogative of mercy is exercised in favour of offenders only in extraordinary cases. But it’s important that the Government maintains a process that properly balances the principles of open justice with any need to protect the privacy of individuals.”*

As the author points out, the prerogative could be a poison chalice when the process was not only not open but done without much regard to process at all. There is a good case for saying the ill-thought-out release of Moss Morris Friedman killed the political career of B R Wise. Wise was described by Deakin as a 'man of letters, all his tastes are literary', and whatever the political differences between Banjo Paterson the conservative and Wise the liberal, the poet left nothing in the viciousness of his epitaph:

*Once more a child, he comes with quick-turned coat,*

*New friends, new doctrines, and new principles,*

*Lets Friedman loose, and wrecks the Government…*

*Last scene of all,*

*That ends this strange, disastrous history.*

*He aims at Judgeships and Commissionerships,*

*But, failing, passes on to mere oblivion.*

*Sans place, sans power, sans pay, sans everything.*

As already noted, the Stephen family shadow fell also upon criminal law reform. The author looks at the limits of Sir Alfred’s reforms, and then compares the common law and criminal codes both in and out of Australia. One of the Stephens (Fitzjames, brother of abovementioned Leslie and thereby Virginia Woolf’s uncle) was the primary codifier of the 19th century, and his influence on Griffith and others lingered.

Meanwhile Colin, another of Alfred’s grandsons and partner of Stephen, Jaques and Stephen, was an establishment grazier. When Paddy Crick was charged in the crown land scandals, he managed to protest innocence on the one hand and to suggest the involvement of such fine persons, on the other. Crick may have been irked that there was yet another son of Alfred, CB Stephen KC, to act for the Law Society in his striking-off proceedings. Crick managed one decent exchange with GB Simpson J, who had sat years before in the council while Crick had been in the assembly. An 1891 reform came up and the accused stated that he was the author. “I beg your pardon, I was”, replied the courteous Simpson. Crick said “I passed it in the Lower House, and Your Honour did up above.”

Colin married Adrian Knox’s niece and was himself Knox’s best man. Knox – counsel facile princeps of his era – was good news for his own family’s interests – CSR – in what the author calls “Wing-Collar Crime”. Just as President Roosevelt had been trust-busting in the US, so there were attempts by various Australian governments to deal with big business here. A strength of the author’s narrative is his ability not merely to isolate the differences but also distil the similarities of big business and big unions in their different intersects with the criminal law. Ultimately, of course, each saw their own role as one of necessity and – it usually follows – of moral right. It was left for the parliamentarians and the lawyers, with mixed success, to remind each group that the public does not always agree with either.



**Monopolies can be sweet.**

The author gives necessary attention to a paradox in our constitutional system, arbitration, that part contractual, part statutory and part ideological beast which has, depending on one’s view, so debased or so developed Australian industrial law. The uneasiness of arbitration legislation living alongside the criminal law of anti-strike legislation has left a huge mark on the labour side of politics, and an amusing one on the conservative side. The sidelining of Littleton Groom by Messrs Latham & Bruce in the middle of the third decade boomeranged badly. A colleague of the reviewer’s summarised the debacle when the former was speaker:

*The bill to transfer the commonwealth arbitration power back to the states was in committee in the House and so the Deputy Speaker was in the chair as chairman of committees.*

*When the vote was taken Groom did not vote despite the fact that he was not in the chair. The vote was tied on the floor of the house.*

*Groom was in the Speaker’s Chambers and Bruce was banging on the door for him to come out and vote.*

*He didn’t.*

*The government lost on the floor of the House on a major bill, went to an election in which Bruce lost his seat of Flinders, Groom lost his seat of Darling Downs and the government lost government just in time for Scullin to take responsibility for the Great Depression.*

The motor vehicle is something of a metaphor for the New State, at least on the criminal law front. Here was something unarguably new and exciting, but and because of these things, regulation and a degree of crimination was required. In 1904 Mr Bennett, a well-known Sydney businessman was charged with exceeding six miles per hour, convicted and fined.

The High Court considered speeds and Mr Bennett’s company thirty-nine years later. In *Piddington v Bennett & Wood*, the appellant and former High Court judge had been knocked down in Phillip Street by a motorcyclist employed by the business travelling, on one witness’s evidence, at 30 to 40 mph. Piddington was represented by Windeyer KC, Evatt KC and McKillop, later McKillop DCJ, while the company was represented by Dovey KC and WB Simpson. The other Evatt formerly KC now J was a member of the bench, as was his implacable enemy Starke J. The latter had the satisfaction of downing something run by Evatt KC and allowed by Evatt J (in the majority) with an atypically kind sideswipe: “Friendship and sympathy for an old and distinguished member of the legal profession should not sway the judgment of the court.”



**I never sat but they heard my running down.**

Each of those silks is a repeat offender in the author’s vibrant descriptions of trials of the day. It is a pity that Shand KC was absent. WB Simpson was an expert in such litigation, sometimes using model cars before juries. Coincidentally for current purposes, Simpson succeeded NSW Police Commissioner MacKay as the Commonwealth’s Director-General of Security during the Second World War.

MacKay’s presence is felt heavily in the pages of this work. The author does an excellent job of using narrative and example to show that self-justification and self-importance in an institution’s leader can be as corrosive as corruptibility, although there is ample suggestion for that as well. I note that Simpson’s *ADB* biographer covering a different part of MacKay’s life has a neat turn of narrative: “[Simpson] overcame the personnel problems that had troubled his predecessor, but his task was made more difficult by MacKay's removal of policemen and files from the service when he had left office.”



**By 1990, Fairfax was not quite so pro-police, and the late Mackay was a target.**

A good history includes those things that were but which never became. Attorney Holman – later premier and one of Doc Evatt’s heroes – brought in the Criminal Appeal Act, picking up the English experiment with a view home-grown improvement. Holman had better experience than most AGs, as he had been jailed as a subversive youth. An interesting suggestion from the first reading speech was that the court be a hybrid of Supreme and District Courts. In the council, Alfred Meeks – a wealthy businessman who was nonetheless a liberal in support of female suffrage and more distressingly for his colleagues, of RD Meagher’s return to the roll – observed:

*… the present Supreme Court bench was composed of men who, with one exception, had never practised in the criminal courts. On the other hand, the chairman of quarter sessions [the presiding DCJ] had tried indictments under criminal law of all grades of gravity below capital cases.*

Also in the council, Pilcher KC replied:

*[The] Court of Criminal Appeal ought to be composed of men chosen from the bar and of the highest training in the law. That qualification was not so necessary for district court judges… why draft men into it who of necessity need not be men of the same stamp as the judges of the Supreme Court?*

Pilcher was a conservative but hardly a lackey. A leader of the common law bar, he had refused office including, it was said, the chief justiceship upon Sir Frederick Darley’s death. My preference for Pilcher’s position comes from a different reasoning. The judiciary, like the army, is a hierarchy; what else is stare decisis but the giving of and the following of orders? Holman’s was an idea which incorporated a plausible improvement to the administration of justice, but the administration of anything depends not only on its functioning but it being seen to function. If the system occasionally pits a bright major against a foolish brigadier, the major will have to look other than to rank for vindication. Holman dropped his plan.

One of the most important stories of Australian social and political history has been the relationship between the Catholic vote and the Labour vote, all with a background of unhealthy and often vicious sectarianism. Nor is it ancient history. A decade on is still too early to fully explore the relationship between the realignment of the conservative Catholic vote and the sustained electoral success of Prime Minister John Howard.

The complexity of Catholicism had a heavy influence on the course of many a criminal law issue. Archbishop Mannix’s delightful recollection of the Carsonist success in the light of the Dublin disaster four years on (“Their leader, instead of being sent into prison, was taken into the English Cabinet”) is one of many instances the author has recorded.



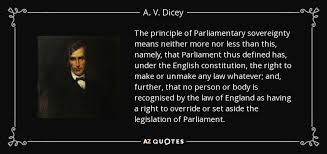
**Welshing on the Irish is dangerous.**

Another – and welcome back sedition – is the remark by the Reverend Dr Toumey, “Why does [Britain] not grant to Ireland that liberty for which she professes to be fighting in Europe?” Despite young Edward McTiernan’s advocacy, or perhaps as a result of it, he (only) got a fine.

Religious bickering, as it usually is, was only a mask for a more profound shift, a shift not only in power but what power was. The author’s story ends upon the accession of Queen Elizabeth II. When Queen Elizabeth I acceded almost four centuries before, she succeeded because she was a daughter of a monarch who was declared Defender of the Faith by a grateful pope for his 1521 writings against Lutherism. She succeeded her sister, a Roman Catholic who would marry the future King of Spain. If the failure of his armadas gave us an ideal of the underdog, the lawyers in us must recall his presence in the regnal years “P&M”. The view expressed by the current heir to the throne – "while at the same time being Defender of the Faith you can also be protector of faiths" – is recent.

And so from the England of Elizabeth I’s great ministers Cecil pere et son to the England of their direct descendant Robert Gascoyne-Cecil the third Marquess of Salisbury. For the period, it was an England which for all its glory was an island, scared and small. There was any number of doctrinal reasons to criminate Catholicism but the Cecils’ foreign policy for an isolated queen found justification in Matthew 6:24, No man can serve two masters.

England’s greatest jurisprudential success is the idea of a rule of law where the sovereign in parliament is the throne behind its power. It was fundamental to that idea that persons recognised but one law, and when the throne ruled for God (via the Church of England) as well as for Mammon (in parliament), Catholics especially were going to have a hard time of it. I think it no inconsistency that the 19th century champion of the rule of law AV Dicey could be on the one hand a Liberal and on the other opposed both to female suffrage and to home rule. And just in case his life wasn’t full enough, he was also a cousin of the codifying Stephen noted above. This tension of the centuries, epitomised by the Irish tragedy, has been well picked up by the author.



**Postcards from an international island.**

Sir Frederick Jordan appears regularly. His early world was different from that of a regular appearer of the generation before, GPS educated Mr Justice Pring. Yet both were those judges for whom an immobile face of impartial severity was part of a judicial oath.

At home, Jordan was a conservative, at least in matters of art. That is, he was deeply and broadly informed about cultural matters but in the culture wars of the time, more aligned with the views of Lionel Lindsay; Menzies and not Evatt as it were. But he was a leftie when it came to the limits of the state’s ability to impeach the liberty of the subject. He was notoriously unenthusiastic to the breadth of McKell’s wartime regulations. Later, he pre-empted by half a century clear judicial condemnation of unacceptable police practices: “If these methods are tolerated, it is a short step to the moral, if not the physical, tactics of the Gestapo and the Ogpu.” Jordan was in a minority. One of the majority identified two schools of judicial thought, one being the sentimental and one being the realistic. In a later minority, Jordan persisted:

*To allow police methods to be assimilated in this way to those of the Gestapo may be described as “realistic”, but it is not a type of realism to be tolerated in a free country.*

There is another point, that a jurist however eminent or, in Jordan’s case, pre-eminent, and however much “in charge”, is only a member of the bench. Whatever our 21st century distaste for the realistic view in that case, the conflict reveals both the best and the worst of allowing a range of views in a place of power.

Generalisations about judicial hypocrisy are absent and rightly so. Laws follow norms but it does not follow that a qualified lawyer is unfit to apply laws merely because his or her private life is no example of those norms. The public general and the private personal are rarely helpful intersects.

The author does however pass on a disturbing titbit about one renowned judge who had shared the medal with Garfield Barwick. Barwick recorded in his autobiography a legal stoush against his colleague before the senior Curlewis DCJ, “a quick witted and well-furnished common lawyer.” The story of the colleague’s hypocrisy comes much later and is sourced by the author from the wife of a future Labour leader. The story is aptly told.

As for the senior Curlewis DCJ, he fathered Adrian Curlewis DCJ, a leader of the lifesaving movement, and in turn a father to Philippa. On Remembrance Day 1925, she married the grandson of Sir Adrian Knox, as we have seen an uncle by marriage to a Stephen. Meanwhile, the great Stephen of the Colonial Office (known as “Mr Over-Secretary Stephen”) had as his stepmother William Wilberforce’s sister. It was Wilberforce who wrote to Governor Macquarie in praise of a young Edward Smith Hall. He in turn would be the great-great-great grandfather of Philippa. It is the task of any genealogist worth their salt who visits Bondi Beach. After immersion, they must stand at the corner of Hall and Curlewis Streets. Curlewis DCJ senior’s paternal grandfather married ES Hall’s daughter. If you get confused and end up on O’Brien Street, do not fear. O’Brien had married one of Hall’s daughters and then, on her death, another.

All made sense when, on 15 October 1868 at the Homestead, the family compound near the end of Sir Thomas Mitchell Road, a double wedding took place among four of Hall’s grandchildren. Lucius O’Brien married his first cousin Mathilda Curlewis, while Curlewis DCJ senior’s father and Mathilda’s brother Frederick Charles returned a courtesy by marrying Lucius’s sister. When Ethel Turner married Curlewis DCJ two years after the publication of *Seven Little Australians*, fiction came home to fact.



**The Homestead, for lots of little Australians.**

The travails of New Australians are well-covered. Children were sometimes called upon to translate. The author records a 14-year-old lad acting in the Parramatta Quarter Sessions of 1954. He had arrived in Australia five years before. The reviewer can record that the lad has since received an Honorary Fellowship of the University of Sydney from the Chancellor Her Excellency Professor Marie Bashir and that as at 2019 his online shingle records “English, Ukrainian, German & Polish Languages Spoken”.

The closing chapters bring together some of the older characters and some of the new. The Maxwell Royal Commission had a positive effect on the development of a more coherent licensing system but remains a delight for anyone curious about Sydney in the middle of the century.

Apart from anything else, the appearance of Dovey KC with his son-in-law EG Whitlam to assist investigations into the alleged roguery of, among others, Barwick KC’s brother (as well as one Abraham Saffron), says a lot by way of background when the Dismissal came around a couple of decades later. And the commission is the gift that keeps on giving. In the second decade of this century, a royal commission into trade union shenanigans was almost derailed when the commissioner was invited to deliver the 6th Sir Garfield Barwick Address. Whatever the political and legal realities, the commissioner, no slouch in matters of legal history, would have been ruefully aware of Barwick KC’s submission to a jury 60 years before:

*Any similarity between the Liquor Royal Commission and a Court of Justice ended with the furniture of the room in which the Commission sat.*

Some themes refuse to die. Followers of the turf will be aware of a recent ban handed out to a trainer for charges of possessing outlawed electric-shock devices. A colourful prequel is found in the story of Diamond Dolly Barr. Once again, forensic truth, the Norton truth, and the actual truth are all a little at odds. The underlying crime was the slashing of one Betty Carslake by, the Crown alleged, Barr’s husband. There is what happened before Curlewis DCJ, what happened in the Court of Criminal Appeal, and what happened according to the press. Decades later, readers can take their pick. More than one history has Siddy Kelly doing the slashing while Barr took the fall: see James Morton & Susanna Lobez, *Dangerous to Know Updated Edition: An Australasian Crime Compendium*.



**Charming chap to bring home to mum.**

Whatever the truth [sic], there seems to be no issue that the indomitable Dolly went to Melbourne, fronted the local stewarts, and promptly got Siddy a life ban for running a horse with a battery in the saddle. A *Herald Sun* of more recent years records:

*An enraged Kelly swore retribution, this time on a prostitute, Jean Ryan, sometimes known as Branch, a friend of Dolly's.*

*He shot at her as she left a William Street brothel.*

*Kelly was lucky. Charged with attempted murder, he was bound over to be of good behaviour, which was later quashed on appeal.*

Ironically Siddy got five years – the same as Barr – for a later slashing in Melbourne. The tale is included in the above article and worth telling out:

*After completing his five-year stretch in Melbourne, Kelly returned to Sydney where he consolidated himself in the lucrative illegal baccarat rackets.*

*Kelly paid well for to protect his rackets from fellow gangsters and police prosecution. As well as paying crooked cops, he also utilised a sophisticated network of scouts and "cockatoos'' to warn of approaching police.*

*He died in 1948 of heart disease. He was just 48 and the proceeds of his criminal empire had been well and truly hidden.*

*Rumours circulated that he'd hidden 30,000 pounds in Sydney's Centennial Park, where he lived.*

*As a result, the park was invaded by spade-wielding fortune hunters, who later left empty-handed.*

Underlying this volume is the endless story of power and the more recent emergence of democracy. For the right, Lord Salisbury’s apt summary: “Wherever democracy has prevailed, the power of the State has been used in some form or other to plunder the well-to-do classes for the benefit of the poor.” For the left, Vladimir Lenin’s apt rejoinder: “Democracy for an insignificant minority, democracy for the rich – that is the democracy of capitalist society.”

Unlike conservatism or communism, liberalism fails as an ideology because its strengths are flexibility and inconsistency, the recognition that while change may be many things, it is both inside and utterly beyond human control. The hero in Woods’ history is this incoherent liberalism, a resilient belief that the government in any civilised society is not merely about the exercise of power, or even about its restraint, but about also an explanation of that exercise for the rest of us. It is a tale well told.