

Episode 1 - Captain Moonlite

Eli: Hello and welcome to Queer as Fact. My name is Eli.

Irene: I'm Irene.

Hamish: I'm Hamish.

E: We have recorded a little introductory episode that you might want to listen to if you haven't already. It'll just cover what kind of things we're going to talk about and what we're about generally, and you can find it wherever you found this.

Every fortnight, one of us will talk about a queer history topic from around the world and throughout time. This week we're going to talk about the Australia bushranger, Captain Moonlite.

[intro music plays]

I'll give a few content warnings for this episode, which we'll do before all of our episodes. We'll be discussing executions, police brutality and gun violence, and the episode also contains a couple of suicide mentions and one homophobic slur. If any of that sounds like something you'd rather not listen to, please feel free to skip this episode. We have plenty of other content coming out soon, and there will be a lot of variety in tone and content.

So Captain Moonlite's real name was Andrew George Scott, but he generally goes by George. He was born on the 8th of January, 1845 in a small town in Northern Ireland. So he emigrated with his family in 1862 to New Zealand and he came to Australia in June of 1868 looking for work, and he got a job as an amateur layreader for a church and they were this huge force of men who the Church of England was employing because they were really understaffed at the time because the population was booming and so they just performed basic services like preaching and doing funerals and things like that.

So he got a job as a lay reader and was sent to Bacchus Marsh and was then moved to Mt Egerton which was a mining town in rural Victoria. So George Scott arrived in Mt Egerton at the end of March and he quickly struck up a friendship with Julius Bruun who was a seventeen year old bank manager in Mt Egerton.

Irene: Hang on, did you say a seventeen year old bank manager?

Eli: Yes! He's a seventeen-year-old bank manager!

Irene: This is going to go well.

Eli: Yeah. This is exactly what the papers are saying in like six months.

[laughter]

Eli: So they became really close friends really quickly and he would go and see him most days and they would sit and play cards -

Irene: This sounds extremely heterosexual too. Just saying.

Eli: We'll get to it.

I: Carry on.

E: Um, and they'd sit and play cards and get drunk in the schoolhouse at nights, sometimes joined by the schoolmaster, who was called James Simpson. At the end of April, their friendship abruptly ended pretty much over night.

H: Okey doke

E: Yep. So that's the scene set.

I: Okay.

E: Yep. So on Saturday the 8th of May, 1869, Julius Bruun is going to the bank at 10 pm. The bank is locked, the safe inside isn't and inside the safe is money and a cake of gold that Bruun had put there earlier that day. Now general practice was for Bruun to take it to the police on weekends for safekeeping but he didn't do it this time and he could never explain why.

H: Is it because of crime?

E: It may be because of crime.

[laughter]

I: So are they in this together then?

E: I mean...

I: Okay, keep going.

E: We're going to have, like, quite a time figuring this out.

I: Alright.

E: So according to Bruun, a man in a mask leapt out from the shadows and cocked a gun against his head. Bruun claimed that he recognised him as George Scott. However, Scott was taller than him and thin, and Bruun described the man as being stocky and short. Also Bruun knew nothing about guns but he claimed he could recognise the gun as a Colt revolver just from hearing the cock of the weapon.

I: Sure.

H: Okey doke.

E: It's going to be one of those times. He's forced into the bank and forced to surrender the gold and the cash which was totalling in worth over a thousand pounds. I did an intensely dodgy Google search and apparently that's about \$150000 in modern Australian money. So then Bruun and the bank robber go for a bizarre walk around the town.

H: Of course.

E: Yeah.

H: Because he's got a really snazzy mask on and he wants everybody to see.

E: Mhm. So first they go to a nearby pond, where the -

I: And feed the ducks.

E: Yeah. At nighttime.

I: The black ducks.

E: With, like, a gun and a mask and \$150000.

H: Eat the bread!

I: Cloaked in darkness.

E: Where the robber apparently intended to tie Bruun up and gag him and leave him. However, Bruun had a sore throat and he asked if he could please instead be left in the stables, and the robber said, yeah, let's go. So they go back to the main road and they walk up it to the stables; they walk past several groups of people -

H: Okay.

E: Yeah.

H: Who are just like, this is normal.

E: Yeah, so -

I: Oh yeah, it's Bruun and his mate with a mask?

H: And also a pistol.

E: Yep. Some of these people later confirmed that they'd seen them, but they didn't notice a mask, and they didn't notice a gun, and they didn't notice George Scott but instead saw James Simpson the schoolmaster with Bruun.

I: And I presume they also didn't notice the, like, cake of gold.

E: No. No. So the robber apparently decided that the stables weren't secure enough and they walked up a backstreet to the Catholic church where they hung out for about fifteen minutes, and then they walked up the main street again, past the bank and a busy pub.

I: What.

E: The police asked Bruun why he didn't rush into the pub for help and he said it was closed and it just demonstrably was not at the time. So they turn right and continue to the schoolhouse. Inside the schoolhouse, the robber has Bruun write a letter proving his innocence and he wrote it by the light of two or three matches. No used matches were found later but they did find some unused ones, and when they showed them to Bruun he said, yeah those were the ones.

I: Bruun does not understand matches.

E: Bruun does not understand lying.

H: Yes.

I: Yes.

E: The letter reads, "I hereby certify that L.W. Bruun has done everything in his power to withstand our intrusion and the taking away of the money, which was done with firearms." And it was signed in a different hand as Captain Moonlite.

H: Nice.

I: I see.

E: This story's so fake, it's great.

I: I mean, we know Bruun wrote this whole thing, I'm pretty sure.

E: Well, we'll see, we're going to debate this. So the robber then asked him how much of the money was his because he didn't want to rob the bank manager, just the bank and he lied and he said, Uh, 10 pounds 15 shillings and the robber gives him eleven pounds. The robber then ties his hands up but at some point in these proceedings, Bruun had apparently smuggled a pen knife into his hat.

H: Of course.

E: Yeah. And he cuts himself free and leaves the schoolhouse ten minutes later. The police said, why didn't the ropes leave any marks on your wrists?, and he said, I don't know.

H: They were really nice ropes.

E: Really fancy ropes.

I: Silk. Bamboo.

E: Bruun went and borrowed a horse from his neighbour and rushed to the police station at Gordon. He said that he had been robbed and it was Scott who had done it. The police decided that Bruun and Simpson had probably done it and arrested them.

H: That does seem quite reasonable from everything we've seen here.

E: Bruun's version of events constantly changed and, as you've heard, contained facts that were just demonstrably false. And then when this was brought up, he couldn't clarify any of it and just fell silent. James Simpson, the schoolmaster, also knew details of the crime and was touring

visitors around the schoolroom the next day showing them where everything had happened, before Bruun got back from Gordon to tell the town about the robbery.

I: I see.

H: Did he at least charge admission?

E: I don't know but it feels probable. The note that the robber had had Bruun write was also torn from a page of the school ledger that Simpson had taken home with him earlier on the Saturday.

I: They have done a spectacularly unprofessional job here.

H: I don't know that you could make a worse crime if you tried. Like, you could make it up and people would be like, that's silly, no one is that bad at crime.

E: My favourite piece of evidence against Simpson was that the police saw a similarity between the signature on the note and Simpson's handwriting and Simpson got really flustered when this was pointed out and he first said that George Scott had just copied his handwriting, obviously, and then he said that his son was in the habit of writing Captain Simpson on like random bits of paper in the way that kids do to pretend they're like superheroes or whatever and that therefore the handwriting sample that the police had compared with the note was actually written by his son and he got out a notebook from his house and turned to a page and said like see it says Captain Simpson there and his son was like, I never wrote that and testified in court that he never wrote that.

H: Awkward.

E: Yes, which leads me to the question of is James Simpson just sitting around in his house, like the principal of a school, writing like Captain Simpson, I'm awesome.

I: I guess he wanted to practise Captain in Captain Moonlite's signature but without making it super obvious.

H: A thing that may be worth pointing out here is that there's an existing tradition in Europe and like specifically England, Ireland, Scotland where if you are a highwayman you call yourself Captain Something.

E: Yeah, which really sounds like what this is trying to invoke. Like, the Captain Moonlite name, but we'll get to its origins in a bit, actually, it's mysterious and weird.

H: But I would believe he was like, I'm a dandy highwayman, I, I'm a very cool man, I'm, like, writing Mr and Mrs Smith on my notebook.

E: Yeah, that's what it sounds like, like someone as a crush writing like their crush's surname with their first name in a notebook.

So George Scott obviously denied Bruun's accusation that he had robbed the bank and said he hadn't even been in Mt Egerton and he had a train ticket to prove it. The date was, however, illegible. Even though he claimed to have an alibi, public opinion still favoured Scott as the culprit though.

I: What?

H: I imagine they didn't release everything.

E: Yeah... This is like the next day.

I: Okay.

H: Okay.

I: Yeah, okay.

E: They just essentially heard, I guess, that Bruun had said that he'd been robbed by this man and had no reason to disbelieve him. So George Scott resigns from his church duties and left town a few days after the robbery and the local story goes that he rode slowly through the town on a black horse and out of it along a track that still exists to this day called Black Horse Lane.

H: We went to this.

I: Oh that's the place we went.

E: We did, we went on a little Queer as Fact excursion and it was great.

H: It was fantastic.

E: So Bruun got heavy hints from his employers at the bank that they didn't really want him working there anymore and he resigned -

I: Fair enough.

E: - and was the first to stand trial. George Scott was a witness at Bruun's trial and part of his testimony was revealing that when he had been in the army in New Zealand, his army friends had called him Captain Moonlite, and that the nickname had also been used in Mt Egerton, but unfortunately no one thought to ask him further questions about this, like why they gave him that name.

I: So he did just rock up in town in Mt Egerton and was like hey I'm George Scott but people call me Captain Moonlite and everyone was like, yeah no worries come have a drink with me Captain Moonlite.

H: I think I would enjoy it more if this was a nickname that he got independently in Mt Egerton and the army because it's just really apparent that his nickname is Captain Moonlite.

I: He just really looks like a Captain Moonlite.

H: Yep.

E: He also claimed that he had been in a house near Ballan until 10 pm on the night in question and although they pressed him for more details he wouldn't say what he was doing there or who he had been with, apart from the fact that he had seen a married woman and wouldn't divulge her name.

So Bruun was found not guilty and as a result the charges against Simpson were dropped and so was the matter - they had no culprit and no gold and they just stopped talking about it for a while.

I: They were just like, well that was an embarrassing fake robbery, and then they moved on.

E: So Scott has left Mt Egerton now and on the 6th of September 1869, he sails from Melbourne to Fiji. He befriends the ship's owner, a man named Alan Ramsey Hughan, and they decide to go into business with each other and another man named Francis Holworthy and establish a cotton plantation.

H: Hm. In Fiji?

E: In Fiji.

H: Okay.

E: For this purpose, while he's in the area, he buys an island -

H: Okey doke, as you do.

E: - yeah, called Vomo Island for 260 pounds to be paid for within nine months. It's a luxury resort today. The cheapest rooms are \$2300 a night.

H: Wow, okay.

E: Yeah, so much money.

H: Yes.

E: He goes back to Australia tasked with finding cotton seeds for his plantation and upon his arrival he deposits 503 pounds to the bank which he gained from selling a cake of gold to the Sydney Mint.

H: Oh.

E: Mm.

H: Oh.

E: Yeah. So, that raises some questions.

I: It really does.

E: Mmhm. He didn't look for cotton seed and instead spent a lot of time going to fancy hotels and running up huge bills. He had a preference for beer and gin.

H: Mmhm. Fair.

E: Sometimes he would pay the bill, sometimes he would not. Holworthy, one of his business partners, was getting nervous in Fiji, telling him that he really needed to get back by February 1. By the end of June, he had 27 pounds left, and he had not returned to Fiji. Hughan sent him a letter scolding him, saying, "If you don't see the folly and the shame, yes I say shame italicised ...of your proceedings you must be a perfect idiot", and he goes on, "I would understand it in a mean, low-spirited mongrel - but in you, oh heavens! It is a monstrous, a shameful paradox... my heart's little treasure, my joyous innocent darling -"

I: Wow, okay.

E: "- I would rather see you than anyone on earth".

I: Awww.

E: Paul Terry, who's one of his biographers, assumes that they were lovers.

H: That seems fairly reasonable from "my sweetest innocent darling".

E: Yeah.

I: That was a fairly effusive letter, yeah.

E: He signs that with, like, also I'm sending you love from my wife and child, goodbye. We don't really know much about them so we can't, like, make a case either way but it's interesting. George Scott definitely, in his life, just has a series of very close male relationships that culminates with like the love of his life who we'll get to later.

So he did plan to return to Fiji, but was arrested for fraud the day before he was going to leave.

H: That does seem quite reasonable.

E: Yeah...

I: Yes.

E: So by this time it's November and he has no money and he's been paying for everything with bad checks. To give an idea of some of his spending habits - in February, he bought a sailing boat named the Comet outright for 273 pounds and he lived on her for some months. By November, he had sold the Comet, and he bought another boat, the Celeste, which was repossessed to pay his bills and then after that he bought another ship with a fraudulent cheque that he apparently hoped to sail away from Melbourne to Fiji on before he could get in trouble for that and it was called the Why Not.

[laughter]

H: That's amazing.

I: You made some choices, Captain Moonlite. Like, okay...

E: He was arrested, however, and taken to prison and on December 20, 1870, he appeared in court; he pled not guilty, the jury spent ten minutes deliberating and found him guilty and then he was sentenced to a year's hard labour at Maitland Gaol.

So in the time since the robbery, Julius Bruun, our old friend the way too young bank manager had hired a private detective who was called Sly -

H: Of course he was.

I: That's a very fake name.

E: It probably was, I don't know... - to keep an eye on Scott and the PI reported the selling of the cake of gold to Bruun who then took it to the police. So in March of 1872, Scott is released from gaol and goes to the Sydney Police Office to collect his belongings, where he was promptly arrested and sent to Victoria to stand trial for the robbery of the bank at Mt Egerton.

H: Well, that must have been a trip.

E: Yep, yep.

I: Is what happened was that the three of them were in on this bank robbery together and then they had some kind of falling-out mid-bank robbery and then he skipped town?

E: Well. I have, like, a theory to pitch at you when there's more information.

H: Okay.

I: Okay.

E: So he is awaiting trial in Ballarat Gaol. So Ballarat Gaol had been quite recently completed, I think about ten years earlier and people in Victoria were saying that it was un-break-out-of-able.

I: So I should picture him in Azkaban.

E: Yeah.

H: Okay.

E: Whenever you say...

H: This is unsinkable.

E: Yeah, like, it's gonna happen. So he's kept in a cell with a guard outside in the corridors and the prison is surrounded by these really smooth, really high outer walls. So in order to break out he has to get out of his cell, get through the corridors, either overwhelming the guard or avoiding the guard, and somehow climb these walls. Within weeks of arriving he'd done it.

H: Well done.

E: Yep. So would you like to guess how?

H: Did he break out of his cell...

E: Yeah.

H: ...overcome/avoid the guard and the exit the outer wall?

E: Yeah, he did. Let's do this step by step. Do you want to guess how he got out of his cell?

I: I was going to suggest that he seduced the guard.

E: He did not.

I: Dammit.

H: Did he pretend to be ill and then when they opened the door punch the guard and...

E: No. So it began on Monday the 11th of June, 1872, at 3 am, and the first thing that happens is that George Scott and a man named James Plunkett both burst out of Scott's cell.

I: Who the hell is James Plunkett?

E: James Plunkett is another inmate of Ballarat Gaol who's in the cell next to his.

I: Nice job, Captain Moonlite.

H: Okay... so how did they get the door?

E: So there were two ingredients to this prison break. One was that George Scott was very smart and the other was that the prison cut some corners.

H: Okay.

E: Which, if you're going to, like, take the cheaper of two tenders and then say that no one can break out of your prison... like...

I: Sure.

E: Come on, guys. So, George Scott while he was in his cell at the Ballarat Gaol discovered that the mortar between the bricks was quite soft. So he picked away at it, until he could pull out a brick, hiding all the chips of mortar and everything in his bed, and then another one until there was space for James Plunkett to slide through into his room.

I: I'm imagining James Plunkett like caterpillaring through there.

E: Well he would have had to. So the inside of the doors in the cells was meant to be covered with this thick sheet of iron but instead it was this sheet of iron that was as thin as, like, a page in a Bible.

H: Huh.

E: And they just peeled it off.

I: [laughing] It's like aluminium foil.

E: Yeah.

I: Okay.

E: And then all that was between them and the lock was a thin piece of wood and a single nail so they just broke it down, and they ran out into the hall and they subdued the guard.

H: Okay, so that's two of three.

E: Yep. So They tied up the guard, they seized knives and blankets, and then they broke out four other prisoners.

I: Where did they get the rope to tie up the guard?

E: They may not have used rope, they may have used blankets.

I: Oh yeah, bedsheets or whatever.

E: Or, rope exists in prisons and they found some.

I: Yeah.

E: Yeah.

H: Are the four other prisoners so they can make a human pyramid to get over the wall?

E: Basically.

H: Yes!

E: So they tear the blankets into strips and make it into a rope. And then Scott goes and stands against the base of the wall and one man climbs onto his shoulders...

H: Yes, that's amazing.

E: ...and then another man climbs onto his shoulders and so on until there are six men stacked at the base of this wall.

I: I'm impressed, the Chinese gymnastics team only goes three men high.

E: Hmm. And so this is why they'd broken out four other prisoners, is because Geroge Scott had figured out exactly how many men he needed to stack to get to the top of the wall.

H: Nice.

E: Mhm.

H: I assume there's space for a climb him like a tree joke in here.

E: If you like.

I: I wonder how he selected the men for the athletic ability to climb a six man high human tower. Like, did he, like, check these men out in the exercise yard and go, wow he's got really good balance, I'm taking him.

E: Potentially, yeah, like...

H: And he's very thin so I can, like, grab onto the ribs.

E: So then the man on top climbed onto the top of the wall and pulled the next man down up, and then they pulled the rest up by the rope and then they climbed down and ran away.

H: That's fantastic.

E: Mmhmm. All of this so far has sounded fake as hell but I promise it all happened. So once they got out of the prison, they all split up, and then they were all rearrested within a week.

I and H: Ohhh...

E: On July 24, Captain Moonlite's trial for the bank robbery of Mt Egerton began. So I won't go over all of the details of the trial, because a lot of the evidence is the evidence from Bruun's trial earlier. The case against him basically rests on Bruun's accusation, the fact that he doesn't really have an alibi, the fact that he sold a cake of gold, and the fact that now, as a convicted criminal, people are automatically viewing him worse. At this point, would you like to make any statements about who you think robbed the bank and how?

I: I'm pretty sure that the three of them were in on it and somehow in the process of the bank robbery they had a dramatic falling out and so Captain Moonlite skipped town with the gold.

H: Maybe the plan was you - you being Mr Seventeen Year Old Bank Manager - you leave all the cash in the safe, or the cake of gold in the safe, just unlock it for us, we'll walk in and then you and I - I being the schoolmaster - will make a big distraction in the town and we'll say it was George and George will be all the way off with the gold. And then George ran off with the gold.

I: Yeah, and then they were going to meet up or something, I don't know, and split the gold and George just buggered off and took the gold.

E: Like possibly those things, yes. Ultimately I have to tell you we don't know. I think general historical opinion is that Scott just did it but there's so many holes in this story, but there's also so many holes in this story no matter where you look at it from. If they'd had a falling out it would have to happen on the night, because Bruun went straight from the schoolhouse to the next town where he immediately accused Scott.

H: I suppose if Scott just rode off into the night with the gold, then that's enough of a reason for a falling out.

E: Logisitically, if they show up at the bank to rob it, and the plan is, like, we'll rob this bank and, George, you take the gold and then we'll all split it - he's taking the gold anyway. That's a really short timeframe to realise that like, wait a minute, he's actually taking the gold. Like unless, I suppose if he was meant to rendezvous at the schoolhouse or something...

H: There's like a step five where it's like, and then we'll meet you later and he's not there...

E: Yeah, but still that seems quite dramatic to immediately go to like, let's accuse him of...

I: Unless he left a note that was like, bye guys, off to my island resort!

E: Where's the note?

H: Yeah.

I: I don't know.

H: Cos that would have been great to have in court.

I: I mean, not really because that shows that the other two were in on it in the first place.

H: Good point.

I: So he burnt the note with one of those unused matches.

[laughter]

I: Yeah, this is fairly spurious.

H: Mmhmm.

E: I'm going to pitch you a theory in a second that is also, like, somewhat spurious.

I: Yay.

H: Excellent.

E: It's great. You also do have to take into account, if they're all on it at the start of the night and by the end of the night they're not, where that massive falling out that Bruun and Scott had had, like a few months earlier where they just don't speak to each other now, plays into that unless it's all an enormous ruse.

I: I was going to say maybe it was fake so no one would guess that they were working together.

E: Maybe, but you'd think if they were putting that much planning into it they could have got an alibi straight or literally any of their facts straight.

H: I'd be entertained if they tried to pin it on him and then he was like, I know these guys. I know where they'd hide a ton of gold.

I: Yeah.

H: And then he runs off with the gold.

I: Maybe he does just know them super well from all those fun nights they had getting drunk in the schoolhouse and he's like, I know, we talked all the time about where we'd hide the gold if we robbed the bank and he goes there and he's like, well the gold's there, and he takes it and he leaves town.

E: Although that does beg the question of how he knew there was a robbery in place if he wasn't involved in it.

H: Mm...

E: Anyway. During the trial, Bruun again gets super tangled up in his story. This time he added that he wrote the note by the light of only one match.

H: Right.

I: That is fast writing.

E: That is.

E: Scott's lawyer said, alright, prove it, light a match and write out the words.

[laughter]

E: He failed. Several times.

H: As you would.

E: Yeah. So things were going fairly well for George Scott, then a lunch break was called and during that lunch break, Scott and his lawyer had a dramatic falling out and his lawyer went, fine, you be your own lawyer, and left.

H: This seems to happen to Scott.

E: Yeah, look, he was probably kind of... obnoxious. So Scott goes, fine, I'll be my own lawyer! And is.

H: This is going to go so well.

E: Mhmm. So he immediately recalls Bruun to the stand and keeps him there for six hours and just drags him basically.

H: Wow.

E: The courtroom is packed and everybody's just laughing at Bruun as Scott makes fun of him.

I: Aww.

H: This has gone fairly well.

E: So Bruun's time on the witness stand contained the following exchange. I couldn't find the full transcript so I've kind of reconstructed it. The exact wording is therefore not a matter of historical record, but the sentiment very much is. And I'm going to get my friends to help me out here, Hamish will be playing Andrew George Scott and Irene will be Julius Bruun.

Scott: Bruun, are you in the habit of lying?

Bruun: Certainly not.

S: But you lied to the robber did you not? You told him you were owed 10 pounds 15 shillings by the bank, prompting him to give you 11 pounds.

B: It was acceptable to lie to retrieve the stolen money.

S: If you would tell a lie for 10 pounds 15 shillings, how much would you swear one for?

B: I asked for that amount of money because it seemed the amount of money a robber would give me.

S: Do you mean to say that this model robber who offered you a drink, wrapped you up in a coat and hat, and walked you about the place while his own life was in danger, would not have given you 20 pounds?

B: No comment.

Eli: So the jury deliberates for three hours and they find Andrew George Scott guilty of robbing the Mt Egerton bank. He's sentenced to ten years hard labour at Pentridge Prison. When he was in prison for the final time, Scott was very open about the crimes that he had committed and previously denied or tried to soften. But he never admitted to the robbery. He insisted that he was innocent until the day he died. Historian Stephen Williams describes the situation as: "The overwhelming weight of evidence proves that Scott was not involved in the Egerton robbery - and yet he must have been."

I: I mean, maybe he just got a cake of gold from somewhere else.

E: So, I'm going to pitch a theory that is very much based on Paul Terry's theory put forth in In Search of Captain Moonlite, his fairly authoritative biography. So would you agree that it's safe to say that the men who went to the bank were Bruun and Simpson.

H: That seems reasonable.

I: Yeah, I think so.

E: Yep? So the question ultimately becomes was Scott an accomplice or was he set up? Yeah? It's pretty safe to say that the idea of robbing the bank was probably bandied about one night when the three of them sat drinking in the schoolhouse. I feel like everyone has that conversation, where you're drinking with your friends and you're like, imagine if we robbed a bank, how would we do it, and in this case one of them's a bank manager, and it's probable that Captain Moonlite as George Scott's nickname came up then too.

H: Hmm.

E: But then Bruun and Scott have their falling out, so any plan to rob the bank is now jeopardised or off the table. Terry suggests that maybe Scott made a sexual advance to Bruun that was rejected or maybe Bruun accepted it, and then later regretted it and then they had their falling out. Bruun later said that Scott would often enter the private rooms at the back of the bank, and once he proposed to sleep there to which Bruun said, but there's only one bed and Scott was like, okay, and left.

I: Aww.

H: I feel like I just heard the whistling sound as it goes straight over his head.

E: And if it had been a sexual matter it would explain why they'd had this very brief intense friendship that had then rapidly cooled. But also, y'know, maybe it wasn't sexual in any way and they just had a falling out over anything.

H: We've had a couple of instances where Scott has just kind of been a dick -

E: Yeah.

H: - and then he's fallen out with people, like, say, a lawyer that he needed.

E: Hm. He was definitely a hot-headed man who would just say things even if it wasn't the best idea. Either way, perhaps Bruun and Simpson who were still drinking buddies decided to still go ahead with the robbery but to scapegoat Scott now. So Simpson and Bruun meet at the bank and they stage the robbery. They have all those bizarre stops along the way because they were trying to find somewhere to hide the gold.

Terry also suggests that if Scott had really been with a woman, it seems weird that that wouldn't have just been revealed at some point, who it was. Because if it comes down to doing ten years hard prison or betraying a woman that you were sleeping with...

H: Yeah...

E: I feel like Scott probably would have just done it.

H: Fair.

E: I mean, of course there's the possibility that he was just, y'know, around and robbing a bank or just had no alibi, but he also suggests maybe he was telling a version of the truth that was slightly sanitised, that he was with a man instead, and that he couldn't ever give up his alibi because admitting that he'd been -

H: Bonking a man.

I: Is not going to make him look any better.

H: Nooo.

E: He's going to end up in a worse circumstance than if he just gets charged with robbing a bank. Paul Terry also says that if Bruun had known that Scott was off with a man, then he would have known that Scott could never reveal an alibi and was the perfect person to scapegoat. I think that's a little weak. Possibly he knew that George Scott liked men, possibly firsthand he

knew this. But since they've had their falling out, it seems weird that he'd know the exact night that George Scott was off to have a little rendezvous with his mysterious potential lover.

So during his stay at Pentridge, George Scott would begin to claim that Bruun had given him the gold in 1869 in Ballarat.

H: Huh.

E: Mm. Which on the surface sounds ridiculous - why would you do that? - but Bruun's reputation had been damaged by the trial, he had lost his job, even though he was never charged with anything. And it would have been really difficult for him to sell this giant hunk of gold. So maybe he gave it to Scott, had him watched by that private investigator until he sold it, and then reported it to the police. So Scott gets arrested and charged and Bruun is forever exonerated from the possibility that he robbed the Mt Egerton bank.

H: Hm.

I: Oh yeah.

H: That's solid. Tricky. It's a stretch, but it holds together.

I: Yeah, I mean, it's plausible.

E: Ultimately we don't know.

H: History!

E: Yeah, history. I think it's fairly safe to say that Bruun, Simpson and Scott were all involved at some point to some degree.

I: Yeah.

E: It is difficult not knowing the truth though because this prison sentence that he serves for this crime kind of sets up the events of the rest of his life and not knowing if that's because he was wrongfully accused or because he's just a bank robber is weird and difficult.

But in any case, whether he was meant to be there or not, Pentridge Prison was where George Scott met James Nesbitt.

H: Is this about to get super gay?

E: James Nesbitt is the love of his life who he will stay with pretty much every minute he's awake for the rest of his life.

I: So yes.

E: Yeah. So James Nesbitt had begun a string of petty thefts at the age of fifteen in 1873, just doing things like robbing tills and stuff like that. He lived in Carlton which, if you're not a Victorian resident, is an inner city suburb of Melbourne, and at the time it was plagued with alcoholism, poverty, violence, gang activity - wasn't a great place to be growing up. so James Nesbitt helped rob a man with some friends and was sentenced to four years in Pentridge.

Pentridge Prison was pretty much exactly what you expect from a 19th century prison - it was terrible. They did back-breaking labour, like, breaking rocks apart and they were often kept in isolation and they were beaten often, and that sort of thing.

I: Was the breaking rocks apart stuff actually for a purpose or did they just get rocks to give these guys something to do?

H: No, because, like, how else do you make gravel?

I: Okay, fair enough. They were just, like, manually making gravel.

H: Or just like smaller rocks.

E: It's here that George Scott begins to describe himself as, quote, "at with war with society and the authorities", which is a major theme of the rest of his life and how he fundamentally views the dynamic between himself and society until his death.

I: I mean, I guess I see where he'd get this if he'd been wrongfully accused.

E: Yeah.

I: Like he's been fairly thoroughly betrayed by society then.

E: Yeah. And it is this kind of case of that could be quite sympathetic or he could just be a bank robber.

I: Bank robbing can be quite sympathetic though.

E: Yes, but less so than someone who's in prison for literally no reason.

I: Yeah, true.

E: So it's in prison that he meets and forms a deep connection with James Nesbitt. We know that a day was added to James Nesbitt's sentence for "taking tea to Prisoner Scott".

I and H: Aww.

E: Mm. Terry, I think, describes it as 'curiously tender'. For, like, a prison paperwork file. A newspaper noted that they had been "great chums in Pentridge and in order to preserve discipline had to be separated."

James Nesbitt is released in September of 1878 and George Scott is released on the 18th of March 1879. He served just under seven years in jail and Nesbitt's waiting for him at the gate when he's released.

I and H: Aww.

E: Yeah... So they move into a boarding house together in an industrial poor area of Fitzroy, which is another northern inner city suburb. Scott decides that he wants to make a living on the lecture circuit talking about the harsh conditions of the prison system.

I: Okay.

E: He hires an assistant, a young man named Frank Johns, who had had a promising life before his hand was crushed at his job in a biscuit factory, and since then he found it hard to get work.

H: Wow. 1800s, man.

E: Yeah. So Scott begins on the lecture circuit speaking to audiences of a few hundred. He's quite a famous name at this time and people are really keen to hear what he has to say. He describes the harsh conditions of the prison system, how crime isn't worth it, and how he had now served his time and expected to integrate back into society and be treated well by society now that he had paid for all of his crimes. Venues quickly began to refuse to let him speak. Crowd numbers dropped. He remarked that, "People are not interested in Scott. They would much rather hear and see Captain Moonlite." He becomes an object of a campaign of harassment from the police and he and his friends are continuously falsely accused of crimes. Like, demonstrably falsely as well.

I: Is that to say people weren't interested in listening to him because he'd essentially repented and they wanted to go hear this, like, highwayman talk and he was like, prison conditions are terrible, I want to be rehabilitated, and they were like, that's boring, or just too radical?

E: Yeah, I think talking about, the prison system is bad and we need to fix this, wasn't actually sensationalistic or fun at all, it was just like, oh yeah, that is a major problem with society that we

don't really want to think about, and also just like, all of the institutions he was trying to speak at, like hotels and universities, and the police were effectively discouraging people from seeing him.

I: Ah. Yeah.

E: Yeah. So they're running out of money and they can't get work and they decide to leave Melbourne. So he left Melbourne in a group of five men. Three were himself, James Nesbitt and Frank Johns. The other two were Gus Warnecke and Thomas Rogan. So Warnecke was fifteen years old, and he had had a bad family life so he had left home and was struggling to support himself. He met Scott on Bourke St, and Scott bought him buns and coffee -

I: Aww.

E: -because he heard that the boy hadn't eaten that day.

H: Oh no.

E: And Thomas Rogan was 22 and had just gotten out of prison on the latest of a series of short prison sentences for petty crime that had characterised his life. I just wanted us to have a rundown of all of the people with him because individually their characters aren't actually that important, it's just that all of the men who were with him are people who have had to deal with poverty or abuse at home or, you know, the one who has a crushed hand and is unable to find work and this is why they're with him. This is why there are groups of these men walking along the country roads in Victoria at this time, begging for work, because poverty is a massive concern at this time, unemployment is high and these are the conditions that are characterising these men's lives.

I: Are we in like the 1890s here?

E: No.

I: Or earlier, 1870s?

E: It's like 18... like, 78, 79.

I: Okay.

H: Just getting to the end of like, gold's amazing!

E: Yeah, so we're just at the end of the gold rush era and we're at the end of the bushranger era as well.

I: Yes.

E: Of this time of his life, George Scott later said: "I honestly felt unsafe in Victoria. I felt hunted down and maddened by injustice and slander."

I: Aww.

E: And he said that James Nesbitt "saved me from being a hater of humanity."

I: Aww. Mm. That's very sweet.

E: So they left Melbourne on foot with only what they could carry. The police harassed them all the way to the border, trying to provoke them into reacting, and they rode ahead to warn the towns they were coming to that they were dangerous and they shouldn't be given any work.

I: They haven't even committed any crimes any more, none of them are in prison!

E: Yes.

I: They're just, like, random people. Police, chill!

E: It's very much that case though that once you do a crime, you are a criminal. So they're struggling to find work because the police are making things so difficult for them, but also the

countryside is very on edge because of Ned Kelly and his gang, who at this juncture we should probably stop and speak a little bit about and about bushrangers generally.

H: Ned Kelly is a thing.

E: Ned Kelly is quite a figure in Australian history. So he was the last, really, of the bushrangers.

H: Bushrangers being highwaymen who were very prolific in the later part of Victoria's gold rush era.

E: So they did a lot of stuff like riding around the countryside and holding up farms and taking their money and stuff like that.

I: Didn't Ned Kelly used to do that thing where he'd steal a horse and then wait for the reward to come out and be like, look, I found your horse, here, have it back, thanks for the 100 pounds!

E: I honestly don't feel up to saying what Ned Kelly did because he's one of those figures in Australian history who's essentially become, like, a mythical figure. He's a folk hero as bushrangers kind of generally as a concept are, but Ned Kelly and his gang in particular.

H: And I think Ned Kelly is a big part of the why bushrangers are such folk heroes. He falls into a big category of folk heroes where he was totally an enormous criminal but the whole country still loves him anyway and it's not super clear why.

E: A big reason why Australians like bushrangers is because they're really tied up in this kind of Robin Hood-esque idea of being these, like, working class poor who are fighting against a corrupt government, a corrupt police force and that's true to varying extents depending on the bushranger and the circumstances but it is Ned Kelly who cemented that idea in our minds of this, like, one man fighting against a system... And he had armour, which was really cool.

H: He's got, like, a snazzy helmet, he looks like a knight with guns...

E: Yeah, he has really distinctive armour. The helmet is essentially like a tin with a strip cut out of it for the eyes... If you see it, you'll know it. And they're unique amongst bushrangers, him and his gang, for having armour, it was immensely impressive that they managed to make it, and it made them incredibly hard to apprehend. It may seem odd, if you're not Australian, or it may not, I really don't know, I'm Australian, that the first person we've chosen to talk about in this queer history podcast is this criminal who had robbed a bank and was about to do yet more crime but, yeah, because of our cultural understanding of bushrangers, we don't -

H: Care.

I: This is kind of like having our own queer Ned Kelly.

E: And it's really exciting, as an Australian, to have that kind of figure. Like, as an Australian primary school student, you hear a lot about Ned Kelly and a lot of it's positive.

H: And a lot of the Ned Kelly stuff is wrapped up in the kind of, wearing the Australian flag and drinking VB and masculinity myth of Australia and it's a big deal to have queer figures that elope on that.

E: Yeah, it is! Ned Kelly is someone who gets brought up pretty much every time we have a discussion about Australian mateship. It's really interesting to look at that through a queer lens, and I think we'll do a whole other episode on that, because there are some really interesting things happening at this time with masculinity and the norms of male/male relationships, because you're still in this largely - especially in rural areas - male dominated community and we very much just cast that as like a very rigidly traditionally masculine and heterosexual environment and that's not entirely true because it never is. Yeah, so I did think that it might be

difficult for people to view George Scott sympathetically, given that, you know, we're Australian, we care about bushrangers, we come at this from a particular angle, but then I was reading articles about this and was seeing people compare him to figures like the Robin Hood myth in England and some of the cowboys in America and it does seem that that kind of myth of, y'know, this rugged anti-hero...

H: What does some crime.

E: Who does some crime, but does it in a really dashing fashion with a mask and a cloak, is universal. So at this time, Ned Kelly and his gang are riding around and terrorising the countryside and people are wary of any gang of men, they're wary of any petty crime that happens because they blame it immediately on Ned Kelly. People at the time were saying George Scott, the infamous Captain Moonlite, was taking his gang of hardened criminals to meet Ned Kelly and join up with the Kelly Gang and Ned Kelly apparently said, if I see George Scott, I'm gonna shoot him down.

I: Why was Ned Kelly so strongly against him?

E: I don't know. I don't even know the source for this, I just know that his biographers love quoting this. I'm going to include it with that caveat. That's all I got. Ned Kelly was, like, like Scott, a hot-headed -

I: I mean, that seems to be a bushranger trait.

E: That's a bushranger trait, yeah.

H: Seems like the sort of thing you put on your resume when you're interviewing for bushranging.

E: Yes. So along the way, Scott and his men sell some of their possessions for money to buy food, they're living on tea and koala meat and damper -

I: Koala meat!

E: Yeah, koalas were this, like, easy target. Do people not in Australia know what damper is?

H: Probably not. It's like bread, but bad.

E: It's like bread but -

I: It's super nice!

E: It is nice. It's basically just flour and water and the idea is that if you're travelling around the Australian countryside in the olden times then you can just make it in your little billy. Kettle.

H: Which is called a billy.

E: And it's just super easy and cheap and you make it when you're like, seven, in Australian primary schools.

H: On a school camp.

E: Yeah, or you, like, sit in the corner of your school's yard and pretend you're in the bush as I did.

I: Aww.

E: So they reach New South Wales and they learned of a station called Wantabadgery that was friendly to swagmen and they decided to head towards it. Swagmen are men who travel around with only a swag aka like a little makeshift bedding arrangement that they can carry on their back, looking for work.

H: We have a folk song about them stealing sheep.

E: It was almost our national anthem. It's called Waltzing Matilda.

H: What, really?

I and E: Yes!

H: Wow.

E: Yeah. Look it up, random people listening to this who aren't Australian.

H: Mm.

E: Mm. On the way to Wantabadgery, they picked up a sixth member called Graham Bennett and by the time they got there they had walked over 400 km.

That brings us to the end of part one. We'll see you again in part two which is also out now. Thank you for listening!

E: Welcome to back to Queer as Fact. This is part two of our episode on Captain Moonlite, the Australian bushranger. If you haven't listened to part one, go do that first, it'll make much more sense.

Where part one finished, George Scott and his gang had just left Victoria and they were heading to a station called Wantabadgery, which had a reputation for being kind to swagmen.

[intro music plays]

E: So they arrive on Thursday the 13th of November. The previous owner would always give travellers work if he had it and least something to eat, but he passed away and the station was now being managed by a man named William Baynes, who left them waiting at the gate for two and a half hours before he went to see them, and then told them to bugger off, basically, and refused them work. So they sleep in the hills that night and the next day they return and ask, if there's no work, can we just sleep in an outbuilding, and he goes, no, leave. So they go away and they sleep in the hills again.

Scott would later say of the decisions they made the next day that, "misery and hunger produced despair and in one wild hour we proved how much the wretched dare.... Wantabadgery was the place where the voice of hunger drowned the voice of reason, and we became criminals."

So in the afternoon of the 15th, they went back and held the station up at gunpoint, taking all of the station's guns and eating their fill of its food. The station was a busy sort of central hub for the area, and so people kept arriving at the homestead, and they kept having to take them hostage as well.

[laughter]

H: That seems so awkward.

E: Probably it would have been, yeah. The next day, Scott went out in a buggy to collect more people from surrounding homes and hotels, though, and they ended up having over 40 prisoners.

I: I just feel very satisfied that they've had enough to eat now.

H: Mm.

E: Yeah, me too, and I bet they did as well.

I: Yes.

H: Yeah.

E: But it's telling that they didn't rob them or anything of jewellery, they just were like, give us food.

H: Hm. And then they held a bunch of captives because they had to because they had nowhere else to put them.

E: Yeah, um...

I: But didn't he go out in a buggy and get some more?

E: He got more.

I: He got a bit carried away.

E: Yeah, he was a very impulsive man who made some bad decisions, in life and in this day.

H: Hm.

E: They were generally courteous to the prisoners, although in a fit of rage, George Scott did shoot a horse.

H: Wait. How.. what... is there more documentation on this?

E: So someone comes up with a horse and he decides he's going to steal it but it's skittish and it's I think just annoying him essentially, so he gets mad and shoots it.

H: Hmm.

E: He would later claim that he was worried that if the horse remained skittish then the other horses would stampede and it would be a problem.

H: That is a legitimate concern.

E: Yeah, but also he does this quite often where he'll take, like, a bad decision or an immoral decision and try to contextualise it to make himself look better and that's a really common thing that you see... people in general do, but, like, criminals do where they're like, oh I couldn't help it, I had to do this because of reasons... I'm not saying it's either way but you could definitely read his character multiple ways.

Baynes, the manager of the station, who had been very dismissive of them was constantly trying to provoke Scott and violence would threaten and then it would calm down. Ultimately he didn't do anything but he had threatened to, like, hang him at one point, and part of what provoked him was that Baynes called James Nesbitt a poof.

H: Hmm.

E: Hm. So -

I: I'm offended.

E: Yeah, I mean, so was George Scott.

So ultimately they just stayed too long at the scene of the crime and the police became aware and four constables were sent to see what was happening. Shots were fired on either side, and each claimed that the other party had started the gunfire. But they successfully run the police off, and the next morning, Scott and his men leave.

H: They stuck around all night?

E: Yeah. Oh it happened at like 3 am.

H: Oh.

E: They ride off on stolen horses but half of them are just city boys who have never ridden a horse before.

H: Oh no.

I: Oh no.

E: Um, and they're really struggling to stay on it and Scott, in his later writings, notes that he could see the hostages behind them trying not to laugh. But nevertheless, they do ride off, and

later that day they stop at a farmhouse nearby and ask for some milk. I think ask means, they pointed a gun at the people who lived there and said, we would like some milk. And they drank their milk and then they went to leave and they just timed this incredibly badly because the police were passing by. So they say, oh, yeah, you need to surrender now, we're arresting you and Scott says, no. So a gunfight begins.

So there's six members to the gang, if you remember. Gus Warnecke, who's the fifteen year old that he met in the city and bought some coffee and buns, gets caught outside, and he gets shot in the wrist and the torso. He calls out to George Scott like, "Captain George! Captain George!" trying to get him to come for him and then in general to anyone who's present, yells out, "Lift me up. I am only fifteen." But there was a gunfight going on and he was ignored.

Rogan went and hid under a bed in the house for the whole affair, and he wasn't found until the next day.

H: That's some commitment to hiding under the bed there.

E: Yeah, given the circumstance you would.

I: Maybe he fell asleep.

E: Probably he did at some point, he's there for the afternoon and the whole night.

I: Yeah.

E: Yeah. So that leaves four of them, Bennett, Johns, Nesbitt and Scott, and they end up in a kitchen that's detached from the rest of the house, just trying to wield off the fire of the police who were shooting on the kitchen. Bennett gets shot in the arm and is out of the fight and then Nesbitt turns to George Scott and says, we should surrender, we're gonna kill people, we're gonna be killed, this needs to end. George Scott agrees not to kill anyone but he won't surrender and they stay in the kitchen.

So it's being fired on. George Scott runs out and shoots and runs back in and runs back out and shoots and does that repeatedly. One time he shoots a horse.

H: This is a theme.

E: Yeah. He runs back in and tells James Nesbitt, it was only a horse, don't worry, I haven't killed anyone, and does this again and again, going out there. He claims that he was shooting to miss and just trying to get them to leave, which is essentially what they'd done the night before.

And then one of the officers, Edward Bowen, is shot. Scott later claimed that he knew who had fired the bullet but he wouldn't name him. But in any case, whoever it was, someone fired, and the bullet hits Bowen in the neck, and he dies six days later.

I: That was slow.

E: Yeah.

I: Okay.

E: One of the policemen is in the house proper looking through the back windows that have a sight on the kitchen and he pulls aside the curtain and is looking right at James Nesbitt. Gorman claims that Nesbitt fired a shot at him. Scott claims that Nesbitt wasn't even holding a weapon and that he had raised his right hand. Whichever way it happened, Gorman fired a shot and it shot James Nesbitt through the head. So Scott immediately stops firing, he screams and he runs to James Nesbitt's side. He gathers him up in his arms and he holds him close and holds his hand as he lies dying, sobbing.

And then he thinks that James Nesbitt is dead and he can hear Gus Warnecke, the fifteen-year-old, outside, still crying out for him, so he puts James Nesbitt down on the floor, picks up his gun and goes to Gus Warnecke outside. Warnecke says to him, "I have done my best, George, don't blame yourself." And he sits there holding him until the police come, restrain him and take Scott and Warnecke into the house. As he's walking towards the house with the police, he looks up and sees them beating Frank Johns, one with a foot on his neck.

So they're all taken into the kitchen. Frank Johns holds onto Warnecke as he dies. Scott realises that James Nesbitt is still alive and the police allow him to hold him until he dies, and he sits there, holding his dead body, for some time, sobbing uncontrollably and repeatedly kissing his face.

They're kept in the kitchen that night. The surviving four members, Scott, Johns, Bennett, and Rogan, are then sent to Darlinghurst to stand trial for their lives. On the 23rd of November, Edward Bowen, the police officer who'd been shot, dies, and he was used as a martyr by the NSW Premier Henry Parkes and the police force because they badly needed a win given that the Kelly Gang had been embarrassing them for so long. They needed to have bushrangers that they successfully prosecuted.

So the first thing that happens is that Gus Warnecke and James Nesbitt's deaths are ruled as 'justifiable homicide' and the charges against the four remaining members of Moonlite's gang are upgraded from wounding with intent to kill to murder. There's this massive media storm around it. As they're being taken by train to Darlinghurst, there are people crowding next to the train tracks literally throughout the entire night just to see the train go past.

Because it was such a prominent and politically important case, it was rushed through the court system, giving them no time to prepare any kind of legal defence, and the trial was set for December 3rd. They did succeed in having it delayed until the 8th, very little time. Scott's strategy is basically to take all of the blame upon himself, and try to move it off of his three surviving friends.

They issued 1300 tickets to the public for the trial. People were trying to force their way in, they were lying about being reporters, police were restraining people. The judge was a man named Justice William Windeyer, and his cousin was Walter Windeyer, who had been the owner of Wantabadgery Station -

I: Okay.

E: - before he passed away. Mhm. And he was also the former attorney-general to the NSW premier, to Henry Parkes, who was so politically invested in this case. So there's this obvious conflict of interest here.

I: Yeah.

E: Yeah, that's just never addressed. The attorney-general begins by detailing the gunfight, and saying that as all four men had fired shots, they were all guilty of Bowen's murder, regardless of who actually fired the bullet that shot him.

I: That is not usually how murder works, but I will... okay sure.

H: I don't know what the law on this would have been at that time though, I don't know that we can comment on that.

E: Mm, but it's especially unfair at least to Rogan, who hid under a bed the whole time.

H: Mm.

I: Yes.

E: Yeah. So Constable Rowe, one of the policemen who was present, said that Scott had shot Bowen and that he had seen that and also he could prove it because Bowen had been shot with a bullet from a Snider rifle, and Scott was the only one who was wielding such a weapon. However, the doctor Robert McKillop, who cared for Bowen after the event, said that the bullet had come from a Colt revolver -

I: Flashbacks. Didn't we have one of those in the bank robbery in the first place?

E: We did, we did, yeah. And this meshed with Scott's claim that Bowen had been shot with a Colt revolver by a person who he wouldn't name. So two revolvers had been taken from the gang. One hadn't been fired. The other one had been fired twice and people were confused about who had wielded it. So Sergeant Carroll said he thought that James Nesbitt had wielded it, but he admitted that he couldn't swear to it. Constable Barry said that he had taken a revolver that had fired two shots from Gus Warnecke, and Constable Gorman said that he had taken one that had fired three shots from Bennett. So there's just no consistency.

I: Yeah.

E: We don't know. The prosecution finishes its case late in the evening and Scott is told to begin his defence. He said that he had barely been fed, he was physically and mentally exhausted and he could barely speak; could they adjourn until tomorrow so he could review his notes and prepare himself? The attorney-general says that's reasonable, yeah, of course; the judge refuses. He says that the case will stay open until midnight tonight and then they will adjourn.

E: The witnesses he'd wanted to call had already left because it's the evening by now, and the judge refused to let Scott read their depositions. So we have this awkward moment where Scott can't proceed with his case and is being told, proceed with your case. And then the character witnesses for Johns and Bennett make themselves known and we hear their testimony, so that works out okay.

The next day, Scott calls Sergeant Carroll to the stand and tries to quiz him about the guns, believing that the confusion between the rifles and the revolvers is now key but the judge stops his questioning, saying it doesn't matter who fired it - if one of them had, they all killed Bowen and they would all be convicted.

I: Seems unreasonable.

E: Again, yeah, I don't know what the word law at the time but from our perspective, this is not just.

I: Yes.

E: That's not a particularly controversial statement.

H: History!

E: History! So it wasn't really concluded beyond that at the time but Paul Terry writes that it's reasonable to say that Bowen was shot by one of the four in the house - Scott knew who it was and it would be hard for him to know who it was if they weren't in the house and also from where Bowen was shot, it made sense that he was facing his shooter. So Warnecke was out of the house and out of the fight, so it wasn't him. Rogan was under a bed. Scott was holding a Snider rifle. So who in the house had the revolver? It's either Nesbitt, Johns or Bennett. Some people have said that Nesbitt had it, some people have said that Johns had it, but consistently witnesses testified that Bennett was wielding a Colt revolver, so in all likelihood...

I: I mean, Nesbitt was apparently super opposed to killing people. I mean, I don't know what he was doing in this gunfight then if not shooting people but...

E: I mean, we do have to remember that this is Scott's testimony and that Scott is in love with this man. He's potentially biased. But yeah, I think what is alleged to have happened is that Nesbitt was one of them who was firing and that then he stopped, and then Bowen was killed, and like he stopped because he said there's no point to this, we're going to die so... it seems quite reasonable to assume it wasn't Nesbitt.

Scott is then given the opportunity to speak and gives a rundown of his life, of how he views society has failed him thus far. He also said that he believed that Bowen had been killed accidentally by a civilian onlooker. He finished by defending the others, saying that they were young, he had taken them under his wing because they had been rejected by society and finished by saying, "If the law has been so broken that it must be avenged by a human life, then let me be the victim and spare these youths - God created them for something better than the gallows!"

The next morning, Justice Windeyer sums the case up and he says that the bullet that had killed Bowen had obviously come from one of the gang members, in effect this is instructing that they be found guilty. The jury deliberates for two and a half hours, and finds all four men guilty, but recommended mercy on Rogan, Bennett and Johns. Scott was asked if he had anything to say about why they shouldn't be given the death penalty, and he makes the following statement: "Your church bells toll on Sundays and you all preach charity, but tell me, where does that charity exist? Do you not all disgrace the name of Jesus Christ? Show me the number of homeless children in your streets and the number of prisoners that pass from Darlinghurst and meet with no charity. You may give your sixpences and your names are put in the paper, but who goes and speaks one kindly word or tells them to look up with hope? I regret that I have broken the laws of the country, but I regret far more that poor Nesbitt lies in his grave than that the brave Bowen lies in his. You have all brought me to the gallows and left me there and I will die a man looking at God, fearless of my fate."

In response, the judge sentences all of them to hang. Scott tries to speak in response to this but the judge gets up and leaves and they're taken back to Darlinghurst Gaol.

I: Wow. So the judge just hates them from the outset basically.

E: Yeah.

I: Yep.

E: Absolutely. Yeah. Both like personally and politically I think.

I: Yes.

E: Yeah. Which is very much, I think, the general public sentiment, y'know, he's not at all a folk hero at this point, he's hated by society.

H: And it's probably not a super unusual legal situation for the time, it wasn't the cleanest and least corrupt of legal systems that have existed.

E: Mm. Back in the gaol, they were guarded day and night so they can't kill themselves before the government has a chance to do it.

H: Or make a human pyramid.

E: Yeah, fool me once, Scott!

[laughter]

E: Public opinion of the other three - by which I mean everyone who's not George Scott - begins to change as soon as they're sentenced, and on the 24th, Bennet and Johns' sentences are commuted to hard labour for life. So now the only two to be hanged are George Scott and Rogan who hid under the bed.

H: Poor bastard.

E: Mm.

Scott wrote thousands and thousands of words in his cell in these last days, trying to influence how he would be viewed by the public after his death.

H: Good job, Scott.

E: Yeah. He signs the papers A.G. Scott, alias Moonlight, and what's interesting about that is that he always spells it Moonlight, l-i-g-h-t, always, whereas the note that's left in the schoolhouse after the bank robbery is spelt l-i-t-e and that's generally how he's known.

H: Huh.

E: Terry suggests that maybe he's trying to differentiate himself from the man who signed the robbery letter.

I: Maybe he was just not that man.

E: Yeah, I think it's reasonable that he, y'know, just said Moonlight, he didn't write it down to Simpson and Bruun, but also Simpson who probably wrote it was a schoolmaster, he knows how to spell 'light', I guess?

H: But then he did come up with the worst robbery plan ever.

E: That's true. But yeah, it's an interesting little footnote to history.

H: Hm.

E: In these letters, he writes about his desire for mercy for his companions, his innocence of the Egerton robbery, and his love for James Nesbitt.

Of the latter he wrote, "Nesbitt and I were united by every tie which could bind human friendship, we were one in hopes, one in heart and soul and this unity lasted until he died in my arms." "When he died in my arms, life lost its interest and death its sting." In many of his letters, Scott writes about his desire to be buried in the same grave as James Nesbitt and in one, he ends this plea with a quotation:

Now call me hence by thy side to be:

The world thou leavest has no place for me.

Give me my home on thy noble heart,

Well have we loved – let us both depart.

I: Aww.

E: The lines came from a poem by Felicia Hemans who was writing it about the feelings of a woman for her dead lover.

H: Hmm.

E: Mm. So there's this obvious direct romantic parallel there. George Scott also wrote to the NSW Inspector-General asking for the return of a ring of Nesbitt's hair that he'd had, and he received it, and he was hanged and buried with it.

He also wrote a letter to James Nesbitt's mother saying, "As to my dearest Jim I have felt that the love and friendship, true, pure real friendship that blessed our union demands that I should

defend his name to the last. My efforts are but weak but in time it will be known that he was an honour to all connected with him. I am ever to you a loving son in spirit. A.G. Scott.”

I: Son in law?

H: Mm.

I: Basically.

E: Yeah, I don't know if he really knew their family or how well or anything but he's writing to them so... I assume they knew each other at least. He also wrote to Nesbitt's father, asking him to ensure that he and James are buried in the same grave.

I: It seems like he must know them a little then because it feel a little bit weird to write to strangers and be like, I was sleeping with your son...

H: Mmm.

E: Yeah, I really have no idea. I can't say either way. The prison authorities promised him that they're going to pass them on to the people they're addressed to, and instead they send them to the Premier, Parkes, who puts them in a drawer.

So the day of the execution dawns and 4000 people have gathered outside the prison hoping to see it. They're climbing trees and rooves nearby; when it becomes evident that they're not going to be able to see it, they press their ears against the walls, hoping to hear something.

H: Wow.

I: They're very invested in this.

E: Mhm. But the prisoners are executed inside and firmly out of sight and earshot.

I: Good.

E: Yeah.

I: I'm not about public execution as a concept.

E: No.

H: No.

E: Um, at 8.30, Scott and Rogan are told that they have a half hour to live and their irons are removed. They try to neaten their appearances up a bit, they're still wearing the clothes that they were wearing when the shootout took place. They're taken to the place of execution, and their arms are bound by their sides. Scott looks out at the small crowd of officials assembled and says, “What does this mean? What do these people mean? I think I ought to speak,” and he's quieted. And this is just a really upsetting moment to me because all throughout his life we see this constant desire for him to speak for himself, y'know, he defends his own trials, he went on the lecture tour, he wants to give his own context for his life, he wants to define his own legacy, and as his story goes on, he's denied the opportunity to do this more and more until it culminates in this final moment, where he's about to die and he essentially asks for permission to give his last words and he's denied.

A white hood is placed over his head, the lever is pulled and the men are hanged.

So the government and the town of Gundagai, which is home to the cemetery in which James Nesbitt is buried, refused to bury Scott in the same grave with him and he's instead buried in Rookwood Cemetery in the pauper's section.

And that's the end of his story for some time until the 1980s when a researcher named John Meredith finds the letters he wrote that were stuck in Henry Parkes' drawer and passes them on

to the historian Stephen Williams, and Stephen Williams publishes them and also publishes one of two authoritative biographies on him.

And then in 1993, Samantha Asimus and Christine Ferguson from Gundagai decide that they're going to have him exhumed and reburied with James Nesbitt. They navigate an enormous amount of red tape, and were the first people to get a body exhumed who weren't relatives of the person or the state. They also paid the \$6000 of related costs out of their own pockets.

H: Wow.

I: They were very invested in this.

E: They were and good on them.

H: In today's money that's \$6000.

[laughter]

E: When he was in prison, in his final days, George Scott wrote about not only with who he wanted to be buried but what he wanted the gravestone to look like and what he wanted it to read.

H: "[A] rough unhewn rock would be most fit, one that skilled hands could have made into something better. It will be like those it marks, as kindness and charity could have shaped us to better ends."

E: He'd wanted it to read "This stone covers the remains of two friends". He'd then written Nesbitt's name and his own, with the date of Nesbitt's death listed as the date that they were "separated", and his own execution date recorded as when they were "reunited by death".

So by this time we didn't know the exact location of James Nesbitt's body and so his body's reburied as close to him as we can make it.

H: That's fair.

E: Yep. And the tombstone reads "laid to final rest near his friends James Nesbitt and Augustus Wernicke who lie in unmarked graves close by".

H: Close.

I: How did Wernecke come into this?

E: So the women who buried him didn't view any of this as being a romantic relationship between two people, they viewed it as a close friendship and therefore that seemed reasonable to them.

I: I mean, he explicitly requested James Nesbitt though, and didn't mention Wernecke in his letter.

E: So Stephen Williams' biography of him, *The Wantabadgery Bushrangers*, had come out in 1991 and in that Stephen Williams just sort of takes for granted that this was - not only a romantic relationship, but also a sexual one. Which isn't to suggest that that's like more legitimate or anything but that's definitely the measure of legitimacy that a lot of people place on possibly queer historical figures, where if they have this really close friendship with someone or like this really close, probably romantic relationship with someone, they can say, oh it's, it's just friendship, but...

I: Once it's sexual, they can't go, oh they're just close friends...

E: Yeah, like once it's sexual, it's legitimised. But yeah, Stephen Williams assumes that they did have sex because of the quote you heard earlier about how they were united by 'every tie' that could bind two people. Ultimately we can't know. Scott and Nesbitt never could have spoken

openly about a sexual relationship if they'd had one given the times. Unfortunately, this is going to be recurring.

H: Yeah.

E: I did start reading about homosexuality at the time, about social norms... That explanation of oh well, they're just really close friends and close friends expressed their relationship differently in those days is...

H: Ah, that old chestnut.

E: It's often a cop out but also it is, to an extent, true.

I: Yes.

E: Like, people did express friendship differently in those days. And there's this particular kind of, like it's quite often called a romantic friendship, in colonial Australia, in rural areas between men, particularly men who were in situations where there's not a lot of women around, that do kind of occupy this ambiguous place where we can't argue that they're all queer in a blanket statement but also it's not something we can dismiss as not being a part of Australian queer history. And so I think that considering these things does factor into how we consider James Nesbitt and George Scott today but I also think that that's something that fully deserves its own episode because it's a big topic. So we're definitely going to do that but not today.

H: Reasonable.

E: Yeah.

I: For my part, I'm fairly satisfied by those quotes to say there's something queer happening there.

E: Yeah...

H: Certainly the profuse grief and the way that he spoke of his friendship pushes that well into my zone of yeah that's queer, even if it's not sexually queer...

E: I think it kind of becomes a question of, would it be considered queer today and I don't think that really matters inherently for deciding whether something is a part of queer history.

H: Mm, I'm not sure that that is a metric that we should use, we're still working on our definitions of queer.

E: Exactly, yeah.

I: It's certainly the case that there are things which maybe wouldn't be considered queer today but were queer at the time...

H: Mm.

I: ...or vice versa and I don't want to ignore them.

H: Mhm.

E: And I think it's the thing where implicitly quite often the metric that people are using, if not 'did they have sex', is 'if they were alive today, would they identify as gay' and I also think that that's fairly useless. Like even if we could say that definitively 'George Scott, were he alive today, would not identify as gay or bisexual or anything like that', I don't think that that excludes him from being an important part of Australian queer history.

I: Yes, I agree with you, I think that's fairly useless because you can really only define queer in its context.

H: Hm.

E: In this case as well, y'know, regardless of what form that took, these were two men who were in love with each other, who were the primary important relationship in each other's life, who were each other's... soulmates is the word Terry uses and I don't think it's inaccurate. They were definitely life partners. And even if they weren't... if they never would have defined themselves as queer in that setting or in this one, it's important, as young Australians, to have that kind of figure known about. Y'know, for me looking for role models in Australian history, that's still...

I: Don't take him as a role model.

E: No.

[laughter]

E: Not for role models. Looking for people like me in Australian history, it doesn't matter if they ever had sex, it matters that he was a man who had another man as the most important relationship of his life, and that's enough for me.

I: No, I agree with you there, I don't think it matters whether it's sexual or romantic, there's already something going against, let's say, heteronormativity, I guess, in having that same-sex relationship as their primary relationship.

H: Hm. And I feel that that question of whether or not sex happened is something that history gets hung up on because after that point you can't massage your sources and look from different perspectives and subsequently deny that people are queer.

E: It's also this kind of neat trick because there are very few historical figures who we can definitively say definitely were having sex with someone of the same sex, because -

I: People don't generally write about that.

E: Not when they could be, for example, killed for it.

I: Exactly.

H: And especially not when they're in jail awaiting their execution desperately trying to make their memory and the memory of their lover something that they could potentially be proud of for future generations and are caring deeply about how they're received. In an environment that's deeply prejudiced against gay people.

E: Mm... Paul Terry, at the end of this, talks about how he thinks that if James Nesbitt or George Scott had been a woman, and they'd been a man and a woman, then they would be a famous Australian legend, they'd be a Bonnie and Clyde couple, but because we can't contextualise them as like, this tragic romance because of heteronormativity, then we don't have that view of them.

I: That sounds fairly convincing to me, to be honest.

E: I just wanted to ask - what did you know about Captain Moonlite before this episode?

H: A little bit, none that didn't come from you.

E: Okay.

I: Same, only what you told me the time we went up to Mt Egerton and then walked on that lane and then had picnic.

E: Mm, that was nice.

I: It was very nice.

E: Did you know the name?

H: No, I had never heard it.

E: Mmkay, yep.

I: No, not until you told me, no.

E: So part of the reason why he's not a bigger figure in Australian history is because he was immediately overshadowed by the Kelly Gang but also because, like, all of the primary sources were stuck in a drawer, and so we've got like the two big authoritative biographies of him are written pretty recently. One was written in 1991, and one was published in 2013.

H: Oof.

E: Mm, yeah. And they both strongly believe and state that James Nesbitt and Andrew George Scott were in love and that this wasn't just some kind of friendship, that this is romantic or sexual or whatever you want to say, but it's in that area, and that's essentially like all of the secondary sources that exist on him today. They're really open about that, they have no problem with it and what really illustrated this to me as just a like seamlessly interwoven part of how he's understood by Australians today - insofar as that he is, if they go looking for information about him - is I found a children's book written by a woman named Jane Smith. And when I say children's it's aimed at maybe like mid to late primary school students, it was like ninety pages, one of those little information booklets about history, and I looked up the bit on James Nesbitt because I fully expected to come on this podcast and say "but of course, you know, in that setting, we're still saying they were just friends" and she doesn't, she says most likely they were lovers.

I: Oh.

H: Hooray!

E: Yeah.

I: That's super nice.

E: And I feel that, with George Scott, if primary school students, high school students, whatever, are doing projects on him, the fact that he was in love with a man, the fact that is a part of Australian queer history, isn't going to be something that they're going to be able to avoid finding out about that.

H: Mm.

E: And it's just a much more intact little piece of Australian queer history than I thought it would be and that made me happy.

Thank you very much for listening to the first, proper episode of Queer as Fact! Once again, I'm Eli.

H: I'm Hamish.

I: I'm Irene. Alice is over there being beautiful and doing sound things.

E: You can find us on Facebook as Queer as Fact, on Twitter as Queer as Fact, on Tumblr as Queer as Fact, and if you want to email us we would love to hear from you if you have any criticism or anything you liked, anything that you would like to hear about that's happened in queer history anywhere in the world at any time, it's queerasfact@gmail.com. Write to us, do it.

We'll be back in a fortnight with our next episode, which Alice will be hosting next time. She's going to be talking about the life of Julie d'Aubigny, who was a bisexual duellist and opera singer in 17th century France. Thank you very much for listening, we hoped you enjoyed it and we'll see you next time.