

The case illustrates some of the evidentiary pitfalls in the prosecution of bigamy. The criminal and civil laws worked differently in relation to this difficult matter of bigamy. The dismissal of the case against Eliza is *consistent with* the hypothesis that Bass was dead, but it was not, in itself, an authoritative statement of law to that effect, or that he had not been found for at least seven years. The Court simply was not satisfied beyond a reasonable doubt that the evidence was sufficient. The prosecution had not established the identity of the defendant with that of the Eliza Bass whose marriage to Jasper Bass was on the record beyond a reasonable doubt.

The case against Farrell is different. He had gone through a form of marriage with Eliza, but his "first" wife is apparently still very much alive, because we are told she would be examined at the Court next week. While Farrell's "second marriage" to Eliza is null and void (because he is already married) he has gone through *a form of marriage* with another woman while his wife was still alive. If those facts are found to be true, we have a classic case of bigamy on our hands.

What must always be kept in mind is that the criminal law and the matrimonial law of marriage and bigamy are not one and the same thing. If, on the above facts, Farrell were found "not guilty" of bigamy even after his first wife had given her evidence (perhaps because the jury did not believe some of the witnesses against him), that would *prove* nothing at all about the *validity* of his "marriage" to Eliza, - or, indeed to his first wife. In other words, Farrell's acquittal would not be conclusive evidence as to the validity, or otherwise, of either the first, or the second (the bigamous) marriage.

The push for divorce, such as it was, probably came almost entirely from above. In the colonies, as in England, deserted wives and children were a perpetual problem. They were a drain on the public purse. The wife sale reported by Pinchbeck demonstrates the lengths to which parish authorities were prepared to go to transfer the problem to someone else.⁸¹ The maintenance laws dealing with deserted wives and children were designed to prevent or minimise the problem and were enforced with rigour - when the deserter could be found.

It seems obvious, then, to view the divorce laws as largely designed to deal with this problem and to sheet responsibility home to where it belonged. The number of de facto marriages, in Tasmania as in England,

were large and on the increase. There were many cases of broken marriages where one, or even both, of the parties had, or were about to enter into, a new relationship, but were unable to marry their new partners. It was clearly in the public interest that these should be regularised by marriage, if possible. This would ensure that the husband, as the breadwinner in practically all cases could be made liable for his new wife and their children.

This line of reasoning was not being pushed by the authorities in support of the measure, and it does not seem to have been a large component in the reasoning of the members of the Tasmanian Parliament. What finally seems to have swung their support behind the Bill were the provisions giving a deserted wife access to her own earnings and property.

The married women's property legislation, after all, still lay some twenty or thirty years in the future. But in the meantime, the "Hapless Creatures" were rescued from the worst consequences of the "Beastly Propensities" of their drunken and profligate husbands.

TURBULENT TASMANIANS: ANTI-RAILWAY RATE AND SECTARIAN RIOTS AND POLICE REFORM IN THE 1870s

IN Britain riots and demonstrations had been regarded as an effective form of protest since the eighteenth century.¹ The free settlers, convicts, and troops who populated Australia brought this tradition of protest with them and were not slow to riot when circumstances made such action expedient.² One should not exaggerate the amount of collective violent protest that occurred in nineteenth century Australia, which was much less than in Britain and America.³ But, especially after 1850, celebrated Australian examples of violent protest against government action or inaction are not hard to find, such as the Eureka riots in 1854 and the Lambing Flat riots in 1860 and 1861.⁴ Such riots always attract the notice of police historians because violent outbursts place a strain on even the best trained and organised police forces and, with corruption scandals, provide governments with their main justification for reforming the police.⁵ This was certainly true in nineteenth century Tasmania. The riotous conduct of the other colonies was alien to the Tasmanian experience before the 1870s but riots in 1874 and 1879

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1 Stevenson, *Popular Disturbances in England, 1700-1870* (Longman, London 1979); Richter, *Riotous Victorians* (Ohio University Press, Athens 1981).

2 Shaw, "Violent Protest in Australian History" (1973) 15 *Hist Stud* 545.

3 Sturma, "Policing the Criminal Frontier in Mid-Nineteenth Century Australia, Britain, and America" in Finnane (ed), *Policing in Australia: Historical Perspectives* (New South Wales University Press, Kensington 1987) p18.

4 Haldane, *The People's Force: A History of the Victoria Police* (Melbourne University Press, Melbourne 1986) pp44-46; Selth, "The Burrangong (Lambing Flat) Riots, 1860-1861: A Closer Look" (1974) 60 *J R Aust Hist Soc* 48; for riots in other colonies see Wilson, "The Brisbane Riot of September 1866" (1971) 2 *Queensland Heritage* 13; Lewis, "Violence in Australian History: The Queensland Experience" (1974) 33 *Meanjin* 313; Clyne, *Colonial Blue: A History of the South Australian Police, 1836-1914* (Wakefield Press, Netley 1987) p176.

5 The Lambing Flat riots are especially pertinent on this point, see Walker, "The New South Wales Police Force, 1862-1900" (1984) 15 *J Aust Stud* 25.

simultaneously startled government and provided an opportunity for a reassessment of the decentralised system of policing introduced in 1858.

Apart from the organised opposition to convict transportation, the Tasmanian population was, argues Reynolds, more "submissive, unprotesting, and a-political" than their colonial neighbours and was not inclined to violent protest.⁶ According to Reynolds, the authoritarian convict system left its mark on society and ex-convicts who remained in Tasmania generally evaded confrontation with government. The British Government protected the penal settlement with a strong military presence, which was a deterrent to violent protest in a small community of 81 492 by 1857.⁷ The troops remained a bulwark of the social order until their withdrawal on 17 August 1870.⁸

In the 1870s, when relatively small police forces were the main protection, two violent protests occurred, designated by some contemporaries as riots.⁹ But they were atypical events and can be explained by special circumstances at the time rather than by a propensity to violent protest. For example, the anti-transportation campaign reached equally high levels of tension but the anti-transportationists had the self-discipline to eschew violence. In the 1870s the reins of restraint were temporarily relaxed and violence resulted. The first riot occurred in the northern Tasmanian town of Launceston in February 1874 after two years of determined but peaceful protest against the imposition of a railway rate by the executive government based in the southern capital of Hobart Town. Large numbers of citizens asserted their right to disobey a law which imposed an unjust tax, while government asserted its duty to uphold the law. The rate was collected and sustained a residual bitterness between the north and the south but the riots were not repeated. The second riot occurred in June

6 Reynolds, "'That Hated Stain': The Aftermath of Transportation in Tasmania" (1969) 14 *Hist Stud* 19 at 31.

7 The capacity of convicts to protest was illustrated in 1841 by female convicts rioting in Launceston, see Daniels, "The Flash Mob: Rebellion, Rough Culture and Sexuality in the Female Factories of Van Diemen's Land" (1993) 18 *Aust Fem Stud* 133.

8 Fenton, *A History of Tasmania: From its Discovery in 1642 to the Present Time* (Walch & Sons, Hobart 1884) p341.

9 The pitfalls in using terms like riots, disturbances, crowds and mobs are neatly summarised in Stevenson, *Popular Disturbances in England* pp5-11. But if the three main characteristics of a riot by legal definition are "in the form of violence displayed in such a manner as to alarm at least one person of reasonable firmness and courage, intent or joint design to help one another in the inception and execution of the common purpose, and numbers of three or more", then riots did occur in Launceston and Hobart Town: p7.

1879 when Catholics and Protestants clashed in Hobart Town over the incendiary comments made by Pastor Charles Chiniquy, a one-time priest but now a Presbyterian, about the evils of Catholicism. Protestants asserted their right to free speech, while Catholics disputed the right of anyone to abuse their religion. Relations between Catholics and Protestants remained fragile after Chiniquy's departure, but violence did not recur.

The main concern of this paper is to consider the impact of these riots on the system of policing in Tasmania. Until 1856 Tasmania employed a centralised system, which was criticised for being too oppressive and too numerous.¹⁰ After self-government was granted in 1856, much consideration was given to reforming the police. The key issues were how to make the police more accountable to citizens and how to reduce the cost of policing. In 1857 the Smith Government accepted the recommendation of a Royal Commission on the State of the Public Service that locally controlled police based on the English system would be "far more efficient at a much less cost" than the centralised Irish model.¹¹ Not wishing to be saddled with the cost of policing, some municipalities opposed the proposal but the Smith Government prevailed. By 1866 twentyone autonomous police forces had been established under the control of municipal councils; for most councils, policing was their first municipal service.¹² In areas without municipal councils, the government eventually formed eight police districts and deployed territorial police under the control of the Inspector of Police.¹³ The Inspector also advised on the management of municipal police forces and drew up regulations for the guidance of policemen.¹⁴ But the Inspector could not deploy municipal policemen without the express approval of the Mayor or Warden.

This dual system attracted some criticism from the late 1860s.¹⁵ But as policing was for most councils their most important function and justified

10 Petrow, "The Hobart Town Municipal Police, 1858-1878" (1995) 42 *Tas Hist Research Assoc Papers and Proc* 165 at 165ff.

11 At 168.

12 At 166.

13 At 168.

14 Finnane, *Police and Government: Histories of Policing in Australia* (Oxford University Press, Melbourne 1994) p18.

15 Jackman, *The Development of Police Administration in Tasmania, 1803-1960* (Dip Pub Ad thesis, University of Tasmania, Hobart 1967) pp83-84.

their existence, they were loath to hand control back to the government.¹⁶ The riots of the 1870s revealed the weak points of the decentralised system and occasioned a major reappraisal of policing in Tasmania.

THE ANTI-RAILWAY RATE RIOT IN LAUNCESTON

The citizens of Launceston had long complained of inadequate police protection.¹⁷ When the Smith Government raised the possibility of introducing a municipal police system, Launceston aldermen eagerly grasped the opportunity and established Tasmania's first municipal police force on 1 January 1858. It comprised 29 men for a population of 8000.¹⁸ The Inspector of Police John Forster described the men as "very intelligent", "well behaved", and "efficient in the performance of their duties".¹⁹ Over the next decade, aldermen felt that the good order of the town and the need to economise justified a gradual reduction in police.²⁰ By 1868 the number of police stood at 19, where it remained until 1874, when the population was about 11000 (one policeman to every 579 people).²¹ Forster continued to believe that the force was efficient under the experienced and widely respected Superintendent James Coulter but that it was stretched to capacity.

The inexpediency of reducing police numbers was exposed by the anti-railway rate agitation between 1872 and 1874.²² Many ratepayers refused to pay a rate levied to cover interest on a loan to build the Launceston and Western Railway. Before 1874, ratepayers resisted paying by contesting court cases, opposing rate valuations, holding public protest meetings, and petitioning Parliament. When the Kennerley Government rejected pleas to abolish the rate, the ratepayers adopted a policy of passive resistance from December 1873. They refused to pay the rate collector, ignored summonses to attend court, and allowed their goods to be distrained in lieu

16 In 1880 WR Giblin commented that it was difficult "to see what the rural municipalities would have to do if they were relieved" of policing, *Mercury*, 3 September 1880.

17 *Examiner*, 18 August 1857; Archives Office of Tasmania (AOT), Launceston Municipal Council minutes AB 396/2, 256.

18 Tas, Parl, *Journals*, LC (1858) Vol 3, Paper 28, *First Annual Report of the Inspector of Police* at 5ff.

19 As above.

20 *Examiner*, 29 December 1864, 5 January 1865.

21 Tas, Parl, *Journals*, HA (1875) Vol 28, Paper 22, *Seventeenth Annual Report of the Inspector of Police* at 4.

22 This dispute has been fully documented in Petrow, "Resisting the Law: Opposition to the Launceston and Western Railway Rate, 1872-1874" (1996) 15 *U Tas LR* 77.

of paying the rate. Some twenty-eight magistrates resigned their commissions rather than enforce an unjust law. These resignations, the inflammatory language used by some opponents of the rate and the sometimes violent removal of goods by police enraged many Launcestonians, who jettisoned passive resistance and turned to violent action.

Rioting began on the morning of Wednesday 4 February when an effigy labelled with the words "The Tyrant" and supposed to represent the Colonial Secretary, TD Chapman, was found hanging by the neck from a shop in Elizabeth Street.²³ Around sunset, more people than usual were on the streets in anticipation that "a row" over the railway question would break out. Soon after 8 pm a raucous group of boys walked along Charles Street carrying "an illuminated banner" inscribed with the words "Don't pay the Railway Rate".²⁴ The police appeared and confiscated the banner. The crowd temporarily broke up. Another group, comprised of some 500 older boys and young men, snatched the effigy in Elizabeth Street and carried it aloft before setting fire to it in Brisbane Street. The burning effigy was dragged along the street until they met Coulter, who seized it and put out the flames. Coulter allowed the crowd to take the effigy to Market Green. As they marched, the crowd threw stones at the home of the principal rate collector FJ Boothman and at other homes. Coulter stopped the crowd and charged those carrying the effigy "with inciting to riot and throwing stones". Someone shouted "mob the Superintendent" and projectiles landed near Coulter but he was not injured.²⁵ Shortly afterwards the crowd disbanded.

The next day, another effigy, this time allegedly representing Abye Douglas, a local lawyer, politician, and railway advocate, and branded with the words "The Traitor", was found hanging over a shop in St John Street.²⁶ At 11am some 1000 people assembled at the Commissariat Stores to witness the first sale of goods seized in lieu of paying the railway rate. True to the policy of passive resistance, nothing was sold and the crowd disbanded but rumours circulated that the houses of certain odious

23 AOT Colonial Secretary's Department (CSD) 7/8/1487, memorandum by James Coulter, "Rioting at Launceston, February 1874"; *Examiner*, 5 February 1874; *Cornwall Chronicle*, 6 February 1874.

24 As above.

25 As above.

26 AOTCSD 7/8/1487, Coulter, "Rioting at Launceston"; *Examiner*, 7 February 1874; *Cornwall Chronicle*, 6 February 1874.

citizens would be attacked. The police were deployed to protect those houses.

About 8 pm, Douglas' rear fence was pulled down and his windows were stoned.²⁷ When the police arrived, the rioters, arming themselves with fence palings, quickly returned to the centre of Launceston, where, joined by another group, their noise was "almost demoniacal".²⁸ At 8.45 pm the crowd reassembled in Wellington Street to begin a spree of window-breaking directed at alleged ratepayers, including Thrower's Court House Hotel, which was about one hundred yards from the police station. The police appeared and, on Coulter's orders, grabbed "a coffin effigy" and other items.²⁹ Some police were injured in the attempt and all were pelted with stones as they returned to the police station. In their panic, the police ignored Coulter's plea to face the crowd.

When Coulter faced the crowd alone, he was rained with stones.³⁰ Coulter grabbed a stone thrower. Someone shouted "mob him, mob him". As Coulter appealed for calm, he was hit by a stone on his left collar bone, forcing him against the fence. Coulter again appealed to the crowd but was "felled by a blow on the back of the head" from "a bludgeon or stick". No one attempted to stop the perpetrator from escaping or followed him or told Coulter who he was. Coulter was assisted to the station by some of the crowd, the vast majority of whom he described as "spectators".³¹ The police were ordered to follow the crowd until it disbanded, which it did around 11 pm.

Realising that police numbers were inadequate, on the next day, Friday 6 February, the Mayor John Murphy took two courses of action. He telegraphed the Inspector of Police, John Forster, for permission to obtain the authority of the nearby rural police.³² Forster permitted Chief District Constable James Propsting of the Police District of Selby to support Murphy. Without telling Murphy, Colonial Secretary Chapman also sought the help of municipal police forces throughout Tasmania.

27 As above.

28 As above.

29 As above.

30 Community History Museum Launceston (CHML) Launceston City Council (LCC) 1/255, Coulter to Murphy, 9 February 1874.

31 As above.

32 Tas, Parl, *Journals*, LC (1874) Vol 20, Paper 41, *Copies of telegrams between Mr Murphy, the Mayor of Launceston, and the Government, respecting the assistance of the Police in the collection of the Railway Rate* at 3; CHML LCC 1/255, Murphy to Forster, 6 February 1874.

Murphy also tried to swear in special constables at the Town Hall to put down the mob.³³ Outside the Town Hall 2000 spectators waited. Murphy denied that the demonstrations were politically motivated or that they had any connection with the railway rate. He blamed bands of larrikins for using the movement as an excuse to do as they liked and claimed that property was damaged whether or not the owners had paid the rate. Reluctantly, the municipal employees, bar one, and some young volunteers were sworn in, only the second time in Tasmanian history that special constables had been used.³⁴ But the volunteer Fire Brigades rejected Murphy's pleas. Their spokesman FH Hely said that the demonstration was undoubtedly against the railway rate; if they acted as special constables, they would be held "in contempt" and, as they depended on public support, it would "materially impede their progress".³⁵

Murphy and the police exhorted the crowd to return home and by 11.30 am the streets had been cleared. Some individuals tore palings from the fence around the Commissariat Stores and some others threw stones at the homes of pro-rate citizens, with the final 'act of vengeance' directed at the Shakespeare Hotel, whose owner had paid the rate. Receiving information from one of the mob that on Friday night they intended to burn down the railway station, Murphy arranged for it to be guarded. That night Murphy, with some aldermen and Coulter, "acted as judiciously as possible". By "gentle remonstrance and calm reasoning" they prevented much "mischief".³⁶

No riots occurred on Friday night or the following night. But Coulter candidly told the Mayor that "future seizures and removals of goods may be met with armed resistance".³⁷ Despite dire warnings of further disturbances by a deputation including Murphy and the Wardens of Longford, Westbury, and Deloraine, the government decided that resistance would not be "pacified" by delay.³⁸ It decided that 'the cause of law and order' required them to execute the powers imposed on them by Parliament. The rate was duly collected but at the cost of over £2400 in

33 *Examiner*, 7 February 1874; *Cornwall Chronicle*, 9 February 1874; AOTCSD 7/8/1487, Coulter, "Rioting at Launceston".

34 Special constables were first used in 1868 when the Duke of Edinburgh visited Tasmania: *Tasmanian Tribune*, 27 June 1879.

35 Reynolds, *Launceston: History of An Australian City* (Macmillan, South Melbourne 1969) p114.

36 As above.

37 CHML LCC 1/255, Coulter to Murphy, 9 February 1874.

38 *Mercury*, 11 February 1874; *Examiner*, 12 February 1874.

police pay and expenses and of soured relations between the north and the south.³⁹

Although those for and against the rate agreed that the actions of the crowd could not be justified, the disturbances provided ample room for debate and disagreement. Those opposed to the rate wanted to minimise the seriousness of the disturbances and to confirm that Launcestonians were law-abiding people. Their scapegoats were the larrikins and the police. A leader of the anti-railway rate movement, Theodore Bartley, blamed "the larrikin class" for the "disgraceful outrages".⁴⁰ The northern newspapers concurred with Bartley. The *Examiner* argued that the disturbances had nothing to do with the railway rate dispute, which was merely an excuse for lawless larrikin behaviour.⁴¹ The larrikins gloried in the opportunity to attack the police. According to the *Cornwall Chronicle*, no ratepayers were present in the crowd. All were "youngsters, bent on as much mischief as they could effect under cover of this period of excitement".⁴² A "few ragged-backed urchins" created a "storm in a teapot".⁴³ Both newspapers agreed that the mob lacked a leader and few rioters had a plan of action; they committed spontaneous acts of destruction.⁴⁴

Both newspapers thought the police exacerbated a tense situation. The *Examiner* asserted that the police showed their inexperience in dealing with large crowds by grabbing the effigy.⁴⁵ To deal with "a large body of excited people" required "great tact and discretion". They would be "far more easily controlled by a display of good humour than by angry menaces".⁴⁶ The *Cornwall Chronicle* thought that, if the police had arrested a few rioters, order would have been quickly restored.⁴⁷

Coulter took a different view. He told Murphy that the riots occurred only because the larrikins had been "urged on" by members of the passive resistance movement, who were "quite prepared to encourage and aid

39 Petrow, "Resisting the Law: Opposition to the Launceston and Western Railway Rate, 1872-1874" (1996) 15 *U Tas LR* 77.

40 *Examiner*, 21 February 1874, letter by Bartley.

41 *Examiner*, 24 February 1874.

42 *Cornwall Chronicle*, 6 February 1874.

43 *Cornwall Chronicle*, 9 February 1874.

44 *Cornwall Chronicle*, 6 February 1874; *Examiner*, 7 February 1874.

45 *Examiner*, 7 February 1874.

46 As above.

47 *Cornwall Chronicle*, 9 February 1874.

others in active and aggressive resistance".⁴⁸ Hostility towards the police had grown as they protected the rate collectors and Coulter felt he was "a marked man". Even "peaceable and well disposed" citizens "seem now afraid to give me a friendly nod of recognition and seek to avoid me".⁴⁹ Coulter did not easily court popularity. When ratepayers later protested at the use of the police to serve summonses for non-payment of the rate, Coulter told aldermen that their duty was to enforce the law "without favour or affection, and to the best of their ability, skill, and knowledge".⁵⁰ His men "understood their duty and did it".⁵¹

The Kennerley Government also took the disturbances seriously and for political reasons indulged in overkill, which did nothing to mend the fractured relations with the north. An example was the dispatch to Launceston of police from other districts. Responding to the call for help, Chapman went further than Murphy had anticipated. He sent confidential memoranda to municipal councils throughout the colony, notifying them that the government intended to increase police numbers in the Launceston and Western Railway district "for the purpose of protecting public property and co-operating with the Municipal authorities in preserving the peace".⁵² For this "special service", Chapman sought "trustworthy, able bodied, well trained men accustomed to Police duty".⁵³ The government would pay each policeman seven shillings per day with bedding and travelling expenses. Most municipal councils responded positively and, in "small detachments", Chapman sent one hundred police each armed with "a breech loading carbine" and sixty rounds of ammunition.⁵⁴

On Friday morning, Murphy had second thoughts when he heard that armed police were approaching Launceston. He telegraphed Chapman that the presence of armed police in Launceston after a second night of

48 CHML LCC 1/255, Coulter to Murphy, 9 February 1874.

49 As above.

50 *Examiner*, 17 February 1874.

51 Tas, Parl, *Journals* HA (1886) Vol 9, Paper 163, *Report of the Select Committee on the Centralisation of the Police, with Minutes of Proceedings and Evidence* at 1.

52 AOTCSD 7/8/1487, confidential memoranda by Chapman to municipal councils, 7 February 1874; *Examiner*, 10 February, 8 August 1874.

53 As above.

54 Oatlands was the only municipal council not to send police: Tas, Parl, *Journals*, HA (1874) Vol 27, Paper 18, *Sixteenth Annual Report of the Inspector of Police* at 4; according to one estimate 114 policemen were sent to Launceston: *Examiner*, 21 February 1874.

rioting would be "provocative of greater violence".⁵⁵ Chapman took little notice, saying that the police had been sent at Murphy's request and were needed to protect public buildings. At 10.20 pm Murphy informed Chapman that no rioting had occurred and advanced reasons for him not to take further action.⁵⁶ Some two hundred navvies had been discharged from work on the Main Line Railway and were heading for Launceston to attend the annual horse-racing carnival. Murphy also pointed out that many summonses for payment of the railway rate would be issued "among the poor and labouring classes" of Launceston. If they were joined by the navvies in a demonstration, "it would be difficult to suppress".⁵⁷ This was more likely to confirm in Chapman's mind that the police were needed than persuade him to recall them.

The presence of outside police incensed the Launceston press. The *Examiner* accused Chapman of sending the police "to goad" the people into action more serious than burning effigies and loud demonstrations.⁵⁸ Sending police armed with carbines to take money from the people was "an act which only an enemy would commit"; if the police used their weapons, the residents would reply in kind, and "a bloody warfare would result".⁵⁹ The government sent "an alien soldiery" because they would have no "sympathy" with the citizens.⁶⁰ Their presence demonstrated that the Kennerley Government regarded northern Tasmania as successive English governments had regarded Ireland - "as alien, and to be kept in order by coercion".⁶¹ By late February, the foreign police were still in Launceston. The *Examiner* criticised aldermen for allowing them to remain well after the disturbances had stopped. Their failure to act endorsed "the stigma of the Executive that the burgesses of Launceston are turbulent" beyond the municipal council's "power of restraint".⁶²

For the *Examiner*, the aim of "the invasion" was "to intimidate" the residents into paying the rate.⁶³ Many residents were not intimidated. Nor were they provoked by heavy-handed police actions. Most looked on with

55 Tas, Parl, *Journals*, LC (1874), Vol 20, Paper 41, *Copies of telegrams between Mr Murphy, the Mayor of Launceston, and the Government, respecting the assistance of the Police in the Collection of the Railway Rate* at 3.

56 At 4.

57 As above.

58 *Examiner*, 10 February 1874.

59 As above.

60 *Examiner*, 24 February 1874.

61 *Examiner*, 16 April 1874.

62 *Examiner*, 28 February 1874.

63 As above.

equanimity when police broke into their homes with "battering rams and crowbars" and dragged goods away "by force".⁶⁴ No one reacted when at night the foreign police walked around the streets with their carbines.⁶⁵ Equally galling, in the *Examiner's* view, as sending foreign police to Launceston was the government's publication "for general information" of the British *Riot Act* 1715 on 14 February, when the danger had passed.⁶⁶ The Act held that twelve or more people assembling in the streets for an hour after the proclamation of the Act were guilty of a felony, even though no violence or destruction of property occurred. The *Riot Act* was "appropriate to an age of tyranny when death and damnation were dealt out by political opponents", affirmed the *Examiner*, not to Launceston and its law-abiding citizens. Its publication was "antagonistic" to "the liberties of the people and to the interests of public justice".⁶⁷ A major confrontation was avoided only by "the good sense and self-restraint of the people", which "triumphed over the provocation offered".⁶⁸

Another issue raised by the Launceston riots was the best system of police control for Tasmania. The riots exposed the weaknesses of the Launceston police. Coulter admitted that his force was "numerically weak" and if they were "not actively supported by the peaceable and well disposed burgesses" they could not "preserve order and protect property".⁶⁹ Some argued that this was true of the municipal police system and that centralised control would provide better protection. But the *Examiner* quashed the suggestion.⁷⁰ Under the old centralised system, the police were too numerous and too closely associated with the magistrates, who represented the government, not the local community. Constables often 'manufactured' business and spied on local residents, embroidering their reports for their masters. If Chapman gained control of the police, local "freedom" will be replaced by "suspicion and distrust, and an apparatus will be supplied to an unscrupulous Executive of riding rough-shod over the Colony".⁷¹ Municipal government had generally not

64 *Examiner*, 26 February, 17 March 1874.

65 Button, *Flotsam and Jetsam: Floating Fragments of Life in England and Tasmania* (Birchall & Sons, Launceston 1909) p318.

66 *Examiner*, 19 February 1874; *Hobart Town Gazette*, 17 February 1874, 331-332; for the background to the *Riot Act*, see Stevenson, *Popular Disturbances in England* pp6-7, 22-23.

67 *Examiner*, 19 February, 24 March 1874.

68 *Examiner*, 1 August 1874.

69 CHML LCC 1/255, Coulter to Murphy, 9 February 1874.

70 *Examiner*, 28 February 1874.

71 As above.

"abused" their control of the police but had employed the police with "judgment, tact, and consistent regard to economy".⁷²

The pro-government and anti-Launceston *Mercury* held a different view. It had long been sceptical that the localised police system served society well.⁷³ Police efficiency was subservient to the wishes of "the men of authority" who ran local councils. Opponents of centralization argued that there had been "no very glaring wrong" in municipal policing and that nothing had happened "to test" the present system.⁷⁴ Now that excuse could no longer be used. A centralised police system would have aborted the Launceston riots and arrested the offenders, which the timorous local police did not. The railway dispute showed the disunity of the municipal system. Some municipal councils ordered their police to ensure the rate was collected but on another municipal council aldermen refused to allow their police to execute the law. Effective policing depended on uniform enforcement of the law and that was difficult to achieve with so many autonomous police forces.

The Kennerley Government wanted to reorganise the system of policing. On 30 July the Attorney-General, WR Giblin, moved in the House of Assembly that a Joint Committee be appointed to enquire into the management of the police.⁷⁵ Giblin believed that policing administration should be considered on "the broad principle of what was the best for the interests of the whole community" but too often it was discussed from party and parochial perspectives. A centralized system of policing could easily be justified. The Inspector of Police indicated that eight municipalities had reduced their police forces "below the standard of efficiency".⁷⁶ Giblin argued that centralization would raise efficiency, provide a superannuation scheme for all policemen, enhance prospects for promotion, eliminate jealousy between police forces, and secure united action. Policemen were not usually chosen by municipalities because of their ability and experience but because they were "connected with the families in the district",⁷⁷ which subverted discipline and impartial law enforcement. Despite these arguments, the motion was defeated by one vote. Most Tasmanians still felt that centralising the police would invest too much power in a "vindictive" government and be "in the highest

72 As above.

73 *Mercury*, 10 February 1874.

74 As above.

75 *Mercury*, 31 July 1874.

76 As above.

77 As above.

degree dangerous to public liberty".⁷⁸ The shadow of Lieutenant-Governor George Arthur endured.

Despite the strength of municipal opposition, virtually every government after Kennerley's favoured a centralized police. Some moved by stealth. Soon after the clergyman and farmer Thomas Reibey formed a government in July 1876, he told the municipalities that a change in the system of policing was "imperatively demanded".⁷⁹ Prominent in the anti-railway rate movement, Reibey had denounced the tyranny of central government and was less susceptible than Kennerley and Chapman to accusations that he wanted to ride rough-shod over the municipalities. Reibey proposed to vest the executive government with "primary control over, and distribution of, all members of the Police Force", while leaving "detailed arrangements" with the municipal bodies.⁸⁰ Police efficiency would be improved if constables could arrest suspects in municipalities other than the one in which they were appointed. As existing police died or resigned, they would be replaced by men appointed by the executive government.⁸¹

No municipality warmed to the government's proposal. Most thought that the existing system would be far more satisfactory than the muddled scheme proposed by Reibey. A number wanted more details before they responded, while others thought that a Royal Commission should report on the subject and, by collecting evidence from experts, provide a rational basis for change.⁸² Moreover, Reibey was silent on who would pay for the police, and until that was decided his proposal had no chance of being accepted.

THE CHINQUY RIOT IN HOBART TOWN

Unlike Launceston, the aldermen and ratepayers of Hobart Town were not enthusiastic about controlling their own police, mainly because of the cost.⁸³ The Smith Government virtually coerced the council into establishing its police force in February 1858 with 53 men. By 1867 the number of police had been reduced to 38, which remained the figure until

78 *Examiner*, 1 August 1874.

79 Tas, Parl, *Journals*, HA (1877) Vol 32, Session 3, Paper 18, *Correspondence on Police Centralization* at 3.

80 As above.

81 As above.

82 At 4-10.

83 Petrow, "The Hobart Town Municipal Police, 1858-1878" (1995) 42 *Tas Hist Research Assoc Papers and Proc* 165 at 168-9.

1878 (one policeman to every 526 persons).⁸⁴ Richard Propsting became the force's third Superintendent in July 1862. From the start, Propsting's apathy and incompetence were the talk of the town. Ratepayers complained of inadequate police protection and that the police were too scared to deal with larrikins, who controlled the streets.⁸⁵ The public held the physical and intellectual quality of the police in low esteem.

In the first half of 1879, middle-class, Protestant moral reformers intensified their criticisms of the police.⁸⁶ The police were accused of allowing prostitution to flourish, of inefficiently investigating crimes, and of conniving with publicans to break the licensing laws.⁸⁷ Despite these criticisms, the aldermen resisted attempts to reform the police force. Clear evidence that reform was needed emerged soon after the arrival in June 1879 of Charles Chiniquy, the apostate Catholic priest who had joined the French Presbyterian Church.⁸⁸

Chiniquy began an Australian lecture tour in September 1878 and espoused extreme anti-Catholic views, which were reported in colonial newspapers.⁸⁹ In Tasmania religious "strife and contention" had not been as pronounced as in the other colonies and Catholics and Protestants had generally "mixed freely in social intercourse".⁹⁰ Chiniquy's visit to Tasmania was organised by the Orange Lodge and indicated the growing

84 Tas, Parl, *Journals*, HA (1878) Vol 35, Paper 105, *Twentieth Annual Report of the Inspector of Police* at 4.

85 Petrow, "Arabs, Boys and Larrikins: Juvenile Delinquents and Their Treatment in Hobart Town, 1860-1896" (1996) 2 *Aust J Leg Hist* 37; Craig, *Mr Punch in Tasmania: Colonial Politics in Cartoons, 1866-1879* (Blubber Head Press, Hobart 1980) pp126, 230-231.

86 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, Sydney 1984) pp64-72.

87 *Mercury*, 24 March 1879; 22 April 1879, letter by 'Order'; 13 May 1879; 14 May 1879; 27 May 1879, letter by 'One of the Deputation'; 24 June 1879, letter by 'Observer'.

88 The Chiniquy affair is fully dealt with in Dollery, "The Chiniquy Riots, Hobart" (1962) 9 *Tas Hist Research Assoc Papers and Proc* 118; Howell, "The Chiniquy Affair: A Comment" (1963) 10 *Tasmanian Historical Research Association Papers and Proceedings* 63; Warne, *Sectarianism in Hobart: The Chiniquy Disturbances of 1879* (BA Hons thesis, University of Tasmania, Hobart 1977).

89 As above.

90 *Mercury*, 25 June 1879, letter by 'A'. Warne, *Sectarianism in Hobart* p8, suggests that tensions did exist. See also Davis, *State Aid and Tasmanian Politics, 1868-1920* (University of Tasmania, Hobart, 2nd ed 1980) pp 20-21, 28-30.

militancy of Protestants.⁹¹ Chiniquy first visited Launceston, where his lectures passed without incident. The Catholic clergy advised their flock to avoid violence and the press gave but limited coverage to Chiniquy's offensive remarks.⁹² The *Examiner* published a letter by Chiniquy after he left Launceston, which claimed that priests were tempted "to fall into sin" after hearing the confessions of "beautiful, tempting and sinful" Catholic females.⁹³ At confessions young girls were "taught everything that is criminal, shameful, and polluting in human nature".⁹⁴

Hearing of Chiniquy's views, Hobart Catholics were not pleased that his lectures would be held in the Town Hall. They protested that Chiniquy authored "grossly immoral publications" and his lectures were designed "to libel, vilify, and traduce the religion, its practices and observances" of Catholics, who made up one-quarter of the citizens of Hobart Town.⁹⁵ As the Town Hall was "public property", Chiniquy should not be allowed to use it. The protest had no effect. On 23 June Chiniquy's first lecture was punctuated by loud interjections.⁹⁶ But on 24 June events took a more serious turn. The Town Hall was a scene of "uproar and riot".⁹⁷ A number of Catholics, described as "rough looking characters armed with sticks", sat as "a compact body in the back of the hall".⁹⁸ The Catholics made so much noise that it was impossible for Chiniquy to speak. Attempts at conciliation by Chiniquy's supporters failed to quell the noise. There followed 'a *melee*' with the Catholics and five or six policemen "interlocked in confusion - a struggling, surging mass, grappling and fighting", but a more serious brawl was averted when civilians separated the combatants.⁹⁹ The Catholics still refused to let Chiniquy speak, saying that he had offended their fathers, mothers, sisters, and clergy and that they would "uphold their religion with the last drop of their blood".¹⁰⁰ Repeated calls for the police to eject or arrest the Catholics were ignored. The meeting closed.

91 *Mercury*, 7 July 1879.

92 *Examiner*, 26 June 1879.

93 *Examiner*, 24 June 1879.

94 As above.

95 *Mercury*, 24 June 1879, letter by Henry Hunter.

96 As above.

97 *Mercury*, 25 June 1879.

98 As above.

99 As above.

100 As above.

On 25 June a crowd of over 4000 assembled outside the Town Hall to await Chiniquy's lecture at 8 pm.¹⁰¹ Amongst the crowd were men whirling "short and dangerous-looking sticks" over their heads, cheering "Ould Ireland" and hooting Chiniquy.¹⁰² Fourteen police guarded the front steps of the Town Hall, but a small number of Catholics burst through a side door, ran up the steps and into the Town Hall to the position they had occupied on 24 June. A number of Protestants rushed at them but held back when they received no police help. When Superintendent Propsting arrived, he was cheered by the Catholics. Propsting asked them to keep quiet or to leave. He remarked that he had "known them for years; they were old friends of his; he loved them all" and he asked "as a personal favour" for orderly behaviour.¹⁰³ But again the Catholics refused to let Chiniquy lecture.

The Chiniquy Committee was determined to uphold their right to free speech and demanded that the Mayor provide adequate police protection for the remaining lectures.¹⁰⁴ Late on the afternoon of 25 June, the Chiniquy Committee, lacking confidence in the municipal police, contemplated organising their own militia but ultimately decided to work through the authorities.¹⁰⁵ The committee appealed to the Acting Colonial Secretary, WL Crowther, for the Inspector of Police, John Swan, to maintain public order.¹⁰⁶ Moreover, the statutory duty of keeping order was imposed on the municipal council under s41 of the *Police Act* 1865. Crowther asked the Mayor whether he had adequate powers and needed the help of the Inspector of Police under s25 of the same Act. Though a number of aldermen doubted the ability of their police, the majority thought a bad precedent would be set if they handed the power of keeping order to the government.

Rumours of a major confrontation soon changed this view. It was claimed that large numbers of Catholics were coming to Hobart Town from the Huon, Oatlands, Brighton, and Launceston and that they would be armed.¹⁰⁷ It appeared that all the revolvers in shops had been bought by

101 *Mercury*, 26 June 1879.

102 As above.

103 As above.

104 As above.

105 As above.

106 *Mercury*, 27 June 1869; AOTCSD 10/72/1797, Thomas T Watt et al to Colonial Secretary, 25 June 1879.

107 *Mercury*, 30 June 1879. The manager of the Main Line Railway CH Grant was criticised for offering Catholics discount fares: *Mercury*, 28 June 1879.

the protagonists.¹⁰⁸ Although the threats were exaggerated and few Catholics arrived, the authorities could take no chances. Early on 27 June, Mayor WH Burgess began to swear in special constables and secured "a large contingent" of rural police, a force of over 250.¹⁰⁹ Eighty Orangemen were also prepared to defend Chiniquy.¹¹⁰ Although all police were nominally controlled by Propsting, Inspector Swan determined their deployment on the night of 27 June.

More importantly, Burgess appealed to the Governor, Frederick Weld, to call out the Volunteers, who had been reorganised in 1878.¹¹¹ Weld, a dutiful Catholic, was wary of making a rash decision. He agreed to call out the Volunteers but directed that they "should not be paraded unnecessarily" and should be "held in hand until it is absolutely necessary to call in their aid to the civil power".¹¹² The Volunteers responded quickly "without distinction of creed or nationality" and some 439 assembled at the Barracks for active service, the first time in Tasmanian history that they had been called out. Weld had his horse saddled, ready to attend the Town Hall and personally appeal for order.¹¹³

In the event, the Volunteers were not required. The would-be rioters decided not to run the gauntlet of this formidable array of force and abandoned their plans to disrupt Chiniquy's lecture.¹¹⁴ Also crucial was a pastoral letter from the Catholic Bishop, Daniel Murphy, calling for restraint, and appeals from other clergymen to avoid violence. On 27 June at a meeting on the Domain, Murphy calmed a large meeting of Catholics bent on marching to the Town Hall. He acknowledged the "extraordinary provocation" Catholics endured, but then invoked the hallowed Daniel O'Connell, who always opposed shedding blood for political or social reasons.¹¹⁵ Having vindicated freedom of speech, the Chiniquy Committee held no more meetings at the Town Hall. On 30 June

108 Tas, Parl, *Journals*, HA (1879) Vol 37, Paper 99, *Governor Weld's Despatches Calling out the Volunteers* at 3.

109 *Mercury*, 28 June 1879; AOTMCC 16/7/7, 418, Mayor to Swan, 26 June 1879.

110 *Mercury*, 30 June 1879.

111 AOTCSD 10/72/1797, Burgess to Weld, 27 June 1879; Tas, Parl, *Journals*, HA (1879) Vol 37, Paper 104, *Report of Select Committee on Defences with Minutes and Evidence* at 5-7.

112 AOTCSD 10/72/1797, minute by Weld, 27 June 1879; Tas, Parl, *Journals*, HA (1879) Vol 37, Paper 99, *Governor's Despatches Calling out the Volunteers* at 4.

113 As above.

114 *Mercury*, 28 June 1879.

115 As above; AOTMCC 16/7/7, 419, Mayor to Murphy, 27 June 1879.

Chiniquy gave his farewell lecture at the Wesleyan Church.¹¹⁶ With almost all the police protecting the church and the Volunteers assembled at the Barracks, no disturbance was attempted.

All but extreme Protestants and Catholics regretted the Chiniquy disturbances. Many Protestants thought Chiniquy's mission was not justified.¹¹⁷ Few Protestants were moving towards Catholicism in Tasmania, went the argument, and the Catholic Church made no attempt at 'proselytism'.¹¹⁸ Chiniquy's lectures would not win over many Catholics and could only harm "our English principles of freedom of conscience, toleration, and fair play".¹¹⁹ The Chiniquy Committee were more intent on upholding rights to assemble lawfully where they liked and to exercise liberty of speech than sustaining religious toleration and civic order. The committee must have realised that passions would be inflamed by aspersions cast on the "chastity and morals" of Catholic clergymen and by Chiniquy calling Catholic wives and daughters "strumpets".¹²⁰ Not all Protestants upheld liberal views. James Simpson, editor of the *Mercury* and "a militant Presbyterian", refused to publish criticisms of the Chiniquy Committee, and withheld Chiniquy's more slanderous remarks evidently so as to create the impression that Catholics were overreacting to the lectures.¹²¹

The Chiniquy Committee exaggerated the seriousness of the disturbances to denigrate the Catholics and to secure government protection. Few citizens or police were assaulted and little property was damaged. The Catholic rioters were armed with sticks but no proof emerged that they intended to use guns.¹²² Calling out the Volunteers was arguably an excessive precaution but the prospect of dealing with the "well-armed and well-commanded" Volunteers certainly overawed the mob and was mainly responsible for imposing order so quickly.¹²³

116 *Mercury*, 1 July 1879.

117 Howell, "The Chiniquy Affair: A Comment" (1963) 10 Tas Hist Research Assoc *Papers and Proc* 63 at 64.

118 *Mercury*, 25 June 1879, letter by 'A', 26 June 1879.

119 As above.

120 *Mercury*, 27 June 1879.

121 Howell, "The Chiniquy Affair: A Comment" (1963) 10 Tas Hist Research Assoc *Papers and Proc* 63 at 63-65.

122 Tas, Parl, *Journals*, HA (1879) Vol 37, Paper 99, *Governor's Despatches on Calling out the Volunteers* at 4. The Governor was "assured" that at the Domain meeting on 27 June a number of Catholics were armed but he does not say who gave him that assurance.

123 *Examiner*, 28 June 1879; *Mercury*, 28 June 1879.

More important than relations between the two religions and the use of the Volunteers was the implication of the Chiniquy disturbances for the policing of Hobart Town. The *Mercury* thought the "helpless display of cowardice, imbecility, and ignorance of duty" transcended the previous incompetence of the police.¹²⁴ If the police had dealt firmly with the Catholic leaders, peace would have been quickly restored. Propsting's conduct was extraordinary. Rather than ejecting the Catholics, he seemed intent on professing his affection for them, showing "a degree of intimacy" that was calculated to earn their contempt, not their compliance.¹²⁵ The Chiniquy Committee implied that, had not the police been present, they would have ejected the Catholics.¹²⁶ On this reading, the police minimised damage and disorder by keeping the two sides apart. For the Chiniquy Committee this was not a mitigating factor and they demanded that the aldermen dismiss Propsting in the interests of "public morality and safety".¹²⁷ Three hundred and sixteen influential ratepayers petitioned the council for Propsting's dismissal.¹²⁸ Their indictment included Propsting's failure to discharge his duty "unaffected by personal and private considerations". In July most correspondents to the *Mercury* similarly demanded Propsting's dismissal.¹²⁹

Propsting and his supporters rallied. Petitions from 166 ratepayers and 66 working men recorded their confidence in Propsting's policing of the city.¹³⁰ The motives of some petitioners were dubious. Amongst the 166 names were four of Propsting's relatives, a large brewer, who owned numerous pubs, and a number of publicans.¹³¹ But, in addition to these vested interests, the petitioners included prominent Anglican and Catholic businessmen and professional men (and James Coulter).¹³² Some critics accused the ex-convict element, "the sympathisers of disorder", of regarding close police supervision as anathema and of using their

124 *Mercury*, 25 June 1879.

125 *Mercury*, 26 June 1879.

126 As above.

127 *Mercury*, 2 July 1879.

128 AOT MCC 16/44, 14 July 1879, petition of ratepayers; *Mercury*, 16 July 1879, letter by 'Seven Votes'.

129 For examples see *Mercury*, 10 July 1879, letter by 'Seven Votes'; 11 July 1879, letter by 'A Citizen'; 16 July 1879, letter by 'Ratepayer'.

130 *Mercury*, 9 July 1879.

131 *Mercury*, 15 July 1879. The brewer was John Degraives, who owned the Cascade Brewery and some 45 pubs: Bingham, *Cascade: A Taste of History* (Cascade Brewery Company, Hobart 1992) pp38, 43.

132 Warne, *Sectarianism in Hobart* p72.

influence in municipal politics to secure a weak police force.¹³³ Allegedly, the police won support by conniving with merchants to allow frauds and with shopkeepers to fiddle their weights and measures.

Propsting plausibly explained his actions.¹³⁴ On 24 June he decided that rash intervention by police would aggravate matters and instructed his men not to act unless violence occurred. On 25 June he reproved the rioters "in a manner which my long experience in the old country of the temperament" of Irishmen "taught me would be most likely to allay their excitement".¹³⁵ Propsting pointed out that his actions were guided by the law as laid out in the Manual of the Police Regulations of the Police Force. Propsting later charged eight Catholics with "riotously injuring" the Town Hall, which made them liable for seven years' imprisonment.¹³⁶ He had laid this very serious charge without consulting the council's legal adviser, WR Giblin, who advised that the lesser charges of disturbing the peace and assaulting police were more appropriate. Propsting's charge was withdrawn, confirming his incompetence.

Sensing that the tide had finally turned against the Superintendent, Alderman GS Seabrook, a contractor, builder, and Orangeman, moved a 'no confidence' motion in Propsting.¹³⁷ Seabrook denied that his motion arose from "religious feeling" or that he wanted to set "class against class".¹³⁸ The key issue was whether Propsting was "the right man in the right place or not".¹³⁹ The only way to secure an efficient police force was to replace Propsting with a man who was beyond reproach and would provide honest leadership. Alderman Edward Espie noted that several ex-mayors supported Propsting only because he did them personal favours. One 'well-known' but anonymous citizen had signed the petition supporting Propsting yet he had told Espie that Propsting and all his officers were corrupt.

133 *Mercury*, 25 July 1879, letter by 'C E J', 28 July 1879.

134 *Mercury*, 15 July 1879; AOTMCC 16/44/5, Propsting to Police Committee, 5 July 1879, Propsting to Mayor, 5 July 1879.

135 As above.

136 *Mercury*, 11, 17 July 1879.

137 *Mercury*, 15 July 1879. For information about Seabrook, see Petrow, *Sanatorium of the South? Public Health and Politics in Hobart and Launceston, 1875-1914* (Tas Hist Research Assoc, Hobart 1995) pp106, 110, 112, 140.

138 As above.

139 As above.

Alderman John Watchorn, publican and wine merchant, sought to rescue Propsting from those with "a long-cherished dislike" of him.¹⁴⁰ The moral guardians wanted to replace Propsting with "a man after their own mould", who would rigidly enforce the licensing laws.¹⁴¹ Yet even Watchorn conceded that Propsting had not done his duty at the Town Hall. He should be allowed to resign and "leave the force with honour", not with "the stigma" of dismissal.¹⁴² On the casting vote of Mayor WH Burgess, a wine, spirit and general merchant, the aldermen decided to investigate the municipal police before deciding Propsting's fate. Beyond doubt, this enquiry was intended to find evidence against Propsting, not to justify his retention.

Temperance forces, led by the Anglican Bishop of Tasmania, stepped up pressure to obtain Propsting's dismissal in order to maintain "the authority of the law" and to uphold "public morals".¹⁴³ Propsting knew that his time had come and offered his resignation from 1 September.¹⁴⁴ The Police Committee recommended that this be accepted once the impending Hobart Town Police Provident Bill became law.¹⁴⁵ For his seventeen years of service, Propsting received a gratuity of one year's salary as well as his superannuation entitlements.¹⁴⁶ The Aldermen now set about changing the character of the force. From twelve applicants, Frederick Pedder was chosen to replace Propsting.¹⁴⁷ Pedder, a Mason and an Oddfellow, had impeccable credentials. He had been recommended by "all the leading men of the city", had been Superintendent of the Clarence Municipal pPlice for ten years, and had voluntarily rendered good service during the Chiniquy disturbances.¹⁴⁸

140 *Mercury*, 15 July 1879. Watchorn's bias was castigated in *Mercury*, 17 July 1879, letter by 'One Bitten' and *Mercury*, 18 July 1879, letter by 'Delenda est Carthago'.

141 As above.

142 As above.

143 *Mercury*, 22 July 1879; AOTMCC 16/44/5, Petition from Church of England Temperance Society to Hobart Corporation, 21 July 1879.

144 *Mercury*, 5 August 1879.

145 *Mercury*, 2 September 1879.

146 *Mercury*, 16 September 1879; AOTMCC 16/129/9, 190; Propsting maintained that the reflections on the police were "without foundation": *Mercury*, 21 August 1879.

147 *Mercury*, 30 September, 7 October 1879; AOTMCC 16/44/5, Pedder to Mayor, 27 September 1879.

148 Maitland & Krone (eds), *The Cyclopaedia of Tasmania* Vol I (Maitland & Krone, Hobart 1900) p136.

Mayor Burgess told the municipal police that Pedder was renowned for performing his work "fearlessly and zealously".¹⁴⁹ He would show no sympathy for "negligent or careless" policemen. To ensure they performed their duties "efficiently", Pedder expected his men to become "thoroughly acquainted" with the police regulations.¹⁵⁰ The Aldermen dismissed five constables because of their "misdeeds" and five other policemen retired; three constables resigned.¹⁵¹ Those remaining were warned that loitering on beats and talking to prostitutes and larrikins would be punished. Some attempt was also made to improve conditions. The most important reform was the superannuation fund, which was expected to be a great incentive to efficient and honest work. Further, constables would be classified into first and second classes as an encouragement to promotion for junior constables with "ability and zeal".¹⁵²

This was the most thorough-going reform the municipal police of Hobart Town had experienced. Unless they publicly cleansed the force of idle and corrupt elements and raised its efficiency, aldermen were aware that calls for the centralisation of the police force would become stronger.¹⁵³ Their pre-emptive strike did satisfy ratepayers in the short term but important elements in society, Governor Weld for one, favoured centralising the police.¹⁵⁴ Another strong advocate of centralisation was WR Giblin, who became Premier and Colonial Treasurer in a coalition government in October 1879.¹⁵⁵ Giblin's ambitious programme of public works and financial and social reform left him little time to take on the controversial task of centralising the police and so one of his key supporters, JD Balfe, grasped the initiative.

On 2 September 1880 Balfe, as a private member, moved for the appointment of a select committee of enquiry into the police system.¹⁵⁶

149 *Mercury*, 3 November 1879.

150 As above.

151 *Mercury*, 3 November 1879; AOTMCC 16/129/9, 220-21; Tas, Parl, *Journals*, LC (1880) Vol 29, Paper 90, *Twenty-Second Annual Report of the Inspector of Police* at 4.

152 As above.

153 Arguments for centralising the police can be found in *Mercury*, 27 June 1879, letter by 'An Old Resident' and 7 July 1879, letter by 'Watchman'; *Tasmanian Tribune*, 19 August 1879.

154 Tas, Parl, *Journals*, HA (1879) Vol 37, Paper 99, *Governor's Despatches on Calling out the Volunteers* at 5.

155 Fenton, *A History of Tasmania* pp371-373.

156 *Mercury*, 3 September 1880.