

The Bankstown Anti-Eviction ‘Riot’ of 17 June 1931: A Crime of the Propertyless?

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The Bankstown anti-eviction ‘riot’ of 17 June 1931 poses a problem for both law and history. An examination of the event may not solve the problem of what actually occurred. However, it will demonstrate that a riot did not occur and that the police behaviour was hardly exemplary. The law ensured that the accused were arrested, tried and sentenced to prison terms. Were their only crimes being propertyless and resisting homelessness? Their place in Australian history is reduced to a footnote. But what did they do? Why were they punished?

The Sydney press at the time declared that an anti-eviction riot had occurred at the house at 92 Brancourt Avenue, Bankstown, on the morning of 17 June 1931.¹ Seventeen unemployed men were charged with riot and serious affray. All were remanded while awaiting trial as none could afford to pay the bail, which was set at £80 each. After three trials, the sixteen men were finally convicted and imprisoned for terms of three to eighteen months hard labour. Justice was apparently seen to be done. At the same time, the event became a fragment of local folklore. In 1974, a local resident believed that the Brancourt Avenue house was where ‘a man had been shot in a fight with the police.’² A song from the period venerates the ‘Bankstown

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¹ *Labor Daily*, 18 June 1931, p. 1; *The Sun*, 18 June 1931, p. 1; *The Sydney Morning Herald*, 18 June 1931, p. 6; *The Daily Telegraph*, 18 June 1931, p. 1.

² J. Hughes (ed) *Demolished Houses of Sydney*, Historic Houses Trust of New South Wales, Glebe, 1999, p. 89.

boys' who had 'made the cops sore' as they 'met them at the door.'³ But did they?

What did occur at Bankstown on the day of the eviction riot?

Context in history, as in law, is vital if we are to understand how the fixed and the permanent become fleeting and chimerical. The Bankstown 'riot' occurred in the worst year of the Great Depression when nearly sixty per cent of male wage earners were jobless, when bankruptcies multiplied, when firms in all sectors of industry shut down, when young men went 'on the wallaby', and when nearly eighty per cent of Sydneysiders constituted a renting class.⁴

The pall of the Great Depression seemed to have settled permanently over Sydney. While desperate working class families may have moved from one rented house to another and others made do in their culture of poverty, a minority fought back.⁵ They demanded jobs, shelter, and dignity. The seventeen men arrested at the Brancourt Avenue property were part of this militant minority.⁶

³ W. Lowenstein, *Weevils in the Flour: An oral record of the 1930s depression in Australia*, Hyland House, Melbourne, 1978, p. 207.

⁴ M. Cannon, *The Human Face of the Great Depression*, published by the author, Mornington, Victoria, 2004, pp. 15-19; J. Waten, *The Depression Years, 1929-1939*, Cheshire, Melbourne, 1971, pp. 10-15; P. Spearitt, *Sydney Since the Twenties*, Hale and Iremonger, Sydney, 1978, pp. 59-62.

⁵ Studies of the unemployed in Australia during the Great Depression are few. Most were written in the 1970s and are generalised or localised. See G.C. Bolton, *A Fine Country to Starve In*, University of Western Australia Press, Nedlands, 1972; R.J. Cooksey, (ed) *The Great Depression in Australia: A Special Edition of Labour History*, No. 17, 1970; R. Broomhill, *Unemployed Workers: A Social History of the Great Depression in Adelaide*, University of Queensland Press, St Lucia, 1978; W. Lowenstein, *Weevils in the Flour: An Oral History of the Great Depression*, Hyland House, Melbourne, 1978; J. MacKinnoly, 'Sugar Bag Days: Sydney Workers and the Challenge of the 1930s Depression', Unpublished MA Thesis, History, Macquarie University, 1972; D. Watson, 'The Unemployed and the Intellectuals in Melbourne, 1928-1932', *La Trobe Historical Studies*, No. 3, March 1972; R. Watts, 'The Unemployed Man and the Footscray City Council, December 1930 – December 1932', *La Trobe Historical Studies*, No. 3, March 1972.

Since the 1970s, there has been a hiatus of research on the unemployed in the 1930s Depression until the recent publication, D. Potts, *The Myth of the Great Depression*, Scribe, Melbourne, 2006. Potts tends to emphasise that the unemployed generally found new meaning to their lives by 'making do' in the Depression decade. Although workless and in limited material circumstances, most of the unemployed never railed against the prevailing social order. Only Nadia Wheatley has written on the unemployed who fought back. Apart from her unpublished MA thesis, Wheatley has published 'NSW Relief Workers Struggles, 1933-1936', in J. Roe (ed) *Social Policy in Australia: Some Perspectives, 1901-1975*, Cassell, Sydney, 1976 and 'Meeting them at the door: radicalism, militancy, and the Sydney anti-eviction campaign of 1931', in Jill Roe (ed) *Twentieth Century Sydney: Studies in Urban and Social History*, Hale and Iremonger in association with the Sydney History Group, Sydney, 1980.

From May Day 1930, a series of determined anti-eviction struggles organised by the Unemployed Workers' Movement had occurred in a number of the inner industrial and some outer suburbs of Sydney. In some of these occupations, the tenants had been allowed to stay without paying rent, or other rented premises were found for them. Nevertheless, leading landlords and real estate agencies pressed the Lang Labor government of New South Wales to safeguard their private properties.⁷

Beginning in March 1931, police officers armed with batons and revolvers accompanied bailiffs in evicting tenants and Unemployed Workers' Movement activists from occupied houses. Although these occupations only represented a miniscule proportion of the evictions that were carried out in that era, an escalation in violent confrontations at these occupations seemed inevitable.⁸ Police had batoned escaping Unemployed Workers' Movement members at a Redfern occupation. Street fighting between police and protesting crowds had occurred outside an occupied Leichardt dwelling, and over 1,000 people had thwarted the police in their attempt to evict a World War I veteran and his family of seven from a rented Lakemba cottage. It appeared that the Unemployed Workers' Movement and its supporters were on a

Overall, the unemployed in the Great Depression, like the decade long event itself, has been largely ignored in the work of Australian historians since the 1970s.

⁶ N. Wheatley, 'The Unemployed Who Kicked: A Study of the Political Struggles and Organisations of the New South Wales Unemployed in the Great Depression', unpublished MA thesis, Macquarie University, 1975.

⁷ N. Wheatley, 'Meeting them at the door: radicalism, militancy, and the Sydney anti-eviction campaign of 1931', in Jill Roe (ed) *Twentieth Century Sydney: Studies in Urban and Social History*, Hale and Iremonger in association with the Sydney History Group, Sydney, 1980.

⁸ J. McCarthy, 'After Lang, 1932-1935', in H. Radi and P. Spearitt (eds) *Jack Lang*, Hale and Iremonger, Sydney, 1977, pp. 186-188.

collision course with the New South Wales police force which would inevitably erupt in open violence.⁹

At 92 Brancourt Avenue, Bankstown, the tenant, Alfred John Parsons, a First World War digger who had been gassed on the Western Front and invalided home without a pension, had found infrequent work to support his wife and two young daughters since the end of the War. By June 1931, Parsons had been unable to pay the rent on the two-bedroom fibro cottage for eight months. Unlike many of the unemployed in Bankstown in this period who moved in with relatives, or who moved from one unoccupied dwelling to another, the Parsons stayed put. In this period, too, Parsons had joined the Bankstown branch of the Unemployed Workers' Movement, of which there were more than 200 members.¹⁰

In May 1931, Parsons had been handed a notice by a police constable to vacate the premises within 28 days. Instead of gathering their meagre possessions and departing, the Parsons, seemingly, were determined to stay. Parsons consulted his fellow Unemployed Workers' Movement members. Over a frenetic two-week period, the Unemployed Workers' Movement sandbagged the exterior of the house and coiled barbed-wire over its windows. Numerous meetings and sing-a-longs of the Unemployed Workers' Movement were held outside the Brancourt Avenue house, where crowds of other unemployed Bankstown residents gathered to be informed and entertained. The slogan 'Remember Eureka' was painted above the door of the occupied house. When Bankstown Council employees were sent to cut the electrical power to the house, they were stopped by Unemployed Workers' Movement pickets.

⁹ D. Cottle and A. Keys, 'Danger from Below: Anti-Eviction Struggles in Sydney, January to July 1931', in S. Poynting and G. Morgan (eds) *Outrageous! Moral Panics in Australia*, ACYS Publishing, Hobart, pp. 30-39.

¹⁰ *Rex v Bowles*, Quarter Sessions, 14-16 November 1931, Court Transcripts: Criminal A-B, 1931, 6/1564, State Records, Western Sydney Records Centre, Kingswood, NSW, pp. 29-34.

In the court case that ensued from the events of 17 June 1931, various police officers alleged that the occupiers of the Brancourt Avenue house had sought to electrify the barbed-wire festooned around the windows of the dwelling.¹¹

At 6am on the morning of the 'riot', more than thirty police vehicles including three Black Marias drove into the open fields around the house, surrounding it. A police contingent of 120 officers had arrived to enforce the eviction notice, but the notice was not due to come into effect until the following day. The seventeen men in the house were confronted with a police siege. Many of the police were armed with revolvers and batons.¹² According to police testimonies at the third and final trial, the police were showered with stones thrown by the defendants as they moved toward the house.¹³ The police inspectors ordered the occupants from the house and kept the growing throng of onlookers at bay with drawn guns and batons.¹⁴ Police witnesses at the trial claimed their commands to quit the house were met with a barrage of rocks and filthy language.¹⁵ The defendants' accounts of the incident were considerably different to that of the police who attended the scene.

The seventeen men arrested at the Bankstown 'riot' claimed that they were at the house in preparation to remove the sandbags and barbed-wire, and clean up, knowing that this work must be completed before the eviction notice became enforceable. In their separate statements the occupiers claimed, contrary to police reports, that the police were in fact the rock throwers at the Brancourt Avenue

¹¹ *R v Bowles*, pp. 81-86, pp. 94-98, pp. 105-108.

¹² Authored by "One of Them", 'Firing to Kill: Lang Plan in Bankstown', *Workers' Weekly*, 26 June 1931, p. 1.

¹³ *R v Bowles*, pp. 112-116, pp. 120-130, pp. 140-145, pp. 150-152.

¹⁴ *The Daily Telegraph*, 18 June 1931, p. 1.

¹⁵ *R v Bowles*, pp. 117-118, pp. 124-126, pp. 143-147.

premises.¹⁶ While each police witness emphasised the throwing of rocks by the men barricaded in the house, the sandbags at the doors and the barbed-wire that covered the windows may well have prevented the hurling of rocks from within the house. The rocks were said to be thrown nearly thirty metres by the occupiers.

Although there had been spiralling violent confrontations at other Unemployed Workers' Movement occupations in Sydney, it must be questioned whether the Bankstown incident constituted either a riot or the climax to these previous conflicts. Were the occupants preparing to take down the barricades and leave the property or had they determined upon a pitched battle with the police? In the emerging Depression, the police distinguished the unemployed from the unemployable:

The unemployed carry the sympathy and the goodwill of the police and all other industrious workers and unionists but the unemployable who preach the advantages of revolution and the wiping out of the Police – the guardians of the people against revolutionaries, lunatics and criminals are windy half-wits likely to become a serious menace if not checked...¹⁷

The numbers and tactics of the police at Brancourt Avenue indicate that the occupied house was under siege. After a police inspector was struck on the head with a stone, another officer shot the perpetrator in the thigh. That police inspector, amongst the large body of police, was the only one to receive a serious injury: a fractured skull. Several other police officers sustained bruises, minor cuts and abrasions from broken glass and fibroplaster in their taking of the house.¹⁸

¹⁶ *R v Bowles*, pp. 90-94, pp. 106-110, pp. 140-141, pp. 151-155.

¹⁷ Cited in K. Steggie, 'The police and the government in the Depression years in NSW', Paper presented at the Law and History Conference, La Trobe University, 1983, p. 5.

¹⁸ *The Daily Telegraph*, 18 June 1931, p. 1.

The aftermath of the Bankstown battle demonstrated that the police had no sympathy with the tenant or with the men occupying the premises. The Police Association stated:

Poor people dependent upon the rent of a small cottage for their living are called bloated capitalists when they seek to have non-paying residents removed from such premises.¹⁹

In contrast to the police involved in the 'riot', many of the seventeen defendants were carried out unconscious from the house. Two had been shot but almost all had suffered serious head injuries and other body wounds.²⁰ In their statements at the trial, the defendants claimed they had only attempted to defend themselves from the police bashings.²¹ They were herded into the kitchen, handcuffed and beaten unconscious. After their arrest and departure from the house, their possessions, which included bread, items of clothing, tea, a violin, a child's doll, and a mouth organ, were burnt by the police on a large bonfire in the backyard.²²

Two hours after the 'riot' had concluded, the press were allowed to inspect the interiors of the house. Every door, window and fibro panel had been smashed. Half-bricks and river stones, as well as iron bars, pick handles and piping, were neatly piled below a window in the front room.²³ The police claimed that this constituted evidence of the rioters' violent intent and behaviour. Counsel representing the

¹⁹ Cited in K. Steggie, 'The police and the government in the Depression years in NSW', Paper presented at the Law and History Conference, La Trobe University, 1983, p. 7.

²⁰ *The Sun*, 18 June 1931, p. 16.

²¹ *R v Bowles*, pp. 160-181.

²² *The Sydney Morning Herald*, 18 June 1931, p. 6.

²³ *The Daily Telegraph*, 18 June 1931, p. 1.

defence, Clive Evatt, was instructed by the judge that he could not question the validity of this material evidence.²⁴

Every police officer who acted as a witness at the trial knew the names, addresses and background of each defendant. This curious form of collective police intelligence was also an area off limits to Evatt at the trial.²⁵ Nine of the defendants were returned diggers. Ten of them were aged in their thirties and forties. Six had recently joined the Communist Party of Australia and each had been out of work for nearly two years. With the exception of seventeen-year-old Alex Makaroff, all were married with two or more children.²⁶ Their determination to cause a riot, considering their circumstances in facing a large body of armed police officers, seems unfathomable. They could not escape the barriers which they had constructed around the house, nor the police who would besiege it.

Strangely, the original charges of riot and affray were subsequently reduced to 'refusing to obey police instructions' and 'obstructing the police in the course of their duty'. Whilst the seventeen were in prison, various ministers in the Lang Labor government received petitions numbering 10,000 signatures demanding their immediate release and an inquiry into the police action at Bankstown. These petitions left the ministers unmoved and had no bearing on the trial's proceedings.²⁷ In their first trial, sixteen of the seventeen men were convicted. Although they appeared before a jury, the jurors had been selected by the presiding judge, while their

²⁴ *R v Bowles*, pp. 70-73.

²⁵ *R v Bowles*, pp. 197-198.

²⁶ *R v Bowles*, pp. 181-189.

²⁷ 'Demands for the release of the Tighes Hill and Bankstown eviction class war prisoners', Attorney Generals, Special Bundles, 1930-1932, unpaginated, 5/7784-1, State Records, Western Sydney Records Centre, Kingswood, NSW.

defending counsel's protests were ignored. During the proceedings, the judge criticised the behaviour of the defendants.

These irregularities ensured that an appeal by the sixteen men to the New South Wales Court of Criminal Appeal was upheld. Their convictions were overturned and a new trial was ordered. The New South Wales government, led by Premier Jack Lang, appealed the decision of the New South Wales Court of Criminal Appeal in the High Court. The High Court eventually dismissed the appeal, agreeing with the New South Wales Court of Criminal Appeal that a second trial of the men should take place. This second trial ended with a hung jury and no verdict.²⁸ The third trial, held in the Court of Petty Sessions before Judge Armstrong resulted in the sixteen being convicted and sentenced to terms of hard labour that ranged from three to eighteen months.

Before their sentencing in the third trial, the defendants' previous criminal convictions were relayed to the court. Their crimes included stealing a bicycle at Cootamundra railway station, killing and eating a sheep at Cowra, using offensive language to a police officer outside a Newcastle hotel, being drunk and disorderly at Central railway station, and stealing apples from a Batlow orchard. Whether these previous misdemeanours influenced either the judge or the jury or had any bearing on the various sentences of hard labour cannot be known.²⁹

Were the Bankstown 'rioters' the perpetrators of a crime of the propertyless? Did their action threaten the sanctity of private property or were they the victims of circumstances partly of their own making? Their sentences were the harshest handed down to the unemployed throughout the 1930s Depression. Three weeks after the

²⁸ Christian Jollie Smith, 'Case notes regarding Sydney evictions', P15/10/A in Phil Thorne Collection, P15, Noel Butlin Archives, Australian National University, Canberra. Jollie Smith was the Communist Party solicitor who assisted Clive Evatt as the defence counsel of the 'Bankstown Seventeen'.

²⁹ *R v Bowles*, pp. 190-194.

Bankstown 'riot', the Lang Labor government legislated changes to the *Landlords and Tenants Act* which allowed tenants some measure of safety in remaining in their rented premises rather than being summarily evicted.³⁰ How might this incident be seen in the conjuncture of history and law? A riot, a police siege, the wanton destruction of property by those convicted, a case of police brutality, a just trial or a kangaroo court? This largely forgotten incident in the Great Depression remains a puzzle of legal history.

³⁰ *New South Wales Parliamentary Debates*, Volume 28, 4 August 1931, pp. 4973-4977.