

Chapter 3: Who were the convict police and were they corrupt?

Of all the groups of convicts in the Campbell Town police district in the 1830s, the convict police were the most visible. They had a greater impact on their community than any other group of free or unfree workers but occupied an ambiguous place in colonial life. Dressed in their blue coats and drabs, handcuffs jingling from their belts with sometimes a musket slung over a shoulder, they rode out to the remote police outposts and farms, and tramped the roads delivering prisoners to Launceston or to a road gang. Some carried red truncheons inscribed with VDL in gold as they walked the village streets on watches.¹ Often they could be found at the local jail or watch house or attending the magistrate's court, busy with police duties. On a Sunday they sat in the front pews of the Anglican Church in Campbell Town with the police magistrate and his officers, their uniforms neat and clean, wearing their white gloves. This sight infuriated at least one local observer who described them as "dressed in the first fashion", a perfect example of "puppyism".²

Robson's study of a 5% sample of all transported convicts found that most of the male convicts were aged between twenty and twenty four years when landed, although English rural convicts were likely to be a little older, and at least half of the convicts were married.³ Two thirds of them were English and the remaining third, Irish.⁴ Convicts were predominantly urban with over half of them convicted in counties where there were industrial towns and a further 17% from London.⁵

Most contemporary observers believed that the majority of convicts came from a professional criminal class, although analysis of the indents strongly suggests that this was not the case. The majority of male convicts were convicted of relatively minor property crimes and just over 40% were transported for either their first or second conviction, although there are some doubts about the accuracy of the number

¹ Several such truncheons are in the collection of the Queen Victoria Museum and Art Gallery, Launceston.

² *Colonial Times*, 'Veritas', Letter to the editor, 11 August 1835, p. 254 and a letter from 'A Constant Reader' from Campbell Town, 10 November 1835.

³ Robson L.L., *The Convict Settlers of Australia*, Carlton, Victoria, Melbourne University Press, 1965, Table 4(g) Age, p.182 and Table 5(f), Marital Status, p. 191.

⁴ *Ibid*, Robson, Table 5(h), p. 191- Native Place.

⁵ *Ibid*, Table 4(d), Counties of Trial, p. 178.

of prior convictions recorded for each convict in both British and Van Diemen's Land records.⁶ Contemporary evidence from the London police estimated that thieves operated successfully for an average of six years before being caught and convicted, so many who were transported for their first conviction may have had a more extensive personal history of petty theft than their records reveal and may have started breaking the law as young as fourteen or fifteen years.⁷ Very few (3%) were transported for the more serious crimes of murder, assault, kidnapping or rape. A further 3% were military men convicted by courts martial for military offences.⁸ As subsequent historians have pointed out, however, it is easy to get misled by records of criminal activity and ignore other wider benefits that transportation brought to the Australian colonies.

In contrast with earlier historians, Nicholas *et al* saw the convicts as Australia's first working class migrants and part of the international movement of labour in the nineteenth century. As the contributors to *Convict Workers* pointed out British convicts were young and fit and possessed relatively high literacy rates and many had valuable trade skills. Ninety per cent of convicts were young men and this unique age/sex distribution contributed to the rapid economic growth of the Australian colonies before 1840.⁹ Although not all convicts could adapt to the tough conditions endured by workers in the early settlements, most found useful employment while under sentence, and when freed found ready work.

This chapter will examine a unique group of convict workers: the colonial police. It will look at the ways in which the convict police of the Campbell Town police district met or differed from the general profile of male convicts in Van Diemen's Land and examine how perceptions about their backgrounds helped influence

⁶ A.G.L. Shaw, *Convicts and Colonies, A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, London, Faber and Faber, 1965, p. 152 and Robson, *Convict Settlers*, Table 4(b) Male sample: Former Offences, p.176 and *Ibid*, Table 9 (e) Offences by Colony, p. 210.

⁷ Robson, *op cit.*, p.38

⁸ *Ibid*, Table 9(e) Offences, p. 179.

⁹ Stephen Nicholas (ed), *Convict Workers: reinterpreting Australia's past*, Cambridge, Cambridge University Press, 1988, p.200. For lists of work skills claimed by convicts in their indents see pp 222 – 224, Tables A17 "Armstrong Skill Classifications", and Table A18 "Nicholas-Shergold Skill Classifications".

contemporary opinion and helped fuel the increasing public campaign waged against the police establishment. Finally it will use the magistrates' bench book for 1835 to examine the charges and disciplinary actions brought against the district's convict police to investigate whether or not the general charges of corruption against police were warranted for this group of rural constables.

The Campbell Town magistrates' bench book for 1835, recorded the personal identifying data of name, ship and sentence length, for each convict who was charged and brought before the bench. Additional information was included about the convict's current employment, usually with the master's name or the gang name (e.g. Spring Hill road party) or government employment type (e.g. carpenter on loan from the government). The charge or charges were clearly set out, sometimes including information about the day, date, time, arresting person/officer and place of the alleged incident. If the prisoner pleaded guilty, there were generally no further notes, and the sentence was recorded. If the prisoner pleaded not guilty, or if there were significant issues about the case, the court clerk would write a summary of the case presented to the bench. The summaries varied in length from several lines to several pages in a quarto volume.¹⁰

The bench book records enable a working model of the convict police establishment in the Campbell Town district to be reconstructed for 1835. Around forty five men occupied positions under the leadership of the police magistrate in Campbell Town. His senior officers consisted of the chief district constable, who had operational responsibility for the district police, assisted by two district constables: one in Campbell town and one in Ross. A settler's son was appointed clerk to the magistrate, and a district surgeon was responsible for the health of the district's convict workers. An additional divisional constable was attached to the executive group. All were free arrivals as was generally the case for the senior officer positions in the rural police establishments. The police establishment consisted of three special constables, who probably also had duties as pound keepers, and between 28 and 32 field police or petty constables, some of whom had permanent duties as watch house keepers or javelin men at Campbell Town and Ross. Most of the constables were

¹⁰ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT.

convicts. Thomas Hughes, a married emancipist, was in charge of the Campbell Town jail and flagellators were located there and at Ross. The petty constables were rostered for general duties throughout the district. Due to the dismissal and suspension rate, at least forty one different men occupied the thirty two positions during 1835.¹¹

Campbell Town police had mostly been tried and sentenced in the area around London or the industrial counties of Northern England, as were the majority of transportees.¹² Seventeen of the 41 Campbell Town district police had been tried in the south eastern counties of Middlesex, London, Surrey, Kent and Sussex. The rest were scattered throughout the eastern and western rural counties. These were mostly industrial counties where the textile and cotton industries, and the mining, metallurgy and cutlery industries were established and included Gloucestershire, Warwickshire, Staffordshire, Lancashire, Yorkshire, Lincolnshire and Glamorgan. One was sentenced in Rutland. But although a number of Irish and Scottish counties were also listed in the top third of counties from which convicts were sentenced, no Campbell Town constables appeared to have been sentenced from either of these places. It is worth considering that the counties of trial were not necessarily the same as the counties in which the convicts had been born or always lived in, as the early nineteenth century workforce was relatively mobile and many working class men and women shifted round the country looking for work.¹³ Even so, Irish and Scottish recruits were absent from the local cohort of police. As well, the composition of local police differed substantially from New South Wales, where around 70% of the Sydney convict police were Irish, and in the rural areas where most police were

¹¹ Of the 44 constables who served in 1835, one was a free arrival, 38 can be positively identified as convicts in the convict records, and the remaining 5 men are only identified in the Benchbook by their family names, which is inconclusive in determining who they were- either as convict or free.

¹² Robson, *op cit.*, p. 178, Table 4(d) Robson lists the counties from which the highest number of men were transported in numerical order. The highest third of counties are listed here with the numbers of Campbell Town police convicted in these counties listed in brackets: London (5) and Middlesex (6), Lancashire (2), Dublin (0), Yorkshire (3), Warwickshire (3), Surrey (3), Gloucestershire (2), Kent (2), Cork (0), Overseas (1), Somerset (0), Staffordshire (1), Essex (0), Cheshire (0), Norfolk(0), Tipperary (0), Harts (0), Midlothian (0), Lanarkshire (0), Wiltshire(0), Limerick(0), Sussex (1), Worcestershire(0), Devon(0), Wales (1), Lincolnshire (2). A number of police, mostly early arrivals, did not have the county of trial listed on their records.

¹³ Stephen Nicholas, *Convict Workers*, p. 8. In their sample of 17000 convicts, Nicholas *et al* argue that 38% of British and Irish convicts had moved county prior to their transportation. 12% of Irish convicts had shifted to England prior to transportation.

recruited from amongst ticket of leave or freed men up to the 1840s as they were considered “more under control” than migrants.¹⁴ By contrast the police in the Campbell Town district included only four ticket of leave men and one free recruit in their ranks.

The majority of the Campbell Town police had either been brought up in rural towns or counties or had lived or worked in them prior to being transported, which gave them some affinity with the local rural community. Despite this, the irony of appointing convicted men as police was offensive to the community, even though there appeared few other alternatives. They were in fact the only mechanism for social control that the administration had, as both religion and deference had failed to create social order in the colony.¹⁵ The offences for which Campbell Town police were convicted did not differ from those which convicts as a whole were charged.¹⁶ Seven of the constables received 7 year sentences for stealing goods such as a roll of silk, linen sheets, 30 pieces of brass, a bed or stealing from the person. Those with 14 year sentences included some with convictions for housebreaking, uttering a forged note, stealing slates, and stealing two donkeys. The larger number of constables with life sentences included convictions for sheep and horse stealing (3 men), stealing a boat, stealing from the jail, stealing from the person or stealing wearing apparel (5 men), burglary or house breaking (7 men), highway robbery (2 men) and one for a military offence. No local constable had been sentenced for the crimes of assault, murder, kidnapping or rape. However, the fact that many had life sentences and their felonies included animal theft, house breaking and highway robbery may have influenced local people to doubt the wisdom of appointing prisoners convicted of serious felonies to the local police force, and fostered ongoing suspicions about the probity of their behavior as police.¹⁷

But there were also some differences between Robson’s general sample of male convicts and the small group of local convict police. Around 60% of the police had

¹⁴ Michael Sturma, *Vice in a vicious society*, pp. 163-164.

¹⁵ *Ibid*, p. 124, 163.

¹⁶ Robson, *op. cit.*, p. 34

¹⁷ CON 31, AOT. Individual conduct records (CON 31) were consulted for convictions. Early CON 31s did not always include a statement about the person’s conviction. Some CON 31 records were missing or damaged.

life sentences, while only 25% of the general sample did.¹⁸ There seemed to be a greater incentive for men with longer sentences to become police, perhaps hoping to reduce their sentence with good behavior or even a pardon if they caught a bushranger or committed some other act of outstanding service. Furthermore, only ten constables acknowledged they had been married in Britain but of these only four had their wives living with them in Campbell Town after they were appointed as police. Predominantly the local police were men with life sentences who were single or separated from their wives.¹⁹

Arthur liked to imply that there were specific and perhaps rigorous, selection procedures for convict police in Van Diemen's Land. He told the Molesworth Committee that they tried to select men with the "best character, active, intelligent" from every transport who "generally know the characters of the men who have accompanied them on the voyage." He also argued that a key attraction of the job was that their conditions were "undoubtedly better than others; if they do their duty well they are continually brought under the notice of the authorities." However, despite his optimism about the superior conditions of the job, he acknowledged that it became increasingly difficult to fill vacancies and so "some bad characters had to be appointed."²⁰ This was in part caused by the need to reappoint some convict police from the large numbers who had been charged with misdemeanors and had been sentenced to a road party. Although in the late 1820s, Josiah Spode, then assistant police magistrate, may have recruited convicts directly from the convict ships; by 1832 he believed this recruitment strategy had many defects.²¹ If the 1835 recruitment data in Table 3.1 is typical, it would appear that by the mid 1830s the practice of recruiting from amongst new arrivals had greatly reduced although Arthur claimed that the practice continued until he left the colony.²²

¹⁸ *Ibid*, Table 9(c) Period of Transportation, p. 209 and CON 31, Conduct Records, AOT. Of the Campbell Town police, 25 had life sentences, 8 had 14 years, 8 had 7 years.

¹⁹ Con 18, 23, 31. AOT.

²⁰ Great Britain, Parliament, House of Commons, Select Committee on Transportation, *Report from the Select Committee of the House of Commons on Transportation*, Sir William Molesworth, chairman of the committee, (Adelaide, Libraries Board of South Australia, 1967), Qu: 4443, Vol. 1, p. 302.

²¹ CSO 1/252/6040, Spode to Burnett, 21 February 1831, AOT.

²² Stefan Petrow, "Policing in a Penal Colony: Governor Arthur's Police System in Van Diemen 's Land, 1826-1836", *Law and History Review*, Summer 2000, Vol. 18, No.2, p. 371.

Table 3.1 (a): Selection criteria: All convict police appointments in Van Diemen's Land in 1835, by the year in which the convict first arrived in VDL.

YEAR Of Arrival In VDL	1835	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	1818	Total
TOTAL convicts appointed	6	14	42	24	22	22	15	8	13	1	2	3	1	5	1	4	1	3	187

Source: "Police Notices", *Hobart Town Gazette*, weekly, 1 January to 31 December 1835. Also CON 31 and CON 18, AOT, for individual men in Campbell Town police.

Table 3.1 (b): The years in which individual constables of the 1835 cohort of the Campbell Town police first arrived in Van Diemen's Land .

YEAR Of Arrival In VDL	1835	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	1818	Total
Number who arrived in VDL(year)	0	1	7	3	7	5	4	3	3	1	3	-	3	1	-	-	-	-	41

Source: "Police Notices", *Hobart Town Gazette*, weekly, 1 January to 31 December 1835. Also CON 31 and CON 18, AOT, for individual men in Campbell Town police.

In 1835, only six convicts were recruited in the entire colony directly from transport vessels and only a further thirteen were appointed within a year of arrival. Instead, there appeared to be a preference to appoint convicts who had between two and five years experience working in Van Diemen's Land. Table 3.1 shows that 125 of the 187 convicts, appointed to the position of constable in 1835, had arrived in the colony between 1829 and 1833. The largest group within this cohort was the 42 men, who had arrived in 1833.²³

A small number were reappointed having been previously dismissed from the police, some having served a sentence in a road party or chain gang. It is also likely that

²³ Table 4.1 does not include 18 additional convict appointments whose arrival date in VDL could not be matched with ATO records. It also does not include the additional 85 police appointments of men who arrived free in VDL or were freed in the month of their appointment. Of these, 35 were at the "constable" level, the rest were to higher level positions e.g. market constable, special constable, district constable or chief district constable. Data is limited about when most of these men arrived in the colony and what experience or skills they had. So 35 free men and 187 convicts were appointed as constables in 1835; an additional 50 free men were appointed to the higher positions of market constable, special constable, district constable or chief district constable. A small number of these higher appointments may have been emancipists.

many among the 35 constable appointments who were free men were emancipists; although it was impossible to identify time served recruits since the *Police Notices* did not record the ship and police numbers for freed men.

Of the twelve constables appointed to the Campbell Town police in 1835, none were recruited directly from a transport vessel. Eight had been assigned or had worked in government jobs since they had been landed.²⁴ Four were reappointed after serving in gangs for previously breaking police orders, others were old hands some having arrived as early as 1822 and as such, their collective knowledge of the convict colony was considerable. Within the force there were six men aged between 37 and 44 who had worked in a variety of locations on the island, both in assigned service and in some cases in road parties and penal stations like Maria Island.²⁵ Table 3.2 shows that the force also had a main spread of active men aged between 24 and 34 years, many with colonial experience in other assigned or government positions.

Table 3.2: Selection criteria: the ages of men in the Campbell Town convict police in 1835.

Age in 1835	21	23	24	25	26	27	28	29	30	32	33	34	37	38	39	41	42	44
Number of men in age group	1	1	3	1	5	3	1	3	2	1	2	3	1	1	1	1	1	1

Source: Con 18, Con 21, 22, 23. *Description Lists*, ATO. Note: Unable to determine age of 9 of the 41 men, ATO series incomplete or page damaged.

The oldest constables were Thomas Greenaway, a police clerk aged 44 years, who worked at the Campbell Town police office and Robert Fear, aged 41, a ticket of leave convict. He was appointed directly to Richard Willis's farm where there was a need for a constable to be stationed, because of the danger of bushrangers and absconders. There was also a pound at the farm, which he may have overseen. These

²⁴ *Government Gazettes*, Police Notices, 1 January 1835 to 31 December 1835, AOT. These were: John Beard, 1834, *Circassian*; William Eastwood, 278, *Royal George*; John Williams, 1677, *John 2*; William Drinkwater, 825, *Surrey 2*; John Atkinson, 488, *Elizabeth*; George Banning, 1448, *Clyde*; Robert Fear, 321, *Asia 2*; John [Pat] Flynn, 542, *K S Forbes*; William Morgan, 985, *K S Forbes*; Thomas Duxberry, 970, *William Metcalfe*; Charles Roberts, 763, *Lord Lyndoch*. One free arrival, Thomas Moore, was appointed.

²⁵ Philip Hilton, 'Spreadsheet of Military Convicts in Van Diemen's Land', University of Tasmania, 2005. Terence Macmanus had been made a constable at Maria Island after being sentenced there for attempting to shoot a man.

jobs and those of the watch house keepers would have been seen as less arduous than the escort duties, night patrols and monthly rosters to remote police offices that most constables were expected to perform.

As well as preferring to appoint active men in their mid twenties to mid thirties, tall men and former soldiers were also reputedly sought after as recruits for the convict police. Such men were seen as physically able to control convicts who could be drunk or fighting. While the average male convict was 5 foot 4 inches, almost one half of the Campbell Town police were taller than this, with at least ten of them either five feet eight inches or taller.²⁶ Three former soldiers were serving under the police magistrate in 1835. Terence Mcmanus was a constable who arrived in Van Diemen's Land in 1823 on the *Commodore Hayes*. He received a life sentence for deserting from the 4th or King's Own Regiment in the West Indies, where he cut off two fingers on his left hand, which made him unfit for further military service.²⁷ The other two had positions at the Campbell Town jail. Thomas Hughes, an older married emancipist, was in charge of the jail. He had had arrived on the *Medway* in 1825. His flagellator at the jail, Thomas Woodley, was also a former soldier who arrived in 1833 on the *Circassion*.²⁸

Because of the high turnover rate of convict police across the island, individual police offices were likely to experience disruption and difficulties in managing a constantly changing parade of constables. Men tended to try and stay to earn an early pardon or ticket of leave and those who survived the strict discipline without being dismissed, were lifers who became the longest serving constables. However most constables resigned when freed, which suggests that few convict police regarded policing as a permanent career. In the first six months of 1835, 43 constables across the island resigned when freed. By contrast only ten resigned when they received their tickets of leave perhaps because they had secured alternative employment or

²⁶ Stephen Nicholas & Peter Shergold, 'Convicts as Workers' in Stephan Nicholas (ed.), *Convict Workers*, Table 5.9 Height-by-age of Convict, Poor London & Factory Boys and Table 5.10, Height of Convicts by Date of Birth, Birthplace and Sex, Cambridge, Cambridge University Press, 1988, pp. 80-81. Also, Con 18 and Con 21, 22, 23, Description Lists of convicts, AOT.

²⁷ Philip Hilton, 'Database of Military Convicts in Van Diemen's Land'. University of Tasmania, 2005.

²⁸ *Ibid.*

had a trade, which could earn them better remuneration than policing. If so, this is in line with the way that working-class British men sought employment with the Metropolitan Police. They joined during hard times but resigned to take up other employment when it became available. Some British occupation groups such as agricultural labourers and gardeners tended to stay the longest, as policing offered them better conditions and was preferable to their former employment or to Poor Law relief.²⁹

It appears that convict police in Van Diemen's Land exercised a similar strategy of rational selection about remaining as constables, as did their peers in the Metropolitan Police in Britain. Those who were not dismissed had to weigh the alternative forms of employment available to them, both while they were still serving convicts, and after they had a choice of other employment through a ticket of leave or freedom. Constables could manipulate the dismissal system, if they wished to, as easily as assigned convicts could attempt to change their master by being put on a charge and returned to the Crown. As such, convict constables had considerable agency in choosing to leave the job, or stay till a time most suitable to themselves. In Van Diemen's Land in 1835, 125 men were dismissed from a total police establishment of 291 field police and constables.³⁰ The high dismissal rate amongst convict constables may have not only been a product of the strict discipline under which they worked, but may have also reflected the deliberate flouting of rules as a strategy to exit an unpopular job.

The high rate of appointments, dismissals and suspensions across the island was reflected in the Campbell Town district. Table 3.3 shows that there was a net loss of seventeen police during the year with at least twelve new appointment and four resumptions.

²⁹ Haia Shpayer-Makov, 'The Making of a Police Labour Force', *Journal of Social History*, Vol.24, No.1, (1990), p. 128.

³⁰ *Government Gazettes*, Police Notices, op. cit., 1835, AOT and *Hobart Town Almanack and Van Diemen's Land Annual*, James Ross Printer, Hobart Town, VDL, 1835, pp. 50-51.

Table 3.3: High turnover rate of convict constables in the Campbell Town district force in 1835.

New appointments	Suspended and sentenced to road party for dereliction of duty	Resumption of police duties after sentence to road party completed.	Dismissed sentenced to road party	Resigned	Total number of field police & constable positions
12	9	4	6	2	36

Source: LC83/1, Return of Cases Heard, Magistrates Court, Campbell Town, 1835, AOT.

Only twelve of the constables, who could be clearly identified, worked for the whole year without a break in service. Whether Campbell Town had an unusually high turnover of staff cannot be determined until staffing turnover in other rural police establishments is examined. It would certainly be difficult to manage a turnover of one third of the complement, especially during 1835 when three different men occupied the position of chief constable. It would have been a significant task for a local police office to absorb and train twelve new recruits in one year in an active contingent of just 36 men.³¹

While physical characteristics were important for a physically demanding job, Nicholas *et al.* has emphasized the importance of convicts' trades and their contribution to the prosperity of the colony. Over 95% of them had an occupational status recorded on their indents, some with more than two occupational skills.³² Nicholas found that the trades or skills represented a cross section of the British working class from both rural and urban areas and in addition they had high rates of literacy. Up to 75% could either read or write, while up to 46% could do both.³³ Only one convict policeman signed the Campbell Town bench book with a cross after giving evidence. Table 3.4 lists the sixteen constables who also had job or trade skills that could be desirable for a self sufficient police establishment in a rural area.

³¹ Ross, *Almanack*, 1836, p. 28. The complement of 36 positions consisted of 3 special constables (mounted) and 32 field police in 1835.

³² Nicholas, *Convict Workers*, pp. 65, 67, 82.

³³ *Ibid*, pp. 75, 82.

Table 3.4: Trades of Campbell Town Police- 1835.

Former trade	Constables
Blacksmith	Chas. Dewhirst
Brass founder	Isaac Bowater
Painter & glazier	Chas. Christmas
Tiler and riveter	Robert Fear
Clerk	Thos. Greenaway
Miller & baker	John Smith (also javelin man)
Kitchen gardener	Thos Duxberry
Kitchen gardener	John Duxberry
Kitchen gardener	John Flynn
Kitchen gardener	Michael Beard
Shoemaker	John Atkinson
Groom	Richard Kirby
Groom & horseman	John Bowtell
Horse & cattle management & ploughman	Will Dixon
Ditto- ploughman	Will Drinkwater
Ditto- ploughman	Will Edmonds

Source: Con 18 and Con 21, 22, 23, *Description Lists* of convicts, AOT.

The special constables were mounted but the other constables also needed to have this skill to be able to cover the distances required to deliver orders to distant outposts like Fingal, Avoca or the Lake River.³⁴ It added to the unit's self sufficiency to have metal workers like a blacksmith and brass founder available for horse and harness work, as well as men such as grooms and ploughmen, who were used to stabling and working with horses or cattle and could manage the pounds or supervise the government bullock carts and teach handling skills to other police.³⁵ A convict clerk was needed to assist the paid clerk George Emmett, especially with the large number of reports and compilations that had to be sent to Hobart weekly and the documents issued to convicts. Greenaway attended to a number of significant clerical tasks, including signing the pay orders for the policemen.³⁶ The kitchen gardeners very likely produced much of the produce needed for the police barracks and jail, as well as tending the magistrate's garden. One letter writer complained about the use

³⁴ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT, Trial of John Johnson, 12 January 1835, AOT. Johnson was ordered to ride to Fingal over the weekend and deliver a packet containing pay abstracts and a cheque for the post master.

³⁵ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT, Trials of Richard Cloak & Isaac Bowater, 4 April 1835, AOT. These two police were in charge of a team of bullocks and horses and a group of convicts moving up the main road to join a convict road party, when they camped on Capt Wood's property for the night without first seeking his permission. A letter to the *Colonial Times* from "Veritas" on 11 August 1835 alleged that two police in charge of the pound kept a butcher shop and one rode about buying cattle.

³⁶ *Colonial Times*, Letter to editor from "Zetis", 25 August 1835, p. 270 identified convict policeman T.G. Greenaway as the clerk who signed the police pay orders in the Campbell Town office.

of constables for this purpose.³⁷ Likewise Smith, the miller/baker could have been employed in supervising the bakery for the barracks and jail.³⁸ The need for a shoemaker for the unit is self evident.

With the continued expansion of buildings on the government compound in Campbell Town, it would be surprising if Christmas, the painter and glazier, didn't spend part of his hours at his trade. With the exception of Smith, the other constables with skills could be out posted if needed both for regular police work, and to assist with their special skills. The work of a rural police unit consisted of much more than just street patrols and watching the highways for absconding convicts. It functioned in some ways like any large residential closed community: the jails, hospital wards, barracks, watch houses and police huts had to be serviced with food, clothing and other necessities; animals moved or housed and cared for; workshops were needed to service carts, make and store building supplies and secure tools; stores had to be ordered and distributed; and accounts be managed. Three others ran their own small businesses, in partnership with wives, while still serving as police. Charles Englebert and Robert Inglebert were brothers who managed the Campbell Town pound and also ran their own butcher shop with the help of Ann, Robert's wife.³⁹ Another married constable, John Duxberry, lived in his own dwelling and took in boarders, including the local school teacher.⁴⁰ The skills range of the convict police in Campbell Town in 1835 appeared to be varied and met many of the complex needs of a rural police district.

³⁷ *Colonial Times*, Letter to editor from "A Constant Reader", 15 September, 1835, claimed the police magistrate kept six to seven constables busy engaged in his private service and in 9 September edition clarified that constables were working as carpenters, gardeners etc instead of attending to their work. This member of the public did not accept that constables may have other duties in helping run the police establishment or participate in the building program on the government buildings. The public perception of some was that this was not part of their duties.

³⁸ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT, Trial of John Smith, 9 July 1835, AOT. Smith the baker and javelin man had access to the jail food supplies and twice paid a convict in tea and sugar for a previous debt he owed.

³⁹ The brothers spelt their family name differently, a case perhaps, of a clerk's mistake on an indent that became reality for the two men.

⁴⁰ LC 75/1, Court of Requests Benchbook, 1835, ATO. Charles Englebert and Robert Inglebert, (different family name spellings on their convict records) were brothers. The Court of Requests records indicate that the three Ingleberts and Duxberry took creditors to court to obtain money owing to them in 1835.

The complementary range of skills, spread of ages, and experience of the police was clearly not the product of the haphazard hiring of applicants by the administration in Hobart. All police magistrates had the opportunity to review potential police appointments and recommend whether or not the men should be appointed to their office. It is known that police magistrates made recommendations to Hobart for appointments to all government positions in their districts, including police. For example, Frederick Forth rejected the reinstatement of a former constable when asked for his recommendation by the chief police magistrate.⁴¹ Potential local recruits would be well known to local justices of the peace in any rural district.⁴² From this perspective, a whole range of criteria may have been taken into account including steady behavior, the ability to command men, former trade experience, and knowledge of the colony or particular cohorts of convict arrivals, in addition to the height and age criteria. By recommending particular local recruits and rejecting the appointment of any they considered unsuitable, police magistrates may have had some influence over the composition of the establishment under their control, even though most appointments may have been made in Hobart with minimal consultation with the local police office.

It is not surprising that settlers were uneasy and sometimes hostile about the use of convicts as police considering that their original convictions in Britain and their reported suspensions from police work were well known through gossip and newspaper reports. The *Cornwall Chronicle* at first supported the convict police and assigned blame for their inefficiency and petty corruption to the administration in Hobart. It was particularly scathing about the low wages and poor conditions which contrasted unfavorably with those that private masters provided for their assigned servants.⁴³ The newspaper offered constructive suggestions about how police standing orders could be improved to reduce vexatious arrests for drunkenness and

⁴¹POL 35, Campbell Town, Miscellaneous papers, AOT. See correspondence dated 11 February 1839 from Josiah Spode, Chief Police Magistrate to Frederick Forth, police magistrate at Campbell Town and Forth's reply dated 25 March 1839.

⁴² Con 31, John Duxberry, 930, *Marmion*, ATO. Duxberry, had been assigned to a local store keeper, George Emmett, for several years before being appointed a constable at Campbell Town.

⁴³ *Cornwall Chronicle*, 28 February 1835, Editorial. Editor took up the cause of convict police complaints of having to pay 3d a night to lodge in the police barracks on "a miserable straw bed" and their poor rates of pay. See Stephan Petrow, 'Policing in a Penal Colony', p. 369. At 2 shillings a day, VDL police were the lowest paid in the colonies. This was further reduced to 1/9 per day in 1832, while in NSW, Sydney police were paid 3/9 per day, and rural police paid 2/9 per day.

bad language. In particular it suggested that witnesses, other than the arresting police officer, should be required in court and that greater authority should be provided to the officer in charge at the watch house, when men were brought in and charged. These changes could reduce the allegations that police frequently made false arrests to increase their incomes by obtaining a portion of the resulting fines.⁴⁴

Colonial newspapers reported many claims of assault, bribery, false arrest, corruption, and unwarranted surveillance mostly perpetrated by individual police against ticket of leave men and emancipists.⁴⁵ By mid 1835 two new themes had emerged in the reporting of police behavior. Clashes between the convict police and the free working class emigrants, who were not easily distinguished by dress or manners from working class prisoners or emancipists, were said to be on the rise. In addition there was general outrage when respectable middle class settlers were rounded up by police for transgressing against the new Town Planning Acts or the unpopular Dog Act and Impounding Act. The two issues united both middle class and working class letter writers. Sturma saw this as part of a competitive struggle between the colonial middle and working classes to define themselves separately from convicts and lay claims to their own class concepts of respectability.⁴⁶

Although newspapers complained about attempted false arrests by police, some incidents they described showed that the system recognized the problem and punished police for unlawful behavior or made restitution. A young free emigrant woman was arrested by a “drunken” constable in Launceston, despite witnesses telling him she was a free woman. She was rescued from the constable by a baker who took her into his shop. The constable was charged and sentenced to a road party for twelve months.⁴⁷ A letter writer reported a case from Campbell Town of a constable who removed a traveler from the bedroom of a local inn on the pretext that he was drunk and disorderly, when in fact he was asleep. The man was kept over the weekend in the local jail and illegally charged three shillings for his board by the jailer. When he was brought before a magistrate on the following Monday the case

⁴⁴ *Cornwall Chronicle*, 21 June 1835, p. 3. Also see 11 April and 18 April, p. 4.

⁴⁵ Stephan Petrow, ‘Policing in a Penal Colony’, pp. 378 – 386. See Petrow for an extensive list of the types of complaints against police that were reported in newspapers between 1834 and 1836.

⁴⁶ Michael Sturma, *Vice in a Vicious Society*, p. 6.

⁴⁷ *Cornwall Chronicle*, 10 October 1835, p. 3.

was dismissed. Later it was reported that the police magistrate wrote to Hobart to have the money refunded to the traveler.⁴⁸

The *Colonial Times* claimed it did not object to well behaved prisoners being made police, but argued that twice convicted felons should not be appointed:

It is shameful as respects the prisoner population, it is bringing men who have been unfortunate, into collision with the Colonists, by which feelings and antipathies of the most unpleasant and injurious are called into operation, and besides look at the number of well behaved men, who have by good conduct obtained their indulgences – and are such not more fitting to be appointed peace officers, than twice convicted felons?⁴⁹

Newspapers sometimes failed to acknowledge the responsibilities of citizens to comply with the unpopular acts. The *Colonial Times* complained about a free man who was charged with assaulting a constable when he struggled with the constable to try and release his dog and the constable hit him with his baton. What the paper failed to point out was that the man should not have allowed his dog to be loose in the first place.⁵⁰ Another paper complained about the arrest of a pie seller who illegally sold a half pint of gin from under his cart and was prosecuted under the Licensing Act, hardly a victim of two constables trying to entrap him.⁵¹

In other reported incidents it appeared that some citizens were sharp enough to deflect foolish attempts by convict police to ensnare them. One newspaper recorded the scarcely believable incident of a policeman attempting to charge a publican with infringing the Cart Act, which required all commercial carts be registered and have their registration number clearly painted on their sides. When the publican accompanied the constable into the inn yard to inspect the offending cart, he

⁴⁸ *Colonial Times*, June 17, 1834, p. 158, Letter from ‘Campbelltonian’. A follow up letter appeared shortly after in the same paper from ‘Zetis’ informing readers that the Chief Magistrate had written to the Police Magistrate about the matter, the money had been refunded to the man and the police were no longer picking people up from pubs.

⁴⁹ *Colonial Times*, 15 September 1835, p. 292

⁵⁰ *Colonial Times*, 11 August 1835, p. 255

⁵¹ *Colonial Times*, 8 September 1835, p. 284

immediately noticed that the cart number had been obscured by freshly applied black paint.⁵²

The *Colonial Times* complained about a man being fined twenty shillings for putting rubbish out on the road in Macquarie Street, Hobart. He pleaded that he had intended to remove it later in his cart. His arrest was the result of a complaint from the Surveyor's Office and not initiated by a constable.⁵³ The middle class acted as "moral entrepreneurs" shaping the concept of respectability to conform to their values and expressing outrage when charges were made against them.⁵⁴ While they did not quibble about those of low rank being issued with a summons and taken in front of a magistrate, but they thought it unacceptable for "a respectable well dressed person" to be marched "through the streets with prisoners in irons." For them a police summons was a "painful ordeal" and a "humiliating interrogation from the magistrate" was unnecessary. Rather than have the issue decided by the magistrate, the *Hobart Town Courier* opined that somehow the "knowingly culpable and the unintentionally negligent" should be treated differently, although how the offenders could be easily differentiated by police without creating more problems of alleged corruption was not suggested.⁵⁵

Undoubtedly there were convict police, who made false arrests, attempted to bribe citizens and were drunk on duty. However, the increased reporting of questionable incidents of police corruption in the mid 1830s was also influenced by political factors.⁵⁶ In mid 1835, Van Diemen's Land became fully responsible for paying for the high cost of the police system, over £100,000 per year, out of colonial revenue. There was substantial popular opposition to this as the large numbers of police were needed to enforce the convict system, and many argued this was reason enough for Britain to continue to pay for this service. Settlers also argued that the failures of the

⁵² *Cornwall Chronicle*, 28 August 1835, p. 2

⁵³ *Colonial Times*, June 17, 1834, p. 192

⁵⁴ Sturma, *Vice in a Vicious Society*, p. 6.

⁵⁵ Petrow, 'Policing in a Penal Colony', p. 385. Reports of middle class complaints about being accountable to the local town ordinances as reported in the *Hobart Town Courier*, *Launceston Advertiser* and *Cornwall Chronicle*. By and large these papers supported the complainants.

⁵⁶ Petrow, *Policing in a Penal Colony*, p. 387.

police system to deliver an adequate service, due to the use of convict police, was another reason for them to reject having to pay for police services.⁵⁷

But although newspapers could be overly strident in reporting a case, they saw themselves as watchdogs for the public good and were the only form of effective public dissent available in Van Diemen's Land in the absence of an independent Legislative Council.⁵⁸ Reporting incidents of alleged police abuse sent strong messages to the administration in Hobart and to local magistrates informing them that they were being watched and needed to keep strong control over the police. Some papers also published articles suggesting reasonable changes to improve unpopular acts or administrative procedures and provided a genuine public forum to explore reform agenda issues that more liberal settlers of all social levels were keen to see introduced.

On a wider political level, an attack on the police was one way of attacking the administration of Arthur which became increasingly unpopular towards the end of his second term, largely the result of his refusal to support the introduction of liberal reforms such as trial by jury and a more representative Legislative Council. Arthur argued that his police force was instrumental in keeping Van Diemen's Land a safer place with less crime than Dublin.⁵⁹ By reporting the failures of some police, newspapers sent a strong political message to the Colonial Office that Arthur's administration was flawed and change was needed.

⁵⁷ *Cornwall Chronicle*, Leader article on p.1, Editor complained of colonists being asked to raise an extra £20,000 to maintain the police and civil establishment. Editor objected but expected this will be the first of many such demands and "likely to be enforced by the bayonette". In a previous leader on 9 May 1835, the editor had opined that "cheap government is consistent with good government" and comparing Tasmania with one of the West Indian colonies, where he argued that there it cost £200,000 to administer for 2 million people, while in Tasmania it cost £100,000 for administration costs for 12,000 convicts.

⁵⁸ John West, *History of Tasmania*, (first published 1852), Adelaide, Libraries Board of South Australia, 1966, Vol.1, pp. 174-177. West described the "extravagant excesses" of the Tasmanian press between 1831 and 1836. He argued that there was not much to write about and so squabbles and quarrels were transformed into news which set a strident tone in the press. The free press was the only source of real criticism against the administration. The circulation of and numbers of papers increased due to the improved postal service so that all classes could participate through comments and letters to papers and be involved in the political debates. West failed to see that the virulence of the press could also be the only opportunity for emancipists to express their anger and desire for change, having experienced aspects of the transportation system that they considered unjust.

⁵⁹ Arthur, George, Colonel, *Defense of Transportation in reply to the remarks of the Archbishop of Dublin in his second letter to Earl Grey*, London, George Cowie and Co., 1835, p. 94.

More commercial and personal motives also existed. Reports of law enforcers breaking the law were popular amongst all classes of readers. They played on the insecurities of many and the genuine fears that personal liberty and rights were at risk. Such stories helped sell papers.⁶⁰ Some periodicals, such as Henry Melville's *Colonial Times* also had personal axes to grind. Melville was a strong supporter of the introduction of liberal reforms but Melville's opposition to the administration had included increasingly intemperate prose and strong personal condemnation of the governor's policies.⁶¹ He had been jailed for a short time after he had been convicted of contempt of court for material he had published about the Bryan case, a watershed judgment that highlighted the deficiencies of the justice system in Van Diemen's Land.

Robert Bryan, the nephew of a settler of considerable wealth, was charged with cattle stealing and sentenced to death, primarily on the evidence of three convict constables. The constables testified that they witnessed the accused driving a small herd of cattle into his uncle's stockyards, several of which were clearly marked with his neighbors' brands. It was alleged that one of the beasts was killed for meat. Although the constables did not see the animal being slaughtered, they argued that a branded hide was found near the yards. The middle class rejected evidence where convict police were the only witnesses. They wanted trial by a jury of citizens to be introduced, who could judge the potential degree of honesty of the witnesses and the strength of the evidence.⁶²

⁶⁰ West, *History of Tasmania*, pp. 175-176.

⁶¹ *Australian Joint Copying Project*, Reel PRO 267, 280/64, p.3, 1 January 1836, for Gov Arthur's position about the case against Bryan; and for Melville's position see Melville Henry, *The History of Van Diemen's Land*, Mackaness edition, Part 3, pp. 49 – 53. See *Australian Dictionary of Biography*, op. cit. Vol.1, p. 173 for a brief biography of the Bryans.

⁶² *Australian Dictionary of Biography*, Vol.2, pp. 221-222. Melville was jailed briefly in late 1835 by Governor Arthur for contempt of court in the case of Robert Bryan, one of the two serious cases of possible police corruption in that year. Middle class fears were well placed in regard to this case. Arthur let it be known he considered William Bryan as guilty as his nephew and alleged, on the evidence of assigned convicts, that both men had been rustling cattle for years, an assertion that was never really tested at trial. Never the less Arthur removed all of William Bryan's assigned convicts, causing him large losses and eventually resulting in William Bryan selling up his extensive land holdings in Van Diemen's Land. The convicted nephew had his death sentence commuted and served six years at the Port Arthur prison camp.

Police magistrates and district chief constables had the difficult task of making their local constables effective workers in the face of the increasing clamor against the police, some of it justified, some of it exaggerated or spiteful gossip, and some of it politically motivated by the supporters of reforms. In the Campbell Town police district an examination of the magistrates' bench book for the year provides a list of all charges that were brought against the local police either by their senior officers or by settlers. Twenty two of the local police had no charges brought against them in 1835, while the rest had to answer between one and five charges, a total for the year of around 50 court appearances.⁶³ The charges were mostly for minor offences, often work-related disciplinary issues and drinking. Table 3.5 shows that around 31 police were charged with these types of offences that resulted in admonishment or a fine.

Table 3.5: Number of Charges made against Campbell town police in 1835 by sentence.

Admonished or charge dismissed	Fined between 5/- and 40/-	Solitary cell	Suspension, dismissal, & sentenced to road party or chain gang	Referred Quarter sessions	Total charges for 1835 against Campbell town Police.
14	17	2	15	2	50

Source: LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT.

However, fifteen police were found guilty of taking a bribe, assault, false arrest or corruption. Most of those who were found guilty and punished with suspension or dismissal had also been drinking at the time the offence took place, which may explain their lapse of judgment and was probably a key factor in the magistrate's decision to apply a harsher sentence. All these police were sentenced to a period of time in a road party or chain gang. All sentences, including reprimands and fines were recorded against them on their conduct records.⁶⁴ Generally, convicts who served as Campbell Town constables had more reports against them entered on their conduct records during the periods they worked as constables than when they worked as assigned workers for settlers. This can probably be explained by the stricter

⁶³ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT.

⁶⁴ Conduct Records, sometimes called The Black Books, are available for all constables, who can be clearly identified by their ship or police number in the Magistrate's Benchbook. These are the CON 31 records at the AOT. Seven constables from the cohort of 49 who served in the district in 1835 could not be clearly identified, but they had no charges brought against them that year.

standards of discipline imposed on police than for assigned servants and the difficulties of the tasks the police performed.

However, other more uniquely colonial responses were emerging amongst the colonial police, as well as within the general society. Increasing levels of assertiveness were emerging in the colonies, particularly amongst the freed working class, but also amongst convicts. McKenzie argues that colonial culture in the Cape and Australian colonies was changed by the social and economic ambitions of colonists from all classes which worked to transform former boundaries of social status and civil liberties.⁶⁵ Even within the highly disciplined ranks of the convict police a new assertiveness started to appear, which sometimes resulted in constables refusing an order. The personal confidence of some of the police, bolstered by the responsibilities of their work, sometimes clashed with their officers' demands for complete obedience and deference. Thomas Moore, a free constable, pleaded not guilty to the charge of neglecting his duty and misconduct when his commanding officer ordered him to return to duty at a remote and unpopular police outpost. As his superior put it:

On Friday morning about 10 o'clock when Thomas Moore signed the abstracts for his pay, I ordered him to return to his station. He said he could not agree with Mr Gatenby and wished his station to be changed. I told him that it would be absolutely three weeks before the changes of the constables took place and to return to his station. He did not return. About one o'clock on Friday I saw him coming out of Mr Broad's (pub) staggering drunk. I ordered Constable Drinkwater to put him in jail.⁶⁶

Moore was fined five shillings for this offence.

William Fogherty, a former labourer aged 25, attempted to reason with District Constable Freestun in Ross when he needed to return to Campbell Town to start his evening shift of night duty. Freestun explained:

⁶⁵ Kirsten Mckenzie, *Scandal in the Colonies*, Carlton, Melbourne University Press, 2004, pp. 4-5.

⁶⁶ LC 83/1 *Return of cases Heard, Magistrates Court*, Campbell Town, AOT, trial of Thomas Moore, 5 June 1835.

Yesterday Fogherly asked me if I had any prisoners to go up, I told him I had none and that he was not to leave the station as the judge's luggage was in a house at Ross and had to go forward under his charge. He said he had night duty to do at Campbell Town and would go on. I told him on his peril not to leave his station without any orders. He was very abusive in his language and insolent in his manners. He refused to be controlled by me.

Fogherly was fined forty shillings.⁶⁷

John Johnson, an older convict, defied his commanding officer by failing to leave for Fingal one Saturday afternoon to deliver a package to the post master. Later that afternoon the officer found him drinking in a pub and was astonished to hear Johnson argue that “if he was back on Monday morning in time enough, could he not use his own discretion as to the time of starting.”⁶⁸

In some respects, the attempts of the local police hierarchy to retain absolute control over their men and reject negotiating even reasonable changes with assertive constables was symptomatic of the difficulty the wider convict system had in controlling emerging new social responses against its more repressive demands. By the mid 1830s many sectors of Van Diemen's Land Society of all classes were aware of social and political reforms taking place in Britain and were clamoring for changes such as trial by a jury of citizens which the administration delayed as unsuitable for a penal colony. Assertiveness appeared to be growing in small ways throughout the convict classes in assigned service and gangs as well as within a rural hierarchical police force as a few police started to reject the level of strict control imposed upon them. Tilly saw such responses as a repertoire of small social actions that collectively signaled to an administration that the pressure for change was building.⁶⁹ McKenzie saw colonial culture releasing people from the traditional restrictions of their former culture and encouraging their hopes of gaining greater control and success in their

⁶⁷ LC 83/1 Return of cases Heard, Magistrate's Court, Campbell Town, AOT, trial of William Fogherly, 25 March 1835.

⁶⁸ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT, Trial of John Johnson, 12 January 1835, AOT. Johnson was charged and received 9 months in a road party for this act of insubordination.

⁶⁹ Tilly Charles, 'Contentious Repertoires in Great Britain, 1758 – 1834', *Social Science History*, 17:2 Summer 1993, pp. 254-280.

lives.⁷⁰ Additionally, Reid noticed changes in the behavior of female convicts that was not open rebellion, but a more subtle expression of personal rights.⁷¹ Each of these historians was trying to document some of the minute ground shifts of social change enacted in the lives of the participants.

This said, alcohol played a substantial role in many of the charges brought against constables and affected the severity of the punishments they received. Although they were supervised closely in their barracks, some took other opportunities to get drunk when they were away from Campbell Town or Ross. William Fogerty was charged with riotous conduct at Gibson's inn at Epping Forest when he got drunk and threatened to shoot the groom.⁷² While he was ganged for three months for this offence, most convict police were initially only reprimanded or fined. Only ten constables from Campbell Town were charged with being drunk and disorderly in 1835. This is an indication that drinking in pubs was reasonably tightly controlled in this police district and the police mostly stayed out of pubs in their leisure time, except for extraordinary occasions, such as when a fellow constable had been found guilty of a charge and sentenced to a road party.⁷³ Letter writers frequently complained about drunken convict police, but it was also a major issue in the ranks of the police in Britain too, where four out of five dismissals at this time were due to drinking offences.⁷⁴ Drinking seemed to be predominantly a working class issue, rather than a specific convict or police issue.

Some police made a habit of drinking in inns on the road while escorting prisoners when they were out of the immediate control of their officers. In the Spring of 1835 John Poole, a notorious absconder, escaped three times from local police custody while being escorted from Campbell Town to Launceston jail to stand trial, and

⁷⁰ Kirsten Mckenzie, *Scandal in the Colonies*, pp. 4-5.

⁷¹ Kirsty Reid, *Symposium: Eighteenth Century Britain in the Antipodes*, University of Tasmania, 8 April 2000.

⁷² LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT, Trial of William Fogerty, 1 September 1835. Fogerty was sentenced to 3 months hard labour in a gang.

⁷³ LC 83/1, Return of Cases Heard, Magistrate's Court, Campbell Town, 1835, AOT. 12 January 1835 John Johnson fined for D&D when Collins sentenced to road party. 4 April 1835, Thomas Woodley fined for D&D when Isacc Bowater was convicted and sentenced to a road party. Thomas Moore and William Dixon also fined for D&D on 6 April after Clarke & Kirby were sentenced to road party.

⁷⁴ Haia Shpayer-Makov, 'The Making of a Police Labour Force', *Journal of Social History*, Vol 24, No.1, (1990), p. 115.

subsequently when taken back through the Campbell Town district to Port Arthur. Constables Moore and Edmonds first lost him at the Stagg Inn near Snake Banks where they stopped for the night as there was no lock up nearby. He bolted after they left him eating in the inn's kitchen. After he was recaptured, constables McManus and Collins were then given the duty of escorting him, but he escaped from McManus at the gates of the Launceston jail. Several days later after being recaptured and sentenced, Poole was again escorted back through the Campbell Town district by McManus and Newton. The three stopped once more at the Stagg Inn for the night, McManus went out drinking with a friend and left Newton in charge of five prisoners, including Poole, in a bedroom that had no lock on the door. Poole and one other prisoner escaped from the room after Newton went out to fetch firewood some time after midnight.⁷⁵

Was Poole simply a clever and determined absconder or were the police negligent in their duty or worse still, had any of them taken a bribe from Poole and allowed him to escape? It certainly appeared that there was a considerable degree of negligence from all the constables at various times, but Eastwood and Collins had recaptured Poole after two of the escapes, so they were not charged. Newton's explanation of the third escape left a number of unanswered questions about his role, but he had an unblemished police record. As a result although he was charged with allowing prisoners to escape, his version of the escape was believed and the charge against him was dismissed. Conversely Moore and McManus had shown increasing unreliability that year, McManus had been charged on several occasions with drinking and Moore had been disciplined for drinking and being insubordinate to his superiors. Moore was fined forty shillings for leaving Poole unguarded in the kitchen of the Stagg inn, and McManus was sentenced to three months in a road party with hard labour.

Police drunkenness was not always the cause of prisoners escaping from custody. Police constables sometimes displayed compassion to their prisoners' conditions,

⁷⁵ LC 83/1, *Return of Cases Heard, Magistrates Court*, Campbell Town, AOT. Trials of Henry Newton, Thomas Moore and Terence McManus, 29 September 1835. Moore was dismissed two months later when he allowed two prisoners to escape at Spring Hill, while he was walking them with their handcuffs off.

which contributed to some escapes. Constable Hewlett was dismissed and sentenced to a road party for six months for allowing two prisoners to travel without handcuffs thus enabling them to escape near Fleming's pub at Tunbridge Wells.⁷⁶ Some police allowed prisoners in the town lock up the luxury of a visit to the local pub. The decision to allow a prisoner a last drink before he was sentenced or conveyed to a place of punishment could be costly. One constable lost his ticket of leave for six months when he took a prisoner, under escort for a capital charge, to Dickenson's pub in Ross for a few drinks one Saturday night. The watch house keeper who accompanied them was dismissed from his post and sentenced to twelve months in a chain gang.⁷⁷ The previous watch house keeper had been dismissed earlier in the year for a similar offence.⁷⁸

Very few serious criminal charges were brought against the Campbell Town constables in 1835 despite middle class fears of police corruption. Although ten criminal cases were brought before a court, one was dismissed for lack of evidence, and three returned not guilty verdicts. Three of the remaining charges resulted in convictions, but the constables had been drunk when committing these offences, hardly an extenuating circumstance, but certainly one that explains their lack of judgment. The most prominent local conviction was recorded against constable William Drinkwater who was found guilty of attempting to pervert the course of justice by conspiring to use false evidence to convict a local emancipist farm worker for the murder of Captain William Serjeantson a local justice of the peace. Drinkwater had enlisted the aid of constable Reardon to place pistol shot in the farm worker's hut and claim it was the same shot that killed Serjeantson. The plan was foiled when Reardon told his commanding officer about it. Drinkwater was tried and sentenced to Port Arthur for two years.⁷⁹ Reardon claimed that Drinkwater had

⁷⁶ LC 83/1, *Return of Cases Heard, Magistrates Court*, Campbell Town, Trial of James Hewlett, per *Royal George*, 23 November 1835, AOT

⁷⁷ LC 83/1, *Return of Cases Heard, Magistrates Court*, Campbell Town, Trials of Richard Ellis and Robert Inglebert, per *Enchantress and Lady East*, 30 September 1835, AOT

⁷⁸ LC 83/1, *Return of Cases Heard, Magistrates Court*, Campbell Town, Trial of William Dixon, per *Red Rover*, 14 January 1835, AOT

⁷⁹ CSO 3/866 and 18333, AOT. Six months later, a local bushranger who was gravely ill, was given up by the couple who had sheltered him. He confessed to killing Serjeantson, but died shortly afterwards before going to trial.

devised the plot to win an early release, as his wife was on her way to the colony and Drinkwater wanted to be free to join her.

The other less public trial was of constable Michael Beard who was found guilty by the Court of Quarter Sessions of taking a man to the watch house, imprisoning him illegally, and releasing him after extorting a bribe of money and spirits.⁸⁰ The man and his companions complained to the officer in charge and Beard was charged. Both these cases show that the local senior officers were able to command the system and expose these attempts to disadvantage innocent men.

Three other cases of either assault or attempted extortion involving drunken policemen were heard in the local magistrate's court in 1835. Two of the constables charged were dismissed and the other three received either three or six months in a road party. The severity of the sentences should have reassured respectable local people that they could complain about these incidents and ensure charges were laid against corrupt police.

Even officers faced disciplinary procedures and in 1835, District Constable Freestun, in charge of the Ross police office, was charged with embezzling five window frames.⁸¹ Freestun's tough and successful stand against local emancipist tradesmen and settlers involved in trading stolen building supplies had created many enemies for him in the local area.⁸² Benjamin Horne, a local justice of the peace from Ross, charged Freestun with the offence but he was acquitted by the Court of Quarter Sessions and left the island to join the police in the Port Phillip District.

Although these cases of assault, false arrest, bribery, embezzlement and attempting to pervert the course of justice demonstrate that some of the Campbell Town police

⁸⁰ LC 83/1, *Return of Cases Heard, Magistrates Court*, Campbell Town, AOT. Trial of Michael John Beard, per *Circassian*, 8 July 1835 and CON 31, AOT, Conduct Record of Michael John Beard, police number 1834, per ship *Circassian*,.

⁸¹ *Hobart Town Gazette*, Police Notices: The following three free arrivals were dismissed from senior police positions in 1835. Mr Richard Ninian in March, p. 220; James Trotter in March, p. 220; and Mr Augustus Walsh from Launceston in June, p. 475.

⁸² David Freestun, 'The Brothers Freestun Why were we Policemen?', *Tasmanian Ancestry*, March 1997, pp.230 – 232.

were corrupt, they also indicate a willingness to prosecute. People from all levels of local society were prepared to bring charges against the police including emancipists, free men falsely arrested, publicans, justices of the peace, and settlers. Generally the police magistrate, John Whitefoord, heard cases against police with care. He required evidence that would convince him of guilt but did not hesitate to prosecute where this was forthcoming. Out of fifty charges brought against his police for the year, he dismissed four charges and imposed fines, demotions or reprimands on a further twenty seven cases. He also regarded the constables' conduct records as a good indication of their reliability. On the third proven charge he generally imposed a sentence to a road party, sometimes including a dismissal from the force.

Whitefoord was also notable for never sentencing one of his police to a flogging. This was a rare punishment for police, but other Campbell Town police magistrates, Leake and Horne, while acting in the position, and Frederick Forth who arrived later, all resorted to this punishment for a few of their police constables. While Whitefoord attempted to achieve some degree of control over the drinking habits of his working class constables by imposing severe sentences, he was unable to completely prohibit drinking. Part of the problem was that the constables were waged and therefore had the means to drink.

Convict police tended to receive more work related punishments than assigned men. They were more likely to be sentenced to several months in a road party than assigned men, as the stricter military discipline under which they worked resulted in more charges being laid against them. Their conduct records often had more entries than those of assigned men. Many of these entries were for breaking police orders that were quite minor; not attending church, failing to attend morning muster, refusing duties and many drinking charges. Charges of disobeying police orders were also rife and punished in the new British police forces, which were established after 1828. The difference was that these charges were not criminalized in Britain, and while British police could be fined or dismissed for poor work, they could not be

punished by flogging or sent to road parties or be forced into hard labour in chain gangs.⁸³

The Campbell Town convict police were a microcosm of the larger cohort of working class men sent to Van Diemen's Land as convicts. They tended to be taller, be amongst the more literate and have trade skills that were directly useful in rural districts. Their major differences from the general group of male convicts were that far more of them had life sentences and fewer of them were Irish. The strict discipline to which they were subjected meant that it was more likely that they would be charged and sentenced to road parties, than an assigned convict. They were scrutinized, detested by some and feared. Despite this there were some settlers who recognized that policing was necessary in a convict colony and on reflection that many police magistrates exerted tight control over the convict police. Even though instances of drunkenness, and corruption did occur, settlers of all classes could complain and expect action and restitution. While few may have fully shared Arthur's appraisal of the police as being "the best character, active, intelligent" of the convicts who were landed, some indeed were.⁸⁴ However, at least one settler on the Macquarie River was prepared to defend the local police in a letter to the editor of the *Launceston Advertiser*. *Vindex* argued that the problems found amongst convict police in Van Diemen's Land were not unique to the colony and that similar problems existed amongst the free police in Britain. He believed that "in the main, the police system works well."⁸⁵

⁸³ Haia Shpayer-Makov, 'The Making of a Police Labour Force', pp 109 – 134, for a discussion of drinking and discipline issues in the British police forces of the period.

⁸⁴ Great Britain, Parliament, House of Commons, Select Committee on Transportation, *Report from the Select Committee of the House of Commons on Transportation*, Sir William Molesworth, chairman of the committee, Adelaide, Libraries Board of South Australia, 1967, Vol. 1, p. 302.

⁸⁵ *Launceston Advertiser*, Letter by *Vindex*, 22 December 1835, p. 3. 'Vindex's' conclusions about the early British police are also shared by David Taylor, *New Police in nineteenth-century England, passim*. Almost all of the problems Taylor identified with policing in Britain are mirrored in the convict police of the 1830s and 1840s in Van Diemen's Land.