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978-0-521-55317-9 - The Outlaw Legend: A Cultural Tradition in Britain, America and Australia

Graham Seal

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**A Cultural Tradition in Britain, America  
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GRAHAM SEAL

Curtin University of Technology



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CAMBRIDGE UNIVERSITY PRESS  
Cambridge, New York, Melbourne, Madrid, Cape Town,  
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press  
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9780521553179](http://www.cambridge.org/9780521553179)

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First published 1996

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloguing in Publication Data*

Seal, Graham, 1950–  
The outlaw legend : a cultural tradition in Britain, America and  
Australia / Graham Seal.  
p. cm.

Includes bibliographical references (p. ) and index.  
1. Brigands and robbers – Australia – Legends 2. Brigands and  
robbers – Great Britain – Legends. 3. Brigands and robbers – United  
States – Legends. 4. Folklore – Australia. 5. Folklore – Great  
Britain. 6. Folklore – United States. I. Title.

GR365.S434 1996

398'.355–dc20

95–48971

ISBN 978-0-521-55317-9 Hardback  
ISBN 978-0-521-55740-5 Paperback

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*... it is certain that the populace of all countries look  
with admiration upon great and successful thieves*

Charles Mackay, *Extraordinary Popular Delusions  
and the Madness of Crowds* (1841)

*Ever since the good old days  
Of Turpin and Duval,  
The peoples' friends were outlaws too,  
And so was bold Ben Hall*

'The Death of Ben Hall', Australian bushranging ballad

*He stole from the rich and he gave to the poor . . .*

'Jesse James', American outlaw song

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## Preface

This book deals with the legends and the history of certain highwaymen, badmen and bushrangers who have become folk heroes. Beginning in medieval England and extending to the late twentieth century, this work covers three continents and ranges over seven centuries or so. This diachronic approach is balanced to some extent by an examination of the historical circumstances surrounding the activities of a number of outlaws, including Richard Turpin, Jesse James, William Bonney and, especially, Ned Kelly.

The strength and persistence of outlaw hero traditions in oral cultures of Britain, America and Australia is approached in relation to more mainstream treatments of the same heroes. While the folk image of the outlaw persists at the informal, unofficial levels of social discourse and interaction, particularly within those groups seeing themselves as the receivers of a heritage of discontent, such as the poorer agrarian classes, there is also a more official, popular representation of the outlaw hero. This representation is projected in various types of commercial and literary production, including the chapbook, the broadside ballad, the newspaper, pulp fiction, non-fiction and 'faction', film, television, art and literature. It is in the interactions between these two strands that the tradition of the outlaw hero is articulated and circulated over time and space.

The song and narrative texts discussed and analysed have been gleaned from a diversity of sources, as indicated in the references. Arranged in roughly chronological order, the book begins with an overview of the outlaw hero tradition. This is followed by a treatment of the balladry about the mythical outlaw of medieval legend, Robin Hood,

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together with the traditions of selected other non-historical outlaws. The British highwaymen are then considered as examples of the outlaw hero tradition in the seventeenth and eighteenth centuries. Australian bushrangers and the American badmen of the nineteenth and early twentieth centuries are then discussed in terms of the outlaw hero tradition and the continuing fascination that these heroic criminals have in the modern world. Neither of these national sections claims to be comprehensive. A selection only has been made of those texts that seem most directly relevant to the arguments of the book. A focused study of any of the national outlaw traditions treated here would certainly turn up many further examples.

A more detailed chapter has been provided on the bushranger Ned Kelly. Although Jesse James survived a remarkably long criminal career of eighteen years, in many ways Kelly was the last of the outlaw heroes. More importantly, though, Kelly is the only outlaw hero to have transcended the status of folk hero, tourist attraction and mass media icon to become a national hero, an Australian culture hero. The details of this transcendence, while related in many ways to the specifics of Australian history, are also revealing of the broader, transnational implications of this study.

The study has a number of interlocking aims and aspirations. A fundamental aim is to examine the relationship between history and folklore. This is a complicated but central question for folklore studies and one that has ramifications in many other fields and in everyday life. While a full study of these latter aspects must await another time and opportunity, in this work the relationship of 'fact' to 'fiction', 'truth' and 'belief' is addressed in terms of the potent legendry of the outlaw hero.

The study also engages with some aspects of the opposing but interacting notions of 'law' and 'lore'. The argument is advanced that in those situations where the law of the state is found inadequate or oppressive certain individuals will, deliberately or through circumstances beyond their control, revolt against the power of the state. These individuals—'outlaws'—may be given the support of otherwise law-abiding citizens as long as they operate, or at least can be seen to be operating, in accordance with the moral code of the outlaw hero tradition. In short, outside the 'law' but inside the 'lore'. Outbreaks of 'social banditry' are the ideal circumstances for investigating this general proposition.

In the process of realising these aims, this book describes and analyses the major Anglophone manifestations of the outlaw hero tradition.

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The texts selected here provide primary source evidence to support the various theoretical and other observations made throughout. They are presented with as much contextual information as seems necessary to understand them, both within the frameworks of the localised British, American and Australian milieux to which they belong, and within what has been identified as the broader cultural process of the outlaw hero tradition. The texts provide a basis for comparison of the stylistic and content consistencies and deviations of the English-language outlaw hero tradition. The book thus provides for the first time, as far as I am aware, a collection of related folklore texts from three Anglophone national cultures and some insight into the circulation of texts between traditions. This transnational approach is, presumably, of some intrinsic comparative interest and value, but more importantly allows the reader to ascertain for him or herself the accuracy of the observations made about and upon this material, and therefore the validity of the arguments derived from those observations. The notes to the texts attempt to indicate the diffusion of each text and, by implication, the extensive lodgements and resonances of the outlaw hero tradition within three distinct though related cultures. Consequently, some attention has been given to tracing and noting variants across time and space and indicating these in the notes. Such indications are not exhaustive, though within the limits of the sources, resources and facilities available, are reasonably comprehensive and salient to the general thesis argued here. The aim is to indicate the extent to which these closely similar fictions have been found convenient by many individuals and groups in many places and at many times.

Music has not been included, either as an object of study nor as the appropriate vehicles of the texts. While I am sensitive to the need for understanding such texts as part of the genre of song, rather than poetry, I have reluctantly, yet also with relief, excluded the musical dimension. The reasons for this exclusion are partly due to my own lack of expertise as a musicologist, partly due to the fact that tunes are only rarely indicated in many of the primary sources in which the texts are found, but more importantly to the absence of any convincing scholarly analytical mode that allows useful observations on the signification of song melodies in folk traditions. It is, or should be, well-known that while traditional texts generally retain a degree of coherence over time and space, the melodies that carry them are notoriously fickle, migrating from song to song. It is true that some songs retain a particular melody

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as ‘their’ tune that will be recognised and rendered by most singers—‘The Wild Colonial Boy’ is one relevant example. However, such songs are also collected with other, unrelated and even apparently inappropriate melodies, as is ‘The Wild Colonial Boy’. (The noted Australian folklorist and musicologist, John Manifold, delivered the opinion ‘that “The Wild Colonial Boy” has more tunes to it than any other song I have collected.’)<sup>1</sup> What this means for cultural analysis is that nothing can—yet—be generalised from the specific example with music. Singers clearly use whatever tunes are to hand to carry their texts. It is the texts that carry the message and the meaning of the broader tradition or cultural process. It is the texts that persist over time and space. The tunes, which often change with movements in popular music fashion, are significant entirely and only within the context of the actual performance, the emotional moment of interaction between singer and listener. While such moments, and their meanings, are important for folklorists to study, they are of a different, micro-order to the broader and wider macro-cultural processes discussed in this book.

Another regret is that this book has been unable to deal with the outlaw hero in other countries with Anglophone traditions, such as Canada, South Africa and New Zealand. There are indications that noble robbers are not unknown in these cultures. Whether or not these individuals can be usefully viewed in terms of the tradition outlined here is a matter for further study.

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## Acknowledgements

Work on this book has spanned many years. In that time I have become indebted to a large number of people. I wish to thank for their efforts on my behalf the staffs of the following libraries and other institutions: the British Library; the British Museum; Ralph Vaughan Williams Memorial Library, English Folk Dance and Song Society; the Folklore Society; the Mitchell Library, State Library of NSW; La Trobe Collection, State Library of Victoria; Deakin University Library; the National Library of Australia; Sheffield University Library; Leeds University Library; University of Kent at Canterbury Library; Goldsmiths College Library; Batty Library, Perth; Curtin University Library; National Film and Sound Archive, Canberra; Justice and Police Museum, NSW; National Archives (USA); University of New South Wales Press for permission to use 'The Death of Ben Hall'; Penguin Books Australia for permission to quote material from John Manifold's *Penguin Australian Songbook* and Russel Ward's *Penguin Book of Australian Ballads*.

I would also like to thank the following individuals, all of whom have contributed to this work: Patrick O'Farrell (History, University of New South Wales); John Widdowson (Centre for English Cultural Tradition and Language, University of Sheffield); Tony Green (then Institute of Dialectology and Folk Life Studies, University of Leeds); John McQuilton (currently University of Wollongong); Kenny Goldstein (then University of Philadelphia), Herbert Halpert and Martin Lovelace (Memorial University of Newfoundland); Don Grant and other colleagues in Communication and Cultural Studies at Curtin University; staff of Cambridge University Press, especially Phillipa McGuinness, Jane Farago and my editor Janet Mackenzie. I also thank—profoundly—

**ACKNOWLEDGEMENTS**

Maureen, Kylie and Jenna Seal: this is what the ‘tap-tap-tapping’ was all about. *The Outlaw Legend* is dedicated to the memories of Desmond and Arthur Seal, my father and my uncle.

**NOTE ON CURRENCY AND MEASUREMENTS**

In £.s.d. currency, as used in Britain and Australia during the period dealt with in this book, there were 12 pennies in one shilling, and 20 shillings in one pound (£). A guinea was equal to £1 1s.

Mass	Area
1 ounce = 28.3 g	1 acre = 0.4 ha
1 pound (lb) = 454 g	