

A CHRONOLOGICAL ACCOUNT OF CRIME, PUBLIC ORDER
AND POLICE IN SYDNEY 1788-1810

BRUCE SWANTON
SENIOR RESEARCH OFFICER



AUSTRALIAN INSTITUTE OF CRIMINOLOGY

A CHRONOLOGICAL ACCOUNT OF CRIME, PUBLIC ORDER &

POLICE IN SYDNEY 1788 - 1810

Bruce Swanton
Senior Research Officer
Australian Institute of Criminology

Published and printed by the Australian Institute
of Criminology, 10-18 Colbee Court, Phillip, A.C.T. 2606.

© Australian Institute of Criminology 1983

The National Library of Australia catalogues this work as follows:

Swanton, Bruce.

A chronological account of crime, public order
and police in Sydney, 1788-1810.

ISBN 0 642 87868 4.

1. Crime and criminals - New South Wales -
History. I. Australian Institute of Criminology.
II. Title.

364'.9944

Preface

This compilation of events pertinent to police (in the eighteenth century sense of the concept) and policing during the first 22 years of Sydney's existence is written principally as an aid to students attending the growing number of police studies courses. The enduring nature of some police problems and human behavior generally are apparent in the following pages, hopefully assisting readers' understanding of both police function and occupational development.

The influences of technology and social organisation, too, are strongly apparent in the chronicle. Indeed, much of the narrative bears considerable similarity to policing in Papua New Guinea during the 1960s. I had a distinct sense of deja vu when recording accounts of crime, offensive behavior, gaol construction and municipal type regulations. Such experiences perhaps provide some limited scope for empathic interpretations, a method accepted by social scientists but, so far, not acknowledged by historians.

This pamphlet was prepared by the author inter alia to save students having to waste valuable time on historical literature searches. The fact that so many people all search the same literature individually represents a criminal waste of our most precious resource. Additionally, the text serves well as a coherent record of Sydney's first two decades plus from a law and order perspective.

Woden ACT
April 1983

Bruce Swanton

Although the King's health was drunk by Governor Arthur Phillip and his senior officers at Sydney Cove on the evening of 26 January 1788, it was not until the following day that disembarkation commenced.¹ Artisans and a number of convicts were put ashore early to prepare a camp site under the Governor's direction. He marked the perimeter and, according to one early diarist, instructed the Provost Marshal,² a Constable³ and a marine patrol to arrest those who crossed the boundary without authority.⁴

Within one week of the last convicts being landed, the first Court of Criminal Judicature in Sydney was convened. Three convicts were accused, one of assault and two of theft. Two received floggings and the third was sentenced to a diet of bread and water.⁵ Later in February, the Criminal Court was again assembled, to deal inter alia with four convicts charged with conspiring to steal from the government store. The ringleader was promptly hanged, the noose being placed about his neck by the Provost Marshal.⁶ The remainder, together with a number of other persons charged received varying forms of clemency from the Governor.⁷ One man, for example,⁸ was pardoned on condition he became public executioner.

In case his lenience be interpreted by other convicts as weakness, Governor Phillip announced later in April his intention of having all persons henceforth convicted of stealing executed immediately.⁹ The vice regal warning had no apparent effect. In fact, within a matter of days following the Governor's declaration a young man was expeditiously hanged¹⁰ for stealing from a store tent belonging to the transport Charlotte.

Public events provided particularly suitable conditions for thieving. The morning following celebration of King George III's birthday on 4th June 1788, produced evidence of a large number of overnight thefts from convicts' huts and officers' marquees.¹¹ Festivities in honor of the Prince of Wales' birthday, on 12 August 1788, were greatly impaired when sheep reserved for a public spit roast were stolen.^{12,13}

Despite such occurrences, Captain Watkin Tench of the Marines considered the level of crime in the settlement was not high, 'few enormous offences were perpetrated by the convicts.'¹⁴ A similar view was earlier expressed by Judge Advocate David Collins.¹⁵

By the end of 1788, food supplies in the settlement were scarce indeed. The shorter the supply of rations, the harsher became official attitudes to food thieves. In addition, and understandably, other forms of criminality also manifested themselves. For example, Private Thomas Bylmore died as a result of beatings received from fellow marines¹⁶ (although by his own actions he greatly contributed to his own misfortune) and Ann Fowles was stabbed by her de facto husband.¹⁷ Crimes were also committed by sailors and convicts against Aborigines. Mostly, such offenses consisted of stealing artifacts and food from huts and camps. The Aborigines responded by attacking stragglers and,

occasionally, killing them.¹⁸ Governor Phillip was well aware that it was the Europeans who precipitated such attacks and generally took no punitive action. He did on one occasion, though, when a member of his personal staff was mortally wounded, authorise a punitive patrol.¹⁹ Such matters were considered relatively minor when compared with thefts from the settlement's rapidly dwindling food supply.²⁰

The end of the first quarter of 1789 saw morale in the small settlement of Sydney greatly diminished, with convicts becoming increasingly difficult to control. In a further bid to enforce discipline, marine guards were instructed to shoot anyone failing to stop when challenged during the hours of darkness.²¹

Convicts were not the only thieves at Sydney Cove. Some members of the marine garrison also engaged in stealing food and stores. A particularly serious example of theft by marine personnel came to light during March 1789. Early one morning, part of a key was found in the lock of one of the doors of the government store by the Commissary as he tried to enter the building. A quick check by that officer revealed provisions had been stolen. The settlement's convict blacksmith was shown the key fragment and recognised his own work. He had sometime previously worked on the key for Private Joseph Hunt. Private Hunt was then interrogated. Not one to suffer alone, Hunt implicated six of his comrades. The seven marines had secretly stolen provisions and liquor from the store for a period of eight months. Their method of operation was to wait until one of their number was actually on guard duty at the government store. The sentinel's off duty comrades would then enter the store, locking themselves in whilst selecting their loot. Thus, if visited by the patrol, the store would appear secure. The sentinel was, of course, in an ideal position to advise his associates when to leave the building. Private Hunt, the holder of the key, had decided to undertake additional thieving on his own account. He had, in fact, been on guard duty at the government store on the night preceding the broken key's discovery. During his tour of duty, Hunt attempted to gain entry to the store. Having just unlocked the door, he heard a patrol approaching. Knowing the lock would be examined by the Corporal of the Patrol, it was essential for Hunt to lock the door. In his panic he was unable to turn the key in the lock. Unable, as a result, to remove the key, he broke it, leaving the wards in the lock. Although the lock passed the Corporal's examination, Hunt was unable to subsequently remove the telltale fragments. Thus, when the Commissary arrived to start work the following morning, the wards were discovered still jammed in the lock.

Perhaps, had the blacksmith not recognised the key and informed the authorities of Hunt's ownership thereof, Hunt may have successfully denied all knowledge of the affair - even suggesting that the breaking had been attempted sometime between the end of his period of duty and the Commissary's discovery. But, on this occasion, Hunt's luck ran out, at least partially. He offered to give evidence on behalf of the Crown against his colleagues. The offer was accepted, he gave his evidence and, his mates were duly hanged.^{22,23,24,25,26}

Thieving continued in the settlement until, by mid-1789, thefts from gardens and dwellings were almost a nightly event. Suspicion in respect of many of the nightly depredations in the settlement fell on the brick making gang, which worked at a clay pit about one and one half miles south of the settlement. The brickmakers were forbidden to enter the settlement at night but, the marine patrols were incapable of enforcing the ban. Black Caesar, a runaway convict, was also suspected of numerous nocturnal garden raids during his period of freedom.²⁷ Food by this time was in desperately short supply. All persons, including convicts, worked their vegetable gardens and received equal shares from the government store. Thus, convicts were as much victimised by thieves as freemen.

In August 1789, a convict named John Harris²⁸ approached David Collins, the Deputy Judge Advocate, with a scheme designed to reduce the incidence of theft at Sydney Cove. Harris proposed that a Nightwatch be created. Suitable persons were to be selected from among the convicts, such persons being empowered to seize all those wandering at large during "improper" hours. Collins submitted the plan to Governor Phillip. Phillip considered the idea, discussed it with Collins and the Lieutenant Governor, Major Robert Ross and then approved 'the first attempt toward a police in this settlement.'^{29,30,31} At that time, it will be remembered, Sydney comprised fewer than 1,000 persons and, perhaps, a few hundred huts and tented dwellings plus some public buildings.

The regulations for the Nightwatch were signed by Governor Phillip and Judge Advocate Collins, the service commencing Saturday 8 August 1789.³² The settlement was divided into four districts. To each district were assigned one principal and two subordinate watchmen. Watch members were required to patrol throughout the night with an eye to discovering 'any felony, trespass, or misdemeanor.' They were empowered to enter suspected huts and other dwellings and to use any necessary means to achieve their purpose. Soldiers and seamen absent from their respective quarters after Tattoo were to be detained and lodged at the nearest guardroom. In addition to these duties, Watchmen were required to investigate crime complaints and, regardless of the time of day, report all convicts found gambling or, selling or bartering their clothes and rations. All occurrences had to be reported to the Judge Advocate and military aid to the civil power was to be provided on request.

A short staff was provided members as a badge of office and unauthorised rewards were prohibited. The position of Watchman was, of course, unpaid. Like all other convicts members received slops and rations only, although later they were issued rum which was a highly saleable commodity. Diligent performance was assured a reward and misconduct was to be punished. The actual regulations issued by Governor Phillip read as follows:

The following regulations to be observed by the nightwatch appointed for the more effectual preservation of public and private property, and for preventing or detecting the commission of nightly depredations.

A Night-watch, consisting of twelve persons, divided into four parties, is appointed, and fully authorised to patrol at all hours in the night, and to visit such places as may be deemed necessary for the discovery of any felony, trespass, or misdemeanor, and for the apprehending and securing for examination any person or persons that may appear to them concerned therein, either by entrance into any suspected hut or dwelling, or by such other manner as may appear expedient.

2.--Those parts in which the convicts reside are to be divided, and numbered in the following manner:- The convicts' huts and the public farm on the east side of the cove to be the first division. Those at the brick-kilns and the detached parties at the different farms in that district the second division. Those on the western side, as far as the line that separates the district of the women from the men, the third division. The huts occupied from that line to the hospital, and from thence to the observatory, to be the fourth division.

3.--These districts or divisions to be each of them under the particular inspection of one person, who shall be judged qualified to inform himself of the actual residence of each individual in his district, as well as of his business, connections, and acquaintance.

4.--Cognisance is to be taken of such convicts as may sell or barter their slops or provisions, as also of such as game for either of the aforesaid articles, and report is to be made of them to the Judge-Advocate.

5.--Any soldier or seaman found stragling (sic) after the taptoo has beat, or who may be found in the convict's huts, is to be detained, and information to be immediately given to the nearest guardhouse.

6.--On any person's being robbed during the night, he is to give immediate information thereof to the watch of his district, who on the instant of application being made shall use the most effectual means to trace out the offender or offenders, so that he or they may be brought to justice.

7.--The watch of each district to be under the direction of one person, who will be named for that purpose, and all the patrols to be immediately under the inspection of Herbert Keeling. They are never to receive any fee, gratuity, or reward from any individual to engage their exertions in the execution of the above trust; nor are they to receive any stipulated encouragement for the conviction of any offender; but their diligence and good behaviour will be rewarded by the Governor, and for which purpose their conduct will be strictly attended to by those who are in authority over them.

8--The night-watch to go out as soon as the tattoo has done beating, to return to their huts when the working drum beats in the morning, and reports to be made at twelve o'clock to the Judge Advocate of all robberies and misdemeanors, by Herbert Keeling. Any assistance the patrols may require will be given them on applying to the officer of the nearest guard, and by the civil power if necessary; for which application is to be made to the provost-martial.

9.--Any negligence on the part of those who may be employed on this duty will be punished with the utmost rigour of the law.

The night-watch to consist of the following persons:-

Charles Peat	Wm. Bradbury
William Hubbard	Thos. Oldfield
John Coen Walsh	Stephen Le Grove
John Neal	John Archer

Collins regretted the lack of free persons from amongst whom the Watch could be recruited. It was certainly far from ideal, as he observed, to place the security of public and private property in the hands of those who had already demonstrated a disregard for the property of others. But, necessity forced recruitment from convict ranks as undetected nocturnal depredations had reached alarming proportions.³⁵ Collins hoped that by being selected for such a responsible duty, the volunteer Watchmen would be encouraged to behave responsibly. The volunteers themselves promised to perform their duty faithfully and not be discouraged by the criticism of their peers.

The Nightwatch, which commenced operations at Tattoo on 8 August 1789, comprised 12 members,^{34,35} four principals and eight subordinates. Herbert Keeling was first among the principals³⁶ and was required to report to the Judge Advocate each morning. John Harris, the scheme's proposer was included.

Despite assurances of commitment from early Watch members their performance was not uniformly good. Turnover was fairly rapid as some were sent to Norfolk Island, where Harris became principal of the Nightwatch.³⁷ The strength of the Watch varied over time. In July 1790, the figure was down to ten.³⁸

According to Governor Phillip, the Watch was an immediate success with nocturnal thefts being unknown for some three months thereafter,³⁹ with both Harris and Keeling executing their duty fearlessly. On the night of 14/15 August 1789, after only one week's operation, Harris arrested Captain-Lieutenant James Meredith of the marines and James Keltie, Master of the Sirius,^{40,41} for trying to break into the house of widow Sarah Bellamy. Although the two offenders appeared at court the following morning, no charges were laid.

Service personnel were also arrested for straggling after Tattoo and handed over to the Guard. The following morning, provided no criminal offense was involved, such personnel would be returned to their unit. Being subjected to the control of convicts, albeit in the role of Watchman, clearly did not sit well with the marines. One night in November 1789, Watchman Thomas Oldfield arrested a marine in the convict's lines and handed him over to the Town Guard in the normal manner. No criminal charges were laid. The following morning the Marine Commandant, Major Ross, informed the Judge Advocate that such an apprehension was an insult to the Corps. He added, although the sentiment was discreetly not passed on to the Governor at that time, that marines would not tolerate control by convicts (unless a criminal offense was involved) 'while they had bayonets in their hands.'

Governor Phillip discussed the matter with Major Ross. The Major held to the view that his Corps had been insulted and he hoped Article #5 of the Watch Regulations, ie, the regulation that authorised the arrest of straggling service personnel, would be repealed.

To avoid the possibility of a serious breach developing between the civil administration and the military garrison, Governor Phillip repealed the offending Article on 9 November 1789. The public order of repeal was worded as follows:

'Notwithstanding the 5th Article of the regulations established for the night-watch directs that any soldier found straggling (sic) after the taptoo has beat, or in the convicts huts, is to be detained, and information immediately given to the nearest guard, the night-watch are not in future to stop any soldier, unless he is found in a riot, or committing any unlawful act, in which case such soldier is immediately to be taken to the nearest guard.'⁴²

The backdown must have entailed a severe, if temporary, loss of

face for the Governor and would no doubt have adversely affected the morale of Watch members.

On 10 September 1789, a Court of Criminal Judicature was convened to hear a charge of rape of an eight year old child. The accused, a marine, was sentenced to death but reprieved and transported to Norfolk Island by the Governor on the representation of the Court. It was reasoned, according to David Collins, that deterrence was not an issue as the offender was the only one in the settlement base enough to commit such an act. 'The chastity of the female part of the settlement had never been so rigid,' he observed, 'as to drive men to so desperate an act.'⁴⁵ This attitude to capital punishment contrasted strongly with a case that occurred some two months later. In that instance, Ann Davis was arrested after an investigation by the Watch for breaking into another convict's dwelling in daylight and stealing clothing. She was hanged after a physical examination showed she was not 'quick with child', as claimed.⁴⁴

David Collins, although deeply involved in Major Ross' complaint concerning Thomas Oldfield's arrest of the straying marine, failed to comment on the event in his diary. Indeed, only days after Governor Phillip repealed Article 5, Collins commented on the effectiveness of the Watch in preventing crime. He considered the loathing with which Watch members were held by their fellow convicts was a sound indication of their effectiveness. 'Many streets in the metropolis of London were not so well guarded and watched', he confided to his diary, 'as the small, but rising town of Sydney, in New South Wales.'⁴⁵ They were fulsome words indeed in respect of a community numbering less than 1,000 souls. Yet, in January and February 1790, Collins was again lamenting thefts from gardens.⁴⁶ This changing between enthusiasm and despair over the crime problem in Sydney was a common characteristic of early administrators.

In February 1790, the building of a large guard house commenced on the east side of Sydney Cove in the vicinity of the bridge over the Tank Stream. The site was determined by the fact that assistance could be sent quickly to any part of Sydney from that location.⁴⁷ Similarly, Watch personnel would have found it conveniently positioned for the lodging of prisoners. Construction was completed in April the same year.

By March 1790, fresh supplies had still not arrived from England and the food situation at Sydney had become desperate, despite the sending of large number of convicts and marines to Norfolk Island in an attempt to ease the situation. 'Robberies of gardens and houses were daily and nightly committed,' according to Collins. The Nightwatch was kept busy, although lacking success in controlling crime.⁴⁸

During April, so serious had theft become that Governor Phillip assembled the remaining convicts and warned them of the punishments that would inevitably attend conviction for theft. At least two persons were executed, one for breaking into a dwelling and, several received severe lashings. Phillip attempted to

impress on all the necessity of growing food in private gardens. He even went to the trouble of providing old lags with plots of ground in which to grow food. Even so, there was a hard core that would not work at any price. These people were mostly kept locked up at night in the new guard house but, they still enjoyed ample scope for their depredations by day.⁴⁹

Even the Governor's garden was not immune from the attentions of night time thieves. On one occasion, a marine sentry at the garden was caught stealing vegetables. On another occasion, a seaman from the Sirius was shot and wounded by a Watchman while he looted the garden. The Reverend Richard Johnson, the chaplain, also was not immune from the unwanted attention of garden thieves. Catching one convict in the act of digging up his potatoes, the reverend gentleman put Christian charity aside and handed the thief over to the Watch.⁵⁰

Eventually, the second fleet arrived and the food situation eased. Doubtless garden thieving reduced as the ration scale increased but, the practice never ceased entirely in early Sydney no matter how plentiful the supply of victuals. Needless to say, public order in the town deteriorated with the presence of second fleet sailors. One sailor, from the Neptune, received 25 lashes after being found ashore at 11pm one July night in contravention of port orders.⁵¹ The order requiring crewmen to return to their ship by 7pm daily was an important crime prevention measure.

Late December 1790 saw the death of John McIntire, the Governor's game catcher. McIntire was speared by an Aborigine named Pemulway, who was later to become a legendary adversary of the white invaders.^{52,53} Governor Phillip was himself speared by an Aborigine earlier in the year, on 7 September.⁵⁴

An interesting early attempt at crime prevention occurred on 11 February 1791. A General Order was issued forbidding the purchase of food from convicts, as it was sensibly feared that convicts having sold their food would then steal someone else's. The order read as follows:

Although repeated orders have been given to prevent the convicts from selling or exchanging their provisions issued from the public stores for money, spirits, or tobacco, that practice is still continued; and as those who sell their own provisions must support themselves by stealing from others, it is the duty of every individual to endeavour to put a stop to a practice which distresses the honest and industrious, whose gardens are looted, and provisions stolen, by those who sell their rations. No provisions are ever to be purchased or received from a convict on an consideration whatever, and the Commissary is directed to give 30 lbs of flour as a reward for discovering any person who may in future be guilty of a breach of the order.⁵⁵

As indicated in the Order itself, such instructions were widely ignored. Even though food was scarce, convicts were still prepared to trade ten pounds of flour for one bottle of rum and 30 lbs of flour for one pound of tobacco. Indeed, one man, a blacksmith, operated as a commodity broker. As the result of one of his transactions, Lieutenant Dawes was called to account by the Governor for disobedience of Orders.⁵⁶

Members of the marine detachment provided a situation in July 1791, similar to that of March 1789, when Private Hunt was caught stealing from the government store. One Saturday night Private Godfrey was found in the spirits cellar adjoining the Deputy Commissary's house. Arrested and charged before a military court he was sentenced to 800 lashes and drummed out of the Corps.⁵⁷

July 1791 was a bad month for crime. A plot to break into the Governor's house and steal money thought to be cached there was discovered. Other charges of burglary were laid as were also charges of receiving. Watch members conducted a successful theft investigation over several weeks, which was a feather in their collective cap.⁵⁸

Although still little more than a village in size in 1791, Sydney was full of seamen and officers from transports in the harbor during August. As a result, liquor was brought ashore and, inevitably, found its way into the hands of convicts. Accordingly, port regulations were issued prohibiting the landing of spirituous liquors without the permission of the Judge Advocate. The Provost Marshal and his assistant plus two principals of the Watch were appointed to seize all illegally landed liquor.⁵⁹ In fact, a good deal of shipping was almost constantly in Sydney Cove in the latter part of 1791 and public order suffered somewhat as a result. Port orders were enforced after a fashion by the Watch, ten seamen being charged on one occasion for being in the town after nine o'clock at night.⁶⁰

Christmas Day 1791 was celebrated well by some thieves, 22 gallons of spirits being stolen from the marine store that night.⁶¹ Night time prowlers increased as the population expanded. Dwellings on the outskirts of town and the farms of officers located between Sydney and Parramatta were often looted by vagrants. Armed parties operated most nights at this time, and through into early 1792, with the aim of shooting all stragglers. Several persons were arrested in the act of stealing from farms. The situation became quite serious for a period. A sawyer named Williams was assaulted by two men in his hut just outside the town. When he resisted their attempts to rob him, they cut his arm with a small axe, severing the tendon.⁶²

As the corn began to ripen in January 1792, garden thieving increased. Collins recorded that offenders:

were punished with a severity seemingly calculated to deter others, but actually without effect. They appeared to be a people wholly regardless of the

future, and not dreading any thing that was not immediately present to their own feelings. It was well known that punishment would follow the detection of a crime; but their constant reliance was on a hope of escaping that detection, and they were very rarely known to stand forward in bringing offenders to punishment, although such rewards were held out as one would imagine were sufficient to induce them.⁶³

Even hospital supplies were not safe from the preying hands of prowling convicts. At the end of January, two cases of soup, one case of camomile flowers and, a case of sudorific powder, were stolen from the dispensary. The cases containing the camomile and sudorific powder (probably mistaken for flour) were found on the hill behind the hospital and, a proclamation was issued offering a pardon for all offenses committed in New South Wales to anyone offering information leading to the conviction of the responsible thieves (thought to be the same persons who assaulted the sawyer earlier in the month) plus, free rations for the remainder of the informant's period of transportation.⁶⁴ No responses were received.

Writing later in the year on the question of food theft, Governor Phillip offered the opinion that hunger was the prime determinant of such offenses.⁶⁵ It is true the incidence of food thefts increased at times of severe want but, they certainly did not reduce past a substantial irreducible minimum in times of plenty.

Following an unruly assembly of convicts at Parramatta during December 1791, Governor Phillip prohibited further assemblies of convicts for any reason under pain of severe punishment anywhere in the colony. Any person directly involved in assemblies or, unaccountably absent from their place of work or residence or, who failed to promptly report an impending assembly, according to the proclamation, were to be considered principals in a riot.⁶⁶

The eternal problem facing those responsible for crime control, that of gaining sufficient information from the criminal class was evident in early Sydney. David Collins, the Deputy Judge Advocate, offered the opinion that the fear of reprisal was sufficient to seal the lips of most convicts cognisant of some criminal behavior or other. Virtually every piece of information received by the authorities resulted either from accident or by reason of conflict between principals to illegal behavior.⁶⁷ In addition, of course, was the neck saving behavior of arrested offenders who, in return for a pardon, would implicate their otherwise unknown accomplices, eg, Private Hunt.

Food stealing was so rife in 1792 that it was estimated about one sixth of the maize crop was plundered.⁶⁸

September 1792 saw two particularly interesting cases,

both of which provided insight into considered (as opposed to impulsive) criminal behavior in Sydney. The first case involved Benjamin Ingram who was discovered burglarising a female convict's shut. The Governor reprieved Ingram only on the gallows platform. The grateful convict later confessed that he had gone "off" the government store in order to avoid public labor. But, he had been unable to support himself by honest means and, rather than go back "on" the store, he resorted to theft. He had no difficulty in locating a receiver of stolen goods.⁶⁹ The second case involved stealing with a view to saving passage money out of the colony. Some ships masters were prepared to smuggle convicts out for fees ranging between ten and 20 pounds. On the night of 22 September, Mary Burne's house was broken into and eleven pounds worth of dollars were stolen by an unknown person. Eight days later the Britannia, a vessel suspected of smuggling convicts, sailed.⁷⁰

One case of thieves falling out misfired on the informer much to his embarrassment. An emancipated settler received goods stolen from a ship's master. Dissatisfied with the value of the goods sold him by thief, the receiver gave up both the goods and the thief to a magistrate. However, the thief was able to produce an alibi and was dismissed.⁷¹

Shops were opened in Sydney in October 1792 and permitted to sell goods in private trade. Licences were issued for the sale of porter but, the privilege was abused, spirits also being sold. A rash of drunkenness among both settlers and convicts followed. One settler was placed in the stocks for one hour for being drunk.⁷²

With the departure of Governor Phillip on 11 December 1792, the Lieutenant Governor, Major Francis Grose, placed a distinctly military flavor on the government of Sydney. David Collins tartly remarked in his diary on the fact that 'the military power had hitherto been considered as requisite only for the protection of the stores, and the discharge of such duties as belonged to their profession, without having any share in the civil direction of the colony.'⁷³ Civil magistrates were deprived of their discretion and could only operate with the approval of the military commander. They had previously operated at their own discretion, merely making post facto reports to the Governor. Apart from the Lieutenant Governor and the Deputy Judge Advocate who were both Justices by virtue of their commissions, the bench comprised Rev Richard Johnson, Augustus Alt and Richard Atkins.⁷⁴

A major theft of cash occurred in January 1793 when Charles Gray stole 33 pounds from his employer, Gray had been a notorious ne'erdo-well and previously transported to Norfolk Island for his pains. However, in the fullness of time his sentence expired and he had settled off the store in Sydney. He obtained a position as servant to a drummer in the New South Wales Corps. The drummer had saved the considerable sum of 33 pounds so as to enable him to have his son apprenticed. Unwisely, the drummer not

only informed Gray that he possessed the money but, told him where it was hidden. It was not long before Gray stole the money. Pretending to have been drunk at the time, he refused to reveal to the magistrates where he had hidden his loot - even one hundred lashes failed to achieve his cooperation. He kept sending the Watch to different places but never the one where the money was hidden.⁷⁵ Gray was reexamined once he had recovered from his punishment but, still failed to indicate the location of his loot. It was eventually concluded Gray had either stolen the money whilst drunk and forgotten where he had hidden it or that someone had found the cached coins and stolen them.⁷⁶

From the latter part of 1792 on, frequent supplies of liquor reached the settlement. Inevitably, convicts obtained a share and a great deal of social and physical harm resulted. In March 1793, two persons died after consuming excessive amounts of American rum. Both the deceased were persons of good repute but, had been unable to resist over indulgence.⁷⁷ A search of suspected houses one night resulted in a haul of 14 or 15 gallons of illicit spirits. The searchers, Watch and military personnel, were allowed to keep the seized liquor as an encouragement. Numerous persons were arrested for public drunkenness and lodged in the Watch house.⁷⁸ Public drunkenness resulted in a number of ugly brawls in which serious physical injury was sustained by some of the participants.⁷⁹

March 1793 also saw the Court of Criminal Judicature reconvened and William Ashford, who had previously been drummed out of the New South Wales Corps, was charged with stealing clothes. Found guilty, he was sentenced to 300 lashes.⁸⁰ When the Spanish scientific expedition visited Sydney Cove, local criminals attempted to relieve the Spaniards of their property. Those caught were severely punished.⁸¹

Garden robberies continued with great frequency in Sydney during April 1793, although all convicts on the store were in receipt of substantial rations.⁸² The following month, five hundred weight of lead was stolen from outside the government store during a storm. The sentry failed to notice the theft, according to reports. The lead was subsequently discovered at the Spring low water mark in the harbor. Suspicion fell variously between crew members of a ship moored nearby and convicts who would subsequently have used the lead for musket shot. No arrests were made.⁸³

By mid-1793, Aborigines had again become a threat to law and order. In particular, they took to attacking and robbing persons travelling along the track between Sydney and Parramatta. On several occasions, armed parties were despatched to drive them away but, according to David Collins, careful orders were given not to take life.⁸⁴

The Court of Criminal Judicature assembled yet again on 15 July 1793. A convict, Samuel Wright, who was charged with breaking into a dwelling during the day and stealing clothing, was sentenced to death. He was not informed of his reprieve until about to mount the gallows steps as it was felt such a measure

made a greater impact on both the prisoner and those others present.⁸⁵

Another large theft occurred in October 1793 when a convict patient at the hospital had his box broken open and three watches, together with their seals, stolen. The value of the stolen property totalled approximately 32 dollars. The victim was a watchmaker who attended to most of Sydney's watches. Another patient had his savings stolen, money he had saved toward his fare to England. Suspicion fell on a patient in the same ward who was a notorious thief. When examined by a magistrate, the suspect implicated two other persons but did so in a way that defied prosecution.⁸⁶ The matter was eventually resolved some five months later when it was found that a man named Bevan, from Toongabbie, had stolen the watches. He had visited Sydney and returned to his hut without being missed by the Watch. Bevan subsequently lost the watches whilst gambling, a pastime that reached epidemic proportions among the convicts during that period. The watches were later accidentally found in the possession of another convict who had won them at cards. Although others were punished in respect of their behavior, the evidence was insufficient to convict Bevan.⁸⁷

Christmas Day 1793 saw the usual crop of Watchhouse guests, some of whom were subsequently punished - including servants for stealing an officer's liquor. David Collins remarked at the time that :

The passion for liquor was so predominant amongst the people, that it operated like a mania, there being nothing they would not risk to obtain it: and while spirits were to be had, those who did any extra labour refused to be paid in money, or any other article than spirits, which were now, from their scarcity, sold at six shillings per bottle.⁸⁸

By that time, the huts of the Sydney Cove settlement had extended almost to Brickfield Hill. The cluster of huts in the Brickfields area had grown so in number as to nearly meet the huts spreading forth from the Cove. The town and district (as then defined) were close to being united.⁸⁹

The Christmas period was marked with a spate of house breakings and garden thefts in respect of which some offenders were punished.⁹⁰ Early in January an unfortunate Sergeant of the New South Wales Corp had his hut broken into and all his money and property - but for a spare uniform - stolen.⁹¹

Gaming continued to be a major pursuit of convicts in 1794. One of the convict overseers, one McCoy, was particularly successful and a group of convicts planned to rush him whilst he was carrying his winnings. Accordingly, whilst he was holding 25 dollars, they surrounded him and grabbed what money they could.

McCoy managed to grab one of the gang as he decamped. The offender was none other than Samuel Wright, the last convict to have his capital sentence reprieved. Wright was not hanged for his subsequent offense but received a hefty flogging instead.⁹²

An interesting case of an Aborigine reporting a convict for stealing vegetables from the Lieutenant Governor's garden occurred. The decision was made, however, not to prosecute the offender, as it was feared the Aborigine would be attacked by way of reprisal.⁹³

Convict offenders preyed not only on their own class but, also upon their "betters". The Reverend Johnson's house was broken into during June 1794 and a large amount of property stolen. It seemed clear some of his own servants were implicated in the affair and some of the stolen property was found in the woods nearby. Even so, it was not possible to prosecute anyone although a number of suspects were "taken up" and questioned.⁹⁴ As Johnson was a magistrate it can be expected every effort was made to identify the offenders. Mr Kent, a government convict agent, had his house burgled in the old marine quarters. Kent was spending the evening at the Officers' barracks when, at nine o'clock, he was informed of the breaking. A heavy chest of apparel, money, bills and letters, had been taken. Although a wide search was immediately instituted by 20 or 30 persons and although the chest was a four man carry, nothing was discovered at the time. Subsequently, a small part of the clothing was found in the woods but nothing more.⁹⁵ Adding insult to injury, the thieves sent Mr Kent some insulting verses and returned a pocketbook and some papers but, no money. The writer claimed responsibility also for the theft from Reverend Johnson's house.⁹⁶

More seriously, a ship's officer was robbed one evening close to the barracks. The two robbers struck their victim and grabbed his watch. However, they dropped the watch and did not bother to look for it in the darkness, being content to decamp with the seals.

David Collins viewed such crimes as a direct consequence of the gambling which so occupied the convict class as well as some settlers. Raids on gambling schools were difficult to execute as "lookouts" were stationed who were familiar with the faces of Watch members. Gamblers were thus rarely surprised by peace officers.⁹⁷

However, the authorities occasionally had their successes and some convictions were obtained in the Court of Criminal Judicature. Some burglars were hanged, one of whom was thought to be responsible for the breaking into Reverend Johnson's house.⁹⁸

Four cells were completed at the guard house on the east side of Sydney Cove in July 1794. The whole structure was surrounded by a high fence to make it more secure.⁹⁹

In October 1794, John Bevan, who was suspected of many serious breakings, was arrested in the act of burgling the house of William Fielder. No time was wasted and he was convicted and hanged within the week.¹⁰⁰ That same month was to show that even Government House was not inviolable. An outhouse, used as a regimental storeroom, was broken into and 15 shirts and 17 pairs of shoes were stolen. A search was made of the area but, although some old clothing was found hidden in nearby bush none of the military stores were recovered.

During February 1795, convict runaways living in the bush around Sydney and living by crime became a particular nuisance. It was thought there were at least three of them and an armed party of Watchmen and others were sent to engage them. One of the convicts, by the name of Suffini, was surprised in the act of stealing from a garden and, failing to surrender, was shot by one of the Watchmen. This action had the effect, according to Collins,¹⁰¹ of driving the other runaways further away from Sydney; for a time, at least.

Although far distant from Europe, many of that continent's institutions continued to be observed. One in particular, the offering of libations to St Patrick on 17 March, is well known to police the world over. Sydney was no different in 1795, having many Irish prisoners in the Town. Collins recorded that the cells were full that night.¹⁰²

That same month, the house belonging to John Chapman Morris was broken into. Several undesirable types from a sailing ship in the harbor were staying at a hut in the Town. In the bed of one of the men was found a quantity of clothing. The manic stories that he had purchased the goods at Norfolk Island was not believed and they were placed in the custody of Provost Marshal while inquiries were completed.¹⁰³ The matter was eventually resolved about 12 months later when it was found that the goods had been stolen from a sailing ship but, the suspect had since departed the colony.¹⁰⁴

It was about this time that relations between settlers and Aborigines started to seriously deteriorate. On several occasions, armed parties were sent on punitive patrols in retaliation for attacks on settlers. The best known of the Aboriginal assailants, Pemulway, became active on the outskirts of Sydney, venturing to within half a mile of Brickfield Hill.¹⁰⁵

In July 1795 the ration again reduced. The crime rate rose and Mr Muir lost everything he owned to thieves. In an early trade practices fraud, one enterprising convict stole and butchered a greyhound. He sold it at nine pence a pound as kangaroo meat. Someone must have discovered his trickery because he was severely punished.¹⁰⁶

David Collins recorded in his diary, for October 1795, that, 'The Police and civil duties of the town and district of Sydney are now regulated by civil magistrates.'¹⁰⁷ Governor Hunter had assumed command as Governor on 11 September and it did

not take him long to reverse Grose's practice of centralising civil control in military hands. The concept of a district of Sydney was becoming more evident but, was still not formally defined.

As the population increased, so did the problem of vagrants. Many of those persons, some of whom were undischarged convicts, shuffled between the various outer settlements and Sydney. Great evils, according to a Government & General Order, were said to result from the actions of such persons and, Constables and Watchmen of Sydney District and elsewhere were directed to stop and examine male and female convicts and other suspicious persons. If such persons were not in possession of an official or other pass, they were to be confined.¹⁰⁸ Governor Hunter referred to the vagrant types as "banditti", a term which retained currency for several decades.¹⁰⁹

Also, in October 1795, Collins referred to Constables as a group along with Superintendent's and storekeepers.¹¹⁰ They were permitted four convicts each for personal employment. It is not clear whether he employed the term synonymously with "Watchman".

Over the seven years of Sydney's existence, military and other personnel had been permitted to erect huts along the banks of the Tank Stream. For conveniences' sake, each hutholder had worn a track from his or her hut to the stream, removing palings from the protective fence that bordered both banks in the process. At times of heavy rain a great deal of filth flowed down such tracks into the stream, seriously polluting it. The Governor prohibited the removal of palings, as well as the keeping of pigs in the vicinity of the stream. Offenders were warned their houses would be pulled down. As Collins expressed it in his diary, the state of the town's drinking water 'became an object of police.'¹¹¹ The Governor's orders were, however, widely ignored and it became necessary to repeat the instruction on more than one occasion.^{112, 113} It seems that particular objective of police, at least, was not realised.

November 1795 saw yet another Court of Civil Judicature assembled. A number of thieves, robbers and rapists were charged. One of the robbers had his capital sentence reprieved by Governor Hunter. Rather as Governor Phillip had done before him, Hunter felt compelled to follow up a reprieve with a public warning that no further lenience could be expected. Collins, foreshadowing a modern problem, commented that rape was a problem at that time as some victims felt too ashamed to complain. Apparently, rape victims were subjected by the community to a cant appellation which signified the nature of their misfortune. The Court sentenced the principal rapist to 1,000 lashes and others to 800.¹¹⁴

The activities of roaming pigs had for long been a problem in Sydney. Lieutenant Governor Grose had permitted the shooting of trespassing pigs. Governor Hunter, in an effort to conserve live stock, on the other hand, decreed that trespassing

pigs be taken to the Provost Marshal. Damage committed by pigs was to be ascertained by a magistrate and an equivalent sum paid into the court by the animal's owner before the beast could be retrieved. Failing such a solution, the Provost Marshal was to hand the seized animal to the Government store. Damages to aggrieved landholders were to be paid out of any monies realised by the Commissary from the sale of impounded animals.¹¹⁵

An attempt was made to steal a cask of pork from a stack of provisions outside the government store. This was the second such attempt and, as rations were not in short supply at the time, it was thought that gambling debts underlaid the attempt.¹¹⁶

Constables and other law officers were directed, in January 1796, to pay strict attention to the possibility of illicit stills and report any found to the authorities.^{117,118} As a result, a number of stills were located and destroyed, much to the regret of their owners as handsome profits were to be made from spirits.¹¹⁹

As his earlier orders concerning the protection of Sydney's water supply had achieved little effect, Governor Hunter issued a Government & General Order late in January authorising the arrest of anyone drawing their water upstream of the tanks.¹²⁰

At that time, the crime rate was such that it was felt necessary to issue a Government & General Order directing that all non-military firearms be registered with the Commissary. Constables were instructed to arrest all persons carrying arms without a certificate. Some law abiding settlers complied with the direction but, of the 200-300 government firearms thought to be at large in the community, fewer than 50 were accounted for.^{121,122} It was also decided something more forceful had to be done about the vagabonds hiding out in the woods around Sydney. Notice was given that the capture of Caesar complete with his firearms would be rewarded with five gallons of spirits.¹²³ There were no immediate takers but, two men, braver, perhaps, than the rest, decided to obtain the reward. Accordingly, they tracked Caesar to his hideout and shot and killed him.^{124,125} The hunting of Caesar was one of very few examples of bounty hunting in Australia and, one wonders if the fact that Caesar was a negro was significant.

The sale of goods in Sydney by visiting trading ships provided an opportunity for forgers to make not only base coins but, also forged notes with which to purchase goods. One attempt in 1796, resulted in a number of convicts being arrested for passing a forged ten guinea note bearing the Commissary's name.¹²⁶ Most were acquitted but, James McCarthy was less fortunate, being sentenced to death.¹²⁷

Henry Brewer, the Provost Marshal, fell sick in March 1796, being relieved by Thomas Smyth, a government storeman.¹²⁸

By late March 1796, Governor Hunter was extremely

concerned with the incidence of drunkenness among the "lower orders". He strongly suspected more liquor was being landed from visiting ships than was approved. Unlicensed outlets, too, he observed, played a role in the unfortunate scheme of things. All officers, magistrates and Constables, were enjoined to do their utmost to suppress the illegal traffic. Hunter echoed a major view of the time when he expressed his concern that peace, good order and public tranquility were threatened by excess of liquor, in addition to the ruin of public health and industry.¹²⁹

Hunter was quickly discovering that human behavior is not necessarily manipulated by the passing of laws. Late in March 1796, he felt it necessary to repeat yet again his instructions that swine holders were responsible for ensuing their stock caused no damage.¹³⁰

Even military officers at Sydney Cove, complete with military security, were unable to ensure they were unmolested by the unwelcome attention of burglars and others. Captain Paterson's store room was broken into and a great deal of property stolen even though a sentry stood guard at the door of his home. That same month, March 1796, Captain Townson was relieved of 60 dollars of public monies plus his watch. In both cases, servants were suspected but, necessary proof was lacking. Crime operated in cycles during the early years of Sydney's settlement and March 1796 represented an upswing. On the evening of St Patrick's Day, officers of the Nightwatch were assaulted by two offenders whom they attempted to arrest. One of the offenders was wanted for attempted burglary of a dwelling. He was hidden in the house of a friend, ie, the second offender. The second offender, Matthew Farrell, died later in the year as a result of the affray with the Watch.¹³¹ The Watchmen involved in the fatality subsequently appeared before a Court of Criminal Judicature but were discharged.¹³² An interesting case occurred at that time in which a woman was robbed of some cloth but, failed to identify the offender in court by reason of his life being forfeit in the event of a conviction being recorded.¹³³

April 1796 was marked by a substantial issue of slops to all convicts and, Governor Hunter issued also dire warnings to the recipients against selling their apparel. It was expected many convicts would either sell or gamble away their clothes, subsequently stealing from others to make up their deficiencies. Judge Advocate Collins was privately skeptical of the Governor's warning.¹³⁴ At the same time drunkenness was being considered a major social problem affecting both the physical and economic health of the town. In yet another effort to limit the indiscriminate vending of spirits, the Governor decided to issue licences to sell liquor. Accordingly, ten licencees were selected by the Magistrates. The licencees were bound in the sum of 20 pounds, with two sureties of ten pound each, to observe the terms of their licence. All civil officers were warned to suppress unlicensed vendors. Unlicensed operators were warned they risked having their houses pulled down.¹³⁵

The Court of Criminal Judicature awarded some stiff

penalties in April 1796. Apart from McCarthy who was sentenced to death for uttering a forged note at Hogan's store, an offender who wounded a commissary employee in the course of stealing goods was sentenced to 800 lashes, another was transported to Norfolk Island for seven years for theft. Actually, McCarthy was reprieved and joined the other man at Norfolk Island.¹³⁶ At the other end of the severity scale, George Hyson was sentenced to three one half hour periods in the pillory for attempted bestiality.¹³⁷ It is not known if the subject of his attentions returned his affection

David Collins insightfully reflected upon those events and the eternal conundrum of crime and punishment in his diary:

No punishment however exemplary, no reward however exemplary, no reward however great, could operate on the minds of these unthinking people. Equally indifferent to the pain which the former might occasion, and the gratification the other might afford, they blindly pursued the dictates of their vicious inclinations, to whatever they prompted; and when stopped by the arm of justice, which sometimes reached them, they endured the consequences with a hardened obstinacy and indifference that effectively checked the sensations of pity which are naturally excited by the view of human sufferings.¹³⁸

This extract is a classic statement of the frustrations experienced by criminal justice professionals over the centuries. Time expired persons were as great a crime problem as serving convicts. Once their sentence expired, they would remove themselves from the store without permission. If forced to work, they would abscond, hiding either in the woods around Sydney or in the Hawkesbury - which latter area was a major harboring area for ne'er-dowells. It was clear, too, that a grapevine existed between domestic staff and thieves as was evidenced by the uncanny manner in which burglars unerringly found and took the most valuable items. As Collins shrewdly (but not entirely accurately) observed, 'never was a poor man's house broken into.'¹³⁹

With a perceived high crime rate, Governor Hunter was concerned to obtain the best possible people as Constables. With respect to "inferior" Constables who patrolled by night and who were on call during the day, he offered the following encouragement:

- * each to have an additional suit of clothing annually in order to their having at all times a more respectable appearance
- * to have a pint of spirits served to each every Saturday

- * to have the same ration served to them which is issued to the military and free people. NB - This does not relate to quantity, for that is the same to all descriptions of people, but in the particular articles, it being impossible to regulate that so as to avoid making some description; in such case the preference is given to the military and free people
- * those who may have been sent to this country for seven years, and who shall officiate as a Constable to the satisfaction of the magistrates of the district in which he acts for the space of three years from his appointment as such, shall be entitled to emancipation, and be at liberty to leave the settlement whenever he chooses
- * those who may have been sent to this country for fourteen years, and who shall officiate as above for the space of seven years, shall be entitled to the same rewards and advantages
- * those who may have been transported for life, and who shall officiate as above for the space of ten years, shall be entitled to the above advantages and to conditional emancipation, ie, freedom in this country and liberty to become settlers.

Hunter thus held out virtually every inducement possible except money. But, for Chief Constables, whom he considered should be free men, he had no suggestions, leaving it to the Duke of Portland to decide. Implicit in his communications, of course, was the thought that a salary should be paid.¹⁴⁰

Many materials were stolen from ships at anchor in Sydney Cove, thereby commencing a practice that existed well into the twentieth century. Many of the opportunities for theft were created by the carelessness of ship's masters in letting convicts aboard. Within the space of a short period in 1796, a large quantity of tobacco was stolen from the Bellona, half a cask of gunpowder was taken from the Brittania and, the shoe buckles of the master of the Hope were stolen from his cabin (in which he was sleeping at the time), along with a number of other items.¹⁴¹

One night in June 1796, the house of Thomas Clark, Superintendent of Convicts, was broken into and a great deal of property stolen. It was suspected runaways from the gaol gang were responsible and the Watch was immediately detailed to take up the matter and, apparently, came close to catching the thieves. Shortly after, information was received that two notorious escapees were concealed in a house near the brickfields. Members of the Watch succeeded in capturing one of the escapees, although the other evaded capture. The house was pulled down as a warning

to others not to harbor criminals.¹⁴² The bakery was burgled also in June and property valued 56 pounds stolen. Fortunately, a good deal of the money was found in a nearby garden the following day.¹⁴³

Governor Hunter's concern with the pernicious effects of drunkenness was deepened when he discovered that persons to whom he had issued liquor licences were exchanging liquor for farm produce with obvious results. In addition, it seems, drunkenness, riot, idleness and robbery, were evident in greater measure than ever. Persons continuing to barter liquor for crops were warned they would be deprived of all government assistance.¹⁴⁴ Less than a month later he again indicated his intention of removing certain liquor licencees from the government store. Magistrates and Constables were exhorted to be particularly vigilant.¹⁴⁵

A temporary court house of lath and plaster was erected in June 1796. The Judge Advocate and other magistrates had felt greatly inconvenienced previously in having to conduct courts in their own dwellings.¹⁴⁶

During July 1796, a seaman was shot and killed in Sydney.¹⁴⁷ That same day, 4 July, a Hawkesbury farmer shot one of his convict hands. The seaman's assailant was sentenced to 600 lashes but, the farmer evaded capture for some time owing to the dilatoriness of the local Watch. These two tragedies prompted the authorities to try to come to grips with those people off the store - who were generally considered responsible for most crime. All persons off the store were ordered to report to Sydney for investigation. Regulations were also promulgated requiring that only persons possessing an official certificate of discharge from the Commissary could be employed. As a result, a herd of thieves and vagabonds descended on Sydney in an effort to obtain the requisite certificate. False names and forged documents were freely used and the Judge Advocate and Watch personnel were busily occupied for a while in checking out personal details. David Collins, the Deputy Judge Advocate, felt he detected most impostors who were immediately set to hard labor in the town and gaol gangs. These gangs grew daily in size, according to Collins, due to the frequency of crime committed at the time.¹⁴⁸

Exasperated with the failure of hog owners to ring and yoke their beasts, Governor Hunter issued a Government & General Order on 19 July 1796, authorising property owners to shoot pigs found within their respective curtilages.¹⁴⁹ Even this order had but a very temporary effect and, the following March, Hunter was forced to have a pound constructed.¹⁵⁰

It was on 8 July 1796 that Henry Brewer, the Provost Marshal, died.¹⁵¹ He had been sick since the previous February and Thomas Smyth, a government storekeeper, had relieved him since that time.¹⁵² Smyth, who had travelled to Sydney as a Corporal in Captain Watkin Tench's Company, was confirmed in the office of Provost Marshal, with effect from 9 July, by Government & General Order dated 13 September 1796.¹⁵³

In September 1796, Rev Richard Johnson and Surgeon William Balmain were nominated acting magistrates in the district and town of Sydney.¹⁵⁴ The construction of a gaol was commenced, with each settler required to contribute a certain number of logs to the building thereof.¹⁵⁵ A similar order was issued the following May with respect to grass for thatching.¹⁵⁶

During October 1796, Governor Hunter undaunted by his failure to ensure the control of pigs in the town, embarked on a campaign to clean up some of the abuses that had crept into Sydney's social life. Persons claiming more than their fair share of rations from the government store were high on the list. Morals were not excluded and attendance at Church was required. Constables were required to order people to Church on Sundays. An Irishman, by the name of Carroll, seriously assaulted a Constable who gave him such an instruction, claiming he would obey neither the clergy nor the Governor. He no doubt regretted his principled stand when he received his punishment in Court the following day.¹⁵⁷

In a further bid to control the rude society of Sydney, Governor Hunter had the town's houses numbered and divided into four divisions. A principal inhabitant was nominated as a Watchman in each Division to be responsible for peace and good order.¹⁵⁸ This arrangement was subsequently changed to a requirement that the inhabitants of each division elect from among their number three Watchmen for the ensuing year. As many married military personnel were permitted to reside in the vicinity of the barracks, the commanding officer of the NSW Corps was requested to appoint Watchmen for the military division of the town.¹⁵⁹

Those persons elected as Watchmen in the non-military divisions were required to arrest all disorderly and suspicious persons and take them either to a Constable or a Magistrate. Further, they were to acquaint themselves with all persons in their divisions and check the passports of those not known to them. Volunteer Watchmen were entitled to a full ration for themselves and their families from the government store, an occasional supply of slops and one half pint of spirits every Saturday.¹⁶⁰ In the latter part of November 1796, Governor Hunter decreed in a Government & General Order that all elected Watchmen were to be issued with a set of printed instructions so that they could not plead ignorance of their duties.¹⁶¹ The instructions read as follows:

INSTRUCTIONS to the WATCHMEN of the TOWN DIVISIONS.

The Watchmen are to apprehend all Night Walkers and all Disorderly and Suspicious Persons, and to detain them until they are examined by the Sitting Magistrate.

They are to interrogate all those who are found idling about in their Division not being

inhabitants thereof, and cause them to give an account of themselves. If they call themselves Free People and off the Store, they are to produce their Certificates, if they are People travelling from Parramatta, the Hawkesbury or from any other distant place to Sydney, they are to produce their Passports or Leave from the persons authorised to give them.

Gentlemen's Servants will have Passes from their respective Masters.

The Watchmen will inform themselves of all Strangers who may come to reside within their Divisions and report them at the end of the Week to the Civil Magistrate. They will be particularly careful to secure and bring before the Magistrates all Gamesters and Drunkards, and to enforce in their respective Divisions due reverence for the Sabbath Day, and not to permit any to be Idly Strolling about during Divine Service.

A Bell will be hung as soon as possible, which will ring the Working Parties to and from their Labor, and also at the Hour of Nine in the Evening, at which time it is expected that all the inhabitants shall betake themselves to their several habitations unless they are obliged to be abroad on any particular business.

The Watchmen on going their rounds are to examine the doors and windows of the different houses in their Divisions, and to call the hour of the Night as nearly as they can guess.

Although the office of Watchman in most Towns is performed at the expence (sic) of inhabitants, being for the public security, yet the Governor in consideration of the trouble attending the faithful discharge of such a duty thinks it fit to order that the persons so officiating shall be allowed what is called the Free Ration for themselves and Families, an occasional supply of Slops and half a pint of Spirits every Saturday, if their diligence may deserve further notice the Magistrates will have an eye to them and recommend them to other indulgences.

Sydney Nov 20th, 1796

By Command of His Excellency

At the criminal court sitting in November 1796, eight accused were sentenced to death. The sentences were put into effect in respect of three of the accused, whilst three received a

conditional pardon. It was considered in all cases that the crimes committed were directly or indirectly related to liquor. A similar sentiment existed in respect of offenses dealt with by the magistrates.^{162,163} So convinced was Governor Hunter of this relationship that he issued a cautionary Government & General Order on the subject on 12 December, in order to emphasise the point.¹⁶⁴

So totally ignored were the Governor's orders concerning hogs and, so little enforced were they by the Constables, Hunter was reduced in February 1797, to pleading with Sydney's residents to mend their ways.¹⁶⁵

The price of labor was officially fixed in March 1797.¹⁶⁶ Settlers were subsequently called upon to give information of any laboring man who, on offering himself for hire, refused the regulated wage. Such persons were to be immediately apprehended as vagrants; it being held that anyone lacking visible means of support must resort to crime.¹⁶⁷ As a result of the regulation, one runaway convict gave himself up to a Constable and, another was arrested. But, generally, little impact was evident.¹⁶⁸

Sydney's log gaol was completed in June 1797.¹⁶⁹ It contained 22 cells for criminals plus debtor accommodation.¹⁷⁰

During mid - 1797, in a letter to the Duke of Portland, Governor Hunter permitted himself the luxury of declaring that the crime situation in Sydney had greatly improved, partly due to the sound regulations he had issued. Interestingly, he observed, 'our police is now such that we have no disturbance or cries of alarm in the night.'¹⁷¹

October 1797 was remarkable for the fact that the Court of Criminal Judicature was convened on no less than three occasions. Two convicts were acquitted of killing an Aborigine. One convict, who had so severely beaten another convict that he died the following day, was convicted of manslaughter. He was sentenced to 12 months imprisonment as well as to be branded on the hand. The death sentence was passed, but not put into effect, in respect of a convict found guilty of knowingly uttering a forged bill. According to Governor Hunter, in a Government & General Order he issued on the subject, the practise of forgery and uttering was common to the colony and was most seriously viewed.¹⁷² Other convicts were transported to Norfolk Island for theft. During the course of one of the trials, three witnesses were considered to have excessively perjured themselves. The offending witnesses were sentenced to stand in the pillory as well as have their ears nailed. Whilst in that position they were pelted with rotten eggs and refuse. Subsequently, the Governor felt it necessary to explain in Orders, the nature of perjury and the penalties attached thereto.^{173,174}

During November 1797, and following several previous attempts, some 14 convicts determined to steal a sailing vessel and desert the colony. They collected stores over a period but,

when about to embark one night, the would be escapees were surprised by an armed party of Magistrates and Constables. All were arrested and later sentenced to hard labor.¹⁷⁵

The much victimised Rev Richard Johnson was subjected to yet further evidence of man's frailty in November. His assigned convict servant, who had been a schoolfriend, was reported to have made a duplicate key of his strong room lock. Although disbelieving the information, Rev Johnson consented to a Constable being concealed on the premises one Sunday - at a time the house would normally be empty. Sure enough, the servant/friend was caught by the Constable in the act of rifling the store room.¹⁷⁶

The annual election of Constables was held during November 1797.^{177, 178}

During December 1797, following a brawl in which Colbee had been wounded by his peers and was only saved from certain death by the intervention of some military personnel, Benelong for some explicable reason threw a spear at one of the soldiers. Benelong would have been killed on the spot by the soldiers had he not been apprehended by the Provost Marshal. He was detained for the night both to save him from the ire of the military as well as to prevent him executing certain threats he had made against whites generally. However, he was released the following morning and quitted the town.¹⁷⁹

By December 1797, dogs had become such a problem in Sydney, especially with respect to killing stock, that they were restricted. Persons were permitted to keep only the minimum number necessary for the protection of premises. Dogs found by landholders on their property were liable to be shot out of hand. Thus, another public nuisance was identified.^{180, 181}

A serious fire in December saw three convict huts burned down.¹⁸²

Both Sydney's magistrates became seriously indisposed in January 1798 and it became necessary for the Governor to hold court during their absence from the bench.¹⁸³

Charges of piracy were laid against a number of runaway convicts in March 1798. These men had attempted to give themselves up to the authorities, claiming they had seen the error of their ways. The authorities, however, felt an example was necessary and promptly arrested the men. According to Collins' diary:

The utmost vigilance was constantly requisite to guard against robberies both on the land and water. It was impossible, in such a community as this, to have a police too strict, or to be sufficiently aware at all times of such a nest of villians.¹⁸⁴

Two of the pirates were subsequently executed, although several others were pardoned.¹⁸⁵ Another person sentenced to death at the same criminal court advised that a major Sydney receiver was the wife of a blacksmith. To avoid being charged, the woman offered to accuse others.¹⁸⁶ It was a rare triumph, even if the information was volunteered, for the authorities to identify a receiver.

By May 1798, Collins' diary recorded the view that the reduced number of robberies in Sydney was due to the improvement that had occurred in the police over the previous two years.¹⁸⁷

A notorious housebreaker, John Raynor, was hanged in July 1798. At the same time, alarm was expressed concerning the profligacy of the women at Sydney Cove.¹⁸⁸

Seamen from visiting merchant ships were at times given to insulting the town sentries, as well as contravening port orders by going ashore at all hours. Governor Hunter directed in a Government & General Order that such offenders be arrested. In addition, if found to be noisy, riotous or insolent, they were to be punished by the magistrates.¹⁸⁹

In August, yet another attempt was made to ensure greater observance of the Lord's Day. All convicts were required by a Government & General Order to attend Church service on Sunday mornings and the Superintendents and Constables were directed to ensure the order was complied with. Magistrates were to ensure the closure of licensed public houses during the hours of divine service as well as ensure that no other irregularity occurred.^{190,191} One unexpected public response to the Governor's order was that the Church was set alight and burned to the ground. The arsonist's efforts were, however, unavailing as services were thereafter held in a large storehouse.¹⁹²

The election of divisional Constables was held in December 1798. Magistrates were required to be extremely selective of the persons referred to them for the office as, due to the numerous escapes from Sydney Gaol, it was thought some Constables had either connived at those escapes or been shamefully neglectful of their duties.^{193,194}

During January and February 1799, the catalog of crime continued. The acting Commissary's house was looted. It is possible seamen aboard ships in the harbor took some of the haul, as it was known that some seamen were receivers of stolen property. On the night of 11 February 1799, the new Gaol was set alight, with 20 prisoners loaded with irons in it. Fortunately, they were rescued but, the gaol itself was a total loss. And yet, despite the dismal crime scene, it was claimed by David Collins the police were vigilant and the magistrates active.¹⁹⁵

July 1799, was distinguished by the particularly brutal murder of a former missionary by a soldier, his wife and a friend. All three were hanged.¹⁹⁶

On 2 July 1799, Governor Hunter issued the following Government & General Order:

By the late increased number of nocturnal robberies, we have much reason to suspect that the Petty Constables and divisional Watchmen are either extremely negligent in their duty, or that they suffer themselves to be prevailed on by the house-breakers to be less vigilant than they ought to be, and to connive at their depredations upon the honest and industrious; a continuance of this unpardonable remissness in the duty they are charged with will certainly give room for strong suspicion of their honesty, and dispose the more respectable inhabitants to suppose them partakers with the thieves.

It is hereby particularly recommended by the Governor to every officer in the colony, as they value the value of their property, to give their utmost assistance to those immediately concerned in the executive part of the civil police, in putting, as early as possible, a stop to so very great an evil.

It is also particularly recommended to the chief inhabitants of the towns of Sydney and Parramatta that they select a few of the most respectable of their number, in each division of the towns, whom they may authorise to consider the most effectual means of detecting the robbers, and bringing them to trial; whether by such rewards as they may be enabled to offer, or by small divisional patrols for the night service, and who shall take that duty by turns, and be under the immediate direction of a respectable inhabitant of their own choice, or an officiating constable selected from among the most sober and vigilant of that description of people; this may serve as a spur to the exertions of the divisional watchmen.

Proposals flowing from the Governor's instructions were to be sent in writing to the Judge Advocate's office and then considered by a bench of magistrates.^{197, 198}

Rebuilding of the Sydney Gaol was proceeding so slowly at the end of July 1799, that the Constables of the different divisions of Sydney were directed to inform their respective inhabitants that five persons would be required each day from each division to work on the gaol under the supervision of a Watchman. Persons so employed could be changed daily but, the scheme was to last as long as required. In addition to the four divisions, ie, King's, Nepean's, Bank's and Maskelyne's, the Brickfields area was also required to supply labor.¹⁹⁹

The problem of convicts stowing away on outward bound ships was ever present to the Sydney authorities. In October 1799, a number of convicts absented themselves from their duties in part, it was thought, in order to hide aboard one or other of a number of ships expected to shortly depart Sydney Cove. A public order was published stating that if such convicts returned within a week to their duties they would be excused but, otherwise, they would be subject to the fullest rigors of the Law. On the same day the order was published but, just prior to its appearance, the Hillsborough was searched as she left the Cove. Several convicts were found and taken ashore. One saved his hide by incriminating several sailors who had assisted in the escape attempt. The sailors were taken ashore and punished before being drummed to the wharf and returned to their ship. Shortly after, the Hunter left the harbor and it was found Ann Holmes was missing. Governor Hunter sent an armed party in pursuit from the Royal Navy vessel Reliance, which was in harbor at the time. The Hunter was overtaken and searched by Constables. Ann Holmes was discovered aboard and the ship was obliged to return to Sydney Cove. The ship's crew had behaved insolently to the officer of the Reliance who had commanded the pursuit party and they also drew cutlasses against the Constables. Indeed, one crew member even presented a musket at the Chief Constable. A criminal court was convened to hear charges against the Hunter's Master. Much to the Governor's embarrassment, no documentation could be discovered to establish Holmes' convict status. The charge, therefore, lapsed.²⁰⁰

A shortage of labor to assist with the harvest in December 1799, resulted in Sydney's Constables being sent to the Hawkesbury to search for vagrants. Such vagrants, unless they chose to work for settlers at that location, were to be taken to Sydney so as to help with the harvest there.²⁰¹

In January 1800, in the course of a letter to the Duke of Portland, Governor Hunter remarked on the high incidence of forgery in Sydney.²⁰² In another letter to his Grace, written only two days later, Governor Hunter defended the government's purchase of liquor on the ground that spirits were supplied Constables, Watchmen and overseers as incentives to the continued diligent execution of their duties.²⁰³

Nocturnal breakings and thefts in February 1800, resulted in military sentries being instructed to detain anyone not capable of giving the countersign until the arrival of the Corporal of the guard. The Constables' patrols were similarly instructed to arrest anyone suspicious found at large at night.²⁰⁴

As the number of criminals and their depredations increased despite several executions, the authorities in Sydney felt fresh measures were required. On 15 June 1800, a proclamation was read in Church preparatory to the issuing of outlawry process against criminals. Shortly after, three sheep stealers were taken up in consequence of the proclamation, sentenced and promptly executed.²⁰⁵

The issue of Sunday Observance raised itself again in

August 1800. On the twenty-fifth day of that month an order was issued pointing out the duties of Superintendents, Constables and overseers concerning the attendance of convicts at divine service. Dismissal was promised those officials who failed to ensure the necessary attendance of convicts subject to their control.²⁰⁶

The large amount of spirits in Sydney and other settlements had become a cause for concern to the home government for some time and Philip Gidley King was sent out from England with firm instructions to clamp down on liquor trafficking.^{207,208} King took his instructions seriously attributing numerous crimes, including forgery and robbery to Sydneysiders' thirst for rum.²⁰⁹ Within a month of assuming his gubernatorial duties King was busy, as had been Hunter before him, issuing Government & General Orders detailing severe penalties for those failing to comply with his directions concerning the sale and import of liquor.²¹⁰ The continuing and pressing problem of pigs destroying peoples' gardens was another priority issue.²¹¹ Despite his concern with the liquor problem, King felt constrained to continue grog issues to Constables and overseers, ie, a weekly pint of rum.²¹²

By Government & General Order dated 29 September 1800, Surgeon John Harris was appointed magistrate for the County of Cumberland.²¹³

In a notice dated 3 July 1801, Governor King notified that the fee for a night's lodging in Sydney's gaol was five shillings. The fee was to be divided between the arresting Constables and the gaoler, as agreed by the Governor.²¹⁴ This order was repeated in port orders of 10 October 1801.²¹⁵

Although the new stone gaol was completed prior to Governor Hunter's departure, it had not been completely paid off. Governor King decided to pay the balance of the account by imposing a tax on strong drinks.²¹⁶

In a Government & General order of 14 May 1802, Governor King directed that Constables were not to release persons under arrest, except to lodge them in gaol, unless delivered in due course but, by order of the Governor, Lieutenant Governor or a magistrate.²¹⁷

Less than two weeks later, Henry Cable's dismissal as Chief Constable was notified in a Government & General Order of 25 May. As a result, police were placed under the control of the Provost Marshal until further notice.²¹⁸ Cable's cause for official displeasure related to his having contravened a government order concerning the importation of hogs in pursuit of his private trading interests. In the same order, it was notified that Constable Thomas Parsonage had been sentenced to 50 lashes for extorting money from prisoners under his control.²¹⁹

A particularly embarrassing crime occurred during July 1802. A large quantity of canvas and gunpowder was stolen from the French ship Geographe, which was anchored in the harbor. The

fact that a gunner and soldier belonging to the ship's crew were involved in the offense did nothing to reduce official chagrin. The offenders were quickly arrested and sentenced to corporal punishment. Inquiries were set in train to identify those citizens who had purchased quantities of the stolen materials. A Government & General Order was issued instructing all persons who had recently purchased shot or gunpowder to report that fact to the nearest magistrate. To fail to do so would result in persons being treated as receivers. Ship's Officers were also warned about landing gunpowder and arms without written permission.²²⁰

By October 1802, it appears Cable had been replaced by a Head Constable. A Government & General Order dated 10 October, directed that 'the Provost Marshal, head constable, gaoler and every other person concerned in the police, will make their daily and occasional reports to the Lieutenant Governor, to whom all complaints respecting breaches of the peace are to be made in the first instance, and in his absences from headquarters, to the Judge Advocate or nearest magistrate.'²²¹

The rather unusual direction that civil matters be directed to the military (unknown since the days of Major Grose) was made by Governor King in retaliation at Lieutenant Colonel Paterson's demand that inter alia Surgeon John Harris, who was serving as Naval officer and magistrate, be returned to military duties. In a Government & General Order dated 9 October, King offered the opinion that Harris' performance on the bench was instrumental in the detection and punishment of vice and robberies and the preservation of good order in Sydney.²²² In addition to the Government & General Order directing the town's peace officers to report to the commanding officer of the NSW Corps, Governor King wrote personally to Lt Col Paterson informing him of his new responsibilities.²²³

Lt Col Paterson had not foreseen such a turn of events and promptly asked the Governor to reinstate Surgeon Harris as a magistrate.²²⁴ A public petition was addressed to the Governor, also representing that John Harris be returned to the bench.²²⁵ Paterson's change of mind was surprising in that his original objection to Harris' civil employment was that it brought him into conflict with military responsibilities, with a consequential conflict of loyalty. A great deal of spite arose during the entire affair and Harris was twice court martialled by his military superiors for alleged offenses. Although acquitted on both charges, the heat did not quickly dissipate and it was not until two years later that Harris felt it appropriate to resume his appointments as Naval Officer and magistrate despite his having been requested to.²²⁶

April 1803, one convict was hanged and another awarded a salutary punishment for stealing from the government store. An unsuccessful attempt had been made by the thieves to bribe the military guard. Accordingly, Private Croker, the sentry in question, received the sum of 15 Pounds as a indication of the Governor's approval of his action.²²⁷

As 1803 proceeded, it is apparent from the increasing documentation available that the business of government was becoming more complex and, that relatively the peace and good government of Sydney was becoming less central to official preoccupations. Even so, there was still the need to deal with public nuisances. A Government & General Order dated 19 August proscribed the discharge of firearms in Sydney between the hours of sunset and sunrise as well as mentioning the eternal problem of unyoked swine. Hog owners were advised that unbelled and unyoked beasts found at large would be forfeit to the Orphans Fund.²²⁸

A number of forged English and Irish bank notes were found in circulation in Sydney during May 1805. All persons in the territory in possession of English and Irish bank notes were instructed to take them to John Harris, Magistrate and superintendent of Police, to be examined by him.²²⁹

The issue of illegal liquor and the stills employed in making same was as evergreen as the issue of controlling swine. Yet again, in a Government & General Order dated 31 August 1805, Governor King railed about the deleterious effect of bad spirits on the health and economy of the settlement. Constables and Watchmen were enjoined to report all knowledge of such matters to the magistrates.²³⁰

Eight months later, Governor King was still trying to encourage people to come forward with information concerning private stills. He offered rewards to accomplices, workers and detectives upon conviction of the principals to such offenses. Convicts under sentence were promised conditional emancipation and a reward of ten pounds from the Gaol Fund. Free men were offered stock or otherwise to the value of twenty-eight pounds. For convicts giving information leading to the conviction of persons of substance, a reward of an absolute pardon plus ten pounds was promised. Free men for a similar conviction were promised a reward in stock to the value of fifty-six pounds.²³¹

A major attempt to improve public security was attempted by Governor King just before he handed over to his successor. In the light of unlawful meetings having been held in the colony and numerous depredations committed on the public, the NSW Corps and Loyal Association were directed to patrol the various parts of Sydney and Parramatta at irregular periods during night hours. Citizens were cautioned in a Government & General Order dated 13 May 1806 to comply with the instructions given to patrols and police. These instructions contained the following provisions :

- * not to suffer lights to be kept in improper houses after taptoo beating; if such houses should be lighted after that hour and improper persons (not residents) found therein, they are to be confined, and the proprietor's conduct to be reported
- * all idlers loitering about the towns or environs after sunset to be imprisoned

- * convicts taken up by the guard or patrol at night to be sent to gaol; but should any improper conduct in persons of other descriptions oblige the guard or patrol to detain them, they are to be kept in the main guard room
- * it is to be clearly understood that officers of all descriptions of the Navy, Army, the masters, super cargoes, and mates of merchant vessels laying in the harbor, storekeepers, superintendants, constables and officers' servants on their masters' business, are to be passed on making themselves known to patrol or sentinels; also known householders of good character, and who carry a light agreeable to the standing General Orders of the garrison.
- * persons answering "officer" who are not entitled to that appellation are to be detained
- * persons of whatever description making use of abusive or insulting language to the patrol or sentinels in the execution of their duty, are to be detained and reported next morning
- * all persons taken up by the guard or patrol, and confined either in the guard house or gaol, are to be reported by the officer to Major Johnston at Sydney..... before guard mounting next morning, that such measures may be taken as the service requires.²³²

Municipal regulations took a step further on 8 June 1806 when John Harris, signing himself as Superintendent of Police, issued a public notice requiring Sydneysiders to mend their garden fences and number their dwellings.²³³ Later in the year, in Government & General Order dated 2 November 1806, Governor Bligh decreed rudimentary fire regulations.²³⁴

Governor Bligh quickly became acquainted with all the municipal problems that had plagued his predecessors. Like them he issued Government & General Orders that were notable only for their lack of public impact, eg, bartering goods for liquor, control of dogs and,²³⁵ the control of firearms.²³⁶

On 2 May 1807, by Government & General Order of that date, Governor Bligh dismissed John Harris as magistrate and Naval Officer, replacing him with Robert Campbell.²³⁷ Harris was reappointed to the bench, following the deposal of Bligh,²³⁸ only to be again dismissed on 5 April 1808 after²³⁹ falling out with John MacArthur. Then, on 20 January 1809, he was once more appointed as Police Magistrate in Sydney.²⁴⁰ However, he did not remain long on the bench as he was required to travel to England to give evidence at the court martial of Major Johnston.²⁴¹

Major Foveaux, who was Administrator of the colony from July 1808 until January 1809, reported to Macquarie on his arrival that during his period of office he had so closely supervised the police that few crimes escaped detection and that public order was outstanding.²⁴²

Government & General Order dated 10 January 1810 confirmed: (1) John Redman as head constable at Sydney, and (2) Daniel Cubitt as gaoler and constable at Sydney.²⁴³

Governor Macquarie, like his predecessors, was keen to ensure divine services were well attended on Sundays. In Government & General Order dated 27 January 1810, Macquarie forbade working on Sundays and directed that Sydney's Constables place anyone found so working before a magistrate. Public houses were ordered to be closed during the time of church service and, in any case, between 10 o'clock in the morning and 12.30 o'clock in the afternoon of each Sunday.²⁴⁴

Governor Macquarie announced in Government & General Order of 31 March 1810 that he intended to create a Police Fund quite distinct from the Police & Female Orphan Fund. The Fund was to start with effect from 1 April 1810 and would finance all police and gaol expenses plus certain roadworks. The Fund was to be run by a committee comprising the Lieutenant Governor and the Judge Advocate. D'Arcy Wentworth was appointed Treasurer.²⁴⁵

D'Arcy Wentworth was appointed a magistrate for the town and district of Sydney. The appointment was promulgated in Government & General Order dated 17 May 1810.²⁴⁶

In a Government Public Notice dated 2 June 1810, the Sydney bench of magistrates promulgated regulations for the making and sale of bread. The Chief Constable was ordered to inquire into any violations of the regulations.²⁴⁷

In Government & General Order dated 7 June 1810, the Governor prohibited the sale of alcoholic beverages without licence. Constables were instructed to ensure compliance and place offenders before a magistrate.²⁴⁸

In Government & General Order dated 11 June 1810, Governor Macquarie issued orders for a military night patrol :

Lieutenant Colonel O'Connell will be pleased to direct a picquet, consisting of one sergeant, two corporals, and twelve privates, to be added to the main guard every evening at sunset, for the purpose of patrolling the different quarters and streets of the town during the night, in order to protect the peaceable inhabitants from the thefts and robberies so frequently committed upon them of late by the numerous idle characters that constantly lurk about the town at night for that purpose.

A patrol of one non-commissioned officer and two privates is to be sent out every half-hour during the night, to commence at seven o'clock in the evening, and to continue till daybreak.

These patrols are to take up all disorderly and idle people whom they may find going about the town between those hours, and confine them in the main guard, unless they can give a very satisfactory account of themselves on being examined by one of the night constables, one of whom will be directed to attend at the main guard for this purpose every night from seven o'clock till daybreak.²⁴⁹

A small debts jurisdiction was granted the Sydney bench by proclamation on 3 July 1810. Summonses were issuable by the Judge Advocate, Process was to be served by the Chief Constable of the town of Sydney. Warrant's of distress were also to be executed by the Chief Constable, that officer receiving fees for both Process serving and warrant execution.²⁵⁰

Macquarie's fundamentalist attitudes ensured his attention being attracted to municipal type behavior regulations. Bathing at the government wharf, being in sight of government house, was proscribed on October 1810.²⁵¹ Two days later, in the second Government & General Order issued in the space of three days, Constables were ordered to pay strict attention to disorderly behavior and boxing in Hyde Park. The selling of wine or liquor from booths during race week was also strictly forbidden.²⁵²

In another Government & General Order dated 6 October 1810, Macquarie detailed extensive regulations for the better management of Sydney. Inter alia he divided Sydney town into five separate districts and ordered the construction of a proper watch-house in each district for the protection of inhabitants from nocturnal robberies and maintaining the peace, as well as the arrest of all disorderly and ill-disposed persons committing nightly depredations. Macquarie further signified that as soon as the watch-house was built he intended establishing a well regulated and strict system of police in Sydney.²⁵³

ENDNOTES

1. 1970. PHILLIP Arthur, et al. The Vouage of Governor Phillip To Botany Bay. Sydney : Angus & Robertson, p29.
2. The officer nominated by the Home Government as Provost Marshal, George Alexander, failed to sail with the first fleet. Thus, Captain Phillip appointed 50 year old Henry Brewer, midshipman on the Sirius, as Provost Marshal (a civil office) for the duration of the voyage. Phillip signed a further warrant on 26 January 1788, appointing Brewer as Provost Marshal for the colony.
3. The reference to Constable in this context is confusing. There is no other available reference to such an office until after James Smith was appointed Headborough on 15 February.
4. 1978. WORGAN JB. Journal Of A First Fleet Surgeon. Sydney : Library Council of New South Wales in association with the Library of Australian History, pp23,33.
5. 1971. COLLINS David. An Account Of The English Colony In New South Wales v1. Adelaide: Libraries Board of South Australia, p9.
6. 1981. FIDLON PG, RYAN RJ (eds). The Journal & Letter Of Lt Ralph Clark 1787 - 1792. Sydney : Australian Document Library in association with the Library of Australian History, p26.
7. HRNSW v1 pt2, p126.
8. COLLINS, op cit, p10.
9. Ibid, p25.
10. Ibid, p27.
11. 1962. WHITE John. Journal Of A Voyage To New South Wales. Sydney : Angus & Robertson, p141.
12. Ibid, p194.
13. COLLINS, op cit, p38.
14. 1979. TENCH Watkin. Sydney's First Four Years. Sydney : Library of Australian History, p59.
15. COLLINS, op cit, p10.
16. Ibid, p217.
17. 1972. ELDERSHAW MB. Phillip Of Australia, An Account Of The Settlement At Sydney Cove. Sydney : Angus & Robertson, p147.
18. HRNSW v1 pt2, pp191,208,214.
19. TENCH, op cit, p207.
20. Ibid, pp59, 295.

21. ELDERSHAW, op cit, p149.
22. COLLINS, op cit, p59.
23. TENCH, op cit, p145.
24. Nd. EASTY John. A Memorandum Of The Transactions Of A Voyage From England To Botany Bay In The Scarborough Transport 1786 - 1793.
25. Nd. SCOTT James. Remarks On A Passage Botany Bay 1787.
26. HRNSW v1 pt2, pp297-298.
27. COLLINS, op cit, p70.
28. John HARRIS was sentenced to death at the Old Bailey in 1783 on a charge of stealing. Subsequently transported, he was then sentenced to transportation for life for unauthorised return from transportation.
29. TENCH, op cit, pp156-158.
30. COLLINS, op cit, pp77-79.
31. HRNSW v1 pt2, pp288-289, 290.
32. Ibid, pp292-293.
33. COLLINS, op cit, pp78-79.
- 34.. HRNSW v1 pt2, p288.
35. Ibid, p298.
36. Fn 113 of HRA 1,1, suggests there is some confusion as to the composition of the inaugural Watch. However, the record is quite clear that the Watch was 12 in number.
37. HRNSW v1 pt2, p
38. Ibid, p363.
39. Ibid, pp288-290.
40. 1959. BERGMAN GFJ. 'John Harris, The First Australian Policeman.' Australian Jewish Historical Society, v5 pt2, p52. This article should be read with care as it contains a number of inaccuracies. Even its title is in error.
41. 1963. COBLEY John. Sydney Cove 1789-1790 v2. Sydney : Angus & Robertson, p81.
42. HRNSW v1 pt2, p293.
43. COLLINS, op cit, pp80-81.
44. Ibid, p86.

45. Ibid, p85
46. Ibid, pp94-95, 97.
47. Ibid, pp97-98, 109.
48. Ibid, p101.
49. Ibid, pp109-110.
50. Ibid, pp111-112.
51. Ibid, p129.
52. Ibid, p143.
53. TENCH, op cit, p207.
54. COLLINS, op cit, p134.
55. HRNSW v1 pt2, pp450-451.
56. Ibid, pp543-546.
57. COLLINS, op cit, p169.
58. Ibid, pp169-170.
59. Ibid, p175.
60. Ibid, p184.
61. Ibid, p192.
62. Ibid, p196.
63. Ibid, pp196-197.
64. Ibid, pp197-198.
65. HRNSW v1 pt2, p645.
66. COLLINS, op cit, p199.
67. Ibid, p200.
68. Ibid, p210.
69. Ibid, pp230-231.
70. Ibid, p232.
71. Ibid, pp239-240.
72. Ibid, pp240-241.

73. Ibid, pp252-253.
74. Ibid, p253.
75. Ibid, pp265-266.
76. Ibid, p269.
77. Ibid, p272.
78. Ibid, p277.
79. Ibid, p284.
80. Ibid, p275.
81. Ibid, p280.
82. Ibid, p285.
83. Ibid, p286.
84. Ibid, p297.
85. Ibid, p300.
86. Ibid, p318.
87. Ibid, pp343-344.
88. Ibid, p327.
89. Ibid, pp327-328.
90. Ibid, p329.
91. Ibid, p341.
92. Ibid, p360.
93. Ibid.
94. Ibid, p376.
95. Ibid, p377.
96. Ibid, pp381-382.
- 97.. Ibid, p377.
- 98.. Ibid, p382.
99. Ibid, p383.
100. Ibid, p392.

101. Ibid, pp407-408.
102. Ibid, p411.
103. Ibid, p412.
104. Ibid, p479.
105. Ibid, p417.
106. Ibid, p422.
107. Ibid, p430.
108. HRNSW v2 p322.
109. HRNSW v3, p31.
110. COLLINS, op cit. p431.
111. Ibid, p432.
112. Ibid, p450.
113. HRNSW v2, p326.
114. COLLINS, op cit, p434.
115. Ibid, p438.
116. Ibid, p455.
117. Ibid, p449.
118. HRNSW v3, p10.
119. COLLINS, op cit, p450.
120. HRNSW v3, pp10-11.
121. COLLINS, op cit, p450.
122. HRNSW v3, pp9-10.
123. COLLINS, op cit, p451.
124. Ibid, p453.
125. Ibid, p457.
126. Ibid, pp459-460.
127. Ibid, p473.
128. Ibid, p460.

129. HRNSW v3, p36.
130. Ibid, p37.
131. COLLINS, op cit , P485.
132. Ibid, p491.
133. Ibid, p467.
134. Ibid, p470.
135. Ibid, p471.
136. Ibid, p478.
137. Ibid, p473.
138. Ibid
139. Ibid, pp474-475.
140. HRNSW v3, pp45-46.
141. COLLINS, op cit, pp479-480.
142. Ibid, pp481-482.
143. Ibid, p483.
144. HRNSW v3, pp54-55.
145. Ibid, p58.
146. COLLINS, op cit, p485.
147. Ibid, p491.
148. Ibid, pp486-488.
149. HRNSW v3, p60.
150. Ibid, p201.
151. COLLINS, op cit, pp490-494.
152. 1966. PIKE Douglas (ed). Australian Dictionary of Biography v.1, A-H. Melbourne : Melbourne University Press, p150.
153. HRNSW v3, p115.
154. COLLINS, v2, op cit, p2.
155. HRNSW v3, p139.
156. Ibid, p209.

157. COLLINS, op cit, p4.
158. Ibid, pp 6-7.
159. Ibid, p8.
160. HRNSW v3, pp165-166.
161. Ibid, p182-183.
162. COLLINS, op cit, p9.
163. HRNSW v3, p183.
164. Ibid, pp185-186.
165. Ibid, p195.
166. Ibid, p197.
167. COLLINS, op cit, p31.
168. Ibid, p40.
169. Ibid, p41.
170. Ibid, p42.
171. HRNSW v3, p216.
172. Ibid, pp304-305.
173. COLLINS, op cit, pp53-55.
174. HRNSW v3, pp305-306.
175. COLLINS, op cit, p58.
176. Ibid, p61.
177. Ibid, p64.
178. HRNSW v3, p307.
179. COLLINS, op cit, p68.
180. Ibid, p70.
181. HRNSW v3, p312.
182. COLLINS, op cit, p73.
183. Ibid, p82.
184. Ibid, p100.

185. Ibid, p102.
186. Ibid, p103.
187. Ibid, p110.
188. Ibid, p121.
189. HRNSW v3, pp412-413.
190. Ibid, pp472-473.
191. COLLINS v3, op cit, pp122-123.
192. Ibid, p130.
193. Ibid, p139.
194. HRNSW v3, p513.
195. COLLINS, op cit, pp197-198.
196. Ibid, p216.
197. Ibid, pp217-218.
198. HRNSW v3, p685.
199. COLLINS, op cit, p223.
200. Ibid, pp266-268.
201. Ibid, p277.
202. HRNSW v4, p3.
203. Ibid, p7.
204. COLLINS, op cit, p286.
205. Ibid, p296-297.
206. Ibid, p299.
207. HRNSW v4, p893.
208. 1981. KING Johnathan, KING John. Philip Gidley King, A Biography Of The Third Governor Of New South Wales. Sydney : Methuen, Ch8.
209. HRNSW v4, p170.
210. Ibid, p249.
211. Ibid, p248.
212. Ibid, p312.

213. Ibid, p209.
214. Ibid, p432.
215. Ibid, p593.
216. Ibid, p465.
217. Ibid, p754.
218. Ibid, p771.
219. Ibid
220. Ibid, p802.
221. Ibid, p850.
222. Ibid, pp849-850.
223. Ibid, p999-1000.
224. Ibid, p1001.
225. Ibid, pp1001-1002.
226. HRNSW v5, p10.
227. Ibid, p91-92.
228. Ibid, pp202-203.
229. Ibid, p620.
230. Ibid, p688.
231. Ibid, pp72-73.
232. Ibid, p73.
233. Ibid, pp91-92.
234. Ibid, pp198-199.
235. Ibid, pp253-254.
236. Ibid, p255.
237. Ibid, p266.
238. Ibid, p453.
239. Ibid, p574.

- 240. HRNSW v7, p8.
- 241. HRNSW v5, p385.
- 242. HRA 1 v7, p234.
- 243. HRNSW v7, p268.
- 244. Ibid, pp280-281.
- 245. Ibid, p323.
- 246. Ibid, p381.
- 247. Ibid, pp384-385.
- 248. Ibid, p385.
- 249. Ibid, p388.
- 250. Ibid, pp393-395.
- 251. Ibid, p427.
- 252. Ibid
- 253. Ibid, pp427-428.