

Juvenile Delinquents in Launceston: 1860 to 1896

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In the mid-nineteenth century all Australian colonies (not to mention Britain and America) became concerned about the behaviour of juvenile offenders and neglected and destitute children (under the age of sixteen if boys and under eighteen if girls).¹ Uneducated juveniles allegedly spent most of their time roaming around urban streets committing crimes, damaging property, annoying respectable citizens, and generally acting in uncontrollable ways. This behaviour allegedly threatened the social order and prompted demands for the tighter control of juveniles. As Tasmania was originally settled as the penal colony of Van Diemen's Land, concern about irresponsible and criminal juvenile behaviour was heightened. After self-government was granted in 1856, the colony was anxious to distance itself from its convict past and to forge a moral and industrious citizenry. This paper examines how the northern Tasmanian town of Launceston coped with juvenile delinquents in the second half of the nineteenth century.²

Daniels has characterised the three decades from 1860 to 1890, as a 'period of transition in Tasmanian history from penal settlement to "civilised" society', by which she means a 'free community, increasingly dominated by the values of the middle classes'.³ These values included

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- 1 Ramsland J, 'Henry Parkes and the Development of Industrial and Reformatory Schools in Colonial New South Wales' (1982) 35 *Australian Social Work* 3; Selleck, 'The Origins of Industrial Schooling in Melbourne 1864-66' (1988) 15 *Education Research and Perspectives* 19; Magarey S, 'The Invention of Juvenile Delinquency in Early Nineteenth Century England' (1978) 34 *Labor History* 11; Pisciotta A W, 'Treatment on Trial: The Rhetoric and Reality of the New York House of Refuge, 1857-1935' (1985) 29 *American Journal of Legal History* 151; DiFonzo J H, 'Deprived of "Fatal Liberty": The Rhetoric of Child Saving and the Reality of Juvenile Incarceration' (1995) 26 *University of Toledo Law Review* 855.
- 2 This research follows the general approach used in earlier work on the southern city of Hobart and comes to much the same conclusions; see Petrow S, 'Arabs, Boys, and Larrikins: Juvenile Delinquents and their Treatment in Hobart, 1860-1898' (1996) 2 *Australian Journal of Legal History*, 37.
- 3 Daniels K, 'Prostitution in Tasmania During the Transition from Penal Settlement to "Civilized" Society', in Daniels K (ed), *So Much Hard Work: Women and Prostitution in Australian History*, Fontana Books, 1984, pp 15-86.

sexual purity and restraint, honesty, decency, and respect for property and person; support for the family and work were key concerns, especially as by the 1860s Tasmania had 'a higher proportion of invalids, prisoners, and paupers than other colonies'.⁴ Launceston struggled to cope with its poor, as Breen has shown.⁵ From the 1860s philanthropists and moral reformers expressed strong doubts that the remnants of convicts and the urban poor were capable of bringing up their children correctly and feared that these children were exposed to the dangers of prostitution, idleness, and criminality, the hallmarks of convictism.⁶ Some thought that 'crimes inbred for generations always reappear in the children of convicts' unless special effort was made to create 'a law-loving, a law-abiding, and prosperous community'.⁷ In the 1860s the Tasmanian Parliament passed a range of legislation designed to save the new generation and society from the consequences of parental neglect and to break the nexus with the colony's convict past.⁸

The response to the neglect of children and the growth of juvenile offenders can be called one of 'repressive protection'.⁹ Society demanded that juvenile misbehaviour be repressed but not to the point of turning juveniles into outcasts; juveniles needed to be protected from the social causes of their delinquency. Repression in Launceston involved the municipal police force (established in 1858) enforcing new legislation and by-laws 'to dispel public disorder and to discipline more thoroughly the urban working class'.¹⁰ A similar process of repression was at work in most urbanised and industrialised countries in the nineteenth century.¹¹ This process involved the classification and segregation of juveniles with the aim

- 4 Garton S, *Out of Luck: Poor Australians and Social Welfare*, Allen and Unwin, 1990, p 34.
- 5 Breen S, 'Outdoor Poor Relief in Launceston, 1860-1880' (1991) 38 *Tasmanian Historical Research Association Papers and Proceedings* 19.
- 6 Generally see Kociumbas J, *Australian Childhood: A History*, Allen and Unwin, 1997, chapters 5 and 7.
- 7 *Examiner*, 7 June 1873, letter by 'Gradus et Gradus'; *Cornwall Chronicle*, 18 June 1881.
- 8 Bolger P, *Hobart Town*, Australian National University Press, 1973, p 107.
- 9 Fitz J, 'The Child as Legal Subject' in Dale et al (eds), *Education and the State, Volume II: Politics, Patriarchy and Practice*, Falmer Press/Open University Press, 1981, p 301.
- 10 Daniels K, 'Prostitution in Tasmania ...', see note 3 above; Petrow S, 'Tolerant Town, Model Force: The Launceston Municipal Police, 1858-1898' (1997) 16 *University of Tasmania Law Review* 235.
- 11 Foucault M, *Discipline and Punish: the Birth of the Prison*, Pantheon, 1977; for other approaches see Garton S, 'The State, Labour Markets and Incarceration: a Critique' in Findlay and Hogg (eds), *Understanding Crime and Criminal Justice*, Law Book Company, 1988, pp 309-35.

of applying specialised forms of treatment in industrial schools and reformatories.¹² In Tasmania until the mid-1890s the aim of segregation was less to discipline than to protect juveniles by removing them from the streets and placing them in institutions where they were taught to be honest and industrious citizens. The aim was to reform and reintegrate juveniles rather than to ostracise and punish them.¹³

In the first half of this paper I examine contemporary observations on the nature of juvenile delinquency in Launceston. In the second half I outline various responses to juvenile delinquency, and will focus on the Girls' Industrial School for beggars and vagrants as an institutional alternative to imprisonment. This school provided moral and industrial training and elementary education for inmates. Juveniles were trained to adapt to existing social and economic conditions, but little attempt was made to deal with the causes of delinquency. This was perhaps an understandable response when the small scale of the juvenile problem is considered in relation to the total juvenile population. In 1861 the proportion of the Tasmanian population under twenty years of age was 46.29% and in 1891 was 48.75%.¹⁴ Yet the number sent to industrial or training schools was relatively small. Newspapers and moral reformers tended to exaggerate the numbers of juveniles on the streets, but not all street juveniles were delinquents or candidates for institutional treatment. From the inadequate records available, it appears that the level of crime and the level of delinquency attributed to juveniles was low in proportion to their numbers. But the middle classes believed that the danger to their conception of a civilised society was very real and 'consequences of this belief led to changes in the control structure of their society'.¹⁵

In the other colonies, governments were central in establishing and managing industrial schools and reformatories. In Tasmania the government played a more subordinate role and expected and encouraged voluntary agencies to take on this work under government certification and inspec-

- 12 Finnane M, *Punishment in Australian Society*, Oxford University Press, 1997, pp 93-8.
- 13 For earlier attempts at such a policy, see Dow G and Brand I, "'Cruel only to be Kind"? Arthur's Point Puer' (1986) 15 *History of Education Review* 19; Humphrey, 'Objects of Compassion: Young Male Convicts in Van Diemen's Land, 1834-1850' (1992) 25 *Australian Historical Studies* 13; Kyle, "'Little Depraved Persons": Juvenile Prisoners in Hobart Town in 1833' (1992) 25 *Australian Historical Studies* 319.
- 14 Petrow S, 'Arabs, Boys, and Larrikins', see note 2 above, p 39.
- 15 Sindall R, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?*, Leicester University Press, 1990, p 1.

tion.¹⁶ Tasmanian governments were plagued with a depressed economy until the mid-1870s and wanted to reduce government expenditure rather than add to it by assuming new responsibilities. Even established responsibilities like prison management were pared down to save money. But this policy implied another motivation. The evasion of responsibility for prisons and related institutions was partly intended to distance society from associations with Tasmania's harsh penal past and to create the impression that Tasmania was relatively free of crime. The aversion expressed in parliamentary debates to convict methods of punishment are consistent with this explanation. Only in the 1890s do we start to see a change in policy. Then clergymen and newspapers were joined by women to engineer a moral panic over female child prostitutes and to force the government to take more responsibility for dealing with juveniles. I end with a brief account of the establishment of the Department of Neglected Children in 1896.

Clearly, I will deal with what moral reformers, newspapers, the police, and public officials thought about juveniles and their behaviour and not what juveniles themselves thought or even what their parents thought.¹⁷ In mitigation I plead that the written sources provide little evidence on the views of juveniles, and that juveniles tended to express themselves with actions rather than words. I can describe their actions, but I cannot with any assurance say why they acted as they did or what they felt about their institutional treatment or their guardians. The historical record is not often enlightening on such matters.

One thing is clear. Juvenile delinquency was lamented as much in the 1890s as in the 1860s. Consequently, we need to bear in mind four points. First, juvenile delinquency was a recurring social problem.¹⁸ Second, delinquency of some kind, especially amongst economically and socially deprived juveniles, was (and is) arguably a characteristic of adolescence.¹⁹ But juvenile delinquency becomes more threatening during periods of economic depression like the 1860s and 1890s in Tasmania. Third, the underlying process at work during the period under review was the

16 Brown J, 'Poverty is not a Crime': *The Development of Social Services in Tasmania 1803-1900*, Tasmanian Historical Research Association, 1972, p 170, where she notes that in the provision of other social services, the reverse was the case.

17 van Krieken R, *Children and the State: Social Control and the Formation of Australian Child Welfare*, Allen and Unwin, 1992.

18 Holdaway S, *Crime and Deviance*, Nelson, 1992, p 82.

19 Pearson G, 'Youth, Crime, and Society' in Maguire, Morgan and Reiner (eds), *The Oxford Handbook of Criminology*, Clarendon Press, 1994, pp 1185-91; for modern fears about violence in Launceston see Craft C, *Youth and Violence: A Needs Analysis*, Youth Violence Task Force, 1992.

redefinition of the role and expectations of children and adolescents in society.²⁰ Juveniles were increasingly not held morally responsible for their delinquency and were treated differently from adult transgressors. Finally, juveniles were not passive victims of interventionist strategies nor were they deterred by such strategies: they remained defiant.²¹

Complaints about juvenile delinquency

In the 1860s Launceston residents regularly complained that the 'city Arabs' were 'just as wild' as those of Liverpool and London and showed their wildness in diverse ways.²² Some juveniles committed crimes. In the three years ending 31 August 1862 three male juveniles under the age of sixteen had been convicted in the Launceston Police Court.²³ This low figure did not seem particularly threatening, but recorded convictions did not necessarily reflect the actual number of juvenile criminals and other signs did not augur well for the city. One example was twelve-year-old Charles Muncey or Mancey, who was sentenced to one month's hard labour for 'compelling' another boy to steal a jam jar.²⁴ Muncey had previous convictions and was allegedly 'the leader of a gang of thieves'. In 1866 Superintendent James Coulter confirmed community suspicions that as old male offenders died, they were 'rapidly succeeded' by members of the 'rising generation'.²⁵

If not breaking the law, juveniles became a nuisance or offended the morals of Launcestonians. Aiming stones, catapults, and eggs at passers-by or at windows did not endear the idle street children to respectable Launcestonians.²⁶ At concerts, youths spoke loudly or threw missiles during entertainments and at the end whistled loudly, all showing their bad manners and anti-social tendencies.²⁷ Fights organised by youths in

20 Hetherington P, 'Childhood and Youth in Australia' (1986) 18 *Journal of Australian Studies* 3.

21 Generally see M de Certeau, *The Practice of Everyday Life*, University of California Press, 1988, pp 15-42.

22 *Cornwall Chronicle*, 25 April 1868.

23 Legislative Council Journals (LCJ), 1862, Vol 7, Paper 63, Industrial Schools Bill, (No. 2): Report of the Select Committee, 10; *Examiner*, 18 August 1863, letter by 'A.W.B.'

24 *Examiner*, 19 July 1862.

25 *Examiner*, 6 November 1866.

26 For stone-throwing see: *Cornwall Chronicle*, 22 August 1863; 29 August 1863, letter by 'M'; 16 September 1868, letter by 'A Victim'. For catapults see: *Cornwall Chronicle*, 7 May 1867, letter by 'G'; 16 October 1867, letter by 'Passer-by'. For eggs, see: *Cornwall Chronicle*, 16 September 1868, letter by 'A Victim'.

27 *Examiner*, 5 November 1863, letter by 'Friend of the Young'.

public places spoke 'unfavourably for the future morality and well-being of the community'.²⁸ At the Public Gardens and Prince's Square 'obscene words' were written on walls and fences, and 'the disorderly conduct of idle youths of both sexes' destroyed plants and seats.²⁹ Swearing was commonly directed at respectable citizens by 'mere urchins' and 'thoughtless' youths.³⁰ In 1869 many complained of the numerous young boys, some as young as four years old, 'prowling and loitering' on the streets during the day and late into the night.³¹ More concern was expressed for young women, who were potential recruits for prostitution, 'judging by their boisterous behaviour, their loud slang, and their brazen conduct'.³² Not all the bad behaviour emanated from poor children. Some 'young snobs', 'respectably and even fashionably dressed', congregated at street corners 'insulting every respectable female that passes'.³³

From the early 1870s the debate became more strident. In June 1871 the *Examiner* noted the increasing appearance of the larrikin, 'a class which promises to become a national evil and disgrace' and 'a foul blot upon our social organisation'.³⁴ Comparable with the rough in London, the gamin in Paris, the lazzarone in Naples, and the bhoys in New York, the Launceston larrikin 'appears to embody all the blackguardism of his compatriots in other parts of the world without one of their 'quasi-redeeming qualities'. The Launceston larrikin promised, 'if only from his numerical strength, to become a pest'. Alone a coward, larrikins preferred to operate in bands of from four to twenty, and were especially noticeable on Saturday and Sunday nights. In the suburbs, where unprotected women and children faced danger, larrikin mobs marched 'up and down the centre of the road howling obscene songs'. In the centre of town, the mobs lounged at street corners directing at all passers-by 'a string of abominations from their extensive and disgusting repertoire'.

Unless action was taken, the *Cornwall Chronicle* predicted that 'the foul-mouthed, foul-mannered' larrikins of today will become 'a crop of full-blown desperadoes', requiring much police effort to repress.³⁵ The *Chronicle* traced the emergence of the larrikin, aged between fifteen and twenty-one, to the mainland gold discoveries. When fathers left for the

28 *Examiner*, 28 January 1868, letter by 'Citizen'.

29 *Examiner*, 10 May; 11 October 1864; 15 May 1866.

30 *Examiner*, 3 September 1864.

31 *Examiner*, 9 February 1869; 4 March 1869, letter by Henry Corbett.

32 *Examiner*, 6 November 1866; 21 May 1870, letter by 'Civis'.

33 *Cornwall Chronicle*, 6 May 1868, letters by 'Observer'.

34 *Examiner*, 22 June 1871.

35 *Cornwall Chronicle*, 18 September 1872.

goldfields 'parental control ... at no time great, was completely abandoned', leaving families destitute. Younger brothers aped 'the manners of their elders' and supplied ready recruits for the larrikin ranks. The *Chronicle* had a point. Between 1847 and 1851, 24,280 people left Van Diemen's Land for the other colonies and more left after the gold discoveries of the 1850s.³⁶

Residents were particularly concerned that the police appeared 'either unwilling or afraid' to invoke their powers and ignored or evaded larrikin bands.³⁷ Despairing at police inaction, some residents threatened 'to take the law into their own hands' and deal with these 'noxious vermin'. When George Mooreton retaliated by hitting William Prosser, a twelve-year-old larrikin, with a coach whip, he was fined five shillings and ordered to pay costs.³⁸ Some larrikins confirmed the worst fears of Launcestonians by graduating from idle lounging, bad language, and noisy marches to violent crime. In September 1873 Alfred Blades, aged fifteen, and George Dyson, aged eighteen, were convicted of assaulting and robbing Robert Burton, a butcher, of over £6.³⁹ Blades was sentenced to twenty-one days' imprisonment and four years in a training school, while Dyson received two years' imprisonment.

Some aldermen advocated measures to stop 'the wanton destruction of property, and the tendency to criminality of certain of the juvenile classes'.⁴⁰ Others felt crime was limited to a small and needy minority and did not feel threatened by youthful indiscretions.⁴¹ In January 1874 Alderman Adye Douglas, willing to deal with street obstruction, told his fellow aldermen that Launceston boys were not 'worse than boys elsewhere'.⁴² He 'liked to see boyish pluck and spirit ..., it was for the good of the community that they should have it'. Others also agreed that the complaints were exaggerated and thought that the community generally was 'very peaceable and orderly'.⁴³

These optimists soon received a rude shock. In early February 1874 mobs of boys and young men joined in riots against the imposition of a railway

36 Garton S, *Out of Luck*, note 4 above, p 34; Breen S, 'Outdoor Poor Relief', note 5 above, pp 22, 26, 33-4, 43.

37 *Examiner*, 28 May 1872.

38 *Examiner*, 19 April 1873; 22 April 1873, letter by 'Perambulator'.

39 *Examiner*, 4 September 1873.

40 *Examiner*, 6 January 1874.

41 *Examiner*, 29 March 1873.

42 *Examiner*, 6 January 1874.

43 *Examiner*, 15 January 1874, letter by 'Anti-Snob'.

rate and assaulted the police.⁴⁴ Douglas' home was stoned and his rear fence pulled down. The larrikins used the railway rate dispute as an excuse for lawless behaviour. Mayor John Murphy called in police from other municipalities and, by placing all police under central government control, order was restored. Another incident occurred on Christmas Eve, 1874 when mobs of larrikins disguised with 'blackened faces', hats, and long coats, and carrying 'short sticks' drunkenly paraded the streets, 'destroying property and stoning the police'.⁴⁵ This showed 'a brutal spirit' more akin to 'ruffianism' than larrikinism. The disguises gave the culprits some 'immunity' from identification, but three young men were identified and imprisoned. These incidents showed the police were incapable of dealing with organised provocations to disorder.

Equally worrying to contemporaries as disorder was signs of youths forming a criminal class. Some youths were susceptible to dangerous influences, such as the 'mawkish sentimentality' bestowed on 'desperate criminals' in some 'pernicious' publications.⁴⁶ Their notoriety persuaded 'the rising generation' that there must be 'something heroic and noble' in a life of crime. The supreme example was eighteen-year-old James Sutherland. In 1883 Sutherland, inspired by 'trashy literature' on bushrangers like the Kelly gang, persuaded his friend James Ogden to become bushrangers and "go out and make a blaze".⁴⁷ This resulted in the murder of two men, one of whom was scalped, the wounding of a woman, and setting fire to a house. Both youths were sentenced to death. Fortunately, the incidents of disorder and vicious crime were rare, but despite efforts to repress it, complaints about 'the evil of larrikinism' recurred.⁴⁸

Responding to Juvenile Delinquency

Some wanted to tackle 'the root' causes of delinquency by strengthening the family.⁴⁹ Nomadic workers produced many illegitimate babies or deserted their families while they sought work. Society disapproved of such

44 Petrow S, 'Turbulent Tasmanians: Anti-Railway Rate and Sectarian Riots and Police Reform in the 1870s' (1997) 3 *Australian Journal of Legal History* 73, pp 77-80.

45 *Cornwall Chronicle*, 28 December 1874; 9 January 1875; 25 January 1875, letter by William Turner. Launceston Community History Museum (LCHM), LCC 1, Reports, January 1875, Coulter to the Mayor, 4 January 1875.

46 *Examiner*, 27 November 1880; 6 January 1887.

47 *Examiner*, 6 January 1887; Davis R P, *The Tasmanian Gallows: A Study of Capital Punishment*, Cat and Fiddle Press, 1974, pp 69-71.

48 'New Chum', *A Ramble in Launceston*, *Cornwall Chronicle*, 1879, p 29. *Examiner*, 1 August 1881, letter by 'Whipcord'; 9 March 1883, letter by 'A Lover of Order'; 20 April 1883, letter by John McFadgcan; 28 July 1883.

49 *Cornwall Chronicle*, 25 April 1868.

behaviour, with the *Deserted Wives and Children Acts* 1863 and 1873 penalising irresponsible fathers.⁵⁰ The *Cornwall Chronicle* proposed that legislators provide employment for men in pastoral districts so families could settle there and not travel the colony looking for work.⁵¹ The *Chronicle* saw proper training in the family as essential. Fathers should teach their sons how to acquire money 'honestly' by following a 'trade, craft, or profession' rather than wasting their time.⁵² Superintendent Coulter blamed juvenile misdeeds and idleness leading to crime on 'the want of parental home control, and to a culpable indifference' of parents to their progeny 'herding with other children in the streets at late hours of the night'.⁵³ Attempts to coerce parents to be more responsible will be mentioned in the next section.

If families could not inculcate discipline, the *Cornwall Chronicle* suggested inducting larrikins into naval or military service.⁵⁴ Fitting out an old guard ship in Launceston to train youths in naval matters might rid 'the community of a troublesome pest', remove offenders from 'the evil influences of drunken and criminal parents', and provide 'a fine body of recruits' for the British navy. Those unsuited for naval service could be drilled for military service. Larrikins would thus be reformed by 'discipline and drill, regular habits and constant compulsory employment'. Certainly, providing employment for native-born juveniles was seen as one way of reducing delinquency and demands on charitable institutions. Encouraging manufacturing industries would have 'a wholesome and moralising influence' on young men, and instruct them in 'the duties and responsibilities of life'.⁵⁵ Girls should also be given an incentive to acquire domestic skills. Those who did, suggested the *Launceston Times*, should on their marriage to a native youth be offered a farm of fifty acres. This would stop the spread of prostitution, provide homes with good domestic servants and men with 'virtuous wives', and encourage settlement of rural areas.

Education was widely regarded as essential to mould 'virtuous and orderly men and women', but large numbers of children (one estimate in 1865 put the figure at 6,000 for Tasmania) did not attend government

50 27 Vict, No. 14 and 37 Vict, No. 14.

51 *Cornwall Chronicle*, 25 April 1868.

52 *Cornwall Chronicle*, 18 September 1872.

53 House of Assembly Journal (HAJ), 1883, Vol 45, Paper 70, Royal Commission on Public Education in Tasmania and Neighbouring Colonies, p 41.

54 *Cornwall Chronicle*, 17 May 1879.

55 *Launceston Times*, 3 June 1868.

schools in Launceston.⁵⁶ Children with disease or who had committed crimes were excluded from such schools and shame prevented some poor parents from sending their children to schools in rags, while others could not afford the small fees or were too drunk to care.⁵⁷ Some parents relied on the income earned by their children either from legitimate work or stealing and begging. One mother claimed that it was ‘not profitable to send her children to school’, while older children were often required to remain at home to care for younger children and help their mothers.⁵⁸ Under pressure from charitable bodies, Tasmania became the first colony in the British Empire to introduce compulsory (but not free) education for children between seven and twelve in 1868.⁵⁹ Different categories of children were exempt, including those whose parents depended on their labour. In 1873 and 1885 the age limit was raised to fourteen and three days attendance per week was stipulated. But the exemptions remained and substantial numbers of working-class children did not attend government schools by the 1890s.

For the very poor, charitable bodies formed ragged schools to provide free education.⁶⁰ The ragged schools movement was particularly strong in Hobart, but in July 1862 private individuals formed the Launceston Free and Industrial School for poor children, enrolling seventy-one boys and seventy-six girls in the first year.⁶¹ Little industrial training in needlework, tailoring, or shoemaking was offered, but the students did enjoy a free basic education, as well as clothing and food. The school failed to sustain financial support and folded in about 1870.⁶² Reverend Charles Price headed a campaign to follow Hobart’s example and, with government support for maintenance and accommodation, to establish ragged schools in Launceston for at least some of the 1177 children aged be-

56 *Examiner*, 24 June 1879; *Launceston Times*, 20 October 1865.

57 *Examiner*, 7 April 1868, letter by Charles Price; 24 May 1870.

58 *Cornwall Chronicle*, 23 December 1865; HAJ, 1871, Vol 22, Paper 63, Charitable Institutions: Report of the Royal Commission, pp 43, 54.

59 Sprod M, ‘The “Old Education”’: Government Schools in Tasmania 1839-1904’ (1984) 31 *Tasmanian Historical Research Association Papers and Proceedings* 18; Phillips D, *Making More Adequate Provision: State Education in Tasmania 1839-1985*, Education Department of Tasmania, 1985.

60 Petrow S, ‘Arabs, Boys, and Larrikins’, note 2 above, p 46.

61 *Examiner*, 10 July 1862; 22 August 1863.

62 *Launceston Times*, 4 May 1868; HAJ, 1871, Vol 22, Paper 63, Charitable Institutions: Report of the Royal Commission, pp 43, 54; *Walch’s Tasmanian Almanack, and Guide to Tasmania for 1863*, J Walch and Sons, 1863, p 137.

tween five and twelve not attending any school in 1870.⁶³ Despite Price's tireless efforts, he failed to obtain municipal, central government, or private funding for the venture.⁶⁴ But some doubted that schooling would exert much influence on neglected children, who, when the lessons were over, would return to 'all the contaminating influences of their own homes'.⁶⁵

Some thought larrikinism would be reduced by providing alternatives to spending time drinking, gambling, or congregating on the streets.⁶⁶ In March 1862 'A Parent' told readers of the *Examiner* that 'most crimes are committed by persons not having sufficient to employ their time'.⁶⁷ Opportunities for rational recreation were limited in Launceston. The Launceston Mechanics' Institute, established in 1842, made little effort or had little success in instructing youths in various branches of knowledge related to their vocations.⁶⁸ At the Launceston Workingmen's Club, time could be 'pleasantly and profitably' spent, but more facilities were needed for a town with a population of over 10,000 people.⁶⁹

Although they were used by juveniles, neither of these organisations had been formed to tackle larrikinism. But in July 1880, on the initiative of the Reverend Charles Price, the Young Men's Christian Association (YMCA) was formed with this specific purpose in mind.⁷⁰ According to Canon Brownrigg, the period of youth was 'the most valuable in power to receive good, and also the most exposed to danger'.⁷¹ By an 'organised system' of spreading 'Christian influences', the YMCA sought to reclaim larrikins from their 'degraded condition'. In addition to Bible classes for all religions, reading, drafts, chess, cricket, football, debating societies, sacred concerts, and any activity for 'the spiritual, moral, and intellectual

63 *Examiner*, 7 April 1868, letter by Price; HAJ, 1876, Vol 31, Paper 106, Free School, Launceston: Correspondence, p 7. For a summary of the Hobart setup, see *Examiner*, 8 April 1873, letter from 'A Voice from the South'.

64 *Examiner*, 24 May 1870; 9 June 1870; 13 January 1872, letter by Price; 26 August 1872; 11 September 1873; 11 February 1879.

65 *Examiner*, 30 May 1881.

66 *Cornwall Chronicle*, 17 July 1876, letter by 'A Young Man'; 22 October 1879, letter by 'Pro Bono Publico'; *Examiner*, 22 June 1880, letter by Charles Price.

67 *Examiner*, 18 March 1862, letter by 'A Parent'.

68 *Cornwall Chronicle*, 24 January 1872, letter by 'Mechanic'; generally see, Petrow S, *Going to the Mechanics: A History of the Launceston Mechanics' Institute 1842-1914*, Historical Survey of Northern Tasmania, 1998.

69 *Cornwall Chronicle*, 17 July 1876, letter by 'A Young Man'; Petrow S, *Going to The Mechanics*, *ibid*.

70 *Examiner*, 22 June 1880, letter by Price; Petrow S, *Going to the Mechanics*, *ibid*.

71 *Examiner*, 6 July 1880; *Cornwall Chronicle*, 6 July 1880.

improvement of young men' would be encouraged. The founders hoped the young members of the YMCA would 'draw others away from the haunts of vice to rooms where they will find comfort, friendship, and true happiness'.⁷² In its first decade 538 members and associates joined the YMCA, but more energy was spent welcoming sailors and visitors than saving larrikins.⁷³ The emergence of organised sport did not necessarily satisfy the larrikin element either. Very often football matches degenerated into 'a series of rough and tumble fights', while on Saturday nights, footballers and their supporters fought their battles over again on the streets, forcing the police to intervene.⁷⁴

Juveniles who shunned education, work, and improving recreations had to be separated from other juveniles and given special treatment. The treatment best suited to reform and reclaim these juveniles and make them more law-abiding and useful citizens was keenly debated. We will now consider punishments, such as imprisonment and flogging, and institutional alternatives to imprisonment, above all industrial schools for girls.

The Criminal Justice System

Juvenile delinquents were first dealt with by the police and the law, but not always in repressive ways.⁷⁵ Although mainly preoccupied with controlling petty crime and public order, the police also acted as 'welfare agents, truant officers, and morals guardians'. In Launceston the aldermen who controlled the police expected policemen to give priority to controlling disorder and passed by-laws against some forms of juvenile misconduct. In 1865 aldermen passed a by-law against throwing stones, brickbats, or other 'hard or dangerous' missiles in any street or public place.⁷⁶ But police found prosecutions difficult. They rarely witnessed stone throwing and citizens either refused to become witnesses or to seize stone throwers for fear of retribution.⁷⁷ Delinquents showed their disdain for aldermen by throwing stones at the Town Hall.⁷⁸ In 1875, after the Christmas Eve riots, aldermen passed a by-law against appearing at night

72 *Cornwall Chronicle*, 31 July 1880.

73 *Examiner*, 19 March 1890; 8 October 1890.

74 *Mercury*, 24 August 1889, letter from Launceston and the North; *Examiner*, 9 June 1891; *Daily Telegraph*, 9 June 1891.

75 Generally see Finnane M, 'Larrikins, Delinquents, and Cops: Police and Young People in Australian History' in White R and Alder C (eds), *The Police and Young People in Australia*, Cambridge University Press, 1994, pp 7-26.

76 *Examiner*, 26, 30 May 1865.

77 *Examiner*, 9 February 1869.

78 *Examiner*, 9 March 1869.

with blackened faces or 'otherwise disguised'.⁷⁹ In the same year, citizens were prohibited from sitting or lying down on footpaths or door steps, window sills or 'other projections forming any house' unless they were the occupants; it was also an offence for three or more people 'to stand together in any street or upon any footway to the annoyance or obstruction of the residents or passers-by'.⁸⁰

The absence of a reformatory placed Superintendent Coulter in a dilemma. As neither he nor the magistrates wanted to send a juvenile criminal to gaol, Coulter felt 'compelled to condone a great number of juvenile criminal cases'.⁸¹ If the children were arrested and not convicted, it would encourage other juvenile criminals and so Coulter thought it 'frequently better to condone the offence than to make the immunity from punishment they enjoy public'. For similar reasons, residents were reluctant to prosecute children for minor crimes, suggesting that the true state of juvenile delinquency and crime cannot be precisely measured but was probably widespread.

If juveniles were convicted of an offence against by-laws or legislation, they faced one of two punishments. The lesser punishment was to be fined; but the parents of delinquents usually paid the fine and thus fines did not punish the 'real culprit'.⁸² If parents could not pay or were not willing to pay, then the juveniles could be sentenced to gaol.⁸³ Short periods of imprisonment did not reform juvenile offenders, argued critics, but merely turned them into heroes when they went back to their companions. Seeking relief from their maintenance, country magistrates sentenced their juvenile offenders to the Launceston gaol, but when they completed their term of imprisonment the juveniles were 'homeless and penniless', and contributed to the crime and poverty of the city.⁸⁴ Launceston magistrates and judges were reluctant to consign juveniles to the gaol for long periods, where they would be confirmed in their criminality by association with older offenders.⁸⁵ Despite the general view that imprisonment of juveniles was dangerous and despite the appearance of institutions designed for juveniles, children under fifteen and sometimes even under

79 *Examiner*, 6 April 1875; 4 May 1875. LCHM, LCC 1, Correspondence and memoranda: legal, April 1875, Coulter to Rocher, 3 April 1875.

80 *Examiner*, 6 April 1875 4 May 1875.

81 HAJ, 1883, Vol 45, Paper 70, Royal Commission on Public Education in Tasmania and Neighbouring Colonies, 41, pp 44-6.

82 *Examiner*, 27 November 1880.

83 *Cornwall Chronicle*, 18 September 1872; 27 February 1880, letter by R W Marston.

84 *Examiner*, 23 June 1863, letter by Francis Hales.

85 *Examiner*, 15 June 1878; 2 October 1879.

ten were sent to the Launceston Gaol in varying numbers between 1860 and 1896.⁸⁶

For children who spurned home life, defied 'moral restraint', knew not the meaning of decency, and were incipient or actual criminals, some advocated corporal punishment.⁸⁷ Wisely administered against 'the worst specimens of the class' who committed offences against public morality and decency, the *Cornwall Chronicle* thought corporal punishment would frighten larrikins and reduce their ranks. The *Examiner* agreed, suggesting that the larrikin would be hard pressed 'to pose as a hero or martyr while unable to sit down with comfort'.⁸⁸ With the alleged rise of larrikinism and violent behaviour in the streets in the early 1870s, flogging won more political support. The *Juvenile Offenders Act* 1875 conferred on judges and magistrates the power of imposing corporal punishment by 'a rod of twigs, or a cane, or a leathern strap' on offenders under nineteen years.⁸⁹ Corporal punishment could be inflicted for serious offences such as assaults causing actual bodily harm, a range of indecent acts, rape, and any disturbance of the peace involving 'the use of obscene and indecent language'.

The *Examiner* favoured punishing a parent for failing to bring up a child 'in a decent manner' as a crime 'not only against the helpless child, but against the community'.⁹⁰ The *Launceston Times* advocated punishing parents who did not send their children to school and refusing to let husbands leave Tasmania unless they guaranteed that their wives and children would be able to support themselves and not be a drain on the charitable.⁹¹ The *Destitute Children Act* 1889 made parents who neglected to feed, clothe, house, and attend to the medical needs of children under 14 liable to six months imprisonment, but whether it was widely enforced is difficult to say.⁹²

86 For example, in 1882 thirty-six juveniles of both sexes under fifteen were imprisoned and in 1896 the figures were sixteen juveniles between ten and fifteen and one male under ten: see HAJ, 1883, Vol 1883, Paper 24, Gaols and Houses of Correction, Hobart and Launceston: Report for 1882, p 17; and Journals and Printed Papers of Parliament (JPPP), 1897, Session 2, Vol 37, Paper 70, Statistics for the Year 1896, p 397.

87 *Cornwall Chronicle*, 18 September; 1 November 1872.

88 *Examiner*, 22 April 1887; in 1874 the Police Magistrate Thomas Mason suggested that children who played truant from school should be flogged, but a teacher who administered this punishment was apparently fined: see *Cornwall Chronicle*, 7 December 1874, letter by 'A Boy of the Old School'.

89 *Mercury*, 25 August 1875; 2 September 1875.

90 *Examiner*, 4 August 1883.

91 *Launceston Times*, 2 August 1865.

92 53 Vict, No. 17; the *Destitute Children Act* 1875 was less punitive, 39 Vict, No. 5.

Industrial Schools and Reformatories

Neglected and destitute (but not bad and vicious) children were sent to the Queen's Orphan School or Asylum, established in 1828, until the age of twelve.⁹³ In the 1860s an average of over 470 children annually were given shelter and fed, but the Orphan School (transferred from the Imperial to the Colonial Government in 1860) attracted intense criticism for releasing children without adequate industrial training and moral education, without creating the conditions of home life, and without finding suitable employers to whom the children could be apprenticed.⁹⁴ The Orphan School was closed in 1879 and replaced with a system of boarding out children to benevolent families.

In the early 1860s charitable societies pressured government to introduce alternative methods of dealing with neglected and criminal children. One product of this pressure was a Select Committee of the Legislative Council report on institutions for 'the Industrial Training and Benefit of Vagrant and Youthful Offenders' in July 1862.⁹⁵ The report recommended that reformatories for children between ten and sixteen who had been convicted of offences should be entirely funded by the State, while industrial schools for neglected or vagrant children would receive only one-third of their money from the State, another third from public subscriptions, and the final third from the municipality from which the children were sent.⁹⁶ In 1863, 146 residents of Launceston and suburbs urged the establishment of an industrial school, where young persons could be separated from 'bad associations' and trained in 'habits of virtue and usefulness'.⁹⁷ They wanted legislation compelling parents to defray the cost of maintaining their children in the industrial school.

During the 1860s Tasmanian governments strove to balance budgets and eschewed proposals to add to government responsibilities. The cause of industrial schools was taken up by the member for Selby in the House of Assembly, Isaac Sherwin, a leading merchant and philanthropist in Launceston since the 1830s.⁹⁸ He sponsored the Industrial Schools Bill of

93 Brown J, *Poverty is not a Crime*, note 16 above, pp 26-7, 81-83, 92-93, 96-97, 140-145.

94 *Ibid*; *Cornwall Chronicle*, 6 May 1868; *Launceston Times*, 5 June 1868; *Examiner*, 28 March 1872.

95 LCJ, 1862, Vol 7, Paper 63, Report of the Select Committee on the Industrial Schools Bill (No 2), pp 3-4.

96 *Ibid*, p 4.

97 HAJ, 1863, Vol 10, Session 2, Paper 32, Petition No. 5: Industrial Schools.

98 Fysh A, 'Isaac Sherwin (1804-1869)' *Australian Dictionary of Biography*, Melbourne University Press, 1967, Vol 2, pp 441-2.

1863, a transcript of English legislation prepared by William Henty, a Launceston lawyer.⁹⁹ The Whyte Ministry supported the bill because it was permissive and encouraged charitable bodies to establish industrial schools for vagrant children and youthful offenders under sixteen without government subsidy and under certain restrictions. Juveniles could be sent to an industrial school in place of or in addition to another punishment. The government was empowered to appoint three or more managers for the school, who had 'all the powers and privileges' of a father over every child. The *Industrial Schools Act* 1863 was the first such statute passed in Australia.¹⁰⁰

Reverend Francis Hales thought such legislation would protect and educate children neglected by dissolute parents, but felt disappointed that government financial support was not forthcoming. True statesmen, he argued, knew that 'nothing is so expensive to a community as crime' and that 'a judicious outlay to prevent crime' saved 'a greater outlay in punishing crime'.¹⁰¹ On the other hand, the *Examiner* supported the principle of making parents pay for the maintenance of their wayward offspring and confining government to 'its legitimate functions of keeping the peace and punishing evil-doers'.¹⁰² Sherwin tried to stimulate interest in the establishment of an industrial school in Launceston and quoted statistics on their success in reducing crime in Europe, Great Britain, and Ireland, singling out the Mettray Reformatory as the model.¹⁰³

Although a move in the right direction, it appeared that the *Industrial Schools Act* 1863 lumped vagrant and destitute children with criminal children and this probably deterred private individuals from establishing an industrial school. As they claimed that the problem of idle juveniles was worsening, clergymen and philanthropic politicians in Launceston and Hobart lobbied the Dry Government for new legislation in 1867. In July 1867 Sherwin convened a meeting on the subject.¹⁰⁴ Noting an increase in 'juvenile depravity', his main concern was that the old hands were 'teaching the young around them to follow in their steps'. If they

99 *Mercury*, 14 August; 9 September 1863; 15 September 1863; *Examiner*, 15 December 1863.

100 Seymour J, *Dealing with Young Offenders*, Law Book Company, 1988, p 52.

101 *Examiner*, 16 June 1863, letter by Francis Hales.

102 *Examiner*, 13 August 1863.

103 *Examiner*, 23 December 1863, letter by Isaac Sherwin; see also the editorial in *Examiner*, 15 December 1863. For the influence of the Mettray Reformatory, see Driver F, 'Discipline Without Frontiers? Representations of the Mettray Reformatory Colony in Britain, 1840-1880' (1990) 3 *Journal of Historical Sociology* 272.

104 *Examiner*, 13 July 1867; see also LCJ, 1867, Vol 13, Paper 58, Reformatories: Memorial to the Governor in Council.

could remove children from 'vice and evil associations and train them to become useful members of society', then crime 'in a few years would comparatively die out'. They did not need to erect new buildings, but must appoint trained staff. Reformatories would train criminal juveniles and industrial schools 'neglected and destitute children'. According to Reverend Charles Price, these schools would not only 'reform' but would also 'restrain' children.

What evolved from the moral reformers' dialogue with the government was two bills. The Reformatory Schools Bill, based on English legislation, was drafted by the government and dealt with juvenile criminals placed in reformatories established and staffed by 'private philanthropy'.¹⁰⁵ The government agreed to pay an amount equal to the maintenance of juvenile criminals in gaol and thought that philanthropists could deal adequately with the small numbers of offenders. Magistrates could still sentence juveniles under sixteen to ten day's imprisonment before serving a minimum of one year and a maximum of five years in a reformatory. In the Legislative Council the name was changed to the Training Schools Bill because of the 'stigma' attached to the name reformatory.

The Industrial Schools Bill, also based on English legislation, was drafted by a committee of philanthropists and clergymen and dealt with vagrant or neglected children under 14 and children under 12 charged with an offence punishable by imprisonment or a lesser penalty.¹⁰⁶ The bill aimed to keep very young offenders from being tainted by older juvenile criminals in the training school but inmates of industrial schools found guilty of 'gross and repeated insubordination' could be transferred to a training school. No inmate could be detained in an industrial school beyond the age of eighteen. The government contributed two shillings and six pence for each child admitted by the guardians and five shillings if sent by a magistrate.

The *Training School Act 1867* contained some clauses that proved to be controversial and cast doubts on whether the liberty of the subject was adequately protected. Section 29 held that any prisoner sentenced to a gaol term of less than one year could be apprenticed by the Colonial Secretary 'to any trade or calling to any person willing to receive him as an apprentice' for not more than five years.¹⁰⁷ The first case under this section involved Edwin Blackwell, an apprentice miller and son of re-

¹⁰⁵ *Mercury*, 18 September 1867; 25 September 1867; 27 September 1867; 9 October 1867.

¹⁰⁶ *Mercury*, 21 September 1867; 31 Vict, No. 37.

¹⁰⁷ 31 Vict, No. 36.

spectable but poor parents, who had been sentenced to twelve months' imprisonment for uttering a forged request for the delivery of goods.¹⁰⁸ Shortly before the expiration of this sentence, the Colonial Secretary, Richard Dry, thinking it for Edwin's 'own good' but without consulting his parents, approved an application from the politician and lawyer, Adye Douglas, to apprentice Edwin on his farm. Douglas sought 'to promote the welfare of the boy by removing him from the evil influence of gaol life, and give him the opportunity of commencing an honest career'. Desperate to leave gaol, Edwin agreed to be apprenticed and was sent to Douglas' farm, where he was clothed. But he soon had second thoughts and made his way to his parents' property at Table Cape. By warrant, he was arrested and taken back to Douglas' farm.

Some thought Blackwell had been mistreated. His greatest defender was Alexander Clerke, Longford farmer and sometime politician, who knew Edwin.¹⁰⁹ Clerke doubted that Edwin's morals would be improved by being consigned to work with farm labourers when Douglas was 'always absent', but he was especially incensed by Attorney-General W L Dobson's 'egregious blunder' in issuing a warrant. Dobson should have consulted Blackwell's parents rather than allowed Blackwell to be 'dragged like a felon from the paternal roof'. Such acts of 'oppression' lent weight to the view that the law was 'not always equally administered to the rich and the poor'. Absolving the parents from Edwin's one criminal act, Clerke asserted that 'in numerous instances boys do go wrong, notwithstanding the utmost care and vigilance exercised over them'. Once Douglas' application had been made, Dobson should have enquired of his behaviour, 'the position and characters' of his parents, and their 'ability and desire to resume the charge of their erring son'. If the enquiry proved unsatisfactory, then Dobson should have considered how Douglas would be able 'under all circumstances to control and conduct, and benefit society by reformation of the offender'. By neglecting 'a very plain and obvious duty', Dobson had probably committed Edwin to 'future crime and misery'. Clerke suggested that judges and not Ministers should determine whether juvenile offenders should be apprenticed. George Shekleton of Table Cape asserted that, while slavery had been abolished in America, the Blackwell case showed that enforced labour remained entrenched in Tasmania.¹¹⁰ Another correspondent to the *Examiner* denounced what ap-

108 *Examiner*, 2 June 1868, letters by Alexander Clerke and W L Dobson; 13 June 1868, letter by Alexander Clerke; AOT SC 41/7.

109 *Ibid.*

110 *Examiner*, 6 June 1868, letter by George Shekleton.

peared to be a revival of 'the barbarous spirit that characterised our old criminal code'.¹¹¹

In Launceston some interests criticised government for not establishing a reformatory or training school for juvenile offenders. The *Cornwall Chronicle* and even more strongly the *Launceston Times* held it to be the duty of the State to deal with children of 'a peculiarly hardened type', leaving voluntary bodies to reclaim neglected and poor children.¹¹² In any event, no charitable body was willing to deal with criminal juveniles and the State never eagerly grasped nor invested its responsibility with much thought. Between 1869 and 1877 the government responded to public pressure by appropriating part of the Cascades Female Factory in Hobart as a training school for boys.¹¹³ But the training school was more like a prison than a reformatory, and dealt with relatively few boys. In October 1877 the Reibey Government closed it for failing to achieve its objectives. It is difficult to say how many Launceston juveniles were sent to this institution, but some evidence suggests that reformatory treatment was not well regarded by the Launceston police. Superintendent Coulter believed that rarely did children 'rudely severed for years from home and home affections turn out well'.¹¹⁴ Such removal could only be justified by 'irrefragable evidence of criminal training' by parents, or their 'gross incapacity' to control 'strongly developed criminal tendencies' in their child. Coulter seemed to think that a period in a reformatory could do little more than 'mitigate' such tendencies.

Others thought differently and in the early 1880s again pressured the government to embark on a more well-conceived attempt at a training school in July 1884. I have elsewhere examined how the Cascades Boys' Training School, under Superintendent James Longmore, sought to reclaim, not punish, its inmates until its closure in 1895.¹¹⁵ Although opinion on its success as a school for industrial purposes remained sharply divided, the Cascades Boys' Training School became a victim of the Braddon Government's economy drive and desire to rationalise government. Other institutions devoted to saving juveniles from a life of crime depended on subscriptions from sympathetic citizens and, although often tottering on the brink of closure, some performed creditable work.

111 *Examiner*, 9 June 1868, letter by 'East-Anglian'.

112 *Cornwall Chronicle*, 7 September 1867; 28 September 1867. *Launceston Times*, 26 March 1867; 9 August 1867; 19 February 1868.

113 Petrow S, 'Arabs, Boys, and Larrikins', note 2 above, p 52.

114 *Examiner*, 20 January 1885.

115 Petrow S, 'Arabs, Boys, and Larrikins', note 2 above, pp 53-7.

Launceston Girls' Industrial School

In 1871 a Royal Commission on Charitable Institutions suggested that small institutions applying different methods to achieve 'a common object' of reforming and reclaiming deserving juveniles might be more successful than one large institution.¹¹⁶ In Hobart two small private institutions stood out in their efforts to deal with neglected and vagrant juveniles, the Girls' Industrial School established in 1864 and the Boys' Home established in April 1869.¹¹⁷ In Launceston the need for industrial schools, especially for boys, was often discussed, but few material steps were taken to establish one.¹¹⁸ Financial reasons mainly explain why discussions achieved nothing, although proponents often pointed out that saving juveniles from becoming criminals would cost less than imprisonment in the short and long term.¹¹⁹ The Baptist Minister Pastor White blamed 'the culpable apathy of the people to the future of their street waifs'.¹²⁰ According to Breen, those responsible for dispensing charity preferred outdoor relief to indoor institutions. Outdoor relief subjected the poor to 'invasive investigation as a prelude to, and as a condition of, the provision of relief'.¹²¹ The visiting system 'facilitated a paternalistic vigilance over the lives of recipients'.

But a moral panic over the susceptibility of young girls to prostitution demanded a new approach. In convict days their central role in the family required of women a higher standard of 'moral excellence' and 'a higher degree of reformation' than men.¹²² Female convicts thus required special attention and treatment. In the 1870s moral reformers in Launceston echoed these sentiments and countenanced the removal of young girls from the parental home. The trigger occurred in 1876 when a young prostitute, Mary Ann Ellington, murdered her three-year-old daughter, and public attention turned to the number of brothels and prostitutes in the city.¹²³ In

116 HAJ, 1871, Vol 22, Paper 63, Royal Commission on Charitable Institutions, p xiv.

117 Petrow S, 'Arabs, Boys, and Larrikins', note 2 above, pp 50-51; Ramsland J, "'A Place of Refuge From Dangerous Influences": Hobart Town Industrial School for Girls, 1862-1945' (1985) 71 *Journal of the Royal Australian Historical Society* 207.

118 *Examiner*, 6 January 1874; 27 November 1880. For an account of the first boys' home in Launceston in the 1920s see Smedley D, 'A Northern Tasmanian Home for Boys' (1992) 39 *Tasmanian Research Association Papers and Proceedings* 34.

119 *Examiner*, 3 September 1861, letter by 'Spectator'.

120 HAJ, 1883, Vol 45, Paper 70, Royal Commission on Public Education in Tasmania and Neighbouring Colonies, p 46.

121 Breen S, "'Outdoor Poor Relief'...", note 2 above, p 46.

122 Daniels K, *Convict Women*, Allen and Unwin, 1998, p 41.

123 Petrow S, 'Tolerant Town, Model Force', note 10 above, p 257; Daniels K, 'Prostitution in Tasmania', note 3 above, p 50-4.

early 1877 a Ladies' Committee established an industrial school designed to save destitute and neglected, but not convicted or vagrant, girls under fourteen from prostitution and imprisonment and to train them to become 'respectable and useful members of society'.¹²⁴ The school became 'a home for the orphan' and 'a refuge' for girls who lacked 'proper parental supervision or restraint' and were 'in imminent danger of moral shipwreck'.¹²⁵ The inmates, who were required to leave after they turned eighteen, were trained in the 'habits of industry and virtue' to make them 'competent' domestic servants and 'eventually good wives and mothers'. They were taught reading, writing, and arithmetic, needlework, and Protestant principles. As in Hobart, the girls were paid small sums for their work. The matrons applied a 'judicious blending of kindness with firmness' characteristic of 'family life in a well-ordered home' and expected 'implicit obedience' from the girls.¹²⁶ Discipline was 'firm' but not unduly severe: 'misconduct, disobedience, or neglect of duty' could result in the short-term separation of the offender from the other girls. Town Missionary Marshall thought the school 'the very best substitute for a loving home and parents'.¹²⁷ The children obeyed the matron and her assistant 'from love, not fear' and showed 'love, tenderness, and consideration' for each other.

Much time was spent in selecting suitable girls. Two governors considered all cases, basing their decision on local knowledge and on reports from the Benevolent Society and the police.¹²⁸ As they had limited funds, the governors were 'cautious' in their decisions, 'lest the contamination of others instead of the reformation of the newcomers should take place'. Once the decision had been made and government aid was needed, the governors handed two magistrates a signed certificate that the school was willing to receive a girl for a certain period. The magistrates conducted their own investigations and, if they agreed, recommended to government

124 Archives Office of Tasmania (AOT), Colonial/Chief Secretary's Department (CSD) 10/49/1019, Browne to Colonial Secretary, 2 February 1877. *Cornwall Chronicle*, 4 May 1877. *Examiner*, 14 January 1881, letter by Charles Price; 10 February 1883.

125 HAJ, 1883, Vol 45, Paper 71, Annual Report for 1882 of the Launceston Girls' Industrial School, p 4.

126 JPPP, 1884, Vol 2, Paper 18, Annual Report for 1883 of the Launceston Girls' Industrial School, pp 3-4; JPPP, 1888-9, Vol. 14, Paper 14, Annual Report for 1887 of the Launceston Girls Industrial School, pp 3-4; JPPP, 1897, Session 2, Vol 37, Paper 21, First Annual Report of the Department for Neglected Children, p 12; AOTCSD 10/49/1019.

127 *Examiner*, 12 May 1885.

128 *Examiner*, 10 February 1883; JPPP, 1885, Vol 6, Paper 154, Administration of Charitable Grants: Report from the Select Committee, with Minutes of Proceedings and Evidence, p 18.

that the girl should be detained for a specific time and that the government pay a weekly amount of no more than five shillings for the girl's maintenance.

Although the system was free from abuse, in 1881 the Administrator of Charitable Relief, John O'Boyle, instructed the Launceston Police Magistrate to send all applications to his Hobart office for final decision. This antagonised the governors and prevented some needy girls from being inducted into the industrial school at their mother's request. In 1884 Bridget Whelan wrote of her 'anxious desire' to place her two daughters in the school and to pay for their maintenance.¹²⁹ The girls were 'quite beyond *my control*' and without the 'protection' of the school would be 'likely to go to ruin'. As the girls were baptised as Catholics and the school was nominally a Protestant body, O'Boyle, supported by the Chief Secretary, refused to let the governors admit them.

The governors willingly accepted girls like the Whelans, who were vulnerable to a life of prostitution or crime. Sometimes the Police Magistrate ordered a girl who had been charged with petty offences but not yet sentenced to be placed in the school and the governors were sympathetic.¹³⁰ The governors willingly accepted criminal girls under ten, but wanted older girls to be sent to the Girls' Training School in Hobart, as the industrial school lacked the accommodation to keep these girls separate for long periods, thus subjecting the other inmates to 'the risk of moral contamination'. The governors were opposed to the admission of girls steeped in immorality.

The managers thought that a 'permanent improvement in the characters and lives' of inmates depended on how they were 'personally influenced by the Christian teaching they received'.¹³¹ But contact with the world outside the institution was also deemed important. In 1888 an experiment was tried when nineteen of the younger children under fourteen were admitted to the Charles Street State School.¹³² Here they made 'more rapid progress' than in the industrial school. They mixed 'freely' with other children, '*class distinctions*' were broken down, and girls were raised 'out

129 AOTCSD 13/18/198, Whelan to Stanfield, 24 September 1884, emphasis in original; Stanfield to Chief Secretary, 25 September 1884; Chief Secretary to Stanfield, 14 October 1884.

130 JPPP, 1888, Vol 15, Paper 50, Royal Commission on Charitable Institutions: Report, xii, pp 67, 69.

131 JPPP, 1892, Vol 26, Paper 130, Annual Report for 1891 of the Launceston Girls' Industrial School, p 3.

132 JPPP, 1889, Vol 17, Paper 33, Annual Report for 1888 of the Launceston Girls' Industrial School, p 1, emphasis in original; *Examiner*, 6 July 1889.

of the category of *charity* children'. On leaving the industrial school, the girls were 'better prepared to resist temptations to evil'. But their generally irregular attendance of less than three days each week did not impress the Inspector of Schools, Gerard Bourdillon.¹³³ It appeared that the matron of the industrial school needed the older girls to help with household work and school attendance suffered. The government directed that the older girls should spend more time on education, and that, as sending the girls as free scholars to a State School was contrary to the *Industrial Schools Act 1867* and an extra expense, it should be discontinued. Although the governors protested, the decision was not changed and thereafter classes were held in the industrial school. The government also wanted more time spent on writing, spelling, and arithmetic than industrial training.¹³⁴

To 1891, an annual average of some twenty-three girls experienced institutional training and most were placed in domestic service, usually successfully.¹³⁵ Failure was explained in two ways. The governors did not expect all the girls to succeed because most had been 'surrounded from their earliest years by the most unfavourable circumstances' and in some cases it was impossible to eradicate these bad influences.¹³⁶ As one governor put it, it was 'a great blessing' that so many girls 'turned out so well, considering their early surroundings', although much turned on the selection of suitable candidates.¹³⁷ Some girls became insubordinate because mistresses did not know how to manage or supervise servants.¹³⁸ But generally insubordination was the exception rather than the rule in or out of the industrial school and most girls acted with propriety.¹³⁹

Despite the high praise usually given to the Girls' Industrial School, it was not free from criticism. According to the businessman Joseph E Clarke, the very few new girls accepted by the school each year was 'miserably inadequate' to cope with 'the little outcasts and forlorn ones

133 AOTCSD 16/35/672, Bourdillon to Minister for Education, 5 February 1889; minute by Bird, Fysh to Whitefoord, 27 March 1889; Price to Chief Secretary, 3 May 1889.

134 AOTCSD 16/35/672, Chief Secretary to Mosey, 14 March 1890.

135 The annual average number of girls in the industrial school to 1900 was 'about' 20, *Cyclopedia of Tasmania*, Maitland and Krone, 1900, Vol 2, p 48.

136 JPPP, 1887, Vol 11, Paper 12, Annual report for 1886 of the Launceston Girls' Industrial School, p 3; *Evening News*, 16 March 1894.

137 *Examiner*, 4 May 1887.

138 JPPP, 1890, Vol 21, Paper 80, Annual Report for 1889 of the Launceston Girls' Industrial School, p 3.

139 For examples of insubordination, see HAJ, 1880, Vol 38, Paper 15, Annual Report for 1879 of the Female Industrial School, Launceston, p 3; HAJ, 1883, Vol 45, Paper 71, Annual Report for 1882 of the Launceston Girls' Industrial School, p 3.

whom we should wish to see drafted into some manner of home'.¹⁴⁰ The school barely touched 'the fringe of our social requirements'. Clarke thought the girls stayed too long in the institution and should not be kept until they turned sixteen as was usually the case. One reason parents were reluctant to send their children to the school was 'the extreme period of their detention'. Parents felt the ties with their children would be broken. Long periods of detention also acted detrimentally on the girls. They became 'saturated with a system and rigid adherence to form and order', rendering them 'less able to meet the troubles and vexations of human life'.

Rather than produce 'thoroughly qualified domestics', they needed no more than 'an elementary education' to fit them for 'the humble work' they would obtain.¹⁴¹ The girls should be prepared for 'more juvenile labour' and be placed by the age of twelve as maids in 'humble homes of those who are unable to keep a full-fledged servant'. Their places at the school would then be filled by others. Calling the school 'a big washing factory', Clarke criticised the reliance on the girls earning money from washing clothes and other chores. This required the retention of older and stronger girls, who were suitable for outside employment. Clarke thought the refusal to place girls in the cities was wrongheaded. Closer supervision was possible there and 'the isolation of country life is frequently beset with dangers'.

Defenders of the school countered Clarke's ideas. Although Launceston contained many children who would benefit from industrial school training, very often the consent of parents was withheld and the governors had no legal power to compel the girls to enter the school.¹⁴² As the girls were from 'the *lowest* class', it was impossible to make them 'thoroughly qualified domestics', but they hoped largely to eradicate 'evil habits and tendencies' learned from their parents and associates by long detention. Sending the girls out as domestic slaves at twelve, as Clarke seemed to suggest, gave the school little chance to train the girls in moral behaviour and it would be difficult to find mistresses of humble means who could provide suitable training. Neither their limbs nor their characters were 'properly formed' at twelve. Some supporters did not want the school to grow too large and lose its 'family character'. Placements in the country presented the governors with a dilemma. They felt that temptations were less in rural areas because girls would not waste their earnings on clothes,

¹⁴⁰ *Examiner*, 28 June 1890; 12 July 1890, letters by Joseph E Clarke.

¹⁴¹ *Ibid.*

¹⁴² *Examiner*, 5 July 1890, letter by E Mosey, emphasis in original; 18 July 1890, 13 March 1895.

but realised that few girls settled down to 'country life' and needed closer supervision.¹⁴³ Despite these problems, the governors rightly believed that their work was of 'very great value to the community', made 'individual lives happier', and raised 'some in the social scale', who would otherwise become 'an expense and a burden in the State'.¹⁴⁴

A New Era: The Department of Neglected Children

Undoubtedly, the Girls' Industrial School did good work, but it dealt with only a small number of girls in need of support. During the depression of the 1890s concern about juveniles on the streets at night grew more shrill, with greater emphasis on the related evils of sexual danger and race deterioration.¹⁴⁵ In language redolent of the 1860s, the *Daily Telegraph* lamented that 'far too large a proportion of our young people are practically allowed to run wild':

'Girls much too young to know the danger they are running, young women almost out of their teens, lads and younger men of all ages, may be seen promenading up and down in twos and threes apparently with no aim or object but to attract the attention of the opposite sex'.¹⁴⁶

They were not confined to children of the lower classes, as sons and daughters of 'well-to-do people' and 'well-known citizens' indulged in equally culpable behaviour. Parents seemed to show a 'total lack of interest' in the whereabouts of their children and were too intent on pursuing their own 'pleasures'. In 1895 the *Telegraph* described 'scores of young girls, many of them mere children', soliciting in the main streets on Saturday and Sunday nights.¹⁴⁷ The records of philanthropic institutions showed 'the cost to the community of illegitimacy', while the records of the Police Court showed how many girls had their lives ruined by turning to prostitution.¹⁴⁸ The *Evening News* added to the growing panic by noting the emergence of 'gangs of badly-educated, ill-fed boys and girls',

143 JPPP, 1898, Vol 39, Paper 33, Department of Neglected Children: Second Annual Report, p 11.

144 JPPP, 1884, Vol 2, Paper 18, Annual Report for 1883 of the Launceston Girls' Industrial School, p 4.

145 These concerns were expressed elsewhere in Australia by Reiger K, *The Disenchantment of the Home: Modernising the Australian Family 1880-1940*, Oxford University Press, 1985; and in America by Odem M E, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920*, University of North Carolina Press, 1995.

146 *Daily Telegraph*, 25 March 1893.

147 *Daily Telegraph*, 4 September 1895.

148 *Daily Telegraph*, 27 February 1896.

who easily evaded the police at night and graduated into petty criminals.¹⁴⁹

Fearing that the race will ‘deteriorate’, the *Daily Telegraph* demanded that action ‘to rescue these young folk from the evil influences of the streets’.¹⁵⁰ Neither religious services nor indoor entertainments could compete with ‘the loving care and gentle training of a wise father and a godly mother’ or the training given in a well-run ragged school. These were old and not completely effective nostrums, but in the 1890s we start to discern an emphasis on more repressive methods. One sign was the proposal by the *Evening News* that magistrates be given discretion to order whipping in all cases involving juvenile offenders.¹⁵¹ Some favoured the enforcement of a 9 pm curfew for juveniles as practiced by a number of cities in North America.¹⁵² Another new development was the prominence of middle-class women, in alliance with clergymen, who demanded action against juvenile immorality and negligent parents.¹⁵³ The President of the Women’s Christian Temperance Union, Mrs Blair of Launceston, was alarmed by female juvenile depravity on city streets and wanted ‘power to remove ... poor waifs’ from their ‘vile home influence’.¹⁵⁴

Responding to the demands, the Braddon Government submitted two bills to Parliament. The Prevention of Cruelty to, and Better Protection of Children Bill 1895, based on English legislation, sought to punish anyone who permitted children under fifteen to roam the streets and restricted the employment of children under fifteen.¹⁵⁵ This was passed, but the Neglected Children Bill 1895, drawn largely from Victorian legislation, was more problematic. During debate in both Houses members asserted that the evils of juvenile immorality and neglect were exaggerated and did not justify excessive State interference with the privacy and liberty of the subject by taking children away from their parents for trivial causes.¹⁵⁶

149 *Evening News*, 19 February 1894; 20 June 1894.

150 *Daily Telegraph*, 25 March 1893; 15 July 1890.

151 *Evening News*, 14 June 1894.

152 *Daily Telegraph*, 18 November 1895.

153 *Daily Telegraph*, 13 September 1895; JPPP, 1895, Vol 32, p 117, for reference to a petition from Launceston clergymen supporting the Neglected Children Bill 1895.

154 AOT 337/5, Minutes of the Annual Convention of the Women’s Christian Temperance Union, 1896, pp 18-9; Pearce V, ‘“A Few Viragos on a Stump”: The Womanhood Suffrage Campaign in Tasmania, 1880-1920’ (1985) 32 *Tasmanian Historical Research Association Papers and Proceedings* 151, pp 157-8.

155 *Mercury*, 3 August 1895; 29 August 1895.

156 *Mercury*, 12 October 1895; 16 October 1895; *Examiner*, 17 October 1895.

The Legislative Council rejected the bill as poorly-drafted and 'grandmotherly' legislation.¹⁵⁷

In 1896, the Braddon Government's Youthful Offenders, Destitute and Neglected Children Bill consolidated six existing statutes and added new clauses, 'essentially humane in character', from New Zealand and Victorian legislation.¹⁵⁸ The State sought to protect itself against pauperism and incipient criminals by providing 'better machinery and powers to deal with neglected and destitute children' cheaply. It established, under the Administrator of Charitable Grants, a new Department of Neglected Children, which brought philanthropic institutions more tightly under State control. A neglected child was defined as one under the age of fifteen found wandering, soliciting, begging, or living with thieves, vagrants, prostitutes or drunkards, or under ten found working from May to August after 7 pm and in other months after 9 pm. Youthful offenders (boys under sixteen and girls under eighteen) could still be imprisoned for ten days before transfer to a reformatory, and children who were insubordinate or escaped from a training school could face a prison sentence. Similar offences by children in industrial schools could result in solitary confinement for two days on bread and water or transfer to a training school. Parents who 'wilfully' neglected their children were liable for six months' imprisonment, and if their child was made a ward of the State could be compelled to pay up to ten shillings weekly in maintenance. In effect, the State began to take over guardianship of children from incompetent or neglectful parents.

The Chief Secretary William Moore acknowledged the great difficulties 'always experienced' in checking juvenile 'vice and immorality' on the streets, but thought the proposed legislation would contribute to its 'repression'.¹⁵⁹ George Collins, who represented the Launceston electorate of Tamar, hoped the bill would 'place a check on parents, and make them take better care of their children'. Even the *Examiner*, which did not usually support the extension of State power, generally approved of the bill. Financially, the community benefited if children, who 'otherwise would drift into a life of indolence and crime', were 'properly brought up and taught to work, even though the State has to bear the expense'.¹⁶⁰

157 *Examiner*, 17 October 1895; *Daily Telegraph*, 13 May 1896.

158 *Daily Telegraph*, 28 July 1896; *Mercury*, 19 August 1896; 20 August 1896; 22 August 1896; 26 August 1896.

159 *Examiner*, 19 August 1896; *Daily Telegraph*, 19 August 1896.

160 *Examiner*, 31 July 1896.

But some provisions conferring coercive powers were deleted or amended in the Legislative Council. A prominent critic was Henry Rooke, member for North Esk and the Royal Commission on Charitable Institutions of 1888, who claimed the bill assumed that ‘any boy or girl found in the street at night is there for a wrongful purpose’ and could be arbitrarily arrested.¹⁶¹ Clauses giving the Minister power to place a destitute child in an institution without the permission of a justice, allowing a parent or guardian to hand over exclusive guardianship of a child to the managers of an institution, and giving police power to arrest without a warrant anyone who committed an offence listed in the bill were, among others, defeated in the Legislative Council.¹⁶² Thus pruned, the bill was pushed through the House of Assembly with little debate.¹⁶³

We have some evidence to suggest that, at least in the short-term, the *Youthful Offenders, Destitute and Neglected Children Act* 1896 was of little more than symbolic importance for Launceston. For the next two years the *Examiner* regularly lambasted officials for not enforcing the legislation in Launceston, leaving the streets in much the same condition as they had been before 1896.¹⁶⁴ But the fact remained that between 1897 and 1900 a mere eighteen children were sent direct to industrial schools by the courts compared with sixty-five sent direct to training schools and 213 committed to the care of the Department of Neglected Children.¹⁶⁵ The 1896 Act was therefore a major advance in State power and marked a new and potentially more repressive era in the attempt to control neglected and criminal juveniles in Tasmania.

Conclusion

In the 1860s moral reformers and philanthropists perceived that juvenile delinquency was on the rise and endangered their hopes of moulding a moral and industrious society. They considered ways of reforming juvenile delinquents and restoring them to society. Consequently, industrial schools and training schools were formed. The two types of institutions

161 *Mercury*, 19 August 1896; 20 August 1896; 22 August 1896; 26 August 1896.

162 *Ibid*; The words ‘immediately apprehended’ by a constable ‘without any warrant’ were deleted from clause 9, see *Bills. Session 1896*, no. 2, a volume held in the Tasmanian Parliamentary Library.

163 *Mercury*, 26, 30 September 1896.

164 *Examiner*, 27 May 1897; 20 September 1898; 25 November 1898. During the First World War, similar concerns about juveniles roaming the streets and committing larcenies were expressed, see JPPP, 1916-17, vol. 75, Paper 27, Annual Report of the Commissioner of Police to 30 June 1916, p 2 and JPPP, 1917, Vol 77, Paper 34, Annual Report of the Commissioner of Police to 30 June 1917, p 2.

165 Brown J, *Poverty is not a Crime*, note 16 above, p 165.

differed in the kind of juveniles they accepted. Industrial schools accepted neglected and destitute children and small numbers of offenders convicted for the first time for a trivial offence. Training schools received convicted juveniles who otherwise would have been imprisoned. Thus convicted juveniles were not allowed to contaminate non-offenders and were themselves saved from prison, where their criminality would have become ingrained.

The methods used to reform juveniles were essentially the same in industrial and training schools. They provided inmates with an elementary secular education, religious classes, and moral training. The habit of work was fostered by training boys in carpentry and agricultural duties, while girls were taught domestic duties and needlework.¹⁶⁶ Boys were apprenticed in rural areas and girls were placed in respectable homes as domestic servants where opportunities arose. Inmates were fed, clothed, and housed, and the staff tried to create a homely atmosphere. As all the institutions contained relatively small numbers of inmates, greater individual attention could be paid to each boy and girl than in one large institution, such as the Orphan School. In theory at least, the chances of gaining an understanding of the causes of an individual's delinquency and of applying the most effective ways to reform that individual's character were higher in small institutions.¹⁶⁷ Whether the staff members of the various institutions were adequately trained to develop such an understanding is unlikely. To their credit, we find no scandals of inmates being abused or harshly treated in Tasmania before 1896 and generally the staff members seem to have empathised with their charges. That approach can only have had beneficial results.

Notwithstanding the desire to make the institutions homely and the empathetic approach, it remains an open question whether institutionalisation was the best way to deal with juvenile delinquents. Juveniles were more likely to be influenced by day-to-day contact with their equally delinquent peers than to learn from the example set by well-intentioned managers. Institutionalisation created a stigma of inferiority that was hard to bear in the outside world and a sullen conformity to an imposed regime that might not have served the juveniles well after release. Some institutions realised this. The Launceston Girls' Industrial School noted the progress made by girls taught in a State School. Much depended on the drive of individual juveniles to want to reform themselves and to secure a niche in respectable society.

¹⁶⁶ Petrow S, 'Arabs, Boys, and Larrikins', note 2 above, p 55.

¹⁶⁷ *Daily Telegraph*, 28 September 1897.

If we accept at face value the claims of the managers, industrial schools and training schools were successful in their aims: the majority of their inmates had been reformed and after release were, in the vague phrases managers used, 'doing well' or 'giving satisfaction'.¹⁶⁸ That judgement needs a more rigorous investigation into the subsequent careers of juveniles than the surviving records will allow. Certainly, in the 1890s moral reformers and governments expressed doubts that the institutions had fulfilled their expectations. Withal, removing juveniles from bad influences (whether on the streets or in families), avoiding imprisonment, and attempting to provide juveniles with specialised treatment and training were positive steps, and in a small way helped reduce juvenile delinquency in Tasmania.

¹⁶⁸ Petrow S, 'Arabs, Boys, and Larrikins', note 2 above, p 56.