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REQUIREMENTS FOR THE DEGREE OF  
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***ON THE BEAT:***  
***POLICE WORK IN MELBOURNE***  
***1853-1923***

THESIS PRESENTED IN FULFILMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY  
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BY

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## CONTENTS

Abstract .....	i
Declaration .....	ii
List of Illustrations .....	iii
Figures .....	iv
Acknowledgements .....	v

Introduction .....	1
--------------------	---

1. The Police Worker .....	14
----------------------------	----

- 1.1 Recruits
- 1.2 Making policemen
- 1.3 Police life

2. The Rise and Fall of the Police Beat .....	71
---	----

- 2.1 The preventive policeman and his beat
- 2.2 Working the Beat
- 2.3 The decline of the uniformed beat

3. The All-Purpose Constable .....	130
------------------------------------	-----

- 3.1 General factotum
- 3.2 Policing sport and leisure
- 3.3 Bureaucracy and information

4. Welfare Policing .....	165
---------------------------	-----

- 4.1 Police and children
- 4.2 Lunatics
- 4.3 Deserving and undeserving

5	<b>Soldiers and Spies .....</b>	223
5.1	The civil army	
5.2	Surveillance	
5.3	Loyal servants?	
6	<b>Police, People and Vice .....</b>	250
6.1	Police and the liquor trade	
6.2	Gambling	
6.3	Chinatown	
7	<b>Policing Morals .....</b>	300
7.1	Brothels and street walkers	
7.2	Pleasures and dangers	
8	<b>The Mobile City .....</b>	349
8.1	The horse-drawn city	
8.2	Police and the motor car	
	<b>Conclusion.....</b>	382
	<b>Appendices.....</b>	390
	<b>Bibliography.....</b>	397



## ABSTRACT

This thesis examines the work of policing in Melbourne from 1853 to 1923. Studies of policing have traditionally focused upon the organisational and institutional characteristics of police departments. Such a focus distorts our historical understanding of policing, which was intimately connected with the daily experience of police constables. This study is concerned with the daily routine of police work. From 1854, the work of policing in Melbourne was informed by the preventive ideal of policing, which was adapted from the London Metropolitan Police. The theory of preventive policing maintained that through a regular system of uniformed police patrol, offenders would be deterred from committing criminal acts. The police constable, ideally well disciplined and impeccably presented, was also intended to elicit the support of the community in his work of preventing crime and maintaining public order. While the work of ordinary policemen was often mundane, it remained a crucial component of government. Police work was characterised more by routine and minor administrative tasks than by the dramatic capture of thieves or the apprehension of serious offenders. Carrying out a wide range of functions, the police constable was arguably the most important servant of the state.

The main form of police duty was the fixed beat, where the constable carried out the police function of maintaining 'order' and protecting 'persons and property'. Routine police work offered the constable many opportunities for exercising discretion. Decisions made on the street were therefore of great consequence, and shaped the way in which those policed experienced law enforcement. Police work, however, ranged well beyond the peace-keeping function, and entailed a vast range of activities, including welfare and public health related tasks. Beat duty remained the main form of police work into the twentieth century. Nevertheless, the promotion of new technologies such as fingerprinting and wireless radio in the early twentieth century promoted an image of police modernisation, which was keenly supported by police administrators.

The expansion of police work, however, related to the mandate of maintaining public order rather than the tasks of crime detection. By the late nineteenth century, police were under increasing pressure to suppress disorderly conduct in public spaces. This was accompanied by moves against gambling, drinking and prostitution. While the task of suppression was carried out as part of the general peace-keeping mandate, many behaviours were increasingly categorised as 'crime'. Thus, while the increasing demand for order expanded the tasks of routine patrol, raids on gambling dens, sly-grog sellers and brothels advanced images of police professionalism and efficiency. Significant changes in police work also occurred with the coming of the motor car. Expanding upon the long-standing police duties of regulating traffic in the interests of public safety, the regulation of the motor car brought many middle-class Melburnians within the reach of policing. By the 1920s, there was an increasing divergence between the image of policemen as professional crime-fighters, and the routine tasks actually performed by constables on the street.

## DECLARATION

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university or institution. This work is based upon my own original research, and to the best of my knowledge contains no material previously published or written by another person, except where due reference is made in the text and footnotes of the thesis.

Dean Wilson



November 2000

## LIST OF ILLUSTRATIONS

- |      |   |
|------|---|
| 0.1  | On the Beat, early 1920s                    |
| 1.1  | West Melbourne Police Station, c. 1900      |
| 1.2  | Constable James Cromie, c. 1890             |
| 1.3  | Robert, Joseph and Samuel Black, c. 1905    |
| 1.4  | Evil Spirits, 1856                          |
| 1.5  | Fatigue Duty, Russell Street Barracks, 1909 |
| 2.1  | Metropolitan Police Sketches, 1889          |
| 2.2  | Police arrests, day and night, 1860         |
| 2.3  | Arrests of Drunkards over 24 hours, 1860    |
| 2.4  | Spirits in Bond, 1866                       |
| 2.5  | Constable's Beat Book, no date              |
| 2.6  | Criminal Investigation Branch, c. 1890      |
| 2.7  | Police Intelligence Illustrated, 1910       |
| 2.8  | Fingerprints, early 1920s                   |
| 2.9  | Wireless Patrol, 1923                       |
| 2.10 | Police Radio, Scientific Aid, 1923          |
| 3.1  | The Lost Child, 1856                        |
| 3.2  | Body in watch-house, 1870s                  |
| 3.3  | Missing Person, 1903                        |
| 3.4  | Discharged Prisoners, 1909                  |
| 4.1  | Enforcing the Compulsory Clause, 1873       |
| 4.2  | Carlton Police, c. 1900                     |
| 5.1  | Mounted Police in the Domain, 1901          |
| 5.2  | Police confrontation with soldiers, 1914    |
| 6.1  | Evening Service, 1856                       |
| 6.2  | Policeman Boozey and Sergeant Starch, 1865  |
| 6.3  | Police Purity, 1882                         |
| 6.4  | A Lower Depth, 1882                         |
| 6.5  | Australia's Goliath Curse—Betting, 1901     |
| 7.1  | Superintendent Thomas Lyttleton, c. 1865    |
| 7.2  | Captain Frederick Charles Standish, c. 1870 |
| 7.3  | Hussey Malone Chomley, c. 1890              |
| 7.4  | Judkins, the Modern Moses, 1910             |
| 8.1  | South Melbourne Police, c. 1880             |
| 8.2  | Point-duty constable, c. 1880               |
| 8.3  | The Road Hog, 1910                          |
| 8.4  | Vicissitudes of a Judge, 1910               |
| 8.5  | Police motor vehicles, c. 1920              |

## FIGURES

1.1	Ages of police recruits to the Victorian Police Force, 1871, 1921 .....	66
1.2	Birthplace of Police Recruits, 1871, 1921 .....	67
1.3	Occupations of Police Recruits, 1871, 1921 .....	68
1.3	Rank on Leaving Police Force, 1871, 1921 .....	69
1.3	Length of Police Service, 1871, 1921 .....	70
2.1	Offences against Good Order, 1871-1911 .....	97
4.1	Victorian population over 65 years of age, 1854-1921 .....	212
7.1	Vehicle accidents in Victoria, 1913-23 .....	373

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Illustration 0.1



*"On the Beat." Police Constable, early 1920s.*

Courtesy of Victoria Police Historical Unit

## INTRODUCTION

Dressed in blue tunic and shiny helmet, the police constable walking the beat was a ubiquitous feature of the Melbourne scene. He was far more than a citizen in uniform. Unlike the newsboys, street vendors and cabbies for whom the city's public spaces were also a workplace, the policeman wielded substantial legal powers reinforced by the right to use force. He represented the pervasive presence of central authority in the lives of Melbourne's citizens. The constable on patrol was intended to maintain order and ensure 'the protection of property and persons'. This broad mandate encompassed a vast range of activities. In 1882, the Chief Commissioner of Police remarked that constables 'do not confine themselves strictly to police duty—whenever there is a duty to perform, and there is no one else to perform it, the police do it. They make themselves generally useful'.<sup>1</sup> In 1862, under orders from a senior officer, one constable spent his afternoon chasing goats from the entrance of the Government Printing Office in Flinders Lane.<sup>2</sup> Over the years other policemen would perform all manner of tasks—arresting drunkards, regulating traffic, compiling electoral rolls, searching for missing persons and many more.

This thesis is a study of ordinary policemen and their work between 1853 and 1923, a period that extends from the reorganisation and centralisation of Victoria's police force following the goldrushes, through to the Melbourne Police Strike. In these seventy years, thousands of men served as police constables in the

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<sup>1</sup> Royal Commission on Police, 1883, General Report on the Present State and Organisation of the Police Force, *Victorian Parliamentary Papers*, vol. 2, 1883, Testimony of H.M. Chomley, Chief Commissioner of Police, 2 May 1882, Q. 420, p. 15.

<sup>2</sup> Victoria Public Record Series hereafter VPRS 937/342, General Printing Office to Superintendent of Police, 5 December 1862; Superintendent of Police to General Printing Office, 10 December 1862.

Victorian Police Force. By 1921, 945 policemen were distributed in sixty-one police stations spread across Melbourne and its suburbs, policing a population of 800 520.<sup>3</sup> Overwhelmingly they were working-class men, drawn from labouring occupations or with previous military or policing experience.<sup>4</sup> In return for a government pay packet, they accepted an occupation characterised by strict routine and discipline.

Strict regulations governing the conduct and demeanour of police constables reflected their importance as the most visible and pervasive servants of the state. 1877 *Regulations* described the ideal constable as 'active, energetic, temperate and honest'. Duty was to be carried out 'independently, uprightly, conscientiously, and without fear or favour'.<sup>5</sup> Not surprisingly few policemen lived up to such expectations. John Barry, in his *Victorian Police Guide* of 1888, conceded that to locate a person possessing all the qualities prescribed for a police constable 'would be to find a person hitherto unknown'.<sup>6</sup> Nevertheless, though paid little more than labourers and subject to military-style discipline, the state expected a great deal from its uniformed employees. As John Barry also remarked 'there is no person employed in the Government Service from whom more is expected, or who has greater responsibility than a police-constable'.<sup>7</sup> The duties and daily experiences of these ubiquitous state functionaries are deserving of greater attention.

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<sup>3</sup> Station and police numbers from VPRS 55/50, Police Muster Roll, 1921; Melbourne population figures from V.A. Arnold, *Victorian Year Book 1973*, Victorian Office of the Commonwealth Bureau of Census and Statistics, Melbourne, 1973, p. 1069.

<sup>4</sup> For studies of recruits see Mark Finnane, *Police and Government: Histories of Policing in Australia*, Oxford University Press, p. 136-37; for Victoria see Robert Haldane, *The People's Force: A history of the Victoria Police*, Melbourne University Press, Melbourne, 1986, pp. 84-85; and for similar trends in NSW see R. Walker, 'The NSW Police Force, 1862-1900', *Journal of Australian Studies*, 15, 1984, pp. 30-31; see also Chapter One, pp. 26-29; Appendices A & B, pp. 390-393.

<sup>5</sup> *Regulations for the Guidance of the Constabulary of Victoria*, John Ferres Government Printer, Melbourne, 1877, regulation 127, p. 17.

<sup>6</sup> John Barry, *Victorian Police Guide containing practical and legal instructions for police constables*, J.W. Burrows Printer, Sandhurst. 1888, p. 3.

<sup>7</sup> Barry, *Victorian Police Guide*, p. 1.



Despite the considerable importance of the police as an agency of government, the police constable remains a curiously invisible figure in Australian history. This reflects the more general absence of studies of police and policing in Australian history.<sup>8</sup> The most widely-read study of police history for many years emerged, not from the discipline of history, but from the public relations arm of the Victorian Police Department. G.M. O'Brien's general text, *The Australian Police Forces*, published in 1960, was for many years the only work on Australian Police Forces. The central thesis of O'Brien's work echoed that of British police historian, Charles Reith, stressing the notion that policing involved impartially enforcing laws which were sanctioned by the community. Extending from this basic premise, policing was seen to evolve as a rational response to problems of colonial lawlessness.<sup>9</sup> This assumption—that the police are the people and the people are the police—also underpinned the first institutional history of an Australian police force published in 1986. The title of Robert Haldane's *The People's Force* revealed much about its author's underlying assumption, which was that the community got the police force it deserved. Changes in policing, in Haldane's account, were largely driven by Chief Commissioners and their various management styles.<sup>10</sup>

Haldane's study appeared at a time when there was a growing interest in the history of police and policing amongst historians. Where traditional accounts claimed community origins for policing, usually to support assertions of continued

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<sup>8</sup> For overviews of the history of policing in Australia see Mark Finnane, 'Writing about Police in Australia', in Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, NSW, 1987, pp. 1-14; Finnane, *Police and Government*, pp. 1-4.

<sup>9</sup> G.M. O'Brien, *The Australian Police Forces*, Oxford University Press, Melbourne, 1960; see also Charles Reith, *British Police and the Democratic Ideal*, Oxford University Press, London, 1943 also his *A New Study of Police History*, Oliver and Boyd, Edinburgh, 1956; for critique of this view in the British context see Cyril D. Robinson, 'Ideology as history: a look at the way some English police historians look at the police', *Police Studies*, vol. 2, 1979, pp. 35-49; Robert Reiner, *The Politics of the Police*, 2nd edn, Harvester Wheatsheaf, London, 1992, pp. 12-24; for Australia see Finnane, 'Writing about Police in Australia', pp. 4-5.

<sup>10</sup> Robert Haldane, *The People's Force*; see also Chris McConville, 'Review of Robert Haldane, *The People's Force*', *Victorian Historical Journal*, vol. 58, no. 2, pp. 54-56.

police legitimacy, historians, influenced by the 'new social history', saw the police as the agents of class interest. Subsequent scholarship, much of it derived from labour history, was driven by the argument that the police were the enforcement arm of the bourgeois state—their main purpose being the maintenance of capitalist hegemony.<sup>11</sup> While such arguments have mostly been pursued through focusing on moments of social crisis, the examination of policing within a broader social context was evident in a collection of essays published in 1987. Themes included frontier policing, the policing of the social order, policing at times of political crisis and the relationship between questions of gender and policing, all of which have subsequently been the subject of more sustained studies.<sup>12</sup> Considerably more sophisticated than the 'official' history genre, such work attempted to analyse the social and political contexts of policing, usually via a case study approach. The range of subjects covered suggested the rich mine of research topics within the area, a point also indicated by a recent survey history of policing in Australia.<sup>13</sup>

This thesis approaches an area which has received only limited attention in Australian historiography—urban policing. While there has been some limited examination of policing in local communities, and several studies of policing in urban locales, the history of policing metropolitan centres remains largely

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<sup>11</sup> For a discussion of these arguments see Mark Finnane & Stephen Garton, 'The Work of Policing: Social Relations and the Criminal Justice System in Queensland 1880-1914 (Part 1)', *Labour History*, no. 62, May 1992, p. 52-53; Mark Finnane, 'Police and Politics in Australia—The Case for Historical Revision', *Australian and New Zealand Journal of Criminology*, no. 23, 1990, p. 219; for examples see Andrew Moore, 'Guns Across the Yarra: Secret Armies and the 1923 Melbourne police strike', in Sydney Labour History Group, *What Rough Beast? The State and Social Order in Australian History*, George, Allen & Unwin, Sydney, 1982, pp. 220-33; Moore, 'Policing Enemies of the State: The New South Wales Police and the New Guard, 1931-32', in Finnane (ed), *Policing in Australia*, pp. 114-42; Verity Burgmann, 'The Iron Heel: The suppression of the IWW during World War I', in Sydney Labour History Group, *What Rough Beast?*, pp. 171-91; Barry York, 'Baiting the Tiger: Police and Protest During the Vietnam War', in Finnane (ed), *Policing in Australia*, pp. 170-187.

<sup>12</sup> Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, NSW, 1987.

<sup>13</sup> Mark Finnane, *Police and Government: Histories of Policing in Australia*, Oxford University Press, Melbourne, 1994.

neglected.<sup>14</sup> Possibly this is because urban policing has been considered a more derivative form than policing on the frontier, where local conditions were more influential in shaping policing practice.<sup>15</sup> It is clear, for example, that authorities in Melbourne were nothing short of slavish in their desire to emulate metropolitan policing principles. Nevertheless, the dominance of urban centres throughout Australian history, which became increasingly marked over the nineteenth century, renders the study of urban policing one of crucial importance.<sup>16</sup> In 1854 38% of the colony's police force was stationed in Melbourne. By 1906, 63% of policemen performed duty in the metropolis.<sup>17</sup> Interaction with the police was more often in the form of a constable walking through a city street than with a trooper patrolling the countryside.

The existing work on urban policing has tended to focus exclusively on the police function of maintaining social order. Generally police appear in such studies as a faceless institutional mass, carrying out the mission of imposing middle-class values while diligently reflecting the views and prejudices of their masters. There are several weaknesses with this singular approach to the study of policing. Significantly, it ignores the ambiguities and contradictions which characterise

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<sup>14</sup> For local communities see S. Wilson, 'Police Work: The Role of the Police in the Kalgoorlie Community, 1897-1898', *Journal of Australian Studies*, no. 11, November 1982, pp. 9-20; see also Michael E. O'Connor, 'Policing in a Country Town, the 1860s and Today' in Roman Tomasic and Ric Lucas (eds), *Power, Regulation and Resistance: Studies in the Sociology of Law*, Canberra College of Advanced Education, Canberra, 1986, pp. 150-160; urban studies of policing include Chris McConville, 'From "Criminal Class" to "Underworld"', in Graeme Davison, David Dunstan and Chris McConville (eds), *The Outcasts of Melbourne: Essays in Social History*, Allen & Unwin, 1985, pp. 69-90; see also Russell Hogg and Hilary Golder, 'Policing Sydney in the Late Nineteenth Century', in Mark Finnane (ed), *Policing in Australia*, pp. 59-73.

<sup>15</sup> Mark Finnane, 'Writing about Police in Australia', in Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, p. 10.

<sup>16</sup> For increasing urbanisation see J.W. McCarty, 'Australian Capital Cities in the Nineteenth Century' in C.B. Schedvin & J.W. McCarty (eds), *Urbanisation in Australia: The Nineteenth Century*, Sydney University Press, Sydney, 1974, pp. 23-4.

<sup>17</sup> For 1854 figures see Melbourne Police, Report of the Commission appointed to enquire into the State of the Police, *Votes and Proceedings of the Legislative Council*, 1855-56, vol. 1, Appendix B, pp. 18-19; 1906 figures from Royal Commission on the Victorian Police Force, 1906, *Victorian Parliamentary Papers*, 1906, vol. 3, Report, p. vii; VPRS 55/35, Police Muster Roll, 1906.

policing at street level.<sup>18</sup> Additionally, it reflects a general tendency, evident in many academic histories of policing, to view the police as ciphers of class interest, thus silencing the significant historical role of the police as actors in their own right. Lastly, it ignores many police functions which are less clearly oppressive, but which nevertheless formed important aspects of the police role. Nevertheless, existing work has made a valuable contribution in linking policing to wider histories, and not just to 'events' such as the hunt for the Kelly Gang or the Eureka Stockade. Policing is, after all, an activity intimately bound with broader social and cultural transformations.<sup>19</sup>

In this thesis I aim to redress this imbalance in the history of urban policing in Australia, by writing a history of the police constable and his work rather than the history of those policed. This does not mean an apologist account which asserts that ordinary policemen were 'just doing their job'. There can be no doubt that the history of policing is littered with moments of oppression, brutality and discrimination. These are not the only things it is littered with however, and it does mean that I am interested in the broad range of functions undertaken by police, rather than in the policing of a single offence or targeted group. Importantly, I have endeavoured to write a social history of policing and not a history of the police force. This distinction is a crucial one, as this is not a history of Chief Commissioners, disputes over pay and internal administration. This thesis asks what did the work of ordinary policemen involve? how was the police function influenced by wider social and cultural forces? how did perceptions of the police function differ from the realities of work on the street? In asking these questions I

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<sup>18</sup> See for example McConville, "'From Criminal Class to Underworld'"; Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene' The Vagrant in Late Nineteenth-Century Melbourne", in David Philips & Susanne Davies (eds) *A Nation of Rogues?: Crime, Law & Punishment in Colonial Australia*, Melbourne University Press, Melbourne, 1994, pp. 141-165; for the need to examine ambiguities see Russell Hogg and Hilary Golder, 'Policing Sydney', p. 61.

<sup>19</sup> For this argument in a contemporary context see Christopher Corns, 'Policing and Social Change', *Australian and New Zealand Journal of Sociology*, vol. 24, no. 1, March 1988, pp. 32-45.

have drawn, not only on Australian police historiography, but on the wider historiography of urban policing. While in Australia the larger structures of policing may have differed considerably from overseas police forces, many aspects of daily police work were remarkably similar.<sup>20</sup> Policing in Melbourne exhibited many trends discernible in cities across the Western World, and the international historiography provides valuable insights which can be tested against local conditions.

This is a history of policing from the vantage point of the constable on the street rather than from the Chief Commissioner's desk. As much as possible, I have endeavoured to allow the voices of ordinary policemen to emerge from the decaying police reports which preserve their concerns, opinions and prejudices, available in the substantial but uneven Police Department holdings of the Public Record Office of Victoria.<sup>21</sup> The visions of police work articulated by senior police officers have also proved important, and their emerging conceptions of the police function are evident both in archives and in the numerous Select Committees, Boards of Inquiry and Royal Commissions which were held over the period. Victoria is perhaps less fortunate than other jurisdictions in one respect, in that Chief Commissioners seldom fulfilled their obligation of returning annual reports of the Police Department's business to the government. While this more accessible source of police activity is absent, the more formidable, but ultimately more rewarding, police correspondence archives more than compensate.

The chapters of this thesis are organised thematically rather than chronologically, with each examining different aspects of police work. Chapter One examines the process of becoming a police constable and the subsequent institutional life of those who wore the police uniform. It provides a necessary

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<sup>20</sup> Finnane, *Police and Government*, p. 3.

<sup>21</sup> The main series are VPRS 937, Police Correspondence, 1853-1893; VPRS 807, Police Correspondence, 1893-1920.

understanding of the organisational conditions within which policing occurred. In this chapter I have looked at the issues of recruitment, training and police life. Taking a sample of policemen from two different periods, it examines the characteristics of recruits to the police force over time. I then go on to examine the question of police training. Police training remained very much on-the-job into the twentieth century. Nevertheless, training was the subject of continuous debate from the 1850s between those who believed that police efficiency could be actively promoted through rigorous training and those who believed that a knowledge of policing could only be acquired through practical experience. Training in the early twentieth century also became crucial as part of a public rhetoric of police professionalism, although, as will be seen, moves towards police training continued to emphasise physical prowess over book learning. Finally, this chapter considers the occupational culture of ordinary policemen, who existed within an hierarchical and disciplinary institution.

Chapter Two gives a detailed account of the mainstay of urban policing, the preventive police beat. In this chapter I argue that the police beat had a significant symbolic function as well as serving as a means of organising policemen over space. Police beats derived many of these functions from the example of London policing, and their success or failure was frequently judged on the degree to which they successfully emulated the metropolitan example. In this chapter I also give attention to the actual work of policing the beat, concentrating on the delegated police function of protecting 'persons and property'. Here I demonstrate that much of the work of beat policing was dedicated to minor infractions. It was rare for police to apprehend 'criminals', and much of their time was occupied with arrests for drunkenness and minor street offences. Finally, in this chapter I argue that, while the beat patrol remained the most common form of police work, its symbolic importance was superseded in the early twentieth century.

Chapter Three moves on to examine the broader range of functions police were called upon to perform. Police administrators complained from an early stage

that the police were being called upon to perform duties which were beyond the mandate of preserving order and public safety. Some of these tasks were justified in early years by a broad conception of 'order' similar to that employed by reformers such as Edwin Chadwick in England.<sup>22</sup> By such definitions 'order' encompassed general matters of urban hygiene and governance. The potential tasks of policing were therefore very expansive indeed. In Victoria, police administrators frequently asserted that police were being called upon to perform a greater number of extraneous duties than were police forces in England. Historically, this claim is difficult to calculate. However the centralised structure, bureaucracy and work force of the Police Department in the Colony did result in numerous calls for extra police services. Such duties were resented by police officials, as police efficiency was increasingly measured by arrest rates and statistics of unsolved crimes. The debate indeed, was one which was both over practical fiscal concerns about funding and police numbers, and also at a more theoretical level around the issue of what the proper tasks of policing should be. While police officials argued that the proper object of policing was the criminal, qualitative evidence suggests that police were still performing a wide range of tasks in the early twentieth century, even if the nature of those tasks was subject to historical change.

Chapter Four continues this theme, but looks at more specific examples of 'extraneous' police practices related to what might broadly be termed 'welfare' policing. These functions have been the subject of considerable research in North America, where historians, influenced by the work of Eric Monkkonen, have suggested that policing moved from an interest in class control to crime control.<sup>23</sup>

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<sup>22</sup> Clive Emsley, *The English Police: A Political and Social History*, St Martins Press, New York, 1991, p. 3; see also Pasquale Pasquino, 'Theatrum politicum: The genealogy of capital—police and the state of prosperity', in Graham Burchill, Colin Gordon and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality*, Harvester Wheatsheaf, London, 1991, pp. 105-118; Finnane, *Police and Government*, p. 12.

<sup>23</sup> Eric Monkkonen, *Police in Urban America 1860-1920*, Cambridge University Press, Cambridge, 1981, pp. 86-109; Monkkonen, 'History of Urban Police', in Micheal Tonry & Norval Morris (eds.), *Modern Policing*, University of Chicago Press, Chicago, 1992, pp. 547-580; John C. Weaver, 'Social Control, Martial Conformity, and Community Entanglement: The Varied Beat of the Hamilton Police,

Drawing on Monkkonen's arguments, I argue that welfare functions of the police were based on the notion of controlling the criminal class. By the later years of the twentieth century, social reformers and other agencies of the state sought to limit police involvement in the area of welfare, because the association of police with the criminal justice system was seen to criminalise poverty. Despite resistance to police involvement in welfare, the utility of the police as providers of information, combined with their street presence, gave them a continued role. Police administrators increasingly dismissed such tasks, considering them not 'real' police work. Nevertheless, police were compelled to continue in a welfare role into the twentieth century.

Chapter Five examines the role of police of maintaining social order during times of crisis. This area has tended to attract historians, as it is most frequently associated with 'events'. While quelling riot and disorder was an infrequent element of police work, it remained a powerful influence on the organisation and training of the police. Military elements of training such as drill and the housing of men in military style barracks were defended on the grounds that it was necessary for the police to act as an efficient military body in case of 'emergency'. While having clear implications for the suppression of riot, the emergency function was also advocated for the use of police at fire scenes where they were called upon to control crowds. The second part of this chapter looks at the policing of protest and labour disputes, an area which has already attracted the attention of a number of historians. It demonstrates that policing of labour disputes and popular protest was highly contingent on the social and political climate of the period. As an agency of government, police most often acted in the interests of their political masters, although individual examples demonstrate that the policing of protest and labour

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1895-1920', *Urban History Review/Revue d'histoire urbaine*, vol. 19, no. 2, October 1990, p. 124; and his 'Introduction: Trends and Questions in New Historical Accounts of Policing' in the same issue; see also Greg Marquis, 'The Police as a Social Service in Early Twentieth-Century Toronto', *Histoire Sociale—Social History*, vol. 25, no. 50, November 1992, pp. 335-358.



disputes resulted from the complex interaction of governmental direction, the attitudes of commanding officers and the actions of individual policemen. While simple models of police practice during times of protest would be misleading, there was greater attention paid to the surveillance of political dissent after the turn of the century, reflecting a wider spread of anxiety over political machinations from the left in official circles.

Chapter Six and Seven are linked chapters which examine police practice in relation to drinking, gambling and prostitution. While these areas have been the subject of historical attention, they have seldom been given attention from the specific focus of policing. Chapter Six looks at the policing of the liquor trade, gambling and ends with a consideration of the policing of Melbourne's Chinese community. Lax police enforcement in the early period is often attributed to administrative corruption and the general inefficiency of early police force. This has been an important argument in progressive accounts of policing which view stringent enforcement of the law as symptomatic of police modernisation. However I argue that while administrative corruption was a contributing factor, there was a clear rationale behind discretionary policing which strove to secure community legitimisation by avoiding the enforcement of unpopular legislation. Following the Royal Commission into the Police Force in 1883 however, discretionary practices were associated with corruption and inefficiency. Police administrators came to view police reform as synonymous with the suppression of illegal liquor trading and street gambling.

Greater attention paid to moral offences resulted also from the growing influence of the social reform movement on policing, a trend which was mirrored in the policing practice of other Western cities during the same period. Pressures from temperance organisations, social purity campaigners and first wave feminists, pushed police towards greater enforcement of the law.<sup>24</sup> This was particularly

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<sup>24</sup> See for example, Michael McKernan, 'An Incident of Social Reform, Melbourne 1906', *Journal*

policing of prostitution. Street prostitution particularly, came to symbolise police inefficiency. Tough police campaigns against street prostitution provided public evidence of a reformed and efficient police force. The interests of the police and these various pressure groups occasionally coalesced, as police could use calls for strict policing to argue for an extension of their powers. Nevertheless, police also mediated the demands placed upon them with their own priorities, and only partially carried out the ambitious campaign of suppression which many wished the police to undertake.

The final chapter of the thesis is concerned with the policing of traffic and roadways. Traffic policing fell within the general mandate of policing public safety. The importance of general traffic duties which kept streets clear from obstruction escalated over the course of the nineteenth century. The need to preserve public safety was frequently cited as justifying greater police powers over roadways and the vehicles which moved across them. Many of these issues became abundantly clear with the appearance of the motor car, which created a significant expansion of police authority into everyday life.

In 1920, rank-and-file police were aware that the true nature of their work was poorly understood by a wider public. The *Police Journal* suggested that common perceptions were shaped by works of fiction, in which:

The police officer ... is usually pictured from one of two points of view. Either he is a brilliant 'sleuth' with an instinct for tracking criminals that is almost supernatural; or he is a poor dull fellow, whose most expert feat is to enforce a 'move-on' by-law at some lonely street corner.<sup>25</sup>

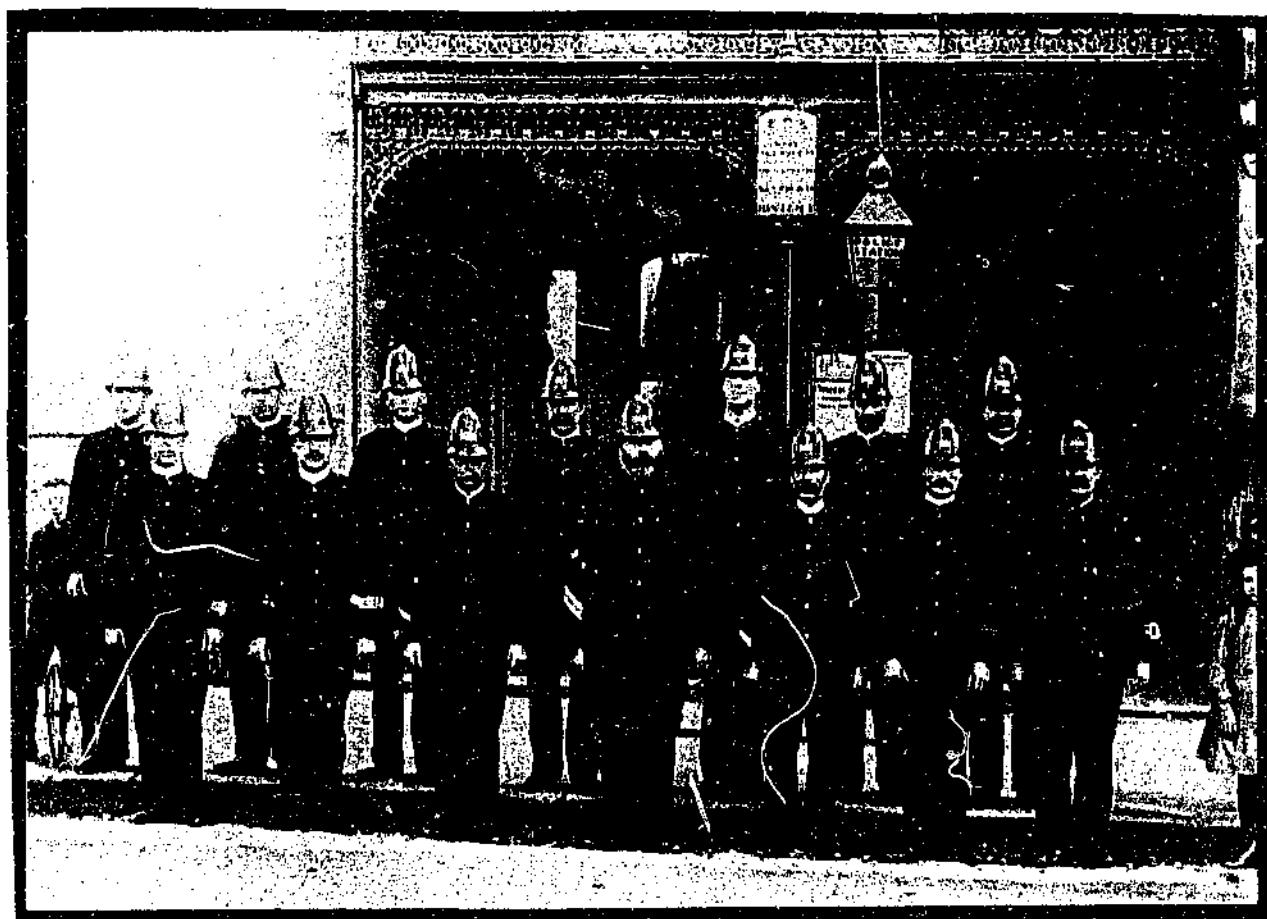
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of *Religious History*, vol. 10, no. 1, June 1978, pp. 70-85; Mark Finnane, 'The Politics of Police Powers: The Making of the Police Offences Acts' in Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, NSW, 1987, pp. 98-99; Cf. also Richard Broome, *Treasure in Earthen Vessels*, University of Queensland Press, St Lucia, 1980, Chapter 7; Stefan Petrow, 'Creating an Orderly Society: The Hobart Municipal Police 1880-1898', *Labour History*, no. 78, November 1998, p. 176; This mirrored similar trends in the United States, Canada and Britain, cf. Robert M. Fogelson, *Big City Police*, Harvard University Press, Cambridge, Mass., 1977, pp. 40-42; Carolyn Strange & Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1867-1939*, University of Toronto Press, Toronto, 1997; Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914*, Oxford University Press, Oxford, 1994.

<sup>25</sup> *Police Journal*, 1 November 1920, p. 14.

The plea of the writer was that police work was very much more than stereotypical sleuths or dullards could embody. Such stereotypes have also been evident in histories of policing, where the policeman appears either as a pioneering innovator defending the public good, or an oppressive stooge of the state. The intention of this thesis is to move beyond these stereotypes and examine the work of policing and the influences that shaped the daily routine of the constable as he tread his beat. Firstly, we need to understand something of the institution which governed the constable's working life.

Illustration 1.1



*"West Melbourne Police Station c. 1900."*

Courtesy of Victoria Police Historical Unit

## CHAPTER 1

### THE POLICE WORKER

Phillip Meade had an unremarkable career in the Victorian Police Force. Arriving in the colony of Victoria in 1858 from Ireland, he chose to pursue a career already familiar to him. He had already served thirteen years in the Royal Irish Constabulary, and decided that the colony's police force offered his best chance of secure employment. Meade wrote a letter of application and was called to the Police Depot, along with other police candidates, to undergo a medical examination and an interview before a board. He fulfilled the basic requirements: he could read and write passably, and was a solid man standing five foot nine inches and weighing thirteen stone. Although his appearance was judged as only 'ordinary', he impressed the Police Board sufficiently to be considered fit material for the police force. For several months Meade waited while his name remained on the list of successful candidates, until he was finally sent for in September 1858. Arriving at the Police Depot, he was given a further medical examination, and then proceeded to the Chief Commissioner's office to take the oath of allegiance.

After several weeks of drill at the Police Depot, Meade was sent to the East Collingwood station. As a married man, he was spared the discipline of the Police Barracks at Russell Street, instead renting a small wooden cottage for himself and his family in Francis Street. After thirteen years treading the beat in the working class suburb of East Collingwood, Meade was transferred to Carlton station in 1871. At Carlton station, Meade commenced the position of lock-up keeper, where instead of walking a beat he entered charges in the watch-house book, dealt with inquiries from the public and checked on the prisoners held in the cells. Meade enjoyed a drink, and over the course of his career amassed ten charges against his name for offences relating to alcohol. None however was considered serious enough to warrant his dismissal, and in later years he managed to keep his drinking from the

eyes of his superiors. If Meade never outraged his superiors, he never impressed them very much either. Phillip Meade retired and began receiving his police pension in 1886, having never advanced past the rank of constable in his twenty seven years of police service. The only remark his commanding officer saw fit to put on his service record was 'not very efficient, steady for many years'.<sup>1</sup>

The occupation Phillip Meade entered in 1858 had been shaped by the concerns of a goldrush colony. In the early 1850s, Victoria was a society in flux, and the new police recruits were drawn from a floating population composed overwhelmingly of newly arrived immigrants. Discipline rather than police strength was the crucial issue, as Superintendent Sturt suggested when he claimed 'the difficulty of maintaining efficiency in the Police is not so much from want of men as it is from the little confidence that can be placed in them'.<sup>2</sup> Sturt contrasted this with the era before gold, when the police force was composed of small householders drawn from the local community and whose characters were well known to authorities. Despite the trebling of the numerical strength of the police, Sturt remained anxious as he confronted a body of men whose 'habits and characters are but partially known, their places of residence are uncertain, some in public houses, some in board and lodging houses, where their associates may be very questionable characters'.<sup>3</sup>

It was this concern which underlay the desire for greater organisation and discipline within the police force. The anxieties of police administrators over the best means of exerting discipline over a body of men of whom they knew little, impacted strongly on the internal organisation of the police force. Ultimately these concerns shaped the structure and organisation of the police force, playing a crucial

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<sup>1</sup> Service Record of Phillip Meade, register no. 990, Victoria Police Historical Unit; *Sands & McDougall Directory of Melbourne and Suburbs*, 1871.

<sup>2</sup> VPRS 1189/16, Bundle 1, 52/3459, Superintendent of Police to Colonial Secretary, 8 September 1852.

<sup>3</sup> VPRS 1189/16, Bundle 1, 52/1215, Superintendent of Police to Colonial Secretary, 13 April 1852.

role in the experience of the constables such as Phillip Meade. In this chapter, I will explore how the concern to construct a disciplined and organised police force was played out in three areas—recruitment, training and daily police life.

### 1.1 Recruits

In the heady climate of goldrush Victoria, finding men who would serve in the police force was one of the most pressing problems confronting authorities. The immediate impact of the gold mania was a flood of resignations with fifty of the fifty-five strong Melbourne City Police resigning on the 31 November 1851. Despite the offer of increased pay, Melbourne's policemen still chose to resign and try their fortunes elsewhere.<sup>4</sup> In 1852 a Select Committee, confronted by the difficulties of recruiting men, considered a number of options including increasing pay, importing trained police from the United Kingdom, and providing recruits with a 'showy uniform'.<sup>5</sup> Immediate measures had already been undertaken, and on 19 February 1852 130 pensioners arrived in Melbourne from Van Diemen's Land to bolster the police force. Melbourne's Superintendent of Police, Evelyn Sturt, considered these discharged soldiers and pensioners 'totally unfit to be put to any useful purposes of Police' remarking that they were 'the most drunken set of men I have ever met with'.<sup>6</sup> Confronted with difficulties in finding suitable men to serve in the police force, police administrators glanced nostalgically back to pre-goldrush policing. William Hull, Police Magistrate, when testifying before the Select Committee in 1852 commented 'I can perceive that our Police in Melbourne is now

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<sup>4</sup> VPRS 1189/8, 51/1396, Superintendent of Police to Colonial Secretary, 15 December 1851.

<sup>5</sup> Report from the Select Committee on Police, together with the proceedings of the Committee, minutes of evidence and appendices, 1852, *Votes and Proceedings of the Legislative Council*, vol. 3, 1852-3, Testimony of E.P.S Sturt, Esq., Superintendent of Police, 20 July 1852, Q. 70, p. 4.

<sup>6</sup> Select Committee on Police, 1852, Testimony of E.P.S Sturt Esq., Superintendent of Police, 22 July 1852, Q. 154, p. 8; for descriptions of the pensioners see *Argus*, 8 January 1852 & 20 February 1852

a very different body from what it was some time back. Then the Police was getting to be a respectable and efficient body, but now nearly all the most respectable constables have left, and the force is composed of men that are leaving and entering every day'.<sup>7</sup> Writing in 1852, Superintendent Sturt held similarly nostalgic memories of the Melbourne police before the discovery of gold. Sturt remarked that the force 'was composed for the most part of small householders in the City, having families and every incentive to good conduct'.<sup>8</sup>

The crisis in attracting men to serve as police was relatively short-lived, and by February of 1852 little difficulty was being experienced in attracting recruits. Superintendent Sturt was able to write to the Colonial Secretary in March 1852 stating 'although I may have considered the Police at one time as utterly disorganised consequent on the excitement caused by the Gold discoveries, I am now happy to report that the full strength of the force is again completed and I may say composed of a very effective class of men'.<sup>9</sup> With recruits now available, administrators turned their attention to the creation of a disciplined police force. One means of achieving this objective was to regulate the quality of recruits.

An idea which enjoyed widespread support in Victoria in 1852, was to import men with previous policing experience from the United Kingdom, whose characters could already be assured. Seen as a convenient means of obtaining men who would bring metropolitan conceptions of policing to the colony, the idea was keenly promoted amongst official circles.<sup>10</sup> A committee of colonists had petitioned the Secretary of State for the Colonies in May 1852 to send fifty men from the Irish

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<sup>7</sup> Select Committee on Police, 1852, Testimony of William Hull Esq., Honorary Magistrate, 23 July 1852, Q. 263, p. 13.

<sup>8</sup> VPRS 1189/16, Bundle 1, 52/1215, Superintendent of Melbourne Police to Colonial Secretary, 13 April 1852.

<sup>9</sup> VPRS 1189/16, Bundle 1, 52/918, Superintendent of Police to Colonial Secretary, 17 March 1852.

<sup>10</sup> See for example Select Committee on Police, 1852, Testimony of William Hull, Esq., Honorary Magistrate, 23 July 1852, Q. 252, p. 12.



Constabulary Force, a reactive force used to suppress disorders and dissent.<sup>11</sup> London claimed that no Irish Constabulary Force could be spared, but instead agreed to send fifty volunteers from the London Metropolitan Police. Some time was to lapse before the men known as the 'London Fifty' actually arrived in Melbourne in May 1853.<sup>12</sup>

Policing reforms in the wake of the goldrushes also involved stipulating the qualities desired by police administrators from recruits. The restrictions for intending policemen outlined in the *Police Regulation Act 1853*, although less exacting than those of London's Metropolitan Police, were an attempt to construct a police force with a particular kind of recruit. The 1853 *Police Act* drew broad parameters for intending constables: they had to be of sound constitution, able-bodied, under forty-five years of age, able to read and write, and 'of good character for honesty, fidelity, and activity'.<sup>13</sup> Emulating the model of the metropolitan London, police administrators sought men who were of above average health and strength.<sup>14</sup> By 1856 the requirements stipulated the lower age of thirty years, thirty-five if the candidate had previous policing experience, and required that the candidate be 'of strong constitution and free from bodily complaint'.<sup>15</sup>

Requirements for police recruits altered again in 1870, when the English government withdrew Imperial forces stationed in Victoria who had provided the bulk of the colony's defences since the time of separation. A scheme keenly

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<sup>11</sup> For the history of the Irish Constabulary Force see Stanley Palmer, *Police and Protest in England and Ireland 1780-1850*, Cambridge University Press, Cambridge, 1988, pp. 237-276, 316-375; for demand for Irish Constabulary Force in Victoria see Haldane, *The People's Force: A history of the Victoria Police*, Melbourne University Press, Melbourne, 1986, p. 26.

<sup>12</sup> Haldane, *The People's Force*, pp. 26-27.

<sup>13</sup> *Police Regulation Act 1853*, s. 7.

<sup>14</sup> On recruiting for the London Metropolitan Police see Palmer, *Police and Protest*, p. 299; Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870*, University of Chicago Press, Chicago, 1977, p. 26.

<sup>15</sup> *Police Regulation Act 1853*, s. 7; *Manual of Police Regulations for the Guidance of the Constabulary of Victoria, and approved by his excellency the Governor in Council 22 April 1856*, John Ferres Government Printer, Melbourne, 1856, pp. 9-10.

supported by the former Chief Commissioner of Police, Charles MacMahon, was put into operation in September 1870 to fill the perceived gap in defences. Admission into the police force became conditional on having first served for two years in the Artillery Corps, a colonial defence force. The military character was cast over to the police force itself which was envisaged as a standing army to be deployed in case of invasion or war.<sup>16</sup> The restrictions on entry were changed in 1882, with the disbandment of the Artillery Corps and the separation of police recruiting from that of the defence forces. From 1882 entry into the foot police was open only to men who were under thirty years of age, stood at least 5 foot 9 inches and were 'smart, active and could read and write well'.<sup>17</sup> Provided such men could furnish suitable references, were able to pass a rudimentary literacy test, and were deemed physically fit by a medical man, they were placed on a list of potential candidates which was consulted as vacancies arose.<sup>18</sup>

From 1852 onwards there was no shortage of potential candidates for the police force. The Commission investigating the Melbourne Police in 1855 found administrators were experiencing little difficulty recruiting men, even at lower rates of pay than those offered during the height of the goldrush. The Commissioners made the calculated observation that

the class to which the police belong places them in close contact with the unemployed, their strongest feelings of sympathy for the difficulties and distresses of which they become cognisant are excited, and they have consequently become indisposed to abandon a service in which they are well paid and very kindly treated in case of illness or accident, and their comforts and cleanliness during health are carefully watched over, with a certainty that if they abandon the service of the police, they cannot avoid swelling, for a time at least, the numbers of the unemployed.<sup>19</sup>

<sup>16</sup> Haldane, *The People's Force*, p. 72; see also notice in *Victoria Government Gazette*, 21 October 1870, p. 1553; *Victoria Police Gazette*, 25 October 1870, p. 250.

<sup>17</sup> *Victoria Government Gazette*, 12 May 1882, p. 1059, Haldane, *The People's Force*, p. 102.

<sup>18</sup> Haldane, *The People's Force*, p. 72.

<sup>19</sup> Melbourne Police, Report of the Commission into the State of the Police, 1855, *Votes and Proceedings of the Legislative Council*, vol. 1, 1855-6, p. 9; for economic conditions in Melbourne in 1854-55 see Geoffrey Serle, *The Golden Age: A history of the colony of Victoria 1851-61*, Melbourne University Press, Melbourne, 1963, p. 160 & p. 191.

In 1862 Chief Commissioner Standish spoke of 'a large list of candidates to select from, many of whom have served in the Irish Constabulary'.<sup>20</sup> With the ebb and flow of economic conditions, and the uncertainties of seasonal employment in many unskilled occupations, the police force would not experience any difficulties in finding men keen to join for the remainder of the century and into the next. Prior to the Royal Commission of 1883, the list of candidates had swollen to such size that it had been closed for three years, and recruits were taken on in a rotation of the existing list with no new names being added.<sup>21</sup> The selection of so many candidates was itself a problem, as the former Chief Commissioner Chomley recollected of the 1880s lists that 'some of the best men did not bother waiting for two or three years, and the inferior men were left'.<sup>22</sup>

The process of recruitment must have been a nerve wracking one for the applicants. After notices were printed in the Government Gazette and Melbourne and country newspapers, candidates would apply, supplying testimonials of character and a letter of application. The hundreds of hopefuls who sent in their details, would then receive a notice advising them to appear at the St. Kilda Road Police Barracks. Lining up outside the Barracks, candidates then faced a preliminary medical examination and had details of age and height checked against their applications. Eagerness to join apparently made falsifying basic information fairly commonplace. Although height was sometimes falsified in initial

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<sup>20</sup> Report from the Select Committee on the Police Force together with proceedings of the committee, minutes of evidence and appendices, 1863, *Votes and Proceedings of the Legislative Assembly*, vol. 2, 1862-3, Appendix G, Minutes of Evidence and Appendices, Testimony of Frederick Standish, Chief Commissioner of Police, 5 March 1862, Q. 649, p. 31.

<sup>21</sup> Royal Commission on Police, The Proceedings of the Commission, Minutes of Evidence, Appendices, etc., 1883, *Victorian Parliamentary Papers*, vol. 2, 1883, General Report, p. x.

<sup>22</sup> Royal Commission on the Victorian Police Force, Report on I.—The efficiency of the Police Force in Connexion with the Repression of Crime; II.—The Present State and Organisation of the Said Force: with Appendix and Minutes of Evidence, *Victorian Parliamentary Papers*, vol. 3, 1906, Testimony of Hussy Malone Chomley, ex-Chief Commissioner of Police, 20 September 1905, Q. 18, p. 1.

applications, it was far more common that candidates would seek admission who were either over or under the specified age. Chief Commissioner O'Callaghan related one incident in which a candidate had presented his brother's birth certificate and another where the candidate's mother had signed an incorrect statutory declaration. It was understandable in O'Callaghan's view, as there were many men 'very anxious to get in' well prepared to 'strain their consciences a little in giving particulars'.<sup>23</sup>

Paperwork, such as birth certificates and testimonials were checked by the sergeant at the depot, and candidates then proceeded to the doctor, where they were each measured and weighed. For the too old, too young and too short, the day had already ended. Those remaining who had satisfied the basic physical requirements then proceeded into another room, under the supervision of a depot sergeant, for the educational test. Seated at a desk, with form and pen in hand, the sergeant then dictated several lines which candidates were required to transcribe in their own handwriting, as well as attempting two arithmetic sums. The educational test was, in the words of Chief Commissioner O'Callaghan, 'a very slight one indeed'. Considerable latitude was given in the test, and a bad result might be excused as 'lots of fellows who might be able to do fairly good work might, owing to nervousness, be entirely unfitted to do whatever was asked of them'. The test was frequently ignored if a candidate could impress in the vaguer areas of 'general intelligence' and 'general appearance'.<sup>24</sup>

The next step in the process was the presentation of the examination papers to the Board. Former Chief Commissioner Chomley recalled his earliest days in the police force in the 1850s, when the Chief Commissioner of Police and a military officer had selected men on Thursdays at the Barracks. Under Chief Commissioner

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<sup>23</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 514-515, p. 15.

<sup>24</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 520, p. 16.

Chomley the board consisted of himself, a military officer and the Inspector-General of Penal Establishments.<sup>25</sup> A military officer was considered necessary during the Artillery Corps scheme of the 1870s, and again in 1902 when an Act of Parliament required priority be given to returned soldiers from South Africa. By 1906 the composition of the board had altered, and comprised the Chief Commissioner of Police, the Inspecting Superintendent of Police and the Superintendent of Bourke district. Having an all-police selection board was justified on the grounds that 'military requirements are not the same as the police, neither are the requirements of warders the same as police'.<sup>26</sup> It was the Board which was then presented with the examination papers. Each board member, seated in front a pile of papers, would begin grading the recruits examinations. The candidates, meanwhile, waited outside the room where the Board was sitting, watched over by the depot sergeant. Having graded the examination papers, the Sergeant was then called in and given a list by the Board of those who had failed, those who had passed, and those who were 'doubtful'. Those who had failed were told to go away, the successful candidates, along with the 'doubtful', were then called up in alphabetical order to appear individually before the Board.

Called before the Board, the candidate was then assessed for his 'build, manner, general appearance and testimonials'. While several questions were asked of the candidate, the emphasis was firmly on deciding whether the candidate possessed a suitable physique for police work. The candidate was made to stand to attention before the Board, and was then asked to walk across the floor 'to give the board an opportunity of judging his style, whether he is a sloucher or a smart well-set-up man'. The board then decided 'pretty rapidly' whether a candidate was suitable. Suitability was very much determined by the candidates physical stature,

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<sup>25</sup> Royal Commission on the Victoria Police Force, 1906, p. viii; see testimony of H.M.Chomley, 20 September 1906, Q. 39-45, p. 2.

<sup>26</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 523-530, p. 16.

and the judgement of whether or not he possessed the toughness required for walking a beat. As Chief Commissioner O'Callaghan remarked, a man might be passed over because 'the board happens to detect something in his feet or legs'. If the candidate passed his interview before the board, his name was placed in a ballot box. The names were then placed in a hat, shaken up, and entered on a list of eligible candidates by police clerks.<sup>27</sup> The process was not entirely over at this point however. 'Further and stricter inquiry' was then made into 'the character, associates and early history of every selected candidate'. Candidates could be taken off the list at this stage, should police inquiries unearth a dubious past.<sup>28</sup> Emphasis remained on the physical stature of candidates. Brawn capable of withstanding the bodily rigours of walking the beat took precedence over educational attainment.

We might well ask how these various attempts to utilise recruitment to construct a certain kind of police force influenced the actual composition of the force. Did the framing of rules and regulations, the setting of criteria, produce a uniform profile? Were the criteria always adhered to? Several detailed studies have been undertaken for English police forces using recruitment registers, which have been able to statistically calculate the background, height and age of the typical recruit and how this changed over time.<sup>29</sup> Unfortunately there has been scant

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<sup>27</sup> The ballot system was altered in the early twentieth century in favour of a system of seniority, with the oldest men occupying the highest position on the list, see Royal Commission on the Victorian Police Force, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 620, p. 21.

<sup>28</sup> For descriptions of the recruitment process see Royal Commission on the Victorian Police Force, 1906, Testimony of H.M. Chomley, ex-Chief Commissioner of Police, 20 September 1905, Q. 18-60, pp. 1-2; Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 492-537, pp. 14-16; see also VPRS 937/ 355, Chief Commissioner of Police to Crown Law Department, re: requirements of Civil Service and Police, 22 April 1887; careful inquiries into character appear to have been initiated after the Royal Commission, 1883; see for example Testimony of Senior Constable John Barry, 16 May 1882, Q. 1653-1654, p. 59 where he suggests stricter enquiries should be made and recruits not taken 'as for military service — just for being a certain height'; for a comparative description of recruitment in England in the early twentieth century see Haia Shpayer-Makov, 'Notes on the Medical Examination of Provincial Applicants to the London Metropolitan Police on the Eve of the First World War', *Histoire Sociale/Social History*, vol. 24, no. 47, May 1991, pp. 169-179.

<sup>29</sup> See for example, Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-1880*, London, Routledge Kegan Paul, 1984, chs. 2 and 3; W.J. Lowe, 'The Lancashire Constabulary, 1845-1870: the social and occupational function of a Victorian Police Force', *Criminal Justice History*, IV, 1983, pp. 41-62; Haia Shpayer-Makov, 'The  
(continued...)

detailed work of this kind carried out in Australia. The work which has been carried out presents a broad picture of the average recruit of the 1860s and 1870s as most likely to be an Irishman possessing previous military or policing experience.<sup>30</sup> I decided that a more complete sample should be assembled for Melbourne to create a more precise profile of the men who policed the City and what changes in composition occurred.

The *Police Regulation Act 1853* stipulated that men joining the police force should be under forty-five years of age.<sup>31</sup> This was a relatively generous upper limit, as the age had been set at forty for the Irish Constabulary in 1828, while the London Metropolitan age limit in 1829 was thirty-five—albeit elastically enforced in the first few years.<sup>32</sup> By 1856, the upper limit on age was reduced to thirty, or thirty-five for men with previous policing experience. The result of the generous limit was a mature police force, with a significant 26.9% of recruits in the 1871 sample being over the age of thirty when they were sworn in to the police. By examining the service records of recruits over the age of thirty from the sample it is clear that many older men were admitted on the strength of previous policing experience. The eldest recruit in the sample, and also one of the shortest at five foot

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Making of a Police Labour Force', *Journal of Social History*, 24, 1990, pp. 109-34; Haia Shpayer-Makov, 'A portrait of a novice constable in the London Metropolitan Police around 1900', *Criminal Justice History*, XI, 1991, pp. 133-60.

<sup>30</sup> In Australia generally see Finnane, *Police and Government*, p. 136; for Victoria see Haldane, pp. 84-85; for colonial NSW see R. Walker, 'The NSW Police Force, 1862-1900', *Journal of Australian Studies*, 15, 1984, pp. 30-31.

<sup>31</sup> A sample was assembled from a combination of the Police Muster Rolls which were taken from 1871 onwards, and the records of Police service, held by the Victorian Police Historical Unit. All the names of serving police in the Melbourne District (encompassing the central City and inner suburbs) were transcribed for the month of June in 1871 and 1921. For the sake of manageability every third name was then chosen from the list and then traced through the police service records held at the Police Historical Unit. The service records provided details of age, previous occupation, marital status and religion. Additionally the service records provided information which was of interest beyond the question of recruitment. Significantly they included how long each individual served. Length of service is an important detail as it helps us to unlock questions about the extent to which policing was viewed as either a stop gap measure or as an occupation offering security and career prospects. Qualitative detail was also contained in the service records—the judgements of superiors as well as infringements recorded on the sheets facilitated an additional point of access into otherwise obscure aspects of life as a nineteenth-century policeman.

<sup>32</sup> Stanley Palmer, *Police and Protest*, p. 258 & p. 299.

seven inches, Scottish labourer James Lugas, joined the force at the advanced age of forty-one. He was however one of the earliest recruits remaining in the force in 1871, having joined in December 1852—a time when anxieties over securing men were ascendant and entry standards specified in the 1853 *Police Regulation Act* were not yet in force.<sup>33</sup> While it can only be speculated, it appears that older recruits were accepted on the strength of previous policing experience. William Grant for example, who was serving at the Richmond station in 1871, entered the police force in February 1856 at the age of thirty-two. Grant had served for a year in the Aberdeen Police as well as six years and seven months in the Edinburgh Police before arriving in Victoria.<sup>34</sup> Several of the older recruits could also boast experience in the London Metropolitan Police. William Dyer, who joined the police in 1870 at the age of thirty-four, had four years and nine months service in the London Metropolitan Police as well as six years experience in the Irish Constabulary.<sup>35</sup> Thomas Hedges, who entered the Victorian Police in 1857 at the age of thirty-five, had three years experience in the Adelaide Police.<sup>36</sup>

A similar pattern prevailed in the 1921 sample. While the number of police recruited over the age of thirty had fallen from 26.9% to 7.4%, there were still men who were recruited, against prevailing regulations, over thirty years of age. In several incidents this is easily explicable, in that they appear to have in effect transferred to the Victorian Police Force from other colonial forces. Herbert Burrows, for example, was accepted as a recruit in 1921 at the age of thirty-two after serving in the New South Wales Police, although the change was obviously not to his liking as he resigned a little over a year later.<sup>37</sup> John Watson entered the

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<sup>33</sup> Service Record of James Lugas, register no. 689, Victoria Police Historical Unit.

<sup>34</sup> Service Record of William Grant, register no. 459, Victoria Police Historical Unit.

<sup>35</sup> This experience failed to impress Dyer's superiors, who regarded him as 'a drunken useless man'. Dyer was dismissed in 1874; see service record of William Dyer, register no. 2392, Victoria Police Historical Unit.

<sup>36</sup> Service Record of Thomas Hedges, register no. 555, Victoria Police Historical Unit.

<sup>37</sup> Service Record of Herbert Burrows, register no. 6588, Victoria Police Historical Unit.



Victorian Police in 1921 at the age of thirty-seven, after long service in the Tasmanian Police and a short stint as night watchman in Melbourne.<sup>38</sup>

The more significant factor in the age of the recruits however was the growing youthfulness of the police force by the late nineteenth century and into the twentieth. In the 1921 sample, 65.7% of recruits who were accepted into the police force were between the ages of twenty and twenty-four, compared to 17.9% in the 1871 sample. The declining age of recruits is no doubt a reflection of the concern with an ageing police force that surfaced in the 1880s. Several witnesses before the Royal Commission in 1883 expressed the belief that the police force was physically degenerating. Dr West Ford claimed that recruits of the five years prior to the commission were 'very inferior men', contrasting them with 'fine body of men we had originally'. Large amounts of sickness in the police force were attributed to the 'insufficient physique' of new recruits, along with the perception that the police force generally was ageing, comprising many men 'getting past service' and suffering from 'the continual wear and tear of a policeman's life'.<sup>39</sup> Uniformed police were in agreement with the Doctor's conclusion. Constable John McEvoy, a delegate for the Prahran district before the 1883 Royal Commission on Police, expressed the wishes of his fellow Prahran policemen that 'physical strength be considered an indispensable quality in the selection of men' as 'a delicate man cannot stand the night duty'.<sup>40</sup> The perception expressed by Charles Nicolson before the Commission, that 'you will hardly get more than fifteen years work out a policeman', would also have also contributed to the general predilection towards physical strength.<sup>41</sup>

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<sup>38</sup> Service Record of John Watson, register no. 6564, Victoria Police Historical Unit.

<sup>39</sup> Royal Commission on Police, 1883, Testimony of F.T. West Ford, M.R.C.S, 5 July 1882, Q. 3889 & Q. 3893, p. 160; for similar concerns see also Testimony of H.M. Chomley, Chief Commissioner of Police, 26 April 1882, Q. 193-194, p. 8.

<sup>40</sup> Royal Commission on Police, 1883, Testimony of Constable John McEvoy, 10 May 1883, Q. 1352, p. 47.

<sup>41</sup> Royal Commission on Police, 1883, Testimony of C.H. Nicolson, 19 July 1882, Q. 4602, p. 192.

While some older applicants may have gained admission on the strength of previous policing experience, this appears to have been an important qualification generally. Of the sample sixty-nine police serving in 1871, some thirty-six or 52.2%, had served in the Irish Constabulary, some for periods as long as thirteen years. Aside from the Irish Constabulary a further twelve men in the sample had experience in other police forces. Some of these men have already been mentioned, but a further two had served in the Dublin Police, four had served in the Liverpool Police, three in the London Metropolitan Police (with one serving in both the London Police and Irish Constabulary) as well as two who had served in other Australian colonial police forces.

The high proportion of Irishmen serving in the Victorian Police is worthy of further comment. A number of historians have remarked on the strong Irish character of the Victorian Police in the nineteenth-century, although few convincing explanations have been forthcoming. Evidence from the 1871 sample also demonstrates the Irish dominance of the police force. Irishmen accounted for a massive 79.7% of uniformed police in Melbourne in 1871, with the English representing 11.6% and a sprinkling of Scots comprising the remaining 8.7%. One clear implication of the Irish dominance of the police force is that those recruiting were well disposed to Irish applicants, and particularly well disposed to those who had experience in the Irish Constabulary. However, it must be added that those recruiting were clearly inclined to look favourably on any previous policing experience, not specifically that of the Irish Constabulary.

There is evidence that Irish applicants were aware that an application was likely to be looked upon favourably, and arrived in the colony with the expectation of employment. In 1857, twenty-five ex-Irish Constabulary men petitioned the Chief Commissioner of Police complaining that after 'having resigned their situation in the Irish Constabulary with a view to join the Police Force of this colony' they were still waiting for employment after two months. The men warned the Chief

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Commissioner that such delays would deter further Irish Constabulary men from emigrating to the colony, as they had recently received news 'of their former comrades having received a considerable increase in pay which will, they feel confident, induce them to remain at home'.<sup>42</sup> A further possibility is that experience in the Irish Constabulary had in fact ostracised these men from their fellow Irish, excluding them from the usual networks invoked by other immigrants arriving in the colony and seeking employment. It is quite possible that Ned Kelly's view that 'a policeman is a traitor to his country, ancestors and religion' was one more widely held.<sup>43</sup> Less conspiratorial explanations lie in the fact that the population at large was overwhelmingly immigrant, the police service was one of the largest government employers and it was a fairly logical step for men to seek employment in a secure occupation for which their previous experience suited them.<sup>44</sup>

Whatever the cause of the Irish dominance in the 1860s and 70s, it was not to last. The Victorian Police Force, as with those of other Australian colonies, was gradually 'Australianised' by the early twentieth century. In the 1921 sample, 90.9% of recruits were native born, with the Irish comprising only 6.6%.<sup>45</sup> Alongside a small number of Irishmen, there was one Englishman, one New Zealander, one Scot and one recruit born at sea in the 1921 sample. There were also three recruits born across the border in New South Wales, one from South Australia and another from Tasmania.

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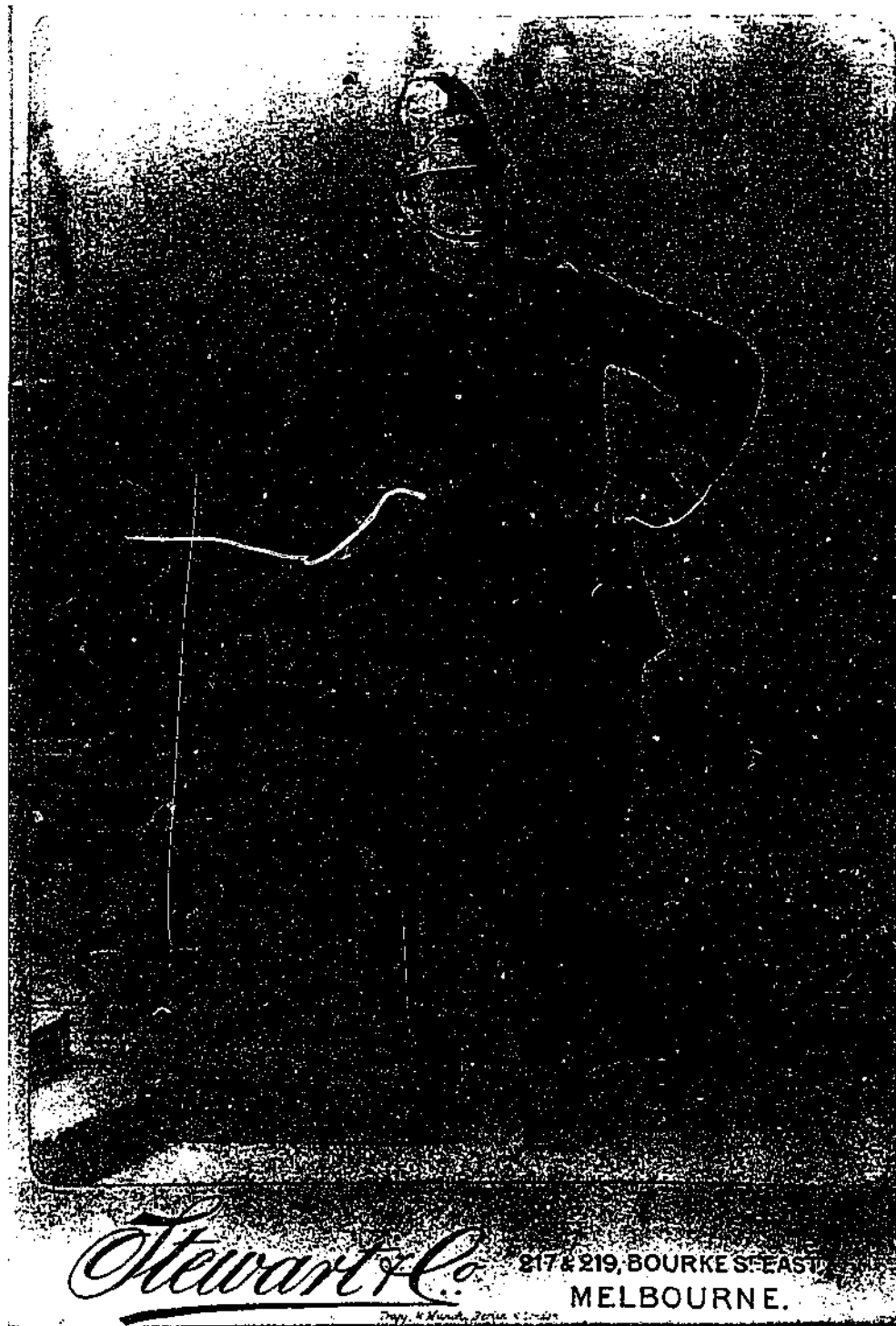
<sup>42</sup> VPRS 1199/1, Bundle 8, Application for employment by ex-Irish Constabulary men to Chief Commissioner of Police, 24 October 1857.

<sup>43</sup> For discussions of the preponderance of Irish in Australian colonial forces see Finnane, *Police and Government*, pp. 136-137; Haldane, *The People's Force*, pp. 85-87; Robin Walker, 'The New South Wales Police Force, 1862-1900', pp. 30-31; for Kelly's comment see Walker, p. 31; Irish immigrants comprised a substantial portion of many American police forces also, see for example, Dennis C. Rousey, "Hibernian Leatherheads" Irish Cops in New Orleans, 1830-1880', *Journal of Urban History*, vol. 10, no. 1, November 1983, pp. 61-84; for New York see Miller, *Cops and Bobbies*, p. 32.

<sup>44</sup> Finnane, *Police and Government*, p. 137.

<sup>45</sup> See also Haldane's calculation that 93% of those involved in the 1923 Police Strike were native born, p. 87.

Illustration 1.2



*"Constable Joseph Cromie."*

*Cromie, a labourer from county Derry, Ireland, was typical of many nineteenth-century policemen. Joining the police force in 1885, and serving in both city and country stations, he was discharged due to ill-health in 1914. Note also the duty band on his left arm, worn by beat constables during working hours.*

Courtesy of Victoria Police Historical Unit

The most interesting statistic is the number of Australian born whose place of birth was in rural Victoria. Of the sample police, 72.7% were born in rural Victoria, with only 16.5% from metropolitan Melbourne. While place of birth does not necessarily indicate that recruits were resident in country areas when they applied for the police force, anecdotal evidence would suggest that this was the case. The 1906 Royal Commission, for example, suggested the possibility of recruitment being conducted in larger country centres such as Bendigo and Ballarat to prevent men having to journey to Melbourne. The comments of Inspector Henry Cawsey, that recruits should be kept in Melbourne for twelve months under close supervision, because 'sometimes when young fellows come from the country they have been strictly kept up there, and they get a loose leg in town', are also suggestive.<sup>46</sup> The former Chief Commissioner Chomley also suggested that new recruits should be kept in barracks as 'the young men who come to town would lose their heads' if not watched closely, most of them being 'young country men'.<sup>47</sup>

Occupationally, the 1871 sample clearly demonstrates the dominance of former police from Britain and Ireland in Melbourne's nineteenth century police force. Those with previous policing experience accounted for a substantial 69.6% of those recruited. The remaining twenty-one men in the 1871 sample represented a variety of predominantly working-class occupations. Four men gave their calling as draper, four as farmer, three as labourer, while there was also a farrier, a quarryman, a shipbuilder, a carpenter and a shoemaker while two listed no previous calling. Two anomalies to the generally working-class and semi-skilled character of recruits were John Dobson, who gave his previous occupation as veterinary surgeon, and Harold Goulding who gave his occupation as doctor. Broadly, this profile would support the assertion that police were drawn 'from the class between the labourer

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<sup>46</sup> Royal Commission on the Victorian Police Force, 1906, Questioning of Chief Commissioner Thomas O'Callaghan, 21 September 1905, Q. 535, pp. 16-17; Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 2024, p. 107.

<sup>47</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of H.M. Chomley, ex-Chief Commissioner of Police, 20 September 1905, Q. 443, p. 13.

and the skilled mechanic', although considering that many of the Irish Constabulary were drawn from labouring occupations, the balance was firmly towards the labourer rather than the 'skilled mechanic'.<sup>48</sup>

For the 1921 sample, those with policing experience were clearly superseded by the dominance of labouring occupations. Labouring occupations accounted for 49.1% of recruits. What is evident, however, is the greater diversity of occupations listed, a reflection perhaps of the increased complexity of the Victorian economy. Trade occupations in the 1921 sample included a tinsmith, a fancy leather dresser, a boot finisher, a stonemason and a motor mechanic and a variety of other occupations. What the occupations do not reveal is what may have been a greater trend for movement to and from the police to other branches of the government service. Four police in the 1921 sample had their occupation listed as railway labourer while another had been a labourer in the Survey Department. In 1893, the Railways Department forwarded a list of employees seeking admission to the police force, which suggests some fluidity between branches of government.<sup>49</sup>

Some evidence that the requirements of entry remained based upon physical stature is provided by the results of an examination of candidates held at the Police Depot in March 1919. Sixty-seven potential candidates were called to attend at the Depot with thirty-two failing to call. Of the remaining number, two were rejected for being under height, thirteen were rejected for being under weight, six were rejected for insufficient chest measurement, three were rejected by the Doctor for a club foot, another for defective vision and another for inadequate physique. Only one candidate was rejected by the Board for other than physical reasons. Only ten

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<sup>48</sup> Royal Commission on Police, 1883, Testimony of C.H. Nicolson, Police Magistrate, 19 July 1882, Q. 4516, p. 188; for the dominance of labourers in the Royal Irish Constabulary see W.J. Lowe & E.L. Malcolm, 'The Domestication of the Royal Irish Constabulary, 1836-1922', *Irish Economic and Social History*, vol. 19, 1992, pp. 34-35.

<sup>49</sup> VPRS 937/357, Victorian Railways Traffic Managers Office to Chief Commissioner of Police, list of employees wishing to be considered as candidates for police force, 21 December 1893; see also VPRS 937/357, Railways Department to Chief Commissioner of Police re: Police service of John Cummins, 17 August 1892, for an example of movement in the other direction.

Illustration 1.3



*From left: Constables Robert, Joseph and Samuel Black, c. 1905.  
Like many other young men from rural Victoria, the Black brothers joined the police force in  
the late nineteenth century.*

Courtesy of Victoria Police Historical Unit

candidates of the thirty-five who attended the examination were successful, and one candidate was only accepted on the condition that he have his teeth attended to.<sup>50</sup>

Police recruitment continued to emphasise the physical proportions of applicants as the most important qualification for entry. This reflected not only a desire on the part of police administrators, but also the thinking of men in the lower ranks of the police. In 1919, the *Police Journal* noted approvingly that recent recruits were 'much larger' than previously and constituted 'a better type, both physically and intellectually'. Physical stature was by the early twentieth century more rigorously enforced than in earlier years. In 1919 new standards for foot constables stipulated both height and age, but also contained new categories of measurement such as a minimum weight of ten stone eight pounds and a minimum expanded chest measurement of thirty-eight inches.<sup>51</sup>

As late as 1925 the *Argus* newspaper was extolling the virtues of physical might for policing, with its claim that 'a foot policeman in uniform should by his obvious physical proportions and strength command a respect for his capacity to deal with every situation demanding a physique well above average'.<sup>52</sup> By the 1920s it was no longer of great importance that a recruit have previous policing or military experience—although preference was given to returned soldiers after the First World War. Fears of an ageing police force in the 1880s led to an increased selection of youthful candidates towards the end of the nineteenth century, which was also a reflection of the concern to select the best possible physical material. What was most sought after from candidates was that they be healthy and large.

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<sup>50</sup> VPRS 807/695, A 5354, Memo: result of candidates examination held at Depot, 15 April 1919, 2 May 1919.

<sup>51</sup> *Police Journal*, 1 September 1919, p. 14.

<sup>52</sup> See *Argus*, 16 March 1925 p. 13; *Argus*, 17 March 1925, p. 10; see also Haldane, p. 187.



## 1.2 Making policemen

When Robert Rattray Smith was sworn in as a constable on 12 March 1886 he went straight to the Police Barracks at St. Kilda Road, where he was to spend his first eight weeks in the Victorian Police Force. Smith made little comment about his stay at the barracks simply remarking that most of his time was spent 'at drill'.<sup>53</sup> After completing his perfunctory eight weeks at the Police Barracks, Smith commenced work as a uniformed constable stationed at Russell Street, where he was 'immediately placed on street duty without, practically, any instruction as to the performance of the duties which I might be called upon to perform'. Reminiscing on his early policing experience, Smith was unable to restrain himself from launching into a virulent diatribe on the subject of training; 'I felt that I had been placed in a position of great responsibility without any knowledge of what was expected of me, and I candidly confess that I nearly made some blunders, but fortunately I had the good luck to pull through'. Others, Smith opined, were not so fortunate, and once placed on the streets were overwhelmed by a new occupation which seemed to encompass a vast array of tasks. Smith concluded his reflections on his early years by remarking:

I have no hesitation in stating this is a serious fault with our Police system; it places the young constable at a great disadvantage, and also places the public at the mercy of the raw recruit, who, under the circumstances, could not reasonably be expected to possess the acumen necessary in the efficient policeman.<sup>54</sup>

Smith's complaints echoed one side of a debate surrounding police training which extended from 1855 into the twentieth century. Many officers and junior policemen voiced a different view, arguing that policing could only be learnt in the school of everyday practice. Others were more closely aligned with Smith, believing that through careful training, both physical and mental, the efficiency of

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<sup>53</sup> Robert Rattray Smith, *A Constable's Experiences*, George Robertson & Co., Melbourne, n.d. (c.1908), p. 6.

<sup>54</sup> Smith, *A Constable's Experiences*, p. 6.

the police force could be vastly improved. Although the idea of systematic police training to turn the raw recruit into an efficient constable gained momentum by century's end, the argument that the policeman's school was the street proved powerful and enduring.

In 1855, when a Royal Commission examined the state of the Melbourne Police, the commissioners were not impressed by the methods used to prepare new constables for duty. The Commission pointedly included in its report the observations of Inspector Samuel Freeman that 'there are no written or printed instructions given to the constabulary to guide them in their demeanour to the public, nothing in the nature of a code of instructions.'<sup>55</sup> In the early 1850s, men were simply presented with printed slips containing the Rules of Service and a small book containing a list of duties and the powers of constables.<sup>56</sup> The commission appeared perturbed by the manner in which constables received on the job training, and by the haphazard fashion in which details of the job were transmitted from one constable to the next by word of mouth. Constable Thomas Mayne's training consisted of spending seven days wandering the streets with an old constable, while another constable, James Green, testified before the Commission that he had received no instructions whatsoever as to what his duties consisted of.<sup>57</sup> Part of the solution was envisaged in the codification of instructions in an effort to provide clear direction for men on the beat.

The inadequacy of police training was again discussed by the Royal Commission of 1862. Chief Commissioner Standish provided an account of training the new recruit, stating that 'during the first few days he is put through a certain amount of drill, he is taught the use of arms with which he is entrusted, and to march about in a smart manner, to be well set up. He is furnished with the manual

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<sup>55</sup> Report into the State of the Melbourne Police, 1855, p. 4.

<sup>56</sup> Select Committee on Police, 1852, Testimony of E.P.S. Sturt, Esq., 20 July 1852, Q. 93, p. 5.

<sup>57</sup> Report into the State of the Melbourne Police, 1855, p. 6.

of police regulations, which it is his duty to peruse and make himself acquainted with.<sup>58</sup> Standish, however, held a strong belief in on-the-job training, maintaining there was little to be gained from putting men 'parrot like through the manual of regulations'.<sup>59</sup> While strongly disapproving of police being trained as soldiers, Standish maintained that military drill created 'smart and efficient constables'. The physical discipline acquired from military drill was considered necessary to counter the slovenly habits acquired by some recruits drawn from labouring occupations. The bodily regulation inherent in drill, it was reasoned, would prevent policemen 'slouching down the street in an unseemly way, which would not be very becoming in a constable'.<sup>60</sup>

Standish articulated a point of view which was consistently aired throughout the nineteenth century and into the twentieth—that policing could only be learnt through experience on the street.<sup>61</sup> Nevertheless, there were vocal advocates of training who appeared before the 1862 Commission. Superintendent of Police, P.H. Smith, believed that police should be instructed in lectures to become 'a walking directory to the public', learning the position of all public institutions, railways and railway timetables and able to 'direct strangers who arrived in Melbourne to every point of the compass'.<sup>62</sup> Despite such suggestions, little had altered in the basic instruction of constables by 1877 when a new and more detailed handbook of regulations was produced for the police force. The 1877 manual merely instructed

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<sup>58</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish, Esq., Chief Commissioner of Police, 7 March 1862, Q. 865, p. 40.

<sup>59</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish, Esq., Chief Commissioner of Police, 7 March 1862, Q. 883, p. 41.

<sup>60</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish Esq., Chief Commissioner of Police, Q. 562-563, pp. 27-28.

<sup>61</sup> This perspective remains common today, see David H. Bayley and Egon Bittner, 'Learning the Skills of Policing', *Law and Contemporary Problems*, vol. 47, no. 4, Autumn 1984, pp. 35-59; Finnane, *Police and Government*, p. 149.

<sup>62</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of P.H. Smith, Esq., Superintendent of Police, 16 May 1862. Q. 2282, p. 97.

that newly appointed constables should be shown around their beats when first placed on them—a system which by that time had already been operating for over twenty years.<sup>63</sup>

The Royal Commission of 1883 raised the issue of police training once again, concluding in its final report that senior police administrators appeared to hold the opinion that 'a constable is born, not made'.<sup>64</sup> Training took second place to the need to place men on the beat as soon as possible. The Artillery Corps scheme, initiated in 1870, was seen to provide little in the way of useful police training. The men of the Artillery Corps were said to have 'found associates of a very low character about the town, and were no improvement to the force when they joined'. Likewise, the military training which the Artillery Corps were subjected to was found to be of little practical use when it came to policing the beat. When Patrick Mulcare, who had served in the artillery corps for sixteen months before entering the police force, was asked what benefit his training had been to his work as a policeman he replied 'None, except in so far as I was able to march properly'.<sup>65</sup> Sergeant Henry Daly believed men who had served in the Artillery Corps were 'more like machines', and once placed on a police beat were 'quite at sea'.<sup>66</sup>

The findings of the 1906 Royal Commission reinforced the belief, long held amongst both foot police and police administrators, that a knowledge of policing could only be acquired through practical experience. In their final report, the commissioners maintained that little of merit was achieved by the 'imbibation of book lore'. Rather they echoed a belief regarded as axiomatic by many policemen, that 'effective preservers of law and order can only be trained in the school of

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<sup>63</sup> *Regulations for the Guidance of the Constabulary of Victoria*, John Ferres Government Printer, Melbourne, 1877, regulation 201, p. 28.

<sup>64</sup> Royal Commission on Police, 1883, General Report, p. x.

<sup>65</sup> Royal Commission on Police, 1883, Testimony of Constable Patrick Mulcare, 10 May 1882, Q. 1514, p. 53.

<sup>66</sup> Royal Commission on Police, 1883, Testimony of Sergeant Henry Daly, 7 June 1882, Q. 2750, p. 114.

everyday practice.<sup>67</sup> While eschewing the notion of classroom learning for police recruits, the Commission did express considerable enthusiasm for activities which would inspire the physical development of policemen. They suggested that first aid to the injured and the 'art of wrestling' should become a component of police training, as well as a musketry course and instruction in swimming and rowing.<sup>68</sup>

Training for police work remained an on-the-job affair into the twentieth century. In 1919, Chief Commissioner Steward introduced some elements of training which supported the idea that efficient constables could be moulded in the lecture room before being placed on the street. Steward raised the educational entrance standard for recruits, and initiated a seven week training course at the Police Depot, which included classes in law and public procedure, 'squad and section drill, physical culture, instruction in the care and use of rifles and revolvers, first aid, swimming and life saving, and how to manage a boat and drag for a body'. The physical aspects of the training were ideally complemented by a basic course in law and legal procedure, including instruction in how to serve a summons and execute a warrant, the preparation of reports and the giving of evidence as well as 'perusal and explanation of selected parts from the Police Code, Police Offences, Police Regulation, Justices and Licensing and Evidence Acts.'<sup>69</sup> A 'second phase' of training was also instituted, in which recruits who had successfully passed the Depot examinations were assigned to work with experienced beat constables at Russell Street to determine their 'fitness for duty'.<sup>70</sup> Despite the modern rhetoric, the 'second phase' bore a distinct similarity to the well-worn idea of a young constable learning his trade by walking the streets with an old hand.

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<sup>67</sup> Royal Commission on the Victorian Police Force, 1906, Report, p. ix.

<sup>68</sup> Royal Commission on the Victorian Police Force, 1906, Report, p. viii.

<sup>69</sup> VPRS 807/695, Report of Sergeant Germaine re: Instruction given to new constables, 2 May 1919.

<sup>70</sup> Haldane, *The People's Force*, pp. 166-167.

Steward's efforts to modernise police training easily translated into a sustained publicity campaign which assumed a teleological perspective comparing the bad old days with a triumphant present. Feature articles in the press honed in on aspects such as the training in jiu-jitsu, which enabled 'a small man to reduce an opponent without this knowledge to complete helplessness' thus challenging stereotypes of foot constables as lumbering dullards.<sup>71</sup> Steward's reforms of police training were applauded by the *Argus*, which proclaimed 'brute strength is no longer the primary qualification for admission to the police force'. Much of this publicity focused on the quasi-legal aspects of police training, projecting an image of policing as an occupation dependent on expert knowledge rather than brute muscle. 'It should not be very long' the *Argus* claimed 'before every policeman encountered in the streets of Melbourne will be equipped with a wide knowledge of the law as well as with his strong right arm, his baton and his heavy footfall'.<sup>72</sup>

Such publicity enhanced an image of the policeman as a trained professional rather than a labourer in uniform. The reality of such training was however less spectacular. In 1919 Sergeant Germaine concluded his report on training by commenting that 'owing to the demand for men at Russell Street, those recently appointed have been hurried through without receiving the full measure of instructions referred to'.<sup>73</sup> While police publicity strongly promoted the quasi-legal dimensions of police education, much of the training—life-saving, jiu-jitsu and rowing—gave a stronger emphasis to the constable's physique than it did to his mind. Despite the experience of the classroom, with its blackboards and legal textbooks, it was making the right arm stronger and the footfall heavier which remained the emphasis of police training.

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<sup>71</sup> *Argus*, 31 December 1921, p. 5

<sup>72</sup> *Argus*, 15 June 1921, p. 8.

<sup>73</sup> VPRS 807/695, Report of Sergeant Germaine re: instruction given to new constables, 2 May 1919.

### 1.3 Police life

Once dressed in his blue uniform, the young policeman entered an occupation characterised by strict discipline and routine. In many ways it was an occupation akin to the military, a familiarity perhaps sought by some recruits. The important difference however was that the constable was expected to act for the most part alone.<sup>74</sup> The working life of the policeman left little time for a life outside the institution. No clearer indication of the life ahead could be had than regulation 14 of the Police Regulations, which informed newly sworn in constables that 'they will be required to devote their whole time to the police service'. The 1877 *Regulations* detailed a strenuous and disciplined timetable which occupied most of the policeman's waking hours. Police on beat patrol in Melbourne were required to rise at 4.30 am every day, working a constant round of shifts which commenced at 5.00 am. Day duty for beat constables was divided into two four-hour reliefs, broken by four hours of reserve duty, meaning that a constable who started his day at 5.00 am was not finished until 5.00 pm. Night duty was served as a continuous shift from 9.00 pm to 5.00 am, and constables would work this shift for fourteen days and then be transferred back to day duty.<sup>75</sup> Duty was performed seven days a week including public holidays and Sundays. Even after a day or night treading the streets, the constable's obligations to the police service were far from over. Married men might return home and single men to the barracks after their shift, but they were to remain in uniform and ready to turn out 'when called upon in cases of emergency, such as fire, accidents of any kind, disturbances, & c., or whenever required'.<sup>76</sup> The uniform was removed only to sleep, and even then, it was to be kept close at hand. The

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<sup>74</sup> Cf. Clive Emsley, *The English Police: A Political and Social History*, St. Martins Press, New York, 1991, p. 218; for the possibility of men seeking a familiar routine after military service see Chris McConville, '1888—A Policeman's Lot', *Australia 1888*, Bulletin No. 11, May 1983, p. 83.

<sup>75</sup> *Regulations*, 1877, regulation 14, p. 3; regulations 190-193, pp. 26-27; see also *Manual of Police Regulations*, 1856, p. 36.

<sup>76</sup> *Regulations*, 1877, regulation 199, p. 27.

policeman was entitled to twelve days leave every year, less than the three weeks accorded to other civil servants. Before the 1883 Royal Commission police complained about the meagreness of their leave, a three week leave was argued for as it would give men the opportunity of taking a short sea voyage to neighbouring colonies.<sup>77</sup>

Married men were required to reside within their district, and as close as possible to the station they were attached to.<sup>78</sup> While the married man had the small respite of home life, single men faced the pervasive discipline of barracks life. Barracks accommodation had been instituted primarily as a means of maintaining surveillance over constables and more efficiently monitoring and controlling their behaviour. Thus the members of the Select Committee into the Police in 1852 were 'desirous that some incentive should be afforded to men to live in Barracks, feeling assured that due discipline can best be enforced'.<sup>79</sup> Police Superintendent Evelyn Sturt was also a firm believer in the wisdom of housing men in one location to facilitate observation and discipline. While advocating a continued presence of married men living in private housing and 'having a local interest in the well being of the City', Sturt favoured a Barracks system along military lines which would bring police 'under the immediate control and supervision of their officers'.<sup>80</sup>

Barracks life was held to a strictly regimented routine. Upon waking the constable spent the first half hour of the day dressing and folding bedding, sweeping the floors of the room and setting it in order. Gambling and smoking were strictly forbidden, as was the entertaining of guests. In the evening, police were to retire at 9.30 pm with all fires and lights to be extinguished by 10pm.<sup>81</sup> For the new recruits

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<sup>77</sup> Royal Commission on Police, 1883, Testimony of William Rogerson, Q. 1192, p. 42; see also Testimony of Sergeant William Thomas, Q. 1903, p. 69

<sup>78</sup> *Regulations*, 1877, regulation 199, p. 27.

<sup>79</sup> Select Committee on Police, 1852, General Report, p. iv.

<sup>80</sup> VPRS 1189/16, Bundle 1, 52/1215, Superintendent of Police to Colonial Secretary, 13 April 1852.

<sup>81</sup> *Regulations*, 1877, regulations 439, 444, 445 & 452, pp. 59-61.



sent to Russell Street, Saturday was filled with fatigue work—washing, scrubbing and general renovations around the barracks.<sup>82</sup> The exact time of each man's leaving and returning from duty were recorded in the reserve occurrence book, as were any irregularities such as constables returning intoxicated.<sup>83</sup> Up until 1883, the few leisure hours of the constable were spent drinking beer and swapping stories with his comrades in the barracks canteen. The tendency of young constables to get 'pretty well on', and incidents such as that of Constable Carter who assaulted a senior officer after a long drinking session in the canteen, led to its abolition following the Royal Commission's recommendations in 1883.<sup>84</sup> With the beer removed, leisure at the barracks consisted either of a sober game of billiards or some wholesome self-improvement in the police library.<sup>85</sup>

Apart from the obvious physical discipline of the barracks and parade ground, numerous other regulations sought to create respectable constables deferential to the police hierarchy. Beards and moustaches were to remain short and trimmed, and policemen were not to 'indulge in fancy styles or fashion, nor wear long hair, nor allow the beard to grow of unseemly dimensions'. Religious observance was officially encouraged, with officers instructed to ensure that 'particular attention is paid to the proper observance of Sunday'. Should the single constable wish to marry, he was required to obtain the permission of the officer of his district, who was to ensure through investigation that the marriage would not

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<sup>82</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant Patrick Byrne, 10 October 1905, Q. 3621, p. 131.

<sup>83</sup> *Regulations*, 1877, regulation 194, p. 27.

<sup>84</sup> Royal Commission on Police, 1883, Testimony of Sergeant Perry, Q.718, p. 26; Testimony of Constable William Rogerson, 10 May 1882, Q. 1226-1227, Q. 1230, p. 43; see also General Report, p. xx.

<sup>85</sup> Royal Commission on Police, 1883, Testimony of Sergeant Perry, 3 May 1882, Q. 668-673, for police library; the library began in 1859 when Russell Street was built and was intended to promote police literacy and self-improvement, see Haldane, p. 58, for billiards see Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant Patrick Byrne, 10 October 1905, Q. 3663-3666, p. 132; for the difficulties of Barracks life see also VPRS 937/334, K1626, Police Grievances: Complaints of men in Russell Street Barracks, 7 July 1891.

'bring discredit on the force'. The restriction on marriage was intended to produce a police force which would echo standards of respectability prescribed by police administrators.<sup>86</sup> Despite their low pay, policemen who became insolvent were obliged to resign, although they could later be reinstated, and this appears to have been a frequent occurrence. When Senior Constable Curran resigned, unable to meet the demands of his creditors, his commanding officer noted that his case was 'no worse than others of daily occurrence'.<sup>87</sup>

Such regulations situated the constable within a strict regime of discipline, and policemen were seldom allowed to forget that the police institution ruled every aspect of their lives. Discipline was best maintained over men who had only limited associations with their local communities, and casual recreation could easily earn the censure of a man's superiors. In 1880 Sergeant Bell of the North Fitzroy station found himself reprimanded for holding membership at a local bowling club. Superintendent Nicholson thought there was 'something very wrong where a member of the force can spend so much of his time at a bowling green as Sergeant Bell is represented to do'. Bell was unimpressed with such official interference in what he saw as harmless recreation. As Vice-President of the club Bell strongly protested threatening his superiors that 'after nearly 26 years faithful service if I cannot take a couple of hours owed a week in outdoor exercise in respectable company I will resign'.<sup>88</sup> Restrictions on the personal lives of policemen were

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<sup>86</sup> *Regulations*, 1877, regulations 17, 18, 21 & 84; Many policemen agreed with restrictions on marriage, arguing that single men who married soon after joining the police service were left 'in a penurious state', see Royal Commission on Police, 1883, Testimony of Senior Constable Edward Hall, 16 May 1882, Q. 1553, p. 55; see also Testimony of Sergeant John Bellew Richards, 19 May 1882, Q. 2037, p. 75; Testimony of Senior Constable Robert Austin Smythe, 23 May 1882, Q. 2082, p. 79.

<sup>87</sup> VPRS 937/298, Resignation of Senior Constable Curran: unable to meet liabilities, 12 October 1876, Curran was reinstated on 6 December 1876, see same file; allegations from a disgruntled former Constable, William Murray, surfaced in the Royal Commission, 1883, that Curran had borrowed money from his comrades to 'pay for promotion', see Royal Commission on Police, 1883, Testimony of William Murray, 23 May 1882, Q. 2200-2211, p. 83; for regulations regarding insolvency see *Police Regulation Act 1873*, ss. 61 & 62.

<sup>88</sup> VPRS 937/303, Bundle 3, Re: Sergeant Bell being a member of a Bowling Club, 24 December 1880.

predicated on the idea that a constable was always on duty. In 1903, the *Police Gazette* informed members of the police force that it was an 'offence against the discipline of the service' to take part in 'any athletic contest, or any bicycle or horse and foot race, or in any public stage performance' without first gaining the permission of the Chief Commissioner.<sup>89</sup> Such measures reflected official anxieties about the potential of conflicts between policemen and communities with which they were closely associated. Discipline was best enforced by maintaining a police force with few connections to the community it policed.

With long hours of work and the closely knit routine of station house life, authorities strove to regulate the tendency for malicious gossip and conflict. Rules and regulations promoted an ideal of the policeman as stoically devoted to duty with no time for idle talk against his officers or fellow constables. The constable was to 'endeavour to be on cordial terms with his comrades' for the reason that 'a man of suspicious, jealous, or quarrelsome disposition, is but little suited to the duties of the service'.<sup>90</sup> The worst offenders, according to one witness before the Royal Commission in 1882, were the embittered old hands who were 'great grumblers' having become 'dissatisfied with the trammels of discipline and of duty and regulation and rule'.<sup>91</sup> John Barry saw fit to include a special section in his *Police Guide* on the issue of 'grumbling'. Barry advised that the grumbler was a 'continual source of trouble' noting that:

every word uttered in the hearing of the grumbler by his comrades is wrongly construed; every order given by his superiors falsely interpreted, and a meaning attached altogether different to what was intended until a serious dispute arises, which frequently terminates, as it should do, in the severe punishment of the disturber.<sup>92</sup>

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<sup>89</sup> *Victoria Police Gazette*, 19 February 1903, p. 92.

<sup>90</sup> *Regulations*, 1877, regulation 129, p. 17; *Manual of Police Regulations*, 1856, p. 60.

<sup>91</sup> Royal Commission on Police, 1883, Testimony of C.H. Nicolson, Police Magistrate, 19 July 1882, Q. 4603, p. 193.

<sup>92</sup> Barry, *Victorian Police Guide*, p. 6.

Constable Callender of Brunswick Station met such a fate when he announced in the station house that 'all the men on the station were a bloody lot of hole suckers and crawlers' and that 'his brother could knock the shit out of all sub-officers with one stripe'. The incident unearthed a history of friction, and Callender was subsequently dismissed for 'using vile and revolting language', after his fellow constables gave evidence that he was 'not an agreeable comrade'.<sup>93</sup>

While maintaining comradeship was important for the general efficiency of the police force, the all-important task of police administrators was maintaining deference within the rigidly hierarchical police structure. Police regulations stressed that the constable was to 'promptly obey' all orders and should receive them with 'deference and respect'.<sup>94</sup> Violence against an officer was one of the most serious offences a constable could commit. The *Police Regulation Act 1853* created the specific offence of assaulting a superior officer which would result not only in dismissal from service, but also in a fine of twenty-five pounds and possible imprisonment with hard labour for twelve months.<sup>95</sup> William Everon was instantly dismissed in 1854 when he appeared drunk for the night duty parade and assaulted his sub-officer. In the same year Constable John Reilly was also dismissed after assaulting Sergeant Pewtress who was disciplining him for being absent from his beat.<sup>96</sup> Such outright resistance to the authority appears to have abated however,

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<sup>93</sup> VPRS 937/332, Bundle 1, Melbourne Superintendent to Chief Commissioner of Police re: Case of Constable Callender, 22 December 1890; see also evidence of Constables Seddon, Percival & Jackson, 10 December 1890.

<sup>94</sup> *Regulations*, 1877, regulation 20, p. 3 & regulation 123, p. 17; *Manual of Police Regulations*, 1856, p. 59.

<sup>95</sup> *Police Regulation Act 1853*, s. 15; this section also included the offences of accepting a bribe and assisting a prisoner to escape.

<sup>96</sup> VPRS 1189/151, 54/6979, Acting Chief Commissioner of Police to Colonial Secretary, re: dismissal of William Everon, 29 June 1854; 54/6847, Acting Chief Commissioner of Police to Colonial Secretary re: dismissal of Constable John Reilly, 26 June 1854.

and of the 121 men dismissed between 1859 and 1861, only 2 cases were for the offence of 'insubordination'.<sup>97</sup>

Deference to authority from the constable was supposedly based upon the concept of a reciprocal relationship with superiors. In both the formal police regulations and Barry's *Police Guide*, the hierarchy of ranks was envisaged as an ascending ladder of progressively more upstanding role models for the ranks beneath. Officers frequently fell below such exacting standards, and a cantankerous or tyrannical sub-officer could place the constable in an oppressive relationship with little hope of escape. In the day-to-day station routine, it was the sub-officer who exercised the most power over the constable's life. The sub-officer was to 'inspect minutely' the men on parade before going on duty, and to note their despatch and return in the occurrence book. He was to 'frequently and at uncertain hours' inspect the men's quarters and visit the station mess to check that 'the men are properly and cleanly dressed and conduct themselves with decency'. It was also the sub-officer who watched over the general conduct of constables, and was most likely to report them for neglect of duty, breaches of discipline or any other irregularity.<sup>98</sup> It is scarcely surprising then that the delegate of the Russell Street constables before the Royal Commission in 1882, stressed the need for sub-officers to be selected from men of good character 'so as to preserve us from some of the petty tyrants of the force'. The delegate related one example at the West Melbourne station where a constable was driven to violence after having 'suffered in a state of persecution for a long time' at the hands of the station's senior constable.<sup>99</sup>

Alongside the prescribed deference of rule books, the constable also faced formal mechanisms of discipline ranging from dismissal, demotion, transfer and

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<sup>97</sup> Select Committee on the Police Force, 1863, Appendix C, 'Dismissals for 1859, 1860, 1861', pp. viii-x.

<sup>98</sup> *Regulations*, 1877, regulations 115-118, p. 16.

<sup>99</sup> Royal Commission on Police, 1883, Testimony of Constable William Rogerson, 10 May 1882, Q. 1208, p. 43; Q. 1271, p. 45.

finer, through to cautions and admonitory advice from superior officers. The *Police Force Regulation Act* of 1853 was intended, as the 1852 Royal Commission suggested, to provide for the 'great and considerable evil' of breaches of discipline and neglect of duty. Constables committing breaches of discipline in 1852 were tried by an Inspector of Police or Stipendiary Magistrate in private.<sup>100</sup> The 1853 legislation granted a single police administrator, the Chief Commissioner of Police, the power to dismiss or discharge constables.<sup>101</sup>

Discipline was maintained by the continual surveillance of constables. Record sheets, introduced in 1853, maintained a lasting archive of every member of the force below the officer ranks. The record sheets were a largely negative record, and were primarily a file of misdemeanours and infringements against the increasingly elaborate code of police regulations. Although sharply criticised by the Royal Commission in 1883, which remarked that record sheets enabled officers to 'terrorise the men', the police maintained a complex internal archive of surveillance throughout the period.<sup>102</sup> In return for security of employment, social mobility and the chance of a pension, constables accepted a strict regime of discipline which demanded, but did not always get, subservience and deference.

The beat system, in combination with the hierarchical and bureaucratic structure of the police organisation, situated the average foot constable within a strict disciplinary regime. The implications of the beat system for the control of public space will be discussed in detail in subsequent chapters, but what is of significance here is the functioning of the beat system as a kind of internal panopticon which monitored not only the urban population but the police themselves. Experiments had already been trialled in the early 1850s to ensure constables patrolled their beats with regularity. Part of the duties performed by the

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<sup>100</sup> Select Committee on Police, 1852, Report, p. vi.

<sup>101</sup> *Police Force Regulation Act*, 1853, s. 5.

<sup>102</sup> Royal Commission on the Police Force, 1883, General Report, p. xix.

Officer Cadets in the City included reporting on any misconduct they observed amongst the constabulary.<sup>103</sup> In 1853 there were also rumoured to be experiments in the City using undercover detectives disguised as 'diggers or rough characters' to entrap unwary constables into public houses.<sup>104</sup>

With the publishing of the *Manual of Regulations* in 1856, this internal surveillance was codified, with the sergeant of the division expected to check on beat constables day and night. The sergeant and constables were in turn under the watchful eye of an officer expected to visit all points of his division 'at uncertain hours'.<sup>105</sup> More detailed mechanisms of surveillance were stipulated by the 1877 *Police Regulations*. The officer in charge of the division was required to pay particular attention to 'the manner in which his sergeants and constables perform their duty' and through 'examination and enquiry' to acquire a knowledge of each constable, ensuring that he 'exerts himself to the utmost of his abilities'. More intense supervision of beat men was undertaken by the sub-officers. Sub-officers in charge of City sections were expected to meet with men at an allocated time and place known as a fixed point. Men on day duty were expected to meet with the sub-officer once every four hours and twice for men on night duty. The sub-officer was required to speak to the men, ensuring that beats were properly worked, and seeing that 'the men are otherwise attentive to their duty'.<sup>106</sup> By 1906, surveillance of constables on beat duty had intensified, with men expected to appear at 'points' at fifteen minute intervals or risk the discipline of their sub-officer.<sup>107</sup>

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<sup>103</sup> VPRS 1189/16, Bundle 1, 52/3689, Orders for the Guidance of the Cadets performing Patrol Duty in the City of Melbourne, 21 September 1852.

<sup>104</sup> *Argus*, 2 March 1853, p. 5.

<sup>105</sup> *Manual of Police Regulations*, 1856, p. 37.

<sup>106</sup> *Regulations*, 1877; for district officer's duties see paragraph 196, p. 27; for the duties of sub-officers see paragraph 198, p. 27.

<sup>107</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Henry Geelan, 8 November 1905, Q. 7688-7699, p. 265; cf. Mike Brogden, *On the Mersey Beat: Policing Liverpool between the Wars*, Oxford University Press, Oxford, 1991, pp. 40-41.

The close surveillance maintained over constables in the city resulted in a large number of police infractions related to the working of the beat. The irregular hours and monotony of trudging dark and empty streets resulted in numerous prosecutions for sleeping on duty. Constable John Weadick of A division was found asleep on the footpath in Spring Street at ten past one in the morning.<sup>108</sup> While Constable James Quinn of D division was dismissed when he was reported to be sleeping inside an unfinished building, his dismissal being provoked when he called his sergeant a rogue as he finished his shift.<sup>109</sup> Constable Connan was dismissed when he was discovered snoring at two in the morning on the porch of Parliament House. Constable Foley left his post at Parliament House and was discharged when his sub-officer found him in a nearby public house.<sup>110</sup>

Not surprisingly, many men sought escape from the rigid discipline of the city beat, and sought a post in a smaller rural station. This point was acknowledged by senior police administrators. Chief Commissioner Thomas O'Callaghan, told the Royal Commission in 1906 that 'generally it is thought that the duty in the country is easier'. Men chose to move to the country largely to escape the regime of discipline which was their lot in the city. As O'Callaghan stated, policemen wished to escape the 'closer surveillance on the part of sub-officers' exercised on foot police in the city, as 'the man in the country can take it easy with greater safety'.<sup>111</sup> Many policemen apparently held the belief that 'God made the country and man the town'. Inspector Henry Cawsey remarked on the difficulty he found in retaining good sub-

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<sup>108</sup> VPRS 937/284, Bundle 3, Constable John Weadick A/55 discharged for misconduct 1 June 1858.

<sup>109</sup> VPRS 937/284, Bundle 3, dismissal of James Quinn D/41, 25 October 1858.

<sup>110</sup> VPRS 937/298, Police Report re: Constable Connan discharged, asleep on beat, 24 October 1876; VPRS 937/298, Police Report re: Constable Foley leaving post and drinking in a public house, 20 December 1876; Parliament House duty appears to have been particularly tedious, see also VPRS 937/298, Constable Kelleher dismissed for being asleep at Parliament House, 28 December 1876.

<sup>111</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Chief Commissioner Thomas O'Callaghan, 21 September 1905, Q. 720, p. 24.



officers in the City for 'the moment they hear of a vacancy in the country they go for it', with the thought "My feet are not too good; I find the pavement too hard".<sup>112</sup>

Many policemen requested transfers to rural stations, viewing them as an opportunity for betterment. Constable Bulloch desired to be transferred from Russell Street barracks to the country as, he explained, his doctor had informed him that 'city life was injuring my health'.<sup>113</sup> The expense of being stationed in the city, particularly for married men who had to find their own accommodation, was also a frequent reason for requesting a transfer. Senior Constable Duggan, who was transferred from the country station of Romsey to Melbourne in 1883, was living in barracks while his family remained in the country, as the city rents for house for his family of six were too high.<sup>114</sup> Constable Mulcahy also requested a transfer as, he reported, 'I find it impossible to get a house for my family within a reasonable distance of Russell Street station'.<sup>115</sup> Constable Corcoran also wished to move from Carlton to a country station, as 'being a married man with a family I am under the impression I could live cheaper in the country'.<sup>116</sup> Others who had served for long periods in country stations simply disliked the routine of city work, preferring the relative freedom of a rural posting.<sup>117</sup>

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<sup>112</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 2782, p. 103.

<sup>113</sup> VPRS 937/316, Request of Constable Bulloch, Russell Street for transfer to country station, 17 November 1885; see also VPRS 937/311, Constable Dwyer requests transfer East Melbourne to Geelong 'on account of wife's health', 30 January 1884; VPRS 937/311, Constable Walsh requests transfer from Hotham to 'some country town' as wife in 'delicate health', 27 December 1883; VPRS 937/311, Constable O'Sullivan requests transfer from St Kilda station to Sandhurst, suffering from chest infection, Dr Ford advises warm inland climate, 5 February 1884.

<sup>114</sup> VPRS 937/311, Senior Constable Duggan requests transfer to country station, 15 January 1884.

<sup>115</sup> VPRS 937/311, Constable Mulcahy requests transfer from Russell Street, 21 June 1884.

<sup>116</sup> VPRS 937/311, Constable Corcoran requests transfer from Carlton to North Eastern District, 9 January 1884; for complaints about the cost of housing for married policemen in Melbourne see also Royal Commission on Police, 1883, Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1151, p. 40.

<sup>117</sup> See for example the case of Constable Reed, VPRS 937/311, 4 August 1883, who wished to be transferred from Russell Street to Echuca 'having been always accustomed to the country'; see also Chris McConville, '1888—A Policeman's Lot', *Australia 1888*, Bulletin No. 11, May 1983, p. 79.

Being transferred however, was also frequently used as a punishment. The 1877 Regulations made clear the many reasons why a policeman might be transferred: 'the transfer may in some instances be intended to apply as a punishment, in others as a reward, and a comparatively inefficient member of the force will sometimes be subjected to few transfers, while another member of the force may be frequently transferred from one station to another because of his efficiency'.<sup>118</sup> Transferring police had become a strategy dependent upon the centralisation of the police force in 1853. It was designed to prevent dubious collusion between police and the communities where they were stationed. Transfers achieved the institutional objectives of creating a police force at once detached but theoretically servile to the community. Many policemen however, were either reluctant to leave their stable situations or were unhappy in their new locations. Senior Constable Daly complained bitterly of the personal hardship he experienced by being transferred from Port Melbourne to Richmond station in 1894. Daly had bought a house in Port Melbourne through a local building society and it was also the suburb where several of his sons were employed.<sup>119</sup>

Like many others, Daly, whom the Inspector at South Melbourne regarded as a 'slack sub-officer', had been transferred for disciplinary reasons. Discipline was certainly the reason for the transfer of Senior Constable Kelleher of Fitzroy. Estranged from his wife for two years, Kelleher had sent her a letter informing her that 'there was a vacancy at Mrs Frasers in Lonsdale street for a servant to wait on prostitutes which would suit her'. Brought to the Fitzroy Police Court, the dispute between Kelleher and his wife found its way onto the pages of the *Fitzroy City Press*, much to the chagrin of Kelleher's commanding officer who thought the case 'discreditable to the force' and recommended his transfer to Ballarat.<sup>120</sup> Constable

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<sup>118</sup> *Regulations*, 1877, paragraph 248, p. 35.

<sup>119</sup> VPRS 801/1, Reports re: Senior Constable Daly transfer from Port Melbourne to Richmond, 15 January 1894.

<sup>120</sup> VPRS 937/303, Bundle 3, Report re: Senior Constable Kelleher transferred to Ballarat owing to disgraceful proceedings re: himself and wife, 27 November 1880.

Richard Halpin received several disciplinary transfers. In 1874 from Hotham to Sandridge station when he was discovered drunk in a public house. Once at Sandridge, his superior officers suspected he had become involved with a dubious boarding house keeper and crimps in the area and he was duly sent to Castlemaine.<sup>121</sup>

Dismissal was the most serious of disciplinary measures which police administrators could invoke. In the 1850s it appears that dismissal was used fairly widely, and declined as the century progressed. Senior Constable Edward Hall recalled his early years in the police force when 'men were punished for a mere nothing'.<sup>122</sup> While partially indicating a greater adherence to the institutional rules of the police force amongst the men, this may well indicate greater flexibility amongst police administrators who preferred to use other disciplinary measures. Reduction in rank was another form of punishment which administrators could utilise. Sergeant Monckton, for example, was reduced to the rank of Senior Constable when he was noticed sitting down in a tobacconist's shop while supposedly on duty.<sup>123</sup> Senior Constable John Ahern was similarly reduced in rank when he was discovered to be drunk in charge of a city beat section in the early hours of the morning.<sup>124</sup>

Ahern's case was one of many which involved drink as the contributing factor in disciplinary proceedings. It is true that police drunkenness reflected the pervasiveness of drinking in the wider culture. Drunkenness amongst foot constables was a perennial problem with more than a quarter of the Melbourne City

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<sup>121</sup> Service Record of Richard Halpin, Victoria Police Historical Unit.

<sup>122</sup> Royal Commission on Police, 1883, Testimony of Senior Constable Edward Hall, 16 May 1882, Q. 1555, p.55.

<sup>123</sup> VPRS 937/318, Bundle 1, Sergeant Monckton reduced in rank, found in tobacconist's shop, 1 May 1886.

<sup>124</sup> Service Record of John Ahern, Victoria Police Historical Unit, 'reduced in rank for being drunk in charge of no.1 division at 2.20', 8 April 1876.

Police appearing before the Magistrates Court in 1854 for alcohol-related offences committed while on duty.<sup>125</sup> Of fifty-one dismissals from the police force in 1859 twenty-nine were for drink related offences.<sup>126</sup> For police authorities, the problem appeared endemic, and within the police organisation it related more specifically to the desire for policemen to present a public image of respectability.<sup>127</sup> John Barry's *Police Guide*, suggested that the most important quality a constable could possess was sobriety. The drunken policeman, in Barry's estimation, was 'useless as a member of the force' and 'a shame and a disgrace to his comrades'. The constable who indulged in drink, it was argued, was at the mercy of the publican and any member of the public who observed his weakness. Moreover, drinking on the job rendered arrests for drunkenness hypocritical, it dissipated the constable's ability to exercise discretion and rendered the constable liable to form unsavoury associations while in a hotel where 'he is liable to meet the very persons who it is desirable he should not be on intimate terms with'. Ultimately it was the damage to the public image of the police institution that was most reprehensible. As Barry concluded 'any person in uniform under the influence of liquor, attracts the notice of the public, and their state is remarked on sooner than one in a similar condition, who is dressed in ordinary attire'.<sup>128</sup>

Not all policemen subscribed to Barry's ideal of the sober constable. By the standards which policemen used to judge each other, being a drinker did not necessarily constitute being a bad policeman. Some evidence suggests that heavy drinking was an accepted facet of police life for many constables on the beat. In a case against one senior constable, Constable O'Callaghan gave evidence that he had

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<sup>125</sup> Haldane, *The People's Force*, p. 49.

<sup>126</sup> Select Committee on the Police Force, 1863, Appendix C, 'Dismissals for 1859, 1860, 1861', p. viii.

<sup>127</sup> Mark Finnane, 'Governing the Police', in F.B. Smith (ed.) *Ireland, England and Australia: Essays in Honour of Oliver MacDonagh*, Australian National University Press/Cork University Press, Canberra/Cork, 1990, p. 216.

<sup>128</sup> Barry, *Victorian Police Guide*, pp. 3-4, p. 8.

Illustration 1.4



*"Evil Spirits."*

*Constables drinking on the job remained a perennial problem for police authorities.*

*Melbourne Punch, 2 September 1858. p. 47.*

met the senior constable in the afternoon and had six glasses of strong liquor before going on duty. The Chief Commissioner was somewhat dismayed that O'Callaghan had given the evidence 'as an ordinary matter not needing explanation or apology', concluding that O'Callaghan was 'already a seasoned toper' who, if he wished to remain in the police force, would 'do well to avoid a continuance of a bad habit which seems dangerously familiar to him at present'.<sup>129</sup>

Dismissal in later years seemed reserved for cases which clearly brought the police institution into public disrepute. Constable Shaw for example, was dismissed when it was revealed that on his beat he had met up with James Bourke and his wife and proceeded to the Albert Hotel. Once at the hotel, Shaw had given Bourke his police helmet, which Bourke donned and paraded around the bar. Having left the hotel, the trio proceeded to Bourke's house in Little Lonsdale Street where they continued drinking and had a 'sing-song'. Shaw may have avoided any action had he not fallen out with his drinking companions and decided to take them into custody for drunkenness—an action which caused the Bourkes to complain to the Chief Commissioner and ended in Shaw's dismissal.<sup>130</sup> In 1917, Constable Shanks was dismissed when he was caught robbing the poor box at the City Court, an action which hardly reflected favourably on the police force.<sup>131</sup>

The disciplinary measures were thus intended to preserve the public image of the police force as an institution of integrity. Police administrators had long held a concern of the potential for policemen to become too embroiled in the local community. In 1857 Constable James Wilson was dismissed from the police for being 'acquainted with disreputable characters' when he was found 'absent from his

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<sup>129</sup> VPRS 937/311, Chief Commissioner of Police to Superintendent of Melbourne Police, re: Constable O'Callaghan's insobriety, 23 February 1884.

<sup>130</sup> VPRS 807/225, S7835, Reports re: misconduct of Constable Shaw, 23 September 1903.

<sup>131</sup> VPRS 3994/70, Constable Shanks dismissed for robbing poor box City Court, 3 January 1917.

beat and gossiping with a prostitute in a brothel from 1.35 till 2.10 this morning'.<sup>132</sup> Less formal disciplinary measures could be invoked when a constable was suspected of misconduct but no firm evidence was at hand. A confidential police report sent to the Superintendent of the Melbourne District in 1886 regarding Constable Selby reported that it was 'general talk amongst the criminal class, many of the Police, Criminal Investigation Branch and Divisional Plain-Clothes Police that Selby was thieving'. When Selby's own sister-in-law backed up the claim, he was called into the Superintendent's office and pressured to resign.<sup>133</sup> Any public signs that a policeman's family was less than respectable could result in similar actions. Constable Cook was transferred to a country station when it was revealed that two of his sons had been convicted of housebreaking, apparently justifying the assumption that they had 'joined the criminal class'.<sup>134</sup> Constable O'Grady of Carlton was suspended and resigned shortly afterwards when he assaulted his wife in the street.<sup>135</sup>

The nature of police work—which placed the constable on the street at all hours and all weather—took a heavy toll on men's health. The health of the police, an occupation predicated on the need for physical strength, was an enduring concern for police administrators. So too, was the continued suspicion that much illness was merely malingering on the part of the men. In 1849 Chief Constable Bloomfield had refused to accept any further medical certificates when as many as ten men were reported to be absent from a single watch.<sup>136</sup> In reply to inquiries about the health of

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<sup>132</sup> VPRS 937/284, Inspector Freeman recommends the dismissal of Constable James Wilson C/37 for being acquainted with disreputable characters and being found inside a brothel, 24 February 1857.

<sup>133</sup> VPRS 937/319, Police Report, 'Confidential', Constable Selby Bad Character, 14 October 1886.

<sup>134</sup> VPRS 937/319, Superintendent Sadleir, Melbourne Police to Chief Commissioner of Police re: misconduct of Constable Cook, 11 October 1886.

<sup>135</sup> VPRS 937/303, Bundle 4, re: resignation of Constable O'Grady, 24 March 1881.

<sup>136</sup> *Argus*, 21 July 1849, p. 2

the constabulary in 1852, the Colonial Surgeon made the cynical observation that 'a wet, dark and stormy night wonderfully increases the number of such invalids'.<sup>137</sup>

A Police Hospital was intended not only to secure a healthy and present police force but also as a check on malingering. In an article in the *Australian Medical Journal* Dr F.T. West Ford proudly suggested the disciplinary advantages of the hospital, which 'effectually prevents malingering, and is a great check to disease arising from dissipation'. This 'great check' was brought about by stopping the pay of constables admitted to the hospital with illnesses resulting from their 'own indiscretion'.<sup>138</sup> By 1882 however, the hospital was being blamed for actively encouraging men to malingering. Henry Moors, testified before the Royal Commission of the many men 'who hang about the hospital', and claimed that 'a man who is anxious to become invalided and superannuated will do so'.<sup>139</sup>

Physical risk and injury remained a constant in police work throughout the period. Before the 1862 Select Committee, the Police Medical Officer listed 356 admissions to the police hospital in two years, of which over sixty were for gunshot wounds, broken bones, lacerations and contusions. Nevertheless most hospital admissions were for less spectacular complaints which testified to the toll of long hours exposed to the elements—aneurysm, piles, cold and pains, sore feet, diarrhoea and effects of the sun were the common causes of admission to the police hospital.<sup>140</sup> The toughness of routine police work was confirmed by police

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<sup>137</sup> VPRS 1189/16, Bundle 1, 52/1215, Colonial Surgeon to Superintendent of Police, 13 April 1852.

<sup>138</sup> VPRS 1200/2, Chief Commissioner of Police: Reports and Returns, F.T. West Ford, 'Vital Statistics of the Police Force', *Australian Medical Journal*, vol. 11, July 1866, p. 194.

<sup>139</sup> Royal Commission on Police, 1883, Testimony of Mr Moors, Chief Clerk, 3 May 1882, Q. 610, p. 22; on malingering see also Testimony of Senior Constable John Nelson, 31 May 1882, Q. 2543, p. 99.

<sup>140</sup> Select Committee on the Police Force, 1863, Appendix H, 'Return of Non-commissioned Officers and Constables admitted into the Hospital from 1st January 1859 to 31 December 1859', see also VPRS 1200/2, Chief Commissioner of Police: Reports and Returns, Dr West Ford to Chief Commissioner of Police, Statistical Report on Dépôt Hospital, 1 July 1866; see also attached copy F.T. West Ford, 'Vital Statistics of the Police Force of the Colony of Victoria for the past Ten Years', *Australian Medical Journal*, vol. 11, July 1866; see also Haldane, *The People's Force*, p. 65.



magistrate Charles Nicolson in 1882, who suggested that after fifteen years, policemen were 'generally worn out, with varicose veins and a tendency to cold in the chest'.<sup>141</sup> Henry Moors, the Chief Clerk of the Police Department, expressed it more callously claiming that 'a policeman is like a police horse which has to be got rid of before it is unfitted for every kind of service'.<sup>142</sup>

Regardless of the suspicions of malingering, many of the illnesses endured by constables were far from imaginary. Constable Lohan, who was eventually admitted to the Kew Lunatic Asylum, suffered two cases of sunstroke while performing beat duty in Melbourne during the hot summer months. The first occurred in November 1871 when he had been placed on patrol in the Botanic Gardens, and the second in the following year when he was on beat duty in Collins street. Lohan, who persistently complained of 'having a sore head', was pronounced a lunatic by early 1873, the suggested cause being his continued exposure to the sun.<sup>143</sup> Constable John Irwin, while retaining his sanity, had spent forty-six days suffering from blindness in one eye brought on by partial sunstroke incurred on patrol duty in St. Kilda during a hot January in 1879.<sup>144</sup> The winter months were just as taxing bringing on aching limbs and joints, colds and dysentery.

Some men, such as Senior Constable McCormick, found night duty an unbearable physical routine. After twenty four years service in country districts McCormick was transferred to Richmond station where he commenced patrol work on the night beat. After nine gruelling months of night duty at his new station McCormick wrote to the Chief Commissioner in desperation; 'I thought on becoming accustomed to it that sleep would naturally come, but I find fortnight

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<sup>141</sup> Royal Commission on Police, 1883, Testimony of C.H. Nicolson, Police Magistrate, 19 July 1882, Q. 4603, p. 193.

<sup>142</sup> Royal Commission on Police, 1883, Testimony of Mr Moors, Chief Clerk, 3 May 1882, Q. 655, p. 24.

<sup>143</sup> VPRS 937/60, Police report re: Constable Lohan, lunatic, 29 November 1873.

<sup>144</sup> VPRS 937/302, Bundle 1, Constable Irwin: application for hospital expenses, 21 April 1879.

after fortnight it has become perceptibly less up to the present fortnight of which I have performed four nights without as many hours sleep'. McCormick, now suffering from dyspepsia and chronic insomnia, requested a transfer back to the more familiar timetable of the countryside, preferably to the Bourke or North Eastern District where night duty wasn't performed. McCormick was clearly no hypochondriac. His commanding Sergeant wrote in support of his request for transfer, firmly convinced that continued night duty would 'kill him in a very short time'.<sup>145</sup> While policemen escaped the constant physical exertion of labouring occupations, and enjoyed some measure of security, this was offset by the continual exposure to the elements and risk of physical injury inherent in police work.

Police work was physically demanding, and took place within a strictly hierarchical and disciplinary institution. It is therefore worth considering why men chose to remain in the police force. Some did not of course, and soon resigned finding the dull routine and relentless discipline not to their liking. If men remained, it cannot have been for financial reward. Police pay lagged behind that of warders in asylums and prisons, while most clerical workers in other government departments earned more than police constables. In 1882, policemen before the Royal Commission continually remarked on the impossibility of living on 6s. 6d. per day. Constable Patrick Bourke pointed out that a policeman in the city could not even afford unrespectable housing in a right-of-way at such a rate. Police often argued that the respectability so frequently demanded of them by their superiors could only be attained on higher rate of pay. As Constable Rogerson remarked before the Royal Commission in 1882, the pay was 'too little for a man to keep his family in such a respectable position as a constable ought to be in'.<sup>146</sup> By the time of the 1906

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<sup>145</sup> VPRS 937/303, Bundle 3, Senior Constable McCormick complains of not being able to sleep during day and wishes transfer to where no night duty has to be done, 28 December 1880.

<sup>146</sup> For comparison with warders and clerks see Chris McConville, '1888—A Policeman's Lot', *Australia 1888*, Bulletin No. 11, May 1983, p. 78; see also Royal Commission on Police, Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1179, p. 41, Testimony of Constable William Rogerson, 10 May 1882, Q. 1188, p. 42.

Royal Commission police pay had barely improved. After ten years service, a constable still only earned 8s. 6d.. If he were fortunate enough to earn a stripe and reach the rank of senior constable, he would earn a little more at 9s. a day.

Promotion was one of the incentives that police service held out to working-class men which was largely unavailable to them in other branches of government service. How men were selected for promotion to higher ranks however remained a contentious issue, and one which was far from resolved by the early twentieth century. Essentially the debate over promotions came down to the basic question of whether promotions should be awarded by seniority or merit. Promotions were intended to inculcate self-governance in police constables, with the incentive that exemplary conduct and enterprising police work would be rewarded with advancement. The promise of promotion was thus intended to lead to an unquestioning and zealous performance of duty in the hope of moving up the police hierarchy. Police regulations stressed just this point by suggesting that every grade above that of constable was to be filled from 'the next inferior grade', stating that 'every inducement is thus held out for men of a good class to enter the force, and to exert themselves while in it, for by zealously and efficiently performing their duties to the public they are consulting their own interests'.<sup>147</sup> In 1860, Chief Commissioner Standish attempted to encourage police to carefully peruse the *Police Gazette*, by issuing an order that an evident knowledge of its contents would contribute towards promotion.<sup>148</sup>

Initially the idea of policing as an occupation in which men could rise through the ranks to the level of officer was not one which appealed to Victorian police officials. A cadet scheme, specifically intended to supply an elite officer

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<sup>147</sup> *Regulations*, 1877, regulations 264 & 265, p. 36; see also Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish, Chief Commissioner of Police, 13 June 1861, Q. 13-14, pp. 1-2.

<sup>148</sup> VPRS 1200/1, Circular E381, Chief Commissioner of Police re: police not reading *Gazette*, 19 March 1860.

class within the police force, operated in the colony between 1852 and 1854.<sup>149</sup> The men of the cadet corps were 'brought up in a superior sphere of life' and it was clearly to be 'the stepping stone' to promotion. To cultivate the distance between ordinary police and their superiors, the cadets were supplied with their own mess, where they were 'required to observe the conduct of gentlemen'. Such gentlemanly conduct was assisted by a subscription from each of the men for fine linen, glassware and eating utensils suitable for the superior station in the police force for which they were destined.<sup>150</sup>

While the Royal Commission of 1883 focused upon questions of public morality, the malaise within the police force was found to result from widespread internal corruption much of it centring around the question of promotion. The commissioners concluded in their final report that there was no other area in which 'the Victorian police system has so signally failed'.<sup>151</sup> The major complaint was the evolution of the practice whereby promotions were awarded exclusively by seniority. The evil of this system was, according to Chief Commissioner Chomley, that 'you then do away with all inducement to men to exert themselves'. Under the seniority system, those promoted had tended to be 'generally old men'.<sup>152</sup> The seniority system must have rapidly disillusioned many new recruits, with the realisation that their newly chosen career was unlikely to advance much further than treading a beat for twenty years with only the distant promise of a single stripe. Henry Moors, Chief Clerk of the Police Department, described the situation where the new recruit arrived at the barracks 'full of energy, well educated, and ambitious to rise'. Regardless of the qualities possessed by the eager young constable, Moors

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<sup>149</sup> Select Committee on Police, 1852, General Report, p. iv.

<sup>150</sup> VPRS 1189/145, D53/8629, Acting Chief Commissioner of Police to Colonial Secretary, 29 August 1853.

<sup>151</sup> Royal Commission on Police, 1883, General Report, pp. xi-xii.

<sup>152</sup> Royal Commission on Police, 1883, Testimony of H.M. Chomley, Chief Commissioner of Police, 2 May 1882, Q. 337-338, pp. 12-13.

claimed 'the prospect before him is relatively hopeless'. The lack of opportunity would eventually crush the recruit's early zest, till finally at the end of his career 'he will probably have lost all enthusiasm, and a great deal of his energy'.<sup>153</sup> Some men clearly tired of the long wait. Constable Patterson wrote directly to the Chief Commissioner in 1884 complaining that after twenty-one years service he still received no more pay than an ordinary constable. Patterson was especially aggrieved for his experience as a painter, gasfitter and carpenter was frequently called upon for repairs around Melbourne stations.<sup>154</sup>

The Royal Commission also discovered a wider culture of corruption operating in relation to police promotions. Seniority might be disregarded if the policeman was a member of a sectarian society. Sergeant William Acton believed he had been passed over for promotion in favour of junior men who belonged to the Freemasons, as did his commanding officer. Similar influence was said to be wielded by members of the Orange Lodge.<sup>155</sup> Such influences undoubtedly disillusioned many in the lower ranks who watched as Orangemen and Masons were promoted over their heads. William Murray cited just this reason for leaving the police force in 1879. At fifty-nine years of age and after forty-one years service he was still wearing a constable's uniform. Disillusioned at his lack of advancement and embittered by the sight of young Protestant policemen quickly rising above him, he finally requested his discharge.<sup>156</sup> Other influences were also at work in

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<sup>153</sup> Royal Commission on Police, 1883, Testimony of Mr Moors, Chief Clerk of Police, 3 May 1882, Q. 616, p. 23.

<sup>154</sup> VPRS 937/311, Constable Patterson to Chief Commissioner of Police, re: my length of service and not receiving the promotion and allowance to which I am entitled, 19 February 1884.

<sup>155</sup> Royal Commission on Police, 1883, Testimony of Sergeant William Acton, 17 May 1882, Q. 1805-1816, p. 65.

<sup>156</sup> Royal Commission on Police, 1883, Testimony of ex-constable William Murray, 23 May 1882, Q. 2218-2231, p. 83; see also Testimony of Sergeant Henry Daly, 7 June 1882, Q. 2733, p. 113; sectarian influences were even more pronounced in other police forces, see Nicholas Rogers, 'Serving Toronto the Good: The development of the city police force 1834-84', in Victor L. Russell (ed.), *Forging a Consensus: Historical Essays on Toronto*, University of Toronto Press, Toronto, 1984, pp. 116-140.

promotions. Political influence was also used. Sergeant James Dalton spoke of men who were promoted 'men whom, if you had to engage and pay for a man to work for you, you would not engage at all'. Such men, Dalton claimed, were able to secure promotions by being prepared to 'go and hunt up influence'. Such influence was exercised not only through Members of Parliament but also through other channels such as wealthy publicans, who were well prepared to 'put in a word' for "a friend of mine". Other men secured promotion by 'toadying to their superior officers', a practice despised by comrades left behind in the lower ranks.<sup>157</sup>

In their final report in 1883, the commissioners recommended the introduction of a system of examinations for promotion. An examination system for promotion, it was hoped, would encourage the advancement of the meritorious and efficient, leading to the movement of the 'younger and better educated men' into the higher ranks. Examinations were also a means of breaking up the cosy cabals of favouritism and sectarian and political influence, along with the dominance of seniority and the inevitable advancement of 'time servers' whose sole qualification for command was a clean record sheet and long service.<sup>158</sup> By 1883 examinations commenced, and candidates sat for a gruelling three hours wrestling with problems in reading, spelling and writing, English composition and punctuation, writing a report of an imaginary case, and numeration. They were also required to display a knowledge of the *Police Regulation Act 1873*, *Police Offences Act 1864* and amendments and the *Justices of the Peace Act 1865*. Candidates were reminded however that passing the test was not the sole qualification for promotion and most certainly did not 'in itself constitute a claim for it'. The good sergeant or officer was 'possessed of many other qualities such as good conduct, ability to command & c.' which could not be proved by written examination.<sup>159</sup>

<sup>157</sup> Royal Commission on Police, 1883, Testimony of Sergeant James Dalton, 9 May 1882, Q. 1000-1001, p. 35; Testimony of Senior Constable R.A. Smythe, 23 May 1882, Q. 2095-2100, p. 79.

<sup>158</sup> Royal Commission on Police, 1883, General Report, p. xii.

<sup>159</sup> *Victoria Police Gazette*, 4 July 1883, pp. 176-177.

The examination system may have eliminated the worst of the abuses of favouritism and political and sectarian influence prevalent in the 1870s, but by 1906 the system was judged a failure. The system of promotion by examination was, in John Sadleir's view, the cause of 'many unhappy and injurious results'. 'This system had but one thing to recommend it—it relieved the Chief Commissioner of all trouble and responsibility in the choice of persons promoted. The head of the department had simply to run his eye over the list of men who had passed the exam, perhaps years before, and, without regard to the fitness or unfitness of the senior man on the list, the appointment was made'.<sup>160</sup> By 1908 three hundred constables and senior constables had passed the examination for sergeant. Few of these men could expect promotion as ageing officers clung to their positions.<sup>161</sup> Promotions were still awarded on the basis of seniority. Promotions were also awarded to those most visible to senior officers and most recommended their clerks, with whom they interacted every day.<sup>162</sup>

Senior police officials continued to advocate promotion by merit, in an effort to provide motivation to police on the beat to perform their duties efficiently. Inspector Henry Cawsey believed the notion of promotion by seniority did much to dissipate the zeal of policemen, suggesting that 'they go out mechanically on their beats, and come in again, and it is simply "Come day and go day, and the Lord send pay day"'.<sup>163</sup> Inspector Michael Mahony also complained that he was compelled to promote 'drones' who merely served their time, rather than smart and active men, due to the system of seniority.<sup>164</sup>

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<sup>160</sup> Sadleir, *Recollections*, pp. 269-270.

<sup>161</sup> Chris McConville, '1888— A Policeman's Lot', p. 81.

<sup>162</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. viii.

<sup>163</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 3011, p. 110.

<sup>164</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Michael Mahony, 29 September 1905, Q. 2194, p. 83.

Although the lure of promotion supposedly kept men in the police service, very few experienced advancement through the ranks. Before the 1906 Royal Commission, senior police testified that it took most men at least twenty years before experiencing their first promotion to the rank of senior constable.<sup>165</sup> In the 1871 sample of police, 64.7% finished their police careers at the same rank as when they entered, that of constable. A small percentage, 11.8%, advanced to the rank of senior constable, while slightly more, 17.6%, advanced to the rank of sergeant. Those who made it into the officer ranks comprised only 5.9%. For the 1921 sample, the opportunities for advancement display only marginal improvement. 57.3% of police still ended their careers at the lowest rank in the service. A slightly improved 14.5% advanced to the rank of senior constable, while 11.8% rose to the rank of sergeant. Movement into the higher ranks appeared to be a greater possibility in later years, with 16.4% of the sample ending their careers above the rank of sergeant.<sup>166</sup>

The other great incentive offered to policemen, and one they were far more likely to receive than promotion, was the police pension. The police pension was in many ways the greatest disciplinary device in the police force. Pensions were established by the *Police Regulation Act 1853*, primarily in an effort to induce constables to remain in the police force.<sup>167</sup> This initial scheme was abandoned in 1854, but a new superannuation scheme was established by the *Police Regulation Act 1873*. The policeman capable of enduring the trammels of discipline and rule, avoiding dismissal or discharge and remaining in adequate health was entitled to three fifths of his pay in retirement after serving for thirty years. The

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<sup>165</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Lawrence Gleeson, 17 October 1905, Q. 4741, p. 164.

<sup>166</sup> For limited opportunities for advancement in the London Police in the same period see Haia Shpayer-Makov, 'Career Prospects in the London Metropolitan Police in the Early Twentieth Century', *Journal of Historical Sociology*, vol. 4, no. 4, December 1991, pp. 380-408.

<sup>167</sup> *Police Regulation Act*, 1853, ss. 23-24; Select Committee on Police, 1852, Testimony of John Stephen Esq., alderman of City Council, 29 July 1852, Q. 581, p. 28.



superannuation fund also provided for police in case of sickness or injury, and provided a benefit for the widows of policemen killed in the course of duty. Such benefits provided a powerful incentive to good conduct and a clean record sheet, as those discharged or dismissed for misconduct forfeited their pension rights.<sup>168</sup>

Many senior police were therefore justifiably concerned at the disciplinary implications of discontinuing the pension scheme, which worked effectively to maintain order within the police organisation. The *Police Regulation Act 1902* abolished the generous pension scheme for those police joining after 1 January 1903, compelling them to take out private insurance policies, and stripping the incentive which had kept many old hands doggedly at their post.<sup>169</sup> The retired Chief Commissioner Chomley was quite clear that 'a pension always keeps a man safe'. Chief Commissioner Thomas O'Callaghan viewed to the discontinuance of pensions similarly. For O'Callaghan the man without pension rights was 'not at all likely to be as energetic and persevering', and would leave for other employment as soon as the opportunity presented itself.<sup>170</sup>

Policeman continually argued that their occupation was far more than simply walking around the street. John Barry for example, argued in 1882 that policing was a skilled occupation requiring 'education, intelligence, physical strength, sobriety and courteous manner to the public'. For Barry this placed the police well above the average member of the public service, who merely had to 'pass an examination, and go into his office'.<sup>171</sup> The increasing emphasis of police

<sup>168</sup> *Police Regulation Act*, 1873, ss. 20-29; for a discussion of how rates were calculated see Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 28 September 1905, Q. 1876, p. 72; for background to passing of 1873 legislation see Haldane, *The People's Force*, p. 74.

<sup>169</sup> *Police Regulation Act 1902*; for the political background of the abolition of pension scheme see Haldane, *The People's Force*, p. 125; for insurance policies see VPRS 807/201, 11916, Order in Council, 1902, all police to have life insurance.

<sup>170</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 28 September 1905, Q. 1916, 1918 & 1939, pp. 74-75.

<sup>171</sup> Royal Commission on Police, 1883, Testimony of Senior Constable John Barry, 16 May 1882, Q. 1687, p. 61.

on their own respectability was underlined in the deputation from the Victorian Police Federation to the Chief Secretary in 1912. Petitioning for an increase in police pay and the restoration of the police pensions which had been discontinued in 1902, the members of the federation stressed the compromised and peculiar position of the constable in the community. The prerequisites of entry into the police force placed police above the usual requirements of working-class occupations as he had to be of 'good physique, education, energy, intelligence and moral character'. In addition to entry requirements which placed the constable above other working-class occupations, there was also an ongoing demand for respectability. Location and social status required police to pay above average rents as they were required to 'live in a respectable locality and not in the slums and must be close to the station'. Such demands were placed on an occupation with a starting wage of seven shillings and sixpence, one shilling and sixpence less than the average pay for an ordinary day labourer.<sup>172</sup>

By 1917 the collective occupational identity of policemen was signalled with the formation of a Police Association. Successive Chief Commissioners had strongly resisted any attempt by policemen to combine, seeing such efforts as undermining the unquestioning loyalty and deference senior officers saw as vital to the police organisation.<sup>173</sup> The police pension which had acknowledged the peculiar risks and trammels of police work had vanished. With the incentives to discipline and devotion to duty removed, constables were left with only the punitive aspects of discipline. From 1853, police discipline had been based upon a system which balanced punishments with rewards. In 1923, the system of plain-clothes police, performing the work of 'vigilance duty' to maintain watch over their fellow constables represented the worst aspects of police discipline to many policemen.<sup>174</sup>

<sup>172</sup> VPRS 3992/1746, Report of Deputation from members of Victoria Police Federation for increase in pay and restoration of pensions, 26 April 1912.

<sup>173</sup> For the background to the formation of Police Association see Haldane, pp. 151-159; on Police Unionism in Australia more generally see Finnane, *Police and Government*, pp. 44-51.

<sup>174</sup> For increased surveillance of constables on the beat see *Argus*, 26 April 1923, p. 8.

The 1923 Police Strike resulted largely from the resistance of policemen to a system of discipline based solely upon punishment.<sup>175</sup>

In the early decades of the twentieth century, the status of policing as a skilled occupation appeared far from certain. In practice there was considerable continuity in the recruitment and training of policemen. Despite the introduction of rudimentary educational tests, and increased physical standards, police administrators continued to favour large, fit and healthy men who could read and write. To become a policeman, few other special skills were required. Police training, gradually introduced in the twentieth century, also favoured the development of physique rather than mind. Both senior and ordinary policemen continued to deride 'book-learning', believing the skills of policing could only be acquired through practical experience. Once dressed in the blue uniform, policemen worked in an occupation marked by strict discipline and the constant presence of rule and regulation. By the early twentieth century the rewards for policemen seemed few. Promotion remained a distant prospect, and was only gained in the final years of a long career spent at the bottom of the ladder. Nevertheless, many men, predominantly from the working class, continued to choose the police force as an occupation. The following chapters examine in greater detail what the work of those who became police constables involved.

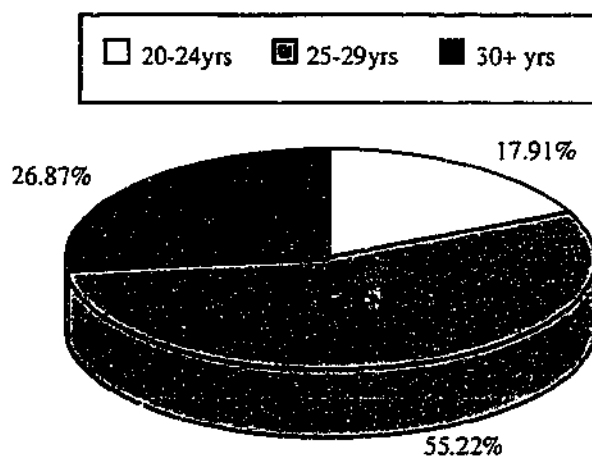
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<sup>175</sup> Much has been written about the contributing factors to the 1923 Police Strike in Melbourne; for specific studies of the strike see J. McCahon, 'The Victorian Police Strike', BA Hons, University of Melbourne, 1962; Warren Perry, 'The Police Strike in Melbourne in 1923', *Victorian Historical Magazine*, vol. 43, no. 3, August 1972, pp. 896-935; Jacqueline Templeton, 'Rebel Guardians' in John Iremonger, John Merritt & Graeme Osborne (eds.) *Strikes: Studies in Twentieth Century Australian Social History*, Angus & Robertson, Sydney, 1973, pp. 103-127; R.K. Haldane, 'Victoria Police Strike—1923', BA Hons, La Trobe University, 1981; Andrew Moore, 'Guns Across the Yarra: Secret Armies and the 1923 Melbourne police strike' in Sydney Labour History Group, *What Rough Beast? The State and Social Order in Australian History*, George, Allen & Unwin, Sydney, 1982, pp. 220-233; Gavin Brown & Robert Haldane, *Days of Violence: The 1923 police strike in Melbourne*, Hybrid Publishers, Melbourne, 1998.

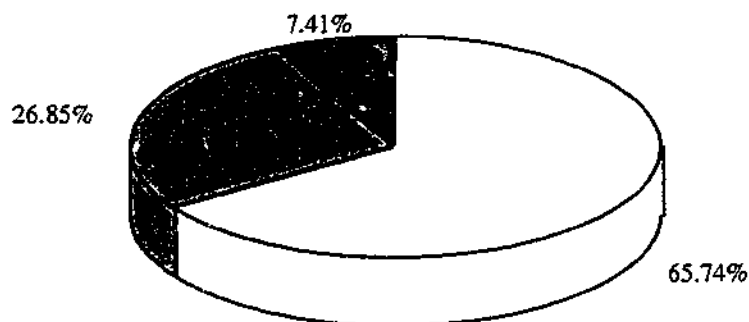
*Figure 1.1*

Ages of Police Recruits — 1871, 1921  
Sources: VPRS 55/1, 55/50, Police Muster Rolls  
Police Service Records, Victoria Police Historical Unit

1871



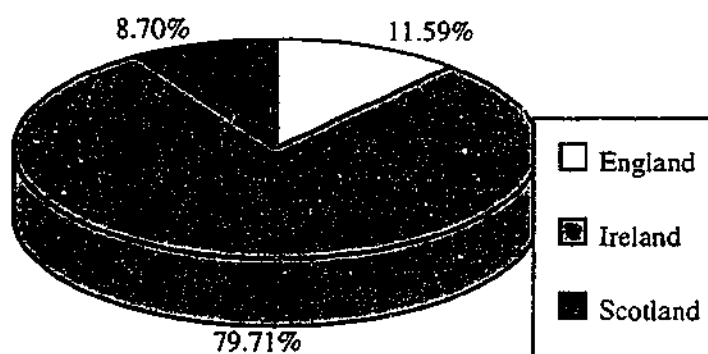
1921



*Figure 1.2*

Birthplace of Police Recruits — 1871, 1921  
Sources: VPRS 55/1, 55/50, Police Muster Rolls  
Police Service Records, Victoria Police Historical Unit

1871



1921

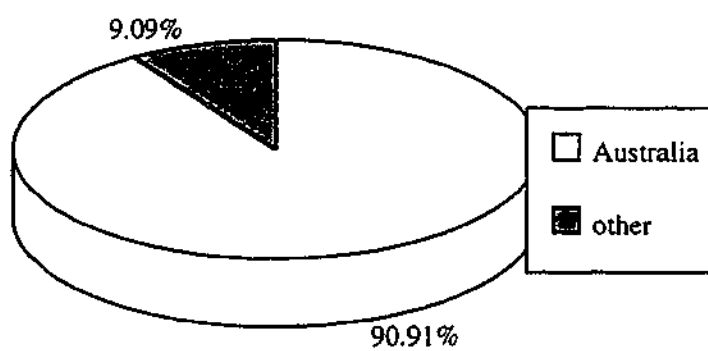
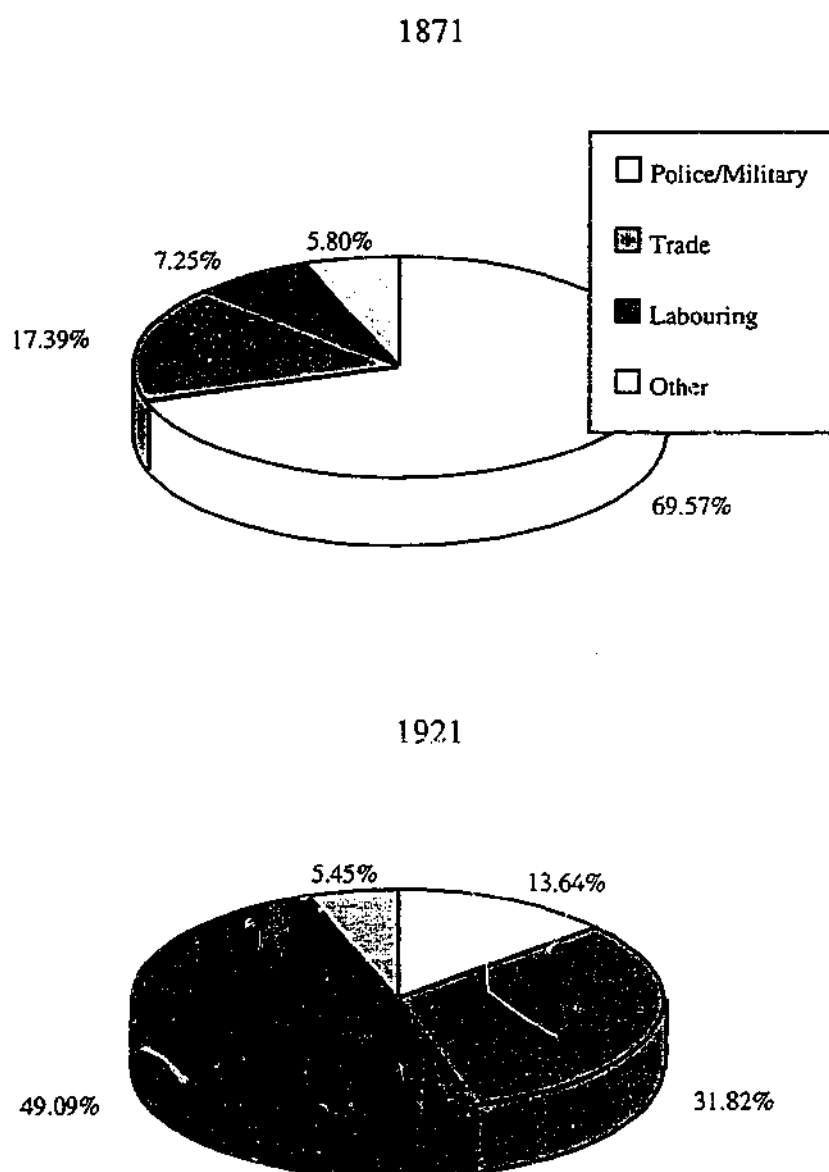


Figure 1.3

## Occupations of Police Recruits — 1871, 1921

Sources: VPRS 55/1, 55/50, Police Muster Rolls  
Police Service Records, Victoria Police Historical Unit

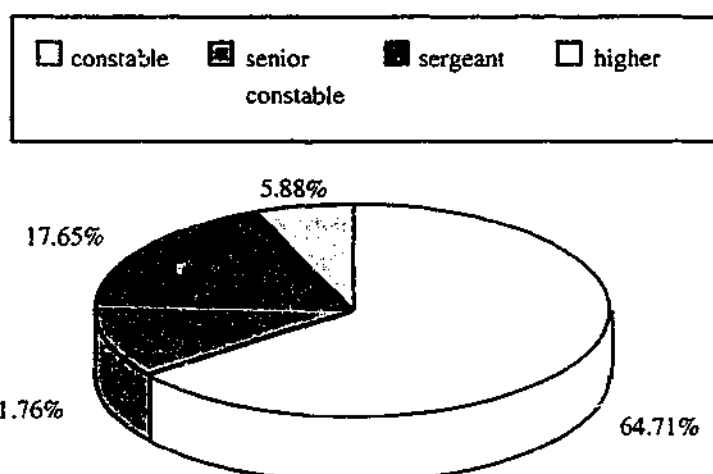
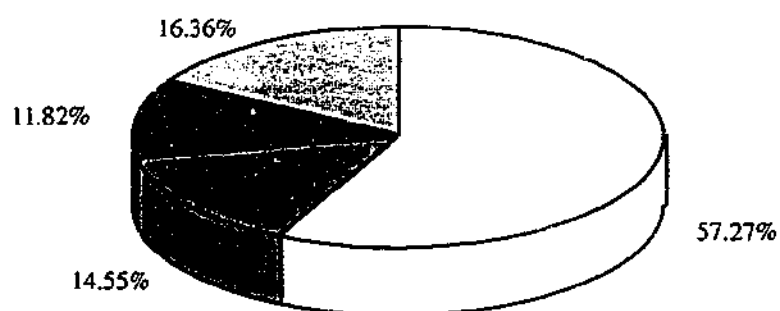


Note on categories: 1871 — 'Trade' includes 1 carpenter, 4 drapers, 4 farmers, 1 shipwright, 1 farrier; 'Labouring' includes 1 general servant, 1 quarryman, 3 labourers; 'Other' includes 1 veterinary surgeon, 1 doctor and two unspecified

1921 — 'Trade' includes 6 blacksmiths, 1 boot finisher, 2 carpenters, 1 dairyman, 1 fancy leather dresser, 1 grazier, 1 grocer, 1 linesman, 1 motor mechanic, 1 motorman, 1 painter, 1 saddler, 1 stonecutter, 1 stonemason, 1 tinsmith; 'Labouring' includes 1 carter, 2 drivers, 5 farm labourers, 30 labourers, 2 gardeners, 6 miners, 4 railway workers, 1 sailor, 1 saw mill hand, 1 warder; 'Other' includes 2 clerks, 2 firemen, 1 musician, 1 tram conductor

*Figure 1.4***Rank on Leaving Police Force — 1871, 1921**

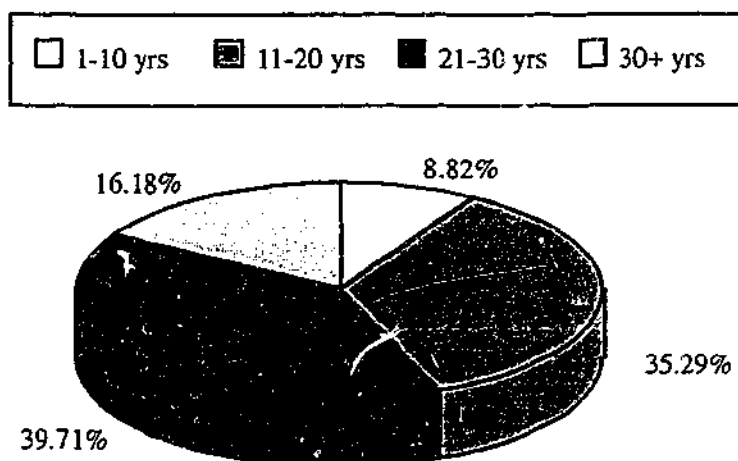
Sources: VPRS 55/1, 55/50, Police Muster Rolls  
Police Service Records, Victoria Police Historical Unit

**1871****1921**

*Figure 1.5*

Length of Police Service — 1871, 1921  
Sources: VPRS 55/1, 55/50, Police Muster Rolls  
Police Service Records, Victoria Police Historical Unit

1871



1921

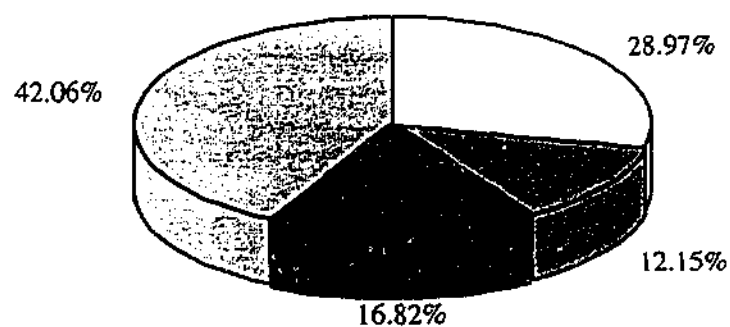




Illustration 1.5



*"Fatigue Duty, Russell Street Barracks 1909."*  
*Barracks life was characterised by strict routine and discipline.*

Courtesy of Victoria Police Historical Unit

Illustration 2.1



*"The Metropolitan Police Sketches of the Russell Street Barracks."*

*The Australasian Sketcher, 11 July 1889. p. 109.*

## CHAPTER 2

### THE RISE AND FALL OF THE POLICE BEAT

From 1854, the sight of the policeman in his blue uniform walking a fixed beat was a familiar one to Melburnians. At five o'clock every morning, after parading before their senior officer, the men from Russell Street barracks marched down the street in formation, peeling off into the adjoining streets to commence a day of measured patrol. Routine and regularity distinguished the policeman's day from the time his sturdy boot hit the street. Walking at a pace of two miles an hour, all the points he would cover on his designated beat were prescribed by his senior officers. Smartly dressed in blue uniform and armed only with a truncheon, the constable was instructed to be polite and courteous to all he met during the course of the day. Melbourne's police force was modelled directly on the London metropolitan model. Constables were to prevent crime through regular patrols which would make the 'criminal classes' aware they were being watched and reassure law-abiding citizens that order was being maintained. With impeccable manners and courteous demeanour the constable also had a civilising mission. Standing straight, neither smoking nor gossiping, the constable on his beat was intended as a public and mobile example of mid-Victorian respectability.

#### 2.1 The preventive policeman and his beat

In Melbourne, the concept of police constables patrolling regular fixed beats both night and day was imported. In London, what distinguished the new police force of 1829 from the old watch system was the introduction of an around-the-clock patrol, designed to prevent crime rather than simply arrest offenders after the fact. A regular uniformed police beat would make a 'criminal class' aware that they were under surveillance, while simultaneously deterring potential offenders from

committing criminal acts.<sup>1</sup> British historians of policing have subsequently questioned whether this resulted in improved efficiency.<sup>2</sup> Nevertheless, for Melbourne authorities in the 1850s round-the-clock police beats represented the zenith of a police science developed in the Imperial centre.

In England, the introduction of the new police was accompanied by considerable controversy. Fears of central government encroachment, the erosion of traditional liberties and substantial expense were articulated by those opposed to the introduction of paid preventive police.<sup>3</sup> In Melbourne, however, a centralised preventive police force was introduced unopposed. Partially this was because police forces, with varying degrees of influence from the metropolitan model, had already existed in the colony for over a decade. However, the development of a centralised bureaucratic police force, modelled on the principles of the London Police, also emerged from the peculiar social upheavals of a goldrush colony. Arguments for a strong police force to enforce order were widely voiced in a period of rapid social change.

In the early 1850s, much of the old localised policing structure dissolved under the impact of unprecedented population growth. In November of 1852 two young police cadets, one of them a future Superintendent of Melbourne Police, ran

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<sup>1</sup> On the principles of 'preventive policing' see Sir Leon Radzinowicz, *A History of the English Criminal Law and its Administration from 1750*, vol. 3, *Cross-currents in the movement for the reform of the police*, Stevensons & Sons Ltd., London, 1956, pp. 448-56; Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870*, University of Chicago, Chicago, 1977, pp. ix-x; Carl B. Klockars, *The Idea of Police*, Sage Publications, Beverly Hills, 1985, pp. 44-56.

<sup>2</sup> Ruth Paley, "An Imperfect Inadequate and Wretched System"? Policing London Before Peel', *Criminal Justice History*, vol. 10, 1989, pp. 95-129; see also Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830*, MacMillan, Basingstoke, 1998.

<sup>3</sup> For the debates over the 'new police' in England see David Philips, "A New Engine of Power and Authority": The Institutionalization of Law-Enforcement in England 1780-1830', in V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds.) *Crime and the Law: The Social History of Crime in Western Europe since 1500*, Europa Publications, London, 1980, pp. 155-189; Robert D. Storch, "The Plague of Blue Locusts": Police Reform and Popular Resistance in Northern England', *International Review of Social History*, vol. 20, 1975, pp. 68-69; Robert Reiner, *The Politics of the Police*, 2nd edn, Harvester Wheatsheaf, London, 1992, pp. 47-48.

for their lives through the dark of Fitzroy Gardens, pursued by three assailants.<sup>4</sup> William Kerr, Melbourne's Town Clerk, spoke before the Select Committee on Police in 1852, advocating the necessity of a 'strong body of Police', to perambulate the City in 'such force that bands of ruffians will not be able to go about in the way they now do'. Kerr related an incident in which the Chief Constable had been bailed up by armed men when he attempted to assist a man being robbed.<sup>5</sup> With many believing a total breakdown of order was imminent, questions of police and policing became of central importance.<sup>6</sup>

The perception that chaos and disorder were about to descend into anarchy gave rise to persistent demands for police services. At the makeshift settlement on the south side of the Yarra river the situation seemed particularly acute. The Crown Lands Commissioner wrote to police authorities urging the need for the two constables stationed during the day to be continued into the night due to 'several robberies and disturbances' which had recently taken place. A petition of twenty residents to the Superintendent of Police, Captain Sturt, complained of the 'great want felt here for a regular patrol of Police to preserve peace and good order in this now densely peopled district'. Disturbances, it was added 'are pretty frequent and may result in fearful consequences as there is no police to suppress them'.<sup>7</sup> Witnesses before the 1852 Select Committee agreed on the necessity of police protection for the nascent suburbs, arguing for mounted patrols along the major

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<sup>4</sup> John Sadleir, *Recollections of a Victorian Police Officer*, George Robertson & Co., Melbourne, 1913, p. 26.

<sup>5</sup> Select Committee on Police, 1852, Testimony of William Kerr, Town Clerk, City of Melbourne, 3 August 1852, Q. 633, p. 32.

<sup>6</sup> David Goodman, *Goldseeking: Victoria and California in the 1850s*, Allen & Unwin, Sydney, 1994, p. 77.

<sup>7</sup> VPRS 1199/1, Bundle 2A, 52/295, Crown Land Commissioner's Office to E.P.S. Sturt, 27 December 1852 & 52/292, Residents of South Yarra Encampments to E.P.S. Sturt, 27 December 1852; on 'Canvas Town' see Geoffrey Serle, *The Golden Age: A history of the colony of Victoria, 1851-1861*, Melbourne University Press, Melbourne, 1963, pp. 68-69.

roads into the city and the establishment of stations in the suburbs.<sup>8</sup> Similar requests for increased police protection and the establishment of lock-ups and police stations in the growing suburbs continued throughout the following years.<sup>9</sup>

Arguments for a reorganised and substantially strengthened police force were extremely persuasive in the climate of a goldrush colony. While debate occurred over the structure and organisation of a police force, there was a broad agreement that what the colony needed was more police. And the numbers of police did increase markedly after the discovery of gold. In 1854, Melbourne had one policeman for every 187 inhabitants, an extraordinarily dense ratio of police to population which would not be matched again. Thereafter, however, ratios of police to population steadily declined and by 1859 there was one policeman for every 434 inhabitants.<sup>10</sup> The anxieties over potential anarchy which were so pronounced in 1852 were initially handled by military troops, armed mounted police and the importation of trained police from England.<sup>11</sup> By 1853, as these anxieties subsided, authorities looked to the London Metropolitan model of preventive policing in the hope of securing order. The ideals of the preventive model derived from the

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<sup>8</sup> Select Committee on Police, 1852, Testimony of Joseph Blomfield, Chief Constable Melbourne Police, 5 August 1852, Q. 748-750, p. 37; see also Testimony of N.A. Fenwick Esq., Commissioner of Crown Lands, District of Bourke, 5 August 1852, Q. 811 & Q. 814, p. 40; see Testimony of Mr W.R. Belcher, Clerk to the Melbourne City Bench of Magistrates, 28 July 1852, Q. 397 & 398, p. 19; on need for patrol on roads into Melbourne and inhabitants demands for police protection for St.Kilda.

<sup>9</sup> See for example VPRS 1199/1, Bundle 2B, Request of North Melbourne residents to Chief Commissioner of Police for establishment of Police station 'suited to the population and extent of the locality', 11 September 1854; VPRS 1199/1, Bundle 4, East Collingwood municipality to Chief Commissioner of Police requesting police protection, 16 October 1855; VPRS 1199/1, Bundle 4, James Service, Chairman of Emerald Hill Magistrates Bench to Chief Commissioner of Police, urgent need for lock-up at Emerald Hill, 8 November 1855.

<sup>10</sup> 1854 police numbers taken from Melbourne Police, Report of the Commission appointed to enquire into the state of the Police, *Votes and Proceedings, Legislative Council of Victoria*, vol. 1, 1855-56, Appendix B 'Distribution of Police Force on 1st day of November 1854', p. 18; 1859 figure from Police Department, Report of the Chief Commissioner for the year 1859, Appendix A, 'Distribution of Police Force, 31 December 1859', p. 20; Melbourne population figures from V.A. Arnold, *Victorian Year Book* 1973, Victorian Office of the Commonwealth Bureau of Census and Statistics, Melbourne, 1973, p. 1069.

<sup>11</sup> Serle, *The Golden Age*, p. 126.

arguments of Italian criminal law reformer, Cesare Beccaria, later absorbed in England by reformers such as Jeremy Bentham and Patrick Colquhoun. Preventive policing was one element of a broader reform agenda envisaging regular patrolling, predictable detection of offences and rational punishment to deter offenders. Such concepts of policing were part of a broader shift from infrequent, symbolic and brutal punishments towards a system of rational, predictable and more pervasive application of the law intended to promote deference and social cohesion.<sup>12</sup>

Preventive policing was thus envisaged as having a broad social purpose, and was predicated on the concept of a benign police force which would solicit the co-operation of the public. This was part of a more general civilising process which led to a disinclination towards graphic displays of state power. In November 1854 public executions in Victoria ceased and capital punishments were subsequently carried out in enclosed yards which excluded the general public, with inquests held on the bodies of the executed.<sup>13</sup> In 1855 the practice of constables conveying prisoners through the streets from the lock-up to the courthouse was discontinued, on the grounds of the unsavoury spectacle it presented to the public. The suggestion that a closed prison van be used instead was made, as it would spare the public from 'the pain of witnessing a number of depraved and loathsome characters paraded through the streets in handcuffs, and the prisoners themselves would not be exhibited in the streets as a public spectacle'.<sup>14</sup> The police were to be separated from the legacy of justice and order through public display. Refashioned after the London

<sup>12</sup> David Philips, 'A New Engine of Power and Authority', p. 175; Eric Monkkonen, *Police in Urban America, 1860-1920*, Cambridge University Press, Cambridge, 1981, p. 40; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan, Penguin, London, 1977.

<sup>13</sup> Michael Cannon, *Melbourne After the Gold Rush*, Loch Haven, Main Ridge, 1993, p. 64; cf. also John McGuire, 'Privacy or Spectacle?: The Demise of the Public Execution in Queensland, 1855-1879', in Paul Crook (ed.) *Proceedings of the University of Queensland History Research Group*, no. 8, 1997, pp. 30-44; also McGuire, 'Judicial Violence and the "Civilizing Process": Race and the transition from public to private executions in colonial Australia', *Australian Historical Studies*, no. 111, vol. 29, October 1998, pp. 187-209.

<sup>14</sup> VPRS 937/283, Bundle 1, re: conveyance of prisoners to watch-house and to court, 4 May 1855; see also *Argus*, 9 November 1855, p. 5, for introduction of police van to prevent 'unpleasant spectacle' of police leading prisoners around City.

example, Melbourne's police force was intended to become a shining example of the preventive model.

Preventive policing was introduced within a broader cultural context in which authorities sought to create an orderly society through moral example. As David Goodman and Paul Fox have argued, many of the city's key cultural institutions—the University of Melbourne, the public library, mechanics institutes, botanical gardens and the museum—were founded to promote order and a respect for English cultural values in a society of uncertainty. There was somehow a faith that the transplantation of these institutions from Britain would create order almost of themselves.<sup>15</sup> In a similar way, the adaptation of the London Metropolitan model of beat policing promoted order by making the state visible on Melbourne's streets. Mirroring the ambitions of the city's cultural institutions, the helpful, sober and impartial constable was intended to be both instructive and practical. While local factors, such as gold rush fears of highly mobile population, played some part, there were also transplanted ideas about the aims of the justice system which were imported along with beat patrols. An important component of policing in England was a desire to promote new standards of behaviour amongst the urban masses. Rather than simply punish, the law was fashioned to instruct in these standards, and the police were vital cogs in this new moral machine.<sup>16</sup>

Such an objective for policing resulted in police being expected to do far more than impartially enforce the law. Beat police were to set an example of virtuous conduct to those policed which might be emulated, and police manuals and regulations prescribed a detached institutional personality that constables were expected to convey in public. The 1856 *Police Regulations* manual instructed

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<sup>15</sup> David Goodman, *Goldseeking*, p. 88; also Goodman, 'Fear of Circuses: Founding the National Museum of Victoria', *Continuum*, vol. 3, no. 1, 1990, pp. 18-34; Paul Fox, 'The State Library of Victoria: Science and Civilisation', *Transition*, Spring 1988, pp. 14-26.

<sup>16</sup> Martin J. Wiener, *Reconstructing the Criminal: Culture, law and policy in England, 1830-1914*, Cambridge University Press, Cambridge, 1990, p. 47.



constables that they should 'be extremely cautious in their demeanour, and be sober, orderly and of regular habits'. This personal respectability was reinforced by regulations stipulating that constables were not to smoke or indulge in idle chatter on their beats.<sup>17</sup> Aloofness was advocated as one of the necessary qualities of a constable, and serious dismay resulted at the prospect of police becoming overly familiar with those policed. In 1859 Chief Commissioner Standish demanded stronger supervision over men at suburban stations as 'it is a common habit of theirs to lounge about in a most unwelcoming manner, chatting with civilians and even drinking with them'.<sup>18</sup> The posture of the constable was also regarded as significant in promoting public respect for their authority. In 1858 constables were warned against standing 'in a lounging and listless attitude' when addressing members of the public, and received a district order that when spoken to by citizens they should 'immediately come to attention and remain in such a position for the time'.<sup>19</sup> By 1877, Police regulations informed constables that they must avoid any appearance of 'lounging, loitering or gossiping' and also that they were not permitted to enter into any conversation except that directly related to police matters.<sup>20</sup> John Barry's *Police Guide* of 1888 reiterated the point, noting that 'nothing ... seems worse in the eyes of the public than to see a constable lounging about in a lazy slovenly manner, as if it were a burden to him to carry his own weight'.<sup>21</sup> The regularity and uniformity of the constable on the beat, it was hoped, would be projected out onto the space he moved through, bringing about control over the public space through steady surveillance and physical example.

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<sup>17</sup> *Manual of Police Regulations*, 1856, p. 60.

<sup>18</sup> VPRS 937/284, Bundle 2, Chief Commissioner of Police, Correspondence respecting the alteration of the boundaries of the Melbourne District, January 1859.

<sup>19</sup> VPRS 1200/1, 'Circulars and Orders 1858-1860', Chief Commissioner of Police, circular re: police addressing members of the public, 27 October 1858.

<sup>20</sup> *Regulations*, 1877, regulations 125 & 126, p. 17.

<sup>21</sup> John Barry, *Victorian Police Guide*, pp. 4-5.

The detachment of the police constable was intended to reinforce the symbolism of the policeman as an impartial enforcer of the law, impervious to social or political influence. This image of integrity was in turn designed to elicit the co-operation and support of the community. The constable was to be seen as the representative, not of vested local interests, but of a mystical and benign law ultimately emanating from the collective will of those policed.<sup>22</sup> Impartiality was therefore emphasised in instructions suggesting that the constable exercise a civility blind to social gradations. The policeman was instructed that he must be 'civil and attentive to all persons of every rank and class' and that he must be 'cautious not to interfere unnecessarily'.<sup>23</sup> The 1877 *Police Regulations* again emphasised the importance of 'self control and coolness' on the part of constables, who were to execute their duties with 'forbearance, mildness, urbanity and perfect civility towards all classes.' Such demeanour was specifically intended to create a 'kindly feeling' towards police, causing them to be 'respected and looked up to'.<sup>24</sup>

The separation of policemen from the community, along with their institutional role, were distinctively identified by the uniform which clothed them in an anonymous institutional garb. The idea of uniformed police went back to the 1840s, although problems with securing supplies of cloth from Sydney and England resulted in police often walking the streets in plain clothes, identified only by a broad leather belt with a baton and a badge or band on their caps bearing the words 'Melbourne Police'.<sup>25</sup> By 1849, Melbourne and County of Bourke police were wearing a uniform derived from the London Metropolitan Police, complete with

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<sup>22</sup> On the importance of community co-operation in English theories of policing see E.C. Midwinter, *Social Administration in Lancashire: Poor Laws, Public Health and Police*, Manchester University Press, Manchester, 1969, p. 126.

<sup>23</sup> *Manual of Police Regulations*, 1856, p. 63.

<sup>24</sup> *Regulations*, 1877, regulation 154, p. 21.

<sup>25</sup> Thomas O'Callaghan, 'Police in Port Phillip and Victoria, 1836-1913', *Victorian Historical Magazine*, vol. 12, no. 4, June 1928, p. 188.

'chimney pot' hat, which was derided as 'totally unsuited to our climate'.<sup>26</sup> After the discovery of gold however, the problem of securing cloth resurfaced, and by 1852 many constables walked the streets in civilian dress. Uniforms were regarded as essential by the clerk of the Melbourne Police Court, who claimed instances of citizens being imposed upon by people impersonating police were disturbingly frequent.<sup>27</sup>

By 1853, the uniforms of the London Metropolitan Police, along with the reasons they were worn, were directly transplanted on to the Melbourne police. Orders for uniforms identical to those of the London Metropolitan Police were sent to England in 1853, prompting comments that Melbourne's police were 'determined to imitate the Metropolitan Police in all but its good qualities and efficiency'.<sup>28</sup> Melbourne's police were to be dressed in a dark blue uniform, one chosen in London because it avoided the military associations of red and was judged civilian, neutral and 'quiet'. The distinctive blue uniform embodied the preventive ideal of policing, making the policeman easily identifiable to citizens seeking his aid, and deterring potential criminals through a highly visible police presence. Numbers and letters worn upon the policeman's collar reinforced the concept of an accountable civilian force by making any irregular activities visible, and reportable, both to superior officers and civilians.<sup>29</sup> Such slavish imitation had its drawbacks however, as policemen sweltered in uniforms intended for a far colder climate. By 1859,

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<sup>26</sup> *Argus*, 25 May 1849, p. 2

<sup>27</sup> VPRS 1189/16, Bundle 1, Superintendent of Police to Colonial Secretary, re: sending to Sydney for cloth for police uniforms, 14 January 1852; Select Committee on Police, 1852, Testimony of William Redmond Belcher, Clerk to the Melbourne City Bench of Magistrates, 28 July 1852, Q. 394 & Q. 395, p. 19.

<sup>28</sup> *Argus*, 3 June 1853, p. 6.

<sup>29</sup> On the London uniform see Wilbur R. Miller, *Cops and Bobbies*, pp. 32-33; David Ascoli, *The Queens Peace: The Origins and Development of the Metropolitan Police 1829-1979*, Hamish Hamilton, London, 1979, p. 90; see also Stanley Palmer, *Police and Protest in England and Ireland 1780-1850*, Cambridge University Press, Cambridge, p. 297; see *Argus*, 26 July 1852, p. 5 for adaptation of numbering system.

Melbourne's police were permitted the small deviation from the London pattern of a loose jumper in summer rather than a blue coat.<sup>30</sup> Charles Hope Nicolson, a police magistrate and former superintendent of Detectives, neatly outlined the rationale for the police uniform some years later in 1882. Nicolson maintained that 'without being fantastical' the purpose of the police uniform was to make constables highly visible 'so that they can be seen at a long distance, like lighthouses, so that when people want a policeman they may be able to distinguish him at a long distance.'<sup>31</sup>

The civilian ideal of policing was reinforced by the fact that constables walked their beats unarmed. Police administrators consistently referred to the need to avoid displays of militarism, which it was reasoned would alienate the policeman from the community.<sup>32</sup> In Melbourne, as in London, the policeman's moral authority was symbolised by the carrying of the baton, and police were instructed to exercise discretion in wielding this limited weaponry.<sup>33</sup> As early as 1841, Melbourne police had been advised 'to remember that a staff is not a bludgeon'.<sup>34</sup> The 1856 *Police Regulations* advised that the use of the baton was to be avoided 'as good temper with determination will generally effect more than the use of violent

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<sup>30</sup> Police Department, Report of the Chief Commissioner for the year 1859, p. 6; Superintendent Freeman was considerably irritated when City police began complaining of cold on account of the jumper, see VPRS 937/284, Bundle 3, re: use of jumpers and white trousers, 27 October 1858; for similar imitation of the London uniform in Sydney see Michael Sturma, 'New Police, New Country', *Journal of the Royal Australian Historical Society*, vol. 77, pt. 3, p. 4.

<sup>31</sup> Royal Commission on Police, 1883, Testimony of Charles Hope Nicolson, 19 July 1882, Q. 4599, p. 192.

<sup>32</sup> See Report of the Commission appointed to enquire into the state of the Police, Melbourne Police, *Votes and Proceedings of the Legislative Council of Victoria, 1855-56*, vol. 1, p. 4; also Police Department, Report of the Chief Commissioner for the year 1859, p. 8; *Regulations*, 1877, regulation 336, p. 46.

<sup>33</sup> *Manual of Police Regulations*, 1856, p. 22; standard equipment issued to foot police included rifle, bayonet and sheath, baton, handcuffs, pouch belt, waist belt and frog, rattle and number and letter. Bayonets and rifles were not taken on patrol however and remained in the station house.

<sup>34</sup> *Port Philip Gazette*, 6 November 1841, p. 2; the Gazette was recommending that Sydney police regulations, recently framed by William Augustus Miles, be adapted to Melbourne; Miles' regulations were in turn drawn from the London Metropolitan Police, on the career of Miles see David Philips, 'The Royal Bastard as Policeman? William Augustus Miles and the Sydney Police, 1841-1848', in David Philips and Susanne Davies (eds) *A Nation of Rogues: Crime, Law and Punishment in Colonial Australia*, Melbourne University Press, Melbourne, 1994, pp. 36-72.

measures'.<sup>35</sup> Such instructions acknowledged that while a baton was not as lethal as a musket or pistol it remained a formidable weapon.<sup>36</sup> Senior police consequently advised constables that batons should only be used in exceptional circumstances, such as when their life was threatened or a prisoner had escaped.<sup>37</sup> Restraint was also encouraged by regulations requiring constables to report every occasion of using the baton to their sub-officer.<sup>38</sup>

Revolvers were available to ordinary policemen, although regulations stipulated that they were to be entrusted to officers in charge of stations, who were to ensure they were 'used on none but suitable occasions'.<sup>39</sup> Suggestions in 1892 that police be armed with revolvers, especially on night duty in 'rough quarters' of the city, were rejected as it was argued that a constable on duty 'when suffering from some minor, though irritating, treatment from disorderly persons might be tempted to draw and use their firearms'. Further danger existed in the possibility of firearms being taken from police in the course of an armed struggle and being used against them.<sup>40</sup> Revolvers were available for police at station houses, and in 1922, following fears about the number of firearms circulating in the State, police on night duty were issued with revolvers.<sup>41</sup>

<sup>35</sup> *Manual of Police Regulations*, 1856, p. 85.

<sup>36</sup> On the lethal potential of police batons see VPRS 937/338, Bundle 1, Investigation into case of Constable Spillane, medical report on Henry Cozens who died 'from injuries received by him from a blow with a baton', 4 February 1893.

<sup>37</sup> Cornelius Crowe, *The Duties of a Constable set out in a concise form with references to Acts of Parliament and Regulations*, Robert Barr printer, Fitzroy, 1894, p. 9; for the importance of the civilian ideal and the symbol of the truncheon for the London Metropolitan Police see Wilbur R. Miller, *Cops and Bobbies*, pp. 48-9, also Emsley, *The English Police*, p. 25; see also Clive Emsley, 'Arms and the Victorian Policeman', *History Today*, 34, November 1984, pp. 37-42.

<sup>38</sup> *Regulations*, 1877, regulation 137, p. 18.

<sup>39</sup> *Regulations*, 1877, regulations 442-3, p. 60.

<sup>40</sup> *Victorian Parliamentary Debates*, vol. 69, 1892-3, 9 August 1892, p. 897; it was also claimed in Parliament that 'the desire to be furnished with firearms is very far from being common in the force'.

<sup>41</sup> See Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 28 September 1905, Q. 1819-1824, p. 70 for arms supplied to constables in the city and restraint in the use of batons; on the issuing of revolvers to police see (continued...)

Along with notions of preventive policing, Melbourne also replicated London's beat system of patrol. Prior to 1854, early constables apparently worked in a system of watches, although whether these were specifically laid out is unknown.<sup>42</sup> By 1847, Melbourne Police were organised into two watches: a day watch consisting of nine men and a night watch which consisted of eight.<sup>43</sup> Four years later, in 1850, Chief Constable Blomfield of the City Police proposed placing a constable on each of the central grid's thirty-two blocks.<sup>44</sup> It seems unlikely that this proposal was carried into effect however, as Blomfield testified before the Select Committee into the Police Force in 1852, pointing out the necessity of constables patrolling fixed beats and asserting that this was an urgent necessity.<sup>45</sup> It was a need felt most sharply in Melbourne's nascent suburbs, where police were 'stationed nowhere in particular, but they are about at all hours, and in all places, through the Bush'.<sup>46</sup>

The centralisation of the Police Force in 1853 answered some of the concerns raised by the influx of population in search of gold. In Melbourne, the colony's most populous centre, it was the police beat which represented efforts to systematise and order policing at a local level. Effective policing of urban space required more than greater numbers of police. It required self-disciplined men who would not only enforce order but also symbolise it. In 1854 the Inspector of Melbourne Police, Samuel Freeman, devised an intricate system of beat policing

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*Argus*, 20 April 1922, p. 6; police also assumed the responsibility of registering firearms under the *Firearms Act 1923*, see *Argus*, 5 June 1923, p. 10.

<sup>42</sup> *Port Phillip Herald*, 11 November 1842, p. 2; mentions that Melbourne was then divided into four districts, with 2 Sergeants and 2 Corporals in each.

<sup>43</sup> *Port Phillip Patriot*, 16 April 1847, p. 2.

<sup>44</sup> *Argus*, 7 November 1850, p. 2.

<sup>45</sup> Select Committee on Police, 1852, Testimony of Joseph Blomfield, Chief Constable, Melbourne, 17 September 1852, Q. 793, p. 39.

<sup>46</sup> Select Committee on Police, 1852, Testimony of N. A. Fenwick, Esq., 5 August 1852, Q. 812, p. 40.

which calculated the precise walking pace required to cover designated city blocks.<sup>47</sup> The beat system divided the central grid into four divisions A, B, C & D, the inner boundaries being formed by the intersection of Elizabeth and Bourke streets.<sup>48</sup> Each division was then sub-divided into sections under the command of a sergeant.<sup>49</sup> Sections were then further sub-divided into beats patrolled by one constable, except for certain areas of high density or traffic, such as Princes Bridge which had two constables to regulate the heavy flow of vehicles. Within the central city area there were thirty-four day beats and sixty night beats.<sup>50</sup>

The beat system was continually refined in the later 1850s in an attempt to provide complete surveillance over the streets of the city. In 1859 beats were reorganised taking account of the expansion of the city in the wake of the goldrushes. Constables in the station-house had the new system carefully explained to them by the Superintendent, who pointed out the paths of the new beats using large maps of the City and municipalities with coloured sections showing different divisions. More detailed rolls of individual beats were also compiled by the Superintendent, which, he claimed, 'relate with minuteness the manner in which they should be worked'. The Superintendent regulated the system by timing individual beats, and noting where every constable would be at ten minute intervals.<sup>51</sup> In addition to spatial reorganisation, police numbers were also to be

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<sup>47</sup> Sadlier, *Recollections*, p. 65.

<sup>48</sup> Commission into the State of the Melbourne Police, 1855, p. 9.

<sup>49</sup> *Manual of Police Regulations*, 1856, p. 36.

<sup>50</sup> Commission into the State of the Melbourne Police, 1855, p. 9.

<sup>51</sup> VPRS 937/284, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police, 26 April 1859; see also *Argus*, 17 February 1859, p. 5, under the new arrangements the old letter system of A, B, C & D division was replaced by new numerical divisions. No.1 division comprised the City and North Melbourne, No.2 division was Richmond and Collingwood, No.3 division consisted of St.Kilda, Emerald Hill, Windsor and Prahran.

increased, with an extra six first class sergeants, one senior constable and six constables.<sup>52</sup>

The Chief Commissioner of Police, Frederick Standish, considered Melbourne well suited to the beat system of policing due to its 'straight and regular' streets. Police beats were confined to a particular street or section of street, allowing the policeman to 'command a view of the greater portion of his beat, so that he may be found when required, but may also readily see where his presence is necessary'.<sup>53</sup> A measured and regular walking pace was also advised to compliment the impressive vista of the police constable. Initially, Superintendent Freeman had prescribed no particular walking pace to the constable, specifying only that they should walk 'slowly enough to observe everything'.<sup>54</sup> The 1856 *Manual of Police Regulations* emphasised that beats should be worked with regularity, ensuring the position of the constable was well known to the public.<sup>55</sup> By 1888, the measured walking pace of two miles an hour was judged as the correct speed to enable the constable to observe 'person and places'.<sup>56</sup>

Ideally, the beat system was also a mechanism which would be responsive to changing circumstances. The 1855 Commission stressed that 'after laying a plan down on paper, in proceeding to reduce it to practice very considerable latitude must be allowed as to details'. Latitude in the operation of the beat system was judged necessary to accommodate 'a thousand shifting accidents' and the possibility that 'the broken and swampy ground of to-day ... may next year grow into a well

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<sup>52</sup> VPRS 937/284, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police, 26 April 1859.

<sup>53</sup> Police Department, Report of the Chief Commissioner for the year 1859, p. 8; on surveillance function cf. Miles Ogborn, 'Ordering the city: surveillance, public space and the reform of urban policing in England 1835-56', *Political Geography*, vol. 12, no. 6, November 1993, pp. 505-521.

<sup>54</sup> Commission into the State of the Melbourne Police, 1855, p. 11.

<sup>55</sup> *Manual of Police Regulations*, 1856, p. 61.

<sup>56</sup> Barry, *Victorian Police Guide*, p. 8; see also Crowe, *Duties of a Constable*, p. 7.



ordered and respectably inhabited neighbourhood'.<sup>57</sup> In 1862 Chief Commissioner Standish echoed such comments, remarking that police beats were 'a system requiring modification from time to time', and reporting that beats were altered on the strength of police reports of changing circumstances.<sup>58</sup>

The success of the preventive model was however, extremely difficult to assess. Whether the uniformity of the policeman on the beat was actually successful in deterring burglars or preventing street robberies is impossible to say.<sup>59</sup> What the policeman on the beat was specifically not intended to do was detect crime. The constable was indeed, primarily placed on the street for 'the preservation of public tranquillity', an object which the regulations suggested was better achieved by a courteous demeanour than by 'the detection and punishment of offenders after they have succeeded in committing crime'.<sup>60</sup>

## 2.2 Working the beat

For many observers the work of a uniformed policeman seemed an incredibly easy form of labour, particularly if it was compared to the lot of labouring occupations. For those sitting on the 1855 Commission into the Melbourne Police, it was indeed 'impossible to conceive of lighter labour' than that of a policeman who had merely to 'walk slowly but vigilantly round his beat'.<sup>61</sup> Police continued to deny the charge

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<sup>57</sup> Commission into the State of the Melbourne Police, 1855, p. 12.

<sup>58</sup> Select Committee on Police, 1863, Appendix G, Testimony of F.C. Standish, Esq., Chief Commissioner of Police, 7 March 1862, Q. 702-706, p. 34.

<sup>59</sup> Emsley, *The English Police*, p. 56; E.C. Midwinter, *Social Administration in Lancashire 1830-1860: Poor Law, Public Health and Police*, Manchester University Press, Manchester, 1969, pp. 170-171.

<sup>60</sup> *Regulations*, 1877, regulation 153, p. 21.

<sup>61</sup> Commission into the State of the Melbourne Police, 1855, p. 10.

that police work was easy labour. John Sadleir directly refuted such an allegation claiming:

Many persons think that a policeman's lot is an easy one. It really is nothing of the sort, and especially trying and uncomfortable is the work of a constable on night duty, for not only is he on his feet nine hours at a stretch and in all weathers, but a large share of his time is spent in walking through empty streets—a very dreary form of toil.<sup>62</sup>

The police constable was often confronted, not with the challenges and dangers of catching thieves and murderers, but with the sheer monotony of dull routine. However, not all patrol work was spent on night beats during quiet evenings. Beat work also required the exercise of police discretion and authority in a multitude of situations. In the following chapters the variety of tasks involved in the work of routine patrol will be investigated further. In this section, however, I will focus on three aspects of police work—the protection of property, the arrest of drunkards and the use of move-on powers.

The protection of property was one of the central functions of the police beat. Preventing minor depredations had been a concern of the 1852 Royal Commission on Police Force, who worried that the lack of police gave rise to numerous 'daylight robberies'.<sup>63</sup> Beat policing provided one solution, as the regular presence of the police constable was intended to signal to 'criminals' that crimes could not be committed with impunity. In England, Edwin Chadwick argued a regular police presence promoted the perception that crime was difficult to commit, thus dissuading the commission of criminal acts and thereby reducing crime.<sup>64</sup> Night duty also involved practical instructions intended to enhance the surveillance of those thought likely to commit offences. The constable on night duty was to observe and memorise any 'loiterers', who might later be recalled should an offence be committed, and to question all persons abroad at night with 'suspicious bundles'.

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<sup>62</sup> Sadleir, *Recollections*, p. 248.

<sup>63</sup> Select Committee on Police, 1852, Testimony of E.P.S. Sturt, Esq. 20 July 1852, Q. 91, p. 5.

<sup>64</sup> Radzinowicz, *A History of the English Criminal Law*, vol. 3, p. 456.

Besides acting as a symbol of an ever vigilant state to would-be criminals, the Melbourne police constables also performed practical security tasks such as the checking of doors and bolts, cellar doors and fan-lights.<sup>65</sup>

Requests for police patrols reveal that, by the mid-1850s, belief in the preventive function of uniformed police was more widely held. In 1855, the Commissioner of Sewers and Water Supply wrote to the Chief Commissioner of Police complaining that water pipes laid in stacks were being stolen at night and requesting that police on the beat keep a special watch over the area.<sup>66</sup> A similar problem bedevilled James Service, the Chairman of the Emerald Hill bench of magistrates, who requested a regular patrol claiming that materials assembled for the construction of a new lock-up were 'gradually disappearing, and are likely to be soon surreptitiously removed altogether'.<sup>67</sup> George Dram & Co., timber merchants at Sandridge, claimed that the stealing of lumber, which they had stacked on the beach, was an 'almost nightly occurrence' and requested a regular patrol as 'the knowledge that this spot was within the beat of the police, would we believe, act as a check upon the depredations complained of'.<sup>68</sup>

In some cases police actually functioned as night watchmen for private companies, and they were contracted out by the Police Department. In 1857, Westley & Co. of Collins Street West requested that a constable be provided to act as a night watchman for their premises in Collins Street and Flinders Lane, for which they would pay. The arrangement was agreed to by the Melbourne

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<sup>65</sup> Barry, *Victoria Police Guide*, p. 9; Crowe, *The Duties of a Constable*, p. 7.

<sup>66</sup> VPRS 1199/1, Bundle 4, Office of Commissioners and Water Supply to Chief Commissioner of Police, 14 October 1855.

<sup>67</sup> VPRS 1199/1, Bundle 4, James Service, Chairman of Emerald Hill Bench to Chief Commissioner of Police, 8 November 1855.

<sup>68</sup> VPRS 1199/1, Bundle 4, George F. Dram & Co. Timber Merchants to Chief Commissioner of Police, 5 September 1855.

Superintendent.<sup>69</sup> Similar arrangements between the police and private companies existed in later years. In 1882, one constable was paid for by the Bank of Victoria specifically to protect their premises, while another performed special duty at the Flinders Lane stores and was paid for by the merchants in the area.<sup>70</sup>

Police on the beat seldom became directly involved in catching thieves, although occasionally they might stumble across a burglary in progress. Constable Thompson turned into King Street while on night duty to see a man attempting to lift the windows at Mariner's Hotel and called on the night watchman for assistance.<sup>71</sup> In 1893, Constable O'Sullivan had a similar experience when he noticed a light in the Kew Railway station office in the early hours of the morning and surprised the intruder who quickly dashed from the building. O'Sullivan gave chase and finally captured the man after running for nearly two miles.<sup>72</sup>

Cases where police actually captured or detected anyone in the act of committing an offence were nevertheless rare. While observation and prevention were part of the constable's duty, detection remained a specialised area of policing. Chief Commissioner Standish emphasised this point in 1862, commenting that the uniformed police were primarily 'a preventive force' and that most 'intricate cases'

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<sup>69</sup> VPRS 1199/1, Bundle 7, Westley & Co, Collins Street West to Chief Commissioner of Police, 2 January 1857.

<sup>70</sup> Royal Commission on Police, 1883, Testimony of Sergeant Perry, 3 May 1882, Q. 730, p. 26; the constable on duty at the stores, whose only remuneration was a Christmas-box from the merchants, continued for many years and was mentioned again before the Royal Commission on the Victorian Police Force, 1906, see Testimony of Thomas O'Callaghan, 28 September 1905, Q. 1723-1726, p. 67; see also VPRS 937/311, Sargoods to Chief Commissioner of Police re: payment for men employed on stores duty, 4 March 1884; wealthy companies continued to command a disproportionate share of police resources, eventually aided by new technology. In 1904 electrical contractors Edminston & O'Neill were instructed by officials of the Royal Bank to install a burglar alarm using a private telephone line running direct from their Collins Street premises to the Russell Street Police Barracks, see VPRS 807/246, V5505, Edminston & O'Neill, Electrical Engineers and Contractors to Chief Commissioner of Police, 29 June 1904.

<sup>71</sup> VPRS 937/293, Bundle 1, Report of Constable Thompson re: burglary at Mariner's Hotel, King Street, 4 October 1872.

<sup>72</sup> VPRS 937/338, Bundie 3, Report of Constable O'Sullivan re: break-in at Kew railway station, 13 March 1893.

were the preserve of detectives.<sup>73</sup> In 1906 Chief Commissioner O'Callaghan, in response to the claim that young constables were too inexperienced to detect experienced criminals, reiterated Standish's observations remarking that the duty of the constable on the beat was 'to prevent, not to detect'. On night duty, the constable was to observe windows, doors and traps and test the locks, work which O'Callaghan claimed was easily accomplished by a novice constable.<sup>74</sup>

The preventive police function was supposedly performed through a regular presence combined with the basic security functions of the beat. Another way in which this function was fulfilled however, was in keeping close watch over those thought likely to commit offences. This was to be achieved as part of a general surveillance of the urban population, with constables to take particular note of 'suspicious persons'. Such a duty for police in Victoria had a history before the discovery of gold, where a Detective Force had been established in 1844 primarily to monitor the movements of escaped and ex-convicts from Van Diemen's Land.<sup>75</sup> Fears surrounding the criminal propensities of convicts were magnified by the influx of population in 1851-2, and a vigorous anti-transportation movement existed at the time when preventive policing was established.<sup>76</sup> By the mid-nineteenth century local authorities voiced concerns about the threat to society posed by a distinct criminal class, echoing similar anxieties in England. Notions of exactly how many people comprised this 'criminal class', and who they might be, remained vague. In 1862, the Superintendent of Detectives estimated that 1000 people in

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<sup>73</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish, Esq., 7 March 1862, Q. 903, p. 42

<sup>74</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 21 September 1905, Q. 687 & 695, p. 23.

<sup>75</sup> Victoria Police Management Services Bureau, *Police in Victoria 1836-1980*, Victoria Police Department, Melbourne, 1980, p. 37.

<sup>76</sup> Serle, *The Golden Age*, pp. 126-130; on anti-transportation movement see Ernest Scott, 'The Resistance to Convict Transportation in Victoria, 1844-1853', *Victorian Historical Magazine*, vol. 1, no. 4, December 1911, pp. 101-142; also James Golden, 'A Charm in Distance: The Victorian Anti-Transportation Movement, 1844-1864', MA thesis, University of Melbourne, 1993.

Melbourne lived permanently 'by breaking the laws', while there were an additional 3000 to 4000 'questionable persons' 'whom the police would have an eye upon'.<sup>77</sup> While attempts to measure and define the criminal class were woolly, contemporaries remained convinced that such a group existed. In identifying the criminal class, the local constable had a crucial role to perform as the criminal population was believed to be transient. In his local community, the policeman was expected to possess 'such a knowledge of the inhabitants of each home as to enable him to recognise their persons'.<sup>78</sup> In theory this knowledge facilitated the identification of transient individuals, who, it was thought, comprised the criminal class.

A knowledge of the local population also served the more benevolent function of enabling the constable to render assistance to those who resided within his beat. Nevertheless, the surveillance function of this knowledge was significant, as the local constable could theoretically detect the arrivals and departures of the inhabitants residing within his beat. Instructions stipulated that a senior officer was to be informed 'should any suspicious characters either arrive at or leave any parts of the city within the constable's beat'.<sup>79</sup> From the late 1850s, however, Melbourne's swelling population and declining ratios of police to population made such intensive surveillance increasingly difficult. In 1862, Charles Nicolson, Superintendent of Detectives, was able to justify the existence of a separate detective force to monitor

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<sup>77</sup> For the concept of the 'criminal class' in England see Jennifer Davis, 'The London Garotting Panic of 1862: a moral panic and the creation of a criminal class in mid-Victorian England' in V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker, (eds) *Crime and the Law: The Social History of Crime in Western Europe since 1500*, Europa Publications, London, 1980, pp. 190-213; David Philips, *Crime and Authority in Victorian England: The Black Country 1835-1860*, Croom Helm, London, 1977; more generally see Marie-Christine Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse*, Duke University Press, Durham, 1992; for Australia see Alastair Davidson, *The Invisible State: The Formation of the Australian State 1788-1901*, Cambridge University Press, Cambridge, 1991, pp. 116-119; see also Finnane, *Police and Government*, p. 75; Select Committee on the Police Force, 1863, Appendix G, Testimony of C.H. Nicolson, Superintendent of Detectives, Q. 2480-2484, 16 May 1862, p. 106.

<sup>78</sup> *Manual of Police Regulations*, 1856, p. 61.

<sup>79</sup> *Regulations*, 1877, regulation 204, p. 28.

'every criminal and suspected person' on the grounds that 'a constable on his beat has many on his beat that he does not know'.<sup>80</sup> However, Nicolson may have been motivated more by internal departmental rivalries than by the weakness of ordinary police. In 1889, Constable Robert Rattray Smith on night patrol in Richmond 'noticed two strangers' and trailed the men believing them to be thieves.<sup>81</sup>

Despite detective police staking claim to the surveillance of a 'criminal class', the monitoring of 'suspicious' individuals remained a prescribed task of the beat constable's duty. In 1888, John Barry advised police to utilise vagrancy laws, 'the most elastic law in the colony', to deal 'with a numerous class who are obtaining their living either by thieving, prostitution, or other illegal means'.<sup>82</sup> If police were aware that anyone on their beat had been previously convicted they were likely to be closely watched. In 1886 a man named McLaughlin complained to the Chief Commissioner that he had been wrongly arrested for the theft of some silk handkerchiefs. Constable Geary reported that he had arrested McLaughlin 'knowing him to be a suspected person and also his sister who is a notorious thief'. McLaughlin protested that 'some of the police force seem to think once a man has been unfortunate he is irreclaimable and only fit to be hounded down and annoyed as it suits their caprice'.<sup>83</sup>

The constable on a fixed beat was also intended to preserve the safety and security of 'persons' as well as property. As with the protection of property, public

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<sup>80</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of C.H. Nicolson, Superintendent of Detectives, 16 May 1861, Q. 2356, p. 108; for detectives and the monitoring of a 'criminal class' see Q. 2437-2444, p. 104 & Q. 2479-2487, p. 106.

<sup>81</sup> Robert Rattray Smith, *A Constable's Experiences*, pp. 18-19.

<sup>82</sup> On English vagrancy laws see M.J.D. Roberts, 'Public and private in early nineteenth-century London: the Vagrant Act of 1822 and its enforcement', *Social History*, 13, 1988, pp. 273-294; W. Chambliss, 'A sociological analysis of the law of vagrancy', *Social Problems*, 12, 1964, pp. 67-77; for the Australian context see Finnane, *Police and Government*, p. 95-96 and Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene" The "Vagrant" in Late-Nineteenth-Century Melbourne', pp. 145-146.

<sup>83</sup> VPRS 937/319, Mr McLaughlin, 108 Madeline Street, Carlton to Chief Commissioner of Police, 8 July 1886; Report of Constable Geary, 21 July 1886.

safety was to be assured by a regular police presence. Nevertheless, there were persistent complaints in the nineteenth century that the police presence was not regular enough, and that public safety was comprised by the absence of constables on the street. In 1855, James Duncan wrote an angry letter to the Chief Commissioner of Police complaining that when he was assaulted in Collins Street he had called for a policeman 'nearly a dozen times' without reply, and had been compelled to walk to the Police Barracks to secure the services of a policeman.<sup>84</sup> In 1859 the Chief Commissioner of Police suggested that the expectations of some sections of the public for police services were unrealistic when he referred to the 'captious comments' constantly made by those 'labouring under the impression that the police force is sufficiently numerous to meet every possible contingency'.<sup>85</sup> In 1862, the Select Committee into the police force gave consideration to the 'growing evil' of the public being unable to get a constable when wanted. Chief Commissioner Standish, questioned on the subject of the availability of policemen in the City, remarked that public comments about the lack of police had 'been a standing joke since I was a boy' and considered such complaints trifling, if persistent. Standish appeared similarly unconvinced by the suggestions of the Committee that small two person lock-ups should be scattered around the city, so that constables would never be distracted from their beats for long periods.<sup>86</sup>

Public comments about the absence of police when needed did not go away. Police administrators were still searching for solutions to this criticism in 1876 when the Superintendent of Melbourne Police, Frederick Winch, instigated a system of fixed points around the city 'where from 9am until 9pm a constable can always

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<sup>84</sup> VPRS 1199/1, Bundle 4, James Duncan, 128 Bourke Street East, to Chief Commissioner of Police, 22 November 1855.

<sup>85</sup> Police Department, Report of the Chief Commissioner for the year 1859, p. 8.

<sup>86</sup> Select Committee on the Police Force, 1863, Appendix G, Minutes of Evidence and Appendices taken before Select Committees, sessions 1860-1 and 1861-2, Questioning of F.C. Standish, Esq. 7 March 1862, Q. 809-825, pp. 38-39.



be found'. The points were to be located at four major intersections in the central area; large notice boards attached to lampposts bearing the words 'Police fixed point' would alert the public to their existence. The fixed points—located at the Post Office, the corner of Swanston and Bourke street, Customs House and the corner of Collins and Elizabeth streets—offered some solution to the complaint of the absence of constables, and Winch was keen to see a general notice circulated advertising their locations.<sup>87</sup>

While the policeman on the beat was expected to protect property and provide general surveillance, there was also a more active role in securing 'public order'. For English police theorists such as Edwin Chadwick, 'order' was an expansive term encompassing both the behaviour of individuals and general sanitary conditions.<sup>88</sup> The implications of this broad definition will be explored further in Chapter Three. In this section, however, I will examine the public order role of police in relation to individual behaviour. Public order policing has been the subject of much scholarly attention. Numerous historical studies have suggested that the police were crucial instruments in bringing about new standards of order in the industrialising cities of England. As the spearhead of state intervention in daily life, the police served to reproduce class inequalities by focusing on working class behaviour.<sup>89</sup> While the initial efficiency of the new police in moulding new

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<sup>87</sup> VPRS 3181/834, Superintendent of Police to Melbourne Town Clerk, 14 June 1876; for locations and Winch's desire to advertise see Royal Commission on Police, 1883, Testimony of Frederick A. Winch, Superintendent of Melbourne Police, 4 July 1882, Q. 3717 & 3718, p. 151.

<sup>88</sup> On Chadwick's advocacy of broad police functions see Emsley, *The English Police*, p. 77; on shifting definitions of order see Clive Emsley, *Policing and its Context 1750-1850*, Macmillan, London, 1983, p. 132; see also Barbara Weinberger and Herbert Reinke, 'A Diminishing Function? A Comparative Historical Account of Policing in the City', *Policing and Society*, vol. 1, 1991, p. 214; Finnane, *Police and Government*, p. 12; see also Chapter Three, p. 130.

<sup>89</sup> For influential historical studies see Robert D. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880', *Journal of Social History*, vol. 9, no. 4, June 1976, pp. 481-509; Storch, 'The Plague of Blue Locusts', pp. 61-90; Michael Ignatieff, 'Police and the people: the birth of Mr Peel's "blue locusts"', *New Society*, 30, August 1979, pp. 443-445; Phil Cohen, 'Policing the working-class city', in Bob Fine, Richard Kinsey, John Lea, Sol Picciotto and Jock Young (eds.) *Capitalism and the Rule of Law: From deviance theory to Marxism*, Hutchinson, London, 1979, pp. 118-136; Michael Brogden, *The Police: Autonomy and Consent*, Academic Press, London, 1982, pp. 62-71.

standards of behaviour remains contentious, over the longer term most historians agree that the orderliness of the streets increased, partly as the result of police initiatives which were intrinsically class-biased.<sup>90</sup> That public order policing focused (and continues to focus) on sections of the working class is also confirmed in the Australian context. Nevertheless, it is also evident that this form of police work was not simply a question of imposing modes of conduct dictated from above.<sup>91</sup> In practical terms, street policing involved complex decision making which balanced negotiations with those policed, the appearance of police legitimacy and police priorities.

In Melbourne, as in many other Western jurisdictions, police arrests and interactions with citizens in public spaces were predominantly with the 'rough' segments of the working class.<sup>92</sup> It was generally assumed that constables would exercise discretion and not arrest 'respectable' persons. Should a middle-class citizen be arrested, however, instructions were issued to constables stipulating that such 'respectable persons' were to receive different treatment. When persons of 'known respectability' were brought into the watch-house for 'trifling misdemeanours' watch-house keepers were informed that 'they need not be

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<sup>90</sup> See for example Stephen Inwood, 'Policing London's Morals: The Metropolitan Police and Popular Culture, 1829-1850', *London Journal*, vol. 15, no. 2, 1990, pp. 129-146; for longer term success see Robert Reiner, *The Politics of the Police*, 2nd edn, Harvester Wheatsheaf, London, 1992, pp. 52-53; V.A.C. Gatrell, 'Crime, Authority and the policeman-state', in F.M.L. Thompson (ed) *The Cambridge Social History of Britain 1750-1950*, vol. 3, *Social Agencies and Institutions*, Cambridge University Press, Cambridge, 1990, pp. 284-85.

<sup>91</sup> Russell Hogg and Hilary Golder, 'Policing Sydney in the Late Nineteenth Century', in Mark Finnane, (ed), *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, 1987, pp. 60-73; Mark Finnane and Stephen Garton, 'The Work of Policing in Queensland 1880-1914 (Part 2)', *Labour History*, no. 63, November 1992, p. 63; for a contemporary account of public order policing see Chris Cunneen, 'The Policing of Public Order: Some Thoughts on Culture, Space and Political Economy' in Mark Findlay and Russell Hogg, (eds.) *Understanding Crime and Criminal Justice*, Law Book Company, Sydney, 1988, pp. 189-208.

<sup>92</sup> For this general pattern in the Australian colonies see David Philips, 'Law' in Graeme Davison, J.W. McCarty & Alisa McCleary (eds.) *Australians 1888*, Fairfax, Syme & Weldon, Broadway NSW, 1987, p. 365.

searched, but should be requested to produce such property as they have on their persons, and should if possible be placed in a cell by themselves'.<sup>93</sup>

Enforcing public order was facilitated by substantial powers granted to police. The power of police over the street was derived from two sources which were both English in origin: vagrancy statutes and police offences ordinances and statutes. Vagrancy statutes originated from early modern England. Originally intended to control the wandering poor in Elizabethan England, the compass of the Acts was substantially expanded in the nineteenth century. Although initially existing as separate legislation, vagrancy provisions were incorporated into the Police Offences Acts by consolidating legislation passed in 1865. Police Offences Acts were earlier known as Towns Police Acts, where they were derived from the attempts of the colonial government to effectively govern expanding urban settlements. These laws granted police not only substantial powers, but also ample scope for the exercise of discretion, as legal definitions, especially in the case of vagrancy provisions, remained elastic.<sup>94</sup>

While acknowledging that public order policing possessed a distinct class dimension, here I am primarily interested in how this form of police work was carried out. In situations of public order policing, the constable, often acting alone, assessed situations and exercised the authority bestowed upon him by his uniform. The 1856 *Manual* acknowledged that a constable was 'very generally ... called upon to act on his own responsibility'.<sup>95</sup> The discretion, skill and assessments of individual policemen were thus of crucial importance in determining the outcomes of public order policing. The exercise of discretion was, however, mediated by a

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<sup>93</sup> *Manual of Police Regulations*, 1856, p. 65; see also *Regulations*, 1877, regulation 742, p. 98; see also Finnane, *Police and Government*, p. 97.

<sup>94</sup> Finnane, *Police and Government*, pp. 95-96; On vagrancy laws see also Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene" The "Vagrant" in Late-Nineteenth-Century Melbourne', pp. 145-146; cf. Michael Brogden and Anne Brogden, 'From Henry III to Liverpool 8: The Unity of Police Street Powers', *International Journal of the Sociology of Law*, vol. 12, 1984, pp. 37-58.

<sup>95</sup> *Manual of Police Regulations*, 1856, p. 59.

complex web of concerns: directives from superiors, organisational strength, the degree of difficulty involved in making an arrest, police perceptions of justice and individual prejudice.<sup>96</sup> In many instances the policeman made the decision to perform an arrest, and I will now examine this aspect of police work.

One way in which public order policing was carried out was to arrest those considered disruptive. Arrest statistics have attracted historians of policing, for while they suffer the problems generally encountered in using criminal statistics, they do offer some indication of what the police were doing.<sup>97</sup> Nevertheless, it must be added that statistics offer only a partial picture of public order policing. The non-enforcement of the law may be as significant as its enforcement, and the use by police of warnings, informal punishments and individual discretion—evident in present day policing practice—was no doubt a feature of street policing in the past.<sup>98</sup> Having made these qualifications, it is also true that the work of arresting offenders was a significant part of a constable's duty. I will briefly discuss some of the quantitative evidence before moving on to a qualitative discussion of this police task.

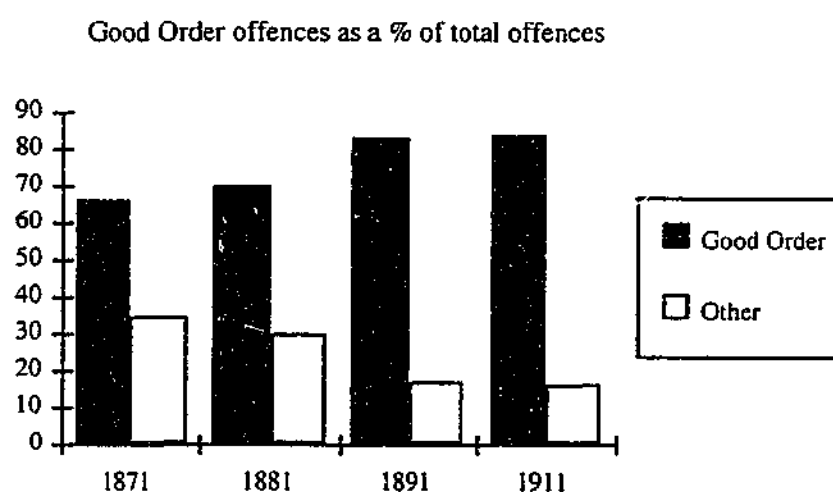
<sup>96</sup> For studies of police discretion see Joseph Goldstein, 'Police Discretion not to invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice', *Yale Law Journal*, vol. 69, no. 4, March 1960, pp. 543-94; Herman Goldstein, 'Police Discretion: The Ideal Versus the Real', *Public Administration Review*, vol. 23, 1964, pp. 140-48; Michael Banton, *The Policeman in the Community*, Tavistock, London, 1964, pp. 127-30; Egon Bittner, *Aspects of Police Work*, Northeastern University Press, Boston, 1990, pp. 30-59.

<sup>97</sup> For general problems with criminal statistics see V.A.C. Gatrell and T.B. Hadden, 'Criminal Statistics and their interpretation', in E.A. Wrigley, *Nineteenth Century Society: Essays in the Use of Quantitative Methods in the study of Social Data*, Cambridge University Press, Cambridge, 1972, pp. 336-397; V.A.C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England', in V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500*, Europa Publications, London, 1980, pp. 243-289; David Philips, *Crime and Authority in Victorian England*, pp. 16-45; Eric H. Monkkonen, 'A Disorderly People? Urban Order in the Nineteenth and Twentieth Centuries', *Journal of American History*, vol. 68, no. 3, December 1981, pp. 539-59; Helen Boritch and John Hagan, 'Crime and Changing Forms of Class Control: Policing Public Order in "Toronto the Good", 1859-1955', *Social Forces*, vol. 66, no. 1, September 1987, pp. 312-13; Mark Finnane and Stephen Garton, 'The Work of Policing in Queensland 1880-1914 (Part 1)', *Labour History*, no. 62, May 1992, pp. 60-61.

<sup>98</sup> For the historical dimension of discretion see Russell Hogg and Hilary Golder, 'Policing Sydney', pp. 60-73; Emsley, *Policing and its Context*, pp. 138-140; for more recent accounts see Banton, *The Policeman in the Community*, pp. 127-128; cf. also Mike Brodgen, *On the Mersey Beat: Policing Liverpool between the Wars*, Oxford University Press, Oxford, 1991, pp. 92-93.

Over the nineteenth century, the number of arrests made by police gradually declined in relation to the population, partially due to the increased use of summons. In 1881, 54% of cases presented before magistrates were the result of police arrest. By 1921, police arrests accounted for only 24% of cases heard by magistrates.<sup>99</sup> Police arrest work relating to offences against good order, however, was one category which steadily increased as a percentage of total arrests. In 1871, this category of offence accounted for 66% of all police arrests, but rose steadily from 70% in 1881 to reach 84% in 1911.

*Figure 2.1*



Sources: Statistical Register of Victoria, 1871, 1881, 1891, 1911.

The category of offences against good order encompassed a broad range of street behaviour. In 1887 the category of good order offences contained fifteen separate charges, including vagrancy, cruelty to animals, obscene, threatening or abusive language, being an idle or disorderly person, offences relating to gaming and

<sup>99</sup> *Victorian Year Book*, 1921-22, p. 254.

lotteries, offences with horses and vehicles, breaches of municipal by-laws, nuisances and lunacy.<sup>100</sup>

Dominating the category of good order offences, and police arrest work, was the offence of drunkenness. Between 1860 and 1914, drunkenness accounted for 49.5% of all police arrests. Early Melbourne police were in fact criticised in 1841 for being over zealous in 'entrapping the unwary drunkard'. As constables were awarded a portion of the drunkards fine, if they were able to pay it, the policing of drunkenness was carried out with some enthusiasm. The system of fine sharing for drunkards was discontinued in Melbourne, as in Sydney, in 1849.<sup>101</sup> Fines were still shared for the charge of obscene language which led police to seek the charge. An *Obscene Language Act*, passed in 1852, awarded a percentage of the fine to the arresting constable, thus in theory providing a greater incentive to enforce the provisions of the law. One magistrate commented that 'I know it was the custom, in apprehending a man for drunkenness, to handle him a little roughly, when of course out came an oath, and thus a charge of bad language was established'.<sup>102</sup>

The practice of fine sharing for obscene language charges was discontinued in 1853, and could no longer provide a motivation for police arrests. Even without direct financial incentives however, drunkenness continued to be the offence which dominated police arrest work. Drunkenness was associated with a vast range of perceived evils in the minds of many observers, and consequently the desire to police it stringently was associated with greater efforts to enforce standards of public order. The association of drunkenness with slovenliness, working-class violence and poverty assured that drink remained one of the foremost social

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<sup>100</sup> Statistical Register of Victoria, 1887—Law, Crime, Etc., p. 13.

<sup>101</sup> *Port Philip Gazette*, 24 July 1841, p. 3; for the operation of the fine sharing system and its negative consequences for police-community relations in Sydney see Michael Sturma, 'Police and Drunkards in Sydney, 1841-1851', *Australian Journal of Politics and History*, vol. 27, no. 1, 1981, pp. 49-50.

<sup>102</sup> Select Committee on Police, 1852, Testimony of John Stephen Esq, alderman of the City Council, 29 July 1852, Q. 541, p. 26.

problems of the nineteenth century. By late in the nineteenth century, the concept of drunkenness as moral corruption was being superseded by the perception of drunkenness as a threat to racial vitality.<sup>103</sup>

Arrest for drunkenness began to decline in the early twentieth century, but for the entire second half of the nineteenth century arresting and charging drunkards was a staple of police beat work. An aspect of such arrests which needs to be appreciated is the considerable physical exertion involved in walking, supporting and carting drunken citizens to the police cells. In 1855 Sub-inspector John Sadleir wrote to the Superintendent of Melbourne, claiming that a lock-up at Sandridge was essential as it was a great inconvenience carting drunkards the several miles to the City watch-house when many were incapable of walking.<sup>104</sup> In the City, the work of carting drunkards to the lock-up was made easier with introduction of hand trucks in 1854, in which the offender was placed, strapped in and then wheeled.<sup>105</sup> The level of physical force used by constables when placing drunkards in the trucks led to allegations of brutality. One woman arrested for drunkenness was said to have been thrown into the truck by a constable who strapped her down with 'brutal violence' while the assembled crowd cried 'Shame'.<sup>106</sup> While arrests for drunkenness often involved a degree of physical violence, there were also more benevolent reasons for taking drunkards into custody. John Morrison, reported to have been arrested in a state of drunkenness in Flinders Street where he was giving

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<sup>103</sup> Finnane & Garton, 'The Work of Policing in Queensland 1880-1914, Part 1', p. 69, see also Finnane, *Police and Government*, p. 97; for a wider discussion see Stephen Garton, "'Once a Drunkard always a Drunkard': Social Reform and the Problem of 'Habitual Drunkenness' in Australia, 1880-1914", *Labour History*, no. 53, November 1987, pp. 38-53.

<sup>104</sup> VPRS 937/283, Bundle 1, Sub-Inspector Sadleir, A Division to Superintendent Freeman re: Want of Lock-up at Sandridge, 19 May 1855; for similar difficulties experienced by police in nineteenth-century America cf. Monkkonen, 'A Disorderly People?', pp. 541-42.

<sup>105</sup> Order Book for B Division of City Police, State Library of Victoria, MS 8718, 24 January 1854; see also Haldane, p. 48; see also VPRS 937/284, 3 New drunkards trucks required, Emerald Hill, Swanston Street and East Collingwood, 30 March 1860.

<sup>106</sup> *Argus*, 1 February 1860, supplement, p. 1.

away money to passers-by, was taken into custody 'to prevent him being robbed'.<sup>107</sup> John Barry's *Police Guide* recommended that a drunkard should always be arrested 'as much for his own safety as for the actual offence'.<sup>108</sup>

One of the distinct powers the police constable possessed which separated him from the general public was the right to use legitimate force.<sup>109</sup> What constituted a reasonable degree of force during an arrest, however, remained largely dependent on the judgement of individual policemen. Police authorities discouraged overt brutality, primarily because it undermined police legitimacy by shattering the desired image of the constable as a citizen-in-uniform. Police had been instructed in the 1856 *Manual of Regulations* to avoid 'unnecessary violence' in the course of arrests.<sup>110</sup> Nevertheless, there is evidence to suggest that many arrests were conducted with substantial force, often verging on brutality. In 1860, reports in Melbourne newspapers relating to the ill-treatment of offenders being led to lock-ups resulted in a series of investigations into the treatment of offenders being taken into custody. Although Chief Commissioner Standish undertook to 'visit with severity every case that comes to my notice of unnecessary violence, or cruelty of any kind, on the part of police', he maintained that it was always a difficult matter to 'draw a line between necessary and unnecessary violence'. Standish asserted that the arrest of drunken and disorderly persons in the streets required a certain amount of force. It was often routine arrests, he argued, 'dramatically portrayed in the pages of the daily press' which sparked public outcries of police brutality.<sup>111</sup>

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<sup>107</sup> *Age*, 9 August 1884, p. 10.

<sup>108</sup> John Barry, *Victorian Police Guide*, p. 10.

<sup>109</sup> Egon Bittner, *Aspects of Police Work*, pp. 120-136; Robert Reiner, *The Politics of the Police*, pp. 59-60.

<sup>110</sup> *Manual of Police Regulations*, 1856, p. 63.

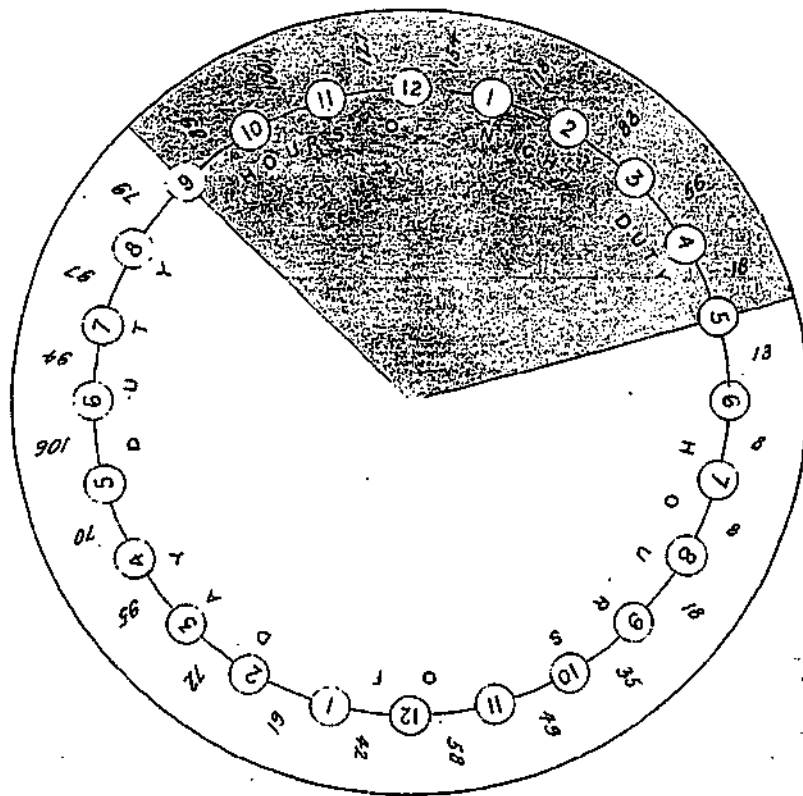
<sup>111</sup> VPRS 937/127, Bundle 3, Chief Commissioner of Police to Chief Secretary, re: ill-treatment of offenders in Swanston Street Lock-Up, 2 February 1860; see also newspaper correspondence relating to the issue of police brutality 'Policemen and Lock-Ups', *Argus*, 1 February 1860, supplement, p. 1 & 'Constables and Lock-Ups', *Argus*, 27 January 1860, supplement, p. 1; for a comparative (continued...)



## Illustration 2.2

### DIAGRAM

showing the number of Persons arrested between each hour (of the 24) in MELBOURNE PROPER during three Months in the year 1860. The periods representing Day and Night are in accordance with the manner in which the Police Duty is arranged.



A

Lithographed at the Government Printing Office

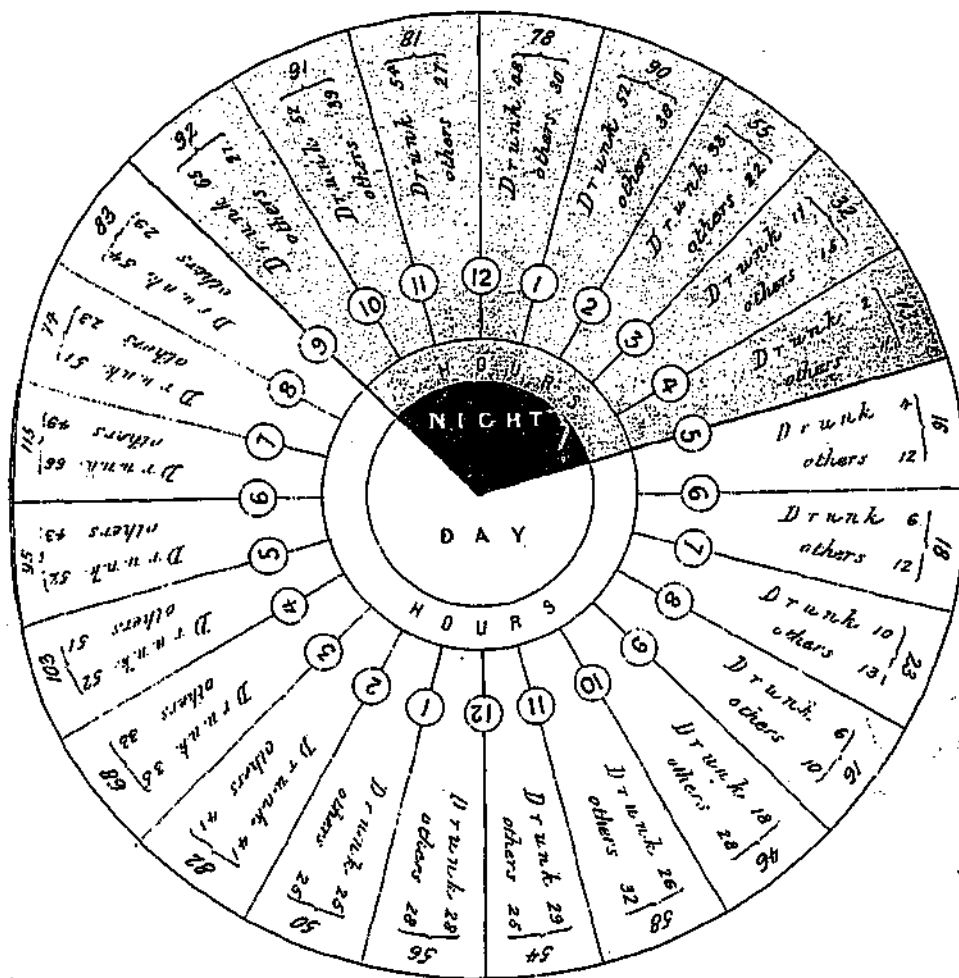
"Number of persons arrested in Melbourne, day and night, 1860."

Report from the Select Committee on the Police Force, 1863, *Votes and Proceedings of the Legislative Assembly*, vol 2, 1862-3.

Illustration 2.3

D I A G R A M

showing the number of Persons ('Drunkards' distinguished from others, arrested between each Hour, at the 24) in MELBOURNE PROPER during Three Months in the year 1860. The periods representing day and night are in accordance with the manner in which the Police Duty is arranged.



B

Engraved at the Government Printing Office Melbourne, Victoria

"Arrests of Drunkards over a 24 Hour period, 1860."

Report from the Select Committee on the Police Force, 1863, *Votes and Proceedings of the Legislative Assembly*, vol 2, 1862-3.

Illustration 2.4



*'Spirits in Bond.'* This engraving displays the ubiquitous police task of arresting drunkards.

Courtesy of State Library of Victoria  
Engraving by S.T. Gill, 1866

While police appeared to show considerable diligence in arresting a large number of drunkards, particularly considering the difficulties which often accompanied conveying prisoners to the watch-house, such efforts were not always applauded by their superiors. In 1884, Mr Melville complained directly to the Chief Commissioner that he had been unjustly arrested when walking home with a friend after a night on the town. On reviewing the arresting constable's evidence along with the allegations of Melville, the Chief Commissioner concluded that the constable's actions were excessive. He suggested that 'a constable of discretion would have regarded the single angry ejaculation of a tipsy man as a matter which could be dealt with by summons, and as a very different matter from the continual blasphemy of a violent drunkard'. More disturbing for the Chief Commissioner was what he considered the widespread lack of discretion exercised by foot police. As he suggested 'it is this want of discretion and the unnecessary and harsh arrests which are continually made that bring so much odium on the police force'. The Chief Commissioner directed a memo to the Superintendent of the Melbourne district, informing him that any constable who 'makes himself a nuisance rather than a protection to the public' would be sternly disciplined.<sup>112</sup>

The preventive ideal of policing was predicated on the notion that police would, through their impartial exercising of authority, enlist the support and co-operation of the communities they policed. For Melbourne's police however there were grave doubts that this aspiration was being achieved. According to Chief Commissioner Standish, Melbourne police were able to enlist as much public support as those in Britain during troublesome arrests. Standish refuted claims that 'a great many people consider the police are parties who are pitted against them'.<sup>113</sup>

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perspective see Clive Emsley, "The thump of wood on a swede turnip": Police violence in nineteenth-century England', *Criminal Justice History*, 6, 1985, pp. 125-149.

<sup>112</sup> VPRS 937/311, Chief Commissioner of Police to Superintendent of Melbourne Police re: Arrest of drunkard, Mr Melville, 17 July 1884.

<sup>113</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony F.C. Standish, Esq., Chief Commissioner of Police, 7 March 1862, Q. 892, p. 42.

However, although arrests frequently attracted crowds of by-standers, police seldom gained assistance from members of the public.<sup>114</sup> Superintendent Frederick Winch was less confident in 1882, claiming that 'the populace, as a whole, do not afford the police protection'.<sup>115</sup> When Robert Ross was arrested in front of the Conference Hotel for insulting behaviour in a public place he became violent and threatened constables. Although a crowd collected to witness the fracas, it was reported that 'no one present would assist the constables' who had great difficulty placing Ross in handcuffs and carting him to the lock-up.<sup>116</sup>

Apathy on the part of the crowd witnessing an arrest was, however, considerably better for constables than their active involvement in attempting to secure a prisoner's release. It was not uncommon for mobs to turn on the police in the course of arrests for drunkenness. In 1855 Ellwood Williston, John Barcrey and Robert Ramsay were charged with inciting a mob against a constable who had arrested a man for drunkenness in Russell Street.<sup>117</sup> Assaults on police remained at a consistently high level throughout the nineteenth-century. Most assaults on the police occurred in the course of carrying out arrests for drunkenness, a point observed by the government statistician in 1899 when he noted that the new practice of not counting assaults on police where they were a secondary charge, initiated in 1893, served to swell the statistics for drunkenness.<sup>118</sup> A fairly typical example was the case of George Reardon, arrested for stealing two bottles of ale

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<sup>114</sup> See VPRS 937/298, Re: Larrikinism in Carlton, 16 December 1876, where the constable reported that in the Bouverie street area of Carlton 'certainly if it is only a drunken man or woman arrested in that neighbourhood it causes a crowd of boys and girls and children to assemble'

<sup>115</sup> Royal Commission on Police, 1883, Testimony of Frederick A. Winch, 5 July 1882, Q. 3724, p. 152.

<sup>116</sup> *Age*, 30 July 1884, p. 7.

<sup>117</sup> *Age*, 5 October 1855, p. 5.

<sup>118</sup> Statistical Register of Victoria, 1898 — Law, Crime, Etc., p. 31, *Victorian Parliamentary Papers, 1899-1900*, vol.4.

from the Exchange Hotel, who was reported to have struck the arresting constable a severe blow when being placed in the cell, knocking the constable down and loosening his teeth.<sup>119</sup>

Fear of mobs and a hostile public were also related to the fact that police beats were walked for the most part by a lone constable. If police had problems summoning assistance from the general public they also had difficulties securing the assistance of other police. In 1884, Constable Dunne, who was attacked by three men when performing night duty in South Melbourne, waited half an hour before two constables arrived in a cab to assist him.<sup>120</sup> Police in earlier years had used large wooden rattles to summon assistance, but the practice had been discontinued as crowds rapidly assembled when they were sounded, which usually caused a greater disturbance than that already taking place.<sup>121</sup> The need for discreet surveillance of urban space also underpinned the resistance of constables to the idea of introducing whistles. Believing larrikins would play 'Let's bring the bobby along' and sound the whistles throughout the city, it was judged best that constables shout when in need of assistance.<sup>122</sup>

The frequently physical character of police arrests is also evidenced by the constant requests for reimbursement for uniforms ripped and torn in the course of duty. Beat police continually complained that magistrates afforded little protection to constables who were assaulted in the course of their duty, a situation which served to undermine public respect for the office of police constable. Constable

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<sup>119</sup> *Age*, 9 August 1884, p. 10.

<sup>120</sup> VPRS 937/311, Report of Constable Dunne, re: my uniform, helmet and baton, 31 June 1884.

<sup>121</sup> Royal Commission on Police, 1883, Testimony of Frederick A. Winch, Superintendent of Melbourne Police, 4 July 1882, Q. 3721, p. 152; for instructions in the use of the rattle see *Manual of Police Regulations*, 1856, p. 61; see also *Victoria Police Gazette*, 'Rattles discontinued, to be forwarded to Richmond Depot', 21 July 1880, p. 194.

<sup>122</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 28 September 1905, Q. 1815-1818, p. 70; see also VPRS 807/199, Report of Inspector Cawsey re: supplying police with alarm whistles, 5 December 1902, Cawsey believed them inadvisable as constables 'would frequently be called away from their beats by some mischievous persons in order to create a little amusement'.

Shaw, who was kicked in the testicles and face, complained when the man he arrested was fined ten shillings for insulting behaviour, that the magistrates decision was 'very discouraging' and indicated the bench afforded 'no protection for the constable'.<sup>123</sup> The lenient decisions of magistrates handed out to those assaulting constables were to become a persistent theme of the Police Association's *Police Journal* when it commenced publication in 1918.<sup>124</sup>

Whether assaults on the police represent active resistance to police authority is a more complex question.<sup>125</sup> In one incident a constable was struck in the mouth by a man saying 'B\_\_\_\_\_ the Police', but examples of such motivations are scant in the records.<sup>126</sup> If public assistance to police offered some measure of their public legitimacy, this hardly seemed to have improved by the 1920s. Constable Giddens, who was attacked by seven men on a Thursday night in central Melbourne, apparently 'called on the crowd of 200 people who witnessed the unfair encounter to come to his aid, but he did not get a single response'.<sup>127</sup> It is doubtful, however, that assaults on the police in Melbourne were manifestations of some specifically Australian hatred of authority 'sunk deeply into the national consciousness' as Russell Ward claimed. The contemporaries of Melbourne's policemen in many other countries experienced the same resistance, and some experienced considerably more.<sup>128</sup> Charges of assault or resisting arrest were also convenient mechanisms for

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<sup>123</sup> VPRS 937/318, Bundle 1, Report of Constable Shaw injured by a rough, 22 April 1886.

<sup>124</sup> See for example 'The Gentle J.P.', *Police Journal*, 1 October 1918, p. 6; 'Charges Against and Assaults on the Police', *Police Journal*, 2 September 1918, p. 1.

<sup>125</sup> Barbara Weinberger, 'The Police and the Public in mid-nineteenth-century Warwickshire', in Victor Bailey (ed) *Policing and Punishment in Nineteenth Century Britain*, Croom Helm, London, 1981, pp. 65-93; see also David Mackay, 'Public Responses to the 'New Police' in South Australia, the 1840s', *Flinders Journal of Politics and History*, vol. 18, 1996, pp. 28-34.

<sup>126</sup> VPRS 937/311, Report of Constable John Dunne re: my uniform, helmet and baton, 31 January 1884.

<sup>127</sup> *Police Journal*, vol.3, no.6, 1 December 1920, p. 4.

<sup>128</sup> Russell Ward, *The Australian Legend*, Oxford University Press, Melbourne, 1958, p. 160; see also Michael Sturma, 'Policing the Criminal Frontier in mid-nineteenth-century Australia, Britain and America', in Mark Finnane (ed) *Policing in Australia: Historical Perspectives*, pp. 22-23; cf. Robert D. Storch, "'The Plague of Blue Locusts'", pp. 61-90.

gaining convictions, and a fall in the rate of charges for assaults on police may not reveal growing acquiescence to police authority, but merely a reduction in the use of this charge when bringing prisoners to the watch-house.<sup>129</sup> Nevertheless, the risk of physical violence remained one of the perils of the police beat—a danger which the Melbourne policeman shared with his contemporaries in other jurisdictions.

Carrying out arrest was only one means by which the police constable preserved 'public order' during routine patrol. The wide ambit of Police Offences Acts presented many opportunities for police to exercise discretion. The exercise of discretion was perceived to be one of the crucial skills of a good policeman. John Barry, author of the *Victorian Police Guide*, informed policemen that discretion was 'the knowledge when to act, and how to get over difficulty when it arises'.<sup>130</sup> Implicit in such a formula was the presumption that the skilled policeman also knew when not to act. The exercise of discretion became of increasing importance in the later nineteenth century, as police accumulated greater powers over working-class street life. In Melbourne, police acquired additional powers in 1879, which supplemented their existing powers under the *Police Offences Act*. This was a council regulation known as the 'move-on' law. The story of its enactment is a crucial one, as move-on powers granted police an expansive mandate to order urban space.

In April 1879, sixteen shopkeepers from Little Collins Street petitioned the Chief Commissioner of Police to send constables to the area on a Saturday night. They complained of pigeon selling on the pathways outside their premises. An informal Saturday night pigeon market, involving some two hundred sellers, was forcing the shopkeepers to close their shutters, as their customers were unable to negotiate their way through the melee of the pigeon market. Police considered there

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<sup>129</sup> See V.A.C. Gattrell, 'Crime, Authority and the Policeman-state', pp. 285-287.

<sup>130</sup> Barry, *Victorian Police Guide*, p. 5.



was little they could do. Senior Constable O'Meara reported that request for the sellers met with little co-operation 'as some of them are men they say that they can stop as long as they think fit when they are doing nothing and of course the boys say the same'. It appears the men and boys were well aware of where they stood in law, as O'Meara warned the Superintendent that 'we are in danger as we have to move them by force illegally as they do not commit themselves to be locked-up'. For O'Meara this was a frustrating exercise as 'a great deal of our busiest time of Saturday night is taken up with them when we ought to be in Bourke Street'. Superintendent Frederick Winch concurred with Senior Constable O'Meara, informing the Chief Commissioner that the position of police to deal with nuisances of this kind was 'almost hopeless'.<sup>131</sup>

Winch informed the Chief Commissioner that the situation was about to alter with the passing of a regulation by the City of Melbourne, which would prevent the assemblage of people in public places. The regulation was to be passed under the auspices of clause 2 of the Police Offences Statute Amendment.<sup>132</sup> The subsequent passing on 14 July 1879 of the regulation 'For keeping order upon and preventing obstruction of the carriage and footways of the City' was effectively the birth of 'move-on' regulations. Part of the provisions related specifically to selling or offering for sale goods on the street, but an additional section, dealing specifically with loitering, stated that no person 'should loiter in a manner calculated to obstruct or hinder members of the public in the free and proper use of such street or footway and every such person shall move on upon being so required by any officer of the Council or any member of the Police Force'.<sup>133</sup>

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<sup>131</sup> VPRS 937/302, Bundle 1, Petition of shopkeepers, Little Collins Street to Chief Commissioner of Police, 12 April 1879; Report of Senior Constable O'Meara re: Pigeon Selling in Little Collins Street, 13 April 1879; Superintendent Frederick Winch to Chief Commissioner of Police, 16 April 1879.

<sup>132</sup> VPRS 937/302, Bundle 1, Superintendent Frederick Winch to Chief Commissioner of Police, 16 April 1879.

<sup>133</sup> City of Melbourne, Regulation for keeping order upon and preventing obstruction of the carriage and footways of the City, 14 July 1879; this was expanded in 1897 with City of Melbourne, (continued...)

The move-on law, a combination of council regulation and the *Police Offences Act 1865*, subsequently became a staple piece of legislation for policing the city. It offered enormous discretionary powers to remove people from city streets, and to shift 'nuisances' from one part of the city to another. While providing enormous possibilities, police remained keenly aware that such discretionary laws could quickly alienate portions of the population. The need for police on the street to maintain legitimacy led to various warnings against police arbitrarily exercising their powers. The knowledge of when to use discretion was regarded as an important quality in police work, to avoid the appearance of being either officious or oppressive. John Barry's *Police Guide* specifically advised that 'a constable may be very efficient, and yet be a perfect nuisance, through being over-zealous, and thereby causing petty annoyances to the inhabitants'.<sup>134</sup> A later manual advised constables that although police were empowered to arrest persons for failing to move on when requested, it was far preferable to proceed by summons. Constables were also advised to exercise caution, interfering only where people were 'assembled in such numbers as to cause an obstruction'.<sup>135</sup> Although all constables on beat duty utilised the move-on provisions, a special move-on squad had been formed to enforce the by-law by the early twentieth century. In 1921 a team of seven constables, under the command of Senior Constable Black, were entrusted with the task.<sup>136</sup>

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Regulation for keeping order in, and preventing obstruction of the carriageways, footways and public places of the City, 12 July 1897; in 1916 'move-on' provisions were absorbed into a consolidated By-law, City of Melbourne, By-law No. 134, A By-law of the City of Melbourne made under Part VII., Division I., of the "Local Government Act 1915," and numbered 134, to amend and consolidate the By-laws and Regulations with reference to Street Traffic, 29 August 1916; see also Andrew Brown-May, *Melbourne Street Life*, Australian Scholarly Publishing, Melbourne, 1998, p. 55.

<sup>134</sup> John Barry, *Victorian Police Guide*, p. 2.

<sup>135</sup> Cornelius Crowe, *The Duties of a Constable*, pp.39-40.

<sup>136</sup> VPRS 55/50, Police Muster Roll 1921, Constables Dunn, Young, Bennett, Goddard, Allan, Edmonds and Chanton comprised the move on constables in July 1921.

While the law provided significant discretionary powers to police, the makers of the legislation were far more eager to see it utilised for multifarious uses than were police administrators. In 1880, Edward Fitzgibbon, Melbourne's Town Clerk, wished the move on provisions applied to the crowd of persons 'daily assembling in front of the Exchange in Collins Street'. Fitzgibbon's demands clearly applied more broadly across the City, as he wished that 'the footway in question in common with others throughout the City, shall at all times be available for foot passengers to proceed uninterruptedly'. Police authorities however were far less convinced of the ability of police to enforce the move on regulations in the stringent manner the Corporation desired. The police report suggested that to enforce move on provisions to the satisfaction of the City Council would require an increase to Melbourne's beat force of at least twenty-five constables. Beats were already undermanned by twenty-three constables, while a further eight were in the police hospital.<sup>137</sup>

The amorphous nature of move-on laws rendered them ideal for dealing with all manner of complaints and requests received by police. Nevertheless, as with vagrancy laws, the broad scope of move-on regulations rendered the assessments and discretion of ordinary policemen of pivotal importance in their enforcement. In 1893 police were being directed by local authorities to pay attention to a variety of street traders viewed as nuisances. The Melbourne Town Council wrote to the Chief Commissioner in 1892 urging that police be instructed to take action against Greek 'foreigners' selling fruit on Sundays. Police were reluctant to take action against the charges as they considered 'the necessities of the Australian climate, the special habits of the people, the wholesomeness of the fruits and their perishable nature' rendered the charges of the Town Clerk unreasonable.<sup>138</sup> Other

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<sup>137</sup> VPRS 937/303, Bundle 3, Edward Fitzgibbon, Melbourne Town Clerk to Acting Chief Commissioner of Police, re: "move on" clause and crowd opposite Exchange, 29 November 1880; Police report re: move on clause, 2 December 1880; Report of Superintendent Frederick Winch, 7 December 1880.

<sup>138</sup> VPRS 937/339, Bundle 3, Constables on Sunday Trading Duty, 31 May 1893

examples also show that police were unwilling to take actions where requests were thought to be unjustified, and where they would merely serve to poison relations between police and public. In 1899 Mr Pyke, the holder of a book stall near Princes Bridge, complained that men and boys selling race cards and the *Evening Herald* were depriving him of his livelihood. Constable Strickland failed to adopt Mr Pyke's view, and reported that police could do little as 'they are following a lawful calling'.<sup>139</sup>

Decisions not to enforce the law could therefore be based on a number of factors: organisational strength, the constable's conceptions of justice, the negative consequences of arrest for future patrol work and the degree of difficulty involved in enforcing the law. For constables on the beat, enforcing move-on regulations was frustrating work, involving negotiation, discretion and often considerable patience. Constable Strickland was requested to pay attention to hawkers' stands in front of St Paul's Cathedral in 1902. Following a meeting of the Hawkers Union with the Chief Commissioner of Police, ten spaces were allocated to the spot. Strickland soon reported that there were eleven or twelve instead of ten, and 'directly my back is turned they are back again and almost block the whole space in front of the Cathedral'. Strickland could not hide his frustration with this duty in his report. He informed the Chief Commissioner, 'I find it utterly useless to speak to them, for they each try to put the blame on somebody else, and want to argue that this one, or that one has no right here; "I was here before so and so" and so on'.<sup>140</sup>

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<sup>139</sup> VPRS 807/95, K1587, Report of Constable Strickland re: men & boys sellings newspapers at entrance of Princes Bridge Station, 27 February 1899.

<sup>140</sup> VPRS 807/176, R3790, Chief Commissioner of Police memo: Fruit Hawkers, list of stands permitted, 12 May 1902; Q4313, J.W. Fleming, secretary of Hawkers Union, 6 Argyle Place to Chief Commissioner of Police, deputation relative to stands being taken away from Hawkers at the Cathedral Corner, Swanston Street, 30 July 1902; Reports of Constable Strickland re: Hawkers stands in front of St Pauls Cathedral, 26 May 1902, 6 June 1902, Town Clerk's Office to Inspector Cawsey, Russell Street, 14 June 1902; J. Reder & Co. Artistic Jewellers, 65 Swanston Street to Chief Commissioner of Police, 15 November 1902; Report of Constable Strickland re: Hawkers cries at Cathedral Corner, 28 November 1902; Police regulation of hawkers was also discussed in the Royal Commission on the Victorian Police Force, 1906, see Testimony of Inspector Henry Cawsey, 6 October 1905, Q. 3247-3253, pp. 118-119; on the regulation of hawkers generally see Andrew Brown-May, *Melbourne Street Life*, pp. 120-172; also Andrew Brown-May, 'A charitable (continued...)

Nevertheless, public complainants often assumed that police authority was without limits. Thus it was often taken for granted in requests for police intervention that constables could deal with any perceived annoyance by using move-on powers. Reports from constables on the beat, however, reveal a less omnipotent power mediated by limited police resources, a desire to avoid antagonising sections of the community, and a belief that the gains of strict policing were in some cases of negligible value. Letters to the press complaining of 'hoodlums' in the streets of the City sparked a similar response from police in 1915. In response to a letter appearing in the *Argus* from a Hawthorn resident urging greater police vigilance in the City, Senior Constable Byrnes of Russell Street reported;

On Friday and Saturday evenings (if I have enough men) I detail four men off for move on duty in Swanston street between Bourke and Flinders streets, one on the road and one on the footpath between Bourke and Collins streets, and two likewise between Collins and Flinders streets. On the other evenings there is one man on each block. These constables keep the young men and women on the move as well as possible, but as soon as they (the men and women) see a Constable coming they move past him, and when he gets to the end of his beat, and looks back he sees that they have settled down again.

Like many constables, Byrnes had several objections to stricter policing of the street. He denied that passers-by were insulted stating that 'they do come there to do a mash, and a number of the young women parade there for a similar purpose'. Furthermore he argued that to have the people moved completely out of Swanston street would require four more constables. The main objection, however, was the public admonition which arbitrary use of police power on the streets of the city might cause. Byrnes explained 'no doubt, if the move-on regulations were strictly carried out by these constables a crop of letters would appear in the papers, and complaints in writing sent into the Police Department'. Lastly, wartime was a sensitive period on the street for constables. Byrnes added 'there is also a number of soldiers returned, and otherwise who stand in Swanston Street with their male and

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indulgence: street stalls and the transformation of public space in Melbourne, c.1850-1920', *Urban History*, vol. 23, pt.1, May 1996, pp. 48-71.

female friends, some of whom (soldiers) resent being spoken to by the Police, who have to handle them very carefully to avoid making a scene'.<sup>141</sup> The practicalities of policing at street level involved concessions and negotiations rather than the relentless imposition of middle-class standards.

These practical boundaries to police authority do not, however, negate the fact that police could be oppressive and discriminatory. C.E. Sampson complained that he and a friend had been harassed by Constable Todd performing 'move-on' duty in Bourke Street, who demanded they leave the area saying 'I know your sort, there are plenty of them about'.<sup>142</sup> James Bennison, a railway worker, complained that walking home from the Spencer Street railway yards late at night he had been stopped by Constable McKeon who demanded he empty his pockets 'saying he would jab me in the b\_\_\_\_y jaw', and that 'if I did not take care he would kick my b\_\_\_\_y a\_\_\_\_e'.<sup>143</sup> In some cases police also enforced their own informal punishments to avoid the trouble of bringing a prisoner to the watch-house and preferring a charge. In 1903, one witness stated that Constable Shaw chased a man who had vandalised a gate into a blind alley off Little Lonsdale Street and 'gave him a few clouts'.<sup>144</sup> Such informal police practices occasionally aroused public condemnation, although their extent remains difficult to assess.<sup>145</sup> While there is a danger of overstating the extent of police oppressiveness, it was doubtless the powerless and marginalised, who were least likely to complain, on whom these less savoury police procedures were mainly practised.

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<sup>141</sup> VPRS 807/564, R11806, Report of Senior Constable Byrnes re: Move-on & pedestrians being insulted in Swanston street, 29 August 1915.

<sup>142</sup> VPRS 937/338, Bundle 3, C.E. Sampson to Chief Commissioner of Police, complaint against Constable Todd, 7 March 1893.

<sup>143</sup> VPRS 937/339, Bundle 3, James Bennison, Franklyn Street, West Melbourne to Chief Commissioner of Police re: conduct of Constable McKeon, 5 May 1893.

<sup>144</sup> VPRS 807/225, Sworn statement of James Bourke, 26 September 1903.

<sup>145</sup> See for example, 'Police as Oppressors', *Age*, 20 September 1895, p. 5.

While the notion that the policeman should 'beware of being over-zealous or meddlesome' and should avoid the appearance of 'hardness and oppression' enjoyed some currency, there were targeted groups who could expect both zealousness and oppression from the local constable.<sup>146</sup> Move-on laws were used freely against youths in the city from the 1880s, and were often judged a suitable tool for removing the larrikin 'nuisance'. Complaints in 1884 that larrikins were assembling outside the Buck's Head Hotel in Little Lonsdale Street resulted in police applying the move-on provisions to a number of youths—seemingly without resistance. Senior Constable Gill reported that 'whenever we saw any larrikins about who were likely to create a disturbance we immediately dispersed them'.<sup>147</sup>

Similar police practices were also evident in 1891, when Senior Constable Gleeson claimed larrikinism was 'a thing of the past' and had been suppressed by 'freely applying the vagrancy clause of the Police Offences Statute to them'.<sup>148</sup> In 1920, police in North Melbourne engaged the full armoury of their street powers to disperse youths known as the 'Coffin push' collecting at street corners. Police obtained thirteen convictions against members of the push for a variety of charges including assault, obscene language, loitering and playing two-up. Sergeant Matthews of the North Melbourne station claimed such moves were effective and reported that strict policing was continuing and 'at the present time we are bringing them before the Court for loitering on the footpath, and I find that is having a good effect'.<sup>149</sup>

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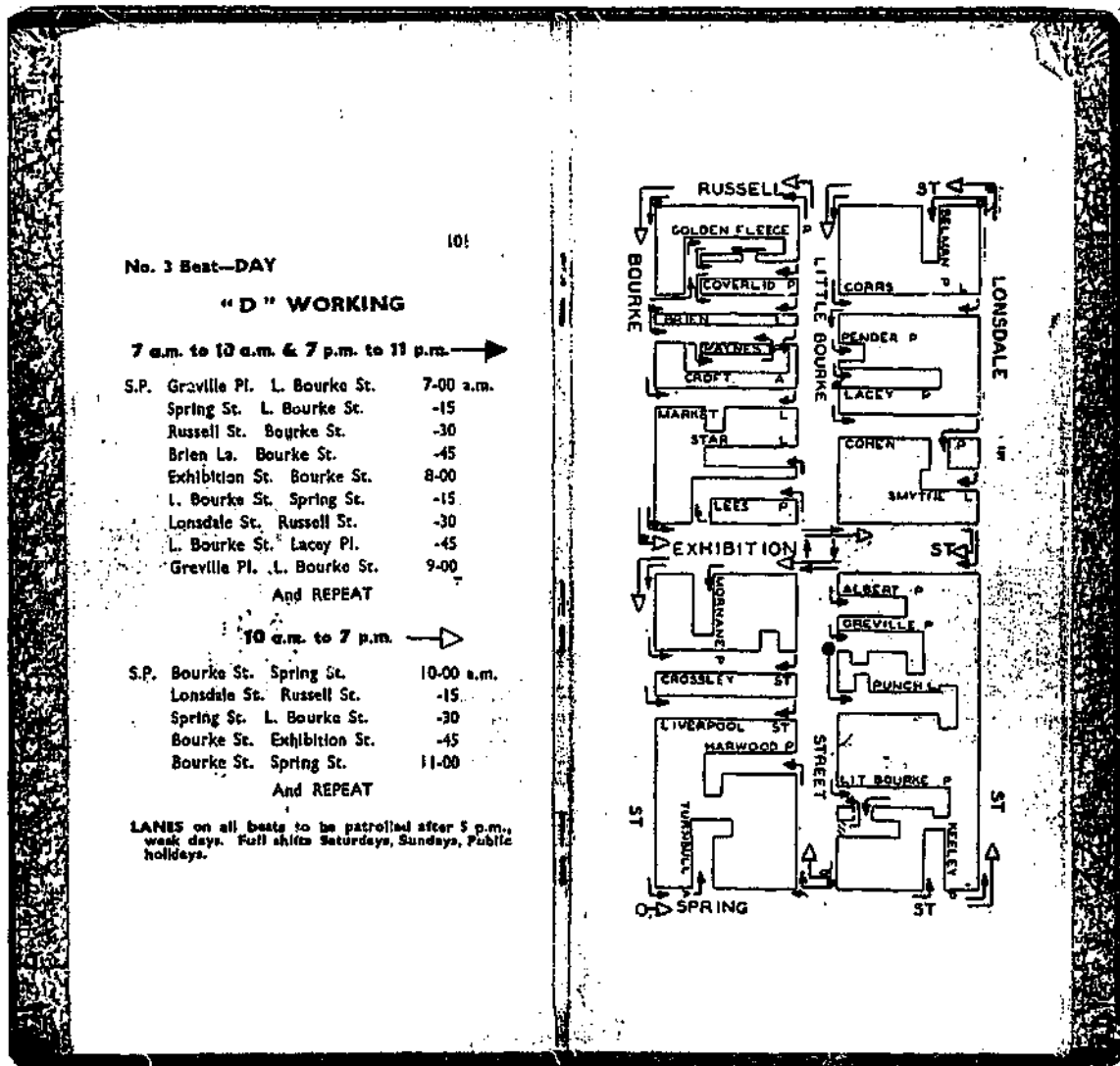
<sup>146</sup> Royal Commission into the Victorian Police Force, 1906, Questioning of Inspector Henry Cawsey, 6 October 1905, p. 119; the commissioner's were citing a pamphlet produced by an English judge, Sir Henry Hawkins,

<sup>147</sup> VPRS 937/311, Report of Senior Constable Gill re: Larrikins assembling at Buck's Head Hotel, 11 February 1884; Secretary, Victorian United Licenced Victuallers Association, 55 Bourke Street West to Chief Commissioner of Police re: Larrikins at Buck's Head Hotel, 16 January 1884; see also Report of Senior Constable Armstrong re: Larrikins at Buck's Head Hotel, 27 January 1884.

<sup>148</sup> VPRS 937/332, Bundle 1, Report of Senior Constable Gleeson, re: larrikinism now as compared with previous years, 26 January 1891.

<sup>149</sup> VPRS 807/713, B15329, Report of Sergeant Matthews, North Melbourne re: Coffin push, 29 January 1920.

Illustration 2.5



*"Constable's Beat Book."*  
no date

Courtesy of Victoria Police Historical Unit



Policing 'public order' was a complex function of the ordinary constable. With a wide-ranging power, the policeman made daily decisions based on institutional and personal priorities. Despite the rhetoric of preventive policing, which envisaged the policeman as an extension of the community he policed, much street policing was 'an inherently conflict ridden enterprise'.<sup>150</sup> This was particularly so with the carrying out of arrests, where policemen were often assaulted, and where those being arrested were just as frequently subject to violence from policemen. Nevertheless police authority on the street was not without limits, some of which police prescribed for themselves. In practice, routine uniformed patrol remained the staple of police work into the twentieth century. Although police accumulated greater powers, the fundamental tasks of beat work, protecting property and person and preserving 'public order', remained basically unchanged. For some commentators this provided evidence that policing was failing to adapt to modern conditions.

### 2.3 The decline of the uniformed beat

Preventive policing was based on the notion of visibility. Emerging out of the fears and anxieties of the goldrush period, the highly visible constable was intended to deter crime by instilling an awareness of a continual police presence, as well as being readily identifiable to members of the public in need of assistance. Order, it was thought, could be brought about through a steady surveillance of the whole population, who would undoubtedly behave once aware that they were being watched. Administrators envisaged an expansive knowledge for the local constable who was to become 'perfectly acquainted with all parts of his beat or section, with the streets, thoroughfares, courts and houses'. Knowledge of the physical

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<sup>150</sup> Robert Reiner, *The Politics of the Police*, p. 59.

environment was to be matched by an equally comprehensive visual memory of the inhabitants.<sup>151</sup>

Nevertheless, the success of preventive policing, which aimed to deter offences from being committed, could easily be questioned if crime persisted. The visibility of the police uniform may even have hindered policing certain offences, particularly when offenders could use the visibility of the constable from a distance as a means of evading the measured step of the police beat. Prostitutes were perhaps the first to take advantage of this central contradiction in the working of the uniformed police patrol. Superintendent Samuel Freeman, aware the prostitutes were unlikely to commit an offence in the presence of a uniformed constable, had placed police in plain clothes on duty in Bourke Street in 1858 to 'suppress the nuisance complained of'.<sup>152</sup>

A similar deployment of plain-clothes constables was used in 1861 to answer complaints of bathing in the Yarra River. Two constables in plain-clothes from Richmond Station patrolled the banks of the Yarra around Church Street Bridge between two and six pm. daily to detect bathers. On their first reconnaissance they arrested three boys who were charged with 'wilfully exposing their persons in a public place'. Over the following months plain-clothes patrols continued to 'detect' bathers, with a further eight boys taken to the watch-house and presented before magistrates for the same offence.<sup>153</sup>

Such successes by plain-clothes patrols suggested the value of a detective role for ordinary police. The utility of the policeman out of uniform also pointed to the limitations of the 'scarecrow function' of the uniformed beat constable. This

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<sup>151</sup> *Manual of Police Regulations*, 1856, p. 61.

<sup>152</sup> VPRS 937/284, Bundle 3, Superintendent Samuel Freeman to Chief Commissioner of Police re: amendments to Vagrant Act, 25 June 1858.

<sup>153</sup> VPRS 937/286, Constable Daniel McDonald to Superintendent of Melbourne Police re: Bathing in the Yarra, 20 January 1861; see also Constable Thomas Armstrong re: Bathing in Yarra, 20 January 1861; VPRS 937/286, Sergeant, No. 2 Division, to Superintendent of Melbourne Police; 24 February 1861 & 3 March 1861.

doubt surfaced in 1869 in relation to 'the hobbledehoy nuisance'. In Emerald Hill groups of 'young scamps' were apparently getting up to a variety of mischief, the most destructive being the smashing of public lamps with pop guns. The young boys spotted a uniformed constable approaching on foot and hastily escaped to avoid prosecution. Plain-clothes police were placed on duty to detect the nuisance and met with considerable success. Not only did they bring 'two young ruffians' before the bench but they were approached by prostitutes who inadvertently provided them with a list of Emerald Hill hotels functioning as brothels.<sup>154</sup>

Plain-clothes policing was particularly useful where the objective of police was to catch offenders in the act of offending. While preventive policing by the constable in uniform presumably deterred disorderly conduct by the presence of the constable's watchful eye, many correspondents wrote to the police complaining of nuisances which occurred when the policeman's eye was turned. Ferdinand von Mueller, the superintendent of the Botanic Gardens, complained in 1869 that 'vagrants and people of bad morals' were sheltering in the now abundant vegetation of the Gardens and asked that they be 'methodically driven from their beds'. Given the concealed nature of their night shelter, Inspector Kabat had sent plain-clothes police to enforce von Mueller's request.<sup>155</sup>

While the beat system theoretically remained the mainstay of urban policing, plain-clothes patrols, intended to detect unseemly behaviour, increased in importance from the 1860s to the 1880s. In 1876 an inquiry was ordered into the working of plain clothes constables in the Melbourne District. The inquiry was sparked when the Chief Commissioner discovered that many Sergeants were ordering men out on plain-clothes duty without informing the Melbourne

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<sup>154</sup> *Age*, 26 June 1869, p. 2.

<sup>155</sup> VPRS 1199/7, Bundle 4, Ferdinand von Mueller to Chief Commissioner of Police re: vagrant nuisance between Botanic Gardens and river, 6 May 1869; Report of Inspector Leopold Kabat, 7 May 1869.

Superintendent.<sup>156</sup> By the early 1880s, a patrol of five permanent plain-clothes policemen operating from Russell Street barracks were shifted around different beats in the City. The utility of plain-clothes police was suggested by Senior Constable Corbett of Footscray, who believed two plain-clothes men should be attached to every suburban station.<sup>157</sup>

Senior police remained ambivalent on the question of plain-clothes police. In 1882, the Royal Commission on Police suggested that plain-clothes police provided the best method to 'catch larrikins'. Chief Commissioner Chomley considered that the police being less visible might inhibit them gaining information, as people came towards the man in uniform 'like the moth and the candle'.<sup>158</sup> The visibility of constables in uniform also facilitated them being monitored by their superiors, and there were concerns about how surveillance could be maintained over men who walked the streets in civilian dress.<sup>159</sup> Suspicion also surrounded the motivations of Melbourne's senior police official, Frederick Winch, in utilising men in plain clothes. Some believed that personal antagonism between Winch, and Frederick Secretan, the superintendent of detectives, had led to the forming of a branch in the regular police who would undertake detective duties. Secretan claimed that on many occasions detectives went to make enquiries in 'criminal matters' and plain clothes police were already at the scene.<sup>160</sup>

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<sup>156</sup> VPRS 937/298, Memo: Plain Clothes constables, Inspector Ryall, 13 December 1876.

<sup>157</sup> Royal Commission on Police, 1883, Testimony of Senior Constable Henry William Corbett, 14 June 1882, Q. 3415, p. 141.

<sup>158</sup> Royal Commission on Police, 1883, Testimony of H.M. Chomley, Chief Commissioner of Police, 2 May 1882, Q. 465, p. 17.

<sup>159</sup> Royal Commission on Police, 1883, Testimony of Sergeant Perry, 3 May 1882, Q. 742, p. 27; for similar concerns in the London context see Emsley, *The English Police*, pp. 68-69; Miller, *Cops and Bobbies*, pp. 33-34.

<sup>160</sup> Royal Commission on Police, 1883, Testimony of Frederick Secretan, Superintendent of Detective Police, 7 August 1882, Q. 5391-5394, p. 239.

Senior police officials remained concerned about the tendency of beat constables to favour plain clothes duty and to dispense with their blue uniforms without consulting superior officers. The regulations of 1877 were quite vague, stipulating only that the uniform was to be worn 'unless leave be given to the contrary'. More specific instructions were issued in 1884, specifying that plain clothes could be worn on 'special duty' when police work was 'more effectively performed out of uniform', or in cases which were likely to result in serious damage to the uniform. In 1884, heads of stations were reminded that they were responsible for ensuring provisions for wearing plain clothes were not abused, and they were directed to record all instances of constables going on duty in plain clothes in station occurrence books.<sup>161</sup> Again in 1890, it seemed that many constables preferred performing their duty out of uniform as attention was again directed to the regulations respecting the wearing of plain clothes.<sup>162</sup>

Police patrol in plain clothes essentially contradicted the precept of the preventive model. A number of factors offer some explanation for the increasing importance of the discreet plain-clothes patrol. Instigated at a time of considerable anxiety about the anarchic potentials of goldrush society, the uniformed preventive police beat was aimed to produce order in the general population. Although the uniformed constable was expected to watch 'suspicious persons' closely, he was expected to have a comprehensive knowledge of every individual residing within his beat. In the 1850s the impetus of policing was the general preservation of 'order'. By the closing decades of the nineteenth century this objective was supplemented by forms of policing intended to shape individual conduct. The social reform movement had its most substantial impact on policing in the 1890s as various groups within Melbourne society, in the wake of depression, rallied to new

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<sup>161</sup> *Regulations*, 1877, regulation 16, p. 3; *Victoria Police Gazette*, 1 October 1884, p. 262.

<sup>162</sup> *Victoria Police Gazette*, 4 June 1890, p. 174; for later regulations on plain-clothes duty see Thomas O'Callaghan, *Victorian Police Code*, Victoria Police Department, 1906, paragraphs 1602-1603, p. 205.

social causes.<sup>163</sup> The ascendancy of urban middle classes backed by a political brand of Protestantism, the phenomenon sometimes referred to as Wowserism, drew the victimless crimes of drinking and gambling into the centre of the political arena.<sup>164</sup> These groups unproblematically assumed the ability of the police to enforce rigid moral codes on the community.

Concerns from the 1870s with the 'larrikin' problem, led police to increasingly prefer surreptitious modes of policing involving irregular beats and plain clothes patrols which were intended to detect disorderly conduct in public spaces. Senior Constable McCormack reported that attempts by uniformed constables to police the Domain were futile. McCormack reported that the Domain had for many years been 'infested with vagrants' but police had been largely successful in clearing them out. The new threat was not vagrants but gangs of larrikins who caused a 'great nuisance to people recreating themselves'. McCormack's report suggested that a 'constable in uniform is very little use to bring them to justice for when he makes his appearance all is quiet'. His suggestion was that plain clothes men be employed to work the Domain, Botanic Gardens and Fawkner Park.<sup>165</sup> In 1882 some police were claiming irregular plain clothes patrols were the key to the suppression of larrikinism. At Williamstown, Sergeant Henry Daly spoke of periodic police crackdowns involving as many as fourteen constables patrolling for several nights in plain clothes, after which, Daly claimed, 'the thing

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<sup>163</sup> Renate Howe, 'Protestantism, Social Christianity and the Ecology of Melbourne, 1890-1900', *Historical Studies*, vol. 19, no. 74, April 1980, pp. 59-73; see also Anthea Hyslop, 'Temperance, Christianity and Feminism: The Woman's Christian Temperance Union of Victoria, 1887-97', *Historical Studies*, vol. 17, no. 66, April 1976, pp. 27-49; see also Chapters Six and Seven.

<sup>164</sup> See for example, Michael McKernan, 'An Incident of Social Reform, Melbourne 1906', *Journal of Religious History*, vol. 10, no. 1, June 1978, pp. 70-85; Mark Finnane, 'The Politics of Police Powers: The Making of the Police Offences Act' in Mark Finnane (ed) *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, NSW, 1987, pp. 98-99; Cf. also Richard Broome, *Treasure in Earthen Vessels*, University of Queensland Press, St Lucia, 1980, Chapter 7.

<sup>165</sup> VPRS 937/302, Report of Senior constable McCormack re: Domain infested by bad characters, 44/79, 22 April 1879.

ceases'.<sup>166</sup> Unpredictability and invisibility, some argued, were more preventive than the steady footfall and blue uniform of the constable on a fixed beat.

Similar problems of visibility confronted police in other areas where they were called upon to detect behaviour deemed disorderly or immoral. Plain-clothes patrols had long been the preferred method of policing street prostitution. In the late 1870s Sergeant James Dalton led three constables in plain clothes who specifically dealt with prostitution.<sup>167</sup> The need for discreet surveillance was also evident in attempts to prosecute Sunday trading offences by hotels. Constable Dyer reported that in Williamstown it was impossible for local police to perform Sunday trading duty 'for everyone knows them and as soon as you are seen together and look at a hotel, there are several men here who make it their business to run around and inform the publicans'.<sup>168</sup> Similar problems confronted constables whose attention was directed towards the playing of street games. In 1886, Constable Munro was asked to remove groups of young boys playing pitch and toss on his Exhibition Street beat. He reported that the boys inevitably ran away upon seeing him approach in uniform, 'before I could get near them'.<sup>169</sup> Constable Withers of Richmond reported that youths in his area were 'always on the alert for the police and make off in various directions when the police come within view'.<sup>170</sup> Two-up schools were also generally resistant to the uniformed constable. As one South Melbourne

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<sup>166</sup> Royal Commission on Police, 1883, Testimony of Sergeant Henry Daly, 7 June 1882, Q. 2754, p. 114.

<sup>167</sup> Royal Commission on Police, 1883, Testimony of Sergeant James Dalton, 9 May 1882, Q. 800, p. 29.

<sup>168</sup> VPRS 937/318, Report of Constable Dyer re: Sunday trading, 8 March 1886.

<sup>169</sup> VPRS 937/316, Report of Constable Munro re: Pitch and Toss nuisance Exhibition street, 28 March 1886; for similar complaints about the efficiency of regular uniformed patrols in England, France and America see Clive Emsley, *Policing and its Context*, p. 129.

<sup>170</sup> VPRS 937/338, Bundle 1, Report of Constable Withers re: Larrikinism in Richmond, 13 February 1893.

policemen plainly stated 'it is a difficult matter to cope with persons playing this game as they always have a watch kept for the approach of the police'.<sup>171</sup>

While the constable on the beat was intended to function in a preventive capacity, there were also concerns that the prevention of property crime was undermined by the predictability and visibility of beat policing. Although in theory the beat deterred criminals by making them aware they were being watched, savvy law-breakers were also able to calculate when they were not being watched. Those investigating the police in 1882 were troubled by the knowledge that 'the measured tread of a constable going along the street in the still hour of night can be heard at a great distance'. Burglars, it was feared, would quickly make their escape as the noisy boot of the constable echoed in the distance. Felt slippers or Indiarubber soles were suggested to silence police at night, but many had already taken the initiative, removing the nails from their boots which caused most of the offending noise.<sup>172</sup>

By 1906 the anxieties surrounding the functioning of the beat system had gathered momentum. It was not only the visibility of the police uniform which was seen to hamper the work of policing. By the early years of the twentieth century, the police beat came under concerted attack for being an inflexible and antiquated system of policing whose predictability was easily manipulated by the law-breaker. Despite the early conception of the police beat as being subject to continual revision most had been left little altered since their introduction fifty years previously. The beat system was roundly condemned by the Royal Commission of 1906 which discovered that the system had been operating with dubious efficiency for many years. City beats were allegedly manned mostly by 'drunks' and 'incapables' who were transferred to the city so they could be more closely supervised. It was also found that men were promoted from country stations to the position of senior

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<sup>171</sup> VPRS 807/296, Z6698, South Melbourne Police Report re: anonymous complaint of two-up schools, 11 August 1906.

<sup>172</sup> Royal Commission on Police, 1883, Testimony of Sergeant Perry, 3 May 1882, Q. 735-737, p. 27.



constable at Russell Street. Once stationed at the Russell Street Barracks they were placed in charge of beats of which they had only tenuous knowledge, often having to learn the actual working of the beat from the constables they were supposedly supervising.<sup>173</sup> The problems of internal discipline on beats were compounded by the unwieldy size of many of the City police sections and the beats within them.<sup>174</sup>

The inflexibility of the beat was also the subject of criticism. One story circulated that a well-known Melbourne criminal had informed a senior constable exactly where and when all the men on the beat in one section of the City could be found at any given time.<sup>175</sup> Inspector Henry Cawsey also claimed that many burglaries in Melbourne's central area occurred at five o'clock in the morning during the changeover of night and day duty beats. Ordinary policemen were also critical of the beat system, arguing that beats were organised solely for the purpose of maintaining internal discipline at the expense of preventing crime. In 1906, Constable Henry Geelan suggested that constables on patrol were little more than 'walking dolls' hurrying to meet sub-officers at various points to avoid being punished for incorrectly working their beats. Geelan argued superior officers were obsessed with internal discipline, thereby reducing public safety and rendering the work of policing 'not to keep the peace of the city, but to keep the beat'.<sup>176</sup> Wider public criticism of the beat system was also evident, and in 1904 the *Argus* was

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<sup>173</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. x; see also testimony of William G. Parkin, 2 November 1905, Q. 7161-7171, pp. 248-249.

<sup>174</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Senior Constable William G. Parkin, 2 November 1905, Q. 7138, 7139 & 7151, p. 248; on the large size of preventive beats in France, England and America in the nineteenth-century see Emsley, *Policing and its Context*, p. 128.

<sup>175</sup> Royal Commission on the Victorian Police Force, 1906, Questioning of Thomas O'Callaghan, Chief Commissioner of Police, 22 September 1905, Q. 949, p. 34.

<sup>176</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Henry Geelan, 8 November 1905, Q. 7688-7699, pp. 265-266; on the disciplinary functions of the beat system cf. Mike Brogden, *On the Mersey Beat*, pp. 40-41.

suggesting that police on fixed beats protected neither person or property, and should be replaced with a more flexible method of patrol.<sup>177</sup>

Some senior police officials believed deficiencies in the beat system could be rectified through the increased use of plain-clothes police and the substantial reorganisation of existing police beats. The utility of the plain-clothes patrol was expressed by Inspector Cawsey who claimed that 'the thief cannot know where the plain clothes man is ... a plain clothes man may pop up at any moment'.<sup>178</sup> Plain-clothes police functioning as 'rovers' were thought to overcome the predictability of the uniformed beat. In their recommendations the members of the 1906 Royal Commission expressed the desirability of increasing the plain clothes police and having them work city beats 'irregularly and contrawise to the uniformed men'.<sup>179</sup> While Melbourne's senior police official, Chief Commissioner Thomas O'Callaghan, held to the ideals of a preventive police, other senior police disagreed. Inspector Henry Cawsey was adamant that 'it is a constable's duty to detect crime at any time' and that the uniformed men of Russell Street were 'a preventive and detective police'.<sup>180</sup>

By 1910 however, the traditional reliance on the beat system as the backbone of urban policing was far from over. The beats for the city had just been subjected to yet another revision. In the suburbs, larger beats were reduced in size, and all others were made uniform so as to 'permit of proper supervision of all parts of the city'. The numbering system was also modified, owing to confusions which had arisen under the old system, particularly amongst young and inexperienced

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<sup>177</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 3053-3088, pp. 111-112; see also *Argus*, 5 July 1904, p. 9.

<sup>178</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 3116, p. 113.

<sup>179</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. x; for 'rovers' see Testimony of Inspector Henry Cawsey, 5 October 1905, Q. 3100, p. 113.

<sup>180</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Henry Cawsey, 6 October 1905, Q. 3264, p. 119.

constables. The two night duty sections which covered the city were divided into four sections, a move calculated to increase the supervision of sub-officers over men on beat duty.<sup>181</sup> To ensure the men on the beat had thorough knowledge of how their sections were to be worked, they were required to carry a 'beat book', containing 'in their own handwriting ... the working of all beats and all instructions relative thereto'.<sup>182</sup>

By 1919 however a special Plain Clothes Branch was formed which highlighted both the increasing specialisation of police functions and the increased significance of surveillance and detective work. Plain clothes police also continued to police prostitution and 'disorderly conduct'. Investigating the growing number of complaints over football and cricket played in the streets became the preserve of plain clothes constables. In 1912 plain-clothes police were investigating the allegations of J.J. Miller who complained that 'between 12.00 and 12.30 pm. my clients cannot come to my office without the risk of a wet rag being thrown or kicked at them or being gayed if they take exception'.<sup>183</sup> A similar surveillance was maintained over Collins Place in 1920 where it was alleged that 'as early as eight in the morning a group of men have been playing football for some time'.<sup>184</sup> By 1919 special plain clothes patrols attended to a variety of problems around the City including larcenies from delivery vans, complaints of street football playing, prostitution on St Kilda Road and in public gardens, as well as delivering pawn lists to pawnbrokers.<sup>185</sup>

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<sup>181</sup> VPRS 807/421, K2823, Inspector Davies to Chief Commissioner of Police re: Beat system for City, 29 December 1910.

<sup>182</sup> Constable McErlean, Beat Book, Division Order 1/1910, 5 July 1910, Victoria Police Historical Unit.

<sup>183</sup> VPRS 807/455, M5916, J.J. Miller Printing Co. to Chief Commissioner of Police, 27 May 1912.

<sup>184</sup> VPRS 807/736, E10926, Re: Football played in Collins Place, 13 September 1920.

<sup>185</sup> VPRS 807/695, B5196, Report of Sergeant Grange re: Plain clothes duty, 12 May 1919; the 'pawn list' was a list of stolen goods regularly circulated to Melbourne pawnbrokers to identify stolen property.

The utility of the bicycle was also recognised by police administrators as a swifter and more unpredictable method of patrol than the foot beat. Night patrols on bicycles fitted with lamps were trialed in 1902, enabling rapid movement from one section of the city to another.<sup>186</sup> The bicycle patrol in city and suburb was to become a regular feature of urban policing. In March 1919, a patrol of two armed plain clothes constables on bicycles was initiated to combat youths in Fitzroy who 'banded together armed with pickets and roam[ed] about looking for opponents'. Patrolling till late at night on bicycle, the two constables were also instructed to break up a two-up school which assembled at the Lyric Theatre on Saturday afternoons.<sup>187</sup> Buoyed by success in the inner city, the Police Department provided twenty bicycles for regular night patrols in the city and suburbs in September 1919, which, it was suggested, would 'deal effectively with all classes of night crimes'.<sup>188</sup>

A further impetus to the declining centrality of the police beat was the increasing emphasis given by police administrators to the task of criminal detection as a core police function. The main concern of the Royal Commission of 1883 was the question of public morality. Drinking, gambling and prostitution were the Commission's chief concerns. The Commission's report required that police should maintain more rigorous standards of public order. By the early twentieth century such concerns were being subsumed by concerns about professional criminals and property crime. While older conceptions of a criminal class persisted, the notion that policing involved tracing a criminal individual, rather than maintaining a general surveillance over a criminal class, was gaining momentum.<sup>189</sup> Increasingly

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<sup>186</sup> VPRS 10257/2, 1902, reference to file on nightly bicycle patrol, R2695, file missing.

<sup>187</sup> VPRS 807/700, Report of Sergeant McKensie re: push nuisance in Fitzroy, 28 March 1919.

<sup>188</sup> *Police Journal*, 1 September 1919, p. 14; for trials of bicycles in Los Angeles for similar reasons of mobility see Gene E. Carte & Elaine H. Carte, *Police Reform in the United States: The Era of August Vollmer, 1905-1932*, University of California Press, Berkeley, 1975, p. 22

<sup>189</sup> See Royal Commission on Police, 1883, General Report, p. vii-viii. for public morality; for the concept of the 'professional' criminal see Royal Commission into Victorian Police, 1906, General Report, p. xiii; see also *Victorian Parliamentary Debates*, vol. 117, 1907, Debate on Indeterminate Sentences Bill, pp. 2243-2263, for the eclectic mixture of conceptions of the criminal class and  
(continued...)

the work of policing was conceived more exclusively in terms of detecting and catching criminals, rather than maintaining a loosely defined 'order'.

The idea that the primary task of policing involved catching criminals was enhanced by the publicity enjoyed by new technologies of detection such as motorised police patrols and fingerprinting. Fingerprinting in particular was widely promoted in the daily press as a solution to the inadequacies of police detection methods and, by default, the inadequacies of the uniformed preventive patrol. By the first years of the twentieth century fingerprinting had become the official means of identification in Argentina, the United States, England and Australia.<sup>190</sup> In Victoria Superintendent Robert Sharp, officer in charge of the Criminal Investigation Branch, established a Fingerprint Branch at Russell Street Police Headquarters in 1903.<sup>191</sup> A meeting of the State commissioners of police in the same year agreed on the establishment of a uniform system of fingerprint identification. In the following decades all States co-operated in the exchange of fingerprint data with the New South Wales police acting as the central collection agency for the information.<sup>192</sup>

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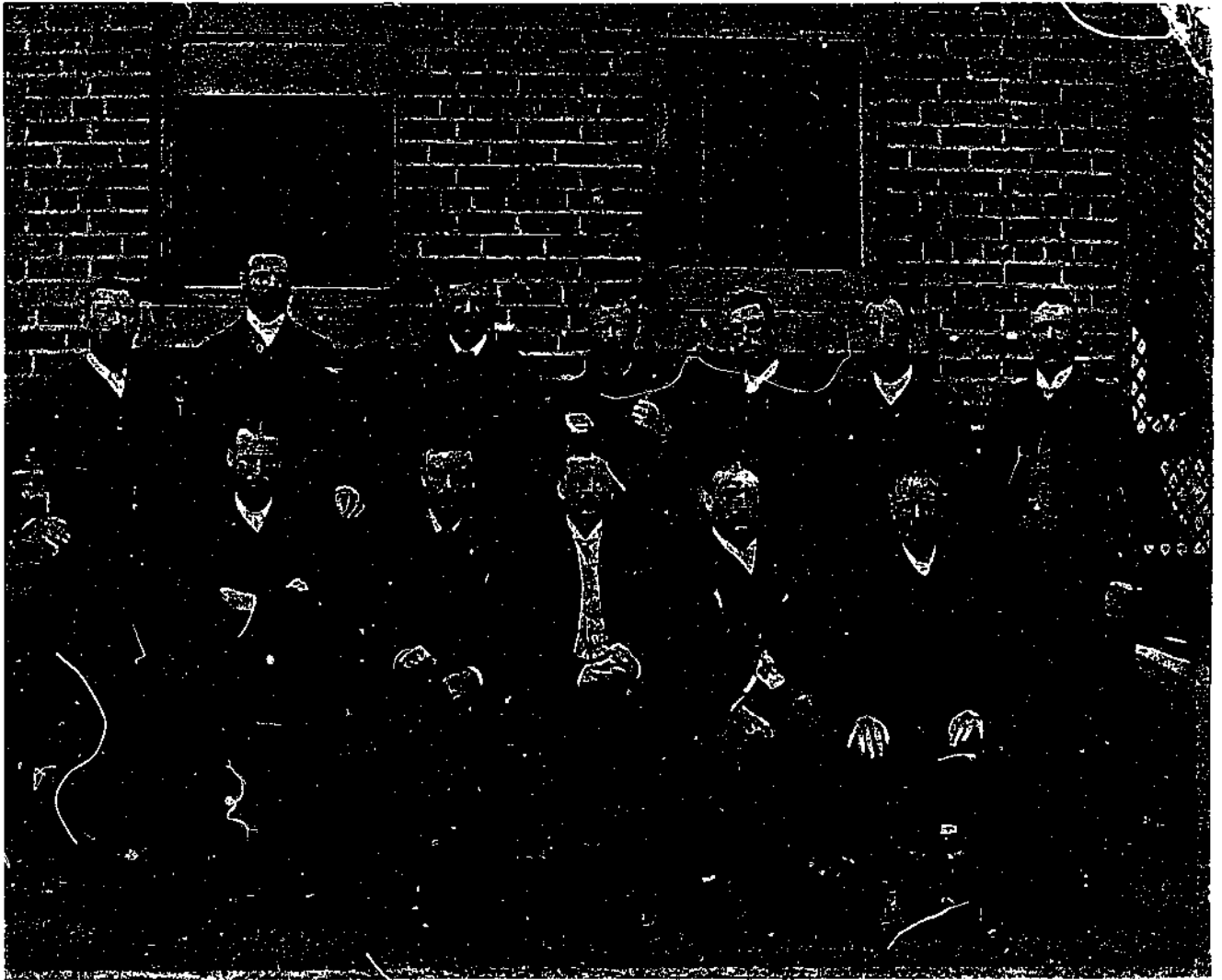
'professional' criminals; see also Finnane, *Police and Government*, p. 81; Carlo Ginzburg, 'Morelli, Freud and Sherlock Holmes: Clues and Scientific Method', *History Workshop Journal*, no. 9, Spring 1980, pp. 5-36, for movement to identifying individuals; for an international perspective see Martin J Wiener, *Reconstructing the Criminal: Culture, law and policy in England, 1830-1914*, Cambridge University Press, Cambridge, 1990, pp. 215-224; V.A.C. Gatrell, 'Crime, authority and the policeman state', in F.M.L. Thompson (ed) *The Cambridge Social History of Britain 1750-1950*, vol. 3, Cambridge University Press, Cambridge, 1990, pp. 306-310; Stefan Petrow, 'The Rise of the Detective in London, 1869-1914', *Criminal Justice History*, vol. 14, 1993, p. 104; also Larry K. Hartsfield, *The American Response to Professional Crime, 1870-1917*, Greenwood Press, Westport, Conn., 1985.

<sup>190</sup> Anne Joseph & Alison Winter, 'Making the Match: Human Traces, Forensic Experts and the Public Imagination' in Francis Spufford & Jenny Uglow (eds), *Cultural Babbage: Technology, Time and Invention*, Faber & Faber, 1996, p. 196; on fingerprinting see also D.W. Forrest, *Francis Galton: The Life and Work of a Victorian Genius*, Paul Elek, London, 1974, pp. 207-223; for the introduction of fingerprints in England see Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914*, Oxford University Press, Oxford, 1994, pp. 94-101; for a more standard account see Ascoli, *The Queens Peace*, pp. 180-185.

<sup>191</sup> Haldane, *The People's Force*, p. 130.

<sup>192</sup> VPRS 807/220, S5714, Meeting of heads of Police Departments, 14 September 1903; see also Finnane, *Police and Government*, p. 80.

Illustration 2.6



*"Criminal Investigation Branch, c. 1890."  
Images of the police as thief-takers increased the prestige of plain-clothes work by the late  
nineteenth-century.*

Courtesy of Victoria Police Historical Unit

Fingerprint technology was warmly embraced by the Melbourne press who deployed arguments already familiar in England to hail fingerprinting as a modern and scientific advance in crime prevention. Fingerprinting was promoted as offering a potentially omnipotent police archive, facilitating the rapid detection of offenders. The *Argus* newspaper spared no hyperbole in 1912 when it claimed:

It is not difficult, indeed to foresee the day when some state or nation, desiring a ready means of identification of any citizen at a moment's notice, may take a census of finger-tip impressions. In such an event no citizen could die unknown, the kidnapping and substitution of millionaire's babies would become a lost industry, and crime would become a very dangerous profession indeed, even for the beginner. Not the least extraordinary thing about such a fancy is its absolute ease of realisation.<sup>193</sup>

Fingerprinting imbued policing with the infallibility and precision of science, reinventing the detective as an expert in the field of criminal investigation. One commentator remarked of fingerprinting that 'to talk of it as a "fad" is as absurd as a similar definition of wireless telegraphy or aeroplanes ... it is a serious and scientific department of criminal investigation'.<sup>194</sup> Examples of criminals brought to justice by way of their fingerprints proliferated in the press, and were instrumental in projecting an image of policing as an exact and scientific enterprise.<sup>195</sup> Such publicity solidified both popular and police conceptions that the proper work of policing was criminal investigation and the tracing of offenders.

Similar claims were made regarding the introduction of motor patrols in 1922. Chief Commissioner Nicholson praised the concept of motor patrols, claiming that 'the system by which a burglar can see a constable in uniform standing on one corner and go around the next street and break into a house is out of date'. For Nicholson, the future lay with the motor patrol where, 'criminals will not know where a policeman will be at any given time'. Motor patrols also offered an answer

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<sup>193</sup> *Argus*, 14 March 1912, p. 6.

<sup>194</sup> *Argus*, 16 June 1913, p. 12.

<sup>195</sup> See for example *Argus*, 28 January 1910, p. 5; 14 May 1910, p. 22; 31 October 1912, p. 14; 16 January 1913, p. 12; 4 April 1913, p. 14; 23 September 1913, p. 10.

to policing a city of vastly expanded area and population. In 1881 the ratio of police to population in Melbourne was 1:684, in 1921 the ratio was 1:853. Greater spatial distances in outer suburbs also disadvantaged the concept of the preventive beat, which had been designed to facilitate policing the compact streets, lanes and alleys of the inner city. Motor patrols offered one means of distributing limited police resources over wider geographic spaces, as the Chief Commissioner as much as admitted when he suggested that it was 'impracticable to have a policeman on every street'.<sup>196</sup>

Even grander claims for the triumph of technology over the criminal were advanced for the Wireless Patrol. In November 1922, a fifteen mile test broadcast was made to a waiting police patrol car. Thus, the official history of the Victoria Police triumphantly concludes 'a new era in police communications had begun'.<sup>197</sup> The most striking feature of the wireless patrol for contemporaries was speed. This was well articulated by the Amalgamated Wireless Company, which, in its promotional booklet *Police Radio: Scientific Aid in the Detection and Suppression of Crime* noted the 'importance of time':

Time is the all important factor when the police are on the track of the 'wanted' criminal. The quicker that the description can be circulated, the less chance of evading capture; indeed, it is doubtful whether, in any other sphere of activity, the value of time is of such paramount importance. It cannot be gainsaid that a brief description, widely circulated within a short period of time is worth volumes circulated a few hours later.<sup>198</sup>

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<sup>196</sup> *Argus*, 14 June 1922, p. 11; police numbers are from VPRS 55/10 Police Muster Roll 1881 and VPRS 55/50 Police Muster Roll 1921; Melbourne population figures taken from V.A. Arnold, p. 1069; for more detailed police to population ratios see Appendix C; On Melbourne's suburban growth 1900-1920 see Susan Priestley, *Making their Mark*, Fairfax, Syme & Weldon, MacMahons Point, 1984, pp. 147-150; for motor patrols cf. Stephen Garton, 'Pursuing Incurable Rogues: Patterns of Policing in NSW 1870-1930', *Journal of the Royal Historical Society of New South Wales*, vol. 77, pt. 3, December 1991; for similar trends in American cities see Samuel Walker, *A Critical History of Police Reform: The emergence of professionalism*, Lexington Books, Lexington, Mass., 1977, p. 109.

<sup>197</sup> Victoria Police Management Services Bureau, *Police in Victoria, 1836-1980*, p. 102.

<sup>198</sup> Amalgamated Wireless (Australasia) Ltd, *Police Radio: Scientific Aid in the Detection and Suppression of Crime*, Amalgamated Wireless, Melbourne, c. 1923, p. 2.



The speed of communication held much promise for policing, but of even greater significance was the image of modernised policing which the commencement of the wireless patrol projected. As the *Age* commented in 1923 'The police force has been the starveling among State Departments. Undermanned, and generally ill-provided for, it has acquired no reputation for modern methods in either administration or activities'. The wireless patrol was seen to counteract the entrenched reputation of the police force as being old-fashioned and unable to keep pace with the modern world. As the report went on to say of the motor police, 'wireless sets, modern cars and good equipment, have made this branch undoubtedly the most up-to-date in the Department'.<sup>199</sup>

Both the wireless patrol and fingerprinting held out the promise of omnipresent policing driven by technological advancements and scientific methods.<sup>200</sup> This contrasted with the increasing disparagement of uniformed beat policing as predictable and unresponsive to the demands of a sprawling modern city. It was even suggested that the preventive function might also be better served by policing which was invisible yet potentially omnipotent. As the Amalgamated Wireless Company suggested:

valuable as the patrol might be in effecting arrests, its main usefulness will be as a deterrent. Many thieves and house-breakers will be afraid to operate when there is the possibility of the sudden arrival of a car load of police, bound to no particular beat, but likely to appear at any time in any street in the suburbs.<sup>201</sup>

The beat system of policing, and the aspirations of preventive policing with it, were being gradually undermined by the early twentieth century. By 1917 some police were using their own motorcycles for patrol work, and by 1922 the first motorised

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<sup>199</sup> *Age*, 16 January 1923, p.

<sup>200</sup> For the ongoing idea that technologies will liberate police from routine patrol functions see Peter K. Manning, 'Information Technologies and the Police', in Michael Tonry and Norval Morris, (eds.), *Modern Policing*, University of Chicago Press, Chicago, 1992, pp. 355-56.

<sup>201</sup> *Police Radio*, p. 23.

patrols were initiated in the city.<sup>202</sup> A wireless patrol also began, with its daring captures of thieves and villains widely publicised in the press. Police administrators were also vocal in proclaiming the utility of plain clothes police.<sup>203</sup> In 1922, providing a telling estimation of how he valued ordinary foot police, Chief Commissioner Nicholson proclaimed 'one constable on motor patrol is worth five on beat duty'.<sup>204</sup> The uniformed preventive constable on the beat, once the embodiment of the aspirations of police administrators, had been all but relegated in the armoury of the modern police force.

This rhetoric of professionalism was, however, sharply contradicted by the experience of ordinary policemen. While fingerprinting and the wireless patrol promoted an image of policing as an enterprise driven by scientific advances and dedicated to efficient criminal detection, ordinary policemen still walked the fixed beats laid out in 1854. By the late nineteenth century, growing pressure for increased standards of public order from middle-class reformers actually expanded the peace-keeping tasks of policemen on the street. Everyday policing continued to involve the maintenance of general 'order', reflecting the expansive police function of the nineteenth century. Emerging images of the policeman as professional crime-fighter remained distant from the realities of quotidian police work.<sup>205</sup>

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<sup>202</sup> For motorcycles see VPRS 807/543, letter from Brown & Durreau Ltd., Queen Street, 25 February 1915; also letter from Hendee Manufacturing Company, 109-111-113 Russell Street, Melbourne, 11 February 1915, offering four single cylinder Indian motorcycles to the department for six month trial; on motorised patrol see Haldane, p. 140.

<sup>203</sup> See for example VPRS 807/698, A6842, Chief Commissioner of Police to Chief Secretary, 15 May 1919 stressing that plain clothes police were of the 'utmost utility'

<sup>204</sup> *Argus*, 15 June 1922, p. 9; on motor patrol see also *Argus*, 14 June 1922, p. 11.

<sup>205</sup> For the continuing significance of contradictions between the images and realities of police work see Peter K. Manning, *Police Work: The Social Organisation of Policing*, MIT Press, Cambridge, Mass, 1977, pp. 347-353.

## Illustration 2.7



### POLICE INTELLIGENCE ILLUSTRATED.

"Police Intelligence Illustrated."

Punch's cartoon explicitly connects the notion of efficient policing with the work of criminal detection, suggesting Melbourne's police have fallen behind the times.

Melbourne Punch, 26 May 1910. p. 734.

**Illustration 2.8**



*"Fingerprints, early 1920s."*

*Fingerprinting was promoted as a significant advance in methods of criminal detection.*

Courtesy of Victoria Police Historical Unit

**Illustration 2.9**

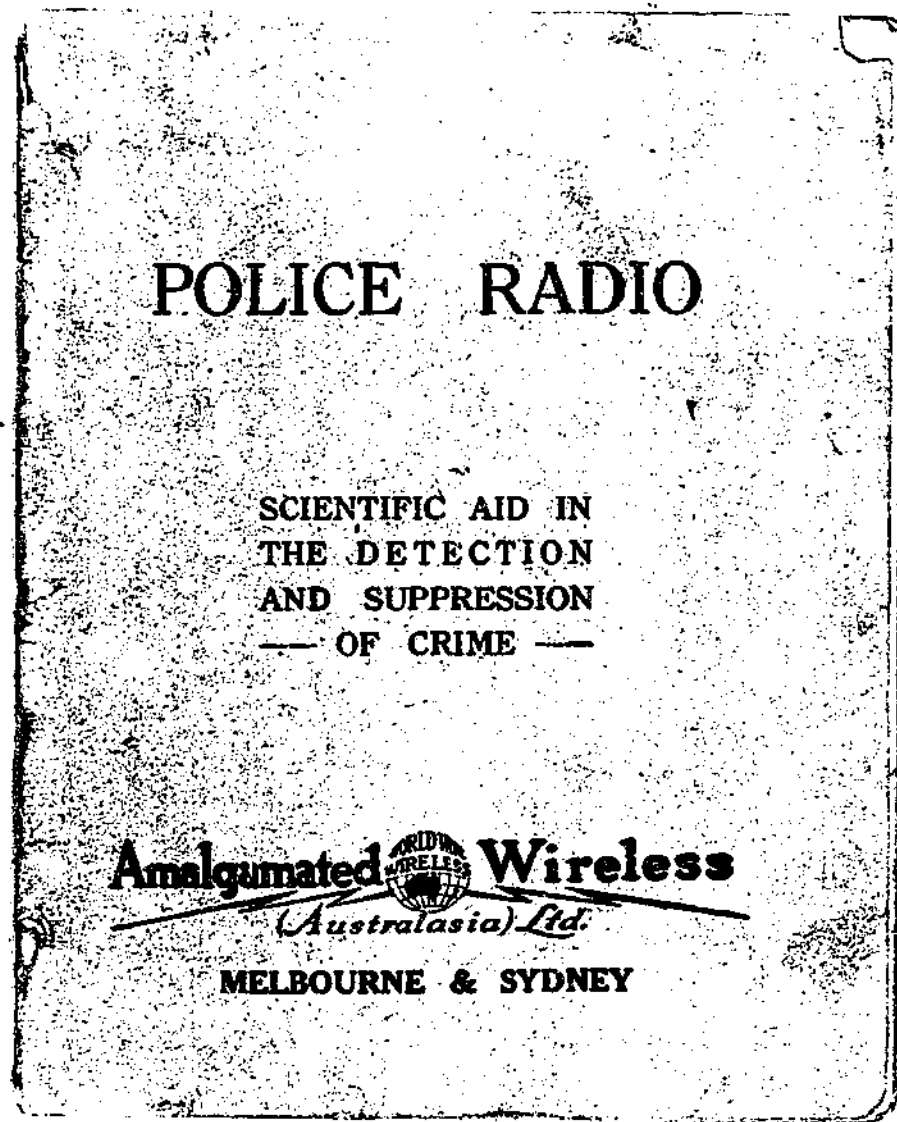


*"Wireless Patrol."*

*The mobile wireless patrol in operation, 1923. The wireless patrol served as a symbol of police modernisation.*

Courtesy of Victoria Police Historical Unit

Illustration 2.10



*"Police Radio, 1923."*

*This booklet suggested technology would ultimately facilitate the victory of policing over crime.*

Courtesy of Victoria Police Historical Unit

### CHAPTER 3

## THE ALL-PURPOSE CONSTABLE

In 1910 the *Argus* published a short article entitled 'The Policeman's Life'. The journalist began with the common perception that 'the original purpose of a police force is the suppression and detection of crime'. Continuing, the writer informed readers that 'the original purpose has been overlaid with an embroidery of baser uses, until the police constable, like Pooh-Bah in Gilbert's opera, is the Lord High Everything Else'.<sup>1</sup> Many early police theorists had, however, envisaged a broad role for police in social regulation. In continental Europe at the end of the eighteenth century, the term 'police' embodied notions of a general social government encompassing administration, welfare, protection, and territorial surveillance.<sup>2</sup> Such ideas were also echoed in England. Jeremy Bentham, for example, had proposed a police force consisting of eight separate divisions including a police for offences, calamities, endemic diseases, charity, interior communications, public amusements, recent communications and intelligence and registration.<sup>3</sup> Bentham's ideas were later expanded and promoted by his disciple, Edwin Chadwick, who advocated the development of police 'collateral services', believing they would instill compliance within the population and hasten acceptance of the police institution.<sup>4</sup>

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<sup>1</sup> *Argus*, 5 May 1910, p. 6.

<sup>2</sup> Clive Emsley, *The English Police*, p. 3; see also Pasquale Pasquino, 'Theatrum politicum: The genealogy of capital—police and the state of prosperity', in Graham Burchill, Colin Gordon and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality*, Harvester Wheatsheaf, London, 1991, pp. 105-118; Finnane, *Police and Government*, p. 12.

<sup>3</sup> Sir Leon Radzinowicz, *A History of the English Criminal Law and its administration from 1750*, vol. 3, *Cross Currents in the movement for the reform of the Police*, Stevensons and Sons Ltd., London, 1956, p. 434.

<sup>4</sup> Emsley, *The English Police*, p. 77; Barbara Weinberger and Herbert Reinke, 'A Diminishing Function? A Comparative Historical Account of Policing in the City', *Policing and Society*, vol. 1, 1991, p. 214; David Philips and Robert D. Storch, *Policing Provincial England 1829-1856: The Politics of Reform*, Leicester University Press, London, 1999, p. 127; on Chadwick generally see Philips and Storch, pp. 78-82; S.E. Finer, *The Life and Times of Sir Edwin Chadwick*, Methuen &

The extent to which such theories were disseminated in colonial Australia is uncertain. Nevertheless, Edwin Chadwick would have been impressed by the variety of tasks undertaken by colonial police. Following the gold rushes of the early 1850s, colonial Victoria was characterised by a strong central government with expansionist tendencies.<sup>5</sup> The State's largest department, the police, was centralised in 1853, and its communications network, hierarchical structure and large workforce made it an invaluable tool in the general work of government. Victorian police officials were soon commenting—and complaining—that the number of tasks performed by colonial police was far more numerous than those of police in England.<sup>6</sup> While historians have frequently remarked upon the wide-ranging functions of the colonial police, the actual tasks, beyond lists intended to demonstrate their breadth, have seldom been the subject of scrutiny.<sup>7</sup>

This chapter, along with Chapter Four, consider the continued significance of what David Bayley terms the 'auxiliary functions' of police.<sup>8</sup> The first section examines the special role assumed by police in Melbourne, where they undertook a wide variety of tasks related to city management and urban health. These tasks were frequently justified by employing broad definitions of public order which applied equally to sanitary conditions and individual behaviour. Other tasks were allocated

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Co., London, 1952, esp. pp. 164-180; Anthony Brundage, *England's 'Prussian Minister': Edwin Chadwick and the Politics of Government Growth, 1832-1854*, Pennsylvania State University Press, University Park, 1988.

<sup>5</sup> On the nature of the colonial state see Alastair Davidson, *The Invisible State: The Formation of the Australian State 1788-1901*, Cambridge University Press, Cambridge, 1991; 'Big Brother is Watching You', in Verity Burgmann and Jenny Lee (eds.), *Staining the Wattle: A People's History of Australia since 1788*, McPhee Gribble/Penguin, Melbourne, 1988, pp. 1-12; see also Goodman, *Goldseeking*, pp. 74-79.

<sup>6</sup> See for example Select Committee on the Police Force, 1863, Appendix G, Testimony of Captain Standish, Chief Commissioner of Police, 3 June 1861, Q. 51, p. 4.

<sup>7</sup> Haldane, *The People's Force*, p. 109; David B. Moore, 'Origins of the Police Mandate: The Australian Case Reconsidered', *Police Studies*, vol. 14, no. 3, Fall 1991, p. 116.

<sup>8</sup> David H. Bayley, 'Police Function, Structure and Control in Western Europe and North America: Comparative and Historical Studies', in Norval Morris and Michael Tonry (eds.) *Crime and Justice: An Annual Review of Research*, vol. 1, University of Chicago Press, Chicago, 1979, pp. 109-143.



to the police simply because they were there and no other agency was capable of carrying them out. Numerous tasks of government, bearing little or no relationship to crime prevention and detection, were foisted upon the police. The second section considers the increasing importance of the police presence at entertainments and sporting events. While police attendance at events was well within the police mandate of preserving order, police officials complained that such events drained police resources and distracted police from the work of combating crime. The final section considers the importance of police communications in providing services both to government and private citizens.

### 3.1 General Factotum

In 1854, the Solicitor-General wrote to the Chief Commissioner of Police complaining that no constable had been present to capture a runaway horse on Princes Bridge. Chief Commissioner MacMahon replied that the absence was regrettable but, under the circumstances, unremarkable. The duties of the Police Force can be so numerous', MacMahon replied, 'and so unusual, and that the number of the force is limited no surprise will be felt that constables are not more numerous on the streets'.<sup>9</sup> MacMahon was admittedly on the defensive, but it is important to remember that the police were called on to perform a range of tasks which seemed to expand as rapidly as the city itself. Along with the miscellany of activities prescribed within the Town Police Acts, police were appointed as Inspectors of Weights and Measures, Slaughterhouses, Lodging Houses and Street Lamps. They carted stray animals to the pound and checked that parents had vaccinated their children and registered their birth. Police searched for missing persons, collected statistics for the census and compiled electoral rolls.

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<sup>9</sup> VPRS 937/127, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police, 20 January 1859.

A broad police function in Melbourne was assured at an early stage by the adoption of the *Sydney Police Act* in 1838. Although some sections of its provisions, such as the arrest of convicts at large, related to concerns about crime, a large proportion of the provisions of the Act were concerned with town administration. Along with regulations derived from the London model, there were additional provisions relating to public hygiene, town building, and the licensing of carters and porters. The NSW Act thus embodied a more expansive notion of policing than the London legislation, and involved police in general matters of public health and hygiene. The Act prohibited the obstruction of water courses or damage to public fountains, beating carpets, flying kites, leaving dead animals on the road, the malicious breaking of lamps, bathing within view of a public place between six am and eight pm, indecent exposure, carrying of nightsoil during the day, and the keeping of swine within the city limits.<sup>10</sup>

The ramifications of this wide-ranging legislation were quickly felt by early constables, whose duties multiplied with population growth and Melbourne's town-building process. Many additional tasks of town administration were quickly added to the basic tasks of keeping order on the streets. Aside from the ubiquitous task of arresting drunkards, police were soon called upon to visit shambles and slaughterhouses to ensure they were properly cleansed.<sup>11</sup> By 1842, constables presented a range of minor infractions against the *Towns Police Acts* before the Town Magistrates, including throwing stinking water in the street and allowing pigs to stray.<sup>12</sup> Keeping the streets free from wandering livestock came to be viewed by the public as an intrinsic part of a constable's duty.<sup>13</sup>

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<sup>10</sup> David Neal, *The Rule of Law in a Penal Colony: Law and Power in Early New South Wales*, Cambridge University Press, Cambridge, 1991, pp. 154-155; see also Kerry L. Milte, *Police in Australia: Development, Functions and Procedures*, Butterworths, Sydney, 1977, p. 23.

<sup>11</sup> *Port Phillip Gazette*, 3 December 1841, p. 3.

<sup>12</sup> *Port Phillip Gazette*, 9 January 1841, p. 3.

<sup>13</sup> See *Argus*, 13 July 1847, p. 3; for the prevalence of livestock in early Melbourne see Andrew Brown-May, *Melbourne Street Life*, Australian Scholarly Publishing, Melbourne, 1998, pp. 65-70.

Such duties were well within the general police mandate of preserving order. The pressures of rapid urbanisation during the goldrush, however, increased demands from local and central government for police to perform an increasingly 'sanitary' role. While the crisis in actual police numbers was relatively brief, many still believed that the policing of the city was left in a state of serious disarray by the goldrush influx of population. Melbourne's Town Clerk, William Kerr, maintained that the crisis was not one of danger to life in the streets, but of a general breakdown in urban administration. According to Kerr, half of the duties of the Municipal Corporation were 'of a police character', and the recently recruited police force were so unwilling to enforce the *Towns Police Act* that its provisions were effectively a 'dead letter'.<sup>14</sup> Encouraging police to secure compliance with City Bye-laws was even less effective. Kerr had at his disposal one quasi-police official, the City-Inspector, who mounted prosecutions as a private citizen. Numerous complaints of non-compliance with the City Bye-Laws had been sent to the Superintendent of Police, but had reputedly been largely ignored. Police were requested to inform the City-Inspector of all dead animal carcasses they came across in the course of their duties, but no communication between the City Corporation and the Police Force on the matter had taken place.<sup>15</sup>

Blame for the lack of enforcement of the *Towns Police Acts* was laid firmly with the lack of discipline amongst the constabulary. Police constables, it was claimed, 'do not consider it to be their duty to keep the streets in order'. Requests to enforce the provisions of the act met with the reply "Oh! that is no business of ours;

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<sup>14</sup> Select Committee on Police, 1852, Testimony of Melbourne Town Clerk, William Kerr, 3 August 1852, Q. 601, p. 30.

<sup>15</sup> Select Committee on Police, 1852, Testimony of William Kerr, 3 August 1852, Q. 626, p. 31; see also VPRS 1189/16, Bundle 1, 52/3021, William Kerr to Colonial Secretary re: Night soil carts, 12 August 1852; Kerr complained that the discharging of Night soil carts within the City limits was seldom prosecuted as it was done at dawn when few police were about, also Select Committee on Police, 1852, Testimony of William Kerr, 3 August 1852, Q. 603, p. 30, where Kerr complained that police gave 'no effectual assistance' in the Council's efforts to stamp out the dumping of night-soil on the approaches to the City.

the City Inspector must look after that". The importance for contemporaries of police performing sanitary regulation rested in their belief that the duty of constables was to maintain 'order' in the broadest sense. A broad definition of 'order' also implied an intrinsic connection between the behaviour of the population and the general sanitary condition of the city. In 1852, it was argued that the lack of routine attention to 'nuisances' led to more serious indictable crimes which would be prevented by strict application of the Towns Police Acts.<sup>16</sup> There was a belief that an orderly and cleansed urban environment produced orderly and clean citizens. Constables on the street however clearly had their own reasons for not wishing to enforce the multitude of small print in the Towns Police Acts. John Stephen, an alderman of the City Council, claimed that constables had informed him that there was little point in prosecuting every breach of the *Police Act*, as it would 'create an ill-feeling against them, amongst the citizens'.<sup>17</sup>

Pressure for increased urban governance, much of it justified under the rubric of suppressing nuisance, led to constables being sworn in for a range of local government appointments investing them with additional municipal powers. In Melbourne, police accepted various positions including inspectors of Weights and Measures, Nuisances, Slaughterhouses and lamps, which made them answerable both to local government authorities and police administrators. Overlapping jurisdictions frequently resulted in confusion of powers between the City Council and the Police Force. The confusion however was mostly about financial liability for the municipal functions performed by the police. Sergeant James Andrews, Inspector of Weights and Measures for the City of Melbourne, complained to the Town Clerk that his set of weights and measures was deficient as he was without any weights and measures under a pound. Andrews thus found great difficulty in

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<sup>16</sup> Select Committee on Police, 1852, Testimony of N.A. Fenwick Esq, 5 August 1852, Q. 810, p. 40.

<sup>17</sup> Select Committee on Police, 1852, Testimony of John Stephen, alderman of the City Council, 29 July 1852, Q. 539, p. 26.

securing any convictions as the weights which he was missing were the weights most in use in the chandlers shops where the poor shopped and bought items of food in small quantities. Friction between Melbourne's Town Clerk and the Inspector of Melbourne Police over financial liability was evident in the ensuing correspondence, and the conflict was only resolved when the Chief Commissioner of Police intervened and agreed to accept responsibility.<sup>18</sup>

Some additional police functions were justified by their connection to the general task of crime prevention. With the introduction of gas street lamps in 1857, police on night duty were required to keep watch for damaged and unlit lamps and furnish daily reports to the Melbourne Town Clerk.<sup>19</sup> Street lighting was viewed as an agent of crime prevention, and was welcomed not only as a utility of civilised society, but also as a deterrent to vice and crime.<sup>20</sup> Demands for additional street lighting employed metaphors explicitly linking the policeman and the street lamp. In 1857 the *Argus* called for greater lighting with the remark 'we want more policemen and they must be made of gas'.<sup>21</sup> The connection between the provision of street lighting and the suppression of crime made it appropriate that checking gas lamps should fall within the ambit of police duties.

<sup>18</sup> 937/284, Bundle 3, Melbourne Town Clerk to Inspector Samuel Freeman re: Sergeant James Andrews, City Inspector of Weights and Measures, 17 June 1858.

<sup>19</sup> On the introduction of gas lamps see John D. Keating, *The Lambent Flame*, Melbourne University Press, Melbourne, 1974, pp. 44-55; for police duties in connection with street lamps see VPRS 1199/1, Bundle 7, E.G. Fitzgibbon to Chief Commissioner of Police, 29 August 1857; see also VPRS 1199/1, Bundle 8, Melbourne Town Clerk to Chief Commissioner of Police re: thanks police for regularity in checking street lamps, 11 September 1857.

<sup>20</sup> Graeme Davison, 'The Picture of Melbourne 1835-1985', in A.G.L. Shaw (ed.) *Victoria's Heritage*, Allen & Unwin, Sydney, 1986, p. 17; see also Andrew Brown-May, *Melbourne Street Life*, pp. 112-119.

<sup>21</sup> *Argus*, 6 July 1857 cited in Keating, *The Lambent Flame*, p. 55; metaphors connecting policemen to lighting continued, see for example calls for electric lighting 'worth a whole army of policemen' in *Age*, 13 July 1893, p. 4; Cf. Wolfgang Schivelbusch, 'The Policing of Street Lighting', *Yale French Studies*, no. 73, 1987, pp. 61-74; Mark J. Bouman, 'Luxury and Control: The Urbanity of Street Lighting in Nineteenth-Century Cities', *Journal of Urban History*, vol. 14, no. 1, November 1987, pp. 7-37; Mark J. Bouman, 'The "Good Lamp is the Best Police" Metaphor and Ideologies of the Nineteenth-Century Urban Landscape', *American Studies*, vol. 32, no. 2, Fall 1991, pp. 63-78.

Similar justifications could be touted for the use of police as inspectors of Melbourne's lodging houses. Ostensibly, policemen assisting the Central Board of Health performed duties extending from the broader sanitary functions of routine beat work. In 1858, a sergeant and a constable worked alongside an inspector from the City Council, and were 'active in securing a compliance with the provisions of the *Lodging House Act*'. Lodging House duty involved investigating each house and enforcing regulations 'in respect to cleanliness, ventilation and general sanitary requirements'.<sup>22</sup> This police duty usefully combined sanitary and surveillance roles as 'low lodging houses' were generally acknowledged as haunts of the criminal class. Giving evidence to the 1852 Select Committee on the Police Force, magistrate William Hull suggested that lodging-houses should be subject to greater police supervision as 'there is more wickedness and debauchery carried on in the low lodging-houses than in any public house in the City'.<sup>23</sup> Police 'inspectors' could consequently check on the inhabitants of lodging houses while compiling reports of ventilation and room size for local health authorities.

Other functions were justified by concerns over urban health, and utilised the street presence of police constables to prevent nuisances. In February 1858, the Central Board of Health wrote to the Chief Commissioner urging police vigilance to prevent people drowning animals in the Yarra River contrary to the *Police Act*. Police consequently erected notice boards on the bank of the river, and kept a close watch for miscreant animal depositors in an attempt to ensure the purity of Melbourne's water supply.<sup>24</sup> The public health concerns of local government officials also dictated where police attention should be directed. In 1855, constables were instructed to pay special attention to the coroner's office in Flinders Street to

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<sup>22</sup> Central Board of Health, 3rd Annual Report, 1858, *Victorian Parliamentary Papers*, 1858-59, vol. 2, p. 7.

<sup>23</sup> Select Committee on Police, 1852, Testimony of William Hull, Esq., 23 July 1852, Q. 326, p. 16

<sup>24</sup> VPRS 1199/2, Central Board of Health to Chief Commissioner of Police, 23 February 1858; *Town and Country Police Act*, 1854, s. 14 (4).

prevent the dumping of offensive matter following complaints from Melbourne's Town Clerk.<sup>25</sup>

While some policemen received local government appointments granting them additional municipal powers, their comrades were spending a greater proportion of their daily beats investigating sanitary and regulatory issues associated with rapid urban growth. By 1877, official prescriptions for beat duty included a range of tasks related to urban sanitation and the preservation of public health. Sub-officers and constables were required to compile nightly reports of all nuisances they observed on their beats. As part of their regular perambulations, constables checked for a multitude of minor urban ills including overflowing water closets, dead animals lying in the streets and leaking water pipes. The discovery of these nuisances was attended by an investigation into who was responsible, in which constables would utilise their local knowledge, as well as obligatory paper work recording the location, time and circumstance in which the nuisance was discovered.<sup>26</sup>

With constables assuming a broad role in urban management, powerful municipalities pushed for greater local control over the police. Before the 1862 Royal Commission on the Police, the colony's wealthiest municipality, Melbourne, argued that municipal authorities should control their own police forces.<sup>27</sup> The suggestion emanated from municipal desires to use policemen as multi-purpose city servants. Melbourne's Mayor, Robert Bennett, suggested that local control of police would be advantageous from a 'sanitary point of view'. He complained of being compelled to keep a staff of officers for duties which would be much better performed by police. It was also argued that acts of vandalism, such as uprooting

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<sup>25</sup> VPRS 1199/1, Bundle 4, Melbourne Town Clerk to Chief Commissioner of Police, 12 December 1855.

<sup>26</sup> *Regulations*, 1877, regulation 200, p. 27 & regulation 212, p. 29.

<sup>27</sup> Select Committee on the Police Force, 1863, section V.

young trees in the council's gardens and thefts of council property, would be significantly reduced if police were under the control of the City Council. The Mayor also argued that local control would result in constables exercising greater vigilance in the suppression of nuisances, which, he claimed, they did 'only under certain circumstances'.<sup>28</sup>

Although arguments for municipal policing resurfaced throughout the nineteenth century, they made little headway. The colony's smaller and less wealthy municipalities seldom voiced any enthusiasm, while even large municipalities such as Melbourne favoured such schemes only where they meant local government controlling and central government paying. When the idea of municipal policing was again mooted before the Royal Commission in 1883, commissioners noted that 'a decided objection was expressed to contributing any portion of maintenance from municipal funds'.<sup>29</sup>

Lack of direct control did not prevent local authorities from continuing to request police assistance for enforcing municipal legislation and acting as city-servants. In the City of Melbourne by the 1870s, police were no longer fulfilling municipal roles such as Inspectors of Nuisances, which Superintendent Winch claimed was only a practice in the country.<sup>30</sup> In suburban municipalities however, the practice of using the local constable for a variety of local government appointments continued. From 1887, police were increasingly appointed as prosecuting officers for municipalities, following a court decision which established that police either had to hold a municipal appointment or have permission in writing

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<sup>28</sup> Select Committee into the Police Force, 1863, Appendix G, Minutes of Evidence and Appendices, Testimony of Robert Bennett Esq, Mayor of Melbourne, 15 May 1862, Q. 2219-2222, pp. 93-94.

<sup>29</sup> Royal Commission on Police, 1883, General Report, p. xiii; for discussion of municipal control in the 1883 Commission see Testimony of H.M. Chomley, Chief Commissioner of Police, 2 May 1882, Q. 512-514; Testimony of F.A. Winch, Superintendent of Melbourne Police, 4 July 1882, Q. 3703-3704, p. 151; for later suggestion of municipal control see *Age*, 5 August 1893, p. 8.

<sup>30</sup> Royal Commission on Police, 1883, Testimony of Frederick A. Winch, 4 July 1882, Q. 3708, p. 151.



from municipal authorities before bringing a charge before the Courts.<sup>31</sup> Being acquainted with municipal bye-laws was part of constables duty, and over the course of the nineteenth-century they multiplied rapidly.<sup>32</sup> Whether constables did in fact know the vast array of municipal bye-laws is questionable. In 1879 Melbourne's Town Clerk wrote to the Chief Commissioner of Police drawing attention to bye-law 75 prohibiting uncovered meat from being drawn through the City, and asking that constables be instructed to enforce its provisions, which, presumably, they had not been doing.<sup>33</sup>

By the 1880s police seemed eager to shed some of the tasks of urban administration which Melbourne's City Council persistently placed before them. In 1886 the Melbourne Town Clerk wrote to the Chief Commissioner regarding frequent complaints of householders discharging home sweepings on the footwalks, beating doormats and sweeping footways at a later hour than prescribed in city bye-laws. The Town Clerk requested constables on city beats to warn householders of the consequences of disregarding the provisions of the bye-laws. Chief Commissioner Chomley was keen to see these duties performed by Inspectors of Nuisances, and pointed out that in a similar instance in Benalla, the Crown Solicitor had advised that such activities were not a police responsibility. On this occasion the Council had its way, and constables duly advised householders of the bye-law provisions.<sup>34</sup> Rather than shedding responsibilities it frequently appeared that the range of extraneous duties expected of police continued to increase. In the same year as they were advising householders not to place sweepings in the street,

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<sup>31</sup> See instructions in *Victoria Police Gazette*, 18 May 1887, for need to hold appointment; see also VPRS 807/291, Melbourne Town Clerk to Chief Commissioner of Police, 17 May 1906.

<sup>32</sup> Cornelius Crowe, *The Duties of a Constable set out in a concise form with reference to Acts of Parliament and Regulations*, Robert Barr Printer, Fitzroy, 1894, p. 36.

<sup>33</sup> VPRS 937/302, Bundle 1, Melbourne Town Clerk to Chief Commissioner of Police re: uncovered meat being drawn through the City, 13 May 1879.

<sup>34</sup> VPRS 937/316, Melbourne Town Clerk to Chief Commissioner of Police, re: Sweeping footpaths, 14 January 1886.

constables were also busy bringing prosecutions into court to combat the 'kite-flying evil' at the behest of the Post Office and Telegraph Department. The kites were frequently tangled in the maze of wires on the new telephone poles and constables were kept busy chasing offending kite flyers.<sup>35</sup> The general task of ensuring public order rendered the reach of policing extensive.

The pervasiveness of the police constable in local communities, coupled with the expansive character of the Department's centralised bureaucracy, resulted in police being called upon to perform broad tasks for the state, many of which bore no clear link to crime prevention and detection. By 1858, the Central Board of Health had secured police assistance in enforcing the *Compulsory Vaccination Act*. The Board used constables to warn parents who had failed to have their children vaccinated.<sup>36</sup> The Central Board of Health continued to pressure police in following years, and expressed dissatisfaction in 1859 that police in the City of Melbourne had not been furnished with lists of recalcitrant parents.<sup>37</sup>

Police authorities were aware that employing constables to perform such tasks could potentially alienate the general population. The 1877 *Regulations* therefore stipulated that 'great caution is to be observed' in prosecutions for vaccination, partly because the child may have been vaccinated by a private practitioner or in a different district, but also because the *Compulsory Vaccination Act* contained no saving provision. Under the legislation if the offence was proven then the magistrate was obliged to convict regardless of circumstance.<sup>38</sup> Wide police discretion was also encouraged because vaccination legislation transcended

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<sup>35</sup> VPRS 937/316, Post Office and Telegraph Department to Melbourne Superintendent, 21 January 1886.

<sup>36</sup> David Evans, 'Vaccine Lymph: some difficulties with logistics in Colonial Victoria, 1854-1874' in John Pearn & Catherine O'Carrigan, *Australia's Quest for Colonial Health: Some influences on early health and medicine in Australia*, Department of Child Health, Royal Children's Hospital, Herston, Brisbane, Australia, Brisbane, 1983, p. 171.

<sup>37</sup> Central Board of Health, Fourth Annual Report, *Victorian Parliamentary Papers*, vol. 3, 1859-60, p. 4.

<sup>38</sup> *Regulations*, 1877, regulations 966-968, p. 131.

class barriers, and rigorous enforcement could potentially lead to complaints of police oppression. The *Regulations* stressed the need for constables to avoid heavy-handedness:

It is impossible to issue instructions which shall meet all cases of the kind that may arise; much must be left to the discretion of police, who, in all doubtful cases, should apply for special instructions. They should bear in mind that the Vaccination Act is not to be made a means of oppression. Its primary object is to secure the vaccination of all children; and provided this object be attained, it will always be expedient that, if practicable, compulsory measures be avoided.<sup>39</sup>

The instructions also advised that transgressions of the Act were best handled by a warning in the first instance. If such a warning went unheeded it was then left to the discretion of the constable whether to issue a second warning or initiate proceedings.<sup>40</sup>

The Central Board of Health continued to press for increased police vigilance. In 1885, disappointed that the statistics of vaccination in the colony were lagging behind those of England, the Board urged greater police action and asserted that 'an occasional prosecution would be desirable'.<sup>41</sup> Nevertheless police remained reluctant to enforce vaccination laws, being aware that such duties might poison relationships between community and police. The decision to prosecute was usually predicated upon police assessments of parents' ability to endure a financial penalty. Proceedings against William Sellars were dropped following a report that the 'the parents of the child are in very poor circumstances'. The parents of Dulcie Debrey were prosecuted however when Senior Constable Davidson reported that they were 'well able to pay any fine inflicted'.<sup>42</sup>

<sup>39</sup> *Regulations*, 1877, regulation 975, p. 132.

<sup>40</sup> *Regulations*, 1877, regulation 971, p. 132.

<sup>41</sup> VPRS 937/355, Central Board of Health to Chief Commissioner of Police re: vaccination, 12 May 1885

<sup>42</sup> VPRS 937/339, Bundle 1, Report of Sergeant Liddell, Fitzroy, re: William Sellars: neglect to register birth of child Elizabeth May, 1 July 1893; VPRS 937/339, Bundle 3, Report of Constable Wilcox, Brunswick re: non-vaccination of Dulcie V. Debrey. memo: Senior Constable Davidson, 27 May 1893.

Police attempted to avoid the appearance of oppressiveness by applying wide discretion in vaccination cases. Increasingly, however, they were drawn into conflict with parents opposed to vaccination. Under pressure from the Central Board of Health, police pursued parents who refused to vaccinate their children. Constable Walsh prosecuted a herbalist, two clerks and a plumber in Malvern, reporting that they all 'appear to be opposed to having their children vaccinated and makes [sic] all kind of excuse when called upon, such as their children are unwell'.<sup>43</sup>

Such activities drew local constables into conflict with anti-vaccinationists, who, by the mid 1890s, had organised to the extent of pressuring for the repeal of the vaccination laws. A bill for the repeal of the vaccination laws was presented in parliament in 1895. As the bill passed through its second reading, anti-vaccinationists were prosecuted in the Brunswick Police Court. The defendants in this case were said to be 'taking part with others to obtain an alteration of the vaccination law, being convinced that it was the cause of a large death rate and much ill-health amongst children'.<sup>44</sup> Despite the friction between police and public caused by this function, it was still being performed in the early twentieth century.<sup>45</sup>

By the 1880s however police administrators were resisting the demands of the Central Board of Health to strictly apply health legislation in other areas. In 1885, the Central Board of Health was requesting police to enforce sections of the *Public Health Amendment Act 1883* relating to the adulteration of food, suggesting that its provisions should be 'energetically put into force'. The Chief Commissioner of Police refused to publish an order in the *Police Gazette* on the grounds that

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<sup>43</sup> For discretion see VPRS 937/339, Bundle 3, Report of Sergeant Hanlon re: James Templeton, Richmond, 17 May 1893; for prosecutions see VPRS 937/339, Bundle 1, Report of Constable Walsh re: non-vaccination of children named hereunder, 15 July 1893.

<sup>44</sup> *Age*, 5 September 1895, p. 7; see also *Age*, 13 September 1895, p. 4, for the introduction of the vaccination repeal bill in parliament; the appearance of an organised anti-vaccination campaign mirrored similar developments in England, see Dorothy Porter & Roy Porter, 'The Politics of Prevention: Anti-Vaccinationism and Public Health in Nineteenth Century England', *Social History*, 32, 1988, pp. 231-252.

<sup>45</sup> See O'Callaghan, *Victorian Police Code*, 1906, paragraphs 2124-2140, pp. 274-276.

prosecutions 'properly lie with the Board of Health', and explaining that he was not prepared to sanction 'the diversion of constables from their ordinary and legitimate duty'.<sup>46</sup> Later the same year however the Central Board of Health called on police again, this time obliging them to post notices warning of scarlet fever at railway stations and city intersections.<sup>47</sup>

The quantity of miscellaneous tasks performed by the police remained extensive. Alongside the 'extra duties' demanded by the various levels of government were a range of administrative tasks specifically allocated to police, including the serving of summonses and compiling jury lists, arranging inquests, enforcing building regulations for theatre licenses, and the disposal of property of persons dying intestate.<sup>48</sup> In performing a broad service role, the duties of Melbourne police mirrored that of many nineteenth-century urban police forces. For the Melbourne policeman, as for his contemporaries in Britain, America and other Australian colonies, crime prevention and detection, which is commonly considered the central task of policing, was only one task amongst many.<sup>49</sup> Nevertheless, colonial policemen often considered that their tasks outnumbered those of their peers in other jurisdictions. In 1861, Chief Commissioner Frederick Standish remarked that 'many duties that in other countries are not performed by the police

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<sup>46</sup> VPRS 937/355, Central Board of Health to Chief Commissioner of Police re: adulteration of food, instructions to police, 4 March 1885; Chief Commissioner of Police to Central Board of Health, 4 March 1885.

<sup>47</sup> VPRS 937/355, Central Board of Health to Chief Commissioner of Police re: copies of scarlet fever circular around city, 19 December 1885.

<sup>48</sup> On summonses see *Regulations*, 1877, pp. 103-105; Barry, *Victorian Police Guide*, pp. 53-57; on jury lists see Select Committee on Police Force, 1863, Testimony of Captain Standish, Chief Commissioner of Police, 3 June 1861, Q. 54, p. 5; *Regulations*, 1877, p. 145; Smith, *A Constable's Experiences*, p. 28; for other duties see *Regulations*, 1877, pp. 146-147; see also VPRS 937/318, Bundle 1, Police Report re: Theatrical Licence for Theatre Royal, 22 June 1886.

<sup>49</sup> Cf. Eric H Monkkonen, 'History of Urban Police', in Michael Tonry & Norval Morris (eds) *Modern Policing*, University of Chicago Press, Chicago, 1992, pp. 554-556; for this trend internationally see David H. Bayley, *Patterns of Policing: A Comparative International Analysis*, Rutgers University Press, New Brunswick, N.J., 1985, pp. 110-111; for Australia see Mark Finnane, *Police and Government*, p. 96.

are performed by the police here'.<sup>50</sup> John Barry echoed similar views in his 1888 *Police Guide*, commenting that the great responsibility vested in the police constable was;

... particularly the case in the Australian colonies, where his duties are far more varied than are those of the force in Great Britain, and under the circumstances it would be ridiculous to expect here similar results for many years to come.<sup>51</sup>

Barry's prediction proved accurate, as there were few signs that extent of miscellaneous police tasks was decreasing by the later nineteenth century. New legislation continued to prescribe additional roles for the police. In 1886 for example, constables were being directed to police the business hours of shopkeepers following the passing of new laws restricting trading hours.<sup>52</sup> Police administrators increasingly argued that extraneous duties distracted police from the task of crime prevention and detection. In 1893, Chief Commissioner Chomley suggested that crime in the colony was unlikely to decrease if police continued to be used as the all-purpose servants of government.<sup>53</sup> Ordinary policemen were less concerned about the continued demands to perform 'extraneous duties'. Municipal appointments often carried a financial incentive paid by local authorities, while work for other government departments provided welcome relief from the drudgery of walking the beat. In 1906, Constable Alfred Tratford spoke bitterly of favouritism in the police force, and of the constables who were told off 'for what are called "fancy jobs" about the city'.<sup>54</sup>

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<sup>50</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of Captain Standish, Chief Commissioner of Police, 3 June 1861, Q. 51, p. 4.

<sup>51</sup> Barry, *Victorian Police Guide*, p. 1.

<sup>52</sup> VPRS 937/318, Bundle 1, Chief Commissioner of Police, Memo Police requested to enforce local hours of shop closing, 22 June 1886; VPRS 937/332, Bundle 1, Police Report re: Early Closing Law-evasion at Collingwood and North Melbourne, 23 January 1891; for this duty see also *Age*, 2 March 1892, p. 4; *Victoria Police Gazette*, 1 March 1906, pp. 103-104.

<sup>53</sup> Cited in Paul R. Wilson & John S. Western, *The Policeman's Position Today and Tomorrow: An examination of the Victoria Police Force*, University of Queensland Press, St. Lucia, 1972, p. 4.

<sup>54</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Alfred Tratford, 18 January 1906, Q. 13481, p. 463.

The enthusiasm of ordinary policemen was not shared by their superiors, who increasingly viewed additional tasks as a distraction from the work of crime prevention and detection. Extra duties beyond what was considered 'ordinary police duty' were often argued to be draining the number of police available on the street. Before the 1906 Royal Commission, Michael Mahoney, Inspecting Superintendent of the Melbourne District, detailed the number of men who were daily called off on other duties. At least seventeen daily attended sports and race meetings, a further ten were sent to work for other government departments, three at the Royal Mint, three at the Railways, one at the Industrial Schools, one at the Premier's Office, one at the Printing Office and one at the Crown Law Offices. It was a situation, Mahoney claimed, which left few police available for beat duty in the City.<sup>55</sup> The Royal Commission suggested that an increase in police strength was necessary 'on account of the multifarious duties imposed upon them apart from police duties'.<sup>56</sup> Despite the desire expressed by senior police officials for a narrowing of police function, constables continued to be all-purpose government servants rather than professional crime-fighters.

### 3.2 Policing sport and leisure

Diversion from 'ordinary and legitimate duty' was caused not only by the various levels of colonial government but also by private interests. From the 1870s police faced continual requests for police protection stemming directly from the growth of commercialised leisure and the changing rhythms of urban life. With acute shortages of labour and rising real wages in the late 1880s, Serle suggests that about

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<sup>55</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Michael Mahoney, Inspecting Superintendent, Melbourne District, 4 October 1905, Q. 2688, p. 100; for other guard duties see also VPRS 937/355, Police Department Memo re: Royal Mint duties, 30 October 1885; see also VPRS 937/311, Superintendent of Melbourne Police to Chief Commissioner of Police re: police on special duty, 27 February 1884.

<sup>56</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. vii.

two-thirds of urban wage earners benefited from reduced work hours, while for industrial working-class Footscray the figure has been estimated at roughly a half.<sup>57</sup> The same study concluded that the Saturday half-holiday had become widespread by the 1880s, with some workers prepared to endure eleven, or even twelve, hour working days during the week to procure their slice of weekend free time.<sup>58</sup> Unemployment, underemployment, the irregular nature of work and processes of deskilling within individual industries curtailed the ability of many to participate in leisure activities.<sup>59</sup> Nevertheless, for many, hard won free time was spent on a diverse range of collective leisure activities. At the request of private companies, sports clubs and individuals, the policeman was often present under the general mandate of preserving order.

A police presence was required at most amusements or public events, regardless of their scale. Police often functioned as paid protection with proprietors reimbursing the Police Department for costs.<sup>60</sup> Two constables attended Barlows Circus for seven nights in May 1872, for a cost of two pounds and twelve shillings and sixpence. Constables attended the performances which were held for two nights in Collingwood, three nights in Richmond and two in Carlton.<sup>61</sup> Police were also

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<sup>57</sup> Geoffrey Serle, *The Rush to be Rich: A History of the Colony of Victoria, 1883-1889*, Melbourne University Press, Melbourne, 1971, p. 99; John Lack, 'Working-Class Leisure', *Victorian Historical Journal*, vol. 49, no. 1, February 1978, p. 50.

<sup>58</sup> Lack, 'Working-Class Leisure', p. 50.

<sup>59</sup> On the nature of work in this period see Shirley Fitzgerald, *Rising Damp: Sydney 1870-1890*, Oxford University Press, Melbourne, 1987, Chapter 5; Jane Beer, Charles Fahey, Patricia Grimshaw & Melanie Raymond, *Colonial Frontiers and Family Fortunes: Two Studies of Rural and Urban Victoria*, Melbourne University History Monograph Series No. 6, History Department, University of Melbourne, Melbourne, 1989, pp. 117-136.; Charles Fahey & Jenny Lee, 'A Boom for Whom? Some Developments in the Australian Labour Market, 1870-1891', *Labour History*, no. 50, 1986, pp. 1-28.

<sup>60</sup> See 'A Return showing the number of members of the Police Force in Melbourne who are allowed to perform extra duty at theatres, concerts, football matches, & c., for which they receive payment over and above their ordinary wages, and the amount received by each member for the last three months', *Victorian Parliamentary Papers*, 1890, vol. 1, pp. 931-932, Police on Duty at Places of Amusement, 31 July 1890.

<sup>61</sup> VPRS 937/293, Re: Payment for attendance of constables at Barlows Circus, 21 June 1872.



required to watch over the new forms of leisure which emerged in Melbourne by the 1870s. In a letter typical of those received by police, Thomas Power, Secretary of the Carlton Football Club, requested the services of two mounted constables to protect the University Ground fence during the Athletic sports which were to be held by the club.<sup>62</sup> Over the course of the nineteenth century the increasing diversity of social occasions facilitated a police presence at a vast range of events. In 1912, police attended a Boy Scout rally in the grounds of Government House attended by three hundred scouts performing displays of ambulance work and life saving, fire reel work, the rescue of persons overcome by smoke and the resuscitation of persons apparently drowned. The General Secretary of the Scouts wrote to the Chief Commissioner 'out of courtesy' as, he explained, 'I understand it is your custom to have some constables present on such occasions'.<sup>63</sup>

The number of police required depended upon the scale of the event. A small alteration in beats was often sufficient for relatively minor occasions in the social calendar. When W.H. Hartley, Secretary of the United Friendly Societies, applied for police protection for the St. Kilda Friendly Society Social, it was thought sufficient for the beat constable in the area to check on the event in the course of his normal duties.<sup>64</sup> For more important events, police were often required not to quell disturbance but to regulate traffic as the patrons of performances or balls arrived or departed. For the annual University Ball in 1891, police were required only at the times of commencement and closure to keep order amongst the cabmen and touts who ferried guests to and from the event.<sup>65</sup> The attendance of

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<sup>62</sup> VPRS 937/294, Carlton Football Club to Chief Commissioner of Police, 10 October 1873.

<sup>63</sup> VPRS 807/446, M1903, Hon. General Secretary, Boy Scouts Association to Chief Commissioner of Police 17 February 1912.

<sup>64</sup> VPRS 937/339, Bundle 2, Hon Secretary of United Friendly Societies to Chief Commissioner of Police, 25 July 1893.

<sup>65</sup> VPRS 937/334, Re: Police required for University Ball, Melbourne Town Hall, 8 July 1891.

constables at all manner of galas, athletic days and special interest meetings remained a regular part of police duty.

The rise of organised sports, and the accompanying growth in crowd sizes, proved a far greater burden on police resources. By the late 1870s, Melbourne was experiencing the new phenomena of mass spectatorship as crowds flocked to games of football and cricket. Both sports attracted crowds of substantial size. For the opening day of the test between England and Australia for the 1876-77 season at the Melbourne Cricket Ground, a crowd of between 4500 and 6000 attended.<sup>66</sup> For the opening day of the test against England in the 1907-08 season a massive 26 789 spectators attended.<sup>67</sup> Football also experienced a dramatic rise in spectatorship between 1870 and 1920.<sup>68</sup> The second VFL final at the MCG in 1898 attracted a crowd of 16 538, while the 1913 final drew a record crowd of 59 479.<sup>69</sup>

John Barry, in his *Victorian Police Guide* of 1888, suggested that police in Victoria assumed a greater role at entertainments than their counterparts elsewhere. Barry informed constables:

in these colonies constables are frequently called to attend at racecourses, cricket grounds and other places of public resort and amusement, the objects being not only the preservation of the peace, and the protection of life and property, but also for the purpose of keeping the ground clear.<sup>70</sup>

In his opinion such work was 'not properly police duty' but had 'become a portion of the system here, and consequently, must be performed'. Police work or not, duty at sporting events raised the problematic issue of the powers of the public policeman

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<sup>66</sup> Richard Cashman, *Australian Cricket Crowds: The Attendance Cycle, daily figures, 1877-1984*, Historical Statistics Monograph No. 5, History Project Incorporated, Kensington, 1985, p. 26.

<sup>67</sup> Cashman, *Australian Cricket Crowds*, p. 33.

<sup>68</sup> Robert Pascoe, *The Winter Game: The Complete History of Australia Football*, Text Publishing, Melbourne, 1995, p. 55.

<sup>69</sup> Wray Vamplew, 'Sport and Recreation', in Wray Vamplew (ed.) *Australians: Historical Statistics*, p. 383.

<sup>70</sup> Barry, *Victorian Police Guide*, pp. 10-11.

in private space. Policemen were consequently advised of the need to avoid 'undue force' while endeavouring 'to keep the public in the portion of the ground marked out for the purpose'.<sup>71</sup>

Police duty at sporting events was considered necessary due to the ever-present threat of spectator violence. In 1886, the Chief Commissioner sent a memo to the South Melbourne station suggesting they send more police to an upcoming game between South Melbourne and Carlton. The Chief Commissioner feared if the match were 'a very close one' there would 'probably be a disturbance'.<sup>72</sup> The Chief Commissioner's assumption was not without foundation, as games frequently descended into chaos. In 1896, a match between North Melbourne and Collingwood ended with 2000 angry spectators, including men armed with sticks and iron bars, and women with hat pins, attempting to attack the umpire and several of the victorious Collingwood players.<sup>73</sup> Police were aided in efforts to control boisterous sports crowds by architectural developments in grounds, such as turnstiles, fencing and grandstands. Structural changes to grounds, designed to accommodate more spectators, also allowed police to contain disturbances more easily if they broke out.<sup>74</sup>

Architectural developments which assisted policing were tempered by the increasing size of sports crowds in the early 1900s, which resulted in police experiencing continued difficulty maintaining order at sporting events.<sup>75</sup> In a match

<sup>71</sup> Barry, *Victorian Police Guide*, pp. 10-11.

<sup>72</sup> VPRS 937/318, Bundle 2, Chief Commissioner of Police to South Melbourne Police re: South Melbourne vs Carlton football match, 17 August 1886.

<sup>73</sup> *Argus*, 27 July 1896 cited in Richard Cashman et al., *The Oxford Book of Sporting Anecdotes*, Oxford University Press, Melbourne, 1994, pp. 52-53; on spectator violence see also Rob Hess, 'The Victorian Football League Takes Over, 1897-1914' in Rob Hess and Bob Stewart, (eds.), *More than a Game: An Unauthorised History of Australian Rules Football*, Melbourne University Press, Melbourne, 1998, pp. 87-89.

<sup>74</sup> Cf. Wray Vamplew, 'Unsporting Behaviour: The Control of Football and Horse-Racing Crowds in England, 1875-1914', in Jeffrey H. Goldstein (ed.) *Sports Violence*, Springer-Verlag, New York, 1983, pp. 25-26; see also Ian Warren, 'Violence in Sport—The Australian Context', *Criminology Australia*, vol. 6, no. 1, August 1994, p. 22.

<sup>75</sup> Commercialisation alone does not account for the rise in football attendance. Some

between Footscray and North Melbourne in 1920, an argument erupted between players on both sides and the umpire. Senior Constable Murphy reported; 'the spectators then rushed the playing ground from all parts and surrounded the players. It was impossible for the police present to prevent the ground from being rushed by the crowd, coming as they did from all parts of the enclosure'. When the crowd began to jump the fence, Senior Constable Murphy called to the two mounted constables waiting at the entrance to the ground to enter the arena. But even with mounted assistance, along with that of fourteen foot-constables who had been positioned around the perimeter of the playing field, the crowd could not be turned back to the stands.<sup>76</sup>

Before the Royal Commission in 1906, evidence suggested that policing sporting events devoured a great deal of police resources and diverted constables from the primary task of crime prevention. Few police denied that sports events were an intensive drain on police numbers. As the Chief Commissioner stated 'you get some of those exciting matches at the Melbourne Football Ground, and you have to have a lot of police'.<sup>77</sup> Inspector Lawrence Gleeson claimed that twenty-eight constables in his division were called to attend sporting contests every weekend, a drain on numbers greatly reducing the crime prevention capacity of police in his area. Inspector Gleeson claimed house-breakers were quick to take advantage of police being occupied at sporting events on Saturday afternoons, using the dearth in patrol numbers as an opportunity to commit crimes. Gleeson's opinion was endorsed by those sitting on the Royal Commission.<sup>78</sup> Chief Commissioner

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contemporaries attributed the growth of crowds to the rise of the Saturday half holiday. In 1909 the *Argus* commented on 'the vast crowds that attend the football, now that we have a general Saturday afternoon holiday'. *Argus*, 22 May 1909.

<sup>76</sup> VPRS 807/744. Report of Senior Constable Murphy: Football Match Footscray vs North Melbourne, 28 September 1920.

<sup>77</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Chief Commissioner Thomas O'Callaghan, 22 September 1905, Q. 1105, p. 40.

<sup>78</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Inspector Lawrence Gleeson, 11 October 1905, Q. 4179-Q. 4208, pp. 146-147; for views of the Commission see Questioning of Chief Commissioner Thomas O'Callaghan, 22 September 1905, Q. 1116-Q. 1118, pp.

O'Callaghan maintained that the purpose of police at sports was to 'keep order', but other senior police officials questioned the role of police at sporting occasions. Inspector Gleeson reported that police were mainly used to bolster the revenue of sports clubs by guarding fences to check on patrons attempting to gain free admission. He explained to the commissioners that at the Agricultural Showgrounds he had noticed police 'were employed for no other purpose than to keep small boys from burrowing underneath the fence or getting over it'. For Gleeson such duties bore little relation to the real work of policing, an opinion made clear when he remarked 'I thought it was a ridiculous thing myself'. In their final report, the commissioners recommended that police on duty at race meetings, sports and football matches should be 'engaged on strictly police duties'.<sup>79</sup>

Despite the reservations of senior policemen such as Gleeson that large numbers of police engaged at weekend sports reduced the crime fighting capacity of the Department, demands for police protection from sporting clubs accelerated rather than declined. In 1920, concerned over the increasing incidence of crowd attacks on umpires who delivered unpopular decisions, the Victoria Football Association passed a motion to provide adequate protection for umpires. Umpires were to be escorted on and off the field by six foot-constables and two mounted constables. The Chief Commissioner replied to the request by saying that such protection would always be provided if written applications for police protection arrived in time to make arrangements.<sup>80</sup> The money sports clubs paid into police coffers for this service doubtless provided an incentive for the Chief

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<sup>79</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Chief Commissioner Thomas O'Callaghan, 22 September 1905, Q. 1104, p. 40; Testimony of Inspector Lawrence Gleeson, 11 October 1905, Q. 4195-4196, Q. 4198, p. 146; General Report, p. vii.

<sup>80</sup> VPRS 807/734, E9789, Sub-Inspector Maher to Chief Commissioner of Police, re: Adequate police protection for umpires at Football matches in the metropolitan area, 3 July 1920; this correspondence also included the deployment of police attending inner-suburban matches in 1920, at St. Kilda 2 mounted constables and 12 foot constables, South Melbourne 1 mounted and 6 foot, East Melbourne, 2 mounted and 12 foot and Richmond, 2 mounted and 10 foot.

Commissioner's approval.<sup>81</sup> While some senior police officials desired a definition of policing which focused upon the detection and prevention of crime, it was the wider mandate of preserving order which occupied an increasing quantity of ordinary policemen's time.

### 3.3 Bureaucracy & Information

Many of the 'auxiliary functions' of police so far described relied primarily on the street presence of a large number of state functionaries. Equally significant however was the considerable bureaucratic capacity of the police organisation. During the goldrush period, social anxieties were manifested in a desire for the state to observe and collate knowledge about the population, a population whose increased size rendered anonymity all the more possible and all the more threatening. No institution of the state was better placed to collect this information than the police force, which played a crucial part in what we might call the nineteenth century avalanche of numbers.<sup>82</sup> In 1853, the seven separate police forces which had existed in Victoria were centralised into one body. As a centralised institution the police had the most effective communications network of any state agency, giving them an unrivalled capacity to collect information and trace individuals.<sup>83</sup>

This expanding regulation of social life, alongside the filing of the ever increasing number of police reports it necessitated, understandably had an impact upon police organisation and the tasks of policing. The most significant

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<sup>81</sup> In 1906 sports clubs paid 1s 6d per hour for plain-clothes police, 1s per hour for each uniformed man and 2s 6d for mounted men; for details of charges see O'Callaghan, *Victoria Police Code*, 1906, paragraphs 522-25, pp. 60-61.

<sup>82</sup> For this concept see Ian Hacking, 'Biopower and the Avalanche of Printed Numbers', *Humanities in Society*, 5, 1982, pp. 279-295; on the rise of statistics see Alain Desrosieres, *The Politics of Large Numbers: A History of Statistical Reasoning*, Harvard University Press, Cambridge, Mass., 1998, Chapter 5; M.J. Cullen, *The Statistical Movement in Early Victorian Britain: The Foundations of Empirical Social Research*, Harvester Press, Hassocks, 1975.

<sup>83</sup> Cf. Matt K. Matsuda, 'Doctor, Judge, Vagabond: Identity, Identification and Other Memories of the State', *History and Memory*, vol. 6, no. 1, Spring/Summer 1994, pp. 73-94.

consequence was the increasing weight attached to literacy as a qualification for police service.<sup>84</sup> The 1853 *Police Regulation Act* required that no person should be appointed as a constable if they were unable to read and write 'unless circumstances render it necessary to dispense with this qualification in any case.'<sup>85</sup> In 1855 Samuel Freeman, the Inspector of Melbourne Police, stated that all non-commissioned officers 'with the exception of Sergeant James McGranaham of the A division who can neither read nor write' could 'write sufficiently well to make out legible reports'.<sup>86</sup> In 1856, the authorities produced a handbook for members of the force, stressing that while candidates for the force should be 'of strong constitution and free from bodily complaint' it was imperative that they be able to read and write well. The ability to write appears to have been taken seriously by those assessing recruits. Patrick Hart was refused admission to the police force in 1865 due to poor handwriting, and was denied the opportunity of sitting the test again, despite his protestation that 'I thought my learning would allow me [sic] write better'.<sup>87</sup> The demand for police literacy continued, and the 1877 *Regulations* emphasised that 'the ability to write a good official report or letter is a most important qualification for promotion'.<sup>88</sup>

The emphasis on literacy indicated the important place occupied by report writing in the police routine. The duties undertaken by police were accompanied by an endless flood of written reports, as police counted, measured and described in minute detail the social and physical character of the colony. Administration was a significant element of the police organisation. In 1882, the Chief Commissioner's

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<sup>84</sup> Finnane, *Police and Government*, p. 137.

<sup>85</sup> *Police Force Regulation Act*, 1853, s. V11.

<sup>86</sup> VPRS 937/283, Bundle 1, Inspector Freeman to Chief Commissioner of Police, 12 March 1855.

<sup>87</sup> VPRS 1199/5, Bundle 2, Patrick Hart to Chief Commissioner of Police, 15 March & 13 April 1865.

<sup>88</sup> *Regulations*, 1877, regulation 130, p. 18.

office consisted of nine clerks, who dealt with an average of forty letters each morning. Henry Moors, the Police Department's Chief Clerk, proudly boasted that his office contained 'no men who are afraid to deal with a file of papers'.<sup>89</sup> By 1906, a Royal Commission criticised the amount of police time occupied with administration, suggesting that 'files were produced in regard to the most trivial matters'. The commissioners suggested that officers 'neglected their police duties' by 'devoting a considerable portion of their time to writing such memoranda'.<sup>90</sup> The comments of the Royal Commission point, albeit in a negative fashion, to the considerable bureaucratic capacity of the police force.

The combination of a large number of street-based employees and a formidable bureaucracy rendered the police force a uniquely valuable tool of colonial government. By 1854 police were aiding directly in the collection of census information, and it was through the police bureaucracy that the vast flow of information travelled.<sup>91</sup> In the same year, the Acting Chief Commissioner of Police claimed constables had been so busy collecting census forms they had been delayed in compiling the electoral rolls.<sup>92</sup> Along with census work, police assumed responsibility for forwarding criminal statistics to the Government Statist, which were compiled by Police Department clerks and reflected the dutiful scribbling of policemen in hundreds of watch-house charge books around the colony.<sup>93</sup> Police apparently compiled their statistics with some precision, at least according to Italian

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<sup>89</sup> Royal Commission on Police, 1883, Testimony of Henry Moor, Chief Clerk, Police Department, 3 May 1882, Q. 545-546, p. 19; for the importance of police administration see also Civil Service Commission, Report of the Commissioners appointed to inquire into and report upon the Civil Service of the Colony, 1859, *Victorian Parliamentary Papers*, vol. 3, 1859-60, pp. 53-54.

<sup>90</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. xxi.

<sup>91</sup> VPRS 937/131, Bundle 4, 54/4568, Chief Secretary to Chief Commissioner of Police re: Police collecting census information, 18 April 1854.

<sup>92</sup> VPRS 1189/151, 54/8774, Acting Chief Commissioner of Police to Chief Secretary, 27 July 1854.

<sup>93</sup> See for example VPRS 937/355, Chief Commissioner of Police to Government Statist, 10 December 1887; for detailed instructions regarding criminal statistics see *Regulations*, 1877, regulations 919-961, pp. 125-130.



criminologist Cesare Lombroso, who complimented Victorian police on the 'completeness and accuracy of their statistics' when he wrote requesting information on female offenders in 1892.<sup>94</sup> The collection of numbers for government remained a frequently called upon police service into the twentieth century. In 1902, the *Statistics Collection Act* empowered police to collect agricultural and manufacturing statistics in their districts—a duty previously performed by municipalities.<sup>95</sup> With the coming of Federation, police were often called upon to collect statistical information about the population for the Commonwealth government, including the duty of compiling federal electoral rolls.<sup>96</sup> Chief Commissioner O'Callaghan approved of police compiling federal electoral rolls from an intelligence gathering perspective, believing policemen 'would become acquainted with the persons at the houses or tents where they had to call'.<sup>97</sup> In 1919, the Government Statist succinctly commented on the utility of police in the collection of data, remarking that 'the expert local knowledge possessed by the police' rendered their services invaluable.<sup>98</sup>

The ability of the police to collect large bodies of the information for government reflected the unique combination of a large street presence and literate bureaucracy characterising the police organisation. An additional advantage of the police organisation was its ability to trace individuals through a developed communications network. Much of this resulted from the centralised structure of the Police Department, which had been designed to aid the tracing of criminals prior to the discovery of gold. Centralisation was urged in 1852, as it was argued that

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<sup>94</sup> VPRS 937/357, Premiers Department to Chief Commissioner of Police re: Cesare Lombroso seeks statistical information on criminality of women in Australia, 28 April 1892.

<sup>95</sup> *Victoria Year Book*, 1902-3, p. 204.

<sup>96</sup> *Victoria Police Gazette*, 12 March 1903, p. 125; see also *Victoria Police Gazette*, 5 March 1903, 'notice to collectors of statistics', p. 115.

<sup>97</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 22 September 1905, Q. 1162, p. 42; not all police agreed with O'Callaghan see for example Testimony of Inspector Lawrence Gleeson, Q. 4890-4891, 17 October 1905, p. 169, arguing that compiling federal rolls took men away from 'practical police work'.

<sup>98</sup> *Police Journal*, vol. 1, no. 8, 1 February 1919, p. 4.

'comparative security is ... insured to the criminal when driven out of the range of any particular division of Police'. Effective surveillance was one of the principal reasons for centralisation, as it would allow police to better monitor and trace the criminal population by forming a central archive 'to which all reports and police communications should be addressed'.<sup>99</sup>

The utility of the police organisation for transmitting, collecting and archiving information about individuals was further enhanced by other developments in communications ostensibly created to trace the criminal offender. From 1853, the *Victoria Police Gazette* was circulated to all police in the colony, containing not only instructions to police but also descriptions of individuals sought including military deserters, escaped prisoners and missing persons.<sup>100</sup> Broader developments in communications also facilitated the transmission of information through the centralised police bureaucracy. By the late 1850s, the colonial telegraph network was proving useful for circulating descriptions of escaped prisoners and criminals at large.<sup>101</sup> In 1859, the Annual Report of the Chief Commissioner of Police noted 'the importance to the police of the lines of the electric telegraph', which facilitated the rapid dissemination of information across dispersed territory.<sup>102</sup> By the 1880s, the telephone had also become an important tool of police communications, with lines extending to suburban police stations by 1886.<sup>103</sup>

<sup>99</sup> Select Committee on Police, 1852, Report, p. 1: the idea of centralisation had been advanced before the discovery of gold, see for example VPRS 19/136, Superintendent of Melbourne Police to Colonial Secretary, 20 July 1850, advocating 'a system of intercommunication absolutely necessary for an efficient police force'.

<sup>100</sup> Haldane, *The People's Force*, p. 38.

<sup>101</sup> For the significance of the telegraph in Australia see J.B. Hirst, 'Distance' in J.W. McCarty & Alison McCleary, (eds.) *Australians 1888*, Fairfax, Syme & Weldon, Broadway, 1987, p. 104; see also Geoffrey Blainey, *The Tyranny of Distance*, Sun Books, Melbourne, 1966, pp. 222-227; Graeme Davison, *The Unforgiving Minute: How Australia Learned to Tell the Time*, Oxford University Press, Melbourne, 1993, pp. 52-56; for the importance of the telegraph as a technology of government see Andrew Barry, 'Lines of communication and spaces of rule' in Andrew Barry, Thomas Osborne and Nikolas Rose (eds.), *Foucault and political reason: Liberalism, neo-liberalism and rationalities of government*, University of Chicago Press, Chicago, 1996, pp. 123-141.

<sup>102</sup> Report of the Chief Commissioner for the Year 1859, p. 16.

<sup>103</sup> On early telephone service see VPRS 937/303, Bundle 2, Superintendent Frederick Winch to

The archival tendencies of the police organisation were further advanced by the use of photography for identification. In October 1872, Chief Commissioner Frederick Standish, inspired by a British Home Office report recommending police maintain a central register of criminal photographs, ordered the compiling of photographic images of discharged prisoners. Police were soon exchanging photographs of convicted offenders with the NSW Police Department.<sup>104</sup> Although the photographs held by police only increased by about sixty a year in the 1880s, the archive of criminal likenesses continued to expand, and by 1905 amounted to 'whole rows of large volumes' stored in the Detective Office.<sup>105</sup> By 1919, the Criminal Investigation Branch received 7180 photographs from within the State, as well as 1575 from other Australian jurisdictions.<sup>106</sup> While ostensibly existing to trace criminal offenders, an archive of photographic images proved to have additional uses. The task of police in tracing the identity of dead bodies relied heavily on photography from the 1880s, and in 1893 Constable Davidson felt

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Chief Commissioner of Police re: necessity of telephonic communications between Royal Exhibition Buildings and Russell Street Barracks, 26 August 1880; also for significance in internal police communications see Royal Commission on Police, 1883, Testimony of Sergeant Roche, 24 April 1882, Q. 17-20, p. 2; on the extension of lines see VPRS 937/316, Post Office and Telegraph Department to Chief Commissioner of Police re: telephone lines extended to North Fitzroy, Clifton Hill and Northcote, 18 January 1886.

<sup>104</sup> Police photography file, Victoria Police Historical Unit, Chief Commissioner of Police to Inspector General of Penal Establishments, 27 October 1871; Chief Commissioner of Police to Inspector General of Penal Establishments re: photographing discharged convicts, 10 October 1872; on exchange with NSW see Inspector General of Police, Sydney to Chief Commissioner of Police, Melbourne, portrait of prisoner James Reedy, 12 February 1872; for the increasing use of photography by government in this period see Anne Maree Willis, *Picturing Australia: A History of Photography*, Angus & Robertson, Sydney, 1988, p. 74; for similar use of photography in the English context see Petrow, *Policing Morals*, pp. 87-88; for the United States see Jennifer Green-Lewis, *Framing the Victorians: Photography and the Culture of Realism*, Cornell University Press, Ithaca, 1996, pp. 200-203; for the significance of photography as a tool of government generally see John Tagg, 'Power and Photography: Part 1, A Means of Surveillance: The Photograph as Evidence in Law', *Screen Education*, no. 36, Winter 1980, pp. 17-55; also Tagg, *The Burden of Representation: Essays on Photographies and Histories*, Macmillan, London, 1988, pp. 60-65; Allan Sekula, 'The Body and the Archive', *October*, no. 39, Winter 1986, pp. 3-64.

<sup>105</sup> For the figure of sixty photographs per year see VPRS 937/303, Bundle 3, Superintendent of Melbourne Police to Chief Commissioner of Police re: photographing prisoners, heliotype proposed, 26 January 1887; Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callagan, Chief Commissioner of Police, Q. 1640-1652, p. 64.

<sup>106</sup> VPRS 807/717, D86, Report of the Fingerprint Branch for the year 1919, 2 January 1920.

confident he would discover the identity of a body dredged from the Yarra River 'as I have a good picture of the deceased'.<sup>107</sup>

Police archives were ideally complemented by the extensive local knowledge of police constables. In theory, policemen were expected to be capable of recognising all the inhabitants resident in the sections they patrolled.<sup>108</sup> The ability of police to trace individuals and maintain archives of sections of the population rendered them useful, both to the State and private citizens. The techniques of tracing, recording and archiving information about individuals were utilised not only in the search for criminal offenders but in locating deserting husbands, finding the parents of lost children, and in the work of locating missing persons resulting from the requests of private citizens. This police facility also proved valuable to government and private agencies wishing to locate or investigate segments of the population.

A ubiquitous activity was the search for deserting husbands. If a warrant was issued for the arrest of a husband for wife desertion the full particulars of the case were inserted in the *Police Gazette* and circulated throughout the colony. If police had some indication of where the husband was residing, the warrant was forwarded to police in that locality, along with 'the necessary information'.<sup>109</sup> Through communications with other colonial police authorities, husbands could be traced over considerable distances. In 1886, police were able to trace the whereabouts of Janet Curry's husband to Dunedin, after corresponding with the Chief Commissioner of New Zealand Police.<sup>110</sup>

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<sup>107</sup> VPRS 937/320, Bundle 5, Police Report re: photographs of dead bodies, 28 January 1887; also Constable Davison to Superintendent of Melbourne Police re: application for having a body photographed, 31 December 1886; VPRS 937/338, Bundle 1, Constable Davison to Superintendent of Melbourne Police re: man unknown found in Yarra near Princes Bridge, 4 February 1893; for continued use for this purpose see also VPRS 807/141, P140, Sergeant Davison to Superintendent of Melbourne Police, re: identity of man found in the Yarra on 7 January 1901, 22 February 1901.

<sup>108</sup> *Manual of Police Regulations*, 1856, p. 61; see also Chapter Two, pp. 90-91.

<sup>109</sup> VPRS 1189/753, 61/546, Chief Commissioner of Police to Chief Secretary, 17 April 1861.

<sup>110</sup> VPRS 937/319, Chief Commissioner of Police, Wellington to Chief Commissioner of Police, Victoria re: Curry, 10 September 1886; Report of Sergeant Corbett re: Janet Curry, Hotham, 7

A more localised police function was the search for the parents of lost children. From the 1840s, the public regarded locating the parents of lost children as an appropriate police service. In 1845, Jane Best found a three year old child wandering through the streets and immediately took it to Sergeant Corrie, who commenced inquiries to find the child's mother.<sup>111</sup> Sergeant Pewtress, keeper of the Swanston Street lock-up, wrote to the Chief Commissioner of Police in 1872 complaining that 'there is no room for keeping stray children (and hundreds are brought here during the year)'. Superintendent Nicolson agreed that it was unfair that the watch-house keeper had to share his small room with numerous 'lost children awaiting the arrival of their parents'.<sup>112</sup> Descriptions of lost children in the custody of police were occasionally published in metropolitan newspapers to assist in locating parents.<sup>113</sup> By 1906, the *Police Code* outlined procedures for dealing with lost children, specifying that children were to be provided with food and a bed if necessary, and should have their particulars circulated to all city and suburban police stations by telephone.<sup>114</sup> In 1910, police on beach duty in St. Kilda remarked on the continued importance of this activity, claiming that there had been few complaints 'except as to lost children, of which there were a good many but all were restored to their friends'.<sup>115</sup>

Equally reliant on the communications and tracing powers of police were the voluminous requests to locate missing persons. Hundreds, and in later years thousands, of inquiries for missing persons passed across the Chief Commissioner's

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October 1886.

<sup>111</sup> *Port Phillip Patriot*, 7 October 1845, p. 2.

<sup>112</sup> VPRS 937/293, Sergeant Pewtress to Chief Commissioner of Police re: inadequacy of facilities at Swanston street lock-up, 15 October 1872; also Superintendent of Melbourne Police to Chief Commissioner of Police, recommendations for Swanston Street Lock-up, 17 May 1871.

<sup>113</sup> See for example description in *Age*, 15 July 1879, p. 2.

<sup>114</sup> Thomas O'Callaghan, *Victorian Police Code*, 1906, paragraphs 1413-4, p. 182.

<sup>115</sup> VPRS 807/338, H1161, Report of Constable Thomas Lockhart, St. Kilda Station, 31 January 1910.

desk each year. Police conducted extensive inquiries on behalf of private citizens who sought individuals for a large variety of reasons. Requests to locate 'missing persons' encompassed those seeking 'persons' with no wish to be found, such as bad debtors and runaway spouses, through to plaintive letters seeking reunion with old friends or family who had vanished with distance and movement. In 1883 Otto Berliner spoke of large 'packets of documents [which] come for missing friends, from England, by mail', and advocated this work be given to his proposed 'police trainees', freeing policemen up for 'proper duties'.<sup>116</sup> In 1906 Senior Constable James Stapleton stated that police received 'a tremendous number of inquiries for missing friends' estimating that 400 to 500 individual cases were investigated by plain clothes police every year, many from overseas. While Stapleton considered that many cases, such as those made by solicitors in America, were rightly the preserve of private inquiry agents, police continued to handle all inquiries for missing persons which passed across the Chief Commissioner's desk.<sup>117</sup> In 1920 the police received 1103 requests to locate missing friends.<sup>118</sup> Such requests usually involved the routine insertion of a description and name in the *Police Gazette*, but each request also involved inquiries, often door-to-door, in any localities mentioned in the request. When Mr. Klur of Adelaide wrote to the Chief Commissioner seeking the whereabouts and 'mode of living' of his wife who had left three years earlier, the police made door-to-door enquiries throughout Parkville carrying a photograph Klur had included in his letter, as well as consulting street directories.<sup>119</sup>

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<sup>116</sup> Royal Commission on Police, 1883, Testimony of Otto Berliner, former member of Detective Police, 6 June 1882, Q. 2606, p. 106.

<sup>117</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Senior Constable James Stapleton, 7 February 1906, Q. 17397 & 17399, p. 632; on overseas inquiries and the need for discrimination in cases to be investigated by police see Q. 17426-17434, p. 633.

<sup>118</sup> VPRS 10257/20, Index to Police Department Correspondence, 1920, pp. 391-397.

<sup>119</sup> VPRS 807/747, E/17888, Mr. Klur, Mile End, Adelaide, SA to Chief Commissioner of Police, 21 December 1920; greater effort was apparently expended in the search for women who were judged more likely to become the 'victims of wily schemes', see *Argus*, 11 August 1924, p. 10.

Government also had uses for the bureaucratic and inquiry facilities possessed by the Police Department beyond searching for criminal offenders. During the height of the depression in the 1890s, plain-clothes police conducted investigations on behalf of the Government Labour Bureau, checking the bona fides of those applying for work relief.<sup>120</sup> Police also gained added administrative and investigative duties during wartime, when they were required to carry out the provisions of the *War-time Precautions Act* relating to aliens registration. Police were appointed registration officers and 'all persons who are subjects of the German Empire and are resident in the Commonwealth' were ordered to report themselves to their nearest police station. The duties of registering aliens involved substantial paper work, which was 'greatly increased by those classified as aliens constantly changing their addresses'.<sup>121</sup> Police connections with local communities could provide added intelligence for the Commonwealth. In 1915, Constable Bolizos 'who speaks the Greek language and is well acquainted with Greek, Bulgarian and Turkish residents of Melbourne' was directed to compile a list of names and addresses of all Bulgarians and Turks known to him.<sup>122</sup> Police held a detailed knowledge of the city population which was of value to the State and, as I will explore further in the following chapter, city missionaries, charitable institutions, and the state frequently called upon the police to supply information.

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<sup>120</sup> VPRS 937/357, Department of Public Works, Roads and Bridges Branch to Chief Commissioner of Police re: inquiries re applicants for appointment, 22 June, 25 June, 8 November 1892; VPRS 937/339, Bundle 3, Government Labour Bureau to Chief Commissioner of Police re: thanks for services, 8 May 1893; for the establishment of the Labour Bureau see Bruce Scates, 'A Struggle for Survival: Unemployment and Unemployed Agitation in Late Nineteenth-Century Melbourne', *Australian Historical Studies*, vol. 24, no. 94, April 1990, p. 53.

<sup>121</sup> *Victoria Police Gazette*, 11 February 1915, pp. 230-231; see also *Victoria Police Gazette*, 16 September 1915, p. 688; 28 October 1915, p. 772; 30 September 1915, p. 718; for an example of police procedure see VPRS 807/617, W7291, Report of Constable Cobbledick re: Casmus Cominos breach of Aliens Regulation, 24 June 1917; see also Haldane, p. 148.

<sup>122</sup> VPRS 807/566, S13215, Superintendent of Melbourne Police to Chief Commissioner of Police re: Constable Bolizos speaks Greek language, 9 November 1915.

For many problems of administration and government in the nineteenth century there was no other state institution capable of matching the strength of numbers on the street combined with archival capacity and bureaucratic organisation of the police. Eric Monkkonen's observation of police in nineteenth century American cities, that 'their unique communications organisation and street presence virtually forced them to become city-servants as well as crime-control officers', is equally applicable to Melbourne.<sup>123</sup> North American scholars have argued that the 'auxiliary functions' of police declined as other agencies of government expanded and assumed tasks formerly carried out by police, and as police organisations increasingly focused on crime prevention and detection. In terms of government, this argument may have some application to the Australian context. By the turn of the century municipal authorities, and many other government departments, were swelling in size and supporting their own forces of quasi-police in the form of a range of 'inspectors'. As I argued in the previous chapter, there was also an increasing emphasis amongst police administrators on criminal detection as the 'real' form of police work. Such arguments should however be treated with caution. While policemen may not have considered many of the tasks they performed to be 'real police work', they were still performing them by the 1920s. Urban change too, could often replace one miscellaneous task with another. In 1920, the policeman no longer checked street lamps, but he was far more likely to spend a weekend afternoon standing at the perimeter of a football field. Many miscellaneous functions continued to be justified under the police mandate of preserving 'order' in its broadest sense.

Broader functions for the police continued to accumulate. Some of these were related not to the agencies of government but were demands emerging from the rise of commercialised leisure, requiring a police presence to order and regulate the sizeable audiences who gathered for sport and entertainment. Government

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<sup>123</sup> Monkkonen, 'History of Urban Police', p. 554.



departments also continued to look to the police to supply labour, ranging from administering a diverse range of legislation to sentry duties. The vociferous cries of police administrators that such tasks were not police duties often fell on deaf ears as governments, which spent a sizeable portion of their revenues on police, continued to demand resources. Police administrators argued against such tasks, from both fiscal and theoretical standpoints. Not only did extraneous duties deplete manpower, but the proper work of policing was, they argued, catching criminals. This twentieth century conception of the policeman as professional thief-catcher stood at odds with the continuing reality of the policeman as all-purpose government servant.

Illustration 3.1



### THE LOST CHILD.

KINDLY PEELER.—Now don't be frightened, my little man, but tell us where yer lives?

YOUNG STRAYAWAY.—A bu hoo! bu hoo! If I could only get to Jem, the lollypop man's stand, I could find my own way then.

*"The Lost Child."*

*This Punch cartoon provides a rare insight into the social service role of early police.*

*Melbourne Punch, 30 October 1856. p. 103.*

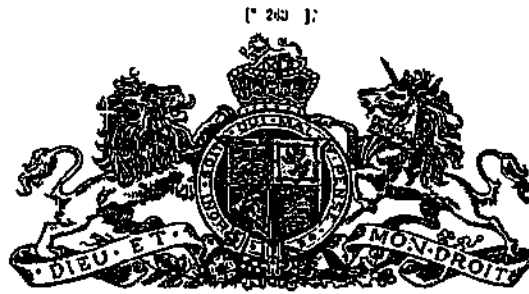
### Illustration 3.2



*"Photograph of unidentified body held in watch-house, c. 1870."  
An archive of photographic likenesses of offenders was held by police from the 1870s.  
Photography also had additional uses, such as assisting in tracing the identity of unknown  
bodies recovered by police.*

Courtesy of Victoria Police Historical Unit

Illustration 3.3



VICTORIA POLICE GAZETTE.

PUBLISHED BY AUTHORITY.

No. 27.]

THURSDAY, JULY 2.

[1903.

ROSALIND SCHOLZ



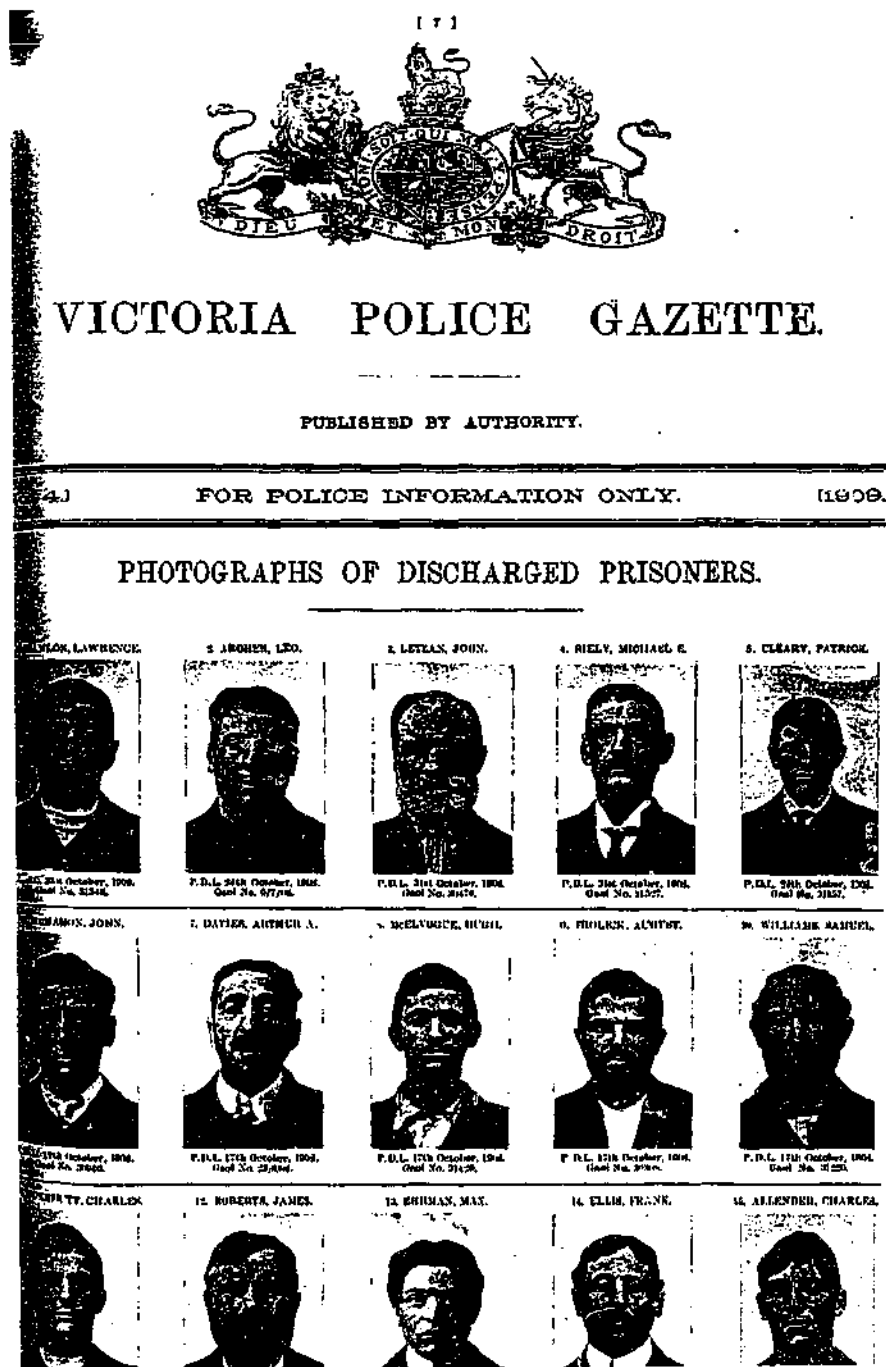
See *Police Gazette*, 1903, pp. 108, 172, and 204.

SPECIAL inquiries are directed to be made for the above named, who has been missing from her home since the 6th February, 1903. Her husband has guaranteed a reward of £5 for information of her whereabouts, and, as there is reason to believe that she has met with foul play, the Government offer a reward of £25 for such information as will lead to the recovery of her body if the missing woman is dead. Description :—19 years of age, short, slight build, dark complexion, dark hair, dark eyes ; wore a black lustrous skirt, white blouse with lace round front, white net lace scarf, and a white gem hat with black band.—O.1199A. 30th June, 1903.

*Police dealt with hundreds of inquiries to locate missing persons every year.*

*Victoria Police Gazette*, 2 July 1903. p. 263.

Illustration 3.4



*"Discharged Prisoners." Photographs of discharged prisoners were regularly published in the Police Gazette from 1906.*

*Victoria Police Gazette, Supplement, 1909. p. 7.*

## CHAPTER 4

### WELFARE POLICING

In colonial Victoria, a broad police role was virtually a *fait accompli*. With weak local government and a strongly centralised state, police were required to perform an expansive range of duties, many of which had a 'social welfare' character. The work of the police in apprehending neglected children and lunatics, while part of the mandate of perserving public order, contained a significant welfare dimension. The police watch-house was also more than a place of confinement. The watch-house functioned as a site of relief and aid as well as one of punishment. In conventional accounts of policing history, welfare tasks are usually classified under the umbrella of 'extraneous duties'. While a number of writers have alluded to the historical dimensions of the 'social welfare' role of police in Australia, it remains a significantly neglected area.<sup>1</sup>

British and North American historians have given greater attention to the social welfare role of police.<sup>2</sup> In North America, historians have drawn on the persuasive arguments of Eric Monkkonen. Focusing on two police activities, the overnight lodging of tramps and the return of lost children, Monkkonen argued that

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<sup>1</sup> For mention of the wide variety of police tasks see D. Chappell & P.R. Wilson, *The Police and Public in Australia and New Zealand*, University of Queensland Press, St. Lucia, 1969, p. 30; Haldane, *The People's Force*, p. 109; more specifically on welfare role see Stephen Garton, *Out of Work: Poor Australians and Social Welfare*, Allen & Unwin, Sydney, 1990, p. 47 & pp. 59-60; For a more extended discussion of the police welfare role see Susanne Davies, 'Ragged, Dirty ... Infamous and Obscene' The Vagrant in Late Nineteenth-Century Melbourne', in David Philips & Susanne Davies (eds) *A Nation of Rogues?: Crime, Law & Punishment in Colonial Australia*, Melbourne University Press, Melbourne, 1994, p.158; Susanne Davies, 'Vagrancy and the Victorians: The Social Construction of the Vagrant in Melbourne, 1880-1907', PhD thesis, University of Melbourne, 1991.

<sup>2</sup> For discussion of the welfare role of police in Britain see Carolyn Steedman, *Policing the Victorian Community: The Formation of the English Provincial Police Forces, 1856-1880*, Routledge & Kegan Paul, London, pp. 56-59 in which she examines the police role in enforcing the poor law, see also Clive Emsley, *The English Police: A Political and Social History*, St. Martins Press, New York, 1991, p. 76 and pp. 146-147; see also Barbara Weinberger and Herbert Reinke, 'A Diminshing Function? A Comparative Historical Account of Policing in the City', *Policing and Society*, vol. 1, 1991, pp. 213-223.

these services functioned to control the 'dangerous class'. The visible decline in police provision of these welfare services in the 1890s accompanied a less visible shift in the police role from class control to crime control.<sup>3</sup> Similar attention to the welfare role of the police has also begun in Canadian historiography, where the interaction of the police and the unemployed was not always hostile and included the provision of shelter and the police organisation of civic relief efforts.<sup>4</sup>

Drawing on these arguments, I will argue in this chapter that police 'welfare' activities stemmed from two sources. One factor, which bears great similarity to international examples, was the street presence of police, which rendered them a likely agency of the state to deal with problems of poverty. The police welfare role was also intrinsically linked to changing perceptions of police work. In the mid-nineteenth century, police welfare duties formed part of the general police task of maintaining surveillance over the criminal class. As the prevalence of the 'criminal class' concept receded the suitability of police as an agency of social welfare was increasingly called into question. From the 1890s, the desire to remove the stigma of criminality from many social problems was manifested in moves to reduce police involvement in welfare activities.

Declining police involvement in the area of welfare resulted both from the rise of welfare experts who superseded police functions and from the perception of police officials that welfare activities were not 'real' police work. Nevertheless, the street presence of police combined with the bureaucratic capacity of the police organisation resulted in a continued police role in welfare, both in providing

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<sup>3</sup> Eric Monkkonen, *Police in Urban America, 1860-1920*, Cambridge University Press, Cambridge, 1981, pp. 86-128.

<sup>4</sup> See John C. Weaver, 'Social Control, Martial Conformity, and Community Entanglement: The Varied Beat of the Hamilton Police, 1895-1920', *Urban History Review/Revue d'histoire urbaine*, vol. 19, no. 2, October 1990, p. 124; and his 'Introduction: Trends and Questions in New Historical Accounts of Policing' in the same issue; see also Greg Marquis, 'The Police as a Social Service in Early Twentieth-Century Toronto', *Histoire Sociale — Social History*, vol. 25, no. 50, November 1992, pp. 335-358.

information and supplying subjects for the intervention of new welfare professionals. The continued utility of the police as providers of information meant that they retained welfare functions into the twentieth century. To examine the varied evolution of police functions I will examine three areas of 'welfare' activity—interactions with children and their parents, the arrest of those suspected of lunacy, and lastly the interactions of police with persons in destitute circumstances.

#### 4.1 Police & Children

Shortly after the introduction of beat policing in 1854, police were already assuming a welfare role which emanated from their street presence. Caring for abandoned children found in the course of beat patrols had become an accepted police function. In 1856, Melbourne's Police Magistrate, Evelyn Sturt, claimed constables were 'encumbered with the unfortunate creatures; whom in the performance of their duty and in common humanity they were bound to succour'.<sup>5</sup> Sergeant John Sadleir also claimed police were compelled to look after abandoned infants as 'the public voice would be raised against them' if they refused.<sup>6</sup> Children found sleeping rough in the city were also apprehended by policemen on the beat, who presented them before the magistrates of city and suburban police courts. Elizabeth Jones and Mary Ann Turnbull, two young girls who had been sleeping in casks and under wagons in Little Bourke Street, were arrested by police for vagrancy and sent to the Immigrants Home by magistrates.<sup>7</sup>

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<sup>5</sup> VPRS 1189/751, 56/928, Melbourne Police Magistrate to Chief Secretary, 6 February 1856.

<sup>6</sup> VPRS 1189/751, R14426, Inspector Samuel Freeman to Acting Chief Commissioner of Police, 21 December 1855; Report of Constable Thomas Lowden re: child found in Royal Mail Hotel and conveyed to watch-house, 20 December 1855.

<sup>7</sup> *Argus*, 6 April 1858, p. 6.



Police interactions with children were an outcome of patrol work, but for some observers the fate of the poor colonial child had greater symbolic resonance. The cases policemen presented before local courts suggested the alarming possibility that the ranks of the criminal class were being filled from amongst the young. In 1855 the *Age* drew attention to the fact that three boys found sleeping in an outhouse by a constable had already undergone prison sentences for minor thefts.<sup>8</sup> Asked to comment on proposals for the establishment of an industrial school in 1857, the Chief Commissioner of Police reported that there were many children in Melbourne 'who are orphans or virtually so by the desertion of their parents'. The possibility for such children to drift towards criminality commenced with their current occupations where they 'get their living by hawking fruit, running with papers, stealing from wharves and sheds and employed by brothel house keepers and people of the lowest grade'. Although the Chief Commissioner conceded that the crimes of such children were seldom more than 'petty larceny' he held grave fears that their street based lives were 'a fair way of education to deeper crime and sin'.<sup>9</sup> Reformers were also concerned that children picked up by police in the streets were consigned to the female gaol.<sup>10</sup> The incarceration of children with adult prisoners worried reformers who saw the possibility of the innocent young being contaminated by hardened criminals.<sup>11</sup>

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<sup>8</sup> *Age*, 5 October 1855, p. 5.

<sup>9</sup> VPRS 1189/751, 56/5492, Chief Commissioner of Police to Chief Secretary re: replies to queries re establishment of an Industrial Home, 3 July 1856.

<sup>10</sup> Select Committee of the Legislative Council on the subject of Penal Establishments, 1857, *Votes and Proceedings of the Legislative Council*, 1856-7, Testimony of George Wintle, Governor of Melbourne Gaol, 26 January 1857, Q. 2101-2103, p. 91.

<sup>11</sup> Mark Finnane, *Punishment in Australian Society*, Oxford University Press, Oxford, 1997, p. 93; for the emergence of these concerns in England see Margaret May, 'Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century', *Victorian Studies*, vol. 17, no. 1, September 1973, pp. 7-29.

Concerns for the welfare of the city's neglected and orphaned children were thus heightened by the belief that a criminal class was expanding in Melbourne's back alleys. Through the rescue of neglected children, it was believed, the growth of this 'criminal class' could be cut off at its roots. When the 1862 Royal Commission into the Municipalities and Charities of Victoria visited the Immigrants Home in Melbourne it found 300 children who would 'have otherwise been thrown destitute into the streets and subjected to all the evils to themselves and to society which familiarity with vice and crime must engender'.<sup>12</sup> The passing of the *Neglected and Criminal Children's Act 1864*, which made provision for government schools, was largely an attempt to stem the perceived expansion of the criminal class by depriving it of new recruits.<sup>13</sup>

Police involvement was therefore seen as appropriate, as the monitoring and apprehension of neglected children was an extension of the police function of monitoring the criminal class to prevent crime. Industrial schools legislation granted policemen wide-ranging powers of arrest over children in public spaces, while utilising the police bureaucracy to provide information on the moral and economic condition of working-class families. While ostensibly removing the immediate responsibilities of police for the care of destitute and abandoned children, the legislation assumed that they would perform a significant surveillance role.

The Act provided a legislative framework for the apprehension of neglected and criminal children, providing definitions of those who could be arrested. Additionally, it provided for police surveillance of poor families through sections 24, 25 & 26 of the *Neglected and Criminal Children's Act*. Police were to furnish reports detailing the ability of parents to pay for the maintenance of their children in

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<sup>12</sup> Report of the Royal Commission into the Municipalities and Charities of Victoria, *Victorian Parliamentary Papers*, 1862-3, vol. 4., p. lxxviii.

<sup>13</sup> Christina Twomey, 'Gender, Welfare and the Colonial State: Victoria's 1864 *Neglected and Criminal Children's Act*', *Labour History*, No. 73, November 1997, pp. 178-179; see also Jaggs, p. 2.

Industrial Schools. The construction of these reports facilitated intense scrutiny of the employment, living situation and 'character' of the poor.<sup>14</sup>

Police reportage provided an archive of the 'criminal class', while reminding its members that they were being watched. An example of the intrusive nature of such police reports is provided by the inquiry into the character of John Collins, who appeared on summons before the Melbourne Police Court for failing to support his three children in the Industrial school. Collins was ordered by Police Magistrate Charles Hackett to pay 15 shillings per week towards their support. The report of Senior Constable Ahern detailed not only his employment but an assessment of his moral character. Ahern reported that Collins and his wife occupied a furnished room at the Emu Hotel, Bouverie Street, Carlton for which they paid eight shillings a week. Collins was by trade a harness maker employed on average for four days a week at Robertsons, Wagner & Co., Lonsdale Street West, where he earned about 25 shillings a week. Senior Constable Ahern went on to report that Collins was 'of drunken habits' and revealed that on the 2 April he had appeared before the City Court charged with assaulting his children, where he was bound over to keep the peace for twelve months. Collins had spent four of those twelve months in gaol, and was now out on bail. Ahern judged him to be 'not a fit person to be entrusted with the care of his children'.<sup>15</sup>

By writing such reports the local constable wielded considerable power, using judgements of 'rough' or 'respectable' capable of separating children from their parents. While such inquiries may have yielded a great deal in the way of intelligence they yielded little in the way of payments. Eliza Parker, who had been deserted four years previously by her husband, 'a useless creature', was reported by

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<sup>14</sup> *Neglected and Criminal Children's Act 1864*, ss. 24-26; see also *Regulations*, 1877, regulations 996-1000, p. 135.

<sup>15</sup> VPRS 937/252, 5716, Report of Senior Constable Ahern into the circumstances of John Collins, Bouverie Street, Carlton, 2 December 1867.

Sergeant George Ellis of Emerald Hill police to be 'in a position to contribute towards the support of her son but she will not do so'.<sup>16</sup> In his Annual Report for 1878, the Inspector of Industrial and Reformatory Schools urged that the payment of maintenance must be 'strictly enforced' and that 'parents of this class should be kept continually under police espionage to prevent them escaping liability'.<sup>17</sup> Instructions issued to police by George Guilleme, secretary of the Department of Neglected Children and Reformatory Schools, in 1882 urged that greater energy be expended by constables in prosecuting parents who defaulted on their payments, and on locating those who disappeared once a court order for maintenance was issued.<sup>18</sup> The issue remained salient, and police were again instructed in 1893 that it was their duty to trace and ascertain the eligibility of parents to pay for their children's maintenance.<sup>19</sup>

Theoretically, the supervision of children 'boarded-out' by the state brought them more closely under the watch of the police. The local constable in such cases effectively became the child's guardian, maintaining a 'general supervision' and reporting on cases of 'ill-treatment or neglect, whether physical or moral'.<sup>20</sup> As the

<sup>16</sup> VPRS 937/256, 15/5795, Report of Sergeant George Ellis, Emerald Hill into circumstances of Eliza Parker, 82 York Street, Emerald Hill, 27 September 1870.

<sup>17</sup> Report of the Inspector of Industrial and Reformatory Schools for 1878, *Victorian Parliamentary Papers*, vol. 2, 1879-80, p. 8.

<sup>18</sup> *Victoria Police Gazette*, 1 February 1882, p. 37.

<sup>19</sup> *Victoria Police Gazette*, 1893, p. 307; *Neglected Childrens Act 1890* s. 54; on the desire of governments to enforce parents' payments see Robert Van Krieken, *Children and the State: Social Control and the Formation of Australian Child Welfare*, Allen & Unwin, Sydney, 1991, p. 87.

<sup>20</sup> *Regulations*, 1877, regulation 1022, p. 139; on instructions in cases of boarding-out see also *Victoria Government Gazette*, 5 March 1875, p. 405; *Victoria Police Gazette*, 9 March 1875, p. 51; on the practice of boarding-out more generally see Donella Jaggs, *Neglected and Criminal: Foundations of Child Welfare Legislation in Victoria*, Phillip Institute of Technology, Melbourne, 1986, pp. 31-41; John Ramsland, *Children of the Backlanes: Destitute and Neglected Children in Colonial New South Wales*, New South Wales University Press, Kensington, 1986; John Ramsland, 'The Development of Boarding-Out Systems in Australia: A Series of Welfare Experiments in Child Care 1869-1910', *Journal of the Royal Australian Historical Society*, vol. 60, pt. 3, 1974, pp. 186-198; Stephen Garton, *Out of Luck: Poor Australians and Social Welfare*, Allen & Unwin, Sydney, 1990, pp. 90-92; Jan Kociumbas, 'The Best Years?' in Verity Burgmann & Jenny Lee (eds.) *Making a Life*, McPhee Gribble/Penguin, Melbourne, 1988, p. 142; Jan Kociumbas, *Australian Childhood: A History*, Allen & Unwin, Sydney, 1997, pp. 106-111.

Chief Commissioner of Police suggested, it was 'very desirable ... that the Government, through the agency of its servants or agents, should exercise that watchfulness and care ... which in other cases is exercised by parents or friends'.<sup>21</sup> Boarding-out, or the fostering of children, gained momentum in the 1870s, as moral reformers sought with zeal to remove children from slum environments and situate them in 'family' surroundings where a reformation of character might take place.<sup>22</sup> Reformers doubts about the efficacy of institutions led to them to advocate boarding-out, which, it was argued, placed children in a more homely environment where they might be inculcated with virtuous domestic values to be passed on to the next generation. In the 1850s, when the system of boarding-out operated largely as an administrative expedient rather than a state sanctioned procedure, the police were solely responsible for the supervision of children placed in foster homes. Police were further implicated by providing reports on the fitness of those who applied to receive and care for children from the Industrial Schools.<sup>23</sup> By the 1870s police were supervising the boarding-out of children along with private philanthropists. Members of the Ladies Committees of benevolent societies supervised the boarding-out of children, a situation sharply criticised by a government committee which investigated the practice in 1880.<sup>24</sup> In practice the women of such committees had neither the resources nor the inclination to supervise the boarding-out system rigorously. The police maintained a pivotal role, co-operating with

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<sup>21</sup> VPRS 937/252, Bundle 3, 2810, Chief Commissioner of Police to Superintendent Hare, Police Depot, 17 August 1866.

<sup>22</sup> See examples VPRS 937/252, Bundle 2, Industrial Schools Office to Chief Commissioner of Police, File 6936 'Children to be kept under surveillance', 19 September 1867; also VPRS 937/252, Bundle 3, File 4322, 'Supervision over children kept at service', 13 May 1867; on the strength of the 'family' concept of child reform in this period see Van Krieken, *Children and the State*, pp. 72-74.

<sup>23</sup> *Regulations*, 1877, regulation 1034, p. 141; see for example VPRS 937/252, Bundle 2, application of Mrs Magaret Smith, 86 Errol St, Hotham, to receive children from the Industrial School, 17 September 1867.

<sup>24</sup> Industrial and Reformatory Schools Department, Reports of the Visiting Committee... with the correspondence relating thereto, 1880, *Victorian Parliamentary Papers*, vol. 3, 1880-81.

ladies committees and local clergymen, and supplying reports into the character of those applying to have children placed in their care.<sup>25</sup>

The theory of police surveillance over boarded-out children differed considerably from the practice. In practice, police were officially discouraged from carrying out this surveillance too vigilantly, as it might deter 'respectable' families from taking in neglected children. The instructions issued to police from the Industrial Schools Office outlined their duties. Lists of children boarded out, containing children's names, religion and their employer, were forwarded to police from the Industrial Schools Office. For their part, police were to 'exercise a general supervision over them, seeing that they properly conduct themselves and are properly treated and cared for by their employers'. Any incident of ill-treatment which came to the attention of police was to be reported immediately to the Industrial Schools Office.<sup>26</sup> The Industrial Schools Officer, George Duncan, emphasised the necessity of police discretion due to the respectable position of the employers. Duncan wrote 'I should be glad if the supervision referred to could be maintained without the Police appearing conspicuously in the matter as their doing so, however cautiously, might give offence or alarm to the employer of the children'.<sup>27</sup> A police constable on their doorstep was clearly not something respectable people wished to see.

If there was some ambiguity in police supervising 'respectable' foster parents, there was no ambiguity in prescriptions for watching children in public spaces. Neglected Children's legislation widened the scope of police powers over

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<sup>25</sup> VPRS 937/256, 23/5055, Bundle 4, Re: Police enquiries in cases of boarding-out, 6 May 1873; see also *Regulations*, 1877, regulation 1026, p. 139.

<sup>26</sup> VPRS 937/252, Bundle 3, File 212, Industrial Schools Office to Chief Commissioner of Police, 26 July 1866.

<sup>27</sup> VPRS 937/252, Bundle 3, Industrial Schools Office to Chief Commissioner of Police, File 334, 11 August 1866; on the desire for discretion in the supervision of children boarded out see also *Regulations*, 1877, regulations 1023-1025, p. 139.

children on the street. The legislation gave police powers over children similar to those of vagrancy legislation, but considerably more specific. Any child found begging, wandering about the street, sleeping in the open air, associating or dwelling with any person 'known or reputed' to be a thief or drunkard, or any person convicted of vagrancy, was classified as a 'neglected child', and could be arrested and taken before the court. Associates who were 'known or reputed' thieves and drunkards or convicted vagrants could in fact be the child's parents, which created a legislative mechanism for removing children from their care.<sup>28</sup>

Police were also instructed to keep a vigilant eye on those children assigned to Industrial schools and reformatories, checking that they were not 'consorting with, or ... under the influence of, members of the criminal class'. Such vigilance was intended to keep the child from bad parents, particularly mothers, as children were specifically to be shielded from association with 'females of known bad, or even doubtful, character'. Once the term of children in Industrial schools had expired, police were still required to maintain surveillance over them. The reason given was that it would be advantageous, should they be released into the control of 'parents or friends morally unfit to have charge of them', that they be rapidly re-committed into Government care.<sup>29</sup>

Once a 'neglected child' was arrested, investigations focused squarely on the moral condition of parents. As I have already argued, the assessment of parents' ability to pay for the maintenance of their child, or of their fitness to have a child returned, rested on the judgements of the police constable as to their moral condition. When John Conole applied for the release of his son from the Reformatory, the constable listed the previous convictions of both Conole and his

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<sup>28</sup> John Barry, *Victoria Police Guide*, pp. 120-121.

<sup>29</sup> *Regulations*, 1877, regulation 1027 & 1030, p. 139.

wife, and assessed that the children were 'better off where they are'.<sup>30</sup> However, there were parents who actively utilised the agency of police and the courts to control their own children. In 1884, eleven year old Thomas Conlan was given into police custody and presented to the Carlton Court by his father, who claimed he was 'getting beyond his control'.<sup>31</sup> William Pinto was arrested on a vagrancy charge when his mother complained to police 'that he would not obey her, and had wandered away from home'.<sup>32</sup> Requests by working-class parents for police intervention serve as a reminder of the ambiguities which continued to characterise police activities in the area of welfare.<sup>33</sup>

Although governments may have seen some desirability in utilising the police force to carry out the expanding work of government, there were limitations to using an agency frequently associated with maintaining order amongst the 'rough' segment of the working class. In other jurisdictions, police were quickly drafted into the role of truant officer, but in Victoria resistance arose from the notion that use of uniformed constables would be an affront to the respectable parents of truant children. New officials of the state, truant officers, were created by the 1872 *Education Act*.<sup>34</sup> Truant officers performed a 'police' function and their reports to the Department of Education were virtually identical in form and content to those filed by police under the auspices of the *Neglected and Criminal Children's Act*. This provides an example of new government officials usurping functions once

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<sup>30</sup> VPRS 937/256, 15/5726, Re: John Conole, application for release of son from Reformatory, 29 August 1870.

<sup>31</sup> *Age*, 9 August 1884, p. 10.

<sup>32</sup> *Age*, 29 July 1884, p. 8.

<sup>33</sup> On the general issue of working-class families and their interactions with the state see Michael Ignatieff, 'Total Institutions and Working Classes: A Review Essay', *History Workshop Journal*, vol. 15, Spring 1983, pp. 167-173; also Mark Finnane, 'Asylums, Families and the State', *History Workshop Journal*, vol. 20, Autumn 1985, pp. 134-148.

<sup>34</sup> See Report of the Royal Commission on Education, *Victorian Parliamentary Papers*, vol. 3, 1884, for accounts detailing the activities of Truant Officers.



performed by police. Police, and their association with the criminal justice system and the 'rough' working class, were however not entirely by-passed as the enforcers of compulsory education. By law, teachers were required to forward reports to the truant officer of recalcitrant parents who refused to send their children to school. If the exertions of the truant officer still failed to secure the child's regular attendance at school, the matter was placed in the hands of the police who would then conduct the prosecution.<sup>35</sup>

In addition, policemen assumed the role of truant officer. In Hotham, for example, Sergeant George Ellis relieved the serving truant officer, Sergeant Perry, in 1877.<sup>36</sup> A similar situation existed in Emerald Hill where Sergeant Bailey performed the role of truant officer.<sup>37</sup> But truant officers were not usually appointed from the police force, particularly in central Melbourne. No police were appointed for the central city itself.<sup>38</sup> The mixing of the figure of the constable and the truant officer was more a feature of rural areas than it was of the city, where there was a larger pool of potential applicants for the job.<sup>39</sup>

Police were considered unfitted for the position of truant officers because it created resentment within the community. Householders interpreted the presence of a constable on the doorstep as an unwelcome intrusion. As one witness stated before the Royal Commission on Education in 1882, 'people do not like having the police

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<sup>35</sup> Alistair Davidson, *The Invisible State*, p. 213; compulsory education was itself viewed by some as a means of combating crime, see A. G. Austin, *Australian Education 1788-1900: Church, State and Public Education in Colonial Australia*, Sir Issac Pitman & Sons, Melbourne, 1965, p. 178; on the limited impact of the compulsory clause see Ann Larson, *Growing up in Melbourne: Family Life in the late nineteenth century*, Australian Family Formation Project Monograph No. 12, Demography Program, ANU, Canberra, 1994, pp. 65-99.

<sup>36</sup> *Victoria Government Gazette*, 15 August 1877, p. 220.

<sup>37</sup> *Victoria Government Gazette*, 10 October 1877, p. 268.

<sup>38</sup> See 'gentlemen appointed to summon parents under the Education Act s.14', *Victoria Police Gazette*, 13 December 1876, p. 316.

<sup>39</sup> For examples of police appointments in rural areas see *Victoria Government Gazette*, 7 March 1879, p. 506; 10 April 1879, p. 814; 20 January 1882, p. 90; 26 May 1882, p. 1166.

Illustration 4.1



THE WAY SOME PEOPLE BELIEVE THE COMPULSORY CLAUSE WILL BE WORKED.

*Policeman (to little boy).—"IS YEZ NAME PATRICK O'FLAGERTY?"*

*Little Boy.—"IT IS, SOR."*

*Policeman.—"AN' WHAT IS YOUR AGE?"*

*Little Boy.—"A LITTLE PAST SIX, SOR."*

*Policeman.—"DO YEZ GO TO SCHOOL?"*

*Little Boy.—"NO, SOR."*

*Policeman (to his men).—"THIN UP, GUARDS, AN' AT HIM. BEMORRA, WE'LL TACHE YEZ WHAT IT IS TO LIVE IN A FREE COUNTRY."*

*"The Way Some People Believe The Compulsory Clause Will Be Worked."*

*The use of the police to enforce a wide range of laws could excite community resistance. This Punch illustration suggests that using policemen as truant officers to enforce the Education Act would threaten the liberty of the subject.*

*Melbourne Punch, 6 February 1873. p. 44.*

about their premises'.<sup>40</sup> Police administrators were also opposed to constables enforcing truancy laws. In 1891 the secretary of the Department of Education suggested that police should take over the role of truant officer. The Chief Commissioner of Police replied in a stern memorandum that 'the employment of constables, to arrest truant scholars found playing in the streets, would in my opinion be injudicious in the extreme'. The Chief Commissioner's reasons were that he could not 'imagine a measure more likely to lessen the efficiency of the police in the performance of their legitimate functions'.<sup>41</sup> This was often the attitude of police administrators when they were asked to enforce unpopular legislation with the potential to alienate local communities. Aside from obvious fiscal concerns, such arguments were rooted in the preventive principle of policing, with its tenet that constables should cultivate the respect and cooperation of the communities they policed.

Such concerns demonstrate the considerable ambiguity surrounding the police role in the private sphere. In the case of the Neglected Children's legislation, police interventions could be justified by arguments that those under surveillance were the 'criminal class'. Broader interventions however, which expanded to include the 'respectable' working class, were resisted by both communities and the police themselves. This has already been demonstrated in the reluctance of police authorities to rigorously maintain surveillance over children boarded-out. As other studies have shown, it was also evident in the reluctance of police to intervene in domestic disputes.<sup>42</sup> In 1862 Constable Thomas Robertson intervened in a domestic

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<sup>40</sup> Report of the Royal Commission on Education, 1884, Testimony of F.O. Handfield, 8 June 1882, Q. 3367, p. 44.

<sup>41</sup> VPRS 937/357, Chief Commissioner of Police to Secretary of the Department of Education re: employment of police as truant officers, 9 October 1891.

<sup>42</sup> Judith Allen, 'The Invention of the Pathological Family: An Historical Study of Family Violence in New South Wales, 1880-1939', in Carol O'Donnell and Jan Craney (eds.), *Family Violence in Australia*, Longmans Cheshire, Melbourne, 1982, pp. 1-27; Kay Saunders, 'The Study of domestic violence in colonial Queensland: sources and problems', *Historical Studies*, no. 82, 1984, pp. 68-84; Ray Evans, 'A Gun in the Oven: Masculinism and gendered violence', in Kay Saunders and Ray

dispute between a grocer and his wife after being fetched by the couple's daughter. Robertson was later sternly reprimanded by the police magistrate, who fined him for assault 'as a caution to him in future not to enter private houses in an unauthorised manner'.<sup>43</sup> Although officially discouraged, there is evidence that police did intervene in domestic disputes. Constable Fallon was punched in the face by James Connell, when he investigated the complaint of Connell's daughter that her father was killing her mother.<sup>44</sup> Robert Rattray Smith recollected that, in his time at the Richmond station, one woman was regularly attacked by her husband and 'would rush to the police station often bruised and bleeding'. Smith claimed that 'on many occasions I entered this man's house, without warrant, and gave him a sound thrashing'.<sup>45</sup> Actions such as Smith's were not officially sanctioned however, and the place of the policeman in the private realm of the citizen remained ambiguous.

Nevertheless, many police interventions continued to be validated on the grounds that the arrest and removal of children was an effective means of preventing crime.<sup>46</sup> This rationale for intervention in 'rough' working-class families made the police an entirely appropriate agency. The desire to prevent children swelling the ranks of the 'criminal class' was also evident in attempts to police and regulate child street traders. While juvenile newspaper vendors and match sellers garnered some attention, the proponents of regulation in the 1870s focused on the

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Evans (eds.), *Gender Relations in Australia: Domination and Negotiation*, Harcourt Brace Jovanovich, Marrickville, 1992, pp. 197-218; Finnane, *Police and Government*, pp. 104-106.

<sup>43</sup> VPRS 937/286, Superintendent of Melbourne Police to Chief Commissioner of Police re: Constable Thomas Robertson A/125, charged with assaulting Mr Barker a grocer residing in Great Bourke Street West, 7 February 1862.

<sup>44</sup> VPRS 807/141, P257, Report of Constable Thomas Fallon, North Melbourne, re: case heard in Police Court, 3 January 1901.

<sup>45</sup> Smith, *A Constable's Experiences*, p. 41.

<sup>46</sup> Robert Van Krieken, *Children and the State*, pp. 86-87.

activities of the young rag and bone collectors who sold scrap metal, bottles and bones to Melbourne's marine store dealers. Police administrators were pushing for greater legislative power over marine stores by 1873, arguing that the use by dealers of young boys to collect scrap led them into a life of crime. The head of the detective force, Frederick Secretan, argued that increased competition amongst dealers had exacerbated the problem. Greater inducement, it was argued, was being held out to 'young boys to become collectors and eventually thieves, it also induces boys to leave their homes and lead a vagrant life, which is the next stage to a criminal one'. The *Argus* newspaper also demanded immediate legislation against 'the horde of vagrant youthful traffickers who infest the city and suburbs with the bags, barrows and trucks and other such gear with which they pursue their mischievous calling'.<sup>47</sup>

Legislation was passed in 1876, making it illegal for marine store dealers to purchase wares from anyone under the age of fifteen between nine in the morning and six in the evening. Despite the legislation being in place, and the desires of police administrators, it was only sporadically enforced by policemen on the beat. J.A. Benson, a marine store dealer in Hoddle Street, Collingwood, was prosecuted by police in 1879 for buying rags from two children aged seven and eight. In this case however, the Education Department, on the advice of the local truant officer, wrote to police urging them to prosecute.<sup>48</sup>

While individual policemen gave the bottle-boy pulling his cart through the backlanes low priority, social reformers saw the street vending child as a subject

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<sup>47</sup> VPRS 937/294, Sub-Inspector Frederick Secretan, Detective Branch to Chief Commissioner of Police, 8 July 1873; see also attached press clippings *Argus*, 9 & 10 December 1873; also Inspecting Superintendent C.H. Nicolson to Chief Commissioner of Police, memo L1070, re: Sub-Inspector Secretan's report 8 July 1873, 27 August 1873; Chief Commissioner of Police to Chief Secretary, 29 August 1873; Reports of Inspector Winch, Sub-Inspector Secretan & Sub-Inspector Dohan re: marine store dealers, 11 & 12 December 1873.

<sup>48</sup> *The Old Metal Dealers Act 1876*, s. 10 (i); VPRS 937/302, Bundle 1, Police Report, J.A. Benson prosecuted for purchasing wares from children under 15 years, 29 February 1879; Education Department to Chief Commissioner of Police, 26 February 1879.

ripe for state attention. By 1888, greater regulation was urged on young scrap collectors as a means of 'ear-marking them'. Once again a familiar debate ensued which suggested that the juvenile scrap collector was being 'regularly trained in crime'. While some in Parliament protested it was 'monstrous' to 'licence poor orphan children to collect that which would bring them bread', the argument that children collecting scrap were induced into crime resulted in the passing of the *Marine Stores and Old Metals Act* in 1888. The Act required young collectors to wear tin badges, displaying a licence number allocated by a magistrates court, and use hand carts for collecting wares that were painted either black, blue or green and carried the name and address of the marine store dealer. Lists of collectors' licences were also published in the *Police Gazette* as an aid to identification.<sup>49</sup>

Police attention towards juvenile participation in the margins of the economy was only one aspect of the growing social impetus to regulate the public behaviour of children. Larrikinism became a concern from the late 1860s, arising out of the same reformist drives behind neglected children's legislation and attempts to regulate juvenile street trading. Middle-class fears that the next generation of colonial children provided a fecund breeding ground for a new criminal class underpinned calls for stricter police attention to youth on the street. In 1874, Chief Commissioner Standish reported on the phenomenon:

there are three classes of offenders who are collectively called 'larrikins'. The first class consists of the offspring of criminal parents. These children have not had the advantages of education, and their first lisp almost is blasphemy. From the age of 11 or 12, they frequent brothels and dens of thieves. They seldom miss the opportunity of insulting people, and of pouring out the most foul and coarse language ... The second class are boys of a better sort — boys employed in factories, workshops and apprentices at different trades. These are in the habit of

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<sup>49</sup> For general debate over children as marine store collectors see *Victorian Parliamentary Debates*, vol. 57, 19 July 1888, pp. 493-507; vol. 58, 2 October 1888, pp. 1335-1338; for an example of the arguments opposed to regulation see *ibid.*, vol. 57, Mr McLellan, MLA, 19 July 1888, pp. 495-496; for wearing of tin badges and identification on hand carts see *Victoria Police Gazette*, 3 April 1889, pp. 127-128; for earlier suggestions of registration see also Royal Commission on Education, 1884, Testimony of James Ellis, truant officer, 29 June 1882, Q. 4212, p. 74; see also Crowe, *The Duties of a Constable*, pp. 33-35.

walking about in bands after working hours, also on Sundays and holidays and, indeed, at all hours of the night. In their prowls they are most mischievously inclined, for they do not shrink from all kinds of annoyance to people and damage to property. The third class consists of mischievous boys whom we see in every country, who are guilty of breaking windows, pulling bells, and that kind of thing from sheer love of fun.<sup>50</sup>

Public complaint about 'larrikins' met with ambiguous responses from policemen, who frequently considered them either vastly exaggerated or trivial. Partly, this may have resulted from an understandable resentment at being told how to do their job.<sup>51</sup> The complaint of Dr Crumbe, a physician practising in East Collingwood, was one of many which claimed disruption and danger to be the work of larrikins. Crumbe claimed he was unable to 'hear the sounds of the different organs' he was required to examine due to the 'orgies' of noise 'night after night' which occurred outside his practice. Police reports revealed a far less sinister picture than the one presented by the doctor, with the investigating constable reporting;

sometimes a number of boys from 8 to 10 years belonging to the inhabitants of the locality assemble on the footpath to play and they appear to annoy the Doctor. I beg to state that it is impossible to prevent such occurrences in the street for boys of that age will sing out when at play in the streets.

The Superintendent concluded that 'this evil is much exaggerated by the doctor'.<sup>52</sup> A similar response accompanied reports in Carlton, where a large number of windows in houses in Dorset Street were supposedly smashed by marauding larrikins throwing rocks. Sergeant Doyle discovered it was boys throwing stones at pigeons who were culpable for this 'series of outrages'.<sup>53</sup>

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<sup>50</sup> Report of the Select Committee of the Legislative Council on the Crimes and Offences Prevention Bill, *Votes and Proceedings of the Legislative Council*, 1874, Testimony of Frederick C. Standish, Chief Commissioner of Police, 9 October 1874, Q. 2, p. 24.

<sup>51</sup> For a similar reaction in the Queensland context see Mark Finnane, 'Larrikins, Delinquents and Cops: Police and Young People in Australian History', in Rob White and Christine Adler (eds), *The Police and Young People in Australia*, Cambridge University Press, Cambridge, 1994, pp. 9-12.

<sup>52</sup> VPRS 937/302, Bundle 1, Dr Crumbe complains of larrikins, 21 March 1879.

<sup>53</sup> VPRS 937/294, Bundle 1, Complaint re: broken windows in Dorset Street, 6 June 1873.

Nevertheless, while police may have regarded many complaints as trivial, through neglected children's legislation and citizens complaints their attention was focused more firmly on the child in the street. In 1891, the Chief Commissioner requested the Melbourne Superintendent to pay special attention to Port Melbourne, after receiving numerous complaints that boys bathing in the area were in the habit of 'exposing themselves to the passengers on the passing steamers'.<sup>54</sup> In response to the complaint of J.J. Miller, Constable O'Keefe and Constable Brennan of the plain clothes division proceeded to watch over the football menace in Caledonian Lane. On 18 June the pair brought five boys before the City Court for playing football. They were fined five shillings each. Acting on other complaints the tireless constables made further arrests several days later, bringing seven boys before the Children's Court, six of whom were discharged on contributing to the poor box and one who was given the benefit of the doubt.<sup>55</sup>

While the grimy-faced boys of the street haunted reformers' imaginations as the professional thieves of the future, a more specific horror was attached to young girls leading a nomadic life. Street life and poverty were inevitably associated with a loss of sexual purity in female children, providing an added rationale for close police attention.<sup>56</sup> In 1870 police were requested by the Inspector of Industrial Schools to maintain close surveillance over girls from the school suspected of associating with former inmates 'who had taken to evil courses'.<sup>57</sup> Attempts to preserve the innocence of female children also motivated the passing of the *Crimes*

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<sup>54</sup> VPRS 937/334, Chief Commissioner of Police to Melbourne Superintendent re: Increased Police protection, Port Melbourne, 28 September 1891.

<sup>55</sup> VPRS 807/455, M5888, Report of Constable Brennan re: cases of boys playing football in public places, 25 June 1912.

<sup>56</sup> Lynette Finch, *The Classing Gaze: Sexuality, Class and Surveillance*, Allen & Unwin, Sydney, 1993, pp. 12-14.

<sup>57</sup> VPRS 937/256, Bundle 3, 15/5203, Inspector of Industrial Schools to Chief Commissioner of Police, 12 August 1870; Superintendent of Police to Inspector of Industrial Schools, 15/5645, re: Girls from Industrial Schools associating with prostitutes, 2 September 1870.



Act of 1891, which raised the age of consent to sixteen. Police prepared elaborate reports on the operation of the Act, including the age of the men and girls involved, their relationship to each other, result of the prosecution, opinions regarding the efficacy of the Act, and a return of the girls who had been inmates of maternity homes since the Act had come into operation.<sup>58</sup> Despite the continued concerns about the sexual purity of young girls, young males dominated police arrests of neglected children. In 1887, of 807 children brought by police before the courts, 571 were male. Nevertheless, wider concerns with the morality of young working-class girls did appear to be impacting on police practice by the closing decade of the nineteenth century. In 1899, of 1128 children apprehended by police, 514 were female.<sup>59</sup>

Growing social concern about the fate of the child focused police attention on youth in public spaces. More intrusive roles for police in child welfare were however, sharply criticised by child savers who pointed to the direct link between the policeman and the criminal justice system. The use by the State of police for the enforcing of the *Infant Life Protection Act 1890* was an area which brought both social reformers and police into agreement. Both believed it was not the job of police constables. Widespread public agitation around the issue of baby-farming led to the passing of the Act which transferred the authority for registering houses used for the purpose of nursing or maintaining an infant for more than three days, or for the purpose of adopting infants, from the Board of Health to the Police. Police were to receive reports of deaths in registered houses, and investigate whether deaths were the result of negligence.<sup>60</sup>

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<sup>58</sup> VPRS 937/348, Bundle 1, Police Report on the Operation of the *Crimes Act 1891*, Effect on Juvenile Immorality, 4-5 September 1893.

<sup>59</sup> Statistical Register of Victoria — Law, Crime, Etc., 1887 & 1899.

<sup>60</sup> Donella Jaggs, *Neglected and Criminal*, p. 83; on public concern over baby-farming see also Renate Howe & Shurlee Swain, *Single Mothers and their children: disposal, survival and punishment in Australia*, Cambridge University Press, Cambridge, 1995, pp. 91-113; Judith Allen, 'Octavius Beale re-considered: Infanticide, babyfarming and abortion in NSW 1880-1939', in Sydney

Considerable public misgivings about the police role in administering the Act rested on the assumption that police would deter respectable women from acting as wet nurses and dissuade the mothers of illegitimate children from registering births through fear of being branded criminal.<sup>61</sup> Critics argued that police were ill-equipped to decide what constituted negligent behaviour on the part of baby farmers, believing this role to be more appropriately that of women inspectors. The inspections were, critics argued, an essentially feminine task. Respectable baby-farmers were said to resent the stigma of criminality associated with registering with the police, while dubious ones became increasingly surreptitious in order to evade registration.<sup>62</sup>

Senior policemen agreed with the infant welfare movement, arguing that the participation of police in the administration of the legislation was deleterious. Melbourne Police Superintendent, John Sadleir, claimed the police role and the extended supervision provided by the legislation served to increase cases of infanticide, remarking that 'greater malignity is now exercised in bringing about the death of infants'.<sup>63</sup> Constable Cauly reported that police administering the Act needed to carry out investigations 'as quietly and carefully as possible', due to widespread fears about the intrusiveness and confidentiality of inquiries. Cauly also suggested that fear about the criminalising impact of police involvement served to increase infanticide, noting that;

some women have been heard to say that they would sooner throw their illegitimate offspring into the Yarra, than put it out with a registered nurse and

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Labour History Group, *What Rough Beast? The State and Social Order in Australian History*, George, Allen & Unwin, Sydney, 1982, pp. 111-129; Kociumbas, *Australian Childhood*, pp. 153-154.

<sup>61</sup> See for example VPRS 937/339, Bundle 3, Victorian Vigilance Association to Chief Commissioner of Police, 2 May 1893, arguing that police would 'tend to frighten mothers'.

<sup>62</sup> Jaggs, *Neglected and Criminal*, pp. 84-85.

<sup>63</sup> VPRS 937/338, Bundle 3, Superintendent of Melbourne Police to Chief Commissioner of Police re: *Infant Life Protection Act*, enforcement of provisions, 10 August 1893.

then run the risk of the police making inquiries as to its mother and perhaps mentioning the fact of her shame to some of her friends or acquaintances.<sup>64</sup>

Before the Royal Commission into the Police Force in 1906, police consistently complained that the administration of the *Infant Life Protection Act* was both a drain on resources and unfitting work for policemen. Sergeant Nolan of Carlton explained that at his station the administration of the *Infant Life Protection Act* was carried out by one plain clothes constable 'which adds very materially to the work performed before that time. Two days at least out of seven are taken up in performing those duties — another day may be added for the extra writing'.<sup>65</sup> Police objected not only to the workload but to the very nature of the work, many agreeing with social reformers that it was an essentially feminine task. Nolan explained to the commission:

the duties are to visit the nurses' houses three times a month — you have to keep a book of the nurses' visits, entries must be made of every visit made to a nurse, the condition the house is in, and the condition of cleanliness of the nurse and the child. You must visit the bedroom in company with the nurse, and would be well to have a witness. He has to see that the little bottle is kept clean, and must smell it to see that it is not sour. All these things are not the duty of a man 16 stone in weight. I know I did not like it.<sup>66</sup>

The police also found that their visits were unwelcome. Nolan explained he had only felt safe when in company with another Sergeant when performing the task in Carlton.<sup>67</sup> The persistent assertion that using police as inspectors lowered the class of foster mothers and served to criminalise the whole process was instrumental in

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<sup>64</sup> VPRS 937/338, Bundle 3, Report of Constable Cauly re: *Infant Life Protection Act*, enforcement of provisions, 25 February 1893; see also Chief Commissioner of Police, memo, 10 March 1893.

<sup>65</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant Michael Robertson Nolan, 7 February 1906, Q. 17367, p. 631.

<sup>66</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant Michael Robertson Nolan, 7 February 1906, Q. 17370, p. 631.

<sup>67</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant Michael Robertson Nolan, 7 February 1906, Q. 17371, p. 631.

the passage of an amending Act in 1907, which passed responsibility to the Neglected Children's Department.<sup>68</sup>

These measures reflected wider pressure to remove the policeman and the stigma of criminal justice from the arena of child welfare. The removal of the police was facilitated to a great extent by the growing body of lay and professional 'experts' in the child welfare field. Towards the turn of the century, police in dealing with children interacted with a growing array of government officials and private philanthropists. Truant officers, officials of the Neglected and Criminal Children's Department, along with private philanthropists involved in a variety of child rescue bodies, all focused attention on the fate of Melbourne's poor children. Voluntary organisations, such as Edith Onians Newsboys' Society, proliferated and attempted to save children on the street through vocational training, general education and healthy recreation.<sup>69</sup> Child rescue bodies frequently called upon police, requesting information about children and their parents.<sup>70</sup> Increasingly these concerned citizens wielded legal powers along with good intentions. Provision was created in the *Neglected Children's Act* for private persons connected with charitable institutions to apprehend children and bring them before the courts. Individuals such as Dinah Menzies of the Collins Street and Brighton Congregational Mission Union

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<sup>68</sup> *Victorian Parliamentary Debates*, vol. 117, 1907, p. 1765.

<sup>69</sup> On Edith Onians see John Ramsland, 'Edith Onians, Melbourne Waifs and the Newsboys' Society', *Journal of the Royal Australian Historical Society*, vol. 72, pt. 2, October 1986, pp. 116-129; see also Graeme Davison, 'The city-bred child and urban reform in Melbourne 1900-1940' in Peter Williams (ed.), *Social Processes and the City*, George, Allen & Unwin, Sydney, 1983, pp. 154-155; on the aims of voluntary organisations cf. Bryan Jamison, 'Making "honest, truthful and industrious men": Newsboys, Rational Recreation and the Construction of the "Citizen" in Late Victorian and Edwardian Brisbane', *Journal of Popular Culture*, vol. 33.1, Summer 1999, pp. 61-75.

<sup>70</sup> See for example VPRS 807/236, G 2190, Victorian Society for the Prevention of Cruelty to and Neglect of Children to Chief Commissioner of Police, 16 March 1897; thanking 'the police of the Metropolitan District for the cheerful and ready manner with which the many requests for information ... have been met'.

and George Henry Cole of the Central Methodist Mission, were empowered alongside the police to save the city's children.<sup>71</sup>

This intense interest in child reformation had an ambiguous impact on the role of the police. Many reformers were eager to separate child welfare from the domain of criminal justice. The continued involvement of the local constable, and his inevitable association with enforcing criminal sanctions, was anathema to this aim. However, the street presence of the constable, and his wealth of local knowledge, also made the policeman an invaluable assistant in delivering up subjects to be reclaimed. In 1903, the Secretary of the Victorian Neglected Children's Department delivered an address to a conference of Chief Commissioners of Police, suggesting that the great number of children visible on the street at late hours indicated police were not rigorous enough.<sup>72</sup>

Social reformers achieved one of their objectives with the establishment of a separate Children's Court in 1906 to deal with neglected children and juvenile offenders.<sup>73</sup> Reformers argued that one of the chief benefits of establishing a separate court was the removal of the child from the criminal justice system, where the possible taint of criminality was ever present. Also integral to the establishment of the Children's Court, was the system of probation, in which the child returned home but remained under the surveillance of court probation officers.<sup>74</sup> So too of

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<sup>71</sup> Appointment of Miss Dinah J. Menzies, Collins Street & Brighton Congregational Mission Union, *Victoria Government Gazette*, 29 January 1902, p. 465; appointment of Rev George Henry Cole, Central Methodist Mission, Lonsdale st, Melbourne, *Victoria Government Gazette*, 9 April 1902, p. 1316.

<sup>72</sup> *Age*, 28 October 1903, p. 6.

<sup>73</sup> Jaggs, *Neglected and Criminal*, p. 102; for a comparison of the establishment of juvenile courts in the United States in this period see Anthony M. Platt, *The Child Savers: The Invention of Delinquency*, University of Chicago Press, Chicago, 1969; see also Elisabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America*, Pennsylvania State University Press, University Park, 1998.

<sup>74</sup> Finnane, 'Larrikins, Delinquents and Cops', p. 17; Stephen Garton, 'Bad or Mad? Developments in incarceration in NSW 1880-1920' in Sydney Labour History Group, *What Rough Beast? The State and Social Order in Australian History*, George Allen & Unwin/Australian Society for the Study of Labour History, Sydney, 1982, pp. 100-101; see also Stephen Garton, 'Sir Charles McKellar:

course, did the child's family, and these developments focused firmly on the monitoring and moral instruction of parents. A further consequence of the courts was to grant access to a throng of private philanthropists, medical professionals and religious volunteers, who viewed the well-being of the child as a crucial index of the social future.<sup>75</sup>

In 1906, those arguing for the establishment of a Children's Court stressed that it would have the advantage of minimising police involvement. The specific aim of the Children's Court was to 'take away the policeman and the apparent majesty of justice sitting upon the Bench'. The removal of the policeman was intended to 'relieve the child's mind of any fear' which would presumably be set at ease by private individuals, preferably female and 'as unobtrusive as possible', taking the policeman's place.<sup>76</sup> The subsequent appointment of 'fit and proper persons, male or female' to act as probation officers for the Children's Courts continued the trend of new agents acting with police in the area of child welfare. As one historian suggests, the list of appointments read 'like a directory of social activists'. Of fifty-eight probation officers appointed two-thirds were women, and a substantial twenty-eight were members of the Women's Christian Temperance Union, while others were attached to various child rescue bodies.<sup>77</sup> By 1908, even the archive relating to juvenile offenders had moved to the Office of the Chief

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Psychiatry, Eugenics and Child Welfare in New South Wales, 1900-1914', *Historical Studies*, vol. 22, no. 86, April 1986, p. 30.

<sup>75</sup> Debbie Tyler, 'The Development of the Concept of Juvenile Delinquency in Victoria 1855-1905', in Richard Teese & Gary Wickham (eds.) *Melbourne Working Papers 4*, 1982/83, Department of Education, University of Melbourne, 1983, p. 13; David McCallum, 'Problem Children and Familial Relations' in Denise Meredyth & Deborah Tyler (eds.) *Child and Citizen: genealogies of schooling and subjectivity*, Institute for Cultural Policy Studies, Griffith University, Brisbane, 1993, p. 138.

<sup>76</sup> *Victorian Parliamentary Debates*, vol. 115, 1906, pp. 3201-3218; esp. Mr Prendergast MLA, pp. 3201-3202; Mr Mackinnon, MLA, p. 3206.

<sup>77</sup> *Children's Court Act 1906*, s. 7; Jaggs, *Neglected and Criminal*, pp. 103-104.

Probation Officer, where police called to check the previous histories of youthful offenders.<sup>78</sup>

For the new medical and educational experts, the policeman was increasingly viewed as an inappropriate agent to be commenting on the condition of children. In 1912, police were reporting on the influence of cinema on the morals of the young. Constables asserted in reports that picture shows had created in children a dissatisfaction with home surroundings, an observation sharply criticised by the conservative *Argus* which concluded that constables were 'not specially well equipped for tracing social effects to their deep seated causes' and failed to understand the weakness of contemporary parenting as the real root of the problem.<sup>79</sup> In 1921, legislation to regulate juvenile street trading had stalled, partially because the idea of registered children being under police supervision was considered abhorrent.<sup>80</sup> Similar resistance to police interventions in the family was evident in their removal from the role of enforcing the *Infant Life Protection Act* in 1907.

The operation of the Children's Courts received an unfavourable reaction from ordinary policemen, who believed that children before the courts were dealt with in a 'goody-goody, milk-sop fashion'.<sup>81</sup> For the policeman on the beat, a large boot matched with a small backside was still the most effective means of dealing with youthful misbehaviour. Feminist organisations however, regarded the male constable as an inappropriate figure for welfare work, and pressured police

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<sup>78</sup> VPRS 807/355, D 10342, Alfred C. Clarke, Chief Probation Officer to Chief Commissioner of Police re: record of returns under *Children's Court Act* held at this office, 11 December 1908; Chief Commissioner's memo, 24 December 1908; Senior Constable Stapleton to Chief Commissioner of Police, 24 December 1908.

<sup>79</sup> *Argus*, 26 April 1912, p. 6

<sup>80</sup> *Victorian Parliamentary Debates*, vol. 158, Mr Ryan, MLA, 11 October 1921, p. 380; Jaggs, p. 136.

<sup>81</sup> *Argus*, 3 November 1910, p. 4.

administrators for the appointment of women police from 1902. Women's organisations arguing for female police envisaged them occupying a 'social work' role, much of it concerned with neglected children and their mothers. While the idea of women police was staunchly resisted within such a masculine occupation, two policewomen began work in 1917. Their duties included protecting youth from 'social evils', attending the Children's Court, apprehending neglected children, preventing truancy and a wide-range of other 'social work' tasks relating to women and children.<sup>82</sup> Their appointment signalled a continued involvement of police, even in the more intrusive areas of child welfare.

Paradoxically, the appointment of policewomen also suggested that the ordinary policeman was not an appropriate agent to be performing 'social work' duties. The appointment of probation officers for the Children's Court from amongst the ranks of social reformers was one example where police were seen as inappropriate for interventions within the private space of the family. In 1914, similar objections were raised regarding the practice of police arresting children as neglected and then having them boarded-out with their own mothers, thus providing a form of state childcare allowance. The objection to police involvement was that it had the effect of 'criminalising children'.<sup>83</sup>

Unease with the idea of the policeman intervening in the family highlighted the ambiguities of the police role in welfare. The population debates of the turn of the century, eugenics and psychology all interacted to create a concern that was

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<sup>82</sup> On the initiation of policewomen in Victoria see A.J. O'Meara, 'The Establishment and Development of the Role of Women Police in Victoria', MA thesis, LaTrobe University, 1977; Colleen Woolley, *Arresting Women: A history of women in the Victoria Police*, Victoria Press, Melbourne, 1997, pp. 1-13; Haldane, pp. 162-163; for pressure from women's organisations see VPRS 3992/1951, S5727, National Council of Women to Chief Secretary, 2 June 1915; for reactions of male police see same file, Inspector Gleeson to Chief Commissioner of Police, 12 June 1915; Superintendent Manwaring to Chief Commissioner of Police, 14 June 1915; on policewomen in Australia more generally see Finnane, *Police and Government*, pp. 106-107; for an argument about the ambiguous outcomes of policewomen's duties for working-class women and children in England with implications for the Australian context see Alison Woodeson, 'The First Women Police: a force for equality or infringement?', *Women's History Review*, vol. 2., no. 2, 1993, pp. 217-232.

<sup>83</sup> *Victorian Parliamentary Debates*, vol. 138, 1914, pp. 250-252.



based upon the medical and psychological structuring of the child. The targets of such initiatives were broader, being aimed at all children rather than just those who had transgressed the law or wandered homeless in the streets. The police were joined by social workers, welfare professionals and medical experts, many of whom favoured direct interventions, rather than waiting until the child transgressed the law and came to the attention of the police.<sup>84</sup> The attitude of the range of child 'experts' to the role of police remained contradictory. On the one hand police were shunned as 'criminalising' the child. Nevertheless, the street presence of police was capable of delivering more subjects for reclamation than any other branch of government.

The role of police interventions in working-class families remained highly ambiguous. But the role of policing children on the street was clear-cut. The result of campaigns and legislation was that police were to watch young people in public spaces closely. In 1919 Constables Hill and Proudfoot performed two months of special duty in and around Melbourne, acting on complaints of boys of tender years roaming the streets. The two plain-clothes men were reported to have brought about fifty children aged between eight and sixteen before the Children's Court, on a variety of charges including begging alms, offensive behaviour, two-up, larceny, found on premises, wilful damage and being a neglected child.<sup>85</sup> The police were cast in the role of thief-catchers not social engineers. The ambiguity surrounding the 'social welfare' role of police emanated from their association with the system of criminal justice. As is evident in the other two sections of this chapter however, the street presence of police combined with their capacity to inscribe social data assured them a continued informational role in welfare initiatives.

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<sup>84</sup> on the rise of experts see Kociumbas, *Australian Childhood*, p. 148, p. 158 & pp. 165-167; see also Davison, 'The city-bred child', pp. 151-152.

<sup>85</sup> *Police Journal*, vol. 2, no. 5, 1 November, 1919, p. 12.

## 4.2 Lunatics

Police responsibility for lunatics was also an area where the police were called upon to perform a welfare role. As Stephen Garton found in the case of New South Wales, throughout the nineteenth and early twentieth centuries the majority of those entering asylums did so via police charges.<sup>86</sup> Police powers of arrest in lunacy cases were initially denoted by the *Dangerous Lunatics Act 1843*, which empowered constables to arrest persons thought to be insane and about to commit either suicide or a crime.<sup>87</sup> In pre-goldrush Melbourne, lunatics were initially sent to the Sydney asylum, but due to overcrowding no patients were sent after 1846. From 1846 those classified as lunatics were either left in the care of families and friends, if they existed, or were incarcerated in the gaol. The first asylum, erected at Yarra Bend, was not ready for patients until July 1848 and even then accommodation was limited, with those classified as 'dangerous lunatics' still being confined in the gaol alongside others excluded from entry into the asylum due to lack of space.<sup>88</sup>

Patients could be admitted by friends obtaining a certificate from two qualified medical practitioners testifying that the individual was of unsound mind. The certificate, along with a petition which was required to be sanctioned by a Supreme Court Judge, was then transmitted to the Governor. If the Governor assented, he then issued a warrant for the committal of the lunatic. The other more common option was to give a supposed lunatic directly into the charge of the police. The police then presented the individual before a bench of magistrates, who judged

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<sup>86</sup> Stephen Garton, 'Policing the Dangerous Lunatic: Lunacy Incarceration in New South Wales, 1870-1914' in Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, University of New South Wales Press, Kensington, 1987, p. 75; for Victoria see S.G. Foster, 'Imperfect Victorians: Insanity in Victoria in 1888', *Australians 1888*, Bulletin no. 8, September 1981, p. 99.

<sup>87</sup> Stephen Garton, *Medicine and Madness: A Social History of Insanity in New South Wales 1880-1940*, University of New South Wales Press, Kensington, 1988, p. 19.

<sup>88</sup> A.G.L. Shaw, *A History of the Port Phillip District*, Melbourne University Press, Melbourne, 1996, pp. 220-221.

whether or not they were 'of unsound mind'. If judged to be 'of unsound mind' they were then remanded for one week to gaol, where they were placed under medical surveillance. At the end of the week period they were examined by doctors who then certified if the person were sane. If they were judged sane they were released, but if the verdict of the medical examination was one of insanity, they were removed to the asylum as soon as a vacancy arose.<sup>89</sup>

By 1856, medical authorities were expressing serious misgivings about the use of police and the criminal justice system to commit lunatics to asylums. While it was acknowledged that police intervention afforded a means of restraining violent lunatics for whom no room was presently available in the asylum, the practice was sharply criticised for 'the convenience it affords the friends of lunatics of at once getting rid of them when they are showing signs of lunacy, and are becoming simply troublesome'.<sup>90</sup> The desire to remove the dominance of police in lunacy committals also related directly to arguments that lunacy was a 'medical' issue, and should not be subject to the criminal stigma associated with police arrest and open court proceedings.<sup>91</sup>

While police were called upon by families to remove kin suspected of lunacy, police also used lunacy charges to apprehend those whose behaviour in public spaces was disruptive or simply irregular. In some instances, police had little doubt that the charge should be one of lunacy. Police arrested Anne Osborne walking naked through the streets of North Melbourne 'crying out that the devil was after her'. When she informed the constable that she had 'looked into some books with which the devil was connected and had seen him in them' she was taken to the

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<sup>89</sup> Report on the Yarra Bend Lunatic Asylum for the Year 1856, *Victorian Parliamentary Papers*, 1856-57, vol. 4, pp. 1067-1078.

<sup>90</sup> Report on the Yarra Bend Lunatic Asylum for the Year 1856, *Victorian Parliamentary Papers*, 1856-57, vol. 4, pp. 1067-1078.

<sup>91</sup> Garton, *Medicine and Madness*, p. 20.

watch-house and charged with lunacy.<sup>92</sup> Constable Kemp arrested John Weatherhead in Post Office Place, having judged him to be 'incapable of taking care of himself' and, as 'no one was looking after him', Kemp reported 'my attention was drawn to his state of mind and on account of that I arrested him'.<sup>93</sup> Fifteen year old Edward Barron was arrested when police found him wandering through the streets exhibiting signs of 'simplicity'.<sup>94</sup> In Barron's case, police probably considered his arrest an altruistic act, as his blind mother was destitute and the Asylum offered some opportunity for care and supervision.

Other arrests for lunacy were less altruistic and related more to the police mandate of maintaining public order. The majority of people arrested for lunacy were male. In 1887, of the 491 people arrested by police on lunacy charges, 329 (67%) were men while 162 (33%) were women. This pattern was not exclusive to apprehensions for lunacy, and reflected the preponderance of men in arrest statistics for public order offences generally.<sup>95</sup> Many of these cases merged with the ubiquitous police task of arresting drunkards. William Harnett for example, was brought before the court in 1859 as 'insane through the effects of intemperance' after he was arrested by police while sitting on the pavement 'talking wildly to a crowd of persons'.<sup>96</sup>

Constables not infrequently had difficulty in judging whether someone was merely drunk or was actually insane. To avoid mistaken judgements of lunacy for

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<sup>92</sup> *Argus*, 9 September 1857, p. 6.

<sup>93</sup> VPRS 7565/1, Bundle 5, Admission Warrant of John Weatherhead, Kew Asylum, 25 September 1886.

<sup>94</sup> VPRS 7565/1, Bundle 5, Admission Warrant of Edmund Barron, Kew Asylum, 24 September 1886.

<sup>95</sup> *Statistical Register of Victoria, 1887 — Law, Crime, Etc.*; arrests of males accounted for 79% of police arrests for public order offences in 1887 if drunkenness is included. 72% not including drunkenness.

<sup>96</sup> *Argus*, 27 September 1859, p. 6.

those suffering from the temporary effects of drink, police were advised to maintain a close surveillance over those held in custody to monitor changes in their condition. In 1858 police were informed that when a lunatic was taken into custody, they should record whether or not the charge resulted from drinking.<sup>97</sup> The Inspector of Lunatic Asylums complained that magistrates frequently sent people to asylums who had been merely drinking to excess and who then recovered their 'sanity' within a few days of admission. Police were instructed to inform magistrates if a case of suspected lunacy was thought to result from drinking, so that the prisoner could be remanded for seven days 'to determine whether the symptoms of insanity would not pass away with the effects of the debauch'.<sup>98</sup>

Occasionally this operated in reverse, and people apprehended by police on charges of drunkenness or disorderly behaviour exhibited signs of mental illness once they began to dry out in watch-house cells. Timothy O'Connor, a twenty-eight year old Carlton labourer arrested by police for being drunk and disorderly, was remanded to the Melbourne Gaol and there pronounced insane by a doctor. George Thurlbeck, a forty year old shipwright, was arrested in Lygon Street, Carlton for being drunk and disorderly; once sober, he exhibited signs of 'religious mania', leading police to alter his charge from drunkenness to lunacy.<sup>99</sup>

The physical work of arresting lunatics was accompanied by bureaucratic functions in which the police reported on the lunatic. Medical authorities utilised the information gathering capacity of police in preparing reports on the prior history and circumstances of those charged with lunacy. Requirements for police to procure particulars of 'the previous history, character and pursuits of the lunatic', were

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<sup>97</sup> VPRS 1200/1, 'Circulars and Orders 1858-1860', Chief Commissioner of Police, memo D 1135, re: Lunatics taken into custody, 29 May 1858.

<sup>98</sup> *Regulations*, 1877, regulations 1040 & 1041, pp. 141-142.

<sup>99</sup> VPRS 6013/1, Melbourne Court of Petty Sessions, Orders for conveyance to a Lunatic Asylum, Timothy O'Connor, 28 August 1874; George Thurlbeck, 11 August 1874.

designed to supply information which would aid medical diagnosis and treatment of the patient. Indeed, the 1877 *Regulations*, encouraged constables to supply abundant information, stressing they should not confine themselves to the categories contained on the form, but were at liberty to include additional information on the reverse side, and if necessary should attach an extra sheet of paper to the report. Police reports could also be delayed, for the sake of accumulating greater detail, which could be forwarded at a later date.<sup>100</sup>

Despite the obvious utility of police provision of information, medical authorities remained ambivalent about the police role in lunacy committals. Allegations of brutality towards lunatics being transported to asylums, and the continued incarceration of the mentally-ill in police lock-ups, suggested a continued legacy of criminal justice contradicting the tenets of 'moral therapy' advocated by asylum authorities. In 1886 the *Australasian Medical Gazette* sharply criticised the police treatment of lunatics prior to entering asylums, pointing out the 'evil results from injurious management during their transmission'.<sup>101</sup> Instructions issued to police emphasised that lunatics were not criminal but were 'unfortunate persons', and police were expected to make every effort 'to secure not only their safety but their comfort also'.<sup>102</sup> Nevertheless, 'evil results' were sometimes difficult to avoid when arresting violent lunatics, whose behaviour called for physical restraint. Constable Robert Smith recalled one incident in Richmond where a male lunatic, released on probation from the asylum, became violent and attacked a constable and

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<sup>100</sup> *Regulations*, 1877, regulations 1043-1046, pp. 142-146; see also Cathy Coleborne, 'Legislating lunacy and the female lunatic body in nineteenth-century Victoria' in Diane Kirkby (ed), *Sex, Power and Justice: historical perspectives of law in Australia*, Oxford University Press, Melbourne, 1995, p. 97.

<sup>101</sup> *Australasian Medical Gazette*, vol. vi, no. 12, December 1886, p. 76.

<sup>102</sup> *Regulations*, 1877, regulations 1037, 1047, 1049, pp. 141 & 143.

was 'somewhat knocked about' during the course of his arrest.<sup>103</sup> Despite justification for the use of force, allegations of police brutality were employed by medical authorities to argue against police involvement in the process of lunacy committal.

By the late nineteenth century, medical authorities were joined by police administrators, who endeavoured to minimise police involvement in lunacy committals. In 1894, constables were informed through the *Victoria Police Gazette* that 'there are other forms of procedure to enable lunatics to be placed under suitable restraint than that of handing them over to the police'. The notice suggested that this method was frequently adopted through public ignorance of other methods of committal. Police were instructed that, when approached by family or friends wishing to have someone arrested as a lunatic they should be informed of other methods of committal. The reason given was that friends might wish to avoid the publicity of an open court hearing.<sup>104</sup> Police administrators shared with medical authorities a desire to discourage families from calling on the police.

The ambivalent attitude of medical authorities towards police involvement in lunacy legislation resulted from their perception of insanity as a treatable illness which should be divested of any link with the criminal justice system. In 1903, a *Lunacy Amendment Act* was passed which renamed asylums Hospitals for the Insane, symbolically divorcing the treatment of mental illness from a penal legacy. Instructions to police in 1906 that 'mechanical restraint' was to be avoided when transporting lunatics, and that this duty was only to be performed in plain-clothes, were also intended to ensure the lunatic were not stigmatised as criminal.<sup>105</sup>

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<sup>103</sup> Smith, *A Constable's Experiences*, p. 25; for the use of violence in the arrest and transmission of lunatics cf. Mark Finnane, *Insanity and the Insane in Post Famine Ireland*, Croom Helm, London, 1981, pp. 107-108.

<sup>104</sup> *Victoria Police Gazette*, 1894, p. 125.

<sup>105</sup> Thomas O'Callaghan, *Victorian Police Code*, Victoria Police Department, Melbourne, 1906, paragraphs 1435 & 1445, pp. 184-5.

Attempts to shed vestiges of the criminal justice system in the treatment of the mentally ill were also reflected in a reduced police role. The statistics of admissions to Yarra Bend and Kew asylums would suggest that the police role was diminishing. In 1882, 73% of lunacy admissions to these institutions came via the police, but by 1907 police admissions accounted for only 46%.<sup>106</sup> Nevertheless, police involvement remained, largely because families continued to call upon police to deal with troublesome family members and police continued to deal with those suffering from mental illness who traversed public spaces. Medical authorities too, while wishing to divest police of any powers of diagnosis, realised the utility of the constable in providing comprehensive information on the pre-institutional lives of their patients.

#### 4.3 Deserving & Undeserving

Welfare historians have traditionally argued that aid for the destitute in colonial Victoria was provided by private philanthropy. Recent studies suggest, however, that the role of state sponsored aid in the nineteenth century may have been far more significant than has previously been assumed. Welfare historian Brian Dickey has demonstrated that ideals of private charity were to a large extent illusory. Dickey's examination of the government contribution to private charitable institutions suggests a substantial state input — a situation he describes as 'pump priming assistance from government'.<sup>107</sup> Recent investigations suggest not only a substantial financial contribution by the state to private charity, but a more direct role in the

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<sup>106</sup> Police admissions fell steadily from 73% in 1882, 56% 1892, 50% 1902, 46% 1907; see Reports of the Inspector of Lunatic Asylums, 1882, *Victorian Parliamentary Papers*, 1883, vol. 2; 1892, *Victorian Parliamentary Papers*, 1893, vol. 2, pt. 2; 1902, *Victorian Parliamentary Papers*, 1903, vol. 2; 1907, *Victorian Parliamentary Papers*, 1908, vol. 1, pt. 2.

<sup>107</sup> Brian Dickey, *No Charity There: A Short History of Social Welfare in Australia*, Allen & Unwin, Sydney, 2nd edn, 1987, p. 26.



distribution of charitable aid through the justice system.<sup>108</sup> Crucial in any state interactions with the poor was the figure of the police constable, representing as he did 'the penetration and continual presence of central political authority throughout daily life'.<sup>109</sup>

The local knowledge of policemen meant they were well acquainted with the city's poor districts and with the financial struggles of those they policed. When middle-class observers visited the homes of the poor they entered an alien landscape; using a metaphor they were fond of, they 'descended'. Indeed the landscape was so foreign that they frequently required a guide, usually a policeman, to render their journey possible. Journalist Marcus Clarke, exploring the alleys and lanes which ran off Little Bourke street, did so 'in company with the police'.<sup>110</sup> Moral reformers also relied on a police escort through regions of the city they chose to investigate.<sup>111</sup> For police, the poor districts of the colonial city were familiar terrain. The street presence of police on the beat meant they dealt with many cases of poverty not provided for by private charity. A detailed local knowledge also meant police were an invaluable source of information for those who sought to calculate the dimensions of poverty. As working-class men, predominantly from unskilled or semi-skilled backgrounds, policemen were also familiar with problems of poverty in their own lives. In 1899, an elderly women, Eliza Allis, was reported

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<sup>108</sup> Dickey, pp. 24-8; see also Christina Twomey, "'Without Natural Protectors': histories of deserted and destitute colonial women in Victoria 1850-1865", PhD thesis, University of Melbourne, 1996.

<sup>109</sup> Alan Silver, 'The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot', pp. 12-13.

<sup>110</sup> L.T. Hergenharn (ed) *A Colonial City: High and Low Life: Selected Journalism of Marcus Clarke*, University of Queensland Press, St. Lucia, 1972, p. 125; on the career of Marcus Clarke see Graeme Davison & David Dunstan, "'This Moral Pandemonium': images of low life", in Graeme Davison, David Dunstan & Chris McConville (eds.), *The Outcasts of Melbourne: Essays in Social History*, Allen & Unwin, 1985, pp. 37-40.

<sup>111</sup> See for example VPRS 937/302, Bundle 1, Reverend J.L. Evans to Chief Commissioner of Police re: visit to view Chinese Quarter, 14 June 1879.

to be in a destitute condition by Richmond Police. In the routine investigation to find if she had any relatives in the colony, police discovered she had a son. He was a police constable in Bendigo.<sup>112</sup> Consequently police assessments of worth and need did not simply reflect middle-class values—they were mediated by the social class and experience of ordinary policemen.

From the early period of European settlement in Victoria, police utilised the vagrancy acts to arrest the destitute on the street, with those unable to support themselves were committed to gaol 'as a charity'.<sup>113</sup> In 1840 Jane Spiers was brought before the Police Court charged with vagrancy. She had appeared twice before on the same charge and at her previous hearing evidence had been heard to the effect that she had been deserted by her husband and left 'in a deplorable state of destitution'. Further investigation revealed that she had relatives and friends residing in Hobart Town, and the suggestion was made that it would be an act of charity to her if a subscription could be raised so that she could be sent there. Chief Constable Smith solicited subscriptions and she was sent to Van Diemen's Land endowed with a parcel of clothing and a small sum of money.<sup>114</sup>

The practice of using the police and the Magistrates Court to provide for those unable to secure aid elsewhere continued into the goldrush and beyond. In 1853 Charles MacMahon, Chief Commissioner of Police, applied directly to the Chief Secretary asking that a Poor Box be placed in the Melbourne Magistrates Court as 'in such a community as exists in Melbourne, cases of utter destitution are not infrequent'. The box was necessary, as 'expenses are unavoidably incurred in the removal of paupers to and from the Hospital, whilst small disbursements are often required even to save life'. The poor box was to be funded from the sale of items

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<sup>112</sup> VPRS 807/92, Report on destitute person Eliza Allis, 12 January 1899.

<sup>113</sup> Sheila Bignelli, 'Child Welfare in Victoria 1840-1865', MA thesis, Monash University, 1977, p. 17.

<sup>114</sup> *Port Phillip Patriot & Melbourne Advertiser*, 1 June 1840, p. 4.

discovered by police in the course of their patrols, which had previously been sold and the proceeds paid into Treasury.<sup>115</sup>

Destitute people arrested by police on the streets served short sentences in the Melbourne Gaol. Appearing before the Select Committee on Penal Establishments in 1857, George Wintle, the governor of Melbourne Gaol, acknowledged that he received many prisoners of this description into the gaol from the Police Bench.<sup>116</sup> The commissioners were clearly concerned by the conflating of charity with the criminal justice system, foreshadowing an issue which would gain momentum in later decades. Wintle conceded that he could not differentiate between destitute prisoners and those confined for felonies, although those serving brief sentences of a week, a fortnight or a month, either for drunkenness or under the auspices of the *Vagrant Act*, were not required to dress in prison garb or have their heads shaved.<sup>117</sup>

While vagrancy laws were utilised to provide relief for those in most dire need, they retained a considerable punitive element. Police, in combination with magistrates, frequently utilised vagrancy provisions to move problematic cases of poverty from their jurisdictions, thus relieving themselves of the burden of providing either relief or punishment. John White, a seventy-eight year old rag and bone collector, was discharged upon making the promise that he would go to Geelong and 'the Bench should never see his face again'.<sup>118</sup> Inside the courthouse, the testimony and assessment of character provided by police was instrumental in shaping the magistrate's judgement as to whether an individual was deserving or

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<sup>115</sup> VPRS 1189/145, C53/6683, Chief Commissioner of Police to Chief Secretary, 7 July 1853.

<sup>116</sup> Report from the Select Committee of the Legislative Council on the subject of Penal Establishments, *Votes and Proceedings of the Legislative Council*, 1856/57, Testimony of George Wintle, Governor of Melbourne Gaol, 26 January 1857, Q. 2090, p. 91.

<sup>117</sup> Select Committee on the subject of Penal Establishments, Testimony of George Wintle, Governor of Melbourne Gaol, 26 January 1857, Q. 2092, p. 91.

<sup>118</sup> *Argus*, 18 July 1857, p. 4.

undeserving. William Douglas, an old man arrested by police for begging, elicited little sympathy from the magistrates despite the fact that he was crying from hunger when taken to the watch-house. Police informed the bench that they found money, meat and bread in his pockets when he was searched after arrest, and that he was well known to them as 'a constant frequenter of taps and low public houses'. Douglas was sentenced to six months hard labour.<sup>119</sup>

Punitive measures against those deemed undeserving co-existed with more altruistic treatment in cases individual policemen judged legitimate. Sarah Cox, who was found 'wandering about the streets very ill', applied to the watch-house keeper to be allowed to pass the night in custody. The Sergeant charged her with vagrancy 'for forms sake'.<sup>120</sup> Direct provision of relief was also provided at the local watch-house. Mrs Dangerfield and her three children appeared at the watch-house 'in a famishing condition' and the watch-house keeper reported that he had been 'obliged to send for food for them'.<sup>121</sup> Others clearly saw the benefit of arrest in hard times. In the winter of 1865 William Flynn, 'a powerful robust looking fellow' stood throwing stones at the windows of Parliament House until he was arrested, claiming 'he wanted to be imprisoned having no means of getting a meal'.<sup>122</sup> The amount of relief available from the police or through the courts remained highly dependent on the attitude of individual magistrates and policemen.<sup>123</sup>

Though the network of charitable institutions increased in the 1880s, police continued to perform an invaluable role in providing for cases of dire need. While

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<sup>119</sup> *Argus*, 30 August 1864, p. 6.

<sup>120</sup> *Argus*, 15 July 1857, p. 6.

<sup>121</sup> *Argus*, 20 November 1855, p. 5; see also Christina Twomey, 'Courting Men: mothers, magistrates and welfare in the Australian colonies', *Women's History Review*, vol.8, no.2, 1999, pp. 231-246.

<sup>122</sup> *Age*, 14 July 1865, p. 7.

<sup>123</sup> Sheila Bignell, 'Child Welfare in Victoria', p. 17.

charity workers may have turned away those with a taste for drink or other 'undeserving' habits, the police watch-house offered some chance of a meal and shelter.<sup>124</sup> One elderly woman, Isabella Summers, clearly saw the police as the most likely agency to assist her. Ill from the effects of alcohol withdrawal, she approached a constable in the street and requested to be taken to the watch-house.<sup>125</sup> Herbert Johnson appeared at the King street watch-house on a Sunday evening, asking to be placed in a cell 'as he was in want of food and had no means of procuring shelter'.<sup>126</sup> Joseph Pinkerton also approached the King street watch-house keeper in the winter month of June. Explaining to the watch-house keeper that he had 'no home, no friends, no employment and no money', Pinkerton asked to be locked up as 'if compelled to sleep out of doors another night he would die, if not from hunger, from the cold.'<sup>127</sup> While there may be some validity in the argument that benevolent use of the police watch-house branded 'the needy as criminal' and 'reinforced existing social inequalities', it is difficult to see how the situation would have been improved by policemen turning the impoverished away.<sup>128</sup>

While historians such as Susanne Davies regard altruistic police practices as an aberration, the policing of the destitute was characterised more by ambiguities than relentless oppression. Benevolent practices co-existed with harsh treatment for 'loafers' and those considered 'undeserving'. In his *Police Guide*, John Barry advised police that it was one of the maxims of police duty to 'watch narrowly all persons

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<sup>124</sup> On the attitudes prevalent amongst charity workers of the period see Shurlee Swain, 'The Poor People of Melbourne', in Graeme Davison, David Dunstan & Chris McConville (eds.) *The Outcasts of Melbourne: Essays in Social History*, Allen & Unwin, Sydney, 1985, pp. 108-112.

<sup>125</sup> *Age*, 9 August 1884, p. 10.

<sup>126</sup> *Age*, 29 July 1884, p. 8.

<sup>127</sup> *Age*, 30 June 1884, p. 6.

<sup>128</sup> Susanne Davies, "'Ragged, Dirty ...Infamous and Obscene": The 'Vagrant' in Late-Nineteenth-Century Melbourne', p. 154.

having no visible means of support'.<sup>129</sup> Some policemen clearly took Barry's advice to heart. Catherine Hayes, who was arrested for sleeping in an abandoned house, complained that Constable Booth 'hunted her about wherever she went and would not let her alone when trying to earn her living'.<sup>130</sup> In 1867, police exhibited little sympathy for 'five prostitutes of the lowest class, and four wretched looking men, lying in couples under the scrub', they discovered near the Immigrants Home.<sup>131</sup>

Clearly, police identified a group amongst the poor deemed worthy of harassment rather than assistance. By the 1880s, when concerns for civic respectability increased, the demands for police to remove those offending middle-class standards of decorum from public spaces accelerated. The figure of the vagrant represented an inverse reflection of Victorian ideals of thrift, sobriety, independence, and in the case of female vagrants, chastity.<sup>132</sup> Periodic crackdowns on the homeless, usually initiated by private complaints, were a common, if sporadic, part of police work. In 1879, police made 139 arrests in the Domain over fourteen months, after receiving complaints that the area was 'infested by bad characters'. Despite the fact that most of the 'crowd of loiterers' were either inmates or outdoor relief recipients of the Immigrants Home they were still marched to the watch-house.<sup>133</sup>

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<sup>129</sup> John Barry, *Victorian Police Guide*, p. 20.

<sup>130</sup> *Age*, 30 June 1884, p. 6.

<sup>131</sup> VPRS 937/252, 5844, Police Report re: Industrial School haunted by vagrants, 16 December 1867.

<sup>132</sup> Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene'", pp. 143-144; for other studies of police and the homeless see S.L. Haring, 'Class Conflict and the Suppression of Tramps in Buffalo, 1892-1894', *Law and Society Review*, vol. 11, 1977, pp. 873-911; Sidney L. Haring, *Policing a Class Society: The Experience of American Cities, 1865-1915*, Rutgers University Press, New Brunswick, 1983, Chpt. 9; Jeffrey S. Adler, 'Vagging the Demons and Scoundrals: Vagrancy and the Growth of St. Louis, 1830-1861', *Journal of Urban History*, vol. 13, no. 1, November 1986, pp. 3-30.

<sup>133</sup> VPRS 937/302, Acting Chief Commissioner of Police to W.R. Guilfoyle Esq., 22 April 1879.

In 1887, Senior Constable McHugh provided some indication of police perceptions of those deserving close police attention. Complaints that vagrants frequented the Public Library generated several police reports, describing the 'wharf rats' assembling in the Reading Room. According to McHugh, these men exhibited the physical signs of the 'loafer'—grimy collars, mud caked decaying boots, and 'that filthy odour that comes from unwashed garments and a filthy skin'. Constable Gilligan was soon patrolling through library from 2pm to 10pm daily, ejecting those found sleeping or otherwise demeaning the Library's uplifting purpose.<sup>134</sup>

Nevertheless, policemen were more discerning in applying the label 'vagrant' than many middle-class observers. In 1892, responding to complaints that police allowed vagrants to lounge about the streets, Superintendent Sadlier remarked on the increase in the number of unemployed 'who may have been mistaken for vagrants'.<sup>135</sup> To be classed as a 'wharf rat' or 'loafer' by police required more than being without a job or a home. Although a subject of considerable interest to journalists and middle-class complainants, police regarded the homeless derelict as more of a nuisance than a threat. In 1905, Chief Commissioner O'Callaghan remarked that the *Vagrant Act* was used to arrest both 'a mere miserable beggar man' and 'criminal'. While regarding the criminal as dangerous, O'Callaghan thought the 'beggar man' merely 'a pest'.<sup>136</sup>

Policing of the 'vagrant' involved coercion, but an equally important police function was facilitating the survival of the destitute. The police role in securing

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<sup>134</sup> VPRS 937/321, Bundle 3, Report of Constable Gilligan re: vagrants in public library, 27 May 1887; Report of Senior Constable McHugh, 20 May 1887; see also *Argus*, 7 April 1887; Police had performed duty at the Public Library from its opening in 1856, see VPRS 937/294, Chief Commissioner of Police to Inspector Winch re: Police on duty at Public Library to patrol at rear of buildings occasionally, 20 November 1873; in this correspondence the Chief Commissioner mentions 'the constable who is generally to be found in the entrance hall to the library'.

<sup>135</sup> Chris McConville, 'Outcast Melbourne: Social Deviance in the City 1880-1914', MA thesis, University of Melbourne, 1974, p. 57.

<sup>136</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 22 September 1905, Q. 1236, p. 45.

medical attendance, shelter and hospitalisation for the destitute suffering from chronic alcoholism, malnutrition or terminal illnesses was essential to those existing largely beyond the reach of private charity. This function resulted from the street presence of patrol work, which meant that constables were likely to encounter individuals suffering from a variety of problems needing immediate resolution.<sup>137</sup> Many cases came to the attention of the police as they walked their beats, but individuals also requested police assistance when seriously ill, recognising the police as an agency likely to secure relief. In 1887 Constable Bray was called to the house of Sarah Smith in Little Lonsdale Street who was suffering from Chinese leprosy, and asked to be taken in charge 'as she is wholly destitute and almost unable to walk'.<sup>138</sup> Sergeant Bell was called to a house in Richmond where he came across a young woman, Harriet Fletcher, lying on an old stretcher with the body of a stillborn child lying in a pile of clothes in the corner. Bell arranged for a local doctor to call on the house in two days.<sup>139</sup> More frequently however police would come across people in various stages of illness in the street. Constable Lillis, while walking his beat in Collingwood, was informed by a local shopkeeper that a woman had collapsed in the street. He proceeded to fetch a cab for the woman—who was suffering from peritonitis—and conveyed her to the Melbourne Hospital.<sup>140</sup> Few other agencies of the state had the pervasive street presence and bureaucracy of the police force which allowed them to deal with such crises as they occurred.

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<sup>137</sup> For the continued importance of the police as an agency to respond to problems requiring immediate resolution cf. Egon Bittner, *Aspects of Police Work*, Northeastern University Press, Boston, 1990, pp. 249-250.

<sup>138</sup> VPRS 937/336, Report of Constable Bray re: women named Sarah Smith suffering from incurable disease, 21 July 1887.

<sup>139</sup> VPRS 937/311, Report of Sergeant Bell re: attendance on sick pauper, 28 February 1884.

<sup>140</sup> VPRS 937/321, Bundle 3, Report of Constable Lillis re: sick woman conveyed to Melbourne Hospital, 10 June 1887.



A sadder duty accompanied cases of death amongst the destitute, where the policeman would arrange to convey the body to the morgue and for its subsequent burial. The body of a destitute man, George Green, was discovered in a small room in a lane off Bourke Street with only 'a few old coats and rubbish strewn about', and Constable Cuddily arranged for a van transport the body to the morgue.<sup>141</sup> Police usually had a contract arrangement with a local van driver to remove bodies found in the street as soon as possible, as Sergeant Joyce explained to the Chief Commissioner of Police who complained of the exorbitant charge for one journey, it would not be decent to leave a corpse 'to the gaze of the crowd while police would be in search of some person to transport the body'.<sup>142</sup>

The Police Department received money from the government annually to cover the cost of pauper burials. The burial service was arranged by a police constable, who was required to inform an undertaker, and notify the undertaker of the religion of the deceased where possible, so that there was no excuse for not having a clergyman present to read the burial service. Additionally the constable was required to get an order signed by a justice, which under the provisions of the *Health Act* authorised any poor person to be buried free of charge. In 1878, police attempted to speed up the process, by requesting that they be allowed to bury pauper bodies in the Melbourne General Cemetery without a justice's signature, a request denied by the Crown Law Office. The police constable remained the facilitator of the perfunctory ceremonies carried out in the pauper sections of Melbourne's cemeteries.<sup>143</sup>

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<sup>141</sup> VPRS 937/318, Bundle 2, Report of Constable Cuddily, account for conveyance of corpse, 15 May 1886.

<sup>142</sup> VPRS 937/311, Chief Commissioner of Police to Sergeant Joyce, re: dead bodies to morgue, 12 August 1886; Sergeant Joyce to Chief Commissioner of Police, re: account of James Tyrrell, 16 August 1886.

<sup>143</sup> For police procedure see in pauper burials see *Regulations*, 1877, regulation 1087, pp. 148-149; VPRS 937/299, Chief Commissioner of Police to Chief Secretary re: Pauper Burials in the Melbourne General Cemetery, 1 July 1878; Police also arranged for the bodies of the destitute to be taken from the Home for the Aged and Infirm to the University of Melbourne for dissection

If the police gained legitimacy and improved relations with sections of the community through performing welfare functions, the same did not apply to the police role in enforcing distress and ejectment warrants issued by the courts. Constable Patrick Bourke, in 1882, was stridently opposed to the police carrying out such work, believing it 'places the police in a very low estimation of a great many of the public'. Constable Michael Delaney also considered that administering distress warrants should be removed from police duties, not only because it was unpopular but also because it took up 'a great deal of time'.<sup>144</sup> As the economy collapsed in the 1890s, acting as bailiffs inevitably pitched police against impoverished local communities. Police efforts to execute distress warrants attracted large crowds, who harangued constables acting in the interests of landlords and the wealthy.<sup>145</sup> In an attempt to offset the damage caused to relationships between police and the people by the enforcement of unpopular distress warrants, the Police Band, an initiative of the rank and file, performed concerts at suburban Town Halls and donated the proceeds to local unemployed relief funds.<sup>146</sup>

The police bureaucracy, combined with the ubiquitous presence of police in local communities, resulted in extensive information gathering tasks performed by police constables for local authorities, charitable institutions and government on the

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purposes, see VPRS 807/405, H8360, Chief Commissioner of Police to Chief Secretary, 7 October 1910; Report of Constable Crawford re: bodies taken to the University for dissecting purposes for which Police requisitions are given', 6 October 1910; for a contemporary account of pauper burial see Michael Cannon (ed.) John Stanley James, *The Vagabond Papers*, Melbourne University Press, Melbourne, 1969, pp. 66-73.

<sup>144</sup> Royal Commission on Police, 1883, Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1154, p. 40; Testimony of Constable Michael Delaney, 10 May 1882, Q. 1484, p. 51; for instructions to police in executing distress warrants see Barry, *Victoria Police Guide*, pp. 58-72; Crowe, *Duties of a Constable*, pp. 14-16; see also instructions in *Victoria Police Gazette*, 1893, p. 26.

<sup>145</sup> Haldane, *The People's Force*, p. 118; see also Bruce Scates, 'A Struggle for Survival: Unemployment and the Unemployed Agitation in Late Nineteenth-Century Melbourne', *Australian Historical Studies*, vol. 24, no. 94, April 1990, pp. 57-58; Graeme Davison, *The Rise and Fall of Marvellous Melbourne*, Melbourne University Press, Melbourne, 1978, pp. 221-222.

<sup>146</sup> VPRS 937/336, Port Melbourne Town Clerk to Chief Commissioner of Police re: Police Band at Town Hall, 21 September 1892; for the history of the Police Band see A.H. Mackenzie, 'The Police Band: Its Origin and Progress', *Police Journal*, 1 November 1920, pp. 5-7; Haldane, p. 119.

extent of poverty during the depression years. However, police duties extended beyond filing reports, and constables were actively involved in the securing of relief. As the private charitable institutions became overwhelmed by the scale of destitution confronting them, the poor turned to police in the hope that the state would provide aid. The need for the police to deal with these cases led to the elaboration of surveillance and reporting techniques on poverty later utilised by the state as it became more overtly implicated in the welfare nexus. The depression years also threw the ambiguities of the police welfare role into sharp relief. While meeting with hoots from crowds as they executed distress warrants, policemen also strove to secure aid from local councils and charitable organisations for the 'respectable' destitute in their local communities.

The perception that an increasing number of the poor coming into contact with the police were 'respectable' problematised the role of constables. Suspicion of the police role was based on the link between the constable and crime. However, with no other agency of the state to assume the role of reporting on poverty, the solution resorted to by police administrators was to instruct policemen to behave in a manner calculated to fashion the constable as social worker. As the recession peaked in 1893, police received instructions from the Chief Commissioner to prepare reports of all destitute women and children in their districts whose husbands and fathers had gone to the country in search of work. Daily reports of cases of distress were compiled by Melbourne police and forwarded to municipal mayors and local ladies benevolent societies in respective districts. In an effort to avoid the stigma of criminality assumed to accompany the uniformed policeman, the need for discretion was emphasised in instructions, with constables directed to 'avoid any appearance of officiousness'.<sup>147</sup>

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<sup>147</sup> VPRS 937/338, Bundle 2, Chief Commissioner of Police, Memo re: Destitute women and children whose husbands and fathers seek work up country, 17 April 1893.

Policemen were only required to provide reports, but the sight of chronic destitution amongst 'respectable' working class people often motivated them to intervene more directly. When William Rounds left Melbourne to seek work in the country, his family was left destitute and threatened with eviction. Constable Wardley went personally to the real estate agents, Lyons & Turner, convincing them to wait several weeks while he attempted to secure assistance for the family through the Mayor and local charitable institutions.<sup>148</sup> Police reports stressed the respectability of many of those left in poverty by circumstances beyond their control, in an obvious effort to secure what resources were available. Constable Sellwood in Clifton Hill reported that Sarah Walker was 'a hard working steady woman'. In Brunswick Constable Wilcock, approached the Brunswick Ladies Benevolent Society on behalf of the Medlicotts, 'a very respectable family'.<sup>149</sup>

In a harsh economic climate, the 'respectable' poor were also less reluctant to approach the local police station to secure assistance. Constable Keily of Richmond reported that Mrs Holloway, a young married woman residing in Garfield Street, South Richmond, had called at the station and stated that her husband, along with others, had gone to the Labour Colony at Leongatha. Left with three children aged seven, eight and ten years, she had been supported up until the point of visiting the station by the charity of neighbours and a few shillings which she earnt from bringing in washing. Constable Keily proceeded to investigate her circumstances finding that there was scarcely any furniture in her house as it had been seized for rent three months prior. The constable's report concluded with the sombre

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<sup>148</sup> VPRS 937/339, Bundle 3, Report of Constable Wardley re: William Rounds' family destitute, 2 May 1893.

<sup>149</sup> VPRS 937/339, Bundle 4, Report of Constable Sellwood, Clifton Hill, re: Sarah Walker, (no date) 1893; VPRS 937/339, Bundle 3, Report of Constable Wilcock re: destitute family Meldicott, 28 May 1893; for similar reports see VPRS 937/339, Bundle 3, Hotham Hill Police report re: John Bourke & family destitute, 28 April 1893; VPRS 937/339, Bundle 3, Report of Constable Gleeson, Collingwood, re: Mrs Mary Templeton being in destitute circumstances, 25 May 1893; VPRS 937/339, Report of Constable Carter, Collingwood, re: the case of Mrs Gibbs, 17 May 1893.

observation 'children are in need of food'.<sup>150</sup> Reporting on poverty was also a means by which police performed a crucial intermediate role between the poor and charitable institutions. In the case of the six children of James Coyle living in destitution in Dudley Street, West Melbourne, the report was forwarded to the visiting ladies for the district.<sup>151</sup>

The dilemma of the policeman, and his association with the criminal justice system, performing the role of charity worker also surfaced in relation to the elderly poor. The 1890s also brought increasing numbers of the elderly without means of support to the attention of police. In terms of total population, those over sixty-five years of age had comprised a meagre .38 percent of the population in 1854 but by 1891 were a more significant 3.4 percent.<sup>152</sup> Police had for many years dealt with individual cases of the aged destitute, but the problem was compounded by the effects of economic depression in the 1890s which overloaded the facilities of Melbourne's charitable institutions. Moreover it was older and less able workers who were the first to go as employers retrenched in a harsh economic climate. It was also apparent that many of the aged who faced destitution had indeed led frugal lives, but had lost all savings in the turbulent financial storms of the depression.<sup>153</sup>

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<sup>150</sup> VPRS 937/339, A 6955, Police Report, Mrs Holloway & family destitute in Richmond, 6 July 1893.

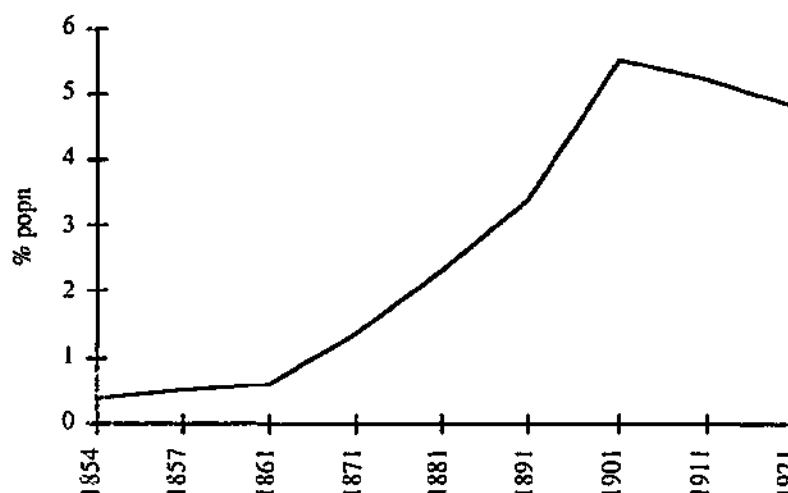
<sup>151</sup> VPRS 937/339, Police Report on the family of James Coyle, 5 July 1893.

<sup>152</sup> Wray Vamplew (ed.), *Australians: Historical Statistics*, Fairfax, Syme & Weldon, Sydney, 1987, p. 29 & p. 36.

<sup>153</sup> Shurlee Swain, 'The Victorian Charity Network of the 1890s', PhD thesis, University of Melbourne, 1976, p. 353; see also Graeme Davison, "'Our Youth is Spent and Our Backs are Bent': The Origins of Australian Ageism", *Australian Cultural History*, no. 14, 1995, pp. 46-47.

Figure 4.1

Victorian Population over 65 years of age, 1854-1921  
 Source — Wray Vamplew (ed.) *Australians: Historical Statistics*, pp. 29-36.



The needs of the aged who required assistance were not met by the charitable institutions, who had little interest in chronically or incurably ill cases offering little hope of rehabilitation.<sup>154</sup> In the early 1890s such cases were apprehended by the police, brought before the bench and committed to gaol. The Royal Commission into Old Age Pensions heard that twenty-one elderly people had died in custody, most of them 'picked up in the street in a dying condition and committed to prison'.<sup>155</sup> Charity workers considered it a legitimate activity to arrange with police to have such cases committed to gaol. In 1890, the Melbourne Ladies Benevolent Society approached police to have an elderly widow in their care arrested and sent to the gaol. When police replied they could do nothing while she still had a roof over her head, the District Visitor arranged with the Mayor to have her evicted, and further arranged for police to wait outside, where they arrested her for vagrancy.<sup>156</sup>

<sup>154</sup> Swain, 'The Victorian Charity Network', p. 327.

<sup>155</sup> Report of the Royal Commission on Old Age Pensions 1898, *Victorian Parliamentary Papers*, 1898, vol. 3, Testimony of Captain J. Evans, 16 June 1897, Q. 2639, p. 122.

<sup>156</sup> Swain, 'The Victorian Charity Network', p. 328.

Increasing numbers of aged poor who fell outside the net of charity also looked to the local watch-house as a final resource of survival.

The greater frequency with which the impoverished elderly sought relief through the agency of the police and the magistrates courts led to the gradual replacement of informal and discretionary police practices with formal regulatory mechanisms. Police procedures for assisting the poor had relied on the criminal justice system. Increasingly however, it was considered inappropriate to gaol individuals whose only crime was poverty and the non-existence of family support networks to look after them. This was succinctly stated in the questioning of witnesses before the Royal Commission on Old Age Pensions. Questioning Captain James Evans, the Inspector General of Penal Establishments, the commissioners asked 'Do you think it is the right way to deal with an old respectable man who has no charge against him, except that he is unfitted for work, that he should be arrested in the street and taken to the watch-house?'. Evans replied that he considered this manner of dealing with the destitute aged 'very undesirable'.<sup>157</sup>

Police continued to deal with the destitute largely because of their street presence and bureaucratic capacity, despite reservations over their association with crime. The desire to remove the stigma of criminality from destitution—at least where cases were regarded as deserving—led to the issuing of specific instructions to the police outlining procedures to be followed when dealing with the impoverished. In May 1898 the *Victoria Police Gazette* advised police that 'in order to prevent the necessity of sending to gaol persons who either are arrested by or give themselves as being without sufficient means of support' they should be brought immediately before a magistrate. If the magistrate was then satisfied that such individuals were 'not of the criminal class' the Police Department would then take charge of and maintain such persons for four weeks. The cost of maintaining

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<sup>157</sup> Report of the Royal Commission on Old Age Pensions 1898, *Victorian Parliamentary Papers*, 1898, vol. 3, Testimony of Captain J. Evans, 16 June 1897, Q. 2633, p. 119.

these destitute cases was initially borne by the Police Department who then forwarded a requisition order to Treasury which reimbursed the Department the sum of ten shillings per week for each case.<sup>158</sup>

For government, the vital police service was the undertaking of investigation. During the four week period in which the police were responsible for the case, they were required to undertake full inquiries into the individual's circumstances, to enable the magistrate to ascertain whether or not they might best be referred to a charitable institution. Investigating constables were provided with a form for the investigation providing for information regarding previous employment, length of residence in the colony, parents' names, marital status and whether or not they had previously been an inmate of a charitable institution.<sup>159</sup> If the magistrate, upon hearing the report of the investigating police officer, was then satisfied that the case warranted being forwarded to a charitable institution the full particulars of the case were then forwarded to the Treasurer who would make the necessary arrangements. Making these arrangements frequently involved the police further, as they were responsible for the physical removal of the destitute to a designated institution, the costs of conveyance being once again met by a requisition order forwarded to Treasury.<sup>160</sup>

Police dealings with the destitute were increasingly bureaucratised, with formal regulations and procedures replacing ad hoc police practices. Formal procedures were intended to provide a measure of protection for the 'respectable' poor against the taint of criminal justice surrounding the constable and the watch-house. The trend towards bureaucratised policing of the destitute was extended with the introduction of Old Age Pensions to Victoria in 1901. Old Age Pensions

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<sup>158</sup> *Victoria Police Gazette*, 11 May 1898, pp. 146-147.

<sup>159</sup> *Victoria Police Gazette*, 17 August 1898, p. 253.

<sup>160</sup> *Victoria Police Gazette*, 11 May 1898, pp. 146-147.



represented a form of state charity, and had much in common with the outdoor relief of previous decades.<sup>161</sup> The *Victorian Pensions Act*, according to William Pember Reeves, was 'notable for the number of its precautions and reservations, and for the care with which it tries to confine its pensions to the utterly enfeebled and utterly necessitous'.<sup>162</sup> The legislative requirement that the applicant be 'deserving' positioned the police as key figures in the administration of the pension. The role demanded of police in this regard was a continuation of strategies which had evolved to deal with destitute cases in the late 1890s. Police were instructed to 'render all assistance in their power to the Police Magistrates who are dealing with applications'.<sup>163</sup> The assistance was to be mostly in the form of providing an investigation into the circumstances of applicants.

The bureaucratic and informational capacity of the police consequently outweighed misgivings about their association with crime, and police became key agents in the administration of pensions. It was of 'the utmost importance' the *Police Gazette* informed members of the force, 'that all information in the possession of the police should be available for the guidance of the different Police Magistrates'.<sup>164</sup> In much the same way as the police investigated the eligibility of cases worthy of charitable assistance, they were furnished with lists of Pension applicants by the Clerk of Petty Sessions; the police were then required to furnish reports on each applicant which would be returned to the Clerk of Petty Sessions.<sup>165</sup> The

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<sup>161</sup> Jill Roe, 'Old Age, Young Country: The First Old-Age Pensions and Pensioners in New South Wales', *Teaching History*, July 1981, p. 28.

<sup>162</sup> William Pember Reeves, *State Experiments in Australia and New Zealand*, vol. 2., Grant Richards, London, 1902, p. 296.

<sup>163</sup> *Victoria Police Gazette*, 16 January 1901, p. 32; see also O'Callaghan, *Victorian Police Code*, 1906, paragraphs 1575-1577, pp. 201-2; for instructions to police in dealings with the destitute see *Victorian Police Code*, 1906, 'Destitute Persons', paragraphs 706-708, pp. 89-90.

<sup>164</sup> *Victoria Police Gazette*, 16 January 1901, p. 32.

<sup>165</sup> *Victoria Police Gazette*, 13 March 1901, p. 103.

investigations represented a substantial workload. By 31 December 1903, there were 5147 pensioners proven to be eligible for the allowance, representing a substantial quantity of investigation.<sup>166</sup> In 1906, Senior Constable James Stapleton, who was in charge of the plain-clothes men who carried out all pensions investigations in the City, confirmed the time-intensive nature of the work, explaining that it entailed 'a lot of inquiries'.<sup>167</sup> The ability of police to provide information was crucial to government administration of the pension scheme, and they were commended for the thoroughness of their inquiries. In 1903 the Sub-Treasurer wrote to the Chief Commissioner of Police to record the Treasurer's 'high appreciation of the manner in which they (the police) have made their investigations respecting recipients of the Old Age Pension. With but few exceptions the reports furnished him have been very comprehensive displaying an amount of zeal and sympathetic discrimination that is highly commendable.'<sup>168</sup>

The investigations undertaken by police utilised both their formidable bureaucracy and local knowledge. Having much in common with the techniques of reporting on poverty used in previous decades, police were required to make judgements on the respectability of those they investigated. The inquiry into the case of Mary Ann Scott included interviews with the local grocer, clergyman, and her son in Newport, all of whom testified to her sober and industrious habits. Unable to work due to rheumatism, and judged to be 'a respectable women and not addicted to drink', her application was successful.<sup>169</sup> In addition to assessing an

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<sup>166</sup> Statistical Register of Victoria, Pt. III, 'Social Condition', *Victorian Parliamentary Papers*, 1904, vol. 2, p. 35.

<sup>167</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Senior Constable James Stapleton, 7 February 1906, Q. 17397-17398, p. 632.

<sup>168</sup> VPRS 807/205, Sub-Treasurer to Chief Commissioner of Police, 21 January 1903.

<sup>169</sup> VPRS 1207/1898, no. 7484, Constable Parkin, Hawthorn Station, Police Report on pensioner Mary Ann Scott, 17 June 1901.

applicant's general respectability, investigations were driven by the ideology that the poor and disabled should be taken care of by their own families where possible.

While magistrates required police judgements regarding respectability, police investigations were principally focused on establishing that pension applicants were entirely destitute and without relatives capable of supporting them. John Hogan and Catherine Hogan were both granted pensions at the Carlton courthouse in 1901. Police investigations revealed that they had moved from Shepparton to Melbourne in the previous year. Shepparton police reported that the Hogans' son now ran a farm which was capable of supporting his parents. There were strong suspicions in the report that the Hogans had transferred their farm to their son for the express purpose of moving to Melbourne to claim the pension. John Hogan received the following grim letter on the 18 July:

Mr Hogan is informed that, as the whole of the amount appropriated by Parliament for the Old Age pensions has been exhausted, the Treasurer had decided, with a view to payment of the pension being made in necessitous cases only, that no persons whose relatives are deemed to be in a position to maintain them shall be allowed to draw pensions. In view of the fact, therefore, that it has been ascertained that Mr Hogan's sons are able to maintain him it has been decided to cancel the certificate authorising payment to him of the pension.<sup>170</sup>

Martha Preston, who lived in a Carlton boarding-house, faced a reduction in her pension from ten shillings a week to eight as she admitted to police that she had attempted to make a living by fortune telling.<sup>171</sup>

The pension could also be discontinued if the applicant was convicted of drunkenness. Police were to forward reports of those arrested for the information of the Treasurer.<sup>172</sup> Unfortunate cases such as Margaret Quinn found their pension stopped. Margaret was apprehended for drunkenness and disorderly conduct outside

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<sup>170</sup> VPRS 1207/1898, no. 7194, Treasury memorandum to John Hogan, 18 July 1901.

<sup>171</sup> VPRS 1207/1898, no. 7194, report on Martha Preston penisoner no. 648 Carlton, 8 July 1901.

<sup>172</sup> See *Old Age Pensions Act 1751*; see also *Victoria Police Gazette*, 20 February 1901, p. 76.

a public house in North Fitzroy on 22 June 1901. She already had two previous convictions for drunkenness before the Carlton magistrates earlier in the year and her landlady Mrs Sage informed Constable McGowan of the Carlton police that she 'has not been sober one day for the past week'. When she was to appear before the Carlton magistrates on a fourth charge of drunkenness in July it was revealed that the Treasurer had discontinued her payments the previous day.<sup>173</sup> While such measures seem harsh, and often were, there was a degree of flexibility. Andrew McClure was brought into the City watch-house on a charge of drunkenness. When he was searched the duty constable found a book showing he was drawing an old age pension. McClure was fined five shillings by the City magistrates the next day and a letter was sent by the police to the treasurer informing them of McClure's conviction. His pension was not discontinued, but was suspended for a fortnight and McClure issued with a warning.<sup>174</sup>

While frequently intrusive and disciplinary, there was a more benign side to the police role concerning Old Age Pensions. Police surveillance of pensioners also kept a watch on their condition and ability to support themselves. Francis Short, Inspector of Charitable Institutions, claimed in his annual report for 1901 that while the Old Age Pensions scheme had had the effect of reducing the number of inmates in Benevolent Asylums the results were 'in a large number of cases, to the disadvantage of recipients'.<sup>175</sup> While it has been claimed that the police sent only those designated as 'undeserving' to charitable institutions after the introduction of pensions,<sup>176</sup> there were also cases of the elderly unable to care for themselves who

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<sup>173</sup> VPRS 1207/1898, no. 7317, Constable Robert Lowrie, Carlton Police, report on Margaret Quinn, 5 July 1901.

<sup>174</sup> VPRS 1207/1898, no. 7302, Report of Constable Fanning re: prisoner Andrew McClure, 6 July 1901.

<sup>175</sup> Report of Inspector of Charitable Institutions, 30 June 1901, *Victorian Parliamentary Papers*, 1901, vol. 3., p. 1179.

<sup>176</sup> Swain, 'Charity Network', p. 355.

relied on police intervention to place them in institutions. Constable Campbell of the Carlton police forwarded a report through the magistrates on the situation of William Pocock who was 'in a very delicate state and has no one to attend him. He is anxious, if possible, to gain admission into a benevolent asylum and to surrender his pension. Constable Campbell states that he is in a very weak state'.<sup>177</sup> Pocock was admitted as an inmate of the Melbourne Benevolent Asylum shortly afterwards. Clearly the police involvement with the pension was not simply a matter of social control or surveillance, but also involved interventions based upon the consideration of individual circumstance. While the letter of the law provided a clear distinction between deserving and undeserving, operations on the ground tended to be more complex.

In some areas, mainly in Melbourne's inner suburbs, police not only performed the task of reporting on pensioners' circumstances—they also assumed direct responsibility for the distribution of the pension. With no other bureaucracy of comparable size, the police were called upon to administer the payments in 1901, when the officers of the Post Office went over to the Federal Government.<sup>178</sup> In South Melbourne, North Melbourne and Abbotsford, payment of the pension, made on Thursdays and Fridays of alternate weeks, was a police responsibility.<sup>179</sup> Allocating this task to police showed a willingness on the part of government to take advantage of police bureaucracy for a wide range of activities. The officer at South Melbourne was given an abstract containing the names of all pensioners together with the amounts payable to them. The officer received a cheque from the

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<sup>177</sup> VPRS 1207/1959, Carlton Police: report on William Pocock, R3796, 23 June 1903.

<sup>178</sup> *Victorian Parliamentary Debates*, 1901, vol. xcvi, 31 July 1901, pp. 550-551.

<sup>179</sup> VPRS 807/184, R6146, Police to act as paymasters of Old Age Pensions, 4 July 1902; also VPRS 1212/179, 1133, Register of Inward Correspondence, Treasury Department, 1903, Sergeant Shields to perform Old Age Pensions work at North Melbourne from 1 March; see also Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 22 September 1905, Q. 1163, p. 42.

paymaster at South Melbourne for the amount, and was responsible for collecting receipts from pensioners and forwarding these back to the paymaster. South Melbourne police estimated that distributing pension money occupied a day and a half each fortnight.<sup>180</sup> It took a similar time, about seven to eight hours a week, in North Melbourne, where the signatures of 340 pensioners had to be collected and 248 pounds in pension money distributed.<sup>181</sup>

The extensive involvement of police in administration and investigation was criticised both for imbuing police with too much authority in relief work and for being inappropriate work for constables to perform. Daniel Berriman, a Clerk of Courts and Commissioner of Old Age Pensions, disapprovingly outlined the procedure in Victoria before the Commonwealth Royal Commission on Old Age Pensions in 1906:

When a claim is lodged, practically the first thing done is to call upon the local constable for a report regarding the applicant. If that report is unfavourable, the Registrar refuses to send the claim on for hearing, and the consequence may be that a deserving applicant never gets an opportunity of showing his right to the relief afforded by the Statute.

To Berriman this system was 'manifestly unfair and practically makes the policeman the Commissioner'.<sup>182</sup> Such omnipotent power was not welcomed by police officials, however, who resented pension duties as a time-consuming diversion from real police work. In 1906, Chief Commissioner O'Callaghan informed the Royal Commission that it was 'very troublesome and responsible work' and concluded, 'I do not know that [it] is really work that the police ought to

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<sup>180</sup> VPRS 807/184, R6577, Payment of Old Age Pension by Police Officer, South Melbourne, 3 July 1902.

<sup>181</sup> VPRS 807/228, S 9087, Report of Sub-Inspector Dempster, 11 November 1903.

<sup>182</sup> Report from the Royal Commission on Old-Age Pensions together with proceedings, minutes of evidence, appendices and a synopsis of evidence, *Commonwealth Parliamentary Papers*, vol. 3, 1906, Testimony of Daniel Berriman, Clerk of Courts and Commissioner under Old-Age Pensions Act of Victoria, 20 June 1906, Q. 4110, p. 202.

be called upon to do'.<sup>183</sup> Pension work ran counter to the growing conception of police work as the work of criminal detection. Nevertheless, the bureaucratic and informational capacity of the police resulted in governments continuing to call upon police services. Payment of pensions was taken over by the Federal Government on 1 July 1909. The police maintained responsibility for giving 'every assistance possible', which continued their role in the provision of information. The only change was administrative. Police relinquished the duty of distributing pension money, although the Commonwealth allocated police a new duty helping pensioners fill out the 'property statements' they were required to submit to establish eligibility for the pension.<sup>184</sup>

The continued involvement of police in the administration of Old Age pensions demonstrates that police welfare activities in Victoria did not undergo a straightforward decline. The role of Victorian police was not a clear shift from class control to crime control as Monkkonen outlined for the American case.<sup>185</sup> Nevertheless, there were vocal advocates for a reduced police role. By the early decades of the twentieth century, police administrators resisted welfare tasks, regarding them as a diversion from real police work. Underpinning such demands was the stress placed upon the work of crime fighting as the true focus of professionalised policing. New medical and welfare professionals also argued that police criminalised social problems. This was clearly evident in the arguments against police involvement in child welfare and lunacy, where police involvement was resisted by new professions. In the areas of child welfare and lunacy, there is evidence that the police role was declining. The state became more specialised, and

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<sup>183</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Thomas O'Callaghan, Chief Commissioner of Police, 22 September 1905, Q. 1162, p. 42.

<sup>184</sup> *Victoria Police Gazette*, 1 July 1909, p. 229; *Victoria Police Gazette*, 1909, p. 207.

<sup>185</sup> Monkkonen, *Police in Urban America*, pp. 86-128.

former police activities were taken over by more specialised agents such as truant officers and lady visitors. But with children in particular the police were not seen as fit for the task of moulding the moral character of coming generations. Social reformers placed themselves in the position of being able to reform character. The fears of physical deterioration of the population saw many charitable resources diverted to the needs of mothers and infants and the health care of young people.<sup>186</sup> It was part of a subtle change in the conception of childhood aimed at child-rearing and psychology rather than the punishment of later actions which ultimately saw a new range of professionals interacting with police in the area of child welfare. The impoverished elderly however, with little time left to reform or advance society, were left under the watch of the police.

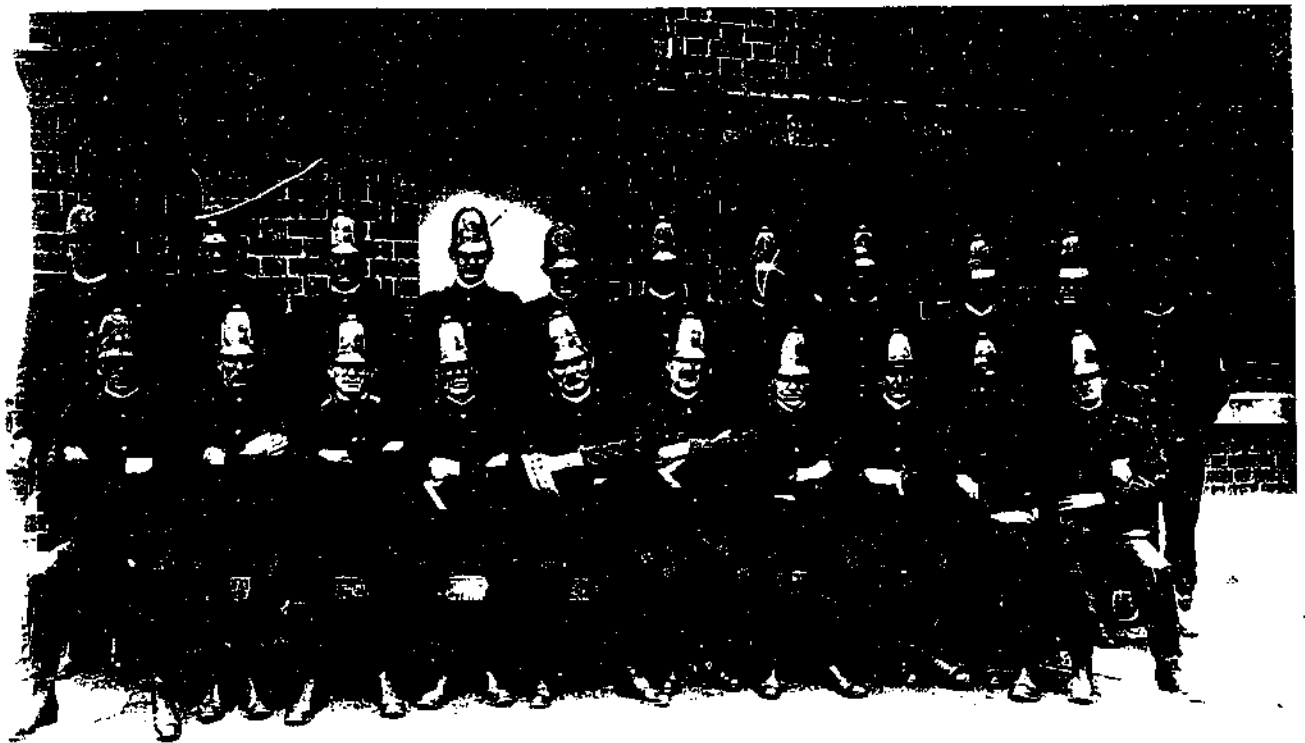
The police role in 'social welfare' areas remained ambiguous due to the association of the police constable with the criminal justice system. Police committals for lunacy were resisted from the mid-1850s because of their criminal taint. Those who resisted the appointment of police as truant officers, and later objected to their involvement in child welfare, continued to argue that the very appearance of a constable was somehow 'criminalising'. These ideas were nevertheless mediated by the realities of colonial government. The police force was the largest government department, with a literate workforce and an expansive bureaucracy. When legislative initiatives expanded the role of the state and required agents to enforce provisions, governments understandably looked to the police force. Private charities and individual reformers also, approached the police to provide them with the information with which to tackle a variety of social problems. The depth of police penetration into working class communities meant that the police dealt with many cases of poverty which had no relation to crime well into the twentieth century.

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<sup>186</sup> Cf. Pat Thane, 'Gender, welfare and old age in Britain, 1870s-1940s' in Anne Digby and John Stewart (eds.), *Gender, Health and Welfare*, Routledge, London, 1996, p. 195.



Illustration 4.2



*"Carlton Police, c. 1900."*

Courtesy of Victoria Police Historical Unit

## CHAPTER 5

### SOLDIERS & SPIES

Like many other elements of Victorian policing, the notion of the policeman divorced from political influence and impartially enforcing the law was an imported one. The London Metropolitan Police authorities had emphasised police impartiality, seeing it as crucial to the task of winning public acceptance of the police institution.<sup>1</sup> Along with beat patrols and uniforms, Melbourne's police also adopted the notion of the policeman as beyond partisan influence and protecting the community by enforcing the laws which it passed. The model policeman was—at least according to departmental manuals—apolitical. The 1877 *Regulations* stipulated that a constable was 'bound to observe strict neutrality in all matters connected with politics', and such neutrality was maintained by legal proscriptions on policemen voting in elections.<sup>2</sup> The concept of impartiality was also to be conveyed by constables exercising 'perfect civility to all classes' and by instructions reminding them that they were 'the paid servants of the public'.<sup>3</sup>

The idea of impartiality as the bedrock of police legitimacy remains central to traditional versions of police history. This has often fused with mystical notions of police authority emanating directly from the community through the agency of the law. G.M. O'Brien, echoing the work of British police historian Charles Reith, claimed the policeman was 'the pack-horse of democracy', a tireless servant ensuring 'that the whole community is as good as it says by law it wants to be'.<sup>4</sup> In a

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<sup>1</sup> Miller, *Cops and Bobbies*, p. 12.

<sup>2</sup> *Regulations*, 1877, regulation 160, p. 22.

<sup>3</sup> *Regulations*, 1877, regulation 154, p. 21; Barry, *Victorian Police Guide*, p. 2; see also Chapter Two, p. 78.

<sup>4</sup> O'Brien, *The Australian Police Forces*, p. 12; see also Charles Reith, *British Police and the Democratic Ideal*, Oxford University Press, London, 1943 also his *A New Study of Police History*,

far more sophisticated guise, the notion that the people are the police and the police are the people also informs Robert Haldane's history of the Victorian Police.<sup>5</sup> However, such formulations have come under concerted attack from scholars since the 1970s. Studies of industrial disputes and dissent have demonstrated the overtly political dimension of policing. Others, employing wider definitions of the 'political', have indicated the power dimensions of the law and the police arguing that law enforcement is an intrinsically politicised activity. Further work has demonstrated that the police have played a crucial role in forming the law which they then enforce.<sup>6</sup>

This chapter considers the political role of the police in relation to organisation, political surveillance and the policing of protest and industrial disputes. The first section discusses the continuing tension which existed in Victoria between military and civilian models of policing. While much of the rhetoric of policing was devoted to promoting the London model of civil preventive policing, military ideas had a continuing influence. This influence was largely attributable to the concerns of authorities about the ability of the police to suppress riots and maintain public order in times of social crises. The second section examines the role of police in maintaining surveillance over political dissent. The information gathering capacity of the police rendered them useful to the state in intelligence gathering, a role which was to expand as governments grew increasingly nervous over the potential of certain groups to undermine the existing social order. The final

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Oliver and Boyd, Edinburgh, 1956; for critique of this view in the British context see Cyril D. Robinson, 'Ideology as history: a look at the way some English police historians look at the police', *Police Studies*, vol. 2, 1979, pp. 35-49.

<sup>5</sup> Haldane, esp. p. 4 & p. 308; see also Chris McConville, 'Review of Robert Haldane, *The People's Force*', *Victorian Historical Journal*, vol. 58, no. 2, June 1987, pp. 54-56.

<sup>6</sup> Finnane, *Police and Government*, pp. 52-65; Mark Finnane, 'Police and Politics—The Case for Historical Revision', *Australian and New Zealand Journal of Criminology*, vol. 23, 1990, pp. 218-228.

section looks at the police role in industrial disputes and popular protest from the 1880s.

### 5.1 The civil army

Historians have attributed varying weight to the fear of riot and disorder as a contributing factor in the formation of new police forces in the nineteenth century.<sup>7</sup> Nevertheless, whether or not suppressing riot and protest was a determining factor in the establishment of the new police, it soon emerged as one of their significant functions. During their first ten years of existence, the London Metropolitan Police functioned as 'something of a national riot squad' with detachments of police dispatched to suppress resistance to the New Poor Law and to quell disturbances during parliamentary elections.<sup>8</sup> Colonial authorities were also aware that a police force might have to be engaged to suppress riotous assemblies. Such fears were perhaps less prominent in the organisation of local policing than they were in London. Nevertheless, the fear of urban disorder proved a powerful influence on the organisation and practice of colonial policing, and nowhere more so than in Victoria during the goldrushes.<sup>9</sup>

In Melbourne during the early 1850s, the possibility of riots and tumults haunted the minds of colonial administrators confronted with massive social

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<sup>7</sup> For the classic argument on the influence of riot on the formation of the new police see Alan Silver, 'The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot' in David J. Bordua (ed.) *The Police: Six Sociological Essays*, John Wiley & Sons, New York, 1967, pp. 1-24; see also Palmer, *Police and Protest*, pp. 6-10; Robert Reiner, 'Policing, Protest and Disorder in Britain', in Donatella della Porta and Herbert Reiter (eds.), *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, University of Minnesota Press, Minneapolis, 1998, pp. 35-36.

<sup>8</sup> Clive Emsley, *Policing and its Context 1750-1870*, Macmillan, London, 1983, p. 69; see also Phillip Thurmond Smith, *Political Policing, Public Order and the London Metropolitan Police*, Greenwood Press, Westport, CN, 1985, pp. 113-118; F.C. Mather, *Public Order in the Age of the Chartists*, Manchester University Press, Manchester, 1959, pp. 96-109.

<sup>9</sup> Mark Finnane, *Police and Government*, p. 27.

upheaval. Beat policing, as I have already argued in Chapter Two, was primarily an attempt to inculcate values of orderly conduct through preventive policing based on the London model. It was clear to colonial authorities, however, that a lone uniformed constable would be ineffectual if confronted by a rowdy crowd. With its stress upon providing a moral example to the population, and preventing the commission of offences through regular patrol, beat policing was intended to suppress individual law breaking and minor infractions. The suppression of riots required something more.

The question of how a large body of men could be rapidly assembled in the event of civil disorder was thus one with which police officials were acutely concerned. Melbourne's Police Magistrate, Evelyn Sturt, relayed just such fears to the Chief Secretary in 1852, stating that although the numerical strength of the police force had trebled since the discovery of gold, they remained scattered in private lodgings around the city and could not be grouped rapidly in the event of emergency. Sturt expressed dire concern that 'there is no armoury, they are all scattered and for any specific purpose they might be tampered with, at any rate no disciplined body of men could practically be brought to bear on an emergency'.<sup>10</sup>

Sturt's solution to the threat of urban riot was a direct reference to a military model which would facilitate the rapid assembly of a sizeable number of police in the event of civil disorder. His suggestion was that Barracks, capable of accommodating twenty men each, be erected in four quarters of the city. Sturt was adamant that these police barracks should 'be found in everything as in Military Barracks', a move calculated to provide a police force with military capabilities in the event of riot.<sup>11</sup> The desire to render the police force capable of suppressing riots

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<sup>10</sup> VPRS 1189/16, Bundle 1, Superintendent of Police, E.P.S. Sturt to Chief Secretary re: measures for the improved organisation of the police force, 13 April 1852.

<sup>11</sup> VPRS 1189/16, Bundle 1, Superintendent of Police, E.P.S. Sturt to Chief Secretary re: measures for the improved organisation of the police force, 13 April 1852.

also underpinned the stipulation of military drilling as a means of creating an efficient police force. The purpose of including military drill in training a civilian force was to impart on the men a knowledge of the necessary movements needed to suppress large-scale urban disturbances. Skill in the use of arms and moving in formation was deemed vital for the newly centralised organisation 'as the police force is at all times liable to be called upon in the case of internal disturbances or from other causes, to act in concert as an armed body'.<sup>12</sup>

A degree of militarism also developed due to the influence of the paramilitary Irish Constabulary model of policing. W.H.F. Mitchell, the first Chief Commissioner of Police, openly favoured the Irish system, as did his successor Charles MacMahon.<sup>13</sup> In the immediate aftermath of the gold rushes, militaristic display by the police was highly visible on Melbourne's streets. Officer cadets, armed with pistols, sabres and carbines, patrolled the city on horseback—a resonant symbol that the State was in control.<sup>14</sup> However, policing practice derived from military models risked alienating the community and attracted criticism as an oppressive violation of personal liberty. In 1853, stewards lost control of the crowd at a race meeting and called upon mounted police for assistance. When 'some miscreants in the mob' threw bottles at the mounted troopers, the four troopers drew their swords and charged into the mob, a move igniting public condemnation for the manner in which the troopers used their weapons 'freely amongst the crowd'.<sup>15</sup> The integration of militaristic elements with the civilian model of policing continued, in part due to the military backgrounds of both senior police officers and constables. Charles MacMahon, Chief Commissioner of Police from 1854, had served in both

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<sup>12</sup> *Manual of Police Regulations*, 1856, pp. 24-25.

<sup>13</sup> John McQuilton, 'Police in Rural Victoria: A Regional Example', in Finnane (ed), *Policing in Australia*, p. 37.

<sup>14</sup> *Argus*, 10 October 1853, p. 5.

<sup>15</sup> VPRS 1189/145, B53/3795, Chief Commissioner of Police to Colonial Secretary, 1 April 1853.

the British army and the militaristic Royal Irish Constabulary.<sup>16</sup> MacMahon's successor, Frederick Standish, also hailed from a military background. Such a background was reflected in police ranks, with 69.6% of men in 1871 drawn from military or policing backgrounds.<sup>17</sup>

Militarism became a strong feature of the goldfields police, and its potentially disastrous consequences were borne out by events at Eureka Stockade in 1854.<sup>18</sup> In Melbourne, recent memories of armed conflict between police and miners merged with a desire amongst authorities to promote order through the institutions of civil society.<sup>19</sup> The result was that displays of police militarism were strongly discouraged, while civilian models of policing were elevated in the hope of capturing public confidence. The dominance of the civilian ideal was evident in a number of areas. In 1855, a Commission appointed to inquire into the state of the Melbourne Police suggested that the discipline and order of constables was 'so conspicuous as ... to create an impression that the attention of the officers had been too exclusively directed to imparting to the force the features of a military body, rather than those of a preventive force'.<sup>20</sup> The 1856 *Manual of Police Regulations* emphasised the point again, informing constables that they belonged 'not to a military, but to a civil force' and should avoid 'all unnecessary military parades and show'.<sup>21</sup> The 1855 Commission also suggested that the ranks of lieutenant and

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<sup>16</sup> On MacMahon see 'Sir Charles MacMahon', in Bede Nairn, Geoffrey Serle & Russell Ward (eds.) *Australian Dictionary of Biography*, vol. 5: 1851-1890, Melbourne University Press, Melbourne, 1974, pp. 189-190; Haldane, pp. 40-41; on Standish see de Serville, pp. 43-45; Select Committee on the Police Force, 1863, Appendix G, Testimony F.C. Standish Esq., Chief Commissioner of Police, 14 February 1862, Q. 2, p. 1.

<sup>17</sup> See figure 1.3; also Chapter One, p. 29.

<sup>18</sup> Haldane, *The People's Force*, pp. 40-48; on goldfields policing see also Serle, *The Golden Age*, p. 103; see also Serle, pp. 161-169 for events at Eureka.

<sup>19</sup> Haldane, *The People's Force*, p. 47; on the importance of civil institutions see Goodman, 'Fear of Circuses', pp. 18-34; *Goldseeking*, p. 88; Fox, 'State Library and Civilization', pp. 14-26.

<sup>20</sup> Commission into the State of the Melbourne Police, 1855, p. 4.

<sup>21</sup> *Manual of Police Regulations*, 1856, p. 25.

senior sergeant be abandoned. Such titles, they argued, gave 'a military character to the force which we think it desirable to avoid'.<sup>22</sup>

Nevertheless, military style drill and the accommodation of police in barracks continued to be justified by the function of the police as a civil emergency force. The most frequent civil emergency which called upon the capacity of police to act collectively was fire.<sup>23</sup> Fires were of particular concern because, along with damage to property, they were also viewed as potential sites of mass disorder. In 1859, Superintendent Freeman remarked upon the tendency of fire scenes to act as a magnet to 'thieves and bad characters' who 'here as well as at home visit scenes of these descriptions for purposes of plunder'. The Emerald Hill Fire Brigade complained that during a conflagration involving seventeen houses, a rowdy mob obstructed them from quelling the blaze.<sup>24</sup>

Police duty at fire scenes was one occasion when police acted in concert which was generally applauded by the community.<sup>25</sup> In 1859, the Superintendent of Melbourne Police claimed that police attendance at fires and their 'assistance in saving life and property' were 'frequently eulogised in the Public Press'.<sup>26</sup> And

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<sup>22</sup> Commission into the State of the Melbourne Police, 1855, p. 14.

<sup>23</sup> For police duties at fires see VPRS 937/284, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police re: Police Duty at Fires, 11 April 1859; for other outlines of police duty at fires see *Regulations*, 1877, regulations 207-210, pp. 28-29; Barry, *Victoria Police Guide*, p. 10; see also Royal Commission on the Victorian Police Force, 1906, Testimony of Senior Constable William J. Crooks, 2 November 1905, Q. 6963-6970, p. 243; for early use of the police as a fire brigade see *Argus*, 10 October 1853, p. 5; Haldane, pp. 36-37; on the history of fire-fighting in Melbourne see Alan Gross, 'The History of Melbourne Fire Fighting', *Victorian Historical Magazine*, vol. 31, no. 1, August 1960, pp. 50-62; also Sally Wilde, *Life Under the Bells: A History of the Metropolitan Fire Brigade, Melbourne, 1891-1991*, Longman Cheshire, Sydney, 1991.

<sup>24</sup> VPRS 937/284, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police re: Police Duty at Fires, 11 April 1859; for similar concerns surrounding the potential of fires in the American context see Carl Smith, *Urban Disorder and the Shape of Belief*, University of Chicago Press, Chicago, 1995.

<sup>25</sup> See for example *Argus*, 3 January 1854, p. 5 where in a fire at the corner of Little Lonsdale Street and Elizabeth Street 'very good order was maintained by the police'.

<sup>26</sup> VPRS 937/284, Bundle 2, Superintendent of Melbourne Police to Chief Commissioner of Police re: Police Duty at Fires, 11 April 1859.



police did attend fires in large numbers, a testimony to the threat of disorder they posed. A fire in Stoke Street, Sandridge in 1858 was attended by three sergeants and twenty-two constables from Emerald Hill and Sandridge stations, while a blaze which began in the stables behind the Cumberland and Westmoreland Hotel, Franklin Street, warranted the turn out of an officer and forty-three constables 'to preserve order'.<sup>27</sup> Maintaining a force of men in barracks continued to be justified by the emergency function of police. In 1891, when Russell Street constables petitioned to be allowed to live out of barracks, the Chief Commissioner refused arguing that it was 'in the interest of the public that constables should be available at all times, in case of sudden calls for their services at fires, public disturbances, or the like'.<sup>28</sup>

In Melbourne civil emergencies such as fires were far more likely to call upon the ability of the police to quell disorder than riots, which remained rare. Nevertheless, the police were called upon to quell a large-scale civil disturbance in 1860. Despite the nervous imaginings of police administrators in the 1850s, massive demonstrations occurred after the excitement over gold had receded, and land became the dominant political issue in Victoria.<sup>29</sup> Widespread agitation accompanied the passage of the Nicholson Land Bill through parliament. The political narrative of the Bill is amply covered elsewhere, but the thrust of the dissension was the belief in a natural right to land, which should not be subjected to an inherently unjust market place or a legislature dominated by squatting interests.<sup>30</sup>

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<sup>27</sup> VPRS 937/284, Bundle 3, Report of Fire; Stoke Street, Sandridge, 26 October 1858; VPRS 937/286, Report of Fire in Franklin Street, 5 January 1862.

<sup>28</sup> VPRS 937/334, K1626, Chief Commissioner of Police, memo re: complaints of men in Russell Street Barracks, 7 July 1891.

<sup>29</sup> David Goodman, *Goldseeking*, p. 125; see also David Goodman, 'Gold Fields/Golden Fields: The Language of Agrarianism and the Victorian Gold Rush', *Australian Historical Studies*, vol. 23, no. 90, 1988, pp.19-41.

<sup>30</sup> For the political narrative of the Nicholson Land Act see Geoffrey Serle, *The Golden Age*, pp. 296-300; for the land question see also Beverly Kingston, *The Oxford History of Australia vol. 3: Glad Confident Morning 1860-1900*, Oxford University Press, Melbourne, 1988, pp. 258-261; Stuart

Agitation over the land question created demonstrations of a size not previously encountered by police. On several nights in August 1860, large crowds of three thousand or more gathered in Melbourne's Eastern Market to listen to speakers. While large public gatherings in the Eastern Market were not unusual, the move of the leaders of the crowd to assemble outside Parliament House on the 28 August 1860 signalled an outdoor protest of dimensions which seriously challenged the abilities of the police to control large public demonstrations. Anxious at the riotous potential of the situation, 1100 special constables were sworn in by the Mayor and Town Clerk.<sup>31</sup> By nine o'clock in the evening a large crowd gathered outside parliament house which had become a dense crush. When stones were thrown at windows, Nicholson gave the order to police to break up the crowd. The yard was charged by mounted and foot police liberally wielding truncheons and swords. They were greeted by a shower of stones from the crowd, wounding several of the police as they lunged towards demonstrators.<sup>32</sup>

For police administrators, the events of 1860 provided vindication of the police as a force for quelling civil disturbance. Chief Commissioner Frederick Standish recorded in his diary after the event that 'out on duty aft's to the Houses of Parliament, where we had upwards of 1000 police to keep out the Mob, which we did successfully, though several of my men were severely wounded by stones'.<sup>33</sup> Melbourne's Superintendent of Police, Frederick Winch, attributed the success of police in 1860 to the use of mounted troops armed with swords. Winch praised the utility of swords in controlling mobs, claiming they were 'a splendid weapon in a

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Macintyre, *Winners and Losers: The pursuit of social justice in Australian history*, Allen & Unwin, Sydney, 1985, Chapter 2.

<sup>31</sup> *Argus*, 31 August 1860, p. 5.

<sup>32</sup> VPRS 937/285, Return of casualties caused by the meeting at the Parliament Houses on the 28th instant, 29 August 1860.

<sup>33</sup> Diary of Frederick Charles Standish, 28 August 1860, State Library of Victoria, MS 9502.

crowd' and going on to remark 'I have used it myself over and over again'. Winch maintained such displays of force soon quelled any disturbance, as 'rabble crowds do not care to see steel drawn'.<sup>34</sup> The perceptions of police administrators that police had successfully acted as a quasi-military force for quelling dissent in 1860 inspired confidence in the police as a force for suppressing riot. In 1866, Chief Commissioner Standish replied to an anxious letter from Melbourne's Town Clerk regarding political meetings at the Eastern Market, that it would be an easy matter to assemble his men into a force which 'will effectively suppress anything like serious riot' and would 'preserve tranquillity and order'.<sup>35</sup>

A further factor, which proved influential in arguments for the military organisation of policing in colonial Victoria, was the perceived need of the police to defend the colony from external attack. In 1859, Chief Commissioner Standish had compiled a detailed return for the colony's Defence Commission, outlining the speed with which police from outlying districts could be assembled in Melbourne in the event of war. Following the Defence Commission's recommendation that the police force should be of service 'in the event of an invasion', Standish ordered police be given additional military instruction which would enable them 'to act with precision as a body'.<sup>36</sup> The desire to render the police force capable of functioning as a quasi-army was also evident in the proceedings of the Select Committee on the

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<sup>34</sup> Royal Commission on Police, 1883, Testimony of Frederick Alfred Winch, Superintendent of Melbourne Police, 5 July 1882, Q. 3847, p. 157.

<sup>35</sup> VPRS 3181/628, Melbourne Town Clerk to Chief Commissioner of Police re: arrangements made to suppress riot, 10 April 1866.

<sup>36</sup> VPRS 1200/1, Chief Commissioner of Police, Reports and Returns, re: War—use of police in case of, how quickly could be sent into Melbourne from outlying districts, September 1859; Police Department, Report of the Chief Commissioner of Police for the year 1859, p. 8; for Standish's continued enthusiasm for drill see Report from the Select Committee upon the Artillery Corps, together with the proceedings of the committee, minutes of evidence and appendices, 1871, *Votes and Proceedings of the Legislative Assembly*, vol. 1, 1871, Testimony of Captain Standish, Chief Commissioner of Police, 24 August 1871, Q. 195-197, p. 8; for drill instructions see *Regulations*, 1877, regulations 335-341, pp. 46-47; Barry, *Victoria Police Guide*, pp. 21-29.

Police Force in 1862.<sup>37</sup> The involvement of the police in colonial defence escalated with the withdrawal of Imperial troops in September 1870. The Artillery Corps scheme was subsequently initiated, which stipulated that those entering the police had first to serve two years in the colony's defence force.<sup>38</sup> Such a move reinforced the continuing strain of militarism which informed police organisation.<sup>39</sup> However the actual effectiveness of such training for moving with precision or handling firearms proved to be highly questionable. Initially men from the Artillery Corps were supposed to continue drilling with firearms upon entering the police force. Superintendent Winch claimed this idea had 'dropped altogether', partially due to the limitations of the police arsenal which meant that men could only train with 'an old obsolete weapon'.<sup>40</sup> The bungled efforts of police to capture the Kelly gang also cast serious doubt on their mastery of military manoeuvres.<sup>41</sup>

Tensions between civil and military models of policing were never effectively resolved, and there were senior police officials who decried the militarisation of a civil body. Even Chief Commissioner Standish, who in 1859 recommended that the police receive additional military drill, advised that military parade should be concealed from public view 'lest it should be thought that what is essentially a civil force is receiving a military organisation'.<sup>42</sup> A trenchant critic of the militarisation of the police was Melbourne Superintendent P.H. Smith. Giving evidence before the Select Committee into the Police Force in 1862, Smith argued

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<sup>37</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of F.C. Standish, Esq., Chief Commissioner of Police, 3 June 1861, Q. 49-50, p. 4.

<sup>38</sup> For recruitment from the Artillery Corps see Chapter One, p. 35; Haldane, *The People's Force*, pp. 71-74.

<sup>39</sup> McQuilton, 'Police in Rural Victoria', p. 37.

<sup>40</sup> Royal Commission on Police, 1883, Testimony of Frederick Alfred Winch, Superintendent of Melbourne Police, 5 July 1882, Q. 3849, p. 157.

<sup>41</sup> Haldane, *The People's Force*, p. 74.

<sup>42</sup> Police Department, Report of the Chief Commissioner of Police for the year 1859, p. 8.

that military training was carried on to the exclusion of 'training of the mind'. Moreover, Smith contended that military training was detrimental to the relationship between police and public, as a constable was 'likely to be under the impression that his position...is to be one of antagonism to the public, and that a soldierly bearing and physical force are the main things required of him'. However the Committee clearly favoured the drilling of police to cope with 'internal tumults', suggesting that without regular troops the police should learn to 'act effectively in case of riot'.<sup>43</sup> One of the strongest arguments against the police force being administered by a Police Board, rather than a single Chief Commissioner, was that in the event of the government issuing orders for the suppression of riot, a board would 'debate the matter instead of giving orders'.<sup>44</sup> It was a point reiterated when the question of a board of commissioners was again raised in 1882. William Manwaring, a former detective, believed 'the police, as a military system, should have one head like the colonel of a regiment'.<sup>45</sup>

The final report of the Royal Commission on Police in 1883 recommended that greater attention be given to the role of police in quelling riots and disorder. Their recommendations emanated from the failure of police to capture the Kelly gang, which they argued provided proof that 'the police, as a body, had become demoralised and comparatively powerless in the face of a grave and unexpected emergency'.<sup>46</sup> In arguing for greater training of police for 'emergency', the

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<sup>43</sup> Select Committee on the Police Force, 1863, Appendix G, Testimony of Superintendent P.H. Smith, 16 May 1862, Q. 2266, p. 96; Appendix S, 'Further Information and Suggestions, by Inspecting Superintendent P.H. Smith, for the use of the Committee inquiring into the State and Management of the Police Force of Victoria', 3 May 1862, p. xxxiv; for Committee's suggestions see Q. 2263, p. 96.

<sup>44</sup> Select Committee on the Police Force, 1863, Appendix G, Questioning of William Mair Esq., Police paymaster, 3 April 1862, Q. 1684, p. 75.

<sup>45</sup> Royal Commission on Police, 1883, Testimony of William Manwaring, ex-detective, 7 June 1882, Q. 2831, p. 117.

<sup>46</sup> Royal Commission on Police, 1883, General Report, p. vii.

commissioners directly addressed the contradiction of a civil force exhibiting military characteristics. The commissioners held the opinion that the ineptitude of police with firearms shown during the Kelly outbreak arose directly from the 'desire to avoid imparting a military character to the police'. Such a course was inadvisable, according to the commissioners, who pointed to 'the danger of so demilitarising the police as to render them comparatively valueless for other than patrol or beat duty'. To strengthen their case, they quoted directly from *Vincent's Police Code*, the guide for London's Metropolitan Police, suggesting that even in the model civil force of London, drill was judged vital so that men could 'move with that precision necessary which enables them to cope with a mob superior in numbers'.<sup>47</sup> The commissioners were arguing that for a civil police force to be effective it must possess a military capability. By 1906, another Royal Commission concluded that 'large bodies of men who have to act in concert must always be regarded as semi-military or *quasi* military bodies'.<sup>48</sup> While the civilian ideal of preventive policing dominated the daily routine, the need for the police to act collectively to suppress riot remained significant in the minds of many police administrators.

## 5.2 Surveillance

The deployment of police as a quasi-military force to suppress internal dissent was complimented by their intelligence gathering capacity. Investigating potential subversion and monitoring political meetings had been viewed as an appropriate task of policing from the 1850s. In 1854 Sub-Inspector Smith reported on a meeting of 150 of the unemployed at South Yarra, although he concluded the government need not be concerned as 'many were drawn there from curiosity, the fine weather

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<sup>47</sup> Royal Commission on Police, 1883, General Report, p. xi.

<sup>48</sup> Royal Commission on the Victorian Police Force, General Report, p. vii.

and the beautiful view from the top of the hill'.<sup>49</sup> A more concerted campaign of surveillance accompanied suspicions of Fenianism in 1867. Impressionable colonists had become convinced that there would be a Fenian raid somewhere in Australia. During the Prince of Wales visit in 1867, those in NSW were primarily concerned for the regent's safety, but in Victoria concerns centred upon the possibility of violence erupting between Orangemen and Irish Catholics—especially if the Orangemen attempted to march in honour of the Prince. It was a concern shared by Archdeacon McEnroe who cautioned police to prevent badges or colours being displayed or other acts which might excite hostile feelings among Irish Catholics.<sup>50</sup> While the primary concern of the authorities rested in the spectre of sectarian violence, police were instructed to observe, monitor and report on those suspected of being Fenian sympathisers.<sup>51</sup>

By 1877, reporting on political agitation was a prescribed duty of officers in charge of districts. Officers were 'in times of unusual political agitation' to arrange for a 'trustworthy' policeman, preferably an officer, 'to attend meetings of a political nature in the district, for the purpose of reporting any seditious or exciting language made use of by the speakers, or any circumstance tending in any way to endanger the peace of the district'.<sup>52</sup> Increasing surveillance of potential subversive political groups, and an expansion of police information gathering activities accompanied the rise of organised labour and socialism in the 1880s. In Melbourne, even uniformed beat police kept such duties in mind. In 1886 Senior Constable McHugh attended meetings of the Anarchists Club in Exhibition Street. While reporting that 'their members are few and their influence far from great', McHugh suggested that

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<sup>49</sup> VPRS 1189/152, 54/11273, Sub-Inspector Smith to Chief Commissioner of Police, 2 October 1854.

<sup>50</sup> Keith Amos, *The Fenians in Australia, 1865-1880*, UNSW Press, Kensington, 1988, p. 40.

<sup>51</sup> VPRS 937/515, Police Reports re: 'Feniansim', 1867-8.

<sup>52</sup> *Regulations*, 1877, regulation 57, p. 8.

their object 'which seems to be the overturning or total destruction of all social order as it is understood in this country' was of such a dangerous character that 'they should be kept in check or at least kept in view'.<sup>53</sup> The activities of the Australian Socialist League warranted similar close attention from police.<sup>54</sup>

The intensity of police surveillance was intrinsically related to the level of threat perceived by governments, and periods of social upheaval saw greater police attention paid to assemblies and meetings. In the early 1890s, police were maintaining close surveillance on all meetings of the unemployed, generating voluminous correspondence. Police reports detailed, virtually verbatim, the content of speeches made at meetings, along with the number present. Constable Geelan reported in September 1892, that a meeting of 2000 in the Domain had been addressed by speakers calling the Government 'a band of murderers, robbers, rogues and vagabonds'.<sup>55</sup> Such intelligence provided potential evidence for mounting 'seditious language' charges, but police reports were also designed to facilitate a forward knowledge of protests, ensuring a police presence. Detective Wardley, who was placed on full time duty covering unemployed meetings, became concerned that this function might be undermined, when a speaker at a meeting he was attending referred to 'Detective Wardley who is always waiting about the locality to ascertain what is going to take place'.<sup>56</sup>

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<sup>53</sup> VPRS 937/319, Report of Senior Constable McHugh re: Anarchists Club, 5 November 1886.

<sup>54</sup> Verity Burgmann, *In Our Time: Socialism and the Rise of Labour, 1885-1905*, George, Allen & Unwin, Sydney, 1985, pp. 108-109.

<sup>55</sup> VPRS 937/336, Report of Constable Geelan re: meeting held in Government Domain, 18 September 1892.

<sup>56</sup> VPRS 937/336, Police Report, Detective Wardley re: unemployed movement, 1 June 1892; for further examples of surveillance of the unemployed see VPRS 937/336, Detective Wardley to Chief Commissioner of Police, 26-31 May, 1 June, 5 September, 7 September, 10 September, 12 September, 15 September 1892; see also Bruce Scates, 'A Struggle for Survival: Unemployment and the Unemployed Agitation in Late Nineteenth-Century Melbourne', *Australian Historical Studies*, vol. 24, no. 94, April 1990, p. 54.



Political surveillance activities by police escalated amidst wartime conditions and the plethora of threats to internal security governments imagined to be emerging from the left. Two plain-clothes constables routinely attended meetings of the Women's Peace Army in 1917, recording all that they could, although Constable Kiernan complained at one meeting that 'it was impossible owing to the crush to use a pencil'.<sup>57</sup> By 1917, the activities of the anti-conscription movement were also being closely monitored by uniform, plain clothes, and detective police.<sup>58</sup>

This surveillance of potentially subversive groups differed little from that undertaken by police in the 1890s, and, despite clearly aligning police with one side of the political spectrum, still broadly fell within the police mandate of preserving order. A new dimension was added however in recording the activities of the Industrial Workers of the World, where police co-operated with Commonwealth authorities and undertook special surveillance assignments under Commonwealth guidance. Two plain-clothes constables were paid by the Commonwealth to act as shorthand reporters at IWW meetings. Several Detectives also forwarded reports to the Counter Espionage Bureau, a secret branch of the Commonwealth established in 1916 under the direction of Major George Steward, who was later to become Victoria's Chief Commissioner of Police.<sup>59</sup> Such tasks were, of course, a long way

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<sup>57</sup> VPRS 807/615, W6331, Report of PC Constable Michael Kiernan re: meeting in Trades Hall of 'Womens Peace Army' of whom Miss Pankhurst is the leader and their movements tomorrow, 28 August 1917; on the activities of the Womens Peace Army in Melbourne see Judith Smart, 'Feminists, Food and the Fair Price: The Cost of Living Demonstrations in Melbourne, August-September 1917', *Labour History*, no. 50, May 1986, pp. 113-131.

<sup>58</sup> See for example VPRS 807/615, W6331, Sub-Inspector Campbell to Chief Commissioner of Police re: Anti-conscription meeting at Exhibition, 12 December 1917; also VPRS 807/608, V3390, Report of Senior Constable Quinn re: Meeting held in Flinders Park, Sunday March 18, 19 March 1917.

<sup>59</sup> VPRS 807/615, W6331, Commonwealth Crown Solicitors Office to Chief Commissioner of Police re: Kiernan & McLeod frequently required by Commonwealth; also Commonwealth Crown Solicitors Office to Chief Commissioner of Police re: Detectives Hawkins and Bell taking notes on IWW speeches, 28 April 1917; 'thanks for report on IWW meeting at Yarra Bank & Russell Street', 26 April & 14 June 1917; on formation of Counter Espionage Bureau see Frank Cain, *The Origins of Political Surveillance in Australia*, Angus & Robertson, Sydney, 1983, pp. 1-41; for surveillance of the IWW see also Verity Burgmann, 'The Iron Heel: The suppression of the IWW during World War I', in Sydney Labour History Group, *What Rough Beast? The State and Social Order in Australian*

from the ideal of the politically neutral policeman and relied on very extended notions of keeping the peace. The establishment of specialised branches for political surveillance, did, however, point to later developments in which this function was to be more clearly separated from the mainstream of police activity.<sup>60</sup>

### 5.3 Loyal servants?

The growing significance of the police surveillance function for political purposes was accompanied by the increased involvement of the police force in labour disputes. Rising use of the police in industrial situations resulted directly from the escalating scale of conflict between capital and labour. While in 1880, most unions had remained exclusive craft organisations with high membership fees, union formation surged forward with increased prosperity from 1882. The major development was the formation of large 'new' unions of semi-skilled or unskilled workers such as Stewards and Cooks Union, the Wharf Labourers Union and Timber Yard Employees.<sup>61</sup> The mobilisation of large numbers of police with the new scale of industrial conflicts which had emerged by the end of the 1880s became an increasingly frequent occurrence. The heightening of industrial tensions called on the police capacity to act in concert, and large scale conflicts entailed the co-ordination of large bodies of men, often drawn in from country stations during an emergency. The centralised structure of Victoria's police force, along with improvements in communications and transport technology with the telephone and

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*History*, George Allen & Unwin, 1982, pp. 171-191; Frank Cain, *The Wobblies at War: a history of the IWW and the Great War in Australia*, Spectrum Publications, Melbourne, 1993.

<sup>60</sup> Finnane, *Police and Government*, p. 61.

<sup>61</sup> Geoffrey Serle, *The Rush to be Rich: A History of the Colony of Victoria, 1883-1889*, Melbourne University Press, Melbourne, 1971, pp. 94-95.

rail lines, facilitated large numbers of police being assembled in the city within twenty-four hours.<sup>62</sup>

Although examples of police being called to intervene between employers and employees dated back to the late 1850s, the Maritime Strike of 1890 represented a considerable escalation in the scale of labour conflict.<sup>63</sup> As a case study of police involvement in labour disputes, the Maritime Strike demonstrates how police action in suppressing dissent was at times characterised by restraint rather than direct oppression. Furthermore, as detailed police reports exist from constables on the front line, it allows relatively rare access to the perceptions of ordinary policeman to their work during a labour dispute and how these affected policing practice.

Police preparations for the Maritime Strike were initiated on the strength of police intelligence gathering which suggested potential disorder. Police reports of a meeting of 20 000 striking workers on Melbourne wharf on 25 August suggested there was 'a larger proportion ripe for mischief', and it was this observation by plain clothes police which led them to recommend 'more decisive measures for preventing disorder'. Police contrasted the situation with earlier agitation by the unemployed where it was felt that 'the Metropolitan police, as the Chief Commissioner is aware, felt themselves in a position to cope with anything that was likely to arise'. Police were less confident in their ability to control industrial trouble, as they believed the strike could easily 'get out of control of its leaders'.<sup>64</sup> Preparations for potential disturbance involved utilising the centralised structure of

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<sup>62</sup> The problem of centralisation remained a crucial one in British policing, where the lack of centralisation caused a more frequent recourse to military troops; see Jane Morgan, *Conflict and Order: The Police and Labour Disputes in England and Wales, 1900-1939*, Oxford University Press, Oxford, 1987.

<sup>63</sup> For an example of police involvement in early labour disputes see VPRS 1191/1, Bundle 8, Memo: Chief Commissioner of Police to Superintendent of Melbourne Police re: strike of wharf labourers, Melbourne and Hobsons Bay Railway Company, 20 October 1857.

<sup>64</sup> VPRS 937/513, Report of meeting at Melbourne wharf, 25 August 1890

the police to assemble a large body of men. Chief Commissioner Chomley proceeded to telegraph country stations with instructions that any remaining police should make their way to the city in anticipation of a major disturbance.

Despite the assembling of large numbers of police in Melbourne, police administrators pursued a policy characterised by restraint and attempts to diffuse violence.<sup>65</sup> One policy specifically designed to diffuse large-scale confrontations was the targeting of 'ringleaders'. Chief Commissioner Chomley advised Superintendent Sadleir on the 27 August that he regarded the early prosecution of any of the 'ringleaders' of 'disorderly mobs' as crucially important in the maintenance of order. The adoption of this strategy aimed to side-step direct confrontational tactics which, it was feared, would inflame a volatile situation. Rather than direct displays of force the police would use the courts. Sadleir was instructed that police should use 'their very best endeavours to note and identify individuals who throw missiles or use physical violence, or whose language is such as would support a charge against them in the police courts'. Constables on the outskirts of the crowd were to identify and note 'ringleaders' as they were thought to be better placed than those at 'the heart of the mob'. Caution was advised however in dealing with those identified. Summary arrest, warrant or summons were to be used 'as the circumstances may appear to render expedient'.<sup>66</sup> Arresting 'agitators' for street offences such as insulting behaviour and vagrancy was one tactic employed by police to avert direct confrontations with large crowds.<sup>67</sup>

Memories of the Maritime Strike have been dominated by Colonel Tom Price's alleged command to 'fire low and lay them out' at a large meeting in the

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<sup>65</sup> Haldane, *The People's Force*, p. 117; Finnane, *Police and Government*, p. 56.

<sup>66</sup> VPRS 937/513, Memo: Chief Commissioner Chomley to Superintendent Sadleir, 27 August 1890.

<sup>67</sup> Bruce Scates, 'A Struggle for Survival', p. 60; see also Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene'", p. 156.

Domain. As the command passed into labour folklore, it has served as a metaphor for police repression during times of industrial conflict.<sup>68</sup> John Sadleir, Melbourne's Superintendent of Police during the Maritime Strike, emphasised such conflictual memories from a police perspective, remembering 1890 as time when 'a solitary policeman wishing to pass from one place to another had to run the gauntlet of threats and jeers'.<sup>69</sup> Robert Haldane convincingly argues that police administrators pursued a policy of restraint, which was, with some exceptions, applauded both by strikers and government.<sup>70</sup> What is less clear is the extent to which a policy of restraint was reliant on the sympathies of individual police at the front line. The possibility that policemen, themselves working men paid six or seven shillings a day, saw in strikers fellow working men rather than adversaries deserves exploration.<sup>71</sup> As several historians have noted, one of the great absences in the history of policing labour disputes is any sense of rank and file perceptions of the events and issues.<sup>72</sup> Police reports of the Maritime Strike allow some access to this often obscured area of inquiry.

Far from being antagonistic, many police who served during the strike exhibited considerable sympathy for the strikers, considering them well conducted. Police reported for example, that an incident at the Collingwood gas works on the

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<sup>68</sup> For this comment see W. G. Spence, *Australia's Awakening*, pp. 118-120 reprinted in James Grant & Geoffrey Serle, *The Melbourne Scene 1803-1956*, Melbourne University Press, Melbourne, 1957, p. 190; see also Haldane, p. 118; Finnane, *Police and Government*, p. 56; Robin Walker, 'Violence in Industrial Conflicts in New South Wales in the Late Nineteenth Century', *Historical Studies*, vol. 22, no. 86, April 1986, p. 65.

<sup>69</sup> John Sadleir, *Recollections of a Victorian Police Officer*, George, Robertson and Company, Melbourne, 1913, p. 261.

<sup>70</sup> Haldane, *The People's Force*, pp. 117-118.

<sup>71</sup> Walker, 'Violence in Industrial Conflicts', p. 67; for an examination of police sympathies with labour in the English context see Joan Ballhatchet, 'The Police and the London Dock Strike of 1889', *History Workshop*, 32, Autumn 1991, pp. 54-68.

<sup>72</sup> Finnane, *Police and Government*, p. 58; for an intriguing analysis of police attitudes see Sandra Wilson, 'Police perceptions of protest: the Perth "treasury riot" of March 1931', *Labour History*, no. 52, May 1987, pp. 63-74.

evening of the 28 August, where fences were torn down and stones, aimed at non-union labourers eating their dinner, were thrown through windows, was the work of larrikins unconnected with the strikers. Constable Geelan reported that 'the men on strike did not give the least trouble and seemed to be annoyed at what the roughs had done'.<sup>73</sup> Geelan again defended the integrity of the strikers when asked to comment on reports in the *Age* newspaper that a group of non-union labourers had been surrounded and assaulted by an angry mob in the street, and had been forced to defend themselves with their tools. The newspaper had chastised police for laying no charges of assault. In Constable Geelan's account there was nothing to justify any charges of assault against the strikers, for while there had been some jostling no violence had taken place. The incident, according to Geelan, had been caused by 'one foolish man', a non-union labourer from the Gas company, who had bolted down Flinders Lane after threatening one striker with a shovel, causing both the police escort and the assembled crowd to chase after him.<sup>74</sup>

A similar matter-of-fact account was supplied in response to a sensational report in the *Argus* that a cab had been overturned at the corner of Flinders Street and Swanston Street, and non-union labourers dragged out and assaulted. Constable Geelan reported that the cab had been stopped but that 'without much pressing the non-union men got out one by one and shook hands with the unionists'. Although the crowd gave groans for the Gas company clerks still aboard the cab, there was 'no sign of violence whatsoever'. Police sent to the cab company in West Melbourne to investigate reported that no cabs had been damaged.<sup>75</sup>

Despite the pyrotechnics of the Press, much police work during the Maritime Strike was astoundingly undramatic, and involved long hours keeping

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<sup>73</sup> VPRS 937/513, Report of Constable Geelan re: disturbance at Collingwood gas works, 28 August 1890.

<sup>74</sup> VPRS 937/513, Report of Constable Geelan re: press reports, 1 September 1890.

<sup>75</sup> VPRS 937/513, Report of Constable Geelan, re: cab overturned, 29 August 1890.

watch at the wharves, leading non-union labourers to and from work and filing reports. By the 2 September many police were employed leading labourers to and from the Gas company offices. The non-union workers were to be led by at least two men, mounted or foot, to specified points where a further two police would take over, and so on until they were beyond the reach of strikers. Little real trouble took place. Constable Coffey reported that one man had been followed by a group of around 40, who had called him a 'blackleg'. One in the crowd offered 'come to Trades Hall and I will give you a pound and pay a weeks board', an offer which the non-union man declined. The crowd quickly dispersed once constables arrived.<sup>76</sup> Non-unionists thought the police guard necessary even if police were less convinced. One non-unionist sought refuge in the Swanston Street watch-house when he claimed to have been followed by a mob of unionists. He was happy to wait in the security of the cells until receiving a lift out of the city in the gaol van.<sup>77</sup> Examination of policing practice during the Maritime Strike indicates the danger of assuming that the police would automatically oppose the labour movement.<sup>78</sup> Indeed, the events of the Maritime Strike suggest that the avoidance of violence by police during industrial conflicts could actually enhance their legitimacy.

The utility of Victoria's police in controlling riots and disorder was enhanced by their centralised communications and organisational structure. Unlike provincial English police forces and the municipally controlled forces of the United States and Canada which were difficult to assemble and coordinate, centralisation meant that large numbers of men could be assembled and directed in Victoria relatively quickly.<sup>79</sup> The policing of industrial disputes became a regular part of

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<sup>76</sup> VPRS 937/513, Report of Constable Coffey, 8 September 1890.

<sup>77</sup> VPRS 937/513, Report of Senior Constable Eason, 8 September 1890.

<sup>78</sup> Moore, 'Origins of the Police Mandate', p. 117.

<sup>79</sup> See for example Jane Morgan, *Conflict and Order: The police and labour disputes in England and Wales 1900-1939*, Oxford University Press, Oxford, 1987; for the inadequacy of local forces to police labour disputes in Canada see John C. Weaver, *Crimes, Courts and Constables: Order and*

police duty with police being called to attend even comparatively minor labour actions.<sup>80</sup> Such duties, which thrust the policeman between labour and capital, relied on a very broad interpretation of police neutrality. Often the very laws which police were called upon to uphold, in the cause of preserving order, were themselves strongly skewed towards the interests of employers. Senior police officials also communicated with employers, generally identifying with their interests against those of striking workers. During a strike by timber stackers in 1910, two Melbourne sub-inspectors co-ordinated their efforts with 'members of the timber industry', while a sergeant 'went over the ground, and mapped out points to be policed'. The work of the policemen during the strike, which principally involved protecting non-union carters and stackers, assumed a distinctly partisan edge.<sup>81</sup> An even cosier alliance between police administration and the captains of industry was evident during a major Gas strike in 1919. The Chief Commissioner of Police arranged for police to be billeted at the gas works, with their food and lodging provided by the Gas company. When the dispute ended the Metropolitan Gas Company sent the Chief Commissioner a letter of appreciation and presented a reward to all constables who assisted during the strike.<sup>82</sup>

The engagement of police during industrial disputes was only one aspect of the increased intelligence and order maintenance role police assumed in the early twentieth century. The policing of both political gatherings and protest after 1914, provides ample evidence of the shaping of policing practice by the wider social and

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*Transgression in a Canadian City, 1816-1970*, McGill University Press/Queens University Press, Montreal & Kingston, 1995, pp. 118-119.

<sup>80</sup> See for example VPRS 807/715, B16875, Footscray Police Report re: strike at abbatoirs, Anglis & Co., Footscray, 15 December 1919.

<sup>81</sup> VPRS 807/395, Superintendent of Melbourne Police to Chief Commissioner of Police re: Timber Strike, 5 May 1910.

<sup>82</sup> VPRS 807/715, B16667, Chief Commissioner of Police to Chief Secretary re: Gas Works Strike, 8 December 1919; Metropolitan Gas Company to Chief Commissioner of Police, 15 December 1919.



political climate. The attendance of the policeman at political gatherings became increasingly frequent. While this surveillance role in the interests of the State frequently overstepped the ideal of the police as neutral enforcers of the law, police officials continued to advocate neutrality. In 1913, the *Victoria Police Gazette* instructed police attending political meetings that they should 'be strictly neutral, and as far as they are concerned merely to assist in enabling both sides to obtain a hearing without undue disturbance'.<sup>83</sup> While theoretically neutral, police were allocated wider powers to deal with political meetings by the 1915 *Police Offences Act*. Under section 31 of the 1915 Act, police were empowered to arrest persons in a building in which a public meeting was being held for behaving in a 'riotous, indecent, offensive, threatening or insulting manner'. The Crown Solicitor advocated this power in 1916, advising police they were permitted to arrest persons without summons at meetings. Such a wide discretionary power could easily invoke allegations of oppressiveness, prompting the Chief Commissioner to advise that 'police should be careful not to act without due cause on their own initiative'.<sup>84</sup>

Public demonstrations in the years of World War 1 and immediately after continued to call upon the ability of the police to act *en masse*. Considerable numbers of police were required at a pro-conscription rally held at Melbourne Cricket Ground in December 1917 which attracted an immense crowd estimated at 90 000. Melbourne's superintendent personally attended, along with seven other officers, while thirty sub-officers were responsible for 193 foot constables who patrolled the entrances and exists and moved amongst the crowd. Twenty-six mounted troopers were also on hand along with thirty plain-clothes police who patrolled amongst the crowd. Police numbers were bolstered by 350 special constables who aided the uniformed constables.<sup>85</sup>

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<sup>83</sup> *Victoria Police Gazette*, 8 May 1913, p. 242.

<sup>84</sup> *Victoria Police Gazette*, 19 October 1916, p. 643.

<sup>85</sup> VPRS 807/615, Police Report re: Yes Demonstration at Cricket Grounds, 11 December 1917.

The policing of protest in this period raises complex questions about the relationship between government directive, police command and front-line police attitudes. In 1917, strong police action to counter anti-conscription campaigns was officially encouraged under the aegis of the *Unlawful Assemblies and Processions Act*. War Precautions regulations granted police further powers of arrest. Anti-conscription speakers were arrested on a variety of street charges, echoing earlier policies of targeting 'ringleaders' and 'agitators'.<sup>86</sup> The comments uttered at some meetings, such as 'I am sure after the way some of the police used their batons today, they will be very sorry when they go home tonight' suggest that repressive police actions had a deleterious effect on at least sections of the community. Such actions by police at a time when government perceived itself to be under threat could easily be used to argue that police were little more than the enforcement wing of the bourgeois state.

Repressive police actions were not entirely dependent on the directives of police commanders or government. In 1919, police tactics during a Peace Day rally outside the Melbourne Town Hall sparked a flood of letters to the Chief Commissioner complaining of police brutality. One correspondent claimed that he was helping a returned soldier who had been knocked down by a mounted constable to his feet when he was attacked from behind by a policeman with a piece of hose piping. More telling than the instances of violence correspondents recounted were the comments they claimed to have overheard during the fray. One letter claimed that two policemen in Little Collins Street were heard remarking 'this is our best chance to get at these soldiers and disorganise their league'. Another man claimed he was struck with a baton by a policeman exclaiming 'I will give you fellows what

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<sup>86</sup> VPRS 807/615, W6331, Chief Secretary to Chief Commissioner of Police re: directions to police, August 1917; Commonwealth Solicitor General to Chief Commissioner of Police, 6 November 1917; on arrests of speakers see same file Superintendent Davidson to Chief Commissioner of Police re: attendance at meetings at Yarra Park, 1 April 1917; Sub-Inspector Sellwood to Chief Commissioner of Police re: meeting in Treasury Gardens, 31 September 1917.

you need'. Even more alarming perhaps was the women who claimed she had been ordered out of the way by a constable shouting 'we are out to kill'. The Chief Commissioner of Police was careful to note on the files when forwarding them to the Superintendent: 'Great care should be taken that they are not mislaid and are carefully returned to my office'.<sup>87</sup> While the veracity of these letters might be questioned, it seems likely that repressive police actions in this instance resulted more from antagonisms between rank-and-file policemen and returned soldiers than from official directives.

The role of the police in gathering intelligence and in suppressing political dissent was an important one, but police administrators and government did not take the loyalty of front-line police for granted. In 1917, debates in parliament over the best means of preventing street riots explicitly linked the pay and conditions of policemen to their efficiency in suppressing dissent.<sup>88</sup> Conservative police officials such as Chief Commissioner George Steward, perhaps acutely attuned to internal threats from his time in the Counter Espionage Bureau, anxiously assessed the potential loyalty of policemen in the event of a breakdown of social order. Steward remarked to the Chief Secretary in early 1919 'I regard the immediate prospects of the State, from an industrial point of view, with some concern. I am of the opinion that it is quite within the bounds of possibility that the loyalty of this force will be tested as it has never been tested before.'<sup>89</sup> There is some indication also that rank and file policemen did not relish their role in enforcing public order. In 1920, ordinary policemen viewed an upcoming Royal Visit with trepidation, fearing they would face 'the aftermath of grave unrest, partly due to economic pressure'.

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<sup>87</sup> VPRS 807/703, A9062, File: Peace Day Riots in City, see especially Returned Sailors and Soldiers Imperial League of Australia to Chief Commissioner of Police, 22 July 1919; Chief Commissioner of Police to Sub-Inspector Davidson, 22 July 1919.

<sup>88</sup> *Victorian Parliamentary Debates*, 1917, vol. 147, 25 September 1917, pp. 1739-1754.

<sup>89</sup> VPRS 807/698, A6842, Chief Commissioner of Police to Chief Secretary, 15 May 1919.

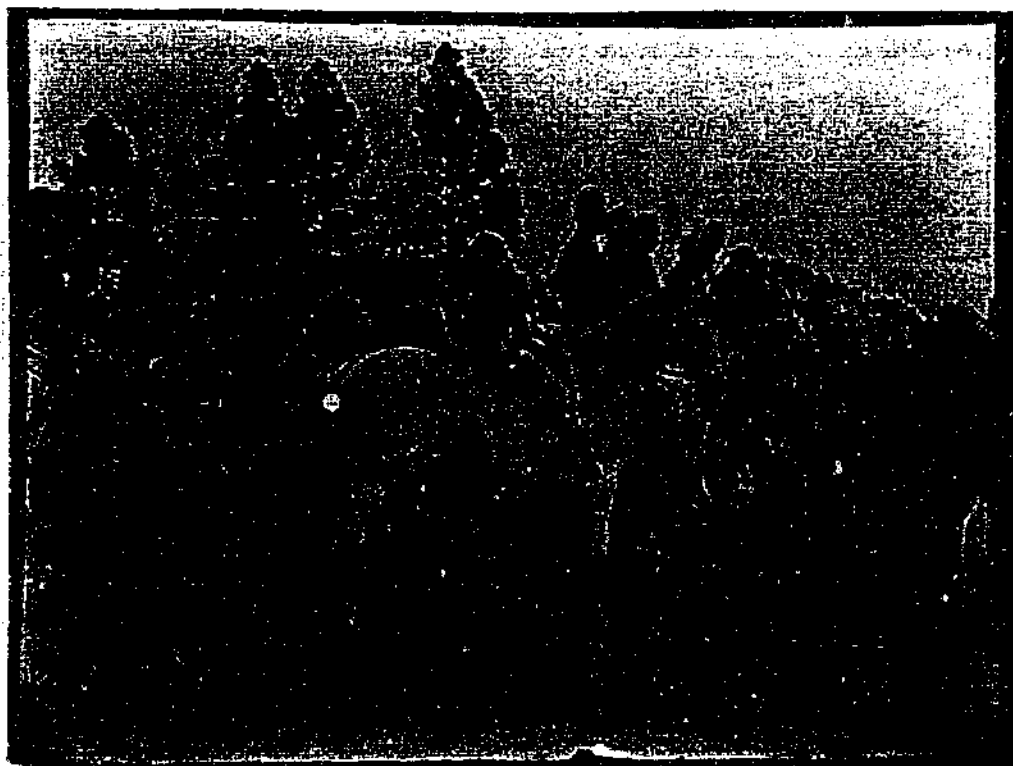
Members of the Police Association glanced back nostalgically to the 'joyous mood' of Federation celebrations in 1901 as a bitter and divided society inhabited a public space over which they felt an increasingly tenuous hold.<sup>90</sup>

The role of police in suppressing riot and political dissent and as a source of intelligence gathering for government was long-standing. In terms of police duties, collecting intelligence from political meetings or acting in concert in riot situations were both infrequent occurrences. Closer examination of specific examples reveals complex relationships between governments, police administrators and ordinary policemen. Despite the infrequency of the police 'emergency' function, it remained a powerful consideration in the organisation of policing. Strict discipline, the use of military drill in training and the co-ordination of police communications were all to some extent designed to facilitate the rapid assembly of a force capable of quelling internal disturbances.

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<sup>90</sup> *Police Journal*, vol. 2, no. 2 May 1920, p. 1.

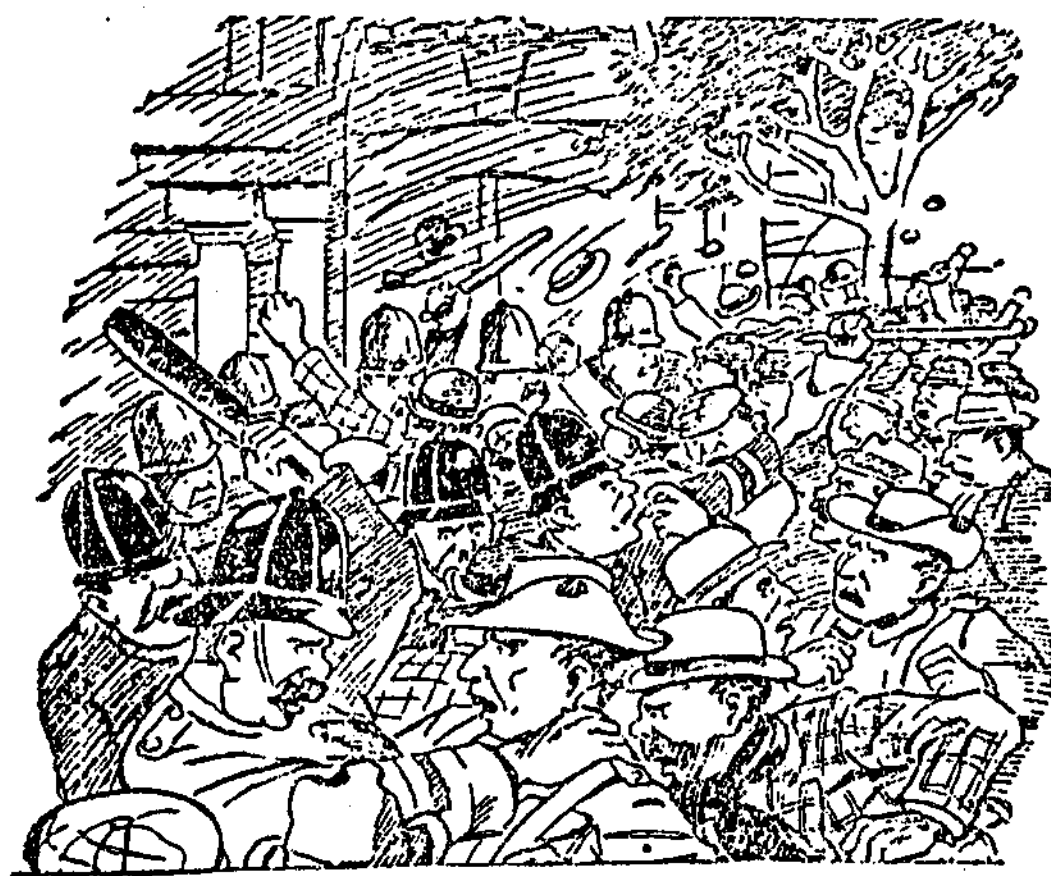
Illustration 5.1



*"Mounted Police in the Domain, 1901."  
Mounted Police were often called upon to assist in controlling crowds.*

Courtesy of State Library of Victoria

Illustration 5.2



**DISTURBANCE IN SWANSTON ST.—HANDCUTS AND BATONS.**

*"Police clash with soldiers in Swanston Street."*

*The Truth, 17 October 1914. p. 5.*

## CHAPTER 6

### POLICE, PEOPLE AND VICE

After 1854, Melbourne policing was based upon the preventive principle which stressed community co-operation as the key to achieving public order. Guided by this ideal of policing, the strict enforcement of 'moral' laws—especially those impinging upon working-class drinking and gambling—received little official encouragement. As a result, the attention given by police to the offences of sly-grog selling, after-hours trading by hotels and gambling was sporadic and uneven. Occasional police crackdowns targeted those thought to be members of that great obsession of the mid-Victorian mind—the criminal class. Gambling and illicit liquor trading were only subjects of police concern when they were carried on by those individuals policemen judged to be worthy of watching. The ordinary drinking and gambling that was part of working-class culture was generally ignored by police. Suppression, police argued, was an unrealistic objective, and the public interest was better served by restricting drinking and gambling to specified geographic locations where it could be effectively monitored.

The 1881-83 Royal Commission into the Police Force marks the end of the era in which selective prosecution and discretion characterised the policing of the moral order. Closer police attention given to the moral condition of the population from the 1880s reflected the desires of police administrators to publicly demonstrate reform and efficiency. Police efforts were also motivated by a wider social climate which encouraged the suppression of vice. The social reform movement had its most substantial impact on policing in the 1890s as various groups within Melbourne society, in the wake of depression, rallied to new social causes.<sup>1</sup> The

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<sup>1</sup> Renate Howe, 'Protestantism, Social Christianity and the Ecology of Melbourne, 1890-1900', *Historical Studies*, vol. 19, no. 74, April 1980, pp. 59-73; see also Anthea Hyslop, 'Temperance,

ascendancy of urban middle classes backed by a political brand of Protestantism, the phenomenon sometimes referred to as Wowserism, drew the victimless crimes of drinking and gambling into the centre of the political arena. Middle-class reformers expected the police not only to suppress disorder, but also to instil certain values and behaviours into those they policed.<sup>2</sup>

### 6.1 Police and the liquor trade

The ubiquity of public houses in Melbourne's during the 1850s was a feature of the city often remarked upon by visitors. Ellen Clacey believed the most thriving trade in goldrush Melbourne was keeping a hotel or public house. She further commented that such establishments were the resort of 'the most ruffianly characters'.<sup>3</sup> Other visitors to the city in the early 1850s recorded similar impressions, describing public houses as sites of danger and disorder. John Sadleir recalled arriving in Melbourne in 1854 when licensing regulations existed which, he considered, 'contained many strict provisions for good order to be maintained in all places

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Christianity and Feminism: The Woman's Christian Temperance Union of Victoria, 1887-97', *Historical Studies*, vol. 17, no. 66, April 1976, pp. 27-49.

<sup>2</sup> See for example, Michael McKernan, 'An Incident of Social Reform, Melbourne 1906', *Journal of Religious History*, vol. 10, no. 1, June 1978, pp. 70-85; Mark Finnane, 'The Politics of Police Powers: The Making of the Police Offences Acts' in Mark Finnane (ed), *Policing in Australia: Historical Perspectives*, New South Wales University Press, Kensington, NSW, 1987, pp. 98-99; Cf. also Richard Broome, *Treasure in Earthen Vessels*, University of Queensland Press, St Lucia, 1980, Chapter 7; Stefan Petrow, 'Creating an Orderly Society: The Hobart Municipal Police 1880-1898', *Labour History*, no. 78, November 1998, p. 176; This mirrored similar trends in the United States, Canada and Britain, cf. Robert M. Fogelson, *Big City Police*, Harvard University Press, Cambridge, Mass., 1977, pp. 40-42; Nicholas Rogers, 'Serving Toronto the Good: The development of the city police force', in Victor L. Russell (ed), *Forging a Consensus: Historical Essays on Toronto*, University of Toronto Press, Toronto, 1984, pp. 133-34; Helen Boritch and John Hagan, 'Crime and Changing Forms of Class Control: Policing Public Order in "Toronto the Good", 1859-1955', *Social Forces*, vol. 66, no. 1, pp. 324-325; Carolyn Strange & Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1867-1939*, University of Toronto Press, Toronto, 1997; Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914*, Oxford University Press, Oxford, 1994.

<sup>3</sup> Mrs Charles Clacy, *A Lady's Visit to the Gold Diggings of Australia in 1852-53 written on the spot by Mrs Charles Clacy* (ed. Patricia Thompson) London, 1963 (original 1853) pp. 23-24.



where the sale of liquor was permitted'. If the black-letter law granted police substantial power over public houses there seemed little enthusiasm in the booming goldrush centre for enforcing its provisions. According to Sadleir, licensing laws were 'more honoured in the breach than in the observance' and he remembered the 1850s as a period when public houses were dangerous zones of criminality into which 'no decent man could safely enter'.<sup>4</sup>

Sadleir was not alone in disapproving of an unfettered liquor trade, and in post-goldrush Victoria colonial authorities, fearing the adverse social consequences of alcohol, considered tighter regulation. The connection between numerous public houses and colonial drunkenness formed the focus of a Select Committee in 1854, which considered the practicality of introducing the Maine Liquor Law, a statute in that part of the United States enforcing total prohibition.<sup>5</sup> While the Committee argued in its report that total prohibition was impracticable in the colony, it was convinced that the quantity of ardent spirits consumed was 'enormous' and that an urgent need existed both for the limitation of the number of licences issued and for greater supervision of public houses by police and the magistracy.<sup>6</sup> In evidence before the Committee, the Reverend John Milton stated that police were 'pretty vigilant' in arresting drunkards in the streets. However, Milton also testified that widespread sly-grog selling went largely unchecked, while Melbourne's ubiquitous 'wretched tap rooms' led to alarming amounts of drunkenness.<sup>7</sup>

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<sup>4</sup> John Sadleir, *Recollections of a Victorian Police Officer*, George Robertson & Co., Melbourne, 1913, pp. 67-68.

<sup>5</sup> Concern over drunkenness and the links between intemperance and crime were echoed across the border in New South Wales in this period, see A.W. Martin, 'Drink and Deviance in Sydney: Investigating Intemperance in Sydney, 1854-5', *Historical Studies*, vol. 17, no. 68, April 1977, pp. 342-360.

<sup>6</sup> Report from the Select Committee of the Legislative Council on Intemperance, 1854, *Votes and Proceedings of the Legislative Council*, 1854, Report, pp. iv-v.

<sup>7</sup> Select Committee on Intemperance, 1854, Testimony of Rev. John L. Milton, M.D., 2 March 1854, Q. 367-370, p. 25.

The 1854 Committee was dominated by two models of liquor regulation, only one of which was actively supported by police. The first was that public houses should be abolished outright, and liquor sold only for private consumption. The simple logic behind the abolition idea was that the removal of public houses would remove the places where the 'criminal class' assembled, thereby preventing 'congregation'. Public drunkenness too, it was argued, would decline if people were compelled to consume liquor in their own home.<sup>8</sup> The second, and more enduring idea, was that all places of refreshment should be subject to greater surveillance by the State. It was this idea which more closely corresponded to the prevailing view of police authorities on licensing until the 1880s. Police administrators consistently argued that laws making behaviour visible facilitated it being monitored and controlled. Laws aiming for total abolition, it was suggested, merely drove illicit activities underground and away from the gaze of the police.

The police operated within a complex web of legislation when policing public houses and the liquor trade. Between 1850 and 1900, there were no fewer than twenty-three acts relating to alcohol passed by the Victorian Parliament, the most significant being those of 1864, 1876 and 1885.<sup>9</sup> Public houses and the drinking habits of the population were the subject of Select Committee investigation in 1854 and 1860. Both Select Committees detected worrying interconnections between public houses, drinking habits and the disturbing rise of a hardened criminal class in the new urban centre. The 1860 Select Committee into the Licensed Publicans Acts attributed a spate of crime to the dancing saloons, concert rooms and billiard and bagatelle tables connected to public houses.<sup>10</sup> Despite these

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<sup>8</sup> Select Committee on Intemperance, 1854, Report, pp. iv-v.

<sup>9</sup> Ann M. Mitchell, 'Temperance and the Liquor Question in Later Nineteenth Century Victoria', MA thesis, University of Melbourne, 1966, p. 15.

<sup>10</sup> Report from the Select Committee upon Licenced Publicans Acts together with the proceedings of the Committee, minutes of evidence and appendices, 1860, *Votes & Proceedings of the Legislative Assembly*, vol. 2, 1859-60, p. iii.

contemporary concerns, policing was characterised by wide discretion. The reasons for this lay with police corruption and attempts to avoid alienating the police force from the community.

Police endured some criticism for failing to enforce the licensing statutes, but they could be excused for being reluctant to enforce laws which were notoriously unpopular. Attempts by police to entrap sly-grog sellers using plain clothes constables, disguises and informants in the early 1850s had sparked hostile confrontations with communities, who regarded access to liquor as a legitimate right. In 1856, the Acting Chief Commissioner of Police, Charles MacMahon, informed the Chief Secretary that it was impossible to use ordinary preventive police to secure sly-grog convictions 'without bringing them into collision with the people'. MacMahon advised that the possibility of police suppressing sly-grog selling was remote, as 'nothing would put a stop to the crying evil of sly-grog as it is not regarded as an offence by the major portion of the population'.<sup>11</sup> MacMahon's disinclination to employ preventive police to suppress sly-grog selling was continued by his successor Frederick Standish. In one of his rare 'annual reports' to the Legislative Assembly in 1859, Standish noted:

so far as regards the police force there has been no objection to constables purchasing sly grog when in uniform for the purpose of securing convictions, but it has been found necessary to discourage the practice of assuming disguises to attain this object, as such a course tended to produce a strong feeling of antagonism between the public and the constabulary.<sup>12</sup>

To avoid placing preventive police at odds with the public, a force of 'revenue police', employed exclusively to suppress sly-grog selling, were trialed from 1855. Widely despised and labelled 'common informers' by the Press, the

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<sup>11</sup> VPRS 1189/631, Acting Chief Commissioner of Police to Chief Secretary re: Sly-grog selling, 17 January 1856.

<sup>12</sup> Police Department, Report of the Chief Commissioner for the year 1859, p. 7.

revenue constables were removed from duty in 1859.<sup>13</sup> Chief Commissioner Standish regarded the employment of the revenue constables as a misguided policy, which served to create 'ill-feeling and animosity' between police and community. The widespread unpopularity of the 'revenue police' was demonstrated when ordinary police were called upon to protect them from attack—such were the animosities their tasks aroused amongst the public. The use of disguises by ordinary police to secure convictions for sly-grog selling had similarly negative consequences. Alienated from the communities they policed, such men were quickly rendered useless for the regular duties of a constable, which required a degree of local co-operation. Standish concluded that the use of such clandestine methods to enforce unpopular laws only demoralised the constables involved and undermined the role of police as protectors of the community.<sup>14</sup> Melbourne's Police Magistrate, Evelyn Sturt, appearing before the same Committee, largely endorsed Standish's views. While Sturt perceived merit in the idea of a special licensing force, he concurred that the employment of ordinary police to detect sly-grog sellers resulted in a 'very disagreeable collision with the public'.<sup>15</sup>

While police focused significant attention on the problem of public drunkenness, it was extremely rare for either sly-grog sellers or licensed publicans to be prosecuted.<sup>16</sup> The concerns raised in 1854 had some impact on policing, with

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<sup>13</sup> VPRS 1189/631, 55/13080, Acting Chief Commissioner of Police to Chief Secretary re: discontinuance of using members of preventive police in sly-grog cases, 8 October 1855; VPRS 1189/631, R55/13982, Acting Chief Commissioner of Police to Chief Secretary re: to be called 'Revenue Police' rather than Detective Constables, 25 October 1855; for 'common informers' see *Argus*, 8 December 1855, p. 6; VPRS 1200/1, 'Circulars and Orders 1858-1860', Chief Commissioner of Police, 59/136, re: no more revenue constables to be engaged, 19 January 1859, p. 3.

<sup>14</sup> Select Committee on Licenced Publicans Act 1860, Testimony of F.C. Standish, Chief Commissioner of Police, 7 March 1860, Q. 821 & 822, p. 36.

<sup>15</sup> Select Committee on Licenced Publicans Act 1860, Testimony of E.P.S. Sturt, Police Magistrate, 20 February 1860, Q. 494, p. 22.

<sup>16</sup> On the policing of public drunkenness see Chapter Two, pp. 98-101.

sporadic police efforts in the following year. Constable Wright of B Division, for example, was recommended for a reward in 1855 after securing seventeen convictions against unlicensed spirit merchants while on special duty.<sup>17</sup> Nevertheless, Constable Wright's actions remained exceptional, and by the late 1850s few constables were making any effort to suppress sly-grog selling. Asked by the 1860 Select Committee what checks police made on illicit liquor sellers, Chief Commissioner Standish candidly replied 'there is hardly any; I may almost say there is none'.<sup>18</sup>

Police reluctance to prosecute infringements of liquor laws in the mid-nineteenth century rested upon a strong belief that acting as the agents of unpopular legislation would ultimately damage the public legitimacy of the police. The police force of Melbourne was structured along the lines of the preventive model. Constables were ideally to seek the co-operation of the community they policed wherever possible, and in turn it was hoped they would be a respectable body of men commanding the admiration of the community. Covert operations to entrap sly-grog sellers—operations which bore the taint of spying—undermined the preventive ideal of urban policing, which envisaged the police and community working in a partnership geared towards civic order.

Coupled with a disinclination to enforce unpopular laws, police administrators displayed a marked reluctance to advocate stricter legislation. Testifying before the 1860 Select Committee, Chief Commissioner of Police, Frederick Standish, argued that legislation to suppress sly-grog sellers would prove inoperable, and it would be more realistic if they were licensed by the State and left to continue their trade. Standish suggested licensing would have the advantageous

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<sup>17</sup> VPRS 937/283, Bundle 1, E.P.S. Sturt, Police Magistrate to Chief Commissioner of Police re: recommends Constable Wright receive reward, 26 March 1855.

<sup>18</sup> Select Committee on Licenced Publicans Act 1860, Testimony of F.C. Standish, Chief Commissioner of Police, 7 March 1860, Q. 826, p. 38.

effect of rendering liquor sellers transparent to police surveillance, thereby allowing regular monitoring of their activities and their customers.<sup>19</sup> Rather than surreptitiously drinking in oyster shops or lodging houses, the city's drinkers would then be clearly visible and identifiable. A similar attitude prevailed regarding night licences. Night licences were a great boon according to Melbourne's Police Magistrate Evelyn Sturt, who pondered that if they were abolished:

many of the loose characters, instead of returning to their homes, would have their meetings in places where they would not be under the surveillance of the public or the police, and that would lead to scenes of drinking which would be carried on in their own private domiciles, and there would be no proper restraint over them, they would not be under the eye of the police.<sup>20</sup>

The preoccupation with surveillance, and the perception of 'low' public houses as resorts of the criminal class, dictated selective policing strategies targeting individual public houses identified as breeding grounds of crime. Police administrators had little interest in the individual morality of the drinker. Police concerns centred around the more immediate issues of public order and the perceived association between 'low' public houses and the 'criminal class'. This police view, one which favoured the maintenance of public order over the imposition of morality, explains the police reaction against the 1864 *Wines and Spirits Sale Act*.

The *Wine and Spirits Sale Act 1864* provided for 'night licences', which permitted public houses to remain open 'from twelve o'clock at night until six of the clock in the morning'. Combined with the normal trading hours prescribed by a publican's licence, a night licence allowed twenty-four hour trading, with the

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<sup>19</sup> Select Committee on Licenced Publicans Act 1860, Testimony of F.C. Standish, Chief Commissioner of Police, 7 March 1860, Q. 837-850, pp. 38-39; Charles MacMahon, the former Chief Commissioner of Police also suggested the licencing of sly-grog sellers see Testimony of Charles MacMahon, 7 March 1860, Q. 983-984, p. 46; this view was also supported by Charles Nicolson, Superintendent of Detectives, see Testimony of Charles Nicolson, 17 February 1860, Q. 17, p. 2 advocating licencing to prevent 'assemblies of bad characters'.

<sup>20</sup> Select Committee on Licenced Publicans Act 1860, Testimony of E.P.S. Sturt, Police Magistrate, 29 February 1860, Q. 479, p. 21.

exception of Good Friday and Christmas Day.<sup>21</sup> The Act became the subject of a Royal Commission in 1867 which condemned its liberal provisions as pernicious. The Commission blamed the Act for an explosion of 'dirty, incommodious, and unfurnished drinking shops' in Melbourne sprinkled amongst respectable hotels and harbouring 'the worst type of characters'. Included in the general condemnation of the Act were specific complaints about the indiscriminate granting of licences, the insufficient power given to the police over licensed houses and the deleterious effects of beer and grocers licences which allowed shopkeepers to compete for trade with publicans.<sup>22</sup>

Police testimony before the 1867 Royal Commission demonstrated the growing interest of police administrators in actively shaping legislation. Such interest stemmed from concerns that an unfettered liquor trade disguised the criminal class from the gaze of the police. Senior police officials argued that the 1864 Act diminished police powers of surveillance and worked to conceal the criminal class from official scrutiny. Chief Commissioner Standish claimed the worst consequence of the new Act had been the indiscriminate granting of night licences which transformed low public houses into round-the-clock havens for the criminal class. Standish maintained that night licences were generally granted to the worst class of public houses which functioned as 'the rendezvous of thieves, prostitutes, and vagabonds'. With weak legislation that granted police few powers, Standish claimed police were prevented from maintaining surveillance over 'low' public houses which were responsible for 'a great deal of mischief'.<sup>23</sup>

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<sup>21</sup> *The Wines, Beer and Spirits Sale Statute*, 1864, pt. 1, s. 11; see also Sadler, *Recollections*, pp. 128-29.

<sup>22</sup> Report of the Royal Commission appointed by His Excellency to enquire into and report upon the operation and effect of the Wine and Spirits Sale Statute, together with minutes and appendices, 1867, *Victorian Parliamentary Papers*, vol. 5, 1867, Report, p. 6.

<sup>23</sup> Royal Commission into the Wine and Spirits Sale Statute, 1867, Testimony of F.C. Standish, Chief Commissioner of Police, 22 August 1866, Q. 349, p. 18.

Illustration 6.1



"Evening Service." Police in the 1850s were reluctant to suppress illegal liquor trading, fearing it would alienate local communities.

Melbourne Punch, 21 February 1856. p. 21.



Senior police officials unanimously agreed that night licences provided a rendezvous for the criminal class in low public houses, but they displayed considerable ambiguity in their response to Sunday trading regulations. Fielding allegations of inaction, police administrators claimed cumbersome provisions within the law—including that police were unable to enter a public house without a note from a superior officer or a magistrate—left them powerless over rife Sunday trading. By the time a constable returned with a note, Sunday drinkers had taken flight and the bar was deserted. The Superintendent of Detectives, Charles Nicolson, reported that some public houses kept a man at the door employed specifically to watch for the approach of the police.<sup>24</sup> While police administrators were quick to blame the weakness of the law for the paucity of Sunday trading convictions, they displayed little enthusiasm for enacting stricter regulation. Questioned as to how the law might be strengthened to grant police power over Sunday trading by hotels, Superintendent Nicolson suggested allowing police to enter public houses might facilitate effective enforcement but would ultimately prove futile as, 'ways and means would be found of evading it'. Nor did Nicolson feel it was necessarily desirable to eradicate Sunday trading, as he, along with large segments of Melbourne's population, considered access to beer on Sunday to be a legitimate right of working people. Nicolson reasoned that strict enforcement of Sunday trading regulations would be manifestly unjust, as 'a great many people drink draught beer, and as they want a glass of beer at mid-day for dinner, they should be allowed an opportunity of getting it'.<sup>25</sup>

Police ignored a great deal of Sunday trading, but they did use their power under the law to target individual public houses considered to be havens of the

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<sup>24</sup> Royal Commission into the Wines and Spirits Statute, 1867, Testimony of Charles Hope Nicolson, Superintendent of Detectives, 7 March 1866, Q. 1961, p. 110; for the need to produce authority before entering a public house see also *Victoria Police Gazette*, 1 April 1873, p. 83.

<sup>25</sup> Royal Commission into the Wines and Spirits Statute, 1867, Testimony of Charles Hope Nicolson, Superintendent of Detectives, 7 March 1866, Q. 1962-1964, p. 110.

criminal class. It was not without irony that police attention was directed towards Sunday traders by powerful interests within the liquor trade. Police surveillance which focused on the poorest public houses overlapped with the interests of a powerful lobby group, the Licensed Victuallers Association. In the 1870s, the Licensed Victuallers Association, the political arm of wealthy brewing interests, operated its own spy system providing police with information on poorer publicans trading after hours.<sup>26</sup> A close relationship was subsequently established between the Licensed Victuallers Association and police to the detriment of Melbourne's 'lower class' taverns.<sup>27</sup> Aggrieved, poorer publicans complained about the partisan efforts of police to maintain vigilance over public houses, claiming that 'the police as a body allow the wealthy portions of the publicans to dispose of liquors in any quantity while those who are considered poor are pounced upon'.<sup>28</sup> The provisions against Sunday trading were particularly resented as granting police excessive discretionary power, and, as the law was openly flouted, it was argued by publicans that overly strict regulations served to 'accustom the people to systematic law-breaking'.<sup>29</sup> Stricter enforcement of the Sunday trading regulations excited fervent resentment amongst hotel patrons, some venting their frustrations upon publicans by hurling rocks through the windows of public houses which denied them a Sabbath beer.<sup>30</sup>

The piecemeal initiatives taken to suppress Sunday trading in the 1870s demonstrated the unpopularity of the legislation and the community resistance police could anticipate when enforcing widely disrespected laws. Nevertheless,

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<sup>26</sup> *Age*, 8 February 1870, p. 2.

<sup>27</sup> Bronwyn Higgs, 'The Licenced Victuallers Association of Port Phillip (1845-1910)', BA Hons thesis, LaTrobe University, 1993, pp. 27-8.

<sup>28</sup> *Argus*, 19 March 1879, pp. 4-5.

<sup>29</sup> *Argus*, 19 March 1879, p. 5.

<sup>30</sup> Higgs, 'The Licenced Victuallers Association', p. 63.

police explanations for their failure to limit the extent of Sunday trading rested on more than community resistance to the law. Men on the beat frequently cited the stealth of publicans as a major impediment to suppressing Sunday Trading. In 1877 a letter arrived on the Chief Commissioner's desk from a private citizen who complained that all the hotels in King Street were flagrantly serving liquor on Sunday, and worse, that behind their doors 'card playing ruled supreme'. Two plain-clothes constables sent to investigate the complaint failed to uncover any evidence, and offered the excuse that 'although many of the hotels are trading they are doing it in such a guarded manner that the constables failed to detect any of them offending'.<sup>31</sup> Questioned before the Royal Commission on Police in 1882, Chief Commissioner Chomley stated that the Sunday trading laws were a dead letter, as when police attempted to enforce the law 'the whole country is against them pretty nearly'. Chomley retained unpleasant memories of his time at Geelong when, he recalled, 'the bench was against me, and everybody was against me'. This widespread disrespect for the law had, by 1882, rendered the regulations against Sunday trading virtually inoperative.<sup>32</sup>

The popularity of drink amongst the population was not the only reason Sunday trading continued to flourish. The poor record of police in obtaining convictions in the Magistrates Courts in Sunday trading cases was a further disincentive to rigorous enforcement of the law. Indeed the determined constable who pursued a case into the courtroom confronted an unenviable experience. Constable Patrick Bourke believed that police were demoralised by magistrates, as their evidence was frequently disregarded by the Bench. Bourke recounted the typical scenario of police on trading duty; 'you watch a place for days and days, and get the best evidence, and the other side's counsel fight and fight, and the bench

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<sup>31</sup> VPRS 937/298, Police Report on Sunday Trading in King Street, 12 September 1877.

<sup>32</sup> Royal Commission on Police, 1883, Testimony of H.M. Chomley, Chief Commissioner of Police, 12 March 1882, Q. 498-499, p. 18.

seems inclined to go with them'. Constables bemoaned their treatment inside the courtroom, where they were attacked by solicitors enjoying the favour of magistrates on intricate points of law. In Constable Bourke's experience, the magistrate would then 'dispose of the case and turn round and look at you as if you were a dog'.<sup>33</sup> In these circumstances many foot constables chose to ignore the lines of people passing through the side doors of public houses on a Sunday. The substantial disincentives from within and without the police force, which culminated in humiliation before the bench of magistrates, made looking the other way an attractive option for ordinary policemen.

Much of the attitude of licensing magistrates can be explained by their financial holdings in the hotels which were subject to police prosecutions.<sup>34</sup> Equally discouraging for those desiring stringent policing of public houses however, was the continued existence of close relationships between publicans and police at all levels of the Department. Officially, police regulations had recognised the fertile ground for corruption which existed between police and publicans. The 1853 *Police Regulation Act* specifically forbade the appointment to the police force of anyone 'who shall keep a house for the sale of beer, wine and spirituous liquors for retail'. Later regulations also contained provisions for punishing publicans serving liquor to constables on duty.<sup>35</sup> In 1867, the Royal Commission into the Wines and Spirits Statue was disturbed to discover that ordinary police were performing nightly duty at many Melbourne hotels and were paid directly by publicans. The commissioners suggested that this would create 'collusion with the keepers' and give police 'a direct pecuniary interest in the existence of those houses'. The Superintendent of

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<sup>33</sup> Royal Commission on Police, 1883, 'Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1083 & Q. 1098, p. 38.

<sup>34</sup> Bernard Barrett, *The Civic Frontier: The origin of local communities and local government in Victoria*, Melbourne University Press, Melbourne, 1979, pp. 111-115.

<sup>35</sup> *Police Regulation Act 1853*, s. 7; *Police Regulation Act 1865*, pt. 2, s. 21; *Police Regulation Act 1873*, pt. 1, s. 10.

Melbourne Police conceded that paid work for publicans by policemen was 'certainly an increase' but, somewhat unconvincingly, went on to offer the justification that 'they do not care that much about it'.<sup>36</sup> Through such an arrangement, the police institution held out an open invitation to corruption amongst a poorly paid constabulary. Historically, the extent of other informal understandings between police and publicans is impossible to measure, as by their very nature, there was a vested interest in keeping them concealed.<sup>37</sup> The temptations held out by publicans were sufficiently widespread however, for John Barry to see fit to warn that 'when a publican asks a constable to drink, the latter must know that he is asked simply because he is a constable, and not because of any personal friendship'.<sup>38</sup>

At a higher level, more damaging evidence of close links between the liquor interest and senior police officials surfaced during the hearings of the Royal Commission on Police held between 1881 and 1883. Foremost amongst the accused was the Superintendent of Melbourne Police, Frederick Winch. Winch was charged with a long list of offences including borrowing money from publicans, removing police who enforced Sunday trading laws and actively suppressing summonses issued against publicans.<sup>39</sup> Melbourne's superintendent was a powerful symbol of 'the scandal and demoralisation of the entire force' and was subsequently removed. Winch, however, appeared to be only one example of a far more entrenched culture of corruption. At a more general level, the liquor interest was rumoured to exert a

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<sup>36</sup> Royal Commission into the Wine and Spirits Sale Statute, 1867, Testimony of T. Hamilton Lyttleton, Superintendent of Police, 1 August 1866, Q. 152-162, pp. 6-7.

<sup>37</sup> For the problem of investigating police corruption see Finanne, *Police and Government*, p. 171.

<sup>38</sup> John Barry, *Victoria Police Guide*, p. 3.

<sup>39</sup> Royal Commission on the Police of Victoria, Ad Interim Report, *Victorian Parliamentary Papers*, vol. 3, 1882-3.

powerful political influence through members of Parliament credited with blocking men from promotion if they were overly attentive to licensing regulations.<sup>40</sup>

Collusion between powerful liquor interests and senior police officers became a key marker of police dissipation in the early 1880s. The final report of the Royal Commission, produced in 1883, explicitly linked a corrupt and inefficient police force with the moral condition of the city. In their final report, the commissioners remarked that the 'paralysed condition of the force' was directly responsible for 'the state of the metropolis in relation to public morals'. The commissioners laid the blame for the prevalence of prostitution and gambling with the police, but at the heart of their complaints was the public house, and 'the impunity with which the law is evaded by low-class publicans'. Indeed, Melbourne's moral collapse was largely attributed to 'disreputable houses' which were 'the recognised haunts of the vicious and criminal classes, for whose accommodation they are made accessible at all hours of the day and night'.<sup>41</sup>

The significance of the commission's report was that police reform was tied to stricter 'moral' policing. Following the commission, the active suppression of low public houses, along with the vices of prostitution and gambling, became an important public symbol of police efficiency and integrity. The efforts of police administrators to portray an efficient police force expunged of corruption coincided with the growth of a powerful lobby group calling for licensing regulation—the temperance movement. For the advocates of Temperance, public houses had far greater significance than providing a rendezvous for the criminal class. The public house represented a broader social blight undermining the sanctity of family and home. While police may have remained unperturbed by a well-run public house in their district, temperance advocates afforded no such leniency.

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<sup>40</sup> Royal Commission on Police, 1883, Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1129, p. 39.

<sup>41</sup> Royal Commission on Police, 1883, General Report, pp. vii-viii.

Illustration 6.2

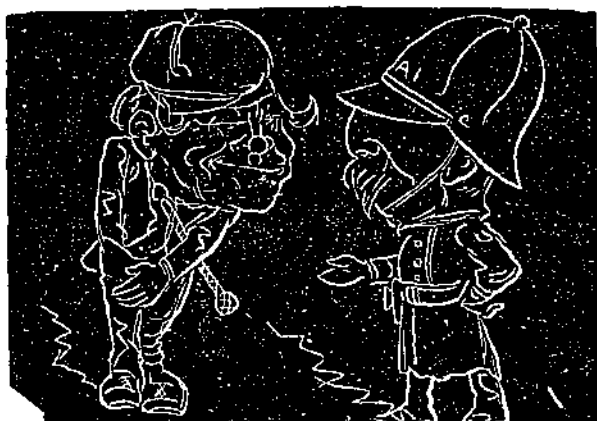


SOCIAL MEETING (QUITE "PERMISCUOUS") BETWEEN  
POLICEMAN BOOZEY AND SERGEANT STARCH.

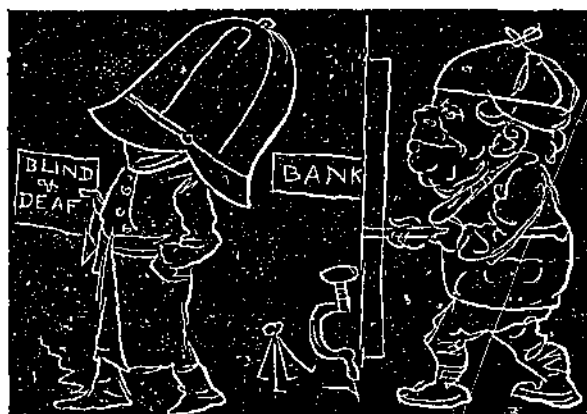
*"Social Meeting (quite 'permiscuous') Between Policeman Boozey and Sergeant Starch."  
Relationships between publicans and beat constables were officially discouraged although  
they were probably common.*

*Melbourne Punch, 19 October 1865. p. 136.*

# POLICE PURITY.



1. CONSTABLE A1, TO "WILLIAM THE NUT."—"Have you got such a thing as half-a-crown about you?"
2. HOTEL PROPRIETOR.—"Drink away, gents, I never charge the likes of you anything; only too proud, and honoured to have you in my house."



3. Pancy sequel to the above.

4. *Ditto.*

"Police Purity." Police corruption was closely linked to the enforcement of licensing laws following the hearings of the Royal Commission on Police, held between 1881 and 1883.

Melbourne Punch, 10 August 1882. p. 60.



Temperance had a long history in Melbourne. In 1837, two Quaker missionaries from England, Backhouse and Walker, had established a short lived society in Melbourne. Other groups had arisen in the 1840s, the most important being the Melbourne Total Abstinence Society, established in 1842, and the Father Matthew Society, founded by Victoria's first Roman Catholic Priest, Father Geoghegan. In the 1850s temperance forces withered in the exuberant gold rush climate, but various temperance societies continued agitating for liquor law reform in the 1860s and 1870s.<sup>42</sup> The temperance movement gained momentum in the following decade. In 1880 Melbourne played host to an International Temperance Convention, which gave rise to the Victorian Alliance for the Suppression of the Liquor Traffic, a group which co-ordinated various temperance groups in a concerted political alliance.<sup>43</sup> In 1885 Victoria introduced local option legislation which limited the number of hotels, allowing some to be closed, while prohibiting the construction of new ones in areas that voted 'dry'.<sup>44</sup> The temperance movement drew strongly on non-conformist ideals of thrift, self-reliance and sobriety and formed a political force. Deriving their ideals and rhetoric from temperance movements in the United States and Britain, the movement condemned drink as the cause of disease, insanity, crime, marriage breakdown, poverty and any other social canker threatening the sanctity of family life.<sup>45</sup> There was also considerable female

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<sup>42</sup> Anthea Hyslop, 'Temperance, Christianity and Feminism: The Woman's Christian Temperance Union of Victoria, 1887-97', *Historical Studies*, vol. 17, no. 66, April 1976, pp. 29-30; on early temperance see Michael Roe, *Quest for Authority in Eastern Australia 1835-1851*, Melbourne University Press, Melbourne, 1965, pp. 187-190; on the growth of temperance movement in Melbourne see also Diane Kirkby, *Barmaids: A History of Women's Work in Pubs*, Cambridge University Press, Cambridge, 1997, p. 92.

<sup>43</sup> H.G. Rudd & H.T.C. Cox (eds.), *International Temperance Conference, Melbourne, 1880, Papers, Debates and General Proceedings*, Executive Committee, Melbourne, 1880.

<sup>44</sup> David Dunstan, 'Boozers and Wowzers' in Verity Burgmann & Jenny Lee (eds.), *Constructing a Culture*, McPhee Gribble/Penguin, Ringwood, Vic., 1988, p. 120; Mitchell, 'Temperance and the Liquor Question', p. 9.

<sup>45</sup> A.E. Dingle, 'The Truly Magnificent Thirst': An Historical Survey of Australian Drinking Habits', *Historical Studies*, vol. 19, no. 75, October 1980, pp. 239-240; for the temperance

(continued...)

support for the temperance cause, as it merged with a broader political agenda encompassing suffrage alongside a more general attack on vices considered injurious to women and children such as smoking, gambling and sexual indulgence.<sup>46</sup>

While much of the activity of organisations such as the Woman's Christian Temperance Union was directed at legislative change, their public campaigns and outdoor speakers undeniably impacted on the policing of the liquor trade. At the 1880 temperance convention, a resolution had been passed calling for the strict enforcement of Sunday trading laws.<sup>47</sup> Sunday trading was again targeted at a later temperance convention in 1888. The Reverend Ebenezer James, chaplain of the Victorian Seamen's Mission, proposed a resolution calling for the establishment of 'an influential committee of leading citizens and others be appointed to bring the matter under the notice of the authorities' which was passed unanimously.<sup>48</sup> Their influence was clearly evident during the 1880s, when letters from local temperance organisations regularly arrived on the Chief Commissioner's desk reporting hotels trading on Sunday and after-hours and requesting police intervention.<sup>49</sup> In 1891 the Burnley Branch of the Woman's Christian Temperance Union wrote urging police 'to take active measures to check the flagrant violation of the Sunday closing laws at the hotels in our neighbourhood'. While Burnley police reported that there was 'very

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movement in Britain see Brian Harrison, *Drink and the Victorians: The Temperance Question in England 1815-1872*, Faber and Faber, London, 1971.

<sup>46</sup> Dunstan, 'Boozers and Wowsers', pp. 119-120; Hyslop, 'Temperance, Christianity and Feminism', p. 39.

<sup>47</sup> Rudd & Cox, *International Temperance Convention*, p. 39.

<sup>48</sup> *Temperance in Australia: the memorial volume of the International Temperance Convention Melbourne 1888 containing papers and correspondence and full reports of the General Proceedings*, Temperance Book Depot, Melbourne, 1889, p. 276.

<sup>49</sup> See for example VPRS 937/319, Report of Constable McNolan re: Sunday trading at Royal George Hotel, 14 November 1886; for similar request see also VPRS 937/311, Temperance Hall to Chief Commissioner of Police re: Sunday trading extensively carried on at Grosvenor Arms Hotel & Alma Hotel, 21 July 1884.

little to complain of', the Burnley Branch of the WCTU had succeeded in directing police attention.<sup>50</sup> Police practice was clearly influenced by the broader politics of temperance, but much ground level policing was shaped by the local strategies of organisations such as the WCTU, which targeted the local police station as the front line of the war on drink and dictated where, and on what, the police should focus their attention.

Ordinary police might well have been less than enthusiastic about the local campaigns of temperance advocates. Nevertheless, the temperance cause easily meshed with the desires of police administrators to publicly demonstrate police reform. In tandem with, and partially resultant from, the public pressure of the temperance movement, police were encouraged to more actively seek out Sunday trading offences. This was reflected in the more proactive role for the police advocated by John Barry in his *Victoria Police Guide* published in 1888. Commenting on the recent *Licensing Act* of 1885, Barry believed that the law was 'settled for some time to come' but went on to advise constables that 'a badly conducted public house is a continual source of trouble to the police and of annoyance to the public'.<sup>51</sup> Despite revision of the law, police still found it difficult to gain successful prosecutions against publicans. The suppression of Sunday trading was the device most commonly resorted to by police in their efforts to procure prosecutions against publicans. Barry was of the opinion however that eagerness to secure prosecutions led police to overstep the provisions of the *Licensing Act* in ways that were flagrantly illegal.

Under the auspices of the 1885 *Licensing Act* and the pressure of temperance advocates, police action against Sunday trading intensified. In 1886, Superintendent Sadleir reported to the Chief Commissioner of Police that 'the police

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<sup>50</sup> VPRS 937/334, Bundle 4, Women's Christian Temperance Union, Burnley Branch to Chief Commissioner of Police, 26 December 1891; Report of Sergeant McCoppin, 6 January 1892.

<sup>51</sup> John Barry, *Victorian Police Guide*, p. 108.

have been taking more active steps in this matter, and have given more constant attention to the enforcement of the law in Melbourne and suburbs than they ever did before'. Despite Sadleir's claims of increased vigilance, he was also compelled to remark that 'I cannot report that the results have been altogether satisfactory'. Police efforts seemed to yield limited results. Sadleir could only report a slight decline in arrests for public drunkenness on Sundays, which he conceded was hardly significant as they 'were at no time numerous'.<sup>52</sup>

Police attributed the limited results of the campaign against Sunday trading to the adeptness publicans demonstrated in devising fresh means of evading the law. Sadleir mournfully noted that 'the more persistently do the Police endeavour to enforce the law as regards Sunday trading, the more cautious do the publicans become in their mode of carrying on their trade, and the more unscrupulous in defending themselves by evidence of the most suspicious kind'. Increasing police attention caused many publicans to increase the employment of 'lookouts', who provided them with advance warning of approaching constables. Police reported that many publicans 'have now perfected their arrangements for watching and recognising the police, no matter how they may be disguised ... it has become almost impossible to obtain evidence of a clear charges against them except by chance now and again'. Williamstown police reported that by the time constables arrived at a public house 'everything is in perfect darkness and not a sound to be heard'. Confronted with an apparently hopeless situation, police administrators began exchanging plain-clothes police between suburban stations in an effort to outwit the publicans' lookouts. While such clandestine operations probably offered welcome relief from mundane beat duty, publicans continued to circumvent police surveillance and successful prosecutions remained elusive.<sup>53</sup>

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<sup>52</sup> VPRS 937/318, Bundle 1, Superintendent of Melbourne Police to Chief Commissioner of Police re: Sunday trading by hotels, 22 June 1886.

<sup>53</sup> VPRS 937/318, Bundle 1, Superintendent of Melbourne Police to Chief Commissioner of Police re: Sunday trading by hotels, 22 June 1886; Melbourne Police report re: *Licencing Act 1885*, 21 June

Despite limited successes, police work was facilitated by the steady accumulation of legal powers. By the 1890s, the widening influence of temperance advocates was being reflected in Supreme Court judgements which went against publicans and consequently enhanced police jurisdiction over hotels. The presiding judge in a Supreme Court case against Thomas Nolan, the licensee of the Post Office Hotel in Coburg, ruled that police could object to a licence being renewed if the applicant was shown to be guilty of habitual Sunday trading. Following this Supreme Court ruling, police were instructed to maintain careful records of Sunday trading offences, which could later be presented in Court when troublesome publicans applied to have their licences renewed. Police administrators reasoned that this would at least give police power over 'the most flagrant offenders' against Sunday Trading Laws.<sup>54</sup>

Having gained new powers, police were not reticent in putting them into action. In 1893, a memo was circulated to Inspectors of Licensing Districts advising them that to obtain evidence in licensing cases it was necessary 'to locally employ agents and informers as occasion arises' although police were strictly forbidden to purchase liquor themselves.<sup>55</sup> Greater police vigilance was also indicated by complaints from brewing interests that police were enforcing licensing legislation with excessive zeal. In 1893, Carlton and West End Breweries wrote to the Chief Commissioner of Police complaining of the 'influx of notices referring to the painting, papering and repairing of hotels which is setting in more strongly week after week'. The Brewery pleaded on behalf its tenants, who in the economic

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1886; Report of Constable John Dyer, Williamstown Police re: Sunday trading, 8 March 1886; Report of Senior Constable O'Connor re: Sunday trading in South Yarra and Prahran, 17 June 1886; On the interchange of constables see Police Department, South Melbourne, memo re: *Licensing Act 1885*, 17 June 1886; for a further example of 'lookouts' see VPRS 937/339, Bundle 1, Reports, Constable Hannan & Constable Brennan re: Police on Sunday Trading duty, alleged roughness of behaviour, 6 July 1893, hotel servants employed at back gates 'endeavouring to baffle the police'.

<sup>54</sup> *Victoria Police Gazette*, 26 March 1890, p. 103.

<sup>55</sup> VPRS 807/5, A 3033, Re: Memo to Inspectors of Licencing Districts, 9 May 1894.

climate were struggling to 'make a bare living'.<sup>56</sup> Further instructions issued to police in 1896 to report all suspected cases of illegal liquor sales directly to the Chief Commissioner's office, and to work closely with the Excise Department in detecting licensing offences.<sup>57</sup> Both the temperance crusade and the desire of police administrators to promote the cause of police reform resulted in declining discretion in liquor law enforcement.

Greater police vigilance, and several advantageous Supreme Court rulings, coexisted with an older legacy of magisterial bias in favour of publicans. In 1893 police continued to protest that in Melbourne's inner suburban courts 'decisions are frequently and manifestly against evidence' and that 'questionable evidence' was frequently accepted by the bench.<sup>58</sup> Port Melbourne licensing police complained in 1894 that they continued to labour against prejudiced magistrates, which 'greatly hinders the administration of the *Licensing Act*, and ... greatly encourages false swearing by defendants'.<sup>59</sup> In 1899, Constable Hallett of Carlton also remarked upon the 'fearful amount of perjury' committed by defendants in licensing cases.<sup>60</sup> Despite stringent licensing acts and the growth of the temperance movement, police continued to complain of magisterial bias into the twentieth century. In 1906, when Inspector Gleeson had a case against one hotel dismissed on a technicality, he complained to the Chief Commissioner that 'it is a difficult matter to enforce the

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<sup>56</sup> VPRS 937/339, Bundle 3, Carlton and West End Breweries Ltd. to Chief Commissioner of Police, 16 May 1893; see also VPRS 937/339, Bundle 4, Chief Commissioner of Police, memo no. 1262, 17 May 1893, suggesting licensing inspectors 'give due consideration to the serious prevailing commercial depression and abstain from urging the execution of any but imperative repairs'.

<sup>57</sup> *Victoria Police Gazette*, 12 August 1896, p. 245.

<sup>58</sup> VPRS 937/339, Memo re: Honorary Justices adjudicating in Licensing cases, 25 July 1893.

<sup>59</sup> VPRS 801/1, A1439, Port Melbourne Police memo re: Port Melbourne prosecutions, 1 February 1894; see also attached news clipping *Age*, 19 January 1894; Robert Raturay Smith claimed the amount of perjury in licensing cases was 'simply revolting' see, *A Constable's Experiences*, p. 27.

<sup>60</sup> Report of the Board appointed to inquire into the question of the treatment of Habitual Drunkards, 1899, *Victorian Parliamentary Papers*, vol. 4, 1899-1900, synopsis of evidence, Constable Samuel J. Hallett, p. 36.

*Licensing Act* even when the scales of Justice are impartially balanced but utterly impossible when the aggressive hostility of the presiding magistrate is thrown into the counterpoise'.<sup>61</sup>

Pressure on publicans and their clientele proceeded apace in the 1890s as the temperance movement gained ground. The temperance alliance was able to exert considerable political pressure advocating the notion that the State had a duty to protect individuals from their own private vices.<sup>62</sup> Along with the familiar pleas of temperance advocates, drink also became a focal point for growing social concerns over the question of national efficiency. Increasingly, the problem of individual drunkenness was being medicalised. A Board appointed to investigate the question of habitual drunkards in 1899 pointed to evidence clearly demonstrating that 'most notorious criminals are not drunkards, for the perpetration of serious crimes necessitates sobriety'.<sup>63</sup> Mirroring the medical men and civil servants who sat on the Board, the real criminal was an efficient professional. The Board argued that the drunkard, whose condition had long been judged as an individual moral failing, should be removed from criminal sanction and reclaimed through intense medical intervention and therapy.<sup>64</sup> Such arguments had wider social implications, for the Board also suggested that expanded legislation and active State intervention could remove the source of the drunkard's downfall.

The calls of the Board for greater regulation mirrored the general progressive tendency of the State in the early years of the twentieth century towards

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<sup>61</sup> VPRS 807/291, 4498, Inspector Gleeson to Chief Commissioner of Police, 18 May 1906.

<sup>62</sup> Milton Lewis, *A Rum State: Alcohol and State Policy in Australia 1788-1988*, AGPS Press, Canberra, 1992, p. 60.

<sup>63</sup> Board appointed to inquire into the question of the treatment of Habitual Drunkards, 1899, Report, p. 6.

<sup>64</sup> Board appointed to inquire into the question of the treatment of Habitual Drunkards, 1899, Report, p. 7.

expanded social legislation.<sup>65</sup> The progressive movement in political culture became an amenable vehicle for police demands for increased regulatory powers. In 1899, Constable Hallett used the forum of the inquiry into Habitual Drunkenness to advocate a range of expanded police powers related to hotels and drink. Aside from advocating a substantial increase in the number of police performing hotel duty, Hallett also suggested restrictions on the number of liquor licences, new police powers over wine shops and increased rights of entry for police performing hotel duty.<sup>66</sup> Police were also vocal opponents of the system of 'tied houses', hotels which were under obligation to receive beer from a specific brewer.<sup>67</sup> Far from simply enforcing the laws enacted by Parliament, the police were instrumental in framing of new legislation. As such, their interests often coincided with those of progressive reformers, although their motivations differed considerably. Police voiced utilitarian concerns based on policing experience. They objected to tied houses because they regularly violated the law to maximise their takings, and because they encouraged the congregation of 'the lower portion of the community'. Greater powers of surveillance and entry were sought to facilitate successful prosecutions in court. From a police perspective, licensing restrictions and amplified police powers over hotels were also a means of increasing police control over 'rough' working-class areas.<sup>68</sup>

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<sup>65</sup> On progressive influence generally in this period see Michael Roe, *Nine Australian Progressives: Vitalism in Bourgeois Social Thought 1890-1960*, University of Queensland Press, St. Lucia, 1984; see also Stuart Macintyre, *The Succeeding Age 1901-1942: Oxford History of Australia vol. 4*, Oxford University Press, Melbourne, 1986, p. 108.

<sup>66</sup> Board appointed to inquire into the question of the treatment of Habitual Drunkards, 1899, synopsis of evidence, Constable Samuel J. Hallett, p. 36.

<sup>67</sup> Report from the Select Committee on Tied Houses, 1905, *Votes and Proceedings of the Legislative Assembly*, vol. 1, 1905, see especially testimony of Edwin Clarence Graves, Licensing Inspector, 22 November 1905, Q. 1594-1670, pp. 48-51.

<sup>68</sup> Select Committee on Tied Houses, 1905, Testimony of Thomas Wardley, Licensing Police, 22 November 1905, Q. 1716-1719, p. 52.



In the early decades of the twentieth century, the Licenses Reduction Board (established in 1907) closed many inner-city hotels, while the police paid greater attention to the minutiae of working-class drinking culture.<sup>69</sup> Stricter legislation failed to placate the advocates of temperance who continued to maintain the police surveillance was inadequate. In 1912 Mr Barlow of the Total Abstinence Society petitioned the Chief Secretary claiming supervision of hotels was in a neglected state. Police thought otherwise, and reported that there had been a marked improvement in the condition of the city's hotels since the passing of the 1907 legislation.<sup>70</sup>

As Australian troops departed for war after 1914, demands for tighter control of the liquor trade gained added momentum. Patriotic arguments based on notions of wartime sacrifice and military efficiency lent the weight of King and Country to calls for the extension of state regulation.<sup>71</sup> Ostensibly searching for breaches of increasingly intricate regulations, police compiled detailed reports exposing life behind the pub door to the gaze of the State. In 1915 under the auspices of the new *Licensing Act* two plain-clothes constables regularly patrolled public houses in the city searching for breaches of the regulations. Constable Andrew Birriman and Constable O'Keefe visited forty-four hotels and wine shops in the city for the week ending 17 October 1915. Police surveillance demonstrated that the self-sacrificing abstinence advocated by middle-class patriots held little appeal for their fellow citizens. The two constables reported that hotels in the city were

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<sup>69</sup> D.T. Merrett, 'The Victorian Licencing Court 1906-68: A Study of Role and Impact', *Australian Economic History Review*, vol. 24, no. 2, September 1979, pp. 123-150.

<sup>70</sup> VPRS 3992/1782, Complaint of Mr Barlow, Total Abstinence Society re: inadequate supervision of hotels, 22 October 1912.

<sup>71</sup> Walter Phillips, 'Six O'Clock Swill: The Introduction of Early Closing of Hotel Bars in Australia', *Historical Studies*, vol. 19, no. 75, October 1980, pp. 250-266; see also Carmel Shute, 'Heroines and heroes: sexual mythology in Australia 1914-18', in Joy Damousi and Marilyn Lake (eds.) *Gender and War: Australians at War in the Twentieth Century*, Cambridge University Press, Melbourne, 1995, pp. 36-37.

'filled with soldiers and civilians' on most nights of the week, and overflowing on Saturday evenings. A similar complaint was made of the Manchester Club Hotel in Bourke Street where soldiers belted out patriotic songs to the accompaniment of a fellow serviceman with a mouth organ. Constable Birriman warned Mrs Ryan, the proprietor, that the soldiers must be told to behave and that she must be firm with them.<sup>72</sup>

By the 1920s many temperance advocates appeared pleased by the efficiency displayed by police in imposing greater sobriety on Melburnians. In 1920 the Chief Commissioner received a congratulatory letter from the Victorian Anti-Liquor League who were 'delighted' that police had uncovered a sly-grog shop in the vicinity of the University Hotel, Carlton. It would, they suggested, 'afford a salutary lesson to others in the neighbourhood'.<sup>73</sup> By the early 1920s stricter supervision was being exercised over hotels and wine saloons than ever before. Stringent licensing laws and the activities of the Licences Reduction Board meant that the Melbourne had fewer hotels while those that remained open did so for very limited hours.<sup>74</sup> In 1922, the Government Statistician noted that there had been a steady decline in the number of arrests for public drunkenness in the previous five years, which he credited to the introduction of six o'clock closing following the 1915 *Licensing Act*.<sup>75</sup> Close police attention continued in following years, and in 1923 hotel keepers were protesting over the unfair and over zealous conduct of the licensing police. Regulations for hotels which required single bedrooms in hotels to measure 800 cubic feet were rigorously enforced by licensing police, who marched

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<sup>72</sup> VPRS 807/564, S 11803, Reports of Constable Andrew Birriman, re: conduct of Hotels and Wine Shops in the City, 10 October 1915 & 17 October 1915.

<sup>73</sup> VPRS 807/724, C3984, Victorian Anti-Liquor League to Chief Commissioner of Police, 10 August 1920.

<sup>74</sup> For the historical background to the introduction of six o'clock closing see Walter Phillips, "Six O'Clock Swill".

<sup>75</sup> *Victorian Year Book*, 1921-22, p. 261.

into public houses armed with rulers and closed down premises failing to conform to the new code.<sup>76</sup>

While police enjoyed greater powers of surveillance over those hotels still operating, they confronted new difficulties as other elements of the liquor trade went underground. The new problem which expanded in the wake of the closure of many inner-city hotels was the expansion of sly-grog selling. Constable Arrowsmith of the Fitzroy plain clothes branch spoke of the sly-grog sellers in his district as 'men and women who possess a happy knack of defeating the ends of justice'. Arrowsmith achieved substantial praise from his superiors for his own efforts to combat the explosion of sly-grog selling. He masterminded an undercover operation in which two detectives adopted the disguises of a marine stores collector and a hawker selling oysters in order to entrap the sly-grog sellers and gain sufficient evidence for a conviction. The two men went around for several days 'even going so far as selling oysters to the frequenters of these dens after the hotels had closed'. Each night the two detectives called at Arrowsmith's private house to avoid being seen entering Fitzroy police station and undermining their disguises, while Arrowsmith prepared prosecution briefs after hours, having taken the station typewriter home specifically for the purpose.<sup>77</sup>

Constable Arrowsmith's exceptional actions in Fitzroy contrasted with the attitude of many uniformed police to enforcing more expansive liquor legislation. Sergeant McGillicuddy recommended Arrowsmith for a substantial reward, hoping it would act as a counterbalance to the 'apathy and indifference that is now apparent amongst many of the beat duty men in Melbourne and suburbs'.<sup>78</sup> Such comments

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<sup>76</sup> *Argus*, 22 March 1923. p. 8.

<sup>77</sup> VPRS 807/588, T9881, Fitzroy Police, Constable Arrowsmith re: Sly-Grog raid at Fitzroy, 19 September 1916.

<sup>78</sup> VPRS 807/588, T9881, Sergeant McGillicuddy to Chief Commissioner of Police re: Sly-Grog raid at Fitzroy, 19 September 1916.

would indicate that many rank and file policemen were considerably less enthusiastic about suppressing sly-grog selling than their superiors. By 1923, police efforts appeared to be making little headway against a prolific underground trade in liquor, with the *Argus* reporting that 'sly-grog selling was never more rampant in Victoria than at the present time, especially in the city and in centres where large numbers of men are employed'.<sup>79</sup> Police planned systematic raids to combat the perceived epidemic of sly-grog sellers and to thwart the machinations of unscrupulous licensees, suspected of employing 'touts' to herd parties of young men into motor-cars which delivered them to suburban hotels where they were plied with liquor.<sup>80</sup>

Behind the rhetoric of efficiency there was also another problem which bedevilled the police of licensing laws and illegal liquor selling. The spectre of corruption continued to haunt licensing police and senior police administrators into the twentieth century. In 1906, Robert McHugh, former Licensing Inspector of the Melbourne District, informed the Royal Commission on Police that senior officers regularly interfered in attempts to prosecute publicans and continued to recommend potential applicants for liquor licences.<sup>81</sup> The Chief Commissioner of Police, Thomas O'Callaghan, was also found to have direct financial interest in a Carlton hotel, although through some imaginative bookkeeping he appeared as a trustee for his sister.<sup>82</sup> In early 1923, the Licensing Branch was disbanded, with the eighteen constables who performed licensing duty in Melbourne City and suburbs being recalled to Russell Street headquarters. The rationale for the change in organisation

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<sup>79</sup> *Argus*, 22 March 1923, p. 8; on the growth of sly-grog selling see McConville, "From Criminal Class to Underworld", pp. 88-89.

<sup>80</sup> *Argus*, 22 March 1923, p. 8.

<sup>81</sup> Royal Commission on the Victoria Police Force, 1906, Testimony of ex-Inspector Robert McHugh, Q. 5875-Q. 5923, pp. 206-207; General Report, p. xviii-xix.

<sup>82</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable James McGinley, 8 November 1905, Q. 7562-Q. 7564, p. 261; General Report, p. xix.

was that it was 'unwise to have men engaged on special duty for too long' where they would become known to publicans and drinkers alike. The solution chosen by the Chief Commissioner of Police was to have no special licensing police, and select men from amongst ordinary constables as for any other special duty who would be constantly rotated.<sup>83</sup> Dressed in the rhetoric of reform and efficiency, the reorganisation was intended to minimise the opportunities for corruption which continued to seduce police engaged on liquor duty.

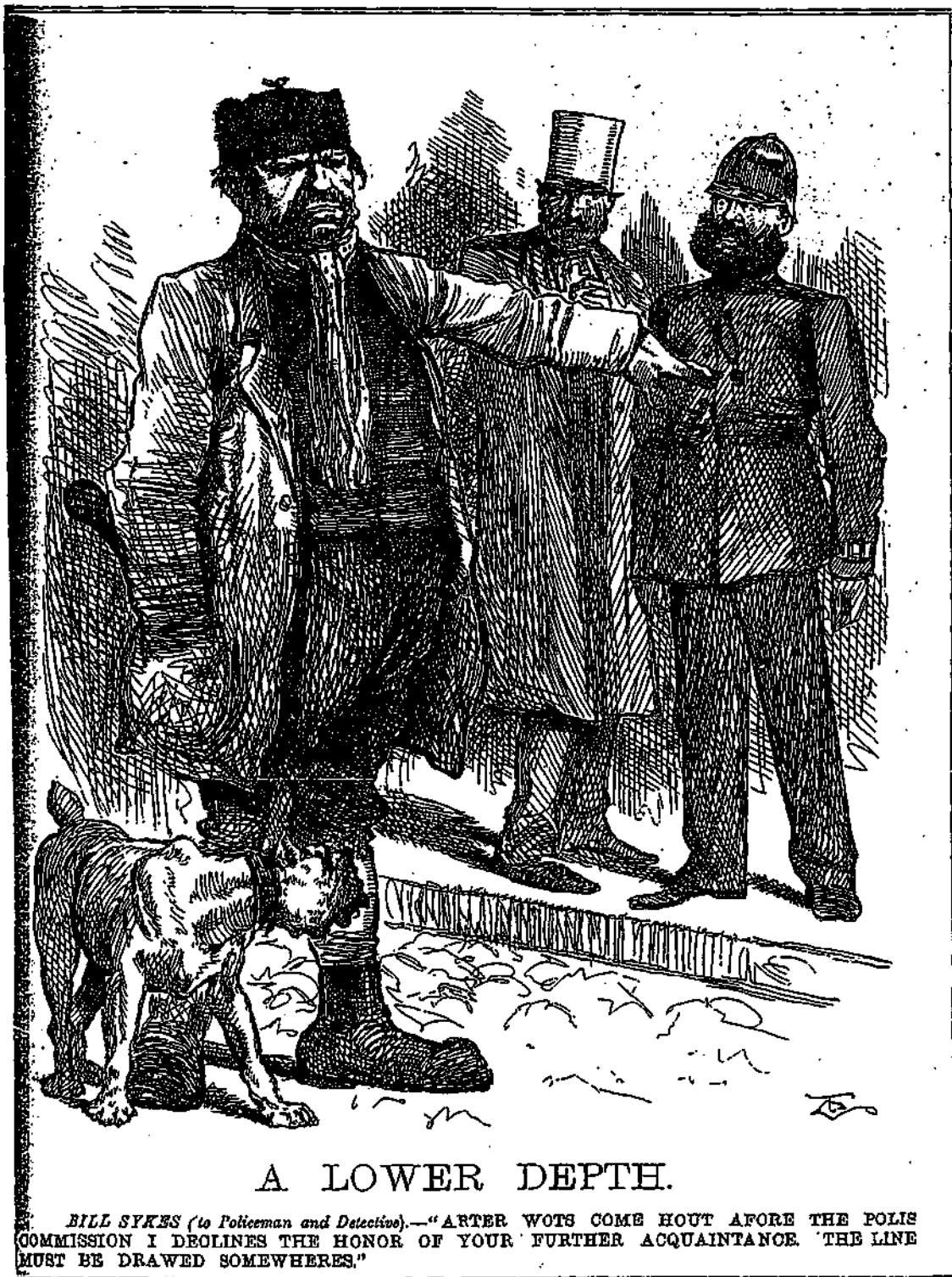
By the 1920s the push of temperance advocates was largely enshrined in laws which closed many inner suburban hotels and shut the doors of those still operating by six o'clock every evening. Senior police officials also appeared enthusiastic advocates of regulation. In 1923, a reformed licensing police, unrecognisable to publicans, were to roam the city after-hours to detect breaches of the *Licensing Act*, while randomly making forays into the suburbs on a similar mission.<sup>84</sup> Police enthusiasm, however, was based more upon the desire to project an image of efficiency and reform than it was upon objections to the evils of drink. From the report of the Royal Commission in 1883, notions of police efficiency and integrity were publicly linked to their ability to control the liquor trade. Police discretion, widely applied before the 1880s, may have preserved relationships with working-class communities, but it was also associated with corruption and was less acceptable in later decades. Raids on sly-grog shops and the vigilant enforcement of closing hours promoted perceptions of the police as incorruptible preservers of the social fabric.

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<sup>83</sup> *Argus*, 8 February 1923, p. 8; for protests of licensing police at the changes see *Argus*, 9 February 1923, p. 8, *Argus*, 10 February 1923, p. 30.

<sup>84</sup> *Argus*, 5 June 1923, p. 3.

Illustration 6.4



*"A Lower Depth." The 1883 Royal Commission on Police seriously damaged the public image of the Police Force.*

*Melbourne Punch, 12 October 1882. p. 145.*

## 6.2 Gambling

Changing police practices towards gambling followed a similar path to police efforts in relation to the liquor trade. In 1883, the Royal Commission accused the police force of allowing 'the marked increase of every species of gambling'. The commissioners held organisational corruption directly accountable for police inaction, reporting that the failure to secure convictions was due 'not so much to defective legislative machinery as to the indifference, if not connivance, of officers'.<sup>85</sup> Consequently, the policing of gambling was inextricably linked to police reform and police efficiency. From the 1890s, gambling also became the focus of social reformers, who pushed for greater police efforts at suppression and more proscriptive legislation. The interests of social reformers and policemen sometimes merged, as police frequently used the example of gambling to push for more expansive powers.

There can be little doubt that efforts to police gambling in the 1850s were at best sporadic. As with public houses, the policing of gambling was characterised by selective police practices which focused on sites thought to harbour the criminal class. In 1854 six men were prosecuted for keeping a 'low gambling house' at the corner of Queen Street and Lonsdale Street. The magistrate expressed his determination to suppress 'houses of such a class' whenever sufficient evidence was presented.<sup>86</sup> Sufficient evidence was, however, seldom presented. Prior to the reorganisation of the police force in 1883, gambling cases remained the preserve of the detective force. In the early 1860s those setting up gaming tables at racecourses paid detectives a fee to be left to their business.<sup>87</sup> Gambling was also closely

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<sup>85</sup> Royal Commission on Police, 1883, General Report, p. vii-viii.

<sup>86</sup> *Age*, 17 October 1854, p. 5.

<sup>87</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Charles J. Duke, ship provider, 16 November 1905, Q. 8741-8774, pp. 298-299; the witness claimed this practice

associated with the culture of the public house, and by 1860 competition between publicans had led to the widespread establishment of skittle alleys and billiard rooms in Melbourne's hotels, which functioned as gambling venues.<sup>88</sup> By the 1870s the inaction of the detective force towards gambling was notorious, leading journalist John Stanley James to sarcastically remark in 1876 that 'with all this known to police, it seems strange that prosecutions are not instituted against the proprietors of such houses'.<sup>89</sup>

While corruption was later held responsible for police inaction, it is also likely that it stemmed from the belief of many senior police officials that gambling was not a crime. Frederick Secretan, Superintendent of Detectives, claimed in 1882 that 'this is naturally a gambling people ... and they will do it one way or another'.<sup>90</sup> The fact that the Chief Commissioner of Police, Frederick Standish, was a renowned punter who had initially immigrated to the colony to evade substantial gambling debts, may also have encouraged a wider culture of inaction.<sup>91</sup>

By the early 1870s however, pressure from moral reformers, for whom gambling was one of numerous vices paving a quick path to dissipation and ruin, was already forcing police attention towards gaming in the city. The *Police Offences Statute Amendment Act* of 1872 made betting shops, which had previously proliferated in the city, illegal. It was suggested in Parliament that the walk down Bourke Street was punctuated by 'betting houses on one side, and Chinese lotteries

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continued into the 1890s, and that many superintendents were 'not clean potatoes', see esp. Q. 8743-8745, p. 298.

<sup>88</sup> Select Committee on Licenced Publicans Act 1860, Testimony of C.H. Nicolson, Superintendent of Detectives, 17 February 1860, Q. 32-33, p. 2.

<sup>89</sup> John Stanley James, *The Vagabond Papers*, p. 30.

<sup>90</sup> Royal Commission on Police, 1883, Testimony of F.H. Secretan, Superintendent of Detectives, 7 August 1882, Q. 5480, p. 243.

<sup>91</sup> Paul de Serville, *Pounds and Pedigrees: The Upper Class in Victoria 1850-1880*, Oxford University Press, Melbourne, 1991, p. 45.



on the other' both of which were 'the cause of the ruin of numbers of young men'.<sup>92</sup> Although more stringent legislation was passed in 1872, police continued to be criticised in the Press for failing to enforce the law and allowing betting shops to proliferate. Gambling shops had developed means of evading detection, including secret codes known to punters such as hanging a green baize curtain in the shop front to indicate a betting shop. The green curtain was apparently easily recognisable, even to casual punters, and acted as 'a lure to the clerks and shop boys who take the odds from a sovereign down to a half crown'. The police were severely criticised for laxity when the *Age* claimed in the week preceding Melbourne Cup that illegal betting was being fuelled by visitors to Melbourne. The police, it was said, were 'following the example of some of their superior officers—winking severely with both eyes and turning the deafest of ears whenever their beats take them past any such establishments'.<sup>93</sup>

The first serious attempts to police street gambling occurred on the eve of the International Exhibition in 1881. In much the same way as police attempted to polish the city's image by removing prostitutes from Stephen Street, they also attempted to remove the spielers and magsmen who might be looking for easy profits from gullible visitors to the city. Police summonsed a group of men who hung about Hosies Hotel and played the three card trick in Bourke Street, but all men were discharged when they produced bank books, thereby making themselves immune from the vagrancy provisions of the *Police Offences Act*. A similar move against a further ten cardsharps in the following year proved equally as futile, with all those summonsed walking free after once again producing bank books.<sup>94</sup>

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<sup>92</sup> *Victorian Parliamentary Debates*, 1872, vol. 15, p. 1412.

<sup>93</sup> *Age*, 29 October 1874, p. 2.

<sup>94</sup> Chris McConville, "From Criminal Class to Underworld", p. 85.

While the moves against spielers and magsmen in the early 1880s showed some toughening of police policy towards gambling, these moves were more closely aligned with policies aimed at clearing public space than with moral purpose. There was little of the moral imperative underlying these efforts which was to become so dominant in the following decades. If the police practice of selective enforcement mirrored practices towards Sunday and after-hours trading by public houses, so too did drinking and gambling occupy a similar space in the minds of many reformers. Gambling was frequently associated with drinking in the rhetoric of Victorian middle-class moralists who denounced both as equally vicious paths to certain ruin. The former prison official, Henry Augustus White, maintained that it was gambling, rather than drinking, which was responsible for the great mass of crime in the colony. White saw gambling as a pernicious vice 'eating out the heart of our people' and degrading society to the point where 'the mere lad in the shop getting his ten shillings a week has his betting book and knows the name of his favourite horse and its chances'.<sup>95</sup> Similar views were propounded by the religious maverick Henry Varley, for whom gambling and drinking competed in a 'neck-and-neck race' for the dubious honour of most heinous sin. Varley denounced Melbourne as a city 'blighted with gambling mania', labelling gamblers as human parasites whose 'manhood' was 'warped and debauched'.<sup>96</sup>

Spurred on by the escalating public rhetoric denouncing gambling, police commenced a campaign against betting shops in the early months of 1893. In the inner suburbs of Fitzroy, Collingwood and Richmond, police reported that local

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<sup>95</sup> Henry A. White, *Crime and Criminals; or Reminiscences of the Penal Department in Victoria*, Ballarat, Berry, Anderson & Co, 1890, p. 178.

<sup>96</sup> Henry Varley, *The Impeachment of Gambling*, Pegg Chapman & Co, Melbourne, 1890, pp. 3-4; for similar arguments see also Henry Varley, *Stamp Out the Social Plague!: Gambling its nature and character and the reaction of the law thereto*, Pegg, Chapman & Co, Melbourne, 1890; for the biography of Henry Varley's career see Graeme Davison and David Dunstan, "'This Moral Pandemonium' images of low life", in Davison, Dunstan & McConville (eds.) *The Outcasts of Melbourne: Essays in Social History*, Allen & Unwin, Sydney, 1985, pp. 46-51.

betting shops were being subjected to 'incessant action' which would continue 'until betting shops are suppressed'.<sup>97</sup> Betting shop operators were largely unprepared for such a concerted police offensive, and were rapidly driven underground by relentless police attention and the threat of legal sanction. A victorious report outlining the results of the offensive was forwarded to the Chief Commissioner in 1894, claiming that in Carlton only two shops were still known to be in operation, while those within the city were 'almost wholly, if not wholly, suppressed'. Undercover detectives from the Criminal Investigation Branch had gained easy admittance to the gambling shops from unwary proprietors. A successful prosecution in court had resulted in a string of similar victories for detectives, and they were successful in closing down ten shops in Carlton and the City.<sup>98</sup>

These immediate victories of the detective force were relatively short lived. Betting shop operators soon learnt the value of subterfuge, using the front of respectable small businesses such as barbers and tobacconists to enable them to carry on operations and evade the watchful eye of police.<sup>99</sup> The most common front for gambling dens was the tobacconists shop, as no character references, and only a fee of five shillings, was required to sell tobacco. Constables were apparently poorly placed to suppress these houses due to 'wily' operators. Constables who attempted to catch tobacconists involved in gambling were said to face 'insuperable difficulties' and efforts to date had only succeeded in 'driving the evil on to the street pavements, as well as up the by-ways and alleys, of the city'.<sup>100</sup>

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<sup>97</sup> VPRS 937/339, Bundle 3, Fitzroy Police Report re: Gambling Shops in Collingwood, 13 April 1893.

<sup>98</sup> VPRS 807/5, A 3241, Carlton Police re: Suppression of Betting Shops and Tote Shops in the City and Carlton, 22 March 1894, for an example of detectives procedure in these cases see VPRS 807/5, Detective Report re: arrest and conviction of Edward Dillon and assistant Forbes, Pitt Street, Carlton, A3125, 19 March 1894.

<sup>99</sup> Chris McConville, 'Outcast Melbourne: Social Deviance in the City', MA thesis, University of Melbourne, 1974, p. 39.

<sup>100</sup> *Age*, 5 September 1895, p. 5.

Attempts to curb street gambling formed the basis of demands by police for expanded powers. Demands for legal reform also emanated from the awareness of the law demonstrated by gamblers. The Supreme Court judgement in the case of *Gleeson v Adams* established that the street was not a 'place' under the provisions of the *Police Offences Act 1890*. Adams was the proprietor of a tobacconists business in Bourke Street well known to local police as a betting shop. He evaded the law by taking initial bets inside his shop, and then carrying a small box around the corner to nearby Union Lane, which he would stand upon to collect money from his clients. Adams displayed considerable legal acumen, as he had correctly adduced that, under the definition of the *Police Offences Act*, his box in Union Lane was not a 'place' and he could not be charged.<sup>101</sup>

Betting shop operators were soon aware of the implications of the Court's decision in *Gleeson v Adams*, prompting vocal complaints from police that they were powerless against gambling transactions conducted in the street. This situation stirred debates in Parliament which articulated the notion of gambling as a social disease withering away the strength of 'young men, clerks and others'. Drawing a direct link between gambling and the destruction of the family, one Parliamentarian claimed to have 'seen women driving perambulators with children in them laying wagers with those wretches'.<sup>102</sup> In 1896 a *Street Betting Act* came into force which was largely an attempt to tighten legal definitions of 'place', and subsequently grant police enhanced powers over the spaces of the city.

Despite its intentions, the 1896 *Street Betting Act* appeared to have little impact on police efforts to suppress the ubiquitous betting shops. In 1906 wily betting shop operators adopted the practice of leaving their wives in charge of the transactions. A case in the Richmond Police Court established that the wife of one

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<sup>101</sup> *Gleeson v Adams*, Victorian Law Reports, vol. xx, 57-58 Vic, 1894, pp. 229-233.

<sup>102</sup> *Victorian Parliamentary Debates*, vol. 80, 1895-1896, pp. 5473-5475.

betting shop owner was immune from prosecution as she had been compelled to act under the coercion of her husband. Police subsequently reported that there were 'women all over the place betting' as betting shop operators scrambled to take advantage of this legal precedent.<sup>103</sup>

Such legal situations formed the basis of the persistent police cry for expanded powers. Another factor which impeded police actions however was the increasingly sophisticated operations of illegal gamblers. Police argued that two substantial obstacles stymied their efforts to suppress betting shops—the closed nature of the operations and the technicality of the law. Betting shops were a difficult environment for outsiders to penetrate. Police relied on introductions by someone already involved, and their covert character made them environments riddled with suspicion. As O'Donnell informed the 1906 Police Commission 'the people are very wary ... they want to know where you came from, and who's your father'.<sup>104</sup> Plain clothes police or undercover detectives found betting shops immensely difficult to infiltrate. Gaining entry was, they said, 'the hardest thing in the world'. Informants were used to infiltrate betting circles and once inside would then introduce a plain clothes man or a detective.

An example of how police operated is given in the successful convictions obtained against Charles Levingston, Charles Westbrook and Robert Beeson. Charles Levingston operated an Oyster Saloon in Swanston Street, and laid wagers with his diners who were introduced to him by an inner circle of regular customers. Police used an informant named Edwin Ware, who introduced a plain clothes constable to Levingston and asked if he could make a wager. The constable, betting with a marked one pound note and two marked half sovereigns, successfully

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<sup>103</sup> Royal Commission on the Victorian Police Force 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14252-14253, p. 493.

<sup>104</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14251, p. 493.

entrapped Levingston who was later convicted. Edwin Ware was again employed to entrap Charles Westbrook and his assistant, Robert Beeston. Westbrook ran a private club located in the Stock Exchange building in Collins Street. Police suspected he was carrying an extensive betting alongside the legitimate money lending and stockbroking business he conducted from his office. A detective or plain-clothes policeman stood little chance of catching him off guard however, as Westbrook only accepted bets from those well-known to himself or his assistant Beeston. Ware was again employed for the task, and this time introduced a Detective who employed the same tactic of using marked currency.<sup>105</sup> Not all bookmakers were as cautious, and plain-clothes policeman James O'Connor was able to obtain a conviction against Herbert Plant, the licensee of the Sablomere Hotel, simply by asking to place a bet across the bar.<sup>106</sup>

Occasional police victories against betting shops and street gaming were overshadowed by wider public perceptions that police were losing the war on gambling. The impotence of police action and existing legislation were symbolised by the continued prosperity of John Wren's Collingwood totalisator. John Wren's totalisator commenced operation in 1893, and by 1894 police received complaints from a Collingwood property owner, which, despite the closure of several other bookmakers in the area, failed to affect Wren.<sup>107</sup> Continued police scrutiny and fines of those who worked for Wren seemed to yield little more, as Wren survived frequent police raids as he continued to amass a fortune.<sup>108</sup> In 1898, Isaac Isaacs

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<sup>105</sup> VPRS 807/106, L6638, Carlton Police Report re: arrest and conviction of Charles Westbrook, Charles Levingston and Robert Beeston charged with keeping a gaming house, 3 September 1899.

<sup>106</sup> *Argus*, 29 November 1910, p. 5.

<sup>107</sup> McConville, 'Outcast Melbourne', p. 38.

<sup>108</sup> On the career of John Wren see Niall Brennan, *John Wren: Gambler, His Life and Times*, Hill of Content, Melbourne, 1971; Hugh Buggy, *The Real John Wren*, Widescope, Camberwell, 1977; Chris McConville, 'John Wren: Machine Boss, Irish Chieftain or Meddling Millionaire?', *Labour History*, no. 40, May 1981, pp. 49-67; more specifically on the totalisator see Andrew Lemon, *Racing and Politics: Victoria's Great Totalisator Debate*, Hornet Publications, Melbourne, 1972; Chris McConville, 'A Short History of the Tote' in Michael Cathcart and Kate Darian-Smith (eds), *Place*

introduced a bill into Parliament in an effort to curb Wren's activities, but the bill failed to pass into law. By 1903 the continued operation of Wren's Collingwood Tote was becoming a public embarrassment for police who seemed unable to make any dent in its operation. When Detective O'Donnell successfully seized the operation in 1903 on the day before Melbourne Cup, Wren was already conducting business out of alternative premises in Bourke Street, leading one journalist to conclude that 'as regards the suppression of gambling the police seizure is of very little significance'.<sup>109</sup>

The requirement that police publicly produce evidence of a concerted campaign against gambling owed much to the changing priorities of social reformers. While some reformers, such as Henry Varley and his Australian Anti-Gambling Association, had singled out gambling as a vice in the 1890s, it was not until the early years of the twentieth century that gambling moved to centre stage of the social reform movement's initiatives. According to John O'Hara, the success of Protestantism in the fight against gambling in the 1880s and 1890s was extremely limited. While urban middle classes may have achieved political and economic hegemony by the closing decades of the nineteenth century the Protestant based values which many of them held were yet to dominate.<sup>110</sup> By 1900 however the social reform movement in Melbourne was beginning to encompass a far broader range of issues, many bearing a markedly moral dimension. Gambling came to assume greater prominence as social reformers concentrated on questions of child welfare and the nation's future. Increasingly spoken of as a 'national evil', gambling 'mania' was accused of insidiously dissipating the national character. In its

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*Your Bets: Gambling in Victoria*, The Australian Centre, University of Melbourne, Parkville, 1996, pp. 3-17; Keith Dunstan, *Wowzers*, Angus & Robertson, Sydney, 1974, pp. 221-236.

<sup>109</sup> *Age*, 4 November, 1903, p. 9.

<sup>110</sup> John O'Hara, *A Mug's Game: A History of Gaming and Betting in Australia*, University of New South Wales Press, Sydney, 1988, p. 131.

thriftlessness, gambling represented a peril to the domestic and physical well being of the family unit.<sup>111</sup> Much of the campaign of strident anti-gambling advocates such as William Henry Judkins was directed at legislative change, as well as exposing breaches in existing laws which needed strict enforcement to ensure suppression.<sup>112</sup>

The success of the social reform movement in elevating the 'gambling evil' into a crucial public issue had a significant impact on the inquiries of the Royal Commission into the Victorian Police Force, commenced in 1905. The Commission strongly recommended the strengthening of police powers in relation to gambling. The commissioners final suggestions were heavily influenced by police evidence, which suggested that John Wren's totalisator, other gambling clubs and street gaming were beyond the reach of the police under existing legislation. The power of the police to influence the course of legislation was also evident when the commissioners included an appendix of suggested alterations to the law, submitted in evidence by a senior Detective, alongside their final report.<sup>113</sup> Testifying before the Commission, the police made their position abundantly clear. If social reformers desired the suppression of gambling, the police must be given greater powers.

Police used the hearings of the 1906 Royal Commission to point out the inadequacies of existing laws, and to call for fresh legislation which would grant them expanded powers. A particular concern of police was that they be given

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<sup>111</sup> Anthea Hyslop, 'The Social Reform Movement in Melbourne, 1890 to 1914', PhD thesis, LaTrobe University, 1980, pp. 298-299; also David Dixon, 'Illegal Betting in Britain and Australia: Contrasts in control, strategies and cultures', in Jan McMillan, (ed), *Gambling Cultures: Studies in History and Interpretation*, Routledge, London, 1996, p. 86; for similar developments in Britain simultaneously see Roger Munting, *An economic and social history of gambling in Britain and the USA*, Manchester University Press, Manchester, 1996, pp. 24-26; Petrow, *Policing Morals*, pp. 245-247; Ross McKibbin, 'Working-class gambling in Britain 1880-1939', *Past and Present*, no. 82, February 1979, pp. 157-158.

<sup>112</sup> On Judkins see Dunstan, *Wowzers*, p. 257; see also Michael McKernan, 'An Incident of Social Reform in Melbourne, 1906', *Journal of Religious History*, vol. 10, no. 1, June 1978, pp. 70-85.

<sup>113</sup> Royal Commission on the Victorian Police Force, 1906, Report, p. xv, Appendix, 'Lotteries and Gaming—Amendments Required', pp. xxiv-xxvi; for submission see Testimony of David G. O'Donnell, 23 January 1906, Q. 14276, p. 495.



Illustration 6.5



*"Australia's Goliath Curse-Betting."  
By the turn of the century gambling was linked to notions of national decline.*

*The War Cry, 9 November 1901. p. 12.*

increased powers to combat the most prevalent form of street betting—the game of two-up. The game is reputed to have had its origins in the older English game of pitch and toss and chuck farthing which were popular amongst the working classes of Britain and Ireland. The game of chuck farthing was played in Australia from the early colonial period.<sup>114</sup> Whether or not the game was a specifically Australian development remains the subject of speculation.<sup>115</sup> Two-up schools were transient and easily transported, as they only required clear spaces large enough for the players to gather and high enough to allow the full toss and roll of the coins. Games were possible either in the open on a dirt floor or within buildings such as factories, the important proviso being that there was a suitable vista where lookouts could spy the approach of police.

Police witnesses reported that Melbourne hosted two varieties of two-up—outdoor games organised in streets, squares and paddocks, and indoor games, usually held in inner-city factory buildings.<sup>116</sup> Police claimed that the weakness of the existing law meant that two-up games were carried on with virtual impunity. The major complaint of police was that they could not arrest those attending two-up games on view—it was necessary to take down the names of those around the coins and then trudge back to the station and secure a warrant for their arrest. Unsurprisingly, most were never seen again.<sup>117</sup>

The police push for increased powers over gamblers was led by Detective Sergeant David O'Donnell, who not only outlined the weakness of existing law but

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<sup>114</sup> Grace Karskens, *The Rocks: Life in Early Sydney*, Melbourne University Press, Melbourne, 1997, p. 120.

<sup>115</sup> Jan McMillen, 'Two-Up from 1788 to the 1990s', in Jan McMillen, John O'Hara, Wendy Selby & Kay Cohen (eds.), *Gamblers' Paradise*, Royal Historical Society of Queensland, Brisbane, 1996, p. 11.

<sup>116</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14236, p. 492.

<sup>117</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14236-14239, pp. 492-493.

supplied the Royal Commission with detailed suggestions for new police powers which would facilitate the suppression of gambling.<sup>118</sup> The central thrust of O'Donnell's suggestions was the power to arrest all those involved in two-up games without warrant or summons. O'Donnell also sharply criticised the existing situation where defendants in gambling cases could not be imprisoned for defaulting on the payment of fines imposed by the court, arguing that many gamblers soon disappeared. O'Donnell complained that the typical gambler received 'a stay of seven days, and is supposed to be, say, at Brunswick, and shifts to Brighton, or somewhere, and you never catch him again'.<sup>119</sup> The Detective advised that magistrates should be given the power to imprison those defaulting on gambling fines. Senior police officials agreed on the necessity of new legislation, often echoing the rhetoric of social reformers in their call for greater powers. Chief Commissioner Thomas O'Callaghan was convinced that the suppression of gambling would 'improve the morals of the people greatly'. Inspector Gleeson had the tone of a Protestant clergyman when he argued for increased powers, suggesting that gambling 'has ruined hundreds of people; I suppose thousands of people—brought them to absolute ruin and sent them to Pentridge'.<sup>120</sup>

Police recommendations proved influential in the framing of the *Lotteries, Gaming and Betting Act* in 1906, which closely followed the demands they outlined during the proceedings of the Royal Commission. Police welcomed the Act, as it enhanced their powers and removed many of the legal intricacies they had complained of before the 1906 Royal Commission. Section 12 of the Act answered

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<sup>118</sup> For O'Donnell's career see Haldane, *The People's Force*, p. 129; also Robert Haldane, 'David George O'Donnell' in Geoffrey Serle, (ed), *Australian Dictionary of Biography*, vol. 11, 1891-1939, Melbourne University Press, Melbourne, 1988, p. 60.

<sup>119</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14233, p. 492.

<sup>120</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Chief Commissioner Thomas O'Callaghan, 27 September 1905, Q. 1417, p. 55; Testimony of Inspector Lawrence Gleeson, 12 October 1905, Q. 4471, p. 155.

a major police grievance by clarifying the legal definition of 'place'. Section 13 granted wide-ranging powers over street gambling, enabling police to arrest without warrant 'any person found playing or betting by way of wagering or gaming in any street, road or highway or public place'. Section 14 went on to specifically proclaim the games of two-up and hazard illegal.<sup>121</sup> There was heated debate over the passing of the Bill in parliament and not all were convinced that such wide-ranging powers should be allocated to police. More disturbing to some was the potential of the influence social reformers seemed capable of wielding. One member of Parliament facetiously suggested that the logical culmination of the legislation would be a situation in which 'people might be stopped in the street by the police, and asked to produce a certificate showing that they had been to church'.<sup>122</sup>

Armed with additional powers by the *Lotteries, Gaming and Betting Act* police could advance few justifications for failing to carry out the reformers demands to eradicate gambling. Reformers demands were, however, difficult to satiate. After 1906, with Wren's Tote closed and betting shops driven underground, reformers continued to campaign and press police to rid the city of gambling. Two-up received particular attention from reformers due to its public character. While horse racing was conducted within the supervised confines of the racetrack and the wealthy could lay a quiet wager in the smoky room of a secluded club, two-up schools operated within full public view. Enraged correspondents to the daily Press bemoaned what they considered to be flagrant abuse of the law. The persistence of two-up schools supplied evidence of the continuing decline of community morals, justifying the relentless cries of social reformers for greater police intervention. One writer described the South Melbourne Market on a Friday evening as 'a hive of "two-up" schools' operating free from police interference regardless of their

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<sup>121</sup> *Lotteries, Gaming and Betting Act*, 1906, ss. 12-14; the provisions specifically rendering two-up and hazard illegal were later absorbed into the *Police Offences Act 1912* & *Police Offences Act 1915*.

<sup>122</sup> *Victorian Parliamentary Debates*, vol. 114, 18 October 1906, p. 2130.

existence being known to 'every schoolboy in South Melbourne'.<sup>123</sup> In an editorial entitled *The Sabbath Game*, the *Argus* described the scene:

Walk upon a Sunday along the northern railway lines, and you will see the game in full blast out on the flat ground in half a dozen places—places secure from a sudden rush of police by reason of their ineffable flatness. Take a boat up the Yarra upon the Sabbath and you will perceive the game in full blast in sequestered nooks upon the bank.<sup>124</sup>

Newspaper publicity was inevitably followed by police action, which provided evidence that the police were diligent in their efforts to suppress the gambling evil. Police action however focused on visible forms of gambling such as two-up. The 1906 Victorian legislation was consequently heavily weighted towards the suppression of working-class gambling, which was predominantly public and subject to close police scrutiny as a result. This mirrored similar developments in the policing of gambling across the border in New South Wales and in Britain.<sup>125</sup> Intensive police resources were diverted towards the suppression of two-up, with police raids on gamblers being widely publicised in the daily Press. Reports displayed both the new power of the legislation and simultaneously functioned as public symbols of police efficiency. In a raid on a South Richmond quarry, a force of twenty constables under the command of two sergeants was gathered from Richmond, Burnley, South Richmond, South Yarra and Essendon stations. Two of the constables assumed disguises by wearing old boots and 'very bad hats' and neglecting to shave for several days. Timing the raid carefully, the men on the outside of the quarry moved with military precision to arrest the 'spotters' on the outside set to watch for the approach of the police. Other constables then moved into the ring, and they, along with the two unshaven constables in bad hats already

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<sup>123</sup> *Argus*, 18 August 1910, p. 7.

<sup>124</sup> *Argus*, 11 May 1910, p. 12.

<sup>125</sup> For NSW see O'Hara, *A Mug's Game*, pp. 143-45; for Britain see David Dixon, "'Class Law': The Street Betting Act of 1906", *International Journal of the Sociology of Law*, 8, 1980, pp. 101-128; Stefan Petrow, *Policing Morals*, pp. 285-289; see also Andrew Davies, 'The Police and the People: Gambling in Salford, 1900-1939', *Historical Journal*, 34, 1, 1991, pp. 87-115.

inside the ring, managed to arrest forty of an estimated sixty two-up players.<sup>126</sup> Similar cases were regularly reported, suggesting that the police, armed with new powers, were mounting a successful crusade against the city's gamblers.<sup>127</sup> Publicly it appeared that by the early 1920s the war on gambling had been largely victorious, as even the most trivial wagers were now subject to the full weight of the law. This passion for regulation reached an almost farcical crescendo in 1922, when police were instructed to strictly enforce the law relating to spinning jennies and chocolate wheels at fetes, carnivals, entertainments and bazaars.<sup>128</sup>

Outward appearances of successful regulation were however mitigated by the ceaseless ingenuity of law-breakers. By 1915 police were once again lobbying for broader definitions of 'place', as gamblers were betting in the passages of hotels following a court decision establishing that hallways were not 'streets' or 'thoroughfares' under the definitions of the *Police Offences Act*.<sup>129</sup> A more substantial problem for police was the expansion of off-course betting. Bookmakers had been quick to recognise the potential of the telephone—an invention rendering the arcane legal debates over definitions of 'place' obsolete. By 1906, detectives were forwarding reports to the Postmaster-General claiming that numerous Melbourne telephone lines were being used for gambling. In 1909, Sergeant O'Donnell reported that telephone number 3285, belonging to the Hotel Employees and Caterers Union on Queens Walk, was being used for placing bets, and detectives were permitted to monitor the line on two occasions. When O'Donnell heard race results being called in from the track, he pressed the Deputy Postmaster-

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<sup>126</sup> *Argus*, 28 February 1910, p. 7.

<sup>127</sup> See for example *Argus*, 14 June 1910, p. 9; 18 November 1910, p. 4; 26 November 1910, p. 17.

<sup>128</sup> *Victoria Police Gazette*, 23 November 1922, p. 742.

<sup>129</sup> VPRS 3992/1995, Crown Solicitors Office memo, 4 February 1915; Superintendent, Criminal Investigation Branch to Chief Commissioner of Police, re: amendments to Police Offences Act, no. 2422, 21 May 1915; Chief Commissioner of Police to Crown Solicitor, 10 July 1915.

General to utilise his power under the telephone regulations and cut off the connection.<sup>130</sup>

Attempts to intercept telephone communications were also used by police in moves against John Wren's Collingwood totalisator operations.<sup>131</sup> Detectives however did attempt to assume more direct powers over surreptitious use of the telephone. Detective White, when reporting that the telephone at 33 Cato Street, Prahran was used for betting, also suggested that Sergeant O'Donnell be given access to information contained in the reports of the manager of the telephone exchange and that he be permitted to gain sworn affidavits from Post Office officials that the information contained in the reports was true. Detective White's further suggestion that a 'Set Watch Telephone' be placed in the police room of the Deputy Postmaster-General's office 'for the purpose of recording conversations' was declined.<sup>132</sup>

Elaborate raids on two-up schools, resulting from substantially expanded police powers, suggested that the police were capable of suppressing gambling. Much of this effort however, was directed at working-class two-up schools, which, under pressure from social reformers, became a target for police initiatives. The rise of off-course betting in the early twentieth century, which took advantage of new communications technology, demonstrated the limited success of police initiatives against gambling. Nevertheless, as tougher laws criminalised a greater number of

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<sup>130</sup> PMG correspondence, MP 341, 1913/13385, Use of Telephone No. 3285 for Betting Purposes, 3 March 1909, Australian Archives.

<sup>131</sup> PMG correspondence, MP 341, 1913/13385, Crown Solicitor to Attorney-General re: O'Donnell v Wren, 15 June 1906, Australian Archives.

<sup>132</sup> PMG correspondence, MP 341, 1913/13385, Telephone at 33 Cato Street Prahran allegedly used for betting purposes, 30 March 1911, Australian Archives; The evidence in this case was considered insufficient to warrant Detective White's request. The number, Windsor 94, was 'freely used for obtaining the results of races and ascertaining the particulars of scratchings' but there was not clear evidence that the line was used for placing bets, see Crown Solicitor to Commonwealth Attorney-General, 13 March 1911, same file.

gambling related activities, the war on gambling consumed a greater quantity of police resources—always aimed at a quickly shifting target.

### 6.3 Chinatown

A parallel but substantially more complex narrative accompanied the campaign against gambling which specifically affected Melbourne's Chinese minority. Significantly, until 1906 Fan Tan was the only game of chance specifically outlawed by statute.<sup>133</sup> In line with police inattention to other forms of gambling, Chinese gambling shops had received only sporadic police attention prior to the 1890s. In 1877, Constable Patrick Bourke, prepared fourteen cases against Chinese gambling shops, all of which were heavily fined by the court. Bourke, who refused to believe a detective report claiming that Chinese gambling was not a problem, requested a meeting with Chief Commissioner Standish to discuss detective inaction. Much to Constable Bourke's disgruntlement, policing Chinese gambling shops subsequently became the exclusive preserve of detectives, who continued to show little interest in mounting cases against Chinese gaming establishments.<sup>134</sup> The reason for detective inaction was defended in a memo from the head of detectives to the Chief Commissioner of Police in 1880, stating that 'the Chinese were not prosecuted for playing Fan Tan for some years as Mr Sturt PM considered it inadvisable to do so so long as they confined its play amongst themselves'.<sup>135</sup>

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<sup>133</sup> *Police Offences Act 1872*.

<sup>134</sup> Royal Commission on Police, 1883, Testimony of Constable Patrick Bourke, 9 May 1882, Q. 1163-1165, p. 40.

<sup>135</sup> VPRS 1198/15, Police Department, Criminal Investigation Branch, Letter Book, Inspector Frederick Secretan, Detective Police to Chief Commissioner of Police, 4 February 1880, p. 281.



While police were perfectly aware of the existence of Chinese gambling dens in the 1880s, they received little official attention until the 1890s.<sup>136</sup> By the 1890s, greater police vigilance was being officially encouraged, spurred on by the xenophobic arguments stressing the sanctity of the European race circulating in late nineteenth century Australia. Victorian attitudes towards the Chinese were similar to those in New South Wales, where a Royal Commission was established in 1891 to examine accusations that the Chinese community was embroiled in a seedy underworld of gambling, opium smoking and the white slave trade. While the Commission concluded that the Chinese were generally a law abiding community and that there was simply no evidence that they were defiling European women, the Inspector-General of Police continued to insist that the Chinese, as an alien race, should be placed under strict supervision for 'sanitary, social and moral reasons'.<sup>137</sup>

Similar racially-based ideas were informing policing practice in Melbourne. In 1906, Chinese gambling shops were one of the subjects covered by a Royal Commission, where police witnesses described them as a 'fearful eyesore in the City of Melbourne'. Significant racial anxieties were evident in testimony containing revelations that the clientele were not primarily Chinese, as the gambling shops in Little Bourke Street were said to be 'packed with Europeans' every Saturday night.<sup>138</sup> Police complained not only of the ineffectual state of the law in relation to Chinese gambling houses, but also of a complex internal organisation which made

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<sup>136</sup> John O'Hara, *A Mug's Game*, pp. 114-115. For a description of a Chinese gambling den see Nat Gould, *Town and Bush: Stray Notes on Australia*, George Routledge and Sons, London, 1896, pp. 106-110; Gould's description is of a shop in Sydney.

<sup>137</sup> Peter N. Grabosky, *Sydney in Ferment: Crime, Dissent and Official Reaction 1788 to 1973*, Australian National University Press, Canberra, 1977, pp. 94-95; for the growth of anti-Chinese sentiment in Australia in the 1880s & 1890s see Andrew Markus, *Australian Race Relations 1788-1993*, Allen & Unwin, St. Leonards, 1994, pp. 80-82; for attitudes towards the Chinese see also Desmond Manderson, *From Mr Sin to Mr Big: A History of Australian Drug Laws*, Oxford University Press, Melbourne, 1993, pp. 17-20.

<sup>138</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14213-14214, p. 492.

punishments of little effect. Police believed that those brought before the court simply functioned as dummies for the real leaders of the organisations. Detective O'Donnell suggested that the short prison sentences meted out to those arrested were of little consequence as their wages were still paid while they spent time in prison. The Chinese were, in O'Donnell's opinion, 'very crafty men'.<sup>139</sup> Police expressed their familiar refrain decrying the technicality of the law, suggesting both that 'all this scheming business' should be embodied in one piece of legislation and that the law should be strengthened. By December 1906, clearly inspired by the hearings of the Royal Commission, plain-clothes police were issued with instructions to conduct raids on Melbourne's Chinese gambling shops. A raid on one shop in Little Bourke Street resulted in forty-six arrests including the keeper of the house and his two assistants. The three operators received fines of twenty pounds while the gamblers were each fined one pound. Senior Constable Stapleton, who had headed the raid, remarked that the plain-clothes police would continue to give Chinese gambling houses attention 'from time to time'.<sup>140</sup>

It was not only gambling which focused police attention on the Chinese community. In 1890 a concerted anti-opium movement began in Victoria which presented a deputation to Parliament demanding the abolition of the opium trade. Some restrictions on the sale of opium already existed under the *Poisons Act*, but responsibility for enforcement rested with the Pharmacy Board which seldom gained government support when attempting to mount prosecutions. In 1903, the *Melbourne Herald* claimed that not a single Chinese opium seller in the city had

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<sup>139</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Sergeant David G. O'Donnell, 23 January 1906, Q. 14216-14221, p. 492.

<sup>140</sup> VPRS 807/305, Y10625, Report of Senior Constable Stapleton re: Chinese Gambling Shops, 4 December 1906.

been charged since 1887. When the Pharmacy Board did attempt to secure twelve convictions in September 1904, it met with only limited success.<sup>141</sup>

Police powers over Melbourne's Chinese quarter were substantially strengthened with the passing of the *Opium Smoking Prohibition Act* in 1905. Under the 1905 Act, the responsibility of suppressing Melbourne's opium trade was shifted from the Pharmacy Board to the Police Department. The passing of the Act justified intense police scrutiny of the Chinese community, and police were advised that 'special attention should be given to localities in which the Chinese are congregated and every effort made to render the Act effective'.<sup>142</sup> Echoing the fears surrounding Chinese gambling shops, the *Opium Smoking Prohibition Act* passed into law amidst a climate of racial anxiety prompted by the spectre of 'white men and white women' falling prey to Asiatic vice.<sup>143</sup> Police powers were further augmented by amending legislation passed in 1906, annulling provisions requiring police to obtain written permission from the Chief Secretary before entering houses suspected to be opium dens. Under the amending legislation, police only needed to gain the authority of a single justice to commence a search of any premises.<sup>144</sup> The *Opium Smoking Prohibition Act* however gave police not only greater cause to enter and search Chinese residences and businesses but also greater powers of stop and search on Chinese traversing the City's streets. Constable Holden and Senior Constable Appleby arrested Ah Hook and Ah Young in Little Bourke Street at one o'clock in the morning in February 1911. Finding they were carrying thirty tins of opium between them both were charged and convicted in the City Court. Added

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<sup>141</sup> Alfred W. McCoy, *Drug Traffic: Narcotics and Organised Crime in Australia*, Harper & Row, Sydney, 1980, pp. 72-79.

<sup>142</sup> *Victoria Police Gazette*, 31 May 1906, p. 213.

<sup>143</sup> *Victorian Parliamentary Debates*, vol. 111, 17 October 1905, pp. 2122-2125; see also Manderson, p. 56.

<sup>144</sup> *Victorian Parliamentary Debates*, vol. 113, Opium Smoking Prohibition Act 1905 Amendment Bill, 1906, pp. 914-917.

incentive was given to constables to pursue these cases as they were rewarded by the Customs Department for handing over seized opium.<sup>145</sup> The opium legislation gave police greater powers over Melbourne's Chinese community, and coupled with the focus on Chinese gambling dens signalled an intensive policing campaign predicated on racial fears of Chinese vice leading to European dissipation.

Ironically perhaps, policemen who regularly worked within the Chinese community disputed wider stereotypes linking the Chinese with vice. Suggestions by the Royal Commission of 1906 that a vice area be established in the Chinese quarter were rejected by Constable Albert Tucker, who flatly stated that 'the Chinese in Melbourne will not have bad characters about them'.<sup>146</sup> Interviewed by the *Police Journal* some years later, Constable Hickling suggested that the members of Melbourne's Chinese community were 'industrious, hard-working and law-abiding' and he dismissed stories of white slave traffic as 'moonshine'.<sup>147</sup> Publicly, however, such voices were seldom heard. Raids on opium dens and gambling houses in the Chinese Quarter, much like those on two-up schools and sly-grog shops elsewhere, provided evidence of the police battle against an amorphous and largely illusory criminal underworld.<sup>148</sup>

In the mid-nineteenth century, police aimed for a consensus with the communities they policed. The preventive model of policing led police to overlook many behaviours which were technically illegal by the letter of the law. There were other

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<sup>145</sup> VPRS 807/419, Report of Constable Holden re: arrest of Ah Hook and Ah Young, K1230, 2 February 1911.

<sup>146</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Albert Tucker, 17 January 1906, Q. 13269, p. 453.

<sup>147</sup> 'Policing Chinatown', *Police Journal*, vol. 5, no. 7, 2 January 1922, p. 126.

<sup>148</sup> For the policing of opium and opium raids see *Argus*, 5 August 1910, p. 8; 11 September 1910, p. 7; 20 April 1914, p. 10; 21 January 1921, p. 9; 4 February 1921, p. 10; 7 October 1921, p. 5; 25 October 1921, p. 10; 9 February 1923, p. 9.

factors which contributed to a discretionary mode of policing. Senior police officials had interests in hotels, were closely aligned with publicans and thought gambling to be a harmless pastime. Policemen who brought cases before the court were unlikely to succeed, as magistrates adopted a similar stance to that of senior police officials. There was little incentive for constables to suppress drinking and gambling, when they risked failure in the courts and alienating the communities they policed as well as their own superiors.

The widespread use of police discretion in relation to drinking and gambling became less acceptable following the hearings of the Royal Commission on Police between 1881 and 1883. The prevalence of Sunday and after-hours trading by hotels and street gambling became signifiers of police inefficiency, corruption and malaise. Desires to demonstrate police efficiency and reform after 1883 coincided with a wider political climate favouring government regulation to curb social ills. Gaining momentum in the later decades of the nineteenth century, the social reform movement undertook a concerted campaign, pressing for tougher laws and determined police action to suppress drinking and gambling. The police frequently joined this call for tougher laws, and were often successful in accruing expanded powers as a result. For police, the suppression of drinking, gambling and opium provided evidence of efficiency, reform and integrity which distanced the Department from past disgraces. Raids on opium dens, two-up schools, betting shops and sly-grog sellers also enhanced the image of policemen as crime-fighting professionals. Whether anyone was gambling or drinking less as a result was far less certain.

## CHAPTER 7

### POLICING MORALS

In the mid-nineteenth century, police action against prostitution was sporadic and uneven. For the most part police administrators, and constables on the beat, tolerated prostitution as 'a necessary evil'. The women who worked in Melbourne's prostitution trade experienced periodic police harassment, mostly motivated by public complaints from 'respectable' citizens. As historians have argued, police tolerance of brothels and prostitution thus functioned in a regulatory capacity, outlining the conditions under which the work of prostitution was carried out.<sup>1</sup> Police practice was shaped by developments both from outside and inside the police force. In the Royal Commission of 1883 the widespread existence of prostitution, particularly street walkers, functioned as a metaphor for police inefficiency—a public display of the failure of police to maintain order in the street.

The first section of this chapter examines the policing of prostitution. From 1853 until 1883, prostitution was only sporadically the subject of intensive policing. Generally lax policing resulted from ambiguous laws combined with administrative corruption. The findings of a Royal Commission in 1883, however, explicitly linked open street prostitution and numerous brothels to inefficient and corrupt policing. In an effort to publicly demonstrate police reform, police officials paid closer attention to prostitution. Laws affecting prostitution emerged from the intersection of a number of factors. Nineteenth-century moves towards the regulation of health, campaigns against prostitution by social reformers, particularly feminist and temperance groups, and the interests and motives of police all played a part in the

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<sup>1</sup> Hilary Golder & Judith Allen, 'Prostitution in New South Wales 1870-1932: Restructuring an Industry', *Refractory Girl*, no. 18, December 1979, pp. 17-24; Judith Allen, 'The making of a prostitute proletariat in early twentieth-century New South Wales', in Kay Daniels (ed), *So Much Hard Work: Women and Prostitution in Australian History*, Fontana, Sydney, 1984, pp. 192-232.

formation of legislation affecting prostitution.<sup>2</sup> Despite the efforts of social purity campaigners, the policing of prostitution remained dominated by the question of public order. Police were never convinced that the total suppression of prostitution was either desirable or possible.

In the second half of this chapter I consider the broader issue of the policing of morality. The pressures of social purity and feminist movements led to an increasing focus on a broad range of social behaviour which was considered to have a sexual undercurrent. Pressure was applied to police to suppress a wide range of behaviour, including the interaction of the sexes on public spaces, public displays of 'indecent' postcards and books, bawdy theatre and other minutiae of social life which could possibly be construed as manifestations of 'immorality'. Police reactions to calls for more stringent moral policing were ambiguous and mixed, reflecting divergent opinions within the police force over whether individual morality was a proper object of policing. While feminist and social purity demands were only partially acted upon, they were influential in charting a substantially expanded policing agenda.

### 7.1 Brothels & street walkers

Concerted pressure for police action to suppress prostitution coincided with the introduction of beat policing in 1854.<sup>3</sup> By the mid-1850s, the figure of the prostitute was perceived as a threat to the civilised society envisaged by colonial reformers.

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<sup>2</sup> See for example Mark Finnane, 'The Politics of Police Powers: The Making of the Police Offences Acts', in Mark Finnane (ed) *Policing in Australia: Historical Perspectives*, University of New South Wales Press, Kensington, 1987, pp. 100-101 for similar trends in other Australian jurisdictions.

<sup>3</sup> Police had resisted earlier pressure to suppress brothels, see *Port Phillip Herald*, 1 November 1842, p. 3, 8 November 1842, p. 4; the *Herald* argued against a campaign for the suppression of brothels in 1842 arguing it would unduly strain the penal system as it would involve 'three or four hundred persons committed to gaol for various periods, during which they must be maintained at the public expense', see *Port Phillip Herald*, 11 November 1842, p. 2.

Concerns with prostitution were partially attributable to imported conceptions of domesticity, but gained force through the added colonial dimension of the goldrush colony. Prostitution was viewed as one manifestation of a crude masculine society devoted exclusively to the pursuit of wealth, with the prostitute antithetical to the creation of a civilised domestic sphere.<sup>4</sup> Statistical evidence also seemed to suggest that female immigrants, seen as potential wives and mothers, were being swept into the vortex of prostitution. Dr John Singleton estimated that during the goldrush one-half of all female immigrants became prostitutes.<sup>5</sup> In 1856, Detectives were ordered to maintain close surveillance over suspected prostitutes, and they compiled a detailed statistical return on prostitution which listed women by age, marital status and suburb. The report calculated that there were 266 prostitutes and 95 houses of ill-fame in the city, mostly concentrated in central Melbourne. According to detectives, one fourth of Melbourne's prostitutes fell into the trade because of a want of adequate positions for single women arriving in the colony. Another fourth were said to be corrupted or seduced while in service, while the remainder were assumed to have led immoral lives prior to arriving in the colony.<sup>6</sup> While the statistical accuracy of the Detective report is questionable, it was the beginning of the police role as the conduit of information on vice for reformers eager for material with which to mount their crusades.

Growing concern in official circles over the deleterious effects of widespread prostitution dictated that police treading their beats should keep a close watch on women in public spaces. As part of the general police surveillance

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<sup>4</sup> For domestic ideology in Britain see Catherine Hall, 'The Early Formation of Victorian Domestic Ideology', in Sandra Burman (ed), *Fit Work for Women*, Croom Helm, London, 1979, pp. 15-32; For a discussion of ideals of domesticity in Victoria during the 1850s see David Goodman, *Goldseeking*, Chapter 5.

<sup>5</sup> John Singleton, *A Narrative of Incidents in the Eventful Life of a Physician*, M. L. Hutchinson, Melbourne, 1891, p. 142.

<sup>6</sup> VPRS 937/177, Bundle 4, Detective Police to Chief Commissioner of Police, Return of prostitutes in Melbourne District, 28 June 1856.



function, constables were expected to be capable of recognising prostitutes within their locality. The expanding paper nexus of the police bureaucracy, much of it intended to maintain surveillance over the 'criminal class', was used to provide intelligence on the extent of prostitution in Melbourne. Pressure for more systematic surveillance was applied by a Royal Commission in 1855, which was disturbed that, while beat police had some knowledge of brothels and prostitutes in their sections, no central register of prostitution was maintained by police. Constable James Green claimed in 1855 that he knew of all the brothels in A division, but had no recollection of the information being supplied to him when he commenced duties at the station.<sup>7</sup> Sub-Inspector Chambers, who had been in charge of B Division for two years, kept books recording all houses of ill-fame, the names of brothel keepers and the number of girls kept, but added that once girls or brothel keepers left his division, no attempt was made to transmit the information to officers in other divisions. The commissioners noted with some satisfaction that their probing had already resulted in more stringent surveillance of prostitutes and brothels.<sup>8</sup>

The impetus for police to maintain records was soon accompanied by political pressure for the active suppression of prostitution. Much of this effort in the mid-1850s can be attributed to John Matthew Smith, a retired lawyer, who joined the Melbourne City Council in 1854. Smith, a vigorous campaigner in public health matters, managed to amass enough support for a move against the brothels of the city.<sup>9</sup> Pressure was subsequently brought to bear on police, who engaged vagrancy laws in a move against Melbourne's 'low brothels'. Evidence produced by police in court emphasised the brothel as the antithesis of a moral and sanitary life. When William Munro and Sarah Munro were charged with keeping a disorderly

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<sup>7</sup> Commission into the State of Melbourne Police, 1855, p. 6.

<sup>8</sup> Commission into the State of Melbourne Police, 1855, p. 7.

<sup>9</sup> David Dunstan, *Governing the Metropolis: Politics, Technology and social change in a Victorian City: Melbourne 1850-91*, Melbourne University Press, Melbourne, 1984, p. 79.

house in 1857, their house was reported to be 'exceedingly dirty' and a 'resort of the lowest class of prostitutes'. While Sarah Munro was shown some leniency by a bench that did not want to send her three children to gaol, her husband William was sentenced to one month with hard labour.<sup>10</sup> Detective Black employed vagrancy laws to gain a prosecution against Matthew Smith, whose house in a right-of-way between Stephen Street and Spring street was reputed to be 'one of the lowest brothels in town'. Smith, who was said to be 'making up beds for prostitutes and waiting on a drunken man' when arrested, was sentenced to six months hard labour for failing to show visible means of support.<sup>11</sup>

The primary motivation for police action against brothels was the belief that they encouraged the congregation of the criminal class beyond the reach of official surveillance. Generally regarded by police as the resorts of thieves and vagrants, brothels in backlanes and alleys were targeted, not due to any threat they posed to public morality, but because they were suspected of functioning as gathering points for Melbourne's criminal class. While brothel owners frequently claimed to be running legitimate board and lodging houses, police stressed the criminal connections of their establishments in an effort to obtain convictions. When bringing Benjamin Gosling before the court for keeping a house of ill-fame in Little Lonsdale Street, Constable Wilson swore that his house was 'well known to police as a resort of prostitutes and thieves'. Indeed, police prosecutions focused on houses where robberies were reported, and money and goods recovered from brothels during arrests were frequently presented in evidence.<sup>12</sup>

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<sup>10</sup> *Argus*, 15 July 1857, p. 6.

<sup>11</sup> *Argus*, 16 May 1857, p. 4.

<sup>12</sup> *Argus*, 10 December 1855, p. 5; the report referred to 'the customary defence of keeping a board and lodging house'. In the same year three detectives wrongly accused Ellen Simpson of running a brothel in Little Lonsdale street, justifying their assumption by the fact that a 'board and lodging' sign was displayed in the window, see VPRS 937/283, Bundle 1, Complaint of Miss Ellen Simpson to Chief Commissioner of Police, 20 April 1855, Magistrate William Hull suggested before the 1852 Select Committee on the Police Force that lodging-houses should be subject to police supervision as 'there is more wickedness and debauchery carried on in the low lodging-houses than in any public house in the City'; see Testimony of William Hull, Esq., 23 July 1852, Q. 326, p. 16.

Police attention given to brothels was accompanied by a campaign to remove prostitutes from the streets. Responding to the continued agitation for action against street prostitution, Superintendent Freeman ordered plain-clothes police to patrol Great Bourke Street and initiate prosecutions against women suspected of prostitution in June 1858. The employment of plain-clothes constables to police street prostitution met with some success, and within days Freeman informed the Chief Commissioner of Police that 'several girls who have offended against decency have been apprehended'. What less impressed the Superintendent was the capacity of existing vagrancy legislation to deal with prostitution, as it contained no mechanism for prosecuting the owners of brothels. While Freeman continued to order an increased police presence in the area, he felt powerless against the 'owners of homes who let them to Brothel Keepers'. It was essential, he added, that some means be devised to regulate the landlords who owned brothel properties, because 'as one nest of iniquity is broken up another set of the same class are accepted as tenants by the owners of such homes'.<sup>13</sup>

The recommendations of Superintendent Freeman foreshadowed a trend in the nineteenth century of police using the example of prostitution control to argue for the extension of police powers. In 1858, when requested by the Chief Commissioner to comment on possible revisions of the *Vagrancy Act*, Superintendent Freeman provided a lengthy submission with suggestions designed to control street prostitution and brothels—all based on a considerable expansion of street powers. Indeed, Freeman pressed for police to be granted an expansive authority which would have facilitated the arrest of any women in public simply on suspicion of being a prostitute. His suggestion that prostitutes 'known or reputed' should be subject to police arrest and punished by fine or imprisonment for walking in the streets without bonnets, or appearing in public otherwise 'improperly dressed',

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<sup>13</sup> VPRS 937/284, Bundle 3, Superintendent of Melbourne Police, Samuel Freeman to Chief Commissioner of Police re: disorder in Bourke Street, 25 June 1858.

was a call for enormous discretionary authority.<sup>14</sup> Likewise, Freeman argued for the power to physically remove prostitutes from any house or lodging after an initial warning. The Superintendent also recommended enhanced powers over brothels, including the power to prosecute the owners or agents of houses with substantial fines for a first offence and imprisonment for subsequent offences.<sup>15</sup>

Superintendent Freeman's suggestions were never translated into law, and police enthusiasm for prosecuting prostitution waned considerably throughout the 1860s and 1870s. Street walkers were periodically prosecuted using the existing mechanism of the *Police Offences Act*, but prostitution was generally a low priority for uniformed police. Police initiatives were sporadic, as shown by the comments of Melbourne's Police Superintendent in 1866 that 'occasionally we fill the female gaol with prostitutes'.<sup>16</sup> Official statistics offer some indications of the overall trends in the policing of street prostitution and brothels in this period. In 1862 for example, police made 375 arrests under the provisions of the *Towns Police Act* for being a 'disorderly prostitute'. In the same year there were 52 arrests for 'keeping a common brothel or disorderly house'. Police enthusiasm for such arrests dwindled in the following years. By 1878, there were only 90 arrests of 'disorderly prostitutes', and a similar drop in arrests for brothel keepers, with only 17 being taken into police custody.<sup>17</sup>

<sup>14</sup> As was also the case in England, prostitutes used their mode of dress as a visual marker of their trade, parading without a bonnet being the most frequently used symbol. See *Argus* 17 July 1859 which claimed that prostitutes paraded the streets day and night 'frequently without their bonnets, walking arm in arm and three abreast'; for prostitutes in England going without a bonnet see Judith Walkowitz, *Prostitution in Victorian England: Women, Class and the State*, Cambridge University Press, Cambridge, 1980, p. 26.

<sup>15</sup> VPRS 937/284, Bundle 3, Superintendent of Melbourne Police, Samuel Freeman to Chief Commissioner of Police re: proposed amendments to *Vagrant Act*, 28 June 1858.

<sup>16</sup> Royal Commission into the Wine and Spirits Sale Statute, 1867, Testimony of T. Hamilton Lytton, Superintendent of Police, 1 August 1866, Q. 149, p. 6.

<sup>17</sup> 1862 figures from Statistics of Victoria—Law, Crime, Etc., 'Persons Taken into Custody—Decennial Return', *Victorian Parliamentary Papers*, 2nd Session, vol.2, 1870; 1878 figures taken from Statistical Register of Victoria, 1879—Law, Crime, Etc. 'Persons Taken into Custody—Return for Eleven Years', *Victorian Parliamentary Papers*, vol.3, 1880-81.

By the time of the Royal Commission into the Police Force in 1883, the existence of widespread prostitution had become synonymous with the general disorganisation of the police force. The commissioners heard allegations suggesting that:

there is scarcely a suburb, or a street in the city, free from open and undisguised prostitution. Numerous hotels, situate in the vicinity of the principal thoroughfares, were described as notorious brothels, the licensees of which were alleged to be no better than panders, the barmaids employed professional harlots, and the attendants thieves and bullies.<sup>18</sup>

The immoral character of Melbourne in the 1860s and 1870s had, by later decades, been absorbed into urban folklore. The libertine George Meudall, in his recollections of the period, claimed that 'the city only mustered 250, 000 and here were loose women of no importance in hundreds'.<sup>19</sup> Police continually claimed that their inaction was due to the weakness of available legislation. While this was the official police explanation, tolerance of prostitution also resulted from institutional corruption which encouraged beat police to ignore sections of the prostitution industry. Underlying police discretion was also a belief that prostitution should only be subject to policing where it inspired complaints or posed a direct threat to public order. Each of these factors requires some examination, and I will look firstly at the legal status of prostitution.

The principal pieces of legislation for controlling prostitution were the various vagrancy provisions passed during the course of the nineteenth century.<sup>20</sup> Despite the considerable elasticity of vagrancy legislation, police continued to

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<sup>18</sup> Royal Commission on Police, 1883, General Report, pp. vii-viii.

<sup>19</sup> George Meudall, *The Pleasant Career of a Spendthrift and his Later Reflections*, Wilke & Co., Melbourne, 1935, p. 269; see also general comments pp. 268-270.

<sup>20</sup> On vagrancy in nineteenth century Melbourne see Susanne Davies, "'Ragged, Dirty ... Infamous and Obscene" The 'Vagrant' in Late-Nineteenth-Century Melbourne'; for the use of vagrancy provisions in the control of prostitution see also Chris McConville, 'The Location of Melbourne's Prostitutes 1870-1920', *Historical Studies*, vol. 19, no. 74, April 1980, pp. 87-88; see also Meg Arnot, 'The Oldest Profession in a New Britannia', in Verity Burgmann and Jenny Lee (eds), *Constructing a Culture: A People's History of Australia*, McPhee Gribble, Melbourne, 1988, p. 53.

bemoan the inadequacy of the legal machinery to deal with prostitution. The 1852 *Vagrant Act* empowered the police to arrest 'any common Prostitute who in any Street or Public Highway or being in any place of public Resort shall behave in a riotous or indecent manner'.<sup>21</sup> Police powers were augmented by the 1865 *Police Offences Act* which empowered police to act against publicans allowing 'known prostitutes' into their bars, and also provided sanctions against keepers of houses frequented by 'thieves or vagrants'.<sup>22</sup>

Prostitutes who worked on the street enjoyed some immunity from prosecution owing to the legal situation in which prostitution itself was not an offence. The law placed the onus on police to prove that a woman had been behaving in a 'disorderly' manner. Prostitutes were rarely disorderly in the presence of police and could therefore not be arrested, while comments made to passers-by were often ambiguous and proved flimsy evidence once inside the courtroom.<sup>23</sup> Superintendent Lyttleton claimed this was the major cause of police inaction in the 1860s, remarking that if a prostitute was not disorderly 'I do not know of any Act to touch her'.<sup>24</sup> The Superintendent of Melbourne Police, Frederick Winch, complained before the Royal Commission on Police in 1882 that attempts to prosecute street walkers using the vagrancy provisions of the *Police Offences Act* were generally unsuccessful, as women were frequently discharged and police censured for interfering with their liberty.<sup>25</sup> Such appeals to the weakness of the law offered a public explanation for discretionary police practices. Nevertheless there

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<sup>21</sup> *An Act for the Better Prevention of Vagrancy and other Offences*, 1852, s. 2 (3).

<sup>22</sup> *Police Offences Act* 1865, pt. 2, s. 29; Chris McConville, 'The Location of Melbourne's Prostitutes', p. 87.

<sup>23</sup> McConville, 'The Location of Melbourne's Prostitutes', p. 88.

<sup>24</sup> Royal Commission into the Wine and Spirits Sale Statute, 1867, Testimony of T. Hamilton Lyttleton, Superintendent of Police, 1 August 1866, Q. 149, p. 6.

<sup>25</sup> Royal Commission on Police, 1883, Testimony F. A. Winch, Superintendent of Melbourne Police, 4 July 1882, Q. 3731, p. 152.

was some justification for the police claim that prosecutions were difficult to secure. In 1877, police responded to complaints about a large number of prostitutes working along Collins Street on Sunday nights. Plain-clothes police arrested fourteen women, but once in the magistrates court they were unable to secure a single conviction.<sup>26</sup>

Judith Allen has noted that police publicly blamed inadequate laws for the persistence of prostitution to excuse their continued use of discretionary practices.<sup>27</sup> Nevertheless, police at times complained of inadequate powers in internal correspondence not intended for the public domain. In late 1872, for example, Sergeant O'Flaherty conducted an intensive campaign of surveillance and harassment against the Royal Oyster Saloon in Bourke Street, as he was convinced it was a brothel which functioned as a meeting place for city's criminal class. The proprietor, William Barnard, eventually complained to the Chief Commissioner of Police that police were 'in the habit of entering my premises in uniform and without leave or authority walking through my rooms for the purpose as he says of inspecting my house and of seeing who are therein' and protesting at the 'continued interference of Sergeant O'Flaherty with my business'. Asked to report to the Chief Commissioner of Police, O'Flaherty justified his actions on the grounds that 'this Oyster shop is one of the worst class in the City and has been under Police surveillance for a long time'. On their visits to the Oyster Saloon, police reported 'as many as fifteen prostitutes there pulling and hauling with men and sitting on their knees'.<sup>28</sup>

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<sup>26</sup> VPRS 937/298, Report of Sergeant Dalton re: complaints of prostitutes in Collins Street on Sunday nights, 30 July 1877.

<sup>27</sup> Judith Allen, 'The making of a prostitute proletariat', p. 198.

<sup>28</sup> VPRS 937/294, William Barnard, Royal Oyster Saloon, Bourke Street East to Chief Commissioner of Police, 2 December 1873; Sergeant O'Flaherty to Chief Commissioner of Police re: Oyster Saloon, 5 December 1873.

The uncertain nature of police power of brothels is evident in the subsequent course of action taken by police. Unable to prosecute the Oyster Saloon for operating as a brothel, O'Flaherty obtained a summons under section thirty of the *Police Offences Act*, and intended initiating a prosecution for selling oysters on a Sunday. Armed with a summons, O'Flaherty, in company with Inspector Brennan of the plain-clothes police, raided the Oyster Saloon late on a Sunday night finding 'two prostitutes and two men in one room and two men and a woman in another room all supplied with oysters'. Even through such a circuitous legal route, the Sergeant's efforts failed, and he reported to the Chief Commissioner that 'there is no law to prohibit oysters being sold on Sundays and so long as the police cannot prove an act of immorality the police cannot interfere'.<sup>29</sup> While police may well have pointed to the weakness of the law to excuse a disinclination to suppress prostitution, it was an argument which had some validity. As the example of the Royal Oyster Saloon demonstrates, there were cases when police acted to suppress prostitution but were unable to do so.

A more complex factor influencing the policing of prostitution was organisational corruption. Much corruption emanated from the close connections between the liquor trade and Melbourne's prostitution industry. As I demonstrated in the previous chapter, police supervision of public houses was an area where the opportunities for corruption were legion, and much corruption was purported to involve ignoring the presence of prostitutes in public houses.<sup>30</sup> Historically, the level of police corruption is difficult to assess, as allegations were easily made and difficult to disprove. Nevertheless, allegations of connections between senior policemen and the higher tier of the prostitution trade were frequent enough to be suggestive. The Superintendent of Melbourne Police in the 1860s and 70s, Thomas

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<sup>29</sup> VPRS 937/294, Sergeant O'Flaherty to Chief Commissioner of Police; Inspector Brennan to Chief Commissioner of Police re: Oyster Saloon, 5 December 1873.

<sup>30</sup> See for example Royal Commission on the Police of Victoria, *Ad Interim Report*, *Victorian Parliamentary Papers*, vol. 3, 1882-3. p. i.



Lyttleton, was the subject of various accusations in 1872, when ex-Constable Wellwood wrote to the Chief Secretary with a long list of grievances against Melbourne's senior police officer. Amongst the former constable's complaints was the charge that prostitutes used their acquaintance with Lyttleton to threaten beat police in the 1860s, in one instance even producing a photograph of Lyttleton to reinforce their claim. Wellwood maintained that when attempting to arrest Tilly Anderson and Norah Fitzpatrick on charges of prostitution, Anderson had told him 'Oh we will see Tommy Lyttleton wont we Norah—we will soon get the coat stripped off his back'. The former constable reported that following his altercation with the two women, he was mysteriously removed from beat duty for two weeks.<sup>31</sup>

Similar allegations were levelled both at the Chief Commissioner of Police, Frederick Standish, and Melbourne superintendent, Frederick Winch. It was Winch in particular who, in the mind of one ex-policeman, was personally responsible for the policing of prostitution having 'gone to the dogs'. The Superintendent was accused of associating with 'fast men', his lax attitude filtering down to constables on the beat who failed to apply the 'Herculean efforts' required to curb open prostitution in Melbourne.<sup>32</sup> Even more explicit corruption was alleged in the Royal Commission's ad interim report, where Winch was accused of being in the pay of certain publicans and transferring constables who attempted to suppress the 'social evil'.<sup>33</sup> Chief Commissioner Standish seems to have been similarly implicated in

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<sup>31</sup> VPRS 1226/36, Report into allegations against Superintendent Lyttleton, 10 June 1872; Wellwood also made further allegations that Lyttleton kept fighting cocks at a suburban station which were tended by a Sergeant and that he openly conducted an affair with the wife of another member of the Police Force. None of the allegations was proven and there was suspicion as to why it had taken Wellwood seven years to come forward with his complaints.

<sup>32</sup> Royal Commission on Police, 1883, Testimony of William White, 13 September 1882, Q. 7068-7082, pp. 290-291; White was clearly unimpressed with Winch who he claimed had only been seen in uniform once, during the Duke of Edinburgh's visit, and spent most nights at the bar of the Theatre Royal.

<sup>33</sup> Royal Commission on the Police of Victoria, Ad Interim Report, 1882, p. i & pp. vi-vii.

Melbourne's prostitution trade, if at a higher level, and reputedly used brothels as a conduit for gathering intelligence.<sup>34</sup>

The ambivalent legal status of prostitution also created fertile conditions for corruption at the lowest levels of the police organisation. For the average constable, the case of Constable Lyhane of North Melbourne and his effort to prosecute Peel Street brothel owner Caroline Hudson, provide a clearer picture of how corruption flourished at station-house level. North Melbourne residents had petitioned the Chief Commissioner of Police about Hudson's brothel. Hudson was apparently fond of boasting that 'she could not be put out as she had a good deal of influence and plenty of money to Tip'. When the constable arrived to investigate the petitioners' claims, he was greeted at the door by having pound notes pushed into his hand and being told 'there is no person here but you and I and no person will know of it'. The extent of corruption amongst street-level police remains essentially unknowable, but it is reasonable to assume that not all police would have reported such incidents quite as fully as Constable Lyhane.<sup>35</sup>

Organisational corruption combined with the ambiguous legal status of prostitution resulted in police actions which were sporadic and applied unevenly to different sections of the industry. Perceived as a problem of public order, police actions were in the main motivated by the complaints of private citizens. As Chief Commissioner Standish explained in 1878, police activity was restricted to preventing prostitution deemed to be 'offensive and repulsive to the public eye'.<sup>36</sup> Action against brothels was prompted mainly by complaints from residents in the vicinity of a 'disorderly house'. In 1873, thirty-one residents of Haywards Lane

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<sup>34</sup> John Lahey, *Damn You, John Christie! The Public Life of Australia's Sherlock Holmes*, State Library of Victoria, Melbourne, 1993, pp. 20-21; Paul de Serville, *Pounds and Pedigrees*, p. 60.

<sup>35</sup> VPRS 937/298, Report of Constable Lyhane re: Caroline Hudson's brothel Peel Street, North Melbourne, 6 October 1876.

<sup>36</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of F. C. Standish, Chief Commissioner of Police, 18 October 1878, Q. 101, p. 4.

wrote to the Chief Commissioner of Police complaining of the 'scenes of the most disgraceful and indecent nature' in several houses in the area. A constable was sent to the area who informed them to move out that evening or be taken to court.<sup>37</sup> In 1878 Chief Commissioner Standish explained that he had received repeated complaints against brothels from respectable people for many years.<sup>38</sup> Such complaints were frequently driven by economics rather than morals. Police declined to act on the complaint of Mr Fraser of Fitzroy Street, Fitzroy, as they claimed that 'the occupants ... have not as yet behaved in such a way as to justify interference on the part of the police'. Although police surveillance was maintained over the properties for several nights, there was little disturbance, and police concluded that the complaint had been motivated by 'Mr Fraser having trouble letting houses in the vicinity'.<sup>39</sup>

While police actions against the prostitution industry were characterised by discretion and sporadic prosecution, there was growing pressure in the 1870s for more active interventions. Public debate and concern over the 'social evil' question was gaining momentum by the early 1870s. In 1873, a report on the question of the 'social evil' was prepared for Parliament by journalist David Blair, comparing the situation in Melbourne to that in European capitals.<sup>40</sup> In 1878, a Select Committee was established to consider a Bill for the Prevention of Contagious Diseases. The bill was modelled on several statutes already operational in parts of England.<sup>41</sup> The

<sup>37</sup> VPRS, 937/294, Residents of Haywards Lane to Chief Commissioner of Police re: Disorderly Characters, 6 December 1873; Police report re: Haywards Lane, 12 December 1873.

<sup>38</sup> Report from the Select Committee upon a Bill for the prevention of contagious diseases, 1878, Testimony of Captain F. C. Standish, 18 October 1878, Q. 153-158, p. 6.

<sup>39</sup> VPRS 937/294, Mr Joseph Fraser, 140 Fitzroy Street, Fitzroy to Chief Commissioner of Police, 30 October 1873; Reports of Fitzroy Police, 1 & 2 November 1873; Chief Commissioner of Police to Mr Joseph Fraser, 140 Fitzroy Street, Fitzroy, 12 November 1873.

<sup>40</sup> Report on the Social Evil, *Victorian Parliamentary Papers*, vol. 3, 1873; see also McConville, 'The Locations of Melbourne's Prostitutes', p. 86.

<sup>41</sup> For the operation of contagious diseases legislation in England see Judith R. Walkowitz & Daniel J. Walkowitz, "'We are not Beasts of the Field': Prostitution and the Poor in Plymouth and Southampton under the Contagious Diseases Acts', *Feminist Studies*, vol. 1, Winter 1973, pp. 73-106; Robert D. Storch, 'Police Control of Street Prostitution in Victorian London: A Study in the (continued...)

Illustration 7.1



*"Superintendent Thomas 'Tommy' Lyttleton."  
Superintendent of Melbourne District, 1861-1874, was involved in numerous scandals during  
his time in command.*

Courtesy of Victoria Police Historical Unit

**Illustration 7.2**



*"Captain Frederick Charles Standish, Chief Commissioner of Police, 1858-1880."  
Standish presided over a police force which made little effort to suppress prostitution.*

Courtesy of Victoria Police Historical Unit

Report of the Committee recommended that a system of registration and examination along English lines be introduced to the Colony.<sup>42</sup> Justifications for the legislation were framed in terms of limiting the extent of prostitution and providing a mechanism for surveillance. In its final report, the Select Committee concluded that;

it is the opinion of every witness examined that the fear of such registration and examination would operate to deter many from entering upon a career of vice, and also that the fear of being sent to a hospital, as proposed by this Bill, and of being for some time prevented from following their usual avocations, will induce many an unfortunate women to place herself under medical treatment so soon as she becomes aware she has contracted the disease.<sup>43</sup>

The privileging of medical authority in contagious diseases legislation lead to doubts as to whether prostitution, if an issue of public health, was the domain of ordinary police. The Chief Commissioner of Police, Frederick Standish, suggested that a special appointment be made, combining the functions of health officer and doctor, to oversee contagious diseases regulation. This appointee would then be assisted by police.<sup>44</sup> Such suggestions raised the question of whether prostitution was most appropriately treated as a public health or a public order issue. While this question would resurface in later decades, it was soon sidelined when the contagious diseases legislation was found to be totally ineffectual. Shortly after the bill passed into law, police applied for a proclamation under section 3 of the *Public Health Act 1878*. The Chief Secretary however, responding to protests from Hospital authorities, declined to grant the proclamation, rendering the Act

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Contexts of Police Action', in D. H. Bayley (ed.), *Policing and Society*, Sage Publications, London, 1977, pp. 49-72; Judith Walkowitz, *Prostitution in Victorian Society: Women, Class and the State*, Cambridge University Press, Cambridge, 1980, esp. pp. 4-5.

<sup>42</sup> Report from the Select Committee upon a Bill for the Prevention of Contagious Diseases together with the proceedings of the Committee and minutes of evidence and appendices, *Votes & Proceedings of the Legislative Assembly*, vol. 1, 1878.

<sup>43</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Report, p. 1.

<sup>44</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of Captain F. C. Standish, Chief Commissioner of Police, 18 October 1878, Q. 2, p. 1.

effectively inoperative.<sup>45</sup> Consequently Victorian police were not to have the discretion accorded them by health regulations that was the lot of police in the northern colony of Queensland. The policing of prostitution in Melbourne remained dominated by the issue of public order, with vagrancy laws and the Towns Police Acts providing the legal mechanisms for regulating the industry.<sup>46</sup>

Growing public concern over the question of prostitution prompted some action on the part of police, with four plain-clothes policemen placed on permanent 'social evil' duty by the mid-1870s. Operating out of Russell Street station, the four plain-clothes men enjoyed considerable autonomy, and were headed by Sergeant James Dalton, who was, he claimed, virtually his 'own master'.<sup>47</sup> Dalton's 'social evil' police maintained surveillance over Melbourne's prostitutes and collected evidence for prosecuting 'disorderly' brothels. The use of plain clothes police ostensibly granted the men greater surveillance potential and an increased chance of apprehending women before they noticed the approach of the police. Nevertheless this seems unlikely to have been much advantage, as Dalton commented in 1882 that he was on 'good terms' with most of the city's prostitutes who regularly provided him with information.<sup>48</sup> Dalton's evidence also suggests that the plain-clothes police were more interested in forging links with Melbourne's prostitutes as possible sources of criminal intelligence than in suppressing prostitution.

As prostitution assumed greater prominence as a public issue, police administrators actively sought to influence legislation by articulating their

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<sup>45</sup> Serle, *The Rush to be Rich*, p. 168.

<sup>46</sup> Finnane, *Police and Government*, p. 177; for the situation in Queensland where Contagious Diseases legislation was applied see Raymond Evans, 'Soiled Doves: Prostitution in Colonial Queensland' in Kay Daniels (ed.) *So Much Hard Work: Women and Prostitution in Australian History*, Fontana/Collins, Sydney, 1984, pp. 141-146.

<sup>47</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of Constable Francis O'Meara, 18 October 1878, Q. 342, p. 13; Testimony of Sergeant James Dalton, 18 October 1878, Q. 376-378, p. 15; Royal Commission into the Police Force 1883, Q. 800, p. 29.

<sup>48</sup> Royal Commission on Police, 1883, Testimony of Sergeant James Dalton, 9 May 1882, Q. 862, p. 31.

perceptions of the problem and its possible solutions before government inquiries. As others have noted, police viewpoints reflected the masculine character of the police institution, and foremost among their beliefs was the idea that prostitution could never be suppressed.<sup>49</sup> Such a view was clearly articulated by the Chief Commissioner of Police in 1878, whose explanation for the scale of prostitution in the colony was 'the natural desire of men' and who argued that 'no legislation will suppress it'.<sup>50</sup> Prompted by such beliefs, police were persistent advocates for regulating prostitution through systems of licensing and registration.

General police support for government regulation of prostitution was articulated from 1878. Before the Select Committee on Contagious Diseases in that year, the Chief Commissioner of Police, Frederick Standish, argued that prostitution should be spatially contained, and that control and geographical concentration were better than any attempt at eradication. Sergeant Dalton, head of the plain-clothes police responsible for prostitution, argued in 1882 that the licensing of brothels would 'not be a bad thing' as he thought it would eliminate the role of 'flash fellows' who reaped a 'tremendous harvest' from houses of assignation.<sup>51</sup> Such arguments suggested that registration would have the advantageous effect of separating prostitution from wider criminal activity.<sup>52</sup> Melbourne's senior police official, Frederick Winch, was similarly enthusiastic about licensing of prostitution, stating his opinion that 'they should be compelled to live in certain quarters ... they should

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<sup>49</sup> Finanne, *Police and Government*, p. 178.

<sup>50</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of F. C. Standish, Chief Commissioner of Police, 18 October 1878, Q. 27, p. 2 & Q. 99, p. 4.

<sup>51</sup> Royal Commission on Police, 1883, Testimony of Sergeant James Dalton, 9 May 1882, Q. 867, p. 31.

<sup>52</sup> For similar police motivations in England see Walkowitz, *Prostitution and Victorian Society*, p. 14; see also Petrow, *Policing Morals*, p. 127.



be registered as prostitutes, and that they should undergo a periodical medical examination'.<sup>53</sup>

The continued enthusiasm of police for policies of official regulation emanated from the fact that regulation was essentially an extension of existing policing practice. The police already followed an unofficial policy of attempting to isolate vice in specific areas. Superintendent Winch claimed the ideal policing situation with brothels was 'to concentrate them in one spot and leave them there'.<sup>54</sup> John Barry, in his *Police Guide*, advised that while the *Vagrancy Act* provided a mechanism for prosecuting prostitutes and keepers of brothels 'this class are not generally interfered with, unless robberies, or disorderly conduct take place in their houses'. Barry saw it as essential that prostitution be confined to one area, remarking that 'there is in every town a street or streets chiefly occupied by prostitutes, and they should be compelled to remain there'. Strict action on the part of police, Barry assured, could easily achieve this result. Such actions would prevent what Barry saw as the least desirable situation—that of prostitutes and brothels being situated 'in localities inhabited by respectable people'.<sup>55</sup>

While police advocated registration and containment, there was a growth of sentiment from the 1880s for the absolute suppression of prostitution, represented most strongly by the Society for the Promotion of Morality. Moral reformers rejected the idea of registration through contagious diseases legislation as tantamount to the State sanctioning of vice.<sup>56</sup> The issue of social purity merged with the campaigns against the evils of drink and gambling pursued by evangelical

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<sup>53</sup> Royal Commission on Police, 1883, Testimony of F.A. Winch, Superintendent of Police, 11 July 1882, Q. 4081, p. 108.

<sup>54</sup> Royal Commission on Police, 1883, Testimony of F.A. Winch, Superintendent of Police, 11 July 1882, Q. 4081, p. 108.

<sup>55</sup> John Barry, *Victorian Police Guide*, pp. 105-6.

<sup>56</sup> See for example, Melbourne United Evangelistic Association, *Melbourne and its Sin*, Melbourne United Evangelistic Association, Melbourne, 1880.

reformers. For moral purists, the figure of the prostitute operated as a tangible symbol of society's moral degradation. The superior political organisation of the social purity movement was evidenced by the establishment of various shelters for fallen women, aimed at reformation through instruction in virtuous womanhood.<sup>57</sup> The emergence of organised public pressure for the suppression of prostitution coincided with the public disgracing of the police force in 1883. Following the Royal Commission's findings, which had directly attributed Melbourne's degraded morals to the ineffectual state of policing, police administrators felt compelled to make public demonstrations of police efficiency. Crackdowns on brothels and prostitution provided one means of demonstrating the professionalism, effectiveness and integrity of an institution with a badly tarnished image.

Under pressure from the advocates of social purity, senior police officials were claiming by the mid-1880s that prostitution in Melbourne was on the decline. When newspaper reports claiming that 400 girls in Melbourne under the age of fourteen were leading a 'life of shame' were read out in the Legislative Assembly, Melbourne Superintendent Sadleir was quick to comment that 'not a single authentic instance can be produced'. Sadleir believed such reports were the work of 'some sensation monger of whom there was a plentiful crop at the time the Royal Police Commission was sitting'. Sadleir maintained that the policing of prostitution had undergone substantial improvement, partially resulting from 'more hearty co-operation from the Magistrates' but also due to heightened morality of the community. Sadleir believed that a 'healthier public opinion' prevailed 'which would not have brooked any long continued neglect of duty on the part of either the Magistrates or the Police'.<sup>58</sup>

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<sup>57</sup> Serle, *The Rush to be Rich*, p. 167; Sue Davies, 'Working their way to Respectability: Women, Vagrancy and Reform in Late Nineteenth Melbourne', *Lilith*, no. 6, Spring 1989, pp. 50-63.

<sup>58</sup> VPRS 937/316, Superintendent Sadleir to Chief Commissioner of Police, 23 November 1885; see also attached newspaper clippings on same file, *Argus*, 17 November 1885; extract from *Daily Telegraph*, 18 November 1885.

By the mid 1880s, Melbourne police were conducting a concerted campaign against brothels, which both satisfied the demands of the social purity campaigners and demonstrated the integrity of the reorganised police force. In 1886, the Superintendent of Melbourne Police informed the Attorney-General of the principles guiding police action. The first was that all disorderly houses were to be suppressed, the second was that every effort was being made to clean up the main thoroughfares and a prohibition against the opening of new brothels.<sup>59</sup> Senior police officials, eager to promote an image of police integrity and respectability, distanced themselves from the working relationships between brothel owners and police of previous decades. An attitude of reformed police authority shaped the rhetoric of senior policemen. Melbourne's superintendent, John Sadleir, for example, dismissed the complaint of brothel owner Emma Williams that she had been subject to police harassment by stating 'this woman is the keeper of a common brothel, and as such she must expect to be subjected to unceremonious visits by the Police in the execution of their duty'.<sup>60</sup> Nevertheless, the social reformers' language of suppression had only partially infiltrated the higher echelons of the Police Department. In 1886 the Chief Commissioner of Police advocated continued police discretion, informing the Chief Secretary that the 'general and indiscriminate prosecution of all keepers of objectionable houses' would only 'secure results of questionable value'.<sup>61</sup>

Police were aided in their efforts to regulate prostitution by a social climate which favoured legislating against vice. Local social purity campaigners echoed international concerns with 'the white slave traffic', and pressed for more powerful

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<sup>59</sup> VPRS 266/406, 86/6160, Superintendent of Melbourne Police to Crown Law Office, 15 November 1886.

<sup>60</sup> VPRS 937/319, Melbourne Superintendent to Chief Commissioner of Police re: Emma Williams complaint, 13 November 1886.

<sup>61</sup> VPRS 266/406, 86/6160, Chief Commissioner of Police to Chief Secretary re: result of Sadler's prosecution of Mary Watson and Ellen Dyer, 13 November 1886.

legislation to suppress prostitution and save young women from being entrapped into a life of sin.<sup>62</sup> The pressure of social reformers to eradicate the 'social evil' thus coincided with the drive of police administrators to expand police powers. New authority was created in the 1890 *Police Offences Act*, which consolidated police jurisdiction over brothels. Additional powers were added by an amending Act passed in the following year. The amending Act granted police greater powers over public space, and amongst such powers were provisions which made the act of soliciting prostitution an offence.<sup>63</sup> The Act also contained provisions which imposed severe penalties on those procuring. Brothel keepers who allowed girls under the age of thirteen on their premises faced sentences of up to ten years imprisonment. A lesser sentence of two years could be imposed if girls were between thirteen and sixteen. An additional amendment provided that girls found in brothels could be confined to charitable institutions. Police did not immediately make great use of their newly allocated powers, indicating the continuation of sporadic and discretionary police action and only partial enforcement of the agenda of moral campaigners. Reports of the number of young women in city brothels were read in parliament in 1893 however, and police were ordered into the lanes and back alleys of the city in search of young prostitutes.<sup>64</sup>

Despite the high rhetoric of senior policemen that prostitution was strictly controlled, police on the street continued with a mixture of tolerance and discretion which many had known before 1883. Police, like most of their male contemporaries, viewed prostitution as a graded profession, ranging from 'flash brothels' at the highest level through to women on the streets at the lowest strata.<sup>65</sup>

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<sup>62</sup> Raelene Frances, 'Australian Prostitution in International Context', *Australian Historical Studies*, vol. 27, no. 106, April 1996, pp. 127-141.

<sup>63</sup> *Police Offences Amendment Act*, 1891, s. 7 (2); Meg Arnot, 'A New Britannia', p. 52.

<sup>64</sup> Chris McConville, 'The Location of Melbourne's Prostitutes', p. 92.

<sup>65</sup> For police descriptions of Melbourne prostitution see Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of F.C. Standish, Chief Commissioner of Police, 18 October 1878, Q. 53-76, p. 6.

When beat police received orders to suppress prostitution, they concentrated their efforts on those women who were most visible in public spaces. Such women were usually at the lower end of the prostitution industry, and their street-based existence exposed them to consistent police attention. Amongst women on the street police also drew distinctions, and, as Judith Allen suggests, it was those women with the 'least currency' who were most frequently subject to police harassment.<sup>66</sup> These distinctions within prostitution had significant implications, and help to explain the continuation of police practices which suppressed sections of the prostitution industry while tacitly endorsing others.

Individual cases reveal that the continued objective of police on the street was to maintain standards of public order and 'respectability' and remove women judged to be disruptive and disorderly. Women transgressing the criteria set by police could expect continued police harassment and ultimately the use of a broad range of street related charges in an effort to remove them from the streets. Maud Davies, for example, was subject to continual scrutiny from Collingwood police, who judged her to be 'dead to all shame, a disgrace to her sex and an abominable street nuisance, much worse than a vagrant dog' and 'a slut in the street, devoid of all shame'. When she was finally arrested for vagrancy, police managed to convince the magistrate that Davies was a threat to public order and she was imprisoned for twelve months.<sup>67</sup>

Similar police pressure was applied to other women judged to have transgressed standards of public decorum. In 1894 police paid particularly close attention to 'foreign prostitutes' frequenting Swanston Street. Constable Tucker reported the actions of plain-clothes police were successful, owing to close

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<sup>66</sup> Judith Allen, 'The making of a prostitute proletariat in early twentieth-century New South Wales', p. 201.

<sup>67</sup> VPRS 807/5, A3235, Collingwood Police reports re: Maud Davies convicted of vagrancy, 19 March 1894.

surveillance in which 'we arrested and hunted them about until most of them cleared away'.<sup>68</sup> Although police continued to claim they lacked the necessary powers to deal with prostitution, their existing powers often proved more than adequate when applied in full. In addition, threats and warnings were often sufficient to cause women to move from a locality due to police harassment. In 1893, Sergeant Waters received complaints from residents that a number of disorderly females were congregating in Tivoli Road, South Yarra. Waters informed the Chief Commissioner several days later, 'I have now got rid of them by threatening to bring them up as vagrants'.<sup>69</sup> Similar extra-legal pressure was applied to the operators of low-brothels if police disapproved of their location or reputation. When one woman, thought by police to be a 'bad character', opened a brothel in Exhibition Street, she was visited by Senior Constable Gleeson, who reported: 'I told her it would be better if she could find another house and at the same time I gave her warning of what she might expect if she remained'.<sup>70</sup> Police actions of this kind were not attempts to suppress prostitution. Rather they were used to define the boundaries of acceptable public behaviour for street walkers and respectability for brothels.<sup>71</sup>

Such boundaries had their obverse side, and brothels deemed by police to be 'well conducted' received tacit approval and were left to operate. On occasion police would even speak out in defence of 'respectable' brothels if citizens raised complaints. Police discretion was thus intimately bound with notions of

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<sup>68</sup> VPRS 807/2, A 1665, Report of Constable Tucker re: complaint of proprietor of Metropole Hotel, Bourke Street, 8 March 1894.

<sup>69</sup> VPRS 937/338, Bundle 3, Report of Sergeant Waters re: disorderly females in Tivoli Road, South Yarra, 8 March 1893.

<sup>70</sup> VPRS 937/332, Bundle 1, Senior Constable Gleeson to Superintendent of Melbourne Police re: a brothel no. 158 Exhibition Street, 29 September 1890.

<sup>71</sup> Cf. Jeffrey S. Adler, 'Street Walkers, Degraded Outcasts, and Good-for-Nothing Huzzies: Women and the Dangerous Class in Antebellum St. Louis', *Journal of Social History*, vol. 25, no. 4, 1992, p. 740.

respectability, but it also revealed the continuation of a police policy which persecuted brothels thought to harbour wider criminal activity. Police were consequently defensive when a neighbour complained that the house of Mrs Richardson in Little Lonsdale Street was a brothel. Police reported;

she has been a brothel keeper in the vicinity of Little Lonsdale Street for very many years. The house kept by her now, no. 45 Little Lonsdale Street, is quietly conducted, the class of persons frequenting her house cannot be termed either criminal or disorderly. I am not aware that there have been men robbed in her house, nor fleeced there ... in the absence of such reports and considering the usual quietness of the house and its occupants I don't see any need whatever for the Police to interfere with Mrs Richardson or her house.<sup>72</sup>

Similar use of discretion was evident when police received complaints of lurid language echoing from a high class brothel in Exhibition Street operated by Charlotte Kane. When women from the brothels paraded on the verandah in the evenings, negotiating with potential customers, a neighbour complained that their conversations were clearly audible to himself and his family, and were hardly uplifting. Police subsequently reported that Kane's brothel had been known to them for many years and was regarded as well conducted. The women therefore received a polite request from plain-clothes police to conduct their business indoors.<sup>73</sup>

Police practice continued to be characterised by wide-ranging discretion, which was, in effect, *de facto* regulation of Melbourne prostitution. Police could easily defend any failure to suppress prostitution by arguing that it was magistrates, and not the police, who allowed the 'social evil' to flourish. Such an argument, while convenient, was not totally fallacious and by the mid-1880s police administrators were pressing magistrates to impose harsher penalties. In 1886 police presented two brothel keepers, Margaret Watson and Ellen Dyer, before Melbourne magistrates who dismissed both cases. The Chief Commissioner of Police angrily appealed to the Crown Law Office, claiming that police efforts to suppress prostitution were

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<sup>72</sup> VPRS 937/332, Bundle 1, Police Report re: Mrs Richardson's Brothel, 4 January 1891.

<sup>73</sup> VPRS 807/5, A 3509, Brothels in Exhibition Street, 31 March 1894.

being obstructed, and that it was 'utterly impossible for Police to deal with difficulties of this class unless they are supported by the Bench'. The Chief Commissioner requested that the Minister of Justice acquaint his officers with police policy, 'with the object of restoring the indispensable harmony which must exist between the police and the Bench if public order and decency are to be preserved in the metropolis'.<sup>74</sup> Public perceptions of police efficiency relied not only on arrests, but also on convictions.

The sharpest conflicts between police and the magistracy arose from police attempts to gain convictions against street walkers. A petition from Elizabeth Street shopkeepers in 1897 implored police to move against the 'low women' who loitered on the corner of Elizabeth and Lonsdale streets and were continually engaged in 'singing and shouting out and other disgraceful behaviour'.<sup>75</sup> Police, however, found their subsequent actions against the women gained scant support from the bench of the City Court. Constables Stokes and Tucker arrested eleven prostitutes in the locality following the shopkeepers complaints. When the women were brought before Justice Panton, the constables reported that he 'remarked that prostitutes had as much right to be in Elizabeth Street as any other person and thus inflicted very small fines'.<sup>76</sup> Senior Constable Cauly reported that of 103 prostitutes arrested in a six month period between 1896 and 1897 about 80% were either let go altogether or fined very small amounts. It was a matter of considerable consternation to police that women such as Minnie Bullen, who was brought before the bench with 57 prior convictions, were dealt with as leniently as those appearing for the first time.<sup>77</sup>

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<sup>74</sup> VPRS 266/406, 86/6160, Superintendent Sadlier to Crown Law Office, 15 November 1886.

<sup>75</sup> VPRS 807/69, Petition of Elizabeth Street Shopkeepers to Chief Commissioner of Police, 30 September 1897.

<sup>76</sup> VPRS 807/69, Report of Constables Stokes and Tucker, 13 November 1897.

<sup>77</sup> VPRS 807/69, Report of Senior Constable Canty, 13 May 1897, the breakdown of conviction statistics provided by Canty was the following; of 103 arrests between 12 November 1896 and 12 May 1897 31 were discharged after pleading guilty, 2 were fined 2/6, 47 were fined 5/, 17 were fined 10/ and the remainder were fined 20/



Inspector Curran of Russell protested vigorously at the perceived leniency of magistrates. Curran remonstrated to the Chief Commissioner 'that these disorderly characters who can find money to fee lawyers, ought to meet with exemplary punishments at the hands of the magistrates, and be made to part with their ill-gotten gain'. Assistance from the City magistrates would, Curran believed, soon see the city streets free from 'the most flagrant class of prostitutes' who he saw as infesting the streets of the city owing to the magistrates' leniency.<sup>78</sup>

Police grievances with magisterial rulings were accompanied by growing demands from police for more expansive legislation. The Royal Commission into the Police Force in 1906 functioned as a forum for the plain-clothes police responsible for policing prostitution to articulate their demands for enhanced powers and to promote the cause of regulation. Senior Constable James Stapleton, a plain-clothes constable stationed at Russell Street, explained the difficulties faced by police in securing convictions for prostitution. Stapleton testified that few charges laid against women for soliciting met with success, due to provisions in the law placing the onus on the constable to prove the actual words spoken. The physical impossibility of overhearing conversation in the street stymied many prosecutions, while Stapleton also cited uncooperative magistrates as contributing to low conviction rates. The constable's proposed solution was to amend 'soliciting' to the vaguer notion of 'loitering'. Regarding brothels, the constable echoed the familiar police preference for containment, remarking that confining prostitution within one locality would be 'a splendid thing—it would save us a lot of work'. While Stapleton was a keen advocate of enhanced police powers, he was also careful to indicate the need for continued discretion in the policing of prostitution. Full application of the law would, Stapleton argued, only move prostitution from one jurisdiction to another, with zealous prosecutions of prostitutes serving to 'drive them out of the city into the suburbs—perhaps they dump down against my house

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<sup>78</sup> VPRS 807/69, Memo: Inspector Curran to Chief Commissioner of Police, 13 May 1897.

there'. Few of the commissioners he spoke before would have relished that thought.<sup>79</sup> Another plain-clothes constable, Albert Tucker, took a similar view. Police, he informed the commission, acted mostly on complaints and in areas where no objections were received from local residents brothels were generally allowed to remain. Brothels were, in his words, 'a necessary evil' and providing they remained quiet he saw little necessity for police action.<sup>80</sup>

Tucker was also keen to see the licensing of prostitution, which he argued would be of great benefit to policing. Tucker was of the opinion that licensing would solve the problem of street prostitution altogether, as licensed women would be compelled to remain in brothels rather than venturing out into public to drum up business. The question of regulation was primarily, as Tucker saw it, one of surveillance and preventing the situation which he believed existed where 'they walk straight onto the town'. Prostitution would be curbed as those applying for a licence would be compelled to think twice rather than casually taking up the profession.<sup>81</sup>

Police were keen to deal with another offshoot of the prostitution trade, the men who lived off the earnings of prostitution. In the 1880s, police complained of large numbers of 'flash men' roaming about the City and prospering off the earnings of prostitution. The same complaint resurfaced in 1906, where there was still no

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<sup>79</sup> Royal Commission on the Victorian Police Force, 1906. 'Testimony of Senior constable James Stapleton, 7 February 1906, Q. 17403-Q. 17426, pp. 632- 633.

<sup>80</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Albert E. Tucker, 17 January 1906, Q. 13236, p. 451.

<sup>81</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Albert E. Tucker, 17 January 1906, Q. 13224-Q. 13227, p. 451; regulation was a feature of prostitution in many other countries of the period see Linda Mahood, *The Magdalenes: Prostitution in the Nineteenth Century*, Routledge, London, 1990; Mary Gibson, *Prostitution and the state in Italy 1860-1915*, Rutgers University Press, New Brunswick, N.J., 1986; Jill Harsin, *Policing prostitution in nineteenth century Paris*, Princeton University Press, Princeton, N.J., 1985; Laurie Bernstein, *Sonia's Daughters: Prostitutes and their regulation in Imperial Russia*, University of California Press, Berkeley, 1995; In the United States only St. Louis attempted a system of regulation see Thomas C. Mackay, *Red Lights Out: A Legal History of Prostitution, Disorderly Houses and Vice Districts, 1870-1917*, Garland Publishing, New York, 1987, pp. 213-220, also John C. Burham, 'The Medical Inspection of Prostitution in America in the Nineteenth Century: The St. Louis Experiment and its Sequel', *Bulletin of the History of Medicine*, vol. 45, no. 3, May 1971, pp. 203-18.

legal means to prosecute men involved in the prostitution trade. Police argued that these men swelled the number of prostitutes on the street touting for business, by compelling them to venture out every evening in order to secure their income. Thus it was argued that moves against 'bullies' would substantially decrease the visibility of prostitution, as women would spend less time on Melbourne's streets in search of customers.<sup>82</sup> Police calls for wider powers were also motivated by the perception that 'bullies' shielded women from the police, thereby reducing the opportunities for surveillance and prosecution.<sup>83</sup> Indeed, the desire of plain-clothes police to hunt out 'bullies' verged on the obsessive, suggesting that they were equally motivated by the more general middle-class abhorrence of pimps as symbols of idleness and immorality.<sup>84</sup>

Before the 1906 Royal Commission, police were adamant that the solution lay in emulating the legislation in force in other jurisdictions. Police pressed for greater powers by arguing that police in jurisdictions with more powerful legislation were able to effectively control prostitution. Albert Tucker advocated the emulation of the English 'Bludger Act', which rendered any man found living directly or indirectly off women's prostitution liable to two years imprisonment. After a few prosecutions most of the 'bludgers' had apparently taken flight. Similar results were said to have occurred in Western Australia where a similar act was in force.<sup>85</sup> This

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<sup>82</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Albert E. Tucker, 17 January 1906, Q. 13231, p. 451.

<sup>83</sup> See Hilary Golder & Judith Allen, Prostitution in New South Wales 1870-1932: Re-Structuring and Industry, *Refractory Girl*, no. 18, December 1979, p. 18 & Judith Allen, 'The making of a prostitute proletariat in early New South Wales' in Kay Daniels (ed.), *So Much Hard Work: Women and Prostitution in Australian History*, Fontana/Collins, Sydney, 1984, pp. 205-206 for the role of pimps in New South Wales.

<sup>84</sup> For a fascinating examination of the image of the pimp in the French context see Alain Corbin, *Women for Hire: Prostitution and Sexuality in France after 1850*, Harvard University Press, Cambridge, Mass., 1990, pp. 155-156.

<sup>85</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Constable Albert E. Tucker, 17 January 1906, Q. 13232, p. 451; for working of 'Bludgers Act' in London see Stefan Petrow, *Policing Morals*, pp. 160-162; for Western Australia see Raelene Davidson, "'Dealing with the Social Evil": Prostitution and the police in Perth and on the Eastern Australian Goldfields, 1895-1924', in Kay Daniels (ed.), *So Much Hard Work: Women and Prostitution in Australian History*, Fontana/Collins, Sydney, 1984, p. 166.

police call for more power over the men who lived off prostitution was answered in 1907, with new legislation permitting police to enter any house used as a brothel. Male residents found on the premises faced up to two years imprisonment. The Act also contained provisions for prosecuting the owners of properties leased as brothels.<sup>86</sup> The evidence of plain-clothes policemen before the 1906 Commission displayed a desire for more expansive powers and demonstrated the continued support amongst police for systems of licensing and registration. This support was again evident in 1909, when seventy-five reports from police on proposals for raising the age of consent were forwarded to the Chief Secretary. In a summary of the reports, Inspector Gleeson noted that the majority of police favoured 'special legislation with regard to prostitutes, so that they may be licensed and medically examined and confined to particular and defined localities'.<sup>87</sup>

Although possessing more expansive powers over public space and brothels under the 1907 *Police Offences Act*, police continued to argue that more expansive legislation was required to curb public prostitution. Demands for greater powers accelerated in 1910, following a Supreme Court decision which challenged the police practice of using vagrancy provisions to prosecute women for soliciting.<sup>88</sup> In July 1910, Sergeant Stapleton had arrested twenty-eight women and charged them with vagrancy. All twenty-eight women produced bank books, thereby providing evidence of 'visible means of support'. The magistrate dismissed all the charges by referring to a Supreme Court decision which maintained that money earned from prostitution was not dishonestly obtained. Superintendent Sainsbury implored the

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<sup>86</sup> *Police Offences Act*, 1907, s. 5 & s. 6; McConville, 'The Location of Melbourne's Prostitutes', p. 92.

<sup>87</sup> VPRS 1226/107, Inspector Gleeson to Chief Secretary re: summary of 75 reports from Melbourne & suburban Police officers, sub-officers and constables, 10 November 1909.

<sup>88</sup> VPRS 1226/119, Report of Constable Porter re: arrest of Mary Jones, 30 May 1911; see also *Green v Jones*, Victorian Law Reports, 1910, p. 284; this question was also tested in another Supreme Court case see *Porter v Martin*, Argus Law Reports, vol. 26, 1910, pp. 12-13.

need for fresh legislation as news of the decision rapidly spread to the street and prostitutes became aware of their new immunity. As Sub-inspector Sullivan remarked 'they all know that now, and it is useless charging them'.<sup>89</sup>

In response to police demands, the Chief Secretary presented an amended Police Offences bill before Parliament in 1910. The bill amounted to an ambit claim by police for power over women in public spaces, and reflected the general police view that 'extremely wide powers would greatly simplify their task in dealing with the problem'.<sup>90</sup> Parliamentary debate and editorial comment in the Press revealed the limits to which police could use the suppression of prostitution to argue for expanded powers. Debate surrounding the bill reflected anxieties over the extension of police powers and also revealed the influence of early feminists, who argued that men should be culpable for using the services of prostitutes. Sixty members of women's organisations lobbied parliamentarian Robert Solly, who employed their argument 'that the man who went with a prostitute was as bad as the prostitute and should be liable to punishment' to defeat the proposed extension of police powers.<sup>91</sup> Rejection of the proposed legislation also engaged arguments for the liberty of the subject, maintaining that police should not be granted 'drag-net' powers. Defending women from excessive police powers embodied notions of male chivalry, reflected in arguments stressing the danger of 'jeopardising the liberty or reputation of innocent and respectable women', and fears that policemen would be granted the power 'to come up and arrest a most decent and virtuous girl'.<sup>92</sup>

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<sup>89</sup> VPRS 1226/119, Report of Sergeant Stapleton re: 28 prostitutes charged with vagrancy, 11 July 1910.

<sup>90</sup> *Argus*, 16 September 1910, p. 6.

<sup>91</sup> *Victorian Parliamentary Debates*, vol. 124, 8 September 1910, p. 1091.

<sup>92</sup> *Argus*, 16 September 1910, p. 6; *Victorian Parliamentary Debates*, vol. 124, 8 September 1910, p. 1088; on the notion of male chivalry in this period see Jill Roe, 'Chivalry and Social Policy in the Antipodes', *Historical Studies*, vol. 22, no. 88, April 1987, pp. 395-410.

Revealed in this resistance to ambit police powers over women in public was a long held concern that police might accuse 'respectable' women of being prostitutes. As early as 1878, Chief Commissioner Frederick Standish conceded that it was a difficult matter for police to differentiate between 'the woman who is only known to be a little gay and the professional prostitute'.<sup>93</sup> Plain-clothes police giving evidence before official inquiries continued to deny that there was any chance of mistaking respectable women for prostitutes.<sup>94</sup> By the turn of the century however, new economic freedoms resulted in the increased occupation of public space by young working-class women. In 1909, police were explicitly linking this new access to public space with a rise in casual prostitution, claiming that prostitution had moved from professionals to factory girls who were 'underpaid and practice it for dress and amusement'. Consumerist desires amongst young women were also held responsible, with Constable McCann of Collingwood claiming casual prostitution was widespread due to 'laziness and a desire for gaudy clothes and jewellery'.<sup>95</sup> The desire to gain some control over casual prostitution justified further police promotion of official regulation, which would deter 'amateurs' and leave only 'professionals' known to police.<sup>96</sup>

Failure to secure stricter legislation in 1910 did not prevent police from continuing to press for more expansive powers. Policemen continued to argue that a

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<sup>93</sup> Select Committee upon a Bill for the Prevention of Contagious Diseases, 1878, Testimony of Captain F.C. Standish, Chief Commissioner of Police, 18 October 1878, Q. 77, p. 4.

<sup>94</sup> Meg Arnot, 'Prostitution and the State in Victoria, 1890-1914', MA thesis, University of Melbourne, 1986, p. 53.

<sup>95</sup> VPRS 1226/107, Fitzroy Police Report re: Age of Consent, 11 November 1909; Report of Constable McCann, Collingwood station, 11 November 1909; for concerns about the sexuality and freedom of young women see Julie Tisdale, *The Future Mothers of Our Race: Venereal Disease and the Amateur in Melbourne During World War I*, Monash Publications in History: 26, Clayton, Vic, 1999; 'Venereal Disease and the Policing of the Amateur during World War I', *Lilith*, no. 9, Autumn 1996, pp. 33-50; Cf. also Kathy Peiss, *Cheap Amusements: Working Women and Leisure in turn of the century New York*, Temple University Press, Philadelphia, 1986; Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*, University of Toronto Press, Toronto, 1995; Ruth M. Alexander, *The Girl Problem: Female Sexual Delinquency in New York, 1900-1930*, Cornell University Press, 1995.

<sup>96</sup> VPRS 1226/107, Inspector Gleeson to Chief Secretary re: Age of Consent, 10 November 1909.

greater legislative mechanism was required to combat street prostitution. Such demands emanated from constables on the beat, who suggested that the public authority of the police institution was damaged by a weak legal position. Walking their beats, police discovered that 'as soon as a constable in uniform or plain clothes for that matter puts in an appearance "word" is passed on from one to one in a minute or two every one of them is aware of his presence'. Policemen maintained that prostitutes directly confronted police authority. Sub-inspector Sullivan believed such women had little respect for police, reporting that 'they are most defiant and are not the least troubled about being spoken to by the police, indeed they pay but little heed to them—very many become insolent and abusive'.<sup>97</sup>

Nevertheless, police were claiming by the early twentieth century that public prostitution had substantially declined. Inspector Gleeson claimed in 1909 that the 'prostitute nuisance' was 'not so much in evidence as it was twenty-five or thirty years ago'. Gleeson glanced nostalgically back to the 1880s, regretting that 'the flash brothels have disappeared from the City and for some reason or other the physically fine type of women of that period have also disappeared'. Detective O'Donnell also reported that prostitution was 'only a fraction' of early days.<sup>98</sup> As Chris McConville has argued, prostitution was not suppressed but merely driven from the inner-city with women compelled to operate in a more clandestine fashion. In 1916, Sergeant Appleby reported that many women commuted from the suburbs, renting town houses in the city for 'immoral purposes' while others operated alone from small shops. Harsh police practices to eradicate public prostitution may well have contributed to the involvement of prostitution in wider criminal networks.<sup>99</sup>

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<sup>97</sup> VPRS 1226/119, Report of Sub-inspector Sullivan, 11 January 1913.

<sup>98</sup> VPRS 1226/107, Inspector Gleeson to Chief Secretary re: Age of Consent, 10 November 1909; Detective O'Donnell report re: Age of Consent, 7 November 1909.

<sup>99</sup> Chris McConville, "From Criminal Class to Underworld", pp. 81-82.

Police administrators however judged success on the removal of prostitution from public view. By this standard, few were arguing that police had not removed much prostitution from the public sphere. George Meudell, reflecting on the decline of public prostitution, specifically ascribed changes in the industry to police reform. Meudell suggested that from the 1880s the police force functioned as agent of the social purity movement. 'Presbyterian policemen' under the command of a Chief Commissioner Chomley, a 'pillar of the church', 'began and carried out a social clean up. One by one the street walkers were locked up, one after another the gay houses were closed ... the joyousness of Melbourne's night-life was silently squelched'.<sup>100</sup> Meudell was overstating the influence of the social purity movement on police actions. Nevertheless, he discerned the importance of campaigns against public prostitution for the police force. The final report of the Royal Commission on Police in 1883 assured that police reform and efficiency would be measured by standards of 'public morality'.

Police administrators continued to view prostitution as a problem of public order. Police work consequently focused disproportionately on street walkers, whose visibility made them an obvious target for policing. The work of policing prostitution was also frequently evoked in demands for greater police powers over public spaces. The persistent demands for the licensing and registration of brothels and prostitutes were never met, but police were successful in accumulating greater street-based powers. Most importantly however, the eradication of street prostitution functioned as metaphor for police effectiveness. In 1922, police were claiming that Melbourne had never been freer of prostitution in the past twenty years. Collins Street in particular became the subject of a sustained campaign to rid the street of the thirty to forty women who supposedly promenaded on the street.

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<sup>100</sup> Meudell, *The Pleasant Career of a Spendthrift*, pp. 269-270.



Illustration 7.3



*"Hussey Malone Chomley, Chief Commissioner of Police, 1881-1902."  
Chomley, 'a pillar of the church', was more inclined towards 'moral' policing than his  
libertine predecessor Frederick Standish.*

Courtesy of Victoria Police Historical Unit

Police boasted of a victory for public order, reporting that Collins Street was now 'as respectable as the quietest suburban street'.<sup>101</sup>

## 7.2 Pleasures and dangers

Police action against prostitution was only one aspect of the deepening concern with public order which characterised Melbourne and other Australian jurisdictions in the late nineteenth and early twentieth centuries.<sup>102</sup> Police may have gained certain victories against street soliciting which satisfied the push of reformers, but in the minds of the advocates of social purity, the police force could potentially function as an agent of continued social improvement. Public anxieties over racial decay and social efficiency were manifested in demands that police pay close attention to general public morality.<sup>103</sup> Pressure upon police to suppress any manifestation of 'indecent' gained added momentum in the years of the First World War, as nervousness over the potentially debilitating effects of venereal disease was expressed in terms of military and national efficiency.<sup>104</sup> The early years of twentieth century witnessed a sustained campaign to focus police attention on broad questions of morality, ranging from complaints of indecent postcards to requests that police prevent couples kissing on beaches. Police responses were ambiguous,

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<sup>101</sup> *Argus*, 21 June 1922, p. 12; see also *Argus*, 20 April 1922, p. 6.

<sup>102</sup> On similar trends in other Australian states see Finnane & Garton, 'The Work of Policing in Queensland 1880-1914, Part I', p. 69; see also Chapter Six, p. 251, n. 2.

<sup>103</sup> For concern over racial decay see Neville Hicks, *This Sin and Scandal: Australia's Population Debate 1890-1911*, Australian National University Press, Canberra, 1978; C.L. Bacchi, 'The Nature-Nurture Debate in Australia, 1900-1914', *Historical Studies*, vol. 19, no. 75, October 1980, pp. 199-203; see also Kerreen M. Reiger, *The disenchantment of the home: Modernizing the Australian family 1880-1940*, Oxford University Press, Melbourne, p. 178; on British ideas of 'national efficiency' influential in the Australian context see G.R. Serle, *The Quest for National Efficiency: A Study in British Politics and Political Thought, 1899-1914*, Basil Blackwell, London, 1971.

<sup>104</sup> Judith Smart, 'The Great War and the "Scarlet Scourge": Debates about Venereal Disease in Melbourne during World War I', in Judith Smart and Tony Wood (eds.), *An ANZAC Muster: War and Society in Australia and New Zealand, 1914-1918 and 1939-1945*, Department of History Monash University, Clayton, Vic, 1992, pp. 58-85; see also Stephen Garton, *The Cost of War: Australians Return*, Oxford University Press, Oxford, 1996, pp. 14-15.

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and many policemen doubted that the population could be made moral by Act of Parliament. Nevertheless, fears that unrestrained and deviant sexualities would hasten national decline were instrumental in constructing a substantially expanded agenda of policing.

Such fears were evidenced by regular correspondence, both to the Press and the Chief Commissioner of Police, alerting police to manifestations of immorality around the City. The early years of the twentieth century witnessed an astounding upsurge in the minutiae of social life which private citizens requested police to suppress. The selling of contraceptives, held by some to be responsible for the declining birth-rate, was considered a legitimate object of policing. In 1901, Superintendent Sharp of the Criminal Investigation Branch received complaints about a 'filthy blackguard advertisement' for French letters and a free give-away booklet of *Advice and Information for the Married*, available by mail order from Saunders & Co. of 312 Flinders Street.<sup>105</sup> Concerns over fertility also motivated similar complaints requesting police to investigate suspected abortionists, Chinese herbalists, and those advertising and selling 'quack' remedies.<sup>106</sup>

A persistent campaign was also waged to mobilise police in the cause of suppressing 'impure literature'. Police had possessed powers to remove obscene books prints, and drawings from public display from the 1850s. Under the 1852 *Vagrancy Act*, those exposing 'obscene' images in public places were liable to conviction as a 'rogue and vagabond', and could be imprisoned for up to two years. These provisions were absorbed in subsequent Police Offences Acts.<sup>107</sup> Such

<sup>105</sup> VPRS 807/141, R. Allan JP to Superintendent Robert Sharp, Criminal Investigation Branch., 29 January 1901; on the restrictions placed on materials to limit fertility see Patricia Grimshaw, Marilyn Lake, Ann McGrath & Marian Quartly, *Creating a Nation*, Penguin, Ringwood, 1994, p. 194.

<sup>106</sup> For examples of reports see VPRS 10257/5, K 5826, North Melbourne by E. Downey; K 8745, South Yarra, woman in Wigall Street, 1905; see also VPRS 10257/19, B7353, re: Chinese herbalists incompetence and being abortionists; A 8085, advertising and selling '505' by chemists; B11756, re: herablist 44 Orong Rd, Malvern, sells preventatives and an abortionist, 1919; see also Reiger, p. 114.

<sup>107</sup> *An Act for the Better Prevention of Vagrancy and other offences*, 1852, s. 3 (4); *Police Offences Statute*, 1865, s. 36 (4).

provisions were seldom evoked, but the rise of the social purity movement in the 1880s encouraged greater police attention to the issue. In 1880, Detective Police raided the Star Printing Office in Fitzroy, confiscating three hundred copies of a bawdy periodical called *The Firebrand*.<sup>108</sup> Beat police were also attuned to a new moral agenda. In 1886, Constable Cauly reported the display of 'a questionable picture' entitled 'Nymphs and Satyr' in the window of a hairdresser's in Elizabeth Street, although no police action against the proprietor is recorded.<sup>109</sup> Pressure from social purity organisations was also sufficient to result in the seizure by the Customs Department of 162 French novels destined for Coles Book Arcade in 1889.<sup>110</sup> In 1900, an amended *Crimes Act* was enacted, prohibiting the printing or publishing of 'indecent pictures or advertisements' in newspapers or periodicals.<sup>111</sup> Local social purity organisations, mirroring the tactics of similar organisations in England, applied pressure on police to suppress impure literature and ribald entertainments.<sup>112</sup> Increasingly arguments for the suppression of impure literature were framed in terms of saving the city's youth from corruption. This was especially evident in the debates to give police powers over the display of indecent postcards, seen as essential to preserve 'the rising generation from the contamination of suggestive pictures'. The 1907 *Police Offences Act* gave police greater powers,

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<sup>108</sup> VPRS 1198/15, Police Department, Criminal Investigation Branch, Letter Book, 14 February 1880.

<sup>109</sup> VPRS 937/318, Bundle 2, Report of Constable Cauly re: a questionable picture, 4 June 1886.

<sup>110</sup> Peter Coleman, *Obscenity, Blasphemy & Sedition: 100 years of censorship in Australia*, Angus & Robertson, Sydney, 1974, p. 3.

<sup>111</sup> *Crimes Act*, 1900.

<sup>112</sup> For the English context see Frank Mort, *Dangerous Sexualities: Medico-Moral Politics in England since 1830*, 2nd edn, Routledge, London, 2000, pp. 104-105.

largely justified by the argument that 'picture post-cards, which were coming into such general use, were collected as a general practice by children'.<sup>113</sup>

The new legislation was accompanied by pressure on police to put its provisions into action. Police however, tended to react to requests for action and newspaper campaigns, suppressing impure literature only when they were under pressure to do so. In 1908, police attention was called to a tobacconist's shop at the corner of Russell and Bourke streets displaying postcards in the window, where the correspondent noted, 'it is very noticeable that young people who have heard from others go to gloat over the disgusting details'. The proprietor agreed to remove the images after receiving a warning.<sup>114</sup> There was little action in subsequent years, until the issue resurfaced in 1911, when several letters were published in the *Argus* blaming postcards for the disintegrating moral standards of the young. One 'Parent' complained that 'one cannot pass certain shops in the city without noticing the eagerness with which young people gaze at these cards', while another observer expressed horror that amongst a 'knot of people' on the pavement outside a shop window, two young women were seen staring at the offending cards 'laughing over the sorry examples of depraved art'.<sup>115</sup> Police subsequently commenced a campaign against postcard sellers, and Detectives were employed to locate those selling 'indecent' cards. Two cases appeared before the Melbourne's Magistrates Court within a month of the issue surfacing in the Press. The first was that of Josephine Hayes, a shop assistant at the Anglo Continental Agency in Bourke Street who had produced seven cards from a drawer behind the counter, when Detectives had asked to see 'some comic post-cards—preferably nature studies'. The other was a

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<sup>113</sup> *Victorian Parliamentary Debates*, vol. 114, 1906, p. 2233; *Victorian Parliamentary Debates*, vol. 117, 1907, p. 1334; for provisions relating to post-cards see *Police Offences Act*, 1907, s. 13 (1-3).

<sup>114</sup> VPRS 807/343, C6824, E. Thompson, Hawthorn, to Chief Commissioner of Police, 10 August 1908.

<sup>115</sup> *Argus*, 13 June 1911, p. 8; *Argus*, 1 June 1911, p. 9.

proprietor named Horace Perkins, who ran an agency in Bourke Street and had been prosecuted frequently for similar offences.<sup>116</sup> Immediate police actions followed public pressure, although policing waned once the letters and newspaper reports on the postcard issue receded.

The pressure brought to bear on police by the advocates of social purity also included direct lobbying, which sought to influence police practice and promote the cause of legislative reform. The Anglican Social Questions Committee formed a sub-committee specifically to deal with the issue of the 'collecting of evidence as to the evil of impure literature' which corresponded with the Chief Commissioner of Police and held lengthy interviews with Detective O'Donnell of the Criminal Investigation Branch. The sub-committee had decided to avail itself of the police archives, said to be 'full to overflowing of ready-made evidence'. Apart from viewing 'a series of exhibits of highly improper and indecent books, pictures, postcards, lithographs, letters etc.', the sub-committee forwarded recommendations for tightening existing laws. For example, the sub-committee advocated making it an offence to carry about indecent books and pictures—a proposal calculated to prevent the sale of indecent images by Asian hawkers, and allow the confiscation of postcards found in the pockets of foreign sailors arrested for drunkenness. Alongside other suggestions for legal reform, the sub-committee was devoted to ensuring that existing law was 'firmly administered'.<sup>117</sup>

While police were compelled to act upon the letters of middle-class correspondents, they seldom appeared to share their indignation. The consistent pressures of social purity campaigners were thus mediated by the divergent attitudes of individual policeman. In 1914, moral concerns were aroused by 'one cent peepshows' showing in the 'Joy Parlour' of the Eastern Arcade in Bourke Street. The

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<sup>116</sup> *Argus*, 9 June 1911, p. 9.

<sup>117</sup> VPRS 807/631, Anglican Social Questions Committee to Chief Commissioner of Police, Report of the Sub-Committee for collecting evidence as to the evil of Impure Literature, 21 November 1912.

peepshow machines had been moved from Luna Park in St Kilda, and included such highlights as 'The Chorus Girls show the Cowboys a time' 'High Jinx at Midnight' and 'Skinning the Cat'. According to the manager of the Methodist Book Depot they were 'naught but dirty' while another correspondent was appalled at the public showing of 'nude forms of women in various positions'. The investigating constable, however, was less convinced, claiming that they displayed little more than 'the bare legs and underwear of females' and recommending that a prosecution under the *Police Offences Act 1912* was unjustified.<sup>118</sup> Similar police reports were requested for the content of movies playing in the growing number of picture palaces in the city. In 1917 the Chief Commissioner forwarded a report to the Chief Secretary detailing the content of 'What every girl ought to know' which was playing at the Star Theatre in Bourke Street.<sup>119</sup>

The ambiguous responses of policemen to calls for the suppression of immorality were a reflection of the wide diversity of attitudes within the police force. That policemen were far from united on questions of morality became abundantly clear in 1909, when police were asked to prepare reports on the advisability of raising the age of consent. Police reports, which required officers and ordinary police to comment on 'contributing factors' to juvenile immorality, demonstrated that police opinions encompassed the range of viewpoints evident in wider public debate, from social purity to a belief that individual morality was beyond the police mandate.

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<sup>118</sup> VPRS 807/518, Manager of Methodist Book Depot to Chief Commissioner of Police, 15 May 1914; A & T Jones to Chief Commissioner of Police, 7 May 1914; A. Laughlin to Chief Commissioner of Police, 18 June 1914; Police report re: One cent peepshows at Eastern Arcade, Bourke Street, 28 August 1914.

<sup>119</sup> VPRS 3994/71, Chief Commissioner of Police to Chief Secretary, Report on film "What every girl ought to know", Star Theatre, Bourke Street, 13 March 1917, p. 122; The Chief Commissioner of Police considered that in view of the censorship provisions of the *Veneral Diseases Act* it was unwise for police to approve films 'which might afterwards be subject to adverse criticism'; The Council of Churches was at the same time pushing for greater censorship of films see VPRS 3994/71, Notes of a deputation from the Council of Churches urging the censorship of films, 28 March 1917, p. 153.



There were policemen who strongly identified with the social purity cause. Sub-inspector McKinnon of Russell Street, for example, was strongly in favour of raising the age of consent as, he proclaimed, 'our duty to God, and to our Nationhood demands it'. Other police reports resonated with the language of social purity. Sub-inspector John Horne of Fitzroy station attributed immorality to the easy availability of 'preventative measures', claiming that he had personally witnessed large quantities of 'the sheath for the male organ' discarded in public places after 'social gatherings'. He advocated that 'there should be legislation to prevent the manufacture and sale of such'. The influence of the social purity movement was also evident in the comments of Sergeant Ahern of Bourke Street West station, who ascribed immorality to 'cheap literature, press and theatre'.<sup>120</sup>

While some policemen may have sympathised with the tenets of social purity, senior policemen resisted the idea that individual moral conduct could be policed. Hence the comments of the Inspector of Fitzroy Police, who remarked 'I have always held the opinion that it was a difficult matter to make the community moral by legislation'.<sup>121</sup> Even stronger objections to the social purity agenda were voiced by Detective David O'Donnell, who considered it a ludicrous notion to request police to measure and report on the morals of the population.<sup>122</sup> Similar resistance to pressure on the Force to police morality was evident in Inspector Gleeson's summarising report to the Chief Commissioner, in which he indicated 'the utter uselessness of attempting to cure immorality by Act of Parliament'.<sup>123</sup> Masculinist assumptions may well have played a part in police resistance. Those

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<sup>120</sup> VPRS 1226/107, Report of Sub-inspector McKinnon, Russell Street, re: Age of Consent, 11 November 1909; Report of Sub-inspector John Horne, Fitzroy station, re: Age of Consent, 11 November 1909; Report of Sergeant Ahern, Bourke Street West station re: Age of Consent, 11 November 1909.

<sup>121</sup> VPRS 1226/107, Report of Inspector, Fitzroy Police re: Age of Consent, 11 November 1909.

<sup>122</sup> VPRS 1226/107, Report of Detective O'Donnell re: Age of Consent, 7 November 1909.

<sup>123</sup> VPRS 1226/107, Inspector Gleeson to Chief Commissioner of Police, Summary of 75 reports from Melbourne and suburban Police Officers, Sub-officers and Constables, 10 November 1909.

who rejected raising the age of consent for example, did so employing a familiar male argument that colonial females 'mature at an early age'.<sup>124</sup> Nevertheless, suspicion of 'moral' legislation was also motivated by practical policing concerns over the potentially negative consequences for police-community relations that such legislation would entail. Subsequently Inspector Cahill of South Melbourne maintained that additional legislation was inadvisable, as it would 'eventually lead to the condemnation of those appointed to administer the law'.<sup>125</sup>

Such attitudes offer some explanation for the ambiguous response of police to reformers' demands. Nevertheless, the pressure upon police to perform a role in enforcing moral values increased in the early twentieth-century. Escalating pressure on police to enforce standards of public morality reflected anxious responses to urban transformations. The rise of public transportation networks connecting inner-city suburbs to the seaside, the relative freedom of factory employment and new forms of commercialised leisure such as the dance hall, amusement arcade and cinema, drew large numbers of young working-class people, particularly young working-class women, into the streets, thoroughfares and public spaces of the city.<sup>126</sup>

Links between leisure, work, sexual promiscuity and public space were expressly drawn by police in their views on reducing the age of consent in 1909. Detective Burnett suggested that public immorality was largely attributable to

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<sup>124</sup> VPRS 1226/107, Inspector Gleeson to Chief Commissioner of Police, 10 November 1909; on arguments over raising the age of consent see Judith A. Allen, *Sex and Secrets: Crimes involving Australian Women Since 1880*, Oxford University Press, Melbourne, 1990, pp. 77-80; see also Deborah Tyler, 'The case of Irene Tuckerman: understanding sexual violence and the protection of women and girls, Victoria 1890-1925', *History of Education Review*, vol. 15, no. 2, 1986, pp. 52-67.

<sup>125</sup> VPRS 1226/107, Inspector Cahill, South Melbourne Police re: Age of Consent, 10 November 1909.

<sup>126</sup> Chris McConville, 'Rough Women, Respectable Men and Social Reform: A Response to Lake's "Masculinism"', *Historical Studies*, vol. 22, no. 88, April 1987, pp. 436-437; Patricia Grimshaw et al. *Creating a Nation*, pp. 216-217; on the rise of cinemas and dance halls see Priestley, *Making their Mark*, p. 137 & p. 158; on transportation networks see John D. Keating, *Mind the Curve! A History of the Cable Trams*, Melbourne University Press, Melbourne, 1970, pp. 48-49; generally see also n. 95.

young women and their 'craving for outdoor amusements'. Constable McCann of Collingwood reported on the demoralising effects of dance halls, which he argued promoted immorality by admitting single females free of charge. One Fitzroy policeman pointed to factory and shop employment, arguing that young women were enticed towards immoral behaviour 'as they have a deal of spare time to themselves and are more in the streets by night than those occupied as domestic servants'.<sup>127</sup> Police were reflecting a wider discourse which singled out the figure of the 'amateur', young working-class women suspected of casual prostitution, as an object of public scrutiny. The figure of the 'amateur' preoccupied many reformers, and embodied many of the fears surrounding the health of the nation and the declining birth-rate.<sup>128</sup> The discussion intensified with the outbreak of the First World War, when concerns for national efficiency merged with widespread panic over the withering potential of venereal diseases.<sup>129</sup>

Anxiety over the potential danger to national efficiency and social order posed by deviant sexualities resulted in determined pressure upon police to regulate

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<sup>127</sup> VPRS 1226/107, Detective Burnett to Chief Commissioner of Police re: Age of Consent, 6 November 1909; Constable McCann, Collingwood Police re: Age of Consent, 11 November 1909; Fitzroy Police Report re: Age of Consent, 11 November 1909.

<sup>128</sup> Julie Tisdale, *The Future Mothers of Our Race: Venereal Disease and the Amateur in Melbourne During World War I*, Monash Publications in History: 26, Clayton, Vic, 1999; Cf. Lucy Bland and Frank Mort, 'Look Out for the "Good Time" Girl: Dangerous Sexualities as a threat to National Health', in *Formations of Nation and People*, Routledge and Kegan Paul, London, 1984, pp. 131-151.

<sup>129</sup> On venereal diseases see Judith Smart, 'The Great War and the "Scarlet Scourge": Debates Venereal Disease in Melbourne During World War I' in Judith Smart and Tony Wood (eds), *An Anzac Muster: War and Society in Australia and New Zealand, 1914-1918 and 1939-1945*, Monash Publications in History, Monash University History Department, Clayton, Vic, 1992, pp. 58-85; Dennis Shoemith, '"Nature's Law" The Venereal Diseases Debate, Melbourne 1918-19', *ANU Historical Journal*, vol. 9, December 1972, pp. 20-23; for similar trends internationally see Roger Davidson, 'The culture of compulsion: venereal disease, sexuality and the state in twentieth-century Scotland' in Franz X. Eder, Lesley A. Hall & Gert Hekma (eds.) *Sexual Cultures in Europe: Themes in sexuality*, Manchester University Press, Manchester, 1999, pp. 58-75; Lucy Bland, '"Cleansing the Portals of Life": The Venereal Disease Campaign in the early Twentieth Century', in M. Langan & B. Schwarz (eds.) *Crises in the British State, 1880-1930*, Hutchinson, London, 1985; Alain Corbain, *Women for Hire: Prostitution and Sexuality in France after 1850*, Harvard University Press, Cambridge, Mass., 1990, pp. 262-273; for comparative examples of the First World War experience see Edward H. Beasley, 'Allied against Sin: American and British Responses to Venereal Disease in World War One', *Medical History*, vol. 30, 1976; P. S. O'Connor, 'Venus and the Lonely Kiwi: The War Effort of Miss Etie Rout', *New Zealand Journal of History*, vol. 1, no. 1, 1967, pp. 11-32. for instructions issued to police see *Victoria Police Gazette*, 29 March 1917, p. 188.

public space closely. Such pressure was directed not only at young working-class women, but also other marginal groups who had previously been of little interest to ordinary police.<sup>130</sup> By 1901, plain-clothes police were acting upon complaints that 'effeminate young men' were congregating around urinals in the city in order to carry out 'vile practices'. While police confirmed the existence of 'pufters' in the city, they considered the phenomena 'much exaggerated'. Sergeant Cauly reported that such men existed 'to a limited extent', but was reluctant to apprehend them as they 'are very seldom of the vagrant class and generally well dressed, sober, quiet in their manner and some of them very well connected'. Nevertheless, while Sub-inspector Cawsey sarcastically remarked that the letter writer 'appears to have given these resorts considerable attention' plain-clothes police were ordered to keep watch over public urinals.<sup>131</sup> The police response however, would suggest that such complaints were heeded only in the short term. For police, 'pufters' were not a threat to public order and consequently not worthy of sustained attention.

The call to watch public urinals was matched by a broader campaign which endeavoured to focus policing on gardens, parks, beaches and public space generally. However, police often attempted to deflect calls for the stricter 'moral' policing of public spaces, either by claiming that they had no powers to suppress 'immoral' behaviour or by offering solutions which did not involve the police. Public gardens, for example, were a constant focus of purity campaigners who envisaged them as havens of illicit sex. In 1909, the Inspector of Fitzroy Police conceded that gardens and parks were 'frequented by people of tender years who

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<sup>130</sup> Chris McConville, 'Rough Women, Respectable Men and Social Reform: A Response to Lake's Masculism', *Historical Studies*, vol. 22, no. 88, April 1987, p. 437.

<sup>131</sup> VPRS 807/162, P8531, B. Cleal to Chief Commissioner of Police re: men frequenting public urinals, 9 October 1901; Report of Sergeant Cauly re: attached letter, 29 October 1901; Sub-inspector H. Cawsey to Inspecting Superintendent T. O'Callaghan 31 October 1901; this report suggests that Melbourne did not support a distinct male prostitution trade as existed in larger Western cities such as London, Cf. Jeffrey Weeks, 'Inverts, Perverts and Mary-Annes: Male Prostitution and the Regulation of Homosexuality in England in the Nineteenth and Early Twentieth Centuries', in Martin Duberman, Martha Vicinus and George Chauncey (eds), *Hidden from History: Reclaiming the Gay and Lesbian Past*, Nal Books, New York, 1989, pp. 195-211.

romp and lay about in unfrequented spots' but concluded that if they were not actually found committing 'an act of indecency' police had no power to stop them. Appeals to a lack of power were matched by police suggestions which deflected responsibility elsewhere. Inspector Gleeson recommended 'the better lighting of parks, gardens, etc....stricter parental control, and public lectures on sex relationship' as the cure for the immorality of the city's youth.<sup>132</sup> More intensive policing was conspicuously absent from his suggestions.

Pressure on police to prevent immoral conduct was also evident in requests for police to watch for incidents of indecency on the city's beaches.<sup>133</sup> In 1909, sufficient public concern had been aroused to prompt instructions to the mounted patrols which policed seaside suburbs, stipulating that 'obscene, offensive or indecent words or behaviour are to be suppressed'.<sup>134</sup> While such instructions directed the attention of those on patrol, police administrators were reluctant to expend additional police resources to enforce standards of decency. In 1912, when hundreds of people flocked to the beaches on Beaconsfield Parade during an intense heat wave, the South Melbourne Council requested the services of twenty plain-clothes constables 'to mix with the bathers to detect any cases of misconduct'. The request was refused on the grounds that police on patrol over previous nights reported 'nothing ... that would justify police action'.<sup>135</sup> Police remained sceptical of demands for stricter moral policing, and perhaps not without reason. In 1918, when Sergeant Vallance investigated Mrs Henderson's complaint of immoral conduct on St Kilda beach, he reported that 'she has not been to any of the beaches

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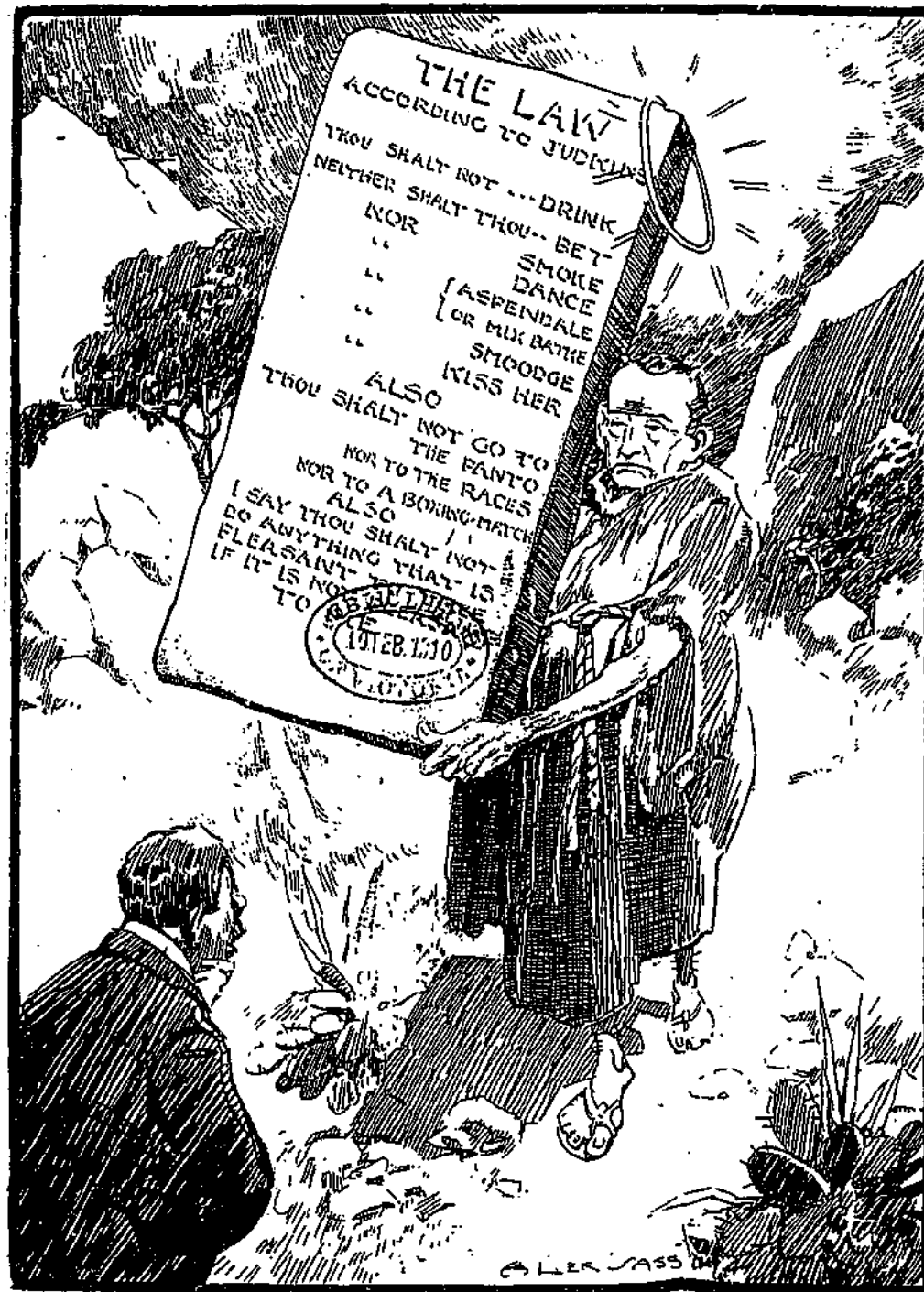
<sup>132</sup> VPRS 1226/107, Inspector of Police, Fitzroy, report re: Age of Consent, 11 November 1909; Inspector Gleeson to Chief Commissioner of Police, 12 November 1909.

<sup>133</sup> For general anxiety over beaches see Keith Dunstan, *Wowzers*, pp. 155-159.

<sup>134</sup> VPRS 807/388, H1161, Chief Commissioner of Police, memo: re beach duty, 27 November 1909.

<sup>135</sup> VPRS 807/446, L1640, Inspectors Office South Melbourne to Chief Commissioner of Police re: application by South Melbourne Council, 22 February 1912; Sub-inspector, South Melbourne report, 14 February 1912; South Melbourne Council to Chief Commissioner of Police, 8 February 1912.

Illustration 7.4



JUDKINS, THE MODERN MOSES

AUSTRALIA—"Yes, the laws are excellent, and they'll be obeyed if you can arrange for one thing—A NEW KIND OF MAN."

"Judkins, the Modern Moses." Social reformers such as William Henry Judkins were strong advocates of expanded regulation which relied upon the police for its enforcement.

Melbourne Punch, 10 February 1910. p. 175.

this summer, but she heard other people talking about couples laying about on the beaches'.<sup>136</sup>

Police resisted calls for enforcing moral standards by arguing, with some justification, that the reformers' demands were beyond their legal mandate. In 1912, complaints appeared in the *Argus* that young men collected around the General Post Office and accosted passing females. Asked to report on the matter, the constable on the Bourke Street beat claimed there was little police could do to prevent casual interactions between men and women on the streets:

there are a number of young men who frequent these portions of the city and also a number of young females who walk aimlessly about and, as they describe it, they are out for a mash with the young men who loiter about these parts of the city. This class of females look for these young men to speak, and do not complain if they are unknown to them and although these men do raise their hats or pass the time of day to females it is very difficult for the police to know whether they know the person addressed or not.<sup>137</sup>

While actions were not always forthcoming, pressure on police to maintain strict surveillance over public spaces continued, and accelerated in the years of the First World War. In July 1918 a deputation from the Council of Churches and representatives of twelve municipalities to the Premier urged a vigorous campaign against venereal disease which stressed the need for intensive surveillance of the city's parks, gardens and beaches.<sup>138</sup> Police, however, remained reluctant to fulfil the moral policing role desired of them by social purity and feminist organisations. Under pressure, the police mounted short term campaigns to assure reformers that the law was being enforced. In other cases, police resisted the demands of moral crusaders by arguing that they had no legal power to act.

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<sup>136</sup> VPRS 807/637, Mrs Henderson to Chief Commissioner of Police & report of Sgt Vallance, 28 January 1918.

<sup>137</sup> VPRS 807/446, Constable Grant to Chief Commissioner of Police re: men accosting females in Swanston Street and vicinity of General Post Office; see also attached clipping from *Argus*, 25 January 1912.

<sup>138</sup> Tisdale, "The Future Mothers of Our Race", p. 7.

'Moral' policing was to be a major preoccupation of feminist and social purity organisations in their calls for the appointment of women police. However, while women police were to guard against the moral lapses of young women, arguments for the appointment of female police were couched in the language of protection rather than detection. This reflected the pervasive 'narrative of sexual danger' prominent in the period, which imagined public spaces as inhabited by mentally defective 'perverts'.<sup>139</sup> The language of this narrative explicitly challenged the mobility of young working-class women, suggesting that the city was not a site of pleasure but a perilous and threatening jungle. It was publicly suggested that 'a girl is safer in the lonely bush than in the crowded city'.<sup>140</sup> The 'gutter standing loafer, whose mock politeness aggravates his cunning insults to young women passing along the footpath' had evidently moved from the city streets to the suburbs, and now congregated around 'parks and reserves to waylay school children'.<sup>141</sup>

Escalating public panic resulted in police actions, and also provided powerful arguments for the appointment of women police. Letters to the Press demanded police protection for women and girls 'fearful of going to and from the trams and home'. Police sent to investigate arrested an 18 year old man exposing himself to women walking home while riding past on his bicycle.<sup>142</sup> Prompted by an ominous urban landscape of sexual danger, the National Council of Women petitioned the Chief Secretary in 1915, urging the necessity of 'the appointment of women police for the greater safety of girls and children and for the collection of evidence in certain cases'.<sup>143</sup> When two women were appointed to the police force

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<sup>139</sup> For the idea of 'narratives of sexual danger' see Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late Victorian London*, University of Chicago Press, Chicago, 1992.

<sup>140</sup> Tyler, 'The case of Irene Tuckerman', p. 59; *Argus*, 20 April 1922, p. 8.

<sup>141</sup> *Argus*, 20 April 1922, p. 8.

<sup>142</sup> VPRS 807/552, S5055, Newspaper clipping "Where are the Police?" & Police report, 27 April 1915.

<sup>143</sup> VPRS 3992/1951, S5727, National Council of Women to Chief Secretary, 2 June 1915.



in July 1917, they assumed much of the burden for policing the city's morality. The tasks to be undertaken by the two women emphasised their role as moral guardians. Amongst a range of 'social work' tasks, the police women were to watch advertisements in the daily press for attempts to entrap young women, visit wharves and railway stations in order to see that young girls and children were not left at the mercy of 'vicious people', protect youth from 'social evils', supervise 'thoughtless girls' and young soldiers, visit wineshops to prevent young girls being induced and corrupted and to protect women and girls in public parks and on their way home from work in the evening.<sup>144</sup>

Calls for the intensive policing of public spaces continued to be mobilised by the spectre of sexual danger. Demands for police action based on the notion of danger were generally more successful than calls to suppress 'immorality', as they were within the long-standing police mandate of preserving public safety. Targeting a specific stereotype, the mentally defective pervert, such actions also avoided the risk of alienating local communities which accompanied broad based 'moral' policing.<sup>145</sup> One member of Parliament wrote to the Chief Commissioner, complaining of a man exposing himself in the streets around the St Kilda. When a 52 year old man was subsequently arrested, the Chief Commissioner replied employing the language of contemporary sexual theorists, remarking that the man was 'evidently a sexual pervert'.<sup>146</sup> Melbourne's daily press echoed similar themes,

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<sup>144</sup> A.J. O'Meara, 'The Establishment and Development of the Role of Women Police in Victoria', MA thesis, La Trobe University, 1977, pp. 31-32; Colleen Woolley, *Arresting Women: A history of women in the Victoria Police*, Victoria Press, Melbourne, 1997, p. 9; VPRS 3992/1951, S5727, extract from *Herald*, 21 June 1915, for an examination of the role of women police in England see Philippa Levine, "'Walking the Streets in a Way No Decent Woman Should": Women Police in World War I', *Journal of Modern History*, 66, March 1994, pp. 34-78, see also Jeffrey Weeks, *Sex, Politics and Society: The regulation of sexuality since 1800*, Longman, London, 1981, p. 215, for the social context of the appointment of women police in England.

<sup>145</sup> For ideas of 'mental deficiency' in this period see Stephen Garton, 'Sound Minds and Healthy Bodies: Re-Considering Eugenics in Australia, 1914-1940', *Australian Historical Studies*, vol. 26, no. 103, October 1994, pp. 163-181.

<sup>146</sup> VPRS 807/552, Arthur Robinson, MLA to Chief Commissioner of Police re: man exposing himself in sector Chapel st, Alma rd, Crimea st & Wellington st, 23 April 1915; Chief Commissioner of Police to Arthur Robinson, MLA, 30 April 1915.

leading with headlines such as 'Perverts at Large', and describing a city in which women and children should vacate public spaces for fear of falling prey to 'sexually unbalanced men'.<sup>147</sup> Widespread public concern over female safety in public spaces gained momentum in 1922, with the rape and murder of twelve-year-old Alma Tirtschke. The infamous 'Gun Alley Murder' occupied the public imagination for four months as newspapers covered every detail of the case.<sup>148</sup>

Public anxieties over the dangers to women and children strengthened calls for the active policing of public space. By April 1922, the Chief Commissioner of Police was praising the work of policewomen, suggesting that two more should be appointed.<sup>149</sup> Public fears also shaped the work of beat police, who were instructed to watch closely for men 'pirating', the practice of accosting women and girls and inducing them to go for motor-car rides. 'Dozens of men' were brought before the courts for the practice, and police officials publicised their determination to continue with 'stern measures' in the daily Press.<sup>150</sup>

Street policing in the mid-nineteenth century was concerned, not with shaping individual conduct, but with the general peace-keeping function of preserving order. Under the mandate of maintaining public order, women who were 'disorderly' in public spaces were subject to police attention, although this attention was uneven. Low brothels were also subject to sporadic police attention when they were thought to be nests of the criminal class. Nevertheless, organisational corruption, combined with general police perceptions that prostitution was a problem of public order,

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<sup>147</sup> *Argus*, 20 April 1922, p.8; on contemporary theories of sexuality see Jeffrey Weeks, *Sex, Politics and Society*, pp. 141-159; see also Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries 1870-1930*, University of Chicago Press, Chicago, 1997.

<sup>148</sup> Police Historical Unit File, 'Gun Alley Murder', *Argus* entries under 'Gun Alley Murder', January-April 1922; see also Tyler, 'The case of Irene Tuckerman', p. 59.

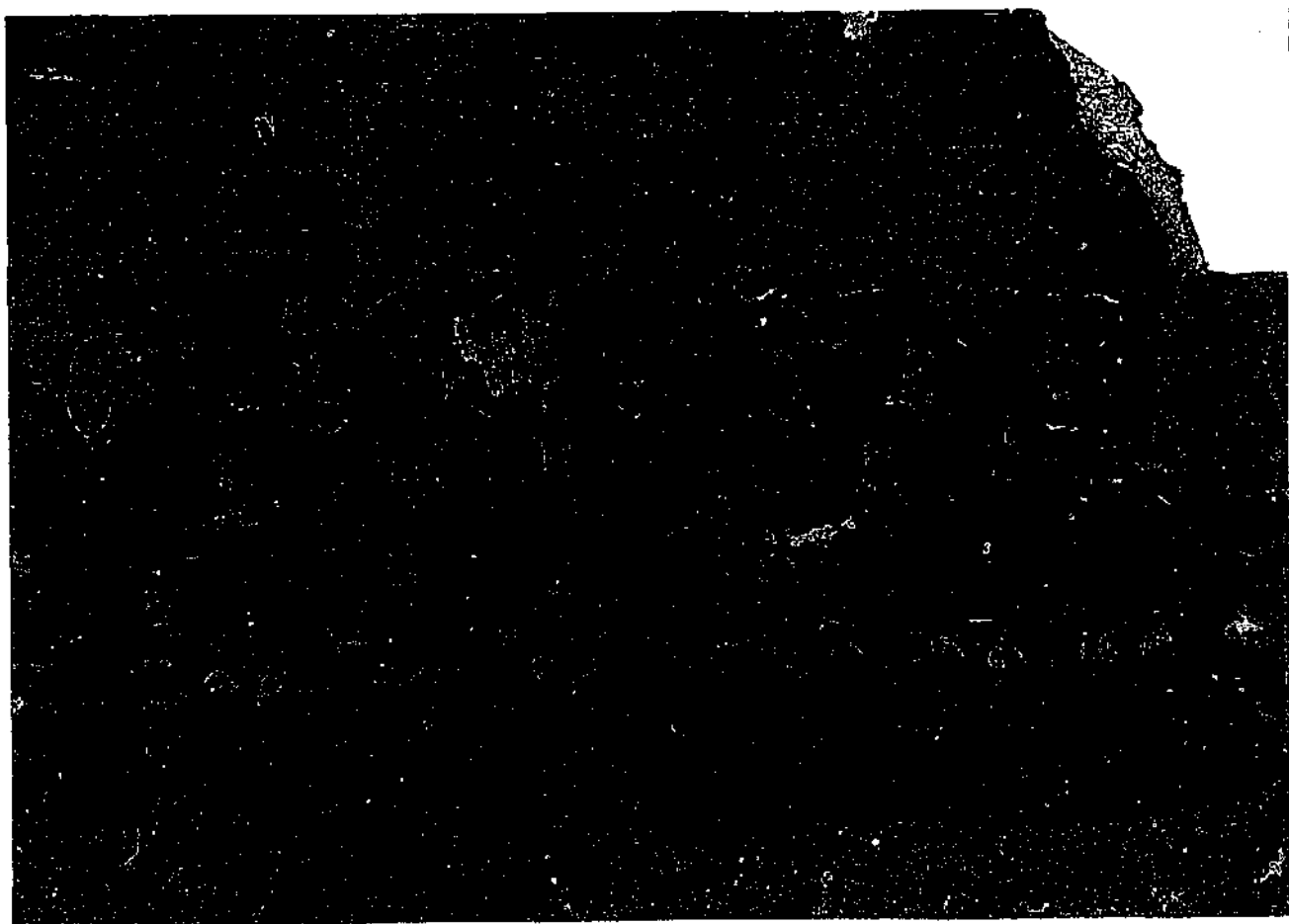
<sup>149</sup> *Argus*, 20 June 1922, p. 6.

<sup>150</sup> *Argus*, 21 June 1922, p. 12.

resulted in lax enforcement. By the later nineteenth century, however, police came under increasing pressure to secure improved standards of behaviour on the streets of the city.

Patterns of policing shifted after 1883, when the Royal Commission on Police linked the idea of police reform and efficiency directly to the suppression of street prostitution and disorderly brothels. Police action was also hastened by social purity campaigners, who saw the police as a crucial instrument in eradicating prostitution. At times, police officials aligned themselves with social purity campaigners in the cause of securing amplified police powers. Nevertheless, social purity and feminist campaigns which sought to mobilise police resources to suppress prostitution and enforce higher standards of moral conduct in public spaces were only partially undertaken. Police continued to maintain that the outright suppression of prostitution was impossible, and they were content with measures that removed women from public view. Police also remained sceptical of the more ambitious 'moral' campaigns to suppress 'indecentcy', usually reacting to specific complaints only in the short-term, deflecting responsibility, or claiming they possessed insufficient powers. Social purity and feminist organisations were successful in bringing their concerns into the arena of policing. However the police were never fully engaged as the instruments of social purity, and police mediated pressures for action through their own agendas and priorities.

**Illustration 8.1**



*"South Melbourne Police, c. 1880."*

Courtesy of Victoria Police Historical Unit

## CHAPTER 8

### THE MOBILE CITY

Historians, both in Australia and overseas, have often heralded the appearance of the motor car as a decisive moment in the history of policing. The car, it is generally argued, brought police into contact with middle and upper-class motorists who had never before experienced personal contact with the police.<sup>1</sup> These arguments have considerable validity, and yet it must also be acknowledged that the coming of the motor car signalled the multiplication of police activities possessing a considerable lineage. Police traffic procedures built upon precedents established in the nineteenth-century to control horses and drays, hackney carriages and pedestrians. Ensuring the free movement of goods, services and people around the city, was a responsibility vested in police by virtue of their expansive mandate of preserving order. It was the social class of the drivers of the vehicles, rather than the procedures, which were to radically alter with the coming of the motor car.

#### 8.1 The Horse-Drawn City

The regulation of traffic was an integral function of policing from the time of the Towns Police Acts.<sup>2</sup> In the 1850s, policing was motivated by concerns for public safety and preventing cases of accident and death.<sup>3</sup> Provision for controlling

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<sup>1</sup> See Clive Emsley, "Mother, what did policemen do when there weren't any motors?" The law, the police and the regulation of motor traffic in England, 1900-1939', *The Historical Journal*, 36, 2, 1993, pp. 357-381; see also Finnane, *Police and Government*, pp. 99-102; D. Chappell & P.R. Wilson, *The Police and Public in Australia and New Zealand*, University of Queensland Press, St. Lucia, 1969, pp. 120-128; Haldane, *The People's Force*, pp. 132-140; for the American context see James F. Richardson, *Urban Police in the United States*, Kennikat Press, Port Washington, 1974, pp. 110-111.

<sup>2</sup> Mark Finnane, *Police and Government*, p. 101; see also Frank Brennan, *Too Much Order with too little law*, University of Queensland Press, Brisbane, 1983, p. 50.

<sup>3</sup> For the dangers in the city from bolting horses see *Argus*, 16 October 1851, p. 2; for chaotic conditions of horse traffic see *Argus* 14 October 1853, p. 7.

vehicles moving at a dangerous speed or otherwise endangering the life of the public was provided under section eleven of the *Towns Police Act* 1853. Those convicted in a Court of Petty Sessions for furious driving faced fines as high as twenty pounds and not less than five pounds.<sup>4</sup> In 1854, the desire for greater standards of urban order resulted in the passing of the *Town and Country Police Act*, which substantially increased police powers over horses, vehicles and drivers. The Act created thirteen separate offences relating to horses and vehicles, including driving on the wrong side, driving more than one vehicle at one time, leaving vehicles unattended, and having timber, iron or boards projecting from a cart.<sup>5</sup>

Regulating and ordering traffic was, from the introduction of beat policing in 1854, a significant element of police duty. The beats themselves were organised with consideration of the varying traffic conditions in different sections of the city. While most beats were the responsibility of one constable, areas of heavy traffic were allocated two constables to provide for potential accident and enforce the provisions of the Police Acts.<sup>6</sup> District orders issued to beat police also focused attention on local traffic hazards as they emerged. In 1855, police were requested to ensure that vehicles crossing Princes Bridge did so at a walk after several serious accidents had taken place.<sup>7</sup> The following year, the Chief Commissioner of Police responded to a request from Melbourne's Town Clerk, placing two mounted constables on the road between St. Kilda and Melbourne 'in order to prevent the dangerous practice of racing and furious driving'.<sup>8</sup> The problem of serious accidents increased with the volume of traffic, and in 1859 police attention was directed

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<sup>4</sup> *Towns Police Act* 1853, s 11.

<sup>5</sup> *Town and Country Police Act*, 1854, s. 16(1-13).

<sup>6</sup> Commission into the State of the Melbourne Police, 1855, p. 9.

<sup>7</sup> VPRS 1199/1, Bundle 3, Melbourne Town Clerk to Chief Commissioner, 15 May 1855.

<sup>8</sup> VPRS 3181/417, Chief Commissioner of Police to Melbourne Town Clerk, 19 April 1856; also cited in Andrew Brown-May, 'The Itinerary of Our Days': The Historical Experience of the Street in Melbourne, 1838-1923', PhD thesis, University of Melbourne, 1993, p. 66.

towards carters and drivers of public conveyances driving on the wrong side of the road, police being reminded that they were empowered to arrest without warrant in all such cases.<sup>9</sup>

Newspapers from the 1850s and 1860s carried regular stories of death and accident resulting from the collisions of pedestrians with horses and horse-drawn vehicles. Walking the streets of the horse-drawn city was not without risk, as Joseph Cocking, a Carlton lamplighter, fatally discovered. Cocking was knocked down and run over by a speeding waggonette as he crossed Spring Street towards Parliament House in 1873. The wagonette, which had sped down from Gertrude street Fitzroy, carrying two or three passengers, continued on making a hurried turn into Collins street. Cocking was left dead in the street, and Detective Police were unable to trace the driver of the wagonette, an indication perhaps of the volume of horse-drawn vehicles which traversed Melbourne's streets at the time.<sup>10</sup> Public concern over the number of vehicle accidents surfaced after the goldrushes, gaining pace in following decades as the volume of horse-drawn traffic increased.

Concerns about hazards and obstructions in urban space resulted in the expansion of regulation. In 1854, the *Town and Country Police Act* created a range of offences intended to preserve public safety such as forbidding the stacking of building materials in the street, throwing rubbish in roadways, and leaving holes, excavations or 'dangerous formations' in public places.<sup>11</sup> Such regulations, combined with traffic provisions, vested considerable authority in beat police to control the use of public space. Over the course of the nineteenth century, these powers continued to expand, as police authority was enhanced by successive waves of council by-laws regulating and controlling vehicles in the city. By-law no. 56, passed in 1865, 'to prevent the danger from Rapid Driving and Riding across the

<sup>9</sup> VPRS 1200/1, 'Circulars and Orders 1858-1860', District Order D541, 7 March 1859, p. 41.

<sup>10</sup> VPRS 937/294, Detective Police Report re: Death of Joseph Cocking, 27 October 1873.

<sup>11</sup> *Town and Country Police Act* 1854, s. 5 (1-24) s. 8 (2).

intersections of the City', required all traffic at intersections, and across Princes Bridge, to move at a walking pace. By-law no. 66 passed in 1871 required all vehicles driving at night to have lamps secured to their sides or incur a fine of five pounds.<sup>12</sup>

Municipal regulation coupled with the various Police Acts granted the policeman a wide authority over the use of public space. While various by-laws and the Police Acts responded to tangible realities of congestion and traffic in the nineteenth century, they were also a means by which the State, represented by the figure of the uniformed constable regulating traffic, was subtly encroaching further into the lives of the urban population as they moved from place to place. Nevertheless, increased regulations governing public hazards and vehicles seldom raised the appeals to the 'liberty of the subject' often heard when police attempted to increase their authority in other areas. Obviously, such increased regulation was easily justified in the cause of public safety. But the fact that such laws and regulations impacted upon specific segments of the population offers a further explanation. The impact of traffic policing fell most heavily on those who drove vehicles through the city for their livelihood. Those wealthy enough to afford their own carriages seldom had their journey interrupted by a policeman. In mid-nineteenth century Melbourne, police prosecuted a steady stream of traffic cases before the Magistrates Courts. Nearly all of these cases involved the prosecution of working-class drivers. The men who drove vehicles in the mid-nineteenth century city were unskilled workers—draymen, carters and hackney carriage drivers. It was these workers who bore the brunt of police attention in traffic regulation.

While the work of policing traffic meshed easily with the broader police mandate of preserving order and public safety, it also possessed a distinctly commercial aspect. Ensuring that traffic flowed freely, that drivers did not stop too long in one place and that lanes and roadways were free from obstruction, were

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<sup>12</sup> City of Melbourne By-law no. 66 'A By-Law to prevent the Danger from the Driving of Vehicles at Night without Lights in the City', 17 April 1871.



duties intended to secure the rapid flow of goods and services in a stridently commercial colonial city. The duties of constables on their beats, aimed at removing obstruction and freeing movement, brought them into contact with carters, draymen and hackney carriage drivers, whose work of moving goods and people, loading and unloading, necessitated frequent journeys and extended occupation of the streets.<sup>13</sup>

For beat police, such work was absorbed into their daily patrol, with district orders read at parade alerting them to specific problems of congestion and obstruction. Police action was frequently prompted by complaints from shopkeepers and businesses that congestion prevented customers and goods from entering their stores.<sup>14</sup> In 1872, police responded to complaints that drays were left for unnecessarily long times in channels backed into streets. Constables were instructed not to interfere if drays were in the process of loading and unloading—but to make inquiries and initiate prosecutions if vehicles were left standing in the street for long periods.<sup>15</sup> In 1887 similar congestion was felt around Collins Street West as furniture vans blocked the street outside Beauchamps Auction Rooms. Constable Dalton summoned fourteen of the drivers in an attempt to discourage the congregation of vehicles.<sup>16</sup> Police received a letter from Henty & Co., Williams Street in 1891 complaining that fifteen unattended carts, the contents of which were 'rather unsavoury and not at all a pleasant spectacle from our windows', were left outside their premises on Wednesdays and Fridays, the auction days of their neighbours Barrow & Co. produce dealers. Constables Davis and O'Malley, who

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<sup>13</sup> Haldane's claim that police 'confined themselves to the preservation of public safety' (p. 134) in their dealings with carters and cabmen is problematic.

<sup>14</sup> Andrew Brown-May, 'The Highway of Civilisation and Common Sense: Street Regulation and the Transformation of Social Space in 19th and Early 20th Century Melbourne', Working Paper No. 49, Urban Research Program, Research School of Social Sciences, April 1995, p. 12; also Brown-May, *Melbourne Street Life*, pp. 37-38.

<sup>15</sup> VPRS 937/302, Bundle 3, Chief Commissioner of Police to Superintendent Nicolson, 8 January 1872.

<sup>16</sup> VPRS 937/321, Melbourne Town Clerk to Chief Commissioner of Police, 28 May 1887.

patrolled the area, were required to enforce by-laws and prosecute offending carters.<sup>17</sup>

Enforcing the provisions of the *Police Offences Act*, which required police to ensure the removal of disruptive and potentially dangerous obstructions, formed a standard part of beat duty. By the late 1850s, however, police were paying particular attention to the drivers of Melbourne's public transport—the hackney carriage. In nineteenth-century Melbourne, those who preferred to be ferried rather than walk could hire conveyances of various kinds on the city streets. From 1847 Collins street boasted a cab stand, where brougham-type vehicles known as 'growlers' awaited customers. Larger vehicles, 'omnibuses', which carried up to twelve passengers ran between Melbourne, St.Kilda and Brighton from 1844. Hotel-keepers in the early years often provided conveyances which, conveniently, took passengers directly from the city to their hotels. In the chaotic years of the goldrush a beguiling assortment of vehicles plied for hire on Melbourne's streets, often charging outrageous prices.<sup>18</sup> The drivers of these vehicles were to wage a battle with police over the use of the street extending from the 1850s until the 1880s.

By the late 1850s, the Melbourne City Council and the Police Department were eager to frame regulations governing Hackney Carriage drivers. Police complained that they were encountering great difficulty in controlling the drivers, who had expanded in number and were becoming increasingly difficult to trace and apprehend. Constables complained that they were unable to enforce traffic regulations in regard to cab-drivers 'as they are now so numerous and not in any way distinguishable'. The Police Department consequently sought to extend the powers of the police to regulate hackney drivers. Police were able to justify a call

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<sup>17</sup> VPRS 937/334, Messrs Henty & Co, 95-97 William Street to Chief Commissioner of Police, 31 August 1891.

<sup>18</sup> Susan Priestley, *The Victorians: Making their Mark*, Fairfax, Syme & Weldon Associates, MacMahons Point, 1984, p. 33.

for extended powers over hackney carriages by referring to their mandate for preserving public safety as extensive regulation was intended to prevent 'reckless driving'. The pressure of the police went beyond the preservation of public safety however, and a licensing system involving badges for drivers and numbers painted on cabs was advocated to facilitate the identification and prosecution of drivers. Police argued for greater regulation as a means of maintaining surveillance over hackney carriage drivers, which would they argued protect the public and 'save them from insult and fraud'. It was considered that council regulation would 'make respectable a calling which is reflected upon in consequence of the conduct of some of its members'.<sup>19</sup> By 1860 police attention was being directed towards the overcrowding of carriages 'tending to the danger and discomfort of passengers'. Police were instructed to rigorously enforce the *Licensed Carriages Act*, and were informed that 'every case of violation of the Act must be made the subject of proceedings on the part of Police'.<sup>20</sup>

The close police attention given to hackney carriage drivers was compounded by the fact that they faced a double system of prosecution. Hackney carriage drivers charged with offences faced discipline both from the Melbourne Police Court and the Hackney Carriages Committee of the Melbourne City Council. James Baldwin appeared in front of the Melbourne Police Court charged with assaulting John Franklyn in Swanston Street on a Saturday afternoon. Baldwin was fined 40 shillings by the bench, which then directed that the depositions of the case be sent to the Hackney Carriages Committee of the City Council, where Baldwin faced further disciplinary action.<sup>21</sup> Cabmen overcharging appears to have been a common complaint. In early 1859 the Police Office at Emerald Hill wrote to the Melbourne Town Clerk informing him that George Gore, a licensed cabman, had

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<sup>19</sup> VPRS 3183/332, Town Clerks Files, Hackney Carriages, 11 February 1859.

<sup>20</sup> VPRS 1200/1, 'Circulars and Orders 1858-1860', Chief Commissioner of Police to Superintendent Freeman re: overcrowding of carriages, 22 February 1860.

<sup>21</sup> *Argus*, 19 January 1858, p. 4.

been summoned to appear at the Emerald Hill Police Court for demanding an exorbitant fare from Mr James Emille. Gore was ordered by the bench to repay costs and refund the fare. The police concern in Gore's case was that 'disputes of a similar character are of frequent occurrence between passengers and cabmen'.<sup>22</sup>

The close police attention given to hackney carriage drivers was thus motivated by concerns for commercial regulation alongside broader concerns for public order and safety. Greater police regulatory powers also provided constables with the opportunity to maintain surveillance over an occupational group generally regarded as disorderly and 'rough'. Councillor Walker wrote to the Town Clerk in October 1859, requesting that 'cars' outside his door in Swanston Street 'be removed to place appointed to them by the market committee, namely the corner of Collins Street opposite Mr Nicholsons'. Walker lamented;

the language and conduct is intolerable ... the cursing and swearing and now today Sunday a regular fight between the drivers of cars no. 423 who has been and is frequently very noisy on the stand and no. 474 who is generally a very quiet and respectable old man and is who is frequently insulted by the former driver until it lead to a breach of the peace the constable on the beat saw the fight which took place about ten minutes to four pm but did not take him into custody.<sup>23</sup>

In 1874, Police advised the Melbourne City Council that Thomas Green was a 'very unfit man to be licensed' after he was convicted in the City Court of being the 'keeper of a house frequented by persons having no lawful means of support'.<sup>24</sup> Hackney carriage regulations thus granted police power over an occupational group suspected of close associations with the criminal class.

The proceedings of the Police Court in the late 1860s are evidence of the police giving close attention. There were numerous prosecutions of cabmen for plying of their stand, leaving their horse and cab unattended and for carrying too many passengers in the period.<sup>25</sup> By-laws dictated that cabmen could only collect

<sup>22</sup> VPRS 3181/332, Town Clerks Files, Hackney Carriages, 15 February 1859.

<sup>23</sup> VPRS 3181/332, Town Clerks Files, Hackney Carriages, 12 October 1859.

<sup>24</sup> VPRS 3181/338, Police Report re: Thomas Green, driver no. 161, 24 January 1874.

<sup>25</sup> See for example VPRS 1664/1, Melbourne Police Court Registers, 1868-1869.

customers from certain points in the city. By the early 1880s, four constables from Russell Street were removed from routine beat patrol to perform the work of 'cab duty', which entailed patrolling cab ranks and prosecuting drivers for a variety of offences including plying off their stand, being drunk and disorderly while in charge of a conveyance and leaving their cabs unattended.<sup>26</sup>

Interaction between the drivers and police was frequent and often hostile. Constable Slattery reported that when he awoke cab-driver George Parsons who was asleep in his waggonette, Parson 'made use of disgusting language and got his whip and attempted to hit me with it'.<sup>27</sup> It was a conflict that was not only individual. Feelings of unity existed amongst cab-drivers which reinforced hostility to the vigilance of the police. In February 1880 the Cabmen's Union sent a deputation to see the Chief Commissioner and complained of the over zealous prosecutions of Constable Burke on cab duty.<sup>28</sup> This hostility is hardly surprising considering the frequency with which many drivers were prosecuted. Driver James Agnew was charged with eight offences in 1874, including breaches of by-laws, being drunk and fighting in Swanston Street, assaulting Constable Douglas and tearing his uniform and conveying a drunken passenger to a brothel.<sup>29</sup> Cab-driver Henry Sumner was prosecuted and convicted in the Melbourne Police Court no less than fourteen times between May 1880 and April 1882; five times for plying off his stand, three times for leaving his cab unattended, twice for being drunk in charge of a horse and cab, once for carelessly driving, once for furious driving, once for

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<sup>26</sup> VPRS 3181/343, Report of Constable James Walsh re: cab driver Samuel Baird, 17 August 1882; see also prosecutions of driver Edward Brown, drunk in charge of cab in Exhibition Street 2 June 1882; prosecution of Robert Condron for similar offence, 8 February 1882; Report of Constable Patrick Byrne re: Drivers leaving cabs unattended, 30 July 1882; see also VPRS 937/311, Chief Commissioner of Police memo re: Cab Duty, 8 February 1884.

<sup>27</sup> VPRS 3181/343, Report of Constable Slattery re: driver of waggonette 332, George Parsons, 3 November 1882.

<sup>28</sup> VPRS 937/302, Bundle 5, Deputation of Cabmen's Union to Chief Commissioner of Police, 24 February 1880; see also a deputation of cab-drivers to the Mayor of Melbourne demanding changes in regulations, *Age*, 17 January 1870, p. 3.

<sup>29</sup> VPRS 3181/338, Police Report re: cab-driver James Agnew, 9 November 1874.

obstructing the thoroughfare and once for refusing to comply with a constable's orders.<sup>30</sup>

Close surveillance from constables engendered considerable hostility to the police amongst cab drivers. The hostile attitude of the cab-drivers to constables is evident in a report of Constable Patrick Byrne who performed cab duty on the Hotham rank. When questioning driver Lloyd Thomas, Constable Byrne reported that answers were given in a 'cool, insolent and defiant manner'. When Byrne threatened to report Thomas he replied 'you can do your best and that's not much'. Verbal abuse was apparently a daily tribulation for Constable Byrne in his duties on the Hotham rank. His report went on:

From recent events which have happened on this rank there appears to me to be a class of drivers working the Hotham Road that have come to the conclusion to do as they like and defy the Police. It is quite useless to summon men of this stamp for they are very willing to pay any fine so long as they can boast of having insulted Constable Byrne.<sup>31</sup>

Conflicts between Melbourne's cab-drivers and police in this period demonstrated the potential of police traffic work to poison relations between police and sections of the community. However, even as Constable Byrne trudged to the Hotham rank dreading the daily volley of abuse, the battle between cab-drivers and constables of the previous decades was being undermined by the increasing volume of general traffic and by technological and economic developments in transport. The appearance of bicycles and the development of tram networks presented new difficulties for police in their general work of preserving order and public safety. By 1882, constables were being requested by the Melbourne Tramway and Omnibus Company to prevent the timekeeper at the Bourke Street cab stand luring passengers out of their buses bound for Carlton and placing them in the cab-drivers waggonettes.<sup>32</sup> The heyday of the cab-drivers was at an end as cable trams and

<sup>30</sup> VPRS 3181/343, Convictions against Henry Sumner, 22 May 1882.

<sup>31</sup> VPRS 3181/343, Report of Constable Byrne re: Conduct of driver Lloyd Thomas, 16 August 1882.

<sup>32</sup> VPRS 3181/343, letter from Melbourne Tramway & Omnibus Company, 23 November 1882.

organised bus companies moved into the market for passengers. By the late 1880s, private citizens were also hurtling through the streets on strange two-wheeled machines known as 'velocipedes'. Police continued to prosecute carters, draymen and cab-drivers, but cable-trams and bicycles created an increasingly complex mix of traffic. Increasingly complex and congested urban traffic conditions led police to demand more expansive regulatory mechanisms. Policemen were also spending a greater portion of their time enforcing traffic regulations, and prosecuting citizens who disobeyed them.

With a vested interest in the order and regulation of the streets, the police became key advocates in regulatory initiatives affecting new forms of transport. Bicycles presented specific difficulties because of the rapidity with which they travelled. When a cyclist ran into a man in Bourke Street East in 1876, the police wrote to Melbourne's Town Clerk as they were unsure of how to deal with the new vehicles and whether it was appropriate to prosecute the cyclist for reckless driving. Police further recommended the introduction of a by-law restricting the speed of bicycles and making it mandatory for them to carry lights at night.<sup>33</sup> The position of bicycles remained uncertain for several years. When Arthur Goodliffe was killed in a bicycle accident in the City in December 1882, the coroner Dr Youl wrote to the Town Clerk informing him that at the inquest 'great doubt was expressed as the "Rule of the Road" with regard to these vehicles, and I was requested by my jury to bring the matter under the notice of the City Corporation with a view to the framing of a bye-law respecting bicycles being compelled to follow the same rule as other vehicles'.<sup>34</sup> The concern of police with the impact of the bicycle on public safety was understandable, as in the later part of the nineteenth century bicycles were not only the quickest machines plying the roadways they were one of the most ubiquitous. The development of the inexpensive mass-produced chain driven safety

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<sup>33</sup> Brown-May, "The Itinerary of Our Days", p. 64.

<sup>34</sup> VPRS 3181/68, Dr. Youl Coroner to Melbourne Town Clerk, 6 December 1882.

cycle in the late 1880s, and its combination with the pneumatic tyre precipitating a bicycle boom in the 1890s. Australia mirrored international enthusiasm for the bicycle, with in excess of a quarter of a million machines being sold in Australia. An average cyclist could easily maintain speeds of around 20 mph on a mass produced machines, outpacing a galloping horse, while downhill speeds in excess of 40 mph were quite feasibly attained.<sup>35</sup>

Aside from the speed with which they travelled, police faced numerous other regulatory problems associated with bicycles and their riders. In 1896 police were called upon to protect women cyclists subjected to harangues and violence in the street. Inspector Devine reported that there were numerous cases of people 'wilfully annoying, obstructing and endangering the lives of cyclists'. One woman came to grief while riding through Flemington, when a group of boys hanging off the back wheel of her bicycle threw a coil of wire which tangled in the wheel, throwing her off her bicycle and into the path of an oncoming horse.<sup>36</sup> In the early twentieth century police were also dealing with an increasing number of bicycle thefts, and they were instructed to press for heavy penalties from magistrates in an effort to deter would-be bicycle thieves.<sup>37</sup>

By the late nineteenth century, police had greater powers to regulate bicycles following the enactment of council by-laws.<sup>38</sup> Prosecuting cyclists subsequently became a staple part of the daily police round, especially for the point duty constables who patrolled Melbourne's main intersections. In 1899 police attention was directed towards 'scorching cyclists' who sped along St Kilda Road.<sup>39</sup>

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<sup>35</sup> John William Knott, 'Road Traffic Accidents in New South Wales, 1881-1991', *Australian Economic History Review*, vol. 34, no. 2, September 1994, p. 84.

<sup>36</sup> *Age*, 26 March 1896, p. 4; the woman cyclist claimed that in her ride through Flemington she had been 'jeered at by ill-natured women, who had incited children to run after her'.

<sup>37</sup> *Victoria Police Gazette*, 30 November 1916, p. 728; see also *Victoria Police Gazette*, 24 May 1917, p. 294; *Victoria Police Gazette*, 1 May 1919, p. 218.

<sup>38</sup> Brown-May, "The Itinerary of Our Days", p. 64.

<sup>39</sup> VPRS 807/96, L 2032, re: cyclists on St Kilda Road, 7 March 1899; see also attached clipping *Age*, 6 March 1899.



Arthur Scragg was reported to be travelling at well over twenty miles an hour on his bicycle when he collided with a small boy on Swanston Street. The boy, who sustained serious face wounds, had to be taken to Melbourne Hospital from where he was transferred to the children's hospital to stay overnight. Scragg appeared in the Melbourne Police Court the next day, where he was convicted on the evidence of Constable Alex Kennedy and fined twenty shillings.<sup>40</sup> Constables on point duty also suggested that bicycles were the most consistent offenders against the rules of the road. Constable Hickling claimed that he was easily able to control the traffic at the corner of Swanston Street and Flinders Street 'except in connection with cyclists who will not stop for anything'.<sup>41</sup>

New problems of policing also surfaced with the coming of cable trams, which first appeared in Melbourne on 11 November 1885. Regulations regarding their use remained vague, and police were adamant that instructions issued by the Melbourne Tramway and Omnibus company to conductors and gripmen were insufficient to regulate the cable trams. In 1887, Chief Commissioner Chomley wrote to the Melbourne Town Clerk urging that the Council institute by-laws granting police power to interfere with cable trams. It was necessary, Chomley claimed 'that means be devised which will enable the police to interfere authoritatively when tram cars are permitted to run under circumstances which imperil the safety of ordinary travellers'.<sup>42</sup> The Chief Commissioner's request for greater regulation was instigated by reports from the Superintendent of Melbourne Police that in serious accidents involving cable trams police were powerless to prosecute. Several incidents led police to believe that the gripmen and conductors of the Melbourne Tramway company took little notice of the directives of their

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<sup>40</sup> VPRS 807/448, Constable Alex Kennedy vs Arthur Scragg, Melbourne Police Court, 31 July 1912; Box VPRS 807/448 contains numerous depositions for minor offences prosecuted by the police in the Melbourne Police Court of which cyclists form a significant portion of the defendants.

<sup>41</sup> VPRS 807/251, Report of Constable Hickling re: point duty, 11 October 1904.

<sup>42</sup> VPRS 937/321, Chief Commissioner of Police to Melbourne Town Clerk, 16 March 1887.

superiors. In September 1886 a four year old boy, Robert O'Halloran, had attempted to mount a dummy car in motion on the corner of Victoria Parade and Brunswick Street. The boy had fallen from the car and was dragged along the ground some distance, sustaining serious injuries and later having a leg amputated in Melbourne Hospital. The superintendent included a report of this incident with his demand for the 'necessity of placing the tram traffic under some effective control of the Police acting under the authority of municipal regulations'. Melbourne's Police superintendent included another report where a tram running down Victoria Parade towards Richmond had ploughed directly into a flock of sheep, running over one of the animals belonging to a local butcher.<sup>43</sup> The reports concluded with a demand for greater powers, suggesting that 'this much is clear, that if the tram traffic is not to be an ever growing cause of terror and danger to pedestrians and those using the streets, some power outside of the company must have the right of forming regulations and enforcing them'.<sup>44</sup> The regulation of tram traffic was but one example of the growing demands heard from police in the later decades of the nineteenth century for greater powers in the interest of public safety.

The new forms of transport in the city created problems of regulation and policing. A further problem also confronted police in nineteenth century Melbourne. The volume of traffic was continually increasing, and the volume of police time required to regulate and order vehicles and pedestrians increased with it. As horse-use peaked at the end of the nineteenth century the presence of horse excreta and carcasses created major problems in Melbourne in common with other cities around the world.<sup>45</sup> Apart from the organic debris horses left in their wake, by the 1880s

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<sup>43</sup> VPRS 937/321, Report of Constable Parkin re: sheep runover by tram car, 2 March 1887.

<sup>44</sup> VPRS 937/321, Superintendent of Melbourne Police to Chief Commissioner of Police, 14 March 1887.

<sup>45</sup> By 1888 Melbourne stabled about 20 000 horses; see Graeme Davison, 'Energy' in Graeme Davison, J.W. McCarty & Ailsa McLeary (eds.), *Australians 1888*, Fairfax, Syme & Weldon, Broadway, 1987, p. 80; for similar trends in other cities see M.G. Lay, *Ways of the World: A History of the World's Roads and the Vehicles that Used Them*, Rutgers University Press, New Brunswick, 1992, p. 132.

there were also major problems of traffic congestion—a phenomena often incorrectly attributed to the motor car. By the early 1880s the crowding of horse-drawn cabs and omnibuses within the central city had become an urgent public question.<sup>46</sup> In 1882 Constable Patrick Byrne, who regularly performed traffic duty in the city, reported that at the Bourke Street intersection 'the street is at times blocked and traffic suspended. It will thus be seen that there is a very great danger of an accident occurring at any time during the day'.<sup>47</sup>

The growing volume of traffic introduced a further issue of policing over and above the physical problem of regulation. Prosecutions for traffic violations were extremely unpopular with the public. Police administrators had warned police of the danger of appearing overly officious in the course of their duty since the instigation of beat policing. A preventive police force in theory garnered the good will of the public through the fair and just application of the law. In 1872, complaints appeared in the daily press suggesting that constables on traffic duty were being over vigilant and harassing drivers. Many claimed to be unaware of the by-laws they were prosecuted under. The Chief Commissioner of Police wrote to the Melbourne Superintendent emphasising the need for discretion in traffic cases, although he was assured that this was already the case.<sup>48</sup>

The emphasis of police administrators upon discretion demonstrated an awareness that strict enforcement of traffic regulations could damage the public legitimacy of the police. Consequently the private vehicle driver of nineteenth-century Melbourne who infringed by-laws was likely to be warned and cautioned rather than prosecuted in court. In 1886, Sergeant Henry Pewtress was reluctant to rigorously enforce requests from the Melbourne Town Clerk to keep vehicles and

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<sup>46</sup> Graeme Davison, 'Energy', p. 80.

<sup>47</sup> VPRS 3181/343, Report of Constable Patrick Byrne re: cab stands in Bourke Street East, 21 May 1882.

<sup>48</sup> VPRS 937/293, Chief Commissioner of Police to Superintendent of Melbourne Police re: trotting of horses over intersections, 3 June 1872; see also *Age*, 3 June 1872.

pedestrians to the right of the street. Pewtress reasoned that as such a law was not a part of the *Police Offences Act*, police should not carry out such work. More importantly however, such stringent policing would be both unpopular and administratively cumbersome. Pewtress explained to the Chief Commissioner of Police that although it might be possible to prosecute pedestrians under the 'move-on' clause, 'it would be exercising an arbitrary power to prosecute by summons, the thousands that every moment of the day break through those regulations'. Pewtress warned that there existed a 'danger of over-legislation in matters of this kind' with authorities 'increasingly calling for the interference of the police, with a corresponding increase in the cost to the state'.<sup>49</sup>

Traffic regulation also endangered the image of the policeman as an impartial enforcer of the law, as working-class drivers complained they were unfairly targeted by traffic police. It was a point of consternation for decades that trams received traffic concessions from policemen on point-duty. George Lawson, Secretary of the Cab-Owners and Drivers Protective and Benefit Society was to testify before the 1906 Royal Commission into the Police Force that constables on point duty discriminated against his members, favouring trams at the city's major intersections.<sup>50</sup> Patrick McGrath secretary of the United Carters and Drivers Union told the Commission his members complained of different treatment for the rich and poor — 'instances have come under their notice where constables have virtually "winked the eye" at persons in authority as against drivers who were unfortunately rough and ready in their methods'.<sup>51</sup>

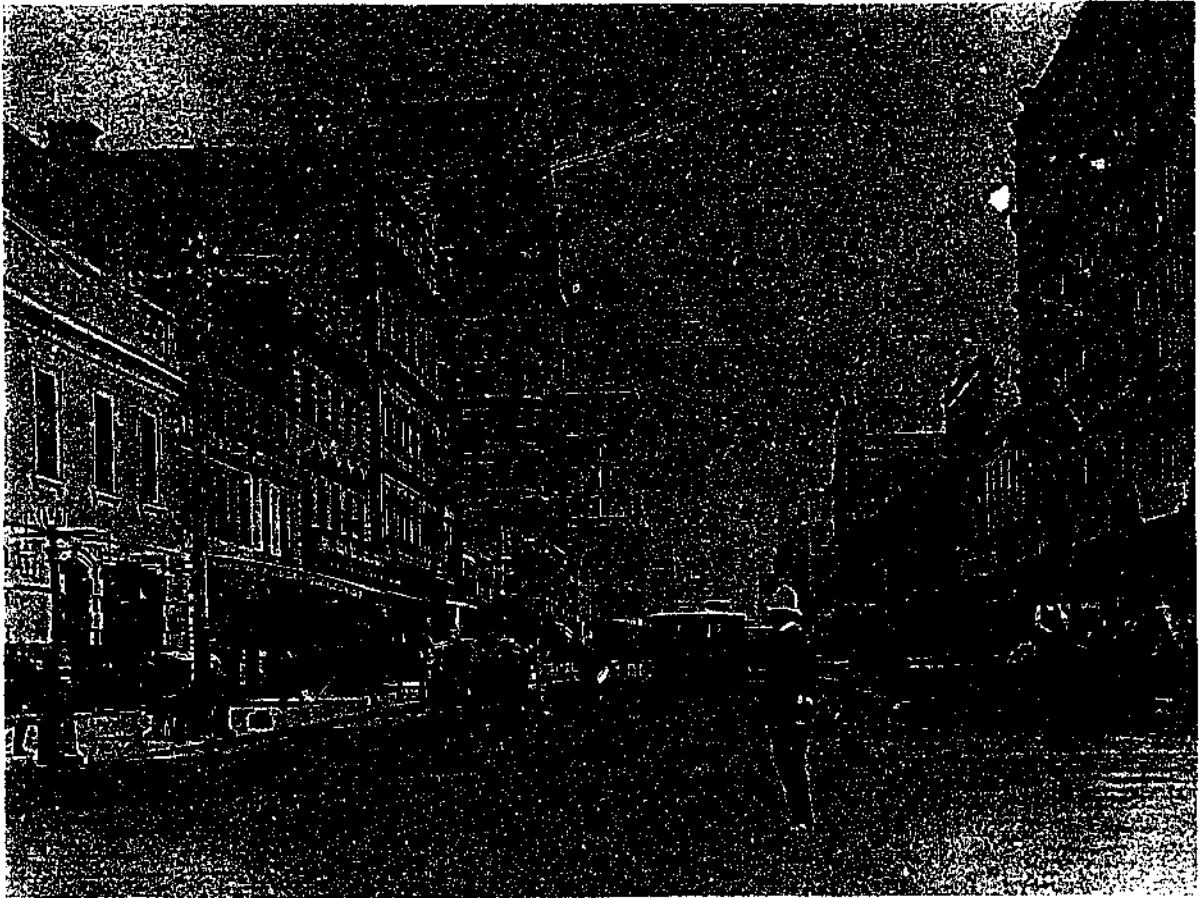
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<sup>49</sup> VPRS 937/316, Inspector Henry Pewtress to Chief Commissioner of Police re: rule of the road, 27 March 1886.

<sup>50</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of George Ethelbert Lawson, Secretary of the Cab-owners and Drivers' Protective and Benefit Society, 18 January 1906, Q. 13304-13368, pp. 454-459.

<sup>51</sup> Royal Commission on the Victorian Police Force, 1906, Testimony of Patrick William McGrath, Secretary of the United Carters and Drivers Union, 18 January 1906, Q. 13378, p. 459.

Illustration 8.2



*"Elizabeth Street from Flinders Street Looking North."  
The increasing number of horses and vehicles on Melbourne's streets from the 1880s made  
traffic regulation an increasingly important element of police work.*

Courtesy of State Library of Victoria  
Photographer: Nicholas Caire c. 1880

By 1904, drivers were complaining that pointsmen used different signals at intersections and that 'in some cases they signal by a motion of the head, others by a motion of the hands etc.'. Although the Chief Commissioner of Police suggested introducing a uniform system of flag signals at intersections this was rejected by point duty constables. Police on point duty saw the difficulties in traffic regulation lying with 'a number of careless drivers who never think to look for a signal or anything else when approaching the busy intersections'. Constable Strickland suggested that complaints about the irregular signalling of pointsmen came primarily from the class of driver 'when pulled up by the Police nearly always uses the one excuse "I did not see your hand up!" and they would not see a flag as big a sheet'.<sup>52</sup>

Intertwined with the increasing volume and mixture of traffic in Melbourne was the elevation in importance of 'point duty' constables responsible for regulating city traffic at major intersections. With the increasing democratisation of transport, it was clear to police authorities that dealings with a point duty constable formed the most frequent interface between police and public. By 1906, the Royal Commission on the Victorian Police Force acknowledged the central importance of pointsmen to public perceptions of policing, remarking that the position was 'highly important, since so much depends on the intelligence, steadiness and discretion of the constable'.<sup>53</sup> More problematic was the question of how traffic police were to demonstrate efficiency. The question was raised when Constable Geelan was reprimanded for obtaining an insufficient number of convictions while performing point-duty. Recognising the significant position occupied by point-duty constables, the Royal Commission's final report suggested Geelan should be commended 'for the painstaking manner in which he regulates traffic'. Police discretion was to

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<sup>52</sup> VPRS 807/251, V8520, Constable Strickland to Sub-Inspector Cawsey re: Point Duty by flags, 11 October 1904; Sub-Inspector Cawsey to Chief Commissioner of Police re: Point Duty by Flags, 11 October 1904; Chief Commissioner of Police memo: Point Duty by flags, 7 October 1910.

<sup>53</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. xi.

become a vital component of a form of policing which involved a broad public. The report concluded that 'the aim of every constable should be to direct and assist the public, and not to be continually looking for petty breaches of by-laws'. The public significance of traffic work required 'tact and judgement', and measures of efficiency manifested by 'officers demanding cases of constables' were roundly condemned.<sup>54</sup>

## 8.2 Police and the Motor Car

In 1910 *Melbourne Punch* published a cartoon conveying one perspective of police traffic work. A not-particularly-bright beat constable, chewing a biscuit, approaches two thieves drilling their way into a house in the act of a burglary. The constable questions the thieves about what they are doing, to which they reply 'we're boring holes in this house to improve the ventilation. If you hurry down the road about a mile you'll catch a motorist exceeding the speed limit'.<sup>55</sup> The cartoon illustrated the point of view that traffic policing was not 'real' police work. However, as the previous section demonstrated, traffic policing was a significant aspect of police work in the nineteenth century. By the early twentieth century, traffic policing assumed greater significance due to the increased volume of vehicles and persistent demands for regulation and enforcement to secure public safety. This trend accelerated with the coming of the motor car. New regulations granted policemen greater powers over vehicular traffic, while licensing and registration duties expanded the reach of the police bureaucracy, encompassing an increasingly broad

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<sup>54</sup> Royal Commission on the Victorian Police Force, 1906, General Report, p. xx; Testimony of Inspector Henry Cawsey, 6 October 1905, Q. 3222-3294, pp. 117-121; Testimony of Constable Henry Geelan, 15 November 1905, Q. 8406-8456, pp. 287-288; see also 'Vehicle Drivers and Point-Duty Constables: A return showing the number of cases against drivers of vehicles in the city of Melbourne credited to each point-duty constable from 1 July 1906 to 31 July 1907', *Votes and Proceedings of the Legislative Assembly*, vol. 1, 1907, p. 831.

<sup>55</sup> *Melbourne Punch*, 26 May 1910, p. 734; see illustration 2.7.

cross-section of the general public.<sup>56</sup> While the public and the police shared an enthusiasm for the image of the policeman as crime-fighter, enforcing the *Motor Car Act* became the principal point of contact between the constable and the citizen.

By 1903 there were sufficient motoring enthusiasts in Victoria to warrant the formation of a motoring club.<sup>57</sup> The first motor cars operated under the 1865 *Steam Roller and Traction Engine Act* requiring them to travel at four miles per hour and be preceded on the highway by a man carrying a red flag. There was only one prosecution of a motorist under the Act, and in the early years of the twentieth century an increasing number of motorists came before the courts under the auspices of the *Police Offences Act* charged with the more familiar offence of furious driving.<sup>58</sup>

By 1905, concern over fatal accidents caused by motor cars led to calls for regulation, and a draft bill modelled upon the 1903 English *Motor Car Act* was placed before the Victorian Parliament.<sup>59</sup> Subsequent debate on the bill demonstrated considerable anxiety that motorists would be subject to 'the over-officiousness of any policeman'.<sup>60</sup> Proponents of the motor car resorted to the often invoked cry of 'the liberty of the subject' with remarks that it was 'legislation run mad' and that 'strict provision should be made ... that no constable should be at liberty to arrest a gentleman straight off the reel'.<sup>61</sup> One speaker in Parliament even suggested that provisions requiring motorists produce licences, 'reminded him

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<sup>56</sup> Cf. Clive Emsley, "'Mother, what did policemen do when there weren't any motors?'" pp. 357-381.

<sup>57</sup> Susan Priestley, *The Crown of the Road: The Story of the RACV*, Macmillan, Melbourne, 1983; Cf. Lester Hovenden, 'The Impact of the Motor Vehicle, 1900-1939' in Gary Wotherspoon (ed) *Sydney's Transport: Studies in Urban History*, Hale & Iremonger, Sydney, 1983, pp. 139-140;

<sup>58</sup> Brian Carroll, *Getting Around Town: A History of Urban Transport in Australia*, Cassell Australia, North Melbourne, 1980, pp. 94-95.

<sup>59</sup> *Victorian Parliamentary Debates*, vol. 110, 1906, pp. 1294-1295.

<sup>60</sup> *Victorian Parliamentary Debates*, vol. 110, 1906, p. 1301.

<sup>61</sup> *Victorian Parliamentary Debates*, vol. 110, 1906, p. 1295 & p. 1299.



altogether too much of the events at the Eureka Stockade'.<sup>62</sup> Arguments for the liberty of the subject were sufficient to prevent the passage of the bill through Parliament.

The resistance to regulation and the intrusion of the working class constable was directly related to the class status of early motorists. Early motor cars were essentially toys for the wealthy. As one parliamentarian commented in 1908, 'a motor car is one of the most costly luxuries which a rich man can enjoy'.<sup>63</sup> These motorists did not relish the prospect of being stopped by a working-class constable to check licence and registration details. Within a few years, however, another Motor Car Bill was introduced to Parliament. The 1908 Motor Car Bill differed from that proposed in 1905 both because it did not stipulate a speed limit, and because it placed the responsibility for licensing, registration and enforcement with the police. The *Motor Car Act* 1909 came into force on 1 March 1910.<sup>64</sup>

The *Motor Car Act* 1909 made the Chief Commissioner of Police responsible for the registration of motor vehicles and licensing their drivers and also made police responsible for prosecutions of any person driving 'recklessly or negligently or at a speed or in a manner which is dangerous to the public'. The police were also responsible for ensuring that vehicles carried lamps and horns.<sup>65</sup> The basic powers granted to police under the *Motor Car Act* differed little from existing police powers to suppress furious driving. Nevertheless there was some confusion amongst police as to how to operate under the new legislation. In December 1910, Constable Wrigglesworth of the St.Kilda Road station wrote to the Chief Commissioner explaining that he was experiencing great difficulty in

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<sup>62</sup> *Victorian Parliamentary Debates*, vol. 110, 1906, p. 1300.

<sup>63</sup> *Victorian Parliamentary Debates*, vol. 119, 1908, p. 1330.

<sup>64</sup> Haldane, p. 137; Cf. also John William Knott, 'Speed, Modernity and the Motor Car: The Making of the 1909 Motor Traffic Act in New South Wales', *Australian Historical Studies*, vol. 26, no. 103, pp. 221-241.

<sup>65</sup> *Motor Car Act* 1909, s. 12 (1-2), s. 13.

prosecuting unlicensed drivers and the drivers of unregistered vehicles. Wrigglesworth inquired 'what means a constable has of proving his case without the production of the Motor Register at court'. The uncertain nature of early policing of the motor car was made clear by Chief Commissioner O'Callaghan, when he replied that 'each case must be considered in relation to the existing facts and no hard and fast rules can be laid down which will cover all cases'.<sup>66</sup>

The work of enforcing the *Motor Car Act* was made difficult due to the social class of early motorists, who resented the intrusions of working-class police constables. Elite early motorists fiercely defended the right to move along the roads at speed, and used their connections within the criminal justice system to evade the law. The *Motor Car Act* 1909 contained no set speed limit, stipulating only that vehicles should not be driven 'on a public highway recklessly or negligently or at a speed or in a manner which is dangerous to the public'.<sup>67</sup> Resistance to restrictions upon speed were apparent in local magistrates courts, where police efforts to prove 'recklessness' were stymied by magistrates closely aligned with the motoring fraternity. Sergeant Mulchay of Hotham station complained that the section of the *Motor Car Act* dealing with dangerous speed was consistently subject to 'very wide interpretation'.<sup>68</sup> Attempts by police to tabulate the speed of drivers using stopwatches met with strong resistance from motorists. In several cases where police brought motorists before the St. Kilda bench, magistrates refused to believe the accuracy of police timing methods and dismissed the cases. Constable Irwin claimed that justices sitting on the bench 'made it apparent that they were against the police in motor cases'. The Constable had few doubts as to the reason for magisterial resistance, reporting that one of the presiding justices, Mr Mahoney, 'is now a motorist and I feel sure I am not wronging him when I say he is "biased" in

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<sup>66</sup> VPRS 807/414, Constable Wrigglesworth, St. Kilda Road Station to Chief Commissioner of Police & Reply, 3 & 7 December 1910.

<sup>67</sup> *Motor Car Act* 1909, s. 10 (1).

<sup>68</sup> VPRS 3992/1783, Report of Sergeant Mulchay, Hotham Station, 5 November 1912.

motor car cases and no matter what evidence would be given he would find some ground for dismissal'.<sup>69</sup> The RACV provided its members with legal representation in court and the defence rested upon questioning police timing methods, with drivers often flatly denying that they had travelled at the speeds claimed.<sup>70</sup> The consistent criticism of police timing methods angered police. Police frustrations were evident in the report of Sergeant Parkin of South Yarra:

Mr Mahoney said that one constable could hide in a garden or some other place and then signal to the other constable at the other end. I said "If the constable is in hiding how can the constable at the other end see the signal". He said "I dont know". He refused to test our methods with his motor car.<sup>71</sup>

Resistance from politically powerful motorists frustrated constables enforcing the *Motor Car Act*, who were not blind to the fact that a law which impacted on the wealthy was often evaded. In 1915, two constables from the St Kilda Road station asked to be relieved of traffic duty following direct intervention from their District Inspector to prevent the prosecution of the Premier's chauffeur, Frank Badge. Constable Burford, who timed the Premier's car travelling at thirty miles per hour along Wellington Parade, requested 'to be relieved of the duty of timing motors ... as it only makes a laughing stock of the Police to these drivers'. Constable Wigglesworth forwarded a similar request to the Inspector, remarking that 'the Police are certainly placed in an invidious position where they have to discriminate between different offending drivers of motors and motor cycles. This should not be so'. Such strong protest from the front line had some impact, and the Premier's chauffeur was finally brought to Court and fined.<sup>72</sup> Despite the

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<sup>69</sup> VPRS 807/412, H11125, Report of Constable Irwin, Armadale Station, 18 November 1910.

<sup>70</sup> VPRS 807/412, H11125, Re: the remarks of the St. Kilda Bench "re" the timing of motors, 18 November 1910, for the views of the motoring fraternity see *Australasian*, 24 December 1910, p. 1657.

<sup>71</sup> VPRS 807/412, H11125, Report of Sergeant Parkin, South Yarra Station, 18 November 1910.

<sup>72</sup> VPRS 807/556, S13456, Report of Constable Burford, re: Motor Car no: 15361 driven by Frank Badge, 25 November 1915; Inspector Keagen, memo: re prosecution of Motor Car no: 15361, 25 November 1915; Constable Wigglesworth to Inspector Keagen, 25 November 1915; Report of Sergeant Barber re: prosecution of Frank Badge, 13 December 1915.

symbolism of prosecuting the Premier's chauffeur, cases involving those with influential connections continued to be ignored. John Ferguson, who had been drinking whiskey at the Laverton Flying School (which 'not being used to it made him stupid'), collided with another car in the city while driving the vehicle of the Secretary of the Military. Constable Wrigglesworth was advised not to prosecute and the case was ignored.<sup>73</sup>

The problem of enforcing the *Motor Car Act* in the face of a hostile magistracy and a belligerent motoring fraternity was described by the Chief Secretary, Mr Murray, in the debate over the new *Motor Car Act* in 1915. Murray stated that 'it is discouraging to the men of the police service to bring up men for driving at a high rate of speed, as they know by testing the speed with a watch, and yet be unable to obtain a conviction. This has occurred again and again.'<sup>74</sup> While a uniform speed limit was not imposed by the *Motor Car Act* 1915, it did contain provision for more precise regulation. Under the 1915 Act, municipal authorities were empowered to declare speed limits not to be exceeded in any specific road or locality.<sup>75</sup> The Brunswick Council was to use this clause on Sydney Road. Responding to complaints from residents that cars caused shrill whistles, vibrated buildings and endangered lives as they sped to and from the military encampment at Broadmeadows, the Council wrote to the Chief Commissioner. Two constables were placed on the road where they timed cars over measured sections using stopwatches. The constables prosecuted sixty-six motorists, securing fifty-three convictions with six cases withdrawn and only seven dismissed.<sup>76</sup>

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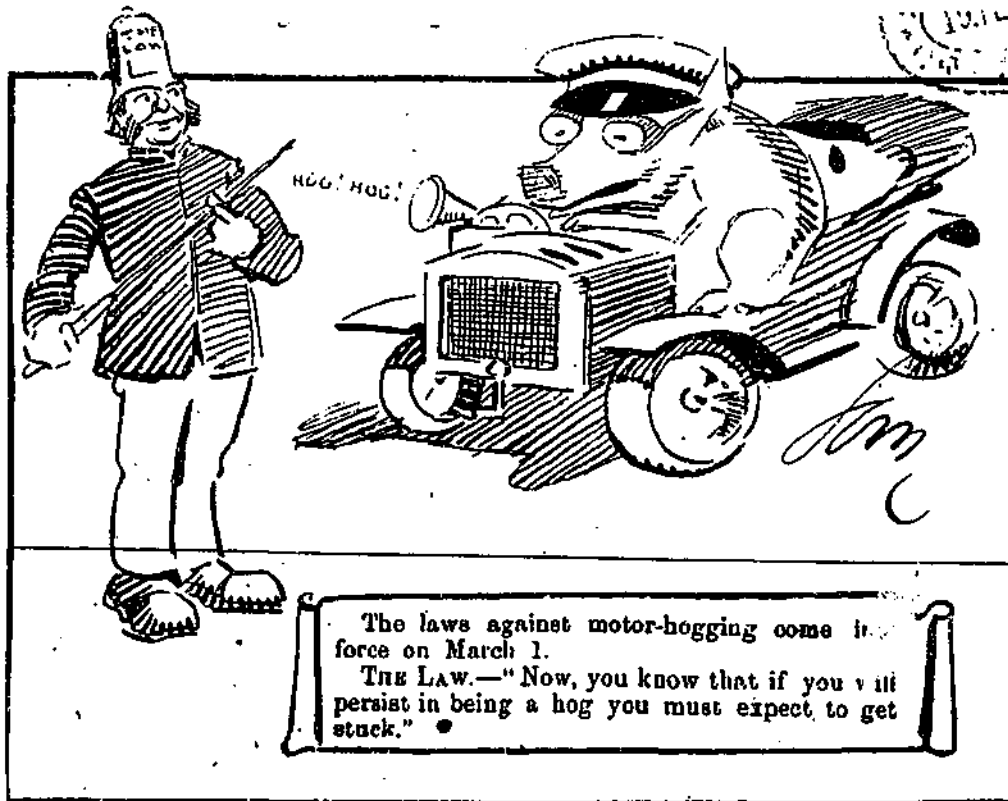
<sup>73</sup> VPRS 807/615, V 6387, Report of Constable Wrigglesworth re: stopping a driver John Ferguson in motor car CA5 owned by the Commonwealth on 28.5.17, 29 May 1917.

<sup>74</sup> *Victorian Parliamentary Debates*, vol. 136, 2 July 1914, p. 175.

<sup>75</sup> *Motor Car Act* 1915, s. 4 (e).

<sup>76</sup> VPRS 807/566, R 13434, Report of Constable Burrows re: Complaint of Brunswick Council re: motor traffic on Sydney Road, 24 November 1915; also Brunswick Town Clerk to Chief Commissioner of Police, 18 November 1915.

Illustration 8.3



*"The Road Hog." Most motorists claimed to be law-abiding citizens and suggested that mayhem on the roads was caused by a few 'hogs'.*

*Melbourne Punch, 17 February 1910. p. 222.*



*"Vicissitudes of a Judge."*

*This cartoon takes a satiric look at the difficulties of policing an elite motoring fraternity.*

*Melbourne Punch*, 20 January 1910. p. 86.

Municipal councils imposed piecemeal speed limits enforced by police, but the motor lobby sharply resisted attempts to impose a uniform speed limit along the lines of that which operated in South Australia and Tasmania. Police became persistent advocates of fixed speed limits, which they argued for in the interests of public safety. In 1910, Inspector Davies suggested that 'one speed limit should be laid down in the Act', and advocated eight miles per hour as a suitable limit.<sup>77</sup> Police advocacy of a fixed speed limit was blocked by the motoring fraternity which continued to denounce a speed set by Act of Parliament as 'fallacious and futile', with arguments that it would be too difficult to enforce and that police methods of timing were unreliable.<sup>78</sup>

While failing to secure a fixed speed limit, police became powerful lobbyists for greater regulatory powers. Utilising the police mandate of preserving public safety, police administrators argued that traffic required more stringent control to alleviate carnage on the roads. The opinions of police carried significant weight as they increasingly assumed the role of 'experts' on issues of road safety. In 1910 police compiled a detailed list of 'dangerous crossings, sharp curves, dangerous cross roads and precipitous places' where danger signals should be erected.<sup>79</sup> Expertise in traffic safety proved influential in police requests for enhanced regulatory powers over vehicles. By 1912, the Chief Commissioner of Police was lobbying the Chief Secretary for greater police powers, citing a comment in Parliament that it was 'time that something was done to protect life against motor

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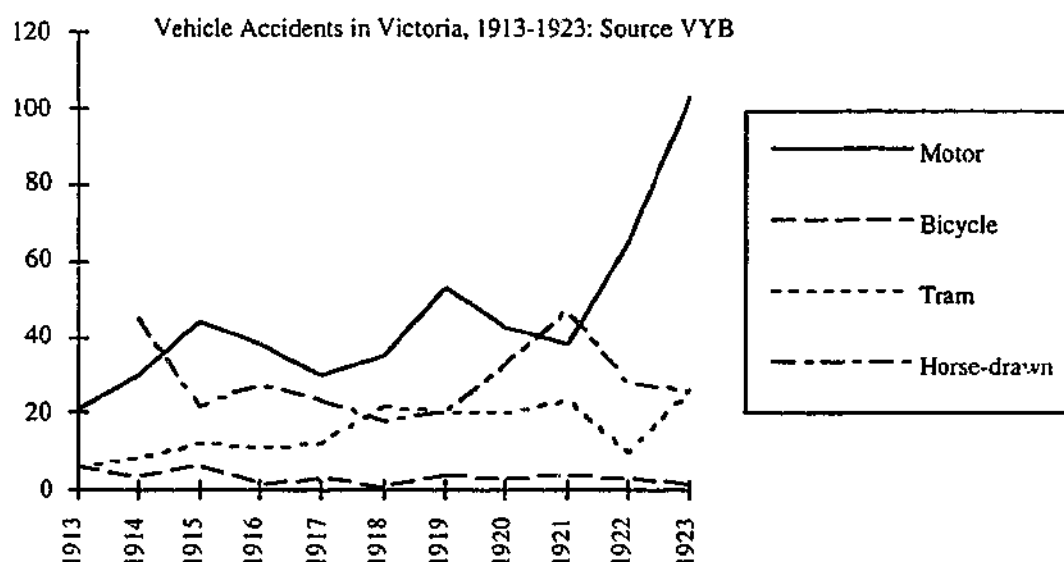
<sup>77</sup> VPRS 807/388, G1188, Inspector's Office to Chief Commissioner of Police re: speed of cars in City and suburbs, 1 October 1910; see also Report of Sen Constable Considine re: speed of Motor Cars, 29 September 1910; South Melbourne Police Re: Erection of Notice Boards, 30 September 1910.

<sup>78</sup> *Argus*, 5 June 1923, p. 3.

<sup>79</sup> VPRS 807/406, Chief Commissioner's Memo re: Danger Signals at Street Corners, 18 October 1910; VPRS 807/401, Inspector's Office to Chief Commissioner of Police, 'List of intersections in the City and suburbs (No. 1 Division) which I think it would be advisable to have danger signals erected', 22 October 1910.

hogs'.<sup>80</sup> In the same year, constables were informed via the *Police Gazette* that 'the prevalence of motor accidents having been brought to the attention of the Hon. the Chief Secretary he desires that the police exercise the utmost vigilance to prevent motor cars and cycles being driven at a speed which is dangerous to the public'.<sup>81</sup> The rising tide of motor fatalities appeared to spiral out of control, and formed a powerful basis from which police and others could argue for more expansive powers over motor vehicles. Such arguments were reinforced by the compilation of statistical data which confirmed the carnage resulting from the motor car. In 1913 the police were directed to inform the secretary of the Law Department of every case of death as the result of motor car, motor cycle or railway from which point the Attorney-General was to order a coroners inquest be held before a jury.<sup>82</sup>

Figure 8.1



<sup>80</sup> VPRS 3992/1783, Chief Commissioner of Police to Chief Secretary re: motor traffic, 10 December 1912.

<sup>81</sup> *Victoria Police Gazette*, 5 December 1912, p. 639.

<sup>82</sup> *Victoria Police Gazette*, 6 November 1913, p. 573.



Arguments for greater police regulatory power on the strength of the threat posed to public safety were evident in the debates. Further regulation was urged in 1914 to 'prevent the slaughter of human beings by the reckless driving of people in charge of motor cars'.<sup>83</sup> Arguments framed in terms of public safety were also responsible for additional regulations granting police power over intoxicated drivers and pillion passengers on motor cycles.<sup>84</sup>

The clear display of vehicle registration numbers was a constant preoccupation of police, as the numbers provided a means of summoning drivers. In 1914, it was suggested that motorists 'who desire to do a little scorching' were in the habit of smearing oil over number plates and lamps to obscure registration details.<sup>85</sup> Police also complained that some motorists affixed false numbers to their vehicles thus foiling attempts to trace their identity.<sup>86</sup> In 1918 the Chief Commissioner complained that 'on the public highways many motor-cars and motor cycles are being used, the registration numbers of which are not easily distinguishable' the Commissioner bemoaned a further problem at night where cars were supposed to have their registration numbers clearly distinguishable by a rear light but many vehicles' registration numbers were 'not made visible by the rear light, in fact some cycles do not carry rear lights'. Members of the police force were directed to 'give these matters their active and continuous attention, and to take proceedings in any such cases which come under their notice'.<sup>87</sup> The method of tracing drivers did

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<sup>83</sup> *Victorian Parliamentary Debates*, vol. 136, 1914, p. 175.

<sup>84</sup> *Victorian Parliamentary Debates*, vol. 136, 1914, p. 449; *Motor Car Act*, 1915, s. 20 (1), s. 10 (2).

<sup>85</sup> *Victorian Parliamentary Debates*, vol. 136, 1914, pp. 451-452.

<sup>86</sup> VPRS 807/564, R12019, Police Report re: Car no. 6961 driven along Sydney Road, 13 October 1915

<sup>87</sup> *Victoria Police Gazette*, 19 September 1918, p. 487.

show some improvement however and notices began to appear in the *Police Gazette* for miscreant motorists who evaded constables.<sup>88</sup>

Police interactions with motorists also encompassed more mundane questions of licences, horns, adequate lights and registration details. By 1920, police attention was focused on the dazzling of pedestrians, cyclists and other motorists with headlights, and the disruption caused by motor noise.<sup>89</sup> Under age motor licence holders and the movement of vehicles from interstate were additional regulatory issues.<sup>90</sup> Alongside ensuring the safety of vehicles themselves, police undertook broader tasks of urban management brought about by the increasing volume of motor traffic. Motor cars parked for long periods of time in the city had become a policing issue by 1915. Motorists asserted they were being subject to police persecution, claiming that it had become 'established custom' for vehicles to be parked in city streets without restriction.

Such police work represented a continuation of nineteenth-century duties which secured the removal of drays and working vehicles from standing for long periods at kerbsides. Constable Liney reported that police had initiated 'a great number of prosecutions' against motorists for leaving cars unattended. Despite Constable Liney's assertion that prosecutions 'were not something new sprung on motorists', the protests identified the expanding reach of motor policing.<sup>91</sup> In 1919, a Board appointed to inquire into traffic congestion in Melbourne recommended the

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<sup>88</sup> See for example the warrant for Eric Inglis, a 22 year old returned soldier, charged by Constable Alfred Gamble with driving in a manner dangerous to the public in Carlisle Street, St.Kilda, *Victoria Police Gazette*, 15 May 1919, p. 244.

<sup>89</sup> VPRS 807/734, E9654, Superintendent Melbourne Police to Chief Commissioner of Police re: dazzling lights, 12 July 1920; Senior Constable Peverell to Superintendent Melbourne Police, re: noisy motor cars and cycles—silencers to be fitted, 12 July 1920.

<sup>90</sup> There was considerable concern around the issue of under-age licence holders see VPRS 807/699, Report of Constable James Birch, Carlton re: Russell Kimpton Obtaining a licence under age—the Chief Commissioner of Police commented on the report 'Prosecute. Owing to the large number of cases of this nature it is desirable that proceedings be taken as a warning to youths under age who might be inclined to illegally obtain licences to drive motor cars and cycles', 29 May 1919.

<sup>91</sup> VPRS 807/557, R7989, Report of Constable F.M. Liney re: cutting from "Argus" 25.6.15, 26 June 1915; see also attached clipping 'Leaving Motors in Streets', *Argus*, 25 June 1915.

increased regulation of vehicles parking in the city, and advocated restricted standing times and the prohibition of parking motor cars near intersections. The duty of enforcing new regulations was to fall upon police under their long-standing mandate of preventing the obstruction of public thoroughfares, and the Board reported that 'the powers of the police in regard to the action they may take for the purpose of preventing obstruction caused by standing vehicles should be more clearly and definitely stated'.<sup>92</sup>

The increasing volume of traffic generally, combined with the specific duties allocated to police by the *Motor Car Act*, resulted in traffic related duties consuming an ever greater proportion of police resources and time. While occupying a greater proportion of police patrol time, motor vehicle related work also had substantial ramifications for police bureaucracy. From the passing of the *Motor Car Act* in 1910, police were confronted with an expanding quantity of paper work related to the licensing of motor vehicles and their drivers. By July 1910, 1590 cars and 1145 motor cycles were registered, while 3204 drivers, including about a hundred women, had successfully passed the driving test.<sup>93</sup> The volume of registrations and the maintenance of records prompted the formation of a special section in 1912, the Motor Police, who operated a central office in Melbourne and were to expand into the Motor Registration Branch.<sup>94</sup> The complexities of motor vehicle registration led to a special card of instructions and advice relative to motor vehicle registration and licensing being issued to all police stations in 1916.<sup>95</sup> Between 1918 and 1923, motor vehicle registrations in Victoria increased at the rate of four thousand per year. In 1923 the volume of business processed by the Motor Registration Branch jumped by forty per cent. Despite doubling the number of

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<sup>92</sup> Report of the Board appointed to investigate the problem of relieving congestion of traffic in Melbourne, *Victorian Parliamentary Papers*, vol. 2, 1919, pp. 11-12.

<sup>93</sup> Susan Priestley, *Crown of the Road*, p. 23.

<sup>94</sup> Haldane, pp. 137-8.

<sup>95</sup> *Victoria Police Gazette*, 10 February 1916, p. 100.

clerks in the Motor office from six to twelve, lengthy queues of people waiting to register their vehicles and receive licences extended along the pavement outside the Russell Street office.<sup>96</sup>

Police duties related to the motor car also brought constables into contact with an increasingly broad cross-section of the public. Early conflicts between police and a numerically small motoring elite were being superseded by interactions involving large numbers of the general public. In July 1912, 3944 cars and 2784 motor cycles were registered, while there were 8467 licensed drivers.<sup>97</sup> By January 1923 the numbers had soared, with 30 875 registered motor cars, 13 282 registered motor cycles and 49 060 licensed drivers.<sup>98</sup> Escalating motor vehicle registrations signalled the increasing democratisation of motor transport, as a burgeoning second-hand market and falling prices for new vehicles placed motor cars and cycles within reach of greater numbers.<sup>99</sup> The first edition of the RACV magazine in 1922 proclaimed:

From the young wage-earner or clerk, with his motor cycle to the man of wealth with his six-cylinder limousine, or the corporation with its mighty lorry, the motor driven vehicle is giving new resources of convenience, of health, and of wholesome pleasure to all classes of city dwellers'.<sup>100</sup>

The increasing importance of the motor car was signalled by instructions issued in 1920, requiring all police, not just those on special traffic duty, to enforce the provisions of the *Motor Car Act*.<sup>101</sup>

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<sup>96</sup> Susan Priestley, *Crown of the Road*, p. 45; on expansion of the Motor Branch see also *Police Journal*, vol. 2, no. 8, 2 February 1920, p. 16.

<sup>97</sup> *Victorian Year Book*, 1911-12, p. 416.

<sup>98</sup> *Victorian Year Book*, 1922-23, p. 426.

<sup>99</sup> Priestley, *Crown of the Road*, p. 45.

<sup>100</sup> Cited in Susan Priestley, *Crown of the Road*, p. 44; a similar diffusion of automobile ownership across class boundaries occurred in the United States, see David Garland, *Auto Opium: A Social History of American Automobile Design*, Routledge, New York, 1994, pp. 37-38.

<sup>101</sup> VPRS 807/734, E9654, Acting Chief Commissioner of Police memo: all police to take action in regard to offences under *Motor Car Act*, 12 July 1920.

Accompanying the rise in motor vehicle registrations was an escalation in the quantity of motor related cases being presented before magistrates courts. Despite the great public attention given to the motoring question, the number of prosecutions was initially small. Between the 1 July to the 28 October 1912, the police prosecuted sixty motorists in the City Court, twenty-eight of them for failing to keep to the left side of St Kilda Road.<sup>102</sup> In 1922 traffic police in the City of Melbourne dealt with 2786 summonses for motorists: 506 motorists were prosecuted for excessive speed, 401 for neglecting to display rear lights, 247 for passing trams on the wrong side, 120 for driving without a licence, 107 for negligent driving, 88 for obstructing the roadway, 104 for driving on the wrong side of the road and a further 515 for sundry other offences related to the ownership and use of motor cars and motor cycles.<sup>103</sup>

Traffic policing was to become the public face of policing into the twentieth century. The *Police Journal* noted in 1922 that point duty in Melbourne was crucial to public perceptions of policing. The pointsman acquired an intimate knowledge of council by-laws and Acts of Parliament, functioned as a tourist guide 'able to inform people of the places worth seeing in and about Melbourne, and the best way to get to them', and was required to 'present a dazzling spectacle of polished helmet, boots and buttons, and trousers with proper creases'. Local policemen cited *Main 13*, the journal of the Chicago Police, which remarked; 'a good traffic officer is soon spotted by the public, and a genuine spirit of camaraderie grows up between him and the thousands who repeatedly pass his ways'.<sup>104</sup> This heightened awareness of the public relations role of the pointsman reflected more general acknowledgement amongst ordinary policemen that traffic duties formed the main point of contact between the constable and the public.

<sup>102</sup> VPRS 3992/1783, 'Return of motor prosecutions at City Court between 1 July and 28 October 1912'.

<sup>103</sup> *Argus*, 9 February 1923, p. 10.

<sup>104</sup> *Police Journal*, vol. 5, no. 3, 1 September 1922, p. 44.

If the importance of traffic policing was recognised by ordinary police it was also apparent to their critics. In 1920 *The Australian Motorist* magazine pointed to the main point of conflict between police and public being 'the young member of the force or the older men with chronic liver trouble and corns'.<sup>105</sup> The article proceeded to outline the dangers of the abuse of police power in motor cases, in which innocent citizens were treated as common criminals. While most police were applauded for carrying out their duties with 'courtesy and reasonableness', the writer warned against

...the young inexperienced men who consider petty actions under the Motor Car Act a means of securing 'limelight' in the department. They irritate the people, who if it were not for the Motor Car Act would not come into contact with members of the police force. These men create a feeling of antipathy towards the police force in general, and cause to be discounted the praise often due to the department's operations in protection of property and the prevention and punishment of crime.<sup>106</sup>

As was also the case in England, motorists assumed the mantle of the law abiding citizen, suggesting that a small number of 'road hogs' were responsible for accident and mayhem.<sup>107</sup> In 1915 the *Age* announced:

Motorists are the victims of a good deal of unjust obloquy, because of the conduct of a few "hogs", who should not be allowed to drive a wheelbarrow. The general body of motor owners, however, are anxious to see the traffic carefully ordered.<sup>108</sup>

A similar theme was echoed by *The Australian Motorist*, which suggested that 'motorists are opposed to the scorcher and the men who deliberately flout the motor legislation'.<sup>109</sup>

The figure of the 'road hog' was frequently evoked by motorists to proclaim that police wasted manpower and time harassing 'innocent' drivers. This theme,

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<sup>105</sup> *Police Journal*, vol. 3, no. 6, 1 December 1920, p. 1.

<sup>106</sup> *Police Journal*, vol. 3, no. 6, 1 December 1920, p. 1.

<sup>107</sup> For English example see Emsley, "Mother, what did policemen do when there weren't any motors?", p. 374.

<sup>108</sup> *Age*, 23 March 1915

<sup>109</sup> *Police Journal*, vol. 3, no. 6, 1 December 1920, p. 1.

which has been articulated ever since, cast every interaction between constable and motorist as an instance of oppression. Motorists, according to themselves, were always innocent, and should not be prosecuted 'because a bad road bumps the tail light out, or because, due to lack of clear instructions, the motorist inadvertently commits a breach of the Act'.<sup>110</sup> The argument that traffic duties wasted both public and police time proved enduring. On a Monday morning in April 1923, 80 constables of the Melbourne police stopped vehicles at the points of ingress to the central City, checking the licence and registration details of around 3000 vehicles.<sup>111</sup> The motor lobby denounced police action as 'interfering with the liberty of the subject' and complained that 'precious time was thus lost and wasted by busy business men, who had important engagements to meet'.<sup>112</sup> The police raid was sufficient to prompt a deputation to the Chief Secretary and the calling of a conference by the RACV to discuss 'the unwarranted persecution of motorists by the police'.<sup>113</sup>

Police powers over motorists were no greater than those which they wielded over horse-drawn traffic in the nineteenth century. While in America some police reformers argued for a narrowing of police function which would have seen traffic duties passed to other authorities, such an argument was absent in Victoria.<sup>114</sup> Policing the motor car represented a logical extension of the public order function of policing which regulated traffic under the mandate of preserving public safety. While police authorities, the Press and the public increasingly absorbed images of

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<sup>110</sup> *Police Journal*, vol. 3, no. 6, 1 December 1920, pp. 1-2; for more recent expressions of this view see Chappell & Wilson, p. 123.

<sup>111</sup> *Argus*, 25 April 1923, p. 11.

<sup>112</sup> *Argus*, 25 April 1923, p. 11.

<sup>113</sup> *Argus*, 27 April 1923, p. 10.

<sup>114</sup> For American arguments against traffic duties for police see Robert M. Fogelson, *Big-City Police*, Harvard University Press, Cambridge, Mass., 1977, p. 60.

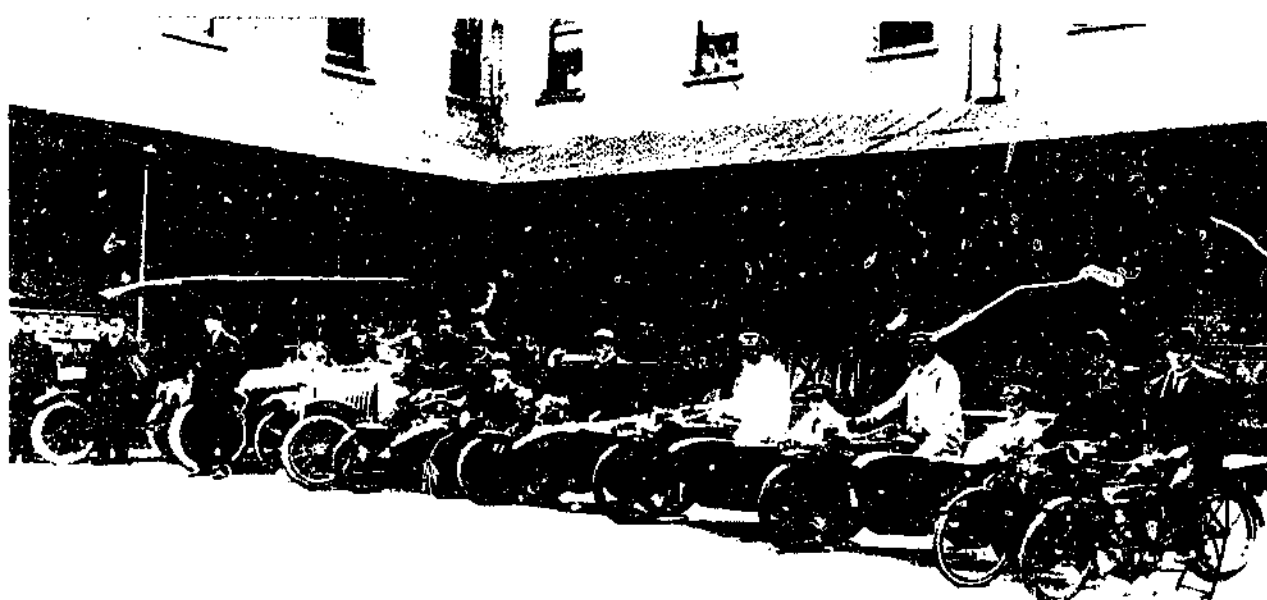
the policeman as crime-fighter, the real expansion of police work occurred in the more mundane field of traffic regulation. Rising motor vehicle registrations brought the constable into contact with a wider public, while registration and licensing duties expanded the reach of the police bureaucracy into citizens' lives. In subsequent years the growth of this police function has been subject to frequent criticism. It is often argued that police should be freed from traffic related tasks to concentrate on the 'real' police work of crime prevention and detection, and to minimise the resentment towards police these duties arouse amongst motorists.<sup>115</sup> Nevertheless, traffic duties were historically an intrinsic aspect of police work, and they would prove to have more significant ramifications for everyday policing in the twentieth century than sensational moments of criminal detection.

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<sup>115</sup> Chappell & Wilson, p. 128; Paul R. Wilson & John S. Western, *The Policeman's Position Today and Tomorrow: An examination of the Victoria Police Force*, University of Queensland Press, St. Lucia, 1972, p. 128.



Illustration 8.5



*"Police motor vehicles pictured at Russell Street, c. 1920."*

Courtesy of Victoria Police Historical Unit

## CONCLUSION

On the eve of Melbourne's Spring Racing Carnival in late October 1923, Constable William Brooks led 28 other constables from the Russell Street Barracks out on strike. By Friday 2 November over 600 of the metropolitan constabulary had abandoned their beats and were refusing to resume duty. Bereft of a police presence, Melbourne experienced a tumultuous weekend of riots and widespread looting. Crowds converged menacingly on lone loyalist police, and threw bricks and other missiles at special constables sworn in to replace the striking constables. The disorder continued on the Saturday evening as crowds returned from the Derby. Seventy-eight shopfronts in the city were smashed and a tram set alight in Elizabeth Street. Few seemed reassured by the fact that the Detectives were still on duty, or that the Wireless Patrol was still operating.<sup>1</sup>

The causes, events and aftermath of the 1923 Police Strike have received considerable attention from historians.<sup>2</sup> Few, however, have appreciated the symbolic importance of the Police Strike as a crisis in police modernisation. The immediate cause of the strike was the system of 'spooks', plain-clothes senior constables who hid behind trees, in telephone boxes and in cars in order to detect 'improper conduct' by constables on the beat.<sup>3</sup> Such vigilance only served to underline the gradual demoralisation of the constable on the beat, and the preventive ideal of policing, over the course of the nineteenth century. In 1854, the preventive uniformed police constable walking a fixed beat represented the zenith

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<sup>1</sup> For the events of the Police Strike see *Age*, 5 November 1923, pp. 9-10; 3 November 1923, pp. 15-16; *Argus*, 3 November 1923, p. 36; 5 November 1923, p. 11; see also Jacqueline Templeton, 'Rebel Guardians' in John Iremonger, John Merrit & Graeme Osborne (eds), *Strikes: Studies in Twentieth Century Australian Social History*, Angus and Robertson, Sydney, 1973, pp. 104-105;

<sup>2</sup> For the historiography of the 1923 Police Strike see Chapter One, pp. 64-65, n. 175.

<sup>3</sup> *Argus*, 26 April 1923, p. 8; Templeton, 'Rebel Guardians', p. 106; Haldane, *The People's Force*, pp. 175-76.

of a police science derived from the London model. By the 1920s, however, police authorities increasingly viewed modern police work as criminal detection aided by the tools of science. There was consequently a growing tension between the daily realities of police work and the images of policing promoted by police authorities and absorbed by a wider public.<sup>4</sup>

The Police Strike of 1923 was in many ways a symbol of this tension between the image and reality of policing. In the same year as the publicity accompanying the wireless patrol foregrounded the idea of police work as criminal detection aided by technology, the absence of 636 ordinary policemen was sufficient to throw a city into chaos. The uniformed police beat, and the mid-nineteenth century ideal of preventive policing, remained the bedrock of police work. The constable's daily routine owed little to the growing rhetoric of police modernisation in the early twentieth century, which stressed the techniques of crime control. Fingerprinting and the wireless patrol proved powerful symbols projecting the notion of scientific policing and an image of professionalism. Nevertheless, they would remain small elements of police work into the twentieth century. Ordinary police work remained considerably more mundane—directing traffic, moving-on pedestrians, dealing with street accidents, locating missing persons and filing reports of lost property. Individual tasks altered in importance with social, political and technological change, but the basic duties of a police constable remained remarkably consistent into the twentieth century. The mayhem which erupted when ordinary policemen were absent in 1923, provided evidence that routine peace-keeping, and not criminal detection, remained the core police function.

As Chapter One demonstrated, there were many continuities between the police force of the nineteenth century and that of the twentieth. This is particularly so if one looks at the practical experience of ordinary policemen. Recruitment practices were often heralded as producing more efficient policemen, but into the

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<sup>4</sup> For the contemporary significance of contradictions between the images and realities of police work see Peter K. Manning, *Police Work: The Social Organisation of Policing*, MIT Press, Cambridge, Mass, 1977, pp. 347-353.

twentieth century the emphasis remained on brawn capable of withstanding the rigours of beat work. Educational tests remained perfunctory, and were frequently regarded by police administrators as dispensable. The slow development of police training remained the subject of debate throughout the period. Ordinary policemen maintained that the work of policing could only be learnt through practical experience, and many senior police officials agreed with them. Nevertheless, the pressure for the police force to become increasingly efficient and 'modern' led to experiments in training recruits. In keeping with the conception of police work as physical labour, however, training initiatives were directed at physical culture rather than classroom learning.

The contradictions and conflicts over the nature of police work and police 'modernisation' were epitomised by the debates over the efficacy of the cornerstone of police work—the fixed beat. Introduced shortly after the gold rush, the police beat was a clear manifestation of the derivative character of urban policing in the colonial context. Those who introduced a system of regular preventive beat patrols envisaged a colonial replica of the London Metropolitan model of policing. The aims and aspirations of the London model were imported along with the patrol system. Constables walking the streets at a measured pace would deter potential offenders, while reassuring a wider population that the state was maintaining order.

Beat patrols, and the peace-keeping function that went with them, remained the fundamental form of police work into the twentieth century. Nevertheless, by the late 1860s the theory of the beat patrol system was being criticised. Critics argued that the predictability of the beat system allowed offenders to evade the measured foot steps of the constable. Partially, the problem lay with the difficulty of assessing the success of preventive patrol, for it was impossible to statistically calculate how much crime had been deterred. On the other hand, it was far easier to calculate how much crime had been committed. The use of plain-clothes police was one attempt to overcome this perceived weaknesses of the beat system.

By the end of the nineteenth century, plain-clothes police had risen in prestige, as they were seen as a far more useful means of not only preventing but also detecting crime. The elevation of plain-clothes police in the general armoury of the Department reflected the greater emphasis being placed upon the work of criminal detection in the early years of the twentieth century. Press coverage given to both the inauguration of fingerprinting and wireless patrol cars was also symptomatic of a shift in both popular perceptions and those of the police themselves, which equated 'real police work' with the work of criminal detection rather than routine patrol. Shifts in conceptions of the police function were however, not matched by changes in the experiences of ordinary policemen. For most constables the work of policing still involved the maintenance of order through routine patrol. Indeed, this function increased in significance as demands for greater standards of public order accelerated in the late nineteenth century.

Thus there was a growing tension between emerging conceptions of the policeman as crime-fighter, and the historical peace-keeping role of the constable on the beat. Nineteenth-century models of policing, drawing on the English example, envisaged a central role for urban police in the general work of government regulation. This expansive notion of policing—one which employed a wide definition of 'public order'—was strongly influenced by the ideas of English police reformers such as Edwin Chadwick. In the colonial context, the centralised structure, large workforce and expansive bureaucracy of the police force led to it assuming a wide-range of functions for government. Many of these activities were justified under the expansive umbrella of preserving public order and safety. Some functions, particularly those relating to public health, were eventually superseded as the various agencies of the state developed their own sizeable bureaucracies.

Nevertheless, it remained true that broader functions for the police continued to accumulate. Some of these were related not to the agencies of government but were demands emerging from the rise of commercialised leisure, requiring a police presence to order and regulate the sizeable audiences who gathered for sport and

entertainment. Government departments also continued to look to the police to supply labour, ranging from administering a diverse range of legislation to sentry duties. The vociferous cries of police administrators that such tasks were not police duty often fell on deaf ears, as governments, who spent a sizeable portion of their revenue on the police force, continued to demand resources. Police administrators argued against these duties from both fiscal and theoretical standpoints. Not only did extraneous duties deplete manpower, but the proper work of policing was, they argued, catching criminals.

The argument against a multifaceted police service was also heard from other quarters. Duties of the police in the nineteenth century involved many 'social work' aspects, including dealing with the abandoned, impoverished and the mentally ill. Early police tasks associated with lunacy and destitution resulted both from the street presence of constables, who were the agency of the state most likely to encounter them, and in the case of poverty, from the connection of indigence and the criminal class. Policemen were viewed as appropriate agents to deal with problems of poverty which might also provide an opportunity of maintaining surveillance over the criminal class. By the late nineteenth century however, the role of the policeman in welfare was increasingly called into question. A new army of social workers, doctors and interested amateurs colonised the field of social welfare. Nowhere was this more evident than in police dealings with children. The child, a symbol of the society's future, was to be kept away from the constable and his association with the criminal justice system. The medical profession too, wished to distance the police force from mental illness. For the medical profession, the link between police, the courts and the prison system was anathema to emergent conceptions of insanity as treatable illness.

Police administrators were complicit in their own exclusion from the welfare arena. Duties foisted upon them by the state such as enforcing the Infant Life Protection Act and administering Old Age Pensions were decried for diverting attention from the primary task of policing—catching criminals. Nevertheless the

utility of the police organisation, both in terms of bureaucracy and street presence, assured the police a continuing role in the provision of welfare. Few other agencies, either public or private, could match the information gathering capacity and detailed local knowledge of the police. New agencies of the state, the medical profession and private bodies recognised this police expertise, ensuring that although there were troubling links between the police and the criminal justice system, police involvement in welfare provision remained into the twentieth century.

The police force had another valuable function which it performed for the state. Beat policing was modelled upon the ideal of a civil preventive force imported from the London Metropolitan Police. Nevertheless, like the London Metropolitan Police, Melbourne Police operated under the ultimate threat of force. Definitions of public order were broad, and along with nuisances and preventing individual misdemeanours such as drunkenness, the police were also expected to possess the capability of acting in concert during moments of 'emergency'. Being capable of acting to quell riot and disturbance was an important function, which, while infrequently utilised, remained prominent in the minds of administrators. The clearest evidence of its dominance was the continued use of military style drill in police training. Arguments over police training in the nineteenth century often focused on the question of militarism.

A further important police function became one of political surveillance. Political surveillance emerged as a function of the police most strongly after the turn of the century, and was a direct reflection of the anxieties of those in power. The police function of controlling riot and protest under the threat of force was also more frequently engaged in the later nineteenth century. While infrequent police activities, political surveillance and the policing of protest remained crucially significant in framing public perceptions of the police service. What is clear, however, is that the police role was highly contingent on the complex interaction of government directives, the attitudes of commanding officers and the actions of individual policemen. It was a role which clearly aligned the police with the

interests of their political rulers, but the police were not necessarily dull ciphers in carrying those interests out.

The targets of routine police work were also to transform considerably from the 1850s to the 1920s. Nowhere was this more evident than in the policing of 'moral' offences such as drinking, gambling and prostitution. From the 1850s through to the 1880s police employed wide discretion in relation to Sunday and after hours trading by hotels, gambling, street prostitution and brothels. The explanation for this discretion partially rests with widespread administrative corruption, which extended from the highest levels of the police service down to constables on the street. This is, however, only a partial explanation. Discretionary practices which allowed the persistence of certain offences thought to be innocuous were justified by the tenet of preventive policing, which asserted the importance of the police securing the co-operation of the community. Enforcing unpopular legislation was avoided, as it could potentially undermine the legitimacy of police in local communities.

Changes in police practice emerged in the closing decades of the nineteenth century from demands for police reform and the growing political influence of the social reform movement. After the Royal Commission of 1881-83, images of police inefficiency were closely associated with Sunday trading by hotels, street prostitution and gambling. The suppression of these offences became public symbols of effective policing. Police campaigns against street prostitution, street gambling and Sunday trading by hotels provided evidence of a reformed police force, free from the stain of corruption and capable of producing an 'orderly' metropolis. Pressures on the police also emerged from temperance organisations, social purity campaigners and first-wave feminists, who actively lobbied for the suppression of vice. The interests of the social reform movement occasionally coalesced with those of police, who could cite the need to preserve public morality as a platform in arguments for the extension of their powers. Police campaigns were however mediated by the realities of street level experience. Many police on the



beat, and some senior officers, remained sceptical as to whether it was the role of the police to enforce standards of public morality. Sensitivity also emerged from the belief, not unfounded, that the relentless policing of personal conduct would create antagonism towards the police and render the work of policing increasingly difficult. 'Moral' policing was thus mediated by the priorities of the police themselves. The result was piecemeal police crackdowns, rather than the saturation suppression advocated by social reform lobbyists.

Ultimately, however, the real expansion in police work in the twentieth century derived not from the crime prevention aspect of police work but from the ubiquitous public order function. From the 1850s, a significant element of routine patrol was occupied with clearing the streets, preserving public safety and preventing obstructions. With increasing traffic density, this police function continued to gain momentum over the course of the nineteenth century. With the coming of the motor car, it was an area which witnessed the greatest escalation in police activity. While increased police activity related to tangible problems of traffic, policing vehicles and their drivers also represented a considerable expansion of the reach of policing into the lives of Melbourne's citizens.

Growing demands for public order in the late nineteenth century, combined with an escalation of traffic duties in the early twentieth century, expanded the routine peace-keeping role of ordinary policemen. This was as at odds with a growing public perception, and the perception of an increasing number of policemen, that 'real police work' involved solving crimes and catching criminals. For the majority of men at the Russell Street Police Barracks, however, the work of criminal detection was seldom experienced. Work on the beat involved different dramas, frustrations and challenges, which were less newsworthy, but no less important for that.

**Appendix A: Melbourne Police 1871**  
 Sources: VPRS 55/1, Police Muster Roll 1871  
 Police Service Records, Victoria Police Historical Unit

Name	Age	Place of Birth	Previous Occupation	Length of Service
Robert S.	25	Ireland	Irish Constabulary	13 years
Patrick G.	28	Ireland	General Servant	8 years
Dennis K.	30	Ireland	Irish Constabulary	13 years
Phillip M.	30	Ireland	Irish Constabulary	27 years
Frederick Mc.	28	Ireland	Irish Constabulary	24 years
Florence O'S.	26	Ireland	Irish Constabulary	35 years
Harold G.	25	Ireland	Doctor	19 years
James D.	23	Scotland	Draper	18 years
William G.	33	England	London Police	21 years
Samuel Mc.	27	Ireland	Labourer	23 years
John M.	27	Ireland	Irish Constabulary	26 years
John T.	34	England	none	20 years
Thomas O'B	28	Ireland	Irish Constabulary	19 years
Joseph C.	25	Ireland	Farmer	18 years
Edmund C.	26	Ireland	Irish Constabulary	15 years
John C.	25	Ireland	Irish Constabulary	31 years
Alexander K.	31	Ireland	Irish Constabulary	13 years
William L.	29	Scotland	Liverpool Police	24 years
Patrick D.	33	Ireland	Irish Constabulary	28 years
Patrick M.	31	Ireland	Liverpool Police	under 1 year
John B.	27	Ireland	Irish Constabulary	27 years
Patrick E.	22	Ireland	Draper	16 years
Thomas S.	26	Ireland	Irish Constabulary	29 years
Michael C.	24	Ireland	Quarryman	25 years
John C.	26	Ireland	Irish Constabulary	7 years
James C.	29	Ireland	Dublin Police	17 years
James K.	24	Ireland	Irish Constabulary	24 years
Henry P.	22	Ireland	Irish Constabulary	38 years
Thomas E.	26	Ireland	Sydney Police	30 years
Thomas H.	24	Ireland	Farmer	34 years
John J.	28	Ireland	Draper	33 years
James Mc.	27	Scotland	Draper	22 years
Anthony P.	27	Ireland	Irish Constabulary	30 years
William G.	32	Scotland	Aberdeen Police	22 years
Richard H.	27	Ireland	Irish Constabulary	16 years
Thomas Mc.	29	Ireland	Irish Constabulary	27 years
William T.	27	Ireland	Irish Constabulary	21 years
John A.	22	Ireland	Farmer	20 years
Martin P.	31	Ireland	Irish Constabulary	31 years
John D.	28	Ireland	Irish Constabulary	17 years
James K.	30	Ireland	Shoemaker	20 years
William S.	30	Ireland	Irish Constabulary	21 years
John D.	28	England	Veterinary Surgeon	23 years
John F.	32	Ireland	Irish Constabulary	24 years
Thomas S.	28	England	Liverpool Police	14 years
Charles J.	21	England	none	40 years
James H.	31	Ireland	Irish Constabulary	9 years
William D.	34	Ireland	London Police	4 years
Patrick H.	28	Ireland	Dublin Police	17 years
James L.	41	Scotland	Labourer	20 years
William B.	28	Ireland	Irish Constabulary	19 years
Charles K.	25	Ireland	Irish Constabulary	22 years
Patrick McB	27	Ireland	Irish Constabulary	13 years
James D.	31	Ireland	Irish Constabulary	29 years
William B.	29	Ireland	Liverpool Police	11 years
John G.	22	Ireland	Irish Constabulary	38 years

Name	Age	Place of Birth	Previous Occupation	Length of Service
William W.	29	England	Shipbuilder	26 years
John R.	25	Ireland	Irish Constabulary	14 years
Bartholomew K.	29	Ireland	Irish Constabulary	16 years
Hugh O'C.	30	Ireland	Labourer	29 years
Samuel T.	28	England	London Police	24 years
William C.	26	Ireland	Farmer	15 years
Bernard M.	24	Ireland	Irish Constabulary	32 years
William S.	29	Ireland	London Police	10 years
James M.	26	Ireland	Irish Constabulary	27 years
Thomas H.	35	England	Adelaide Police	28 years
Edmund P.	22	Ireland	Farrier	37 years
James P.	26	Scotland	Carpenter	33 years
Patrick E.	24	Ireland	Irish Constabulary	23 years

**Appendix B: Melbourne Police 1921**  
 Sources: VPRS 55/50, Police Muster Roll 1921  
 Police Service Records, Victoria Police Historical Unit

Name	Age	Place of Birth	Previous Occupation	Length of Service
Herbert B.	32	Germantown, NSW	Labourer	16 months
Edward B.	29	Beeac, VIC	Railway Labourer	30 years
James L.	24	Winchelsea, VIC	Farmer	23 years
Harry R.	23	London, ENG	Motor Mechanic	4 years
John O'D. *	25	Boosey, VIC	Labourer	3 years
James M. *	26	Boosey, VIC	Labourer	3 years
Thomas S. *	24	Baranbuda, VIC	Dairyman	9 years
Alexander S. *	28	Warnambool, VIC	Sailor	10 years
Harry T. *	21	Pakenham, VIC	Labourer	12 years
Edward T.	23	Georgetown, TAS	Saddler	21 years
Harry W. *	24	Cobden, VIC	Labourer	3 years
Francis W. *	25	North Carlton, VIC	Carpenter	10 years
James U. *	21	Ballarat, VIC	Draper	18 years
Geoffrey U. *	26	Geelong, VIC	Motorman	6 years
Charles R. *	22	Yalca, VIC	Farmer	3 years
John R. *	28	South Melbourne, VIC	Tinsmith	4 years
John W. *	37	Snake Valley, VIC	Tasmanian Constable	2 years
Patrick R.	37	Inglewood, VIC	Farm Labourer	4 years
Alexander McL. *	22	Brunswick, VIC	Labourer	4 years
Alfred H. *	21	Carapooee, VIC	Labourer	11 years
Daniel Q. *	21	Co. Clare, IRE	Groom	12 years
Alfred S.	27	Auckland, NZ	Boatbuilder	26 years
William B.	28	Garrigort, IRE	Farmer	2 years
Frank B.	27	Carlton, VIC	Painter	18 months
James A. *	24	Malmsbury, VIC	Miner	13 years
James B. *	24	Kilmore, VIC	Blacksmith's Striker	11 years
George A. *	28	South Melbourne, VIC	Saw Mill Hand	9 years
Frederick C. *	25	Wagga, NSW	Labourer	6 years
Charles C. *	27	Clyde, VIC	Labourer	4 years
Ernest G. *	26	Yan Yean, VIC	Labourer	4 years
John H. *	24	Warnambool, VIC	Labourer	4 years
Annesley C. *	27	Echuca, VIC	Wood Cutter	2 years
Reginald H. *	26	Elmhurst, VIC	Labourer	11 years
Edward K. *	26	Ascot Vale, VIC	Driver	10 years
Alfred K. *	35	Eltham, VIC	Blacksmith	2 years
Murray F. *	29	Horsham, VIC	Driver	2 years
John K. *	26	Hinnomunje, VIC	Labourer	3 years
Lionel P. *	20	St. Arnaud, VIC	Labourer	11 years
William H. *	22	St. James, VIC	Labourer	4 years
John W.	21	Maldon, VIC	Blacksmith	38 years
James O'C.	21	Limerick, IRE	Labourer	38 years
John W.	20	Ararat, VIC	Soldier	8 months
James C.	21	Creswick, VIC	Farm Labourer	30 years
John R.	28	Yackandandah, VIC	Railway Labourer	28 years
Andrew B.	26	Ballarat, VIC	Miner	25 years
Henry S.	38	Buin Buin, VIC	Warden	4 years
John M.	21	Malmsbury, VIC	Labourer	33 years
Alexander Mc.	22	Toorak, VIC	Gardener	32 years
Victor T.	22	Toolamba, VIC	Grazier	35 years
Nicholas R.	22	Daylesford, VIC	Blacksmith	33 years
Percy R.	24	SA	Grocer	30 years
Charles H.	22	St. Leonards, VIC	Gardener	32 years
Charles W.	24	Timor, VIC	Labourer	30 years
Denis D.	23	Richmond, VIC	Fancy Leather Dresser	21 years
Frederick D.	23	Melbourne, VIC	Labourer	34 years
Arthur S.	22	Huntly, VIC	Farmer	37 years

Name	Age	Place of Birth	Previous Occupation	Length of Service
William B.	23	Bungaree, VIC	Boot Finisher	28 years
Donald Mc.	22	Elaine, VIC	Butcher	31 years
James L.	27	Mt. Pleasant, VIC	soldier	32 years
Graham F.	22	Lake Bolac, VIC	labourer	37 years
Joseph B.	24	Bagshot, VIC	farmer	30 years
Julius G.	25	Myamyn, VIC	labourer	34 years
Charles G.	30	Myrtleford, VIC	miner	29 years
Thomas D.	28	Sale, VIC	soldier	31 years
William R.	27	at sea	blacksmith	32 years
James F.	24	Co. Clare, IRE	labourer	35 years
William S.	21	Clunes, VIC	carter	37 years
Hugh L.	21	Euroa, VIC	labourer	38 years
Roderick H.	24	Eganstown, VIC	miner	35 years
Daniel H.	22	Carlton, VIC	farm labourer	38 years
James G.	24	Kyneton, VIC	labourer	35 years
John S.	23	Ballarat, VIC	soldier	36 years
Carter P.	26	Clunes, VIC	tram conductor	32 years
James T.	22	Bendigo, VIC	stonecutter	37 years
Richard P.	23	Scarsdale, VIC	fireman	36 years
John S.	21	Wooragee, VIC	farmer	38 years
John Mc.	22	Traralgon, VIC	labourer	37 years
Alfred P.	22	Beechworth, VIC	labourer	37 years
John H.	31	South Melbourne, VIC	boot machinist	23 years
Charles W.	28	Muskerry, VIC	labourer	26 years
John C.	22	Tabilk, VIC	farm labourer	32 years
George R.	31	Echuca, VIC	sawyer	21 years
Ray G.	20	Benalla, VIC	labourer	5 years
Thomas H.	23	Sailor's Hill, VIC	farmer	31 years
Clifford B.	25	Duckenbarr, VIC	soldier	34 years
James W.	21	Cobden, VIC	coach builder	33 years
Charles T.	21	Benalla, VIC	labourer	32 years
Francis L.	22	Korong Vale, VIC	farmer	37 years
Patrick T.	21	Kooweerup, VIC	farm labourer	33 years
Harold B.	26	Cutpawpaw, VIC	lineman	21 years
Robert S.	25	Murtoa, VIC	labourer	34 years
John F.	21	Port Melbourne, VIC	carpenter	14 years
Thomas S.	22	North Fitzroy, VIC	fireman	10 years
Frederick E.	20	Hesket, VIC	farmer	12 years
George F.	24	Ararat, VIC	railway repairman	35 years
Alfred S.	24	Limerick, IRE	clerk	12 years
Thomas Mc.	25	Northcote, VIC	labourer	28 years
Angus G.	26	Boort, VIC	farmer	14 years
David M.	22	Scotland	constab. Renfrewshire	32 years
William C.	26	Donald, VIC	farm labourer	39 years
Frederick L.	24	Railway Place, NSW	musician	20 years
William O'C	26	Walhalla, VIC	labourer	28 years
Augustus C.	20	Strathfieldsaye, VIC	stonemason	39 years
John S.	23	Riddell's Creek, VIC	labourer	37 years
William O'H.	24	Granya, VIC	miner	15 years
Arthur D.	21	Raywood, VIC	blacksmith	38 years
John B.	21	Ballybuttle, IRE	labourer	38 years
Charles Mc.	23	Broadford, VIC	clerk	31 years
Edwin W.	24	Eaglehawk, VIC	miner	30 years
Stanley J.	22	Broomfield, VIC	soldier	39 years

\* Denotes discharged following 1923 Police Strike

### Appendix C: Melbourne Police Stations and Police Strength 1871-1921

Source: VPRS 55/1,6,10,16,20,25,30,35,40,45,50

Police Muster Rolls 1871, 1876, 1881, 1886, 1891, 1896, 1901, 1906, 1911, 1916, 1921

Stations	1871	1876	1881	1886	1891	1896	1901	1906	1911	1916	1921
Albert Park	-	-	-	1	3	3	5	4	4	3	4
Alphington	-	-	-	-	-	2	2	2	2	-	-
Armada	-	-	-	1	3	3	4	5	4	4	4
Ascot Vale	-	-	-	-	2	3	3	4	5	5	4
Auburn	-	-	-	-	-	4	4	4	4	4	4
Balaclava	-	-	-	-	3	3	4	4	4	4	4
Bourke St. West	-	-	-	-	29	28	43	46	48	74	74
Braybrook Junction	-	-	-	-	-	-	1	1	-	-	-
Brunswick	-	-	5	6	11	11	12	15	16	18	20
Brunswick East	-	-	-	4	4	5	4	4	5	6	3
Brunswick West	-	-	-	-	2	3	2	2	2	4	3
Burnley	-	-	-	-	4	4	4	5	5	5	3
Camberwell	-	-	1	2	5	4	4	4	4	5	5
Carlton	18	23	21	27	28	29	34	34	37	37	32
Carlton North	-	-	-	-	5	5	11	12	13	12	11
Clifton Hill	-	-	-	4	6	6	6	7	7	8	6
Coburg	-	-	2	2	5	5	5	5	5	6	7
Collingwood	-	22	22	23	28	29	31	32	33	33	24
Collingwood East	17	-	-	-	-	-	-	-	-	-	-
East Melbourne	-	-	-	14	20	19	21	20	20	20	16
Emerald Hill	-	-	16	-	-	-	-	-	-	-	-
Essendon	-	-	2	3	5	5	5	8	7	4	4
Essendon Nth	-	-	-	-	2	2	2	2	3	-	-
Fairfield	-	-	-	-	-	-	-	-	-	3	5
Fitzroy	22	19	20	26	31	29	33	36	37	34	35
Fitzroy North	-	4	7	10	10	10	10	10	10	10	10
Flemington	-	-	3	3	4	4	4	4	5	8	7
Footscray	-	-	6	8	9	8	8	12	12	13	13
Footscray West	-	-	-	-	-	3	3	4	4	4	3

Stations	1871	1876	1881	1886	1891	1896	1901	1906	1911	1916	1921
Gardiner	-	-	-	-	-	-	-	-	-	1	1
Hawthorn	-	-	5	7	11	10	12	14	16	16	14
Hawthorn West	-	-	-	-	-	1	1	1	2	2	2
Hotham Hill	13	14	15	20	4	5	4	4	4	4	4
Ivanhoe	-	-	-	-	-	-	-	-	-	1	1
Kensington	-	-	-	3	4	4	4	5	5	5	5
Kew	-	-	4	5	10	8	10	12	12	12	11
King St.	-	-	5	10	-	-	-	-	-	-	-
Little Bourke St.	-	-	-	6	7	8	7	8	9	7	6
Malvern	-	-	-	-	3	4	3	7	7	9	10
Maryibyrnong	-	-	-	-	-	-	-	-	-	-	1
Middle Park	-	-	-	-	1	1	2	2	3	3	2
Montague	-	-	-	-	4	5	5	6	5	6	5
Moonce Ponds	-	-	-	-	-	-	-	-	-	7	5
Newport	-	-	-	2	4	5	5	5	5	5	5
Northcote	-	-	3	4	8	6	6	8	11	14	13
North Melbourne	-	-	-	-	21	24	25	23	23	21	22
Port Melbourne	-	-	-	17	16	15	16	15	17	18	17
Port Melbourne Nth.	-	-	-	-	2	2	2	2	2	3	-
Prahran	-	-	13	-	18	15	20	20	22	24	22
Princes Hill	-	-	-	-	1	1	2	-	-	-	3
Richmond	14	15	14	-	19	18	22	21	23	22	18
Richmond South	-	-	-	6	8	8	9	9	9	11	6
Royal Park	-	-	3	5	5	7	8	8	8	8	6
Russell St.	135	146	190	158	207	174	183	194	217	256	315
Sandridge	-	-	16	-	-	-	-	-	-	-	-
Sandridge Nth.	-	-	-	1	-	-	-	-	-	-	-
St. Kilda	-	-	14	18	21	16	19	20	18	19	19
St. Kilda East	-	-	1	2	2	2	2	3	3	4	4
St. Kilda Road	-	-	4	4	11	12	13	16	20	20	19
St. Kilda West	-	-	-	-	1	1	1	1	1	1	1
South Melbourne	-	-	-	24	28	28	30	30	32	31	28
South Wharf	-	-	-	-	8	8	9	9	9	9	8
South Yarra	-	-	-	-	5	6	5	-	7	8	8

Stations	1871	1876	1881	1886	1891	1896	1901	1906	1911	1916	1921
Sunshine	-	-	-	-	-	-	-	-	1	1	2
Thornbury	-	-	-	-	-	-	-	-	-	-	4
Toorak	-	-	2	2	3	4	4	6	6	6	6
Werribee	-	-	-	-	-	-	-	2	2	2	2
West Melbourne	-	6	6	7	9	11	13	15	16	16	16
Williamstown	-	-	19	10	9	8	14	15	14	15	15
Williamstown Nth	-	-	1	-	-	-	-	-	-	-	-
Windsor	-	-	-	-	-	5	4	4	7	6	6
Yarraville	-	-	1	2	4	4	4	5	5	5	5
Total Police	219	249	421	447	673	640	702	772	824	905	938
Total Population	215,991	248,878	288,169	381,590	486,620	458,300	501,580	530,660	612,190	702,120	800,520
Police/Population Ratio	1:986	1:999	1:684	1:853	1:723	1:716	1:714	1:687	1:743	1:775	1:853



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