

# Tolerant Town, Model Force: The Launceston Municipal Police, 1858-1898

STEFAN PETROW\*

## Overview

I may say that I do not think the Police are better managed anywhere than they are at Launceston.<sup>1</sup>

In the second half of the nineteenth century, the dominant model of policing in the Australasian colonies was 'a centralised, bureaucratically organised police substantially autonomous of political control' and of the control of the communities it policed.<sup>2</sup> Centralisation was adopted in all the mainland Australian colonies by 1863, and by New Zealand in stages in 1867 and 1877.<sup>3</sup> The existence of a large convict and ex-convict population, a recalcitrant indigenous population, the upheavals caused by the discovery of gold, and serious outbreaks of bushranging propelled the formation of powerful centralised forces akin to the Irish Constabulary.<sup>4</sup> In theory, if not necessarily in practice, these centralised police forces were key agents of the state in establishing social order and were independent, incorruptible enforcers

\* MA(Tas), PhD(Camb), Grad Dip Lib(TCAE), FRHistS; Law Librarian, University of Tasmania. The author thanks Michael Roe for helpful comments on this paper.

<sup>1</sup> House of Assembly Journals [HAJ] 1880, vol 39, paper 132, *Police Committee: Progress Report and Evidence*, p 16, opinion of Police Magistrate Thomas Mason.

<sup>2</sup> M Finnane, *Police and Government: Histories of Policing in Australia*, (Oxford University Press, 1994) p 9.

<sup>3</sup> Ibid. Histories, of varying quality, regarding some of these forces have been written. See R Clyne, *Colonial Blue: A History of the South Australian Police Force 1836-1916* (Wakefield Press, 1987); R Haldane, *The People's Force: A History of the Victoria Police* (Melbourne University Press, 1986); WR Johnston, *The Long Blue Line: A History of the Queensland Police*, (Boolarong Publications, 1992); RS Hill, *Policing the Colonial Frontier: The Theory and Practice of Coercive Social and Racial Control in New Zealand, 1767-1867*, (Historical Publications Branch, Department of Internal Affairs, 1986); RS Hill, *The Colonial Frontier Tamed: New Zealand Policing in Transition, 1867-1886*, (Historical Branch, Department of Internal Affairs, 1989); RS Hill, *The Iron Hand in the Velvet Glove: The Modernisation of Policing in New Zealand, 1886-1917* (Dunmore Press/ New Zealand Police, 1995).

<sup>4</sup> M Finnane, *Police and Government*, note 2 above, pp 23-30; SH Palmer, *Police and Protest in England and Ireland 1780-1850*, (Cambridge University Press, 1988).

of the rule of law, unswayed by the blandishments of sectional interests.<sup>5</sup>

The centralised system of policing favoured in nineteenth century Australasia was not popular in England, the United States, and Canada, where policing was largely under local control.<sup>6</sup> Local control meant that policing methods and duties reflected local needs and ensured that the central state could not ride roughshod over the liberties of citizens. As agents of the local community, policemen at times 'enforced local sentiments rather than legal standards in their actions'.<sup>7</sup> Importantly, local control gave economy-conscious ratepayers' representatives the power to decide how much they wanted to spend on policing.<sup>8</sup>

Tasmania followed these international precedents rather than those of the other Australian colonies. In the mid-nineteenth century, policing arrangements at first followed the centralised model. Under Governor George Arthur a centralised system administered by magistrates answerable to the Governor was established in 1828 and, with modifications, lasted until 1858 when a decentralised system was introduced.<sup>9</sup> Unlike the other Australasian colonies, Tasmania by then experienced no serious threats to social order to justify a centralised police: white settlement had destroyed the Aboriginal population, no goldfields had yet developed, bushrangers had long stopped terrifying colonists, and the ex-convict population did not seem particularly threatening. Moreover, Tasmanians had been scarred by the way the old centralised police, mostly ex-convicts, had abused their powers and infringed liberties. Many colonists, especially in the North, wanted to further obliterate shadows of convict times (the Anti-Transportation movement had its greatest strength in Launceston) and so control their own police. The new colonial Government, obsessed with cutting its expenditure, complied.

5 For an insightful discussion of the police and the State see O Marein, 'Police Performance and State Rule: Control and Autonomy in the Exercise of Coercion', (1985) 18 *Comparative Politics* 101.

6 C Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80*, (Routledge and Kegan Paul, 1984); EH Monkkonen, *Police in Urban America, 1860-1920*, (Cambridge University Press, 1981); JC Weaver, *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816-1970*, (Queen's University Press, 1995) pp 85-97.

7 WR Miller, 'Police and the State: A Comparative Perspective', (1986) *American Bar Foundation Journal*, 339 at 345.

8 C Steedman, *Policing the Victorian Community*, note 6 above, pp 59-63.

9 S Petrow, 'Police Organisation in Nineteenth-Century Tasmania', (1997) 17 *Tasmanian Ancestry* 223.

Of all Tasmanian towns, Launceston was perhaps the most suited to controlling its own police. Founded in 1806, from 1850 it began to rival the political capital Hobart as a commercial centre and port.<sup>10</sup> Launceston gained from the development of mining and railway construction in the 1870s and 1880s, with the population growing from 10,668 in 1870 to 22,181 in 1891.<sup>11</sup> Distant from the seat of power, Launcestonians believed in the philosophy of self-help, and businessmen and shopkeepers 'participated to a much greater extent in community life' than in Hobart: Launceston was 'possibly less class-conscious' and had a 'more democratic character' (or at least more homogeneity) than Hobart.<sup>12</sup> Leading citizens took advantage of the extension of local government in 1856, and their participation made the Launceston Municipal Council one of the most progressive councils in Australia, with a commitment to efficient and responsive civic management, not only for property owners but for all citizens.<sup>13</sup>

The formation of a municipal police force was one of the first important urban functions assumed by aldermen, and the Launceston police became a model force in terms of pay, conditions, and discipline.<sup>14</sup> Superintendent James Coulter particularly impressed with his professional and independent management of his men. As might be expected of a non-conformist town, Launcestonians respected diversity and tolerated dissent. The police were expected to exercise a wise discretion and to eschew heavy-handed tactics unless their adversaries left them no choice. But even the Launceston police were not free from the problems inherent in a decentralised system. As in Hobart, tensions existed between the Superintendent's duty to enforce the laws passed by Parliament, his perception of the limits of policing, and the sometimes conflicting demands of aldermen and the local community, particularly over the policing of prostitutes and public

10 EA Beever, *Launceston Bank for Savings 1835-1970*, (Melbourne University Press, 1972).

11 S Petrow, *Sanatorium of the South? Public Health and Politics in Hobart and Launceston 1875-1914*, (Tasmanian Historical Research Association, 1995) p 27.

12 G Rimmer, 'Hobart: A Moment of Glory', in P Statham (ed), *The Origins of Australia's Capital Cities*, (Cambridge University Press, 1989) p 114; LL Robson, *A History of Tasmania: Volume 1 - Van Diemen's Land from the Earliest Times to 1855*, (Oxford University Press, 1983) p 176.

13 Petrow, *Sanatorium of the South?*, note 11 above, chapter 2.

14 The Inspector of Police noted that the Launceston police maintained from the start a 'remarkable' level of efficiency: HAJ, 1862, vol 8, paper 43, *Fifth Annual Report of the Inspector of Police*, p 5.

houses.<sup>15</sup> The failure of police in Launceston and elsewhere to enforce the licensing laws strengthened the political forces demanding a centralised police in Tasmania and, seduced by financial incentives, municipal councils relinquished control of their police forces in 1898.

### **Policing Between 1856 and 1858: The End of the Centralised System**

When self-government was introduced in 1856, control of the police, then numbering 405 and mostly ex-convicts, was vested in the Chief Police Magistrate, Francis Burgess, a lawyer who had been Chief Commissioner of Police for Birmingham.<sup>16</sup> Burgess decided the number of policemen to be stationed in each of the twenty or so districts, personally approved the selection of policemen, and inspected all Police Stations twice a year. He directed how the Police Magistrates in each district should manage and control their policemen. In 1856 the police force of Launceston comprised 30 Petty Constables, supervised by eight Sergeants and five District Constables.<sup>17</sup> Day-to-day management and control of these men fell to the Chief District Constable.

Those old-style police were not popular in Launceston. They were criticised for ignoring crimes and instead laying informations against 'incautious citizens for frivolous breaches of vexatious laws' in the obsessive chase for "blood money".<sup>18</sup> The policing system was 'a system of coercion instead of protection to the people' but gave relative immunity to real criminals.<sup>19</sup> The government's reckless policy of rapidly reducing police numbers (Launceston had 60 policemen in 1853) exacerbated matters and resulted in an increase of offences such as pilfering and sly grog selling.<sup>20</sup> In some Northern Tasmanian districts police inefficiency had forced residents to form Mutual Protection Associations.<sup>21</sup> Some objected to the 'anomaly' that 'the duties of

15 S Petrow, 'The Hobart Town Municipal Police, 1858-1878', (1995) 42 *Tasmanian Historical Research Association Papers and Proceedings*, 165 at 166; see also M Brogden, *The Police: Autonomy and Consent*, (Academic Press, 1982) pp 66-70.

16 HAJ, 1857, vol 2, paper 2, *Report of the Commission on the State of the Public Service*, 20-21; GM O'Brien, 'Francis Burgess (1793-1864)', *Australian Dictionary of Biography* (Melbourne University Press, 1966) 180-81.

17 HAJ, 1856, vol 1, paper 24, *Returns of the Police*, 4.

18 *Cornwall Chronicle*, 23 July 1856, letter by 'Vox Populi'.

19 *Cornwall Chronicle*, 26 July 1856, letter by 'A Citizen of Tasmania'.

20 *Cornwall Chronicle*, 4 March 1857.

21 *Cornwall Chronicle*, 19 November 1856; *Examiner*, 22 November 1856, letter by 'An Enquirer'.

prosecutor or detector of crime, and its judge' were discharged by the Police Magistrate.<sup>22</sup> This opened the door to 'a bias not reconcilable with strict justice'. An 'independent' head with no judicial duties should control the police.

The first step in this direction was replacing Burgess. On 8 June 1857, John Forster, who had been an Assistant Police Magistrate and the Accountant of Stores, was appointed to the new position of Inspector of Police.<sup>23</sup> Forster had no magisterial duties and controlled what became known as the Territorial Police stationed in the non-municipal districts or, as they were called, police districts of the colony. By 1867, eight districts had been formed, and 92 Territorial Police were maintained in them.<sup>24</sup>

The other major reform grew out of the deliberations of a Royal Commission on the State of the Public Service, which reported in September 1857. The commissioners described the centralised Irish Constabulary Force as 'the best organised and most efficient body of men working for the preservation of order'.<sup>25</sup> But they favoured the 'widely different' English system, where police were managed by 'Local Bodies, who determine the amount of force that the Police necessities of the district demand, and provide the revenue which is necessary to defray the expenditure'. The commissioners therefore recommended that Tasmania be divided into districts or counties defined by area, population, or geographical position, that municipal councils be established to appoint, control, and manage the police of their districts as well as other municipal functions, and that each municipal council be empowered to levy rates to fund these new duties. The commissioners urged that, if their recommendations were accepted, the Hobart Town and Launceston Municipal Councils should be quickly granted control of their own police forces.<sup>26</sup>

22 *Cornwall Chronicle*, 22 October 1856.

23 Archives Office of Tasmania (AOT), Colonial Secretary's Department (CSD) 1/109/3426; 20 Vict No 23, *Transfer of Certain Duties of Chief Police Magistrate to Other Officers Act 1857*.

24 HAJ, 1867, vol 15, paper 62, *Report on the Territorial Police 1866-67*, 7. The eight police districts were the District of Hobart (including Kingston), Kingborough, the Huon, Selby, George Town, Port Sorell, Horton (including Wynyard and Emu Bay), and the Great Lake District.

25 HAJ, 1857, vol 2, paper 2, *Report of the Commission on the State of the Public Service*, 21-22.

26 *Id*, at 23.

Francis Smith's Government favoured local control of the police.<sup>27</sup> The centralised police were not only unpopular, but more importantly, were also too expensive for an administration desperate to reduce its expenditure. Hence, the Smith Government, wishing to foster local self-government, readily accepted the Royal Commission's view that locally controlled police would be 'far more efficient at a much less cost'. A Municipal Police bill was drafted to make official the transfer of control to the Hobart Town and Launceston Municipal Councils.

In Hobart Town the Municipal Council was reluctant to control the police and wanted the government to pay for the policing system.<sup>28</sup> In Launceston attitudes were much different. Unlike Hobartians, Launcestonians had been 'nourished' by government neglect and were used to looking after their own interests: they were eager to take on the police and numerous other municipal functions.<sup>29</sup> Reflecting the view of the community, the Municipal Council thought control of the police was 'most essential to the permanent welfare and good government of the town'.<sup>30</sup> In August 1857 the Council had complained to the government that the existing police force insufficiently protected 'the lives and properties' of citizens.<sup>31</sup> Inspector Forster investigated. He found the Launceston police force was 'very disorganised, with no system of responsibility established or recognised'.<sup>32</sup> Chief District Constable Partridge, who was responsible for 'control and discipline', was 'very unfit for his post'. Until the Municipal Council assumed control of the police, Forster intended to replace Partridge with 'a more efficient officer now in training in Hobart Town'. Forster also arranged beats for constables and did 'all he could do with the materials at his disposal'.<sup>33</sup> In discussions with Forster, Mayor Henry Dowling made it clear that the Council wanted an efficient force under its control and willingly listened to Forster's advice but would not accept interference from Forster or his political masters.<sup>34</sup> As Inspector, Forster had no legal powers over municipal

27 *Mercury*, 31 August 1857, and 16 November 1857.

28 Petrow, 'The Hobart Town Municipal Police', note 15 above, at pp 168-70.

29 *Cornwall Chronicle*, 5 December 1857; M Roe, 'The Establishment of Local Self-Government in Hobart and Launceston', (1966) 14 *Tasmanian Historical Research Association Papers and Proceedings*, 21, at pp30 and 39.

30 *Examiner*, 9 October 1856.

31 *Examiner*, 18 August 1857.

32 *Examiner*, 22 September 1857.

33 *Examiner*, 13 October 1857, and 7 January 1858.

34 *Examiner*, 28 January 1858.

police forces. He could inspect them and report on their efficiency but had no control over their appointment, dismissal, or duties.

The Launceston Municipal Council assumed control of the police on 1 January 1858.<sup>35</sup> The Government advanced the first month's pay until a police rate was levied. The force would comprise one Superintendent, two Sub-Inspectors, one Acting Sub-Inspector, three Sergeants, and twenty petty constables, two detectives, making a total of twenty-nine assisted by the Superintendent's clerk.<sup>36</sup> To secure an 'effective' police force required the offer of 'pecuniary inducements to a respectable class of men' and of 'permanent provision for themselves and their families'.<sup>37</sup> The liberal pay attracted candidates not only with 'the mental and physical qualities of a good Constable', but also 'the necessary experience' gained by service in British police forces.<sup>38</sup> Except for a few men with 'good records', the council decided to replace existing convict policemen with these new men. This was a difficult duty and, with ex-convicts making up 25 per cent of the male free population, Dowling attracted 'a great deal of personal enmity'.<sup>39</sup> But aldermen thought that 'the good government of the town' would be furthered by the new police arrangements. They were right.

### **The Launceston Municipal Police: Organisation and Working Conditions**

The Police Committee was delegated to oversee the municipal police. The Mayor sat on this committee, invariably with senior aldermen.<sup>40</sup> It was important that the Mayor, as Chief Magistrate of the city and with statutory responsibility for the police, was a member of the Police Committee. As meetings were held in private, the Police Committee's deliberations remained secret unless information was revealed in reports to the full Council.<sup>41</sup>

Crucial to the effective control of the police was a dependable Superintendent. The duties of Superintendent were 'onerous' and required

35 *Examiner*, 15 December 1858.

36 *Examiner*, 11 May 1858.

37 *Examiner*, 4 February 1858, 16 March 1858, and 29 January 1861; *Daily Telegraph*, 11 February 1896.

38 Launceston Library LMSS 25, report by Coulter.

39 Roe, 'The Establishment of Local Self-Government', note 29 above, at p 37.

40 *Examiner*, 17 December 1895.

41 *Examiner*, 31 December 1861.

'intelligence and constant attention'.<sup>42</sup> The Launceston Municipal Police had three Superintendents between 1858 and 1898. The first was James O'Connor. Born in 1828, O'Connor joined the Royal Artillery at 13 and in 1843 joined an expedition to Africa, where he won a medal.<sup>43</sup> In the Royal Artillery he rose from the ranks to become a Commissioned Officer, winning another medal for distinguished service during the Crimean War.<sup>44</sup> On his return to England, peace reductions in the Army reduced him to half-pay. With the permission of the Secretary of War Lord Panmure, O'Connor emigrated to Tasmania and joined the police force, being appointed Sergeant. Four months later he was appointed Sub-Inspector at Launceston and then, being regarded highly by aldermen, was appointed Superintendent in 1858.

Although he received immediate praise for moulding an efficient and disciplined body of men, O'Connor experienced a number of setbacks.<sup>45</sup> In September 1860, Acting Sergeant James Swainson accused O'Connor of having an affair with his wife, whom O'Connor was investigating as a woman of loose morals unbecoming of the wife of a policeman.<sup>46</sup> The Police Committee's investigation revealed 'a vile conspiracy' to unseat O'Connor by some of his disgruntled men but concluded that his 'character was as unsullied and pure as it was when he won his laurels at the Crimea'. The full council reaffirmed its confidence in his 'personal honour and integrity'. In 1865 O'Connor's wife died, leaving him to care for a small family.<sup>47</sup> He found life hard to bear and started drinking heavily. Soon his drinking interfered with his duties and he was forced to resign in June 1866.<sup>48</sup>

From the sixteen applicants for the position of Superintendent, James Coulter was appointed.<sup>49</sup> Born in Ireland in 1832, Coulter resigned after five years in the Irish Constabulary and moved to Victoria; after arriving in Launceston with testimonials of 'the highest order', he was appointed one of the two Sub-Inspectors in March 1858. Two years

42 *Examiner*, 21 April 1868.

43 Community History Museum Launceston (CHML) Launceston City Council (LCC) 1/163 Letters, O'Connor to the Mayor, 12 June 1866.

44 *Cornwall Chronicle*, 21 July 1866.

45 *Examiner*, 8 April 1858.

46 *Examiner*, 25 September 1860.

47 *Examiner*, 12 June 1866.

48 *Examiner*, 1 May 1866, and 12 June 1866; CHML, LCC 1/161 Reports, Minutes of proceedings of the Police Committee held on 24 April 1866.

49 *Examiner*, 23 March 1858, 26 and 27 June 1866, and 8 April 1907; LCC 1/163 Letters, Coulter to Town Clerk, 25 June 1866 (LMSS 25).



later Coulter agreed to be transferred to the position of Bench Clerk, where he gained that 'intimate knowledge' of the criminal and other laws needed by a Superintendent. His position as Lieutenant and Adjutant of the Volunteer Rifle Corps also proved his fitness for commanding a police force.

Coulter's early years were troubled. In September 1867 he laid informations against three residents whose chimney had been on fire.<sup>50</sup> They complained that Coulter showed 'a partial feeling towards some burgesses by neglecting to lay informations, whilst acting with the utmost strictness towards others'. For example, Coulter did not lay information against his father-in-law WM Dean, even though the fire brigade had to put out his chimney fire. The Council absolved him of favouritism.<sup>51</sup> In 1869 Coulter was also absolved of an accusation of immorality.<sup>52</sup> Such allegations were typical of a small community and Coulter probably faced less than his share.

With time, Coulter consolidated his position and his views on numerous police matters were usually adopted by aldermen. Coulter denied that aldermen interfered with his duties and affirmed that he would not 'brook interference in what was my legal duty': he treated aldermen 'the same as other citizens', who would be 'proceeded against if necessary'.<sup>53</sup> Superintendent Robert Armstrong of the Selby Police District near Launceston described the Launceston police as 'free and independent' under Coulter's command.<sup>54</sup> Mostly aldermen demanded that policemen be vigilant in protecting life and property and Coulter did his best to mould a disciplined, well-trained force for that purpose. A 'skilled accountant', one of his greatest achievements was to draw up a superannuation scheme for policemen in 1877.<sup>55</sup> As we shall see, he was a staunch defender of municipal control of the police against the incursions of the central government. In February 1896, retrenchment in all municipal departments resulted in the retirement of the aging Coulter with an annual allowance of about

50 *Examiner*, 26 September 1868.

51 *Examiner*, 15 and 29 October 1867.

52 *Examiner*, 1 June 1869.

53 Tasmania, Parliament, Journals and Printed Papers [JPPP], 1886, vol 9, paper 163, *Report of the Select Committee on the Centralisation of the Police*, 1-2; HAJ, 1880, vol 39, paper 132, *Police Committee: Progress Report and Evidence*, 12.

54 *Id* (*Report of the Select Committee*), at 27.

55 *Daily Telegraph*, 11 February 1896. Coulter was also a founder of the Equitable Building Society and the Mutual Fire Insurance Company: *Examiner*, 8 April 1907.

£304.<sup>56</sup> Aldermen recorded their 'appreciation of the zeal, integrity, and fidelity' with which Coulter served and especially praised his role in 'originating the excellent scheme of the Launceston police provident fund', of which he remained an auditor.<sup>57</sup> Sub-Inspector Walter Scott, who had twenty-eight years experience as a policeman and was 'a zealous and efficient officer', became the new Superintendent.<sup>58</sup>

All Superintendents needed an adequate number of men to perform their various duties efficiently. Always conscious of the wishes of ratepayers to limit the cost of municipal government, aldermen were tempted to reduce the number of policemen or their salaries. As the town became 'very quiet', as crime decreased, and as the 'worst characters' moved to New Zealand and other colonies, aldermen felt confident in reducing the number of policemen, against the advice of Inspector Forster.<sup>59</sup> The reductions were not universally welcomed. In 1860 two mounted police were assigned to protect outlying districts.<sup>60</sup> In 1862 Aldermen Meyers claimed they were not needed and sought information on their conviction rate.<sup>61</sup> O'Connor's statistics showed that they had achieved 29 convictions from 40 arrests.<sup>62</sup> He described them as 'peace officers', whose aim was to prevent crime and to provide security for person and property rather than detecting and punishing offenders: the absence of crime was 'the very best evidence' of their efficiency. The *Examiner* also supported the retention of the mounted police, pointing out their value for scattered outlying residents.<sup>63</sup> Finally, in 1864, despite the complaints of some ratepayers and the advice of Forster, the economy-minded aldermen succeeded in abolishing the horse patrol.<sup>64</sup>

By 1867 the number of policemen had been reduced from 29 (one to every 276 residents) to 18 (one to every 575 residents).<sup>65</sup> The casualties included two detectives; other police were required to take on

56 *Examiner*, 11 and 18 February 1896.

57 *Examiner*, 24 March 1896, 12 May 1896, and 11 November 1896.

58 *Examiner*, 25 February 1896; *Daily Telegraph*, 11 February 1896.

59 *Examiner*, 5 January 1865.

60 *Examiner*, 7 February 1860.

61 *Examiner*, 18 February 1862.

62 *Examiner*, 11 March 1862.

63 *Examiner*, 31 October 1863.

64 *Examiner*, 12 January 1864, and 26 January 1864, letter by 'A Taxpayer'; HAJ, 1864, vol 11, paper 50, *Seventh Annual Report of the Inspector of Police*, 4.

65 Legislative Council Journals [LCJ], 1859, vol 4, paper 35, *Second Annual Report of the Inspector of Police*, 3; HAJ, 1868, vol 16, paper 27, *Eleventh Annual Report of the Inspector of Police*, 4.

detective duties.<sup>66</sup> This reduction placed heavy demands on the remaining men.<sup>67</sup> While 'life and property were never so secure', the police could not cope with emergencies, such as the railway riots of 1874, but aldermen were reluctant to sanction increases.<sup>68</sup> With the population growing, the railways making Launceston a terminal station, the intercolonial passenger traffic increasing, and the economy improving, aldermen lessened their resistance and accepted Coulter's case for an increase of three constables in 1878.<sup>69</sup>

Residents from suburban areas, especially South Launceston, had some success in obtaining more police but representations from merchants, shopkeepers, and businessmen in central Launceston carried more weight.<sup>70</sup> In 1884 they pointed out that the beats at night were too long and allowed burglars and robbers a free hand to escape with their 'valuable portable property'. Moreover, the hours of duty at night were too long and detrimentally affected the police 'both mentally and bodily'. They thought that police protection in the centre and in the suburbs would improve if aldermen increased the number of police, reduced working hours, and shortened and rearranged beats. The council responded by appointing two more constables, reducing working hours, and organising two reliefs for day work.<sup>71</sup> This raised the number of policemen to 32 but, despite the growth of the town, economy-minded aldermen succeeded in reducing the police rate from 9d to 8d in the pound, thereby reducing police numbers to 26 by 31 December 1898.<sup>72</sup>

Various ways of funding the police were floated. If aldermen found it so difficult to meet the cost of the police, the *Examiner* once waggishly suggested that the day patrol be decorated with business advertisements.<sup>73</sup> Some argued that the Tasmanian government should contribute more to police expenditure in Hobart and Launceston.<sup>74</sup> Both cities attracted 'vagrants and depredators from all parts of the

66 *Examiner*, 19 March 1867.

67 *Examiner*, 8 December 1864.

68 *Examiner*, 27 September 1870; S Petrow, 'Turbulent Tasmanians: Anti-Railway Rate and Sectarian Riots and Police Reform in the 1870s', (1997) 3 *Australian Journal of Legal History* 1.

69 *Examiner*, 20 August 1878.

70 *Examiner*, 22 July 1884.

71 *Examiner*, 5 and 12 August 1884, and 9 September 1884.

72 JPPP, 1899, vol.41, paper 1, *Annual Report of the Inspector of Police to 31 December 1898*, 11; Petrow, *Sanatorium of the South?*, note 11 above, pp 33-5.

73 *Examiner*, 5 May 1863.

74 *Examiner*, 9 November 1858; *Mercury*, 10 January 1872.

Colony' and, as crime tended to be concentrated there, the cost of watching, arresting, and convicting criminals from country districts was high. The arguments were valid but the Government could respond. Each municipality did receive a grant-in-aid for police purposes; and the transfer of the police to municipal control had been based on the assumption that local ratepayers would pay for the police they wanted.<sup>75</sup> In 1889 the police subsidy was withdrawn despite vigorous municipal protests.<sup>76</sup> Equally unfair was the fact that the Government allowed municipalities no part of publican and some other licences but imposed on municipal police the prime responsibility for keeping order in pubs.<sup>77</sup>

While an adequate number of police largely determined the effectiveness of the police, also important was selecting men of a high physical and mental standard. Under the *Municipal Police Act 1857*, the Mayor could appoint, suspend, and dismiss any policeman. In practice, the Superintendent investigated the certificates of good character provided by an applicant and, if found satisfactory, recommended him to the Mayor, who appointed him 'subject to the approval of the Council'.<sup>78</sup> Early on, men with police or army experience seemed to have been preferred.<sup>79</sup> In 1867 Coulter's criteria for selection were accepted by aldermen.<sup>80</sup> The men should be under 30, have 'the necessary moral and physical qualities', and possess 'above the average intelligence and tolerable education', with at least the ability 'to read with ease and to write with facility'. Men 5 feet 9 inches and higher were generally selected and all had to pass a medical examination.<sup>81</sup> Coulter denied that aldermen determined all selections: 'in most cases the best men were selected without regard to local considerations'.<sup>82</sup> All new men were given a copy of the Inspector of Police's manual for police work, were 'instructed' in their

75 HAJ, vol 11, paper 87, 1864, *Report of the Select Committee on Aid to the Municipalities*, and vol 14, 1866-67, *Memorandum Showing the Proposed Aid to Municipalities*; HAJ, 1882, vol 43, paper 126, *Return of the Amount of Money paid by the Government in Aid of Police to the Municipalities of Hobart and Launceston During the Ten Years Ended 31 December 1880*.

76 *Examiner*, 2 May 1889; JPPP, 1888-89, vol 13, pp 315-16.

77 *Cornwall Chronicle*, 29 May 1858.

78 *Examiner*, 17 April 1860, and 18 February 1862; *Police Committee: Progress Report and Evidence*, note 53 above, 11.

79 *Examiner*, 15 February 1859, and 10 February 1863.

80 *Examiner*, 9, 16 and 23 July 1867; CHML, LCC 1/176, Coulter to Mayor, 8 July 1867.

81 *Examiner*, 8 January 1889; CHML, LCC 1/67 Legal.

82 *Examiner*, 24 April 1877.

duties, were sent out at night for several hours with an experienced colleague, and were drilled during the day.<sup>83</sup> Coulter later 'inaugurated regular examinations'.<sup>84</sup> Some training was given in rifle shooting from 1888.<sup>85</sup> New men were appointed as second class constables and, after serving three years, became first class constables.<sup>86</sup>

In 1882, new constables were officially placed on three years' probation, and if found unsuitable for police work would be discharged on one month's notice.<sup>87</sup> A constable would only be retained if he showed 'an intelligent knowledge of his duties' and had a 'favourable duty record'. Police, whether on or off duty, were also required 'studiously to observe a strict impartiality and neutrality in political matters and in questions exciting partisanship'.<sup>88</sup> In 1878 a by-law debarred a policeman from joining 'any party or political society'.<sup>89</sup>

When an opportunity for promotion occurred, the views of the Superintendent were usually paramount. Generally seniority and length of service were the pre-eminent criteria but at times other factors were given greater importance.<sup>90</sup> In March 1864 some aldermen opposed the promotion of Constable Fitzgerald to the position of Acting Sub-Inspector on O'Connor's recommendation.<sup>91</sup> Although Fitzgerald was more 'expert in penmanship' than his two senior colleagues, one of them should have been appointed. Other aldermen thought that 'merit and efficiency' were equally important as seniority. As O'Connor had forged 'one of the most orderly police forces in the colony', Alderman Castley thought they should not interfere 'with every little selection or recommendation made by him'. The council confirmed Fitzgerald's promotion.

If police misconducted themselves, the Mayor investigated the circumstances and could dismiss the offender subject to the approval of the Council. In 1861 aldermen decided that the Mayor should take

83 *Examiner*, 29 January 1861; *Report of the Select Committee on the Centralisation of the Police*, note 53 above, at 1.

84 *Examiner*, 8 April 1907.

85 *Examiner*, 7 February 1888.

86 HAJ, 1863, vol 10, paper 55, *Sixth Annual Report of the Inspector of Police*, 3; *Examiner*, 13 and 20 March 1866.

87 *Examiner*, 9 and 16 May 1882

88 *Cornwall Chronicle*, 22 May 1876. Constable Andrew Kennedy was the first Launceston policeman to be admonished for breaking this regulation when he participated in an election campaign.

89 *Daily Telegraph*, 9 August 1889.

90 *Examiner*, 3 February 1863, and 7 May 1895.

91 *Examiner* 10, 15 and 24 March 1864.

down written statements from parties and lay the papers before aldermen so that they 'might know all the facts of the case and decide accordingly'.<sup>92</sup> The reasons for dismissal are not always apparent from the surviving evidence but the most common included being absent from a beat, being insubordinate to a superior officer, and above all drunkenness while on duty.<sup>93</sup>

Sometimes the motives of aldermen were questioned. In 1861 when Constable Burke was dismissed for insubordination, the *Cornwall Chronicle* pointed out that in his career with the Irish Constabulary, the New South Wales police, and the Launceston police, Burke had not one mark against his character.<sup>94</sup> He had been dismissed because he was a Roman Catholic. Mayor Dowling denied that Burke had been dismissed because of Dowling's Protestant 'prejudices' and noted that Burke had been insubordinate to an Irish Catholic officer.<sup>95</sup> Moreover, religious beliefs were not taken into account when making appointments. In 1861, the force comprised 14 members of the Church of England, eight Catholics, five Presbyterians, two Wesleyans, and one Congregationalist, with virtually all the Catholics having been appointed by Dowling.

Personal factors sometimes obtruded. In 1868, after Constable William Mitchell was dismissed for being drunk on duty, George Langford of the Duke of Edinburgh brewery alleged that the Mayor John Scott had been motivated by private dislike.<sup>96</sup> Scott had employed a private watchman to guard his Tamar Brewery but when he first became Mayor in 1867 ordered the police to pay special attention to it and to call his men to attend work at specified hours. One night Scott visited the brewery to find a constable drinking with one of his workers and ordered him off the premises in 'a most insulting and tyrannical manner'. Scott later manufactured an excuse to fine the constable heavily for being late to a meeting with the Superintendent. Indignant at such behaviour, Mitchell announced that he would no longer call out Scott's men. According to Langford, Scott exercised 'his vanity and love of tyranny' by dismissing Mitchell without taking any mitigating circumstances into account. Coulter denied this allegation,

92 *Examiner*, 22 and 29 January 1861.

93 *Examiner*, 29 April 1858, 17 April 1860, 22 January 1861, 21 January 1868, and 2 August 1881; AOT, Launceston City Council, Mayor's Court: Record of Cases Heard AB 397/1 provides some details of police misconduct.

94 *Cornwall Chronicle*, 23 January 1861.

95 *Cornwall Chronicle*, 26 January 1861.

96 *Launceston Times*, 12 February 1868, letter by George Langford.

which certainly seems extravagant, and might have been the product of the vivid imagination of a rival brewer.<sup>97</sup>

Allegations of corruption or misconduct against policemen (or aldermen) were extremely rare. Generally the police were regarded highly. Far from being the 'vindictive enemies of the people' of the pre-1858 period, the police became the true protectors of life and property and, so said the not-easily-pleased *Chronicle*, 'the impartial agents for carrying out the ends of justice'.<sup>98</sup> Complaints that constables exceeded 'their lawful powers, formerly so frequent', were rare. If evidence of misconduct came to light, aldermen did not hesitate to punish the offender. For example, in 1883 Constable Edward McGinnes, who was not on duty, was convicted of using 'the most inexcusable violence' and was fined £2 with costs by Stipendiary Magistrate HTA Murray, who said he should not be in the force. His colleague Burke was not convicted. Some applauded the decision: the police were too violent and citizens had a right to protect themselves.<sup>99</sup> Others claimed that McGinnes was a popular policeman, whose 'energetic' dealings with the larrikin element had won wide support amongst the respectable of Launceston.<sup>100</sup> Some alleged that the larrikins had banded together 'to crush the police', who should be supported in 'the discharge of their duty'. Sixty-five ratepayers petitioned the council to retain the services of McGinnes and Burke for protecting residents from 'the insults and annoyance' of 'the larrikin class'.<sup>101</sup>

Most aldermen seemed happy to see McGinnes and Burke leave the force. They were guided by the comments of the magistrate that he would look on the evidence of the constables with suspicion in the future and by the men's very poor sick leave records.<sup>102</sup> While agreeing that they were above average policemen, Coulter could not support their retention. As the Launceston force contained a large number of young policemen, it was 'necessary to tighten the bonds of discipline and put away evil example'. For similar reasons, Coulter had tightened the regulations regarding gratuities in 1882. No policeman could receive a gratuity without 'express permission'.<sup>103</sup> Coulter would make enquiries to ensure that 'no solicitation direct or

97 *Launceston Times*, 14 February 1868

98 *Cornwall Chronicle*, 27 June 1866.

99 *Examiner*, 11 September 1883.

100 *Examiner*, 6 September 1883.

101 *Examiner*, 18 September 1883.

102 *Examiner*, 25 September 1883.

103 *Examiner*, 18 April 1882.

indirect' had been made and would punish a constable for failing to report the receipt of a gratuity. Generally, policemen were enjoined to exercise 'moderation and civility' in discharging their duties and make every effort 'to prevent a breach of the peace'.<sup>104</sup>

For those who could cope with discipline, police life held certain attractions. From the beginning, aldermen had consented to paying police well to attract good quality men. In 1858 the Superintendent was paid £300 per annum, the Sub-Inspectors £200 each per annum, the Sergeants nine shillings per day, and the Constables and detectives seven shillings per day. A uniform was supplied free to all.<sup>105</sup> Despite caving into ratepayer demands for economy and reducing police salaries in 1859, 1862, and 1863, Launceston policemen remained 'the best paid' in Tasmania.<sup>106</sup> In 1871 Coulter pointed out that the pay of all ranks except Superintendent was a fifth more than men of equal rank in Hobart. Coulter's salary was a fifth less than his Hobart counterpart's and was below the minimum scale approved by the Inspector of Police. Coulter had extra duties and had dispensed with the assistance of a clerk.

In 1877, when the Police Provident Fund was established, the pay of all ranks was increased 'to meet deductions from that fund'.<sup>107</sup> Coulter's services were rewarded when his salary was increased to £350 in 1880.<sup>108</sup> In 1882, with rent and taxes increasing, aldermen agreed to increase the pay of Second Class Constables by 3d a day, of Sergeants and First Class Constables by 3d a day for every seven years of service, and of the Superintendent and Sub-Inspectors by 6d and 4d a day for every seven years of service.<sup>109</sup> Aldermen also agreed to pay for expenses incurred 'in the ordinary course of police duty'.<sup>110</sup> This included expenses for railway travel, a lodging allowance, and a refreshment allowance. Despite the higher pay and the superannuation scheme, the turnover of men was high. Between 1878 and 1886 60 entered the service and only 20 stayed; most left because they found

104 *Examiner*, 21 February 1893.

105 *Examiner*, 11 May 1858; LCJ, 1858, vol 3, paper 28, *First Annual Report of the Inspector of Police*, 5.

106 *Examiner*, 4 April 1882; CHML, LCC 1/226 Reports, Coulter to Mayor, 29 September 1871.

107 *Cornwall Chronicle*, 29 June 1877; *Examiner*, 4 April 1882.

108 *Examiner*, 20 June 1880.

109 *Examiner*, 18 April 1882. A similar representation in 1892 was unsuccessful: *Examiner*, 29 March 1892, 12 and 26 April 1892.

110 *Examiner*, 18 April 1882.



the work harder than they expected.<sup>111</sup> Certainly policing was a dangerous occupation for the health of policemen. Exposure to the elements and to violent offenders made illness and injury unavoidable. The regulations provided that policemen injured on duty would receive half pay for 28 days.<sup>112</sup> An adequate period of rest was highly necessary but annual leave was not granted as an entitlement. Men could apply for one night off per month but it was not until 1895 that policemen secured as a right 21 days annual leave on full pay.<sup>113</sup>

Perhaps the most sought after benefit of joining the Launceston municipal police was a pension, but this was some time in coming. The *Municipal Police Act* provided for the establishment of a superannuation fund based on revenue derived mainly from the payment of fines and penalties imposed in cases of summary jurisdiction.<sup>114</sup> The Launceston Reward and Superannuation Fund was not a compulsory pension fund. At the discretion of the council, policemen could only receive money from the fund for 'extraordinary diligence and exertion in any particular case' or if they became incapable from physical or mental illness from performing their duties.<sup>115</sup> Some aldermen thought guaranteeing policemen a pension after so many years of service would be an incentive to good conduct and to stay longer in the force.<sup>116</sup>

Although aldermen discussed various proposals on numerous occasions, it was not until Coulter took the matter up in 1877 that a firm proposal was accepted, and in 1878 the *Launceston Police Provident Fund Act* was passed.<sup>117</sup> Coulter became special auditor for the fund. Every policeman who served until the age of 60 and had 15 years of service was entitled to retire on an annuity for life of one-eightieth of his annual salary for each year of service up to 40 years. Provision was also made for mental and physical infirmity and for families if a policeman died before or after he received his annuity. Deductions of between five and seven and a half per cent were made from the pay of each policeman and increased according to his age. Any policeman who resigned voluntarily with a good record would receive a percentage of his deductions calculated according to the length of his service.

111 *Report of the Select Committee on the Centralisation of Police*, note 53 above, at 1-2.

112 *Examiner*, 18 September 1862.

113 *Examiner*, 19 February, 19 and 26 March 1895.

114 *Municipal Police Act* 1857, ss 3-4.

115 *Examiner*, 19 February 1863, emphasis in the original.

116 *Examiner*, 24 April 1862.

117 *Examiner*, 5 March 1878.

A policeman convicted of 'any treason, felony, or infamous crime' forfeited his right to an annuity. The fund was the only one in Tasmania but, as Coulter pointed out, was not overly generous. The deductions were about double the amount taken from the pay of English constables; with the English fund receiving revenue from various sources and the police rate making good any deficiencies, the benefits were double those under the Launceston fund.<sup>118</sup>

Funds accumulated, and in 1892 aldermen decided to distribute to Sergeants and Constables a sum not more than half of the interest on the reward fund.<sup>119</sup> Money would be disbursed to men who were 'most zealous and efficient' but not 'unjust, rude, harsh, or offensive', to men who were 'sober in habit, courteous in speech' and who acquired knowledge of the city by-laws and regulations the railways, steamships, coaches, and their times of arrival and departure so as to give accurate information to residents and tourists, and to men who kept their uniforms in 'best order and made the most creditable appearance'. Most policemen already followed these injunctions and gave credence to the view that Launceston had 'the best body of municipal police' in Tasmania.<sup>120</sup> But they were not beyond criticism.

### Policing Disorder, Prostitutes, and Pubs

The Launceston Police performed numerous duties. One officer was Inspector of Weights and Measures, another was Inspector of Common Lodging Houses, and Coulter made enquiries for the officer of charitable grants.<sup>121</sup> After the *Women and Children's Employment Act* 1884 was passed, the police became factory inspectors.<sup>122</sup> In emergencies such as fires and floods policemen were of great assistance.<sup>123</sup> Their social and administrative roles should not be ignored, but they merely supplemented more important duties.

According to the Reverend Charles Price, who as a Congregationalist minister resident since 1832 had peerless qualifications as a Launcestonian voice, citizens expected aldermen 'to be the first to promote sobriety, comfort, and good order for all classes'.<sup>124</sup>

118 *Examiner*, 12 October 1880.

119 *Examiner*, 24 May 1892, and 7 June 1892.

120 *Daily Telegraph*, 11 February 1896; *Evening News*, 18 February 1894.

121 *Examiner*, 24 August 1858, 14 September 1858, and 2 May 1865. *Report of Select Committee on the Centralisation of the Police*, note 53 above, 1.

122 *Examiner*, 10 and 27 October 1891.

123 *Examiner*, 27 February 1862, and 26 January 1864.

124 *Examiner*, 15 April 1887, letter by Charles Price.

Launceston society was relatively tolerant of individual indulgences carried out in private, but most citizens did expect the municipal police to enforce orderly and decent behaviour on the streets. Much police time was directed at arresting drunks, stopping obscene, threatening, abusive, or insulting language or behaviour, removing idle or disorderly people, seeking out the perpetrators of minor larcenies of various kinds, and enforcing municipal by-laws.<sup>125</sup> Police were certainly required to stop vandalism and intimidation by larrikins and to contain, if not prevent, large scale disorder or provocations to disorder. Fortunately for the small force, such disorder occurred infrequently, but when they did, police action did not inspire confidence. On 4 and 5 February 1874, large crowds took over the streets of Launceston to protest at the imposition of a railway rate and committed various acts of vandalism.<sup>126</sup> Coulter was seriously assaulted. He admitted that his force was 'numerically weak and if not actively supported by the peaceable and well disposed burgesses is insufficient to preserve order and protect property'.<sup>127</sup> Mayor John Murphy asked territorial and other municipal police forces to help him restore order. Every New Year's Eve gave Coulter 'great anxiety', as his men could not 'wholly suppress riot' or prevent 'wanton destruction of property' by bands of youths.<sup>128</sup> In 1879 police worries were eased by the United Friendly Societies Demonstration Society, who organised athletic contests on New Year's Day. Troublesome youths stayed sober and saved their energies for the competitions.

Anxiety returned in the early 1880s when the Salvation Army began parading the streets of Launceston. Elsewhere in Australia as in Britain the Salvation Army's revivalist enthusiasm antagonised urban residents and turned streets into battlefields.<sup>129</sup> In October 1883 Coulter reported that 'on several occasions of late crowds have been

125 The annual statistics published in the parliamentary papers do not break down offences in particular localities, so the offences mentioned in the text cover all of Tasmania for the period 1875 to 1886. It is likely, however, that the Launceston police were preoccupied with the offences listed above. See also the figures listed in RM Johnston, *Tasmanian Official Record* (Government Printer, 1892) p 413, which showed that Tasmania was 'remarkably free from crime'.

126 Petrow, 'Turbulent Tasmanians', note 68 above, at 1.

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

128 *Cornwall Chronicle*, 21 January 1880.

129 B Ussher, 'The Salvation War', in G Davison et al, *The Outcasts of Melbourne: Essays in Social History* (Allen and Unwin, 1985) pp 124-39; V Bailey, 'Salvation Army Riots, the "Skeleton Army" and Legal Authority in the Provincial Town', in AP Donajrodzki (ed), *Social Control in Nineteenth Century Britain* (Croom Helm, 1977) pp 231-53.

collected and much obstruction caused in the streets' by the Salvation Army singing and praying on Saturday nights.<sup>130</sup> Crowds, potentially hostile, were attracted to the noise. Coulter predicted that 'the excitement or zeal of one party is certain to create a counter excitement or zeal in another, and riot must be the ultimate result of collision'. Coulter asked for permission to 'rigidly' enforce by-law 55, which prevented three or more people congregating in the streets 'to the annoyance or obstruction of the residents or passengers'. Anyone who refused to move on when asked by a Constable could be fined £5. Although aldermen did not want 'to interfere with open air religious services', they instructed Coulter to enforce by-law 55 if the processionists obstructed street traffic or created disturbances'.<sup>131</sup>

Coulter's prediction of a collision soon appeared likely to happen. On New Year's Eve 'a burlesque' on the Salvation Army called the Skeleton Army marched along the main streets with 'a large banner borne on poles and bearing a skull and crossbones', headed by a musical band.<sup>132</sup> The leaders wore caps with badges and imitated 'the peculiarities of the Salvation Army officers on the march'. The Skeleton Army were joined by 'a large crowd' and as they walked sang hymns and Christy Minstrel songs. The *Examiner* criticised the police for declining to interfere and allowing the streets to be turned into 'Pandemonium', stating that steps should have been taken to restore 'our reputation ... for respectability and peacefulness'.<sup>133</sup> As no obstruction or riot occurred and the procession kept moving, the police could not act.

Most aldermen agreed that a specific by-law should be passed to regulate but not to stop street processions.<sup>134</sup> On 28 January 1884 they determined that any body wanting to organise a procession first had to give the police 24 hours notice in writing of the route they intended to take, and could only continue with the procession if they received the written consent of the Mayor.<sup>135</sup> The penalty for non-compliance was £10. As Alderman Robert Carter put it, the by-law was 'not intended to interfere with the rights of citizens, but simply to preserve good order'. Coulter arranged for Constables to accompany the Salvation Army on their nightly marches and stationed a Consta-

130 *Examiner*, 23 October 1883, 6 and 7 November 1883.

131 *Examiner*, 6 November 1883.

132 *Examiner*, 2 January 1884.

133 *Examiner*, 2 January 1884.

134 *Examiner*, 15 January 1884.

135 *Examiner*, 29 January 1884.

ble outside their tent while religious services were held.<sup>136</sup> Coulter also undertook to prosecute anyone responsible for misconduct that was witnessed by a policeman or citizen. But the Salvation Army took advantage of this protection consciously to disturb other religious services, especially those of Catholics on Sundays. In November 1884, aldermen empowered the Mayor to refuse permission for processions on Sundays.<sup>137</sup> Some aldermen wanted to go further. Alderman Carter became less tolerant. In 1885 he proposed a by-law to prohibit street processions playing music on Sundays and singing on week days.<sup>138</sup> But other aldermen thought that this by-law infringed 'the people's rights and privileges' and Carter's motion was defeated.

Especially from the mid-1870s, moralists were concerned with the prevalence of prostitution and drink, which were closely linked. In the 1870s, as the convict stain began to fade, moral reformers attempted to make Tasmanian society a paragon of moral rectitude, but their task was not easy.<sup>139</sup> Prostitution and drink were habits many Launcestonians found hard to break, and many aldermen secured election largely on the tacit assumption that they would not interfere unduly with the pleasures of their fellow citizens. The municipal police therefore rarely initiated moral campaigns, preferring to wait for council directions. As Mayor Robert Carter revealed in 1887, policemen were 'in a measure prevented from doing their duty from various interests', which he declined to name.<sup>140</sup> Coulter understood his perilous position and only dealt with pubs and brothels that became particularly disorderly.

Launceston, some argued, always had 'a considerable amount of vice', but perhaps no more than 'any other colonial seaport town'.<sup>141</sup> After mining increased in the districts near Launceston in the 1870s, demand for prostitutes was increased by 'a nomadic mining population, with plenty of money, passing and repassing through it'. Moreover, the city contained 'a large proportion of lusty young men', whose salaries were so low that they were reluctant to marry. They co-

<sup>136</sup> *Examiner*, 23 and 30 September 1884.

<sup>137</sup> *Examiner*, 4 November 1884.

<sup>138</sup> *Examiner*, 23 June 1885, and 14 July 1885.

<sup>139</sup> K Daniels, 'Prostitution in Tasmania During the Transition From Penal Settlement to "Civilized" Society', in K Daniels (ed), *So Much Hard Work: Women and Prostitution in Australian History* (Fontana Books, 1984) 15.

<sup>140</sup> *Examiner*, 1 November 1887.

<sup>141</sup> *Cornwall Chronicle*, 16 August 1876, and 8 September 1876; 'New Chum', *A Ramble in Launceston* (*Cornwall Chronicle*, 1879) chapter 7.

existed with an even greater proportion of 'marriageable young women' who could find neither husbands nor work to survive.<sup>142</sup> As they feared being snared in the net of the *Contagious Diseases Act*, Hobart prostitutes fled to Launceston in the early 1880s, adding to the numbers.<sup>143</sup> By the mid-1890s the *Daily Telegraph* estimated that about 200 prostitutes worked in Launceston and that young girls whose parents allowed them to walk the streets late at night would soon add to that number.<sup>144</sup> Thus, throughout the period, Launceston had a sizeable population of prostitutes.

Generally aldermen did not interfere if prostitutes plied their trade 'secretly', but in 1864 they increasingly began 'intruding on the public, bringing before the public those sights and expressions which outraged common decency'.<sup>145</sup> Some were seen 'daily airing themselves in a state of semi-nudity in the public streets' and appearing at their windows in 'a mere fig-leaf costume'. Lacking the legal power to suppress brothels, the police relied on annoyed citizens to lay informations against brothel-keepers and summon them before a magistrate.<sup>146</sup> In 1865, section 81 of the *Police Act* empowered police to proceed against brothel-keepers when they received complaints of 'indecent, riotous, or disorderly conduct', but the brothel-keepers simply moved to another locality.<sup>147</sup>

Periodically, new aldermen criticised the police for inactivity and encouraging prostitution to flourish. In 1875 Coulter reported that the number of women who worked in brothels and lived 'solely by prostitution' was much less than the number of 'clandestine prostitutes', by which he presumably meant respectable women who supplemented their meagre earnings by casual prostitution.<sup>148</sup> Coulter estimated that ten common brothels were operating, three run by men. He had 'no doubt that by frequent visitation of these houses and laying informations whenever possible they might be suppressed'. But he equally felt that 'an attempt at total suppression' would increase, not lessen prostitution as had been proven elsewhere.

142 For an account of poverty in Launceston, see S Breen, 'Outdoor Relief in Launceston 1860-1880', (1991) 38 *Tasmanian Historical Research Association Papers and Proceedings* 19-50.

143 *Examiner*, 26 May 1881; HAJ, 1882, vol 43, paper 112, *Report of the Select Committee on the Contagious Diseases Act, with Minutes of Evidence*, 4-6.

144 *Daily Telegraph*, 13 February 1895.

145 *Examiner*, 7 April 1864, letter by 'Decency'; *Examiner*, 5 July 1864.

146 *Examiner*, 3 November 1863.

147 CHML, LCC 1/269 Reports, Coulter to Council, 11 April 1875.

148 *Ibid.*

Most aldermen and citizens accepted this justification and tried to ignore prostitutes if they could. This became impossible in 1876 when a young prostitute called Mary Ann Ellington was convicted of the 'wilful murder' of her three-year-old daughter by drowning, prompting an outpouring of moral indignation from a small minority.<sup>149</sup> Some claimed there were 'dozens of young girls living in an open state of vice', and that 'society was rotten to the core. Vice [was] allowed to rage unchecked to the disgrace of ministers of the Gospel, police, and the people generally'.<sup>150</sup> Do-gooders censured property owners for living 'luxuriantly upon the rents of houses of ill-fame'.

Thereafter, aldermen received regular protests about the indecent, brazen, and noisy behaviour of prostitutes and their hangers-on. Residents complained about disorderly brothels, the police did their best to stop the disorder, and if the evidence was strong the brothel-keeper would be fined but only lightly.<sup>151</sup> But police found evidence hard to collect. According to Coulter, brothel-keepers were 'careful to avoid disorder, knowing well that whatever evidence can be obtained against them of their offending, they will be rigorously proceeded against'.<sup>152</sup> A constant problem was that residents of the neighbourhood or even passers refused to appear in court to give evidence. One resident did complain and had his windows broken.<sup>153</sup> Others complained that fines did not deter and that prostitutes, who dreaded losing their liberty, should be imprisoned without a fine.<sup>154</sup> Police found that the most effective strategy was to place a constable outside a brothel 'to take the names of parties entering' but the names were never made public for fear of a libel action being taken against the Council.<sup>155</sup>

Although Daniels has criticised the Launceston police for 'selective prosecution' of brothels, this policy was a typical police compromise for what they saw as an insoluble problem.<sup>156</sup> Forced to act by the

149 *Examiner*, 12 August 1876. Ellington was sentenced to be hanged but this was later commuted to life imprisonment. See also Daniels, 'Prostitution in Tasmania', note 139 above, at 50-55.

150 *Examiner*, 15 August 1876, letter by 'Morality'; *Examiner*, 17 August 1876, letter by 'Vigil'.

151 *Examiner*, 22 July 1884, and 21 February 1888.

152 *Examiner*, 24 July 1888, and 20 August 1889.

153 *Examiner*, 6 April 1893.

154 *Daily Telegraph*, 27 August 1889, letter by William White.

155 *Examiner*, 7 September 1876, and 24 July 1884; *Morning Star*, 3 June 1893.

156 Daniels, 'Prostitution in Tasmania', note 139 above, p 57. A selective policy was also followed by the London Metropolitan Police, see S Petrow, *Policing Morals*:

demands of ratepayers and lacking the resources to deal adequately with all brothels or possessing adequate powers, the police had no choice but to be selective. Full enforcement of the laws at their disposal would only turn prostitutes into outcasts and there is no evidence that Coulter, given his insouciant attitude towards prostitutes and his sympathy for the poor, favoured such an outcome. After he was appointed to enforce the *Contagious Diseases Act 1879*, Coulter warned people harbouring prostitutes that they would be fined £20 if the women had venereal disease.<sup>157</sup> According to Daniels, this policy forced prostitutes on to the streets without protection and many became more degraded than ever.<sup>158</sup> What she fails to add is Coulter's comment that many brothel-keepers paid more attention to 'sanitary matters' and sought medical advice for 'doubtful cases'.<sup>159</sup> It is possible that brothel-keepers were less callous than Daniels implied and wanted to protect their investments rather than divest themselves of diseased women.

While Coulter did not want to persecute prostitutes, he was not an entirely free agent and had to follow the directions of aldermen. In January 1894 aldermen responded to complaints for more action by passing a by-law that a brothel-keeper would be punished by a £10 fine for keeping a brothel open after being told to stop by a municipal officer and a further £5 for each day that it remained open.<sup>160</sup> The same penalty applied if a landlord let a house 'knowing' the house would be used as a brothel and the tenant stayed after being told to leave. Some made use of the by-law. In 1895 for example, a landlord ordered a brothel-keeper to leave his house.<sup>161</sup> But such measures had little impact on the number of prostitutes.

Nor did philanthropic efforts have much success. Some worthies established a refuge for fallen women in 1876 and a Fallen Women's Association in 1886. In 1895 the Salvation Army formed a rescue home.<sup>162</sup> The *Cornwall Chronicle* thought such institutions did very

*The Metropolitan Police and the Home Office 1870-1914* (Clarendon Press, 1994) pp 147-57.

157 AOT CSD 13/69/1261, Coulter to Jones, 29 October 1886

158 Daniels, 'Prostitution in Tasmania', note 139 above, pp 66-7.

159 AOT CSD 13/69/1261, Coulter to Jones, 29 October 1886.

160 *Examiner*, 31 October 1893, 14 November 1893, and 9 January 1894; *The Hobart Gazette*, 82 (1894), 408.

161 *Examiner*, 18 June 1895.

162 *Cornwall Chronicle*, 16 August 1876; *Examiner*, 12 October 1876; *Daily Telegraph*, 20 February 1895.



little to lessen prostitution.<sup>163</sup> Very few prostitutes wanted to be ‘publicly branded as “fallen women” and to be patronised by preaching philanthropists’. The do-gooders should visit the homes of the poor and foster in young girls ‘a taste for domestic refinements and domestic duties’ before they fall into vice. The *Chronicle* warned the philanthropists to be moderate as extreme measures ‘may endanger even the stability of the home’. Despite police action and philanthropic endeavour, by the mid-1890s the initiators of the Salvation Army rescue home claimed Launceston had ‘more cold-blooded sinners’ than anywhere they had travelled—but they battled on all the more.<sup>164</sup>

Equally intractable as prostitution was the policing of pubs. Tasmania had long been regarded as a ‘publican-ridden community’. Publicans exerted influence from ‘the lowest police officer to the Legislative Council’.<sup>165</sup> According to one estimate, Launceston had about 56 pubs in a population of 10,359 in 1870.<sup>166</sup> The licensing laws were very stringent and, if ‘vigorously enforced’, no pub, ‘however respectable’, could stay open.<sup>167</sup> This stringency was appropriate for ‘a prisoner population’ but not ‘a free people’. The police realised this social fact and used their discretion to ignore the ‘cumbrous and impracticable’ penal clauses, such as closing at 10:00 pm. It was also true that few pubs regularly caused trouble for police. Of the 56 pubs, only 16 scattered throughout Launceston attracted police supervision.<sup>168</sup> If they were closed, ‘the lower and criminal classes’ would turn brothels into sly grog shops, ‘occasioning more drunkenness, debauchery, and crime’ than the beershops. The *Cornwall Chronicle* believed that in 1870 Launceston was ‘never so orderly or so moral’ and that most public drunkenness came from aging ex-convicts, who were not susceptible to reform or coercion.<sup>169</sup>

Others did not share this view. In the 1870s the Tasmanian temperance movement grew stronger and a number of temperance bodies appeared in Launceston, including the Association for the Reform of

163 *Cornwall Chronicle*, 16 August 1876, and 8 September 1876.

164 *Daily Telegraph*, 20 February 1895, and 23 June 1896.

165 *Examiner*, 2 November 1861, letter by Theodore Bartley.

166 *Cornwall Chronicle*, 4 July 1870; HAJ, 1871, vol 21, paper 1, *Statistics of Tasmania, 1870*, Table 1.

167 *Cornwall Chronicle*, 18 July 1866.

168 *Cornwall Chronicle*, 4 and 6 July 1870; ‘New Chum’, *A Ramble in Launceston*, note 141 above, at pp 51-4.

169 *Cornwall Chronicle*, 4 and 6 July 1870; Breen, ‘Outdoor Relief in Launceston’, note 142 above, at pp 31-2.

the System by which Public-houses are Licensed and Controlled and the Church of England Temperance Society.<sup>170</sup> Although these bodies did not achieve amendments to the licensing laws, aldermen with temperance proclivities were periodically elected to the council. They agitated for more action against pubs. In 1878, for example, Coulter reluctantly tackled Sunday trading but the practice continued with 'impunity' well into the 1880s.<sup>171</sup> After the depression ended, the number of pubs increased to meet rising demand and by 1882, 69 were operating.<sup>172</sup>

The *Daily Telegraph* alleged that police were 'oftentimes prevented from fearlessly discharging their duties by local influences'.<sup>173</sup> Their careers greatly depended upon their non-interference with 'the local magnates who are interested in the drink traffic'. Police also found evidence to sustain a conviction difficult to find, and when they did, magistrates imposed small fines that failed to deter. In practice, thought the *Daily Telegraph*, the Superintendent had too much discretion, which made legislation 'subservient to the whim, idiosyncrasies, or interests of a police force'.<sup>174</sup> Municipal elections from at least the 1870s had been fought over the liquor question to the exclusion of more important matters such as sanitation.<sup>175</sup> For the *Daily Telegraph*, the only way to get impartial enforcement of the licensing and other laws was to centralise control of the police.<sup>176</sup> Others alleged that only those aldermen allied with the liquor traffic sat on the Police Committee.<sup>177</sup> But Coulter believed the municipal police enforced the licensing laws as well as any Tasmanian police force and that most offences were 'very trivial'.<sup>178</sup> He denied that aldermen interfered with this part of his work and thought it was not 'the duty of the police to keep people sober'. Robert Armstrong, Superintendent of the Selby police, thought the Launceston police carried out the licensing laws 'without fear or affection'.<sup>179</sup> Some evidence indicated that the temperance reformers exaggerated the extent of drunken-

170 *Examiner*, 2 July 1870, 13 September 1870, and 12 September 1876.

171 *Examiner*, 20 March 1878, 23 and 30 July 1878, and 4 March 1887.

172 D Cooney, 'Local Option in Tasmania: The Temperance Question 1884-1908', unpublished BA Hons thesis, University of Tasmania, 1973, p 34.

173 *Daily Telegraph*, 22 April 1887.

174 *Daily Telegraph*, 16 October 1888.

175 *Ibid*; Petrow, *Sanatorium of the South?*, note 11 above, chapter 2.

176 *Daily Telegraph*, 16 October 1888.

177 *The People's Friend*, November 1888.

178 *Report of the Select Committee on the Centralisation of the Police*, note 53 above, at 1-2.

179 *Id*, at 28.

ness. The available statistics could be interpreted to show that Tasmanians had one of the lowest rates of alcohol consumption in the Australasian colonies, and lower than Britain's.<sup>180</sup>

Some thought that if the licensing laws could not be enforced fairly, and if the public opposed their stringent enforcement, then they should be changed. In March 1887, delegates of the Hobart and Launceston Municipal Councils decided that opening times should be extended from 10:00 pm to 11:30 at night, and pubs should be opened for one hour on Sundays, but that it would be penal for customers to be found in pubs outside those hours.<sup>181</sup> The full Launceston council supported the change, with Alderman Farrelly, a pub habitue, claiming publicans were 'conscientious, charitable, sober, excellent characters'.<sup>182</sup> Most temperance advocates condemned the proposal and joined forces to defeat it.<sup>183</sup> The Reverend Charles Price thought the changes would return Launceston to the convict days.<sup>184</sup> There followed a period of negotiation between representatives of the Licensed Victuallers' Association (formed in 1882), ministers of religion, and temperance reformers. The temperance forces reluctantly agreed to extended opening hours at night on the condition that 'publicans themselves would strictly enforce the Act' but did not support Sunday opening.<sup>185</sup> The change was introduced by the *Licensing Act 1889*.<sup>186</sup>

The new law did help the police, who, with the forceful temperance enthusiast Samuel Sutton as Mayor, stepped up their activity against publicans. In the eighteen months to July 1891, 25 publicans were convicted of selling liquor after hours, and 32 people were convicted of being in a pub after hours.<sup>187</sup> Eleven publicans were convicted of Sunday trading and 19 people convicted of 'unlawfully' being in pubs on Sundays. But Coulter did not enforce all laws. In 1894 he admitted that he allowed barmaids to serve after 10:00 pm because that law was broken throughout Tasmania.<sup>188</sup> Stung by allegations that they con-

180 Johnston, *Tasmanian Official Record*, note 125 above, pp 409-12.

181 *Examiner*, 29 April 1887.

182 *Examiner*, 26 April 1887.

183 *The People's Friend*, May 1887.

184 *Examiner*, 15 April 1887, letter by Charles Price.

185 *Daily Telegraph*, 1 October 1895; *Walch's Tasmanian Almanac for 1888* (Walch and Son, 1888) p 274.

186 *Daily Telegraph*, 21 December 1889; Cooney, 'Local Option in Tasmania', note 172 above, pp 55-56; *Licensing Act 1889*, s 92.

187 *Examiner*, 7 July 1891.

188 *Evening News*, 5 and 13 February 1894; *Licensing Act 1889*, s. 88.

done an illegality, aldermen directed Coulter to enforce the law. Aldermen seemed not to have followed up complaints that Coulter supervised some pubs more closely than others and ignored those owned by brewers, who were a powerful force in the city.<sup>189</sup> Caught between the competing demands of liquor interests and the growing temperance movement (the Total Abstinence Union, formed in 1889, represented twenty-one temperance bodies), the municipal police could satisfy neither side.<sup>190</sup> As the drink interest usually prevailed over the temperance movement, and as publicans opened longer to meet public demand, the police exercised an understandable reticence in enforcing the licensing laws. As with regard to prostitution, and indeed more generally, we might stress what the police did not do; historians overconfidently employing notions of 'social control' and 'bourgeois panic' must show due humility when confronted by the strategic use of discretion by the police.<sup>191</sup>

### Conclusion: The End of Municipal Policing

Arguments for centralising the police were often made from the 1860s and usually arose when municipalities refused to enforce Acts of Parliament.<sup>192</sup> Not surprisingly the Launceston Municipal Council always set its face against centralisation.<sup>193</sup> Mayor John Scott expressed typical views in 1867. Noting that the Launceston police had given 'general satisfaction', he pointed out that they were 'economically' managed and were highly 'efficient' in dealing with crime.<sup>194</sup> All aldermen agreed that no case had been made out for centralisation. Ultimately, the *Rural Police Rate Act* 1867 held that any

189 *Examiner*, 3 April 1894; *Evening News*, 24 April 1894.

190 *Examiner*, 2 July 1889.

191 The dangers in using concepts like social control have been discussed in FML Thompson, 'Social Control in Victorian Britain', (1981) 34 *Economic History Review* 189, and G Stedman Jones, 'Class Expression versus Social Control? A Critique of Recent Trends in the Social History of Leisure', *Languages of Class: Studies in English Working Class History 1832-1982* (Cambridge University Press, 1983), pp 76-89.

192 S Petrow, 'Carriages and Scab: Aristocratic Contention Against the Law in Nineteenth Century Tasmania', Paper given at the 16th Annual Law and History Conference, Christchurch, 4-6 July 1997; Petrow, 'Turbulent Tasmanians', note 68 above, at 1.

193 For useful but flawed accounts see DC Arnold, 'Centralisation of the Tasmanian Police Force 1856-1898', unpublished thesis, TCAE, 1980, held in the Local History Room, State Library of Tasmania, Launceston, and AK Jackman, 'Development of Police Administration in Tasmania 1804-1960', unpublished Diploma of Public Administration thesis, University of Tasmania, 1966, 82-101.

194 *Examiner*, 10 September 1867.

of the twenty-one municipal councils (two urban and nineteen rural) could hand over control of its police to the government if a majority of ratepayers voted for the change, but this provision was not invoked before 1898.<sup>195</sup>

In 1875 John Swan replaced John Forster as Inspector of Police, and he held 'decided opinions as to the superiority of a central over a municipal form of Police government'.<sup>196</sup> Swan antagonised Superintendent Coulter by placing the office of the Superintendent of the Selby Territorial Police in Launceston next door to Coulter's office in the same building, and by directing his men to make arrests within the Launceston municipal boundaries. This caused much friction in 1876, 1877, 1880, and 1883.<sup>197</sup> Swan also notified the heads of police forces in other colonies to deal with him and no other officer when pursuing fugitives suspected of escaping to Tasmania.<sup>198</sup> In 1881 the Mayor Adye Douglas told the government that the Launceston Municipal Council 'will not submit to the interference of the Inspector of Police unless ordered to do so by the Supreme Court'.<sup>199</sup> Aldermen proposed that the responsibilities of the Inspector of Police be transferred to a Government Minister equivalent to the Home Secretary in England.<sup>200</sup> Compliance with the requests of a Minister would be more likely than with the instructions of an officer regarded as of equal rank to the Superintendents.

Sharing the opinion of aldermen, Coulter became the most outspoken serving policeman to support municipal control, although he did identify a 'want of unity' as a defect in the dual system.<sup>201</sup> Before the 1886 Select Committee on Police Centralisation, Coulter asserted that municipal policemen were superior in every way to their territorial colleagues.<sup>202</sup> But most of the other witnesses were selected because of their predilection for centralisation and the report of the

195 31 Vict, No 31, s 2.

196 HAJ, 1875, vol 28, paper 22, *Seventeenth Annual Report of the Inspector of Police*, 3.

197 *Examiner*, 15 February 1881, 7 August 1883, and 19 March 1884; AOT CSD 10/48/1014 and 10/55/1249; HAJ, 1883, vol 45, paper 105, *Intercolonial Police: Correspondence; Report of the Select Committee on the Centralisation of the Police*, 4.

198 *Examiner*, 15 February 1881.

199 *Examiner*, 15 February 1881.

200 *Examiner*, 16 and 22 March 1881. The Home Office did exert some control over local forces, see Steedman, *Policing the Victorian Community*, note 6 above, pp 27-32.

201 *Police Committee: Progress Report*, note 53 above, at 13.

202 *Report of the Select Committee on the Centralisation of the Police*, note 53 above, at 1-3.

Select Committee members reflected their views.<sup>203</sup> In the following decade, Parliament regularly received bills seeking either full or partial centralisation. Launceston aldermen rightly pointed out that no public demand for centralisation had been demonstrated and continued to assert that local control ensured 'the proper enjoyment of liberty', hinting that the terrors of the convict period remained fresh in their minds.<sup>204</sup>

According to the *Daily Telegraph*, public opinion did swing towards centralisation during the 1890s. Citizens felt that the battle between the temperance forces and the liquor traffic diverted aldermanic attention from more important matters such as sanitation and that policing was no longer a legitimate function of local government.<sup>205</sup> That, however, was only one of many factors, another important one being the growing intolerance of government of the refusal or failure of rural police forces to enforce the laws of the land.<sup>206</sup> But the crucial factor was financial. With the economy strong and public coffers full, the Braddon Government made a concerted effort to centralise the police in 1898. It proposed to levy a uniform rate of 4d in the pound on all municipalities, with remaining police costs to be paid from consolidated revenue.<sup>207</sup>

In opposing this proposal, the Mayor of Launceston Samuel Sutton claimed that centralisation on this financial basis would not save the municipalities enough money, and that the consolidated revenue should bear all the cost.<sup>208</sup> Sutton asked for too much. No-one could predict how Federation would affect the Tasmanian economy, and so the Government favoured a progressive reduction in the police rate.<sup>209</sup> Besides, all but two councils levied more than 4d for police purposes so most landowners would benefit from the Government's proposal and this weakened their opposition.<sup>210</sup> After the Government tamely compromised with the landowner-dominated Legislative Council ('The Chamber of Grab') that the 4d rate would be levied for only two years not three, the *Police Rate Act 1898* and the *Police Regu-*

203 *Examiner*, 1 December 1886.

204 *Examiner*, 8 November 1887.

205 *Daily Telegraph*, 25 September 1891; see also *Tasmanian News*, 11 January 1897.

206 *Mercury*, 16 June 1898.

207 *Examiner*, 8 February 1898.

208 *Examiner*, 24 March 1898, report of a meeting of municipalities.

209 *Tasmanian News*, 26 May 1898.

210 *Tasmanian News*, 26 March 1898; H Button, *Flotsam and Jetsam: Floating Fragments of Life in England and Tasmania* (Birchall and Sons, 1909) pp 330-1.

*lation Act* 1898 finally handed control of the police to the Government, and ended the chequered history of municipal policing in Tasmania.<sup>211</sup>

<sup>211</sup> *Clipper*, 15 October 1898.