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A NEW POLICE IN VICTORIA

CONDITIONS OF CRISES OR POLITICS OF REFORM?

Darren Palmer

from the evidence given before your Committee, [we] have been accorded a clear insight into the existence of many evils attendant on the present system; and have been forcibly impressed by the absolute necessity of immediate remedial measures being adopted…[as] the number and nature of offences committed, and a feeling of apprehension that appears to prevail in the Towns…to the Gold Fields…the great increase to the population of the Colony, and the character of a large proportion of that increase [indicates] the existing Police Force is insufficient in numerical strength, – deficient in organisation and arrangement, – and utterly inadequate to meet the present requirements of the country.¹

ON THE FACE OF IT, this is a rather compelling account of disorder confronting the new colony of Victoria in 1852. The Snodgrass Committee had been established to identify the policing needs of the colony and recommended a fundamental reform in policing. Within a few months the Legislative Council took up the committee’s recommendation for a colony-wide police with the introduction of legislation for the new police in the form of the Victoria Police Force.² The dominant approach to understanding the introduction of the new police in Victoria has accepted two key factors as explaining this change: the old police were in disarray, inefficient, lacking proper organization, co-operation and integration, and in general unable to meet the ‘demand for order’;³ and secondly, that it was specifically the forces of disorder unleashed by the goldrush—rapid population growth; increasing presence of undesirables in the form of emancipists; exodus of police staff; and the growth of crime—that necessitated the re-organisation of Victorian policing in the form of a colony-wide police agency.

We now know that in January 1853, the new colony of Victoria did indeed introduce a colony-wide police force to replace many of the alternative policing institutions. But it was by no means inevitable that this would occur either at the time it did, or in the form that materialised and has largely remained with us to be now celebrating its sesquicentennial. To
understand this vital transformation not only in policing, but also in the machinery of the state it is important that we look back and analyse the context in which this choice was made, and the consequences for policing. The first section addresses the historical changes in mid-nineteenth century policing in colonial Victoria within the context of policing reform in New South Wales in general. The second section examines the supposed ‘law and order’ crisis in the period leading up to the introduction of the new police. The final section examines specifically the impact of the goldrush. In both sections we are interested foremost in whether the ‘law and order’ crisis and the impact of the goldrush adequately explain the need for the new police, identifying specifically whether the dominant accounts concerning the necessity for such changes to policing withstand empirical scrutiny. The conclusion suggests that there has been a tendency to see the introduction of the new police in 1853 as inevitable due to the fragmentation of policing in the preceding period, and as necessary due to the effects of the goldrush. It is argued that neither of these accounts serves as an adequate way of understanding the move to the new police. In turn, such thinking has had an impact on the capacity to re-think policing needs since 1853. Before addressing the historical context of policing reforms we need first to consider the dominant text and analysis of the introduction of the new police in Victoria.

Robert Haldane’s influential history of the ‘people’s force’ is notable on three fronts. First, he explicitly indicates that his was a study that ‘traces the evolution of Victorian policing’. As Robert Reiner has argued in his now classic account of police histories, such an evolutionary approach fails to account for why a particular form of police was necessary to that time and place. Indeed, as we will see there were several alternatives available to the people of Victoria, and very soon after the introduction of the new police a further alternative in the form of the Gold Field Commissioners was implemented to deal precisely with those policing problems that are used to argue for the necessity of the new police. Second, for Haldane it was the crises of the goldrush that served as the structural social conditions that demanded changes to policing. But what was it about the new police that provided the ‘fit’ with the security and order maintenance demands of the colonists? It is as if the colonists finally came to their senses under the pressure of the goldrush to see that the new police was the model that was necessary to provide order in Victoria in a manner that no other forms of policing could
achieve. Yet, as indicated above, the goldrush produced its own form of policing arrangements that sat outside the new police and continued the tradition of agencies given a specific territory or ‘problem’ to police rather than having an omnibus agency to deal with all order and security problems. Third, Haldane employs an additional notion central to orthodox police histories: the idea that the new police represent a continuation of the office of constable untrammelled by the extensive bureaucracy and command and control structures that accompanied the new organisation. This is why he emphasises that from the very earliest days the Port Phillip pioneers got the police they wanted in the form of Police Magistrate Lonsdale and his constables. This continues to the reforms of 1853 where again the colonists demanded and implemented a particular form of police: the ‘people’s force’. Haldane recognises the setbacks at different points along the evolutionary path, but ultimately it is the will of the people that wins the day in getting its new police and the ongoing developments to this very day.

Two brief counterpoints can be made here (expanded below) to challenge the central notion of the ‘people’s force’. First, the request for Police Magistrates was for a specific form of policing, and for important political and economic reasons. The ‘People’ were colonisers seeking state recognition of their claims to land, and the use of the capacity of the state to provide a specific form of order—clearly the local Aborigines were not part of the demands, though there was some concern in New South Wales and in London about the protection of the Aborigines.

Second, the people of the 1850s were not an undifferentiated ‘community’ but rather one where formal political power was highly concentrated. It was those with property that felt most threatened by the demographic changes of the period and the loss of traditional forms of authority and control. It wasn’t the Victorian people getting the police they wanted, but a very specific sub-population able to shape the political and institutional machinery of the new colony. This was a partisan police in a partisan political world, not a ‘people’s force’. However, to make the case for a very different historical account of the introduction of the new police we need to challenge not only how this history has been written, but also the empirical record concerning policing reform.

**Policing and security in Port Phillip**

The initial colonisation of Port Phillip occurred at a time of uncertainty
concerning the use of land as 'squatters' moved into the unsettled areas of New South Wales. The Hentys had settled Portland in the south-west in 1834 and the Port Phillip Association, a group of Van Diemen's Land investors and pastoralists led by Batman, were claiming large areas of land around Port Phillip on the basis of an agreement with local Aborigines to 'buy' their land. Others were quick to follow suit, squatting on crown land illegally (the Crown had determined that it and not the natives were the owners) yet immediately requesting government protection, first from Sir George Arthur, the Governor in Van Diemen's Land and then, on 2 June 1836, petitioning the New South Wales Governor, Sir Richard Bourke. The previous day a meeting at Port Phillip (the basis of the petition) had appointed an interim arbiter for non-land disputes. They also initiated the first of many requests for local police. They called for a resident magistrate with a competent police, a bench of commission of peace and an officer of the customs. These demands were made when a police magistrate, a sergeant and a constable were in Melbourne on behalf of Governor Bourke to report on the local situation in the new 'settlement'. The disregard for the directives of the government displayed by the squatters, and the following call for the services of government administration and protection, threatened the desired orderly expansion of the central state at the periphery of the colony.

Haldane interprets this early meeting of the people of Port Phillip as part of a general shift in early New South Wales toward seeking community security through preventative police (rather than the imperial troops), despite the recognised inefficiency of the police at the time. He uses this as an example of the beginnings of the community 'getting the police they deserve', although he fails to explicate the nature and role of the allegedly 'communal' structures and processes involved in decision-making. Alternatively, Campbell argues that the meeting represented the demands of the squatters, who, '[h]aving themselves ruptured the legal fabric...were at pains to repair the damage on their own terms'. In the latter account the 'community' is replaced by sectional demands, which requested police partly for the services they offered but more importantly as part of a package that would establish legitimacy to squatters' land claims and ensure the conditions of securing their economic interests. This could occur by gaining the extension of the New South Wales legal structure, including the provision of a body of men able to enforce dominant sectional interests and values
under the directions of the intermediary office of the magistracy. The arrival of a permanent police magistrate, Lonsdale, and his military and civil forces in September 1836 signalled the tacit recognition by the colonial government that the occupation of the land was to be permanent and the contemporary model of the police magistracy system was to be extended to Port Phillip. More generally, like the Mounties’ expansion into the Yukon, Lonsdale ‘had been sent to establish the rule of the imperial government on [the] new territory’ of Port Phillip. This was not the beginning of ‘community policing’ as interpreted by Haldane’s orthodox history, but the extension of central authority to the periphery of the colony through a governor-appointed judicial and administrative officer and his constables and military.

The pastoralist squatters needed the recognition of their land grab to be able to engage in their pastoral activities. Gaining official sanction and the extension of the legal machinery of the colony, including police, not only legitimised such actions but also provided for the necessary order and security maintenance for commerce and trade. For example, stationing of troopers along the road between Melbourne and Sydney in 1838 quickly transformed an unsafe passage into a key connecting route between the two towns.

Other policing innovations were introduced to address the concerns with disorder, illegal squatting and the ‘clashes’ between Aborigines and the pastoralists. For instance, the Border Police, under the direction and control of the Commissioners for Crown Land, provided a more regular policing presence to the irregular patrols of the military mounted police and the concerns about the use of the mounted police in ‘sweeps’ to kill Aborigines. A further early innovation to police the contacts between the Aborigines and colonists was the introduction of the Native Police in 1837. While these two policing forms did bring some measure of order to relations between settlers and Aborigines, the Border Police were criticised as a form of tax collection and the commissioners were criticised for their autocratic powers. The allegation of being tax collectors is important as it is the earliest instance of the Port Phillip colony resisting and rejecting the idea that policing would be provided through direct local taxation, which in turn shaped the development of policing forms. When the Border Police were first introduced, the concern about conflict with Aborigines was greater than only a few years later. Second, in 1839 and again in 1841 when the legislation came before the Legislative Council for renewal, the council was
still largely under Governor Gipps' control. However, in 1842 the Legislative Council was reformed with the introduction of a two-thirds elected council based on limited franchise, empowering the pastoralists to the extent that they were able to defeat the bill proposed to continue the Border Police.

The issue of funding for police continued to trouble colonial administrators. As Shaw indicates in his account of the separation of Port Phillip from New South Wales, there had been a shift in thinking about the responsibility for funding government services. Whereas in the early period of colonisation of New South Wales (and Van Diemen's Land) the British had not expected the new colonies to be self-funding, by the 1830s the colonial government in Sydney was increasingly required to fund services. This shift underpinned the shift towards seeking funding for policing through new forms of taxation such as tax on stock. It also led Governor Gipps to link his concern for the development of local government with his desire to have locally funded policing like that which existed at Home. Furthermore, by tying the provision of policing with the necessity to raise funds through local taxes, the ever-present demand for more policing would be constrained by local self interest.

Gipps introduced two bills to the council that offered a radical reform to the organisation of colonial policing—a Municipal Corporations Bill in 1840 to incorporate towns, and a Commissioners of Police and Public Works Bill to cover areas outside incorporated towns. Despite initial opposition, Melbourne was incorporated in 1842. The importance of the corporation charters is that they contained provisions for the local funding and control of police. If the town could raise in full the funds for the police, then the police would be under local government control. Failing this, the town council would still have to raise half the funds for the police without any direct control over the police except in determining the actual number of police employees. The idea of town councils received some support as it offered the propertied urban population an opportunity to share formal political power, and as part of a shift in power from Sydney to Melbourne. The pastoralists on the other hand already had a significant claim on political power through the nominated Legislative Council and through their dominance of the magistracy (which in turn controlled the police).

Under the Melbourne Corporation, twelve councillors were elected, who appointed four aldermen, who in turn elected a mayor who also served as
the chief magistrate of the town. Gipps was aware of the changes taking place to policing in England, commenting to La Trobe that local control over policing through the mayor and local police watch committees was ‘fast giving way to reason & expediency’. Residents of Melbourne petitioned the Legislative Council for town council control over the town police. When informed that the council could only control the police if it could raise the full costs of the police, the mayor asked La Trobe to provide details of the revenue collected in fines and the expenditure on police for 1842. La Trobe sent this request to the colonial secretary, who replied that the licence fees and fines collected by the police did not form part of the revenue of the town council. The effect was that the town council had quite limited means of raising revenue through fixed property rates, and no ability for additional revenue raising through fees and fines arising from police work. Gipps feared that the council would attempt to gain control over police without raising the necessary rates, so he directed La Trobe to withhold the government grant for police until the council raised the necessary rates, and even then that they had to raise the ‘police rate’ before the ‘improvement rate’ to ensure that money raised for police was not used for town improvements. In the end, it was rather unsurprising that the council could not raise the necessary funds to be able to control the town police, relinquishing the opportunity for local government control over police.

The Police and Public Works Bill was designed to establish district councils beyond the incorporated towns. The bill contained provisions for an elected board of directors for each district, with the franchise limited by property qualifications. The bill also contained provisions for district taxation that were a source of concern for district property holders. Unlike the opportunity represented in Melbourne for greater participation in the politics of the colony, the pastoralists saw little gain in the new political structure, and were hostile to the idea of having to fund local police through local taxation when they believed much of the policing effort was directed at controlling British convicts. The Legislative Council refused to pass this bill. However, at the same time the New South Wales Legislative Council was reformed through an imperial act in 1842, and this act contained provisions that allowed for the governor to issue charters for district councils. The district councils did not become operational because of the opposition of the pastoralists who ‘resisted to a man’ the attempts to collect local taxes. On the other hand, in Geelong, the urban businessmen saw some merit in
having a district council as a means of obtaining some independence from Melbourne and as offering greater opportunity for sharing political power. While some businessmen paid a portion of their local taxes, the district council could not raise the necessary income and by 1845 Gipps was forced to accept the need to fund police out of general revenue. The Geelong Advertiser called Gipps' actions 'culpable neutrality' because of his failure to ensure the operation of the district council.

These accounts of attempts to restructure the organisation of policing through town and district councils undermines the idea that the 'community' was able to determine the form and organisation of the policing it desired. In both instances, there was a political struggle over power, taxation, political participation and the issue of who was to fund and who was to control local policing. The limited capacity to raise funds through local taxes and the collection of fines and licence fees to pay for local police undermined the attempts to achieve locally controlled policing. The lasting effects of these developments are embodied in the Australian Colonies Government Act 1850. The imperial parliament saw this act as localisation of government. However, in terms of policing, its effects were quite different. The 1850 act repealed the sections of the district councils' charters requiring district police funding and provided a permissive framework for the extension of local government based on petitions of the local inhabitants. This resolved the disputes over local funding, but also finally removed policing from local government structures, and transferred police funding to the new central government of Victoria. This also meant that for the moment at least the issue of control over the police was depoliticised, as it had been tied to the more general issue of access to political power. Once the wealthy urban merchants had gained access to participation in formal politics, the division between the two broad groupings of rural and urban elites on the issue of policing was replaced by the shared concern about the functioning of existing policing arrangements. Control of policing was vested in the judiciary (paid and honorary) and put beyond the control of local elected offices.

**Law and order crisis?**

Policing arrangements in Port Phillip up to 1853 have been described as being disorganised. However, this paper argues against the use of an ideal type of police organisation, particularly the Metropolitan model, as the tem-
plate against which to compare police organisational and working arrangements. In Port Phillip the colonisation process had led to a concentration of power in the hands of a small number of landholders. This group was able to use this power to negotiate the nature of social order in early Port Phillip. At times, this involved instrumental use of policing such as the magistrates, who were employers, directing the police to enforce the masters and servants legislation (although they were not to act in their own case). But more generally, the different police forces were used to ‘keep the peace’. There were differently organised, staffed and funded police forces but this was linked to the exigencies of the local context rather than being representative of ad hoc or disorganised policing.

Robert Storch has argued that, in rural England, the 1830s was a period of establishing a new baseline of order and decorum through the implementation of police legislation. A consensus had emerged amongst rural elites on the need to reform policing arrangements, although few of the proposed options involved the centralisation of police. In the period 1839–1856 (the period covering permissive police legislation in rural England), new policing arrangements emerged, which established constant surveillance and protection for the middle class against being ‘bothered’ by disorderly people. Storch argues that the elites’ attitudes to order, crime and the role of the central state changed in this period, which allowed the central government the capacity of mandating more uniform police throughout England in 1856. But this occurred within the pre-existing local government structures, so that the new police did not become the new engine of authority feared by many.

Similarly, in Port Phillip a new baseline of town order was established through police acts. In June 1838, Police Magistrate Lonsdale asked for the extension of the Sydney Police Act 1833 (which did not have the provision for extension by way of proclamation). A similar act, known as Town Police Act 1838 was passed in August 1838. This act could be extended by proclamation, and soon after Melbourne was proclaimed an area for the act to apply.

Lonsdale was particularly interested in using the legislation to establish a regulated level of acceptable behaviour. He wrote to Gipps wanting the extension of the legislation with the addition of several misdemeanours. These included the use of guns, working on Sundays, higher penalties for being drunk and disorderly on Sundays, frequently entertaining drunken
people in a private house and using indecent language. The additions were not made but the act was extended to apply to Melbourne from January 1839. This legislation also put policing in Melbourne on a statutory footing. Further, the police were placed under the direction of a single magistrate, who was subject to the orders of the governor.

The introduction of the Town Police Act was not intrinsically linked to a specific shift in the power structure of Port Phillip. More broadly, it was part of the process of the formalisation of regulations governing social relations. The police were placed at the centre of the social engineering of urban space based on the emerging legal codification of order. The new codified duties of the police were very broad, ranging from the policing of drunkenness, ensuring the ‘Lord’s day’ was observed, control over kite flying, footpath obstructions, stalls, wandering stock, rain dropping from roofs, the disposal of night soil and dead animals, posters and the regulation of transport. As Brogden argues in the context of Liverpool, the wide duties of the police reinforced the conception of the ‘social police’ whose function is any duty concerned with the production of social order. Further, the police control over public space represented a shift from a reactive and arbitrary application of law, to a new order based on the strict application of legal standards. In Port Phillip the highly transient labour force central to the pastoral economy was now subject to a new centrally developed legal code of acceptable behaviour in the only significant population centre. While such labour was essential to pastoralism, the habits of this group were to be subjected to the disciplining of the new policing arrangements created by the act, which included a model of efficient policing based on a full time paid magistrate—the police magistrate—with executive and judicial control over the police.

While the Police Act established a new baseline of order, it only went part of the way to allaying some of the concerns about criminal behaviour in Port Phillip. The perceived need to reform policing is expressed in the five select committees on police and gaols between 1835 and 1852. At the time of the colonisation of Port Phillip, there were concerns about the lack of surveillance over the population. In particular, this concern focused on the regular surveillance of public space. Witnesses before the select committees in 1839 and 1847 indicated concern about the need for a physical presence of police, such as police stations twenty to thirty miles apart on the main roads. In the towns these concerns were expressed through an
assumed link between lack of street lighting and a higher rate of crime. The
1847 select committee argued that there were strong reasons for Melbourne
having proportionately higher number of police than Sydney—1:381 as opposed to Sydney’s 1:491. Melbourne was seen to have been under pressure
from the arrival of expirees and exiles, part of the ‘criminal class’, who
were also seen to have been aided in their criminal pursuits by the absence
of street lighting in Melbourne.41

By 1852, these concerns about the criminal class and the lack of surveil-
lance had changed little. For instance, in evidence before the 1852 select
committee on police, the Melbourne town clerk partly blamed criminal beha-
vior on the physical nature of the town, particularly the alleys, which he
saw as nests of crime.42 Similarly, the concerns about the need to establish
a system of patrol and surveillance was recommended through establishing
police stations at fifteen-mile intervals along the main roads, with barracks
for mounted police.

The clerk also added a further cause or explanation for criminal activity
in Melbourne—the presence of ‘exiles’ from Parkhurst and Pentonville
prisons in England and expirees from Van Diemen’s Land. He invoked the
notion of a criminal class that threatened social order and required higher
surveillance.43 Between 1844 and 1849, 1751 ‘exiles’ were sent from Eng-
land, in part to meet the demands of the squatters for labour. There was an
awareness that the taint of criminality had been used in New South Wales
generally to block political reform in the colony.44 While the taint of criminality
was initially directed at the convicts, the increasing numbers of free immi-
grants were also labelled as morally inferior and in need of discipline. This
latter group increasingly provided the labour that was a key source of wealth
to the landholders. It was intended that Port Phillip develop a disciplined
workforce through the police enforcing new standards of behaviour, par-
ticularly concerning drinking and breaches of the masters and servants
legislation.

The criminal statistics for Port Phillip are incomplete but samples from
rural Belfast, the area around Port Fairey, for 1845–1848 and from Mel-
bourne for a similar period exist and form the basis of the following
analysis.45 These two areas were quite different. A census in March 1846
indicated that Belfast had a population of 269 (with 87 under 14 years old).
Melbourne was the Port Phillip District centre and had a population of
10,954 (4,378 under 14 years old). The statistics indicates that in rural
Belfast there was a significantly higher proportion of convictions under masters and servants law than for Melbourne. In 1845, 17 per cent of convictions were under the Masters and Servants Act, while in Belfast the figure was 35 per cent. In 1846, the percentage was 17 per cent for Melbourne and 27 per cent for Belfast. In 1847 and 1848, the percentages were 11 and 13 per cent for Melbourne and 26 and 28 per cent for Belfast. This appears to be consistent with the expectation that in the rural area the squatters dominated the exercise of economic and political power, and the masters and servants legislation could be used to ensure disciplined labour. But the Melbourne statistics question the degree to which this can be concluded as they provide details which indicate that between 45 and 75 per cent of masters and servants disputes in Melbourne were wage disputes (wages decreed), which included servants taking action against masters. This suggests that the instrumental use of police to serve specific interests was limited.

Convictions for drunkenness indicate a different outcome. As a percentage of total court convictions between 1845 and 1848, convictions for drunkenness in Melbourne were 34, 40, 45 and 50 per cent, whereas for Belfast they were 29, 45, 38, and 28 per cent. These figures suggest that the police did more generally develop control over public space through enforcing standards of behaviour with the focus on drunkenness concerned with disciplining the ‘lower orders’. This is consistently the major offence dealt with by the magistrates. Further, for the period 1841–1845 the summary convictions for drunkenness for all of New South Wales averaged 56 per cent of total convictions.

The government providing a share of the fine to the informant heightened the focus on this particular offence. The provision of financial gain for the prosecution of particular offences ensured that, although the police forces might be venal and drunk, such offences would be prosecuted. In evidence before the Snodgrass Committee, the clerk to the city magistrate, W. Belcher, stated that the number of cases brought before the bench had increased in the first six months of 1852 over the corresponding period in 1851 by 880. However, he recognised that magistrates had become aware of police having a greater willingness to prosecute where a moiety was available. W. Templeton of the Mounted Escort estimated that £20 to £30 per week could be gained from moiety.

Finally, the figures for Melbourne also contain convictions under the
Town Police Act, including convictions for assaulting or resisting police. As a percentage of total convictions in Melbourne, the Town Police Act was the basis for convictions in a range between 10 and 17 per cent of total cases. However, of the convictions under this act in 1845, 20 per cent were for assaulting or resisting police, increasing to a dramatic 47 per cent in 1848.

Taken together, these three groups of offences—masters and servants legislation, drunkenness and the Town Police Act—contributed approximately three-quarters of all convictions and provide an indication of the growing concern of police to maintain order and discipline over the ‘lower orders’ and to act as the ‘domestic missionaries’ of central authority. Further, the dramatic rise of convictions for assaulting or resisting police indicates that such efforts to impose order and discipline were not fully welcomed by some members of the community. More generally, these figures on the convictions in two very different locations are indicative of how crime data is constructed in no small way through the specific practices of the police, undermining claims concerning ‘increasing crime’. Crime is not a neutral outcome of unmediated practices, but rather a ‘social artifact’ produced by the practices of key agencies such as police. The availability of fees for prosecuting certain offences, and the rise in convictions for resisting police authority are suggestive of some of the key factors shaping the production of crime data in Port Phillip. However, the concern about crime took a new turn at the time of the goldrush.

The Goldrush

Haldane suggests that the several autonomous forces which existed ‘might have endured in Victoria...but for the Gold Rushes’, which entailed a rapid population increase with a disproportionate number of males and a significant number of emancipists. Of course, one of the key problems for those accounts that argue that it was the goldrush that pushed the fragmented policing structure beyond the capacity to provide order and security, is that the goldrush produced its own institutional form of policing, one that mirrored the pre-1853 models in several ways. First, police were placed under the direction of magistrates in the form of gold fields commissioners, albeit with some uncertainty about the capacity of the commissioners to direct police once the new act came into operation. Second, policing was reterritorialised in the form of a limited mandate to manage policing within a
specific and limited geographical zone, not unlike the town police or county police. Third, policing on the gold fields consisted of a mix of military and civilian personnel, not unlike the earlier Military Mounted Police, the Border Police and the Native Police in contradistinction to the 'civil' model of the new police. In other words, the supposedly necessary introduction of the new police was readily breached almost as soon as they were established.

This is not to argue that the discovery of gold and the following goldrush did not have a significant impact on the new colonial government in general, and policing, order and security specifically. As Dianne Reilly has recently argued, La Trobe’s duties in managing such significant social and economic change were ‘no ordinary difficulty’. However, this is a long way from arguing that the experiences of change in the early 1850s demanded the specifically institutional innovation of the new police for the Colony of Victoria. More specifically, the goldrush is seen to have caused two key changes in Victoria that in turn necessitated a change in the organisation of policing. The first concerned a renewed ‘crisis of crime’ and disorder, the second a crisis in the exodus of police to the goldfields.

The goldrush was an administrative nightmare for the very recently formed colony. The general lack of local government throughout Victoria meant that, at least initially, it was necessary for the new central colonial government to directly control the goldfields in order to protect the imperial prerogative over the mineral wealth. Despite the lack of provincial administration (and unlike the Californian goldrush) the central government had been quick to respond to the announcement of gold being found, including using troops to disperse trespassers and ensure that the Crown maintained control over all precious metals. This paper began with a quotation from the Snodgrass Committee, which depicted the colony as undergoing a crisis of order at the time of the goldrush. However, the genesis of that committee had been a more specific concern than a full examination of policing. Snodgrass had wanted a committee to examine the specific issue of horse stealing, a concern that particularly afflicted landholders. He withdrew the motion for a select committee on horse stealing when approval was given for the broader inquiry into policing.

The report of the Snodgrass Committee contains little discussion about the effects of the goldrush, perhaps because these effects were obvious to those appearing before the committee. The report mentions
‘apprehension... in the Towns and along the leading thoroughfares to the Gold Fields’, and to allay these fears recommended that stations be built along the roads at intervals of fifteen miles with barracks to house the mounted police to be stationed therein. Some of the evidence gives an insight into particular concerns. Much of it concerns the capacity of the state to be able to properly conduct surveillance of what were perceived as the ‘lower orders’. The existing policing arrangements were perceived, at least by those appearing before the Snodgrass Committee, to be inadequate to meet the problems of the goldrush. These problems centred on the need to increase the level of surveillance of the population, particularly as the goldrush had led to an increase in the ‘lower orders’.

In the media there were also concerns expressed about the collapse of order. In September 1852, during a period of adjournment in the select committee, a leading article headed ‘THE CRISIS OF CRIME’ in the Argus warned the citizenry:

that the march of crime is proceeding in this Colony with gigantic strides—
that the process of demoralisation is becoming hourly more rapid and general—that the crisis of crime is approaching, and all the more surely because its progress is unimpeded, through the culpable indolence of the Executive, and the fatal impassiveness of the people.60

Just over two weeks later, the paper believed it imperative to suggest that the superintendent of police at the time (Sturt) had so generally mismanaged the police and was thus responsible for the lawlessness. This warranted the advertisement of mock ‘wanted’ notices for a superintendent of police, a colonial secretary and a governor.61 This was more applicable to Melbourne than elsewhere—including the goldfields. The fear of disorder was a very urban fear and the responses were based on the urban problems.62 There is little evidence of a ‘collapse’ in policing elsewhere.

The perceptions of the Victorian goldrush as a breakdown in social order were more than an elite concern about a threat to their power and privilege in the existing social order. The exodus to the goldfields, the increase in the cost of labour and the neglect of horticulture and agriculture presented a ‘potent image of disorder which threatened the emerging agrarian ideology’.63 Goodman distinguishes between two broad responses—by the conservatives and by the radicals. The former felt threatened by the breakdown of accustomed mechanisms of social control. The latter shared much with the former, wanting land reform to (re)establish the agrarian
ideal. The idle squatter took the position of the idle aristocrat at Home and the goldrush was seen to represent forces similar to the process of industrialisation at the imperial centre. The difference according to Goodman was that what was a retrospective and nostalgic response to social change in Britain was a prospective program for change in Australia. Agrarianism delivered the political, moral and social vocabulary in which to constitute and conceive the goldrush as disruption. The goldfields were not simply a threat to a universal, objective and ahistorical natural order, but were actively constructed as a threat in particular ways.

One area in need of further examination concerns the different perspectives of the goldrush between those on Melbourne and those located in the countryside—a question of whether the goldrush was an urban or a rural crisis. Melbourne was the commercial and population centre of Port Phillip. In policing terms, Melbourne was also increasing controlled policing across Port Phillip, particularly once Sturt was appointed superintendent of police for Melbourne and Bourke.

While the 1838 Town Police Act had established a single magistrate in charge of the police for the Town of Melbourne, a further extension of this office occurred in 1850 when Sturt was appointed as superintendent of police for Melbourne and the surrounding County of Bourke. This created a central police office, which although only given formal control over Melbourne and Bourke County was soon to become the dominant voice in policing affairs. Sturt quickly developed as the police expert or manager through regular correspondence either with La Trobe or the benches in other areas of Port Phillip. For instance, when in August 1851 the Portland police magistrate requested the services of mounted police, La Trobe wrote overleaf that he thought funds had been provided for such a purpose and instructed the colonial secretary to ‘look at the original scheme of appropriation—or ask Mr. Sturt’. Although this might appear to be a trivial example, it indicates the way in which Sturt had become central to the process of decision-making concerning policing in the colony. Indeed, at the Snodgrass Committee in 1852, 20 per cent of all questions were directed to him, and his evidence formed the basis of the recommendations of the committee.

Although the position to which he was appointed was new and more powerful than that of his predecessor, Sturt was active in the new role by establishing communication between his office and the benches in the rural
Captain Evelyn Pitfield Shirley Sturt (1816–1885) appointed police magistrate in Melbourne in 1849 and influential witness before the Snodgrass Committee on Police (1852) whose findings led to the establishment of the Victoria Police the following year. Photograph from the collection of the Royal Historical Society of Victoria, PO.11.
districts. Further, it was only just prior to his appointment that the benches had begun to be established in the unsettled districts, which contributed to increases in the amount of correspondence concerning the police and the courts of petty sessions. The number of full-time police magistrates also increased after the separation of Port Phillip from New South Wales in mid-1851 which had the effect of establishing a larger number of legal administrators throughout Port Phillip, including full-time magistrates who were able to devote more time to correspondence with the new political centre of Melbourne.

Sturt proved more than able to deal with the rapid expansion of the court system and the police developments. He continued to push for reforms to policing in Victoria including the introduction of gentlemen cadets in 1852 to act as a mounted patrol. He had submitted reports on the police under his command in December 1851 and on the effects of the goldrush. He provided criminal intelligence on the ticket-of-leave holders due for discharge. In April 1852, he offered suggestions to La Trobe on the reorganisation of the City Police into four barracks, an increase in mounted and foot police and an overall upgrading of the level of supervision over the constables. In August, La Trobe asked Sturt for correspondence on the current state of the police. Sturt replied three days later with a letter giving his opinion on the state of the police throughout the colony.

In sum, Sturt had established himself as an active person in the administration of police affairs. He contributed to more systematic communication between the different police forces and provided the government with an ‘expert’ on policing. In this way he also contributed to the broader shift in policing away from arbitrary application of law to more systematic law enforcement and surveillance of the population, and his views on policing reforms became ever more important as he increased his administrative control over policing in Port Phillip.

Sturt slowly brought the provincial control over policing within the realm of the central police office—rather than the central government directly. In this way the 1853 proposals for a central force were not so repugnant (although some magistrates rejected the need for change) in a society already highly centralised generally and in which policing had been increasingly influenced by the decisions made at the political centre. At times, the rural magistrates depended on Sturt for the allocation of police resources. For
instance, the police magistrate at Belfast suggested to the colonial secretary that he needed an extra mounted constable but that ‘it is for the Superintendent of Police of Melbourne to say whether he may be able to supply any vacancies that may occur’. This made Sturt’s perceptions of the goldrush, which were based on his urban experiences, an important element in the policing responses.

Sturt’s understanding of the disorder caused by the goldrush is given in evidence before the Snodgrass Committee in which he discusses two forms of ‘criminal deprivation’. First, he indicated that an increase in robbery was a purely urban matter. He mainly attributed this to shopkeepers infringing the requirements of the Police Act. He was having difficulty filing informations (prosecutions) against these behaviours because it was proving ‘exceedingly difficult to instil anything like a just conception of their duties into the minds of the new hands’. The second concern was an increase in damage to private property, such as damage to fences, along the roads to the goldfields. He wanted to avoid private action and preferred police action. Private individuals could not take private steps to protect their own property as ‘to attempt to do so...would lead to bloodshed and crime’. While these ‘deprivations’ do not indicate an order crisis, Sturt was identifying the capacity of the police to act in a more concerted manner. He was also indicating the central role of the police—and indeed himself—in deciding what was to be seen as a problem and how it would be dealt with.

Apart from Melbourne, the only other major population centre before the goldrush was Geelong and, like Melbourne, it had also been affected by large population changes. The Geelong police magistrate informed Sturt that on 1 January 1852, twelve constables out of a total police strength of twenty-three had resigned. The wages of the constables had been doubled from 3s. to 6s. per day but the police magistrate felt that the cost of living had risen 200 per cent making the constables still worse off than before the goldrush. There had not been a single candidate for the force since the resignations. But as the police magistrate’s correspondence was written on 10 January, ten days after the resignations, it is reasonable to assume that there were high expectations about the capacity to fill any vacancies that occurred.

Rural Victoria did not entirely share the urban concerns about the effect of the goldrush on policing—at least not at more official levels. In the correspondence from the rural benches to the colonial secretary, there is no
mention of the need to reorganise the police. The dominant concern is the need to increase pay levels for all officials as the cost of living had risen dramatically. The best opportunity to gauge the magistrates’ views on policing is in the responses to a circular sent to all the benches. Circular number 12 from the colonial secretary was a list of 62 questions concerning the state of the police in the various districts. This inquiry was undertaken just prior to the Select Committee on Police as the circular was sent on 4 March: Alberton replied on 27 April and the committee began meeting on 7 July 1852. However, only two replies have been located. They are from the rural area of Alberton and Flooding Creek in Gippsland.

The different rural attitude to reform and the crisis of the goldrush is contained in these responses. The Alberton police magistrate felt that there ought to be a London or Irish-styled police force of well trained, selected and drilled men for the large towns. But the rural districts (except the goldfields) ‘do not at present require any other protection than that afforded by the existing establishment’. The Flooding Creek response referred to the Alberton reply. Both benches also regarded their police as efficient and good men. The detailed response of the Alberton police magistrate indicates that he was well informed of developments in England, including the 1839 act. This was a permissive act which left police improvement in county and district police to the rural justices at quarter sessions. The police magistrate used this legislation to excuse himself for ‘differing in opinion…with other magistrates of the territory of greater knowledge and experience’. More importantly, although a stronger case could be made if more of these returns from the rural benches could be located, it is clear that some magistrates saw the ‘crisis’ of the goldrush as a particularly urban problem, perhaps extended to the goldfields as well, but by no means a crisis of policing throughout the colony. The increasing central role of Sturt made his views all the more important at both an administrative level and before the Snodgrass Committee, but even then he limited his concerns to quite specific urban problems related to the Town Police Act, with residual concerns about the possible vigilante actions on the routes to the goldfields.

The final aspect of the argument that the goldrush demanded fundamental change in policing centres on the idea that police were leaving in large numbers and that it was proving all but impossible to recruit new police under the existing fragmented ‘system’ of multiple police agencies. O’Brien, not specific about the effects of the rush on the police, suggests
that many white police resigned in 1851 stricken with gold fever. This meant that the native police and imported military pensioners from Van Diemen's Land were left to preserve law and order. Milte and Weber argue that the goldrush 'had a dramatic effect on the police as practically the entire strength (forty out of fifty) resigned to join the search for gold'. Chappell and Wilson rightly distinguish between the effects of the goldrush on the different forces, as it was the Melbourne Town Police that were most affected when forty resigned and a further fifteen resigned from the Rural Police. Haldane lists the effect as the resignation of 51 men from the City and District Police and that Sturt was able only to retain the services of 78 men from an authorised strength of 139 for the City and Bourke. McQuilton blandly states that the 'authorities were plagued by recruitment problems and accepted anyone willing to wear a uniform'.

What all of these accounts have in common is that they focus on the effects of organisational problems, whereby the resignations from the police forces are interpreted as providing the imperative for the necessity for police reform. The claim is that a new scheme was seen to be needed to retain the services of those still within the forces, as well as making the positions attractive enough to new entrants. At the outset the point needs to be made that at the time of the goldrush, the idea of a career in police work was far from an entrenched professional idea. The high turnover of police personnel at the time of the goldrush was little different in principle to what had been happening since the beginning of the colonisation of Port Phillip. There had always been a high turnover of staff in all regions. Even the recruitment of 'gentlemen' through the cadet system established by Sturt in 1852 failed to stop high turnover, albeit for different reasons. Indeed, Port Phillip was not dissimilar on this issue to other comparable areas at the time. The difference might have been that it was difficult to fill these positions after the goldrush, in which case the changes were necessary to meet the internal requirements of staffing levels desired.

However, there is evidence to suggest that there was not too much difficulty in filling the vacancies that had been created. They were filled in the contemporary manner, which was as a temporary position with no long term commitment as the 'men merely join the force to suit themselves, and give up their station whenever they see a chance of bettering their condition'. Evidence by Dana, who was employed to obtain men and horses for the mounted police, indicates that he was able to recruit the
necessary number of men in October 1851 once the pay levels had been increased, but that he had some difficulty in procuring the appropriate horses for them to use. He does mention that at the time of the initial rush to the goldfields that the police recruiters were obliged to take who they could, but that now (July 1852) he would have no difficulty obtaining the services of four or five hundred respectable men beyond the current level of two hundred.

The evidence given by Sturt to the Snodgrass Committee preceding July 1852 indicates that he had been unable to fill the authorised strength of 150 men. Sturt claims to have averaged 90–100 in the two months proceeding July, which he blamed on the goldrush. But this seems to have been a selective presentation of information before the committee. In August 1852 (less than three weeks after giving evidence at the committee) in response to a letter from La Trobe, Sturt reported the details of the authorised strength and number of serving policemen for the months of April and August 1852. This return indicates that the police for the city and the county were at full complement in April, which was 91 city police and 43 county police. This is only four months after the widely cited crisis in policing at the end of 1851 and after a substantial increase in the authorised strength of the police. In August, after a further significant increase in the authorised strength of the police to 169 for the city and 60 for the county, Sturt was 50 men short of full strength in the city and eight in the county, with outstanding resignations from the end of the month of 39 and eight respectively. Further, only a month earlier, having requested an increase in the introduction of a mounted police for the city, Sturt’s complaint was not the incapacity to recruit men but that the quality of the recruits gave him little confidence as he believed that they were indifferent to service and were drunks.

While the question whether Sturt misled the committee deliberately can not be answered with any surety, Sturt’s evidence and his correspondence clearly indicate that he was attempting to change the police. He wanted to shift policing away from its traditional status as a temporary job held by men with similar characteristics to those they mainly acted against, to a force consisting of men of a ‘higher class’ employed in the police on a more permanent basis. He also wanted a dramatic expansion of the police to a total of 830 men, excluding the rural benches. Further, even Sturt seems to have recognised that a police ‘career’ was some time in the future. In the proposed reorganisation Sturt wanted the men to be enlisted only on the
basis of twelve month contracts and rejected the idea of longer three year terms. Following a prodding from Snodgrass (chairman) who rhetorically asked whether it would be better to make the men give three months notice of resignation, Sturt agreed on reconsideration that it would be preferable. When questioned whether ‘as a general rule, men seldom complete their term of service’, he responded that he knew many who had, that many would if ‘fairly paid and treated’. In relation to people brought out from England, his view was that they breached the agreement only when given a ‘very low rate of wages’.

The general point is that in the 1850s (as before) being a policeman had not yet become an established career. The possibility had been created but the practice suggests that few people entering into any of the forces saw it as such, particularly at the rank and file level. In turn, this suggests that the crisis in policing which dominates the accounts of the emergence of Victorian policing has been significantly overestimated.

**Conclusion**

The historical changes to policing in the mid-nineteenth century are suggestive of both a range of alternatives available to the colonial administrators and the increasing tendency to centralise the administrative machinery of the new colony. While there were calls for a new police to cover the entire colony, such demands are to be located in the political struggles over the nature of the state. By the mid-1840s, the possibility for municipal control over policing, like that at home, was increasingly curtailed, so that by the time of separation from New South Wales, the capacity to have municipal controlled police had all but dissipated. From there, the options were significantly circumscribed. Adding to this, Sturt in particular had increasingly used his position as superintendent to bring police and magistrates beyond Melbourne under his influence if not control. Sturt pushed hard for such ‘backstage’ administrative control to be formalised in the form of a new police. The lack of alternatives, the desire for central control, the distaste for locally raised taxes, a magistracy not too fussed with the loss of control over police, and the portrayal of the goldrush as a fundamental threat to security and good order made the passage of the new legislation relatively smooth.

However, the introduction of the new police was by no means an inevitable outcome of a hidden hand of evolutionary development in modern
policing. The continued use of police under the control of goldfields commissioners points to the possibility that a colony-wide police under the singular control of the chief commissioner was not immediately delivered after 1853. What remained particularly significant was that the police had obtained *de facto* autonomy from control by magistrates. This was not a shift in autonomy from government, as government remains capable of withdrawing the autonomy of the police through various administrative and legislative powers. However, by re-organising the hierarchical structure and developing a strict command and control management regime to control police practices, governments became increasingly willing to allow this *de facto* autonomy to develop in the civic mind as part of the ideology of the 'separation of powers', limiting the capacity of government to withdraw *de facto* autonomy at will. Finally, unlike contemporary England or New South Wales, Victoria introduced a centrally controlled, colony-wide, heavily armed police force independent of local political control; in Robert Storch’s terms, it was the introduction of the ‘plague of the blue locusts’ that fundamentally changed the relations between police, the judiciary, government and local communities. This centrally organised, semi-autonomous police with no formal connection to local political structures remains one of the key legacies of police reorganisation in colonial Australia. The analysis presented above challenges the view that the introduction of the new police in 1853 was the only alternative available. Further, it suggests that the constant retelling of the orthodox history of the ‘people’s force’ being an outcome of popular demand and an evolution in modern policing fails to account adequately for the detailed negotiation and struggle over the forms of policing and the shifting nature of colonial power and administration. Such views have limited the capacity to think differently about policing and security.
NOTES

1 Report from the Select Committee on Police 1852, (Snodgrass Committee), Victorian Parliamentary Papers.

2 16 Vic. No. 24. The Snodgrass Committee reported in September and the new legislation received assent on 8 January 1853. I refer to the 1853 Victoria Police by the term 'new police' to distinguish between pre-1853 police agencies and the new police.


5 'Tradition' is used cautiously here and refers to the forms of authority brought from the other colonies such as penal administration and authority from Van Diemen’s Land and middle New South Wales, or more generally the forms of authority of Home.

6 Batman posed an even greater threat to the state as he proposed that he could buy the land from the Aborigines to which Governor Bourke replied that such a 'treaty, bargain or contract... is void, as against the rights of the Crown', A. Castles and J. Bennet (eds), A Source Book of Australian Legal History, Sydney, Law Book Co., 1979, pp.258–60; A. Davidson and A. Wells 'The Law and the State: Colonial Australia 1788-1890', Law in Context, vol. 2, p. 96. For a more detailed account of Batman and his activities see J. Campbell, 'Pastoral Settlement in the Port Phillip District 1834–1847', unpublished PhD dissertation, Department of History, La Trobe University, 1981.


8 Haldane, People's Force, p. 6.


10 Campbell, 'Pastoral Settlement', p. 223.

11 As Haldane notes of Lonsdale, he was the first in Port Phillip of many military personnel to hold civil positions as well as to combine the control of the police with a judicial position. He was from the 4th (Kings Own) Regiment and had no previous experience in police management, People's Force, pp. 6–7.


13 M. Brogden 'An Act to Colonise the Internal Lands of the Isaland: Empire and the Origins

14 Gipps to Stanley, 11 August 1842, in Historical Records of Australia, Series 1, vol. XXII, p. 198.

15 2 Vic. No. 27 established the Border Police with a two year sunset clause, s. XXVII, extended for a further five years in 1841, 5 Vic. No. 1; D. Denholm, 'The Myall Creek Massacre', Push from the Bush, No. 9, 1981; see also H. King 'Problems of Police Administration in New South Wales 1825–1851', Journal of the Royal Australian Historical Society, vol. 42, p. 61.


22 Power, Honorary Justices, p.1693.

23 Shaw, Gipps-La Trobe, pp. 229, 232.


26 5 & 6 Vic. Cap. 76.


29 13 & 14 Vic., cap. 59.

30 section xxiv.


32 Campbell, 'Pastoral Settlement'.


35 D. Philips, 'A New Engine of Power and Authority: The Institutionalisation of Law-
36 2 Vic., No.2.
38 The 1833 Sydney legislation had two justices in control of the police.
39 This is not an exhaustive list of the laws to be enforced by the town police. See sections III – LV of 2 Vic., No.2.
41 NSW, V&PLC, 1847, see Table 1, p.57.
42 NSW, V&PLC, 1847, p.11 of report.
43 Vic., V&PLC, 1852 select committee, Q. 3–5, p. 165.
44 1852 select committee recommendation, pp. iv–v.
45 Q.41–5, p.167.
46 Sturma, Vice in a Vicious Society.
47 The statistics for Melbourne are quite detailed as they list individual offences as well as identifying when particular acts were enforced such as the Masters and Servants Act, Town Police Act, Seamans Act and Publicans Act. The Belfast statistics are not as detailed, indicating when particular legislation is used but not the actual breach of the act (Public Record Office of Victoria (PROV), VPRS 19 Unit 111, 48/2093; VPRS 2877 Unit 2, 48/1945; NSW, V&PLC, 1847).
48 The figures for Melbourne for 1848 are for the first 6 months only. See VPRS 2877, Unit 2, 48/1945 and VPRS 19, Unit 111, 48/2093.
49 NSW, V&PLC, 1847 vol.1.
50 1852 Select Committee, Q.444.
51 Q. 385. Two subsequent questions indicate that the magistrates were reacting to this by not inflicting the penalties in situations where the person was arrested late at night and thus with insufficient evidence and were refusing 'to take the unsupported evidence of the man who has so much interested in the infliction of the penalty', see Q. 386–7.
52 Q. 832.
54 Haldane, People's Force, 1986, p.28.
58 *Argus*, 8 July 1852, p. 4.
59 For quotation on ‘apprehension’ see Snodgrass Committee, p. 3, and discussion on barracks, pp. iv–v.
60 *Argus*, 4 October 1853, p. 6.
61 *Argus*, 20 October 1853, p. 5.
64 *ibid.*, pp. 30–5.
65 *ibid.*, p. 38.
66 The actual details surrounding his appointment to the position are difficult to establish. However, the 1850 New South Wales Select Committee on Police restructured the New South Wales police at this time. While paragraph 43 indicates that the committee excluded Port Phillip from its review of policing, the Victorian legislation forming the Victorian Colonial Police repealed the New South Wales act, which indicates that the act was in operation in Port Phillip up until the 1853 act. It would appear as though the office of the superintendent was copied from the New South Wales act without the provisions of the act ever being extended to Port Phillip. The New South Wales act kept the office of the superintendent of Sydney in 1850, a position previously equivalent to that which Sturt was appointed to. Indeed, it is unlikely that the term ‘superintendent’ would have been used up to separation when La Trobe’s title was changed from ‘superintendent’ to ‘lieutenant-governor’. However, O’Callaghan states that Sturt’s position was described as ‘superintendent’; see T. O’Callaghan, ‘Early Port Phillip Police’, *Victorian Historical Magazine*, vol. 12, no. 4, p. 187.
67 VPRS 1189, Unit 8, Portland Folder.
68 It was not long before he embarked on a reform program concerning a police reward fund for distributing the proceeds of bench fines to policemen for good conduct, see VPRS 1189, Unit 8, Folder 51/551.
69 VPRS, Unit 16, Folder Superintendent 1, 52/3459, 52/3553 and 52/3689 for orders to the cadets.
70 VPRS, Unit 16, Folder Superintendent 1, 51/1362.
71 see various letters in VPRS 1189, Unit 16, Superintendent Folder 4.
72 VPRS 1189, Unit 16, Superintendent Folder 1, 52/1215.
73 VPRS 1189, Unit 16, Superintendent Folder 1, 52/2971.
74 VPRS 1189, Unit 26, Belfast folder, 52/236.
75 See Q.91 to Sturt, Snodgrass Committee.
76 Q.194–6.
77 Sturt was certainly not alone in his concerns about how the goldrush affected the city police. For instance, in evidence before the Snodgrass Committee, Mr. Stephen, an alderman and practitioner in the city court, said that in response to the police leaving when gold
was first discovered, each of the aldermen called a meeting of citizens in their respective wards. As a result of the meeting he was directed to communicate with the police to assess the minimum pay the constables thought necessary to remain as constables.

78 In March 1851, Melbourne had a population of 23,143 while Geelong had 8,291 inhabitants, see W Archer, *The Statistical Record of Victoria*, Melbourne, Government Printer, 1854, p. 196.

79 This correspondence is in VPRS 1189, Unit 25, folder Geelong, 52/150. Police Magistrate Fyans had difficulties finding recruits. In March, Sturt was able to offer to Fyans 12 men and a sergeant (Unit 25, 52/703 and 52/938). Fyans had written to the colonial secretary on 27 February that he had been in communication with Sturt and ‘hoped to have the police on an efficient footing soon as there were applicants of a suitable description wanting admission’. But it is not clear whether he is referring to Sturt having the applications or himself and La Trobe’s written comment is simply that he presumes there is no need to instruct Sturt to take any further action (52/703). Indeed Fyans’s correspondence received on 1 September suggests a further cause of resignation being the dissatisfaction with the distribution of the Police Reward Fund that had been established in January of 1850 with two instalments of funds made to the Melbourne police since and none to Geelong (52/3353).

80 VPRS 1189.

81 VPRS 2889, no. 12, p. 23. The benches were asked for their opinions on a re-organisation of the police, the relationship between executive and judicial powers and the direction and control over the police. The questions covered the physical conditions (1–15) of the police office, lock-up (if there was one), other buildings etc. The numerical strength and character of the police including their marital status, skills, whether they could read and write, length of service, pay and efficiency were covered in questions 16–29. Questions 20–45 concerned the magistrates duties and conditions, outlining the court business (cases) and whether there was a problem with attendance. Questions 46–62 were focused on the re-organisation of the police and the thoughts of the magistrates on whether or how this might be best done.

82 These replies are in VPRS 1189, Unit 26, Alberton Folder, 52/1363 (Alberton) and 52/1364 (Flooding Creek).

83 Q. 48.

84 Q. 27.

85 2 & 3 Vic., cap. 29.

86 Q. 62.


90 Haldane, *People’s Force*, pp. 18–19.

91 J. McQuilton, ‘Police in Rural Victoria’, in M. Finnane (ed.), *Policing in Australia:
Historical Perspectives, Sydney, University of New South Wales Press, 1987, p. 36.

92 Haldane argues that the cadet system was too successful as too many were allowed to enter, which undermined the original intention to create a small, select group and led to disillusionment as promotion opportunities were curtailed, People's Force, p. 25. This may be so, but the point remains that even in the higher ranks there was a high level of staff turnover.

93 For instance in Sydney in the period between January 1844 and 30 June 1847, out of a total strength of about 100 there were 82 dismissals (mainly drunkenness), 83 resignations and five deaths, leaving an attrition total of 170 (1847 Select Committee Appendix D in B. Swanton. The Police of Sydney 1788–1862, Canberra, Australian Institute of Criminology, 1984, p. 45).

94 Mr Stephen in evidence before the Snodgrass Committee, Q. 581.

95 Snodgrass Committee, Q. 205–10.

96 Q. 229–233.

97 see Q. 60, 92, and 62 respectively.

98 VPRS 1189, Unit 16, Superintendent Folder 1, 52/2971.

99 52/3459

100 This was based on his estimate of 420 police serving in the colony, although the attorney-general pointed out that there was over 700 men serving! See Q. 451, 454 and 445.

101 Q. 115–16.

102 Q. 156–8.

103 Q. 123–5.

104 Palmer, 'Magistrates, Police and Power', p. 95.
