

ARABS, BOYS AND LARRIKINS: JUVENILE DELINQUENTS AND THEIR TREATMENT IN HOBART, 1860-1896

IN 1860 the *Hobart Town Advertiser* commented that "the rising generation" should be "the hope" of Tasmania, "the pride of their parents".¹ These youths provided "plenty of raw material capable of being turned to capital account" for the future prosperity of the colony. But conditions in Hobart,² the capital of Tasmania, gave little reason for hope. The rising generation were "in a good many instances" growing up into "fully fledged outcasts" and "in many more" were becoming "incorrigible and confirmed ne'er-do-wells". The "idle boys" of Hobart, sometimes called 'street Arabs' or 'Bedouins' and from the 1870s 'larrikins', were "addicted to slang and obscenity, to rags and dirt, to destruction of property and cruelty to animals, to a contempt for all authority, and especially to rebellion against parental discipline".³ Unless urgent measures were taken, they would become men "possessed, at the best, of but imperfect notions of moral duty and destitute of the social and industrial discipline without which no man can be a good citizen".⁴

Similar observations were made in the press in all Australian colonies (not to mention Britain and North America) in the mid-nineteenth century as the behaviour of juvenile offenders and neglected and destitute children (boys under 16 and girls under 18) became a major source of concern.⁵ This concern was heightened in Tasmania because of its history of being originally settled as the penal colony of Van Diemen's Land. After self-

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1 *Hobart Town Advertiser* ("HTA"), 26 March 1860.

2 Although Hobart Town was the name used until 1881, I will use the name Hobart in this paper.

3 *HTA*, 26 March 1860.

4 As above.

5 Ramsland, "Henry Parkes and the Development of Industrial and Reformatory Schools in Colonial New South Wales" (1982) 35 *Australian Social Work* 3; Selleck, "The Origins of Industrial Schooling in Melbourne 1864-66" (1988) 15 *Education Research and Perspectives* 19; Magarey, "The Invention of Juvenile Delinquency in Early Nineteenth Century England" (1978) 34 *Labor History* 11.

government was granted in 1856, the colony was anxious to distance itself from its convict past and to forge a moral and industrious citizenry.

Daniels has characterised the three decades from 1860 to 1890 as a "period of transition in Tasmanian history from penal settlement to 'civilized' society", by which she means a "free community, increasingly dominated by the values of the middle classes".⁶ These values included sexual purity and restraint, honesty, decency, and respect for property and person; support for the family and work were paramount. During this period, philanthropists and moral reformers expressed strong doubts that the remnants of convicts and the urban poor were capable of bringing up their children correctly and it was feared that these children were thus being exposed to the dangers of prostitution, idleness and criminality, the hallmarks of convictism. In the 1860s the Tasmanian Parliament passed a range of legislation to save the new generation and society from the consequences of parental neglect and to break the nexus with the colony's convict past.⁷

The response to neglected children and the growth of a class of juvenile offenders can be called one of "repressive protection".⁸ Society demanded that juvenile misbehaviour be repressed but not to the point of turning juveniles into outcasts; juveniles also needed to be protected from the social causes of their delinquency. Repression in Hobart involved the municipal police force (established in 1858) enforcing new legislation and by-laws "to dispel public disorder and to discipline more thoroughly the urban working class".⁹ A similar process of repression occurred in most urbanised and industrialised countries in the nineteenth century.¹⁰ This process also involved the classification and segregation of juveniles with the aim of applying specialised forms of treatment. In Tasmania until the

6 Daniels, "Prostitution in Tasmania During the Transition from Penal Settlement to 'Civilized' Society" in Daniels (ed), *So Much Hard Work: Women and Prostitution in Australian History* (Fontana Books, Sydney 1984) p49.

7 Bolger, *Hobart Town* (ANU Press, Canberra 1973) p107.

8 Fitz, "The Child as Legal Subject" in Dale et al (eds), *Education and the State Volume II: Politics, Patriarchy and Practice* (Falmer Press/Open University Press, Lewes 1981) p301.

9 Daniels, "Prostitution in Tasmania During the Transition from Penal Settlement to 'Civilized' Society" in Daniels (ed), *So Much Hard Work* p24; Petrow, "The Hobart Town Municipal Police 1858-78" (1995) 42 *Tasmanian Historical Research Association Papers and Proceedings* (forthcoming).

10 Foucault, *Discipline and Punish: The Birth of the Prison* (Pantheon, New York 1977); for other approaches, see Garton, "The State, Labour Markets and Incarceration: A Critique" in Findlay & Hogg (eds), *Understanding Crime and Criminal Justice* (Law Book Co, Sydney 1988) pp309-335.

mid-1890s, segregation aimed less to discipline than to protect juveniles by removing them from the streets and placing them in institutions where they were taught to be honest and industrious citizens. The aim was to reform and reintegrate juveniles rather than to ostracise and punish them.¹¹

In the first half of this paper I examine contemporary observations on the nature and perceived causes of juvenile delinquency. In the second half I outline various responses to delinquency, including flogging as a punishment for larrikins, and will focus on industrial schools for beggars and vagrants and training schools for criminals as institutional alternatives to imprisoning juveniles. Although differing somewhat in the kind of juveniles they received, industrial and training schools both provided moral and industrial training and elementary education for inmates. Juveniles were trained to adapt to existing social and economic conditions but little attempt was made to tackle the causes of delinquency.

When the small scale of the juvenile problem is considered, this was perhaps an understandable response. In 1861 the proportion of the population under 20 was 46.29%,¹² in 1870 it was 51.64%,¹³ in 1881 it was 49.66%,¹⁴ and in 1891 it was 48.75%.¹⁵ Yet the number sent to industrial or training schools was relatively small. From the inadequate records available, it appears that the level of crime and the level of delinquency attributed by middle class reformers to juveniles was low in proportion to their numbers. But the middle classes believed that their conception of a civilised society was endangered, and the "consequences of this belief led to changes in the control structure of their society".¹⁶

11 In a sense this policy was not new as from 1834 to 1849 the Point Puer male juvenile prison had operated along similar lines, see Dow and Brand, "Cruel only to be Kind? Arthur's Point Puer" (1986) 15 *History of Education Review* 19; Humphrey, "Objects of Compassion: Young Male Convicts in Van Diemen's Land, 1834-1850" (1992) 25 *Australian Historical Studies* 13; Kyle, "'Little Depraved Persons': Juvenile Prisoners in Hobart Town in 1833" (1992) 25 *Australian Historical Studies* 319.

12 (0-10 29.01%, 10-20 17.28%).

13 (0-10 29.09%, 10-20 22.55%).

14 (0-10 26.30%, 10-20 23.36%).

15 (0-10 27.97%, 10-20 20.78%). The above figures are drawn from statistics found in the parliamentary papers: *Census of the Colony of Tasmania 1891* (Government Printer, Hobart 1893) "Table VI, Showing the Proportions of Persons and Sexes under Various Ages at the four last Censuses" p37.

16 Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?* (Leicester University Press, Leicester 1990) p1.

In the other colonies, governments were central in establishing and managing industrial schools and reformatories. In Tasmania, the state government played a more subordinate role and expected voluntary agencies to take on this work under government certification and inspection.¹⁷ Tasmanian governments were plagued with a depressed economy until the mid-1870s and wanted to reduce government expenditure rather than add to it by taking on new responsibilities. Even established responsibilities like prison management were pared down to save money. But this policy implied another motivation. The evasion of responsibility for prisons and related institutions was partly intended to distance society from associations with Tasmania's penal past and to create the impression that it was relatively free of crime. The aversion expressed in parliamentary debates to convict methods of punishment is consistent with this explanation. Only in the 1890s do we start to see a change in policy. Then clergymen and newspapers were joined by women to engineer a moral panic over female child prostitutes and they forced the state government to take more responsibility for dealing with juveniles.¹⁸ I end this paper with a brief account of the creation of the Department of Neglected Children in 1896.

Clearly, I deal with what moral reformers, newspapers, the police, and public officials thought about juveniles and their behaviour and not what juveniles themselves thought or even what their parents thought.¹⁹ I concede that "the case of the accused cannot satisfactorily be deduced from even the most discerning reading of testimonies bequeathed us by the case for the prosecution".²⁰ In mitigation I plead that the written sources are silent on the views of juveniles and that juveniles tended to express themselves with actions rather than words. I can describe their actions but I cannot with any assurance say why they acted as they did. Take one example. If juveniles threw rocks at a lawyer's windows, were they

17 Brown, *"Poverty is not a Crime": The Development of Social Services in Tasmania 1803-1900* (Tasmanian Historical Research Association, Hobart 1972) p170, where she notes that in the provision of other social services, the reverse was the case.

18 See generally Donzelot, *The Policing of Families* (Pantheon Books, New York 1979).

19 For a criticism of this approach, see van Krieken, *Children and the State: Social Control and the Formation of Australian Child Welfare* (Allen & Unwin, Sydney 1992).

20 Stedman Jones, "Class Expression versus Social Control? A Critique of Recent Trends in the Social History of 'Leisure'" in Cohen & Scull (eds), *Social Control and the State: Historical and Comparative Essays* (Robertson, Oxford 1983) p41.

symbolically expressing their opinion of the law, or their attitudes to lawyers?²¹ Or was it simply that the windows were too tempting to ignore? The historical record does not often supply answers to such questions.

One thing is clear. Juvenile delinquency was lamented as much in the 1890s as in the 1860s. Consequently, we need to bear in mind four points. First, juvenile delinquency was a recurring social problem; "the problem of youth is discovered and rediscovered as if it is novel and intensely threatening to the whole of society".²² Second, delinquency of some kind, especially amongst economically and socially deprived juveniles, was (and is) arguably a characteristic of adolescence.²³ But juvenile delinquency becomes more threatening during periods of economic dislocation such as the 1860s and 1890s in Tasmania. Third, the underlying process at work during the period under review was the redefinition of the role and expectations of children and adolescents in society.²⁴ Juveniles were increasingly not held morally responsible for their delinquency and were treated differently to adult transgressors. Finally, juveniles were not passive victims of interventionist strategies nor were they necessarily deterred by such strategies; they remained defiant.²⁵

JUVENILE DELINQUENCY AND ITS CAUSES

Juvenile Delinquency - What was it?

In Hobart we find evidence that juveniles committed crimes in the 1860s. In the three years to 31 August 1862, the number of juveniles brought before the Police Court was 67 boys, of whom 48 were convicted, and 13 girls, of whom 12 were convicted.²⁶ Juveniles often committed petty pilfering, larceny, and burglary, sometimes in an organised way.²⁷ In 1862 the City Missionary, Robert Gray, claimed that one dealer of stolen

21 *Mercury*, 17 September 1872.

22 Holdaway, *Crime and Deviance* (Nelson, London 1992) p82.

23 Pearson, "Youth, Crime and Society" in Maguire, Morgan & Reiner (eds), *The Oxford Handbook of Criminology* (Clarendon Press, Oxford 1994) pp1185-1191.

24 Hetherington, "Childhood and Youth in Australia" (1986) 18 *Journal of Australian Studies* 3-18.

25 See generally de Certeau, *The Practice of Everyday Life* (University of California Press, Berkeley 1988) pp15-42.

26 Tas, Parl, *Journal* LC [1862] Vol 7, Paper 63, Report of the Select Committee on the Industrial Schools Bill (No 2), p10.

27 Tas, Parl, *Journal* HA [1863] Vol 10, Paper 39, Return of Charges, Committals, and Convictions by Juvenile Offenders under 17.

property employed eight boys to pilfer for him, and another employed six.²⁸ Residents regularly complained in the press of vandalism (sometimes called 'brickism' by contemporaries).²⁹ Throwing stones at windows or people was a popular habit of "the City Arabs".³⁰ A more disruptive practice was using catapults with lead slugs or bullets to break windows.³¹

Some practices offended the moral sensibilities of respectable Hobartians rather than the law. In 1863 the *Hobart Town Advertiser* claimed that the streets after dark exhibited scenes of "early corruption and juvenile immorality".³² It cited the case of Jane Taylor, aged thirteen, who was arrested for leading the "abandoned life" of a common prostitute. Police testified that Taylor had led "this life for a long time past" and was certainly not alone in doing so. Charges of juvenile prostitution recurred during the following three decades. Begging was common. In 1865 the *Mercury* noted that most nights children knocked at the doors of respectable people to sell some minor item or to "beg a penny to buy a little bread".³³

During the day residents found no respite from juvenile annoyance. Verbal abuse or "the most obscene and filthy language" assailed their ears.³⁴ Lads annoyed citizenry by flying kites, playing with hoops and bows and arrows, and gambling in the streets.³⁵ Frequently, boys gambled and played games near churches on Sundays as noisily as possible, with the intention of offending respectable church-goers.³⁶ It had been "proved", observed one resident, that "a great mass of criminals had commenced their career by Sabbath breaking".³⁷ Perhaps the most remarked indication of moral degradation and incipient criminality was the widespread practice of juveniles to lurk in different parts of the city.³⁸

28 Tas, Parl, *Journal* LC [1862] Vol 7, Paper 63, Report of the Select Committee on the Industrial Schools Bill (No 2), p6.

29 *Mercury*, 30 September 1868, letter by "A Looker On", 9 November 1869, 19 June 1866, letter by "Cadmus"; *HTA*, 5 January 1863.

30 *Mercury*, 13 May, 25 August 1862, 8 May 1871.

31 *Mercury*, 23 April, 20 July 1869, 13 September 1870.

32 *HTA*, 28 October 1863.

33 *Mercury*, 24 June 1865.

34 *Mercury*, 28 October 1859, letter by "Amo"; 4 June, 11 June 1867, 13 June 1873.

35 *Mercury*, 23 April 1869.

36 *Mercury*, 26 June 1861, 25 July 1871, letter by "Citizen".

37 *Mercury*, 28 October 1859, letter by "Amo".

38 *Mercury*, 26 October 1859, 30 April 1860.

"No good", another commentator predicted, "can ever come to any lad by prowling about the streets at night".³⁹

In the 1870s, idleness, disorderly and irresponsible behaviour, and thoughtless violence and vandalism were given a new name - larrikinism. The local press fully reported the exploits of larrikins in other colonies, especially Victoria. In October 1871 the *Mercury* exhorted the municipal police "to put down in its very beginning that spirit of 'larrikinism', which the youth of Hobart Town are beginning to exhibit".⁴⁰ Larrikinism now manifested itself as breaking windows, but the *Mercury* predicted that without immediate police action it would, as elsewhere, "assume proportions which will render it more formidable and more difficult" to suppress.

No action was taken and the *Mercury's* prediction became a self-fulfilling prophesy. Larrikins were blamed for every senseless act. They habitually smeared doors and fences with tar, insulted "respectable females" and those citizens attending church, assaulted "unoffending street passengers", committed "destructive pranks" on the homes of "old and feeble couples", and mistreated animals.⁴¹ In 1873, at a Hobart theatre, thirty minutes before the curtain was raised, boys and older rowdies in the pit and gallery maintained "a horrible and deafening noise, consisting of shouting, stamping, and shrill whistling".⁴² They indulged in "coarse badinage one with another" and threw orange peel and "other light missiles". Ten years later at the Tasmanian Hall, a "riot" was promoted by the behaviour of "sons of respectable parents".⁴³

Such outrageous behaviour occurred intermittently. But it remained the nightly "herds" of juveniles of both sexes behaving "riotously" that caused most disquiet from the 1870s.⁴⁴ The insufficient number of police made the increasing number of larrikins "masters of our streets", claimed the *Mercury*.⁴⁵ Respectable Hobartians feared "the lawlessness and violence of a set of hobbledy-hoy blackguards, made up alike from respectability" - the "Upper Circle" larrikins - and the "lower orders", who gloried in the

39 *Mercury*, 30 April 1860.

40 *Mercury*, 2 October 1871, 31 May 1872.

41 *Mercury*, 21 May, 31 May 1872, 17 June 1873, 27 November 1874, 6 August 1878; Archives Office of Tasmania ("AOT"), Metropolitan and City Councils ("MCC"), 16/44/4, Beechinor to the Mayor, 13 May 1876.

42 *Mercury*, 28 May 1873.

43 *Southern Star*, 20-21 June 1883, letter by F Shann.

44 *Mercury*, 23 October 1874.

45 *Mercury*, 30 April 1875.

"name and feats of larrikinism".⁴⁶ Larrikinism remained part danger, part nuisance until the 1890s, with an alleged increase during the depression of the early 1890s and its attendant unemployment.⁴⁷

Causes of Juvenile Delinquency

If juvenile delinquency embraced everything from serious crime to idleness, the causes were equally varied. Many blamed economic causes. Adult males constantly migrating from colony to colony searching for work often left wives to look after children alone.⁴⁸ Despite the requirements of the *Deserted Wives and Children Acts* of 1863 and 1873, husbands evaded sending money to their wives, who had to earn a living and had little time to supervise their children. With its depressed economy, Tasmania suffered from this social fact more than most colonies. The police realised that many street children were poor and abandoned but not necessarily bad. In the 1880s vagrant children were kept at the Police Station overnight for their own protection and released in the morning, often with a loaf of bread.⁴⁹

Parental neglect through lack of interest in their children and addiction to drink helped to explain why so many children were found on the streets instead of at school. In 1862 Dr ES Hall, Chairman of the Benevolent Society, estimated that of the 6,416 children aged between 4 and 15 in Hobart, some 2,500 did not attend the public schools, even though in half the cases parents could afford to pay the fees.⁵⁰ Many children had no time for school as they were required to work so as to put food on the family table. Feeling burdened by this responsibility, they sought release by joining their friends on the streets whenever they could, bereft of alternative entertainments to absorb their time. The rise of larrikinism was partly attributed to the tendency of colonial youths to begin work at an early age. They thus acquired "a consciousness of independence", and became "self-conceited, self-assured, priggish, and disobedient".⁵¹ They spurned "home control" and sought "change and excitement" on the

46 *Mercury*, 9 July 1875, 4 May 1876; *Southern Star*, 23 June 1883.

47 *Southern Star*, 26 April 1883; *Mercury*, 8 February 1894, 10 December 1895; *Tasmanian News*, 7, 9 February 1894; *The Clipper*, 18 July 1896.

48 *Mercury*, 25 July 1865.

49 Tas, Parl, *Journal HA* [1883] Vol 45, Paper 70, Royal Commission on Public Education in Tasmania and Neighbouring Colonies, p21.

50 *HTA*, 12 June 1862, letter by Hall; *Mercury*, 25 June 1862.

51 *Mercury*, 31 May 1872.

streets. But a larger number of youths became larrikins because work was scarce and their time was not occupied in useful pursuits.⁵²

The *Hobart Town Advertiser* blamed "much of the criminal recklessness" and "much of the precocious propensities to vice" on "the wretched conditions of the dwellings of the lower class of our poor".⁵³ Overcrowding in confined spaces destroyed "every regard for the commonest decencies of life" and induced "habits of shamelessness from the want of privacy and separation of the sexes".⁵⁴ The children grew up to think "any place preferable to the house in which they live; any course of life happier than that they have been accustomed to live". Children thus sought relief away from "the restraints of parental authority" and drifted into "immoral paths".⁵⁵

The assumption underlying all these perceived causes was that Tasmanian children needed supervision by honest, industrious parents in a loving and healthy home or by sympathetic teachers. Unless they were imbued with moral and religious training, they would add to the number of criminals and paupers who were an expensive burden on society rather than be useful and wealth-creating citizens.

RESPONDING TO JUVENILE DELINQUENCY

How juvenile delinquents were treated in institutional alternatives to prison is my main concern but three other responses should be noted. The first was education. Under pressure from the Benevolent Society and others, Tasmania was the first colony in the British Empire to introduce compulsory (but not free) education for children between seven and twelve in 1868.⁵⁶ Education would save juveniles from criminality and train them into "habits of discipline, order, punctuality, respect for their superiors and thrift, to avoid social disruption and to produce a quiescent labour force".⁵⁷ Different categories of children were exempt, including those whose

52 *Mercury*, 5 July 1872.

53 *HTA*, 28 October 1863.

54 As above.

55 *Mercury*, 7 December 1876.

56 Sprod, "The 'Old Education': Government Schools in Tasmania 1839-1904" (1984) 31 *Tasmanian Historical Research Association Papers and Proceedings* 18; Phillips, *Making More Adequate Provision; State Education in Tasmania 1839-1985* (Education Department of Tasmania, Hobart 1985).

57 Sprod, "The 'Old Education': Government Schools in Tasmania 1839-1904" (1984) 31 *Tasmanian Historical Research Association Papers and Proceedings* 18 at 34.

parents depended on their labour. In 1873 and 1885 the age limit was raised to fourteen and three days attendance per week was stipulated. But the exemptions remained and substantial numbers of working class children did not attend government schools by the 1890s. For the very poor, free education, food, and clothing were provided by ragged schools from the mid-1850s, the first of their kind to be established in the Australian colonies.⁵⁸ The ragged schools separated the poor from the respectable working class and trained the children in "habits of punctuality, discipline, order and work".⁵⁹

Children attending ragged schools were likely to be employed and this relates to the second kind of response - to provide work for children and juveniles. This was not always left to the laws of supply and demand. In 1867 some respectable citizens considered forming an association to provide employment for the youth of Tasmania.⁶⁰ They wanted "to help those who are in danger of becoming idle or useless, or worse, to form habits of industry". Nothing much came of such movements but they were rendered less necessary in the 1870s when the economy improved and work was easier to obtain.⁶¹ As more children found work, moral reformers became concerned that children were exploited by employers. The *Women and Children Employment Act* 1884 (Tas) prohibited children under twelve working in factories.⁶² The third response was the growth of alternative ways of spending time. By the late 1880s there emerged organised sport, literary and debating societies, Sunday schools, temperance societies, musical associations, and the Young Men's Christian Association, all of which provided outlets for youthful energy.⁶³

However, certain classes of juveniles shunned education, work, and improving recreations. They had to be separated from other juveniles and

58 Phillips, "The Care and Education of Hobart's Poor in the Mid-Nineteenth Century" (1983) 30 *Tasmanian Historical Research Association Papers and Proceedings* 101; Ramsland, "The Development of the Ragged School Movement in Nineteenth-century Hobart" (1987) 73 *Journal of the Royal Australian Historical Society* 126.

59 Tas, Parl, *Journal HA* [1873] Vol 25, Paper 17, Annual Report of the Hobart Town Ragged School Association 1872, p3.

60 *Tasmanian Times*, 8 August 1867.

61 Tas, Parl, *Journal HA* [1877] Vol 32, Paper 14, Annual Report of the Boy's Home 1876-7, p3

62 48 Vic no 20, s5.

63 *Walch's Tasmanian Almanac for 1888* (Walch & Sons, Hobart, 1888) pp256-264; Bolger, *Hobart Town* ch11; The Wapping History Group, *'Down Wapping': Hobart's Vanished Wapping and Old Wharf Districts* (Blubber Head Press, Hobart 1988) pp106-107.

given special treatment. But the treatment best suited to reform and reclaim these juveniles and make them "virtuous and industrious citizens" was keenly debated.⁶⁴ The following sections will consider punishments such as imprisonment and flogging and will discuss the arguments for industrial and training schools.

Punishment or Reclamation?

The machinery for capturing, trying, and punishing offenders was extensive in Tasmania: "Justice lacks none of her apparatus", wrote the *Mercury* in 1862.⁶⁵ But the government gave "no thought of prevention - we have been so intent upon punishment that we have never dreamt of reformation".⁶⁶ The police and the law were first required to deal with juvenile delinquency.⁶⁷ The aldermen who controlled the police passed by-laws against some forms of juvenile misconduct. In 1863 the Hobart Corporation passed a moving-on by-law against obstruction on streets caused by "idle and disorderly" juveniles and others.⁶⁸ In 1865 a by-law was passed against stone throwing.⁶⁹ In 1866 a by-law was passed against gambling on the streets or public places on Sunday.⁷⁰ If juveniles were arrested for an offence, they faced one of two punishments. First, they were given a fine which parents were usually expected to pay. But the parents of most juvenile offenders were too poor to pay the fine or did not pay, claimed the *Mercury*, because they were "generally too neglectful of their children to care much about them".⁷¹ If the fine was not paid, magistrates reluctantly sent the offender to gaol.

From the 1860s, imprisoning juvenile offenders was roundly condemned. Imprisonment was not calculated to improve "the morals of the juvenile offenders", who emerged from gaol "rather worse than better for the punishment, and undoubtedly with a stain on their character, which it will take some time to efface".⁷² Imprisonment for short periods was

64 AOT, Colonial Secretary's Department ("CSD"), 4/79/258, Hall to Colonial Secretary, 29 July 1865.

65 *Mercury*, 25 June 1862.

66 *Mercury*, 29 July 1862.

67 See generally Finnane, "Larrikins, Delinquents and Cops: Police and Young People in Australian History" in White & Adler (eds), *The Police and Young People* (CUP, Cambridge 1994) pp7-26.

68 *Mercury*, 3 July 1863.

69 *Mercury*, 30 May, 6 June 1865.

70 AOT, MCC, 16/44/1, 5 November 1866.

71 *Mercury*, 25 August 1862.

72 *Mercury*, 25 August 1862.

insufficient to reform juveniles and was "nothing less than gratis admission to a finishing school of depravity and criminality".⁷³ Juveniles became hardened in crime and on release committed further and more serious offences. After juveniles were released, no thought was given to their future or to stop them returning to their old haunts and companions. Despite the general view that prisons were a costly failure and despite the appearance of institutions specifically designed for juveniles, children aged between ten and fifteen (and sometimes even younger) were imprisoned in varying but increasingly smaller numbers from 1860 to 1896.

In the 1860s some advocated flogging as the most effective and inexpensive punishment for juveniles, as provided in the Juvenile Offenders Punishment Bill 1865.⁷⁴ The Attorney-General RB Miller said it was not "a cruel measure" but "merciful and humane" and, by avoiding prison, was "best calculated to lead to the moral reformation of juvenile offenders".⁷⁵ Opponents felt that whipping was "degrading" and would destroy all hope of reform.⁷⁶ Flogging had been synonymous with the colony's penal history and it would be "a retrograde step" to pass the bill. The bill was defeated but flogging had its adherents. The *Mercury* advocated a public horsewhipping for parents who ordered their children to beg or steal because such irresponsibility had serious social consequences.⁷⁷ It checked "the flow of benevolence" from more prosperous citizens and thus disadvantaged the honest poor. It augmented "the criminal class" and thus added to expenditure on penal discipline. Although parents were censured throughout the late nineteenth century for not controlling their offspring and failing to set a good example, more attention was paid to making them financially responsible for their children's welfare than imposing physical punishment.⁷⁸

With the alleged rise in larrikinism and violent behaviour on the streets in the early 1870s, flogging juvenile offenders won more political support.⁷⁹ The *Juvenile Offenders Act 1875* (Tas) confined to judges and magistrates the power of inflicting corporal punishment by "a rod of twigs, or a cane,

73 *Hobart Town Advertiser*, 12 April 1864.

74 *Mercury*, 12 August 1865.

75 As above.

76 *Mercury*, 25 July 1865.

77 *Mercury*, 16 February 1870.

78 *Mercury*, 7 December 1876; an exception was the *Destitute Children Act 1889* (Tas) which made parents who neglected to feed, clothe, house, and attend to the medical needs of children under 14 liable to six months imprisonment.

79 *Mercury* 30 April, 9 July 1875.

or a leathern strap" on offenders under nineteen years.⁸⁰ The offences for which corporal punishment could be imposed were not frivolous. They included assaults causing actual bodily harm, a range of indecent offences, rape, and any disturbance of the peace accompanied by "the use of obscene or indecent language".⁸¹ While Tasmanians reluctantly condoned punishments associated with the convict era, the other Australian colonists more willingly passed legislation sanctioning flogging, even for relatively minor offences.⁸²

Industrial Schools and Reformatories

Neglected and destitute (but not bad or vicious) children were sent to the Queen's Orphan School until the age of twelve. In the 1860s an average of over 470 children annually were given shelter and fed but the Orphan School (transferred from the Imperial to the Colonial Government in 1860) received constant criticism for releasing children without adequate industrial training and moral education, and without finding suitable employers.⁸³ The Orphan School was closed in 1879 and replaced with a system of boarding children out to benevolent families.

In the early 1860s, the press and the Benevolent Society (formed in 1860) criticised the Orphan School for contributing to, rather than alleviating, juvenile delinquency, as they thought the money lavished on it would be better spent on smaller reformatories and industrial schools, where juveniles could receive individual attention. In 1862 the Benevolent Society petitioned the Parliament to establish reformatories for males and females under sixteen.⁸⁴ Reformatories in England, Scotland, and Europe had purportedly reduced juvenile crime by fifty per cent. This view was supported by a Select Committee of the Legislative Council, which in July 1862 reported on institutions for "the Industrial Training and Benefit of Vagrant Children and Youthful Offenders".⁸⁵ It recommended that reformatories for children between ten and sixteen who had been convicted of offences should be entirely funded by the State, while industrial schools for neglected or vagrant children would receive only one-third of their

80 *Mercury*, 25 August, 2 September 1875.

81 As above.

82 Schoff, "The Hunting of the Larrikin: Law, Larrikinism, and the Flight of Respectability in Nineteenth-Century South Australia" (1995) 1 *Aust J Leg Hist* 93 at 103-106.

83 Brown, "*Poverty is not a Crime*": *The Development of Social Services in Tasmania 1803-1900* pp81-83, 92-93, 96-97, 140-145.

84 Tas, Parl, *Journal HA* [1862] Vol 8, Paper 19, Petition No 1: 'Reformatories'.

85 Report on Industrial Schools Bill (No 2), pp3-4.

money from the State, another third from public subscriptions, and the final third from the municipality from which the children were sent.⁸⁶

During the 1860s Tasmanian governments were preoccupied with balancing budgets and eschewed proposals that added to the cost of government.⁸⁷ Few were surprised when a private member, the merchant and philanthropist Isaac Sherwin, sponsored the Industrial Schools Bill of 1863, a transcript of English legislation.⁸⁸ The Government supported the bill because it was permissive and encouraged charitable bodies to establish industrial schools for vagrant children and youthful offenders under sixteen without government subsidy and under certain restrictions. The juveniles could be sent to an industrial school in place of or in addition to another punishment. The government was empowered to appoint three or more people as managers of the school, who had "all the powers and privileges" of a father over every child.⁸⁹ The *Industrial Schools Act* 1863 (Tas) was the first such statute passed in Australia.⁹⁰ In 1864 philanthropic ladies responded by establishing the Hobart Town Female Reformatory and Industrial School (later called the Girls' Industrial School) for girls who were "vagrant and unprotected children and youthful offenders".⁹¹ Girls of "confirmed vicious habits" were excluded, however. Numbers varied annually over the next 25 years, reaching as high as 39 in 1881.⁹²

As they claimed the problem of idle juveniles was worsening, members of the Benevolent Society, clergymen, and philanthropic politicians vigorously lobbied the Dry Government in 1867.⁹³ Some moral reformers kept abreast of European developments. The Rev Frederick Holdship Cox praised German institutions, especially those in Hamburg, because they were run on "the family system, and were made, as far as possible to resemble Christian homes".⁹⁴ Cox believed that a thin line divided

86 At p4.

87 Tas, Parl, *Journal HA* [1863] Vol 10, 58; *HTA*, 5 January 1863.

88 *Mercury*, 14 August, 9 September, 15 September 1863.

89 *Mercury*, 13 November 1863.

90 Seymour, *Dealing With Young Offenders* (Law Book Co, Sydney 1988) p52.

91 *Mercury*, 24 June 1865, 6 September 1869; AOT (CSD) 4/45/646; Ramsland, "'A Place of Refuge from Dangerous Influences': Hobart Town Industrial School for Girls, 1862-1945" (1985) 71 *Journal of the Royal Australian Historical Society* 207.

92 Tas, Parl, *Journal HA* [1882] Vol 42, Paper 16, Annual Report of the Girl's Industrial School 1881.

93 *Mercury*, 10 July 1867.

94 *Mercury*, 6 September 1867, lecture at the Mechanics' Institute on "The Reformatory Question as worked out in Europe".

respectable and non-respectable juveniles. He held that "the best boys of the dangerous classes so nearly resembled in character the worst boys of the at present non-criminal classes that the margin was easily overflown".⁹⁵ All efforts to stop the idle boys of "the worst class" standing in the streets would "necessarily help the better classes". The Premier and Colonial Secretary Richard Dry was sympathetic and hinted that the government might eventually establish reformatories for convicted juveniles.⁹⁶

The lobbying produced two bills. The Reformatory Schools Bill, based on English legislation, was drafted by the government and dealt with juvenile criminals placed in reformatories established and staffed by "private philanthropy".⁹⁷ The government agreed to pay an amount equal to the maintenance of juvenile criminals in gaol and thought that philanthropists could deal adequately with the small numbers of offenders. Managers could license out offenders after eighteen months. Magistrates could still sentence juveniles to between ten and sixteen days imprisonment before serving a minimum of one year or a maximum of five years in a reformatory. In the Legislative Council the name was changed to the Training Schools Bill because of the 'stigma' attached to the name reformatory. The Industrial Schools Bill, also based on English legislation, was drafted by a committee of philanthropists and clergymen and dealt with vagrant or neglected children under fourteen and children under twelve charged with an offence punishable by imprisonment or a lesser penalty.⁹⁸ Inmates of industrial schools found guilty of 'gross and repeated insubordination' could be transferred to a training school. The government contributed two shillings and six pence for each child admitted by the guardians and five shillings if sent by a magistrate.

The onus was on private individuals to act. The philanthropist and politician Alfred Kennerley was the financial benefactor of a Protestant Boys' Home for neglected and vagrant juveniles, which opened in April 1869.⁹⁹ The Boys' Home (by 1888 it had dealt with 161 boys, of whom 110 were apprenticed) and the Girls' Industrial School were the two most important philanthropic institutions devoted to reclaiming juvenile

95 As above.

96 *Mercury*, 4 September 1867.

97 *Mercury*, 18, 25, 27 September, 9 October 1867.

98 *Mercury*, 21 September 1867.

99 *Mercury*, 13 February, 17 February 1869.

delinquents.¹⁰⁰ Other institutions were formed and played their part. All depended on voluntary donations, which declined after initial enthusiasm waned and was not always made up from government money.¹⁰¹ The cumulative results, however, should not be underestimated. A Royal Commission on Charitable Institutions thought small institutions applying different methods to achieve "a common object" of reforming and reclaiming deserving juveniles might be more successful than one large institution.¹⁰² There was, however, no charitable body that willingly dealt with criminal juveniles. This was the responsibility of the State but the responsibility was never eagerly grasped nor invested with much thought.

Between 1869 and 1877 the government appropriated part of the Cascades Female Factory as a training school for boys.¹⁰³ But the training school was more like a prison than a reformatory.¹⁰⁴ In October 1877 the Reibey Government closed the reformatory because it had failed to achieve its objectives, and instead proposed opening a training school "better adapted to meet the wants of the community".¹⁰⁵ Reports and legislation setting up reformatories were obtained from the other colonies and New Zealand, especially the Boys' Reformatory in Auckland.¹⁰⁶ But Tasmania's most progressive training school did not emerge until some years later.

The Boys' Training School, 1880-1895

WR Giblin's second Ministry (1879-1884) ushered in the first period of major social reform in Tasmanian history.¹⁰⁷ Giblin's social programme included a desire to save juveniles from crime and neglect. The presence of old Port Arthur offenders had retarded the introduction of a more progressive prison regime, but by the early 1880s they were dying off and the government considered more up-to-date means of dealing with

- 100 Tas, Parl, *Journals and Printed Papers of Parliament of Tasmania* ("JPPP") [1887] Vol 11, Paper 13, Boy's Home Industrial School: Report for 1886; Brown, "*Poverty is not a crime*": *The Development of Social Services in Tasmania 1803-1900* pp136-150.
- 101 Brown, "*Poverty is not a Crime*": *The Development of Social Services in Tasmania 1803-1900* pp84-85.
- 102 Tas, Parl, *Journal HA* [1871] Vol 22, Paper 63, Royal Commission on Charitable Institutions, pxiv.
- 103 *Mercury*, 12 May 1869.
- 104 *Mercury*, 15 September, 20 September 1870.
- 105 AOT, CSD, 10/51/1111; Tas, Parl, *Journal HA* [1878] Vol 34, Paper 15, Report of the Superintendent of the Cascades 1877, p4.
- 106 AOT, CSD, 10/79/2050, 13/68/1183.
- 107 Reynolds, "The Island Colony, Tasmania: Society and Politics 1880-1900", (Unpublished M A Thesis, University of Tasmania 1963) pp101ff.

offenders of all kinds. For juveniles, the first step was the *Training Schools Act* 1880 (Tas), which gave magistrates a discretion to send juvenile offenders direct to a training school without first undergoing a prison term.¹⁰⁸ The age of those eligible for this discretion was raised from sixteen to eighteen. In 1881 the government granted an accommodation to the Ladies' Christian Association to establish a Girls' Training School for first offenders under 18.¹⁰⁹

Thereafter the focus was on juvenile males. Much pressure was exerted by the Boys' Reformatory Committee, formed by voluntary agencies in August 1882, to establish a reformatory and to improve "the moral condition of the youthful criminal class".¹¹⁰ Joseph Benson Mather, the Honorary Secretary of the Boys' Reformatory Committee and member of the Ragged Schools Association wanted to make the boys "useful members of the community" by using "wholesome discipline" and training in the ways of getting "an honest living".¹¹¹ The Giblin Government agreed to provide renovated accommodation at Cascades rent free, to pay five shillings per week per head or an equivalent lump sum, and to match every pound collected by the Boys' Reformatory Committee.

Previous schemes had lacked a trained Superintendent aware of the latest developments in reformatory training. The new arrangements avoided this error by appointing as Superintendent James Longmore, a progressive man who had worked at the Industrial School, Newcastle-on-Tyne, and the Old Mill Reformatory, Aberdeen, and had been Superintendent of the Dumfries Industrial School in Scotland.¹¹² The Cascades Boys' Training School accepted its first inmates on 21 July 1884.¹¹³ In 1885, amending legislation suggested by Longmore provided that only boys under sixteen were sent to the training school, that the minimum sentence be increased from one year to three years but that they could be licensed out at any time on the approval of the Chief Secretary.¹¹⁴

108 *Mercury*, 22, 29, 30 September 1880.

109 Brown, "Poverty is not a Crime": *The Development of Social Services in Tasmania 1803-1900* pp87-88.

110 AOT, CSD 13/56/907, Mather to Moore, 15, 19 September, 29 November 1882; *Mercury*, 25 August 1882.

111 AOT, CSD, 13/56/907, minute by Moore, 30 August 1882.

112 As above, minute by Moore, 3 November 1883; Longmore, *The Modern Treatment of Juvenile Offenders in Tasmania and Elsewhere* (Chalmers Literary Association, Hobart 1895).

113 As above, Mather to Moore, 15 August 1884.

114 *Training School Act* 1885 (Tas).

The French Mettray and the English Red Hill reformatories inspired Longmore's management of the Cascades Training School.¹¹⁵ He emphasised that the training school was "not a place of punishment; it is a place for reclamation". Guided by the ideals of "mercy and hope", Longmore sought to arouse "self-respect", to awaken "conscience", and to impart the principles of "integrity and truth". He also wanted to impart "a family feeling" and to provide the boys with what most lacked, "a happy home". He intended to allow "as much freedom as is compatible with good order" and to encourage boys "to prove themselves worthy of confidence by their conduct", avoiding where possible corporal punishment. Good conduct was rewarded by early licence or an afternoon off and boys could earn money for work well done. Longmore hoped "to infuse a good moral tone to the school" and to exercise "a personal and parental influence" over every boy. He thus wanted to keep the training school "small, so as to enable those in charge to thoroughly understand each inmate; and to license out as early as possible".¹¹⁶ The managers realised that the task would be difficult as criminal youths needed "a vast amount of *untraining* before the work of *training*" could begin.¹¹⁷

Between 1884 and 1895 an annual average of about eighteen boys entered the training school and at the end of each year on average about 40 boys remained in the institution, with 68 in 1894 being the highest number.¹¹⁸ Some eighty per cent of the boys had been committed for theft, burglary, or housebreaking and another thirteen per cent for being idle and disorderly. Most boys were very poorly educated, because, claimed Longmore, they preferred association with "idle and vicious companions" to attending school.¹¹⁹ The training school tried nothing more ambitious than educating them in writing, reading, and arithmetic.

115 AOT, CSD, 13/56/907, February 1885, Report on the Cascades Boys' Training School, 21 July to 31 December 1884; March 1887, Report of the Managers of the Boys' Training School, 1886; Tas, Parl, *JPPP* [1892] Vol 26, Paper 20, Annual Report of the Boys' Training School 1891, p4; Longmore, *The Modern Treatment of Juvenile Offenders* p4.

116 As above.

117 AOT, CSD, 16/13/62, Mather to Chief Secretary, 26 August 1887. Emphasis original.

118 These figures come from the annual reports of the Boys' Training School published in the parliamentary papers.

119 Tas, Parl, *JPPP* [1891] Vol 23, Paper 19, Annual Report of the Boys' Training School 1890, p4.

Longmore believed that many boys became criminals from "a disinclination to work".¹²⁰ The industrial department aimed to keep the boys "busily employed" and to instil "a liking for honest labour". Industrial training strengthened their "misdirected faculties" and prepared them for "the duties of life". Training in carpentry and above all agricultural pursuits was stressed because the demand for such workers was "practically unlimited" in the colonies. Longmore encouraged various recreational activities and organised excursions to the country. While providing enough supervision to detect problems, he allowed "considerable freedom from restraint" during play periods. He thought it a bad sign if young boys sat "silently at all times, for still waters run deep, and 'dumb dogs are dangerous'".¹²¹ According to Secretary Mather, Longmore made the "boys feel that he is their friend, and they love him, and are willing to do anything to please him".¹²²

Longmore's work was rendered difficult by magistrates outside Hobart who were sentencing boys to imprisonment for up to ten days and abandoning their power to send direct to a reformatory.¹²³ The chance of reforming boys who were first imprisoned was low and they tended to disrupt the management of the training school. Longmore also criticised magistrates for failing to sentence boys to the maximum period of detention of five years.¹²⁴ To reclaim, educate, and train boys "morally and industrially" for "fighting the battle of life" required control by the managers for the full period, even if worthy juveniles were licensed early to suitable employers. While on license, the boys remained "under surveillance" and were "aided and assisted in their endeavour" to start a new life. In 1889, legislation empowered managers (under certain circumstances) to retain control over the boys until the age of twenty.¹²⁵

- 120 AOT, CSD, 13/56/907, February 1885, Report of the Boys' Training School, 21 July to 31 December 1884; Tas, Parl, *JPPP* [1889] Vol 17, Paper 9, Annual Report of the Boys' Training School 1888, p4 and Tas, Parl, *JPPP* [1891] Vol 23, Paper 19, Annual Report of the Boys' Training School 1890, p5.
- 121 Tas, Parl, *JPPP* [1885] Vol 5, Paper 14, Annual Report of the Boys' Training School 1884, p5.
- 122 Tas, Parl, *JPPP* [1888-1889] Vol 15, Paper 50, Royal Commission on Charitable Institutions, p46.
- 123 Annual Report Boys' Training School 1888, p5; Tas, Parl, *JPPP* [1895] Vol 33, Paper 4, Annual Report of the Boys' Training School 1894, p4.
- 124 AOT, CSD, 13/56/907, February 1885, Report of the Boys' Training School, 21 July to 31 December 1884.
- 125 The *Destitute Children Act* 1889 (Tas) s1; Tas, Parl, *JPPP* [1890] Vol 20, Paper 17, Annual Report of the Boys' Training School 1889, p5; Tas, Parl, *JPPP* [1888-9] Vol 15, Paper 50, Royal Commission on Charitable Institutions, ppxiii, 44.

The change was praised by William Tallack, secretary of the Howard Association, the English penal reform body.¹²⁶ Once a boy left the training school, Longmore attempted "to follow his career for at least three years afterwards" and boys were encouraged to seek his help.¹²⁷

Longmore believed the training school should be assessed by the number of boys it "saved from a life of crime and degradation" and who became "useful and honourable citizens".¹²⁸ Some boys certainly relapsed after leaving Longmore's care. Between February 1890 and February 1892, seven boys were imprisoned for larceny and housebreaking and five more were remanded and committed for trial.¹²⁹ The managers explained that many of the boys had only been at the Cascades for a short time and, except in two cases, were imprisoned for short periods. Although he found "an occasional bad character", Longmore concluded that Tasmanian boys were "as amenable to good advice" as boys anywhere. By the end of 1893, 120 boys or 85 per cent were categorised as "doing well".¹³⁰

Employers testified to "the efficiency of, and the training given to, the boys" and to their "satisfactory behaviour on discharge".¹³¹ But such testimonials failed to save Longmore and the Boys' Training School, which was closed down in 1895 as part of the Braddon Government's economy drive and desire to reorganise charitable relief.¹³² Braddon believed that, "as a school for industrial purposes", the training school was "very much a failure" and thought it possible "to effect a radical improvement with an immediate saving in expenditure".¹³³ He was probably concerned that the number of boys remaining in the training school between 1893 and 1895 averaged 59, well above the twelve year

126 Tallack, *Penological and Preventive Principles* (Wertheimer, Lea & Co, London 1889) pp355-356.

127 Tas, Parl, *JPPP* [1893] Vol 28, Paper 16, Annual Report of the Boys' Training School 1892, p4.

128 AOT, CSD, 13/56/907, February 1885, Report of the Boys' Training School, 21 July to 31 December 1884; Longmore, *The Modern Treatment of Juvenile Offenders* p10.

129 AOT, CSD, 16/48/1521, Clark to Chief Secretary, 16 March 1892, MacFarlane to Chief Secretary, 11 April 1892.

130 Tas, Parl, *JPPP* [1894] Vol 31, Paper 14, Annual Report of the Boys' Training School 1893, p4.

131 Tas, Parl, *JPPP* [1896] Vol 35, Paper 12, Annual Report of the Boys' Training School 1895, p3.

132 Robson, *A History of Tasmania: Volume II Colony and State from 1856 to the 1980s* (OUP, Melbourne 1991) pp178, 183-185.

133 AOT, CSD, 19/4/11, Braddon to Moore, 9 February 1895.

average of 40. Braddon moved the boys to the Government Farm at New Town to learn "farming and rough industries".

The managers of the Cascades Training School and others protested that the boys would be contaminated by the invalids, most of whom were ex-convicts from Port Arthur, working at the New Town farm. They claimed that the new Superintendent, George Richardson, was unqualified to deal with criminal boys and, as he was also Administrator of Charitable Grants, had no time to exercise moral influence over each boy as Longmore had done. Braddon ignored these representations. He was more intent on discipline than moral reformation and gave Richardson freedom to introduce a tougher regime than had existed under Longmore.¹³⁴

EPILOGUE: THE DEPARTMENT OF NEGLECTED CHILDREN

In the mid-1890s the administration of neglected children was reorganised. The causes were twofold. One was Braddon's policy of economy noted above. The second reason relates to a new emphasis on disciplining juveniles. This arose from a moral panic engendered by "a small army of prudes" over a supposed increase in "juvenile depravity".¹³⁵ The rhetoric of society being undermined by vicious and immoral juveniles resembled the rhetoric of the 1860s. But in the 1890s the churches and charitable bodies were joined by middle class women, and they more sharply defined those who were deserving of assistance and those who were not. The undeserving, said GS Crouch, Chairman of the Benevolent Society, had to experience "the correctional discipline of the State".¹³⁶

The first targets of moral reformers were juvenile beggars who masqueraded as street vendors of newspapers and flowers. But this cause received less emphasis when the Superintendent of the Municipal Police played down the extent of the practice.¹³⁷ A more promising outlet for hysteria was the alleged prevalence of juvenile prostitution. In August 1895 a reporter from the *Tasmanian News* found "immorality" equalled nowhere else in the world.¹³⁸ The reporter saw numerous girls aged

134 AOT, CSD, 19/4/11, MacFarlane to Braddon, 22 January 1896, Richardson to Moore, 18 April 1896; *Mercury*, 5 August 1895, letter by S Bucknell.

135 *The Clipper*, 19, 26 October 1895; Pearce, *The Lowest Common Denominator - Children, State, and Society, Tasmania, 1896-1920* (B A Hons Thesis, University of Tasmania 1983).

136 Brown, "*Poverty is not a Crime*": *The Development of Social Services in Tasmania, 1803-1900* pp152, 154.

137 *Mercury*, 5 March 1895.

138 *Tasmanian News*, 30, 31 August, 2 September 1895.

usually from thirteen to twenty - but some as young as eight - flaunting themselves on the main streets at night "beneath all the glitter of shop lights". Their customers were not visitors or men from the lower classes but were "well-known citizens, occupying good positions in Society, and, horrible to relate, fathers of large families".¹³⁹ Even girls with "hard-working" parents offered their bodies to young men in secluded places. The newspaper reports were followed up with public meetings, in which the Women's Christian Temperance Union was prominent.¹⁴⁰ Calls for legislation for the better protection of children were complemented by calls for parents to assume greater control over their progeny.

Responding to the calls, the Braddon Government presented Parliament with two bills. The Prevention of Cruelty to, and Better Protection of, Children Bill 1895, was based on recent English legislation.¹⁴¹ The bill, which sought to punish those who allowed children under fifteen to roam the streets and restricted the employment of children under that age, was passed. The more contentious Neglected Children Bill, based on Victorian legislation, was presented to Parliament in September 1895.¹⁴² The ensuing debate in the Assembly and the Legislative Council asserted that the evils were exaggerated and that the bill allowed excessive State interference with the privacy and liberty of the subject by taking children away from their parents for flimsy reasons.¹⁴³ The bill was defeated in the Legislative Council, which zealously protected attacks on individual liberty when not retarding progressive legislation.

In 1896, the Braddon Government's Youthful Offenders, Destitute and Neglected Children Bill consolidated existing statutes and added clauses from New Zealand and Victorian legislation.¹⁴⁴ The State sought "to protect itself against pauperism and incipient criminals" by providing "better machinery and powers to deal with neglected and destitute children" cheaply. It established, under the management of the Administrator of Charitable Grants, a new Department of Neglected Children, which brought philanthropic associations more tightly under State control. A neglected child was defined as one under the age of fifteen found wandering, soliciting, begging or living with thieves,

139 As above.

140 *Tasmanian News*, 6, 13 September 1895; AOT, NS337/27, WCTU Hobart Branch minute book, 26 September 1895.

141 *Mercury*, 3, 29 August 1895.

142 *Mercury*, 27 September 1895.

143 *Mercury*, 12, 16 October 1895.

144 *Mercury*, 19, 20, 22, 26 August 1896.

vagrants, prostitutes or drunkards, or under ten found working from May to August after 7pm and in other months after 9pm. Youthful offenders (boys under sixteen and girls under eighteen) could still be imprisoned for ten days before transfer to a reformatory, and children who were insubordinate or absconded from training schools could face a prison sentence. Similar offences by children in industrial schools could result in solitary confinement for two days on bread and water or transfer to a training school.

But some coercive powers were deleted or amended in the Legislative Council. Henry Rooke, a vociferous critic in 1895, was again to the fore. This "drastic" bill, he said, assumed that "any boy or girl found in the street at night is there for a wrongful purpose" and could be arrested at will.¹⁴⁵ Soon authoritarian citizens who followed New Zealand's example in everything would introduce a curfew bell telling us all "when we should go to bed, when we should get up, and when we should have a drink". Clauses giving the Minister power to place a destitute child in an institution without the permission of a justice, allowing a parent or guardian to hand over exclusive guardianship of a child to the managers of an institution, and giving police power to arrest without a warrant anyone who committed any offence listed in the bill were, among others, struck out in the Legislative Council.¹⁴⁶ After this onslaught, the bill was "rushed through" the House of Assembly with little debate.¹⁴⁷

As the moral panic died down, the police tended not to enforce all the more coercive sections of the legislation but the threat of their enforcement hung over the children and larrikins who remained on the streets at night.¹⁴⁸ Convicted juveniles were more likely to be sent to a training school for discipline than an industrial school for protection. The *Neglected Children and Youthful Offenders Act* 1896 (Tas) thus marked a new and potentially more repressive phase in the attempt to control juveniles in Hobart.

145 As above.

146 As above.

147 *Mercury*, 26, 30 September 1896.

148 *Mercury*, 22 March 1898, letter by W Lake, City Missionary; *Tasmanian News*, 3, 11 September 1897, 13 January 1898; AOT, MCC 16/44/5, Lodge to Mayor, 27 May 1898; Brown, "Poverty is not a Crime": *The Development of Social Services in Tasmania, 1803-1900* pp165-167.

