

Nightwatch and Watchhouses in Tasmania

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Background

The terms ‘nightwatch’ and ‘watchhouse’ have ancient origins and this paper explores the usage of both the human element of the nightwatch and the physical presence of watchhouses. Other matters raised include the contemporary regulations used to arrest convicts of both genders, and public opinion of the standard of nightwatch personnel. And references to gender issues, not least female servants abroad at night.

Amongst countless early usages regarding overnight security the Bible has a reference at Psalm 127:1. It reads; ‘Except the Lord keeps the city, the watchman waketh but in vain’. This suggests that someone was designated to stay awake to help keep people safe from thieves and invasion. They were expected to warn of such threats by blowing a horn.

Such safety measures were universal, and, for example, during the 17th Century the Netherlands used armed patrols as civil defence to deter invaders and watch over the streets after dark. Amongst several depictions of these guards is Rembrandt’s *Nightwatch*, his famous large-scale masterpiece of an Amsterdam-based armed troop.¹

Australia’s English heritage meant that antipodean policing had its British origins from the 13th century, when volunteer groups [of men] guarded cities and towns. Naturally, when Europeans arrived in NSW in 1788 they brought with them knowledge of contemporary policing.² However, the embryonic penal colony was without suitable or experienced personnel, and so the first form of law enforcement was by patrols [then spelt patrole] by the marines dispatched with the First Fleet.

In August 1789 Governor Arthur Phillip, acted to form a civilian night patrol. In a despatch to London, Governor Phillip explained to Lord Sydney why he had established the nightwatch. It was because ‘Few nights having past for several months in which individuals had not suffered by having their gardens robbed, or by losing of poultry.’ Echoing this reasoning, when David Collins later wrote of the early days in Sydney, he noted that ‘scarcely a night passed but complaint was made on the following morning of a garden being robbed, or a house broken into.’ For at least the first three months after the nightwatch commenced overnight robberies ceased.³

Collins also confirmed that the idea for nightwatch sprang from a convict:

These depredations continuing, however, a convict of the name of [John] Harris presented to the judge-advocate a proposal for establishing a night-watch, to be selected from among the convicts, with authority to secure all persons of that description who should be found straggling from the huts at improper hours. This proposal being submitted to the Governor, and the plan thoroughly digested and matured, the first attempt toward a police in this settlement commenced.⁴

However, senior officers of the Rum Corps were unhappy with the new regulations which included convicts empowered to arrest soldiers. The officers felt that was as an insult, and so Phillip agreed that this authority was deleted.⁵ Even so, Collins repeated this 'digested and matured' policing arrangement when he established a nightwatch in 1803 at the short-lived settlement at Port Phillip. He also repeated the methodology first used in NSW, by establishing a 'watch bell', to be rung regularly during the night, in the manner of calling out 'All's well'.

At both Port Phillip [and the Derwent] Collins initially considered the military detachment under his command to be untrustworthy, imbued with an 'improper spirit'. They were even disinclined to perform basic military drills!⁶ Faced with problematic troops and with the paucity of other suitable personnel, Collins was forced to make use of ex-soldiers, some of whom had been transported for staging a mutiny at Gibraltar in 1802.⁷

Utilising these ex-mutineers as a nightwatch followed a 'daring' Christmas-eve robbery of the tent containing Port Phillip's commissary stores. After which Collins issued a garrison order on Boxing Day, 1804, which nightwatch was:

...consisting of five persons, which was afterwards improved into an armed and voluntary association of the Civil Officers of the settlement, for the protection of the persons, property, and peace of the colony.⁸

Nightwatch - Tasmania

After Collins' relocation to Tasmania in February 1804, the *Quarterly Employment of Prisoners* issued in July listed seven members of the night watch.⁹ By mid-1805 it recorded the number of 'Constables and Watchmen' at twenty nine (10 in VDL):

Norfolk Island - 19
The Derwent - 6
Port Dalrymple - 4

According to garrison orders, anyone, male or female, free or soldier, that the night patrol apprehended were to be either reported in the morning, for example, for having

a fire, or even exposing a light [a lantern, perhaps], after 9pm. Or, for more serious offences, the culprits would initially be kept in the military guardhouse. Other potential reasons for an arrest included gambling.

During this time the first physical watchhouse for Tasmania occurred when a dedicated building was erected to add to the military guardhouse. In the 'new' building offenders of both genders who had been arrested by the watchmen were locked up until they went before the magistrate. After which they could remain in the watchhouse if they were ordered by the Magistrate to serve short periods of punishment in the cell, or cells depending on the scale of the watchhouse.

Regardless of augmentation of the nightwatch overnight crime did not improve. John Pascoe Fawkner, who arrived with Collins, wrote in his 'reminiscences' of that era, that 'thieving and other evil practices carried on throughout the whole island'.¹⁰ Accordingly, Collins issued yet more General and Garrison Orders, particularly in September 1806, in which he was critical of the personnel making up these night patrols, and instead proposed to replace it with a reformed military patrol.

The troops were given certain powers, including house entering – a practice later deplored during Governor Arthur's tenure. However, the military had only restricted authority regarding female servants – if on business;

whose duty commences at the beating of the [drum for] Retreat in the evening and continues until Reveille beating in the morning, during which time they will apprehend and confine every male and female prisoner (servants excepted), who shall be found by them in the streets of this settlement and that at Newtown after dark; they will enter all suspicious houses and, being provided with arms, will, in case of resistance, compel obedience to their authority. As it is of the utmost consequence to the welfare of the settlement that a check should be given to the licence, which the prisoners have assumed of absenting themselves from their huts during the night, the Lt. Governor hereby strictly prohibits the continuance of such a practice, and assures them that no excuse will be admitted from any one of them (servants excepted on lawful business), male or female, who shall be apprehended by the Military Patrole after the publication of this Order.¹¹

Collins was not alone in criticising the nightwatch's personnel. The press deplored the fact that many of them were convicts holding tickets-of-leave or conditional pardons. For example, a John 'Parson' Kenworthy, described as an 'old soldier and sham parson', was a notorious pickpocket who had been transported for fourteen year in 1820. Yet after gaining his ticket-of-leave he was made a constable and watchhouse keeper.¹²

During the mid-1820s a fear of rampant bushrangers, meant that some of the police [designated the Field Police] were out in rural areas hunting them down. Therefore, despite nightwatch negativity, a temporary revival arose to protect businesses and

society generally. We have confirmation of this from George Augustus Robinson, who wrote in his diary for 25th October 1825 that he took his turn 'on guard at Gov^t House'. Three days later he added that; 'the Inhabitants are doing the duty of the town, the military having gone in quest of bushrangers, I mounted guard ... - 2 hours duty & 4 hours off'.¹³

Watchhouses

Turning to the buildings known as watchhouses, evidence exists of the state of accommodation and method of control used at them. While most country towns had small official lock-ups, other buildings were only rented, such as at Spring Bay, for £20 [1846]. Other buildings were purpose built, such as Liverpool Street [c1825, near today's Berea Street]. Another existed beside the Gorge Bridge in Launceston.¹⁴ In rural areas, log buildings appeared, such as one designed by government architect John Lee Archer, at Carlton.

More substantially, in 1841 two stone watchhouses were built just outside Hobart, both designed by architect, James Blackburn, himself an ex-convict.¹⁵ Described as 'very much required at Newtown on the main road - where the population is thick', they were constructed using convict labour. One of the cottages was intended for constables, and - showing a degree of gender concern - the other contained three small cells, and separate rooms for male and female prisoners. Both are still standing at the head of what is St John's Avenue, although now modified.

The Public Works Department plans from 1849 for a watchhouse for the Huon, the other for Anthill Ponds - were designed for gender separation.¹ While several watchhouses have survived because they were built of stone, the Huon building was to be a timber structure. It is worth noting that the only fireplace was provided for the watchhouse keeper, with any 'bonus' warmth that might emanate from its bricks wasted into the yard! Also the government paid private suppliers - albeit including the ex-Chief Constable, John Wade - to provide necessary items such as wood, and candles for illumination.¹⁶ Of interest, no toilet facilities appear on these plans, and, for example, it was not until 1833 that a tender for 'privies' at the Hobart watchhouse were advertised.¹⁷

In June 1836, the following critical description of watchhouses appeared, which again mentions males and females. Admittedly, it was in *Bent's News*, a newspaper opposed to Governor Arthur's regime;

We have been requested by several persons to call the attention of the authorities to the very shameful state of the Watch-houses. It appears, that all

¹ Tasmanian Archives: Huon, PWD 266-1-1321, Antill Ponds, PWD 266-1-1124

persons, who are taken up during the Saturday night, and are locked up in these dungeons, are confined therein from that period, until Monday morning, so that they have to undergo all the unspeakable privations of two whole nights—long, cold, and frosty as they are, before they are released.. Such human beings are thus treated far worse than the very brute creation! Even horses have a warm stable, and straw for their bed. But these wretched fellow creatures have neither a warm habitation nor fire, much less straw or any other beds to repose on during these long nights, but the cold damp boards or ground to lie down upon, with the piercing cold winds blowing through them in this miserable state, really, such things are a disgrace to any country, much less to a free, British Colony.

... To witness the squalid and trembling appearance of these unfortunate people, after they are released, and for many days subsequently, beggars all description—enough to cause sympathy in the most iron-hearted. Many of the inmates of these watchhouses are confined in a state of intoxication, with others of more sober habits, for more trifling offences, but who are all hurdled together in one common dungeon. The watchhouse keeper is comfortable, with his great coat and at his fire-side, hearing the miserable groans of his inmates, cooped and locked up in a place not fit for wild beasts. The whole system of watchhouse keeping is radically bad. What protection is there to any respectable man, who may be dragged through the streets, right or wrong, by some ignorant or vindictive constable, or to an unfortunate female placed therein?¹⁸

Writing decades later, but on this same theme, a pseudonymous letter writer from Carrick, styled only as *Nemo*, wrote regarding Westbury's watchhouse. It must be admitted that *Nemo* was also not greatly concerned with the female convicts. He was, nevertheless, not in favour of single males as constables:

It is quite possible some respectable female servant may be made the victim of some petty tyranny, and be incarcerated in this watchhouse. Picture to yourself Mr. Editor, the feelings of that person on finding herself walled in from the outer world, and left to the mercy of a single man, without one of her own sex near her, to offer her any consolation, or share her own comforts and apartments...¹⁹

Long before 'Nemo', the Sorell Watchhouse was the subject of criticism in 1841. There were, apparently, delays suffered by convicts, both male and female, awaiting trial because Sorell was only visited once a week by a magistrate. The *Tasmanian Weekly Dispatch* added:;

There is another part of the matter which is still worse, and we earnestly call the Chief Police Magistrate's attention to the subject, as it applies probably

throughout the Colony: at the watch-house in question, as in others, the prisoners confined are treated more like dogs than men; they have no blanket or coverlet, or decent comfort of any kind, and night after night they lay in their clothes on the floor of the watch-house. We do not think that even a spark of fire is allowed them. ... Thus is the man punished whether innocent or guilty; and, although it is quite consistent with the tyrannical notions of some people, who would treat a convict, because he is ... worse than a dog, we do not think it at all likely to produce a beneficial end—either as respects the community, the interests of the master, or of the prisoner.²⁰

The Launceston *Examiner* was certainly unimpressed by a new local building going up in 1844. In part because the tide of public opinion against convict transportation was well underway;

WATCH-HOUSE.- The new watch-house is progressing, the government having employed free labourers at the rate of 2s. per diem. It is to be regretted that the site chosen for this building is one of the most public and commanding in town, and would have been admirably adapted for a building of a more interesting and important character. It stands at the corner of St. John and Cameron streets, ... The erection of a watch-house in so prominent a situation is only consistent with the stigma which some attach to a "large gaol" and "penal colony." We would rather have greeted strangers with evidence of our commercial advancement, than have thrust upon them suggestions of vice and immorality.²¹

When this watchhouse was nearly completed the *Examiner* went further, describing it as a 'specimen of grotesque architecture':

The only excuse for erecting such an edifice in so prominent a position appears to be its contiguity to the police-office. The interior arrangements are commodious and secure, with the exception of the front wall, which ought to have been higher. It contains twelve apartments, comprising, two capacious cells for male and female drunkards, four others of a solitary character for more heinous offenders, cook-house, mess-room, mid sleeping place for constables, an office for the district, and other conveniences not attached to the present lock-up. With the exception of the solitary cells, the apartments are well ventilated.²²

To conclude; the notion of a public security through a nightwatch comprised of civilians protecting other citizens continued parallel to the establishment of the Tasmanian police force. As the British Government progressively removed their military forces from Tasmania, in September 1860 local citizens volunteered to form a City Guard, which undertook military style training, wearing uniforms.²³

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- ¹*Hobart Town Gazette*, 21 January 1825, p.3 -Bible citation and Ezekiel 33:1-6. And refer; 'London lives, 1690-1800; Crime, poverty and social policy in the metropolis' at [https://www.londonlives.org/static/Policing.jsp#IntroductoryReading.](https://www.londonlives.org/static/Policing.jsp#IntroductoryReading.;); for Dutch militia see <https://en.wikipedia.org/wiki/Schutterij>.
- ²See, for example, [https://en.wikipedia.org/wiki/Watchman_\(law_enforcement\)](https://en.wikipedia.org/wiki/Watchman_(law_enforcement)); E. A. Reynolds, *Before the bobbies; the night watch and police reform in metropolitan London, 1720-1830*. Macmillan, 1998.
- ³See; https://en.wikipedia.org/wiki/Tasmania_Police, and Petrow, S, 'Military police', bushrangers and the struggle for order in Van Diemen's Land 1803-1826', *Law & History*, v.1 no. 1 2014, pp.77-109, Petrow, S. *Policing in a penal colony: Governor Arthur's police system in Van Diemen's Land, 1826-1836*, University of Illinois Press, 2000.
- ⁴See D Collins, *An Account of the English Colony of NSW*, vol. 1, Chapter VIII, <http://gutenberg.net.au/ebooks/e00010.html>.
- ⁵HRNSW S1 vol.1, pp.288-293.
- ⁶HRNSW S1 vol.1, p.214, 217 and refer J Currey, *David Collins; a colonial life*, Miegunyah Press, 2000, p.65, 214, J Currey, *Sullivan Bay; how convicts came to Port Phillip and Van Diemen's Land*, Banks Society, 2016; Chap 19 - 'A whiff of mutiny', pp175-83.
- ⁷J R Musteen, 'Becoming Nelson's Refuge and Wellington's Rock: The Ascendancy of Gibraltar during the Age of Napoleon (1793-1815)', 2005 - <https://diginole.lib.fsu.edu/islandora/object/fsu:180392/datastream/PDF/view>. And P J Hilton, 'Branded D on The Left Side': A Study of Former Soldiers and Marines Transported to Van Diemen's Land: 1804- 1854.', Phd Thesis, UTAS, 2010.
- ⁸David Collins to Governor King: 28 February 1804; HRA S3 vol.1, p.58.
- ⁹J B Walker *Early Tasmania*, Government Printer, 1973, p.84, I. Schaffer [ed], *Land musters, stock returns and lists in Van Diemen's Land, 1803-1822*, St David's Park, 1991, p.36.
- ¹⁰Refer; A Castles, *Lawless harvest; or God save the judges; Van Diemen's Land 1803-1855, a legal history* Australian Scholarly Publishing, 2007, Chapter Two 'Law Without Order', pp.19-38., J P Fawkner, *Reminiscences of early Hobart Town 1804-1810*, Banks Society, 2012, p.41.
- ¹¹HRA S3 vol.1, p.547.
- ¹²Kenworthy; described a 'corporal Royal Veterans Battalion, HTG, 25 November 1826, p.2; 'sham parson', *Colonial Times*, 16 January 1838, p.8 [possibly CON 31/1/23, p.40]
- ¹³J. D'Arcy, *On his majesty's service; George Augustus Robinson's first forty years in England and Van Diemen's Land*, Matador, 2019, pp.117-8.
- ¹⁴Libraries Tasmania holds several PWD Plans for local watch houses; Maria Grist, *The History of the Liverpool Street Watch-House*, 2017, [Liverpool-Street-Watch-House.pdf - Google Drive]. Rental estimates eg; Legislative Council, Paper No.10, Estimates 1847, p.12 [also £14 pa Cocked Hat Hill, Breadalbane - p.9]
- ¹⁵<https://www.orphanschool.org.au/watchhouses.php>; <https://tasmanianphotographer.blogspot.com/2015/01/a-remarkable-new-town-studio-stamp.html>
- ¹⁶*Hobart Town Gazette*, 31 October 1818, p.1, 1 April 1820, p.1; [John Wade resigned in February 1818, afterwards renting buildings as watchhouses, and providing supplies, *Hobart Town Gazette*, 14/2/1818, p.1].
- ¹⁷*Tasmanian*, 24 March 1833, p.3.
- ¹⁸*Bent's News*, 16 June 1836, p.2.
- ¹⁹*Examiner*, 11 May 1872, p.5.
- ²⁰*Tasmanian Weekly Dispatch*, 4 June 1841, p.2.
- ²¹*Examiner*, 13 November 1844, p.3- Refer. Chapter Four, T. Newman, *Becoming Tasmania renaming Van Diemen's Land*, 2005.
- ²²*Examiner*, 15 March 1845, p.4 – completion noted in *Cornwall Chronicle*, 24 January 1846, p.67.
- ²³Some references to the City Guard; *Cornwall Chronicle*, 22 September 1860, p.4, *Examiner*, 20 October, 1860, p.3, *Mercury*, 22 October 1860, p.3; [crime] *Examiner*, 19 February, 1861, p.3; and military volunteers generally; *Examiner*, 23 October 1860.p.1, and D. Wyatt, *A Lion in the Colony: an historical outline of the Tasmanian Colonial Volunteer Military Forces, 1859-1901*, Hobart, 1990.